

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13674 of 2010

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Deo Kumar Singh, S/O Late Ram Ratan Singh, R/O Vill.- Jamira, P.O. & P.S.
Jamira, Distt.- Bhojpur (Ara)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Development Commissioner, Bhojpur, Ara
3. The District Magistrate, Bhojpur, Ara
4. The District Account Officer, Bhojpur, Ara
5. The Treasury Officer, Bhojpur, Ara
6. The Sahayak Nideshak Samajik Suraksha Kosang, Bhojpur, Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, aDVOCATE
For the Respondent/s : Mr. Kinkar Kumar, S.C.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-05-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In this case, the petitioner is challenging the action of the respondents as they have withdrawn the benefit of pay scale of Rs.5500-9000/- during the period from 01.12.2005 to 24.04.2007, which has been substituted by the pay scale of Rs.5000-8000/-.

3. The petitioner was appointed on the post of Clerk



in the Collectorate, Rohtas, but his services were converted into the Accounts Clerk under Samajik Suraksha (Vridhawastha Pension) Yojana, under the control of Labour and Employment Department, Government of Bihar. As per the policy decision of the Government, the services of the petitioner was merged in the cadre of U.D.C. in the Collectorate cadre vide order no.760 dated 28.06.2007, accordingly, he was placed in the pay scale of Rs.5500-9000/-. As per the decision of the Finance Department that he will get the benefit of U.D.C. from the date of his merger not from earlier date.

4. Learned counsel for the petitioner submits that the period of merger has been taken for the purposes of time bound promotion is not a fact. But from the record, it appears that the petitioner was granted the first A.C.P. with effect from 09.08.1999 in the pay scale of Rs.4000-7000/- and second A.C.P. with effect from 01.12.2005 to 24.04.2007 in the pay scale of Rs.5500-9000/- is the mistake committed by the Department as the chart attached with A.C.P. Rules, shows next scale of Rs.5000-8000/-, so the petitioner is entitled pay scale of Rs.5000-8000/- not Rs.5500-9000/-. Where-after, his service was merged with the U.D.C. in the pay scale of Rs.5500-9000/-. So he will continue to get the pay scale of Rs.5500-9000/- from



the date of merger, but he will be entitled to the scale of Rs.5000-8000/- from 01.12.2005 to 24.04.2007. If any excess payment has been made during that period, only to that extent the Department will be entitled to recover the amount in the easy installment as the petitioner is still in service.

5. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	10.05.2018
Transmission Date	N/A.

