

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

**Letters Patent Appeal No.1245 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No. 4206 of 2011.**

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Gopal Krishan Prasad son of late Bisheshwar Prasad, resident of village- Garjaul  
Paharpur, P.O.- Garjaul, P.S.- Mahua, District- Vaishali

.... .... Petitioner /Appellant

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Bihar State Power Generating Company Ltd. Vidyut Bhawan, Bailey Road, Patna, Bihar.
3. Bihar State Power Transaction Company Ltd. Vidyut Bhawan, Bailey Road, Patna, Bihar.
4. The General Manager-cum-Chief Engineer, Barauni Thermal Power Station, Barauni District- Begusarai.
5. South Bihar Power Distribution Company Ltd.
6. The General Manager-cum-Chief Engineer, Muzaffarpur Thermal Power of Kanti (Muzaffarpur).
7. Chief Managing Director Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
8. Chief Managing Director Bihar State Power Generating Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
9. Deputy General Manager, Human Resource Bihar State Power Generating Company Ltd. Vidyut Bhawan, Bailey Road, Patna.

.... .... Respondents / Respondents.

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**Appearance:**

For the Appellant/s: Mr. Vishwanath Prasad Sinha, Sr. Advocate &  
Mr. Yugal Kishore, Advocate.

For the State: Mr. Ranjit Sinha, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 22-11-2017**

Heard learned Senior Counsel for the appellant and  
learned counsel for the State.

2. Writ Application of the appellant has been dismissed by  
the learned single Judge vide order dated 21.04.2016. The intra-court  
appeal has been preferred assailing the said decision. The learned



single Judge while considering the claim of the appellant for a higher pay scale of Safety Officer from 14.05.1993 to 31.07.2008 and further grant of pay scale of Chief Safety Officer from 01.08.2008 to 31.10.2010, the date of superannuation of the appellant, has negated the claim.

3. The submission of the learned Senior Counsel that if an employee has been made to work and shoulder higher responsibility there is an obligation upon the employer to pay higher pay scale and naturally, after retirement, higher pension. In the present case, the Writ Application was initiated in the year 2011, after the superannuation of the appellant, with an eye to beget a higher pension rather than a serious contest to demand and earn a higher pay scale of the post for which he is supposed to have performed duty.

4. Two things stand in the way of the appellant which have also been taken note of by the learned single Judge – firstly, that the posting of the appellant on Safety Officer was not a case of higher post but additional responsibility in the same pay scale. For performing such duty he was offered along with others two increments which was readily accepted and all this transpired by Notification dated 22.07.2003 (Annexure 13 series to the Writ Application); having accepted the terms and conditions and not having assailed the same, on mere filing of a representation it does not



take away the acceptance part of the terms and conditions of such notification.

5. The other aspect, no doubt the post of Safety Officer was separately created in the year 2003 with a pay scale but so far as this appellant is concerned, he remained an Assistant Controller, he retired from the post of Assistant Controller and merely because he officiated on the post of Safety Officer, his expectation to be granted pay scale on the basis of new creation of the post and pay scale on which he was never substantively appointed or to also demand a kind of promotion on the post of Chief Safety Officer with effect from 2008 are nothing but expectations beyond entitlements of the petitioner when no rule or precedent for begetting such claim is pointed out.

6. The learned single judge by dismissing the Writ Application, therefore, in such facts and circumstances has committed no error, which requires to be rectified in appeal.

7. Appeal is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Rajeev Ranjan Prasad, J)**

Dilip, AR

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