

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9046 of 2021

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Khushi Lal Yadav son of Late Bachcha Yadav @ Bacha Yadav resident of village- Barahat, P.O- Kusmar, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Deputy Development Commissioner, Madhubani.
4. The District Provident Officer, Madhubani.
5. The District Treasury Officer, Madhubani.
6. The Sub Divisional Officer, Phulparas, District- Madhubani.
7. The Block Development Officer, Block- Khutauna, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 16-02-2022

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

Learned counsel for the State accepts notice for the respondents.

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

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



“(i) For issuance of an appropriate order, direction or writ in the nature of mandamus commanding the respondents to make payment of benefit of ACP along with statute and penal interest to petitioner from due date till the date of payment.

(ii) For any other relief or reliefs for which petitioner may be found entitled in the facts and circumstances of the case.”

Short question for consideration is whether petitioner is entitled to ACP benefit alongwith the monetary and interest or not? The petitioner is stated to have submitted applications from 03.10.2018 and there is protracted correspondence among the department officials. Petitioner is relying on earlier decision of this Court passed in CWJC No. 9936 of 2012 decided on 05.04.2013.

In the light of these facts and circumstances, the concerned respondent is hereby directed to examine the petitioner's grievance as to whether he is entitled to ACP benefit alongwith monetary and interest, with reference to service



particulars of the petitioner read with the relevant ACP rules or not. If the petitioner is entitled, in that event, necessary order shall be passed, it is made clear that petitioner is entitled to interest three years prior to filing of the present petition till payment it made. If the petitioner is otherwise not entitled, in that event, a necessary speaking order shall be passed as to why the petitioner is not entitled. The above exercise shall be completed within a period of four months from the date of receipt of this order.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2022
Transmission Date	NA

