

(1997) 11 GAU CK 0036

In the Gauhati High Court

Case No : Civil Rule No. 840 of 1994

Pay Rectification Demand Committee

APPELLANT

Vs

State of Manipur and Others

RESPONDENT

Date of Decision : 20-11-1997

Acts Referred:

Constitution of India, 1950 — Article 309, 311(2), 39
Manipur Services (Revised Pay) Rules, 1987 — Rule 82

Citation : (1999) 2 GLT 495

Hon'ble Judges : P.K. Ghosh, J

Bench : Single Bench

Advocate : Ng. Kumar Singh, for the Appellant; L. Shyam Kishore Singh and Bidyamani Devi, Addl G.As., for the Respondent

Judgement

P.K. Ghosh, J.—The progress Assistance of the Rural Development and Panchyati Raj Department, Govt. of Manipur formed an association called "The All Manipur Progress Assistants" Association, Rural Development Department" which was later merged with the Manipur Rural Development and Panchayati Raj Employees Association (hereinafter referred to as Association).

2. By filing this writ petition, the Association has prayed for issue of a writ in the nature of mandamus requiring the Respondents to assign the pay scale of Rs. 1600-2600/- or any other higher pay scale to the members of the association by making necessary amendments.

3. It is contended by the Petitioner that the pay scales of the employees of the State Government of Manipur were revised in 1982 under Government Notification No. 2/PC/FD/79(11) dated 17.12.82. The pay scales of the progress Assistants of the Rural Development and certain other categories of employees were also revised in the same revision of pay Rules, 82 by issuing a subsequent Notification No. 2/PC/FD-79(111) dated 8th Feby. 84 (Annexure-A/2 and A/2/1 respectively). In the schedule 1 part V to the said notification at Annexure-A/2/1 the revision of pay scale of the progress Assistants of the Rural Development was

revised from Rs. 300-600/-to Rs. 720-1470/-.

4. Again by notification No. 3/9/86-PIC(pt) dated 30.12.87 the Govt. of Manipur revised the pay scale of its employees vide Manipur Services (Revised Pay) Rules, 1987 with effect from 1.1.86. The revised pay scale of all the posts other than Class-IV posts were published vide Govt. Notification even number dated 11.3.88. In the said revised scale the pay scale of the Progress Assistants of Rural Development was revised to Rs. 1400-40- 1800-EB-50-2300/- and the members of the association had been enjoying the same(Annexure-A/3).

5. The Govt. of Manipur again revised the pay scale of the employees of the Government by a notification No. 2/28/89-PIC dated 1.8.90 notionally effective from 1.1.86 Surprisingly under the latest revision of pay scale, the pay scale of the progress Asstt. of the Rural development has been revised to a lower scale of Rs. 1220-2040/- (vide Annexure-A/4), which is arbitrary and violative of the principle of equal pay for equal work. The crux of the whole thing is that all the 5(five) posts of (1) Extension Officer (Panchayat), (2) Extention Officer (Development), (3) Instructor (Panchayat), (4) Inspector(Panchayat) and (5) Progress Assistants which are feeder posts for the post of Jr. BDO/Equivalent as per R/Rs, carried the pay scale of Rs. 1400-2300/- inthe 1987 revision, but in the 1990 revision the pay scale of Progress Asstts. has been lowered down while those of the other 4 categories of posts above mentioned retained/continued to get the scale of Rs. 1400-2300/- (true copies of R/Rs for the post of Jr. BDO/Equivalent annexed at Annexure-A/5).

6. The Chart below shows the Progress Assistants in Rural Development Department and other 4 posts which are feeder post for the post of Jr. BDO/Equivalent:

Name of post Scales of pay revised

1982 Revision 1987 Revision 1990 Revision

1. E.O. Rs. 720-1470/- Rs. 1400-2300 Rs. 1400-2300/ (panch)/E.O.(Dev.)/Instructor (Panch) and Inspector (Panch).

2. Progress Assistants in R.D. Deptt. Rs. 720-1470/- Rs. 1400-2300 Rs. 1320-2040/-

7. The Government of Manipur issuing order No. 8/111/77-Dev dated 6.6.84 published in the Manipur Gazette in its issue No. 17 dated 25.7.84, declared Class-II Gazetted post and the holders of the post as cladd-II Gazetted officers, but the post of E.O. (panch), E.O.(Dev), Inspector (panch and Instructor (panch) were never declared as Gazetted post and the holders as such Gazetted officers although they are feeder posts alongwith the posts of Progress Assistants for promotion to the posts of Jr. BDO/Equivalent Post. (Annexure-A/6).

8. Surprisingly, the Finance Department of the Govt. of Manipur issued office Memorandum on 21st November, 1990 classifying the posts under the State

Government of Manipur as follows:

Sl. No. Classification Description of posts

1. Group D (Class-IV) All posts attached with pay scale from Rs. 750- 940 to Rs. 800-1150/-
2. Group C (Class-III) All posts attached with pay scale from 825- 1200 to 1400-2600/-
3. Group B (Class-II) All posts attached with pay scale from Rs 1600- 2660 to 1640-2900/-
4. Group A (Class-I) All posts attached with pay scale of Rs 2000- 3500/- and upwards.

According to the above classification the posts of progress assistants in the Rural" Development which was already declared Class-II Gazetted post has been down graded as Class-in post (Annexure-A/6/1).

9. Annexure-A/7 is the job chart of Progress Assistants of the R.D. Department, which shows that the nature of duties of the Progress Assistants involves administrative and supervisory works in the field of Administration and development of the blocks of the State. It is a very responsible post virtually working as assistants to Block development officers in the implementation of various block development schemes/programmes as reflected in the said job chart of the progress Assistants.

10. Being aggrieved by the reduction in the pay scale and status the Petitioner Association submitted a good number of representations to the Government on 20.8.90, 27.4.93 and 27.6.94 at Annexure-A/8, A/8/1 and A/8/2 respectively praying for protection of their earlier status and also pay scale, but no favourable action has been taken up by the Respondents Government. By a recent notification dated 13.6.94 issued by the Finance Department, Govt, of Manipur, the Manipur Services (Revised Pay) Amendment Rules, 1994 was published. By that amendment rules the pay scale of many posts indifferent Departments as fixed by the 1990 revision of pay scales were revised and raised but the case of the progress Assistants in the Rural Development Department was left out.

11. In a similar case filed by the Manipur Co-operative Department Officers Association in C.R. No. 11. of 1990, the Honble High Court passed an order on 6.9.90 and in the light of the said order the Government in the Finance Department vide their letter No. 2/28/89-PIC dated 18.9.90 addressed to the Registrar of Co-operative Societies, Govt. of Manipur instruction as under:

Further, if the post in question had been declared as Gazetted by the Government it will continued as such, irrespective of pay scale attached to it, till specific orders were issued on the contrary by the Government as a policy.

(Annexure-A/9).

12. It is contended that the action of the State Government in reducing/lowering down the pay scale of the Progress Assistants of Rural Development Deptt. and also in lowering their status in the 1990 Revision of Pay Rules is quite unjust, illegal and arbitrary because some scales of pay were kept intact in respect of other similarly lower posts like E.O. (Panchayat)/E.O.(Development)/Inspector (Panchayat)/Instructor(Panchayat) etc.

13. It has also been strongly contended by the Petitioner that the action of the Government in reducing the Gazetted status/rank of the Progress Assistants of the Rural Development Department is also manifestly illegal and arbitrary in rank as it amounts to violation of the principle of natural justice and fair play. It is in clear violation"of the provisions of Article 311(2) of the Constitution of India.

14. By filing counter the Respondents 1 to 4 have denied all the material allegations contained in the writ petition.

15. It has been admitted by the Respondents that the facts submitted by the Petitioner regarding the ROP 882 to 1990 in respect of progress Assistant(P.A. for short) in R.D. Department, E.O. (Panchayat/E.O. (Development)/Inspector (Panchayat)/Instructor (Panchayat) are all correct. Before ROP 82 there was ROP"73 wherein the post of progress Assistants in the RJD. Department and P.A. in Tribal Development carried same scale of pay of Rs. 300/- to Rs. 600/- whereas the posts of E.O.(Panchayat)/E.O. (Development)/Instructor (Panchayat) and Inspector (Panchayat) carried a scale of Rs. 400-950/-which was higher then the P.A in ROP"90 the said two posts of P.A. of different Departments carried same scale of pay of Rs 1320-2040/- and the other 4(four) posts carried the pay scale of Rs 1400-2300/ Therefore, it is stated that among the equals parity of scales have been maintained by the Government. It has been contended further by the Respondents that the P.A. of the R.D. and Tribal Development were initially inferior to that of the other posts. It has been counter acted by the Respondents that if particular posts is included in the feeder line of a higher post the said post should carry same pay scale as that of other feeder posts is not sustainable under the law. In the matter of pay fixation the original creation of post, educational qualification, recruitment rules and the task taken by the particular post are to be taken into consideration. Therefore, it is not necessary and compulsory that because the post of P.A. is a feeder post to the post of junior B.D.O., the scale of P.A. should also be at par with that of the other 4(four) posts.

16. With regard to withdrawal of Gazetted status of the P.As. it has been submitted that conferring a Gazetted status on a post in a particular R.O.P. is not necessarily of a permanent feature. It can be reviewed from time to time depending upon the exigency for continuing or discontinuing with the arrangement.

Classification of posts depends on the new structure of pays in the R.O.Ps. Even a higher posts such as B.O./Inspector (Panchayat) which were also declared as

Class-II Gazetted posts in ROP" 82 do not retain the same status/in the ROP"90 there are many other posts which are also not retained as Class-II Gazetted posts in the ROP" 1990.

17. With regard to the allegations contained in para 10 of the writ petition it has been stated by the Respondents that revisions are made where there are genuineness for doing so. The cases of the Petitioners were considered but not agreed to. It was not a case of oversight or leaving out.

18. It is contended by the Respondents that the pay scale of P.A. was Rs. 720-1470/- in ROP" 82 and this was revised to 1400-2300/- in ROP"87. In ROP"90 the scale has been reduced to Rs. 1320-2040/-. However, this may not be interpreted as violating any law on the following backgrounds:

After ROP, 1982, 3(three) ROPs were issued in quick succession namely:

ROP, 1987 Notified Vide No. 3/9/86-PIC(Pt) dt.30.12.87 ROP, 1989-do- NO. 2/12/89-PIC dt.19.8.89 ROP, 1990-do- No. 2/28/89-PIC dt.1.8.90

All the employees of the State Government till the above revisions were borne on ROP, 1982. The above 3(three) ROPs are, therefore, conceived as one package deal since these are the alternatives available to the employees. A person who was borne on ROP, 1982, can exercise option for any one of the above 3(three) ROPs according to his choice. It is further contended that each of the preceding ROP is not superseded by the subsequent one. They are in operation concurrently. The incumbent is at will to opt for the one which is more beneficial to him.

ROP, 1987 was followed by ROP 1989 as the same was not acceptable to the majority of the employees of the State Government. Similarly, ROP, 1989 was also not accepted and it was followed by ROP, 1990. Each of the above ROP"s had been notified on the recommendation of an independent Commission/ Committee and had adopted slightly different criteria.

19. It is not necessary that the pay scale of the subsequent ROPs should be equal or higher than that of the previous ROP"s for any particular category of posts. The totality of the 3(three) ROPs is to be visualised as one package deal which offers alternatives which are considered to be the most beneficial to any particular employee.

20. It is contended that the case of P.A. is not the only instance where such reduction had been taken place in ROP, 1990. There are also a number of similar cases in other Departments where such steps had been taken place namely;

Sl. No. Name of Post Scale of pay under

ROP"82 ROP"87 ROP"90

1. Progress Asstt.(R.D.) 720-1470 1400-2300 1320-2040

2. U.D.C. Secretariat 640-1410 1350-2200 1200-2040

3. Field Organiser (Industries) 720-1470 1400-2300 1350-2200

4. Economic Surveyor (Industries) 720-1470 1400-2300 1350-2200

Therefore, on the above grounds, the question of highlighting the existence of any specific law supporting reduction in pay scale of a person in a subsequent pay revision is not pertinent in the instant case. There has been no violation of any law.

21. It is asserted by the Respondents that the post of progress Asstt. of Rural Development is not comparable to the posts of E.O./Inspector (Panchayat). The post of P.A. was an inferior post from the time of its creation. But the parity with the P.A. of Tribal Development is still maintained. There should be equality among or between the equals.

22. It is, further, contended by the Respondents that the present scale of Rs. 1320-2040/- is quite commensurate with the educational qualification and task for the post of progress Asstt. in Rural Development Department. From its creation, it was inferior to E.Os/Inspector (Panchayat) but they are still in feeder line and hence there is no reduction in rank. Therefore, the Respondents have prayed for dismissal of the writ petition.

23. Mr. Ng. Kumar Singh, learned Counsel appearing for the Petitioner has strongly contended that the Government has no right to reduce the pay scale causing financial disadvantages to the employees. He has produced the job chart of the Progress Asstt. of Rural Development Deptt. The job chart of Inspector (Panchayat) and E.O. (Panchayat), Instructor, Principal and Vice Principal of the Panchayati Raj Training Institute has also been produced by the parties. Mr. Kumar has contended that from the period prior to 1966 ROP, the P.As were getting the pay scale of Rs. 125/- p.m. higher than that of E.Os but equal to that of inspector (panchayat). In ROP'82 and ROP '87, the P.As had same pay scale with E.O./Inspector/Instructor etc. So, assigning a lower pay scale to the P.As in the 1990 ROP is arbitrary and the Government cannot have a valid and cogent reason for reduction of the pay scale of the P.As. Moreover, by order of the State Government dated 6.6.84 (Annexure-A/6) the post of P.A. in the Department of Rural Development and Panchayati Raj was declared as Gazetted post and holders thereof as class II Gazetted officers. So, in order to maintain this status and rank, the P.As ought have been assigned the scale of Rs. 1600-2660/- which is the lowest scale of Class-II Gazetted post vide Annexure-A/6/1. Mr. NG. Kumar also drawn my attention to the judgment passed by this Court in C.R. No. 413/96, wherein it was held that the pay anomaly committee was set up in 1990, but nothing has come out from the said committee. In 1995, 5th July, the Government by issuing a notification framed the R.R. for the post of village level worker and it clearly mentioned that the essential educational qualification for the post of VLW is Graduate of a recognised University or its equivalent. In the said R.R. the Government changed the requisite qualification for VLWs from Matriculation to Bachelor's Degree. It was observed in the said case that "it is

surprising that a graduate is getting less than a Matriculate, which is not acceptable. In all fairness a Graduate having the requisite experience as VLW should get the pay scale at par with their counterparts having same Bachelor's Degree with requisite experience, failing which it will tend to violate the principle of Equal pay for Equal Work." In that case writ of mandamus was issued directing the Respondents to amend the R.R. allowing the VLWs to enjoy the monthly pay scale of Rs. 1350-2200/-.

24. Mr. Ng. Kumar has contended that the Government has failed to consider the complexity of the job to be performed and the responsibilities attached thereto in determining the pay scale of Progress Assistant and others while revising the pay scale in 1990. In a similar situation the Hon'ble High Court came to a favourable conclusion that a grave error has crept in while revising the pay scale of the Assistant Draftsman(law) resulting miscarriage of justice which warranted the contention of the Hon'ble High Court. In support of his proposition of law, Mr. Kumar has relied on the decision of the case of State of Manipur Appellant v. Th. Kamnikumar Singh Respondent rendered in (1995) 3 GLR 385.

25. Mr. Ng. Kumar Singh has also strongly advanced his argument contending that Article 39(d) of the Constitution of India provides that a citizen shall be entitled to his pay and allowances commensurate with the duty performed by him. It was held in the case of L. Shyamkishore Singh and Anr. Petitioner v. State of Manipur and Anr Respondents rendered in (1995) 2 GLT 480 : (1995) 3 GLR 157 that the duties performed by the Govt. Advocate-cum-public prosecutor (High Court) are more onerous and higher responsibilities than the duties performed by the P.P. in district Courts. Therefore, equating the pay scale of Govt. Advocate in the High Court without corresponding upgradation in the pay of the Petitioners is highly irrational.

26. Mr. L. Shyamkishore Singh, LD. Sr. Govt. Advocate has contended that the dispute with regard to the pay anomaly of the Petitioner and others is a object matter which requires scrutiny and expert's opinion. He has further contended that since the inception of creating of the post of progress assistants in the Rural Development Department it was inferior in nature with regard to the rank and status as well as pay scales were concerned. He has drawn my attention to the 1966 ROP wherein it shows the pay scale of the progress Assistants was Rs. 200-500/- p.m. whereas the pay scale of E.O. (panch) was Rs. 250-700/- p.m. He has strongly argued and expressed his opinion that fixation of pay is the primary function of the executive and not judiciary. In support of his proposition, he has referred to the decision of the case of Secretary, Finance Department and Ors. Appellants v. West Bengal Registration Service Association and Ors. Respondents reported in AIR 1992 SC 1303 where-in-their Lordships held that ordinarily Courts will not enter upon the task of job evaluation which is generally left to expert bodies like the pay commission etc. It is not an easy task to evaluate the nature of job. Several factors have to be kept in view" while evolving a pay structure and the horizontal and vertical relativities has to be

carefully balanced keeping in mind the hierarchical arrangements, avenues for promotion etc. There is no doubt that equation of posts and equation of salaries is a complex matter which is best left to an expert body unless there is cogent material on record to come to a firm conclusion that a grave error had crept in while fixing the pay scale for a given post and Court's interference is absolutely necessary to undo the injustice.

In the said case it was observed by their Lordships that the dispute between the nature of work of Sub-Registrars and nature of work of Judicial Officers is a matter which requires expert's opinion. One of the basic principles for pay fixation is that the salary must reflect the nature of duties and responsibilities attached to the post, meaning thereby that the pay scale must be commensurate with the task to be performed and the responsibility to be undertaken by the holder of the post. Merely because of conferment of gazetted status or placement in State Service, no qualitative change was brought about in the job performance of the Sub-Registrars and their superiors. It has been held by their lordships that the responsibilities of a Judicial Officer are also far greater than those of Sub-Registrars. Therefore, to compare the Sub-Registrars with Judicial officers is to compare un-equals. It would, therefore, be wholly arbitrary to place them in the same pay scale. On the same analogy Mr. L. Shyamkishore Singh, Ld. Sr. Govt. Advocate that the nature of work of the Progress Assistants of the Rural Development Deptt. and E.O. and Inspectors of Panchayat are quite different and therefore, the question of placing the Petitioner at par with E.O. and Inspectors of panchayat does not call for.

27. Mr. L. Shyamkishore Singh has emphasised strongly that the claim of the Petitioner for upgradation of pay scale and placement/declaring them gazetted officer are the matters to be dealt with by an expert committee like pay commission etc. Supreme Court could not decide the disputed question on the slender material. Such matters were unfit for determination in writ petition for enforcement of fundamental rights. He has placed reliance in this regard on the case of Prabhat Kiran Maithani and Others Vs. Union of India (UOI) and Another, In the said case there was dispute between the computers of Forest Research Institute and colleges, Dehra Dun to be treated as Research Assistants Grade-II. The computers of Forest Research Institute claimed same pay scale and other conditions as applicable to that Grade in the report of the 2nd pay commission 1959, Computers and Research Asstt. Grade-II were shown as separate classes although in view of Purshottam Lal and Others Vs. Union of India (UOI) and Another, they were given identical pay scale. Similarly in the present case in hand Mr. L. Shamkishore Singh has contended that the nature of job of the progress Assistants, of Rural Development, Department and nature of job of E.O. (panch) and Inspectors(panch) being different and responsibilities are also heavy with the E.O. and Inspectors, the progress Assistants, Rural Development Department being inferior in the matter of qualitative work, can not be equated with that E.O. and Inspectors(panch).

28. Mr. L. Shyamkishore Singh has contended further that it has been held in the case of Municipal Commissioner, Calcutta Municipal Corporation and others Vs. Pijush Kanti Das and another, that the Honble High Court, in the said case, failed to consider the pay scale which the Respondent was drawing in the erstwhile Garden Reach Municipality and the duties discharged by him thereunder and merely from the designation of Education officer jumped to the conclusion that the Respondent should be entitled to the same pay scale as is admissible to the Education officer under the corporation. It has been observed by the Apex Court that the aforesaid conclusion of the Hon'ble High Court on inaccurate premises, and on non-consideration of the relevant materials as well as the circular No. 31 of 1985-86 is thus vitiated and the judgment of the learned single judge as well as that of the Division Bench has become. In the said case, the Respondent was originally working as Education Incharge under the Garden Reach Municipality before the merger with the Calcutta Municipality Corporation. The Respondent was also drawing the pay scale of Rs. 380-910/- which was much lower than the pay scale of Asstt. Education officer under the Calcutta Municipal Corporation. After the merger of the Garden Reach Municipality with Calcutta Municipality Corporation the question arose for posting the employees of the erstwhile municipality against any comparable post. Circular No. 31 had been issued and rightly the Respondent had been granted the pay scale with the designation as education officer "Unit". In Complete ignorance of the aforesaid circular the High Court granted pay scale of Rs. 660-1600 to the Respondent which is admissible to the post of Education officer under the Calcutta Municipal Corporation. By such direction not only the Respondent has been given promotion by two hierarchy but also would march over the other Deputy Education officers under the Corporation. So it has been held by the Apex Court that considering the earlier pay scale of the Respondent and nature of duties, fixing of his pay can neither be said to be arbitrary nor irrational. Merely because of his designation was education officer "Unit" he would not be entitled to claim pay scale of Education officer under the Corporation. On the same analogy, Mr. Shyamkishore Singh has canvassed his argument that the members of the Petitioner Association are also not entitled to the same pay scale as admissible to the E.O./ Inspector(Panchayat). He has strongly emphasised that the equation of duties and functions of two posts, similarity of legal limits within which the progress Asstt. and E.O. (panchayat) and Inspector (panchayat) cannot be a criterion and equation, but actual duties and functions by holders of different posts would only be relevant. Court cannot directly ask to publish common gradation list and to provide equal opportunity for promotion as that would amount to laying down service conditions of employees. In support of his contention he has relied on the decision of the case of Swapan Kumar Choudhary and others Vs. Tapas Chakravorty and others, In the said case it was observed by the Apex Court that by directing the State to make available the higher post to Deputy Chief Inspector of Factories (Chemical), a legal error was committed, as the same amounted to laying down conditions of service of Government employees, which either the State Legislature in exercise of its powers under Article 309 of the

Constitution, or the State Government in exercise of the power under the proviso to that article can do.

29. Mr. Ng. Kumar, learned Counsel appearing for the Petitioner has replied on the point of law, contending that the Respondents had intentionally avoided to highlight the pay scale of the Progress Asstt./Inspector(panchayat) and E.O. (Panchayat) prior to 1966 ROP. At that relevant time, the progress Asstt. and Inspector(panchayat) used to draw the pay scale of Rs. 125-275/- p.m. which was higher than that of the E.O. (Panchayat) who used to draw the pay scale of Rs 155-250/- P.M. (Annexure-B/1). Unfortunately, in 1966 ROP, the pay scale of the Progress Asstt. was lowered down along with Inspector (Panchayat), but the pay scale of E.O. (Panchayat) was raised. Therefore, it is evident from the materials on records that the nature of work of the P.A. was/is not inferior to that of the E.O.(P) and Inspector(P). It is denied that the pay scale of Rs. 1320-2040/- is quite commensurate with the educational qualification and task for the post of PA. in the R.D. Department. The Petitioner has annexed the Government of India's notification being No. 1/16/65-IMT dt. 6.1.70 issued by the Ministry of Home Affairs, New Delhi (Annexure-B/2) wherein it is clearly mentioned that under the heading "Community Development". The revised pay scale of Rs 250-700/- will be applicable to Graduate as well as non-Graduate. Further, it has been held by the Apex Court in the case of State of Madhya Pradesh and Another Vs. Pramod Bhartiya and Others, decision in the case of Randhir Singh), that where all relevant considerations are the same, persons holding identical posts may not be treated differentially in the matter of their pay scale merely because they belong to different departments. Of Course, if officers of the same rank performed dissimilar functions and the power duties and responsibilities of the posts held by them vary, such officers may not be heard to complain of dissimilar pay merely because the posts are of the same rank and the nomenclature is the same. Herein the present case at hand, Mr. Ng. Kumar has contended that from the very beginning of the creation of the R.D. Department and the Panchayati Raj Department, responsibilities and functions of the P.A./E.O.(P) and Inspector(P) were the same and for that reason same pay scale was given to the holders of the said posts. Therefore, by giving unequal pay to the P.A. the Government has violated the Principle of "equal pay for equal work."

30. Having considered the materials on record and having heard the arguments of the learned Counsels of the respective parties at length, it appears that prior to 1966 ROP, the pay scale of P.A. and the Inspector(P) was higher than that of the E.O. (P). Thereafter, in 1966 ROP the pay scale of the P.A. and the Inspector(P) was lowered down and the pay scale of E.O(D), E.O.(P) was higher. In 1973 ROP the pay scale of the P.A. was Rs 300-600/- whereas the pay scale of E.O.(P) and Inspector(P) was Rs. 400-950/-P.M.

In 1982 ROP the pay scale of the above posts was equal i.e. Rs 720-1470/- p.m. Even in 1987 ROP it was same i.e. Rs. 1400-2300/- p.m. w.e.f 1.1.86. The pay

scale of P.A. was reduced/lowered down from Rs. 1400- 2300/- to Rs. 1320-2040/- whereas the pay scale of E.O.(D) and E.O.(P)/Inspector(P)/Instructor(P) remains as it is i.e. Rs. 1400-2300/- p.m. In my view, this is violative of the principle of natural justice as because the authority cannot take step or action in order to put the employees in financial distress by lowering down the pay scale. The Respondents had caused financial disturbances and crisis to the members of the Petitioner Association. Further, in the absence of any material that the responsibility and the nature of job of the P.A./E.O.(P)/Inspector(P) and Instructor(P) are quite different, it can be said that the reduction of the pay scale as well as the reduction in the rank from Gazetted post to non-Gazetted post, the Respondents have adopted the divide and rule policy among the employees which has roused resentment among the employees.

31. Mr Ng. Kumar has drawn my attention to Annexure-A/9 i.e the letter dated 18.9.90 issued by the Government to the Registrar, Co-operative societies where it has been mentioned that "if the post in question had been declared as Gazetted by the Government it will continue as such, irrespective of the pay scale attached to it, till specific orders were issued on the contrary by the government as a policy."

32. Considering all the aspects of the case, I am of the view that the contention of Mr. Ng. Kumar has some force in it. I do not find any reason why the Respondents have lowered down the pay scale of the P.A. and also reduced the rank from Gazetted post to non- Gazetted post. In the result, the writ petition is allowed. Let a writ of mandamus issue directing the Respondents to allow the Progress Assistants, R.O. Deptt/P.R. Deptt. to enjoy the pay scale of Rs. 1600-2660/- w.e.f. 1/4/1990 by making necessary amendments of the Manipur Services (Revised Pay) Rules, 1990. The Respondents are directed to comply with the above order within 6(six) months from the date of communication of the order.

With the above direction. The petition is disposed of, however, without costs.