

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.855 of 2017

- 1.1. Shikha Mayuri D/o Ram Bali Bhagat, Resident of Village - Khalilpur, P.S. Pratappur, District- Muzaffarpur.
- 1.2. Utsav Raj Son of Ram Bali Bhagat, Resident of Village - Khalilpur, P.S. Pratappur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate-cum-Collector, Muzaffarpur.
5. The Deputy Development Commissioner, Muzaffarpur.
6. The District Panchayati Raj Officer, Muzaffarpur.
7. The Block Development Officer, Gaighat, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate
For the Respondent/s : Mr. Ajay- GA5

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 03-02-2026 Heard learned counsel for the petitioners and
learned counsel for the respondents.

2. The original writ petitioner has filed the instant
application for the following reliefs:

*“i) For issuance of direction commanding the
respondent to grant annual increment to the
petitioner and consider the case of the petitioner
under A.C.P. Scheme as well as payment of
arrears of salary on account of fixation of
increment, grant of A.C.P. and also make
payment of arrears of salary and allowance of*



the suspension period i.e. dues of the petitioner on account of his suspension and also to make payment of entire arrears and interest @ 12% per annum.

ii) For any other relief or reliefs for which the petitioner is found entitled for the meet of justice.”

3. The sole petitioner having died during pendency of the instant application, pursuant to order dated 5.1.2026 passed in the instant case, he was substituted by his legal heirs who are now the petitioners herein.

4. This Court was pleased to pass the following order on 12.1.2026 which is reproduced hereinbelow for the ready reference.

“The petitioner filed the instant application for a direction to the respondents to grant annual increment and to consider the case of the petitioner under the ACP scheme.

2. As per the counter affidavit filed on behalf of the respondents, a departmental proceeding had been initiated against the petitioner.

3. An interlocutory application (I.A. no.5460 of 2018) was filed stating therein that the sole petitioner had died during pendency of the instant application on 28.12.2017. Orders were passed on 5.1.2026 directing for



substitution of the sole petitioner by his legal heirs. As a result thereof, the original petitioner has been substituted.

4. In view of the above, by order dated 5.1.2026, learned counsel for the respondents was directed to take instructions as to what was the result of the departmental proceeding against the sole/ original petitioner.

5. Learned counsel for the respondents on the basis of the oral instructions received submits that in view of the death of the original petitioner, the departmental proceeding has been dropped.

6. Let the respondents file a fresh counter affidavit with respect to the prayer made by the petitioner in the instant writ application.

7. The counter affidavit be filed after serving a copy of the same on learned counsel for the petitioner on or before 27.1.2026.”

5. Pursuant to the direction of this Court a counter affidavit has been filed on 30.1.2026 on behalf of the respondent nos. 3 to 7 sworn by the Block Development Officer, Gaighat (Muzaffarpur) wherein statement has been made in paragraph no.7 which is quoted herein below.

“7. That the claim for ACP benefits was duly placed before the Screening Committee meeting held under the chairmanship of the District Magistrate, Muzaffarpur, on 24.05.2025. In the



case of Late Ram Bali Bhagat, service verification was found incomplete for certain periods, namely 14-05-2001 to 17-05-2001, 29-01-2002, February 2003, 01.03.2005 to 17.07.2005 and 08.10.2011 to 31.05.2012. Accordingly, the matter was deferred pending proper verification, and hence ACP benefits could not be extended.”

6. In view of the facts and circumstances of the case as stated herein above, the matter with respect to the grant of benefits under the ACP scheme to the petitioners who happen to be the heir of Late Ram Bali Bhagat, being pending before the Screening Committee headed by the District Magistrate, Muzaffarpur, it is directed that the District Magistrate (respondent no.4) and the Screening Committee shall decide the entitlement of the petitioner with respect to the grant of ACP and other benefits to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order and any amount found payable shall be paid within a period of two months from the date of passing of the order.

7. It is further directed that in case any amount is not found payable to the petitioner, a reasoned order for the same shall be communicated to the petitioners within the aforesaid period of four weeks.



8. The writ application stands disposed of with the
above observations and directions.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

