

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14016 of 2012

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Ram Bhajan Singh Son Of Sri Late Bihari Singh Resident Of Village-
Ramdiha P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Bihar, Patna.
2. Principal Secretary, Road Construction Department Bihar, Patna
3. Chief Engineer, South Bihar Wing, Road Construction Department, Patna
4. Superintending Engineer, Bhojpur Road Circle, Ara
5. Treasury Officer, Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Pawan Kr. Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 30-01-2024

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

2. The present writ petition has been filed to modify the
part of Office Order No. 08 of 2012 issued by the Superintending
Engineer, Bhojpur Road Circle, Road Construction Department, Ara
(respondent no. 4) as contained in Annexure-4 whereby the
petitioner has been granted second and third ACP with effect from
01.01.2011 although the petitioner is entitled for the first ACP with
effect from 23.12.1999 and second ACP with effect from
01.01.2009.



3. Learned counsel for the petitioner submits that the claim of petitioner was not accepted on the ground that the petitioner was not passed the accounts examination and as per circular of the State Government, the petitioner was promoted before 01.09.1983 are not to be reverted on the ground that they have not passed the Departmental Account Examination of Revenue Board, Bihar, Patna.

4. Learned counsel for the State submits that in fact the petitioner was initially appointed on the post of Class-IV employee on 19.02.1980 and after that he was promoted to the post of correspondence clerk with effect from 21.12.1987 and he joined on the post of correspondence clerk on 23.12.1987 and as per Rules 156 and 157 of the Board Miscellaneous Rules the passing of the departmental Account Examination is an essential examination for the promotion of higher category of scale. In fact, the petitioner has given one financial progression benefit as he was promoted from the post of Peon to the post of correspondence clerk and the A.C.P. Scheme 2003 is affected from 09.08.1999 and the petitioner has passed the departmental examination on 31.12.2010 and the revised A.C.P. Scheme 2010 was affected with effect from 01.01.2009 and the petitioner has got the second and third A.C.P. after passing the departmental accounts examination and after completion of service life of 20 and 30 years respectively.



5. In view of the aforesaid, the State has rightly given the second and third ACP to the petitioner after passing the Departmental Accounts Examination and the petitioner is not entitled for the first ACP because the circular of the State Government dated 26.08.2004 the petitioner has already given the benefit of financial upgradation in the year 1987 itself.

6. The writ petition is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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