

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.896 of 2023

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1. Vinod Kumar Mandal, Son of Mahadev Mandal, Resident of Village- Ram Nagar, Ward No. 1, Police Station - Kahalgaon, District- Bhagalpur, Bihar, Presently posted as Hawaldar.
 2. Ramesh Nath Choudhary, Son of Kunja Choudhary, Resident of BVP Road, Khajpura, P.O. B.V. College, Rukunpura, District- Patna, Bihar, Presently posted as Driver Hawaldar.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Home (Police), Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Home Secretary, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Additional Director General of Police, Crime Investigation Department (CID), Bihar, Patna.
7. The Deputy Inspector General, Crime Investigation Department (CID), Bihar, Patna.
8. The Superintendent of Police (C), Crime Investigation Department (CID), Bihar, Patna.
9. In-charge, Account Section, Crime Investigation Department (CID), Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioners : Mr.Prashant Kumar, Advocate
For the Respondents : Mr.Sheo Shankar Prasad (SC8)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-04-2023 Petitioners in the present case are seeking the following reliefs:-

“i.) For issuance of appropriate writ, order or direction in the nature of Certiorari for quashing and setting aside the resolution of the State Government issued vide Memo No. 9615 dated 12.11.2018 (Annexure-2) (to the extent it is applicable to the



petitioners) whereby the Grade Pay and all consequential benefits including ACP to the Petitioners were retrospectively revised without notice or opportunity of hearing with a direction for recovery/deduction of the purported excess amount from the respective salaries paid to the Petitioners pursuant to the resolution as contained in Annexure-1 which is discriminative, arbitrary and retrospective in nature and in violation of the principles of natural justice and fairness.

ii.) For issuance of appropriate writ, order or direction in the nature of Certiorari for quashing and setting aside the Crime Investigation Department Order No. 641d/2018 dated NIL (Annexure-3) (to the extent it is applicable to the Petitioner) in compliance of the State Government Resolution No. Memo No. 9615 dated 12.11.2018 (Annexure-2) pursuant to which the Grade Pay and all consequential benefits including ACP to the Petitioners was retrospectively revised without notice or opportunity of hearing with a direction for recovery/deduction of the purported excess amount from the respective salaries paid to the Petitioners.

iii.) For issuance of appropriate writ, order or direction in the nature of Mandamus thereby directing the Respondent authorities for reversion of the grade pay and all consequential benefits of the petitioners at the rate effective prior to the issuance of Memo No. 9615 dated 12.11.2018 (Annexure-2) and refund of deductions thus made from the monthly salary of the Petitioners.

iv.) For issuance of appropriate writ, order or direction thereby interdicting the Respondents from giving effect to and staying the operation of the resolution vide Memo No. 9615 dated 12.11.2018



(Annexure-2) Crime Investigation Department Order No. 641/2018 dated NIL (Annexure-3), during the pendency of the present writ application before this Hon'ble Court.

v.) For grant of such other order or direction for which the Petitioner is found entitled to in the facts and circumstances of the case.”

2. It is the specific case of the petitioners that their cases are covered by the Judgment of this Court in the case of Haseeb Ahmad Khan Vs. the State of Bihar and Others (CWJC No. 10220 of 2021) wherein this Court has taken a view from the admission of the State that the case would be covered by the earlier decision rendered in CWJC No. 10220 of 2021 dated 22.02.2022.

3. Learned counsel for the petitioners further submits that in the case of Ali Asgar Khan Vs. the State of Bihar and Others (CWJC No. 751 of 2023) and Nagendra Kumar Singh and Another Vs. the State of Bihar and Others (CWJC No. 209 of 2023), this Court had occasion to consider identical matters and after considering those cases, this Court set aside the impugned orders by which recovery has been ordered insofar as the orders relate to the petitioners of the said case and directed that no recovery shall be made from the petitioners.

4. Learned counsel for the State submits that these



petitioners have filed a representation (Annexure '4') in which they have pleaded for similar treatment in the light of the Judgment of this Court in the case of Haseeb Ahmad Khan. It is submitted that the representation (Annexure '4' of the petition) shall be considered within a reasonable period and an appropriate decision shall be taken thereon keeping in view the litigation policy of the State.

5. Having heard learned counsel for the petitioners and the State, this Court directs the competent authority /respondents to consider the representation of the petitioners as contained in Annexure '4' to the writ application in the light of the Judgments of this Court and take an appropriate view thereon within a period of 60 days from the date of receipt/production of a copy of this order. Till such decision is taken, no recovery shall be made from the petitioners.

6. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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