

(2003) 12 JH CK 0008
In the Jharkhand High Court
Case No : CWJC No. 2803 of 1997 (R)

V.A. Abraham

APPELLANT

Vs

Bihar Hill Area Lift Irrigation Corporation Ltd.

RESPONDENT

Date of Decision : 08-12-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 JCR 421

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : None, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Amareshwar Sahay, J.—Despite repeated calls nobody appeared to press this application.

2. The prayer in this writ application is for quashing of Annexure 6 i.e., letter No. 305 dated 11.12.1990, issued by the respondent No. 1 whereby, according to the petitioner, his pay scale has been slashed down without any rhyme and reason. Further prayer of the petitioner is that he should be paid the salary at par with respondent No. 2.

3. However, by order dated 18.3.1999, at the request of the petitioner, the name of the respondent No. 2 has been deleted from the cause title of this case.

4. From the averments made in this writ application it appears that the case of the petitioner is that he was appointed on 18.9.1979, as Stenographer Class-II under respondent No. 1. It is stated that Government of Bihar vide, Memo No. 3734 dated 7.4.1977, of the Finance department took a decision for elaboration of pay scale of Stenographer Class-1 etc. Accordingly, Board of Director of Respondent No. 1 in its meeting held on 13.4.1982 took a resolution to grant the same pay scale to the officers and staff of the respondent No.1. The said resolution has been annexed as Annexure-3 to the writ application. Accordingly

to the petitioner, he was granted elaborated pay scale in accordance with the said resolution of Annexure-3. It is further stated that pursuant to the policy decision made by the Government of Bihar in Finance Department vide, Resolution No. 10770 dated 31.12.1981, with respect to time bound promotion after completion of 10 years of service, the petitioner was granted the said time bound promotion with effect from 18.9.1989, in the scale of Rs. 880-1360 (New Scale Rs. 2000-3500), vide, office order No. 342 dated 28.12.1989. Consequently, the pay scale of the petitioner was reduced to the scale of 850-1380/- vide, office order No. 305 dated 11.12.1990, (Annexure-6) without any rhyme and reason and without assigning any reason whatsoever and also without giving any opportunity to the petitioner to show cause. It is further stated that in spite of the representation made by the petitioner to restore his pay scale, no order has been passed on the said representation till date.

5. According to the respondents, the petitioner was promoted under the Kal Badh Time Bound Promotion Scheme and was entitled to the next higher scale of pay above the present scale of pay drawn by the petitioner prior to his promotion. The petitioner was in the Pay Scale of Rs. 785-1210 prior to his first time bound promotion and the next higher pay scale was Rs. 850-1310 but due to some confusion the petitioner was given the pay scale of Rs. 880-1510. When the anomaly was detected after enquiry by the Accounts Section in the year 1990, by order dated 11.12.1990, the pay scale of the petitioner was revised in accordance with the rules and regulations of the 4th Pay Revision and the extra payment made which was a nominal amount was recovered in easy installments from the salary of the petitioner. Therefore, it can be said that the petitioner is not entitled to any relief as sought for in this writ application.

6. Considering the averments made in this writ application as well as the stand taken by the respondents in the counter affidavit, I am of the view that the order as contained in Annexure-6 to the writ application was rightly passed reducing the pay scale of the petitioner as the same appears to have been wrongly given to which petitioner is not entitled. Accordingly I find no illegality in the impugned order. It is dismissed having no merit. Writ dismissed.