

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2545 of 2020

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1. Kumar Gautam, Son of late Ramanand Mishra, Resident of Village-Dumaria Buzurg, P.S. Parbatta, District- Khagaria.
 2. Ashok Kumar Rishi, Son of late Ramayan Rishi, Resident of Village-Gerabari, P.O. and P.S. Korba, District- Katihar.

... .. Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Finance , Govt. of Bihar, Patna.
3. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
4. The Under Secretary, Water Resource Department, Government of Bihar, Patna.
5. The Chief Engineer, Flood Control and Water Drainage, W.R.D, Katihar.
6. The Superintending Engineer, Mahanand Flood Control Circle, Katihar.
7. The Executive Engineer, Flood Control Division, Katihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Adv. Ms. Shally Kumari, Adv.
For the State	:	Mr. Sudhanshu Bhushan, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-04-2023 In the present case, the petitioners are seeking the following reliefs:-

“(i) For issuance of an appropriate writ in quashing the Memo No. 1168 dated 30.06.2017 issued by the Chief Engineer, Flood Control and Water Drainage, Water Resource Department, Katihar whereby the Superintending Engineer, Mahananda Flood Control Circle, Katihar has been directed to revise the scale of Junior Accounts Clerk appointed on compassionate ground after 20.12.2000 and are getting PB-1-2400 to PB-1-1900 contained in Annexure-4.

(ii) for issuance of an appropriate writ in quashing the Letter No. 790 dated 21.07.2017 and Letter No. 795 dated 21.07.2017 whereby the consequential letter have been issued by the Executive Engineer, Flood Control Division, Katihar in terms of the Chief Engineer Memo dated 30.06.2017 whereby the scale of the petitioners have been reduced to PB-1-5200-20,000 Grade Pay-1900 and 3050-



4590 (corresponding scale PB-1-5200-20,200, G.P. 1900 w.e.f. 01.01.2006) respectively contained in Annexure-5 with an order of recovery.

(iii) For issuance of an appropriate writ commanding the respondent to extend the benefit of Finance Department Resolution No. 3111 dated 25.03.2015 as well as in terms of the order passed in CWJC No. 9921 of 2017 and its analogous cases decided on 21.08.2017 affirmed the LPA No. 1702/2017 and its analogous cases, and further affirmed by the Hon'ble Supreme Court on 28.09.2017, contained in Annexure-3.

(iv) For issuance of an appropriate writ commanding the respondents to restore the scale of the petitioners which have been given to them in terms of the Finance Department Resolution dated 25.03.2015 issued by Memo No. 3111 contained in Annexure-2.(v) For any other relief or reliefs for which the petitioners are entitled under law as well as on the facts of the case. ”

It is the case of the petitioners that they were appointed on the post of Junior Accounts Clerk and Lower Division Clerk Accounts on compassionate ground. They were given the benefit of Finance Department Resolution No. 3111 dated 25.03.2015 and their pay was fixed in the scale of Rs. 4000-6000/- and its revised scale from 01.01.2006 PB-1, 5200-20,200/- Grade Pay-2400/-.

Learned counsel submits that the Finance Department Resolution No. 3111 dated 25.03.2015 was considered by this Hon'ble Court in the batch of writ applications i.e. C.W.J.C. No. 9921/2017 (**Binit Kumar and others Vs. The State of Bihar and Anr.**) and other analogous matters wherein this Court followed the Hon'ble Division Bench judgment of this Court in the case of **The State of Bihar Vs. Ram Janam Jha and**



others (in L.P.A.No. 206 of 2014).

It is submitted that identical reliefs were prayed by the petitioners in CWJC No. 13990/2018, in which this Hon'ble Court directed the head of the two departments i.e. the Finance Department and the Water Resources Department to sit together and resolve the issue. In the said case a counter affidavit has been filed, in which paragraph '6' states as under:-

“6. That it is stated that in compliance of the aforesaid order dated 05.04.2023, the Additional Chief Secretary, Finance Department, Bihar and the Secretary, Water Resources Department, Bihar sat together on 12.04.2023 and after due consideration of the matter, they found that the case of the petitioners appears to be identical to the case of Binit Kumar and others (C.W.J.C. No. 9921 of 2017). As such It has been decided to extend the benefit of pay scale of Rs. 4000 – 6000/- (Grade Pay Rs. 2400/-) to the petitioners as extended to Binit Kumar and others and to dispose of other matters pending in the Water Resources Department after examining their similarity to the case of Binit Kumar and others.”

Learned counsel submits that the case of the petitioners would be squarely covered by the said stand of the respondents, therefore, this writ application may also be disposed of in similar terms as has been done in CWJC No. 13990/2018.

Learned counsel for the State is present. Learned counsel does not dispute that the case of these petitioners would be squarely covered by the judgment of this Court in the case of



Binit Kumar & Ors.Vs. The State of Bihar & Ors. (CWJC No. 9921 of 2017) and in the light of the decision of the department as contained in paragraph ‘6’ of the counter affidavit filed in CWJC No. 13990/2018, this writ application may also be disposed of.

In the nature of the submissions recorded hereinabove, the impugned orders are hereby set-aside. This Writ Application is being disposed of in terms of the order dated 17.04.2023 passed in CWJC No.13990/2018.

(Rajeev Ranjan Prasad, J.)

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