

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12323 of 2016

1. Dr. Sharda Nand Singh S/o late Lal Bihari Singh Resident of Flat No. 83/84, Officer's Flat, New Punaichak , Patna 23 Presently Posted as State Examiner of Questioned Documents, in Police Laboratory CID Bihar, FSL Building Bailey Road, Patna.
2. Jayant Kumar S/o late Lakshman Gupta resident of Urmila Sadan, Kasturba Nagar, Bazar Samiti, Mahendru Patna 6 Presently Posted as SE of Finger Print Bureau, CID, Bihar, Patna.
3. Ashutosh Kumar S/o late Sri. N.N. Mandal Resident of C-3, Lane-6, Vijaynagar, Rukunpura, Patna-14, Presently Posted as SE of finger Print Bureau ,CID, Bihar, Patna.
4. Shakuntala Kumari W/o Sri Ramu Singh Resident of C-504, Officer's Hostel, Bailey Road, Patna-1, Presently Posted as SE of Finger Print Bureau, CID, Bihar, Patna.
5. Lakhan Lal Singh S/o late Munshi Lal Singh resident of Nehru Singh 537, Lane No. 29, P.O. Patliputra , Patna 13, Presently Posted as SE of Finger Print Bureau, CID, Bihar, Patna.
6. Sanjay Kumar S/o Sri S.L. Paswan Resident of Chandpur Bela, (Devi Asthan) GPO Patna-1, Presently Posted as SE of Finger Print Bureau, CID, Bihar, Patna.
7. Anil Kumar Gupta S/o late Sheo Shankar Prasad Gupta resident of Mahavir Colony, Saichak, Anisabad, Patna-2, Presently Posted as State Examiner of Finger Print Bureau, CID, Bihar, Patna.
8. Raju Chaudhary S/o Sri Pyarelal Chaudhary Resident of Nizampur, P.O. Naubatpur, P.S Naubatpur, District Patna, Presently Posted as State Examiner of Questioned Documents, Police Laboratory, CID, Bihar, Patna.
9. Raju Kumar S/o Kishundeo Diswa Resident of Flat No. 204, West Patel nagar, Shastri Nagar, District Patna, Presently Posted as State Examiner of Questioned Documents , Police Laboratory, CID, Bihar, Patna.
10. Dr. Santosh Kumar Sinha S/o Sri Kameshwar Prasad Resident of Mahesh nagar, Road No. 3, P.S Patliputra, District Patna Presently posted as State Examiner of Questioned Documents, Police Laboratory, CID, Bihar, Patna.

.... Petitioners

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Old Secretariat Building Patna.
2. The Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Additional Director General of Police, CID, Bihar, Old Secretariat, Patna.

.... Respondents

Appearance :

For the Petitioners : Mr. Chandra Mohan Singh, Advocate
For the Respondents : Mr. Vivek Prasad, GP-7
Mrs. Manisha Singh, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 17-11-2016

Heard counsel for the petitioners and counsel for the State.

The petitioners had filed a writ application earlier which was disposed of with a direction for consideration by the Principal Secretary, Department of Finance, Government of Bihar. The issue was what is the pay-scale to which the petitioners would be entitled to by virtue of the posts they are holding of State Examiner of Questioned Documents and State Examiner of Finger Prints.

The parity, which the petitioners are looking vis-à-vis the Central Government employees placed similarly, is not an issue, which is being raised or agitated for the first time. Matter came before 6th Pay Revision Commission and thereafter before the Fitment Committee as well. The parity which the petitioners were looking at was not found by these specialized bodies. However, a decision dated 04.03.2014 has come, which is Annexure-3 to the writ application. This decision does not satisfy the petitioners.

On the basis of the previous direction in C.W.J.C. No. 7950 of 2011, the Principal Secretary, Finance, Government of Bihar, has passed a very detailed speaking order placing the entire history of such appointments, issue of parity and the entitlement of pay-scale and came to a considered opinion that nothing more

beyond Annexure-3 is payable to the petitioners.

Questions of pay-scale and entitlement of an employee to demand and beget a particular pay-scale contrary to a recommendation of a Pay Revision Commission really does not come within the ambit of adjudication of a writ Court. The Hon'ble Apex Court has been of the opinion that these are issues which are best left in the hands of such expert bodies who are better placed to appreciate and hold the claim and the entitlement. The decision rendered in State of U.P. Vs. J.P.Chaurasia, reported in (1989) 1 SCC 121, is a case on the point.

6th Pay Revision Commission has run its life. The 7th Pay Revision has already been implemented by the Central Government for its employees, but the State of Bihar is yet to make up its mind on the issue though some steps have been taken in this direction.

The right forum, therefore, for the petitioners, as to be kind of entitlement of pay-scales should be placed before the 7th Pay Commission as and when it starts functioning. All issues, which are sought to be raised or has been considered and negated, can be considered by said body afresh dispassionately. The Court will not venture to decide the issue of entitlement in the above stated facts as well as the legal position.

Writ stands disposed of with the liberty above.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.11.2016
Transmission Date	N/A