

Arun Kumar Paswan S/o Late Tulsi Paswan, Resident of Village- Chamhera,
P.O.- Oriyawan, P.S.- Ekangarsarai, District- Nalanda.

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Engineer in Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Vishweshraiya Bhawan, Patna.
4. The Chief Engineer, National Highway, Public Works Department, Vishweshraiya Bhawan, Patna.
5. The Executive Engineer, Department of Road construction National Highway Division, Patna.
6. The Executive Engineer, Department of Road Construction National Highway Division, Gulzarbagh, Patna.
7. The Executive Engineer, Department of Road Construction National Highway Division, Gaya.

... .. Respondent/s

For the Petitioner/s : Mr.Jitender Kumar, Adv.
For the Respondent/s : Mr.Standing Counsel (16)

3 23-06-2026 Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

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

i. For issuance of a writ of mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the concerned respondents to fix and pay the arrears of salary of the petitioner as per seventh pay commission since



01.04.2016 till date with statutory interest as inspite of order of this Hon'ble Court dated 28.01.2022 passed in CWJC No.- 2948 of 2021 and inspite of approval of the Superintendent Engineer, National Highway Division, Dehri-on-Sone as contained in his Memo No.-102 dated 22.04.2022, the petitioner had not been paid the aforesaid till date in a very illegal way by the respondents.

ii. For issuance of a writ of mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the concerned respondents to pay the petitioner his 1st, 2nd and 3rd ACP/MACP/ Time Bond Promotion (which ever is applicable in the case of the petitioner) with all consequential benefits in view of the aforesaid order of this court and the aforesaid approval of the competent authority taking into account his entire period of service as petitioner has been placed in regular service.

iii. For any other relief/ reliefs for which the petitioner is entitled under law.

3. Learned counsel for the State has raised a preliminary objection and submits that the grievance of the petitioner is well covered under the Bihar Government Servant Grievance Redressal Rules, 2019 (hereinafter referred to as the 'Rules of 2019').

4. In light of the submissions made by the parties and upon perusal of the said Rule, it transpires to this Court under



Rule 2(C) of the Rule of 2019 the word 'complaint' has been defined as follows :-

*(c) 'Complaint' refers to all matters relating to the service and service benefits of serving and retired personnel of State Government as - (1) related to appointment (2) Service confirmation related (3) related to salary payment and increment (4) **promotion**, A.C.P., M.A.C.P. related (5) priority/preference assessment related (6) related to the approval of leaves other than casual leave (7) related to salary during leave (8) related to approval and payment of allowances (9) Medical reimbursements (10) related to payment of retirement benefits such as pension, gratuity, group insurance, encashment of the unavailed leaves and payment of General Provident Fund.*

However, if any of the above related matter is under any Court's consideration then it will not be considered as a complaint under this system.

But further, matters relating to disciplinary & departmental action, and transfer / posting / deputation will not be included as complaints under this. Any case, under the Right to Information Act, 2005 will also not be considered as a complaint under this system.

and procedure for filing complaint has also been prescribed under Rule 3 of the said Rule of 2019 as under :

3. Procedure for filing a complaint: Procedure for registering complaints related to service matters and retirement benefits will be as follows -

(a) Any employee of the Bihar State Government, serving or retired, of any group can file any complaint related to their service matters and/or retirement benefits, through online mode. In the event of death of a Government Personnel, complaint can be lodged by his/her dependent, The applicant will have to mention the details of the office / officer, his/her complaint is related to. Other relevant details will also have to be provided in the online application.

(b) In one application, complaint related to only



one subject can be filed. Since no fee is required for registering a complaint, therefore, if a complainant wants relief in more than one subject then he/she has to register a separate application for it. In spite of this, if in the same application relief on more than one subject is being sought for, then in that case, the first issue mentioned in the complaint application will be considered as the complaint and further action will be taken on the same.

5. In this background, the petitioner is granted liberty to file a complaint under the provisions of the Rules of 2019 within 30 days from today. Upon filing of the said complaint, the authority concerned shall pass orders within the time specified in the said Rules of 2019 strictly.

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

(Dr. Anshuman, J)

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