

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18338 of 2019

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Syed Yusuf Raza Rizvi, Male aged about 78 years, S/o Syed Fahim Raza Rizvi, Resident of Mohalla Karimganj Road No.3,P.S. Gaya Sadar Dist.Gaya Ex-Senior Loco Inspector,TRS at Gaya Under the Divisional Railways Manager, E.C. Railways, Mugalsarai

... .. Petitioner/s

Versus

1. Union of India through General Manager,E.C. Railway at PO and PS Hajipur Dist.Vaishali
2. The Divisional Personnel Officer, East Central Railways DRM's Office Building at Mungalsarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
Mr. Praveen Kumar, Advocate
Mr. Uday Pratap Sinha, Advocate
For the Respondent/s : Mr.Ramadhar Shekhar, Add. SC.(Railway)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-09-2019

Heard learned counsel for the petitioner at length.

2. The dispute is with regard to the stepping up of the pay of the petitioner in comparison with that of his



colleagues Mr. S.Q. Raza and Mr. S.S.P. Singh. This dispute has witnessed three rounds of litigation previously which has been indicated in the impugned order of the Tribunal on the 4th occasion. After having recorded the previous litigation, the Tribunal has proceeded to notice the arguments raised whereafter on the basis of Note 9(b) of Rule 7 of the Railway Service (Revised) Pay Rules, the Tribunal has recorded that the order dated 3rd of May, 2013 clearly indicates the reasons after going through the comparative chart that the petitioner was posted against a post which was neither identical in pay or in post with that of the other two persons.

3. Learned counsel for the petitioner pointed out that the Tribunal has wrongly treated the petitioner to be a Goods Guard, whereas he was a Goods Driver.

4. We have perused the comparative chart as well as the entire pleadings and we find that the word “Guard” occurring in Paragraph 11 of the impugned judgment appears to have been inadvertently transcribed which is only a typographical error. The pay-scale is the same which the petitioner was drawing as a Goods Driver. Therefore, there is no error as such for us to take the said argument to be a point of perversity.



5. The pay-scale that was fixed was therefore in accordance with the post held by the petitioner which could not be compared with the pay-scale of the other two persons. We find no reason to differ from the view taken by the Tribunal. The writ petition lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	06.09.2019
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