

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.585 of 2019**

Daya Shankar Singh Son of Late Krishna Ballabh Singh Resident of Shankar Niwas, North of Panchwati Chowk, Gangjala, Saharsa, P.S.- Saharsa, District-Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
2. The Joint Secretary, Industries Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Executive Director, Bihar Industrial Area Development Authority, Head Office, Patna.
7. The Executive Director, Bihar Industrial Area Development Authority, Regional office, Muzaffarpur.
8. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga.

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Appellant/s  | : | Mr. Prashant Sinha, Advocate     |
| For the Respondent/s | : | Mr. Yogendra Prasad Sinha (AAG7) |
|                      | : | Mr. Shankar Verma (AC to AAG-7)  |
| For BIADA            | : | Mr. Parth Gaurav, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**

**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 08-07-2024**

The appellant has assailed the order of the learned Single Judge dated 18.04.2019 passed in CWJC No.3243/2016. The appellant joined service as a Typist in one of the State



Government, Industrial Unit and the same was taken over by BIADA on 15.06.1978 or State Govt. transferred the aforementioned Industrial Unit to the BIADA. Thereafter, the appellant has attained the age of superannuation and retired from service on 30.06.2010. For the first time, BIADA have adopted the ACP and MACP Scheme on 19.01.2015. In this backdrop, question for consideration is whether appellant is entitled to benefit of ACP and MACP or not.

2. It is submitted that appellant has also sought for certain other relief of extending 6<sup>th</sup> Pay Commission. The learned Single Judge has rejected the grievance of the appellant insofar as extending the ACP and MACP benefit, in the light of the fact that appellant has attained the age of superannuation and retired from service on 30.06.2010 whereas, scheme of ACP and MACP benefits were adopted by the BIADA on 19.01.2015. The appellant has not made out any vested legal right to claim ACP and MACP benefits with reference to any particular exhibited orders or rules. On the other hand, he is referring to his initial appointment in the State Govt. run Industrial Unit and pay has been protected. Therefore, he is entitled to whatever the service benefit extended to a Government employee like ACP and MACP. It is to be noted that even though ACP and MACP Scheme was introduced by the



State Government on a particular date, however, the same was adopted by the BIADA only on 19.01.2015 and it is prospective in nature. Therefore, appellant has not made out a case so as to interfere with the order of learned Single Judge dated 18.04.2019 passed in CWJC No.3243/2016.

3. Non-consideration of other grievance of the appellant is in respect of 6<sup>th</sup> Pay Commission. It is to be noted that orders of the learned Single Judge dated 18.04.2019 is an oral judgment, the appellant should have apprised the learned Single Judge in the open Court as and when the order was dictated on 18.04.2019. Be that as it may, if the learned Single Judge has not considered relief relating to 6<sup>th</sup> Pay Commission, in that event, he had remedy of filing Civil Review and the same has not been resorted, even after, lapse of five years. Taking note of these facts and circumstances, appellant has not made out a case.

4. Accordingly, L.P.A. No.585/2019 stands dismissed.

**(P. B. Bajanthri, J)**

**( Alok Kumar Pandey, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 15.07.2024 |
| Transmission Date | N/A        |

