

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7177 of 2021**

Manbodh Kumar Gupta S/o-Late Bhagwan Prasad, R/o-Dahiawan Tola (Near Joginiyan Kothi) P.O.-GPO Saran, P.S.-Chapra Town, Distt-Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Saran Division, Saran.
5. The Secretary to Commissioner, Office of the Divisional Commissioner Saran Division, Saran.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate  
For the Respondent/s : Mr. Dhurendra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**  
**Date : 27-08-2024**

Heard Mr. Chandra Shekhar Singh, learned Advocate  
for the petitioner and Mr. Dhurendra Kumar, learned Advocate  
for the State.

2. The petitioner superannuated on 31.05.2019 from  
the post of Section Officer, Office of the Divisional  
Commissioner, Saran Division has preferred the writ petition  
seeking a direction upon the respondents to ensure payment of



all his admissible retiral benefits and other dues, apart from arrears of difference of salary as well as pensionary benefits on account of 1<sup>st</sup> and 2<sup>nd</sup> ACP.

3. Learned Advocate for the petitioner fairly contended that during the pendency of the writ petition, all the remaining post retiral benefits, including pension, gratuity, GPF and leave encashment have been paid to the petitioner. However, till date, the arrears of salary and pensionary benefits on account of 1<sup>st</sup> and 2<sup>nd</sup> ACP has not been paid.

4. Learned Advocate for the State referring to the averments made in the supplementary counter affidavit filed on behalf of the respondent nos. 4 and 5 submitted that the payment of arrears of 1<sup>st</sup> and 2<sup>nd</sup> ACP is under process and as soon as the pay slip is received, the arrear payment shall be made. It is also clarified that the pay slip is issued on the application of concerned employee, addressed to Finance (P.C.F.C.) Department, Government of Bihar, Patna. However, it appears that the application for pay slip by the petitioner might not have been sent to the Office of Finance (P.C.F.C.) Department, Government of Bihar, Patna and it is still awaited. As the pay slip from the Finance Department was not received, request has been sent by the Office of the General Provident Fund, Chapra



vide Letter No. 426 dated 02.03.2024 and a special messenger was also deputed and it has been informed that the same is under process.

5. This Court has heard the learned Advocate for the respective parties and also perused the averments made in the supplementary counter affidavit. Admittedly, the 1<sup>st</sup> and 2<sup>nd</sup> ACP were granted to the petitioner vide order contained in Memo No. 12524 dated 17.09.2018 and Memo No. 12528 dated 17.09.2018 issued by the General Administration Department, Bihar, Patna during his service period. But, surprisingly, till date, even after lapse of about six years, the payment of arrears on account of 1<sup>st</sup> and 2<sup>nd</sup> ACP is not accorded to the petitioner, compelling him to approach before this Court.

6. This Court left with no option, but to direct the respondent no. 4 to ensure the payment of all the arrears of salary as well as the pensionary benefits on account of 1<sup>st</sup> and 2<sup>nd</sup> ACP, preferably within a period of 12 weeks, from the date of receipt/production of a copy of this order, failing which the petitioner shall be entitled to receive statutory interest at the rate of 6 per cent till the actual payment is made. Suffice it to say that the interest upon the arrears of ACP shall be realized from the erring officials, who shall be found responsible for the delay



in ensuring the payment.

7. The writ petition stands allowed to the extent indicated hereinabove.

**(Harish Kumar, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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