

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3322 of 2021

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Amanatullah Khan, Son of Late Mustaquim Khan, Resident of Village-
Meghwal Mathia, Polie Station-Ramnagar, District-West Champarna, Betia.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Special Rationing Officer, Patna, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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

Date : 29-01-2022

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

2. State counsel accept notice for respondents.

3. In the present petition, petitioner has prayed for
following reliefs:

“1. That the Petitioner in the instant writ application prays for a direction to the Respondent authority to grant the benefits of 2nd and 3rd MACP w.e.f. 01.01.2009 and 23.07.2016 respectively in the grade pay of 5400 and 6600 respectively to the Petitioner along with consequential benefits as the Respondents authority had already granted the similar benefits to the similarly situated



Marketing Officers of the department and the Respondent authority had made discrimination with the Petitioner which is violative of Bihar State Litigation Policy as well as the judgment passed in the case of 2008 (4) PLJR 125 and 2011 (3) PLJR 588 & ((2006) 2 SCC747) by the Hon'ble Courts and the Petitioner also prays for a direction to the Respondent authority to pay the arrear of salary for the period of 46 days (from 13.02.2017 to 31.03.2017) and the Petitioner further prays for a direction to the Respondent authority to sanction the leave for the period from 22.10.2016 to 12.02.2017 as a medical leave since during this period the Petitioner was undergone to heart treatment/surgery as well as treatment of fracture of leg and the Petitioner further prays for a direction to the Respondent authority to grant him exemption from passing the Computer examination as the Petitioner had already made application to the competent authority for grant of exemption from passing the Computer examination and pay the increments and the Petitioner further prays for a direction to the Respondent authority to revise the pension and other post retiral dues accordingly."

4. In support of the aforesaid relief, petitioner submitted representation, vide Annexures- 4, 5 series and 6 series.

5. The concerned authority is hereby directed to examine as to whether petitioner is entitled to 2nd and 3rd MACP in the grade pay of Rs. 5400/- to 6600/- w.e.f. 01.01.2009 and 23.07.2016 respectively or not? The concerned respondent is also hereby directed to take note of Judicial Pronouncements, if



any, on this issue read with service particulars of the petitioner and relevant scheme/ regulation governing the 2nd and 3rd MACP. If the petitioner is eligible, necessary monetary benefits shall be extended to him. If he is, otherwise, not eligible a necessary detailed speaking order shall be passed as to why petitioner is not entitled to 2nd and 3rd MACP w.e.f. 01.01.2009 and 23.07.2016. 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)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

