

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7985 of 2021

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Nirmal Kumar S/o Late Haridwar Singh @ Haridwar Yadav, Resident of
Mohalla Anar Ward No. 16, P.O. Bihea, P.S. Bihea, District Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
3. The District Magistrate and Collector, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Respondent/s : Mr. Lalit Kishore (Ag)

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

Date : 14-02-2022

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

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

“(i) For issuance of an appropriate writ, order or
direction for commanding and directing the respondent to
revise the salary, and fix and pay the salary in the scale of Rs.
4000-100-6000 w.e.f., the date of appointment dated
16.07.2001 which is the actual pay scale of class III
employees in the State of Bihar instead of pay scale of Rs.
3050-75-3950-80-4590 which the petitioner is getting till the
date.

(ii) For issuance of an appropriate writ, order or
direction for commanding and directing the respondent to treat
the petitioner in the scale of 4000-100-6000 w.e.f. the date of
his appointment, i.e. 16.07.2001 and pay him the entire arrears
of pay including other statutory benefits which is admissible
to class III employee.



(iii) For issuance of any other relief or reliefs which deems fit and proper under the facts and circumstances of the case.”

3. In the absence of representation followed by demand before the competent authority, question of issuance of writ of mandamus under Article 226 of the Constitution is not warranted in the light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana* reported in *(1977) 1 SCC 486*.

4. Accordingly, the present petition stands dismissed, reserving liberty to the petitioner to prefer a detailed representation in respect of treating the petitioner in the scale of 4000-100-6000 w.e.f. date of his appointment i.e. 16.07.2001 and payment of arrears and other statutory benefits, if any. If such representation is submitted before the competent authority, the competent authority is hereby directed to decide the petitioner’s representation within a reasonable period of time.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

