

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16403 of 2019

1. Choudhary Brijendra Kumar Rai Son of Late Choudhary Baikunth Nath Rai, Resident of Village and P.O. - Narhi, District- Balliah, Uttar Pradesh, Pin- 277503.
2. Shambhu Nath Singh II Son of Late M.N. Singh, Resident of - flat no. C- 102, Kaushalya Estate, Bandar Bagicha, District- Patna, Pin - 800001.
3. Ajit Kuamr Sinha Son of Late Arun Kumar Sinha Resident of - 304, Savitri Residency, Road No. 10, East Patel Nagar, P.S.- Shastrinagar, District- Patna. Pin- 800023.
4. Nand Kumar Srivastav Son of Late Kanhaiya Lal Srivastav Resident of - 402/3, Vishal Residency, Raja Bazar, P.S.- Hawaii Adda, District- Patna. Pin - 800014.
5. Santosh Kuamr Srivastav Son of Late Krishna Bihari Srivastav Resident of - Behind Dr. Nityanand Clinic, Main Road, Kaseya, District- Kushinagar, Uttar Pradesh. Pin - 274402.
6. Panchanan Sharma Son of - Sri Ram Bibhuti Sharma, Resident of - flat no. 103, Anand Ashram, Saubhagya Sharma Patha, rukanpura, District- Patna. Pin - 800014.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary to the Government of Bihar, Department of Revenue and Land Reforms, Patna- 1.
2. Principal Secretary to the Government of Bihar, Department of Revenue and Land Reforms, Patna-1.
3. Secretary to the Government of Bihar, Department of Law, Patna-1.
4. Director, Land Acquisition, Government of Bihar, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC-19)
		Mr. Akhilesh Kumar Sinha, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2019 The petitioners are retired District Judges who

have served for the entire tenure of three years as

Presiding Officer of Land Acquisition, Rehabilitation and



Resettlement Authority. They are aggrieved by the fact that they have not been paid the sumptuary allowance to which they are entitled, for several months. With respect to the petitioner Nos. 1 to 4, they have been paid sumptuary allowance only for six months but the aforesaid allowance for the period of two and half years has been left unpaid. Petitioner Nos. 5 and 6 have been paid their sumptuary allowance only for eight months and the balance payment has not been paid.

The petitioners have shown to this Court Section 35 of the Bihar Land Acquisition, Rehabilitation and Resettlement Rules, 2014 which specifies that the salary and allowance of the Presiding Officer of the Authority shall be same as applicable to a District Judge working in the State; provided that in case of a retired District Judge appointed as Presiding Officer, he shall be entitled to a salary equivalent to the remuneration last drawn by him at the time of his retirement minus the pension. In addition, the rules clearly indicate that such



person shall draw his pension and other benefits accruing to him under the concerned rules applicable to him.

It has also been shown to this Court that a person of the rank of District Judge gets sumptuary allowance of Rs. 3100/- per month.

That the petitioners are entitled to sumptuary allowance as Presiding Officers of the Settlement Authority is further reflected from the fact that they have been paid such allowance for the six months and eight months respectively. There does not appear to be any reason for not paying the same to the petitioners.

The petitioners are therefore directed to make a detailed representation before the Secretary, Department of Law, Government of Bihar, Patna (respondent No. 3) within a period of two weeks from today, who shall verify the facts, ascertain the reasons as to why if the petitioners are entitled for their sumptuary allowance, the same has not been paid to them and shall pass/cause to be passed a reasoned



order in accordance with law within a period of eight weeks of the receipt of such representation. If the claim of the petitioners are found to be tenable, necessary orders shall be passed by the concerned respondent for redressal of the grievances of the petitioners.

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

(Ashutosh Kumar, J)

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