

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5915 of 2017

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Raj Nararyan Bhagat son of late Muneshwar Bhagat resident of village -
Jaduha, Barajtola, Raja Sailesh Nagar, P.S. Hajipur Industrial Area, District -
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Patna.
2. The Director General of Police (Head Quarters), Bihar, Patna.
3. The Inspector General of Police (Head Quarters), Bihar, Patna.
4. The Deputy Inspector General of Police Tirhut Range, Muzaffarpur.
5. The Superintendent of Police, Hajipur, Vaishali.
6. The Inspector of Police, Motipur, Muzaffarpur.
7. The Treasury Officer, Vaishali at Hajipur.
8. The Accountant General (A & E), Mahalekhakar Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Advocate
For the Respondent/s	:	Mr. Md.Nadeem Seraj-GP5
		Mrs. Shalini, AC to GP-5
For the Accountant General:		Mr. Raghwanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-12-2018 Heard Mr. Dharmendra Kumar Paswan, learned

counsel for the petitioner, Mrs. Shalini, learned AC to GP-5 and

Mr. Raghwanand, learned counsel appearing for the Accountant

General.

The present writ application has been filed for the
direction to the respondent authorities to make payment of
differences of pay and pension after granting 3rd
A.C.P./M.A.C.P. to the petitioner with effect from the due date
from which the petitioner is entitled, along with statutory
interest.



It is submitted by learned counsel for the petitioner that the petitioner joined on the post of Assistant Sub-Inspector (Steno) on 10.10.1977. Thereafter, the petitioner was promoted to the post of Assistant Police Inspector in the year, 1989 and got the benefits of 1st and 2nd A.C.P. during his service period. Subsequently, in 2013 the petitioner was promoted to the post of Police Inspector. The petitioner superannuated from the post of Police Inspector from the office of Superintendent of Police, Hajipur, Vaishali on 28.02.2015 and the no dues, as well as no objection certificate were issued by the competent authority, whereupon the pension was fixed. Thereafter, on 12.07.2016 the petitioner submitted a detailed representation for grant of benefit of 3rd A.C.P./M.A.C.P., but no action was taken by the respondent authorities, whereupon the petitioner sought information under the Right to Information Act and thereafter on 15.12.2016 the petitioner was informed by Deputy Inspector General of Police, Tirhut Range, Muzaffapur that the recommendation for grant of 3rd A.C.P./M.A.C.P. has already been forwarded to the office of DGC(HQ), Bihar, Patna vide letter No. 2252 dated 16.11.2016, but till date the due amount has not been paid to the petitioner. Hence, the present writ application.



Counter affidavit has been filed on behalf of Respondent No. 5 stating therein that in pursuance to the query, the Sergeant Major has reported that the service book of the petitioner has already been sent to D.I.G. of Police, Muzaffarpur vide letter No. 2720 dated 18.08.2016 with recommendation for grant of 3rd A.C.P./M.A.C.P.

However, in the counter affidavit filed on behalf of Accountant General, Bihar, Patna it is stated that the office of Accountant General is only responsible for authorization of pensionary benefit on the basis of proper sanction and the authorization with regard to pensionary benefit has already been issued. However, the office of Accountant General has sent letter No. Pen-6-364 dated 27.06.2017 to the Superintendent of Police, Hajipur with regard to 3rd A.C.P./M.A.C.P. and for providing sanction.

Considering the rival submissions of the parties and the counter affidavit filed on behalf of respondents, it appears that the claim of petitioner for 3rd A.C.P. has not been disputed by respondent authorities, however, the monetary benefit of the same has not been paid to the petitioner since 2013 and in this regard a specific statement has been made in paragraph 3 of the writ application.



In view of the discussions made above, it is expected from the respondent authorities to make payment of arrears of pay and differences of pension to the petitioner by virtue of grand of 3rd A.C.P./M.A.C.P. along with statutory interest within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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