

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1243 of 2022

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Shatrughan Sharma Son of Late Praduman Sharma, resident of Village-
Bhatauna, P.S. - Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Director, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Accountant General of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Department, Muzaffarpur division, Muzaffarpur.
6. The Executive Engineer, Public Health Engineering department, Muzaffarpur division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Respondent/s : Mr. S.Raza Ahmad (Aag 5)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 5 09-04-2026 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.
2. The petitioner has filed the instant application
for the following reliefs:

“1 That This is an application for issuance of writ in the nature of certiorari for setting aside the memo no. 173, dated 07/06/2019, (Annex- 1), issued by respondent no. 6(the Executive engineer, public health engineering department, Muzaffarpur, Muzaffarpur division, Muzaffarpur) as well as letter no.- 174, dated



10/06/2019 (Annex-1/1), issued by respondent no.- 5 (the superintending engineer, public health engineering department, Muzaffarpur, Muzaffarpur division, Muzaffarpur) by which the respondents have rejected the claim of the petitioner for his revised ACP/ MACP, on wrong basis, without considering the official record as well as service book of the petitioner and while rejecting the claim of the petitioner the respondent no.- 5 & 6 have also not considered the memo no.- 163, dated 08/01/2016 (Annex- 2), which clearly state that the petitioner is legally entitled for monetary benefit even after his retirement and also for issuance of writ in the nature of Mandamus or an appropriate writ for direction to the respondent no.- 5 to fix pension of the petitioner after allowing revised ACP/ MACP to the petitioner as per memo no.- 163, dated 8/01/2016, on basis pay-scale of RS. 5400/per month, in-place of RS. 4,600, which has wrongly denied by the respondents on wrong facts and also to pay other admissible benefit for which the petitioner is legally entitled with appropriate rate of bank interest and/or for issuance of and appropriate writ/s, order/s or direction/s for which the petitioner is found legally entitled.”

3. At the outset, learned counsel for the respondents referring to the counter affidavit filed on behalf of the



respondent nos. 2, 3, 5 and 6 submits that the petitioner had moved earlier for the same relief vide CWJC no.5213 of 2021 wherein he made the following prayer.

“For directing the respondents to grant of Gratuity, leave encashment, GPF, EPF to the petitioner and also to direct the respondents to fix pension of the petitioner on scale basis of Rs.5400/- per month in place of Rs.4600/- which has wrongly” denied by the respondents on wrong facts and also to pay other admissible retirement benefit for which the petitioner is legally entitled with the interest at the rate of 12% per annum and also direct the respondents to give other monetary benefits fro which the petitioner is legally entitled.”

4. The writ application being CWJC no.5213 of 2021 was dismissed as withdrawn by order dated 1.12.2021. The order dated 1.12.2021 is reproduced hereinbelow for ready reference:

“Learned counsel for the petitioner submits that grievance of the writ petitioner has already been redressed. Accordingly, he seeks permission to withdraw this writ application. Permission is granted. This writ application is dismissed as withdrawn.”

5. Learned counsel for the respondents submits that suppressing the aforesaid facts of filing of the earlier writ



application, the instant case was filed.

6. At this stage, learned counsel for the petitioner seeks permission to withdraw the instant application.

7. The application is dismissed as withdrawn.

(Partha Sarthy, J)

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