

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12405 of 2013**

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1. Suniti Sinha Wife Of Sri Baiju Prasad Singh Resident Of Flat No. 603, Devendra Residency, Near Nalanda Medical College & Hospital, Bahadurpur, P.S. Agam Kuan, District - Patna, The Retired Head Typist, Bihar Legislative Assembly , Patna

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Finance Department, Government Of Bihar, Patna  
2. The Bihar Legislative Assembly, Patna Through The Secretary  
3. The Secretary, The Bihar Legislative Assembly, Patna  
4. The Under Secretary, The Bihar Legislative Assembly, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. S.B.K. Mangalam, Advocate.  
For Respondents 2 to 4 : Mr. Devendra Sinha, Sr. Advocate.  
Mr. Abhinav Raj, Advocate.  
For the State : Mr. S. Singh, AC to AAG-10

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 26-10-2016**

Heard the parties.

During pendency of this writ petition petitioner has been granted third M.A.C.P. with effect from 1.8.2009 in the grade pay of Rs.4600.

Only grievance has been raised by the petitioner that in place of grade pay of Rs. 4600 he should have been given grade pay of Rs.5400 as has been given to Superintendent as there grade pay was Rs.4200 and it has been enhanced to Rs.5400 whereas petitioner has been discriminated and has been given grade pay of Rs.4600 in place of grade pay of Rs.5400.

Learned counsel for the petitioner has pointed out that of ground of review that has been given by the Under Secretary, Bihar Legislative Assembly, letter no.733 dated 11.5.2013 that the legislative assembly has not adopted resolution no.11989 dated 30.12.2011 which is for the assembly to take decision in the matter but in the same class others have been given benefit then there cannot be discrimination in fixation of grade pay.

For redressal of his grievance, petitioner is directed to file a detailed representation before Secretary, Bihar Legislative Assembly who will examine the case of the petitioner and take decision in accordance with law within a period of three months from the date of filing of representation. If it is found that petitioner is entitled for the same it goes without saying that petitioner will be given the consequential benefit.

With the aforesaid observation and direction this writ petition is disposed of.

**(Shivaji Pandey, J)**

Vinay/-

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| AFR/NAFR          | NAFR      |
| CAV DATE          | NA        |
| Uploading Date    | 9.11.2016 |
| Transmission Date | NA        |