

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16906 of 2016

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Mukesh Kumar, son of Late Baidyanath Singh, resident of village-Madhurapur,
P.S.-Teghra, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Director-in-Chief, Health Services, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha-GA8
Mr. Suryakant Kumar, AC to GA-8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-01-2017

Heard parties.

Through this writ application, the petitioner seeks
following reliefs :-

- (i) *For necessary direction upon the respondent authorities to grant the pay band of Rs.9300-34800/- and grade pay of Rs.4200/- to the petitioner, who is working as Pharmacist because the Pharmacist working in the Central Government Hospitals and other State Government Hospitals are getting the same pay band and the grade pay, while the Pharmacist in Bihar are being paid with the pay band of Rs.5200-20200 and grade pay of Rs.2800/-.*
- (ii) *For holding that the report of the Fitment Committee constituted pursuant to 5th Pay Commission is not applicable on the case of the petitioner because at that time, the pay scale of Rs. 4500-7000/- was admissible to the Pharmacist working in the Central Government and other State Government, as such, the Fitment Committee recommended for the same for the pharmacist working in Bihar, now when the pay band of Rs.9300-34800/- and grade pay of Rs.4200/- is*



being paid to the Pharmacist working in other State Government, the same may be adopted for Bihar also.

- (iii) For holding that the pay band of Rs.5200-20,200/- and grade pay of Rs.2800/- is totally inconsistent with the qualification of the Pharmacist because now Diploma in Pharmacy is a two years training course after 10+2 with Science whereas Diploma in Engineering is three years course after matriculation but while the Junior Engineers are getting the pay and of Rs.9300-34800/- and grade pay of Rs.4200/-, the Pharmacist are paid with the pay band of Rs.5200-20200/- and grade pay of Rs.2800/-.*
- (iv) For necessary direction to the State Government to provide for the qualification in terms of the Pharmacy Practice Regulation, 2015 framed by the Pharmacy Council of India and also provide for the pay scale in consonance with the qualification prescribed for these posts.*
- (v) For necessary direction upon the respondent authorities to make payment of non-practicing allowance to the petitioner in similar terms as being granted to the Medical Practitioners because the Pharmacy Practice Regulation, 2015 also provides that a registered Pharmacist may undertake private practice on payment of fees from his patient.*
- (vi) For necessary direction upon the respondent authorities to provide for dress allowance and washing allowance to the petitioner in terms with the allowances provided to the Nurses because under the Pharmacy Practice Regulation, 2015, the Pharmacist are also required to wear a particular dress.*
- (vii) For necessary direction upon the respondent authorities to make payment of differential amount of salary and allowances to the petitioner from the date of his appointment after grant of revised pay band, grade pay and allowance.*
- (viii) For any other direction, which the Court may deem fit and proper in the facts and circumstances of the case.*

It is contended that the petitioner had approached the



Principal Secretary, Department of Finance (respondent no.3) on 25.11.2015 itself vide Annexure-8 which was received by the office of Principal Secretary on 26.11.2015, however, any decision on his representation is yet to be communicated to him.

In such situation, this Court would be inclined to direct the respondent no.3 to take a decision on its own merit and in accordance with law on the representation of the petitioner within a period of three months from the date of receipt/production of a copy of this order.

It is contended on behalf of the petitioner that during the pendency of the writ petition, further development has taken place and a 7th Pay Commission has been constituted by the State Government under the chairmanship of one retired IAS Officer, namely, Mr. G.S. Kung for grant of benefit of 7th Pay Revision.

Be that as it may, it is made clear that this order would not come in the way of the petitioner in approaching the authority concerned for the needful.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.01.2017
Transmission Date	N.A.

