

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10571 of 2023

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1. Ved Prakash Sinha S/O Upendra Lal, R/O- Vill- Jamuanwan, P.O - Tejpur, Dist.- Gaya, Presently Working as Lower Division Clerk in District Nazarat Section, Rohtas Collectorate, Rohtas.
 2. Bikesh Kumar Singh S/O Dadhibal Singh, R/o Vill and P.O- Mani, P.S- Bikramganj. Dist.- Rohtas. Presently Working as Lower Division Clerk in Circle office. Akorhigola. Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, General Administration Department. Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad (Sc 8)

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

- 2 07-12-2023 This writ petition is filed for directing the respondents-authorities to grant pay scale of Rs. 4000/- to 6000/- (Grade Pay – 2400) instead of Rs. 3050-4590/- (Grade Pay – 1900) to the petitioners who were presently working as Lower Division Clerk in different offices of Collectorate, Rohtas from the date of their appointment, considering the orders passed by the co-ordinate bench of this Court in L.P.A. No. 167 of 2016, CWJC No. 17151 of 2018, CWJC No. 188 of 2021, CWJC No. 4065 of 2020, CWJC No. 11759 of 2021, L.P.A. No. 1702 of 2017 and other analogous cases, as in the light of the



said orders the Lower Divisional Clerks appointed on compassionate ground after 20.12.2000 discharging the same duties to the current petitioners have been granted the pay scale of Rs. 4000/- to 6000/- from the date of their appointment.

2. It is further prayed by the petitioners to direct the respondent authorities to pay arrears of different salaries to the petitioners in the revised pay scale of Rs. 4000/- to 6000/- from the date of their appointment with all consequential benefits.

3. It is the specific contention of the learned counsel for the petitioners that co-ordinate bench of this Court has passed similar orders in L.P.A.s and CWJCs as stated above, and the benefits shall be given to them and the present petition is also filed for seeking the same benefits which was extended to the petitioners in L.P.A. No. 167 of 2016.

4. On the other hand, learned counsel for the respondents reported to the Court that against the L.P.A. No. 167 of 2016, they preferred a Civil Review before the Hon'ble Apex Court and the same is pending, therefore, the relief prayed by the petitioners cannot be given to them as review petition is still pending.

5. Learned counsel for the petitioner placed the judgment of the co-ordinate bench of this Court passed in



CWJC No. 6661 of 2021 wherein the Civil Judge has considered the fact that civil review is also pending, has passed the appropriate orders as under.

“Accordingly, the writ petition stands disposed of exactly in the terms of the orders of L.P.A. No. 167 of 2016.” This, however, will be subject to the final outcome of the result of the Civil Review No. 236 of 2019 pending before the larger Bench. It was made clear that the benefit to the petitioners shall be granted subject to the filing of undertakings by them before the Concerned Authorities regarding refund of the amount received by them, if the issue pending before the larger Bench and/or Civil Review No. 236 of 2019, goes in favour of the State Government.

6. It is contended that similar order can be passed in the present petition also and the petitioners shall give an undertaking before the District Magistrate, Rohtas. Taking into consideration, the civil review is pending before this Court before the larger Bench. It is pertinent to mention that in CWJC No. 6661 of 2021, the Hon’ble Single Judge of this Court observed that benefit to the petitioners shall be granted subject to filing undertaking by them before concerned authorities regarding refund of amount received by them. If the issue



pending before larger bench and/or Civil Review No. 236 of 2019 goes in favour of the State Government. Therefore, this Court is of the considered view that the same benefits shall be extended to the present petitioners also and, therefore, the petitioners are directed to file undertaking before the concerned authorities and the benefits shall be given to the petitioners, if the result goes in favour of the State, the petitioners shall refund the said amounts.

7. With the above said directions, the writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

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