

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23733 of 2012

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Shailendra Kumar Singh S/O Late Saryu Sharan Singh R/O Village-Sarbadahi, P.O.-Gadihara, P.S.-Masaurhi, District-Patna, At Present R/O Mohalla-Rajbanshinagar, Road No.2 (Ext.), House No.25, P.O. and P.S.-Shashtrinagar, District-Patna-800023

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department Of Public Health Engineering , Govt. Of Bihar, Patna, Vishwasariaya Bhawan, Patna.
3. The Principal Secretary, Department Of Finance , Govt. Of Bihar, Patna
4. The Principal Secretary, Department Of Personal And Administrative , Bihar, Patna
5. The Engineer-In-Chief, P.H.E.D., Bihar, Patna, Vishwasariaya Bhawan, Patna
6. The Chief Engineering Mechanical P.H.E.D., Bihar, Patna, Vishwasariaya Bhawan, Patna
7. The Joint Secretary, P.H.E.D., Bihar, Patna Vishwasariaya Bhawan, Patna
8. The Superintending Engineer, P.H.E.D., Patna Circle, Patna Rajbansinagar, Patna-800023
9. The Executive Engineer, P.H.Division, Patna West , Patna Rajbansinagar, Patna-800023

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Minu Kumari, Advocate
		Mr. Rabindra Kumar Choubey, Advocate
For the Respondent/s	:	Mr. Md. Rasul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-07-2024 Heard the parties.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner was initially appointed on the post of Junior Account Clerk on compassionate basis in Public Health Engineering Department, Government of Bihar, and later redesigned as Correspondent Clerk in pay scale of Rs.



3050-75-3950-80-4590/-, however, he was entitled for pay scale of Rs. 4000-100-6000/-. Petitioner has brought on record his appointment letter to confirm the said fact by way of 'Annexure-5 series to the writ petition'. In these backgrounds, learned counsel submitted that the petitioner is entitled for pay scale of Rs. 4000-100-6000/- with effect from 31.12.2005. Learned counsel further submitted that the case of the petitioner is covered by a decision of this Court passed in CWJC No. 9921 of 2017 and other analogous cases, in which, one Satendra Kumar, who was also posted in Public Health Engineering Department, Government of Bihar, had filed CWJC No. 8538 of 2016.

3. The case of the petitioner is required to be considered in light of CWJC No. 9921 of 2017, in which, this Court has passed order directing the respondents to restore the petitioners to their respective post together with pay-scale attached thereto and any recovery made from the petitioners should be refunded to them.

4. It is made clear that the question of recovery does not arise and the direction, as contained in CWJC No. 9921 of 2017 required to be carried out in respect of the petitioner by restoring his post together with pay scale attached thereto. The



petitioner is required to be paid a difference of salary etc. and all benefits from the effective date, he became entitled.

5. The petitioner, if so desire, may also file a detailed representation before the Additional Chief Secretary, Public Health Engineering Department, Government of Bihar.

6. It is also made clear that in spite of the order passed by this Court in case of similarly situated employees and the case of the petitioner was not considered by them even in accordance with the State Litigation Policy of the State Government, the authorities may consider the entitlement of the petitioner for the interest on delayed payment.

7. The above exercise is required to be carried out well within a period of one month from the date of communication of this order.

8. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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