

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.771 of 2023

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Rita Kumari Sinha widow of Late S.P. Sinha, Resident of 63, Shiv Shakti Colony, Chand Chaura, P.S. Bodh Gaya, District- Gaya(Bihar)

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home(Police) Department, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patel Bhawan, Patna.
3. The Inspector General of Police(Head quarter), Bihar, Patel Bhawan Patna.
4. The Deputy Inspector General of Police, Magadh Range, Gaya
5. The Senior Superintendent of Police, Gaya
6. The Superintendent of Police, Gaya

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Tejendra Sinha, Advocate
For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. Petitioner in the present case is seeking the following reliefs:-

“(i) For issuance of an appropriate Writ/Writs in the nature of Mandamus Commanding and directing the Respondents to grant benefit of 1st A.C.P and 2nd A.C.P w.e.f date of entitlement i.e. 03-11-2007 the 1st A.C.P. and w.e.f 03-11-2015 2nd A.C.P. to the petitioner, a widow retired on 31-03-2022 working as clerk in District police, Gaya.

(ii) Further for direction to the respondents to revise pay scale of the petitioner after granting benefit of 1st and 2nd A.C.P. and pay arrears of deference of payment.

(iii) Further for direction to the respondents



to revise the pension of petitioner after grant benefit of 1st and 2nd A.C.P.

(iv) Further for direction to the respondents to pay all retirement benefit in revised pay scale after revision of pay scale.

The writ petitioner was appointed on 03-11-1995 on the post of clerk in District Police Aurangabad and superannuated on 31-03-2022 working on same post District Police Force, Gaya but not given benefit of 1st and 2nd A.C.P.

(v) Further for direction to dispose of the representation of petitioner dt. 01-08-2022 accordance with law.

(vi) For any other relief/reliefs for which the petitioner is entitled to receive in the facts and circumstances mentioned above.”

3. It is the case of the petitioner that she joined her service as clerk on compassionate ground on 01.11.1995. She was posted in the office of the Deputy Inspector General of Police (D.I.G. Office), Magadh Range, Gaya. She passed Hindi Noting, Typing and Drafting examinations vide Memo No. 2147 dated 06.10.1997 (Annexure ‘1’). She was confirmed in service on 11.09.2002.

4. The grievance of the petitioner is that even as she was entitled to get first ACP after completion of twelve years of service with effect from 03.11.2007 and benefit of second ACP with effect from 03.11.2015 but during the service period, she was not given the said benefit. She has attained the age of superannuation on 31.03.2022. The petitioner has submitted a



representation dated 08.06.2022 and another representation dated 01.08.2022 followed by a representation dated 01.09.2022 to the respondent authorities but no decision has yet been taken on her representation.

5. A counter affidavit has been filed on behalf of the State. It is stated that earlier the case of the petitioner was considered for grant of benefit of financial progression but she was not found eligible for the same which would be evident from the remarks column showing “विभागीय परीक्षा अनुत्तीर्ण अयोग्य”. Learned counsel for the State, however, submits with reference to Annexure ‘A/2’ and Annexure ‘B’ to the counter affidavit that the case of the petitioner was recommended for grant of Assured Financial Progression after exempting her from passing of the examination in accordance with the rules.

6. Having regard to the submissions noted hereinabove and the materials available on the record, this Court directs the Director General of Police (Respondent No. 2) to look into the representation of the petitioner, examine the same and pass a reasoned order thereon in accordance with the rules governing the terms and conditions for grant of ACP/MACP to the petitioner.

7. In case, the petitioner is found to be eligible for



grant of exemption from passing of the examination, the same shall be considered specifically.

8. Let a reasoned decision be taken within a period of two months from the date of receipt/communication of a copy of this order.

9. This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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