

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3861 of 2021

VINOD KUMAR SINGH son of late Haribansh Narayan Singh, R/o Village-Khaira, P.S.- Parasbigha, District- Jehanabad, At presently- Thakurbari Mohalla Jehanabad Ward No- 24, P.S- Jehanabad, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, Vikas Bhawan, New Secretariat, Patna
2. District Magistrate, Jehanabad, P.S- Jehanabad, District- Jehanabad
3. ZILA PARISHAD Jehanabad through the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Jehanabad, Distt- Jehanabad
4. The Chairperson, Zila Parishad, Jehanabad, P.S- Jehanabad, District- Jehanabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Respondent/s	:	Mr. Satya Vrat, AC to GP-10
For the Zila Parishad	:	Mr. Nikesh Kumar, Advocate

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

Date : 31-03-2022

Respondent Nos. 1 and 2 are not necessary parties to the present petition for the reasons that petitioner is Zila Parishad employee. Accordingly, service of notice on Respondent Nos. 1 to 2 stands dispensed.

Mr. Nikesh Kumar, learned counsel accepts notice of Respondent Nos. 3 and 4- Zila Parishad.

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

“That this is an application
for the issuance of appropriate writ, order



or direction particularly in the nature of writ of Mandamus commanding the respondents for issuance of notification/order or orders for granting 1st time bound promotion, 2nd time bound promotion A.C.P./M.A.C.P provided as per service rule and other corollary benefits of pay revision implemented in Zila Parishad time to time.

The writ petition prays for a further direction for payment of differences of provident interest which is applicable under provision of Bihar Contributory Provident Fund Rule 1948. The petitioner also prays for payment of interest of claims after there months from the date of retirement and medical facilities allowed to retires employees of State government.”

The petitioner is stated to have attained the age of superannuation and retired from service on 31.03.2014. Short question for consideration in the present petition is whether petitioner is entitled to ACP /MACP benefits or not?

Learned counsel for Zila Parishad submitted that ACP/ MACP provisions issued by the government has not been adopted by the Zila Parishad so as to extend benefits to such of those Zila Parishad employees.

The aforesaid contention cannot be accepted at this stage for the reasons that petitioner has sought for writ of mandamus. In support of the same he has submitted representation. There is inaction on the part of the Zila Parishad



in not taking any decision either accepting or rejecting the petitioner's claim for ACP/MACP benefits. Therefore, concerned respondent is hereby directed to pass speaking order as to whether petition is entitled to ACP/ MACP benefits or not. If the petitioner is entitled in that event the same shall be examined in the light of service particulars of the petitioner read with the relevant criteria for extending ACP/ MACP benefits. If the petitioner is not entitled, in that event necessary speaking order shall be passed as to why petitioner is not entitled to ACP/MACP benefits and consequential benefits. The above exercise shall be completed within a period of three months from the date of receipt of this order.

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

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.04.2022
Transmission Date	

