
(1999) 07 GAU CK 0002
In the Gauhati High Court
Case No : Civil Rule No. 5097 of 1996

Shyamal Saikia

APPELLANT

Vs

State of Assam and Others

RESPONDENT

Date of Decision : 22-07-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 3 GLT 189

Hon'ble Judges : P.G. Agarwal, J

Bench : Single Bench

Advocate : A.K. Phukan and M. Bhuyan, for the Appellant; B.J. Talukdar, for the Respondent

Judgement

P.G. Agarwal, J.—Heard Mr. M. Bhuyan, learned Counsel for the Petitioner and Mr. B.J. Talukdar, learned Govt. Advocate for the Respondents.

2. The Petitioner who was appointed as Library Assistant in the Gauhati High Court has approached this Court under Article 226 of the Constitution of India for extending the benefit of one advance increment (notionally) given to the L.D. Assistants serving in the said Establishment vide Office Memorandum No. FPC. 7/92/21-A dated 31st May, 1994. The State Government granted benefit of one advance increment notionally to the L.D. Assistants of Assam Secretariat with effect from 1.1.1981. Thereafter vide Govt. Memo No. JDJ, 167/93/30-A dated 21st Sept, 1995 the above benefits were extended to the L.D. Assistants in the establishment of the Gauhati High Court.

3. As the Petitioner was working as Library Assistant and drawing the same scale of pay with that of L.D. Assistant, the Registrar (Judicial), Gauhati High Court requested the State Government to extend the above benefit to the Library Assistant working in the Gauhati High Court also. However, vide letter No. JDJ. 167/93/44-A dated 16th Sept., 1996 the State Government expressed its inability to agree with the request and thereby denied the benefit of one advance increment to the Library Assistant.

4. It is submitted by the learned Counsel for the Petitioner that on the plea taken by the State Government the Petitioner was also denied promotion to the post of U.D. Assistant, whereupon the Petitioner approached this Court in Civil Rule No. 295/1982. That matter was decided on 2.1.1984 and the Division Bench of this Court in the above case reported in State of Gujarat Vs. Jagubhai Nagarji Mistry, held that the post of Library Assistant and L.D. Assistants are equal and they have got same status and they should get equal pay. As a matter of fact the Petitioner was subsequently promoted to the post of U.D. Assistant. The appeal preferred against the above referred decision was also dismissed.

5. In view of the above settled position of law, I hereby direct that the Petitioner is entitled to one advance increment as given to the L.D. Assistant working in the Gauhati High Court. The order of the State Government vide Annexure-8 is hereby quashed. The writ petition is allowed. No order as to costs.