

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.182 of 2018

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1. Ashok Kumar Mishra, Son of Sri Rajni Kant Mishra, Resident of Village-Santnagar, Ward no.15, P.S.-Saharsa, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department, of Social Welfare, Vikash Bhawan, Patna.
2. The Principal Secretary, Department of Social Welfare, Vikash Bhawan, Patna
3. The Director, Scheduled Caste & Scheduled Tribe Directorate, Vikash Bhawan, Patna.
4. The Regional Deputy Director of Welfare (Scheduled Caste & Scheduled Tribe), Koshi Division, Saharsa.
5. The District Welfare Officer, Madhepura.
6. The Head Master, Government Scheduled Caste residential High School, Murliganj, Madhepura.
7. The Accountant General, Bihar, Vir Chand Patel Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha
For the Respondent/s : Mr. Smt. Kumari Amrita- Gp3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 20-04-2018 Heard learned counsel for the petitioner and counsel appearing on behalf of the State.

The petitioners has filed the writ application for a direction to the respondent to re-fix the pay-scale after granting the benefit of 2nd ACP and the revised pay-scale with grade pay and also extend the benefit of MACP.

Primarily, these are the matter of calculation within the domain of respondent in terms of the existing guidelines and rule for grant of ACP. The Court has occasioned to determine the legality and validity of the calculation as till date, there is no determination of the



petitioner's claim by the respondent. The claim of the petitioner is required to be verified by the respondent No.3-Director.

In view of the above, the Court is of the view that the present writ application is pre-mature as there is no final determination of the claim of the petitioner. Petitioner has superannuated. The respondent-Director, Scheduled Castes and the Scheduled Tribes is required to consider the claim and determine the entitlement of the petitioner for grant of pay-scale and grade pay in accordance with law and grant the petitioner the pay-scale and grade pay prescribed by the Finance Department on the basis of recommendation of pay revision committee.

In the event, respondent finds the claim of petitioner genuine, the respondent no.3 is required to provide the corresponding benefit to the petitioner within a maximum period of 3 months from the date of receipt of production of a copy of this order. In the event, respondent does not find any merit in the claim, the respondent-Director is required to give reason for rejecting the claim. The order granting benefit or rejecting the claim must be passed by the respondent within time frame of three months.

With the aforesaid, this writ application is disposed of.

Sanjeev/-

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(Anil Kumar Upadhyay, J)

