

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2385 of 2021

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Chandradeo Narayan Roy Son of Late Matukdhari Roy Resident of
Shakuntala Niwas, behind Apurva Apartment, P.O.- G.P.O., P.S.-
Gardanibagh, District- Patna, Bihar- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Director, Agricultural Department, Government of Bihar, Patna.
4. The District Agriculture Officer, Purnia.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

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

Date : 27-01-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

Mr. Dhurjati Kumar Prasad, learned State Counsel
accepts notice for Respondents.

Learned counsel for the petitioner is hereby directed to
furnish a copy of the petition to learned counsel for the State.

In the instant petition, petitioner has prayed for the
following relief(s):-

*“(i) For issuance of an order,
direction or a writ of mandamus for
directing the respondent Authorities to
grant financial benefit to the petitioner
arising out of the order contained in Memo*



No. 1681 dated 28.05.2005 whereby and whereunder the petitioner was sanctioned the benefit of first A.C.P. in the pay-scale of Rs. 6500-10500/- with effect from 09.08.1999 and second A.C.P. in the pay-scale of Rs. 10000-15200/- with effect from 09.08.1999 itself.

(ii) For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to grant the consequential arrears of difference of salary arising out of the benefit of 1st and 2nd A.C.P. with effect from 09.08.1999 to 30.06.2002 on which the date the petitioner superannuated from service from the post of Leave Reserve Officer, Purnia in the Bihar Subordinate Agriculture Service.

(iii) For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to revise and fix the pension of the petitioner in consequence of the 1st and 2nd A.C.P. and grant the arrears of difference of pension from 01.07.2002 to the date of actual payment.

(iv) For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to grant differential amount of other post-retirement benefits including Gratuity and Leave Encashment in consequence of the 1st and 2nd A.C.P. as claimed in Para-1 of the instant writ petition.

(v) For issuance of an order, direction or a writ of mandamus for directing the respondent authorities to allow the increments due to the petitioner from 1990 to June, 2002 and grant all the consequential arrears of difference of salary as well as difference of pension after revising it and other post-retirement benefits in consequence thereof.



(vi) For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to implement the 7th Pay Revision in respect of the petitioner and grant all the consequential benefits in relation to the arrears of difference of pension with effect from 01.04.2017.

(vii) For issuance of an order, direction or a writ of mandamus for directing the respondent Authorities to allow all the aforesaid financial benefits with interest since the petitioner has been deprived from the benefit of this hard and income for about two decades even after his retirement due to the inaction of the respondent Authorities.

Short question for consideration is whether the petitioner is entitled to ACP benefit and other benefits which has been sought in his representation read with the relief sought in the present petition.

Learned counsel for the petitioner submitted that for want of service record petitioner has not been extended service benefits. Service record has been forwarded by the officials of the respondents. On reconstruction of service record the concerned respondents were required to extend service benefits like first and second ACP and revision of pay, leave encashment including difference of retiral benefits. The same has not been extended thus the petitioner has submitted representation. The respondent Nos. 3 and 4 have not acted on the petitioner's grievance.



Accordingly, respondent nos. 3 and 4 are hereby directed to examine the petitioner’s grievance with reference to reconstructed service record and extend all monetary benefits which is due to the petitioner within a period of three months from the date of receipt of this order along with the interest @8 % per anum in the light of Hon’ble Apex Court decision in the case of **Vijay L. Mehrota vs. State of Uttar Pradesh and Ors.** reported in **(2001) 9 SCC 687** failing which the petitioner is entitled to litigation cost and it is quantified Rs. 10,000/-

(P. B. Bajanthri, J)

Vikash/-

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

