

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14688 of 2019

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Mahendra Chaudhary, S/o Late Digambar Chaudhary Resident of Mohalla-
Chitragupta Nagar, Ward No. 16, P.s.- Chitragupta Nagar, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Khagaria
2. District Magistrate Khagaria
3. Principal Secretary Finance Department, Patna, Bihar
4. Additional Secretary Department of Finance, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar
For the Respondent/s	:	Mr. Chitranjan Sinha (PAAG2)
		Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Heard the learned counsel for the parties.

The petitioner, who was appointed as a Stenographer at Khagaria Collectorate in the year 1987 was directed to perform the duty of Personal Secretary of the District Magistrate, Khagaria from 23.01.2001 to January, 2015. The petitioner, therefore, demands that he be paid 20 per cent extra salary for the additional officiating duty as Personal Secretary to the District Magistrate.

Such demand of the petitioner has not yet been considered.



A representation was made before the District Magistrate, Khagaria by the petitioner seeking payment of 20 per cent extra salary in view of the provisions contained in Section 101 of the Bihar Service Code which provides an additional salary of 20 per cent for officiating duty.

The District Magistrate, Khagaria asked for a direction from the Finance Department for redressal of the grievance of the petitioner but till date no direction has been issued from the Finance Department. Hence, the petitioner has not been paid the additional salary till date.

Under the aforesaid circumstances, the petitioner is directed to make a representation before the Principal Secretary, Finance Department, Government of Bihar, Patna (Respondent No. 3) within a period of two weeks, detailing his grievances and requesting him to send the direction/guidelines forthwith to the District Magistrate, Khagaria, so that if the claim of the petitioner is in tune with the provisions contained in Bihar Service Code, he be paid the additional salary to which he is entitled. On receipt of such representation by the petitioner, the Principal Secretary, Finance Department,



Government of Bihar, Patna shall pass a reasoned order in accordance with law, within a further period of six weeks and apart from communicating such order to the petitioner, shall also transmit the same to the office of the District Magistrate, Khagaria for needful.

Needless to state that all the relevant case laws and the provisions contained in Bihar Service Code shall be taken into account by the concerned authority before passing any order.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	26.07.2019
Transmission Date	

