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18/7/14

IN THE HIGH COURT OF JUDICATURE AT PATNA
(MISCELLANEOUS JUDICIAL JURISDICTION)

M. J. C. NO..... OF 2014

(Arising out of C.W.J.C.NO. 14962 OF 2007 disposed
of on 22-10-2013)

Udyanand Abhilashi & others..... Petitioners

Versus

The State of Bihar & Others Opp.parties

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IN THE HIGH COURT OF JUDICATURE AT PATNA
(MISCELLANEOUS JUDICIAL JURISDICTION)

M.J.C. (Contempt). No. of 2014

(Arising out of C.W.J.C.NO. 14962 OF 2007 disposed
of on 22-10-2013)

In the matter of an
application under Article
215 of the Constitution of
India read with section 12
of the Contempt of the
Court's of Act.

And

In the matter of :-

1. Udyanand Abilashi son of Sri Jai Narain Prasad
Yadav, Resident of village -Narthua, Police
station-Alamnagar, District Madhepura.
2. Surendra Prasad ,son of Kameshwar Prasad,
Resident of village -Bhogipur, P.S.Alamnagar
District- Madhepura.

filed through

Mukesh Kumar Saini, A.A.

AOA 00082

3. Ashok Kumar Amar, son of Sri siyaram Prasad Yadav, Resident of village Godiyari, P.s. Anandpur, District- Madhepura.
4. Mahendra Thakur , son of Sri ^{Sitaram}~~Siyaram~~ Thakur, Resident of village-Bishaharia, P.S. Udakishanganj, District- Madhepura.
5. Om Prakash Bharti son of Sri Sital Prasad Yadav, Resident of village Baghra P.S. Chausa, District- Madhepur.
6. Ashwani Kumar son of sri Brajeshwar Prasad, Resident of village-Ward No. 9 vidhapuri, District - Madhepura, Permanent resident of village Mahamadpur ,P.O.Banduar P.S. Begusarai District Begusarai.

.....Petitioners

Versus

1. The State of Bihar
2. Sri Amrit Lal Meena, Principal Secretary, Departmental of Agriculture ,Bihar,Patna
3. Sri Dharmendra Singh, Agriculture Director, Department of Agriculture,Bihar,Patna
4. Gopal Singh Meena, District Magistrate,

5. Sri Sanjeev Hansh, Secretary Cum- Commissioner
Department of Finance, Bihar, Patna

..... Contemnors/Opp. Parties

To

The Hon'ble Ms Justice Rekha M. Doshit, the
Chief Justice of the High Court of Judicature at
Patna and Her other companion Justices of the said
Hon'ble court.

The humble petition on behalf of
the petitioner above named.

MOST RESPECTFULLY SHEWETH

1. That this is an application for initiating a
contempt proceeding against the Contemnor
Opposite parties for not implementing the
order of Hon'ble court passed in C.W.J.C.No.
14962 of 2007 dated 22-10-13 by Hon'ble
Mr. Justice Samrendra Pratap Singh.

A photocopy of the order
dated 22-10-13 is filed
herewith and marked as

Annexure- 1 to this
petition.

2. That of the Office of District Magistrate Madhepura ; made an advertisement No. 1064-2 dated 25-11-87 for appointment of Jan Sewak/ V.L.W. and in the said advertisement it was stated that appointment would be made in accordance with the reservation policy . The pay scale of the above village level workers has fixed Rs.1200-30-1800.
3. That the petitioner along with other eligible candidates applied for appointment to the said posts of village level workers and the petitioners were selected and were called for interview by the District Magistrate, Madhubani.
4. That after the interview final list of successful candidates are prepared in which the petitioners qualified as general category as well as reserved category from the District of Madhepura.

5. That all the candidates including the petitioners were sent for two years diploma training of Agriculture sciences. After completing the training they were given appointment letter for their joining in different ~~pay~~ blocks in the pay scale of Rs.1200-30-1800.

A photo copy of order dated 23-2-99 is annexed herewith and marked as Annexure-2 to this petition.

6. That it is stated that the pay scale stated in the advertisement has been revised on the recommendation of pay Revision Committee and the replacement scale is Rs.4000-100-6000. The ^{Lower} ~~above~~ fixation of pay of the petitioner is absolutely arbitrary.
7. That the petitioners filed writ petition before this Hon'ble court and the Hon'ble court passed the order in the light of the

judgement passed in L.P.A. No.959 of 2007 (The State of Bihar Versus Satyendra Kumar & others) as these writ petitions are squarely covered by the order of learned Single Judge dated 13-7-2007 passed in C.W.J.C.No.11879 of 2004 affirmed by the Division Bench.

A photocopy of the L.P.A.No.959 of 2007 is attached herewith and marked as Annexure-3 to this petition.

8. That after the order of Hon'ble court the petitioners has submitted representation along with certified copy of the order before the contemnor opposite party No.4 and in their representation they made a request for taking a early decision.

A photo/type copy of representation dated 19-11-13 is filed herewith

and marked as Annexure -
4 to this petition.

9. That the Hon'ble court passed the order on 22-10-13 in presence of the counsel of state and petitioners filed representation on 27-11-13 but the time specified for taking a decision within 2 months for the order has not been complied.
10. That it is stated and submitted that the recruitment of petitioners and others started and completed before the fixation of lower scale of pay for the new recruits. In fact only posting notification was issued thereafter but the said notification makes it clear that they have been posted on the pay scale of Rs.1200-1800 and the replacement scale of this pay was Rs.4000-6000/-.
11. That the writ application filed by the writ petitioner was allowed by the writ court on the basis of Division bench order which itself records that where the recruitment process

started earlier than the appointed can not be treated as new recruits and as such they are to be appointed in the pay scale for which they have applied and they are entitled for replacement scale from the date it was made applicable.

12. That it is stated and submitted that the order of the Hon'ble court was passed on the basis of L.P.A.No.959 of 2007 dated 13-5-11 and till date no review/~~L.P.A.~~ has been filed and as such the contemnor Opposite parties have no option than to implement the order of Hon'ble court.
13. That it is stated and submitted that once the order of Hon'ble court has attained finality than the respondents has no option than to implement the same at the earliest occasion in order to get himself purged of the proceeding of contempt:
14. That it is stated and submitted that the notification for lower scale of pay for new

recruitment is applicable to the V.L.W. who are to be recruited in future and are required no diploma training of two years for giving lower scale of pay Rs.3200-4900 for them there will be a separate selection committee but the persons who are appointed in a pay-scale as per advertisement for scale of pay Rs. 1200-1800 entitled to the replacement scale of Rs.4000-6000 and as such the state cannot be permitted to plea that the petitioners are new recruit.

15. That it is stated and submitted that contemnor opposite parties are willfully not complying the direction given by this Hon'ble court.
16. That it is stated and submitted that there is the fit case in which this Hon'ble court further direct the respondent to implement the order of Hon'ble court to get them purged of contempt .

17. That it is stated that petitioners has not filed any application earlier for initiating a proceeding under the court of contempt.

It is ,therefore, prayed that your Lordships may graciously be pleased to allow this application, issue notice to the Opposite parties to show cause as to why a proceeding for contempt of this Hon'ble court be not initiated against them and upon cause being shown the rule of contempt proceeding may be made absolute.

And/Or

Pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Udyanand Abhilashi, aged about 55.....years, son of Sri Jai Narain Prasad Yadav, Resident of village -Narthua, Police station Alamnagar, District Madhepura, do here by solemnly affirm and state as follows:

1. That I am the petitioner no.1 of this case and as such am well acquainted with the facts and circumstances of this case.
2. That I have gone through the contents of this petition and understood the same, the statements made there in are true to my knowledge and information derived from records of this case and rests are by way of submission to this Hon'ble court.
3. That the annexures are true photo copies/typed copies of their respective originals.

GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
PATNA SCORE PATNA

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GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
PATNA SCORE PATNA

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ANNEXURE-10

(12)

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14962 of 2007

1. UDYANAND ABHILASHI SON OF SRI JAI NARAIN PRASAD YADAV, RESIDENT OF VILLAGE NARTHUA, POLICE STATION ALAMNAGAR, DISTRICT MADHEPURA
2. SURENDRA PRASAD SON OF KAMESHWAR PRASAD RESIDENT OF VILLAGE NARTHUA, POLICE STATION ALAMNAGAR, DISTRICT MADHEPURA
3. ASHOK KUMARA MAR SON OF SRI SIYARAM PRASAD YADAV, RESIDENT OF VILLAGE BISHAHARIA, POLICE STATION ANANDPUR DISTRICT MADHEPURA
4. MAHENDRA THAKUR SON OF SRI SITARAM TIHAKUR, RESIDENT OF VILLAGE BISHAHARIA, POLICE STATION ANANDPUR DISTRICT MADHEPURA
5. OM PRAKASH BHARTI SON OF SRI SITAL PRASAD YADAV RESIDENT OF VILLAGE BAGHRA POLICE STATION CHAUSA DISTRICT MADHEPURA
6. ASHWANI KUMAR SON OF SRI BRAJESHWAR PRASAD, RESIDENT OF VILLAGE WARD NO.9, VIDHAPURI, DISTRICT MADHEPURA

..... Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY, RURAL DEVELOPMENT DEPARTMENT, BIHAR, PATNA
2. AGRICULTURE DIRECTOR, DEPARTMENT OF AGRICULTURE, BIHAR, PATNA
3. DEPUTY DIRECTOR OF AGRICULTURE, BIHAR, PATNA
4. COLLECTOR CUM DISTRICT MAGISTRATE, MADHEPURA
5. SECRETARY CUM COMMISSIONER DEPARTMENT OF FINANCE, BIHAR, PATNA

..... Respondent/s

with

Civil Writ Jurisdiction Case No.2650 of 2008

1. SANJAY KUMAR SON OF LATE ANUP LAL YADAV RESIDENT OF VILLAGE TULSIYA POLICE STATION MURLIGANJ, DISTRICT MADHEPURA
2. SHYAM SUNDER YADAV SON OF SHRI ANANDI YADAV, RESIDENT OF VILLAGE CHAUSA POLICE STATION CHAUSA DISTRICT MADHEPURA
3. BIMAL KISHORE SAHU SON OF SHRI MADAN SAH RESIDENT OF VILLAGE MAKDAMPUR POLICE STATION CHAUSA DISTRICT MADHEPURA
4. KUMAR ARBIND ARUNODAY SON OF SHRI SIYABI LAL, RESIDENT OF VILLAGE PURAINI BAZAAR POLICE STATION CHAUSA, DISTRICT MADHEPURA
5. BINOD PASWAN SON OF SHRI NAND LAL PASWAN, RESIDENT OF VILLAGE CHAUSA POLICE STATION CHAUSA DISTRICT MADHEPURA
6. SUBHASH PRASAD SINGH SON OF SHRI SURENDRA PRASAD SINGH RESIDENT OF VILLAGE MAHUA POLICE STATION GHAILER DISTRICT MADHEPURA
7. SURENDRA KUMAR SON OF SHRI YADUNANDAN PRASAD YADAV RESIDENT OF VILLAGE TAMOR PASA POLICE STATION MURLIGANJ DISTRICT MADHEPURA
8. BIJENDRA KUMAR SON OF SHRI SHANKAR PRASAD YADAV RESIDENT OF VILLAGE BISBHARI POLICE STATION UDAKISHUNGANJ DISTRICT MADHEPURA
9. AMOD RANJAN SON OF KEDAR NATH PATHAK, RESIDENT OF VILLAGE MADHUKAR CHAK, POLICE STATION BIHARIGANJ, DISTRICT MADHEPURA
10. SMT HIRA KUMARI DAUGHTER OF SHRI BHOLA SWARNKAR RESIDENT OF VILLAGE AND POLICE STATION AND DISTRICT MADHEPURA
11. AMRENDRA KUMAR SON OF SHRI PARMESHWARI PD YADAV, RESIDENT

- OF VILLAGE KHADHI POLICE STATION MURLIGANJ DISTRICT MADHEPURA
12. TARAKANT JHA SON OF SHRI KAMAL KANT JHA RESIDENT OF VILLAGE ALAMNAGAR POLICE STATION ALAMNAGAR DISTRICT MADHEPURA
 13. PAWAN KUMAR SON OF SHRI RAM PUJAN PD.YADAV, RESIDENT OF VILLAGE BARHA, POLICE STATION SINGHESHWAR DISTRICT MADHEPURA
 14. SHASHI BHUSHAN KUMAR SINHA SON OF SHRI MARUTI NANDAN SINHA, RESIDENT OF VILLAGE AND POLICE STATION BIHARIGANJ DISTRICT MADHEPURA
 15. BIJAY KUMAR SON OF SHRI ANIRUDH PD YADAV RESIDENT OF VILLAGE SARELA, POLICE STATION SINGHESHWAR DISTRICT MADHEPURA
 16. GHANASHYAM PD YADAV SON OF SHRI SONE LAL YADAV, RESIDENT OF VILLAGE GHAKIA POLICE STATION CHAUSA DISTRICT MADHEPURA
 17. DEODAT PASWAN SON OF LATE YADU PASWAN, RESIDENT OF POLICE STATION AND DISTRICT MADHEPURA
 18. BINOD KUMAR SINGH SON OF SHRI YOGENDRA NARAYAN SINGH, RESIDENT OF VILLAGE SUKHASAN, POLICE STATION AND DISTRICT MADHEPURA
 19. YOGENDRA RAM SON OF SHRI KUSUMLAL RAI, RESIDENT OF VILLAGE AND POLICE STATION DISTRICT MADHEPURA
 20. PRADIP KUMAR SON OF SHRI LALJI YADAV, RESIDENT OF VILLAGE BISHNUPUR, POLICE STATION MURLIGANJ, DISTRICT MADHEPURA
 21. RUBAN KUMAR VERMA, SON OF DEVENDRA LAL DAS, RESIDENT OF VILLAGE DINAPATTI, POLICE STATION MURLIGANJ, DISTRICT MADHEPURA
 22. SATYA NARAYAN HANSDA SON OF SHRI DARE HANSDA, RESIDENT OF VILLAGE KATHOTHIYA POLICE STATION BIHARIGANJ, DISTRICT MADHEPURA
 23. GANESH KUMAR SON OF SHRI TUNAI PD YADAV, RESIDENT OF VILLAGE MADHEPURA WARD NO.II, POLICE STATION MURLIGANJ, DISTRICT MADHEPURA
 24. RAVI LAL MUKHIYA SON OF SHRI JAGDISH MUKHIYA, RESIDENT OF VILLAGE THIKULIA, POLICE STATION KUMARKHAND, DISTRICT MADHEPURA
 25. JAI KUMAR SINGH SON OF SRI DINESH KUMAR SINGH RESIDENT OF VILLAGE PARECHA, POST OFFICE TEMONEIA, POLICE STATION MURLIGANJ, DISTRICT MADHEPURA.

..... Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY, RURAL DEVELOPMENT DEPARTMENT, BIHAR, PATNA
2. AGRICULTURE DIRECTOR, DEPARTMENT OF AGRICULTURE, BIHAR, PATNA
3. DEPUTY DIRECTOR OF AGRICULTURE, BIHAR, PATNA
4. COLLECTOR CUM DISTRICT MAGISTRATE, MADHEPURA
5. SECRETARY CUM COMMISSIONER DEPARTMENT OF FINANCE, BIHAR, PATNA

..... Respondent/s

with

Civil Writ Jurisdiction Case No.5880 of 2008

1. DEO, KUMAR SINGH SON OF LATE SINGHESHWAR SINGH RESIDENT OF VILLAGE MAINAPATTI POLICE STATION MAHESHWAR, POLICE STATION BABU BARHI, DISTRICT MADHUBANI
2. MANOJ KUMAR MISHRA SON OF SRI BHAGIRATHI MISHRA, RESIDENT OF VILLAGE POST OFFICE JONKI POLICE STATION BASUPATTI DISTRICT MADHUBANI.
3. VIJOY KUMAR THAKUR SON OF SRI VISHWANATH THAKUR RESIDENT OF

- IJOT POLICE STATION DAMU, THANA BASOPATTI DISTRICT-MADHUBANI.
4. PANDEY SUNIT KUMAR SON OF PANDEY VYAS NANDAN PRASAD, RESIDENT OF NIGALLA BAILE CHOWK, POST OFFICE MADHUBANI, DISTRICT-MADHUBANI.
 5. MANOJ KUMAR SINGH SON OF SRI SITA SARAN SINGH RESIDENT OF VILLAGE AND POST OFFICE PIPRAUN DISTRICT-MADHUBANI.
 6. SUDHIR KUMAR SAH SON OF SRI GAJENDRA PRASAD SAH RESIDENT OF VILLAGE CHAPARIA POST OFFICE SIGHASO DISTRICT-MADHUBANI.
 7. PURUSHOTTAM SON OF SRI MUCHKUND MALLICK MUKUR RESIDENT OF VILLAGE RAMPUR POLICE STATION MADHWAPUR DISTRICT-MADHUBANI.
 8. SUSHIL KUMAR MANDA SON OF SRI RAM KUMAR MANDAL RESIDENT OF VILLAGE NARAHIIYA POST OFFICE NARAHIIYA DISTRICT-MADHUBANI.
 9. SUNIL KUMAR SON OF SRI RAM SUNDAR THAKUR RESIDENT OF VILLAGE AND POST OFFICE BIRPUR DISTRICT-MADHUBANI.
 10. ARUN KUMAR SINGH SON OF SRI DISTRICT EDUCATION OFFICER NANDAN SINGH RESIDENT OF VILLAGE BAUSI POST OFFICE TIRHUTE DISTRICT-MADHUBANI.
 11. ARUN KUMAR JHA SON OF SRI NARAYAN JHA RESIDENT OF VILLAGE AND POST OFFICE MANPAUR, DISTRICT-MADHUBANI.
 12. SANJEEV SINGH SON OF DHIRENDRA PRASAD SINGH RESIDENT OF VILLAGE AND POST OFFICE NARPATI NAGAR DISTRICT-MADHUBANI.
 13. VINAY KUMAR PATHAK SON OF SRI TEJ NARAYAN PATHAK RESIDENT OF VILLAGE JHANJHARPUR POST OFFICE JHANJHARPUR DISTRICT-MADHUBANI.
 14. SHAMBHUY PRASAD SON OF SRI MISHRI LAL YADAV RESIDENT OF VILLAGE AND POST OFFICE LADANIA DISTRICT-MADHUBANI.
 15. RAJESHWAR PRASAD SINGH SON OF SRI RASIK LAL YADAV RESIDENT OF VILLAGE POST OFFICE SISBA BARAHI DISTRICT-MADHUBANI.
 16. AJOY KUMAR ROY SON OF SRI RAM CHANDRA PRASAD ROY RESIDENT OF VILLAGE KARUNA POST OFFICE VISHAUL DISTRICT-MADHUBANI.
 17. RAMAN KUMAR JHA SON OF LATE YOD NATH JHA RESIDENT OF VILLAGE JHITKIYAH POST OFFICE EKAHARI DISTRICT-MADHUBANI.
 18. UPENDRA PRASAD SINGH SON OF LATE YUGESHWAR SINGH RESIDENT OF VILLAGE CHATRA POST OFFICE CHATRA DISTRICT-MADHUBANI.
 19. SANJAY KUMAR CHOUDHARY SON OF SRI RAM PRASAD CHOUDHARY, RESIDENT OF VILLAGE CHILMILIVA POST OFFICE DAMU, DISTRICT-MADHUBANI.
 20. SHIVAN SAHU SON OF LATE SUKHDEO SAHU RESIDENT OF VILLAGE AND POST OFFICE DULLIPATTI DISTRICT-MADHUBANI.
 21. THAKUR JITENDRA NARAYAN SINGH SON OF RAGHUNANDAN SINGH RESIDENT OF VILLAGE AND POST OFFICE BANGAMA DISTRICT-MADHUBANI.
 22. NAGENDRA KUMAR SON OF SRI PARNESHWAR PRASAD SINGH RESIDENT OF VILLAGE AND POST OFFICE KHAJAUJI DISTRICT-MADHUBANI.
 23. HARIDEO MAHTO SON SRI ASHARFI MAHTO RESIDENT OF VILLAGE AND POST OFFICE SIMRI DISTRICT-MADHUBANI.
 24. MANOJ KUMAR CHOUDHARY SON OF SRI RAM BALISHT CHOUDHARY RESIDENT OF VILLAGE BILA BALIA, POST OFFICE DEMU, DISTRICT-MADHUBANI.
 25. PRATYUSH SON OF LATE GANGA PRASAD SRIVASTAVA RESIDENT OF SRI NIKETAN HOSPITAL ROAD, POST OFFICE MADHUBANI, DISTRICT-MADHUBANI.
 26. PRAFFUL KUMAR JHA SON OF LATE INDRADEO JHA RESIDENT OF VILLAGE MEHATH POST OFFICE MEHATHI DISTRICT-MADHUBANI.
 27. SUDHAKAR JHA SON OF SRI KRISHNA KANT JHA RESIDENT OF VILLAGE POST OFFICE MANPAUR DISTRICT-MADHUBANI.
 28. PANKAJ KUMAR JHA SON OF SRI BAMDEO JHA RESIDENT OF VILLAGE AND POST OFFICE PARSAUNI DISTRICT-MADHUBANI.
 29. AWADESH KUMAR CHOUDHARY SON OF SRI ARJUN CHOUDHARY

RESIDENT OF VILLAGE AND POST OFFICE BORHA POLICE STATION
BENIPATTI DISTRICT MADHUBANI
30. NAVIN CHANDRA CHOUDAHRY SON OF SRI RAMASHISH CHOUDHARY
RESIDENT OF VILLAGE AND POLICE STATION DAMU, DISTRICT-
MADHUBANI. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY, RURAL
DEVELOPMENT DEPARTMENT, BIHAR, PATNA
 2. AGRICULTURE DIRECTOR, DEPARTMENT OF AGRICULTURE, BIHAR,
PATNA
 3. DEPUTY DIRECTOR OF AGRICULTURE, BIHAR, PATNA
 4. COLLECTOR CUM DISTRICT MAGISTRATE, MADHUBANI.
 5. SECRETARY CUM COMMISSIONER DEPARTMENT OF FINANCE, BIHAR,
PATNA
- Respondent/s

Appearance :

(In CWJC No.14962 of 2007)

For the Petitioner/s : Mr. Sujeet Kumar Sinha
Mr. Indu Bhushan Pandey
Mr. Manoj Kumar

For the Respondent/s : Mr. Anjani Kr. Sharan & P.K. Jha AC to SC 3
in all cases.

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER**

2 22-10-2013 All the three writ petitions are taken up together for
disposal as the facts and issues are substantially common in each
case:

The petitioners were appointed as Jan Sevak/VLW on
23.2.1999 in the pay scale of Rs.1200-30-1800. They state that
they are entitled for replacement scale of Rs.4000-6000/- as they
were appointed in the scale of Rs.1200-30-1800 of which
Rs.4000-6000 is replacement scale. The petitioners state that in
fact recruitment process started in year 1987. The selection
process was also completed long back. The petitioners were sent

for training in the year 1993.

The dispute in all the three writ petitions is with respect to the replacement scale to which they would be entitled. As reiterated earlier the petitioners state that since they were appointed in the scale of Rs.1200-30-1800 they would be entitled to replacement scale of Rs.4000-6000. However respondents have arbitrarily denied them the replacement pay scale. They further state that similar matter came for consideration before this Court in C.W.J.C.No. 11879 of 2004 (Satvendra Kumar Vs. State of Bihar and others) which was disposed of on 13.7.2007 with following observations:-

"I find that this is also a good reason for holding that the petitioners are entitled for similar scale as it has been allowed to other candidates who were selected with the petitioner. For all these reasons, I find that the petitioners have been able to make out their case for issuance of direction to the respondent no.5 the Secretary cum Commissioner, Finance Department, Secretariat, Patna as well as respondent no. 1,2,3 and 4 to start making payment to the petitioners salary in the scale of Rs.4000-6000/- and to make payment of arrears of salary of this scale from the date of their appointment. The payments should be made from the date of their appointment. The respondents must complete the exercise within two months from the date of receipt/production of a copy of this order."

The State filed Letters Patent Appeal bearing LPA No. 959 of 2007 without success.

I find that the issues involved in all the three writ

petitions are squarely covered by the order of learned Single judge dated 13.7.2007, passed in C.W.J.C.No. 11879 of 2004, affirmed by the Division bench. The writ petitions are disposed of in terms of order dated 13.7.2007 passed in C.W.J.C.No. 11879 of 2009 and affirmed on 13.5.2011 in LPA No. 959 of 2007.

Shashi/-

(Samarendra Pratap Singh, J)

CERTIFIED TO BE TRUE PHOTO COPY

For Joint Registrar (J)
Patna High Court
Authorised U/S 76 Act I of 1872

Rakesh Kumar
Asst.

30/10/2013

04/04/2013



समाहरणालय, मधेपुरा
(स्थापना शाखा)

-: आदेश :-

इस कार्यालय के पत्रांक 1064-2 दिनांक 25/11/87 के अनुसार जनसेवक के पद पर नियुक्ति हेतु प्रकाशित विज्ञापन के विरुद्ध प्राप्त आवेदन पत्रों के आधार पर अभ्यर्थियों को चयन समिति द्वारा चयनीत किया गया एवं पत्रांक 1126-2 दिनांक 13/8/93 द्वारा उन्हें विभिन्न प्रशिक्षण संस्थान में भेजा गया था। प्रशिक्षण प्राप्ति के पश्चात् कुल 39 अभ्यर्थियों द्वारा जिला संस्थानों में भेजा गया था। प्रशिक्षण प्राप्ति के पश्चात् कुल 39 अभ्यर्थियों द्वारा जिला कार्यालय में क्रमशः दिनांक 31/8/95, 1/9/95 तथा 12/9/95 को योगदान समर्पित किया गया। कार्मिक एवं प्राशासनिक सुधार विभाग, बिहार, पटना के पत्रांक 5939 दिनांक 16/6/93 एवं संकल्प संख्या 11243 दिनांक 6/12/95 द्वारा वर्ग 3 के पद पर सीधी नियुक्ति पर रोक लगाते हुए बिहार लोक सेवा आयोग द्वारा नियुक्ति की प्रक्रिया करने का निर्णय लिया गया। इसके विरुद्ध प्रशिक्षण प्राप्त श्री संजय कुमार एवं 36 अन्य द्वारा माननीय उच्च न्यायालय में सी० डब्लू जे० सी० वाद सं० 6103/97 दायर किया गया। माननीय उच्च न्यायालय द्वारा पारित न्यायादेश के विरुद्ध सरकार की ओर से एल० पी० ए० वाद संख्या 24/98 दायर किया गया जो दिनांक 29/7/98 को खारीज कर दिया गया। माननीय उच्च न्यायालय द्वारा पारित न्यायादेश के कार्यान्वयन हेतु अभ्यर्थियों द्वारा एम० जे० सी० (अवमानना वाद) सं० 35/98 दायर कर दिया गया है जो विचाराधीन है। पुनः कृषि निदेशक, पटना के पत्रांक 4908 दिनांक 1/12/98 द्वारा एल० पी० ए० वाद में पारित न्यायादेश की प्रति संलग्न करते हुए निदेश प्राप्त हुआ है कि माननीय उच्च न्यायालय द्वारा पारित आदेश का अनुपालन सुनिश्चित किया जाय।

(2) उक्त तथ्यों पर सम्यक् विचारोपरान्त दिनांक 19/2/99 को जिला स्थापना समिति के सर्वसम्मत निर्णयानुसार माननीय उच्च न्यायालय, पटना द्वारा सी० डब्लू० जे० सी० 6103/97 में पारित न्यायादेश तथा कृषि विभागीय अधिसूचना संख्या 2252 दिनांक 24/3/87 जनसेवक (भर्ती एवं सेवा शर्त) नियमावली 1987 के आलोक में आरक्षण रोस्टर का अनुपालन करते हुए निम्नांकित प्रशिक्षण प्राप्त अभ्यर्थियों को जनसेवक के निम्न पद पर वेतनमान 1200-

30-1800 (सरकार द्वारा समय-समय पर अनुमान्य भत्ते आदि) में बिल्कुल अस्थायी रूप से नियुक्त किया जाता है :-

क्र०	जिला सूची की वरीयता क्रमांक	नाम एवं पता
1	2	3
1	1	श्री सेजय कुमार पिता स्व० अनुपलाल यादव, ग्राम-तुलसिया, पो०-वैजनाथपुर, थाना-मुरलीगंज, जिला-मधेपुरा
2	2	श्री अनिल जायसवाल, पिता-श्री गंगा प्र० जायसवाल, ग्राम-विषहरिया, पो०-आनन्दपुरा, थाना-उदाकिशुनगंज, जिला-मधेपुरा
3	3	श्री शशिभूषण कुमार सिंहा, पिता- श्री मारूतिनंदन सिन्हा, ग्र० + पो०+ थाना- बिहारीगंज, जिला - मधेपुरा।
4	4	श्री रूबन कुमार वर्मा, पिता - स्व० देबेन्द्र लाल, ग्राम + पो० -दीनापटी, थाना - मुरलीगंज, जिला - मधेपुरा।
5	5	श्री आमोद रंजन, पिता - स्व० केदारनाथ पाठक, ग्र० + पो० - मधुकरचक, थाना - बिहारीगंज, जिला - मधेपुरा।
6	6	श्री पवन कुमार, पिता - रामपूजन प्र० यादव, ग्राम - लरहा, पो० - भवानीपुर, थाना - सिंहेश्वर, जिला - मधेपुरा।
7	7	श्री अमरेन्द्र कुमार, पिता - श्री परमेश्वरी प्र० यादव, ग्राम - खाड़ी, पो० - परमानंदपुर, थाना - मुरलीगंज, जिला - मधेपुरा।
8	8	श्री सुभाष प्रसाद सिंह, पिता - श्री सुरेन्द्र प्र० सिंह, ग्राम - महुआ, पो०- अरीहा, थाना - धैलाढ, जिला - मधेपुरा।
9	9	श्री सत्य ना० हांसदा, पिता - स्व० दासी हॉंसदा, ग्र० + पो० - कठौतिया, थाना - बिहारीगंज, जिला - मधेपुरा।
10	10	श्री उदयानंद अभिलाषी, पिता - श्री जय ना० प्र० यादव, ग्राम + पो० - नरकुआ भागीपुर, थाना - आलमनगर, जिला - मधेपुरा।
11	11	श्री घनश्याम प्र० यादव, पिता - श्री सोनेलाल यादव, ग्राम - धुरिया, पो० - धुरिया कलासन, थाना - बौसा, जिला - मधेपुरा।
12	12	श्री ताराकान्त झा, पिता - स्व० कमलाकान्त झा, ग्र०+पो०+थाना - आलमनगर, जिला - मधेपुरा।
13	13	श्री सुमन कुमार सिंह, पिता - श्री महावीर प्र० सिंह, ग्राम+पो०+थाना- कुमारखंड, जिला-मधेपुरा।
14	14	श्री महेन्द्र ठाकुर, पिता-श्री सीताराम ठाकुर, ग्राम- विषहारिया, पो०- आनन्दपुरा, थाना- उदाकिशुनगंज, जिला- मधेपुरा।

15	15	श्री गणेश कुमार साहू, पिता- श्री दुनाष प्र० यादव, ग्राम- मधंपुरा वार्ड नं० 11, पो०+थाना+जिला- मधेपुरा।
16	16	श्री विमल किशोर साहू, पिता- श्री मदन साहू, ग्राम+पो०-मकदमपुर, थाना - चौसा, जिला- मधेपुरा।
17	17	श्री प्रदीप कुमार, पिता-श्री लालजी यादव, ग्राम-विष्णुपुर, पो०-नवटोला, थाना- मुरलीगंज, जिला- मधेपुरा।
18	18	श्री अमरनाथ सिंह, पिता- श्री लालबहादुर सिंह, ग्राम- महुआ, पो०-अरीहा, थाना- धैलाढ, जिला- मधेपुरा।
19	19	श्री जयकुमार सिंह, पिता- श्री दिनेश कुमार, ग्राम-परसाहा, पो०-टेमाभेला, थाना- मुरलीगंज, जिला- मधेपुरा।
20	20	श्री बिजेन्द्र कुमार, पिता- श्री शंकर प्रसाद यादव, ग्राम- विषवाड़ी (टोला रही), पो०- ग्वालपाड़ा, थाना- उदाकिशुनगंज, जिला- मधेपुरा।
21	21	श्री अशोक कुमार अमर, पिता- श्री सियानाम प्र० यादव, ग्राम- गोढियार, पो०- सिमराहा, थाना+ जिला- मधेपुरा।
22	22	श्री अनिल कुमार झा, पिता- श्री देवबन्द्र झा, ग्राम- रामनगर महेश, पो०- रामनगर बाजार, थाना- कुमारखंड, जिला- मधेपुरा।
23	23	श्री अर्जुन प्रसाद, पिता- श्री लक्ष्मी प्रसाद, ग्राम- सिरसिया गोपालपुर, पो०- कमरगामा, थाना- सिंहेश्वर, जिला- मधेपुरा।
24	24	श्री रविलाल मुखिया, पिता- श्री जगदीश मुखिया, ग्राम- टिकुलिया, पो०- विशनपुर बाजार, थाना- कुमारखंड, जिला- मधेपुरा।
25	25	श्री सुरेन्द्र कुमार, पिता- श्री यदुनंदन प्र० यादव, ग्र०+पो०- तमौटा परसा, थाना- मुरलीगंज, जिला- मधेपुरा।
26	26	श्री दुर्गा मुर्मू, पिता- स्व० झडीलाल मुर्मू, ग्र०+पो०- शहपुर, थाना- उदाकिशुनगंज, जिला- मधेपुरा।
27	27	श्री बिजय कुमार, पिता- श्री अनिरुद्ध प्र० यादव, ग्र०- सवैला, पो०+थाना- सिंहेश्वर, जिला- मधेपुरा।
28	28	श्री योगेन्द्र राम, पिता- स्व० कुशूमलाल राम, ग्र०+पो०+थाना+जिला- मधेपुरा।
29	31	श्री देवदत्त पासवान, पिता- स्व० यदु पासवान, ग्र०- दुधैला, पो०- हसनपुर, थाना- मधेपुरा।
30	36	श्रीमति हीरा कुमारी, पिता- श्री भोला स्वर्णकार, ग्र०+पो०+थाना+जिला- मधेपुरा।
31	37	श्री विनोद पासवान, पिता- श्री नन्दलाल पासवान, ग्र०+पो०+थाना- चौसा, जिला- मधेपुरा।

(3) माननीय उच्च न्यायालय द्वारा कोई अन्यथा आदेश पारित किये जाने पर उक्त नवनियुक्त सभी जनसेवकों को बिना कोई कारण बताए सेवा से हटाया जा सकता है।

(4) सम्बन्धित नवनियुक्त जनसेवक 15 मार्च 99 तक जिला स्थापना शाखा में अपने मूल शैक्षणिक प्रमाण पत्र, आवासीय एवं जाति प्रमाण पत्र के साथ योगदान करना सुनिश्चित करेंगे। किसी प्रमाण पत्र के जली पाये जाने पर उनकी नियुक्ति रद्द कर दी जायगी।

(5) निर्धारित अवधि तक योगदान नहीं करनेवाले नवनियुक्त जनसेवकों की नियुक्ति स्वतः रद्द समझी जायगी। साथ ही योगदान करने के लिए उन्हें कोई यात्रा भत्ता देय नहीं होगा।

इसकी सूचना सभी नवनियुक्त जनसेवकों एवं संबंधित पदाधिकारियों को दी जाय।

जिला पदाधिकारी,
मधेपुरा।

ज्ञापांक 92-2 दिनांक 23/2/99

प्रतिलिपि, सभी नवनियुक्त जनसेवकों को सूचनार्थ एवं अनुपालनार्थ प्रेषित।

जिला पदाधिकारी,
मधेपुरा।

ज्ञापांक 92-2 दिनांक 23/2/99

प्रतिलिपि, कृषि निदेशक, बिहार, पटना को उनके पत्रांक 4908 दिनांक 1/12/98 के संदर्भ में सूचनार्थ प्रेषित।

प्रतिलिपि, आयुक्त, कोशी प्रमंडल सहरसा/कोषागार पदाधिकारी, मधेपुरा को सूचनार्थ प्रेषित।

जिला पदाधिकारी,
मधेपुरा।

Letters Patent Appeal No.959 OF 2007

Against the order dated 13th July, 2007, passed in CWJC
no. 11879 of 2004.

1. THE STATE OF BIHAR
2. THE AGRICULTURE DIRECTOR, BIHAR, PATNA.
3. THE DEPUTY DIRECTOR OF AGRICULTURE,
BIHAR, PATNA
4. THE COLLECTOR CUM DISTRICT MAGISTRATE,
BEGUSARI,
5. THE SECRETARY CUM-COMMISSIONER,
DEPARTMENT OF FINANCE, GOVT. OF BIHAR, PATNA.

-----Appellants

Versus

1. SATYENDRA KUMAR
2. BUDHAN MAHTO -----Respondents

For the Appellants : Mr. Rakesh Kumar no.II,
G.P.21

For the Respondents : M/s Sujeet Kr. Sinha &
Mukeshd Kr. Sinha

PRESENT

THE HON'BLE JUSTICE SMT. T. MEENA KUMARI
THE HON'BLE MR. JUSTICE AKHILESH CHANDRA

T. Meena Kumari &
Akhilesh Chandra, JJ.

The present Letters Patent Appeal is filed

by the respondents-appellants herein against the order of

the learned single Judge passed in CWJC no. 11879 of

2004 dated 13th July, 2007 by which the learned single

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Judge has directed the appellants to make payment to the respondents the salary in the pay scale of Rs.4,000-6000/- applicable to the post of Jan-Sewak / Village Level Worker in accordance with the provisions of Bihar Village Level Worker and Village Extension Officers (Recruitment and Conditions of Service) Rules, 1987. It is also the case of respondents that they have been appointed in pursuance of old Rules in the pay scale of Rs.1200-1800/-. Subsequently, after their selection they have been sent for training for two years on 21st July, 1995 and after training given their joining in 1997. The posting of the respondents were kept in abeyance almost for two years. However, they have waited for two years for issuance of appointment letter by the competent authority as the appointment was under the old Rules in the pay scale of Rs.1200-1800/- which was subsequently replaced by Rs.4000-6000/- and the said benefit was not extended to them. It was contended before the learned single Judge by the appellants / respondents that the unofficial respondents were appointed by order dated 05th November, 1999 and the only pay scale applicable to the new recruits in the new pay scale is of Rs.3200-4900/-. However, the learned single Judge has gone into

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the merits and has observed that they have been appointed under the old Rules when the pay scale was Rs.1200-1800/- which was subsequently revised to Rs.4000-6000/-. By the appointment order issued after a period of two years, they cannot be treated as new recruits and they were extended benefit of revised pay scale of Rs.4000-6000/-. The learned single Judge did not accept the contention of the respondents that the appointment of the unofficial respondents / petitioners can be treated in terms of Resolution no. 660 dated 08th February, 1995 and directed payment of salary in the pay scale or Rs.3200-4900/- as their appointment was under the old Rules in the pay scale of Rs.1200-1800/- which was subsequently replaced in the revised pay scale of Rs.4000-6000/-

2. The learned counsel for the appellants contended before us that the unofficial respondents were treated as new recruits as they fall under the category of pay scale of Rs.3200-4900/- they are not entitled to the pay scale of Rs.4000-6000/- as they have come for the orders for payment for the period of two years they have been selected and sent for training on 21st July, 1995 and after training gave their joining on 27th October, 1997

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and they had to wait for issuance of appointment letters for a period of two years, that does not entitle the appellants to say that they should be treated new recruits in the pay scale of Rs.3200-4900/- as their appointments were made way back in the year 1995 and having been sent for training for two years but at the time of issuance of appointment letter the pay scale was Rs.1200-1800/- which was revised in the pay scale of Rs.4000-6000/-. We have observed that there is no material before us placed by the appellants that the recruitment of unofficial respondents in the present appeal is in the scale of Rs.3200-4900/-

3. In the above circumstances, in absence of such materials, we uphold the order of the learned single Judge and, accordingly, the Letters Patent Appeal stands dismissed.

Sd/-
(T. Meena Kumari, J.)

Sd/-
(Akhilesh Chandra, J.)

Patna High Court,
The 13th May, 2011.
AAhmad/(NAFR).

CERTIFIED TO BE TRUE COPY

Ram Kr. Raghunoyak
FOR JOINT REGISTRAR (J)
PATNA HIGH COURT
AUTHORISED U/S 76 ACT-10F1872

Ram Kr. Raghunoyak
Asstt.

26/10/2013
21/10/2013

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श्रीका में,

जिला पठाधिकारी महोदय,
मथुरा।

विषय- नौकर विस्थापितों को नुक़ करके नुक़ पुनरीक्षण
नौकर मान् मीठ- 4000-6000 रु नौकर सुगतान
प्रयोग- माननीय उच्च न्यायालय के नौकर सुगतान

माननीय उच्च न्यायालय C.W.J.C No-14962/2007
2007.

आदेश

Registrar
S.L.No-1678
Date-19.11.2013

उपरोक्त विषयक नदिसं- 14962/2007 के
द्वारा प्रति संकेत करके नुक़ साहर अनुसंधान कि
हम उन नौकरों की नियुक्ति नौकर मान् मीठ- 1200-1800 रु
में की नौकरों की नियुक्ति नौकर मान् मीठ- 1200-1800 रु
द्वारा प्रति संकेत करके नुक़ साहर अनुसंधान कि
हम उन नौकरों की नियुक्ति नौकर मान् मीठ- 1200-1800 रु
में की नौकरों की नियुक्ति नौकर मान् मीठ- 1200-1800 रु

उच्च न्यायालय के नौकर मान् मीठ- 4000-6000 रु प्रतिमाह
में पुनरीक्षण नौकर मान् मीठ- 4000-6000 रु प्रतिमाह
करके नुक़ नौकर मान् मीठ- 4000-6000 रु प्रतिमाह
के नौकर सुगतान करने का आदेश दिया गया है।
समस्त नौकरों को नुक़ नौकर मान् मीठ- 4000-6000 रु प्रतिमाह
में पुनरीक्षण नौकर मान् मीठ- 4000-6000 रु प्रतिमाह
करके नुक़ नौकर मान् मीठ- 4000-6000 रु प्रतिमाह
के नौकर सुगतान करने का आदेश दिया गया है।

अनुलग्नक-

(2) माननीय उच्च न्यायालय
के द्वारा जारी आदेश C.W.J.C
नं०- 14962/2007 के
द्वारा प्रति संकेत

निश्चय आज

- (1) उद्यान नदिसं- 14962/2007 के
- (2) विनायक कुमार सिंह
- (3) राजेश कुमार
- (4) अशोक कुमार "अमर"
- (5) Anandachandra Kumar
- (6) Bismendra Kumar
- (7) महेंद्र ठाकुर
- (8) विनायक
- (9) आशुतोष
- (10) विमल किशोर साहू
- (11) अरुण

Received
19/11/13

12. विजोद पाखवान
13. अनशाम पहाड थाक
14. हीर कुमारी
15. सुभाष प्रसाद सिंह
16. ~~खमू कुमारी~~
17. Pradip Kumar
18. सत्यनारायण शंकरा
19. ~~सुभाष प्रसाद सिंह~~

अनेकसचर- 4

सेवा मे,

जिलापदाधिकारी महोदय

मधेपुरा

विषय- वेतन विसंगति को दुर करते हुए पुनरीक्षित
वेतनमान मो0 4000-65000 रू0 मे वेतन
भुगतान देने के संबंध मे ।

महाशय,

उपर्युक्त विषयक वाद सं0 14962/2007 की छाया प्रति संलग्न करते हुए सादर अनुरोध है कि हम जनसेवको की नियुक्ति वेतन मान् मो0 1200-1800/- मे की गई है। माननीय उच्च न्यायालय द्वारा पारित आदेश मे नियुक्त जनसेवको को नियुक्ति की तिथि से पुनरीक्षित वेतन मान मो0 4000-6000/-रू0 प्रतिमाह की दर भुगतान करने का आदेश दिया गया है।

अतः सविनय अनुरोध है कि माननीय उच्च न्यायालय के द्वारा पारित आदेश के आलोक मे पुनरीक्षित वेतन मान बकाया सहित भुगतान करने हेतु आदेश देने की कृपा की जाये। इस कृपा के लिए सदा आभारी रहूँगा ।

अनुलग्नक

माननीय उच्च न्यायालय के
द्वारा पारित आदेश
सी0डब्लु0 जे0सी0 न0
14962/2007 की छाया प्रति

विश्वासभाजन

1. उद्यानन्द अभिलासी
2. बनोद कुमार सिंह
3. पवन कुमार
4. अशोक कुमार अमर
5. अमरेन्द्र कुमार
6. बिजेन्द्र कुमार
7. महेन्द्र ठाकुर

19-11-13

26 and 27

8. विजय कुमार
9. अश्विनी कुमार
10. विमल किशोर साहु
11. सूरेंद्र प्रसाद
12. बिनोद पासवान
13. घनश्याम प्रसाद यादव
14. हीरा कुमारी
15. सुभाष प्रसाद सिंह
16. संजय कुमार
17. प्रदीप कुमार
18. सत्यनारायण हंसदा