

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18730 of 2017

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Surjan Sao Son of Late Laxmi Sao, resident of Village- Mansinghpur, P.O.-
Nandlalabagh, P.S.- Gaurichak, District- Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Patna,
3. The District Education Officer, Patna,
4. The District Accounts Officer, Patna.
5. The Headmaster, Anugrah Narayan Sarvoday (+2) High School, Usfa, Patna.
6. The Accountant General, Bihar, Patna.
7. The District Programme Officer (Establishment), Patna

... .. Respondents

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Appearance :

For the Petitioner : Mr.Prashant Sinha, Advocate
For the Respondents : Mr.M.P.Yadav - GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-02-2020 Learned counsel for the petitioner is permitted to

implead District Programme Officer (Establishment), Patna in

the array of parties during course of the day.

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Two fold grievance has been made in the present writ
application - firstly, in terms of MACP Scheme, on completion
of 30 years of service, the petitioner is entitled to grant of 3rd
MACP . The petitioner joined service as Peon in the year 1972.
He retired on 30.04.2013. As such, he rendered his service for
more than three decades and in terms of the ACP Rules, he is



entitled to 3rd MACP.

In I.A. No. 01 of 2019, the petitioner has placed on record his grievance as to non-payment of Rs. 2,70,000/- on account of grant of 1st and 2nd ACP granted with effect from 09.08.1999. He also raised the grievance as to non-payment of his annual increment with effect from 2009.

This writ application is pending since 2017.

Considering the fact that the petitioner has superannuated on 30.04.2013, the present writ application is disposed of with a direction to the respondents including the District Programme Officer (Establishment), Patna to look into the grievance of the petitioner and if it is found that the petitioner has worked for more than three decades, he is entitled to the benefits of 3rd MACP under the MACP Rules. He shall take appropriate decision and grant all consequential monetary benefits as per entitlement of the petitioner.

So far as payment of monetary benefits on account of grant of first and second ACP is concerned, this fact cannot be decided in writ jurisdiction and the District Programme Officer (Establishment) shall verify the record and if it is found that he is entitled to the monetary benefits on account of grant of first and second ACP, he shall take appropriate decision so that the



financial benefits thereof may be granted to the petitioner. In addition thereto, if the petitioner has superannuated on 30.04.2013 in terms of the Service Rules, whatever is admissible to the petitioner the benefits thereof shall be paid to the petitioner. The District Programme Officer shall take appropriate decision in this regard at the earliest. The entire exercise must be completed by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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