

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1939 of 2022

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Ajay Kumar Kashyap son of Jagat Narayan Singh, Resident at Tourist Complex, Hotel Siddharth Vihar, Near Bank of India, Bodh Gaya, P.O. and P.S.-Bodh Gaya, District-Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Chairman, Bihar State Tourism Development Corporation Ltd., Beer Chand Patel Marg, Patna-1.
2. The Principal Secretary-cum-Chairman, Bihar State Tourism Development Corporation Ltd., Beer Chand Patel Marg, Patna-1.
3. Bihar State Tourism Development Corporation Ltd., Beer Chand Patel Marg, Patna-1 through its Managing Director.
4. Managing Director, Bihar State Tourism Development Corporation Ltd., Beer Chand Patel Marg, Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raju Giri, Adv. Mr. Harsh Vardhan, Adv.
For the State	:	Mr.Umesh Kumar Roy, AC to GP-11
For the Respondents No. 3 & 4	:	Mr. Agreya Pratap, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 16-01-2024

The present writ petition has been filed seeking the following relief:-

“1. To issue an appropriate writ / order / direction, in the nature of mandamus commanding the respondents to grant regular scale of pay to the petitioner treating his service as regularized w.e.f. 20.02.2001 with all



consequential benefits of class III employees of the Bihar State Tourism Corporation Limited (hereinafter referred to as the “Corporation”) in the manner it has been granted to one Jitendra Kumar, Accounts Assistant pursuant to the judgement and order dated 3.10.2007, passed in LPA No. 6 of 1999, the appeal against which preferred by the Corporation before the Hon'ble Supreme Court has been dismissed.”

2. At the outset, the learned counsel for the petitioner submits that the earlier writ petition, filed by the petitioner for the same and similar relief, i.e. CWJC No. 498 of 2001 was disposed off by a coordinate Bench of this Court, vide order dated 20.2.2001, with the following directions:-

“Accordingly, this writ is allowed. The Respondent-Corporation is directed to consider the case of the petitioner for regularization in the light of the decision of the Apex Court in the case of State of Haryana vs. Piara Singh(supra). In any view of the aforementioned, the petitioner is entitled for minimum of the basic pay applicable in the case of regular employee doing the same nature of job. Accordingly, the Respondents are directed to pay the minimum of the basic pay plus dearness allowance to the petitioner.”

3. The learned counsel for the petitioner has further



submitted that the aforesaid order dated 20.2.2001 was challenged by the Respondent-Bihar State Tourism Development Corporation (hereinafter referred to as the 'Corporation') by filing an appeal bearing LPA No. 772 of 2001, which though was dismissed by an order dated 23.4.2002, however, it was directed that the case of the petitioner shall be governed by the final decision taken in LPA No. 6 of 1999 (*The Bihar State Tourism Development Corporation vs. Jitendra Kumar & Others*). The aforesaid appeal bearing LPA No. 6 of 1999 was finally heard by the learned Division Bench of this Court and dismissed by a judgment dated 3.10.2007, however, with the following directions:-

“In these circumstances, we find that there is no scope of interference with the judgment and order under appeal and accordingly, while we dismiss the appeal, recall the interim order passed by this Court on 21st December, 1999 and accordingly, we make it clear that with effect from the date of Judgment and order under appeal. i.e. with effect from 18th November, 1998, after having had served for 10 years, the writ petitioner-respondent became entitled to regular scale of pay attached to Class-III employees of the appellant Corporation.”

4. In view of the aforesaid, it is submitted by the learned



counsel for the petitioner that the petitioner is entitled to regular scale of pay attached to Class-III employees of the Respondent-Corporation, thus, directions be issued to the said effect.

5. Having regard to the facts and circumstances of the case and considering the fact that since the learned Division Bench of this Court in the case of the petitioner, by the aforesaid judgment dated 23.4.2002, had directed that the case of the petitioner would be governed by the decision taken in LPA No. 6 of 1999, which has been decided vide judgment dated 3.10.2007, in the aforesaid terms, as also has been affirmed by dismissal of the special leave petition, filed by the Respondent-Corporation, I deem it fit and proper to direct the Respondent-Corporation to grant regular scale of pay attached to Class-III employees of the Respondent-Corporation, in case the petitioner has not already been granted the said scale and is eligible for the same.

6. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.1.2024
Transmission Date	NA

