

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1038 of 2017

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Md. Shabbir Ahmad, son of Late S.K. Sanuallah, resident of village-
Premjiwas, P.S. - Bahadurpur, District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Old Secretariat, Patna..
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Personnel and Administrative Department, Govt. of Bihar, Patna.
4. The District Magistrate cum Collector, Darbhanga.
5. The Accountant General, Government of Bihar, Patna.
6. The Deputy Collector, Nazarat, Darbhanga.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Harishankar Roy, Advocate
For the State : Mr. W.A. Khan, A.C. to S.C.-25
For the Accountant General : Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-06-2018

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Accountant
General.

2. In this case, primary grievance has been raised by
the petitioner that his pay has wrongly been fixed by the
Collector, Darbhanga, without taking into consideration the fact
that the petitioner was an employee of the Consolidation
Department and on its closure employees were declared surplus.



In turn, the Government by a policy decision adjusted the petitioner and other similarly situated persons working in the Consolidation Department and it was also decided that the pay will not be less than what the persons were getting in the Consolidation Department.

3. The short facts of this case are that the petitioner was appointed in the Consolidation Department in the pay scale of Rs.220-4-240/- EB-5-290-EB-5-315/- on temporary basis and after winding up of the Consolidation Department the petitioner and other similarly situated persons working there were declared surplus and the State Government decided to adjust the employees of the Consolidation Department in the different Departments including the Collectariate of different districts on Class-III and IV posts. It appears that the Deputy Director issued a letter no.1149 dated 18.07.2000, by which the petitioner was relieved, accordingly, he submitted his joining to the Collector, Patna, with effect from the date of order of relieving but later on, the case of the petitioner was placed before the District Establishment Committee, Darbhanga and accordingly, he was finally absorbed at Collectariate, Darbhanga. While absorbing there, the petitioner has been treated as fresh appointee and has been given the pay scale of Rs.3050-4500/-,



is the grievance of the petitioner having stated that it was not a fresh appointment rather it was an absorption and others who have absorbed have been given the pay scale of Rs. 4000-6000/-, which is the upgraded pay scale on account fact that their services were treated to be continuous service not a fresh appointment, but in the case of the petitioner a different stand was taken and has given the lower pay scale of Rs. 3050-4500/-.

4. Learned counsel for the State submits that as he was for the first time absorbed there the initial pay scale was given to the petitioner, but lastly, learned counsel for the State submits if other similarly situated persons have been given the pay scale of Rs. 4000-6000/- then certainly this mistake would be rectified.

5. In such view of the matter, let the Collector, Darbhanga, would consider the case of the petitioner in the light of the fact that he was an employee of the Consolidation Department on being declared surplus he was adjusted in the Collectorate, Dharbhanga and he cannot be treated to a fresh appointee but will be treated at par with the similar situated person who have been absorbed in different Collectorates. If the others have been given the pay scale of Rs. 4000-6000/- it goes without saying the petitioner will also be entitled to the



same scale of pay.

6. As the petitioner has already superannuated from the service, he will be given the arrears of consequential benefits including the proper fitment for the purpose of pension and gratuity. All exercise should be completed by the Collector, Darbhanga, within a period of three months from the date of receipt / production of a copy of this order.

7. Accordingly this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	06.07.2018
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