

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25427 of 2019

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Kamala Devi, Wife of Late Kaushal Kishore Prasad, residence of Village-
Tillhar, P.S. Belchhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar.
2. The Director, Integrated Children Social Services Directorate, Social Welfare Department, Government of Bihar.
3. The District Magistrate, Lakhisarai.
4. The District Program Officers, Lakhisarai.
5. The Children Development Project Officer, Suryagardha, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Nath Pandey, Advocate.
For the Respondent/s : Mr. M. K. Upadhyay, AC to GP-3.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 27-06-2023

Heard Mr. Arbind Nath Pandey, learned counsel

appearing on behalf of the petitioner and Mr. M. K. Upadhyay,

learned AC to GP-3 for the State.

2. The present writ petition has been filed for the

following reliefs:

“That the present writ application is being filed for issuance of appropriate writ/writs, order/orders and set aside the memo no.1139 dated 30/11/2015 (annexure-2) and commanding the respondent authorities to grant the ACP (Assured Career Progression Scheme) benefit as well as revised the family pension and release the financial benefits amount and arrears with interest in favour of the petitioner and any relief / reliefs for which the petitioner entitled to.

3. Learned counsel appearing on behalf of the

petitioner informs this Court that the claim of the petitioner with



respect to passing of the departmental examination has been finally adjudicated by the Division Bench of this Court in L.P.A. No. 599 of 2015 which was decided vide order dated 19.03.2018. In view of the said decision, the claim of entitlement of the petitioner for grant of 1st ACP and 2nd ACP is required to be given by the appropriate authority.

4. Considering the specific submission made on behalf of the petitioner, this Court finds it proper that petitioner, if so advised, may file a detailed representation before the Director, Integrated Children Social Services Directorate, Social Welfare Department, Bihar or any competent authority along with a copy of the order dated 19.03.2018 passed in L.P.A. No. 599 of 2015 and all the supportive documents which are in his favour ventilating his grievance.

5. The concerned authority is required to consider the case of the petitioner in terms of the judgment passed by this Court in L.P.A. No. 599 of 2015 arising out of C.W.J.C. No. 486 of 2014 as well as all the other cases relied by the petitioner and documents and must pass order within a period of six weeks in accordance with law and ensure to make payment of the dues amount on account of 1st ACP and 2nd ACP, if the petitioner is found to be entitled for the relief as claimed in the present writ



petition and also entitled for revised family pension in accordance with law within further period of two weeks. Accordingly, other retiral benefits including pension and gratuity must also be revised within the said period. Petitioner must be paid the revised pension, gratuity and other retiral dues in further period of two weeks.

6. With the above observation and direction, the writ petition is, accordingly, allowed.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.06.2023
Transmission Date	N.A.

