

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9564 of 2014

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Md. Wasimuddin Son of Late Salimuddin Resident of Mohalla : - Raham Khan,
P.O. : - Lalbagh, P.S. : - Laheriya Saray, District - Darbhanga.

.... **Petitioner**

Versus

1. The State of Bihar.
2. Principal Secretary, Industry Department-cum-Chairman, Bihar Industrial Area, Development Authority, Vikash Bhawan New Secretariat, Patna.
3. Under Secretary Industrial Department, Bihar of Vikash Bhawan, New Secretariat, Patna.
4. Secretary Finance Department, Government of Bihar at Old Secretariat, Patna.
5. Managing Director , Bihar Industrial Area Development Authority Udyog Bhawan, East Gandhi Maidan, Patna.

.... **Respondents**

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Appearance :

For the Petitioner	: Mr. Mahesh Prasad Singh, Advocate
For the State	: Mr. Raj Kishore Roy, GP 18 and Perna Anand, Ac to GP 18
For the BIADA	: Mr. Kumar Priya Ranjan, Advocate and Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-08-2018

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

2. The petitioner has filed the writ petition claiming
benefits of the pay scale on account of State's 6th Pay Revision
which was extended to him under order dated 21.11.2006
(Annexure 11 series of the re-joinder in the instant proceedings).

3. Learned counsel for the Bihar Industrial Area,
Development Authority (herein after referred to as 'the BIADA')
has opposed the prayer submitting that the claim of similar benefits
of other employees has been rejected in the proceedings arising out



of C.W.J.C.No. 28 of 2015 and analogous cases as affirmed in LPA No. 1703 of 2015 and analogous cases. He submits that even the review which was preferred against order of the LPA has been rejected on 13.9.1917. On basis of the said judgment, it is submitted that claim of the petitioner for grant of financial benefits of 6th pay revision with effect from 1.4.1997 is inadmissible.

4. Learned counsel for the petitioner on the other hand has drawn attention of the Court towards order passed in the case of another employee, similarly situated, in LPA No. 1477 of 2014 in case of Chairman, Bihar Industrial Area Development Authority, and another Vs. Manoj Kumar Sinha and others. Relying upon the Division Bench judgment, this Court in case of Ambika Nath Chaubey in the proceedings arising out of C.W.J.C.No. 13369 of 2008, learned Single bench of this Court has allowed the same benefits to the petitioner therein under order dated 22.5.2017. Another claim of similarly situated employee for the same benefits, as has been prayed in the instant writ petition, has been allowed by this Court under order dated 25.7.2018, passed in C.W.J.C.No. 9881 of 2007.

5. Since, as a result of the order passed in later LPA No. 1477 of 2015 and its analogous cases on 24.4.2017, claim of other similarly situated as the petitioner have been allowed, this



Court does not find any reason for the respondents to take a different stand. Since, in the case of the petitioner also his revised pay scale was fixed by the respondents way back on 21.11.2006 under Memo no. 2112, the prayer made in the present writ petition is allowed and the respondents are directed to grant the benefits of revised pay scale under revised benefits within a period of 8 weeks from the date of receipt/production of a copy of this order.

6. The writ petition is disposed of with the aforesaid observations and directions.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.8.2018
Transmission Date	NA

