

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4110 of 2023

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Javed Ashraf Son of Late Mr. Abdul Halim Resident of Haroon Nagar Colony,
Sector-2, P.O.- Phulwarisharif, P.S.- Phulwarisharif, District- Patna, Bihar-
801505.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Bihar, Patna.
2. The Deputy Secretary, Rural Works Department, Bihar, Patna.
3. The Accountant General, Birchand Patel Patna, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad, Sr. Advocate Mr. Vishesh Kumar Singh, Advocate Ms. Shailja, Advocate
For the State	:	Mr. Ajay (GA- 5)
For the A.G.	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 17-08-2023

Heard Mr. Raj Nandan Prasad, learned counsel
assisted by Mr. Vishesh Kumar Singh, learned counsel
appearing on behalf of the petitioner, Mr. Ajay, leaned GA-5
appearing on behalf of the State and Mr. Binod Kumar Labh,
learned counsel for the Accountant General, Bihar.

2. Mr. Raj Nandan Prasad, learned counsel
appearing on behalf of the petitioner informs this Court that the
the petitioner had retired on 28.02.2022 from the post of
Executive Engineer, Local Area Planning and Development
Department, Engineering Organization, Munger. The petitioner
has been denied benefit of MACP which respondents have
admitted in paragraph no. 5 of the supplementary counter



affidavit filed on behalf of the respondents no. 1 and 2 that same will be paid within eight weeks from the date of filing of the supplementary counter affidavit i.e. 07.07.2023. He further submitted that no statement has been made that the respondent concern will issue fresh sanction letter to the Accountant General, Bihar for revising pension of the petitioner and other retiral dues after granting benefit of MACP on account of upgradation in pay scale. The petitioner is entitled for upgradation from 20.06.2017. He further submitted that petitioner is also entitled for payment of interest on account of delay in making payment of retiral dues to the petitioner.

3. Learned counsel appearing on behalf of the State submitted that the steps are being taken for revising the pension of the petitioner after granting benefit of MACP and specific statement in this regard has been made in paragraph no. 5 of the supplementary counter affidavit filed on behalf of the respondents no. 1 and 2. He further submitted that a departmental proceeding is pending against the petitioner and in this regard a statement has been made in paragraph no. 6 of the supplementary counter affidavit.

4. Considering the rival submission made on behalf of by the parties, as well as, the admission of the respondents



that steps are being taken to grant benefit of MACP on account of financial upgradation the pension of the petitioner is also required to be revised. The Principal Secretary, Rural Works Department, Bihar, Patna- respondent no. 1 is directed to take immediate steps to grant financial benefit on account of financial upgradation and issue sanction letter to the Accountant General, Bihar for revision of pension on account of grant of benefit of MACP to the petitioner from the date the petitioner became entitled to the said benefit within a period of six weeks in accordance with law.

5. The Accountant General, Bihar is directed to fix the pension of the petitioner on revised pay scale within a further period of one week and the Treasury Officer, Patna is directed to release the entire amount forthwith once he receives the authority from the office of the Accountant General, Bihar.

6. With above observation and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.08.2023
Transmission Date	N/A

