

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15770 of 2019

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Wakil Prasad Singh S/o Late Kapil Deo Singh R/o Habsapur, P.O.- Sarai Via
Paliganj, P.S.- Paliganj, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar
3. The Director Land Records and Survey, Govt. of Bihar, Patna
4. The Collector-cum-Settlement Officer Patna
5. The Additional Collector (Estb) Patna Collectorate, Patna
6. The Deputy Collector (Estb) Patna Collectorate, Patna
7. The Assistant Settlement Officer (HQ) near Beltron Bhawan, Bailey Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Roona, Advocate
For the Respondent/s : Mr. Subhash Chandra Yadav (GP 15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 20-08-2019

Heard the learned counsel for the parties.

2. The petitioner has been denied the benefits of third MACP with effect from 01.01.2009 on the ostensible ground of petitioner having been punished in a departmental proceeding.

3. It has been submitted on behalf of the petitioner that the disciplinary authority, by order dated 30.07.2008, contained in Memo No. 1006-2, punished the petitioner by withholding all future increments of pay.

4. The aforesaid order of punishment was set aside by the appellate authority *vide* order dated



28.01.2016 (Annexure-3 to the writ petition). Thereafter a consequential order dated 04.01.2019 was also passed declaring that the order of punishment has been set aside and approval is given for payment of the increments which were stopped by the order of the punishment.

5. In this background, it has been urged, withholding of the benefits of third MACP on the ground of petitioner having been subjected to a punishment, is absolutely unjustified. The aforesaid facts have been brought to the notice of the concerned authority viz. the Director, Land Records and Survey, Government of Bihar, Patna by a representation dated 06.08.2018 but no order has been passed on the aforesaid representation.

6. Under the aforesaid circumstances, this Court deems it appropriate to direct the petitioner to make a fresh representation before the Director, Land Records and Survey, Government of Bihar, Patna (respondent no. 3) within a period of two weeks, requesting him to consider his case for grant of third MACP with effect from 01.01.2009. The concerned respondent shall, on receipt of such representation, verify the facts, ascertain the entitlement of the petitioner and pass a reasoned order in accordance with law within a further period of six weeks thereafter.



7. Needless to state that if the claim of the petitioner is found to be tenable, necessary sequel order shall also be passed within the aforesaid period.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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