

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3817 of 2025

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Ashok Kumar Singh, S/o Late Saryug Prasad Singh, Road No. 3, Ahiyapur,
P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Vishweshwaraiyya Bhawan, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Vishweshwaraiyya Bhawan, Government of Bihar, Patna.
3. The Secretary, Agriculture Department, Krishi Bhawan, Mithapur, Government of Bihar, Patna.
4. The Administrator, Bihar State Agriculture Marketing Board (Dissolved), Pant Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Prem Ranjan Kumar, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-03-2025

Heard the parties.

2. The petitioner is aggrieved with the Office Order No.61 dated 15.02.2017 as contained in Memo No. 303 dated 15.02.2017 so far it relates to the petitioner whereby his claim for 2nd MACP has been refused on account of non-completion of the prescribed period. The petitioner further prayed to extend the benefit of 2nd MACP in Grade Pay of Rs.6600/- w.e.f. 01.12.2009 with all consequential benefits on completion of twenty years of his service in view of Resolution No.7566 dated 14.07.2010 of the Finance Department and also prayed to



extend the revised pay-scale in view of 6th Pay Revision and the benefit(s) accrued thereon.

3. Referring to the averments made in the writ petition, learned counsel for the petitioner has contended that the petitioner joined his service on 01.12.1989 to the post of Electrical Junior Engineer in the Bihar State Agriculture Marketing Board (dissolved), Patna. After promulgation of the Bihar Agriculture Produce Market (Repeal) Act, 2006 as also on account of issuance of the Notification by the Government of Bihar in respect to adjustment of the employees of the Board/Market Committee, the petitioner was duly absorbed to the post of Electrical Junior Engineer vide resolution as contained in Memo No. 4672 dated 23.06.2011 in view of the judgment rendered by this Court. It is the contention of the petitioner that vide Annexure-P/5, the petitioner and other similarly situated persons, whose services were absorbed in the different departments of the State of Bihar, have been extended the continuity of service as well as the pay protection and the benefit of Assured Career Progression Scheme.

4. Referring to certain instances, where on identical objection, the claim of the 2nd MACP to other identical persons was denied, they approached before this Court in C.W.J.C. No.



1093 of 2021, which came to be disposed off on 24.01.2024, directing the Administrator Bihar State Agriculture Marketing Board, Patna to consider the case of the petitioner for grant of the benefit of 2nd MACP with effect from the due date as per the prevailing rules. Adverting to the aforesaid facts, learned counsel for the petitioner thus contended that apart from the claim of the petitioner is based on parity; rejection of the claim of the petitioner for 2nd MACP is wholly illegal and in the teeth of the order passed by the respondent no.4.

5. At this juncture, learned counsel for the State submitted that since the petitioner is seeking parity with the petitioner of C.W.J.C. No. 1093 of 2021 [Mahesh Prasad Singh], the case of the petitioner is required to consider at the level of the respondent no.4.

6. In view of the afore-noted facts, the present writ petition stands disposed off with a direction to the respondent no.4 to consider the case of the petitioner afresh for grant of the benefit of 2nd MACP with effect from the due date as per the prevailing rules as also the fact that others have been allowed the benefit(s) of 2nd MACP as well as the benefit(s) of 6th Pay Revision and pass a reasoned and speaking order within a period of eight weeks from the date of receipt/production of a copy of



this order.

7. In case, the claim of the petitioner finds favour,
necessary consequential order shall be passed within the
stipulated period.

(Harish Kumar, J)

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