

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7331 of 2016

=====

Bhairaw Lal Prasad Son of Late Ram Yad Rai, Resident of Village- Dharhari, Post Office- Dipahi, Police Station- Chiraia, East Champaran, Bihar. Retired Assistant Research Officer, Bihar Sharif, at present Address- Gayatri Nagar at Motihari, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director-cum-Commissioner, Agriculture Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Administration, Agriculture Department, Government of Bihar, New Secretariat, Patna.
4. The Accountant General, Government of Bihar, R.Block, Patna-1. null null

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG-13

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL ORDER

4 30-10-2024 None appears for the petitioner.

2. Heard learned counsel for the State.

3. This writ petition has been filed by the petitioner seeking a direction to the respondents to grant first and second ACP to the petitioner and for fixation of the revised pension.

4. The petitioner at the relevant period was an Agricultural Inspector in the Department of Agriculture, Muzaffarpur.

5. Respondent Nos. 1-3 has filed a counter affidavit wherein, in paragraph No. 4 thereof it has been stated as under:

"...4. That, it is stated that the



claim of the petitioner has been duly examined by the Directorate of Agriculture.

After examining, following facts emerge:-

(i) From the service book of the petitioner it is evident that the petitioner was an employee of the cadre of Agriculture Inspector and his pay scale in Rs. 5000-8000/- was sanctioned by the Finance Department on 01.01.1996.

(ii) Accordingly the 1st and 2nd A.C.P. of the petitioner were admissible in the scale of Rs. 6500-10500/- and Rs. 10000-15200/- .

(iii) From the service book as well as pension payment order it transpired that the pay scale of Rs. 5000-8000/- revised pay band-II grade pay Rs. 4200/- was admissible to the petitioner whereas the petitioner has got pay scale Rs. 6500-10500/-, revised PB-2 Grade pay Rs. 4800/- therefore, it is very much clear that the petitioner has already received the pay scale of 1st ACP i.e. Rs. 6500- 10500/- revised PB-2 Grade pay Rs. 4800/-. In such circumstances there is no relevancy to grant him 1st ACP in the same pay scale/grade once again.

(iv) Consequent upon, the petitioner has been given 2nd ACP vide memo no. 318 dated 26.03.2018 in the scale of 2nd ACP of Rs. 10,000-15,200/- w.e.f 23.01.2004.

(V) Accordingly vide letter no. 390 dated 17.04.2018 the office head of the petitioner i.e. District



Agriculture Officer, Nalanda has been directed to ensure payment of consequential benefits to the petitioner..."

6. No rejoinder has been filed by the petitioner to the counter affidavit filed by the respondent Nos. 1-3.

7. On perusal of the stand taken by the respondent Nos. 1-3, as is evident from paragraph-4 of the counter affidavit filed by the respondent Nos. 1-3 which has been extracted hereinabove, I find that the grievance of the petitioner has been redressed.

8. Under the circumstances the writ petition is disposed of with no consequential order.

(Nani Tagia, J)

Nishant/-

U			
---	--	--	--

