

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13244 of 2013

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Madan Prasad, Son of Late Kailash Prasad, Resident of Village+P.O.- Sondho, P.S.
Goraul, District- Vaishali

.... Petitioner

Versus

1. The State of Bihar, Through the Secretary, Public Health Engineering Department, Government of Bihar, New Secretariat, Patna
2. The Chief Engineer, Mechanical, Public Health Engineering Department, New Secretariat, Patna
3. The Superintending Engineer, Mechanical, Public Health Engineering Circle, Muzaffarpur
4. The Executive Engineer, Public Health Engineering Division, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Pankaj, Adv.

For the Respondent/s : Mr. M.N.H. Khan, S.C.-1.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-10-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner has sought relief for
payment of difference of salary of the regular post for the period
from 1.6.2002 to 28.11.2006 and also difference of salary in terms
of 6th Pay Commission Report.

3. The claim of the petitioner is that he was inducted in the services of the Government of Bihar and superannuated from the post of Key Man Choukidar and as such he is entitled to the salary in terms of the 6th Pay Commission Report with effect from 1.1.2006.

4. So far as the grievance of the petitioner with respect to difference of salary for the period from 01.06.2002 to 28.11.2006 has been redressed and the only grievance is left respect to fixation of salary in accordance with 6th Pay Commission Report.

5. Let the petitioner file a detailed representation before the competent authority, who will examine the case of the petitioner and pass a reasoned order after hearing the petitioner. The competent authority shall examine why the petitioner has not been conferred the benefit of 6th Pay Commission Report. If the competent authority comes to a finding that the petitioner has wrongly been deprived for the benefit of the 6th Pay Commission report, then the benefit arising from the 6th Pay Commission Report be given to the petitioner. While considering the case of the petitioner the competent authority must consider the fact that the petitioner has been working since long in the establishment.

6. The competent authority shall complete the entire exercise within a period a period of three months from the date of filing such representation by the petitioner.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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