

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1350 of 2013
IN
Civil Writ Jurisdiction Case No. 548 of 2013**

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Mukhdeo Sah son of Late Baldeo Sah Resident of Vill - Tira Jatmalpur, P.S.
Kalyanpur, District Samastipur

.... Appellant/s

Versus

1. The State of Bihar
2. General Manager, District Industry Centre, Darbhanga
3. The Director Industries, Industry Department, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Hriday Prasad, Advocate
Ms. Maruti Kumari, Advocate

For the Respondent/s : Mr. A.K. Sinha, GA-1

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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: 15-02-2017

Enough time resource and energy has been wasted in a frivolous kind of claim of the appellant, which has been well considered by the learned Single Judge and rejected. The issue was so called reduction in pay-scale of the appellant from Rs. 180 – 240/- to Rs. 155 – 190. The submission of the counsel for the appellant is that this has been done without any process and without any notice etc.

2. The appellant was appointed initially on a post of Peon in the Gramin Udyog Pariyojna on a particular



pay-scale of Rs. 22.50 – 27.50. Since the scheme closed down, the appellant was absorbed, as is his case, under the Industry Department with effect from 01.04.1978 vide order dated 09.01.1972. When he joined, he was given the pay-scale, but subsequently came to be reduced.

3. In the earlier round of litigation, matter was disposed of with a direction upon the respondents to consider the claim of the appellant. The respondents having considered the claim of the appellant rejected the same on the ground that the actual pay-scale to which the appellant was entitled to was Rs. 155 – 190 while being accommodated on the post of Peon. Since there was no vacancy on that post, for payment of salary, he was shown on the post of Treasury Sarkar. Since the post of Treasury Sarkar is higher than that of Peon, wrong pay-scale also accrued to the appellant and on discovery of the same, it is not a case of reduction of pay-scale, but correction of pay-scale to which the appellant was actually entitled to.

4. In view of the same, the writ was dismissed by the learned Single Judge and for the same reason, the Division Bench feels that there is no merit in the appeal of the appellant as the order of the learned Single Judge does not



suffer from any infirmity.

5. The appeal is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
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