

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.252 of 2023

1. Raj Hembrom Son of Late Chhotka Hembrom Permanent Resident of Village- Maljhakhra, Post- Dighi Simanpur, P.S.- Mehrma, District- Godda (Jharkhand- 814160), at present Resident of Indra Nagar, Road No.- 3, near Central School, Postal Park, Patna- 800001.
2. Kalyan Kumar Singh, Son of Late Anand Bihari Singh Permanent Resident of Village and Post- Done Buzurg, P.S.- Darauli, District- Siwan- 841235, at present Resident of Shobha Sadan, Indra Nagar Road No. 1, Near Kundan Lodge, Postal Park, Patna- 800001.
3. Abhishek, Son of Late Birendra Kumar Singh Permanent Resident of Village- Bahera Tola, P.O.- Jagdispur, District- Bhojpur (Ara)- 802158, at present Resident of Triveni Apartment, Hanuman Path, New Jakkanpur, Patna- 800001.
4. Smt. Rekha Kumari, Wife of Kailash Choudhary Resident of Village- Goragawa Khagaul, P.S.- Sahpur, Danapur, P.S.- Khagaul, District- Patna- 801105.
5. Karu Kumar, Son of Late Bhagwat Singh Permanent Resident of Village- Salarpur, P.S.- Parbatta, District- Khagaria- 851216, at present Resident of Indira Nagar, Road No.- 3, near Central School, Postal Park, Patna- 800001.
6. Lalan Ram, Son of Late Har Nandan RAM Resident of Village- Mahuabagh, P.S.- Dhanaut, District- Patna- 801506.

... .. Petitioners

Versus

1. The State of Bihar through the Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
2. The Secretary, Department of Agriculture-cum- Chairman, Bihar State Seed and Organic Certification Agency (BSSOCA), Mithapur, Patna.
3. The Director, Bihar State Seed and Organic Certification Agency (BSSOCA), Mithapur, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Mishra, Advocate
For the State	:	Mr. Prabhat Kumar, AC to GA-11
For Resp. No. 2 &3	:	Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioners, learned

counsel for the State and learned counsel for the the Bihar State

Organic Seed Certification Agency (hereinafter referred to as



“the Agency”).

Petitioners in the present case are seeking the following reliefs:-

“(i) For issuance of a writ in the nature of mandamus directing/commanding the concerned Respondents to grant the arrears and current Dearness Allowances, Annual Increments in salary etc. and benefits of A.C.P. & MACP to all the petitioners without any further delay, which have been stopped by the Respondent Director from January, 2022 without any prior information or notice or hearing and without any lawful sanction of the Government or of the Board of Directors of the Agency, which appears to be wrong, illegal, discriminatory, malafide and coercive in nature.

(ii) For further issuance of an appropriate writ in the nature of mandamus directing/commanding the concerned Respondents to properly provide the facility of the uniform allowance, regular promotions and benefit of gratuity, unutilized leave salary and all other monitorial benefits like that of the employees of the State Government, which have been deprived from the petitioners without any valid reason or without any legal sanction.

(iii) Any other appropriate relief/reliefs may also be granted to the petitioners for which they are found entitled in the facts and circumstances of the case.”

The petitioners are the employees of the Agency. Their grievance is that all of a sudden since January, 2022 by order of the Director of the Agency, the payments towards the dearness allowance and other allowances of the petitioners have been stopped without any specific reason and without hearing



them. It is stated that the agency had adopted the provisions of the Bihar Service Code and the allowances payable to the government employees are equally payable to the employees of the agency. It is stated that the provisions of the Assured Career Progression Rules, 2003 has also been made applicable to the employees of the Agency.

The petitioners have submitted their representations as contained in Annexure '5 series' to the Director of the Agency but the same is still pending consideration. It is submitted that because of the stoppage of certain allowances since January, 2022, the petitioners are facing hardships.

Mr. Ajay Kumar, learned counsel for the Agency submits that the petitioners have submitted their representations as contained in Annexure '5 series' to the Director of the Agency only on 16.11.2022, therefore, a reasonable time may be given to the Director (Respondent No. 3) to consider the same and take an appropriate decision thereon.

Mr. Prabhat Kumar, learned AC to GA-11 for the State is present.

In the given facts of the case where the petitioners have represented their grievance before the Respondent No. 3 and the same is pending consideration, at this stage, this writ



application is being disposed of with a direction to the Respondent Nos. 2 and 3 to look into the grievance of the petitioners, examine the same and pass a reasoned order thereon after giving appropriate opportunity of hearing to the petitioners.

Let the entire exercise be completed within a period of three months from the date of receipt/communication of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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