

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7947 of 2023

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Manoj Kumar Ranjan son of Late Basudev Malakar, Resident of Baisha,
Police Station Parwata, District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate Mr. Mukesh Kumar Sinha, Advocate
For the State	:	Mr. Mahendra Prasad Verma, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-11-2023 1. The present writ petition has been filed seeking the following relief:-

“That this writ application is filed for issuance of writ in the nature of mandamus directing the respondents to grant 1st A.C.P with effect from 18.04.2003, 2nd M.A.C.P with effect from 18.04.2011 and 3rd M.A.C.P with effect from 18.04.2021 to the petitioner with all consequential benefits.”

2. At the outset, the learned counsel for the petitioner has submitted that the case of the petitioner for grant of 1st ACP, 2nd MACP and 3rd MACP, from the due dates, has not been



considered by the respondents, merely on the ground that the vigilance report is not available, hence the respondents are required to be directed to consider the claim of the petitioner and pass appropriate orders, within a stipulated time frame.

3. *Per contra*, the learned counsel for the respondents has submitted by referring to the counter affidavit filed in the preset case that the case of the petitioner has been kept pending on account of unavailability of the vigilance clearance report, nonetheless, his case shall be considered in the next meeting.

4. Having regard to the facts and circumstances of the case, this Court finds that unavailability of vigilance clearance report cannot be a ground not to consider the case of the petitioner for grant of 1st ACP, 2nd MACP and 3rd MACP, hence this Court deems it fit and proper to direct the respondent no. 2, i.e. the Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna to consider the case of the petitioner for grant of benefits of 1st ACP, 2nd



MACP and 3rd MACP and pass appropriate orders, within a period of six weeks of receipt/production of a copy of this order, without being impeded by non-availability of the vigilance clearance report.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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