

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1834 of 2024

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Jitendra Prasad Mishra, Son of Yamuna Prasad Mishra, resident of Qtr 2/25,
Ashiyana Digha Road, Salimpur Dumra, Patna, P.O. - Aashiananagar, P.S. -
Rajiv Nagar, District - Patna, Pin Code - 800025.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Personnel, Public Grievances and Pensions, North Block, Central Secretariat, New Delhi, Pin Code - 110001.
2. Director, Central Bureau of Investigation, 5-B, 6th Floor, CGO Complex, Lodhi Road, New Delhi, Pin Code - 110003.
3. Superintendent of Police-cum-Head Branch, Central Bureau of Investigation, Anti Corruption Branch, Patna.
4. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For C.B.I	:	Mr. Shourendra Pandey, Advocate
For the Respondent/s	:	Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-08-2024

Pursuant to our previous orders, Respondents have filed Supplementary Counter Affidavit on behalf of Respondent Nos. 1, 2 and 3, while enclosing Office Order No. 01 of 2024, Office Order No. 92 of 2024 and further Office Order No. 88 of 2024. Reading of these orders, it is evident that petitioner's grievance has been set right insofar as granting 1st ACP, 2nd ACP



and 3rd ACP.

2. Learned counsel for the petitioner submitted that petitioner was entitled to grade pay of Rs. 2400/- from the date of his absorption. On the other hand, Respondents have extended with a grade pay of Rs. 2000/- as per 6th CPC.

3. This issue has not been raised in the Original Application to the extent that petitioner is entitled to 1st ACP with reference to grade pay of Rs. 2400/-. Therefore, a fresh cause of action has accrued to the petitioner insofar as extension of 1st ACP read with grade pay of Rs. 2400/- and consequential service benefits. If the petitioner is not satisfied with reference to grant of 1st ACP read with grade pay of Rs. 2000/- and that he is entitled to grade pay of Rs. 2400/-, in that event, he is at liberty to approach the concerned authority by furnishing all material information. If such Application/Representation is submitted, the concerned authority shall examine and proceed to pass a detailed order and communicate the same to the petitioner. The above exercise shall be completed within a period of 04 months from the date of receipt of this order. If the petitioner is still aggrieved by the action of the Respondent, in that event, petitioner is at liberty to invoke remedy before the CAT in filing fresh Original Application.



4. With the above observation, Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2024
Transmission Date	NA

