

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4928 of 2020

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Sakal Dev Singh, son of Bijli Singh, resident of village - Deokali Buzurg,
P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through principal Secretary, Department of Public Health Engineering Department, Government of Bihar, Patna.
2. The Chief Engineer (Mechanical) Public Health Engineering Department, Government of Bihar, Patna.
3. The Superintending Engineer Public Health Engineering Department Mechanical Circle, Muzaffarpur.
4. The Executive Engineer Public Health Engineering Department Mechanical Division, Muzaffarpur.
5. Treasury officer, Muzaffarpur.
6. The Additional Central Provident Fund Commissioner, Employees Provident Fund Organisation, Bhavishyanidhi Bhawan, R. Block, Road No. -6, Patna -1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Adv.
For the State	:	Mr. Vishwambhar Prasad (AC to AAG-5)
For the EPFO	:	Mr. Madhav Krishna, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-05-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Employees Provident Fund Organization.

2. The present writ petition has been filed for directing the respondents to grant the benefit of 2nd Modified Assured Career Progression after completion of 20 years of service after giving Pay Protection in the light of resolution issued by Secretary, Public Health Engineering Department,



Govt. of Bihar, Patna *vide* Memo no. 707 dated 22.05.2018 (annexed as Annexure-2) and the resolution *vide* Memo no. 3972 dated 12.05.2016 (annexed as Annexure-1) and Memo no. 7577 dated 23.09.2016 (annexed as Annexure-1/A) issued by the Department of Finance, Govt. of Bihar, Patna to the petitioner which is due w.e.f. 13.01.2008 and to pay him arrears thereof and also to pay the amount of CPF which was deducted from December 2006 to March 2010 in the light of New Pension Scheme.

3. Learned counsel for the State on the other hand submits that the petitioner may be granted liberty to file his representation before The Superintending Engineer Public Health Engineering Department Mechanical Circle, Muzaffarpur (respondent no.3) for his grievances in the light of Rule 2019.

4. Learned counsel for the Employees Provident Fund Organization submits that the petitioner is not covered under EPFO scheme, rather, he is entitled for CPF scheme. State is also admits that the petitioner is entitled for CPF and his file is under process.

5. In the light of the submissions made by the parties, liberty is hereby granted to the petitioner to avail remedy before



The Superintending Engineer Public Health Engineering Department Mechanical Circle, Muzaffarpur (respondent no.3) within 30 days from today raising all his grievances which he has raised in the writ petition and The Superintending Engineer Public Health Engineering Department Mechanical Circle, Muzaffarpur (respondent no.3) is directed to pass a reasoned and speaking order within 90 days thereafter considering all the claims of the petitioner which he has mentioned in the writ petition.

6. It is made clear that the said 90 days shall be counted from the date of end of general elections of Lok Sabha, 2024.

7. With the aforesaid directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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