

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13514 of 2024

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Krishna Singh, S/o Late Chandardeep Singh @ Chandradip Singh, R/o Village- Chandi, P.O. Narhi Chandi, P.S.- Chandi, Dist- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
4. The Engineer-in- Chief cum Special Secretary, Rural Works Department, Govt. of Bihar, Patna.
5. The Engineer-in- Chief, Local Area Engineering Organization, Govt. of Bihar, Patna.
6. The Chief Engineer, Rural Works Department, Govt. of Bihar, Patna.
7. The Superintending Engineer, Rural Works Department, Govt. of Bihar, Patna.
8. The Superintending Engineer, Local Area Engineering Organization, Govt. of Bihar, Patna.
9. The Executive Engineer, Local Area Engineering Organization, Works Division, Kaimur, Bhabhua.
10. The Accountant General, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Siyaram Pandey, Advocate
For the State	:	Mr.Ramadhar Singh, G.P. 25
For the Accountant General:		Mr.Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 12-09-2024 The petitioner was appointed as a Graduate Accounts Clerk in the department of Rural Reconstruction and Panchayati Raj, Government of Bihar, Patna on 18th of May, 1984.

2. It is contended by the petitioner that while he was in service, he fell ill and was hospitalized as he was absent from



his service. The petitioner was dismissed vide an order dated 30th of April, 2003. Subsequently, against the order of dismissal from service, the petitioner submitted an appeal before the Commissioner, Patna Division, Patna, praying for setting aside the order of dismissal dated 10th of December, 2007. The order of dismissal passed against the petitioner was set aside and for unauthorised absent, he was punished by withholding of two increments with cumulative effect.

3. It is the case of the petitioner that as per the Finance Department notification dated 25th of March, 2015, the Junior Accounts Clerk, who were appointed during the period between 1st of May, 1979 and 27th of September, 1999, would be regarded as Senior Accounts Clerk. They would be entitled to get a pay-scale of 730-1080/- w.e.f. 01-04-1981, 1400-2300/- w.e.f. 01-01-1986 and 4500-7000/- w.e.f. 01-01-1996. They would also be entitled to Pay-Band 1 + 2800/- w.e.f. 01-01-2006.

4. It is the case of the petitioner that the petitioner never got any revision of pay and he was also denied ACP/MACP during his entire service period. He retired from service w.e.f. 31st of January, 2015.

5. One question may arise at this stage that the



petitioner would have filed the instant writ petition immediately after his retirement. However, the writ petition is filed after a lapse of 9 years and the same may be treated being vitiated by delay. However, it is needless to say that with regard to any financial scheme of a Government employee affecting his fundamental right of life and livelihood, a writ petition cannot be dismissed outright on the ground of delay.

6. In the instant case, it appears from the record as well as submission made by the learned Advocate for the petitioner and the learned Advocate for the defence that the petitioner was suspended for a considerable period of time. During his suspension, he got subsistence allowance. When he was dismissed, he did not get any salary from 31st of April, 2003 to 10th of December, 2007. However, the said dismissal order was revoked and order of punishment of withholding two increments with cumulative effect was passed. The petitioner accepted the order of punishment.

7. It is well-settled that during the period of suspension and dismissal, the petitioner would not get any financial advancement but when the order of suspension and dismissal were withdrawn, the period shall be calculated for computing his length of service.



8. Considering such aspects of the matter, the Respondent Nos. 2, 4, and 5 are directed to decide as to whether the petitioner is entitled to get ACP and MACP and Revision of Pay-Scale with all other consequential benefits on the basis of Annexure-7.

9. Such decision shall be taken after giving opportunity to the petitioner to be heard within 60 days from the date of this order.

10. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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