

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20873 of 2013

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Deva Nand Dutta, son of late Sarv Narayuan Dutta, Resident of Village Ahila,
Police Station Bahadurpur, District Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar through Industrial Development Commissioner – cum – Chairman of Bihar Industrial Area Development Authority, Department of Industry, Govt. of Bihar, Patna
2. The Bihar Industrial Area Development Authority through its Managing Director, Udhyog Bhawan, East Gandhi Maidan, Patna – 4
3. The Managing Director, Bihar Industrial Area Development Authority , Udhyog Bhawan, East Gandhi Maidan, Patna – 4
4. The Secretary, Bihar Industrial Area Development Authority through its Managing Director, Udhyog Bhawan, East Gandhi Maidan, Patna – 4
5. The Executive Director, Bihar Industrial Area Development Authority through its Managing Director, Udhyog Bhawan, East Gandhi Maidan, Patna – 4

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Singh, Advocate
For the State	:	Mr. Mahtab Alam, AC to SC 20
For the BIADA	:	Mr. Yashraj Bardhan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 30-01-2026

1. The petitioner has filed the instant application for the following reliefs:

“ For issuance an appropriate writ in the nature of Mandamus commanding the respondents to pay the differences of arrears of salary on account of pay revision commission with effect from 01.04.1997 to 31.10.2006 along with statutory interest/penal interest as applicable and also for a direction to grant all other consequential



benefits in terms thereof for which petitioner is entitled for.”

2. At the very outset, the Learned counsel for the respondents BIADA draws attention of this Court towards the paragraph No. 7 of the counter affidavit filed on their behalf, which reads as follows:

“7. That it is stated that the petitioners / appellants so under CWJC No. 28/2015 and LPA No. 1703/2015 who were similarly situated to this petitioner and were employees of BIADA, preferred SLP (C) No. 019457-019458 of 2018 which is pending for consideration.”

3. It is therefore, contended that since this matter is squarely covered under the judgment dated 24.06.2015 passed by a Co-ordinate Bench of this Court in **C.W.J.C. No. 28 of 2015 (Radhey Krishna Rai Vs. The State of Bihar & Ors)** and other analogous matters, this Writ petition may also be disposed of on the same terms and conditions.



4. In **Radhey Krishna Rai (supra)**

this Court has held as follows:

“23. In the considered opinion of this Court, the petitioners being ex-employee if they have a grievance with regard to malfunctioning of BIADA, of which they too were earlier its part and now have been deprived of the amount of enhanced salary due to the claim of BIADA of having financial exigency and if they find that this claim of financial exigency is on account of alleged misappropriation, they can always take steps against the authorities of BIADA as may be permissible to them in law but then for this reason, this Court cannot deviate from the settled principle of law by fastening of liability of additional expenditure on the head of salary and emoluments on the employer which is not in a position to pay on account of its sustaining recurring loss. Such a direction against public policy can never be issued by this Court in exercise of power under Article 220 of the Constitution of India.

24. Thus, for all these reasons indicated above, all these writ applications fail and are hereby dismissed.”



5. Having regard to the submissions made by the parties, the present Writ petition stands disposed of in terms of the aforesaid judgment passed in **Radhey Krishna Rai (supra)**.

6. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.01.2026
Transmission Date	

