

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2989 of 2013

In

Civil Writ Jurisdiction Case No. 18290 of 2011

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Digambar Jha Son Of Late Bahadur Jha Resident Of Mohalla- L.I.G-7/28
West Lohiya Nagar, Kankarbagh Colony Patna, P.S.- Kankarbagh, District-
Patna

.... Petitioner

Versus

1. The State of Bihar
2. Brajesh Malhotra father's name not known to the petitioner,
commissioner cum secretary, Information and Public Relation,
Department Bihar, Patna
3. Durgesh Nandan, father's name not known to the petitioner, Director,
Information and Public Relation, Departmet Bihar, Patna
4. Nirmal Chandra Jha, father's name not known to the petitioner, Joint
Secretary, Information and Public Relation, Department, Bihar Patna
5. Nirmal Chandra Jha, father's name not known to the petitioner, under
Secretary, Information and Public Relation Department Bihar, Patna
6. I.D.S. Dhariwal, father's name not known to the petitioner, Accountant
General, Bihar Patna

.... Contemnors – Opposite Parties

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Appearance :

For the Petitioner/s :

For the Contemnors –Opposite Parties :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 28-01-2015 Heard learned counsel for the petitioner and learned AC
to AAG No. 3.

The present petition has been filed with a prayer to
initiate contempt proceeding against opposite parties on an
allegation of willful disobedience to an order dated 12/4/2012
passed in CWJC No.18290 of 2011. In the writ petition it was
claimed that petitioner was given Ad-hoc charge of the post of
Deputy Director, Information and Public Relations Department,

whereas, he was holding substantive post of Assistant Director and he retired holding the post of Deputy Director in the same capacity. The petitioner had claimed for fixation of his salary and pension treating him as Deputy Director. The writ petition was disposed of with a direction to consider and fix the appropriate pay scale of the petitioner as Deputy Director and also pay arrears of salary.

In this case show cause and supplementary show cause has been filed on behalf of opposite parties. A specific statement has been made in paragraph no. 9 of the show cause filed on behalf of opposite party no. 3 on 22nd August, 2013 that pay scale of Assistant Director and Deputy Director was same i.e. Rs. 1,000/- to 1,820/-. It has further been indicated that accordingly the petitioner's services were regularized and confirmed as Deputy Director.

Learned State Counsel has also placed reliance on Annexure - 'E' to the supplementary show cause filed on behalf of opposite party no. 1 to 4. Annexure - 'E' is a communication issued by the Accountant General which corroborates regarding the same pay scale of Assistant Director and Deputy Director. Since there was no difference of pay scale, there was no reason for re-fixing the pension on the basis of regularization and

confirmation of the petitioner as Deputy Director. I do not find any ground to proceed with the matter

The petition stands disposed of.

It goes without saying that if still any grievances exist, the petitioner would be at liberty to approach the authority concerned.

(Rakesh Kumar, J)

Praful/-

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