

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.545 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 18229 of 2012

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1. Bhola Prasad Verma, Son Of Late Girija Prasad, Resident Of Village- Mangalpur Gudariya, P.S.- Nautan, District- West Champaran, At Present, Nil Chitrak, Office Of The Superintending Engineer, Tirhut Nahar Anchal, Bettiah, District- West Champaran
 2. Chitranjan Kumar Son Of Late Vyas Pandit, Resident Of Village- Bairagi Para, P.S.- Barharwa, District- Sahebganj (Jharkhand), At Present, Nil Chitrak, Jal Nissaran Anushandhan Pramandal, Bettiah, District- West Champaran

.... Appellant/s

Versus

1. The State Of Bihar through The Principal Secretary, Water Recourses Development Department, Sichai Bhawan, Hardinge Road, Patna
2. The Principal Secretary, Finance Department, Old Secretariat, Bihar, Patna
3. The Chief Engineer, Water Recourses Department, Balmiki Nagar, District- West Champaran
4. The Superintending Engineer, Tirhut Nahar Anchal, Bettiah, District- West Champaran
5. The Executive Engineer, Jal Nissaran, Anushandhan Pramandal, Bettiah, District- West Champaran
6. The Executive Engineer, Tirhut Nahar Pramandal-1, Motihari, District- East Champaran

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Thakur, Adocate
For the Respondent/s : Mrs. Namrata Mishra, GA 6

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 23-08-2016

The challenge in the present Letters Patent Appeal is to an order dated 23.01.2014 passed by the learned Single Bench whereby the claim of the appellants for payment of salary at par with those Clerks who were appointed after 08.12.2004 was dismissed. The appellants were appointed as Blue Printer (*Nil Chitrak*) in the year 1994 and 1998 respectively. The technology of use of Blue Printer became obsolete; therefore, the appellants were adjusted against the post of Clerk in Group-C.

The grievance of the appellants is that they should have been given higher pay scale and not to protect the pay scale given to the appellants while absorbing them as Class III employees.

The fact is that the appellants were appointed as Blue Printer and are entitled to pay scale as is payable to the said post. Since Blue Printers are not required any longer, therefore, the appellants cannot claim higher pay scale merely for the reason that they have been designated as Clerk. The right of the appellants has to be treated as Blue Printer alone.

In view of the said fact, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal and the same stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P.Kumar

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