

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22475 of 2012

Naramdeshwar Pandey S/o Late Nand Kishore Pandey Resident of Mohalla - Raksha Tola, Kothia, P.S. - Karja, District - Muzaffarpur At Present C/o Godawari Devi Resident of Village - Bhagwanpur, Ratti, P.S. - Vaishali, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Engineering Organisation Govt. of Bihar, Patna
3. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Rural Engineering Organisation, Govt. of Bihar, Patna.
4. The Chief Engineer Rural Engineering Organisation North Bihar Circle Patna
5. The Superintending Engineer, Rural Engineering Organisation Work Circle Muzaffarpur
6. The Executive Engineer Rural Engineering Organisation Work Division, Hajipur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate. Mr. Deepak Kumar, Advocate. Mr. Ghulam Mustafa, Advocate.
For the State	:	Mr. Ruchikar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-08-2024 Heard Mr. Jagannath Singh, learned counsel along with Mr. Deepak Kumar and Mr. Ghulam Mustafa, learned counsels appearing on behalf of the petitioner and Mr. Ruchikar Jha, learned counsel for the State.

2. Mr. Ruchikar Jha, learned counsel appearing on behalf of the State informs that the Executive Engineer, Rural Engineering Organization, Work Division, Hajipur has informed him that no service particulars relating to the petitioner is available in his office, whereas the record reveals that the



petitioner was appointed vide Office Order No. 112 dated 18.03.1981 on the post of Mate with retrospective date from 07.07.1980 and after having completed 100 days, he made his claim for payment which was made to the petitioner in due course. The said fact is also confirmed by Memo No. 4475 dated 06.09.2012, which is the subject matter under challenge.

3. Learned counsel appearing on behalf of the petitioner submits that once the action has been taken by the competent authority and communicated to the petitioner vide Memo No. 4475 dated 06.09.2012, as on date, the Executive Engineer – respondent no.6 cannot brush aside the claim of the petitioner in a casual manner.

4. Mr. Ruchikar Jha, learned counsel appearing on behalf of the State, at this stage, submits that he will instruct the Executive Engineer – respondent no.6 or the appropriate authority to consider the claim of the petitioner, as has been claimed in the present writ petition, in view of the fact that it is admitted case that the petitioner was appointed vide office order no. 112 dated 18.03.1981 and the same calls for consideration by the concerned respondent who passed the order dated 06.09.2012 contained in Memo No. 4475 and, as such, the grievance of the petitioner will be duly considered, if the claim



of the petitioner is in accordance with law.

5. Considering the aforesaid information gathered by Mr. Ruchikar Jha, learned counsel for the State, on the basis of the instruction given by the Executive Engineer – respondent no.6, I find it proper that the grievance of the petitioner must be duly considered by the Executive Engineer – respondent no.6 on the basis of the service particulars available with his office or relying on the documents produced by the petitioner in respect of his claim.

6. The Executive Engineer – respondent no.6 is required to take a conscious and legal decision in respect of disposing of the claim of the petitioner expeditiously and should not shy away and brush away the grievance of the petitioner by giving a very casual instruction that records are not available in his office. The Executive Engineer must take steps to redress the grievance of the petitioner on the basis of the office order No. 112 dated 18.03.1981 and Memo No. 4475 dated 06.09.2012 forthwith.

7. This Court finds that, if records are not available, the same is a matter of concern and in this regard, the Executive Engineer must take appropriate action against all who are involved in manipulating with the government records.



8. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

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