

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10569 of 2015

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1. Manoj Kumar Sinha son of Late Vikramaditya Prasad, resident of village Block Colony, Quarter N. 16B, P.S. and District Aurangabad.
 2. Niraj Kumar Singh, son of Late Mani Singh, resident of village Sheopuri Colony, behind J K Motor, P.O. Bijauli, P.S. Muffasil, District Aurangabad.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Additional Secretary, Finance Department, Government of Bihar, Patna.
4. The District Magistrate, District Aurangabad.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Banwari Sharma, Advocate Mr. Shiv Kumar, Advocate Mr. Sahjanand Sharma, Advocate
For the Respondent/s	:	Mr. Virendra Kuar, Advocate AC to GP-10

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 02-02-2023

Re. I.A. No. 7550 of 2015

This is an intervenor petition, filed by following persons, for being impleaded as intervenor petitioners, supporting the writ petition and claiming their cases to be similarly situated with the petitioners of the present writ petition:-

1.	Athar Azam, S/o Late Abdul Rahman, R/o Village Kalami Mohalla near Gupta Niwas, District – Aurangabad.
2.	Sudeep Kumar Sinha, S/o Late Awadhesh Prasad Sinha, R/o Village Khemda, P.O. Barun, District – Aurangabad.
3.	Amit Kumar Bhaskar, S/o Late Dukhi Chand Ram, R/o Block Colony, Near Telephone Office, Daudnagar, District –Aurangabad.
4.	Upadhyay Kumar Manglam, S/o Late Dr. Ramashish Upadhyay, R/o New Area, Gyanpuri, P.O. and District – Aurangabad.



5.	Dhiraj Kumar Singh, S/o Late Raja Singh, R/o Village Sadsa, P.O. Rishiyap, District – Aurangabad.
6.	Krishna Kumar, S/o Late Kanhaiya Prasad, R/o Village Devrath, P.O. Kayamnagar, New Area, Gyanpuri, P.O. and District – Aurangabad.
7.	Ajay Kumar, S/o Ramawtaar Yadav, R/o Village Rampur, P.O. Faag, P.S. Goh, District – Aurangabad.

In view of reasons assigned in the intervenor petition (I.A. No. 7550 of 2015), the intervenor petition i.e. I.A. No. 7550 of 2015 is allowed and aforesaid seven persons of the intervenor petition are treated to be petitioners of the writ petition.

C.W.J.C. No. 10569 of 2015

The present writ application has been filed for directing the respondents authority to fix the pay of petitioners at par with Lower Division Clerk as the petitioners pay is fixed in the scale of Rs. 3050/- and pay of other junior clerks are fixed in the scale of Rs. 4000/- and they are getting more salary than the petitioners as the petitioners getting their salaries in the scale of Rs. 5880/- and several others persons junior to the petitioners are getting the salary in the scale of Rs. 7510/- and grade pay of petitioners is fixed Rs. 1900/- and grade pay of several juniors to the petitioners are fixed as Rs. 2400/-. It is relevant to state here that all the employees are in one cadre and whether and the same can be discriminated or a cadre within cadre can be created by the State authorities and by fixing the pay in the scale of Rs. 7510/- and



grade pay of Rs 2400/- to the petitioners as it is given to the others the difference of salary be given to the petitioners accordingly.

At the outset, it is submitted on behalf of petitioners that the issue regarding scale of Rs. 4000-6000/- maintaining parity with that granted to Accounts Clerk appointed on compassionate ground after 28.09.1999 has already been decided by this Court in the case of Binit Kumar and others vs. State of Bihar and others, passed in C.W.J.C. No. 9921 of 2017, which has already been affirmed by the Division Bench of this Court in L.P.A. No. 1702 of 2017, preferred by the State of Bihar against order passed in case of Binit Kumar (supra). It is further submitted by learned counsel for the petitioners that the issue has also been settled by the Hon'ble Division Bench of this Court dated 23.06.2017 passed in L.P.A. No. 167 of 2016 (Avinash Kumar Chakerwarty and others vs. State of Bihar and others). Case of the petitioners are fully covered by the aforesaid judgment and as such, the present writ petition may also be disposed of in the same terms.

Per contra, learned counsel for the State is unable to controvert the contention of the petitioners.

In that view of the matter, in the light of orders passed by this Court, particularly in L.P.A. No. 167 of 2016, petitioners



are entitled for same benefits, as has been extended to the petitioners in the case of Binit Kumar (*supra*).

Writ petition is allowed in terms of L.P.A. No. 167 of 2016. Respondents are directed to decide the claim of the petitioners in the light of order passed by in L.P.A. No. 167 of 2016 and extend the same benefits to these petitioners. Respondents are also directed to examine the claim of intervenor petitioners and if their case is similar to that of case of Binit Kumar (*supra*), they shall also be extended the same benefits.

With above observation and direction, the writ petition is allowed.

(Prabhat Kumar Singh, J)

Anay

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.02.2023
Transmission Date	N/A

