

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5814 of 2021

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Upendra Prasad, Son of Late Shiv Prasad, Resident of Village- Bhuapur,
Police Station- Bakhtiyarpur, District-Patna, At present residing at Finance
Colony Faze-2 Patna-4, Phulwari, Patna, Police Station- Rajiv Nagar, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Bihar, Patna.
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Commissioner-cum-Secretary, Department of Revenue, Bihar, Patna.
4. The Commissioner Magadh Parmandal, Gaya.
5. The Accountant General (A & G), Bihar, Patna.
6. The District Magistrate, Nalanda, District- Nalanda.
7. The District Establishment Deputy Collector, Nawada, Distt. Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 04-02-2022

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

2. State counsel accepts notice for respondents.

3. Learned counsel for the petitioner is hereby directed
to furnish copy of the writ petition to the learned counsel for the
respondents.

4. Heard learned counsel for the parties

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



“That this writ petition is being filed on behalf of the petitioner for issuance of an appropriate order / orders / direction/ direction / writ in the nature of Mandamus for directing and commanding to the Respondents to grant Assured Career Pension (A.C.P.) to the petitioner and thereafter to revise payscale and pension to the petitioner and further directing to the Respondents to pay the amount under A.C.P. with statutory interest to the petitioner for the ends of Justice.

II) And further be pleased to grant other relief/reliefs as the petitioner is entitled for;”

5. Short question for consideration in the present petition is whether the petitioner is entitled to Assured Career Progression (A.C.P.) benefit followed by re-fixation of pay and pension or not?

6. In this regard, petitioner is stated to have submitted representations on 31.05.2013 and 21.02.2018 (Annexures- 4 and 5 respectively).

7. Therefore, the concerned respondent is hereby directed to take note of service particulars, relevant criteria for extending ACP read with petitioner’s representations and decide as to whether the petitioner is entitled to ACP benefit followed by re-fixation of pay and pension and arrears of amount. If the petitioner is otherwise entitled, the same shall be extended to the petitioner within a period of two months.

8. If the petitioner is not otherwise eligible for A.C.P. benefit in that event, necessary order shall be passed and reasons



must be assigned as to why the petitioner is not entitled to A.C.P. benefit and the decision must be communicated to the petitioner.

9. If the petitioner is entitled to A.C.P. benefit, in that event he is entitled to interest at the rate of 6% per annum on the arrears amount. The same shall be calculated and disbursed.

10. The above exercise shall be completed by the concerned respondent within a period of three months from the date of receipt of a copy of this order.

11. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2022
Transmission Date	NA

