

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1844 of 2011

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Prabhu Narayan Vidyarthi S/O Late Guru Sharan Singh Yadav R/O Moh.-
Kathahal Tola, P.S.- Sohsarai, Distt. Nalanda

.... Petitioner/s

Versus

1. Madhya Bihar Gramin Bank, Head Office, Mina Plaza, Patna through Its Chairman
2. The Chairman, Magadhya Bihar Gramin Bank, Head Office, Mina Plaza, Patna
3. The Senior Manager (Personnel) Madhya Bihar Gramin Bank, Head Office, Mina Palza, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar, Adv with Mr. Bijay Kumar Pandey, Adv

For the Respondent Bank: Mr. Sarva Deo Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 07-07-2015 Heard learned counsel for the parties as with regard to
the following relief prayed in this writ application:

".... to quash the order dated 18.01.2010 contained in letter no. RL49/2010 issued by the respondent senior Manager (M.S.V.S.) whereby and whereunder respondent has been pleased to dismiss the appeal of petitioner. The said appeal had been performed by petitioner on the light of order dt. 20.8.2008 passed by the Hon'ble Court in CWJC No. 8942/06 for payment of 3 increments in existing pay scale on the date of payment but the respondent has order5ed for payment of said 3 increment in the old pay scale of 1990."

2. Having regard to the nature of relief sought in this writ application relating to quashing of an order dated 18.01.2010, this Court on perusal of the counter affidavit is satisfied that nothing irregular has been done in the case of the petitioner in the matter of computation of three increments which were given to him by way of personal pay. The concept of 'personal pay' is



well defined in the fundamental Rules. Which means that whenever such additional increment is awarded to an employee his such increment has to be paid in the pay scale but then not by keeping them in the basic salary but adding the component of three increments as additional pay. It is here that the petitioner has misunderstood the whole concept of three increments awarded to him. As a matter of fact, the petitioner should be satisfied that the authorities of the Madhya Bihar Gramin Bank are still bound by their own decision in the impugned relevant portion whereof reads as follows:-

“The employee will be given 3 increments in the form of personal pay (with immediate effect) equivalent to the amount of next 3 increments due which will be paid to him during the entire period of his service.”

“Since the advance increments to Shri Prabhu Narayan Vidyarthi in the existing grade have already been released by way of personal pay, the same will be remain fixed and shall be paid for entire period of service on the permanent basis.”

(underlining for emphasis)

3. The petitioner was awarded such amount of next three increments on 15.01.1990, and therefore, whatever amount was awarded to him by way of three increments have also been assured by the impugned order.

4. That being so, this Court does not find any error much less any cause of action for him to maintain this writ application.

5. The bank however will recalculate the amount on the basis of the decision taken in the impugned order and if it is

found by the authority that any additional amount beyond the amount of three increments as directed in impugned order dated 18.01.2010(Annexure-1) had been paid, only such that amount shall be recovered/adjusted from the payable amount to the petitioner.

6. In that view of the matter this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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