

HIGH COURT OF MEGHALAYA

WP(C) No. 112 of 2013

1. The Union of India,
Represented by the Secretary to the Govt. of India,
Ministry of Home Affairs, North Block, New Delhi-110001
2. The Director General Assam Rifles
Mahanideshaiaya
(Directorate General Assam Rifles)
Shillong, Meghalaya,
Pin- 793001
3. The Commandant,
40th Battalion, the Assam Rifles,
PIN : 932040,
C/o 99 APO.

.... Petitioners

- Vrs -

Sri Haripada Dinda,
Veterinary Field Assistant,
40th Battalion, the Assam Rifles,
C/o 99 APO,
PIN : 932040.

..... Respondents

**BEFORE
HON'BLE MR JUSTICE T NANDAKUMAR SINGH
& HON'BLE MR JUSTICE SR SEN**

Advocate for the Petitioners	:	Mr. SC Shyam
Advocate for the Respondents	:	Mr. HG Buruah
Date of Hearing	:	27.10.2014
Date of Judgment & Order	:	27.10.2014

JUDGMENT & ORDER (Oral)

(T Nandakumar Singh, J)

Heard Mr. SC Shyam, learned senior counsel for petitioners as well as Mr. HG Buruah, learned counsel appearing for respondents.

2. By this writ petition, the writ petitioners are assailing the Judgment & Order dated 28.06.2012 passed in

Transferred Application No. 76 of 2011 wherein the Central Administrative Tribunal, Guwahati Bench (for short 'CAT') held that the applicant (respondent in the Writ Petition) is doing the same type of work with disparity in scale pay. As on 15.10.2003 he was paid salary in the scale pay of Rs. 3050-4590 which is non-existent when the Recruitment Rules VFAs had been modified under GFR 375 dated 15.10.2003, as such the applicant is entitled to get the pay scale of Rs. 3200-4900 corresponding to revised pay scale to Rs. 4000-6000 w.e.f. date of modification of the Recruitment Rules i.e. 15.10.2003.

3. In the course of hearing, this Court put a question on Mr. SC Shyam, learned senior counsel for the writ petitioners as to what are the illegalities committed by CAT in passing the impugned Judgment & Order dated 28.06.2012. In reply, he answered that the pay scale of the applicant/respondent in writ petition cannot be equated with the others VFAs who are having higher qualifications.

4. We have perused the records and also heard the submissions of the learned counsel appearing for the parties. It is crystal clear that VFAs of the Assam Rifles are drawing the pay scale of Rs. 3050-4590 as on 15.10.2003 and the essential educational qualification had been amended that matriculation or equivalent plus 2 years certificate course in Veterinary Science plus at least 1 year experience in the veterinary field and had merged with a common pay scale of Rs. 3200-4900 w.e.f. 15.10.2003 vide HQ DGAR Order No. A/Pers/VFA/2012/939, dated 25.06.2012.

5. On careful perusal of the records and also hearing the submissions of the learned counsel for the parties, it appears that the applicant/(respondent in the writ petition) is discharging the same type of duties or doing same type of work

with the VFAs having higher qualification. However, there is no amendment in the Recruitment Rules of the VFAs under which the applicant/(respondent in the writ petition) had been appointed as VFA.

6. In the Judgment & Order dated 28.06.2012 the learned CAT made a clear finding that when the employees are discharging the same type of duties; there is no reason to deny the same benefits to some of the employees who are discharging the same duties and functions in the case where educational qualification may not be prime importance.

7. After hearing the submissions of the learned counsel and after careful perusal of the Judgment & Order dated 28.06.2012, we are of the considered view that the writ petitioners had failed to make out the reasons for interfering with the said observations and findings of the learned CAT in the impugned Judgment & Order dated 28.06.12.

8. We also endorsed the findings of the learned CAT that since the applicant/respondent in writ petition is discharging the same duties and being paid salary and other allowances along with the VFAs having higher educational qualification, there is no reason to deny the revised scale of Rs. 4000-6000 to the applicant/respondent in writ petition in the given case where educational qualification is not the prime importance.

9. For the foregoing reasons, this writ petition is dismissed.

JUDGE

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