

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24434 of 2013

Binay Kumar S/O Late Bacchu Singh Of Village- Phimpura Vi Masaurhi, P.S.
Masaurhi District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Finance Department Government Of Bihar, Patna
2. The Principal Secretary, Finance Department Govt. Of Bihar, Main Secretariat, Patna
3. The Director, General Provident Fund Bihar, Pant Bhawan, Bailey Road, Patna
4. Principal Secretary, Department Of Industries, Govt. Of Bihar, New Secretariat, Patna
5. Bihar State Leather Industry Development Corporation Ltd. Through Its Managing Director Udyog Bhawan, East Gandhi Maidan, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.

For the State : Mr. Madhukar Mishra, AC to SC-16

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-09-2016

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

In this case the petitioner was an employee of the Bihar State Leather Industry Development Corporation Limited and in the year 1982 he was promoted to the post of Work Superintendent in the pay-scale of Rs. 850-1360. As the condition of the Bihar State Leather Industry Development Corporation Limited deteriorated and it was at the verge of closure, he was deputed in the General Provident Fund Department, Patna vide Memo No. 4456 dated 25.4.1997 and the petitioner was posted in the G.P.F. Directorate, Patna. As large number of employees of the different



organization were sent on deputation, to rationalize the payment of salary, a letter dated 2.9.1997 was issued under the signature of Director, General Provident Fund Directorate, Bihar, Patna placing condition on the deputed employees that the persons, who have joined the GPF Department, would be entitled to the scale of pay of Rs. 1200-1800 and they would not claim for protection of their pay-scale what they were getting in their respective Department. On this condition, they were allowed to continue in the service of G.P.F. Department but, in the year 2007, the petitioner and others were absorbed in the services of G.P.F. Department and, accordingly, they became part and parcel of the G.P.F. as it was complete fusion in G.P.F. Department.

The petitioner has already superannuated from service. A claim has been made by the petitioner that after absorption in the service, he is entitled to the revision of pay-scale as has been given to the other employees of the Department.

Learned counsel for the State has objected the prayer of the petitioner on the ground that his deputation was made under certain condition, now he cannot say that he is entitled for revision of the pay-scale.

Condition (Kha) (Annexure-18) only provides that when the petitioner and others will be taken in service, their pay-scale will be Rs. 1200-1800. It does not put rider that in future if the new pay-scale will be introduced, the petitioner will not be entitled to that benefit and it is also a fact that now after absorption in the G.P.F. Department, his lien does not lie

with the Leather Corporation and his lien has been snapped from there and he become a member of the G.P.F. Department. It has been informed that now the Leather Corporation is no longer in existence, it is a closed organization and a winding up proceeding is pending before this Court.

In that view of the matter, for all purpose, now the petitioner is an employee of the GPF Department and he cannot be denied the benefit of revision of pay on account of the fact that there was no revision of pay in the Leather Corporation. As he has nothing to do with the Leather Corporation and he has become the member of G.P.F. Department, he will be treated to be at par with the employee of the G.P.F. Department.

Let the petitioner file a representation before the Director, General Provident Fund, Bihar, Patna who will consider the case of the petitioner in accordance with law and dispose of the same by a reasoned order within a period of four months from the date of filing of such representation by the petitioner after giving an opportunity of hearing to the petitioner.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2016
Transmission Date	NA