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

Case No. : WP(C)/5397/2012

RAM MURTI ROY
S/O- LT. HIRA LAL ROY, SAINIK SCHOOL, GOALPARA, P.O.- RAJAPARA,
DIST.- GOALPARA, ASSAM, PIN- 783133.

VERSUS

THE SAINIK SCHOOL SOCIETY and 3 ORS.
REP. BY THE HONORARY SECY., MINISTRY OF DEFENSE, ROOM NO. 101,
D-WING, SENA BHAWAN, NEW DELHI- 110011.

2:THE CHAIRMAN
BOARD OF GOVERNORS
SAINIK SCHOOL SOCIETY
MINISTRY OF DEFENSE
SENA BHAWAN
NEW DELHI- 110011.

3:THE LOCAL BOARD OF ADMINISTRATION
REP. BY ITS CHAIRMAN
THE GENERAL OFFICER COMMANDING
HQR
101 AREA
C/O- 99 APO.

4:THE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O.- RAJAPARA
ASSAM

Advocate for the Petitioner : MR.G GOSWAMI, MR.S SARMA,MR.H K DAS,MSB DEVI

Advocate for the Respondent : MRS. A GAYAN, MR.N BARUA,C.G.C.,ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAIO**

Date : 12-11-2024

JUDGMENT & ORDER (ORAL)

Heard Mr. S. Sarma, learned counsel for the petitioner and Mrs. A. Gayan, learned CGC for all the respondents.

2. This case has a checkered history. The petitioner aggrieved with the order dated 08.10.1991 by which he was reverted back from Post Graduate Teacher (PGT) to Trained Graduate Teacher (TGT) retrospective with effect from 12.06.1994 approached this Court by filing Civil Rule No. 209 of 1992. Be it stated herein that the petitioner was working as a PGT in the Sainik School, Goalpara. This Court vide order dated 07.04.1997 set aside the impugned order dated 08.10.1991 but however gave liberty to the respondents to examine the matter and pass appropriate orders in accordance with law after granting opportunity of being heard to the petitioner.

3. Thereafter, the respondent authority concerned passed the order dated 22.06.1998 by which the petitioner was granted the senior scale of Rs. 1640-2900 w.e.f. 15.07.1993. The petitioner being aggrieved has again filed a writ petition before this Court, namely, Civil Rule No. 6137 of 1998 challenging the said order dated 22.06.1998. The said writ petition was disposed of on 23.07.2009 by setting aside the said impugned order and by granting him all the consequential benefits in terms of the regulations of the school and as due to him in law. The respondents against the said judgment and order filed Writ Appeal No. 68 of 2011 which however was dismissed vide order dated 03.03.2011. After the dismissal of the writ appeal the petitioner submitted his representation before the respondent authority concerned on 05.12.2011 and pursuant thereto, the respondent authority fixed the pay of the petitioner and communicated to him vide letter dated 05.01.2012. Still being aggrieved, the petitioner has filed his third writ petition i.e. the present case before this Court.

4. According to the petitioner he was wrongly reverted back to TGT after being promoted to PGT, the post which he enjoyed along with the pay scale prescribed. The order reverting him back to TGT

dated 08.10.1991 was interfered with by this Court and also affirmed by the subsequent decision of this Court both in the second writ petition as well as in the writ appeal. Despite the same, the pay-scale which was enjoyed by the petitioner at the time of his promotion to PGT has not been restored and that the scale of pay of 1640-2900 has been given to him only w.e.f. 15.07.1993. The claim of the petitioner otherwise is that the said pay scale should be given to him w.e.f. 01.07.1984 in terms of his promotion to the senior grade at the relevant time.

5. It is the further case of the petitioner that his case is governed by 1971 Rules of the Sainik School and not the Rules of 1997 which came subsequently. Since he had already acquired the required length of service to be given to the higher pay scale before the Rules of 1997 came into force, the pay-scale which is due to him w.e.f. 01.07.1984 should be directed to be given to him and the consequential conversion of pay be done and the benefit given to him. Further as the petitioner has since retired from service, the pensionary benefit should also be accordingly recalculated so that he can enjoy the revised pensionary benefit.

6. The respondents have filed their counter- affidavit but having regard to the complexity of the nature of the issue involved, this Court is of the considered view that the issue be best examined and considered by the respondent authorities notwithstanding the impugned letter dated 05.01.2012.

7. Accordingly, the petitioner shall file a precise and concise representation by giving all the sequence of events with supporting documents and submit the same before the respondent authorities within a period of 1 month from today. Upon receipt of the same by the respondent authorities, the grievance projected by the petitioner for appropriate fixation of his pay should be looked into and examined. The respondent authorities concerned shall also give an opportunity of personal hearing to the petitioner. Upon undertaking such exercise the respondent authority concerned shall pass a Speaking Order determining the appropriate scale of pay to be received by the petitioner and also the consequential steps to be taken. The entire exercise be carried out within a period of 3 months from the date of receipt of the representation to be filed by the petitioner. It is also made clear that the impugned communication dated 05.01.2012 (Annexure-14) shall abide by the decision to be taken by the respondent authority and the order to be passed. It is also further provided that the claim of the petitioner that he is eligible to be considered at the relevant time by the 1971 Rules shall also be looked into by the respondent authorities before taking their decision.

8. Needless to say herein that if the petitioner is still aggrieved with the decision to be taken by the respondent authority concerned, he will be at liberty to approach this Court again.

JUDGE

Comparing Assistant