

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12282 of 2007

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Abdur Razzaque Quraishi, son of Late Serajul Haque, residing at Mohalla-Maripur, Police Station- Kaji Mohammadpur, P.O. G.P.O., District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. Secretary Cum-Agriculture Production Commissioner, Bihar, Patna, Department of Agriculture, New Secretariat, Bihar, Patna.
3. Joint Secretary to the Government of Bihar, Department of Agriculture, New Secretariat, Bihar, Patna.
4. Deputy Secretary to the Government of Bihar, Department of Agriculture, Bihar, Patna, New Secretariat, Bihar, Patna.
5. Director of Agriculture, Bihar, Patna, Department of Agriculture, Vikash Bhawan, New Secretariat, Bihar, Patna.
6. Secretary to the Government of Bihar, Department of Finance, Bihar, Patna.
7. Accountant General, Bihar, Patna.
8. Chief Manager, the State Bank of India, Muzaffarpur- 0138.

.... Respondents

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Appearance :

For the Petitioner : None

For the State : Mr. Patanjali Rishi, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-02-2018

Nobody appears on behalf of the petitioner.

Learned counsel for the State has been heard.

2. The issue relates to the claim of the petitioner of getting his retiral benefits in the scale of Rs. 12,000/- to Rs. 16,500/- whereas the stand of the State was he was entitled to scale of Rs. 10,000/- to Rs. 15,200.00. On



16.12.2014, the Court had recorded that the Fitment Appellate Committee had held that the replacement scale of the post of District Agriculture Officer, which was held by the petitioner at the time of his superannuation, after pay revision, was Rs. 12,000/- to Rs. 16,500/- and not Rs. 10,000/- to Rs. 15,200/-.

3. Learned counsel for the State was asked to take instruction as to whether such recommendation of the Fitment Appellate Committee was accepted by the Government. In terms thereof, 3rd supplementary counter affidavit has been filed on behalf of respondents no.2 to 5 in which a categorical stand has been taken that the Fitment Appellate Committee did not recommend such pay scale to the Officers of Agriculture Service, to which the petitioner belonged, and, therefore, without there being any such recommendation, there was neither approval nor acceptance by the State Government. Copy of the counter affidavit was served on learned counsel for the petitioner on 19.01.2015.

4. There being no rebuttal to the stand coupled with the fact that nobody has appeared to press this writ application, the Court can only presume that the petitioner



is not interested in pursuing the matter.

5. In view thereof, the writ petition stands dismissed both on merits as well as for non-prosecution.

(Ahsanuddin Amanullah, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23-02-2018
Transmission Date	

