

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15582 of 2017

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Bijay Kumar Sinha S/o Late Mathura Prasad, Resident of Village-Bari Durga
Asthan, Shadik, P.O.-Munger, P.S.-Kotwali, District-Munger.

... .. Petitioner

Versus

1. The State Of Bihar through the Divisional Commissioner, Munger.
2. The Divisional Commissioner, Munger.
3. The District Magistrate-Cum-Collector, Munger.
4. The District Establishment Committee, Lakhisarai represented through its
Chairman-cum-District Magistrate, Lakhisarai
5. The Block Development Officer, Block-Suryagarha, District-Lakhisarai.
6. The Certificate Officer, District-Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Shri Prakash Srivastava
		Ms. Anu Priyadarshni
For the Respondent/s	:	Mr. Mukul Prasad, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-05-2019 Matter has been listed today in the Summer

Vacations as the learned Counsel for the petitioner was desirous

for consideration of his case during vacation.

The slip for listing was filed pursuant to notice dated
8th May, 2019, published prior to the Vacation.

The matter is, accordingly, taken up for consideration

as both parties are present and willing to assist the Court for

disposal of the matter.

It is submitted by Mr. Srivastava, appearing for the

petitioner, that claim on account of ACP & MACP has not been



considered as an amount of Rs. 5,43,730/- was alleged to be outstanding against the petitioner and because of his conviction in a criminal case. Referring to Annexures 6, 6/A and 6/B it is submitted that the amount of Rs. 5,43,730/- has been refunded to the petitioner under order dated 23.6.2017 issued by the District Magistrate Lakhisarai and the petitioner has finally been acquitted in the criminal case on 4.7.2016 in Cr. Appeal (DB) No. 436 of 2002. He submits that in view of these developments petitioner's claim on account of ACP & MACP now has to be considered in the changed circumstances. The competent authority for considering the claim of the petitioner, who was serving as a Clerk in the Collectorate, is the respondent No. 3.

In view of the admitted position that consideration has to be done in accordance with law, on the basis of these developments, this Court is of the opinion that keeping the writ petition pending would serve no useful purpose. The same is therefore disposed of with a direction to respondent No. 3 to consider petitioner's claim in light of aforesaid developments and to pass a reasoned and speaking order in accordance with law. If dues are found admissible the same should also be paid to the petitioner expeditiously and without undue delay. This Court expects that the entire exercise would be completed



within a period of eight weeks from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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