

Dr. P. N. Puri and Others

Vs

State of U.P. and Others

SLP (C) No. 955 Of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

29.01.1996

ORDER

1. The petitioner filed a writ petition in the High Court for direction to pay equal pay on a par with Medical Officers 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 Anomaly Committee which had decided in its proceedings dated 1-1-1995 accepting the new pay scales of different posts in the urban local bodies, namely, persons like the petitioners would be paid the scale of pay at Rs 2200-4000 and recommended to upgrade the said scale from 7-11-1994 and to pay the scales of pay from that date. The Government has accepted the above recommendation and issued orders on 16-2-1995. Calling that order in question, the petitioners have filed the writ petition seeking payment of arrears from 1986.

2. 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 not entitled to the same scale of pay. The Division Bench of the High Court dismissed the petition by order dated 21-9-1995.

3. It is contended by the learned counsel for the petitioners that the reason given by the respondents is not relevant since the Anomaly Committee recommended that they are performing the same duties on a 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 the correct reasons but the Anomaly Committee had recommended for payment of the same scale of pay to the persons like the petitioners w.e.f. 7-11-1994. 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, which arises for decision is : whether the date fixed is arbitrary ? The question was referred to the Anomaly 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 persons like the petitioners and also recommended to give effect from the date on which they had decided, namely 7-11-1994. The Government having accepted the same had given effect from that date. Under those circumstances, it cannot be said that fixation of date is arbitrary violating Article 14.

4. The special leave petition is accordingly dismissed.