

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM; NAGALAND; MIZORAM & ARUNACHAL  
PRADESH)**

**WP(C) 592 (AP) of 2016**

**1. Shri Nabam Tobi (JSA),**

S/o Shri Nabam Marchi,  
C/o DMO, Yupia, P.O. Doimukh,  
Papum Pare District, Arunachal Pradesh.

**2. Shri Kirtu Riba (JSA),**

S/o Late Rekir Riba,  
C/o Director of Medical Education, T&R,  
Govt. of Arunachal Pradesh, Naharlagun,  
P.O. Naharlagun.

**3. Shri Neelam Boke (JSA),**

S/o Shri Neelam Tayam,  
C/o DRCHO Office, Yupia, P.O. Doimukh,  
Papum Pare District, Arunachal Pradesh.

**4. Shri Pacha Yangfo (JSA),**

S/o Shri Tamang Yangfo,  
C/o DMO, Yupia, P.O. Doimukh,  
Papum Pare District, Arunachal Pradesh.

**5. Shri Kudu Tade,**

C/o Chief Medical Superintendent,  
Tomo Riba State Hospital, Naharlagun,  
P.O. Naharlagun, Papum Pare District,  
Arunachal Pradesh.

**6. Shri Tabi Mindo,**

C/o DMO, West Siang District, Aalo,  
P.O. Aalo, Arunachal Pradesh.

7. Shri Bikash Ranjan Deb,  
C/o DMO, Lower Dibang Valley District, Roing,  
P.O. Roing, Arunachal Pradesh.

8. Shri Tate Chisi,  
C/o DMO, East Siang District, Pasighat,  
P.O. Pasighat, Arunachal Pradesh.

9. Shri Gomar Basar,  
C/o CHC, Basar, West Siang District,  
P.O. Basar, Arunachal Pradesh.

10. Ms. Nyagam Loya,  
C/o DMO, West Siang District, Aalo,  
P.O. Aalo, Arunachal Pradesh.

11. Shri Sumit Brata Dutta,  
C/o DMO, District Namsai, Namsai,  
P.O. Namsai, Arunachal Pradesh.

12. Shri Ashok Kumar Sunwar,  
C/o MO PHC Piyong, District Lohit,  
P.O. Tezu, Arunachal Pradesh.

13. Shri Hage Ala,  
C/o DMO, Lower Subansiri District, Ziro,  
P.O. Ziro, Arunachal Pradesh.

14. Shri Vivek Barua,  
C/o Director of Merial Education, T&R,  
Govt. of Arunachal Pradesh, Naharlagun,  
P.O. Naharlagun.

15. Shri Anuk Dai,  
C/o DMO, East Siang District, Pasighat,

P.O. Pasighat, Arunachal Pradesh.

16. Shri Chow Awen Simit,  
C/o M.O PHC Lathao, District Namsai,  
P.O. Namsai, Arunachal Pradesh.

17. Shri Biji Tali,  
C/o MO. CHC, Kamba, West Siang District,  
P.O. Kamba, Arunachal Pradesh.

18. Shri Hamen Kolita,  
C/o DRC, Govt. of Arunachal Pradesh,  
Guwahati, Assam.

19. Shri Sandip Roy,  
C/o DMO, District Lohit, Tezu, P.O. Tezu,  
Arunachal Pradesh.

20. Shri Harish Chandra Sahu,  
C/o DMO, District Longding, Longding,  
P.O. Longding, Arunachal Pradesh.

21. Shri Jirki Romin,  
C/o Medical Superintendent, General Hospital,  
Aalo, P.O. Aalo, West Siang District,  
Arunachal Pradesh.

22. Shri Jakha Sumpa,  
C/o DMO, District Tirap, Khonsa,  
P.O. Khonsa, Arunachal Pradesh.

23. Shri Karmo ngomdir,  
C/o DMO, District West Siang, Aalo,  
P.O. Aalo, Arunachal Pradesh.

24. Shri Margo Bam,  
C/o MO CHC Tirbin, District West Siang,  
P.O. Tirbin, Arunachal Pradesh.

25. Shri Ganapati Patir,  
C/o DMO, District Tirap, Khonsa,  
P.O. Khonsa, Arunachal Pradesh.

26. Ms. Mimba Loya,  
C/o MO PHC Longum Jini, District West Siang,  
P.O. Aalo, Arunachal Pradesh.

27. Shri B. Ajay Kumar,  
C/o DMO, District Lohit, Tezu,  
P.O. Tezu, Arunachal Pradesh.

28. Ms. Sweeti Das,  
C/o Chief Medical Superintendent,  
Tomo Riba State Hospital, Naharlagun,  
P.O. Naharlagun, District Papum Pare,  
Arunachal Pradesh.

29. Shri Parneswar Das,  
C/o DMO, District East Siang, Pasighat,  
P.O. Pasighat, Arunachal Pradesh.

30. Ms. Onglu Sikheth Singpho,  
C/o MO CHC Diyun, District Changlang, Changlang,  
P.O. Changlang, Arunachal Pradesh.

31. Shri Marba Yomcha,  
C/o Director of Medical Education, T&R,  
Govt. of Arunachal Pradesh, Naharlagun,  
P.O. Naharlagun.

32. Shri C. Baiju Kumar,  
C/o Director of Family Welfare,  
Govt. of Arunachal Pradesh, Naharlagun,  
P.O. Naharlagun.

33. Shri Pesen Yomcha,  
C/o Director of Health Services,  
Govt. of Arunachal Pradesh, Naharlagun,  
P.O. Naharlagun.

34. Shri Habung Takar,  
C/o DMO, Lower Dibang Valley,  
Roing, P.O. Roing, Arunachal Pradesh.

35. Shri Rigge Riba,  
C/o DMO, District Lohit, Tezu, P.O. Tezu,  
Arunachal Pradesh.

36. Shri Bikram Singh,  
C/o Joint Director of Health Services (T&R),  
District East Siang, Pasighat,  
P.O. Pasighat, Arunachal Pradesh.

.....Petitioners.

Advocates for the petitioners:

Mr. T. Son,  
Mr. N. Tate,

**-VERSUS-**

**1. The State of Arunachal Pradesh (Represented  
through the Chief Secretary-cum-Chairman,  
High Level Standing Committee on Pay**

**Anomalies), Govt. of A.P., Civil Secretariat,  
Itanagar, P.O. Itanagar.**

2. The Principal Secretary, Finance-cum-Member Secretary, High Level Standing Committee on Pay Anomalies, Govt. of Arunachal Pradesh, Civil Secretariat, Itanagar, P.O. Itanagar.
3. The Commissioner,  
Department of Health & Family Welfare,  
Govt. of Arunachal Pradesh, Civil Secretariat,  
Itanagar, P.O. Itanagar.
4. The Under Secretary (Finance E-II),  
Govt. of Arunachal Pradesh, Itanagar,  
P.O. Itanagar.

.....Respondents

5. The Director of Health Services,  
Govt. of Arunachal Pradesh, Naharlagun,  
P.O. Naharlagun.

.....Proforma Respondent.

Advocates for the respondents:

Ms. T. Wangmu, State counsel,

Mr. T Tagum, standing counsel (Health Department)

**:::BEFORE:::**

**HON'BLE MR JUSTICE A M BUJOR BARUA**

Date of hearing - **13.09.2017.**

Date of judgment - **13.09.2017.**

## **JUDGMENT & ORDER (ORAL)**

Heard Mr. T. Son, learned counsel appearing for the petitioners and Mr. T. Tagum, learned standing counsel (Health Department) appearing for the respondent Nos. 3 & 4 as well as Ms. T. Wangmu, learned State counsel appearing for the Finance Department/respondent Nos. 1 & 2.

**2.** The petitioners herein are working in the department of Health, Government of Arunachal Pradesh. Some of the petitioners were appointed as early as in the year 1991, some in between and some even in the year 2014. The petitioners were appointed as Computer in the department and their nature of works relate to activities involving collection of data for processing and also compiling. Subsequently, the Computer's were re-designated as Junior Statistical Assistant (in short, JSA), as per the order, dated 19.09.2013 of the Secretary, Health and Family Welfare, Government of Arunachal Pradesh.

**3.** It is stated that the petitioners as Junior Statistical Assistant are qualified as Group-C posts and the posts like LDC, UDC etc. are also included as Group-C posts. But because of the nature of work performed by the petitioners, the posts of JSA had not been encadred in the department.

**4.** But as the post of JSA is not encadred, the benefit of the successive pay enhancement by the different pay commission is not made applicable to the petitioners. Accordingly, the finance

department is required to take a decision for the purpose of their pay enhancement.

**5.** Be that as it may, it cannot be denied that the petitioners being serving in the same manner as the other employees in the cadred post are also entitled to have pay enhancement as given to the employees of the health department, where they are working. It is stated that for the purpose of consideration for their pay enhancement, the Health Department had sent a proposal to the Finance Department. As per the minutes of the meeting, dated 24.11.2011, a recommendation had been made to the High Level Standing Committee on pay anomalies for up-gradation of the grade pay of the Computers from Rs.2400/- to Rs.2800/- at par with that of UDCs.

**6.** Accordingly, from the said minutes, it is noticed that the health department authorities placed the petitioners at par with that of UDCs as far as their pay enhancement is concerned.

**7.** But, it is also noticed that while rejecting the pay enhancement of various Group-C employees, at the Health Department, as found in clause 30.4 of the report of the anomalies committee, the case of the petitioners were not considered. But be that as it may, the finance department by relying upon an order dated 17.12.2014 of the Chief Secretary, to the Government of Arunachal Pradesh takes a stand that the Government of Arunachal Pradesh has taken a decision that new proposal for the up-gradation of pay scales would not be considered by

the High Level Standing Committee till the report of the 7<sup>th</sup> Central Pay Commission is received.

**8.** Reading the said order of 17.12.2014, of the Chief Secretary, to the Government of Arunachal Pradesh indicates that the consideration for pay enhancement of the JSA had been kept in abeyance, till receipt of the report of the 7<sup>th</sup> Central Pay Commission, meaning thereby, appropriate consideration would be given subsequently, after receipt of the report of the 7<sup>th</sup> Central Pay Commission.

**9.** It is an admitted position that the report of the 7<sup>th</sup> Central Pay Commission has been received in the meantime.

**10.** In such view of the matter, this Court does not find any reason on the part of the respondent authorities, as to why, the claim of the petitioners for pay enhancement at par with others in the department shall not be considered by the Finance Department.

**11.** It has been pointed out by Mr. T. Son, learned counsel appearing for the petitioners that subsequently by another order, dated 24.12.2015, of the Directorate of Health Services, Health Department, had agreed and recommended for up-gradation of pay of the petitioners as par with that of other similarly posts of the department.

**12.** In view of the above, as the enhancement of pay of the petitioners was not considered pursuant to the earlier 6<sup>th</sup> Central Pay Commission and was kept pending till receipt of the report of the 7<sup>th</sup> Central Pay Commission is made available and further as in the meantime, the report of the 7<sup>th</sup> Central Pay Commission has also been

made available, this Court does not see any reason, as to why, the appropriate authority in the Finance Department shall not give a due consideration to the claim of the petitioners for enhancement of pay and bring the same to a logical end.

**13.** In the event, it is directed that the finance department shall give a final consideration to the claim of the petitioners for the parity in pay with those of other similarly situated posts within the Health Department as well as other departments. While doing so, the Finance Department shall also take into consideration the two recommendations of the Health Department being dated 24.12.2015 and 24.11.2011 wherein it is provided that the petitioners be placed at par with that of the UDCs of the department as regards their pay enhancement is concerned.

**14.** The aforesaid exercise be undertaken within a period of 03(three) months from the date of receipt of a certified copy of this order and the procedure of considering the pay enhancement of the petitioners be brought to its logical end.

**15.** A copy of this order be furnished to the learned counsel appearing for the respondent Nos. 3 & 4/Health Department and for respondent Nos. 1 & 2/Finance Department.

In terms of the above, the writ petition stands disposed of.

**JUDGE**

Cha Gang