

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1459 of 2020

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Ajay Kumar Mehta S/o Jainarayan Mehta Resident of 4/B, New Colony, Ward
No. -09, PWD, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Principal Secretary, Road Construction Department, Bihar, Patna.
3. Engineer in Chief Road Construction Department, Bihar, Patna.
4. Accountant General Bihar, Patna.
5. Superintending Engineer Road Construction Circle, Saharsa.
6. Executive Engineer Road Construction Division, Madhepura.
7. Collector Madhepura.
8. Treasury Officer Madhepura.
9. District Accounts Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mallika Mazumdar, Adv.
For the State	:	Mr. Subodh Kumar, Adv.
For the AG, Bihar	:	Mr. Ram Kinker Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 25-07-2023 Heard learned counsel for the petitioner, learned

counsel for the Accountant General, Bihar and learned counsel

for the State.

2. The petitioner's grievance is that he has not been

granted the due pay as per third financial progression in terms of

the MACP scheme. The grade pay of 6600/- which was granted

to the petitioner, as the second progression, under the ACP

scheme, has again been repeated while granting the benefit of

third progression under the MACP.



3. The submission is that the petitioner was entitled to the next higher grade pay being 7600/-. It is the petitioner's contention that the grant of grade pay, therefore, is elusive as also discriminatory. Specific reliance is placed on grant of PB-3, grade pay 7600/- to one Bal krishna Jha similarly situated as the petitioner.

4. The respondent- Executive Engineer (Respondent No.6) has denied and disputed the petitioner's claim in the counter affidavit filed. The petitioner's claim for parity with Bal krishnan Jha has been taken note of in paragraph No. 9, however, the counter affidavit does not justify non-grant of the said benefit to the petitioner nor does it specify any distinction in the petitioner's claim *vis-a-vis* the said Bal Krishna Jha based on any parameter.

5. This Court, upon consideration of the rival submissions and pleadings, finds that the admissibility of the third progression in terms of the MACP Scheme is not denied or disputed by the respondents. They have also not denied or disputed the petitioner's claim with reference to Bal Krishna Jha. The circumstances, therefore, do not permit the grant of lower pay or scale to the petitioner than that which has been allowed to Bal Krishna Jha, based on recommendation made by



the office of the Superintending Engineer, Saharsa Circle, Building Construction Department, in communication dated 07/07/2015, which does not distinguish the petitioner's claim.

6. Since the benefit of MACP has been granted in the PB-3, grade pay 7600/- to the person with whom the petitioner's claim for parity is not denied or disputed, this Court would direct for extending the same benefits to the petitioner. The other consequential benefits, as a result thereof, should be granted to the petitioner within a period of three (03) months from the date of receipt/ production of a copy of this order.

7. The writ application is allowed.

(Madhuresh Prasad, J)

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