

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22752 of 2011

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Amar Singh Resident Of Village- Rupaspur, P.O- Shay Nagar Dhanaut,
District- Patna. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, P.H.E.D, Bihar, Patna.
3. The Chief Engineer, Mechanical, P.H.E.D, Bihar, Patna.
4. The Chief Engineer, Design, P.H.E.D., Bihar, Patna.
5. The Superintending Engineer, P.H.E.D, Design and Planning Circle No.2, Patna.
6. The Executive Engineer, Design and Planning Division No.6, Phed, Patna.
7. The District Accountant Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Yadav, AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 12-01-2024

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for quashing and setting aside letter no. 193 dated 16.11.2011, Office order No. 31, 32 and 33 dated 15.11.2011 by which the fixation of ACP of the petitioner and his pay scale has been reduced to 4500-125-7000/- in place of 5000-150-8000/- w.e.f. 01.01.1996.

3. Learned counsel for the petitioner submits that the petitioner was appointed on 21.07.1979 on the post of Draftsman Grade-II in the pay scale of Rs. 240-6-300-EB-8-396 and after 10 years of completion of his service, he has granted first time bound promotion. In the year 1996 the pay scale of the petitioner was revised and the petitioner was placed in the revised pay scale of Rs.



5000-150-8000/-. Thereafter, the petitioner was placed in the revised pay scale vide order dated 01.01.1996 but pursuant to the order of the competent authority, the petitioner was granted benefit of 1st ACP in pay scale of Rs. 5000-150-8000/- w.e.f. 09.08.1999 and 2nd ACP in the pay scale of Rs. 5500-175-9000/- w.e.f. 21.07.2009 and the same was accordingly entered into his service book on 30.12.2010. He further submits that without hearing the petitioner or without informing the petitioner, the respondents has taken a decision and reduced the pay scale of the petitioner and fixed the pay scale vide letter dated 12.08.2011 in which it has been clearly mentioned that the pay scale of the petitioner as on 09.08.1999 was Rs. 5000-8000/-. He further submits that without hearing the parties the respondents had taken a decision to reduce the pay scale of the petitioner.

4. Learned counsel appearing on behalf of the State submits that when the service book of the petitioner was sent to the District Accounts Officer, Patna for necessary verification and the District Accounts Officer, Patna has taken objection regarding the calculations of the ACP Of the petitioner and pursuant to that recommendation the pay scale of the petitioner was reduced. He further submits that the petitioner has also asked for show cause. He further submits that the petitioner has been given opportunity vide letter dated 27.12.2011 to sustain his claim but fairly submits that before that the respondent has taken decision.

5. In view of the aforesaid, Annexure- 6 and Annexure- 7



are set aside and the matter be remand back to the respondent no. 3 to take a decision a fresh with respect to the pay scale of the petitioner in accordance with law and pass a necessary order after hearing the petitioner and after following the principle of natural justice. And if it is found that the petitioner is entitled for the previous pay scale then he shall calculate the due amount in favour of the petitioner and pay him the same. Pension of the petitioner shall also be revised accordingly and all the exercise must be completed within a period of six months from the date of production/receipt of copy of the order.

6. Accordingly, this writ petition stands disposed of.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.01.2024
Transmission Date	N/A

