

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16527/2010

(From the judgement and order dated 04/03/2010 in LPA No. 341/2010
of The HIGH COURT OF PATNA)

SIYARAM SINGH Petitioner(s)

VERSUS

STATE OF BIHAR & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 25/02/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Ashish Giri, Adv.
Mr. Samir Ali Khan,Adv.

For Respondent(s) Mr. Manish Kumar, Adv.
Mr. Gopal Singh,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal stands disposed of in terms of
signed order.

(Sonia) (Sneh Lata Sharma)
Sr P.A. Court Master

(Signed order is placed on the file).
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2081 OF 2011
(@SLP(C) No. 16527 of 2010)

SIYARAM SINGH ...APPELLANT

VERSUS

STATE OF BIHAR & ORS. ...RESPONDENT

O R D E R

Leave granted.

This appeal is directed against judgment dated 4-3-2010 rendered by the Division Bench of High Court of Judicature at Patna in LPA No. 341 of 2010 whereby the Division Bench has set aside the judgment dated 30.11.2009 passed by the learned Single Judge of the said High Court in CWJC No. 15069 of 2009 directing the respondents to pay arrears of difference in salary of post of peon which was held by the appellant and salary of post of driver on which the appellant was serving since 1975.

After hearing the learned counsel for the parties, this Court had passed the following order on January 28, 2011 :-

"This Court has heard the learned counsel for the parties and does not find any substance in the claim advanced by the petitioner that he was entitled to the pay scale allowable to the post of driver. However, the record shows that he had

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served in officiating capacity as driver on several occasions. Therefore, it was argued on behalf of the petitioner that the petitioner would be entitled to additional 20% of salary admissible to the post of peon as per Rule 103 of Bihar Service Code. Mr. Manish Kumar, the learned counsel for the State of Bihar prays to adjourn the matter by four weeks to enable him to obtain necessary instructions in the matter. The prayer is accepted and it is ordered accordingly."

Pursuant to above mentioned order the learned counsel for the State of Bihar has produced a xerox copy of the communication dated February 22, 2011 received by him from Principal Secretary, Planning and Development Department, Government of Bihar Patna for perusal of the Court. It is ordered to be taken on the record of the case. In the said communication, it is mentioned that the department is agreeable to pay 20% of the officiating pay to the maximum limit of Rs. 250/- per month to the appellant for the duties and responsibilities performed by him of a higher post i.e. the post of a driver. It is also

mentioned therein that the letter has got concurrence of the Finance Department.

In view of the contents of the said letter, the appeal is partly allowed. The respondents are directed to pay 20% of the officiating pay to the maximum of

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Rs. 250/- per month to the appellant for the duties and responsibilities performed by him of a higher post i.e. the post of a driver within six weeks from today.

Subject to the above mentioned direction, the appeal stands disposed of.

.....J.
(J.M. PANCHAL)

.....J.
(H.L. GOKHALE)

NEW DELHI;
DATED FEBRUARY 25, 2011