

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2287 of 2021

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Shiv Dulari Devi, Wife of Late Sone Lal Baitha, Resident of Krishna Vihar Colony, Road No. 2, Yadav Nagar, Bhagwanpur, P.S. Muzaffarpur Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur, District-Muzaffarpur.
4. The Additional Collector, Muzaffarpur, District-Muzaffarpur.
5. The District Pan Raj Officer, Muzaffarpur, District-Muzaffarpur.
6. The Block Development Officer, Sakra, District-Muzaffarpur.
7. The District Provident Fund Officer, Muzaffarpur, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 27-01-2022

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for the Respondents.

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

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to grant the benefit of third Modified Assured Career Progression (hereinafter referred to as MACP) to the husband of the petitioner with effect from 01.01.2009 on the ground that the petitioner had already completed 30 years of



service on 01.01.2009 but the said benefit was not granted to the husband of the petitioner.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, 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 third MACP with effect from 01.01.2009 for which the petitioner became entitled in accordance with law.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

4. Petitioner is wife of deceased Shri Sone Lal Baitha. Petitioner's husband has not been extended the benefit of 3rd M.A.C.P, therefore, representations have been made on 11.04.2019, 13.06.2019, 30.07.2019 and 01.11.2019 *vide* Annexures P6, P7 and P8 series.

5. The concerned respondent is hereby directed to decide as to whether the deceased employee Shri Sone Lal Baitha is entitled to M.A.C.P as claimed by the petitioner. If the deceased employee is entitled, the same shall be extended with monetary benefits along with interest @ 6 % per annum in the light of Apex Court decision in the case of ***Vijay L. Mehrotra Vs. State of Uttar Pradesh and others*** reported in **2001 9 SCC 687**. If the deceased employee is not entitled, in that event, detailed speaking order shall be passed and communicated to the petitioner as to why the deceased employee is not entitled to M.A.C.P. The above exercise shall be completed within a period of three months from the date



of receipt of this order, failing which, petitioner is entitled to litigation cost and it is quantified at Rs. 25,000/-. Cost shall be paid to the petitioner.

6. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

