

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8853 of 2016

Geeta Kumari daughter of Moti Lal, residence of Purani Gudari, Police Station- Bettiah Town, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director in Chief, Health Services, Government of Bihar, Patna.
3. The Executive Director, State Health Committee, Patna, Bihar.
4. The Regional Deputy Director, Health Services, Tithut Division, Muzaffarpur.
5. The Chief Medical Officer, West Champaran, Bettiah.
6. The In-charge Medical Officer, Lauriya, District- West Champaran, Bettiah.
7. The In-charge Medical Officer, Piprasi Bhitaha, District- West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Sarvesh Kumar, GP- 24

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 13-11-2024 None appears on behalf of the petitioner, however,

learned counsel for the State is present.

2. The petitioner, who was appointed as Auxillary Nurse Midwifery (A.N.M.) vide order contained in Memo No. 1367 dated 17.07.1985 and posted at Primary Health Centre, Daniyal Parsaua, West Champaran, has filed this writ petition for payment of Assured Career Progression (A.C.P.) with effect from 17.07.1995 and other benefits including senior grade.

3. Respondent No. 5 / The Chief Medical Officer, West Champaran, Bettiah has filed a counter affidavit, wherein,



in paragraph Nos. 6, 7 and 8, it has been stated that the 1st A.C.P. of the petitioner has been paid since 09.08.1999 and the 2nd A.C.P. of the petitioner has been paid since 01.01.2009 to 31.07.2019, vide letter No. 964 dated 20.06.2020. The 3rd A.C.P. of the petitioner has also been paid since 31.01.2017 vide letter No. 964 dated 20.06.2020. Insofar as the difference of salary since the payment of 2nd and 3rd A.C.P. is concerned, it has been stated that an amount of Rs. 5,27,589/- (Five Lacs Twenty Seven Thousand Five Hundred Eighty Nine) has already been paid in the Account No. 30834714639 of the writ petitioner vide Treasury Bill Code 20-2210-03-103-0001 through the office of the PHC Piprasi, West Champaran, Bettiah, J.V. No. PWCH210622100000285 and token No. WCH20210605931 on 26.06.2021.

4. Though, the petitioner has claimed A.C.P. with effect from 17.07.1995, the counter affidavit filed by the respondent No. 3 reveals that the petitioner has been paid A.C.P. since 09.08.1999. The petitioner has not filed a rejoinder to the counter affidavit filed by respondent No. 3 stating that the petitioner is entitled to payment with effect from 17.07.1995 and not from 09.08.1999.

5. In view of the petitioner not filing a rejoinder to the



counter affidavit filed by the respondent No. 3, disputing the correctness of the date from which the A.C.P. has been paid to the petitioner, it is assumed that the petitioner has admitted the fact that he was entitled for the A.C.P since 09.08.1999, as indicated in the counter affidavit of the respondent No. 3 and not from 17.07.1995, as claimed by the petitioner in the writ petition.

6. In that view of the matter, since the petitioner is found to have been also paid the 2nd and 3rd A.C.P.s including the differences of salaries after payment of 2nd and 3rd A.C.P.s to the petitioner, the relief, sought for by the petitioner, appears to have been granted by the respondent authority.

7. Accordingly, the writ petition stands disposed of with no consequential order.

(Nani Tagia, J)

Siddharth
Sagar/-

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