

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1589 of 2018

In
Civil Writ Jurisdiction Case No.7160 of 2001

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Satguru Prasad, S/o Late Hari Nandan Prasad, R/o Devi Asthan East Lane
Chiraiya Tand, kankarbagh, Patna, P.S.-Kankarbagh, District-Patna, Retired
State Fire Officer Bihar, Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through the Commissioner cum Secretary, Home (Police)
Department, Government of Bihar, Patna Secretariat, Patna....800015
2. The Commissioner Cum Secretary, Finance Department, Government of
Bihar, Patna Secretariat, Patna-800015
3. The Inspector General of Police, Bihar, Patna Secretariat, Patna-800015.
4. The Accountant General, (A and E) II, Bihar Birchand Patel Path, Patna.-
800001.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Bhushan Das, Advocate
For the State : Mr. Saroj Kumar Sharma, A.C. to A.A.G.-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-03-2019

Re : I.A. No. 8566 of 2018

After having heard learned counsel for the appellant,
we are satisfied that the sufficient cause has been shown to
condone the delay. Delay is accordingly, condoned and the
appeal shall be treated to be within time.

Re : L.P.A. No. 1589 of 2018

Heard learned counsel for the appellant and learned
counsel for the State of Bihar.



The appeal arises out of a dispute with regard to an incorrect fixation of pay that has resulted in a reduction of the pay scale of the appellant as reflected in the pay slip dated 6th of April, 2000 which is prior to his date of retirement. The same was challenged after the appellant attained retirement in C.W.J.C. No.7160 of 2001 that has been dismissed by the impugned judgment dated 24.08.2018 giving rise to this appeal.

Learned counsel submits that there was no fault on the part of the appellant and even otherwise he having retired from the office of State Fire Officer, he was entitled to the same pay scale revision as of the rank admissible to a Superintendent of Police.

The learned single Judge examined the facts and came to the conclusion that the pay-scale that was revised in the case of the appellant was on the basis of his selection grade scale and not the basic grade scale. It is this error which was corrected in the pay-slip and the consequences have ensued.

The appellant has retired in the year 2001.

In the above background and in view of the facts which remain undisputed, we further find from records of the writ petition that the counter affidavit of the respondent no.4 that was filed explaining the entire status of the claim of the



appellant remain unrebutted by the appellant by filing any rejoinder or reply to the said counter affidavit. The facts stated therein therefore remain untraversed by the appellant either in the writ proceedings or even before this Court.

Learned counsel contends that the appellant has retired 17 years hence and therefore any such order might affect him in future with regard to any admissible claims or otherwise.

The present appeal arises only out of a challenge raised to the pay-scale indicated in the pay slip of the appellant and not in respect of any further or future consequential actions. We are therefore not called upon to adjudicate upon the same except for the issue with regard to the correction of the pay scale in the pay slip

We for all the reasons hereinabove do not find any merit in this appeal which is hereby dismissed without prejudice to the rights of the appellant to contest any other future action if taken on the strength of the corrected pay slip.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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