

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24523 of 2019

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1. Naveen Kumar Anshu S/o- Late Rajeshwar Tiwari Resident of Village- Mamrakha, P.S.- Malahi, District- East Champaran.
 2. Prabhat Kumar Verma S/o- Late Arbind Kumar Verma Resident of-D-37, Begampur, Gandak Colony-03, Ward No. 35, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Finance, Govt. of Bihar, Patna.
3. The Principal Secretary W.R.D. Department, Govt. of Bihar, Patna.
4. The Chief Engineer Water Resources Department, Aurangabad.
5. The Chief Engineer Flood Control and Drainage, W.R.D. Muzaffarpur.
6. The Executive Engineer Flood Control Division, Motihari, East Champaran.
7. The Executive Engineer Gandak Design Division No. 1, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Siya Ram Shahi, Advocate Ms.Shally Kumari, Advocate
For the Respondent/s	:	Mr.Rewati Kant Raman, AC to SC11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-04-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners, in the present case, are seeking the
following reliefs:-

“(i) For issuance of an appropriate writ in quashing the letter no. 79 dated 24.01.2019 and letter no. 78 dated 24.01.2019 issued by the Executive Engineer, Flood Control Division, Motihari whereby and whereunder the benefit given to the petitioners in the light of Finance Department Resolution No. 3111 dated 25.03.2015 have been withdrawn and the petitioners have been placed in the scale of Rs. 3050-4590, contained in Annexure-5 (Series).

(ii) For issuance of an appropriate writ commanding the respondent to extend the benefit of Finance Department Resolution No. 3111 dated 25.03.2015 as well as in terms of



the order passed in C.W.J.C. No. 9921 of 2017 and its analogous cases decided on 21.08.2017 affirmed the L.P.A. No. 1702/2017 and its analogous cases, and further affirmed by the Hon'ble Supreme Court on 28.09.2017, contained in Annexure-3.

(iii) For issuance of an appropriate writ commanding the respondents to restore the scale of the petitioners which has been given to them in terms of Finance Department Resolution dated 25.03.2015 vide Letter No. 762 dated 06.06.2015 and Letter No. 105 dated 09.04.2015 contained in Annexure-2 (series).

(iv) For any other relief or reliefs for which the petitioner is entitled under law as well as on the facts of the case.”

It is the case of the petitioners that they were appointed on the post of Junior Accounts Clerk and Lower Division Clerk Accounts on compassionate ground. They were given the benefit of Finance Department Resolution No. 3111 dated 25.03.2015 and their pay was fixed in the scale of Rs. 4000-6000/- and its revised scale from 01.01.2006 PB-1, 5200-20,200/- Grade Pay-2400/-.

Learned counsel submits that the Finance Department Resolution No. 3111 dated 25.03.2015 was considered by this Hon'ble Court in the batch of writ applications i.e. C.W.J.C. No. 9921/2017 (**Binit Kumar and others Vs. The State of Bihar and Anr.**) and other analogous matters wherein this Court followed the Hon'ble Division Bench judgment of this Court in the case of **The State of Bihar Vs. Ram Janam Jha and others (in L.P.A.No. 206 of 2014)**.

It is submitted that identical reliefs were prayed by the



petitioners in CWJC No. 13990/2018, in which this Hon'ble Court directed the head of the two departments i.e. the Finance Department and the Water Resources Department to sit together and resolve the issue. In the said case a counter affidavit has been filed, in which paragraph '6' states as under:-

“6. That it is stated that in compliance of the aforesaid order dated 05.04.2023, the Additional Chief Secretary, Finance Department, Bihar and the Secretary, Water Resources Department, Bihar sat together on 12.04.2023 and after due consideration of the matter, they found that the case of the petitioners appears to be identical to the case of Binit Kumar and others (C.W.J.C. No. 9921 of 2017). As such It has been decided to extend the benefit of pay scale of Rs. 4000 – 6000/- (Grade Pay Rs. 2400/-) to the petitioners as extended to Binit Kumar and others and to dispose of other matters pending in the Water Resources Department after examining their similarity to the case of Binit Kumar and others.”

Learned counsel submits that the case of the petitioners would be squarely covered by the said stand of the respondents, therefore, this writ application may also be disposed of in similar terms as has been done in CWJC No. 13990/2018.

Learned counsel for the State is present. Learned counsel does not dispute that the case of these petitioners would be squarely covered by the judgment of this Court in the case of **Binit Kumar & Ors.Vs. The State of Bihar & Ors.** (CWJC No. 9921 of 2017) and in the light of the decision of the



department as contained in paragraph '6' of the counter affidavit filed in CWJC No. 13990/2018, this writ application may also be disposed of.

In the nature of the submissions recorded hereinabove, the impugned orders are hereby set-aside. This Writ Application is being disposed of in terms of the order dated 17.04.2023 passed in CWJC No. 13990/2018.

Rajeev Ranjan Prasad, J.)

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