

GAHC040008512022



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

**Case No. : WP(C)/248/2022**

Rajiv Kalita  
S/o Shri Bhuban Chandra Kalita,  
Serving as Librarian cum Research Officer,  
Gauhati High Court, Itanagar Permanent Bench.  
R/o D Sector, Naharlagun, PO and PS Naharlagun, Arunachal Pradesh, PIN 791110  
Email ID rajivkalita5@gmail.com  
Mobile Phone No 9863696375

VERSUS

THE STATE OF AP and 9 Ors.  
Represented by the Chief Secretary to the Govt. of Arunachal Pradesh, Civil  
Secretariat, Itanagar, PIN 791111     2:The Chief Secretary  
Age: 0  
Occupation :  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

3:The Commissioner (Law)  
Age: 0  
Occupation :  
Department of Law  
Legislative and Justice  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

4:The Secretary (Law)  
Age: 0  
Occupation :

Department of Law  
Legislative and Justice  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

5:The High Level Standing Committee on Pay Anomalies

Age: 0

Occupation :

Represented by its Member Secretary

the Principal Secretary

Department of Finance  
Planning and Investment  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

6:The Principal Secretary

Age: 0

Occupation :

Department of Finance  
Planning and Investment  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

7:The Secretary (Finance)

Age: 0

Occupation :

Department of Finance  
Planning and Investment  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

8:The Secretary

Age: 0

Occupation :

Department of Administrative Reforms  
Govt. of Arunachal Pradesh  
Civil Secretariat  
Itanagar  
PIN 791111

9:The Gauhati High Court  
Age: 0  
Occupation :  
Represented by its Registrar General

Principal Seat at Guwahati  
M.G.Road  
Guwahati  
PIN 781001  
Email ID rg1.ghc@gmail.com

10:The Registrar  
Age: 0  
Occupation :  
Gauhati High Court

Itanagar Permanent Bench

D Sector  
Naharlagun  
PIN 791110  
Email ID itanagar.bench@gmail.co

**Advocate for the Petitioner** : Parswajyoti Das Nair, G Alam,Khogen Bui,H Rohman

**Advocate for the Respondent** : GA (AP), Muk Pertin, Senior Advocate,SC Gauhati High Court

**BEFORE  
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

**ORDER**

**Date : 23-10-2024**

Heard Mr. P.D. Nair, learned counsel for the petitioner. Also heard Mr. R.H. Nabam, learned Addl. Advocate General for the State respondents.

2. The instant writ petition was filed for a direction to the State respondents to grant the pay scale admissible to the Librarian-cum-Research Officer, Itanagar Permanent Bench, Gauhati High Court equivalent to that of the Assistant Registrar of the Registry, which has also been approved by the High Court

Committee dealing with Officers and staff of the Gauhati High Court, Principal Seat and Outlying Benches, vide Order dated 17.03.2020 and which has also been duly approved by the Hon'ble Chief Justice, Gauhati High Court.

3. Mr. P.D. Nair, learned counsel for the petitioner submits that in the Order dated 21.11.2013 issued by the Registrar, Gauhati High Court, Itanagar Permanent Bench, the Basic Pay and Grade Pay of the Assistant Registrar (A) of the Itanagar Permanent Bench and that of the petitioner in the post of Librarian-cum-Research Officer were in the same pay scale. The Order dated 13.07.2017 issued by the Registrar, Gauhati High Court, Itanagar Bench show that the Basic Pay and Grade Pay of the Assistant Registrar (A) of the Itanagar Permanent Bench and that of the petitioner in the post of Librarian-cum-Research Officer were the same in the Itanagar Permanent Bench of the Gauhati High Court, both being PB-3, Rs. 15,600 – 39,100+5400/-.

4. Thereafter, some of the Officers of the Itanagar Permanent Bench of the Gauhati High Court serving in the posts of Joint Registrar, Deputy Registrar, Assistant Registrar, being aggrieved by the denial of the pay scale at par with that of the Joint Secretary, Deputy Secretary and Under Secretary respectively in the Civil Secretariat of the Government of Arunachal Pradesh, had approached the High Court by way of a writ petition registered as WP(C) No. 542(AP)/2015. A Coordinate Bench of this Court in its Judgment & Order dated 15/06/2017 had directed that the Joint Registrar, Deputy Registrar, Assistant Registrar of the Gauhati High Court, Itanagar Permanent Bench would be entitled to the pay scale with equivalent Grade Pay at par with the Joint Secretary, Deputy Secretary and Under Secretary respectively to the Government of Arunachal Pradesh w.e.f. 15.06.2017. In compliance with the said Judgment & Order dated 15.06.2017 in WP(C) No. 542(AP)/2015, the Government of Arunachal Pradesh

had issued an order in file No. Jud-38/2002/2002 Vol-I dated 14/07/2017, granting the pay scales admissible to the posts of Joint Secretary, Deputy Secretary and Under Secretary respectively to the posts of Joint Registrar, Deputy Registrar, Assistant Registrar of the Gauhati High Court, Itanagar Permanent Bench w.e.f. 15.06.2017. Thus, the Assistant Registrar of the Itanagar Permanent Bench of the Gauhati High Court were granted pay scale of Rs. 15,600 – 39,100 + Grade Pay Rs. 6,600/- (pre-revised) per month in par with the Under Secretary to the Government of Arunachal Pradesh. Upon the issuance of the said Order dated 14.07.2017, the pay scale of the Assistant Registrar was placed in a higher pay scale than that of the petitioner, who was holding the post of Librarian-cum-Research Officer in the Itanagar Permanent Bench of the Gauhati High Court, as per the Order dated 02.07.2021 issued by the Registrar, Gauhati High Court, Itanagar Permanent Bench in respect of the periodical increment of pay of the Officers and staff of the Bench. The Assistant Registrar, Gauhati High Court, Itanagar Permanent Bench have Pay Band-3, Rs. 15,600-39,100 + Rs. 6600/-, while the Librarian-cum-Research Officer of the Gauhati High Court, Itanagar Permanent Bench was having PB-3: Rs. 15,600-39,100 + Rs. 5400/-. This revealed that the pay scale of the post of Librarian-cum-Research Officer which was in par with the Assistant Registrar of the said Bench was put in a lower pay scale than that of the Assistant Registrar.

5. It is submitted that the petitioner had made several representations for the enhancement of his pay scale to be in par with the Assistant Registrar, Gauhati High Court, Itanagar Permanent Bench, by referring to the recommendations of the High Courts Arrears Committee and the Committee dealing with matters relating to Officers and staff of the High Court, Principal Seat and Outlying Benches, which was then duly approved by the Chief Justice, Gauhati High

Court. However, since no favourable steps or order was made, the instant petitioner had approached this Court by filing the instant writ petition.

6. The learned counsel for the petitioner also submits that the post of Assistant Registrar and the post of Librarian-cum-Research Officer of the Principal Seat of the Gauhati High Court and its Outlying Bench at Kohima are in the same pay scale.

7. The learned counsel for the petitioner further submits that the pay scale of the petitioner may be upgraded in par with the Assistant Registrar, Gauhati High Court, Itanagar Permanent Bench w.e.f. 15.06.2017, which is the date on which the pay of the Assistant Registrar of the Gauhati High Court, Itanagar Permanent Bench was upgraded, and that the petitioner may also be entitled to the arrears due on the enhancement of his pay scale w.e.f. 15.06.2017.

8. Mr. R.H. Nabam, learned Addl. Advocate General submits that the representations made by the petitioner was processed at various levels in the State Government and was placed before the High Level Standing Committee on Pay Anomaly. After due consideration, the High Level Standing Committee on Pay Anomaly, on 04.07.2024, recommended the case of the petitioner, considering the fact that there was already a resolution of the meeting dated 17.03.2020 in the Gauhati High Court, Itanagar Permanent Bench in the presence of the Hon'ble Chief Justice, Judges of the High Court, whereby the enhancement was allowed. Thus, the High Level Standing Committee recommended for the consideration of the case of the petitioner and the Law Department in consultation with the Finance Department, was to follow the laid down procedure for upgradation of the post.

9. The learned counsel for the respondents thus submitted that in view of the

decision of the High Level Standing Committee dated 17.09.2024, the State respondents will be taking the necessary steps for upgradation of the pay scale of the petitioner in par with the Assistant Registrar, Gauhati High Court, Itanagar Permanent Bench.

10. On considering the submissions made by the learned counsels for both the parties, this Court finds it fit to dispose of the instant writ petition with a direction to the State respondents to take necessary steps for the upgradation of the pay scale of the instant petitioner, who is holding the post of Librarian-cum-Research Officer to be in par with the pay scale of the Gauhati High Court, Itanagar Bench, Assistant Registrar, at PB-3: Rs. 15,600-39,100, Grade Pay Rs. 6600/-, within a period of 3 (three) months from the date of receiving a certified copy of this order.

11. In view of the judgment and order passed by a Coordinate Bench of this Court in WP(C) No. 542(AP)/2015 dated 15.06.2017, the upgradation of the pay scale is to be given effect from the same date as given to the Assistant Registrar, Gauhati High Court, Itanagar Permanent Bench i.e., from 15.06.2017. The petitioner will also be entitled to arrears due to him on account of his pay and allowances being enhanced and made in par with the Assistant Registrar, Gauhati High Court, Itanagar Permanent Bench.

12. Accordingly, the instant writ petition stands allowed and disposed of as above.

**JUDGE**

**Comparing Assistant**