

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19842 of 2015

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Bishnu Kant Jha Son of Late Badri Narain Jha resident of Bhadawn, Biraul,
P.S. Ghanshyampur, Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Rural Work Department, Vishwesharaiya Bhawan, Patna.
2. The Principal Secretary Rural Work Department, Vishwesharaiya Bhawan, Patna
3. The Principal Secretary, Rural Development Department, Secretariat, Patna
4. The District Magistrate, Madhubani
5. The District Development Commissioner - Cum - Executive officer, Zila Parishad, Madhubani
6. The Executive Engineer, Rural Work Division Benipatti II, Koshi Camp, Rahika, Madhubani, At Present, the Executive Engineer, Rural Work Division Tribeniganj Supaul.
7. The Assistant Engineer, Rural Work Division Benipatti II, Koshi Camp, Rahika, Madhubani At Present, Assistant Engineer, Rural Work Division Tribeniganj Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha
For the Respondent/s : Mr.Aag11- Ashok Kumar Keshari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2023 The present writ petition has been filed seeking the following relief:-

“1. That this writ application is directed against the order as contained in memo no. 731 dated 25.7.2014 issued by the respondent Executive Engineer whereby and whereunder the petitioner's representation for verification of the claim of the petitioner and for release of the amount so recovered out of arrear salary the petitioner has substantially been rejected, be quashed and entire



dues of the petitioner against execution of various works as departmental agent, enumerated in the petition filed by the petitioner, be ordered to be released.

This writ application is also being filed to review the said order dated 25.7.2014, which is an antedated order issued from the office of respondent Executive Engineer and posted on 27.11.2014 as per the enclosed postal receipt and the same was received by the petitioner after his superannuation from the office i.e. 13.12.2014. The petitioner immediately after receipt of the said order dated 25.7.14 submitted his application with details for the review of the earlier order to the extent of item no. 1, 2, 3, 5 and 8 enumerated in the said order.

This writ application is also being filed for other reliefs as well.

The petitioner moved this Hon'ble court in CWJC No. 9004 of 2013 against recovery of the amount out of the arrear salary of the petitioner and for a direction to release the outstanding against the pending bill in respect of the works executed by the petitioner as departmental agent, under various head. Considering the facts and circumstances the Hon'ble Court observed that the matter would be required to be resolved at the local level and the petitioner was given liberty to file a detailed representation with available evidences and material in support thereof before



the respondent Executive Engineer which shall be looked into and a decision must be taken within a period of four months. The petitioner filed a detailed representation enclosing the details of the work executed by him as per work order and the amount so payable against those works. After receiving the representation, the office of the Executive Engineer summoned the petitioner and accordingly the petitioner appeared and got the claim verified from the available records, maintained in the office of the respondent Executive Engineer, some time in Oct.-Nov.2014. On such verification, the office of the Executive Engineer was satisfied however no order was issued, compelling the petitioner to file reminder to his earlier representation. Last reminder dated 19.11.2014 was sent by the petitioner, posted on 25.11.2014 through speed post reminding that the petitioner is going to superannuate from the regular service w.e.f. 30.11.2014 and as such an appropriate order be passed and release the difference of the amount, amounting to Rs. 13.15 lacs approximately. It appears that as soon as the office of the Executive Engineer received the said letter dated 19.11.2014 sent through speed post dated 25.11.2014, the impugned order has been issued in hurried manner presumably to evade initiation of contempt proceeding. In the facts and circumstances the petitioner filed application to review/reconsider the impugned letter dated



25.7.2014 and pass a speaking order as all the records are available in the office, including Measurement Book, Vouchers, Cash Book, relevant Files and the claim of the petitioner have been verified in presence of the Cashier as also Head clerk, which has been found to be genuine still the respondents failed to take any action dragging the petitioner to pecuniary loss and mental agonies even after his superannuation from regular services.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Additional Chief Secretary, Rural Works Department, Patna, for redressal of his subsisting grievances, as aforesaid. Liberty so sought, is granted.
3. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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