

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13588 of 2019

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Lal Narayan Jha Son of Late Upendra Narayan Jha, Resident of Village-
Dhamiyapatti, Police Station- Deodha, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Prohibition, Excise and Registration Department,
Government of Bihar, Patna.
3. The Inspector General of Registration, Prohibition, Excise and Registration
Department, Government of Bihar, Patna.
4. The Assistant Inspector General of Registration, Prohibition, Excise and
Registration Department, Government of Bihar, Patna.
5. The District Sub Registrar, Darbhanga, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-07-2019

Heard the learned counsel for the parties.

2. The petitioner has sought a direction to the respondents to grant him the benefit of 1st ACP with effect from 09.08.1999 and 2nd ACP with effect from 20.01.2005. It has also been prayed that the respondents be directed to grant the benefits of 3rd MACP to the petitioner with effect from 20.01.2011 as by that time the petitioner had already served for 30 years.

3. It has been submitted on behalf of the petitioner that he joined as an Extra Clerk in the department of Prohibition, Excise and Registration Department, Government of Bihar whose services



thereafter were made temporary and finally permanent in the year 1991. The petitioner retired on 30.09.2013. The benefits of the ACP and MACP schemes were made available to the employees of the cadre of the petitioner but for some reason or the other, the benefit could not come to the petitioner.

4. Several representations have been filed by the petitioner before the all the authorities viz. the District Sub Registrar, Darbhanga, the Assistant Inspector General, the Inspector General and Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna but till date nothing has happened.

5. Aggrieved by all this, the petitioner wanted to know from the Government under the RTI about the reason for the petitioner not being paid such benefits to which he is entitled. The petitioner has now been informed that the process of decision making in that regard is still afoot.

6. Mr. Satish Chandra Jha, learned counsel for the petitioner submits that such apathetic approach of the Government functionaries ought not to be treated lightly for it has caused extreme losses to the petitioner.

7. It has thus been submitted that apart from directing the concerned respondent to make available to the petitioner the benefits to which he is entitled, they be



directed to pay to the petitioner penal interest on such amount because of this delay.

8. This Court under the aforesaid facts and circumstances, deems it appropriate to direct the petitioner to make a representation before the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna (respondent no. 2) within a period of two weeks detailing the entitlement and the representations which he has filed before all the authorities and which have yielded no result. On receipt of such representation, the Principal Secretary of the department shall have the facts verified, enquire from the department and would also fix the responsibility on the concerned employee for not processing the file of the petitioner for being paid the benefits of ACP and MACP rules which were introduced in the department long back.

9. If the claim of the petitioner is found to be tenable, necessary orders for payment of aforesaid benefit shall be passed/caused to be passed and if any particular employee is held to be responsible, necessary departmental action be taken against the aforesaid person.

10. The Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna (respondent no. 2) shall also decide about the interest on such payment to the petitioner.



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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2019
Transmission Date	

