

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.485 of 2022**  
**In**  
**Civil Writ Jurisdiction Case No.1773 of 2021**

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1. The State of Bihar.
  2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
  3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
  4. The Special Secretary, General Administration Department, Bihar.

... .. Appellant/s

Versus

1. Satya Narayan Ram son of Late Deepa Ram resident of village- Sahejani, P.S.- Piro, (Hasan Bazar), Distt.- Bhojpur. Presently at Goutam Budh Nagar, Gorahna Road, Ara (Bhojpur, P.S.- Nawada, Ara).
2. Suresh Tiwari son of Ram Sigasan Tiwari resident of Baur, Akhtiyarpur, Kargahar, Rohtas.
3. Indrajeet Kumar son of Shri Rajeshwar Prasad Singh resident of village- Kharjama, P.O.- Rewa, P.S.- Masudhi, Distt.- Patna.
4. Mithilesh Kumar Jaiswal son of Satya Narayan Jaiswal resident of Simra, P.O.- Simra, P.S.- Tikapatti, Distt.- Purnea.
5. Asif Iqubal Mehadi son of Md. Sayeedullah Ansari resident of village Neora, P.O.- Neora, P.S.- Bihta, Distt.- Patna.
6. Ishwar Prasad son of Late Bodhi Rajak resident of Sandalpur More, P.O.- Mahendru, Distt.- Patna.

... .. Respondent/s

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**Appearance :**

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| For the Appellants  | : | Mr. P.K. Shahi, Advocate General<br>Mr. Sheo Shankar Prasad, SC-8<br>Mr. Anil Kumar, AC to SC-8<br>Mr. Sanjay Kumar, AC to SC-8 |
| For the Respondents | : | Ms. Prakritita Sharma, Advocate<br>Mr. Amarjeet, Advocate                                                                       |

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**CAV JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)**

**Date : 19-11-2025**

Heard Mr. P.K. Shahi, learned Advocate General for the appellants and Mrs. Prakritita Sharma, learned counsel for the respondents.



2. The present appeal is directed against the judgment and order dated 23.03.2022 passed in C.W.J.C. No. 1773 of 2021 whereby and whereunder the learned Single Judge has been pleased to allow the writ petition and directed the appellants to give effect to the policy decision dated 30.06.2017 with reference to 27.08.2015 earlier policy decision. The learned Single Judge also held that it is only the technical error that on 27.08.2015 the Vigilance Department's name has been left out. Learned counsel for the appellants submits that the learned Single Judge also held that the respondents/petitioners are entitled to one month's additional salary in the year 2015-2016 and 2016-2017. Apart from the aforesaid, learned Single Judge also directed the same shall be calculated and disbursed to the respondents/petitioners within a period of three months from the date of receipt of the order.

3. Short question for consideration in the present case is whether the policy decision dated 30.06.2017 for extending additional salary of one month to such of those employees who are working in Vigilance Department could be extended retrospectively from 27.08.2015 or not ?

4. Learned counsel for the appellants submits that the brief facts of the case is that the Home (Police) Department, Bihar



vide Resolution Memo No. 6185 dated 27.08.2015 has been pleased to decide to give the benefit of payment of additional salary equivalent to the salary of one month every year, to non gazetted Police personnel/officers of Bihar Police Organization *vis-a-vis* Fire Service, G.R.P., B.M.P., District Police, to compensate the work rendered by them during leaves and holidays, gazetted and/or non-gazetted, every financial year. Learned counsel for the appellants submits that the Vigilance Investigation Bureau had not expressly extended the said privilege and benefit, as granted to the other units and officers of Bihar Police. Thereafter, a grievance of the said was made before the appropriate forum on multiple occasions, claiming parity with the other units of the Bihar Police considering the similarity in nature of work and member to the same parent body i.e. Bihar Police. Thereafter, the Home (Police) Department, Bihar vide Resolution No. 5290 dated 30.06.2017, extended the benefit of payment of additional salary equivalent to the salary of one month every year to the Police personnel/officers of the ranks mentioned above serving in the Vigilance Investigation Bureau, Patna.

5. Learned counsel for the appellants further submits that bare perusal of the resolution/policy decision dated 30.06.2017, the respondents are entitled to one month's additional



salary with effect from 30.06.2017 not with effect from 27.08.2015. The policy decision dated 27.08.2015 was with respect to other police personnel excluding Vigilance Investigation Bureau as mentioned in the policy decision dated 27.08.2015.

6. Learned counsel for the appellants submits that the learned Single Judge has failed to appreciate that any order or resolution granting/or extending any benefit as regards pay, allowances or any emoluments applies prospectively and the same is a cardinal principle of law as well as the constitutional mandate unless it is expressly mentioned in the concerned letters/resolution by which the benefit was allowed or extended that the said benefit shall be granted with retrospective effect. The resolution by which the benefit of additional salary of one month to the employees of Vigilance Department was extended and the same was a policy decision of the State Government and there was no nexus with the Resolution Memo No. 6185 dated 27.08.2015 by which decision was taken to give to non gazetted Police personnel/officers of Bihar Police Organization accept the Vigilance Department. Vide Resolution dated 30.06.2017, the Government has extended the benefit of payment of additional salary equivalent to the salary of one month every year to the Police personnel/officers of the



Vigilance Department Bureau, Patna and the same is a policy decision and cannot be held to a technical error.

7. Learned counsel for the appellants has relied upon a judgment in the case of **State of Punjab and Ors. Vs. Amar Nath Goyan and Ors., reported in (2005) 6 Supreme Court Cases 754**, referring paragraph no. 32 which is quoted hereinbelow:

*“32. The importance of considering financial implications, while providing benefits for employees, has been noted by this Court in numerous judgments including the following two cases. In State of Rajasthan v. Amrit Lal Gandhi this Court went so far as to note that:*

*“Financial impact of making the Regulations retrospective can be the sole consideration while fixing a cut-off date. In our opinion, it cannot be said that this cut-off date was fixed arbitrarily or without any reason. The High Court was clearly in error in allowing the writ petitions and substituting the date of 1-1-1986 for 1-1-1990.”*

8. Learned counsel for the respondents/petitioners submits that the learned Single Judge has passed the order in accordance with law and there is no infirmity and illegality in the



said order. The Inspector General of Police (Budget/Appeal/Welfare), Bihar vide Letter No. 136 dated 15.02.2018 sent a proposal and requested the Home Department to consider the payment of additional one month salary for the year 2015-2016, 2016-2017 to the non-gazetted police personnel posted in Vigilance Investigation Bureau, Patna as given to other police personnel as per Resolution NO. 6185 dated 27.08.2015 but the Finance Department has not accorded concurrence on the proposal for giving additional one month salary with retrospective effect. Learned counsel for the respondents/petitioners submits that the additional payment of amount equivalent to salary of one month is already being done to the police officers of Crime Investigation Department, Special Branch, Economic Offences Unit, Special Investigation Unit, Training Centre, Police Academy etc. The officers of the Vigilance Investigation Unit has been kept deprived from the benefits of the said notification. The work undertaken by the Vigilance Investigation Bureau is similar to the other units of the Bihar Police which includes Station duty, trap, compliance of summon/warrant, investigation etc. The said work was done by the Vigilance Investigation Bureau even during Sundays and other gazetted and non-gazetted holidays. Although, the Home Department (Police) vide Memo No. 5290 dated 30.06.2017 was



pleased to accept the recommendation but the same was approved with effect from 30.06.2017. The respondents/petitioners whose work is similar in nature as other units of Bihar Police, and the said fact was repeatedly stated in the departmental recommendation, on the basis of which Vigilance Investigation Bureau was extended the benefit of scheme of additional pay, deserve equality and parity in the payment. The learned Single Judge has rightly held that the respondents/petitioners are entitled to one month's additional pay with effect from 27.08.2015.

9. Learned counsel for the respondents/petitioners has relied upon a judgment of Hon'ble Supreme Court in the case of **P. Savita and Ors. Vs. Union of India, Ministry of Defence (Department of Defence Production), New Delhi and Ors., reported in 1985 (Supp) Supreme Court Cases 94**, referring paragraph no. 17 which is quoted hereinbelow:

*“17. For the purposes of the case on hand, it is sufficient to note that the classification between two groups of Senior Draughtsmen is without any basis. They do the same work, they perform the same duties, and as such the ratio of the decision in Randhir Singh case applies to this case with greater force. The Order passed by the Government of India on January 27,*



*1978, implementing this classification violates Article 14 of the Constitution and has to be struck down and we do so. In our opinion, it would be a great injustice to continue the appellants on the scales of pay of Draughtsmen even after promotion as Senior Draughtsmen, which is destructive of all incentive and initiative in the service. In our judgment, the High Court was in error in declining relief to the appellants. We accordingly, set aside the Judgment of the High Court and allow this appeal and direct the Union of India to fix the scale of pay of appellants at Rs 425-15-500-EB-15-560-20-640-EB-20-700. The appellants will be entitled to costs from Respondent 1.”*

10. Apart from the aforesaid, learned counsel for the respondents/petitioners has also relied upon a judgment of Hon’ble Supreme Court in the case of **State of Punjab and Ors. Vs. Jagjit Singh and Ors., reported in (2017) 1 Supreme Court Cases 148**, referring paragraph nos. 7 and 42.5 which is quoted hereinbelow:

***“7. Randhir Singh v. Union of India, decided by a three-Judge Bench:***



*7.1. The petitioner in the instant case, was holding the post of Driver-Constable in the Delhi Police Force, under the Delhi Administration. The scale of pay of Driver-Constables, in case of non-matriculates was Rs 210-270, and in case of matriculates was Rs 225-308. The scale of pay of drivers in the Railway Protection Force, at that juncture was Rs 260-400. The pay scale of drivers in the non-secretariat offices in Delhi was Rs 260-350. And that of drivers employed in secretariat offices in Delhi was Rs 260-400. The pay scale of drivers of heavy vehicles in the Fire Brigade Department, and in the Department of Lighthouse was Rs 330-480. The prayer of the petitioner was that he should be placed in the scale of pay as was extended to drivers in other governmental organisations in Delhi. The instant prayer was based on the submission, that he was discharging the same duties as other drivers. His contention was that the duties of drivers engaged by the Delhi Police Force, were more onerous than drivers in other departments. He based his claim on the logic, that there was no reason/justification, to*



*assign different pay scales to drivers, engaged in different departments of the Delhi Administration.*

*7.2. This Court on examining the above controversy, arrived at the conclusion, that merely the fact that the employees concerned were engaged in different departments of the Government was not by itself sufficient to justify different pay scales. It was acknowledged, that though persons holding the same rank/designation in different departments of the Government may be discharging different duties. Yet it was held, that if their powers, duties and responsibilities were identical, there was no justification for extending different scales of pay to them, merely because they were engaged in different departments. Accordingly it was declared, that where all relevant considerations were the same, persons holding identical posts ought not to be treated differently in the matter of pay. If the officers in the same rank perform dissimilar functions and exercise different powers, duties and responsibilities, such officers could not complain that they had been placed in a dissimilar pay scale (even though the*



*nomenclature and designation of the posts was the same). It was concluded that the principle of “equal pay for equal work”, which meant equal pay for everyone irrespective of sex, was deducible from the Preamble and Articles 14, 16 and 39(d) of the Constitution. The principle of “equal pay for equal work”, was held to be applicable to cases of unequal scales of pay, based on no classification or irrational classification, though both sets of employees (engaged on temporary and regular basis, respectively) performed identical duties and responsibilities.*

*7.3. The Court arrived at the conclusion, that there could not be the slightest doubt that Driver-Constables engaged in the Delhi Police Force, performed the same functions and duties, as other drivers in the services of the Delhi Administration and the Central Government. Even though he belonged to a different department, the petitioner was held as entitled to the pay scale of Rs 260-400.*

*42.5. In determining equality of functions and responsibilities under the principle of “equal pay for equal work”, it is necessary to keep in mind that the*



*duties of the two posts should be of equal sensitivity, and also, qualitatively similar. Differentiation of pay scales for posts with difference in degree of responsibility, reliability and confidentiality, would fall within the realm of valid classification, and therefore, pay differentiation would be legitimate and permissible (see Federation of All India Customs and Central Excise Stenographers case and SBI case). The nature of work of the subject post should be the same and not less onerous than the reference post. Even the volume of work should be the same. And so also, the level of responsibility. If these parameters are not met, parity cannot be claimed under the principle of “equal pay for equal work” (see State of U.P. v. J.P. Chaurasia and Grih Kalyan Kendra Workers' Union case).”*

11. We have heard learned counsel for the parties and perused the material available on record. We are of the considered opinion to set aside the Resolution No. 5290 dated 30.06.2017 only to the extent, whereby, the benefit of payment of additional salary of one month has been given prospective application by virtue of Clause 6. We hold that the respondents are entitled for



additional one month salary for the year 2015-2016 and 2016-2017, and the same is reiterated by the Hon’ble Apex Court in the aforesaid judgment as cited by the learned counsel for the respondents.

12. There is no merit in the present appeal and accordingly, LPA stands dismissed.

13. Pending application(s), if any, shall also stand disposed of.

**(Sudhir Singh, ACJ)**

**I agree.**

**( Rajesh Kumar Verma, J)**

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