

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12487 of 2019**

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1. Lalan Kumar Son of Late Hari Pandit Resident of Village- Mohanchak, P.S.- Islampur, District- Nalanda.
  2. Uma Shankar Yadav Son of Late Chandrama Yadav Resident of Village- Bali Ke Tola, P.S.- Krishnagarh, District- Bhojpur.
  3. Pramod Kumar Son of Late Bhuneshwar Prasad Resident of Mohalla- Rampur, Behind Bank of India, P.O. and P.S.- Khagaul, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary of the Finance Department, Government of Bihar, Patna.
3. The Chief Engineer of the Minor Water Resources Department, Government of Bihar, Patna.
4. The Superintending Engineer of Minor Water Resources Circle, Patna.
5. The Executive Engineer of the Minor Irrigation Division, Patna.

... .. Respondents

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**Appearance :**

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| For the Petitioner/s | : | Mr.Siyaram Pandey, Advocate<br>Mr.Dinesh Kr. Pandey, Advocate<br>Mr.Santosh Kumar Jha, Advocate |
| For the State        | : | Mr.Umesh Kumar Roy, AC to GP-11                                                                 |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      11-05-2023                      Heard learned counsel for the petitioners and  
  
learned counsel for the State.

Petitioners, in the present case, are seeking the  
following reliefs:-

“For issuance of appropriate writ(s), order(s), direction  
(s) for quashing of the letter contained in Memo No.  
1329 dated 28.07.2017 passed and issued by the Chief  
Engineer, Minor Water Resources Department, Patna  
(respondent No. 3) addressed to the Executive  
Engineer of Minor Irrigation Division, Patna, whereby



and whereunder a direction has been given to recover the excess amounts taken by the petitioners and to re-designate their posts as Junior Division and for quashing of its consequential order issued by the respondent no. 5 vide its letter no. 1443 and 1442 dated 19.06.2018 and letter no. 973 dated 15.05.2018 (Annexure 13 series).

And further for a direction to the respondents to restore the pay scale of the petitioners in the pay band of Rs. 2400 as granted by the respondent no. 5 vide office order dated 26.03.2015 and 05.05.2015 (Annexure-7 series) with consequential benefits of service and promotion in pay scale and post.

And pending disposal of the writ petition may stay the operation of the letter no. 1329 dated 28.07.2017 (Annexure-10) passed and issued by the respondent no. 3.

And/Or

For issuance of any other appropriate writ/order/direction as per the facts and circumstances of the case.”

Learned counsel for the petitioners submits that these petitioners were appointed as Accounts Clerk vide letter no. 273 dated 20.11.2014 (Annexure ‘4’ to the writ application). It is submitted that they are all appointees on compassionate ground in the Minor Irrigation Department of the Government of Bihar. The petitioners claims that they are entitled for the pay scale of Accounts Clerk and other consequential benefits.



It is the case of the petitioners that by virtue of the resolution no. 3111 dated 25.03.2015 issued by the Secretary (Budget), Finance Department, Government of Bihar, a decision was taken to grant pay scale of Rs. 4000 - 6000/- up to 31.12.2008 and P.B.1+2400/- with effect from 01.01.2006 to the Junior Accounts Clerk and pay scale of Rs. 4500 – 7000/- and its replacement scale of P.B.1+2800/- to the Senior Accounts Clerk. Copy of the resolution has been placed on record as Annexure '6' to the writ application.

It is submitted that when the guidelines was sought for from the Chief Engineer, Minor Irrigation Division, Patna by the Executive Engineer, Minor Irrigation Division, Patna vide letter no. 1513 dated 30.06.2017 with respect to the pay scale of Accounts Clerks appointed on compassionate ground after 20.12.2000, the Chief Engineer directed the respondent no. 3 vide his letter contained in memo no. 1329 dated 28.07.2017 to fix the pay scale of the petitioners in the scale of Rs. 3050 – 4590/- and also directed to recover the differential amount taken by the petitioners. A direction was also issued to re-designate the



petitioners as Lower Division Clerk.

Learned counsel submits that out of eight appointees under Annexure '4' to this writ application, four had moved this Court earlier in CWJC No. 6994/2020. The said writ application was heard along with other analogous matters and disposed of vide order dated 02.03.2023.

It is submitted that in the said case this Court had occasion to examine the Finance Department resolution no. 3111 dated 25.03.2015. This Court had also gone through the judgments of learned coordinate Bench of this Court in the case of **Binit Kumar and others Vs. The State of Bihar and Anr. in C.W.J.C. No. 9921/2017 and other analogous matters.**

It is submitted that a similar order be passed in the present case as well.

Mr. Umesh Kumar Roy, AC to GP-11 appears for the State. He was given an opportunity to go through the earlier judgments of this Court and take a stand. It is admitted on behalf of the State that the case of the petitioner would be covered by the judgment of this Court in CWJC No. 6994/2020 and other analogous matters.



In the aforesaid view of the matter, this writ application is being disposed of in terms of order dated 02.03.2023 passed in CWJC No. 6994/2020.

The impugned orders are hereby quashed. The petitioner shall be entitled for the consequential benefits. The recoveries already made from the petitioners shall be returned to them within a period of three months from today.

This Writ Application is allowed.

**(Rajeev Ranjan Prasad, J.)**

Rajeev/-

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