

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13950 of 2024

Dayanand Yadav Son of Late Rama Yadav, Resident of Village- Paharpur, Police Station - Barharia, District- Siwan, retired while working as Panchayat Secretary, Gram Panchayat Raj Habib Nagar, Anchal- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
- 2. The Divisional Commissioner, Saran Division, Chapra.
- 3. The District Magistrate, Siwan.
- 4. The Deputy Development Commissioner, Siwan.
- 5. The District Panchayati Raj Officer, Siwan.
- 6. The Additional Collector, Siwan.
- 7. The Sub Divisional Officer, Hussainganj, District - Siwan.
- 8. The Block Development Officer, Hussainganj District - Siwan.
- 9. The Accountant General, Birchand Patel Path, Bihar, Patna.
- 10. The Senior Accounts Officer, Office of the Accountant General, Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Adv.
For the State	:	Mr. Birju Prasad, G.P.-13, Mrs. S. Anand, AC to GP-13
For the A.G., Bihar	:	Mr. Ram Kinker Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 20-09-2024 The petitioner has filed the instant writ petition for the following reliefs:

“1. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the benefits of ACP/MACP to the petitioner as per the MACP scheme as the petitioner in



his entire service period, has only been given the benefits of 1st time bound promotion after completion of 12 years of service and the benefits of 1st and 2nd ACP/MACP after completion of 10 and 20 years of service has not been given to him even though he retired from service on 31.01.2024 as Panchayat Secretary, Gram Panchayat Raj Habib Nagar, Anchal - Hussainganj, District - Siwan.

11. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioner sympathetically for grant of benefits of 1st and 2nd ACP/MACP after completion of 10 and 20 years and also to revise his pension accordingly as also to pay the differences of arrears of salary and its consequential benefits without any further delay.

III. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”

2. The petitioner is a retired Panchayat Secretary, Gram Panchayat Raj, Habib Nagar, Anchal-Hussainganj, District, Siwan. He joined his service in the year 1998.

3. It is the case of the petitioner that even after his retirement, he has not been given benefits of 1st and 2nd



ACP/MACP though the ACP Rule was promulgated in 2003 w.e.f. 09.08.1999 and M.A.C.P. Scheme came into force w.e.f. 01.01.2009. He retired from service on superannuation on 31.01.2024. Now the petitioner has prayed for revision of his pay under Bihar State Employees Service Conditions (Assured Career Progression Scheme), Rules, 2003.

4. It is needless to say that the petitioner is entitled to get ACP/MACP on completion of 10 years, 20 years and 30 years of service. It is the duty of the employer to grant financial benefit of A.C.P./M.A.C.P. to the employee.

5. It is submitted by the learned counsel for the petitioner that the petitioner has filed representation before the concerned authority, but no heed has been paid as yet.

6. In view of submission made by the learned counsel for the petitioner, the instant writ petition is disposed of with a direction to the District Magistrate, Siwan, respondent no. 3 to dispose of the representation filed by the petitioner for grant of 1st and 2nd A.C.P./M.A.C.P with consequential relief in the light of the Judgment passed by the Division Bench of this Court in ***C.W.J.C. No. 18727 of 2017 (Kamlanand Thakur Vrs. State of Bihar & Others)*** within a period of 60 days from the date of receipt/communication of a copy of this order.



7. The petitioner is at liberty to communicate the server copy of this order for information and compliance to the concerned respondent Authorities.

(Bibek Chaudhuri, J)

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