

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16236 of 2010

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Rekha Sinha, wife of Late Ghanshyam Kumar Sinha, at Present residing at
Mohalla- Kankarbagh, Road No. 14B, Gali No.5, P.O.- Lohiya Nagar, P.S.-
Kankarbagh, Distt.- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Secretary, Building Construction and Housing Department, P.W.D. having its Office At Vishwasariya Bhawan, Baily Road, Patna
3. Engineer-in-Chief, South Bihar Circle, Building Construction Housing Department, P.W.D. having its office at Vishwasariya Bhawan, Bailey Road, Patna.
4. Superintending Engineer, South Bihar Circle, Building Construction and Housing Department, having its Office at Nirman Bhawan, Punaichak, Patna.
5. Executive Engineer, Central Housing Division, House Construction Department, P.W.D., having its office at Central Division, South Bailey Road, Patna.
6. Secretary, Finance Department, Government of Bihar having its office at Old Secretariat, Patna.
7. Accountant, Central Housing Division, House Construction Department, P.W.D. having its office at Central Division, South Bailey Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Avinash Shekhar, A.C. to S.C.-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 30-04-2018

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

2. No counter affidavit has been filed by the State, but
the case is being disposed of on the basis of the pleadings made
in the present writ petition.



3. In the present case, the petitioner has raised a grievance with respect to Office Order no.87 dated 12.04.2010, in which it has been mentioned that she has been given the pay scale of Rs.4000-6000/- which is equivalent to the post of Routine Clerk and as per the approval of the Finance Department she would get the arrears of salary also but she has been removed from the post of Routine Clerk.

4. The petitioner has been appointed on compassionate ground on the death of her husband on the post of Lady Housekeeper. The 5th Pay Revision Committee Report has been enforced vide Memorandum no.660 dated 08.02.1991, in which no scale was provided for the post of Lady Housekeeper and for certain period, her pay was stopped. Before the enforcement of Pay Revision, the pay scale of Lady Housekeeper was Rs.1200-1800/-, which is equivalent to the post of Routine Clerk.

5. On account of stoppage of her pay, she approached this Court in C.W.J.C. No.14121 of 2004 followed by M.J.C. No.832 of 2007 and thereafter the Finance Department has provided the pay scale of Rs.4000-6000/-, equivalent to the post of Routine clerk, which is reflected from office order no.87 dated 12.04.2010, wherein it has been mentioned that she has been given the pay scale of Rs.4000-6000/- equivalent to the post of



Routine Clerk and the Finance Department has given its concurrence to make payment of the arrears of salary as there was no equivalent scale was mentioned in the 5th Pay Revision Committee Report. To reduce her agony, the Finance Department has made the scale of Rs.4000-6000/-. Now, the petitioner is claiming that she should be treated to be holding the post of Routine Clerk, is completely misconceived and misdirected on account of the fact that she has been appointed on compassionate ground to the post of Lady Housekeeper as the revised pay scale for the lady Housekeeper was not available, so her grievance has suitably been redressed and she has been brought to the scale equivalent to the post of Routine Clerk, in no manner it can be said that the action of the respondents is illegal.

6. Emphasis has been given by the petitioner that the letter issued by the Superintending Engineer, vide no.751 dated 12.03.2004, thereby his pay scale has been brought to Rs.4000-60000/- and the post of the petitioner was adjusted against Nawal Kishore Prasad, who was the Routine Clerk on account of fact that after the enforcement of the 5th Pay Revision Committee report equivalent post in the cadre is not available.

7. If the post of Lady Housekeeper is there in the department, in such circumstance, she cannot claim the post of



the Routine Clerk, but if the post is not available, in that circumstance, the petitioner would not be put to any disadvantage on account of fact that she was holding the post of Lady Housekeeper, but suitably be adjusted against appropriate or equivalent post. It is also made clear that she will be granted the pay protection always through out her service period.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	02.05.2018
Transmission Date	N/A.

