

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9639 of 2020

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Arun Kumar Son of Late Ram Darshan Prasad Resident of House No. NA 3/1, New Alkapuri, P.O.- Anisabad, P.S.- Gardanibagh, Patna- 800002, superannuated as Labour Superintendent-cum-Deputy Registrar, Trade Union, New Secretariat, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary/Principal Secretary, Labour Resources Department, Government of Bihar, Niyogan Bhavan, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Commissioner, Labour Resources Department, Government of Bihar, Patna.
5. The Joint Commissioner, Labour Resources Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Sinha, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 20-12-2021

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(a) To issue a writ of certiorari for quashing office order no. 05 read with memo no. 5/R.L.-40-40/2011 Sra.San. 939 Patna dated 16.02.2018, whereby and'whereunder the 3 MACP granted to the petitioner vide order no.8 read with memo no. 7756 dated 11.12.2017 has been stalled/stopped in complete violation of the principles of natural justice.

(b) To issue a writ of certiorari for quashing the part of the (b) resolution of the proceedings of the Screening Committee



held on 26.06.2018, by which under item B. 3 MACP (revised grade pay Ks. 7600/-) has not been approved in regard to petitioner on the ground that his confidential remarks of only 35 months out of 36 months were according to the standard/criteria laid down by the General Administration Department, Government of Bihar vide letter no. 929 dated 30.03.2011.

(c) To issue a writ of mandamus commanding the Respondents to grant financial hikes in salary to the petitioner by granting him 3 MACP (revised grade pay Rs. 7600/-) after implementing their own order bearing office order no. 08 read with memo no. 7756 dated 11.12.2017 (Annexure -5), which was issued after considering the entire aspects and rules by the Government of Bihar in the Labour Resources Department as also after consideration by the Screening Committee in its meeting dated 28.07.2017.

(d) To issue a writ of Mandamus commanding the Respondents to fix the pay of the petitioner after granting them revised 3 Modified Assured Career Progression and to pay the arrears of salary and other benefits admissible to them.

(e) To issue a writ of Mandamus commanding the Respondents to fix pension of the petitioner as per the salary hike after granting 3rd M.A.C.P, and further to pay all other pensionary benefits accrued to them by dint of salary hike along with calculation chart of the entire due amount and interest thereon at the rate of 18% per annum from the date it becomes due till the date of payment.

(f) To any other relief or reliefs for which the petitioner may be found to be entitled.”



On 22.11.2021, the following order was passed:-

“State counsel is hereby directed to furnish relevant records that all the Annual Confidential Reports have been communicated to the petitioner which has been taken into consideration for the purpose of revising the grant of 3rd MACP so as to ascertain whether State-respondents have communicated all the Annual Confidential Report of the petitioner or not.

State-respondents have filed counter affidavit in which they have specifically contended that petitioner has not been provided Annual Confidential Report while considering the petitioner's grievance relating to grant of 3rd MACP. Thus, it is evident that uncommunicated Annual Confidential Report has been taken into consideration in denying grant of 3rd MACP.

Having regard to these facts and circumstances, uncommunicated Annual Confidential Report cannot be taken into consideration in rejecting 3rd MACP and that too behind the back of the petitioner. Thus, petitioner has made out a case. Hence, the impugned order dated 16.02.2018 (Annexure-6) is set aside. The matter is remanded to the concerned respondent to examine the grant of 3rd MACP to the petitioner and proceed in accordance with law.



The above exercise shall be completed within a period of three months from the date of receipt of this order.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

