

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10221 of 2013

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1. Shiy Kumari Devi W/O Shri Chandra Mohan Singh R/O Village- Andama, P.S.-
Bahadurpur, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Samastipur
3. The Deputy Development Commissioner, Samastipur
4. The Director, National Employment Programme, Samastipur
5. The In-Charge, Deputy Collector District Development Section, Samastipur
6. The Block Development Officer, Pusa, Samastipur
7. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate.
Mr. Alok Ranjan, Advocate.

For the State : Mr. Shashi Shekhar Prasad Sinha AC to GA6
Fro Accountant General : Mr. Ranjan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-07-2016

Heard learned counsel for the petitioner and learned
counsel for the State as well as Accountant General.

In the present writ petition, petitioner is claiming that the
period which her husband had spent in Dairy Corporation be also
taken into consideration while granting benefit of ACP on the
plea that her husband was appointed in Dairy Corporation which
was closed, thereafter husband of petitioner was adjusted and
treated to be an employee of the State Government. It has further
been submitted that this Court had occasion to decide the issue
about the period spent to the Dairy Corporation with respect to



time bound promotion in C.W.J.C. No.4616 of 1995(Vijay Shanker Choudhary & Ors. vs. The State of Bihar & Ors.) and this Court vide order dated 19.10.1995 decided that person who has been absorbed in the services of the State Government after spending of time in the Bihar State Corporation, the period spent in the Corporation will also be reckoned for the purposes of granting benefit of time bound promotion.

Learned counsel for the petitioner submits that if the period spent to the Corporation is to be taken in to consideration for time bound promotion it will be equally applicable for granting the benefit of ACP, there cannot be a different criterion for the purposes of granting benefit in the time bound promotion and another criteria for the ACP. Petitioner had approached this Court for retiral dues in vide C.W.J.C. No.5940 of 2012, this Court gave direction vide order dated 16.10.2012 for granting retiral dues.

For the first time petitioner is approaching for consideration of the period spent by the husband of the petitioner in the Corporation for the purpose of granting benefit of ACP. Though some representations have been filed by the husband of the petitioner including her son but specifically no where either the husband or son of the petitioner have taken a

plea for computation of the period spent in the Corporation for the purposes of granting benefit of ACP.

In such view of the matter, this Court directs the petitioner to file a detailed representation before the Collector, Samastipur who will examine the case of the petitioner, take decision by a reasoned order in accordance with law, if the Collector arrives to a finding that the period spent by the husband of the petitioner is to be reckoned then consequential benefit be also extended to the petitioner. The representation, if any, filed by the petitioner, the same should be disposed of within a period of three months from the date of filing of the presentation.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.7.2016
Transmission Date	NA