

IN THE HIGH COURT OF TRIPURA
AGARTALA

W.P.(C) No.320 Of 2005

Sri Sauvik Bardhan Roy,
Inspector, Weights & Measures,
Govt. of Tripura,
now posted in Teliamura, District West Tripura.

..... Petitioner

- Vs -

1. The State of Tripura,
represented by the Secretary to the Govt. of Tripura,
Revenue Department, Agartala.
2. The Controller,
Weights & Measures,
Govt. of Tripura, Agartala.

..... Respondents

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioner : Mr. D.K. Biswas, Advocate

For the respondents : Mr. S. Chakraborty, Addl. G.A.

Date of hearing &
judgment & order : 28.02.2014

Whether fit for reporting :

Yes	No
	v

JUDGMENT & ORDER (ORAL)

Heard Mr. D.K. Biswas, learned counsel appearing for the petitioner as well as Mr. S. Chakraborty, learned Addl. Govt. Advocate appearing for the respondents.

2. The controversy in this writ petition falls within a very short ambit.

The petitioner had joined in the post of Inspector of Weights & Measures (now, Inspector of Legal Metrology) on 27.12.1999. For appointment to that post, provisions of Rule 20 of the Tripura Standard of Weights & Measures Enforcement Rules, 2001 is required to be complied with. The persons having the qualifications, such as graduates from a recognized University in Science (with Physics as one of the subjects), technology or engineering or hold a recognized diploma in engineering alongwith other qualifications as prescribed in the said regulation are only eligible to be appointed in the said post. The petitioner has compiled the scales of pay of the posts, namely Inspector of Weights & Measures, Probation Officer (Jail), Jailor, Sub-Registrar (District Administration), Joint Sub-Registrar (District Administration), Foreman (Industry Department), Superintendent of Industry Institute and Revenue Inspector, in a comparative table available at Annexure-2 to the writ petition.

3. The one stage, the pay scales of Inspector of Weights & Measures, Probation Officer (Jail), Jailor, Sub-Registrar (District Administration), Joint Sub-Registrar (District Administration), Foreman (Industry Department), Superintendent of Industry Institute and Revenue Inspector were same, by virtue of the revision as carried out in 1975. Even in the year 1982, when the further revision was carried out by the State Government, the Inspector of Weights & Measures, Probation Officer (Jail), Jailor, Sub-Registrar (District Administration), Joint Sub-Registrar (District Administration) were in the same scale of

pay of ₹600-1440. But in the year 1988 when further revision was carried out by the State Government, the Inspector of Weights & Measures and Revenue Inspector (Revenue Department) were provided with the scale of pay of ₹1450-3710 whereas the Probation Officer (Jail), Jailor, Foreman (Industry Department) and Superintendent of Industry Institute, were given the scale of pay of ₹1700-3980 and the Sub-Registrar (District Administration) & Joint Sub-Registrar (District Administration) were provided with the scale of pay of ₹2000-4410. When in the year 1996 further revision was carried out, there was merely scale to scale revision and, as such, according to the petitioner, the discrimination in the pay scale remained unremedied.

4. By filing the counter-affidavit, the State-respondents have submitted that graded scale has been provided for the post of the Inspectors of Weights & Measures, providing them the benefit of the higher pay scale of ₹1700-3980 after ten years of satisfactory service.

5. Mr. D.K. Biswas, learned counsel appearing for the petitioner, has submitted that despite the representation made by the petitioner, the respondents have not taken care of the said discrimination on considering the factors such as the qualification required for appointment, responsibilities discharged by the Inspectors of Weights & Measures and the statutory responsibility with which the post is attached. Having referred to the representation dated 22.07.2002 (part of Annexure-3 to the writ petition), Mr. Biswas, learned counsel, has further submitted that the Inspector of Weights & Measures is also not included in the feeder post of the TCS Grade-II. As

such, they are deprived of the benefit of going to the gazetted establishment despite having all the requisite qualifications.

6. It has been also pointed out by Mr. Biswas, learned counsel appearing for the petitioner that the Controller, Weights & Measures, Tripura, by his communication addressed to the Joint Secretary to the Govt. of Tripura, Finance Department, has recommended for removal of the anomaly in the pay scale of the Inspectors, Weights & Measures in the following words :

“In this connection it may be mentioned here that despite having requisite qualification both technical and general, the pay scale of Inspectors of Weights & Measures have been placed at a lower pay scale in comparison to similar other posts and as such the anomaly as represented needs immediate redressal.”

7. Mr. S. Chakraborty, learned Addl. Govt. Advocate appearing for the respondents has submitted that the allegations as levelled against the respondents are not tenable, inasmuch as while recommending the pay scale, the relevant factors were considered by the Pay Commission and the recommendation of the Pay Commission has been accepted by the State Government. However, Mr. Chakraborty, learned Addl. Govt. Advocate, has candidly admitted that neither the Pay Commission's Report nor any record relating to their consideration has been appended to the counter-affidavit. Though in para 13 of the counter-affidavit it has been stated that the post of Inspectors of Weights & Measures is not included in the feeder post for promotion to the TCS Grade-II, as the responsibility the Inspector, Weights & Measures is not akin to the other posts which are included in

the feeder post for promotion to the TCS Grade-II. However, it has been admitted by Mr. Chakraborty, learned Addl. Govt. Advocate, that later on the post of Inspectors of Weights & Measures has been included as the feeder post for promotion to the TCS Grade-II. Thus, one of the reliefs prayed in the writ petition has become infructuous.

8. On consideration of the materials as placed alongwith the writ petition, this court is of the considered opinion that the grievance of the writ petitioner requires examination by the competent authority. It appears further that the representation so filed by the petitioner on 22.07.2002 has not been responded to by the respondents as yet. This court has no mechanism to make the comparative assessment of the responsibilities discharged by the persons holding the different posts as compared herein by the petitioner. As such, only an expert body can determine the issue whether there is any anomaly or discrimination in determining the pay scale of the post of Inspector of Weights & Measures (now, Inspector of Legal Metrology). From the counter-affidavit filed the respondents, it is not clear whether the Pay Commission had considered this aspect of the matter. It would be appropriate in the circumstances that the said grievance be properly examined by an expert body, as would be constituted by the Finance Department.

9. Having held so, it is directed that the respondent No.1 shall refer the grievance of the writ petitioner to the Secretary, Finance Department, Govt. of Tripura, for examination of the scale of pay of the Inspector of Weights & Measures (Inspector of Legal Metrology), having regard to the history of evolution, the responsibilities, qualification and

their position in the hierarchy within a short while. The exercise shall be completed as expeditiously as possible, but by any rate not later than 8(eight) months from the day of receipt of a copy of this order.

10. With this observation and direction, this writ petition stands disposed of. There shall be no order as to costs.

A copy of this order be furnished to Mr. S. Chakraborty, learned Addl. Govt. Advocate for onward transmission.

JUDGE

ROY