

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1094 of 2016

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
 2. The Principal Secretary, Finance Department, Government of Bihar, Patna
 3. The Joint Secretary, Finance Department, Government of Bihar, Patna

.... **Appellants**

Versus

1. Navin Kumar , Resident of house No. 465 Nehru Nagar, P.S.- patliputra, District- Patna 800013, Bihar
2. Mritunjay Kumar, Resident of House No. 465 Nehru Nagar, P.s.- patliputra, District- Patna 800013, Bihar
3. Rahesh Ranjan, Resident of Naland Colony, P.O.- B.V. College, P.S.- Rajivnagar, District- Patna 800014, Bihar
4. Rajnish Kumar, P.O.- Mohanpur Punaichak, P.S. Shastri Nagar, District- Patna 800013, Bihar
5. Pankaj Tiwary, Resident of House No. 5 P.S. Shastri Nagar District- Patna, 800013, Bihar
6. Satish Kumar Sinha, Resident of Mohalla B/32, Bank Mens Colony, Chitragupt Nagar, P.S.- Patrakar Nagar, District- Patna- 800020, Bihar
7. Dipankar Navendu, Resident of Kankarbagh Colony, P.S.- Kankarbagh, District- Patna-800020, Bihar
8. Arun Prakash Rajak, Resident of Belabagan, District- Deoghar, Jharkhand
9. Somen Saha, Resident of Suravi Path New Jakkanpur, District, Patna, Bihar
10. Madhurendra Kumar, Resident of Savitri Sadan, Road No. 2 East Shivpuri, P.S.- LBS Nagar District- Patna, Bihar
11. Shrawan Kumar, Resident of Ram Nagari Road, Ashiana Beli Road, P.S.- Rajivnagar, District- Patna, Bihar
12. Ajit Kumar, Resident of Block No. 6, Flat No-5 Adalatganj, District- Patna, Bihar
13. Sanjay Kumar Nirala, Resident of Kayal Bhawan, Punaichak Pump House, P.S.- Shastrinagar District- Patna, Bihar
14. Satish Shandilya, null Resident of village - Haridaspur, Khagaul Canal Road, District - Patna, Bihar
15. Lakshmi Kant Ojha, Resident of House No. 7 Near Surya Clinic, Kidwaipuri, P.S. Buddha Colony, District, Patna, Bihar
16. Ravi Shankar, null Resident of Flat No. 576, Shastri Nagar, District, Patna, Bihar
17. Vinod Kumar, Resident of Village- Maniyari, District- Muzaffarpur, Bihar
18. Md. Kausar Alam, Resident of Azimabad Colony, P.O.- Mahendru, P.S.- Sultanganj, District- Patna, 800006
19. Sri Krishna Kumar Gupta, Resident of Mulchharital, P.S. Khagaul, District- Patna.
20. The Union of India through the Principal Secretary, Department of Finance, New Delhi
21. The Hon'ble Court of Judicature at Patna through its Registrar General.

.... **Respondents**

With

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Letters Patent Appeal No. 1098 of 2016

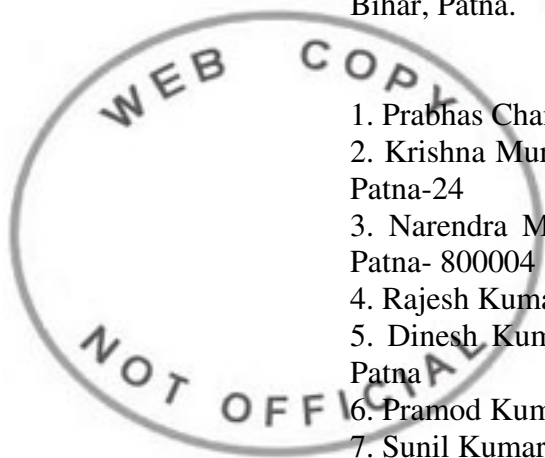
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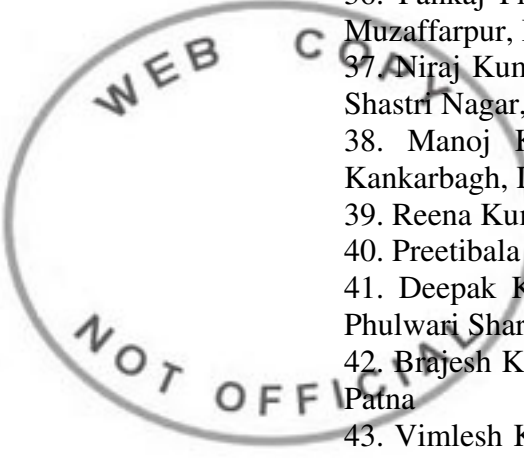
1. The State of Bihar through the Principal Secretary, Department of Finance,
Bihar, Patna.

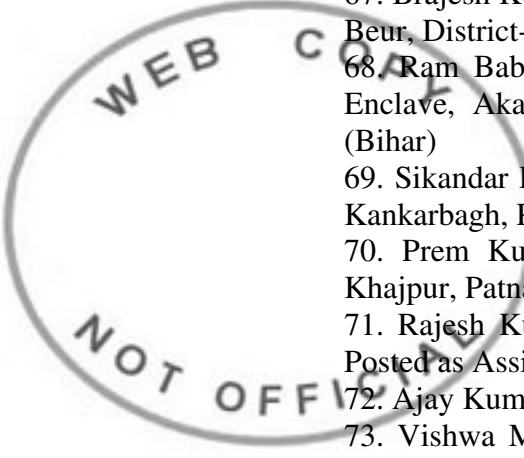
.... **Appellant**

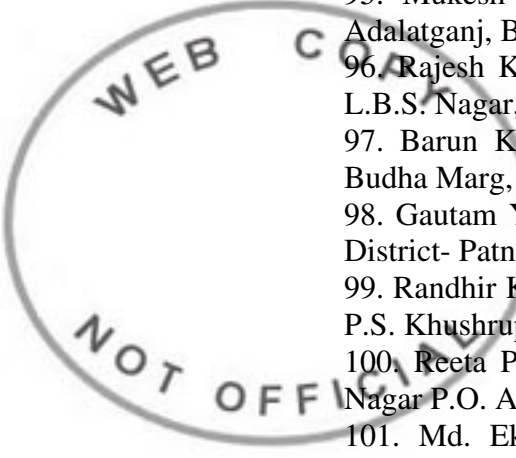
Versus

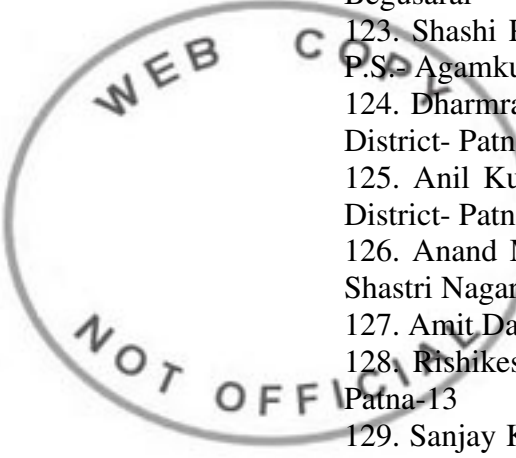
1. Prabhas Chandrakarn, Resident of Flat No. 590, L.B.S. Nagar, Patna
2. Krishna Murari Sharma, Resident of Indrapuri Road No. 9a/49 P.S.- Patliputra, Patna-24
3. Narendra Mohan Roy, Resident of Ramna Lane, Op. Muslim High School, Patna- 800004
4. Rajesh Kumar Dubey, Resident of Adalatganj P.S.- Kotwali, District- Patna
5. Dinesh Kumar Singh, Resident Of Patel Nagar, P.S.- L.B.S. Nagar, District- Patna
6. Pramod Kumar 2, null Resident of Indrapuri, P.S.- Patliputra, District- Patna
7. Sunil Kumar Tiwari, Resident of N. Nagar, P.S.- Patliputra, District- Patna
8. Manoj Kumar Sinha Resident of Tilaknagar, P.S.- Agamkuan, District- Patna
9. Arun Kumar Ranjan, IMC House Mainpura, Patliputra, Patna P.S. Patliputra, Patna
10. Sudhir Kumar Gupta Translator, Road No. 25 Rajiv Nagar Digha P.O. Keshari Nagar Patna P.S. Patliputra, Patna
11. Binay Ranjan ASO, Criminal Disposal Section Patna High Court Patna Gardanibagh P.S. Gardanibagh Patna
12. Parshuram Singh ASO, Criminal Disposal Section, Patna High Court, Patna, Jakanpur, P.S. Jakkanpur, Patna
13. Prakash Ranjan Criminal Disposal Section Adalatganj P.S, Kotwali Disposal.
14. Sunil Kumar Puri, Adalatganj P.S.- Kotwali, District- Patna
15. Rajendra Prasad Gupta, Jakkanpur P.S.- Jakkanpur, Patna
16. Faizul Haque, Resident of At Samanpura, P.O. B.V. College, P.S. Shastrinagar, District- Patna-14
17. Dhiraj Kumar Sinha, Flat No. 3, Block No. 1, Adalatganj, Budh Marg, Patna, P.O.- G.P.O., Thana Kotwali, District- Patna
18. Navin Kumar Mishra, null Rajeev Nagar Thana Rajeev Nagar District- Patna
19. Smt. Veena Singh, Friends Colony Bailey Road Thana Kotwali District- Patna
20. Rajneesh Ranjan, Assistant, Statistical Section Address C/28, Mitramandal Colony Anisabad, Patna
21. Jitendra Kumar Jha, Assistant First Appeal Section Address Gopal Dham Niwas Hanuman Nagar New Punaichak, Patna
22. Dilip Kumar Sinha, Assistant First Appeal Section Address Punaichak, Mohanpur, Patna-23
23. Umesh Kumar, Barewa P.S. Dhaka District- East Champaran
24. Bhawanand Mishra, Indrapuri P.S. Patliputra, District- Patna
25. Shailendra Kumar, Resident of Anisabad P.S. Anisabad District- Patna
26. Usha Kumari, Resident of Ramjechak, P.S.- Digha, District- Patna
27. Ashish Kumar Singh, Resident of BBS Lane P.S. Alamganj Patna
28. Rajiv Ranjan Sahay, Resident of Q.No.C/12 Wt. P.S.- Kotwali, Patna
29. Ajay Kumar Jha, Resident of Flat No. 555 L.B.S. Nagar Patna
30. Mumtaz Shareen, Resident of B/43 Alinagar Anisabad, Patna
31. Aroop Som, Resident of 43 Kidwaipuri Patna
32. Shashi Bhushan Singh, Resident of Village Neyamat P.O. Nenauri District Patna
33. Ajay Kumar Chaudhary, Resident of 1/10 Vivekanand Marg N. Krishnapuri, Boring Road, Patna- 23 P.S. Sri Krishnapuri, Patna

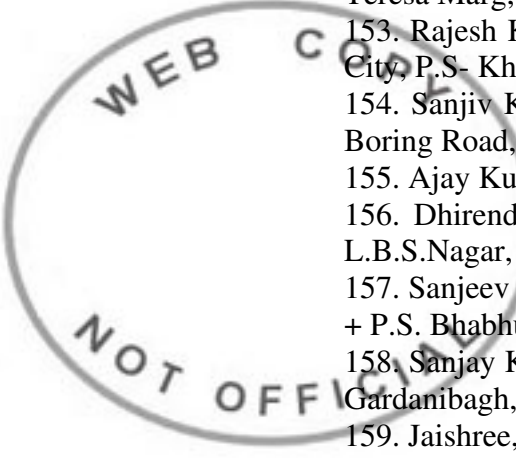


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34. Bishwajit Kumar Sinha, Resident of Mokhtar Toli Nala Road, P.S. Kadamkuan, Patna
 35. Dharmendra Kumar, Resident of village + P.O. Alabalpur P.S.- Gaurichak, District- Patna
 36. Pankaj Pratap, Resident of village + P.P. Kamkhu, P.S.- Gaighat, District- Muzaffarpur, Bihar
 37. Niraj Kumar, Resident of Road No.5, Eastern Side Punaichak, Patna-23, P.S. Shastri Nagar, District- Patna
 38. Manoj Kumar Gupta, Translator Patna High Court Kankarbagh P.S. Kankarbagh, District- Patna
 39. Reena Kumari, Resident of Patel Nagar P.S.- Patelnagar, District Patna
 40. Preetibala Verma, Resident of Chadrayan Shivajeev Path Yarpur, Patna
 41. Deepak Kumar, Resident of Phulwari Khagaul Road Near B.M.P. 16 P.S. Phulwari Sharif, District- Patna
 42. Brajesh Kumar, Resident of Manas Path, Patna City P.S. Khajekalan, District- Patna
 43. Vimlesh Kumar, Resident of Block No. 7 Flat No. 5 Budh Marg Adalatganj, Patna High Court Colony P.S. Kotwali District- Patna
 44. Binay Kumar, Resident of North Bailey Road, Gola Road, Patna P.S. - Danapur District- Patna
 45. Praveen Kumar, Assistant, Patna High Court, Patna. Q.No.-4, B.No.-1, Adalatganj, Ps-Kotwali, Dist- Patna
 46. Vinod Kumar Singh Assistant, Patna High Court, Patna
 47. Praveen Kumar, Resident of Flat No. 3 S.F.B.-1/2, Bhutnath Road, B.H.Colony P.S. Kadamkuan, Patna- 26
 48. Anjay Kumar Sinha, Resident of Flat No. 592 L.B.S. Nagar Near Yadav Bhawan, Patna (Bihar)
 49. Arwind Kumar Sinha, Resident of Purana Jakkanpur P.S.- Jakkanpur, District- Patna
 50. Anand Kumar, Resident of Nandan Niketan Behind Devi Asthan Gurhatta Patna City P.S.- Khajekalan, Patna.
 51. Dilip Narayan Korway Resident of Vidya Nagar, Phase-I, Hassanpura Road, Beur, Ps- Beur, Patna.
 52. Sunil Kumar, Resident of Qr. No. C/6, Road No. 3, Water Tower, Patna
 53. Chitranjan Kumar, Resident of 557, L.B.S. Nagar, Patna
 54. Rakesh Sinha, Resident of Urmila Bhawan, W. Lohanipur, Kadamkuan, Patna-800003
 55. Mitrendu Prakash Singh, Resident of W.S. 6/72, Lohiyanagar, P.S. Kankarbagh, Patna
 56. Nitya Nand Ray, Resident of K-61, P.C. Colony, P.S. Patrakar Nagar, Kankarbagh, Patna-20
 57. Rajendra Rajak, Resident of Mohalla Old Jakkanpur, Post G.P.O., District- Patna
 58. Sachin Kumar Gupta, Assistant, Resident of Kashim Bazar, P.S.- Kazim Bazar, District- Munger
 59. Gagan Kumar Mishra, Resident of Adalatganj, P.S. Kotwali, Patna
 60. Md. Shahnawaz, Resident of Mohalla Paharpur, P.O. Anisabad, P.S. Gardanibagh, District- Patna Pin 800002 (Bihar)
 61. Fanindra Kumar Singh Resident of Qr. No. C/16, Adalatganj, Ps- Kotwali, Dist.- Patna
 62. Manoj Kumar, Resident of At + P.O. Mansore P.S. Ramgarh, District- Lakhisarai
 63. Milesh Chandra, Resident of North Mandiri, P.S. Budha Colony, P.O. G.P.O., Patna

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64. Leena Kumari, Resident of Bihar Sao Lane, Muradpur, Patna- 4
 65. Rajeshwar Pathak, Resident of C/31, Adalatganj, Patna
 66. Dharendra Kumar Singh, Resident of C/o Ramprit Singh, Srikrishna Vihar Colony, Beur, Patna- 2
 67. Brajesh Kumar, Resident of Shiv Nagar Colony, Beur, Anisabad, Patna- 2, P.S. Beur, District- Patna
 68. Ram Babu Panjiyar, Resident of Flat No.- 508, Block 'A' Mundeshwary'S Enclave, Akashwani Road, Khajpura, Patna, P.S. Rajiv Nagar, District- Patna (Bihar)
 69. Sikandar Paswan, Resident of C/o Gurudeo Sharma, J-125, P.C. Colony, P.S. Kankarbagh, Patna-20
 70. Prem Kumar, Resident of C/O D-60, Jyotipuram Colony, Maurya Path, Khajpur, Patna- 14
 71. Rajesh Kumar, Quarter No. 2, Block No. 6, Adalatganj, Patna-1. Presently Posted as Assistant In Centralized Filing Section
 72. Ajay Kumar Rai, Vyas Nagar, A/9, Ashiana Nagar, Patna- 800025
 73. Vishwa Mohan Prasad, Resident of Flat No. 570, L.B.S. Nagar, Patna- 23, Presently Posted as an Assistant Centralised Filing Section, Patna High Court.
 74. Satish Kumar Singh, Resident of Krishnapuri Patna Presently Posted as Assistant Centralised Filing Section, Patna High Court, Patna
 75. Pramod Chandra Jha, Resident of Flat No.554, L.B.S. Nagar, P.O. And P.S. Shastri Nagar, Patna. Presently Posted as Assistant Centralised Filing Section, Patna High Court, Patna.
 76. Binod Kumar, Resident of Flat No. 3(Old) B.No.-1, Ps- Kotwali Dist- Patna
 77. Mahendra Kumar Singh D.60, North Jaiprakash Nagar, Road No. 3, Patna-25
 78. Bhagrashan Manjhi, Resident of Sahay Bhawan Mohanpur Punaichak, Patna- 23
 79. Sanjay Kumar, Resident of P/3, Ashiana Nagar Colony, Phase 1, Patna
 80. Manoj Kumar Mishra, Resident of House No. 251, Ajay Niwas (Near Ban Vibhag), Nehru Nagar, P.S.- Patliputra, Patna
 81. Anupama Resident of New Punaichak, Near Pushpanjali, P.S.- L.B.S. Nagar, Patna
 82. Dr. Iqbal Musa Rahmani Assistant Patna High Court Khajpura, Bailey Road, P.O. B.V.College, P.S. Airport, Patna- 800014.
 83. Rashmi Kumari, Resident of A/49, P.C. Colony, P.O. & P.S. Kankarbagh, Patna- 800020
 84. Amita Kumari, Umakutir, Sharma Path, Rukanpura, Bailey Road, P.S. Rupaspur, Patna.
 85. Rashmi Roushan, Resident of H.O. Lagan Deo Rai, Md. Aziz Lane, Near Gauria Math, Mithapur, P.S. Jakkanpur, Patna
 86. Saira Begum, Resident of 104, Royal Heritage, Ashiana Digha Road, P.O. B.V. College, P.S. Shastrinagar, Patna-14
 87. Umesh Kumar Singh, Resident of W/S Flat No. 6/65, Lohiya Nagar, P.S. Kankarbagh Colony, Patna-20
 88. Pankaj Kumar Jha, Assistant Patna High Court 105, Arvind Apartment, Nageshwar Colony, Boring Road, Patna-800001
 89. Anjana Sinha, Assistant, Writ Disposal Section, E-404, Monika Apartment, Rajpura, Near Jagdeo Path, Patna-14
 90. Sunil Kumar Mishra, Resident of Village + P.O. Chikha, P.S. Goghardiha, District- Madhubani, Bihar
 91. Braj Bhushan Kumar, Resident of Vill Raj Karan Bigaha, P.O. Ope, P.S. Pirbigaha, District-Nalanda
 92. Sandeep Kumar, Resident of Village + Post Sonsa, P.S.- Rahui, District- Nawadah

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93. Anuj Kumar Rathor son of Shri Anal Prasad Singh, R/O Village, P.O. Mukrera, P.S. Rivilganj, District- Saran At Chapra (Bihar)
 94. Tripurari Kumar Singh, Resident Of Village Bariyawan, Post Mashara, District- Aurangabad (Bihar)
 95. Mukesh Kumar Singh, Resident of Qr. No. C/23, High Court Quarters Adalatganj, Budh Marg, P.S. Kotwali, District- Patna-1
 96. Rajesh Kumar, Resident of Government Flat No. 574, High Court Quarter, L.B.S. Nagar, Patna-23
 97. Barun Kumar Mishra, Resident of 14/5, Adalatganj High Court Quarters, Budha Marg, Patna- 800001
 98. Gautam Yadav, At Sri Ram Nagar, Purani Gola Road, P.O. + P.S. Danapur, District- Patna.
 99. Randhir Kumar, Resident of Village + Post Baikathpur, Maithil Tola, Village + P.S. Khushrupur, District- Patna 803205 (Bihar).
 100. Reeta Pandey, Resident of B/36 Vyas Nagar Ashiana Nagar P.S. Rajeev Nagar P.O. Ashiana Nagar Patna
 101. Md. Ekbal Karim, Resident of CA/60, P.S. Colony, Kankarbagh, P.S. Kankarbagh, Patna
 102. Sakaldeo Pandit, Resident of C/18, Adalatganj Colony, P.S. Kotwali, P.O. G.P.O., Patna
 103. Ishwar Chandra Vidya Sagar Mishra, Resident of Jai Prakash Nagar, Ashiana Nagar, P.S. Rajeev Nagar, P.O. Ashiyana Nagar, Patna
 104. Sanjay Kumar, Resident of Indrapuri Road No.5b, House No. 59, P.S. Keshari Nagar, P.S.Patliputra, Patna
 105. Richa, Resident of Road No.3, Block No. 12, Flat No. 6, Water Tower, Patna-1
 106. Sanjay Parkhee, Resident of Flat No. 104, Raj Kumari Sundar Sadar Apartment, Ashok Nagar, Road No. 5, Kankarbagh, Patna-20
 107. Ranjay Kumar Singh, null Resident of Sitaram Ganpati Apartment, Flat No. 302, New Punaichak, Ps.- L.B.S. Nagar, Patna
 108. Ritesh Kumar Jha Assistant Court Master Section, Patna High Court Addl. Flat No. C-308, Rajpati Apartment, Magistrate Colony, Ashiana Nagar, Patna
 109. Upendra Narayan Singh, Translator, Court Master Section Resident of D6, Minar Apartment, Flat No. 402A, Road No. 10B, Rajendra Nagar, Patna-16
 110. Santosh Kumar Thakur, Resident of 306, Artek Apartment, Ashiana Digha Road, Patna, P.S.- Rajivnagar
 111. Shyam Kumar Chaudhary, Resident of A.C. Road Khagaria, P.S. Khagaria, District- Khagaria.
 112. Punam, Resident of 13, Anandpuri W. Boring Canal Road, P.S.- Buddha Colony, Patna
 113. Binodanand Bipin, At South Ram Krishna Nagar, Post New Jaganpura, District- Patna
 114. Jalendra Pandit, High Court, Flat No. 14 (Old), Near Pond, P.O. G.P.O., Adalatganj, Patna
 115. Ranjeet Kumar, C/O K.Sinha, Jks D/51, Near Devi Purana Jakkanpur, P.S.- Jakkanpur, Patna
 116. Shahazad Anwar, null R/O Mohalla Sadar Bazar, Phulwarisharif, P.S.- Phulwarisharif, Patna
 117. Sanjay Kumar Singh C/O Reena Jha, 1/29, Ajanta Colony, Keshari Nagar, P.S.- Rajivnagar, Patna
 118. Kumar Saruabh, Resident of HNO Ny-35a, Jhun Jhun Mahal Road, New Yarpur, Patna
 119. Hemant Kumar, Resident of H. No. A/4, Gandhi Nagar, Colony, N.T.P.C. (Ashiana Phase-4), P.S.-Rajivnagar, Patna-25

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120. Navin Kumar Sinha, Resident of H.No. 38, Road No. 2, Nehru Nagar, P.S.- Patliputra, Patna-13
 121. Amrendra Kumar, null Resident of Bans Kothi, P.S.- Digha, Patna-11
 122. Bhavesh Kumar Choudhary, Resident of New Professor Colony, P.S.- Nagar, Begusarai
 123. Shashi Pratap Upadhyay, Resident of 35F-21, B.H.Colony, Bhootnath Road, P.S.- Agamkuan, Patna-26.
 124. Dharmraj Kumar, Resident of Deera, Patnacity, P.O. Patnacity, P.S. Chowk, District- Patna, Pin- 800008 (Bihar)
 125. Anil Kumar Ravidas, Resident of Laheriya Tola, P.O. P.S. Athamal Gola, District- Patna, Bihar, Pin- 803211.
 126. Anand Mohan Pathak, null Resident of 403, Asha Suman Apartment, North Shastri Nagar, Patna-23.
 127. Amit Dayal, Resident of R-23, Jagat Vihar Colony, Ashiana Nagar, Patna-25
 128. Rishikesh Roy, Resident of House No. 259, Nehru Nagar, P.S.- Patliputra, Patna-13
 129. Sanjay Kumar, Resident of Block No. 06, Flat No.6, Adalatganj, Budh Marg, Patna-1
 130. Hemant Prason, Resident of 201, Devendra Apartment, Jhunjhun Mahal Road, Yarpur, P.S.- Gardanibagh, Patna
 131. Roshan Kumar Jha, Criminal Disposal Section, High Court, Patna, R/O Mohalla Punaichak, Thana- Shastri Nagar, Patna
 132. Subhash Chandra, Criminal Disposal Section, High Court, Patna, Nehru Nagar, Thana Patliputra, Patna
 133. Ramanand Singh-II, Criminal Disposal Section, High Court, Patna, High Court Quarter, Water Tower, Q.No. C/13, P.S. Kotwali, Patna
 134. Gyan Bhushan Tiwari, Criminal Disposal Section, High Court, 303/B, Sri Ram Parisar, Patelnagar, P.S.- L.B.S. Nagar, Patna, Resident Of Road No. 11, Patel Nagar, P.S. Shastrinagar, Patna
 135. Pramila Kumari, Criminal Disposal Section, High Court, Patna. Rajeev Nagar, P.S. Patliputra, Patna
 136. Abhay Mishra, Resident of 404, Anand Vihar Apartment, Telegraph Colony, Ps- Buddha Colony, Patna
 137. Deepak Kumar Pandey, New Hewo Ganj, Charkhambha Gali, Ara.
 138. Amit Sinha, H/O Prof. Arun Kumar, 1st Floor, Professor Colony, Ashiana Digha Road, P.S. Digha, Patna
 139. Keshvanand Jha, House No. Ny-90, New Yarpur, Gardanibagh, Patna
 140. Sanjeev Suman, Quarter No. C/22, Adalatganj, Patna
 141. Suman Kumar Bhanu, Translator, M.I.G. 239, Hanuman Nagar, Patna
 142. Umesh Kumar Singh, P.S. + Resident Of Agamkuan Behind R.M.R.I., Patna-7
 143. Onkar Jha, Resident of Block No. 1, Flat No.4, Budha Marg, Adalatganj, High Court Quarter, Patna
 144. Rupesh Kumar, Resident Of A-74, H. Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna
 145. Amit Sorabh, Resident of Anisabad, P.S.- Gardanibagh, District- Patna
 146. Manoj Kumar III, Resident of A/243, A.G. Colony, P.S. L.B.S. Nagar, Patna
 147. Swapna, Assistant Cr. +L.P.A.(D) Section, Patna High Court, Sundari Sadan, J.N.Road, Kadamkuan, P.O. + P.S. Kadamkuan, Patna
 148. Sanjay Kumar III, Resident of village Purani Bank, P.O. + P.S. Barh, District- Patna(Bihar). Pin Code 803213 At Present Posted As Assistant Cr. +LPA (D) Section, Patna
 149. Geeta Kumari, Assistant L.P.A.(D) Section, Patna High Court, Ghataro House, Tarkeshwar Lane, Salimpurahra, Patna-3, P.S. Kadamkuan, Patna

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150. Pradeep Kumar, Resident of Ram Jatan Singh Lane, New Jakkanpur, Patna
 151. Binod Kumar Gupta, Resident of At New Jakkanpur, Sahgal Path, Near Bharat Lal Tent House, P.O.- G.P.O., P.S.- Jakkanpur, District- Patna
 152. Madan Kumar, Resident of H/O Sri Rajendra Singh, House No. 16 Mother Teresa Marg, North S.K. Puri, P.S.- S.K.Puri, Boring Road, Patna-13.
 153. Rajesh Kumar Das, Resident of Moh, Hazari Noon Ka Chauraha, P.O. Patna City, P.S.- Khajekalan, Patna-08
 154. Sanjiv Kumar, Resident of 24/H/1A Mandir Marg, Western Anandpuri, P.S. Boring Road, Patna
 155. Ajay Kumar, Resident of Flat No. 561, P.S. L.B.S. Nagar, Patna-23
 156. Dharendra Kumar Mishra, Resident of G-1, Ranjeet Villa Apartment, P.S. L.B.S.Nagar, Patna-14
 157. Sanjeev Kumar Choudhary, Resident of Ward No. 13, Near Ekta Chowk, P.O. + P.S. Bhabhua, District- Kaimur
 158. Sanjay Kumar Sinha, C/O Saroj Kunj, Near K.M.M. Hospital, Ali Nagar, P.S. Gardanibagh, Anisabad, Patna-02
 159. Jaishree, Mithapur, P.S.- Jakkanpur, Patna
 160. Madhukar, Resident of Shivpuri, P.S. L.B.S. Nagar Patna
 161. Promila Bhengra, Resident of F. 21/Old, Adalatganj, P.S.- Kotwali, Patna
 162. Anil Kumar Shukla, Resident of Adamapur, P.S. Raghunathpur, District- Siwan
 163. Avinash Kumar, Resident of Flat No.1, Block No. 11, Adalatganj, Budh Marg, P.O.- G.P.O., P.S.- Kotwali, District- Patna, Presently Working As Senior Personal Assistant, Patna High Court, Patna
 164. Prabhakar Anand, Residing At Rental Flat-353, Kankarbagh Colony, P.O. Lohiya Nagar, P.S.- Kankarbagh, District- Patna Presently Working As Senior Personal Assistant, Patna High Court, Patna.
 165. Manish Chandra Verma, Resident At Flat No. 102, Vidya Vihar Apartment, Beside St. Marry School, Friends Colony, Patna- 800024 Presently Working As Senior Personal Assistant, Patna High Court, Patna
 166. Krishna Chandra Jha, Resident of Village+Post Office- Mangrauni, District- Madhubani, Presently Posted As Senior Personal Assistant At Patna High Court Patna, Presently Residing At Flat No.6, Block No.17, High Court Quarters, Budha Marg, Patna-800001
 167. Shailendra Bhushan Prasad, Residing At Flat No. 103, Artek Apartment, Ashiana Road, Patna-800014, Presently Working As Personal Assistant, Patna High Court, Patna
 168. Santosh Kumar Pavi, Residing At Flat No. 584, Lal Bahadur Shastri Nagar, Patna- 800023, Presently Working As Personal Assistant, Patna High Court, Patna
 169. Pravin Kumar Pathak Presently Residing In Flat No. 5, Block No. 2, Adalatganj (Old), P.S.- Kotwali, District- Patna- 800001, Presently Working As Senior Personal Assistant, Patna High Court, Patna
 170. Jagdish Prasad Rewani, Residing At Mohalla- Shivpuri, Post Office- Shastri Nagar, P.S.- Shastri Nagar, District- Patna, Presently Working As Personal Assistant, Patna High Court, Patna
 171. Shashi Kant Mishra, Residing At Mohalla- Adityapuri, P.O.- Kurthaul, P.S. Parsa Bazar, District- Patna, Presently Working As Senior Personal Assistant, Patna High Court, Patna
 172. Ashok Kumar Vishwakarma, C/O Smt. Kanti Singh, At- Mohanpur Punaichak (Near Pump House), P.S. Shastri Nagar, District- Patna-800023, Presently Working As Personal Assistant, Patna High Court, Patna
 173. Sadashiv Sadabahar, Resident of Mohalla Ranipur Khidki, Dhaal Ke Niche, P.O. Jhauganj, P.S. Mehandiganj, District- Patna, Pin Code- 800 008, Presently Working As Personal Assistant, Patna High Court, Patna

174. Pankaj Kumar, Resident Of 142, C.D.A. Colony, P.S.- Shastri Nagar, District- Patna 800023, Presently Working As Senior Personal Assistant, Patna High Court, Patna
175. Viswambhar Kumar Pandey, Resident of Village- Chaita, Via- Ujiarpur, P.S.- Angarhat, District- Samastipur, Presently Residing At Mohalla- East Lohanipur (Deeh), Kadamkuan, Patna And Working As Personal Assistant, Patna High Court, Patna
176. Narendra Kumar, Resident of Mohalla Indira Nagar Road No. 8, P.O. Postal Park, P.S. Jakkanpur, District- Patna 800001, Presently Working As Senior Personal Assistant, Patna High Court, Patna
177. Ajit Kumar Vats, Resident of Flat No. 5, Block No. 17, Adalatganj, Budh Marg, P.O.-G.P.O., P.S.- Kotwali, District- Patna, Presently Working As Personal Assistant, Patna High Court, Patna.
178. The Union of India through the Secretary, Department of Expenditure, Ministry of Finance, New Delhi
179. The Secretary, Department of Personnel and Training, Ministry of Personal, Public Grievance and Pensions, New Delhi
180. The High Court of Judicature at Patna, through the Registrar General.

.... Respondent/s

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Appearance :

(In LPA No.1094 of 2016)

For the Appellant/s	: Mr. Kaushal Kumar Jha, AAG8 Mr. Amish Kumar, JC to AAG8
For Respondents No.1 to 19	: Mr. Vinod Kanth, Sr.Adv. Mr. Kumar Kaushik, Adv.
For UOI	: Mr. Rajesh Kumar Verma, Adv.
For the Respondent High Court	Mr. Bindhyachal Singh, Adv.

(In LPA No.1098 of 2016)

For the Appellant/s	: Mr. Kaushal Kumar Jha, AAG8 Mr. Amish Kumar, JC to AAG8
For the respondents	: Mr. Abhinav Srivastava, Adv.
For UOI	: Mr. Rajesh Kumar Verma, Adv.
For the Respondent High Court	: Mr. Bindhyachal Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)

Date: 28-10-2016

As the issues involved in these appeals are similar, the same were heard together and are being disposed of by this common order.

2. These appeals preferred by the State of Bihar are



directed against the order, dated 17.12.2015 passed by the learned Single Judge in C.W.J.C. No.12641 of 2013 and C.W.J.C. No.12077 of 2013, whereby the letter No.15777, dated 7.11.2012 issued by the Principal Secretary, Finance Department by which a direction was given to the concerned authorities not to provide the pay slab of Schedule-II of 6th Pay Revision against the norms of Pay Revision Committee and Policy decision of Government as the pay slab of Schedule-II is applicable to the employees appointed on or after 1.1.2006, has been quashed. Learned Single Judge further directed that the petitioners will draw the pay-scale which they were getting in terms of the recommendations of the Pay Revision Committee without any let or hindrance and no recovery shall also be made and if already made, will be ordered to be refunded.

3. The prayer of the writ petitioners in the writ applications in nut shell is as follows:

(i) Issuance of a direction, order, writ including writ in the nature of certiorari quashing the letter dated 7.11.2012 issued by the State of Bihar in its Department of Finance by which, inter alia, it has been directed that such persons whose revision of salary has been done in terms of the 6th Pay Commission w.e.f. 1.1.2006, as per its Schedule-II, the actual payments made after the said revision be recovered from such persons in two installments and furthermore, it had been directed that actual payment of salary be doe from the month of December,2012 after making in appropriate correction in the revision of salary of such persons;

(ii) Issuance of a direction, order, writ including a writ

in the nature of mandamus commanding the concerned respondent authorities to take steps towards extending the benefits of revision of pay-scale implemented w.e.f. 1.1.2006 treating the petitioners notionally to be entitled for the payment of salary in the pre-revised pay-scale as on 1.1.2006 as Rs.7450-11500, which is corresponding pre-revised pay scale to the Grade Pay 4600 granted to them w.e.f. 1.1.2006 and accordingly, extend all the consequential benefits including arrears of salary, etc;

(iii) Issuance of an ad interim order directing the concerned respondent authorities to refrain from acting in furtherance of the directions contained under the impugned letter dated 7.11.2012 issued by the State of Bihar in its Department of Finance”

4. The Government of India constituted 6th Central Pay Committee vide resolution, dated 5.10.2016 to examine the structure of pay for the employees of the Central Government. The Central Pay Committee, accordingly, submitted its report in March, 2008 and recommended the pay structure of Grade Pay of Rs.4200 in the Pay Band-2 to the post of Assistant and Personal Assistant of Central Secretariat Service w.e.f. 1.1.2006. The Government of India accepted the recommendation made by the 6th Central Pay Commission by framing Central Civil Services (Revised Pay) Rules, 2008 (hereinafter referred to as “the CCS(RP) Rules, issued vide gazette notification No.470, dated 29.8.2008 and consequently granted pay structure of Grade Pay of Rs.4200 in the Pay Band-2 to the post of Assistant and Personal Assistant of

Central Secretariat Services w.e.f. 1.1.2006, which is appended to first schedule to the aforesaid notification (Annexure-2 to the writ petition). In the meantime, the Ministry of Finance, Government of India received a large number of complaints and references with respect to anomalies in fixation of some of the pay scales

5. On examining the matter, the Government of India revised pay structure granting Grade Pay of Rs.4600 in the Pay Band-2 to the existing posts in the pre-revised scale of Rs.5500-10,500 as on 1.1.2006, being the normal replacement of pay structure of Grade Pay of Rs.4200 in the Pay Band-2, vide office memorandum dated 13.11.2009 issued by the Finance Department.

6. Consequent upon notification of CCS (RP) Rules, 2008, the office memorandum dated 13.11.2009, the Government of India extended the pay structure of Grade Pay of Rs.4600 in the Pay Band-2 vide F.No.1/1/08-1C, dated 16.11.2009 to Assistants belonging to Central Secretariat Services, Armed Force Headquarter Service, Indian Foreign Service-B, Railway Board Secretariat Service and Personal Assistant and their counterpart Stenographer Services w.e.f. 1.1.2006.

7. In light of grant of 6th Pay Revision Commission



recommendation by the Union Government to the employees of the Central Government, the employees of the State of Bihar also raised similar demand and an agreement was arrived at between the employees Union and the State of Bihar. The State of Bihar agreed to extend the benefit of Central Pay on similar pattern to Assistant and Personal Assistant, as admissible to their Central Secretariat counterpart. Consequently, the Pay Revision Committee constituted by the State of Bihar in its interim report recommended the benefit of Central Pay w.e.f. 1.1.2006 to the Assistant working in the Bihar Secretariat or holder of equivalent post. The replacement scale was worked out by multiplying the existing pay scale by a factor of 1.86 and then adding the Grade Pay to it for fixation of pay. For instance, if the earlier unrevised pay was Rs.5500 on 1.1.2006, the replacement would be 5500×1.86 , which is equivalent to $10,230 + \text{Grade Pay of Rs.4200}$ which comes to Rs. 14,430. The said pay became the entitlement of Assistant as per Schedule-I of the notification. As per Schedule-II, the entry pay for the new entrance was fixed at Rs.13,500. The Assistant/Personal Assistant/ Translator etc. of the Patna High Court and the Assistant working in the Secretariat started getting their salary in the pay scale from the month of March, 2009 and in the new pay band by calculating their salary as on

1.1.2006 by multiplier factor as noticed above. The Pay Band corresponding to Rs. 7450-11500 was fixed on Rs.9300-34800.

8. However, when the things started settling, the Finance Department, Government of Bihar re-examined the matter and decided to grant benefit of entry pay of Rs.17,140 and Grade Pay of Rs.4600 to the Assistants appointed on or after 1.1.2006. The benefit of Grade Pay scale was not extended to the Assistant, Personal Assistant appointed before 1.1.2006. Their salary was fixed on 1.1.2006 by treating their existing pay as Rs.5500 and not Rs.7450. According to the respondents, the decision of the Finance Department caused a lot of flutter and large scale dissatisfaction inasmuch as the persons who were working as Assistant/Personal Assistant or equivalent rank post and appointed earlier, were subjected to lower pay and the new recruits who were appointed on or after 1.1.2006 were granted benefit of higher pay getting their Grade Pay as Rs.4600/-. The decision of the government forced large number of affected Assistants/Personal Assistants/Translators to move this Court against withdrawing of higher Grade Pay. These appeals arise out of C.W.J.C. No.12641 of 2013 and C.W.J.C.No.12289 of 2013.

9. On consideration of rival submissions, the learned



Single Judge accepted the submissions of the writ petitioners. The learned Single Judge while allowing the writ applications took the view that the pay recommendation of the special body like the Pay Revision Committee cannot be likely to be interfered or replaced by a notification issued by an executive in a casual manner. Secondly, because of such recommendation all these persons were drawing the replacement scale in the Grade Pay of Rs. 4600 from the year 2009 uninterruptedly till the issuance of the impugned notification. Learned Single Judge also took the view that two different scales of pay is impermissible to same set of employees performing similar work more so when they are in service from an earlier date. Such discrimination of Grade Pay would create a class amongst class.

10. The State being aggrieved has challenged the order by filing separate appeal.

11. The stand of the State is that the learned Single Judge failed to consider that the Expert Pay Committee as well in the Government policy decision, it has already been mentioned that if and when new recruitment is made by starting pay structure of Schedule-II, then the pay scale of senior who is appointed prior to 1.1.2006 shall be stepped up to the amount equal to the pay of newly recruited persons in



the cadre. The aforesaid facility has been provided to avoid any discrimination amongst the employees of the same cadre who were appointed before 1.1.2006. It was next submitted by the State that the letter, dated 7.11.2012 and applicability of Schedule-II of resolution dated 21.1.2010 are completely in accordance with norms of recommendation of Central Pay Commission and the State Pay Commission. Further more, the appellants have not interfered or changed any principle of pay scale and norms of policy decision by any executive order rather as per the norms of Pay Revision Committee and the Policy decision of the Government, the pay scale of Schedule-II were provided to the employees who were appointed prior to 1.1.2006 in certain departments which were restricted by letter dated 7.11.2012, and a direction was given to re-fix the pay scale and recover the excess amount paid to such employees in which there is no illegality and infirmity at all.

12. The State has also relied upon paragraphs 21 and 22 of their counter affidavit filed in the writ application, which are quoted hereinbelow for easy reference:

“21. That it is pertinent to mention here that the normal replacement scale of unreserved pay scale of Rs.5500-9000/- and is P.B.-2 and grade pay 4200/-. The Secretariat Assistant/Personal Assistant cadres have been granted revised Grade Pay of Rs.4600/- in P.B.-2 for their unrevised pay scale of Rs.5500-9000/-. This is a specific post oriented revised pay band and grade pay. The reference of pay scale of



7450-11500/- is unwarranted and misleading. For replacement of pre-revised pay scale Rs.7450-11500/- in P.B.-2 and Grade Pay 4600/- there is a special fitment table no. 21 which is not applicable in case of Secretariat Assistants/P.As./Translators because they were never in Pay Scale of Rs.7450-11500/- before 01.01.2006. Annexure: 8 of the writ application is bonafide clarification of Ministry of Finance, Department of Expenditure and Implementation Cell, Government of India, Department of Personnel and Training, Government of India in their file had requested the Cell to clarify the manner in which pay of Assistants/P.As. is to be fixed consequent upon the grant of revised pay structure of grade pay of 4600/- in P.B.-2 to them. The Cell issued clarification that no benefit of bunching is admissible in case of revision of pay in revised pay structure in pay band P.B.,-2 with grade pay 4600 for pre-revised scale of 5500-9000/-

22. That it is relevant to mention here that the scale of the cadre of the petitioners were historically lower than the scale of supervisors appointed on the basis of graduate level competitive examination, but it is only after the adopting of Central Pay scales as recommended by Fitment Committee it has become higher, not only at the initial recruitment stage but more so is the promotional scales. ”

13. Having heard learned counsel for the parties and on going through the materials on record, we are unable to appreciate that the persons who are holding the posts of Assistant/ Personal Assistant/Translator in the establishment of the Patna High Court and appointed prior to 1.1.2006 would be paid in a lower Grade Pay than the persons newly recruited to the aforesaid posts on or after 1.1.2006. The stand of the State that there is a provision in the resolution, dated 7.12.2012 to

step up the pay scales to the amount equal to the newly recruited persons in the cadre would be no solution to the discrimination meted to Assistant/ Personal Assistant/ Translator appointed prior to 1.1.2006.

14. We further find that the government in the department of Finance on the report of the Pay Revision Committee had accorded the Grade Pay of Rs.4600 revising it from Grade Pay of Rs.4200 to the Assistants/Personal Assistants and the pay band corresponding to Rs.7450-1150 was fixed at Rs.9300-34800.

15. The dichotomy created by the impugned notification has been well summarized in paragraph 8 of the order of learned Single Judge, which is quoted hereinbelow:

8. The problem arose when the Department of Finance, Government of Bihar, started rethinking if not overreaching the recommendation already notified. They started making a distinction between the Assistants appointed on or after 1.1.2006 and those before. The post 1.1.2006 appointees were extended entry pay of Rs.17140/- and the Grade Pay of Rs.4600/-. The ground of the entry pay worked out to 40% of the higher slab of Rs.11500 in the replacement scale of Rs.7450-11500/-. Therefore, the salary was increased from Rs.13500/- to Rs.17140/-. This upgraded benefit of pay-scale was not extended to the Assistants/Personal Assistants appointed before 1.1.2006. Their salary was fixed on 1.1.2006 by treating the existing basic pay to be Rs.5500/- and not Rs.7450/- because of the salary of the Assistants appointed before 1.1.2006 added up to Rs.14,430/-. This has created an anomalous situation because if the scale was upgraded and

benefit was to accrue, it should have been extended across the board and a different class amongst class ought not to have been created by giving higher benefit to Assistants appointed after 1.1.2006 and those appointed pre 1.1.2006.

16. The State un-understandably departed from its decision which was based on the recommendation of the Pay Revision report and after arriving at an agreement with the employees. The State has not provided any viable reasons for reverting from earlier pay structure accorded by resolution No.11070, dated 30.12.2008 and resolution dated 16.11.2009.

17. Situated thus and in view of the discussions made in the foregoing paragraphs, we find and hold that the view taken by the learned Single Judge cannot be said to be unreasonable. As such, we do not find any merit in these appeals. It is, accordingly, dismissed.

(Samarendra Pratap Singh, J)

(I.A. Ansari, CJ)

Md. Jamaluddin Khan

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(I.A. Ansari, CJ)