

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21745 of 2019

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Smt. Meena Devi Wife of Late Rajendra Prasad Bhagat. Resident of Mohalla Bhoot Nath Road, Pharmaceutical Colony, near Bhagwat Nagar Milan Mandir Jai Prakash Nagar, P.S. Agamkuan, District-Patna-26.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Health, Government of Bihar, Patna.
2. The Director in Chief (Nurses), Health Services, Government of Bihar, Patna.
3. The Superintendent, Nalanda Medical College Hospital, Patna.
4. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh
For the Respondent/s : Mr. Nagendra Pd. Yadav (Sc23)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 07-07-2020 The petitioner has filed the present writ application, seeking a direction to the respondents for payment of revised pension and other pensionary benefits with statutory and penal interest as also due amount of leave encashment, gratuity, group insurance, full pension etc.

A counter affidavit has been filed on behalf of the respondents sworn by the Superintendent, Nalanda Medical College Hospital, Patna, stating therein that the amount of gratuity was sanctioned in the year 2015 itself. Further 90% of provisional pension was sanctioned and paid to her in 2015. Subsequently, payment of full pension and gratuity was made on



04.09.2019. Leave encashment amount has been paid, as stated in paragraph 11 of the counter affidavit. The General Provident Fund amount had already been paid to the petitioner.

On perusal of the counter affidavit, it transpires that the petitioner's claim for her post retiral dues has been substantially redressed by the respondents.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner was entitled to grant of Assured Career Progression, which has not been granted so far. He contends that had the same been granted, she would have been entitled for arrears of salary on the basis of revised pay, arrears of pension consequent upon revision in pension, accordingly.

Considering the facts and circumstances and in view of the averments made in the counter affidavit, this application is disposed of with a liberty that the petitioner may approach the competent authority, seeking grant of Assured Career Progression by making a representation within six weeks from today. If any such representation is filed, the same shall be considered and decided within three months from the date of filing of such representation.

It is further directed that if the petitioner is found entitled to grant of Assured Career Progression, as is being



claimed on her behalf, the respondents shall ensure payment of arrears of salary and revised pension/arrears of pension accordingly within two months thereafter.

(Chakradhari Sharan Singh, J)

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