

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4346 of 2018

Arvind Kumar Son of Late Dr. S.L. Mandal, Resident of Back Museum Road
(Vidyapati Marg), China Kothi, Patna- 800001.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Scheduled Castes and Scheduled Tribes Welfare Department, Government of Bihar, 4th Block, Old Secretariat Campus, Patna-15
2. The Secretary, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, 4th Block, Old Secretariat Campus, Patna-15
3. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat Campus, Patna-15
4. The Joint Secretary, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, 4th Block, Old Secretariat Campus, Patna-15

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra, Advocate
For the Respondent/s	:	Mr. Md.Raishul Haque, SC-10 Md. Obaidullah, AC to SC-10

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for quashing the order issued vide letter No. 1446 dated 21.06.2017 (Annexure-6) issued by the Joint Secretary, Scheduled Castes and Scheduled Tribes Department, Government of Bihar, whereby the grievance of the petitioner for payment of monetary benefit with effect from 12.10.1990 on promotional post of District Welfare Officer was



rejected by the respondent authority.

3. Learned counsel for the petitioner submits that petitioner was appointed on the post of Sub-Divisional Welfare Officer in the year 1983 by virtue of notification No.8931 dated 12.10.1983 on the basis of recommendation made by the Bihar Public Service Commission. Counsel further submits that he was placed at serial No.1 in the said notification issued by the Welfare Department. He further submits that the petitioner was posted as District Welfare Officer, Katihar, and joined as District Welfare Officer on 21.11.1986. Regular promotion has been granted to the petitioner by the Welfare Department vide Notification No.3631 dated 29.08.1995 with effect from 12.10.1990. In the said notification name of the petitioner was at serial No.5 in the promotion list. Regular promotion was also granted to the petitioner in pursuant to the order of the Hon'ble Court vide notification No. 3631 dated 29.08.1995 with effect 12.10.1990 and the monetary benefit has been granted by the department from the date of joining as District Welfare Officer. The petitioner filed a representation before the official that payment of monetary benefit may be granted with effect from 12.10.1990 as he was granted regular promotion from the said date. The grievance of the petitioner was not settled then



petitioner filed representation and subsequently come to this Court by way of filing this writ petition.

4. Learned counsel for the State has taken a plea that according to Rule 58 of the Bihar Service Code, the government servant shall begin to draw the pay and allowances attached with effect from the date on which he assumed the duties of that post and shall be seized to draw as soon as he is seized to discharge the duties.

5. Learned counsel for the petitioner on the other hand submits that this Hon'ble Court vide order dated 30.01.1997 passed in C.W.J.C. No.2363 of 1996 (Ranchi Bench) in the case of Ram Karan Ranjan Vs. The State of Bihar has granted the monetary benefit to other similarly situated persons from the date of his promotion dated 12.10.1990.

6. This Court after hearing the argument, is of the opinion that there is a legislation framed by the State Government, namely, Bihar State Litigation Policy, 2011, in which Section 4C states as follows:

“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 representationist/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.”

7. In this view of the matter, petitioner is directed to file representation before the authority concerned under Section 4C of the Bihar State Litigation Policy, 2011, as the present case comes within the purview of the covered matter.

8. In that background, this writ petition is disposed of directing the petitioner to avail the remedy under Section 4C of the Bihar State Litigation Policy, 2011, and the respondent No.2 is directed to pass a reasoned and speaking order within three months from the date of production of a copy of this order after granting opportunity of hearing to the petitioner.

(Dr. Anshuman, J)

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