IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.766 of 2019

In

Civil Writ Jurisdiction Case No.14664 of 2016

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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 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 Devision, 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

... ... Appellant/s

Versus

1. Biresh Kumar Singh, S/o Late Rajeshwar Singh, Resident of Village Kuwarpur, PO Parshurampur, P.S. Pipra, District- East Champaran, Bihar
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 Pump Chamber Colony Near Circuit House, Motihari, East Champaraan
5. Gorakh Ram S/o Late Ganesh Ram Vill- Dharamdas Nagar, Ward No.1, PO and PS Areraj, 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, P.S. Rahunathpur, Dist-Siwan
8. Manoj Kumar S/o Late Amerika Ram Moh- Jakkanpur, PO GPO, P.S. Gardanibagh, Patna
9. Babloo Kumar S/o Late Radheshyam Ram Vill- Panchshil Nagar, PO

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Harnaut, Dist.Nalanda

10. Satyanarayan Sah S/o Late Vikram Sah Vill- Bagahi, P.S. 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 Simiri, Dist. Buxar
16. Hanif Akhatar S/o Late Shamiur Rahman Vill Chhawani Ward No.5, PO and PS Betiah, Dist. West Champaran
17. Jitendra Kumar S/o Late Chandeshwar Nath Pandey Vill- and PO Chandi Sthan, PS Govindganj, Dist. East Champaran
18. Kumar Nityananad S/o Late Nandkishor Tiwari Vill and PO Saray, Dist. Vaishali
19. Pravesh Kumar Singh S/o Late Ram Vijay Singh Vill Gopalpur, P.S. Sakra, Dist. Muzaffarpur

... ... Respondent/s

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with

Letters Patent Appeal No. 695 of 2019
In
Civil Writ Jurisdiction Case No.9633 of 2016

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1. The State of Bihar through the Principal Secretary, Finance Department, Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.

... ... Appellant/s

Versus

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.

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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 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.

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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 Presently working as Lower Division Clerk, Irrigation Division Bhagalpur, resident of At P.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.

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.-

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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.

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 At P.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.

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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.

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

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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 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,

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resident of At P.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.

... ... Respondent/s

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with

Letters Patent Appeal No. 762 of 2019
In
Civil Writ Jurisdiction Case No.15905 of 2016

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1. The State Of Bihar through the chief Secretary, Govt. of Bihar, Patna.

2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.

3. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.

... ... Appellant/s

Versus

1. Sanjay Kumar Son of Late Parmeshwar Lal, Resident of village Post P.S. - Bakhtiyarpur, District- Patna, presently working as Upper Division Clerk in the office of Executive Engineer, Research and Training Division- 1, Water Resources Department, Khagaul, Patna.

2. Ajay Kumar Singh Son of Late Daya Shankar Singh, Resident of Mohalla - Sarvoday Nagar, P.S. Shastrinagar, District - Patna, presently working as Upper Division Clerk in the office of Executive Engineer, Research and Training Division -1, Water Resources Department, Khagaul, Patna.

3. Anil Kumar Son of Late Sri Krishna Resident of House No. 250/M.I.G., Lohiyanagar, Kankarbagh, Patna, presently working as Correspondence Clerk in the office of Executive Engineer, Research and Training Division-2, Water Resources Department, Khagaul, Patna.

4. Akhilesh Kumar Son of Late Jagalal Mehta Resident of Mohalla- Karbigahiya, Post- G.P.O., P.S.- Jakkanpur, District- Patna, presently working as Correspondence Clerk in the office of Executive Engineer, Research and Training Division-2, Water Resources Department, Khagaul,

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Patna.

5. Ashok Kumar Son of Late Sahjanand Ray Resident of Mohalla - Chhoti Badalpura, P.S.- Khagaul, District- Patna, presently work,working as Typist in the office of Executive Engineer, Research and Training Division - 2 Water Resources Department, Khagaul, Patna.

6. Sushma Kumari Sinha, Wife of Dinesh Prasad Singh, Resident of Mohalla - Anandpuri, P.S.- Khagaul, District - Patna, presently working as Upper Division Clerk in the office of Executive Engineer, Research and Training Division -1, Water Resources Department, Khagaul, Patna.

7. Nazara Yasmin Wife of Isteyaque Ahmed, Resident of Mohalla - Chhoti Khagual, P.S.- Khagaul, Distric - Patna, presently working as Typist in the office of Executive Engineer, Research and Training Division -1, Water Resources Department, Khagaul, Patna.

8. Srikant Son of Late Ram kewal Prasad, R/o Mohalla- Tej Pratap Nagar, P.S.- Beur, Dist - Patna at present posted as Upper Division Clerk in the office of Superintending Engineer, Quality Control Sichai Srijan Circle, Patna.

9. Vinod Kumar Pandey Son of Late Shiv Prasan pandey, Resident of Mohalla - New Punaichak, Hanuman Nagar, P.S. Shastri nagar, District - Patna presently working as Correspondence Clerk in the office of Executive Engineer, Research and Training Division -2, Water Resources Department, Khagaul, Patna.

10. Jitendra Kumar Son of Late Mahendra Prasad, Resident of vilalge P.S.- Chandi, Distrit - bhojpur, presently working as Lower Division cloerk in the office of Executive Engineer, Research and Training Division-1, Water Resources Department, Khagaul, Patna.

11. Madan Mohan Son of Late Laljee Prasad Singh, Resident of Village and post - Ghataro, P.S. - Kartanha, Distric - Vaishali, presently working as Upper Division clerk in the office of Executive Engineer, Research and Training Division-1, Water Resources Department, Khagual, Patna.

12. Upendra Prasad Son of Ram Sharan Mahto, Resident of Qr. No. E/7, Walmi Complex, P.S. Phulwarisharif, Distric - Patna, presently working as Lower Division Clerk in the office of Executive Engineer, Research and Training Division-1, Water Resources Department, Khagual, Patna.

13. Baban Prasad Singh Son of Saudagar Singh, Resident of Village and Post-Moidinpur, P.S. - Fatua, Distric - Patna, presently working as head Clerk in the office of Executive Engineer, Research and Training Division-1, Water Resources Department, Khagaul, Patna.

14. Jitendra Mishra, Son of late Ram Singhasan Mishra, Resident of Village -Akhtiyarpur, Patedha, P.S. - Sarai, Distric - Vaishali, presently working as Upper Division in the office of Executive Engineer, Research and Training Division-3, Water Resources Department, Khagaul, Patna.

15. Devendra Kumar Dubey Son of Late Kedarnath Dubey Resident of Village - Chorpokher English, P.S. - dinara, District- Rohtas, presently working as Lower Division in the office of Executive Engineer, Research and Training Division--3, Water Resources Department, Khagaul, Patna.

16. Ramjee Prasad Son of Sri Jagdish Prasad Resident of Mohalla - Mohanpur, Punaichak, P.S.- Shastrinagar, District - Patna, presently working as Upper

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Division clerk in the office of Executive Engineer, Quality Control Flood Control and Water Nistaran Division, katihar.

17. Uday Kumar Sinha S/o Late Rajeshwari Prasad Sinha, R/o village- Samshara, P.S.- Bihta, Dist Patna, posted as Upper Division Clerk in the office of Executive Engineer Quality Control Flood Control and water ways Division, Muzaffarpur.

18. Ashok Kumar Sinha, Son of Late Kamta Prasad Resident of Mohalla- Sector No.1, Mahatma Gandhi Nagar, P.S. Agamkuan, District- Patna, presently working as Head Clerk in the office of Executive Engineer, Research and Training Division-3, Water Resources Department, Khagaul, Patna.

19. Purushottam Sinha Son of B.K. Lal Resident of Mohalla- Ashok Nagar, P.S.- Kankarbagh, District- Patna, presently working as Upper division Clerk in the office of Executive Engineer, Research and Training Division -3, Water Resources Department, Khagual, Patna.

20. Chandra Bhushan Prasad, Son of Late Bhola Prasad, Resident of Mohalla - chowhatta, Darbhanga House Road, P.S.- Pirbahore, District- Patna, presently working as Upper Division Clerk in the office of Executive Engineer, Canal Structure Division -4, Patna.

21. Umesh Prasad Son of Bhola Prasad, Resident of Village Masaurhi, P.S.- masaurhi, District- Patna, presently working as Upper Division Clerk in the office of Superintending Engineer, Quality Contorl Sinchai Srijan Division, Khagaul, Patna.

22. Shanker Kumar Son of Late Deep Narayan Prasad, Resident of Mohalla- Saidpur Road, P.S. Kadamkuan, District- Patna, presently working as Upper Division Clerk in the office of Executive Engineer, Research and Training Division No. 3, Khagaul, Patna.

23. Harendra Kumar Sinha Son of Late Suresh Pd. Sinha, Resident of Mohalla - Dundi Bazar, P.S.- chowk, Patna City, District- Patna, presently work,working as Upper Division Clerk in the office of Executive Engineer, Research and Training Division -3, Water Resources Department, Khagaul, Patna.

24. Surendra Prasad Son of Late Mahesh Bhagat, Resident of East of Bhikhachak, Anishabad, P.S.- Gardanibagh, District- Patna, presently retired as Correspondene Clerk from the office of Executive Engineer, Research and Training Division No. 1, Khagaul, patna.

25. Jai Govind Rai Son of Late Muni Mahesh Rai, Resident of Village - Rai Ram bazar, P.S.- Khagaul, District- Patna presently retired as Correspondence Clerk from the office of Executive Engineer, Training Division- 1, Khagaul, Patna.

26. Ramesh Rai Son of Late Mangal Rai, Resident of vilalge- Saidpura, P.S.- Khagaul, District- Patna presently retired as Upper Division clerk from the office of Executive Engineer, Flood Control Division, Bakhtiyarpur, Patna.

... ... Respondent/s

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with

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Letters Patent Appeal No. 764 of 2019
In
Civil Writ Jurisdiction Case No.13644 of 2016

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

... ... Appellant/s

Versus

1. Bihar State Road and Building Construction Employees Union (Gope Group) through Fakruddin Ali Ahmad, General Secretary, S/o Late Md. Nizamuddin, resident of Vill.- Mahawat Toli, P.o. and P.s.- Bettiah, Distt.- 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 Sada, Ply Wood Factory, Bachachak, P.s.- hulwarisharif, Distt.- 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 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

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Colony, P.S.- Sikandarpur, District- Muzaffarpur, posted as LDC, RCD Mechanical Division, Muzaffarpur.

11. Lal Mohan Prasad S/o Late Akhleshwar 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 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

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Clerk NH Works Circle, RCD, Patna.

... ... Respondent/s

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with

Letters Patent Appeal No. 871 of 2019
In
Civil Writ Jurisdiction Case No.12346 of 2016

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1. The State Of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Government of Bihar Patna.

... ... Appellant/s

Versus

1. Arjun Pandit Son of Sri Ramchandra Pandit, Resident of Village-Tartar, P.O.-Tartar, P.S. Ghoswar, District-Patna.
2. Bharat Das, Son of Late Saryug Das, Resident of Village- Raghunathpur Bela, Post-Chakhaji, P.S.-Samastipur, District-Samastipur.
3. Shambhu Prasad Son of Late Suraj Prasad Resident of Village-New Karbighaya, Patna-800001.
4. Rajesh Kumar Sinha Son of Late Madan Mohan Prasad Resident of Shivpuri, East Patel Nagar, P.S.-Shastrinagar, Patna.
5. Prakash Thakur, Son of Late Rati Thakur, Resident of Village-Satghara, Post-Satghara, District-Madhubani
6. Ram Nath Paswan Son of Late Ram Pyare Paswan Resident of Village-Shriramnagar, Eastern Gola, Hanuman Mandir, Danapur, Patna.
7. Upendra Nath Pathak, Son of Late Sita Ram Pathak, Resident of Village-and Post office-Nayagaon, District-Saran
8. Sharda Kumari Jha, Daughter of Late Kali Kant Jha, Resident of Saroj Apartment, Flat No. 102, Road No. 11, Rajendra Nagar, Patna.
9. Sushama Verma, Daughter of Late Kuldeep Narayan Prasad Resident of Village-Shashtrinagar, Motihari
10. Chandrakala devi Daughter of Sri Kamlakar Singh Resident of Village-Post Ratanpura, District-Balia
11. Manoj Kumar Singh Son of Late Ashok Kumar Singh Resident of Village-Dhandiha, Post-Dhandiha, P.S.-Koilwar, District-Ara Bhojpur.
12. Shiv Bansh Sahai Son of Late Suraj Kumar Verma, Resident of Village-Akhtiyar Pur, P.O. Chandwa, P.S.-Udawantnagar, District-Bhojpur
13. Vinay Kumar Sinha Son of Late Maheshwar Prasad Verma, Resident of -MIG Flat No-2/50, Sector-6, B.H. CoLony, P.S.-Agamkuan, District-Patna.
14. Dinesh Prasad Son of Sri Kunj Bihari Singh Resident of Village-

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Silhauri,P.O.-Belhauri, District-Patna.

15. Awadhesh Kumar Sinha, Son of Late Murlidhar Sinha, Resident of Village-Baheria, P.O.-Karjee, District-Kaimur.
16. Arun Kumar, Son of Late Rudrendra Prasad Resident of Village-Phuliya Tola, P.O.-Mubarakpur, P.S.-Phulwari, District-Patna.
17. Kameshwar Mishra Son of Late Suresh Chandra Mishra Resident of Village-Baidekori, P.O.Kumhaila, P.S. Charpokhari, District-Bhojpur.
18. Pawan Kumar Shankar, Son of Late Prem Chandra Sharma, Resident of Village-Gokhulpath, Patel Nagar, Patna
19. Meera Pratihast Daughter of Harishchandra, Resident of Shrinagar, P.O. P.S.-Shashtri Nagar, District-Patna
20. Prabhakar Jha Son of Ram Govind Jha Resident of Village-Kurthoul, P.S.-Parsa Bazar, District-Patna.
21. Ajay Kumar Sinha, Son of Late Shivnandan Prasad Sinha Resident of Village-Ketru Nawada, P.O. Gidhaur, P.S.-Gidhaur, District-Jamui.
22. Rekha Sinha Wife of Late Prakash Kumar Resident of Village-Nehru Nagar P.S.-Patliputra, District-Patna.
23. Parsuram Sharma Son of Late Ram Baran Singh Resident of Village-Bank Colony Main Lane Gola Road, Danapur, District-Patna.
24. Ajit Kumar Srivastava Son of Late Ramji Lal Srivastava, Resident of Village-Daharak, P.O. P.S.-Ramgarh, District-Kaimur.
25. Bipin Kumar Singh Son of Late Rabindra Kumar Singh Resident of Village-Jagatpura, P.O.-Bichichachar, P.S.-Sangrampur, District-Munger,
26. Shyam deo Paswan Sono f Late Harak Paswan Resident of Village-Bajitpur, P.O.-Bharthu, P.S.-Ghosi, District-Jehanabad Bihar,
27. S. Khurshid Ahmad Sono f Late Wadood Ahmad, Resident of Village-Imran Colony, Road No.13, New Karimganj, P.O.-Gaya, P.S.-Civil Line, gaya, District-Gaya
28. Shashi Bhushan Sinha Son of Late Shanteshwar Prasad Sinha Resident of Village-Kewa, P.O.-Chainpur, P.S.-Chainpur, District-Kaimur Bhabhua.
29. Parmod Prasad Sono f Late Shyam BIhari Prasad Resident of Village-Ramua Chak, P.O.-Shyam Nagar, Nima, P.S.-Amas District-Gaya,
30. Ajay Kumar Sinha Sono f Late Satnarain Sinha, Resident of Koeribari Nadraganj, P.S.-Civil Line, Gaya, District-Gaya
31. Ajay Kumar Son of Late Hrida Narayan Roy, Resident of Village-Mohalla-Mohanpur, Punaichak, P.O.-Lal bahadur Shastri Nagar, P.S.-Shastri Nagar, Patna,
32. Kishore Kumar Son of Late Rajeshwar P.d Singh Resident of Village-Ram Krishna Nagar, New Bypass Road, P.O.-New Jaganpura, P.S.-Ram Krishna Nagar, Patna
33. Chandra Bhushan Prasad Sono f Late Shivnandan Prasad Resident of Village-Road No.-5, Hanuman Nagar, Vijay Nagar, District- Patna.
34. Ramanand Prashad, Son of Late Sukhdeo Lal Resident of Village-P.O.-Docut, District Nalanda.

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35. Ravi Ranjan Singh Son of Late Umesh Narayan Singh Resident of Village-Tej Pratap Nagar, P.O.- Anisabad, P.S.-Beur, District- Patna
36. Braj Raj Singh, Son of Late Ram Kumar Singh Resident of Village-P.O.-Bangara, P.S.-Chhapra, District-Chhapra,
37. Saraoj Kumar Son of Late Kuber Prasad Singh Resident of Village-Bank Colony, North Mandiri, P.O.-GPo, P.S.-Buddha Colony, District-Patna.
38. Mithlesh Kumar Singh Son of Late Brij Nand Prasad Singh Resident of Village-Chetra Samiti, A.G. Colony, P.O.-Ashiyana, P.S.-Shastri Nagar, District-Patna.
39. Richa Verma Wife of Vijay Narayan Srivastava, Resident of L-14, Lakhan Apartment, Road No-39, Chitkohra, Anisabad, District-Patna.
40. Mahesh Choudhary Son of Sri Bajrangi Chaudhary Resident of Village-Motipur, P.O. P.S.-Naubatpur, District-Patna
41. Ajay Kishore Son of Late Braj Kishore Pd. Dutt, Resident of Village-Kishore Bhawan, Damariya, Anisabad, District-Patna
42. Om Prakash Singh Sono f Sri Baikunth Singh Resident of Village-C/o Late R. N. Jha, resident of B-13, Police Colony, Anisabad, District-Patna
43. Sudhir Kumar Son of Late Kamleshwari Prasad Resident of Village-New Punaichak, Hanuman Nagar, District-Patna.
44. Ravindra Prasad Singh Son of Late Ram Sevak Prasad Resident of Village-and P.O.-Neora, P.S.-Bihta, District-Patna
45. Awadhesh Kumar Singh Son of Late Antaryami Singh Resident of Village-Vidya Nagar, P.O. P.S.-Beur, District-Patna
46. Umesh Narayan Son of Late Munsi Prasad Resident of Village-Malsalami, Adarsh Colony, Patna City, District-Patna
47. Shailendraa Kumar Pandey Son of Late Vishnu Kumar Pandey Resident of Village-Rajapur, Mainpura, Behind-Middle School, P.O.-GPO, P.S.-Patliputra, District-Patna
48. Poonam Sinha Daughter of Sri Ram Sagar Prasad Sinha Resident of Village-Near-A/95, Birla Colony, Phulwari Sharif, District-Patna.
49. Bijendra Gupta Son of Late Pyare Lal Resident of Village-Masoudha Telpa, P.S.-Bikram, District-Patna
50. Abhay Kumar Singh Son of late ramesh Prasad Resident of Hanuman Nagar, District-Patna
51. Sanjay Kumar Singh Son of Late Parasnath Singh Resident of Village-Dighi Kala, P.S.-Hajipur Sadar, District-Vaishali
52. Chandra Bhushan Singh Son of Late Sakaldeep Singh Resident of Village-and P.O.-Dharhara, P.S.-Hajipur Sadar, District-Vaishali.
53. Satyendra Kumar Son of Late Muneshwar Prasad Resident of At Kashi Bazar, P.O.-Chhapra, District-Chhapra.

... ... Respondent/s

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Appearance :
(In Letters Patent Appeal No. 766 of 2019)

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For the Appellant/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Parijat Saurav (AC to AAG-13)
Mr. Rajat Kumar Tiwary, A.C. to AAG-13
For the Respondent/s : Mr. Sanjay Singh, Sr. Advocate
Mr. Nikhil Kumar Agrawal, Advocate
Ms. Aditi Hansaria, Advocate
Mr. Yash Sahay, Advocate

(In Letters Patent Appeal No. 695 of 2019)
For the Appellant/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Parijat Saurav (AC to AAG- 13)
For the Respondent/s : Mr.Abhinav Srivastava, Advocate

(In Letters Patent Appeal No. 762 of 2019)
For the Appellant/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Parijat Saurav (AC to AAG- 13)
For the Respondent/s : Mr.Subodh Kumar Jha, Advocate
Mr. Bal Krishna Mishra, Advocate

(In Letters Patent Appeal No. 764 of 2019)
For the Appellant/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Parijat Saurav (AC to AAG 13)
For the Respondent/s : Mr.Chitranjan Sinha, Sr. Advocate
Mr. Prabhu Nath Pathak, Advocate

(In Letters Patent Appeal No. 871 of 2019)
For the Appellant/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Parijat Saurav (AC to AAG-13)
For the Respondent/s : Mr.Shashi Bhushan Kumar Manglam, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2023

1. The appeals by the State of Bihar challenge the order of the learned Single Judge, which allowed the writ petitions granting parity of pay to Correspondence Clerks as is available to the Accounts Clerks; both appointed on compassionate grounds. The learned Single Judge relied on the judgment dated 21.08.2017 of a Co-ordinate Bench in ***Binit Kumar and others v. State of Bihar and others*** and analogous cases. The learned Single Judge, in the cited decision, relied on a Division Bench judgment in ***L.P.A. No. 206 of 2014 (The***

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State of Bihar v. Ram Janam Jha and others).

2. Learned Government Advocate Shri Sarvesh Kumar Singh (AAG-13) argued that the Correspondence Clerks and Accounts Clerks are persons existing in different cadres for which different pay-scales are applicable. It is also contended that the qualifications for appointment in the two posts are different; the Correspondence Clerks were required to possess Matriculation with typing while the Accounts Clerks are required to possess Matriculation with Mathematics. Learned Government Advocate would specifically refer to Annexure-1 produced along with the Interlocutory Application, which is an extract of the recommendation of the Pay Fixation Committee. From the aforesaid document, it is pointed out that the pay fixation was made specifically reckoning the fact that originally Mathematics was not an essential subject in Matriculation. The learned Government Advocate would also rely on a decision of the Hon'ble Supreme Court in ***S.C. Chandra and others v. State of Jharkhand and others; (2007) 8 SCC 279*** to contend that there is no complete and wholesale identity between the two posts and even if they are doing identical work, they cannot be granted equal pay unless there is such complete and wholesale identity established.

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3. Learned Senior Counsel Shri Sanjay Singh & Shri Chitranjan Sinha and learned counsel Shri Subodh Kumar Jha & Shri Abhinav Srivastava argued for the respondents who were the writ-petitioners.

4. It is pointed out that there could have been no Matriculation without Mathematics as is presently understood and as would be applicable to the Matriculation qualification obtained by all the respondents herein. The decision in ***Binit Kumar*** squarely applies and there is severe criticism of the Finance Department by the learned Single Judge in the aforesaid judgment for having taken a skewed view of the binding precedent in ***Ram Janam Jha***. It is also pointed out that discrimination was meted out only on account of the source of appointment being from families of employees who died in harness; which identity gets effaced as soon as they get appointed to the post. Reliance is also placed on the decision taken by the Finance Department of the Government of Bihar dated 22.06.2022, which is produced across the Bar.

5. We have to briefly look at the history of the litigation. The admitted facts are that the respondents herein were appointed on compassionate ground and were continuing as Correspondence Clerks. The petitioners in ***Binit Kumar*** were

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also persons who were appointed on compassionate ground, but as Accounts Clerks. There is absolutely nothing to substantiate the contention now raised by the State that there were different qualifications prescribed for Accounts Clerks and Correspondence Clerks. We cannot but observe that Annexure-1, pointed out from the Interlocutory Application of the respondent State, supports the claim raised by the writ-petitioners, the respondents herein.

6. The petitioners, as was the case of Accounts Clerks, were appointed in the pay-scale of Rs. 3050-4590/-, which scale was upgraded by a resolution of the Finance Department bearing No. 3111 dated 25.03.2015; which stood cancelled in the light of a subsequent Advisory issued by the Finance Department bearing No. 5483 dated 11.07.2016. The reasoning in the Advisory cancelling the grant of higher scale of pay was in so far as the upgradation in scale not being applicable to those appointed on compassionate grounds. The learned Single Judge in the cited judgment of ***Binit Kumar*** referred to the unification of posts and merger of cadre made in the clerical cadre of the Government employees. The Junior Accounts Clerk and the Senior Accounts Clerk posts were unified and the post was designated as an Accounts Clerk. Likewise, the Lower Division

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Clerk and the Upper Division Clerk were also unified to be designated as Clerk in the year 1980-81. When such unification was made, the Senior Accounts Clerk had a pay-scale of Rs. 260-408/- while the unified post of Clerk had a pay-scale of Rs. 284-372/-. Again, a decision was taken to unify the accounts clerical cadre as well as normal clerical cadre which was later, in the year 2000, de-merged. It is this process of merger and de-merger that led to a chain of litigations on the anomaly arising in the fixation of pay.

7. The State Government in its Finance Department came out with a resolution bearing No. 3111 dated 25.03.2015 referring to another letter dated 28.09.1999 of the very same department which classified the appointments in the Accounts Clerical Cadre in two categories; those appointed between 01.05.1980 to 27.09.1999 and the other after 28.09.1999. Admittedly, the Accounts Clerks who had challenged the cancellation of the upgradation was appointed after 28.09.1999 and so are the respondents herein who are the Correspondence Clerks. Referring to the resolution of 2015, it was held that the persons appointed to the Accounts Clerical Cadre, whether they be appointed initially as a Junior Accounts Clerk, Lower Division Accounts Clerk or a Lower Division Clerk (Accounts),

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would be entitled to the same scale of pay i.e. Rs. 4000-6000/- with effect from 31.12.2005 and to the scale in Pay Band-1 with Grade Pay of Rs. 2400/- with effect from 01.01.2006. It was categorically found by the learned Single Judge in ***Binit Kumar*** that when earlier an attempt was made by the State Government in its Finance Department to deny the scale admissible to similarly placed Clerks in the Accounts Cadre; the litigation initiated, resulted in the decision of the Division Bench in ***Ram Janam Jha***. It was categorically held by the Division Bench that: *"Once the distinction between the Junior and Senior Accounts Clerk has been done away with and all Accounts Clerks have been granted pay scale as that of Senior Accounts Clerk, then all Accounts Clerks, whether appointed on compassionate ground or otherwise, are entitled to the same pay-scale i.e., pay-sale meant for the Senior Accounts Clerks'(sic)*. It is the very same proposition which is urged by the respondents herein to enable identical pay-scales to be granted to them, thus ensuring pay parity between the Correspondence Clerks and Accounts Clerks.

8. ***S.C. Chandra*** was in the context of parity in salary claimed by School Teachers with Clerks working under the Government of Jharkhand or BCCL; in which context it was

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found that there is no complete and wholesale identity between the two groups. It was declared by the Hon'ble Supreme Court that merely because the nature of work is the same, irrespective of educational qualification, mode of appointment, experience and other relevant factors, the principle of 'Equal Pay for Equal Work' cannot apply. We do not find any application of the aforesaid judgment to the facts of the present case.

9. Admittedly, the Correspondence Clerks, the writ-petitioners in the present case and the Accounts Clerks who were the petitioners in ***Binit Kumar,*** were appointed on compassionate grounds. The State has not produced anything to establish that in granting appointment on compassionate ground the dependents were classified on the basis of their qualification and thus given appointments to the posts of Correspondence Clerks and Accounts Clerks, based on their different qualifications. We would, for argument's sake, reckon the submission of the learned AAG-13 that as far as Accounts Clerks are concerned, there was an insistence for Matriculation with Mathematics. As was rightly pointed out by the respondents, Matriculation without Mathematics, at least for the past few decades, is not known to have existed. Even Annexure-1 speaks of 'originally', Mathematics being not an essential

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subject in Matriculation; but does not refer to the period when such Matriculation was in vogue. Having thus said, it has to be emphasized that there is nothing produced to substantiate that there were different qualifications applicable to Correspondence Clerks and Accounts Clerks. It has also to be pertinently noticed that when appointments are made on compassionate grounds, especially to a cadre, there cannot be any discrimination by appointing certain persons to a post with lower scale of pay and others to a post with higher scale of pay; which would have been possible only if there is a requirement of a higher qualification for the post which carries a higher pay-scale. We are conscious of the fact that as of now the Hon'ble Supreme Court has held that appointments on compassionate grounds can only be to the lowest cadre; but the practice was otherwise, earlier. The contention of the State of two different essential qualifications being applicable, is not established and hence fails.

10. We have to emphasize and reiterate that once the dependents are appointed on compassionate grounds in a post where there is also regular recruitment; there can be no discrimination in so far as pay-scale applicable, from those regularly appointed.

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11. By Annexure-1 the Commission appointed by the State finds that the division, in so far as Clerks and Accounts Clerks who historically enjoyed different pay-scales are no longer applicable. It has been categorically stated that the functions performed by the holders of these posts are broadly similar. It is also observed that Mathematics is a compulsory subject in Matriculation; which it has not been shown by the State, as not a compulsory subject in Matriculation at the time when the respondents herein acquired the qualification or were appointed; which appointment was after 28.09.1999.

12. In this context, we also notice the Letter No. 3A-2-V.P.-09/2016-5838/V of the Finance Department of Government of Bihar dated 22.06.2022, the relevant recital in which is extracted hereunder:-

> *"Different designations of regional establishments like Accounts Clerk, Storekeeper, Correspondence Clerk, Lower Division Clerk and Upper Division Clerk will not have separate cadres but all of them will be known as Lower Division Clerk/Upper Division Clerk of General Clerk Cadre. Accounts Clerk will be a dying cadre and no new appointment will be made on this post. Lower Division Clerk will be promoted to the post of Upper Division Clerk after a period of 6 years or from 01.01.2016, whichever is later. For promotion from upper division clerk to the post of head clerk, promotion can be granted considering the total period spent on the posts of lower division clerk and upper division clerk. The concerned department will*

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> *fix the promotion ratio at 60:40 and the benefit of recommended promotion will be given from the date of issue of the order. For all levels of promotion, the pay matrix level of that post can be determined in place of its grade pay. (Chapter 3.2)"*

The aforesaid extract reiterates the consistent stand of the Government and we are surprised that an appeal is filed for the purpose of denying pay parity to persons identically situated. The above extract also indicates a complete, absolute and wholesome identity between the Accounts Clerks and the Correspondence Clerks.

13. We hence reject the appeals leaving the parties to suffer their respective costs.

14. Interlocutory Application(s), if any, shall stand closed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-.

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