

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15032 of 2024

Sandeep Kumar

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh
For the Respondent/s : Mr. J.K. Roy No. 1, SC 13
Mr. Bijay Bhushan Prasad, AC to SC 13

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-10-2024 The petitioner was appointed being successful in the recruitment examination conducted by the Bihar Staff Selection Commission as a Lower Division Clerk on 18th May 2006 in Collectorate, Bhojpur at Ara at the Pay Scale of Rs. 3050-4590. The petitioner has filed the instant writ petition for the following reliefs:

“(i) For issuance of writ in the nature of mandamus commanding the respondents to make payment of salary to the petitioner in the pay scale of 4000-6000 from the date of his appointment which is being paid to the other similarly appointed Lower Division Clerks in light of order dated 27.02.2019 passed in CWJC No. 9633 of 2016 and analogous cases, order dated 28.02.2019 passed in CWJC No. 11466/2016 and order dated 23.06.2017 passed in LPA



No. 167 of 2016.

(ii) For a further direction to the respondents to make payment of arrears of salary to the petitioner in the said pay scale of Rs. 4,000 - 6000 and its corresponding higher pay scale and grade pay which has been allowed to similarly situated Lower Division Clerk/ Store Keeper / Correspondence Clerk in compliance of different orders passed by this Hon'ble Court.

(iii) For any other relief/ reliefs if petitioner found entitle in the facts and circumstances of the present case.”

2. It is submitted by the learned Advocate for the petitioner that the issue was already decided by the Division Bench of this Court in LPA No. 167 of 2016 directing the respondents to fix the salary of the petitioner in Pay Scale of Rs. 4,000-6,000 retrospectively with effect from the date of appointment. However, the arrears of the petitioners are only to be granted with effect from the date they file the writ petition before the High Court, i.e., with effect from 21st January 2011.

3. It is also submitted by the learned Advocate for the petitioner that the State of Bihar has filed a review petition against the order dated 23rd June 2017 passed in LPA No. 167 of



2016. The said review application is also pending. Subsequently, on similar ground, similarly placed employees filed CWJC No. 23831 of 2018. Both the review application and the aforesaid writ petition were referred to the Full Bench. The said review petition and the writ application have not been decided by the Full Bench as yet. However, in the meantime, several orders were passed by the Finance Department on 10th November 2022 by the Joint Administration Department dated 23rd January 2023, Collectorate, Munger on 30th May 2024, etc.

4. The petitioner filed a representation for granting Pay Scale of Rs. 4,000-6,000 from the date of his appointment before the Collectorate, Bhojpur, at Ara. The said representation has not been considered.

5. The District Magistrate and Collector, Bhojpur at Ara, is directed to dispose of the representation filed by the petitioner in the light of the aforementioned orders issued by the Finance Department, General Administration Department, and the Collectorate at Munger, which are annexed with the instant writ petition, within 60 days from the date of this order. For the purpose of proper disposal of the representation, the petitioner is at liberty to hand over the above-mentioned notifications



granting financial benefit of Scale of Pay of Rs. 4,000-6,000 in the Office of the Collector, Bhojpur, at Ara, within 15 days from the date of this order.

6. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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