

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P. (S) No. 5402 of 2016**

.....

1. Bhism Prasad, son of late Sakaldeo Singh, resident of Qr. No. B-2033, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
2. Hare Ram, son of late Hari Narayan Pandit, resident of c/o Late Ram dayal Rai, near Gandhi Ashram Campus, Sector –II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
3. Sumit kumar, son of Late Nawal Kishore Singh, resident of Qr. No. A-7/OHC, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

..... Petitioners

Versus

1. The State of Jharkhand through the Principal Secretary, Department of Planning and Finance, having its office at Project Bhawan, H.E.C., Dhurwa, P.O. Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
2. The Special Secretary, Department of Planning and Finance, having its office at Project Bhawan, H.E.C. Dhurwa, P.O. Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
3. The Jharkhand Legislative Assembly Secretariat through its Secretary in-charge, Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
4. The Additional Secretary (Establishment), Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
5. The Joint Secretary (Establishment), Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

..... Respondents

**With**

**W.P. (S) No. 5694 of 2016**

1. Bhism Prasad, son of late Sakaldeo Singh, resident of Qr. No. B-2033, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).
2. Hare Ram, son of late Hari Narayan Pandit, resident of c/o Late Ram dayal Rai, near Gandhi Ashram Campus, Sector –II, H.E.C.

Colony, P.O. Dhurwa, P.S. Jagarnathpur, and District Ranchi-834004. (Jharkhand).

3. Sumit kumar, son of Late Nawal Kishore Singh, resident of Qr. No. A-7/OHC, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

..... Petitioners

Versus

1. The State of Jharkhand through the Principal Secretary, Department of Planning and Finance, having its office at Project Bhawan, H.E.C. , Dhurwa, P.O. Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

2. The Special Secretary, Department of Planning and Finance, having its office at Project Bhawan, H.E.C. Dhurwa, P.O. Dhurwa, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

3. The Jharkhand Legislative Assembly Secretariat through its Secretary in-charge, Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

4. The Additional Secretary (Establishment), Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

5. The Joint Secretary (Establishment), Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand).

6. The Deputy Secretary (Establishment), Jharkhand Legislative Assembly Secretariat, having its office at Russian Hostel, Sector-II, H.E.C. Colony, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi-834004. (Jharkhand)

..... Respondents.

**CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN**

|                         |                                                                          |
|-------------------------|--------------------------------------------------------------------------|
| For Petitioner          | : Mrs. Shilpi Sandil Gadodia, Advocate<br>Miss. Shruti Shekhar, Advocate |
| For the Resp.-State     | : Mr. Saurav Mahto, A.C. to G.P.-I                                       |
| For the Resp. No. 3 & 4 | : Mr. Anil Kumar, S.C. Vidhan Sabha                                      |

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**CAV on: 01.04.2026**

**Pronounced on:29.04.2026**

1. It is submitted by the counsels that both the writ petitions have originated from the same sequence of events; however, both have separate cause of action.

2. In the Writ Application being W.P.(C) No. 5402 of 2016, Petitioners' have challenged the unilateral and arbitrary revision and reduction of their Grade Pay which was fixed pursuant to implementation of the recommendation of 6<sup>th</sup> Pay Commission's Report under the Jharkhand Legislative Assembly Secretariat in the 6<sup>th</sup> Pay Revision Scale from Pay Band-I, in the scale of Rs.5,200/- to Rs.20,200/- with Grade Pay of Rs.2,000/- to Pay Band-I in the scale of in the scale of Rs.5,200/- to Rs.20,200/- with Grade Pay of Rs.1,800/.

The Petitioners have prayed for quashing the letter dated 26.05.2015 (Annexure-4) and the notification dated 03.06.2016 (Annexure-7) in the present writ application.

3. In the writ application being W.P.(C) No. 5694 of 2016, Petitioners have challenged the unilateral and arbitrary categorization of the Library attendant held by the petitioners, a Class III post to Class-IV post by virtue of the impugned notification issued vide Memo No. 2298 dated 21.09.2016 (Annexure-9) contrary to the Service Condition Rules framed by the Respondent-Jharkhand Vidhan Sabha Secretariat itself in exercise of power under Article 187 of the Constitution of India being the Jharkhand Vidhan Sabha Sachivalaya (Recruitment and Service Condition) Rules, 2003.

4. During the pendency of this writ application, Petitioner no 3 has died, and it has been submitted at bar that despite efforts being made no contact could be made with the legal heirs of Petitioner no 3. Record reveals that earlier also time was granted for substitution of legal heirs of Petitioner no 3, but no substitution petition has been filed on behalf of petitioner No 3's legal heirs. Hence, prayers to the extent for petitioner no 3 are abated. However, liberty is reserved to the legal heirs of Petitioner no 3 to file appropriate petition for substitution or file a fresh writ petition if so advised.

5. The Petitioner No 1 i.e. Bhism Prasad and Petitioner No 2 i.e. Hare Ram were initially appointed by the Bihar Legislative Assembly on the post of Peon on 13.10.1998. After bifurcation of the State of Jharkhand, Petitioner no 1 and Petitioner No 2 were transferred and their services were assigned to the Jharkhand Legislative Assembly Secretariat. On 8.10.2005, both Petitioner No 1 and Petitioner No 2 were granted promotion on Class-III post of "Library Attendant" upon passing the Limited Departmental Examination held by the Jharkhand Legislative Assemble Secretariat. After being promoted to the post of Library Attendant, both Petitioner no 1 and Petitioner No 2 were getting salary as per 5<sup>th</sup> Pay Commission Report in the pay scale of Rs.2610-60-3150-65-3540/-.

6. The 6<sup>th</sup> Pay Revision Commission came into effect from 1.1.2006, in which the concept of "Grade Pay" was introduced for the first time. The State of Jharkhand implemented the recommendation of

6<sup>th</sup> pay revision vide Circular dated 28.02.2009, issued by the Respondent –Planning and Finance Department. Salary of employees of the Jharkhand legislative Assembly Secretariat was also required to be revised in consonance with 6<sup>th</sup> pay Revision Commission Report.

7. Learned counsel for the petitioners submits that the action of the respondents in reducing the grade pay as well as placing the petitioners in Lower Class is illegal, arbitrary and against the provisions of law. It has been further stated that in exercise of power under Article 187(3) of the Constitution of India, due autonomy is granted to the Secretariat of the State Legislature in the matter of recruitment and fixation of pay scale of the Service Condition of its employees. The Jharkhand Vidhan Sabha Secretariat (Recruitment and Service Conditions) Rules, 2003 has been framed under Article 187(3) and in so far as the salary of the Secretariat Staffs are concerned, one Pad-Varg Samiti under the Chairmanship of the Minister, Finance had been directed to be constituted. The Pad-Varg Samiti is defined and is also empowered to make requisition for extra budgetary allocation from the State Government in terms of requirements which confers complete autonomy to the Committee in the matter of fixation of pay scale of the Secretariat Employees.

8. Learned counsel further submits that the promotion granted to the petitioners after duly passing the Limited Departmental Examination held by Respondent-Jharkhand Legislative Assembly Secretariat has been duly acted upon and salary and other allowances

attached with posts are allowed by the respondents and as such, the unilateral and arbitrary categorization of the Library attendant from a Class –III to Class-IV cannot be reduced by the Department of Finance in exercise of Supervisory powers and as corrective measures.

9. Learned counsel further argues that order having civil consequences in relation to reduction of grade pay and Class has been passed in complete violation of principle of natural justice. The promotion to a higher post employs promotion to a higher pay and the pay scale of the petitioners cannot be reduced in absence of the promotion being disturbed in accordance with law. The State Government/Department of Finance in Supervisory power cannot interfere in the matter of fixation of grade pay of Secretariat Staff.

10. Learned counsel for the Petitioners submitted that Respondent Jharkhand Vidhan-Sabha Secretariat came with the resolution passed vide Memo no. 1366 dated 03.06.2016 whereby the salary of the petitioners was reduced to lower grade pay and subsequently by the order dated 21.09.2016 the petitioners were reverted from Grade III to Grade IV, without any show cause or without any notice and by illegally interpreting the contents of the resolution No. 852 dated 4.3.14, and as such, the action of the respondents is illegal and arbitrary.

11. The Petitioners counsel has further submitted that respondents cannot reduce the pay grade and Class of the petitioners without giving any opportunity of hearing to the petitioners, which entails civil consequences.

It is submitted by petitioner counsel that petitioners along with similarly situated persons filed representations before the Secretary In-Charge of Respondent No 3 and requested for revision of their Grade pay from Rs.1800/- to Rs.2000/-. However, said representations filed by petitioners was summarily rejected by the Respondent no 3 vide order contained in Memo no 1926 dated 04.08.2016. Petitioners also filed a mercy Petition before the Hon'ble Speaker, Jharkhand Legislative Assembly vide representation dated 20.08.2016. However, till date no decision has been taken thereof.

12. During the pendency of this writ application, an order dated 28.10.2016 was passed by this Court in W.P.(S) no 5114 of 2007. In the said writ petition, order dated 07.10.2014 was challenged by which the promotion granted to petitioner No 1 to the Post of "Routine Clerk" from the post of Library Attendant was cancelled/withdrawn. Vide order dated 28.10.2016 this Court allowed the said writ petition and promotion granted to the petitioner no 1 on the post of Routine Clerk was restored w.e.f. 03.06.2014. This order was implemented and complied with by the Respondent no 3.

13. It is submitted by Petitioners Counsel in the case of Petitioner No. 1 that even after grant of promotion to the post of 'Routine Clerk', the prayer of Petitioner No. 1 for quashing Notification dated 03.06.2014 survives as it has been made effective from 01.06.2016, instead of 01.01.2006, and the matter of implementation of 6<sup>th</sup> Pay revision and consequential payment of arrears survives upto the date

i.e. 03.06.2014 on which the Petitioner No. 1 has been promoted to the post of 'Routine Clerk'.

14. However, counsel for the respondents vehemently opposes the contention of the learned counsel for the petitioners. Respondent counsel argues that Jharkhand Vidhan Sabha vide Office Order dated 28.03.2009 adopted the recommendation of 6th Pay Revision. Thereafter, Jharkhand Vidhan Sabha fixed the grade pay of the employees and sent the same to the Finance Department of State Government, but the same was not approved. Subsequently, grade-pay fixation was again made and sent to Finance Department, but the same was also not approved and as such, though the decision to implement the recommendation of 6th Pay Revision was taken in the year, 2009, but the matter was delayed and pay scales were not revised. Such delay caused dissatisfaction and unrest among the employees and for this reason, the Padvarg Samiti vide resolution/notification dated 04.03.2014 fixed pay scale which was interim in nature, and, required approval of Finance Department. Finally, decision was taken vide Resolution No. 1366 dated 03.06.2016 and by taking a final decision the pay scale was finalized and the post were restructured.

15. Respondent counsel submits that State is the watchdog in the financial matter and any Grade-pay of the State employees has to be approved by Finance Department. As the Grade pay was fixed without consent of the Finance Department vide resolution/notification dated 04.03.2014 and also the fact lost sight that the employees of the State



Government are getting some other Grade pay, whereas the employees of the Jharkhand Vidhan Sabha were given higher Grade-Pay. This was anomalous in nature and bound to be rationalized which finally took the shape of Resolution No. 1366 dated 03.06.2016. The respondent-State counsel argued that the Padvarg Samiti in its meeting dated 24.01.2017 approved the Resolution No. 1366 dated 03.06.2016 and as such, there is no illegality in the impugned orders.

16. Reliance has been placed on *Ranjana Kashyap and others versus Chief Secretary, Government of Jharkhand and others* reported in *2020 SCC OnLine Jhar 470* by the Respondent counsel. In the said matter this Court has restrained itself from interfering in the fixation of pay-scale already done by the Finance Department and approved by the Pad Varg Samiti. The Petitioner's counsel has stated that the judgment *Ranjana Kashyap and others versus Chief Secretary, Government of Jharkhand and others* has been challenged in *L.P.A. No 294 of 2020* and it has been submitted that the Appeal is pending before the Division Bench of this Court and the counsels for the State of Jharkhand and Jharkhand Vidhan Sabha Secretariat have been directed to be ready on the issue of, "*As to whether the State Government of Jharkhand, has got any jurisdiction said to be conferred under the Constitution to interfere in the internal affairs of the Vidhan Sabha by interfering/questioning the decision so taken by the Speaker in the light of the power conferred to the Speaker under the provision*

*of Rule 3 (ii) of the Legislative Assembly Secretariat ( Recruitment and Conditions of Service) Rules , 2003 & 2005”.*

17. The Court considering the aforesaid, is of the view that the present writ application is to wait for the outcome of the L.P.A. No 294 of 2020.

18. Accordingly, let this matter be listed after disposal of L.P.A. No. 294 of 2020.

19. Parties are at liberty to mention the present writ petition, after disposal of the aforesaid L.P.A. No. 294 of 2020.

**(Deepak Roshan, J)**

Dated:29/04 /2026

Amardeep/

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05.05.2026