

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1574 of 2019

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1. Ram Kishor Lal Shrivastava son of Late Chandrika Prasad Shrivastava R/o- Ward no- 1, Hospital Road Shiv Mandir, Birpur, P.S., Birpur, District- Supaul
 2. Gopal Lal son of Karn Kae Buddi Lal Karn Retired Senior Accounts Clerk, Office of Executive Engineer, Irrigation Division, Raghapur, Supaul. C/o Sri Nripendra Kumar Koshi colony, Quarter no-169 ward no-03, Birpur, P.s. Birpur, Dist- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through The chief Secretary, Finance Department , Govt. of Bihar, Patna
2. The finance Secretary, Finance Department Government of Bihar, Patna
3. The Secretary(Expenditure)Finance Department Govt. of Bihar, Patna
4. The Principal Secretary Water Resources Department, Government of Bihar, Patna
5. The Engineer in Chief- cum Additional Secretary-cum- Special Secretary, Water Resources Department. Govt. of Bihar, Patna
6. The Chief Engineer Mechanical, water Resources Department Patna
7. The Chief Engineer, Irrigation Srijan, Water Resources Department Saharsa
8. The Superintending Engineer Mechanical Circle, Water Resources Department Patna
9. The Superintending Engineer, Irrigation Circle, Saharsa Saharsa
10. The Executive Engineer, Mechanical Division Birpur, Supaul
11. The Executive Engineer, Irrigation Division Raghapur, Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra
For the Respondent/s : Mr. Anjani Kumar (AAG4)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-01-2019 Heard the learned counsel for the petitioners and the State.

The petitioners who were appointed as Accounts Clerk and Correspondence Clerk on 28.03.1966 and 22.01.1970 respectively claim that they have not been paid 1st and 2nd A.C.P. as well as MACP and therefore they are



getting lesser pension.

It has been submitted on behalf of the petitioners that similarly situated persons have been granted the benefit of two A.C.Ps. and MACP but the same has been withheld from the petitioners for no apparent reason.

Learned counsel for the petitioners has also drawn the attention of this Court to a judgement delivered by a Bench of this Court whereby it was clarified as to under what circumstances can payment of A.C.P. be withheld with respect to an employee.

Learned counsel for the State however has submitted that 15 years have gone by since the petitioners have retired and it is for the first time that they have come up for the aforesaid relief.

Though the petitioners have definitely delayed in approaching this Court for redressal of their grievances, nonetheless, in the facts and circumstances of this case, the petitioners are directed to make a representation delineating their claims in detail, before Respondent Nos. 10 and 11 respectively within a period of four weeks from today. On



receipt of such representation on behalf of the petitioners, Respondent Nos. 10 and 11, as the case may be, would dispose of such representation within a period of six weeks thereafter. If the claim of the petitioners are found to be tenable, necessary sequel orders shall be passed forthwith.

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

(Ashutosh Kumar, J)

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