

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13083 of 2011

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Gokul Prasad Yadav S/O Jagarnath Yadav R/O Vill. & P.O.- Bari
Khanjarpur, P.S.- Barari, Distt.- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Principal Secretary, Health Department, Government of Bihar, Patna
4. The Director-in-Chief, Health Services, Government of Bihar, Patna
5. The Principal, Jawahar Lal Nehru Medical College, Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap

For the Respondent/s : AC to Addl. Advocate General - 4

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 11-08-2016 Heard Sri Shanti Pratap, learned counsel for the
petitioner and learned A.C. to Addl. Advocate General – 4.

In the present writ petition, filed under Article 226 of
the Constitution of India, the petitioner has made a prayer to direct
the respondents to pay revised pay to the petitioner in the scale of
Rs. 4500-7000 w.e.f. 01-01-1996 at par with the Laboratory
Technician.

It has been claimed that the petitioner, being Media
man, was performing the same duty, as of Laboratory Technician
and as such, he is entitled to get the same scale.

Short fact of the case is that the petitioner was initially
appointed as Animal-keeper in Microbiology Department,



Bhagalpur Medical College, Bhagalpur. Subsequently, he was posted as Laboratory Attendant and finally, by order contained in Memo no. C-89/202 dated 19-01-1989 issued under the signature of Principal, Bhagalpur Medical College, the petitioner was promoted to the post of Media man. A plea has been taken that one another Media man namely Sri Bharat Singh, on the ground that qualification for Media man & Laboratory Technician and nature of job were similar, claimed for the pay-scale of Laboratory Technician. Since his grievance was not redressed, he filed a writ petition before this Court, vide C.W.J.C. No. 7258 of 1997, which stood disposed of on 07-12-1998, with a direction to Director-in-Chief to take decision within specified time.

Learned counsel for the petitioner has placed reliance on **Annexure – 9** to the present petition i.e. an order contained in Memo no. 22 dated 14-08-1999. It has been argued that the case of Bharat Singh, who was Media man, was considered and he was directed to be given the identical pay-scale, which was provided to Laboratory Technician. It has been argued that once in an identical situation, relief has been granted to one person, the petitioner is also entitled to get same relief. For the relief, which has been sought for in the present writ petition, the petitioner had filed representation before the authority concerned, however; no

decision was taken and thereafter, he was constrained to approach this Court by filing the present writ petition, which was filed in the month of August, 2011. However, during the pendency of this petition, the petitioner superannuated w.e.f. 31-01-2014.

In this case, separate counter affidavit on behalf of respondent no. 3 & 4 and respondent no. 5 has been filed. In counter affidavit filed on behalf of respondent no. 3 & 4, it has been indicated that the Director-in-Chief by its letter dated 25-06-2012 had asked the Principal of the College that being competent authority, he was to grant the replacement scale of Rs. 1320-2040 to the petitioner w.e.f. 01-01-1996 and the Principal was directed to give the revised pay-scale to the petitioner and get approval thereafter.

In counter affidavit filed on behalf of respondent no. 5/Principal, it has been stated that the petitioner, while functioning as Media man, has finally retired. It has also been indicated that the respondent no. 5/Principal had also requested the Director-in-Chief, Health Services, Bihar to clarify the claim of admissibility.

After hearing learned counsel for the parties and considering the fact, particularly; the fact that in case of one Bharat Singh, who was Media man like the petitioner, since the pay-scale was revised and directed to be paid similar to the pay-

scale of Laboratory Technician, there is no reason to deny the same relief to the petitioner.

Accordingly, in terms of order contained in **Annexure – 9** to the writ petition, which was issued in view of order passed by this Court in C.W.J.C. No. 7258 of 1997, the writ petition is allowed with direction to provide the same scale to the petitioner, which was provided to Sri Bharat Singh, in view of **Annexure – 9** to the writ petition.

The writ petition is allowed with all consequential benefit.

All the formalities are required to be completed within a period of three months from the date of receipt/production of a copy of this order.

(Rakesh Kumar, J.)

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