

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.699 of 2022

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Braj Kishore Singh S/o Late Janak Singh Resident of Village-Jagdishpur,
P.O.-Bharthu, District-Jehanabad, Pin Code-804432 and Previously Working
as an Skill Artisan Hast Shilpi Complex, District Insustry Centre, Aurangabd.
... .. Petitioner/s

Versus

1. The State of Bihar through its Director Industry Department, Govt. of Bihar, Patna.
2. The Director, Industry Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Industry Department, Govt. of Bihar, Patna.
4. The General Manager, District Industry Centre, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar (SC-9)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-11-2024 Heard the parties.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondent authorities to extend the benefit of second A.C.P. and ensure the consequential benefit.

3. Learned Advocate for the petitioner urge before this Court that the petitioner was duly appointed as a Skill Artisan in District Industry, Centre Madhubani after following due process of appointment way back on 01.08.1987. On being found eligible, the petitioner was accorded the benefit of first A.C.P. vide letter bearing Memo No.777 dated 09.03.2011 by the Director, Industry Department, Government of Bihar.

4. Despite the fact that the petitioner was entitled for the second A.C.P., he has not been allowed the same and in the



meantime, superannuated on 31.08.2012. On being superannuated, the petitioner approached before all the authorities concerned and filed the representation for redressal of his grievance but did not get any succor, under such circumstances, he approached before this Court.

5. A counter affidavit has been filed on behalf of the respondent nos. 01 to 04.

6. Categorical averment has been made that the grievance of the petitioner was duly considered by the competent authority and vide Memo No. 1253 dated 12.11.2022 with regard to the payment of arrears of salary, leave encashment and other benefits. Communication has also been made by the District, Industry Centre, Aurangabad to the Accountant General, Bihar for revision of pension and gratuity. The copy of the letter has also been placed on record as Annexure- C series to the counter affidavit.

7. At this juncture, learned Advocate for the petitioner contended that during the pendency of the writ petition, the petitioner has been accorded the benefit of second A.C.P. but he has only been allowed arrears of difference of salary/pension and other benefits till 2017. No benefit has been accorded for the period thereafter, is the contention of the learned Advocate



for the petitioner.

8. Having considered the specific averments made in the counter affidavit, noted hereinabove, this Court finds that the petitioner has already been accorded second A.C.P.. However, if the petitioner has not been accorded the consequential benefit for certain period, the petitioner is directed to approach before the respondent no.4 by filing a detailed representation with a clear averment and the calculation as to what amount has not been paid to the petitioner.

9. If such representation is filed preferably within a period of four weeks from today, the respondent no. 4 shall consider the same and pass an appropriate reasoned speaking order preferably with a further period of 12 weeks. Suffice it to observe that in case the claim of the petitioner finds favour necessary consequential monetary benefit shall also be accorded within the period stipulated.

10. Accordingly, the present writ petition stands disposed off.

(Harish Kumar, J)

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