

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7425 of 2018

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Ramadhar Singh son of Late Nandlal Singh, resident of Mohalla- Devisthan Rampur, Sampatchak, Ranta Niwas, P.O.- Mahendru, P.S.- Bahadurpur, Town and District- Patna- 800006.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Deptt. of Agriculture, Govt. of Bihar, Patna.
3. The Director, Agriculture, Govt. of Bihar, Patna.
4. The Joint Director cum Controller Weights and Measures, Department of Agriculture, Govt. of Bihar,
5. The Administrator, Bihar Agriculture Marketing Board Dissolved, Pant Bhawan, Patna.
6. The Director Provident Fund, Finance Deptt. Govt. of Bihar, Pant Bhawan, Patna.
7. The Accontant General of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Singh
For the Respondent/s	:	Mr.Dhurjati Kr. Prasad- Gp14
For the A.G	:	Mr. Chaitanya Swaroop, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-04-2024 Learned counsel for the petitioner and learned counsel for the State.

2. This writ petition has been filed for quashing of the Order No. 2000 dated 17.10.2011 (Annexure-3) passed by the Director, Agriculture, Govt. of Bihar (Respondent No. 3) whereby the petitioner's fixed salary was reduced vide office order no. 153 dated 25.08.1994. Further prayer has been made for directing the respondents to pay difference of gratuity amount, earned leave for 240 days and pension from February



1997 on the basis of last substantive pay of Rs. 4125/- in terms of last pay certificate issued under Memo No. 920 dated 11.08.1997 and to refund amount of Rs. 1500/- which was adjusted twice towards T.A. Bill with interest @12% from 1992 to the date of payment and also with same interest on the dues which has occurred due to wrong fixation of salary as the money has gone under devaluation in due course since 1997.

3. counsel for the petitioner submits that the petitioner was appointed as Grading Inspector in the Department of Agriculture in the year 1946 and in the year 1966 he was promoted to the cadre of Weights and Measure Inspector. In the year 1990 he was promoted to the rank of Market Secretary and his services was placed under Bihar Agriculture Marketing Board on Deputation where he joined on 06.06.1990 and retired on 31.01.1997 as Government Servant of Agriculture Department. Counsel further submits that petitioner had earlier moved this Hon'ble Court vide C.W.J.C. No. 550/1998 for non-payment of retiral benefits and the said case was clubbed with several other cases of different nature. Ultimately, the said case was disposed of vide order dated 30.06.2008 with liberty to raise his claim before the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna. (Respondent No. 2). He



further submits that as per order dated 30.06.2008, petitioner filed representation on 18.03.2009 before the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna for the reliefs but no order has been passed on his representation. Therefore, he has filed another writ petition vide C.W.J.C. No. 7153/2011 on 04.04.2011 for the aforesaid reliefs. Counsel further submits that during pendency of C.W.J.C. No. 7153/2011, the Director, Agriculture, Govt. of Bihar (Respondent No. 3) passed a speaking order i.e. Order No. 2000 dated 17.10.2011 (Impugned Order) on the petitioner's representation but petitioner was still aggrieved by the said order. The said C.W.J.C. No. 7153/2011 was disposed off vide order dated 31.10.2017 with liberty to file another writ application challenging the speaking Order No. 2000 dated 17.10.2011 (Impugned Order) which he has challenged in the present writ petition. Counsel submits that the said speaking order i.e. order no. 2000 dated 17.10.2011 is bad in law due to the reason that the Director, Agriculture, Govt. of Bihar Government has already provided benefits to the petitioner along with other similarly situated persons of the Agricultural Department in the Letter No. 13957 dated 31.12.2023 which is issued in-compliance of order dated 05.11.1992 passed in



C.W.J.C. No. 6059/1990 and M.J.C. No. 1780/1993 granting upgraded revised pay scale of Rs. 2000-3800 with effect from 05.11.1992 to 669 persons working on different posts. Counsel further submits that the said decision of Agricultural Department has not been implemented in its true spirit due to which an entire problem has been developed. Counsel submits that the order impugned is not maintainable and fit to be set aside and he shall be granted benefit in the lift of the letter of the Agricultural Department dated 31.12.1993. In further support, Counsel submits that vide Annexure-7 his salary was already fixed @ Rs 4125/- per month but while perusal of impugned order that has been challenged states that the claim on which the petitioner is relying is invalid.

4. Counsel for the State on the other hand submits that in both the writ petitions i.e. C.W.J.C. No. 550 of 1998 and C.W.J.C. No. 7153 of 2011, the counsel for the petitioner has withdrawn the writ petitions and the order was not passed on merits. Counsel submits that the impugned order is speaking and reasoned order because every aspect has been taken into consideration. Counsel also submits that the letter issued by the Education Department vide Memo No. 13957 dated 31.12.1993 has already been implemented and in this regard specific



averments has come in the impugned order. Therefore, there is no need of any interference on the said order, and hence, the writ petition is fit to be dismissed.

5. Upon hearing the parties and perusal of the documents, it transpires to this Court that a Division Bench of this Court while permitting the petitioner to withdraw C.W.J.C. No. 550 of 1998, granted liberty to the petitioner vide order dated 30.06.2008 to raise his claim before the Secretary, Department of Agriculture, Bihar Patna but from the impugned order, it transpires that order impugned has been passed by the Director, Agriculture, Government of Bihar, Patna who is definitely not the authority before whom direction was made as mentioned in the order dated 30.06.2008 of C.W.J.C. No. 550 of 1998. In this view of the matter, the Order No. 2000 dated 17.10.2011 (Annexure-3) passed by the Director, Agriculture, Government of Bihar, Patna (Respondent No. 3) whereby the petitioner's salary was reduced vide office Order No. 153 dated 25.08.1994 is hereby set aside.

6. Petitioner is directed to file a fresh representation within 30 days before the Principal Secretary/Secretary, Department of Agriculture, Government of Bihar, Patna and the same is directed to pass a fresh order considering all the points



raised in this petition within 90 days, thereafter.

7. It is made clear that the said 90 days shall be counted from the date on which election concludes.

(Dr. Anshuman, J)

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