

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14872 of 2024

=====

Dhirendra Jha Son of Tarni Jha Resident of Gharhi Rampur, Naugarhi, P.S.-
Nayaramnagar District-Munger, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Accountant General, State of Bihar, Patna.
3. The Assistant Inspector General of Police (Welfare), Bihar, Patna.
4. The Deputy Inspector General, Munger Range, Munger.
5. The Senior Treasury Officer, Munger.
6. The Superintendent of Police, Jamui.
7. The District Accounts Officer, Jamui.
8. The Head Clerk-Cum-Accountant, Officer of S.P. Jamui.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Government Pleader (27)
For the A.G.	:	Mr. Bindhyal Rai, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-09-2024 Heard Learned Counsel for the petitioner, Learned
Counsel for the Accountant General and Learned Counsel for
the State.

2. The present writ petition has been filed for the
following reliefs:-

(a). For issuance of writ in the nature of Certiorari
for quashing the Jamui District Order No. 541/2023 contained



in Memo No. 1186 dated 06.05.2023 (Annexure-P/4) whereby and whereunder, the grade pay of the petitioner i.e., Rs. 4200/- granted vide 2nd M.A.C.P. w.e.f. 01.01.2009, has been revised and reduced to Rs.2800/-, stating inter alia that petitioner is non-matric and, therefore, he is entitled to be provided benefits of grade pay immediately after the completion of 24 years of service as per Second Modified Financial Upgradation Scheme-2010.

(b) For issuance of writ in the nature of Certiorari, quashing the letter contained in Memo No. 189 dated 12/02/2024 (Annexure-P/6) issued by the Office of Superintendent of Police, Jamui, whereby and whereunder, it has been stated that the excess amount taken in salary, etc. during his service period i.e., total 5,02,292/- (Five lakh two thousand two hundred and ninety-two rupees only) should be adjusted from provisional gratuity in view of Jamui District Order No. 541/23 dated 06.05.2023, whereby it has been directed to deduct the excess amount taken under salary head.

(c) For holding and declaring that action of respondent authorities in canceling the 2nd MACP, which petitioner was entitled from the date of 01.01.2009 and revising the grade pay of the petitioner after superannuation of



petitioner from the service i.e. on 30.04.2023, is arbitrary, unconscionable and illegal and, therefor same deserves to be set aside.

(d) For holding and declaring that the recovery of the amount of Rs.5,02,292/- from the gratuity of the petitioner on account of access salary payment pursuant to aforesaid impugned orders is arbitrary, unconscionable and illegal and therefor same deserves to be set aside.

(e) For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. Learned Counsel for the State raised preliminary objection and submits that the reliefs which the petitioner have demanded in the present writ petition has the subject matter of the Rules, namely, the Bihar Government Servant Grievances Redressal Rules, 2019. Learned Counsel submits that the said Rule is applicable to the employee in service as well as retired employee. As such, the petitioner ought to file his representation under the said Rule.

4. In that view of the matter, the writ petition is disposed off directing the petitioner to avail his remedy under the Bihar Government Servant Grievances Redressal Rules,



2019 and file complaint within thirty days before the respondent concerned, who shall take a decision in this matter within the period specified under the Rule.

(Dr. Anshuman, J.)

Mkr./-

U			
---	--	--	--

