

(2025) 04 JH CK 1408
In the Jharkhand High Court
Case No : W.P.(S) No. 7467 Of 2023

PremLata Sahay

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 28-04-2025

Acts Referred:

Citation : (2025) 04 JH CK 1408

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : Tarun Kumar, Varun Prabhakar, Richa Sanchita, Risheet Singh

Final Decision : Disposed Of

Judgement

Deepak Roshan, J

1. The instant writ application has been preferred by the petitioner for the following reliefs:

"1. That the instant application petitioner prays for issuance of an appropriate writ(s)/order(s)/direction(s) from this Hon'ble Court commanding upon the concerned respondents to make payment of benefit of the 1st & 2nd A.C.P. of her husband as the same is not paying by the concerned respondent to the petitioner whereas name of her husband is appearing in Sl. No 117 in Govt. Notification Dated 5.11.2022 Memo N. 3 Astha.D.-01-81 issued by the State of Jharkhand Dept. of Health Medical Education & Family Welfare, whereas husband of the petitioner has superannuated from his service on 31.07.2004 and died on 19.12.2005;

AND

Further pray for issuance of an appropriate writ(s)/order(s)/direction(s) from this Hon'ble Court commanding upon the concerned respondents for the fixation of the family pension of the petitioner on the basis of the benefit of 1st and 2nd ACP of her husband for which Petitioner is legally entitled:

AND/OR

Further, pray for issuance of an appropriate writ(s)/order(s)/direction(s) from this Hon'ble Court, as Your Lordships may deem fit and proper for doing conscionable justice to the petitioner.”

2. A supplementary counter affidavit dated 25.04.2025 has been filed wherein at paragraph no.7 it is indicated that the Department of Health, Medical Education and Family Welfare, Government of Jharkhand has sanctioned the 1st and 2nd ACP to the husband of the petitioner, namely, late Dr. Ajit Kumar Sahay vide Notification No. 1363(3) dated 05.11.2022 and thereafter a letter has been issued by the said Department to the Accountant General (A & E), Jharkhand for issuance of revised PPO and GPO vide letter dated 07.02.2024.

In paragraph no.10, it is also indicated that earlier vide letter dated 11.01.2017 after adding the 1st and 2nd ACP the revised PPO has been issued and this information has been given to the respondent-authority by Accountant General (A&E), Jharkhand vide Memo No. 1184 dated 22.03.2024 which is annexed as Annexure-D and D/1 to the supplementary counter affidavit dated 25.04.2025. This shows that the grievance of the petitioner has been redressed.

3. Learned counsel for the petitioner submits that from the documents though it is clear that amount has been sanctioned but as to whether there is any discrepancy or not; petitioner may be granted liberty to raise the grievance, if so advised. Learned counsel further submits that for the payment of DACP he may be given liberty to approach the appropriate forum at appropriate stage.

4. Having regard to the aforesaid submission and looking to the averments made in the supplementary counter affidavit dated 25.04.2025, the instant writ application stands disposed of with liberty to the petitioner as prayed for.