

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1205 of 2019

In

Civil Writ Jurisdiction Case No.14175 of 2011

Nasim Ahmad Son of late Akhtar Imam, Resident of Village and P.O.- Chiksi,
P.S.- Sigori, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner -Cum- Secretary, Minor Irrigation Department, Bihar, Patna.
2. The Chief Engineer (South), Tubewell Sector, Minor Irrigation Department, Bihar, Sheikhpura.
3. The Superintending Engineer, Tube Well Circle, Gaya.
4. The Executive Engineer, Tube Well Division, Jehanabad.
5. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Shankar Pathak
For the Respondent/s : Mr. Ajit Kumar (Ga 9)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 02-05-2024

The appellant has assailed the order of the learned single judge insofar as rejecting the appellant's claim of A.C.P benefit on 05.08.2019 passed in CWJC No. 14175 of 2011. We have heard the matter on an earlier occasion, on 04.04.2024 the following order was passed:

The Superintending Engineer, Minor Irrigation Circle, Gaya, is hereby directed to prepare a Pay Fixation Chart of the appellant so as to ascertain at what point of time he has been granted Time Bound Advancement, A.C.P. and



other service benefits. Such statement shall be prepared and placed it on record before the next date of hearing.

2. The concerned authority is hereby directed to take note of service record of the appellant read with the Scheme of Time Bound Promotion read with A.C.P. Scheme. The concerned authority is also permitted to rectify the extension of service benefits to the appellant if he is otherwise eligible and it has not been settled as on this day.

3. Re-list this matter on 02.05.2024.

2. Today, the Superintendent Engineer, Minor

Irrigation Circle, Gaya, Sanjib Kumar Singh has filed 4th supplementary counter affidavit while enclosing Annexure-R/7 and R/8 by which the appellant has been extended A.C.P. benefit. However, it is only a paper order therefore, the Superintending Engineer Minor Irrigation Circle, Gaya, is hereby directed to calculate difference of pay with reference to grant of A.C.P benefit to the appellant and disburse the same within a period of one month. Failing which Sanjib Kumar Singh, Superintending Engineer to pay litigation cost of Rs. 10,000/- to petitioner. Appellant is also permitted to file interlocutory application to revive this order. Insofar as grant of A.C.P benefit order dated 26.04.2024 read with the calculation dated 30.04.2024 the



appellant is at liberty to assail the same, if he is not satisfied with the decision in a separate CWJC proceedings. For the reasons that it is a fresh cause of action for the appellant insofar as any dispute relating to grant of A.C.P. vide order dated 26.04.2024 read with 30.04.2024.

3. Accordingly, LPA stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.05.2024
Transmission Date	NA

