

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7160 of 2001

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Satguru Prasad, s/o late Hari Nandan Prasad, r/o Devi Asthan, East Lane, Chiraiya
Tand, Kankarbagh, Patna, at present holding the post of State Fire Officer, Bihar,
Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Home (Police)
Department, Government of Bihar, Patna Secretariat, Patna
2. The Commissioner-cum-Secretary, Finance Department, Government of Bihar,
Patna Secretariat, Patna
3. The Inspector General of police, Bihar, Patna Secretariat, Patna
4. The Accountant General (A and E) II, Bihar, Birchand Patel Path, Patna-800001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachita Kumar Sinha

For the Respondent/s : Mr. Maruti Nath Roy

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 24-08-2018

1. The present writ petition has been filed for quashing the
impugned provisional pay slip dated 06.04.2000 issued by the Senior
Accounts Officer, Bihar, Patna as well as for directing the respondents
to sanction the revised scale of Rs. 14300-18300 corresponding to
pre-revised scale of Rs. 4100-5300 being paid to the petitioner since
15.05.1990 vide Government resolution dated 25.03.1991.

2. In the present case, the petitioner has claimed that his
scale of pay has wrongly been fixed by the Pay Fixation Committee.
The petitioner was appointed as fire Officer i.e. equivalent to the post
of Dy.S.P. and later on, he was granted two time bound promotion
and was getting scale of Rs. 4100-5300. Later on, on 28.05.1998,



Rs. 150/- was added in the scale by way of interim measure and his salary became Rs. 5450. The Government of Bihar implemented the 6th Pay Revision Committee report and has fixed the scale of Fire Officer, single post in the scale of Rs. 10000-15000 whereas corresponding pay of Rs. 4100-5300 is Rs. 14300-18300. It is submitted that as the petitioner, at the time of implementation of 6th Pay Revision Committee report, was getting super time scale so his scale should not be below Rs. 14300-18300.

3. The learned counsel for the respondents, referring to the report of the Fitment Appellate Committee, which had considered the case of the petitioner, has submitted that the Fitment Appellate Committee has found that the unrevised pay-scale of Rs. 4100-5300, which the petitioner was getting, was/is the selection grade scale and not basic grade scale, hence the petitioner cannot be granted the replacement scale of Rs. 4100-5300. It has been further submitted that even if the State Fire Officer in the State of Bihar is to be equated to the Superintendent of Police, then also he would be placed in the scale of Rs. 10,000-15300 which is the basic grade for the Superintendent of Police.

4. The learned counsel for the respondents has further submitted that original un-revised pay scale is Rs. 3700-5000 and the officers were given super time scale, whereafter the pay scale was



upgraded to Rs. 4100-5300 w.e.f. 15.05.1990, however w.e.f. 01.01.1986, all the selection grades/ super time scales have been abolished, hence the pay scale of Rs. 4100-5300 has not been taken into consideration for fixation of pay in the revised pay scale. The learned counsel for the respondents has further submitted that even the Fitment Appellate Committee has not found favour with the case of the petitioner herein.

5. I have heard the learned counsel for the parties and perused the materials on record. I find that pre-revised pay scale of Rs. 4100-5300 is not the original pre-revised pay scale but is the super time pay scale of the original pre-revised pay scale of Rs. 3700- 5000/-, hence the prayer of the petitioner to grant the corresponding revised pay of Rs. 4100-5300/- pursuant to the implementation of the 6th Pay Revision Committee report, is not tenable in the eyes of law.

6. Thus, the present writ petition is dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2018
Transmission Date	NA

