

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16353 of 2016

1. Dwarika Choudhary son of Late Yamuna Choudhary R/o Village- Naurojpur, P.O.- Barbigaha, P.S.- Sare, District- Nalanda
2. Surendra Kumar Sinha Son of Late Chotu Lal R/o Village- Khashganj, P.O. and P.S.- Sohsarai, District- Nalanda
3. Ishwar Prasad Sinha Son of Late Baldeo Mahato R/o Village- Bari Pahari (Bagicha), P.O.- Sohsarai, P.S.- Laheri, District- Nalanda
4. Raghuni Prasad Son of Late Dharam Narayan Mahato R/o Village- Kachari Road, Bhaisasur, P.O. and P.S.- Biharsharif, District- Nalanda
5. Indradeo Paswan Son of Late Baldeo Paswan R/o Village- Gawaspur, P.O.- Asta, P.S.- Tharthari, District- Nalanda
6. Umanath Son of Late Kedar Nath R/o Suman Niwas Buddha Colony, P.O. and P.S.- Buddha Colony, District- Patna.
7. Krishna Das Son of Late Shiv Charan Das R/o Village- Chorsua, P.O.- Chorsua, P.S.- Giryik, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of General Administration, Government of Bihar, Old Secretariat
3. The Principal Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. The Collector, Nalanda, Biharshariff

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar Tiwari, Advocate
For the Respondent/s	:	Mr.Sunil Kumar Mandal, SC 3
		Mr.Bipin Kumar, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-09-2024 Heard Mr.Arun Kumar Tiwari, learned counsel appearing on behalf of the petitioners and Mr. Sunil Kumar Mandal, learned SC 3 along with Mr. Bipin Kumar, learned AC to SC 3 for the State.

2. The petitioners in paragraph no. 1 of the present



writ petition have sought *inter alia* following relief(s), which is reproduced hereinafter:-

“The writ application is being filed for issuance of writ of mandamus or any other appropriate writ, order(s) and direction(s) commanding the respondents to grant 1st ACP, 2nd ACP, 3rd ACP in the scale 5500-9000, 6500-10500 in place of scale 5000-8000 1st ACP and 5500-9000 2nd ACP and grade pay 5400 respectively which other employees of non-cadre post in different organizations have been granted; and other consequential relief for which the petitioners are found eligible and entitled.”

3. Learned counsel appearing on behalf of the petitioners submitted that prior to filing of the present writ petition, all the petitioners had retired from service on different dates. They are aggrieved for non-consideration of memo no.660 (F/2) dated 08.02.1999 and they seek to file representation before the Additional Chief Secretary, General and Administration Department, Government of Bihar.

4. Mr. Sunil Kumar Mandal, learned SC 3 along with Mr. Bipin Kumar, learned AC to SC 3 appearing on behalf of the State at the very outset submitted that the present writ petition is not maintainable considering the fact that the petitioners had filed the present writ petition after much delay, however, they admit that as the petitioners have already retired and they are aggrieved for non consideration of Memo No.660 (F/2) dated 08.02.1999, the same may be considered in



accordance with law.

5. Having considered the rival submissions made on behalf of the petitioners and considering the fact that the present writ petition is pending since the year, 2016 and the pleadings are completed, as well as, without going into the merit of the case of either party and considering the limited relief as sought for by the petitioners that they want to file their individual representation before the Additional Chief Secretary, General Administration Department, Government of Bihar for consideration of their proper pay scale in accordance with the memo no.660 (F/2) dated 08.02.1999 and order of the District Magistrate, Nalanda contained in Memo No.1494 dated 09.10.2001, the Additional Chief Secretary, General Administration Department, Government of Bihar is directed to dispose of the individual representation of the petitioner expeditiously.

6. The present writ petition is accordingly disposed of.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

