

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3332 of 2016

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Kapil Deo Narayan Sinha Son of late Ram Dhari Prasad Sinha Resident of
Village-Dumri Pramanandpur , P.s Paru, District- Muzaffapur.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Water Resources Department,
Govt. of Bihar, Patna
2. The Secretary, Finance Department Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Birpur, Supaul,
4. The Superintending Engineer, Canal Circle, Saharsa.
5. The Executive Engineer, Irrigation Division Triveiganj, Supaul.
6. The Accountant General of Bihar, Patna.
7. The District Treasury Officer, Madhepura.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Raj Dular Sah
For the Respondent/s : Mr.R.N. Dubey- Aag12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-04-2019 This is third writ petition filed by the petitioner seeking benefit of pay scale of Rs. 400 – 540/-, i.e. scale admissible to Non Matric Gauge Reader, as per decision of the Government contained in letter dated 15.1.1987 issued by the Deputy Secretary in the Finance Department.

The first writ petition, CWJC No. 11417 of 2009, was disposed of with liberty to the petitioner to file a representation. The petitioner filed second writ petition. CWJC No. 7037 of 2012, which in the circumstances was dismissed since for the same grievance the petitioner had earlier moved a writ petition



and direction had been issued thereon to the respondent State to take a decision on the representation of the petitioner.

Thereafter the petitioner preferred a contempt application. MJC No. 6068 of 2012 which was considered by this Court on 14.11.2013. The State Government submitted that the order had been complied with in terms of the details contained in the show cause and relevant documents filed in support thereof in the contempt proceeding. In the circumstances, the contempt application was disposed of.

Again a writ petition has been filed by the petitioner seeking benefit of the pay scale of Rs. 535 – 765/- in terms of the decision of the Government contained in letter dated 22.6.1988. The admissible scale of the petitioner in terms of decision of the government dated 15.1.1987 is Rs. 400 – 540 i.e. the scale meant for Non Matric Guage Reader. It is not the petitioner's case that he was a Matriculate Guage Reader and therefore claim for the scale of Rs. 535 -765 made by the petitioner is not tenable in view of the decision of the State Government dated 15.1.1987 which is to be read with communication dated 22.7.1988 relied upon by the petitioner.

The respondent State in the instant proceeding also admitted that the petitioner's entitlement by virtue of being a



Non Matric Gauge Reader is in the scale of Rs. 400 – 540/-.
That is the claim which the petitioner had made in the writ proceeding arising out of CWJC No. 11417 of 2009.

Since the scale is admissible, this Court would only observe that if monitory benefits are not being extended to the petitioner till date the same must be done within a period of eight weeks from the date of receipt/production of a copy of this order.

The writ petition is disposed in terms of aforesaid direction.

(Madhuresh Prasad, J)

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