

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14789 of 2004

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Ashok Kumar Jha, s/o late Gita Jha, r/o E-1/22 Jaiprakash Nagar, Patna-800011

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food, Supplies and Commerce Department, Government of Bihar, Old Secretariat, Patna-800015
2. The Finance Commissioner, Government of Bihar, Old Secretariat, Patna-800015
3. The Secretary, State Commission, Consumer Protection, 3rd floor Biscomaun Tower, Patna-800001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Jha
Mr. Arun Kumar

For the Respondent/s : Mr. (Sc6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 21-06-2018

The petitioner, by way of the present writ petition, has assailed the orders dated 19.05.2003 and 07.08.2003 whereby and whereunder, the revised pay scale on the post of Accountant in the State Commission under the Food and Civil Supplies Department has been illegally fixed at Rs. 4000-6000/-. It is further prayed for directing the respondents to allow the revised pay scale of Rs. 5000-8000/-.

The learned Senior counsel for the petitioner submits that initially, the petitioner was granted the revised pay scale on account of revision upon implementation of the Fifth Pay Committee Report and his pay scale was fixed at Rs. 5000-8000/- as is apparent from the letter dated 16.03.2001 issued by the



Commissioner-cum-Secretary, Food Supplies and Commerce Department, Government of Bihar. Thereafter, the Joint Secretary to the Government, Finance Department vide letter dated 21.03.2003 had unilaterally revised the revised pay scale of the post of Accountant, State Commission from Rs. 5000-8000/- to Rs. 4000-6000/- and consequently, the Secretary, State Commission, Consumer Protection, Bihar, Patna had reduced the pay scale of the petitioner to Rs. 4000-6000/- and directed for making the recovery of the excess pay, paid to the petitioner herein.

The learned Senior counsel for the petitioner has raised a short issue to the effect that pursuant to the impugned order dated 07.08.2003, the petitioner had approached the Fitment Appellate Committee and the Fitment Appellate Committee in its report had recommended grant of revised pay scale of Rs. 5000-8000/- (replacement scale of Rs. 1400-2600/-), to be paid to the petitioner herein. The learned Senior counsel has referred to a judgment dated 29.04.2010 passed in L.P.A. no. 165 of 2002 to contend that the report of the Fitment Appellate Committee cannot be brushed aside and its recommendations have to be obeyed by the State Commission.



Having regard to the facts and circumstances of the case as also the fact that the Fitment Appellate Committee has recommended grant of the scale of Rs. 5000-8000/- to the petitioner herein, the respondents are directed to grant said pay scale to the petitioner herein.

Accordingly, the order dated 07.08.2003 passed by the Secretary, State Commission, Consumer Protection, Bihar, Patna, as far as the petitioner is concerned, is set aside.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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