

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) 4328 2005

Narayan Giri, S/o Late Bhola Giri R/o Village Junori PO Taranari Via
Chandra pura, District Bokaro Petitioner

Vs.

1. The Chairman, Damodar Valley Corporation at DVC Tower, VIP road, Kolkata
2. The General Manager, Damodar Valley Corporation at DVC Tower, VIP road, Kolkata
3. The Chief Accounts Officer, Damodar Valley Corporation at DVC Tower, Kolkata
4. The Director (HRD) Damodar Valley Corporation at DVC Tower, VIP Road, Kolkata
5. The Deputy General Manager (Admin) Damodar Valley Corporation ,CTPS Chandrapura, Bokaro
6. The Administrative Officer, Damodar Valley Corporation at Chandrapura, Thermal Power at Chandrapura District Bokaro

.....Respondents.

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the petitioner	: M/S A.K.Trivedi, V.K.Sinha,Advocates
For the Corporation	: M/S Srijit Choudhary,Advocate

11/Dated: 30th January, 2015

Petitioner has approached this Court for quashing order dated 13.1.2005 issued under the signature of the Superintending Engineer (E) and Secretary Pay anomaly Committee by which grievance for stepping up of pay of the petitioner has been rejected.

Counsel appearing on behalf of petitioner submits that the petitioner was appointed on the post of Helper C-I on 28.12.1963 while one Ramjit Yadav junior to him was appointed on 6.7.1964 has been given the benefit of higher pay scale and, thereby, the pay anomaly has been created between the petitioner and said Ramjit Yadav against which, the petitioner has protested but, the same had not been entertained by Pay Anomaly Committee and the Committee had rejected the claim of the petitioner which is absolutely improper and incorrect. Learned counsel appearing on behalf of petitioner further submits that when the petitioner has been appointed prior to Ramjit Yadav thus, he is entitled at least, to get pay scale equal to the pay scale of Ramjit Yadav but, the petitioner in this way, has been given the less pay scale and ultimately, he was retired

from service without getting appropriate pay scale at par with the said Ramjit Yadav.

Counsel appearing on behalf of Damodar Valley Corporation has filed a counter affidavit wherein statement has been made that the petitioner was appointed under the work charged Establishment as Helper in the year 1963 and was promoted as Assistant Driller in pay scale of Rs. 80-140 w.e.f. 1966. Thereafter, in the year 1970, he was appointed under regular establishment as Tech. Grade III in the new pay scale of 105-160 and in the year 1976 in the revised scale of Rs. 245-490.

Ramjit Yadav was appointed as Turner helper in the year 1964, promoted as Assistant Turner in the scale of Rs. 130-180 in the year 1969 and thereafter, promoted to Turner Grade I in the scale of 355-755.

It has been submitted that the petitioner continued to work in Driller side while Ramjit Yadav has performed his duty at Turner side and both having two different trades and as such, there is no question of any discrimination as the petitioner and Ramjit Yadav were employed in two different trades/cadres. It has further been submitted that the petitioner has also raised dispute under the Industrial Dispute Act being Reference case no. 10/1977 at Labour Court, Bokaro Steel City at Dhanbad.

Heard the parties.

On perusal of documents on record it appears that the petitioner was appointed under the Turner side having a separate cadre/trade at work charged Establishment on 13.12.1963. Thereafter, petitioner was promoted as Assistant Driller on 12.08.1966. After that, promoted to Driller Grade III while Ramjit Yadav was appointed as helper in the year 1964 and was promoted as Assistant Turner in the year 1969. It is further evident from record that the petitioner has been appointed in the grade of Driller side while Ramjit Yadav was against Turner Side and both are different cadres and as such, the case of the petitioner that he should be given similar treatment in the pay scale as that of Ramjit Yadav can not be accepted in view of

appointment of both of them in two different trades and the question of discrimination will only arise when both of them will be in same trade/cadre.

Moreover, the contention of the petitioner that the Pay Anomaly Committee has not considered the fact regarding his seniority that also can not be accepted in view of the fact that the order dated 13.1.2005 is consequence of the report of Pay Anomaly committee but, the petitioner has not challenged the said report and in absence thereof also the petitioner can not be given any relief.

Further, it appears that order dated 13.1.2005 has been passed on the basis of comparative statement of pay which was submitted by the petitioner and Ramjit Yadav and as such, the authority has come to the conclusion that no comparison can be made in between the pay scale of petitioner and Ramjit Yadav because both of them were in the different trades/cadres.

In that view of the matter, I do not find any reason to interfere with the impugned order.

Accordingly, instant writ petition stands dismissed.

(Sujit Narayan Prasad,J.)