

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7938 of 2015

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The Bihar Medical and Public Health Employees Association through its Secretary (Mantri) Naresh Kumar, S/o Late Ram Krishna Yadav, Resident of village - P.O.- Satokhar Kataiya, P.S.- Singheshwar, District - Madhepura, currently posted as Non-Medical Assistant, Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, having his office in Old Secretariat, PS – Sachivalaya, District - Patna
2. The Finance Commissioner, Government of Bihar, Old Secretariat, P.S.- Sachivalaya, Patna.
3. The Commissioner-cum-Secretary, Health Department, Vikash Bhawan, P.S.- Sachivalaya, Patna.
4. The Director in Chief, Health Department, Vikash Bhawan, P.S.- Sachivalaya, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Diwakar Pd Karn, Chandra Shekhar Anand,
Advocates

For the Respondent/s : Mr Lokesh Kumar Singh, AC to AAG XIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-06-2019 Heard learned counsel for the petitioner-Association and the respondent State.

Members of petitioner-Association claim that they should be placed in the pay scale of Rs 4,500/- to 7,000/- in place of Rs 4,000/- to 6,000/-. Writ petition has been filed by Association comprising of Non-Medical Assistants claiming to be working in the Government of Bihar under the Health Department. It is submitted by the petitioner's counsel that claim of the members of the petitioner-Association is similar to



that of the petitioners in CWJC No 15856 of 2014.

Learned State Counsel, referring to the counter affidavit filed by respondent No 4, submits that the petitioner-Association should have approached the Finance Department if they were claiming parity with petitioners of CWJC No 15856 of 2014.

Learned counsel for the petitioner-Association, thus, submits that the petitioner-Association would be approaching respondent No 2 with their claim for parity with the beneficiaries of CWJC No 15856 of 2014.

In view of such submission, the consideration has to be done by respondents having regard to the various parameters and if the claim of the petitioner-Association is found to be at par, then the respondents would be under a legal obligation to extend the benefit of higher scale to the members of petitioner-Association also as has been granted to the writ petitioners of CWJC No 15856 of 2014.

Since the consideration has to be done by the respondent-authorities, keeping in view the various relevant parameters, pendency of the instant writ petition would serve no useful purpose.

Petitioner-Association would be at liberty to approach



respondent No 2 by a detailed representation in support of their claim of parity with the writ petitioners of CWJC No 15856 of 2014. Claim of the petitioner-Association should be considered by respondent No 2, if filed within four weeks expeditiously and without any undue delay.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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