

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11750 of 2008

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Ram Nandan Singh, son of late Baleshwar Singh, resident of Dwarika Niwas,
Chitragupta Nagar, Pokharia, Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Co-operative, Government of Bihar, Patna
3. The Deputy Secretary, Department of Co-operative, Government of Bihar,
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha,
Mr. Alok Kumar Shahi

For the State : Mr. Prabhakar Jha, G.P.27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-01-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, the petitioner is challenging the memo
no. 2017 dated 20.5.2008 whereby after 12 years of retirement
respondent has reverted him from the post of Additional
Registrar i.e. scale of Rs.14,300-18,300 to the post of Joint
Registrar scale of Rs 12,000-16,500 with effect from 1.1.1996 on
the ground of certain amendments made in the year 2006 after
roster clearance.

The petitioner has already superannuated from the service
on 31.5.1996. The petitioner entered into service through the 11th
Combined Competitive Examination conducted by the Bihar



Public Service Commission and was appointed as Assistant Registrar on 20.4.1964 and he was confirmed on the post of Assistant registrar on 16.7.1971 vide Government notification no.1455 dated 16.7.1981. The petitioner was granted Junior Selection grade in the scale of Rs.1350-2000 with effect from 1.4.1981 vide Government notification no.2170 dated 27.10.1987. The petitioner was again granted senior selection grade in the scale of Rs.1575-2300 with effect from 1.4.1985 vide memo no.124 dated 11.1.1991. The name of the petitioner was standing at sl.no. 18.

The petitioner was granted the super time scale in the scale of Rs.4100-5300 with effect from 6.9.1991 vide departmental notification no.4252 dated 13.12.2000. The name of the petitioner was standing at sl.no.2.

The recommendation of 5th Pay Revision Commission came into existence. The Government of Bihar accepted the Central Government Pay Revision Commission Report and made it effective from 1.1.1996 but financial benefit was given from 1.4.1997. The time bond promotion scheme was withdrawn after enforcement of 5th Pay Revision Commission substituted, placement to post after identification need best post. Two posts were identified for Additional Registrar, after proper exercise the



petitioner was adjusted in the grade of Additional Registrar vide memo no.1920 dated 13.7.2002 but later on vide memo no.554 dated 31.1.2008 they have reversed the situation and adjusted the petitioner to the post of Joint Registrar and directed for realization of the extra payment made to him.

This Court is not required to go deep into the matter as in the identical grievance one Munishwar Prasad and another challenged action of State of Bihar in C.W.J.C. No.9902 of 2009 thereby challenged the notification vide memo no.2017 dated 20.5.2008 (Annexure 1 to the writ petition) and after due consideration this Court has quashed the same. The case of the present petitioner is better than Muneshwar Prasad as he had never approached this Court earlier for advancement of his scale of pay but he was given the benefit of super time scale but was given of its own treating the petitioner to be senior most. It is very unimaginable that two posts of Additional Registrar have been identified and both posts were declared reserved for the scheduled caste and schedule tribes it amounts to 100% reservation which is not permissible in law. This Court is not going into the matter but placing reliance on the order dated 11.8.2011 passed in C.W.J.C. No. 9902 of 2009 this Court also set aside the impugned order dated 20.5.2008 which has been



passed against the petitioner and will be treated to be in scale of Additional Registrar of Rs. 14,300-18,300. If any recovery has been made that will be returned to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order. In failure to return the same it will carry interest of 9%.

Accordingly this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.1.2018
Transmission Date	NA

