

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6663 of 2023

Shivendra Narayan Singh Son of Late Shyma Prasad Singh Resident of
Village-Mohanpur Nisf, P.S.-Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
4. The Principal Secretary, Rural Works Department, Government of Bihar, Visheshwariya Bhawan, Patna.
5. The Principal Secretary, Rural Development Department, Government of Bihar, New Secretariat, Patna.
6. The Joint Secretary, Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.
7. The Joint Secretary, Rural Works Department, Government of Bihar, Visheshwariya Bhawan, Patna.
8. The Joint Secretary, Personnel Claim Fixation Cell, Department of Finance, Government of Bihar, Old Secretariat, Patna.
9. The Joint Secretary, Rural Development Department, Government of Bihar, Visheshwariya Bhawan, Patna.
10. The Engineer-in-Chief cum Additional Commissioner cum Joint Secretary, Road Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Patna.
11. The Deputy Secretary, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
12. The Deputy Secretary, Rural Works Department, Government of Bihar, Visheshwariya Bhawan, Patna.
13. The Superintending Engineer, Rural Works Department, Government of Bihar, Visheshwariya Bhawan, Patna.
14. The Superintending Engineer-cum-Conducting Officer, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Patna.
15. The District Magistrate, Saharsa.
16. The Executive Engineer, Rural Works Department, Work Division, Saharsa.
17. The Executive Engineer, Rural Works Department, Work Division, Areraj Motihari, East Champaran.
18. The Accountant General, Veerchand Patel Path, R. Block, Patna.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Respondent/s : Mr.Syed Iqbal Ahmad (SC-20)
Mrs. Pushpanjali Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2023 The present writ petition has been filed
seeking the following reliefs:-

“1. i) For quashing the resolution issued vide memo no. 4716 dated 08.07.2004 by the Deputy Secretary to the Government, Road Construction Department, Bihar, Patna, whereby and whereunder the Departmental Proceeding was initiated against the petitioner on 08.05.2004 under rule 55 of Classification, Control and Appeal Rule. Till date final order in this proceeding has not been issued and communicated to the petitioner. Petitioner retired on 30.11.2015.

ii) For payment of arrear of salary for the period April 1996 to 21.12.1999 when petitioner was posted under N.R.E.P Saharsa.

iii) For payment of subsistence allowance from 06.10.2021 to 02.10.2010 (the period of custody



and suspension) and for a direction for full salary for the entire period of suspension.

iv) For payment of arrear of salary and subsistence allowance with panel interest.

2. At the outset, the learned counsel for the petitioner has referred to an order dated 29.08.2023 passed by a coordinate Bench of this Court in CWJC No. 8185 of 2023 to submit that the second show cause notice dated 18.07.2023 issued to the petitioner has already been quashed and the Principal Secretary, Rural Works Department, Government of Bihar, Patna has been directed to ensure payment of gratuity and other retiral benefits. It is thus submitted that the present writ petition has been rendered infructuous, however, it is prayed that the respondents be directed to consider the case of the petitioner for payment of outstanding salary for the period of custody/suspension.

3. Having regard to the limited prayer made by the petitioner in the present writ petition,



I deem it fit and proper to grant liberty to the petitioner to file appropriate representation before the Principal Secretary, Rural Works Department, Government of Bihar, Patna and in case such a representation is filed within a period of four weeks from today, the same shall be considered in accordance with law and a reasoned and a speaking order shall be passed thereon within a period of six weeks thereafter and in case any outstanding dues are found payable to the petitioner on the head of salary, the same shall also be paid within the same time frame.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

