

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 5656 of 2008**

- Gajanand Patel S/o Late Khed Ram Patel, Aged about 50 years, Employed As Conductor (W/C) O/o Executive Engineer, E&M, L/M, Tubewell And Gate Division, WRD, Raipur Resident At Ward No. 30 Gandhi Nagar, Near 12 Kholi Raipur – **492001 (CG)**

---- Petitioner**Versus**

1. State Of Chhattisgarh Through the Secretary, Water Resources Department, DKS Bhawan, Mantralaya, Raipur – 492001 (CG)
2. The Engineer-in-Chief, Water Resources Department, Sihawa Bhawan, Civil Lines, Raipur – 492001 (CG)
3. The Chief Engineer (Mahanadi Godawari Basin), Water Resources Department, S.R.P. Chowk, Shankar Nagar Road Raipur – 492001 (CG)
4. The Executive Engineer E& M, LM, Tube Well & Gate, Water Resources Department, Raipur – 492001 (CG)
5. The Divisional Joint Director, Treasury, Accounts and Pension, City Treasury Office, G.E. Road, Ghadi Chowk, Raipur – 492001
6. The Sub Divisional Officer, E&M, LM, Tube Well & Gate, Div.2, Water Resource Department, Raipur – 492001 (CG)
7. The Additional Director, Directorate of Treasury Accounts and Pension, Chhattisgarh Raipur – 492001 (CG)

---- Respondent**WPS No. 5699 of 2008**

- R. Venu S/o Late Shri R.Kashivishwanath, Aged about 48 years, Employed as Conductor (W/C) O/o Executive Engineer, E&M, L/M, Tubewell & Gate Division, WRD, Raipur Resident at : 1/18, Irrigation Colony, Raipur – 492001 (CG)

---- Petitioner**Versus**

1. State of Chhattiisgarh Through the Secretary, Water Resources Department, DKS Bhawan, Mantralaya, Raipur – 492001 (CG)

2. The Engineer-in-Chief, Water Resources Department, Sihawa Bhawan, Civil Lines, Raipur – 492001 (CG)
3. The Chief Engineer (Mahanadi Godawari Basin), Water Resources Department, S.R.P. Chowk, Shankar Nagar Road Raipur – 492001 (CG)
4. The Executive Engineer E& M, LM, Tube Well & Gate, Water Resources Department, Raipur – 492001 (CG)
5. The Divisional Joint Director, Treasury, Accounts and Pension, City Treasury Office, G.E. Road, Ghadi Chowk, Raipur – 492001
6. The Sub Divisional Officer, E&M, LM, Tube Well & Gate, Div.2, Water Resource Department, Raipur – 492001 (CG)
7. The Additional Director, Directorate of Treasury Accounts and Pension, Chhattisgarh Raipur – 492001 (CG)

---- Respondent

For Petitioners	Mr. BP Rao, Advocate
For Respondent /State	Ms. Fouzia Mirza, Additional Advocate General

Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

6/2/2020

1. Heard.
2. These two writ petitions are directed against the orders dated 4.1.2008 and 3.4.2008 respectively, by which, the petitioners' pay scale wrongly fixed at Rs.2750-4400/- has been lowered down to Rs.2550-3200/-.
3. The petitioners are working as Conductor in the Department of Water Resources, Government of Chhattisgarh. They were appointed in the year 1990 on the pay scale of Rs.725-900/-. Subsequently, in Gajanand Patel's case (petitioner in WPS No.5656 of 2008), the pay scale was revised to Rs.750-945/- and

thereafter, to Rs. 825-1220/- and hence, on this basis, it was revised to Rs.2750-4400/-. In the case of R. Venu (petitioner in WPS No.5699 of 2008), the pay scale from Rs.725-900/- was revised to Rs.750-945/- and then to Rs.825-1220/- and eventually to Rs.2750-4400/-.

4. It is argued by learned counsel for the petitioners that the petitioners are in fact entitled for pay scale of Rs.825-1220/- from the very beginning, which was further revised in the year 1998 to Rs.2750-4400/-.
5. The revision of pay scale under the MP Work Charged and Contingency Paid Employees Revision of Pay Rules, 1990 filed as Anneuxere P/14 clearly provides that the pay scale of Rs.725-900/- shall be revised in the pay scale of Rs.750-945/-. He submits that the corresponding revised pay scale of Rs.750-945/- would be Rs.2550-3200/- and not Rs.2750-4400/-.
6. The petitioners have not placed before this Court any such document/circular, by which, they can justify their claim that from the very inception their appointment should have been made on the pay scale of Rs.825-1220/-. If their initial appointment was rightly made in the pay scale mentioned in the appointment order, they are only entitled for the corresponding pay scale in the subsequent revision of Pay Rules.
7. The pay scale of *Parichalak* (Conductor) under the MP Work Charged and Contingency Paid Employees Revision of Pay Rules, 1984 was Rs.380-495/- whose corresponding pay scale in the MP

Work Charged and Contingency Paid Employees Revision of Pay Rules, 1987 was Rs.725-900/-, which was further revised to Rs.750-945/- under the MP Work Charged and Contingency Paid Employees Revision of Pay Rules, 1990. Thereafter, the corresponding revised pay scale of Rs.750-945/- is Rs.2550-3200/- under the MP Work Charged and Contingency Paid Employees Revision of Pay Rules, 1998. It is this pay scale which the State has directed to be made applicable to the petitioner instead of pay scale of Rs.2750-4400/-, which was wrongly and mistakenly revised in the petitioners' favour.

8. It is the settled law that ordinarily the writ Court would be slow in interfering with the matters concerning fixation of pay scale of an employee.
9. In the case at hand, the revision of pay scale in respect of the petitioners by the impugned orders has been properly explained and this Court has specified that the MP Work Charged and Contingency Paid Employees Revision of Pay Rules have been properly applied in the case of the petitioners to correct the anomaly arising out of the wrong fixation of pay scale.
10. In view of the above, there is no substance in the petition, it fails and is hereby dismissed. Sd/-

(Prashant Kumar Mishra)

Judge