

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3904 of 2023

1. Akhilesh Kumar Singh Son of Tribhuvan Singh Resident of Village- Bishunpur Wala Dhari Urf, Balba, P.O.- Balba Kuwari, P.S. Sadar Hajipur, District- Vaishali.
2. Prabhat Kumar Singh, Son of Late Ganesh Prasad Singh Village- Aswari, P.O.- Govindpur Devi, P.S.- Tisiauta, District- Vaishali, Pin Code- 844126.
3. Raju Kumar, Son of Late Ranjeet Prasad Singh Village- Bishunpur Wala Dhari Urf, Balba, P.O.- Balba Kuwari, P.S. Sadar Hajipur, District- Vaishali.
4. Rshikesh Jocab, Son of Late Basant Paswan Resident of Village- Marai Road, Ambedkar, Nagar, Pokhda, Mohalla- Hajipur.
5. Premnath Pankaj, Son of Late Raj Narayan Paswan Resident of Village and Post- Saidpur, Kutubpur, P.S.- Bidupur, District- Vaishali.
6. Ehtasham Firoz, Son of Mahmud Alam Firoj Resident of Village and P.O.- Sahwajpur Puraima, P.S. Patepur, District- Vaishali.
7. Kashif Alam, Son of Late Husn Alam Resident of Village- Sahmiyan, Rohuan, P.O.- Sahtha, P.S.- Bhagwanpur, District- Vaishali, at present Aashiyana Colony Road No. 5, Bagmali, P.S.- Hajipur Nagar, P.O.- Hajipur, District- Vaishali- 844101.
8. Ragini Kumari, Wife of Late Jitendra Kumar Verma Resident of Village- Maricha Ram, P.S.- Sarai, P.S.- Bhagwanpur, District- Vaishali.
9. Dharmendra Kumar Das, Son of Late Yugeshwar Prasad Das Resident of Village and P.O.- Nayaganj, P.S.- Deshri, District- Vaishali- 844506.
10. Amarendra Kumar, Son of Late Ashok Kumar Ram Resident of Mohalla- Haisarganj, P.O. and P.S.- Hajipur, District- Vaishali.
11. Nayan Deep Nirala, Son of Late Lal Babu Singh Resident of Village- Gokula, P.S. Paru, P.O.- Rumaui, District- Muzaffarpur (Bihar).
12. Ganesh Kumar, Son of Late Anant Ray Resident of Village- Chakvijgani, Ward No. 3, Hajipur, District- Vaishali.
13. Bipin Kumar Baibhab, Son of Late Shambhu Das Kanauzia Village and P.O.- Khilwat, Via Bidupur, District- Vaishali, Pin Code- 844503.
14. Pankhudi Bharti, Wife of Kumar Sandeep Resident of Mohalla- Masjid Chauk Hajipur, P.O.- Hajipur, District- Vaishali.
15. Manish Kumar, Son of Mirtunjay Singh Resident of Village and P.O.- Bharat Raut, Near Pataleshwar Mandir, Road, Hajipur, District- Vaishali Pin Code- 844101.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar.



2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar.
3. District Magistrate, Vaishali at Hajipur, District- Vaishali.
4. Deputy Collector Establishment, Collectariate, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Prakritita Sharma, Adv
For the Respondent/s : Mr.Navnit Kumar, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that the petitioners are 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 further submitted by learned counsel for the petitioners 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 petitioners' representation for grant of benefit, copy of which is Annexure- 1 to the writ petition, is pending consideration before the District Magistrate, Vaishali at Hajipur (respondent No. 3). Petitioners would be placing on record before respondent No. 3 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 petitioners submits that they would be filing their representations/supplement to the representations within two weeks before the respondent No. 3. If the same is done, it is expected that the respondent No. 3 will pass a reasoned and speaking order in accordance with law within eight weeks thereafter.



7. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

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