

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.405 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 15829 of 2010**

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1. Gayatri Kumari Wife of Shri Baidyanath Kunwar, resident of village - Bharaul, P.S. - Bachhawara, District - Begusarai, at present posted and working as an Assistant Teacher in Govt. Primary School Narepur Chati, Anchal - Bachhawara, District - Begusarai.

2. Ramnandan Yadav, Son of Late Hansi Yadav, resident of village - Bachhawara, Tola Tara, P.O. - Maranchi, via & P.S. - Bachhawara, District - Begusarai, retired on 30.06.2011, while working as an Assistant Teacher in Govt. Upgraded Middle School Marachi, Anchal - Bachhawara, District - Begusarai.

.... Petitioners / Appellants

Versus

1. The State of Bihar.

2. The Principal Secretary, Human Resources Development, Bihar, Patna.

3. The Principal Secretary, Finance Department, Government of Bihar, Patna.

4. The Cabinet Secretary, Government of Bihar, Patna.

5. The Deputy Secretary, Finance Department, Government of Bihar, Patna.

6. The Deputy Secretary, Finance (Pay Fixation) Department, Government of Bihar, Patna.

7. The Additional Secretary, Personnel Grievance Cell, Finance Department, Government of Bihar, Patna.

8. The Director, Primary Education, Bihar, Patna.

9. The Regional Deputy Director of Education, Munger Division, Munger.

10. The District Magistrate, Begusarai.

11. The Deputy Development Commissioner-cum-Chairman, District Education Establishment Committee, Begusarai.

12. The District Superintendent of Education, Begusarai.

13. The District Treasury Officer, Begusarai.

14. The District Accounts Officer, Begusarai.

15. The Drawaing Disbursig Officer of Anchal Bachhawara, District - Begusarai.

16. The Headmaster of Govt. Primary School Narepur Chati, Anchal- Bachhawara, District - Begusarai.

17. The Headmaster of Govt. Upgraded Middle School Marachi, Anchal - Bachhawara, District - Begusarai.

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Umesh Kumar Mishra, Advocate.
For the Respondent/s : Mr. GA1 S.K. SHARMA

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-07-2017



Heard counsel for the appellants and counsel for the State.

Since the learned Single Judge has considered the matter in the correct perspective and dismissed the Writ Application for the following reasons:

“Learned counsel for the petitioners has drawn my attention to Annexure 7 which is pay fixation chart of the petitioners which according to them is correct and as per which their pay should have been fixed as on 1.1.2006 in revised scale at Rs. 20,220/-. According to Annexure 7 it is evident that the petitioners’ basic pay as on 1.1.2006 was found to be Rs. 6200/-. It also appears from Annexure 7 upon which the petitioners have placed reliance that their existing pay scale was Rs. 5000-150-8000/-. Table no. 21, on the basis of which the petitioners want their pay to be revised is part of the resolution of Finance Department, Government of Bihar dated 21.1.2010 which contains revision of pay scales of State Government employees with effect from 1.1.2006. Table no. 21 deals with the employees who were in pre revised scale of pay of Rs. 7450-11500/-. The petitioners cannot fall in the said bracket of employees having scale of Rs. 7450-11500/-.

Learned counsel for the petitioners has vehemently submitted that admittedly the petitioners have been granted grade pay of Rs. 4600/- and since they have been granted grade pay of Rs. 4600/-, they would be entitled to at least revised basic pay of Rs. 18460/ as per table no. 21.

The submission is not acceptable to me for the simple reason that, in my opinion, table no. 21 applies to such employees only whose pre revised scale was Rs. 7450-11500/-. Table no. 21 indicates the revised basic pay of employees in the said scale of Rs. 7450-11500/- against the basic pay which an employee was receiving as on 1.1.2006. The minimum basic pay



which has been dealt with in table no. 21 is Rs. 7450/-. The petitioners’ basic pay was certainly not Rs. 7450/- as on 1.1.2006 rather much less than that i.e. Rs. 6200/-.”

The interpretation so given is the correct interpretation with regard to the entitlement of the corresponding pay scale. The Writ Application in fact was a speculative Writ Application only to derive an unwarranted advantage of a higher pay scale to which these appellants were never entitled to. There is no infirmity in the order of the learned Single Judge. The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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