

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5160 of 2015

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Saroj Kumar son of Sri Dasharath Choudhary, Resident of Village- Lakhanpura,
Police Station and Post Office- Karaghar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna.
3. The Joint Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna.
4. The Principal Secretary Department of General Administration, Govt. of Bihar, Old Secretariat, Patna.
5. The Joint Secretary, Department of General Administration, Govt. of Bihar, Old Secretariat, Patna.
6. The Commissioner, Patna Division, Patna.
7. The District Magistrate, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narain Singh, Advocate
Mr. Kundan Kumar Sinha, Advocate
For the Respondent/s : Mr. Y.P. Sinha, AAG 7
Mr. Shankar Kumar, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioner and the respondent
State.

2. It is submitted by counsel for the petitioner that in
determining the Grade pay available to the petitioner on account of his
first financial progression under MACP, the obliteration of the grade
pay of Rs. 2800/- and its replacement by the Grade pay of Rs. 4200/-
under the notification dated 02.09.2013 bearing memo no. 14224
issued by the General Administration Department has not been taken
into consideration.



3. In view of the limited issue raised by counsel for the petitioner, this Court considers it appropriate that interest of justice would be served if the District Magistrate considers the matter which has been decided by him under the office order dated 12.03.2017 bearing memo no. 174 in light of the notification dated 02.09.2013 issued by the General Administration Department.

4. Petitioner would be at liberty to raise his claim with reference to similar grant of grade pay of Rs. 4200/- to similarly situated persons as claimed by the petitioner by making his detailed representation so as to facilitate consideration within a period of two weeks.

5. In the event such representation is filed, the District Magistrate respondent no. 7 will be obliged to consider the claim having regard to the notification Annexure 2/1 dated 02.09.2013 within a period of eight weeks thereafter and if the grade pay of Rs. 4200/- is found admissible to the petitioner then the monetary benefits arising out of such determination shall also be paid to the petitioner within the said period.

6. Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

