

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1170 of 2020

In
Civil Writ Jurisdiction Case No.14101 of 2019

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Kedar Lal Gupta Son of Late Jawahar Lal Gupta Resident of Mohalla-
Titaiganj, Police Station- Tekari, Town- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. Sri Anand Kishor Son of- Name of father not known to the petitioner The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. Nagar Panchayat, Tekari, Gaya through its Chairman.
4. Smt. Pinky Kumari Wife of- Name of husband not known to the petitioner The Chairman, Nagar Panchayat, Tekari, Gaya.
5. Sri Dinesh Kumar Sinha Son of- Name of father not known to the petitioner The Chief Executive Officer, Nagar Panchayat, Tekari, Gaya.
6. Sri Dinesh Kumar Sinha Son of- Name of father not known to the petitioner The Executive Officer, Nagar Panchayat, Tekari, Gaya.
7. Sri Dinesh Kumar Sinha Son of- Name of father not known to the petitioner The Special Officer, Nagar Panchayat, Tekari, Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Adv. Mr.Rana Ishwar Singh, Adv.
For the State	:	Mr.Ashutosh Kumar Upadhyaya, Adv.
For the Opposite Party/s	:	Mr.Lalit Kishore, AG Mr.Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 19-01-2024 1. In compliance of the order of this Court dated 15.07.2019, passed in C.W.J.C. No.14101 of 2019, though a reasoned order had been passed by the Executive Officer, Nagar Parishad, Tekari, Gaya on 21.12.2023, however, this Court by an order dated 05.01.2024 had asked the State



Government to respond to the aforesaid reasoned order dated 21.12.2023, passed by the Executive Officer, Nagar Parishad, Tekari, Gaya, in response whereof, though it is submitted by the learned counsel for the opposite parties no.1 and 2 that a show-cause has been filed by both modes, i.e. by the online mode as also by the physical mode, however, copy of the same is not on record, nonetheless, a photocopy of the same has been handed over to this Court, which is taken on record. It would be relevant to reproduce paragraph no.6 (i) and (ii) thereof, hereinbelow:-

“6. That, in compliance with the above mentioned order, Urban Development and Housing Department, Government of Bihar has taken following actions:-

(i) The Government of Bihar, Urban Development and Housing Department vide Departmental Letter No. 39 dated 15.01.2024 has issued guidelines to the Executive Officer, Nagar Parishad, Tekari with respect to the case of Time Bound Promotion (TBP) and Assured Career Progression (ACP) to the petitioner. In this regard it is notable that the Urban Development and Housing Department, Government of Bihar has not issued instruction for giving the benefit of



financial progression/Time Bound Promotion to the Municipal Employees of the state, since, the provisions of ACP Rules is not applicable in their case and therefore, Financial Progression is not admissible in the case of municipal employees. In this regard, Guidelines by the Urban Development and Housing Department, Government of Bihar has been issued earlier also vide Memo No.1292 dated 26.02.2019 which has been communicated to all municipal bodies of Bihar and for ready reference the aforesaid letter has been enclosed with this letter.

(ii) With regard to extending the benefit of 5th and 6th Pay Revision to the petitioner is concerned, Urban Development and Housing Department, Government of Bihar vide Letter No. 38 dated 15-01-2024 has communicated to the Executive Officer, Nagar Parishad, Tekari about confirmation of the revised pay determination in the 5th and 6th Pay scale wherein, it has been informed that the monetary benefit of 5th and 6th pay revision shall be admissible w.e.f. 01.04.1997 and 01.04.2007 respectively.”

2. In view of the aforesaid, it is clear that the provisions contained in the A.C.P. Rules are not applicable in



the case of the employees of the Urban Local Body, however, as far as the 5th and 6th Pay Scale Revision is concerned, the same is admissible with effect from 01.04.1997 and 01.04.2007 respectively, which according to the learned counsel appearing for the opposite party no.6 has been calculated and in this connection, reference has been made to the second supplementary show-cause filed online, copy whereof has been furnished to this Court, which has been taken on record. It is submitted by referring to the said second supplementary show-cause that upon calculation of the monetary benefits payable to the petitioner, by taking into account the effect of 5th and 6th Revision of Pay Scale, it has been found that the petitioner has been paid an excess amount of Rs.1,40,120/-

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid action of the Nagar Parishad, Tekari, Gaya. Liberty so sought is granted.

4. The present petition stands disposed off.

(Mohit Kumar Shah, J)

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