

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.671 of 2025

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Ganesh Prasad Son of Late Madan Mohan Prasad, Resident of Village - Baxi
Bandh Road, In front of Dhiren Mistri Garage, Police Station - Dumka,
District- Dumka (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department (Irrigation) Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department (Irrigation), Govt. of Bihar, Patna, District - Patna.
3. The District Magistrate, Nawada, District- Nawada.
4. The Executive Engineer, Water Resources Department (Irrigation), Rajauli, District- Nawada.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Advocate
For the State	:	Mr. Standing Counsel (16)
For the AG	:	Mr. Vivek Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 18-06-2026

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General, Bihar, Patna.

2. The present writ petition has been filed for issuance of a writ in the nature of Certiorari for setting aside the order dated 04.06.2024 contained in Memo No. 2094 passed by the Engineer in Chief by which the ACP/MACP of the petitioner has not been granted due to non-availability of the character



certificate and the petitioner's matter was not recommended to the committee.

3. Learned counsel for the petitioner submits that *vide* Annexure-P/4 dated 06.07.2021, there is a categorical instruction in the Letter no. 6642 that in case of a retired and dead employee, there is no need of the character certificate for the purpose of consideration of ACP/MACP. Counsel submits that the petitioner is a retired employee, therefore, in the light of said Letter no. 6642 dated 06.07.2021 (Annexure-P/4), there is no need of such character certificate and the matter may be referred before the Committee for consideration of ACP/MACP.

4. Learned counsel for the State, on the other hand, submits that as per the Letter No. 2910 dated 28.02.2022 issued by the General Administrative Department, Government of Bihar, there is a categorical direction that in case there is a departmental proceeding pending against any of the employee even if he is retired, the payment of ACP/MACP shall not be recommended to the Committee for consideration. He submits that the question of grant of ACP/MACP or any financial upgradation shall be considered only when the said employee/delinquent become exonerated from the charges of the departmental proceeding. Counsel submits that it is the



categorical stand of the State in paragraph 7 of the counter affidavit that presently, against the petitioner, proceeding under Rule 43(b) of the Bihar Pension Rules, 1950 has been initiated *vide* resolution contained in Memo No. 1426 dated 05.11.2021. It is due to this reason, there is no need any interference in the order impugned.

5. In response thereof, learned counsel for the petitioner submits that the petitioner is a retired employee and the departmental proceeding has to be concluded at the instance of the State. He submits that a direction may be made to the State to conclude the departmental proceeding alleged to be initiated under Rule 43(b) of the Bihar Pension Rules, 1950 at the earliest and take decision on the payment of ACP/MACP of the petitioner.

6. As such, in the light of the submissions made, the Principal Secretary, Water Resources Department (Irrigation), Govt. of Bihar, Patna (Respondent no.2) is hereby directed to do the needful so that departmental proceeding initiated against the petitioner under Rule 43(b) of the Bihar Pension Rules, 1950 if pending be concluded within 90 days from today and thereafter the (Respondent no.2) shall direct the authority concerned to take decision on the grant of benefit to the petitioner with regard



to ACP/MACP, if he is exonerated from the said charge.

7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	19/06/2026
Transmission Date	NA

