IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI

AND

HON'BLE SRI JUSTICE PANKAJ PUROHIT

13TH March, 2024

WRIT PETITION (S/B) No. 63 OF 2024

Between:

State of Uttarakhand & another. ...Petitioners

Versus

Surya Prakash Singh & others. ...Respondents

Counsel for the petitioners. :	Mr. S.C. Chaudhary, learned Brief Holder for the State.
Counsel for the respondents :	Mr. Shobhit Saharia, learned counsel.

JUDGMENT : **(per Sri Manoj Kumar Tiwari, J.)**

State of Uttarakhand has filed this writ petition challenging the judgment dated 01.10.2021, rendered by Public Services Tribunal, in Claim Petition No. 62/DB/2020, whereby claim raised by respondents for upgraded pay scale of Rs. 9,300-34,800/-, Grade Pay Rs. 4,600/- was allowed. The order dated 05.01.2023, whereby learned Tribunal rejected the review application filed by the State is also challenged in the writ petition. Operative portion of the impugned judgment dated 01.10.2021 is reproduced below:-

> *"10. Though, to upgrade pay scales of the Assistant Accountants/ Accountants of the Treasuries was compulsion of the Govt. based on its own mistake, which should not be extended to other departments, petitioners still deserve to be treated on an equal footing with the Assistant Accountants/Accountants recruited along with them for the Treasuries and cannot be discriminated on the basis of a vague distinction. Moreover, even this vague distinction has not been maintained by the respondents themselves in issuing letter No. 7053 dated 08.03.2019 to Cyber Treasury and Pay &*

Accounts Office, New Delhi in addition to all district treasuries asking them to ensure compliance of the provisions of G.Os. dated 15.02.2019 and 22.02.2019 and further in the case of upgradation of pay of Sri Arjun Singh as stated above. On the one hand, the respondents are treating petitioners as a different group on the ground that their appointing authority is Director, Treasury, Pension & Entitlements, while on the other hand, they are directing the Cyber Treasury and Pay & Accounts Office, New Delhi to ensure compliance of provisions of G.Os. dated 15.02.2019 and 22.02.2019 ignoring the fact that these offices are in the cadre structure of the Directorate and the appointing authority of the Assistant Accountants and Accountants posted in these offices is Director, Treasury, Pension & Entitlement. The pay of Sri Arjun Singh, selected alongwith the petitioners in the cadre structure of the Directorate has been accordingly upgraded, while the petitioners are being denied this benefit. We therefore, quash the impugned order dated 03.06.2020 (Annexure: A1) and direct the respondents to grant upgraded pay scale Rs.9300-34800, grade pay of Rs. 4600/- to the petitioners since the date of their appointment on the post of Assistant Accountant as has been granted to the similarly situated Assistant Accountants of State/District Treasuries. The petitioners are not entitled to any other reliefs in the circumstances of the case."

2. Respondents were appointed on the post of Assistant Accountant in Directorate, Treasury, Pension and Entitlement, in a selection held pursuant to an advertisement issued by Uttarakhand Subordinate Service Selection Commission, on 29.10.2015. On the result of the same selection, some persons were appointed as Assistant Accountant in District Treasury, and pay scale for the post of Assistant Accountant in Directorate as well as in District Treasury was the same, i.e. Rs. 5,200-20,200/-, Grade Pay Rs. 2,800/-. In the applicable Service Rules namely, Uttarakhand Treasury Subordinate Cadre Service Rules, 2003 also, the pay scale for the post of Assistant Accountant in Directorate and District Treasury is the same. The pay scale of Assistant Accountant serving in District Treasury was upgraded vide Government Order dated 15.02.2019,

however, this benefit was not given to Assistant Accountant serving in the Directorate. The upgraded pay scales given to Assistant Accountant serving in District Treasury, and the date from which such upgraded pay scale was made effective, are indicated in tabular form below:-

Date of allowing upgraded/ amended pay scale to the Assistant Accountant serving in Treasury	*Pay Scale/Grade Pay*
w.e.f. 01.01.2006	*Rs. 5200-20200 Grade Pay Rs. 2800*
w.e.f. 07.06.2010	*Rs. 9300-34800 Grade Pay Rs. 4200*
w.e.f. 31.05.2013	*Rs. 9300-34800 Grade Pay Rs. 4600*

3. Clause 4 of the Government Order dated 15.02.2019 provides that actual benefit of upgraded pay scale would be given to Assistant Accountants serving in District Treasury only from the date of issuance of Government Order dated 15.02.2019.

4. Since respondents were serving in the Directorate, therefore, benefit of Government Order dated 15.02.2019 was denied to them. Respondents made representation claiming pay parity, which was rejected. Thereafter, they approached Public Services Tribunal by filing claim petition, which has been allowed by the impugned judgment.

5. Heard learned counsel for the parties and perused the record.

6. There is no dispute that same set of Service Rules govern the service conditions of Assistant Accountant serving in Directorate as well as in District Treasury. Respondents

were appointed with Assistant Accountants serving in District Treasury in a common selection held during recruitment year 2015-16. As per the Service Rules, Assistant Accountants, serving in Directorate and District Treasury are equal in status and their pay scales are also equal, therefore Assistant Accountant serving in Directorate were also entitled to the upgraded pay scales, which were given to Assistant Accountant serving in District Treasury, vide Order dated 15.02.2019. Thus, limiting the benefit of pay upgradation to Assistant Accountant serving in District Treasury, was not proper.

7. Learned counsel for respondents has drawn our attention to the report of the Pay Anomaly Committee, where it is observed that duties/responsibilities of Assistant Accountant serving in the Directorate are more onerous.

8. Learned State Counsel contended that the Appointing Authority for Assistant Accountant appointed in District Treasury is the District Magistrate; while, Appointing Authority for the respondents, who are appointed in Directorate is the Director, Treasury, Pension & Entitlement, therefore, according to him, State Government was justified in upgrading pay scale of Assistant Accountants serving in District Treasury only.

9. The said contention is bereft of merit. Since both set of Assistant Accountants are appointed under the same

Service Rules and their conditions of service are also governed by same set of Service Rules, which makes no distinction between Assistant Accountants, serving in Districts vis-a-vis those appointed in Directorate, therefore, merely because respondents are appointed by Director; while, Assistant Accountant serving in the District Treasury are appointed by District Magistrate will not be sufficient to make distinction between them as regards pay scale.

10. We have gone through the impugned judgment. Learned Tribunal has considered and discussed the relevant issues in detail and has arrived at the right conclusion that respondents are also entitled to pay parity with Assistant Accountants serving in the District Treasury. However, we modify the judgment rendered by learned Tribunal by providing that respondents would be entitled to benefit of upgraded pay scale only from the date of their filing claim petition before learned Tribunal and not from the date of their appointment, as directed by learned Tribunal.

11. The writ petition stands disposed of with the aforesaid modification.

MANOJ KUMAR TIWARI, J.

PANKAJ PUROHIT, J.

Dt: 13.03.2024
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