

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1088 of 2025

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Basuki Nandan Ray S/o- Late Harshit Narayan Rai @ Late Harshit Rai
Resident of Village- Rannu Chak, P.S.- Nath Nagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Addl. Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Addl. Chief Secretary, Finance, Department of Finance, Govt. of Bihar, Patna.
3. Engineer-in-Chief, H.Q. Road Construction Department, Patna.
4. Chief Engineer, Simanchal H.Q., Road Construction Department, Patna.
5. Superintending Engineer, East Bihar Circle, Road Construction Department, Bhagalpur.
6. The Accountant General of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shally Kumari
For the Respondent/s	:	Mr. Sunil Kumar Mandal, S.C.-3
		Mrs. Neelam Kumari, A.C. to S.C.-3

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 23-01-2025 Permission is granted to the learned counsel for the petitioner to make necessary correction during course of the day in the cause title of the petition.

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

3. Learned counsel for the petitioner would submits that petitioner was initially appointed as Accounts Clerk on 02.07.1981 in Road Construction Department, Road Division Munger. He superannuated on 30.04.2013 as Senior Accounts Clerk from the office of Superintending Engineer, East Bihar



Circle, Road Construction Department, Bhagalpur. During his services period he Was benefited of 1st ACP with effect from 16.01.2000. After passing the Accounts Examination he was subsequently granted benefit of second MACP with effect from on 16.01.2010. Learned counsel further submits that now, the petitioner in the light of judgment passed by the **Hon'ble Supreme Court in SLP(c) No. 8219, 8226/2019** *Amresh Kumar Sinha & Ors vs State of Bihar & Ors* i.e. Annexure-3, is entitled to get his 1st and 2nd ACP according to the department resolution no. 163 dated 08.01.2016 and he is also entitled to get benefit of 1st w.e.f 09.08.99 and for 2nd ACP w.e.f. 02.07.2005 for which he already made his representation vide Annexure-5 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 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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