

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19650 of 2024

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Mita Sinha Wife of Late Shibendra Kumar Resident of East Patel Nagar, Road
no.- 2, House No.- 34, P.O. and P.S.- Shastrinagar, District- Patna- 800023.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Chief Secretary, Government of Jharkhand, Ranchi.
4. The Principal Secretary, Food and Public Distribution and Consumers Department, Government of Jharkhand, Ranchi.
5. The Principal Secretary, Personal Administrative Reforms and Raj Bhasha Department, Jharkhand, Ranchi.
6. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. (Dr.) Anand Kumar, Advocate
		Mr. Ranjan Prakash, Advocate
For the State of Jharkhand	:	Mr. Sanjay Kumar Pandey, Advocate
For the State	:	Mr. Vikramadit, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 11-09-2025 Counsel for the petitioner, counsel for the State and
counsel for the State of Jharkhand is present.

2. This petition has been filed for commanding the respondent authorities to fix the family pension of the petitioner after reckoning the benefits of first and second ACP along with statutory interest and other consequential benefits on account of the husband of the petitioner who is said to have died on 23.04.2021. The counsel for the petitioner further submits that the first ACP and second ACP became due upon completion of required number of years of service by the husband of the



petitioner.

3. It has next been submitted that during the entire service period, the petitioner never received any regular promotion and the policy which is said to have been framed by the State Government in exercise of powers under Section 309 of the Constitution of India to overcome the stagnation has not been extended for the reason unexplained and the reason which is said to have been assigned for not granting such promotion owing to non-passing of departmental examination, which issue has already been settled by the judgment of Hon'ble Full Bench in the case of *Kamlanand Thakur v. The State of Bihar & Ors.* passed in CWJC No.12827 of 2017 reported in **2024 (4) BLJ 806.**

4. Taking into account the fact that the issues have already been settled by Hon'ble Full Bench and the matter has attained finality, therefore the respondents are bound to take decision in terms of the ratio laid down by the Hon'ble Full Bench and since the reasons which has been assigned for rejecting the claim as contained in Memo No. 8526 dated 27.06.2018 is contrary to the dictum of Hon'ble Full Bench, therefore the said decision rendered in the case of the petitioner is set aside and the authorities are directed to take a final call



with respect to the grant of pensionary benefits with appropriate promotions in accordance with the provision of assured career progression scheme, by passing reasoned and speaking order on detailed representation submitted by this petitioner within a period of four weeks from the date of receipt / production of a copy of this order along with representation, which shall be decided by the respondents within a period of two months thereafter and any benefits accruing to this petitioner on such adjudication shall be extended within a further period of four weeks thereafter.

5. The petitioner will be at liberty to file representation with respect to other reliefs excluding the grant of promotion.

6. Accordingly, the writ petition stands allowed.

(Ajit Kumar, J)

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