

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6526 of 2021

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Vinay Kumar son of Late Rajnandan Sharma resident of Village - Datmai,
P.S. - Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Main Secretariat, Patna.
2. Director, Directorate of Integrated Child Development Services, Indra Bhawan, Ram Charitra Singh Path, Boring Canal, Road, Patna.
3. District Magistrate, Patna.
4. District Programme Officer, Integrated Child Development Services, Patna.
5. Child Development Project Officer, Masaurhi, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
For the Respondent/s : Mr. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

24 10-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

(i) To make fixation of pension of the petitioner on the basis of pay made admissible to him consequent upon the ACP and MACP granted to him.

(ii) Further prayer is to start making payment of pension so fixed in favour of the petitioner, along with the arrears thereof.

(iii) For a further direction to the respondents to make payment of difference amount



of leave encashment in terms of new pay fixation which also has not been paid to the petitioner even after more than three years of his retirement.

(iv) The petitioner further prays that the Gratuity of the petitioner be also revised in terms in the last pay supposed to be drawn by him in the grade pay of Rs. 4200/- which was made admissible to him on grant of 3rd MACP to him and the balance amount of Gratuity be paid to the petitioner.

(v) Setting aside the order contained in Memo No.2615 dated 20.06.2018 (Annexure-P/6) issued under the signature of respondent director ICDS as well as the consequential order contained in Memo No.1651 dated 26.09.2018 (Annexure-P/1) issued under the signature of respondent District Magistrate, Patna, whereby the petitioner has been illegally denied benefit of 1st ACP with due date of 09.08.1999.

3. Learned counsel for the petitioner fairly submits that the grievances of the petitioner has been redressed, however, by referring to Letter No.178 dated 18.03.2019, appended with the writ petition as Annexure-D of the counter affidavit filed on behalf of respondent Nos.3, 4 and 6, submits that without there being any misrepresentation for grant of ACP/MACP, still through communication made by the Child



Development Project Officer (for brevity 'CDPO'), this petitioner has been shown to have fetched such benefits under the scheme by misrepresentation, but from the stand so taken by the respondents in the counter affidavit, it appears that that benefit under ACP has been granted to the petitioner strictly under the provisions of Assured Career Progression scheme and as also under modified Assured Career Progression scheme, as per his entitlement.

4. On the other hand, learned counsel for the State submits that this communication was made in the year 2019 but till date, no recovery has been made and it is merely an apprehension of the petitioner which is unfounded, as there is no intention of the authorities to make any recovery from the petitioner.

5. Considering the stand of the parties, this Court is fully convinced that since there has been no recovery made till date, as such, the Letter No.178 dated 18.03.2019, was merely an communication, which stands clarified in view of the specific stand taken by the State and insofar as the excess amount to the tune of Rs.9262/- is concerned, the same has already been deposited but the same has not been countersigned by the respondent CDPO, because of which excess amount though



been deposited by the petitioner, the liability as against the petitioner still stands, for which the petitioner apprehends that at some point of time, such liability would be fastened and coercive steps may be taken.

6. To such submission, the learned counsel for the State submits that the petitioner may be directed to approach the CDPO, who would take the corrective measures to give quietus to such dispute, in the light of deposit having been made by this petitioner vide Annexure-P-7 and P-7/A.

7. At this stage, learned counsel for the petitioner further points out that in case the recovery has been made from the pensioner pensionary benefits then the petitioner would make an appropriate representation and by taking necessary decision if that amount has unauthorizedly been recovered, then the same shall be refunded.

8. Petitioner is further restored with the liberty that if the stand of the State authorities are found to be otherwise then the petitioner shall apprise the competent authority with regard to such disputed issues with all supportive materials and on finding substance in the grievances raised, necessary decision shall be taken, and same shall be redressed expeditiously.



9. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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