

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5898 of 2020

1. Intezar Anjum, Son of Md. Wahid, Resident of Village- Pura Kothi, P.S.- Arawal, District- Arawal.
2. Jahid Husain, Son of Abdul Hai Husain, Resident of Mohalla- Ward -14, Ganesh Chowk, Bardepur, Baira, P.S.- Madhubani, District- Madhubani.
3. Shobhanand Baitha, Son of Parsan Baitha, Resident of Village- Manikpur, P.S.- Gopalganj, District- Gopalganj.
4. Ramesh Kumar, Son of Dharmchand Sahu, Resident of Village- Suriya, P.S.- Koiridih, District- Giridih (Jharkhand).
5. Harakh Baitha, Son of Ganaur Baitha, Resident of Village- Shiwasthan, P.S.- Ghawe, District- Gopalganj.
6. Dinesh Choudhary, Son of Nathun Choudhary, Resident of Village- Tehta, P.S.- Makhdumpur, District- Jehanabad.
7. Bhagwan Mishra, Son of Braham Kant Mishra, Resident of Village- Gandhwari, P.S.- Gandhwar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Secretary, Planning and Development Department, Bihar, Patna.
4. The Engineer-in- Chief, Rural Works Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak. Advocate
For the Respondent/s : Mr. Satyeshwar Prasad, AC to SC-7

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-12-2021

Heard learned counsel for the parties.

2. In the instant petition, the petitioners have prayed for the following reliefs:

That by this application, the Petitioner are invoking the writ jurisdiction of this Hon'ble Court in the nature of Writ of Mandamus for directing the respondent No.3 to pay deputation allowance as per



relevant Circulars issued under memo No.12423, dated 31.12.2009 and memo No. 8043, dated 11.10.2017 of Finance Department, Bihar, Patna as contained in Annexure-3 & 3A of the writ petition otherwise the services of the Petitioner No.1, 2,4,6 and 7 return back to the parents department i.e. Rural Works Department, Bihar, Patna.

3. Short question for consideration in the present petition is whether the petitioners are entitled to deputation allowance or not?

4. Undisputedly, the petitioners are stated to be working in the Rural Works Department, Bihar and it is their parent department and their services have been drafted to Planning and Development Department from 26.04.2012 and continued as on the date of presentation of the present petition.

5. In respect of deputation allowance, the petitioners have relied on circulars i.e. Memo No. 12423 dated 31.12.2009 and Memo No. 8043 dated 11.10.2017 (Annexures-3 and 3A respectively) followed by representations (Annexure-4 Series) dated 20.12.2016, 07.10.2018 and 23.12.2019. The respondent no.3 has not taken decision as to why the petitioners are not entitled for deputation allowance.

6. In this regard, the 3rd respondent is hereby directed to pass a speaking order and proceed to extend deputation allowance and to pay the deputation allowance as long as the petitioners were



on deputation in Planning and Development Department, Bihar in accordance with relevant provision/circular/order.

7. The above exercise shall be completed within a period of two months from the date of receipt of a copy of this order, failing which the petitioners are entitled to interest at the rate of 6% per annum on the arrears of deputation allowance.

8. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA

