

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 8869 OF 2003

STATE OF U.P. & ORS.

Appellant (s)

VERSUS

UTTAR PRADESHIYA V.N.SANGH U.P. & ORS.

Respondent(s)

(With appln(s) for directions and bringing on record addl. facts and exemption from filing O.T. and exemption from filing Vakalatnama and with office report)

WITH Civil Appeal NO. 293 of 2006

(With office report)

Civil Appeal NO. 294 of 2006

(With prayer for interim relief and office report)

Civil Appeal NO. 295 of 2006

(With prayer for interim relief and office report)

Date: 08/12/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Ms. Savitri Pandey, Adv.
Mr. Shrish Kumar Misra, Adv.
Mr. Ajay Kumar Singh, Adv.
Mrs.D. Bharathi Reddy, Adv.

For Respondent(s)
Mr. Anurag Dubey, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.,
Mr. Meenesh Dubey, Adv.
Ms. Anu Sawhney, Adv., Mr. Satyajit S.Desai, Adv.
Mr. Vijay Shekhar Singh, Adv., Mr.Prashant Dahat, Adv.
Mr. Ankit, Adv., Mr. Somanath Padhan, Adv.
Mr. Yatish Mohan, Adv.
Ms. Vinita Y. Mohan, Adv.
Mr. Vishwajit Singh, Adv.
Mr. K.P.S. Dalal, Adv.
Mr. Anil Karanwal, Adv.
Mr. Krishna Pal Singh, Adv.
Mr. Venkateswara Rao Anumolu, Adv.
Ms. Niranjana Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

We find no merit in the appeals.
The Civil Appeals are accordingly dismissed.

(DEEPAK MANSUKHANI)
Court Master

(RENUKA SADANA)
Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8869 OF 2003

STATE OF U.P. & ORS.

Appellant (s)

VERSUS

UTTAR PRADESHYA VIDYALAYA NIRIKSHAK
SANGH, U.P. & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 293 OF 2006
CIVIL APPEAL NO. 294 OF 2006
CIVIL APPEAL NO. 295 OF 2006

O R D E R

This appeal by the State of Uttar Pradesh and Ors. is directed against the order directing the appellants herein to grant pay scale of Rs. 7500-12000 to the Sub Deputy Inspector/Assistant basic Shiksha Adhikari and Deputy basic Shiksha Adhikaries as prayed for by them in their Writ Petition. A further direction was issued by the High Court directing the appellants herein to consider grant to the Writ Petitioners' higher scales than that of Head Master of the Junior High School.

The High Court in granting the relief to the respondents Writ Petitioners was mainly influenced by the fact that the scale of the Head Master was earlier lower than that of respondents Writ Petitioners before the revision. But after the

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revision of the pay scales, the Head Master's pay scale was fixed at much higher than that of Sub Deputy Inspector schools, etc. The Government by its G.O. Dated 20th July, 2001 revised the pay scales of Head Masters and other teachers of Junior High School and brought the same at par with the Central Government employees but no corresponding revision was effected in case of the respondents. The High Court having noticed this anomaly issued directions accordingly as prayed for by the respondents in their Writ Petition.

We do not find any error to have been committed by the High Court in issuing the impugned directions. However, there

is no need to further dilate on this issue since the Government itself appears to have realised the anomaly in fixation of the pay scales as is evident from the proceedings dated 12th May, 2010 emanating from Secretary, Finance Department, Govt. of Uttar Pradesh and addressed to the Secretary, Basic Education Department, Govt. of Uttar Pradesh. The proceedings disclose that an appropriate decision has been taken to rectify the pay discrepancies in respect of the post of Deputy Inspector of Schools/Deputy Basic Education Officer of the Department of Education on the recommendations of the Pay Committee(2008).

The operative portion of the said proceedings reads as under:-

"According to the above as a result of cadre constitution getting sanctioned imaginary the pay scale of Rs. 7500-12000/- from 01.01.2006 for the post of Block Education Officer, the real benefit be given from 01.12.2008."

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By the same proceedings, a decision was taken to file the same into this Court together with application supported by an affidavit in as much as such decision was taken with mutual consent of the parties. But for whatever reason, the same has not been filed into the Court.

Since the Government itself has taken appropriate decision in the matter as is evident from the proceedings referred to hereinabove, no further cause as such survives requiring any further adjudication of this appeal and the Government having taken appropriate decision cannot go back from implementing the same.

In the circumstances, the Civil Appeals are accordingly dismissed.

.....J.
(B. Sudershan Reddy)

.....J.

(Surinder Singh Nijjar)

New Delhi
December 08, 2010.