

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.381 of 2020

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Md. Tayab Hussain Son of Md. Safi Rehman Retired Assistant Engineer,
Water Resources Department, Resident of Mohalla- Jabbar Chak Lane, P.S.-
Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Water Resource, Govt. of Bihar, Patna.
2. The Secretary, Department of Water Resource, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of Water Resource, Govt. of Bihar, Patna.
4. The Joint Secretary, Department of Water Resource, Govt. of Bihar, Patna.
5. The Deputy Secretary, Department of Water Resource, Govt. of Bihar, Patna.
6. The Under Secretary, Department of Water Resource, Govt. of Bihar, Patna.
7. The Engineer-in-Chief, Department of Water Resource, Bihar, Patna.
8. The Chairman, Departmental Promotion Committee, Department of Water Resource, Bihar, Patna.
9. The In-charge of Finance (Personnel Claim Fixation Cell) Department Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha Mr. Raj Kumar Paswan
For the Respondent/s	:	Mr. Sudhir Kumar Upadhyay, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petitioner has been filed for grant
of following relief:

(i) To grant of Third Assured Career
Progression/Central Dynamic Assured Career Progression in the
scale of Rs. 37400-67000/ +grade pay Rs. 8700=00 to the



petitioner.

(ii) To grant of Fourth Central Dynamic Assured Career Progression in the Scale of Rs. 37400-67000+ grade pay Rs. 10000=00 to the petitioner.

(iii) To take final decision of representation filed by the petitioner for grant of M.A.C.P. on 15.08.2012, 06.12.2018, 07.05.2019 and 02.07.2019 before the competent authorities.

(iv) To grant such other relief(s) for which the petitioner is entitled to:

3. Counsel for the petitioner submits that the petitioner is entitled for the ACP's which has not been given to the petitioner during tenure of his service.

4. Counsel for State opposes the prayer and raise preliminary objection that the grievance of the petitioner could not be fulfilled due to the reason that he has already retired on 31.01.2011 and after lapse of about 9 years, he has filed the present writ petition, hence, this writ petition ought to be rejected.

5. After hearing the parties and going through the pleadings and as well as the law concerned, this Court is of the view that Government of Bihar through General Administration Department has enacted a rule namely Bihar Government



Servant Grievance Redressal Rule 2019 and according to which a forum has been created for considering such type of claims including promotion, ACP, MACP, etc., before the Service Grievance Redressal Officer. Such methodology of filing, hearing, procedure of disposal and also provision of appeal have been mentioned in the said rule.

6. In this view of the matter, this writ petition is disposed of directing the petitioner to avail his remedy under the said rule namely Bihar Government Servant Grievance Redressal Rule 2019 before the service grievance redressal Officer who is directed to pass order within six months upon providing opportunity of hearing to the petitioner.

(Dr. Anshuman, J)

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