

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10678 of 2013

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Jay Prakash Pandit S/O Late Prayag Pandit Resident Of Village - Singarhatt, P.O. Mogalkuan, P.S. Biharsharif, Distt. - Nalanda, At Present Residing At Mohalla - 80 Hanuman Path New Jakkanpur, P.S. Jakkanpur, P.O. Jakkanpur, P.O. Jakkanpur, Distt. - Patna

.... Petitioner/s

Versus

1. The State Of Bihar, Through Chief Secretary Govt. Of Bihar, Patna
2. The Principal Secretary, Industries Department Patna
3. The Special Secretary, Industries Department Patna
4. The Deputy Secretary, Govt. Of Bihar Industries Department Patna
5. Managing Director, Bihar Industrial Area Development Authority 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 4
6. Managing Director, Bihar State Pharmaceutical & Chemical Development Corporation Patna
7. Chief Administrative Officer, Biada, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kr. Labh, Adv.
Mr. Shyama Kant Singh, Adv.
For the BIADA : Ms. Archana Jha, AC to GA-6
For the Pharmaceuitcal
Chemical Corp. : Mr. Bipin Bihari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 16-11-2016

Heard learned counsel for the petitioner and counsel for the
State as also counsel for the BIADA.

Vide order dated 17.10.2016, it appears that the petitioner
is no longer claiming for placement in the BIADA but, has confined
his prayer for payment of difference of salary as per central pay-scale.

It appears that the Bihar State Pharmaceutical & Chemical
Development Corporation (in short 'the Corporation') has addressed a
letter to the BIADA wherein it has been mentioned that the financial
condition of the Corporation is in a very precarious position, the

employee of the Corporation is not getting salary since 1993 and so much so that the memorandum no. 660 dated 8.2.1999 has not been enforced with regard to the employees of the Corporation and if BIADA intends to give the central pay-scale, they can do so but from their own resources in which the Corporation will have no objection.

It is the case of the parties that the petitioner was basically an employee of the Corporation, for certain period, he worked with the BIADA and when in the parent department, no employee has been given the said benefit, the petitioner cannot claim the benefit arising from Memorandum No. 660 dated 8.2.1999. The claim of the petitioner has already been rejected by the BIADA vide letter dated 10.9.2014 holding that the benefit cannot be extended to the petitioner which has not been challenged in the present case.

In that view of the matter, this Court does not find any merit in this writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2016
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