

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1981 of 2011

Indrakant Jha S/O Late Baidyanath Jha R/O Mohalla- Naya Tola, Sunderpur Bela,
P.S. - Lalit Narayan Mithila University, Distt.- Darbhanga

.... Petitioner/s

Versus

1. The Bihar State Road Transport Corporation, Bihar, Patna Thru Its Chairman-Cum-Managing Director Parivahan Bhawan, Bihar, Patna
2. The Administrator, Bihar State Road Transport Corporation Parivahan Bhawan, Bihar, Patna
3. The Divisional Manager, Darbhanga Division, The Bihar State Road Transport Corporation, Darbhanga

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 07-07-2015

Heard learned counsel for the parties.

The prayer of the petitioner in this writ application which
was filed on 31.1.2011 had read as follows:-

"I(I) For issuance of an appropriate writ(s)/rule(s)/
direction(s) in the nature of mandamus commanding
the respondents to revise the petitioner's pay as per
5th and 6th Pay-Revision and pay all the arrears with
statutory interest.

(II) For issuance of a direction to the concerned
respondent to grant annual increment in his salary
which is due since 1982 and thereafter fix the
petitioner's pay-scale as same benefit have already
been given to other similarly situated persons."

Learned counsel for the petitioner, in support of the
aforementioned prayer, has submitted that the petitioner had to
continue in service only with the benefit of pay-scale of 4th Pay

Revision Committee as adopted by the Corporation and was never paid the pay-scale of the revised pay-scale of 5th and 6th Pay Revision Committee though the petitioner had continued in service till 31.1.2010.

The aforesaid submission of the learned counsel for the petitioner is absolutely incorrect because this Court would find that the petitioner's pay-scale in the 4th Pay Revision Committee was 535-765 and after the Corporation had adopted the 5th Pay Revision Committee Report, the pay-scale was revised to Rs. 975-1540. As a matter of fact, on the basis of his pay-scale, his pay was being fixed as Rs. 1210 as on 1.3.1989. In fact, the Divisional Manager of the Corporation, vide office order no. 180/2013 dated 31.10.2013 passed during pendency of this writ application, has also revised the salary of the petitioner in the pay-scale of Rs. 975-1540 by treating the salary of the pay-scale Rs. 1210 as on 1.3.1989 and his last pay shown as on 23.10.1999 has been 1540. Now the petitioner wants to say to this Court that he has not been given actual benefit of the aforesaid order passed by the Divisional Manager on 31.10.2013 during pendency of this writ application.

Mr. P.K. Verma, learned senior counsel for the Corporation explains that the petitioner was entitled for the benefit of the pay-scale of 5th Pay Revision Committee and that if it has not already been extended to him despite notified by the Divisional Manager in the

order dated 31.10.2013, the same shall definitely be extended but, there would be no question of making payment of revised salary for the 6th Pay Revision Committee which has not been extended by the Corporation till date to any of its employee.

In view of the aforesaid stand of the parties, this Court would direct the competent authority of the Corporation to only examine that part of the claim of the petitioner to ensure that if he has not been given benefit of payment of difference of salary of revision of the pay-scale of the 5th Pay Revision Committee, that must be paid to the petitioner as per the order of the Divisional Manager vide office order no. 1409 dated 31.10.2013 within a period of three months from the date of receipt of this order.

It, also goes without saying that if the petitioner's pay-scale has already been revised as per the 5th Pay Revision Committee Report, the petitioner's retirement benefit, on account of the last pay drawn will also change and thus the monetary benefit thereof to the extent it has been given to other employees of the Corporation, shall also be paid to the petitioner within the same period of three months.

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

(Mihir Kumar Jha, J)

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