

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17504 of 2021

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1. Surendra Prasad Singh Son of Late Rudradeo Singh Resident of Village-Kewali, P.S.-Kauakol, District-Nawadah.
 2. Krishnanadan Prasad Singh Son of Late ramashray Singh Resident of Village- Chandi Nauma, P.S.-Kashichak, District-Nawadah.
 3. Nawal Kishore Prasad Son of Late Nandkeshwar Singh Resident of Village-Darweshpura, P.S.-Katri Sarai, District-Nalanda.
 4. Arun Kumar Jayaswal Son of Late Lakshmi Prasad Jayswal Resident of Village-Bhusaki P.S.-Khusrupur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. Principal Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna.
3. Principal Secretary, Social Welfare Department, Government of Bihar, Main Secretariat, Patna.
4. The Director, Directorate of Integrated Child Development Services (ICDS for Short), Indra Bhawan, Ram Charitra Singh Path, Boring Canal Road, Patna.
5. District Magistrate, Nawadah.
6. District Programme Officer, Nawadah.
7. Child Development Project Officer (CDPO), Pakribarawan, District-Nawadah.
8. Child Development Project Officer (CDPO), Kashichak, District-Nawadah.
9. Child Development Project Officer (CDPO), Nadirganj, District-Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh, Advocate
For the Respondent/s : Mr. S. K. Mandal (SC 3)

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

Date : 25-01-2022

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



In the instant petition, petitioners have prayed for the following relief(s):-

“(i) For a direction to the respondents to grant 1st, 2nd and 3rd ACP/MACP to the petitioners from due dates by counting their entire period of regular service rendered by them in the Directorate of adult and Non-Formal Education in terms with provision contained in rule 22 of the ACP/MACP rule 2010.

(ii) For a further direction to the respondents to make payment of arrears of salary to the petitioners in the pay scale of Rs. 5000-8000 (grade pay 4200) on grant of 1st ACP to them with effect from 9.8.1999 and further make payment of arrears of salary to them by fixing their salary in the pay scale of Rs. 9300-34800 (grade pay 4600) on grant of 2nd ACP/MACP to them with effect from 2005 i.e., the period, the petitioners completed 20 years of qualifying service.

Thereby, the petitioners pray for a direction to the respondents to grant them the benefit of 3rd MACP in terms with MACP Rules, 2010, on completion of their qualifying service, counting their length of service from June-July 1984 and October 1985 respectively i.e., the respective dates of initial entry of petitioners in service on being appointed as clerk-cum-typist in the Directorate of Adult and Non-Formal education, and thus, make payment of arrears of salary to them by making their pay fixation in the grad of Rs. 4800, in the light of the principle laid down by the Division Bench of this Hon’ble Court in L.P.A. No. 438 of 2017.”



Short question for consideration in the present petition is with regard to ACP/MACP.

In support of the aforesaid relief petitioners submitted detailed representations dated 17.08.2020, 16.08.2020 and 14.10.2020 *vide* Annexure P-14 series. The concerned respondent has not acted on the petitioners’ representations either accepting or rejecting the petitioners’ claim.

Therefore, the concerned respondent is hereby directed to pass a speaking order after due consideration of each of the contentions raised in the representations and communicate the same to the petitioners. The above exercise shall be completed 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

