

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.463 of 2021

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Jagdish Prasad Son of Sidheshwar Prasad Resident of Village- Tulsipur, P.O.
and P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Director, Agriculture, Govt. of Bihar, Patna.
4. The Joint Director (Agronomy) Patna Division, Mithapur Farm, Patna.
5. The District Magistrate, Patna.
6. The District Magistrate, Nalanda.
7. The District Agriculture Officer, Patna.
8. The District Agriculture Officer, Nalanda.
9. The Treasury Officer, Patna.
10. The Treasury Officer, Nalanda.
11. District Agriculture Extension Officer, Nalanda.
12. District Agriculture Extension Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate
For the Respondent/s : Mr. Raghwanand, GA 11

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

Date : 13-01-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the
following reliefs:-

*“(a) For payment with
statutory interest of House Rent
Allowance (HRA) and Transport
Allowance (T.A.) since his date of
joining i.e., 30.06.2018 till his date of*



superannuation i.e., 31.12.2019 as per the admissible, rate at the 'place of deputation' that is 'Patna'.

(b) For payment of House Rent Allowance as well as Transport Allowance since petitioner's date of joining i.e., 30.06.2018 as per Rule-"4" Kha I and II of the Bihar State Employees (House Rent Allowance) Rules 1980 with the admissible rate at the 'place of deputation' i.e. Patna but payment has been made on the admissible rate at the transferred place posting" i.e. Nalanda whereas H.R.A. has been paid since January 2019 and T.A. has been paid since July 2018 as per his transferred place of posting i.e. Nalanda. But the above state Rule clearly states that the H.R.A. and T.A. is admissible and be paid with statutory interest as per his place of deputation i.e. Patna.

(c) That the statutory or penal interest of the above said amount be realized from the responsible officer who delayed the payment especially from the Joint Director (Agronomy), Patna.

(d) For any other relief or reliefs which petitioner may be entitled in the facts and circumstances of the case."

Petitioner is stated to have attained age of superannuation and retirement from service on 30.06.2018. Grievance of the petitioner is relating to HRA and TA which was pending consideration.



In this regard, learned counsel for the petitioner pointed out representation dated 26.07.2019 and 20.12.2019 (Annexure-2 & 3) respectively followed by legal notice dated 28.07.2020 (Annexure-6).

The concerned respondent is hereby directed to redress the grievance of the petitioner relating to entitlement of HRA and TA and pass a speaking order. If he is entitled to arrears amount which shall be calculated and disbursed along with interest at the rate of 8% per annum in the light of Hon'ble Apex Court decision in the case of **Vijay L. Mehrota vs. State of Uttar Pradesh and Ors** reported in **(2001) 9 SCC 687**. If the petitioner is not entitled in that event detailed speaking order shall be passed and communicated to the petitioner as to why petitioner is not entitled to HRA and TA as demanded by the petitioner.

With the aforesaid observations, the writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

