

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4636 of 2017

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Nageshwar Maharaj, Son of Late Gopal Maharaj, Retired Administrative Officer, Bihar State Pharmaceutical Corporation, Patna, P.S. Kotwali, District-Patna.

... .. Petitioner

Versus

1. Bihar State Pharmaceutical Corporation L. T. D.
2. Managing Director, Bihar State Pharmaceutical Corporation Ltd, Maurya Lok, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Shyama Kant Singh Mr. Rajesh Kumar Sharma
For the Respondent/s	:	Mr. Bipin Bihari Singh
For the B.S.P.C.L.	:	Mr. Kumar Ravish Mr. Kashyap Kaushal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

Date : 01-05-2019

Heard learned counsel for the petitioner, Mr. Rajesh Kumar Sharma and learned counsel for the respondent No.1 and 2, Mr. Kumar Ravish.

The prayer made in the writ application is for grant of revision of pay-scale to the petitioner on the basis of Fifth and Sixth Pay Revision which has been granted to similarly situated persons, namely, Sunil Kumar Singh, Dinesh Kumar, Dharendra Kumar, as mentioned in Annexure-5 to the writ application which is an office order issued under the signature of Accounts Officer of Bihar State Pharmaceutical and Chemical Development Corporation.

Learned counsel for the petitioner submits that respondent-Corporation has come out with an office order whereby



the benefits of pay revision of Fifth and Sixth Pay have been granted to the similarly situated employees but the petitioner is being discriminated by the respondent-authorities and is being denied the revision in pay-scale based upon Fifth and Sixth Pay Revision.

On the other hand, opposing the prayer of the petitioner, learned counsel for the respondent has submitted and has placed para- 9, 10, 11, 12 and 13 of the counter affidavit stating therein that persons named in the office order form a separate class inasmuch as they were on deputation in State Government and from perusal of the office Order, Annexure-5, it is apparent that those persons have been granted benefits of pay revision while rendering their services in the State Government on the basis of the terms and conditions of deputation, based upon the pay revision implemented for the State Government employees. He has further submitted that petitioner was never sent on deputation to the State Government and remained with the Corporation and is being given all the benefits extended to other regular employees who are not on deputation. Further submission of learned counsel for the respondent is that various employees who were on deputation and were granted benefits of pay revision have been restored to the original status after repatriation and got the pay



scale which was applicable in the Corporation. Lastly, the submission of the respondent is that the Corporation has never implemented Fifth and Sixth Pay Revision at any point of time and further stated that now the State Government is also taking employees on deputation without any benefit of revised pay-scale.

Having heard learned counsel for the parties and after going through Annexure-5 placed by learned counsel for the petitioner, it is apparent that Annexure-5 by which the benefits of revision of scale have been granted only to those employees who are working on deputation in the State Government and not to other employees who are rendering the services in the Corporation.

Accordingly, in my considered opinion, the petitioner is not entitled to claim parity with those employees who are on deputation and the benefits of pay revision have been granted to them as separate class on the basis of the terms and condition of deputation. As such this writ application has got no merit on law as well as on facts and is dismissed accordingly.

(Anil Kumar Sinha, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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