

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18964 of 2019

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Amitabh Kumar, Son of Late Basudeo Sharma, Resident of village and P.O. Leshghani, P.S. Piri Bazar, Dist- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Engineer in-Chief, Water Resource Department, Govt. of Bihar, Patna.
4. The Chief Engineer (Mechanical), Water Resource Department, Govt. of Bihar, Patna.
5. The Superintending Engineer (Mechanical), Irrigation Mechanical Circle, Mithapur, Patna.
6. The Executive Engineer, Field Machinery Division, Bhagalpur.
7. The District Accounts Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Siyaram Pandey, Advocate
For the State : Mr.Sumant Kumar Singh, A.C to G.A.-2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-12-2022

The writ petition has been filed seeking quashing of the letter dated 28.07.2018, issued by Respondent No.6, lowering down his pay scale from Rs.4000-6000/- to Rs.3050-4590/-. He has also sought his reinstatement as Junior Accounts Clerk.

2. Learned counsel for the respondents, relying on statements made in the counter affidavit filed on behalf of the respondent does not dispute that the circular dated 05.10.1991 and other circulars governing the issue in the instant writ petition,



along with the State Government's resolution dated 25.03.2015 bearing Memo No.3111 issued under the signature of the Secretary, Finance Department, Government of Bihar has been considered by this Court in the writ proceedings in the case of ***Binit Kumar & others Vs. The State of Bihar & others*** in CWJC No.9921 of 2017 and its analogous cases.

3. After considering all the relevant resolutions and circulars in this respect, this Court has held that all such persons similarly/identically situated as the petitioners who have been appointed on compassionate ground after 28.09.1999 are covered under the resolution of the State Government dated 25.03.2015. Accordingly, the respective position of the petitioners in the said case along with pay scale attached, have been restored and the direction has been issued to make payment of the amount, if any, recovered on account of the decision to place the petitioners in the post of Lower Division Clerk and the pay scale attached to the Lower Division Clerk.

4. The issue raised in the instant proceedings is already decided under the said order passed in CWJC No.9921 of 2017 and its analogous cases vide order and judgment dated 21.08.2017. The petitioner's case is also covered by the State Government's resolution dated 25.03.2015, which fact is not disputed by the



learned counsel for the respondents, since appointment of the petitioner is also post 28.09.1999.

5. Needless to say that the petitioner would thus; be entitled to the same remedy/relief as has been granted in the case of *Binit Kumar & others* (supra).

6. The respondents shall ensure that the petitioner's due and admissible benefits at par with the petitioners of CWJC No.9921 of 2017 are extended to the petitioner expeditiously, without any undue delay and preferably within eight weeks from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed of.

(Madhuresh Prasad, J)

PNM

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

