

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10507 of 2013

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1. Jay Prakash Rao Son Of Late Narayan Prasad Rao Resident Of Village - Karsani,
P.O. - Kalhaun, P.S. Rajaun, District - Banka

.... Petitioner/s

Versus

1. The State Of Bihar , Through The Principal Secretary, Water Resources Department, Govt. Of Bihar, Patna
2. The Chief Engineer, Bhagalpur, Water Resources Department, Bhagalpur
3. The Superintending Engineer, Irrigation Circle -2, Jamui
4. The Executive Engineer, Irrigation Division, Sikandara, Jamui
5. The Assistant Engineer, Water Resources Department Lakhisarai
6. The Sub-Divisional Officer, Irrigation Sub-Division-5 Ramgarh, District - Lakhisarai
7. The District Magistrate, Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/S. Mukesh Kumar & Bijay Kumar Pandey

For the Respondent/s : Mr. Aditya Nath Jha, A.C. to S.C. 18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-08-2016

As prayed for, the petitioner is permitted to implead the District Magistrate, Lakhisarai as party respondent to the writ application.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. The petitioner has a limited grievance that he has been paid monthly house rent @ 5% of the basic pay whereas he is entitled to 10% of the basic pay as the residence of the petitioner lies within 6 Kms. of Lakhisarai municipality. In support of his

submission, he has placed reliance on letter No. 3/A 1-3-1/48/5810 Vi. dated 04.08.1984.

4. From the aforesaid resolution of the Government it is very clear that whoever lives within the radius of 8 Kms. of the Municipal Corporation of the town, he will be entitled to the house rent as that of the town.

5. In such view of the matter, let the petitioner file an appropriate representation to the District Magistrate, Lakhisarai who will examine the provision as stated above and take a decision within a period of one month from the date of filing of such representation.

6. With the direction/observation aforesaid, this writ application is disposed of.

(Shivaji Pandey, J)

Amin/-

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