

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11957 of 2014

Binod Kumar Poddar Son of Late Visheshwar Poddar Resident of
Kasturbanagar Near Bazar Samiti, Police Station- Sultanganj, District- Patna.

... .. **Petitioner**

Versus

1. The State Of Bihar through the Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna
2. The Under Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna.
3. The Chairman, Bihar Human Right Commission-9, Baily Road, Patna- 15
4. The Deputy Secretary, Bihar Human Right Commission, 9 Bailey Road, Patna-15
5. The Secretary, Bihar Human Right Commission, 9 Bailey Road, Patna- 15

... .. **Respondents**

Appearance :

For the Petitioner	:	Mr. Aditya Narain Singh, Advocate and Mr. Kundan Kumar Sinha, Advocate
For the Respondents	:	Mr. Samir Kumar, AC to SC 16

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

After many arguments in respect of entitlement of the petitioner for much higher scale, issues boils down to claim of the petitioner to be paid his due and admissible pay scale in the Sugar Corporation (parent organization). The admissibility of pay scale as per the parent organization is Rs.1640-2900/- which has been mentioned in his representation dated 30.3.2011 (Annexure 5).

The speaking order which has been issued by the Secretary, Bihar Human Right Commission, Patna on 6.5.2014,



however does not even take into consideration the said demand of the petitioner. Merely relying on the fact that when the petitioner was sent on deputation in the Commission, due to some financial constraints the petitioner was being paid the salary in between Rs. 1200-1800, the due and admissible pay of the petitioner for the period of deputation between 11.5.2010 to 30.8.2011 has been calculated on the said basis and paid to him.

Upon going through the representation of the petitioner, this Court would observe that the respondent authorities were required to examine his claim, if necessary, from records of the erstwhile Sugar Corporation to see whether the petitioner was being paid Rs.1640-2900 at the time of his deputation from the Corporation to the Commission. If the same is found due and admissible to the petitioner, it is needless to say that the Commission would also be obliged to pay the same to the petitioner for the said period of deputation.

Since the issue has not been examined in spite of the fact being raised in the representation dated 30.3.2011, this Court would direct the Secretary of the Commission (respondent no.5) to consider the grievance of the petitioner and take a decision in this respect by a reasoned and speaking order, with reference to the due and admissible pay of the petitioner in the



Corporation at the time of his deputation.

Let the final decision be taken by respondent no.5 within three months from the date of receipt/production of a copy of this order.

Order dated 6.5.2014 does not stand in the way of the respondent authorities in taking the decision since the said point has not been considered by the authorities in the said order.

(Madhuresh Prasad, J)

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