

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23138 of 2011

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NIRMALA SINHA W/O Late Sada Nand Prasad Singh At Present Resident
Of C/o Rajesh Kumar Sinha (Advocate), C/O Anjani Kumar Sinha Advocate,
New Area (Behind Town P.S.), P.S. - Nawada, District - Nawada

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Commissioner, Magadh Pramandal. Gaya
3. The Secretary, Finance Department, Bihar , Patna Having His Office At
Secretariate, Patna
4. The Accountant General (A and E) Bihar, Patna Having His Office At
Virchand Patel Path, Patna
5. The District Magistrate, Cum-Collector, Nawada
6. The Treasury Officer, Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Banwari Sharma, Advocate
	:	Mr.Sanjay Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Ram Kinkar Chaubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 11-03-2024

Heard Mr, Banwari Sharma, learned counsel appearing
for the petitioner and learned counsel appearing for the State.

2. The present writ application has been filed directing
the respondents to grant 1st A.C.P. to the deceased husband of the
petitioner who was employee of Collectorate, Nawada w.e.f. 1999
in the light of A.C.P. Rule, 2003.

3. Learned counsel for the petitioner submits that the
husband of the petitioner was entitled for 1st A.C.P. but he has not
been given the benefit of 1st A.C.P. and the husband of the



petitioner was died in the year 2008. Thereafter the petitioner has approached the respondent No.5 to consider the case of the husband of the petitioner with respect to A.C.P. benefit.

4. During pendency of the writ application the State has filed the counter affidavit bringing on the record the proceeding of the District Screening Committee which was held on 09.07.2014 by which the claim of the petitioner for grant of 1st A.C.P. has been rejected. Thereafter the petitioner has filed the I.A.No.01 of 2023 by which she has challenged the decision of the District Screening Committee dated 09.07.2014 with respect to the petitioner.

5. Learned counsel for the petitioner submits that the reason assigned in the rejection meeting dated 09.07.2014, it appears that the State -respondents has rejected the claim of the petitioner on three grounds, first non-confirmation of service, second lack of Annual Confidential Report of three years and third break in question.

6. Learned counsel for the petitioner submits that if there is any break of service the Accountant General has not issued the full pension in favour of the late husband of the petitioner and with respect to other grounds as mentioned in the rejection meeting dated 09.07.2014 that non-confirmation of service and lack of A.C.R. of three preceding years is not a job of the husband of the



petitioner it is upon the respondent authority to enter in the service book of the petitioner in time and due to inaction of the respondent authorities the husband of the petitioner is not getting benefit of 1st A.C.P. Learned counsel for the petitioner has relied upon a judgment of the Hon’ble Supreme Court in the case of **Amresh Kumar Sinha & Ors Vs. The State of Bihar & Ors** arising out of SLP (C) Nos. 8219-8226 of 2019, alongwith arising out of SLP (C) 9666 of 2019 and arising out of SLP (C) No.11772-11773 of 2019.

7. In view of order dated 09.07.2014 with respect to the petitioner is set aside and the State-Authority is directed to pay the benefit of 1st A.C.P. alongwith all consequential benefits to the husband of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

8. Accordingly, this writ application stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.03.2024
Transmission Date	NA

