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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 150/2000

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SECTION OFFICER (Judl.)

balita
18.12.17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 150/2000

OF 199

Applicant(s) Sri Hiren Bora.

Respondent(s) Union of India and ors.

Advocate for Applicant(s) Mr. K. K. Phukan.

Advocate for Respondent(s) C. G. S.

Notes of the Registry	Date	Order of the Tribunal
<p>THIS APPLICATION IS FOR THE ORDER OF THE TRIBUNAL IN THE MATTER OF THE UNION OF INDIA AND ORS. VS. SRI HIREN BORA.</p> <p>For the applicant, Mr. K. K. Phukan, learned counsel.</p> <p>For the respondents, Mr. B. S. Basumatary, learned Addl. C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue notice on the respondents. by registered post. List on 31.5.00 for written statement and further orders.</p> <p>Dated 28.4.00</p> <p>By Registrar</p>	<p>28.4.00</p>	<p>Heard Mr.K.K.Phukan, learned counsel for the applicant and Mr.B.S.Basumatary, learned Addl.C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue notice on the respondents. by registered post. List on 31.5.00 for written statement and further orders.</p> <p>Member</p>
<p>FOR APPLICATION IN THE FORM AND WITHIN THE LIMITS OF RULE 50/1</p> <p>deposited with</p> <p>PRO BD No. 495172</p> <p>Dated 27-4-20</p> <p>By Registrar</p>	<p>31.5.00</p>	<p>There is no bench today. Adj'd to 28.6.00.</p>
<p>27/4.</p> <p>By Registrar</p>	<p>28.6.00</p>	<p>There is no bench today. Adj'd to 27.7.00.</p>
<p>27-7-00</p>	<p>27.7.00</p>	<p>There is no bench. Adj'd to 30.8.00.</p>

P1. Carab
10-21500

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Notes of the Registry	Date	Order of the Tribunal
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4-5-2000

30.8.00

no bench adjd on 3.11.00.

Service of notices prepared and sent to D Section for issuing of the same to the respondents through Regd. post with A/D.

3.11.00

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

None appears for the applicant. The respondents have already filed written statement. The case is ready for hearing.

Let the case be listed for hearing on 19.2.2001.

Vice-Chairman.

Notice duly served on R.No. 124.

24/6.6.2000

19.2.01

Mr S.Chakraborty on behalf of Mr K.K. Phukan, learned counsel submitted that the applicant is receiving the written statement today and requires to go through it.

List again on 16.3.2001 to enable the applicant to file rejoinder, if any.

29-6-2000
Written statement has been filed by the respondents.

No. Rejoinder has been filed.

Member

Vice-Chairman

pg

24/15.3.01

16.3.

Heard in part, list again on 29.3.2001 to enable the applicant to obtain necessary instruction.

No. Rejoinder has been filed.

16.3

24/28.3.01

29.3.

Hearing remained inconclusive, list again on 24/4/2001.

No. Rejoinder has been filed.


29.3

24/23.4.01

24.4.01

C/o. List on 1.5.01.

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Notes of the Registry	Date	Order of the Tribunal
<p>24.5.2001</p> <p>Copy of the judgment has been sent to the Office, for issuing the same to the applicant as well as to the L/Adv. for the Respondr.</p> <p>HC</p>	<p>17.5.01</p> <p>bb</p> <p>VJS</p> <p>18/5/01</p>	<p>Heard counsel for the parties.</p> <p>Hearing concluded. Judgement delivered, in open court, kept in separate sheets.</p> <p>The application is disposed in of in terms of the order. No order as to costs.</p> <p>100 Usha Member</p> <p> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>4</p>		

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./X.X. NO. . 150 of 2000.

DATE OF DECISION .. 17-5-2001...

Shri Hiren Borah

APPLICANT(S)

Shri K.K. Phukan

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Shri A.Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

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

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

5.

Judgment delivered by Hon'ble ~~Admn.~~ Member.

K K Sharma

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 150 of 2000.

Date of Order : This the 17th Day of May, 2001.

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

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

Shri Hiren Borah,
Accounts Officer, SSB,
North Assam Division, Tezpur,
Assam.

. . . Applicant.

By Advocate Shri K.K.Phukan.

- Versus -

1. Union of India
represented by the Cabinet
Secretary to the Govt. of India,
Cabinet Secretariate,
New Delhi.
2. The Director General of Security,
Directorate General of Security,
Coordination Cell,
East Block-V, R.K.Puram,
New Delhi-66.
3. The Director, SSB,
Block V (East), R.K.Puram,
New Delhi-66.
4. The Director (Planning)
Directorate General,
Coordination Cell,
East Block-VR, K.Puram,
New Delhi-66.
5. Divisional Organiser, SSB,
North Assam Division,
Tezpur.

. . . Respondents.

By Shri A.Deb Roy, Sr.C.G.S.C.

O R D E R

K.K.SHARMA, ADMN.MEMBER,

This application under Section 19 of the Administrative Tribunals Act 1985 is directed against the O.M.No.3(4)/Co-ord/93 dated 20.5.2000 whereby the applicant's prayer for creation of the Grade of Senior Accounts Officer in

10/11/2001

contd...2

the scale of Rs.2200-4000/- (revised to the scale of Rs.8000-13500/-) with effect from 1.4.1987 was rejected by respondent No.2.

2. The applicant was appointed as officiating Accounts Officer in the Directorate General (Security) in the pay scale of Rs.2375-75-3200-EB-100-3500/- p.m. with effect from 15.3.84. He was confirmed in the same post with effect from 31.3.87. The applicant has been working in the same capacity as on today. It is submitted that as per recommendation of the IVth Central Pay Commission there should be parity of pay of Accounts and Audit staff. Accordingly restructuring scheme was extended to Accounts staff with effect from 1.4.87 vide Government of India, Ministry of Finance O.M.No. F.6(82)-IC/91 dated 22.9.92. Under this scheme 80% of the posts of Auditors and Section Officers (Audit) of the Indian Audit and Accounts Department and other organised Accounts cadres were re-designated as Senior Accounts/Audit Officer and Senior Assistant Director of Accounts and placed in the higher pay scale of Rs.2200-4000/- with effect from 1.4.87. It was provided that Audit/Accounts Officer who had completed 3 years of regular service in the scale of Rs.2375-3500/- would be eligible for a promotional pay scale of Rs.2200-4000/-. It is submitted that in the Directorate General of Security secretariat service the accounts cadre consist of following:

*Accounts Officer	Class II (Gazetted) (Ministerial)	Rs.2375-75-3200-EB- 100-3500/-
Accountant	Class III (Non Gazetted) (Ministerial)	Rs.1640-60-2600- EB-75-2900/-
Junior Accountant	Class III (Non-Gazetted) (Ministerial)*	Rs.1400-40-1600-50- 2300-EB-60-2600/-"

12/11/87

The duties and responsibilities of the Accounts Officer in Director General of Security are identical to those of Audit and Accounts Officer of Indian Audit and Accounts Department and other organised cadre as such Accounts Officers serving under the Director General of Security are entitled to same status and facilities of pay as are given to Audit/Accounts Officers serving under Indian Audit and Accounts Department. The sanctioned strength of Accounts Officers under Director General (Security) are 15 and applicant is well within the 80% of 15 posts, which can be re-designated as Senior Accounts Officer. After the recommendation of the IVth Pay Commission the applicant made representations for creation of promotional scale of Rs.2200-4000/-. The first representation made by the applicant was dated 17.5.93 which was rejected by the respondents by their letter dated 11.7.94. It is submitted that the benefit of scale of Rs.2200-4000/- is being enjoyed by the Assistant Directorate General of Security who is posted in the Cabinet Secretariat and whose post is equivalent to the post of Accounts Officer held by the applicant. Another proposal for creation of the selection grade in the rank of Accounts Officer was rejected by the Cabinet Secretariat by their O.M. dated 5.8.94. The applicant again made representation dated 19.3.99 which has been turned down by the O.M. dated 28.5.99. It is submitted that the respondents have failed to consider the genuineness of the applicant's case.

2. Mr. K.K. Phukan, learned counsel appearing for the applicant argued that the applicant was entitled to the same pay as admissible to the officers working in the Indian Audit and Accounts department. The applicant is also performing the same duties as performed by officers of the Indian Audit and Accounts department. In the Audit and Accounts department there is a provision of promotional scale of Rs. 2200-4000/- on completion of 3 years of service as Accounts Officer. The applicant who is doing the

10/11/99

same job for the last 17 years has been deprived of this benefit. The fundamental rights of the applicant have been violated. The respondents have failed to apply their mind in a fair and just manner and failed to appreciate the genuineness of the applicant's case. There is a discriminatory treatment in as much as the applicant is not getting the promotional grade which is applicable to the Indian Audit and Accounts department. The applicant is entitled to the benefit of the promotional grade of Rs. 2200-4000/- with effect from 1.4.87 and corresponding scale of Rs. 8000-13500/- from 1.1.96.

3. The respondents have filed their written statement. Mr. A. Deb Roy, learned Sr.C.G.S.C. relied on the written statement. He submitted that the Directorate General of Security (Secretarial) Service Rules, 1975 provide for the posts of (i) Junior Accountant, (ii) Accountant and (iii) Accounts Officer. As there is no post of Senior Accounts Officer as such, the applicant is not entitled to the benefit of non existent promotional scale of Rs. 2200 - 4000/- as this scale is not available as per the Service Rules applicable to the applicant. The O.M.No. F.6(82)-IC/91 dated 22.9.92 on which the applicant is basing his claim is applicable to organised Accounts Cadre. The learned Sr.C.G.S.C. referred to the Vth Pay Commission report and mentioned that there are 19 services which are referred as organised service cadres and the applicant's department does not figure therein. As the Directorate General of Security is not a organised Accounts Cadre the recommendation of the Vth Pay Commission in respect of organised Accounts Cadre cannot be extended to the applicant. The duties and responsibilities of the Accounts Officer in the DGS are not identical to those of Audit/Accounts Officer in the Indian Audit and Accounts department. The Accounts Officer in the DGS only with accounts matters and do not perform audit work. The DGS Accounts cadre doesnot conform to laid down parameters prescribed for organised accounts cadre/department and has not been recognised as an organised Accounts Cadre.

1C (Ushar)

As the applicant was drawing pay in the pre-revised scale of Rs.2375-3500/- the same had been revised to Rs. 7400-11500/- on the basis of Vth Pay Commission recommendations. However, the same had been revised to Rs. 7500-12000/- with effect from 1.1.96 by the sanction of the President. A proposal for creation of the selection grade of Rs.2200-4000/- was sent to Cabinet Secretariate which was however, turned down on 23.9.93. With regard to the applicant's submission that Assistant Director of Accounts, Directorate of Accounts which is also in the Cabinet Secretariat is getting the benefit of scale of Rs.2200-4000/- while the same was denied to the applicant who was also working in the Cabinet Secretariat. It is submitted that the two posts are not comparable. The Accounts Cadre of the Directorate of Accounts, Cabinet Secretariat which includes the post of Assistant Director of Accounts has been declared as Organised Accounts Department by the C.G.A. while the applicant's cadre has not been declared as organised cadre. The duties and responsibilities of the Accounts Officers in DGS and the Audit/Accounts Officers in Indian Audit and Accounts department are not identical. It was stated that different parameters are applied for constituting the Accounts Cadre into an organised Accounts service. For the organised accounts service the direct recruitment to the grade of LDCs and Auditors are made from the open market through Staff Selection Commission. For promotion to the grade of Selection Officer from eligible Auditors officer's of IAAD have to take an examination for promotion to the grade. Different expertise are built up in the organisation for promotion of departmental officers to the next higher grade and the deputation quota has been completely done away with. These conditions are not fulfilled as per the DGS and Accounts system. The Staff structure of DGS does not match with that of the organised Accounts Cadre. The DGS is governed by its own recruitment rules and it being a security organisation has been exempted from the purview of Staff Selection Commission. In view of this the claim of the applicant that there is a discrimination is not valid.


16/11/93

4. We have heard the parties at length and also perused the documents relied on by the parties. Taking a overall view and considering the submission and the documents relied on by the parties we are of the view that the applicant doesnot belong to organised Accounts Cadre as submitted by the learned Sr.C.G.S.C.. The Recruitment Rules for Accounts Officer in DGS are different from those of the Organised Accounts Cadre. The duties and responsibilities of the two are also not identical. As the applicant does not belong to Organised Accounts Cadre he is not entitled to the benefit of O.M. No.F.6(82)-IC/91 dated 22.9.92. There is no promotional grade of Rs.2200-4000/- under the DGS. Unless the department creates the promotional scale of Rs.2200-4000/- the applicant is not entitled to the benefit of higher scale of Rs.2200-4000/-. We find no reason to interfere with the impugned order dated 28.5.1999. Having considered the applicants' case legally, there is another aspect of the matter that cannot remain unnoticed. The applicant is holding the post of Accounts Officer from 31.3.87. As per the extant rules he cannot look forward to any promotion, as there is no avenue for further promotion. He is entitled to the same scale of pay as Accounts Officers in the Organised Accounts Service. Non existence of avenues of promotion can affect the efficiency of any person. The applicant having worked sincerely for long years finds no scope for promotion. The respondents may sympathically consider the applicant's case for creation of another avenue of

Contd..7

1C/Ushar

of promotion. With these remarks, the application is disposed of as above. There shall however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOUDHURY)
VICE-CHAIRMAN

234 27 APR 2000

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IN THE COURT OF THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH
GUWAHATI.

O.A.NO...150/2000

Sri Hiren Borah.....Applicant

Vs

Union of India and others

Respondent.

I N D E X

<u>SL.NO.</u>	<u>PARTICULARS</u>	<u>PAGE NO.</u>
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Filed by :-Advocate.

Hiren Borah

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI.

(An Application Under Section 19 of the CAT Act, 1985)

O.A.No. /2000.

BETWEEN

Shri Hiren Borah
Accounts Officer, SSB,
North Assam Division, Tezpur
Assam

.....APPLICANT.

A N D

1. The Union of India
represented by the Cabinet
Secretary to the Govt. of
India, Cabinet Secretariate
New Delhi.
2. The Director of General
of Security, Directorate General
of Security Coordination Cell,
East Block-V, R.K. Puram,
New Delhi-110066.
3. The Director, SSB
Block V (East), R.K. Puram,
New Delhi-110066.
4. The Director (Planning)
Directorate General
Coordination Cell,
East Block-V, R.K. Puram,
New Delhi-110066.
5. Divisional Organiser, SSB,
North Assam Division,
Tezpur.

.....RESPONDENTS.

DETAILS OF APPLICATION :

1. Particulars of Order(s) against which this application is made.
This application is made challenging the Order issued under the
hand of Director Planning (Coord) in the Directorate General of Security,

contd.....2/-

APPLICANT
Hiren Borah
Advocate

Filed by -

Hiren Borah

Coordination Cell, New Delhi vide O.M.No.3(4)/Coord/93 Dt.28.5.99 received under covering Memorandum No.22/Estt/SSB./AI/91(28)3340 Dt.3.6.99 issued under the hand of Joint Deputy Director (EA), office of the Director, SSB, New Delhi whereby the representation of the applicant for granting promotion grade in accordance with the Fourth Central Pay Commission was misinterpreted as such turned down.

2. Jurisdiction of the Tribunal :

The applicant respectfully states that the cause of action has been arisen within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant respectfully states that the case is filed within the time as prescribed under section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case :

4.1 That the applicant is a citizen of India being permanent resident of South Hazarapar, P.O: Tezpur in the District of Sonitpur, Assam as such he is entitled to all the rights and privileges guaranteed by the Constitution of India.

4.2 That the applicant respectfully states that he had been appointed as Officiating Accounts Officer in Directorate General (Security) in the pay scale of Rs.2375-75-3200-EB-100-3500/p m and joined the post on 15.3.84 (F.N.) and he has appointed in the post in a substantive capacity w.e. from 31.3.87 vide Memorandum No.3(2)/Coord/84 Dt.3.4.87.

A copy of the aforesaid Memorandum Dt.3.4.87 is annexed herewith and marked as ANNEXURE-'1' hereof.

4.3 That the applicant respectfully states that he has been working in the said capacity presently having been posted in North Assam Division, Tezpur whose pay and allowances are borne by the Cabinet Secretariat, Govt. of India, New Delhi in a like manner to the post of Assistant Director of Director of Accounts.

4.4 That the applicant respectfully states that as per recommendation of Fourth Central Pay Commission there should be broad parity of pay structure of Accounts and Audit Staff. Accordingly restructuring scheme has been extended to Accounts Staff w.e. from 1.4.87 vide Govt. of India, Ministry of Finance O.M.No.F/6(82)-10/91 Dt.22.9.92 thus 80% of the posts of Accounts/Audit Officers of the sanctioned strength in Indian Audit and Accounts Department (in short IA&AD) and other organised cadre were redesignated as Senior Accounts/Audit Officers and Senior Asstt. Director of Accounts and placed in the higher pay scale of Rs.2200-75-2800-100-4200/ p m.w.e. from 1.4.87. It was also provided in the said Govt. of

contd.....3/-

M. B. B.

12

said Govt.of India office Memorandum that the Audit/Accounts Officer in the pay scale of Rs.2375-75-3200-EB-100-3500/p m.who have completed 3 (three) years regular service will be eligible to entitled promotional pay scale of Rs.2200-75-2800-EB-4000/p m.

A photostat true copy of the aforesaid Memorandum Dt.22.9.92 is annexed herewith and marked as ANNEXURE-'2' hereof.

4.5 That the applicant respectfully states that the Comptroller and Audit General of India (C & AG) vide his O.M.No.2420-GE.11/116-92 Dt. 23.9.92 redesignated the post of Audit/Accounts Officer enjoying the pay scale of Rs.2200-75-2800-EB-100-4000/p m.as Senior Audit/Accounts Officer.

A true copy of the aforesaid said O.M. Dt.23.9.92 is annexed herewith and marked as ANNEXURE-'3' hereof.

4.6 That the applicant respectfully states that as provided Under Rule 4 of the Directorate General of Security (Secretarial) service Rules 1975 the Secretarial service of DG(s) consist of four cadres.The 4 of the aforesaid Rules runs as follows :

"4. COMPOSITION OF THE SERVICE :

(1) The Secretarial Service shall consist of four cadres,namely:-

- i) Secretarial Cadre,
- ii) Ministerial Cadre,
- iii) Stenographer Cadre, and
- iv) Accounts Cadre.

(2) The designations, classifications and scale of pay of the posts included in each of the cadres,referred to in sub-Rule (1),shall be as shown in the table below, namely:-

S.No.	Designation	Classification	Scale of pay
(i) Secretarial Cadre			
1.	Assistant Director (Admn,)	Class I(Gazetted) (Non-Ministerial)	Rs. 1200-50-1600 Cabinet Secretari Notification No. A-12018/8/83-DO-I dated 18.8.84.
(ii) Ministerial Cadre.			
2.	Section Officer	Class II (Gezatted)	Rs. 2000-60-2300 EB-75-3200-100- 3500.
3.	Assistant	Class II (Non-Gazetted).	Rs. 1400-40-1600- 50-2300-EB-60-260

contd.....4/-

J. Ven. B. B. B.

4. Upper Division Clerk Class III Rs. 1200-30-1560-EB-40-2040
(Non-Gazetted)

5. Lower Division Clerk Class III Rs. 950-20-1150-EB-25-1500.
(Non-Gazetted)

(iii) Stenographer Cadre.

6. Selection Grade Steno- Class II (Gazetted) Rs.2000-60-2300-EB-
grapher (Private Secretary) (Ministerial) 75-3200-100-3500

7. Stenographer Grade I Class II(Gazetted) Rs.2000-60-2300-EB-
(Senior Personal Asstt) (Ministerial) 75-3200-100-3500.

8. Stenographer Grade II Class III (Non- Rs.1400-40-1600-50
(Personal Asstt) Gazetted) 2300-EB-60-2600
(Ministerial)

9. Stenographer Grade III Class III Rs.1200-30-1560-EB
(Non-Gazetted) 40-2940.
(Ministerial)

(iv) Accounts Cadre

Accounts Officer Class II Rs.2375-75-3200-
(Gazetted) EB-100-3500.
(Ministerial)

Accountant Class III Rs.1640-40-2600
(Non-Gazetted) EB-75-2900.
(Ministerial)

Junior Accountant Class III Rs.1400-40-1600-
(Non-Gazetted) 50-2300-EB-60-
(Ministerial) 2600.

4.7 That duties and responsibilities and the functional needs of the Accounts Officers in Directorate General (Security) is identical to that of Audit/Accounts Officers in IA&AD and other organised cadre. As such the Accounts Officers serving under the Director General (Security) are entitled same treatment same status, same facilities, same benefits including equal pay for equal work like that of Audit/Accounts Officers serving under Indian Audit and Accounts Department.

4.8 That the applicant respectfully states that Audit/Accounts Officers in IA&AD and other organised cadre including the Asstt. Director of Accounts who are also directly at the disposal of the Cabinet Secretariat like that of the applicant and on completion of three years regular service at the pay scale of Rs.2375-75-2800-100-4000/p m. have been redesignated as

contd....5/-

Hiren Bora

Sr.Audit/Accounts Officer putting them at the promotional grade scale of Rs.2200/4200/(pre-revised) in accordance with the scheme of 1992.

Be it further stated that the pay scale of Central Govt.employees was revised w.e.from 1.1.96 as per recommendation of the Fifth Central Pay Commission.As such the Audit and Accounts Officers in IA&AD and other organised cadre including the Asstt.Director of Accounts under the Director of Accounts who have been allowed to draw the promotional grade pay scale of Rs.2200-75-2800-100-4000/p m.have been revised to 8000/-13500/p m.

4.9 That the applicant respectfully states that as per restructuring scheme formulated in 1992 80% of the posts of Accounts/Audit Officers of the sanctioned strength in Indian Audit and Accounts Dept.(in short IA&AD)and other organised Cadre were placed in promotion grade at higher pay scale of Rs.2200-75-2800-100-4200/p m.w.e.from 1.4.87.It is pertinent to mention here that the applicant being member of the organised Accounts cadre belonging to the (2) DG(s) the seniority position is 12 as circulated vide Memorandum No.3(2)/Coord/84 Dt.3.4.87 (ANNEXURE-1 to the O.A.) as such he is well within the sanctioned strength of 80% to 15 posts of Accounts Officer of the Directorate General of Security.

4.10 That being highly aggrieved with the in action of the Director General of Security in respect of implementation restructuring scheme relating to Accounts Staff as recommended by the Fourth Central Pay Commission the applicant had submitted his representation to the Director,SSB for consideration and to give him benefit as entitled as per recommendation of the Fourth Central Pay Commission as regards the extension of restructuring scheme by way of granting promotional grade at the higher pay scale of Rs. 2200-75-2800-EB-100-4000/p m.as it appears.

A photostat copy of aforesaid representation Dt.17.5.93 is annexed herewith and marked as ANNEXURE-'4' hereof.

As it appears unfortunately the Directorate of SSB misread the representation of the applicant and also has misinterpreted the restructuring scheme,1992 as recommended by the Fourth Central Pay Commission as has already been implemented by the IA&AD and other organised cadres and similarly situated persons have been granted promotional grade at the higher pay scale of Rs.2200-75-2800-EB-100-4000/p m. to wit letter No.22/SSB/A1/91(28)1421 Dt.11.7.94 may be referred to here.

A photostat true copy of aforesaid letter Dt.11.7.94 is annexed herewith and marked as ANNEXURE-'5' hereof.

contd....6/-

J. H. Bora

Interestingly same benefit has also been given to the Asstt. Directorate General of Security whose post is equivalent to the posts of Accounts Officers of SSB, ARC and SFF etc only there is a difference in nomenclature.

4.11 That the applicant respectfully states that on the basis of the proposal given by the SSB Directorate the matter was taken up with the Cabinet Secretariat and the Cabinet Secretariat has turned down the proposal with a cryptic Order No.3(4)/Coord/93 Dt.5.8.94. Relevant portion of the above Memorandum is reproduced herein below :-

'.....'

2. The cases was referred to the Cabinet Secretariat and they have informed that the subject proposal of DG(s) has been considered in consultation with integrated Finance. They have made the following observations which are reproduced below:-

"As three posts of Senior Accounts Officer in the pay scale of Rs.3000-4500 have been recommended in the Cadre Review of DG(s) service and that proposal is under consideration, there is does not appear to be any justification for creation for a selection grade post separately. Besides, the analogy of DP&T O.M.Dt.14.8.87 provisions cannot be made applicable in the case."

3. "It is mentioned that the above proposal is being again taken up with Cabinet Secretariat. The out come of the above proposal would be intimated in due course."

A photostat true copy of the Memorandum Dt.5.8.94 is annexed herewith and marked as ANNEXURE-'6' hereof.

4.12 That the applicant respectfully states that on receipt of the above Memorandum Dt.5.8.94 the office of the Divisional Organiser, North Assam Division, Tezpur addressed a letter to the Asstt. Director (EA), office of the Director, SSB vide No.1/9/(127)/PF/95/595-96 Dt.19.1.95 whereby it was clarified that the applicant had never ~~rep~~ represented for creation of post of Sr. Accounts Officer selection grade at the pay scale of Rs.3000-4500 and it was reiterated that he represented for granting him promotional grade of Accounts Officer in the scale of Rs.2200-75-2800-EB-100-4000/p m, as enjoyed by the other Accounts Cadre including Asstt. Director of Accounts in accordance with the Govt. of India, Ministry of Finance Scheme 1992.

contd....7/-

Hem Borail

A photostat true copy of aforesaid letter Dt.19.1.95 is annexed herewith and marked as ANNEXURE-'7' hereof.

4.13 That the applicant respectfully states that the pay scale of Central Govt. employee have ~~been~~ once again been revised w.e. from 1.1.1996 as per recommendation of the Fifth Central Pay Commission and the Accounts Officers of Directorat General (Security) were granted pay scale of Rs.7450-250-11500/p m. against prerevised scale of Rs.2375-75-3200-EB-100-3500/ which has further been revised to Rs.7500-250-11500/p m. whereas their counter part serving in IA&AD, other organised cadre including the Asstt. Director of Accounts who had been redesignated as Sr. Accounts allowed to enjoy promotional grade in the pay scale of Rs.2200/-Rs.4000/ have been revised to Rs.8000-13,500p.

4.14 That the applicant respectfully states that the controlling authority of the applicant, viz. the Respondent No. hereof appreciating genuineness of the applicant's case, had once again addressed to the Asstt. Director, (EA), office of the Director SSB, New Delhi vide his letter No. 1/9/(127)/PF/95/470-71 Dt. 10.1.96 with a request to grant similar benefit to the applicant as that of the Accounts Officers working in IA&AD and other organised Accounts Staff including that of Asstt. Director of Accounts as provided by 1992 scheme formulated on the basis of recommendation Fourth Central Pay Commission.

A copy of the aforesaid letter Dt. 10.1.96 is annexed herewith and marked as ANNEXURE-'8' hereof.

4.15 That the applicant most respectfully states that being loyal, displine and law abiding employee, he expected to be settled the matter by the competent authority within the administrative domain and keeping high hope in his mind and to avoid litigation once again he had submitted a representation on the subject to the Director SSB, New Delhi through his controlling authority vide his representation Dt. 19.3.99 which was duly forwarded by the controlling authority vide Memorandum No. 1/9 (127)/PF/91/3066-67 Dt. 22.3.99.

Copies of Memorandum Dt. 19.3.99 and the forwarding letter Dt. 22.3.99 are annexed herewith and marked as ANNEXURE-'9' & '10' respectively hereof.

4.16 That the applicant respectfully states that competent authority while disposing of the aforesaid representation of the applicant vide

contd....8/-

J. K. Bora

office Memorandum No.3(4)/Coord/93 Dt.28.5.99 which was forwarded to the applicant by the controlling authority vide Memorandum No.22/Estt/SSB/AI/91(28)3340 Dt.3.6.99 found to have misread and misinterpreted the contents of the applicant's representation and also misconstrued the 1992 scheme as such. Thus the competent authority once again has exhibited their non application of mind as such totally failed to appreciate the genuineness of the applicant's case and arrived at a completely different and absurd conclusion for which the applicant never represented and asked for. The competent authority rejecting the applicant's prayer for granting of redesignation to the post of Sr. Accounts Officer in the promotional grade at pay scale of Rs.8000-13,500 from 1.1.96 has thus deprived the benefit accrued the equal pay for equal works principle laid down by the Hon'ble Supreme Court and also violated the applicant's Fundamental Rights guaranteed under Articles 14 & 16 of the Constitution of India.

Copies of the Memoranda Dtr Dt.28.5.99 and 3.6.99 are annexed herewith and marked as ANNEXURE -'11' & '12' respectively hereof.

4.17 That the applicant respectfully states that under the facts and circumstances as stated in the foregoing paragraphs it is a fit case where the Hon'ble Tribunal may be pleased to intervene the authority issuing necessary directives to redress the grievances of the applicant by way of granting promotional grade with redesignation to the post of Sr. Accounts Officer in the pay scale of Rs.2200-4000 w.e. from 1.4.1987 as per restructuring scheme of 1992 formulated in pursuance of the recommendation of Fourth Central Pay Commission and to allow to draw corresponding higher pay scale at Rs.8000-13,500 w.e. from 1.1.96 as per revision effected in terms of the recommendation of Fifth Central Pay Commission.

5. GROUND WITH LEGAL PROVISION :

- i) For that the applicant has completed 3 years regular service in the post of Audit/Accounts Officer in the pay scale of Rs.2375-3500.
- ii) For that as per gradation list the applicant is well within the sanctioned strength of 80% in IA&AD and other organised Cadre.
- iii) For that the applicant is deprived of the benefit accrued on the basis of principle equal pay for equal work laid down by the Hon'ble Supreme Court.
- iv) For that the Fundamental Rights of the applicant guaranteed under Articles 14 & 16 of the Constitution of India has been violated.

contd....9/-

Itiran Bora

- v) For that the Respondents have failed to apply their mind as such at different conclusion has been drawn.
- vi) For that the Respondents have miserably failed to appreciate the genuineness of the applicants' prayer and rejected without taking into account of the most vital and relevant factors.
- vii) For that the Respondents while disposing of the representations have not passed any reasoned and speaking orders.
- viii) For that the actions of the Respondents have meted out great discriminatory treatment towards the applicant and caused great injustice in respect of future service career as well as economic prosperity.
- ix) For that the Respondents misread and misconstrued the applicants representations as well as the scheme of 1992 ~~existing~~ as such arrived at a wrong conclusion which was never represented.
- x) For that the Respondents have gone back to their promise by not following the restructuring scheme of 1992 extending promotional grade to the applicant although similarly situated persons have been allowed to enjoy such benefit.
- xi) For that the applicant is entitled redesignation in the promotional grade of Sr.Accounts Officer in the pay scale of Rs.2200 to 4000 from 1.4.87 and at corresponding higher scale of Rs.8000-Rs.13,500 from 1.1.96 as per recommendation of Fifth Central Pay Commission.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant respectfully states that he has no other alternative and efficacious remedy other than filing this application. Representations on several occasions submitted with a high hope to get redressed his grievances to the competent authority and all the time representations were disposed of with cryptic orders drawing completely different conclusion for which the applicant never represented and prayed for.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declares that he has not previously filed any

application writ petition or suit regarding the matter has been 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 :

Under the facts and circumstances stated in paragraph 4 and supported by legal grounds set forth in paragraph 5 above the applicant prays for the following reliefs :-

8.1 The Hon'ble Tribunal may graciously be pleased to direct the Respondents to redress the grievances of the applicant by way of granting promotional grade with redesignation to the post of Senior Accounts Officer in the pay scale of Rs.2200-Rs.4000 pm w.e.from 1.4.1987 as per restructuring scheme of 1992 formulated in pursuance of the recommendation of Fourth Central Pay Commission and to allow to draw corresponding higher pay scale of Rs.8000-Rs.13,500 pm w.e.from 1.1.96 as per revision effected in terms of the recommendation of Fifth Central Pay Commission.

8.2 Any other relief/reliefs to which the applicant may be entitled to and/or as the Hon'ble Tribunal may be deemed fit and proper considering the facts and circumstances of the case.

8.3 Costs of the application.

9. Interim order prayed for.
No interim order is prayed for.

10.

11. Particulars of the IPO

i) IPO No. : 06-495172

ii) Date of issue : 27-4-2000

iii) Issued from : Bureaus GPO.

iv) Payable at : Rs 50/-

12. List of enclosures
As stated in the index.

: VERIFICATION :

I, Shri Hiren Borah Accounts Officer, in the office of the Divisional
Organiser, North Assam Division, SSB, Tezpur, do hereby solemnly affirm
and state that the statements made in this verification including those
have been made in paragraphs..2, 4.1, 6, 7.....
of the written statements are true to the best of my knowledge and belief
and those have been in paragraphs..1, 3, 4.2 to 4.17.....
are to the best of my information which have been derived from the records
and the rests are my humble submission before the Hon'ble Tribunal.

AND I verify and sign this verification this theday of.....
2000.

Hiren Borah

DEPONENT .

Annexure - 1 125
No.3(2)/Coord/84
Directorate General of Security
Coordination Cell
East Block-V : R.K. Puram
New Delhi - 110066.

Dated, the : 3/4/87

MEMORANDUM

Subject : Confirmation of Accounts Officers

28
Su D² P9

.....
The Director General of Security is pleased to appoint the under mentioned officiating Accounts Officers in the pay scale of Rs. 2375-75-3200-EB-100-3500 in a substantive capacity in the DG(S) (Secretarial) Service with effect from 31.3.87 in the order in which they are mentioned :-

Sl. No.	Name	Unit
	3/Shri	
1.	D.D. Dutta	SSB
2.	D. Neog	ARC
3.	J.C. Pant	SSB
4.	C.P. Ghildyal	ARC
5.	P.D. Tewari	SSB
6.	D.D. Mehta	SSB (on deputation to NSG).
7.	K.K. Choudhury	ARC
8.	J.C. Norga	SSB
9.	N.B. Joshi	SSB
10.	A.R. Sen	SSB
11.	P.N. Gogoi	SSB
12.	Hiren Bora	SSB
13.	S.C. Thapliyal	SFF
14.	Shankar Roy	SSB
15.	Chhedi Prasad	SFF

2. The above named Accounts Officers are permanent member of the Accountant's Cadre of the DG(S) Secretarial Service. Their lien on the post of Accountant stands terminated w.e.f. 31.3.87.

(C. CHAKRABORTY)
DIRECTOR (PLANNING) 3/4/87

Copy forwarded to:-

1. DACS (with 2 spare copies).
2. Dir. SSB.
3. Director ARC.
4. IG SFF.
5. Personnel files of all officers.

Attended
Wapshila
Advocate
27/4/87

(2) the orders, dated 16-3-92, will also be applicable for promotion under BCR.

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G.I., Dept. of Per. & Trg., O.M.
16/7/90-Estt. (Pay-I), dated 9-9-1992

Time-limit for relieving an official consequent upon his promotion

The Staff Side in the National Council (JCM) had contended that in many cases of promotion involving change of station, the officials are not being relieved of their duties from the lower post even after issue of formal orders of promotion, on one pretext or the other. This delay in relief from lower post, causes pecuniary loss to individual concerned in the form of pay and pensionary benefits, etc. Therefore, the Staff Side had demanded that a time-limit may be prescribed within which an official must be relieved of his duties from lower post on his promotion to higher post. The Official Side agreed to issue suitable instructions for expeditious relief of the Govt. servant on promotion.

2. After careful consideration of the demand of the Staff Side and having regard to the relevant factors, it is hereby directed that Govt. servants ordered for promotion should be relieved immediately on receipt of the relevant orders of promotion. In exceptional circumstances where the retention of the official in the lower post is felt absolutely necessary in exigencies of services, the fact may be brought to the notice of the Controlling Officer and orders sought for retention for a specific period ranging from 1-3 months depending on the merits of each case. While doing so it should specifically be brought to the notice of the Controlling Officer that the delay in relieving the officer will cause him pecuniary loss so that the retention may be avoided as far as possible.

Annexure - 2

G.I., M.F., O.M. No. F.6 (82)-IC/91,
dated 22-9-1992

Promotional grade for Audit/Accounts Officers in Organised Accounts Cadres

Consequent upon re-structuring of the Indian Audit and Accounts Department, 80% of the posts of Auditors and Section Officers (Audit) were placed in the higher scale of Rs. 425-800

and Rs. 650-1,040 respectively with effect from 1-3-1984. On the recommendation of the Fourth Central Pay Commission that there should be broad parity in the pay structure of Accounts and Audit staff, the re-structuring Scheme was extended to the Accounts staff with effect from 1-4-1987. However, the cadres of Audit/Accounts Officers were not restructured.

2. The matter regarding grant of an appropriate scale of pay to the Audit/Accounts Officers has, therefore, been under consideration of the Government for some time past. Keeping in view the duties and responsibilities and the functional needs, it has now been decided to provide a promotional grade in the scale of Rs. 2,200-75-2,800-EB-100-4,000 for Audit/Accounts Officers in IA & AD and other Organised Accounts Cadres, except Railway Accounts Cadre. The number of posts in the promotional scale of Rs. 2,200-75-2,800-EB-100-4,000 will be 80% of the sanctioned strength of the respective cadres of Audit/Accounts Officers.

3. The Audit/Accounts Officers in the scale of Rs. 2,375-75-3,200-EB-100-3,500 with a minimum of three years' regular service will be eligible for promotion to the scale of Rs. 2,200-75-2,800-EB-100-4,000. The promotions will be made after following the due process of promotion by adopting the principle of seniority-cum-fitness. As the posts in the scale of Rs. 2,200-75-2,800-EB-100-4,000 are in the functional promotional grade, benefit of F.R. 22-I (a) (1) - (old F.R. 22-C) - will be admissible on appointment to this scale.

4. The classification of the posts of Audit and Accounts Officers will, however, remain the same, i.e., Group 'B', even after the promotion to the scale of Rs. 2,200-75-2,800-EB-100-4,000.

5. These orders shall be effective from 1-4-1992. However, the benefit of fixation of pay on notional basis in the promotional scale of Rs. 2,200-75-2,800-EB-100-4,000 may be allowed with effect from 1-4-1987 or from the first of the month following the month in which the officer completed 3 years regular service as Audit/Accounts Officer in the scale of Rs. 2,375-75-3,200-EB-100-3,500, whichever is later, subject to the availability of posts in the promotional grade. No arrears of pay will be admissible for the period prior to 1-4-1992.

6. These orders issue in consultation with the Comptroller and Auditor-General of India in

so far as these are concerned, Accounts Department.

Annexure - 3

C. & A.G. of India, O.M. No. 2402-Gen. II-116-92,
dated 23-9-1992

Promotional grade of Audit/Accounts Officers in Organised Accounts Cadres, designated as Senior Audit Officer/Senior Accounts Officers

Consequent upon the creation of promotional grade for 80% of the Audit/Accounts Officers from the existing scale of Rs. 2,375-75-3,200-EB-100-3,500 to Rs. 2,200-75-2,800-EB-100-4,000 with effect from 1st April, 1992, in accordance with Ministry of Finance, Department of Expenditure's O.M. No. F.6 (82)-IC/91, dated 22-9-1992 (vide Sl. No. 283 of this issue), the Comptroller and Auditor-General of India has been pleased to designate the posts of Audit/Accounts Officers in the scale of Rs. 2,200-75-2,800-EB-100-4,000 as Senior Audit Officer/Senior Accounts Officer (Group 'B' Gazetted).

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G.I., Dept. of Per. & Trg., O.M. No. 20011/5/90-
Estt. (D), dated 4-11-1992

Seniority, from the date of appointment and not with reference to date of confirmation

The seniority of Government servants is determined in accordance with the general principles of seniority contained in MHA, O.M. No. 9/11/55-RPS, dated 22-12-1959 (copy enclosed). One of the basic principles enunciated in the said OM is that seniority follows confirmation and consequently permanent officers in each grade shall rank senior to those who are officiating in that grade.

2. This principle has been coming under judicial scrutiny in a number of cases in the past; the last important judgment being the one delivered by the Supreme Court on 2-5-1990 [JT-1990 (2) SC-264] in the case of *Class II Direct Recruits Engineering Officers, State of Maharashtra*. In para 4 (A) of the said judgment the Supreme Court held that once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

3. The general principle of seniority mentioned above has been examined in the light of the judicial pronouncement referred to above and it has been decided that seniority may be delinked from confirmation as per the directive of the Supreme Court in para 47(A) of its judgment, dated 2-5-1990. Accordingly in modification of the general principle 3, proviso to general principle 4 and proviso to general principle 5 (i) contained in Ministry of Home Affairs (now Department of Personnel and Training), O.M. No. 9/11/55-RPS, dated 22-12-1959 and para. 2.3. of this Department, O.M., dated 3-7-1986 (vide Sl. No. 378 of Swamy's Annual, 1986), it has been decided that seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and not according to the date of his confirmation.

4. These orders shall take effect from the date of issue of this Office Memorandum. Seniority already determined according to the existing principles on the date of issue of these orders will not be reopened even if in some cases seniority has already been challenged or is in dispute and it will continue to be determined on the basis of the principles already existing prior to the date of issue of these orders.

5. All Ministries/Departments, etc., are requested to bring these instructions to the notice of all concerned for guidance and compliance.

Enclosures:

Copy of G.I., M.H.A., O.M. No. 9/11/55-RPS,
dated 22-12-1959

Sub.: General principles for determining seniority of various categories of persons employed in Central Services.

As the Ministries of the Government are aware, instructions have been issued from time to time regarding the principles to be observed in and the method of determining seniority vide Office Memoranda cited below—

- (i) O.M. No. 30/44/48-Appnts., dated 22-6-1949;
- (ii) O.M. No. 65/28/49-DGS (Appnts.) dated 3-2-1950 and other subsequent Office Memoranda regarding fixation of seniority of employees of the Government of Bombay;
- (iii) O.M. No. 31/223/50-DGS, dated 27-4-1951 and other subsequent Office Memoranda regarding fixation of seniority of disengaged Government servants;
- (iv) O.M. No. 9/59/56-RPS, dated 4-8-1956.

The instructions contained in this Ministry's Office Memorandum No. 30/44/43-Appnts., dated 22-6-1949,

Annexure - 4

14

(17)

28

To

The Director, SSB,
Block-V (East)
B.K. Puram,
NEW DELHI - 110066.

(Through proper channel)

Dated Tezpur the 17th May/93.

Sub: Promotional grade for Audit/Accounts Officers of
Organised Accounts Cadre.

Sir,

I am to state that the following few lines for favour
of your kind action and favourable orders please.

That sir, as per the recommendation of the Fourth
Central Pay Commission there should be board parity in the
pay structure of Accounts and Audit Staff and accordingly
the re-structuring scheme have been extended to the Accounts
staff w.e.f. 1-4-87 vide Govt of India, Ministry of Finance
O.M. No.F-6(82)-IC/91 dt. 22-9-92. Accordingly, 80% of the
posts of Accounts/Audit Officers of the sanctioned strength
in IA 1 A and other organised cadre were placed in the
higher scale of Rs.2200-75-28-EB-100-4000/- with effect
from 1-4-87. It is also further mentioned in the aforesaid
G.I.M.F., O.M. that the Audit/Accounts Officers in the scale
of Rs.2375-75-3200-EB-100-3500/- with a minimum of three
years regular service will be eligible for promotion to
the scale of Rs.2200-75-28-EB-100-4000/- . A photo copy
of said G.I.M.F., O.M. No.F-6(82)-IC/91 dt. 22-9-92 is
enclosed herewith for ready references.

Further, the C & AG of India vide his O.M. No.2402-
BE.11/116-92 dt. 23-9-92 designated the post of Audit/
Accounts Officers in the pay scale of Rs.2200-75-2800-EB-
100-4000/- as senior Audit/Accounts Officer(copy enclosed
for ready references).

The duties and responsibility and the functional
needs of the Accounts Officers in IG(S) considered to be
identical to that of Audit/Accounts Officers in IA & AE
and other organised cadre therefore, identical time scale
was allowed to us. Thus the Accounts Officers in IG(S)
in the pay scale of Rs.2375-75-3200-EB-100-3500/- and
completed three years regular service are eligible for
promotional grade in the scale of Rs.2200-75-2800-EB-100-
4000/- w.e.f. 1-4-87.

Attested
Wapbuler
Advocate

contd....p-2.

29 - 25 (12)
- 2 -
In this connection it is submitted that I have been appointed as Accounts Officer in PG(S) with effect from 15-3-84 and completed three years regular service as on 14-3-87. My seniority was 14 as on 25-7-86 as per photo copy of seniority list enclosed. Further, as on 1-4-87 my seniority became 13 due to retirement of Shri P. Dutta, Accounts Officer on 1-1-87. Even, I have been declared as permanent member of the Account's Cadre of the PG(S) secretarial service vide Director (Planning) Memo No.3(2)Coord/84 dt.3-4-87 (copy enclosed for ready reference). Moreover, there are 20 sanctioned posts of Accounts Officer in PG(S) as such 16 Accounts Officer are eligible for promotional grade.

Since my position was 13 in the seniority list of Accounts Officers in PG(S) against sanctioned strength of 20 so I am eligible for the promotional grade w.e.f. 1-4-87. But till date nothing has been heard about my appointment in the promotional grade inspite of fulfilment of all the condition given in the above said S.I., S.F., O.M. No. 1-6(82)-IC/91 dt. 22-9-92.

In view of above I would like to request your honour to kindly look in my case sympathetically and allow me the promotional grade in the pay scale of Rs.2200-75-2300-EB-100-4000/- with effect from 1-4-87.

Your kind early order is solicited.

Encl: As stated above.

Yours faithfully,

(HIREN BORAH)

Accounts Officer, USB,
North Assam Division,
Tezpur.

Copy to : The Joint Director (Planning & Coordination)
Block -V (East); R.K. Puram,
NEW DELHI - 110066.

(HIREN BORAH)

Accounts Officer, USB,
North Assam Division,
Tezpur.

Annexure - 5 165

COPY.

NO. 22/SSB/AI/91(28)1421.
DIRECTORATE GENERAL OF SECURITY,
OFFICE OF THE DIRECTOR, SSB,
EAST BLOCK V, R.K. PURAM,
NEW DELHI-110066.

MEMORANDUM.

Dated 11.7.94.

Subject: Promotional grade for Accounts Officer/
Audit Officer or organised Accounts
Cadre.

Please refer to SSB Directorate Memo No.
22/SSB/AI/91(8), dated 07.04.1994 on the above subject.

2. Please intimate the latest position on
your proposal for creation of selection grade in the
Accounts Officer in the DGS (Secretariat) service,
which was submitted to Cabinet Secretariat, so that
Sri Hiren Berah, A.O. would be informed accordingly.

To: Sd/- B.D. Adhikari,
Assistant Director(EA-I)

The Assistant Director(Coerd),
DGS, New-Delhi.

Copy to:- The Divisional Organiser, NA Division w.r.t.
thier Memo No.1/9/(127)/PF/91/6571, dated 22.6.1994.

Sd/- B.D. Adhikari,
Assistant Director(EA-I)

No.1/9/(127)/PF/94/7531 / Dated.21.7.94.

Copy to Sri H. Berah, Accounts Officer/NAD
for information.

Kolachari
21/7/94
Section Officer,
North Assam Division, Tezpur.

Attended
K. Phukan
Advocate

Annexure - 6 17 31

COPY.

NO. 3(4)/Coord/93

Directorate General of Security,
Coordination Cell, East Block-V,
R.K. Puram, New-Delhi-110056.

Memorandum.

Dated 5.8.94.

Subject:

Creation of selection grade in the
rank of Accounts Officer in the DGS
(Secretariat) Service.

SSB Directorate may please refer to
their Memo.No.22/SSB/AI/91(28)-1421, dated 11.7.94,
on the subject cited above.

2. The cases was referred to the Cabinet
Secretariat and they have informed that the
subject proposal of DG(S) has been considered in
consultation with integrated finance. They have
made the following observations which are
re-produced below:-

" As 3 posts of Senior Accounts Officer
in the pay scale of Rs.3000-4500 have
been recommended in the Cadre Review
of DGS (Secretarial) service and
that proposal is under consideration,
there is does not appear to be any
justifications for creation of a
selection grade post seperately.
Besides, the analogy of DP&T OM dated
14.8.87 provisions cannot be made
applicable in the case."

3. It is mentioned that the above proposal
is being again taken up with Cabinet - Secretariat.
The outcome of the above proposal would be
intimated in due course.

Sd/- Virender Kumar,
Assistant Director(Coord).

Assistant Director(EA-I)
SSB Directorate.

Attest
V. K. Phukan
Advocate

Annexure - 7 / 18

595-96
No.1/(127)/PF/95/
Directorate General of Security
Office of the Divisional Organiser
SSB:NAD:Tezpur.

Dated Tezpur the 19th Jan/95.

To

The Asstt. Director, (EA),
Office of the Director, SSB,
East Block, VIK Puram,
New Delhi-66.

Subject :- Promotional Grade of Accounts Officer.

Sir,

Kindly refer to your Memorandum No.22/SSB/AI/
91(28)/1680 dated 16.8.94 on the subject mentioned above.

In this connection it is reiterated that Shri H. Borah, Accounts Officer of this office represented for granting him promotional grade of Accounts Officer in the scale of pay Rs.2200-75-2800-100-4000/-PM as enjoyed by the other Accounts cadre including Assistant Directors of Director of Accounts and he never represented for Selection Grade. In accordance with Govt of India, Ministry of Finance (Deptt of Expenditure) O.M. No.F.6(82)-/C/22 91 dated 22.9.92, Shri H. Borah, Accounts Officer is eligible for promotional grade with effect from 1.4.1987 as he has already completed more than 3 years continuous service as Accounts Officer on that date.

It is, therefore, requested kindly to look into the matter in the light of above O.M. dated 22.9.92 of Govt of India and issue necessary orders at your earliest.

Yours faithfully,

(R.S.Gill) 19/1/95
Area Organiser (Staff)
NAD::Tezpur.

Copy to :-

Shri H. Borah, Accounts Officer,
N.A.Division, Tezpur for information.

Annexure - 8 - 19 -

No.1/9/(127)/PF/95/ 470-71
Directorate General of Security
Office of the Divisional Organiser
SSB:NAD:Tezpur.

Dated Tezpur the 10th Jan/96.

To

The Asstt. Director, (EA),
Office of the Director, SSB,
East Block, V, RK Puram,
New Delhi-66.


Subject :- Promotional Grade of Accounts Officer.

Sir,

Kindly refer to SSB Directorate Memo No. 22/SSB/AI/91(28)500 dated 13.3.95 and Memo No.22/SSB/Estt/AI/91(28)1197 dated 5.6.1995 on the subject mentioned above.

2. Though more than six months have been elapsed nothing has so far been heard on the matter. It is, therefore, requested that the issue may kindly be looked into on the light of Ministry of Finance (Dept. of Expenditure) OM No. F.6(82)-C/91 dated 22.9.92 and a decision of the competent authority is conveyed at an early date please.

Yours faithfully,


Area Organiser, (Staff),
NAD:Tezpur.

Copy to :-

Shri H. Borah, Accounts Officer, NAD, Tezpur
for information.

To

Annexure - 9 20
The Director, SSB,
East Block-V,
R.K.Puram,
New-Delhi-110066.

(Through proper channel)

Subject: Prayer for pay parity with Audit/Accounts Officer of IA&AD and other organised cadres and promotion to the grade of Senior Accounts Officer.

Sir,

I have the honour to state the following few lines for favour of your kind consideration and favorable orders please.

That Sir, the Govt. of India, Ministry of Finance, keeping in view of the duties and responsibilities and functional need have ordered vide their OM No.F.6(82) IC/91 dated 22.9.92 to provide a promotional grade in the scale of pay Rs.2200-75-2800-EB-100-4000/-(pre-revised) for Audit/Accounts officers in IA&AD and other organised Accounts cadres w.e.f. 1.4.87 based on recommendation of the 4th pay commission. The number of post in the promotional grade will be 80% of the sanctioned strength of respective cadres of Audit/Accounts officer. As per the said Govt. of India Ministry of Finance order the Audit/Accounts Officers in the scale of pay Rs 2375-75-3200-EB-100-3500 (pre-revised) with minimum of three years regular service will be eligible to promotional grade scale of Rs.2200-75-2800-EB-100-4000/-(pre-revised). Accordingly the benefit of promotional grade scale is enjoying by Audit/Accounts Officer of IA&AD and other organised Accounts cadre including Asst Director of Accounts, Cabinet Secretariat w.e.f. 1.4.87 and they are designated as Sr.Accounts/Audit officer and Sr.Asstt.Director of Accounts.

That Sir, I have been promoted to the rank of Accounts office in DG(S) service, Accounts Cadre w.e.f. 15.3.84 and have already completed 3 years regular service as on 14.3.1987. Also I have been declared as permanent member of the cadre w.e.f. 31.3.87 vide the then Director(Planning) Order Memo No.3(2)/Coord/84 dt.13.4.87. Accordingly, I represented to the honorable Director, SSB, for extending the benefit of the said order of Govt. of India, Ministry of Finance and allow me to draw the promotional grade scale of Rs.2200-75-2800-4000/-(pre-revised) wef 1.4.87 and arrears of increased pay due to fixation under FR 22-1(a)(1) (old FR 22(c) wef 1.4.92. My afore said re-presentation was recommended and forwarded to the Director, SSB, Dide Divisional Organiser North Assam Division, Tezpur, letter No.1/9(127)/PF/91-93/5384-86 dated 24.5.93. But it is unfortunate that my prayer has not be considered sympathetically and extend the benefit of promotional grade scale so far. Further, this is not a case of creation of new post but an upgradation so there should not have any difficulty to our higher authority to consider my prayer and extend the promotional grade pay scale to me.

Contd.....

2/35
Moreover it is to mention here that the posts of Accounts officer in DG(S) was eight have created originally keeping in view of the traditional parity with the Accounts Officers of IA&AD and other organised accounts cadre with pay parity. Therefore, the Accounts Officers of DG(S), were given same pay scale with Audit/Accounts Officers of IA&AD upto 4th pay commission and accordingly promotional grade scale of pay sanctioned wef 1.4.87 is automatically admissible to us also. As such the action of our higher authority for non extending the benefit of promotional grade scale to us is not at all justified.

Besides, that, based on 5th pay commission recommendation the Audit/Accounts Officers in IA&AD and other organised cadre including the Asstt. Director of Accounts of DACS who have completed three years of service and drawing promotional grade scale of pay of Rs. 2200-4000/- (pre-revised) have now been granted higher pay scale of Rs. 8000-13500/- w. wef. 1.1.96 by 5th pay Central pay commission corresponding to that pre-revised scale of pay. Even the Asstt. Director of Accounts now designated as Sr. Asstt. Director of Accounts in DACS, who are also under Cabinet Secretariat, are enjoying the benefit of promotional grade scale of pay Rs. 2200-4000/- (pre-revised) as well as revised scale of Rs. 8,000-13,500/- recommended by the 5th pay commission where as the Accounts officer of DG(S) deprived from the financial benefit of promotional grade scale of Rs. 2200-4000/- (pre-revised) as well as revised scale of 8000-13500/-. This disparity in the pay scale of Accounts officer in the DG(S) with that of Accounts/audit officers of IA&AD and other organised cadre including Asstt. Director of Accounts in DACS, is very much heart burning and hope the authority will take urgent step to remove the disparity appreciating the duties and responsibilities of Accounts Officer in DG(S).

Further, with effect from 1.1.96 the Asstt Engineers in SSB in the pay scale of Rs. 2000-3500/- (pre-revised) were granted higher scale of pay of Rs. 7500-250-12,000/- at per Asstt. Engineer in the CPWD and other Engineering Departments and also senior Field Officers and Sub-Area Organisers are placed in the higher scale of Rs. 8000-13500/- in order to maintain traditional parity with the post of Deputy Chief Intelligence officer in the Intelligence Bureau (Ministry of Home Affairs). vide govt. of India, Ministry of Finance OM No. 50(4)/97/IC-11 dated 6.1.99 and Cabinet Secretariat OM No. 1/71/97-EA-1/50 dated 7.1.99 based on recommendation of SSB, Directorate. The post of SFOs and SAOs were in lower scales upto 4th pay commission than to the Accounts Officers, even then, they were granted higher pay scales at per other departments, to maintain traditional parity where as the cases of Accounts officers in DG(S) are over-looked. It implies that the higher authority did not recommended to place the Accounts officers in DG(S) in the scale of Rs. 2200-4000/- (pre-revised) and Rs. 8000-13500/- in revised scale even after Govt. sanction of promotional grade to maintain traditional parity with the senior Accounts/Audit Officers of IA&AD and other organised Accounts Cadre at the same analogy as was adopted in the case of Asstt. Engineer, SFOs and SAOs have bright promotional prospects, even then the higher authority has not recommended

Continued...

the case in equal status and equal pay with that of senior Accounts Officer/Audit officers in IA&AD and other organised cadre. The action of the higher authority down grading the Accounts Officers than to the ABs, SFOs and SAOs is beyond our tolerance.

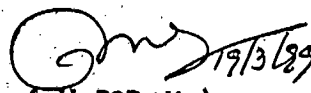
Apart from that it is to point out that in reply to my earlier representation on the above subject, the DG(S) coordination cell vide their Memo No.3(4)/coord/93 dt.5.8.94(copy enclosed) informed me that 3 posts of senior Accounts Officers in the pay scale of Rs.3000-4500/-(pre-revised) have been recommended in the cadre review of DG(S) Secretariat service and proposal is under consideration of Cabinet Secretariat. It is unfortunate that nearly 5 years have already passed from the date of receipt of the above letter but no final order creating the above posts received so far. It implies that required efforts have not being made by the authority for up-liftment of the Accounts Officers in DG(S) and proposal is kept in abeyance till date.

Under the circumstances stated above, I earnestly request your honour kindly to look into the matter and do justice by granting me the promotional grade scale of Rs.2200-4000/-(pre-revised) wef.1.4.1987 and normal replacement scale as of Rs.8000-13500/- corresponding to pre-revised scale in order to maintain traditional parity with the senior Accounts /Audit officers in the IA&AD and other organised Accounts Cadre. Further it is requested that cadre review of Accounts Officers in DG(S) may kindly be expedited for creation of 3 post of senior Accounts officer in the scale of Rs.3000-4500/-(pre-revised) so that I may also get the benefit out of it as incentive for my sincer long 15 years of service as Accounts Officer in DG(S) for which act of your kindness and I shall remain ever grateful.

Yours faithfully,

Encl : As above.

Dated 19/3 /1999.


(H. BORAH)
Accounts Officer,
NAD, Tezpur.

Annexure - 10 - 23 - 37

3066-67 (11)

No.1/9(127)PF/91/ 3066-67
Directorate General of Security,
Office of the Divisional Organiser,SSB
North Assam Division : Tezpur

MEMORANDUM

DATED: 22.3.99

A representation dated 19.3.99 submitted by Shri Hiren Borah, Accounts Officer/NAD Tezpur addressed to the Director,SSB, New Delhi regarding pay parity with Audit/Accounts Officers of IA&AD and other organised cadres and promotion to the grade of Sr. Accounts Officer, which is self explanatory, is forwarded herewith for favour of further necessary action please.

Encl:As above.

(K.C.SARKAR)
AREA ORGANISER (STAFF)
NAD TEZPUR.

TO

The Joint Deputy Director(EA),
SSB Directorate,
East Block-V,R.K.Puram,
New Delhi-110066

Copy to:-

1. Shri Hiren Borah, Accounts officer/NAD Tezpur
for information.

[Signature]
AREA ORGANISER (STAFF)
NAD, TEZPUR.

Annexure - II - 24-

SECRET

No. 3(4)/Genl(93)
Directorate General of Sec
Coordination Cell, Block V (b)
R.K. Puram, New Delhi-110066

Dated the 20 MAY 1999

OFFICE MEMORANDUM

Subject: Promotion of Accounts Officer to the promotional grade of Rs.2200-4000/- (pre-revised).

P/07

1. The Directorate may please refer to their Memo. No. 22/Estt/SOI/II/1(2) 20, 1-92, dated 19-4-99 forwarding through representation of Shri Hiren Borah, Accounts Officer, North Eastern Division, SOI on the subject cited above.

2. Shri Hiren Borah had earlier also represented for provisions of selection grade for the post of Accounts Officer in the DGS (Secretariat) Service. The case was examined and referred to Cabinet Secretariat for creation of selection grade in the rank of Accounts Officer. However, Cabinet Secretariat did not agree to our proposal on the plea that 3 posts of Senior Accounts Officer in the pay scale of Rs.3000-4500/- (pre-revised) had been proposed in the cadre review of DGS (Secretariat) Service. As such there did not appear any justification for creation of selection grade post separately.

3. So far as grant of higher pay scales of Rs.2200-4000/- for the post of Accounts Officer in DGS (Secretariat) Service is concerned, the matter has already been referred to Cabinet Secretariat for obtaining orders of Ministry of Finance for attachment of pay scale of Rs.2500-12000/- to the post of Accounts Officer.

4. With the application of cut on sanctioned posts by AIC, SOI and SFF and removal of ban on creation of posts, cadre reviews by Ministry of Finance, we have already taken up the case with Cabinet Secretariat regarding accepting the recommendation of cadre review committee at the earliest and the case is being pursued vigorously. Once the cadre review is accepted by Government, the Accounts Officers of DGS (Secretariat) Service can look forward to their promotion to the grade of Senior Accounts Officer in the pay scale of Rs.3000-4500/- (pre-revised).

5. Shri Hiren Borah, Accounts Officer may please be informed suitably.

6. This has the approval of the Joint Director (Genl).

Y. K. S. (Genl)
Joint Director (Genl)

Joint Deputy Director (EA),
Directorate,
New Delhi.

14/6/99
COPY

Annexure - 12 25-
No.22/Estt/SSB/AI/91(28)3340
Directorate General of Security,
Office of the Director,SSB,
East Block-V, R.K.Puram,
New Delhi - 110066

Dated the, 3-6-99

Memorandum

Please refer to this Directorate Memo No.22/Estt/SSB/AI/91(28)-2011-12 dated 19.4.99 regarding promotion of Accounts Officer to the rank of Senior Accounts Officer besides attachment of pay scale of Rs.7500-12000/- at par with organised Accounts Service.

2. In this connection, a copy of Coordination Cell O.M.No.3(4)/Coord/93 dated 28.5.99, Vide which decision of the competent authority on the representation of Shri Hiren Borah, Accounts Officer has conveyed by Coordination Cell is enclosed herewith.

3. The officer concerned may please be informed suitably.

Encl: As above

TO

The Divisional Organiser,
North Assam Division,
Tezpur.

Sd/-
(S.S.BORA)
JOINT DEPUTY DIRECTOR(EA)

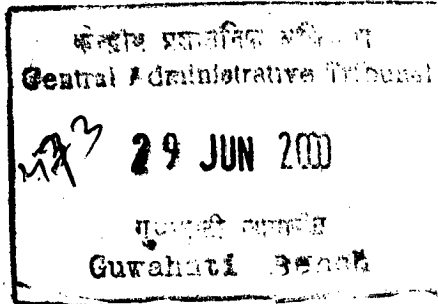
No.1/9(127)PF/91/5732

Dated:9.6.99

Copy to the Accounts Officer, NAD Tezpur for information.

Encl:One copy.

h. N. B. S.
AREA ORGANISER(STAFF)
NAD, TEZPUR.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO. 150 OF 2000

Shri Hiren Borah

Applicant

-VS-

Union of India & Others....

Respondents

IN THE MATTER OF:

Written statement submitted by Respondents 1 to 5

1. That the answering respondent is DIG, SSB, North Assam Division, Tezpur and he has received copy of the O.A. served upon Respondent No. 5, Divisional Organiser, North Assam Division, Tezpur and I have gone through the same, understood the contents thereafter. Further, I am duly authorised by the competent authority to represent the case including filing of written statement on behalf of all the Respondents, as such I am competent to file this written statement on behalf of all the Respondents.

2. That the answering Respondent does not admit any of the facts, statements, allegations and averments made in the O.A. save and accept those have been admitted specifically hereunder in this written statement. Further this statement, which are not borne in the records, have also been categorically denied.

T/W by

Sri S. P. Karsal Respat.

Through B.S. Basumatary

Adm. case CAT, 29-6-2000

3. That before dealing with the O.A. parawise, the brief facts of the case enumerated as under :-

The contention of the applicant that his representation for grant of promotional grade in accordance with Fourth Central Pay Commission's recommendations was misinterpreted, is not tenable as explained hereunder. The Accounts cadre of DGS (Secretarial) Service, to which the applicant belongs, is not an Organised Accounts Cadre and as such the order of the Ministry of Finance dated 22-9-92 (Annexure R-1), emanating from the Fourth Central Pay Commission's recommendation (providing for higher scale in the ratio of 80 : 20), is not applicable to the applicant which is clear from the heading/subject of the said order viz. " Promotional grade for Audit / Accounts Officer of Organised Accounts Cadre ".

2. The duties and responsibilities of the Accounts officers in DGS are not identical to those of Audit/ Accounts Officers in Indian Audit & Accounts Department (I.A. & A.D.) etc. as claimed by the petitioner. The Accounts Officer of DGS deal with only accounts matters and do not perform audit functions. Further, the DGS Accounts Cadre does not confirm to laid down parameters prescribed for Organised Accounts Department and has consequently not been recognised as an Organised Accounts Cadre (Annexure R-VI). As such the applicant is not entitled to promotional grade of Rs.2200-4000/- (Revised Rs. 8000-13500). Since the applicant was drawing pay in the pre-revised scale of Rs.2375-3500/-, he is entitled to draw pay in the revised scale Rs.7500-12000/- and not Rs.8000-13500/- w.e.f. 1-1-96.

(Page- 3)

3. It is clarified that no higher promotional post is available in the Accounts Cadre of DGS (Secretarial) Service constituted as per statutory recruitment rules vide Cabinet Secretariat, Department of Cabinet Affairs notification No.EA/SE-115/70 dttd. 4-11-95 (Annexure R-X). Hence no further promotional progression is available to the petitioner. A proposal for creation of three selection grade posts in the scale of Rs.2200-4000/- for providing promotional avenues for Accounts Officer sent to Cabinet Secretariat on 19-7-93 (Annexure R-VIII) was turned down vide Cabinet Secretariat UO dated 23-9-93 (Annexure R-III) on account of the reason that three posts of Senior Accounts Officer in the pay scale of Rs.3000-4500/- were under consideration than in the cadre review of DGS (Secretarial) Service and also that the analogy of DP&T's OM dated 14-8-87 (Annexure R-IX) cannot be made applicable in this case.

4. That with regard to para-1 of the OA the respondents beg to submit that the contention of the applicant that his representation for grant of promotion grade in accordance with Fourth Central Pay Commission's recommendation was misinterpreted is not tenable as explained in the following paragraphs.

5. That with regard to paras 2 to 4.2 of the OA the respondents beg to submit that the contention of these paras are matter of record and therefore need no reply.

6. That with regard to para 4.3 of the OA the respondents beg to submit that the contents of this para are admitted except that the post of Accounts Officer in the DGS and the post of Assistant Director of Accounts, Directorate of Accounts, Cabinet Secretariat are two different posts

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Controller & C.A.

belonging to two different cadres. It may be clarified that the Accounts Cadre of DGS (Secretarial) Service to which the applicant belongs is not an Organised Accounts Service while Accounts Cadre of Directorate of Accounts, Cabinet Secretariat which includes the post of Assistant Director of Accounts has been declared as Organised Accounts department by the C.G.A.

7. That with regard to paras 4.4 and 4.5 of the OA the respondents beg to submit that it may be made clear that the Accounts Cadre of DGS (Secretarial) Service to which the applicant belongs is not an Organised Accounts Cadre as such the orders of Ministry of Finance dated 22-9-92 (Annexure-R.1) and 23-9-92 (Annexure R-II) are not applicable to the applicant which is clear from the Heading/ Subject of the said order viz "Promotional grade for Audit/ Accounts Officer of Organised Accounts Cadre".

8. That with regard to para 4.6 of the OA the respondents beg to submit that no comment is offered being legal provisions.

9. That with regard to para 4.7 of the OA the respondents beg to submit that the duties and responsibilities of the Accounts Officer in DGS are not identical to those of Audit/ Accounts Officer in Indian Audit and Accounts Department (I.A & A.D) etc. as alleged. The Accounts Officer of DGS deal with only accounts matters and do not perform Audit functions.

10. That with regard to paras 4.8 and 4.9 of the OA the respondents beg to submit that as stated earlier the orders of MOF dated 22-9-92 providing for higher scale in the ratio 80 : 20 are not applicable to the Accounts Cadre of DGS (Secretarial) Service which is not an Organised Accounts Cadre. As such the applicant is not entitled to promotional grade of Rs.2200-4000/- (Revised Rs.8000-13500/-).

11. That with regard to paras 4.10, 4.11 & 4.12 of the OA the respondents beg to submit that as stated by the applicant, his representation dated 17-5-93 was duly considered and the reply was given to him as per Annexure-5 & 6 to the application. Since Accounts Cadre of DGS is not an Organised Accounts Cadre and the promotional grade of Rs.2200-4000/- in the ratio of 80 : 20 asked for by the applicant was not applicable to him, as such a proposal for creation of selection grade of Rs.2200-4000/- was taken up with the Govt. of India which was not agreed to as per Annexure-III.

12. That with regard to para 4.13 of the OA the respondents beg to submit that since the applicant was drawing pay in the pre-revised scale of Rs.2375-3500/-, he is entitled to draw pay in the revised scale of Rs.7500-12000/- and not Rs.8000-13500/- w.e.f. 1-1-96.

13. That with regard to paras 4.14 to 4.17 of the OA the respondents beg to submit that it is clarified that no higher promotional post is available in the Accounts cadre of DGS (Secretarial) Service to which the applicant belongs.

It is further mentioned that the restructuring of the post of Audit/Accounts Officer providing 80% promotional grade in the scale of Rs.2200-75-2800-EB-100-4000/- for Audit/Accounts Officer in Indian Audit & Accounts Department (I.A. & A.D) and other Organised Accounts Cadres as enunciated in Govt. of India, Ministry of Finance OM No. F.6(82)-IC/91 dated 22-9-92 has not been made applicable to DGS on account of the reason that the Accounts Cadre of DGS (Secretarial) Service is not an Organised Accounts Cadre/ Service like Director of Accounts, Cabinet Secretariat etc. This fact was affirmed by Cabinet Secretariat, Govt. of India in the context of our proposal dated 13-5-94 (Annexure R-IV) for upgradation of 80% posts of Accountant in the promotional scale of Rs.2000-3200/- (Pre-revised) on the analogy of similar upgradation having been approved in respect of the Accounts Cadre of other organised Accounts department in accordance with the orders contained in Ministry of Finance OM No.F5(32)-E-III/85-Pt.II dated 12-6-87. (Annexure R-V). In this connection a copy of Cab.Sectt., Govt. of India U.O. No. A-11013/10/94-DO-I-954 dated 18-10-95 along with enclosures is enclosed as Annexure R-VI wherein Cab. Sectt., Govt. of India had indicated that the following parameters are required to be satisfied for constituting an Accounts cadre into an Organised Accounts service:-

- (1) Direct recruitment to the grade of LDCs and Auditors shall be made from the open market through the staff selection commission only, as is done in the case of I.B. The quota for direct recruits to these grades shall not be less than those prescribed for the organised accounts service under the Controller General of Accounts (C.G.A).

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(Page- 7.)

- (2) The eligibility conditions for filling up posts from the promottee's quota shall also be the same as prescribed for the service under the CGA including the standard of the examination and the agency conduct in the examination.
- (3) For promotion to the grade of Section Officer, the eligible Auditors shall take the same examination which the CGA holds for his organisation for promotion to that grade.
- (4) Every effort should be made to build in expertise within the organisation itself and as and when sufficient number of eligible suitable officers become available departmentally for promotion to the next higher posts, the deputation quota may be completely done away with. Till such time sufficient number of suitable departmental candidates are not available, the posts may be filled in by deputation.

The conditions laid down by Cab. Sectt. in the preceeding paras are not fulfilled as far as the DGS Accounts cadre is concerned. The staff structures of DGS Accounts Cadre does not match with that of other organised Accounts cadre as will be seen from the statement enclosed as Annexure R-VII and it is governed by its own recruitment rules namely DGS (Secretarial) Service Rules 1975. Moreover, the DGS being a security organisation has been exempted from the purview of staff selection commission in the matter of direct recruitment. As such the main condition that direct recruitment to the grade of LDCs and Auditors should be done from open market through staff selection commission, could not be fulfilled.

Even before our proposal dated 13-5-94 (Annexure R-IV) a proposal for creation of three selection grade posts in the scale of Rs.2200-4000/- for providing promotional avenues for Accounts Officers, sent to Cab. Sectt. on 19-7-93 (Annexure R-VIII) was turned down vide Cab. Sectt. U.O. dated 23-9-93 (Annexure R-III) on account of the reason that three posts of Sr. Accounts Officer in the pay scale of Rs.3000-4500/- were under consideration then in the cadre review of DGS (Secretarial) Service and also that the analogy of DOP & T's OM dated 14-8-87 (Annexure R-IX) cannot be made applicable in this case.

However, despite best efforts by the department, the provision of higher scale in the ratio of 80 : 20 on account of restructuring of accounts staff in Organised Accounts Cadre vide Ministry of Finance OM No. F.5(13)EIII/86 Pt.II dated 12-6-87 and 22-9-92 could not be extended to the Accountants / Accounts Officers of DGS Accounts Cadre. The provision of Min.of Finance OM No. F.6 (82)/IC/91 dated 22-9-92 cannot automatically be implemented in respect of Accounts Officers of DGS Accounts Cadre including the applicant. Therefore, the contention of the applicant that he is being discriminated against the matter of benefit of promotional grade of Rs.2200-4000/- (Pre revised) and Rs. 8000-13500/- (Revised) w.e.f. 1-1-96 is not tenable and is liable to be rejected.

14. That with regard to para 5 of the OA the respondents beg to submit that in view of the position explained in reply to paras 4.4 to 4.17 above the averments made by the applicant are not tenable and justified and hence liable to be rejected.

15. That with regard to paras 6 & 7 of the OA the respondents beg to submit that these paras are pertaining to the matter of prayer and need no comments.

16. That with regard to paras 8 to 8.3 of the OA the respondents beg to submit that in view of the position explained against paras 4.4. to 4.17 and 5 above, the instant application is liable to be rejected.

17. That with regard to paras 9 to 12 of the OA the respondents beg to submit that no reply is called for of these paras.

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

I, Shri S.P.Kaushal, Deputy Inspector General, SSB, North Assam Division, Tezpur do hereby verify that the contents stated in the written statement are true to my knowledge, belief and information and no material fact has been suppressed.

AND I sign this verification to-day on this day the 21st June, 2000.


DECLARANT

By. Inspector General
N. A. Division : S. S. B.,
Tezpur.

New Delhi, the 22nd Sept., 1992.

OFFICE MEMORANDUM

Subject: Creation of a promotional grade of E.2200-75-2800-EB-100-4000 for the Audit & Accounts Officers of the Organised Accounts Cadres.

Consequent upon re-structuring of the Indian Audit and Accounts Department, 80% of the posts of Auditors and Section Officers(Audit) were placed in the higher scale of E.425-600 and E.650-1040 respectively w.e.f. 1.3.84. On the recommendation of the Fourth Central Pay Commission that there should be broad parity in the pay structure of Accounts and Audit staff, the re-structuring Scheme was extended to the Accounts staff w.e.f. 1.4.87. However, the cadres of Audit/Accounts Officers were not restructured.

2. The matter regarding grant of an appropriate scale of pay to the Audit/Accounts Officers has, therefore, been under consideration of the Govt. for some time past. Keeping in view the duties and responsibilities and the functional needs, it has now been decided to provide a promotional grade in the scale of E.2200-75-2800-EB-100-4000 for Audit/Accounts Officers in IASAD and other Organised Accounts Cadres, except Railway Accounts Cadres. The number of posts in the promotional scale of E.2200-75-2800-EB-100-4000 will be 80% of the sanctioned strength of the respective cadres of Audit/Accounts Officers.

3. The Audit/Accounts Officers in the scale of E.2375-75-3200-EB-100-350 with a minimum of three years' regular service will be eligible for promotion to the scale of E.2200-75-2800-EB-100-4000. The promotions will be made after following the due process of promotion by adopting the principle of seniority. The posts in the scale of E.2200-75-2800-EB-100-4000 are in the functional promotional grade, benefit of P.R.22-1(a) (old FR.22-C) will be admissible on appointment to this scale.

4. The classification of the posts of Audit and Accounts Officers will, however, remain the same i.e. Group 'B' even after the promotion to the scale of E.2200-75-2800-EB-100-4000.

2/-

These orders shall be effective from 1.4.1992. However, the benefit of fixation of pay on promotional basis in the promotional scale of B.2200-75-2800-EB-100-4000 may be allowed from 1.4.1987 or from the first of the month following the month in which the officer completed 3 years regular service as Audit/Accounts Officer in the scale of B.2375-75-3200-EB-100-5500, whichever is later, subject to the availability of posts in the promotional grade. No arrears of pay will be admissible for the period prior to 1.4.1992.

6. These orders issue in consultation with the Comptroller and Auditor General of India in so far as these relate to Indian Audit & Accounts Department.

Hindi version is attached.

(Sd/-)
(D. S. K. S. P.)
JOINT SECRETARY TO THE GOVT. OF INDIA

To

1. The Comptroller & Auditor General of India
(with usual number of spare copies)
2. Financial Advisor (Defence Services)
3. Controller General of Defence Accounts
4. Controller General of Accounts, Ministry of Finance.
5. Member (Finance), Department of Telecommunications.
6. Member (Finance), Department of Posts.

Annexure - R-E

Sl. No.

Department

Accounts

289

C. & A. G. of India O.M. No. 1116-92
dated 23-9-1992

Promotional grade of Audit Accounts Officers
in Organised Accounts Cadres designated as
Senior Audit Officer/Senior Accounts Officers

Consequent upon the creation of promotional
grade for 80% of the Audit/Accounts Officers
from the existing scale of Rs. 2,375-75-3,200-
EB-100-3,500 to Rs. 2,200-75-2,800-EB-100-
4,000 with effect from 1st April 1992 in accor-
dance with Ministry of Finance Department of
Expenditure's O.M. No. F.6(32)-IC 91, dated
22-9-1992 (vide Sl. No. 283 of this issue)
the Comptroller and Auditor-General of
India has been pleased to designate the posts
of Audit/Accounts Officers in the scale of
Rs. 2,200-75-2,800-EB-100-4,000 as Senior Audit
Officer/Senior Accounts Officer (Group B
Gazetted)

K-III 32 (12) 36

5

Cabinet Secretariat
Bikaner House Annex

Subject:- Creation of selection Grade in the rank of
Accounts Officer in the DG(S) (Secretarial)
Service.

DG(S) may kindly refer to their U.O. No. 3(4)/Coord/93
dated 19.07.1993 on the subject mentioned above.

2. The subject proposal of DG(S) has been considered
in consultation with our Integrated Finance. In this
connection the following observations of Integrated
Finance are re-produced:-

"As 3 posts of Senior Accounts Officer in the
pay scale of Rs.3000-4500 have been recommended
in the Cadre Review of DG(S) (Secretarial) Service
and that proposal is under consideration. There
does not appear to be any justification for creation
of a selection Grade post separately. Moreover
the analogy of DP&T's O.M. dated 14.08.1987 provisions
can not be made applicable in this case."

3. In view of the position stated above the subject
proposal of DG(S) can not be acceded to.

(R.L. BANERJEE)
DEPUTY SECRETARY(SR)

SHRI M. GOPAL, JOINT DIRECTOR(P&C), DG(S)
CABINET SECRETARIAT'S U.O. NO. A-11013/11/93-DO-I. DT.

23-9-93

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DIRECTORATE GENERAL OF SECURITY
(CABINET SECRETARIAT)

Sub:- Upgradation of posts of Accountant in the three component units of the DGS.

Cabinet Secretariat may kindly refer to the correspondence resting with their UO No.A-12018/18/87-DG.I dated 4.8.92 on the subject cited above.

2. It would be seen from the Cabinet Secretariat UO under reference that the Ministry of Finance had not agreed to our proposal of upgradation of the posts of Accountant in two different pay scales in the ratio of 80:20 since it would have an immediate repercussion on the posts of Accountant in R&AW, Director of Accounts, Cabinet Secretariat (DACS) and a large number of such isolated posts in various Ministries/departments.
3. There are a total of 95 posts sanctioned in the DGS in the rank of Accountant. The mode of filling up of the post is 10% by promotion and 90% by deputation. Since in all the major organised Accounts departments of the Govt of India 2 different scales, i.e., Rs. 2000-3200 (gazetted) has been sanctioned for 80% of the posts and the scale of Rs. 1640-2900 (non-gazetted) has been sanctioned for 20% of the posts, none of the personnel from these outfits is willing to move out on deputation to the DGS outstation units located at very isolated locations. This has resulted in most of the posts remaining unfilled for quite a long period, thus affecting the functioning of the Accounts work at different locations of the DGS set up. Besides, since these posts have been lying vacant for more than one year, this would attract the Ministry of Finance order issued vide No.7(7)-E(Coord)/93 dated 3.5.1993.
4. As would be seen from the Cabinet Secretariat UO under reference, in case of acceptance of our proposal for conversion of posts in the higher rank it would have the immediate repercussions on the DACS, R&AW and the isolated posts of Accountant in various Ministries/departments. However, the Cabinet Secretariat have already agreed to the creation of 2 pay scales for the DACS posts and these 2 different scales are in operation in the DACS since 18.4.90 in the ratio of 80:20. Thus, the main objection of the Ministry of Finance on this account is already over as the position in the DACS has been accepted by them. Not only this, the Ministry of Finance have also approved the granting of higher pay scale of Rs. 2000-3200 for 80% of the posts of Accountant of Accounts cadre of the Delhi Administration vide their No.14011/124/011-Delhi dated 20.2.1989.

(.....2/-)

5. Cabinet Secretariat would perhaps appreciate that the Accountants of the DGS have to perform almost the same duties as the Accountants are required to do in the organised Accounts departments.

6. Since the duties of the Accountants of the DGS as well as of the organised Accounts departments are similar and all of them have to qualify the same SAS examination conducted by the CAG and 90% of the posts in the DGS are required to be filled by deputation of Accountants from those organised Accounts departments, it is very essential that two different pay scales, i.e., Rs. 2000-3200 for 80% of the posts and Rs. 1640-2900 for 20% of the posts are sanctioned for the Accountants of the DGS Accounts Cadre. Incidentally, it may be mentioned here that higher pay scale would be given to those Accountants who qualify the SAS examination conducted by the CAG and not those who even qualify the Limited Departmental Competitive Examination (LDCE) for which a proposal has already been taken up with the Cabinet Secretariat and is being pursued with the CAG.

7. Keeping the above in view, Cabinet Secretariat are requested to kindly reconsider the question of upgradation of 80% of posts of Accountant in the higher pay scale of Rs. 2000-3200 in the DGS Accounts Cadre and 20% posts to be continued in the pay scale of Rs. 1640-2900. This will help us in getting the SAS qualified Accountants on deputation from other organised Accounts departments against the vacancies arising in the DGS and would also motivate our departmental candidates to qualify the SAS examination conducted by the CAG, enabling us to fill up all the vacancies of Accountants in the DGS.

(RAJENDRA MOHAN)

JOINT DIRECTOR (PLG & COORD)

Cabinet Sectt (Shri A.Nath, Director (SR))

DGS (Coord Cell) UO No.7(2)/Coord/91

Dated, the 13/8/94

RECEIVED

No. F.5(32)-E.III/25-PE.III
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 12th June 1987

Office Memorandum

Subject:- Restructuring of Accounts staff in Organised Accounts Cadres.

Based on the recommendation of the Fourth Central Pay Commission the scales of pay for Auditors and Section Officers in Audit stream of Indian Audit & Accounts Department (IA&AD) is on the following lines :

	<u>Pre-revised</u>	<u>Revised</u>	
1. Assistant Audit Officer	Rs. 650-40-740-35-880- EB-40-1040	Rs. 2000-60-2300- EB-75-3200	80%
2. Section Officer	Rs. 500-25-750-30-900- EB-25-900	Rs. 1640-60-2600- EB-75-2900	20%
3. Senior Auditor	Rs. 425-15-500-EB-15- 560-20-700-EB-25- 800	Rs. 1400-40-1600- 50-2300-EB- 60-2600	80%
4. Auditor	Rs. 330-10-380-EB-12- 500-EB-15-560	Rs. 1200-30-1560- EB-40-2040	20%

2- The Fourth Central Pay Commission vide para 11.38 of Part-I of its Report have observed that the Audit & Accounts functions are complementary to each other and are generally performed in many Government offices in an integrated manner which is necessary for their effective functioning.

Accordingly, the Pay Commission have recommended that there should be broad parity in the pay scales of the staff in IA&AD and other Accounts organisations. It has further recommended that the proposed scales of pay of Rs. 1400-2600 and Rs. 2000-3200 may be treated as functional grades in future and that there will be no selection grade for any of these posts. As regards the number of posts in the higher functional scales, the Commission left this matter for the Government to decide.

3- The revised scales of pay for the Accounts staff in Organised Accounts cadres under the Controller General of Defence Accounts, Controller General of Accounts, Department of To Ins & Telecommunications and also in Indian Audit & Accounts Department at par with Audit stream have already been notified vide this Ministry's Notifications No. F.13(1)/10/86 dated 13.9.86 and 22.9.86 respectively. In accordance with these notifications certain persons have

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may be allowed the higher revised scales of pay subject to conditions laid down therein.

The question regarding number of posts to be placed in the scales of pay has been under the consideration of the Government and it has now been decided that the ratio of number of posts in higher and lower scales in the Organised Accounts as well as in Accounts Wing of the IASB may be as follows:-

Section Officer(33)	Rs. 2000-60-2300-EB-75-3200	80%
Section Officer	Rs. 1640-60-2600-EB-75-2900	20%
Senior Accountant	Rs. 1400-40-1600-50-2300-EB-60-2600	80%
Junior Accountant	Rs. 1200-30-1560-EB-40-2040	20%

The designations in different Organised Accounts cadres may be different. In such cases also the pay structure on these lines to be decided.

These orders take effect from 1.4.1987. The respective controlling authorities may now take necessary action to prescribe criteria for appointment to the higher functional grades giving promotion to the grades of Rs. 1400-40-1600-50-2300-60-2600 and Rs. 2000-60-2300-EB-75-3200 on the same lines as held for Audit stream and thereafter take necessary action to implement these orders.

The orders in respect of Railway Accounts Organisation will be separately.

These orders issue in consultation with the Comptroller & Auditor General of India in so far as these relate to IASB.

Hindi version is attached.

(A.N. SINHA)
Director

1. The Comptroller & Auditor General of India (with usual number of spare copies) (Mr. P.K. Jharia, Director (Secy))
2. Financial Adviser (Defence Services)
3. Controller General of Accounts, Ministry of Finance.
4. Member (Finance), Department of Posts.
5. Member (Finance), Department of Telecommunications.

Copy forwarded to Financial Commissioner (Railways), Board for issue of similar orders for Railway Accounts Organisation.

(A.N. SINHA)
Director

40 (15) (39)
Annexure - R-VI

2167
25/10/95
CABINET SECRETARIAT
BIDANER HOUSE ANNEXE

SUBJECT: Upgradation of the post of Accountant
in DGS Units in Organised Accounts
Cadre Pattern.

Reference: GO NO.7(2)/Coord/91 dt. 31.7.95.

The proposal on the above subject
was referred to Integrated Finance for consid-
eration. This has not been agreed to by them.
In this regard, a photo-copy of their note
alongwith extracts of the notes as referred to
is enclosed herewith for information and
further action.

(R.L. Benerjee)
Dy. Secretary (SR)

LOG -
Asstt. Director (Coord), DGS
Cabinet Secretariat GO NO. A-11013/10/94-PS.1-Dr.

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11 OCT 1995

Dir F(S)

In addition to what has been stated in para 3 of the preceding note, attention is invited to the D.F.Trg (Code Review du) note of 28/3/50 (on page 15) of L.H. no. 1/48/56 - E.T.I) which with the approval of Secretary (P) relating to declaration of Director of Account as an organized Account Centre. It is seen that none of the conditions laid down above were satisfied in case of Account Centre of D.F(S) for challenge it as an organized Account Centre.

In view of this we are not in a position to support the proposal and refer it to Dept of Revenue & Trg (C.R.D.)

1/3/51
16/4/51

Dir F(S)
DS(S)
16/4/51
9/7/51
Cm 48

12/3/51
13.10.51

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So far as comment of this Secretariat is concerned the followings are offered:-

i) The question of up-gradation of 80% of posts in the grade of Accountant is inter linked with the question of declaring accounts cadre of DGS Secretarial Service as Organised Accounts Cadre. In other words, only when the cadre is declared as Organised Accounts Cadre the benefits of Organised Service including the said up-gradation can be extended. Further, in the event of declaring the DGS Accounts Cadre as Organised Cadre, conditions imposed on DACS by DP&T will also be equally applicable in the case of Accounts Cadre of DGS. (reference note on page.15-16/F.A of the linked file 1/48/86-EA-I. Pt.VI)

ii) It is also felt necessary that to have an Organised Accounts Cadre, the DGS Accounts Cadre has to be deleted from the DGS Secretarial Service as the rules are to be modified to give effect to the benefit of Organised Service which was done in the case of DACS also.

iii) At present Accounts Cadre of DGS does not fulfil the condition laid-down for declaring them as an Organised Accounts Cadre. However, only in the event of declaring it as Organised Service, the condition can be laid-down. The file No.1/48/86-EA-I(Pt.VI) in which DACS case was being examined is placed below.

...Contd./-.

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Department of Personnel & Training
(Cadre Review Division)

.....
The proposal has been reconsidered in the light of the points made by the Cabinet Secretariat.

2. Before Group 'B' & 'C' posts in the Directorate of Accounts, Cabinet Secretariat, may be constituted into an organised Accounts Service, the recruitment rules would be required to be amended on the following lines to bring them at par with the corresponding rules of the other organised Accounts Services:-

1) Direct recruitments to the grades of LDCs and Auditors shall be made from the open market through the Staff Selection Commission only, as is done in the case of I.B. The quota for direct recruits to these grades shall not be less than those prescribed for the organised Service under the Controller General of Accounts (C.G.A.).

2) The eligibility conditions for filling up posts from the promotee's quota shall also be the same as prescribed for the Service under the C.G.A.-including the standard of the examination and the agency conducting the examination.

3) For promotion to the grade of S.O., the eligible Auditors shall take the same examination which the C.G.A. holds for his organisation for promotion to that grade.

4) Every effort should be made to build in expertise within the organisation itself and as and when sufficient number of eligible suitable officers become available departmentally for promotion to the next higher posts, the deputation quota may be completely done away with. Till such time sufficient number of suitable departmental candidates are not available, the posts may be filled in by deputation. The Recruitment Rules may be amended suitably so as not to specify a particular percentage of posts

5) The existing pay scale of Rs.1400-2200 for collection grade Assistant may be revised to Rs.1400-2600 and collection grade posts of E.O., in the scale of Rs.2000-3200 may be introduced, as prescribed for organised Accounts Services.

5. The posts of Store Accounts Officer (Rs.2000-3200), Asstt. Accts. (Rs.1400-2600) and Stock Verifier (Rs.1200-2240) shall be outside the organised Accounts Service. The rules for recruitment/appointment to these posts shall be separated from those of the organised Service.

4. The cadre will get the status of an organised Accounts Service with effect from the date of formal notification of the amendments to the recruitment rules as specified above. The draft amendments may be got vetted by Department of Personnel Training.

The cadre will get the benefit of the Ministry of Finance O.M. No. 5(32)-E-III/86-Pt. II dated 12/6/87 from the same date.

5. This has been concurred in by the Ministry of Finance vide their U.O. No. 8-53/E-III/80, dated 20/3/80.

6. This has the approval of Secretary (F)

(V.P. UPPAL)
DIRECTOR (CC)

Cabinet Secy. (Sh. G. P. Chodha, Minister)

D.P.E.T. U.O. No. 2/30/88-2X, dated 25.3.88

SECRET

78/1/88
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STATEMENT SHOWING THE PAY SCALES OF POSTS INCLUDED IN THE ACCOUNTS CADRE OF DIRECTOR OF ACCOUNTS,
CABINET SECRETARIAT & DGS (SECRETARIAL) SERVICE ACCOUNTS CADRE

DIRECTORATE OF ACCOUNTS, CAB. SECTT.				DIRECTORATE GENERAL OF SECURITY		
S.NO.	DESIGNATION OF THE POSTS	PAY SCALES PRE-REVISED)	PAY SCALE (REVISED)	DESIGNATION OF THE POSTS	PAY SCALES (PRE-REVISED)	PAY SCALES (REVISED)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Dy. Director of Accounts (Group 'A')	Rs. 3200-4500/-	Rs. 10,000-15,200/-	---	---	---
2.	Asstt. Director of Accounts (Group 'B')	Rs. 2375-3500/-	Rs. 7500-12000/-	Accounts Officer	Rs. 2375-3500/-	Rs. 7500-12000/-
3.	Sr. Section Officer (Pay & Accounts) (Group 'B')	Rs. 2000-3200/-	Rs. 6500-10500/-	---	---	---
4.	Section Officer (Pay & Accounts) (Group 'C')	Rs. 1640-2900/-	Rs. 5500-9000/-	Accountant	Rs. 1640-2900/-	Rs. 5500-9000/-
5.	Sr. Auditor (Group 'C')	Rs. 1400-2500/-	Rs. 5000-8000/-	Jr. Accountant	Rs. 1400-2500/-	Rs. 5000-8000/-
6.	Auditor (Group 'C')	Rs. 1200-2040/-	Rs. 4000-6000/-	---	---	---
7.	Clerk/Typist (Group 'C')	Rs. 950-1500/-	Rs. 3050-4590/-	---	---	---

Subject: Creation of Selection Grade in the rank of
Accounts Officer in the DGS (Secretarial) Service.

Cabinet Secretariat may kindly refer to para-4(ii) of the Addl. Secretary DO letter NO. PS/AS (SR)/3/92-3157 dated 4.6.1993 in connection with above subject.

1. In the D.G.S (Secretarial) Service, there are 23 sanctioned posts of Accounts Officer. The post is to be filled 100% by promotion of S.A.S. Accountant with 5 year service in the grade where sufficient number of candidates are not available for promotion, the post may be filled by deputation or re-employment of retired Government servant. The post of Accounts Officer is Group 'B' Gazetted in the pay scale of Rs. 2375-75-3200-EB-100-3500.
2. In the hierarchy of Accounts Cadre, there is no higher post for promotion of Accounts Officer. Against the sanctioned posts of 23, only 7 Accounts Officer are in position, of these one Accounts Officer has been working in the same post for over 20 years and one for over 11 years and two for over 9 years. Efforts being made to fill up remaining vacancies. A copy of seniority list of Accounts Officer is also enclosed herewith.
3. In the cadre review which is still under consideration of the Government, three posts of Senior Accounts Officer, one each in SSB, ARC and SFF in the pay scale of Rs. 3000-4500/- have been proposed. In case, proposal is accepted by the Government, three posts of Senior Accounts Officer will become available for a cadre strength of 23 Accounts Officer.
4. Department of Personnel and Training in their O.M. NO. 19/1/86/PP dated 14 August, 1987 have provided selection grade equal to 15% of the senior duty post in all Group 'A' Central Service subject, however, to the condition that no member of the service shall be eligible for appointment to the selection grade until he has entered the fourteenth year of service on the 1st July of year calculated from the year following the year of examinations on the basis of which the number was recruited. Like Group 'A' Central Service Officers, the Accounts Officer Group 'B' Gazetted post in the DG(S) may also be allowed selection grade of Rs. 2200-4000/- (Rs. 2200-75-2800-EB-100-4000) equal of 15% of the posts of Accounts Officer. The total sanctioned strength of Accounts Officer is 23 and 15% posts work out 3.
5. Since Accounts Officer have no promotional prospect in the Organisation and they are to stagnate in case some relief is not given to them. Cabinet Secretariat are, therefore, requested to accord their approval to the sanction of at least three selection grade posts in the scale of Rs. 2200-4000/- (Rs. 2200-75-3800-EB-100-4000).

(M. GOPAL)

Joint Director (P&C)

19/7/93

Cabinet Secretariat (Shri Amar Nath, Director (SR))

DGS Coord. Cell NO NO. 3(4)/Coord/93, Dated the,

19/7/93

24 45 6/4 (20) (44) 68

NO. 19/1/86-PP
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS,
(Department of Personnel & Training)
(PP Division).

....
6th Floor, Nirvachan Sadan,
Ahoka Road, New Delhi-1.

Dated the 14th August, 1987.

OFFICE MEMORANDUM

Subject; Recommendation of the Fourth Central
Pay Commission-Orders regarding
Selection Grade in Group 'A' Services.

....
The undersigned is directed to say that pursuant to the recommendation of the Fourth Pay Commission regarding Selection Grade posts for Group 'A' Central Services, the President is pleased to decide that in all Group 'A' Central Services the number of posts in the Selection Grade shall be equal to 15% of the senior duty posts (i.e. all duty posts at the level of Senior Time scale and above in the Cadre). However, there shall be no increase in the over all strength of the Grade. An officer appointed to the Junior Administrative Grade will be granted Selection Grade if he satisfies the conditions proscribed in paragraphs 3 and 4 below.

....2.

2. It has been noted that, save in a few cases, the formula of 15% of Senior duty posts will yield a figure which is less than the number of posts sanctioned in the Junior Administrative Grade. Hence there will be no difficulty in implementing the decision. However, in a few cases the formula yields a figure which is slightly higher than the number of posts sanctioned in the Junior Administrative Grade. It is made clear that in respect of these services the number of posts in the Selection Grade will be limited to the number of posts sanctioned in the Junior Administrative Grade.

3. Appointment to the Selection Grade and to posts carrying pay above the Junior Administrative Grade scale of pay in Group 'A' Central Services shall be made by selection on merit with due regards to seniority.

4. No member of the Service shall be eligible for appointment to the Selection Grade until he has entered the fourteenth year of service on the 1st July of the year calculated from the year following the year of examination on the basis of which the member was recruited.

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5. Appointment to the Selection Grade shall be made by a Committee to be constituted internally and the cases relating to appointment shall continue to be sent to the E.O. Division of this Department for obtaining the prior approval of the Appointment's Committee of the Cabinet. This provision shall not apply to such of the Departments as have been specifically empowered to make appointments at this level within their own competence.

6. This supersedes instructions contained in this Department's O.M. No.5/12/79-PP-II, dated the 31st July, 1982. Accordingly the condition regarding stagnation at maximum of Junior Administrative Grade for two years for promotion to Selection Grade contained therein, is hereby revoked.

7. The orders regarding fixation of pay on appointment to Selection Grade will be issued separately.

8. These orders will take effect from 1.1.1986.

9. In so far as persons serving in the Indian Audit and Accounts Department are Concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

(HINDI VERSION WILL FOLLOW)

Sd/-
(V.P.)
(Director IP)
Phone : 381364.

New Delhi the 4-11-75

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules regulating the method of recruitment to Class I, Class II, and Class III posts in the Directorate General of Security (Secretarial) Service, namely:-

1. SHORT TITLE AND COMMENCEMENT:

- (1) These rules may be called Directorate General of Security (Secretarial) Service Rules, 1975.
- (2) These rules shall come into force at once.

2. DEFINITIONS:

In these rules, unless the context otherwise required:-

- (a) 'Appointed day' means the date on which these rules come into force;
- (b) 'Controlling authority' means the Secretary, Department of Cabinet Affairs, Cabinet Secretariat;
- (c) 'duty post' means any post in the Directorate General of Security as specified in Schedule-I;
- (d) 'Service' means the Directorate General of Security (Secretarial) Service.

3. CONSTITUTION OF THE SERVICE AND DUTIES OF ITS MEMBERS:

- (1) There shall be constituted a service to be known as Directorate General of Security (Secretarial) Service.
- (2) Members of the service shall be required to work in any of the Units under the Directorate General of Security.

4. COMPOSITION OF THE SERVICE:

- (1) The Secretarial Service shall consist of four cadres, namely:-
 - (i) Secretarial Cadres, ✓
 - (ii) Ministerial Cadre, ✓
 - (iii) Stenographer Cadre, and ✓
 - (iv) Accounts Cadre. ✓

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(2) The designations, classifications and scales of pay of the posts included in each of the cadres, referred to in sub-Rule (1), shall be as shown in the table below, namely:

Sl NO.	DESIGNATION	CLASSIFICATION	SCALE OF PAY
(1)	(2)	(3)	(4)
(i) <u>SECRETARIAL CADRE</u>			
1 *	Assistant Director (Admn)	Group 'A' (Gazetted) (Non-Ministerial)	Rs. 3000-100-3500- 125-4500/-
(ii) <u>MINISTERIAL CADRE</u>			
2 *	Section Officer	Group 'B' (Gazetted)	Rs. 2000-60-2300- EB-75-3200-100- 3500/-
3 X	Assistant	Group 'B' (Non-Gazetted)	Rs. 1640-60-2600-EB 75-2900/-
4 *	Upper Division Clerk	Group 'C' (Non-Gazetted)	Rs. 1200-30-1560-EB 40-2040/-
5 *	Lower Division Clerk	Group 'C' (Non-Gazetted)	Rs. 950-20-1150-EB- 25-1500/-
(iii) <u>STENOGRAPHER CADRE</u>			
6 *	Stenographer (Private Secretary)	Group 'B' (Gazetted)	Rs. 2000-60-2300-EB- 75-3200-100- 3500/-
7 *	Stenographer (Senior P.A.)	Group 'B' (Gazetted)	Rs. 2000-60-2300-EB 75-3200-100- 3500/-
8 X	Stenographer Gr-II	Group 'B' (Non-Gazetted)	Rs. 1640-60-2600-EB 75-2900/-
9 *	Stenographer Gr-III	Group 'C' (Non-Gazetted)	Rs. 1200-30-1560-EB- 40-2040/-
(iv) <u>ACCOUNTS CADRE</u>			
10 *	Accounts Officer	Group 'B' (Gazetted) (Ministerial)	Rs. 2375-75-3200-EB 100-3500/-
11 *	Accountant	Group 'C' (Non-Gazetted)	Rs. 1640-60-2600-EB 75-2900/-
12 *	Junior Accountant	Group 'C' (Non-Gazetted)	Rs. 1400-40-1600-50- 2300-EB-60-2600

* Revised vide Cabinet Secretariat Notification
No. A-12018/33/89-DO-I, dated 14.3.90.

X Revised vide Cab. Sectt. Order No 1/41/90-EAI-457

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(24) 48
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(3) In relation to each grade of the service in any of the cadres aforesaid, there shall be a common gradation list in respect of all the units of the Directorate General of Security.

5. AUTHORISED STRENGTH.

(1) The authorised permanent and temporary strength of the various grades of the service on the appointed day shall be as specified in Schedule-I.

(2) The Government shall, at intervals of every two years, re-examine the strength and composition of each grade and make such alterations therein as it may deem fit :

Provided that nothing in this sub-rule shall affect the general powers of Government to alter the strength and composition of any grade at any time.

6. INITIAL CONSTITUTION:

(1) All persons holding, as on the appointed day, any one of the categories of posts specified in rule 4, whether in a permanent or temporary or officiating capacity or on deputation basis, shall be eligible for appointment to the service at the initial constitution thereof.

(2) The controlling authority shall constitute a Screening Committee in respect of each grade for adjudging the suitability of persons, who, being eligible to be appointed to the service under sub-rule (1), were serving in any grade immediately before the initial constitution of the cadre, for permanent appointment therein and every committee so constituted shall, subject to such general or special instructions as the controlling authority may give and after following such procedure as the committee may deem fit, prepare lists of persons considered suitable for such appointment in each grade with the names of such persons arranged in the order of seniority based on the date of continuous appointment in the grade in which they are to be absorbed or in an equivalent grade:-

Provided that if the controlling authority deems it necessary so to do, the same committee may be constituted to function in relation to two or more grades.

(3) An intimation shall be sent to every person considered suitable for appointment on a permanent basis to a post in any grade giving him an opportunity to express, within thirty days of the receipt of intimation by him, his willingness to be so appointed on a permanent basis and the option once exercised shall be final.

Contd...4/-

(4) Persons who are willing to be appointed on a permanent basis shall be so appointed in the order of seniority against permanent posts available as on the appointed day.

(5) Notwithstanding anything contained in sub-rules (2) to (4), every person holding, as on the appointed day, a permanent post in any one of the categories specified in rule 4 in the SSB, SFF, ARC and IOI shall, without prejudice to his being considered for appointment to a permanent post in the higher grade or to his continuance in such higher grade in an officiating or temporary capacity, be absorbed in his respective substantive grade against the permanent posts available as on the appointed day.

(6) The Screening Committee may recommend for permanent appointment in a lower grade any person who is serving in a higher grade irrespective of whether he is a deputationist or a direct recruit and every appointment made on such recommendation shall be without prejudice to his continuing to serve in the higher grade.

(7) Persons holding posts, as on the appointed day, in any grade of the service, who are not found suitable for permanent appointment under sub-rules (2) to (6), may be continued in posts in the same grade of the service in a temporary or officiating capacity as the case may be.

7. SENIORITY OF THOSE APPOINTED AT THE TIME OF INITIAL CONSTITUTION :

Seniority of persons appointed in each grade at the initial constitution of the service shall be in the order in which they are shown in the relevant list prepared in accordance with the provisions of rule 6.

8. MAINTENANCE:

(1) Subject to the Initial Constitution of the various grades in the service, every post remaining unfilled and every vacancy that may arise thereafter shall be filled in accordance with the provisions contained in Schedule II by appointment on promotion, deputation/transfer, re-employment after retirement or direct recruitment as the case may be..

(2) For a period not exceeding three years from the date of commencement of these rules, notwithstanding the limits specified in column 7 of Schedule II, the controlling authority may, if it considers it necessary so to do, exceed the percentage specified for filling up of vacancies by deputation and decrease the percentage prescribed for filling up of vacancies by promotion, direct recruitment or re-employment after retirement, as it may deem fit.

Contd...5/-

9. PROBATION:-

- (1) Every officer on appointment to the service, either by direct recruitment or by promotion in Junior Scale shall be on probation for a period of two years.

Provided that the Controlling Authority may extend the period of probation in accordance with the instructions issued by the Government from time to time.

Provided further that any decision for extension of a probation period shall be taken ordinarily within eight weeks after the expiry of the previous probationary period and communicated in writing immediately after taking the said decision to the concerned officer together with the reasons for so doing.

- (2) On completion of the period of probation or any extension thereof, officers shall, if considered fit for permanent appointment, be retained in their appointments on regular basis and be confirmed in due course against the available substantive vacancies, as the case may be.
- (3) If, during the period of probation or any extension thereof, as the case be, the Government is of the opinion that an officer is not fit for permanent appointment the Government may discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.
- (4) During the period of probation, or any extension thereof, candidates may be required by the Government to undergo such courses of training, instructions and to pass examinations and tests (including examination in Hindi) as the Government may deem fit, as a condition to satisfactory completion of the probation.
- (5) As regards other matters relating to probation, the members of the service shall be governed by the instructions issued by the Government in this regard from time to time.

Sd/-

(R.K.Gangar)

Deputy Secretary to the Govt. of India.

Amended vide Cab. Sectt notification
No.A-12016/20/85-DC-I dated 27.1.89.

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(26)

9. PROBATION :

U.O. No. A-12015/20/85-Do. I
11-11-1989

(1) Every direct recruit appointed to a grade of the service shall initially be appointed on probation, the period of probation being three years from the date of appointment.

(2) Every person promoted to a higher grade shall be on probation on trial for a period of two years.

(3) The period of probation or trial referred to in sub-rules (1) and (2) may, if the controlling authority deems fit, be extended or curtailed in a particular case but such extension/curtailment shall not exceed one year.

10. SENIORITY AT THE MAINTENANCE STAGE :

Cab. Secy
Notification

Seniority in a particular grade shall be reckoned with reference to the date of appointment to the most in that grade by direct recruitment or by promotion.

N. 21/48
Do-I, dt. 16-6/92

11. EXECUTIVE INSTRUCTIONS :

The controlling authority may issue executive instructions not inconsistent with these rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

12. RESIDUARY MATTERS.

In regard to matters not specifically covered by these rules or by orders issued by the Government, the members of the service shall be governed by general rules, regulations and orders applicable to persons belonging to the corresponding Central Civil Service.

13. POWER TO RELAX :

Where the Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or posts.

14. INTERPRETATION :

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India, in the Cabinet Secretariat

Contd.....6/-

(Department of Cabinet Affairs) whose decision thereon shall be final.



(F.T.R. Colaso)
Deputy Secretary to the Government
of India.

No. TA/SE-115/70.

New Delhi, the

A copy is forwarded to :-

- (1) Shri P.S.Raturi, Director-SSB, New Delhi.
- (2) Shri T.M.Subramaniam, Director-ARC, New Delhi.
- (3) Maj.Genl. H.K.Bhardwaj, I.C.-SFF, New Delhi.
- (4) Lt.Col. D.C.Sabgal, Inspector of Armaments, New Delhi.
- (5) Shri R.K.Patir, Director(R), Cabinet Secretariat, New Delhi.
- (6) Shri R.K.G.Rau, Internal Financial Adviser, Cabinet Secretariat, New Delhi.
- (7) Shri P.B.Kulkarni, Assistant Director(Coord), New Delhi.



Encls: Schedule-I & II.

(F.T.R. Colaso)
Deputy Secretary to the Government
of India.

JK/

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No.	tion or non-selection post.	direct recruitment.	for direct recruitment.	and educational qualification prescribed for direct recruitment will apply in the case of promotion.	of recruitment where by direct recruitment or by deputation and percentage of vacancies to be filled by each method.	of recruitment by promotion/deputation grades from which promotion/deputation to be made.	tion of the D.P.C.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
(1) <u>SECRETARIAL GRADE</u>									
1 Assistant Director Selection (Adm)	Non Selection	21-26 years	Degree of recognised University or equivalent.	N O	100% by promotion where sufficient number of officers are not available for promotion, the post may be filled by deputation.	Promotion of Section Officers and Selection grade stenographer (PS) with 8 years service in the respective grade. Deputation of officers holding the rank of Assistant Director or equivalent or persons eligible for appointment to such posts in the offices of State/Control Govt.	Class I DPC Principal Director- Chairman Director SSE-Member Director ANC-Member SFF Member	Amended vide Cab. Sectt. Notification No. 12010/8/81 DO-1 dated 18.8.86 and Cab. Sectt. letter No. 5/8/87-(LA-ANC-Member dated 12.11.87)	
(11) <u>MINISTERIAL GRADE</u>									
2 Section Officers	Non Selection	21-26 years	Degree of recognised University or equivalent.	N O	i) 80% by promotion ii) 20% by LDCE	(i) Promotion of Assistants with 5 years service in the grade. (ii) LDCE from amongst Assistants, Steno-graphers, grade II with 5 years service in the grade.	Class-II DPC JD (P&C)- Chairman UD (SFF)- Member DO (ANC)- Member DO/DIE (SSE) Member.	Amended vide Cab. Sectt. Notification No. A-1.016/72/89-DO-1 dated 2-4-90	
3. Assistants	Non Selection	21-26 years	Degree of recognised University or equivalent.	N O	i) 50% by promotion where sufficient No. of persons are not available for promotion then not more than half of the promotion quota posts may be filled by deputation ii) 25% by Direct Rec. iii) 25% by LDCE	Promotion of UDCEs with 5 years service in the grade. LDCE - from amongst UDCEs with 3 years service in the grade.	Class-II DPC JD (P&C)- Chairman UD (SFF)- Member UD (ANC)- Member UD/DIE (SSE) Member	Amended vide Cab. Sectt. Notification No. A-12018/33/8 DO-1 dated 14.3.86	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
4	U D C	Non-Sale- ation	21-26 years	Degree of recog- nised Univers- ity or equiva- lent.	N O	i) ii) iii)	60% by promotion 20% by LDC 20% by deputation/ re-employment failing which by direct recruit- ment.	Promotion of LDCs with 3 years serv- ice in the grade. Promotion of persons hold- ing the rank of UDC or equivalent or persons eligi- ble for appoi- ntments to such posts in offices of the State Govt./Central Govt. LDCs from amongst LDCs with a 3 years service in the grade.	DPC DD(SFF) 0 Senior DD(ARC) 0 most DD/DIG 0 being (SSB) 0 the 0 Choice- 0 men Amended Video Cab. Seatt. Notification No.21/102/ GO-DO-I dated 18-1-82
5	L D C	N A	18-26 years For Class-IV deputa- ntel condi- dates eligi- ble to appear in the LDC the age limit shall be 45 years.	Matric or equivalent.	N O	i) ii) iii)	85% by direct recruitment. 10% by LDC. 5% by direct transfer of PA(G) with 3 years service in the grade.	LDCs from among- st Class IV emp- loyees with a minimum of 8 years service in the grade and possess- ing the minimum educational qualification as- soly-Matric or equivalent.	DPC Class-III DD(SFF) 0 Senior DD(ARC) 0 most DD/DIG 0 being (SSB) 0 the 0 Choice- 0 men Amended Video Cab. Seatt. Notification No. A-12018/82 89-DO-I dated 14-3-80.

((III)) STENOGRAPHERS SCALE

6	Stenographer Selection Scale (PS)	N A	N A	N A	100% by promotion	Promotion of Steno Gr-I with 5 years service in the grade.	Class-II DPC JD(PAC)- Chairman DD(SFF)-Member DD(ARC)-Member DD/DIG(SSB)-Member	
7	Steno Grade- Non - I (Senior- Selection PA).	N A	N A	N A	100% by promotion	Promotion of Steno Grade- II with 5 years serv- ice in the grade.	Class-II DPC JD(PAC)- Chairman DD(SFF)- Member DD(ARC)- Member DD/DIG (SSB)- Member	Amended Vi. Cab. Seatt. Notification No. A-12018, 14, 89-DO-I dated 7-6-89.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
8	Steno Grade-III (PA)	Non Selection	18-26 years	Metric or equivalent with proficiency in Stenography.	N O	(1) 25% by direct recruitment (11) 50% by LDCE (111) 25% by promotion.	Promotion of Steno Grade-III with 3 years service in the grade. LDCE from amongst Steno Grade-III with 3 years service in the grade.	Class-II JDC (PAC)- Chairman DD (SFF)- Member DD (ANC)- Member DD/DIG (SSB)- Member.	Amended by Ceb. Secy. Notification No. 12012/24/84- DD-I dated 6-11-84.	
9	Steno Grade-III	N A	18-26 years	Metric or equivalent with proficiency in Stenography.	N O	100% by direct recruitment on the basis of competitive examination, where sufficient number of candidates are not available for Direct recruitment the posts may be filled by deputation or re-employment of retired Govt. servants.	Deputation of persons holding the post of Steno Grade-III or equivalent in the offices of State/Central Govt.	Class-III JDC DD (SFF) DD (ARC) DD/DIG (SSB)	6 Senior 0 Member 0 Acting 0 the 0 Chair- 0 man	

(IV) Accounts Cadre

10	Accounts Officer	Selection	N A	N A	N A	100% by promotion, where sufficient number of candidates are not available for promotion the post may be filled by deputation or re-employment of retired Govt. servants.	(1) Promotion of Accounts Officer with 5 years service in the grade. (11) Deputation of Accounts Officer or Section Officer (Accounts) with 5 years regular service in the grade their respective deputation in Indian Audit and Accounts Departments, Defence Accounts Deptt. or Separated Pay and Accounts Officer.	Class-II JDC JDC (PAC)- Chairman DD (SFF)- Member DD (ANC)- Member DD/DIG (SSB)- Member.	Amended vide Ceb. Secy. Notification No. A-12012/31/83- DD-I dated 25-8-80
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(2) (3) (4) (5) (6) (7) (8) (9) (10)

Accountant Non H A N A N A
Selection

10% by promotion of Junior Accountants 90% by deputation/transfer.

Note 3 posts of Accountants each in the Internal Finance and SFF shall be filled up exclusively by deputation from Organized Accounts Cadre.

1) Promotion of Junior Accountants who have passed both the parts of SAS examination.

Deputation/Transfer of-

- (A) 1) SAS qualified LDCs/UDCs in the DG(S) or 11) Assistants/UDCs of DG(S) possessing following experience:-

- (a) 5 years service in the grade of Asstt or
- (b) 10 years combined service in the grade of Asstt/UDC or
- (c) 10 years service in the grade of UDC who have undergone Training in Cash and Accounts work in IBYM or equivalent and possesses 3 years experience of Cash and Accounts and Budget work.

(B) Filling 'A' above SAS qualified Accountants from any of the Accounts Departments.

Promotion of UDCs with 3 years service in the grade on the basis of a LDC.

Deputation of persons holding the rank of Junior Accountant or equivalent in the India Audit and Accounts Departments Defence Accounts Department or Separated Pay and Accounts Offices.

Class-II
DPC
DD(SFF)-
Member
DD(ARC)-
Member
DD/DIG(SSB)
Member.

Amended Vide Cab. Sectt. Notification No. 12018/14/B4-1 dated 3-6-86.
and
Amended Vide Cab. Sectt. Notification No. A-12018/18/87-DO-I dated 21-6-88.

Service must be being for Chairman

12 Junior Accountant Non H A N A N A
Selection

100% by promotion where sufficient number of candidates are not available for promotion the post may be filled by deputation.

Class-III
DPC
DD(SFF)-
DD(ARC)-
DD/DIG
(SSB)

Senior member being the Chairman.