

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2140 of 2020

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Rajendra Ram, Son of Shri Nokha Ram, Resident of Village Malhi, Police Station Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Department of General Administration, Government of Bihar, Patna.
3. The District Magistrate Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-07-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. Claiming the benefit of the scale of Rs. 4000 to Rs.6000/-, the petitioner had approached this court in *C.W.J.C. No. 7335 of 2018*. This court, relying upon decision in *L.P.A. No. 167 of 2016*, had disposed of the writ application, directing the District Magistrate to take a final decision in the matter “as per judgment”. The relevant extract of the judgment in light of which the decision was to be taken has also been extracted and quoted in the order passed in *C.W.J.C. No. 7335 of 2018*, which reads as follows:-

“ That being so, we see no much difference between the employees, who were petitioners in CWJC No.13577 of 2006 and the present petitioners. Even if for the sake of



argument it may be assumed that the petitioners and the employees, who were petitioners in CWJC no.13577 of 2006 from two different categories, there is no justification in the matter of discrimination between the present petitioners and the retrenched employees who were working in the non formal education scheme. It is clear that the non-formal education scheme came to an end and large number of Class-III and Class-IV employees was retrenched and thereafter in the year 2005 and 2006 as is evidence from Annexures 4 and 5, they were re-appointed as a fresh appointee in the year 2005 and 2006, that is much after 20th December, 2000 and in their case, they have been granted the higher pay scale of Rs. 4,000/-- Rs. 6,000/-. If that be so, there is a discrimination in the matter of granting similar benefit to the petitioners when more than 300 employees have been granted such benefit of higher pay scale in the grade of Rs. 4000/--Rs. 6000/- even after they were appointed in the year 2005 and 2006, there is no reason as to why similar benefits should be denied to the petitioners when the petitioners are also doing similar work and were appointed after 20th December, 2000. To that effect, there is discrimination in the matter and the petitioners are entitled to equal treatment. That apart, the petitioners are working in the Collectorate at Siwan and many employees identically situated, like the petitioners, who were appointed after 20th December, 2000, as is indicated hereinabove, are being granted pay in the scale of Rs. 4000/--Rs. 6000/- and if that be the factual position, there is no reason why a similar benefit should not be extended to the



petitioners.

Keeping in view the aforesaid, this appeal is allowed, the order impugned dated 29.10.2015 passed in CWJC no. 1498 of 2011 is quashed. The said writ petition is allowed and the petitioners are directed to be paid the benefit in the scale of pay Rs. 4000/-- Rs.6000/- retrospectively with effect from the date of appointment. However, arrears of the petitioner are only to be granted with effect from the date they filed the writ petition before the High Court, i.e. with effect from 21.01.2011.

With the aforesaid, the appeal stands allowed and disposed of. ”

3. It is not in dispute that this has been complied with in letter and spirit inasmuch as the petitioner has been granted the scale with effect from the date of filing of the writ petition; i.e. 03.04.2018. He now, however, contends that he is entitled to receive the benefit with effect from 20.01.2011, i.e. the date with effect from which it has been granted to others.

4. Such claim of the petitioner is clearly untenable. The petitioner's right to receive the scale and corresponding duty of the respondents to pay the scale with effect from the date of filing of his writ petition (03.04.2018) is determined by the order passed in his earlier writ proceedings by a coordinate single judge bench, extracted above. Therefore, filing of this successive writ petition seeking benefit of the scale



from a different date, to say the least, is misconceived.

5. The writ application is, therefore, dismissed.

(Madhuresh Prasad, J)

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