

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3615 of 2016

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Raju Kumar Jha S/o Sri Govind Jha R/o Village - Ladari, P.S. Keoty Runway,
Distt - Darbhanga.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Secretary, Ministry of Finance, North Block - New Delhi.
3. Director General BSF, FHQ BSF, New Delhi.
4. The Commandant, 139, Battalion BSF, Khagra, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma
For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-05-2019 Heard counsel for the petitioner-respondent.

Counsel for the petitioner submits that his claim for pay fixation placing reliance on Rule-7(1) (A) (II) of CCS (RP) Rule 2008 made before the Respondent No. 4 has not been disposed off. The petitioner has also filed a supplementary affidavit and claims that as per Para 8 of the office memorandum dated 28th September, 2018 which has been accepted by the Director General of the Boarder Security Forces under the communication dated 06.11.2018, petitioner is



entitled to certain other benefits.

Till date, there is no decision of the authority as regards entitlement of the petitioner. Now as per petitioner's claim his entitlement has to be decided as per the office memorandum dated 28.09.2018 issued by the Ministry of Finance as well as the communication dated 06.11.2018 issued by the Director General of the Border Security Forces. This Court would therefore consider it proper that the petitioner would raise grievance before the respondent no.3, if such application is filed within four weeks, respondent no. 3 shall consider the claim of the petitioner and dispose off the same by reasoned and speaking order in accordance with law within a period of three months thereafter.

Counsel for the petitioner submits that he will also be placing reliance on Annexure-R-7 of the counter affidavit which is the gazette notification dated 29.08.2008. It goes without saying that the petitioner will be at liberty to raise his grievance before the appropriate authority if he is aggrieved by the decision of respondent no.4.

Writ petition is disposed off.



(Madhuresh Prasad, J)

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