

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3852 of 2023

1. Durgesh Kumar Son of Late Mithileshwar Sharma, resident of Society Colony Prabhunath Nagar, Chapra, Saran, Chapra, Bihar- 841301.
2. Brajesh Rai, Son of Late Shambhu Narayan Rai, resident of Sadha Newaji Tola, Chapra, Saran, Bihar- 841301.
3. Rajesh Kumar Paswan, Son of Late Ram Nath Paswan, resident of Barham Gopal, Barhan, Siwan, Barhan Bazar, Bihar- 841227.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Engineer-in- Chief-cum- Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer, Public Health Engineering Department, Government of Bihar.
4. The Superintending Engineer, Public Health Engineering Department, Public Health Engineering Circle, Chapra.
5. The Superintending Engineer, Public Health Engineering Department, Public Health Engineering Circle, Chapra.
6. The Executive Engineer, Public Health Engineering Department, Public Health Division, Chapra.
7. The Executive Engineer, Public Health Engineering Department, Public Health Division, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi, Adv.
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-08-2023 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- 8 to the writ petition, is pending consideration before the Executive Engineer, Public Health Engineering Department, Public Health Division, Chapra (respondent No. 6). Petitioners would be placing on record



before respondent No. 6 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. 6. If the same is done, it is expected that the respondent No. 6 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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