
(2012) 04 UK CK 0005

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 362 of 2011

Union of India and others

APPELLANT

Vs

Rajesh Dutta and others

RESPONDENT

Date of Decision : 26-04-2012

Acts Referred:

Citation : (2012) 04 UK CK 0005

Hon'ble Judges : Barin Ghosh, C.J;Umesh Chandra Dhyani, J

Bench : Division Bench

Advocate : Pradeep Joshi, for the Appellant; K.S. Bora, for the Respondent

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—While respondent nos. 1, 2 and 3 were appointed on 23rd January, 1988, respondent nos. 4 and 5 were appointed respectively on 1st October, 1982 and 27th September, 1984 as Optical Workers. With effect from 23rd January, 1988, all the respondents were asked to discharge the duties of Photo Etcher Graticule. As Optical Workers, respondents were entitled to draw their salaries in the scale of Rs. 260-400. With effect from 23rd January, 1988, although the respondents were discharging their duties as Photo Etcher Graticule, but they were drawing their salaries in the pay-scale of Rs. 260-400. Respondents came to learn that by an order dated 23rd September, 1982, pay-scale of Photo Etcher Graticules had been fixed at Rs. 330-480 and the said pay-scale has been given to two persons, namely, Smt. B.D. Thapliyal and Mr. C.D. Shukla, who were originally appointed as Optical Workers, but by the said order dated 23rd September, 1982, were re-designated as Photo Etcher Graticules. Having had acquired such knowledge, respondents made a representation for according them salaries in the said scale of Rs. 330-480. Their representation was rejected on the ground that the Board of Ordnance Factory had given that particular benefit to those two particular persons and since the same was not given to others, the respondents are not entitled to such benefit. Accordingly, respondents approached the Tribunal and the Tribunal held by the judgment and

order impugned in the writ petition that if two persons have been asked to discharge same duties, in the matter of payment of salary they cannot be discriminated. It was not highlighted before the Tribunal, nor it is being highlighted before this Court that while those persons, named in the order dated 23rd September, 1982, were re-designated as Photo Etcher Graticules they were assigned any such duty, which the respondents were not assigned while they were also asked to discharge the duties of Photo Etcher Graticules since 23rd January, 1988. That being the situation, we are of the view that the Tribunal has proceeded on the basis accepted in law and, accordingly, there is no scope of interference. Writ petition fails and the same is dismissed.