

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2568 of 2018

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Mundrika Singh Son of Late Sheoji Pandey, resident of House No. 2520/A-50, Nirala Nagar, Digha, Patna- 800011, Bihar.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company
2. The Chairman Cum Managing Director, Bihar State Power Holding Company Vidyut Bhawan, Bailey Road, P
3. The General Manager Human Resources, Bihar State Power Holding company, Vidyut Bhawan, Bailey Road
4. The Deputy General Manager Personnel, Bihar State Power Holding Company, Vidyut Bhawan, Bailey Roa

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Ravish, Advocate with Ms. Siddhi Aashana, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, Sr. Advocate with Mr. Vijay Kumar Verma, Advocate Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-09-2023 Heard Mr. Kumar Ravish, learned counsel for the petitioner duly assisted by Ms. Siddhi Aashana, Advocate as also Mr. Vinay Kirti Singh, learned counsel for the Bihar State Power Holding Company.

2. Although number of prayers were part of the writ petition when it was filed in 2018, it has now come down to the limited points.

3. The case of the petitioner is that on 08.10.1982 in line with the respondent's guidelines, he passed the Departmental Examination and got three advanced increments.



Later, he also got the selection grade and senior selection grade.

4. For the first time on 19.09.2007, he was granted promotion to the pay scale of Rs. 4720-9040 which he was already getting by virtue of having been given the selection and senior selection grade. He has illustrated his contention in paragraph-20 which read as follows.

“that the petitioner substantiates his contention by putting the illustration of scales as under:

<i>Original post</i>	<i>- Rs. 3980-7675/-</i>
<i>Selection Grade</i>	<i>- Rs. 4410-8175/-</i>
<i>Super Selection Grade</i>	<i>- Rs. 4720-9040</i>
<i>Promotional Scale (Head Clerk)</i>	<i>- Rs. 4720-9040”</i>

5. However, he submits that once he got promotion, the three increments granted to him in 1982 was removed in line with the respondent's guideline but as a result whereof his pay came down to Rs. 8875 in place of Rs. 9205.

6. Aggrieved, he moved before this Court in CWJC No. 2264 of 2010 (Annexure P/10) which was taken up with the batch cases and on 30.03.2017, direction was given to the respondents to look into the claim and pass reasoned order.

7. Accordingly, the respondents passed an order vide memo no. 744 dated 27.07.2017 rejecting his claim (Annexure-P/12 of the petition).



8. Aggrieved the present petition.

9. It is the case of the petitioner that subsequently, the respondents during the pendency of the writ petition came out with another office order vide no. 1175 dated 29.08.2018 (Annexure-A to the counter affidavit) by which it was held that he will be getting the pay protection but the one increment that he is entitled to pursuant to his promotion was denied. He has taken this Court to the respondent's own resolution dated 7th of May, 1983 (AnnexureP/6 to the petition) and it will be appropriate to incorporate the clause -4 of the resolution which is/are as follows:

“In case of those workmen who are in receipt of advance increments for passing the departmental examination for promotion to next higher post the advance increments shall not be taken into account for fixation of pay on promotion to next higher scale of pay and at the same time it will discontinue automatically after promotion.”

10. He submits that paragraph-4 is relevant, according to which only when an employee get higher scale of pay, the same will be discontinued automatically whereas in his case, it is not a higher scale of pay. He as such submits that this paragraph of resolution dated 7th of May 1983 has to be



deciphered by the respondents which may come to his aid and he may become entitled to one increment that was denied.

11. Mr. Vinay Kirti Singh, learned Senior Counsel appearing for the respondents submit that the order that has been passed subsequently on 29.08.2018 has already taken care of the petitioner by giving him pay protection. He further submits that petition wants his cake and eat it too *inasmuch* as do not want removal of his advanced increment and further wants additional increment.

12. Having gone through facts of the case and the submissions put forward by the parties as also paragraph-4 of Annexure P/6 , the resolution dated 07.09.1983 for the petitioner/similar situate employee as also the respondents, it would be appropriate that the same is deciphered to actually know that in the light of the statement made therein whether one increment can be extended to the petitioner and/or similar such employee or not.

13. In that view of the matter, once again the petitioner is directed to move before the respondent no. 1. the Chairman cum Managing Director, Bihar State Power Holding Corporation within a period of eight weeks from today with the representation with limited prayer to decipher clause-4 of the



resolution dated 7th of May 1983.

14. If such representation is filed within eight weeks from today, the same shall be considered and appropriate order be passed within four months thereafter.

15. The writ application stands disposed of.

(Rajiv Roy, J)

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