

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

X

(DESTRUCTION OF RECORD RULES, 1990)

M.P- 65/2002 order sheet 1
allowed date- 26/04/02

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 39/2000

Pareek. Chandan. Deb. Barma. Applicant.
Don.

versus

Union of India & Ors Respondents.

For the Applicant(s) *Ms. S. Das.*

For the Respondents. *C. G. S.*

NOTES OF THE REGISTRAR	DATE	ORDER
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4.4.01

Put up only after removal of defects. The Deputy Registrar to look into the matter and take remedial measure.

U. U. Sharma
 Member

[Signature]
 Vice-Chairman

pg

5.7.01

List on 8.8.01 for Admission after removal of the defects. Office to inform the learned counsel for the parties to remove the defects. Learned counsel for the parties do the needful.

[Signature]
 Vice-Chairman

lm

This is a copy of the form
 bet.
 Petition.
 M. P. No.
 for Rs. 5/-
 IPO/BD No. 225483
 Dated. 16.8.2002

Dy. Registrar.

Note: The following defective
 1) Reason found as follows.
 2) Service of Notice Address is incomplete.
 3) Sufficient Service copy is not supplied. only two copies supplied.
 3) Joint prayer is not given in a single application.

22-1-2001 (Reminder)

Letter issued to the applicant Advocate.
 vide D.O. No. 148 dt. 22-1-2001

Put up after compliance.

AM
22/1/2001

NS
577/2001

8.8.2001

Office to issue notice to the applicants for compliance of the defects with a copy to the respective counsel. List for orders on 19.9.01.

Vice-Chairman

nkm
19.9.01

No steps so far been taken despite order passed by the tribunal. List on 16/11/01 for order.

Vice-Chairman

mb

16.11.01

The application is defective. Intimation about its defects was issued to the applicant, but the applicant has not rectified the defects. The applicant is ordered to rectify the defects.

List on 14.12.2001 for further order.

Member

bb
14.12.01

None is present for the applicant. The application is defective. Office to inform the applicant to remove the defects. List on 11.1.02 for order.

Member

mb

17-1-2001

As per direction of Registrar of the High Court issued to the applicant Adv. A. K. Singh vide No. 144 of 17-1-2001.

20.3.01

Certain defects in the application are shown. Letter & also reminder are issued. No reply is received from the applicant.

The application is from Agnildia. Placed before the Honble Court for order.

Order dtd 5/7/01
Communicated to the parties counsel vide D/No _____ dtd

6/7/01

Order dtd. 8/8/01
Communicated to the parties. Adv. Gaurish Singh Court. Guwahati.

10/8/01

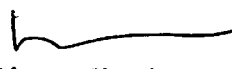
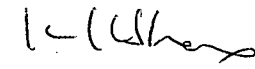


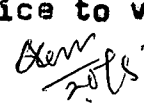
Order dtd 16/11/01 Communicated to the parties Counsel.

16/11/01

Order dtd. 14/12/01 Communicated to the applicant.


20/12/01

U.N. 391/2001


Notes of the Registry	Date	Order of the Tribunal
	11.1.02	Mr. M. Chanda learned counsel entered appearance on behalf of the applicant and prays for 3 weeks time to rectify the error. Prayer is allowed. List on 13.2.02 for orders.
	lm	 Vice-Chairman
	13.2.02	As per order dated 11.1.2002 the applicant was directed to rectify the error and the time was allowed to-day on 13.2.02. As to-day the defects have not been removed, Another opportunity is given to the applicant to remove the error. List on 1.3.02 for orders.
	lm	 Member
	1.3.2002	Four weeks time allowed to the respondents for filing of written statement. List for orders on 5.4.02.
	nk m	 Vice-Chairman
	5.4.02	Two weeks time is allowed to the applicant to remove the defects if any, as a last chance. List on 26.4.02 for remove the defects.
	lm	 Vice-Chairman
	20.5.02	This application stood for amendment by order dated 24.4.2002 in M.P. No. 65/2002. It is stated by Mr. M. Chanda, learned counsel for the applicant that steps were already taken by the applicant providing sufficient service copies in the Office. Office to verify and report on 23.5.2002.  List on 23.5.2002 for orders.

Order dtd. 13/2/02
Communicated to the
applicant advocate.
by
15/2

No. written statement
has been filed.


4.4.02

No. defects remove
by the applicant.


17.5.02

Notes of the Registry	Date	Order of the Tribunal
<p>Steps taken Notice referred and sent to Dls for issuing the Respondents No. 1 to 4 by Regd A.D.</p> <p>2075</p> <p>DINo 1476 & 1479</p> <p>Dtd 27/5/02</p>	<p>20.5.02</p> <p>mb</p>	<p>This application stood for amendment by order dated 24.4.2002 in M.P. No. 65/2002. It is stated by Mr. M.Chanda, learned counsel for the applicant that steps were already taken by the applicant for providing sufficient service copies in the Office. Office to verify and report on 23.5.2002.</p> <p>List on 23.5.2002 for orders.</p> <p>Member</p> <p>Vice-Chairman</p>
	<p>23.5.02</p> <p>mb</p>	<p>List on 28.6.2002 for orders.</p> <p>Vice-Chairman</p>
	<p>28.6.02</p> <p>mb</p>	<p>Heard Mr. M. Chanda, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks.</p> <p>List on 13.8.2002 for admission.</p> <p>Member</p> <p>Vice-Chairman</p>
	<p>4.7.2002</p> <p>Agartala</p> <p>nkm</p>	<p>Heard Mr M. Chanda, learned counsel for the applicant. The application is admitted. The respondents are directed to file the written statement, if any within four weeks time from today. List for orders on 10.8.02.</p> <p>Member</p> <p>Vice-Chairman</p>

O.A. 391/2000

Notes of the Registry

Date

Order of the Tribunal

12.8.02

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents stated that he will file written statement shortly. He wants three weeks time for filing written statement. Prayer is allowed. List again on 10.9.2002 for orders.

mb

10.9.02

Service on the respondents are completed. No steps so far taken by the main respondents. Mr. A. Deb Roy, Sr. CGSC has prayed for time to file written statement. Mr. A. Deb Roy, stated that the Union of India formal party, no further instructions have received from other respondents. The case is pending since 2000. The matter is required to be disposed of. ^{Let} the case be listed for hearing on 3.10.02. The respondents may file written statement within two weeks. A

Copy of the order be sent to the Respondents 2 and 4. A copy of the order also be furnished to A Deb Roy, Sr. CGSC for n/a.

Vice-Chairman

lm

3.10.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. No costs.

Member

Vice-Chairman

lm

Copy of the order
Dtd-10-9-02 prepared
and sent to D. Section
for issuing of the
same to the R.No-2 & 4
and learned counsel
for the respondents
vide D.No-
Dtd-

20

10.9.02

28/10.2002

Copy of the order
has been sent to the
Office for issuing the
same to the applicant
as well as to the
Adm for the Registry.

28

9

Notes of the Registry	Date	Order of the Tribunal
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9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./A.No...391 of 2000

DATE OF DECISION....3.10.2002.....

Shri Paresh Chandra Deb Barma & Others.

..... APPLICANT(S)

Mr.M.Chanda, Mrs. S. Das

..... ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors.

..... RESPONDENT(S)

Mrs.K.N.Choudhury, Mrs. R.Choudhury


..... ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE **MR.JUSTICE D.N.CHOUDHURY, 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 **VICE-CHAIRMAN**



21

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.391 of 2000.

Date of Order: This the 3rd Day of October 2002.

HON'BLE MR.JUSTICE D.N.CHOUDHURY,VICE-CHAIRMAN

HON'BLE MR.K.K.SHARMA,ADMINISTRATIVE MEMBER

1. Shri Paresh Chandra Deb Barma, Son of Late Jogendra Deb Barma, of Shyamali Bazar (Near CM Stores), P.O. Kunjaban, Agartala, West Tripura,
2. Shri Sunil Debbarma, Son of Shri Ramesh Debbarma, of Banamalipur (South), A.A.Road, P.O. Agartala, P.S.West Agartala, West Tripura
3. Shri Mangal Deb Barma, Son of Shri Push Kr.Debbarma, of Krishna Mohan Kobra Para, P.O.Lembucherra, District-West Tripura.
4. Shri Joy Narayan Debbarma, Son of Late Suryakumar Deb Barma of Village-Bhati Fatikcherra, P.O.Kamalghat, District-West Tripura, Tripura State;
5. Shri Chitta Deb Barma Son of Late Kartik Deb Barma of village-Khampar Para, P.O. Bodhjung Nagar, West Tripura District, Tripura State. ... Applicants.

By Advocate Mr.M.Chanda, Mrs.S.^{Us}

-Vs-

1. The Union of India, New Delhi;
2. The Director, Indian Council of Agricultural Research, ICAR Research Complex for N.E.H Region, Umroi Road, Barapani, Meghalaya.
3. The Secretary, Indian Council of Agricultural Research, Krishna Bhavan, New Delhi-110001.
4. The Joint Director of Indian Council of Agricultural Research, ICAR Research Complex for NEH Region, Tripura Centre, P.O. Lembucherra, West Tripura District, Tripura. ... Respondents

By Advocate Mr.K.N.Choudhury, Mr. R.Choudhury.

contd/-

O R D E R

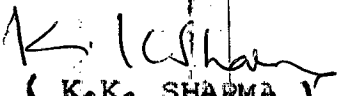
CHOWDHURY, J. (V.C.) :-

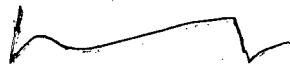
The applicants are five in numbers working as drivers. Out of them four are vehicle drivers, one is Tractor Driver. The applicant Nos. 1,2, and 3 were appointed in 1984 and the applicant Nos. 4 and 5 were appointed in 1990. In this application the applicants claimed for the benefit of higher scale of pay/promotion as applicable in the department. The applicants each of them submitted representations to the different authorities of the ICAR but of no avail. In the application it has also stated that the applicant No.1 Shri Paresh Chandra Deb Barma submitted representation on 24.7.99 addressed to the Dy. Director General, ICAR. The matter was posted for hearing. We have heard Mrs. R. Choudhury, learned counsel appearing on behalf of the respondents prayed for time to file written statement.

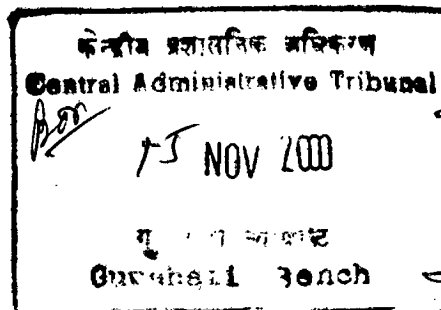
2. The matter is pending before us since 1999. Considering the nature of the claim and on perusal of the pleadings we are of the view that the ends of justice will be met if we direct the respondents to consider the case of the applicant sympathetically in the light of the norms in giving the benefit to the employees. In the circumstances we direct the respondents to consider the case of the applicant sympathetically in the light of the representation submitted by the applicant on 24.7.1999. The applicant may also file individual/joint representation to the authority if so advised, within a month from the date of receipt of this order. If such representation is filed by the applicants the respondents more particularly the Respondent Director General, Indian Council of Agricultural Research shall consider the same with-in two months

from the date of receipt of the representation and pass a reasoned order.

Subject to the observation made above the application is disposed of. There shall, however, be no order as to costs.


(K.K. SHARMA)
ADMINISTRATIVE MEMBER


(D.N. CHOWDHURY)
VICE CHAIRMAN



Paresh Chandra Barma
Sunit Deb Barma
Mungol Deb Barma
Joyrajyan Deb Barma
Chitra Deb Barma
By
Samita Das
Advocate
SAMITA DAS
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.

O. A. NO. 391 OF 2000.

Shri Paresh Chandra Deb Barma & 4 Ors. ... Applicants.

Versus

The Union of India and 3 others. ... Respondents.

I N D E X

<u>Annexures.</u>	<u>Brief contents.</u>	<u>Page Nos.</u>
	Original Application filed by the Applicants above-named.	1 to 15
A & B	One copy each of the offer of appointment and letter of appointment of the Applicant No.1 dated 21.04.1984 and 04.06.1984 respectively.	16 to 18
'C'	The applicants made many representation -s to the different authorities of the ICAR including the Headquarters but no tangible result, one copy of such representations is appended hereto dated 24.7.99.	19
'D'	One copy of communication issued on 12.05.2000 from the ICAR that the representations submitted by one of the applicants was forwarded to the Council Headquarters and decision was awaiting.	20

Dated, Guwahati,
The ___th August, 2000.

Ramesh Ch Debbarma
Sunil Deb Barma
Mangal Deb Barma
Jogendran Deb Barma
Chitra Deb Barma

By
Samita Das
Advocate
SAMITA DAS
Advocate

- : 2 : -

Date of filing 15-11-2000

or

Date of receipt by post

Registration No. 391/2000

Signature

For Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.

O. A. NO. 391 OF 2000.

As per order dated 24.4.02
in Misc Case No 65/02.

(X) 1. The Union of India
Represented by the
Secretary to the Govt.
of India
Ministry of Agriculture,
New Delhi.

- (X)
1. Shri Paresh Chandra Deb Barma, Son of Late Jogendra Deb Barma, of Shyamali Bazar (Near CM Stores), P.O. Kunjaban, Agartala, West Tripura;
 2. Shri Sunil Debbarma, Son of Shri Ramesh Debbarma, of Banamalipur (South), A.A. Road, P.O. Agartala, P.S. West Agartala, West Tripura;
 3. Shri Mangal Deb Barma, Son of Shri Push Kr. Debbarma, of Krishna Mohan Kobra Para, P.O. Lembucherra, District West Tripura.

Devil chad Bama.
Devil Deb Bama
Mangol Deb Bama
Joy Narayan Deb Bama
Chitta Deb Bama

By

Samita Das
Advocate
SAMITA DAS
 Advocate.

- : 3 : -

4. Shri Joy Narayan Debbarma,
 Son of Late Suryakumar Deb Barma
 of Village - Bhati Fatikcherra,
 P.O. Kamalghat, District- West
 Tripura, Tripura State;

5. Shri Chitta Deb Barma,
 Son of Late Kartik Deb Barma,
 of Village - Khampar Para,
 P.O. Bodhjung Nagar, West Tripura
 District, Tripura State.

... APPLICANTS.

As per order dated 24.4.02
 by the Honble Tribunal and court
 is carried out.

VERSUS

1. The Union of India*
 Represented by the
 Secretary to the Govt. of
 India, Ministry of
 Agriculture, New Delhi.
1. The Union of India, New Delhi ;
2. The Director, Indian Council of
 Agricultural Research, ICAR Research
 Complex for N.E.H. Region, Umroi Road,
 Barapani, Meghalaya;
3. The Secretary, Indian Council of
 Agricultural Research,
 Krishi Bhavan, New Delhi-110 001;
4. The Joint Director of Indian Council
 of Agricultural Research, ICAR Research
 Complex for NEH Region, Tripura Centre,
 P.O. Lembucherra, West Tripura District,
 Tripura.

... RESPONDENTS.

Rough ch Deb Banna
Sonal Deb Banna
Mangul Deb Banna
Joykrayan Deb Banna
chitra Deb Banna

By

Samita Das
Advocate
SAMITA DAS
Advocate.

- : 4 : -

DETAILS OF APPLICATION :-

1. Particulars of the order against which the application is made.

There is no order debaring the applicants from having the benefits of up-gradation through 5(five) yearly assessment as is allowed to and enjoyed by other similarly situated employees.

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of the petition is within the jurisdiction of this Tribunal.

3. Limitation.

The applicants further declare that the application is within limitation period prescribed by Section 21 of the Administrative Tribunal Act, 1985.

4. Fact of the case:

a) That the applicants were appointed Drivers under the Indian Council of Agricultural Research (For short ICAR) of different dates in 1984 and in 1990.

Parsh Chandra Deb Barma
S. C. Deb Barma
Mangal Deb Barma
Jogmaya Deb Barma
Chitra Deb Barma

By
Samita Das
Advocate
SAMITA DAS
Advocate

- : 5 : -

Some of the applicants are heavy vehicle drivers, one is Tractor Driver and others are light vehicle drivers.

b) That in ~~very~~ ~~in~~ every case of appointment there was an offer of appointment incorporating the terms of appointment and after acceptance of the appointment on the terms offer, the formal appointment letter has been issued to each of the applicants. The applicants are not appending hereto one copy each of the offers of appointment and letters of appointment for sake of brevity and they are appending hereto only one copy each of the offer of appointment and letter of appointment of the applicant No.1, Shri Paresh Chandra Deb Barma as Annexure-
ANNEXURES -A & B.
'A' and 'B' respectively.

c) That the service of Drivers as service of other officials and employees of the ICAR are regulated by rules framed by ICAR and also under several rules framed by the Government of India ~~and~~ from time to time as adopted by ICAR.

d) That the service of the drivers under the ICAR are treated as Technical services and said technical services are regulated under the Rules of the ICAR. For sake of brevity the applicants are not appending hereto

Parsh Ch Deb Bora
 Se nil Deb Bora
 Mangal Deb Bora
 Joy Narayan Deb Bora
 Chitra Deb Bora
 By
 Samita Das
 Advocate
 SAMITA DAS
 Advocate.

- : 6 : -

a copy of the aforesaid service rules but they crave leave to produce the same at the hearing.

e) That the technical services are having 3(three) categories, namely, Category-I, Category-II and Category-III and on entry into technical services the employees are allowed Category-I, i.e. lowest of the 3(three) grades as aforesaid. The Drivers are grouped in Group-VIII.

f) That under the aforesaid rule, namely, 6.2 , there is a system of merit promotion from 1 grade to next higher grade irrespective of occurrence of vacancies in the higher grade or grant of advance increments in the same grade, on the basis of assessment performance . The persons concerned are eligible for consideration for such promotion or for the grant of advance increments after the expiry of 5(five) years service in the grade.

g) That as stated earlier herein, the applicants No. 1, 2 and 3 were appointed in 1984 and the applicants No.4 and 5 were appointed in 1990 and so in respect of the applicants No.1, 2 and 3 they have completed more than 16 years of continuous service, while the applicants No.4 and 5 have completed 10 years service by the time.

207
 84 8 18ms
 202
 9 9
 12ms

- ; 7 : -

Parth Chandra Barm.
Sanil Deb Barm.
Mangal Deb Barm.
Jaynarayan Deb Barm.
Chitra Deb Barm.

By
Sanita Das.
Advocate
SANITA DAS
 Advocate. 18

h) That as stated earlier herein, the Applicants No.1, 2 and 3 should have been given 3(three) assessment promotions and the Applicants No.4 and 5 are to be given 2(two) assessment promotions as per rules 6.2 but unfortunately no such benefit has been given to the Applicants, for reasons not very intelligible.

i) That there are other Drivers working under the ICAR in different centres and Headquarters and in most cases the benefit as provided by rules 6.2 have been allowed even though those Drivers and the Drivers like the applicants working under the ICAR have been discharging same or similar duties of driving vehicles both heavy and light and therefore they should have been given the benefit as provided by Rule 6.2 as referred to above.

j) That as would be seen from Annexures - A & B respectively, the appointments of the applicants as Drivers were initially temporary appointments and it has also been contemplated that they will be on probation for 2(two) years. In each and every case of the applicants, they have continued in service besides the period of probation, which periods expired long ago.

Pankaj Ch. Deb Barma.
 Sunil Deb Barma
 Mangol Deb Barma
 Jotnarayan Deb Barma
 Chitra Deb Barma
 By
 Samita Das.
 Advocate
SAMITA DAS
 Advocate.

- : 8 : -

k) That Annexures - A and B also do not show that the applicants have been appointed as Auxilliary Drivers but now even though not in writing, it is contended by the authorities that the Applicants are Auxilliary Drivers and therefore the benefit contemplated by rule 6.2 is not provided for such Drivers.

l) That it is submitted that rule 6.2 does not contemplate any where that the Auxilliary Drivers will not be allowed the ~~the~~ benefit as provided. In any event the applicants were and are not Auxilliary Drivers and the Applicants and the appointing authorities are bound by the terms of the offer and appointment and letter of appointment which do no-where show that the applicants are auxilliary. It is re-iterated that even Auxilliary the benefit as provided by aforesaid rules can not be denied to the applicants.

m) That the applicants and each of them made many representations to the different authorities of the ICAR including the Council Headquarters but to no tangible result. The applicants are appending hereto a copy of one of such representations to the Council Headquarters made on 24.07.1999 as Annexure - 'C'.

ANNEXURE - C.

Contd.P/9.

Parsh Chel Barma.
 Senil Deb Barma
 Mangal Deb Barma
 Joynarayan Deb Barma
 Chitra S. B. Barma
 By
 Samita Das.
 Advocate
 SAMITA DAS
 Advocate.

- : 9 : -

ANNEXURE-D.

n) That the applicants received a communication issued on 12.05.2000 from the ICAR Research Complex for N.E.H. Region to the effect that the representations submitted by one of the applicants was forwarded to the Council Headquarter and decision of the Council Headquarter was awaiting. A copy of the same is appended hereto as Annexure-D.

o) That in this connection it is pertinent to point out that after completion of 5(five) years in individual case of the applicants, Annual Assessment Forms were supplied to the Applicants and they submitted those forms duly filled in and signed. The purpose certainly is to allow them the benefit, which has never been given.

p) That as stated earlier herein, the Applicants are discharging duties similar to those Drivers who have been given benefit of 5(five) Yearly Assessment and the exclusion of the applicants from that benefit is a gross discrimination which is not intelligible and thus the right of the applicants as guaranteed by Article 14 and 16 of the Constitution of India has been infringed. It is submitted that Article 39(d) of the Constitution of

Parsh Ch Deb Barma.
 See nil Deb Barma
 Mangal Deb Barma
 Joy Narayan Deb Barma
 Chitra. D. B. Barma
 By 21
 Samita Das.
 Advocate
 SAMITA DAS
 Advocate.

- : 10 : -

India contemplates that there should be equal pay for equal work, which means that equal benefit for equal work has also to be extended to all similarly situated.

q) That the applicants were never Auxilliary Drivers and even ~~though~~ they were appointed Auxilliary Drivers that appointment can not continue for a decade of more than that. The Apex Court has held that equal pay for equal work and providing security service by regularising employment within a reasonable period has been accepted as a Constitutional goal and such regularisation and providing ~~any~~ equal pay for equal service as a part of the Constitutional philosophy which ensures a welfare state providing equal opportunity to all, similarly placed employees of the State.

r) That in this connection it is also pertinent to point out that ICAR is an authority and a State within the meaning of Article 12 of the Constitution of India and since it is a public authority it is incumbent for the ICAR authority to act fairly, reasonably and in an appropriate reasonable manner, while denial of the assessment benefit to the Applicants is grossly unfair, irregular and inequitious.

Parth Ch. Deb Barm.
Sumanil Deb Barm.
Mangal Deb Barm.
Joykrishnan Deb Barm.
Chitra. Deb Barm.

By
Sanjita Das-22
Advocate
SAMITA DAS
Advocate.

- : 11 : -

s) That from the fact narrated herein-above it would be seen that it is a fit case in which the Hon'ble ~~Emmt~~ Tribunal would be pleased to interfere into the matter and issue an appropriate direction to the Respondents and each of them to provide the Applicants with consecutive benefits after each 5(five) years of continuous service of each individual as provided by rule 6.2, as referred to above. Principles of reasons and justice also demand that this be done forthwith and in no time.

5. Grounds for relief with legal provisions:

The grounds for relief are that the applicants are entitled to similar treatment in respect of the benefit on each 5(five) year assessment of their service and denial of the aforesaid benefit infringes fundamental right of the applicants as guaranteed by Article 14 and 16 of the Constitution of India and also under Article 39(d) of the Constitution of India.

6. Details of the remedies exhausted :

As stated earlier herein, the Applicants have exhausted of the available remedies by making

Parul Ch. Deb Barm.
Sunita Deb Barm.
Mangal Deb Barm.
Jyotirajon Deb Barm.
Chitra Deb Barm.
By
Sunita Deb Barm.
Advocate
ANITA DAS
Advocate

- : 12 : -

repeated representations to several authorities including the ICAR Headquarters.

7. Matters not previously filed or pending with any other Court :

The Applicants declare that they have/had not previously filed any application, writ petition or suit regarding the matter in respect of which this application is made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief sought :

In view of the fact mentioned in paragraphs above the applicants pray for the following relief :-

- a) pass orders directing the Respondents and each of them to allow the benefit of higher scale of pay/promotion as contemplated by Rule 6.2 after each 5(five) years of continuous of the individual applicant and the benefits to be consecutive;

Prashant Chellappa

Prashant Chellappa

Mangal Deb Barma

Jaynarayan Deb Barma

Chitta Deb Barma

By

Samita Das

Advocate

SAMITA DAS

Advocate.

- : 13 : -

b) pass orders in interim in terms of prayer
(a) above;

c) grant costs of and incidental to this application to the Applicants;

d) pass such further or other order or orders or directions as seem fit and proper having regard to the circumstances of the matter.

And for this gracious act, the humble Applicants shall as in duty bound ever pray.

9. Interim order, if any, prayed for:

It is prayed that the Applicants be allowed benefit of rule 6.2 subject to the decision of this application.

10. The applicants desire to have oral hearing at the admission and subsequent stages.

11. Particulars of Bank Draft/Indian Postal Order filed in respect of the Application Fee as : _____

State Bank of India,

Demand Draft No. 225486

Dated 16.8.2000 2000

Parash ch Deb Barma
Sauril Deb Barma
Mangal Deb Barma
Jogendra Deb Barma
Chitra Deb Barma

By

Samita Das, Esq.
Advocate

SAMITA DAS
Advocate.

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12. List of enclosures :

1. Annexures - 'A' to 'D'.
2. Bank Draft - 1(one) No.
3. Vakalatnama.
4. Self addressed Envelop.
5. File Size envelope with addressed
of the Respondents.

V E R I F I C A T I O N

I, Shri Paresh Chandra Debbarma (Applicant No.1), Son of Late Jogendra Debbarma, aged - years, by Profession - Government service, resident of Shyamali Bazar (Near C.M.Store), P.O. Kunjaban, P.S. East Agartala, District - West Tripura, do hereby verify that the contents of Paragraph 1, Paragraph 4 (a to r) are true to my knowledge and paragraphs 2 and 3 are believed to be true on legal advise and that we have not suppressed any material fact.

Date:

Place:

Parash ch Deb Barma

Signature of the Applicant No. 1.

Advocate:

- : 15 : -

The Sr. Central Government Standing Counsel,
Guwahati, Assam.

ICAR Research Complex
a Centre,
Jowai.
542
Date 15/5/84
NO. RC(R) 35/83

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
CEDAR LODGE, JOWAI ROAD, SHILLONG-793003

Dated Shillong, the 21st April, 1984

MEMORANDUM

The Director, ICAR Research Complex for N.E.H. Region is pleased to offer a temporary post of Driver to Shri Paresh Chandra Barma on the following terms and conditions :-

1. The appointment will be for a period of two years in the first instance.
2. The post is temporary and carries the pay scale of Rs. 260-8-300-EB-8-340-10-380-EB-10-430/-. On appointment he will draw at the initial stage of Rs. 260-430/- in the above time scale. He will be entitled to draw such allowances (dearness allowances & house rent allowances etc.) as are admissible to other staff of corresponding grade and status under the I.C.A.R.
3. Grant of pay, leave travelling and other allowances is regulated by the Indian Council of Agricultural Research Mutatis-Mutandis in accordance with the principle of Fundamental and Supplementary Rules and such other rules and orders as are issued by the Government of India from time to time.
4. The post is non-government, but pensionable. He will be governed by the Indian Council of Agricultural Research Pension Rules which are based, mutatis-mutandis or the liberalised pension Rules of the Government of India, as amended, clarified or modified, from time to time.
5. His headquarters will be at Tripura for the present, but he will be liable to serve in any Institute and/or office of the Indian Council of Agricultural Research, located anywhere in India.
6. He will be on probation for a period of two years from the date of his joining the post, which may be extended at the discretion of the competent authority. Failure to completion of the probationary period to the satisfaction of the competent authority will render him liable to be discharged from service.
7. His appointment may be terminated without assigning any reason by one month's notice on either side under Rules 5 of the Central Civil Service (Temporary Service) Rules 1965, as applicable, mutatis-mutandis to the employees of the Council. During the probation, however, the appointing authority may terminate the service of appointee without prior notice and without the payment of salary in lieu thereof.
8. His appointment will be subject to the conditions that he is declared medically fit for service by the prescribed medical authority.
9. On appointment, he will be required to take an oath of allegiance to the Constitution of India or make solemn affirmation to that effect, as in the form enclosed.

Attested
Sanita Das
Advocate
SANTITA DAS
Advocate.

contd...2/

He will submit a declaration regarding his marital status as in the form enclosed. In the event of his having already more than one wife living or being married to a person having already another wife living the appointment will be subject to his being exempted from the enforcement of the recruitment in this behalf.

11. His appointment under the Council will be considered to be a fresh appointment, and he will not be entitled to any travelling and conveyance allowances for joining the post at Tripura.
12. Other conditions of service will be governed by the relevant rules and orders which may be issued from time to time by the I.C.A.R.
13. He should state whether he is serving or is under obligation to serve another Central Government Department, a State Government or Public Authority. He should also state whether he applied or is being considered for posts elsewhere.
14. If any declaration given or information furnished by him proves to be false or if he is found to have willfully suppressed any material information, he will be liable to removal from service and such other action as may be deemed necessary.
15. He should produce the original certificates in respect of his educational qualifications and age and caste.

In case the post is acceptable to Shri Parash Chandra Deb Barma on the terms and conditions mentioned above he should intimate his acceptance to the Director immediately and report for duty to the Joint Director, Tripura Centre, ICAR Research Complex for N.E.H. Region, P.O. Lembucherra, Tripura West with an intimation to Asstt. Administrative Officer (Adm.) after obtaining the medical fitness certificate from a medical officer not below the rank of Civil Surgeon of any Government Hospital within 30 (thirty) days from the date of issue of the offer, failing which the offer will automatically stand cancelled.

TO

Shri Parash Ch. Deb Barma
S/o Jogendra Ch. Deb Barma,
Vill - Dulure, P.O. Old Agartala.

(M.H. Sharma)

Asstt. Administrative Officer (Adm.)

Memo. No. RC(R) 36/83

Dated Shillong, the 21st April, 1984

Copy forwarded for information and necessary action to :-

1. Accounts Officer, ICAR Research Complex for N.E.H. Region, Shillong. Shri Parash Ch. Deb Barma has been appointed against one of the sanctioned posts of Driver of 6th Plan, Main Scheme.
2. Joint Director, Tripura Centre, ICAR Research Complex for NEH Region, P.O. Lembucherra, Tripura West.
3. Superintendent (Adm.), ICAR Research Complex for N.E.H. Region, Shillong alongwith Police Verification Report of Shri Parash Ch. Deb Barma.
4. Cashier.

Attested
Sanita Das
Advocate
S. MITTA DAS
Advocate.

(M.H. Sharma)

Asstt. Administrative Officer (Adm.)

S. 52
20/4/84

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
CEDAR LODGE, JOWAI ROAD, SHILLONG-793 003

NO.RO(P)29/84/13

Dated Shillong, the 4th June, 1984.

ORDER

The Director, ICAR Research Complex for NEH Region, is pleased to appoint Shri Parash Chandra Deb Barma temporarily to the post of Driver in the scale of pay Rs.260-8-300-EB-8-340-10-430/- p.m. plus usual allowances as admissible in ICAR under the ICAR Research Complex for N.E.H. Region, Tripura Centre with effect from 11.5.84(FN) on the terms and conditions contained in this complex Memo.No.RC(E)56/83 dated 21.4.84. His headquarters is at Tripura.

Shri Parash Chandra Deb Barma will draw pay at the initial stage of Rs.260/- p.m. with effect from 11.5.84 (FN).

The appointment is purely temporary and terminable without assigning any reason thereof. One month notice from either side.

Sd/- M.N. Sharma
Asstt. Administrative Officer(Adm.)

Memd.No.RO(P)29/84/13

Dated Shillong, the 4th June, 1984.

Copy forwarded for information and necessary action to :-

1. Accounts Officer, ICAR Research Complex for NEH Region, Shillong together with a copy of each of the joining report and medical fitness certificates. The appointment is against the post of Driver sanctioned under 6th Plan Main Scheme for Tripura.
2. Shri Parash Chandra Deb Barma, Driver, Tripura Centre, P.O. Lembucherra, West Tripura.
3. Joint Director, ICAR Research Complex for NEH Region, Tripura Centre, P.O. Lembucherra, West Tripura alongwith original certificate (i) Driving licence(Duplicate) No.11653/78 (ii) School leaving certificate 1975 (iii) Schedule Tribe certificate (iv) Citizenship certificate.
4. Cash Section, ICAR Research Complex for NEH Region, Shillong together with a copy of the joining report.
5. Dealing Assistant, (R.C.), ICAR Research Complex for N.E.H. Region, Shillong.

[Signature]
(M.N. Sharma)
Asstt. Administrative Officer(Adm.)

attested
Sanita Das
Advocate
SANITA DAS
Advocate.

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ANNEXURE -C.

Date: 24.7.99.

To

The Deputy Director General (NRM),
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi -110 001.

Through Proper channel.

Sub :- Benefit of past service rendered as Auxilliary Staff.

Sir,

I am constrained to invite your kind attention to the following facts for your sympathetic consideration and intervention for passing necessary instructions/orders in the manner as it should be in accordance with the rules/orders applicable and in force issued by the ICAR :-

1. I was appointed in the post of Driver in the pay scale of Rs.260-430/- in April, 1984. It may please be noted that the pay scale offered to me was for the Technical category. And I submitted Annual Assessment Report for consecutive 5/6 years.
2. But Sir, all on a sudden I came to know that all the posts of Driver etc. have taken into functional group of Auxilliary category.
3. From 1.1.86 I was given the higher scale of Rs.1150-1500/- because I was having Licence for driving Heavy vehicles.
4. From 26.6.96 I was declared as Technical (T-1) as per the decision of the Council.
5. But it could not be understood that how the tenure of service rendered from my date of appointment to 25.6.96 will be treated.
6. Sir, I feel that for the long period of service rendered from my date of appointment to 25.6.96 I am being declined from all sorts of service benefits like promotion/upgradation and thus self is loosing a huge amount of money for which I am not at all responsible.

For the policy adopted by the Council, the poor-paid employees are losing their service benefits for a long period which is very much unlawful and unfortunate.

I, therefore, fervently request you to kindly look into the matter and take suitable decision/pass necessary orders so that the low-paid employees like me should not be deprived of any service benefit like upgradation/promotion for the tenure of service rendered as 'Auxilliary staff'.

An immediate and fruitful action is solicited.

Yours faithfully,

Sd/- Paresh Ch. Deb Barma.

Attested
Sanita Das
Advocate
SANITA DAS
Advocate.

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ANNEXURE - D.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
Umroi Road, Umiam.

No.RC(G)30/84/3001

Dated Umiam the 12th May, 2000.

To

The Joint Director,
ICAR Research Complex for NEH Region,
Tripura Centre,
Lembucherra,
West Tripura.

Sub:- Forwarding of representation submitted by Shri Sunil Deb Barma, Driver 'T-1) of Tripura Centre.

Ref:- No.RC/TC(P-44)/84/2128 dated 7.10.99.

Sir,

With reference to your letter cited above, I am directed to state that the decision of the Council abolishing Auxilliary cadre w.e.f. 29.6.96 has already been conveyed to concerned centres vide letter No.RC(R)14/83-A dated 6.12.96 and subsequent clarification vide our circular No. RC(R)14/18-A dated 28.7.99 Accordingly assessment to the next higher grade will be on completion of five years from the date of declaration of Technical i.e. 29.6.96. Moreover, it may be mentioned that Council's decision is still awaiting for consideration of the past service as technical. Shri Sunil Deb Barma, Driver of your centre may be informed accordingly.

Yours faithfully

Sd/-

(M.J.Kharmawphlang)

Administrative Officer.

ICAR RESEARCH COMPLEX FOR N.E.H. REGION
TRIPURA CENTRE, P.O. Lembucherra-799210.
West Tripura.

No.RC/TC(P-44)/84/

Date: June 08, 2000.

Copy of the above mentioned letter No.A.O.,ICAR(RC), Umiam, Meghalaya is endorsed for information, to :-

1. Shri Sunil Debbarma, Driver(T-1), ICAR(RC), Tripura Centre, Lembucherra.
2. Shri Paresh Ch. Deb Barma, Driver (T-1), ICAR(RC), Tripura Centre, Lembucherra.

Sd/- Illegible.
(K. R. Dhiman)
Joint Director.

*attested
Samita Das
Advocate*
SAMITA DAS
Advocate,