

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 18251 of 2023

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Sunil Kumar Singh Son of Late Ramanand Singh, Resident of Village and
P.O.- Kiranpur, P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Bihar, Patna.
2. The Engineer-in- Chief, Road Construction Department, Bihar, Patna.
3. The Executive Engineer, Road Construction Department, Road Division, Kishanganj.
4. The District Accounts Officer, Purnia.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Prashant Sinha, Advocate
For the S t a t e	:	Mr.Government Pleader (18)
For the Accountant General	:	Mr Binod Kr Labh, Advocate

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CORAM: HONOURABLE MR JUSTICE RITESH KUMAR

ORAL JUDGMENT

Date : 13-02-2026

Heard learned counsel for the parties.

2 The present writ petition has been filed for the following reliefs:

***“(i) For issuance of writ in the nature of certiorari for quashing of letter contained in Memo No 746 dated 29.06.2018 issued by the Executive Engineer, Road Construction Department, Road Division, Kishanganj whereby the fixation of pay under the 6th & 7th pay revision has been cancelled without assigning any reason.*”**



(ii) For necessary direction upon the respondent authorities to grant the benefit of 6th & 7th pay revision to the petitioner in terms of Memo No 532 dated 05.05.2018 and pay the consequential benefits, including arrears of salary and consequent revision of retiral benefits such as pension, gratuity and leave encashment and to pay the differential amount of such retiral benefit.

(iii) For any other direction which Your Lordships may deem fit and proper in the facts and circumstances of the case.”

3 The learned counsel for the petitioner submits that the petitioner was appointed as a Junior Engineer in the Road Construction Department on 15.01.1988 and while he was working in the office of the Chief Engineer, Rural Engineering Organization, Patna, on 12.11.1999, he was taken into custody on 05.01.2000 in relation to a CBI case relating to bitumen scam. Subsequently, he was released from jail on 05.04.2000 and gave his joining on 16.04.2000 before the Engineer-in-Chief and his suspension was revoked in July, 2000. On 29.09.2003, the petitioner was again placed under suspension under the provisions contained in Rule 100 of the Bihar Service Code against which he preferred a writ petition bearing CWJC No 542 of 2004 which was allowed vide order dated 14.03.2005 with a direction to reinstate the petitioner with all consequential benefits and in view of the order passed by this Court, the order of suspension was revoked on



27.05.2005. The petitioner was granted the benefit of 6th and 7th pay revision by the competent authority vide order contained in Memo No 532 dated 05.05.2018 issued under the signature of Executive Engineer, Road Construction Department, Road Division, Kishanganj. The said benefit was immediately withdrawn after a lapse of just one month vide Memo No 746 dated 29.06.2018 issued under the signature of Executive Engineer, Road Construction Department, Road Division, Kishanganj whereby a corrigendum was issued by which the benefit of 6th and 7th pay revision granted to the petitioner has been cancelled, without assigning any reason. The petitioner kept on filing representations, but till the date of his retirement, i.e. 31.01.2023, the same was not restored and being aggrieved with the same, the petitioner has filed the present writ application.

4 A counter affidavit has been filed on behalf of the respondent-State wherein it has been stated that the services of the petitioner from 01.11.1999 to 17.04.2000 has not been verified and there is a break in service. Since the service of the petitioner is not continuous, benefit of 6th and 7th pay revision cannot be extended and it has rightly been withdrawn by the impugned letter issued under Memo No 746 dated 29.06.2018 by the Executive Engineer, Road Division, Kishanganj.



5 The learned counsel for the petitioner submits that no notice was issued to the petitioner before cancellation of the impugned order contained in Memo No 746 dated 29.06.2018 and the order impugned has been passed in complete violation of the principles of natural justice since without issuance of any notice to the petitioner, the benefit of 6th and 7th pay revision, which was granted to him, has been withdrawn. The learned counsel for the petitioner relies on a judgment dated 15.01.2015 passed by a coordinate Bench of this Court in CWJC No 7636 of 2014, wherein in Paragraph No 17, it has been held as follows:

“17 Yet another serious infirmity found by the Court is that the decision contained in Annexure 8 series has been passed in gross violation of the principles of natural justice because the decision so taken by the Pay Verification Cell has serious civil consequences for these petitioners since they are going to not only loose out on the salary they have so earned but even the orders of promotion etc which they have acquired over a period of time on the basis of the date of their initial absorption on their respective post and position gets altered.”

6 After having heard learned counsel for the parties and after going through the documents available on record, it appears that before issuance of impugned order contained in Memo No 746 dated 29.06.2018, no notice was given to the petitioner and therefore, the impugned order contained in Memo No 746 dated 29.06.2018 deserves to be set aside and is, accordingly, set aside.



7 The respondent-authorities are directed to take corrective measures and restore the benefit of 6th and 7th pay revision which was granted to the petitioner prior to passing of Memo No 746 dated 29.06.2018 and if they desire to cancel the same then the same can be done only after following due process of law, i.e. after issuance of proper notice to the petitioner and after considering the reply, if any, to be filed by the petitioner. It is further clarified that so far the ground taken in the counter affidavit that the service of the petitioner for the period 01.11.1999 to 17.04.2000 has not been verified and there is a break in service, therefore, the benefits of 6th and 7th pay revision has been withdrawn is concerned, the respondent-authorities would look into the matter and take corrective measures, since the same has to be rectified by them only.

8 The writ petition is allowed in the aforementioned terms.

(Ritesh Kumar, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2026
Transmission Date	NA

