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**(2006) 04 PAT CK 0002**

**In the Patna High Court**

**Case No : L.P.A. No. 125 of 2006 & LPA No. 125 of 2006**

The State of Bihar and Others

APPELLANT

Vs

Ranjana Sinha and Another

RESPONDENT

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**Date of Decision : 18-04-2006**

**Acts Referred:**

**Citation : (2006) 2 PLJR 491**

**Hon'ble Judges : J.N. Bhatt, C.J.;S.N. Hussain, J**

**Bench : Division Bench**

**Advocate : Rakesh Kumar, for the Appellant; Ravi Shankar Ganguli, for the Respondent**

**Final Decision : Dismissed**

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## **Judgement**

1. After having heard learned counsel appearing for the parties and considering the facts and circumstances, as well as, the grounds stated in the application for condonation of delay, we are satisfied that there was sufficient cause for not filing this Letters Patent Appeal within time. The application for condonation of delay shall, therefore, stand allowed and the delay of 174 days in filing the Letters Patent Appeal shall stand condoned. Rule is made absolute. No costs.

2. In so far as the merits of the Letters Patent Appeal is concerned, it is directed against the judgment of the learned Single Judge dated 26.7.2005 in C.W.J.C. No. 12268 of 2001, whereby, the prayer of the original petitioners, respondents herein, came to be granted to the extent that their claim for equivalent scale in view of the Fitment Committee Report, as well as, the new scale paid to the Central Government employees is justified.

3. The respondents herein are the original petitioners who claimed the scale of Rs. 8000-13500/- claiming it to be an appropriate replacement or equivalent to the scale given to the Central Government Officers and employees. The petitioners were working as lecturers and they were in the pay scale of Rs. 2200-4050/- in the State Institute of Education Technology which is a registered

Society under the Societies Registration Act fully financed by the Ministry of Human Resources, Government of India. The Government of India has financial, administrative and pervasive control in so far as the said Society is concerned.

4. It is in this context when there was a revision in the scale and new scales were given to the Central Government employees and Officers of the registered Societies managed by the Government of India, the original petitioners ought to have been paid the equivalent new scale as is being paid to the Central Government employees.

5. Apart from that, there was a Fitment Committee which, also, Reported that hitherto the scale of Rs. 2200-4050/- would be equivalent to scale of Rs. 8000-13500/-. Therefore, obviously, the original petitioners-respondents, lecturers in the State Institute of Education Technology would be entitled to the replacement scale as demanded even in pursuance of the report of the Fitment Committee which is not questioned before us. We are, therefore, also, of the opinion that the ultimate conclusion recorded by the learned Single Judge and the grounds manifested in support of this conclusion are quite justified requiring no interference of this Court in exercise of powers under Clause 10 of the Letters Patent. Obviously, therefore, we are left with no alternative but to dismiss the Letters Patent Appeal at the threshold. Accordingly, this Letters Patent Appeal shall stand dismissed with costs.