

(2010) 09 PAT CK 0089

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 633 of 1998

Dr Ram Sevak Singh and Moulik Sidhant

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 30-09-2010

Acts Referred:

Citation : (2010) 09 PAT CK 0089

Hon'ble Judges : Navaniti Prasad Singh, J

Bench : Single Bench

Judgement

Navaniti Prasad Singh, J.—In the year 1997, just prior to his superannuation, petitioner had filed this writ petition claiming promotion as Reader and Professor thereafter. Petitioner was appointed as Demonstrator on 20.05.1977 and then pursuant to fresh advertisement, as Lecturer on 14.12.1977. We need not go into the controversies now inasmuch as a supplementary counter affidavit has been filed sworn by the Deputy Secretary, Ayurved, Directorate of Indigenous System of Medicine annexing therewith a notification dated 28.06.2006 issued by the State Government in which the relief, as claimed by the petitioner, has been duly granted. Petitioner has been promoted, with retrospective effect, to the post of Reader with effect from 01.07.1989 and to the post of Professor with effect from 01.07.1994. The petitioner superannuated on 31.07.1999. So far as remuneration is concerned, for the period during which petitioner was in service, he continued to work as a Lecturer. I, therefore, do not find anything wrong in the decision of the Department in not granting him financial benefit accordingly. But so far as payment, upon superannuation is concerned, the same must be made in the scale of Professor and not on the basis of last pay certificate because that was erroneous as at that time, petitioner was wrongly shown to be a Lecturer. Learned Counsel for the State states that the notification itself provides that the retiral dues would be worked out and paid on basis of revised pay scale. This Court would only clarify that revised pay scale would mean pay scale revised as per notification granting promotion to the petitioner.

2. With the aforesaid direction, the writ petition is disposed of.