

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16820 of 2024

Manoj Kumar Pandey, S/o- Late Bij Nath Pandey, Resident of Village-
Brahmasthan, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Irrigation Creation, Water Resources Department, Siwan.
4. The Superintending Engineer, Saran Canal Circle, Water Resources Department, Chapra, Saran.
5. The Executive Engineer, Saran Canal Division, Water Resources Department, Chapra, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Advocate
For the Respondent/s : Ms. Vijaya Lakshmi Srivastava, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-11-2024 Heard Mr. Akhilesh Kumar, learned Advocate for the
petitioner and Ms. Vijaya Lakshmi Srivastava, learned Advocate
for the State.

2. The petitioner prays for issuance of a writ in the nature of mandamus, directing upon the respondent to ensure the benefit of 1st ACP in the pay scale of Rs.9300-34800/- Grade Pay 4200/- with effect from 22.01.2010. The petitioner also prays for a further direction upon the respondent authorities to ensure the payment of difference amount of arrears of 1st ACP since 22.01.2010 alongwith the statutory interest.



3. Learned Advocate for the petitioner contended that the petitioner was duly appointed as Revenue Clerk on 10.01.1998 in Water Resources Department in the pay scale of Rs. 1200-1800 on compassionate ground. Having been found eligible, the petitioner was granted 1st ACP with effect from 22.01.2010, but in the pay scale of Rs. 4500-25-7000/- vide letter no. 1206 dated 20.05.2015 issued by the Chief Engineer, Water Resources Department, Siwan.

4. Drawing the attention of this Court to Annexure – 2, learned Advocate for the petitioner further contended that the Government of Bihar in the Department of Finance vide its letter contained in memo no. 1720 dated 19.02.2014 has resolved that the clerks who were appointed in different offices and have been getting different pay scales of Rs. 4500-7000 and Rs. 5000-8000/-, they shall be entitled to get the unified pay scale of Rs. 9300-34800/-with Grade Pay Rs. 4200/-. The aforesaid resolution is marked as Annexure P/2.

5. Placing reliance upon the aforesaid resolution, learned Advocate for the petitioner next contended that the person identically situated to the petitioner, namely Arshad Raja, has been allowed the benefit of 1st ACP in the pay scale of Rs. 9300-34800 with Grade Pay 4200. So far the claim of the



petitioner is concerned, the same has been denied, irrespective of the fact that the petitioner has filed a detailed representation before the respondent no. 3, thus discrimination has been caused.

6. On the other hand, learned Advocate for the State contended that the very appointment of the petitioner was made on compassionate ground and the resolution on which reliance has been placed, is not applicable in the case of the petitioner. So far the contention of the petitioner with regard to causing discrimination is concerned, the same is required to be looked into by the authorities concerned and for which a prayer has been made for a short adjournment to file counter affidavit.

7. Having heard the learned Advocate for the respective parties and taking note of the grievance, this Court deems it apt and proper to dispose off the writ petition, with a direction to the respondent no. 3 to consider the representation of the petitioner placed on Annexure 3 to the writ petition.

8. Suffice it to say that if the claim of the petitioner is found covered under the letter contained in memo No. 1720 dated 19.02.2014 and/or found at par with the similarly situated person, namely Arshad Raja, similar benefit is to be accorded to the petitioner, in accordance with law.



9. The entire exercise must be completed within a period of 12 weeks from the date of receipt/production of a copy of this order.

10. The writ petition stands disposed off.

(Harish Kumar, J)

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