

GAHC010067212022



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

Case No. : WP(C)/2811/2022

BANIKANTA NATH AND 5 ORS
ASSTT. TEACHER OF 165/2 NO. SONDDHA ABHAYRAM PATHSALA, R/O-
VILL. AND P.O.- SONDDHA, DIST.- NALBARI, ASSAM, PIN- 781337.

2: SONESWAR KALITA
ASSTT. TEACHER OF BALA ADARSHA BALIKA L.P. SCHOOL
R/O- VILL. AND P.O.- BALA
DIST.- NALBARI
ASSAM
PIN- 78339.

3: DHIRESWAR CH. KALITA
ASSTT. TEACHER OF 841 NO. TERECHIA L.P. SCHOOL
R/O- VILL. AND P.O. TERECHIA
DIST. NALBARI
ASSAM
PIN- 781334.

4: NIBEDITA BHUYAN
ASSTT. TEACHER OF NO.1 KATPUHA L.P. SCHOOL
R/O- VILL. KATPUHA
P.O.- ARIKUCHI
DIST.- NALBARI
ASSAM
PIN- 781339.

5: PRIYALATA KALITA
HEAD TEACHER OF 165/2 NO. SONDDHA ABHAYRAM PATHSALA
R/O- VILL. AND P.O. SONDDHA
DIST.- NALBARI
ASSAM
PIN- 781337.

6: KAILASH BARMAN

HEAD TEACHER OF 721 NO. KAIRARA BALIKA L.P. SCHOOL
R/O- VILL. KAIRARA
P.O. SONDDHA
DIST.- NALBARI
ASSAM
PIN- 781337

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELE.) DEPTT., DISPUR, GHY.- 781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY.- 781019.

3:THE DIST. ELEMENTARY EDUCATION OFFICER
NALBARI
PIN- 781335.

4:THE DY. INSPECTOR OF SCHOOLS
NALBARI
PIN- 781335.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
PUB NALBARI
NALBARI
PIN- 781334

Advocate for the Petitioner : MR. B KUMAR

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

07.12.2023

Heard Mr. B. Kumar, learned counsel for the petitioner. Also heard Ms. S. Konwar, learned Standing Counsel, Elementary Education Department.

2] This writ petition is filed by the petitioners who are working as Assistant Teachers in different schools under the District of Nalbari under the Pub Nalbari Block Elementary Education Officer. The petitioner's pay scales were revised under Revision of Pay (RoP) of 2017 and their revised scale of pay is granted to them under Fitment scale 1.9. The claim of the petitioners are that although they are trained teachers and their revised scale of pay is granted as per the Fitment scale of 1.9 but other teachers whose revised pay has been granted as per Fitment scale of 1.8 have ultimately got a higher pay benefit than the petitioners'. In this context, the learned counsel for the petitioner refers to a representation dated 26.07.2021 which was stated to have been filed before the Deputy Inspector of Schools, Nalbari. Learned counsel for the petitioners submits that the petitioners' scale of pay ought to have been as per Fitment Scale 1.8. Instead of that, authorities have adopted the scale prescribed under the Fitment scale of 1.9 and consequently, there is a financial loss to the petitioners, although other similarly situated teachers who have been granted the benefit of RoP 2017 are drawing higher pay. The learned counsel for the petitioner has presented before the Court a detailed calculation in terms of the Fitment table no.1.9 as well as 1.8, which is quoted herein below:

Fitment Table 1.9 (S1. No.19)**Rs. 36130/-on 01-04-2016****Rs. 37220/- on 01-07-2016****Fitment Table 1.8 (SI.No.20)****Rs. 36860/- on 01.04.2016****Rs.37970/- on 01.07.2016**

2nd MACPS Rs. 38340/- on 01-01-2017

Rs. 39490/- on 01.07.2018

Rs.40680/- on 01-07-2018

Rs. 41900/- on 01-07-2019

Rs. 43160/- on 01-07-2020

Rs. 44460/- on 01-07-2021

Rs. 45800/- on 01-07-2022

Rs.39110/- on 01.01.2017

Rs.40290/- on 01.07.2017

Rs. 41500/- on 01.07.2018

Rs.42750/- on 01.07.2019

Rs.44040/- on 01.07.2020

Rs.45370/- on 01.07.2021

Rs.46740/- on 01.07.2022

In the said table, between the initial pay fixed at Rs. 36130/- as per fitment table 1.9 and at Rs. 36860/- as per fitment table 1.8, there is a difference of Rs.730/-.

3] Learned Standing Counsel, Elementary Education Department submits on instructions that the petitioners are granted the benefit of RoP of 2017 as per the Fitment scale of 1.9 and that they are not entitled to Fitment scale of 1.8, as claimed.

4] The respondents have not filed the counter affidavit. However, from the instructions which have been placed before the Court, it is seen that these instructions do not contain any information with regard to the disputes raised by the petitioners in the present proceedings.

5] Under such circumstances and taking into consideration that the representation submitted on 26.07.2021 has not yet been disposed of, this Court is of the considered view that the grievances of the petitioners in the first instance are required to be decided by the respondent authorities. Accordingly,

the petitioners are permitted to resubmit their representations before the Block Elementary Education Officer, Pub Nalbari. The respondent nos. 4 and 5, will thereafter look into the individual grievances of the petitioners and pass necessary orders on the claims raised by the petitioners. These representations should be disposed of expeditiously not later than 60 (sixty) days from the date of receipt of a certified copy of this order to be submitted by the petitioners. Any such speaking order that is passed, copies thereof shall be furnished on the petitioners.

6] The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant