

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13911 of 2013

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Shatrughan Sah Son Of Sri Bishwanath Sah Resident Of Mohalla:- Bara Telpa,
P.O.- Chapra, P.S.- Chapra Town, District- Saran, Posted As Peon In Nagar
Parishad, Chapra

.... Petitioner/s

Versus

1. The State Of Bihar, Through Principal Secretary, Urban Development
Department, Government Of Bihar, Patna
2. Nagar Parishad, Chapra, Through Its Executive Officer, At & P.O. & P.S.:-
Chapra, District- Saran
3. The Chairman, Nagar Parishad, Chapra, At & P.O. & P.S.:- Chapra, District-
Saran
4. The Executive Officer, Nagar Parishad, Chapra, At & P.O. & P.S.:- Chapra,
District- Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ved Prakash Srivastva, Adv.
For the State : Mr. P.K. Verma, AAG-3
Ms. Divya Verma, AC to AAG-3
For the Nagar Parishad : Mr. Indu Bhushan, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-12-2016

In the present case the petitioner is seeking payment of salary claiming that it is due from December 2012 till the date of filing of the petition. Further prayer has been made to pay the difference of pay arising from implementation the 5th and 6th Pay Revision Committee Report and also demanding arrear of interim relief since 1993 to 2004.

The petitioner has been working in the Nagar Parishad, Chapra as a Class-IV employee. A grievance has been made that he has not been paid salary for certain period as stated above and he has



also not been given the benefit of 5th and 6th Pay Revision Committee Report.

A counter affidavit has been filed by the Chhapra Nagar Parishad wherein it has been stated that due amount of the difference of salary since 1989 to 1993 had already been paid to the petitioner vide voucher no. 385 dated 27.3.2004, the dues amount of difference of D.A. since 1.7.1993 to 31.3.2004 has also been paid to the petitioner vide cheque number A615752 dated 4.12.2014 amounting Rs. 1,42,035/-. Salary up to November 2013 has been paid to the petitioner and it has been claimed that the petitioner was suspended since 2013 to September 2014. As the petitioner had not worked during suspension period, therefore, he was not paid salary on the principle of "no work no pay". It has further been said that the period of absence during strike period has been treated as extraordinary leave and the amount will be paid immediately after granting extraordinary leave to the petitioner but, the petitioner has not submitted the prescribed application till the date of filing of the counter affidavit. It has been said that the petitioner has been given benefit of 5th Pay revision Committee Report, accordingly he has been paid difference of salary arising out of 5th Pay Revision. A grievance has been raised by the petitioner that he has not been given the benefit of 6th Pay Revision Committee Report when others have been given such benefit



whereupon learned counsel for the Nagar Parishad, Chapra has produced a letter as contained in Memo No. 1655 dated 8th November, 2016 addressed to the present petitioner. From perusal of that letter, it appears that the benefit of 5th Pay Revision Committee Report has already been given to the petitioner and the amount has already been credited to his account. So far as the benefit of 6th Pay Revision Committee Report is concerned, learned counsel for the Nagar Parishad, Chapra submits that he has received instruction from the authorities that the benefit of 6th Pay Revision Committee Report will be given to the petitioner within a period of two weeks from today.

In view of the statement made at the Bar, this Court has trust and hope upon the respondent authorities that they will pay the said amount within a period of two weeks from today.

It is made it clear that if the respondent authorities would fail to comply their commitment before this Court, the order of this Court, the petitioner will be at liberty to file a short application for reopening the present proceeding and this court may straightway draw contempt proceeding against the respondent authorities.

However, the petitioner will be also at liberty that if he is still has not satisfied, he may file an application before the authority concerned who will look into the matter and take decision in accordance with law.



With the aforesaid observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2016
Transmission Date	

