

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14170 of 2023

Prithvi Singh Son of Late Jainath Singh, resident of Village-Barauli, P.S.-
Pero, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Bihar.
2. The Engineer in Chief (North) Water Resource Department, Bihar, Patna.
3. The Chief Engineer (North) Water Resource Department, Bihar.
4. The Executive Engineer, Rural Development Special Division No. 2 Garhwa Jharkhand.
5. The Accountant General Bihar, Patna.
6. The State of Jharkhand through Principal Secretary Rural Development Department.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC11

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-06-2026

Learned Advocate for the respective parties are present.

2. The petitioner has approached this Court for payment of all his retiral dues on the basis of revised pay scale with effect from 11.06.1996 in the light of the order passed by the learned Division Bench of this Court in LPA No. 941 of



1996. A counter affidavit has been filed on behalf of the Accountant General, Bihar, Patna and it is submitted that since the matter relates to the department which falls under the jurisdiction in the State of Jharkhand vide Letter No. 10-03 (23-24) 1366/68 dated 10.10.2023 a request has been made to the concerned Executive Engineer to examine the matter and if any revision of pension is required to be authorized then communicate the same to the department along with sanction order and up to date service book so that appropriate action shall be taken.

2. In response to the aforesaid letter, the Executive Engineer Rural Development Special Division No. 2 Gharwa Jharkhand has filed counter affidavit and categorically stated in paragraph no. 10 as follows :

“10. That at very outset prior to stating para-wise reply it is submitted and stated here that the petitioner was retired in the year 1998, before the creation of Jharkhand State as an employee to State of Bihar and after retirement, he became pensioner of the State of Bihar. The Jharkhand State was created on 15.11.2000. So far the petitioner was never worked under Government of Jharkhand and getting pension as a pensioner of Government of Bihar. So, this writ petition is not maintainable on this score against the State of Jharkhand. The writ petition has been filed by the petitioner is itself evident of this fact. However in the light



of order passed by this Hon'ble Court in the L.P.A. No. 913 of 1996, 914 of 1996, 941 of 1996 and 1094 of 1996, in the light of said order of LPA, the letter issued by the Engineer in Chief (North) Water Resources Department Govt. of Bihar Patna vide Memo No. 1737 dated 13.07.2005. Further Departmental order No. 3106 Cum Memo No. 3106 dated 11.06.1996 was being cancelled since the order passing date. Therefore, all employees whose named appeared in the list shall be deemed as Junior Engineer from 11.06.1996. In the list the petitioner's name was also find place at serial No. 19. The said order along-with list has already been annexed by the petitioner himself as Annexure-3 of this writ petition."

2. Considering the fact that necessary communication has already been made to the Accountant General, Bihar, Patna who is the competent authority to take final decision in the matter after obtaining necessary order from the concerned department with respect to the payment of retiral dues by extending the benefit of revised pay scale in the light of the order passed in LPA No. 941 of 1996, this Court deems it fit and proper to direct the respondent no. 5, Accountant General, Bihar, Patna to consider the claim of the petitioner in the light of response to the State of Jharkhand and its authority (Respondent no. 4) preferably within a period of eight weeks from the date of receipt/production of the copy of this order and pass a reasoned



and speaking order. It is made clear that in case the claim of the petitioner finds favor necessary consequential authority letter must be issued within the period stipulated. The writ petition stands disposed off.

(Harish Kumar, J)

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

