
(1990) 09 PAT CK 0006

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3052 of 1989

Chandramani Mishra and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 03-09-1990

Acts Referred:

Citation : (1992) 2 PLJR 665

Hon'ble Judges : G.C. Bharuka, J

Bench : Single Bench

Advocate : Basudeo Pandey, T.P. Verma and J. Pandey, for the Appellant; J.K. Singh, for the Respondent

Final Decision : Allowed

Judgement

G.C. Bharuka, J.—The Petitioners in the present writ application are sepoy and Havildars in the Home Guards Organisation and they are paid staff. Their service condition is regulated by the Bihar Home Guards Act and the Bihar Police Manual and other rules framed by the State in this behalf.

2. Their claim is that their nature of work and duties are the same as those of their counter parts in the police department. The Petitioners have quoted various provisions of Home Guards Act and the Government instructions to substantiate their stand. In this background and they have confined their prayer in the present writ application for a declaration that they are entitled to the same pay scale which has been given to their counter-parts in the police department. It is an admitted position that prior to 1.3.1977 the pay scales of both the cadres were the same. From 1.3.1977 there was a revision in the pay scales of constables and Havildars of Police force but there was no corresponding revision in the pay scales of the Petitioners i.e sepoy and Havildars of Home Guard Department. When the matter was taken up before the Government in the representative capacity on behalf of the Petitioners, by Annexure-2, which is a letter dated 30th March, 1981, issued by the Government in the Department of Home, Special Branch, it was conceded that the nature of work of sepoy and

Havildars being identical in the police and the Home Guard Departments, the request on behalf of the Petitioners had sufficient force and it will be favourably considered on receiving the report of the Fourth Pay Commission. It is admitted by both the parties that on receiving the report of Fourth Pay Revision Commission from 1.4.1981 the pay scales of sepoy and Havildars in both Home Guard as well as Police Departments were brought at par and they are enjoying the same pay scales.

3. Considering all these facts and circumstances, I fail to understand how the pay scales of sepoy and Havildars can be discriminated for the interregnum period from 1.3.1977 to 1.4.1981. In my opinion, for that period (1.3.77 to 1.4.81) also the Petitioners are entitled to the same pay scale as that of their counter-parts in the Police Department. Accordingly, I hold that there will be no deduction in respect of any amount paid to them during that period as interim allowance. I also direct that the increments of the Petitioners in respect of fixation of their salaries be computed by treating their pay scale same as that of their counter-parts in the Police Department during the period 1.3.1977 to 1.4.1981. The Writ petition is, accordingly, allowed to the extent indicated above. There will be no order as to cost.