

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11043 of 2024

Surendra Kumar, Son of Jagdish Sharma, R/o Pachrukhi, P.S.-Khizarsarai,
District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Education, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The District Education Officer, Gaya.
6. The District Programme Officer, Establishment, Gaya.
7. The Drawing and Disbursing Officer, Gaya.
8. The Incharge Principal Project Girls High School, Khizarsarai, Gaya.
9. The Accountant General (A&E), Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Adv.
For the Respondent/s	:	Mr. Jai Prabhat Kishore, AC to SC-13
For the AG, Bihar	:	Ms. Ritika Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner superannuated on 31.07.2013 from the post of Assistant Teacher, Project Shiva Kanya +2 School Khizarsarai, Gaya. Owing to non-payment of retiral benefits, the petitioner was compelled to move before this Court in C.W.J.C. No. 8554 of 2015 and pursuant to the direction of this Court vide order dated 11.01.2018, the admissible retiral dues of the petitioner have been paid. Notwithstanding the aforesaid fact, the petitioner has not been accorded the benefit of 1st and 2nd



ACP and the retiral benefits and its arrears on account of the financial progression, the petitioner preferred various representations but to no avail; hence, the present writ petition.

3. A counter affidavit has been filed on behalf of the respondent no.5, wherein it is categorically averred that the District Education Officer vide its letter no. 3146 dated 12.12.2024, directed the District Programme Officer (Establishment) to ensure payment of all the benefits to the petitioner under the 1st and 2nd ACP. It is the contention of the learned Advocate for the State that earlier the concerned Headmaster of the High School was the Drawing and Disbursing Authority and thereafter online process for bill making and payment was started through CTMIS application. It is further contended that at present HRMS software is functioning for making bill and extending payment to all employees as retired persons/beneficiaries. For the said purpose, the beneficiaries/retired persons are required to submit their details.

4. At this juncture, learned Advocate for the petitioner submits that all the required details have been furnished to the concerned authority.

5. Considering the content of the letters afore-noted,



whereby direction has been given to the District Programme Officer (Establishment) to ensure payment of all the admissible benefits to the petitioner under the 1st and 2nd ACP, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondents no.5 and 6 to ensure payment of all the admissible benefits to the petitioner under the 1st and 2nd ACP, preferably within a period of twelve weeks' from today.

6. Suffice it to observe that the petitioner has already superannuated long back in the year 2013, in case of any delay in ensuring the payment of admissible benefits under the ACP Rules, the petitioner shall be entitled to get interest @6% over the delayed amount, which shall be realized from the pocket of the erring official(s).

7. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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