

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16026 of 2022

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Awadhesh Pandey Son of- Late Jay Nandan Pandey, R/o- Mohalla- Near Last Transformer, Jagdev Nagar, Anaith Ara, P.O. and P.S.- Arrah, District- Bhojpur, Bihar- 802301.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in- Chief, Head Quarters, Water Resources Department, Government of Bihar, Patna.
4. The Deputy Secretary, Management Cell, Water Resources Department, Irrigation Department, Bihar, Patna.
5. The Chief Engineer, Flood Control and Drainage, Patna, Water Resources Department, Government of Bihar, Patna.
6. The Executive Engineer, Planning and Monitoring Division, Anisabad, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the Respondent/s : Mr.Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 16-04-2024

1. The present writ petition has been filed seeking the following relief(s):-

“1.(i) For quashing reasoned order as contained in Memo No.4277 dated 17.10.22 issued under the signature of Engineer-in-chief, Water Resources Department, Government of Bihar, Patna, whereby and whereunder the claim of the petitioner for grant of benefits of 3rd M.A.C.P. when it became due (after completion of 30 years



of unblemished service) i.e. from 08.02.2009 has been rejected on nonest ground.

(ii) For directing and commanding the respondent authorities to grant 3rd M.A.C.P. and the consequential benefits attached to the same, from the date of entitlement of the petitioner, when it became due (after completion of 30 years of unblemished service) i.e. from 08.02.2009, as the same has been granted vide order as contained in Memo No.234 dated 23.01.2020, granting benefits of 3rd M.A.C.P. with effect from 01.04.2012.

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

(iv) For awarding cost of litigation in favor of petitioner, for unnecessarily harassing the petitioner mentally as well as physically after his retirement.”

2. At the outset, the learned counsel for the petitioner has raised a short issue for consideration by this Court, as far as the impugned order dated 17.10.2022 is concerned, that is to the effect that under Clause 4(v), it has been stated that though the petitioner has completed 30 years of service on 08.02.2009, however, he is being granted the benefits of 3rd Modified Assured Career Progression (hereinafter referred to as ‘M.A.C.P.’), only with effect from 01.04.2012, inasmuch as his



performance/character report for the years, 2003-04 to 2008-09 is 'good', which should have been 'very good', although the same is 'very good' for the period 2009-10 to 2011-12 and for the said reliance has been place by the respondents on a resolution dated 14.07.2010, issued by the Finance Department, Government of Bihar, Patna, nonetheless, the same no where stipulates that the benchmark/performance/character report should be 'very good' for the past three years.

3. Per contra, the learned counsel for the respondent-State submits that Clause-16 of Annexure-1, to the aforesaid resolution dated 14.07.2010, specifies that the benchmark should be 'very good' at the time of grant of increment in the Grade Pay of Rs.7600/-, hence since the benchmark of the petitioner was 'very good' for the period 2009-10 to 2011-12, he has been granted the benefit of 3rd M.A.C.P. with effect from 01.04.2012 in the Grade Pay of Rs.7600/-

4. I have heard the learned counsel for the parties and perused the materials available on record. This Court finds, from a bare perusal of Clause 16 of Annexure-1, to the aforesaid resolution dated 14.07.2010, that in case of grant of financial increment in Grade Pay of Rs.7600/-, the benchmark should be 'very good' as on the date of grant of the same, however the



same no where specifies that the benchmark should be ‘very good’ for the past three years. Admittedly, in the present case, the benchmark of the petitioner is ‘very good’ for the period 2009-10 onwards, hence there is no impediment in grant of the benefits of 3rd M.A.C.P. to the petitioner with effect from 1st of April, 2009, especially in view of the fact that the petitioner has already completed the requisite 30 years of service on 08.02.2009.

5. Accordingly, the Engineer-in-Chief (Headquarters), Water Resources Department, Government of Bihar, Patna is directed to grant the benefits of 3rd M.A.C.P. to the petitioner with effect from 01.04.2009 and to the said extent, the impugned order dated 17.10.2022, passed by the Engineer-in-Chief (Headquarters), Water Resources Department, Government of Bihar, Patna is modified.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2024
Transmission Date	NA

