

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6886 of 2021

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Vidyanand Choudhary Son of Late maharudra Choudhary Resident of village-
Ranipur, P.O.- Bashudeopur Vira, P.s.- Sadar, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Inspector General -cum- Director General of Police, Old Secretariat,
Government of Bihar, Patna
3. Inspector General of Police, Magadh Region, Gaya
4. The Deputy Inspector General of Police, Magadh Region, Gaya
5. The Superintendent of Police, Nawada

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 09-02-2022

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

2. State counsel accepts notice for respondents.

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

(i) For issuance of appropriate
writ(s)/rule(s)/direction(s) in the nature of
mandamus, commanding the concerned
respondents for granting the third
A.C.P./M.A.C.P. with all consequential
monetary benefits to the petitioner w.e.f.
01.01.2009, as the petitioner fulfills all the
required criteria.



(ii) For fixation of his salary w.e.f. 01.01.2009, on the basis of third A.C.P./M.A.C.P. and for payment of all consequential monetary benefits i.e. difference of all post retirement benefits and revision of his monthly pension w.e.f. 01st of July, 2009, as the petitioner, after serving 33 years 1 month and 6 days of his regular service, superannuated on 30.6.2019.

(iii) And for grant of other relief/reliefs to which the petitioner may found entitled to, on the facts and circumstances of this case.

4. In support of the aforesaid relief, the petitioner submitted representations on 14.5.2016, 4.7.2019, 18.5.2020, 27.5.2020, 2.6.2020 and 8.7.2020 vide Annexure- P/3, P/4, P/5 and P/6 respectively. In fact, the third respondent is stated to have recommended for extending the benefit as claimed by the petitioner to the second respondent. Therefore, both the second and third respondent are hereby directed to redress the grievance of the petitioner as claimed by him after examining the petitioner's service particulars read with relevant provision of ACP/MACP. If the petitioner is otherwise eligible, necessary order shall be passed in extending ACP and MACP and consequential benefits. If the petitioner is not entitled, in that event, necessary speaking order shall be passed as to why the



petitioner is not entitled. If the petitioner is entitled to arrears on monetary benefits, in that event, he is entitled to interest @ 8% per annum in the light of the Apex Court decision in the case of *Vijay L.Mehrota Vs. State of Uttara Pradesh and others* reported in *2001 9 SCC 687*. Interest amount is restricted to 3 years prior to filing of this petition till payment is made.

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

6. With the aforesaid, the writ application stands disposed of.

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.03.2022
Transmission Date	NA

