

GAHC010039472022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2320/2022

KARUNAKAR BORAH
S/O. SRI HEM CHANDRA BORAH, R/O. BIJAI PATH, GANDHINAGAR,
DIBRUGARH, P.O., P.S. AND DIST. DIBRUGARH, ASSAM.

VERSUS

DIBRUGARH UNIVERSITY AND 3 ORS
DIBRUGARH, P.O., P.S. AND DIST. DIBRUGARH, ASSAM, REP. BY VICE
CHANCELLOR, DIBRUGARH UNIVERSITY.

2:THE VICE CHANCELLOR

DIBRUGARH UNIVERSITY
DIBRUGARH
P.O.
P.S. AND DIST. DIBRUGARH
ASSAM.

3:THE EXECUTIVE COUNCIL

DIBRUGARH UNIVERSITY
REP. BY ITS CHAIRMAN
DIBRUGARH UNIVERSITY
DIBRUGARH
P.O.
P.S. AND DIST. DIST. DIBRUGARH
ASSAM.

4:THE REGISTRAR

DIBRUGARH UNIVERSITY
DIBRUGARH

P.O.
P.S. AND DIST. DIBRUGARH
ASSAM

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : MR. D J DAS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 19-04-2023

Heard Mr. P.J. Saikia, learned Sr. counsel assisted by Mr. A.K. Gupta, learned counsel for the writ petitioner. Also heard Mr. D.J. Das, learned counsel appearing for the respondents.

The writ petitioner herein is working as a technical officer in the Dibrugarh University. He comes within Group-IX category of officers serving under the University. By the resolution dated 21-07-2017 adopted in the meeting of the Executive Council of the University, a decision was taken to enhance the grade-pay of Accounts Officers, Assistant Controllers of Examinations and Administrative Officers and other equivalent officers of the same grade from Rs. 5400/- to Rs. 5900/- under the pay-band of Rs. 12000/- to Rs. 40000/- w.e.f. the date of enhancement of pay-band and grade-pay of the officers whose pay-band and grade-pay have been modified as per the decision of the Executive Council dated 13-03-2013. However, although the petitioner holds an equivalent rank, no such benefit of enhanced pay grade-pay has been extended to him. Hence, this writ petition.

According to Mr. Saikia, the writ petitioner, being placed in the Group-IX category of officers, comes within definition of "Other equivalent officers" as mentioned in the resolution No. 47 dated 21-07-2017. He submits that the technical qualification and the skill sets necessary for discharging duties by the writ petitioner is equivalent to that of Accounts Officers, Asstt. Controller of Examinations and Administrative Officers and therefore, there is no justifiable ground for the authorities to deny the benefit of enhanced pay grade to the petitioner. Mr. Saikia, learned Sr. counsel for the petitioner submits that his client had submitted representation dated 11-08-2021 seeking redressal of his grievance in the matter. However, despite receipt of the representation by the respondent No. 4, no action has been taken in the matter till today. Aggrieved thereby, the writ petitioner has approached this Court seeking a writ of mandamus.

Mr. Das, learned counsel for the respondent submits that some more time is required for filing affidavit.

The issue raised in this writ petition pertains to interpretation of resolution No. 47 of the Executive Council of the University adopted in the year 2017 and the writ petition was filed in the month of February, 2022. However, even after the lapse of more than one year, the respondents have failed to bring their stand of record by filing affidavit. Moreover, the submission made by the petitioner's counsel to the effect that the petitioner is similarly situated as the other officers of Group-IX and therefore, is entitled to the benefit of the enhanced pay-grade, is also duly supported by the notified posts and the recommended pay structure for Dibrugarh University annexed to the writ petition as Appendix-IV to the Annexure-E which is the report of the Common Pay Committee, 2017.

This report *prima facie* supports the claim of the petitioner. Situated thus, I am not inclined to grant further time to file affidavit in this case.

This writ petition is, therefore, being disposed of with a direction upon the respondents to consider the representation (Annexure-H) submitted by the petitioner and pass a reasoned order therein, in the light of the observation made hereinabove, within a period of 06 weeks from the date of receipt of a certified copy of this order.

Writ petition stands disposed of.

JUDGE

GS

Comparing Assistant