

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12820 of 2024

1. Shailesh Kumar Sharma, S/o Late Surendra Prasad Sharma, R/o Mohalla- Jagdishpuri Lane- 2, P.O. and P.S.- Mithanpura, District- Muzaffarpur.
2. Kedar Mandal, S/o- Late Baleshivar Mandal, R/o Mohalla- East of B.R.B. College, Ward No- 6, Azad Nagar, Mohanpur Road, P.O., P.S. and District- Samastipur.
3. Shailendra Kumar Singh, S/o- Late Sakal Deo Singh, R/o Mohalla- Vir Kunwar Singh Colony, Kashipur, Ward no.- 33, near Holy Heart School, P.O., P.S. and District- Samastipur.
4. Dinesh Prasad Sharma, S/o- Late Bhagwat Prasad Sharma, R/o- Village- Asharafpur Supaul, P.S.- Patoro, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Finance Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Work Department, Bihar, Patna, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in- Chief-cum- Special Secretary, Rural Work Department, Bihar, Patna, Visheshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Rural Work Circle, Darbhanga.
5. The Superintending Engineer, Rural Work Circle, Samastipur.
6. The Superintending Engineer, Rural Work Department, Work Circle, Muzaffarpur.
7. The Superintending Engineer, Rural Work Department, Work Circle, Munger.
8. The Executive Engineer, Rural Work Department, Work Division, Begusarai.
9. The Executive Engineer, Rural Work Department, Work Division, Samastipur.
10. The Executive Engineer, Rural Work Department, Work Division, Munger.
11. The Executive Engineer, Rural Work Department, Work Division, Mahnar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Amit Anand, Advocate Mr.Lalan Kumar Singh, Advocate
For the Respondent/s	:	Mr.Manoj Kr. Ambastha, SC 26 Mr.Santosh Kr. Mishra, AC to SC 26 Mr.Divit Vinod, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI



ORAL ORDER

2 03-09-2024 The petitioners were duly appointed on the sanctioned vacant post of Senior Accounts Clerk by the respondent authority in the Rural Works Department, Bihar, Patna during the period between 1973-1993. While they were in service, a dispute cropped up regarding fixation of their pay on the basis of 1st ACP and 2nd ACP. Some other employees, similarly situated filed writ petitions before this Court which travelled up to the Hon'ble Supreme Court. Three SLP (C) being SLP Nos. 8219-8226 of 2019, SLP (C) No. 9666 of 2019 and SLP (C) Nos. 11772-11773 of 2019 were disposed of by the Hon'ble Supreme Court in a common judgement on 25th of April, 2023. On the basis of the said judgement, the Finance Department passed necessary notifications granting 1st and 2nd ACP with fixation and revision of pay in favour of the petitioners of the said writ petitions.

2. Since the present petitioners are similarly situated employees, they submitted a representation vide an Annexure 5 to the respondents for fixation of their pay in the light of the order passed by the Hon'ble Supreme Court. However, the said representation was not disposed of. Hence, the instant writ petition.

3. It is submitted by the learned Advocate on behalf of



the State-Respondents, on the contrary, that the prayer of the petitioners was to amend the previous order passed under 2nd ACP and 3rd MACP and to pass 1st and 2nd ACP in favour of the petitioners on the basis of Finance Department Notification No. 163 dated 8th of January, 2016.

4. It is also submitted by the learned Advocate on behalf of the State that if the petitioners have any grievance regarding fixation of pay and salary, they could have filed proper application under Bihar Government Servant Grievance Redressal Rules, 2019 in the form of a complaint and the said complaint would have been disposed of by the Service Grievance Redressal Officer. Thus, where there is an efficacious remedy formulated by the State Legislature for redressal of service grievance of an employee, the petitioner ought to have taken the recourse of the same.

5. Learned Advocate for the respondents also refers that the complaint under the Bihar Government Servant Grievance Redressal Rules, 2019 refers to all matters relating to service and service benefits of serving and retired personnel of the State Government as

(1) related to appointment (2) Service confirmation related (3) related to salary payment and increment (4) Promotion, A.C.P., M.A.C.P. related.....”



6. Therefore, Annexure P5 can be disposed of by the Service Grievance Redressal Officer and it is not necessary to direct the respondents to dispose of the said representation.

7. Having heard the submissions made by the learned counsel for the parties, this Court is of the view that Annexure P5 being the representation submitted by the Shailesh Kumar Sharma be taken up as a complaint under the Bihar Government Servant Grievance Redressal Rules, 2019 and the Service Grievance Redressal Officer is directed to dispose of the said representation in the light of the judgement delivered by the Hon'ble Supreme Court as stated above and Bihar State Litigation Policy, 2011.

8. Such decision shall be taken within 60 days from the date of this order positively.

9. With the above order, the instant writ petition is disposed of .

(Bibek Chaudhuri, J)

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