

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10587 of 2024

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1. Rahul Kumar Singh Son of Late Om Prakash Singh, presently working as Clerk in Office of Regional Transport Authority, Patna Division, Patna.
 2. Ranveer Nandan, Son of Late Umesh Chandra Jha, Presently working as Clerk in Office of Regional Transport Authority, Patna Division, Patna.
 3. Bindu Pandey, Son of Late Sushil Kumar Pandey, presently working as Clerk in Regional Transport Authority, Patna Division, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Transport, Government of Bihar, Patna.
2. The State Transport Commissioner, Bihar, Patna.
3. The Secretary, Regional Transport Authority, Patna Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Rakesh Ranjan, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-07-2024 Heard Mr. Arun Kumar, learned counsel appearing on behalf of the petitioners and Mr. Rakesh Ranjan, learned AC to GP-22 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:

"(i) For issuance of a writ in the nature of mandamus commanding and directing upon the Respondents concerned specially Respondent no. 2 to grant the pay scale of Rs. 4000-6000/- instead of Rs. 3050-4590/- to the petitioners from the date of their appointment who are presently working as Clerk in office of Regional Transport Authority, Patna Division, Patna in view of Division Bench Judgment passed by this Hon'ble Court in L.P.A. No. 167 of 2016 (Avinash Kumar Chakravarti and others Versus The State of Bihar and others) disposed of vide order dated 23.0.2017 as well as coordinate bench judgment passed in C.W.J.C. No. 188 of 2021 disposed of vide order dated



09.07.2021 as well as C.W.J.C. No. 6661 of 2021 disposed of vide order dated 28.11.2023 as well as C.W.J.C. No. 10571 of 2023 disposed of vide order dated 07.12.2023 passed by this Hon'ble Court under which this Hon'ble Court has directed to Respondents concerned to consider the claim of petitioners subject to outcome of pending Civil Review No. 236 of 2019 pending before the larger Bench and benefit to the petitioners shall be granted subject to the undertaking by them before the concerned authorities regarding refund of amount received by them, if issue pending before the larger Bench and Civil Review No. 236 of 2019 goes in favour of Respondent State and petitioners are ready to furnish such undertakings and as such claim of petitioners may also be disposed of in same term of above referred cases by which case of petitioners are fully covered

(ii) For further commanding the Respondent authorities to pay the current as well as arrears of difference of salary to the petitioners after revising the pay scale in Rs. 4000-6000/- from the date of their initial appointments as all the petitioners have been appointed on compassionate ground after cut off date 20.12.2000 on the post of Lower Divisional clerk (in short L.D.C.) on different dates respectively in pay scale of Rs. 3050-4590 in arbitrary manner.

(iii) For issuance of any other writ(s), direction(s), order(s) as may be deemed fit and proper by this Hon'ble Court."

3. Learned counsel appearing on behalf of the petitioners submits that the petitioners, who were appointed on compassionate ground after the recommendation of the Compassionate Appointment Committee, were being given a pay scale of Rs. 3050-4590/- incorrectly in place of pay scale of Rs. 4000-6000. Learned counsel submitted that some of the employees, whose appointment were made on compassionate ground, had preferred CWJC No. 1498 of 2011, which was dismissed vide order dated 29.10.2015 and, thereafter, they preferred L.P.A. No. 167 of 2016, in which, the Divisional Bench, after considering the facts of the case, as well as, the fact that prior to 07.04.1977, the cadres of Lower Division Clerk and



Upper Division Clerk were separate. However, on 07.04.1977, they were merged and a new nomenclature of Assistant was given to them and they were brought in a common pay scale of Rs. 4000-6000/- and subsequently, the cadre of those, whose status was similar to the petitioners, were de-merged and revival in creation of two cadres of Lower Division Clerk and Upper Division Clerk came into existence again. Subsequent to that in light of Circular dated 20.12.2000, the State Government found that only such persons will be entitled to the pay scale of Rs. 4000-6000/0 in whose cases the process of selection is over and the selection has been completed and all other candidates, where the selection process is not complete, they will get pay scale of Rs. 3050-4500/-. Learned counsel further submitted that the case of the petitioners is also covered by a decision of this Court dated 28.11.2023 passed in CWJC No. 6661 of 2021. Learned counsel informs that the petitioners had already filed a detailed representation before the State Transport Commissioner, Bihar, Patna, on 06.03.2024.

4. Considering the aforesaid fact, the State Transport Commissioner, Bihar, Patna is directed to consider the case of the petitioners in light of the judgment dated 23.06.2017 passed in L.P.A. No. 167 of 2016, as well as, order dated 28.11.2023 passed in CWJC No. 6661 of 2021 and in light of order dated 09.07.2021



passed in CWJC No. 188 of 2021 and dispose of the representation filed before him on 05.03.2024 and 06.03.2024, within a period of six weeks from the date of communication of this order.

5. With the aforesaid observation and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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