

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9021 of 2016

1. Awinash Kumar Son of Late Makhan Prasad Singh, Resident of Village - Taranpur, P.O. Lakhanpar and District- Patna, at present working as Assistant Accountant, Bihar State Beverages Corporation Ltd., Deshi Depot, Arrah.
2. Md. Shamsul Hoda Ansari Son of Late Md. Jainul Abedin Ansari, Resident of Village - Birta Tola, P.O. - Nunfarwa and District - East Champaran, at present working as Assistant Accountant, Bihar State Beverage Corporation Ltd., Bedishi Depot, Sitamarhi.
3. Md. Akram Ansari Son of Late Abdul Aziz Ansari, Resident of Village - Dilwarpur, P.O. - Kaler and District Arwal, at present working as Assistant Accountant, Bihar State Beverage Corporation Ltd., Bedishi Depot, Aurangabad.
4. Majhar Ansari Son of Late Rahman Ansari, Resident of Village - Lachmipur, P.O. - Rampur and District- East Champaran, at present working as Assistant Accountant, Bihar State Beverage Corporation Ltd.,
5. Shmsul Hoda Ansari Son of Md. Amruddin Ansari, Resident of Mohall - Mochatti, P.O. - Pipra Dader and District- Sitamarhi, at present working as Assistant Accountant, Bihar State Beverage Corporation Ltd., Deshi Depot. Sheohar.
6. Md. Ansarul Haque Son of Late Abul Hasan, Resident of Village - Blant, P.O. - Maksuda Via Pandal, P.S. - Sakri, District- Madhubani, at present working as Assistant Accountant, Bihar State Beverage Corporation Ltd., Bedishi Depot, Sitamarhi.
7. Md. Mustakim Son of Late Salmuddin, Resident of Village - Ashanagar, P.O. and P.S. - Soh Sarai, District- Nalanda, at present working as Bihar State Beverages Corporation Ltd., Deshi Depot, Sheikhpura.
8. Mahfuz Alam Son of Late Mahmud Alam, Resident of Mohalla - New Colony Dharampur P.O. and P.S. - Samastipur, District - Samastipur, Bihar State Beverages Corporation Ltd. Bedishi Dept. Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries Govt. of Bihar, Patna.
2. That Director, Department of Industries, Govt. of Bihar, Patna.
3. The Managing Director, Bihar State Handloom and Handicraft Corporation Ltd., Udyog Bhawan, Patna - 04.
4. The Chief Accounts Officer, Bihar State Handloom and Handicraft Corporation Ltd. Udyog Bhawan, Patna - 04.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Md. Abu Haider, Advocate
Mr. Md. Abu Shajar, Advocate
For the State : Mr. Prashant Kumar (AC to SC-5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 17-06-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Learned counsel for the petitioners submits that the present writ petition has been filed to make the payment to the petitioners in the light of 5th Pay Scale w.e.f. 01.01.1996 and 6th Pay Scale w.e.f. 01.04.2006 with other admissible dues. Counsel submits that the petitioners were initially appointed in the Corporation as daily wage workers on 13.11.1982, 09.07.1981, 21.09.1981, 14.09.1981, 11.05.1981, 01.01.1976, 27.08.1982 and 03.05.1983 respectively and were in continuous service of the Corporation for a long period with other similarly situated persons. Subsequently, by the interference of this Hon'ble Court, the services of the petitioners were regularized. Counsel further submits that the Hon'ble Division Bench of this Court *vide* order dated 16.02.2023 passed in Letters Patent Appeal No.1324/2017 in Civil Writ Jurisdiction Case No.10378/2011 has granted the relief which the petitioners have demanded in the present writ petition. Counsel submits that the case of the petitioners is squarely covered as like that of petitioner of L.P.A. No.1324/2017 in which the Hon'ble Division Bench of this



Court has pleased to grant the benefit of 5th and 6th pay revision to the petitioner.

3. Learned counsel for the State on the other hand submits that time may be granted to seek instruction in the light of the decision made by the Hon'ble Division Bench of this Court in L.P.A. No.1324/2017.

4. It transpires to this Court that the present matter is pending before this Hon'ble Court since 2016 and in the meantime, decision has come in the L.P.A. *vide* order dated 16.02.2023 passed in L.P.A. No. 1324/2017. Therefore, this Court is of the firm view that keeping this matter pending shall not serve any purpose particularly when, in the year 2011, the Bihar State Litigation Policy, 2011 came into existence whose Clause 4.C states as follows:-

“A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim of the representationist/ applicant-employee/ citizen, if the claim is found covered by any decision of the Court. Many service matters of this nature, can be disposed of at the level of the Department itself



without compelling the litigant to come to the Court. In this manner, the Government Departments would be acting as efficient litigants.”

5. In this view of the matter, it is hereby directed to the petitioners to file a fresh representation before the Principal Secretary, Department of Industries, Government of Bihar, Patna within 30 days along with a copy of this order and he shall take a decision by passing a reasoned and speaking order within 90 days thereafter with regard to the petitioners in the light of order passed by the Hon'ble Division Bench of this Court on 16.02.2023 in L.P.A. No.1324/2017 as well as in the light of Clause 4.C of the Bihar State Litigation Policy, 2011 stated above. And if, petitioners found entitled, then the payment shall be made to the petitioners within a reasonable period of time.

6. Hence, with the aforesaid direction, this writ petition is hereby allowed.

(Dr. Anshuman, J)

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