

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20784 of 2019

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Sangita Kumari wife of late Rajesh Kr. Bharti R/o R.P.S. More, Judges Colony (Bailey Road Patna), P.S. Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
3. The Secretary (Expenditure) Department of Finance, Bihar, Patna.
4. The Additional Secretary, Building Construction Department, Bihar, Patna.
5. The Engineer-in- Chief, Building Construction Department, Bihar, Patna.
6. The Chief Engineer, Building Construction Department, Bihar, Patna.
7. The Superintending Engineer, the Construction Circle, Building Construction Department, Bihar, Patna.
8. The Executive Engineer, Construction Division no. 3, Building Construction Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate
For the Respondent/s : Mr. Syed Iqbal Ahmad, SC 20

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-12-2021

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

- “(i) For issuance of a writ in the nature of writ of certiorari for quashing/setting aside the office order no. 24 dated 4.7.2017 passed by the office of the Superintending Engineer, Construction Circle, Building Construction Department, Patna (Annexure-3).
- (ii) Be please to issue a writ in the nature of writ of mandamus or an appropriate writ/writs, order/orders and direction/directions commanding the respondents to grant the



same relief as has been granted to the similarly situated employees in C.W.J.C. no. 9921/2017 (Binit Kumar and others Vs. The State of Bihar and others) (Annexure-2) which has attained the finality and has been fully complied by the deponents concerned.

(iii) Be please to direct the respondents concerned to reinstate/restore the petitioner on her initial clerk with all consequential benefits including arrears too.

(iv) and/or be pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case.”

On 14.12.2021 following order was passed:

“Heard learned counsel for the parties.

Pursuant to the previous order dated 07.12.2021, The Chief Engineer, Building Construction Department, Bihar, Patna Mr. Varun Kumar Singh is present in the Court. He has furnished a Notification (No. 78) in which para 4 relates to Junior Accounts Clerk and carries the pay-scale of 3050 to 4590. The petitioner has failed to produce cadre notification relating to Junior Accounts Clerk which carries the pay-scale of 4000-6000. Merely relying on some clarificatory orders issued by the Finance Department cannot be taken into consideration for the reasons that cadre notification relating to Junior Accounts Clerk is specific in the notification dated 20th December, 2000 and it carries the pay-scale of 3050 to 4590. That apart, petitioner was appointed on 30th November, 2007 against pay scale of 3050 to 4590. He has not questioned the pay-scale granted to him at the time of appointment.

At this juncture, learned counsel for the petitioner seeks time to furnish cadre notification relating to Junior Accounts Clerk.

Re-list this matter on 15.12.2021, failing which, matter would be decided with the aforesaid information.”

Today, learned counsel for the petitioner furnished a book titled as “Compilation of Pay Fixation Orders”. Order No. 165 dated 08.06.1999 relates to revision of scales of pay of 70 categories of Government employees whose cases were referred to the Fitment Committee for reconsideration in which item No. 18



relates to Junior Accounts Clerk's initial pay is Rs.1200-1800/- and it was revised to Rs.4000-6000/-. Since the petitioner was appointed in the year 2007 is entitled to pay scale attached to the post of Junior Accounts Clerk – Rs.4000-6000/-. Thus the respondents have committed an error in extending pay-scale of Rs.3050-4590/-. Accordingly, petitioner has made out a case so as to interfere with the order No. 24 dated 04.07.2017 passed by the Office of the Superintending Engineer, Construction Circle, Building Construction Department, Patna (Annexure-3).

Accordingly, it is set aside. The concerned authority is hereby directed to extend pay-scale of Rs. 4000-6000/- to the petitioner and arrears shall be paid while fixing pay @ Rs. 4000-6000/- and disburse the same within a period of two months from the date or receipt of this order.

With the above observations, writ petition is allowed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

