

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.544 of 2023

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Prem Kumar Tiwary Son of Late Gorak Nath Tiwary, Resident of Village-
Kusumhara, P.O.- Tekanpura, P.S.- Suryapura, District- Rohtas, at present
Chini Mill, Buxar, Near Khusi Marriage Hall, P.O.- Gajadharganj, P.S.-
Buxar, District- Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Buxar.
2. The Collector, Buxar.
3. The Treasury Officer, Buxar.
4. The Block Development Officer, Simri, District Buxar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate Mr. Shiv Pujan Sahay, Advocate Mr. Ujjwal Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kumar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking a direction to the
Collector, Buxar (Respondent No. 2) to grant him the first Assured
Career Progression (ACP) with effect from the year 2008 and the
second ACP with effect from 2018 on the basis of the revised pay
scale.

It is the case of the petitioner that he was appointed on the
post of Assistant and joined his first assignment on 08.04.1994 in the
Establishment Section of the Collector, Buxar. It is stated that due to
a short circuit, service books of several persons including the
petitioner were burnt in connection with which Buxar Town P.S.
Case No. 514 of 2014 was lodged on 06.11.2014. It is further stated



that another service book was reconstructed in the Buxar Collectorate. The case of the petitioner is that even though he was assigned the post of head clerk in the year 2018 but had never been given promotional pay scale or even allowances against the post of head clerk. He retired from service on 31.05.2022 from Simri Block, Buxar.

Learned counsel for the petitioner submits that the petitioner has submitted his representation to the Collector, Buxar on 10.01.2022 requesting him to make payment of his post-retiral dues.

Learned counsel submits that after his retirement, the petitioner was appointed on the contract basis under a person who was junior to him, therefore, he had resigned. It is for this reason that the Collector, Buxar did not pay the post-retiral benefits of the petitioner and asked him to bring an order from the High Court.

It is further stated that the Block Development Officer, Simri has requested the DDC, Buxar and District Magistrate, Buxar respectively vide Annexure '4' to the writ application to grant the benefits of the ACP to the petitioner but till date the benefits of ACP has not been granted. Learned counsel further submits that even the other retiral dues of the petitioner has not been paid.

At this stage, there is no counter affidavit of the State.

Instead of keeping the writ application pending, in the given facts of the case, this Court deems it just and proper to direct the Collector, Buxar (Respondent No. 2) to immediately look into the



representations of the petitioner as contained in Annexure ‘3’ to the writ application. The petitioner will also be at liberty to file a fresh representation containing all details and supportive materials within a period of four weeks from today with respondent no. 2.

Respondent no. 2 is directed to examine the representations of the petitioner and take an appropriate view thereon within a period of two months from the date of receipt of the representation.

In case, it is found that the petitioner has been deprived of his retiral benefits after his retirement on 31.05.2022 for no valid reason, he would be entitled for the statutory interest etc on his retiral dues and the Collector (Respondent No. 2) shall also fix the responsibility for non-payment of the post-retiral dues of the petitioner. Needless to say that his request for grant of ACP shall also be considered simultaneously.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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