

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12466 of 2024

Kundan Kumar Singh Son of Late Nand Kishor Singh Resident of village-
Ramgarh, P.O.- Khalwa, P.S.- Nautan, District- Siwan at present posted at
Road Construction Department, Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Add. Chief Secretary, Road Construction Department, Vishwasheraiya Bhawan, Bailey Road, Patna- 800023.
2. The Add. Chief Secretary, Road Construction Department, Vishwasheraiya Bhawan, Bailey Road, Patna- 800023.
3. The Principal Secretary, Finance Department, Old Secretariat, Patna-23.
4. The Engineer-in-chief (Head Quarter), Road Construction Department, Vishwasheraiya Bhawan, Bailey Road, Patna- 800023.
5. The Chief Engineer (North), Road Construction Department, Officers Flat, Punaichak, Flat No.- T-5, T-6, Patna.
6. The Superintending Engineer, Road Construction Department, (Saran Road Circle), Saran.
7. The Executive Engineer (Road Division) Road Construction Department, Near Kamla Roy College, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Government Pleader 6

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2024 Heard Mr. Vivekanand Vivek, learned counsel

 appearing on behalf of the petitioner and learned GP 6 for the

 State.

2. Learned counsel appearing on behalf of the

petitioner seeks to file a detailed representation before the Chief

Engineer, (North), Road Construction Department, Patna for

considering his claim in light of the law laid down by the Apex

Court in the case of **Amresh Kumar Sinha & Ors. v. The**



State of Bihar & Ors., reported in **2023 SCC Online SC 496** and later on clarified by the Full Bench of this Court in case of **Kamlanand Thakur vs. State of Bihar & Ors. (C.W.J.C. No. 18727 of 2017)**, for grant of MACP, as has been granted to similarly situated persons, who are also holding the post of Accounts Clerk and in this regard, learned counsel has brought on record office order No.31/21-22, contained in Memo No.833 dated 28.07.2021.

3. Considering the relief sought for in the present writ petition, the State counsel has no objection if the petitioner files a detailed representation before the Chief Engineer of the Department for considering his case in accordance with the law laid down in the case of *Amresh Kumar Sinha (supra)* as well as, in case of *Kamlanand Thakur (supra)*.

4. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has sought equity on the ground that similarly situated other accounts clerk have been granted the benefit of MACP in a revised pay scale applicable to the Accounts Clerk and in this regard, the petitioner has brought on record office order No.31/21-22 contained in Memo No.833 dated 28.07.2021, I find that the authorities concerned must consider the grievance



of the petitioner and the relief sought for in the present writ petition, vis-a-vis, the other accounts clerk, who have been given similar relief, as claimed on behalf of the petitioner, by disposing of the representation of the petitioner expeditiously. The authority concerned must also abide himself by the law laid down in the case of *Amresh Kumar Sinha (supra)* as well as, in case of *Kamlanand Thakur (supra)*.

5. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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