

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24688 of 2013

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1. Raj Kapoor Paswan S/O Sri Ram Chandra Paswan Resident Of Village- Pagara, P.S- Dalsingh Sarai, District- Samastipur.
 2. Kumari Nirmala W/O Sri Vishwanath Chaudhary Resident Of Village- Sardarganj, P.S- Dalsingh Sarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Samastipur.
 2. The District Magistrate, Samastipur
 3. The District Education Officer- Cum- Chairman, District Primary Teachers Promotion Committee, Samastipur.
 4. The District Programme Officer (Establishment), Samastipur... Respondent/s
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Appearance :

For the Petitioner/s	:	Mr. Ravindra Nath Dubey, Advocate
For the State	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Arjun Prasad, AC to SC-3
		Mr. Bipin Kumar, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. Learned counsel for the petitioners referred to Annexure-4 to contend that the petitioner are entitled to the Grade Pay of Rs. 4800/- as they were earlier in the Grade Pay of Rs. 4600/-.

3. From the counter affidavit it appears that the respondents have, by mistake, granted the Grade Pay of Rs. 4800/- to the petitioners and on verification when they detected their mistake, they have rectified the same and reduced the Grade Pay from Rs. 4800/- to Rs. 4600/-.

4. From the pleadings, it does not appear that the respondents have provided opportunity of hearing to the



petitioners before taking decision adverse to them i.e. reduction of the Grade Pay.

5. In this regard, the law is well settled that no order visiting evil or civil consequences can be passed without compliance of principles of natural justice. The order reducing the Grade Pay has civil effect and as such the respondents cannot pass such order without opportunity.

6. Accordingly, the order reducing the Grade Pay of the petitioners as contained in the order dated 5.1.2013, Annexure-5, is quashed. The matter is remitted back to the respondents to examined afresh the claim of the petitioners and take fresh decision after opportunity of hearing to the petitioners within a maximum period of four months from the date of receipt/production of a copy of this order. The consequential benefits will abide by the final decision passed afresh by the competent authority.

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2018
Transmission Date	

