

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2185 of 2022

1. Sita Ram Tiwary Son of Shri Rishi Kesh Tiwary Resident of Village-Manikapur, P.O. and P.S.-Chandan, District-Banka, Presently Residing at Circular Road, Pokhnatilha, Near Soren Petrol Pump. Deoghar, P.O.-Depghar, P.S.-Deoghar, District-Deoghar (Jharkhand).
2. Akhter Hussain Son of Late Ahmad Hussain Resident of Mohalla-Nautan, P.O. Gohpur Bajrahiyan, P.S.-G.B. Nagar, District-Siwan.
3. Dr. Manoj Kumar Son of Ramesh Mahto, Resident of Mohalla-Nautan Colony, P.O. Lohiya Nagar, P.S.-Kankarbagh, District-Patna.
4. Rajesh Kumar Son of Satya Narayan Prasad Resident of Vilalge-Dhanmaniya, P.O.-Hemkunj, P.S.-Kishunpur, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secreary, Home (Police) Department, Government of Bihar, Patna.
2. The Additional Chief Secrerary, Home (Police) Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Government of Bihar, Patna.
4. The Director General of Police Government of Bihar, Patna.
5. The Additional Director General of Police, Anti-Terrorist Squad, Governement of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nityanand Mishra, Adv. Mr.Alok Abhinav, Adv. Mrs.Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-01-2026 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the
present writ petition has been filed with the following reliefs:-

(I) For issuance of a direction, order, or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Home (Police) Department and Finance Department of the Government of Bihar to take steps



towards making payment of special risk allowance from the date of posting/joining in favour of the present petitioners who are presently posted/deputed and working in Anti Terrorist Squad, Bihar, Patna i.e. under Respondent No.5 in terms of the provisions contained under Rule- 20 (1) of the Bihar Anti Terrorist Squad Rules, 2014 as contained in Notification/Memo No. 6252 dated 25.07.2014 issued by the Home (Police) Department, Government of Bihar, Patna and also according to the provisions contained under Rule 2 (i), 2 (ii) and 2 (iii) of the Appendix-I of Bihar Anti Terrorist Squad Rule, 2014 as contained in a notification dated 30.07.2013 bearing Memo No.5723 issued by the concerned authorities under the Home (Police) Department, Government of Bihar, Patna along with the arrears with interest of the said allowance as may be found admissible in favour of the present petitioners in accordance with the law,

(II) For issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondents authorities to take steps towards making payments of arrears of risk allowance along with interest as may be found admissible in favour of present petitioners after revising the same in accordance with the revised pay scale as has been implemented within the State of Bihar in pursuant to the decision taken by the State Government in this regard w.e.f. 01.01.2016 following the recommendation made by the Seventh Pay Commission constituted by the State Government.

(III) For issuance of a direction, order or writ, including writ in nature of mandamus



commanding the concerned respondent authorities to make payment of penal interest over and above the amount of arrears as may be found admissible in their favour of the present petitioners in lieu of risk allowance admissible in his favour in term of provisions as contained under Rule-20 (1) of the Bihar Anti Terrorist Squad Rules, 2014 and letter dated 25.07.2014 bearing Memo No.6252 issued by the Home (Police) Department, Government of Bihar, Patna and the provisions contained under Rule 2(i), 2(ii) and 2(iii) of the Appendix-I of Bihar Anti Terrorist Squad Rule, 2014 as contained in a Notification dated 30.07.2013 bearing Memo No.5723 issued by the Home (Police) Department, Government of Bihar, Patna.

3. Counsel for the petitioners further submits that he seeks direction to the respondent authorities in the form of writ of mandamus and for that he has already filed representation before the authority concerned vide Annexure-5,6 & 7. When no order has been passed in the said representation by the concerned authorities, then he has filed the present writ petition in the year 2022.

4. Counsel for the State submits that the representation has not been filed before proper authority. Instead of filing representation before the Home Department, he has filed representation to the Additional Director General of Police (ADGP).



5. As such, without entering into merit or demerit of this case, the present writ petition is hereby disposed off directing the petitioners to file a fresh representation with all details before the Additional Chief Secretary, Home (Police) Department, Government of Bihar (respondent No.2) within 30 days along with this order and the respondent No.2 shall pass a reasoned and speaking order within 90 days after receiving the same.

6. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J)

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