IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23446 of 2013

CNR No. BRHC010369672013

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Dr. Chandra Kishore Prasad Singh S/O Late Janki Nandan Sharma Resident Of Village And P.S. Pandarak, District - Patna

... ... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Finance Department, Govt. Of Bihar, Patna
3. Principal Secretary, General Administration Department, Govt. Of Bihar, Patna
4. Secretary, Labour Resources Department, Govt. Of Bihar, Patna
5. Special Secretary, Labour Resources Department, Govt. Of Bihar, Patna
6. Joint Secretary, Labour Resources Department, Govt. Of Bihar, Patna
7. Additional Secretary, Labour Resources Department, Govt. Of Bihar, Patna
8. Deputy Secretary, Labour Resources Department, Govt. Of Bihar, Patna
9. Under Secretary, Labour Resources Department, Govt. Of Bihar, Patna
10. Director, Medical Services, Labour Resources Department, Govt. Of Bihar, Patna

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Shiv Kumar
For the Respondent/s : Mr. S.D. Sanjay, A.G.
Mr. A.Ujjwal, SC-11

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

22 05-11-2026 Heard learned counsel for the petitioner and learned A.G. for the State of Bihar duly assisted by Mr. Arvind Ujjawal, learned SC-11.

2. By way of the present writ petition, the petitioner has prayed for the following reliefs:

(i) *For quashing the letter bearing Memo No. 2914 dated 16.08.2013, issued under the*

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signature of the Special Secretary, Labour Resources Department, Government of Bihar, whereby the petitioner's claim for grant of additional pay/allowance under Rule 103 of the Bihar Service Code, for discharging additional duties over and above his own duties, has been rejected.

(ii) *For issuance of an appropriate writ, order or direction commanding the respondent authorities to grant the petitioner additional pay/allowance for the additional duties discharged by him in terms of Rule 103 of the Bihar Service Code.*

(iii) *For issuance of an appropriate writ, order or direction commanding the respondent authorities to grant regular promotion to the petitioner to the higher post in accordance with the applicable rules and Government resolutions.*

3. The brief facts of the case are that the petitioner was appointed to the post of Insurance Medical Officer in the Employees' State Insurance Medical Service Cadre pursuant to the recommendation of the Bihar Public Service Commission, vide notification dated 28.01.1989. He joined the Employees' State Insurance Dispensary, Mokama, on 01.02.1989. During the course of his service, the petitioner was transferred and

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posted at various Employees' State Insurance Dispensaries. By different departmental orders, he was also entrusted with the additional charge of several dispensaries, including those at Mokama, Bhagalpur and Barauni, apart from discharging his own duties.

4. It is the case of the petitioner that, apart from discharging his substantive duties as Insurance Medical Officer, he was also required to perform additional administrative and other responsibilities. In particular, *vide* letter dated 09.08.2011, he was directed to discharge the functions of the Regional Administrative Officer in addition to his own duties. Claiming entitlement to additional pay/allowance for discharging such additional responsibilities, the petitioner submitted a representation before the competent authority on 10.08.2012, invoking Rule 103 of the Bihar Service Code.

5. In response thereto, the Department, *vide* letter dated 24.09.2012, called upon the petitioner to furnish the departmental orders by which he had been entrusted with the additional charge. Accordingly, the petitioner submitted the relevant orders and notifications along with his representation dated 03.10.2012. However, the petitioner's claim was rejected by the impugned letter bearing Memo No. 2914 dated

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16.08.2013, issued by the Special Secretary, Labour Resources Department, Government of Bihar, primarily on the ground that the posts of In-charge Insurance Medical Officers were not separate from each other.

6. The petitioner has challenged the aforesaid decision on the ground that each Employees' State Insurance Dispensary constitutes a separate administrative unit and, therefore, the entrustment of additional charge of another dispensary, apart from his own, entitles him to claim additional remuneration in terms of Rule 103 of the Bihar Service Code. The petitioner has also raised a grievance regarding non-grant of regular promotion despite having rendered more than 24 years of service. It is further contended that, notwithstanding the applicable Government resolutions and his eligibility, he has also been deprived of the benefit of the second Assured Career Progression.

7. Pursuant to the order dated 29.10.2026, the Principal Secretary, Finance Department, Government of Bihar, Patna, has appeared before this Court and explained the entitlement of the petitioner.

8. It has been submitted on behalf of the State that, in terms of Rule 103 of the Bihar Service Code and the relevant

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Government notifications, the petitioner is entitled to an amount of Rs. 250/- per month towards the additional duties discharged by him.

9. In view of the aforesaid submission made on behalf of the State, this Court finds that the petitioner's claim for additional pay/allowance stands governed by the provisions of Rule 103 of the Bihar Service Code and the relevant Government notifications. The State has clarified the petitioner's entitlement to additional remuneration at the rate of Rs. 250/- per month.

10. In view of the aforesaid facts and circumstances, this Court finds no merit in the present application. Accordingly, the same is dismissed.

11. There shall be no order as to costs.

(Sandeep Kumar, J)

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