

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10133 of 2024

Rajesh Kumar, Son of Kishore Kumar Verma, Resident of Lane no. 2,
Mithanpura, P.S.-Mithanpura, District- Muzaffarpur, Bihar- 842002.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Bihar.
2. The Chief Engineer, Road Construction Department, Muzaffarpur.
3. The Superintending Engineer, North Bihar Road Circle, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Y. Madhavi, Advocate
For the Respondent/s : Standing Counsel 7

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-07-2024 Heard Ms. Y. Madhavi, learned counsel appearing on behalf of the petitioner and learned Standing Counsel 7 for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detail application before the respondent no. 2 (The Chief Engineer, Road Construction Department, Muzaffarpur) to grant him financial progression under MACP Scheme, taking into consideration the law laid down by the Apex Court in the case of **Amresh Kumar Singh & Ors. Vs. The State of Bihar & Ors.** reported in **(2023) 2 PLJR (SC) 423**, and the recent judgment dated **28.06.2024** of the Hon'ble Full Bench of this Court passed in **CWJC No. 18727 of 2017 (Kamlanand Thakur Vs. The State of Bihar)** and other analogous matters.

3. Learned counsel appearing on behalf of the



petitioner gives information that a communication has been made to the petitioner, vide letter dated 03.07.2024 contained in Memo No. 774 issued under the signature of the Superintending Engineer, North Bihar Road Construction Department, Muzaffarpur that a decision has been taken by respondent no.2 to deduct Rs.54,000/- per month from the person of the petitioner, which action is against the principle laid down by the Apex Court in the case of **Amresh Kumar Singh & Ors.** (Supra).

4. This Court directs the Authorities concerned to redress the grievance of the petitioner well within the period of four weeks from the date of communication of this order considering the law laid down by the Apex Court in the case of **Amaresh Kumar Singh & Ors.** (*supra*) and a reasoned order must be passed and communicated to the petitioner in accordance with law. Till then no effect is required to be given to Memo No.774 dated 03.07.2024.

5. With the above observations/directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

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