

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18095 of 2011

- =====
1. Kaushal Kishore, son of Shiv Lakhan Mahto, R/O Navneet Colony, Near Kali Mandir Road, Hanuman Nagar, P.S.- Bahadurpur, District- Patna
 2. Ranjeet Kumar son of Sri Beindeshwari Prasad, R/O Ashok Nagar, P.S. Kankerbagh, District- Patna
 3. Rana Randhir Singh son of Late Brahamdeo Narayan, R/O Tarbhitta, P.S. Kishanpur, District- Supaul
 4. Tapan Kumar Singh son of Bageshwar Prasad Singh, R/O Ghokesi Nagar, P.S. K. Nagar, District- Purnea
 5. Sujit Vats son of Sri Alakh Narayan Jha, R/O Surihari, P.S. Amorrpur, District- Banka
 6. Kumud Kumar son of Sri Sita Ram Barnwal, R/O Village Parora, P.S. Cheriya, Bariyarpur, District- Begusarai
 7. Pankaj Kumar Pacharia son of Laxmi Narayan, R/O Batraha, P.S. and District- Saharsa
 8. Prabhakar Kumar son of Sri Jagdish Sah, R/O Bhabhangama, Bihariganj, P.S. and District- Madhepura
 9. Manoj Kumar son of Late Devki Lal, R/O Village Akung Bazar, P.S. Mufassil, District- Nawada
 10. Manjesh Sinha son of P.P. Sinha, R/O Parvana, P.S. Tareya, District- Saran at Chapra
 11. Prabhu Kumar son of Radhey Shyam Sharma, R/O Amrapali Co-Operative , Rajiv Nagar, P.S. Digha, Distt.- Patna

.... Petitioners

Versus

1. The Union of India through its Secretary, Department of Agriculture and Co-operation , Government of India, Krishi Bhawan, New Delhi
2. The Secretary, Department of Agriculture and Cooperation, Government of India, Krishi Bhawan, New Delhi
3. The State of Bihar through Principal Secretary, Department Of Agriculture, Govt. of Bihar, Patna
4. The Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna
5. The Agriculture Production Commissioner, Government of Bihar, Patna
6. The Additional Secretary, Department Of Agriculture, Govt. of Bihar, Patna
7. The Joint Secretary-Cum-Nodal Officer, "ATMA" Yojana, Bihar, Patna
8. The Director, Department of Agriculture, Govt. of Bihar, Patna

.... Respondents

with

=====

Miscellaneous Jurisdiction Case No. 5028 of 2012

=====

Sujit Vats, son of Alakh Narayan Jha, R/o Surihari, P.S. Amorrpur, District- Banka.

.... Petitioner

Versus



1. The State of Bihar.
2. Sri Anjani Kumar Singh, Agricultural Production Commissioner, Govt. of Bihar, Patna.
3. Mrs. N. Vijayalaxmi, Joint Secretary-cum-Nodal Officer "ATMA" Yojana, Bihar, Patna.
4. Sri Arbindra Singh, the Director, Department of Agriculture, Govt. of Bihar.
5. Sri Deepak Anand, District Magistrate, District- Banka.
6. Sri Kiran Kishore Prasad, Project Director, ATMA, Banka, District- Banka.
7. The Union of India.

..... Opposite Parties

=====

Appearance :

(In CWJC No.18095 of 2011)

For the Petitioners : Mr. Naresh Dikshit, Advocate.

For the Resp. No. 1 : Mrs. Kanak Verma, CGC

For the State : Kaushal Kumar Jha, Advocate.

(In MJC No.5028 of 2012)

For the Petitioners : Mr. Naresh Dikshit, Advocate.

For the Respondents : Mrs. Kanak Verma, CGC

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-11-2017

C.W.J.C. No. 18095 of 2011

The present writ petition has been filed for the following reliefs:

"(i) In the nature of "certiorari" for setting aside the order as contained in Memo No. 5060 dated 25.08.2010 (Annexure-14) issued under the signature of respondent no. 4 whereby and whereunder the remuneration of the petitioners have been fixed as Rs. 10,000/- (Ten thousand only) per month for rendering service to the post of Accountant in Agriculture Technology Management Agency (hereinafter referred to as "ATMA") instead of salary in the pay scale of Rs. 9300-34,800+4200.

(ii) In the nature of "mandamus" directing and commanding the respondent authorities to pay the petitioners' salary in a regular pay scale of Rs. 9300-



34800+4200 and the arrears of salary in accordance with the guidelines issued by the Govt. of India, Department of Agriculture for modified 'Support to State Extension Programmes For Extension Reforms Scheme, 2010'.

(iii) For any other relief/reliefs for which the petitioners are entitled in the facts and circumstances of the instant case including the payment of difference of arrears between the regular scale and fixed remuneration.

2. Learned counsel for the petitioners submits that there is considerable discrimination and discrepancy in the salary of the Accountants working in Agriculture Technology Management Agency (ATMA) inasmuch as, the petitioners' remuneration have been fixed at Rs. 10,000/- per month whereas other similarly situated Accountants have been granted salary in the pay scale of Rs. 9300-34,800+4200.

3. This matter has been taken up for disposal out of turn on the request of learned counsel for the petitioners that the petitioners be permitted to file a fresh representation before the concerned authority for appropriate consideration and disposal.

4. In the above view of the matter, the writ petition is disposed of granting liberty to the petitioners to file a fresh representation before the Principal Secretary, Department of Agriculture, Government of Bihar, Patna (respondent no. 4) within a period of two weeks from today. If any such representation is filed within the stipulated period, the same shall be considered and



disposed of on its own merits in accordance with law and in the background of the guidelines of the Ministry of Agriculture, Government of India, expeditiously and preferably within a period of four months from the date of receipt/production of a copy of this judgment and after granting opportunity of being heard to the petitioners.

MJC No. 5028 of 2012

5. In view of the nature of the order passed in C.W.J.C. No. 18095 of 2011, the MJC No. 5028 of 2012 stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.11.2017
Transmission Date	N.A.

