

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3207 of 2021

-
1. Md. Naushad Son of- Late Md. Halim Resident of Village- Rasauli (S.K. Tola), Police Station- Panapur, District- Chapra (Saran) at Present Address- Mohalla- Hridyaganj (Koshi Colony) (Court Campus), Police Station- Mirchaya Bari, District- Katihar.
 2. Anil Kumar Singh Son of Late Janardan Singh Resident of Village- Khara, Police Station- Udakishunganj, District- Madhepura at Present Address- Mohalla- Koshi Colony Qr. No.- F-5, Police Station- Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Chief Engineer, Water Resources Department, Sichayi Srijan, Government of Bihar, Saharsa.
3. The Superintending Engineer, Nahar, Anchal Purnea.
4. The Executive Engineer, Irrigation Division, Katihar.
5. The Executive Engineer, Irrigation Division, Murliganj, Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Mahasweta Chatterjee, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 24-11-2021

Heard the learned counsels for the parties.

In the instant petition, petitioners have sought for
following reliefs:

“(i) That an appropriate writ may be issued quashing the Letter No.-557 dated 22.05.2020 as contained in Annexure-11, issued under the signature of Respondent No.-4, the Executive Engineer, Irrigation Division Katihar by which he has reduced the pay-scale of the petitioner no.-1 to Rs. 4000/- to 6000/- from Rs. 5000/- to



8000/- which scale was granted after the grant of 1st promoting under A.C.P. Scheme to petitioner no. 1.

(ii) That an appropriate writ may be issued quashing the Officer Order No. 223 dated 12.03.20 as contained in Annexure-13 issued under the signature of the Executive Engineer, Irrigation Division, Murliganj, the Respondent no.-5 by which the pay scale of the petitioner no. 2 has been reduced to Rs. 4000/- to 6000/- from Rs. 5000/- to 8000/-.

(iii) That an appropriate writ may be issued quashing the office order vide letter no. 1065 dated-25.11.2020 as contained in Annexure-12, issued by the Executive Engineer, Irrigation Division, Katihar, the Respondent no. 4 by which he has directed to recover Rs. 21,373/- from the salary of the petitioner no.-1 for the month of November and also to recover Rs. 22,350/- per month in 39 installment from the salary of the petitioner no.-1 due to excess payment of total Rs. 8,93,023/-.

(iv) That an appropriate writ may issued quashing the order vide memo no.-132 dated 04.02.2017 as contained in Annexure-15 issued by the Respondent no.-2 by which he sanctioned the pay scale of Rs. 4000/- to 6000/- to the Irrigation Revenue Inspectors after granting promotion under A.C.P. Scheme the extent of the petitioners.

(v) That an appropriate writ may be issued commanding upon the Respondent authority to grant both the petitioners second promotion under Modified Assured Career Progration Scheme (here in after referred as M.A.C.P. Scheme) from year 2016 from the date they have completed 20 years of service with consequential benefit immediately.

(vi) Any other relief/reliefs for which the petitioner is found entitled to.”



Undisputedly, order of re-fixation of pay and recovery is without notice to the petitioners. Accordingly, the impugned orders are set aside reserving liberty to the respondents to proceed to re-fix the pay of the petitioners after issuing show cause notice and on receipt of petitioners' explanation. Speaking order shall be passed while considering the contents of the explanation to be submitted by the petitioner. The above exercise shall be completed within a period of four months from the date of receipt of copy of this order. In the meanwhile, if any amount is recovered pursuant to impugned order of re-fixation of pay, the same shall be refunded to the petitioners within a period of two months from the date of receipt of this order.

With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	29.11.2021
Transmission Date	

