

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16723 of 2015

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Surapaneni Narayan Rao s/o Late S. Raja Rao, resident of 401, B-Block,
Primes S.B. Hemadari Towers, Bagh Ameer, Kukatpally, District-
Hyderabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna, Bihar.
2. Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna, Bihar.
3. Chairman, Bihar State Pollution Control Board, 2nd Floor, Beltron Bhawan, Shastrinagar, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad
For the Respondent/s : Mr.Gp8- Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 15-09-2023

The present writ petition has been filed seeking the following relief:-

“1. That the instant writ application is being filed against the inaction of the respondents whereby Notification dated 30/04/1986 issued by Department of Environment and Forest, Government of Bihar containing the Rules framed by the State Government in consultation with the Bihar State Pollution Control Board in exercise of power conferred under section 64 of the Water (Prevention and Control of Pollution) Act, 1974 has arbitrarily been violated inspite of several requests made by the petitioner through representations. The said inaction



of respondents has subjugated the Fundamental Right of the petitioner as he has been paid in a lower pay scale of Rs. 10000-325-15200 instead of pay scale of Rs. 14300-18200 or on the higher pay scale for which the petitioner is entitled. The inaction of respondents has caused an adverse repercussion on the petitioner's salary and being aggrieved by the said inaction of respondents.”

2. At the outset, the learned counsel for the petitioner has referred to Rule 4 of the Water (Prevention and Control of Pollution) Rules, 1986, notified by the Environment and Forest Department, Government of Bihar, Patna, to submit that the Member Secretary is required to be paid a monthly pay in the equivalent pay-scale of a Superintending Engineer or of higher post as fixed by the Government from time to time.

3. Per contra, the learned counsel appearing for the Bihar State Pollution Control Board has referred to Section 12 and Section 14 of the Water (Prevention and Control of Pollution) Act, 1974 to submit that the pay-scale, allowances etc. of a Member Secretary are required to be fixed by the Government, hence, the Rules, 1986 would not govern the case of the petitioner.

4. Nonetheless, in order to resolve the issue in hand, I deem it fit and proper to relegate the petitioner to the remedy of filing



appropriate representation before the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna and in case, such a representation is filed within a period of four weeks from today, the Principal Secretary, Department of Environment and Forest, Government of Bihar, Patna, shall consider the same, in accordance with law and pass a reasoned and a speaking order, within a period of four weeks, thereafter and then consequential action shall also be taken forthwith.

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

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.9.2023
Transmission Date	NA

