
(2007) 08 PAT CK 0091
In the Patna High Court

Dr. Sachchidanand Dubey

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 03-08-2007

Acts Referred:

Citation : (2008) 1 PLJR 205

Hon'ble Judges : Mihir Kumar Jha, J

Bench : Single Bench

Judgement

Mihir Kumar Jha, J.—Pursuant to the earlier order though the Director(Administration) Department of Primary, Secondary and Adult Education, Bihar, Patna, is present but the Secretary of the aforesaid department is not present. An application has been filed, I.A. No. 4272 of 2007, praying therein that his personal appearance may be exempted as he is busy in attending official meeting at Lucknow. In view of the facts mentioned in I.A No. 4272 of 2007, such prayer of the Secretary of the department for his exemption is allowed.

2. A counter-affidavit has been filed on behalf of respondent Nos. 1 and 2 and the Director (Administration), who is also present in the Court, has claimed that whatever amount admissible and payable to the petitioner has already been paid.

3. Mr. Shukla, learned Counsel for the petitioner, raised the issue that certain amount of payment of salary of his earlier promotion has not been paid.

4. Learned Counsel for the State submits that so far admissible amount of promotion is concerned, it will be paid but there is one difficulty on the part of the State Government in making payment of the salary in the pay scale of Rs. 4100 - Rs. 5300 (old scale) because earlier when the scale was granted to the petitioner by order dated 22.8.2000, the financial benefit of the scale was subject to concurrence and approval of the Finance Department. By another order dated 18.2.2003 it has been sought to be conveyed that the Finance Department has concurred that financial benefit on the promoted post of super time scale would be given only from such date from which the person concerned had held the post

of Regional Deputy Director of Education, Bihar, Patna. In the order dated 18.2.2003 the name of the petitioner has been shown at serial No. 8 and he is shown to have entitled only for the period from 1.2.1981 to 28.2.1990.

5. Learned Counsel for the Accountant General, however, draws attention towards the notification No. 802 dated 29.6.2004 whereby and whereunder the revised pay scale of Rs. 4100 - Rs. 5300 being Rs. 14,300 - Rs.18,300 has been sought to be revised and " reduced to Rs. 10,000-Rs.15,200.

6. Learned State counsel submits that pursuant thereto the entitlement of the petitioner would be reduced.

7. This matter definitely does not come within the ambit of retirement benefit and since it relates to fixation of pay scale upon, granting of promotion, this Court only gives liberty to the petitioner to raise this issue separately by filing another writ petition, if so advised.

8. It is however made clear that whatever, amount is payable to the petitioner, on account of his earlier promotion i.e. Junior Selection Grade and Senior Selection Grade and there is no dispute even as per averment made in the counter-affidavit, must be paid to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

9. With the aforementioned observation and direction this writ application is disposed of.