
(2014) 11 MP CK 0077

In the Madhya Pradesh High Court

Case No : Writ Petition Nos. 264, 265, 310, 314, 315, 342, 343, 345, 348, 349, 351, 352, 353, 454, 714, 835, 837, 1049, 1054, 1836, 2308, 144, 1360 and 2079/2013(S)

Sanjay Sharma

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 25-11-2014

Acts Referred:

Citation : (2014) 11 MP CK 0077

Hon'ble Judges : J.K. Maheshwari, J

Bench : Single Bench

Advocate : Ashish Shroti, Amitabh Gupta, K.C. Ghildiyal, Senior Advocate, M.K. Rajak, V.K. Shukla, Y.P. Sharma and D.K. Khare, Advocate for the Appellant; Peeyush Jain, Panel Lawyer, Advocate for the Respondent

Judgement

J.K. Maheshwari, J.—Regard being had to the similar controversy involved in above aforesaid cases, they have been heard analogously together with the consent of the parties and a common order is being passed in the matter. Facts of Writ Petition No. 264/2013(S) are narrated as under :-

The petitioner before this Court has filed this present petition being aggrieved by the orders dated 12.12.2012, 13.12.2012 and the order dated 14.12.2012 passed by the respondents, by which the pay scale of the petitioner has been reduced.

2. It is said that Indore Bench of this Court has passed a common order in W.P. No.502/2013 and other connected cases and the controversy has been set at rest, therefore, similar order may be passed.

3. The contention of the petitioner is that he is an employee of Janpad Panchayat under the Panchayat and Rural Development Department, State of Madhya Pradesh and he was granted a pay-scale of Rs.4500-7000 on the basis of recommendations of 5th pay commission. The petitioner has further stated that

he was transferred on deputation vide order dated 3.7.2001 to Madhya Pradesh District Poverty Initiative Project, which is a project under the control of the Government. A cabinet decision was taken earlier on 4.8.2010 for grant of a higher pay-scale to those persons whose services were being utilized by posting them on deputation. The petitioner has further stated that the petitioner vide order dated 28.2.2009 was fixed in the pay-scale of Rs.5,000-8,000/- in the 5th Pay commission pay scale and was also granted one higher pay scale of Rs.8,000-13,500/- by virtue of a cabinet decision. The petitioner has further stated that the respondents have also granted the benefit to the petitioner of higher pay-scale based upon the recommendations of 6th Pay Commission, however, w.e.f. 1.1.2006 by passing the impugned order, the aforesaid benefit has been withdrawn. The contention of the petitioner is that he cannot be singled out by the respondents in the matter of pay-scale especially when all the employees are being paid salary keeping in view the recommendations of 6th pay commission.

4. The respondents have filed their reply and their contention is that the petitioner is receiving the pay-scale of Rs.10,000- 15,200/- as per the recommendations of 5th Pay Commission, he will be entitled for the pay-scale of Rs.15,600-39,100 + grade pay of Rs.6,600/-. It has also been stated that the grade pay is not in existence under the 5th Pay Commission and, therefore, they are required to pay the higher pay scale. The respondents have stated that because there is an increased in the grade pay after the recommendations of 6th Pay Commission, the same cannot be implemented in respect of the petitioner.

5. This Court has carefully gone through the entire reply of the State Government. No logical reasoning has been assigned in the reply for not granting the pay-scale of 6th Pay Commission to the petitioner. Merely because a pay-scale of an official is increased on the basis of recommendations of Pay Commission that cannot be the basis for denying him the benefit of higher pay-scale. The respondents have nowhere stated that the petitioner is not entitled for higher pay-scale as recommended by the 6th Pay Commission for any cogent reason. As all other employees in the project as well as in the State Govt. are receiving the higher pay-scale, there appears to be no justification in discriminating the petitioner by the impugned order and consequently the impugned order dated 12.12.2012 and consequential order dated 13.12.2012 and 14.12.2012 are accordingly set aside. The respondents are directed to grant the higher pay-scale and the arrears of pay to the petitioners within a period of 90 days from the date of receipt of a certified copy of this order.

6. The writ petition is allowed.

7. The other connected writ petitions are also allowed with similar directions.