

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12366 of 2019

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Laxmi Mandal, son of Late Nasib Lal Mandal, resident of Village- Rajpur,
Police Station- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Deputy Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Irrigation Creation, Water Resources Department, Saharsa.
5. The Superintending Engineer, Canal Circle, Water Resources Department, Saharsa.
6. The Executive Engineer, Irrigation Division, Saharsa.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha 3, Advocate
For the State	:	Mr. Deepak Kumar Jamuar, AC to AAG-4
For the Accountant General :	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 25-06-2019

Heard Mr. Satish Chandra Jha, No.3, learned advocate for the petitioner, Mr. Deepak Kumar Jamuar, learned AC to AAG-4 and Mr. Vivekanand Kumar, learned advocate for the Accountant General.

The petitioner is aggrieved by the fact that even though first and second ACP have been given but the monetary equivalent has not been made available to



him. The petitioner is also dissatisfied because of non-payment of the third MACP to him to which he is entitled.

The petitioner joined the services of the Department of Water Resources as *Gangman* way back in the year 1972 and after rendering satisfactory service, retired on 30.04.2010. At the time of his superannuation, his services were under the control of the Executive Engineer, Irrigation Division, Saharsa. Admittedly the petitioner has been allowed the first and second ACP with effect from 09.08.1999 but despite the fixation of salary, the monetary benefit has not been given to him. Till date, the claim of the petitioner for third MACP has not been acceded to for the reason that the service book of the petitioner did not contain the verification of one day's service.

It has been submitted on behalf of the petitioner that such meretricious objection of the respondents could not be countenanced specially when



the petitioner has retired nine years ago. The updation of the service book is the responsibility of the employer/respondents and it was too late in the day for the respondent No. 5/Superintending Engineer, Canal Circle, Water Resources Department, Saharsa to have returned the file of the petitioner on such flimsy ground. There is no justification, it has been argued, for not giving the monetary equivalent of the first and second ACP which were accorded to the petitioner and grant of third MACP to which he is entitled.

What has aggrieved the petitioner even further is that his repeated representation before all the authorities including the Principal Secretary, Water Resources Department, Government of Bihar, Patna (respondent No. 2) has fallen on deaf ears.

This Court, therefore, under the aforesaid circumstances, deems it only appropriate to direct the petitioner to make a fresh representation before the Superintending Engineer, Canal Circle, Water Resources



Department, Saharsa (respondent No. 5), ventilating his grievances and making a request for grant of third MACP and all other monetary benefits to which the petitioner is entitled and which has been withheld without any reason, within a period of four weeks. The concerned respondent shall, after verification of the records, pass a reasoned order in accordance with law with necessary sequel order, if the claim of the petitioner is found to be tenable, within a further period of six weeks thereafter. It would be open for the petitioner to claim interest on the delayed payment of such monetary benefits to which the petitioner is entitled.

With the aforesaid observation/direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27/06/2019

