

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17 of 2023

1. Uday Narayan Pathak S/o Late Baban Pathak Presently Working as Clerk in Block Development Officer, Tilauthu, Rohtas.
2. Binit Kumar, S/o Late Vinod Prasad Presently Working as Clerk in the Office of Deputy Collector, Land Reforms, Sasaram, Rohtas.
3. Sharda Singh, D/o Late Kamlesh Kumar Singh Presently Working as Clerk in District Abhilekhagar Office, Sasaram, Rohtas.
4. Dheeraj Kumar, S/o- Late Ramesh Prasad Presently Working as Clerk in the Office of District Land Acquisition Officer, Rohtas, Sasaram, Rohtas.
5. Babloo Kumar, S/o- Late Gopal Ji Sah Presently Working as Clerk in Circle Office, Sanjhauli, Rohtas.
6. Gaurav Kumar, S/o- Late Birendra Kumar Singh Presently Working as Clerk in District Treasury Office, Sasaram, Rohtas.
7. Guddoo Prasad Gupta, S/o Late Raj Kumar Sah Presently Working as Clerk in Circle Office, Bikramganj, Rohtas.
8. Nainsi Srivastava, D/o Late Ashok Kumar Sahay Presently Working as Clerk in the Office of Office Superintendent, Sasaram, Rohtas.
9. Avinash Kumar, S/o late Bindeshwari Prasad Prajapati Presently Working as Clerk in Circle Office, Kochas, Rohtas.
10. Amit Sah, S/o Late Dinbandhu Ram Presently Working as Clerk in Sub-Divisional Office, Sasaram, Rohtas.
11. Mahendra Kumar, S/o Late Jagmohan Ram Presently Working as Clerk in the Office of District Disaster Management, Sasaram, Rohtas.
12. Ajay Kumar Singh, S/o Late Kameshwar Prasad Singh Presently Working as Clerk in Block Development Office, Dawath, Rohtas.
13. Brajesh Ranjan, S/o- Late Rajeev Ranjan Prasad Presently Working as Clerk in District Establishment Section, Rohtas Collectorate, Sasaram, Rohtas.
14. Rajnish Kumar, S/o Late Sachchidanand Srivastava Presently Working as Clerk in Sub-Divisional Office, Dehri, Rohtas.
15. Vivek Kumar, S/o Late Kanhaiya Prasad Srivastawa Presently Working as Clerk in Zila Gopniye Section, Rohtas Collectorate, Sasaram, Rohtas.
16. Manoj Kumar, S/o Late Chhedi Ram Presently Working as Clerk in District Treasury Office, Sasaram, Rohtas.
17. Md. Shamim Ansari, S/o Late Md. Nizamiddin Ansari Presently Working as Clerk in Block Development Office, Nokha, Rohtas.
18. Jamshed Singh, S/o Late Deo Bahadur Singh Presently Working as Clerk in District Transport Office, Sasaram, Rohtas.
19. Sanjay Kumar Singh, S/o Late Hira Prasad Singh Presently Working as Clerk in Block Development Office, Tilauthu, Rohtas.
20. Santosh Kumar, S/o Late Ramashish Prasad Gupta Presently Working as Clerk in the Office of District Land Acquisition Officer, Rohtas, Sasaram, Rohtas.



21. Vandana Kumari, D/o Late Ashok Kumar Choudhary Presently Working as Clerk in Block Development Office, Shiv Shagar, Rohtas.
22. Baby Priya, D/o Late Deep Narayan Roy Presently Working as Clerk in District Public Grievance Redressal Office, Sasaram, Rohtas.
23. Neha Kumari, D/o Late Umesh Pandey Presently Working as Clerk in District Revenue Section, Rohtas Collectorate, Sasaram, Rohtas.
24. Mahendra Kumar, S/o- Late Narayan Ram Presently Working as Clerk in Block Development Office, Sasaram, Rohtas.
25. Ashish Kumar Chaubey, S/o Late Narendra Dev Chaubey Presently Working as Clerk in Circle Office, Suryapura, Rohtas.
26. Shani Kumar, S/o Late Shivratan Ram Presently Working as Clerk in Sub-Divisional Office, Bikramganj, Rohtas.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Rohtas, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Gyan Shankar, Advocate
For the Respondent/s : Mr. Manoj Kumar Sinha, A.C. to S.C.-19

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-02-2023 Learned counsel for the petitioners is permitted to
make correction in the cause title as respect petitioner no. 20.

Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners in the present case are seeking following
reliefs:-

“(i) issuance of a writ, writ(s), order orders commanding
the respondent authorities to grant the pay scale of Rs.
4000-6000/- instead of Rs. 3050-4590/- to the petitioners
from the date of their appointment, who are presently
working as clerk in different offices of Collectorate,



Rohtas under the District Magistrate, Rohtas, Bihar considering the orders passed by this Hon'ble Court in L.P.A. No. 167 of 2016, CWJC No. 17151 of 2018, CWJC 188 of 2021, CWJC No. 4065 of 2020, CWJC No. 11759 of 2021 and other analogous cases, as in light of the said orders similarly situated employees like the present petitioners have been granted the pay scale of Rs. 4000-6000/- from date of their appointment.

(ii) For commanding the respondent authorities to pay the arrears of difference of salary to the petitioners in the revised scale of Rs. 4000-6000/- from the date of their appointment with all consequential benefits.

(iii) For issuance of any other writ(s), order(s), or direction(s) as may be deemed fit and proper by this Hon'ble Court.”

Learned counsel for the petitioners submits that these petitioners were appointed as clerk on compassionate ground in the year 2009 onwards in the different offices of the Rohtas Collectorate. It is stated that they are still working. They were appointed on compassionate ground on the recommendation of the District Compassionate Committee but have been arbitrarily and illegally deprived of the pay scale of Rs. 4000-6000/-. It is stated that the petitioners have been placed in the scale of Rs. 3050-4590/- only because they have been appointed on compassionate ground.

Learned counsel has relied upon the order dated 23.06.2017 passed by Hon'ble Division Bench of this Court in



L.P.A. No. 167 of 2016 to submit that this Court has held that the appointees on the compassionate ground would also be entitled for the scale of Rs. 4000-6000/-. It is submitted that the appellants in LPA No. 167/2016 were also the employees of the Collectorate of Siwan who were appointed on compassionate ground after 20.12.2000. A copy of the order of the Hon'ble Division Bench in L.P.A. No. 167 of 2016 has been placed before this Court as Annexure '2' to the writ application.

Learned counsel submits that after the order of the Hon'ble Division Bench, the respondents did not confer the same benefit to the other similarly situated employees of the Collectorate of Siwan. This resulted in filing of several writ applications. Some writ applications in respect of other Collectorate and other offices also came to be considered by this Court. Reference has been made to CWJC No. 18449 of 2017, CWJC No.17151 of 2018, CWJC No.21926 of 2018, CWJC No.16761 of 2018, CWJC No.1948 of 2020, CWJC No. 188 of 2021, CWJC No.11759 of 2021, CWJC No. 1548 of 2022. Copy of the orders passed in these writ applications have been enclosed as Annexures to the writ application.

Learned counsel submits that Annexure '12' is the order no. 75/2022-23 issued by the District Magistrate, Rohtas,



Sasaram in compliance of the order passed by this Court in CWJC No. 11759 of 2021 and some other writ applications. Perusal thereof would show that after having been subjected to the contempt proceeding only the District Magistrate, Rohtas came out with the order as contained in Annexure '12' and granted the benefit of the same scale of pay subject to the decision of this Court in Civil Review No. 236 of 2019 arising out of L.P.A. No. 167 of 2016. This Court has been informed that the review application is still pending.

Learned counsel for the State does not dispute the factual position as appearing from the records.

In the nature of the materials present, this Court is disposing of this writ application with a direction to the District Magistrate, Rohtas, Sasaram to consider the claims of the petitioners as well in the light of the decision of the Hon'ble Division Bench in L.P.A. No. 167 of 2016 and in the light of his own decision as contained in Annexure '12' to the writ application and pass an appropriate order thereon in consonance with his earlier decisions within a period of three months from the date of receipt/production of a copy of this order.

It goes without saying that upon examination of their claim if the petitioners are found entitled for the identical



reliefs which have been granted to others, the consequential benefits shall follow.

Before this Court parts with this order, the attention of the respondent nos. 2 and 3 who are the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna and the District Magistrate, Rohtas respectively are drawn towards the Bihar Litigation Policy, 2011 wherein a mechanism has been provided to deal with the grievances of the employees whose cases would be covered by any order of this Court which has attained finality. This Court has been noticing that despite there being a litigation policy which was brought with an intention of reduce the litigation and pendency of the court cases, the department is not making sincere efforts to act in terms of the policy, as a result of this, several writ applications are being filed for identical reliefs.

Learned counsel for the petitioners has informed today due to inaction on the part of different Collectorates and other offices he has filed at least ten more writ applications for identical reliefs which are still pending. He has undertaken to furnish the list of those cases tomorrow. The Principal Secretary (respondent no. 2) and the District Magistrate (respondent no. 3) are, therefore, further directed to examine their records and



take immediate steps to deal with the grievance petitions of the employees which are covered under the litigation policy of the State. In an appropriate matter, they may be called upon to furnish the action taken report.

The order be communicated to the concerned respondents immediately.

This Writ Application stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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