

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4943 of 2022

1. Lal Mohan Paswan, son of Sattan Paswan, Resident of Village-Maharana, P.S.-Rajoun, District-Banka.
2. Gouri Paswan, son of Neva Lal Paswan, Resident of Village-Bhagwanpur, P.S.-Rajoun, District-Banka.
3. Bindeshwari Paswan, son of Chunchun Paswan, Resident of Village-Mirjapur, P.O.-Patsouri Khaira, P.S.-Rajoun, District-Banka.
4. Devendra Paswan, son of Kishun Paswan, Resident of Village-Bhusia, P.S.-Rajoun, District-Banka.
5. Mukesh Paswan, son of Kaladhar Paswan, Resident of Village-Chakjhora, P.O.-Bamdeo, P.S.-Rajoun, District-Banka.
6. Pintu Kumar Paswan, son of Mahendra Paswan, Resident of Village-Chakjhora, P.O.-Bamdeo, P.S.-Bounsi, District-Banka.
7. Shambhu Paswan, son of Sahdev Paswan, Resident of Village-Babhan Korama, P.O.-Harna Bujurg, P.S.-Rajoun, District-Banka.
8. Ramratti Paswan, son of Jagdish Paswan, Resident of Village-Parghari, P.S.-Rajoun, District-Banka.
9. Sarjug Paswan, son of Rameshwar Paswan, Resident of Village-Jabra, P.O.-Sanjha, P.S.-Rajoun, District-Banka.
10. Rakesh Paswan, son of Late Garib Paswan, resident of Village-Bhagwanpur, P.O.-Singhnan, P.S.-Rajoun, District-Banka.
11. Murli Paswan, S/o Jagdev Paswan, Resident of Village-Darpa Rupsa, P.S. Rajoun, District Banka.
12. Devendra Paswan, son of Lakshman Paswan, resident of Village-Singhnan, P.O. Singhnan, P.S. Rajoun, District Banka.
13. Rajendra Paswan, son of Kameshwar Paswan, resident of Village-Shikanpur, P.O. Manjohri, P.S. Rajoun, District Banka.
14. Baldev Paswan, son of Late Sahdev Paswan, Ward No. 1, Bangaon, Banka, Bihar, 813107.
15. Sikandar Paswan, S/o Ganesh Paswan, Pipradih, Ward-13, Dhauni, P.S. Rajoun, Distt. Banka.
16. Buddhi Tanti, Son of Doman Tanti, resident of Village-Rampur, P.S. Rajoun, District Banka.
17. Mina Devi, Wife of Bibhishan Paswan, resident of Village-Punsia Basti, P.O.-Punsia, P.S. Rajoun, District Banka.
18. Dev Narayan Paswan, son of Ram Paswan, resident of Village-Khaira Khiri, P.S. Rajoun, District Banka.
19. Prakash Paswan, son of Puran Paswan, resident of Village-Naripa, P.S. Rajoun, District Banka.
20. Bajrangi Paswan, son of Hirala Paswan, resident of Village-Nima Lashkari, P.S. Rajoun, District Banka.



21. Kuldip Paswan, Son of Banarsi Paswan, resident of Village-Gopalpur, P.S. Rajoun, District Banka.
22. Churaman Paswan, Son of Budhu Paswan, resident of Village-Sohani, P.O.-Morama, P.S. Rajoun, District Banka.
23. Bhagirath Paswan, son of Sudin Paswan, resident of Village-Tekani, P.O.-Shanjha, P.S. Rajoun, District Banka.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary Finance Department, Bihar, Patna.
2. The Principal Secretary, Home (Police) Department, Bihar, Patna.
3. The District Magistrate, Banka.
4. The Circle Officer, Rajoun, District Banka.

... .. Respondents

Appearance :

For the Petitioners : Mr. Munna Raj, Advocate
For the Respondents : Mr. Ruchikar Jha, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioners and the State.

The petitioners in the present case are seeking the following reliefs:-

- “(i) To issue an appropriate order/orders Direction/Directions including a writ in the nature of mandamus commanding and directing upon the respondents to make the benefit of three financial up gradation in the next grade pay in hierarchy to the petitioner such as A.C.P./M.A.C.P.
- (ii) To direct the respondents to make the payment of A.C.P./M.A.C.P. who have completed 12/24, 10/20/30 of their respective service to which the petitioners are legally entitle.
- (iii) To direct the respondent to make the payment of interest on the above mentioned claims of the



petitioners on account of delay and latches on their part.

(iv) To any other relief/reliefs to which the petitioners may be found entitled in the facts & circumstances of the case.”

Altogether 23 petitioners have moved this Court seeking a direction to the competent authorities to consider their claims for the Assured Carrier Progression (ACP) and Modified Assured Carrier Progression (MACP) as according to them, they have completed the required number of years in service on which they have become entitle for such benefits.

Learned counsel for the petitioners submits that during pendency of the writ application, petitioner no. 1 has already been paid the benefits of ACP and MACP. Now, the claims of other 22 petitioners are required to be considered.

Mr. Ruchikar Jha, learned AC to SC-8 appears for the State.

This Court has been informed that a general direction has been issued to all the District Magistrates in the State of Bihar to look into the matter of grant of ACP and MACP to the persons like the petitioners.

Having regard to aforementioned facts and circumstances, this Court directs the District Magistrate, Banka (Respondent No.3) to look into the grievance of the petitioners,



examine their claims in accordance with law and take an appropriate decision within a period of three months from the date of receipt/production of a copy of this order.

If the claims are found payable, the same shall be paid within another two months.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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