

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17094 of 2024

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Ram Nath Singh Son of Late Chhathu Singh, Resident of 6 MF1/3 B.H. Colony, Boothnath Road Patna, Police Station- Bye Pass Thana, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical), Water Resource Department, Patna.
4. Superintending Engineer (Mechanical), Irrigation Electrical cum Mechanical Circle, Patna.
5. The Executive Engineer (Mechanical), Irrigation Electrical cum Mechanical Division, WALMI, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Singh, Advocate
For the State	:	Government Advocate No. 8

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-11-2024

Heard Mr. Ravindra Kumar Singh, learned Advocate
for the petitioner and the learned Advocate for the State.

2. The petitioner by invoking the jurisdiction of this Court seeking a direction upon the respondent authority to extend the benefit of 1st ACP in the pay scale of Rs. 6,500-10,500/- w.e.f. 09.08.1999 and the benefits of 2nd ACP in the pay scale of Rs. 10,000-15,200/- (PB-2+4800) w.e.f. 11.06.2005. The petitioner also sought a direction to ensure the benefit under the 3rd MACP in the grade pay of Rs. 7,600 w.e.f. 11.06.2011 in

terms of Resolution No. 163 dated 08.01.2016 issued by the Finance Department, Government of Bihar, Patna.

3. Learned Advocate for the petitioner contended that the Government of Bihar in the Department of Finance has issued Resolution No. 163 dated 08.01.2016, stipulating that those Accounts Clerks/Senior Accounts Clerks, who possess the qualification of graduates, which is the qualification prescribed in the Bihar Accounts Service Rules, 2000 for the appointment to the basic grade of accounts cadre, shall be made entitle to the pay scale of Rs. 6,500-10,500/- w.e.f. 28.03.2000.

4. The aforementioned decision of the Government of Bihar has been put to challenge in C.W.J.C. No. 18433 of 2016, wherein, this Court has been pleased to allow the writ petition and directed to grant the benefits of Resolution No. 163 dated 08.01.2016 to even those Account Clerks/Senior Accounts Clerks, who are not even graduates.

5. The State being aggrieved, assailed the order of the learned Single Judge before the learned Division Bench of this Court in L.P.A. No. 408 of 2018. The aforesaid Letters Patent Appeal has been heard by learned Division Bench of this Court along with L.P.A. No. 431 of 2018 and the order of the learned Single Judge has been set aside. The writ petitioners of C.W.J.C.

No. 18433 of 2016 preferred Special Leave Petition bearing S.L.P. (C) No. 8219-8226 of 2019, which ultimately came to be allowed vide order dated 25.04.2023 by setting aside the order of the learned Division Bench. The review application preferred by the State also came to be dismissed by the Hon'ble Supreme Court.

6. Consequent upon the order passed by the Hon'ble Supreme Court, the Government of Bihar in the Department of Finance vide its Memo No. 2162 dated 28.02.2024 directed all the departments of Government of Bihar to grant the benefits of Resolution No. 163 dated 08.01.2016 to the writ petitioners and others who are non-graduate Account clerks/Senior Accounts Clerks, subject to the decision of the Curative Petition. The aforementioned order has been placed on record as Annexure-5 to this writ petition.

7. Adverting to the aforementioned facts, learned Advocate for the petitioner further contended that the petitioner who superannuated from the post of Senior Accounts Clerk on 31.03.2015, approached before the concerned respondents by filing a comprehensive representation along with the order of this Court, as noted hereinabove, but the matter has been kept pending, compelling the petitioner to approach before this

Court.

8. Considering the submissions advanced on behalf of the learned Advocate for the petitioner and taking note of the fact that the Government of Bihar in the Department of Finance, pursuant to the decision of this Court duly affirmed by the Hon'ble Supreme Court, has taken a decision to extend the benefits of Resolution No. 163 dated 08.01.2016 to even non-graduate Account clerks/Senior Accounts Clerks. This Court, *prima facie*, finds substance in the submission of learned Advocate for the petitioner. There is no reason as to why the petitioner, who stands on similar footing be deprived with the benefits, as allowed under Resolution No. 163 dated 08.01.2016.

9. In view thereof, the writ petition stands disposed off with a direction upon the respondent no. 3 to consider the claim of the petitioner for the reliefs sought for in the present writ petition and has already been accorded to the other similarly situated persons, in terms of the order of this Court.

10. It would also be apt and proper to direct the petitioner to file a fresh representation along with the order of this Court in support of his claim, preferably within a period of two weeks from today. In case such a representation is filed, the

same shall be considered and disposed off by a reasoned and speaking order in accordance with law. In case the claim of the petitioner finds favor necessary consequential benefits shall be accorded to him, within a further period of twelve weeks.

11. The writ petition stands disposed off.

(Harish Kumar, J.)

Jyoti Kumari/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.11.2024
Transmission Date	NA