

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4425 of 2025

Manoj Kumar Son of Late Vijay Kumar Sinha Resident of Mohalla-Gajradh
Police Station-Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
4. The Chief Engineer, Irrigation Creation, Water Resource Department, Dehri.
5. The Superintending Engineer, Irrigation Circle, Bhabhua.
6. The Executive Engineer, Sone High Level Canal Division, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Respondent/s : Mr. Government Pleader- 03

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-03-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ petition has been filed for setting aside the Letter No.2753/Bhabhua dated 31.12.2024 (annexed as Annexure-P/8) issued by the Superintending Engineer, Irrigation Circle, Bhabhua by which the respondent authority has recovered the amount of Rs.4,58,076/- (Rupees Four Lakhs Fifty Eight Thousand Seventy Six) from the unutilized leave encashment from the petitioner. Further prayer has been made to quash the Letter dated 26.12.2024 (annexed as Annexure-P/7)



issued by the Superintending Engineer, Irrigation Circle, Bhabhua by which the petitioner has been communicated that the amount of Rs.4,58,076/- (Rupees Four Lakhs Fifty Eight Thousand Seventy Six) shall be recovered from the unutilized leave encashment of the petitioner.

3. Learned Counsel for the petitioner submits that his case is squarely covered in the light of order dated 28.02.2019 passed in Civil Writ Jurisdiction Case No.11466 of 2016 and order dated 27.02.2019 passed in Civil Writ Jurisdiction Case No.9633 of 2016 with other analogous cases. Counsel submits that those orders have been affirmed by Hon'ble Division Bench of this Court *vide* order dated 19.09.2023 passed in Letters Patent Appeal No.766 of 2019 with other analogous cases.

4. Learned counsel for the State submits that the Government of Bihar through General Administration Department has framed a rule namely, Bihar Government Servant Grievances Redressal Rules, 2019 and petitioner's case is squarely covered under the definition of the complaint under the said rule. But in-spite of filing the application under the said rule, petitioner has directly moved before this Hon'ble Court. Counsel further submits that the said order passed in L.P.A. No. 766 of 2019 with other analogous cases dated 19.09.2023 has



been challenged in SLP (C) No. 03335 of 2024.

5. In this view of the matter, it is hereby directed to the petitioner to avail his remedy by way of filing the complaint under Bihar Government Servant Grievances Redressal Rules, 2019 before the Chief Engineer, Irrigation Creation, Water Resource Department, Dehri (Respondent no.4) within 30 days. And Respondent no.4 is directed to do the needful according to the time frame specified in the said rule i.e. Bihar Government Servant Grievances Redressal Rules, 2019.

6. It is made clear that the petitioner deserves a similar consideration as per Clause 4.C of the Bihar State Litigation Policy, 2011.

7. Accordingly, with the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J)

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