

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13890 of 2015

1. Sheo Shankar Singh Son of Bindhyachal Singh Resident of Village + Post-Fatehpur (Singhel) Police Station - Chiraiya Kot, District-Ajam Garh, U.P At present Teacher S.P. Vidya Mandir, High School, Buxar, P.O. + P.S. +District -Buxar Bihar
2. Jai Shankar Rai, son of late Brahmchari Rai Resident of Village and Post -Siyari P.S Bhawarkol, District -Gazipur U.P At present Teacher S.P. Vidya Mandir,High School, Buxar, P.O + P.S. +District -Buxar Bihar
3. Uday Narain Pandey. Son of ram Kawal Pandey, resident of Village-Rampur, Post-Baliya, P.s Baliya, District Baliya U.P . At present Teacher S.P. Vidya Mandir,High School, Buxar, P.O. + P.S. + District -Buxar Bihar
4. Kamal Kumar Rai Son of Bhaola Rai Resident of Village and Post-Narahi, P.s Narahi, District Baliya, U.P. At present Teacher S.P. Vidya Mandir,High School, Buxar, P.O. + P. S. + District -Buxar Bihar
5. Rita Srivastava, daughter of Late Mangala Prasad Srivastave, resident of Village - Narayanpur ,Post -Kotwan, P.S.Narahi, District Baliya U.P. At present Teacher S.P. Vidya Mandir,High School, Buxar, P.O. + P.S. + District -Buxar Bihar
6. Paras Nath Pathak, Son of Hira lal Pathak Resident of Village and Post-Khairawari, P.S. Bhawarkol, District Gazipur (U.P). At present Teacher,High School Phulwaria Buxar, P.S- Buxar Mufassil, District -Buxar Bihar
7. Raj Narain Singh, son of Kapildeo Singh, Resident of Village-Sudhakarapur ,Post Lawa, District Gazipur (U.P) At present Teacher S.P. Vidya Mandir,High School, Buxar, P.O. + P.S. + District -Buxar Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Ministry of Finance, Govt. of Bihar, Patna.
4. The Principal Secretary, Human Resources Department ,Govt. of Bihar, Patna.
5. The Director ,Secondary Education ,Bihar, Patna.
6. The District Education Officer, District Buxar

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Ram Naresh Sharma, Adv.
For the Respondent/s : Mr.Lalit Kishore, AG

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

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

Date : 19-08-2020

Heard parties.

Petitioner has prayed for following reliefs:-

“ That this writ application is being filed to struck down Rule-10 of Memo No. 3A-2Ve-Pu-16/09-630 Government of Bihar, Finance Department Resolution dated 21.01.2010 which is ultra vires, unconstitutional, arbitrary and violating the principle of Article 14 and 16 of Constitution of India to the extent not giving one increment to petitioners in pre-revised scale on 01.01.2006 falling dues between February 2006 to June 2006.”

Counter affidavit has been filed on behalf of



respondents in which it has been stated that after 6th CPC recommendations were made, the State Government had constituted a Pay Committee to recommend the Pay structure to be made applicable to state Government employees w.e.f. 01.01.2006. Subsequent to that Committee's recommendations, the State Government notified the then revised pay structure and the method of fixation of pay vide Resolution No. 630 dated 21.01.2010.

Subsequently, the Central Government made Several amendments with respect to the pay structure for Central Government employees of which a majority were not made applicable to State Government employees owing to reasons of fiscal prudence as well as administrative exigencies. One of the amendments was referred to the commission for its recommendation. This relates to Central Government decision dated 19.03.2012 regarding grant of benefit of an additional increment of pay to such employees whose dates of annual increment fell between February to 30th June.

The Seventh Pay Commission has been of the opinion that old matters should not be re-opened even if it appears *prima facie* justifiable. The State Government had earlier decided not to accept the said Central Amendment for the



State employees.

State Government as well as 7th Pay Commission has refused to accept the plea of petitioner and for which valid reasons has been assigned as such this court is not inclined to interfere in said decision, accordingly writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

