
(2006) 06 PAT CK 0040
In the Patna High Court
Case No : C.W.J.C. No. 6707 of 2005

Girish Jha and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 21-06-2006

Acts Referred:

Citation : (2006) 3 PLJR 348

Hon'ble Judges : Ramesh Kumar Dutta, J

Bench : Single Bench

Advocate : Binod Kr. Jha, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Ramesh Kumar Dutta, J.—Heard the learned Counsel for the petitioners. No one was present for the State.

2. The matter was heard yesterday and today on the G.P. being called, his J.C., Abhinaw Raj, came to the Court and informed that he is not in a position to assist the Court in the matter.

3. The petitioners seek quashing of the order passed by respondent No. 4 vide Memo No. 464 dated 17.3.2005 (Annexure-17) by which the pay revision of the petitioners in the scale of skilled artisan, (handicraft) has been rejected.

4. Learned Counsel for the petitioners submits that earlier also these petitioners had approached this Court by filing C.W.J.C. No. 1772 of 2004 and by order dated 31.1.2005 this Court had directed respondent No. 2 the Finance Commissioner, to take a decision in the matter regarding payment of scale to the petitioners on the basis of 5th Pay Revision Committee's Report for the post of Skilled Artisans within a period of three months.

5. The grievance of the petitioners is that they have been granted scale of Rs. 3050 - 4590 whereas they should have been given revised scale of Rs. 4000-6000 and in view of the fact that they belong to the category of Skilled

Artisan (Handicraft). All the petitioners are stated to be functioning as Skilled Artisan (Handicraft) in the Upendra Maharathi Slip Anusandhan Sansthan, Patna. In support of his contention learned Counsel for the petitioners relies upon the report of the Fitment Appellate Committee which is contained at Annexure-9.

6. From a perusal of the said report it appears that this very issue whether the petitioners should be granted the higher scale of Rs. 4000 - 6000 which has been demanded by them has been considered by the Fitment Committee. After examining the demand of the petitioners the Fitment Committee has discussed all categories of Artisans, Skilled Artisans, Higher Skilled Artisans, Trained Artisans and Masters etc. in paragraph 37.3 Vol. II of its Reports and have clearly been able to Identify equivalent Central posts and recommended appropriate revised scale. The Fitment Appellate Committee was of the view that there has been no discrepancy while undertaking the same by the Fitment Committee and it is not appropriate for the Upendra Maharathi Art Research Centre Technical Employees Association to compare the Technical Skilled Artisans who were in the pre-revised scale of Rs. 975-1540 with the Skilled Artisan(Handicraft) and Higher Skilled Artisan who were in the much higher pre-revised scale of Rs. 1200-1800 and Rs. 1320-2040. For the said reasons the Fitment Appellate Committee recommended no change. It was remarked by the Fitment Appellate Committee, which was strongly relied upon by the learned Counsel for the petitioners, that the petitioners would have to satisfy the Government-which they have apparently not been able to do-that they are the same as Skilled Artisan (Handicraft) in which case they would be entitled to the scale of Rs. 4000-6000-/, otherwise not.

7. Learned Counsel for the petitioners, in view of the aforesaid observations made by the Fitment Appellate Committee while recommending no change in the pay scale strongly contended that the State Government was obliged to consider the aspect of the matter as to whether they are same as skilled (sic) (handicraft) and only after doing so the State Government could have taken the decision not to grant higher scale, which (sic) HAS NOT BEEN done by the State Government while passing the impugned order dated 17.3.2005. He further contends that this was also purported in earlier direction given by this Court to the Finance Commissioner to take a decision regarding pay scale of the petitioners.

8. Another contention of the learned Counsel for the petitioners is that the 5th Pay Revision Committee had also recommended the pay scale of Rs. 1200-1800 with respect to the Skilled Artisan(Handicraft) and in view of the direction of this Court by the order dated 31.1.2005 the Government was required to look into the matter and grant the said pay scale. However, on going through the said recommendation of the 5th Pay Revision Committee I find that the recommendations were made with respect to this large category of skilled artisan handicraft there who were earlier enjoying different pay scale only with respect to the skilled artisan(handicraft) who were getting the pay scale of Rs. 580-860, that recommendation was made by the 5th Pay Revision Committee to give

revised pay scale of Rs. 1200-1800. Admittedly the petitioners were getting the pay scale of Rs. 425-605 for which the lower Pay Scale had been recommended. Learned Counsel refers to the remarks made by the 5th Pay Revision Committee with respect to the Skilled Artisan of the present Institute that despite several directions and reminders the list of posts of the concerned Institute had not been given to the Committee. Be that as it may, there was no specific recommendation by the 5th Pay Revision Committee with respect to the scale of the skilled artisans of the Institute for getting the higher pay scale of Rs. 1200-1800 and it is admitted that they were in fact granted revised pay scale of Rs. 950-1400.

9. On a consideration of the contention of the learned Counsel for the petitioners and looking into the impugned order it is apparent that no direction can be issued to the State Government to grant specific pay scale to the petitioners. Such matters as fixation of pay scale are in the realm of the expert and for the said purpose State Government has already appointed a Pay Revision Committee and Fitment Committee to go into the matter and examine. But the Fitment Appellate Committee had not recommended the higher pay scale to the petitioners. It was of course open to the State Government to grant higher pay scale to the petitioners on consideration of the nature of the work performed by them. But having considered that they have been receiving earlier and examining the reports of the Fitment Appellate Committee when the State Government has passed the order dated 17.3.2005, this Court does not find any illegality in the said order and for the said reason the said order cannot be quashed as demanded by the petitioners.

10. Learned Counsel for the petitioners has raised another grievance by filing amendment application that during the pendency of this writ petition by order dated 1.8.2005 as contained in Annexure-18 the State Government has reorganised the (sic) of the institute putting all skilled artisans and various other categories of employees in the same (sic) and, thus, it is contended by the learned Counsel for the petitioners that the same has been done malafide to defeat the claims of the petitioners. This Court does not find such submissions to be valid for the reason that there was no such earlier recommendation by any Pay Revision Committee to grant higher pay scale to the petitioners which is now being denied.

11. For the reasons aforesaid this writ petition is dismissed. But in the facts and circumstances of the case there shall be no order as to cost.