

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15199 of 2006

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Bihar State Live Stock Assistant Association through its General Secretary Ram Sakal Das, village & P.O.- Thumma, P.S.- Runni Saidpur, District- Sitamarhi, Office-Animal Husbandry and Production Sansthan, Bihar, Patna, Gardanibagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary/Commissioner, Department of Finance, Government of Bihar, Patna.
3. The Secretary, Department of Animal Husbandry, Government of Bihar, Patna.
4. The Additional Secretary, Department of Animal Husbandry, Government of Bihar, Patna.
5. The Joint Secretary, Department of Finance, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi
Mrs. Shally Kumari

For the Respondent/s : Mr. Binay Kumar Pandey, A.C. to G.A.-3.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 11-05-2015

Heard Mr. Siya Ram Shahi for the petitioner and Mr. Pandey, A.C. to G.A. 3 for the State. A counter affidavit has been filed on behalf of State respondents. Rejoinder thereto has been filed by the petitioner. The petitioner filed I.A. No. 2747 of 2014 to call in question the resolution of the Government issued in the Department of Finance dated 08.06.1999 (Annexure-18) whereby even the Routine Clerk, Senior Bill Clerk etc. who were getting the existing pay-scale of Rs. 1200-1800/- were given the replacement/revised pay-scale of Rs. 4,000-6,000/- in the light of recommendation of the Fitment Committee.



The petitioner is the association of Live Stock Assistants who are working in the Animal Husbandry and Fisheries Department of the Government. They were treated up to the stage of recommendation and implementation of the report of 4th Pay Revision Committee (for short “PRC”) at par with the Clerks/Basic Health Workers. While implementing the recommendation of the 5th PRC, they were placed at the lower scale of pay. This gave an occasion to the association to file a writ petition vide C.W.J.C. No. 9049 of 1996 (State Live Stock Assistant Association and Ors. versus The State of Bihar and Ors.). The writ petition was disposed of on 07.04.1997, paragraph 12 whereof reads as under:-

“Accordingly, this writ application is allowed to the extent indicated above, with a direction to the respondents to grant the same scale, as has been made available to the Clerks with effect from the day, they were provided. But in the facts and circumstances of the case, there shall be no order as to costs.”

The respondents State, feeling aggrieved thereby, filed a writ appeal. However, the members of the petitioner association by order dated 24.04.1998 (Annexure-3) were allowed pay-scale of Rs. 1200-1800/- provisionally subject to the final result of the appeal. Indisputably, the said scale is now admissible to the members of the petitioner Sangh upon dismissal of the writ appeal.

It appears, the State respondents approached the Fitment Committee constituted for consideration of the recommendations of



the 5th PRC. On consultation and after receiving certain recommendations from the Fitment Committee, the Government in the Department of finance came out with another resolution dated 08.06.1999 (Annexure-18) whereby pay-scale of at least 70 posts mentioned in Annexure-V of the report of the 5th PRC was revised. The said resolution of the Government has also been assailed by filing the interlocutory application.

Mr. Shahi has drawn attention of the Court to the schedule appended to the said resolution in order to contend that Routine Clerk who were getting existing pay-scale of 975-1540/- were given revised pay-scale of Rs. 4,000-6,000/-. Similarly, the Bill Clerk or Senior Bill Clerk who were getting the scale of pay of Rs. 1200-1800/- were given revised pay-scale of Rs. 4,000-6,000/-. Clerk-cum-Typist who were getting Rs. 950-1400/- were given pay-scale of Rs. 4,000-6000/-. He drew attention of the Court to the operative part of the writ order (extracted hereinabove) in order to submit that the Writ Court had directed the respondent State to treat the members of the petitioner association at par with the Clerks. The respondents have granted them revised pay-scale of Rs. 3,050-4590/-. It is not only discriminatory but also non-compliance with the direction issued by this Court (Annexure-2).

Mr. Pandey, on the other hand, submits that the reasons



for grant of lower revised pay-scale have been set out in detail in the counter affidavit. According to him, the consideration was not the parity between the two scales allowed within the State. The main focus was to give the scale of pay admissible to the government employees at par with the employees of the central government.

If the direction of the Writ Court dated 07.04.1997 (Annexure-2) is to be kept in mind and the fact that after the recommendation of the 5th PRC and the Fitment Committee, the State Government on the basis of certain recommendation/approval of the Appellate Committee effected change in the pay-scales of several posts vide Annexure-18 wherein posts in the pay-scale of Rs. 1200-1800/- or even less were given the revised scale of pay of Rs. 4,000-6,000/- w.e.f. 1.1.1996 then the grievance which have been raised here may have some substance, such grievance till date has not been examined/considered by the respondent.

In the facts and circumstances of the case and considering the larger effect thereof, this Court would direct the petitioner to raise a grievance with regard to the defects in granting the scale of pay of Rs. 3,050-4,590/- to the members of the petitioner Sangh who were already directed to be treated at par with the Clerks/Basic Health Workers who, as it appears from Annexure-18 (although the nomenclature are different) were granted the revised



pay-scale of Rs. 4,000-6,000/- before the Principal Secretary, Department of Finance, Government of Bihar. If a representation in this regard is filed, the Principal Secretary, Department of Finance will examine the said grievance of the petitioner in the light of facts stated therein keeping in mind the direction which was issued by this Court in C.W.J.C. No. 9049 of 1996 (Annexure-2) as quickly as possible preferably within two months and dispose of by a reasoned order. In case the grievance of petitioner is held justified, the said respondent will take steps for directing revision of the pay-scale of the petitioner accordingly in the light of the order passed on the representation.

The writ application is disposed of with aforesaid direction(s)/observation(s).

(Kishore Kumar Mandal, J)

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