

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6724 of 2021

=====

Ajay Kumar Mishra Son of Late Rajnandan Mishra Resident of Village - Sahangi, P.O. Sahangi, P.S. Angion (Garhani), Distt. - Bhojpur, Ara at present resident of N - 10/79 P-3, New Colony, Kakarmatta, Varanasi, DLW, Uttar PRadesh, Presently working as Senior Clerk at Ara Sadar Block, Ara, Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhojpur, Ara.
3. The Director, Nep, District Village Development Abhikaran, Bhojpur, Ara.
4. The Additional District Magistrate, Establishment, Bhojpur, Ara.
5. The Deputy Collector (Establishment), Bhojpur, Ara.
6. The Sub Divisional Officer, Piro, Bhojpur.
7. The Block Development Officer, Tarari, Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandit
For the Respondent/s : Mr.Md.N.H.Khan (Sc1)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 08-02-2022

This matters heard via video conferencing due to circumstances prevailing on account of COVID-19 Pandemic.

2. State counsel accepts notice for respondents.

3. The petitioner's counsel is permitted to furnish copy of the petition to the learned counsel for the State

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

(i) For issuance of direction commanding the respondents to grant 1st and 2nd



ACP/MACP to the petitioner in the grade pay of Rs. 4200/- and 4600/- respectively w.e.f. its due date as per the length of service of petitioner started from 05/10/1991 as Clerk under Bhojpur district (Collectorate Cadre).

(ii) For direction to the respondents to grant regular promotion to the petitioner to the post of Head Clerk w.e.f. due date considering the fact that juniors to the petitioner have granted regular promotion on the post of Head Clerk by order No. 58/13-14 contained in memo no. 852 dated 30/07/2013 issued under signature of Deputy Collector(Establishment), Bhojpur, Ara.

(iii) For direction to the respondents to grant consequential benefits of ACP/MACP and regular promotion to the petitioner with interest on arrears payable to the petitioner.

(iv) For any other relief/reliefs for which the petitioner is entitled under the law.

5. Short question for consideration is whether the petitioner is entitled to first and second ACP and MACP and further he is entitled to promotion to the post of Head Clerk from the date of his juniors promotion or not?

6. In this regard, the petitioner submitted representation on 1.4.2016. The concerned respondent is hereby directed to examine the service particulars of the petitioner read with ACP and MACP rules/scheme and so also seniority list of



feeder cadre to the post of Head Clerk and the relevant rules of recruitment as to whether the petitioner is eligible for the aforesaid relief or not. If the petitioner is entitled to benefit, in that event, necessary speaking order shall be passed and monetary benefits shall be extended to the petitioner while fixing his pay and in granting arrears of salary (difference).

7. If the petitioner is not entitled, in that event, necessary speaking order shall be passed as to why the petitioner is not entitled. Such speaking order shall be passed and communicate to the petitioner.

8. Above exercise shall be completed within a period of four months from the date of this order.

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

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2022
Transmission Date	NA

