

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14780 of 2024

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Ram Vinay Kumar Son of Shri Ramesh Chandra Mauar Resident of Village-
Ram Bagh, Anand Nagar, P.S.- Ara Nagar, Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Bihar, Patna.
3. Principal Secretary, Department of Personnel and Administrative Reforms,
Govt. of Bihar, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. Additional District Magistrate, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Adv.

For the Respondent/s : Mr. Government Pleader (3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-09-2024 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

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

“1. For directing the respondent authority to give 1st A.C.P promotion to the petitioner for which he is entitled from 22nd March, 2015 after completing 10 years of his service and further grant all its consequential benefits from the said due date in view of the fact that petitioner who was earlier dismissed from the service in a departmental proceeding by order dated 03.02.2014



passed by the District Magistrate, Bhojpur at Ara (respondent no.4) has now been reinstated in the service by order dated 13.12.2023 passed in Civil Writ Jurisdiction Case No.17172 of 2021 by this Hon'ble Court with all consequential benefits including 100% back wages."

3. Learned Counsel for the petitioner submits that the petitioner was appointed on the post of Clerk in District Collectorate, Bhojpur at Ara and he has not been granted benefits of his A.C.P.

4. Learned Counsel for the State raised preliminary objection and submits that Government of Bihar through General Administration Department has framed a rule namely Bihar Government Servant Grievances Redressal Rules, 2019 to deal such type of situations for both types of employees i.e. employees who are in service and employees who are not in service and the petitioner has liberty to exhaust the remedy before the Service Grievance Redressal Officer.

5. In response thereof, Learned Counsel for the petitioner submits that the petitioner's case is a little bit different as petitioner was earlier dismissed from the service in Departmental Proceeding, but subsequently, reinstated by the



order passed by this Hon'ble Court. Counsel submits that since in the present case, the question of dismissal and reinstatement has come, therefore, it can be decided only at the level of Appointing Authority who is the District Magistrate, Bhojpur at Ara for the petitioner. Counsel further submits that he has filed representation before the District Magistrate, Bhojpur at Ara which is annexed as Annexure-P/3 on which no decision has been taken as yet.

6. In this view of the matter, the present writ petition stands disposed off directing the District Magistrate, Bhojpur at Ara (respondent no.4) to pass a reasoned and speaking order on petitioner's representation which is annexed as Annexure-P/3 within 90 days from the date of production of the order.

7. It is made clear that the said 90 days shall be counted from the date of completion of appearance of the party (petitioner) if, District Magistrate needs personal hearing in this matter.

(Dr. Anshuman, J)

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