

(1996) 04 AHC CK 0143

Allahabad High Court (Lucknow Bench)

Case No: Writ Petition No. 4306 (S/S) of 1995

Rajneesh Kumar Garg

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision: April 19, 1996

Hon'ble Judges: Maithli Sharan, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Maithli Sharan, J.

The short point involved in this writ petition relates to the alleged reduction of the pay-scale of the Petitioner from 1,400-40-1,800-E.B.-50-2.300 to 1,200-30-1,560-E.B.-40-2.040, vide order of the Director, Economic and Statistical Directorate, U.P. Lucknow dated 13th October, 1995 (Annexure-2 to the writ petition).

2. The Petitioner was appointed Stenographer in the office of the Director, Economic and Statistical Directorate, U.P. Lucknow, vide order No. 384/G-5/73, dated 22nd January, 1991 in the pay-scale of Rs. 1,400-40-1,800-E.B.-50-2,300 (Annexure-1 to the writ petition); he Joined his duties. Afterwards, vide impugned order dated 13th October, 1995 issued by the Director, Economic and Statistical Directorate, U.P. Lucknow, the abovementioned pay-scale of the Petitioner was reduced to the pay scale of Rs. 1,200-30-1,560-E.B.-40-2.040, and it was mentioned in that order that the Stenographers who assumed the charge of their posts on 1.1.1986 and after, would be given this reduced pay-scale.

3. Aggrieved by this order, the Petitioner has invoked the extraordinary jurisdiction of this Court, seeking a direction in the nature of a writ of certiorari for getting the said impugned order quashed.

4. The opposite parties, namely, State of U.P. and Director, Economic and Statistical Directorate, U.P., Lucknow filed their counter-affidavit to the effect that it was a

matter of general policy of the State Government that the pay-scale was revised and it was not the Petitioner only who had been affected, hence he could not have any grudge in this matter. It has, therefore, been averred that the writ petition is misconceived, baseless and untenable, and is liable to be dismissed.

5. I have heard the learned Counsel for the parties at length and have gone through annexures filed in this case. Surprisingly enough, the letter of Secretary, Finance dated 8th October, 1991, Annexure-1 filed along with counter-affidavit of the opposite parties itself goes to indicate that the persons who were drawing pay scale of Rs. 1,400-2,300 per month would not be affected and they were given benefit of the said pay scale until they got promoted to the higher pay-scale. This by itself makes the position very clear that the Stenographers who had Joined on higher pay-scale would not come under the clutches of the order of the Government reducing their pay-scale. It appears that the relevant order of the Government in this regard has been wrongly interpreted by the Director, Economic and Statistical Directorate, U.P., Lucknow in coming to the conclusion that it would affect those Stenographers also who had already joined on the higher pay-scale. Thus, the impugned order (Annexure-2 to the writ petition) cannot stand in view of the letter of the Finance Secretary (Annexure-1 to the counter-affidavit). Even otherwise, it does not stand to reason, and it is also against all canons of natural justice, that the persons could be affected retrospectively by reducing their pay without giving any opportunity of being heard.

6. In the result, this writ petition, therefore, succeeds and it is accordingly allowed. The impugned order dated 13th October, 1995, passed by the opposite party No. 2. Director, Economic and Statistical Directorate, U.P., Lucknow is hereby quashed. No costs.