

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO 4767 OF 1997

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Order ?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

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PURSHOTTAMBHAI FAKIRBHAI SHARMA  
VERSUS  
THE STATE OF GUJARAT & ORS.  
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Appearance:

MR JITENDRA MALKAN for Petitioner  
MR VB GHARANIA, AGP instructed by  
MR SP HASURKAR for Respondents  
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CORAM : MR JUSTICE S.K. KESHOTE  
Date of Order : 30/04/99

C A V JUDGMENT

1. The petitioner by this petition under Article 226 of the Constitution challenges the alleged inaction on

the part of the respondents in not upgrading the post of Public Relation Officer Class-III to the post of Public Relation Officer, Class-II with effect from 1/1/1973 and grant of consequential benefits regarding the revision of pay scale etc.

2. The petitioner was appointed as Public Relation Officer in the office of the Director of E.S.I., Government of Gujarat. It is the case of the petitioner that his post is Class-III, which was upgraded as Class-II from July, 1973 and he is seeking parity with the post in other departments. The question of the classification of the posts and the pay scale is normally the function of the Pay Commission.

3. The learned counsel for the respondent submits that the Government of Gujarat (Finance Department) vide its resolution No.PGR-1098-34-M dated 20/5/98, in pursuance of the recommendation of the High Power Committee appointed by the Government, the Government has decided to constitute a pay anomalies committee to examine the representations of pay anomalies and allied matters of the employees of the State Government and this committee is looked after all these difficulties, grievances and claims of the employee / officers. The petitioner should have approached to that committee by filing representation and that committee may decide this question.

4. I have gone through this resolution of The Government of Gujarat and I find that what the learned counsel for the respondent contends is correct. When pay anomalies committee has been constituted by the Government of Gujarat the grievance, which has been made by the petitioner in this special civil application can properly made before that Committee.

5. This special civil application and rule are disposed in the term that the petitioner to file a detailed representation in respect of his grievance made regarding upgrading of his post and the pay scale before the pay anomalies committee constituted under the resolution No.PGR-1098-34-M dated 20/5/1998 and this committee will examine the representation and decide the same accordingly.

(S.K.Keshote, J.)

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