

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14070 of 2018

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1. Ashish Mohan Sharma, Son of Rai Brij Mohan Sharma, resident of Flat No. 202, Deo Kunj Apartment, Mohalla- Nehru Nagar, P.S.- Patliputra, District- Patna.
 2. Rajiv Ranjan, Son of Shri Mishri Prasad, Resident of Village- Kahuara, P.S.- Nardiganj, District- Nawadah.
 3. Tarique Ahmad Khan, Son of Aquil Ahmad Khan, Resident of Mohalla- Alamganj, P.S. Alamganj, District- Patna.
 4. Divesh Kumar, Son of Sri Basudeo Sharma, resident of Flat NO. 142, Defence Colony, Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Energy, Daroga Roy Path, Patna
2. Bihar State Hydroelectric Power Corporation Ltd. through its Managing Director Sone Bhawn (2nd Floor) Beer Chand Patel Marg, Patna.
3. Director Personnel and Administration, Bihar State Hydroelectric Power Corporation Ltd. Sone Bhawan
4. Manager personnel and Administration, Bihar State Hydroelectric Power Corporation Ltd. Sone Bhawan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh, GA-3

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

Date : 13-01-2022

This matter is heard via video conferencing due to circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioners have prayed for the following reliefs:

“(i) For a direction to the respondents to treat the petitioners equally in matters of payment of wages to them, and thereby make the same wages admissible to



them which is being paid to those similarly situated Engineering Degree holder B. Tech Assistant Engineers and Junior Engineers appointed as such on contract basis, considering the fact that, even though the petitioners also hold the same equal qualification of Degree in Engineering (B. Tech) and/or Diploma in Engineer and are discharging exactly the same nature of job, whereas the other similarly situated who have been provided with such contract appointment on being selected by the outsourced selecting agency XLRI, or from out of the panel of Engineering Degree holder Engineers maintained by the Bihar State Electricity Board during the same period, are being paid their wages in the regular pay scale of Assistant Engineer and/or Junior Engineer, the petitioners are being paid such wages at the rate of Rs.400/- and/or Rs.300/- on daily rated basis.

(ii) The petitioners alternatively pray for a direction to the respondents to restore the wage which was made admissible to them by the office order No.09 dated 14.03.2014, issued under the signature of respondent Manager (Personnel and Administration) and thereby continue to make payment of wages to them at the consolidated rate of Rs.18000/- month, which has been abruptly stopped only in the case of the petitioners, thus relegating them to their initial status of daily wage Assistant Engineer and/or Junior Engineer making admissible to them, the wage of Rs.400/- or 300/- a day on daily rated basis.

(iii) Further prayer is for setting aside the office order No.62 dated 24.07.2014 issued under the orders of respondent Managing Director, communicated by the



respondent Manager (Personnel and Administration), by which, while on the one hand, those similarly situated Assistant Engineers / Junior Engineers appointed on contract basis on being selected by XLRI or brought from out of the panel prepared and maintained by Bihar State Electricity Board, have been allowed wages in the regular pay scale admissible to regular Assistant Engineer or Junior Engineer along with annual increments and other emoluments admissible thereon, on the other hand the petitioners who were also engaged during the same period have been subjected to wild discrimination in allowing them the meager amount of Rs. 400/- and 300/- a day, that too, for only working days.

(iv) The petitioners further pray for a direction to the respondents to make payment of arrears of such wages at the rate of Rs.18000/- a month which has been stopped to be paid to them with effect from August 2014, till date taking into account that such reduction in the consolidated wages of the petitioners is not on account of any complaint of unsatisfactory performance of duty discharged by them or on the ground of any other inferior or different nature of duty supposedly discharged by them, rather such reduction in their wages is tainted with malafide and discrimination between the equal class of other similarly qualified technical employees.”

4. The petitioners have been discriminated in extending monetary benefits like pay. The aforesaid issue has been turned down by the respondent on 24.07.2014 (Annexure-P/2).



5. Perusal of the qualification and the post held by the petitioners read with the similarly situated persons, who have been extended a particular pay scale, whereas the petitioners have been discriminated. The petitioners are entitled to minimum pay or pay attached to the post in the light of the Apex Court decision in the case of **State of Punjab and Ors vs Jagjit Singh and Ors**, reported in **(2017) 1 SCC 148**. In the light of the Apex Court decision, the impugned order at Annexure-2 dated 24.07.2014 is set aside.

6. The concerned respondent is hereby directed to re-visit to the petitioners' grievance in the light of the Apex Court decision in the case of **State of Punjab and Ors vs Jagjit Singh and Ors** (Supra) read with the fact that the petitioners were equally having qualification on par with the similarly situated persons (nature of job is identical), who have been extended higher pay than the petitioners.

7. The aforesaid material information shall be taken into consideration and proceed to pass a speaking order and communicate the same to the petitioners.

8. The above exercise must be completed by the competent authority within a period of four months from the date of receipt of a copy of this order. In the event, the petitioners are



entitled to arrears of monetary benefits, the same shall be extended to them while calculating from the date they are entitled for a particular pay on par with the similarly situated persons, who were holding identical post read with their qualification and duties.

9. The petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2022
Transmission Date	NA

