

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17796 of 2024

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Shashi Kant Rai Son of Late Ram Bahadur Rai, Resident of Village, Post Office and Police Station - Suhwa, District- Gajipur (Uttar Pradesh). At present C-192, Police Colony, Anisabad, Patna- 800002.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary-cum-Commissioner, General and Administrative Reforms Department, Government of Bihar, Old Secretariate, Patna.
2. The Secretary-cum-Commissioner, Home (Special) Department, Old Secretariate, Government of Bihar, Patna.
3. The District Magistrate, District- Rohtas.
4. The Circle Officer, Nawhatta, District- Rohtas.
5. The Accountant General (A and E-II), Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gopal Govind Mishra, Advocate
For the State	:	Mr. Vishwambhar Prasad, AC to AAG- 5
For the A.G.	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 25-11-2024

Heard learned counsel for the parties.

2. The petitioner, who claims to have been appointed as Assistant in the Home Department on 15.03.1975 and retired on 30.06.2008 on attaining the age of superannuation from the post of Circle Officer, Nawhatta, has filed this writ petition for payment of 1st Assured Career Progression (A.C.P.) for the period upto 15.03.1985 for having worked ten years as Assistant. The petitioner states to have been promoted as Circle Officer on 15.06.1991 after he passed Limited Departmental Examination



conducted by the Bihar Public Service Commission vide notification dated 12.04.1991. The second prayer of the petitioner is for payment of 2nd A.C.P. for the period upto 15.03.1995 for having worked another ten years from 15.03.1985 as Assistant in the Home Department as well as Circle Officer from 15.06.1991. The third prayer of the petitioner is for payment of M.A.C.P for the period upto 15.03.2005 for having worked as another ten years from 15.03.1995 as Circle Officer.

3. Though, the petitioner has made a claim for payment of 1st and 2nd A.C.P.s as well as M.A.C.P, as mentioned hereinabove, but the petitioner has neither pleaded nor annexed any scheme notified by the Government which would make the petitioner entitled to be paid A.C.P.s and M.A.C.P., as claimed by the petitioner.

4. That apart, petitioner has filed this writ petition for payment of A.C.P.s and M.A.C.P. after more than 16 years of petitioner's retirement from service on attaining the age of superannuation.

5. In view of the above, this writ petition is hereby dismissed on two grounds, namely, (i) for the inability of the petitioner to show any scheme notified by the Government indicating the entitlement of the petitioner for payment of the



A.C.P.s and M.A.C.P., as prayed for by the petitioner and (ii) on the ground of delay and laches in approaching this Court by the petitioner for payment of A.C.P.s and M.A.C.P., which ordinarily is paid to the employee while the employee is in service on fulfilment of certain conditions provided for payment of A.C.P.s / M.A.C.P.s, as the case may be.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2024
Transmission Date	NA

