



CGHC010311272026



2026:CGHC:35451

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6082 of 2026**

**1** - Punaram Nirmalkar S/o Late Nathuram Nirmalkar Aged About 68 Years R/o Ward No. 12, Berla, Nagar Panchayat Berla, P.S. And Tehsil Berla District Bemetara C.G.

**2** - Narendra Kumar Shukla S/o Late Laxman Prasad Shukla Aged About 66 Years R/o Village Kolgarh, Post Office Nawagaon, P. S. And Tehsil Mangwa, District Riwa M. P.

**3** - Bhagirathi Gangaram Dewangan S/o Gangaram Dewangan Aged About 74 Years R/o L I G 127, Sector -1, Saddu, Post Office, Saddu, Raipur District Raipur C.G.

**4** - Santram Dhruw S/o Late Jageshwar Dhruw, Aged About 65 Years R/o House No. B- 1, Mandhar, P. S. Vidhansabha, Raipur District Raipur C.G.

**5** - Arun Kumar Yadav S/o Late Ferharam Yadav Aged About 62 Years R/o Ganesh Nagar Pushpak Industries Road Raipura District Raipur C.G.

**6** - Uttam Kumar Sharma S/o Feshun Lal Sharma Aged About 65 Years R/o Bazari Nagar Kushalpur, In Front Of Pahadi Talab, Behind, Way Of Sonkar Cycle Store House No. -1736, District Raipur C.G.

**7** - Kaushal Mishra S/o Late Bhushan Lal Mishra Aged About 70 Years R/o Gurugovind Singh Ward, Behind Kali Temple Pandari, Raipur District Raipur C.G.

**8** - Laxmi Kant Sharma S/o Late Ramnarayan Sharma Aged About 71 Years R/o House No. 47 / 615, Way (Gali) Ramchandra Temple Brahamanara, Raipur District Raipur C.G.

**9** - Dhanesh Nagale S/o Late Ukanddya Nagale, Aged About 64 Years R/o Room No. 08, Block No. 0 R D A Collony, Near Hunuman Temple, Tikarapara Raipur District Raipur C.G.

**10** - Vijay Pathak S/o Late Shivkumar Pathak Aged About 67 Years R/o Shri Krishna Nagar Pahadi, Chouk Gudiyari Raipur District Raipur C.G.

**11** - Hariram Verma S/o Late Nanduram Verma Aged About 70 Years R/o Village Koliha, Post And Tehsil Lavan District Balaudabazar Bhatapara C.G.

**12** - Shivkumar Shukla S/o Late Maniram Shukla Aged About 65 Years R/o Ward No. 24, Side, Of Chandravanshi Kar Shrinagar,

Raipur Bilapsur Bai Pass Road Kavardha, Thana Kavardha, District Kabirdham C.G.

**13** - Ram Kishan Bandher S/o Late Deraharam Bandher Aged About 74 Years R/o House No.- 85, Jaiatkham Chowk, Ward No. 08, Abhanpur, Aamner, Nahanachandi, Bazar Abhanpur, District Raipur C.G.

**14** - Balram Yadav S/o Late Badri Prasad Yadav Aged About 74 Years R/o Ward No. 38, Rudri, Dhamatari, Thana, And District Dhamtari C.G.

**15** - Mahesh Kumar Devangan S/o Late Churaman Devangan Aged About 68 Years R/o Ward No. -03, Gidhawa Pinkghar, Balod, District Balod C. G.

**16** - Alakh Ram Sahu S/o Late Tikamdas Sahu Aged About 66 Years R/o House No. 94, Ward No. 4, Kesala Rajnanadgaon District Rajnandgaon C.G.

**17** - Shriram Yadav S/o Late Faguram Yadav Aged About 74 Years R/o Ward No. 25, Jaistambh Chowk, Rajnandgaon District Rajnandgaon C.G.

**18** - Ramuash Patel S/o Late Jagatnarayan Patel Aged About 63 Years R/o Barauda, Riwa, District Riwa- M. P.

**19** - Kumuk Lal Netam S/o Late Pirthi Ram Netam Aged About 79 Years R/o House No. 61, Ward No. 06, Saraswati, Chowk Chandan Nagar Motipur Rajnandgaon District Rajnandgaon C.G.

**20** - Ramesh Singh S/o Late Sudhaarshan Singh Aged About 66 Years R/o L I G 195, Ward No. 45, Vaishali, Nagar Kaurinbhatha, Rajnandgaon District Rajnandgoan C. G.

**21** - Bhopal Singh Dhurandhar S/o Late Gajanand Dhurandhar Aged About 72 Years R/o House No.- 10 / L Risali, Sector Civic Centre Bhilai, District Durg C.G

**22** - Motilal Sahu S/o Late Devdhar Prasad Sahu Aged About 66 Years R/o House No. 174,/ K, Adivasi Mandal Road Ward No. 13, Ajad Chowk, Ramanagar, Supela Bhilai District Durg C.G.

**23** - Rajendra Devangan S/o Late Pyare La Devangan Aged About 68 Years R/o House No. 29, Ward No. 53, Potiyakala Abadipara Durg District Durg C.G.

**24** - Lal Rajiv Singh S/o Late Hamendra Singh Aged About 70 Years R/o Rajafemili, Ward No. 4, Khairagarh, District Khairagarh, Chhuikhdan Gandai C.G.

**25** - Ramesh Kumar Soni S/o Late Manumant Soni Aged About 71 Years R/o House No. 155, Ward No. 37, Rani, Sagar, Marg Patelpara Rajnandgaon District Rajnandgoan C.G.

**26** - Rambhadran Panikar S/o Late Sukumar Panikar Aged About 70 Years R/o House No. 54, Ward No. 38, Behind Of Way Of Post Office Rudri, Dhamatari District Dhamatari C.G.

**27** - Ashok Wahi S/o Late C. D. Wahi Aged About 74 Years R/o Ward No. 25, Sadar Uttar, Dhamtari District Dhamtari C.G.

**28** - Devilal Sahu S/o Late Bihari Lal Sahu Aged About 64 Years R/o House No. 778, Court Road, Behind Sain Zeviar School Gokulpur Ward Dhamtari District Dhamtari C.G.

**29** - Munna Lal Yadav S/o Late Shankar Lal Yadav Aged About 68 Years R/o Ward No. 38, Rajiv Nagar Basantpur Rajnandgaon District Rajnandgaon C.G.

**30** - Yoghesh Shukla S/o Late Ram Gopal Shukla Aged About 64 Years R/o House No. G N. 10, Ward No. 38, Near Polytechnic Collge G A D Collony Rudri, Dhamtari District Dhamtari C.G.

**31** - Magan Das Manikpuri S/o Late Heera Das Manikpuri Aged About 71 Years R/o House No. 11, Ward No. 12, Khandupara Dongargarh, District Rajnandgaon C.G.

**32** - Rambharosa Padoti S/o Late Ruau Ram Padoti Aged About 72 Years R/o House No. 120, Kirgaha Tola, Shikari, Mahaka, Rajnandgaon, District Rajnandgaon C.G.

**33** - Dhanlal Badpatare S/o Gendram Badpatare Aged About 65 Years R/o Village Siltara Thana And District Balaghat M. P.

**34** - Purushottam Singh Kshatri S/o Gulab Singh Kshatri, Aged About 65 Years R/o Ward, No. 16, Tulsipur Bakhatabar Chal Rajnandgona District Rajnandgoan C.G.

**35** - Ganesh Shrivastava S/o Late Onkar Lal Shrivastava Aged About 71 Years R/o House No. 162, College Road Front Of Mahesh Juvelari, Sonarapara Rajnandgaon District Rajnandgaon C.G.

**36** - Vijay Kumar Ujawane S/o Late Ramcharan Sav Ujawane Aged About 64 Years R/o Ward No. 45 Sai, Darshan Nagar Near Jeevan B Gate Kaurinbhatha, Rajnandgaon District Rajnandgaon C.G.

**37** - Rajesh Maroo S/o Late Anand Lal Maroo Aged About 67 Years R/o House No. 222, Kuber Chowk Nandai, Ward No. 42, Rajnandgaon District Rajnandgon C. G.

**38** - Uttam Sharma S/o Late M. L. Sharma Aged About 72 Years R/o House No. 61, Ward No. 7, Civil Line Simga, District Balaudabazar Bhatapara C.G.

**39** - Umendra Singh Baghel S/o Late Shobha Singh Baghel Aged About 78 Years R/o House No. 198, Ward No. 23 Amar Tailors Camp 2, Sharadapara Bhairao Basti, Bhilai 1, District Durg C.G.

**40** - Tahsildar Singh Bhadoriya S/o Late Jhanda Singh Bhadoriya Aged About 68 Years R/o Village And Post Gadpara Mehgaon Bhind District Bhind - M P.

**41** - Neeleshwar Sharma S/o Late Vijay Ram Dubey Aged About 76 Years R/o House No. 65, Ward, No. 4, Brahamanpara Gaon, Devada, Durg District Durg C. G.

**42** - Elavanram Thakur S/o Deuram Thakur Aged About 66 Years R/o House No. 241, Ward No. 38, Rajeev Nagar Rajnandgaon District Rajnandgaon C.G.

**43** - Suraja Sonwani S/o Late Shyamsundar Sonwani Aged About 68 Years R/o House No. 1 143, Sector 1 Ring Road Kashiram Nagar Raipur District Raipur C.G.

**44** - Ramesh Singh Bhadoriya S/o Late Hakim Singh Bhadoriya Aged About 71 Years R/o House No. 10, Majara Keshav Singh Ka Pura Kot, Goram Bhind, District Bhind M P.

**45** - Dharam Das Dhawde S/o Late Karomani Ram Dhawde, Aged About 67 Years R/o House No. 40, Ward No. 10, Pendri Khurd, Rajnandgaon District Rajnandgaon C.G.

**46** - Pawar Pandit S/o Late Babulal Pandit Aged About 65 Years R/o Ward No. 14, Pairi, Basti Majarkata, Malgaon, Gariyaband District Gariyaband C.G.

**47** - Bhagwani Ram Devangan S/o Late Sundar Lal Devangan Aged About 71 Years R/o House No. 829, Shiwaji Nagar Durg District Durg C.G.

**48** - Upendra Kumar Rajput S/o Sumer Singh Rajput Aged About 66 Years R/o Ward No. 64, Vinoba Bhave Nagar Kushalpur Raipur District Raipur C.G.

**49** - Mohhammed Wali Ullah Khan S/o Mohhammed Irsad Khan Aged About 63 Years R/o House No. 24, Ward No. 10, Gidam N. P. Dakshin Bastar Dantewada District Dantewada C. G.

**50** - Surendra Nath Tiwari S/o Late Ramchandra Tiwari Aged About 66 Years R/o House No. D / 1 Kaliur, Road Govt. Girls , Polytechnic Collony, Dharampur No. 2, Atarbihari Bajpai Ward No. 38, Bastar Jagadalpur District Jagadalpur C.G.

**51** - Amir Khan S/o Late Shekh Khan Aged About 68 Years R/o House No. 70, / 1 Ward No, 10, Bhoalpatanma District Bijapur C.G.

**52** - Francis George S/o Francis Varkey Aged About 63 Years R/o- 70, Nag, Gali, Sanjay Gandhi Ward, District Jagadalpur C.G.

**53** - Dinesh Prasad Singh S/o Ramji Prasad Singh Aged About 63 Years R/o House No. 348, Rajiv Gandhi, Ward No. 33, Jagadalpur District Jagdalpur C.G.

**54** - Sanjeev Sharma S/o Late R. P. Sharma Aged About 62 Years R/o Kushwaha Gali, Shantinagar Ward No. 25, Jagdalpur District Jagdalpur C.G.

**55** - Lal Sahab Tripathi S/o Late Siddnarayan Tripathi, Aged About 70 Years R/o Ward No. 22, Gandhi Nagar Front Of Bus Stand Jagdalpur District Jagdalpur C.G.

**56** - Shyam Sundar Upadhyay S/o Late Mathura Prasad Upadhyay Aged About 69 Years R/o Anukul Dev Ward No. 31, Bangalipara Hot Khachora, Jagdalpur District Jagdalpur C.G.

**57** - Nahar Singh Yadav S/o Late Revati Lal Yadav Aged About 68 Years R/o House No. 97 / Ka, Mother Taresh Ward No. 26, Jagdalpur District Jagdalpur C.G.

**58** - Mohar Singh Kaurav S/o Late Bhuvti Singh Kaurav Aged About 72 Years R/o Village Teton, Post Shepur, Bhind District Bhind M P.

**59** - P. Narsinh Rao Naidu S/o Late Ramlu Naidu Aged About 72 Years R/o House No. 159, Jhankar Talkies, Balaji Ward No. 13, Jagadalpur District Jagdalpur C.G.

**60** - Shekhar Lal Vastrakar S/o Late Melu Ram Vastrakar Aged About 72 Years R/o House No. 6 / 11, Ward No. 6, Antarabhatha, Dantewada, District Dantewada, C. G.

**61** - Sitaram Netam S/o Lakhmu Ram Netam Aged About 62 Years  
R/o Rahaman Gali Veersavarkar Ward 5, Patharaguda, Jagadalspur  
District Jagadalspur C .G.

**62** - Sant Lal Sahu S/o Late Gajadhar Sahu Aged About 73 Years R/o  
Behind Bhagat Singh School Ward No. 06, Patharaguda, Jagdalspur  
District Jagdalspur C .G.

**63** - Maksood, Khan S/o Karim Khan Aged About 65 Years R/o House  
No. 34, D N K Ward No. 09, Kondagaon, District Dantewada C. G.

**64** - Chunni Lal Sethiya S/o Udaynath Sethiya Aged About 69 Years  
R/o Bhathaguda, Ghatpmoor, Titirgaon, Jagadalspur District  
Jagadalspur C.G.

**65** - Shubhash Chandra Mishra S/o Late Ramkripal Mishra Aged  
About 71 Years R/o House No. 52, Near Atal Awas Sai Grih Niwas  
Samiti Kalipur, Titirgaon, Jagadalspur District Jagadalspur C.G.

**66** - Shiv Shankar Kutare S/o Late Ukhram Kutare Aged About 64  
Years R/o G A D / G 5, Collectrate Road Narayanpur District  
Jagadalspur C.G.

**67** - Manrakkan Lal Meshram S/o Lal Giru Das Meshram Aged About  
76 Years Chhatrapati Shiva Ji Ward 36, Telar Khuti Road Baidarpara,  
Aghanpur Gidam Road Jagadalspur District Jagdalspur C.G.

**68** - Khesh Abdul S/o Shekh Jafar Aged About 75 Years R/o Motilal Nehruward 15, Nayapara Jagdalpur District Jagdalpur C.G.

**69** - Ram Kumar Sonkar S/o Late Pyare Lal Sonkar Aged About 67 Years R/o House No. 50 / 612, Ward No. 61, Purani Basti Sonkarpara Raipur C.G.

**70** - Smt, Savitri Patnayak W/o Suresh Patnayak Aged About 67 Years R/o House No. 951, Boarding Gali, Vivekanand Ward, No. 30, Jagdalpur District Jagdalpur C.G.

**71** - Balmukund Mishra S/o Late Ashwani Kumar Mishra Aged About 66 Years R/o Rakasrai, Ost, Saray Akil Chitapur Kaushambi, District Kausambi U.P

**72** - Jageshwar Singh Rajput S/o Late Sumer Singh Raiput Aged About 69 Years R/o In Front Of Mahadev Talab, Rauput Niwas Changorabhatha, Raipur District Raipur C.G.

**73** - Balram Kaushik S/o Lata Gajanand Kaushik Aged About 71 Years R/o House No. 117, Jawahar Ward, Kaushik Gali Kanker District Kanker C.G.

**74** - Devendra Prasad Sharma S/o Ramkhilawan Sharma Aged About 65 Years R/o House No. 734 / K Mahadevghat Road, Raipur District Raipur C.G.

**75** - Lakhan Lal Sharma S/o B. P. Sharma Aged About 75 Years R/o

House No. 54 / 1033, Shanti Vihar Collony Sundar Nagar Raipur  
District Raipur C.G.

**76** - Krishan Kumar Barmal S/o Ramlal Barmal, Aged About 64 Years  
R/o House No. 28 / 152 / 7, Ward No. 29, Santnam Chowk  
Khamhardih Raipur District Raipur C.G.

**77** - Laxminath Verma S/o Ghunari Ram Verma Aged About 65 Years  
R/o Ward No. 19, Shriram Nagar, Mandir Hasoud, Aarang, Raipur  
District Raipur C.G.

**78** - Shabbir Khan S/o Aziz Ahmad Aged About 68 Years R/o House  
No. 01, Gali, No. 48, Shankar Ward, Mungeli District Mungeli, C.G.

**79** - Narenda Kumar Sharivastava S/o Badri Prasad Shrivastava  
Aged About 72 Years R/o House No. 1142, L I G Housing Board  
Collony, Sejbahar, District Raipur C.G.

**... Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through The Secretary Water Resources  
Departmet, Mantralaya, Mahanadi Bhawan Raipur District Raipur  
C.G.

**2** - Chhattisgarh, Infrastructure, Development Corporation Through  
Its Managing Director, Shastri Chowk Raipur District Raipur C.G.

**3 - State Of Chhattisgarh Through The Secretary, Finance Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur District Raipur C.G.**

**... Respondent(s)**

***(Cause title taken from CIS)***

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For Petitioner(s) : Shri Bharat Rajput, Advocate

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For Respondent/State : Ms. Anuja Sharma, Dy. Govt. Advocate

For Respondent No. 2 : Shri Vijay Ojha, Advocate appears on behalf  
of Shri Vivek Siddharth Ojha, Advocate

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**Hon'ble Shri Justice Bibhu Datta Guru**

**Order on Board**

**12/08/2026**

1. Though in the instant petition, the petitioners sought several reliefs, but, at the very outset, learned counsel appearing for the petitioners would submit that this petition is squarely covered with the decision rendered by this Court in WPS No.697 of 2013, which has duly been affirmed by the Division Bench in WA No.622 of 2024 and as such the same may be disposed of in terms of said order.
2. Learned counsel for the petitioners submitted that the petitioners who were working under the Chhattisgarh Infrastructure Development Corporation (CIDC) on various posts have challenged the decision taken by the State of

Chhattisgarh dated 02.03.2012 whereby the employees have been denied the benefit of revision of pay-scale from 01.01.2006 to 31.10.2011. He further submitted that the decision taken by the State is contrary to the law laid down by the Hon'ble Supreme Court in the matters of ***Bihar State Beverages Corporation Limited and Others vs. Naresh Kumar Mishra and Others (2019) 5 SCC 110*** and ***Union of India and Others, vs. Satya Brata Chowdhury and Others, (2008) 16 SCC 383***. He also submitted that the benefit of revision of the pay scale on the basis of the 6<sup>th</sup> pay commission report has not been implemented by the department. Thus, the petitioners sought a direction to the respondents to extend the benefit of the 6<sup>th</sup> pay commission from 01.01.2006 to 31.10.2011.

3. On the other hand, the learned counsels for the respondents would oppose the submissions made by counsel for the petitioners. They submitted that as per the letter dated 13.10.2011 decision has already been taken to extend the benefit of the 6<sup>th</sup> pay commission to all the employees of the State Government as well as Corporate bodies etc. from 01.11.2011. They further submitted that the matter pertaining to the petitioners has already been forwarded to the State

Government for necessary action and appropriate decision would be taken by the State.

4. I have heard learned counsel appearing for the parties and perused the documents placed on the record.
5. In the matter of ***Bihar State Beverages Corporation Limited*** (***supra***), the Hon'ble Supreme Court held in paras 22 to 27 as under:-

*"22. At the outset, it is required to be noted that by impugned judgment and order the Division Bench of the High Court has directed the Appellant Corporation to grant the benefit of pay scale to the Respondents herein – original Writ Petitioners as per the 6th PRC, as per the decision of the Corporation itself in 2010. By the impugned judgment and order, the High Court has also quashed and set aside the resolution of the Corporation dated 27.3.2012, by which it was resolved to pay the salary to the employees of the Corporation as is being paid to the employees working in the parent organizations.*

*23. Now, so far as the quashing and setting aside the resolution dated 27.3.2012 by which the Corporation resolved to pay salary to the employees of the Corporation as is being paid in the parent Board/parent organization is concerned, it is required to be noted that it is not in dispute that the respective original Writ Petitioners are on deputation from different Boards/ Organizations. Therefore, if the resolution dated 27.3.2012 is permitted to be implemented, in that case, there shall be disparity in the pay scale/salary of the employees of the Corporation doing the same/similar work. There may be different pay scales/salaries in the respective parent organizations. However, when they are*

*working with the Corporation and doing the similar work, they have to be paid the salary which is paid to other employees doing the same/similar work. It is not in dispute that the employees working on different posts in the Corporation are doing the same/similar work. Therefore, the Division Bench of the High Court has rightly applied the 'Principle of Equal Pay for Equal Work' and has rightly quashed and set aside the resolution dated 27.3.2012.*

**24.** *Challenge to the resolution dated 27.3.2012 is also required to be considered from another angle. At the time of advertisement and inviting the applications, the employees were offered the specific pay scales against respective posts. It appears that the pay scale which was offered and thereafter paid by it till the resolution dated 27.3.2012 was at par with the pay scale paid to the Government employees as per the 5th PRC. Therefore, thereafter, to pay any salary/pay scale lesser than what was offered at the time of inviting the applications would be changing the conditions of service, which is not permissible.*

**25.** *Now, so far as the reliance placed upon Rule 282 and 283 of the Bihar Service Code by the Appellant Corporation is concerned, even on considering Rule 282 and 283 of the Bihar Service Code, it cannot be said that the person sent on deputation cannot be paid any more salary/emoluments than what was paid to the Government servant while working with the Government. Rule 283 reads as under:*

*"Rule 283: (a) The pay which a Government servant is to receive in foreign service shall be precisely specified in the order sanctioning his transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to pay proper, the exact nature of such remuneration, or concession shall be similarly specified; and no Government servant shall be permitted to receive any remuneration or to enjoy any concession which is not to be so specified.*

*(b) In determining an appropriate rate of pay, the*

*authority sanctioning a transfer to foreign service, shall take into account the value of any concessions which the Government servant may be permitted to enjoy, such as –*

*(i) The payment by the foreign employer of contributing towards, leave salary and pension;*

*(ii) the grant of free residential accommodation and any benefit or advantages connected therewith; and*

*(iii) the grant of traveling allowance at special rates, and the use of tents, conveyances, animals etc., belonging to the foreign employer.*

*(c) The terms granted to a Government servant who is transferred to foreign service shall not be so greatly in excess of remuneration which he would receive in Government service, as to render foreign service appreciably more attractive than Government service.*

*(d) No order of transfer to foreign service shall be issued by the State Government without previous consultation with the Finance Department.*

*(e) In cases where the power to sanction such transfer has been delegated to a subordinate authority, the initial pay of the Government servant transferred shall not, without the special orders of the State Government, exceed by more than 25 percent, the substantive pay last drawn by him in Government service and no concessions in addition to pay shall be sanctioned except the following:*

*(i) the payment by the foreign employer of contributions towards leave salary and pensions; and*

*(ii) the grant of travelling allowance on the scale prescribed in the Bihar Travelling Allowance Rules."*

**26.** *On a fair reading of Rule 283(c) and Rule 283(e), it can be seen that it is permissible for the foreign service to pay something more than what the employees were getting in the parent department. Therefore, the interpretation on behalf of the Corporation on reading Rule 283 that the employee sent on deputation to a foreign service has to be paid*

*the same salary/pay scale which he was getting in the parent department, cannot be accepted. Therefore, reliance placed on Rule 282 and 283 of the Bihar Service Code while passing the resolution dated 27.3.2012 was absolutely either misplaced and/or on mis interpretation and, therefore, the same is rightly set aside by the High Court. We are in complete agreement with the view taken by the Division Bench in quashing the resolution dated 27.3.2012.*

**27.** *Now, so far as the impugned judgment and order passed by the High Court directing the Appellant Corporation to grant pay scale to the Respondents herein, original Writ Petitioners as per the 6th PRC is concerned, it is required to be noted that, as such, the Appellant Corporation itself took a conscious decision in the year 2010 to grant the benefit of 6th PRC to the employees working with the Corporation. However, on the advice of the Finance Department that the Corporation may grant the benefit of 6th PRC to their permanent employees and not to the employees on deputation, the Corporation thereafter took a decision not to grant the benefit of the pay scale as per the 6th PRC. As rightly held by the Division Bench of the High Court, the advice by the Finance Department was nonapplication of mind, inasmuch so far as the Corporation is concerned, there is not a single employee appointed by the Corporation on permanent basis and the entire staff is either on deputation or on contract basis from other Boards/organizations. Therefore, the Division Bench of the High Court has rightly directed the Appellant Corporation to grant the pay scale to the Respondents – original Writ Petitioners as per the 6th PRC. However, at the same time, it is to be clarified that they will get the pay scale as per the 6th PRC so long as they continue to work with the Appellant Corporation and as and when they are repatriated, in that case, they shall be governed by the pay scale paid to the employees in the parent Board/Organization.”*

In the matter of **Satya Brata Chowdhury (supra)**, the Hon'ble Supreme Court held in paras 18 to 21 as under:-

***“18.** We may, at the outset, notice that the only contention raised by the appellant before the Tribunal, as also before the High Court, was that the recruitment Procedure in the Eastern Railway Administration was different for the Time-keepers. It has been held not to be so. The judgment of the Central Administrative Tribunal dated 5.7.1991 in TA No.1585 of 1986 has been noticed by us. Therein, the Tribunal directed the workmen of the workshops at Liluah and elsewhere to be treated at par with their counterparts of Kharagpur, Banaras and Chittaranjan locomotive workshop. It was, therefore, impermissible for the appellant to treat the workers similarly situated, differently. They were to be treated as workers under the [Factories Act](#). Only because some overtime allowance became payable to them or a separate seniority list was maintained or a cadre for the said workers on workshop basis was constituted, the same by itself, in our opinion did not authorize the Eastern Railway Administration to discriminate the workers working in one workshop with the workers working in the other.*

***19.** We may also notice that letter dated 13.7.2000 issued by the Chief Personnel Manager, Eastern Railways Administration; from a perusal whereof it appears that the claim of appellants that a different recruitment rules existed for the Time-Keepers of different workshops within the Eastern Railway Administration, is not correct. It has also been so found by the Tribunal as also by the High Court.*

***20.** The contention of the learned Additional Solicitor General that the Time-Keepers recruited in the Liluah workshop could be treated differently from their counterparts at Jamalpur as in the said letter they were not treated as clerical grade staff, also does not appear to be wholly correct. Appellants themselves*

*have annexed with their affidavit a letter dated 16.6.2006 issued by the Assistant Personnel Officer, Eastern Railway, Jamalpur to Chief Assistant Officer, Eastern Railway, Kolkatta wherein it was stated :*

*"As cadre/seniority of Time keeping staff is being maintained with General Group Clerks as such benefit of restructuring has been given to the time keeping staff.*

***The staff posted in Time Office and working as Time keepers are governed under Factories Act."***

***21. The Time keepers of Jamalpur Workshop, thus, have been treated as workers under the Factories Act and if they had been given the benefit of recommendations of the Fifth Pay Revision Commission, we fail to understand why the same benefit would be denied to the respondents herein."***

6. Though a decision has been taken vide letter dated 02.03.2012 by the State Government not to make payment of arrears of the revised pay-scale to the employees from 01.01.2006 to 31.10.2011, no reason has been assigned in this regard. The decision appears to be unreasonable, unfair, discriminatory and violative of Articles 14 and 21 of the Constitution of India.
7. Taking into consideration the law laid down by the Hon'ble Supreme Court in the matters of ***Bihar State Beverages Corpn. Ltd. (supra)*** and ***Satya Brata Chowdhury (supra)*** and considering the fact that the identical issue has already been considered and decided by this Court in WPS No.697/2013 and other connected matters by common order dated 11/07/2024

which has duly been affirmed by the Division Bench in WA No.622/2024 decided on 30/09/2024, the present writ petitions are also disposed of in terms of para 7 of the order passed in WPS No.697/2013 and other connected matters.

Para 7 of the said order is quoted below:-

“7. As the Circular dated 02.03.2012 has already been quashed meaning thereby the petitioners would be entitled to get the benefit of the 6th pay commission and other revisions of salary from 01.01.2006 till 31.10.2011. Thereafter, the State Authorities are directed to calculate the amount of arrears of salary of the petitioners and to make payment and decide the representation subject to verification of the amount claimed by the petitioners preferably within a period of 150 days from the date of receipt of a copy of this order”

8. Accordingly, all the writ petitions are disposed of.

Sd/-  
**(BIBHU DATTA GURU)**  
**JUDGE**

Shoaib