

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.438 of 2023

Prem Lata Kumari Wife of Dr. Narendra Kumar Verma, Resident of Mohallah-
New Colony, Bhaluyahi, Kharkura, Police Station- Delha, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, I.C.D.S., Government of Bihar, Patna.
4. The Director, Integrated Child Development Services, Social Welfare Department, Government of Bihar, Patna.
5. The Commissioner, Magadh Division.
6. The District Magistrate, Gaya.
7. The District Programme Officer, Gaya.
8. The Child Development Project Officer, Neemchak Bathani, Gaya.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate Mr. Ujjawal Bhushan, Advocate
For the Respondent/s	:	Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-03-2023 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 direction upon the respondents to grant the benefit of Time Bound Promotion, ACP, MACP to the petitioner, w.e.f. from its, due date who has superannuated with effect from 31.10.2016, while working as Lady Supervisor under the Child Development Project which comes under Social Welfare Department, Government of Bihar, Patna, despite several representations filed in this regard before the competent authority.

The juniors of the petitioner has been granted the benefit of financial progression but for the reason best known to the concerned respondent, the petitioner has not been given the benefit of



Time Bound Promotion, ACP, MACP till date.

(II) After granting the benefit of Time Bound Promotion, ACP, MACP, necessary revision be made in the post retiral dues and after revision make payment of the differential amount, including payment of difference amount of arrears of salary.

(III) For any other relief/reliefs, this Hon'ble Court may find fit and proper in the facts and circumstances of the present case."

3. Learned counsel for the petitioner has drawn the attention of this Court towards Annexure 'P/6' to demonstrate that the persons junior to the petitioner have been granted the benefit of first and second ACP and the third MACP.

4. Learned counsel submits that this petitioner has superannuated with effect from 31st October, 2016 from the post of Lady Supervisor under the Child Development Project. It is submitted that there is no reason why the petitioner will not be granted similar benefits as have been granted to the juniors to her vide Annexure 'P/6'.

5. Learned counsel further submits that the petitioner has made representations as contained in Annexures 'P/4' and 'P/5' before the Child Development Project Officer, Neemchak, Bathani, Gaya but those have not yielded any result.

6. Learned counsel for the State submits that the petitioner is filing this writ application after seven years of her retirement.

7. Be that as it may, the facts of the present case where



the petitioner has specifically asserted that her juniors have been granted the benefits of financial progression and in this regard she has made representations as contained in Annexures 'P/4' and 'P/5' respectively, this Court is of the considered opinion that the case of the petitioner is liable to be considered in accordance with the rules governing grant of ACP/MACP to the petitioner as also the fact that the persons junior to her have been granted this benefit.

8. The Commissioner, Magadh Division (Respondent No. 5) is hereby directed to look into Annexure 'P/4' and Annexure 'P/5' to the writ application, examine the same in the light of the discussions made hereinabove and pass an appropriate order thereon within a period of three months from the date of receipt/production of a copy of this order. In case, the petitioner is found similarly situated and entitled for the monetary benefits, the same shall be provided to her within another period of three months.

9. The petitioner will be at liberty to file a comprehensive representation to respondent no. 5.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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