

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5260 of 2025

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Rani Kumari Wife of Sri Sanjay Kumar Pandey, resident of near Convent School, Harni Chak, P.S. Beur, P.O. Anishabad, District- Patna, presently posted as Lower Division Clerk, Office of the Executive Engineer, Integrated Planning, Investigation and Project Preparation Division- 2, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Integrated Scheme Investigation and Planning, Water Resources Department, Government of Bihar, Patna.
4. The Joint Director, Water Science Directorate, Water Resources Department, Government of Bihar, Patna.
5. The Superintending Engineer, Integrated Planning Investigation and Project Preparation Circle, Patna.
6. The Executive Engineer, Integrated Planning, Investigation and Project Preparation Division- 2, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. SBK Manglam, Advocate Mr. Awnish Kumar, Advocate Mr. Vivek Kumar, Advocate Mr. Kumar Gaurav, Advocate Mr. Vikash Kumar, Advocate
For the Respondent/s	:	Mr. Standing Counsel-18

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 04-04-2025 With the consent of both the sides this writ application is heard at this stage itself.

2. In the writ application the petitioner has prayed for the grant of following reliefs:-

“(I) For issuance of an appropriate writ in the nature of Certiorari for quashing the



order dated 26.07.2023 issued under the signature of the Respondent no.3 and contained in his memo no.727 dated 26.07.2023, whereby and where under the respondent no.3 had been pleased to modify the pay-scale earlier granted to the petitioner by way of benefits of first Modified Assured Career Progression Scheme in the pay-scale of Rs.5,200-20,200 (Grade Pay-2400) to the pay-scale of Rs.5,200-20,200 (Grade Pay-2000) and was further pleased to direct for recovery of excess amount allegedly paid to the petitioner.

(II) For issuance of an appropriate writ in the nature of Certiorari for quashing the 10.06.2024 issued under the signature of Respondent no.6 and contained in his letter no.430 dated 10.06.2024 whereby and where under he has been pleased to direct for recovery from the salary of the petitioner after reducing his pay-scale from 5,200-20,200 (Grade pay-2400) to pay-scale of Rs.5,200-20,200 (Grade Pay-2000) in view of the direction of Respondent no.3.

(III) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent Authorities for payment of salary to the petitioner in the pay-scale in which he was being paid her salary before the impugned order passed by



the Respondent Authorities and for payment of differential amount of salary from the date from which her salary was reduced in pursuance of the order dated 26.07.2023 till date.

(IV) For issuance of any other appropriate writ/writs order /orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case”

3. For claiming the same reliefs the petitioner had earlier come to this Court by filing CWJC No.11643 of 2024 which was disposed of vide order dated 06.08.2024. The operative portion of this order is quoted herein below for needful.

*“3. Considering the aforesaid submissions, the petitioner, if so advised, may file a detail representation before the Chief Engineer, Water Resources Department, Patna, who will examine the service particulars of the petitioner and consider the case of the petitioners in accordance with law laid down by the Apex Court in the case of **Amresh Kumar Sinha** (Supra) and the clarification made by the Hon’ble Full Bench of this Court in the case of **Kamlanand Thakur** (Supra) expeditiously”*

4. In terms of the aforesaid observation cum liberty



granted to the petitioner by this Court, the petitioner had promptly filed his representation on 29.08.2024 (Annexure-P/6) which has not been decided till now despite the fact that this Court by the earlier order had observed that the representation should be decided expeditiously. The petitioner's grievance is that although his representation has been kept pending and not decided up till now but the respondent no.6 is proceeding ahead to recover the excess payment in terms of recovery order dated 10.06.2024 (Annexure-P/4) and if the recovery is made then the petitioner would be severely prejudiced.

5. With the consent of both the parties, this writ application is disposed of by directing the respondent no.3, Chief Engineer, Integrated Scheme Investigation and Planning, Water Resources Department, Government of Bihar, Patna to decide the representation dated 29.08.2024 (Annexure-6) filed by the petitioner within three months from the date of production of a copy of this order and in the meantime the recovery proceeding initiated in terms of recovery order dated 10.06.2024 (Annexure-P/4) shall remain stayed. The order disposing of the representation of the petitioner shall be a reasoned and speaking order which shall be passed after giving an opportunity of hearing to the petitioner.



6. With the aforesaid observation/direction the writ application stands disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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