

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3655 of 2015

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1. Shiw Kumar Singh Son of Late Satya Narayan Singh, resident of Village- Shankarppur, P.S. Obra, District- Aurangabad
 2. Jitendra Kumar, Son of Late Bigan Ram, resident of Village- Palhe, P.S.- Ranka, District- Gadhwa
 3. Kusum Devi, Wife of Late Rampat Mishra, resident of village- Amilauna, P.S. Obra, District- Aurangabad

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna
4. The Special Secretary, Department of Finance, Government of Bihar, Patna
5. The Additional Secretary, General Administration Department, Government of Bihar, Patna
6. The Joint Secretary, Department of Finance, Government of Bihar, Patna
7. The Joint Secretary, General Administration Department, Government of Bihar, Patna
8. The District Magistrate, Aurangabad
9. The Additional Collector, Aurangabad
10. The Deputy Development Commissioner, Aurangabad
11. The Deputy Collector, Establishment, Aurangabad
12. The Sub Divisional Officer, Aurangabad
13. The Sub Divisional Officer, Daudnagar, Aurangabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Brisketu Sharan Pandey, Advocate
For the Respondents : Mr. Kaushal Kumar Jha, AAG 14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 06-08-2018

Heard learned counsel for the petitioners and learned counsel for the State.

It is submitted by learned counsel for the petitioners that the petitioners have wrongly been placed in the Grade Pay of Rs.2800/- from their earlier Grade Pay of Rs.4200/- by the office



order dated 16.1.2015 in purported compliance of the Finance Department letter dated 26.9.2014, which has no application in case of the petitioners. The issue has never been raised by the petitioner before the authorities. However, it is submitted that the recovery has been effected without affording them opportunity of hearing.

Learned counsel for the respondents, on the basis of averments made in the counter affidavit, is not in a position to dispute the submission that the petitioners have not been afforded any opportunity prior to lowering of their grade pay and recovery.

Be that as it may, since the petitioners have approached this Court without demanding any redressal of the grievances from the authorities, the interest of justice would be served by allowing the petitioners opportunity to represent their claim as to why the Finance Department letter dated 26.9.2014 would not apply to them. Claim may be submitted by the petitioners before the District Magistrate, Aurangabad within a period of four weeks from today. In the event such representation is filed, the District Magistrate, Aurangabad should consider the petitioners' claim and dispose it of by reasoned and speaking order in accordance with law. If the downgrading of pay is found to be incorrect, petitioners would be entitled to consequential benefits arising out of such decision. Entire exercise should be completed



within eight weeks from the date of receipt/production of a copy of this order.

The writ petition is thus disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.8.2018
Transmission Date	NA

