

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2578 of 2019

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1. Gazetted Officers Association, Bihar Home Guard, Chhajjubagh, District-Patna-800001 through its General Secretary, Shri Akhilesh Kumar Thakur, Male, aged 46 years, Son of Shri Ramanand Thakur, R/o- Kamtaul, District-Darbhangha, Pin-847304.
 2. Jiwendra Nath Jha, Male, aged about 60 years, Son of Late Birendra Nath Jha, R/O- C-9, Vijaynagar, Hanuman Nagar, P.S.- Patrakar Nagar, District-Patna, Pin-800020.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Principal Secretary Home (Special) Department, Bihar, Patna.
3. Principal Secretary Finance Department, Bihar, Patna.
4. Director General-Cum-Commandant General, Bihar Home Guard, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.
For the Respondent/s : Mr. P.K.Verma (AAG3)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 20-02-2019

The petitioner No. 1 is an Association of the Members of Bihar Home Guard Services, whereas the petitioner No. 2 is one of the office bearers of petitioner No. 1.



2. The present writ petition has been filed by the petitioners seeking a direction to the respondent authorities to extend the benefits in matters of creation of need-based posts and hierarchy of posts; promotion and revision of salary in favour of the Members of petitioner No. 1, which would only then be at par with the service conditions of the Members of Bihar Police Service, which is of an equivalent Cadre and in which, persons are appointed by the same source of examination.

3. It has been submitted on behalf of the petitioners that the Members of the Bihar Home Guard Services undergo the same rigors of appointment and training and they are, as in duty bound, required to perform the same duties and functions like a Member of Bihar Police Service. However, for some time, there was a difference in pay of the Officer of the basic Cadre of Bihar Home Guards and of Bihar Police Service. The aforesaid anomaly was redressed, but the grievance of the petitioners is with respect to creation of hierarchy of posts; providing avenues of promotion to the Members of the Bihar Home Guard



Service, which has not been given to them. This led the Members of petitioner No. 1 to represent before the authorities concerned, but only some benefit of such labour came later, but from a later date. The promotional hierarchy of posts have been created, but from a date which is much later than such benefits having been extended to the Cadre of Bihar Police Service.

4. This leaves some of the grievances of the petitioners unredressed.

5. It has further been submitted that there is no rationale or justification in extending such benefits from a later date. With respect to this demand of the Members of Petitioner No. 1, several representations have been preferred before the Director General-Cum-Commandant General, Bihar Home Guards and Fire Fighting Services, Bihar, Patna, but to no avail. However, the learned counsel for the petitioners has pointed out that on one occasion, the Director General-Cum-Commandant General, Bihar Home Guards and Fire Fighting Services, Bihar, Patna has recommended the aforesaid representation to the Principal Secretary, Home



(Special) Department, Bihar, Patna, but no decision as yet has been taken at his end.

6. Under the aforesaid circumstances, this Court directs the petitioners to represent before the Principal Secretary, Home (Special) Department, Bihar, Patna (respondent No. 2), detailing their grievances, within a period of two weeks from today. On receipt of such representation, the Principal Secretary, Home (Special) Department, Bihar, Patna (respondent No. 2) shall take a decision and dispose off such representation by a reasoned order within a further period of six weeks thereafter.

7. With the aforesaid observation and direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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