

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2861 of 2020

Nand Lal Prasad S/o Late Lalta Prasad, resident of Mohalla- Baratpur, P.S.- Aurangabad, District- Aurangabad, Bihar. At Present - Kanchan Kunj Lowari Kani Bazar (New Colony, P.O. + P.S.- Badam Bazar, District- Hazaribagh (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. The Joint Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Chief Engineer, Water Resource Department, Muzaffarpur.
4. The Superintending Engineer, Flood Control Department, Ramna, Muzaffarpur.
5. The Executive Engineer, Flood Control and Water Drainage Division, Lalganj, Vaishali.
6. The Assistant Engineer, Flood Control and Water Resource Department, Muzaffarpur.
7. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
8. The Deputy Secretary, Water Resource Department, Government of Jharkhand, Ranchi.
9. The Deputy Secretary, Water Resource Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Nakul Kumar Jamuar, Advocate
For the State of Bihar	:	Mr. Sanjay Kumar, AC to AAG-4
For the State of Jharkhand	:	Mr. Sanjay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-12-2023 Heard learned counsel for the petitioner, learned counsel for the State of Bihar and learned counsel for the State of Jharkhand.

2. Counsel for the petitioner submits that the present writ petition has been filed directing the respondents to make payment of graduate pay scale from 28.03.2000 to 30.09.2013



since the petitioner was a graduate employee of Water Resource Department as an Accounts Clerk and was in service from August, 1994 to September, 2013 under the Chief Engineer of Flood Control and Water Drainage, Water Resources Department, Muzaffarpur, in different Divisions and from December, 1999 to September, 2013 was in service in Lalganj Division, Vaishali at Hajipur, and subsequently he was transferred mutually on October, 2013 in Konar Nahar Division, Banaso at Ranchi under the Government of Jharkhand.

3. Counsel for the petitioner submits that the petitioner has not been made payment of graduate pay scale from 20.03.2000 to 30.09.2013 and he has retired from service on 31.01.2015 under the Government of Jharkhand.

4. Counsel for the State of Bihar submits that the payment to the petitioner cannot be made directly and particularly in the light of Annexure 6, the relief demanded by the petitioner has already been denied.

5. In response, the counsel for the petitioner submits that the similarly situated persons have been granted relief in the light of the orders passed by this Hon'ble Court as contained in Annexures 7 and 8. Counsel for the petitioner further submits that the petitioner has made representation in the light of



Annexure 9, but his grievance has not been settled.

6. Counsel for the State of Jharkhand submits that the State of Jharkhand has no role as there is no relief demanded from the State of Jharkhand and there is contest in between the State of Bihar and the petitioner. The State of Jharkhand is only a formal party.

7. It transpires to this Court that vide Annexure 6, the claim of the petitioner was denied, but in that denial, the orders passed by this Court in Annexures 7 and 8 have not been taken into account, whereas Section 4(C) of the Bihar State Litigation Policy having a force of legislation categorically states :

“4.C A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representation/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

8. The claim of the petitioner is that he is squarely covered from the judgment passed by this Court. It also



transpires to this Court that the State of Bihar has framed a rule, namely, Bihar Government Servant Grievance Redressal Rules, 2019 in which a person by virtue of being the matters relating to services and service benefits may file a complaint before the Service Grievance Redressal Officer and methodically, hearing is there in the said rule.

9. The petitioner is directed to file a fresh representation before the Service Grievance Redressal Officer of Water Resources Department, who shall pass the order considering the law laid down under Section 4(C) of the Bihar State Litigation Policy and the judgment passed by this Court vide Annexures 7 and 8 annexed in the writ petition. The petitioner shall file his complaint before the authority within four weeks along with the order of this Court and subsequently the authority shall pass a reasoned order within sixty days, as mentioned in the said rule.

10. With the aforesaid observations, the present writ petition stands disposed of.

(Dr. Anshuman, J)

Narendra/-

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