
(2015) 2 JLJR 309

Jharkhand High Court

Case No: WP(S) No. 4631 of 2013

Brahmdeo Ram and
Others

APPELLANT

Vs

The State of Jharkhand
and Others

RESPONDENT

Date of Decision: April 9, 2015

Citation: (2015) 2 JLJR 309

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: Mukesh Kr. Sinha, for the Appellant

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Aparesh Kumar Singh, J.

1. Heard learned counsel for the parties. The petitioners are holding the post of Surveillance Inspector under the Malaria Wing of the Health Department. They were directed to make representation before the Secretary, Department of Health and Family Welfare, Government of Jharkhand in W.P.S. No. 2184 of 2011 by the judgment dated 4.7.2012 when they approached this Court earlier with a grievance relating to pay revision in the scale of 5,000-8000/- instead of 4,000-6,000/- (Annexure-1).

2. Petitioners' claim for the aforesaid scale has been rejected by a reasoned order passed by the Director-in-chief, Health Service, Jharkhand dated 21.2.2013 (Annexure-11), impugned herein inter alia on the following grounds:--

"(a) Petitioners' reliance upon Health Department letter No. 49(5) dated 10.6.2008 and its annexed schedule (Annexure-2) showing the scale of Rs. 5,000-8000/- against the post of Surveillance Inspector was a typing error and has been corrected in the corrigendum

through letter No. 224(6) dated 11.2.2013 and same has been now shown as 4,000-6,000/- with the revised scale of 5,200-20,200/- with grade pay of 2,400/- by letter No. 9(6) dated 15.5.2012.

(b) The Fitment Appellate Committee headed by Hon"ble Mr. Justice Aftab Alam of Patna High Court recommended the scale of 4,000-6000/- as revised scale w.e.f. 1.1.1996 to the pre-revised scale of 1,200-1,800/- held by the Surveillance Inspector under the 5th Pay Revision implemented from 1.1.1986.

(c) As per the Finance Department letter No. 660 dated 28.2.2009, the revised scale of 5,200-20,200/- with grade pay of 2,400/- has been fixed for the post of Surveillance Inspector having the pre-revised scale of 4,000-6,000/-.

(d) The scale of 5,000-8000/- are lied upon by the petitioner in their representation is admissible to the Graduate Trained Supervisory Post and those who have been selected through a competitive examination. The post of Surveillance Inspector to which the petitioners belong is not shown in the said list. Petitioners who are having the educational qualification of Matric (Science) are not entitled to the scale of 4,000-6000/-."

3. Based upon these reasons the claim of the petitioners for higher scale has been rejected. Reliance place by learned counsel for the petitioners on Annexure-2, letter dated 10.6.2008 also referred to in the reasoned order, as also referred to hereinabove, is therefore misplaced as the scale of 5,000-8,000/- shown against the post of Surveillance Inspector have been rectified thereafter by a corrigendum dated 11.2.2013. Petitioner has relied upon the extract of the Fitment Committee report (Annexure-3) contained at para 2.6 thereof under the heading of "Supervisory Posts and their Scales". Perusal of the same, however shows that the scale of 5,000-8,000/- and 5,500-9,000/-, which were clubbed for fixation of the revised structure of pay w.e.f. 1.1.2006 do not apply to the petitioners" case as the petitioners were not holding the scale of 5,000-8,000/-. Moreover, this Fitment Committee report is in respect of the implementation of 6th Pay Revision w.e.f. 1.1.2006 and not the earlier pay revision implemented w.e.f. 1.1.1996 in respect of which petitioners have raised the instant claim. It further appears from Annexure-5 series that the representation of the petitioner dated 1.2.2011 relying upon the extract of the Fitment Committee report at serial No. 16 of the enclosure, i.e. pay scale of 5,000-8,000/- was accorded to the incumbent holding the post of Health Educator/Medical Social Workers/Food Inspector/Malaria Inspector. Petitioners have not been able to show that they were holding the post of Malaria Inspector. Annexure-5/1, a communication addressed by the Chief Malaria Officer to the State Malaria Officer, Government of Jharkhand dated 17.10.2005 also shows that the post of Malaria Inspector and Surveillance Inspector are two different posts where for the post of Malaria Inspector, requisite educational qualification is Graduation while for that of Surveillance Inspector is admittedly Matriculation.

4. Reliance of the petitioner upon the order passed in the case of Ram Bachan Singh and Others in C.W.J.C. No. 2776 of 1992(R) dated 27.11.1992 (Annexure-7) and the consequential order issued by the Directorate of Health Services, Bihar, Patna dated 30.3.1994 (Annexure-8) wherein persons shown in the list including Ram Bachan Singh has been shown to be redesignated as Malaria Inspector w.e.f. 1.1.1977 subject to the approval of the Finance Department also will not come to the aid of the petitioners as it appears that none of the present petitioners form the part of the said list in respect of whom such an order has been issued. Moreover, the petitioners have not been able to show that at any point of time that their post were upgraded or re-designated as Malaria Inspector from Surveillance Inspector. These aspects have been properly considered by the Director-in-Chief, Health Services in the reasoned order as already indicated hereinabove.

5. Having regard to the aforesaid reasons and discussion made hereinabove, I do not find any infirmity in the decision making process nor the reasons to hold that the petitioners are only entitled to the pay scale of 4,000-6,000/- and not 5,000-8,000/- as claimed by them under 6th Pay Revision implemented w.e.f. 1.1.2006. As has been noted hereinabove, even the Fitment Committee headed by sitting Judge of Patna High Court recommended the scale of 4,000-6,000/- to the post of Surveillance Inspector who admittedly are Matriculate only and not Graduate. In that view of the matter, the writ petition being devoid of merit is dismissed.