

**(2010) 12 PAT CK 0059****Patna High Court****Case No:** C.W.J.C. No. 6173 of 2010

Ram Sharan Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

**Date of Decision:** Dec. 9, 2010**Citation:** (2011) 3 PLJR 72**Hon'ble Judges:** J.N. Singh, J**Bench:** Single Bench**Judgement**

@JUDGMENTTAG-ORDER

J.N. Singh, J.

The five Petitioners of the writ application have raised the grievance that they have not been granted the benefits of A.C.P. scheme or were granted from a subsequent date and in lower scale.

2. The contention of the Learned Counsel for the Petitioner is that the first and second A.C.P. have to be granted to an employee under the scheme on completion of 12 years and 24 years of service respectively. Though, it is stated that Petitioner Nos. 1, 2 and 4 were allowed the benefits of the A.C.P. by Annexure-1 read with Annexures-2 and 3, but from a subsequent date than on the date they became eligible for the same and also be lower scale of Rs. 4500-7000 and Rs. 5000-8000, whereas, they were entitled for the scale of Rs. 5000-8000 and Rs. 5500-9000.

3. Learned senior counsel for the Petitioner has referred to Annexure-7 and 8 to show that persons appointed much later than the Petitioners or appointed in the same year have been allowed the said scale immediately on completion of the requisite period as per the scheme, whereas, the Petitioners have been left out from consideration of grant of similar benefits. He submits that the case of the Petitioner Nos. 3 and 5 have not been considered at all till now and No. order has been passed in respect of grant of the benefits of the A.C.P. Scheme to them. He points out that in this respect the Petitioners have already filed representations copies whereof are

Annexure-6 series. It is submitted that the same have not yet been considered and the matter is still pending with the Respondents.

4. It does not require determination by this Court that if the A.C.P. scheme was in operation during the relevant period and covered all the Government services, all had to be considered for grant of benefits of the same uniformly. The Respondents cannot treat their employees differently in implementation and grant of benefits of the said scheme. If the similarly situated persons have been granted the benefit, there can be No. valid reasons for discriminating the Petitioners by revising or by keeping their cases pending for grant of the said benefits. From Annexure-7, it appears that the persons similarly situated, as claimed by the Petitioners, were granted the benefits in the year 2007 itself. Therefore, the Respondents are not justified in keeping the matters of the Petitioners pending for grant of the benefits since long, without any valid reasons.

5. The writ application was filed on 8.4.2010. However, till today No. counter affidavit has been filed.

6. In the circumstances, the writ application is disposed of with a direction to the Respondents to consider the representations of the Petitioners, copies whereof are annexed as Annexure-6 series, and pass specific orders in respect of grant of the benefits of the A.C.P. scheme to them from the due date. As per the provisions of the scheme, orders in respect of each of the Petitioner shall be issued positively within two months from the date of receipt/production of a copy of this order and the monetary benefits of the same shall also be ordered to be paid to them within one month thereafter.