

Dismissal of Writ Petition 1869/2015 in ACP PATNA – How it happened

As we all are aware ARTEE has filed IA No. 2918/2015 for Intervention in ACP litigation as an affected party, since the implementation was stopped due to the CWJC 1869/2015 filed by Government to challenge the Verdict.

Government plan was to delay the implementation as much as possible for years together if possible, so that maximum beneficiaries Retires from service. Sensing this, an opinion was obtained from Delhi and on 2nd March 2015, President spoke to Sh. V.K.Kanth, Sr. Advocate who is one of the prominent Advocate in Hon'ble High Court PATNA, on the phone, who advised to file an Interlocutory Application (IA) for Intervention as an affected Party. He gave contacts of some of his Advocate on Records and as per his advise, President Sh. Umesh Chandra along with VP(TV) Sh. Yogesh Kumar went to PATNA from 23/03/15 to 25/03/15 with all relevant documents. We discussed the issue with Patna Applicants and along with them on 23rd March met Sh. Abhinav Shrivastava, Advocate on Record. In this Meeting PATNA People inquired from the Advocate various doubts. After the discussions, we decided to file an IA which was filed on 7th April 2015. IA number was 2918/2015. At that time also Advocate opined that the Writ Petition filed by the Government is not **maintainable**.

It went through several procedures and **it is only due to the efforts of our Advocate that the entire process took minimum time and it came on hearing in such a short period**. It was listed to come on hearing on 12th May 2015 and since Sh. V.K.Kanth , Sr. Advocate was not present in the city, President advised our Advocate to take an early date but before vacations.

When the IA came up for hearing, Hon'ble Justice wanted to listen on 12th itself, since the next date available was of after vacations. Our Advocate also started Arguments. As informed Government Advocate wanted to skip the hearing and wanted for a long date to delay the litigation which was the motive of Government behind the Writ Petition. On brief arguments **Hon'ble Justice got fully convinced on the point that in Litigation only final Order may be challenged and intermittent Orders have, no importance, while in the Writ Petition an**

Intermittent order was challenged. The Advocate of Sh. B.K.Roy has also argued. Hon'ble Justice Dismissed the CWJC since it was not **maintainable**.

Our Advocate informed me at about 15:30 hrs and asked me to check the Website of Hon'ble High Court Patna at around 17:30. **I checked it at 18:00 and the Status was showing as Disposed and Dismissed.**

Some people, who always try to take credit of every good thing and put blame on ARTEE without considering what they have done for the cause are again active and arguing that Writ Petition is dismissed of its own.

??? Could these elements answer that ???

If ARTEE had not filed an IA 2918/2015 , was it possible that the Writ Petition came up for hearing so early ? It could have been delayed for another two years or more as per Government's plan. As per information, at present there were around 225+ cases to be heard before this. This was Government planning which was foiled by our decision of filing an IA.

So CWJC 1869/2015 stands dismissed on the hearing of IA 2918/2015 filed by ARTEE. Our efforts are to speed up the implementation with the fastest pace. At the same time, we want to convey that we shall not hesitate in taking any disciplinary action against any act by any Individual, which creates confusion and may adversely affect the cause.

Central Office