

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3758 of 2013

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1. Dr. Jitendra Kumar Deepak S/O Sri Prasadi Sah R/O Village- Nichali Bazar, Rajgir, Distt.- Nalanda, At Present Posted As T.V.O., At Govt. Veterinary Hospital, Jandaha, Distt.- Vaishali
 2. Dr. Kumar Shambhu Sharanam S/O Shri Chetan Manjhi R/O Villge- Vikash Sultan, P.S.- Bhagwanpur, Distt.- Begusarai, At Present Posted As T.V.O. At Govt. Veterinary Hospital, Dhanarua, Distt.- Patna
 3. Dr. Santosh Kumar S/O Sri L.B. Manjhi R/O Village At Present Posted As T.V.O. At Govt. Veterinary Hospital, Bahrapur, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna
2. The Principal Secretary, Finance, Govt. Of Bihar, Patna
3. The Deputy Secretary, Deptt. Of Finance, Govt. Of Bihar, Patna
4. The Dy. Secretary (Personal Claim Fixation Cell), Govt. Of Bihar, Patna
5. The Secretary/Commissioner Animal Husbandry Department, Govt. Of Bihar, Patna
6. The Director, Animal Husbandry Department, Govt. Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh No. 1
For the Respondent/s : Mr. Anil Kr Uapdhyay Sc20

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 **17-02-2016** Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners have entered into the service in the year 2005. The Sixth Pay Commission has been enforced with effect from 01.01.2006, but the financial benefit has been given with effect from 01.04.2005.

As per the claim of the petitioners, their pay should be fixed in terms of 1st schedule but their pay has been fixed in terms of 2nd schedule. The petitioners further raised grievance that

the junior persons who have joined the service in the year 2007 are getting higher pay than the petitioners and so much so that the pay of the petitioners has been reduced from the year 2010 without any valid reason.

It is known principle of law that a person of the same cadre or same class will not get his pay less than to his junior, atleast he should get the salary what his junior is getting.

Learned counsel for the State submits that the matter relates to the Finance Department, it will be proper that the Principal Secretary be directed to look into the matter for resolving the dispute.

In such view of the matter, the petitioners are directed to file a representation, giving details of the fact and annexing of the relevant documents. The Principal Secretary will decide the same within a period of eight weeks from the date of filing of such representation.

It is made clear that till then there will be no recovery from the salary of the petitioners.

With these observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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