

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4078 of 2018

1. Shrawan Kumar Singh S/o Shri Janardan Prasad Singh R/o 17 No. Sohsarai, P.S. Sohsarai District Nalanda.
2. Vikash Kumar S/o Yadu Sao R/o House No. 130 Village Meyar P.S. Chhabilapur, District nalanda.
3. Ranvir Singh S/o Late Umesh Prasad R/o Habbipur, P.S. Parvalpur O.P. District Nalanda.
4. Birendra Kumar S/o Late Jairam Singh R/o Village Kusre, P.S. Karpi, District Arwal.
5. Niranjana Kumar S/o Ramnaresh Singh R/o Kemdarchak Manikpur, P.S. Manikpur, District Arwal.
6. Anil Kumar S/o Maheshwari Prasad R/o 55, Ghugharitand, P.S. Gaya Town District Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Minor Water Resources, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Secretary Expenditure, Department of Finance, Government of Bihar, Patna.
5. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Patna
6. The Executive Engineer, Minor Irrigation Division, Nalanda.
7. The Executive Engineer, Minor Irrigation Division, Gaya.
8. The Accountant General, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Purna Rishi, Advocate
For the Respondent/s : Mr. S.S.P. Yadav - Sc14

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 05-12-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for



quashing the letter issued vide Memo No.8059(vi) dated 14.09.2015 and Memo No. 6338 (vi) dated 16.07.2015 and further letter No. 469/Biharsharif dated 06.04.2016 issued by the respondent No.6, by which direction for recovery has been made in 60 monthly installments.

3. Learned counsel for the petitioner submits that in total there are six petitioners in the present petition. Five petitioners are working as Lower Division Clerks in the Minor Irrigation Division, Nalanda and petitioner No. 6 is working as a Lower Division Clerk in the Minor Irrigation Division, Gaya. He further submits that the Finance Department, Government of Bihar has taken a decision vide Memo No. 3111(vi), dated 25.03.2015 to implement pay-scale with respect to the Accounts Clerks Cadre appointed in various departments in the manner stated in the said resolution. He further submits that by the letter impugned, direction for recovery has been made.

4. Learned counsel for the petitioner further submits that the issue relating to the present petitioners has been resolved by a Division Bench of this Court in LPA No. 766/2019 and other analogous cases, titled as *the State of Bihar and Ors. Vs. Biresh Kumar Singh and Ors.* reported in *2023 (6) BCJ 100*. In paragraph No. 12 of the said judgment the issue has been



settled as follows:-

“12. In this context, we also notice the Letter No. 3A- 2-V.P.-09/2016-5838/V of the Finance Department of Government of Bihar dated 22.06.2022, the relevant recital in which is extracted hereunder:-

“Different designations of regional establishments like Accounts Clerk, Storekeeper, Correspondence Clerk, Lower Division Clerk and Upper Division Clerk will not have separate cadres but all of them will be known as Lower Division Clerk/Upper Division Clerk of General Clerk Cadre. Accounts Clerk will be a dying cadre and no new appointment will be made on this post. Lower Division Clerk will be promoted to the post of Upper Division Clerk after a period of 6 years or from 01.01.2016, whichever is later. For promotion from upper division clerk to the post of head clerk, promotion can be granted considering the total period spent on the posts of lower division clerk and upper division clerk. The concerned department will fix the promotion ratio at 60:40 and the benefit of recommended promotion will be given from the date of issue of the order. For all levels of promotion, the pay matrix level of that post can be determined in place of its grade pay. (Chapter 3.2)”

The aforesaid extract reiterates the consistent stand of the Government and we are surprised that an appeal is filed for the purpose of denying pay parity to persons identically situated. The above extract also indicates a complete, absolute and wholesome identity between the Accounts Clerks and the Correspondence Clerks.

Therefore, the petitioners seek relief by way of exact implementation of the said decision mentioned above.

5. Learned counsel for the State submits that the issue



raised in the present writ petition is covered under the decision rendered in LPA No. 766 of 2019 with analogous cases. Therefore, the writ petition may be decided in the terms of the said findings of the Hon'ble Division Bench.

6. In this view of the matter, the petitioners are directed to file the representation before the concerned authorities of their respective departments who shall take a decision in the light of the observation made by the Hon'ble Division Bench quoted above.

7. Any adverse decision taken against the petitioners is hereby stayed till taking a final decision in the light of the judgment rendered in LPA No.766 of 2019.

8. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

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