

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1611 of 2021

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Narendra Kumar Son of Late Jwala Prasad Resident of Jwala Niwas, Ram Jaipal Nagar Gola Road, Danapur, P.O. danapur, P.S. Rupaspur, District-Patna, Presently Posted as Senior Accounts Clerk in the Office of the Electrical Executive Engineer, Electric Works Division No.3, Punai Chak, Building Construction Department, Government of Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Engineer-in-Chief-Cum-Additional Secretary-Cum-Special Secretary, Building Construction Department, Government of Bihar, Patna.
5. The Chief Electrical Engineer, Building Construction Department, Government of Bihar, Patna.
6. The Electrical Superintending Engineer, Electric Work Circle, South Bihar, Building Construction Department, Patna.
7. The Executive Engineer, Electric Works Division No.3, Punai Chak, Building Construction Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam
For the Respondent/s : Mr. Lalit Kishore (Ag)

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

2 24-01-2022 The matter is heard via video conferencing due to circumstances prevailing on account of Covid-19 pandemic.

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

“ For issuance
of an appropriate writ in the nature
of Mandamus, commanding and



directing the Respondent Authorities for grant of benefit of Second Modifies Assured Career Progression 2010, (hereinafter referred to as MACP Rules 2010) in the level-11 pay scale with Grade pay of Rs. 6600 to the petitioner with effect from 09.12.2017 i.e the date when the petitioner had completed 20 years, of service as a Senior Accounts Clerk in the Respondent Department.

(ii) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the Respondent Authorities for payment of arrears of salary to the petitioner on grant of such benefit with effect from 09.12.2017 for which the petitioner would have acted promptly and



they could have granted the benefit of second MACP Rules 2010 to the petitioner with effect from the date when the petitioner became entitled for the same benefit in accordance with law.

(iii) For issuance of any other appropriate writ/ writs order/ orders, direction/ directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

In terms of Para-9 of the counter affidavit the grievance of the petitioner has been redressed. Therefore the present petition do not survive for consideration. If the petitioner is still feeling aggrieved by the decision of respondents. He is permitted to file fresh petition.

In the meanwhile counsel for the respondents is hereby directed to furnish copy of the counter affidavit to the petitioner's counsel.

(P. B. Bajanthri, J)

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