

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17950 of 2021

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Haider Ali Son of Late Gulzar Ahmed, Resident of Village-Miya Patti, P.O.
and P.S.-Manzhi, District-Chapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Finance,
Govt. of Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The District Accounts Officer, Saran at Chapra.
4. The Sub-Divisional Officer, Sadar, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Alok Kumar Sinha
For the Respondent/s : Mr.Smt. Anuradha Singh (Sc21)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:

“1. That this is an application
for issuance of appropriate writ/writs,
order/orders, direction/directions in the
nature of mandamus commanding the
Respondents authorities for payment of
salary in the Pay Scale of PB1-1 (5200-
20200 +G.P. 2400) fixed as on 14.06.2011
and continued to received payment till April
2021. Further for quashing of Letter no. 1294
dated 17.05.21 issued by Respondent no. 4 to
Respondent no. 3 and controvert the payment
of petitioner’s Grade Pay from 2400/- to
1900/-, thereafter direction for payment of
salary to petitioner in the same Pay scale
which was stopped by Respondent no. 4 after
issuance of Letter no. 1294 dated
17.05.2021.”



3. The impugned communication dated 17.05.2021 is relating to re-fixation of petitioner's pay and reducing his pay. Such communication is without notice to the petitioner. It should have been proceeded by notice to the concerned employee. Such a formal procedure has not been undertaken before issuance of communication dated 17.05.2021. Thus petitioner has made out a *prima facie* case so as to interfere with the communication dated 17.05.2021. Accordingly the communication dated 17.05.2021 is set aside reserving liberty to the concerned respondent to initiate proceedings like issuance of detail show cause notice in respect of re-fixation and reduction of pay of petitioner. In the event of issuance of show cause notice, the petitioner shall furnish his explanation within a period of one month from the date of receipt of notice to be issued by the respondent. Thereafter, the concerned respondent is hereby directed to take decision after due consideration of the each of the contention to be raised by the petitioner against show cause notice in his reply/explanation.

4. Accordingly, the instant petition stands allowed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

