

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 401/2000

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SECTION OFFICER (Judl.)

Salita
22/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI, 5

ORIGINAL APPLICATION NO. 401/2000

Sri. P.C. Goswami Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. S. S. Goswami

For the Respondents. Dr. B. P. Todi, Ad. & KVS

NOTES OF THE REGISTRAR

This application is in form but not in the Conformation
 Particulars vide
 No. 1-2/KVS dated
 for the operation of the
 IPO/DR. No. 503943
 Dated.... 20/11/00
 Dy. Registrar.

The application is in order and filed alongwith all requirements.

DATE ORDER

23.11.00 Present : The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

Heard Mr S.S.Goswami, learned counsel for the applicant.

Application is admitted. Issue usual notice. Call for the records.

List on 1.1.2001 for written statement and further orders.

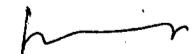
Heard Mr Goswami on the interim relief prayer.

Issue notice to show cause as to why the operation of the impugned orders dated 4.5.2000, 1.9.2000 and 17.11.2000 shall not be suspended during the pendency of this application. Returnable by four weeks.

List on 1.1.2001 for further order. In the meantime the operation of the orders No.1-2/KVS(SR)/A/Cs/98-99/1911-12/1618-19 dated 4.5.2000(Annexure-IV), No.1-2/KVS (SR)Accounts/99-2000/8054-55 dated 1.9.2000 (Annexure-VI) and No.KVS/Per.I.C.G/2000-2001/764-75 dated 17.11.2000 shall remain suspended.

Notice prepared and Sent to DSee
 for being the Respondent No 1 to 4
 by Regd A/c. vide D/No 2905/15
 29/08 Ad 1/12/00.

28/11/00


 Vice-Chairman

pg
 462
 mli

1.1.2001

Put up on 25.1.2001 after service.

Meanwhile the order dated 23.11.2000 shall continue.

Vice-Chairman

(A) Service report are still awaited.

nkm

(B) No. bills has been filed.

25.1. M.S.B. Adjourned to 7.2.2001.

M/s
A. B. S. S.

25.1.

25/1
6.2.01

7.2.01

For weeks time is allowed to file written statement on the prayer of Ms. N. Devi on behalf of Dr. B.P.Todi, learned counsel for the K.V.S.

List on 14.3.2001 for written statement and further orders.

Vice-Chairman

13.3.01W/S written stat.
has been filed
so far.

trd

14.3.01

On the prayer of Mr.S.Sarma learned counsel on behalf of KVS 6 weeks time is granted for filing of written statement.

List on 9.5.01 for orders.

Member

lm

29.5.2001

9.5.2001

List on 13.5.2001 to enable the respondents to file written statement.

W/S has been filed on behalf of the R-2, 3 & 4.

Vice-Chairman

NB
29/5/01

bb-

13.6.01

Written statement has been filed. Three weeks time is allowed for filing of rejoinder. List on 18.7.01 for orders.

Member

Written statement has been filed.

25
12.6.01

lm

O.A. 401 of 00

Notes of the Registry

Date

Order of the Tribunal

18.7.01

Written statement has been filed.
 Two weeks time is allowed to the applicant to file rejoinder if any.
 List on 1.8.01 for orders.

31-07-2001

Rejoinder has not been filed.

Dear

1m

1.8.01

~~Written statement has been filed~~
~~None appears for the applicant~~

ICC (Chair)
 Member

No Rejoinder has been filed.

31
11.5.01

No rejoinder has been filed.

31
9.10.01

1m

12.10.2001

None is present for the applicant. List again for hearing on 10.10.2001.

Vice-Chairman

ICC (Chair)
 Member

bb

10.10.01

The matter was listed for hearing today also. None appears for the applicant. It however, appears from record that written statement was filed by the respondent nos. 2, 3, and 4 on 29.5.2001 but copy of the written statement was not served on the applicant. Let the copy of the written statement be served on the counsel of the applicant by the respondents within three days from today and the matter may be posted for hearing on 16.11.2001. Intimate the date of hearing to the counsel of the applicant.

Vice-Chairman

trd

O.A. 401 of 2001

Notes of the Registry	Date	Order of the Tribunal
16.11.2001 Rejoinder to the objection has been intimated.	16.11.01	Mr. S.S.Goswami, learned counsel for the applicant. Mr. S.Sarma, learned counsel appearing on behalf of the respondents prays for a short adjournment. The learned counsel for the applicant has no objection. Accordingly the case is adjourned to 7.12.2001.
		List on 7.12.2001 for hearing.
		I C Ushan Member

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A. / ~~XXX~~ NO. 401 OF 2001

DATE OF DECISION 19.12.2001

Shri Probodh Ch Goswami

PETITIONER(S)

Mr S.S. Goswami

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

The Union of India and others

RESPONDENT(S)

Mr S. Sarma

ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE

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 ?

W
Judgment delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.401 of 2000

Date of decision: This the 19th day of December 2001

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

Shri Probodh Ch Goswami,
Librarian,
Kendriya Vidyalaya,
Duliajan, Dibrugarh, Assam.

.....Applicant

By Advocate Mr S. S. Goswami.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resource Development, Central Secretariat, New Delhi.
2. Kendriya Vidyalaya Sangathan, represented by the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Silchar Region, Silchar, Assam.
4. The Principal, Kendriya Vidyalaya, Duliajan, Dibrugarh, Assam.

.....Respondents

By Advocate Mr S. Sarma.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The legitimacy of the order dated 1.9.2000 in refixing the pay of the applicant is the subject matter of this proceeding. The applicant is a Librarian in the Kendriya Vidyalaya at Duliajan. In 1990 he was granted the senior scale of pay of Rs.1640-60-2360-EB-75-2750-EB-2900. By order dated 8.10.1990 the scale was made effective from 1.1.1986. His initial pay was fixed at Rs.2300/- P.M. as on 1.1.1986 in the senior scale. The applicant drew and availed the said senior scale with yearly increments and crossed the efficiency bars as and when these became due. By the impugned order dated 4.5.2000 the respondent No.3. informed the applicant that on account of revision of scale of pay as

per recommendations of the Fifth Central Pay Commission the pay was refixed at Rs.8900 as on 1.1.1996 in the scale of pay of Rs.6500-200-10,500/- with effect from the date of next increment on 1.1.1997 raising his pay to Rs.9100/-. By the same order the Principal of the Kendriya Vidyalaya directed the concerned authority to work out the excess payment made to the applicant and recover the same in suitable instalments. The applicant objected the same and submitted a representation before the authority. By the impugned order dated 1.9.2000 the respondents informed the applicant that the pay initially fixed by the Principal as on 1.1.1986 was found to be in excess by two increments which were wrongly granted to him and accordingly his pay was refixed by superseding the earlier fixation of pay made by the office. The legitimacy of the action is challenged.

2. The respondents contested the claim of the applicant and submitted their written statement. According to the respondents the initial pay fixation was wrongly made by the Principal by allowing two bunching increments erroneously. Therefore, the overpayment was sought to be recovered by instalments.

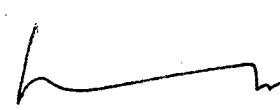
3. I have heard Mr S.S. Goswami, learned counsel for the applicant and Mr S. Sarma, learned counsel for the respondents at length. From the facts narrated above it appears that it was the Education Officer and Officiating Assistant Commissioner who passed the impugned order dated 4.5.2000 fixing the pay consequent upon grant of senior scale. As per the order dated 22.1.1990 the pay of seven teachers including that of the applicant was fixed by the Assistant Commissioner. In terms thereon, by order dated 8.10.1990 it was the Assistant Commissioner who fixed the senior scale of pay of the applicant at Rs.2300/- in the scale of pay of Rs.1640-2900 with effect from 1.1.1986. By order dated 18.10.1993 the applicant was allowed to draw his next increment next above the stage of Efficiency Bar raising his pay from Rs.2750 to Rs.2825 with effect from 1.1.1994. The respondents now sought to recover the same on the ground that the two bunching increments were given to him wrongly. The applicant was paid with effect from 1.1.1986 and the

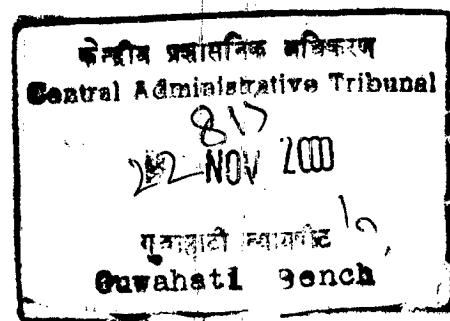
respondents.....

respondents continued to pay so till the impugned order was passed on 4.5.2000. According to the respondents it was observed that the pay of the applicant initially fixed by the Principal, Kendriya Vidyalaya, Duliajan as on 1.1.1986 in the revised scale was found to be in excess by two increments which was wrongly granted. We have already indicated above that the pay of the applicant was, in fact fixed by the Assistant Commissioner and not by the Principal. Assuming that it was the Principal who fixed the pay the same ought to have been approved by a flux of time. The fixation of pay even if it was made on the basis of some date, which subsequently turned out to be incorrect in fixing the initial pay was not to be reduced in this fashion. In coming to this conclusion I took the aid of the Audit Instructions appended to F.R. 27.

4. The applicant was granted a higher pay scale with two increments from 1.1.1986 and the same was sought to be withdrawn abruptly by the impugned order. The respondents indicated in the order as well as the written statement that the said action was taken due to the fact that the Principal was not the competent authority. In these facts and circumstances it is difficult to sustain and uphold the validity of the order dated 4.5.2000 followed by the order dated 1.9.2000. Both these orders are accordingly set aside and quashed.

5. The application is allowed. There shall, however, be no order as to costs.


(D. N. CHOWDHURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

O.A. No. 401/2000

Between

Shri Probodh Ch. Goswami,

...Applicant.

AND

1. Union of India & ors

... Respondents.

I N D E X

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For office use only

Forward

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI
(An application under Section 19 of the Administrative
Tribunal Act, 1985.)

Filed by the applicant
Through:-
Shyamal Sunder Goswami
Advocate

O.A. No. 401 / 2000

Between

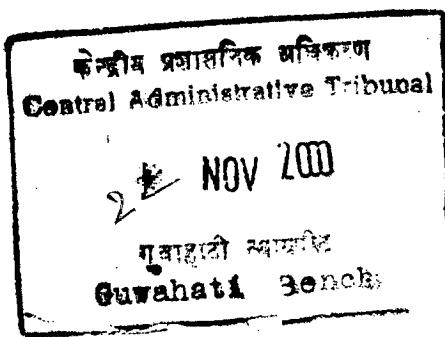
Shri Probodh Ch. Goswami,
S/O late Nabin Ch. Goswami,
Librarian, Kendriya Vidyalaya,
Duliajan,
District: Dubrugarh, Assam.

...Applicant.

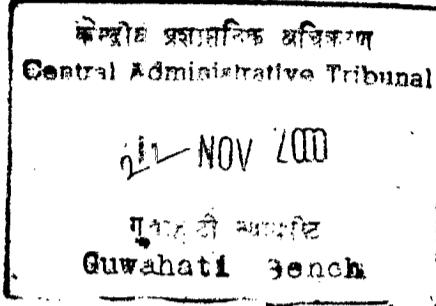
AND

1. Union of India, represented by the
Secretary to the Govt of India,
Ministry of Human Resource Develop-
ment, Central Secretariat, New
Delhi..

2. Kendriya Vidyalaya Sangathan,
represented by the Commissioner,
Kendriya Vidyalaya Sangathan, 18
Institutional Area, Saheed Jeet
Singh Marg, New Delhi.



Shyamal



3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Silchar Region, Silchar, Assam.

4. The Principal, Kendriya
Vidyalaya, Duliajan P.O.,
Dist:- Dibrugarh:-786 602.

... Respondents.

Details of the application

1. Particulars of order against the application is made:-

Order No. 1-/KVS(SR)A/CS/98-99/1911-12/1618-19
dated 4.5.2k with a copy of direction to the Principal to
recover the excess the amount.

(Annexure:-V)

-And-

Order No. 1-2/KVS(SR) Accounts/99-2000/8054-55
dated 1.9.2000 issued by the Respondent No. 4 disposing with
the representation of the Applicant.

(Annexure:-VI)

-And-

Order No. KVS/per. P>C.G./2000-2001/674-75 dated
17.11.2000 passed by the Respondent No. 4.

(Annexure:-VII)

2. Jurisdiction of the Tribunal.

The applicant declares that subject matter of the

22 NOV 2000

गुवाहाटी बैठक
Guwahati Bench

- 3 -

application is within the Jurisdiction of the Hon'ble Tribunal.

3. Limitation:

The applicant declares that since his representation has already been disposed of by the competent authority the instant application is within the limitation period as has been prescribed under section 21 of the Administrative Tribunals Act. 1985.

4. Facts of the case:

I. That the applicant is a citizen of India and is presently residing at Duliajan, District:- Dibrugarh, Assam.

The applicant has been working in the aforesaid vidyalaya since 1973 and has completed twenty seven years of continuous service in the same post without any blemish.

II. That the defendant No. 2 is a Govt. of India organisation represented by the Commissioner, Kendriya Vidyalaya as its principal Officer. The organisation functions from its principal office at New Delhi and through number of regional offices situated in different places in India including one at Silchar in the State of Assam, of which the defendant No. 3 is the Principal Officer of the

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Gauhati Bench

-4-

said region. The institution in which the applicant is at present serving, is within the administrative control of the Defendant No. 3 who functions from his office at Silchar as mentioned above.

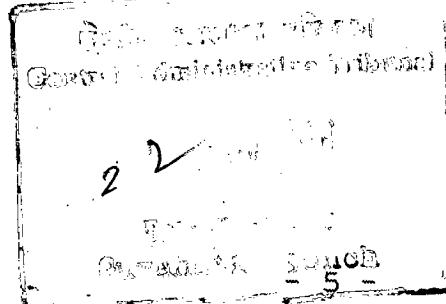
III. That since the date of joining during 1973 the applicant was working in a scale of pay till 1990. However during 1990 a senior scale was sanctioned to him vide letter No. F.2-13/89KVS(Sr)10422 dated 22.1.90 by the defendant No.3.

A copy of the aforesaid order dated 22.1.1990 is enclosed herewith as Annexure:-I.

IV. That thereafter, by a subsequent order No. F-1/KVS/IA/90-91/16452 dated 8/11.10.90 the aforesaid senior scale was given effect to from 1.1.86. Thus the scale of the plaintiff was therefore upgraded and his initial pay was fixed at Rs. 2300/- P.M. as on 1.1.86 n the senior scale as per the following manner:

Rs. 1640-60-2360-EB-75-2750-EB-2900

The applicant has drawn and availed the aforesaid senior scale, with yearly increment and crossing efficiency bars (EB) as and when fall due with the entire knowledge of the Respondents.



A copy of the aforesaid order dated 8/11-10-90 is enclosed herewith and marked as Annexure:-II.

A copy of the order No. F.2-2/92-KVS(SR)/11413-416 dated 18.10.93 allowing to cross the efficiency bar is enclosed and marked as Annexure:-III.

V. That curiously however, an order was issued from the office of the respondent No. 3 in the month of May, 2000 to the entire prejudice of the applicant.

Thus vide order No. 1-2/KVS(SR)A/CS/98-99/1911-12/1618-19 dated 4.5.2K, the Respondent No. 3 informed that on account of Revision of scale of pay as per recommendation of Vth pay commission, the pay is refixed at Rs. 8900.00 on 1.1.96 in the scale of pay of Rs. 6500-200-10,500/- with effect from the date of next increment on 1.1.97 raising his pay to Rs. 9100/- if otherwise admissible.

By the same order the Respondent No. 4 has been directed by issuing a copy of the order to work out the excess payment made to the applicant and recover the suitable installment under intimation to the office.

Thus by the aforesaid order the initial pay of the applicant was downgraded by two increments. Thus Respondent

केन्द्रीय प्रशासनिक अदान
Central Administrative Tribunal

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Guwahati Bench

No. 4 was directed to refix the pay by reducing the two increments in the senior scale by two increments w.e.f. 1.1.1986.

A copy of the aforesaid order dated 4.5.2K is enclosed herewith and marked as Annexure:-IV.

VI. That the applicant was surprised by the aforesaid order and immediately filed an appeal through proper channel on 21.6.2000. The Respondent No. 4 received the copy of the appeal on 22.6.2000 with acknowledgement of receipt.

In the said appeal the applicant has stated the entire facts and circumstances. It was stated that by the impugned order the pay of the applicant was shown as Rs. 8,900/- instead of Rs. 9,100/- which the applicant is at present drawing after the same was once revised and fixed in senior scale of pay. As per an estimate roughly made by the applicant a sum of Rs. 50,000 approximately will have to be assessed as excess payment liable for recovery as per the said order.

A copy of the aforesaid appeal is enclosed herewith and marked as Annexure:-V.

VII. That the Respondents have thereafter disposed of

the appeal filed by the applicant vide order No. 1-2/KVS(SR) Accounts/99-2000/8054-55 dated 1.9.2000. The Respondents No. 3 however came to a curious finding that the pay initially fixed by the Principal as on 1.1.86 is found to be in excess by 2 increments which was wrongly granted. While disposing with the appeal the respondent No. 3 has refixed the pay of the applicant superseeding the earlier fixation of pay made by the office.

A copy of the aforesaid final order dated 1.9.2000 is enclosed herewith and marked as Annexure:-VI.

VIII. That pursuant to the aforesaid disposal of the appeal the Respondent No. 4 has informed the applicant that he was to act on the direction contained in the impugned order. However, till date the impugned order has not been acted upon. However, the Respondent No. 4 has issued a order No.KVS/per. P.C.G./2000-2001/674-75 dated 17.11.2000 informing that the amount for deduction comes to Rs. 39,752.00 and the deduction shall start from the next month. The applicant having no other alternative remedy has filed this instant application for relief.

IX. That the applicant was granted the senior scale of pay (Rs. 1640-60-2360-EB-75-2750-EB-2900) vide Assistant Commissioner's order No. F2-13/89-KVS-(SR)/10422-53 dated 22.1.90. This order sanctioning the senior scale of pay was given effect to from 1.1.86 through the individual sanctioning order no. F.1/KVS(SR)/1A/90-91/16452 dated 8/11.10.90. Accordingly, the pay of the applicant was revised in the Sr.

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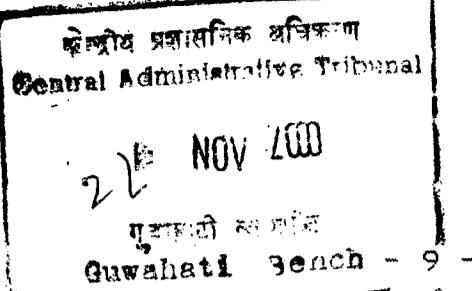
গুৱাহাটী বিধৃতি
Guwahati Bench

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Scale and fixed at Rs. 2,300/- p.m. w.e.f. 1.1.86 in force of the above said orders. The next date of increment in the senior scale after fixation of pay was due on 1.1.87. In the above said scale, the applicant was to cross the EB on 1.1.93, and for which sanction of Assistant Commissioner was necessary. This order was duly issued vide A.C.'s letter no. F.2-2/92-KVS(SR)/11413-416 dt. 18.10.93. On crossing the EB, the applicant's pay was fixed at Rs. 2,825/- in the said senior scale and necessary entries were accordingly made in the service book etc. as per direction.

Thereafter, the applicant continued to draw his salary with regular increments from time to time till the year 2000 AD, the present salary of the applicant is Rs. 10,100/- on 1.1.2000. The impugned order against which this appeal is hereby made, was issued on 4.5.2000 from the office of Asstt. Commissioner, In this order, the pay of the applicant is shown as Rs. 8,900/- instead of Rs. 9,100/- which the applicant is at present drawing after the same was once revised and fixed in senior scale of pay. Apart from above, the order has directed the Principal, KV, Duliajan, to work out the excess amount and effect recovery of the same from the applicant. As per an estimate roughly made by the applicant, a sum of Rs. 50,000/- approximately will have to be assessed as excess payment liable for recovery as per the said order.





5. Grounds for relief:-

(a) For that the impugned order is ex facie illegal, arbitrary, malafide and highly discriminatory. The order whereby the right of the applicant is curtailed is therefore liable to be set aside and quashed.

(b) For that the impugned order are not speaking order and the same have been passed mechanically with extraneous consideration.

(c) For that the impugned orders are illegal and unjustified in as much as the matter of fixation of pay of the applicant cannot now be reopened and revised after the same was once made as far back as 1990 with effect from 1.1.86 and continued to operate for more than 10 years.

(d) For that no deduction of any amount of any nature can be made from salary of the applicant with giving any notice thereof and without giving scope for hearing such deduction will be illegal and unjustified.

[Signature]

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देशीय प्रशासनिक अधिकार
Central Administrative Tribunal

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गुवाहाटी न्यायालय
Guwahati Bench

(e) For that the impugned orders have caused seniors civil consequences to the applicant and violates all rules of fair play and equity. The order are arbitrary, and illegal and liable to be set aside and quashed.

(f) For that the fixation of pay which was made during 1990 with effect from 1986 and no refixation can arise after about 14 years of continuous service.

(g) For that in any view of the matter the impugned order is illegal, arbitrary, malafide and violative of all cannons of justice and as such the same are liable to be set aside and quashed.

6. Details of remedies exhausted:-

That the applicant has immediately filed appeal through proper channel against the order No. F No. 1-1/KVS(SR)/CS/98/99/ 1911-12/1618-19 dated 4.5.2000. The appeal of the applicant was disposed of by order No. 1-2/KVS(SR)accounts/99-2000/8054-55 dated 1.9.2000 without granting any relief therefore no remedy lies elsewhere other than approaching this Hon'ble Tribunal.

[Signature]

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7. Whether any case of proceeding is pending in any Court:

The applicant declares that he has not filed any other application or suit with regard to the instant subject matter before any Court or any other Bench of this Tribunal.

8. Relief sought for:

Under the facts and circumstances stated above, the applicant prays for the following relief:-

(a) To quash and set aside the impugned orders

Nos F.1-1/KVS(SR)/CS/98/99/1911-12/1618-19
dated 4.5.2000 at Annexure:-IV.

-And-

Order No.1-2/KVS(SR) Accounts/00-2000/
8054-55 dated 1.9.2000 at Annexure:-VI order
No. KVS/per/P.C.G./2000-2001/674-75 dated
Annexure - VII
17.11.2000 issued by the respondent No. 4 and
to direct the Respondents not to deduct and/or
refix the pay of the applicant from the pay he
has been drawing for last 14 years and/or not
to give effect to the impugned orders dated
4.5.2000, 1.9.2000 and 17.11.2000.

(b) To grant any other relief as the Hon'ble
Tribunal may deem fit and proper.

(c) The cost of the proceeding.

Central Administrative Tribunal
Central Administrative Tribunal

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9. Interim relief if any:-

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District Court
Guwahati Bench

Under the facts and circumstances the applicant prays that the Hon'ble Tribunal may be pleased to pass an interim order staying the operation of the impugned orders dated 4.5.2000 (Annexure:-IV), 1.9.2000 (Annexure:-VII) and 17.11.2000 till the final disposal of this application.

10. The application is filed through the advocate:

11. Particulars of IPO:

I.P.O. No. 26503943 for Rs. 50.00

Dated:- 20.11.2000

Head Post office Panbazar is enclosed herewith.

12. List of enclosures:-

- (1) Annexure:-I ... Order dated 22.1.90.
- (2) Annexure:-II ... Order dated 8.10.90.
- (3) Annexure:-III ... Order dated 18.10.93
- (4) Annexure:-IV ... Order dated 4.5.2k.
- (5) Annexure:-V ... Appeal dated 21.6.2000.
- (6) Annexure:-VI ... Order dated 1.9.2000.
- (7) Annexure:-VII ... Order dated 17.11.2000.

Signature

Central Adminis

22 NOV 2000

Guwahati Bench

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VERIFICATION

I, Shri probodh Ch. Goswami son of Nabin Ch. Goswami aged about 57 years resident of Kendriya Vidyalaya,Duliajan, P.O. Duliajan, District:- Dibrugarh, Assam do hereby verify the statements made in this application and state that the statements made in paragraphs 1 to 12 above are true to my knowledge and belief and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this the 20 th day of November, 2000.

Probodh Chandra Goswami

Signature of the applicant.

Probodh Chandra Goswami

केन्द्रीय शासकीय
Central Administ...

2 L 1990

22.1.90
Gurcharan Banerjee

ANNEXURE:-I

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE: SILCHAR

F.2-13/89-KVS(SR)/10422-59 DATED 22.1.90.

OFFICE ORDER

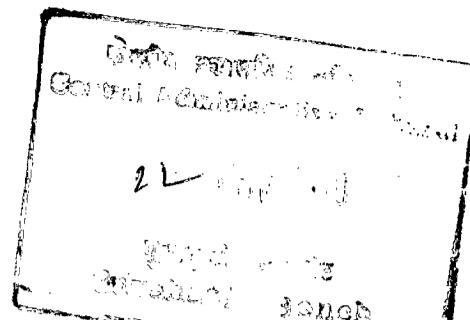
The following miscellaneous categories of teachers whose particulars are given below are hereby appointed to the Senior Scale with effect from the dates mentioned against each

Sl No.	Sen No.	Name & designation	Senior Scale	Date of Senior Scale	KV where working
1.	169	Shri SC Paul Drawing Teacher	1640-6--2000-EB-60 2360-EB-60-2600-75- 2750-EB-75-2900.	12.9.87	Masimpur
2.	191	Shri S.R.Nath Drawing Teacher	" "	26.7.87	Sibsagar
3.	122	Shri R.K.Mazumdar WET	" "	1.1.86	Agartala
4.	119	Shri P.C.Goswami Librarian	" "	1.1.86	Duliajan
5.	-	Smti Bimola Devi Music Teacher	1400-40-1600-50-1560 -EB-50-1950-EB-50- 2250-EB-50-2300-60-2600	26.6.88	Imphal
6.	2201	Smti P.Banerjee,	"	1.1.86	Upper Shillong
7.	-	" B.Sen	"	24.6.86	Agartala
7.	-	" B.Bhattacharjee	"	5.8.87	NEHU

(Dr. K.K.Jha)
Asstt. Commissioner.

Copy to:

1. The individual concerned.
2. The Principals of the concerned Vidyalayas. The pay of the



teachers may please be fixed in the senior scale under normal rules and necessary entries made in their service books after obtaining necessary approval from Regional office, Silchar. An undertaking to the effect that they would undergo in service course of three weeks duration latest by 1.2.91 to become eligible for grant of senior scale in respect of the employees who have not undergone the in service course as per the rules governing the grant of senior scales should be obtained.

3. The Deputy Commissioner (Admn.), KVS, New Delhi.
4. The Sr. Audit officer, KVS, New Delhi.
5. All Asstt. Commissioners, KVS, Regional offices.
6. The AIO, KVS, RO, Silchar.

ASSTT. COMMISSIONER.

(B)
ANNEXURE II

16

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE: SILCHAR-4

No. F.1/KVS/CR/TA/1990/111162

Date: 08.10.90.

OFFICE ORDER

Consequent upon grant of Senior scale the pay of the following Librarian is here fixed as under in the senior scale of Pay of Rs. 1250/- per month 100-100-EB-50-2600-75-2750-EB-75-2900

As above is admissible.

Sl. No.	Name of the officer	Pay in the ordinary scale	Pay fixed in Sr. scale	Effective date
---------	---------------------	---------------------------	------------------------	----------------

1.	Sh. P.C. Goswami	Rs. 1250/-	Rs. 2500/-	1.1.86	1.1.87
----	------------------	------------	------------	--------	--------

2100

K. S. K. S.
Sectt. Officer-in-Charge
Regional Office
KENDRIYA VIDYALAYA SANGATHAN
Regional Office
ASSTT. COMMISSIONER.

To Principals, Kendriya Vidyalaya, Dibrugarh (two copies) for necessary action along with the service book/personal file of the individual concerned.

*altered
B. B. B.*

Annexure - III

KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFICE, SILCHAR - 1.

No. F. 2-2/92-KVS(SR) / [414] 6

Dated : 10.7.93

17

OFFICE ORDER

On the recommendations of the Departmental Promotion Committee Shri/Smt/Km. P. C. Ghoraria, Librarian of Kendriya Vidyalaya Silchar is hereby allowed to cross the Efficiency Bar with effect from 01.07.93 at the stage of Rs. 2250/- in the scale of pay

Rs. 200-30-1350-EB-50-1550-EB-40-1800-EB-40-2040.

Rs. 1400-40-1600-50-1650-EB-50-1950-EB-50-2250-EB-50-2300-60-2600.

Rs. 1640-60-1800-EB-60-1950-EB-60-2600-75-2750-EB-75-2900.

According to Shri/Smt/Km. P. C. Ghoraria, Lib. is allowed to draw the next increment next above the stage of Efficiency Bar raising his/her pay from Rs. 2250/- to Rs. 2625/- with the date of next increment on 01.07.93.

Shri/Smt/Km. P. C. Ghoraria, Librarian

Kendriya Vidyalaya Silchar

Drawn : (07/07/93)
(Dr. M. S. Verma)
Deputy Inspector Officer

Copy to :-

Distribution

1. The Principal, Kendriya Vidyalaya (2 copies). He is requested to handover the original copy of the office order to the individual concerned and paste another copy in the service book. An entry to the effect of crossing EB at the stage may also please be recorded in the service register.
2. ACR class of Shri/Smt/Km. P. C. Ghoraria, Lib.
3. The Accounts Cum Inspecting Officer, KVSRO, Silchar.
4. Curr file.

*Attended
S. S. Verma*

ANNEKURE IV

ANNUAL PROGRESS REPORT

EDUCATION OFFICE
HOSPITAL ROAD
KALYANI 783001

18

KENDRIYA VIDYALAYA SANGATHAN

Post Box No. 1
Departmental Office
Hospital Road,
Kalyani - 783001

Ref. 1-2/KVC(SR) A/C/93-94/ 19/1-11 / 16/8-95

File No. 4/5/2k

OFFICE ORDER

Consequent upon the grant of senior scale
vide KVS, R.O., Sylchar Letter No.F.2-13/89/KVS-SR/10422-53
dt. 22.1.90, the pay irrespective of Shri P.C.Goswami, Librarian,
Kendriya Vidyalaya, Duliajan, is fixed at Rs. 2180.00 on 1.1.86
in the scale of pay of Rs. 1640-60-2600-75-2900 with the date of
next increment on 1.1.87 raising his pay to Rs. 2240.00 and
subsequent date of increment on 1.1.88 and so on.

Further, on account of revision of scale of
Pay as per recommendation of Vth Pay Commission, the Pay is
re-fixed at Rs. 2300.00 on 1.1.96 in the scale of Pay of Rs. 6500-
200-10,500/- with the date of next increment on 1.1.97 raising
his pay to Rs. 2300/-, is otherwise admissible.

Necessary entry please be made in his service
book under pay or attestation.

(P.R.L. GUPTA)
EDUCATION OFFICER,
OFCG, ASSISTANT COMMISSIONER.

Copy to :-

(1) The Principal, Kendriya Vidyalaya, Duliajan along
with the service book of Shri P.C. Goswami, Librarian.
He is requested to work out the excess payment made to
Shri Goswami and recover in suitable instalment under
instalment to this office.

(2) Shri P.C.Goswami, Librarian, K.V. Duliajan.

RAN BANERJEE
OFCG, ASSISTANT COMMISSIONER.

attested
Goswami

TR 27

८७

Annexure - V

19

The Principal
Ken Sriya Vidyalaya, Dultaian
DULIAJAR, ASSAM.

Date - 21- 6- 21

Sub:- Submission of Petition- Appeal through proper channel

397

Please find two copies of my Petition-Appeal to the Asstt. Commissioner, Kendriya Vidyalaya Sansthan (Silchar Region) enclosed herewith. This is submitted for onward transmission to the authority concerned through proper channel.

Yours faithfully

Librarian

Kendriya Vidyalaya Dibrugarh
DULIAJAN, ASSAM

Received of
July 1
Mr. P. M. Kendig, Jr. \$2.00
Sister Mary Kendig, M. M. \$1.00
Sister Mary Julian

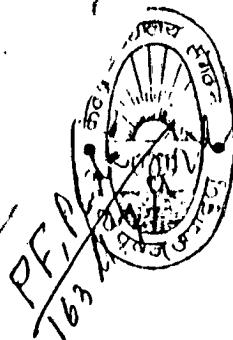
attested
Geo. W. Rice

ANNEXURE VI

34009 (AC) with Fax
34339 (AC) Rest.
34154 (AO)
45737 (EO)

केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN



प्राधिकारी कार्यालय
असमीकृत ग्रन्थालय
सिल्चर - 788001

Regional Office
Hospital Road,
Silchar - 788001

प्राप्ति

F No 1-2/KVS(SR) Accounts/99-2000/ 80.54-5.5

दिनांक

Dated: 01.9.2000

OFFICE ORDER

Where as the pay in respect of Shri P.C.Goswami, Librarian Kendriya Vidyalaya, Duliajan was provisionally fixed by the Principal, Kendriya Vidyalaya, Duliajan consequent upon implementation of IVth Pay Commission as on 1.1.1986 at Rs.2250.00 by allowing 2 bunching increments.

Where as the pay fixation statement made by the Principal was not duly approved by the competent authority which is required as per rule.

Where as on scrutiny of pay fixation statement during 2000 it was observed that the pay initially fixed by the Principal as on 1.1.86 is found to be in excess by 2 increments which was wrongly granted.

Where as Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan represented against correction in pay fixation made by this office vide letter No. F.1-2/KVS(SR) A/cs/98-99/1911-12/1618-19 dt. 4.5.2K on the pretext of future benefit on 2 increments given to him.

It is, therefore, informed to Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan that his pay as on 1.1.86 consequent upon grant of IVth Pay Commission is fixed as under-

Date	Scale in ordinary grade	Scale in senior grade
	1400-40-1600-50-2300-EB-60 -60-2600	1640-60-2600-75-2900
1.1.86	Rs.2150.00	Rs.2180.00
1.3.86	Rs.2200.00	Rs.2180 + 20.00 P.P.
1.1.87	Rs.2200.00	Rs.2240.00
1.3.87	Rs.2250.00	Rs.2240 + 10.00 p.p.
1.1.88	Rs.2250.00	Rs.2300.00
1.1.89	-	Rs.2360.00 and so on

This supersedes earlier fixation of pay made by this office.

Distribution :-

1. Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan.
2. The Principal, Kendriya Vidyalaya, Duliajan, with a request to hand over the enclosed letter to Shri P.C.Goswami, Librarian and obtain the acknowledgement which may please be kept on record. The service book and personal file of Shri Goswami are enclosed here with for necessary action.

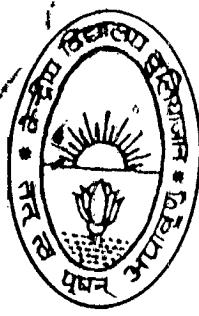
R.P. Sarker
Offg. Assistant
Commissioner.

*affixed
Signature*

Acting P.A. (P)

Y.C. 2000

2 J. Sarker (P)



ANNEXURE VII

केन्द्रीय विद्यालय

KENDRIYA VIDYALAYA

दुलियाजान - 786 602 (असम)

DULIAJAN - 786 602 (ASSAM)

दूरभाष : ऑगस्ट 0374-80-8999/98, पी. एन. टी. 0374-800573

टी.टी. : 0374 80 8999/98, P&T 0374-800573

21

१

पत्रक/Ref. No. KVS./Per.P.C.G/2000-2001/674-75

दिनांक/Date 17.11.2000
TS

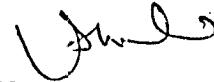
OFFICE ORDER

With reference to Kendriya Vidyalaya Sangathan, Silchar Region, Silchar letter F.No.1-2/KVS(SR)A/Cs/98-99/1911-12/1618-19 dated 04.05.2k, Shri P.C.Goswami, Librarian of this Vidyalaya is hereby informed that the amount for deduction of over payment come/ calculated Rs. 39,752/- (Rupees Thirty nine thousand seven hundred fifty two only) against his name.

As per the KVS rule the instalment of the amount is to be calculated $\frac{1}{3}$ of the salary. The deduction as mentioned shall start from next month.

For information

To,
Shri P.C.Goswami,
Librarian,
Kendriya Vidyalaya,
Dulijan.


(V. SHUKLA)
PRINCIPAL.

प्राचार्य / PRINCIPAL
केन्द्रीय विद्यालय / Kendriya Vidyalaya
दुलियाजान / Dulijan

Copy to:-

The Asstt. Commissioner, KVS (RO), Silchar for information;

Principal.

*allotted
Bhowmik*

22

In the Central Administrative Tribunal : Guwahati Bench
At Guwahati.

32
Filed through
P. Balu
Advocate
29.05.01

केन्द्रीय प्रशासन अधिकरण
Central Administrative Tribunal
29 MAY 2001
गुवाहाटी बैच 245
Guwahati Bench

O.A. No. 401/2000

Shri Probodh Ch. Goswami

Vs.

Union of India & Ors.

.....applicant

.....Respondents

The Respondent No. 2, 3 and 4 above named beg to file there written-statement as follows.

1. That all the ~~gements~~ made in the Original application (hereinafter referred to in short as the application) are denied by the answering respondents save and except what has been specifically admitted herein and what appears from the records of the case.
2. That with regard to statements made in paragraph I and II of the application the answering respondents have no comments.
3. That with regard to statements made in paragraph III of the application the answering respondents beg to state that the applicant was given the senior scale with effect from 1.1.86 and his pay was fixed based on the pay fixed by the Principal Kendriya Vidyalaya (hereinafter referred in short as K.V.) Duliajan in the ordinary grade.
4. That with regard to statements made in paragraph IV of the application the answering respondents beg to state that consequent upon implementation of IVth pay Commission with effect from 1.1.86 the Principal, K.V. Duliajan fixed his pay by allowing two bunching increment which was not in order. His pay as fixed by the Principal K.V. Duliajan as on 1.1.86 was not approved by the competent authority which is required as per rule.

Copy of KVS Circular No.F.12-17/86 - KVS (Admn. I) dtd.27.11.86 is annexed herewith and marked as Annexure - I.

5. That with regard to statement made in paragraph V of the application the answering respondents beg to state that on scrutinizing of pay fixation statement on recommendation of Vth pay commission with effect from 1.1.86 it was observed that the pay initially fixed by the Principal K.V. Duliajan as on 1.1.86 in the revised scale in ordinary grade is found to be in excess by two increments which was wrongly granted. His pay has been regularised and re-fixed as per rule vide this office order No. 1-2/KVS(SR)/Accounts/99-2000/8054-55 dtd - 1.9.2000.

Copy of office order No.1-2/KVS(SR)/Accounts /99-2000/8054-55 dtd 1.9.2000 is annexed herewith and marked as Annexure - 2.

6. That with regard to statements made in paragraph VI, VII and VIII of the application the answering respondents beg to state that the applicant was allowed two bunching increments erroneously by the Principal. His pay as fixed by the Principal K.V. Duliajan as on 1.1.86 was not approved by the competent authority which is required as per rule. Further it is an established fact that any ever payment made to the Govt. employees for any reason has to be recovered in suitable instalments as and when it comes to notice.

7) That with regard to statement made in paragraph IX of the application the answering respondents beg to state that consequent upon implementation of IVth pay commission with effect from 1.1.86, the Principal K.V. Duliajan fixed his pay by allowing two bunching increments which was not in order. The pay of the applicant as fixed by the Principal K.V. Duliajan as on 1.1.86 was not approved by the competent authority which is required as per rule.

8. That under the facts and circumstances stated above it is respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application with cost.

VERIFICATION

I, Shri D.K. Saini, S/o Shri C.L. Saini aged ' years presently working as the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Maligaon, Guwahati Region do hereby verify that the statements made in paragraph— 3, 4, 5, 6

are true to my personal Knowledge and those made in paragraphs 7 are based on records and nothing material has been concealed therefrom.

Place:

D.K. Saini

Signature

Guwahati:

Date : 28/05/2001

KENDRIYA VIDYALAYA SANGATHAN
NEW MEHRAULI ROAD
JNU CAMPUS
NEW DELHI 110 067.

Dated 27.11.86

F.12-17/86-KVS(Admin, I)

The Assistant Commissioner
All Regional Offices

The Principal
All Kendriya Vidyalayas

Subject : Revision of Pay Scales of Group 'B', 'C' &
'D' posts in the KVS (Teaching & non-
teaching).

Sir/Madam

I am directed to state that it has been decided to adopt mutatis mutandis the Central Civil Services (Revised Pay) rules, 1986 of the Govt. of India for Groups B, C & D posts, both for teaching and non-teaching in KVS in respect of revision of pay scales on the recommendation of IV Pay Commission w.e.f. 01.01.1986. A copy of the Ministry of Finance (Department of expenditure) Notification (except schedules) bearing No. F.15(1)/IC/86 appearing in Gazette notification dated 13th Sept. 1986 is forwarded for necessary information and guidance. Option in the prescribed form (Annex. D to this letter as referred to schedule two in the notification) shall be obtained from employees within three months from the date of this letter. Statement of fixation of pay in the revised scales as given in Annexure E to this letter may also be prepared with reference to pre-revised scales and the corresponding revised scales in KVS as given in Annexures A, B & C in respect of Group B, C & D posts in substitution of schedule one referred to in the notification.

2. The Revised pay scales (including Selection Grade) in respect of Lab Asstts. is still under consideration. Their pay, therefore, may be drawn as per existing pay scales until further orders.

2/

3. The option for revised pay scales may be obtained in the prescribed proforma in duplicate in Annexure D. A copy of the same may be pasted in the Service Book of the employee concerned while the other copy alongwith a statement of fixation of pay (in duplicate) as per annexure E may be sent to the Accounts-cum-Inspecting Office of the Region in case of Kendriya Vidyalayas and Regional Offices for verification and approval. The A.I.O. shall retain the copy of option exercised by the employee alongwith one copy of the statement of fixation of pay for record in his office; while the second copy of the statement may be returned to the vidyalaya concerned after approval. On receipt of the statement of fixation of pay duly verified and approved from the A.I.O., the Principal/AC will paste the same in the service book of the employee concerned.

4. It has to be taken care that in regard to fixation of pay in the revised scales in respect of those who opt for these scales from a date subsequent to 1.1.86, 20% of basic pay is not to be included for fixation of pay.

5. The pay can be drawn as per revised scales for all the groups B, C & D employees except for Lab. Asstts. on the basis of pay fixation statement without awaiting approval of the A.I.O. with specific undertaking that over payment, if any, made consequent on fixation of pay in the revised scale will be refunded by the employee.

6. Copies of following orders issued by the Govt. of India in pursuance of the recommendations of IVth Pay Commission are also forwarded herewith for implementation in respect of groups B, C & D employees of the K.V.S. :

.3/

3/

(1) CM. No. 20(10)/P&PW/86 dated 25.9.86 regarding deposit of arrears of pay for the period from Jan. 1986 to March, 1986 in the Provident Fund Accounts. (Annexure F)

(2) CM No. 11013/2/86-E-II(B) Dated 23.9.86 regarding HRA & CCA. (Annexure G)

(3) No. 5131/86-Estt. (Pay II) dated 29.9.86 regarding grant of special pay to Casniers. (Annexure H)

(4) No. 19050/14/86-E-IV dated 23.9.86 regarding regulation of TA claims, pending issue of orders on the basis of the recommendation of IVth Pay Commission. (Annexure I)

(5) No. 11020/6/86-E.II(B) dated 24.9.86 regarding recovery of Licence Fee for Govt. accommodation based on the revised pay of Central Govt. employees-freezing of licence fee at existing rates. (Annexure J)

7. Other allowances such as HCA/Winter allowance/ Project allowance/Bad climate allowance/etc. and personal pay for small family norms where admissible and drawn be continued to be paid at existing rates till further orders.

8. The receipt of this letter may please be acknowledged.

9. Hindi version of this letter will follow.

Yours faithfully,

(K. SUJUKUMAR)
DEPUTY COMMISSIONER(ADMIN)

Encl : 6/6

Copy forwarded to :

1. Sr. Administrative Officer for similar action in respect of staff of KVS (HQ). The fixation of pay may be got verified and approved from the Internal Audit Officer.
2. All Officers/Sections in KVS HQs.
3. All Accounts-cum-Inspecting Officer, ROs.
4. All Administrative Officers, ROs.
5. The General Secretary, KVS / KEVINSTA
6. The President, RIKVAS/AIKVTA.

(SP D/T)
ASSISTANT COMMISSIONER(ADMIN)

Copy -

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 13th September, 1986.

G.S.R. 1080(E). NOTIFICATION {No. F.15(1)-IC/86}

In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 140 of the constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:-

1. Short title and commencement.-(1) These rules may be called the Central Civil services (Revised Pay) Rules, 1986.
- (2) They shall be deemed to have come into force on the 1st day of January, 1986.
2. Categories of Government servants to whom the rules apply.-(1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to civil services and posts in connection with the affairs of the Union whose pay is debitible to the Civil Estimates as also to persons serving in the Indian Audit and Accounts Department.
- (2) These rules shall not apply to:-
 - (a) Government servants in a Group 'A' service or holding a Group 'A' posts;
 - (b) persons appointed to the Central Civil Services and posts in Groups 'B', 'C' and 'D' under the administrative control of the Administrator of the Union territory of Chandigarh;
 - (c) Permanent employees of former Indian States absorbed in Civil Services and posts in connection with the affairs of the Union, but governed by the preabsorption conditions of service under the Central Civil Services (Part B States Transferred Employees) Rules, 1953;
 - (d) Persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
 - (e) Persons not in whole-time employment;
 - (f) Persons paid out of contingencies;
 - (g) Persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
 - (h) Persons employed on contract except where the contract provides otherwise;
 - (i) Persons re-employed in Government service after retirement;
 - (j) any other class or category of persons whom the President may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.

Contd.,,.,,2/-

3. Definitions.-In these rules, unless the context otherwise requires : -

- (1) "basic pay" means pay as defined in Fundamental Rule 9(21) (a) (1);
- (2) "existing scale" in relation to a Government servant means the present scale applicable to the post held by the Government servant (or, as the case may be, personal scale applicable to him) as on the 1st day of January 1986 whether in a substantive or officiating capacity.
- Explanation.-In the case of a Government servant, who was on the 1st day of January, 1986 on deputation out of India or on leave or on foreign service, or who would have on that date officiated in one or more lower posts but for his officiating in a higher post, "existing scale" includes the scale applicable to the post which he would have held but for his being on deputation out of India or on leave or on foreign service or, as the case may be, but for his officiating in a higher post;
- (3) "Present scale" in relation to any post specified in column 2 of the first schedule means the scale of pay specified against that post in column 3 thereof;
- (4) "revised emoluments" means the basic pay of a Government servant in the revised scale and includes the revised non-practising allowance, if any, admissible to him, in addition to the pay in the revised scale;
- (5) "revised scale" in relation to any post specified in column 2 of the First Schedule means, the scale of pay specified against that post in column 4 thereof unless a different revised scale is notified separately for that post;
- * (6) "Schedule" means a schedule annexed to these rules.

4. Scale of pay of posts.-As from the date of commencement of these rules, the scale of pay of every post specified in column 2 of the First Schedule shall be as specified against it in column 4 thereof.

5. Drawal of pay in the revised scale.-Save as otherwise provided in these rules, a Government servant shall draw pay in the revised scale applicable to the post to which he is appointed.

Provided that a Government servant may elect to continue to draw pay in the revised scale applicable to the post to which he is appointed.

Explanation 1.-The option to retain the existing scale under the proviso to this rule shall be admissible only in respect of one existing scale.

Explanation 2.-The aforesaid option shall not be admissible to any person appointed to a post on or after the 1st day of January, 1986, whether for the first time in Government service, or by transfer or promotion from another post and he shall be allowed pay only in the revised scale.

* For Kandriya Vidyalaya Sangathan Annex. A, B, C & D in place of referred schedule.

Explanation 3.-Where a Government servant exercise the option under the proviso to this rule to retain the existing scale in respect of a post held by him in an officiating capacity on a regular basis for the purpose of regulation of pay in that scale under Fundamental Rule 22 or Fundamental Rule 31, or any other rule or order applicable to that post, his substantive pay shall be the substantive pay which he would have drawn had he retained the existing scale in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended or the pay of the officiating post which has acquired the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

6. Exercise of Option.-

(1) The option under the proviso to rule 5 shall be exercised in writing in the form appended to the Second Schedule so as to reach the authority mentioned in sub-rule (2) within three months of the date of publication of these rules or where an existing scale has been revised by any order made subsequent to that date, within three months of the date of such order :

Provided that:-

(i) in the case of a Government servant who is, on the date of such publication or, as the case may be, date of such order, out of India on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in India; and

(ii) Where a Government servant is under suspension on the 1st day of January, 1986, the option may be exercised within three months of the date of his return to his duty if that date is later than the date prescribed in this sub-rule.

(2) The option shall be intimated by the Government servant to the Head of his Office.

(3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the Government servant shall be deemed to have elected to be governed by the revised scale of pay with effect on and from the 1st day of January, 1986.

(4) The option once exercised shall be final.

Note 1.-Persons whose service were terminated on or after the 1st January 1986 and who could not exercise the option within the prescribed time limit, on account of death, discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, are entitled to the benefits of this rule.

Note 2.-Persons who have died on or after the 1st day of January, 1986 and could not exercise the option within the prescribed time limit be deemed to have opted for the revised scales on and from the 1st day of January, 1986 or such later date as is most beneficial to their dependents, if the revised scales are more favourable and in such cases, necessary action for payment of arrears should be taken by the Head of Office.

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7. Fixation of initial pay in the revised scale.-(1) The initial pay of a Government servant who elects, or is deemed to have elected under sub-rule (3) of rule 6 to be governed by the revised scale on and from the 1st day of January, 1986, shall, unless in any case, the President by special order otherwise directs be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if it had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely:-

(A) in the case of all employees --

(i) an amount representing 20 per cent of the basic pay in the existing scale, subject to a minimum of Rs.75, shall be added to the "existing emoluments" of the employee;

(ii) after the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale, at the stage next above the amount thus computed;

Provided that --

(a) if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;

(b) if the amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale.

Explanation-- For the purpose of this clause "existing emoluments" shall include--

(a) the basic pay in the existing scale;

(b) dearness pay, additional dearness allowance and ad hoc dearness allowance appropriate to the basic pay admissible at index average 608 (1960=100); and

(c) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale;

(B) in the case of employees who are in receipt of special pay in addition to pay in the existing scale and where the existing scale with special pay has been replaced by a scale of pay without any special pay, the pay shall be fixed in the revised scale in accordance with the provisions of clause

(A) above except that in such cases "existing emoluments" shall include--

(a) the basic pay in the existing scale;

(b) existing amount of special pay;

(c) dearness pay, additional dearness allowance and ad hoc dearness allowance appropriate to the basic pay and special pay admissible at index average 608 (1960=100) under the relevant orders; and

(d) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale and special pay under the relevant orders;

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(C) in the case of employees who are in receipt of special pay in addition to pay in the existing scales and in whose case special pay continues with the revised scale of pay either at the same rate or at a different rate, the pay in the revised scale shall be fixed in accordance with the provisions of clause (A) above with reference to existing emoluments calculated in accordance with the Explanation thereto, after excluding the existing special pay and the amounts admissible thereon with reference to dearness pay, additional dearness allowance and ad-hoc dearness allowance, and in such cases special pay at the new rate shall be drawn in addition to the pay so fixed in the revised scale;

(D) in the case of medical officers who are in receipt of non-practising allowance, the pay in the revised scale shall be fixed in accordance with the provisions of clause (A) above except that in such cases the term "existing emoluments" shall include only :

- (a) the basic pay in the existing scale ;
- (b) dearness pay, additional dearness allowance and ad-hoc dearness allowance appropriate to the basic pay and non-practising allowance admissible at index average 608 (1960 = 100) under the relevant orders; and
- (c) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale and non-practising allowance under the relevant orders.

and in such cases, non-practising allowance at the new rates shall be drawn in addition to the pay so fixed in the revised scale.

Note 1.-Where a Government servant is holding a permanent post and is officiating in a higher post on a regular basis and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this sub-rule with reference to the officiating post only and the pay so fixed shall be treated as substantive pay.

The provisions of this Note shall apply, mutatis mutandis, to Government servants holding in an officiating capacity posts on different existing scales which have been replaced by a single revised scale.

Note 2.-Where the existing emoluments as calculated in accordance with clause (A), clause (B), clause (C) or clause (D) as the case may be, exceed the revised emoluments in the case of any Government servant, the difference shall be allowed, as personal pay to be absorbed in future increases in pay.

Note 3.-Where in the fixation of pay under sub-rule (i) the pay of Government servants drawing pay at more than five consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised scale at the same stage, the pay in the revised scale of these Government servants who are drawing pay beyond the first five consecutive stages in the existing scale shall be stepped up to the stage where such bunching occurs as under, by the grant of increment (i) in the revised scale in the following manner, namely:-

- (a) for Government servants drawing pay from the 6th upto the 10th stage in the existing scale-By one increment;
- (b) for Government servants drawing pay from the 11th upto the 15th stage in the existing scale, if there is bunching beyond the 10th stage-By two increment;
- (c) for Government servants drawing pay from the 16th upto the 20th stage in the existing scale, if there is

bunching beyond the 15th stage-By three increments. If by stepping up of the pay as above, the pay of a Government servants gets fixed at a stage in the revised scale which is higher than the stage in the revised scale at which the pay of a Government servant who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which it falls short of the former.

Note 4.-Where in the fixation of pay under sub-rule (1) pay of a Government servant, who, in the existing scale was drawing immediately before the 1st day of January, 1986 more pay than another Government servant junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior, his pay shall be stepped upto the same stage in the revised scale as that of the junior.

Note 5.-Where a Government servant is in receipt of personal pay on the 1st day of January, 1986, which together with his existing emoluments as calculated in accordance with clause (A), Clause (B), clause (C) or clause (D), as the case may be, exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such Government servant as personal pay to be absorbed in future increases in pay.

Note 6.-In the case of employees who are in receipt of personal pay for passing Hindi Pragya, Hindi Typewriting, Hindi Shorthand and such other examinations under the "Hindi Teaching Scheme", or, on successfully undergoing training in cash and accounts matters prior to the 1st day of January, 1986, while the fixation of initial pay in the revised scales, they would continue to draw personal pay in the revised scales, they would continue scale on and from the 1st day of January, 1986 or subsequently for the period for which they would have drawn it but for the fixation of their pay in the revised scale. The quantum of such personal pay would be paid at the appropriate rate of increment in the revised scale from the date of fixation of pay for the period for which the employee would have continued to draw it.

Explanation.- For the purpose of this Note, "appropriate rate of increment in the revised scale" means the amount of increment admissible at and immediately beyond the stage at which the pay of the employee is fixed in the revised scale.

Note 7.- In cases, where a senior Government servant, promoted to a higher post before the 1st day of January, 1986 draws less pay in the revised scale than his junior who is promoted to the higher post on or after the 1st day of January, 1986 the pay of the senior Government servant should be stepped up to an amount equal to the pay as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Government servant subject to the fulfilment of the following conditions, namely:-

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical, and
- (c) the anomaly should be directly as a result of the application of the provisions of Fundamental Rule 22-C or any other rule or order regulating pay

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fixation on such promotion in the revised scale. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him. Provisions of this Note need not be invoked to step up the pay of the senior officer.

The orders relating to refixation of the pay of the senior officer in accordance with the above provisions should be issued under Fundamental Rule 27 and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of refixation of pay.

(2) Subject to the provisions of rule 5, if the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, the former shall be fixed at the stage next above the substantive pay.

8. Date of next increment in the revised scale.—The next increment of a Government servant whose pay has been fixed in the revised scale in accordance with sub-rule (1) of rule 7 shall be granted on the date he would have drawn his increment had he continued in the existing scale:

Provided that in cases where the pay of a Government servant is stepped up in terms of Note 3 or Note 4 or Note 7 to sub-rule (1) of rule 7, the next increment shall be granted on the completion of qualifying service of twelve months from the date of stepping up of the pay in the revised scale;

Provided further that in cases other than those covered by the preceding proviso, the next increment of a Government servant, whose pay is fixed on the 1st day of January, 1986 at the same stage as the one fixed for another Government servant junior to him in the same cadre and drawing pay at lower stage than his in the existing scale, shall be granted on the same date as admissible to his junior, if the date of increment of the junior happens to be earlier;

Provided also that in the case of person who had been drawing maximum of the existing scale for more than a year as on the 1st day of January, 1986, next increment in the revised scale shall be allowed on the 1st day of January, 1986;

Provided also that in the case of Government servants who were in receipt of an ad-hoc increment on their stagnating for more than two years at the maximum of the existing scale of pay as on the 1st day of January, 1986, one more increment in the revised scale shall be allowed to them on the 1st day of January, 1986, in addition to the increment already allowed under the preceding proviso.

Note 1.—Wherever the pay has been fixed in terms of the above provisions the efficiency bar will become operative only with reference to such bars in the revised scale, irrespective of whether a Government servant had crossed or not crossed or had been held up at the efficiency bar in the existing scale.

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Note 2.-The benefit of additional increment under the fourth proviso will also be nationally admissible to a Government servant in the scale in which he would have got an ad-hoc increment on his stagnating for more than two years at the maximum of the existing scale of pay as on the 1st day of January, 1986 but for his holding higher officiating post, subject to the maximum of the revised scale not being exceeded, irrespective of whether he was actually in receipt of the ad-hoc increment or not.

Note 3.-Where by the grant of two additional increments in terms of the third and fourth provisions in the revised scale applicable to the substantive post, the substantive pay of a Government servant exceeds his officiating pay at any time, the Government servant may be allowed, in addition to officiating pay, the difference between the officiating pay and substantive pay as personal pay to be absorbed in future increments for the periods during which the substantive pay exceeds the officiating pay.

Note 4.-In cases where two existing scales, one being a promotional scale for the other are merged, and the junior Government servant, now drawing his pay in the lower scale, is receiving more pay in the revised scale due to grant of additional increment under Notes 2 and 3 above, than the pay of the senior Government servant in the existing higher scale, the pay of the senior Government servant in the revised scale shall be stepped up to that of his junior from the same date and he shall draw next increment after completing the qualifying period from the date of such stepping up of pay.

9. Fixation of pay in the revised scale subsequent to the 1st day of January, 1986-Where a Government servant continues to draw his pay in the existing scale and is brought over to revised scale from a date later than the 1st day of January, 1986, his pay from the later date in the revised scale shall be fixed under the Fundamental Rules and for this purpose his pay in the existing scale shall have in same meaning as of existing emoluments as calculated in accordance with clause (A), clause (B), clause (C) or Clause (D), as the case may be, of sub-rule (1) of rule 7, except that the basic pay to be taken into account for calculation of these emoluments will be the basic pay on the later date aforesaid and where the Government servant is in receipt of special pay or non-practising allowance, his pay shall be fixed after deducting from those emoluments an amount equal to the special pay or non-practising allowance, as the case may be, at the revised rates appropriate to the emoluments so calculated.

10. Fixation of pay on reappointment after the 1st day of January, 1986 to a post held prior to that date.-A Government servant who had officiated in a post prior to the 1st day of January, 1986 but was not holding that post on that date and who on subsequent appointment to that post draws pay in the revised scale of pay shall be allowed the benefit of the proviso to Fundamental Rule 22 or of the fourth proviso to Fundamental Rule 22-C, as the case may be, to the extent it would have been admissible had he been holding that post on the 1st day of January, 1986 and had elected the revised scale of pay on and from that date.

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11. Mode of payment of arrears of pay - Notwithstanding anything contained in these rules, the arrears of pay to which any Government servant may be entitled in respect of the relevant period under these rules shall be paid the Government servant either in cash or by crediting the same to the provident fund account or the Government servant or by crediting the same to a special savings account to be opened in the name of the Government servant or partly in cash and partly by all or any of the other modes aforesaid, as the President may, by order, determine in this behalf.

Explanation.- For the purposes of this rule-

(a) "arriers of pay" in relation to a Government servant, means the difference between-

(i) the aggregate of the pay and allowances to which he is entitled on account of the revision of his pay and allowances under these rules, for the relevant period;

(ii) the aggregate of the pay and allowances to which he would have been entitled (whether such pay and allowances had been received or not) for that period had his pay and allowances not been so revised;

*(b) "relevant period" means the period commencing on the 1st day of January, 1986, and ending with the 30th day of September, 1986.

12. Overriding effect of Rules:- The provisions of the Fundamental Rules, the Central Civil Services (Revision of Pay) Rules, 1947, the Central Civil Services (Revised pay) Rules, 1960, and the Central Civil Services (Revised Pay) Rules, 1973 shall not, save as otherwise provided in these rules, apply to case where pay is regulated under these rules, to the extent they are inconsistent with these rules.

13. Power to relax.- Where the President is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions he may consider necessary for dealing with the case in a just and equitable manner.

14. Interpretation.— If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Central Government for decision.

* In respect of Kendriya Vidyalaya Sangathan the ending
be taken as 30th day of November, 1986.

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MEMORANDUM EXPLANATORY TO THE CENTRAL CIVIL SERVICES
(REVISED PAY) RULES, 1986.

Rule 1 - This rule is self-explanatory.

Rule 2 - This rule lays down the categories of employees to whom the rules apply. Except for the categories excluded under clause (2), the rules are applicable to all persons under the rule making control of the President serving in Departments paid from Civil Estimates. They do not apply to the employees under the Ministry of Railways and Civilian personnel paid from Defence Services Estimates, for whom separate rules will be issued by the Ministries concerned. The rules do not also apply to Extra Departmental Agents in the Department of Posts and Department of Telecommunications. The rules, however, apply to work charged establishments.

Rule 3 - This rule is self-explanatory.

Rule 4 - In respect of such employees as are presently in Group 'B' or Group 'C' and for whom the Pay Commission has recommended scales as applicable to any category of Group 'A' employee, this rule shall not apply till such time as the scales applicable to such employees are notified.

Rule 5 - The intention is that all Government servants should be brought over to the revised scales except those who elect to draw pay in the existing scales. Those who exercise the option to continue on the existing scales of pay will continue to draw the dearness pay, dearness allowance, ad-hoc dearness allowance and interim reliefs at the rates in force on the 1st January, 1986 and the dearness pay will count towards house rent and compensatory allowances, emoluments for pensions, etc. to the extent it is so counted on the said date. If a Government servant is holding a permanent post in a substantive capacity and officiating in a higher post or would have officiated in one or more posts but for his being on deputation etc., he has the option to retain the existing scale only in respect of one scale. Such a Government servant may retain the existing scale applicable to a permanent post or any one of the officiating posts. In respect of the remaining posts he will necessarily have to be brought over to the revised scales.

Explanation 3 to Rule 5 - As a Government servant will have the option to retain the existing scale in respect of only the substantive or any officiating post a Government servant who retains the existing scale in respect of his officiating post will be brought over to the revised scale in respect of his substantive post. In the revised scale of substantive post DP/ADA/ad-hoc DA stands merged in the revised pay, whereas in the officiating scale he will be allowed the existing rates of dearness pay and ADA/ad-hoc DA. If his pay were to be relixed in the existing scale of the higher officiating post with reference to the pay on the revised scale in the substantive post, it will give him the benefit of dearness allowance, dearness pay and interim relief twice over. The explanation is designed to avoid such unintended benefit.

Rule 6 - This rule prescribes the manner in which option has to be exercised and also the authority who should be apprised of such option. The option has to be exercised in the appropriate form appended to the rules. It should be noted that it is not sufficient for a Government servant to exercise the option within the specified time limit but also to ensure that it reaches the

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prescribed authority within the time limit. In the case of persons who are outside India at the time these rules are promulgated, the period within which the option has to be exercised is three months from the date they take over charge of the post in India. In the case of Government servants the revised scales of whose posts are announced subsequent to the date of issue of these rules, the period of three months will run from the date of such announcement.

Persons who have retired between 1st January, 1986 and the date of issue of these rules are also eligible to exercise option.

Rule 7(1) - This rule deals with the actual fixation of pay in the existing scales on 1st January, 1986. A few illustrations indicating the manner in which pay of Government servants should be fixed under this sub-rule subject to stepping up of pay under Notes below rule 7(1) are given below:

Illustration No. 1

1. Existing Scale of pay	-Rs.260-6-290-EB-6-326-8-366-EB-8-390-10-400.
2. Proposed scale of pay	-Rs.950-20-1150-EB-25-1500.
3. Existing basic pay	-Rs.542.00
4. DP/ADA at index average 608	-Rs.662.50
5. Two instalments of interim relief	-Rs.110.00
6. Existing emoluments	-Rs.1114.50
7. Add 20% of basic pay subject to minimum of Rs. 75/-	-Rs. 75.00
Total	-Rs.189.50
Pay to be fixed in proposed scale	-Rs.1200.00

Illustration No. 2

1. Existing scale of pay	-Rs.550-20-650-25-750-plus special pay of Rs.60/-
2. Proposed scale of pay	-Rs.2000-60-2300-EB-75-3200 (without any special pay)
3. Existing basic pay plus special pay	-Rs.700.00 + Rs.60.00
4. DP/ADA at index average 608 on basic pay and special pay	-Rs.1143.80
5. Two instalments of interim relief	-Rs.140.00
6. Existing emoluments	-Rs.2043.80
7. Add 20% of basic pay	-Rs.140.00
Total	2183.80
Pay to be fixed in proposed scale	-Rs.2240/- (without any special pay)

The 2nd scale in the existing scale is the same as the 1st scale in the proposed scale.

Illustration No. 3

1. Existing scale of pay	-Rs. 210-4-250-EB-5-270 with special pay of Rs. 10/-
2. Proposed scale of pay	-R. 800-15-1010-EB-20-1150 with special pay of Rs. 20/-
3. Existing basic pay	-Rs. 230.00
4. DP/ADA at index average 608-Rs.	463.50
5. Two instalments of interim relief	-Rs. 100.00
6. Existing emoluments	-Rs. 793.50
7. Add 20% of basic to a minimum of Rs. 75/-	-Rs. 75.00
Total =	-Rs. 868.50
Pay to be fixed in proposed scale of pay	-Rs. 875.00 plus special pay of Rs. 20/-

Rule 7(2)- This follows the provisions of FR 31(2). It should be noted that the benefit of this rule is not admissible in cases where a Government servant has elected the revised scale in respect of his substantive post, but has retained the existing scale in respect of an officiating post.

Rule 8- This rule prescribes the manner in which the next increment in the new scale should be regulated. The provisos to this rule are intended to eliminate the anomalies of junior Government servants drawing more pay than their senior by the operation of the substantive part of this rule and also taking care of the Government servants who have been drawing pay at the maximum of the existing scale for more than one year as on 1-1-1986 and also those Government servants who have been stagnating at the maximum of the existing scale and are actually in receipt of stagnation increment on ad hoc basis.

Rule 9 to 14- These rules are self-explanatory.

Explanatory Memorandum :

The Central Civil Services (Revised Pay) Rules, 1986 have been made to implement the recommendations made by the Fourth Pay Commission with respect to the pay scales of Group 'B', Group 'C' and Group 'D' employees of the Government. Even though the Commission has suggested the revision of pay scales from 1st April, 1986, the Government has decided to give effect to such recommendations from 1st January, 1986 in order to provide greater benefit to the Government servants in general. Accordingly, the rules are being given retrospective effect from 1st January, 1986. It is certified that the retrospective effect being given to these rules will not effect adversely any employee to whom these rules apply.

P.S.- In Kendriya Vidyalaya Sangathan special pay in the nature of addition to the emoluments is not sanctioned or granted with any post as referred to in para 7(c) and as given in illustration Nos. 2 and 3 above.



केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

केन्द्रीय विद्यालय
संगठन
सिल्हार, गोपीनाथ
गोपीनाथ, गोपीनाथ
सिल्हार - 788001

Regional Office
Hospital Road,
Silchar - 788001

लिखा

File No. 1-2/KVS(SR) Accounts/99-2000/ 8054-55

दिनांक

Dated: 01.9.2000

OFFICE ORDER

Where as the pay in respect of Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan was provisionally fixed by the Principal, Kendriya Vidyalaya, Duliajan consequent upon implementation of IVth Pay Commission as on 1.1.1986 at Rs.2250.00 by allowing 2 bunching increments.

Where as the pay fixation statement made by the Principal was not duly approved by the competent authority which is required as per rule.

Where as on scrutiny of pay fixation statement during 2000 it was observed that the pay initially fixed by the Principal as on 1.1.86 is found to be in excess by 2 increments which was wrongly granted.

Where as Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan represented against correction in pay fixation made by this office vide letter No. F. 1-2/KVS(SR) A/cs/98-99/1911-12/1618-19 dt. 4.5.2K on the pretext on future benefit of 2 increments given to him.

It is, therefore, informed to Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan that his pay as on 1.1.86 consequent upon grant of IVth Pay Commission is fixed as under-

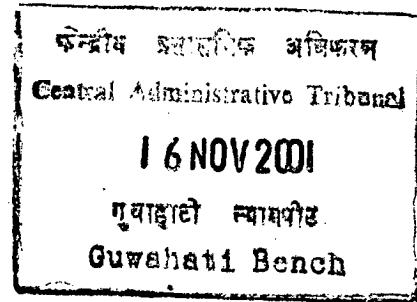
Date	Scale in ordinary grade	Scale in senior grade
	1400-40-1600-50-2300-EB-60 -60-2600	1640-60-2600-75-2900
1.1.86	Rs. 2150.00	Rs. 2180.00
1.3.86	Rs. 2200.00	Rs. 2180 + 20.00 P.P.
1.1.87	Rs. 2200.00	Rs. 2240.00
1.3.87	Rs. 2250.00	Rs. 2240 + 10.00 p.p.
1.1.88	Rs. 2250.00	Rs. 2300.00
1.1.89	-	Rs. 2360.00 and so on

This supersedes earlier fixation of pay made by this office.

Distribution :-

1. Shri P.C.Goswami, Librarian, Kendriya Vidyalaya, Duliajan.
2. The Principal, Kendriya Vidyalaya, Duliajan, with a request to hand over the enclosed letter to Shri P.C.Goswami, Librarian and obtain the acknowledgement which may please be kept on record. The service book and personal file of Shri Goswami are enclosed here with for necessary action.

By
Offg. Assistant
Commissioner.



Filed by the applicant
through *Koushik Hazarika*
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH
AT GUWAHATI

O.A. No.401 of 2000

Shri Probodh Ch. Goswami

... Applicant

- Versus -

Union of India and Ors.

... Respondents.

The applicant abovenamed begs to file rejoinder
to the written statement as follows :-

MOST RESPECTFULLY SHEWETH :-

1. That with regard to statement made in paragraph-2 of the Written Statement the applicant reaffirm the averments made in paragraph I and II of the Original application.
2. That as regards the averments made in paragraph 3 of the written statement the deponent states that the averments made therein are misleading in as much in the original application only the question of senior scale and fixation of pay was raised. It is stated that the general grade and initial pay in the senior scale was fixed by the Assistant Commissioner and not by the Principal, Kendriya Vidyalaya, Duliajan. Again in the fixation order vide Annexure-II of the original application shows the acceptance of

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general grade scale by the Assistant Commissioner. Moreover, as per the Annexure - I of the respondents submission it is evident that the auditing and inspection officer who is to scrutinize the fixation was well aware of such fixation as because prior scrutiny is required for fixation of initial pay.

3. That the statements made in paragraph 4 of the written statement is not correct and, therefore, the applicant denies the same. The applicant begs to state that the case of the applicant is not that the implementation of forth pay commission report in the fixation of his scale of pay. Even if the Principal, Kendriya Vidlaya, Duliajan fixed his pay by allowing two bunching increments cannot be raised after 14 years of continuous service and enjoyment of the scale by the applicant. However, the competent authority fixed his initial pay consequent upon the appointment of the applicant in the senior scale. After its operation continuously for 14 years, the same cannot be raised under the existing rules that too by an officiating authority.

4. That the averments made in paragraph 5 of the written statement is denied. It is denied that the pay fixed in case of the applicant as on 1.1.86 is found to be in excess by two increments. It is stated that the respondents have completely overlooked the existing fundamental rules and subsidiary rules made available in the context. It is stated

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that the fixation once done by a competent authority cannot be reviewed by the same authority. The applicant states that the present case is in the subject of fixation of pay in the senior scale and not in the general scale which was not availed by the applicant from 1.1.86.

5. That the averments made in paragraph 6 of the application are not correct. The applicant denies the same and reiterate and reaffirm the statements made in paragraph VI, VII and VIII of the original application. In this context the applicant begs to state that during the entire period of 14 years the operation of the so called erroneous fixation of pay in number of verification of service matters were done by the auditing and inspecting team and this question was never raised at any point of time. The scale of pay was in operation with time to time increment and crossing efficiency bar for which a departmental promotion committee considered the matter. Therefore, it is evident that the no-excess payment is made to the applicant.

6. That the applicant begs to state that the averments made in paragraph 7 of the written statement is a repetition and the applicant denies the same. However, the applicant begs to state that the competent authority had fixed his initial pay in the senior scale with effect from 1.1.86 and not by the Principal, Kendriya Vidyalaya, Duliajan. The applicant crave leave of this Hon'ble Tribunal to rely on the Annexure - III enclosed with the original application.



7. That the applicant begs to submit that the impugned action of the respondents has caused adverse civil consequences on the applicant. The impugned actions had not only demanded refund of the long 14 years benefit of the applicant, it also attempt to lower the status of the applicant in the eyes of the other staff of the institution. The applicant prays that the original application filed by the applicant may be allowed.



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

I, Shri Probodh Ch. Goswami, son of Nabin Ch. Goswami aged about 57 years, resident of Kendriya Vidyalaya, Duliajan, P.O. Duliajan, District - Dibrugarh, Assam do hereby verify that the statements made in this rejoinder and in paragraph 1 to 7 are true to my knowledge and belief and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 16th day of ~~July~~^{November}, 2001 at Guwahati.

Probodh Chandra Goswami