

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2049 of 2011

In
Civil Writ Jurisdiction Case No.2224 of 2009

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1. The State of Bihar through the Home Commissioner-cum-Secretary, Home (Special) Department, Old Secretariat, Patna.
 2. The Inspector General Of Prison, old Secretariat, Patna.
 3. The Deputy Secretary, Home (Special) Department old Secretariat, Patna.

... .. Appellant/s

Versus

1. Dasrath Prasad Singh, S/o Mahabir Prasad Singh, retired jail Superintendent, R/o Mohalla- Road No. 9, Rajiv Nagar, P.O.+ P.S.- Keshari Nagar, District – Patna.
2. The Accountant General, Bihar Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Binita Singh, SC 28
For the Respondent/s	:	Mr.Arun Kumar Arun, Adv.
	:	Mr. Braj Nandan Kumar Tiwary, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 27-11-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the appellants and learned counsel for the respondents.

State of Bihar has filed this LPA for setting aside the judgment and order dated 12.07.2011 passed by learned Single Judge in C.W.J.C. No. 2224 of 2009 by which writ petition has



been allowed.

Writ petitioner had filed writ petition for a direction to respondent state authorities to grant him replacement pay scale of Rs. 10,000-15,200/- instead of Rs. 6,500-10,500/- which was granted to him as his pre-revised pay scale was Rs. 3000-4,500/-.

It was the case of writ petitioner that he joined as Superintendent of Jail on 01.01.1976 and was granted Junior Selection Grade w.e.f. 01.04.81 and Senior Selection Grade from 01.04.85 and his pay scale was Rs. 3,700-5000/-. While posted as Superintend Central Jail, Bhagalpur, he was departmentally proceeded and was awarded punishment by reducing his pay scale from Rs. 3,700-5000/-(Senior Selection Grade) to Rs. 3000-4,500/-(Junior Selection Grade) by order dated 21.12.98 and thereafter pay slip was issued to petitioner in the pay scale of Rs. 6,500-10,500/- although he was entitled for revised pay slip in the pay scale of Rs. 10,000-15,200/-.

Petitioner retired from service on 31.03.2008 and his pension was fixed in the pay scale of Rs. 6,500-10,500/- and aggrieved by which he filed writ petition and after hearing both the parties, this Court found petitioner entitled to pay scale of Rs. 10,000-15,200/- and directed State authorities to re-fix the



pension of petitioner in the said pay scale.

Petitioner was granted Senior Selection Grade pay scale which was 3,700-5000/- and after awarding punishment he was lower down in pay scale of Rs. 3000-4,500/- and replacement of which is Rs. 10,000-15,200/-.

The contention of the appellant/state that the pay scale of Rs. 10,000-15,200/- of petitioner was fixed as Superintendent Central Jail from 01.01.1996 and thereafter he was demoted in one rank on 21.12.98 from Superintendent Central Jail to Superintendent District Jail is not correct as by order of punishment his pay scale was reduced from Senior Selection Grade to Junior Selection Grade (as in vogue in that period) and there was no demotion in the post of petitioner.

This Court does not find any error or infirmity in the order passed by learned Single Judge.

Accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	3.12.2020
Transmission Date	NA

