

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15400 of 2014

=====

Ram Swaroop Sinha aged about 76 years S/o Late Mushafir Sinha Resident of Village Shabajpur, P.S. Ahiyapur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department having his office at New Secretariat Police Station Sachivalaya, District Patna.
2. The Principal Secretary, Finance Department having his office at Old Secretariat, Police Station Sachivalaya, District Patna.
3. The Rajendra Agricultural University through the Registrar having his office at Pusa Samastipur.
4. The Vice Chancellor, Rajendra Agricultural University having his office at Pusa Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vikas Mohan, Advocate,
	:	Mr. Mukeshwar Dayal, Advocate,
For the State	:	AC To GA-1
For the University	:	Mr Chandra Mohan Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-09-2018 1. Heard learned counsel for the petitioner and counsel appearing on behalf of the State as well as University.

2. The grievance of the petitioner in the present writ petition is denial of upgraded pay scale to the petitioner. Notwithstanding the fact, similarly circumstance others have been granted benefits. Mr. Mukeshwar Dayal learned counsel appearing on behalf of the petitioner submits that issue raised in the present writ petition is covered by decision in CWJC No.3900 of 1999 order dated 05.12.2001 and CWJC No. 8302 of 2002 which was affirmed by the LPA Court in LPA No. 55 of



2004 order dated 19.8.2010 and even Supreme Court affirmed this in SLP No. 17891 of 2011.

3. Learned counsel for the petitioner submits that earlier the respondents in compliance of order of Apex Court issued resolution vide memo no. 758 dated 07.02.2013. But the relief was confined that the petitioner of CWJC No. 8302 of 2002 and LPA No. 55 of 2004 and other analogous cases. In contempt proceeding the respondent-State implemented the order of the Writ Court affirmed in LPA and Supreme Court by extending the benefit to similarly circumstanced other who were not petitioner. However, the case of the petitioner was not considered and he was not granted the benefit of the resolution dated 07.02.2013.

4. In view of the litigation policy 2011 particularly in 4 (c) and the judgment of the Full Bench reported in (2018) 2 PLJR (929), the respondent-University and State is required to see that petitioner is granted the same benefit i.e. benefit to resolution dated 07.02.2013 if similarly circumstanced others have been granted same benefits. University is required to examine the claim of the petitioner and forward the same to the State government and if the case of the petitioner is covered by the decision of CWJC No.3900 of 1999, and on receipt of such



recommendation the State Government is required to ensure payment of the revised Scale to the petitioner on the line other similarly circumstance employees have been paid such benefit pursuant to resolution dated 7.2.2013. Final decision with all consequential benefit in this regard must be taken by the respondent within a maximum period of four months from the date of receipt/ production of a copy of this order.

5. With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

U			
---	--	--	--

