

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1545 of 2012

IN

Civil Writ Jurisdiction Case No. 4368 of 2012

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1. Sri Bhagwan Singh S/O Late Durga Prasad Singh General Secretary Bihar Jail Men'S Association at Head Office Beur, Patna.

.... Appellant/s

Versus

1. The State Of Bihar through Inspector General (Prison) Bihar, Patna.
2. The Special Commissioner Of Finance Department, Bihar, Patna.
3. The Additional Secretary Finance Department, Bihar, Patna.
4. The Special Secretary cum Commissioner, Home Department, Government Of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Khurshid Alam

For the Respondent/s : Mr. Anjani Kumar, AAG 6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-07-2015

Heard counsel for the appellant and counsel for the State.

Writ application was filed by the appellant in his individual capacity as well as General Secretary of Bihar Jail Men's Association. Prayer was to consider for increase the ration allowance at par with constables of Bihar Police and for quashing of the impugned order dated 6.1.2012, which rejected such a relief or prayer.

The order dated 6.1.2012 passed by the IG (Prisons) has also been annexed as Annexure- A to the counter affidavit of respondent no.1 and 4. The rational and reasoning given including the principle of law settled by Hon'ble the Apex Court in State of UP vs.

J.P.Chaurasia, (1989) 1 SCC 121 was also relied upon as a ground of rejection of such claim or plea.

The learned Single Judge, however, went into the details of the so-called submissions and parity which has been sought to be demonstrated but this parity was not found coupled with the fact that there is no provision, which is in place. Provision akin to Rule 760 of Bihar Police Manual is not there either in Bihar Jail Manual or the Bihar Jail Service Rules, 1953.

Even otherwise such decisions for grant of benefits fall within the domain of expert bodies and the State who have some leeway. The kind of equality, which the petitioner is seeking vis- a-vis constables, is not available looking at the nature of work being performed by the petitioner and constables of Bihar Police performing the duty.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajendra Kumar Mishra, J)

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