

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4670 of 2022

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Anandi Tanti @ Anandi Das, son of Late Vikas Tanti, Resident of
Village/Mohalla-Gangjala, Ward No. 17, P.S. Saharsa, Distt-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
3. The Director, Panchayati Raj Dept, Govt. of Bihar, Patna.
4. The District Magistrate, Madhepura.
5. The Deputy Development Commissioner-cum-Executive Officer, Zila Parishad, Madhepura.
6. The District Panchayati Raj Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Mr. Kameshwar Prasad. Gupta, GP-10
		Mr. Anwar Karim, AC to GP-10
For the Zila Parishad	:	Mr. Mrs. Sunita Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-01-2026 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Zila Parishad.

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

*(i) For issuance of writ in the
nature of mandamus commanding and
directing the Respondents to pay the benefit
of ACP to the petitioner in the light of order
dated 19.7.2017 passed in C.W.J.C. No.
6865 of 2012 who has already retired from
his services.*



(ii) For issuance of Writ further in the nature of mandamus commanding and directing the Respondents to return back the recovery amount of ACP as recovered earlier after giving benefit of ACP and comply the order of Hon'ble High Court dated 19.7.2017 passed in C.W.J.C. No. 6865 of 2012.

(iii) For holding and declaration that petitioner deserves to get benefit of ACP as per the Hon'ble High Court's order as well as return back the recovery amount of ACP and/Or Pass such other order or orders as deem fit and proper in the interest of justice.

3. Learned counsel for the petitioner submits that the petitioner was appointed to the post of Vriya (Anusevak) by letter no. 120 dated 12.01.1970 on the scale of Rs. 17.50-0.50-25 and accordingly joined the Zila Parishad, Saharsa. Subsequently, his service was transferred to the Zila Parishad, Madhepura, from where he retired in the year 2008. Counsel further submits that after retirement, the petitioner was paid the benefit of A.C.P. as per the old rules of regularization of the department, but thereafter, an order was passed directing the return of such benefit. Counsel further submits that the



petitioner is a poor employee who was working on the post of Peon, and in case of granting such benefits, it is the higher authority which has to take the decision and there is no role of the petitioner therein. Therefore, counsel submits that the payment already made may not be recovered and he may be continued to be extended the said A.C.P. benefit. Counsel relied upon a judgment passed by this Hon'ble Court in CWJC No. 6865 of 2012, dated 19.07.2017 (Zila Parishad Rohtas Karamchari Ekai Singh v. The State of Bihar & Ors.).

4. Learned counsel for the Zila Parishad submits that the representation of the petitioner, which is annexed as Annexure-4, is still pending. Counsel further submits that the present writ petition may be disposed of by directing respondent no. 5 to pass a reasoned and speaking order on the petitioner's representation.

5. It transpires to this Court that the petitioner's representation was filed in the year 2019 which is pending since long.

6. As such, the petitioner is hereby directed to file a fresh representation along with the order passed by this Court within 40 days from today, and the Deputy Development Commissioner-cum-Executive Officer, Zila Parishad,



Madhepura (respondent no. 5) is hereby directed to pass a reasoned and speaking order after considering the case of the petitioner as well as the factual matrix of the case mentioned above. If it is found that the petitioner is entitled to the payment, then such payment is directed to be made within 90 days thereafter.

7. With the above observations and directions, the present writ petition stands disposed of.

(Dr. Anshuman, J.)

Aman Kumar/-

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