

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15750 of 2019

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Jagdish Hazra Son of Late Hussaini Hazra Resident of Village- Bijupur, P.O.-
Chainpur, P.S.- Turkaulia, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Military Police, Bihar, Patna.
4. The D.I.G. of Police, Military Police, Northern Zone, Muzaffarpur.
5. The Commandant, B.M.P.-13, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad

For the Respondent/s : Mr.Md.Nadim Seraj (Gp5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 13-08-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner has approached this Court for a
direction to the concerned respondent to shift back the date
of 1st and 2nd A.C.P. which has been granted to him from
08.05.2002 and 08.05.2012 respectively, which ought to
have been granted from 09.08.1999 and 09.12.2009.



It has been submitted on behalf of the petitioner that assuming for the sake of argument that the 1st A.C.P. was granted to him later than his entitlement because of a punishment having been awarded to him in a departmental proceeding, which under the Police Manual (rule 726(3) of the Police Manual) bars consideration for promotion for three years, the second A.C.P. ought to have been granted to the petitioner on the date of his entitlement and not beyond it. The further grievance of the petitioner is that he has not been paid 3rd M.A.C.P. to which he is entitled.

Considering the aforesaid submission, the petitioner is directed to make a representation before the DIG of Police, Military Police, Northern Zone, Muzaffarpur (Respondent No. 4) within a further period of four weeks, detailing his grievance and giving reasons for the necessity of shifting back date of second A.C.P. and for according the benefit of 3rd M.A.C.P., who, on receipt of such representation, shall pass a reasoned order in accordance with law, after verifying the facts the entitlement of the petitioner and the law in that regard, within a further period



of ten weeks from the date of receipt of such representation.

The petitioner thereafter shall be communicated the order as soon as it is passed.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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