
(2005) 04 GAU CK 0048
In the Gauhati High Court

L.Shantikumar Singh

APPELLANT

Vs

State of Manipur and Ors.

RESPONDENT

Date of Decision : 26-04-2005

Acts Referred:

Citation : (2005) 04 GAU CK 0048

Hon'ble Judges : T.Nanda Kumar Singh, J

Bench : Single Bench

Advocate : N.Surendrajit Singh, Jalal Uddin, Advocates appearing for Parties

Judgement

1. Heard Mr. N. Surendrajit, learned counsel for the petitioner and Mr. Jalaluddin, learned GA for the respondents.

2. The short factual matrix of the petitioner's case is that he was initially appointed as UnderMatric Teacher on 1.3.1958 and latter on after serving a number of years, he was appointed as Hindi Graduate Teacher in the Education Department, Government of Manipur w.e.f. 1.3.1970. From time to time, Government of Manipur revised the scale of pay of its employees and in the year, 1982 Government of Manipur made "Manipur Services (Revision of Pay) Rules, 1982 which came into operation w.e.f. 31.3.1982. From perusal of the ROP Rules, 1982 it appears that a differential treatment had been meted out to the Hindi Graduate Teachers while revising their pay scale inasmuch as higher pay scale had been allowed in respect of the Graduate Teachers by denying the same to the Hindi Graduate Teachers. Relevant portion of ROP Rules, 1982 are quoted below:

"Name of Post Existing Scale Revised Scale

1. Trained Graduate Teacher 360800/ 6401410/
2. Graduate Teacher 325710/ 6401410/
3. Trained Graduate Hindi Teacher 5751380/ 360800/

4. Untrained Graduate Hindi Teacher" 5751380/ 325710/

ROP Rules, 1982 also provided that 20% of the Graduate Teachers who had put 15 (fifteen) years in the scale of Graduate Teacher will be eligible for Selection Grade of Rs. 995401435/. Being aggrieved by the said differential treatment meted out to the Hindi Graduate Teachers, some of the Hindi Graduate Teachers formed an Association called "The All Manipur Hindi Graduate Teachers Association" and approached this Court by filing writ petition being CR No. 159/1983. This Court after hearing both the parties had finally disposed of the said CR No. 159/83 by passing judgment & order dated 22.2.1993 by allowing the same with the finding that:

"In view of the facts I have described above, there cannot be any doubt that the trained Graduate Hindi Teachers are performing the same functions and duties and similarly untrained Graduate Hindi Teachers are also performing the same functions and duties as Graduate Teachers. It is also not disputed that before enforcement of the Rules, 1982 the trained Graduate Hindi Teachers and untrained Graduate Hindi Teachers were getting the same scale of pay which trained Graduate Teachers and Graduate Teachers were getting. I, therefore, see no reason why the writ petition should not be allowed.

11. Accordingly, I direct the respondent to fix the scale of pay of the petitioners at least on a par with that of the Graduate Teachers in respect of their Revised scale of pay with effect from the date from which the Graduate Teachers were getting the Revised scale of pay."

3. The Government of Manipur also in compliance with the said judgment & order of this Court dated 22.2.93 passed in CR No. 159/93 granted Selection Grade pay scale of Rs. 995401435 per month to the eligible Hindi Graduate Teachers. In respect of one Ng.Manimohon Singh who was junior to the present writ petitioner was also allowed to enjoy the Selection Grade pay scale of Rs. 995401435/ per month under order of Government of Manipur being No. 14/114/84ED(Vol.II) dated 15.6.1993. Further case of the petitioner is that, Selection Grade pay scale was granted to the said Ng.Manimohon Singh, who is junior to the present writ petitioner, on the ground that he was one of the petitioners in CR No. 159/1983.

4. Further case of the petitioner is that his case is squarely covered by the judgment & order of this Court dated 22.2.1983 passed in CR No. 159/83. One Shri Th. Yaima Singh a retired Hindi Graduate Teacher also approached this Court by filing writ petition being CR No. 662/97 for extending the benefit of the judgment & order of this court dated 22.2.3 passed in CR No. 159/83. The said CR No. 662/97 was also disposed of by this Court by passing judgment & order dated 8.5.2000 to the effect that:

"5. For the reasons, observation and direction made above the writ petitioner should be given the benefit of the related judgment and order dt.22.2.93 passed by this Court in C.R.No.159/83 thus allowing the petitioner to get the benefits of selection Grade Graduate Teacher scale of Rs. 995401435/w.e.f. 31.3.82 as per

the related ROP 1982 as the petitioner had possessed the required services of 15 (fifteen) years. In other words, he had put in 15 yrs. service as a trained Hindi Graduate Teacher. It is made clear that the benefit mentioned above shall be afforded by the State respondents/competent authorities to the writ petitioner within a period of 3 (three) months from the date of receipt of this judgment and that the respondents shall also afford the corresponding time scale of pay of selection grade as per the ROP 1990. The petitioner shall obtain a certified copy of the order and submit the same before the competent authority for doing the needful in the matter as per the order of this Court.

6. In the result, this writ petition is allowed, but no order as to costs."

5. The petitioner who was appointed as Graduate Teacher w.e.f. 1.3.1970 would be entitled to get the Selection Grade pay scale of Rs. 995401435 per month on completion of 15 (fifteen) years i.e. on 1.3.1985. From the submission of learned counsel for the petitioner and also from careful perusal of the judgment & order of this Court dated 22.2.1993 passed in CR No. 159/83 and 8.5.2000 passed in CR No. 662/97, I am of the considered view that case of the petitioner is squarely covered by the said decisions of this court.

6. Accordingly, this writ petition is disposed of with the observation

and direction that the petitioner should be given benefits of the related judgment & order of this Court dated 22.2.93 passed in CR No. 159/93 and 5.8.2000 passed in CR No. 662/97 by allowing the petitioner to get the benefits of Selection Grade Graduate Teachers" scale of Rs. 995401435/ per month w.e.f. 1.3.85 as per the related ROP Rules, 1982 as the petitioner had already completed 15 (fifteen) years of service as Graduate Teacher on 1.3J~5; and respondents are, further, directed to grant the said benefits to the petitioner within a period of 4 (four) months from the date of receipt of this judgment & order and respondents shall also grant corresponding time scale of pay of Selection Grade as per the ROP Rules, 1990.

The writ petition is allowed. No order as to costs.