

(2015) 09 PAT CK 0132

Patna High Court

Case No: CWJC No. 890 of 2013

Upendra Kumar Verma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Sept. 23, 2015**Citation:** (2015) 4 PLJR 807**Hon'ble Judges:** Ajay Kumar Tripathi, J.**Bench:** Single Bench**Advocate:** Arjun Pd. Keshri, for the Appellant; Rajiv Roy, for the Respondent**Final Decision:** Dismissed

Judgement

Ajay Kumar Tripathi, J.

Petitioner wants a mandamus upon the respondent authorities to pay him a different pay scale and at par with the post of Statistician-cum-Lecturer because it is his case that the parity between his pay scale and such post holders have been maintained for many a years till the last pay revision committee decided otherwise. The law is well settled in this regard by the Hon'ble Apex Court in the case of [State of U.P. and Others Vs. J.P. Chaurasia and Others](#), and in the case of [State of Haryana and Another Vs. Haryana Civil Secretariat Personal Staff Association](#), that such pay fixation is the duty of the specialized body known as pay revision committees set up by the government. There are many a factors which goes into deciding the requirement of pay scale for holders of post. Court has no occasion to express its opinion or exercise any discretion on such matters.

2. The Hon'ble Apex Court in the State of U.P. vs. J.P. Chaurasia (supra) had observed as under:--

"18. The first question regarding entitlement to the pay scale admissible to Section Officers should not detain us longer. The answer to the question depends upon several factors. It does not just depend upon either the nature of work or volume of work done by Bench Secretaries. Primarily it requires among others, evaluation of

duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantity of work may be the same, but quality may be different that cannot be determined by relying upon averments in affidavits of interested parties. The equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like Pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

In view of the above, the writ has no merit. It is dismissed.