

GAHC010206762021



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

Case No. : WP(C)/6540/2021

RATUL DUTTA AND ANR

RANK ASI
S/O LATE NILA DUTTA,
RESIDENT OF HADHARAN KHATKHATI
PO AND PS MORANHAT, CHARAIDEO ASSAM

2: PANKAJ BORDOLOI
RANK HEAD CONSTABLE (WO/WT)
S/O SRI ATUL CH. BORDOLOI
VILLAGE PACHIM NAGAON
PO AND PS JAGIROAD
DIST MORIGAON
ASSAM 78241

VERSUS

THE STATE OF ASSAM AND 7 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM, HOME AND POLITICAL DEPARTMENT ,DISPUR, GUWAHATI 781006,
KAMRUP(M) ASSAM

2:THE COMMISSIONER AND SECRETARY.
GOVT. OF ASSAM
FINANCE(PAY RESEARCH UNIT) DEPARTMENT

DISPUR GUWAHATI 781006. KAMRUP(M)

3:THE ADDITIONAL SECRETARY
GOVT. OF ASSAM
FINANCE(PAY RESEARCH UNIT) DEPARTMENT
DISPUR GUWAHATI 781006. KAMRUP(M)

4:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTER
ULUBARI
GUWAHATI 07

5:THE SPECIAL DIRECTOR GENERAL OF POLICE(COMM.) ASSAM
ASSAM POLICE RADIO ORGANISATION
ULUBARI
GUWAHATI 07

6:THE ADDITIONAL DIRECTOR GENERAL OF POLICE(A) ASSAM
ASSAM POLICE HEADQUARTER
ULUBARI
GUWAHATI 07

7:THE DIRECTOR OF POLICE(COMM.) ASSAM
ASSAM POLICE RADIO ORGANISATION
ULUBARI
GUWAHATI 07

8:THE SUPERINTENDENT OF POLICE (COMM.) ASSAM
ASSAM POLICE RADIO ORGANISATION
ULUBARI
GUWAHATI 0

Linked Case : WP(C)/3381/2021

JYOTI BHUSAN DAS AND 26 ORS
RANK- ASI (WO/WT) S/O. DEBANDRA BIJAY DAS
VILL. HATKHOLA
P.O. ANANDA BAZAR
P.S. SALBARI
DIST. BAKSA
ASSAM.

2: PANKAJ BORUAH

RANK- ASI (WO/WT) S/O. LT. SAMESWAR BORUAH
APRO TRAINING SCHOOL
JALUKBARI.

3: PRAMOD DAS
RANK- ASI (WO/WT) S/O. NARAYAN DAS
VILL. JAPARKUCHI
P.O. CHOWK BAZAR
P.S. NALBARI
DIST. NALBARI
ASSAM.

4: JASHWANT RAHANG
RANK- ASI (OPERATOR) S/O. LT. JINA RAM RAHANG
VILL. NOWAGAON
P.O. HAHARA (SONAPUR)
DIST. KAMRUP (M).

5: SANKAR SAIKIA
RANK- ASI (WO/WT) S/O. LT. BHARAT CH. NATH
VILL. DAKHIN CHUBURI
P.O. SIPAJHAR
P.S. SIPAJHAR
DIST. DARRANG
ASSAM.

6: SWAPAN KUMAR DEKA

RANK- ASI (WO/WT) S/O. KALINDRA NATH DEKA
VILL. JAGARA
P.O. JAGARA
P.S. BELSOR
DIST. NALBARI
ASSAM.

7: NAZIMUDDIN AHMED
RANK- ASI (OPERATOR) S/O. LT. MAZUM ALI
R/O. HENGRABARI
LICHULEAGAN
DIST. DISPUR
DIST. KAMRUP (M)

8: ASHWINI KUMAR GOGOI

RANK- ASI (WO/WT) S/O. LT. KANAKESWAR GOGOI
SURJYANAGAR
SATGAON
P.O. UDAYAN VIHAR
GUWAHATI-07.

9: MAHAMADUL HAQUE BARLASKAR

RANK- ASI (WO/WT) S/O. SUABUR RAHMAN BARLASKAR
R/O. H/NO.75

ANUPAM PATH
P.S. HATIGAON
DIST. KAMRUP (M)

10: SAMIN KUMAR BORO
RANK- ASI (WO/WT) S/O. LT. HARANATH BORO
H/NO.13
BIRUBARI UDAIPUR OFF SISHU SAROTHI
R.K. MISSION ROAD
P.O. GONINATH NAGAR
P.S. PALTAN BAZAR
KAMRUP(M).

11: BIJAYANTA DAS
RANK- ASI (WO/WT) S/O. JYOTISH CH. DAS
R/O. H/NO.10
BHASKAR NAGAR
NEAR KARBI PATH NAMGHAR
P.O. BAMUNIMADAM
P.S. GEETANAGAR
DIST. KAMRUP (M)
ASSAM.

12: ASHIL CH KATHAR

RANK- ASI (OPERATOR) S/O. LT. DHAWA RAM KATHAR
P.O. MALOIBARI
P.S. KHETRI
DIST. KAMRUP (M).

13: TARANI SEN BARMAN

RANK- ASI (OPERATOR) S/O. LT. GAURI SANKAR BARMAN
VILL. NOONMATI GOPAL NAGAR
P.O./P.S. NOONMATI
DIST. KAMRUP (M)
ASSAM.

14: ANANDA CHOUDHURY

RANK- ASI (OPERATOR) S/O. LT. SADANANDA CHOUDHURY
VILL. PUB PIPLA
P.O. NITYANANDA P.S. PATCHARKUCHI
BARPETA
ASSAM.

15: DHIREN DAS

RANK - ASI (OPERATOR)
S/O LATE KANAK CH. HALOI

VILLAGE/P.O. PIPLIBARI
P.S. BELSOR
DISTRICT - NABARI
ASSAM.

16: SMTI MANJU DEVI
RANK - ASI (OPERATOR)
D/O LATE NABIN SARMAH

R/O APRO COLONY
ULUBARI
GUWAHATI - 7

17: RAJAT KALITA
RANK - ASI (CYPHER)
S/O LATE HARENDRA NATH KALITA
APRO RESIDENTIAL COMPLEX
K.C. SEN ROAD
PALTAN BAZAR

GUWAHATI - 8

18: GAGAN CH. DEKA

RANK - ASI (WO/WT)
S/O SHRI KAMALA KT. DEKA
VILLAGE/P.O. ADABARI
P.S. MUKALMUA
DISTRICT - NABARI
ASSAM.

19: SUKUMAR SARMAH
RANK - ASI (OPERATOR)
S/O LATE ANANTA SARMAH
APRO RESIDENTIAL COMPLEX
K.C. SEN ROAD
PALTAN BAZAR

GUWAHATI - 8

20: CHANAKYA THAKURIA
RANK - HEAD CONSTABLE
S/O HARIPAD THAKURIA
VILLAGE/P.O. BIJOYNAGAR

DISTRICT - KAMRUP (M)
PIN - 781122

21: JUMI MEDHI

RANK - HEAD CONSTABLE (WO/WT)
D/O SHRI DINESH MEDHI
VILLAGE - HELAGOG
P.O. KHETRI
P.S. - KHETRI

DISTRICT - KAMRUP (M)
PIN - 782403

22: RANJAN DEKA

RANK - HEAD CONSTABLE
S/O JYOTISH DEKA
VILLAGE - SALMARA
P.O. BEZERA
P.S. BIHATA CHARIALI

DISTRICT - KAMRUP (R).

23: DEBAJIT KALITA

RANK - HEAD CONSTABLE (WO/WT)
S/O SHRI ASHWINI KUMAR KALITA
VILLAGE- TARANI
P.O. - TARANI
P.S. RANGIA

DISTRICT- KAMRUP (R)
PIN- 781354

24: KARABI DAS

RANK - HEAD CONSTABLE (WO/WT)
D/O BHADRESWAR DAS
VILLAGE- ALTA
P.O. DUMONI CHOWKI
P.S. BAIHATA CHARIALI

DISTRICT - KAMRUP (METRO)
ASSAM

25: DWIPEN KATHAR

RANK - HEAD CONSTABLE (WO/WT)
S/O KRISHNA KATHAR
P.O. SONAPUR
P.S. SONAPUR
DISTRICT - KAMRUP (METRO)
ASSAM
PIN - 782402

26: RANTU KUMAR DAS

RANK - HEAD CONSTABLE (WO/WT)
S/O PRABHAT CH. DAS
VILLAGE - PARLLY
P.O. PALASHBARI
P.S. PALASHBARI

DISTRICT - KAMRUP (R)
ASSAM
PIN - 781128

27: MANU KUMAR

RANK - HEAD CONSTABLE (WO/WT)
S/O BIPIN KUMAR

VILLAGE - UDALBAKRA
LALGANESH

P.O.UDALBAKRA
P.S. - DISPUR
DISTRICT - KAMRUP (M)
ASSAM
PIN - 781034
VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPTT.
DISPUR
GUWAHATI-781006
KAMRUP (M)
ASSAM.

2:THE COMMISSIONER AND SECY.

GOVT. OF ASSAM
FINANCE (PAY RESEARCH UNIT) DEPTT.
DISPUR
GUWAHATI-781006
KAMRUP (M)
ASSAM.

3:THE ADDL. SECRETARY

GOVT. OF ASSAM
FINANCE (PAY RESEARCH UNIT) DEPTT.
DISPUR

GUWAHATI-781006
KAMRUP (M)
ASSAM.

4:THE DIRECTOR GENERAL OF POLICE

ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-07.

5:THE SPECIAL DIRECTOR GENERAL OF POLICE (COMMUNICATION)

ASSAM
ASSAM POLICE RADIO ORGANISATION
ULUBARI
GUWAHATI-07.

6:THE ADDL. DIRECTOR GENERAL OF POLICE (A)

ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI-07.

7:THE DIRECTOR OF POLICE (COMMUNICATION)

ASSAM
ASSAM POLICE RADIO ORGANISATION
ULUBARI
GUWAHATI-07.

8:THE SUPERINTENDENT OF POLICE (COMMUNICATION)

ASSAM
ASSAM POLICE RADIO ORGANISATION
ULUBARI
GUWAHATI-07.

BEFORE

HON'BLE MR. JUSTICE RAJESH MAZUMDAR

Advocate for the Petitioners : Mr. I. H. Saikia

Advocate for the Respondent : Mr. R. Borpujari, SC, Finance

Department

Date on which judgment was reserved: **12.03.2026**

Date of pronouncement of judgment : **09.06.2026**

Whether the pronouncement is of the **NA**

operative part of the judgment?

Whether the full judgment has been : **Yes**

pronounced?

JUDGMENT AND ORDER (CAV)

Heard Mr. I.H. Saikia, learned Counsel for the petitioners. Also heard Mr. R. Borpujari, learned Standing Counsel for the Finance Department.

2. The petitioners in these writ petitions are serving as Assistant Sub-Inspectors and Head Constables, respectively, in the Assam Police Radio Organization (APRO) under the Director General of Police, Assam, Department of Home Affairs, Assam. They are aggrieved as, according to them, they have not been granted the appropriate revised grade pay in the ranks of Assistant Sub Inspector (Grade I), Assistant Sub Inspector (Grade II) and Head Constable of the Assam Police Radio Organization (APRO) although counterparts who serve under the same Director General of Police in the Home Department have been granted the said benefits on acceptance of the recommendations of the 7th Assam Pay and Productivity Commission (hereinafter referred to as 7th APPC for convenience).

BRIEF FACTS:

3. It is the case of the petitioner that equilibrium was maintained between the Grade Pay of ranks in the APRO and the corresponding ranks in the Assam Police (AB/UB) posts in all the revisions of pay prior to the implementation of the recommendations of the 7th Pay Commission. According to the petitioners, the parity maintained under the revision of pay under the recommendation of the 5th Pay Commission was as follows:

(a) The posts figuring in the ASI Grade I of the APRO were authorised a pay scale of Rs. 3130-6600/-, which is one step higher in the pay scale than the pay scale authorised to the posts figuring in the ASI (UB/AB) of the Assam Police and ASI Grade II of the APRO.

(b) The ASI Grade II of the APRO were authorised a pay scale of Rs. 3010-6075/- and the same pay scale was also authorised to the posts figuring in the ASI (UB/AB) of the Assam Police.

(c) The Head Constable (earlier known as Constable Grade II, and later redesignated as Head Constables), of the APRO, were authorised a pay scale of Rs. 2890-6725/- and the same pay scale was also authorised to the post of Head Constable (AB/UB), of the Assam Police.

4. Being aggrieved by a disparity in the ranks between the incumbent serving in the APRO and the incumbent serving in the other sub-organization under the Directorate General of Police, a few Constables (Wireless Operator/Wireless Technician) had preferred WP(C) 6712 of 2010. The petitioners in that case had sought a redesignation of their ranks to be upgraded to the rank of Head Constable. The order dated

18.12.2013 disposing of the aforesaid writ petition is quoted herein below for ease of reference:

"2. Nevertheless, I may refer to the salient features of the case as projected by both the petitioners and the State-respondents in their affidavit-in-opposition for clarity. The petitioners were appointed as Constable (Wireless Operator /Wireless Technician) with the requisite qualification of 10+2 (Science) pass with Physics, Chemistry and Mathematics in the pay scale of '2650-5200/- along with other admissible allowances on various dates between 2001-2002 and 2008-2009. Prior to the recommendation of the Syllabus Committee, the requisite qualification for such post of Constable was HSLC with the pay scale of '2650-5200/- per month. However, in the year 1995, the Syllabus Committee had submitted a report recommending the qualification of 10+2 (Science) Pass with Physics, Chemistry, Mathematics. After their selection for the post, the petitioners had to undergo 39 weeks' of Police Basic Drill & Discipline Training, which were also mandatory for all directly recruited Constable, ASI, CSI where after they would be required to undergo pre-requisite selection criteria for upgrading of programmes, starting Grade-III Course in Police wireless operator trade. This was followed by doing either upgradation course for Police Wireless Operator Trade-II & I or under willingness-cum-seniority which they had to undergo for Grade-III, II & I Course in Police Wireless technician trade. The nature of their job also requires dealing with sophisticated Wireless Communication Technology System and Networks for law and order communication including monitoring/interception of original signals/ unauthorised transmissions and also provides communication in the State in matters of public importance and during natural calamities like earthquake, flood, cyclones, etc. with upgrade course to increase proficiency level in respect of the trade.

3. It is also stated by the petitioners that though the petitioners have higher qualifications with superior method of recruitment and training and higher nature of their duties and responsibilities vis-à-vis other employees in the Home

Department such as Police Constable, yet the respondent authorities had arbitrarily been paying the higher pay scale of '2890-5725/- to those State employees, who are inferior to, or more or less equivalent to the petitioners. Due to the pay disparity in the pre-revised pay scale, the petitioners are placed in the Pay B and-2 ('5,200-20200) with Grade pay of '1900/-, whereas a Constable of Assam Police Radio Organization (APRO) is placed at Pay Band-2 ('5,200-20200) with Grade pay of '2,000/- inasmuch as fixation in the revised Pay Band and Grade Pay have been done on the basis of the pre-revised pay scale though they (the petitioners) claimed to be far superior to that of Constable in the APRO in length of training, nature of job and educational qualification.

4. Furthermore, in the Assam Service (Revision of Pay) Rules, 2010, the post of Havildar under APRO was shown at Pay Bands-2 ('5200-20200) with Grade Pay of '2000/-, whereas there is neither any direct recruit of Havildar in APRO nor is there any promotion from Constable (Wireless Operator, Wireless Technician) to Havildar since as per the criteria for promotion, the next promotion post for Constable (Wireless Operator/Wireless Technician) is ASI i.e. when a Constable of Police (Wireless Operator/Wireless Technician) completes five years of regular service in the rank and qualifies as Grade-II in their respective trade. Again, in the Assam Service (Revision of Pay) Rules, 2010, neither the designation nor the qualification/trade were shown i.e. Constable (Wireless Operator/Constable (Wireless Technician). It is the case of the petitioners that even though the respondents had raised the minimum qualification up to 10+2 (Physics, Chemistry and Mathematics), they had not made corresponding changes in the designation and pay scale, say, up to '2890-5725 by overlooking the fact that they are discharging more onerous duties than that of Wire Operator in the Office of the Deputy Controller, Civil Defence. According to the petitioners, the respondent authorities have assured the petitioners time and again that their designation and pay scale would be reconsidered, but they have not done so till now. This is how this writ petition has been filed.

5. In their affidavit-in-opposition, the respondent authorities take the stance that the pay scale of '2650-5200 of the Constable Operator, Grade-III (Constable of Police, Wireless Operator/Wireless Technician) was prescribed in the Assam Services (Revision of Pay) Rules, 1998 as per the recommendation of the Assam Pay Commission, 1994 with effect from 1-1-1996. The pay scale of '2890-5725 is prescribed for Grade-II Cadres of Constable Operator (Constable of Police, Wireless, Wireless Operator/Wireless Technician), Havildar/Head Constable, etc., whereas the petitioners are Grade-III Constable of Police, Wireless Operator/Wireless Technician.

6. That apart, according to the answering respondents, the designation of the petitioners have not been shown as Constable of Police (Wireless Operator/Wireless Technician) in the Assam Services (Revision of Pay) Rules, 2010 but shown as Constable Operator, Assam Police Radio Organization (APRO). The answering respondent further states that the petitioners had submitted a joint memorandum to the Chairman, Pay Anomaly Committee, which recommended the re-designation of certain posts and also recommended to the Home Department to take necessary action as recommended by the Assam Pay Commission, 2008 at page 124 of the report and in the light of the view expressed by the Pay Anomaly Committee. It is also stated therein that with regard to reconsideration of the higher pay scale to the petitioners, it is stated therein that the Pay Anomaly Committee had recommended to increase the Grade Pay in Pay Band 1 and 2 and the Finance Department has issued the Notification dated 19-2-2011 in this behalf. The scale of pay of '2890-5725 and '2650-5200 to HSLC passed and non-HSLC Wireless Operators respectively were prescribed in accordance with the recommendation of the Assam Pay Commission, 1994.

7. On reading and re-reading the contents of the affidavit-in-opposition of the respondent authorities, I am constrained to say that the respondents are unable to take a definite stance, and are merely indulging in the exercise of semantics. What, however, can be inferred from their averments in the affidavit by necessary implication is that they are inclined to concede in principle the demands of the petitioners, but are afraid to

so perhaps to avoid any possible chain reaction from employees of different Departments/establishments. The Assam Pay Commission in the Department-wise recommendation (Annexure-B) had recommended that the respective Departments might look into the demands regarding re-designation of various posts in accordance with changing times, new job requirement, duties and responsibilities etc. The Pay Anomaly Committee also recommended that the Home Department might take necessary action regarding re-designation of certain posts as mentioned in the petition of the petitioners as recommended by the APC, 2008 and noted that the Committee had already recommended increasing the Grade Pays of Pay Band 1 and 2 of Chapter 2. The Finance Department (Pay Research Unit) Department, Government of Assam passed the resolution vide the Notification dated 19-2-2011 enhancing the existing Grade Pay of Pay Band-2 from '1,900/- to '2, 100/- with effect from 1-1-2011.

8. At this stage, I may also refer to the consolidated statement with justification on the anomalies of Revised Pay Structure of Officers and men of APRO in the Assam Services (ROP) Rules, 2010 submitted by the Director of Police (Communication), Assam, which, considering the intake qualification and in-service technical training, had recommended correction of the anomalies by enhancement of the Grade-Pay @ '2100/-. The only ground projected by the respondent authorities for not enhancing the pay scale of the petitioners to '2890-5725 from the date of their appointments and with a revised pay scale of '5200-20200/- under Pay Band -2 with the Grade pay of '2100 with effect from 1-1-2006 and for not re-designating of their post to Head Constable is that the post of Constable of Police (Wireless Operator/Wireless Technician) is not shown in the Assam Services (Revision of Pay) Rules, 2010. On a comparative reading of the affidavit filed by the respondent authorities and the annexures enclosed therewith, it is irresistible to conclude that there is no rationality in the stance taken by them in resisting the demands of the petitioners. In my judgment, the matter requires, therefore, fresh examination by the respondent authorities with the seriousness it deserves. This warrants the interference of this Court.

9. The respondent authorities are, accordingly, directed to re-examine the cases of the petitioners in the light of the observations made by me elsewhere and thereafter take a decision for payment of the pre-revised scale of pay of '289 0-5725 from the date of their appointment, the revised pay under Pay Band-2 of ' 5200-20200 with the Grade Pay of '2100/- with effect from 1-1-2006 and for re-designation of their post as Head Constable in accordance with law within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

5. A similar petition bearing WP(C) No. 4376 of 2014 had been disposed of by order dated 05.09.2014, holding that it was similar to WP(C) 6712 of 2010.

6. It is a matter of record that, in compliance of the orders of the Court, the Government had granted the Pre- Revised pay scale of Rs. 2890-5725/- and Revised pay scale in Pay Band-2, 5200 - 20,200/- Grade Pay Rs. 2100/- (later revised to 2400/-) to the Constable (WO/WT) with effect from the date of the ROP-2010 coming into effect i.e. 01-01-2006. Further, by an order dated 07.02.2018 issued by the Principal Secretary, Home and Political Department, Dispur, the rank of Constable (WO/WT) was redesignated as Head Constable (WO/WT).

7. In the meantime, on the implementation of the recommendation of the 7th Pay Commission, the pay of the petitioners herein in their corresponding ranks was fixed as follows:

(a) The rank of ASI Grade I of the APRO was authorised pay in Pay Band 2, with Grade Pay of Rs. 6400/-,

(b) The rank of ASI Grade II of the APRO was authorised pay in Pay Band 2, with Grade Pay of Rs. 6200/-,

Pertinent, the equivalent rank of ASI (AB/UB) in the Assam Police was authorised their pay in Pay Band 2, with Grade Pay of Rs. 7400/-, enhanced w.e.f. 01/04/2016 vide notification dated 15/06/2018.

(c) The rank comprising the Head Constables of the APRO was authorised pay in Pay Band 2, with Grade Pay of Rs. 6200/-.

Pertinent, the equivalent rank of Head Constable (AB/UB) in the Assam Police was authorised their pay in Pay Band 2, with Grade Pay of Rs. 6800/-, enhanced w.e.f. 01/04/2016 vide notification dated 15/06/2018.

8. It is the case of the petitioners that the subsequent Grade Pay of Rs. 7400/- granted to the rank of ASI (Armed Branch and Unarmed Branch) of the Assam Police and the enhancement of Grade Pay of Rs. 6800/-, afforded to the rank of Head Constable (AB/UB) of the Assam Police, which has been enhanced w.e.f. 01/04/2016 vide notification dated 15/06/2018, has not been granted to the ASI Grade I, ASI Grade II and the Head Constables of the APRO, despite the fact that the APRO is an integral part of the Assam Police, functioning under the Director General of Police, Assam and the Home Department, Assam.

9. The notification dated 15.06.2018, which enhanced the Grade Pay of the incumbents working in the UB/AB under the Director General of Police, is reproduced herein below for ease of reference:

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur the 15 June 2018.

No.FPC 30/2017/203: In cancellation of earlier Notification No. FPC 30/2017/202 dated 14.5.2018 and in exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to order that following amendments shall be made in the Schedule to the Assam Services (ROI) ROM Rules, 2017 published in the extra ordinary Issue of the Assam Gazette dated 17 March 2017 under the Notification No. FPC. 1/2017/P2, dated 17-03-2017 namely:-

In the pay schedule under the Head "HOME DEPARTMENT™ below the Sub-Head "(1) DIRECTOR GENERAL OF POLICE the existing entries in column (5) (at page 510,511 and 518) against the following posts shall be substituted as below:

| Name of post or service | Existing pay scale (RL) | | Revised Pay Structure | |
|-------------------------|-------------------------|----------------|-----------------------|-----------|
| | Pay Band (Rs.) | Grade Pay (Rs) | Pay Band (Rs.) | Grade Pay |
| (1) | (2) | (3) | (4) | (5) |
| ASI(UB/AB) | PB-2, 5200-20200 | 2500 | PB-2, 14000-49000 | 7400 |
| HC(UB/AB) | PB-2, 5200-20200 | 2400 | PB-2, 14000-49000 | 6800 |
| HAV(UB/AB) | PB-2, 5200-20200 | 2200 | PB-2, 14000-49000 | 6800 |
| NK(UB/AB) | PB-2, 5200-20200 | 2100 | PB-2, 14000-49000 | 6200 |
| LNK(UB/AB) | PB-2, 5200-20200 | 2100 | PB-2, 14000-49000 | 6200 |
| Constable (UB/AB) | PB-2, 5200-20200 | 2200 | PB-2, 14000-49000 | 5600 |

Sd/(Sri D. Malakar, IAS)
Secretary to the Govt. of Assam.
Finance (PRUD Department)

PROJECTION OF THE PETITIONERS:

10. The learned Counsel for the petitioners has drawn the attention of this Court to the contents of sub-Para 2 of paragraph 1.17 of the report of the 7th Assam Pay and Productivity Pay Commission submitted on 18 Nov, 2016, where at page 154, where the Commission had recommended as follows:

"1.17.

(2) The Commission recommends that the GP for Constable and other ranks up to the level of ASI should be as follows:-(a) Constable Rs.2200, (b) Lance Naik Rs.2400, (c) Naik- Rs.2500, (d) Havildar/Head Constable - Rs.2700 and (e) ASI- Rs.2900. The same GP shall be allowed for the equivalent ranks in Home Guards."

11. Drawing the attention of this Court to the events which led to the order dated 07.02.2018, the learned Counsel for the petitioner has referred to the report of the 7th Assam Pay and Productivity Pay Commission submitted on 18 Nov, 2016, where at page 156, the Commission had noted as follows:

"(10) Regarding the petition of Sri Amrit Jyoti Bora and others who are working as Constable (WO/WT), the Commission observes that the Govt. of Assam issued an order dated 11/4/2013 granting the pay in PB-2 with GP of Rs. 2100 to the Constables (WO/WT) with effect from 1.1.2006. However this order does not say anything about the redesignaion of the post for which the Hon'ble Gauhati High Court had passed an order to take a decision in the matter. The Commission therefore recommends that in the light of the relevant order of the Hon'ble High Court, the department should decide the designation for the post in the GP of Rs. 2100 and inform the Finance (PRU) Department for necessary changes in the next ROP."

12. The learned Counsel for the petitioners has submitted that, the Assam Service (Revision of Pay) Rules, 2017 were published in the extraordinary issue of the Assam Gazette No.74, dated 17th March 2017, whereunder the pay structures, relevant for the purposes of these petitions were as follows:

| Name of Post or Service | Existing Pay Scale | | Revised Pay Structure | | Remarks |
|--|--------------------|---------------|-----------------------|---------------|--|
| | Pay Band (₹) | Grade Pay (₹) | Pay Band (₹) | Grade Pay (₹) | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| <u>HOME DEPARTMENT</u> | | | | | |
| <u>(I) DIRECTOR GENERAL OF POLICE</u> | | | | | |
| Assam Police Service (Senior Grade-I) | PB-4 12000-40000 | 6600 | PB-4 30000-110000 | 15700 | <i>Deptt. Shall take action as per Para 2.2 of Chapter 7 of the Report of 7th APPPC</i> |
| Assam Police Service (Senior Grade-II) | PB-4 12000-40000 | 6300 | PB-4 30000-110000 | 14500 | |
| Assam Police Service (Junior) | PB-4 12000-40000 | 5400 | PB-4 30000-110000 | 12700 | |
| Assistant Lady Welfare Officer | PB-2 5200-20200 | 3000 | PB-2 14000-49000 | 7400 | |
| Inspector of Police (UB/ AB) | PB-3 8000-35000 | 4600 | PB-3 22000-87000 | 10300 | |
| Sub-Inspector of Police (UB/ AB) | PB-2 5200-20200 | 3300 | PB-2 14000-49000 | 8700 | |
| Assistant Sub Inspector of Police (UB/ AB) | PB-2 5200-20200 | 2500 | PB-2 14000-49000 | 6200 | |
| Head Constable (UB/ AB) | PB-2 5200-20200 | 2400 | PB-2 14000-49000 | 6200 | |
| Havildar | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 | |
| Constable UB/ AB | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 | |
| Constable Driver/ Dispatch Rider/ Constable Handyman/ Carpenter Constable/ Messenger Constable | PB-2 5200-20200 | 2100 | PB-2 14000-49000 | 5000 | |
| ----- | ----- | ----- | ----- | ----- | |
| ----- | ----- | ----- | ----- | ----- | |

DISTRICT ESTABLISHMENT

| | | | | |
|---------------------------------------|----------------|------|------------------|------|
| Record Keeper (SB Office) | PB-25200-20200 | 2900 | PB-2 14000-49000 | 7400 |
| Record Keeper (CID) | PB-25200-20200 | 2900 | PB-2 14000-49000 | 7400 |
| Index Assistant (SB Office) | PB-25200-20200 | 2700 | PB-2 14000-49000 | 6800 |
| First Assistant (SB Office) | PB-25200-20200 | 3000 | PB-2 14000-49000 | 7400 |
| Index Clerk (SB Office) | PB-25200-20200 | 3000 | PB-2 14000-49000 | 7400 |
| Assistant Index Assistant (SB Office) | PB-25200-20200 | 2400 | PB-2 14000-49000 | 6200 |
| Accountant | PB-25200-20200 | 2900 | PB-2 14000-49000 | 7400 |

BORDER AND RIVER POLICE ORGANISATION

| | | | | |
|------------------------------|-----------------|-------|------------------|-------|
| ----- | ----- | ----- | ----- | ----- |
| ----- | ----- | ----- | ----- | ----- |
| ASI of Police (River Police) | PB-2 5200-20200 | 2500 | PB-2 14000-49000 | 6200 |
| SI of Police (River Police) | PB-2 5200-20200 | 3300 | PB-2 14000-49000 | 8700 |
| Constable (River Police) | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |

(BUREAU OF INVESTIGATION (ECONOMICS OFFENCES))

| | | |
|-------------------------|--|--|
| Superintendent of Taxes | Corresponding Pay of Superintendent of Taxes | Corresponding Pay of Superintendent of Taxes |
| Inspector of Taxes | Corresponding Pay of Inspector of Taxes | Corresponding Pay of Inspector of Taxes |
| Motor Vehicle Inspector | Corresponding Pay of Motor Vehicle Inspector | Corresponding Pay of Motor Vehicle Inspector |
| Enforcement Inspectors | Corresponding Pay of Enforcement Inspectors | Corresponding Pay of Enforcement Inspectors |

| | | |
|-------------------------------|--|--|
| Inspector of Excise | Corresponding Pay of Inspector of Excise | Corresponding Pay of Inspector of Excise |
| Conservator of Forest | Corresponding Pay of Conservator Forest | Corresponding Pay of Conservator Forest |
| District Agricultural Officer | Corresponding Pay of Personnel deputed from Agriculture Department | Corresponding Pay of Personnel deputed from Agriculture Department |
| Superintendent of Supply | Corresponding Pay of Superintendent of Supply | Corresponding Pay of Superintendent of Supply |
| Inspector of Supply | Corresponding Pay of Inspector Supply | Corresponding Pay of Inspector Supply |

ASSAM POLICE RADIO ORGANISATION

| | | | | |
|--|--|------|--|-------|
| Director of Police (Communication) | PB-4 12000-40000 | 7400 | PB-4 30000-110000 | 16900 |
| Superintendent of Police (Communication) | PB-4 12000-40000 | 6300 | PB-4 30000-110000 | 14500 |
| Additional Superintendent of Police (Communication) | PB-4 12000-40000 | 6300 | PB-4 30000-110000 | 14500 |
| Deputy Superintendent of Police (Communication) | PB-4 12000-40000 | 5400 | PB-4 30000-110000 | 12700 |
| Inspector of Police (W/T) | PB-3 8000-35000 | 4600 | PB-3 22000-87000 | 10300 |
| | (In case of promotion) | | (In case of promotion) | |
| | PB-3 8000-35000 | 4500 | PB-3 22000-87000 | 9700 |
| | (In case of Direct recruitment) | | (In case of Direct recruitment) | |
| Sub-Inspector (W/T), (OP/ RM/ Fitter/ Store/ Cypher) | PB-3 8000-35000 | 4300 | PB-3 22000-87000 | 9100 |
| | (For Grade-I, SI(WT)) | | (For Grade-I, SI(WT)) | |
| | PB-2 5200-20200 | 3300 | PB-2 14000-49000 | 8700 |
| | (For Grade-II, SI(WT)) | | (For Grade-II, SI(WT)) | |

| | | | | |
|--|--------------------------------|------|--------------------------------|------|
| Havildar | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| AB Sub-Inspector | PB-2 5200-20200 | 3300 | PB-2 14000-49000 | 8700 |
| Assistant Sub-Inspector(W/T), (Operator/ Fitter/RM Store/ Cypher) | PB-2 5200-20200 | 2400 | PB-2 14000-49000 | 6200 |
| | (For Grade-II, ASI(WT)) | | (For Grade-II, ASI(WT)) | |
| | PB-2 5200-20200 | 2500 | PB-2 14000-49000 | 6200 |
| | (For Grade- I, ASI(WT)) | | (For Grade- I, ASI(WT)) | |
| Constable Operator | PB-2 5200-20200 | 2100 | PB-2 14000-49000 | 5000 |
| | (For Grade-III) | | (For Grade-III) | |
| | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| | (For Grade-II) | | (For Grade-II) | |
| Constable | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| Driver/ Dispatch Rider/ Messenger/ Carpenter/ Handyman | PB-2 5200-20200 | 2100 | PB-2 14000-49000 | 5000 |
| UB Constable | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| | (For Grade-III) | | (For Grade-III) | |
| | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| | (For Grade-II) | | (For Grade-II) | |

**(i) DIRECTOR GENERAL OF CIVIL DEFENCE & COMMANDANT
GENERAL OF HOME GUARDS**

Director General of Civil
Defence and
Commandant General
Home Guards

**Borne in Indian
Police Service**

**Borne in Indian
Police Service**

| | | | | |
|--|---|------|---|-------|
| Dy. Director of Civil Defence and Dy. Commandant General, Home Guards | PB-4 12000-40000 | 6600 | PB-4 30000-110000 | 15700 |
| Senior Staff Officer | PB-4 12000-40000 | 6300 | PB-4 30000-110000 | 14500 |
| Junior Staff Officer | PB-3 8000-35000 | 5100 | PB-3 22000-87000 | 11500 |
| Public Relation Officer | PB-3 8000-35000 | 4700 | PB-3 22000-87000 | 10900 |
| | (Corresponding Pay if filled up by deputation from DIPR) | | (Corresponding Pay if filled up by deputation from DIPR) | |
| Medical and Health Officer | Corresponding Pay of Medical and Health Officer deputed from H&FW Department | | Corresponding Pay of Medical and Health Officer deputed from H&FW Department | |
| Finance & Accounts Officer | Borne in AFS | | Borne in AFS | |
| Internal Auditor | PB-2 5200-20200 | 3100 | PB-2 14000-49000 | 8000 |
| | (Corresponding Pay if filled up by deputation from DIPR) | | (Corresponding Pay if filled up by deputation from DIPR) | |

**OFFICE OF THE COMMANDANT OF ASSAM SPECIAL RESERVE
FORCE BATTALION**

| | | | | |
|---------------------|--|------|--|-------|
| Commandant ASRF Bn. | PB-4 12000-40000 | 6300 | PB-4 30000-110000 | 14500 |
| | (Corresponding Pay, if filled up by Police Personnel) | | (Corresponding Pay, if filled up by Police Personnel) | |
| 2nd in Command | PB-4 12000-40000 | 6300 | PB-4 30000-110000 | 14500 |

| | (Corresponding Pay, if filled up by Police Personnel) | | (Corresponding Pay, if filled up by Police Personnel) | |
|-------------------------------------|--|------|--|-------|
| Assistant Commandant | PB-3 8000-35000 | 5100 | PB-3 22000-87000 | 11500 |
| | (Corresponding Pay, if filled up by Police Personnel) | | (Corresponding Pay, if filled up by Police Personnel) | |
| Medical & Health Officer | Corresponding Pay of Medical and Health Officer | | Corresponding Pay of Medical and Health Officer | |
| Subedar | PB-3 8000-35000 | 4600 | PB-3 22000-87000 | 10300 |
| Platoon Commander | PB-2 5200-20200 | 3300 | PB-2 14000-49000 | 8700 |
| Havildar | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| Naik | PB-2 5200-20200 | 2100 | PB-2 14000-49000 | 5000 |
| Lance Naik | PB-2 5200-20200 | 2100 | PB-2 14000-49000 | 5000 |
| Constable | PB-2 5200-20200 | 2200 | PB-2 14000-49000 | 5600 |
| Compounder | PB-2 5200-20200 | 2500 | PB-2 14000-49000 | 6200 |
| Dresser | PB-2 5200-20200 | 2000 | PB-2 14000-49000 | 5000 |

13. By order dated 18.05.2017, the Committee to examine the anomaly, if any, in the recommendations of the 7th pay commission was constituted. By another communication of the same date, the Additional Director General of Police wrote to the Commissioner of the Secretary, Government of Assam, requesting him to approach the appropriate authority for revision of grade pay in the ranks of ASI (AB/UB), HC, NK, and LNK in the existing Grade Pay in ROP 2017. The chart demonstrates the recommendations of the 7th APPC against the 6th pay commission in

ROP 2010, the revised Grade Pay proposed as per the recommendation of the 7th APPC, and the GP as per ROP 2017.

| SI. No. | Ranks | Recommendation of 7th APPC (against 6th Pay Commission in ROP' 2010) | Revised GP proposed as per the recommendation of 7th APPPC, against 6th Pay Commission in ROP' 2010 | GP as per ROP' 2017 |
|---------|-------------|--|---|---------------------|
| 1. | ASI (UB/AB) | Rs. 2900/- | Rs.7400/- | Rs.6200/- |
| 2 | HC (UB/AB) | Rs. 2700/- | Rs. 6800/- | Rs.6200/- |
| 3. | NK (UB/AB) | Rs. 2500/- | Rs. 6200/- | Rs. 5600/- |
| 4. | LNK (UB/AB) | Rs. 2400/- | Rs. 6200/- | Rs. 5600/- |
| 5. | CN (UB/AB) | Rs. 2200/- | Rs. 5600/- | Rs. 5600/- |

14. By a letter dated 25.05.2017, a proposal for a revision of Grade Pay in the rank OF ASI, HAV, CN (Opr)/CN (WO/WT), CN (Dvr/MSGR/CPTR/DR etc.)/CN (UB) of APRO as per recommendations of the 7th APCC had also been forwarded, which was represented in tabular form as follows:

| Sl no | Name of posts | Revised Grade Pay proposed | Existing Grade Pay as per ROP, 2017 | Financial Implication as per post (A) | Nos Of sanctioned posts in the rank | Total annual financial implication (c)X(A)X(B)X12 |
|-------------|--|----------------------------|-------------------------------------|---------------------------------------|-------------------------------------|---|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. |
| 1. | Asstt.Sub-Inspector | 7400 | 6200 | 1200 | 1551 | 22334400 |
| 2. | Hav, CN (Opr)-GD-II/Cn (Wo/Wt) | 6800 | 6200 | 600 | 2310 | 16632000 |
| 3. | CN (Opr)-GD-II/ CN (Dvr/MSGR/CPTR/ DR etc) | 5600 | 5000 | 600 | 441 | 3175200 |
| 4. | CN(UB) | 5600 | 5600 | nil | 10 | Nil |
| Total | | | | | | 42141600 |
| DA(4%) | | | | | | 1685664 |
| Grand Total | | | | | | 43827264 |

15. The aforesaid proposal for revision for the incumbents serving in the APRO, Assam was forwarded by the letter dated 7th June, 2017. By another letter dated 24th August 2017, justification for the revision was demanded, and by different letters dated 14th September 2017 and 28th

June 2018, the justifications were forwarded. On repeated requests for justification for revision of the grade pay of the incumbents serving in the APRO, another justification was forwarded by the letter dated 20th December, 2018. Pertinent to note that, in the meantime, by the order dated 1st of June, 2018, the proposed revision of the Grade Pay has already been effectuated for the other sub-organizations under the Director General of Police.

16. By the communication dated 20th December, 2019, the Government of Assam, in the Home and Political Department, informed that there was no recommendation of the 7th APPPC or Anomaly Committee, 2017, for revision of pay in respect of personnel in APRO. Accordingly, a request was made to resubmit the matter during the next Pay Commission. The petitioners have expressed grievance against this decision of the State in the present writ petition.

17. By the notification dated 21 Nov, 2020, the Governor of Assam was pleased to amend the schedule to the Assam ROP Rule, 2010, to the following effect.

Government of Assam
Finance (PRU) department
Janata Bhawan, Block 'F', 2nd Floor
Dispur :::::::::::Guwahati-6

**ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION**

Dated Dispur, the 21st November, 2020

No. FPC.20/2011/133: In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to order that following amendments shall be made in the Schedule to the Assam Service (ROP)

Rules, 2010 published in the extra ordinary issue of the Assam Gazette dated 4th February, 2010 under the Notification No. FPC 85/2009/2 dated 04-02-2010 namely:-

In the pay schedule under the Head "Home Department" below the Sub-Head "Assam Police Radio Organisation", the following existing entries in the column (4) (at page 382) against the following posts shall be substituted as below:

| Name of post or service | Existing pay scale | Revised pay structure | | Remarks |
|-------------------------------|-----------------------|-----------------------|----------------|---|
| | | Pay band (Rs.) | Grade pay(Rs.) | |
| (1) | (2) | (3) | (4) | (5) |
| Constable (opr) GD-II/(WO/WT) | PB-2 Rs. 2890-5725 | PB-2, 5200-20200 | 2100 | the order dated 05.09.2014 in WP(C) No.4376/2014 and the order dated 18.12.2013 in WP(C) No.6712/2010 |

The aforesaid amendment had been carried out in compliance with the order dated 05.09.2014 in WP(C) No.4376/2014 and the order dated 18.12.2013 in WP(C) No.6712/2010.

18. By another notification of the same date, the Governor of Assam was pleased to amend the schedule to the Assam ROP Rule, 2017, to the following effect.

Government of Assam
Finance (PRU) department
Janata Bhawan, Block 'F', 2nd Floor
Dispur :::::::::::Guwahati-6

**ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION**

Dated Dispur, the 21st November, 2020

No. FPC.20/2011/133: In exercise of the power conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to

order that following amendments shall be made in the Schedule to the Assam Service (ROP) Rules, 2017 published in the extra ordinary issue of the Assam Gazette dated 17th March 2017 under the Notification No. FPC 1/2017/Pt./1 dated 17-03-2017 namely:-

In the pay schedule under the Head "Home Department" below the Sub-Head "ASSAM POLICE RADIO ORGANISATION", the following existing entries in the column (1) (at page 516) against the post of Constable (Opr) GD-II and Constable (WO/WT) shall be substituted as below:

| Name of post or service | Existing pay scale | | Revised pay structure | | Remarks |
|-------------------------|------------------------|-----------|-----------------------|------------|---|
| | Pay band | Grade pay | Pay band (Rs.) | Grade pay | |
| | | | | | |
| Head Constable (WO/WT) | PB-2 Rs. 5200-20200 | Rs. 2400 | PB-2, 14000-60500 | Rs. 6200/- | Constable (Opr) Grade-II and Constable (WO/WT) are redesignated as Head Constable (WO/WT) as per the Government Notification No.HMB.379/2015/222, dtd.07-02-2018, subject to their entry level qualification being (10+2) Science with P.C.M. |

In the notification, it was remarked that Constable (Opr) Grade-II and Constable (WO/WT) are redesignated as Head Constable (WO/WT) as per the Government Notification No.HMB.379/2015/222, dtd.07-02-2018, subject to their entry level qualification being (10+2) Science with P.C.M.

19. The learned Counsel for the petitioner has submitted that the anomaly committee constituted to look into the grievances of various employees pertaining to the accepted recommendations of the 7th Pay Commission, in its Department-wise Report in Chapter III, also took into account the grievances raised by the All Assam Police Association,

pertaining to the staff of the APRO and opined that no further recommendation is necessitated as the Pay Commission had made suitable recommendations. It is his submission that the recommendations made by the Pay Commission, in its Report at Paragraph 1.17 (2), covered the ranks of ASI Grade I, ASI Grade II and the Head Constables in the APRO, also. The Assam Police Radio Organisation as well as, the other police personnel, be it the Battalions, the Border Police, the DEF or the CID etc. serving in the State of Assam are all working under the Director General of Police, in the Home Department, as are the incumbents in the APRO, and as such, the glaring anomaly in the Grade Pay for the ASIs and the Head Constables serving in the APRO, who are functioning under the same department and is one of the branches of the Assam Police force itself, amounts to discrimination.

20. The learned Counsel has submitted that the 7th Pay Commission at paragraph 1.17 (2), pertaining to the Home Department, had itself made recommendations for grade pay for Constables and other ranks up to ASI, who were under the Command of the Director General of Police. No sub-classification had been made with regard to the different sub-organizations that served under the DGP, Assam.

He submits that the organization of Home Guard was not a sub-organization under the DGP Assam. Therefore, a specific and separate recommendation had been made for the said organization. The learned Counsel submits that the APRO is one of the wings under the DGP, Assam, and a recommendation had already been made for all wings under the said organization; no separate recommendation was called for in respect of the APRO, and the general recommendation made by the pay commission in para 1.17 (2) of the report would automatically ensure that

the recommendations are made applicable to the concerned ranks in the APRO also. He further submits that a bare perusal of the Report of the 7th Pay Commission in paragraph 1.17 (2) would reveal that there is no explicit differentiation between the ranks eligible for upgradation of Grade Pay, be it the Armed Branch, the Unarmed Branch, the Wireless Technician, the Wireless Operator or the Cypher. As such, in the absence of any classification categorically segregating the ranks eligible for Grade Pay from amongst the constables and other ranks up to the level of ASI, the petitioners who are serving as ASIs and Head Constables in the Assam Police Radio Organisation also fall squarely within the ambit of the said recommendations for the enhancement of Grade Pay, which has been enhanced w.e.f. 01/04/2016 vide notification dated 15/06/2018.

21. The learned Counsel further submits that the Assam Police Radio Organisation is a setup under the Director General of Police, Assam and the Home Department, having its own hierarchy, and various technical training courses have to be undergone by the said ranks to qualify for promotion. He submits that the ranks, status, nature of duties and responsibility attached to the various posts in the APRO are similar in nature to those attached to the analogous posts of the District or the Battalions and other branches of the Assam Police. As such, they would be eligible to get the enhanced Grade pay as sanctioned to the other Police Personnel of the State of Assam under the Director General of Police in the Home Department.

22. He further submits that due to the anomaly, the personnel serving in the ASI Grade II of the APRO and the Head Constable (WO/WT) of the APRO are presently receiving the same amount of Grade Pay, although the ASI Grade II is a promotional post.

23. It is the specific contention of the petitioners that the posts forming the ASI Grade I, ASI Grade II and Head Constable have been created by declaring its equivalence to the posts forming the Cadres of ASI (AB/UB) and Head Constables (AB/UB) of Assam Police, with parity being maintained over the last several decades between the posts forming the said 2 (two) cadres, without any variation in the status, duties and responsibilities attached to the posts forming the said 2 (two) Cadres. The learned Counsel submits that therefore, it was not open to the respondent authorities to authorise a lower Grade Pay to the ranks of ASI Grade I and ASI Grade II, as well as the Head Constables of the Assam Police Radio Organisation, in comparison to the Grade Pay authorised to the ranks of ASI (AB/UB) and Head Constable (AB/UB) forming the Assam Police. He has submitted that the said recommendations do not, in any way, bar the extension of the Grade pay to the ranks of ASI Grade I, ASI Grade II and Head Constable of the APRO, hitherto being equivalent to the ranks forming the ASI (AB/UB) and Head Constables (AB/UB), of the Assam Police. According to the learned Counsel for the petitioners, the said recommendation explicitly pertains to the inclusion of ranks of ASI Grade I, ASI Grade II and Head Constables of the APRO as well.

24. The learned Counsel has submitted that even in view of the stand taken by the Home and Political Department in the affidavit in opposition filed by the respondent No.6, the writ petition deserves to be allowed.

25. The learned Counsel has relied upon the decision rendered by the Apex Court in **Union of India & Ors. Versus D.G.O.F. Employees Association and Anr.**, reported in **2023 INSC 995** to buttress his submissions. The relevant portion of the judgment is reproduced for ease of reference:

2. *The respondent is an Association of Employees in the Head Quarters of the Ordnance Factory Board. They sought for upgradation of the pay scales of Assistant and Personal Assistants of Ordnance Factory Board, Headquarters as had been given to similarly placed employees of Central Secretariat Service ('CSS' for short) and equivalent posts in Armed Force Headquarters Civil Service ('AFHCS' for short) Cadre, New Delhi and similar other cadres. The Ministry of Defence through the order dated 20.04.2010 did not approve the same. This was communicated to the respondents by the letter dated 07.06.2010. The respondents therefore being aggrieved were before the CAT. The CAT also declined the prayer which resulted in the writ proceedings before the High Court.*

3. *The High Court having analysed the matter was however of the view that the members of the respondent were historically treated as equals to CSS/CSSS employees and had earlier enjoyed equal pay and all benefits. Hence a direction was issued to the appellants herein to fix the members of the Respondent Association and other similarly placed Assistants working in Ordnance Factories and in OFB in the same pay scale as was given to Assistants similarly placed in CSS/CSSS, Army Headquarters, UPSC, CAT, MEA, Ministry of Parliamentary Affairs etc. with effect from the same date as was first given to them. The appellant therefore claiming to be aggrieved by the same are in this appeal.*

4.....

5. *The thrust of the contention on behalf of the appellants is that the power of judicial review in matters pertaining to pay scale is limited, unless arbitrariness can be demonstrated or there is palpable discrimination.*

.....

10. *A cumulative perusal of the opinion expressed by this Court would indicate that though the Courts would not undertake the exercise of determining the pay scale keeping in view the nature of the work by comparing employees who are not similarly placed in cases where the exercise of determining such complex issues would arise, at the same time, relief cannot be denied to the employees when the entitlement is denied due to irrational consideration without application of mind to the facts involved in the case by the employer, thereby denying the benefits to the employees. If this aspect of the matter is kept in view, a perusal of the consideration*

made by the High Court as seen from the portion reproduced above from the judgment of the High Court, it would disclose that the High Court has not undertaken the exercise regarding which restraint has been expressed by this Court. However, on the admitted facts and the earlier situation which existed, a consideration has been made keeping in view the very recommendation of the Pay Commission in reckoning the appropriate application of the pay scale. In that regard, all that has been adverted to by the High Court is as to whether the employees who are the members of the respondent and are employed in the headquarters are similarly placed as that of the employees of CSS/CSSS and in that regard has considered the matter further to ensure that the members of the respondent are not discriminated upon.

15. Be that as it may, in the present facts the perusal of the judgment passed by the High Court impugned herein would indicate that the High Court having kept in view the legal, as well as the factual aspects, has not proceeded in a manner so as to equate two sets of employees in different organizations. But, keeping in view the recommendation of the Pay Commission and the applicability of the pay scales recommended to similarly placed employees employed in the headquarters and on noticing discrimination despite historical similarity has merely rectified the error, which does not call for interference.

16. In view of the above, the appeal being devoid of merit, stands dismissed with no order as to costs.

(emphasis mine)

RESPONSE OF THE RESPONDENT IN THE ADMINISTRATIVE DEPARTMENT:

26. The Superintendent of Police (Communication), Assam, has filed an affidavit in response to the writ petition. In essence, the aforesaid respondent has stated that it is a fact that the APRO is an organization under the control of the DGP, Assam, working under the Home Department. He has submitted that the draft service rules of the APRO were awaiting approval of the Government, and the same is in line, in

principle, with the Police Manual, etc., under the Police Act. The deponent has submitted that the APRO personnel have to undergo police basic drill and discipline training for a 39-week duration, which is the same as for unarmed branch and armed branch personnel. The affidavit further submits that the status of the Head Constables up to the rank of the ASI, APRO is equivalent to the rank and status of the other police personnel of the Assam Police. The affidavit states that the APRO is an integral part of Assam Police and has been providing requisite service towards effective maintenance of law and order, prevention and detection of crimes and apprehension of criminals round the clock.

RESPONSE OF THE RESPONDENT IN THE FINANCE DEPARTMENT

27. An affidavit has also been filed on behalf of the Finance (PRU) Department. In the said affidavit, the department has not denied any of the official documents presented with the writ petition. The affidavit has submitted that the upgradation of pay and redesignation of nomenclature afforded by the Home and Political department communicated through the notification dated 08.04.2013 and the notification dated 29.07.2016, in compliance with the orders of this Court, had not been incorporated in the Assam Services (Revision of Pay) Rules, 2017. When the same came to the notice of the Government, the Finance (PRU) Department issued two notifications, both dated 21.11.2020, incorporating the upgraded grade pay in the ROP Rules, 2010 and ROP Rules, 2017, respectively. The deponent, in the affidavit, has submitted that the recommendation of the 7th APPPC for the upgradation of Grade Pay was specifically for Police personnel from Constable to ASI and for equivalent ranks in Home Guards.

There was no such recommendation for personnel of APRO. It has been further submitted that the Pay Commission gives its recommendation after making an in-depth study, keeping in mind the nature of duties and responsibilities.

28. Mr. R. Borpujari, learned Counsel appearing for the Finance Department, has submitted that upon the constitution of the 7th Assam Pay & Productivity Pay Commission (hereinafter referred to as 7th Pay Commission for short), several associations, including All Assam Police Association, submitted their memorandums before the 7th Pay Commission. The 7th Pay Commission made various recommendations, including recommendations pertaining to the Home Department. In this regard, in Chapter 14, Para 1.7(2), the Commission recommended revision of Grade Pay for constables, and other ranks up to the level of ASI. The same Grade Pay revision was also allowed for the equivalent ranks in Home Guards. But there was no such recommendation for personnel under APRO.

He has submitted that a proposal was received by the Finance Department from the Home & Political Department regarding the up-gradation of the Grade Pay of police personnel, i.e., constable up to the rank of ASI, as per the recommendation of the 7th Pay Commission. The said proposal was examined and, as per the recommendations of the 7th Pay Commission and justifications submitted by the Home & Political Department, the Finance (PRU) Department vide Notification dated 15.06.2018, notified up-gradation of pay for police personnel in Un-Armed Branch (UB) and Armed Branch (AB) under the Director General of Police. However, as regards personnel under APRO, neither the 7th Pay Commission nor the Anomaly Committee, 2017 have made any

recommendation for up-gradation of their Grade Pay. The Anomaly Committee, 2017, has not made any specific recommendation for the upgradation of the Grade Pay of ASI, Grade-I Constable Operator/Constable (WO/WT) of APRO.

29. He has submitted that the 7th Pay Commission has given its recommendations after making an in-depth study, keeping in mind the nature of duties and responsibilities of various cadres, ranks and posts. The emoluments were so recommended by the Pay Commission, which would be adequate compensation for the merit of the Government servants. Until and unless there is a specific recommendation of the 7th Pay Commission, the Finance Department would not be able to upgrade the pay scales of personnel of APRO.

30. The learned Counsel has submitted and suggested that the nature of duties and functional responsibilities of the petitioners working in APRO are entirely different from those of their counterparts who are serving in various ranks/posts/cadres as police personnel in different branches and sub-organizations under the Home Department. He has submitted that if the pay scales of personnel of APRO are upgraded, then it would open floodgates and many other associations may raise similar demands, which would cast a heavy burden on the State exchequer.

31. He has referred to the Judgment of the Apex Court in **State of Haryana and Ors versus Charanjit Singh and Ors** reported in **(2006) 19 SCC 321**, wherein it was held that the principle of "equal pay for equal work" has no mechanical application in every case. If the educational qualifications are different, then also the doctrine may have no application. Even though people may do the same work, their quality

of work may differ. A mere nomenclature designating a person, say a carpenter or a craftsman, is not enough to conclude that he is doing the same work as another carpenter or craftsman in regular service. The quality of work that is produced may be different, and even the nature of work assigned may be different. It is not just a comparison of physical activity. The application of the principle of "equal pay for equal work" requires consideration of various dimensions of a given job. The accuracy required and the dexterity that the job may entail may differ from job to job. The mere volume of work cannot be used to judge it. There may be a qualitative difference as regards reliability and responsibility. Functions may be the same, but the responsibilities make a difference. Thus, normally, the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere.

32. He has thereafter referred to the Judgment of the Apex Court in **S.C. Chandra and Ors, versus State of Jharkhand and Ors**, reported in **(2007) 8 SCC 279**, wherein the Hon'ble Supreme Court has held that granting pay scales is a purely executive function and hence the court should not interfere with the same. It may have a cascading effect, creating all kinds of problems for the Government and authorities. Hence, the Court should exercise judicial restraint and not interfere in such executive functions.

The learned Counsel has submitted that fixing pay scales by courts by applying the principle of equal pay for equal work upsets the high constitutional principle of separation of powers between the three organs of the State. Realising this, this Court has in recent years avoided applying the principle of equal pay for equal work, unless there is complete and

wholesale identity between the two groups and there too the matter should be sent for examination by an Expert Committee appointed by the Government instead of the court itself granting higher pay.

33. He has referred to the Judgment of the Apex Court in **State of Haryana versus Haryana Civil Secretariat Personal Staff Assn.** reported in **(2002) 6 SCC 72**, submitting that it has been held that the equation of posts and salary is a complex matter which should be left to an expert body. The courts must realize that the job is both a difficult and time-consuming task, which even experts, having the assistance of staff with requisite expertise, have found difficult to undertake. Fixation of pay and determination of parity is a complex matter that is for the executive to discharge. Granting of pay parity by the court may result in a cascading effect and reaction, which can have adverse consequences.

34. He has referred to the Judgment of the Apex Court in **Canteen Mazdoor Sabha versus Metallurgical & Engg. Consultants (India) Ltd.** reported in **(2007) 7 SCC 710**, where the Hon'ble Supreme Court has held that similarity in the designation or quantum of work are not determinative of equality in the matter of pay scales and that before entertaining and accepting the claim based on the principle of equal pay for equal work, the Court must consider the factors like the source and mode of recruitment/appointment, the qualifications, the nature of work, the value judgment, responsibilities, reliability, experience, confidentiality, functional need, etc.

35. He has also referred to the Judgment of the Apex Court in **State of Haryana versus Tilak Raj** reported in **(2003) 6 SCC 123**, where the Hon'ble Supreme Court has held that the principle of equal pay for equal

work can only apply if there is complete and wholesale identity between the two groups. Even if the employees in the two groups are doing identical work, they cannot be granted equal pay if there is no complete and wholesale identity, e.g. a daily-rated employee may be doing the same work as a regular employee. Yet, he cannot be granted the same pay scale. Similarly, two groups of employees may be doing the same work, yet they may be given different pay scales if their educational qualifications are different. Also, the pay scale can be different if the nature of jobs, responsibilities, experience, method of recruitment, etc., is different. It has been further held that the principle of equal pay for equal work is not always easy to apply. It has been held that there are inherent difficulties in comparing and evaluating the work of different persons in different organisations or even in the same organisation. It has been held that this is a concept which requires, for its applicability, complete and wholesale Identity between a group of employees claiming identical pay scales and the other group of employees who have already earned such pay scales. It has been held that the problem of equal pay cannot be translated into a mathematical formula.

36. He has also referred to the Judgment of the Apex Court in **State of U.P. versus Ministerial Karamchari Sangh** reported in **(1998) 1 SCC 422**, where the Hon'ble Supreme Court has held that even if persons holding the same post are performing similar work, but if the mode of recruitment, qualification, promotion, etc. are different, it would be sufficient for fixing a different pay scale. Where the mode of recruitment, qualification and promotion is totally different in the two categories of posts, there cannot be any application of the principle of equal pay for equal work.

37. He has referred to the Judgment of the Apex Court in **State of W.B. versus W.B. Minimum Wages Inspectors Assn.** reported in **(2010) 5 SCC 225**, where the Hon'ble Supreme Court has held that evaluation of duties and responsibilities of different posts and determination of the pay scales applicable to such posts and determination of parity in duties and responsibilities are complex executive functions, to be carried out by expert bodies. Granting parity in pay scale depends upon comparative job evaluation and equating of posts. The principle 'equal pay for equal work' is not a fundamental right but a constitutional goal. It is dependent on various factors such as educational qualifications, nature of the jobs, duties to be performed, responsibilities to be discharged, experience, method of recruitment, etc. Comparison merely based on the designation of posts is misconceived. Courts should approach such matters with restraint and interfere only if they are satisfied that the decision of the Government is patently irrational, unjust and prejudicial to any particular Section of employees.

38. He has referred to the Judgment of the Apex Court in **State of Bihar & Ors versus The Bihar Secondary Teachers Struggle Committee, Munger and Ors** reported in **(2010) 5 SCC 225**, the Hon'ble Supreme Court has held as follows-

i) The doctrine of 'equal pay for equal work' is not an abstract doctrine.

ii) The principle of 'equal pay for equal work' has no mechanical application in every case.

iii) The very fact that the person has not gone through the process of recruitment may itself, in certain cases, makes a difference.

iv) The application of the principle of 'equal pay for equal work' requires consideration of various dimensions of a given job.

v) Thus, normally, the applicability of this principle must be left to be evaluated and determined by an expert body. These are not matters where a writ court can lightly interfere.

vi) Granting pay scales is a purely executive function and hence the court should not interfere with the same. It may have a cascading effect, creating all kinds of problems for the Government and authorities.

vii) Equation of posts and salary is a complex matter which should be left to an expert body.

viii) Granting of pay parity by the court may result in a cascading effect and reaction, which can have adverse consequences.

ix) Before entertaining and accepting the claim based on the principle of equal pay for equal work, the Court must consider the factors, such as the source and mode of recruitment/appointment.

x) In a given case, the mode of selection may be considered as one of the factors that may make a difference.

39. He has submitted that in view of the above, the law on the issue can be summarised to the effect that parity of pay can be claimed by invoking the provisions of Articles 14 and 39(d) of the Constitution of India by establishing that the eligibility, mode of selection/recruitment, nature and quality of work and duties and effort, reliability, confidentiality, dexterity, functional need and responsibilities and status of both the posts are identical. The functions may be the same, but the skills and responsibilities may be really and substantially different. The other post may not require higher qualifications, seniority, or similar factors. Granting parity in pay scales depends upon the comparative evaluation of jobs and the equating of posts. The person claiming parity must plead necessary averments and prove that all things are equal between the posts concerned. Such a complex issue cannot be adjudicated by evaluating the affidavits filed by the parties.

40. The learned Counsel appearing for the Finance Department has strenuously argued against the prayers made in the writ petition by referring to the settled position of law relating to the grant of "equal pay for equal work". From the pleadings and also the different undisputed annexures available on record, it is apparent that the respondents in the administrative department have time and again emphasised on the entitlement of the incumbents serving in the APRO in the ranks of Head Constable and Assistant Sub Inspectors to the pay scale recommended by the 7th Pay commission for such ranks under the Director General of Police in the Home Department of the Government of Assam.

41. Under the facts and circumstances of the present case, he has submitted that the instant writ petition filed by the petitioners is liable to be dismissed.

CONCLUSIONS AND REASONS THEREFOR:

42. From the submissions made before this Court and the pleadings available on record, the issue that falls before this Court for consideration is whether the petitioners have been subjected to discrimination when the State resorted to implementation of the recommendations of the 7th Pay Commission, as accepted by the Government of Assam to the relevant ranks of Head Constables and ASI in all establishments under the DGP, Assam, except the APRO, when such exception is based only on the reasoning that the 7th APPC and the anomaly committee did not make any specific recommendation for the incumbents serving in the APRO when it made recommendations for the ranks of Constable, Lance Naik, Naik, Havildar/Head Constable and ASI in the Home Department and allowed the same recommendations for equivalent ranks in Home Guards establishment also.

43. The Assam (Revision of Pay) Rules, 2017, have dealt with the accepted revised pay structure of the ranks under the Home Department from page numbers 510 to 529. Four Directorates have been named under the said Department, namely the Director General of Police, the Director General of Civil Defence and Commandant General of Home Guards, the Inspector General of Prisons and the Directorate of Forensic Science Laboratory. Different sub-organisations and offices are named under the directorates aforesaid. For this writ petition, the relevant Directorates would be the Director General of Police (hereinafter referred to as the DGP for the sake of brevity) and the Director General of Civil Defence and Commandant General of Home Guards. The DGP, in addition to its own setup, has several establishments functioning under it, namely the District Establishment, the Border and River Police organisation (now merged with the Special Branch), the Bureau of Investigations (Economic Offences) and the Assam Police Radio Organisation. It has not been disputed by either the respondent no 6 or the respondents in the Finance (PRU) department that all ranks serving under the DGP, save and except the ranks in the APRO, have been granted the pay scales as recommended by the 7th APPC and have been given the appropriate pay structure. This Court had raised a query upon the learned Counsel appearing for the Finance Department as to whether the incumbents holding a corresponding rank in the other sub-organizations, whether or not equivalent to the petitioners, but when they exist concurrently in two sub-organizations, have been given the benefit of the 7th Pay Commission in Clause 1.17 (2).

In this regard, a communication dated 2.3.2026 was placed before this Court on 5.3.2026, which was issued by the Assistant Inspector

General of Police, in response to communications by the Deputy Secretary to the Government of Assam Home and Political Department, Dispur. The communication is reproduced herein below for ease of reference:

*ASSAM POLICE HEADQUARTERS
GUWAHATI, ASSAM*

eCF No. 367469/659 dated 02.03.2026

*From: Shri Pranab Jyoti Goswami, IPS
Asstt. Inspector General of Police (Admn)
Assam, Guwahati.*

*To: the Deputy Secretary to the Govt of Assam,
Home and Political Departments,
Dispur, Guwahati-06.*

*Sub: Clarification regarding extension of enhanced Grade Pay
under Notification No. FPC.30/2017/203 dated 15-06-2018-reg.*

Ref: Govt. eCF No. 668320/730 dated Nil.

Sir,

With reference to the subject cited above, I am directed to inform you that the requisite information has been collected from all concerned Districts, battalions and organizations under the Director General of Police, Assam, including the erstwhile River Police Organization (now merged with Special Branch) and other relevant units. (Copy enclosed herewith).

Upon verification of records received from the Districts, Battalions and Organizations, it is observed that the incumbents holding the rank of Constable, Havaldar/Head Constable and Assistant Sub Inspector of Police are being extended the benefit of enhanced grade pay in pursuance of notification number FPC.30/2017/203 dated 15-06-2018, except Assam Police Radio Organization (APRO).

This is submitted for favour of your kind information and necessary action.

Encl: As stated above.

*Yours faithfully,
Digitally signed by*

44. The information in the above communication fortifies the fact that only the incumbents serving in the APRO have been denied the relevant pay structure applicable to the ranks held by the incumbents. This despite

the fact that neither the 7th APPC nor the anomaly committee had made any recommendation for any of the organisations under the DGP, Assam. This Court had recorded in the order dated 5.3.2026 that the instructions of the Finance Department on the letter dated 2.3.2026 would be made available on 12.3.2026. On the said date, a letter dated 9.3.2026 was produced before this Court, through which the Under Secretary to the Govt. of Assam, Finance Department had requested the official in the Home Department to furnish the clarification. On 11th of March, 2026, the learned standing Counsel produced instructions to the effect that it is difficult to ascertain the equivalence of ranks within the Home Department from the perspective of the Finance Department and such issues relating to the equivalence of ranks and associated benefits are to be examined by the Pay Commission. It was also noted in the communication that granting additional benefits at this stage to one particular set of personnel may lead to similar demands from other quarters.

45. Thus, from the above, there is no doubt in the mind of the Court that the Pay Commission is an expert body that decides the equivalence of ranks vis-à-vis the entitlement of pay structures. This is also the admitted stand of the respondents. It is also the admitted stand that the concerned organisation had spelled out the equivalence of the ranks as well as the justification for allowing the ranks in the APRO to draw the demanded pay structure, and the said stand has also been reiterated in the affidavit in opposition filed by the respondent no. 6.

46. This court finds that the demand of the petitioners is not for an adjudication on the issue of the equivalence of ranks with their counterparts in the other establishments. The 7th APPC and the anomaly committee had already recommended a certain pay structure for the ranks

under the DGP, Assam, without reference to the establishments under it, which naturally has to be understood to indicate that the pay structures were intended for the ranks existing under the Directorate, irrespective of the establishments under the DGP in which the incumbents held the ranks. All establishments under the DGP, save and except the APRO, have been given the benefit accordingly. There is no document or decision brought on record to indicate, let alone justify, a proposition that the 7th APPC or the Anomaly Committee had intended to deny the ranks in the APRO the benefit of the recommendations. The 7th APPC had, in fact, noticed, at para 1.17 (10), at page 156 of the report, that the Government, while granting the pay in PB-2 with GP of 2100 to the Constable (WO/WT) with effect from 1.1.206, had omitted to redesignate the posts and had recommended that steps be taken, which were subsequently taken. The demand of the petitioners in the writ petitions is for the implementation of the pay structures which were recommended by the 7th APPC without excluding any particular establishment under the DGP, as has been implemented for all other establishments under the DGP.

The reason put forth by the Finance (PRU) department, that the pay structure had been denied in the absence of specific recommendation for the establishment of APRO, has to be tested on the anvil of the fact that even in the absence of specific recommendation for the other establishments, the ranks of Head Constable/Havildar and ASI have been afforded the pay structures accepting the recommendations of the 7th APPC. In the absence of any explanation by the respondents as to why the ranks of all other establishments under the DGP had been afforded the pay structure even in the absence of specific recommendations, this Court has no other option but to hold that the petitioners have been

subjected to discrimination since their cases had not been considered under the same yardsticks as the ranks of Head constable/ Havildar and ASI in other establishment under the DGP had been considered for revised pay structure.

47. The citations relied upon by the learned Counsel for the Finance Department have dealt with the law applicable when petitions pray for the grant of "equal pay for equal work", "equivalence of ranks", etc. The present petition does not demand equality per se with counterparts. Rather, the present petition demands implementation of the accepted recommendations of the 7th APPC and the related Anomaly Committee. Therefore, this Court does not find the reliance placed by the learned Counsel on the citations to be relevant to the facts of the present case.

This Court finds strength and force in the reliance of the learned Counsel for the petitioners in the judgment rendered in the case of **D.G.O.F Employees Association (supra)**.

48. This Court, in the earlier round of litigation in WP(C) 6712/2010, had held that the respondents were unable to take a definite stance and were merely indulging in the exercise of semantics. It was inferred from the averments in the affidavit that they were afraid to concede to the demands of the petitioners to avoid any possible chain reaction from employees of different Departments/establishments. In the present case, the situation is not different.

49. The impugned order bearing no HMB.267/2017/20 dated 20th December, 2019, issued by the Joint Secretary to the Government of Assam, Home (B) Department, has referred to the letter dated 7.6.2017 issued by Additional Director General of Police (Commn) Assam and has not referred to any of the subsequent communications, such as the

communications dated 24th of August, 2017, which had furnished the justifications sought for, the communication dated 21st of September 2017, which had forwarded reports as sought for, the justifications sent by the communications dated 28th June 2018, a copy of which was marked to the government in the Home and Political Department to name a few. This Court notices that a specific query had been raised by the Joint Secretary to the Government of Assam, Home (B) Department requiring the Additional Director General of Police (Communication), Assam to furnish a report as to whether the APRO personnel when posted at Battalions, DEF, other branches of Police etc. are concentrated to perform only APRO duty or they are engaged in general duties also. A specific report had been furnished through the communication dated 20th December 2018. The order bearing no HMB.267/2017/20 dated 20th December, 2019, without reference to any of the communications subsequent to 7.6.2017, had requested to submit the matter during the next pay commission, on the ground that there was no recommendation of the 7th APPC or Anomaly Committee, 2017 for revision of pay in respect of personnel in APRO. The abrupt request does not inspire the confidence of this Court when it has displayed a lack of application of mind to the issue and has completely ignored the justifications and reports sought by the same authority.

50. This Court is aware that it is the expert bodies that are the competent authority to make policies and regulate decisions taken regarding pay fixation, and there is minimal scope for interference. However, when there is an anomalous situation like the present one, where there is a clear violation of the "Right to Equality" enshrined in Article 14 of the Constitution of India, a Court of law is empowered to

rectify the wrong. In the present case, the recommendation of the 7th APPC does not call for interference; rather, the mode and manner of its implementation with regard to the petitioners calls for interference, in exercise of jurisdiction of judicial review, being an exceptional circumstance.

51. In conclusion, I am of the considered opinion that the impugned order bearing no HMB.267/2017/20 dated 20th December, 2019, issued by the Joint Secretary to the Government of Assam, Home (B) Department, addressed to the Additional Director General of Police (Comm) Assam, warrants interference and the same is accordingly set aside and quashed.

52. The respondent authorities shall grant the Grade pay of Rs. 7400/- to the petitioners serving in the rank of Assistant Sub Inspectors and shall also grant the Grade Pay of Rs. 6800/- to the petitioners serving in the rank of Head Constable (WO/WT) with effect from 1.4.2016 within a period of two months from the date of receipt of a certified copy of this order. Arrears arising as a consequence shall be paid within a period of two months thereafter.

53. The writ petition is allowed to the extent indicated. There shall be no order as to costs.

JUDGE