

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 1978 of 2021

Kashinath Ganguly, aged about 75 years, Son of Late Somnath Ganguly Retired Supervisor (Mech) Tarama Apartment 91-B-Safuipara, Baidyapara, Top Floor, Flat No.2/C, Behind SBI Garfa Branch, P.O & P.S- Haltu, Kolkata, PIN-700078. **Petitioner (s)**

..... Petitioner (s)

Versus

1. The State of Jharkhand.
 2. The Director Animal Husbandry Department, State of Jharkhand, P.O Hesag & P.S-Hatia, Dist-Ranchi Pin no.834003.
 3. The Secretary Animal and Husbandry Department State of Jharkhand, Nepal House, P.O & P.S- Doranda, Pin no. 834002, Dist- Ranchi.
 4. The General Manager, Govt. Bacon Factory, Kanke, P.O & P.S- Kanke, Distrcit- Ranchi, pin no. 834006.
 5. The Accountant Officer, Office of the Accountant General (A/E) P.O & P.S- Doranda, Dist- Ranchi- pin no. 834002.
 6. The District Provident Fund Officer, Office of the Provident Fund office, P.O GPO, P.S- Kutchury Dist Ranchi, Pin no. 834001. -
 7. The Accountant, office of the Accounts, Kanke Department of Animal Husbandry, P.O & P.S- Kanke, Ranchi- pin no. 834001.
- Respondent(s)**

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mrs. M.M.Pal, Sr. Advocate

Ms. Manjusri Patra, Advocate

For the Resp.-State : Mr. Ranjan Kumar, A.C. to Sr. S.C.-I

For the Resp. No.5 : Mr. Rohit Sinha, Advocate

C.A.V. ON: 13/05/2026

PRONOUNCED ON:10/07/2026

- 1.** Heard learned counsel for the parties.
- 2.** The instant writ application has been preferred by the petitioner for the following reliefs;

(a)The order dated 04.03.2021 issued by the General Manager, State Bacon Factory, Kanke, Ranchi wherein the claim of the petitioner so far / re-fixation his pay scale has been rejected (Ann-12) be quashed.

(b) The Respondents be directed not to give effect to the order dated 04.03.2021 and to re-fix the scale of this petitioner at Rs. 6500-10,500/- in terms of the Amended Notification dated 05.02.2007 and to extend all consequential benefits thereon.

(c) The Respondents be directed to fix the final pension of this petitioner forthwith without any further delay.

(d) The Respondents be directed to pay entire legal dues with 12% interest apart from the statutory interest for unnecessary delay and laches on part of the Respondents

(e) The Respondents be directed to re-fix his pay scale in the scale of Rs. 6500-10,500/- as was done vide order dated 2006 to fix his final pension thereon within a specified period.

(f) Any other relief or reliefs for which this petitioner is entitled to.

3. The brief facts of the case are that the petitioner joined in the year 1984 as Supervisor (Mech) at Bacon Factory, Ranchi. The petitioner was granted 1st Time Bound Promotion on 01.12.1994 in the scale of Rs.2600-75-2900 and subsequently on 04.04.2005 the pay scale of the petitioner was fixed and confirmed as Rs.5000-150-8000. Thereafter, a resolution dated 13.10.2005 was issued by the Finance Department wherein it was informed that the First and Second Finance Pay Scale has been fixed as Rs.6500-10,500 and Rs.10,000-15,200 as per Annexure - 4 to the writ petition.

4. Thereafter, petitioner made representations dated 28.11.2005 to extend the said scale. Respondent issued an order dated 19.10.2006 wherein the scale of the petitioner has been re-fixed as Rs. 6500-10,500/- .

5. However, subsequently, an order dated 16.10.2007 was issued by the General Manager where the petitioner's pay scale was reduced to Rs.5,500/-9,000/- from Rs.6500/- -Rs.10,500/- while also directing to recover the excess amount paid to him. Thereafter petitioner moved before this court in *W.P. (S) 6217 of 2008* for quashing the above order, which was allowed by the court by directing to fix the pension after re-fixation of his pay in the pay-scale of Rs. 6500-200-10500/-

6. Thereafter, respondents filed intra-court-appeal bearing no. *L.P.A. 397 of 2018*; and the same was disposed of by setting aside the order of mandamus to fix the pension after re-fixation of his pay in the pay-scale of Rs. 6500-200-10500/-. The court further remitted the matter before the competent authority with respect to re-fixation of the pay scale of the petitioner to decide the entitlement of the petitioner about the pay scale of Rs. 6500-10500/- by providing an opportunity of hearing to the petitioner and to refund the deducted amount with interest within a stipulated period. Thereafter impugned order has been passed. Hence this writ application.

7. It has been submitted by Ld. Sr. Counsel for the petitioner that when the petitioner was receiving the salary in the scale of Rs. 6500-10,500/-, an order dated

16.10.2007 was issued by the General Manager, wherein his pay scale has been reduced to the scale of Rs. 5500-9000/- from the scale of Rs, 6500-10,500/- only on the plea that post of Supervisor (Mech) which is a single post and according to the Notification dated 14.08.2002, he is entitled to get the pay scale of Rs. 5000-9000/- and the scale of Rs. 6500-10,500/- was given to him wrongly and by that letter it was also directed to recover the amount so paid to him.

She further submits that the order dated 16.10.2007 has been passed without application of mind and without considering the amended notification no. 288/B dated 05.02.2007 wherein clause (x) of the notification dated 14.08.2002 has been withdrawn/deleted and since the amended notification 05.02.2007 the plea of the post of Supervisor (Mech) is a single post is *non est* in the eye of law. She has also submitted that the impugned order dated 04.03.2021 is not a reasoned order as ground taken in the representation has not been considered. As such impugned order may be set aside and respondent may be directed to fix pay scale of Rs. 6500-10,500/-.

8. Ld. Counsel for the State respondents submits that order has been passed in accordance with law after giving opportunity to the petitioner to appear and present his case and there is no infirmity in the order passed by the

department as such, he prays that no relief should be granted to the petitioner.

9. Having heard the learned counsel for the parties and after going through the documents annexed with the respective affidavits, it transpires that pursuant to the decision rendered in *L.P.A. 397 of 2018* the matter was remitted before the authorities to pass the order afresh by providing opportunities of hearing to the petitioner. Thereafter, petitioner filed detailed representation dated 12.02.2021 taking several grounds; however, respondent no.4 has passed the order rejecting the claim of the petitioner.

10. After perusal of the impugned order, it transpires that reliance was placed on the letter issued by Director, Animal Husbandry, Jharkhand, Ranchi's letter no. 388 dated 29/05/2020 where it has been mentioned that the direction issued by Secretary, Animal Husbandry and Fisheries Department's letter no. 2464 dated 03/10/2007, will be followed. Any amendment or change to this is not possible at his level. For brevity the relevant portion of the impugned order dated 04.03.2021 is quoted herein below:-

4. आपका पत्रांक: शून्य दिनांक: 12/02/2021 के द्वारा 6500-200-10500 के संबंध में पुनः स्पष्ट करना चाहूँगी कि निदेशक, पशुपालन झारखण्ड राँची के पत्रांक-388 नि० दिनांक:-29/05/2020 में उल्लेखित सचिव पशुपालन एवं मत्स्य विभाग के पत्रांक- 2464 दिनांक:-

03/10/2007 का अनुपालन किया जाएगा। इस पर किसी प्रकार का संशोधन या परिवर्तन मेरे स्तर से संभव नहीं है।

11. After perusal of impugned order, it appears that it has been passed after giving reliance to the Department letter dated 29.05.2020 wherein it is mentioned that the direction issued by the Secretary of Animal Husbandry and Fisheries Department dated 03.10.2007 will be followed. This court finds that the impugned order is utterly non-reasoned, inasmuch as, it has failed to consider the grounds taken in the representation.

Only by referring that they have to follow the direction of the letter dated 03.10.2007; the claim of the petitioner has been rejected. It appears that the concerned Respondent was predetermined to pass the order against the petitioner without application of mind and in very mechanical manner the order has been passed. The Hon'ble Supreme Court in the case of *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*, (2010) 9 SCC 496 held that decisions must be cogent, clear and succinct as under:

“47. Summarising the above discussion, this Court holds:

...

...

(1) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or “rubber-stamp reasons” is not to be equated with a valid decision-making process.

...

...”

(Emphasis supplied)

12. In view of the aforesaid discussions as well as the ratio given by the Hon'ble Apex court, the impugned order dated 04.03.2021 is liable to be and is accordingly quashed and set aside and the matter is again remitted to the concerned respondent to pass reasoned order taking into consideration grounds raised in the representation of the petitioner dated 12.02.2021 in accordance with the law within the period of 12 week from the date of the receipt of this order.

13. With the aforesaid observation, the instant writ application is partly allowed. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J.)

Dated:10 /07/2026
Amardeep/

Uploaded on
10.07.2026