

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17808 of 2013

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1. Md. Shamim Ansari S/O Md. Wasi Resident Of Muhallah- Digha Iti Samgam Colony, Police Station Digha, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Department Of Agriculture, New Secretariat, Bihar, Patna
3. The Joint Secretary, Department Of Agriculture, New Secretariat, Bihar, Patna
4. The Company Secretary, Department Of Agriculture, New Secretariat, Bihar, Patna
5. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Bihar, Patna
6. The Managing Director, Bihar State Seed Corporation Limited, Mithapur, Patna
7. The Additional Agriculture Director, (Broad Caste), Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Respondent/s : Mr. Vishwambhar Prasad, AC to AAG 9
Mr Sourendra Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-11-2015

Petitioner tried to make out a case that the respondent Bihar State Seed Corporation Limited has discriminated against him and did not abide by the terms and condition of his absorption, especially clause 5 of Annexure- 2, dated 27th of September, 2011.

Petitioner was an employee of Bihar State Sugar Corporation Limited but since the Corporation fell into bad times and was on verge of liquidation, some of these employees out of compassion came to be absorbed in different Corporations, if not Departments under the State. Petitioner got an opening in Bihar State

Seed Corporation on the post of a Driver which he was.

In terms of clause 5, a pay revision in accordance with the recommendation of the 6th Pay Committee was worked out for the petitioner and his salary was paid by the Corporation. He has superannuated but he feels that he has been short- changed and tries to draw analogy vis-à-vis other persons similarly deputed in other organizations.

The Seed Corporation was directed to file affidavit and explain their stand with regard to grievance raised by the petitioner in the present writ application.

They have clearly and categorically stated that based on the last pay drawn by the petitioner under the Sugar Corporation, the corresponding replacement scale to the basic pay was extended to the petitioner, in support thereof an office order dated 21.10.2011 has been annexed as Annexure- A. The pay scale and the benefits in addition to the basic pay have been indicated in Annexure- A and all payments to the petitioner have been made from the date of his absorption, which is said to be 28.9.2011.

The claim of the petitioner that the basic pay cannot be the basis for the replacement scale and the dearness allowance and some other increments and allowances have to be also taken into consideration. Since it has not been done, that is why a lower pay

scale has been fixed by the Seed Corporation.

The petitioner does not have the foggiest of idea that a replacement scale is always based on the basic pay and not on add-ons. The add-ons will remain add-ons and every pay revision committee makes recommendation for revision only on the basic pay of an employee. Since there is no dispute in the replacement scale, obviously the writ application has been filed with an object of deriving some more benefits from the State exchequer by a retired employee whose greed is not yet over.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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