

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4352 of 2023

1. Niranjan Kumar, Son of Late Budheshwar Rai Das, Resident of Chitab Khurd, Police Station- Amas, District- Gaya presently posted Circle Officer, Dumaria, Gaya.
2. Ramesh Kumar, Son of Late Siya Saran Chaudhary Resident of Village/Mohalla- House No. 86, Road No. 4, Dr. Kishori Mohan Complex, Chandaoti More, Police Station- Rampur, District- Gaya, presently posted Circle Office, Imamganj, Gaya.
3. Ajit Kumar Rao, Son of Late Chunni Rao Resident of Tilha Kalibari, Police Station- Civil Line, District- Gaya, presently posted Circle Office, Imamganj, Gaya.
4. Ajit Kumar Chaudhary, Son of Late Nemchandra Chaudhary Resident of Village/Mohalla- Pratap Ganj Baulia Road, Police Station- Sasaram, District- Rohtas, posted, Block Office- Sherghati, Gaya.
5. Ram Kumar, Son of Late Chaudhary Ram Resident of Village- Haibatpur, Post Office- Rampur Chauram, Haibatpur, District- Arwal, posted at Block Office- Khizarsarai, Gaya.
6. Arun Kumar, Son of Late Ram Ratan Das Resident of Village- Rohan Bigha, Post Office- Silaunja, Police Station- Belaganj, District- Gaya, Circle Office Imamganj, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Collector, Gaya.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Virendra Prasad, Advocate
For the State	:	Mr. Saroj Kr. Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-09-2023 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- 11 series to the writ petition, is pending consideration before the District Collector, Gaya (Respondent No. 3). He 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 he would be filing his supplement to the representations within two weeks. 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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