

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10861 of 2020

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Krishna Kumar Agrawal Son of Late Prahlad Agrawal Resident of Village-
Triveniganj, P.S. and Block- Triveniganj, District- Supaul presently residing at
202, Manju Villa, Van Vibhag Road, Nehru Nagar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Principle Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Under Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Service Grievance Redressal Authority, Department of General Administration, Bihar, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Adv.
	:	Mr. Atal Bihari Pandey, Adv.
	:	Mr. Alok Kr. Jha, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC8
	:	Mr. Sanjay Kumar, AC to SC8

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 03-11-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submit that the petitioner is entitled for increment w.e.f. 01.07.2013, but since he retired on 30.06.2013, therefore, Department has denied his increment on the ground that the said date 01.07.2013, he was not in service. The representation was filed by the petitioner according



to special rule, namely, Bihar Government Employee Grievances Redressal Rule, 2019, but it was rejected which has also been challenged before this Court which is annexed in Annexure- 10 of the writ petition.

3. Counsel further submits that exactly identical issue has been decided by Hon'ble Supreme Court on 11.04.2023 in case of **Director (Admn. and HR) KPTCL & Ors. vs. C.P. Mundinamani & Ors.** [2023 SCC Online SC 401] and in case of **Shri Shiv Kumar vs. the State of Bihar** by the Division Bench of this Hon'ble Court vide order dated 10.10.2023 passed in **C.W.J.C. No. 3528 of 2023**, the said issue has been decided.

4. Counsel for the State opposes the prayer of the petitioner and submits that the petitioner is not entitled for any benefit at all due to the reason that the date on which the petitioner become entitled, he was not in government service and retired on 01.07.2013.

5. Upon going through the judgments passed by Hon'ble Supreme Court as well as order passed by this Hon'ble Court mentioned above, this Court is of the opinion that the reasons assigned by the respondent is not correct and therefore, the order dated 18.12.2019 passed on the complaint filed by the petitioner dated 14.11.2019 (Annexure-10) is hereby set aside.



The respondent (Principal Secretary, Department of General Administration, Government of Bihar, Patna) is directed to pass a fresh reasoned and speaking order within 30 days from the date of production of the order, in the light of above two judgments whose facts are squarely covered as like that of the petitioner.

6. With the aforesaid direction and submission made above, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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