

Ashok Mangu Toppo and Anr Vs. Education

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Court : Jharkhand

Decided On : Aug-19-2017

Appellant : Ashok Mangu Toppo and Anr

Respondent : Education

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No. 4216 of 2016
----- 1. Ashok Mangu Toppo, son of Late Harma Toppo, Resident of village-Nagri, P.O.- Bukru, P.S.- Kanke, District-Ranchi and at present working as Junior Engineer (Civil), Ranchi University, P.O.- Ranchi University, P.S.- Kotwali, District-Ranchi 2. Anil Kumar Agrawal, son of Late Ram Pratap Sahu, Resident of- Rani Bagicha, Road No.2, Kathi Tand, P.O. & P.S.- Ratu, District- Ranchi and at present working as- Junior Engineer (Civil), Ranchi University, P.O.- Ranchi University, P.S. Kotwali, District- Ranchi Petitioners Versus 1. The State of Jharkhand 2. Principal Secretary, Department of Higher and Technical Education, Government of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District-Ranchi 3. Director, Department of Higher and Technical Education, Government of Jharkhand, Nepal House, Doranda, P.O. & P.S. Doranda, District- Ranchi 4. Ranchi University, Ranchi, P.O.- Ranchi University, P.S.- Kotwali, District Ranchi through its Registrar 5. Vice Chancellor, Ranchi University, Ranchi, P.O.- Ranchi University, P.S.- Kotwali, District Ranchi Respondents -----
CORAM : HON'BLE MR. JUSTICE DR. S.N. PATHAK
For the Petitioners : Mr. A. Allam, Sr. Advocate : Mr. F. Allam, Advocate
For the State : Mr. Vijay Kant Dubey, Advocate

For the Ranchi-University : Mr. J.

Majumdar, Advocate ----- 06/19.08.2017 Counter-affidavit filed by the respondent Nos. 4 & 5 may be taken on record. The petitioners have approached this Court with a prayer for fixing the pay scale of the petitioners under the 6 th Pay Revision w.e.f. 01.01.2006 till date and till the 7th Pay Revision is enforced with entire arrears of pay revisions as per the letter No. 793/93, dated 18.05.2013 with statutory interest. Further prayer has been made to grant the benefits of ACP on completion of 12 years of service, 2nd ACP on completion of 24 years of service and MACP on completion of 30 years of service alongwith arrears and other admissible benefits and interest thereupon on delayed payments. FACTUAL MATRIX It is the case of the petitioners that in view of the Advertisement published in the Hindi Daily newspaper i.e. Ranchi Express on 01.09.1984, applications were invited from the Diploma Engineers for the post of Junior Engineers in the pay scale of Rs. 785-1210. The petitioners applied for the same and after selection process, they were appointed on the post of Junior Engineer in Ranchi University on 03.05.1985 and 02.05.1985 respectively. The petitioners were entitled for 4th and 5th Pay Revision and were also paid the same as and when it came into force and implemented in Ranchi University. It is the specific case of the petitioners that since they had already been extended the benefits of 4th and 5th Pay Revision, they are also entitled for the benefits of 6 th pay revision and since, they were appointed and working on permanent basis, so the Registrar, Ranchi University, Ranchi vide his letter no. 793 of 2013 dated 18.05.2013 requested the Director, Higher Education, Government of Jharkhand to allow the petitioners all the benefits of 6 th Pay Revision but till date the same has not been paid to them. It is the further case of the petitioners that Ranchi University, vide its letter no.115 of 2014, dated 29.04.2014, in conformity with the letter of the State Government No. 699, dated 21.04.2014, notified about the enforcement of the 6 th pay of the petitioners w.e.f. 01.01.2006 but unfortunately when the pay fixation of some of the employees were received in the office of the Ranchi University, the petitioners found that against their names, it was mentioned Pending for want of post sanction letter, pay has not been prescribed in the Government letter no. 357, dated 13.03.2013. It is also stated that the 6 th Pay Revision has already been implemented by the Central Government and also by the State Government about

ten years back but Ranchi University and the State Government, for some reasons or the other, have not fixed the salary of the petitioners under the 6th Pay Revision as yet. As the benefits of 6th Pay Revision was not extended to the petitioners since Ranchi University did not implement the order of the Central/ State Government for the reasons best known to them, the petitioners preferred representations before the University as well as State Government but till date no order has been passed neither any benefit of 6th Pay Revision have been extended and as such the present writ petition has been preferred Mr. A. Allam, learned Senior counsel assisted by Mr. Fahad Allam, appearing on behalf of the petitioners, strenuously argues that the benefits of 6th Pay Revision has been implemented in the entire country and several States have followed the direction of the Central Government by implementing the same and granting the benefits to its employees and officers, but the Ranchi University has not been extended the same to its employees or its officials. The learned Senior counsel further argues that the representations of the petitioners were duly recommended by the Ranchi University to the State Government for consideration of the same, but the same has not been done and as such the action of the respondents is illegal, arbitrary and against the Constitutional provisions as envisaged in Articles 21 and 300A of the Constitution of India. Mr. A. Allam, the learned Senior counsel for the petitioner further argues that University has already recommended the case of the petitioners and query of the respondents state has already been met with. On the other hand, Mrs. J.

Majumdar, learned counsel appearing for Ranchi University, argues that the case of the petitioners have already been considered and recommendation to that effect has been sent to the State Government. The State Government has to take a decision for allocating funds for granting 6th Pay Revision. Learned counsel for the University draws the attention towards paragraph Nos. 8 to 13 and argues that the case of the petitioners have already been recommended to the State. Learned counsel further argues that already the objections raised by the State has been redressed and query of the State has been met with and the representation of the petitioners have been duly recommended. Per contra, no counter-affidavit has been filed by the State. The learned counsel for the State, Mr. Vijay Kant Dubey, submits that in absence of the same, he is not in a position to say as to whether

the State has received the recommendation of the University and whether any decision has been taken by the State Government or not? However, it has been contended by the respondent State that if a representation has been received by the respondent-State duly recommended by the Ranchi University, a decision will be taken regarding the payment of 6th Pay Revision and for allocation of funds to the University. Be that as it may, having gone through the rival submissions of the parties this Court is of the considered view that the case of the petitioners needs consideration. As already similarly situated persons in the University, are getting the benefits of 6th Pay revision there is no occasion as to why the petitioners be not given the benefits of the same. No reasons have been assigned that why the petitioners should be deprived of the benefits of 6 th Pay Revision as the University has already recommended the case of the petitioners for grant of benefits of 6 th Pay Revision. Accordingly, I hereby direct the respondent-State to take a decision on the representations of the petitioners duly recommended by the University regarding the extension of benefits of 6th Pay Revision. Needless to say that the entire exercise be completed within a period of six weeks from the date of receipt of a copy of this order and if the petitioners are found entitled for benefits of 6 th Pay Revision, the same may be extended to them by allocating funds to the respondents- University within a further period of four weeks. The writ petition stands allowed. (Dr. S. N. Pathak, J.) R.S./Punit

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