

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11266 of 2024

Janardan Kumar S/o Late Haribansh Sharma, Resident of Mohalla - Quisher Mahal, Chakvinda Road No.- 10, P.O. - Gardanibagh, P.S.- Anisabad, District - Patna, Bihar- 800002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Finance Department, Government of Bihar, Patna.
3. The Secretary (Expenditure) Finance Department Government of Bihar, Patna.
4. The Additional Chief Secretary cum Principal Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer Irrigation Creation Water Resources Department, Aurangabad.
6. The Executive Engineer, Sone Canal Division, Khagaul, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. Akash Chaturvedi, AC to SC 11

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 30-07-2024 The petitioner has prayed for issuance of writ in the nature of mandamus, commanding the respondent authority for grant of benefit of Bihar State Service Conditions (Assured Career Progression) Scheme Rules, 2003, to the petitioner in Pay Scale of Rs. 6,500-10500 to Rs. 10000-15200 with effect from 09th August 1999, when the petitioner had completed 12 years and 24 years of continuous service respectively and he was granted 1st and 2nd ACP as well as 3rd MACP with Pay Band- 3 Grade Pay 7600 with effect from 01st January 2009



after completion of 30 years of continuous service when he was granted MACP after being appointed as Account Clerk in the Water Resources Department, in view of the amended provision of 2003 Rules of Bihar State Employees Service Condition (Assured Career Progression Scheme) (Amendment) Rules 2007. Though, the petitioner was granted 1st and 2nd ACP, it was the grievance of the petitioner that his Pay Scale was not revised. Had it been revised, in terms of the ACP, he could have received higher salary than the present one. In a similar circumstanced case, a Co-ordinate Bench disposed of a writ petition being CWJC No. 10528 of 2024 (Lallu Prasad & Ors. Vs. The State of Bihar & Ors.) dated 15th July 2024, directing the petitioner to file a detailed representation before the concerned authority and the concerned authority was directed to dispose of the representation of the petitioner in the light of the law laid down by the Hon'ble Apex Court in the case of *Amresh Kumar Sinha & Ors. v. The State of Bihar & Ors. (SLP (C) Nos. 8219-8226 of 2016)* as well as by the Full Bench decision of this Court in case of *Kamlanand Thakur vs. State of Bihar & Ors. (CWJC No. 18727 of 2017)*.

2. It is submitted by the learned counsel for the petitioner that a similar direction may be passed in the instant



writ petition.

3. Learned Advocate for the State respondents submits that when the petitioner prays for consideration of his representation, it is not necessary to file counter-affidavit in the instant case.

4. Under such facts and circumstances, narrated above, the instant writ petition is disposed of giving liberty to the petitioner to file a detailed representation before the respondent no. 04 within three weeks from the date of this order and the respondent no. 04 shall dispose of the said representation in the light of the decision of the Hon'ble Supreme Court in *Amresh Kumar Sinha* (supra) and the Full Bench decision of this Court in *Kamlanand Thakur* (supra) within 30 days thereafter.

5. The instant writ petition is thus, disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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