

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11162 of 2017

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Ajay Shankar Sahay Son of Shri Bajrang Sahay, Resident of Gate No. 21,
P.O.- Lohiyanagar, P.S.- Patrakar Nagar, Munna Chak, Kankarbagh, District-
Patna. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The General Administration Department through the Principal Secretary, Government of Bihar, Old Sec
3. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawa
4. The Managing Director, Bihar State Housing Board 6, Sardar Patel Marg, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Chandra, Advocate
For the Respondent/s : Mr.Lalit Kishore AG

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 26-09-2019

Heard learned counsel for the petitioner and the State.

In this case the petitioner who has superannuated from the post of Junior Engineer-cum-Executive Engineer (in-charge), Division I, Patna, Bihar State Housing Board is challenging the Clause 7 of the resolution dated 10.07.2015 claiming to discriminatory in nature as Clause 6 deals with those who are employed after superannuation from the Government service their payment or stipend will be made in the formula provided therein. Clause 7 also deals with those government servants who have been engaged after enforcement of new



pension scheme, and employee of the Corporation or Nigam.

Counsel for the petitioner submits that Clause 7 violates the provisions of Article 14 and 16 of the Constitution on the principle of equality in payment of salary. He further submits that they have made differences between the payment of those who retired from the government service and those who retired from the Board/ Corporation/Public Sector Units. Clause 7 deals with not only to the Corporation employees or Nigam employees but also to those government employees who superannuated after the enforcement of new pension.

This Court finds no force in the argument of the counsel for the petitioner accordingly, the same is dismissed.

However, if the petitioner who is a retired employee is not satisfied with the fixation of salary, they are free to take decision.

(Shivaji Pandey, J)

(Partha Sarthy, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

