

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20 of 2020

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Kaushalendra Kumar, Son of Late Dwarika Singh, Resident of Village and P.O.-Barara, P.S. Noorsarai, District Nalanda, at present Village and P.O.-Nepura, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
3. Director, Panchayati Raj Directorate, Bihar, Patna.
4. District Magistrate, Nalanda.
5. District Magistrate, Nawada.
6. District Panchayati Raj Officer, Nalanda.
7. District Panchayati Raj Officer, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mr.Md.Imteyaz Ahmad, Advocate
For the State	:	Mr.Sanjeet Kumar Singh, A.C. to AAG-6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-06-2022 Hard copy of the counter affidavit has been filed by the State Counsel today in Court. The same is being taken on record.

The writ application has been filed by the petitioner alleging that he served between 09.04.1979 and 31.01.2018 when he retired as Panchayat Secretary. He has been paid all his emoluments, however, remains deprived of the benefits under the Assured Career Progression Scheme (ACP Scheme).

In paragraph 10 of the counter affidavit, respondent



No.5 and 6 have taken a specific stand that the only pending entitlement of the petitioner is benefits under the 2nd ACP and 3rd MACP. In so far as benefits of 2nd ACP are concerned, specific stand has been taken that the same is pending for want of Special CR issued by the controlling authority of his last place of posting. So far as benefits under the 3rd MACP is concerned, it is also the stand of the respondents that decision regarding grant of the same has to be taken by the District authority of Nawada where the petitioner was last posted.

Since the decision in respect of these two benefits has to be taken by the same authority, i.e., District Magistrate, Nawada (Respondent No.5), no adjudication is called for in these proceedings and the matter may be, and is disposed of with specific direction to Respondent No.5 to take a final decision on the petitioner's claim.

While doing so, this Court would observe that the petitioner cannot be made to suffer on account of absence of Special C.R., which, as per the stand of the respondents, was to be issued by the controlling authority of his last place of posting, for which the petitioner cannot in any manner be faulted. Let final decision in respect of these two claims be taken by the District Magistrate, Nawada and



forwarded/processed for ensuring the admissible dues arising thereon. The District Magistrate should complete the process within eight weeks. Thereafter, the admissible dues be paid within a further period of four weeks. If the authorities are of the opinion that some benefit is not due to the petitioner for any reason, the same be communicated to the petitioner within the aforesaid period.

The application stands disposed of.

(Madhuresh Prasad, J)

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