

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9271 of 2015

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Gokul Prasad Deo S/o Late Biran Prasad Deo Presently posted as Assistant Soil Chemist, Soil Test Laboratory, Sone Command Area Development Agency, Khagaul, Patna, District Patna

.... Petitioner

Versus

1. The Sone Command Area Development Agency, Sone Bhawan, Patna through its Secretary.
2. The Secretary, Sone Command Area Development Agency, Sone Bhawan, Patna.
3. Area Development Commissioner-cum-Chairman, Sone Command Area Development Agency, Patna.
4. Under Secretary, Command Area Development Directorate, Water Resources Department, Government of Bihar, Patna.
5. The Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner	: Mr. Yugal Kishore, Senior Advocate Pravina Kumari, Advocate
For the State	: Mr. Gyanshankar, AC to GP 2
For the SCADA	: Mr. Nasresh Dikshit, Advocate Mr. Lalan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-03-2018

Heard learned Senior counsel for the petitioner, the State and learned counsel appearing for the Sone Command Area Development Agency (herein after referred to as 'the SCADA').

2. It is the case of the petitioner that though he was working as Junior Research Assistant since 25.9.1983 in the Soil Test Laboratory under the SCADA, on 20.1.1997 he was assigned the work of Assistant Soil Chemist (Assistant Director) vide office order dated 21.1.1997, issued under the signature of respondent Secretary, SCADA (Annexure 1), which is a higher post. He



submits that till retirement on 31.12.2016 he continued to work on the same higher post, but he was not paid the additional salary for the said higher post in spite of office order dated 27.12.1989 (Annexure 2). Petitioner submits that others who were similar to the petitioner have already been given the benefit of additional salary and he is ventilating the grievance to the SCADA authorities by filing various representations (Annexure 5 series) since 2007.

3. On behalf of the respondents, it is submitted that the post of the Assistant Soil Chemist (Assistant Director) has been abolished in the year 2007. It is also brought to the notice of the Court that the Bihar Agricultural and Rural Area Development Agency Service Condition, Conduct, Discipline-Control and Appeal Rules, 2010 has been framed which stipulates grants of additional pay to such employees as the petitioner who have been made to discharge work on the higher post, but subject to the fulfillment of certain conditions which are envisaged in the said Rules.

4. Whether the petitioner would be entitled to the additional pay under the provisions of the said Rules as well as Rule 103 of the Bihar Service Code, is an issue to be decided by the SCADA authorities, also considering the case of other similarly situated persons who have been granted additional salary.



5. Learned Senior counsel for the petitioner submits that the petitioner proposes to make a comprehensive and detailed representation setting out his claim with reference to other similarly situated persons and with reference to the relevant Rules.

6. If such representation is filed by the petitioner before respondent no.2 along with a copy of this order, he would be obliged to consider and dispose of the same by a reasoned and speaking order within a period of three months from the date of filing of the representation.

7. The writ petition is disposed of with the aforesaid directions.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
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