

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1277 of 2018

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
3. The Secretary Expenditure, Department of Finance, Government of Bihar, Old Secretariat, Patna.
4. The Additional Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
5. The Joint Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
6. The Deputy Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
7. The Assistant Secretary Budget, Department of Finance, Government of Bihar, Old Secretariat, Patna
8. The Treasury Officer, Secretariat Treasury, Sinchai Bhawan Patna.
9. The Treasury Officer, Secretariat Treasury, Vikas Bhawan Patna.
10. The District Treasury officer, District Treasury, Patna.
11. The Treasury Officer, District, Danapur
12. The District Treasury Officer, District Treasury, Muzaffarpur.
13. The District Treasury Officer, District Treasury, Motihari
14. The District Treasury Officer, District Treasury, Vaishali, Hajipur.

... .. Appellant/s

Versus

Syed Raza Monir and Ors

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar Sinha, G.A. 1 Mr. Amaresh Kumar Sinha, A.C. to G.A. 1
For the Respondent/s	:	Mr. Siya Ram Shahi, Advocate Mrs. Shally Kumari, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-02-2019

I.A. No. 7047 of 2018

Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The appeal shall be



treated to be within time.

L.P.A. No. 1277 of 2018

Heard Shri Anil Kumar Sinha, learned counsel for the
State of Bihar.

This appeal questions the correctness of the impugned judgment dated 23rd August, 2017. The respondent-petitioners had prayed for a mandamus to grant them the pay-scale with Grade-pay at par with the petitioners in whose case the judgment was delivered on 22nd August, 2006 and which judgement has been upheld by the Apex Court. The main issue which was being canvassed was of the status of the respondent-petitioners who, according to the appellants, were not entitled to the aforesaid benefit inasmuch as they were appointed on compassionate basis and the benefit was admissible only to those who had opted for the Treasury Cadre.

This issue was dealt with in various judgments, including that of Prabhat Shankar Poddar Vs. The State of Bihar & Ors. (C.W.J.C. No. 817 of 2017) and also in the case of Satyendra Kumar Dubey Vs. The State of Jharkhand & Ors. (W.P.(S)No. 742 of 2004) which travelled up to the Supreme Court. The Supreme Court dismissed the S.L.P. in the case of Satyendra Kumar Dubey (supra) both on the ground of



inordinate delay as well as on merits.

In view of the aforesaid background, the learned Single Judge found that the distinction which was sought to be made between those appointed on compassionate basis and those who opted for the Treasury Cadre was unreasonable.

We find no reason to differ with the above view taken by the learned Single Judge, more so in the light of the other pronouncements that have been relied upon and have been made the basis of the impugned judgment dated 23.8.2017.

The appeal lacks merit and is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.02.2019
Transmission Date	N/A

