

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24393 of 2018

1. Rakesh Kumar S/o Prakash Prasad, R/o Village- Sadhopur Madhyara, P.S. Deepnagar, District- Nalanda, At Present Working as Clerk at National Saving Office Hajipur, District- Vaishali.
2. Kanhaiya Lal Malakar, S/o Yogendra Prasad Malakar, R/o Village- Shringarhat, P.O. Sohsarai, District- Nalanda at Present Working as Clerk at National Saving Office Patna, District- Patna.
3. Ravi Kumar, S/o Sohan Chaudhary, R/o Mohalla- Kacchsarai, Chakwara, P.O. Ramana, P.S. Mithanpura, District- Muzaffarpur, At Present Working as Clerk at National Savings Office Saharsa, District- Saharsa.
4. Rakesh Kumar, S/o late Suresh Prasad Diwakar, R/o Mohalla Moghal Kuwan, Post Sohsarai, District- Nalanda, At Present Working as Clerk at National Savings Office Saharsa, District- Saharsa.
5. Ranjeeta Prasad Singh, D/o late Om Prakash Singh, R/o Surya Mill, Station Road, P.O. and P.S. Fatuha, District-Patna, At Present Working as Clerk at National Savings Office Nalanda, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Finance Bihar, Patna.
2. The Joint Secretary Department of Finance Bihar at Patna.
3. The Deputy Director, National Savings (Department of Finance), Bihar at Patna.
4. The National Saving Executive Officer Patna, at Patna.
5. The National Savings Executive Officer, Vaishali at Hajipur.
6. The National Savings Executive Officer, Nalanda at Nalanda.
7. The National Savings Executive Officer, Saharsa at Saharsa.
8. The National Savings Executive Officer, Rohtas, at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate
For the Respondent/s : Mr. Raghwendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for
issuance of an appropriate writ(s), Order(s), direction(s) in the



nature of Mandamus Commanding/directing the respondents to grant Promotion in the grade pay of 4200 in Scale (9300-34800) and allow consequential monetary benefit to the petitioners who are working as Clerks in Different National Savings Office at different Districts in basic grade pay of 1900, except petitioner No.2 in the light of Memo No.4386 dated 13.10.2016 issued by department the of Labour whereby the lower divisional clerks appointed along with the petitioners along with the same advertisement notice no.1304/2004 granted grade pay of 4200 and also considering the Memo No.6883 dated 31.08.2016 issued by the department of Finance whereby the post of the petitioners were declared inactive and dead and all the benefits of ACP etc. would be applicable like other Clerks posted in Regional offices. And any other relief/s petitioners are sought to be entitled.

3. Learned counsel for the petitioner submits that in paragraph No. 14 of the counter affidavit, it is the clear stand of the State that, for the purpose of granting relief to the petitioner, the absorption of the petitioners in the Collectorate cadre is necessary. As soon as they are absorbed in the Collectorate cadre, the Bihar Collectorate Rules, 2011 shall be applicable to them.



4. Learned counsel for the State produces an order issued by the Finance Department, contained in Memo No. 6747 dated 24.06.2024, and submits that the services of the petitioners have been absorbed in the Collectorate cadre.

5. Though the said letter has not been filed on affidavit, this Court has taken the letter on record as part of the writ petition proceedings today itself.

6. In light of the submissions made by the parties, it transpires to this Court that the petitioner shall be entitled, as per the stand taken in paragraph 14 of the counter affidavit, only after absorption in the Collectorate cadre. The petitioners would be governed by the Bihar Collectorate Rules, 2011, and by virtue of the order contained in Memo No. 6747 dated 24.06.2024, their services have been absorbed in the Collectorate cadre.

7. Accordingly, the present writ petition stands disposed off, directing the State to provide the benefits to the petitioners within 90 days, to which they are entitled after their absorption under the Bihar Collectorate Rules, 2011.

(Dr. Anshuman, J.)

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