

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14088 of 2021

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Yogendra Tiwari Son of Late Janardan Tiwari Resident of Village-Laguni,
Police Station-Ekma, District-Saran at Chapra. Retired While Working as a
Key-Man-Cum-Chowkidar, Public Health Division, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Special Secretary, Vishwasaraiya Bhawan,
Bihar, Patna.
4. The Chief Engineer, Public Health Engineering Department, Govt. of Bihar,
Patna.
5. The Superintending Engineer, Public Health Engineering Department, Saran
at Chapra.
6. The Executive Engineer, Public Health Division, Siwan.
7. The Assistant Engineer, Public Health Division, Siwan.
8. The District Accounts Officer, Siwan.
9. The District Treasury Officer, Siwan.
10. The Accountant General, Veerchand Patel Path, Bihar, Patna.
11. The Accounts Officer, Office of the Accountant General, Beerchand Patel
Path, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1(I) For issuance of an appropriate writ in the
nature of mandamus for commanding and
directing the respondents authorities concerned
to provide the benefits of 1st, 2nd and 3rd
ACP/MACP for which, the petitioner is entitled*



as per the ACP/MACP Rule and to direct to pay the arrears of differences of salary with all consequential benefits in the light of the order passed by this Hon'ble High Court in C.W.J.C. No. 13984 of 2017 (Chandra Mohan Singh and Others vs. the State of Bihar and Others) by which, the Hon'ble High Court has observed that period for granting the benefits of ACP and MACP as well as the pensionary benefits, is covered by a judgment of this Court dated 12.4.2012 passed in CWJC No. 19195 of 2011 and has ordered that the period of service rendered by the employees in the work charge establishment for the purposes of computing the total period of service undergone for granting the benefits of ACP/MACP as well as pensionary benefits and, hence, the serviced rendered by the petitioner in the work charge establishment since 04.08.1988 to 31.08.2002 is required to be computed for the purposes of grant of benefits under ACP/MACP scheme and thus the petitioner is entitled for 1st, 2nd and 3rd ACP/MACP which has not been given to him even after his retirement.

(II) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the benefits of pensionary benefits such as pension, gratuity, leave encashment etc. as the petitioner has retired from service



on 31.12.2020 but the same has not been given to the petitioner.

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to pay Rs. 36,143/- as well as the interest accrued thereon in the light of memo no. 1572 dated 16.12.2014 by the Executive Engineer, Public Health Division, Siwan communicated to the Treasury Officer, Siwan by which, there is direction for return of the contribution of the petitioner and others in the New Pension Scheme in the light of the letter no. 123 dated 21.02.2014 by the Under Secretary, Public Health Engineering Department, Govt. of Bihar, Patna as the same has not been paid even after repeated request and representation.”

2. At the outset, the learned counsel for the petitioner has limited his prayer to issuance of a direction to the respondents, more particularly, the Superintending Engineer, Public Health Engineering Department, Saran at Chapra to make payment of the actual monetary benefits emanating out of grant of the benefits of 1st, 2nd and 3rd ACPs/MACPs, which, according to the petitioner have already been granted in favor of the petitioner.



3. Having regard to the limited prayer, made by the petitioner, I deem it fit and proper to direct the Superintending Engineer, Public Health Engineering Department, Saran at Chapra to make payment of the actual monetary benefits, emanating out of grant of the benefits of 1st, 2nd and 3rd ACPs/MACPs, in case the same have actually been granted to the petitioner, within a period of four weeks of receipt/production of a copy of this order.

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

(Mohit Kumar Shah, J)

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