

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1753 of 2017

In

Civil Writ Jurisdiction Case No.9586 of 2016

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Kameshwar Mahto Son of Late Muneshwar Mahto Resident of Mohalla
Kilaghat Town- Darbhanga, Police Station Town Darbhanga, District
Darbhanga

... .. Appellant/s

Versus

1. The Bihar State Food And Civil Supplies Corporation Ltd. Through the
Cheirman cum Managing Director, Sone Bhawan, Beer Chand Patel Path,
Patna - 1
2. The Managing Director, Bihar Sate Food and Civil Supplies Corporation,
Ltd Sone Bhawan, Beer Chand P
3. The Chief of Finance , Bihar State Food and Civil Supplies Corporation,
Ltd. Sone Bhawan, Beer Chan
4. The Desk Padadhikari Budget/Cell, Bihar State Food and Civil Supplies
Corporation, Ltd., Sone Bhawa
5. The District Manager, Bihar State Food and Civil Supplies Corporation,
Ltd., District Office Samast

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Gajendra Kumar Jha
For the Respondent/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 06-09-2022 Heard learned counsels for the parties.

The appellant is an employee of Bihar State Food and
Civil Supplies Corporation. He has attained age of
superannuation and retired from service on 31.07.2007. Sixth
pay commission was introduced by the State of Bihar with
effect from 01.04.2007. Respondent – Corporation have adopted



the sixth pay commission to its employees while assigning that it would be effective from 01.01.2012. In the light of these facts and circumstances, the petitioner filed a C.W.J.C. No. 9586 of 2016 in which he had suffered an order on 16.11.2017. Hence the present L.P.A. insofar as challenging order of the learned Single Judge dated 16.11.2017 passed in C.W.J.C. No. 9586 of 2016. During the intervening period from the date of disposal of the petitioner's writ petition on 16.11.2017 and as on today the respondent – Corporation have issued a notification on 23.09.2020 stating that sixth pay commission would be given effect to its employees with effect from 01.04.2007 instead of 01.01.2012.

Accordingly order of the learned Single Judge dated 16.11.2017 would not come in the way of extending sixth pay commission benefit to the petitioner with effect from 01.04.2007 till 31.07.2007 the date on which he retired.

The respondent – Corporation is hereby directed to re-fix the pay of the petitioner from 01.04.2007 and further extend arrears of pay during the intervening period from 01.04.2007 to 31.07.2007. Further re-fix his pension if he is otherwise eligible. The same shall be calculated and disbursed within a period of three months from the date of receipt of this order failing which



the appellant is entitled to interest @ 6 % per annum on all arrears of amount for the period from 23.09.2020 till payment is made to him.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

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