

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4013 of 2012

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1. RAMRUP RABIDAS, Son of Late Ram Kishun Das, Resident of Mohalla- New Bigrahpur (near Mithapur Bus Stand), P.S.- Jakkanpur, District- Patna
 2. Rajendra Rajak Son of Late Basudeo Rajak Resident of Mohalla- Mahabir Nagar, Hanuman Nagar, P.S. - Patrakarnagar, District- Patna
 3. Surendra Kumar Bhaskar, Son of Late Avatar Krishna Bhaskar Resident of Mohalla- LF-15, Sri Krishna Puri, P.S.- S.K. Puri, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director (Admn.) cum Joint Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
4. The Secretary, Finance (Bureau of Public Enterprises) Department, Govt. of Bihar, Old Secretariat, Patna.
5. The Chairman, Bihar State Text Book Publishing Corporation, Pathya Pustak Bhawan, Budh Marg, Patna - 800001
6. The Managing Director, Bihar State Text Book Publishing Corporation, Pathya Pustak Bhawan, Budh Marg, Patna – 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suresh Kumar, Advocate.
For the Respondent/s : None.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-09-2024 In spite of specific direction of this Court vide order dated 02.09.2024, the respondents have failed to file their counter affidavit and today, no one appears on behalf of the respondents.

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 quashing of the order dated 2.1.2012 issued under the signature of respondent no.2 whereby and whereunder the representation preferred by the petitioners



(pursuant to the order / direction of this Hon'ble Court on 25.08.2010 in CWJC No. 13259/10) has been rejected and they have been denied the recommended pay scale of 5500-9000 already extended to the similar situate employees of the Bihar State Text Book Publishing Corporation (henceforth for short 'the Corporation') including those who too like petitioners had moved before this Hon'ble Court.

ii) to grant the petitioners the pay scale which has been allowed/extended to other similar situate employees (who too like the petitioners were in the same pay scale) earlier;

iii) to spell out the reason behind denying the petitioners the same pay scale despite the recommendation made by 'the Corporation', the petitioners' employer duly approved by the respondent no.2 himself in his capacity as the Chairman of 'the Corporation'.

iv) to grant any other relief(s) in the particular facts and the circumstances of the case."

3. The petitioners have claimed parity with similarly situated employees of Bihar State Text Book Publishing Corporation which is substantially funded by the State Government. Petitioners have claimed themselves to be appointed as Store Assistant in the Corporation and they are required to be treated at par with the Secretariat staff who are in the pay scale of Rs.348-570/- and subsequent to that the petitioners seek revised pay scale and are entitled for revised pay scale in pay scale of Rs.5500-9000/- and the details of pay scale of Accounts Assistant, Store Assistant, Proof Reader, Assistants, Mechanic/Fitters, AC Operator/Operative, Assistants and Store Assistants have been mentioned in Para-12 of the writ petition. Petitioners are aggrieved that the petitioners are only getting pay scale of Rs. 4000-6000/- applicable to the Store



Assistant while the other employees similarly situated are getting pay scale of Rs.5000-8000/-. The petitioners being discriminated had filed C.W.J.C. No. 13259 of 2010 which was disposed of in terms of C.W.J.C. No. 9449 of 2010. The petitioners seek that the grievance should be considered in light of the order passed in C.W.J.C. No. 9449 of 2010.

4. In absence of the counter affidavit, I do not find to keep the matter pending considering the fact that the writ petition was filed in the year 2012 and on the date of filing of the writ petition the petitioner no.1 had sworn an affidavit that he was aged about 60 years. Petitioners have been put to face financial constraint due to incorrect pay scale and as a consequence of which their pension has been fixed at reduced pay scale.

5. I find that the petitioners, if so advised, may file a detailed representation before the Managing Director, Bihar State Text Book Publishing Corporation for considering their grievance in light of C.W.J.C. NO. 9449 of 2010.

6. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

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