

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9836 of 2014

Subas Mishra, S/o Late Raj Narain Mishra, Resident of Village Gajadharganj, P.S. Buxar, District Buxar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Joint Secretary of Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Dehri, District Rohtas at Sasaram.
5. The Executive Engineer, Sone Nahar, Pramandal, Buxar.
6. The Accountant General, Bihar, Birchand Patel Path, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6
For the Respondent/s : Mr. SC4-Md. Raisul Haque
For the Accountant General: Mr. Dr. Anand Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 26-10-2016

Heard learned counsel for the parties.

Writ application has been filed by the petitioner, who superannuated from the post of Khalasi for grant of grade pay of Rs. 2400 /- per month and corresponding revision of pension etc.

Petitioner is relying upon the Finance Department's circular, contained in Annexure-1, dated 01.08.2011. The irony of the situation is that the petitioner is willing to read the circular only in piecemeal and not in entirety. The circular clearly and categorically in paragraph 1 states that for a class-iv post, the minimum requirement of passing of 10th standard is a must for the grade pay, which the petitioner is looking for.

It cannot be a case of an employee that he will not have the eligibility, but still have the expectation of better deal or a higher deal.

The right of the petitioner flows from the said circular, which is also the case of the petitioner. The said circular cannot be read in isolation and the entirety of the provision has to be taken into account.

The stand of the State is in similar term that since petitioner has not provided any inputs with regard to his educational qualification, he cannot be granted benefit of grade pay of Rs. 2400/- (twenty four hundred).

This position cannot be disputed.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.10.2016
Transmission Date	