

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5088 of 2011

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Vijay Kumar Singh S/O Sri Ramayan Singh, Resident Of Village Sisauni, P.S.
Demi, District - Chapra.

... .. Petitioner/s

Versus

1. The Union Of India, through Secretary, Ministry of Public Grievances and Pensions, Department of Personal and Training North Block, New Delhi
2. The Director General, Csf Head Quarters No. 13, Cgos Complex, Lodhi Road, New Delhi.
3. The Group Comandent, Csf Group Head Quarters, Patna.
4. The Deputy Inspector General Csf Unit Indian Oil Corporation, Barauni.
5. The Assistant Inspector General, Csf, Establishment, 13 Cgo Complex, Lodhi Road, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate
For the Respondent/s : Mr. Bindhyachal Rai, Sr. Panel Counsel

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 20-07-2024

There is no assistance from the State counsel in apprising this Court. Matter is pending consideration for the last about 13 years.

2. Short question for consideration in the present *lis* is whether petitioner is entitled to MACP benefits in the light of Annexure 1 – Policy decision of the State read with his service particulars.

3. Perusal of impugned order dated 31.01.2011, Annexure – 6, the concerned authority has taken note of the factual



aspect to the extent that for a period from the year 2001 to 2007 petitioner had Annual Remarks of average for the years 2001, 2002, 2004 to 2007. For the year 2003 remarks are average/good. If such remarks are on the file of the petitioner that does not prohibit in granting MACP or ACP benefits in the light of Annexure – 1. Paragraph No. 8 of the Scheme reads as under :

“8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.”

4. In the light of these facts and circumstances, there is no specific prohibition for extending MACP/ACP benefits in the event of having certain average remarks in the annual appraisal report so as to deny benefits of MACP/ACP. Moreover, Hon'ble Supreme Court in the case of ***Amresh Kumar Singh and Others vs. The State of Bihar and Others*** reported in **2023 (2) PLJR (SC) 423** held that employee/officer need not fulfill the eligibility criteria for next promotional post to claim MACP/ACP benefits. Even on this issue the petitioner has made out a case. Accordingly, Annexure – 6 dated 31.01.2011 stands set aside.

5. The concerned respondent is hereby directed to revisit the grievance of the petitioner insofar as extending MACP/ACP in



the light of MACP/ACP Scheme and proceed to grant as and when it was due to the petitioner. Thereafter, proceed to re-fix the pay of the petitioner and extend all service and monetary benefits till his retirement including annual increments and revision of pay, if any. Immediately, his pension is required to be re-fixed with reference to grant of MACP/ACP. The above exercise shall be completed within a period of four months from the date of receipt of copy of this order.

6. Accordingly, present writ petition stands allowed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2024
Transmission Date	NA

