

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16374 of 2017**

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Mukesh Kumar Sharma Son of Shri Har Prasad Sharma R/o Ring Road  
Sheikhpura,P.S. Shastri Nagar, Patna , Bihar, presently residing at resident of  
Flat No. 1003, Tower D 4, Sushant Aquapolis, Ghaziabad (U.P.) P.S. Vijay  
Nagar, Distt. Ghaziabad.

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Environment and Forest, Govt. of India, New Delhi.
2. The State of Bihar Through the Chief Secretary Old Secretariat, Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Old Secretariat, Bihar, Patna
4. The Secretary, Department of Environment and Forest, Bihar, Patna.
5. Shri B.N. Jha, Retired Principal Chief Conservator of Forests Bihar, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Ravindra Kumar Shukla, Adv. |
| For the Respondent/s | : | Mr. S.D. Sanjay ( Addl. S.G.)   |
|                      |   | Mr. Anshuman Singh, CGC         |
| For the State        | : | Mr. Anant Prasad Singh, SC-15   |
|                      |   | Mrs. Nivedita Nirvikar, Adv.    |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**and**  
**HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date : 19-06-2018**

Heard counsel for the petitioner, counsel for the  
State and the Union of India.

We have perused the impugned order dated 30<sup>th</sup>  
March, 2017, passed by the Central Administrative Tribunal,



Patna Bench, Patna in O.A. 735 of 2013 against which the present writ application has been filed.

The reason why this Court is not inclined to interfere with the order of the Central Administrative Tribunal is because the submission of the counsel or the apprehension expressed by him with regard to him having been placed in the pay scale of HAG + i.e. (Rs. 75,500-80,000) is a misnomer so far as he is concerned because the pension payment order has treated his last pay drawn to be Rs. 80,000/- which is the apex scale available to the Principal Conservator of Forest to which post the petitioner was promoted and then laterally transferred in the capacity as advisor in the Bihar State Planning Board.

Since the pension has been fixed treating his last pay drawn as Rs. 80,000/- and the pension payment order itself has been annexed with the petition as Annexure-8, the argument is more academic rather than any tangible difference to the petitioner as a pensioner, there is no interference required with the impugned order of the Tribunal.

Writ is dismissed.



It is clarified that for all practical purposes as a pensioner petitioner will be treated to have drawn and continued to draw the apex scale.

**(Ajay Kumar Tripathi, J)**

**( Nilu Agrawal, J)**

Rajesh/Pragya

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|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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