

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3958 of 2021

Prabha Kumari Wife of Late Uday Shankar Singh Resident at Adarshan Vihar Colony, Rukanpura, Road No. 1, Police Station Rupuspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through, The Principal Secretary, Personnel and Administrative Reforms Department, Bihar, Patna.
2. The Principal Secretary, Personnel and Administrative Reforms Department, Bihar, Patna.
3. The Chief Secretary, Personnel and Administrative Reforms Department, Bihar, Patna.
4. The Accountant General (A and E) Beerchand Patel Path, Patna.
5. The Principal Secretary, Industry Department, Bihar, Patna.
6. The Joint Secretary, General Administrative Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh
For the Respondent/s : Md. Nadim Seraj, GP 5

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

Date : 31-01-2022

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 writ petition is being filed on behalf of the petitioner for issuance of an appropriate order/orders/direction/directions/ writ in the nature of mandamus directing and commanding to the respondents to grant the benefits of 3rd A.C.P. of the husband of the petitioner late Uday Shankar Singh retired Deputy Secretary, Industry Department, Bihar, Patna with statutory interest for the ends of Justice.



And further be pleased to grant other relief/reliefs as the petitioner is entitled for.”

4. Petitioner is wife of deceased Uday Shankar Singh. Petitioner’s husband has not been extended the benefit of 3rd A.C.P, therefore, representations have been made on 27.11.2017, 22.08.2019 *vide* Annexures 5 and 6 respectively.

5. The concerned respondent is hereby directed to decide as to whether the deceased employee Uday Shankar Singh is entitled to 3rd A.C.P as claimed by petitioner or not? If the deceased employee is entitled, the same shall be extended with monetary benefits along with interest @ 8 % per annum in the light of Apex Court decision in the case of *Vijay L. Mehrotra Vs. State of Uttara 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 3rd A.C.P. The above exercise shall be completed within a period of two months from the date of receipt of this order.

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

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

