

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11876 of 2013

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Sri Hari Ballabh Lal Das S/O Late Badri Narain Das House No.5/37, West Of
Kusumpuram Chaurasiya Bhawan, Ram Jaipal Nagar, North- West Of Canal,
Bailey Road, Danapur- 801503

... .. Petitioner/s

Versus

1. The State Of Bihar, through Chief Secretary, Government of Bihar, Old Secretariat, Bihar, Patna.
2. Principal Secretary, Department Of Human Resources Department
Department Of Education ,Vikas Bhawan, Patna
3. Accountant General, Bihar, Patna
4. Personal And Administrative Department, Govt. Of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Respondent/s : Mr.Anuj Kumar, AC to SC-12
For Accountant General : Mr. Ram Kinker Choubey, SC IA and AD
(Respondent No. 3)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-08-2024 Heard Mr. Ashok Kumar, learned counsel for the

petitioner; Mr. Anuj Kumar, AC to SC-12 for the State and Mr.

Ram Kinker Choubey, learned counsel for the respondent no. 3.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:

*i. "For issuance of writ of mandamus
and any other writ/writs, order/orders
commanding the respondents to grant the benefit
of ACP as per revised Rule of ACP under
Fundamental Rules- 22 (1) (A) (1), Government
of Bihar Finance Department and make a re-
fixation of his salary adhering the aforesaid*



circular.

ii. To direct further to the respondents to pay admissible difference of pay from 9.8.99 to 31.7.2000, difference of gratuity and difference of leave salary of 240 days after calculation as per revised Rule of ACP under Fundamental Rules- 22 (1) (A) (1), Government of Bihar Finance Department with admissible interest to the petitioner.

iii. To command the respondents to re-compensate suitably in pecuniary terms for my continued harassment both physically and mentally telling upon my poor health of an aged senior citizen by way of consequential benefit."

3. Mr. Anuj Kumar, learned counsel appearing on behalf of the State submitted that the law in respect of giving financial upgradation by way of Assured Career Progression (A.C.P.) Scheme is no more *res integra* and in view of the law laid down by the Apex Court in case of ***Amresh Kumar Sinha & Ors. v. The State of Bihar & Ors. (SLP (C) Nos. 8219-8226 of 2016)*** and later on 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)***, the petitioner may take appropriate steps before the competent authority to consider his grievance.

4. Considering the fair submission of Mr. Anuj Kumar, learned counsel for the State, I find it proper that the petitioner, if so advised, may file a detailed representation



before the appropriate authority, who will consider the fact that in counter affidavit, it has been informed that 2nd A.C.P. with effect from 09.08.1999 in pay-scale of Rs 10000-325-15200 has been paid to the petitioner. Accordingly, the pension and gratuity of the petitioner, after authorisation, has been paid into the account of the petitioner *vide* PPO dated 24.03.2010.

5. The authorities must correct themselves in fixing the pension of the petitioner and the difference of salary from the date the petitioner became entitled for financial upgradation in light of the ACP Scheme. To that extent, the action of the respondent as stated in paragraph no. 6 of the counter affidavit interfered with.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

sudhanshu/-

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