

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6453 of 2020

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Bhageshwar Jha Son of Late Sumit Lal Jha, Resident of Village-Dhabauli,
P.S.-Patarghat, District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur.
4. The Deputy Inspector General of Police, Railway, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The Superintendent of Police, Purnea.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC-8
		Mr. Ruchikar Jha, AC to SC-8
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 19-12-2023

Heard the parties.

2. Mr. Pramod Mishra, learned counsel for the petitioner submits that after issuance of the authority letter dated 03.11.2021, the revision of pension in the light of the 7th Pay Commission has been accorded to the petitioner, but the same was in the reduced pay scale. He further submitted that so far the matter of time bound promotion and increment is concerned, only the correspondences are being made from one authority to another, but till date no benefits has been given to the petitioner.

3. He next submitted that the petitioner superannuated



from the post of Assistant Sub-Inspector in the pay scale of Rs. 1320-30-1560-46-2040, but he has not been allowed the promotional pay scale due to the reason that he has not passed Hindi noting and drafting examination, which is mandatory only for increment and service approval and the same cannot apply in the case of the petitioner. He next submitted that in the light of the Finance Department Notification Memo No. 6667/Fin. Dated 20.07.1973, the pay scale of the petitioner should have been fixed in the aforementioned pay scale with effect from 01.05.1988 and necessary consequential benefit should be allowed, but the same has not been done till date.

4. On the other hand, learned counsel for the State submits that all the substantive admissible retiral benefits and other dues have been paid to the petitioner, moreover, the petitioner superannuated way back in the year 1992 itself, and soon thereafter, a writ petition bearing CWJC No. 7670 of 1997 was filed and the same was disposed of on 03.02.2000, with a liberty to the petitioner to file representation for redressing of his grievance and thus, the present writ petition is barred by the principle of *res judicata* as well as *constructive res judicata*.

5. Considering the facts noted hereinabove, the present writ petition stands disposed of with a liberty to the



petitioner to assail the order/action of the respondent authority, whereby the petitioner has been allowed reduced pay scale. Needless to observe that, in case, the petitioner shall file a representation before the respondent no. 6, the same shall be considered and disposed of by a reasoned and speaking order within a further period of eight weeks.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

