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DR. P.N. PURI AND ORS.

v.

STATE OF U.P. AND ORS.

JANUARY 29, 1996

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[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service Law :

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Equal pay for equal work—Payment of—Fixing of cut-off date—Held, not arbitrary—Constitution of India—Arts, 14, 39(d).

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 955 of 1996.

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From the Judgment and Order dated 21.9.95 of the Allahabad High Court in C. Misc. W. No. 40379 of 1993.

Sanjay Parkikh for the Petitioners.

The following Order of the Court was delivered :

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The petitioner filed a writ petition in the High Court for direction to pay the equal pay on par with Medical Officer at Rs. 2200-4000. There was a long controversy regarding the entitlement of the petitioners and their companions for the said scale of pay. Ultimately, it was referred to the Anamoly Committee which had decided in his proceedings dated 1.1.1995 accepting the new pay scales of different posts in the Urban Local bodies, namely, the persons like the petitioners would be paid the scale of pay at Rs. 2200-4000 and recommended to upgrade the said scale from November 7, 1994 and to pay the scales of pay from that date. The Government has accepted the above recommendation and issued orders on February 16, 1995. Calling that order in question, the petitioners have filed the writ

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petition seeking payment of arrears from 1986.

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Initially, directions were given by the Court to consider why the petitioners were not being paid w.e.f. 1.1.1986. After consideration again, the respondent filed an affidavit explaining the circumstances. Undoubtedly, one of the circumstances stated was that previously the petitioners were unequals and were not being paid the same pay and, therefore, they were

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not entitled to the same scale of pay. The Division bench of the High Court dismissed the petition by order dated September 21, 1995. A

It is contended by the learned counsel for the petitioners that the reason given by the respondents is not relevant since the Anamoly Committee recommended that they are performing the same duties on par with the Medical Officers. Therefore, the High Court ought to have granted them the scale of pay from 1986. As stated earlier, reasons given in the counter-affidavit may not be correct reasons but the Anamoly Committee had recommended for payment of same scale of pay to the persons like the petitioner w.e.f. November 7, 1994. It is well settled law that fixing a date is not arbitrary violating Article 14. It is settled law that the authorities cannot pick up from their hat and fix a date. The question, therefore, arises for decision is: whether the date fixed is arbitrary? The question was referred to the Anamoly Committee to advise the Government as to the fixation is arbitrary? The question was referred to the Anamoly Committee to advise the Government as to the fixation of the scale of pay to which persons like the petitioners would be entitled to. The Committee had gone into the question and recommended the scale of pay of Rs. 2200-4000 to the persons like the petitioners and also recommended to give effect from the date on which they had decided, namely November 7, 1994. The Government having accepted the same and given effect from the date. Under those circumstances, it cannot be said that fixation of date is arbitrary violating Article 14. B
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The special leave petition is accordingly dismissed.

G.N.

Petition dismissed.