

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23358 of 2019

=====

Kasiran Khatoon, aged about 63 years, (Female), Widow of Late Raja Mian Resident of Village and P.O.- Baraon Kala, P.S.- Akorhi Gola (Dehri) District- Rohtas, now presently resident of Mohalla- New Azimabad Colony, Shershah Street, Sector- D, P.S.- Sultanganj and District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Minor Irrigation, Government of Bihar, Patna.
2. The Secretary-cum- Commissioner, Minor Irrigation, Government of Bihar, Patna.
3. Additional Secretary (Management) Water Resources Department, Bihar, Patna.
4. The Co-ordinator Minor Irrigation (Tube Well Division), Bihar, Patna.
5. The Joint Secretary Department of Minor Irrigation Government of Bihar, Patna.
6. The Deputy Secretary, Department of Minor Irrigation, Government of Bihar, Patna.
7. The Chief Engineer (North), Tube Well Section, Muzaffarpur, District- Muzaffarpur.
8. The Superintending Engineer Tube Well Division, Muzaffarpur, District- Muzaffarpur.
9. The Executive Engineer Tube Well Division, Hajipur at Vaishali.
10. The District Magistrate, Buxar.
11. The Executive Engineer , Tube Well Division, Buxar.
12. The Block Development Officer, Dumraon, District- Buxar.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr.Mohammed Abu Haidar, Advocate

For the Respondents : Mr.Durgesh Nandan, AAG14

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 26-11-2019

The petitioner, who is the widow of late Raja Mian/employee is aggrieved by the communication issued to



the Under Secretary, Minor Irrigation Department, Government of Bihar, Patna from Additional Secretary (Management), informing him that the application of the petitioner for grant of the benefits of MACP to her late husband/employee has been rejected on the ground of of his having been found unfit. The aforesaid communication (Annexure-A to this petition) only indicates that the employee has been found fit to be paid the benefits of first and second ACP but unfit for third ACP. No reason has been communicated for rejecting the claim of the employee through his wife by the Departmental Screening Committee which had been held for the purpose.

Learned counsel for the petitioner therefore submits that on account of no reason having been assigned for not extending the benefits of MACP to the employee/late husband of the petitioner, the communication and the decision of the Departmental Screening Committee are not fit to be sustained in the eyes of law.

The petitioner, under the aforesaid circumstances, is directed to make a fresh representation to the Deputy



Secretary, Department of Minor Irrigation, Government of Bihar, Patna (respondent No. 6) within a period of four weeks along with a copy of this order, who, on receipt of the same, shall have the matter verified and if necessary, refer the matter to the Departmental Screening Committee for spelling out the reason for the employee to have been found unfit for grant of benefit of MACP and give a re-look to the case of the late husband of the petitioner and pass a fresh order in accordance with law within a period of eight weeks thereafter, which decision shall be communicated to the petitioner forthwith.

With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.12.2019
Transmission Date	N.A.

