
(1996) 04 AHC CK 0091
In the Allahabad High Court
Case No : Writ Petition No. 103(s/s) of 1996

Jai Karan Singh and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 25-04-1996

Acts Referred:

Citation : (1996) 04 AHC CK 0091

Hon'ble Judges : S.H.A.Raza, J

Final Decision : Allowed

Judgement

S. H. A, Raza, J.—The question of law involved in this writ petition is the same as in the writ petition bearing No. 3558 (SS) of 1992 and similar other writ petitions which were allowed by the Hon"ble the Single Judge of this Court except writ petition No. 1502 (SS) of 1992 and also quashed the notification dated 20.2.92 (as contained in Annexure No. 1 to the Writ Petition No. 3558 (SS) of 1992) by means of which the nomenclature of the petitioners was changed to that of tubewell assistants and honoraria for Rs. 550/ per month was fixed. In the aforesaid bunch of writ petitions the opposite parties were directed to pay all the petitioners the same emoluments i.e. in the same scale of pay in which other regularly appointed tubewell operators were being paid. However, the writ petition bearing No. 1502 (SS) of 1992 filed by the State Engineer in chief, Irrigation Department, U.P and others v. Makrand Singh and others was also dismissed by the Court. I respectfully agree with the view expressed by the Hon"ble the Single Judge, in the aforesaid writ petitions.

2. In view of the aforesaid situation I, after hearing the counsel for the petitioners as well as the learned Chief Standing Counsel, am of the view that the petitioners of this writ petition are also entitled to the benefits which accrued to the petitioners of Writ Petition No. 3558 (SS) of 1992 and similar other writ petitions, with prospective effect.

3. In view of the aforesaid situation the writ petition is allowed. The notification dated 20.2.92 as contained in Annexure No. 3 to this writ petition by which the

nomenclature of the petitioners from parttime tubewell operators to that of tubewell assistants and an honoraria of Rs. 550/per month only was fixed is quashed. The opposite parties are directed to pay all the petitioners the same emoluments i.e. the regularly appointed tubewell operators are being paid, with prospective effect, for the reason that if the regular scale of pay would be given from retrospective effect, undue burden would be caused on the public exchequer. However, it is made clear that if in view of the orders of this Court regular pay scale has been given to any such tubewell operator with the retrospective effect, the difference of the amount would not be recovered from such persons. The report of the taxing officer regarding the sufficiency of Court fee is accepted.