

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15724 of 2016

Sanjay Kumar, Son of Late Bidyanand Ram, Resident of village - Jadia, P.S.
Jadia, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat Bihar, Patna
2. The Secretary General Administration, Department, Govt. of Bihar, Patna
3. The Commissioner, Koshi Division, Saharsa
4. The District Magistrate, Supaul
5. The District Treasury officer, Supaul
6. The Sub - Divisional Officer, Supaul
7. The Block Development officer, Pipra, District Supaul
8. The Circle Officer, Pipra, District Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Respondent/s : Mr. GA4

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-01-2023 This writ application has been filed on behalf of the
petitioner for following reliefs:

(i) For issuance of an appropriate writ directing the respondents to grant the pay scale of Upper Division Clerk from the date of the appointment joining i.e., 24.09.2002 on which he was appointed on the post of Lower Division Clerk on compassionate ground after the death of his father in harness as similarly situated persons have been granted the same.

(ii) For direction upon the respondents for payment of arrears to which he is entitled from the date of his joining.

(iii) For interest upon the delayed payment.

In short, case of the petitioner is that after the death of



his father, the present petitioner got appointed on compassionate ground on the post of Lower Division Clerk vide order issued under District Magistrate, Supaul dated 23.09.2002 and submitted his joining on 24.09.2002 in the District Office.

It is submitted on behalf of the petitioner that the issue raised in writ petition has already been decided by Division Bench of this Court in LPA No. 167 of 2016 vide order dated 23.06.2017 (Annexure-4 of Reply to the Counter Affidavit).

Learned counsel for the State is unable to controvert the contention made on behalf of the petitioner.

In the aforesaid facts and circumstances and keeping in view the order passed by this Court in LPA No. 167 of 2016, this writ application is allowed and the respondents are directed to pay the benefit in the pay scale of 4000-6000 from the date of appointment. However, arrears of the petitioner is to be granted with effect from the date he filed the writ petition before this Court i.e., from 26.08.2016.

This writ petition is allowed.

(Prabhat Kumar Singh, J)

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