

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15915 of 2015

1. Ramayan Ram, son of Late Sugriv Ram, resident of Mohalla - Ram Jaypal Nagar, P.s. - Rupaspur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. The Engineer - in - Chief - cum - Additional Commissioner - cum - Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
6. The Additional Secretary, Department of Finance, Govt. of Bihar, Patna.
7. The Accountant General, Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur
Mr. Neeraj Sanidh

For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP 22

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-07-2016

The prayer made in the present writ application on behalf of the petitioner is to fix his pay-scale by shifting the annual increment from 1st of July of the year since non-grant of increment from the said date has implication and consequences. Writ application has been filed making a grievance that non-grant of increment from the fixed date in terms of the circular of the government is not only violation of the circular but also Articles 14, 16 and 21 of the Constitution.

No doubt, a date has been fixed by the State Government for grant of such increment for every employee. If the petitioner had been given benefit of a higher pay-scale either by virtue of substantive promotion or by virtue of grant of benefit of MACP on a date after the date fixed for such grant of increment, the increment has to be earned on the pay-scale which the petitioner is deriving. He

can only draw the advantage of that pay-scale on a subsequent date. The previous increment will accrue to him on the basis of the earlier pay-scale which was authorized to him prior to his promotion. The Court has reasons to say so because an increment always accrues on the basis of the current pay-scale and the position which is held by an employee. It cannot be a case of any employee that he will get an increment from a date prior to the grant of promotion by either mode, i.e. scheme of MACP or substantive promotion.

Obviously, petitioner has started planning for his retirement as well as looking at his pension already and that is the only reason for filing of the writ application and not because any law supports that prayer.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28/07/2016
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