

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8694 of 2016**

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Niranjan Kumar, S/o late Kamleshwari Das, Resident of Village- Puwari Tola,  
Farda, P.S- Naya Ram Nagar District Munger.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna
3. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Old secretariat, Patna.
4. The Commissioner, Munger Division, Munger.
5. The Collector-Cum District Magistrate, Munger.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate  
For the Respondent/s : Mr. Kaushal Kr. Jha- AAG-14

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      07-08-2019                      Heard learned counsel for the petitioner and  
  
learned counsel for the State.

In this case, the petitioner is making a submission that he is being paid lower pay scale although he is discharging the same and similar duty of Lower Division Clerk and those who have entered into the service later on, are getting higher pay scale. However, the facts remains that the petitioner is a compassionate appointee whereas those who have been granted higher pay scale are direct recruitees through Bihar Public Service Commission. The petitioner is only claiming parity and stepping up of the pay scale on the basis of recommendation of



the District Magistrate, Munger, vide letter no.355 dated 31.03.2016.

Learned counsel for the State submits that both are different class, so the petitioner cannot claim parity with the pay scale of those who entered into the service through B.P.S.C., but learned counsel for the petitioner submits that recommendation of the District Magistrate, Munger, is in terms of the Circular of the Government of Bihar that a person who is senior in the same cadre should be get a lesser scale of pay and requires stepping up of the pay scale.

Let the Principal Secretary, Finance Department, Government of Bihar, examine the case of the petitioner and take decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

It is clarified that this Court is not giving any opinion on the merit of the case.

With the aforesaid observations and directions, this writ petition is disposed of.

**(Shivaji Pandey, J)**

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