

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4561 of 2023

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Raj Kumar Son of Late Kameshwar Sah Resident of Village- Dharam Bigha,
P.O.- Nai, P.S.- Ekangarsarai, District- Nalanda (At Biharsharif).

... .. 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, Agriculture 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. The District Agriculture Extension Officer, Nalanda.
12. The Sub Divisional Agriculture Officer, Nalanda at Biharsharif.
13. District Agriculture Extension Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raghwendra Sharan Pandey Mr.Somesh Kumar, Adv
For the State	:	Mr.Sarvesh Kumar Singh (AAG 13) Mr.Rajat Kumar Tiwary, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. There are various orders on record based on which
the petitioner's claim to be continuing on deputation in the
office of the District Agriculture Officer (Extension), Nalanda.



3. Leaned Counsel for the State has drawn attention of the Court towards one such order containing the deputation which is dated 27.06.2018 bearing no. 841 (Annexure R/6). It is submitted that Clause 5 of this deputation order contains a clear stipulation that the deputed employees shall not be getting any special pay/House rent or any other kind of allowance. The petitioner's claim, therefore, for payment of Allowance (for brevity "T.A") and House Rent Allowance (for brevity "H.R.A") from the period 2014 till date clearly is untenable. The order (Annexure R/6) has never been assailed by the petitioner and therefore the claim as stated in the writ petition would be untenable. More so, in view of the fact he has continued at the place of deputation which has been referred to Annexure R/6.

4. Learned counsel for the petitioner submits that for a period prior to issuance of Annexure R/6, at least the petitioner should be paid the TA and HRA allowance claimed in the instnat writ proceedings.

5. The petitioner's claim in the opinion of this Court is required to be considered with reference to the various deputation/posting orders and the terms and conditions contained therein right from the year 26.06.2014.

6. Learned counsel for petitioner submits that he



would be submitting a detailed representation placing on record the specific orders based on which he claims to have continued in the office at Nalanda from 26.06.2014 as Clerk.

7. If such application is submitted to the Joint Director, Agriculture Patna Division, Mithapur Farm, Patna (respondent no. 4), the petitioner's claim is required to be considered with reference to his entitlement. If the claim is submitted within 4 weeks along with a copy of this order, respondent 4 shall consider the petitioner's claim by a reasoned and speaking order within eight(8) weeks thereafter. Amounts found due and admissible shall also be paid within a further period of four(4) weeks.

8. Writ petition is, accordingly, disposed of.

(Madhuresh Prasad, J)

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