

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 601 of 2019

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Baijnath Singh S/o Late Banke Bihari Sharma Resident of Village-
Bhimpura,P.O. Ghorhaun,P.S. Masaurhi,distt.-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna
2. The Engineer in Chief-cum-Special Secretary, Road Construction Department, Bihar, Patna
3. The Chief Engineer, Ganga Bridge Project, Circle Road Construction Department, Bihar, Patna
4. The Executive Engineer, Ganga Bridge Project Division, Gulzarbagh, Patna
5. The Executive Engineer, Road Division, Sheohar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Manoj Kumar Sinha, Advocate
For the Respondent/s : Mr Swapnil Kr Singh, AC to GP XIX

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CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

5 11-09-2023

Heard the parties.

2 The petitioner has knocked the doors of this Court

for the following reliefs:

“(i) To issue an appropriate order/s, direction/s including a writ preferably in the nature of certiorari for quashing the order as contained in Memo No 385 dated 01.08.2018 issued from the office of respondent No 4 whereby and where under he has passed the order of recovery from the petitioner amounting to Rs 2,14,688/- (Rupees Two Lacs Fourteen Thousand Six Hundred and Eighty Eight) only to be payable since July, 2018 in twenty two equal installments @ Rs 9,334/- per month.



(ii) To direct the respondents to sanction 1st MACP in Grade Pay of Rs 4,200/- PBII 9,300-9,480 w e f 30.08.2010 in view of office order No 16 of the respondent No 3.

(iii) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

3 It is the case of the petitioner that the payment was made in the year, 2012 but six years later, on the ground that he is entitled to the Grade Pay of Rs 2,800/-, recovery order has been passed vide Memo No 385 dated 01.08.2018 by the Executive Engineer, Road Division, Sheohar.

4 A counter affidavit on behalf of respondents No 1 to 5 filed in the year 2019 is on record. As per it, the petitioner was granted first ACP in the year, 2012 and as he was entitled to Grade Pay of Rs 2,800/-, vide Memo No 39 dated 20.12.2013, the necessary correction was made. The submission of the State is that, in that background, the order in question has been passed and the mistake, that happened, has been corrected as the petitioner is not entitled to the Grade Pay of Rs 4,200/-.

5 Learned counsel for the petitioner submits that his case is entirely covered with that of the decision of Hon’ble Apex Court in the case of ***Rafiq Masih (While Washer) & Others -Versus- State of Punjab & Others, 2015 (1) PLJR 261***



(SC) and this fact has not been taken note of by the respondents.
He, as such, intends to submit a detailed representation before
the appropriate authority with the entire facts/case law.

6 If such representation is preferred by the petitioner
with four weeks from today, the concerned respondent shall pass
a reasoned order taking notice of the facts within a period of
three months from the date of filing of the said representation.

7 Writ petition stands disposed of.

(Rajiv Roy, J)

M.E.H./-

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