

GAHC010124092014



2026:GAU-AS:146

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2329/2014

UGRASEN PATHAK and 27 ORS.
GS NO. - 174786F SKT, S/O- LT. H.N. PATHAK, R/O VILL. and P.O.-
KISHUNDASPUR, DIST.- AZAMGARH, UTTAR PRADESH, PIN- 276208.

VERSUS

THE UNION OF INDIA and 5 ORS
REP. BY THE SECY., MINISTRY OF SHIPPING AND ROAD TRANSPORT AND
HIGHWAYS, BORDER ROAD DEVELOPMENT BOARD, "B" WING, 4TH
FLOOR, SEENA BHAWAN, NEW DELHI.

Linked Case : WP(C)/2325/2014

MOTI LAL GONDIA and 29 ORS
GS NO. 165175L SKT
S/O LT. OM PRAKASH
R/O NANDPURI COLONY
NEAR CHOUDHURY NIWAS DIST. SAHARANPUR UTTAR PRADESH
PIN- 247001.

VERSUS

THE UNION OF INDIA and 5 ORS
REP. BY THE SECRETARY
MINISTRY OF SHIPPING AND ROAD TRANSPORT AND HIGHWAYS
BORDER ROAD DEVELOPMENT BOARD
"B" WING
4TH FLOOR
SEENA BHAWAN
NEW DELHI.

Linked Case : WP(C)/2334/2014

DALBIR SINGH SODHI and 29 ORS
GS NO. 178234L
SKT
S/O SUB. AYA SINGH R/O HOUSE NO. 200
DIGIANA CAMP
P.O. GANGYAL JAMMU
JAMMU AND KASHMIR PIN- 180010.

VERSUS

THE UNION OF INDIA and 5 ORS
REP. BY THE SECRETARY
MINISTRY OF SHIPPING AND ROAD TRANSPORT AND HIGHWAYS
BORDER ROAD DEVELOPMENT BOARD
"B" WING
4TH FLOOR
SEENA BHAWAN
NEW DELHI.

Linked Case : WP(C)/2330/2014

KULDIP SINGH and 24 ORS.
GS NO.165148F SKT
S/O SRI NAND SINGH
R/O KUTHER
P.O. SIONITE
DIST- PATHANKOT
PUNJAB
PIN-145001

VERSUS

THE UNION OF INDIA and 5 ORS
REPRESENTED BY THE SECRETARY
MINISTRY OF SHIPPING AND ROAD TRANSPORT AND HIGHWAYS
BORDER ROAD DEVELOPMENT BOARD
B WING
4TH FLOOR BHAWAN
NEW DELHI

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the petitioner (s) : Mr. H. K. Das, Advocate
Mr. M. P. Sarma, Advocate

For the respondent (s) : Mr. R. K. D. Choudhury, Dy. SGI
Mr. B. Gogoi, AAG

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 06.01.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. H. K. Das, the learned counsel appearing on behalf of the petitioners in the batch of four writ petitions and Mr. R. K. D. Choudhury, the learned Deputy SGI who appears on behalf of the respondents.

2. The case of the petitioners in the present batch of writ petitions is that the post of Store Keeper (Technical) in the Border Roads Organization, General Reserve Engineering Force, is at parity with the post of Senior Technical Assistant in the Bureau of Mines as well as General Storekeeper in the

Government of India Press, and therefore, the post of Store Keeper (Technical) in the Border Roads Organization, General Reserve Engineering Force should be accorded the scale of pay of Rs. 9,300–34,800/- with Grade Pay of Rs. 4,200/- retrospectively w.e.f. 01.01.2006.

3. At the outset, Mr. H. K. Das, the learned counsel appearing on behalf of the petitioners submitted that pursuant to the filing of the instant batch of writ petitions in the year 2014 and the affidavit filed by the respondents in the year 2015, Draft Model Recruitment Rules have been framed wherein the post of Store Keeper (Technical) has been re-designated as Store Keeper Grade-I, and further, three additional posts have also been created. In that regard, an additional affidavit has also been filed by one of the petitioners in WP(C) No. 2334/2014.

4. Mr. R. K. D. Choudhury, the learned Deputy SGI, submitted that the question of parity of treatment with the post of Store Keeper (Technical) of the Border Roads Organization does not arise in view of the settled principles of law as laid down by the Supreme Court in the case of ***State of Bihar vs. Bihar Secondary Teachers Struggle Committee, Munger and Others***, reported in ***(2019) 18 SCC 301***.

5. Mr. H. K. Das, the learned counsel appearing on behalf of

the petitioners submitted that though the petitioners may not be entitled to pay parity, yet in view of the Model Recruitment Rules which have been adopted by the Department, as instructed to him, the petitioners are entitled to certain additional benefits, which, however, is not a pleaded case in the instant writ petitions and have been sought to be developed by way of an affidavit-in-reply.

6. This Court has given anxious consideration to the respective submissions of the learned counsel for the parties and has also perused the materials on record. In the opinion of this Court, taking into account the judgment of the Supreme Court in the case of ***Bihar Secondary Teachers Struggle Committee, Munger and Others*** (supra), the claim of pay parity vis-à-vis the post of Store Keeper (Technical) of the Border Roads Organization with that of the Senior Technical Assistant of the Indian Bureau of Mines or the General Storekeeper in the Government of India Press do not arise, and as such, the reliefs sought for in the present batch of writ petitions cannot be granted.

7. This Court has also enquired with Mr. H. K. Das, the learned counsel for the petitioners as to whether the Model Recruitment Rules formulated by the Department of Personnel and Training, Government of India, have been adopted or not. Mr. H. K. Das, the learned counsel submitted that he has been instructed that

the same has been adopted, but he does not have any notification in that regard.

8. Considering the above, it is also the opinion of this Court that merely on the basis of the Model Recruitment Rules, no writ can be issued unless those Model Recruitment Rules have been duly adopted by the concerned Department.

9. Consequently, the instant batch of writ petitions stands disposed of with the following observations and directions:—

(i) This Court does not find merit in the claim of the petitioners with respect to pay parity for entitlement to a higher pay scale and Grade Pay as sought for in the writ petitions for which the instant batch of writ petitions stands dismissed.

(ii) The dismissal of the instant writ petitions, however, shall not preclude the petitioners from claiming additional benefits, if otherwise entitled to, under the Recruitment Rules as well as the policy of the Central Government.

JUDGE