

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9995 of 2024

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Dev Lochan Singh Son of Bhuvneshwar Singh, Resident of Village- Behra,
Post- Agarsanda, P.S.- Ara (Muffasil), District- Bhojpur (Ara), Pin Code-
802156.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Principal Secretary, Department of Finance, Government of Bihar, Patna.
2. The Joint Secretary, Department of Finance, Government of Bihar, Patna.
3. The Senior Accounts Officer, Office of the Accountant General (A and E) Bihar Mahalekhar Bhawan, Birchand Patel Path, Patna- 800001.
4. The District Magistrate, Bhojpur at Ara.
5. The District Panchayat Officer, Bhojpur at Ara.
6. The Block Development Officer, Udwant Nagar, District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhanesh Shankar Vidyarthi, Advocate
For the Respondent/s	:	Mr. Sitaram Yadav, GP-16
		Mr. Rakesh Kumar Shrivastava, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 02-07-2024

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

2. The present writ petition has been filed for the
following relief :-

“for a writ in the nature of mandamus directing and commanding to the Respondent authorities especially to the respondent no. 4 and 5 to redress the claim regarding Assured Career Progression Scheme i.e. A.C.P.-I from the year 2006 and A.C.P.-II from the year 2016 which is due with the department and not given the same without any valid reason because the



petitioner has joined on 14.06.1996 on the post of Panchayat Secretary in Bhojpur District worked on the said post in different Panchayats of the district and retired from the service on 31.01.2021 from Block Udwant Nagar and further be pleased to issue a direction to the Respondent no. 4 to dispose of the claim of petitioner expeditiously in the light of the order passed in a similar case bearing C.W.J.C. No. 9093 of 2019 dated 3.5.2019 for that entitlement of the petitioner is legal and legitimate.”

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post Panchayat Secretary on 14.06.1996 in the District of Bhojpur at Ara. Thereafter, he worked in different panchayats of the districts and lastly, he retired from his service on 31.01.2021. After retirement, the petitioner came to know that on 13.11.2009, the District Establishment Committee, Bhojpur at Ara decided to grant Assured Career Progression benefits to the Panchayat Secretaries in the light of letter no.2015 dated 18.05.2009 issued by the Panchayati Raj Department, Bihar, Patna. Prior to retirement, the petitioner approached and requested from the authority concerned for his A.C.P.-1 and II benefits but he has not been given the said benefit whereas similarly situated persons have already enjoying with the said benefits. He further submits that similarly situated person has filed CWJC No. 9090 of 2019 for the said relief which was disposed of vide order



dated 30.05.2019 with a direction to the respondent No.4 to dispose of the claim of the petitioner expeditiously without any undue delay within a period of eight weeks from the date of receipt/production of a copy of this order. Thereafter, the petitioner filed several representations before the authority concerned for redressal of his grievances. The latest representation filed by the petitioner is dated 13.05.2024 before the respondent No.4, namely, the District Magistrate, Bhojpur, as contained in Annexure P/4, but till date neither the grievance of the petitioner has been redressed nor representation filed by him has been considered. Thereafter, the petitioner has filed the present writ petition.

4. Learned counsel for the State submits that a direction may be issued for consideration of his pending representation.

5. Upon hearing the parties and considering the claim of the petitioner, this Court feels it necessary to quote Clause 4.C(1) of the Bihar State Litigation Policy, 2011, as under :-

“4.C(1). 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 the light of the submissions made by the parties, this Court directs the Respondent No.4, namely, the District Magistrate, Bhojpur that he shall consider and dispose of the representation dated 13.05.2024 (Annexure P/4) filed by the petitioner in the light of Clause 4.C(1) of the Bihar State Litigation Policy, 2011, after granting adequate opportunity of hearing by a reasoned and speaking order within 90 days from the date of production of a copy of this order, in accordance with law.

7. It is made clear that this Court has not applied its mind on the merit of the case. Therefore, it is the respondent who has to look into the representations minutely.

8. With the aforesaid observation and direction, the present petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	03/07/2024
Transmission Date	NA

