

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14949 of 2013

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Bhagwan Deen Paswan Son Of Late Dhanu Paswan Resident Of Village -
Bhagwanpur Chatti, Police Station And District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Government Of Bihar, Patna
2. The Secretary, Public Works Department, Bihar, Patna
3. The Commissioner, Public Works Department, Bihar, Patna
4. The Engineer In Chief, Public Works Department, Bihar, Patna
5. The Chief Engineer, Public Works Department, Bihar, Patna
6. The Superintendent Engineer, Public Works Department, Road Department,
Darbhanga
7. The Executive Engineer, Public Works Department, Road Division, Darbhanga
8. The Executive Engineer, Public Works Department, Road Division, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Respondent/s : Mr. Uday Bhan Singh, AC to GP-19

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-12-2016

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

In the present case, the petitioner is impugning the order
dated 4.5.2013 contained in letter no. 403 whereby the claim of the
petitioner has been rejected.

The basic premise of the grievance of the petitioner is
that he was appointed as a Khansama in the scale of pay, was wrongly
given as 65-72 whereas the pay-scale should have been given as 70-80
and time to time the scale of pay was revised of Peon as well as



Khansama. The scale of pay of Khansama always was in higher side to the peon but, in the year 1999, the designation of the petitioner was changed from Peon to Khansama and has been getting the benefit since then. The disputed period is now remains from 1970 to 1999 and the petitioner is claiming that he should be given difference of salary for the period in question.

Earlier the petitioner had moved before this Court in CWJC No. 3995 of 2008 and this Court had remanded the matter back. Now the question is that the petitioner has already superannuated from service, all the retiral dues including benefit arising from the A.C.P. scheme has been given to the petitioner in the correct scale of pay. The limited grievance is the difference of salary for the period 1970 to 1999.

Learned counsel for the State has produced the original service book. On comparison of the appointment letter, in the first part, the post has been shown as Khansama but, the scale has been given 65-72 and that has been mentioned in the service book. So there is no contradiction in the statement in the appointment letter and the record of the service book. The claim of salary for the period is too remote i.e. after forty years, the petitioner wants his difference of salary which cannot be given by this Court.

Accordingly, this Court does not find any merit in this



writ application and the same is dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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