

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.310 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 13800 of 2012**

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1. The State of Jharkhand.
 2. Secretary, Department of Home (Police) Jharkhand, Ranchi.
 3. Director General of Police, Jharkhand, Ranchi.
 4. Manager Personnel, Jharkhand Police Housing Corporation Limited, Headquarters At Line Tank, Old Police Lines, PO-GPO, PS- Ranchi Sadar, District- Ranchi 834001, Jharkhand.
 5. Executive Engineer, Jharkhand Police Housing Corporation Limited, Headquarters at Line Tank, Old Police Lines, PO-GPO, PS- Ranchi Sadar, District- Ranchi 834001, Jharkhand.

.... Respondents No.7 to 11- Appellants
Versus

1. The State of Bihar.
2. Secretary, Department of Home (Police), Govt. of Bihar, Patna.
3. Secretary, Department of Personnel, Govt. of Bihar, Patna.
4. Director General of Police, Bihar, Patna.
5. Secretary, Bihar Police Building Construction Corporation, Bihar, Patna.
6. Director General, Department of Bihar Police Housing Corporation Limited, Bihar, Patna.

... Respondents-Respondents.

7. Ravindra Kumar, S/O Shri Basuki Kunwar, R/O Village- Pansalla, PS- Sultanganj, District- Bhagalpur, Bihar.

.... Petitioner-Respondent

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Appearance :

For the Appellants : Mr. Manjri Nath, Advocate

For the Respondent Nos.5 & 6 : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 11-08-2016

The challenge in the present Letters Patent is to an order dated 22nd October, 2013 passed by the learned Single Judge of this Court whereby the appellants were directed to give benefit of pay

revision as per the recommendations of 6th Central Pay Commission to the writ applicant- respondent No.7 herein.

2. The writ applicant was an employee of Bihar Police Building Construction Corporation Limited. On creation of State of Jharkhand on 15th of November, 2000, he continued to work in the present territorial area of Jharkhand and later on, he was taken on deputation by Jharkhand Police Housing Corporation Limited.

3. The writ applicant attained the age of superannuation on 31st of May, 2010. Since he was not given the benefit of pay revision consequent to the recommendations of 6th Central Pay Commission, he approached the writ Court. The writ application has been allowed vide the order impugned in the present Letters Patent Appeal.

4. Learned counsel for the appellants vehemently argued that the benefit of pay revision is to be granted only from 1st January, 2011. He relies upon a Circular dated 23rd December, 2010 issued by the Bihar Police Building Construction Corporation Limited.

5. We do not find any merit in the said argument. A perusal of the said Circular shows that it was communicated that the pay revision granted by the State from 1.1.2006 in respect of employees vide letter dated 21st January, 2010 would be applicable to the employees of the Corporation as well, but arrears would be paid

only from 1st of January, 2011.

6. Since the writ applicant have attained the age of superannuation prior to 1st January, 2011, therefore, he would be entitled to revision of pay scale with effect from 1st January, 2006, but the arrears would be paid only after 1st January, 2011.

7. In view thereof, we do not find error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal. The Letters Patent Appeal is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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