

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1089 of 2025

Lal Babu Prasad Son of Late Sukdeo Thakur, resident of Village-Nandpur,
P.O.-Narkatiya Ganj, P.S.-Shikarpur, District-West Champaran, Retired
Labour Enforcement Officer, Labour Resources Department, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
4. The Principal Secretary, Labour Resources Department, Government of Bihar, Niyojan Bhawan, Bailey Road, Patna.
5. The Commissioner, Labour Resources Department, Government of Bihar, Niyojan Bhawan, Bailey Road, Patna.
6. The Joint Commissioner, Labour Resources Department, Government of Bihar, Niyojan Bhawan, Bailey Road, Patna.
7. The Deputy Secretary, Labour Resources Department, Government of Bihar, Niyojan Bhawan, Bailey Road, Patna.
8. The Deputy Secretary, General Administration Department, Government of Bihar, Niyojan Bhawan, Bailey Road, Patna.
9. The Deputy Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
10. The Labour Superintendent, East Champaran, At and P.O. and P.S.-Motihari, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Narayan Parbat, Sr. Adv. Mr. Sanjay Kumar Jha, Adv.
For the Respondent/s	:	Mr. Sanjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-02-2025

Heard Mr. Mahesh Narayan Parbat, learned Senior
Advocate for the petitioner and Mr. Sanjay Kumar, learned
Advocate for the State.

2. The petitioner superannuated from the post of



Labour Enforcement Officer, Labour Resources Department,
Bihar Patna on 0.06.2017 has approached this Court for the
following reliefs:

“(a) To issue a writ of mandamus, commanding the respondents to discharge their legal obligation to provide benefit of Second A.C.P. in M. A. C. P. Scheme, to the petitioner from the date from which he had become entitled in law for the same and to pay its amount to the petitioner from his due date, on which date the petitioner became eligible for the same after completion of 24 years of service.

(b) To issue a further writ of mandamus, commanding the respondents to calculate and pay dues amount of difference of salary of petitioner for the period in between 1.4.2017 to June 2017, which has not been paid to him without any reason, in illegal and arbitrary manner.

(c) To issue a further writ of mandamus, commanding the respondents to pay the benefit of enhancement of his increment in salary for the period of 2017, which was due in the month of July 2017 and Petitioner had retired in the month of June 2017.

(d) To any other relief or relief's for which the petitioner may be found entitled to.”

3. Learned Senior Advocate referring to the averments made in the writ petition has submitted that the petitioner on being found duly qualified was appointed on the post of Social Organizer (Samaj Aayojak) by Assitant Labour Commissioner



(Agricultural Labour), Motihari vide Officer Order No. 12 dated 01.08.1986, along with other eligible employees by the order of the Labour Commissioner, Bihar, the copy of which has been placed on record as Annexure-2 to the writ petition. It is further contended that on being found eligible, the petitioner also promoted on the post of Labour Enforcement Officer along with other eligible employees vide Office Order No. 30 dated 17.08.2009. The petitioner after having rendered unblemished service, superannuated from the Labour Enforcement Officer on 30.06.2017.

4. It is the contention of the learned Senior Advocate that at the time of his superannuation, the 7th Pay Revision has already been implemented in the department with effect from 01.04.2017, but the petitioner has neither been accorded the benefit of 2nd ACP/MACP, nor he has been accorded the revised salary on account of pay revision and the pension, based upon such revision. In order to redress his grievance, the petitioner, time and again has approached before the Labour Superintendent, East Champaran, Motihari as well as Labour Commissioner, Bihar, Patna, but till date, no order has been passed. In support of the aforesaid contention, copy of the representation has been placed on record.



5. At this stage, learned Advocate for the State submits that the petitioner had already superannuated in the year 2017 itself, and now the petitioner has approach this Court after a delay of eight years, moreover, the representation of the petitioner is pending before the competent authority, who shall take a final decision in the matter.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties, this Court deems it appropriate to dispose off the writ petition with a direction to the respondent no. 5 to consider the representation of the petitioner dated 29.12.2023 as contained in Annexure-4 series to the writ petition and pass a reasoned and speaking order, preferably within a period of twelve weeks, from the date of receipt/production of a copy of this order.

7. Suffice it to observe that in case, the claim of the petitioner finds favour, necessary consequential monetary benefits shall be accorded to him within the period, aforementioned.

8. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2025
Transmission Date	NA

