

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.696 of 2019

In

Civil Writ Jurisdiction Case No.21787 of 2011

=====

Rameshwar Prasad Roy Son of Late Udai Roy Resident Of Raksa, Ward No. 3, P.O. - Raksa, Police Station- Karja in the district of Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Executive Director, Regional Office, Bihar Industrial Area Development Authority, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar, Advocate
For the BIADA	:	Mr. Lalit Kishore, Sr. Advocate
		Mrs. Binita Singh, Sr. Advocate
For the State	:	Mr. Rajeev Kr. Sinha, AC to AAG-7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2023

The appellant is aggrieved by the rejection of his contentions on the basis of the 6th Pay Revision Commission by the impugned judgment. The appellant claimed that he was continuing as a Junior Selection Grade Typist/ Head Typist receiving a scale of pay of Rs. 1400-2600 which scale was revised to Rs 5000-8000 by the 6th Pay Revision Commission



report.

2. The petitioner claims such revision, which he was once granted but later withdrawn. The petitioner also claims the arrears in accordance with the same to be paid from the date of pay revision.

3. The learned Single Judge found that the petitioner is not a Head Typist and the pay revisions in the State Government would not apply to the Bihar, Industrial Area Development Authority (for brevity "BIADA"), unless a decision is taken by the authority to implement the same. It was found that the BIADA being in a sticky financial condition, the pay revision was not applied, based on the revision in scales provided. The pay revision as applicable to the employees of the BIADA was as per the post in which they were continuing. Insofar as the petitioner is concerned, he is not a Head Typist and by the 6th Revision Commission the grant of higher grade, within the same cadre was also given up. The petitioner was entitled to the scale of pay of Rs.4000-6000 as a Typist in which post he was earning a pre-revised pay of 1400-2600.

4. We do not find any reason to interfere with the judgment of the learned Single Judge. The Pay Revision Commission recommendations are not to be implemented in



toto without the Government or the authority approving the same. The Pay Revision Commissions only make recommendations which are to be accepted by the concerned authorities; which acceptance would depend upon various factors, one of which would be the financial situation, whether it be of the State or the Corporations or authorities constituted by the State.

5. In the present case, the BIADA is an independent authority and its employees do not fall under the category of government employees. The mere fact that the State Government had accepted the 6th Pay Revision Commission report would not make it automatically applicable to the employees of the BIADA. The BIADA took an independent decision, with the approval of the Finance Department. The decision was to implement the revisions on the basis of the posts and not with reference to the pre-revised scales, as seen from the recommendations. The petitioner's post cannot be equated to that of a Head Typist in the Government and in that circumstance the revision applied to the employees of the BIADA, only can be applied to the petitioner also. The pay revision at the higher scale as per Annexure-2 was a mistake which was corrected by Annexure-3. We find no reason to



interfere with the same.

6. As far as arrears, the petitioner also claims that even the arrears with respect to the pay revision made applicable to the employees of the BIADA has not been disbursed. The learned Single Judge had found that similar writ petitions filed were dismissed on the ground of financial stringency which decision was approved by the Division Bench also. The matter is pending before the Hon’ble Supreme Court and it would not be proper for this Court to now take a different view from that of a Coordinate Bench of this Court; the decision having been produced as Annexure-B along with the counter affidavit of the Respondent Nos. 1 and 2 dated 16.10.2019.

7. The LPA stands dismissed, leaving the parties to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.10.2023
Transmission Date	

