
(2003) 01 JH CK 0080
In the Jharkhand High Court
Case No : CWJC No. 648 of 2001

Ram Narayan Rajak and Another

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 02-01-2003

Acts Referred:

Citation : (2003) 2 JCR 375

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : J. Mazumdar, for the Appellant; S.K. Singh, JC to AG, for the Respondent

Final Decision : Allowed

Judgement

Tapen Sen, J.—Heard Mrs. J. Mazumdar learned counsel for the Petitioner and Mr. S.K. Single learned JC to AG Government of Jharkhand.

2. Reference in this case may be made to the order dated 15.2.2001 by reason whereof six weeks time was granted to the State to file Counter Affidavit.

3. Today when this case was called out, Mr. S.K. Singh, learned JC to AG made a prayer for a further adjournment so as to enable the State to file an Affidavit. Considering the fact that six weeks time was already been granted more than one year ago i.e. on 15.02.2001, this Court is not inclined to grant any further time to the State and this Writ Petition is being disposed off on the basis of the pleadings made in the Writ Petition.

4. The Petitioners have made a prayer in this Writ Application for a direction upon the Respondents to pay the up graded pay of Rs. 2000-3800 with effect from March, 1989 on the post of Assistant Soil Conservation Officer and other equivalent posts on the principle of equal pay for equal work,

5. According to the Petitioners, prior to 1968 the development work relating to Soil Conservation was looked after and attended to by two different Directorates

namely the Directorate of Waste Land Reclamation under the department of Revenue and the Directorate of Agriculture under the department of Agriculture. In the year 1968 the two Directorates were merged and an integrated Directorate of Soil Conservation under the department of Agriculture was duly constituted. Further case of the Petitioners is that initially only those were appointed on the post of Assistant Soil Conservation Officer who were graduates in the Agricultural Science. However, when the Agriculture Universities of the State introduced separate graduate degrees of Forest Sciences, the Government accordingly decided to appoint even those who possessed the aforementioned qualification of being graduates in Forest Sciences which, according to the Petitioners, is equivalent to the degree of Bachelor of Agriculture Sciences.

6. Further case of the Petitioners is that the course of study for obtaining degree in the Bachelor of Forest Sciences, students have to study Soil Conservation and Land Management as distinct subjects just like any other student who was studying the Bachelor of Agriculture Sciences. In the year 1987 the Government decided to appoint graduates of Forest Sciences on the post of Assistant Soil Conservation Officer and thereafter no graduate of Agriculture Sciences has ever been appointed on that post. The Petitioners further state that on 4.3.1987 seven posts of Assistant Soil Conservation Officer were advertised by the Bihar State Subordinate Services Selection Board and according to the said advertisement only graduates of Forest Sciences were eligible to apply. The Petitioners, being graduates in Forest Sciences, accordingly applied, where after they were interviewed by the Bihar State Subordinate Services Selection Board alongwith other candidates and on being found suitable, they were selected for the post.

7. Subsequently, upon recommendation having been made by the Board, the Petitioners were appointed as Assistant Soil Conservation Officers on 12.5.1988 vide Annexure-1 to the Writ Application.

8. The Petitioners have stated at paragraph 16 that the pay scale of Bihar Agriculture Services category-I (Agronomy) was revised on 18.09.1987 from Rs. 850-1360 to Rs. 1000-1820 and although the Petitioners were working as Assistant Research Officer and Assistant Soil Conservation Officer which were included in the aforementioned category, yet they were not given the benefit of the revised pay-scale.

9. Subsequently upon recommendation of the 5th Pay Revision committee, the above mentioned scale of Rs. 850-1360 was converted into Rs. 1600-2780 and the scale of Rs. 1000-1820 was converted into Rs. 2000-3800 with effect from March, 1989 yet the Petitioners have stated that they were not paid the revised pay scale and they were deprived of the benefit of the recommendations of the 5th Pay Revision Committee's Report. According to the Petitioners they were being paid a lesser pay scale although other persons got much more. They made several representations but to no avail. The Petitioners are performing the same function and duties as are performed by other Assistant Soil Conservation

Officers and therefore under the principle of equal pay for equal work, they are entitled to the same salary.

10. According to the Petitioners, one Julian Emard Ekka and another (who was also appointed alongwith the Petitioners vide serial No. 6 of Annexure-1) moved a Writ Petition before the Patna High Court vide CWJC No. 4825 of 1994 and by Judgment dated 9.8.1996, the Writ Petition was allowed and the Respondents were directed to pay the same salary to those Petitioners as was being paid to the other Assistant Soil Conservation Officers of Bihar Agriculture Subordinate Services category-I (Agronomy).

11. Paragraphs 13 and 14 of the aforementioned judgment are therefore worth quoting here and they are accordingly being reproduced below:

"The respondents have not defended the claim of the petitioner that in the year 1987 the State Government took a decision to appoint only Graduate of Forest Sciences on the post of Assistant Soil Conservation Officer and that thereafter no Agriculture Graduates has been appointed on the said posts. Once the State Government has decided to appoint only Graduate of Forest Sciences so the post of Assistant Soil Conservation Officer it cannot reasonably claim that either the petitioners are not qualified to or are not performing the functions of the said post.

The claim of the petitioners that they have been performing the same functions as performed by the other Assistant Soil Conservation Officers, who are being paid salary in the upgraded salary of Rs. 2000-3000/- has also not been disputed by the Respondents. Thus it is clear that the petitioner have all along been treated as members of Bihar Agriculture Service and Bihar Agriculture Subordinate Service Category-one (Agronomy) by the State Government and that they have been performing the same functions as performed by the other Assistant Soil Conservation Officers, who are being paid salary in the upgraded pay scale of Rs. 2000-3800/-with effect from March, 1989. This being so, the petitioners are also entitled to get salary in the upgraded pay scale of Rs. 2000-3800/- with effect from March, 1989 on the principle of equal pay for equal work."

12. For the reasons stated above this Writ Petition must also succeed and is accordingly allowed and the Respondents are directed to pay the same salary to the Petitioners as are being paid to the other Soil Conservation Officers of the Bihar Agriculture Subordinate Services category-I (Agronomy). There shall however be no order as to costs.