

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1476 of 2021

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Bipin Kumar, Son of Late Kedar Singh, Resident of Village- Raghopur, P.S.-
Rani Talab, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resource Department, New Secretariat, Patna.
2. The Director, Health Services, Employees State Insurance Scheme, Labour Resource Department, New Secretariat, Patna.
3. The Medical Officer, ESI Dispensary Jamal Road at Sri Krishna Nagar, Patna.

... .. Respondent/s

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Appearance :

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

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

Date : 25-01-2022

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

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioner has prayed for the
following 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. 05.09.2003 and when the petitioner completed 10 years of his service after getting the benefits of his 1st ACP w.e.f. 05.09.2013 respectively in accordance with



ACP Rules 2003/ MACP Rules 2010 (hereinafter referred to as the Rules) and accordingly fix the current salary and release the arrears thereof, as have been extended to the similarly situated persons. 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 in accordance with the resolution of the General and Administration Department in Dec. 2019 i.e. in the same month as has been extended to Dhananjay Kumar Singh who has been given the benefits of ACP/ MACP scheme vide order dt. 03.03.2020.”

4. Short question for consideration in the present petition is whether the petitioner is entitled to ACP/MACP w.e.f. 05.09.2003 and 05.09.2013 respectively or not?

5. In this regard, the petitioner submitted representation on 31.08.2020 and the same is pending consideration before the 2nd respondent.

6. Accordingly, the 2nd respondent is hereby directed to examine the service particulars read with ACP/MACP Rules and proceed to pass a speaking order. If the petitioner is otherwise eligible, necessary calculation of arrears of salary be undertaken and disbursed within a period of three months from the date of receipt of a copy of this order along with interest at the rate of 6 per cent per annum.



7. If the petitioner is not eligible, in that event, necessary speaking order must be passed within the prescribed time and communicate the same to the petitioner.

8. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2022
Transmission Date	NA

