

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4118 of 2023

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Awadhesh Kumar, Son of Late Kumar Shailendra Kishore Sinha, resident of Mohalla- Pagoda Saray Maner (Beside State Bank of India), P.O. and P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Dy. Inspector General, Sahabad Range, Dehri-On- Sone.
5. The Superintendent of Police, Rohtas, Dehri-On- Sone.
6. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
7. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
8. The Superintendent of Police C.I.D., Bihar, Patna.
9. The Commandant, Bihar Special Armed Force- 16, Phulwarisharif, Patna.
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Prakash Chandra Jha, Advocate
For the State	:	Mr. Saroj Kr. Sharma, AC to AAG-3
For Accountant General	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned counsel for the State, as well as learned counsel for the Accountant General.

2. Learned counsel for the petitioner submits that the petitioner is 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 petitioner 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 petitioner's representations for grant of benefit, copy of which are Annexure-4 series to the writ petition, are pending consideration before the Director General of Police, Patna (Respondent No. 2). He would be placing on record before Respondent No. 2 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 petitioner 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. 2 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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