

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1022 of 2023

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Dwarika Nath, Son of Late Uma Shankar Prasad Sinha, Resident of Mohalla-
Ghugharitar, Malibagicha, P.S.- Vishnupad, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Collector, Gaya.
3. The Anchala Adhikari, Konch, District- Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha, Advocate
For the Respondent/s : Ms. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner in the present case is seeking the
following reliefs:-

“i) To issue a writ preferably in the nature of mandamus, commanding and directing the Respondent authority concerned to grant the benefit of 2nd A.C.P. to the petitioner which is due on 29.04.2005 and for which the petitioner is legally entitled.

ii) To issue a further writ of mandamus directing the Respondents concerned to grant retiral benefits to the petitioner which has not been paid to the petitioner till date.

iii) And/or any other order/orders for granting any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

3. Learned counsel for the petitioner submits that the
petitioner while serving as Halka Karmchari was suspended on



27.03.2002 and his suspension is vacated on 20.11.2005. The petitioner moved this Court in CWJC No. 13336 of 2006 which was dismissed by the learned Single Judge whereafter the petitioner preferred letters patent appeal being LPA No. 1436 of 2014 in which the Hon'ble Division Bench directed the respondents to take steps for payment of salary for the period of suspension preferably within a period of three months. A copy of the order of this Court has been brought on record as Annexure '1' to the writ application.

4. It is stated that the petitioner got salary for the said period. He superannuated on 31.01.2013 as Halka Karmchari of Konch Anchal, Gaya. The grievance of the petitioner is that he was though given benefit of 1st A.C.P. on 09.08.1999 by the order of the Collector, Gaya vide Memo No. 08 dated 03.02.2021 but till today, he has not been granted benefit of the 1st A.C.P. and the 2nd A.C.P. In this regard, he has made several representations.

5. The petitioner relies upon an order issued by the Joint Secretary of the Revenue and Land Reforms Department, Government of Bihar wherein it is stated that the retiral benefits of all the Halka Karmchari/Amin be paid within 10 days.

6. Learned counsel for the petitioner submits that at



this stage, the petitioner would be satisfied if a direction be issued to the Collector, Gaya (respondent no. 2) to consider the case of the petitioner, his representations which are Annexures '4' and '5' to the writ application and pass an appropriate order thereon within a reasonable time.

7. In the given facts and circumstances, this writ application is being disposed of with a direction to the Collector, Gaya (respondent no. 2) to consider the grievance of the petitioner, examine his representations as contained in Annexures '4' and '5' to the writ application and take an appropriate view thereon within a period of two months from the date of receipt/production of a copy of this order.

8. The respondent no. 2 shall ensure that in case any monetary benefit is required to be paid to the petitioner in accordance with law, the same shall be made available within next one month from the date of the decision taken by respondent no. 2 on the representations of the petitioner.

(Rajeev Ranjan Prasad, J)

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