

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8561 of 2023

1. Pummy Kumari D/o Late Dilip Panjkar Resident of Banka, Babu Tola, P.O. and P.S. Banka, District- Banka.
2. Diwakar Kumar Mandal, Son of Pran Mohan Mandal Resident of Mahisondda, P.O. Auria, P.S.- Barahat, District- Banka.
3. Nitish Kumar, Son of Anil Kumar Bhushan Resident of Mohanpur, P.O. and P.S. Barahat, District- Banka.
4. Aditya Kumar, Son of Late Anuplal Ray Resident of Singhpur, P.O. Govrain, P.S. Sajour, District- Bhagalpur.
5. Kundan Kumar, Son of Late Ramsewak Singh Resident of Kulhariya, P.O. Surihari, Police Station- Amarpur, District- Banka.
6. Deepak Kumar, Son of Ram Bilash Mahto Resident of Kishanpur, P.O. Kiranpur, Police Station- Mednichowki, District- Lakhisarai.
7. Anish Kumar, Son of Verendra Prasad Singh Resident of Village- Paharpur, P.O.- Lochi, Police Station- Hawelikharagpur, District- Munger.
8. Rajdeep Kumar, Son of Pradip Kumar Resident of Village- Angari, P.O. Purani, Police Station- Jagdishpur, District- Bhagalpur.
9. Abhishek Kumar, Son of Anil Kumar Resident of Village- Birnoudha, P.O. Giridhara, Police Station- Shambhuganj, District- Banka.
10. Pramod Kumar Choudhary, Son of Late Govind Choudhary Resident of Village and P.O. Bharatshila, Police Station- Shambhuganj, District- Banka.
11. Ashutosh Kumar Ray, Son of Bhubneshwar Ray Resident of and P.O. Ladugarh, Police Station- Janki Nagar (Via Banmankhi), District- Purnea.
12. Jawahar Kumar Singh, Son of Late Jaikrishn Prasad Singh Resident of Village- Golahu, P.O. Bindi, Police Station- Banka, District- Banka.
13. Megha Rani, D/o Rajendra Prasad Nisad Resident of Village- Paukari, P.O.- Khaira, Police Station- Haveli Kharagpur, District- Munger.
14. Manish Kumar, Son of Late Sushil Prasad Singh At Parwati Mill, Sultanganj, Ward No. 14, P.O. and P.S. Sultanganj, District- Bhagalpur.
15. Abhijeet Kumar Jha, Son of Ramanand Jha Resident of Vijay Nagar, P.O. and Police Station- Banka, District- Banka.
16. Sindhu Sandhya, D/o Indra Dev Prasad Soni Resident of Vishwakarma Nagar, P.O. Tonapatiar, Police Station- Suiya, District- Banka.
17. Rajesh Kumar, Son of Rakesh Kumar Resident of at Rampur, P.O. Dudhari, Police Station- Banka, District- Banka.
18. Rajiv Ranjan Das, Son of Anil Kumar Das Resident of Purani Thakurwari Road, Malik Tola, P.O. and Police Station and District- Banka.
19. Rajeev Raja, Son of Bijay Kumar Malakar Resident of Ganga Nagar, Gali No. 3, P.O. Kahalgaon, P.S. Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus



1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna.
3. The Additional Chief Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
4. The Director-in-Chief cum Administration, Health Services, Bihar, Patna.
5. The Civil Surgeon cum Chief Medical Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukul Prasad
For the Respondent/s : Mr.S.D. Yadav (AAG9)
Mr. B.B. Mishra, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-08-2023 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. Learned counsel for the petitioners 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. It is further submitted that petitioners' representation for grant of benefit, copy of which is Annexure- 4 to the writ petition, is pending consideration before the Civil Surgeon-cum-Chief Medical Officer, Banka (respondent No. 5). Petitioners would be placing on record before respondent No. 5 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 they would be filing their representations/ supplement to the representations within two weeks. If the same is done, it is expected that the respondent No. 5 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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