

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7399 of 2021

=====

Girija Prasad Sinha, S/o Late Raghuvir Singh, R/o Village-Pragati Nagar IOC
Road Sipara, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate cum Collector, Nawada.
2. The Circle Officer, Couwakol, P.S. Couwakol, District Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 10-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accept notice for respondents.

3. Petitioner's counsel to serve copy of the petition to
the State counsel, if it is not already served.

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

“1. That this is an application
for issuance of a writ of mandamus
directing the respondent authorities to grant
the benefit of 3rd ACP and its financial
benefits to the petitioner interalia the
following reliefs:-

i. Respondent authorities be
directed to grant and pay the benefit or 3rd
ACP to the petitioner which accrued on
01.01.2009 as per ACP circular issued by
the government vide Memo No. 3A-2-
WAY-PU-18/2009-7566 dated 14.07.2010.

ii. Respondent authorities be



directed to grant and pay full pension to the petitioner in the light of Memo No. v(27)-PU-KO-(MU)-04/2015 dated 15.01.2016 issued by Secretary Department of Finance, Bihar.

iii. Respondent authorities be directed to revise the pay scale of the petitioner after granting the aforesaid reliefs and also to pay consequential financial benefits with statutory interest.”

5. In support of aforesaid relief, petitioner has submitted representation on 07.02.2020. It is learnt that Deputy Secretary, Revenue has recommended the petitioner's claim on 16.06.2020, vide Annexure 4 and 5 respectively.

6. Therefore, Respondent Nos. 1 and 2 are hereby directed to examine the petitioner's claim of ACP and re-fixation of pay, arrears of pay, arrears of pension in the light of service particulars of the petitioner read with the ACP Schemes/Rules. If petitioner is eligible, necessary order shall be passed and so also extend monetary benefits along with interest @ 8% per annum on the arrear amount in the light of Apex Court's decision in the case of *Vijay L. Mehrotra Vs. State of U.P. & Ors.* reported in (2001) 9 *Supreme Court Cases* 687 (Para 2 to 4). Interest is restricted to three years prior to filing of this petition till payment is made. If petitioner is otherwise not entitled to ACP in that event, speaking order shall be passed as to why petitioner is not entitled to ACP and communicated to the petitioner. The aforesaid exercise shall be completed within a period of three months from the date of



receipt of this order, failing which, petitioner is entitled to litigation cost and it is quantified @ Rs. 15,000/-.

7. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

