

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6982 of 2021

Prakash Chaudhary Son of Daroga Chaudhary, Resident of Village-Bari Aant,
P.O.-Aant, P.S.-Ben, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
2. The Chief Engineer Building Construction Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Building Construction Department, Govt. of Bihar, Patna.
4. The Executive Engineer, Garden Division, Building Construction Deptt., Govt. of Bihar, Patna.
5. The Executive Engineer, Central Building Division, B.C.D., Patna. b
6. The District Account Officer, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh
For the Respondent/s : Mr.Uday Shankar Saran Singh (Gp19)

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

Date : 09-02-2022

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



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

“That this is an application for issuance of writ in the nature of mandamus or any other writ or writs or direction or directions to the respondents to grant entire ACP benefits to the petitioner considering initial into the service and accordingly to pay the entire monetary benefits including benefit in pension in accordance with law along with reasonable compound interest thereof.”

5. In support of the aforesaid relief, petitioner submitted representations dated 19.08.2019, 01.10.2020, 17.12.2020 *vide* Annexures 4 and 5, 5/1 respectively. He has also submitted that matter is squarely covered by decision passed in C.W.J.C. No. 20828/2010 decided on 13.07.2018.

6. In the light of above facts and circumstances and the fact that the petitioner's grievance is pending consideration before the concerned authority/respondent. The competent authority is hereby directed to decide the petitioner's representation read with judicial pronouncements as to whether petitioner is entitled to A.C.P./M.A.C.P. benefits or not? If petitioner is otherwise eligible with reference to service particulars read with the A.C.P./M.A.C.P. Rules, necessary order shall be passed in extending monetary benefits. If petitioner is not entitled, in that event, necessary speaking order shall be passed as to why the petitioner is not



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

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

