

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.9765 of 2018**

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Deepak Kumar Son of Sri Gordan Das, Resident of Village- Bhada Khurd,
P.O.- Sirisiya, District- Siwan, Bihar, at present resident of Gali No. 3,
Rajendra Nagar, Gopalganj.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Labour Commissioner, Labour Resources Department, Government of Bihar, Patna.
3. The Deputy Labour Commissioner, Labour Resources Department, Muzaffarpur Bihar.
4. The Labour Superintendent, Gopalganj, Bihar.
5. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-10

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 12-10-2020 Heard learned counsel for the parties.

This writ application has been preferred seeking a direction to the respondent authorities to pay the amount of GPF, gratuity, leave encashment, pension and other post retiral dues to the petitioner.

The petitioner is said to have retired from service on 31.01.2018 from the post of Labour Enforcement Officer, Thave, Gopalganj.

Learned counsel for the petitioner admits that during pendency of the writ application his most of the payments were made but the writ application remained pending only because the matter relating to grant of the benefits under the scheme of ACP and MACP



were pending for consideration.

It is submitted that now vide Memo No. 2403 dated 04.09.2020 the respondents have taken a decision and the same has been communicated to the petitioner by which the petitioner has been granted the benefits of first ACP with effect from 09.08.1999 in the pay scale of 6500-10500/- second MACP with effect from 29.07.2009 to pay band 2 grade pay 5400/- and the third MACP with effect from 29.07.2015 in pay band 3 grade pay 5400/-.

Learned counsel for the petitioner submits that the fixation of the benefit has not be correctly done and the petitioner is entitled to get a different grade pay i.e. of Rs.6600/- and 7600/- respectively in place of the grade pay of Rs.5400/-.

Learned counsel submits that the petitioner being dissatisfied with the fixation of the ACP amount has already represented before the competent authority on 21.09.2020 and at this stage he will be satisfied if a direction is issued to the respondent authorities to consider the representation of the petitioner and take an appropriate reasoned decision thereon within a reasonable period.

Learned AC to AAG-10 submits that the grievance of the petitioner with respect to the fixation of ACP amount may be examined by the competent authority, if the petitioner has already represented but for the same the writ application is not required to be kept pending and it may be disposed of with a suitable direction.

In the aforesaid facts and circumstances of the case since



the substantial issues have already been determined and the petitioner has got the admitted benefits, in the opinion of this Court, the writ application is fit to be disposed of by taking note of the submissions of learned counsel for the petitioner that the petitioner is still aggrieved by the amount fixed on account of ACP, second MACP and third MACP. Since the petitioner has already represented in this regard to the competent authority vide his representation dated 21.09.2020, the competent authority is directed to consider the representation of the petitioner and take an appropriate decision thereon within a period of 90 days from the date of receipt or communication of a copy of this order.

The reasoned decision must be communicated to the petitioner immediately after such decision is taken. In case on consideration of the representation any consequential benefits are found payable to the petitioner the same should also be paid within next 30 days.

The writ application stands disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

