

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7510 of 2021

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Prakash Chandra Fulara S/o Bala Dutt @ Bala Danta Fulara, Resident of
Village-Upradi P.S. Ranikhet, District-Almora (Uttarakhand).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Home Affairs,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Director General of Police Shahabad Range, Dihri, Rohtas.
4. Superintendent of Police Buxar, District-Buxar.
5. Superintendent of Police Jehanabad, District-Jehanabad.
6. Superintendent of Police Siwan, District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Respondent/s : Mr.Manish Kumar (Gp4)

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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.

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

“1. That by this writ
application the petitioner seeks
indulgence of this Hon'ble High Court for
issuance of an appropriate writ or writs



direction or directions for the following reliefs:-

I. For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to give benefits of third A.C.P. (Assured career progression) with proper interest which is due since 2015 and till the retirement 31.3.2020 such benefit was not given and ultimately petitioner was retired from the Post of Police Sub-Inspector from Buxar District force.

II. For issuance of an appropriate writ in the nature of mandamus directing the respondent authorities to pay the differences of all retiral dues as well as salary given since 2015 to 2020 (till the date of retirement with proper interest.

III. To grant any other relief/reliefs to which the petitioner may be found entitled to in the facts and circumstances of the case.”

5. Short question for consideration in the present petition is whether petitioner is entitled to 3rd A.C.P. with interest which is due since 2015 till the date of his retirement (31.03.2020) or not? In this regard, petitioner has submitted representations on 13.11.2019, 06.02.2020 and 18.12.2020 (Annexure-3, 4 and 5 respectively) which are pending consideration before the concerned respondent.

6. Therefore, the concerned respondent is hereby



directed to decide the petitioner's grievance stated in his representations as to whether he is entitled to 3rd ACP along with interest which is due since 2015 till the date of his retirement (31.03.2020) or not. If petitioner is entitled, in that event necessary order shall be passed along with monetary benefits. The same shall be extended to the petitioner along with interest @ 6% per annum. Interest amount is restricted to three years prior to filing of petition till payment is made. The above exercise shall be completed within a period of three months from the date of receipt of this order. If the petitioner is not entitled for the 3rd ACP, in that event a detailed speaking order shall be passed and communicated to the petitioner.

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	

