

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18403 of 2011

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ANJANI KUMAR SINGH Son Of Late Chandra Shekhar Singh Resident Of
Village - Mohanpur, P.O. and P.S.- Dharhara, District - Munger At Present
Posted As District Audit Office Co-Operative Socciety, Begusarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. The Registrar, Cooperative Society, Govt. Of Bihar, New Secretariat, Patna
3. The Finance Commissioner, Govt. Of Bihar, Old Secretariat, Patna
4. The Registrar, Cooperative Society, Bhagalpur Division, Bhagalpur
5. The Audit Officer, Begusarai
6. The District Magistrate, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
For the Respondent/s	:	Mr. P.K. Verma, AAG-3
	:	Mrs. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 06-11-2023 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The present writ application has been filed seeking direction upon the respondents to consider the case of the petitioner by placing him in the pay scale of Rs. 4000-100-6000/- instead of Rs. 3050-75-4590/- since August, 2001 and also to pay difference of salary since August, 2001 to the date of placement in the pay scale of Rs. 4000-100-6000/-.

3. The petitioner was appointed on the post of



Clerk-cum-Typist in the pay scale of Rs. 4000-6000/- on compassionate ground due to death of his father. The father of the petitioner was a Co-operative Extension Officer and after his death, the petitioner has been appointed in accordance with law.

4. Learned counsel for the petitioner submits that from bare perusal of the appointment letter of the petitioner, it appears that the petitioner was appointed through letter contained in memo No. 95 dated 03.02.2008 in the pay scale of Rs. 4000-6000/-. He further contends that the all of sudden the petitioner was placed in the pay scale of Rs. 3050-75-4590/- in place of Rs. 4000-100-6000/- since August 2001. Being aggrieved and dissatisfied with the action of the respondent, the petitioner has filed a representation before the concerned authority but no action has been taken on the representation of the petitioner and thereafter the petitioner has been transferred to Begusarai from Khagaria where he was also getting his reduced salary in the pay scale of Rs. 3050-75-4590/-. The petitioner came to know that some of the similarly situated employees have preferred C.W.J.C. No. 9588 of 2009 and C.W.J.C. No. 13577 of 2006 for the same relief and the Hon'ble Court has observed



that the petitioners of the aforesaid writ are entitled for the pay scale of Rs. 4000-6000 instead of Rs. 3050-75-4590. Pursuant to the aforesaid, the petitioner has again filed representation before the Registrar, Cooperative Society, Government of Bihar, New Secretariat, Patna, respondent No.2 but till date representation of the petitioner is still pending for consideration before the concerned authority.

5. Despite repeated indulgence granted to the State, no counter affidavit has been filed on behalf of the State.

6. In such view of the matter, the petitioner is directed to file a fresh representation before the respondent No.2 i.e. The Registrar, Co-operative Society, Government of Bihar, New Secretariat, Patna along with all relevant and supporting documents with respect to his claim as well as the orders considering the claim of similarly situated employee in the other writ petitions by this Court within a period of four weeks from today and on filing of such representation, the respondent No.2, taking note of the judgment of this Court, would dispose of the representation of the petitioner in accordance with law by passing a reasoned and speaking order, which shall be communicated



to the petitioner, within a period of three months from the date of receipt or production of a copy of this Order.

7. Needless to say that if the claim with respect to entitlement of pay scale of Rs. 4000-100-6000/- to the petitioner found genuine, the same shall be extended to the petitioner forthwith along with all admissible dues and the arrears of salary as claimed in the present writ application within a period of three months thereafter.

8. With the aforesaid observation and direction, this writ application is disposed of.

(Rajesh Kumar Verma, J)

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