

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14838 of 2012

Dr. K.K. Prasad, S/O Late Kesho Dayal, Resident of Shyama Shah Clinic Lane,
New Patliputra Colony, P.S. Patliputra Colony, District Patna

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Water Resources, New Delhi
2. The Chairman, Central Ground Water Board, Bhujal Bhawan, NH IV, Faridabad- 121001
3. Pay and Accounts Officer, Central Ground Water Board, Bhujal Bhawan, NH IV, Faridabad- 121001
4. The Sr. Administrative Officer, Central Ground Water Board, Bhujal Bhawan, NH IV, Faridabad- 121001
5. The Pay and Accounts Officer, Central Ground Water Board, NH IV, Faridabad- 121001
6. The Regional Director, Central Ground Water Board, Mid Eastern Region, Lok Nayak Bhawan, Fraser Road, Patna- 800001

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ray Shivaji Nath, Sr. Advocate
Dr. Jayant Kishore Verma, Advocate
Mr. Ray Saurabh Nath, Advocate
For the Respondent/s : Mr. Sanjay Kumar, A.S.G.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 07-04-2016

Heard Sri Ray Shivaji Nath for the petitioner and

Sri Sanjay Kumar, Assistant Solicitor General for the Union of
India.

This writ petition is directed against the order
dated 21.02.2012, passed in O.A. No. 256 of 2009 by Central
Administrative Tribunal, Patna Bench, Patna. The Tribunal

dismissed the application of the writ petitioner, who was claiming certain enhancement of retiral dues.

We have gone through the order of the Tribunal and in our view it requires no interference.

In sum and substance, the submission on behalf of the petitioner is that though the petitioner retired on 31.03.1991, he was entitled to the pay scale and consequently the retiral benefits of the post of Director as was created on 13.02.1995 which was effected on 01.04.1995. What was urged was that the Government of India in 1989 set up a High Level Multi Disciplinary Committee to review the goals and objectives as also the cadres and pay scales in the Central Ground Water Board. The Committee submitted its recommendations on 19.07.1990. This was accepted by the Government, but as noticed above, it was only implemented/ notified by creating new posts and fixing pay scales thereof on 13.02.1995 with effect from 01.04.1995. On behalf of the petitioner, it is urged that as petitioner had retired in 1991 on the post of Director he was entitled to the pay scale and consequently the retiral benefits and dues as was notified for Regional Director with effect from 01.04.1995. The Tribunal did not accept this on the simple ground that any new post, that was created with a new pay scale, would be prospective in application and not retrospective unless made so. The

petitioner could not get the benefit of a new pay scale attached to a post as fixed on a day after his retirement.

Thus, we find no merit in this application. It is accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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