

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1931 of 2015

In
Civil Writ Jurisdiction Case No.10069 of 2010

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Mithilesh Kumari Jha, Wife of Kameshwar Jha, Resident of Bose Park, M.G.
Road Bhagalpur- 01, Kotwali, Town & Distt - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Govt. Of Bihar Patna, namely Mr. Tripurari Sharnan, I.A.S.The State of Bihar & Ors
2. The Principal Secretary Department of Industries, Govt. Of Bihar Patna, namely Mr. Tripurari Sharan, I.A.S
3. The Joint Secretary, Department of Industries, Govt. of Bihar, Patna namely Mr. Dinesh Kumar I.A.S.
4. The Director Handloom & Sericulture Department of Industries Govt. Of Bihar, Patna, namely Mr. Dinesh Kumar, I.A.S.
5. The Principal, Bihar Silk & Textile Institute, nathnagar, Bhagalpur, namely Er. R.C. Singh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha
For the Respondent/s	:	Mr. Ajay, GA 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 04-01-2019 This Court while disposing of the writ application directed the respondents to consider the claim of the petitioner for grant of ACP from 24.09.1991. The Court made it clear that if the petitioner so represents the respondents are required to not only decide the same but also ensure that the actual benefits, if any, are made available to the petitioner within the stipulated period.

Learned counsel representing the petitioner submits
that ACP has been granted but the consequential benefit of ACP



has been denied although the petitioner was entitled to the consequential benefits. In the matter of post-retirement benefits she was denied the benefit of grant of ACP and to that extent, the order of the Writ Court has not been complied with.

Considering the totality of the fact situation, the Court is of the view that although there was no strict direction for calculation of the consequential benefits even at the stage of post-retirement benefits. However, the Court is of the view that in order to avoid further litigation it was incumbent upon the respondent authorities to not only decide grant of ACP but also required to calculate the benefit of ACP while calculating/revising pension. If the opposite parties have not revised the pension and post-retirement benefits on the basis of ACP, they are required to do so within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, this MJC application stands disposed of.

(Anil Kumar Upadhyay, J)

mrl./-

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