

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2554 of 2023

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Raj Kishore Sharma, Son of Late Parshuram Singh, Resident of Village
Painal, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Deputy Collector, Establishment, Collectorate of Patna.
6. The Block Development Officer, Danapur, Patna.
7. The Circle Officer, Bikram, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Prakash Verma, Advocate
For the State	:	Mr. Saroj Kumar Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 31-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
petitioner is entitled to the Pay scale of Rs. 4,000- 6,000 in
terms of decision of the Division Bench passed in ***L.P.A. No.***
167 of 2016.

3. Learned counsel for the State submits that
entitlement to the Scale is subject to consideration by a Larger
Bench in terms of order passed in ***Civil Review No. 236/2019***
and ***C.W.J.C. No. 23831/2018***, whereby and whereunder matter



has been referred to a Larger Bench.

4. It is submitted by learned counsel for the petitioner that there being no interim stay in respect of the orders which are pending consideration before the Larger Bench, the State authorities have been extending the benefit of the claimed scale pay subject to order being passed by the Larger Bench.

5. He has referred to two departmental communications dated 10-11-2022, bearing Memo No. 10465 issued by the Finance Department and one letter dated 23-01-2023, bearing Memo No. 1620 issued by the General Administration Department, Government of Bihar. He submits that petitioner's representation for grant of benefit, copy of which is Annexure- P/17 to the writ petition, is pending consideration before the District Magistrate, Patna (Respondent No. 4). He would be placing on record before Respondent No. 4 the two communications of the Finance Department and General Administration Department, noted above for consideration of grant of benefit on the ground of parity with others, who have been granted benefit, subject to the result of the proceedings pending before the Larger Bench.

6. Learned counsel for the petitioner submits that he would be filing his supplement to the representation within two



weeks.

7. Learned counsel for the State, however, submits that the petitioner’s claim appears to be after the cutoff date.

8. If the petitioner files supplement to his representation within a period of two weeks, it is expected that the Respondent No. 4 will pass a reasoned and speaking order in accordance with law within eight weeks thereafter. The admissibility of the claim is required to be examined with reference to the material which he may produce.

9. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

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