

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14355 of 2021

Arti Bharti (female), aged about 65 years, Wife of Late Kameshwar Bharti,
resident of 42A, Cooperative Colony, Patel Nagar, P.S.- Shastri Nagar,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Agriculture Director, Agriculture Department, Government of Bihar, Patna.
4. The Deputy Secretary, Agriculture Department, Government of Bihar, Patna.
5. The Joint Director (Shashya), Patna Division, Patna.
6. The District Treasury Officer, Patna, District - Patna.
7. The Accountant General, Bihar, Patna.
8. The Central Bank of India having its head Office, Mumbai through the Chief Executive Officer.
9. The Chief Manager (Operation), Central Bank of India, Operation Department, Regional Office, Patna.
10. The Branch Manager/Senior Manager, Central Bank of India, Patel Nagar Branch, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Singh, Advocate
For the State	:	Mr. Anant Prasad Singh, SC-15
		Mr. Sanjay Kumar, AC to SC-15
For the Bank	:	Mr. Lakshman Lal Pandey, Advocate
For the A.G, Bihar	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 16-04-2024

Heard Mr. Pankaj Kumar Singh, learned
counsel appearing on behalf of the petitioner; Mr. Sanjay
Kumar, learned AC to SC-15 appearing on behalf of the
respondent-State; Mr. Lakshman Lal Pandey, learned
counsel appearing on behalf of the Central Bank of India



and Mr. Bindhyachal Rai, learned counsel appearing on behalf of the Accountant General, Bihar.

2. This writ petition has been filed by the petitioner seeking payment of ACP under Bihar State Employee Service Condition (Assured Career Progression Scheme) Rules, 2003 of her husband, who retired from service in the year 2003, from the post of Leave Protection Officer (*Avkash Rakshit Padadhikari*) in the Department of Agriculture. The husband of the petitioner is stated to have died on 21.08.2019.

3. Learned counsel for the petitioner submits that the ACP of late husband of the petitioner has been paid in the year 2022 but without any interest thereon. Learned counsel for the petitioner, therefore, prays for a direction to the respondent authorities to pay the interest on delayed payment of the ACP of her late husband by the State.

4. The ACP Scheme in the State is stated to have been introduced in the year 2003 by providing that the 1st ACP of an employee, who has served for 12 years, will be paid on 09.08.1999 and 2nd ACP will be paid 12 years of service thereafter. The petitioner's late husband is stated to



have retired in the year 2003. However, the late husband of the petitioner did not approach this Court against the non-payment of his ACP as per the ACP Scheme introduced in the year 2003 during his lifetime. It is only the petitioner who, by filing this writ petition in the year 2021, had approached this Court for payment of ACP of her late husband. Thereafter, the ACP of the late husband of the petitioner has been paid by the respondent-authorities in the year 2022 as submitted by the learned counsel for the petitioner.

5. Since the late husband of the petitioner did not approach this Court for grant of ACP since its introduction in the year 2003 during his lifetime and it was only his wife namely the petitioner herein, who had approached this Court in the year 2021 by filing this writ petition, pursuant to which the differential amount of the ACP of the petitioner's late husband is stated to have been paid by the respondent authorities in the year 2022, I find that after filing of this writ petition, the differential amount of the ACP of the petitioner's late husband has been paid within a period of one year from the date of filing of the instant writ



petition. I also find that by not approaching this Court from 2003 since introduction of the ACP Scheme during the lifetime of the petitioner’s late husband until the instant writ petition was filed, the late husband of the petitioner did not remain vigilant regarding his right to receive the ACP as per per the ACP Scheme introduced in the year 2003.

6. Since, the differential amount of the ACP of the petitioner’s late husband have been paid by the State respondents within a period of year of filing of the instant writ petition, I do not find it an appropriate case for grant of any interest on the ACP amount of the petitioner’s late husband as prayed for by the learned counsel for the petitioner.

7. Since the differential amount of the ACP of the petitioner’s late husband is stated to have been paid, the writ petition shall stand disposed of.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.04.2024
Transmission Date	N/A

