
(2015) 04 JH CK 0065

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2082 of 2013

Krishna Kumar Sinha and Others

APPELLANT

Vs

Coal India Limited and Others

RESPONDENT

Date of Decision : 09-04-2015

Acts Referred:

Citation : (2015) 2 JLJR 311

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Navin Kumar, for the Appellant; A.K. Das and Arbind Kumar, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Aparesh Kumar Singh, J.

1. Heard counsel for the parties.

2. These four petitioners were up-graded to the post of E-I Grade and designated as Subordinate Engineer (Civil)/(E&M) from their existing post of Engineer Assistant (Civil) and FIC (E&M) in TS Grade-A/A-1 by office order dated 07.12.2011 (Annexure-1) issued by the General Manager, Personnel, Coal India Limited which stipulated that up-gradation to E-I Grade shall be personal to the employees and on up-gradation, they will be on probation for a period of one year at the first instance and if their services are not found satisfactory, they will be reverted to their non-executive post. This up-gradation will be effective on and from the date they assume charge in the E-I Grade.

3. The grievance of the petitioners is that they took charge sometime in January 2012 after office order dated 05.01.2012 (Annexure-2) issued by the Central Coalfields Limited in respect of petitioner Nos. 2 and 3. According to them, on their up-gradation and after completing the probation period, Central Coalfields Limited has confirmed them as Subordinate Engineers from the respective dates and one of such order dated 08.03.2013 issued in respect of petitioner No. 1 is

annexed as Annexure-3. Upon their up-gradation, their pay fixation was done, one such instance of pay fixation of the petitioner No. 1 has been annexed as annexure-4 which shows that his pay scale was fixed under N.C.W.A-VIII 30.06.2011 being Rs. 24,142.80. Their case is that they have been paid arrears as per N.C.W.A-IX as E-I Grade after N.C.W.A-IX came into effect on 01.07.2011. This however has been sought to be modified by office order dated 15.03.2013 (Annexure-5) issued by the respondent-Central Coalfields Limited indicating therein that the basic pay of the petitioners who are up-graded to E-I Grade as Subordinate Engineers, is being modified pursuant to the office order dated 11.02.2013 to the extent that the same would be re-fixed notionally as the concerned employees had been up-graded by the first respective order during the period December 2010-April 2011 without giving effect to N.C.W.A-IX. This has aggrieved the petitioners as according to them, pay fixation done under N.C.W.A-IX on their assumption of charge and confirmed on E-I Grade, has been sought to be reduced without any show-cause notice. They have enclosed annexure-7 series as an instance of reduction of their scale from what they were getting.

4. The stand of the respondent-Central Coalfields Limited, in sum and substance, as canvassed by the learned counsel, is that they are acting on the basis of the direction of the Coal India Limited. Apart from that, affidavit of the respondents do not disclose any rationale as to why if the petitioners who on up-gradation had assumed charge in the Executive Cadre after coming into effect of N.C.W.A-IX, their scale should be again reduced to be re-fixed notionally under N.C.W.A-VIII. Since the affidavit are not clear on the above aspect and it is a matter of pay fixation, it is essentially in the domain of the financial experts under the organization and moreover, before such re-fixation, no opportunity was also given to the petitioners, it is deemed appropriate to direct the competent authority of the respondent-Central Coalfields Limited to take a decision on the petitioners' grievances after seeking appropriate guidelines on these issue from the Coal India Limited within a reasonable time preferably twelve weeks from the date of receipt of a copy of this order along with the representation on behalf of the petitioners. In view of the fact that the matter is being remanded to the respondents for taking a fresh decision, the order 15.03.2013 (Annexure-5) shall not come into their way. Needless to say, dependent upon the reasoned order, consequential benefits would flow to the petitioners.

5. Writ petition stands disposed of.