

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7247 of 2026

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Banshidhar Upadhyay Son of Jawahar Upadhyay, Resident of- E-8, Phase-2,
Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar.
2. The Secretary, Public Health Engineering Department Government of Bihar, Patna.
3. The A.C.S. General Administration Department, Government of Bihar, Patna.
4. The A.C.S. Finance Department, Government of Bihar, Patna.
5. The Engineer in Chief Public Health Engineering Department, Government of Bihar, Patna.
6. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarveshwar Tiwary, Advocate
For the State	:	Mr. Rajiv Ranjan, AC to GP-20
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-05-2026

Heard Learned Counsel for the petitioner, learned Counsel for the State and learned Counsel for the Accountant General.

2. The present writ petition has been filed for issuance of an appropriate writ in the nature of Mandamus directing the respondents, especially respondent Nos. 2 to 5, for granting benefit of annual increment for his last year of service which has been denied to the petitioner on the ground that petitioner has retired on 30th June, 2018 and the annual increment as per 6th Pay revision and 7th Pay revision has been made admissible to the employee on



1st of July. For further direction to respondent Nos. 2 to 4 to treat the date of retirement to the petitioner to be 1st July of his respective year of retirement and to grant him all consequential benefits including pensionary benefits. Further prayer is for holding that it was incorrect as part of respondent Nos. 2 to 5 to have denied the petitioner for his annual increment for his last year of service in view of the fact that the petitioner, who retired on 30th June, 2018 in his respective year of his retirement had worked for complete one year. Thus the annual increment which accrued on the next date of his retirement i.e., 1st July could not have been denied. Further for any other appropriate relief or reliefs for which the petitioner is entitled from the facts and circumstances of this case.

3. Learned Counsel for the petitioner submits that the benefit of annual increment for his last year of service has been denied on the ground that the petitioner has retired on 30th June, 2018 and his annual increment was accrued on 1st July, 2018 but without giving his annual increment and without revising his pension on the basis of the said increment, the pension of the petitioner was started by the respondent authority. Counsel submits that in similarly situated matter in the case of **Shiojee Rai and Others Vs. State of Bihar** decided on 29.04.2025 in **CWJC No. 12575/2019**, this Court has pleased to consider the case of the said



petitioners about their entitlement. Learned Counsel for the petitioner further submits that the petitioner may be considered in the light of the findings given vide order date 29.04.2025 passed in CWJC No. 12575/2019.

4. Learned Counsel for the State submits that request for mandamus has been made but from the writ petition it transpires that petitioner has come this Court without filing any representation.

5. In that view of the matter, this writ petition is disposed off directing the petitioner to file representation along with a copy of this order within 30 days from today before respondent No. 5, the Engineer in Chief, Public Health Engineering Department, Government of Bihar, Patna. Upon receipt of the representation, respondent No. 5, the Engineer in Chief, Public Health Engineering Department, Government of Bihar, Patna shall pass a reasoned and speaking order in accordance with law within 90 days thereafter.

Mkr./-

(Dr. Anshuman, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2026
Transmission Date	

