

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 148 of 2016 with
WP(C) No. 149 of 2016

Date of Order:14.09.2023

No.5350012 Ch. Mohon Singh	Vs.	Union of India & Ors.
Mr. Dhiren Singh	Vs.	Union of India & Ors.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. D. K. Das, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv.

1. Heard Mr. D. K. Das, learned counsel for the petitioner and also heard Dr. N. Mozika, learned DSGI appearing for the respondent.
2. By this application under Section 226 of the Constitution of India, the writ petitioners, numbering 8 in total, who were appointed as Veterinary Field Assistant (VFA) in the Assam Rifles in the scale of Rs.950-1500/- claimed parity in pay scale with other VFAs of the same organisation those who were appointed in the scale of Rs. 975 – 1540/-, which has been revised and fixed in the new pay-scale of Rs. 4,000 – 6,000/-. The writ petitioners have been granted a pay-scale of Rs. 3,200 – 4,900/-. The writ petitioners claimed that they are discharging the similar duties as are discharged by the VFAs who are placed on the higher pay-scale of Rs. 4,000 – 6,000/- and, therefore, they should be placed in the said higher pay-scale.

3. Mr. D. K. Das, learned counsel appearing for the petitioners contends that the present matter is squarely covered by the order dated 28-06-2012 passed by the Central Administrative Tribunal, Guwahati Bench, in Transferred Application No. 76 of 2011 and the Judgment and order dated 27-10-2014 passed in WP(C) No. 112 of 2013 by a Division Bench of this High Court. Relying on the aforesaid Judgment, the learned counsel for the petitioner submits that when the VFAs, irrespective of their educational qualifications, are discharging the similar duties, they are entitled to the same scale of pay. He further contends that the Judgment and order dated 27-10-2014 of the Division Bench of this High Court not only upheld the order dated 28-06-2012 of the Central Administrative Tribunal, Guwahati Bench, but has also concurred with the finding recorded by the Central Administrative Tribunal. Drawing attention of this Court to a communication dated 08-03-2016 of the Ministry of Home Affairs, the learned counsel submits that the Judgment and order dated 27-10-2014 has been implemented by the respondent and the petitioners being similarly situated are also entitled to the same benefits.

4. Dr. N. Mozika, learned DSGI submits that the post of VFAs in other organizations like BSF and CRPF has been combatised whereas in Assam Rifles, the same has been retained as Civilian post. However, he does not dispute the applicability of the decisions relied upon by the learned counsel for the petitioner.

5. In view of the submission, it is clear that the writ petitioners are discharging the same duties as are being discharged by the other VFAs those who are placed on higher pay-scale (Rs.4,000 – 6,000/-). In such a situation, there is no reason for the respondent as to why the benefit of higher pay-scale should not be conferred on the writ petitioners.

6. This writ petition, therefore, is disposed of with a direction to the respondents to consider the case of the petitioners for placing them in the

higher pay-scale (Rs.4,000 – 6,000/-) in the light of the order dated 28-06-2012 passed by the Central Administrative Tribunal, Guwahati Bench in Transferred Application No. 76 of 2011 and the Judgment and order dated 27-10-2014 passed in WP(C) No. 112 of 2013 by a Division Bench of this High Court.

7. The entire exercise should be completed within a period of 3 (three) months from the date of the receipt of this order with individual intimation to the petitioners herein.

8. Accordingly, this writ petition stands disposed of.

Judge

Meghalaya
14.09.2023
“Biswarup PS”

