
(2014) 08 UK CK 0031

In the Uttarakhand High Court

Case No : Writ Petition (SB) No. 59 of 2011

Ranjeet Singh Rawat

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 20-08-2014

Acts Referred:

Citation : (2014) LabIC 4372

Hon'ble Judges : K.M. Joseph, C.J.;Sudhanshu Dhulia, J

Bench : Division Bench

Advocate : Manoj Shah, Advocate for the Appellant; Raveendra Singh Bisht, Brief Holder and Sandeep Kothari, Advocate for the Respondent

Judgement

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1. Petitioner is challenging the order passed by the Public Services Tribunal, Uttarakhand. Petitioner was appointed on daily wages as a Drier Machine Operator on 10.10.1982 in Garhwal Mandal Vikas Nigam. His services were regularized in the year 1987. Realising that he was getting lower pay than most of his colleagues, he represented the matter. In the 66th Board of Directors Meeting, held on 20.09.1996, the issue was discussed and the Board agreed to the demand for increasing the pay scale from Rs. 775-1067/- to Rs. 950-1500/- with a restriction that the Government should also ratify the decision. Reminders were sent to the Government. Petitioner filed Writ Petition No. 1395 of 2006 before this Court. This Court, vide judgment dated 24.06.2007, directed the Government to take a decision on the letter dated 23.11.1996 sent by the Managing Director of the Garhwal Mandal Vikas Nigam to the Secretary of the Uttarakhand Vikas Vibhag. On the direction of the Court, the Managing Director referred the matter to the Government. The reference was considered by the Government and, on the direction of the Government, the Managing Director rejected the matter of enhancement of pay scale. Aggrieved by the said order, petitioner filed Writ Petition No. 94 of 2008 before this Court, which was rejected on the ground of alternative remedy and the Review Petition was also rejected

vide order dated 14.10.2008. It is, thereafter, that the petitioner filed a claim petition before the Tribunal. The same came to be dismissed by Annexure 11 order and the petitioner is challenging the same in this writ petition. We notice from the order that the main ground taken by the petitioner was that a Drier Machine Operator can be equated with other machine operators like Clean Operator on the principle of "equal work equal pay". We notice that the following is the reasoning in the decision of the Tribunal:

"8. The pay structure and pay scales are decided by an expert committee on the basis of qualification, nature of duties and so many other factors. Mere comparison and parity with the other employees working in Garhwal Mandal Vikas Nigam is not sufficient cause for any revision of the pay scale. Petitioner cannot be equated with the employees of Forest Research Institute working as Clean Operator. As essential qualification for the post differs in both the organizations. The matter should have been brought before the Anomaly Committee for appreciation and for any revision of the pay structure. On behalf of the petitioner, no other reasons have been specified in support of his claim. Hence, no justification has been placed for enhancement of his existing pay scale. I do not find any lacunae or illegality in the impugned order dated 24.06.2008. With these observations, the claim petition is liable to be dismissed."

2. We have heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of respondent No. 2.

3. Learned counsel for the petitioner would submit that, at the time when the petitioner was appointed, the educational qualification was not there. He would further submit that the duties and functions of the Drier Machine Operator and the Clean Operator are, more or less, the same and, therefore, there is no justification for the Tribunal not to interfere with the impugned order.

4. Per contra, the learned counsel for the second respondent would point out that the qualification required for the post of Clean Operator was high school pass and also qualification of ITI; whereas, the qualification as far as the Drier Machine Operator is concerned, the same is 8th standard pass as of now.

5. We notice that the Tribunal has noted that inquires into pay anomalies are usually in the province of the expert bodies. The difference in the education qualifications in the posts has been rightly noted by the Tribunal. We are in further judicial review of the proceedings. Even the petitioner could only contend that the duties and functions of the post of Drier Machine Operator, which the petitioner holds, and the post of Clean Operator are, more or less, the same. Educational qualifications can be the basis for difference in pay-scales. We also notice that the post of Clean Operator is in the Forest Research Institute, which is a Government of India Undertaking; whereas, the petitioner is working in the Garhwal Mandal Vikas Nigam, which is no doubt a State Government Institute. We also have regard to the difference in the educational qualifications and also the fact that there is no complete similarity as such even claimed by the

petitioner in the duties and functions of the two posts. Accordingly, we do not think that the petitioner is entitled to contend that he should be given a higher pay scale. There is no merit in the writ petition and the same will stand dismissed. No order as to costs.