

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11526 of 2023

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1. Sumant Kumar Das S/O Hemendra Kumar Das, R/o Mohalla - In Front of Subhash Colony, Ward No. - 17, P.S.- Kishanganj, District - Kishanganj.
 2. Dharmendra Kumar, S/o Mayakant Mahto, R/o - Village- Mohana Ward, No. - 03, P.S. - Laukaria, District - West Champaran.
 3. Vikash Kumar, S/o - Late Narayan Singh, R/o - Village - Mehnaul Khurd, P.S. - Sonversha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kishanganj.
2. The District Magistrate, Kishanganj.
3. The Additional Collector, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Thakur, Adv.
For the Respondent/s : Mr. Saroj Kumar Sharma AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners submits that the petitioners are entitled to the Pay scale of Rs. 4,000- 6,000 in terms of decision of the Division Bench passed in ***L.P.A. No. 167 of 2016.***

3. Learned counsel for the State submits that entitlement to the Scale is subject to consideration by a Larger Bench in terms of order passed in ***Civil Review No. 236/2019*** and ***C.W.J.C. No. 23831/2018***, whereby and whereunder matter has been referred to a Larger Bench.



4. It is further submitted by learned counsel for the petitioners that there being no interim stay in respect of the orders which are pending consideration before the Larger Bench, the State authorities have been extending the benefit of the claimed scale pay subject to order being passed by the Larger Bench.

5. He has referred to two departmental communications dated 10-11-2022, bearing Memo No. 10465 issued by the Finance Department and one letter dated 23-01-2023, bearing Memo No. 1620 issued by the General Administration Department, Government of Bihar. He submits that petitioners' representation dated 03-06-2023 for grant of benefit, copy of which is Annexure-4 to the writ petition, is pending consideration before the District Magistrate, Kishanganj (respondent No. 2). Petitioners would be placing on record before respondent No. 2 the two communications of the Finance Department and General Administration Department, noted above, for consideration of grant of benefit on the ground of parity with others, who have been granted benefit, subject to the result of the proceedings pending before the Larger Bench.

6. Learned counsel for the petitioners submits that they would be filing their representations/supplement to the



representations within two weeks before the respondent No. 2.
If the same is done, it is expected that the respondent No. 2 will
pass a reasoned and speaking order in accordance with law
within eight weeks thereafter.

7. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

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