

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15956 of 2017

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Seva Das, S/o Late Kishori Das, Resident of Kalyani Colony, behind Satya Gas Godown, New Harni Chak, P.S.- Gardani Bagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
4. The Additional Secretary, General Administration Department, Government of Bihar, Patna.
5. The Under Secretary, General Administration Department, Government of Bihar, Patna.
6. The Additional Secretary, Co-operative Department, Government of Bihar, Patna.
7. The Deputy Secretary, Co-operative Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pd. Bharti, Adv.
Mr. Jitendra Kumar, Adv.
Mr. Manisha Prakash, Adv.

For the Respondent/s : Dr. Mankeshwar Tiwari, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2017

Heard Mr. Mahendra Prasad Bharti, learned counsel appearing for the petitioner and Dr. Mankeshwar Tiwari, learned Assisting Counsel to Additional Advocate General No.3 for the State.

The petitioner is aggrieved by the order bearing Memo No.327 dated 25.9.2017 whereby the petitioner whose name appears at serial no.2 has been transferred from Co-operative Department, Bihar, Patna to the office of the Chief Engineer, Water Resources Department, Darbhanga.

Mr. Bharti, learned counsel appearing for the petitioner in reference to the advisory of the Principal Secretary, Cabinet Secretariat



Department dated 3.6.2009 at Annexure-3 has submitted that the petitioner is due for superannuation on 30.4.2018 he should been allowed to continue at the present post. He submits that a representation in this regard was filed before the Principal Secretary, General Administration Department on 8.9.2017 at Annexure 4 with reminder at Annexure 6 but which has remained pending.

Having heard learned counsel for the parties and considering that the petitioner is due for retirement on 30.4.2018 in view of the advisory of the Cabinet Secretariat Department as contained in the letter dated 25.10.1980 as reiterated in the advisory dated 3.6.2009 that the claim of a person due for retirement within one year requires a consideration, the Principal Secretary, General Administration Department is accordingly directed to consider the prayer of the petitioner as made in Annexures 4 and 6 to the writ petition and dispose of the same in accordance with law within a period of four weeks from the date of receipt/production of a copy of this judgment.

Let status-quo as existing today prevail until disposal of the representations at Annexures 4 and 6.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-11-2017
Transmission Date	NA

