

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1174 of 2001**

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Mangal Prasad, son of late Raghunath Prasad, resident of Village Chotaria Tola,  
P.O. Bettiah, P.S. Bairia, Distrift West Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Deputy development Commissioner-cum-Chief Executive Officer, Zila Parishad, West Champaran, Bettiah

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Tuhin Shankar

For the Respondent/s : Mr. Bashishtha Nr.Mishra

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 22-02-2018**

Heard learned counsel for the petitioner and learned  
counsel for the Zila Parishad.

Earlier the petitioner has come before this Court for  
different reliefs but vide order dated 24.7.2002 after payment of  
retrial dues this Court has directed to change the subject matter  
and place it before the appropriate Bench. Accordingly subject  
matter of the writ petition has been changed and petitioner has  
filed an interlocutory application vide I.A. No.787 of 2015 by  
which he made a complaint that before his superannuation he  
was put in the scale of Rs.1500-2750 i.e. in terms of the 5<sup>th</sup> Pay  
Revision Commission Report but after retirement they have  
withdrawn the scale and fixed retrial dues in the scale of



Rs.1400-2600.

Learned counsel for the petitioner submits that when the petitioner was given the higher scale of Rs.1500-2750 after retirement adversely he has been fitted in the new pay scale without giving proper notice or without hearing to him. He has further submitted that all the persons of Zila Parishad are getting pay as per the scale of 5<sup>th</sup> Pay Revision Commission Report and further submitted that as on today the employees are getting scale of 6<sup>th</sup> Pay Revision Commission Report but petitioner has been fixed below the 5<sup>th</sup> Pay Revision Commission Report which is not sustainable. He has further submitted that letter dated 23.8.2000 which has been issued by the office of the D.D.C.-cum- Chief Executive Officer, Zila Parishad wherein scale has been shown on 1.3.1989 for Rs.1500-2750- i.e. replacement scale of Rs.850-1360 as during 4<sup>th</sup> Pay Revision Commission pay scale of account-cum-head clerk was Rs.850-1360 and as such his position should be restored and he should be given all the retrial dues in terms of the 5<sup>th</sup> Pay Revision Commission Report whereas learned counsel for the Zila parishad has stated that in Zila Parishad, West Champaran 5<sup>th</sup> or 6<sup>th</sup> Pay Revision Commission Report has not been implemented. All the employees are getting the scale provided in the 4<sup>th</sup> Pay



Revision Commission Report and as such proper rectification has been made in his scale and as per order recovery has to be made. In support of his submission he has placed reliance on the letter dated 3.10.2015 issued by the Special Executive Officer wherein it has been specifically mentioned that payment would be made as per 4<sup>th</sup> pay Revision Commission report as 5<sup>th</sup> or 6<sup>th</sup> Pay Revision Commission Report has not been implemented with respect to any employee.

Having considered the rival contentions of the parties, from the record it appears that the petitioner was granted the pay scale vide order dated 23.8.2000 for Rs.1500-2600 which is apparently clear from the letter of DDC, Zila Parishad but counsel for the Zila Parishad submits that it was an error committed by DDC, in view of the letter of Special Executive Officer wherein it has been mentioned that no one has been given the scale of 5<sup>th</sup> Pay Revision Commission and further place reliance of the order dated 11.1.2012 wherein it has been recorded that 5<sup>th</sup> and 6<sup>th</sup> Pay Revision Commission Report has not been implemented in the Zila Parishad.

In such view of the matter, two things are very apparent before passing the adverse order. The petitioner was not given any notice. Further it is apparently clear that the



document which has been produced by the petitioner shows that 5<sup>th</sup> Pay Revision Commission report has been implemented and as per oral submission, employees are getting scale of 6<sup>th</sup> Pay Revision Commission but the document which he has placed reliance by Zila Parishad makes it very clear that no one is getting scale of 5<sup>th</sup> or 6<sup>th</sup> Pay Revision Commission but only 4<sup>th</sup> Pay Revision Commission.

In such view of the matter, at present this Court is not interfering with the order passed by the Zila Parishad but direction has been given to the petitioner to file representation before the DDC-cum-Executive Officer, Zila Parishad, West Champaran, Bettiah who will examine the case of the petitioner and if it is found that others employees have been granted the benefit from the 5<sup>th</sup> or 6<sup>th</sup> Pay Revision Commission report then certainly the same benefit will be extended to him. Further one thing is also clear that it is not a case that petitioner has suppressed the fact or misrepresented for obtaining the scale from the Zila Parishad but letter of the DDC-cum-Executive Officer shows that scale was extended to the petitioner of his own volition. In such view of the matter, any extra payment made to the petitioner will not be recovered from him. If any deduction has been made that should be returned to the



petitioner. DDC-cum-Executive Officer, Zila Parishad, West Champaran, Bettiah will ensure the disposal of the representation of the petitioner within a period of three months from the date of filing of the same.

With the aforesaid observation and direction this writ petition is disposed of.

**(Shivaji Pandey, J)**

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| AFR/NAFR          | NAFR      |
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