

(2000) 02 PAT CK 0094
In the Patna High Court
Case No : C.W.J.C. No. 1209 of 1998

Chhangur Lal Gupta

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 11-02-2000

Acts Referred:

Citation : (2000) 2 PLJR 133

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Kishore Kumar Thakur, for the Appellant; S.C. Mishra, for the Respondent

Final Decision : Allowed

Judgement

Radha Mohan Prasad, J.—The Petitioner in this writ petition is aggrieved by wrong fixation of his pay and by the consequential orders contained in Annexures 5 and 7 to the amendment petition, whereby recovery is sought to be made from his pensionary benefits.

2. It appears that the dispute with respect to the fixation of pay of the Petitioner and several other similarly situated persons were agitated before the Labour Court, Purnea in Misc. Case No. 1 of 1994 and the Labour Court on detail consideration vide its Award dated 24.3.1995 contained in Annexure 1 held that reduction of scale from Rs. 1400-2300 to 1200-1800/- with effect from August, 1992 was wrongly done in contravention of the rules. Accordingly, the Labour Court However, meanwhile the Petitioner superannuated from service on 1.3.1994 and since thereafter he has been kept deprived of his pensionary benefits on account of raising unnecessary dispute as regards the fixation of his salary and making recovery vide Annexures 5 and 7 issued by the Accountant General (Respondent No. 4).

3. It is not the case of the Respondents that they ever challenged the validity of the Award contained in Annexure 1. The learned Counsel for the State, however,

submitted that later this Court in the case of Kosi Project Workers Union v. State of Bihar and Ors. L.P.A. No. 884 of 1996 has held that the Industries Department is not an industry and as such the Award given by the Labour Court is not binding upon the State. This Court is unable to accept the sad submission of the learned Counsel for the State. Any law laid down subsequently does not take away the effect of the judgment/award given in a case between the parties. It is well settled that the judgment and award given in a case binds inter party unless the same is set aside by the higher court. Under such circumstances the Respondents are not justified in acting contrary to the award given by the Labour Court and passing orders for recovery of the alleged excess salary paid to the Petitioner and consequently fixing the pension against the award given by the Labour Court.

4. Accordingly, the writ application is allowed. The impugned orders issued by the Accountant General (Respondent No. 4) contained in Annexures 5 and 7 to the amendment petition are hereby quashed and the Respondents are directed to take steps for issuance of sanction order authority slip for payment of the entire (SIC) the (SIC) two weeks of the receipt/production of the copy of this order.

5. As prayed by the learned Counsel for the Petitioner, liberty is given to the Petitioner to file representation before the authority concerned with respect to any other claim including the time bound promotion.