

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.528 of 2021

Syed Naushad Hasan Masumi Son of Late Shahzad Hasan Masumi, Resident of A 65 Jagat Amrawati Apartment, Near Officer Flat, Bailey Road, P.S.-Kotwali, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Water Resources Department, Bihar Patna.
4. The Superintendent Engineer, Sone Canal Division, Khagaul, Patna.
5. The Executive Engineer, Sone Canal Division, Khagaul, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate
For the Respondent/s : Mr. Harish Kumar, GP 8

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

Date : 13-01-2022

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

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

“(i) To direct the respondents to grant of benefit of MACP/ACP to the petitioner from the due date of entitlement as Junior to him has already granted the benefits of MACP/ACP.

(ii) To direct the respondents to fix Graduate Grade Pay Scale to the petitioner and to grant consequential benefits.



(iii) To direct the respondent no. 4 to take decision in the light of letter no. 446 dated 29.04.2019 issued under the signature of Executive Engineer, Sone Canal Division, Khagaul, Patna and grant ACP benefits as per entitlement.

(iv) To grant any other relief-reliefs for which the petitioner is entitled under the facts and circumstances of the instant writ petition.”

Short question for consideration is whether the petitioner is entitled to MACP/ACP from the date of granting such benefits to the junior or not?

In this regard, petitioner submitted representation on 01.02.2016 (Annexure-2) and 05.03.2019 (Annexure-4). In fact, fifth respondent, the Executive Engineer, Sone Canal Division Khagaul, Patna has recommended in favour of the petitioner to the fourth respondent, the Superintending Engineer, Sone Canal Division, Khagaul, Patna.

Therefore, respondent no. 4, i.e., the Superintending Engineer, Sone Division, Khagaul, Patna is hereby directed to decide the petitioner's representation read with the recommendation of the fifth respondent, the Executive Engineer, Sone Canal Division Khagaul, Patna and pass a suitable order within a period of one month from the date of receipt of this order.



If the petitioner is otherwise eligible for monetary benefits pursuant to grant of MACP/ACP he is entitled to interest @ 8% per annum. The same shall be calculated and disbursed if the petitioner is otherwise eligible and detail speaking order shall be communicated to the petitioner.

With the aforesaid observations, the writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

