

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6683 of 2021

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Urmila Devi Wife of shatrughan Singh Resident of village and P.O.-
Pokhrai, P.s.- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Minor Water Resources Department, Government of Bihar, Patna
3. The Engineer in Chief cum Additional Secretary cum Special Secretary, Minor Water Resources Department, Government of Bihar, Patna
4. The Chief Engineer, Minor Water Resources Department, Muzaffarpur
5. The Superintending Engineer, Minor Water Resources Department, Minor Irrigation Circle, Darbhanga
6. The Executive Engineer Minor Water Resources Department, Minor Irrigation Division, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-02-2022

This matters heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Learned counsel for the State accepts notice for
respondent nos. 1 to 6.

3. In the instant petition, the petitioner has prayed for
the following reliefs:

(i) Commanding and directing the
Respondent Authorities to grant the benefit of First
Assured Career Progression (Hereinafter referred to
ACP) to the husband of the petitioner with effect
from 10.6.2008 and second Modified Assured
Career Progression (hereinafter referred to as



MACP) to the husband of the petitioner with effect from 10.6.2016 on the ground that the husband of the petitioner had already completed 12 years of service on 10.6.2008 and 20 years of service on 10.6.2016 but the said benefit was not granted to the husband of the petitioner.

(ii) Commanding and directing the Respondent Authorities for payment of consequential benefits such as differences of arrears of salary as well as pensionary benefits to the petitioner on grant of such benefit of first ACP and 2nd MACP with effect from 10.6.2008 and 10.6.2016 respectively for which the petitioner became entitled in accordance with law.

4. Short question for consideration is whether the petitioner is entitled to ACP and MACP benefits from the relevant date and further arrears of salary, re-fixation of pension, arrears of pension or not?

5. In this regard, the petitioner submitted representation on 6.12.2019 and 6.1.2021. The aforesaid ACP and MACP benefits were due to the petitioner's late husband Satrugan Singh. Therefore, the concerned authority is hereby directed to examine the deceased employee case and proceed to pass speaking order as to whether the deceased employee was entitled to ACP and MACP benefits followed by monetary benefits like re-fixation of pay, arrears of salary, re-fixation of



pension and arrears of pension alongwith interest or not. If the deceased employee is eligible to be extended the benefits of ACP and MACP, in that event, necessary speaking order shall be passed and arrears of amount shall be paid to the petitioner alongwith interest @ 8 per cent per annum in the light of Apex Court decision in the case of *Vijay L.Mehrota Vs. State of Uttara Pradesh and others* reported in *2001 9 SCC 687*. In the event that the deceased employee is not entitled to ACP and MAC benefits, in that regard, necessary speaking order shall be passed as to how the deceased employee was not entitled to the aforesaid benefits. To that extent, speaking order shall be passed and communicate to the petitioner.

6. The above exercise shall be completed within a period three months from the date of receipt of this order, failing which the petitioner is entitled to litigation cost and it is quantified at Rs 10,000/-

7. With the aforesaid, the writ application stands disposed of.

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2022
Transmission Date	NA

