

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4559 of 2021

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Sheo Kumar Prasad @ Shiv Kumar Prasad Son of Late Sudama Mahto
Residen tof Village Ganjpar, P.S. Rahui District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Chief Secretary, Home Department Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Deputy Collector, Establishment Nalanda District Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Respondent/s : Mr. Suman Jha, AC to AAG-3

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

Date : 01-02-2022

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

2. State counsel accept notice for respondents.

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

“i. For issuance of an appropriate writ in the nature of MANDAMUS Commanding and directing the respondent authorities to to grant benefit of 2nd and 3rd A.C.P. and after granting of benefit of 2nd and 3rd A.C.P. be revise the pension of petitioner and according be grant entire consequential pensioner benefit such arrears of pension, differences of gratuity and leave in casement etc.

ii. Further for issuance of any other writ/writs, order/orders direction/directions for which petitioner shall be found entitled under the facts and circumstances of Case by dispensing equitable Justice.”



4. Short question for consideration in the present petition is whether petitioner is entitled to 2nd and 3rd ACP and thereafter consequential benefits including re-fixation of pay and pension and differences of gratuity and leave encashment or not? In this regard, petitioner has submitted representation on 06.10.2020 (Annexure- 1 series).

5. Therefore, the concerned respondent is hereby directed to peruse the service particulars of the petitioner read with the ACP Rules. If petitioner is eligible necessary order shall be passed extending benefits of 2nd and 3rd ACP along with monetary benefits and interest @ 8% per annum in the light of Apex Court's decision in the case of *Vijay L. Mehrotra Vs. State of U.P. & Ors.* reported in *(2001) 9 Supreme Court Cases 687* (Para 2 to 4). If petitioner is otherwise not eligible, in that event, speaking order shall be passed and communicated to the petitioner. The aforesaid exercise shall be completed within a period of three months from the date of receipt of this order.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

