

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8784 of 2021

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Sudhanshu Prasad Choudhary, S/o Late Sakhi Chand Choudhary, resident of Mohalla-house No.-D/55 Keshri Nagar 3rd house from Shiv Mandir, Ajanta co-operative Colony, Keshri Nagar, P.S.-Patliputra, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Public Health Engineering Department, Visheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer (Mechanical), Public Health Engineering Department, Bihar, Patna, Bisheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Bihar State Water Board, Ganga Pariyojana Circle No.-1, Patna, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lalan Kumar Singh
For the Respondent/s : Mr.

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

Date : 15-02-2022

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

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

3. State counsel accept notice for Respondents.

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 Court to consider and grant M.A.C.P. with all consequential benefits of service, in view of a statutory rule of M.A.C.P. 2010, when the petitioner has completed the total service of 37 years with satisfactory work and the petitioner further prays to issuance of an appropriate writ in the nature of writ of mandamus and directed to the respondents to make payment of monetary benefits of 1st and 2nd ACP, which



has already been granted by the competent Authority under the ACP rules, 2003.”

5. In support of the aforesaid relief, petitioner has submitted applications/representations on 18.11.2019, 26.12.2019 and 10.02.2020 (Annexure- 2 and 5 respectively).

6. Therefore, Respondent No. 3 is hereby directed to examine petitioner’s representations, service particulars and relevant scheme/ regulation governing MACP and proceed to examine as to whether petitioner is entitled to 1st and 2nd ACP and MACP or not? If the petitioner is eligible, necessary order in granting respective benefits including monetary benefits shall be determined and extended to him along with interest @ 6% p.a. Interest is restricted to three years prior to filing of this petition. If petitioner is not entitled in that event necessary speaking order shall be passed as to why petitioner is not entitled and reasons thereof be indicated in the speaking order. The above exercise shall be completed within a period of three months from the date of receipt of this order.

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

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

