
(2005) 07 GAU CK 0035
In the Gauhati High Court

Yumnam Jamini Devi and Ors.

APPELLANT

Vs

State of Manipur

RESPONDENT

Date of Decision : 25-07-2005

Acts Referred:

Citation : (2005) 07 GAU CK 0035

Hon'ble Judges : T.Nanda kumar Singh, J

Bench : Single Bench

Advocate : N.Kotishwar Singh, H.S.Paonam, Kh.Tarun kumar Singh, Advocates appearing for Parties

Judgement

A. These 2(two) writ petitions are filed by the same petitioners 3(three) in number against the respondents in respect of the same subject matter. As such for convenience of the parties as well as this court, these two writ petitions are taken up for joint hearing and also for disposal by a common judgment and order.

B. Heard Mr. Kh. Tarunkumar Singh, learned counsel appearing on behalf of the petitioners of both the writ petitions, Mr. N. Kotiswor Singh, learned counsel along with Mr. H.S. Paonam, learned counsel appearing on behalf of the respondents.

C. The factual panorama in short in the present writ petitions are as follows:

1. The Government of India, Ministry of NonConventional Energy Sources, Rural Energy Group (Biogas Division) wrote the letter being No. 55/95BG dated 9.6.1995 to the (1) Secretaries of Nodal Departments and (2) Heads of nodal/ implementing agencies of different States for implementation of National Project on Biogas Development (for short ?NPBD?) during 199596. The objects for implementing the National Project on Biogas Development (NPBD) are:

(a) to provide fuel for cooking purposes and organic manure to rural households through family type biogas plants;

(b) to mitigate drudgery of rural woman, reduce pressure on forests and

accentuate social benefits; and

(c) to improve sanitation in villages by linking sanitary toilets with biogas plants. The State of Manipur is also one of the States mentioned in the Annexure 1 to the said letter dated 9.6.1995 of the Govt. of India, Ministry of NonConventional Energy Sources, Rural Energy Group (Biogas Division) which mentioned the National Project of Biogas Development Statewise Coverage of Potential of Biogas Plants upto March, 1995 and the State of Manipur is mentioned at sl.no. 14 of the list of the States covered by the scheme for implementation of the National Project of Biogas Development (NPBD) during the year 1995-96. For the state of Manipur, the Director of Science, Technology & Environment, Govt. of Manipur issued Notice being No. 2/21/95DSTE/1493 Imphal, the 7th December, 1995 inviting applications from candidates for engagement on contract basis to the various posts in the said Project, i.e. NPBD. The posts are: for Headquarter (1) Sr. Scientific Officer 1; (2) L.D.C. 2; (3) Asstt. Computer Operator 1 for District Unit (1) Jr. Engineer 3; (2) Supervisor 3 and (3) Mason 6.

2. In pursuance of the said notification dated 7.12.1995, the petitioners and others applied for engagement on contract basis to the said posts for the said Project (NPBD) and thereafter, the Directorate of Science, Technology and Environment, Govt. of Manipur issued notice dated 23.1.1995 for informing the candidates about the dates and times for Viva-voce (Interview) for making appointment/engagement to the said posts in the said Project NPBD. On the recommendation of the Selection Committee, the Director of Science, Technology and Environment, Govt. of Manipur issued notice being No. 2/21/95 DSTE/1003, dated, Imphal the 4th October, 1996 for engagement of the petitioners and others on contract basis for the period upto 31.3.1997 on consolidated pay/ honorarium as shown against their respective names under the said notice dated 4.10.1996. Under the said notice dated 4.10.1996, petitioner No. 1, Smt. Yumnam Jamini Devi, petitioner No. 2, Shri Yumnam Kumarjit Singh and the petitioner No. 3, Shri Thameichung Thamei had been engaged on contract basis in the consolidated pay/ honorarium for the period upto 31.3.1997 as Jr. Engineer, Supervisor and L.D.C. respectively in the said Project NPBD. For better appreciation, the said notice dated 4.10.1996 is quoted hereunder:

?GOVERNMENT OF MANIPUR

DIRECTORATE OF SCIENCE, TECHNOLOGY &

ENVIRONMENT

OLD LAMBULANE, IMPHAL 795001

N O T I C E

Imphal, the 4th October, 1996

No.2/21/95DSTE:/1083 On the recommendation of the Selection Committee Meetings and its approval vide Govt.. letter No. 18/2/86ST(Pt) dated 28.9.96,

the undermentioned persons have been selected for engagement to the designations at the consolidated honoraria shown against their names on contract basis for a period upto 31st March 1997 under the National Programme on Biogas Development (NPBD) of their Department.

Sl. Name & address of the Designation Rate of monthly

No. Candidates. Consolidated

Honoraria.

1. Shri K. Mono Singh(Gen) Sr. Scientific Rs.4,854 p.m.

Khurai Konsam Leikai Officer

Imphal.

2. Km. Y. Jamini Devi(Gen) Jr. Engineer Rs.3,028 p.m.

Thoubal Kiyam.

3. Shri Hulang David Anal Jr. Engineer Rs.3,028 p.m.

(ST)Lambung Village

Chandel.

4. Shri Y. Kumarjit Singh(Gen) Supervisor Rs.2,634 p.m.

Thoubal Kiyam Siphai

5. Shri Ph. Gaijonlung Kabui Supervisor Rs.2,634 p.m.

(ST) Jimdailong.

6. Ph. Chandrabati Devi(Gen) Asst.Comp.Opr. Rs.2,142 p.m.

Singjamei Makha Mayengbam

Leikai.

7. Smt. M. Bina Devi(Gen) L.D.C. Rs.2,142 p.m.

Thoubal Haokha Maning Leikai

8. Sri Thaimeichung Thaimei(ST) L.D.C. Rs.2,142 p.m.

Keisamthong Kabui Colony.

9. Sri Th.Surjit Singh(Gen) Mason Rs.1,623 p.m.

Yairipok Bishnunaha.

10. Sri K. Thoiba Singh (Gen) Mason `Rs.1,623 p.m.

Icham Khunou Thoubal

11. Sri Paotinbay Kipgen(ST) Mason Rs.1,623 p.m

Kholjang Village

12. Sri M. Shantikumar Singh(SC) Mason Rs.1,623 p.m.

Thoubal Khunou.

Sd/ (S. Madhu Suddan Singh)

Director?

3. The term of engagement of the petitioners on contract basis at the consolidated pay/honorarium for the said posts in the said Project NPBD had been extended for a further period of one year w.e.f. 1.4.1997 to 31.3.1998 under the orders of the Director, Science, Technology and Environment, Govt. of Manipur being No. 2/27/96DSTE/264, dated Imphal the 30th May, 1997. The Director of Science, Technology and Environment, Govt. of Manipur under his letter dated 20th September, 1997 requested the Director, Ministry of Non Conventional Energy Sources, Rural Energy Group (Biogas Division), New Delhi for approval of the proposed pay scale for the posts of (1) Sr. Scientific Officer, (2) Asstt. Computer Operator and (3) L.D.C. for the State Head Quarter and also for (1) Jr. Engineer; (2) Supervisor and (3) Mason for the District Units for the said Project NPBD. Under that letter dated 20.9.1997, the proposed scale of pay of Sr. Scientific Officer was Rs. 2200 4000/ p.m.; Asstt. Computer Operator Rs. 1200 2040/ p.m.; L.D.C. Rs. 950 1500/ p.m. for the Head Quarter and also the proposed scale of pay of Jr. Engineer was Rs. 1400 2300/p.m; Supervisor Rs. 1200 2040/ p.m. and Mason Rs. 750 1200/p.m for the District Units. The Govt.of India, Ministry of NonConventional Energy Sources, Rural Energy (Biogas Division) under the letter of its Under Secretary being No. 510/97BC dated 15.04.1998 conveyed the approval of the Govt. of India to the pay scale as proposed by the Govt. of Manipur for the staffs under the project NPBD during the year 199899 under the letter of the Directorate of Science & Technology dated 20th September, 1997. The Govt. of India, Ministry of NonConventional Energy Sources, Rural Energy (Biogas Division) under its Directorate letter being No. 55/98BG dated 16.07.1998 informed all the Secretaries of Nodal Departments and Heads of nodal/implementing agencies regarding the pattern of Central Assistance to the said projects that the pattern for Central Assistance which includes Central Subsidy, Turn Key Job Fee, Additional Subsidy for Linking of Biogas Plant with Sanitary Toilets, Assistance for linking biogas plants, incentive for saving diesel by biogas, Service Charges/staff support, training course, communication and publicity, etc. as given in AnnexureA/1 to the said letter dated 9.6.1995. The Turn Key Job Fee @ Rs. 500/ per biogas plant actually set up on turnkey basis with 3 years warranty for troublefree functioning will be payable to corporate bodies, recognized registered societies, voluntary organizations and approved trained entrepreneurs, etc. The Principle Scientific Officer, Govt. of India, Ministry of NonConventional Energy Sources under his letter being No. 2/33/97P&C dated 5.10.1998 to the Pay & Accounts Officer, Ministry of NonConventional Energy Sources, New Delhi for conveying the

sanction of the President to the implementation of the scheme for providing grants in aid for setting up/ augmenting of State Nodal Agencies (SNAs) in North East States including Sikkim during 1998-99 and also that the scheme will be operative up to the end of 9th Five Year Plan.

4. The Govt. of Manipur issued order dated 6.10.98 for extending the term of contract appointment of the petitioners and others engaged in the said Project NPBD for a further period from 1.4.1998 to 31.3.1999. As per the directions of the Ministry of Non Conventional Energy Sources, the Govt. of Manipur issued an order being No. 6/2/94STE(Pt), dated Imphal the 2nd June, 1999 for transferring all the schemes under the Non Conventional Energy Sources and IREP, implemented by the Department of Science & Technology, Manipur to the Newly established "MANIPUR RENEWABLE ENERGY DEVELOPMENT AGENCY (MANIREDA)" along with the existing concerned staff of the National Programme on Biogas Development (NPBD), State Level and Block Level IREP Cell as w.e.f. 1st June, 1999 and the said orders of the Govt. of Manipur dated 2nd June, 1999 reads as follows:

"GOVERNMENT OF MANIPUR

Secretariat: Science and Technology

Department

ORDERS

Imphal, the 2nd June 1999

No.6/2/94STE(Pt) The Governor of Manipur is pleased to order transfer of all the schemes under Non Conventional Energy Sources and IREP implemented by the Department of Science & Technology, Manipur to the Newly established

"MANIPUR RENEWABLE ENERGY DEVELOPMENT AGENCY (MANIREDA)" along with the existing concerned staff of the National Programme on Biogas Development (NPBD). State Level and Block Level IREP cell are detailed below with effect from the 1st June 1999.

A. National Programme of Biogas Development (NPBD)

1. Sr. Scientific Officer 1(one) No.
2. Jr. Engineer 2(two) Nos.
3. Supervisor 2(two) Nos.
4. Asstt. Computer Operator 1(one) No.
5. L.D.C. 2(two) Nos.
6. Mason 4(four) Nos.

Total = 12(twelve) Nos.

B. IREP(State Level Cell)

1. Project Officer 1(one) No.

2. Investigator 2(two) Nos.

3. Stenographer 1(one) No.

4. L.D.C. 1(one) No.

5. Peon 1(one) No.

Total = 6(six) Nos.

C. IREP (Block Level Cell)

1. Project Officer 19(nineteen) Nos.

2. Jr. Engineer 19(nineteen) Nos.

3. L.D.C. 19(nineteen) Nos.

Total = 57(fifty seven) Nos.

2 The Services of the NPBD and IREP staff should be protected their services in the Newly established MANIREDA and they should not be put to their disadvantages. By order & in the name of

Governor.

Sd/(A.R.Khan)

Secretary(S&T),Govt.of

Maniur?

As such, it is clear that from 1.6.1999, the department of Science and Technology, Govt. of Manipur was no more the Nodal Department of the said Project NPBD and from 1.6.1999 onwards, MANIREDA became the Nodal Agency for the said Project, i.e. NPBD. The MANIREDA is an autonomous agency of the Govt of Manipur under the Department of Science and Technology, Govt. of Manipur and as such only the Governing Body of the MANIREDA can create posts for proper implementation of the said Project NPBD under Rule 10 of the Rules and Regulations of the MANIREDA and not by the Secretary.

5. After the Directorate of Science and Technology, Govt. of Manipur was no more the Nodal Department for the said project NPBD, the Director of Science and Technology, Govt. of Manipur wrote a letter being No. 59/1/97(NPBD)/DST/158, Imphal, the 14th June, 1999 requesting the Director, Rural Energy Group,Biogas Division, Ministry of NonConventional Energy Sources, Govt. of India for administrative approval to the revised scale of pay for the NPBD staff of Manipur State for the year 1999 2000 onward, a copy of which is available at AnnexureA/11 to the writ petition of W.P (C) No. 1369/2001.The proposed

revised pay scale under the said letter of the Director, Science and Technology, Govt. of Manipur dated 14.6.1999 for the post of Jr. Engineer was Rs. 5000 8000/ , Supervisor Rs. 4000 6000/ and L.D.C. Rs. 3050 4590/ respectively. In response to the said letter of the Director of Science & Technology, Govt. of Manipur dated 14.6.1999, the Under Secretary to the Govt. of India, Ministry of Non Conventional Energy Sources, Biogas Division under his letter being No. 5/10/99BG dated 2nd September, 1999 conveyed the approval of the president to the said revision of pay scale of the staffs employed under NPBD from the year 19992000. The said letter of the Govt.of India dated 2.9.1999 reads as follows:

?NO.5/10/99BG

GOVERNMENT OF INDIA

MINISTRY OF NONCONVENTIONAL ENERGY SOURCES

BIOGAS DIVISION

B14, CGO Complex,

Dated the 2nd September, 1999

To,

The Director,

Directorate of Science &Technology

Old Lambulane,

Imphal 795001

Sub: Revised scale of pay for the NPBD Staff of Manipur State from the year 19992000 Regd.

Sir,

I am directed to refer to your letter No. 59/1/97(NPBD)/DST/158 dated 14.06.1999 on the above mentioned subject and to convey the approval of the President to the revision of the scale of pay of the staff employed under NPBD from the year 19992000, as per details given below:

Name of the post No. of posts Existing

Revised

sanctioned scale of scale of

Pay Pay

STATE HEADQUARTER

Sr. Scientific Officer 1 22004000 800013500

Asstt. Computer Opr. 1 12002040 40006000

L.D.C. 2 9501500 30504590

DISTRICT UNIT

Junior Engineer 2 14002300 50008000

Supervisor 2 12002040 40006000

Mason 4 7501200 25503200

This issues with the concurrence of IFD vide JS & FA Dy. No. 349 dated 30.08.1999.

Yours faithfully,

Sd/2.9.99(Banarsi Lal)

Under Secretary to the Govt. of India.?

6. The Member Secretary, MANIREDA issued order being No. 25/9/2000(NPBD)/MANIREDA/5, Imphal, the 28th April, 2001 in supersession of the order of even number dated 27.3.2001 and in compliance with the resolution No. 5 of the 1st Governing Body Meeting held on the 24th Aapril, 1999, the Chairman, Manipur Renewable Energy Development Agency is pleased to accord sanction to the extension of the services of the National Project on Biogas Development (NPBD) staffs for a period from the 1st April, 2000 to till the posts are fill up on regular basis with the prescribed scale of pay approved by the Govt. of India vide their order No. 5/10/99BG dated 2nd September, 1999. The said order of the Member Secretary, MANIREDA dated 28.4.2001 reads as follows:

?Office of the

Manipur Renewable Energy Development

Agency(MANIREDA)

OLD Lambulane, Imphal 795001

O R D E R S

Imphal, the 28th April 2001 No. 25/9/2000(NPBD)/MANIREDA In supersession of this order of even No. dated 27.3.2001 and in compliance with the resolution No. 5 of the 1st Governing Body Meeting held on the 24th April, 1999, the Chairman, Manipur Renewable Energy Development Agency(MANIREDA) is pleased to accord sanction to the extension of the services of the Natinal Project on Biogas Development (NPBD) staff for a period from the 1st April, 2000 to till the posts are filled up on regular basis with the prescribed scale of pay approved by the MNES, Govt. of India vide their order No. 5/10/99BG dated the 2nd Sept., 1999 with all the admissible allowances applicable to MANIREDA from time to time indicated against their names.

Sl. No. Name Designation Scale of Pay

1. K. Mono Singh Director(NPBD) 800027513500/
2. Y. Jamini Devi Jr. Engineer 50001508000/
3. H. David Anal Jr. Engineer 50001508000/
4. Y. Kumarjit Singh Supervisor 40001006000/
5. Ph. Saijhalung Supervisor 40001006000/
6. Ph. Chandrabati Asst. Copm. Opr. 40001006000/
7. H. Bina Devi L.D.C. 3050754590/
8. Thaimeichung Thaimei LDC 3050754590/
9. K. Thoiba Singh Mason 2250553200/
10. Th. Surjit Singh Mason 2250553200/
11. Paothingthang Mason 2250553200/
12. M. Shantikumar Mason 2250553200/

2. The expenditure is dubitable from the grandinaid released by the Directorate of Science & Technology Govt.of Manipur under NPBD(CSS) 20012002 and the funds released by the MNES,Govt. of India from time to time for the implementation of the NPBD Programmes for Manipur State.

Sd/(Ram Muivah)

Member Secretary, MANIREDA

Commissioner(S&T),Govt.of Manipur.?

7. After the scale of pay of the petitioners had been revised under the said orders issued by the Member Secretary, MANIREDA dated 28.4.2001, the Director of Science and Technology, Govt. of Manipur wrote a letter being No. 37/33/99(Grant)/DST:793 dated, Imphal , August 29, 2001 directing the Member Secretary, MANIREDA, Manipur (1)to issue fresh engagement orders for the year; (2) Appointment/Engagement to be on Contract basis; (3) The financial remuneration to be on consolidated basis, not of scale. The lowest of the present scale can be basis of fixing the Contract value, and (4) There will be no liability on the part of the State Government, and also to issue revised engagement order under the MANIREDA covering for the period of 1.4. 1999 to 31.3.2000 at an consolidated wages. It is also the case of the petitioners that the Member Secretary, MANIREDA issued an appointment order being No. 1/12/99(Estt) MANIREDA dated 10th June, 1999 for regularizing the appointments/ engagements of 4(four) incumbents who are junior to the petitioners. Being aggrieved by the said directions of the Director, Science & Technology , Govt of Manipur under his letter dated 29.8.2001 and the said order of MANIREDA dated 10.6.1999 for regularizing the services of the 4(four) incumbents who are junior

to the petitioners filed Writ Petition being W.P(C) No. 1369 of 2001. In W.P(C) No. 1369 of 2001, this court passed an interim order dated 14.9.2001 to the effect that ?Notify to the parties that the prayer for interim relief shall be heard on the next returnable date. Till then, the petitioners shall be allowed to draw salary at the rate they have been drawing now.? It is also the case of the petitioners that the said interim order dated 14.9.2001 has not been vacated and as such the petitioners are enjoying the revised pay scale. While the W.P(C) No. 1369 of 2001 was pending, the Commissioner of Science & Technology, Govt. of Manipur issued an order being No. 1/11/95 STE(Pt1), Imphal, the 15th January, 2002 that in supersession of this Govt. Order of even No. dated 29.3.2000 and 31.3.1999, the Governor of Manipur is pleased to engage 12 persons including the present petitioners on contract services of National Programme on Biogas Development (NPBD) Staff for the period from 1.4.1999 to 31.3.2000 with the monthly honorarium shown/stated against their respective names. Being aggrieved by the said order of the Govt. of Manipur dated 15.1.2002, the petitioners filed another writ petition being W.P(C) No. 187 of 2002. The relieves sought for in the present two writ petitions are: (1) Writ of Certiorari for quashing or setting aside the said impugned orders/letters dated 29.8.2001, (2) for a direction to regularize their services through a special DPC and also for allowing to enjoy the revised scaly of pay and also for quashing or setting aside the said order of the Govt. of Manipur dated 15.1.2002 for engaging the petitioners on monthly honorarium basis.

8. The respondents filed their affidavitinopposition. The main grounds taken in their affidavitinopposition are that the petitioners were appointed/engaged on contract basis at an consolidated pay/honorarium inasmuch they were appointed only as a staff said Project NPBD and also that the engagement of the petitioners as staff in the said Project shall quo terminus with the completion or closer of the said Project. There cannot be regular appointment in the said Project inasmuch as the said Project is not permanent in nature. The respondents in their affidavit in opposition took the plea that the MANIREDA, which is an Autonomous Body under the Govt. of Manipur, is a permanent body and as such there could be regular appointment in the staff of the MANIREDA under the State Govt. of Manipur. In the affidavitinopposition of the respondents, it is also stated that there is no resolution of the MANIREDA being resolution No. 1 in the 1st Governing Body Meeting of the MANIREDA held on 24.4.1999 for allowing the petitioners to enjoy the revised pay scale and also for allowing them to continue till the posts are filled up on regular basis. Such being the situation, the respondents assert that the said order dated 28.4.2001 issued by the Member Secretary, MANIREDA for allowing the petitioners to enjoy the revised pay scale is not correct. Further, the respondents asserted that in the terms of agreement for engagement of the petitioners in the staff of the said project NPBD, it is clearly mentioned that those contract employees of the MANIREDA are not Government employee under the Government of Manipur and the contract agreement shall be deemed as automatically terminated at the end of the terms

of agreement for a limited period. The respondents state that the petitioners being contract employees for a limited period at an consolidated pay/honorarium in the said Project NPBD, which is not a permanent body, cannot be appointed on regular basis and also asserted that the said 4(four) incumbents whose services were regularized under the said order issued by the Member Secretary dated 10.6.1999 are the employees of the MANIREDA and not the contract employee/staff of the said project NPBD. The respondents further asserted in their affidavitinopposition that the case of the petitioners are totally different from those of the said 4(four) incumbents whose services had been regularized under the said order dated 10.6.1999 issued by the Member Secretary, MANIREDA. The respondents in their affidavitinopposition did not assert that the job chart of the works carried out by the petitioners are different from those of the regular employees for the same posts in MANIREDA. In other words, the respondents admit that the job chart as well as the responsibility of the petitioners are similar with those of the regular employee for the similar posts in MANIREDA.

9. In the above factual context, we may recall the decisions of the Apex Court in *Jawaharlal Nehru Technological University vrs T. Sumalatha (Smt) & Ors*, reported in (2003) 10 SCC 405 that temporary appointees under the scheme cannot be absorbed on regular basis but their pay/honorarium should be revised equal to that of the regular employees on the basis of the principles of 'equal pay for equal work'. The fact of the case in *Jawaharlal Nehru Technological University vrs T. Sumalatha (Smt) & Ors (Supra)* are spelt out in paras2 and 3 which read as follows:

?2. It is seen from the communication dated 9.11.1983 from the Union Ministry of Education that a scheme known as the 'National Manpower Information System' was evolved by the Government of India. Its objective is "to provide upto date and meaningful manpower information on a continuing basis to enable the authorities concerned to anticipate areas of growth in the filed of science and technology and consequently plan for technical manpower development on proper lines."

Under that Scheme, NMIS will have a lead center in the Institute of Applied Manpower Research attached to the Ministry of Education and seventeen nodal centers in the selected higher institutes of Engineering and Technology. The lead center will be coordinating with the functions of various nodal centers and oversee the proper functioning of those centers. The appellant JNT University, Hyderabad is one of the institutions selected for the establishment of a nodal center. The nodal centers would be mainly concerned with the collection of data and the preliminary processing of data so as to make it suitable for further processing in a computer. The nodal center is also expected to undertake analytical work wherever required. An advisory body has been formed for each State so as to provide guidance and support to the nodal centers. The Head of the institution of the nodal center, the Director of Technical Education of the State and some other officials are its members. Nodal centers were authorized to

appoint the staff Project Officer (Reader). P.A., Computer Operator and Research Associate (one post each) for whom the scales of pay are specified. It appears that these posts were filled up by drawing the personnel from the University on deputation. We are more concerned here with para 5 of the Scheme which reads as follows:

"5. Besides, the nodal centers shall also be entitled to collect the necessary data through appropriate programming by employing students of senior classes i.e. postgraduate level and PhD level during the vacation periods. The data thus collected can be processed by the nodal centers on a continuing basis round the year. Each nodal center will be entitled to assistance from senior students amounting to 55 man months in a year. Each students would be paid by the nodal centers convened at the rate not exceeding Rs. 500 per month. In all, each nodal center would be entitled to incur expenditure not exceeding Rs. 27,500 per annum for collection of data by employing students of the senior classes.?"

?3. It appears that the nodal center was sanctioned initially for a period of one year and nine months. However, it is being continued. It is not in dispute that the nodal center is financed entirely by the Ministry of Education which releases the grants from time to time. The allocation of funds for various items of expenditure including staff salaries is specifically mentioned in the order releasing recurring grant. The consolidated pay was enhanced by the Government of India on two occasions, while releasing the grants. As the postgraduate engineering students referred to in para 5 of the Scheme were not available, Respondents 1 to 4 were recruited as investigators on consolidated pay.?"

Paras 7 & 9, which discuss the findings of the court, also read as follows:

?7. Can it be said that by virtue of this provision, the State Government assumes the responsibility of absorbing the staff employed in the organizations or establishments with which it has no administrative or financial nexus, merely because an instrumentality of the State is involved in managing it, that too, in a limited sense? The answer could only be in the negative. When the State Govt. or its instrumentalities have not created the posts on their own and do not bear any part of the financial burden, the question of getting the clearance from the Finance and Planning Department of the Govt. For the purpose of regularization or absorption does not arise. Viewed from any angle, GO No. 212 would be wholly out of place for those working in the nodal center which is created and nurtured by the Central Government. It is not within the domain of the State Government or even the University to regulate the staff pattern or the monetary benefits of the staff working therein, without the approval of the Central Government. Therefore, no directions should have been issued to the State Government or to the University to regularize the services of Respondents 1 to 5, if necessary, by creating additional posts.?"

?9. Though the plea of regularization in respect of any of the fifth respondents cannot be countenanced, the respondent employees should have a fair deal

consistent with the guarantee enshrined in Articles 21 and 14 of the Constitution. They should not be made to work on a meager salary for years together. It would be unfair and unreasonable to extract work from the employees who have been associated with the nodal center almost from its inception by paying them remuneration which, by any objective standards, is grossly low. The Central Government itself has rightly realized the need to revise the consolidated salary and accordingly enhanced the grant on that account on two occasions. That revision was made more than six years back. It is high time that another revision is made. It is therefore imperative that the Ministry concerned of the Union of India should take expeditious steps to increase the salary of the investigators viz. Respondents 1 to 4 working in the nodal center in Hyderabad. In the absence of details regarding the nature of work done by the said respondents and the equivalence of the job done by them to the other posts prevailing in the University or the Central Government institutions, we are not in a position to give any direction based on the principle of 'equal pay for equal work'. However, we consider it just and expedient to direct Respondent 7 or 8, as the case may be, to take an expeditious decision to increase the consolidated salary that is being paid to Respondents 1 to 4 to a reasonable level commensurate with the work done by them and keeping in view the minimum salary that is being paid to the personnel doing a more or less similar job. As far as the fifth respondent is concerned, though we refrain from giving similar directions in view of the fact that the post is not specifically sanctioned under the Scheme, we would like to observe that the Central Government may consider increasing the quantum of office expenditure suitably so that the University will be able to disburse higher salary to the fifth respondent.?

10. Keeping in view of the law laid down by the Apex Court, as well as the approval of the Ministry of NonConventional Energy Sources, Rural Agency Group (Biogas Division) for approval of the revision of pay scale of the petitioners under the said project NPBD under the letter of the Director of Science & Technology, Govt. of India, Ministry of NonConventional Energy Sources, Biogas Division dated 2.9.1999 which had been quoted above in entirety and also the principles of equal pay for equal work, this court is of the considered opinion that a direction is called for from this court. Accordingly the respondents are directed to revise the scale of pay or rate of honorarium of the petitioners equal to those of the regular employees of the MANIREDA in the posts equivalent or similar with the posts of the petitioners or at the rate approved by the Ministry of NonConventional Energy Sources, Rural Agency Group (Biogas Division) under their letter dated 2.9.1999 within a period of six months from the date of receipt of this judgment and order. However, the prayer of the petitioners in the present writ petitions for regularisation of their contract employment in the said project NPBD is rejected.

11. To the extent mentioned above, these writ petitions are disposed of. No order as to costs.