
(1999) 12 GAU CK 0007
In the Gauhati High Court
Case No : Writ Petition (C) No. 12 of 1997

R. Laldinliana

APPELLANT

Vs

State of Mizoram and Others

RESPONDENT

Date of Decision : 08-12-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 1 GLT 253

Hon'ble Judges : B. Biswas, J

Bench : Single Bench

Advocate : George Raju, for the Appellant; T. Vaiphei, Asstt. A.G., for the Respondent

Final Decision : Dismissed

Judgement

D. Biswas, J.—This application under Article 226 of the Constitution has been preferred by the Petitioner Association represented by Shri R. Laldinliana, the General Secretary. The Association has 76 members working as Circle Officers, Integrated Child Development Scheme sponsored by the Central Government for overall physical and mental development of the children. Their grievance is that as per recommendation of the Third Pay Commission in 1976, the Petitioners, then known as Supervisors, were placed in the Scale of Rs. 425-700 while the officers in the next higher posts designated as Child Development Project Officers, were given the scale of Rs. 550-900. But the scale of the Project Officer was again raised by the Government to Rs. 650-1200 without corresponding increase in the pay scale of the Petitioners. The said set of Project Officers have been placed in the revised scale of Rs. 2000-3000 as per recommendation of the Fourth Pay Commission, whereas the Petitioners have been given the scale of Rs. 1400-2300. The scale of the project officers was again revised in 1994 and they were given the scale of Rs. 2375-3500 per month without corresponding increase in the scale of the Petitioners. The Pay Anomalies Committee eventually recommended that the Circle Officers (earlier known as Supervisors) may be

given the scale of Rs. 1640-2900 per month. On reconsideration, the Pay Review Committee recommended the scale of Rs. 1600-2660 and this was accepted by the Government in January, 1989. But this revised scale of Rs. 1600-2660 is less than the scale given to the officers of the corresponding equivalent rank in other Departments. There are only 21 posts of project officers and, therefore, the members of the Petitioner Association are likely to be prejudiced as many of them will not get promotion in future. Hence, this petition has been filed for issue of appropriate writ calling upon the Respondent State to:

(a) raise the pre-revised pay scale of the Petitioners from Rs. 425-700/-p.m. to 550-900/- per month with effect from the same date the pre-revised pay scale of CDOPs was raised from Rs. 550-900/- p.m. to Rs. 650-1200/- p.m.

(b) upgrade the revised Pay Scale of the Petitioners from Rs. 1600-2660/- p.m. to Rs. 1640-2900/- P.m. with effect from the date of implementing the report of the PAC, 1987; and

(c) to create a Selection Grade for the post of Circle Officers (ICDs) in the Scale of Rs. 2000-3500/- p.m. after 10 years continuous service in the grade of Rs. 1640-2900/- in order to remove the stagnation and the resultant frustration in their career due to lack of adequate promotional avenues.

2. The stand taken by the State in their affidavit-in-opposition is that the report of the Pay Anomalies Committee was accepted and implemented w.e.f. 19.1.89 and the Petitioners were given the scale of Rs. 1600-2600 as recommended by the Review Committee.

3. It would appear from the pleadings above as well as from the argument of the learned Counsels that the Petitioners want a change in the scale which was settled in 1989 after due consideration of the report submitted by different Committees constituted by the Government. This writ petition has been filed in 1997 and no special reason is discernible in order to justify this long delayed-claim. It is rightly pleaded by the State that any interference in the pay structure of the Petitioners at this stage would create great anomalies. That apart, the averment in para 8 of the affidavit of the State shows that there has been no discrimination between the writ Petitioners and the other officers of the equivalent rank.

4. Law is settled in this regard. The Court shall not interfere with the pay scale fixed by the Government after taking opinion of the experts unless a case of hostile discrimination is made out in a given case. Even in such eventually, the courts should act with utmost restraint and, in suitable cases, refer the matter back to the State Government for reconsideration. In the instant case it could not be shown as to how the Petitioners have been discriminated. The defence taken by the State appears to be sustainable. A writ of mandamus, therefore, cannot be issued.

5. The petition is, therefore, dismissed. No. costs.