

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14975 of 2022

1. Maheshwar Kumar son of late Ramchandra Paswan, Resident of Mohalla-Kahra, Ward No. 13, P.O.- Kahra, P.S.- Saharsa, District- Saharsa, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Khagaria.
2. Gulshan Kumar son of late Sushil Kumar Singh, Resident of Mohalla-Gautamnagar, Ward No. 11, Koshi Chowk, P.O. and District- Saharsa, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Madhepura.
3. Syad Noor Mohammad son of Late Mukhtar Alam, Resident of Village-Makdumchak, P.O. and P.S.-Simri Bakhtiyarpur, District- Saharsa, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Khagaria.
4. Santosh Kumar son of late Rameshwar Singh, Resident of Village-Durgapur, P.O.- Jiyaram Raghapur, P.S. Raghapur, District- Supaul, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Simri Bakhtiyarpur, Saharsa.
5. Bablu Sah son of late Nathuni Sah, Resident of Village and Post- Bariyahi Bazar, P.S.- Bangaon, District- Saharsa, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Supaul.
6. Sonu Kumar son of late Om Prakash Bhagat, Resident of Village and Post-Kolwara, Via- Parbatta, P.S.- Parbatta, District- Khagaria, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Katihar.
7. Jaiprakash Kumar son of Late Ramanand Kapar, resident of Village-Salempur, P.O.- Rupauli, P.S.- Mushari Gharari District- Samastipur, presently posted as Lower Division Clerk, Rural Works Department, Works Division, Katihar.
8. Nasim Haidar son of late Abdul Rahim, Resident of Khagaria, P.O. and P.S. and District- Kishanganj, presently posted as Lower Division Clerk, Rural Works Department, Works Circle, Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar, through chief secretary, Govt of Bihar, Bihar.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna.
5. The Chief Engineer-II, Rural Works Department, Govt. of Bihar, Patna.
6. The Superintending Engineer, Rural Works Department, Works Circle, Purnea.
7. The Superintending Engineer, Rural Works Department, Works Circle Saharsa.
8. The Superintending Engineer, Rural Works Department, Works Circle,



Madhepura.

9. The Executive Engineer, Rural Works Department, Works Division, Khagaria.
10. The Executive Engineer, Rural Works Department, Works Division, Madhepura.
11. The Executive Engineer, Rural Works Department, Works Division, Simri Bakhtiyarpur.
12. The Executive Engineer, Rural Works Department, Works Division, Supaul.
13. The Executive Engineer, Rural Works Department, Works Division, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Adv.
For the Respondent/s : Ms.Smt. Archana Meenakshee (GP6)
Mr. H.S. Goldie, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-09-2023 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- 13 series to the writ petition, is pending consideration before the respondents. Petitioners would be placing on record before respondents 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 eight weeks. If the same is done, it is expected that the respondents 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)

shyambihari/-

U			
---	--	--	--

