

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2665 of 2022

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Lakshman Paswan S/o Late Munilal Paswan, R/o Village - Shankarpur, Ward No. -15, P.S. Pear Hatha (O.P.). District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Bihar Patna.
3. The Director, Animal Husbandry, Bihar, Patna.
4. The Regional Director, Animal Husbandry, North Bihar Range, Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The District Animal Husbandry Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC 25

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 02-03-2022

Heard learned counsel for the parties.

2. State counsel accepts notice for respondent Nos. 1 to 6.

3. Learned counsel for the petitioner is hereby directed to serve copy of the writ petition to the learned counsel for the State/respondents, if it is not already served.

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

“(i) That the petitioner is filing the present writ petition before this Hon’ble High Court for issuance of writ of Mandamus, directing/commanding



the respondent authorities to grant the petitioner the benefit of 1st and 2nd Assured Career Progression Scheme (hereinafter referred as ACP) w.e.f. respective due dates within consequential benefits thereof.

(ii) That the petitioner is further praying before this Hon'ble Court for issuance of further writ of Mandamus directing/commanding the respondent authorities to make the payment with the penal interest @ 18% per annum from the date of due till the date of actual payment.

(iii) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

5. Undisputedly, the petitioner has attained age of superannuation and retired from service on 30th April, 2012.

6. Short question for consideration is whether petitioner is entitled to 1st and 2nd A.C.P. benefits followed by re-fixation of pay, pension and dues of salary and pension or not? The petitioner has submitted representation on 23.01.2020 and it is pending consideration before the concerned respondent namely 6th respondent. The 6th respondent – District Animal Husbandry Officer, Muzaffarpur is hereby directed to examine petitioner's representation read with service particulars of the petitioner as to whether petitioner is entitled to 1st and 2nd A.C.P. with reference to the criteria laid down in the A.C.P. Scheme/Rules or not? If the petitioner is entitled, in that event, necessary order shall be passed and re-fixation of pay, pension and difference of salary and arrears of pension shall be calculated and disbursed along with interest @ 6 % *per annum*. It is made clear that petitioner is entitled to



interest prior to three years of filing of the present petition till payment is made. If the petitioner is not entitled in that event, necessary speaking order shall be passed as to why the petitioner is not entitled to 1st and 2nd A.C.P. benefits with reference to service particulars read with the A.C.P. Rules.

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

8. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2022
Transmission Date	

