

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.200 of 2020
In
Civil Writ Jurisdiction Case No.14205 of 2015

1. The State of Bihar, Bihar.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.
4. The Chief Engineer, Rural Works Department, Hajipur.
5. The Superintendent Engineer, Rural Works Department, Works Circle-2, Darbhanga.
6. The Executive Engineer, Rural Works Department, Work, Division-2, Benipur, Darbhanga.

... .. Appellant/s

Versus

1. Madan Mohan Jha, son of Late Muni Jha, Resident of village - Prasad, P.O.- Banki, Via- Madhepura, P.S.- Madhepur, District- Madhubani.
2. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mritunjay Kumar (Ac To Aag6)
For the Respondent/s	:	Mr.Alok Kumar, Advocate Mr.Pranav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY

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

Date : 12-07-2024

Re: I.A. No. 2 of 2020

Heard I.A. No. 2 of 2020, there is a delay of about 252 days in filing LPA No. 200 of 2020. For the reasons stated in the application read with the affidavit and in the interest of litigant delay of about 252 days in filing the present LPA stands condoned. Accordingly, I.A. No. 2 of 2020 stands allowed.



3. The appellants have assailed the order of the learned Single Judge dated 21.05.2019 passed in CWJC No. 14205 of 2015. Crux of the matter is whether respondent - *Madan Mohan Jha* is entitled to ACP benefit or not ? The learned Single judge has passed order to the extent that respondent - *Madan Mohan Jha* is entitled for ACP benefit.

4. On the other hand, appellant-State have filed this LPA on the sole ground that respondent - *Madan Mohan Jha* has not passed the Departmental Examination, therefore, he is not entitled to ACP benefit. This issue has been adjudicated by the Hon'ble Supreme Court in the case of **Arnesh Kumar vs. State of Bihar decided on 02.07.2014**, reported in **(2014) 8 SCC 273**.

5. Accordingly, the appellants have not made out a case, hence, the present Letters Patent Appeal No. 200 of 2020 stands dismissed while affirming order of the learned Single Judge dated 21.05.2019 passed in CWJC No. 14205 of 2015.

6. The concerned appellants are hereby directed to settle the respondent's grievance relating to ACP and proceed for re-fixation of pay and so also difference of pay shall be disbursed. If he has attained age of superannuation and retired from service, in that event, his pension shall also be revised with reference to the grant of ACP benefits.



7. The above exercise shall be undertaken within a period of three months from the date of receipt of this order, if it is not already paid.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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