

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1093 of 2025

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Gopal Prasad S/o- Late Nageshwar Lal, R/o Mohalla- Kurthaul, New Etwarpur, Lalu Path P.O.- Kurthaul, P.S.- Parsa, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Nirman Bhawan, Beli Road, Patna.
3. The Engineer in Chief cum Special Secretary, Road Construction Department, Nirman Bhawan, Beli Road, Patna.
4. The Chief Engineer, Road Construction Department, Nirman Bhawan, Beli Road, Patna.
5. The Superintending Engineer, Magadh Road Circle, Road Construction Department, Gaya.
6. The Executive Engineer, Road Division, Road Construction Department, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lalan Kumar Singh, Adv
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-07

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 23-01-2025 Heard learned counsel for the petitioner as well as learned counsel for the respondent-State.

2. Learned counsel for the petitioner would submits that petitioner was appointed on 08.01.1979, on the vacant post of Senior Accounts Clerk in the Road Construction Department and superannuated from his services 30.06.2011. He has benefited of 1st and 2nd ACP w.e.f. 09.08.1999 and was granted benefit of MACP w.e.f. 01.01.2009, subsequently retired on 30.06.2011.



3. Now, he has entitled to get benefits of resolution no. 163 dated 08.01.2016 issued by Finance Department in the light of judgment passed by the Hon'ble Supreme Court in Case of **Hon'ble Supreme Court in SLP(c) No. 8219, 8226/2019** *Amresh Kumar Sinha & Ors vs State of Bihar & Ors* i.e. is entitled to get his 1st & 2nd ACP ,for which he already made his representation vide Annexure-P/4 series but no decision has been taken by the respondent yet.

4. Learned counsel for the respondent-State fairly admitted that in the light of judgment passed by the Hon'ble Supreme Court in case of *Amresh Kumar Sinha & Ors vs State of Bihar & Ors (Supra)*, the petitioner is entitled the MACP as claimed by him. However, it is prayed by the counsel for respondent-State that petitioner may be directed to a firstly file a fresh representation raising all ground which he raised in this writ petition before the respondent no.04 which should be decided by the concerned respondent within a specific period fixed by this Court .

5. On the basis of above submissions made by both the counsels this petition is disposed of. Petitioner is directed to make a fresh representation before the respondent no.04 within three weeks from today raising all grounds which he raised in



this writ petition and in turn the respondent no. 04 is also directed to decide the same in accordance with relevant rules and law and further taking into consideration the observation made by the Hon’ble Supreme Court in case of *Amresh Kumar Sinha & Ors vs State of Bihar & Ors (Supra)*, as early as possible probably within 60 days from the receipt of this order.

(Arvind Singh Chandel , J)

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