

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17615 of 2016

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1. Keshav Singh Son of Damodar Singh resident of Mohalla - Sanatan Colony, East of Aprajita Apartment, near Housing Colony, Bahadurpur, P.S. - Agamkuan, District - Patna.
 2. Shyam Sundar Prasad Son of Late Raghunandan Prasad resident of Village - Siyari, P.S. - Nanpur, District - Sitamarhi.
 3. Shashi Kant Rai Son of Hriday Narain Rai resident of Ayodhya Niwas, Srikrishna Nagar, Road No. 4, P.S. - Budha Colony, District - Patna.
 4. Harendra Prasad Singh Son of late Parasnath Singh resident of Village - Phulwariya, P.S. - Maker, District - Chapra.
 5. Nemlal Singh Son of late Ramchandra Singh resident of village - Warsi, P.S. - Tarari, District - Bhojpur.
 6. Ashok Prasad Singh Son of late Kamla Singh resident of Village - Mahishoar, P.S. - Jandaha, District - Vaishali.
 7. Pramod Mishra Son of late Shyam Bihari Mishra resident of Mohalla - Hanuman Path, West Patel Nagar, P.S. - Shastri Nagar, District - Patna.
 8. Kameshwar Prasad Son of late Prayag Mahto resident of village - Masyan, P.S. - Bind, District - Nalanda.
 9. Dhruv Prasad Munshi Son of late Rameshwar Munshi resident of Village - Daludih, P.S. - Rajganj, District - Dhanbad.

.... Petitioners

Versus

1. The State of Bihar.
2. The Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, (Management Cell), Road Construction Department, Govt. of Bihar, Patna.
6. The Under Secretary, Personnel Claim Fixation Cell, Department of Finance, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr. Raj Ballabh Pd. Yadav, AAG11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 05-04-2018 Heard Mr. Prabhu Nath Pathak, learned counsel for the

petitioners and Mr. Raj Ballabh Prasad Yadav, learned AAG-11,

for the State.

The nine petitioners herein question Paragraph-3(b) of



the Notification bearing Memo No. 7382(S) dated 12.9.2016 of the Addl. Secretary, Road Construction Department, Bihar, Patna whereby pay protection has been denied to them and for the purpose they rely upon the Division Bench judgment of this Court passed in L.P.A.No. 2285/2016 (**Kamla Pati Singh & ors. v. the State of Bihar & ors.**), whereby the claim has been upheld and the direction has been issued to the concerned authority of the State Government to grant pay protection to the petitioners of the said case in tune with Rule 39 of the Bihar Service Code. It is relying on the opinion of the Division Bench that motion was made by Mr. Pathak for disposal in tune with the direction of the Division Bench in the case of **Kamla Pati Singh** (supra).

A counter affidavit is filed by the learned AAG-11 on behalf of respondents no. 1, 2 and 5 and at paragraph 5 of the counter affidavit it is admitted that the department is taking necessary action to comply with the directions issued in the case of **Kamla Pati Singh** (supra) in so far as the petitioners in the present case is concerned.

In the circumstances and without finding any necessity to enter into the exhaustive discussion on the contest raised, I deem it proper to allow the writ petition in terms of the judgment and order passed by the Division Bench in the case of **Kamla Pati**



Singh (supra) and the directions issued thereunder would govern the case of the present petitioners as well and let the same relief be accorded to the petitioners within a period of three months from the date of receipt/ production of a copy of this order.

The writ petition is allowed accordingly.

(Jyoti Saran, J)

Surendra/-

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