

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4032 of 2022

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1. Upendra Kumar, Son of Late Mudrika Singh Yadav, Resident of Mohalla - Mohanpur, Punaichak, Baldeo Bhawan Road, P.S. - Shastri Nagar, District - Patna.
 2. Md. Mahfooz Alam, Son of Late Ishaque Ansari, Resident of 54, Dargah Road, Quasim Colony, Mahendru, P.S. - Sultanganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Public Health engineering Department, Govt. of Bihar, Patna.
2. The Engineer - in - Chief - Cum - Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Public Health Circle, Chapra Circle.
5. The Executive Engineer, Public Health Division, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma
For the Respondent/s : Mr. Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-02-2023 This writ application has been filed for following
reliefs:-

- i. *“For quashing/setting aside of the office order No. 64 contained in Memo No. 317 dated 27.09.2001 issued by the office of the Superintending Engineer, PH Circle, Chapra by which the petitioners have been reverted from the pay scale of Rs. 4000-100-6000 to the pay scale of Rs. 3050-75-3950-4590 (the scale of*



Lower Division Clerk) and further direction has been issued to adjust the excess amount paid to the petitioners.

- ii. *For grant the pay-scale to the petitioners meant for the scale of junior accounts clerk i.e. pay-scale of Rs. 4000-6000/(unrevised) till 31.12.2005 and P.B. 1+2400 since 01.01.2006 in light of the letter No. 3111 (finance) dated 25.03.2015 of the Finance Department, Govt. of Bihar, Patna with all consequential benefits.*
- iii. *For any other relief/ reliefs if petitioner found entitle in the facts and circumstances of the present case.”*

It is submitted on behalf of the petitioner that case of the petitioner is squarely covered vide order passed in CWJC No. 12124 of 2011, annexed as Annexure-10 to this writ application.

Learned counsel for the State does not dispute the contention made on behalf of the petitioner.

In the aforesaid facts and circumstances, office order No. 64 contained in Memo No. 317 dated 27.09.2001, annexed as Annexure-8 to this writ application, is set aside and the



respondents are directed to consider the claim of the petitioner in the light of order passed in CWJC No. 12124 of 2011 (Annexure-10) within a period of six weeks from the date of production/receipt of a copy of this order and petitioner would be entitled to be paid on the basis of aforesaid order and retiral dues also to be calculated accordingly.

This writ petition is allowed.

(Prabhat Kumar Singh, J)

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