

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11200 of 2024

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Sahtu Ram, Son of Dukhan Ram, Resident of Village- Turha Toli Danapur Cant, P.O. Danapur Cant, Police Station- Shahpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Sinchai Srijan, Water Resources Department, Saharsa.
4. The Executive Engineer, Ayojan and Monitoring Division Saharsa, Water Resources Department, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Verma, Advocate
For the Respondent/s : Mr.Kameshwar Kumar, GP 17

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 29-07-2024 The petitioner is a superannuated employee under Land Acquisition Department. He retired from service w.e.f., 31st of July, 2015 from the post of Lower Division Clerk.

2. It is contended on behalf of the petitioner that during 37 years of his service, he did not even get any financial benefit in the form of 1st ACP, 2nd ACP and MACP, so is the instant writ petition for revision of pay after granting 1st ACP, 2nd ACP and MACP, which are admissible to the petitioner.

3. Learned counsel for the respondents submits that the scheme of MACP was introduced w.e.f., 1st of September, 2008. During his service period and even after his retirement, he never claimed revision of his pay-scale on grant of ACP/MACP



which was admissible to him. After about 9 years of his retirement, he has come forward praying for the said financial benefit. According to the learned counsel for the respondents, the instant writ petition ought to be dismissed on the ground of delay and laches.

4. It is needless to say that delay is not a ground for granting financial benefit by way of revision of pay which an employee is entitled. It is the duty of the employer to grant ACP/MACP and if there is stagnation of promotion, an employee is entitled to get second highest scale with grade pay on completion of certain years of service.

5. For this reason, no application of the petitioner is necessary. It is the duty of the employer.

6. In the instant case, the employer failed to perform his duty. Therefore, the petitioner is entitled to have revision of pay as per his admissibility.

7. In view of the above discussion, the instant writ petition is disposed of directing Respondent No. 4 (The Executive Engineer, Ayojan and Monitoring Division Saharsa, Water Resources Department, Saharsa) to calculate the financial benefits which were receivable by the petitioner under the scheme of ACP/MACP.



8. The petitioner is entitled to get arrears pay after calculation of ACP/MACP by the Respondent No. 4 within 60 days from the date of communication of this order.

9. The pensionary benefits of the petitioner shall also be calculated on the basis of revision of pay by granting ACP/MACP.

10. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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