

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9012 of 2021

Uma Shankar Prasad Son of Late Bisheshwar Dayal Lal, resident of 129-B,
Rajendra Path, Telibagh, P.S. Civil Lines, Town and District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Government of Bihar, Patna.
2. The Additional Secretary, Department of Finance, Government of Bihar, Patna.
3. The Additional Finance Commissioner, Department of Finance, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, District - Jehanabad.
5. The Additional Collector, District - Jehanabad.
6. The Director, Accounts and Administration-cum-Deputy Collector (Establishment), District - Jehanabad.
7. The Treasury Officer, District - Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akshansh Ankit
For the Respondent/s : Mr. Lalit Kishore (AG)

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 respondent nos. 1 to 7.

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:

a) For a direction upon the respondents to grant the benefits of 1st Assured Career Progression (A.C.P.) [5500-9000] and 2nd A.C.P. [6500-10500] which is being arbitrarily denied to the petitioner despite him being eligible for the same while the same is being given to other similarly situated employees as the petitioner whereas the said benefit is being denied to the later who duly fulfills all the conditions thereto for the grant of both ACPs.

b) For a direction upon the respondents to grant the benefits of 3rd Modified Assured Career Progression [M.A.C.P.] in light of Notification No. 7549 dated 13.07.2010 as the petitioner had already completed 30 years of continuous service before 01.01.2009.

c) For direction upon the respondents to grant and pay all consequential benefits



including arrears of salary after taking into account the grant of 1st and 2nd A.C.P. w.e.f. 09.08.1999 and 3rd M.A.C.P. w.e.f. 01.01.2009.

d) For a direction upon the respondents to pay a penal interest of 18% compound interest on the arrears of salary payable to the petitioner as the same was denied to the petitioner in a most arbitrary, discriminatory and mala fide manner which cannot be countenanced by this Hon'ble Court.

e) To pass any other order/orders in shape of a consequential relief to which the petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.

In support of the aforesaid relief, petitioner submitted representation on 28.08.2018 followed by reminders on 03.06.2019 and 09.09.2019 (Annexure P-8 series). He has also cited judicial pronouncements of this Court passed in CWJC No. 15715 of 2008 decided on 30th July, 2010, LPA No.



859 of 2007 decided on 20th April, 2010 and LPA No. 254 of 2011 decided on 07.09.2017, therefore, the concerned respondent is hereby directed to examine whether the petitioner is entitled to first and second ACP and third MACP and re-fixation of pay and arrears of salary or not. The competent authority is directed to examine the petitioner's service particulars read with ACP and MACP rules. If the petitioner is otherwise eligible, in that event, necessary order shall be passed alongwith monetary benefits. The petitioner is entitled to interest at the rate of 8% per annum three years prior to the filing of the present petition. In the event, petitioner is not eligible, a necessary speaking order shall be passed as to why the petitioner is not entitled for the aforesaid relief. The above exercise shall be completed within a period of four months from the date of the receipt of the 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

