

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24943 of 2013

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Arun Prakash, Son Of Late Lildhari Garain, Resident Of L.I.G.H. Flat No. 7/247, Hanumannagar, P.S. Patrakarnagar, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Engineer-In-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Road Construction Department
3. The Commissioner-Cum-Secretary, Finance Department, Government Of Bihar, Old Secretariat Building, Patna.
4. The Deputy Secretary, Finance Department, Government Of Bihar, Old Secretariat Building, Patna - 80
5. The Under Secretary, Personal Claim Settlement Cell, Finance Department, Government Of Bihar, Old Secretariat Building, Patna.
6. The Accountant General , Bihar, Birchand Patel Path, Patna
7. The Principal Secretary, Finance Department, Government Of Jharkhand, Ranchi
8. The Principal Secretary, Road Construction Department, Government Of Jharkhand, Ranchi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Verma, Advocate
For the Respondent/s : Mr. Brajesh Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 05-04-2019

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

A grievance has been raised by the petitioner that he has superannuated from the service holding the post of Assistant Engineer in REP, Gumla, Road Construction Department w.e.f. 31.07.2000. At the time of his superannuation, his last pay drawn by him was Rs.10,980/-, whereas one Yogeshwar Prasad Singh,



who superannuated from service w.e.f. 31.12.1999 was drawing the salary of Rs.11,130/-. As such, there cannot be a lesser pay to his junior and he has raised the issue of discrimination and submits that he cannot be forced to take less payment of salary than of his junior also submits that as his last pay was fixed Rs.10,980/- that resulted into fixation of pension in lower side than to his junior. This discrimination started happening since 1997 whereupon he approached to the Government for rectification of the mistake and his pay should be fixed at the proper place at least at par with his juniors, when his grievance was not redressed, he approached this Court in CWJC No.8334 of 2006, which was disposed of vide order dated 14.05.2010 with liberty to the petitioner to approach the proper authority of the State of Jharkhand, who would do the needful in accordance with law within a period of three months from the date of lodging of the claim by the petitioner to be filed by him along with a copy of this order. Whereupon the petitioner approached to the authority concerned by filing proper representation, but instead of resolving the dispute by the authority of the State of Jharkhand, vide letter dated 14.02.2012 informed the petitioner that his service book and connecting records have been transferred to the State of Bihar in the Finance Department, hence, he should approach to the proper



authority. The matter is pending since long unattended on account of non-rectification of the mistake, he continued to receive lesser amount of salary right from 1997 and after superannuation getting lesser amount of pension.

As it appears that the matter is still under consideration before the Finance Department of the State of Bihar, but the record does not reflect the grievance of the petitioner has been looked into in any manner.

However, counsel for the State has drawn the attention at paragraphs 8 and 9 of the counter affidavit, which are as follows:-

“(8) That rectified pay slip no.- 20041521008917 has been issued by respondent no.5, and informed to the petitioner copy of which is annexed as Annexure-1 of this reply.

(9) That rectified pay slip issued by respondent no.5 has been sent to Accountant General, Bihar to issue revised authority slip of pension and gratuity vide departmental letter no.5725 (S) we dated 26.06.2015”.

But the counsel for the petitioner submits that authority letter would not resolve the dispute as that is related to the matter with respect to grant of ACP in the scale of Executive Engineer.

In such view of the matter, let the petitioner file a proper representation to the Engineer-in-Chief-cum-Additional



Commissioner-cum-Special Secretary, Road Construction Department, Government of Bihar and the Commissioner-cum-Secretary, Finance Department, Government of Bihar along with a copy of this order. It is expected that both the authorities will examine the claim of the petitioner and take a decision in accordance with law within a period of four months from the date of filing of such representation by the petitioner.

With this observation and direction, this writ petition is disposed of.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.04.2019
Transmission Date	N.A.

