

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15005 of 2013

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Rajeshwar Prasad Sharma Son Of Late Bhola Choudhary Of Village-
Chandila, P.S. Makel, P.O.- Dihi, Distt.- Saran

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, Govt. Of Bihar, Patna
2. Principal Secretary, Health And Family Welfare Deptt. Bihar, Patna
3. The Director In-Chief Health And Family Welfare Deptt., Bihar, Patna
4. The Administrative Officer, Health And Family Welfare Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamla Lal Srivastva, Advocate
For the Respondent/s : Mr. A.Ujjwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 16-06-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for issuance
of writ in the nature of mandamus directing the respondents to
allow 3rd A.C.P. to the petitioner with effect from 01.01.2009
when the petitioner completed 30 years of service.

3. Learned counsel for the petitioner submits that the
petitioner has moved earlier before this Hon'ble Court in Civil
Writ Jurisdiction Case No. 12863 of 2012 which was disposed
off *vide* order dated 14.08.2012 for the relief i.e. "*the petitioner
is aggrieved that the pension, gratuity and commutation of
pension have not yet been paid to the petitioner. It is the further*



claim of the petitioner that part amount of leave encashment has been paid but the remaining amount remains to be paid.”

Counsel submits that in the said writ petition, liberty was granted to the petitioner to file another writ petition and as such, petitioner has filed the present writ petition. Counsel further submits that prior to filing the present writ petition, petitioner has filed a representation which is annexed as Annexure-2.

4. Learned counsel for the State on the other hand submits that the petitioner has not filed his representation before the proper authority, rather, he has filed his representation before the Administrative Officer. Petitioner is ought to file his representation before the Director In-Chief, Health And Family Welfare Department, Bihar, Patna (Respondent no.3). Counsel further submits that a time may be fixed so that the Respondent no.3 may pass a reasoned and speaking order on the representation filed the petitioner.

5. In the light of the submissions made, it is hereby directed to the petitioner to file a fresh representation before the The Director In-Chief, Health And Family Welfare Department, Bihar, Patna (Respondent no.3) along with a copy of this order within 30 days from today for grant of 3rd A.C.P. Respondent no.3 is directed to pass a reasoned and speaking order on the



fresh representation filed by the petitioner within 90 days thereafter.

6. Hence, with the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J)

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