

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6195 of 2018

Shivnath Sharan Shrivastva @ Sheonath Saran Srivastava @ Shiwanath Sharan Shrivastava Son of late Brahamdeo Sahay Resident of Mohalla-Mouna, P.O. Chapra, P.S. Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Principal Secretary, Department of Revenue and Land Reforms, Government of
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Commissioner, Saran Division, Saran at Chapra.
5. The District Magistrate, Saran at Chapra.
6. The Deputy Collector, Establishment, Saran at Chapra.
7. The Additional Collector, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Subodh Chandra Jha
For the Respondent/s : Mr.Sajid Salim Khan- SC25

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-02-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed by which the petitioner has demanded relief from the respondents to grant him the pay scale of Rs.5500-9000 w.e.f., 01.01.1996 to the petitioner as he was officiating the post of Head Clerk (need based identified post) after due appreciation and consideration of the different government notification in this regard particularly letter No.3552 dated 23.07.2003.

3. Counsel for the petitioner submits that petitioner



was appointed as lower division clerk under the Saran Collectorate on 01.09.1962. He was granted junior selection grade w.e.f., from 01.04.1981 and he was granted senior selection grade pay scale w.e.f., 01.04.1986. Counsel further submits that senior selection grade (Rs.1400-2600/-) was confirmed vide order no.230/92 issued by the District Magistrate, Saran to the petitioner w.e.f. 01.01.1992 where he was working as Head Assistant.

4. Counsel further submits that petitioner was superannuated from his service while receiving the aforesaid pay scale of Rs.1400-2600/- from the service.

5. Counsel for the State submits that the petitioner has moved before this Hon'ble Court for the same grievances twice. Firstly, he has filed C.W.J.C. No.938 of 2010 which was withdrawn vide order dated 06.09.2011 to pursue the departmental remedies and the Court makes no observation with regard to the same. With this direction, application has been dismissed as withdrawn. Thereafter, the petitioner has moved before this Hon'ble Court bearing C.W.J.C. No.3313 of 2013 which was permitted to be withdrawn vide order dated 26.02.2013. In this order, it has been ordered that this application is dismissed as withdrawn, but it is made clear that



petitioner will have now no liberty to move this Hon'ble Court again for the same cause of action.

6. Counsel for the State submits that the petitioner has cleverly not disclosed the second writ petition of C.W.J.C. No.3313 of 2013 in which it has been categorically decided by the Hon'ble Court that petitioner shall have no liberty to move this Hon'ble Court for the same cause of action.

7. In this view of the matter, it transpires that this case has been filed in the teeth of the order dated 26.02.2013 passed in C.W.J.C. No.3313 of 2013. From the perusal of the order aforesaid, it transpires that the Court has not disclosed any fact with regard to C.W.J.C. No.3313 of 2013, and therefore, this writ petition is directed to be dismissed, subject to payment of Rs.5000/- cost which shall be deposited to Patna High Court Legal Services Committee by the counsel for the petitioner.

(Dr. Anshuman, J.)

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