

**IN THE HIGH COURT OF JHAKHAND AT RANCHI**

W.P.(S)No. 4578 of 2016

1. Umakant Mallik.
  2. Rakesh Prasad Singh.
  3. Manoj Kumar Pradhan.
  4. Prakash Kumar.
  5. Deep Narayan Manjhi.
  6. Jitendra Kumar.
  7. Shyam Dayal Oraon.
  8. Smt. Manju Kumari Jaiswal.
  9. Sujanti Kumari.
  10. Baby Khalko.
  11. Kabita Kumari.
  12. Anajana Toppo.
  13. Lalita Kumari.
  14. Niraj Kumar.
  15. Shankar Kumar.
  16. Gouri Shankar Prasad.
  17. Sailendra Ranjan.
  18. Ganjhu Bouri.
  19. Ananta Dila.
  20. Laxshmidhar Barik.
  21. Deepti Ranjan Muduli.
  22. Sanjay Kumar Sahu.
  23. K.C.S. Rai.
  24. Sudhir Kumar Pathak.
  25. Sanjay Kumar.
  26. Jogeshwar Kumar.
  27. Ramesh Chandra Behera.
  28. Girish Chandra Das.
  29. Manoj Kumar Yadav.
  30. Chhotan Mahato.
  31. Miss Rina Roy.
  32. Pradhan Samad.
  33. Vinay Kumar.
  34. Ajay Kumar Thakur.
  35. Munna Mahto.
  36. Abhishek Kumar.
  37. Samir Kumar Gupta.
  38. Julious Goswami.
  39. Govind Kumar Yadav.
  40. Bodhan Chandra Biswal.
  41. Susant Kumar Mohanana.
  42. B.P.S. Xalxo.
  43. Gahanashyam Naik.
  44. Santosh Kumar.
  45. Sunil Kumar Mehta.
  46. Jitendra Kumar.
  47. Shabuddin Ali.
  48. Kunadan Kumar Sahu.
  49. Pramod Kumar.
  50. Sanjay Kumar Jaswal.
  51. Munna Kumar Ram.
  52. Rajesh Kumar Mahto.
  53. Md. Alim.
  54. Aftab Hussain Ansari.
  55. Vijay Kumar Bharti.
- ...Petitioners

-Versus-

1. Union of India through Director General Railway Board Railway Protection Force, Rail Bhawan New Delhi PIN 110001.

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2. Inspector General of Railway Protection Force (RPF) South Eastern Railway (S.E.Railway) Garden Reach Kolkata, P.O. Garden Reach BNR P.S. Garden Reach West Port Police Station District Kolkata West Bental.
3. Senior Divisional Security Commissioner Railway Protection Force (RPF) S.E. Railway Ranchi Division, Divisional Railway Manager (DRM) Office Building, P.O. Hatia, P.S. Jagarnathpur, Dist. Ranchi, Jharkhand.
4. Divisional Railway Manager S.E. Railway, Ranchi Division, DRM Office Building, P.O. Hatia, P.S. Jagarnathpur, Dist. Ranchi, Jharkhand.
5. Divisional Finance Manager S.E. Railway Ranchi Division, DRM Office Building, P.O. Hatia, P.S. Jagarnathpur, Dist. Ranchi, Jharkhand.
6. Senior Divisional Security Commissioner, RPF, S.E. Railway, Ranchi.
7. Assistant Security Commissioner, RPF, S.E. Railway Ranchi. ...Respondents

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**CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK**

For the Petitioners: Dr. H. Waris, Advocate.

For the Respondents: Mr. Pandey Neeraj Rai, Advocate.  
Mr. Rohit Ranjan Sinha, Advocate.

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**17/ 20.06.2018**

The petitioners posted as Constable/Head Constable, Railway Protection Force (in short RPF) of South Eastern Railway (SE Railway) has approached this Court for a mandamus to recast a fresh entry pay of petitioners from their respective date of appointment bringing their basic pay at par with similarly situated Batch Mates Staff of (i) S.E. Railway/RPF/ADRA/DIV (ii) S.E. Railway/ RPF/ Chakaradharpur/Div & (iii) S.E. Railway/RPF/KHARAGPUR/DIV by allowing the petitioners one more basic increment.

Further prayer has been made to sanction and pay consequential monetary benefits upon such recast of the entry pay of petitioners.

The case of the petitioners lies in a narrow compass. The petitioners were appointed to the post of Constable, Railway Protection Force (RPF) South Eastern Railway in the year 2004/2005 along with other similarly situated candidates. The petitioners along with other similarly situated selected candidates was sent for batch wise training such as RRB Batch at Balsar, 99 Batch at Kathuwa, 98 Batch at Kharagpur, 68 Batch at Lucknow in the year 2005. After 9 months on successful completion of training, petitioners along with other similarly situated trained constables were appointed on various dates in the year 2006 and posted at four divisions of RPF of South Eastern Railway.

It is the case of the petitioner that constable of RPF, S.E. Rly are similarly situated taking into consideration their date of appointment but constables of RNC DIV are getting less Basic Pay of Rs.340/- than those of similarly situated constables of ADRA, CHAKARDHARPUR and KHARAGPUR DIVISION OF S.E. Railway. Against the said anomaly the petitioner represented before the respondent-authorities for recast of their entry pay as has been done to similarly situated persons who were appointed along with the

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petitioners. Since no orders were passed on their representation regarding pay anomaly for which they are legally entitled, the petitioners have knocked the door of this Hon'ble Court.

Dr. H. Waris, learned Counsel appearing for the petitioners strenuously urges that persons appointed through same advertisement, having same qualification, on the same post and on the same time cannot be discriminated in the pay scale. Learned Counsel further argued that constables posted at RNC Division of S.E.Railway should not be discriminated in grant of basic increment. The differences in basic pay/entry pay of similarly situated constables is discriminatory and as such a direction be given to the respondents for correction of the same.

Per contra counter-affidavit has been filed.

Learned Counsel for the respondents Mr. Rohit Ranjan Sinha draws the attention of the Court towards paragraph No.6 of the counter-affidavit and submits that already steps were taken for verifying payment of less increment to the members of the Railway Protection Force, including to the petitioners. The Accounts Department of South Eastern Railway has verified the pay scale of the petitioners and the pay stood revised with effect from 1.1.2006:

It has been further submitted that in consonance with the verification done by the Accounts Department, the petitioners will be paid their revised salary and accordingly, grievance or anomaly will be settled in terms of the existing rules and guidelines. However, as regards the grievance of the petitioners regarding other consequential benefits, the same will also be redressed if the petitioners file a fresh representation before the respondent-authorities.

Be that as it may, having gone through the rival submissions of the parties and on perusal of the records and the averment made in the counter-affidavit, this Court is of the considered opinion that grievances of the petitioner have already been redressed. However, if the petitioners have not been paid consequential benefits, the same shall also be considered and if the petitioners are found entitled in accordance with rules, guidelines, the same shall be extended to them within a period of 12 weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of.