

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20069 of 2018

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Jayshiri Devi W/O Late Dhirja Prasad, Resident of village- Babu Bazar, P.O.- Arrah, P.S.- Arrah, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretay, General Administration Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Accountant General A andE- II Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ramchandra Singh, Advocate
For the Respondent/s	:	Mr.Md. Nadim Seraj- GP5
		Mr. Shahbaj Alam, Advocate
For the A.G.	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-03-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for the
following relief/s :-

“for issuance of writ in the nature of mandamus or any other writ or writs direction or directions to the respondents to modify the pension of the petitioner after giving first monetary benefits to the husband of the petitioner of ACP since 09.08.1999, revising the pension of the petitioner in accordance with sixth and seventh pay revision and accordingly to give arrears of pension to the petitioner alongwith reasonable compound interest



from the date of entitlement till the date of payment.”

3. Learned counsel for the petitioner submits that the petitioner's husband was appointed as Deputy Collector on 22.03.1983 and was posted at the Patna Collectorate, Patna. During the course of his service, the petitioner's husband passed away on 06.01.2000, but he was not granted any promotion. It is further submitted that the petitioner was given retiral benefits, but his entitlement under the ACP (Assured Career Progression) scheme was not considered. In this regard, the petitioner filed a representation to the Secretary, General Administration Department, Government of Bihar, Patna (as contained in Annexure-A to the writ petition), but no action has been taken.

4. Learned counsel for the State submits that a counter affidavit has been filed. In the counter affidavit, it is stated that the petitioner's grievance regarding the grant of ACP benefits was placed before the Screening Committee, but a final decision could not be made due to the absence of the petitioner's character role. It is assured that as soon as the character role is made available to the Screening Committee, the petitioner's grievance will be addressed. Learned counsel



for the State further submits that the reasons for the delay in settling the petitioner's grievance have already been outlined in the counter affidavit.

5. From the pleadings, it appears that the petitioner's husband was appointed as Deputy Collector in 1983, and he passed away on 06.01.2000. However, his claim for the grant of ACP benefits was not considered due to the absence of the character role. The character role, which is required for the process, is the responsibility of the employer (the State, in this case). Therefore, it is the employer's duty to ensure all necessary steps are taken so that the petitioner's grievances can be addressed.

6. In light of the above, the writ petition is disposed of with a specific direction to the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna, to consider the case of the petitioner's husband within three months from the date of receipt/production of a copy of this order. It is made clear that if the admitted dues of the petitioner's husband are not calculated and paid to the petitioner within the aforementioned period, the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna, will be held responsible for the same. The three-



month period shall begin from the date of receipt of representation of the petitioner, along with a copy of this order, in the office of the Additional Chief Secretary.

7. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

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