

(2003) 08 GAU CK 0026

Gauhati High Court

Case No: Civil Rule No. 5315 of 1998

Debajit Sarma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: Aug. 28, 2003

Citation: (2004) 1 GLR 57

Hon'ble Judges: Ranjan Gogoi, J

Bench: Single Bench

Advocate: U. Baruah, for the Appellant; None, for the Respondent

Final Decision: Allowed

Judgement

Ranjan Gogoi, J.

Heard Ms. U. Baruah, learned counsel for the petitioner, None appears on behalf of the respondents.

2. The writ petitioner, Debajit Sarma was appointed as a Deputy Marketing Manager Grade-II in the North Eastern Regional Agricultural Marketing Corporation Ltd., (NERAMAC) on probation. On completion of the period of probation, he was confirmed in the post in question. The appointment of the petitioner was in the scale of pay with Industrial Dearness Allowance, In terms of the guidelines laid down in a letter dated 4.4.1990 of the Additional Secretary, Bureau of Public Enterprises, Ministry of Industry, Government of India, the pay scales in the I.D.A. Pattern were required to be revised with effect from 1.1.1987 and thereafter as per Clause VII of the aforesaid letter such revision was required to be carried out every five (5) years. The parameters for revision of the pay scales were set out in an enclosure to the aforesaid letter dated 4.4.1990, Thereafter, though revision of pay was granted to the petitioner with effect from 1.1.1987 the subsequent revisions required to be made every five (5) years were not so made and the petitioner continues to be in the pay scale which was granted to him in the year 1987. As the numerous representations filed have remained un-answered, the petitioner having no other alternative has approached this Court for an appropriate writ directing the

respondent Nos. 2 and 3 to 5 to the petitioner the benefit of appropriate pay revisions in accordance with the guidelines and norms in force.

3. The respondent Nos. 2 and 3 have not appeared in spite of due service of notice. Consequently the stand of the said respondents for not revising the pay of the petitioner in the years 1992, 1997 and 2002 (every five years) is not known. The petitioner had submitted several representations to the respondents for the redress of the grievances and some of such representations have been brought on record. As to why the said representations have gone un-answered, is also not disclosed by the respondents.

4. I have perused the guidelines contained in the letter dated 4.4.1990 and it is my considered view that pay scales following the I.D.A. Pattern are required to be revised every five years in accordance with the norms and guidelines which have been enclosed to the aforesaid letter dated 4.4.1990, The materials on record leaves no room for any doubt that such revisions, as required, have not been carried out in the case of the petitioner. No cogent explanation has been forthcoming on the part of the respondents for their failure to revise the pay scale of the petitioner as mandatorily required. In the above facts, the only logical and reasonable conclusion that could follow is that the petitioner's entitlement to pay revision, every five years, with effect from 1.1.1992, has been denied to him and therefore it would be appropriate to issue a direction to the respondent Nos. 2 and 3 to take all necessary steps to revise the pay of the petitioner in accordance with Clause VII of the letter dated 4.4.1990 and thereafter to confer on the petitioner all such consequential benefits as may be due. The above will lie done by the respondent Nos. 2 and 3 as expeditiously as possible and in any case within a period of three (3) months from the date of receipt of the certified copy of this order.

The writ petition stand allowed as indicated above.