

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.697 of 2021

Raj Kishor Sah Son of Late Vishwanath Prasad Resident of Village-Chafawa,
Police Station-Nautan, District-Siwan Address Mentioned in Adhar Card, 2q
Bholjpuram, Kharaiya Pokhara, Basaratpur, Gorekhpur, U.P. Retired While
Working as the Panchayat Secretary, Gram Panchayat Raj Purvi Guthani,
Block-Guthani, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan
3. The Deputy development Commissioner, Siwan
4. The District Panchayati raj Officer, Siwan
5. The Block development Officer, Raghunathpur, Siwan.
6. The Block development Officer, Guthani, District-Siwan.
7. The District Accounts Officer, Siwan.
8. The District Treasury Officer,, Siwan
9. The Accountant Ganeral, Beerchand Patel Path, Bihar, Patna.
10. The Accounts Officer, Office of the Accountant General, Beerchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 17-01-2022

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

2. Petitioner's counsel is hereby directed to furnish copy
of the petition to the counsel for the State/Respondents.

3. State counsel accepts notice for the Respondents.

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



“I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondents to consider and grant the benefits of ACP/MACP to the petitioner, in the light of provision of MACP Scheme 2010 after completion of 10 years, 20 years and 30 years, first, second and third ACP is being given respectively and the same is effective since 01.01.2009. Therefore, in the light of recommendation of State Pay Commission and under the provision of ACP/MACP Scheme, the petitioners may kindly also be given the benefits of first and second MACP after completion of 10 and 20 years of service.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose of the representation of the petitioner by which, he has requested for providing the benefits under ACP/MACP scheme for financial progression. In his representation, he has categorically stated that he is going to retire on 31.07.2020 from the post of the Panchayat Secretary, Gram Panchayat Raj Purvi Guthani, Block – Guthani, District – Siwan after attaining the age of superannuation of 60 years from and in the light of provision of MACP Scheme 2010 after completion of 10 years, 20 years and 30 years, first, second and third ACP is being given respectively and the same is effective since 01.01.2009. Therefore, in the light of provision of MACP Scheme, the petitioner may kindly also be given the benefits of first and second MACP after completion of 10 and 20 years of service.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner and provide the benefits of first and second A.C.P./MACP after completion of 10 and 20 years of service, as the A.C.P. is only for removing the stagnation in service.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned specially the District Magistrate, Siwan or the District Panchayati Raj Officer, Siwan to provide the benefits of first and second ACP/MACP after completion of 10 and 20 years of service, as the Block Development Officer, Guthani has already furnished the details of the petitioner for providing the benefits of ACP/MACP but till date no positive decision has been taken in the case of the petitioner and, hence, the District Magistrate, Siwan or the District Panchayati Raj Officer, Siwan or the competent authority may kindly be directed to provide the



benefits under ACP/MACP scheme with all consequential benefits without any further delay.

V. For issuance of any other writ/writs, order/orders direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”

5. Short question for consideration in the present petition is whether petitioner is entitled to 1st, 2nd A.C.P. and 3rd M.A.C.P. or not? In this regard the petitioner is stated to have submitted representation on 15.06.2020 *vide* Annexures 2 series.

6. In the light of above facts and circumstances, the concerned respondent is hereby directed to pass a speaking order on the petitioner’s representation read with the service particulars of the petitioner and District Panchayti Raj Officer letter dated 27.07.2020 (Annexure 3) as to whether petitioner is entitled to the aforesaid benefits of A.C.P/M.A.C.P or not? The above exercise shall be completed within a period of four months from the date of receipt of this order.

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	26.01.2022
Transmission Date	

