

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1692 of 2015

IN

Civil Writ Jurisdiction Case No. 9080 of 2014

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Nageshwar Maharaj, son of Late Gopal Maharaj, Retired Administrative Officer,
Bihar State Pharmaceutical Corporation, Patna, P.S. Kotwali, District Patna

.... Appellant

Versus

1. The State of Bihar
2. Through Principal Secretary Industrial Department, New Secretariat, Patna
3. Managing Director, Bihar State Pharmaceutical Corporation Ltd. Mauryalok,
Patna
4. Bihar State Pharmaceutical Corporation Ltd. through its Chairman, Mauryalok,
Patna

.... Respondents

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Appearance :

For the Appellant/s : Mr. Shyama Kant Singh, Advocate

For the Respondent/s : Mr. Sandeep Kumar, GA-8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-01-2017

Heard counsel for the appellant.

The delay of 100 days in filing the appeal is
condoned for the reasons indicated in I.A. No. 7656 of 2015.

I.A. No. 7656 of 2015 is, accordingly, allowed.

The appellant was an employee of what is known as
of now defunct Bihar State Pharmaceutical Corporation Ltd. He
superannuated on 31.07.2011. After almost three years of
retirement, he filed the writ application for payment of salary or
pay scale on the basis of recommendation of the 5th and 6th Pay



Revision Committee, as was done with regard to State Government employees.

Submission of the counsel for the appellant is that since the Corporation had adopted the Bihar Service Code, therefore, all the benefits, which are available to the State Government employees, automatically apply to the employees of the Corporation.

The learned Single Judge has taken note of the fact that most of these Corporations including the present Corporation is a dead organization. It should have wound up years ago. It is in financial distress and they did not have capacity to take additional burden of payment of 5th and 6th Pay Revision. In addition to that, merely adopting the Bihar Service Code, does not entitle the employees of Corporation automatically, all the benefits, which are available to an employee of the State Government. There has to be a resolution and adoption of those benefits by the Board of Directors of the Corporation as and when changes are notified in the Service Rules as to the entitlement.

A letter of the Managing Director dated 16.07.2014 has also been reproduced in the order, which gives away the position of the Corporation and it emerges that the Corporation has neither adopted nor paid the benefit of 5th or 6th Pay Revision to any



employee of the Corporation so far.

The petitioner cannot be a stand alone beneficiary on some kind of interpretation, which he perceives.

There is no infirmity in the order of the learned Single Judge. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
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