

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7558 of 2021

1. Dukha Mallik S/o Darkhan Mallik, Resident of Village-Suhai, Ward no. 17, PO-Lagma P.S.-Dumara, District-Sitamarhi and
2. Naga Mestar @ Naa S/o Jini Ram, Resident of Village-Hussaina Mahsaul rampur Lachani, P.S.-Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home (jail) Department, Government of Bihar, Main Secretariat, Patna of Disaster Management Department, Bihar.
2. The Inspector general (Prison) Home (jail) Department, Main Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 10-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

State counsel accepts notice for Respondent Nos. 1 & 2.

The second respondent is hereby directed to examine the petitioner's grievance which are sought in the present petition. The reliefs reads as under:-

“(i) For issuance of writ in the nature of mandamus and direction to the respondents to make dues payment of petitioner their admitted wages interim with aforesaid decision (C.W.J.C.



No. 7163/2008) including current wages in minimum of the scale of pay of the post as Saphai karmi (IVth grade Karamchari).

(ii) For further direction to the respondent authorities to adjust the petitioners in Government Service/re-instate as per ability and qualification or regularized with ancillary benefits to the petitioners of the concern department.

(iii) For further direction to the respondents' authority disposed of the representation of the petitioner by reasoned and speaking order within time framed.

(iv) Any other relief/reliefs as your Lordships may deem fit and proper.”

In support of the aforesaid relief petitioners submitted representation on 05.05.2019 and 20.12.2020 vide Annexures 5 & 6 respectively. Irrespective of the petitioners' representation it is bounden duty of the employer to extend monetary benefits attached post to its employee.

Therefore, the second respondent is hereby directed to examine the grievance of the petitioners and extend monetary benefits attached to the post of Safaikarmi (IVth Grade Karamchari). Necessary calculation shall be made in respect of the arrears of the pay and to pay and continue to pay minimum scale of pay in the light of Hon'ble Apex Court decision in the case of *State of Punjab & Others V. Jagjit Singh & Others* reported in (2017) 1SCC 148.

Petitioner is Class IV Pool Employees and Respondents being a model employer a department should have



in all fairness extended monetary benefits with reference to their nature of duties discharged by them.

Thus, the Respondent No. 2, Inspector General (Prison) Home (Jail) Department, Min Secretariat, Patna is hereby directed to extend monetary benefits within a period of one month from the date of receipt of this order, failing which the petitioners are entitled to litigation cost and it is quantified at Rs. 10,000/- (Rupees ten thousand) only to each of the petitioner. Cost shall be paid. If the petitioners’ grievance is not redressed within a period of one month stipulated time (supra).

With the aforesaid, present petition is disposed of.

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	17.02.2022
Transmission Date	NA

