

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 569 of 2020

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Rameshwar Paswan S/o Late Gopal Paswan Resident of Village- Balwa, P.O.- Karkain, P.S.- Ghoswari, District- Patna, Presently residing at Village- Kaima, P.O.- Darveshpura, P.S.- Saksohara, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Land Reforms and Revenue, Bihar, Patna
2. The District Magistrate-cum-Collector Patna
3. The Additional Collector Patna Collectorate, Patna
4. The Deputy Collector (Establishment) Patna Collectorate, Patna
5. The Senior Superintendent of Police Patna
6. The Superintendent of Police Patna Rural (Patna)
7. The Circle Officer Ghoswari Circle, P.S.- Ghoswari, District- Patna
8. The Treasury Officer Mokama District- Patna
9. The Accountant General (A and E) Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Arun Kr Arun, Sankesh Kr, Advocates
For the S t a t e	:	Mr Sajid Salim Khan, SC XXV
For the A G	:	Mr Kinker Choubey, SC (A & E)

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 04-07-2022 Hard copy of counter affidavit is being filed. The same is taken on record.

Heard learned counsel for the petitioner and the respondents.

The petitioner was Chowkidar and retired from service on 30.09.2014. Submission of the petitioner's counsel is that the petitioner has not been given due and admissible benefits under the Modified Assured Career Progression (for



brevity, *MACP*) Scheme of 2010. He has referred to letter being written by the Circle Officer, Ghoswari to the Officer-in-charge of District General Section, Patna on 10.08.2018 (Annexure P1) requesting for the petitioner's check slip and service book so that the due and admissible benefits may be calculated and paid to the petitioner. There is a similar request made again by Communication dated 28.06.2019. In the communication issued by the Circle Officer, the service details of the petitioner have been recorded, which are not disputed by the petitioner's counsel. Petitioner is only aggrieved by inaction of the authorities in not making available his service book and check slip to ensure grant of due and admissible benefits under the *MACP* Scheme 2010, to him.

In view of the above circumstance, when no adjudication is called upon, keeping the writ petition pending will serve no useful purpose.

This Court would, therefore, dispose of the writ petition with a direction to Respondent No 2 to ensure that due and admissible benefits, pursuant to the two communications dated 10.08.2018 and 28.06.2019 (Annexures P1 and P3) are calculated and granted to the petitioner.

The authorities should complete the exercise and pay



the petitioner his due and admissible benefits within four weeks from the date of receipt/production of a copy of this order.

The authorities would be obliged to make available details of calculation showing the amount admissible to the petitioner.

If the authorities find that the petitioner is not entitled to any benefit, they would equally be obliged to pass a reasoned and speaking order in respect of the same under due intimation to the petitioner within the aforesaid time.

(Madhuresh Prasad, J)

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