

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18878 of 2019

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Kritya Nand Prakash Son of Late Kamla Saran Sinha, Resident of Ashok Nagar, Road, no.1, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Finance department, Government of Bihar, OLd Secretary, Finance Department, Government BIhar, Old Secretariat, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Social Administration Department, Government of Bihar, Old Secretariat, Patna.
4. The Secretary (Expenditure), Finance Department, Government of Bihar, Old Secretariat, Patna.
5. The Additional Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna
6. The Joint Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna
7. The Deputy Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna
8. The Assistant Controller (Budget), Finance Department, Government of Bihar, Old Secretariat, Patna
9. The Treasury Officer, Secretariate treasury, Sinchai Bhawan, Patna.
10. The District Magistrate, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Barun Kumar Choudhary
Mr.Sandeep Jha

For the Respondent/s : Mr. Kumar Samarjeet Singh, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-09-2019 Following is the relief, which the petitioner is seeking : -

“(i) For issuance of a writ of mandamus or any other appropriate writ/s, order/s or direction/s commanding the Respondent Authorities to provide the petitioner a pay scale of Rs.5000/- to Rs.8000/- with effect from 01.01.1996 or from



his respective date of joining, whichever is later and replacement scale of Rs.9,300/- to 34,800/- with grade pay of Rs.4200/- in P.B.-2 with effect from 01.01.2006, in terms of the judgment and order dated 22.08.2006 passed in W.P.(s) No. 742 of 2004 which has been upheld by the Hon'ble Supreme Court and particularly in the view of the facts, that similarly situated class-III employees of Treasury Cadre like this petitioner are getting the aforementioned pay scale and also taking into consideration the fact that the petitioner is discharging same and similar duties and responsibilities as being discharged by the other Class-III employees of Treasury Cadre.

(ii) For issuance of writ of mandamus or any other appropriate writ order or direction commanding the Respondent authorities to pay the petitioner all consequential benefits, such as arrears of differences of salary etc. on account of providing the pay scale of Rs.5000/- to Rs.8000/- with effect from 01.01.1996 or from the date of his joining, whichever is later and thereafter to pay further difference of arrears of salary with effect from 01.04.2007 after reconsidering his salary in the pay scale of Rs.9,300/- to 34,800/- with corresponding Grade pay of Rs.4200/- with effect from 01.01.2006.

(iii) For issuance of a writ of mandamus or any other appropriate writ/s, order/s or direction/s commanding the Respondent Authorities to consider the grievance of the petitioner in the light of the order dated 23.08.2017 passed in C.W.J.C. No. 23781 of 2012 by the Hon'ble Mr. Justice Vikas Jain, in the same and similar circumstances of the petitioners similarly situated of the same department of the Finance Department, Govt. of Bihar, Patna.

(iv) For any other relief or reliefs for which this petitioner be found to be entitled in the eye of law, be granted.”

Learned counsel appearing on behalf of the petitioner



has drawn my attention to a judgment and order, dated 23.08.2017, passed by this Court in C.W.J.C. No. 23781 of 2012 (Syed Reyaz Monir and Others vs. The State of Bihar and Others), whereby this Court has made following observations in paragraph 8 : -

“8.This Court therefore has no hesitation in holding that the classification sought to be made by the respondents between the persons who were initially appointed on compassionate basis such as the petitioners, and those who had opted for treasury cadre in the year 1979, cannot be said to be a reasonable one and is thus unsustainable in law. The petitioners cannot be denied the benefit of higher pay scale and other benefits as claimed. Accordingly, the order contained in Memo No. 6391 dated 10.08.2016 (Annexure-22) is hereby quashed with a direction to the respondents to grant the petitioners’ pay scale of Rs.5000-8000 with effect from 01.01.1996 or from their respective dates of joining, whichever is later, as well as replacement pay scale of Rs.9,300-34,800 with Grade Pay of Rs. 4200/-with effect from 01.01.2006 as granted in the case of the employees of the treasury cadre, with all consequential benefits.”

It has been contended that the petitioner’s grievance is identical as was the case of the petitioners of C.W.J.C. No. 23781 of 2012.

I am, *prima facie*, satisfied with the submission so advanced on behalf of the petitioner after perusal of the writ application and the order of this Court passed in C.W.J.C. No. 23781 of 2012.



In such view of the matter, this application is disposed of in terms of the order of this Court dated 23.08.2017 passed in C.W.J.C. No. 23781 of 2012. It is accordingly directed that let a decision be taken by respondent No.2 within two months from the date of receipt/production of a copy of this order.

It is made clear that if, according to respondent No.2, case of the petitioner can be distinguished from the case of Syed Reyaz Monir and Others, he may reject the petitioner's claim, but after recording reasons therefor.

This writ application is disposed of.

(Chakradhari Sharan Singh, J)

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