

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6421 of 2013

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1. Sheo Nandan Prasad S/o Lakhan Ram, resident of village - East Bhikhnachak, Chandrabansi Nagar, Post Anisabad, District - Patna
 2. Syed Belaluddin S/o Sayad Hellaluddin, resident of village - Mahuna, Post - Tarau, District - Rohtas
 3. Binod Prasad S/o Sohra Prasad, resident of village- Ramnagar, Post - Akbarpur, District - Arwal
 4. Sudhir Kumar Singh S/o Late Rajendra Prasad Singh R/o Mohalla : - Chetna Samiti, North of A.G. Colony, Post - Ashiyana, P.S. - Ashiyana, District - Patna
 5. Rajendra Prasad Yadav S/o - Late Chandreshwar Prasad R/o Village - Milki , Post - Vevar, P.S. - Sikaria, District - Jehanabad.

.... Petitioner/s

Versus

1. Bihar State Beverage Corporation Ltd., Vidyut Bhawan, Phase-II, Jawahar Lal Nehru Marg, Patna through its Managing Director.
2. Managing Director, Bihar State Beverage Corporation Ltd., Vidyut Bhawan, Jawahar Lal Nehru Marg, Patna.
3. General Manager, Administration and Human Resources, Bihar State Beverage Corporation Ltd., Vidyut Bhawan -I, Jawahar Lal Nehru Marg, Patna.
4. Senior Manager, Administration and Human Resources, Bihar State Beverage Corporation Ltd., Vidyut Bhawan -I, Jawahar Lal Nehru Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Sinha
For the Respondent/s : Mr. Vikas Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-05-2016

Heard learned counsel for the petitioners and learned counsel for the Bihar State Beverage Corporation.

In this case, the petitioner is claiming that though he has been given the pay scale of Rs.4000-6000/-, but the similarly situated persons have been given the pay scale of Rs.4500-7000/-. Admittedly the petitioner is originally an employee of the BISCOMAUN, has



been deputed to the Bihar State Beverage Corporation in the year 2007 in the pay scale of Rs.4000-6000/-. Grievance has been raised by the petitioner that the similarly situated persons who have come, later on, have been granted the benefit of pay scale of Rs.4500-7000/-. In pursuance of the Board decision dated 4.8.2009, the counsel for the petitioner submits that the petitioner should also be given the identical scale of pay as has been given to the other identical persons who have also come from the BISCOMAUN, are getting higher pay scale whereas the counsel for the Beverage Corporation submits that though the aforesaid scale of pay was given to Suresh Kumar, Krishna Kant Singh, Shailendra Kumar Singh, Kamal Paswan, Vijay Kumar Singh, Rajendra Prasad Gupta, Sunil Kumar Jailwal and Surendra Singh, but the Audit, objection was raised by the Accountant General, Bihar in the year 2012-13, the pay scale which was given to them, have been re-fixed and brought to the pay scale of Rs.4000-6000/- and in paragraph 8 of the reply filed on behalf of the respondent to the supplementary affidavit filed on behalf of the petitioner, has stated that the services of Suresh Kumar, Krishna Kumar Singh, Shailendra Kumar Singh have been repatriated, vide letter no. 1437 dated 30.03.2013, but the counsel for the petitioner insists that still the letter dated 22.4.2010 which stipulates that the same pay scale would be paid corresponding to the pay scale of the parent department and the

pay scale will be remain enforced till their repatriation, is still in operation.

The counsel for the petitioner submits that the persons mentioned in the list, have also come from the same office as from the petitioner, petitioners cannot be treated as different class apart whereas counsel for the Beverage Corporation submits that pay scale has been fixed corresponding to the pay scale of the parent department.

Let this matter be examined by the Managing Director and if it is found that there is a discrimination in the same class without any reasonable classification then it suffers from principle of inequality. Petitioners are directed to file a detailed representation before the Managing Director who will examine the case of the petitioners vis-a-vis the other persons and take a positive decision by a reasoned order within a period of three months from the date of receipt/production of a copy of this order.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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CAV DATE	
Uploading Date	21.5.16
Transmission	

Date	
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