

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2680 of 2016

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Chandra Shekhar Prasad, son of Late Harihar Prasad Singh, resident of
village- Mauna Chapra, P.S.- Chapra Town, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of General Administration,
Government of Bihar, Patna
3. The Principal Secretary, Department of Welfare, Government of Bihar, Patna
4. The Deputy Secretary, Department of General Administration, Government
of Bihar, Patna

... .. Respondent/s

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 28-03-2019

IA No 1 of 2019 has been filed in view of demise of
original petitioner on 11.05.2017. The same has been filed by
the legal heirs of the original writ petitioner.

In view of the nature of the claim made in the writ
petition with respect to alleged dues on account of ACP, the
legal representatives are permitted to pursue the instant
proceedings.

IA No 1 of 2019 stands allowed.

Let the names of the applicants of IA No 1 of 2019 be
substituted in place of the original writ petitioner.

It is submitted that in view of wrong date of birth
having been recorded in the service record, the original writ
petitioner was excluded from the benefit of Assured Career



Progression (for brevity, *ACP*). Issue has been resolved and date of birth has finally been determined as 15.01.1943 and as per the said date of birth, original writ petitioner would be entitled to benefits under the ACP Scheme of the State of Bihar. Petitioner's counsel submits that in support of the claim of original petitioner, substituted petitioners would be making an application before the Deputy Secretary, Department of General Administration, Government of Bihar, Patna (respondent No 4).

This Court would only observe that now the legal heirs of the original Government employee are proceeding the claim. In case the claim of the original writ petitioner is found due and admissible, the benefits arising therefrom ought to be paid to the legal heirs of the original writ petitioner without any delay. However, if the Authority is to arrive at a different conclusion regarding the claim of the original petitioner, the same has to be done by a reasoned and speaking order in accordance with law.

(Madhuresh Prasad, J)

M.E.H./-

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