

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10887 of 2020

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1. Manish Kumar, S/o Late Jagat Narayan Singh, Resident of Village-Indragachi, P.O. Murlibhada, P.S. Sangrampur, District-East Champaran.
 2. Vinay Kumar, S/o Late Dinbandhu Prasad, Resident of Mohalla-E-SP 1-07, Gandak Colony No. 3 (Near I.I.T. College) Gandak Colony, Motihari, District-East Champaran.
 3. Pankaj Kumar Singh, S/o Late Lalit Kumar Singh, Resident of Village-Narpati Nagar, District Madhubani.
 4. Manoj Kumar, S/o Late Bachhalal Prasad, Resident of Village-Dikhan Bhavanipur, P.S. Sangrampur, District-East Champaran.
 5. Mahesh Prasad, S/o Late Ramchit Prasad, Resident of Village-Belhauri, P.O. Belhauri, P.S. Dulhin Bazar, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Motihari, East Champaran.
6. The Chief Engineer, Irrigation Creation, Water Resources Department, Motihari, East Champaran.
7. The Executive Engineer, Tirhut Canal Division, Motihari.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Siay Ram Shahi, Adv. Ms. Shally Kumar, Adv.
For the State	:	Mr. Saroj Kumar, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 17-04-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

In the present case, the petitioners are seeking the
following reliefs:-

“(i) For issuance of an appropriate writ in quashing the



Memo No. 1144 dated 24.05.2017 issued under the signature of Chief Engineer, Irrigation Creation, Water Resource Department, Motihari whereby and where under the direction has been sought from the Under Secretary, Water Resource Department, Govt. of Bihar about the implication of the Finance Department Resolution No. 3111 dated 25.03.2015 under which benefits have been given in the scale of Rs. 4000-6000 w.e.f. 01.01.1996 and from 01.01.2006 PB-1 Grade Pay 2400 (wrongly typed 2800) to those who have been appointed on compassionate grounds in Accounts Cadre after 28.09.1999 contained in Annexure-5.

(ii) For issuance of an appropriate writ in quashing the consequential letter/order issued by the Executive Engineer, Tirhut Canal Division, Motihari vide Letter No. 669, 670, 668, 667 and 666 dated 27.06.2017 respectively whereby and where under the benefit in scale given in terms of Finance Department Resolution No. 3111 dated 25.03.2015 in the scale of 4000-6000 from 01.01.1996 and its corresponding scale 5200-20,200 Grade pay-2400 has been withdrawn and the petitioners have been placed in the scale of 3,050-4,590 contained in Annexure-7 (Series).

(iii) For issuance of an appropriate writ in commanding the respondents to restore the benefit of Finance Department Resolution No. 3111 dated 25.03.2015 as well as in terms of order passed in CWJC No. 9927/2017 and its analogous cases decided on 21.08.2017 affirmed in L.P.A. No. 1702 of 2017 and its analogous cases and further affirmed by the Hon'ble Supreme Court on 28.09.2017 contained in Annexure-8.

(iv) For issuance of an appropriate writ commanding the respondents to restore the scale of the petitioners which has been given to them in terms of Finance Department Resolution dated 25.03.2015 vide Letters Nos. 522, 670, 704, 521 and 520 dated 20.07.2015, 17.06.17, 16.06.15 respectively contained in Annexure-4 (Series).

(v) For any other relief or reliefs for which the petitioner is entitled under law as well as on the facts of the case.”

It is the case of the petitioners that they were appointed on the post of Lower Division Clerk Accounts on compassionate ground. They were given the benefit of Finance Department Resolution No. 3111 dated 25.03.2015 and their pay



was fixed in the scale of Rs. 4000-6000/- and its revised scale from 01.01.2006 PB-1, 5200-20,200/- Grade Pay-2400/-.

Learned counsel submits that the Finance Department Resolution No. 3111 dated 25.03.2015 was considered by this Hon'ble Court in the batch of writ applications i.e. C.W.J.C. No. 9921/2017 (**Binit Kumar and others Vs. The State of Bihar and Anr.**) and other analogous matters wherein this Court followed the Hon'ble Division Bench judgment of this Court in the case of **The State of Bihar Vs. Ram Janam Jha and others (in L.P.A.No. 206 of 2014)**.

It is submitted that identical reliefs were prayed by the petitioners in CWJC No. 13990/2018, in which this Hon'ble Court directed the head of the two departments i.e. the Finance Department and the Water Resources Department to sit together and resolve the issue. In the said case a counter affidavit has been filed, in which paragraph '6' states as under:-

“6. That it is stated that in compliance of the aforesaid order dated 05.04.2023, the Additional Chief Secretary, Finance Department, Bihar and the Secretary, Water Resources Department, Bihar sat together on 12.04.2023 and after due consideration of the matter, they found that the case of the petitioners appears to be identical to the case of Binit Kumar and others (C.W.J.C. No. 9921 of 2017). As such It has been decided to extend the benefit of pay scale of Rs. 4000 – 6000/- (Grade Pay Rs. 2400/-) to the petitioners as extended to Binit Kumar and others and to dispose of other matters pending in the Water Resources Department after examining their similarity to the case



of Binit Kumar and others.”

Learned counsel submits that the case of the petitioners would be squarely covered by the said stand of the respondents, therefore, this writ application may also be disposed of in similar terms as has been done in CWJC No. 13990/2018.

Learned counsel for the State is present. Learned counsel does not dispute that the case of these petitioners would be squarely covered by the judgment of this Court in the case of **Binit Kumar & Ors.Vs. The State of Bihar & Ors.** (CWJC No. 9921 of 2017) and in the light of the decision of the department as contained in paragraph ‘6’ of the counter affidavit filed in CWJC No. 13990/2018, this writ application may also be disposed of.

In the nature of the submissions recorded hereinabove, the impugned orders are hereby set-aside. This Writ Application is being disposed of in terms of the order dated 17.04.2023 passed in CWJC No. 13990/2018.

(Rajeev Ranjan Prasad, J.)

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