

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4891 of 2014**

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Brij Nandan Prasad S/o Late Tetar Prasad, Resident of Village- Kandhu Pipar, P.O-  
Kachhariya, P.S- Chandi, District- Nalanda.

.... .... Petitioner

Versus

1. The State Of Bihar.
2. The Commissioner cum Secretary, Water Resources Department Government of Bihar.
3. The Chief Engineer, Water Resources Department, Anisabad, Patna- 800002.
4. The Executive Engineer, Flood Control Department, Mokama Sivr, Bakhtiyarpur, District- Patna.
5. The Accountant General, Office of the Accountant General, Bihar, Patna.

.... .... Respondents

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**Appearance:**

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate.  
For the Respondent/s : Mr. Dhurjati Kr Prasad, GP-14.  
For A.G., Bihar : Mr. S. M. Ehtesham, SC

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**ORAL JUDGMENT**

**Date: 08-09-2016**

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of this Court for a direction to the respondents to pay the difference in the salary from 01.04.1997 to 08.08.1998 and from 01.02.2006 to 30.01.2007. The petitioner has also claimed benefit of second ACP scale.

3. The stand of the respondent nos. 2 to 4 in counter affidavit is that the petitioner has been granted the benefit of first ACP on 09.08.1999 on completion of 24 years of service and that the differences in pay from 01.02.2006 to 30.01.2007 and from

01.04.1997 to 08.08.1998 stands paid vide Annexure-A and Annexure-D respectively.

4. Learned counsel for the State submits that the communication dated 30.06.2015 appended by the petitioner in the supplementary affidavit pertains to MACP scheme 2010 which is applicable with effect from 01.01.2009 i.e. after the superannuation of the petitioner and therefore such scheme is not applicable to the petitioner. Since the benefits claimed stands paid, no further order is required to be called for in the present petition.

5. Accordingly, present petition is dismissed.

**(Hemant Gupta, J.)**

Mishra/-

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| AFR/NAFR          | N.A.F.R    |
| CAV DATE          | N.A.       |
| Uploading Date    | 17.09.2016 |
| Transmission Date | N.A.       |