

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10905 of 2011

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1. Maya Kant Thakur S/O Late Shiveshwar Thakur R/O Western Koshi Colony
Qr.No. -WTRB/41, Bhimnagar P.O. Bhimnagar (Bairaj)Distt. -Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Finance, Old Secretariat Govt. Of Bihar, Patna.
3. The Principal Secretary, Department Of Water Resources, Govt. Of Bihar, Patna.
4. The Chief Engineer (Mechanical),Department Of Water Resources Old Secretariat, Patna.
5. The Superintending Engineer (Mechanical) Irrigation Mechanical Circle, Birpur (Supaul).
6. The Executive Engineer (Mechanical) Irrigation Mechanical Division Birpur (Supaul)
7. The District Accounts Officer, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 08-04-2017

Heard learned counsel for the petitioners and the counsel
for the respondents.

The present writ application has been filed for
considering the case of the petitioner in view of the resolution
issued vide memo no. 5961 dated 17.8.2007 read with
corrigendum dated 23.1.2008 issued vide memo no. 711 in
relation to re-fixation of pay in scale of Rs.2650-4000 since
1.1.1996 since it was earlier granted to the petitioner and further
for a direction to pay entire consequential monetary benefits after



quashing the order of recovery of the amount received by the petitioner.

The factual matrix would unveil that the petitioner was appointed on the post of Helper (Temporary) under the work charge establishment of the respondent on 1.1.1974 in the payscale of Rs.165-204. Subsequently, the payscale of the petitioner was revised as Rs.180-242 with effect from 1.1.1974 and Rs.375-480 with effect from 1.4.1981. The petitioner was granted first time bound promotion in the pay scale of Rs.400-540 with effect from 1.1.1984. The services of the petitioner was regularized with effect from 22.10.1984. The petitioner was granted pay replacement, in view of the 5th Pay Revision Committee Report, in the payscale of Rs.825-1200 and the monetary benefits were given w.e.f. 1.3.1989.

The State Government vide memo no. 4965 dated 7.8.1999 took a decision to revise the pay scale of the Helper as Rs.2650-4000, as the replacement payscale of Rs.825-1200. On the representation of the employees, the State Government vide memo no. 5961 dated 17.8.2007 read with 23.1.2008, directed that the employees receiving monthly salary upto the stage of Rs.1030 under the unrevised scale will get the benefit of the pay scale of Rs.2610-3540 while those who are receiving pay above the stage



of Rs.1030 will be entitled to receive the benefit of pay scale of Rs.2650-4000 with effect from 1.1.1996. Since the petitioner was getting the benefit of Rs.2650-4000, hence he received the arrears of payments as per the scale of Rs. 2650-4000. But subsequently the pay scale of the petitioner was reduced to Rs.2610-3540 and recovery at the rate of Rs.1200 per month was directed to be made from June, 2009.

It is submitted by learned counsel for the petitioner that since recovery order was passed without giving any opportunity to the petitioner, though during the pendency of the writ application the petitioner was allowed to represent, but the claim of the petitioner was rejected. However, the State Government vide memo no. 3972 dated 12.5.2016 (Annexure E to the supplementary counter affidavit) issued under the signature of the Secretary, Finance Department reconciled the issue by fixing the payscales in the light of the ACPs being given to the employees and directed that no recovery will be made.

In view of the present stand of respondent-authorities, as gets reflected from annexure E to the supplementary counter affidavit, learned counsel for the petitioner confines his prayer to the extent of a liberty being given to file representation before the respondent authorities for redressal of grievances with



regard to payment of pay scale in the light of memo no. 3972 dated 12.05.2016 and the consequential monetary benefits as well as refund of the amount, if any, already recovered from the petitioner and also to dispose of the same by the respondent authorities in accordance with law within a stipulated time frame.

This writ application is, accordingly, disposed of with the liberty to the petitioner to file a representation with regard to his grievances before the authorities concerned within four weeks and the respondent authority concerned shall consider and dispose of such representation within a period of six weeks, thereafter.

(Dinesh Kumar Singh, J)

Prakash/-Anil/

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.04.2017
Transmission Date	

