

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8712 of 2024

Dayashankar Ray S/o Late Khedu Ray Resident of C/o Udayshankar Prasad,
Basudev Bhawan, Bank Mens Colony, Chitragupta Nagar, Kankarbagh, P.S.
Patrakar Nagar, Patna - 800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Public Health Engineering Department, Visheweshraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief, Public Health Engineering Department, Visheweshraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Patna.
5. The Superintending Engineer, Public Health Engineering Department, P.H. Circle Motihari.
6. The Executive Engineer, Public Health Engineering Department, P.H. Division, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lal Babu Singh, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
		Ms. Sushmita Sharma, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:-

*(i) For a direction to the
respondents to grant the benefit of two ACP
(Assured Career Progression) in favour of
petitioner for the period between 23-05-
1996 and the date of retirement of the*



petitioner i.e. 31-03-2021 as per Assured Career Progression scheme 2003 as contained in Notification No. - 3M- 2-5-PR-28/99 4685 F(2) dated 25-06-2003 of the Finance Department.

(ii) Consequently for a direction to the respondents to fix the pension of the petitioner adding the benefits of ACP (Assured Career Progression).

(iii) For a further direction the respondents to make payment of arrears of salary and pension with interest after grant of benefits of ACP (Assured Career Progression).

(iv) For any other relief(s) or consequential relief(s) to which the petitioner may be found entitled to in the facts and circumstances of this case.

3. Learned counsel for the petitioner submits that the petitioner is aware that he retired in the year 2021 and he is also aware that, by virtue of Annexure-P/8, Memo No. 179 dated 06.05.2023, the service book was demanded by the Superintending Engineer from the Office of the Executive Engineer, however, nothing has been done with regard to the petitioner for grant of ACP and MACP.

4. Learned counsel for the State submits that the matter is delayed and, due to such delay, the petitioner is not



entitled to any relief.

5. It transpires to this Court that Memo No. 179 dated 06.05.2023 has created a cause of action for the petitioner to sue, and after receiving the letter, he pursued the matter in the office and thereafter immediately filed the present writ petition.

6. In view of the above, this Court is of the firm view that the matter is not inordinately delayed.

7. In the present facts and circumstances, the petitioner is directed to file a representation along with a copy of this order before the Superintending Engineer, Public Health Engineering Department, P.H. Circle, Motihari (Respondent No. 5), within 30 days from the date of passing of this order and Respondent No. 5 shall take a decision on the petitioner's representation in accordance with law within 90 days thereafter.

(Dr. Anshuman, J.)

Aman Kumar/-

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