

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10866 of 2020

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Kedar Nath Dwivedi Son of Late Jagdish Dwevedi Resident of Molanapur,
Police Station- Bheldi, District- Saran, Chhapra

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna
3. The District Magistrate, Vaishali, Hajipur
4. The Sub Divisional Officer, Hazipur, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG 5

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

Date : 12-01-2022

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:-

“For a direction to the Respondent authority to grant the benefits of 3rd MACP w.e.f. 21.12.2015 in the Grade Pay of 6600 along with all consequential benefits as the Petitioner fulfills the eligibility criteria of 3rd MACP after completion of 30 years of his service from the date of his appointment i.e. 21.12.1985



and the Petitioner further prays for a direction to the Respondent authority to make his pay fixation in the grade pay of 5400/- for grant of benefits of 2nd ACP instead of 4800/- as granted in grade pay of 4800, in the light of Memo No. 8892 dated 14.11.2017 issued by the Finance Department, Government of Bihar Patna and the petitioner further prays for a direction to the Respondent authority to grant the same benefits of 3rd MACP as granted to the similarly situated Marketing Officers and the Respondent authority had made discrimination with the Petitioner which is violative of Bihar State Litigation Policy as well as the judgment passed in the case of 2008 (4) PLJR 125 and 2011 (3) PLJR 588 & (2006) 2 SCC 747 by the Hon'ble Courts and the petitioner further prays for a direction to the Respondent authority to revise post retiral benefits including the pension accordingly."

Short question for consideration in the present petition is whether the petitioner is entitled to 3rd MACP w.e.f. 21.12.2015 in the grade pay of Rs. 6600/- with consequential benefits and further the consequential benefits sought in the representation dated 14.11.2017 and 29.08.2020 (Annexure-4 & 5) respectively. The concerned respondent is hereby directed to decide the petitioner's grievance in passing speaking order on the basis of service particulars of the petitioner read with the executive order/Rules governing ACP/MACP within a period of three months from the date of receipt of this order.



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

(P. B. Bajanthri, J)

Vikash/-

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

