

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5006 of 2021

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Sushma Rani Wife of Sri Clarence Cherobin Resident of 1/29, New Patliputra
Colony, Police Station- Patliputra, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health,
Government of Bihar, Patna
 2. The Principal Secretary Department of Health, Government of Bihar, Patna
 3. The Chief Medical Officer, Bihar State Blood Bank, PMCH, Patna
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna
For the Respondent/s : Mr. Birju Prasad, GP 13

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

Date : 02-02-2022

The matter is heard *via* video conferencing due to circumstances
prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for respondents.

3. Counsel for the petitioner is hereby directed to furnish copy of
the writ petition to the counsel for the State/respondents.

4. In the instant petition, petitioner has prayed for the following
relief/reliefs:

“That the petitioner in the instant writ
application prays for a direction to the Respondent
authority to grant the monetary benefits of 3rd M.A.C.P
along with arrear of salary as well as the revised arrear
of pension, gratuity etc. as the benefits of 3rd MACP
has been granted to the Petitioner w.e.f. 2014 and the
Petitioner further prays for a direction to the
Respondent authority to pay the retiral benefits of GIC
amount to her from the year 1984 to 1996 along with
statutory interest.”



5. Short question for consideration in the present petition is whether petitioner is entitled to 3rd M.A.C.P. and consequential benefits or not? In this regard, petitioner submitted representations on 02.05.2019 and 10.08.2018 *vide* Annexures 2 and 3 respectively. There is inaction on the part of concerned respondent in either accepting or rejecting petitioner’s claim, therefore, the concerned respondent is hereby directed to take note of petitioner’s service particulars, representations and criteria laid down in M.A.C.P. Scheme/Rules. If the petitioner is entitled, in that event, the same shall be extended and further consequential monetary benefits be also calculated and disbursed within a period of three months from the date of receipt of this order along with interest @ 8 % *per annum* in the light of Apex Court decision in the case of *Vijay L. Mehrotra Vs. State of Uttar Pradesh and others* reported in *2001 9 SCC 687*. If the petitioner is otherwise not eligible, in that event, detailed speaking order shall be passed and communicated to the petitioner as to why petitioner is not entitled to 3rd M.A.C.P.

With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

