

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7759 of 2021

Nakul Kumar Singh Son of late karu Singh Resident of Village-Utrilakhibagh,
Janakpur, Manpur, P.S.-Muffasil, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Labour Resource Department, New Secretariat, Patna.
2. The Director, Health Service, Employees State Insurance Scheme, Labour Resource Department, New Secretariat, Patna.
3. The Medical Officer, Employees State Insurance Dispensary, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Jha
	:	Mr. G.K. Jha
For the Respondent/s	:	Mr. Lalit Kishore (Ag)

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

Date : 11-02-2022

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

2. State counsel accepts notice for respondents.

3. Counsel for the petitioner is hereby directed to furnish copy of the writ petition to the counsel for the State respondents, if it is not already served.

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

“That this writ application is being filed for issuance of writ in the nature of mandamus or any other appropriate writ/writs, direction/directions commanding the respondents to extend the benefits of



ACP/MACP Scheme to the petitioner on the day when the petitioner completed 12 years of his service w.e.f. 12.02.2005 and the benefits of MACP when the petitioner completed 10 years of his service after getting the benefits of his 1st ACP, w.e.f. 12.02.2015 respectively in accordance with ACP Rules 2003/MACP Rules 2010 (herein after referred to as the Rules) and accordingly fix the current pension as the petitioner has already superannuated from his regular service w.e.f. 31.01.2018 and release the arrears thereof as also consequential benefits, has have been extended to the similarly situated employees. The benefits of the scheme is being denied on a wrong and erroneous assumption of facts, that the petitioner has not passed the departmental accounts examination though the department has already exempted the petitioner from passing the departmental accounts examination, in accordance with the resolution of the General and Administration Department in 2013.”

5. In support of aforesaid relief, petitioner has submitted representation on 06.08.2020. The concerned respondent has not decided the petitioner’s representation as to whether petitioner is entitled to A.C.P./M.A.C.P benefits as and when it was due to the petitioner. That apart he has already attained age of superannuation and retired from service on 31.01.2018.

6. In view of the above facts and circumstances, the concerned respondent is hereby directed to decide petitioner’s representation as to whether is he entitled for A.C.P. with effect from 12.02.2005 and M.A.C.P. from 12.02.2015 read with the relevant Rules/Schemes governing A.C.P./M.A.C.P and petitioner’s service records. If the petitioner is eligible, necessary order shall be passed and monetary benefits shall be determined



and extended along with interest @ of 8 % *per annum*. Interest is required to be paid only prior to three years from the date of filing of this petition till payment is made. If the petitioner is otherwise not entitled, in that event, the concerned respondent is hereby directed to pass speaking order as to why the petitioner is not entitled to benefits of A.C.P/M.A.C.P be made known clear in the order so as to enable the petitioner to question the validity of such order before the appropriate forum.

7. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

