

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15611 of 2022

Jamnesha Khatun W/o Late Tahir Miyan, R/o Village- Marpa Issar Das @ Marpa Iswar Das, Ward No. 3, Post- Chandiha Barwar, P.S.- Majorganj, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Additional Chief Secretary, Department of Home (Police), Government of Bihar, Patna.
5. The Secretary, Department of Home (Police), Government of Bihar, Patna.
6. The District Magistrate, Sitamarhi, Bihar.
7. The Superintendent of Police, Sitamarhi, Bihar.
8. The Circle Officer, Suppi, Sitamarhi, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad (SC-8)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-03-2024 The present writ petition has been filed
seeking the following reliefs:-

“1.(i)For issuance of appropriate writs, orders or directions upon the respondents to grant First Assured Career Progression (hereinafter referred as ACP) under ACP Rules, 2003, with all its consequential financial benefits in pursuance of the service of petitioner's husband with effect from 01.01.2002 in the Pay Scale of Rs. 2750-70-3800-75-4400 or in appropriate/applicable pay scale on the ground that husband of the petitioner has already completed 12 years of service on 01.01.2002.



(ii) For issuance of appropriate writs, orders or directions upon the respondents to grant Second Modified Assured Career Progression (hereinafter referred as MACP) under MACP Rules, 2010, with all its consequential financial benefits to the husband of the petitioner with effect from 01.01.2010 in the Pay Band of Rs. 5200-20200, PB- 1 with Grade Pay of Rs 2000/- or in appropriate and applicable pay band on the ground that husband of the petitioner has already completed 20 years of service on 01.01.2010, and,

(iii) For commanding and directing the Respondents Authorities for payment of consequential benefits such as difference of arrears of salary as well as pensionary benefits to the petitioner on account of grant of 1 ACP and 2nd MACP to the husband of the petitioner with effect from 01.01.2002 and 01.01.2010 respectively for which the petitioner is entitled in accordance with law, and,

(iv) Further, as per the law laid down by the Hon'ble Supreme Court in the case of Vijay L. Mehrotra Vrs. State of Uttar Pradesh and Ors. reported in (2001) 9 SCC 687, the Respondents Authorities may also be directed to grant all the consequential financial benefits to the petitioner along with interest of 18% per annum in pursuance of grant of 1st ACP



and 2nd MACP to the husband of the petitioner.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Sitamarhi i.e. the respondent no. 6 for redressal of her aforesaid grievances. Liberty, so sought, is granted.

3. It is needless to state that in case the petitioner approaches the District Magistrate, Sitamarhi i.e. the respondent no. 6, by filing appropriate representation, within a period of two weeks from today, the same shall be disposed off by a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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