

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11483 of 2021

Ashok Bardhan Son of Late Ram Pukar Tiwari, Resident of Village -
Tiwaripur, P.S. and District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director Agriculture, Bihar, Patna.
2. The Joint Director (Agronomy), Patna Division, Patna.
3. The Deputy Director (Agronomy), Farm, Patna Division, Ara, Bhojpur.
4. The Assistant Director (Chemistry), District Soil Testing Laboratory, Ara, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar, Advocate
For the State : Mr.Nilotpal Sharma, AC to GP-21

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-11-2023

1. The present writ petition has been filed seeking the

following relief(s):-

“1(i) For direction upon the respondent Joint Director (Agronomy), Patna Division, Patna to consider the representation of the petitioner duly forwarded by the controlling authority for allowing the petitioner the pay scale of Rs. 4000-6000 w.e.f. the date of appointment with all consequential benefits in terms of the judgment rendered by the Division Bench of this Hon'ble Court in LPA No. 167 of 2016 dated 23.06.2017 followed by several orders of this Hon'ble Court passed in CWJC No. 17151 of 2018 dated 03.10.2018, CWJC No. 24820 of 2019 dated 12.12.2019, CWJC No. 48 of 2020 dated 24.01.2020 and CWIC No. 25689 of 2019



dated 17.02.2020.

(ii) For commanding the respondent authorities particularly the respondent Joint Director (Agronomy), Patna Division, Patna to consider and grant the ACP in grade pay 2800 in place of grade pay 2000/- with all consequential monetary benefit.”

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 aforesaid Pay 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 pay scale subject to order being passed by the Larger Bench.

5. The learned counsel for the petitioner 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.

6. In view of the aforesaid, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the respondent no.2 i.e. the Joint Director (Agronomy), Patna Division, Patna for grant of appropriate benefits, as aforesaid, where he would also place the aforesaid two communications of the Finance Department and General Administration Department, noted above, for consideration of grant of benefits on the ground of parity with others and the respondent no.2 be directed to consider the same and pass appropriate orders, subject to the result of the proceedings pending before the larger Bench. Liberty so sought is granted.

7. It is needless to state that in case appropriate representation is filed by the petitioner, before the respondent no.2, within a period of four weeks from today, the same shall be considered, in accordance with law and a reasoned and a speaking order shall be passed, thereon, within a period of eight weeks, thereafter.

8. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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