

(2013) 09 JH CK 0013
In the Jharkhand High Court
Case No : WP (S) No. 7236 of 2012

Rabindra Prasad Sharma

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 18-09-2013

Acts Referred:

Citation : (2013) 4 JLJR 459

Hon'ble Judges : Shree Chandrashekhar, J

Bench : Single Bench

Advocate : Ajay Kumar Sah and Raunak Sahay, for the Appellant;

Final Decision : Allowed

Judgement

Shree Chandrashekhar, J.—The petitioner has approached this Court seeking the following reliefs:--

(i) For quashing of revised pay slip dated 3.10.2012 issued by the office of Respondent No. 5 whereby annual increment which was earlier

granted to the petitioner has been withdrawn and consequently a revised pay slip has been issued.

(ii) For direction commanding upon the respondent authorities particularly respondent Nos. 1, 4 and 5 to show cause as to why they be not

directed to grant annual increment to the petitioner and consequently they be not directed to issue fresh pay slip after granting annual increment to

the petitioner with effect from 1.7.2011.

The brief facts of the case are that, the petitioner joined the post of Junior Engineer, Water Resource Department, Government of Bihar. The

petitioner was granted promotion on 20.4.2011 and his name appeared at serial No. 44 in the communication dated 20.4.2011. However, the

petitioner was not granted the benefit of the annual increment and a wrong pay slip was issued on 7.9.2012 and therefore, the petitioner has

approached this Court by filing the present writ petition.

2. A counter-affidavit has been filed in which it has been admitted that the petitioner was granted promotion on 20.4.2011 and it has also been

admitted by the respondents that the petitioner has cleared the departmental professional examination.

3. Heard the learned counsel appearing for the parties and perused the documents on record.

4. The learned counsel appearing for the petitioner has submitted that in view of Clause 3 read with Clause 7 of Part-II of the Appendix-D of

P.W.D. Code, the petitioner was entitled for a period of 3 years for clearing the departmental professional examination and after the grant of

promotion on 20.4.2011, the petitioner has cleared the said examination within the period of 2 years itself and, therefore, he is entitled for benefit

of grant of the first increment with effect from 1.7.2011 and the second increment from 1.7.2012.

5. On the other hand, the learned counsel appearing for the respondents has submitted that since the petitioner cleared the departmental

examination on 16.4.2013 and, therefore, the benefit of the increment was rightly not given to the petitioner.

6. By I.A. No. 4534 of 2013, a copy of the pay slip which was issued to the petitioner has been brought on record and the said application was

allowed by order dated 1.8.2013 and thus, the pay slip issued on 8.5.2013 is also under challenge before this Court.

7. On a perusal of the documents on record and more particularly, the counter affidavit filed on behalf of the respondents, it appears that the

respondents have admitted that the petitioner was granted promotion with effect from 20.4.2011 and he has also cleared the departmental

professional examination and a certificate has been issued on 16.4.2013. It appears that a wrong pay slip was issued to the petitioner and

therefore, the petitioner has approached this Court by filing the present writ petition. In view of the specific provision contained in Bihar Public

Works Department Code and in view of the fact that the respondents have themselves admitted that the petitioner has cleared the professional

examination on or before 16.4.2013, I am in agreement with the learned counsel for the petitioner that the petitioner is entitled for grant of increment on his promotion which was given to the petitioner on 20.4.2011. In view of the aforesaid, this writ petition is allowed and the respondents are directed to grant benefit of the increments to the petitioner with effect from 1.7.2011.