

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.210 of 1998

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1. Mahadeo Ram son of Late Shivnandan Ram, Directorate, Agriculture, Bihar, Patna.
 2. Subhash Narain Singh son of Late Dinanath Singh, Directorate, Agriculture, Bihar, Patna.
 3. Lav Kumar Mishra son of Bhagwan Mishra, deputed at Directorate, Agriculture, Bihar, Patna.
 4. Kandhiji Prasad Yadav son of Sri Ram Bilash Prasad, Directorate, Agriculture, Government of Bihar, Patna.
 5. Karun Kumar Sinha son of Sri Ganesh Prasad, Directorate, Agriculture, Bihar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Agriculture Department, New Secretariat, Patna
2. The Joint Secretary , Agriculture Department, New Secretariat, Patna
3. The Under Secretary, Agriculture Department, New Secretariat, Patna
4. The Director of Agriculture, Agriculture Department, New Secretariat, Patna.
5. Finance Commissioner, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHARVESH CHANDRA VERMA
Mr. Rekha Mukund
For the State : Mr. Manish Kumar, G.P.-8
Mr. Prashant Kumar, A.C. to G.P.-8

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 06-02-2015

1. No one appears on behalf of the petitioners. Learned counsel representing the Respondents-State of Bihar is present.

2. Following relief has been sought for in the present writ application:-

- a) "That by an order or by a direction or by any other appropriate writ, the petitioners want implementation of the order passed in C.W.J.C. No. 6059/90 on 05/11/92 by a Division Bench of this Hon'ble Court and accordingly

direct by a Writ of mandamus to treat the petitioners at par with the upgraded employees belonging to category I in the department of Agriculture, Government of Bihar by granting them upgraded Scale of Pay which was Rs. 1, 000/- to Rs. 1820/- at the time of filing of the Writ petition and which is to be fixed as Rs. 2200/- to Rs. 4000/- according to the Fifth Pay Revision Committee which has recently been upgraded to the Scale of Rs. 2000/- to 3800/-.

- b) That the petitioners further pray for an indulgence to interpret threadbare the issues got involved in M.J.C. No. 2323/95 wherein and whereby there is a direction to get the whole thing properly adjudicated so that the Officers responsible for committing the Offence of Contempt of Court may be punished.
- c) That the petitioners further pray to give a specific direction to upgrade the petitioners at par with the employees belonging to category I with effect from the date of upgradation of the posts of category-I employees i.e. 18/9/87 or at least from the date of the filing of the Writ petition alongwith a suitable interest thereon.
- d) The petitioners further pray for quashing of the Government decision taken in the file but notification or order to this effect has not yet been issued be called for an quashed by a Writ of “Certiorari” as being Violative of Article 14 and 16 of the Constitution of India and also Violative of the orders passed in C.W.J.C. No. 9217/88 differentiating the two classes of employees.
- e) That the petitioners further pray to grant any other relief/reliefs to which the petitioners may be found entitled in law as well as in the facts and circumstances of the case.”

3. From the pleadings, I find that there is no averment as to which post the petitioners were holding at the same time of institution



of the writ application on the basis of which they have claimed relief. The only plea which the petitioners have taken is that they should be granted the scale of Rs. 2200-4000, by implementing the order of this Court dated 05.11.1992 passed in C.W.J.C. No. 6059 of 1990. The order has been brought on record by way of Annexure-1 to the writ application. The order dated 05.11.1992 in C.W.J.C. No. 6059 of 1990 has been passed in terms of an earlier judgment of this Court dated 26.05.1992 in C.W.J.C. No. 768 of 1991 (Awadh Bihari Singh and Ors. Vs. State of Bihar & Ors.) and C.W.J.C. No. 9217 of 1988 (Vidyanand & Ors Vs. State of Bihar & Ors.). At the first place, I find that in none of the orders passed by Division Bench of this Court as noted above, the Court allowed scale of Rs. 2200-4000. The only relief which was granted by the Division Bench of this Court in its judgment dated 26.05.1992, was that persons holding the post of Block Agriculture Officer shall also be considered for upgradation, as done in the cases of Block Agriculture Inspectors.

4. Learned counsel for the State of Bihar has relied upon a Division Bench judgment of this Court reported on 2008(3) P.L.J.R. 219 (Bihar Agriculture Graduate Service Association & Ors. Vs. State of Bihar & Ors.) and has submitted that the petitioner cannot be granted the relief as sought for in the writ application. This is admitted position and as has been held by the Division Bench in case

of Awadh Bihari Singh and Ors. (supra) that the said scale of Rs. 2200-4000, upon implementation of recommendation of 5th Pay Revision Committee, is admissible to only members of State Services including Bihar Agriculture Service (Class II). The petitioners admittedly do not belong to the Bihar Agriculture service (Class II).

5. In view of above, no relief can be granted. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

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