

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5458 of 2016

=====

Uma Shankar Prasad son of Late Deo Nandan Prasad, resident of Village-
Kadirpur, P.O- Narayanpur, Akangearsaraya, Dist- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Department of Agriculture, New Secretariat, Patna.
3. The Secretary, Department of Minor Irrigation, Sichai Bhawan, Patna.
4. The Director, Department of Agriculture, Patna.
5. The Joint Director, Department of Agriculture, Patna.
6. The Chief Engineer, Department of Minor Irrigation, Bihar, Patna.
7. The Executive Engineer, Minor Irrigation Division, Jhajha.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Adv.
For the Respondent/s : Mr. Ashish Kumar Lal, AC to GA-5

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 15-09-2016 Heard the parties.

The petitioner, claiming to have superannuated from service from the post of Agricultural Research Officer on 31.1.2008, has filed the present writ petition under Article 226 of the Constitution of India for grant of reliefs enumerated in paragraph-1 of the writ petition.

In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of asking all the respondents to file their counter-affidavits, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation with all supporting documents before the respondent no. 2 raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed on

behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent No.2 either himself or any other competent authority of the respondent State, as per direction of the respondent no.2, shall be obliged to consider and decide the claims of the petitioner strictly in accordance with law, by a reasoned and speaking order, after giving an opportunity of hearing to the petitioner, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representation.

If on consideration of the materials the competent authority comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and this is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--