

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17884 of 2015**

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Krishna Kumar Dutta Son of Late Dukharan Deo, Resident of Village-  
Manohar Bigha, Post- Telhara, District- Nalanda, posted as UDC, Home  
Police Department, Govt. of Bihar, Old Secretariat, Patna-15.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Home (Police) Department, Govt. of Bihar, Old Secretariat, Patna-15.
2. The Principal Secretary, Home (Police) Department, Govt. of Bihar, Old Secretariat, Patna-15.
3. The Additional Secretary, Home (Police) Department, Government of Bihar, Old Secretariat, Patna-15.
4. The Joint Secretary to Govt. in the Home (Police) Department, Government of Bihar, Old Secretariat, Patna-15
5. The Principal Secretary, Finance Department, Government of Bihar, Patna.
6. The Joint Secretary to Govt. in the Finance Department, Government of Bihar, Patna.
7. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
8. The Joint Secretary to Govt. in the General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Verma, Advocate  
For the Respondent/s : Mr. Nawal Kishore Singh, SC-2

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      22-09-2023      1.              The present writ petition has been filed seeking the  
following reliefs:-

*“A. For making payment of salary &  
allowances in the admissible revised Grade Pay  
band of sum of Rs. 4600/- (Pay Scale of Rs.  
9300/- 34,800/-) with all consequential benefits  
w.e.f. 01.01.2006 by fixation of pay to petitioner*



*being posted as UDC in the Home (Police) Department, Govt. of Bihar, Patna-15 as petitioner is being paid with very old & low salary & allowances since then in the Grade Pay of Sum of Rs. 2800/- (Pay Scale of Rs. 5200/--20,200/-) on basis of an erroneous pay fixation, while his colleagues having been similarly circumstanced as petitioner and even his juniors are being already paid with their salary & allowances in the revised Grade Pay Band of Sum of Rs. 4600/- (Pay Scale of Rs. 9300/- -34,800/-), so far resulting into serious miscarriage of justice to him in the most arbitrary, mala fide & discriminatory manner against and in violation of own directives of the Bihar State Govt.*

*B. For making payment of arrears of entire difference of due amount of salary & allowances arising out of admissible revised Grade Pay Band of Sum of Rs. 4600/- (Pay Scale of Rs. 9300/--34,800/-) w.e.f. current payment of low salary & allowances in the Grade Pay of Sum of Rs. 2800/- (Pay Scale of Rs. 5200/- 20,200/-) till the date of this payment with all consequential benefits to petitioner.*

*C. For making payment of arrears of due salary & allowances for the period of about 4 Months i.e. since the Month of June to the Month of Sept 2011 with accrued arrears on account of said revised Grade Pay Band of Sum of Rs.*



*4600/- to petitioner, which has been arbitrarily withheld without approving and disapproving earn leave applied by petitioner on account of his illness w.e.f. 24.05.11 to 04.08.11.*

*D. For providing two withheld increments for the years 2011 & 2012 respectively to petitioner, which has been arbitrarily withheld without any rhyme & reason to him.*

*E. For providing entire benefits of 2nd & 3rd ACP in the admissible pay scale of Rs. 5000-8000/- and such other pay scale whatever admissible to petitioner on account of 2nd & 3rd ACP respectively due to petitioner w.e.f. middle of 09.08.1999 to 20.12.2000 on account of his completion of more than required 20 yrs, and 30 yrs. of service to petitioner pursuant to decisions/directives of the Bihar State Govt. in the Finance Dept., Govt. of Bihar vide Letter No.-5411 dt. 19.06.2015.*

*F. For making payment of entire arrears of difference of due amount of Rs. 5500/--8000/- on account of 1st ACP in the Grade Pay of Rs. 4600/- from 1st ACP being given & paid to petitioner yet in the Grade Pay Band of Rs.2800/-, while his colleagues in the other department having been similarly circumstanced as the petitioner being UDC are being paid 1<sup>st</sup> ACP of Rs. 5500/- - 8000/-, which has been arbitrarily withheld without any rhyme & reason, to petitioner.*



*G. For providing promotion of petitioner from the post of UDC to the Secretariat Assistant in the pay scale band of Rs. 9300/-34,800/- or such other pay band being admissible to petitioner with all consequential benefits to him w.e.f. 30.12.13 by maintaining his seniority, when his colleagues having been similarly circumstanced and even his juniors were promoted so on the posts of Secretariat Assistant.”*

2. At the outset, the learned counsel for the petitioner has referred to paragraph no.11 of the counter affidavit, filed in the present case, by the respondent nos.1 to 4, which is reproduced hereinbelow:-

*“11. That it is further humbly submitted that the claim of the petitioner for upgradation of pay has been carefully examined in light of the advice of the Finance Department and letter no. 5411 dated 19.6.2015 of Finance Department, since, the punishment of censure was awarded to the petitioner for the charges related with after the period of 20.12.2000, so, the petitioner has been found eligible for upgradation of pay w.e.f. 20.12.2000 by upgrading his pay from 4500- 125-7000 (Pre-revised) to pay-scale of 5500-175-9000 (Pre-revised). The petitioner was earlier granted 1st*



*ACP w.e.f 09.08.1999 in pay scale of 4500-125-7000 (Pre-revised). Issuance of necessary order in this regard is under process.”*

3. The learned counsel for the petitioner has thus submitted that since the claim of the petitioner for upgradation of pay scale from Rs.4500-125-7000 to the pay-scale of Rs.5500-175-9000, with effect from 20.12.2000, has been accepted, the respondent be directed to revise the pay-scale accordingly and pay the differential arrears of salary. It is directed, accordingly.

4. The writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

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