

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17537 of 2022

Gunjan Vishal son of late Kameshwar Prasad Sinha, resident of Sector- 7, Block No. 4, Flat No. 2, HIG, Bhootnath Road, P.S.- Agamkuan, District-Patna, presently posted as Accounts Pass Clerk, Bihar Special Armed Police-4, Dumraon

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home (Police) Department, Bihar, Patna.
2. The Additional Chief Secretary, Home (Police) Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police (Headquarters), Bihar, Patna.
6. The Commandant, Bihar Special Armed Police- 4, Dumraon, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Adv.

For the Respondent/s : Mr. Saraoj Kumar Sharma, AC to AAG-3

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 petitioner and learned counsel for the State.

3. Learned counsel for the petitioner 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 petitioner 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 petitioner 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 petitioner's will be filing a representation for grant of benefit, before the Director General of Police, Bihar, Patna (respondent No. 4). Petitioner 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 petitioner submits that he would be filing his representation 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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