

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3606 of 2021

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Brajeshwar Prasad son of Late Devkinandan Prasad retired Assistant Research Officer, Testing and Research Institute, Department of Road construction, Govt. of Bihar, Patna, resident of C-103, Pushpanjali Apartment, Kachhi Talab, Saristabad Road, P.S. - Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, Kendriya Nirupan Sangathan, Road Construction Department, Government of Bihar, PATNA.
3. The Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Executive Engineer, Road Construction Department, Government of Bihar, Patna.
5. The Officer-in-Charge, Claim, Department of Finance, Government of Bihar, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 31-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has sought for following reliefs:

“1. That the petitioner prays for issuance of an appropriate order/ orders, direction/ directions, writ/writs, preferably in the nature of mandamus, commanding and directing the Respondent authority concerned to grant pay scale of Rs. 10,000-15,2000/- to the petitioner and accordingly revise his pension including payment of its arrears as petitioner is entitled for the said benefit in view of the Bihar



Gazette notification published by the Government of Bihar in this regard on dated 14th February, 1996 as well as office order No. 32 contained in Memo No. 468 dated 25.5.2018 issued under the signature of Respondent Chief Engineer. And/or any other relief or reliefs for which the petitioner is found entitled to, in the facts and circumstances of this case.”

4. Short question for consideration in the present petition is whether petitioner is entitled to 2nd MACP in terms of Office Order No. 32 as well as Notification dated 14th February, 1996 read with Memo No. 468 dated 25.05.2018 or not? In this regard petitioner submitted representation to the concerned authority. The concerned authority has not taken any decision either accepting or rejecting the petitioner’s representation.

5. Therefore, the concerned authority is hereby directed to decide the petitioner’s representation dated 16.02.2018 (Annexure-4) within a period of three months from the date of receipt of this order. If petitioner is entitled to 2nd ACP, in that event, necessary monetary benefits shall be extended to him within the aforesaid time-limit. If he is not entitled in that event necessary speaking order shall be passed and communicated to the petitioner.

6. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

