

GAHC010011112023



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

Case No. : WP(C)/411/2023

BIJOY RABHA
S/O- LATE LOHIT RABHA,
R/O- VILLAGE AND P.O- MESKA PUKHURI,
P.S- KALAIGAON,
DIST- UDALGURI (BTAD), ASSAM, PIN-784521

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY, TO THE GOVT. OF INDIA
,DEPARTMENT OF HOME AFFAIRS, CRPF, NEW DELHI-110001

2:THE DIRECTOR GENERAL
CRPF HEADQUARTER
BLOCK NO-1
CGO COMPLEX
LODHI ROAD
NEW DELHI-110002

3:THE COMMANDANT

65 BN
CRPF
RAI BARODERA

RAIPUR
MANDIRA CHOWK

BARODERA CAMPUS
CHATTISGARH
PIN-492101

4:THE COMMANDANT

142 BN
CRPF
JUNAKI NAGAR
GOLAGHAT
ASSAM
PIN-78562

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 27-03-2024

Heard Ms. S.B. Choudhury, learned counsel for the petitioner. Also heard Ms. B. Sharma, learned CGC for the respondents.

2. By filing the writ petition, the petitioner is seeking direction from the respondent authorities to grant the benefit of revised/increased pay-scale including the remaining 40% subsistence allowance due to him.

3. This matter relates to depriving the petitioner from receiving increased basic pay-scale w.e.f. 18.03.2019 (F.N.) in terms of the Office Order dated 12.09.2019, issued by the respondent authorities, while considering the case of the petitioner in compliance of the direction of this Hon'ble Court by Judgment dated 29.01.2019 delivered in W.P.(C) no. 5043/2012.

4. It appears from the affidavit filed by the respondent authorities that pursuant to the de-novo enquiry order, the case of the petitioner was re-examined and the punishment of "Stoppage of one annual increment from the date of accrual

of next increment for a period of two years and withholding will have the effect of postponing his future increment of pay” was modified into “Stoppage of one annual increment from the date of accrual of next increment for a period of two years and withholding will not have the effect of postponing his future increment of pay”.

5. Accordingly, the pay of the petitioner has been re-fixed by order dated 22.09.2023 which is as follows :-

Pay revised w.e.f. 18.03.2019 i.e. from the date of reinstatement in service as per 7 th CPC	Rs. 23800/- (Cell – 04, Level-3)
Annual Increment 01/07/2020	Rs. 23800/- due to stoppage of one Annual Increment for a period of two years and “withholding will not have the effect of postponing his future increments of pay.
Annual Increment 01/07/2021	
Annual Increment 01/07/2022	Rs. 26000/- (Cell – 07, Level-3)
Annual Increment 01/07/2023	Rs. 26000/- (Cell – 08, Level-3)
Date of next increment	01/07/2024

6. It thus appears that the grievance of the petitioner for extending the benefit of revised pay-scale has already been resolved and the re-fixation of pay order is already been issued.

7. It further appears from the affidavit-in-reply filed by the petitioner that the petitioner has stated that though the petitioner was required to be paid Rs. 23,800/- in the month of August, 2019, as per the revised pay-scale, he had received Rs. 18,375/- in the aforesaid month. In support of the aforesaid

submission, the petitioner has placed a chart in the affidavit-in-reply, which is as hereunder :-

Pay revised w.e.f. 18/03/2019 till 30/06/2020	Rs. 23,800/-	But Writ Petitioner getting less amount and he received Rs. 18,375/- in the month of August, 2019
Pay revised w.e.f. 01/07/2020 till 30/06/2021	Rs. 23,800/-	Due to stoppage of one annual increment for a period of two years
Pay revised w.e.f. 01/07/2021 till 30/06/2022	Rs. 23,800/-	Due to stoppage of one annual increment for a period of two years
Pay revised w.e.f. 01/07/2022 till 30/06/2023	Rs. 26,000/-	But Writ Petitioner getting less amount and he received Rs. 24,500/- in the month of December, 2022
Pay revised w.e.f. 01/07/2023 till 30/06/2024	Rs. 26,000/-	But Writ Petitioner getting less amount and he received Rs. 25,200/- till submitting this Affidavit.

8. What transpires from the aforesaid chart is that the petitioner has been paid less than the revised pay-scale.

9. Considering the facts and circumstances of the case, this Court, for the ends of justice, disposes of the writ petition with the direction that the petitioner, in terms of the entitlement as per the revised pay-scale should be paid by making necessary deduction, if any, in accordance with law.

10. As such, with the aforesaid observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant