

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13579 of 2025

Raman Kumar Son of Late Bhola Prasad Singh, Resident of Quarter No.- E-48, Sherpur Gandak Colony, near Ranjeet Cold Store, Post- M.I.C. Bela, P.S.- Bela, District - Muzaffarpur, presently working as Store Keeper, Tirhut Canal Division, Ratwara, Muzaffarpur, District - Muzaffarpur.

... .. Petitioner

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 Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Irrigation Creation, Motihari.
5. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Muzaffarpur.
6. The Executive Engineer, Water Resources Department, Tirhut Canal Division Ratwara, Muzaffarpur.
7. The Treasury Officer, Muzaffarpur, District- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Government Pleader (24)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 26-09-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. In the present 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 office order contained in memo no. 786 dated 06.03.2025 issued under the signature of the Respondent no.4 along with list, so far it relates to the petitioner, whereby and where under the Respondent no.4 has been pleased



to reduce the pay-scale of the petitioner from Grade Pay-2400 to Grade Pay-1900 which was granted to the petitioner on account of grant of benefit of first MACP with effect from 22.08.2011 as also to grant Level-4 with effect from 22.08.2021 on account of grant of benefit of second MACP on the ground that it was passed /issued without asking any show-cause notice or opportunity of hearing to the petitioner.

(ii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the office order contained in letter no.1043 dated 28.05.2025 issued under the signature of the Respondent no.6, whereby and where under the Respondent no.6 has been pleased to make fixation of salary the petitioner in reduced pay-scale view of the impugned order passed by the Respondent no.3 contained in memo no. 786 dated 06.03.2025.

(iii) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the office order contained in letter no.1468 dated 23.07.2025 issued under the signature of the Respondent no.6, whereby and where under the Respondent no.6 has been pleased to



order for recovery of Rs. 1,54,873/- from the salary of the petitioner in 60 equal installment of Rs. 1,473/-which was allegedly received by the petitioner on account of grant of earlier wrong fixation made by the department on the ground that the petitioner is Group-C employee and in view of the law laid down by the Hon'ble Supreme Court in the case of Rafique Masih Vs. State of Punjab in which their Lordships of the Hon'ble Supreme Court had been pleased to hold that there shall be no recovery from a Class- III or IV employee if something has been paid to them without any misrepresentation

(iv) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to grant the prescribed pay-scale of the Store Keeper i.e. Rs.4,000-6000 since the date of his initial appointment i.e. 22.08.2001 and its replacement pay-scale Rs.5200-20200 Grade Pay-2400, the Grade Pay-2800 with effect from 22.08.2011 on account of grant of benefit of first MACP and Level-6 with effect from 22.08.2021 on account of grant of second MACP on the ground according to the Finance Department



Resolution contained in Resolution No.630 dated 21.01.2010 publish in the Bihar Gazette Extraordinary on 21.01.2010, the prescribed pay-scale of Store Keeper is Rs.4000-6000 and its Revised pay-scale is PB-1 Grade Pay-2400.

(v) 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. The limited point on which this writ application is being allowed is that in paragraph-20 of the writ petition, the petitioner has made a categorical statement as follows:-

“20. That, the impugned order passed by the Respondent no.4 cannot be sustained in law and is further fit to be set aside on the ground that the same was passed by the Respondent no.4 in utter violation of principle of NATURAL JUSTICE since before passing the impugned order, the Respondent no.4 neither asked any show-cause notice or opportunity of hearing to the petitioner.”

4. It is the specific case of the petitioner that the impugned order contained in Memo No. 786 dated 06.03.2025



(Annexure-P/6) has been issued without giving an opportunity of hearing to the petitioner. In fact, the petitioner contends that no show cause notice was issued prior to passing the impugned order.

5. In response to the above statement made in paragraph-20 of the writ application, the Respondent-State in paragraph-24 of its counter-affidavit has responded by making the following statement:-

“24. That in reply to paragraph 20 and 22 of the writ petition it is submitted that issuing show cause to the petitioner and granting opportunity of hearing to the petitioner would be an empty formality in the nature of the rectification made in the grant of pay scale/pay level granted to the petitioner as benefit of first MACP.”

6. From the statement made by Respondent-State in paragraph-24 of its counter-affidavit, it is manifest that the Respondent-State admits that prior to passing the impugned order reducing the pay scale of the petitioner, no opportunity of hearing to the petitioner was granted which is in complete violation of the principles of natural justice.

7. Under the aforesaid facts and circumstances, the Impugned Office Order contained in Memo No. 786 dated



06.03.2025 (Annexure-P/6) is set aside as being violative of principles of natural justice and the matter is remanded back to the Respondent No. 4 (the Chief Engineer, Water Resources Department, Irrigation Creation, Motihari) to pass a fresh order after giving proper opportunity of hearing to the petitioner which will include the opportunity of personal hearing. In the said proceeding, if any reply is submitted by the petitioner, the same shall be taken into account and final order shall be passed which must be a reasoned and speaking order. The entire exercise must be completed within a period of six months from the date of production of a copy of this order by the petitioner.

8. With the aforesaid observation and direction, this writ application is disposed of. All pending Interlocutory Applications, if any, will stand disposed of.

9. In light of the aforesaid order, the consequent order of recovery contained in Annexures 7 and 8 are also set aside.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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