
(2007) 10 PAT CK 0076
In the Patna High Court
Case No : CWJC No. 1188 of 2006

Brij Bihari Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 31-10-2007

Acts Referred:

Citation : (2008) 1 PLJR 384

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Kr. Tripathi, J.—Petitioner retired on 31.1.2000 from the office of District Provident Fund Officer. He was the Head Assistant at the relevant time. By virtue of policy decision taken by the State Government few employees initially working under the Minor Irrigation Department were put under the service of District Provident Fund Officers under the State of Bihar. It seems though going on lien their original post in the Minor Irrigation Department continued to be parent department. Their promotions and service conditions were accordingly governed in terms of the rules prevalent under the Minor Irrigation Department. A dispute arose with regard to the pay scale to which the petitioner or similarly situated persons would be entitled to as a Head Clerk. The post on which the petitioner superannuated carried a pay scale of Rs. 5500-9000 but a lower pay scale has been fixed in case of the petitioner. Counsel for the petitioner submits that the issue raised by the petitioner is no longer res integra because identical matters have been decided by the Hon''ble Court in favour of some employees and the order of the learned Single Judge stood affirmed right upto the Supreme Court. The basic decision was rendered in C.W.J.C. No. 11777 of 1999. Taking note of this background a single Bench of this court in the case of Trilokee Prasad Verma vs. State of Bihar & Ors. In C.W.J.C. No. 12968 of 2003 as well as in the case of Rameshwar Singh vs. State of Bihar & Ors. In C.W.J.C. No. 11777 of 1999 directed the respondents to fix the pay scale of those petitioners at the rate of

Rs. 5500-9000.

2. A counter affidavit on behalf of the respondent No. 4 has been filed but surprisingly the same questions have been raised which have already been answered by various judicial orders against the respondents. It only means that while filing the counter affidavit the concerned respondent has not verified all the facts. That being so, the stand taken by the respondents are misplaced and fit to be rejected.

3. Counsel for the petitioner submits that both Trilokee Prasad Verma and Rameshwar Singh were junior to the petitioner in service but because of the judicial intervention they have walked away with the benefit of higher pay scale and higher pension. Merely because the petitioner did not have judicial order in his favour, the respondents have taken an arbitrary decision against him.

4. This court is satisfied on examining Annexures-9 and 10, the two orders passed by the High Court in the case of Trilokee Prasad Verma and the case of Rameshwar Singh that the case of the petitioner is no different and in that view of the matter his pension also ought to be fixed in the scale of Rs. 5500-9000. Respondents are accordingly directed to recommend the case of the petitioner for fixation of pension and the pay scale of Rs. 5500-9000. They shall work out the liability in terms of the arrears etc. to which the petitioner may be entitled due to the new pay scale fixation. Let this exercise be completed by the respondents within a period of three months from the date of communication of copy of this order. The writ application stands allowed to the extent above.