

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3635 of 2024

1. Subhash Chandra Shukla S/o Late Vishwanath Shukla Resident of village Tenua, P.S.- Guthani, Distt.- Siwan, PIN 841435.
2. Satyadew Prasad, S/o Late Jagat Prasad, Resident of village Hathigahi, P.S.- Barharia, Distt.- Siwan PIN 841438.
3. Ram Pravesh Aman, S/o Khelaru Prasad, Resident of village Nanijor, P.S.- Guthani, Distt.- Siwan PIN 841239.
4. Nagendra Kumar Ram, S/o- Ramashish Ram, Resident of village Tahira, P.s.- Mufassil Siwan, Distt. Siwan PIN- 841226.
5. Surendra Kumar Singh, S/o Shri Ram Singh, Resident of village Siswa Kalu, P.s.- Hasanpura, Distt.- Siwan PIN- 841236.
6. Rajendra Yadav, S/o Gorakh Yadav Resident of village Dhanouti Hata, P.s.- Ander, Distt.- Siwan PIN- 841236.
7. Shivsatan Ram, S/o Late Mukhi Ram, Resident of village Pakari, P.s.- Lakari Nabiganj, Distt. Siwan PIN- 841416.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj, Department Govt. of Bihar, Patna.
2. The Commissioner, Saran Division, at Chapra.
3. The Secretary to the Commissioner, Saran Division, Chapra.
4. The District Magistrate, Siwan at Siwan.
5. The Deputy Development Commissioner, Siwan at Siwan.
6. The District Panchayat Raj Officer, Siwan at Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Kumari Rashmi, Advocate
For the Respondent/s : Mr.Government Pleader 05

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-03-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For issuance of an appropriate writ in the nature of mandamus commanding the Respondents to grant the Grade pay of



Rs.4200/- to the petitioners, as granted to other Gram Panchayat Sevakas in the district Siwan, who are also appointed in the same Mode/Manner, having same qualifications, discharging same Nature/quality of Job, but the petitioners have been given the grade pay of Rs.2400/ whereas the others have been given Grade pay of Rs.4200/- vide Memo No. 2733-11 dated 29.11.2022 issued by the DM Siwan, and to maintain parity in treatment appropriate order may be passed by the Honb'le court, as a class within the same class is impermissible, as being contrary to Art. 14 and 16 of the constitution of India.

(ii) For directing the Respondents to allow the petitioner to be retained in old pension scheme as the process of selection/recruitment of the petitioners was initiated much 1.12-2004 earlier to cut-off date i.e. 1.12.2004 as they were selected vide resolution dated 6.1.2000 taken by the selection committee for appointment on the post of Panchayat Secretary finding the petitioner fittest among the Dalpati cadre, but their appointment is delayed and appointment could only be made, when the order dated 20.01.2005 was passed by the Honb'le court in CWJC No.6243 of 2000, thus if the delay is caused due to Respondents, the petitioner cannot allowed to face its bad consequences, as if they may not keep in old



pension Scheme, may suffer with huge monetary loss, which is improper and unjustified.

(iii) Further directing the Respondents to grant continuity in service since the date of Selection i.e. 6.1.2000 so that they may not suffer with huge pecuniary loss as is, as if the actual date of joining may be reckoned as 14.1.2006, it will deprive the Petitioners from the benefits of 2nd ACP/MACP, which will cause double loss to the petitioners, as at one hand since the date of selection dated 6.1.2000, they were not given remuneration of the post of Dalpati and now if they may be treated to have joined on 14.1.2006, may not be benefits of 2nd ACP/MACP, as the 1 ACP is granted w.e.f. 14.1.2016 and the 2nd ACP held to be payable on 14.1.2026, by then many of petitioners may attain age of superannuation, thus no benefits of MACP will be accorded to the petitioner, which may be injustice with the petitioners for their no fault.

(iv) Further to grant all consequential benefits at least notionally treating in service since 6.1.2000, so that they may be given parity in treatment like others were given.”

2. At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the District Magistrate, Siwan, for redressal of their aforesaid grievances.



Liberty so sought is granted.

3. It is needless to state that in case appropriate petition is filed, by the petitioners, before the District Magistrate, Siwan, within a period of two weeks from today, the same shall be considered, in accordance with law and a reasoned and a speaking order shall be passed, thereon, within a period of six weeks, thereafter.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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