

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2960 of 2020

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1. Smt. Kaushalya Devi, wife of late Parmeshwar Poddar Resident of Anandpuri, Dakshin Bhattha Ward No. 21 Near Kali Ara Mill P.S. and District Purnea.
 2. Priya Ranjan Prasad, son of Late Jai Narain Prasad resident of Sipahi Tola, Maranga Road, P.S. K. Hat, District Purnea.
 3. Mano Ranjan Prasad, son of Late Jai Narain Prasad resident of Sipahi Tola, Maranga Road, P.S. K. Hat, District Purnea.
 4. Most. Anjala Singh, wife of late Ram Chandra Prasad Singh resident of Village and P.O. Lakho, P.S. and District Begusarai.
 5. Nand Kishore Yadav, son of Late Sampat Lal Yadav resident of Adarsh Nagar (Bari hat) Purnea P.S. K. Hat, District Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner and Secretary, Finance Department, Government of Bihar, Patna.
3. The Commissioner and Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Road Circle, Purnia.
5. The Executive Engineer, Road Construction Department, Road Division, Purnia.
6. The Executive Engineer, Road Construction Department, Road Division, Kishanganj.
7. The Executive Engineer, Road Construction Deptt., Road Division, Araria.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv. Mr. Ram Vinay Pd. Singh, Adv.
For the State	:	Mr. Subodh Kumar (AC to SC-26)
For the AG	:	Mr. Raj Nandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-12-2023 Learned counsel for the petitioners, learned counsel
for the State and learned counsel for Accountant General are



present.

2. Learned counsel for the petitioners fairly submits that the present writ petition has been filed for setting aside the communication bearing letter No. 736 dated 04.09.2019 issued by the Superintending Engineer, Road Construction Department Road Division, Purnea annexed as Annexure-11 by which the representation dated 22.08.2019 filed by the petitioners in pursuant to liberty granted by this Hon'ble Court in ***Parmeshwar Poddar Vs. The State of Bihar and Ors. vide order dated 24.07.2019 passed in Civil Writ Jurisdiction Case No. 8757 of 2007*** annexed as Annexure-9 has illegally been rejected without considering the entire materials available on record. The further prayer has also been made that the petitioners have entitlement to provide the pay scale of 5000-8000.

3. Learned counsel for the petitioners submit that by the order dated 04.09.2019, the case of Parmeshwar Poddar, Jai Narain Prasad, Ram Chandra Prasad Singh and Nand Kishore Yadav has been taken into consideration whereas, in the writ petition, the petitioner No. 1 Smt. Kaushalya Devi who is widow of Parmeshwar Poddar who moved in CWJC No. 8757 of 2007 to whom liberty was granted to file representation.



4. Learned counsel for the petitioners further submits that the petitioner No. 2 and 3 are sons of late Jai Narain Prasad, petitioner No. 4 is widow of Ram Chandra Prasad Singh and petitioner No. 5 is himself whose name is there in the letter No. 736 dated 04.09.2019 which is challenged here.

5. Learned counsel for the State submits that the said order under challenge has correctly been passed as this matter is time barred for petitioner Nos. 2, 3, 4 and 5 as they have not moved in CWJC No. 8757 of 2007 and only one petitioner namely Parmeshwar Poddar has moved in the said writ and therefore, this Hon'ble Court has granted liberty to only Parmeshwar Poddar to file the representation, but in the present writ petition, a matter which is time barred for petitioner Nos. 2, 3, 4 and 5 has tried to be raised and permission may not be granted. Counsel further submits that the order was passed in the aforesaid writ petition granting liberty with reason in favour of the late husband of the petitioner no. 1.

6. Learned counsel for the State also submits that the Bihar Government Servants Grievances Redressal Rule 2019 has been framed in which all the matters relating to service and service benefits of serving and retiral persons of State Government has to be taken into consideration.



7. Considering this aspect of the matter, this writ petition is partly allowed for petitioner No. 1 that he shall raise his grievance under the Bihar Government Servants Grievances Redressal Rule 2019 afresh raising all the points and primarily showing that he was granted to the promotion as Pradhan Lipik either by the decision by the respondent authority or with the help of any supporting judgments of the Hon'ble Court. If the petitioner stand shall be sustained by the respondent authority that he was Pradhan Lipik, then in that case he shall be at liberty to take benefits and the Service Grievance Redressal Officer is directed to pass a reasoned and speaking order upon filing the representation within a period of 60 days from the date of the production of the representation before him.

8. With this direction and observation, this writ petition is hereby partly allowed and partly dismissed.

9. It is also directed that for rest of the petitioner nos. 2, 3, 4 and 5, this Court is not granting any relief.

(Dr. Anshuman, J.)

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