

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3140 of 2014

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Dr. Rameshwar Singh S/O Late Ramjee Singh Resident Of At Dak Bungalow
Road, Police Station- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Finance Commissioner, Government Of Bihar, Patna.
3. The Principal Secretary, Health Department, Government Of Bihar, Patna.
4. The Joint Secretary, Health Department, Government Of Bihar, Patna.
5. The Treasury Officer, Siwan.
6. The Accountant General (A & E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Respondent/s : Mr. SC-15- A. P. Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-02-2016

Heard learned counsel for the parties.

Petitioner retired as a Superintendent of Rajendra Medical College & Hospital, Ranchi on 31.01.1993. Post retirement his pension etc. has been authorized and even revised from time to time. However, the reason for his moving the High Court is that the pension, which has now been authorized and fixed in terms of Annexure-6, is not in consonance with the pay-scale, which has been authorized by the State Government for such posts. Petitioner has an expectation of his pension being fixed in the pay-scale of Rs. 14,300-18,300/- instead of Rs. 12000-16500/-.

The respondents have denied that the petitioner is



entitled to the said benefit for the reason that the petitioner is a retiree of 31.01.1993. He derived benefit of a particular pay-scale on the basis of the 5th Pay Revision Committee's recommendation, where there was a provision for grant of super-time-scale, which is the higher scale, which was available under the stagnation scheme. The pay-scale, which the petitioner is looking at, is a pay-scale, which has been fixed by the State Government on the basis of a new scheme, when the new recommendation of the Pay Revision Committee was put in place and the old scheme was abolished.

What the petitioner is eying is a benefit, which is available in the new scheme for the people, who are in service and the same cannot be made available to a person, who has already superannuated and derived benefit under the old stagnation scheme.

The Court is in agreement with the rational and reasoning provided by the respondent-State in its counter affidavit. It is a writ application filed by a retired person looking for a few rupees more to take home instead of assertion of a bona-fide right for correction of a particular pay-scale on which his pension has been fixed.

Annexure-7, which has been annexed by the petitioner in the rejoinder and a reading thereof, supports the stand of the State.

Writ application has no merit. The fixation of pension of the petitioner is in accordance with last pay drawn by him and Annexure-6 reflects that position in an unambiguous term, so does not require any interference.

Writ application is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

SKM/-

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