

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21449 of 2019

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Chhathiya Devi W/o Late Jai Prakash Singh Resident of Village- Basti Jalal,
P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner Saran Division, Chapra,
Department General Administration.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran, Chapra.
4. The Block Development Officer, Parsa, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deonath Prasad, Adv.
For the Respondent/s : Mr.P.K. Verma (AAG-3)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-12-2019 Heard learned counsel for the parties.

2. Petitioner claims that she is widow of Late Jai Prakash Singh, who retired from service on 30.06.2011 as Clerk in the office of Block Development Officer, Parsa, Saran. Her husband died on 13.08.2017. It is being asserted in the writ application that her husband was entitled for grant of 2nd Assured Career Progression (ACP) with effect from 19.01.2006, which was not given to him despite the fact that he had been approaching the authorities throughout his life.

3. It is the case of the petitioner that she is entitled to difference of arrears of salary arising out of grant of 2nd ACP and consequential revision of pensionary benefits.



4. Considering the facts and circumstances of the case, this application is disposed of with a direction that let District Magistrate, Saran consider the petitioner's case for grant of 2nd ACP in favour of her deceased husband with effect from the appropriate date. The District Magistrate must take a decision in this regard within three months from the date of receipt/ production of a copy of this order. If the District Magistrate or any other competent authority arrives at a conclusion that the petitioner's husband was entitled to 2nd ACP with effect from any date, which was wrongly denied, the benefits of grant of progression must be sanctioned and consequential orders must be passed.

5. It goes without saying that the petitioner, in that case, shall be entitled to arrears of salary arising out of grant of 2nd ACP, if any, but in accordance with law. If the District Magistrate is of the opinion that the petitioner's husband was not entitled to such progression, he will have to pass reasoned and speaking order. The petitioner, in such circumstance, shall have the liberty to question the decision of the District Magistrate before appropriate forum.

6. Considering the fact that the petitioner is an old aged widow, it is directed that the District Magistrate shall treat



this writ application as the representation of the petitioner before him for the purpose of taking decision in the light of the present order.

(Chakradhari Sharan Singh, J)

Rajesh/-

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