

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8859 of 2025

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Gulab Chand Ram Son of Late Ram Lochan Ram Resident of Village- Indrath
Khurd, Police Station - Bikarmganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Chief Engineer, Irrigation Creation, Water Resource Department, Dehri.
4. The Executive Engineer, Sone Canal Division, Water Resource Department, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Raj, Advocate
For the Respondent/s : Mr. Additional Advocate General (7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed for the following relief/s:-

*“I. Issuance of writ in the nature of mandamus
for a direction to the Respondent authority to
grant the benefits of 1st ACP w.e.f. 28.12.2005
in the pay scale of Rs.5000-8000 (Revised Pay
scale PB-2-9300-34800 Grade pay 4200) to
the Petitioner along with consequential
monetary benefits in the light of judgment of
Full bench of this Hon'ble Court passed in the
case of Kamod Narayan Kumar @ Kumud*



Narayan Kumar vs the State of Bihar and other (C.W.J.C. No. 12521/2022) and the judgment passed by the Hon'ble Supreme Court in the case of Amresh Kumar Singh & Ors. Vs. The State of Bihar & Ors.: 2023 (2) PLJR (SC) 423 by which the Hon'ble Court settled the law that passing of departmental examination is not essential to get the benefits of ACP/MACP.

II. Issuance of further direction to the Respondent authority to modify the order contained in Letter No.2759 dated 27.08.2009 issued by the Chief Engineer, Irrigation Creation, Water Resource Department, Dehri by which the benefits of 1st MACP granted to the Petitioner w.e.f. 28.12.2005 in the pay scale of Rs. 4000-6000 in place of Rs.5000-8000/- as the said pay scale has been granted to the similarly situated person namely Nageshwar Prasad Yadav in the light of direction this Hon'ble Court.

III. Issuance of further direction to the Respondent authority to grant the similar benefits to the Petitioners as granted to the similarly situated persons of Nageshwar Prasad Yadav and others in the light of Bihar State Litigation Policy as well as in the light of judgment passed in the case of 2008 (4) PLJR 125 and 2011 (3) PLJR 588 & ((2006) 2 SCC 747) by the Hon'ble Courts.”



3. Learned counsel for the State raised preliminary objection and submits that 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 by filing complaint before the concerned authority.

4. 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.”

4.1. 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.”

5. In this view of the matter, it is hereby directed to the petitioner to avail his remedy 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 according to the time frame specified in the said Rules of 2019 itself.

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

(Dr. Anshuman, J)

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