

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.935 of 2022

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Anil Kumar S/o Ram Swarup Singh R/v Mahananchak, P.S.- Raiyur Koyal
Bigha, P.S.- Tharthari, Distt- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Bihar Sharif, Nalanda.
4. The Sub-Divisional Officer, Hilsha, Nalanda.
5. The Circle Officer, Hilsha, Sub-division, Nalanda.
6. The Officer-in-charge of tharthari, Police Station, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Adv. Mr. Arvind Kumar Srivastav, Adv. Mr. Satyendra Bhatnagar, Adv. Mr. Krishna Murari Prasad, Adv.
For the State	:	Mr. Suman Kumar Jha (AC to AAG-3) Mr. Pawan Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 13-07-2026

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for
issuance of direction to the respondents to release the two
increments and two term A.C.P. to the petitioner which has been
working as a Chowkidar at Tharthari Police Station since
09.09.1998 the date of joining after quashing the Letter No. 112
dated 16.01.2012 passed by the District Magistrate, Nalanda.



3. Learned counsel for the State raised preliminary objection and submits that the order dated 16.01.2012 contained in Memo No. 112 passed by the District Magistrate, Nalanda is basically a punishment order which was for imposing censure in the service book of the petitioner with stoppage of two increments with non-cumulative effect. Counsel submits that the said punishment has been completed on 16.01.2014, but the petitioner after lapse of about 10 years from the date of punishment order has challenged the said punishment order which has already been imposed and acted upon. Counsel submits that upon the completion of punishment in the year 2014, the petitioner has challenged the same after 8 years by filing the present writ petition. Counsel further submits that counter affidavit has also been filed in which it has been stated that the service book of the petitioner discloses that there are serious breakage of his service and he was habitual in committing dereliction of his duty and used to remain unauthorized absent, as a result, the petitioner is not entitled to get benefit of A.C.P. The said fact will find support from the fact that the petitioner was awarded punishment for the allegation of unauthorized absent.

4. In light of the submissions made and upon



perusal of the record, this Court is of the view that the order dated 16.01.2012 contained in Memo No. 112 is a punishment order which has been imposed upon the petitioner in the year 2012, ended on 2014, which has not been challenged by him either in the appeal or before the Hon'ble High Court at any early occasion. But, after lapse of about 10 years from the date of punishment order, the petitioner has challenged the same before this Hon'ble Court with inordinate delay. Therefore, this Court shall not permit him to challenge the said order after inordinate delay of 10 years.

5. Hence, on the point of demand of quashing of the order dated 16.01.2012 contained in Memo No. 112 passed by the District Magistrate, Nalanda, this writ petition is not maintainable.

6. So far as the demand of A.C.P as per the petitioner's entitlement is concerned, the Government of Bihar through General Administration Department has framed a rule namely Bihar Government Servant Grievance Redressal Rules, 2019 (hereinafter referred to as 'Rules of 2019') to deal such type of situations and petitioner has liberty to avail his remedy on the point of A.C.P. by filing complaint before the concerned authority.



7. Upon perusal of the said Rules of 2019, it transpires to this Court that under Rule 2(c) of the Rules of 2019, the word 'complaint' has been defined, which reads as under:-

“(c) 'Complaint' refers to all matters relating to the service and service benefits of serving and retired personnel of State Government as - (1) related to appointment (2) Service confirmation related (3) related to salary payment and increment (4) Promotion, A.C.P., M.A.C.P. related (5) priority/preference assessment related (6) related to the approval of leaves other than casual leave (7) related to salary during leave (8) related to approval and payment of allowances (9) Medical reimbursements (10) related to payment of retirement benefits such as pension, gratuity, group insurance, encashment of the unavailed leaves and payment of General Provident Fund.

However, if any of the above related matter is under any Court's consideration then it will not be considered as a complaint under this system.

But further, matters relating to disciplinary & departmental action, and transfer / posting / deputation will not be included as complaints under this. Any case, under the Right to Information Act, 2005 will also not be considered as a complaint under this system.”



7.1. And the procedure for filing a complaint has also been prescribed under Rule 3 of the Rules of 2019, which reads as under:-

*“3. **Procedure for filing a complaint-** Procedure for registering complaints related to service matters and retirement benefits will be as follows -*

(a) Any employee of the Bihar State Government, serving or retired, of any group can file any complaint related to their service matters and/or retirement benefits, through online mode. In the event of death of a Government Personnel, complaint can be lodged by his/her dependent, The applicant will have to mention the details of the office / officer, his/her complaint is related to. Other relevant details will also have to be provided in the online application.

(b) In one application, complaint related to only one subject can be filed. Since no fee is required for registering a complaint, therefore, if a complainant wants relief in more than one subject then he/she has to register a separate application for it. In spite of this, if in the same application relief on more than one subject is being sought for, then in that case, the first issue mentioned in the



complaint application will be considered as the complaint and further action will be taken on the same.”

8. In this view of the matter, it is hereby directed to the petitioner to avail his remedy on the point of A.C.P. by way of filing a complaint under Rules of 2019 before the concerned authority, within 30 days from today. The concerned authority is directed to decide this matter strictly according to the time frame specified in the said Rules of 2019 itself.

9. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	13/07/2026
Transmission Date	NA

