

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1541 of 2020

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Md Zahur Son of Md Gaffur Resident of Madarsa Road, Samanpura, Bihar
Veterinary College, P.S.- Shastri Nagar, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Agriculture Department, Bihar, Patna.
2. The Joint Director, Plant Protection, Bihar, Patna.
3. The Assistant Director, Plant Protection, Bihar, Patna.
4. The Administrator, Bihar State Agriculture Marketing Board (Dissolved), Pant Bhawan, Patna.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Mukesh Kumar, Advocate
For the Respondent/s	:	Mr Gajendra Pd Yadav, SC XVII
		Ms Namrata Mishra, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 29-06-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned counsel for the respondents.

The admitted position, as emerges from the pleadings



on record today, is that leave encashment has been paid to the petitioner. The claim, so far as benefits on account of third Modified Assured Career Progression (for brevity, *MACP*) and Contributory Provident Fund (for brevity, *CPF*) are concerned, it is submitted that they are pending as the petitioner is yet to submit his application on the prescribed proforma. The claim for arrears of salary is also not processed till date as the learned counsel representing the respondents submits that the same is not admissible as per the records today. If the petitioner would be forthcoming with any basis for claim in respect of arrears of salary for the month of February 2011, the Authority would be under a legal obligation to consider the same.

In view of the said submission, the petitioner's counsel submits that he would be approaching the respondent-Authority by filling up the prescribed proforma for third MACP and CPF.

In the event, the same is done, this Court would observe that the Authorities would be under legal obligation to process the same in accordance with law without any undue delay and preferably within a period of four weeks from the date of submission of the application, along with a copy of this order.

Petitioner's counsel further submits that liberty may



be granted to the petitioner to assert his claim in respect of arrears of salary for the month of February, 2011. If the same is done, it is for the Authorities to consider grant of arrears of salary for the month of February, 2011.

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

(Madhuresh Prasad, J)

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