

Divisional Superintendent, Eastern ... vs Shri L.N. Keshri And Ors. on 6 August, 1974

Equivalent citations: AIR1974SC1889, 1974LABLC1275, (1974)IILLJ372SC, (1975)3SCC1, AIR 1974 SUPREME COURT 1889, 1975 3 SCC 1

Bench: A.N. Ray, K.K. Mathew

JUDGMENT

Ray, C.J.

1. These two appeals are by certificate from judgment dated 14 December, 1967 of the High Court of Patna.
2. The only question in these appeals is whether the order dated 16 August, 1966 is valid.
3. By order dated 16 August, 1966 the appellants fixed the pay of the respondents at Rs. 135/- per month in the scale of Rs. 105-135.
4. The respondents contended that their pay had been fixed in the scale of Rs. 110-180 and the scale was arbitrarily and illegally reduced.
5. The appellants contended that because of some mistake the respondents had been put in the grade of Rs. 110-180 and this mistake was rectified.
6. The respondents were confirmed in the scale of Rs. 110-180. The appellants having fixed the scale and confirmed the respondents could not reduce the scale without giving any opportunity to the respondents to be heard. Furthermore, the respondents on confirmation became entitled to rights to the post and to the scale of pay fixed by the Board.
7. The High Court rightly set aside the order. The appeals therefore fail and are dismissed. The appellants will pay costs to the respondents.