

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.958 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 12577 of 2012**

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1. Prem Kumar Sinha, S/o Late Shashi Bhushan Sinha, R/o Khangaon House, Jagat Narayan Road, Patna - 800003.
 2. Kaushlendra Kumar, S/o Late Lalit Kumar, R/o Kajipur Quarter, Road No. 3, opposite Quarter 17, Patna - 800004.

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Secretary, Minor Irrigation Dept., Govt. of Bihar, Secretariat, Patna.
3. Deputy Secretary, Minor Irrigation Dept., Govt. of Bihar, Secretariat, Patna.
4. Director, Minor Irrigation Dept., Govt. of Bihar, Secretariat, Patna.
5. Deputy Director Minor Irrigation Dept., Govt. of Bihar, Secretariat, Patna.
6. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
7. Smt. Shobha Rani Sinha, W/o Sri Shailendra Kishore, R/o A/3, Kankarbagh Housing Colony, Patna - 800020.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-04-2017

Seeking exception to an order dated 09.05.2014 passed by the learned Writ Court in C.W.J.C. No. 12577 of 2012 this appeal has been filed under Clause 10 of the Letters Patent.

2. Appellants claim benefit of a notification and fixation of their pay in the scale Rs. 10,000-15,200/- after grant of benefit of A.C.P. and various other provisions. The learned Writ Court took note of the grievance of the appellants and in Paragraphs 4 and 5 after



recording the following findings dismissed the writ petition :-

“4. What is of significance in the present writ application is that whatever has been relied upon by the petitioners as the sheet anchors was in relation to a notification prior to the recommendation of the 5th Pay Revision Committee and the recommendation of the Fitment Committee. These committees have made specific recommendations as to their entitlement in the year 1996. Petitioners have themselves brought on record the notification of the Fitment Committee relating to the Minor Irrigation Department. No doubt, Executive Engineers were given the pay-scale of Rs. 10000-15200 but then the Fitment Committee had specifically made recommendations with regard to different pay-scale for different posts. The said notification itself indicates that Senior Geologist and Senior Hydrologist have been given a particular pay-scale and what is being extended by the State to the present petitioners is in consonance with the 5th Pay Revision Committee’s recommendation.

5. Obviously, the new Pay Revision Committee had analyzed the position and stuck to its recommendation which was upheld even by the Fitment Committee that different posts whose nomenclature has been indicated in the notification, were entitled to a different pay-scales. What was duly notified by the State Government has been implemented as well till 6th Pay Revision took over. These recommendations were never a subject matter of



challenge earlier. If that was so, the previous notification or arrangement prior to coming of the 5th Pay Revision Committee would be of no avail to these petitioners as they would be governed by the notification and the recommendation of the next Pay Revision Committee and what they are getting is in consonance with what was notified and has occupied the field for more than a decade and a half.”

3. Having heard learned counsel for the parties at length, we see no reason to make any indulgence into the matter as the learned Writ Court has dismissed the writ petition after taking note of the recommendations of the Pay Commission and the report of the Fitment Committee. In doing so, no error has been committed by the learned Writ Court warranting reconsideration.

4. The Letters Patent Appeal is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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