

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.824 of 2016

IN

Civil Writ Jurisdiction Case No. 17808 of 2013

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Md. Shamim Ansari S/o Md. Wasi Resident of Mohalla - Digha ITI Samgam
Colony, Police Station Digha, District - Patna

.... Petitioner/ Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Department of Agriculture, New Secretariat, Bihar, Patna
3. The Joint Secretary, Department of Agriculture, New Secretariat, Bihar, Patna
4. The Company Secretary, Department of Agriculture, New Secretariat, Bihar, Patna
5. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Bihar, Patna
6. The Managing Director, Bihar State Seed Corporation Limited, Mithapur, Patna
7. The Additional Agriculture Director, (Broad Caste), Bihar, Patna

.... Respondents/Respondent/s

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Appearance :

For the Appellant/s : Mr. Y V Giri, Sr. Advocate
For the State of Bihar : Mr. S Raza Ahmad, AAG 5
Mr. Md. Kamil Akhtar, AC to AAG 5
For the Corporation : Mr. Sourendra Pandey

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-02-2018

Seeking exception to an order dated 06.11.2015 passed by
the learned Writ Court in CWJC No. 17808 of 2013 this appeal has
been filed under Clause 10 of the Letters Patent.

Seeking fixation of his pay in higher pay scale after
absorption in the government service and claiming parity in pay scale
with one Sri Arjun Singh who was also absorbed with the petitioner,



the writ petition in question was filed. The learned Writ Court dismissed the writ petition and, therefore, this appeal.

Having heard learned counsel for the parties at length we find that absorption of the appellant took place in pursuance to the conditions for absorption stipulated in the advertisement and the order of absorption dated 27th September, 2011 and the condition for absorption was that the petitioner shall be absorbed as Driver in the pay scale of Rs.5200-20,200/- in grade pay of Rs.1900/-. The petitioner accepted the same and he has been granted benefit in the revised pay scale also. The learned Writ Court and we see no error in the same warranting reconsideration.

As far as the comparison of the petitioner goes with Arjun Singh, Driver is concerned, it is seen that Arjun Singh was initially posted in the same Corporation. While working in the Seed Corporation he was granted the benefit of A.C.P. in pursuance of certain directions issued by this Court in various writ petitions that were decided by common order passed in CWJC No. 9798 of 2008 and various other cases on 13.05.2014 and because he was granted the benefit of A.C.P. he was granted pay protection, thereafter he started drawing higher pay than the petitioner. While the petitioner in his parent department before absorption was not granted any such benefit of A.C.P. He was absorbed in appropriate pay scale taking note of the



pay scale granted to him in his original department and, therefore, being no error occasioned by pay fixation after his absorption we see no reason to make any indulgence is called for. Comparison made with Arjun Singh on the ground of equal pay for equal work cannot be accepted for the reasons as are indicated hereinabove. The case of Arjun Singh is entirely different from that of the petitioner-appellant and, therefore, we find no error in the order passed by the learned Writ Court warranting reconsideration.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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