

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12534 of 2024

Chandra Shekhar Prasad S/o Sudama Sahu, R/O-House No. 23, Gokul Marg North, P.O. and P.S.-S.K. Puri, Boring Road, District-Patna, presently posted as Technical Secretary to Chief Engineer, Irrigation Creation, Water Resources Department, Dehri.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer in Chief, Water Resources Department, Government of Bihar, Patna.
4. The Joint Secretary, Engineering, Water Resources Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan, Advocate
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP 13
		Mr. Akshay Lal Prasad, AC to GP 13

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-08-2024 Heard Mr. Alok Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Ravi Kumar along with Mr. Akshay Lal Prasad, learned Acs to GP 13 for the State.

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“(I) For quashing the order dated 04.07.2023 issued under the signature of Service grievances redressal officer, water resources Department, Government of Bihar, whereby and whereunder the prayer for grant of 2nd MACP with effect from (wef) 01.09.2009 after completion of 20 years of service and prayer for grant of 3rd MACP with effect from, 01.09.2019 after completion of 30 years of service to the petitioner has been rejected on a nonest grounds and the authorities of decided to



provide the 2nd MACP wef. 01.07.2020.

(ii) For quashing of part of notification no.2263 dated 18.09.2020 so far it relates to the petitioner; whereby and whereunder a decision has been taken for grant of 2nd MACP wef. From 01.07.2020 in place of 01.09.2009 after completion of 20 years of service.

(iii) For directing and commanding the respondent authorities to grant 2nd MACP with effect from, 01.09.2009 after completion of 20 years of service and 3rd MACP with effect from, 01.09.2019 after completion of 30 years of service and the consequential benefits attached to the same, from the date of entitlement of the petitioner; when it became due (after completion of 20 years, 30 years of service) i.e., from 01.09.2009.

(iv) For paying the entire consequential benefits attached to 2nd MACP and 3rd MACP after rectifying the date along with penal interest.

(v) For awarding cost of litigation in favour of petitioner; for unnecessarily harassing the petitioner mentally as well as physically after his retirement.

(vi) And for any other relief, for which petitioner is found entitled, which may deem fit and proper, in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before the Additional Chief Secretary, Water Resources Department, Government of Bihar for considering his case for payment of MACP from due date to the petitioner, who came in government service on 01.09.1989, in the 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)**.



4. The Additional Chief Secretary, Water Resources Department, Government of Bihar must ensure to dispose of the representation of the petitioner expeditiously preferably within 90 days, in light of 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)

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