

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3556 of 2005

1. Sushil Kumar Tiwari ,Son of Shri Tej Bali Tiwari, Time Keeper. Officer of the Executive Engineer, Public Health Engineering, Project Division, civil Lines, Raipur, Chhattisgarh.
 2. Jai Gopal Mudliar, Son of Shri D. K. Mudliar, Time Keeper, Office of the Public Health Engineering, Project Division, Civil Lines, Raipur, Chhattisgarh.
- Petitioners**

Versus

1. State Of Chhattisgarh, Though Secretary, Public Health Engineering, Department, Mantralaya, D.K.S. Bhawan, Raipur.
 2. Chief Engineer, Department of Public Health Engineering, Civil Lines, Raipur, Chhattisgarh.
 3. Executive Engineer, Public Health Engineering, Project Division, Nalghar Chowk, Raipur, Chhattisgarh.
- Respondents**

For Petitioner : Mr. Rahul Birtharey, Advocate.

For State : Mr. Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

17/04/2018

1. The petitioner had filed the original application before the tribunal seeking direction for payment of higher pay scale, benefit of order passed in T.A. No. 993/88, Laxmi Narayan Upadhyay Vs. State of M.P. and another and O.A. 1225/2000, Devi Singh Rajoriya Vs. State of M.P. & Others, after abolition of the tribunal the case was transferred to this Court.

2. Undisputed facts of the case are that the petitioner, at the time of the filing of the petition, was working as time keeper in the work charge contingency establishment in the Department of public Health Engineering. The petitioners, later on, having been re-designated as “ Field Assistant”, were granted pay scale from time to time upon revision of pay scales. The last revision in the pay scale took place under the M.P. work charge

contingency paid employees Revision of pay scales, 1998 which came into force with effect from 01-01-1996. Under this revision granting revised pay scale, time keepers were granted pay scale of Rs. 2750-70-3800-75-4400. The petitioner, however, have come out claiming that the petitioners were entitled to be given higher pay scale of Rs. 3050-75-3950-80-4590. In the entire petition, the only basis for raising such claim is that the case of the petitioners is similarly situated as the case of Laxmi Narayan Upadhyay Vs. State of M.P. and Another T.A. No. 993/88 decided on 06-11-1998 and in the case of Devi Singh Rajoriya Vs. State of M.P. & Others, O.A. No. 1225/2000 decided on 04-08-2000.

3. After going through the order passed in Laxmi narayan Upadhyay Vs. State of M.P. & Another, referred to hereinabove, this Court finds that those were cases relating to claim for higher pay scale by Amins. It is found that the basis for claiming higher pay scale was that one of the Amins in the State was granted higher pay scale by the order of the Civil Court and therefore, if other Amins who are similarly situated are not granted that pay scale, it would amount to discrimination.

4. The order passed in the other case is in the case of Devi singh Rajoriya and Others, where the order has been passed in the light of the order in the case of Laxmi Narayan Upadhyay(Supra). That order does not decide the issue that all the time keepers are entitled to the same higher pay scale but it only records that the case of the petitioners thereon to be examined in the light of order passed in Laxmi Narayan Upadhyay(supra) case and if those petitioners are found similar, then similar benefits with granting of higher pay scale as given in the case of Laxmi Narayan upadhyay(Supra) be also extended to those applicants. The said order of the tribunal turns on its own facts.

5. After having examined the case of the petitioner on its own merits, in the absence of there being any case of discrimination having made out in the petition that another set of similarly situated time keepers are being granted higher pay scale of Rs. 3050-75-3950-80-4590, no relief can be granted to the petitioners. Accordingly, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)

Judge