

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6735 of 2022

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Munni Devi W/o Late Ramashish Chaudhari, Sakhekhass, P.S. Uchkagaon,
District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Gopalganj.
2. The Block Development Officer, Bhore, Gopalganj.
3. The Block Development Officer, Barauli, Gopalganj.
4. The Block Development Officer, Kuchaikote, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashwat Srivastava, Adv. Mr.Ranjan Kumar Srivastava, Adv.
For the Respondent/s	:	Mr.Ajay (GA 5)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 27-02-2025

Heard the parties.

2. The husband of the petitioner died in harness on 07.02.2020 while discharging his duty on the post of Panchayat Secretary of Kuchaikote Block. Despite his unfortunate demise when the petitioner has not been allowed death cum retiral dues along with salary for certain period, she approached before this Court by filing the present writ petition.

3. A counter affidavit has been filed with a categorical averments that after recovery of the amount of Rs.650275.00, all the admissible dues have already been paid to the petitioner. It is also averred that for payment of gratuity amount and pension a



proposal under letter No. 1723 dated 20.10.2022 was sent to the Accountant General, Bihar, who, in turn, issued the authority letter for pension and gratuity.

4. Learned Advocate for the petitioner contended that despite the issue stands settled by the Full Bench of this Court in the case of ***Kamlanand Thakur Vs. The State of Bihar in CWJC No. 18727 of 2017***, wherein the Full Bench of this Court in no uncertain terms has held that passing of the Departmental Accounts Examination is not *sine qua non* for extending the benefit of ACP; the husband of the petitioner has not been allowed the benefits of ACP. It is further contended that the recovery of Rs.650275.00 is also arbitrary and unjustified and thus he seeks liberty to challenge the action of the respondents to the extent recovery has been made.

5. In view of the submissions advanced on behalf of the learned Advocates for the respective parties and the averments made in the counter affidavit, this Court deems it appropriate to dispose of the writ petition with a liberty to the petitioner to assail the order by which recovery has been directed.

6. This Court further directs the respondent concerned to consider the claim of the husband of the petitioner for grant



of ACP if he is otherwise found fit.

7. The aforesaid exercise must be completed, preferably within a period of 3 months from the date of receipt/production of a copy of this order.

8. With the aforesaid direction and liberty, the writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.02.2025
Transmission Date	

