

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4976 of 2015

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Pashupati Nath son of Khedan Thakur, Resident of Village Dibi, P.S. Darounda in the District of Siwan.

.... Petitioner/s

Versus

1. The Union of India through the Director General, Central Reserve Police Force C.G.O. Complex, Lodhi Road, New Delhi.
2. The Inspector General of Police, Central Reserve Police Force, Patna (Bihar Sector).
3. The Deputy Inspector General of Police, Central Reserve Police Force, (Group Canteen) Mokama Ghat, Patna.
4. The Commandant, 21 BN. Central Reserve Police Force, 56 A.O.P., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate.

For the Respondent/s : Mr. Sanjay Kumar (ASG)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 02-04-2015

Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application

reads as follows:

"1. directing the respondents to fix the pay of the petitioner in the revised pay scale on the basis of the Sixth Pay Revision with effect from 1/1/2006 based on or order from the Directorate General, Central Reserve Police Force, Ministry of Home Affairs, New Delhi.

It is further prayed to pay the consequential benefits to the petitioner arising out of the fixation of pay on the basis of Sixth Pay Revision and under M.A.C.P. Scheme, also fixed the pension on revised pay scale with interest."

3. Learned counsel for the petitioner submits that the petitioner had retired from the Central Reserve Police Force (hereinafter referred to as ' the CRFP') on 31.01.2009 but his salary was not fixed in the revised pay scale as per the recommendation of the report of 6th Pay Revision Committee. He



has, in this regard, invited attention to a correspondence of the Commandant of the 21st Battalion to Deputy Inspector General of Police, CRFP, Mokamaghat wherein a request was made for granting arrears of salary and pension to the petitioner consequent upon to fixation of pay in the revised pay scale. Learned counsel for the petitioner has submitted that despite the aforesaid correspondence, no fruitful result had emerged whereafter the petitioner had filed a representation addressed to the Director General of Police, CRPF on 28.11.2013, but that also has remained unanswered till date.

4. Learned counsel for the respondents, on the other hand, has pointed out that the petitioner was already given the benefit of two financial up-gradation and as such his grievance for grant of M.A.C.P. can lead at best only one more enhancement of pay scale. In this regard, he explains that the earlier claim for grant of M.A.C.P. has been revised by changing the title of grant of such M.A.C.P. from 12 and 24 years to 10, 20 and 30 years.

5. At this stage, when the case of the petitioner has been recommended for fixation of the pay scale to which the petitioner became entitled in view of implementation of the report of 6th Pay Revision Committee, this Court is not required to make any pronouncement on the merit of the claim of M.A.C.P. of the

petitioner.

6. As noted above, the representation of the petitioner is pending and in fact till date even the correspondence made by the Commandant in the Month of November, 2013 has not led to any decision much less an adverse decision.

7. In that view of the matter, this Court would direct the respondent no. 2, Inspector General of Police, CRPF, Patna to ensure that whatever decision has to be taken as with regard to grievance of the petitioner, as raised in this writ application, either in respect of fixation of salary in the revised pay scale with consequential payment of arrears of salary and/or pension or even grant of 3rd M.A.C.P., must be made within a period of four months from the date of receipt of a copy of this order.

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

(Mihir Kumar Jha, J)

Sujit/-

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