

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16509 of 2011

-
-
1. Keshari Kishore Shrivastava And Son Of Late Shyamla Nand Resident Of Sitaram Kunj, Mohalla Shekhpura, Tubewell No 2 Road, Near Brahamasthan, P.S.- Shastri Nagar, Town And District- Patna
 2. Narendra Prasad Singh Son Of Late Kishori Prasad Singh Resident Of Gurusahai Lodge, Nala Road, Near Ramkrishna Asharam, P.S.- Kadamkuan, Town And District- Patna
 3. Jairam Prasad Son Of Late Jageshwar Prasad Khalish Resident Of House No A/12. Indra Puri, Rajabazar, Post B.V. College, P.S.- Shastri Nagar Town And District- Patna

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary Finance Department Government. Of Bihar, Main Secretariat, Patna
2. The Principal Secretary, Animal Husbandry And Fisheries Department, Vikash Bhawan, Patna
3. The Special Secretary, Animal Husbandry And Fisheries Department, Viaksh Bhawan, Patna
4. The Director, Animal Husbandry Department Viaksh Bhawan, Patna
5. The Accountant General Bihar, Birchand Patel Path, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ramendra Nath Mukhopadhaya
For the Respondent/s : Mr.Ajay Sc11

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 9 09-01-2023 Heard learned counsel for the petitioners and the State.
- This writ petition has been filed for a direction to the respondents to provide the petitioners revised pay scale of Rs.37400 to 67000 in place of Rs.15600 to 39100, w.e.f. 1.1.2006 by placing the petitioner in pay band IV, in place of pay band III, after fixing notional revised pay scale from 1.1.1996, in terms of the recommendation of Fitment Appellate Committee's report of 2000 and thereafter to fix the pension in accordance with law. Petitioners have further prayed for a direction against orders dated 13.1.2011 and 10.1.2011



respectively issued by the Special Secretary, Animal Husbandry Department by which without application of mind, rejected petitioner's prayer to provide the benefit under ACP Schemes of 2003/pay scales.

It is submitted by learned counsel of the petitioners that the case of these petitioners is at par with one of the similarly situated persons, namely, Dr. Rajeshwar Prasad Yadav who has been allowed entitlement of payment of his retiral benefits to the scale drawn by him at the time of his superannuation with all due and admissible revision, as on date vide order dated 28.6.2018, passed in C.W.J.C.No. 13930 of 2011 which was also upheld by the LPA Court vide order dated 22.9.2021, passed in LPA No. 325 of 2020.

Learned counsel for the State does not controvert the submission of learned counsel for the petitioners.

This writ petition is allowed in terms of aforesaid orders. Needless to state that the petitioners would also be entitled to the same benefits as provided to Dr. Rajeshwar Prasad yadav in light of these judgments.

(Prabhat Kumar Singh, J)

shashi/-

U			
---	--	--	--

