

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8675 of 2014

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Md. Akbar Ali, Son of Abdul Razzaq, Resident of Village- Lakhanubigha, P.S.-
Asthawan, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health,
Government of Bihar, Patna
2. Principal Secretary, Department of Finance, Government of Bihar, Patna
3. Additional Secretary, Department of Finance, Government of Bihar, Patna
4. Director in Chief, Health Services, Government of Bihar, Patna
5. State Immunization Officer, State Family Welfare Bureau, Department of Health,
Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner and the respondent
State.

2. Claiming parity in the pay scale of Rs. 4500-7000/- which
is being paid to Refrigerator Mechanic in the Department of Animal
Husbandry and Fisheries Department, Government of Bihar, the
petitioner has approached this Court for quashing the memo no. 826
(12) dated 22.10.2013 issued by the Principal Secretary, Health
Department, Government of Bihar whereby and where under his
claim has been rejected.

3. The counsel for the petitioner has submitted that since the
pay scale of Rs. 4000-500-7000/- is being paid to Refrigerator



Mechanics in the said Department the petitioner who is performing the same duty and is working in the Health Department is entitled to the same revised scale of Rs. 4500-7000/- with effect from 1996. He submits that on the 'Principles of Equal pay for Equal Work' placing the petitioner in the replacement scale of Rs. 4000-6000/- with effect from 01.01.1996 is discriminatory and unsustainable in law. In support of his submissions the learned counsel for the petitioner has relied upon the judgment in the case of **State of Punjab and Ors. vs. Jagjit Singh and Ors.**, reported in (2017) 1 SCC 148.

4. The Principles of law with regard to claim on the ground of equal pay for equal work have been laid down in the said judgment, which cannot be disputed or denied. Whether the petitioner's case is covered by the said judgment is to be seen on the basis of the facts of the instant case. The Finance Department's Resolution dated 08.02.1999 providing the revision of scale of pay to the State Government employees with effect from 01.01.1996 has granted the petitioner replacement scale of Rs. 4000-6000/-. At the time of grant of replacement scale petitioner was in the scale of 1200-1800/-.

5. The very same Resolution shows that at the time of prescribing the replacement scale, the Refrigerator Mechanics in the Department of Animal Husbandry and Fisheries with whom petitioner is claiming parity were in the higher scale, i.e., Rs. 1400-2600/-. It is



for this scale of Rs. 1400-2600/- that higher replacement scale of Rs. 4500-7000/- was made available to the Refrigerator Mechanics in the Department of Animal Husbandry and Fisheries under the Resolution of 1999.

6. The Refrigerator Mechanics in the Department of Animal Husbandry and Fisheries admittedly are posted in the field offices. Petitioner is posted at the Directorate. Whether the responsibilities and duties discharged by both are same or not keeping in view the different establishments where they were posted is not apparent from the pleadings.

7. Another aspect is that even in the pre-revised scale the Refrigerator Mechanics posted in the Department of Animal Husbandry and Fisheries were getting a higher scale. The revised scale provided long back under the Finance Department's Resolution dated 08.02.1999 has never been challenged by the petitioner.

8. In view of the aforesaid considerations, this Court is not inclined to accept the petitioner's claim. For the reasons indicated here in above, the writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

