

(2017) 07 JH CK 0044
In the Jharkhand High Court
Case No : 182 of 2017

M/s Om Enterprises

APPELLANT

Vs

Jharkhand Police Housing Corporation Limited

RESPONDENT

Date of Decision : 20-07-2017

Acts Referred:

Citation : (2017) 07 JH CK 0044

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : Amit Kumar Tiwari, Dhananjay Kumar Dubey, Jayant F. Toppo

Final Decision : Disposed

Judgement

1. Heard learned counsel for the parties.
2. After the previous order passed in both the contempt petitions, a supplementary show cause has been filed by the Opposite Party, District Superintendent of Education, Latehar. In Cont. Case(Civil) No. 182 of 2017 office order dated 23.3.2017 is enclosed where under the benefit of Matric Trained Scale in Grade-I has been granted to the petitioners from the date of their joining on successful completion of their training and benefit of Grade- II has been granted on completion of 12 years of regular and satisfactory service thereafter in the scale of Rs.9300-34800, Pay Band-II, GP-Rs.4600. In connection with this petition, learned Sr.S.C.I, Mr. Dhananjay Kr. Dubey has produced letter no. 1165 dated 19.7.2017 of the District Superintendent of Education, Latehar which encloses the proforma of pay fixation of these 3 petitioners, which has been sent to the office of District Accounts Officer, Latehar for confirmation.
3. From the instant letter, learned counsel for the petitioners points out that benefit of Grade-I from the date of joining in the prevalent scale of pay under 4th and 5th PRC has not been computed and granted while benefit of Grade-II under the 6th PRC w.e.f. 1.1.2006 has only been computed and sent for verification and

payment thereafter.

4. In Cont. Case (Civil) No. 749 of 2016 a supplementary show cause has also been filed by the District Superintendent of Education, Latehar enclosing the office order at Annexure-A dated 21.3.2017 where under similar benefit of Grade-I and Grade-II have been given to the petitioners and others from the respective date of their joining and thereafter on completion of 12 years of regular and satisfactory service in the scale of Pay Band-II as above excluding one Raghurai Ram. On instruction from the District Superintendent of Education, Latehar Mr. Masuudi Tudu, who is present in the Court, learned counsel for the opposite party submits that same has also been sent for confirmation to the office of District Accounts Officer, Latehar.

5. In this petition also learned counsel for the petitioners points out that same anomaly in relation to benefit of Grade-I scale under 4 th and 5th PRC are there and that Grade-II scale has been given under 6 th PRC only. Learned counsel for the petitioner has therefore laboured to point out that consequential benefits have not been paid despite directions passed in December, 2016 and January, 2017 itself.

6. Learned counsel for the opposite parties submits that order has been complied with in its spirit by granting Grade-I scale from the date of joining on successful completion of training and consequently Grade-II on completion of 12 years of regular and satisfactory service. Issues relating to arrears of salary can always be raised by the petitioners, which may be considered in accordance with law.

7. Considered the submission of the parties and the latest stand of the opposite parties reflected through their supplementary show cause. The benefit of Grade-I and Grade-II scale has been granted to the petitioners in terms of the judgment rendered in the case of Arun Sinha & others in W.P.S. No. 638 of 2006 and the order under offence. There appears to be some discrepancy in the computation of the arrears in the correct scale of pay from the date from which such benefit has been accorded to the petitioners. Opposite Party, District Superintendent of Education, Latehar would examine the claims of the individual petitioners in that light and if any admissible arrears are due from the date of grant of Grade-I and Grade-II scale under the prevalent pay revision, the same should also be computed and paid to the petitioners within a period of 6 weeks from the date of receipt of copy of this order along with petitioners' representation.

8. Both the contempt petitions are disposed of with aforesaid observation. Presence of Sri Masudi Tudu, District Superintendent of Education, Latehar is dispensed with.