

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12560 of 2024

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Harbansh Narayan Singh, Son of Late Yugeshwar Singh, Resident of Village-
Billour, Police Station- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Sichai Srijan Water Resources Department, Siwan.
4. The Superintending Engineer, Saran Canal Circle, Siwan.
5. The Executive Engineer, Saran Canal Division, Mairwa (Siwan).
6. The Principal Secretary, Finance Department, Government of Bihar, Patna.
7. The Accountant General (A and E), Bihar, Patna.
8. The Senior Account Officer, Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Sen Prasad Singh, Advocate
For the State	:	Mr. Prabhat Ranjan, AC to GP 6
For the AG	:	Mr. Ram Yash Singh, Advocate
		Mr. Utkarsh Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-08-2024 Heard Mr. Chandra Sen Prasad Singh, learned counsel

 appearing on behalf of the petitioner; Mr. Prabhat Ranjan,

 learned AC to GP 6 for the State and Mr. Ram Yash Singh along

 with Mr. Utkarsh Bhushan, learned counsels for the Accountant

 General, Bihar.

Petitioner has *inter alia* prayed for following reliefs in
the paragraphs No.1 of the writ petition:-

*“That this is an application for issuance of
appropriate writ, order or direction particularly in the*



nature of mandamus commanding upon the respondents to give or to allow revised pay scale of 1st ACP on pay scale 6500-10,500/- with effect from 09.08.1999 and revised scale of 2nd A.C.P. on pay scale 10,000/-15,200/- with effect from 09.08.1999 to the petitioner who is holding Science Graduate degree and who has retired from the post of Senior Account Clerk on 31.07.2011 and further the petitioner is entitled to get the financial benefit dues through A.C.P./M.A.C.P. revised scheme from time to time in the light of Resolution of Finance Department and further to get all relief of Revised Pay Scale which has been given to Sri Balmiki Shahi vide Letter No.1501 dated 19.08.2019 who has retired as Senior Account Clerk from the Office of Respondent No.5 and the petitioner case stands on the same footing and further to pay pension on revised pay scale of 1st A.C.P. Pay Scale Rs.6,500-10,500 and 2nd A.C.P. Pay Scale 10,000-15,000 with effect from 09.08.1999 of the post of Senior Account Clerk.

2. Learned counsel appearing on behalf of the petitioner submitted that the ACP scheme came into effect in the year 2003 and the petitioner had retired in the year 2011. Learned counsel further submitted that action of the authority in not fixing the pension as per the revised pay scale after giving the benefit of ACP, the petitioner is being penalized for the reason that pension has been fixed on the basis of unrevised pay scale. He further submitted that the petitioner has been knocking the door of the respondent from the date of his eligibility and even after his retirement, he has made several representations



before respondent no.5, the Executive Engineer, Saran Canal Division, Mairwa, Siwan and considering the callous attitude of the Executive Engineer, learned counsel finds it proper that petitioner will file a detailed representation before the Additional Chief Secretary, Water Resources Department, Government of Bihar. Learned counsel further submitted that law as on date has been settled by the Apex Court in the case of ***Amresh Kumar Sinha & Ors. v. The State of Bihar & Ors. (SLP (C) Nos. 8219-8226 of 2016)*** and the same has been subsequently clarified by the Full Bench of this Court in case of ***Kamlanand Thakur vs. State of Bihar & Ors. (C.W.J.C. No. 18727 of 2017)*** and other analogous cases.

3. Mr. Prabhat Ranjan, learned State counsel submitted that if the claim of the petitioner is genuine, the authority must consider the grievance of the petitioner in accordance with the law laid down in case of ***Amresh Kumar Sinha (supra)*** as well as, in case of ***Kamlanand Thakur (supra)***.

4. Having considered the rival submissions made on behalf of the parties, as well as, the contention of the petitioner that he has retired in the year 2011 and the ACP scheme came into effect from the year 2003 and the petitioner has been



deprived of the benefit on account of progression in pay scale as a result of stagnation on the same post, the authorities are directed to consider the grievance of the petitioner by disposing of the representation of the petitioner, preferably within a period of 90 days, in light of the settled principle of law laid down in the case of *Amresh Kumar Sinha (supra)* as well as, in case of *Kamlanand Thakur (supra)* by calling the service particular and record of the petitioner from the office of the Executive, Saran Canal Division, Mairwa, Siwan.

5. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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