

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10690 of 2015

=====

Nand Kishore Singh son of Late Surendra Prasad Singh, resident of Village Sunderbagh, Via- Mai Asthan Rambagh Road, P.S Mithanpura, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Finance Officer, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. Sri Surendar Prasad Singh-III, Son of not known, at present posted as Assistant Registrar (w.e.f. 12.03.02), Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Kumar, Sr. Adv. Mr. Neeraj Kumar Sanidh, Adv.
For the State	:	Mr. Anil Kumar Singh, GP 26
For the University	:	Mr. Zaki Haider, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 17-02-2023 1. The petitioner by way of this writ petition has claimed arrears of salary in the pay scale of 2000-3500 with effect from 01.04.1991 with year-to-year increment and all admissible advances and further prays for directing the respondents to re-fix the pay as on 01.04.1996. He further prays to give him promotional benefits with effect from 01.02.1997 and further post of Assistant Registrar with effect from



12.03.2002 i.e., from the date respondent no. 7 was promoted and given the said benefit. The present petition is a third round of litigation initiated by him after he has retired from service in the year 2005.

2. In the first round of litigation initiated by the petitioner **C.W.J.C. 10466/2009 (Nand Kishore Singh vs. State of Bihar & Ors.,** this Court vide order dated **07.12.2009** observed that the petitioner has belatedly claimed relief after four years of his retirement and therefore, it directed him to file a representation to the Vice-Chancellor of the University raising all his grievances. It appears that the order was not complied with and a contempt petition was filed wherein again the Single Judge directed the University to consider the representation within four weeks and liberty was granted to the petitioner to revive the contempt petition. The contempt petition was again revived and order was passed afresh after imposing a cost of Rs. 5000/- on the Registrar to implement the order. Thereafter, an order was passed by the Registrar.

3. The Registrar has noted that the first time-bound promotion was granted with effect from 01.04.1981 to the petitioner in the pay scale of 850-1360 vide order dated 17.09.1987, vide another order dated 18.12.1987 the pay scale



under the revised pay scales was granted with effect from 01.01.1986. Further, second time-bound promotion was granted to the petitioner on completion of 25 years of service and he was placed in the pay scale of 2000-3500 with effect from 01.04.1991 and thereafter the pay was fixed at the higher stage of 2750 with effect from the said date. As per service book entries, he was given benefit of increment with effect from 01.04.1992. The State Audit team raised objections and disallowed the said benefit and placed him back in the pay scale of 1640-2,900 in terms of the Central Pay Scale Revision coming into force from 01.01.1986 (*supra*). Instead of second time-bound promotion, the petitioner was granted promotion with effect from 01.09.2005 after he had superannuated vide order dated 07.01.2006 and his pay was fixed in the pay scale of 5,500-9,000 which was subsequently revised to 7,300 in the pay scale of 6,500-10,500 with effect from 01.04.1997.

4. The learned counsel for the petitioner insists that Surendra Prasad Singh respondent was junior to the petitioner and he has been granted benefits of promotion as Section Officer with effect from 01.08.1997 although, both the petitioner and the said Surendra Prasad Singh had been on the lower post on the same day i.e., 17.01.1979 vide order dated



26.06.1986. Learned counsel for the petitioner submits that the petitioner also should be granted benefits from the date his junior Surendra Prasad Singh was granted promotion to the post of Section Officer.

5. I have considered the submission and I find that the Registrar while noticing the promotion granted to the petitioner with effect from 01.09.2005 has noted that the State Government sanctioned the pay scale of 6,500-10,500 for Section Officer with effect from 01.01.1996 and actual payment was made with effect from 01.04.1997. Accordingly, the pay was fixed for the petitioner at Rs. 7,300/- as on 01.09.2005. Thus, he has been given the benefit from 01.04.1997 on the post of Section Officer and his pay has been actually fixed rightly with effect from 01.09.2005 at Rs. 7,300. Thus, he has been placed at par with Surendra Singh who has also been granted pay w.e.f. 01.04.1997. No other further relief is required to be granted to him.

6. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 68

U			
---	--	--	--

