

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP (C) No.485/2018 with  
MC (WPC) No.253/2018

Date of Order: 21.04.2022

Meghalaya Treasury Accounts  
Services Association (MTASA)

Vs.

State of Meghalaya & ors

**Jeni mikkango mamlako ra'a:**

**Mandera'ako man'na kragipa Mr. Justice Sanjib Banerjee, Skotong**

**Bichal Ka'gipa**

**Mandera'ako man'na kragipa Mr. Justice W. Diengdoh, Bichal Ka'gipa**

**Mikkang pagiparang:**

Badi Ka'gipana : Mr. Philemon Nongbri, Ukil

Bibadina : Mr. K. Khan, Sr.GA (Sorkarini Ukil) baksa  
Mr. S. Sengupta, Add.Sr.GA (Sorkarini Ukil)  
Mr. A.H. Kharwanlang, GA (Sorkarini Ukil)

- i) Law Journals ba uandakgiparango Ra·chakaha  
u-iatanina ra·chakaniko dakahama?
- ii) Chapa ka·atanina ra·chakniko  
dakahama: Ra·chakaha/Ra·chakkuja

**RAI ON·ANI: (Mandera'ako man'na kragipa, Skotong Bichal Ka'gipani gita) (Ku'sikchi on'ani)**

Iano Fifth State Pay Commission-ni Meghalaya Treasury Accounts Service-o ka'gipa manderangna tik ka'e on'gipa pay scale-ko A-dokni ra·chake on·anina ra·biani ong·a.

2. Mongsonggipa ra·biani ja' pangde ian 2014 bilsiosa A-dok indake ma·sina man·aha, chong·motan, Meghalaya Treasury Accounts Service-o

kamna rakkiani aro Meghalaya Accounts Service-o kamna rakkiani bewalrang apsangrika maina ia ge gnion, kamo napchengani lekka-pora man-na nangani gadang, kamo ong-engmitingo training on-ani aro kam ka-ani bewalrang apsangrika. Unbaksana, July 1, 2014 tariko nangchongmotgipa u-iatanio ra chakaniko dakaha indake Meghalaya Treasury Accounts Service-o dangdike on-na minggipin lekka-porako nangdapa maina candidate computer-ko jakkalna sapgipa ong-na nanggen.

3. July 1, 2014 bilsio u-iataniko ja-rikani gita, Meghalaya Treasury Accounts Service-ni ning-o donggipa post ge gittam Accountants, Senior Accounts Assistants aro Junior Accounts Assistant-ni dormahani gadangko (pay scale) ra-doataha maina iarang Meghalaya Accounts Service-o donggipa post-rang baksa apsangrika. Meghalaya Treasury Accounts Service-ni dakgimin pay-scalerangni level-rangko baridapatani a-sel bang-a dingtang dingtang gualniko Fifth Meghalaya Pay Commission u-ina man-aha ine July 31, 2017 bilsini report-o janapaha. Commission, Meghalaya Subordinate Treasury Accounts Service-na bate chugipa gadango skotong ong-enggipa Meghalaya Secretariat Subordinate Service-ni pay-scalerangko skang State Pay Commission tik ka.manaha ine nikaha. Pay-scalerango dingtanggrikaniko u-ie Commission indake nie janapaniko dakaha, "A dok Sorkarini chanchianiko dake rangsan Meghalaya Subordinate Treasury Accounts Service-ni pay scale-rangko baridapataniara dingtang dingtang gualani kamrangko kosako janapgimin gita ong katataha.

4. Iani bidingo chanchianiko dakon, Fifth Pay Commission uni report-  
ni paragraph 14.1.5-o indake ra chake tarie on-aha:

“14.1.5 Gimikni gita nianiko dake, Fifth Pay Commission indake tik ka'e  
tarie on-aha-

(a) Meghalaya Revision Pay Rules, 2009-ni tik ka'gimin gita  
Meghalaya Secretariat Subordinate Services-ni ning-o ka-engipa  
UDA aro LDA-rangni pay scale-rangni levelrangko jekai skango  
ong'a uakon apsan on'angkuna;

(b) Meghalaya Subordinate Treasury Accounts Service-ni pay level  
rangko, Committee-ni tik ka'e tarianiko ra'gatani tarikoni indake  
taripiltanianiko dakna–

Accountant: Level – 12 (Rs 39400-oni a-bachenge)

Senior Accounts Assistant: Level – 11 (Rs 37800-oni  
a-bachenge)

Junior Accounts Assistant: Level – 8 (Rs 30300-oni  
a-bachenge)

(c) Meghalaya Subordinate Treasury Accounts Service-o dangdike  
on-engipa manderangni dormahako kosako janappipao  
pangchake warachakaniko on'na aro ong'chengipa tariko ra'gimin  
pay aro D.A-ko Meghalaya F.Rs and S.Rs-ni ning-o dakgimin  
nangchappipa niamrango gita on'na.”

5. Bi'aniko dakenggipani association indake badi ka-aha jensalo 2014 bilsio A-dok Sorkari branch ge gnio dangdike on-engipa manderangni kamrang apsangrika ine nikaha aro jensalo Meghalaya Treasury Accounts Service-na seokao minggipin technical qualification-ko nangchongmota ine A-dok ra-chakahaon, July 1, 2014 bilsio u-iatgipani gita Fifth Pay Commission apsanko dakgruna nangjachim aro dingtangmancha tang doatani a selko ra-chakgija dakna nangjachim ine matnangaha. Mongsonggipa bianiko dakanide ian indake a doko badiaba dangdike on-enggipa dolni manderangni ding chaoanina knachake dolgipin a doko dangdike on-enggipa dolko ra ongalania kragipa ra chakani ong jawa.

6. Bianiko dakenggipa association-ni minggipin ra-chakna man-gijanide ian, Fifth Pay Commission-ni namnike tik ka'e on'ani ja man A-dokni ra chake ra gatatanio, A-dok bi'aniko dakenggipa association-ni member-rangna je bariatgimin dormahakon on manahachim uako ra pilna jotton ka naba gnanng aro Meghalaya Accounts Service-o apsangipa gadangni gipin man-engipa pay-scalerang baksa ja chatpnaba gnanng.

7. Skanggipa mamlako niatchenganiko dakanide ian, jensalo kam ka-giparangna ra-dona chanchiani ba uamangni dormahako ba man'gniko (emoluments) baridapatna jechakani gnanng, unon judicial-ni gita nipiltanianiko dakani cholde chongkandik ong aia ine agana man-aigen aro, ramram dake agangenchimode, executive-ni chanchianirangsa gamchatbata. Indiba, jensalo

chanchianirang ba tik ka-anirang name melijaenga ine nika, unon Kachari gipin cholrangchi uarangko tik dakpilatna man'gen.

8. Da-o ong-engipa mamlao, A-dok sorkari dingtang dingtang gadango kamko ka-engipa manderangna dormahako tik ka-na dingtangmancha songako man-gipa dolni pay-scalerangko tik ka'e tarie on'giminkosa ra-chakmangmangaiaha. Jensalo uandakgipa dingtangmancha dongimin dol a-doko ong'enggipa mamlangna a'selrangko chanchie mesoke on'a unon A-dok uni bilko jakkale apsanke ra'chaka aro Kachari A'songni niam-retini (Constitution) Article 226-ni ning-o dongimin gita mamingkoba dakbadejawa. Bon-kamao, ia bilko jakkalanio, Kachari chanchianirangko ra'gatatanina bate chanchina nanggipa kamrangkosa mongsong dakbatgen, jena kingking ua chanchianirang Kachariko jadipchangatjawa ba namen apsangrik ong'gijani ong'atjawa.

9. Pay-scalerangko komiataha ong-ode mamla dingtangengnokchim. A-songo tarigimin service jurisprudence-ni pay protection-ni ning-o dakgimin niamrang gita, je pay-scalekon dangdikengipa mande ba cadre-na on-ahachim, uko maming dakeba ja'manchi dingtangatna man-taijaha. Da-oni ong'engipa mamlao, July 1, 2014 tariko sokatgipa u-iatanini gita Meghalaya Treasury Accounts Service-ni Accountants, Senior Accounts Assistants aro Junior Accounts Assistants-ni batbegipa pay- scale rangko Rs.30,610/-, Rs.28,780/-, Rs.27,510/-, dake chamanaha. Fifth Pay Commission-ni tarigiminko ja'rikani gita, Meghalaya Treasury Account Service-o ong-engipa Accountants, Senior Accounts Assistants aro Junior Accounts Assistant-rangni man-chengipa

dormahani gadangrang Rs.39,400/-, Rs.37,800/- aro Rs.30,300/-, ong-tokgen. lan darangni dormahakoba komiata ong-jaenga.

10. Bi'aniko dakenggipani duk man'enganide ian Meghalaya Accounts Service-ni member-rang an-tangtangni man-na nanganiko rakkie donna man'gijanian ong'a aro uamangna July 1, 2014 tariko u'iatgipani ning-o ra'doatani bidingo Fifth Pay Commission-ni apsanke rakkina man'gijaniao mikkango kratcha'aniko ra'baengnaba gnang.

11. Indioba, gnigipa a'selrango mol'molano maiba namgni gnanganiko nikna man'gen. Fifth Pay Commission-ni ra'chake on'enggipa pay-scale rangko a'bachengatgipaoni da'alona ra'gatna nangnaba gnang jekon ra'gatchengatani somoio, Meghalaya Treasury Accounts Service-o kam ka'engiparangna Meghalaya Accounts Service-o apsan post-rango ka'engggiparang baksa apsan on'aha. Uandakgipa obostarang ong'enggon, Adok, Meghalaya Treasury Accounts Service-o dangdike on'engipa manderangna bate on'gimin dormahako badee gama ine a'selko on'e man'pilna jotton ka'naba gnang.

12. lan rongtalbeen ong'na amgijani ong'a. Jensalo tik ka'gimino pangchake kam ka'engipa ba dangdikengipa manderangna dintangmancha gadangni dormahako on'engon, gualani ong'genchimoba, on-dapgipa ba badee on'gipa tangkako kam ka'giparang togie ra'a ba ka'engipaskarang ra'draja skalde ua tangkako man'pilna man'jawa. Da'o ong'enggipa mamlao, Sorkarian July 1, 2014 tarikni u'iatanio, Meghalaya Treasury Accounts Service-o dangdike on'engiparangko, Meghalaya Accounts Service-o donggipa post-

rang baksa apsan gadango donataha. Meghalaya Treasury Accounts Service-o dangdike on-giparangna Fifth State Pay Commission-ni tik ka'e on-gipako ra-gatani tarik ong-kujana kingking on-gipa dormahako Fifth Pay Commission-ni on-gipana bate badegenchimoba uako man-pilna amjaha maina badee on-aniko Treasury-o kam ka-giparang togie an-tang ra-drajaha ba sakgipin uko ra-china drajaha.

13. Uandake WP (C) No.485/2018 bilsini mamlao, Fifth State Pay Commission-ni tik ka-gimin pay-scalerangko aro A-dokni chanchie ra-gatataniko mongsong ra-bianiko jegale bon-ataha. Indiba, Fifth Meghalaya Pay Commission-ni tik ka-giminko ra-gatna skang bi-aniko dakenggipa association-ni memberrang ba gipin Meghalaya Treasury Accounts Service-o kam ka-giparangna tangka badee gamaha ong-ode, uarangko A-dok man-piljanaba dongaha.

14. On-gimin a-selrango pangchake, MC (WPC) No.253/2018 -ko bon-ate matchotata.

15. Gamna nangani bidingo, ge-etani dongja.

**(W. Diengdoh)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**