

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2715 of 2021**

Syed Mazahar Imam, son of late Syed Ali Asghar, resident of Dalpatpur, P.S.-  
Maharajganj, District- Siwan at present residing at Makka Tower Indrapura,  
Samanpur, P.S. Shastrinagar, District- Patna 800014

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Home (Police), Govt. of Bihar, Patna
2. The Director General of Police Bihar, Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, Advocate  
For the Respondent/s : Md. Irshad, AC to SC- 1  
Md. Fazle Karim, AC to SC- 1

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 01-07-2025**

Heard the parties.

2. The petitioner, a retired Deputy Superintendent of Police, is aggrieved with the order granting 2<sup>nd</sup> MACP belatedly with effect from 16.11.2010 vide Memo No. 1783 dated 25.05.2015, issued under the signature of Director General of Police, Bihar to the extent it relates to the petitioner. The petitioner also sought a direction upon the concerned respondents to extend the benefit of 2<sup>nd</sup> ACP w.e.f. 2008 on completion of 24 years of service and further to grant 3<sup>rd</sup> MACP on completion of 30 years of service after calculating it with



effect from the year 2014, the date from which the other similarly situated persons have been granted the benefit.

3. Learned Advocate for the petitioner contended that so far the claim of the petitioner with respect to 3<sup>rd</sup> MACP is concerned, the same was duly accepted by the answering respondents by filing counter affidavit on behalf of respondent no.2. Referring to paragraph nos. 10 and 11 of the counter affidavit, it is contended that so far the shifting the dates of 1<sup>st</sup> and 2<sup>nd</sup> ACP are concerned, the same not being pressed by the petitioner and in this respect an amendment petition has already been filed.

4. Now the grievance of the petitioner is only confined to the benefit under 3<sup>rd</sup> MACP. Referring to the counter affidavit filed on behalf of respondent no.2, it is contended that the said claim of the petitioner is admitted and it has been said that the process for granting the benefit of 3<sup>rd</sup> MACP has already been initiated and it is expected that the same shall be concluded within next 12 weeks.

5. The counter affidavit came to be filed on 19.07.2022, but to utter surprise till date the benefit of 3<sup>rd</sup> MACP has not been extended to the petitioner.

6. Learned Advocate for the State submits that in



this regard a fresh instruction is required to be taken at the level of the Department as to whether the petitioner has been extended the benefit or not.

7. Considering the submissions set forth by the learned Advocate for the respective parties, as also taking note of the averments made in the counter affidavit, this Court deems it fit and proper to dispose of the writ petition in terms of paragraph 11 of the counter affidavit wherein the answering respondent has admitted the claim of the petitioner with respect to benefit of 3<sup>rd</sup> MACP.

8. This Court is hereby directed the respondent no.2 to take up the matter of the petitioner and ensure payment of admissible benefit of 3<sup>rd</sup> MACP and arrears thereof, preferably within a period of twelve weeks from today.

9. It is needless to observe that the counter affidavit came to be filed in the year 2022 itself; and undertaking was given that the benefit of 3<sup>rd</sup> MACP shall be extended to the petitioner within twelve weeks, but to utter disregard three years have been elapsed; thus the period stipulated in the order must be adhered to, failing which appropriate order shall be passed against the erring official, who shall be found responsible in causing delay.



10. The writ petition stands disposed of.

(Harish Kumar, J)

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