
(2002) 12 PAT CK 0024
In the Patna High Court
Case No : C.W.J.C. No. 9264 of 1998

Sanaur Rahman

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-12-2002

Acts Referred:

Citation : (2003) 1 PLJR 360

Hon'ble Judges : Shashank Kumar Singh, J

Bench : Single Bench

Advocate : K.P. Yadav, M.P. Shukla, for the Appellant; Manu Shankar Mishra, for BREDA, for the Respondent

Judgement

Shashank Kumar Singh, J.—Petitioner, who is working as Biogas Technician, has moved this Court for a direction for removal of anomaly in his pay scale. Contention made on behalf of the Petitioner is that he had been appointed as Biogas Technician on a temporary basis. Said appointment has been made in view of Central scheme for development of the Biogas project in the State of Bihar. Appointment letter of similarly situated persons has been brought on record by Annexure-16. As it has been contended by learned Counsel that he possess his appointment letter but inadvertently the same could not be brought on record. As the relief is not relating to appointment of Petitioner but only the pay scale, as such, this Court proceeds to decide the matter.

2. Further contention which has been made by counsel for the Petitioner that the aforesaid appointment had been made during the period from 1984 that was at the time when recommendation of 4th Pay Revision Committee was in operation. The aforesaid appointment was made in the pay scale of Rs. 535-760. The grievance of the Petitioner is that when 5th Pay Revision Committee was in deliberation, the Energy department did not communicate to them that they exist on the post of Biogas Technician and what should be their revised pay scale. As such, the matter never came up for consideration. The Pay Anomaly Removal Committee which was considering pay anomaly, if any, in two or more similarly

situated class of persons. Though the aforesaid matter was not brought on record by the Energy Department, as per Petitioner's contention, but on its own the Anomaly Removal Committee asked from Energy Department as the pay scale which was being given to the Petitioner and the similarly situated employees and the Energy Department Informed them that as they were in the pay scale of Rs. 535-760, as such, they were being given revised pay scale in the scale of Rs. 975-1,540 that became the recommendation of the Anomaly Removal Committee. Petitioner is aggrieved by the same. It is contended on his behalf that he has not been given opportunity of hearing and the said order is prejudicial as other persons having similar qualification are getting higher pay scale.

3. On the query of the Court as to whether their case came for consideration before the 6th Pay Revision Committee or the Anomaly Removal Committee which was constituted thereafter, it has been contended that as revised pay scale of Rs. 975-1540 had already been fixed earlier, as such, their cases were not taken into consideration by the Anomaly Removal Committee subsequently constituted as they did not find any anomaly therein.

4. Today, a prayer has been made for directing the Respondent-Secretary of the Finance Department to consider the claim of the Petitioner for giving a higher pay scale.

5. In the facts of the case, this Court finds that the claim of the Petitioner appears to be stale inasmuch as today they have turned back to challenge the recommendation of the 5th Pay Revision Committee, and the Anomaly Removal Committee which was not disturbed by 6th Pay Revision Committee or Anomaly Pay Revision Committee which was constituted thereafter.

6. Having equal qualification cannot be the only ground for getting the same pay scale. As while fixing the pay scale the working responsibility and other relevant considerations are to be taken as a factor for fixing the said pay scale. Though the Petitioner has relied upon certain documents to show that initially at the time of recommendation of 4th Pay Revision Committee, persons who were getting Rs. 535-760, today are getting higher pay scale than the Petitioner but the nature of work being discharged by the Petitioner and the nature of work being discharged by those persons have not been compared nor specified. As such, this Court cannot enter into these factual aspects of the matter. Today, after lapse of more than a decade this Court is not inclined to interfere in the same.

7. However, it is open to the Petitioner and other similarly situated persons to move the authorities in the Energy Department and the Finance Department so that if they find any anomaly, their cases can be considered for removal of anomaly at the appropriate moment.

8. The writ application stands disposed of with the aforesaid direction and observation.