

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2628 of 2021

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Ajit Kumar Das S/o Srichandra Das, Resident of Mohalla - Shivaji Colony,
Ward No. 6, P.O., P.S. and District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna.
2. The District Rural Development Agency represented through the Dy. Development Commissioner-cum-Chief Executive Officer, District Rural Development Agency, Katihar.
3. The Dy. Development Commissioner-cum-Chief Executive Officer, District Rural Development Agency, Katihar.
4. The Additional Chief Executive Officer-cum-Director, Accounts, Administration and Self Employment, District Rural Development Agency, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Anjani Kumar, AAG-4

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

Date : 28-01-2022

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

2. None appears for the petitioner. State counsel accept notice for respondents.

3. In the instant petition, petitioner has sought for following reliefs:

“I. To issue a writ in the nature of mandamus commanding the Respondents No. 2 & 3 to grant A.C.P. & M.A.C.P. in favour of the petitioner, because the petitioner was appointed by the office order dated 27.02.1987 bearing Memo No. 34/ Mukhya to



the post of Assistant in the pay scale of Rs. 580-10-620-15-770-EB-15-860/- and the services of the petitioner was confirmed by the Respondent No. 2 from the date of his appointment.

II. To issue a writ in the nature of mandamus commanding the Respondents No. 2 & 3 to grant A.C.P. & M.A.C.P. in favour of the petitioner, because the petitioner was appointed by the office order dated 27.02.1987 bearing Memo No. 34/Mukhya to the post of Assistant as admittedly the petitioner from the date of his appointment regularly discharging his duties to the post of Assistant, but despite of the notification dated 01.01.2009 regarding implementation of A.C.P. and subsequent notification dated 14.07.2010 regarding implementation of M.A.C.P., no benefits pertaining to A.C.P. & M.A.C.P. has been granted to the petitioner.

III. Any other relief or reliefs in view of the facts that the petitioner is going to superannuate on 31.01.2021 without any promotion.”

4. Short question for consideration in the present petition is whether petitioner is entitled to ACP and MACP benefit with reference to the service particulars read with criteria for extending ACP and MACP or not? Such an issue is pending consideration before the concerned authority.

5. Therefore, the concerned respondent is hereby directed to decide as to whether petitioner is entitled to ACP & MACP or not. If petitioner is entitled, necessary order shall be passed along with monetary benefits. If petitioner is not entitled, in that event, detailed speaking order shall be passed as to why he is not entitled to ACP and MACP. The above exercise shall be completed within a period of three months from the date of receipt of this order.



6 . With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

