

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1721 of 2020

=====

Birendra Kumar Jaiswal Son of Kapildeo Prasad Jaiswal, Resident of Mohalla-
Rented Flat No. 55, Kankarbagh Colony, Patna, P.S.- Kankarbagh, P.O. Lohiya
Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Police Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Director, Directorate of Prosecution, Bihar, Patna.
4. The Joint Secretary, Directorate of Prosecution Home Department, Patna.
5. The Secretary(Expenditure) Finance Department, Bihar, Patna.
6. The Principal Secretary, Road Construction Department, Bihar, Patna.
7. The Engineer in Chief Cum- Upper Commissioner-Cum-Special Secretary, Road Construction Department, Bihar, Patna.
8. The Registrar (Mechanical) Road Construction Department, Bihar, Patna.
9. The Under Secretary, Road Construction Department, Bihar, Patna.
10. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Sinha, Advocate
For the State	:	Mr.Syed Iqbal Ahmad (SC-20)
For the AG	:	Ms. Nivedita Nirvikar, Sr. Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 25-07-2023 1. The petitioner has approached this Court for quashing of the office order dated 30-07-2018, issued by the Office of the Directorate Prosecution, whereby and whereunder the petitioner's pay has been fixed at Rs. 15,260/-, with effect from 04-01-2008, in place of Rs. 17,140/- and corresponding recoveries are to be made from the petitioner.

2. During pendency of the writ application, one order dated 29-01-2020 has been passed, copy of which has been enclosed at Annexure-C to the counter-affidavit. Paragraph 9 of the counter-affidavit with respect to the order, reads as follows:



"9. That it is further submitted that the writ petitioner annexing a copy of resolution No. 8921 dated 07-12-2018 (Annexure-4 to the writ application) submitted a representation dated 17-12-2018 (Annexure-5 to the writ application) requesting therein to stop the recovery process in light of aforesaid resolution No. 8921 dated 07-12-2018 of the Finance Department. The Finance Department vide aforesaid resolution No. 8921 dated 07-12-2018 revised its earlier resolution and communicated that the initial pay of the employee promoted to any post would not be less than the pay prescribed for the post for the direct recruited employee. The representation of writ petitioner has been duly considered in light of provisions of the resolution No. 8921 dated 07-12-2018 and the pay scale of the writ petitioner has been accordingly re-fixed provisionally vide order No. 23/2020 read with memo No. 261 dated 29-01-2020. Copy of this order has also been sent to the writ petitioner. Necessary further order will be issued after verification of the re-fixation of the pay of the petitioner in terms of



resolution No. 8921 dated 07-12-2018 by the Finance Department as mandated vide letter No. 3651 dated 25-05-2017 of the Finance Department."

3. The petitioner's grievance has therefore been redressed.

4. The learned counsel for the petitioner, however, submits that the redressal is subject to verification of the re-fixation, which has not been done for the last more than three years.

5. Since it is the stand of the respondents themselves that re-verification is to be done, keeping the same pending inordinately is not appreciated by this Court. The authorities should take a final decision in terms of paragraph 9, extracted above, and extend the consequential benefits to the petitioner, expeditiously and preferably within four (4) weeks from the date of the receipt/production of a copy of this order.

6. The writ petition stands disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

SUMIT/-

U			
---	--	--	--

