

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21764 of 2013

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Krishna Prasad S/O Sri Muni Raj Singh Resident Of Vill. P.O.- Tilain, P.S.- Sanjhauli, Dist. Rohtas And At Present Posted As Assistant Engineer, Rural Works Department, Works Sub Division- Khagaria, Dist. Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Finance Department, Government Of Bihar, Patna Null Null
3. The Under Secretary, Finance Personal Claim Fixation Cell Department, Virchand Patel Marg, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Sohan, Adv.
For the State : Mr. Saroj Kumar Sharma, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 07-02-2023 1. The petitioner by way of this writ petition prays for his pay fixation in terms of Schedule II of the revised pay scale notified on 21st January, 2010 and claims that he should be placed in the Pay Band with a Grade Pay of 5400/- . He claims that his total basic pay would therefore, fall to Rs. 20,890/- as on 01.04.2007, but he has wrongly been fixed on the basic pay of Rs. 18,020/- on and from 01.04.2007.

2. A reply has been filed on behalf of the Finance Department and it relies on a judgment passed by this Court in case of **C.W.J.C. No. 12702/2013 (Ajay Kumar Singh Vs. The State of Bihar)** decided on **09.07.2013** to submit that the



petitioner would not be entitled to revision of pay in terms of Schedule II.

3. Learned counsel for the respondent has pointed out that the petitioner was appointed as an Assistant Engineer on 20th June, 2005. Keeping in view that he was appointed prior to 01.01.2006. The provisions of Schedule II and fixation therein, was not applicable to him.

4. I have considered the submission from the perusal of the gazette notification dated 21st January, 2010, it is noticed that the State Government adopted the Sixth Central Pay Commission and have stated as under:

*“The State Government has given careful consideration to the recommendations of the Pay Committee, alongwith the recommendations of three member Committee constituted vide Resolution no. 12203 dated 23-12-2009 to scrutinize the recommendations of the Pay Committee, in respect of the State Government employees and have decided to accept the running Pay Bands and Grade Pay based new revised pay structure. **Schedule I** contains the normal replacement revised pay structure and **Schedule II***



*contains the entry pay structure for the new entrants who have been appointed on/or after 01-01-2006. Department wise and post wise existing pay scales and revised scales of pay of the Gazetted and Non-gazetted posts, under the State Government, are at **Schedule III.***

Thus, the fixation of the petitioner was to be as per Schedule I and Schedule III and not as per Schedule II which is exclusively for new entrants who have been appointed on or after 01.01.2006.

5. The Co-ordinate Bench in **Ajay Kumar Singh (supra)** has also observed as under:

“As would be evident, there are three schedules to the aforementioned resolution but, the petitioners were given the benefit of Schedule-II which was applicable only to such government servants who had entered in service on or after 1.1.2006. Admittedly, the petitioners will not be governed by the schedule as all of them were appointed prior to 1.1. 2006. It is here that Schedule-I and Schedule-III assumes significance, inasmuch as, Schedule-I lays down normal replacement revised pay structure and the employees drawing the salaryy in the pay-scale of Rs. 5500-9000 were given the replacement pay-scale of Rs9300-34800. Schedule-III contains the post wise existing pay-scales and revised scales of pay wherein the



*persons in the pay-scale of 5500-9000 have been
placed under PB-2 with the grade pay of 4600.”*

6. In view of above, claim of the petitioner is not
made out.

7. The writ petition is devoid of merits and is
accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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