

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 5877 of 2015

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Ram Awatar Raut, Son of Ram Roop Raut. Resident of Village + P.O.-
Rakhwari, P.S.- Andhrathari (Rudrapur), District - Madhubani. At present
residing at 2/22 Roshar Garden-II, Kakrola Road, Nazafgarh, New Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Cabinet, Secretariat &
Coordination, Bihar, Patna
2. The Principal Secretary, Finance Department, Bihar, Patna.
3. The Resident Commissioner, Bihar Bhawan, New Delhi.
4. The Chief Administrative Officer, Bihar Bhawan, New Delhi.

... .. Respondent/s

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For the Petitioner/s	:	Mr.Neeraj Nandan
For the Respondent/s	:	Mr.Gp16- Rajesh Singh

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-08-2019

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

2 Writ petition has been filed for quashing Letter dated
03.03.2015 (Annexure 8) issued by respondent No 3, Resident
Commissioner, Bihar Bhawan, New Delhi rejecting the
petitioner's claim for grant of pay scale of Rs 5,000 – 8,000/-
treating him to be Receptionist -cum- Telephone Attendant. The
fact that the petitioner, for some time, has also worked as Assistant
Manager was also raised by the petitioner in support of his claim.

3 Petitioner, in respect of this relief, has approached
this Court earlier. His writ petition bearing CWJC No 4523 of



2014 was disposed of with a direction to respondent No 3 to take a decision in this regard. Respondent No 3 has disposed of the petitioner's claim by order dated 03.03.2015 (Annexure 8).

4 Petitioner claims to be in regular service as Telex Manager since the year, 1987. It is his case that four posts of Receptionist -cum- Telephone Attendant in the pay scale of Rs 785 – 1210/- was created by the Deputy Secretary of the Cabinet Secretariat and Coordination Committee. Petitioner was promoted as Telephone Attendant in the pay scale of Rs 975 – 1,540/- in the year, 1995 by respondent No 3. It is his further case that the Chief Administrative Officer promoted/appointed the petitioner as Receptionist -cum- Telephone Attendant on 18.10.1996 on which post he worked till 28.02.2013. The 05th Pay Revision Committee's recommendation fixed the pay scale of Receptionist -cum- Telephone Attendant as Rs 5,000 – 8,000/- for employees posted in Bihar Bhawan, New Delhi. The petitioner, however, continued to be paid salary in the pay scale of Rs 3,050 – 4,590, the scale meant for Telephone Attendant. In the aforesaid factual background, it is submitted by petitioner's counsel that the respondents are wrongly treating the petitioner as PBX Operator/Telephone Attendant as the petitioner, in view of the promotion/appointment on 18.10.1996 as Receptionist -cum-



Telephone Attendant, is entitled to the pay scale of Rs 5,000 – 8,000/-.

5 Respondents have filed a counter affidavit. It is their specific case that the Finance Department notified various posts with respective salaries. Three posts in question and their corresponding salary are as follows:

Receptionist -cum- Telephone Attendant – 5,000 – 8,000/- (Category C Post)

Telephone Attendant – 3,050 – 4,590/- (Category D Post)

Telex Operator – 5,000 – 8,000/- (Category C Post)

6 Petitioner was initially appointed as Messenger on 08.07.1987. Vide Letter dated 01.04.1995, petitioner was appointed afresh on the post of Telephone Attendant and is getting the scale as prescribed by the Fitment Committee for the post of Telephone Attendant. Petitioner was an employee in Category D. Post of Receptionist -cum- Telephone Attendant is in Category C. The purport of mentioning Receptionist in the Letter dated 18.10.1996 was only to indicate the place of petitioner's posting which is at the Reception, where variety of staff are posted at the disposal of the Receptionist -cum- Telephone Attendant.

7 On going through the Letter dated 18.10.1996, which forms the basis of petitioner's claim for the scale of Receptionist -cum- Telephone Attendant, this Court would observe that the



stand of the State, taken in the counter affidavit, appears to be correct. The mention of Receptionist -cum- Telephone Attendant is apparently to indicate the place of posting. The petitioner, admittedly, has never received pay scale for the post of Receptionist -cum- Telephone Attendant. The claim of the petitioner for the scale of Receptionist -cum- Telephone Attendant, in the circumstances, does not appear to be tenable. Letter dated 18.10.1996 also does not grant the scale for the post of Receptionist -cum- Telephone Attendant to the petitioner, which is a Group C Post, whereas petitioner was an employee of Group D.

8 In the aforesaid facts and circumstances, this Court would observe that no legally enforceable claim has been made out by the petitioner for being granted the scale of Rs 5,000 – 8,000/-, i e, the pay scale meant for Receptionist -cum- Telephone Attendant.

9 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2019
Transmission Date	NA

