

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13741 of 2012**

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Birendra Kumar Srivastava S/O Late Raghunandan Prasad R/O Village-  
Deogan Balia, P.S.+ P.O.- Kurhani, District- Muzaffarpur, Present  
Compellation Clerk in the office of Irrigation Mechanical Circle, Agharia  
Bazar Chowk, Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary cum Commissioner, Department  
Of Water Resources, Government Of Bihar, Sinchai Bhawan, Old  
Secretariat, Patna
2. The Chief Engineer (Mechanical) Water Resource Irrigation Department,  
Government Of Bihar, Patna
3. Commissioner, Tirhut Division, Muzaffarpur
4. The Chief Engineer, Water Resources, Irrigation Department, Muzaffarpur
5. The Superintending Engineer (Mechanical) Irrigation Mechanical Circle,  
Muzaffarpur
6. The Under Secretary Cum Officer Incharge Grievance Redressal Forum,  
Water Resources Department, Bihar, Patna
7. The Under Secretary Incharge Section-3, Water Resource Department,  
Bihar, Patna
8. The Executive Engineer (Mechanical) Irrigation Mechanical Division,  
Muzaffarpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shankar Kishore Shahi, ADvocate  
For the Respondent/s : Mr. Ajay, SC-11

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL JUDGMENT**

**Date : 29-01-2024**

Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

2. The petitioner is aggrieved by the order dated  
12.04.2010 (Annexure-1) and letter no. 195 dated 14.02.2012.



3. Learned counsel for the petitioner submits that the petitioner was appointed on 31.05.1975 as a Compilation Clerk under the work charge establishment and his service was confirmed vide order dated 22.10.1984 with effect from the date of his initial appointment and thereafter, the petitioner was granted First Time Bound Promotion vide order dated 07.09.1989 and the First Time Bound Promotion was confirmed vide order dated 25.06.2005 but all of a sudden that the impugned orders are in violation of principle of natural justice without opportunity of defense, the impugned order dated 12.04.2010 and order dated 14.02.2012 were passed and it was admitted position that before passing the impugned orders, the petitioner has not given any opportunity to place his case before the authority concerned.

4. Learned counsel for the petitioner further submits that during pendency of the writ petition, the recovery pertaining to First Time Bound Promotion has been made from the salary of the petitioner and during pendency of the writ petition the petitioner was retired on 31.01.2016.

5. In the above view of the matter, the impugned order dated 12.04.2010 (Annexure-1) and letter dated 14.02.2012 are set aside and the respondents are directed to pay all the consequential benefits to the petitioner within a period of three weeks from today



taking into account the fact that the petitioner retired long back in the year 2016 itself. The pension of the petitioner shall also be revised within a further period of three months from the date of receipt/production of a copy of this order.

6. The writ petition with the observation and direction stands allowed.

**(Rajesh Kumar Verma, J)**

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