

N.C. Patel and ors. Vs. State and ors.

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Court : Gujarat

Decided On : Aug-30-1983

Reported in : (1983)2GLR1526

Judge : A.S. Qureshi, J.

Appellant : N.C. Patel and ors.

Respondent : State and ors.

Judgement :

A.S. Qureshi, J.

1. In this petition the petitioners are challenging the Government's failure to concede to their demand of equal pay with the librarians working in the Government and non-Government Arts Science and Commerce Colleges. The petitioners are the librarians working in the Medical Colleges and the pharmacy College which gets 100% Government Grant. The petitioners were being paid the pay-scale of Rs. 425-700/-similar to the pay-scale paid to the librarians in Arts, Science and Commerce Colleges in pursuance of the Desai Pay Commission Recommendations. There are about 500 librarians said to be working in the Government and non-Government Colleges affiliated to different Universities in Gujarat. The State Government by its resolution No. Mis/1076/45843/79-B dated 6-10-79 passed by the Education Department revised the pay scales of the librarians from Rs. 425-700 to Rs. 550-25-750-EB-30-900 with effect from 1-1-

1973. The librarians employed in the Arts, Science and Commerce Colleges were given the benefit of this resolution but petitioners who were working as librarians in the Medical Colleges and the pharmacy college were not given the benefit of the revised pay-scale.

2. The petitioners Nos. 1 to 18 herein are working as librarians in the Medical Colleges and petitioner No. 19 is working as librarian in the Pharmacy College which gets 100 % Government Grant. The petitioners made a representation to the Government drawing its attention to this incongruity. The Government by its letter dated 10-6-81 (Annexure 'F') stated that the resolution revising the pay-scales of the librarians is that of the Education Department. Hence it is applicable to Colleges under the Education Department. According to the Government, the medical colleges and Pharmacy College are working under the Department of Health and Family Planning and so, the resolution of the Education Department could not be made applicable to the librarian of the colleges under the Health and Family Planning. This is indeed surprising on the part of the Government to take such a stand. It is a settled principle of law that same pay has to be given for the same or similar work. The fact that some colleges are under one Government Department and other colleges under another department of the same Government should not make any difference as regards the pay-scales of the employees of different colleges doing the same or similar work. The Supreme Court has very clearly laid down this principle in the case of *Randhir Singh v. Union of India and Ors.* : (1982)ILLJ344SC wherein the Supreme Court observed as follows:

Apparently in the view of the respondents, the circumstance that persons belong to different departments of the Government is itself a sufficient circumstance to justify different scales of pay irrespective of the identity of their powers, duties and responsibilities. We cannot accept this view. If this view is to be stretched to its logical conclusion, the scales of pay of officers of the same rank in the Government of India may vary from department to department notwithstanding that their powers, duties and responsibilities are identical. We concede that equation of posts and equation of pay are matters primarily for the Executive Government and expert bodies like the Pay Commission and not for Courts but we

must hasten to say that- where all things are equal that is, where all relevant considerations are the same, persons holding identical posts may not be treated differentially in the matter of their pay merely because they belong to different department.

3. The respondent-State has filed its affidavit-in-reply but has not been able to make out any convincing ground for denying the revised pay-scales to the petitioners. The State has relied on the same ground as set out in the aforesaid letter which is totally irrelevant. Miss K. N. Valikarimwala the learned Assistant Government pleader has not been able to show any convincing reason for this obviously wrong and untenable stand of Government. In the circumstances of the case, the petition has to be allowed and the Rule has to be made absolute. It is hereby directed that the aforesaid Government resolution of Education Department will be made applicable to the Librarians working in the Government and non-Government medical colleges and the Pharmacy College. Accordingly the petitioners are entitled to the revised pay-scales of Rs. 550-25-750-EB-30-900 with effect from 1-1-1983. The difference in the salary actually paid and that which the petitioners are entitled under this judgment shall be worked out within a period of three months from today and the said amount will be paid to the petitioners within three months thereafter. The said amount shall be payable by the respondent-State. Rule is made absolute with no order as to costs.