

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10054 of 2025

Binod Kumar Jha, son of Late Bhagirath Jha, resident of village and P.O.-
Lagma, P.S.- Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The Secretary to the Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Deputy Development Commissioner, Vikash Bhawan, Saharsa.
6. The Additional Collector, Saharsa Collectorate, Saharsa.
7. The Deputy Collector (Establishment), Saharsa Collectorate, Saharsa.
8. The Sub-divisional Officer, Simri Bakhtiyarpur, District-Saharsa.
9. The Block Development Officer, Block- Simri Bakhtiyarpur, District-Saharsa.
10. The Director, Accounts Administration and Self Employment, DRDA, Saharsa.
11. The Circle Officer, Anchal- Kahra, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate Mr. Prasoon Kumar, Advocate Mr. Sumit Kumar, Advocate
For the Respondent/s	:	Mr. Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-07-2025

Heard the parties.

2. The petitioner is aggrieved with the action of the respondents in not extending the admissible subsistence allowance for the period from 01.06.2004 to 22.07.2008 as also the due salary for the period of 01.05.2004 to 31.05.2004 as well as the due benefit of 3rd MACP and its consequential arrears.



3. Mr. Pramod Mishra, learned Advocate for the petitioner narrating the short facts has urged before this Court that the petitioner was initially appointed as Clerk on 01.07.1978 in the office of the District Magistrate, Saharsa. After serving satisfactory service, the petitioner came to be superannuated on 31.01.2017; in the meanwhile, a departmental proceeding came to be initiated against the petitioner which subsequently converted under rule 43(b) of the Bihar Pension Rules, 1950. The departmental proceeding culminated into 100% of withholding of pension, which order was put to challenge before this Court in C.W.J.C. No.10702 of 2018. This Court after hearing the parties, set aside the impugned order and relegated the matter. The matter was revisited and finally the punishment imposed against the petitioner withholding of 100% pension has been modified to withholding of 10% of pension for five years from the date of his retirement. Currency of the period of punishment with respect to deducting of 10% of pension for five years also came to an end; notwithstanding the aforesaid facts, the claim of the petitioner for subsistence allowance and salary as well as 3rd MACP have not been considered. The petitioner kept on representing before all the respondent authorities but no action has been taken; hence, the present writ petition.



4. Learned Advocate for the State referring to the materials available on record submitted that the petitioner has already filed a detailed representation before the District Magistrate, Saharsa, who is the competent authority to look into the matter and pass necessary order.

5. Considering the limited grievance of the petitioner, this Court deems it proper to dispose off the present writ petition with a liberty to the petitioner to file a fresh representation along with the order of this Court and the materials in support of his claim before the respondent no.4, the District Magistrate, Saharsa within a period of four weeks.

6. In case, such a representation is filed, the respondent no.4 shall consider the same and dispose off by a reasoned and speaking order, preferably within a further period of twelve weeks.

7. Suffice it to observe that in case the claim of the petitioner finds favour, necessary consequential order(s) shall also be passed.

8. The writ petition stands disposed off.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

