
(2006) 12 GAU CK 0067
In the Gauhati High Court
Case No : Writ Petition (C) No. 534 of 2000

Manoranjan Sutradhar

APPELLANT

Vs

State of Tripura and Others

RESPONDENT

Date of Decision : 06-12-2006

Acts Referred:

Citation : (2006) GLT 320 Supp

Hon'ble Judges : Hrishikesh Roy, J

Bench : Single Bench

Advocate : D. Chakraborty, for the Appellant; A. Ghosh, for the Respondent

Final Decision : Dismissed

Judgement

Hrishikesh Roy, J.—Heard Mr. D. Chakraborty, learned Counsel for the Petitioner and Mr. A. Ghosh, learned Counsel for the State Respondents.

2. In this case, the Petitioner who retired on 30.9.93 from the post of "professional Craftsman" under the Education Department is putting forward a claim for quashing of the communication dated 20.2.99 and 24.8.2000, whereby the Government has rejected his representation for grant of higher pay scale applicable for "Craft Instructor".

3. The Petitioner has initiated his claim for the grant of higher scale by filing a post-retirement representation on 10.5.99 claiming that he is entitled to the pay benefit available for "Craft Instructor" with effect from 18.3.67, the date on which he joined the Government service as "Professional Craftsman". The basis for Petitioner's claim is that in the post of professional Craftsman and Craft Instructor the responsibilities discharged are purportedly the same. The other contention in support of the claim is that one Rajendra Sutradhar who was also appointed as "Professional Craftsman" like the Petitioner, has been given the benefit of higher scale available to the Craft Instructor.

Mr. Ghosh, learned Counsel appearing for the Government, on the other hand,

has submitted that the two posts of Craft Instructor and "Professional Craftsman" are not and the same. The Craft Instructors are appointed to teach the students of middle and High Schools in theoretical and practical aspects of different crafts subjects. For such post of Craft Instructor, requisite training for different trades of crafts either from Crafts Teachers' Training Institute or diploma courses from other recognized Institutes are essential. Whereas "Professional Craftsman" are required to impart only practical training and not theoretical training and "Professional Craftsman" are employed only for practical works in the institutions. They also are not required to have technical qualifications from institutions as is required in case of Crafts Instructors.

Mr. Ghosh has also drawn attention of this Court to the communication dated 19.8.2000 of the Government (Annexure-R/I) whereby the Director of School Education has indicated that the higher pay scale given to Rajendra Sutradhar, Anr. professional Craftsman like the Petitioner, was given through bona fide mistake and the Government has decided to recover the excess amount drawn by Rajendra Sutradhar.

The entitlement of the Petitioner to the higher pay benefit claimed can be entertained only if this Court reaches a finding that posts of Professional Craftsman is equivalent to the post of Craft Instructor. Such consideration has naturally to be made with reference to the responsibilities discharged as well with reference to the qualification prescribed in the two posts. But this Court is unable to reach the aforesaid conclusion since additional educational qualification and training are a precondition for appointment as a Craft Instructor, which is not the case in case of Professional Craftsman. The Crafts Instructors also impart theoretical as well as practical lessons on crafts to the students, unlike the professional Craftsman who do only practical works. Thus, the two posts are not identical and there cannot be any claim for pay parity for 2 different posts.

The claim made on the basis of the Government's having given the benefit of higher pay to Rajendra Sutradhar, Anr. Professional Craftsman is also not tenable as the Government has admitted in their counter affidavit through communication dated 19.8.2000 that the higher pay benefit has been given to Rajendra Sutradhar by bona fide mistake and that steps are being taken to recover the excess payment drawn by the said Rajendra Sutradhar.

4. In view of the discussions made, this Court is of the view that the writ petition filed by the Petitioner claiming higher pay benefit, is not liable to be entertained by this Court.

Accordingly, the writ petition is dismissed. No cost.