

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9179 of 2025

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Chandeshwar Ram Son of Late Bihari Ram Resident of Village- Bidurti Hata,
P.S.-Muffasil, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Agriculture Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Joint Agriculture Director, Saran Division, Saran.
4. The District Agriculture Officer, Siwan.
5. The Sub Divisional Agriculture Officer (General), Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Adv. Mr.Rajnish Prakash, Adv. Ms. Kanishk Kaustubh, Adv.
For the Respondent/s	:	Mr.Government Advocate (7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-05-2026 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed with the
following reliefs:-

*i. For issuance of direction to the
respondent authorities to grant 2nd and 3rd ACP to
the petitioner as has been recommended by the
District Agriculture Officer, Siwan vide letter No.
1621 dated 11.11.2019.*

*ii. The petitioner also prays for payment
of his salary for the period 22.10.2005 to
10.05.2007 during which the petitioner remained*



suspended because of his confinement in connection with Siwan (Mufassil) P.S Case No. 205/2005 registered for the offences U/s 392 of the Indian Penal Code wherein he was acquitted vide judgment dated 12.05.2015 passed by the J.M 1st Class in Trial No. 671/2015.

iii. For that any other relief/reliefs for which the petitioner may be deemed entitled to.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Night Guard in Sub Divisional Agriculture Officer (General), Siwan on 06.06.1985 and retired in the month of August, 2023. He further submits that during his service, he was suspended vide office order No.3 dated 11.11.2005 (annexure-P/1) *w.e.f.*, 22.10.2005 and he was taken into custody, but subsequently released on 14.03.2007 and joined office of District Agriculture Officer, Siwan. He further submits that vide Memo No.15 dated 10.05.2007, his suspension was revoked.

4. Counsel further submits that for revocation of the suspension, he had started working in the same office. He further submits that the petitioner has contested the said criminal case in which he sent to jail and attached the judgment of the said criminal case bearing Siwan (Muffasil) P.S. No.205 of 2005 in which vide Trial No.671 of 2015, the judgment of



acquittal has come on 12.05.2015. He further submits that due to acquittal, the petitioner becomes entitled for consideration of his case under Rule 97 of the Bihar Service Code.

5. Counsel further submits that the petitioner is entitled for grant of ACP and in this regard, he has submitted his representation demanding arrears of salary and ACP, before the Joint Agriculture Director, but no decision has been taken. Thereafter, the petitioner has filed the present writ petition.

6. Learned counsel for the State, on the other hand, submits that a counter-affidavit has not been filed, but the grievances of the petitioner are basically for arrears of salary of the suspension period and grant of ACP and the said demand comes within the purview of the definition of the complaint as defined under the Bihar Government Servant Grievance Redressal Rules, 2019 (hereinafter referred to as the 'Rules of 2019').

7. In light of the submissions made by the parties and upon perusal of the said Rule, it transpires to this Court under Rule 2(C) of the Rule of 2019 the word 'complaint' has been defined as follows :-

*(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.

and procedure for filing complaint has also been prescribed under Rule 3 of the said Rule of 2019 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.



8. In this background, the petitioner is granted liberty to file a complaint before the Appointing Authority (respondent No.5) under the provisions of the Rules of 2019 within 30 days from today. Upon filing of the said complaint, respondent No.5 shall pass order within the time specified in the said Rules of 2019.

9. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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