

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9599 of 2015

1. Chandra Shekhar Paswan son of Sri Tarni Paswan, resident of Village and P.O. Topkhana Bazar Katghar, P.S.- Kotawali, District- Munger. At present posted as Class IV employee at Circle office, Aliganj, P.S.- Aliganj, District- Jamui.
2. Md. Nasim Ahmad son of Late Md. Kabil, resident of Mohalla- Dilawarpur, P.S.- Kotwali District- Munger. At present posted as Office attendant Class -IV Employee at Treasury Office, Jamui, District- Jamui.
3. Md. Sagir Alam son of Late Abdul Rashid, resident of Mohalla- Dilawarpur Milar Girls High School, Munger, P.S.- Kotwali, District- Munger. At present posted as Office attendant Class-IV Employee at Block Office, Jamui, District- Jamui.
4. Ramanand Sharma son of Ghamandi Sharma, resident of village and P.O.- Abhaypur, District- Munger. At present posted as Class IV employee at Block office, Sono and deputed in the District Head Quarter, Jamui.
5. Braj Kishore Paswan son of Ganauri Paswan, R/o- Muzaffarpur, P.S.- Haveli Kharagpur, District- Munger. At present posted as class-IV employee at Sikandra Block Distrit- Jamui and has been deputed in Jamui Gopniye Shakha Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary General Administration, Bihar, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.
4. The Divisional Commissioner, Munger
5. The District Magistrate, Jamui
6. The Sub Divisional Officer, Jamui
7. The Treasury Officer, Jamui
8. The Sr. Deputy Collector Cum-incharge District Establishment, General Section, Jamui
9. The Block Development Officer, Jamui
10. The Circle Officer, Aliganj, Jamui
11. The Block Development Officer, Sono, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Ajay Bihari Sinha, GA 8
	:	Ms. Kalpana, AC to GA 8



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 17-08-2023

1. The present petition has been filed seeking the following reliefs :-

“(i) For issuance of a writ in the nature of CERTIORARI for quashing the impugned order as contained in Memo No.35-4/15 179/Estb. Dated 10.03.15 whereby and whereunder the date of appointment and date of benefit of Ist A.C.P has been illegally changed from 23.3.90 to 24.9.93 and 26.3.2002 to 24.09.2005 without giving any notice, show cause to the petitioners, which was granted vide memo No.419 dt.2.09.0 thus the impugned order is against the principle of natural justice and unconstitutional as such the impugned order is fit to be quashed.

(ii) For issuance of a direction to the respondents to consider the case of the petitioners for granting benefit of 2nd A.C.P on the basis of their initial appointment as the petitioners have already completed 20 years of their service on 26,03.2010 and to make payment of all arrears as well as current benefits along with interest of 8.5 % per annum though they have been granted benefit of 2nd ACP w.e.f 26.3.13 vide memo No.83 dt.5.2.15 which is illegal and contrary



to the law which may be quashed.

(iii) For a direction to the respondent to treat the petitioners as continued in their service since their initial appointment/joining for the purposes of all benefit like A.C.P as well as for purpose of counting their length of service for pensionary benefits e.t.c.”

2. At the outset, the learned counsel for the parties are in agreement that the case of the petitioners are required to be considered afresh, by the District Magistrate, Jamui taking into account the judgment dated 27.01.2012, passed by a co-ordinate Bench of this Court in C.W.J.C. no. 8330 of 1998, without being prejudiced by the earlier order dated 10.03.2015, passed by the District Magistrate, Jamui, which in fact has not taken into account the effect of the said judgment dated 27.01.2012.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioners to file appropriate representation before the District Magistrate, Jamui within a period of four weeks from today, for redressal of their aforesaid grievances, annexing a copy of the aforesaid judgment dated 27.01.2012, which shall be considered in accordance with law, by the Collector, Jamui, without being prejudiced by the earlier order dated 10.03.2015, passed by him and a reasoned and a



speaking order shall be passed thereon within a period of eight weeks, thereafter.

It is needless to state that in case, the petitioners are found entitled to grant of any benefit w.e.f. 23.03.1990/ 26.03.2002, under the A.C.P./ M.A.C.P. Scheme, the same shall be paid to the petitioners within the same time frame.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2023
Transmission Date	NA

