

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19898 of 2021

1. Krishna Deo Pandey Son of Late Brahma Deo Pandey, resident of Mohallah-Shaheban Tola, South of Siksha Colony, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
2. Kapil Deo Sah Son of Baidya Nath Prasad Sah, resident of New Siphahi Tola, Mata Chowk, Maraga Road, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
3. Shahid Hussain Son of Muzaffar Hussain Resident of Maulvi Tola, Madhubani, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
4. Om Prakash Ram Son of Late Sadho Ram, resident of Ram Nagar, Ward No. 11, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
5. Ram Krishan Kamat Son of Late Ramji Kamat, resident of Village- Kachua (Tamouriya) Ward No.- 7, Police Station- Lucknor, District- Madhubani, Retired Clerk, Civil Court, Purnea.
6. Md. Wazid Khan Son of Abid Hussain Khan Resident of Village Rani Sagar, Post Office- Ranisagar, District- Bhojpur, Retired Clerk, Civil Court, Purnea.
7. Sudhanshu Kumar Singh Son of Late Ramkripal Singh Resident of Purnea Court Station, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
8. Ambika Nand Dutt Son of Late Vashudev Dutt Resident of Shastri Nagar, Madhubani, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
9. Ganesh Choudhary Son of Late Dadhu Choudhary, resident of Madhubani Bazar, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
10. Gunjar Ray Son of Late Mahadev Ray, resident of Villae- Chunapur, Police Station- K. Nagar, District- Purnea, Retired Clerk, Civil Court, Purnea.
11. Shiv Narayan Yadav Son of Late Neer Narayan Yadav Resident of Sipahi Tola, Chunapur Road, District- Purnea, Retired Clerk, Civil Court, Purnea.
12. Rajendra Prasad Goswami Son of Late Vashishth Goswami Resident of Saheban Tola (South of Siksha Colony), Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court, Purnea.
13. Ram Kumar Sah Son of Late Vasant Lal Sah Residence of Professor Colony Ram Bagh, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
14. Gopal Krishna Srivastav Son of Late Lakhan Beer Prasad Residence of Subhash Nagar, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea, Retired Clerk Civil Court, Purnea.
15. Sambhu Nath Sah Son of Late Ganga Prasad Sah Residence of Subhash Nagar, Gokul Krishan Aasram Road, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.



16. Satya Deo Prasad Son of Late Vishundev Prasad Residence of Rajendar Nagar, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court.
17. Ashok Kumar Mishra Son of Late Rajendar Prasad Mishra Residence of New Sipahi Tola, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court.
18. Dinesh Prasad Sah Son of Late Ganga Prasad Sah Resident of Village-Harda Ward No.- 5, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
19. Chandra Deo Thakur Son of Late Ramhit Thakur Resident of Village- Birar, Ward No.- 10, Police Station- Nanpur, District- Sitamarhi, Retired Stenographer Civil Court, Purnea.
20. Usha Gupta Wife of Late Birendra Kumar Gupta (Retired Clerk Civil Court, Purnea), Resident of Mahbub Khan Tola, Police Station- K. Hat, District- Purnea.
21. Md. Majahir Hussain Khan Son of Late Md. Kazim Khan Resident of Maulvi Tola, Madhubani, Police Station- K. Hat, District- Purnea, Retired Stenographer Civil Court, Purnea.
22. Rajendra Prasad Singh Son of Yadunandan Singh Resident of Village-Lalganj, Maranga, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
23. Ramesh Chandra Paswan Son of Late Raghunandan Paswan Resident of Sipahi Tola, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
24. Shanti Devi Wife of Late Biharilal Choudhary (Retired Clerk Civil Court, Purnea), Resident of Line Bazar Jhanda Chowk, Police Station- K. Hat, District- Purnea.
25. Lakshmi Narayan Jha Son of Late Anirudh Jha Resident of J.P. Nagar, Police Station- K. Hat, District- Purnea, Retired Stenographer Civil Court, Purnea.
26. Md. Khalid Umar Son of Late Md. Umardaraj Resident of Mohalla- Shahjad Colony, Khajanchi Hat, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
27. Indeshwari Sah Son of Late Bhubneswar Sah Resident of Ramanagar, Post Office- Polytechnic, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
28. Kumar Balraj Narayan Sinha Son of Late Birendra Kumar Sinha Resident of Mohallah- Jail Chowk, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
29. Md. Kalimuddin Son of Abdul Ajjimuddin Resident of Maulvi Tola, Madhubani, Police Station- K. Hat, District- Purnea, Retired Stenographer Civil Court, Purnea.
30. Sushil Kumar Sinha Son of Late Dheerendar Narayan Sinha Resident of Mohallah- New Sipahi Tola, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
31. Sunil Kumar Ray Son of Late Surendar Nath Rai Residence of Mohallah-Sharda Nagar, Gokul Krishna Ashram Road Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.



32. Minoti Das Daughter of Late Subhodh Kumar Das Residence of Kaalibaari Chowk, Bhatta Bazar, Police Station- K. Hat, District- Purnea, Retired Clerk Civil Court, Purnea.
33. Sarangdhar Rai Son of Late Siyasaran Rai Residence of New Sepahi Tola, Police Station- K. Hat, District- Purnea, Retired Clerk, Civil Court Purnea.
34. Renu Devi Wife of Dilip Kumar (Retired Clerk Civil Court, Purnea), Residence of New Sipahi Tola, Police Station- K. Hat, District- Purnea.
35. Poonam Verma Wife of Late Arun Kumar Verma (Retired Clerk Civil Court, Purnea), Residence of Sastari Nagar Chowk, Police Station- K. Hat, District- Purnea.
36. Rajendra Prasad Yadav Son of Late Kalanand Yadav Residence of Srinagar Hata, Police Station- K. Hat, District- Purnea, Retired Stenographer Civil Court, Purnea.
37. Kamlesh Prasad Mehta Son of Late Silhal Lal Mehta Residence of Village- Gangeli, Police Station- K. Nagar, District- Purnea, Retired Clerk Civil Court, Purnea.
38. Akshay Kumar Singh Son of Late Ramsurat Singh, Residence of Village- Mukrera, Police Station- Revelganj, District- Saran, Retired Clerk Civil Court.
39. Manju Devi Wife of Late Kavindar Narayan Singh (Retired Clerk Civil Court, Purnea), Residence of Mohallah- K Hat Thana Chowk, Madhubani, Police Station- K. Hat, District- Purnea.
40. Manju Srivastava Wife of Late Ganga Prasad Lal (Retired Clerk Civil Court, Purnea), Residence of Sipahi Tola, South Gali No.1, Chunapur Road, Police Station- K. Hat, District- Purnea.
41. Ranjana Jha Wife of Late Prabhakar Jha (Retired Clerk Civil Court, Purnea) Residence of Maithil Tola, Cortbaari Road Madhubani, Police Station- K. Hat, District- Purnea.
42. Arun Kumar Singh Son of Late Ramjatan Singh Residence of Azad Colony, Bhatta Bazar, District- Purnea, Retired Stenographer Civil Court, Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Secretary, Law Department, Govt. of Bihar, Patna.
3. The Registrar General, Patna High Court, Patna.
4. The District and Sessions Judge, District Court, Purnea.
5. The District Accounts Officer, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Advocate
For the State : Mr.Prashant Pratap, GP-2



For respondent no.2 : Mr. Satyabir Bharti, Advocate
Ms. Kanupriya & Mr. Abhishek Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2023 1. The present writ petition has been filed
seeking the following reliefs:-

"i) For a writ in the nature of mandamus or any other appropriate writ / order directing the respondents to make payment of the pension / family pension and consequential benefits alongwith the arrears of difference of pay/pension as well as interest of 12% per annum on delayed payment to the petitioners by implementing the recommendation of Hon'ble Justice Shetty Commission and granting the benefits of 2nd ACP in the recommended pay scale of Rs. 8,000-13,500/- w.e.f. 01.04.2003 (and replacement pay scale of PB 2 + Rs. 5400/- w.e.f. 01.01.2006) to the petitioners (or their husbands), who are eligible for pay scale of Sheristedar of the District Judge as benefit of 2nd A.C.P which is Rs. 8,000-13,500/- w.e.f 01.04.2003 (and revised pay scale of PB 2+ Rs. 5400/- w.e.f. 01.01.2006) as fixed by the resolution no. 1519 dated 14.02.2013 of the State Government.

ii) For issuance of a writ in the nature of mandamus or any other order or direction



upon the respondents especially. the respondent no. 3 to 5 to enquire into the complaint of the petitioners against the conduct and working of Sri Manoj Kumar, the Accountant, Civil Court, Purnea, who for malafide and ulterior reasons is deliberately not allowing the benefit of 2nd ACP in the pay scale of Rs. 8,000-13,500/- w.e.f. 01.04.2003 (and revised pay scale of PB 2+ Rs. 5400/- w.e.f. 01.01.2006) to the petitioners."

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the District & Sessions Judge, Purnea for redressal of their aforesaid grievances. Liberty, so sought, is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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