

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13360 of 2008

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Sri Ambika Nath Chaubey son of Late Sari Krishan Cho ubey, residsnet of village Pandey Patti, P.O. and P.S. Pandey Patti, District Buxar

.... Petitioner/s

Versus

1. The Bihar Industrial Area Development Authorities, Bihar, Patna through its Secretary, having office Udyog Bhavan, East of Gandhi Maidan, Patna
2. The Managing Director, Bihar Industrial Area Develop0ment Authority, Udyog Bhavan East of Gandhi Maidan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Nitesh Kumar, Advocate

For the Respondent/s : Mr Piyush Lall, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-05-2017

This writ application was adjourned to be listed after disposal of LPA No.1477 of 2014 since the issue raised in the present writ application was also directly related to the issue, which was decided by a learned Single Judge on 11.5.2007 in CWJC No.8539 of 2004. The order of the learned Single Judge having relevance to the issue is reproduced herein below.

“Heard Counsel for the parties.

By a supplementary counter affidavit an order dated 22.09.2006 has been brought on record. This letter of the Managing Director categorically stated that the recommendations and benefits of VIth Pay Revision Commission has been made available to the employees of BIADA, the petitioner admittedly is an employee and this is the relief which he had asked for in the writ application. In view of the office order dated 22.09.2006 nothing more need to be said except that it is hoped and expected that the respondents would pay the necessary revised pay scale to the employees in terms of the office order.

This writ application in view of the supplementary counter affidavit above has become infructuous. It is



accordingly dismissed as having become infructuous.”

BIADA also filed a Letters Patent Appeal on many a grounds but the Division Bench refused to interfere with the order of the learned Single Judge and the LPA was dismissed vide order dated 24.04.2017.

If this be so, the entitlement of the present petitioner would be also governed by the decision rendered by the learned Single Judge because there cannot be two different yardsticks with regard to employees of one organization i.e. the BIADA.

Learned counsel for the BIADA submits that there is a Division Bench decision, which has been rendered by a Bench of which I was a party, which is LPA No.1703 of 2015, decided on 25.1.2017, therefore, even this decision should be taken into consideration.

Since this Division Bench order has been passed much prior to the Division Bench whose order was awaited and kept the present writ application pending and the Division Bench's order passed in LPA No.1703 of 2015 and other analogous cases, decided on 25.1.2017 was not brought to the notice of the Division Bench in LPA No.1477 of 2014, this Court has nothing to offer over and above what has been decided in relation to the LPA No.1477 of 2014.

The writ application is allowed. Respondents are



directed to extend the same benefit, which has been extended to other employees.

(Ajay Kumar Tripathi, J)

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