IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7244 of 2021

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Kapil Deo Mehta Son of Khushi Lal Mehta, Resident of Village - Shivpuri Ward no. 9, P.O., P.S. and District - Araria.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Finance Department Bihar, Patna.
3. The Divisional Commissioner Purnea Division Purnea.
4. The District Magistrate Araria.
5. The Additional Collector Araria Cum Appellate, Authority District Araria under Bihar Government Grievance Reddressal Rules.
6. The Establishment Deputy Collector Araria.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Munish Kumar, Adv.
Ms. Minakshi Kumari, Adv.
Mr. Munna Raj, Adv.
Mr. Sitanshu Shekhar Kumar, Adv.
For the State : Mr. Kumar Samarjeet Singh, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 20-08-2026

Heard Mr. Munish Kumar, learned Advocate for the petitioner and Mr. Kumar Samarjeet Singh, learned Advocate for the State.

2. The grievance of the petitioner is in limited bound, with respect to payment of deputation allowance, which is said to have been turned down vide order dated 21.12.2020 passed by the Appellate Authority under the Bihar Government Servant Grievance Redressal Rules 2018.

3. Learned Advocate for the petitioner has submitted

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that the claim for payment of the deputation allowance @ 2.5% of basic pay has been turned down by the authority without proper appreciation of resolution No. 8043 dated 11.10.2017 issued by the Finance Department.

4. Notwithstanding the aforesaid fact, now the Finance Department has come out with a fresh letter contained in Memo No. 6011 dated 10.07.2023, wherein the Finance Department has appraised that the Government Servants are entitled to be paid House Rent Allowance and Traveling Allowance in terms of Bihar State Government Servant (House Rent Allowance) Rules 1980 as amended time to time.

5. In view of the subsequent development, now the petitioner seeks a direction upon the concerned respondent to consider the claim of the petitioner afresh.

6. Learned Advocate for the State referring to the materials available on the counter affidavit has, though submitted that the claim of the petitioner has already been turned down. However, he fairly submits that there is no discussion with regard to the subsequent letter issued by the Finance Department under Memo No. 6011 dated 10.07.2023.

7. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note

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of the admitted position that the claim of the petitioner has never been considered in the light of the subsequent resolution/letter contained in Memo No 6011 dated 10.07.2023, this Court deems it fit and proper to dispose off the writ petition with a direction to the District Magistrate, Araria to consider the claim of the petitioner afresh in the light of the aforenoted letter contained in Memo No 6011 dated 10.07.2023 and pass appropriate order, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. Suffice it to observe that the earlier order dated 21.12.2020, whereby the claim of the petitioner came to be rejected would not come in the way while passing the fresh order, in accordance with law.

9. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.08.2026
Transmission Date	

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