

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2103 of 2020

Chandra Bhushan Choudhary, S/o Late Ram Bahadur Choudhary, Resident of Village and P.S. Khirhar, District- Madhubani at present residing at A- 30, Ashokpuri, Khajpura, B.V. College, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Engineer in Chief Cum Additional Commissioner Cum Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Magadh Road Circle, Gaya.
5. The Executive Engineer, Road Division, Chapra.
6. The Assistant Engineer, Road, Sub-Division, Chapra- I.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Shiv Kumar, Advocate
For the Respondent/s : Mr Amit Prakash, GA XIII

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

3 21-09-2023

Heard the parties.

2 Prayer is for the following reliefs:

“The present application is for issuance of a writ in the nature of writ of certiorari for quashing the reasoned and speaking order No 7687 (E) dated 03.10.2019 issued under the signature of the Engineer-in-Chief, Road Construction Department, Bihar, Patna as contained in Annexure 8 whereby and where under the application of the petitioner for grant of ACP/MACP has been rejected on the frivolous ground of non-availability of Annual Confidential Report of the petitioner from the year 1992-93 to 2012-13. And further a writ in the nature of mandamus directing the respondent authorities to give the benefit of



First and Second Assured Career Progression to the petitioner from due date i e from 09.08.1999 and 04.06.2004 respectively in light of the notification No 4685 dated 25.06.2003 issued by the Finance Department, Bihar and Third Modified Assured Career Progression w e f 04.06.2010 in light of the resolution No 7566 dated 14.07.2010 issued by the Finance Department, Bihar after counting his past service rendered in the Gandak Area Development Authority, Muzaffarpur, with all consequential benefits. And further the concerned authorities may also be directed to fix and pay all the pensionary benefits of the petitioner on the basis of the replacement scale/grade. And/or pass such other order or orders as Your Lordships may think fit and proper in the facts and circumstances of the case.”

3 Interlocutory Application No 1 of 2022 has been filed by which Officer Order No 154 dated 28.10.2022 (Annexure 11) has been brought on record communicated by Memo No 6455 (E) dated 28.10.2022 by the Engineer-in-Chief (Headquarters), Road Construction Department, Bihar, Patna, the first and second ACP have been granted.

4 It is the case of the petitioner that the date from which he was eligible to get the ACP has not been extended to him and he has duly represented before the Engineer-in-Chief on 09.11.2022 (Annexure 12 to I A No 1 of 2022).

5 It is his further submission that though the order is of 28.10.2022 but the benefits of the same have still eluded.



6 Learned State Counsel submits that in case the same has not been extended as the petitioner has claimed, the same will be extended to him within next 8 weeks.

7 In view of the said categorical submission of the learned State Counsel, having recorded the undertaking, no further order is required to be passed in this case so far as the benefits is/are concerned.

8 Regarding the shifting of the date, the petitioner has already preferred representation before respondent No 2, as stated, who shall ensure that a reasoned order be passed thereon.

9 The petitioner is also free to file fresh representation within 8 weeks from today. The order is to be passed within next four months from the date of filing of the fresh representation.

10 The writ petition stands disposed of.

(Rajiv Roy, J)

M.E.H./-

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