

Rajeev Sinha Vs. State of Bihar and ors.

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SooperKanoon Citation : sooperkanoon.com/129012

Court : Patna

Decided On : Nov-18-2003

Judge : Narayan Roy, J.

Acts : Service Law

Appeal No. : C.W.J.C. No. 9671 of 1998

Appellant : Rajeev Sinha

Respondent : State of Bihar and ors.

Advocate for Def. : Ritesh Kumar, JC to GP II

Advocate for Pet/Ap. : Ajay Prasad and Raj Shekhar, Advs.

Judgement :

Narayan Roy, J.

1. Heard counsel for the parties.

2. The petitioner has prayed for issuance of a writ of mandamus commanding the respondents to pay the scale of Rs. 1200-1800 with effect from 1993 at par with the notification, as contained in Annexure 2, issued by the Personnel and Administrative Reforms Department, Government of Bihar.

3. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner was appointed in the year 1991 on compassionate ground on the post of Bill Clerk in the Sitamarhi District Industry Centre in the scale of Rs. 975-1150 and while he was continuing in service, a notification, as contained in Annexure 2, was issued giving a scale of Rs. 1200-1800 to Class III employees, who were appointed on compassionate ground, but the same was not made available to the petitioner and, therefore, the petitioner filed a representation before the competent authority, which remained pending even till date and the petitioner thereafter filed this writ application. It is further submitted by learned counsel appearing on behalf of the petitioner that the case of the petitioner appears to be covered by the notification, as contained in Annexure 2, and the scale notified in Annexure 2, was made available to M/s. Om Prakash Kumar and Jitendra Kumar, who were appointed on compassionate ground on 8-8-1995.

4. A counter-affidavit has been filed on behalf of the respondents, wherein it is stated that the prescribed pay scale of a Bill Clerk was given to the petitioner and the petitioner was not entitled to get the scale of Rs. 1200-1800. It is further stated in the counter-affidavit that the petitioner is getting the scale approved by the 5th Pay Revision Committee Report and the Bill Clerks of the District Industry Centre are not getting the scale of Rs. 1200-1800 as the same has been prescribed by the Finance Department to the Bill Clerk employed in the State Secretariat and its attached offices.

5. The petitioner is a Bill Clerk in the District Industry Centre and he cannot claim parity with the pay scale as notified in Annexure 2 meant for Bill Clerk in the Secretariat as he belongs to altogether a different cadre.

6. I am informed that the petitioner is getting now a replaced scale recommended by the 5th Pay Revision Committee Report, which is much higher than the scale, which was given to the petitioner.

7. Having heard counsel for the parties and considering the facts and circumstances of the case. I do not find sufficient reason to interfere in the matter.

8. In the result, this application is dismissed.

