

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18758 of 2024

Sachin Kumar Son of Late Ashok Kumar Singh Resident of Old Radha Devi School, Sikandarpur P.S.- Muzaffarpur, District- Muzaffarpur, Bihar-842001.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Industries Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna, Bihar.
2. The Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Vikas Bhawan, Bailey Road, Patna, Bihar.
3. The Chairman, The Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna, Bihar.
4. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna, Bihar.
5. The Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna, Bihar.
6. The Executive Director, Operations, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna, Bihar.
7. The Chief Administrative Officer, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
8. The Deputy General Manager (H.R.), Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harsh Kaushal, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC- 11

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-12-2024 Heard Mr. Harsh Kaushal, learned counsel appearing on behalf of the petitioner and Mr. Vikash Kumar, learned SC-11 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:

"i. For directing the Respondent



Authorities to pay the differential amount of salary, which has consciously, arbitrarily and maliciously to the Petitioner to the tune of Rs. 7,65,279/-, which has been withheld, on account of wrong, discriminatory, arbitrary computation of increment, while continuously working as an Executive with Respondent Bihar Industrial Area Development Authority from 07.09.2007 till 31.08.2016 (i.e. about 9 years) which has not yet been paid despite the representation filed for the same.

ii. To direct the Respondents to make payment of aforesaid amount along with statutory interest as prescribed, after computing the increment in terms of Regulation 1.6 (a) of the BIADA (Financial, Service and Technical) Regulations, 2007 and considering the computation of increment in terms of Consumer Price Index (Hereinafter referred to as 'CPI'), as contained in Memo No. 610 dated 11.02.2015, which has despite of the clear Order has not been paid and increment has been given on discriminatory manner in complete violation to the principles of natural Justice and in contravention to Article 14, 21 and 300A of the Constitution of India.

iii. To hold and declare that Memo No. 1230 Dated 23.03.2011 issued by Respondent No. 05 by which the salary for a week has been deducted is bad in law based on non - est. ground as such by setting aside the same direct the Respondents to pay the deducted salary forthwith along with interest.

iv. After allowing the aforesaid prayer be further pleased to direct the Respondents to pay the cost of the instant litigation to the Petitioner.

v. For any other relief or reliefs for which the Petitioner be found entitled in the eye of law."

3. The main contention of the petitioner is that in terms of Section 5 of the Bihar Industrial Area Development Authority Act, 1974 (hereinafter referred to as the 'BIADA Act,



1974), the BIADA (Financial, Service and Technical) Regulations, 2007 (hereinafter referred to as the 'Regulations, 2007') was came into effect in respect of all the employees of the BIADA including the contractual employees.

4. Referring to Regulation 1.6 (a) of the Regulations, 2007, learned counsel submitted that the same provides for twenty percent increment each year. The petitioner has been discriminated by not giving twenty percent increment each year, rather, a very meager amount from time to time, on account of increment, has been given to the petitioner though the petitioner has discharged his service to the satisfaction of the authority and the controlling officer. Learned counsel further informs that the petitioner has already represented before the Managing Director, Bihar Industrial Area Development Authority- respondent no. 4 to redress his grievance(s) as prayed for in the present writ petition.

5. Considering the aforesaid submission, as well as, the desire of the petitioner, the respondent no. 4 is directed to dispose of the representation dated 29.09.2020 filed on behalf of the petitioner considering the service particulars of the petitioner in terms of Regulations, 2007, if the same is applicable in the case of the petitioner.



6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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