

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1773 of 2021

1. Satya Narayan Ram son of Late Deepa Ram resident of village - Sahejani, P.s. - Piro, (Hasan Bazar), Distt. Bhojpur. Presently at Goutam Budh Nagar, Gorahna Road, Ara (Bhojpur, P.S. - Nawada, Ara.
2. Suresh Tiwari son of Ram Sigasan Tiwari resident of Baur, Akhtiyarpur, Kargahar, Rohtas.
3. Indrajeet Kumar son of Shri Rajeshwar Prasad Singh resident of village Kharjama, P.O. - Rewa, P.S. Masudhi, Distt. - Patna.
4. Mithilesh kumar Jaiswal son of Satya Narayan Jaiswal resident of Simra, P.O. - Simra, P.S. - Tikapatti, Distt.- Purnea.
5. Asif Iqubal Mehadi son of Md. Sayeedullah Ansari resident of village Neora, P.O. - Neora, P.S. - Bihta, Distt.- Patna.
6. Ishwar Prasad son of Late Bodhi Rajak resident of Sandalpur More, P.O. - Mahendru, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Special Secretary, General Administration Department, Bihar.
4. Finance Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashhar Mustafa, Advocate Mr. Abu Nasar, Advocate Mr. Tarique Shamim, Advocate Mr. Vikash Kumar Jha, Advocate
For the State	:	Mr. Sheo Shankar Prasad, SC 8 Mr. Arvind Kumar, Spl. PP (Vigilance)

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

Date : 23-03-2022

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

(a) For issuance of writ in the nature of Certiorari to set aside resolution no. 5290 dated 30.06.2017 only to the extent the benefit of payment of additional salary of one



month has been given prospective application by virtue of clause 6, thereby arbitrarily depriving and isolating Bureau from additional one month salary each for the year 2015-16 and 2016-17.

(b) For issuance of writ in the nature of mandamus commanding the respondents to make payments to the tune of one additional month every financial year, as approved by the Home (Police) Department, due for the financial years 2015-16 and 2016-17, that is, for two months.

(c) For grant of any other relief(s) that this Hon'ble Court may deem fit and necessary, in the interest of Justice, equity and good conscience."

Short question for consideration in the present petition is whether the policy decision dated 30.06.2017 for extending additional salary of one month to such of those employees who are working in Vigilance Department could be extended retrospectively from 27.08.2015 or not?

On 27.08.2015, the State Government has evolved a policy in extending one month additional salary to such of those employees who are working in Bihar Police, Fire Services, G.R.P, B.M.P. and District Police. However, similar benefit has been denied to such of those employees who were working in the Vigilance Department. In this regard, petitioners and others who



were working in the Vigilance Department approached the State. The State after due consideration of their grievance on par with earlier policy decision dated 27.08.2015 took another policy decision on 30.06.2017 in extending one month additional salary in a year to the employees of Vigilance Department and it is in prospective nature. Therefore, what remains is whether policy dated 30.06.2017 in respect of extending one month additional salary to Vigilance Department are concerned is required to be given effect from 27.08.2015 or not?

Learned counsel for the petitioners submitted that it is discrimination among the employees of the State Government in respect of policy decision of the State in extending one month additional salary. Inadvertently, Vigilance Department has been left out in the policy dated 27.08.2015 the same was extended by the State Government and awarded similar benefit to Vigilance Department on 30.06.2017. However, it has been given prospective effect thereby the petitioners have denied one month additional salary from the year 2015-16 and 2016-17.

Per contra, learned counsel for the respondents resisted the contention and submitted that policy decision dated 30.06.2017 cannot be given effect retrospectively with reference to earlier policy decision dated 27.08.2015, therefore, there is no infirmity in



not extending one month additional salary for the petitioners in the year 2015-16 and 2016-17.

Heard learned counsel for respective parties.

Crux of the matter in the present petition is whether the petitioners are entitled to one month additional salary on par with other officials of the police department and allied services with reference to policy decision dated 27.08.2015 or not?.

Undisputedly, Vigilance Department was left out from the policy decision and it has been rectified on 30.06.2017. Therefore, in all fairness the policy decision relating to grant of one month additional salary is required to be extended to the Vigilance Department on par with the Police Department and other allied services whose departments are reflected in the policy decision dated 27.08.2015. Question of in not giving retrospectively is not appreciable since no third party right is created or affected so as to hold policy could be given effect prospectively.

In the light of these facts and circumstances, the concerned respondents are hereby directed to give effect to the policy decision dated 30.06.2017 with reference to 27.08.2015 earlier policy decision. It is only the technical error that on 27.08.2015 the Vigilance Department's name has been left out.



The petitioners are entitled to one month’s additional salary in the year 2015-16 and 2016-17. The same shall be calculated and disbursed to the petitioners within a period of three months from the date of receipt of this order.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

