

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2302 of 2016

In

Civil Writ Jurisdiction Case No. 12323 of 2016

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1. Dr. Sharda Nand Singh S/o Late Lal Bihari Singh resident of 100 CDA Colony, North Shastri Nagar, Patna - 23, State Examiner of Questioned Documents, in Police Laboratory CID Bihar, FSL Building, Bailey Road, Patna.
 2. Jayant Kumar S/o Late Dr. Lakshman Gupta resident of Urmila Sadan, Kasturba Nagar, Bazar Samiti, Mahendru, Patna - 6 presently posted as SE of Finger Prints.
 3. Ashutosh Kumar S/o late Sri N.N. Mandal resident of C - 3, Lane - 6, Vijaynagar, Rukunpura, Patna - 14, presently posted as SE of Finger Prints.
 4. Shakuntala Kumari W/o Sri Ramu Singh resident of C - 308, Officer's Hostel, Bailey Road, Patna - 1, posted as SE of Finger Prints.
 5. Lakhan Lal Singh S/o Late Munshi Lal Singh resident of Nehru Nagar, 537, Lane No. 29, P.O. Patliputra, Patna - 013, presently posted as SE of Finger Prints.
 6. Sanjay Kumar S/o Sri S.L. Paswan resident of Chandpur Bela, (Devi Asthan), GPO Patna - 1, presently posted as SE of Finger Prints.
 7. Anil Kumar Gupta S/o late Sheo Shankar Prasad Gupta resident of Mahabir Colony, Saichak, Anisabad, Patna - 2 presently posted as State Examiner of Finger Prints, Finger Print Bureau, CID, Bihar, Patna.
 8. Raju Chaudhary S/o Sri Pyarelal Chaudhary resident of village Nizampur, P.O. Naubatpur, P.S. Naubatpur, District - Patna presently posted as State Examiner of Questioned Documents, Police Laboratory, CID, Bihar, Patna.
 9. Raju Kumar S/o Kishundeo Dishwa resident of Flat No. 204, West Patel Nagar, P.S. Shastri Nagar, District Patna, presently posted as State Examiner of Questioned Documents, Police Laboratory, CID, Bihar, Patna.
 10. Dr. Santosh Kumar Sinha S/o Sri Kameshwar Prasad Sinha resident of Maheshnagar Road No. 3, P.S. Patliputra, District Patna presently posted as State Examiner of Questioned Documents, Police Laboratory, CID, Bihar, Patna.

.... Appellant/s

Versus

1. The State of Bihar through its Chief Secretry, Govt. of Bihar, Old Secretariat Building, Patna.
2. The Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Additional Director General of Police, CID, Bihar, Old Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kishore Kumar Thakur, Advocate



For the Respondent/s : Mr. Shilpi Keshri, AC to AAG10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

5 11-07-2017 Heard learned counsel for the appellants as well as the State.

This appeal is directed against the judgment dated 17.11.2016 passed by a single Bench of this Court vide C.W.J.C. no. 12323 of 2016.

The petitioners filed the writ petition for grant of parity of the scale, i.e., equivalent to the Central Government revised pay scale with effect from 01.01.2006 in the pay band 2 + Rs.4800/- and pay band 3 + Rs.5400/- on completion of four years service. However, it appears that vide Annexure-6 to the writ petition, same privilege was given to them from 04.03.2014, i.e., the date on which Annexure-3 to the writ petition was issued.

Learned single Judge in his judgment dated 17.11.2016 has stated that for the first time parity of scale with the Central Government employees had been agitated before this Court though the matter came up before the 6th Pay Revision Commission and thereafter before the Fitment Committee. However, ultimately the decision was taken vide Annexure-3 dated 04.03.2014 and that was not satisfactory to the petitioners.



Thereafter, the Principal Secretary, Finance, Government of Bihar, passed a very detailed speaking order vide Annexure-6 with regard to entire history of such appointments, issue of parity and the entitlement of pay scale and came to the finding that petitioners class would be entitled for payment since 04.03.2014.

Hence, the writ petition was disposed of in view of the fact that the 6th Pay Revision Commission has run its life and the 7th Pay Revision Commission has already been implemented by the Central Government. The State Government has also notified the 7th Pay Revision Committee. Learned Single Judge has kept the issue open to be raised and considered by the said body afresh. Thus, the issue can be decided by the appropriate forum itself.

In such situation, in our opinion, this matter does not warrant interference.

Accordingly, this appeal is dismissed.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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