

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2783 of 2012

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1. Pramod Kumar S/O Late Ganga Sagar Chaudhary R/O Mohalla - Rajiv Nagar, P.S. Rajiv Nagar, Town And District Patna, Presently Posted As Senior Accounts Clerk In The Office Of Executive Engineer, Rural Works Department, Works Division, Hathua, District - Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
 2. Sri Pratay Amrit Son Of Not Known To The Petitioner, Presently Posted As The Principal Secretary, Road Construction Department , Government Of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna
 3. Dr. B. Rajendra Son Of Not Known To The Petitioner, Presently Posted As The Principal Secretary, Rural Works Department, Government Of Bihar, Patna
 4. Sri Rameshwar Singh Son Of Not Known To The Petitioner, Presently Posted As The Principal Secretary, Finance Department, Government Of Bihar, Patna
 5. Sri Sanjay Kumar Singh Son Of Not Known To The Petitioner, Presently Posted As The Executive Engineer, Rural Works Department, Works Division, Hathua, District - Gopalganj

.... Respondent/s

with

Miscellaneous Jurisdiction Case No.3243 of 2012

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1. Ashok Kumar son of Parnarathi Sharma, R/O Mohalla-West Lohanipur, P.O.Kadamkuan, PS-Kadamkuan, Distt-Patna, Retired Senior Accounts Clerk in the office of the Executive Engineer, Planning & Monitoring Division, Water Resources Department, Government of Bihar, Patna.
 2. Satyendra Kumar Singh son of Late Rameshwar Singh, R/O Mohalla-Ram Krishna Nagar, P.O. Jaganpura, PS-Ram Krishna Nagar, Distt-Patna, Retired Senior Accounts Clerk in the office of the Executive Engineer, Planning & Monitoring Division, Water Resources Department, Government of Bihar,

.... Petitioner/s

Versus

1. The State of Bihar
 2. Shri Pratyay Amrit son of not known to the petitioner, presently posted as the Principal Secretary, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
 3. Shri Rameshwar Singh, son of not known to the petitioners, presently posted as the Principal Secretary, Finance Department, Government of Bihar, Patna.
 4. Shri Anirudh Prasad Singh son of not known to the petitioners, presently posted as the Finance Commissioner, Government of Bihar, Patna.
 5. Shri Indrajeet Saxena, son of not known to the petitioners, presently posted as the Chief Engineer, Waster Resources Department Patna.

.... Respondent/s

Appearance :

(In MJC Nos.2783 & 3243 of 2012)

For the Petitioner/s : Mr. S.B.K Mangalam, -Advocate

For the Respondent/s : Mr. Lalit Kishore, PAG

Mr. Md.Nasrul Hoda, SC-18

Mr. Md. Anis Akhtar, AC to GA-1
Babita Kumari, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

7 04-07-2016 Heard learned counsel for the petitioners as well as learned PAG.

2. In pursuance of order dated 28.06.2016 supplementary show-cause has been filed wherein at para-4, it has been enumerated that the order impugned has been complied with by way of granting first ACP in favour of petitioners.

3. Learned counsel for the petitioners has submitted that though the first ACP has been granted but cunningly the Department has withheld that in what manner the pay-scale of petitioners is going to be fixed. Drawing attention towards Annexure-7 of supplementary affidavit, it has been submitted that by way of replacement scale the entrant Accounts Officer has been provided with PB-3 with Grade Pay 5400/- after four years of service and confirmation.

4. Because of the fact that no such condition would be applicable with regard to petitioners on account thereof, they be directly allowed to avail scale of PB-3 with Grade Pay 5400/-

5. The learned PAG has submitted that by the order impugned as well as under LPA direction was to give first ACP and that has been given. Fixation of pay, entitlement of second ACP are consequential benefit arising thereof. So submitted that

the instant MJC is fit to be dropped.

6. Gone through the order impugned as well as order passed in LPA No. 1260/2012 and after parallel scrutiny of the same, it is evident that the respective orders relate with grant of first ACP which has been complied with. Therefore, this MJC has become fruitless and is, accordingly, dropped.

7. However, It is expected at the end of the Department to avoid multiplicity of the litigation, will adopt proper recourse in identifying the proper pay-scale whereunder, the petitioners would be entitled for basic pay most probably PB-3 with Grade Pay 5400/-. It is also made clear that in case of grievance, if any, petitioners will be at liberty to approach the Court.

(Aditya Kumar Trivedi, J)

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