
(2010) 03 PAT CK 0111
In the Patna High Court

Gour Chand Ghose

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 10-03-2010

Acts Referred:

Citation : (2010) 03 PAT CK 0111

Hon'ble Judges : Sudhir Kumar Katrari, J

Bench : Single Bench

Judgement

Sudhir Kumar Katrari, J.—This writ petition has been preferred for a direction to the respondent authorities to revise his pensionary benefits in the scale of Rs. 12000-16500/-, with effect from 1.1.1996, i.e. with effect from the date his juniors in the gradation list have been given, with consequential benefits.

2. A brief statement of facts essential for the disposal of the writ petition may be indicated. The petitioner was appointed as Inspector of Co-operative Societies in the Bihar Government. In the year 1962, he was promoted as General Manager, Central Co-operative Bank, Ara. He was further promoted to the post of Assistant Registrar, Co-operative Societies, with effect from 1.3.1979. The department published the combined gradation list on 8.5.1980 (Annexure-1), wherein the petitioner figured at serial No. 87. The department thereafter issued notification dated 18.4.1985 (Annexure-2), wherein the posts relevant in the present context as well as the inter-changeable posts were indicated. On 11.6.1987, the petitioner was posted as Principal, Co-operative Training Centre, Ranchi. He was granted junior selection grade with effect from 1.4.1981, vide order dated 27.10.1987. He superannuated from the services of the Bihar Government with effect from 31.8.1989. He was given the senior selection grade with effect from 1.12.1986, vide order dated 11.1.1991 (Annexure-3)

2.1) As per the report dated 25.3.1991 (Annexure-5) of the Anomaly Removal Committee with respect to recommendations of the Fifth Pay Commission, the petitioner was granted appropriate pay-scale, and his pensionary benefits were accordingly calculated and fixed. The Bihar Government issued order dated

13.7.2002 (Annexure-8), whereby persons junior to him in the aforesaid combined gradation list were given higher pay-scale, namely, Rs. 12000-16500/-, with effect from 1.1.1996. The petitioner, therefore, prays that he may be granted the same pay-scale with effect from 1.1.1996, his pensionary benefits may be revised accordingly, and the differential amount be paid to him.

3. Mr. Piyush Lal, learned Counsel for the State of Bihar, has opposed the writ petition. Mr. Jawahar Prasad Karn, learned Counsel for the Accountant General has supported the stand taken by the State of Bihar.

4. We have perused the materials on record and considered the submissions of learned Counsel for the parties. It appears to me that the petitioner ranked higher in the combined gradation list than the persons who were given the higher pay-scale by the aforesaid notification dated 13.7.2002 (Annexure-8). However, the petitioner superannuated from the services of the Bihar Government way back on 31.8.1989, and no material has been brought to my notice that any person junior to the petitioner who had superannuated on 1.1.1996, was given the benefit. In that view of the matter, there is no discriminatory action, and the petitioner has not been subjected to hostile discrimination. Learned Counsel for the State of Bihar has rightly submitted that the appropriate notification of the State Government applicable in the petitioner's case is of 22.12.1999 (Annexure-7), which was really applied in his case and all the post-retirement benefits have accordingly been calculated and the proceeds have been paid to him. It appears to me that there is no merit in this writ petition and is indeed a frivolous writ petition.

5. The writ petition is dismissed.