

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14090 of 2024

Shib Shankar Prasad Son of Late Dwarika Prasad Resident of Mohalla-Guilli Bhatta Near West Railway Kebab, Shiv Mandir, Argara, P.S.-Sahebganj, District- Sahebganj (Jharkhand) at present Posted as Senior Deputy Collector, Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration, Government of Bihar, Patna
2. Principal Secretary, General Administration, Government of Bihar, Patna.
3. Secretary, General Administration, Government of Bihar, Patna.
4. Additional Secretary, General Administration, Government of Bihar, Patna.
5. Deputy Secretary, General Administration, Government of Bihar, Patna.
6. Under Secretary, General Administration, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Kumar Singh, Advocate
For the Respondent/s	:	Mr. Raghwanand, GP-11
		Mr. Sanjay Kr. Tiwari, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2024 Heard Learned Counsel for the petitioner and Learned Counsel for the State.

2. The present writ petition has been filed for a direction in the nature of writ of mandamus to the respondents to grant and pay all consequential benefits attached with 1st A.C.P, 2nd A.C.P./M.A.C.P. and 3rd A.C.P./M.A.C.P. He submits that in the case of **Ranjan Kumar Chauhan Vs. State of Bihar** reported in **2008 (4) PLJR 244** as well as order dated



18.06.2018 passed in the case of **Bijay Kumar Sinha Vs. The State of Bihar and Others in CWJC No.14609 of 210**, in similar situation where the petitioner of that case was denied grant of benefits of A.C.P. scheme on account of pendency of a departmental proceeding and criminal proceeding, this Court had directed for consideration of the case of the petitioner for granting benefits of A.C.P. scheme. Counsel submits that the denial has been made only on the ground that a criminal case is pending against him as per Annexure-P/8.

3. Learned Counsel for the State submits that a reasoned order has been passed as a criminal case is pending against him, therefore, he is not entitled for any relief.

5. Upon hearing the parties and upon going through the order passed by this Court in the case of **Bijay Kumar Sinha** (supra), it has been held as under:-

“It is a trite law that the benefit of Assured Career Progression Scheme is not a promotion in the sense of the term of a vertical movement from a lower post to a higher post, but it is only a grant of certain monetary benefits on the same post on account of stagnation on the said post. In such view of the matter, the Respondent-authorities cannot deny the grant of benefits of the Assured Career Progression Scheme



to the petitioner herein, especially, in view of the fact that there is no such notification / circular of the State Government which bars grant of the benefits of the Assured Career Progression Scheme on account of pendency of either the departmental proceeding or a criminal proceeding.

In such view of the matter, I find that the petitioner is entitled to be granted the benefits of the Assured Career Progression Scheme de-hors the fact that a C.B.I case is pending against him.

Having regard to the facts and circumstances of the case, more particularly the fact that the Respondents, in their counter affidavit, have failed to produce any notification or circular of the State Government to show that the benefits of Assured Career Progression Scheme cannot be granted to a person against whom either a departmental proceeding or a criminal proceeding is pending, the present writ petition is allowed and the Respondents are directed to grant the benefits of the 1st and 2nd Assured Career Progression Scheme to the petitioner within a period of four weeks from today. The consequential benefits be granted within a period of six weeks thereafter.

The writ petition is allowed.”



6. In the light of the observation made by this Hon’ble Court, it is directed to the respondent concerned to provide the benefits of the A.C.P. scheme to the petitioner within four weeks from today if it has been found that petitioner’s case is squarely covered from the case of **Bijay Kumar Sinha** (supra).

7. With this direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

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