

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7998 of 2018

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Veerket Singh Son of late Rasbihari Singh Resident of Village and P.O.
Khanpur Pakari, P.S. Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Secretary Home Department Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Additional Director General of Police, Bihar, Patna.
5. The D.I.G. of Police, Bihar Military, Police Central Zone, Patna.
6. The Commandant B.M.P. 4, Dumraon, Buxar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-04-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ application has been filed for quashing of the order no. 8587 dated 01.11.2017 issued by the Deputy Secretary, Government of Bihar, Patna by which the grant of benefit of third A.C.P. *w.e.f.* 01.01.2009 has been rejected.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of constable and he was granted first and second A.C.P. but not granted third A.C.P. which was due from 01.01.2009. He further submits that the

petitioner was superannuated on 31.08.2013 from the post of A.S.I., Dumraon, Buxar. The ground of rejection of third A.C.P. has been made that he has not passed and appeared in the Senior Police Course, Examination third A.C.P. earlier. He submits that the petitioner was found fit for the benefit of A.C.P. *w.e.f.* 01.01.2009. He further submits that the petitioner appeared in the examination in S.P.C. in which the petitioner was declared passed vide Memo No. 177 dated 14.06.2023. In the meantime, he was superannuated and his third A.C.P. has not been granted. He further submits that a similarly situated person, namely, Rakshit Kaladhar Shekhar Pandey, BMP-14, who was working with the petitioner and taking training of S.P.C. with him has been granted third A.C.P. but his case was rejected.

4. Learned counsel for the State submits that the case of the petitioner has already been rejected and the ground has mentioned in the rejection order *i.e.* the petitioner was subject to punishment in the departmental proceeding. He was appeared in the S.P.C. examination which was published on 29.11.2013 but in the meantime, the petitioner has already retired on 31.08.2013. As such, his case has not been considered. He further submits that the representation of the petitioner filed on 25.09.2014 (Annexure-5) has been disposed

of vide Memo No. 8587 dated 01.11.2017 rejecting the claim of the petitioner (order impugned). He further submits that the grant of A.C.P. has to be made according to the Rule. In this regard, counsel for the State relied on an order contained in Memo No. 1200 dated 18.10.2013 in which the basic eligibility for grant of A.C.P. benefit is passing of examination of S.P.C., since the result of S.P.C. has come later after his retirement, therefore, the petitioner has no entitlement.

5. Upon perusal of the pleadings and hearing the parties, it transpires to this Court that the petitioner has filed his representation vide Annexure-5 in which he has taken plea of granting relief to a similarly situated person and on this aspect, the order impugned is completely silent. It also transpires to this Court that Government of Bihar has introduced the Bihar State Litigation Policy, 2011 in which Rule 4(C) is very much clear and states as follows:-

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant/ employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of

at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

6. In this background, the letter contained in Memo No. 8587 dated 01.11.2017 is hereby set aside.

7. The petitioner is directed to file fresh representation before the Director General of Police, Bihar, Patna raising all his claims and the Director General of Police upon considering Clause 4(C) of the Bihar State Litigation Policy, 2011 mentioned above shall pass reasoned and speaking order with regard to petitioner's claim afresh within 90 days from the date of production of the fresh representation.

8. Since, the election is going on, therefore, the said 90 days shall be counted from the date of end of the election.

9. With this direction, the present writ application stands allowed.

(Dr. Anshuman, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2024
Transmission Date	NA