

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12755 of 2024

Vijay Kumar Jha son of Late Rama Kant Jha, Resident of Village Chandauli,
Mujauna, P.S. Pusa, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Flood Control and Water Discharge, Water Resources Department, Samastipur.
4. The Superintending Engineer, Flood Control Division, Darbhanga.
5. The Executive Engineer, Flood Control Division, Jhanjharpur District-, Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
For the Respondent/s : Mr. Government Pleader 27

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for grant of monetary benefit of ACP and MACP which was fixed according to the petitioner vide order no. 12 dated 31.01.2022 by the Office of Chief Engineer, Flood Control & Water Discharge, Water Resources Department, Samastipur wrongly and, therefore, he has filed fresh representation to his superior Executive Engineer, Flood Control Division, Jhanjharpur vide Annexure-P4, who thereafter recommended the matter vide Annexure-P5 through his letter no. 1587 dated 20.09.2023



before the Chief Engineer, Flood Control & Water Discharge, Water Resources Department, Samastipur and thereafter, matter is still pending before the Superintending Engineer, Flood Control Division, Darbhanga and thereafter, matter is pending before the higher authorities.

3. Learned counsel for the petitioner submits that the petitioner has also filed representation before the Chief Engineer on 20.03.2024 stating his grievances for making appropriate correction in his ACP and MACP.

4. Learned counsel for the State submits that the matter is prejudice before the Chief Engineer (respondent no. 3) and, therefore, the petitioner may be directed to file all his grievances before the Chief Engineer, Flood Control & Water Discharge, Water Resources Department, Samastipur as ratification has to take place from his level.

5. Learned counsel for the petitioner relied on a judgment in case of ***Amit Kumar Singh Vs. The State of Bihar & Ors.*** decided on ***02.04.2024*** in ***C.W.J.C. No. 7114 of 2023*** in which the decision with regard to grievances of ACP and MACP has been made.

6. In this view of the matter, the representation is still pending at the level of the Chief Engineer, the petitioner shall be



at liberty to file fresh representation along with the said judgment before the Chief Engineer, Flood Control & Water Discharge, Water Resources Department, Samastipur within 30 days from today and the Chief Engineer shall pass reasoned and speaking order within 90 days thereafter.

7. Accordingly, the present writ application stands disposed off.

(Dr. Anshuman, J)

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