

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.756 of 2012

In

Civil Writ Jurisdiction Case No.153 of 2004

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1. THE STATE OF BIHAR
 2. THE SECRETARY-CUM-AGRICULTURE PRODUCTION COMMISSIONER, BIHAR, PATNA, NEW SECRETARIAT, PATNA
 3. THE JOINT SECRETARY TO THE GOVERNMENT OF BIHAR, DEPARTMENT OF AGRICULTURE OF AGRICULTURE, NEW SECRETARIAT, BIHAR, PATNA
 4. THE ADDITIONAL SECRETARY TO THE GOVERNMENT OF BIHAR, DEPARTMENT OF AGRICULTURE, NEW SECRETARIAT, BIHAR, PATNA
 5. THE DEPUTY SECRETARY TO THE GOVERNMENT OF BIHAR, DEPARTMENT OF AGRICULTURE, NEW SECRETARIAT, BIHAR, PATNA
 6. THE UNDER SECRETARY TO THE GOVERNMENT OF BIHAR, DEPARTMENT OF AGRICULTURE, NEW SECRETARIAT, BIHAR, PATNA
 7. THE DIRECTOR, AGRICULTURE, DEPARTMENT OF AGRICULTURE, VIKASH BHAWAN, BIHAR, PATNA
 8. THE PRINCIPAL, EXTENSION TRAINING CENTRE, MUSHAHRI, MUZAFFARPUR
 9. THE SECRETARY, DEPARTMENT OF FINANCE, GOVERNMENT OF BIHAR, PATNA

... .. Appellant/s

Versus

1. RAM BABOO SINGH S/O SRI SATYA NARAIN SINGH R/O - MOHALLA SUBHASH NAGAR, MATHIA ZIRAFF, P.S.- CHATTAUNI CHOWK, DISTRICT - EAST CHAMPARAN
2. SMT. NEELAM SINGH DAUGHTER OF RAMBABOO SINGH ALL ARE RESIDENT OF MOHALLA SUBHASH NAGAR, MATHIA ZIRAFF, P.S.- CHATTAUNI CHOWK, DISTRICT - EAST CHAMPARAN
3. RAMESH CHANDRA SINGH BOTH SON OF RAMBABOO SINGH
4. DR. UMESH CHANDRA SINGH
5. THE ACCOUNTANT GENERAL, BIHAR, PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Kumar, AC to AAG-6
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-10-2017

Seeking exception to an order dated 5.1.2011 passed by the learned Writ Court in C.W.J.C. No.153 of 2004, directing for granting the replacement scale of Rs.10,000-15,200/-, this appeal has been filed by the State Government under Clause 10 of the Letters Patent.

On perusal of the record and hearing the parties, we find that based on orders passed by the competent authority, the respondent employee was found entitled to the 2nd time bound promotion with effect from 30th of August, 1990 in the then existing pay-scale of Rs.3000-4500/-. When the pay revision was brought into force with effect from 1.1.1996 and when the replacement scale of Rs.3000-4500/- was fixed as Rs.10,000-15,200/- and the same was not being granted to the petitioner, the learned Writ Court directed for granting the aforesaid benefit to the petitioner.

Admittedly, the respondent employee was granted the 2nd time bound promotion with effect from 30th of August, 1990 in the then existing pay-scale of Rs.3000-4500/- and it is also clear from the Fitment Committee's Report that the replacement scale for the pay-scale of Rs.3000-4500/- was Rs.10,000-15,200/- and it



is this replacement scale which the learned Writ Court has directed to be paid to the petitioner.

In doing so, we find no error in the order of the learned Writ Court warranting reconsideration.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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