

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1254 of 2011

In

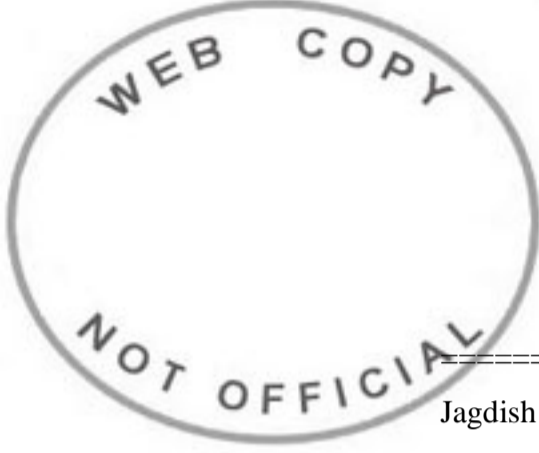
Civil Writ Jurisdiction Case No. 18542 of 2009

With

Interlocutory Application No.6199 of 2011

In

Letters Patent Appeal No.1254 of 2011



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Jagdish Prasad Singh S/o Late Ram Swarup Singh R/o Mohalla Daudpur
Kothi, Police Station- Brahampura, Distt.- Muzaffarpur.

.... Petitioner-Appellant

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Food Supply and Commerce Department, Bihar, Patna
2. The Accountant General of Bihar, Patna
3. The Deputy Secretary, Food Supply Commerce Department, Bihar, Patna
4. The District Magistrate, Muzaffarpur
5. The Sub-Divisional Officer (West), Muzaffarpur
6. The District Accounts Officer, Muzaffarpur

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent State: Mr. S.Raza Ahmad, AAG-9

Mr. Vishwambhar Prasad, A.C. to AAG-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5. 27-08-2012

Being aggrieved by the judgment and order dated

23rd February 2010 passed by the learned single Judge in C.W.J.C. No. 18542 of 2009, the writ petitioner has preferred this Appeal under Clause 10 of the Letters Patent.

The matter at issue is the pay fixation on revision of pay effective from 1st January 1996. The appellant on his promotion as Marketing Officer was entitled to the pre-revised scale of pay of Rs.1640-2900 and the corresponding pay scale of Rs.5500-9000 on revision of pay effective from 1st January 1996. However, the appellant, then in receipt of higher pay of Rs.2000-3800 on account of grant of time bound promotion, claims that on revision of pay he was entitled to a higher pay in the pay scale of Rs.6500-10500.

The Government of Bihar had, under its Notification dated 8th February 1999, revised the pay scales of its employees effective from 1st January 1996. Paragraph 11 of the said Notification specifically mentions, **“The State Government have decided to abolish the existing facilities of Time Bound Promotions and selection grades, discussed in paras 10 and 12 of F.D. Resolution No.6021 dt. 18th December 1989 and they shall cease to be applicable with effect from 1st January 1996 and thereafter in the existing pay scales.”**

In view of the aforesaid specific stipulation, while giving the benefit of the revised pay scales the selection grade granted to the appellant in the scale of Rs.2000-3800 was not taken into consideration and the pay revision was made keeping in view the substantive pay scale of Rs.1640-2900. Accordingly, the pay fixation was made in the corresponding scale of Rs.5500-9000.

In our opinion, the benefit of pay revision and

fixation of pay has been extended to the appellant in consonance with the aforesaid Notification dated 8th February 1999. The higher pay scale of Rs.6500-10500 claimed by the appellant is not sustainable. Learned single Judge has rightly dismissed the writ petition.

No case for interference is made out. Appeal is dismissed in *limine*.

Interlocutory Application stands disposed of.

(R.M. Doshit, CJ)

(Ahsanuddin Amanullah, J)

Pawan/-