

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.431 of 2022

In
Civil Writ Jurisdiction Case No.9639 of 2020

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1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Additional Chief Secretary/Principal Secretary, Labour Resources Department, Govt. of Bihar, Niyogan Bhawan, Patna.
 3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
 4. The Commissioner, Labour Resources Department, Govt. of Bihar, Patna.
 5. The Joint Commissioner, Labour Resources Department, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

Arun Kumar Son of Late Ram Darshan Prasad, resident of House No. 3/1, New Alkapuri, P.O. Anisabad, P.S. Gardanibagh, Patna-800002, superannuated as Labour Superintendent-cum-Deputy Registrar, Trade Union, New Secretariat, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjit Kumar, AC to GP-26
For the Respondent/s	:	Mr. Arun Kumar Sinha, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 22-04-2025

Re: I.A. No. 1 of 2022

The learned counsel for the appellant presses the afore-noted interlocutory application for condoning the delay of 6 months and 29 days in preferring this appeal.



2. For the reasons stated in the application, the delay of 6 months and 29 days in preferring this appeal is condoned.

3. I.A. No. 1 of 2022 stands allowed.

Re: L.P.A. No. 431 of 2022

4. We have heard the learned counsel for the parties.

5. By the impugned judgment dated 20.12.202 in C.W.J.C. No. 9639 of 2020, the learned Single Judge has remanded the matter to the concerned authority for taking a fresh decision regarding grant of 3rd MACP to the respondent, but only after affording him the copies of the ACRs, which have been relied upon for keeping him out of that concession.

6. The learned Single Judge, in our estimation, is absolutely justified in holding that the 3rd MACP to the respondent could not have been withheld without affording him an opportunity of knowing his ACR, which had been considered and MACP was withheld.



7. The State/concerned authority shall be under an obligation to take a fresh decision in the matter after providing the respondent with his ACRs, which have been relied upon for the decision.

8. There is absolutely no merit in this appeal.

9. The appeal is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Manoj/Sujit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2025
Transmission Date	NA

