

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11786 of 2009

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Kamla Singh, son of late Ramanand Singh, resident of Village Danwa, P.S.
Jagdishpur, District Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Bhojpur, Ara
3. Zila Parishad through its Chairman, Bhojpur, Ara
4. The District Magistrate, Bhojpur, Ara
5. The District Engineer, Zila Parishad, Bhojpur, Ara

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anish Chandra Sinha
For Zila Parishad	:	Mr. Nikesh Kumar
For the State	:	Mr. Kinkar Kumar, SC 9
		Mr. Yogesh Kumar, AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-04-2018

Heard learned counsel for the petitioner and learned counsel for the State as well as Zila Parishad.

In the present case, the petitioner is seeking relief for granting benefit arising from 5th Pay Revision Committee Report.

The petitioner retired on 31.12.2004 as Kit Sodhak (Disinfector)-cum-Incharge Chowkidar of Bihian Dak Banglow under Bhojpur Zila Parishad Ara. The petitioner was appointed in the year 1967 as Kit Sodhak which is Class IV post. He has stated that he was not paid the retrial dues as well as arrears of salary which had compelled him to approach this Court in



C.W.J.C. No. 3694 of 2005. The said writ petition was disposed of for payment of arrears of salary. Claim has been made by the petitioner that Central Pay Scale has been introduced as 5th Pay Revision Committee Report has been implemented in Bhojpur Zila Parishad with effect from 1.4.1997. The question arose for consideration for arrears of salary on account of implementation of 5th Pay Revision Committee Report.

Learned counsel for the Zila Parishad submits that as per policy decision he cannot give arrears of salary as he has not received fund from the State Government and as such claim of the petitioner cannot be fulfilled.

Identical issue came for consideration before this Court in C.W.J.C. No. 9652 of 2017. There also persons were claiming the benefit arising from 5th and 6th Pay Revision Committee Report and this Court has held that the employees of the Zila Parishad are equally entitled for the pay scale arising from 5th and 6th Pay Revision Committee Report including arrear and they cannot be deprived of the same and the Court has directed the State Government to release the fund for the purposes of payment of salary or arrears of salary arising from the 5th and 6th pay Revision Committee Report but in the present case the petitioner has already superannuated before implementation of 6th Pay



Revision Committee Report so this relief to the petitioner will be confined for granting the benefit arising from 5th Pay Revision Committee Report and accordingly this Court also directs the State Government to release the fund so that the petitioner can be paid arrears of salary. The fund will be released within a period of six months from the date of receipt/production of a copy of this order.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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