
(2011) 03 UK CK 0056

In the Uttarakhand High Court

Case No : Writ Petition No. 1383 of 2004 (S/S)

Pitambar Dutt Joshi and Others

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 09-03-2011

Acts Referred:

Citation : (2011) 03 UK CK 0056

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—Heard Mr. Bhagwat Mehra, Advocate for the petitioners, Mr. N.P. Sah, Standing Counsel for the State of Uttarakhand and Mr. Rajendra Dobhal, Senior Advocate, assisted by Mr. G.D. Joshi, Advocate for respondent nos. 2 and 3.

2. The Petitioners are Class III employees in G.B. Pant University of Agriculture and Technology, Pant Nagar, District Udham Singh Nagar. The Board of Management of the University had made certain recommendations in favour of the Petitioners before the State Government. In short, the recommendations were that the Petitioners and other similarly situated persons should be given pay-scale of Rs. 690-1420 w.e.f. 1.7.1979 and pay scale of Rs. 2000-3200 w.e.f. 1.1.1986. Since this was not being done, the Petitioners have filed the present writ petition before this Court, inter alia, seeking the following relief:

B. Issue a writ, order or direction in the nature of mandamus commanding the Respondents to forthwith grant revised pay scale of Rs. 690-1420 w.e.f. 1.7.1979 to the Petitioners pursuant to resolution passed by the State Cabinet circulated along with the Government Order dated 29.9.1981 issued by Secretary, Finance, Government of U.P.

3. During the pendency of the writ petition, in terms of the interim directions of this Court dated 1.12.2004, the representation of the Petitioners was also decided by the Secretary, Agriculture Department, Government of Uttarakhand

vide order dated 22.4.2006 rejecting the claim of the Petitioners, inasmuch as, according to him, the Petitioners were claiming the benefit of a revised pay scale, which was only applicable to the district level employees.

4. The order dated 22.4.2006 has been perused. The Secretary, Agriculture Department, Government of Uttarakhand has rejected the claim of the Petitioners for a higher pay scale in spite of the recommendations of the Board of Management in their favour for absolutely frivolous reasons. This was never the case of the Petitioner that Government Order is applicable in their case. The order was not meant for the Petitioner. The question would be why not? If similarly placed employees elsewhere are getting a higher pay-scale, equity and fairness demands that the same scale be given to others, unless the State Government has cogent reasons for not doing so. The Petitioners only claim parity with such employees, which were covered by such Government Order. Moreover, there is a recommendation of the Board of Management in favour of the Petitioners. Since the matter has financial implications, it is befitting that the State is given one more opportunity to look into the matter regarding the revised pay-scale being given to the Petitioners and other similarly situated persons, particularly in view of the recommendations made by the Board of Management. Merely by stating that certain Government Order relied upon by the Petitioners was not applicable in their case, the pay-scale cannot be given, is not sufficient reason. It is the considered view of this Court, based on the principle of "equal pay for equal work", that if the Petitioners are performing the same nature of work, they are also liable to be given the same pay-scale on the principle of "equal pay for equal work", unless the State Government has some cogent reasons for denying the same to the Petitioners.

5. The writ petition is, therefore, disposed of with a direction that the Secretary, Agriculture Department, Government of Uttarakhand shall consider the matter afresh. The Petitioner shall file a representation to this effect along with a certified copy of this order to the Secretary, Agriculture Department, Government of Uttarakhand within a period of three weeks from today. The said representation shall be decided within a period of six weeks from the date a certified copy of this order along with the representation is produced before the Secretary, Agriculture Department, Government of Uttarakhand.

6. With the aforesaid directions, the writ petition is disposed of. Order dated 22.4.2006 passed by the Secretary, Agriculture Department, Government of Uttarakhand is set aside.

7. No order as to costs.