

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12118 of 2023

1. Abhishek Kumar Shrivastav Son of Late Triloki Prasad Shrivastav Resident of Village and P.O.-Kalyanpur, Police Station-Bihiya, District-Bhojpur (Ara) PIn-802154, Working as Clerk (Assistant) in Superintendent Office, Sadar, Hospital, Ara, Bhojpur.
2. Prabhat Kumar Baitha Son of Late Indrajeet Prasad Resident of Village-Akhtiyarpur, Post-Chandwa, P.S.-Udwantnagar, District-Bhojpur, Working at Civil Surgeon Office, Bhojpur.
3. Vijay Kumar Son of Shiv Rajak Resident of Village-Amrudi Gali, Post-Bakipur, P.S. Kadamkuan, District-Patna. Working at Civil Surgeon Office, Bhojpur.
4. Santosh Kumar Son of Julan Ram Resident of Village-tari Muhalla Ara, Post-Ara Chowk, P.S.-Town Thana Ara, District- Bhojpur. Working at Additional Health Centre Karisath Udwantnagar, Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. The Principal Secretary Department of General Administration, Govt. of Bihar. Patna.
3. The Principal Secretary, Department of Finance Govt of Bihar.
4. The District Magistrate Cum Collector, Bhojpur at Ara.
5. The Civil Surgeon, Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhanesh Shankar Vidyarthi, Adv.
For the Respondent/s : Mr. Dhurendra Kumar AC to GP-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-09-2023 On mentioning slip being filed for priority listing, the matter has been listed today under the heading ‘To Be Mentioned’.

2. Heard learned counsel for the petitioners and learned counsel for the State.

3. 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.***

4. 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.

5. 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.

6. Learned counsel for the petitioners 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. It is further submitted that petitioners' representation for grant of benefit, copy of which is Annexure- 9 series to the writ petition, is pending consideration before the Civil Surgeon, Bhojpur, Ara



(respondent No. 5). Petitioners would be placing on record before respondent No. 5 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.

7. Learned counsel for the petitioners submits that they would be filing their representations/ supplement to the representations within two weeks. If the same is done, it is expected that the respondent No. 5 will pass a reasoned and speaking order in accordance with law within eight weeks thereafter.

8. Accordingly, writ petition is disposed of.

(Madhuresh Prasad, J)

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