IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9633 of 2016

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1. Lachhaman Kumar S/o- Late Chandeshwari Prasad, Presently working as Lower Division Clerk, Punpun Flood Protection Division, Patnacity, Karbighiya, Patna, resident of Vill- Daultpur, P.O.- Moker, P.S. Dist.- Jehanabad.

2. Sunil Kumar S/o- Late Baleshwar Ram, Presently working as Lower Division Clerk Flood and Drainage Division Lalganj, resident of Vill P.O.- Shubhai, P.S.- Hajipur Sadar, Distt- Vaishali.

3. Sujeet Kumar Bihari S/o- Late Dinkar Prasad Srivastava, Presently working as Lower Division Clerk Drainage Division Hajipur, resident of Vill- Manua, P.O.- Ismailpur, P.S.- Hajipur Sadar, Distt.- Vaishali.

4. Dharmendra Kumar S/o- Late Mewalal Rai, Presently working as Lower Division Clerk Flood and Drainage Division Lalganj, resident of Vill- Milki, P.O.- Nainaha, P.S.- Hajipur, Distt.- Vaishali.

5. Gopal Jee S/o- Late Laxman Singh, Presently working as Lower Division Clerk Flood and Drainage Division Lalganj, resident of Vill- Pathahi, P.O.- Basuhar, P.S.- Punpun, Distt.- Patna.

6. Chandrama Prasad Yadav S/o- Late Jainarayan Rai, Presently working as Lower Division Clerk Flood and Drainage Division Lalganj, resident of Vill- Fakuli, P.O.- Goraul, P.S.- Kurhni, Distt.- Muzaffarpur.

7. Niraj Kumar Raman S/o- Late Yogendra Jha, Presently working as Lower Division Clerk Western Embankment Division, Kunauli at Birpur, resident of Vill- Gauripur, P.O.P.S.- Singheshwar, Distt.- Madhepur.

8. Manoj Kumar Mehta S/o- Late Jageshwar Prasad Mehta, Presently working as Lower Division Clerk Western Embankment Division, Kunauli at Birpur, resident of Vill- Simariya Ruchdeo, P.O.- P.O. thia, P.S.- Falka, Distt.- Katihar.

9. Manoj Kumar Thakur S/o- Late Kamal Narayan Thakur, Presently working as Lower Division Clerk Superintending Engineer, Barrage Circle, Birpur, resident of VillP.O.- Bina Bavhangama, P.S. Distt.- Supaul.

10. Nageshwar Sharma, S/o- Late Sukdeo Sharma, Presently working as Lower Division Clerk Western Embankment Division, Kunauli at Birpur, resident of Vill- Bishanpur Gulami, P.O.- Balua Bajar, P.S.- Balua Bazar, Distt.- Supaul.

11. Alok Ranjan Bhaskar S/o- Late Arjun Prasad Mandal, Presently working as Lower Division Clerk Irrigation Division, Raghopur, resident of At- Professor Colony, Forbesganj, Araria.

12. Sanjay Kumar S/o- Late Garib Lal Yadav, Presently working as Lower Division Clerk Irrigation Division, Raghopur, resident of Vill- Kakeshminiya Parshai, P.O.- Bhatni Bajar, P.S.Distt- Madhepura.

13. Jitendra Nath Jha S/o- Late Vidya Nath Jha, Presently working as Lower Division Clerk Superintending Engineer, Barrage Circle, Birpur, resident of Vill- Nahar, P.O.- Bhagwatipur, P.S. Dist- Madhubani.

14. Shyam Kumar Jha S/o- Late Shashikant Jha, Presently working as Lower

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Division Clerk Eastern Embankment Division, No. 2, Birpur, resident of Vill- Bishoul, P.O.- Tatuar, P.S.- Manigachi, Dist- Darbhanga.

15. Sakaldeo Sharma S/o- Late Rasik Lal Sharma, Presently working as Lower Division Clerk, Western Embankment Division, Kunali, Birpur.

16. Ranjeet Kumar Raman S/o- Late Prabhu Lal Choudhary, Presently working as Lower Division Clerk, Investigation and Research Division Birpur, resident of At- Qt. No. 1/168, Ward No.-10, Koshi Colony Birpur, Dist- Supaul.

17. Krishna Kumar S/o- Late Satish Lal Das, Presently working as Lower Division Clerk, Design Division Birpur, resident of Vill- Supaul Ward No-03, P.O.P.S.- Supaul, Dist- Supaul.

18. Rita Singh W/o- Late Shankar Singh, Presently working as Lower Division Clerk, Design Division Birpur, resident of Qt. No.-F/204, Koshi Colony, Birpur, P.S.P.O.- Birpur, Dist- Supual.

19. Rekha Singh W/o- Late Bhushan Singh, Presently working as Lower Division Clerk, Western Embankment Division, Kunauli, Birpur, resident of Vill Post- Mohanpur Karja, P.S.- Barhara, Dist- Ara.

20. Dharmendra Kumar Yadav S/o- Late Ram Dev Prasad Yadav, Presently working as Lower Division Clerk, Eastern Bankment Division Birpur, resident of Vill- Bhalukup, P.O.- Ram Bishanpur, P.S.- Pratapganj, Dist- Supaul, Bahia.

21. Nigar Prawin D/o- Md. Nejay Uddin, Presently working as Lower Division Clerk, Irrigation Division Bhagalpur, resident of Vill- Hazisubhaa, P.O.- Purab Saray, P.S.- Kotwali, Dist.- Munger.

22. Pappu Kumar S/o- Late Dip Narayan Singh, Presently working as Lower Division Clerk, Irrigation Circle Kharagpur, resident of Vill- Kushwah Colony Rajguru Tarapur,P.O.P.S.- Tarapur, District- Munger.

23. Niraj Kumar S/o- Late Suresh Chandra Yadav, Presently working as Lower Division Clerk, Irrigation Division Bhagalpur, resident of AtP.O.- Chodhali, P.S.- Beldaur, Dist- Khagariya.

24. Naveen Kumar Sharma S/o- Late Bishwanath Sharma, Presently working as Lower Division Clerk, Irrigation Division Bhagalpur, resident of At- Fasiya P.O.- Simariya, P.S.- Pipra, Distt- Supaul.

25. Sanjay Kumar Das S/o- Late Panchanand Ravi Das, Presently working as Lower Division Clerk, Digin, Div-2, Bhagalpur, resident of At- Mohna, P.O.- Orhara, P.S.- Raujaun, Dist- Banka.

26. Sunil Prasad S/o- Late Brij Nandan Prasad, Presently working as Lower Division Clerk, Irrigation Division, Sikandra, resident of At- Mahanandpur, P.S.- Shekhopur Saray, P.O.- Panhansha, Dist.- Shekhpura.

27. Kailash Prasad Yadav S/o- Late Fekan Yadav, Presently working as Lower Division Clerk, Ganga Pump Nahar Pramandal-2, resident of At- Gadhkachak, P.O.P.S.- Sanhaulla, Dist- Bhagalpur.

28. Satish Kumar Nirala S/o- Late Rajendra Sharma, Presently working as Lower Division Clerk, Ganga Pump Nahar Pramandal No-2, Bateshwarsthan, Shivnarayanpur, resident of At- Didarganj, P.O.P.S.- Malsalmi, Dist- Patna.

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29. Rakesh Suman S/o- Late Tej Narayan Jha, Presently working as Lower Division Clerk, Ganga Pump Nahar Pramandal No-2, Bateshwarsthan, Shivnarayanpur, resident of At- Mohna, P.O.- Orhara, P.S.- Rajaun, Bank Bateshwar Sthan, Shivnarayanpur.

30. Muner Khan, S/o- Late Kaley Khan, Presently working as Lower Division Clerk, Saran Division Chhapra, resident of At- Naibazar, P.O.- Chhapra, Dist- Chhapra Saran.

31. Ashok Kumar S/o- Late Bishundeo Prasad, Presently working as Lower Division Clerk, S.E. South Bihar Circle Building Construction, Patna, resident of At- B/76 Bank Road Chhajjubagh Patna.

32. Sujit Verma S/o- Late Ramasish Singh, Presently working as Lower Division Clerk, Rent Division Building Construction Department, Patna, resident of At- C/88, New Punaichak, Patna.

33. Deepak Kumar Verma S/o- Late Ramgati Singh, Presently working as Lower Division Clerk, Tirhut Canal Circle Rexual, resident of At- Barora, P.O.- Shivpur, P.S.- Grahani, Dist- Bhojpur, Ara.

34. Salendra Kumar S/o- Late Ram Laxman Prasad Chaurasia, Presently working as Lower Division Clerk, Tirhut Canal Circle, Raxaul, resident of At- Jaitpur, P.S.- Palnawa, Dist- East Champaran Motihari.

35. Vijay Kumar Prasad S/o- Late Indrasan Mahto, Presently working as Lower Division Clerk, Triwani Canal Division Raxaul, resident of At- Awaman, P.O.- Rampurva, P.S.- Majhaulia, Dist- West Champaran.

36. Raja Babu S/o- Late Bachha Nand Prasad, Presently working as Lower Division Clerk, Dranage Division, Motihari, resident of At P.O.- Radhi, P.S.- Govindpur, Aryraj, Dist- East Champaran.

37. Raj Kumar Srivastava S/o- Late Ram Sighasan Prasad, Presently working as Lower Division Clerk, Dhaka Canal Division, Dhaka, West Champaran, resident of At P.O.- Barahawa Fatey Mohammad, P.S.- Kundwa Chainpur, Dist- East Champaran.

38. Sanjay Kumar Pandey S/o- Late Pashunpati Nath Pandey, Presently working as Lower Division Clerk, Tirhut Canal Division No-1, Motihari, resident of At P.O.- Harsidhi, P.S.- Harsidhi, Dist- West Champaran.

39. Dhiraj Kumar Patel S/o- Late Gagandev Prasad, Presently working as Lower Division Clerk, Tirhut Canal Division No-1, Bettiah, West Champaran, resident of At P.O.P.S.- Majhoulia, Dist- West Champaran.

40. Om Prakash S/o- Late Roshan Ram, Presently working as Lower Division Clerk, Tirhut Canal Division No-1, Bettiah, West Champaran, resident of At P.O.- Laxaunota, P.S.- Gaunuata, Dist- West Champaran.

41. Rakesh Kumar S/o- Late Mukhi Prasad, Presently working as Lower Division Clerk, Tirhut Canal Division No-1, Bettiah, West Champaran, resident of At- New Colony Ward-37 Last in Cjm Lane, P.O.- Bettiah, P.S.- Muffasi Bettiah, Dist- West Champaran.

42. Krishna Kumar Sah S/o- Late Bihari Sah, Presently working as Lower Division Clerk, Tirhut Canal Division No-1, Bettiah, West Champaran, resident of Vill- East Kargangia, P.O.- Barwat Pasrain, P.S.- Muffasi Bettiah, Dist- West Champaran.

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43. Pintu Kumar S/o- Late Jitendra Narayan Singh, Presently working as Lower Division Clerk, Flood Control Division Naugachiya, resident of At- Masudanpur, P.O.- Bhwanpur, P.S.- Rangraha Chowk, Dist.- Bhagalpur

44. Jitendra Kumar Singh S/o- Late Surendra Prasad, Presently working as Lower Division Clerk, Flood Control Division Naugachiya, resident of AtP.O.- Tetri, P.S.- Nagachiya, Dist.- Bhagalpur

45. Newesh Kumar Singh S/o- Late Surendra Prasad, Presently working as Lower Division Clerk, S.E. Design Circle, Bhagalpur, resident of At- Girja Mukteshwar Colony, P.S.- Barari, Dist.- Bhagalpur.

46. Rajnikant Ghosh, S/o- Late Tribhuwan Kumar Ghosh, Presently working as Lower Division Clerk, Design Division No- 2, Bhagalpur, resident of At P.O.- Sabalpur, P.S.- Panjwara, Dist. Banka.

47. Salini Sinha D/o- Late Ajit Kumar Sinha, Presently working as Lower Division Clerk, S.E. Irrigation Circle, Bhagalpur, resident of At- Bhatha Road, Near Middle School, Gumti No- 12, Bhikhna pur, Dist- Bhagalpur.

48. Md. Faiyaj Uddin, S/o- Late Abbash Ali, Presently working as Lower Division Clerk, Irrigation Division Bhagalpur, resident of At P.O.- Kharhara, P.S.- Barahar, Dist.- Bhagalpur

49. Prabhash Chandra Singh S/o- Late Ram Chandar Singh, Presently working as Lower Division Clerk, Irrigation Division, Bhagalpur, resident of At P.O.- Launa, P.S.- Tarapur, Dist.- Munger.

50. Prem Kumar Singh S/o- Late Ramswaroop Singh, Presently working as Lower Division Clerk, Irrigation Clerk Division Bhagalpur, resident of At- Jhirwa, P.O.- Shuthiya, P.S. Dist.- Banka.

51. Vishwamohan S/o- Late Shailendra Kumar Verma, Presently working as Lower Division Clerk, Champaran Division Motihari, resident of At- Chandmari Ekauna, P.S.- Motihari Sadar, Dist- Motihari.

52. Manoj Kumar Sinha S/o- Late Surendra Prasad Verma, Presently working as Lower Division Clerk, Champaran Division, Motihari, resident of At- Raiypati, P.O.- Dighwara, Dist.- Chapra Saran.

53. Jauad Alam S/o- Late Jamil Akhtar, Presently working as Lower Division Clerk, Champaran Division, Motihari, resident of Vill- Karnamya, P.O.- Lalgarh, P.S.- Muffasil Betiya, Dist.- West Champaran.

54. Mahboob Alam S/o- Late Musheer Alam, Presently working as Lower Division Clerk, Building Construction Circle, Motihari, resident of At P.O.- Badharwa Fateh Mahmood, Via- Kundwa Chainpur, Dist.- East Champaran.

55. Ranjit Kumar S/o- Late Satrughan Prasad, Presently working as Lower Division Clerk, Building Circle, Motihari, resident of At- LRP Colony, Q. No.- C-21, Raja Bazar, Motihari.

56. Naveen Kumar Mishra S/o- Late Rajmangal Mishra, Presently working as Lower Division Clerk, Sikrahna Embankment Division Motihari, resident of Vill- Chakitwal, P.O.- Barashankar, P.S.- Patahi, Dist.- East Champaran.

57. Pranav Kumar Srivastav S/o- Late Vijay Kumar Srivastav, Presently working as Lower Division Clerk, Sikrahna Embankment Division Motihari, resident of Moh.- Sri Krishna Nagar, P.O.- Motihari, P.S.- Motihari Sadar, Dist.- East Champaran.

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58. Rajesh Kumar S/o- Late Mahesh Thakur, Presently working as Lower Division Clerk, Sikrahna Embankment Division Motihari, resident of VillP.O.- Dighoura, P.S.- Tekari, Dist.- Gaya.

59. Rakesh Kumar S/o- Late Daroga Prasad, Presently working as Lower Division Clerk, Tirhut Canal Circle Motihari, resident of Vill- Gokhula, P.O.- Siswa, P.S.- Banjariya, Dist.- East Champaran.

60. Rajeev Ranjan Sriwastawa S/o- Late Fattey Prasad Shriwastawa, Presently working as Lower Division Clerk, Tirhut Canal Circle Motihari, resident of At- Bijbani Jagirha, P.O.- Ghorashan, P.S.- Jitna, Dist.- East Champaran.

61. Om Prakash S/o- Late Anil Kumar Singh, Presently working as Lower Division Clerk, Punpun Flood Protection Division, Anishabad, Patna, resident of At- Devshakhi Sadan Sanjay Nagar, Road No.-2, P.S.- Jakkanpur, P.O.- Postal Park, Patna.

62. Arvind Kumar S/o- Late Devendra Nath Sharma, Presently working as Lower Division Clerk, Canal Design, Division No.-3, Anisabad, Patna, resident of Vill Post- Mohammdpur, P.S.- Phulwari Sharif, Patna- 801105.

63. Prem Shankar S/o- Mosaphir Paswan, Presently working as Lower Division Clerk, Design Division No-1, Anisabad, Patna, resident of At- Old Lohani Nagar, P.S.- Patrakar Nagar, Patna-20.

64. Ramjatan Singh S/o- Late Kameshwar Pd. Singh, Presently working as Lower Division Clerk, resident of At Flood Control Division, Mokama Camp, Bakhtiyarpur, Patna, Vill Post- Virpur, P.S.- Jarawan Pur, Distt.- Vaishali.

65. Shiv Shankar Kumar S/o- Late Surendra Pandey, Presently working as Lower Division Clerk, resident of At Flood Control Division, Mokama Camp, Bakhtiyarpur, Patna, Vill- Chandi Pur, P.O.- Makan Pur, P.S.- Warisali Jang, Distt- Navada.

66. Mritunjay Kumar S/o- Late Madan Mohan Singh, Presently working as Lower Division Clerk, resident of At Flood Control Design Division No-2 Anisabad, Patna, Vill- Nisarpura, P.O.- Kab, P.S.- Ranitalab, Distt.- Patna- 801104.

67. Himanshu Kumar S/o- Late Binod Paswan, Presently working as Lower Division Clerk, Flood Control Design Division No-2 Anisabad, Patna, resident of Vill- Mokimpur, P.O.- Hajipur Billore, P.S.- Barh, Distt.- Patna- 803213.

68. Presenjeet Kumar S/o- Late Pankaj Kumar Singh, Presently working as Lower Division Clerk, Planning and Monitoring Division, Anisabad, Patna, resident of At- A-50, Road No-7, Sanjay Gandhi Nagar, Hanuman Nagar, Patna- 20.

69. Dhananjay Kumar S/o- Late Heera Prasad, Presently working as Lower Division Clerk, Ganga Sone Flood Protection Division, Digha, Patna, resident of Moh.- Sultanpur, P.O. P.S.- Danapur, Patna- 801503.

70. Vivekanand Panday S/o- Late Hari Shankar Panday, Presently working as Lower Division Clerk, Ganga Sone Flood Protection Division, Digha, Patna, resident of Moh.- Gola Road, P.O.P.S.- Danapur, Patna- 801503.

71. Santosh Kumar S/o- Late Faudar Sah, Presently working as Lower Division

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Clerk, Ganga Sone Flood Protection Division, Digha, Patna, resident of VillP.O.P.S.- Kanauli Bazar, Distt- Supaul- 847451.

72. Rakesh Kumar S/o- Late Bameshwar Sharma, Presently working as Lower Division Clerk, presently Working as Dip. Director, Hydrology Division Central, Patna, resident of At- Swami Sahjanand Nagar, Dhanbad.

73. Kunal Kumar S/o- Late Rama Shankar Prasad, Presently working as Lower Division Clerk, Design Planning and Monitoring Circle Anisabad, Patna, resident of At- Police Colony Anisabad Patna.

74. Ajay Kumar S/o- Late Jhooti Lal Das, Presently working as Lower Division Clerk, Design Planning and Monitoring Circle Anisabad, Patna, resident of Vill- Dasratha, P.O.- Anisabad, P.S.- Beur, Distt.- Patna-02.

75. Dilip Kishore S/o- Late Mritunjay Prasad, Presently working as Lower Division Clerk, Sone Flood Protection Division Bihta Camp, Khagaul, resident of At- Qr No- WI/C-1, Mithapur Khagaul Road Patna, P.S.- Gardanibagh, Distt.- Patna.

76. Manish Kumar S/o- Late Rameshwar Upadhyay, Presently working as Lower Division Clerk, Flood Control Design Division No-3, Anisabad, Patna, resident of AtP.O.P.S.- Goh, Distt- Aurangabad.

77. Sadan Ayubi S/o- Late Mustafa Ansari, Presently working as Lower Division Clerk, Sone Canal Division, Khagaul, Patna, resident of Vill- Aropur, P.O.- Amarpura, P.S.- Naubatpur, Patna.

78. Dharmendra Kumar S/o- Vikramaditya Vishwakarma, Presently working as Lower Division Clerk, Flood Control Design Division No-1 Anisabad, Patna, resident of VillPost- Karwan, P.S.- Wazirganj, Distt- Gaya.

79. Raju Kumar S/o- Late Krishna Kumar, Presently working as Lower Division Clerk, Design Division No-1 Anisabad, Patna, resident of Qr No-6, Wali Complex, Phulwari, Patna- 801505.

80. Jitendra Kumar S/o- Late Siya Sharan Thakur, Presently working as Lower Division Clerk, Punpun Flood Protection Division, Anishabad, Patna, resident of Mo- Sultanpur, Trimurtinagar, Danapur, Patna.

81. Lalmohan Singh S/o- Late Rangi Singh, Presently working as Lower Division Clerk, Planning and Monitoring Division, Anisabad, Patna, resident of Vill- Chhakan Bigha, P.O. P.S.-Barun, Dist- Aurangabad.

... ... Petitioners

Versus

1. The State Of Bihar through the Principal Secretary, Finance Department, Bihar, patna

2. Principal Secretary, Water Resources Department, Bihar, Patna.

... ... Respondent/s

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with

Civil Writ Jurisdiction Case No. 14664 of 2016

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1. Biresh Kumar Singh S/o Late Rajeshwar Singh Resident of Village- Kuwarpur, P.O.- Parshurampur, P.S.- Pipra, District- East Champaran, Bihar.

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2. Ramesh Kumar S/o Late Bhola Thakur Vill- Haridaspur, P.S.- Khagaul, Dist- Patna.
3. Deepak Kumar S/o Late Satyadev Singh Vill- Rudalpakri, PO- Parsurampur, PS- Piprakothi, Dist- East Champaran.
4. Kamal Kishor Parida S/o Late Gokul Chandra Parida Moh- Panitanki Punp Chamber Colony, Near- Circuit House, Motihari, East Champaran.
5. Gorakh Ram S/o Late Ganesh Ram Vill- Dharamdas Nagar, Ward No.1, POPS- Arerarj, East Champaran.
6. Shashibhushan Prasad S/o Late Shankar Prasad Moh- Henry Bazar, Pani Tanki Colony, Near Gurudwara, Motihari, East Champaran.
7. Chandan Kumar Ojha S/o Late Rameshwar Ojha Vill- Harnathpur, PS- Raghunathpur, Dist- Siwan.
8. Manoj Kumar S/o Late Amerika Ram Moh- Jakkanpur, PO- GPO, PS- Gardanibagh, Patna
9. Babloo Kumar S/o Late Radheshyam Ram Vill- Panchshil Nagar, PO- Harnaut, Dist- Nalanda.
10. Satyanarayan Sah S/o Late Vikram Sah Vill- Bagahi, PS- Yogapatti, Dist- West Champaran.
11. Umesh Kumar S/o Late Shivdatt Ram Vill- Banahi, PO- Nauhatta, Dist- Rohtas.
12. Rajkishor Singh S/o Late Ramnagina Singh Vill- Bariyarpur, PO- GPO, PS- Gardanibagh, Dist- Patna.
13. Anwarul Haque S/o Late Md Gulam Rabbani Vill- Godha Rupauli, PO- Rupauli, PS- Mushri Gharari, Dist- Samastipur.
14. Pawandeo Singh S/o Late Laliteshwar Prasad Singh Vill- Hawai Adda Colony, Purbi Kargahiya, PO- Barwat Prasrain, PS- Muffasil Betiah, Dist- West Champaran.
15. Mithilesh Kumar Singh S/o Late Balwant Singh Vill- Ekauna, PO- Ekauna, PS- Simri, Dist- Buxar.
16. Hanif Akhatar S/o Late Shamiur Rahman Vill- Chhawani Ward No-5, POPS- Betiah, Dist- West Champaran.
17. Jitendra Kumar S/o Late Chandeshwar Nath Pandey VillPO- Chandi Sthan, PS- Govindganj, Dist- East Champaran.
18. Kumar Nityanand S/o Late Nandkishor Tiwari VillPO- Saray, Dist- Vaishali.
19. Pravesh Kumar Singh S/o Late Ram Vijay Singh Vill- Gopalpur, PS- Sakra, Dist- Muzaffarpur.

... ... Petitioners

Versus

1. The State Of Bihar through the chief Secretary, Government of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary Expenditure, Department of Finance, Government of Bihar, Patna.
4. The Principal Secretary, Public Health Engineering Department, Govt. of

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Bihar.

5. The Engineer-in-Chief cum Additional Secretary-cum-Special Secretary, Public Health Engineering Department, Government of Bihar patna
6. The Chief Engineer, Mechanical, Public Health Engineering Department, Bihar, Patna.
7. The Chief Engineer, Public Health Engineering Department, Muzaffarpur.
8. The Superintending Engineer, Public Health Engineering Department, Public Health Engineering Circle, Motihari, East champaran
9. The Executive Engineer, Public Health Engineering Department, Public Health Division, Motihari, East champaran
10. The Executive Engineer, Public Health Engineering Department, Public Health Division, Motihari, East champaran
11. The Executive Engineer, Public Health Engineering Department, Public Health Division, Bettiah, West Champaran

... ... Respondents

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with

Civil Writ Jurisdiction Case No. 13644 of 2016

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1. Bihar State Road And Building Construction Employees Union Gope Group and Ors S/o Late Md. Nizamuddin, resident of Village- Mahawat Toli, P.O. and P.S. Bettiah, Dist.- West Champaran, posted as Correspondence Clerk, R.C.D., Shahabad, Road Division, Ara, Bhojpur.
2. Neeraj Kumar, S/o Late Yatindra Prasad Sinha, resident of Urmila Sadan, Ply Wood Factory, Bachachak, P.S. Phulwarisharif, Dist.- Patna posted as Correspondence Clerk, N.H. Works Circle, Patna.
3. Md. Hasnianuddin, S/o Late Niyamat Nabie, resident of Mohalla-New Millat Colony, Sector-2 Phulwarisharif, Patna posted as Head Clerk, Central Building Division, Patna.
4. Sudhir Prasad Sinha, S/o Late Gajendra Prasad, resident of Village-Jhoajpur, PO- Pastra, Bailgaon, Dist.- Vaishali, Retired from Correspondence Clerk, Electric Work Division No. 1 Building Construction Department, Patna.
5. Santosh Kumar, S/o Late Tapi Yadav, resident of Village- Jagdeo Nagar Gali No. 4, Anaith, P.S.- Nawada, Distt.- Bhojpur, Arah posted as LDC, R.W.D. Workd Division, Piro, Bhojpur.
6. Jitendra Singh, S/o Late Rajgrihi Singh, resident of Village- Jitwadih, P.O.- Atimi, P.S.- Nawa Nagar, District- Buxar, LDC, RWD Works Division, Jagdishpur, District- Bhojpur.
7. Shriman Narayan Singh, S/o Late Dashrath Singh, resident of Mohalla- 69/ Indra Nagar Rajapur, P.O.- G.P.O., Patna, P.S.- Patliputra, District- Patna, posted as L.D.C. N.H. Mechanical, Patna.
8. Santosh Kr. Tiwari, S/o Late Vishwamitra Tiwari, resident of Mohalla- Hare Krishna Colony, G.T. Road, Sasaram, P.S.- Sasaram, District- Rohtas, posted as Correspondence Clerk, NH Mechanical Division, Dehri-On-Sone, Rohtas.
9. Abhinay Kumar, S/o Late Baleshwar Prasad Sah, resident of Village- Anant

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Kamtaul, P.S. Kudhani, District- Muzaffarpur, posted as Correspondence Clerk, BCD, Building Division, Muzaffarpur.

10. Sanjeev Kumar Trivedi, S/o Late Lal Narayan Trivedi, resident of B/10 Officer Colony, P.S.- Sikandarpur, District- Muzaffarpur, posted as LDC, RCD Mechanical Division, Muzaffarpur.

11. Lal Mohan Prasad, S/o Late Akhleswar Prasad, resident of Village- Taiyabapur, P.S.- Mahnar, District- Vaishali posted as Correspondence Clerk, NH Mechanical Division, Dehri-on-Sone, Rohtas.

12. Sachita Kumar Tiwari, S/o Late Rajeswar Singh, resident of Village- Goriakothi, District- Siwan, posted as Correspondence Clerk, NH Mechanical Division, Dehri-on-Sone, Rohtas.

13. Sanjay Kumar Tiwari, S/o Late Ramanand Tiwari, resident of Mohalla- Shiv Colony, Fazalganj, P.S. Sasaram, District- Rohtas, Posted as Correspondence Clerk, Sone Canal Circle, Water Resource Department, Ara, Bhojpur.

14. Prakash Deep, S/o Late Prabhat Kumar Sinha, resident of Mohalla- Mahaetwa Road, Bazhuwa Gali, Ara, posted as LDC Sone Canal Circle, W.R.D. Arah, Bhojpur.

15. Akhilesh Kumar, S/o Late Gobardhan Ram, resident of Mohalla- Jalalpur, P.S. Kandawa, District- Chandauli, Uttar Pradesh, posted as LDC Ganga Pump Nahar Division, WRD Chausa, Buxar.

16. Arbind Kumar, S/o Late Rameshwar Rai, resident of Village- Rampur, Via Chausa, P.S.- Rajpur, District- Buxar, posted as Correspondence Clerk, WRD Sone Nahar Pramandal, Buxar.

17. Madan Prasad Singh, S/o Late Ramashraya Singh, resident of Village P.O. Doiyan, P.S.- Dinara, District- Rohtas, posted as Correspondence Clerk, Sone High Level Cnal Division, WRD Sasaram, Rohtas.

18. Kaushal Kumar Mishra, S/o Late Kamala Kant Mishra, resident of Village- Turki Brahman Toli, P.S.- Minapur, District- Muzaffarpur, posted as Correspondence Clerk, NH Mechanical Division, Dehri-On- Sone, Rohtas.

19. Pawan Kumar Rai, S/o Late Prayag Lal Rai, resident of Village- Dariyapur, P.S. Fatuha, District- Patna posted as LDC NH Mechanical Planning Division, Patna.

20. Anil Kumar Choudhary, S/o Late Ram Ratan Choudhary, resident of Mohalla- B/34, Alkapuri Garden, PO Anishabad, District- Patna, posted as LDC, NH Mechanical Planning Division, Patna.

21. Rakesh Raushan, S/o Late Ahshayawt Paswan, resident of Village- Amraur, P.O.- Singhoul, District- Begusarai, posted as LDC, NH Mechanical Division, Nawada.

22. Manish Ranjan, S/o Late Mrigendra Kumar Sinha, resident of Gayatri Nagar, Motihari, District- East Champaran, posted as LDC, NH Mechanical Division, Muzaffarpur.

23. Rabindra Pathak, S/o Late Gorakhnath Pathak, resident of Village- Jasso, P.O. District Buxar, posted as Correspondence Clerk, Ganga Pump Nahar Division, WRD Chousa, Buxar.

24. Abhay Kisor, S/o Late Ishwar Dayal Ram, resident of Village- Mahadah, P.S. Buxar Muffasil, District Buxar, posted as LDC Ganga Pump Nahar

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Division, WRD Chousa, Buxar.

25. Rina Kumari, D/o Late Ganesh Dutt Sahu, resident of Mohalla- Sumitra Villa Apartment Colony, P.O. Khjpura, Distt.- Patna posted as Correspondence Clerk NH Works Circle, RCD, Patna.

... ... Petitioners

Versus

1. The State Of Bihar chief Secretary, Bihar
2. The Principal Secretary, Finance Department, Govt. of Bihar.
3. The Secretary Expenditure, Department of Finance, Government of Bihar, Patna.
4. The Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
6. The Secretary, Rural Works Department, Government of Bihar, Patna.
7. The Secretary Building Construction Department, Government of Bihar, Patna.
8. The Secretary, Energy Department, Government of Bihar, Patna.

.. ... Respondents

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with

Civil Writ Jurisdiction Case No. 12784 of 2016

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Bihar Rajya Sichai Bibhag Karmchari Union son of Late Krishna Mohan Prasad resident of Mohalla Shastri Nagar, Quarter No. 727/800, Shastri Nagar, P.S.- Shastri Nagar, District-Patna- 80023

... ... Petitioner

Versus

1. The State Of Bihar chief Secretary, Bihar
2. The Principal Secretary, Finance Department, Govt. of Bihar.
3. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.
4. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar.
5. The Secretary Expenditure, Department of Finance, Government of Bihar, Patna.

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Appearance :

(In Civil Writ Jurisdiction Case No. 9633 of 2016)

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the State : Mr. Karandeep Kumar, AC to GP 6

(In Civil Writ Jurisdiction Case No. 14664 of 2016)

For the Petitioner/s : Mr. Y.V.Giri, Sr. Advocate and
Mr. Nikhil Kumar Agrawal, Advocate

For the State : Mr. Anil Kr. Singh- GP26

(In Civil Writ Jurisdiction Case No. 13644 of 2016)

For the Petitioner/s : Mr. Sharwan Kumar, Sr. Advocate and
Smt. Mamta Vijaya, Advocate

For the State : Mr. Chitranjan Sinha- PAAG2

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(In Civil Writ Jurisdiction Case No. 12784 of 2016)

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
Mr. Subodh Kr.Jha, Advocate
Mr. BK Mishra, Advocate

For the State : Mr. M. Haque, GP 12 and
Mr. Manish Kumar, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 27-02-2019

Heard learned counsel for the petitioners as well as learned counsel for the State.

The admitted position on factual basis is that the petitioners in the four writ petitions were appointed on compassionate ground as Correspondence Clerk after 28.9.1999. Petitioners are therefore similarly situated as the beneficiaries of the Government decision dated 25.3.2015, whereby the scale of Rs.4000-6000 was made applicable to appointees as Accounts Clerk on compassionate appointment after 28.9.1999. Benefits of the same decision was made applicable in case of all the petitioners by the Government decision dated 16.7.2015 under Memo no. 6338. The same was subsequently sought to be withdrawn and disparity in the matter of grant of pay scale to the petitioners who were Correspondence Clerk with that of others who were similarly appointed on compassionate grounds was sought to be restored by the Government decision dated 14.9.2015. Petitioners have been agitating for grant of the same scale as that

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granted to others appointee on compassionate ground on the post of Accounts clerk. They were required to represent before the authorities in respect of their claims. Representations were made to the association and finally their claim has been rejected for grant of pay scale of Rs. 4000-6000 being granted to the Accounts Clerk appointed on compassionate ground after 28.9.1999 by the decision dated 29.3.2016 by the Finance Department.

The issue regarding scale of Rs.4000-6000, maintaining parity with that granted to Accounts Clerk appointed on compassionate ground after 28.9.1999 has been decided by this Court in the case of Binit Kumar and others Vs. State of Bihar and others, passed in C.W.J.C.No. 9921 of 2017, as affirmed by the Division Bench of this Court in the proceedings arising out of LPA No. 1702 of 2017, preferred by the State of Bihar against order passed in case of Binit Kumar (supra). The appointees as Correspondence Clerk after 28.9.1999, in terms of pronouncement made by this Court in the proceedings arising out of C.W.J.C.No. 9921 of 2017 and LPA No. 1702 of 2017 have been found to be entitled to same pay scale as is being granted to the Account Clerk appointed on compassionate ground after 28.9.1999 and therefore fully covered under resolution of the Finance Department dated 25.03.2015 bearing No. 3111. The decision therefore squarely

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covers the claim of the petitioners inasmuch as there is no distinction in the claim of the instant petitioners vis a vis that of Binit Kumar (supra).

In view of the issue being a covered matter under Clause 4.C (1) of the Bihar State Litigation Policy, 2011, this Court would observe that in order to conduct themselves as an effective litigant under the Bihar State Litigation Policy, 2011, the State Government is obliged to extend the same benefits to the petitioners as has been extended to the petitioners in the case of Binit Kumar (supra), treating petitioners also to be entitled to same benefits under Finance Department Resolution No. 3111 dated 25.03.2015.

In view of the pronouncement of this Court as affirmed by the Division Bench by order and judgment dated 11.07.2018 passed in LPA No.124 of 2018, order dated 14.09.2015 as well as order dated 29.03.2016, issued by the Finance Department, are unsustainable in law and the same are quashed. Petitioners are therefore entitled to the same benefits as has been extended to the petitioners in the case of Binit Kumar (supra).

Writ petitions stand allowed in terms of the said judgment in the case of Binit Kumar (supra).

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Intervenor petition has also been filed bearing I.A.No.1 of 2019 in the proceedings arising out of C.W.J.C.No. 13644 of 2016 in support of the writ petition. Intervenor petitioners also claim to be compassionate appointee after 28.8.1999 and entitled to the same benefits.

Since claim of the intervenors to the writ petition is to be examined in light of Bihar State Bihar State Litigation Policy, 2011 as well as in light of the decision in case of Binit Kumar (supra) taken note of herein above, this Court would only observe that if the intervelors' case is similar to that of Binit Kumar (supra), State respondents would be obliged to extend the same benefits to the intervenor petitioners.

(Madhuresh Prasad, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2019.
Transmission Date	NA

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