

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.948 of 2022

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Siyaram Sharma Son of Sri Sikandar Sharma Resident of Village-Nadauna,
P.S.-Bhagwanganj (Masaurhi), District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar.
3. The deputy Inspector General of Police, Nawada.
4. The Superintendent of Police, Nawada.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Advocate
For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG 3
Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 23-03-2026 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.
2. The petitioner has filed the instant application for a
direction to the respondents to pay the amount due under the 3rd
MACP for which he is entitled in law.
3. Bereft of unnecessary details, it may be observed
here that a counter affidavit has been filed on behalf of the
Superintendent of Police, Nawada which has been sworn by the
Deputy Superintendent of Police (Reserve). Relevant paragraph
nos. 4 to 9 of the counter affidavit is reproduced herein below
for ready reference:



“4. That by filing the present writ petition, sole petitioner has sought for a direction upon the respondents to grant him the benefits of 3rd Modified Assured Career Progression Scheme (MACP Scheme in short).

5. That the petitioner claims that he has superannuated from services in the month of December 2018 (in fact, the petitioner had superannuated on 31st of December 2018 from Nawada District Police Force).

6. That at the very outset, it is stated and submitted that upon receipt of a copy of the writ petition, a report was called for by the Superintendent of Police, Nawada from the Deputy Superintendent of Police (Rakshit), Police Centre, Nawada who has submitted the same under Letter No. 5673 dated 24 November, 2022 which is self-explanatory.

A copy of the Letter No. 5673 dated 24th November 2022 is annexed herewith and marked as Annexure-A Series to this counter Affidavit.

7. That as per the report, it appears that the date of birth of the petitioner is 1.1.1959 and he has superannuated from services upon completing 60 years of service on 31 December, 2018.



8. *That for granting him the benefits of Assured Career Progression Scheme/Modified Assured Career Progression Scheme, a recommendation sent was under Letter No. 4/Pension dated 13 January, 2021 to the Inspector General of Police, Magadh Range, Gaya. The said letter is already part of Annexure- A (Series).*

9. *That in that background, it is stated and submitted that whenever the meeting of the screening committee is held and appropriate decision is taken by the Inspector General of Police, Magadh Range, Gaya, necessary consequential orders would be issued inasmuch as the petitioner was granted the benefit of 1st and 2nd Assured Career Progression Scheme from 9th of August 1999 and 17th of June 2008 respectively and his 3rd MACP is to be considered from 17 June, 2015 in the Grade Pay of 4200 Level- 06.”*

4. Having heard learned counsel for the parties and taking into consideration the statement made in the counter affidavit, it is directed that the petitioner will file a representation before the Inspector General of Police, Magadh Range, Gaya within a period of four weeks enclosing a copy of this order.

5. The Director General of Police/Inspector General of Police/ Screening Committee shall take a decision on the



representation filed by the petitioner with respect to grant of 3rd MACP to him within a period of two months from the date of receipt/production of a copy of the representation along with this order. In case the representation of the petitioner finds favour with the respondents concerned, consequential benefits of the same shall be paid to the petitioner within a period of three months of the passing of the order.

6. In case the representation of the petitioner does not find favour with the respondent concerned, he shall pass a reasoned order and communicate the same to the petitioner within a period of 4 weeks of passing of the order.

7. The writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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