

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8699 of 2015

-
-
1. Md. Wasim Uddin S/o Late Md. Salimuddin at Mohalla Rahama Khan, P.O. Lalbagh, P.S. Laheriasarai, District Darbhanga.
 2. Abdul Kalam S/o Late Md. Luqman Moh. Jama Masjeed, Emlital, Danapur Kaint, Patna.
 3. Sita Ram Sahu S/o Late Subi Sahu Resident of Mohalla Sonupur, Post Sonupur, P.S. Rosdha, District Samastipur.
 4. Suresh Tiwari S/o Vindhychal Tiwar Village Post Machager Iachiram, P.S. Hthua, District Gopalganj Bihar.
 5. Monohar Nath Mahto S/o Late Uran Chand Mahthon Village/Mohalla Badha Moor, Post Chhota Moor, District Ranchi, State Jharkhand.
 6. Mithlesh Kumar Tiwari S/o Late Ram Bharat Tiwary Clerk, Bihar Industrial Area Development Authority, Udhog Bhawan, East Ghandh Maidan, Patna.
 7. Shiv Sagar Sahu S/o Late Subi Sahu Peon, Bihar Industrial Area Development Authority, Udhogh Bhawan, East Gandh Maidan, Patna.
 8. Geeta Kumari W/o Sabhapati Singh Peon, Bihar Industrial Area Development Authority, udhogh Bhawan, East Gandhi Maidan, Patna.
 9. Shiv Sager Tiwari S/o Dadan Tiwari Peon, Bihar Industrial Area Development Authority, Udhogh Bhawan, East Gandh Maidan, Patna.
 10. Md. Ali Raja S/o Md. Zahoor Driiver, Bihar Industrial Area Development Authority, Udhogh Bhawan, East Gandhi Maidan, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary Industry Department-cum-Chairman, Bihar Industrial Area Development Authority, Vikash Bhawan, New Secretariat, Patna.
3. Principal Secretary, Finance Department, Old Secretariat, Patna.
4. Director of Industry, Industry Dept. Vikash Bhawan, New Secretariat, Patna.
5. Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
6. Secretary, Bihar Industrial Area Department Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
7. Consultant Accounts, Bihar Industrial Area Development Authority, Udhog Bhavan, East Gandhi Maidan,
8. Consultant Legal, Bihar Industrial Area Development Authority, Udhog Bhavan, East Gandhi Maidan, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mahesh Prasad Singh
For the State	:	Mr.Manish Kumar, AC to AAG 6
For BIADA	:	Mr. Kumar Priya Ranjan



CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

7 16-10-2019 Writ petition has been filed by the employees of the respondent-authorities.

Authority has implemented revised scale with effect from 07.01.2015, pursuant to revision of scale in the Central Government after 6th Central Pay Revision Committee Recommendation with effect from 07.01.2015 by memo dated 19.01.2015.

Petitioners in the instant proceedings have prayed for issuance of a writ that benefit of revised pay be granted with effect from 01.01.2006 instead of 07.01.2015 which has been granted by the authority under memo dated 19.01.2015.

Counsel for the respondent-authorities has placed on record order of this court in the case of *Manoj Kumar & others vs. The State of Bihar and others in CWJC no. 204 of 2017*. In that case also as in the instant case, petitioners therein sought implementation of the decision to grant benefit under 6th Pay revision with retrospective effect. Employees of the same organization sought the same relief seeking a direction in relation to retrospectivity of the same decision of the respondent-authorities dated 19.01.2015.

On perusal of order dated 15.09.2017 passed in the case of *Manoj Kumar (supra)*, this court would find that claim for the same relief of retrospectivity in respect of the same decision of the respondent-authorities dated 19.01.2015 has been rejected. Relying



upon the decision of the apex court in the case of ***Government of Andhra Pradesh vs. N. Subbarayudu reported in (2008) 14 SCC page 702.***

This court would consider it useful to reproduce relevant extract of the judgment in the case of ***Manoj Kumar (supra)*** which reads as follows:-

“In my opinion, considering that any adoption of the Scheme or pay scale involves financial implication it is best left at the discretion of the employer to determine the date from which it has to be implemented in the establishment.

Mr. Kumar Ravish learned counsel for 'BIADA has invited the attention of this Court to a similar opinion expressed in the judgment of the Supreme Court reported in (2008) 14 SCC 702 (Government of Andhra Pradesh vs. N. Subbarayudu) more particularly paragraph 5 of the judgment. In my opinion the law is well settled and the decision put to challenge requires no interference. Another aspect of the matter is that the decision to grant the benefits having been taken after the superannuation of the petitioners, they can have no cause of action to maintain the writ petition which is accordingly disposed of.”

Petitioners' case is squarely covered by the decision in the case of ***Manoj Kumar (Supra)*** and as such instant writ petition must also meet the same fate and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

U			
---	--	--	--

