

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8385 of 2021

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Mritunjay Mitra, son of Late Kamal Krishna Mitra, resident of - Khabra Road Muzaffarpur, P.S. - Kaji Mohammadpur, District- Muzaffarpur, retired as Store Keeper cum - Accounts Clerk, Sri Krishna Medical College, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director in Chief, Health Services, Govt. of Bihar, Patna.
4. The Principal, Sri Krishna Medical College, Muzaffarpur.
5. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Mr. Ajay Bihari Sinha, GA-8
		Ms. Kalpana, AC to GA-8
For Accountant General	:	Mr. Bindyachal Rai, Advocate

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

Date : 07-03-2022

Heard learned counsel for the parties.

2. Learned counsel for the State accepts notice for the respondents.

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

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

“(I) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing



the respondents authorities to grant the benefit of 1st ACP and IInd ACP (Assured Career Promotion) in view of letter of the Finance Department i.e. in the pay scale of Rs.4500-7000/- and Rs.5000-8000/- respectively and on account of revision in the pay scale of Rs.9400-34,800/- Grade Pay 4600/- and upon grant of 1st and IInd ACP as well as benefit of revision grant all consequential benefit thereupon.

(II) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents authorities to make payment the interest on account of delay.

(III) For issuance of any other writ/writs, direction/directions, order/orders for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

5. Question for consideration is whether the petitioner is entitled to benefit of 1st ACP and IInd ACP in the pay scale of Rs.4500-7000/- and Rs.5000-8000/- and further is he entitled to revision of pay scale at Rs.9400-34,800/- in the Grade Pay of Rs. 4600/- or not.

6. In this regard, the 4th respondent is considering the petitioner's grievance, as is evident from Memo No. 1153 dated 27.07.2021 by which the petitioner was asked to furnish certain material information. The petitioner is stated to have submitted material information, as sought by the 4th respondent.



7. Accordingly, the 4th respondent is hereby directed to pass speaking order as to whether the petitioner is entitled to aforesaid relief or not. If he is not entitled, necessary speaking order shall be passed and communicate to the petitioner as to why the petitioner is not entitled to the aforesaid relief;

8. The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order. If petitioner is otherwise eligible, necessary calculation be made and arrears of amount be disbursed.

9. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.03.2022
Transmission Date	N/A

