

(2012) 03 JH CK 0148
In the Jharkhand High Court
Case No : C.W.J.C. No. 5547 of 1996 (P)

Arwind Kumar Dubey and Satish Prasad Singh	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 01-03-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 2 JCR 525

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Judgement

P.P. Bhatt

1. Heard the learned Senior Counsel for the petitioners as well as the Learned Counsel for the respondent-State.
2. Petitioners by way of filing this writ petition under Article 226 of the Constitution of India have prayed for issuance of appropriate writ/order/direction commanding the respondents to remove the pay anomaly in respect of the petitioners. It is also prayed that appropriate direction may be issued to the respondents to recommend higher scale of pay in favour of petitioners than the officers of the junior pay scale, who have been provided higher pay scale. It is also prayed that appropriate direction may be issued to the respondents to grant more than pay scale of Rs. 1000-1820 i.e. to grant pay scale of Rs. 1350-2000 w.e.f. 1.4.81 from which date officers of junior pay scale have been provided this pay scale and the revised pay scale. It is further prayed that appropriate order/direction may be issued to grant pay scale of Rs. 3000-4500 to the petitioners w.e.f. 1.1.86 as officers of junior scale of pay have been provided this scale w.e.f. 1.1.86.
3. Upon hearing the Learned Counsel for the parties, it appears that the main controversy involved in the present petition is with regard to removal of anomaly in pay scale. It appears that after recommendation of the 4th Pay Commission,

Pay Anomaly Committee was set up and the case of the petitioners was placed before the said Committee and the said Committee found that there is no anomaly. So far as recommendation of the 5th Pay Commission is concerned, according to the learned Senior Counsel for the petitioners, anomaly continued even after recommendations of the 5th Pay Commission. On perusal of the materials on record, it transpires that so far as contention raised by the present petitioners with regard to anomaly after implementation of the 5th Pay Commission is concerned, the same was not placed before the Pay Anomaly Committee constituted for the purpose and therefore, there is no decision of the Anomaly Committee in this regard. Since this matter relates to removal of pay anomaly, it is desirable that the Committee, that may be constituted by the State, shall look into the grievance of the petitioners and examine as to whether pay anomaly as alleged by the petitioners is in existence or not." Since this question is not examined by such Pay Anomaly Committee, appropriate direction is required to be issued at this juncture to the respondent-State to refer this matter to the Pay Anomaly Committee, if the Pay Anomaly Committee is in existence. Otherwise, the respondent-State shall take appropriate steps for constitution of new Committee for the purpose of deciding the contention raised by the present petitioners with regard to anomaly after the implementation of the recommendation of the 5th Pay Commission.

4. Learned Senior Counsel for the petitioners submitted that the petitioners will make fresh representation justifying their claim with regard to removal of pay anomaly within four weeks from the date of receipt of a copy of this order.

5. Learned Counsel for the State submitted that upon receipt of such representation submitted by the petitioners, Secretary, Rural Development Department, State of Jharkhand, Ranchi will take appropriate steps for referring this matter to the Committee appointed by the State for removal of anomaly as may be directed by this Court.

6. Having regards to the facts and circumstances of the case as also submission made by the Learned Counsel for the petitioner as well as state, it would be just and proper to refer this matter to the Pay Anomaly Committee or any other such Committee for its decision in this regard. The respondent-State shall take necessary step for the constitution of such Committee if no such Committee is in existence. Petitioners are directed to submit representation justifying their claim with regard to removal of anomaly in pay before the Secretary, Rural Development Department, State of Jharkhand and upon receipt of the representation the same shall be referred to the Pay Anomaly Committee or such other Committee constituted by the State for the purpose and the said Committee shall consider the representation submitted by the petitioners within three months thereafter. It is also clarified that the opportunity of personal hearing will be afforded to the petitioners before finalization of representation submitted by the petitioners.

7. With the aforesaid observation and direction, present writ petition stands

disposed of.