

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-253/2001 ordered pg-1 INDEX

Disposed Date-21/11/2001

O.A/T.A No. 366/2000.....

R.A/C.P No.....

E.P/M.A No. 253/2001.....

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SECTION OFFICER (JUDI.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 366/2000

Beonali. Prasad. Barua APPLICANTS
versus.

Union of India &ors Respondents.

FOR THE APPLICANT(S) Mr. M. Rahman
ADVOCATE Mr. N. Barua

FOR THE RESPONDENT(S) C. G. S. C.

Notes of the Registry DATE COURT'S ORDER
31.10.2000 Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

b. Application is in form
P. Application is in form
M. L. Application is in form
for Rs. 5/- C. F. C. F. deposited vide
IPO/B/ No. 503/87
Dated..... 31.10.2000
Dy. Register.

Heard Mr. M. Rahman, learned
counsel for the applicant and also
Mr. A. Deb Roy, learned Sr.C.C.S.C.
for the respondents.

Application is admitted. Call
for the records. Issue usual notice.
Returnable by six weeks.

List on 13.12.00 for written
statement and further orders.

Vice-Chairman

13-12-2000 AD. Admitted to 31.12.2000.

M/s
Prop
13/12

3.1.1. Four weeks time, granted to the respondents for filing of written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C.

List on 6.2.2001 for order.

Vice-Chairman

Notice duly served on
R.No. 184.
R.No. 283 on 11.3.01
4/11/01.

7.3.01

Written statement has been filed. The applicant may file rejoinder if any, within two weeks. List on 28.3.01 for orders.

Vice-Chairman

1.3.2000

lm

W/S has been submitted by the respondents.

*Paras
113*

28.3.2001

Written statement has been filed. The applicant may file rejoinder, if any, within ten days from today. List for orders on 11.4.01.

No. Rejoinder has been filed.

nkm

Vice-Chairman

11.4.01

Written statement has been filed. List for hearing on 16.5.01. The applicant may file rejoinder if any within two weeks.

kst

Vice-Chairman

No. Rejoinder has been filed.

lm

16.5.

Rebuttal

List on 13/6/2001 Baruwanjy.

R.M.

A.A.

16.5.2001

13.6.01

Mr. H. Rahman learned counsel for the applicant mentions that the ~~make~~ order dated 31.10.2000 the Controller of Administration, Regional Research Laboratory, Jorhat requires to produce records in this application. Mr. A. Deb Roy, Sr.C.G.S.C. has directed to produce records. List on 4.7.01 for hearing.

1 C (Usha)
Member

None appears for the applicant.

List again on 1-8-2001 for hearing.

1 C (Usha)
Member

The case is ready for hearing as regards w/s and rejoinder.

bb

3/6/01

Notes of the Registry

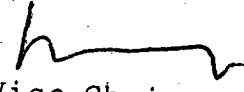
O.A. No. 366 of 2000

Date

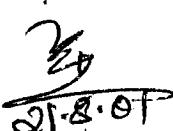
Order of the Tribunal

1.8.2001

None appears for the applicant today also. List again on 3.8.2001.

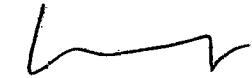

Vice-Chairman

The case is ready
for hearing as
regard vols and
rejoinder.


21.8.01

trd
3.8.01

None appears for the applicant,
for the third time. List on 22.8.01
for hearing.

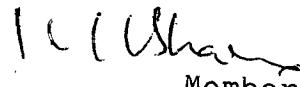

Vice-Chairman

lm

22.8.01

None present for the applicant. Same
was the position on 4.7.01, 1.8.01 and
3.8.01. For the ends of justice the case
is adjourned to 27.8.2001.

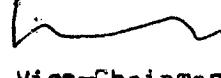
List the matter on 27.8.2001 for
hearing.


Member

trd
27.8.01

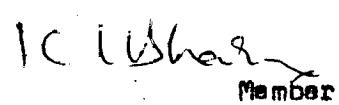
The case is adjourned on the prayer of learned
counsel for the applicant.

List on 5/9/01 for hearing.


Vice-Chairman

5.9.2001

None appears for the applicant today. List the
matter for hearing on 21.9.2001.


Member

bb

Notes of the Registry

Date

Order of the Tribunal

21.9.01

None appears for the applicant today also. The case was adjourned on numerous occasions. It appears that the applicant is no longer interested to pursue the matter. The case is dismissed for default. Office to communicate the order to the party (Applicant).

Vice-Chairman

25.9.2001

pg

Copy of the order has been sent to the Office for issuing the same to the Sr. C.G.S.C. for the Relpdn.

H.S.

21.11.01

In view of the order passed in M.P. 253/2001 this case is taken up for hearing. Heard Mr A.Ahmed, learned counsel for the applicant and Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents at length. Hearing concluded. Judgment reserved.

I C Usha
Member

Vice-Chairman

pg

27.11.01

* Judgment pronounced in open court, kept in separate sheets.

The application is ~~all~~ disposed of in terms of the order. No order as costs.

I C Usha
Member

Vice-Chairman

20.12.2001

mb

Copy of the Judgment has been sent to the Office of the L.P.D. and to the Respondents.

H.S.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 366 of 2000.

Date of Decision. 27.11.01....

— — — — — Sri. B. P. Barua, — — — — — Petitioner(s)

— — — — — Mr. H. Rahman and Mr. N. Barua — — — — — Advocate for the
Versus Petitioner(s)

— — — — — Union of India & Ors. — — — — — Respondent(s)

— — — — — Mr. A. Dab Roy, Sr. C. G. S. C. — — — — — Advocate for the
Respondent(s)

THE HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.
THE HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Administrative Member.

Usha

X

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 366 of 2000.

Date of Order : This is the 27th day of November, 2001.

Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman

Hon'ble Mr. K.K. Sharma, Administrative Member.

Sri Bimala Prasad Barua,
Son of Late Tankeswar Barua,
Technical Officer Group III(5),
Regional Research Laboratory,
Jorhat.

.... Applicant.

By Advocate Mr. H. Rahman, Mr. N. Barua.

" Vs. -

1. Union of India.

2. Director General,
Council of Scientific and Industrial
Research, Raji Marg, New Delhi - 110001.

3. Director,
Regional Research Laboratory,
Jorhat.

4. Controller of Administration
Regional Research Laboratory,
Jorhat.

.... Respondents.

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

ORDER

K.K. SHARMA, MEMBER(ADMN.):

The only relief sought in this application is fixation of pay in the scale of Rs. 12000 - 16000/- with effect from 1.4.96.

2. The applicant, presently working as Technical Officer IV-2 in the scale of Rs. 10,000 - 15,200/-, was appointed as a Senior Laboratory Assistant on 19.2.76. He was selected for the post of Junior Scientific Assistant in the year 1978 and promoted as Senior Scientific Assistant on 13.1.81; Scientist-A on 13.1.86; Technical Officer-B on 1.4.88; Technical Officer-C on 1.4.91. The promotion to the post of Technical Officer

IC Ushan

Contd..2

Officer-C in the scale of Rs.10,000-15,200/- was under 'MANAS' Scheme. As per provisions of 'MANAS' Scheme Assessment is due after every 5 years. The applicant was eligible for next Assessment on 1.4.96 for being considered to the Higher Grade in the scale of Rs.12,000-16,000/-. However no assessment was carried out in the year 1996. On 13.5.99, the applicant received an offer for special interview for change of his group. By Office memorandum dated 16.6.99, the applicant alongwith other two scientists was placed from group III to IV-2 in the same scale of pay which he was getting in group III. The Office memorandum dated 16.6.99 is reproduced below :-

"OFFICE MEMORANDUM

On the recommendation of the Special Interview Committee, which met on 5th June, 1999 the director, RRL, Jorhat has been pleased to accord approval to the movement of the following staff belonging to Group III alongwith their post to the next higher Group under MANAS.

Sl. No.	Name of Candidates	Present Group	Group to which re-commended	effective date in & pay Scale	higher Gr. & pay Scale
01	Dr.Mrs N.Saikia	III(4)	IV(2)	Rs.8000-13500/-	from the date of joining, Rs.10000-15200/-
02	Dr.T.Goswami	-do-	-do-	-do-	-do-
03	ShriB.P.Baruah	III(5)	IV(2)	Rs.10000-15200/-	Rs.10000-15200/-

(i) The above incumbents will continue to perform the same duties and such other higher duties as may be assigned by the Director.
(ii) Their pay will be fixed as per normal rules.
(iii) They will continue to be Governed by other terms & conditions of their appointment in CSIR."

3. Being aggrieved, that the applicant had become entitled to the pay scale of Rs.12,000-16,000/- with effect

V C U Shal

Contd..3

from 1996, the applicant submitted representations on 18.6.99 and 9.7.99 and appeal dated 18.8.99 to the Director, Regional Research Laboratory, Jorhat for correction of his placement. The applicant has claimed that he was inducted in the scale of Rs.10,000-15,200/- in the year 1991 and has continued in the same scale for the last 10 years. The other scientists namely, Dr. Mrs. N.Saikia and Dr.T.Goswami, who also appeared before the interview committee by memo dated 13.5.99 have moved to higher grade from the scale of Rs.8,000-13,500/-. The applicants claim is that in his case a different standard has been applied. The applicant was entitled to move to the scale of Rs.12,000-16,000/- from 1.4.96 as per 'Manas Assessment Scheme'.

4. We have heard Mr.H. Rahman, learned counsel for the applicant and Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents. The respondents have filed their written statement also. The respondent's case is that the applicant had accepted offer of moving from group III to group IV offered to him by letter dated 16.6.99. The applicant was eligible for assessment to the next higher grade from 1.4.1996. However the Assessment Committee could not be held due to some unavoidable reasons. The applicant had accepted placement in grade IV-2, as per recommendation of the Special Interview Committee. He would have got the benefit of higher scale with effect from 1.4.96 had he continued in group III. Since the applicant had opted for his placement in grade IV-2, he had no other alternative but to forego the benefit of special assessment. The applicant being eligible for grade IV-2 and knowing fully well the eventualities and

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Contd...4

the better opportunities in grade IV, has accepted the same. The applicant's case has been considered under Rule 2.3.5. However revised MANAS Scheme has categorically mentioned that " the selection will be on acquiring a comparable level expected in open recruitment to such positions". In a group change one shall move to a higher group not to a higher grade. The service rendered in grade III and grade IV are not equal. Had the applicant continued in grade III, he would have got promotions and benefits as under :-

*01.04.1991 ...Gr.III(5) Rs.10,000-15,200
01.04.1996 ...Gr.III(6) Rs.12,000-16,500
01.04.2001 ...Gr.III(7) Rs.14,300-18,300*

But on movement to grade IV, the applicant would get his further promotion as follows :-

"16.06.1999 ...Gr.IV(2) Rs.10,000-15,200/-
16.06.2004 ...Gr.IV(3) Rs.12,000-16,500/-
16.06.2009 ...Gr.IV(4) Rs.14,300-18,300/-
16.06.2014 ...Gr.IV(5) Rs.16,400-20,000/-"

The applicant agreed to move to group IV, keeping in view the better perspective available in group IV from 16.6.1999.

The applicant was not entitled for Assessment in the year 1996 and as the applicant had already moved to grade IV on 16.6.99.

5. Having heard at length learned counsels for the parties and considering the materials on records, we must observe the casual manner in which the written statement has been filed by the respondents. The respondents have referred to eight annexures in the written statement but no annexures has been filed. The respondents have stated that had the applicant continued in group III, he would have become entitled to the scale of Rs.12,000-16000/- from 1.4.96.

The benefit due to the applicant on 1.4.96 could not be given on the ground that on 16.6.99 he had moved to the higher group. It is seen in the memorandum dated 16.6.99 that on change to group D Dr.Mrs.N.Saikia and Dr.T.Goswami

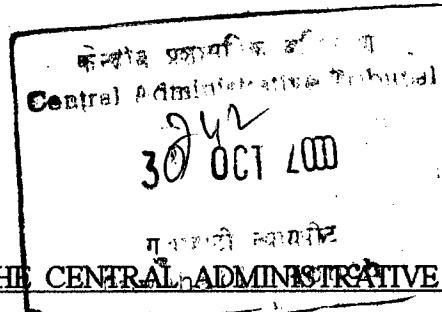
I C Usha

from group III to group IV they have moved from the scale of Rs.8000-13,500/- to the scale of Rs. 10,000-15,200/-. There is no reason why the applicant who was due for higher scale Rs.12,000-16,000/- on 1.4.96 should continue in the same scale of Rs.10,000 to Rs.15,200/- on his movement to grade IV. The applicant could not be denied his due on movement to higher grade for the reason he has moved to different group. On material before us, we are not satisfied that the applicant was not entitled for movement to higher scale which was due to him on 1.4.96. Considering the facts and position, the present case, ends of justice would be met if a direction is issued to the respondents to consider the case of the applicant for his movement to higher scale of Rs. 12,000-16,000/-, as per Rule and if, otherwise eligible and giving the benefit of Rs.12,000-16,000/- which was due to the applicant on 1.4.96 and considering the case of the applicant for the corresponding scale in grade IV. We may also mention that the applicant was being considered for placement in the same scale on movement to group IV. The applicant is directed to make a fresh representation giving all facts within three weeks from the receipt of this order. On receipt of representation from the applicant, the respondents are directed to reconsider the case of the applicant as per Rules for placement in the scale of Rs.12,000-16,000/- which was due with effect from 1.4.96. The respondents are directed to disposed of the representation within the period of three months from the date of its receipt.

6. The application is disposed of as above. There shall, however, be no order as to costs.

K K Sharma
(K.K. SHARMA)
ADMINISTRATIVE MEMBER

(D.N. CHOWDHURY)
VICE CHAIRMAN



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.

ORIGINAL APPLICATION No. 266 /2000

Sri Bimala Prasad Barua.

-VERSUS-

Union of India & Others

..... **Applicant**

..Respondents.

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3.	Annexures :- <u>I to III</u>	11 to 13

Date of Filing _____ Filed by _____

Advocate.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.

BENCH AT GUWAHATI

An application under Section 19 of the

Central Administrative Tribunal Act, 1985.

ORIGINAL APPLICATION No. 366 OF 2000.

Sri Bimala Prasad Barua.

Son of Late Tankeswar Barua.

Technical officer Group III (5)

Regional Research Laboratory.

Jorhat.

.....Applicant.

-VS-

1. Union of India.

2. Director General,

Council of Scientific and Industrial

Research, Raji Marg, New Delhi 110001.

3. Director,

Regional Research Laboratory.

Jorhat.

4. Controller of Administration

Regional Research Laboratory.

Jorhat.

.....Respondents.

Sri Bimala Prasad Barua
Applicant

through
Mr. Nipal Barua
Advocate

Bimala Prasad Barua

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1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:

This application is made against the inaction of the Respondents and for non-disposal of the representation dated 18.8.99 filed by the applicant.

2. JURISDICTION:

The applicant declares that the cause of action of this application is within the Jurisdiction of this Tribunal.

3. LIMITATION:

The applicant further declares that this application is filed within the prescribed period of Limitation.

4. FACTS OF THE CASE:

(a) That the applicant is a citizen of India and is presently working as Technical officer, Group III (5) in the Regional Research Laboratory, Jorhat Assam.

(b) That the applicant is a Graduate in Science with Honours and he was initially appointed as a Senior Laboratory Assistant, in the scale of Rs. 380 to 640 p.m. in the Regional Laboratory, Jorhat on 9.2.76. The said appointment was made in response to an Advertisement and after conducting advertisement an interview.

(c) That in the year 1978 an advertisement was circulated by the Regional Research Laboratory, Jorhat for appointment to the

post of Junior Scientific Assistant. In response to the said advertisement the applicant submitted his application and as being found suitable in the open competition , he was appointed to the said post of Junior scientific Assistant in the scale of pay Rs. 425- 700 p.m.

(d) That on 13/1/81, the applicant appointed as a Senior Scientific Assistant in the scale of pay Rs. 550 – 900 p.m. in the regional Research Laboratory at Jorhat . The said appointment was made in the basis of open recruitment carried out by the Laboratory .

(e) That the applicant was promoted to the post of Scientist -A in the pay scale of Rs. 650 – 1200 p.m. with effect from 13/1/86, The said promotion was made on the basis of an assessment by the authorities.

(f) That the Scientific and Technical employees , of the Council of Scientific and Industrial Research were governed by a scheme known as New Recruitment and Assessment scheme (NRAS) since 1/2/81. Due to the various anomalies which cropt-up during the operation of the scheme , it had to be amended from time to time, Subsequently another scheme known as Merit and Normal Assessment Scheme (MANAS) came into operation with effect from 1/4/88.

(g) That on 1/4/88 the applicant was promote to the post of Technical Officer -"B" in the scale of pay Rs. 700-1300 P.M. This promotion was made offer an assessment carried out by the authority under the Merit and Normal Assessment Scheme (MANAS) .

Daniel Bora and Devnath

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(h) That thereafter on 1/4/91, another assessment was made under the MANAS and was on being found suitable the applicant was promoted to the post of Technical officer "C", in the scale of pay Rs. 10,000 to 15,200 P.M.

(i) That as per the provisions Contained in 'MANAS', the assessment is due after every 5 (five) years and on the basis of the same, the officer's are placed in the next grade on the basis of their performance.

(j) That although as per the provision contained in MANAS, the applicant was eligible for the next assessment on 1/4/96 for being considered to the new higher grade in the scale of Rs. 12,000 – 16,000 P.M. no assessment was carried out by the authorities as a result of which the applicant had to remain in the same grade of Rs. 10,000 – 15,200 P.M.

(k) That on 13/5/99, the applicant was informed by the Controller of Administration, Regional Research Laboratory, Jorhat, vide Office Memorandum No-RLJ/90 (REC)/98-S1 dated 13/5/99 that a special interview for charge group will be held on 5/6/99. The applicant was accordingly requested to appear before the said committee.

A copy of the said memorandum dated 13/5/99, is enclosed herewith and marked as Annexure-I to this application .

Contd...6

Bonalu Phased Bureak

(l) That in pursuance to the said office memorandum , the applicant appeared before the interview committee alongwith two other officers namely Dr. (Ms) Neelima Saikia. T,O, III (4) and Dr. T.Goswami T.O,III (4).

(m) That the Controller of Administration , R.R.L, Jorhat vide office memorandum No RLJ-10 (24) Estt/99 date 16/6/99, informed the applicant that the special interview committee was pleased to accord approval to the movement of the petitioner from the post of Technical Officer III (5) in the scale of pay Rs. 10,000 to 15,200, to the post of Technical Officer IV (2) in the scale of pay Rs. 10,000 to 15,200.

A copy of the said memorandum dated 16/6/99, is enclosed herewith and marked as Annexure-II to this petition.

(n) That being aggrieved by the office memorandum dated 16/6/99, the applicant submitted two note sheets dated 18/6/99, and 9/7/99, and appeal dated 18/8/99 to the director Regional Research Laboratory , Jorhat for correction of his placement which was wrongly done by the special interview committee on 5/6/91 .

A copy of the Appeal dated 18/08/99, is enclosed herewith and marked as Annexure - III to this petition.

(o) That your humble applicant begs to state that he is entitled for the assessment in the scale of Rs. 12000 to Rs. 16,000, in the year 1996 as the applicant was eligible to be Rs. 10,000 to 15,200, on 01/04/91, but the said assessment was held in 16/06/99.

Contd...6

Bimal Prasad Baruah

(p) That your humble applicant begs to state that the applicant was in the grade of Rs. 10,000 to 15,200, from 01/04/91, and he is entitled for the next higher grade Rs. 12,000 to Rs. 16,000, as he was already inducted in the grade Rs. 10,000/- to 15,200/- on 01/04/91, and Dr. Mrs. N. Saikia and Dr. T. Goswami were in the scale of Rs. 8,000, to Rs. 13,500, and they were also assessed and they were also interviewed along with the applicant on the same date.

It may be mentioned here is that on the date of interview Dr. Mrs. N. Saikia and Dr. T. Goswami were in the scale Rs. 8,000 to Rs. 13,500, while your humble applicant was in the scale of Rs. 10,000 to Rs. 15,200. As such the approval given by the office memorandum dated 16/06/99, issued by the controller of Administration for movement of higher group is not as per guideline of MANAS (Merit and Normal Assessment scheme).

(q) That your humble applicant begs to state that the applicant was inducted in the scale of Rs. 10,000 to 15,200, in the year 1991, and for the last ten years he was in the same grade and scale and while he was assessed for the next higher grade on 05/06/99, his pay scale was fixed as Rs. 10,000 to 15,200, as per order dated 16/06/99, but in fact the applicant was on the same pay scale from 01/04/99, and he is entitled for Rs. 12,000, to 16,000, which was not given to your humble applicant.

Contd...7

Gr. II 16/3/2002
Gr. IV 2013

Bimala Prasad Baral

V. LEGEL GROUNDS FOR RELIEF

1. For that your humble applicant is entitle for promotion in the scale of Rs. 12,000, to Rs. 16,000, from 01/04/96, as Technical office (E) as per the Revised MANAS.
2. For that your humble applicant was in the scale of Rs. 10,000/- to Rs. 15,200/-, from 01/04/91, and he is entitled for next promotion in the scale of Rs. 12,000 to Rs. 16,000, from 01/04/96, but he was desired the monetary benefit from 01/04/96.
3. For that the interview fixed for promotion to next higher grade was held on 05/06/99, in which Dr. Mrs N. Saikia and Dr. T. Goswami who were in the scale of Rs. 8,000 to Rs. 13,500, and after selection they were recommended for the scale Rs.10,000 to Rs. 15,200, on the other hand the applicant who was in the scale of Rs. 10,000 to Rs. 15,200, on the day of selection was also recommended for the same scale of Rs. 10,000 to Rs. 15,200 , which is irregular, illegal and violative of the guideline of MANAS.
4. For that the recommendation of the special interview was approved by the Controller of Administration is not correct and the same may be rectified as per the guideline of the MANAS .

Contd... 8

Deinali Prajat Dasmah

5. For that as per the guideline of revised MANAS , your humble applicant was eligible for due assessment as Technical Officer (E) in the scale of Rs. 12,000/- to 16,000/- on and from 1/4/96 , but he was given fitman in higher group on 16/6/99 without any monetary benefit on the otherhand monetary benefits was given to Dr. (Mrs) N. Saikia and Dr. T. Goswami .

6. For that in any view of the matter the applicant is entitle for the monetary benefit in the grade of Rs. 12,000/- to Rs. 16,000/- from 1/4/96 .

VI DEATAILS OF REMEDY EXHAUSTED :

Thus is no other remedy except filing this applicant before this Hon'ble Tribunal .

VII MATTER IS NOT PENDING IN ANY OTHER COURT / TRIBUNAL

The applicant declare that he has not filed any other application before any Court / Tribunal .

VIII RELIEF PRAYED FOR :

That the respondents may be directed to fix the pay scale of Rs. 12,000/- to Rs. 16,000/- in favour of the applicant from 1/4/96 for which the applicant is entitled and to direct the respondent to make the arrear payment from 1/4/96 , the date of entitlement as per revised MANAS .

Contd...9

No
RS SC from

1991 - 1996

Binmale Prasad Benu

9.

4

IX INTERIM RELIEF PRAYED FOR :

NIL

X PARTICULARS OF THE POSTAL ORDER :

POSTAL ORDER NO. : 503787

DATE OF ISSUE : 30.10.2000

ISSUED FROM : C.P.O, Amravati

PAYABLE AT : Amravati

XI DETAILS OF INDEX :

An Index showing the particulars of documents enclosed.

XII LIST OF ENCLOSERS :

As per Index

VERIFICATION

Dinakar Prasad Barwad

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VERIFICATION

I Sri Bimala prasad Baruah son of Late Sri Tonkeswar Baruah, aged about 45 years working as Technical Officer in Regional Research Laboratory, Jorhat, Assam do hereby solemnly affirm and verify the statements in this application as follows :-

1. That, I am the applicant in this application and a such I am acquainted with the facts and circumstances of the case as follows:

That the statement made in this verification and in paragraphs 4(a)to 4(j).4(l).4(O)to 4(Q) are ture to my knowledge and those made in ~~xx~~ paragraphs 4(k) to 4(m)and4(n)are ture matter of records and are true to my information derived therefore.

And I sign this verification on this 30th day of Oct 2000.

Bimala Basad Baruah

APPLICANT.

-11-

REGIONAL RESEARCH LABORATORY :: JORHAT (ASSAM)
(Council of Scientific and Industrial Research)

No. RLJ/90 (REC)/98-SI.

Date: 13.05.99

OFFICE MEMORANDUM

The following members of staff are informed that their special interview for change of group will be held on 05.06.99 at 2.00 p.m. in the Conference room of RRL-Jorhat.

1. Dr. (Ms) Neelima Saikia. T.O.
2. Dr. Tridip Goswami, T.O.
3. Mr. Bimala Prasad Baruah. T.O.

They are requested to appear before the Committee accordingly.

(R.P. SRIVASTAVA)
Controller of Administration

cc: (1) All candidates as above.
(2) PA to COA/AO.
(3) SPA TO Director.

W. J. Miller
Advocate
3.9.2000

REGIONAL RESEARCH LABROTORY : 785 006 (ASSAM)

NO. RLJ-10(24)ESTT/99

Dated:-16.06.99

OFFICE MEMORANDUM

On the recommendation of the Special Interview Committee, which met on 5th June, 1999 the director, RRL, Jorhat has been pleased to accord approval to the movement of the following staff belonging to Group III along with their post to the next higher Group under MANAS.

Sl. No.	Name of Candidates	Present Group	Group to which effective & pay Scale recommended & date in pay Scale		higher Gr. from the date of joining.
			IV(2)	Rs. 8000-13500/- Rs. 10000-15200/-	
01.	Dr. (Ms) N. Saikia	III (4)	IV(2)	Rs. 8000-13500/- Rs. 10000-15200/-	from the date of joining.
02.	Dr. T. Goswami	-do-	-do-	-do-	-do-
03.	shri B.P. Baruah	III (5)	IV(2)	Rs. 10000-15200/- Rs. 10000-15200/-	-do-

(i) The above incumbents will continue to perform the same duties and such other higher duties as may be assigned by the Director.

(ii) Their pay will be fixed as per normal rules.

(iii) They will continue to be Governed by other terms & conditions of their appointment in CSIR.

(R. P. Srivastava)
Controller of Administration

To

All the promotees.

Copy to : 1. Accounts Section
2. Bills Section.
3. Personal file.
4. PS to Director.
5. Head planning Divisions.
6. Heads of Divisions Concerned.

CONTROLLER OF ADMINISTRATION

Dated: 18.08.99
25

The Director of RRL, Jorhat
Assam.

Sub: Placement of exiting employees (prior to 01.02.81) in Grp.IV vide CSIR memo no.17/66/94-PPS, dtd.19.6.95 from the Jt.Secy., Admn., New Delhi

Ref:- Memo No. RLJ-1024/99, dated 16.6.99

Sir,

With reference to the above memo, and my earlier notes (copies enclosed) to the Director RRI Jorhat, dated (1) 18.6.99 and (2) Reminder I of 9.7.99 regarding the Special Assessment Interview, which was held on 5th June, 99 following few points are placed for your perusal and immediate necessary action.

I. Vide reference memo no. as cited above in my case, the group changeover has been allowed i.e, from group III to group IV. In connection with this, I may mention here that my Group & Grade was Group III, Grade 5 in the scale of Rs. 10,000/- to Rs. 15,200/- since 1.4.91. Since then I am in the scale for last eight years. While placing me in Group IV, I have been placed in the same scale of Rs. 10,000/- to Rs. 15,200/- in Group IV(2) after serving that many years in the equivalent scale of Group III and nullifying my entire service of eight years of that scale. Moreover, the regular Assessment due to me in Grp. III, i.e. from Grp. III(5) to Grp. III(60 falls from 1.4.96 to the scale of rs. 12,000/- to Rs. 16,000/-.

II. Vide the same memo, the situation of Grp. changeover to other two staff members is dissimilar. Though the other two candidates, as mentioned in that memo, were in Grp. III(4) in the scale of Rs. 8000/- to 13,500/-, but actually the scale for them is not regularised in that scale (as per CSIR memos). This clearly shows that the incumbents have been assessed to the scale of Rs. 10,000/- to Rs. 15,200/- by skipping or without regularising them in the intermittent scale of Rs. 8000/- to 13,200/- . Thus, in this case, it is seen that the incumbents have been assessed from the scale of Rs. 6,500/- - 10,500/- to Rs. 10,000/- - 15,200/- by skipping the intermittent scale.

III. Also the Assessment Committee constituted, in my case I feel does not conform to the guidelines laid down in the MANAS (page 19)/REVISED MANAS (page 27).

I would like to mention herewith dismay that I have not yet been given any official intimation in this regard even after the elapse of two months from the date of my first petition. Kindly note that this is my third petition. I do not think that I shall have to seek Justice in some other platform. Therefore, in view of this, I appeal for immediate settlement of the case as I feel proper Justice has been denied to me.

Thanking to,

Yours faithfully
B.P. Baruah, Tech OFF C

*W.B. Baruah
3/9/2000
Advocate*

संघ न्यायिक बिभाग
Central Administrative Tribunal
1 FEB 2001
गुवाहाटी बैच्चन
G. A. T., Guwahati Bench

Filed by
C. A. DEB BOR
Sr. C. C. S.
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O.A. 366 OF 2000

Shri : Bimala Prasad Baruah

- Vs -

Union of India and others

IN THE MATTER OF

Written statement submitted by
the Respondents.

The respondents beg to submit the written
statement as follows :-

1. That with regard to para 4(a) the
respondents beg to state that his statement
that he is presently working as Technical
Officer, Gr. III (5) is false. At present,
the applicant is holding the post of Gr.IV
(2) in the Regional Research Laboratory,
Jorhat. The Competent authority accorded
approval to movement of Shri Baruah From

Contd.....

Gr. III to Gr.IV by O.M. No. WLJ-10(24)
Estt/1999 dt. 16.06.1999 and the applicant accepted the offer by his letter dt. 1.12.1999 opting to accept the offer from the date of O.M. dated 16/06/1999.

Copy of O.M. dated 16.6.1999 and letter dt. 1.12.1999 are annexed hereto and marked as ANNEXURE-1 and II respectively.

2. That with regard to paras 4(b) to 4(i) the respondents beg to offer no comment.
3. That with regard to para 4(j) the respondents beg to state that although the applicant along with other similar candidates were eligible for assessment on 01/04/1996 to the next higher grade in the scale of Rs.12,000/- to Rs.16,000/- the Assessment Committee could not be held due to

Contd.....

- 2 -

some unavoidable reasons. On the other hand, a special interview was held on 5th June, 1999 for 3 candidates i.e. (i) Dr. Tridip Goswami, (ii) Dr.(Mrs.) Neelima Saikia and (iii) Shri Bimala Prasad Baruah and as per the recommendation of the special Interview Committee, the Director, RRL-Jorhat approved their placement in Gr.IV(2) from the date of their joining and effective date of submission of option to accept the offer as well. Accordingly, all the candidates including the applicant Shri Bimala Prasad Baruah submitted their options for movement to Gr.IV(2) from Gr.III(5). Dr. Tridip Goswami submitted option letter dt.8.9.1999 and Dr.(Mrs.) Neelima Saikia submitted option dated 30.8.1999. Had the applicant not been submitted his option for movement from Gr.III(5) to Gr.IV(2), he would have been eligible to get assessment for the past period and accordingly he would have been in a convenient position to get the consequential benefits in Group III(6). Since the applicant had opted his placement/joining in Gr.IV(2) under para 2.3.5. of "Revised MANAS", he had no other alternative but to forego his benefit of special assessment. In this regard a clarificatory letter dt. 5/6.08.1999 was received from CSIR Headquarters in the context of movement from Gr.III to Gr.IV. and another clarificatory letter dated 8/13.10.1999 received from CSIR in the context

of Group change under para 2.3.5 of "Revised MANAS"

Copy of option letter dt.

8.9.1000 and dt.30.8.1999 and

clarificatory letter dt.

5/6.0.1999 and 8/13.10.1999

are annexed as ANNEXURE -III,

IV, V and VI respectively.

4. That with regard to paras 4(k),4(i) and 4(m) the respondents beg to offer no comment.

5. That with regard to para 4(n) the respondents beg to state that it is really mysterious and contradictory when the applicant was aggrieved by the O.M. dated 16/06/1999 followed by submission of 2(two) note sheets dated 18/06/1999 and 09/07/1000 and an appeal dated 18/08/1999 has opted for movement to Gr.IV(2) from Gr.III(5).

Without getting the appropriate relief. Being an educated person, the applicant said Shri Baruah and knowing fully well the eventualities and the better opportunities available in Gr.IV also to make his illegitimate benefit in his previous grade, the applicant has played a makebelieve role and claiming his past benefit in the previous group of grade, i.e. Gr.III(5) to Gr.III(6) The recommendation of the Special Interview Committee was made on 05/06/1999 and not on 05/06/1991 as has been mentioned by the applicant. On the other hand, the question of

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being aggrieved by the applicant for his placement in Gr.IV(2) from Gr.III(5) did not/does not arise at all since the RRL management has implemented the para 2.3.5 of revised MANAS in letter and spirit. In this para 2.3.5 of revised MANAS, it has been categorically mentioned in the last para that " there selection will be on acquiring a comparable level expected in open recruitment to such positions". There has been no mention of any placement of scale in the new group corresponding to the scale of the previous of grade. To speak it more clearly, it is to be mentioned herein that the recommendation of placement by Special Interview Committee is not an assessment promotion within a group. In a group change, one shall move to a higher group not to higher grade in one's earlier existing group. There has been lot of differences in service to be rendered in Group III and Group IV. As per para 5.1 of "CSIR Service Rules, 1994 for Recruitment of Scientific, Technical and Support Staff"- Scientific staff means R&D Scientific staff who are expected to generate new knowledge, methods/techniques by research/design/development; and para 5.2 "Technical staff means staff who are expected to use existing scientific, technical knowledge/methods/techniques towards solution of technical problems". From the above, it is abundantly clear that service rendered in group III or technical staff and group IV or scientific staff are not equal. As such, groupIV/Sci-

ntific staff are always placed in a better position and reposed with higher responsibilities. Since the applicant said Shri B.P. Baruah has moved from Gr.III or technical staff to Gr.IV or scientific staff, obviously he has received a good recognition of his valuable service to the institute by placement to higher group. Accordingly, the respondents/RRL management strongly refute the contention of wrong placement as recommended by the Special Interview Committee on 05/06/1999.

Over and above this, the respondents/RRL management have been able to visualise the future outcome of the option given by the applicant, said Shri Baruah for his movement from Gr. III(5) to Gr.IV(2). Had the applicant not been opted for movement from Gr.III(5) to Gr.IV(2), he would have been able to get promotion till his retirement as follows subject to the fulfilment of other condition as per revised MANAS.

01.04.1991	...	Gr.III(5) Rs.10,000-15,200
01.04.1996	...	Gr.III(6) Rs.12,000-16,500
01.04.2001	...	Gr.III(7) Rs.14,300-18,300

Contd....6/-

On the other hand, after giving option by the applicant for his movement from Gr.III(5) to Gr.IV(2), he will be in a position to get his future promotions as follows subject to fulfilment of other conditions as per revised MANAS.

16.06.1999 ... Gr.IV(2) Rs.10,000-15,200/-
16.06.2004 ... Gr.IV(3) Rs.12,000-16,500/-
16.06.2009 ... Gr.IV(4) Rs.14,300-18,300/-
16.06.2014 ... Gr.IV(5) Rs.16,400-20,000/-

The date of birth of the applicant is 02.01.1955 and as such the said applicant will retire on superannuation in the month of January, 2015.

Now, it has become crystal clear that the applicant said Shri B.P. Baruah has opted for movement from Gr.III(5) to Gr.IV(2) keeping in view his perspective path available in Group IV. Moreover, the applicant Shri Baruah will have to remain as stagnant in Gr.III(7) after 2001, if he wishes to remain in the previous group. The only preposterous notion, the applicant has been adopting by seeking redressal before the Hon'ble Tribunal to assess him in the previous group of grade which the applicant cannot get after his movement from Gr.III(5) to Gr.IV(2).

Copy of para 2.3.5 of revised MANAS and copy of CSIR Service Rules, 1994 are annexed as ANNEXURE- VII and ANNEXURE-VIII respectively.

6. That with regard to para 4(o) the respondents beg to state that the applicant said Shri B.P. Baruah is not entitled for assessment in the scale of Rs.12,000/- to Rs.16,000/- in the year 1996 as the applicant has already moved to the prospective higher group for which he was already submitted his option.

7. That with regard to para 4(p) the respondents beg to state that the applicant, said Shri B.P. Baruah is not entitled for the next higher grade in Group III since he was already opted for movement to a higher group. The fact that Dr.(Mrs) N.Saikia and Dr. T. Goswami were recommended for placement in group IV by the Special Interview Committee in the same group of grade of the applicant Shri B.P. Baruah, might be the reason of possessing much more higher qualification than that of Shri Baruah or anything else might be upto the Special Interview Committee. The approval given by the RRL management dated 16/06/1999 for movement of higher group has been made as per the guidelines of the MANAS in letter and spirit.

8. That with regard to para 4(q) the respondents beg to state that the respondents/RRL management have strongly denied the statement made by the applicant that the applicant has been in the same grade for last ten years. After movement of the applicant from Gr.III(5) to Gr. IV(2), the contention of placing in the same grade did not/does not arise at all. As such, the applic-

cant is not entitled for Rs. 12,000/- to Rs.16,000/-.

LEGAL GROUNDS FOR RELIEF :

9. That with regard to para 5(1) the respondents beg to state that the applicant Shri Bimala Prasad Baruah is not entitled for promotion in the scale of Rs.12,000/- to Rs.16,000/- from 01.04.1996 as Technical Officer E, as per revised MANAS since the applicant has already moved from Gr.III to Gr. IV through the recommendation of a duly constituted Special Interview Committee.

10. That with regard to para 5(2) the respondents beg to state that although the applicant was in the scale of Rs.10,000/- to Rs.15,200/- from 01.04.1991 he is not entitled for the next promotion in the scale of Rs.12,000/- to Rs.16,000/- from 01.04.1996 as he has already opted for a higher group of grade.

11. That with regard to para 5(3) the respondents beg to state that the interview which was held on 05.06.1999 was not an assessment for next higher grade, but it was a Special Interview for placement of the applicant said Shri Baruah along with Dr. (Mrs.) Neelima Saikia and Dr. T. Goswami for their movement from Gr.III(5) to Gr.IV(2). In this situation, the recommendation made by the Special Interview Committee for movement of the incumbent from Gr.III(5) to Gr.IV(2) cannot be said to be irregular

/illegal and violative of the guidelines of MANAS.

12. That with regard to para 5(4) the respondents beg to state that the approval of the RRL management for placement of the applicant Shri Baruah as per recommendation of the Special Interview Committee is 100% correct and the same cannot be rectified contrary to the guidelines of MANAS.

13. That with regard to para 5(5) the respondents beg to state that the applicant Shri Baruah is not eligible for another assessment as Technical Officer (E) in the scale of Rs.12,000/- to Rs.16,000/- on and from 01.04.1996 after his movement from Gr.III(5) to Gr.IV(2) by violating the guidelines of the revised MANAS.

14. That with regard to para 5(6) the respondents beg to state that the applicant is not entitled for monetary benefit in the scale of Rs.12,000/- to Rs.16,000/- in 01.04.1996.

It is, therefore, prayed that
the Hon'ble Tribunal may be pleased
to reject the application forthwith.

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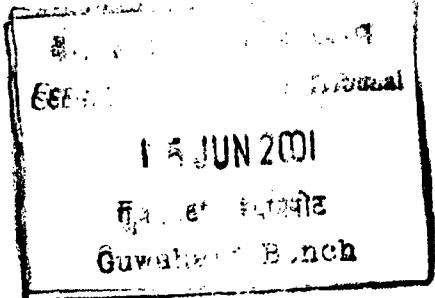
VERIFICATION

I Shri Dr. Jagir Singh Sandhu being authorised do hereby solemnly declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact.

And I sign this verification on this 16th day of Feb. 2000.

DECLARANT

Jagir Singh



In The Central Administrative Tribunal

Guwahati Bench : Guwahati

OA 366 Of 2000

Shri Bimala Prasad Baruah

- Vs -

U.O.I and Others

(Affidavit in reply filed by the Applicant)

I, Shri Bimala Prasad Baruah, son of Late Tankeswar Baruah, presently working as Scientist in Regional Research Laboratory, Jorhat, and I am the applicant in the above case and I file my reply against the written statement as follows :-

1. That, in reply to the statement made in paragraph 3; I beg to state that it is not correct that other candidates were eligible for assessment in the higher grade in the scale of pay Rs 12,000/- 16,500/- on 1-4-96. Because both the other candidates Dr Tridip Goswami and Dr(Mrs) Nilima Saikia were in the pay scale of Rs 6500-10500/- on 1.4.96 whereas Shri Bimala Prasad Baruah was in the scale of Rs 10,000/- 15,200/- on 1.4.96 (effective from 1.4.91).

Photocopy of the order of Fixation of pay dated 9.12.99 for Dr Tridip Goswami and Dr (Mrs) Nilima Saikia are enclosed herewith and marked as Annexure I and I A.

Contd 2/-

That the Applicant Shri Bimala Prasad Baruah submitted his Appeals on 18.6.99 and reminders on 9.7.99 and 18.8.99. As the appeals were pending and no reply was received by the applicant it was the legitimate Expectation that the case of the applicant may be considered by the Authority.

Moreover, the Controller of Administration, Regional Research Laboratory, Jorhat invited the applicant as per advice of the Director and Chairman, Selection Committee prior to the Interview and assured that the case of the Applicant for past benefits will be given if the applicant sits in the interview. As per that assurance, the applicant sits for the interview with a legitimate Expectation that his past benefits will be considered by the authority. Copies of the appeals dated 18.6.99 and Reminders dated 9.7.99 and 18.8.99 respectively are enclosed herewith and Marked as Annexure 2, 2A and 2B respectively.

2. That in reply to the statement made in paragraph 4, it is not correct that the Director of RRL Jorhat had implemented the para 2.3.5 of Revised MANAS in spirit. The Revised MANAS was given effect from 1.4.92 and immediately the interview could have been taken place for the eligible candidates like the applicant , but the same was not done even after the submission of Appeals by the Applicant and ultimately the same interview was taken on 5.6.99 with other juniors. The statement made by RRL that "In a group change, one shall move to a higher group and not to higher grade in one's earlier existing group" is not correct. As Dr (Mrs) Nilima Saikia and Dr TridipGoswami were in the scale of pay Rs 6500-10500/- as per office

- 3 -

Memorandum fixing their pay scales on 9.12.99 and the interview was held on 5.6.99.

But after interview their placement was fixed in a higher scale of Rs 10000 - 15,200/- in which scale the Applicant was already working since 1.4.1991. So, the statement made by the opposite party, RRL, is contradictory, Misleading and not correct. The statement made by RRL is not correct and was only to deprive the Applicant's genuine claim, RRL took the wrong pleas. In this regard, the Controller of Administration, RRL in his official Note dated 17.9.99 expressed his opinion that Shri Bimala Prasad Baruah , the present Applicant is entitled for the scale of Rs 12000/- 16500/- from 1.4.96. The Honourable Tribunal may call for the Note sheet dated 17.9.99 of Controller of Administration and to examine the same.

Verification

VERIFICATION

I, Shri Bimala Prasad Baruah, S/O Late Tankeswar Baruah, aged about 46 years, presently working as Scientist in Regional Research Laboratory, Jorhat, Assam do hereby solemnly affirm and verify the statements in this application as follows :

That, I am the applicant in this application and as such I am acquainted with the facts and circumstances of the case and I sign this verification on this 1st day of June 2001 at Guwahati.

Sri Bimala Prasad Baruah
DECLARANT

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REGIONAL RESEARCH LABORATORY: JORHAT: ASSAM
(Council of Scientific & Industrial Research)

No. RLJ-13(262)-Estt/97

Dated: 9.12.99

OFFICE MEMORANDUM

Subject: Fixation of pay.

In pursuance of O.M. of even number dated 29.11.99 the
pay of Dr. (Mrs) Neelima Saikia has been fixed as under:-

SL No.	Name of employee and grade	Event	Last pay drawn	pay fixed	Date
1.	Dr. (Mrs. Neelima Saikia - withdrawn Tech. Officer III(3) - of			2240/-	1.2.93
Promotion					
		Inc.	2350/-2300/-	2300/-	1.2.94
		Inc.	2425/-2375/-	2375/-	1.2.95
		Revised Scale	8275/-7300 /-	7300/-	1.1.96
		Inc.	8550/-7500/-	7500/-	1.2.96
		Inc.	8825/-7700/-	7700/-	1.2.97
		Inc.	9100/- 7900/-	7900/-	1.2.98
		Inc.	9100/- 8100/-	8100/-	1.2.99

Her annual increment w.e.f. 1.2.99 in the grade of Tech. officer Gr.III(3) in the scale of Rs.6500-10,500/- as sanctioned as above.

SECTION OFFICER

To: Dr. (Mrs) Neelima Saikia
Technical Officer G.III(3)

Copy to : 1. Accounts Section.

2. Mill Section. Sd/- Section Officer.

Attested
Rehman
9/6/2001

-30-
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REGIONAL RESEARCH LABORATORY: JORHAT: ASSAM. Annexure-1 A.
(Council of Scientific & Industrial Research)

No. RLJ-13(461)-Estt/81

Date: 10.12.99

OFFICE MEMORANDUM

Subject: Fixation of pay.

In pursuance of O.M. No. RLJ-13(262)-Estt/97 dated
29.11.99 the pay of Dr. Tridip Goswami has been fixed as under:-

<u>Sl No.</u>	Name of employee and grade	Event	Last pay drawn	Pay fixed	Date
1.	Dr. Tridip Goswami	Withdrawn	2275/-	2240/-	1.2.93
		of Promotion			
		Inc.	2350/-	2300/-	1.2.94
		Inc.	2425/-	2375/-	1.2.95
		Revised Scale	8275/-	7300/-	1.1.96
		Inc.	8550/-	7500/-	1.2.96
		Inc.	8825	7700/-	1.2.97
		Inc.	9100/-	7900/-	1.2.98
		Inc.	9100/-	8100/-	1.2.99

His annual increment which was held up w.e.f. 1.2.99 is
sanctioned as above.

Sd/- SECTION OFFICER

To

Tridip Goswami

Copy to : 1. Accounts Section

2. Bill Section

Sd /- Section = officer-

attended
or Rahum
9/6/2001

Ref : Memo No. RLJ -10(24)/99,
Dtd.16.6.99.

Annexure-2

With reference to the above memo, I would like to state the following for favour of your perusal and immediate necessary action. Vide this memo, I am allowed changeover of Group III to Group IV. However, to my utter surprise, I have not been placed in Group IV (3), the scale of which was due to me since 1.4.96 as I was serving in the Group III (5) since ~~1.4.91~~ 1.4.91. Moreover, all the candidates including myself were briefed by the Controller of Administration officially as per instructions of the Chairman, R C and special interview committee., immediately before commencement of the interview that I would be placed in Group IV(3) from the date of interview asking me also to forego the benefit of residency period in that Group and Grade (Group IV(3)) from 1996 to 1999(date of interview). This encouraged us to appear in the interviews

Though the other candidates have been given the benefits of higher Group and grade, e.g. Group III(4) to Group IV(2), clearly indicating elevation in placement, I have been deprived of the benefit of such elevation (Grade III(5) to GrpIV(3)). As a result , a simple calculation shows that I shall have to stay in the same scale for long 13 years in order to face interview for the next higher grade. It is obviously contradictory to the briefing by COA as stated above.

✓ Hosted
✓ Radhika
9/6/2001

This is in continuation of my verbal appraisal to the Director, RRL Jorhat on 17th June 99 at around 11.00 am . Therefore, immediate settlement of the matter is requested for.

Sd/- B.P. Baruah

Technical Officer C

18.6.99

Director, RRL Jorhat.

Annexure-2A.

Reminder I

Ref: Note of the undersigned dated 18.6.99 in response to the office Memo No. RLJ-10(24)/99, dated 16.6.99.

With reference to my note mentioned above, I would like to state that till date I have not been in receipt of any official intimation, though I requested for immediate settlement of the matter (mentioned in note dated 18.6.99). Delay in settlement of the case has caused much concern, I once again request you for quick action as justice delayed is justice denied.

9.7.99

Sd/-B.P. Baruah
Technical Officer C

Director.

*Attested
B. Baruah
9/7/99*

9

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To

Annexure-2B

The Director
RRL Jorhat
Assam.

18.8.99

Sub: Placement of existing employees (prior to 1.2.81) in
Grp IV vide CSIR memo no 17/66/94-PPS , dtd 19.6.96
from the Jt.Secy., Admn., New Delhi.

Ref: Memo No.RLJ-1024/99, dated 16.6.99.

Sir,

With reference to the above memo, and my earlier
notes (copies enclosed) to the Director, RRL Jorhat, dated
(1) 18.6.99 and (2) Reminder I of 9.7.99 regarding the
Special Assessment Interview , which was held on 5th June
99, following few points are placed for your persual and
immediate necessary action.

I. Vide reference memo no as cited above, in my case, the
group changeover has been allowed, i.e., from Group III
to Group IV. In connection with this, I may mention here
that my Group & Grade was Group III, Grade in the scale of
Rs.10,000/- to 15,200/- since 1.4.91. Since then I am in
the scale for last eight year. While ~~not~~ placing me in Grp IV
I have been placed in the same scale of Rs.10,000/- to
Rs.15,200/- in Grp IV(2) after serving that many years in
the equivalent scale of Grp III and nullifying my entire
service of eight years of that scale. Moreover, the
regular Assessment due to me in Grp III, i.e. from Grp
III(5) to Grp III (6) falls from 1.4.96 to the scale of
Rs.12,000/- to Rs.16,000/-.

*Attn: J
2/Refuer
9/6/2001*

II. Vide the same memo, the situation of Grp changeover
to other two staff members is dissimilar. Though the other
two candidates , as mentioned in that memo, were in
Group III(4) in the scale of Rs.8000/- 13,500/-, but
actually the scale for them is not regularised in that scale
~~xxRax8,000/-x13,500/-~~ (as per CSIR memos.). This_{2....}

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- 2 -

clearly shows that the incumbents have been assessed to the scale of Rs.10,000/- Rs.15,200/- by skipping or without regularising them in the intermittent scale of Rs.8,000/- -13,200/-. Thus , in this case, it is seen that the incumbents have been assessed from the scale of Rs.6,500/- to Rs.10,500/- to Rs.10,000/- 15,200/- by skipping the intermittent scale.

III Also the Assessment Committee constituted , in my case I feel does not conform to the guidelines laid down in the MANAS (page 19) Revised MANAS (Page 27)

I would like to mention here with dismay that I have not yet been given any official intimation in this regard even after the elapse of two months from the date of my first petition. Kindly note that this is my third petition. I do not think that I shall have to seek justice in some other platform.

Therefore, in view of this, I appeal for immediate settlement of the case as I feel proper justice has been denied to me.

Thanking you,

Faithfully yours,

Sd/- BP Baruah.

Tech Off C.

Q. Hertel
J. Radhakrishnan
9/6/pt