

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2246 of 2025

Md. Sagir Son of Late Hazi Waris Imam, Resident of Mohalla Mehsaul Chowk, Dumra Road, Sitamarhi, Police Station Town Sitamarhi, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Minor Irrigation Department, Government of Bihar, Patna.
3. The Deputy Secretary, Minor Irrigation Department, Government of Bihar, Patna.
4. The Coordinator-cum-Engineer-in-Chief, Tube Well Project, Vishwesraiya Bhawan, Patna.
5. The Chief Engineer, Tube Well Project, Minor Irrigation Department, Muzaffarpur.
6. The Superintending Engineer, Tube Well Circle, Muzaffarpur.
7. The Executive Engineer, Tube Well Division, Sitamarhi.
8. The Executive Engineer, Minor Irrigation Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey, Adv.
For the Respondent/s	:	Mr. Vivek Prasad, GP-7
		Mr. Sanjay Kumar, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-02-2025 Heard the parties.

2. The petitioner has invoked the prerogative writ jurisdiction of this Court seeking a direction upon the respondents to consider the claim of the petitioner for extending the benefit for Assured Career Progression Scheme as also the consequential benefits accruing on account of the benefits aforementioned.

3. Learned Advocate for the petitioner referring to the



contention raised in the writ petition has urged that the petitioner was duly appointed as a Fuse-man on 17.04.1970 and later on, he was promoted to the post of Fitter by the order dated 17.12.1972. It is the contention of the petitioner that the promotion accorded to the petitioner, however, stood cancelled vide order dated 17.10.2009, which order was put to question by filing CWJC No. 10313 of 2007, but it came to be disposed off vide order dated 08.05.2012 directing the petitioner to file appeal before the authorities concerned. However, the petitioner did not get any relief in the appeal and the said appeal came to be rejected vide order dated 29.09.2011 and further an order for recovery of Rs. 1,76,642/- has been passed; in the meantime, the petitioner superannuated on 30.06.2011.

4. The petitioner being aggrieved by the order passed in appeal once again moved before this Court in CWJC No. 8102 of 2014, however, this Court did not interfere in the order of cancellation of promotion but set-aside the order to the extent, whereby, recovery has been sought for. It is the contention of the petitioner that the petitioner had been continuously discharging his duty on the post of Fuse-man since inception, till the date of his retirement. But the petitioner has not been accorded any benefit under the ACP Scheme. Several



representations have been filed on behalf of the petitioner, but to no heed, thus the petitioner has approached before this Court.

5. Learned Advocate for the State, at the outset, submits that since the petitioner has already superannuated long back in the year 2011 and for redressal of his grievance, he has already represented before the concerned authorities and it is the competent authority, who shall consider the claim of the petitioner and pass an appropriate order.

6. Considering the nature of the grievance, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent nos. 6 and 7 to consider the claim of the petitioner for grant of ACP and pass a reasoned and speaking order, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order.

7. Suffice it to observe that in case, the claim of the petitioner finds favour, necessary consequential benefits must be accrued to the petitioner within the period stipulated.

8. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

U			
---	--	--	--

