

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13418 of 2023

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1. Avinash Kumar Son of Sri Rajendra Prasad Lal, Resident of Village-Nasibchak, P.S. Barbigha, District-Sheikhpura.
 2. Gaurav Kumar, son of Late Jai Jai Ram, Resident of Village-Samachak, P.S. Barbigha, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Main Secretariat, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna.
4. The District Magistrate, Sheikhpura, District-Sheikhpura.
5. The Deputy Collector, Establishment, Collectorate, Sheikhpura, District-Sheikhpura.
6. The D.P.R.O. Sheikhpura.
7. The Circle Officer Sheikhpura, District-Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad, Adv
For the Respondent/s : Mr.M. Nasrul Huda Khan (SC 1)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-09-2023 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

petitioner is 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 P/10 to the writ petition, is pending consideration before the District Magistrate, Sheikhpura (respondent No. 4). Petitioners would be placing on record before respondent No. 4 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. 4 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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