

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1217 of 2018

In
Civil Writ Jurisdiction Case No.18954 of 2010

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Chandeshwar Prasad Singh

... .. Appellant/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pramod Mishra

For the Respondent/s : Mr.Deepak Sahay Jamuar A.C. to AAG 4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 28-08-2024

On 14.08.2024, we passed the following order:

Re: I.A. No. 6557 of 2018

*Heard I.A. No. 6557 of 2018
for condonation of delay in filing the
present LPA No. 1217 of 2018.*

*2. For the reasons stated in
the application and affidavit, delay of
about 28 days stands condoned in
filing the present LPA. Accordingly,
I.A. No. 6557 of 2018 stands allowed.*

*3. Appellant's grievance is in
respect of grant of ACP. One of the
issue in the present lis is whether
service rendered against work charge
department could be counted for the
purpose of granting ACP or not.
Hon'ble Supreme Court in the case of
Amresh Kumar Singh vs. State of Bihar
and Ors reported in 2023 (2) PLJR
(SC) 423 held that service rendered is
required to be counted. On this issue*



learned counsel for the State is hereby directed to secure instruction on the next date of hearing, failing which matter would be decided with the available records.

4. Relist this matter on 28.08.2024.

2. Today, learned counsel for the Respondent on instructions submitted that Appellant was appointed in the year 1963 and he has earned promotion to the post of Junior Research Assistant with effect from 01.02.1985 and he has attained age of superannuation and retired from service in the year 2002. The scheme of ACP was introduced with effect from 09.08.1999. On completion of 12 years of service, first ACP would be granted. Accordingly, as on 09.08.1999 the appellant has been extended first ACP. Appellant is not entitled to have the benefit of earlier service towards ACP in view of the fact that he has earned promotion as a Junior Research Assistant. 12 years of service is required to be counted only from 01.02.1985 and it would be in the year 1997. However, ACP scheme was introduced from 09.08.1999 to that effect ACP has been granted to the Appellant with effect from 09.08.1999. In the light of these facts and circumstances, there is no infirmity insofar as



granting only first ACP on 09.08.1999. Accordingly, LPA stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

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