

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.781 of 2017

In

Civil Writ Jurisdiction Case No. 7313 of 2016

=====

Anil Kumar Singh S/o Late Mahendra Prasad Singh R/o A - 30, Ashokpuri Colony, Khajpura, P.O. - B.V. College, P.S. - Shashtri Nager, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Animal Husbandary and Fisheries Resources Development Department, Bihar, Patna.
3. The Deputy Secretary, Animal Husbandary and Fisheries Resources Development Department, Government of Bihar, Patna.
4. The Director, Dairy Development Directorate, Bihar, Patna.
5. The Accountant General, Bihar, Patna
6. The Treasury Officer, The Secretariat Treasury, Vikash Bhawan, Patna.
7. The Secretary, Finance Department, Government of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Binit Kumar, Adv.
Mr. Ashok Kumar Choudhary, Adv.
For the Respondent/s : Mr. Arun Kumar Bhagat, AC to AAG-12

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 01-05-2018 Heard counsel for the appellant and counsel for the State.

This Court will not interfere with the order dated 03.04.2017 with regard to the issue of grant of benefit of substantive pay scale for the post of Director only on the ground



that the appellant was allowed to hold the said higher post but with a rider that he will draw the same pay scale of the post which he was holding at that time.

One thing for some reason or the other probably was not urged or decided by the learned Single Judge is that Rule 103 of the Bihar Service Code does envisage a situation where a person asked to officiate on a higher post and responsibility is entitled to be given benefit of 20 % of his basic pay.

The officiation on the higher post by the appellant is not disputed as such from the pleadings available on record. Therefore, this appeal stands disposed off with liberty to the appellant that he can make a prayer before the competent authority for consideration of his entitlement in terms of Rule 103 of the Bihar Service Code and the authority thereafter will be obliged to take a decision within a period of three months thereof. Other part of the decision impugned is not required to be interfered with.

Appeal stands disposed off.

(Ajay Kumar Tripathi, J)

Devendra/Arjun

U			
---	--	--	--

(Nilu Agrawal, J)

