

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6119 of 2014

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Bansi Dhar Singh Son Of Late Ram Sewak Singh Resident Of 'Manjula Niwas',
New Colony, Chitragupta Nagar, Kankarbagh, Patna- 20

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Department Of Human Resources Development (Higher Education), Govt. Of Bihar, Patna
2. Patna University Through Its Registrar, Ashok Rajpath, Patna
3. Vice-Chancellor Patna University Through Its Registrar, Ashok Rajpath, Patna
4. Registrar Patna University Through Its Registrar, Ashok Rajpath, Patna
5. Finance Officer, Patna University Through Its Registrar, Ashok Rajpath, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-05-2016

Heard learned counsel for the parties.

The sum essence of the dispute, which arises in the present writ application, is whether the decision taken by the respondent-Patna University to correct the pay-scale of the petitioner in any manner falls foul of any law or the entitlements of the petitioner as such.

Petitioner's superannuation from the post of Jr. Lab Assistant sometime in the year 2009. He raises a grievance that university authorities have now reworked the pay-scale of the petitioner from Rs. 5000-8000/-, which was sanctioned and authorised by the university to Rs. 4000-6000/-. Such a decision is impermissible now taking into consideration that such pay-scale

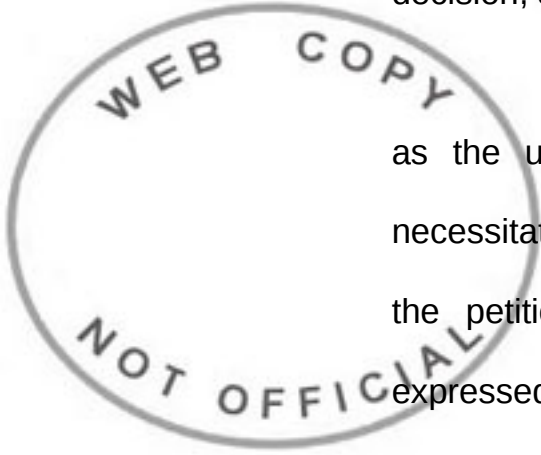
was granted and authorized in favour of the petitioner in the decision, some of which is annexed with the writ application.

The Court directed, both the State Government as well as the university, to justify such an action and as to what necessitated the correction in the pay-scale and the entitlement of the petitioner as well as the dis-satisfaction, which he has expressed with regard to the pay revision.

The university as well as the State have taken a kind of unified stand that the pay-scale to which the petitioner was entitled to, is based on the notification, issued by the State Government from time to time. No employee either of the State or the university can claim benefit of a pay-scale over and above what has been notified by the State, because payment accrues to employees only on the basis of the notification of the pay-scale so granted.

In the counter affidavit of the university, two notifications, one contained in Annexure-B and another, contained in Annexure-D, have been annexed. The pay-scale given to Jr. Lab Assistant in both the cases have been indicated to be Rs. 4000-6000/- and the corresponding replacements w.e.f. 01.01.2006 is Rs. 5200-20200, Pay-band-1 with Grade Pay-2400.

If what has been notified by the university or correction has been made in conformity with the two notifications, then merely because petitioner managed to obtain some kind of a decision with regard to a different pay-scale, not in conformity with



the notification, he cannot be allowed to hang on to that pay-scale when such pay-scale is not provided, for the substantive post, on which the petitioner was holding, which is not a subject matter of dispute.

The State has taken some additional position in the counter affidavit. However, since that issue is not required to be gone into by this Court, because the matter and the status of Demonstrators and their pay-scale is a matter, which is pending before the Hon'ble Apex Court. If there is a decision and fall out of the same and if benefit even accrues to the petitioner, that will be another aspect of the matter altogether. As of now, no direction in favour of the petitioner to give him the benefit of pay-scale of Rs. 5000-8000/- or replacement scale from 01.01.2006 is required to be done in view of the position noted in the earlier part of the order.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	04.05.2016
Transmission Date	