

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9629 of 2024

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Umesh Singh Son of Late Raghav Singh, resident of Village-Bhopatpur, P.S.-
Sahatwar, District-Ballia (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. Under Seceretary (Management), Water Resources Department, Sinchai Bhawan, Patna.
3. Principal Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Baily Road, Patna.
4. Deputy Development Commissioner, Saran at Chapra.
5. Engineer in Chief, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Baily Road, Patna.
6. Chief Engineer, Irrigation Creation, Water Resources Department, Siwan.
7. Executive Engineer, Saran Canal Division, Marhaura, District - Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Advocate Mr. Braj Kishore Singh, Advocate Mr. Amit Kumar, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 24-02-2026

Heard learned Counsel for the petitioner and
learned Counsel for the State.

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

*“I. To set aside the order
contained in Memo no 639 dated
16.02.2024, issued under the signature of
respondent Principal Secretary of Water*



Resources Department, whereby the period of 95 days (Ninety-five days) i.e, 17.04.2011 to 20.07.2011, during which period, the petitioner remained waiting for posting in the headquarters of Water Resources department and marking his day-to-day attendance, has been treated as extraordinary leave availed by the petitioner.

Thereby, while according sanction of such extra ordinary leave to the petitioner in terms of Rule 180 and Rule 236 of the Bihar Service code for the so-called purpose of regularising the continuous regular service of the petitioner, the salary and other emoluments admissible to him for the said period from 17.04.2011 to 20.07.2011 (total 95 days) has been illegally denied to him.

II. For a further direction to the respondents to make payment of salary to the petitioner for the period from 17.04.2011 to 20.07.2011 (total 95 days), taking into account the fact that the petitioner was on duty during the said period and waiting for posting in the headquarter of the Water Resources Department, making his day-to-day attendance as also discharging routine duties assigned to him during the said period of waiting for posting, and further considering that the petitioner had,



at no point of time, during his entire tenure of service, submitted any application requesting for grant of such Extra ordinary leave. Thus, prayer in the present writ application is to make such payment of salary for the above said period to the petitioner along with proportionate interest on the same, in view of the fact that the respondents have deliberately denied the salary admissible to the petitioner for the above said period on an illegal and misleading ground.

III. For a further direction to the respondents to make payment of arrears of salary to the petitioner for the period from 21-07-2011 to 04-08-2011 during which period also the petitioner after his joining in the office of respondent Chief Engineer, remained waiting for posting till 04-08-2011.”

3. Learned Counsel for the petitioner submits that the letter which was creating hurdle for the petitioner is Annexure-P/1. Counsel further submits that in the counter affidavit specific reply of the State has come by virtue of which the Annexure-P/1, which is in the counter affidavit as Annexure-H, has already been withdrawn and in lieu thereof another letter contained in Memo No.4208 dated 24.10.2024 has been issued.



Learned Counsel further submits that with regard to his claim, a series of correspondence took place between the Executive Engineer, Saran Canal, Marhaura and Executive Engineer, Gopalganj. He submits that he is entitled for the payment in the light of the said correspondence.

4. Learned Counsel for the State, on the other hand, submits that in the counter affidavit every pleading has come. It transpires to this Court that the stand has been taken categorically but till date no payment has been made.

5. In this background, this Court deem it fit to dispose off this writ petition as keeping the writ petition pending shall not solve any purpose. Hence, the petitioner is hereby directed to file fresh representation before the Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna (respondent No.5), under whom the Executive Engineer, Saran Canal Division, Marhaura and Executive Engineer, Gopalganj are working. He shall annexed all those documents which is annexed in counter affidavit as Annexures-H to O.

6. It is directed that the Engineer-in-Chief (respondent No.5) shall decide the claim of the petitioner within 90 days from the date of receipt/production of a copy of this order. It is made clear that the liberty is hereby granted to



the Engineer-in-Chief to place this matter before the Committee
especially assigned for such type of disputes.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2026
Transmission Date	

