

Civil Writ Jurisdiction Case No.3994 of 2025

1. Sudha Kumari W/o Late Virendra Kumar Thakur, Village and Post- Arniya, P.S.-Jandaha, Dist-Vaishali.
2. Chandeshwar Ram S/o Late Soharai Ram Village and Post-Digghi Kala, P.S.-Hajipur Sadar, Dist-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural works Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural works Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, General administration Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
5. The Engineer-in-Chief-cum-Special Secretary, Rural works Department, Govt. of Bihar, Patna.
6. The Chief Engineer, Rural works Department, Govt. of Bihar, Patna.
7. The Superintending Engineer, Rural works Circle, Chapra at Patna.
8. The Superintending Engineer, Rural works Circle, Sasaram.
9. The Executive Engineer, Rural Works Department, Works Division, Darbhanga.
10. The Executive Engineer, Rural Works Department, Works Division, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr. Standing Counsel (22)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-03-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

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

“I. Grant first ACP with effect from



9.8.1999 in the grade pay PB-2+4800/- and second MACP with effect from 1.1.2009 in grade pay PB-3+5400/- with all consequential benefits including arrear of salary and accordingly revised the Pensionary benefit and its arrears in case of petitioner no.1 and be pleased to grant 3rd MACP in the revised pay band PB-03-15,600-39,100+ grade pay 6600/- with effect from 10.12.2020 with all consequential benefits including payment of arrear and accordingly revise the Pensionary benefit and arrears in case of petitioner no.2 as a policy decision of the state as so many similarly situated employees of the department has provided the same benefits in compliance of the order dated-28.06.2024 passed in CWJC No.18727/2017 (Kamlanand Thakur V/s The State of Bihar & Ors) (Full Bench Order) and in compliance of the Bihar State Litigation Policy, 2011.

II. To make the service of the petitioners continue for all effects and purposes and for all consequential benefits specially for grant of three promotions after completion of 10,20 & 30 years of service with due dates and accordingly revise the pensionary benefits including



Gratuity and Leave Encashment.

III. And/or be pleased to pass such other order/orders which may be deemed fit and proper in the facts and circumstances of the case.”

3. Learned Counsel for the petitioners submits that his case is covered under a decision of this Court dated 28.06.2024 passed in CWJC No.18727 of 2017, a Full Bench decision. He further submits that his case is covered under Bihar State Litigation Policy, 2011. He submits that the petitioners have filed representation (Annexure-P/8 Series) on 10.12.2024 but nothing has happened till date.

4. Learned counsel for the State, on the other hand, raised preliminary objection and submits that the Government of Bihar through General Administration Department has framed a Rule, namely, Bihar Government Servant Grievances Redressal Rules, 2019 to deal such type of situations and petitioner has liberty to exhaust the remedy before the Service Grievance Redressal Officer. Counsel for the State submits that the petitioners have to avail the said remedy by way of filing the complaint under the said Rule but instead thereof they moved directly before this Hon'ble Court.

5. Upon hearing the parties, the present writ petition stands disposed off directing the petitioner to avail his remedy



before the Service Grievances Redressal Officer of the department within 30 days from today and in the said rule, time frame has already been made. Therefore, Service Grievances Redressal Officer is hereby directed to decide this matter strictly according to the time frame specified in the said Rule i.e., Bihar Government Servant Grievances Redressal Rules, 2019.

(Dr. Anshuman, J)

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