IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8529 of 2025

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Suprabha Kumari W/o Late Dr. Lalitesh Gupta Ex- Ayurvedic Medical Officer, in the department of Rajkiya Ayurvedic Aushdhalaya, at Forbesganj, District- Araria (Bihar), and Resident of Madhuri Enclave, Block-C (Sundaram), Flat No.- B-1, Jaiprakash Nagar E-1, Digha Ashiana Road, Near May Flower School, Patna, (Bihar), Pin- 800011.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Government of Bihar, Patna.
3. The Secretary, Health Department, Government of Bihar, Patna.
4. The Director in Chief, Health Department, Government of Bihar, Patna.
5. The Joint Secretary, Health Department, Government of Bihar, Patna.
6. The Accountant General, Bihar, Patna.
7. The Indigenous District Medical Officer, Purnea, Bihar.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-06-2026 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General, Bihar, Patna.

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

i. For payment of Interest on Rs. 9,37,259/-, from dated 31.07.2018 to 16.12.2024, for the delayed payment of Dynamic ACP/MACP arrears, which was

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due on dated 01.01.2006, but has been paid on dated 16.12.2024.

ii. For payment of Interest on Rs. 4,01,120/-, from dated 31.07.2018 to 16.12.2024, for the delayed payment of difference of Leave Encashment arrears, which was due on dated 31.07.2018, but has been paid on dated 16.12.2024.

iii. Any other relief or reliefs as Your Lordship may graciously be pleased to allow in the facts of the case and in accordance with law.

3. Learned counsel for the petitioner submits that the husband of the petitioner was granted the benefit of ACP/MACP/DACP after serving for more than 35 years. He was superannuated on 31.07.2018 and died on 07.10.2018. Counsel further submits that, in the writ petition, a request has been made for the delayed payment of Dynamic ACP/MACP arrears, which became due on 01.01.2006 but were paid on 16.12.2024, as well as for interest for the period from 31.07.2018 to 16.12.2024 on account of the delayed payment of the difference in leave encashment arrears.

4. Learned counsel for the State submits that the decision for payment of benefits to the petitioner was notified for the first time on 22.07.2019, in which the names of 159

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doctors were included. The date of grant of benefits was also mentioned therein. Counsel further submits that the said letter was subsequently amended vide Memo No. 929 dated 22.10.2021, whereby it was decided that the notional benefit would be granted with effect from 01.01.2006. The actual payment has been made vide Annexure-P/6, which is evident from the letter issued by the Accountant General.

5. It transpires to this Court that the husband of the petitioner had no grievance with the said notification dated 22.07.2019 or with the notification dated 22.10.2021. The petitioner also has no grievance regarding the notional benefit decided to be granted with effect from 01.01.2006, however, after receipt of the payment in the year 2024, the petitioner has raised grievances.

6. It further transpires to this Court that there is no statutory provision providing for payment of interest on the delayed payment of ACP/MACP benefits, as the decision regarding such payment was simpliciter in nature and was applicable to all other similarly situated persons. It is not a case where any judicial order has remained uncomplied with within the stipulated time.

7. In the absence of any statutory provision and in

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view of the fact that the decision was simpliciter in nature, this Court is not inclined to grant any relief to the petitioner.

8. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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