

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17809 of 2017

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Barendu Bhushan Chaturvedi son of Late Ram Prasad Chaubey Resident of
Village - Sahupada, P.S. Sanokhar, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Bishwasharaiya Bhawan, Patna.
2. The Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur.
3. The Executive Engineer, R.C.D. Road Division, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Harendra Nath Ojha, Advocate
For the State : Mr. U. S. S. Singh (GP-19)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-07-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

“I. For setting aside the Office Order No.18(A) dated 06.06.2017 passed by the Superintending Engineer based upon the decision of Screening Committee constituted under Letter No.10936 dated 27.11.2014 Finance Department, Govt. of Bihar, by which he pleased to cancel the 2nd A.C.P. and M.A.C.P monetary benefit provided to the petitioner vide his earlier Office Order No.38 dated 19.08.2013 under which the 1st A.C.P.



monetary benefit Rs. 5000-8000, Grade Pay-PB2+4200, 2nd A.C.P. monetary benefit Rs. 5500-9000 Grade Pay Rs. PB2+4200/- both with effect from 16.01.2010 and 3rd MACP monetary benefit pay scale Rs. 9300-34800, Grade Pay Rs. PB2+4600/- with effect from 15.07.2011, had been already provided to the petitioner and further directed to recover such excess payment as the petitioner had already got it through the said order.

II. For setting aside the Office Order No. 38 dated 19.08.2013 under which the 1st A.C.P. monetary benefit Rs. 5000-8000, Grade Pay-PB2+4200, 2nd A.C.P. monetary benefit Rs. 5500-9000 Grade Pay Rs. PB2+4200/- both with effect from 16.01.10 and 3rd MACP monetary benefit pay scale Rs. 9300-34800, Grade Pay Rs. PB2+4600/- with effect from 15.07.2011, had been provided to the petitioner.

III. For an appropriate direction to provide 1st A.C.P. monetary benefit with effect from 09.08.1999, 2nd A.C.P. monetary benefit with effect from 15.07.2005 and M.A.C.P monetary benefit with effect from 15.07.2011 and further direction to provide the monetary benefit difference amount as the petitioner is entitle to get it and already got it.

IV. For providing cost and compensation, if any, in this regard.”



3. Learned counsel for the petitioner submits that during pendency of the present writ petition, Hon'ble Full Bench of this Court has decided in ***Civil Writ Jurisdiction Case No.18727 of 2017 (Kamlanand Thakur Vs. The State of Bihar & Ors.)*** with other analogous cases *vide* order dated 28.06.2024. Counsel submits that the petitioner's case is squarely covered in light of the aforesaid Hon'ble Full Bench decision, and as such, he seeks the indulgence of this Court to allow the present writ petition in accordance with the Hon'ble Full Bench decision.

4. Upon a specific query from the Court to the counsel for the petitioner as to whether he has filed any representation before the concerned authority stating that the petitioner's case is squarely covered by the aforesaid Hon'ble Full Bench decision, he submits that no such occasion has arisen.

5. Learned counsel for the State agrees with the arguments of the counsel for the petitioner and submits that liberty may be granted to the respondent authority to scrutinize the petitioner's case.

6. In the light of the submissions made, it is hereby directed to the petitioner to file his representation before the Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur (Respondent no.2) within 30 days from



today along with a copy of this order stating and showing that his case is squarely covered from the decision of Hon'ble Full Bench in case of ***Kamlanand Thakur (supra)***. Respondent no.2 shall pass a reasoned and speaking order on the representation of the petitioner within 90 days from the date of receiving the petitioner's representation after considering that the petitioner's case is squarely covered from the decision of Hon'ble Full Bench in case of ***Kamlanand Thakur (supra)***. It is made clear that Clause 4.C(1) of the Bihar State Litigation Policy, 2011 is in favour of the petitioner.

7. Till then, the status quo as on date shall be maintained and without passing the final order, no coercion shall be taken against the petitioner.

8. Hence, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

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