

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22106 of 2014

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Ramashray Prasad Sharma S/o Late Laxmi Narayan Singh R/o Village - Aat ,
P.S. - Ven, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Civil Surgeon-Cum-Chief Medical Officer Biharsharif, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

- 3 30-01-2023 1. The petitioner by way of this writ petition has
prayed as under:-

(I) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authority to grant benefit of 1st A.C.P. in pay scale of (5000-9000) and 3rd A.C.P. from the date when the petitioner is entitled for that or from the date when juniors and similar to the petitioner have been granted such benefit.

(ii) Further to pay the admissible due arrears of salary after granting the benefit of 1st & 2nd and 3rd A.C.P and accordingly to revise the pension of the petitioner and pay arrears due to differences of pay, payable to the petitioner.

(iii) Further for direction to the respondent authority to take a proper and judicious decision over the representation of the petitioner which has been filed for grant of benefit of A.C.P.



was back in the years 2012.

2. The respondents in their counter affidavit have stated as under:-

“9. That this Hon’ble Court may appreciate that vide Bihar Govt., Finance Dept. Memo No.4685 B(2) dated 25.06.2003 only two A.C.P. were granted to the employees. 1st A.C.P. after completion of 12 yrs. Of regular service and 2nd A.C.P. after completion of 24 years of regular service. The benefit of Modified (M.A.C.P.) scheme 2010 was given to the employees vide Bihar Govt. Finance Dept. Memo No.7566 B(2) dated 14.07.2010 w.e.f. 1-1-2009, whereafter three M.A.C.P (s) were granted to the employees [1st M.A.C.P. after completion of 10 years of regular service, 2nd M.A.C.P. after completion of 24 years of regular service and 3rd M.A.C.P. after completion of 30 years of regular service]. As the petitioner retired from service on 31.01.2004, so the benefit of M.A.C.P. cannot be extended to the petitioner because the M.A.C.P. was granted w.e.f. 1-1-2009 only.”

3. Keeping in view that the petitioner retired on 31.01.2004, whereas the 3rd M.A.C.P was to be granted on completion of 30 years of regular service with effect from 01.01.2009, the claim of the petitioner is not made out. The petitioner has already been granted benefit of 1st and 2nd A.C.P. and re-fixation has also been done.

4. Keeping in view thereto, no further relief can be granted to the petitioner.



5. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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item no.101

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