

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16491 of 2014

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Manoj Kumar Son of Late Chhedi Prasad Kesari Resident of Village and P.O.
Ratan, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Paswan, The Drawing Disbursing Officer Kridyanand Middle School Malayapur, District- Jamui.
3. Rama Nand Prasad Block Education Officer in Prakhand Barhat, District- Jamui.
4. Sri Saroj Jha (District Programme Officer)Jamui, District - Jamui.
5. The District Magistrate, Jamui.
6. The District Education Officer (B.N. Jha), P.S. + District - Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1
For the Respondent/s : Mr. Rajiv Roy

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 26-10-2018 Today a supplementary affidavit has been filed on
behalf of the petitioner.

In para-2 of the supplementary affidavit the following
grievance have been highlighted by the petitioner which reads
as follows:-

- (i) Untrained to Trained Pay Scale Salary**
- (ii) Fixation of pay post promotion**
- (iii) Due salary of suspension period**
- (iv) Difference payment of salary with interest**

In para-6 it has been admitted that the petitioner has
been paid salary for the period of suspension. Now he claims
interest. There is no inordinate delay in making payment and
therefore, the Court is not inclined to direct payment of interest



on salary paid to the petitioner for the period of suspension. The other claim with regard to trained scale is concerned, learned counsel submits that respondents have decided that on account of higher qualification untrained are also entitled to trained pay scale. He also submitted that petitioner has now completed 24 years of service and as such entitled to trained scale. For grant of promotion earlier 1993 promotion rule was in place which was substituted by 2011 promotion rules. Promotions are governed by statutory rules and therefore, the writ petition is disposed of with liberty to the petitioner to file representation before the District Programme Officer (Establishment), Jamui who shall examine the record and if it is found that the petitioner is entitled to grant of promotion in terms of 1993/2011 promotion rules, necessary order for grant of promotion may be passed with all consequential benefit. Similarly, the District Programme Officer (Establishment) shall also enquire into the matter and pass appropriate order if respondents themselves have decided to grant trained pay scale to a person who hold higher qualification irrespective he is untrained.

In this regard, final decision may be taken by the District Programme Officer (Establishment) in terms of their own decision within a maximum period of four months from the



date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

Ravi/-

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