

100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P.- 65/2002 ordered by -1  
allowed date - 24/04/02

INDEX

O.A/T.A No...391/2002.....

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

E.P/M.A No...65/2002.....

1. Orders Sheet: O.A...391/2002 ..... Pg..... 1 ..... to..... 5 .....
2. Judgment/Order dtd. 03/10/2002 ..... Pg..... 1 ..... to..... 3 ..... disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 391/2002 ..... Pg..... 1 ..... to..... 21 .....
5. E.P/M.P..... 65/2002 ..... Pg..... 1 ..... to..... 3 .....
6. R.A/C.P..... N.I.L. ..... Pg..... to.....
7. W.S..... N.I.L. ..... Pg..... to.....
8. Rejoinder..... N.I.L. ..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

## CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 391/2000

Parekh Chandra Deb Basma. Applicant.  
versus *et al.*

Union of India &amp; Ors . . . . . Respondents.

For the Applicant(s) *Mrs. S. Das.*For the Respondents. *C. G. S. C.*

## NOTES OF THE REGISTRAR

## DATE

## ORDER

4.4.01.

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

*H. U. Shah*

Member

Vice-Chairman

This application is in form but not in the right form. Petition No. 225486 for Rs. 5/- is filed vide M.P. No. C.P. IPO/BD No. 225486. Dated 16.8.2000.

Dy. Registrar.

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.

Vice-Chairman

Note: The following defective(s) has been found as follows.

- ① Service of Notice Address is incomplete.
- ② Sufficient Service Copy is not supplied. only two copies supplied.
- ③ Joint prayer is not given in a single application.

1m

Order 17/11 02-1-2001 (Reminder)

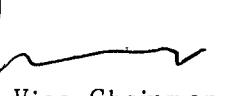
Letter issued to the applicant Advocate.

Bew. vide D.O.T. 168 of 22.8.2001

Putting after  
compliance.*My/2001*N/3  
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.

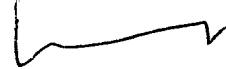
  
Vice-Chairman

17-1-2001  
As per direction  
by Registrar Office  
Letter issued to the  
applicant Adarsh  
vide Date 17-1-2001.

pp

nk m  
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

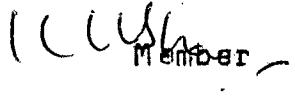
The application is defective.  
Intimation about its defects was  
issued to the applicant, but the  
applicant has not rectified the  
defects. The applicant is ordered to  
rectify the defects.

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

Order dtd 8/8/01  
Communicated to Mrs. Samita  
Soni Adv. Gauchat Digh Court  
Gizwakati.

bb  
10/8/01

mb

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

bb  
16/11/01

Order dtd 16/12/01 Communicated  
to the applicant.

bb  
20/12/01

62  
391/2001  
3

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.

*[Signature]*  
Vice-Chairman

lm

13.2.02

As per order dated 11.1.2002 the applicant was directed to rectify the error and the time was allowed ~~upto~~ <sup>til</sup> 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.

*[Signature]*  
Member

lm

1.3.2002

Four weeks time allowed to the respondents for filing of written statement. List for orders on 5.4.02.

*[Signature]*  
Vice-Chairman

nk m

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.~~

*[Signature]*  
Vice-Chairman

lm

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. *[Signature]*~~

~~List on 23.5.2002 for orders.~~

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

*b/*  
15/2

No. written statement  
has been filed.

*[Signature]*  
4.4.02

No. defects remove  
by the applicant.

*[Signature]*  
17.5.02

## Notes of the Registry | Date | Order of the Tribunal

SLRs taken. Notice prepared and sent to DIs for visiting the respondents No. 1 to 4 by Regd A.D.

2075

DINo 1476 & 1479

Dtd 27/5/02

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 for providing sufficient service copies in the Office. Office to verify and report on 23.5.2002.

List on 23.5.2002 for orders.

J.C.U.Sharma  
Member

H  
Vice-Chairman

mb

23.5.02

List on 28.6.2002 for orders.

H  
Vice-Chairman

mb

28.6.02

Heard Mr. M. Chanda, learned counsel for the applicant.

Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks.

List on 13.8.2002 for admission.

J.C.U.Sharma  
Member

H  
Vice-Chairman

mb

4.7.2002

Agnostika

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.

J.C.U.Sharma  
Member

H  
Vice-Chairman

nkm

D.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.

U.U. Usha  
Member

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 his information.

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.

U.U. Usha

lm

28.10.2002

Copy of the order has been sent to the Office for ready in due to the applicant as well as to the L/Adm for the Registry.

ll

Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

DATE OF DECISION..... 3.10.2002

**Shri Pares Chandra Deb Barma & Others.**

APPLICANT(S)

**Mr. M. Chanda, Mrs. S. Basu**

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**



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 Parash 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.Debbar-  
ma, 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.Wes

-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, Krishni Bhavan, New Delhi-110001.
4. The Joint Director of Indian Council of Argicul-  
tural Research, ICAR Research Complex for NEH  
Region, Tripura Centre, P.O. Lembucherra, West  
Tripura District, Tripura. ... Respondents

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

contd/-

O R D E R

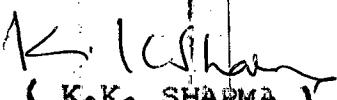
CHOWDHURY, J. ( V.C. ) :-

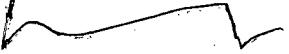
The applicants are five in numbers working as drivers. Out of them four are vehicle drivers, one is Tractor Driver. The applicant Nos. 1, 2, and 3 were appointed in 1984 and the applicant Nos. 4 and 5 were appointed in 1990. In this application the applicants claimed for the benefit of higher scale of 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 Parash 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

lm

केन्द्रीय प्रशासनिक अधिकार अदायक Central Administrative Tribunal	
15 NOV 2000	
Guwahati Bench	

Paresh Chandra Deb Barma  
 Suniti Deb Barma  
 Mangal Deb Barma  
 Joynagarjan Deb Barma  
 Chittu Deb Barma  
 By  
 Samita Das  
 Advocate

AMITA 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

Annexures.

Brief contents.

Page Nos.

Original Application filed by 1 to 15  
the Applicants above-named.

A & B One copy each of the offer of 16 to 18  
appointment and letter of appointment  
of the Applicant No.1 dated  
21.04.1984 and 04.06.1984 respectively.

'C' The applicants made many representations 19  
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.

'D' One copy of communication issued on 20  
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.

Dated, Guwahati,  
The \_\_\_\_\_ th August, 2000.

Parash Ch Deb Barma  
Sunil Deb Barma  
Mangal Deb Barma  
Jogmoyam Deb Barma  
Chitta Deb Barma

By  
Samita Das  
Advocate  
**SAMITA DAS**  
Advocate

(3)

- : 2 : -

Date of filing 15-11-2000

or

Date of receipt by post

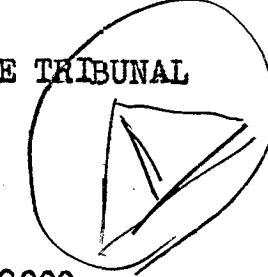
Registration No. 391/2000

Signature

For Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.



O. A. NO. 391 OF 2000.

As per order dated 24.4.02  
in Mine 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.

Parashuram Barma  
Scamil Deb Barma  
Mangal Deb Barma  
Joy Narayan Deb Barma  
Chitta Deb Barma

By  
Samita Das  
Advocate  
**SAMITA DAS**  
Advocate.

- : 3 : -

4. Shri Joy Narayan Deb Barma,  
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.

As per order dated 24.4.02  
by the Hon'ble Tribunal and hence  
is carried out.

... APPLICANTS.

V E R S U S

1. The Union of India \* 1. The Union of India, New Delhi ;  
Represented by the  
Secretary to the Govt. of India, Ministry of  
Agriculture, 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.

Ramchand Babu  
Sewal Deb Banerji  
Monaged Deb Banerji  
Jyotirayam Deb Banerji  
Chitta Deb Banerji

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 debarring 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.

*P. Chandra Deb Barma*  
S. C. Chandra Deb Barma  
Mangal Deb Barma  
Joymoyan Deb Barma  
Chittor 106-13-2  
- : 5 : -

By  
Samita das  
Advocate 'G'  
**SAMITA DAS**  
Advocate

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

Power of the Court  
S. C. S. v. Deb Basu  
Mangal Deb Basu  
Joymanohar Deb Basu  
Chitta Deb Basu

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.

*20 yrs  
8 yrs  
20 yrs  
9 yrs  
12 yrs*

Parth Ch. and Brown  
- ; 7 : -  
S. Gopal Deb Basu  
K. N. Ganguly Deb Basu  
J. M. Rayyan Deb Basu  
Chitra Deb Basu  
By  
Sunita Das.  
Advocate  
**SUNITA 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.

Power of Attorney

Manages Debts Bummi  
Johnathan SubBummi  
elukku Deb-Bummi

By  
Samita Das  
Advocate  
**SAMITA DAS**  
Advocate.

101

- : 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~~ 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.

1. Dushyant Deb Barma  
Semi Deb Barma  
Mangal Deb Barma  
Joymostoyan Deb Barma  
Chitta Deb Barma

By  
Samita Das  
Advocate  
SAMITA DAS  
Advocate.

- : 9 : -

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.  
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

1. Prakash Rao.  
10. Seamill Deo Bham  
1. Mangal Deo Bham  
1. Jyotirayya Bham  
1. Shubha. Atul Bham

- : 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 ~~was~~ 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.

Chanchal Das Bhowmik

Sonu Deb Bhowmik  
Kangan Deb Bhowmik  
Joymoyayan Deb Bhowmik  
Chitta Deb Bhowmik

By  
Sambit Das 25  
Advocate  
**SHIMANTA 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 ~~Exempt~~ 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

BY  
Samita Das  
Advocate  
SAMITA DAS  
Advocate

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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:

Parikh Ch. D. R. & Son  
S. C. & Co. v. Deb Barma  
Mangal Deb Barma  
Jognarayon Deb Barma  
Chitta Deb Barma  
- : 13 : -

By  
Samita Datta  
Advocate  
**SAMITA DAS**  
Advocate.

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

*Pares Ch Deb Barma*  
Debnil Deb Barma  
Mangal Deb Barma  
Jognarayyan Deb Barma  
Chitta Deb Barma  
By  
Samita Das 25  
Advocate

**SAMITA DAS**  
Advocate

- : 14 : -

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.

VERIFICATION

I, Shri Pares 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:

*Pares Ch Deb Barma*  
Signature of the Applicant No. 1.

10/10/2018  
Sewal Deb Baruwa  
Mangal Deb Baruwa  
Joybarayam Deb Baruwa  
e-mail: 8657333333

By  
Somita Das  
Advocate  
28  
SAMITA DAS  
Advocate

To  
The Registrar,  
Central Administrative Tribunal,  
Gauhati Bench, Rajgarh Road,  
Bhangagarh, Guwahati - 781 005.

Copy to :-

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

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

542  
5/5/83  
No. IC(R) 36/83

Dated Shillong, the 21st April, 1984

MEMORANDUM

The Director, ICAR Research Complex for N.E.R. 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 promotion 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.

Accepted  
Sarita Das  
Advocate  
SARITA DAS  
Advocate.

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 Paresh 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, I.C.A.R. Research Complex for N.E.H. Region, P.O. Lembucherla, Tripura West with an intimation to Asstt. Administrative Officer (Admn.) 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 Paresh Ch. Deb Barma  
S/o Jogendra Ch. Deb Barma,  
Vill - Dulure, P.O. Old Agartala.

( M.N. Sharma )  
Asstt. Administrative Officer (Admn.)

Memo. No. RC(R) 36/83

Dated Shillong, the 21st April, 1984

Copy forwarded for information and necessary action to :-

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

Attested  
Samita Das  
Advocate  
SAMITA DAS  
Advocate

*Sharma*  
( M.N. Sharma )  
Asstt. Administrative Officer (Admn.)

S. No. 2014/14

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.

O R D E R

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(H) 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(Admn.)

Mem. 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.  
Shri Parash Chandra Deb Barma, Driver, Tripura Centre, P.O. Leabcherra, West Tripura.

2. Joint Director, ICAR Research Complex for NEH Region, Tripura Centre, P.O. Leabcherra, West Tripura alongwith original certificate (i) Driving licence(Duplicate) No. 11653/78 (ii) School leaving certificate 1975 (iii) Schedule Tribe certificate (iv) Citizenship certificate.

3. Cash Section, ICAR Research Complex for NEH Region, Shillong together with a copy of the joining report.

4. Dealing Assistant, (E.C.), ICAR Research Complex for N.E.H. Region, Shillong.

*Omish*  
( M.N. Sharma )  
Asstt. Administrative Officer(Admn.)

Attested  
Sonita Devi  
Advocate  
ANITA 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/up-gradation 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 loosing 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/- Pares Ch. Deb Barma.

Attested  
Samita Das  
Advocate  
**SAMITA 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.

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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.

Arrested  
Samita Das  
Advocate  
  
SAMITA DAS  
Advocate