

Court No. - 8

Case :- WRIT - A No. - 4499 of 2015

Petitioner :- Har Kumar Singh and 4 others

Respondent :- State of U.P. Through Prin. Secy. Administration Deptt. Lko.

Counsel for Petitioner :- Suresh Chandra Yadava

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Suresh Chandra Yadava, learned counsel for the petitioners and Sri Sandeep Sharma, learned Standing Counsel.
2. The present writ petition under Article 226 of the Constitution of India has been filed seeking quashing of the order/Office Memorandum No.2076/twenty-1-E-2013-603(15)/08T.C.-1 dated 14.2.2014 with further prayer for providing them similar service benefits of merger of their services in the cadre of Assistant Review Officer w.e.f. 27.11.2009 as given to 18 other Telephone Operators.
3. Vide Government Orders dated 22.8.2008 and 29.8.2008, a Pay Committee was constituted under the Chairmanship of S.A.T. Rizvi (Retd. IAS) for considering the applicability of the recommendation of the Sixth Central Pay Commission to the employees of the State Government. The said committee in its first report recommended for giving general pay revision/replacement pay scales to all Government employees in the Revised Pay Structure of Pay Band and Grade Pay as given by the Central Government on equivalent posts.
4. The Telephone Operators at the time of their initial appointment in the Secretariat Administration Department were placed in higher pay scale of Rs.470-735/- and the Typist and Junior Grade Clerks were placed in the pay scale of Rs.354-550/-. Later on, Typist and Junior Grade Clerks were given the

pay scale of Rs.470-735/- w.e.f. 1.1.1986. In pursuance of the Pay Commission, their pay was revised to Rs.1200-2040/-. With the passage of time, it was felt that Typist and Junior Grade Clerks had been given other benefits also, which were not given to the Telephone Operators, hence the general revised pay scale of Rs.1200-2040/- was enhanced to Rs.1350-2200/- with respect to Telephone Operators, which was said to be the personal pay, whereas Rs.1200-2050/- remained the general revised pay scale for new entrants to the cadre of the Telephone Operators. The pay scale of Rs.1200-2040/- was revised to Rs.4000-6000/- and the pay scale of Rs.1350-2200/- was revised to Rs.4500-7000/-. Thus, the Telephone Operators were two pay scales; one Rs.4000-6000/- and second is Rs.4500-7000/-. This pay scale of Rs.4500-7000/- was a personal pay scale. Typists were, however, placed in the pay scale of Rs.3050-4590/- and they were not equivalent to Telephone Operators.

5. The Telephone Operators, who were given the pay scale of Rs.4500-7000/- as personal pay was equivalent to the pay scale of Assistant Review Officers. The review committee in its recommendation of September, 2011 recommended that the Telephone Operators, who were getting the pay scale of Rs.4500-7000/- as personal pay, should be merged with the cadre of Assistant Review Officer. At the time of this recommendation, out of 24 Telephone Operators, 18 were getting the pay scale of Rs.4500-7000/- and, therefore, these 18 Telephone Operators were merged in the cadre of Assistant Review Officer. The petitioners, who are six in number in the pay scale of Rs.4000-6000/-, were left out. The petitioners have been granted pay scale of Rs.4500-7000/- vide order dated 31.1.2013 w.e.f. 2011. Thereafter, the petitioners have been granted the pay scale of Rs.4500-7000/- and they have also

been merged in the cadre of Assistant Review Officer.

6. In view thereof, I find no ground to interfere with the impugned order, which is justified. Petitioner Nos.1 to 4 have also been promoted as Review Officer on 1.11.2019. Therefore, the claim of the petitioners to treat them in the cadre of Assistant Review Officer w.e.f. 2009 has no basis and they should not have been treated in the cadre of Assistant Review Officer even in the year 2011 as they were not paid the pay scale of Rs.4500-7000/-, which has been paid to 18 Telephone Operators as personal pay.

7. Thus, I find no force in this writ petition, which is hereby ***dismissed***. Interim order, if any, stands vacated.

Order Date :- 6.7.2023

Rao/-