

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1253 of 2021

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Ramesh Kumar Ojha S/o Shri Krishna Ojha R/o Station Road, Bihiya, P.O.-
Bihiya, P.S.- Behea, Bhojpur, Bihar-802152

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Joint Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Accountant General (A and E) Bihar, Patna
4. The District Magistrate, Buxar

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Mayuri, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

2 17-01-2022 The matter is heard via video conferencing due to

circumstances prevailing on account of the COVID-19

pandemic.

The State counsel excepts notice for the respondents.

In the instant application, the petitioner has prayed for

the following reliefs :-

(I) Issuance of a direction, order or writ, including a

writ in the nature of Mandamus directing the Respondent

Authorities to grant the benefit of 2nd and 3rd A.C.P. to the

petitioner without any further delay as it has already been

almost 5 years since the petitioner has retired.

(ii) Issuance of a direction, order or writ, including a



writ in the nature of Mandamus directing the Respondent Authority to pay the arrears, cost, interest and any other amount due to the petitioner which has accrued as a result of their inaction and delay in granting the A.C.P. to the petitioner.

(iii) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

Short question for consideration in the present petition is that whether the petitioner is entitled to 2nd and 3rd A.C.P. with reference to service particulars of the petitioner or not. The service particulars read with the scheme of A.C.P. or not ?

In this regard, the petitioner has submitted representations vide Annexure-4 and 7. The concern respondent has not passed any order either accepting or rejecting the petitioner's claim on merit. Therefore, the concerned respondent is hereby directed to pass speaking order and communicate the decision to the petitioner within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

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