
(2021) 02 JH CK 0206

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4242 of 2020

Santosh Kumar Mishra And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 26-02-2021

Acts Referred:

Citation : (2021) 02 JH CK 0206

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Deepak Kumar Dubey, Amrita Banerjee

Final Decision : Disposed Of

Judgement

Heard Mr. Deepak Kumar Dubey, learned counsel for the petitioners and Ms. Amrita Banerjee, learned counsel for the respondents-State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due

to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been

heard.

The petitioners have preferred this writ petition for direction upon the respondents for the following reliefs:

A. For issuance of an appropriate writ (s), order(s) or direction(s) or writ in the nature of mandamus commanding upon the Respondent immediately

and forthwith grant pay scale of Rs. 5200-20,200 Grade Pay @ P.B-I Rs.2400/- instead of Rs. 5200-20,200 Grade Pay @ P.B-I Rs.1900/w.e.f, the

date appointment of the petitioners on the post of Clerk on compassionate ground on account of the fact that as per Government Notification No.

13293 dated 05.10.91 issued by Department of Personnel and Administrative, Reforms, Patna, Bihar, the pay scale of Class-3 Post is Rs. 1200-1800

and revised pay scale of Rs. 1200-1800 is Rs. 4000-6000 Grade Pay @ P.B.-I Rs. 2400/- (In 5th Pay Revision) and (In 6 & 7th pay Revision pay

scale is Rs. 5200- 20,200 Grade Pay a P.B.I-Rs.2400/-) subsequent to that petitioners salary may be fixed in the pay scale of Rs.5200 20,200 Grade

Pay P.B.I- Rs. 2400/- w.e.f, date of appointment and to pay all arrear difference of salaries to the petitioners and for making appropriate amendments

the appointment letters of petitioners in respect of pay scale mentioned therein as Rs. 5200 20,200 Grade Pay @PBI Rs. 1900/- and rectify it as pay

scale of Rs. 5200-20,200 Grade Pay a P.B.I- Rs. 2400/-

B. For issuance of an appropriate writ (s), order(s) or direction(s) or writ in the nature of mandamus commanding upon the Respondents authorities to

grant the pay scale of clerk (class-3 Post) in Rs.1200-1800 and revised pay scale of Rs.1200-1800is Rs. 4000-6000 Grade Pay @ P.B-1 Rs. 2400/-

(In5' Pay Revision) and (In 6 & 7"" pay Revision pay scale is Rs. 5200-20,200 Grade Pay P.B.I- Rs. 2400/-) in the light of earlier decision taken by the

Secretary, Department of HR.D., Ranchi vide memo no. 2028 dated 12.12.2007 for the persons who are appointed on compassionate ground as per

Government Notification No. 13293 dated 05.10.91 issued by Department of Personnel and Administrative, Reforms, Patna, Bihar and also in view of

the different notifications/circulars of the Respondents concerned and petitioners having been appointed on the post of clerk on compassionate ground

are entitled for pay scale of Rs. 5200-20,200 Grade Pay @ P.B.I- Rs. 2400/-in 6th & 7th pay Revision) instead of Rs. 5200-20,200 Grade Pay @

P.B-I Rs. 1900/- w.e.f. their date of appointment on the post of clerk under respondents.

C. For issuance of an appropriate writ (s), order(s) or direction(s) or writ in the nature of mandamus commanding upon the Respondents authorities to

grant the pay scale of clerk (Class-3 Post) in Rs.1200-1800 and revised pay scale of Rs. 1200-1800 is Rs. 4000-6000 Grade Pay @ P.B.-I Rs. 2400/-

(In 5th Pay Revision) and (In 6th & 7th pay Revision pay scale is Rs. 5200-20,200 Grade Pay a P.B.I. Rs. 2400/-) in the light of judgement passed in

W.P. (S) No. 264 of 2014 passed by Hon'ble Mr. Justice Deepak Roshan on 15.10.2020 and as per the several decisions passed by the Division

Bench of Hon'ble Patna High Court also in the same and similar issue i.e. for the person who are appointed on the post of clerk on compassionate ground.

Mr. Deepak Kumar Dubey, learned counsel appearing for the petitioners submits that the issues involved in this writ petition is squarely covered in

view of the judgment delivered by Patna High Court in L.P.A. No.167 of 2016 and as such similar direction may be issued to the respondents to grant

similar benefit to these petitioners as has been granted in L.P.A. No.167 of 2016. It is further contended that several other writ petitions have been

disposed of in view of the decision passed in L.P.A. No.167 of 2016.

Ms. Amrita Banerjee, learned counsel for the respondents-State submits that the writ petition may be disposed of directing the respondents to consider

the case of the petitioners in the light of the aforesaid judgment.

In view of above facts and considering the submission made by learned counsel for the parties, the writ petition is being disposed of directing the

petitioners to file fresh representation before respondent nos.5 and 7 by way of filing fresh representation annexing all the credentials and the

judgment on which the petitioners are relying for such relief including the judgment of co-ordinate Bench of this Court within a period of three weeks. If

such representation is filed within the aforesaid period, the respondent nos.5 and 7 shall consider the case of the petitioners in accordance with Rules,

Regulations and Guidelines and considering the judgment relied by the petitioners within a period of eight weeks further thereafter. It goes without

saying that if the decision is taken in favour of the petitioners, the benefit of same shall be released in favour of the petitioners within a period of six

weeks further thereafter.

With the above observation and direction, the writ petition is disposed of.