

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9446 of 2015

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Raj Kumar Prasad Khatri, S/O- Late Baleshwar Prasad Khatri R/O - Vill-
Telhara, P.S. - Telhara, Dist. - Nalanda, Presently resident at Mohalla-
Chairman Road, Hamidganj near Barkuar Mandir, P.S.- Negar, Distt. -
Palamu.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. D.G. of Police Bihar, Patna.
3. S.P. Begusarai
4. The State of Jharkhand through the Chief Secretary Govt. of Jharkhand Ranchi.
5. D.G. of Police Jharkhand Ranchi.
6. I.G. Chotanagpur Zone Ranchi
7. D.I.G. (Personnel) Jharkhand Ranchi
8. S.P. Bokaro
9. S.P. Palamu
10. Accountant General Bihar Patna.
11. D.I.G., Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shruti Sinha, Advocate
For the Respondent/s : Mr. S.K. Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 29-10-2024

Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner praying for grant of ACP which, according to the petitioner, is granted after 24 years of service with effect from 01.01.1996 or from the date he is entitled and benefit of MACP scheme which, according to the petitioner, is granted after 30 years of service



but have not been granted to the petitioner even after his retirement on 01.12.2011 from the post of Sub-Inspector of Police from the district of Begusarai.

3. Respondent nos. 3 and 11 have filed counter affidavit, supplementary counter affidavit and second supplementary counter affidavit. Respondent no.5 has also filed a separate counter affidavit.

4. In paragraph no. 4 of the supplementary counter affidavit filed by the respondent nos. 3 and 11, it has been stated as under:

“4. That with respect to benefits of 2nd and 3rd ACP/MACP to the petitioner, it is respectfully submitted that 2nd ACP was allowed to the petitioner w.e.f. 17.11.2002 vide Memo No. 215/P-2 dated 25.01.2016 issued by the order of Director General of Police, Bihar, wherein petitioner's name is appearing at Sl. No. 30. Due date for 3rd ACP was 17.11.2012 but before that the petitioner had been retired on 30.11.2011 and as such he is not entitled to get the benefit of 3rd ACP. That it is not out of place to mention here that benefit of ACP is allowed by the police headquarter after getting the recommendation of Regional Council.”

5. In the 2nd supplementary counter affidavit filed on behalf of the respondent nos. 3 and 11 it has been stated in



paragraph no.4 as under:

“4. That a detail counter affidavit as well as supplementary counter affidavit had already been filed earlier in this case. Now this 2nd supplementary counter affidavit is being filed to bring some documentary evidences on record to show that the differential amount of salary amount to Rs. 55,795/- has been paid to the petitioner”

6. From perusal of the supplementary counter affidavits filed by the respondent nos. 3 and 11, the relevant part of which have been extracted hereinabove, it is noticed that the benefit of 2nd ACP was granted to the petitioner with effect from 17.11.2002 by Memo No. 215/P-2 dated 25.01.2016, issued under the order of Director General of Police, Bihar.

7. Insofar as, payment of 3rd ACP is concerned, it has been stated that the due date for 3rd ACP was 17.11.2012, but the petitioner retired from service on 30.11.2011 and as such, the petitioner was found to be not entitled to the benefit of 3rd ACP.

8. In the 2nd supplementary counter affidavit filed by the respondent nos. 3 and 11, as extracted hereinabove, it is also noticed that after the 2nd ACP was granted to the petitioner, the differential amount of salary of Rs. 55,795/- have also been paid to the petitioner.

9. Though the supplementary counter affidavits have



been filed in the 2019 and the year 2020 respectively, the petitioner has not filed rejoinder to the supplementary counter affidavits filed by the respondent nos. 3 and 11.

10. Since the petitioner in the instant writ petition has prayed for grant of ACP or MACP as per his entitlement and the respondent authorities are found to have paid the petitioner the ACP as per the entitlement of the petitioner which has been highlighted in the supplementary counter affidavits filed by the respondent nos. 3 and 11 and discussed hereinabove, I find that the relief(s) sought for by the petitioner has been granted by the respondent authorities.

11. Under the circumstances this writ petition is hereby disposed off with no consequential order.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.10.2024
Transmission Date	N/A

