

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.209 of 2012

IN

LPA 878 of 2007

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1. The State of Bihar.
 2. The Chief Secretary, Government of Bihar.
 3. The Finance Commissioner- Cum- Secretary, Department of Finance, Government of Bihar, Patna.
 4. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
 5. The Industries Development Commissioner, Department of Industries, Government of Bihar, Patna
 6. The Cabinet Secretary, Government of Bihar, Patna
 7. The Director of Industries, Government of Bihar, Patna

.... Petitioner/s

Versus

1. Alakh Kumar Sinha, S/O Sri Gopal Prasad Ambastha, R/O Power House Road, Begusarai, P.S. and District - Begusarai, Working as Industries Extension Officer, Posted In The Directorate of Industries, Vikash Bhawan, New Secretariat, Jawahar Lal Nehru Marg (Bailey Road), Patna – 1.
2. Rajesh Kumar, S/O Late Harihar Prasad, R/O & P.O. Nasriganj, P.S. Nasriganj, District - Rohta, Working As Industries Extension Officer, Posted in the Directorate of Industries, Vikash Bhawan, New Secretariat, Jawahar Lal Nehru Marg (Bailey Road), Patna – 1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, A.C. to A.G.
For the Respondent/s : Mr. Promod Kumar Sinha, Advocate.
Mr. Arvind Kumar Sharma, Advocate.
Mr. Chotan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date: 31-01-2018

1. Heard Mr. Anshuman Singh, learned A.C. to A.G.

appearing for the petitioners as well as Mr. Promod Kumar Singh,

appearing for the respondents.



2. This review petition has been preferred for review of order dated 30.08.2010 passed in L.P.A. No. 878 of 2007.

3. It is submitted on behalf of the petitioners that the impugned Judgment dated 30.08.2010 passed in L.P.A. No. 878 of 2007 is based upon the decisions rendered in Nagendra Sahani case vide order dated 22.09.1993 as well as the decision rendered in Sunil Kumar case vide order dated 13.10.2006, but the L.P.A. Court failed to take note to this fact that the post of Industrial Extension Officer was not included in 16 posts, which were considered in the above stated Judgments. It is further submitted by him that the claim of the respondents were rejected by 5th Pay Anomaly Revision Committee and thereafter the Fitment Committee also, but the aforesaid facts were not brought to the notice of the L.P.A. Court at the time of hearing in L.P.A. No. 878 of 2007 and both the aforesaid errors are apparent on the face of the record.

4. On contrary, learned counsel for the respondents refused the above stated submissions arguing that both the above stated points were raised before the L.P.A. Court and having considered all pros and cons of the case, the L.P.A. Court passed the order dated 30.08.2010. It is further submitted that, even if, for the sake of argument, it is assumed that the above stated points had



not been raised before the L.P.A. Court at the time of passing the impugned Judgment dated 30.08.2010, then also the review petition cannot be allowed on the above stated grounds, because the petitioners had got ample opportunity to raise the above stated points before the L.P.A. Court, but they failed to do so and, therefore, now they cannot claim review of order dated 30.08.2010 passed in L.P.A. No. 878 of 2007. To fortify the above stated contention, learned counsel for the respondents relied upon the decision reported in 2017(4) PLJR 968. It is also submitted by him that vide impugned Judgment dated 30.08.2010, the L.P.A. Court granted option to the petitioners to select between one of the two pay scales, i.e., Rs. 5000-8000 or Rs.5500-9000 and accordingly, vide notification dated 21.10.2011, the petitioners chose the scale of Rs.1600-2780 with effect from 01.01.1986 and Rs.5000-8000 with effect from 01.01.1996, which is evident from perusal of Annexure E of the counter affidavit. Learned counsel further submits that now by filing this review petition, the petitioners again want to reduce the aforesaid scale, which is not permissible in the review petition.

5. Having heard the above contentions of the parties, we went through the record. We are in agreement with the submissions advanced by learned counsel of the respondents and do



not find any apparent error on the face of record and, therefore, we are not going to interfere into the impugned Judgment dated 30.08.2010 passed in L.P.A. No. 878 of 2007. Accordingly, this review petition stands dismissed on admission stage.

(Hemant Kumar Srivastava, J)

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2018
Transmission Date	

