

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14148 of 2002

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RAMRUP SHARMA, SON OF LATE BABAN SHARMA, RESIDENT OF VILLAGE
KHANPURA, POLICE STATION PALIGANJ, PATNA Petitioner

Versus

1. THE STATE OF BIHAR
2. THE ACCOUNTANT GENERAL, BIHAR
3. THE SECRETARY, WATER RESOURCES DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
4. THE CHIEF ENGINEER, WATER RESOURCES DEPARTMENT, ANISABAD, PATNA
5. THE SUPERINTENDING ENGINEER, DESIGN, PLANNING (AA YOJAN) AND MONITORING CIRCLE, ANISABAD, PATNA 2
6. THE EXECUTIVE ENGINEER, PLANNING (AA YOJAN) AND MONITORING DIVISION, ANISABAD, PATNA AND
7. THE TREASURY OFFICER, SACHIVALAYA (NIRMAN BHAVAN), PATNA.

.... Respondents

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Appearance :

For the Petitioner : Mr. SIYA RAM SHAHI, Advocate and
Mrs. Shally Kumari, Advocate
For the State : Mr. Ankit Katriar, AC to AAG 13
For the AG, Bihar : Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date: 01-02-2018

Head the counsel for the petitioner, the State and the AG,
Bihar.

2. Petitioner has approached this Court by filing writ petition for the revised scale of Rs.5000-8000 with effect from 1.9.1996 by virtue of being Head clerk. From the supplementary counter affidavit which has been filed on behalf of respondents no. 4, 5 and 6 it is apparent that the scale of Rs.5000-8000 has been made available to the petitioner with effect from 1.8.1999, i.e., the date on which the petitioner appears to have been promoted to the post of Head clerk.



3. Counsel for the petitioner submits that from the seniority list which is annexed to the supplementary counter affidavit it appears that the other employee (Jagtanand Pandey) was promoted as Head clerk with effect from 1.2.1997 however he has been granted pay scale of Rs.5000-8000 with effect from 1.1.1996. He submits that said Jagtanand Pandey had approached this Court by filing C.W.J.C.No. 9448 of 2001 which was disposed of by order dated 22.7.2005 with a direction to the respondent authorities to consider his grievances for making available the scale of Rs.5000-8000 with effect from 1.9.1996. Whether scale of Rs.5000-8000 has been made available to said Jagtanand Pandey with effect from 1.9.1996 is not clear from the order. However, the Department should not make discrimination between the petitioner of C.W.J.C.No. 9448/2001 and the instant petitioner, unless there are distinguishing circumstances between the two. Counsel for the petitioner submits that similar consideration may be made by the authorities as has been given in the case of petitioner of C.W.J.C.No. 9448 of 2001.

4. In view of the aforesaid limited grievance of the petitioner, this writ petition is disposed of with a direction to the authorities concerned to consider the grievance of the petitioner with respect to making available the pay scale of Rs.5000-8000 with



effect from 1.1.1996 within a period of two months from the date of receipt/production of a copy of this order.

5. Needless to say that if the claim of the petitioner is allowed, he would be entitled to all consequential benefits arising out of the same.

(Madhuresh Prasad, J)

Shashi.

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