IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15860 of 2026

CNR No. BRHC010990112026

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Chakleshwar Kharwar C/O- Bala Kharwar, R/O- B-47, Kusum Vihar, Near Shiv Mandir, Dhanbad, Kalakusuma, District- Dhanbad, State-Jharkhand, Assistant Engineer, Water Resources Department, Govt. of Bihar, Patna, Presently posted on deputation in Bihar Police Building corporation.

... ... Petitioner/s

Versus

1. The State of Bihar through Additional Chief Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Additional Chief Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Secretary, Water Resources Department Government of Bihar Patna.
4. The Engineer-in-Chief (Headquarters), Water Resources Department Government of Bihar, Patna.
5. The Under Secretary, (Management) Water Resources Department Government of Bihar, Patna.
6. The Joint Secretary (Management), Water Resources Department Government of Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Alok Ranjan, Adv.
For the State : Mr.Kaushal Kishor, G.P.-29

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 18-11-2026 Heard learned counsel for the petitioner and learned counsel for the respondent-State.

2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

3. In the present writ application, the petitioner has prayed for the grant of following reliefs:

"(i). For issuance of writ in the nature of mandamus commanding the respondents to pay the

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petitioner 2nd and 3rd ACP/MACP after completion of 20 years and 30 years of service, respectively.

(ii) For a further direction to the respondents to make payment of benefits of 2nd and 3rd ACP/ MACP which is due payable to the petitioner after completion of 20 years of service i.e dt. 28.07.2009 and 3 MACP due on 28.07.2019, along with interest @12% from the date it became due its actual date of payment and for payment of consequential benefits attached to the same.

(iii) For grant of appropriate cost of litigation, for un-necessarily compelling the petitioner to approach before the Hon'ble court by way of filing writ application.

(iv). Further for quashing of reasoned order as contained in memo no. 894 dated 11.08.2021 whereby and where under the claim for grant of ACP/MACP has erroneously been rejected by the respondent authorities, being biased as against the petitioner, in a very arbitrary, illegal and discriminatory manner.

(v). For any other relief/ reliefs if petitioner found entitle in the facts and circumstances of the present case."

4. Learned counsel for the petitioner submits that similarly situated persons have already been granted the relief, which the petitioner is claiming in the present writ application. One such case is ***Suresh Paswan vs. The State of Bihar & Ors,*** reported in ***CWJC No. 5823 of 2009*** (Annexure-P/3). He further submits that this decision has been upheld up to the Hon'ble Supreme Court, vide Annexure-P/8. It is further submitted by learned counsel for the petitioner that for seeking the aforesaid

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reliefs, the petitioner has already filed a representation dated 09.02.2024 (Annexure-P/14) before the Additional Chief Principal Secretary, Water Resources Department, Government of Bihar, Patna (respondent no. 2) and the same continues to be pending. He, therefore, submits that the petitioner would be satisfied if an appropriate direction could be issued to the Additional Chief Principal Secretary, Water Resources Department, Government of Bihar, Patna (respondent no. 2) to dispose of the pending representation of the petitioner within a fixed time frame, after giving an opportunity of hearing to the petitioner.

5. To the aforesaid submission being made by learned counsel for the petitioner, learned counsel appearing for the respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of directing the Additional Chief Principal Secretary, Water Resources Department, Government of Bihar, Patna (respondent no. 2) to dispose of the pending representation of the petitioner dated 09.02.2024 (Annexure-P/14) within three months from the date of receipt / production of a copy of this order, after giving an opportunity of hearing to the petitioner.

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7. Needless to emphasize that the final order which shall be passed by respondent no. 2 should be a reasoned and speaking order. It is further made clear that in case, the petitioner is found entitled to the relief, which the petitioner has claimed through the pending representation, the same shall be extended to the petitioner within a further period of three months from the date of passing of the final order by respondent no. 2.

8. With the aforesaid observation and direction, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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