

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6225 of 2021

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Jagdish Prasad Son of Late Ram Ayodhya Prasad Resident of Sathoura, P.O. Jhanjhra Via Ghodasahan, Police Station- , District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Executive Engineer, Water Resources Department, Ghodasahan, Nahar Pramandal Raxaul, District- East Champaran.
4. The Chief Engineer, Water Resources Department, Walmikinagar, East Champaran.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi

For the Respondent/s : Mr. Lalit Kishore (Ag)

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

Date : 07-02-2022

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

“That the present writ application is being filed for the grant of benefit of 3rd A.C.P. accrued to the petitioner, who retired as “PARIFRAMAK” on 31.01.2011 from Ghodasahan Nahar Pramandal, Water Resources Department, Raxaul, East Champaran, the benefit of 3rd A.C.P. being granted from 01.09.2009, with immediate effect, with interest, penal cost and cost of litigation. Moreover, the realization of Excess



payment of Rs. 19,471/- issued on 15.02.2019 by Respondent No. 5, may be quashed.”

4. Petitioner is stated to have been retired on 31.01.2011.

In support of the aforesaid relief, petitioner sent legal notice to Executive Engineer, Water Resources Department, Ghodasahan *vide* Annexure 5 dated 09.12.2020.

5. Short question for consideration in the present petition is whether petitioner is entitled to 3rd A.C.P. benefits or not? In this regard petitioner has already preferred complaints/legal notice before the competent authority, therefore, the competent authority is hereby directed to decide petitioner's complaints/legal notice, service particulars read with Scheme/Rules of A.C.P. If the petitioner is otherwise eligible, monetary benefits shall be extended. If the amount is not released within three months, in that event, petitioner is entitled to interest @ of 8 % *per annum* in the light of Apex Court decision in the case of ***Vijay L. Mehrotra Vs. State of Uttara Pradesh and others*** reported in ***2001 9 SCC 687*** so also litigation cost and it is quantified @ of Rs. 10,000/-. If the petitioner is not eligible, in that event, necessary speaking order shall be passed and communicated to the petitioner.

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



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

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

