IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.206 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 12124 of 2011

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1. The State of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna
4. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
5. The Joint Secretary, Department of Finance, Government of Bihar, Patna
6. The Executive Engineer, Tirhut Canal Division No.-1, Muzaffarpur, District- Muzaffarpur
7. The Executive Engineer, Water Wage Division, Muzaffarpur, District- Muzaffarpur
8. The Executive Engineer, Bagmati Division No. 1, Sitamarhi, District- Sitamarhi
9. The Executive Engineer, Tirhut Canal Division, Ratwara, Muzaffarpur, District- Muzaffarpur
10. The Executive Engineer, Tirhut Canal Division, Saraiya, Muzaffarpur, District- Muzaffarpur
11. The Executive Engineer, Tirhut Canal Division No.-1, Ramdayalu Nagar, Muzaffarpur, District- Muzaffarpur
12. The Executive Engineer, Bagmati Division, District- Sheohar
13. The Executive Engineer, Drainage Division, Sitamarhi, District- Sitamarhi

.... Appellant/s

Versus

1. Ram Janam Jha Son of Late Jagan Ojha At Present Residing at Village- Kanhaulli, Rajpur Tola, P.O.- Bala And P.S.- Mithanpura, District- Muzaffarpur
2. Sujeet Kumar Son of Late Niteshwar Prasad Singh Resident of Village Gokhula, P.O.- Birhima Bazar, P.S.- District- Muzaffarpur
3. Dhiraj Kumar Son of Late Nawal Kishore Prasad Singh At Present Residing At Village Jangli Mie Asthan, P.S.- Balughat, District- Muzaffarpur
4. Sanjay Kumar Son of Late Jawala Prasad at Present Posted as In The Office of Executive Engineer, Bagmati Division(1), District- Sitamarhi
5. Rakesh Kumar Raman Son of Late Harihar Lal Resident of Village- New Durgarpuri Colony Road No. 3, Malighat, District- Muzaffarpur
6. Jaishankar Pandey Son of Late Naga Pandey At Present Posted as Accountant, Tirhut Canal Division(I) District- Muzaffarpur
7. Chitranjan Prasad Singh Son of Late Triyug Singh At Present Posted as in The Office of Executive Engineer, Tirhut Canal Division, Saraiya, District- Muzaffarpur
8. Kumar Saket Verma Son of Late Pashupati Nath Verma, At Present Residing at Sadpura, Kameshri Vihar, P.S.- Ramana, District- Muzaffarpur
9. Kameshwar Prasad Singh Son of Late Devenarayan Prasad Singh Residing at Village- Bladih, P.O.- Raghunthpur, P.S.- Saraiya, District- Muzaffarpur
10. Shiv Shankar Sharma Son of Late Hiralal Sharma at Present Residing at Village Siktiyan, P.O- Khawaspur, P.S.- Kishunpura, District- Siwan
11. Khurshid Alam Son of Shri Mohammad Yakub at Present Residing at Village Chandwara Kurban Road, P.S.- Town, District- Muzaffarpur
12. Pavitra Das Son of Late Shankar Das Residing at Village Suggapahari, P.O- Devalbari, P.S- Karmatand, District- Jamtara (Jharkhand)
13. Chandan Kumar Son of Late Sarvedhwar Prasad Residing at Village Shalesh

Ashthan, P.O. and P.S.- Khabada Road, District- Muzaffarpur

14. Pramod Prasad Son of Late Nag Narayan Prasad At Present Residing At Village Madhopur Anant, P.S.- Khairwadurp, District- Shivhar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pushkar Narain Shahi, AAG-6 with
Mr. Dhirendra Kumar, AC to AAG-6

For the Respondent/s : Mr. Siya Ram Shahi with
Ms. Namrata Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-08-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 06.08.2013 whereby the writ petition was allowed and the writ applicants were ordered to be treated as Accounts Clerk with all consequential benefits. The claim of the writ applicants was that the Accounts Clerk in the Water Resources Department has to be treated at par with the Accounts Clerk in the other Departments of the State.

During the pendency of the present Letters Patent Appeal, the question of pay revision has been examined by the State Government in its resolution No. 3A-1-Muk.-19/2013-3111(V.) dated 25.03.2015. As per the said resolution, it transpires that pay scale of the Junior Accounts Clerk and that of Senior Accounts Clerk were merged with effect from 01.05.1980 and was given pay scale of Rs. 260-408/-. But subsequently, there was anomaly in granting revised

pay scale consequent to recommendation of the 4th, 5th and 6th Pay Commission. The State Government has now decided that all Accounts Clerks shall be given pay scale meant for the Senior Accounts Clerk.

Learned Counsel for the appellant argued that the said benefit is not available to the candidates who were appointed on compassionate grounds.

We find that once the distinction between the Junior and Senior Accounts Clerk has been done away with and that all Accounts Clerks have been granted pay scale as that of Senior Accounts Clerk, therefore, all accounts clerks, whether appointed on compassionate ground or otherwise are entitled to same pay scale i.e., pay scale meant for the Senior Accounts Clerk.

In view of the said fact, we do not find any merit in the present Letters Patent Appeal. The same stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A