

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.355 of 2021

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Parmod Kumar Son of Late Mahendra Singh Resident of Village- Sareya,
P.S.- Shakurabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Joint Secretary Department of Excise, Bihar, Patna.
3. The Assistant Commissioner Excise Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6

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

Date : 13-01-2022

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

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

“1. That this is an application for
issuance of an appropriate writ/writs, order/order,
direction/directions to the respondent authorities
to give monetary benefits of.

(I) Revised pay scale of the
petitioner with effect from February 2014 as
the pay scale of the petitioner has already
been revised with effect from February 2014
but monetary benefit of said revision of pay
scale has yet not been given to the
petitioner.

(II) The benefits of Assured
Career Progression (ACP) which has



already been given to the petitioner with effect from 16.05.2004 and 16.05.2010 but monetary benefits of the same has yet not been given to the petitioner.

The petitioner further prays for a direction on the respondent authorities to fix his pension after giving monetary benefits of the above and also to pay suitable interest and the arrears which is due on account of nonpayment of monetary benefit of the revised pay scale and Assured Career Progression of the petitioner and further for any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the present case.”

3. Petitioner has not preferred representation demanding for payment of monetary benefits on account of revision of pay scale extended w.e.f. February, 2014. In the absence of representation/demand before the competent authority, question of issuance of writ of mandamus is not warranted in the light of Apex Court’s decision in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276*.

4. Accordingly, the instant petition stands disposed of reserving liberty to the petitioner to file a detailed representation before the competent authority within a period of eight weeks from the date of receipt of this order. If such representation is submitted, the competent authority is hereby directed to decide the petitioner’s representation within a period of three months from the date of receipt of petitioner’s representation along with interest @ 8% per annum in the light of Apex Court’s decision in the case of *Vijay L.*



Mehrotra Vs. State of U.P. & Ors. reported in *(2001) 9 Supreme Court Cases 687.*

(P. B. Bajanthri, J)

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