IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15754 of 2026

CNR No. BRHC011016122026

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Ramashish Rai (Retd. correspondence clerk) son of Late Jageshwar Rai, Resident of village-Ranitol Bhagwanpur, P.0. Rupasbag, Police Station-Bachhwara, District-Begusarai.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Chief Engineer, Water Resources Department, Birpur Division, District-Supaul.
3. The Superintending Engineer, East Koshi Embankment Circle, Saharsa, District-Saharsa.
4. The Superintending Engineer, Canal Circle, Saharsa, District-Saharsa.
5. The Executive Engineer, Irrigation Division, Triveniganj, District-Supaul.
6. The Executive Engineer, Water Emission Division, Kopariya, District-Saharsa.
7. The Provident Fund Officer, District Provident Fund Cell, Saharsa, District-Saharsa.
8. The Treasury Officer, Begusarai, District-Begusarai.
9. The Accountant General, Bihar, Patna, Bir Chand Patel Path, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Verma, Advocate
For the State	:	Mr. Javed Gaffar Khan, GP-9
For the A.G.	:	Ms. Nivedita Nirvikar, Sr. Advocate Mr. Amarshakti, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 27-10-2026

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

2. The petitioner has filed the present writ petition with the following relief/s:-

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i). For issuance of a writ in the nature of certiorari for quashing of the Office order vide Letter No.102 dated 8.2.2014 (Annexure-P/2) issued by the Executive Engineer, Irrigation Divison, Triveniganj (Respondent No.5) whereby and where under the two increments earlier given to the petitioner for the year 10-11 and 11-12 has been cancelled and directed to recover the excess payment from his salary and recovered the excess amount from his retirement benefit in arbitrary manner with malafide intention without initiating any departmental proceeding and without providing any opportunity of hearing to the petitioner and thereafter other two increments for the year 12-13 and 13-14 till retirement in 2014 has also not been given to the petitioner till today.

ii). For quashing of the order vide letter No.746 dated 9.10.2015 (Annexure-P/6) passed by the Executive Engineer, Water Emission Division, Kopariya, Saharsa (Respondent No.6) whereby and whereunder an order has been passed for deduction of 25% of gratuity and pension and the same has been deducted as a punishment under the Bihar Pension Rules 139(B) in arbitrary manner with malafide intention without initiating any departmental proceeding and without giving an opportunity of hearing to the petitioner.

iii). For grant of any other relief/reliefs for which the petitioner is legally entitled in the facts and circumstances of the case.

3. Learned Counsel for the petitioner submits that the petitioner has moved with the said relief/s in the light of the

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observation made by this Hon'ble Court vide order dated 18/08/2026 passed in MJC No. 2774 of 2017 in which the petitioner has been granted liberty to challenge in the appropriate proceeding the two penalties regarding deprivation of four increments and deduction of gratuity and pension.

4. Learned Counsel for the State submits that liberty was granted to the petitioner to file representation before The Chief Engineer, Water Resources Department, Birpur Division, District-Supaul (respondent No.2) within one month but instead of filing his representation before The Chief Engineer, Water Resources Department, Birpur Division, District-Supaul (respondent No.2) he has moved directly before this Court.

5. The argument made by the respondent is found to be true. Therefore, this Court is not entertaining the present writ petition. However, liberty is hereby granted to the petitioner first to file representation along with a copy of the order within 30 days from today before the Chief Engineer, Water Resources Department, Birpur Division, District-Supaul (respondent No.2) for all his grievances and the Chief Engineer, Water Resources Department, Birpur Division, District-Supaul (respondent No.2) shall pass a reasoned and speaking order on the representation

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of the petitioner in accordance with law within 90 days from the date of receipt/production of a copy of this order.

6. With the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Anshuman/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

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