

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2032 of 2022

1. Ramjee Yadav, Son of Bishwanath Yadav, Resident of Sone Bhawan Premises, R. Block, P.S. - Secretariat, District - Patna.
2. Abhay Kumar Singh, Son of Ram Lakhan Singh, Resident of Mohalla - Ram Nagar (Kumharar), P.S. - Agamkuan, District - Patna.
3. Sanjay Kumar, Son of Late Laxmi Prasad, Resident of Sone Bhawan Premises, R. Block, P.S. - Kotwali, District - Patna.
4. Suresh Singh, Son of Shobhit Singh, Resident of Village - Krishnawara, P.S. - Patepur, District - Vaishali.
5. Hajari Rajak, Son of Kuli Rajak, Resident of Village - Baratpur (Kachchi Dargah), P.S. - Fatuha, District - Patna.
6. Upendra Pathak, Son of Sarju Pathak, Resident of Sultan Palace Premises, P.S. - Kotwali, District - Patna.
7. Shivnath Prasad Roy, Son of Tega Ray, Resident of Mohalla - Mali Tola (Chauhatta), P.S. - Digha, District - Patna.
8. Shankar Rai, Son of Ishwari Rai, Resident of Mohalla - Machhuatoli, Arya Kumar Road, P.S. Kadamkuan, District - Patna.
9. Siya Ram Singh, Son of Kameshwar Singh, Resident of Village - Baddopur, P.S. - Pandarak, District - Patna.
10. Samuel Tirkey, Son of Jivan Tirkey, Resident of Village - Rupaspur (Dhanaut), P.S. - Rupaspur, District - Patna.
11. Anand Prasad, Son of Ram Chandar Ram, Resident of Mohalla - Gola Road (Jhakhari Mahadev), P.S. - Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Water Resources Department, Bihar, Patna.
2. The Secretary, Water Resources Department, Bihar Cum Chairman of the Governing Body of the Water and Land Management Institute, Phulwarisharif, Patna.
3. Water and Land Manager Institute (WALMI), Phulwarisharif, Patna, through its Director.
4. The Director (Chief Engineer), Water and Land Management Institute (WALMI), Phulwarisharif, Patna.
5. The Superintending Engineer, Command Area Development Circle, Sone Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Anjani Kumar (AAG- 4)



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-01-2026 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the Water and Land
Management Institute (hereinafter referred to as 'WALMI').

2. The present writ petition has been filed for the
following reliefs:-

*(i) To issue appropriate directions,
order or writ in the nature of Certiorari
quashing the part of office order issued by
Director (Chief Engineer), Water and Land
Management Institute (WALMI), Patna as
contained in memo no. 567 dated 09.10.2021
(Annexure- P/13) and letter no. 652 dated
24.11.2021 (Annexure- P/14) by which the
benefit of 7th pay revision has been allowed
to the petitioners with effect from 01.10.2021
instead of 01.09.2018 from which date the
said benefit has been allowed to other
employees of the Command Area
Development Circle, Sone Bhawan, Patna.*

*(ii) To issue appropriate direction,
order or writ in the nature of Mandamus
commanding the respondents to allow the
benefits of 7th pay revision to the petitioners
with effect from 01.09.2018 from which date
the said benefit has been allowed to other
employees of Command Area Development*



Circle, Sone Bhawan, Patna and to pay them consequential monetary benefits.

(iii) To grant any other relief or reliefs to which the petitioners are entitled for.

3. Learned counsel for the petitioners submits that the petitioners were appointed as Class-III and Class-IV employees by the Area Development Commissioner-cum-Chairman of the erstwhile Sone Command Area Development Agency, Patna (hereinafter referred to as “SCADA”). Counsel further submits that the benefits of the 5th Pay Revision were allowed to them with effect from 01.01.2009, like other employees of the agency. Counsel further submits that the benefits of the 6th Pay Revision were also allowed to the petitioners with effect from 01.04.2012.

4. Counsel further submits that SCADA was dissolved by the State Government by a policy decision and its assets and liabilities, including Sone Bhawan, R-Block, Patna, were transferred to WALMI, Patna with effect from 01.09.2018. He further submits that WALMI is an agency functioning under the administrative control of the Water Resources Department, Bihar, Patna.

5. Counsel further submits that the Water Resources Department sanctioned the benefits of the 7th Pay Commission



to the employees of WALMI with effect from 01.09.2018 vide letter No. 170 dated 09.03.2020. Counsel further submits that the Director, WALMI, Patna allowed the benefits of the 7th Pay Revision to other employees of WALMI vide Letter No. 197 dated 13.05.2020 with effect from 01.09.2018, but the petitioners were not granted the benefits of the 7th Pay Revision even after filing their representations before the Secretary, Water Resources Department, Bihar-cum-Chairman, WALMI, Patna.

6. Counsel further submits that the petitioners were granted the benefit of the 7th Pay Revision with effect from 01.10.2021, but not from 01.09.2018. Counsel further submits that parity has not been maintained in the grant of benefits, as other employees of WALMI were granted the benefits with effect from 01.09.2018, whereas the petitioners have been discriminated against and granted the benefits only with effect from 01.10.2021.

7. Learned counsel for the State submits that it is the stand of the State that the petitioners were not appointed against sanctioned vacant posts, and it is for this reason the benefits were not granted.

8. Learned counsel for WALMI submits that in the letter annexed as Annexure-P/13, no reason has been assigned



and only the date has been indicated, stating that the benefit is granted with effect from 01.10.2021.

9. In light of the present facts and circumstances mentioned above, particularly when there is no denial that the petitioners were employees of SCADA and were subsequently merged with WALMI, and when other employees of WALMI have been granted the benefits of the 7th Pay Revision with effect from 01.09.2018, whereas the petitioners were discriminated against and granted the benefits only with effect from 01.10.2021.

10. In light of the above situation, the petitioners are hereby directed to file a fresh representation before the Secretary, Water Resources Department, Bihar Cum Chairman of the Governing Body of the Water and Land Management Institute, Phulwarisharif, Patna (Respondent No. 2), and respondent no. 2 is hereby directed to consider the case of the petitioners, keeping in view their entitlement and the requirement of maintaining parity, and to take a decision on the representation within 60 days from the date of production of this order along with the representation. If the respondent No. 2 finds that the petitioners are entitled then he shall ensure payment in the same manner as has been allowed to other



employees of SCADA who are now merged with WALMI.

11. Accordingly with the aforesaid directions, the
present writ petition stands allowed.

(Dr. Anshuman, J.)

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