

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6149 of 2023

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Asha Devi W/o Late Shailendra Singh, R/o Alampur, P.O.- Shakurabad, P.S.-
Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar.
2. The Principal Secretary, Finance Department, Government of Bihar.
3. The Assistant Controller (Budget) Cum Deputy Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
4. The Senior Treasury Officer, Secretariat Treasury, Nirman Bhawan, Patna.
5. The Treasury Officer, Secretariat Treasury, Nirman Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gyan Shankar, Adv.
For the Respondent/s : Mr.Raghwendra Kumar (SC- 22)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-11-2023

1. The present writ petition has been filed seeking
the following relief(s):-

“1.(i) Issuance of a writ/writ(s), order/order(s) commanding the respondent authorities to grant the Pay Scale of Rs. 5000-8000 with effect from 1.1.1996 or from their respective dates of joining, whichever is later, and replacement scale of Rs. 9,300/- to 34,800/- with Grade Pay of Rs. 4,200/- in PB-2 with effect from 1.1.2006 to the husband of the petitioner terms of judgment and order dated 22.8.2006 passed in W.P. (S) No. 742 of 2004 which has been upheld by the Hon'ble Supreme Court and Judgment dated 28.03.2017 passed in CWJC NO- 23781/2012 upheld vide



judgment dated 04.02.2019 in LPA NO-1277/2018 in light of which similarly situated persons like the husband of the petitioner have been granted the said pay scale of 5000-8000 with effect from 1.1.1996 and replacement scale of Rs. 9,300/- to 34,800/- with Grade Pay of Rs. 4,200/- in PB-2 with effect from 1.1.2006.

(ii) For issuance of a writ of Mandamus or any other appropriate writ, order or direction commanding the respondent authorities to pay the petitioners all consequential benefits, such as, arrears of difference of salary etc. on account of providing the pay scale of Rs. 5000/- to 8000/- with effect from 1.1.1996 or from their respective dates of joining. whichever is later and thereafter to pay further difference of arrears of salary with effect from 1.4.2007 after re-fixing their salary in the pay scale of Rs. 9,300/- to 34,800/- with corresponding Grade Pay of Rs. 4,200/- with effect from 1.1.2006;

(iii) For issuance of any other writ(s), order(s) for quashing the letter bearing memo no- 175 dated 08.06.2022 issued by the Senior Treasury Officer, Secretariat Treasury, Patna whereby and whereunder the representation of the petitioner for grant of similar relief to the husband of the petitioner as was granted to the other similarly situated persons appointed along with the petitioner has been rejected on frivolous ground that the husband of the petitioner was not a party



to the writ petition.”

2. The learned counsel for the parties jointly submit that they are in agreement that the present case is squarely covered by the judgment rendered by a Co-ordinate Bench of this Court on 23.08.2017 in C.W.J.C. No.23781 of 2012 (Syed Reyaz Monir & Ors. vs. The State of Bihar & Ors.), which has also been upheld by the learned Division Bench of this Court by an order dated 04.02.2019, passed in L.P.A. No.1277 of 2018.

3. In view of the aforesaid, this Court is of the opinion that since the case of the petitioner is covered by the judgment rendered by a Co-ordinate Bench of this Court in the case of Syed Reyaz Monir & Ors. (supra), as upheld by the learned Division Bench of this Court, similar treatment should be given to the petitioner as well.

4. Having regard to the facts and circumstances of the case and considering the express agreement of the parties to the effect that the present case is squarely covered by the judgment rendered in the case of Syed Reyaz Monir & Ors. (supra), I deem it fit and proper to direct the respondent-authorities to grant similar treatment to the petitioner/her husband (who died in harness while posted as Treasury Clerk, Secretariat Treasury, Patna), as has been granted to the petitioners of the aforesaid



case i.e. C.W.J.C. No.23781 of 2012 [Syed Reyaz Monir & Ors. (supra)], vide judgment dated 23.08.2017.

5. It is needless to state that the respondent-authorities shall pay the differential arrears of salary, outstanding for payment, after calculating the same, in terms of the judgment rendered in the case of Syed Reyaz Monir & Ors. (supra), within a period of four weeks of receipt/production of a copy of this order.

6. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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