

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25050 of 2019

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Md. Mahmood, S/o Late Md. Abid, Resident of Agrawaltola, P.S.- Alamganj,
District- Patna-7.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Joint Secretary, Department of Finance, Government of Bihar, Patna.
4. The Director (Press), Printing and Stationary, Department of Finance, Government of Bihar, Patna.
5. The Superintendent, Bihar Secretariat Press, Gulzarbagh, Patna-7.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind, Advocate
For the Respondent/s : Mr. Anuj Kumar, AC to GP- 24

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 16-07-2025

Heard the parties.

2. At the outset, learned Advocate for the petitioner submits that since during the pendency of the writ petition, the petitioner has already retired on 31.01.2025, hence his entire claim is confined to the payment of 20% of the substantive pay of the post of Binder, including the pay scale of the Binder since 22.08.1989 till the date on which vacancy arose on the post of Assistant Cameraman-cum-Plate maker in, 2005 and further to grant consequential benefit to the post of Assistant Cameraman-cum- Plate maker with effect from the date of his posting on the



said post; as also the payment of difference of higher post of Senior Cameraman-cum- Plate maker with effect from 19.04.2014 when this post became vacant due to death of Navashish Mitra. The petitioner also assailed the order dated 21.10.2019 whereby the petitioner has only been granted Rs.250/- per month for the work done on the said post, from the date of issuance of Memo, which is said to be in the teeth of the order passed by the learned Division Bench of this Court in L.P.A. No. 517 of 1998 and further in L.P.A. No. 1647 of 1999, as also in the case of **Arindam Chattopadhyay & Ors. Vs. State of West Bengal & Ors.**, reported in, (2013) 4 SCC 152 and in the case of **State of Punjab & Anr. Vs. Dharam Pal**, reported in, 2017 (4) PLJR 46 (SC).

3. Referring to the materials available on record, learned Advocate for the petitioner contended that there is no dispute that the petitioner was appointed on the sanctioned post of Binder on 22.08.1989 in the Government Secretariat Press, Gulzarbagh, Patna. Subsequent thereto, the petitioner was directed to discharge the duty of Assistant Cameraman -cum- Platemaker along with other Assistant Cameraman-cum-Platemaker, namely, Navashish Mitra and Sachindranath Chatterjee.



4. It is the case of the petitioner that he was further deputed for different periods to discharge the duty of Cameraman-cum-Plate maker. To support the aforesaid contention, various annexures have been appended to the writ petition. On account of suspension of Navashish Mitra, later on, the petitioner was directed to discharge the duty in processing department for certain period and later on after the death of Navashish Mitra on 19.04.2014, the petitioner was directed to execute the work of Senior Cameraman-cum-Plate maker, pursuant to the letter no. 709 dated 26.06.2019. Despite the aforesaid facts, when the services of the petitioner was not regularized on the higher post, he approached this Court in C.W.J.C. No. 15344 of 2019 for his absorption and consequential benefit. The said writ petition came to be disposed of on 02.08.2019 with a liberty to the petitioner to represent before the Superintendent, Bihar Secretariat Press, Gulzarbagh, Patna. In consequent to the order of this Court, a letter dated 14.09.2019 came to be issued by the respondent no.5. Notwithstanding the aforesaid facts, the respondent no.3 erroneously passed the final order dated 21.10.2019 and the petitioner has been allowed only Rs.250/- per month in addition to the salary received by him.



5. It is the contention of the petitioner that the order impugned is in the teeth of the settled law and in fact in complete disregard of Rule 103 of the Bihar Service Code. To support the aforesaid contention, heavy reliance has been placed on the decision rendered by the learned Division Bench in L.P.A. No. 517 of 1998 and further in L.P.A. No. 1647 of 1999. Reliance has further been placed on the decision rendered in the case of **Arindam Chattopadhyay & Ors. Vs. State of West Bengal & Ors.**, reported in, (2013) 4 SCC 152 and in the case of **State of Punjab & Anr. Vs. Dharam Pal**, reported in, 2017 (4) PLJR 46 (SC).

6. Taking this Court through the aforesaid decision, learned Advocate for the petitioner thus contended that the claim of the petitioner has not been considered in right perspective in terms of the law settled by the Apex Court as well as learned Division Bench of this Court.

7. Mr. Anuj Kumar, learned Advocate for the State refuting the contention of the petitioner submitted that at no point of time there is any specific order directing the petitioner to discharge the duty on the higher post, it was only a temporary arrangement for certain period, for which the claim of the petitioner was duly considered and he was allowed Rs.250/- per



month, in addition to the salary received by him in pursuant to the order, as contained in Memo No. 8542 dated 21.10.2019 (Annexure-16 to the writ petition).

8. Having heard the learned Advocate for the respective parties and taking note of the decision rendered by the learned Division Bench of this Court wherein the learned Division Bench referring to Rules 89 and 103 of the Bihar Service Code has held that in case of a person is directed to discharge the duties and responsibilities of greater importance than those attached to the post then held by the employee, in such circumstances the employee is entitled to higher pay scale, if his appointment to that post stood alone. Identical view has also been taken by the learned Division Bench in different cases.

9. Considering the aforementioned settled position and the submission of the petitioner that his case also requires consideration in terms with the decisions aforementioned, this Court in order to give quietus to the litigation thinks it appropriate to direct the respondent no.3 to consider the claim of the petitioner in the light of the aforementioned decisions rendered by the learned Division Bench and the Apex Court.

10. The petitioner shall be at liberty to place all the relevant necessary documents before the respondent no.3 in



order to reinforce his case that he was allowed to do work on higher post preferably within a period of four weeks from today.

11. In case, such representation is filed along with necessary documents and the orders/judgments aforenoted, in such circumstances, the concerned respondent shall consider the claim of the petitioner and dispose of the same by a reasoned and speaking order within a further period of eight weeks.

12. Suffice it to observe that in case the claim of the petitioner finds favour, necessary consequential order shall be passed.

13. This disposes the writ petition.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2025
Transmission Date	NA

