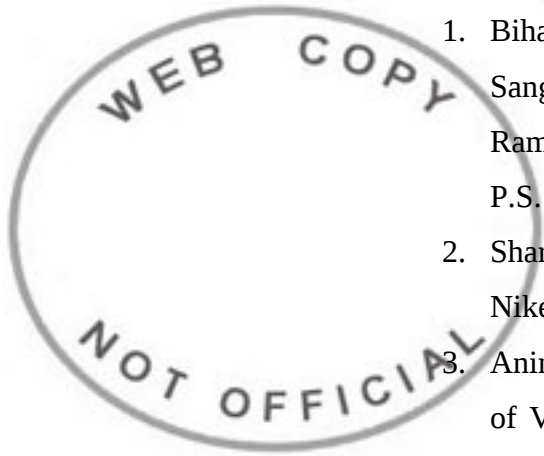


**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10423 of 2014**



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1. Bihar Rajya Koshagar Evam Lekha Nideshalya Arajpatrit Karamchari Sangh through its General Secretary Dhananjay Sharma, son of Late Ram Ekbal Singh, Resident of 24/H/8, West Anandpuri, Mandir Marg, P.S. North S.K. Puri, Patna
  2. Sharad Bharti, Son of Late Radhey Krishna Prasad, Resident of Vimal Niketan, Naya Tola, P.S.- Kazi Muhammadpur, District- Muzaffarpur
  3. Anima Srivastava, Daughter of Late Kamal Narain Srivastava, Resident of Vimal Niketan, Naya Tola, P.S.- Kazipur Mohammadpur, District- Muzaffarpur
  4. Satyajit Sanjay, Son of Late Akhauri V. P. Verma, Resident of Niteshwar Prasad Marg Naya Tola, P.S.- Kazipur Mohammadpur, District- Muzaffarpur

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna
3. The Addl. Secretary, Finance Department Government of Bihar, Patna
4. The Deputy Secretary, Finance Department, Government of Bihar, Patna
5. The Officer on Special Duty (OSD), Department of Finance, Government of Bihar, Patna
6. The District Magistrate, Muzaffarpur
7. The Treasury Officer, Muzaffarpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Singh, Advocate.

For the Respondent/s : Mr. Ram Balak Mahto

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

the following relief prayed in this writ application:

*"1.(a) For quashing the order/guidelines contained in the letter bearing no. 4464 dated 26.05.2014 issued under the signature officer on Special Duty, Department of Finance, Government of Bihar, Patna whereby against the policies/resolutions issued by the Finance Department, Government of Bihar time to time, it has been intimated to the District Magistrate, Muzaffarpur that the clerks appointed in the Treasury from different sources may be transferred in any office of the District and for their transfer, the District Magistrate is the competent authority.*

*(b) For a direction to the concerned authority to not disturb the service conditions of the clerks including the petitioner nos. 2 to 4 posted in different Treasuries of the State and to transfer them only in the Treasury in accordance with the previous policies/resolutions issued by the Department of Finance time to time."*

2. Subsequently, the petitioners have also filed I.A. No. 7668 of 2014 wherein they have assailed the order dated 20.09.2014 whereby and whereunder the petitioner nos. 2, 3 and 4 have been transferred on the post of Clerk in the Circle Office, Bochahan, District Planning Office, Muzaffarpur and Block Office, Aurai respectively.

3. While, this Court will have no difficulty in coming to the conclusion that the Government, being the employer, has inherent power to either amalgamate or separate the different post in one cadre or create different cadres, and that a conscious decision has been taken for making the post of Clerk of the

Treasury also anywhere of the District cadre of the Clerk and consequently, the transfer of Clerks working in the Treasury is permissible.

4. All that has to be only clarified here is that whenever such a transfer or deputation of the employees is made, they must be given protection of their salary and seniority of the post, where they were posted earlier. In other words, if the petitioner nos. 2 to 4 have been sent on deputation during pendency of this writ application and they have also joined on such post, they must be given the same salary to which they were drawing and the seniority position prior to transfer/deputation.

5. With the aforementioned observation, this writ application is disposed of.

6. I.A. No. 7668 of 2014 stands disposed of.

**(Mihir Kumar Jha, J)**

Sujit/-

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