

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12975 of 2021

Brindaban Rai, Son of Late Shankar Dayal Rai, Resident of Tribhuban Gopal Enclave, Flat No. F1, Vittiya Vibhag Colony, Khajpura, P.S. - Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The Deputy Secretary (Management Cell), Road Construction Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr.Amit Prakash (GA-13)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.That by this application, the Petitioner is invoking the writ jurisdiction of this Hon'ble Court in the nature of writ of Mandamus for directing the Respondent to consider for grant of 1st Assured Career Progression (hereinafter referred as A.C.P.) in pay scale of Rs. 6500-10500/- (revised Rs. 8000-13500) w.e.f. 05.01.2000 on completion of 12 years of service, 2nd M.A.C.P. on completion of 20 years of service in grade pay of Rs. 6600/- w.e.f. 01.01.2009 and 3rd M.A.C.P. on completion of 30 years of service in grade pay of Rs. 8700/- w.e.f. 05.01.2018 even the punishment of reduction to



lower stage of scale of Assistant Engineer inflicted to the Petitioner in the departmental proceeding has been quashed and cancelled in C.W.J.C. No. 12642/2017 as is evident from Annexure-2, 3 & 4 but till yet, the said ACP MACP has not been given to the Petitioner without rhyme and reasons. However, the Petitioner has retired from service on 30.06.2021 from the post of Assistant Engineer.”

2. At the outset, the learned counsel for the petitioner submits that since, at the moment, neither any departmental proceeding nor any criminal proceeding is pending against the petitioner, he is entitled to be granted the benefits of A.C.P./M.A.C.P. scheme, hence he would approach the Principal Secretary, Road Construction Department, Government of Bihar, Patna, for redressal of his aforesaid grievances, thus, he be directed to take a decision, expeditiously.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to approach the Principal Secretary, Road Construction Department, Government of Bihar, Patna, i.e. the respondent no.2, for redressal of his aforesaid grievances and in case appropriate representation is filed, within a period of two weeks from today, the same shall be decided, in accordance with law,



by passing a reasoned and a speaking order, within a period of four weeks, thereafter and in case the petitioner is found entitled to any consequential benefits, the same shall also be paid, within the same time frame.

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

(Mohit Kumar Shah, J)

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