

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3113 of 2021

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S.M. Enamul Haque Son of Late Mobin-Ul-Haque Resident of Mohalla Haque Manzil Nawab Bahadur Colony, Nawab Bahadur Road, P.S. Gulzarbagh District- Patna PIN- 800008

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna
2. The District Magistrate Patna
3. The Director, Social Welfare Patna
4. The Deputy Director, Welfare, Patna Division Patna
5. The District Welfare Officer Patna
6. The Accountant General (A and E), Bihar Beerchand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar
For the Respondent/s : Kumari Amrita, GP 3

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

Date : 29-01-2022

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

2. State counsel accepts notice for respondents.

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

“That this is an application for issuance of an appropriate writ(s), order (s) or direction (s) to the respondents to grant the monetary benefits of First and Second A.C.P. to the petitioner who is son of late Mobin-ul-Haque a retired Junior Skilled Artist (Shilpi) w.e.f. 09.08.1999 and further to make the payments in different heads arising out of the monetary benefit of A.C.P's to the petitioner with he interest @ 10 % per annum.”



4. Grievance of the petitioner is that Late Mobin-Ul-Haque is entitled to 1st and 2nd A.C.P. or not? He retired as Junior Skilled Artist. For grant of 1st and 2nd A.C.P. representations dated 01.06.2013 and 05.12.2018 are pending consideration before the concerned respondent

5. The concerned respondent is hereby directed to examine the service particulars of the deceased employee read with relevant Rules/Regulations governing A.C.P and determine whether deceased employee is entitled to 1st and 2nd A.C.P. or not? If the deceased employee is otherwise eligible, arrears of monetary benefits shall be calculated and disbursed in favour of the petitioner (L.R. - Legal Representative of the deceased employee). If the deceased employee is not entitled to 1st and 2nd A.C.P., necessary speaking order shall be passed and communicated to the petitioner. If petitioner is entitled to monetary benefits in that event petitioner is entitled to interest @ 8 % 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**.

6. The above exercise shall be completed within a period of two months from the date of receipt of this order, failing which,



petitioner is entitled to litigation cost and it is quantified @ of Rs.
25,000/-.

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

