

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

C.P-22/05 ordered pg-1 to 3
closed date-08/01/2006

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O.A/T.A No. 10/2001

R.A/C.P No. 11/02

E.P/M.A No.

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SECTION OFFICER (Judl.)

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI, 5

ORIGINAL APPLICATION NO. 10/2001

... Sri. Anil. K. S. D. & Ors. Applicant.

versus

Union of India & Ors. Respondents.

For the Applicant(s) Mr. M. Chanda,
Mrs. N. D. Goswami,
Mr. G. N. Chakrabarty,

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

NOTES OF THE REGISTRAR

This application is in form
but not in time. Condonation
Petition filed vide
M.P. 1 C.R.
for 1st 27/2/2001
IPO/2 Dated 22/11/2000
Dy. Registrar

DATE

10.1.01

ORDER

Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman and Hon'ble Mr. K.K. Sharma, Administrative Member.

Heard Mr. M. Chanda learned counsel for the applicant and also heard learned counsel for the respondents.

Issue notice to show cause as to why the application shall not be admitted. Returnable by 4 weeks.
List on 8.2.01 for orders.

Endeavour will be made to dispose of the application at the Admission stage itself. In addition the applicant is asked to take steps for service of notice.

K. K. Sharma
Member

Vice-Chairman

5.1.01

27/1/01
80(5)

lm

12/1/01

Notice prepared and sent to
S/Sec for doing the necessary
No. 1 to 6 by Regd A.D. vide
S/No. 160/105 dated 17/01/01.

18.2.01

List on 1.3.01 to enable the
respondents to file written statement

K. K. Sharma
Member

Vice-Chairman

① Service report are still
awaited.

1.3.01

No written statement so far filed.
List again on 3.4.2001 for order.

② No. show cause has been
brought.

K. K. Sharma
Member

Vice-Chairman

(2)

O.A. 10/2001

① Service report are still awaited. 3.4.01 List on 27.4.01 to enable the respondents to file written statement.

② No written statement has been filed.

By
28.2.01

1m

I C Usha
Member

Vice-Chairman

① Service report are still awaited.

② No written statement has been filed.

27.4.2001 No written statement has been filed.

Heard Mr M. Chanda, learned counsel for the applicant. The application is admitted. Call for the records. List for orders on 11.6.01. The respondents to file written statement within four weeks.

By
2.4.01

I C Usha
Member

Vice-Chairman

No written statement has been filed.

By
26.4.01

31.5.01
(Kohima)

Present : The Hon'ble Mr Justice A. Agarwal, Chairman.
The Hon'ble Mr K.K. Sharma, Administrative Member.

Stand over in order to enable the respondents to pur in their written statement. It is clarified that no further time will be granted.

List on 5.7.2001 for order.

List for hearing sitting at Kohima.

21/5/01

2.7.2001

w/s has been 05.07.01 submitted to the respondents.

Paro
By order
Written statement has been filed. The applicant may file rejoinder, if any, within 2 weeks.
List on 24-7-2001 for order.

I C Usha
Member

Vice-Chairman

mb

24.07.01

Pleading is completed. List on 3-9-2001

for hearing. The applicant may file rejoinder, if any, within 10 days from today.

I C Usha
Member

Vice-Chairman

mb

3-9. There is no hearing bench today.
The case is adjourned to 8/10/2001.

Rejoinder has not been filed.

Rejoinder has not been filed.

0.A. 10 / 2001

27

3

Notes of the Registry Date Order of the Tribunal

8.10.01

Judgment delivered in open Court.
Kept in separate sheets. Application is
allowed. No order as to costs.

23.10. 2001

Copy of the Judgment

1m

Has been sent to the
Office for filing
the same to the applicant
as well as to the
addl. C.G.S.C. for the
records

SL

I C Usha -

Member

Vice-Chairman

5

Notes of the Registry ~~1~~ Date of ~~1~~ Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 10 of 2001

Date of Decision... 8.10.01

Anil Kumar D & Ors.

Petitioner(s)

Mr.M.Chanda, Mrs.N.D.Goswami , Mr.D.N.Chakraborty

Advocate for the
Petitioner(s)

• Versus -

Union of India & Ors.

Respondent(s)

Mr.B.C.Pathak, Addl.C.G.S.C.

Advocate for the
Respondent(s)

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

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

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

Judgment delivered by Hon'ble : VICE-CHAIRMAN



X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.10 of 2001

Date or Order: This the 8th Day of October 2001

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

1. Shri Anil Kumar D.
Son of Shri D.Damodaran
Office of the DIG, Draftsman,
Assam Rifles, Hqrs, Nagaland
Range South
C/O.99 APO
2. Sri Jose Samuel
Son of Shri P.Y.Samuel Kutty
Draftsman, O/O.the Engineer Branch
Directorate General of Assam Rifles,
Shillong- 7930011
3. Sri Prakash Barua
Son of Shri Binoy Bhushan Barua
Draftsman
Office of the DIG, Assam Rifles,
Hqr. Mizoram Range
C/O.99 APO
4. Sri Dinesh Kumar Joshi
Son of Shri Jeevan Chandra Joshi
Draftsman
Engineer Branch, A.R.T.C. and School
Dimapur -797115
Nagaland
5. Smti Kumari Devi
Draftsman
Headquar, Manipur Range, ... Applicants
C/O 99 APO

By Advocate Mr. M.Chanda, Mr.N.D.Goswami.
Mr.G.N.Chankraborty

-Vs-

1. Union of India
Through the Secretary to the
Government of India, Ministry of Home
Affairs, New Delhi
2. The Secretary to the Government of India
Ministry of Finance
New Delhi
3. The Director General
Assam Rifles,
Arbuthnath Road
Shillong.
4. The Deputy Director General
Assam Rifles, Nagaland Range
South, C/O 99 APO
5. The Deputy Director General
Assam Rifles, Mizoram Range
Hqrs., C/O 99 APO
6. Deputy Director General
Assam Rifles,

contd/-

Hqrs. Manipur Range
C/O 99 APO

Respondents;

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

O_R_D_E_R.

CHOWDHURY J(VC):

The issue relates to grant of Higher Revised Pay Scale in terms of the 3rd and 4th Central Pay Commission recommendation read with Office Memorandum dated 13.3.1994 issued by the Government of India, Ministry of Finance in respect of five applicants. These five applicants are working as Draftsman in the Office of the Director General, Assam Rifles and posted in different places in the N.E. Region. The cause of action and grievances are common. Leave was sought for in this application to move this application jointly. Accordingly leave was granted under provision of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

The applicants are serving in the cadre of Draftsman in the scale of Rs. 1200-2040 (revised : 4000-6000). The applicants possessed similar educational qualification like those Draftsman Gr.II of CPWD. All the applicants are appointed in between the June 1989 to August 1994 1994 and all the applicants are matriculate having 2 years ITI Diploma in Draftsmanship and also possessed 2/3-years experience at the time of initial recruitment. They are Civilian Central Government Employees and serving under DGAR. The applicants were placed inadvertently in the scale of Rs. 1200- 2040, corresponding to pre-revised scale of Rs. 350 - 560 given by the 3rd Pay Commission instead of Rs. 1400- 2300/- pre-revised scale of Rs. 425 - 700. in terms of O.M. dated 13.3.84. Out of ten Draftsman

five Draftsmen were in drawing of higher revised pay scale of Rs. 1400-2300. The said anomaly was brought to the notice of the concerned Ministry by the DGAR Assam Rifles vide letter No.A/V-A/86-87/O.M./98305 dated 24.12.98(Annexure 7). The paragraph 5 of the said letter, as being relevant is reproduced below :-

"Since the Draftsmen of Assam Rifles are in the same scale of pay as applicable to Draftsmen Grade II in the CPWD and all the Draftsmen were appointed before the issue of Ministry of Finance (Department of Expenditure) O.M. No. F.5(59)-E.III dated 13 March 84 :-

(a) Five Draftsmen mentioned in Appendix B to this letter may please be granted revised scale of pay Rs. 1400 - 2300 (4th CPC) with effect from the date of their appointment on the basis of MOF OM dated 13 Mar 84.

(b) Three Draftsmen mentioned in Appendix A to this letter at Srl. 3.4. and 5 have been granted revised scale of Rs. 1400-2300(4th CPC) on completion of three years of service. This may also be reviewed and revised scale may be granted to them from the date of their appointment on the basis of MOF OM dated 13 Mar. 84.

(c) The Draftsman of Assam Rifles in the pre-revised scale of Rs. 1400- 2300 (4th CPC) have been granted the revised scale of Rs. 4500-7000(5th CPC) as applicable to all General categories of Central Govt. employees vide part of First Schedule of CCS (RP) Rules 1997. The Govt. of India vide serial x(a) of part B of First Schedule of CCS(RP) Rules 1997 has sanctioned revised scale of Rs. 5000-8000 to the Draftsman Grade II who were in the pay scale of Rs. 1400-2300(4th CPC). However, in absence of any specific sanction of the Ministry, this Department could not allow the Draftsman who were in the pre-revised pay scale of Rs. 1400-2300, the justified scale of Rs. 5000-8000/- (5th CPC) as per serial X(a) of Part B of first Schedule of CCS(RP) Rule 1997. It is also stated that the upgraded/ revised scale of Rs.5000-8000/- has already been made applicable to the Draftsman of Grade II of CPWD with effect from 01.01.96 vide Govt. of India, Directorate General of Works CPWD O.M No.23/14/97-EC-IX dated 15 Oct 97(Copy enclosed). The Draftsman of Assam Rifles may therefore, be granted the revised scale of Rs. 5000-8000/- (5th CPC) corresponding to the scale of Rs. 1400-2300(4th CPC) as per serial X(a) of Part B of First Schedule of CCS(R) Rules 1997 with effect from 01.1.1996 in place of Rs.4500-7000(5th CPC)."

contd/-

The applicant moved the authority by their representation demanding the justice. Failing to get the appropriate remedy the applicant approach this Tribunal by way of this O.A. The respondents submitted the written statement and did not dispute the claim of the applicant. In the written statement the respondents also stated that a comprehensive proposal was tendered before the concerned Ministry and the said recommendation is still under consideration in Ministerial level and the matter is lying with the Ministry. In the written statement the respondents also admitted the claim of the applicant and higher revised scale as granted to the similarly situated Draftsman of CPWD.

We have heard Mr.M.Chanda learned counsel appearing on behalf of the applicant and Mr.B.C.Pathak, "ddl.C.G.S.C. for the respondents. In view of the admitted position we do not find any lawful justification in not granting the benefit of the revised pay scale indicated in the office Memorandum dated 13.3.1998. Accordingly, the respondents are directed to provide the benefit of the revised scale of pay to the five applicants as indicated in the communication dated 24 .12.98(Annexure 7) with effect from 1.1.1996 in terms of office Memorandum No.23/14/97-EC-IX dated 16.10.1997, with arrear monetary benefits. The respondents are directed to complete the exercise within a period of four months from the date of receipt of this order.

Application is allowed. There shall however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985).

Title of the Case : O.A. No. 10/2001 /2000

Shri Anil Kumar D & 4 : Applicants

Ors.

-versus-

23 JAN 2001 Union of India & Ors : Respondents

Guwahati Bench

I N D E X

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Date : 22/12/2000

Filed by
N.D. Goswami
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O.A. No. 1072001/2000

BETWEEN

1. Sri Anil Kumar D
Son of Shri N. Damodaran
office of the D.I.G., Draftsman,

Assam Rifles Hqrs, Nagaland
Range South
C/o 99 APO

2. Sri Jose Samuel
Son of Shri P.Y. Samuel Kutty
Draftsman, O/o the Engineer Branch
Directorate General of Assam Rifles,
Shillong-793011

3. Sri Prakash Barua
Son of Shri Binoy Bhusan Barua
Draftsman
Office of the DIG, Assam Rifles,
Hqrs. Mizoram Range
C/o 99 APO

4. Sri Dinesh Kumar Joshi
Son of Shri Jeevan Chandra Joshi
Draftsman
Engineer Branch, A.R.T.C. and School
Dimapur-797115
Nagaland

Contd..

Chittaranjan

5. Smt. Kumari Devi

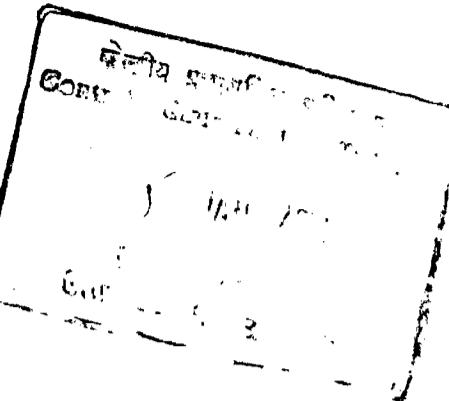
Wife of Shri Roy, ^{Adm}

Draftsman

DIG office,

Headquar. Manipur Range,

C/o 99 APO



....Applicants

-And-

1. The Union of India

Through the Secretary to the
Government of India, Ministry of
Home Affairs, New Delhi.

2. The Secretary to the Government of India,
Ministry of Finance,
New Delhi.

3. The Director General
Assam Rifles,
Arbuthnath Road
Shillong

4. The Deputy Director General,
Assam Rifles, Nagaland Range,
South, C/o 99 APO

5. The Deputy Director General,
Assam Rifles, Mizoram Range,
Hqrs., C/o 99 APO

6. Deputy Director General,
Assam Rifles,
Hqr. Manipur Range,
C/o 99 APO

...Respondents

प्राप्ति विवर
Central Pay Commission

DETAILS OF APPLICATION

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

This application is made praying for a direction upon the respondents for placement of the applicants ⁱⁿ pay scale Rs. 425-7000 (Revised 1400-2300) in terms of the recommendation of the 3rd Central Pay Commission as well as 4th Central Pay Commission and also in terms of the Office Memorandum dated 13.3.1984 issued by the Government of India, Department of Expenditure, Ministry of Finance and also in terms of O.M. dated 19.10.1994 issued by the Government of India, Ministry of Finance, Department of Expenditure and also in terms of Office Memorandum dated 11.9.1987 issued by the Government of India, Ministry of Finance with retrospective effect with all consequential service benefits including monetary benefits or from their respective date of joining to the post of Draftsman Grade II.

2. Jurisdiction of the Tribunal

10
The applicants declare that the subject matter of this application is within the jurisdiction of the Hon'ble Tribunal.

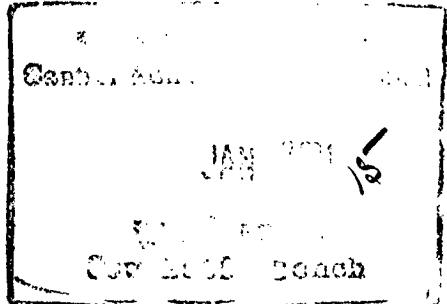
3. Limitation

The applicants further ^{declare} that the application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

That the applicants are citizen of India as such they are entitled to all the rights, protections and privi-





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leges as guaranteed under the Constitution of India.

4.2 That the applicants are working as Draftsman under the Director General of Assam Rifles and they are at present posted in different places in North Eastern Region. Their cause of action is same and their grievance and reliefs prayed for are also same as such they pray before the Hon'ble Tribunal for permission to move this application jointly in a single application under provision of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.3 That all the 5 applicants serving in the cadre of Draftsman Grade II in the pay scale of Rs. 1200-2040 (Revised 4000-6000). All the applicants are possess similar educational qualification like those draftsman working in the CPWD i.e. the applicants are matriculate having two year ITI diploma in draftsmanship course with 2/3 year experience. All the applicants are posted in different places under the Director General of Assam Rifles, Ministry of Home Affairs, Government of India. It is stated that the applicants are civilian Central Government employees serving under the DGAR, Shillong. As such they are entitled to the benefits and facilities issued by the Government of India from time to time for General Government civilian employees.

4.4 That your applicant No.1 initially appointed vide appointment letter No. A/V-A/15-80-81/Part/120 dated 29.10.90, applicant No. 2 joind in the department of Assam Rifles on 10.11.90, the applicant No.3 appointed and joined the department of Assam Rifles as draftsman on 12.2.93.



Similarly the applicant No. 4 also appointed and joined as Draftsman in the department of Assam Rifles under the Ministry of Home Affairs, Government of India on 11.5.94. The applicant No.5 also appointed as Draftsman in the department of Assam Rifles on 1.8.94. All the applicants ~~possess~~ are matriculate having 2 years ITI Diploma in draftsmanship and ^{also} ~~also~~ possess 2/3 years experience at the time of their initial appointment. All the applicants have been placed in the pay scale of Rs. 1200-~~2040~~ 30-1560-EB-40-2040 at the time of their initial appointment i.e. in the pre revised scale of Rs.330-560. It is categorically stated that on the date of their initial appointment they possesses similar recruitment qualification like those drafatman Gr. II of CPWD. However all the applicants are presently placed in the pay scale of Rs. 4000-100-6000 (Revised) following the recommendation of the Vth Central Pay Commission.

copy
A few of the appointment letters of the applicants are annexed as Annexure-1 (series).

4.5 That it is stated that Government of India, Ministry of Finance, Department of Expenditure vide O.M. bearing No. F.5(59) E.III/82 dated 13.3.84 decided to extend the benefit of revised scale of pay to Draftsman Grade I,II, III in the offices/departments of the Government of India other then CPWD provided their recruitment qualification are similar to those in the case of the draftsman in Central Public Works Department. It is further stated in the said O.M. dated 13.3.84 that those who does not fulfill the above recruitment qualification will continue in the pre-revised scale. The benefit of the said revised scale



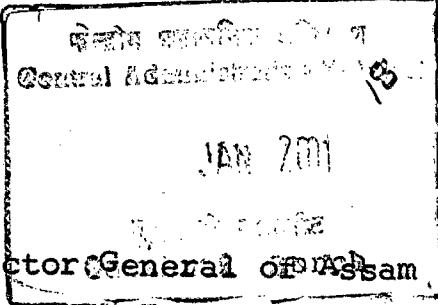
of pay will be given notionally with effect from 13.5.1982. The OM dated 13.3.84 had been circulated to All Ministries/Departments of the Government of India. As per the said OM dated 13.3.84 the following revision has been proposed and granted.

Original scale	Revised scale on the basis of the Award
Draftsman Gr.I Rs.425-700	Rs.550-750
Draftsman Gr.II Rs.330-560	Rs.425-700
Draftsman Gr.III Rs.260-430	Rs.330-560

It is pertinent to mention here that the above revision of scale has been extended by the Government of India to Draftsman Grade I,II, and III working in CPWD on the basis of the Award of Board of Arbitration.

It is relevant to mention here that the present applicants who are working in the scale of Rs. 1200-2040 possess similar recruitment qualification like those draftsman working in the cadre of Grade II in the CPWD. As such in terms of the aforesaid O.M. dated 13.3.84 all the applicants at the time of their initial appointment was entitled to the scale of pay of Rs. 425-700 (revised 1400-2300). It is ought to be mentioned here that benefit of the revised pay scale for the draftsman working in other Central Government offices has been determined by the Government of India, Ministry of Finance, ~~xxxxxxxxxx~~ Department of Expenditure vide their O.M. dated 13.3.84, as such the respondents had no scope to place the applicants in lower pay scale which was not in existence at the time of their initial recruitment. But most surprisingly the





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respondents particularly the Director General of Assam Rifles allotted the scale of pay of Rs. 1200-2040 to the present applicants in a very arbitrary and unfair manner as such the action of the respondents is violative of Article 14 and 16 of the Constitution of India.

A copy of the O.M. dated 13.3.84 is annexed as Annexure-2.

466 That it is stated that the Government of India, Ministry of Finance, Department of Expenditure vide their O.M. issued under letter No. F.5(13)-E.III/87 dated 11.9.87 further revised the scale of pay of the Draftsman who are placed in the scale of pay of Rs. 330-560 to the scale of Rs. 425-700 following the decision of Hon'ble Supreme Court delivered on 1.5.1985 in the Civil Appeal No. 3121/81 (P. Sabita and Ors. Vs. Union of India & Ors). It is pertinent to mention here that the scale of pay of Rs. 1200-2040 is equivalent with the scale ^{pre-revised} _{as} revised Rs. 330-560. It is categorically stated that the similarly situated draftsman who were working prior to 1986 in the department of Assam Rifles were given the scale of Rs. 330-560 and subsequently following the recommendation of the 4th Central Pay Commission they have been given corresponding revised scale of Rs. 1200-2040. Therefore it appears that the scale of Rs. 1200-2040 which were allotted to the present applicants was infact not in existence after the issuance the O.M. dated 13.3.1984 and 11.9.87. But the respondents arbitrarily allotted the scale of pay of Rs. 1200-2040 to the applicants in total disregard of the order of the Government of India, Ministry of Finance,

Amritpal

Department of Expenditure stated above. As such the applicants meted out with hostile discrimination in the matter of pay scale with similarly situated draftsman working in other Central Government organisation of the Government of India.

Copy of the O.M. dated 11.9.87 is annexed as
Annexure-3.

4.7 That your applicants further beg to state that Director General of Assam Rifles vide their order bearing letter No. A/V-A/15-80-81/162 dated 8.11.85 implemented the order of revised pay scale of Rs. 425-700 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi vide their O.M. No. F.5(59)-E.III/82 dated 13.3.84. In the similarly situated draftsman who joined earlier as Draftsman in the Director General of Assam Rifles enjoyed in as much as 6 draftsman were granted the benefit of revised pay scale issued by the Government of India, Ministry of Finance. The relevant portion of the order dated 8.11.85 is quoted below :

" OR D E R

A/V-A/15-80-81/162 Dated Shillong the 08 Nov 85

1. The Director General Assam Rifles is pleased to sanction the revised scale of pay of Rs.425-15-500-EB-15-560-20-700/- per month to the undermentioned Draughtsmen of Assam Rifles. The revised scale of pay as above will be given effect notionally from 13 May 82 while the benefit will be allowed with effect from 1st Nov. 83.

- a) Shri T.K.Ramachandran Nair, AC Range,
- b) Shri B.K.Mitra, NL Range (S)



- c) Shri P.M.N. Nair, NL Range (N)
- d) Shri Alok Acharjee, MR Range
- e) Shri P.N.Ojha, DGAR
- f) Shri N.K.Choudhury, ARTC

2. Pay in the revised scale of pay will be fixed under FR 22(a) (ii) read with Audit Instruction (a) below FR 22.

Authority : Govt. of India, Ministry of Finance
Department of Expenditure, New Delhi
OM No. F.5 (59)-E.III/82 dated 13 Mar 84"

Sd/-

(P. E. Menon)
Lt. Gen
Director General Assam Rifles"

It is quite clear from the order dated 8.11.85 that the Director General, Assam Rifles accepted the order of revision of pay scale passed by the Government of India, Ministry of Finance, Department of Expenditure, vide OM dated 13.3.84 and the Director General further found that the serving draftsman of Assam Rifles are eligible for grant of benefit of the revised pay scale issued under O.M. dated 13.3.84 and accordingly the benefit of revised pay scale was extended in the establishment of Assam Rifles. Therefore when the said OM dated 13.3.84 has been extended in the case of working draftsman in the establishment of Assam Rifles therefore there cannot be any cogent reason to deny the same benefit to the present applicants who were subsequently recruited under the Director General of Assam Rifles having similar recruitment qualification like those of draftsman working

Amil Meher

in the department who were recruited earlier in the same establishment. As such ~~any~~ denial of the benefit of revised pay scale to the present applicants is highly arbitrary unfair and discriminatory, therefore the Hon'ble Tribunal be pleased to direct the respondents to extend the benefit of revised scale of pay at par with other Draftsman who were granted the benefit of revised pay scale vide order dated 8.11.1985.

A copy of the order dated 8.11.85 is annexed as Annexure-4.

4.8 That the recruitment rule of the draftsman of Assam Rifles has been framed vide Ministry of Home Affairs Notification issued under letter No. I.12016/1/77-Pers.II dated 4.2.81. The said rules is called as Assam Rifles Engineering Staff (Technical) Recruitment rule. As per the said recruitment rule the recruitment qualification for draftsman in the pay scale of Rs. 330-560 is matriculate or equivalent, diploma in draftsman ~~xxx~~ from any recognised institution. The said recruitment rule is still in force.

A copy of the recruitment rule dated 4.2.81 is annexed as Annexure-5.

4.9 That after issueance of the O.M. dated 13.3.84 by the Government of India, Ministry of Finance, Department of Expenditure revising the scale of pay of the draftsman ^{who} are having similar recruitment qualification like to Grade II Draftsman of CPWD and extended the revised scale of pay of Rs. 425-700. The Director General Assam Rifles vide their letter bearing No. AV-A/86-87/



1 JULY 2001 ✓

Civilian Bench

-11-

DM/59 dated 12 ~~June~~ May 89 sent a proposal for amendment of the recruitment rules of the Draftsman serving under the Director General of Assam Rifles. In the said letter in paragraph 3 it is stated that the post of draftsman of the department of Assam Rifles bears the same pay scale of Rs. 330-560 as with of Grade II Draftsman of CPWD. It is further stated that revised pay scale of Rs. 425-700 was duly admitted to those who fulfilled the requirement of recruitment qualification as provided under para 2 of Government of India, Ministry of Finance, Department of Expenditure under their O.M. No. F.59-E.III/82 dated 13 Mar.84. The relevant portion of para 2 and 3 of the letter dt. 12.5/6.89 is quoted below :

"2. This Department is authorised 12 posts of Draftsman. As per Recruitment Rules of the category of Draftsmen, the pay scale of the post was Rs. 330-10-360-EB-380-15-500-EB-15-560 (pre-revised) and the recruitment qualification prescribed was as under :

- (a) Matric or equivalent.
- (b) Diploma in Draughtsmanship from any recognised Institution.

3. ~~Dispense~~ The pay scale sanctioned to the category of Draughtsman of the department is equivalent to that of Grade-II Draughtsman of CPWD. Since the post of Draughtsman of this Department bears the pay scale of Rs.330-10-360-EB-380-15-500-EB-15-560/- as that of Grade II Draughtsman of CPWD, revised pay scale of Rs.425-15-500-EB-15-560-20-700/- (pre-revised) was duly admitted



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to those who fulfilled the requirement of recruitment qualifications as provided under para 2 of Government of India, Ministry of Finance, Department of Expenditure under their O.M. No. F.59-E.III/82 dated 13. Mar 84."

It is quite clear from the contention of paragraphs 2 and 3 of the DGAR letter dated 12 May/June 1989 that the DGAR has implemented the office memorandum dated 13.3.1984 in the case some of the similarly situated draftsman who were recruited in the same post prior to the recruitment of the present applicants, as such denial of the same benefit of revised scale of pay to the present applicants is highly discriminatory, arbitrary and the same is violative of Article 14 of the Constitution of India. It is stated that the revised scale of pay granted under O.M. dated 13.3.84 cannot be implemented on pick and choose basis particularly in a Government department, therefore Hon'ble Tribunal be pleased to direct the respondents to extend the benefit of the revised scale of pay issued under OM dated 13.3.84 to the present applicants who are working as civilian Central Government employees to the post of Draftsman under the respondents.

Copy of the letter dt. 12 May/June 89 is annexed as Annexure-6.

4.10 That your applicants further beg to state that the Director General, Assam Rifles vide his letter bearing No. A/-V-A/86-87/DM/98 dated 24.12.98 requested the Govt. of India, Ministry of Home Affairs, New Delhi that



the 5 draftsman (present applicants) whose names are mentioned in Appendix B to the said letter dated 24.12.98 may be granted revised scale of pay of Rs.1400-2300 (IVth CPC) with effect from the date of their appointment on the basis of O.M. dated 13.3.1984 issued by the Ministry of Finance, Department of Expenditure and it is further requested that the draftsman of Assam Rifles in the pre revised scale of Rs. 1400-2300 be granted the revised scale of Rs. 5000-8000 (Vth CPC) as the same is the justified scale as per the recommendation of the 5th Central Pay Commission as per serial X(a) Part B of First Schedule of CCS(RP) Rule 1997 instead of Rs. 4500-7000 as detailed in Part A of First Schedule of CCS(RP) Rule 1997. It is also stated that the upgraded revised scale of Rs. 5000-8000 has already been made applicable to the Draftsman Grade II of CPWED with effect from 1.1.1986 vide Government of India's O.M. dated 16.10.97 and it is requested to accord necessary sanction for extending the benefit to the draftsman of Assam Rifles as sought for under the revised scale granted under OM dated 13.3.84 and corresponding revised scale granted vide Ministry of Finance OM dated 16.10.97. The Director General while highlighted in paragraph 2 of the letter recommending the case of the present applicants vide his letter dated 24.12.98. It is categorically stated that the qualification requirement of civil dratsman of the forece is also similar to those of CPWD Grade II Draftsman. It is also stated in the said letter in para 4 that the 5 draftsman who have been appointed between June 89 and August 94 were inadvertently allowed pay scale of Rs.1200-2040 (4th CPC) corresponding to pay



JAN 2001

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scale of Rs.330-560 (3rd CPC) in stead of Rs. 1400-2300 (4th CP C) corresponding to pay scale of Rs. 425-700 (5th CPC) and requested the Government of India, Ministry of Home Affairs to accord necessary sanction to extend the benefit of the said scale of pay to the present applicants with effect from the date of their initial appointment and corresponding scale of Rs. 5000-8000 with effect from 1.1.86 as per the 5th CPC. The relevant portion of the letter dated 24.12.98 is quoted below :

" 4. The five Draughtsmen who had been appointed between Jun 1989 to Aug 1994 were inadvertently allowed pay scale of Rs. 1200-2040 (4th CPC) corresponding to pay scale of Rs. 330-560 (3rd CPC) instead of Rs.1400-2300 (4th CPC) corresponding to pay scale of Rs. 425-700 (3rd CPC). The details of pay scales being drawn by these five draughtsmen are given at Appendix B to this letter.

5. Since the Draughtsmen of Assam Rifles are in the same scale of pay as applicable to Draughtsmen Grade II in the CPWD and all the Draughtsmen were appointed before the issue of Ministry of Finance (Department of Expenditure) OM No. 13(1)-IC/91 dated 19 Oct 94 (Copy enclosed), the Ministry is requested to consider and approve the following on the basis of Ministry of Finance O.M. No. F.5(59) -E.III/82 dated 13 Mar 84 :-

a) Five Draughtsman mentioned in Appendix B to this letter may please be granted revised scale of pay of Rs.1400-2300 (4th CPC) with effect from the date of their appointment on the basis of MOF OM dated 13 Mar 84.

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Curriculum Vitae

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b) Three Draughtsmen mentioned in Appendix A to this letter at serial 3, 4 and 5 have been granted revised scale of Rs.1400-2300 (4th CPC) on completion of three years of service. This may also be reviewed and revised scale may be granted to them from the date of their appointment on the basis of MOF OM dated 13 Mar 84.

(c) The Draughtsmen of Assam Rifles in the pre-revised scale of Rs. 1400-2300 (4th CPC) have been granted the revised scale of Rs.4500-7000 (5th CPC) as applicable to all Central categories of Central Govt. employees vide Part A of First Schedule of CCS (RP) Rules 1997. The Govt. of India vide serial X9a) of Part B of First Schedule of CCS (RP) Rules 1997 has sanctioned revised scale of Rs.5000-8000 to the Draughtsmen Grade II who were in the pay scale of Rs.1400-2300 (4th CPC). However, in absence of any specific sanction of the Ministry, this Department could not allow the Draughtsmen who were in the pre-revised pay scale of Rs. 1400-2300, the justified scale of Rs.5000-8000/- (5th CPC) as per serial X9a) of Part B of First Schedule of CCS (RP) Rule 1997. It is also stated that the upgraded/revised scale of Rs.5000-8000/- has already been made applicable to the Draughtsmen Grade II of CPWD with effect from 01.1.96 vide Govt. of India, Directorate General of Works, CPWD OM No.23/14/97-EC-IX

Anil Chaturvedi

Colonel General Officer 28
AN 700
Copy enclosed
Guwahati Bench

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dated 16 Oct 97 (Copy enclosed). The Draughtsmen of Assam Rifles may therefore, be granted the revised scale of Rs. 5000-8000/- (5th CPC) corresponding to the scale of Rs. 1400-2300/- (4th CPC) as per serial X(a) of Part B of First Schedule of CCS(RP) Rules 1997 with effect from 01.1.96 in place of Rs. 4500-7000 (5th CPC).

6. In view of the above, the Ministry is requested to kindly accord necessary sanction for extending the benefit to the Draughtsmen of Assam Rifles as sought for vide Para 5(a) (b) and (c) above please.

7. An early decision on the subject is solicited.

Yours faithfully,

Sd/-

(R. S. Dhull)
Colonel
Deputy Director (A)
for Director General
Assam Rifles"

Copy of the letter dated 24.12.98 and O.M. dt. 16.10.97 are annexed as Annexures 7 & 8 respectively.

4.11 That it is stated that due to non-sanction of the revised scale of pay the applicants suffering irreparable financial loss in each and every month and the said loss is a recurring loss to each individual applicant and rise cause of action in every month as because similarly situated other draftsmen who were recruited prior to the recruitment of the present applicants in the same establishment have been granted the benefit of OM. dated 13.3.84 but the respondents did not extend the benefit of the revised pay

Anil Chakraborty

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JAN 2001 28

Guwahati Bench

pay scale of Rs.1400-2300 from the date of their initial appointment and the subsequent revised pay scale of Rs.5000-8000 with effect from 1.1.1996. Therefore the application is well within the time. It is pertinent to mention here that the applicants submitted several representations before the competent authorities, although the case of the applicants has been taken up by the Director General of Assam Rifles with the Ministry of Home Affairs but the same has not been settled till filing of this application. The applicants submitted detailed representation before the authorities from time to time as for example on 22.8.97, 17.5.98, 23.10.98, 8.1.2000, 28.7.97, 1.8.97, 12.2.98, 17.8.98, 10.12.98, 12.2.98, 24.6.98, 12.8.98, 23.10.98. However the Director (A) of the office of the Director General Assam Rifles Shillong vide his letter bearing No. A/I-A/89/AKD/Pers/ 476 dated 20.1.2000 informed the Headquarter Nagaland Range (S), Assam Rifles C/o 99 APD with reference to representation dated 8.1.2000 submitted by the applicant No.1 that the case for grant of pay scale as requested has already been taken up with the Ministry but the case is still under process/examination under Ministry level and the benefit of ~~max~~ pay scale to eligible draftsmen would be granted on receipt of the instruction from the Ministry of Home Affairs. But surprisingly although about a year have already elapsed from the date of intimation of letter dated 20.1.2000 but no favourable decision is communicated till filing of this application before the Hon'ble Tribunal regarding grant of revised scale of pay to the applicants. Under the compelling circumstances finding no other alternative the applicants



approaching this Hon'ble Tribunal praying for a direction upon the respondent to grant revised pay scale extended to the Draftsman Grade II vide OM dated 13.3.84 issued by the Government of India, Ministry of Finance, Department of Expenditure and also the benefit of subsequent revision of pay scale 5000-8000 (5th CPC) with effect from 1.1.96 vide O.M. dated 16.10.97 issued by the Govt. of India, Ministry of Finance, with all consequential service benefits including monetary benefits.

A few copies of the representations referred to above are annexed as Annexures-9 series and the letter dated 20.1.2000 is annexed as Annexure-10.

4.12

4. That your applicants further beg to state that the Director General, Assam Rifles vide his letter bearing No. A/V-A/86-87/DM/98/334 dated 19.3.99 further requested the Govt. of India, Ministry of Home Affairs to accord necessary sanction for grant of pay scale for Civil Draftsman in Assam Rifles as asked for vide Para 5 (a) (b) and (c) of the letter dated 24.12.98 but surprisingly no decision has been received from the Government of India Ministry of Home Affairs, New Delhi till filing of this application regarding sanction of revised pay scale to the present applicants.

Copy of the letter dated 19.3.99 is annexed as Annexure-11.

4.13 That it is stated that similarly situated draftsman after issuance of Office Memorandum dated 13.3.84 have been granted the benefits of revised scale of pay therefore there is no difficulty on the part of the respondents to extend the same benefit to the applicants.

5 JAN 2001

High Court
Guwahati Bench

4.14 That your applicants beg to state that the present applicants are entrusted with the similar duties and responsibilities like those draftsman of CPWD who are working in the grade II draftsman, moreover applicants are having similar recruitment qualification. Therefore the present applicants are entitled to the benefit of revised pay scale granted by the Government of India, Ministry of Finance, Department of Expenditure vide O.M. dated 13.3.84 or from the date of their initial recruitment and also entitled to subsequent revised scale of pay of Rs.5000-8000 (5th CPC) with effect from 1.1.1996 in terms of the O.M. dated 16.10.97 issued by the Government of India Ministry of Finance, Department of Expenditure.

4.15 That this application is made bona fide and for the cause of justice.

5. Grounds for reliefs with legal provisions.

5.1 For the applicant possess the similar recruitment qualification like those draftsman working in the CPWD, this very fact has also admitted by the DGAR Shillong while recommending the case of the applicants for grant of higher revised scale of Rs.425/700 and further revised scale of Rs.1400-2300 from the date of their initial recruitment vide DGAR letter dated 12 May/June 89 and 24.12.98.

5.2 For that the benefit of higher revised pay scale at par with Grade II draftsman of CPWD have already been extended to some of the similarly situated Draftsman working under the Director General of Assam Rifles as such denial of the benefit granted



under O.M. dated 13.3.84 is violative of Article 14 of the Constitution of India.

5.3 For that the respondents particularly Director General of Assam Rifles admitted the fact that the present applicants have been inadvertently placed in the scale of pay of Rs. 1200-2040 and strongly recommended for extension of benefit of higher revised scale of pay Rs.1400-2300 (pre-revised 425-700) from the date of their initial recruitment in terms of OM dated 13.3.84 and also for grant of revised pay scale of Rs. 5000-8000 with effect from 1.1.86 in terms of O.M. dated 16.10.97.

5.4 For that the pay scale of Rs. 1200-2040 was not in existence at the time of initial recruitment of the applicant to the post of draftsman in the establishment of Director General, Assam Rifles as per the order of the Ministry of Finance, Department of Expenditure, ~~Assam Rifles~~ issued from time to time.

5.5 For that the present applicants are civilian Central Government employees working in the establishment of Government of India, as such they are entitled to the benefit of revised pay scale granted under the O.M. dated 13.3.84.

5.6 For that the respondents categorically admitted while recommending the case of the applicants through their letter dated 24.12.98 to the Govt. of India, Ministry of Home Affairs that the present

Arun Singh

applicant having similar recruitment qualification like those of Grade II draftsman working in CPWD as such the applicants are entitled to the benefit of revised scale of pay.

5.7 For that the OM dated 11.9.87 issued by the Govt. of India, Ministry of Finance, Department of Expenditure also granted the higher scale of Rs. 425-700 (revised 1400-2300) to the draftsman working in the Govt. of India offices working in the pay scale of Rs. 330-560 as such the applicants are entitled to the scale of Rs. 425-700 (revised 1400-2300) with effect from their initial recruitment.

5.8 For that the applicants approached the authorities from time to time by filing representations but no decision has been taken till date by the Govt. of India, Ministry of Home Affairs in spite of recommendation made by the Director General, Assam Rifles, Shillong.

5.9 For that denial of benefit of higher revised pay scale to the present applicants while the same benefit already granted to other similarly situated draftsman in the same establishment is violative of Article 14 of the Constitution.

5.10 For that the applicants are suffering irreparable financial loss in each and every month due to arbitrary denial of higher revised scale in spite of repeated recommendation by the Director General of Assam Rifles, Shillong which also will adversely

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effect in the matter of their pensionary benefits in future.

6. Details of remedies exhausted :

That the applicants state that they have no other alternative and other efficacious remedy than to file this application. Representations through proper channel were submitted by the applicants but no favourable action has yet been taken by the respondents.

7. Matter not previously filed before any other Tribunal or any other authority.

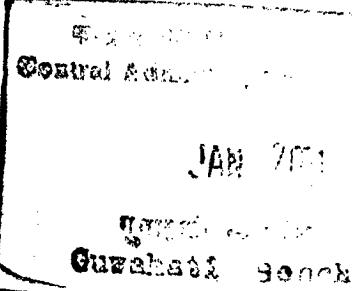
The applicants further declare that they had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any other Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or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

8. Reliefs sought for :

Under the facts and circumstances of the case the applicants pray that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicants shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s) :

8.1 That the Hon'ble Tribunal be pleased to direct the respondents particularly the respondents nos. 1 and 2 to accord necessary sanction for extension of higher revised scale of pay of Rs. 1400-2300

120 - 2400



to the applicants from the respective date of their joining in terms of O.M. No. F.59.E.III/82 dated 13.3.84 issued by the Government of India, Ministry of Finance, Department of Expenditure, New Delhi and further be pleased to direct the respondents to grant corresponding revised scale of pay of Rs.5000-8000 (Pre-revised 1400-2300) with effect from 1.1.1996 in terms of O.M. No.23/14/97-EC-IX dated 16.10.97 with ~~monetary~~ arrear monetary benefits.

8.2 Costs of the Application

8.3 Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. Interim Reliefs prayed for :

Pending disposal of this application, an observation shall be made that pendency of this application shall not be a bar for the respondents to grant higher revised pay scale to these applicants, more so in view of the Section 19(4) of the Administrative Tribunals Act. The applicants also pray that the instant application be disposed of expeditiously.

10.

This application has been filed through Advocate.

11. Particulars of I.P.O.

i. I.P.O. No. : 66 771220
ii. Date of Issue : 22/12/2000
iii. Issued from : G.P.O., Guwahati.
iv. Payable at : G.P.O., Guwahati.

12. List of enclosures :

As stated in the Index.

Amritpal

5 Jan 2001

General Bench

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VERIFICATION

I, Shri Anil Kumar 'D', Son of Shri N. Damodaran, aged about 32 years, working as Draffsman Grade II, in the office of the D.I. G., Assam Rifles Hqrs, Nagaland, Range (S), C/o 99 APO, one of the applicants in this Original Application, have been duly authorised to be by the other applicants to sign this verification, accordingly I verify and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 22nd
December
day of November, 2000.

Anil Kumar
(ANIL KUMAR 'D')
Signature

JAN 2001

36
Annexure-1 (Series)

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~~REGISTERED~~

Tele No.PABX 23510/231

~~REGISTERED~~

Bharat Sarkar
Govt of India Grm Mantralaya
Ministry of Home Affairs
Mahanir deshalaya Assam Rifles
Directorate General of Assam Rifle
Shillong 793011

A/V-A/15-80-81/part/143

24 May 89

Shri Anil Kumar D
C/o Mrs Dakshayani.B
H2/15/114, Lake Side
ITI Powai
Bombay-76

APPOINTMENT-DRAUGHTSMAN

1. You are hereby selected for appointment to the post of Draughtsman grade-III against the vacancy of HQ Manipur Range, C/o 99 APO in the scale of pay of Rs.1200-30-1560-EB-40-2040/- per month plus other allowances as admissible under the existing rules from time to time. The appointment is purely temporary and may be terminated with one month notice from either side.

2. Your appointment is subject to fulfilment of the following conditions and production of certificates :-

- a) A medical fitness certificate from District Medical Officer or from a civil surgeon before joining the duties.
- b) A character certificate from Class-I officer or District Magistrate in support of your good character and antecedents.
- c) Matriculation certificate in original alongwith other testimonials in support of your educational qualification and age.
- d) You are liable to serve anywhere in Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Sikkim or wherever Assam Rifles units exists.
- e) Your appointment is provisional subject to satisfactory police verification of your character and antecedents.
- f) NO TA/DA will be admissible for joining the duty.

3. You will report for duty to HQ Manipur Range Assam Rifles, C/o 99 APO on or before 25th June 89 failing which your appointment will be treated as cancelled. The nearest railway Station of Manipur Range is Dimapur.

Sd/-

(H.K Mohanty)

Lt. Col

Assistant Director (A)

for Director General Assam Rifles

Copy to

HQ Manipur Range Assam
Rifles, c/o 99 APO

2. Pers file

- for information and necessary action.

Tele No. PABX 27510
Extn 550

REGISTERED

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/V-A/15-80-81/Part/120 24 Oct 90

Shri Jose.S
C/o M Sam
DGAR, Shillong

APPOINTMENT DRAUGHTSMAN

1. You are hereby selected for appointment to the post of Draughtsman Grade III against the vacancy of HQ Nagaland Range (N) Assam Rifles, C/p 99 APO in the scale of pay of Rs. 1200-30-1560-EB-40-2040/- per month plus other allowances as admissible under the existing rules from time. The appointment is purely temporary and may be terminated with one month notice from either side.

2. Your appointment is subject to fulfilment of the following conditions and production of certificates :-

- a) A medical fitness certificate from District Medical Officer or from a Civil Surgeon before joining the duties.
- b) A character certificate from Class I Officer of District Magistrate in support of your good character and antecedents.
- c) Matriculation certificate in original alongwith other testimonials in support of your educational qualification and age.
- d) You are liable to serve anywhere in Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh, Sikkim or wherever Assam Rifles units exists.
- e) Your appointment is provisional subject to satisfactory police verification of your character and antecedents.
- f) No TA/DA will be admissible for joining the duty.

3. You will report for duty to HQ Nagaland Range (N), Assam Rifles, C/o 99 APO on or before 30 Nov 90 failing which your appointment will be treated as cancelled. The nearest Railway station of Tuensang, Nagaland Range (N) is Jorhat.

Sd/-
(J. S. Dhillon)
Lt. Col
AD (A)

for Director General Assam Rifles

1. HQ Nagaland Range (N) - for information and necessary action. In this ref this Dte Signal No. A-3218 dated 24 Oct 90.
Assam Rifles
C/o 99 APO

2. Personal file.

Tele No. PABX 230222
Extn 5550

REGISTERED

Bharat Sarkar
Govt. of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/V-A/15-80-90/part

Shougaijam Kumari Devi
C/o Th. Nanda Kumar Singh
Office of the Addl. S.P (R)
Imphal, Manipur

APPOINTMENT-DRAUGHTSMAN

1. You are hereby selected for appointment as Draughtsman in Assam Rifles against the existing vacancy in the scale of pay of Rs. 1200-30-1560-EB-40-2040/- p.m. plus other allowances as admissible from time to time. The appointment is purely temporary and may be terminated with 1(one) month notice from either side.
2. The following certificates will be produced while joining the duties :-
 - a) Educational/Technical/Professional and other certificates as proof of age and qualification.
 - b) A character certificate from a Class 1 Officer or First Class Magistrate.
 - c) A medical fitness certificate from District Medical Officer or from civil Surveyor.
3. NO TA/DA will be admissible to you for joining the duty.
4. Your appointment is provisional subject to satisfactory Police verification of your character and antecedents.
5. You are liable to serve anywhere Assam Rifles units are deployed.
6. You will report and submit your joining report at this Directorate on or before 31 Aug 94 for further posting, failing which this appointment letter will be treated as cancelled.
7. Your post is likely to be combatised.

Sd/-

(Rakesh Sharma)
Lt. Col
Assistant Director (A)
for Director General
Assam Rifles

No. F5 (59)-E.III/82
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)

New Delhi, the 13th March, 1984

OFFICE MEMORANDUM

Subject : Revision of pay scale of Draughtsmen Grade III, II and I in all Government of India offices on the basis of the Award of Board of Arbitration in the case of Central Public Works Department.

The undersigned is directed to state that a committee of the National Council (Joint Consultative Machinery) was set up to consider the request of the Staff side that the following revised scales of pay allowed to the Draughtsmen Grade I, II and III working in Central Public Works Department on the basis of the Award of Board of Arbitration may be extended to Draughtsmen Grade III, II and I in all Government of India offices :

	Original Scale	Revised scale on the basis of the Award
Draughtsmen Grade I	Rs. 425-700	Rs. 550-750
Draughtsmen Grade II	Rs. 330-560	Rs. 425-700
Draftsmen Grade III	Rs. 260-430	Rs. 330-560

2. The President is now pleased to decide that the scales of pay of Draughtsmen Grade III, II and I in Offices/ Departments of the Government of India, other than the Central Public Works Department, ~~XXXXXX XXXXXXXX XXXXXXXX XXXXXXXX~~ ~~XXXXXX XXXXXXXX XXXXXXXX XXXXXXXX~~ may be revised as above provided their recruitment qualifications are similar so those prescribed in the case of Draughtsmen in Central Public Works Department. Those who do not fulfil the above recruitment qualification will continue in the pre-revised scales. The benefit of this revision of scales of pay would be given notionally with effect from 13.5.1982, the actual benefit being allowed with effect from 1.11.1983.

3. Hindi version will follow.

Sd/-

(R. C. PURI)

DEPUTY SECY. TO THE GOVT. OF INDIA

To

All Ministries.

*Atta's Hand
R. C. Puri*

F.No.5 (13)-E.III/87
Government of India
Ministry of Finance
Department of Expenditure

New Delhi the 11th Sept. 1987

OFFICE MEMORANDUM

Subject : Representation of the Third Central Pay Commission - Pay scale of Draughtsmen- Revision thereof.

The undersigned is directed to state that the Government had accepted the recommendation of the Third Central Pay Commission contained in para 81 (iii) of Chapter 14 of the Report relating to replacement scales of Rs. 330-560 and Rs. 425-700 to be prescribed in the given ratio to the Draughtsmen in the pre-revised scale of Rs. 205-280.

2. The above decision was challenged by a section of employees of the Ordnance Factories Organisation, Ministry of Defence, in the Supreme Court of India. The Hon'ble Court in its judgement delivered on 1st May, 1985, in the Civil Appeal No. 3121 of 1981. P. Savita and Others versus Union of India - accepted the appeal and allowed the replacement scale of Rs. 425-700 to those Draughtsmen also who had previously been given the scale of Rs. 330-560 on the basis of the above recommendation of the Pay Commission. Action has been taken separately to implement the judgement of the Hon'ble Court.

3. The question of extension of the benefit of the judgement of the Supreme Court to the similarly placed Draughtsmen in other Ministries/Departments of the Government of India has been under consideration of the Government. President is now pleased to decide that the Draughtsmen as were in the pay scale of Rs. 330-560 based on the recommendations of the Third Central Pay Commission as referred to in para 1 above, may be given the scale of Rs. 425-700 notionally from 1.1.1973 and actually from 1.9.87.

To

Sd/- B.Kumar
UNDER SECRETARY TO THE GOVT. OF INDIA

All Ministries/Departments etc.

*Alles fair
D. S. J.*

Annexure-4

DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG-11

O R D E R

A/V-A/15-80-81/162 Dated Shillong the 08 Nov 85

1. The Director General Assam ~~RR~~ Rifles is pleased to sanction the revised scale of pay of Rs. 425-15-500-EB-560-20-700/- per month to the undermentioned Draughtsmen of Assam Rifles. The revised scale of pay as above will be given effect notionally from 13 May 82 while the benefit will be allowed with effect from 1st Nov 83.

- a) Shri T.K.Ramchandran Nair, AC Range
- b) Shri B.K.Mitra, NL Range (S)
- c) Shri P.M.M Nair, NL Range (N)
- d) Shri Alok Acharjee, MR Range
- e) Shri P.N. Ojha, DGAR
- f) Shri N.K. Choudhury, ARTC

2. Pay in the revised scale of pay will be fixed under FR 22(a) (ii) read with Audit Instruction (1) below FR 22

Authority :- Govt of India, Ministry of Finance, Department of Expenditure, New Delhi OM No.F.5(59)-E.III/82 dated 13 Mar 84.

Sd/-

(P.E.Menon)
Lt Gen
Director General Assam Rifles

Memo No. A/ V-A/15-80-81/162 Dated Shillong the 06 Dec 85
Copy forwarded to :

- 1. Accountant General
Central and Aruncahal Pradesh, Shillong.
- 2. Pay and Accounts Office Assam Rifles, Laitumkhrah, Shillong.
- 3. List 'A'
- 4. Est Branch : (Internal)
- 5. Engr Branch :
- 6. Office copy :

Sd/-

(D.K.Kapur)
Lt. Col
AD (Adm)
for Director General Assam Rifles

No.I-12016/1/77-PERS.II
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi dated the 04.2.1981

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Engineering Staff (Technical) in the Assam Rifles under the Ministry of Home Affairs, namely :-

1. Short title and commencement

- i. These rules may be called the Assam Rifles Engineering Staff (Technical) Recruitment Rules, 1981.
- ii. They shall come into force on the date of their publication in the Gazette of India.

2. Number of posts, classification and scale of pay :

The number of posts, classification and the scale of pay attached thereto, shall be as specified in columns 2 to 4 of the Schedule annexed.

3. Method of recruitment, age limit, qualification etc.

The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns 5 to 13 of the Schedule aforesaid.

4. Disqualifications

No person -

(a) who has entered into or contracted a marriage with a person having spouse living or

(b) who, having a spouse living, has entered into or contracted a marriage with any person.

shall be eligible for appointment to any of the said posts.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.

Where the Central Government is of 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 persons.

6. Saving

Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for candidates belonging to the Scheduled Castes and the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

Sd/-

(H.C. BAKSHI)
DEPUTY SECY TO THE GOVT. OF INDIA

To

The Manager
Government of India Press
Mayapuri, Ring Road
New Delhi

No.I.12012/1/77-Pers.II

Dated the 04 Feb 1981

Copy forwarded to :

1. Department of Personnel and AR New Delhi
2. Ministry of Law, Legislative Department, New Delhi
3. The Director General of Assam Rifles, Shillong-793011.
4. The Subordinate Legislative Committee (Lok Sabha) Sectt. New Delhi.

Sd/-

(H.C. BAKSHI)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

THE SCALDULE

Name of post No of Classification Scale of pay Whether post is post of ~~non-technical~~ educational

selection limit and other age and educational proba-
post or direct selection for qualification if any
non-sec- recruit required if any
lection for prescribed
post direct for direct
recruits recruits
will apply
in the case
of promotee

1 - - - - - 2 - - - - - 3 - - - - - 4 - - - - - 5 - - - - - 6 - - - - - 7 - - - - - 8 - - - - - 9 - - -

1. Overseer 1 General Central Service Group 'O' Non-Gazetted Non-Ministerial Rs 425-15-500- Net applicable upto 35 years in the case of Govt servants) 25 years Matriic or (relaxable equivalent upto 35 years in Overseer course from any Govt engineering Institute 2 years

2. Draughtsman 9 -do- -do- Rs 330-10-580- EB-12-500-EB- 15-560/- Net applicable upto 35 years in the case of Govt servants) 25 years Matriic or (relaxable equivalent upto 35 years in Draughtsmanship from any recognised institution) 2 years

** The crucial date for determining the age limit mentioned in column No 6 of the Recruitment Rules will in each case be the closing date for receipt of application from candidates in India (other than the Andaman and Nicobar Islands and Lakshadweep)

In respect of posts, the appointment to which are made through employment exchange the crucial date for determining the age limit will in each case be the last date upto which the employment exchanges are asked to submit the names.

28

34

Method of recruiting
whether by direct
recruitment or by
promotion or by
deputation or by
deputation or transfer
and the percentage
of the vacancies
to be filled by various
methods.

1
In case of recruiting
by promotion/deputation
/transfer grade from
which promotion/deputa-
tion transfer to be

If a Departmental Promotion
Committee exists what is the
composition

Circumstances
in which
union public
service
commission is
to be consul-
ted in making
recruitment.

10

11

12

13

By direct recruitment Not applicable

CHAIRMAN: Deputy Inspector General
Assam Rifles (Headquarter) Not applicable

MEMBERS

1. Assistant Inspector General
Assam Rifles (A/Q) Directorate General
Assam Rifles
2. One officer belonging to Group 'A'
category from other Department other
than Assam Rifles.

MEMBER SECRETARY

Staff Officer 2(a) Directorate General
Assam Rifles.

By direct recruitment Not applicable

CHAIRMAN
Deputy Inspector General Assam Rifles Not applicable
(Headquarters)

MEMBERS

1. Assistant Inspector General, Assam
Rifles (A/Q), Directorate General Assam
Rifles.
2. One officer belonging to Group A
category from other department other
than Assam Rifles.

MEMBER SECRETARY

Staff Officer 2(a), Directorate
General Assam Rifles.

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/V-A/86-87/DM/59

12th June 89

Govt. of India
Ministry of Home Affairs
(FP-IV)
New Delhi

RE-ORGANISATION OF THE CADRE OF DRAUGHTSMAN INTO GRADE I.

Sir,

1. I am directed to refer to the Ministry's letter No.II. 27012/111/87-FP.IV dated 21 Mar 89 and to state the following for your kind consideration please.
2. This Department is authorised 12 posts of Draughtsman. As per Recruitment Rules of the category of Draughtsman, the pay scale of the post was Rs.330-10-360-EB-380-15-500-EB-15-560/- (pre-revised) and the recruitment qualification prescribed was under :
 - (a) Matric or equivalent.
 - (b) Diploma in Draughtsmanship from any recognised Institution.
3. The pay scale sanctioned to the category of Draughtsman of the department is equivalent to that of Grade-II Draughtsman of CPWD. Since the post of Draughtsman of this Department bears the pay scale of Rs. 330-10-360-EB-380-15-500-15-560/- as that of Grade II Draughtsman of CPWD, revised pay scale of Rs. 425-15-500-EB-15-560-20-700/- (pre-revised) was duly admitted to those who fulfilled the requirement of recruitment qualifications as provided under para 2 of Government of India, Ministry of Finance, Department of Expenditure under their OM No. F.59-E.III/82 dated 13 Mar 84.
4. A good number of Draughtsman out of the above posts have completed about 15 years of service in the same post and grade. At present there is no further promotion/grading available in this department. They fulfil all conditions for being promoted to grade I Draughtsman as per the CPWD pattern. Hence a case was taken up with the Ministry of Home Affairs for consideration of declaring 4 posts of Draughtsmen out of 12 posts as grade I vide this Directorate letter N. A/V-A/86-87/DM/3 dated 14 Aug 87. In reply the Ministry has suggested vide letter No.II.27012/111/87-PP.IV dated 21 Mar 89 to take up the case for amending the Recruitment Rules in the line of CPWD.
5. A proposal for amending the present recruitment rules approved by the Ministry vide their letter No.I.12016/1/77-Pers.II dated 04 Feb 81 (copy enclosed) is submitted herewith at appendix 'A' in line of CPWD pattern. There is no grading mentioned in the existing Recruitment Rules. In

Contd..

the above Recruitment Rules column No.1, 2, 4 and 7 of the schedule is required to be amended as mentioned below for giving further promotion to the existing Draughtsmen :-

Column number	Provisions in the approved Recruitment Rules	Amendment proposed
Co. No.1	Draughtsman	Draughtsman Grade II
Col. No.2	Draughtsman 9*	Draughtsman Grade II - 8*
Col. No.4	Rs. 425-15-500-EB-15-560- 20-700/- (pre-revised) (revised as per MHA letter F.59-E.III/82 dated 13 Mar 84)	Rs. 1400-40-1800-EB-50- 2300/-
Col. No.7	Matric or equivalent Diploma in Draughtsman ship from any recogni- sed Institution.	To add :- Preference will be given to the candidate who possess one of the follow ing technical qualifica- tions - i. Three years Diploma in Civil Engineering from a recognised Institution OR ii. Two years Surveyor Diploma (including six months apprenticeship) from a recognised Insititute OR iii. Three years Diploma in Architectual Draughts- manship from a recogni- sed institutedor equiva- lent.
<p>*At present the post is increased as 12 instead of 9 due to expansion of the Force. (Out of above 12 posts of Draughtsman II 8 Draughtsman be declared as Draughtsman Grade II and 4 Draughtsman be declared as Grade I. A separate proposal for approval of recruitment rules in respect of Draughtsman Grade I is attached at Appendix 'B').</p> <p>6. Also a fresh proposal for approval of Recruitment Rules in respect of Grade-I Draughtsman is enclosed at Appendix 'B' for your consideration and early sanction please.</p> <p>7. In view of the above, it is submitted for consideration and approval of the following please :-</p> <p>a) Approval of amendment of the existing Recruitment Rules in respect of the Draughtsman in the line of Central Public Works Department - attached at Appendix 'A'</p> <p>b) Approval of the fresh Recruitment Rules in respect of Draughtsman Grade I in the line of Central Public Works Department - attached at Appendix 'B'</p>		

Contd. -

c) Consideration for approval of the third of the post of Draughtsman in the Assam Rifles to be declared as Draughtsman Grade I in the scale of pay of Rs.1600-50-2300-EB-60-2660/- (Rs.550-750/- Pre-revised) i.e. out of existing 12 posts of Draughtsman Grade II, 4 posts may be declared as Draughtsman Grade I to be filled on promotion from Grade II Draughtsman subject to completion of 8 years qualifying service and on recommendation of the Departmental Promotion Committee.

8. You are requested to convey the early sanction on the above subject please.

Yours faithfully

Sd/-

(J.K. MCHANTY)

Lt. Col

AD(A)

for Director General Assam Rifle

Copy to

Shri H.R.Sharma
Commandant
AD(Liaison)
Detachment Assam Rifles
A-282 Meera Bagh
(Pachim Vihar)
New Delhi 110041

You are requested to liaise the case with concerned Sect of the Ministry for early approval/decision please.

Annexure-7

REGISTERED

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793001

A/V-A/86-87/OM/98305

24 Dec 98

The Government of India
Ministry of Home Affairs
(Pers.II/PP. V Section)
New Delhi-110001

ANOMALY IN PAY SCALE OF CIVILIAN DRAUGHTSMAN IN
~~ASSAM RIFLES~~ ASSAM RIFLES.

Sir,

1. I am directed to refer to the Ministry's letter No.45025
A/33/90-Pers/PT.V dated 20 Dec 94 and this Directorate letter
No. A/V-A/96/DF/266 dated 31 May 98 (copies enclosed) and to
state that representations are being received from serving
Civil Draughtsman of this Organisation on the following
issues :-

(a) Revised Scale of pay. Non admittance of revised
scale of pay on the basis of the Award of Board of
Arbitration vide Ministry of Finance (Department of
Expenditure) OM No. F.5(59)-F-III/82 dated 13 Mar 84
(Copy enclosed).

(b) Date of Admissibility of Revised scale. To allow
the revised scale of pay as per Ministry of Finance OM
dated 13 Mar 84 with effect from the date of their
appointment instead of after 3 years of service on the
authority of Ministry of Finance OM quoted above.

(c) Revised scale of pay (5th CPC). To allow the
revised scale (5th CPC) of Rs.5000-8000 as per serial
x(a) Part B of First Schedule of CCS (RP) Rule 1997
instead of Rs.4500-7000 as detailed in Part A of First
Schedule of CCS (RP) Rule 1997.

2. The present authorisation and holding of civilian
draughtsman is 10 in Assam Rifles. The post is being
combatised progressively on wastage. The pay scale of
Draughtsman was Rs.330-560 (3rd CPC) as per the approved
Recruitment Rules for Draughtsmen of 1981 (copy enclosed).
No grading of Draughtsmen e.g. Grade I, II and III ever
existed in Assam Rifles. However, the Draughtsmen were in
the same scale of pay as applicable to Draughtsmen Grade II
in the CPWD. The qualification requirements of civil Draughts-
man of the Force is also similar to those of CPWD. In this
connection a copy of CPWD, Shillong letter No.9(6)/85-Misc/
1001 dated 02 Apr 85 is enclosed.

3. The Ministry of Finance Department of Expenditure, vide
their OM No. FS(59)-E-III/82 dated 13 Mar 1984 further
revised the pay scale of Draughtsmen of other offices/

Contd....

Departments of Govt. of India other than CPWD based on the Award of Board of Arbitration in respect of Draughtsmen of C.P.W.D. This Department accordingly extended the benefit of upgraded pay scale from Rs.330-560 to 425-700 (3rd CPC) to the civilian Draughtsmen of Assam Rifles. Accordingly out of existing 10 civilian Draughtsmen, five Draughtsmen are in receipt of higher scale of pay as per details given at Appendix A to this letter.

4. The five Draughtsmen who had been appointed between Jun 1989 to Aug 1994 were inadvertently allowed pay scale of Rs.1200-2040 (4th CP C) corresponding to pay scale of Rs.330-560 (3rd CPC) instead of Rs.1400-2300 (4th CPC) corresponding to pay scale of Rs.425-700 (3rd CPC). The details of pay scale being drawn by these five Draughtsmen are given at Appendix B to this letter.

5. Since the Draughtsmen of Assam Rifles are in the same scale of pay as applicable to Draughtsmen Grade II in the CPWD and all the Draughtsmen were appointed before the issue of Ministry of Finance (Department of Expenditure) OM No.13(1)-IC/91 dated 19 Oct 94 (Copy enclosed), the Ministry is requested to consider and approve the following on the basis of Ministry of Finance O.M. No. F.5(59)-E.III dated 13 Mar 84 :-

(a) Five Draughtsmen mentioned in Appendix B to this letter may please be granted revised scale of pay Rs.1400-2300 (4th CPC) with effect from the date of their appointment on the basis of MOF OM dated 13 Mar 84.

(b) Three Draughtsmen mentioned in Appendix A to this letter at serial 3, 4 and 5 have been granted revised scale of Rs.1400-2300 (4th CP C) on completion of three years of service. This may also be reviewed and revised scale may be granted to them from the date of their appointment on the basis of MOF OM dated 13 Mar 84.

(c) The Draughtsmen of Assam Rifles in the pre-revised scale of Rs.1400-2300 (4th CPC) have been granted the revised scale of Rs.4500-7000 (5th CPC) as applicable to all General Categories of Central Govt. employees vide Part of First Schedule of CCS (RP) Rules 1997. The Govt. of India vide serial x(a) of Part B of First Schedule of CCS (RP) Rules 1997 has sanctioned revised scale of Rs.5000-8000 to the Draughtsmen Grade II who were in the pay scale of Rs.1400-2300 (4th CPC). However, in absence of any specific sanction of the Ministry, this Department could not allow the Draughtsmen who were in the pre-revised pay scale of Rs. 1400-2300, the justified scale of Rs.5000-8000/- (5th CPC) as per serial x(a) of Part B of First Schedule of CCS (RP) Rule 1997. It is also stated that the upgraded/revised scale of Rs.5000-8000/- has already been made applicable to the Draughtsmen of Grade II of CPWD with effect from 01.01.96 vide Govt. of India, Directorate General of Works, CPWD OM No. 23/14/97-EC-IX dated 16 Oct 97 (Copy enclosed). The Draughtsmen of Assam Rifles may therefore, be

Contd.....

granted the revised scale of Rs.5000-8000/- (5th CP C) corresponding to the scale of Rs.1400-2300 (4th CPC) as per serial X(a) of Part B of First Schedule of CCS(RP) Rules 1997 with effect from 01.1.1996 in place of Rs.4500-7000 (5th CPC).

6. In view of the above, the Ministry is requested to kindly accord necessary sanction for extending the benefit to the Draughtsmen of Assam Rifles as sought for vide para 5(a), (b) and (c) above please.

7. An early decision on the subject is solicited.

Yours faithfully,

Sd/-

(R.S.Dhull)
Colonel
Deputy Director (A)
for Director General
Assam Rifles

Copy to :

1. Liaison Officer - Letter addressed to Ministry is endorsed for handing over to the concerned section and progressing the case.
Assam Rifles
Room No.171
North Block
Ministry of Home
Affairs, New
Delhi-110001
2. Engr Branch (Internal) - with ref to representation received from Draughtsmen of the Branch.

40A

Annexure 7

(22)

Appx 'A' (Ref para 3 of DGAR letter
No. A/V-A/36-27/5/98 dt 22 Dec 98)

DETAILS OF DRAUGHTSMEN WHO IN RECEIPT OF HIGHER SCALE OF PAY

Srl No	Name and Designation	Date of Appointment	Pay as per Approved	Revised pay scale granted as per MOF	Revised scale after 5th CPC	Remarks
			Recruitment Rules	C.W dated 13 Mar 84(84)		
1.	Shri N K Choudhury, Draughtsman	25-2-64	Rs 330-560 (3rd CPC)	425-700(3rd CPC)	4500-7000	
			Rs 1200-2040 (4th CPC)	1400-2300(4th CPC) wef 13-5-82(Nationally) and benefit allowed wef 01-11-83)		
2.	Shri Alok Acharjee, Draughtsman	27-9-80	-do-	-do-	-do-	
3.	Smti Santa Das Choudhury, Draughtsman	09-8-25	-do-	1400-2300(4th CPC) wef 01-9-83	-do-	
4.	Shri K C Das, Draughtsman	09-8-85	-do-	-do-	-do-	
5.	Shri Sanjay Lala, Draughtsman	11-4-86	-do-	1400-2300 wef 01-5-89	-do-	

32

40 B

Appx 'b' (ref 4 of DGAR letter No
A/v-a/86-87/DK/98 dt 24 Dec 98)

SrI No	Name and designation	Date of Appointment	Pay as per 4th CPC	Pay as per 5th CPC	Remarks
1.	Shri Anil Kumar D, Draughtsman	24-6-89	Rs 1200-2040 (4th CPC)	Rs 4000-6000	
2.	Shri Jose S, Draughtsman	10-11-90	-do-	-do-	
3.	Shri Prakash Baruah, Draughtsman	12-2-93	-do-	-do-	
4.	Shri Dinesh Kumar Joishi, Draughtsman	11-5-94	-do-	-do-	
5.	Miss S Kumari Devi, Draughtsman	01-8-94	-do-	-do-	

Annexure-8

No. 23/14/97-EC-1A
Government of India
Directorate General of Works
Central Public Works Department.

16th October 1997

OFFICE MEMORANDUM

Subject : Upgradation of pay scales on Architectural Side, Horticultures Side and Drawing Staff D/man Side).

In pursuance of Government of India, Ministry of Finance Notification dated 30.09.97 regarding implementation of recommendations of 5th Central Pay Commission the existing pay scales of the following categories of staff of C.P.W. D. as indicated in Part 'B' & C of the first Schedule to the Notification of the Ministry of Finance dated 30.9.97, are hereby upgraded/revised as under w.e.f. 01.01.1996.

Sl.No.	Name of Post	Existing scale	Upgraded/Revised pay scale
1	2	3	4
1	Assistant (Arch.Deptt)	1400-2300	5000-150-8000
2	Architectural Assistant	1400-2300	6500-200-10500
3	Assistant Architect	2000-3500	7500-250-12000
4	Sectional Officer (Horts)	1400-2300	5000-150-8000
5	Draughtsman Gr.II	1400-2300	5000-150-8000
6	Draughtsman Gr.I	1600-2600	5500-175-9000

2. All concerned may take necessary action for implementation of these pay scales accordingly.

Sd/-

(MAHENDRA KUMAR)
DEPUTY DIRECTOR OF ADMN.

To

1. All C.E.'s/C.A.'s/S.E.'s/E.E.'s in the C.P.W.D.
2. CE (PWD) Zone I/CE (PWD) Zone.II New Delhi/Director of Hort. CPWD, New Delhi.
3. All S.E.'s Coord in the C.P.W.D.
4. Ministry of Urban Affairs and Employment (EWI), Nirman Bhawan, New Delhi for information.

5
Annexure-9 (Series)

From

Shri Prakash Barua
Draughtsman
(Engr Branch)
Directorate General Assam Rifles
Shillong-793011

To

The Director General Assam Rifles
Shillong-793011

(Through proper channel)

Sub : PROMOTION/UPGRADATION OF DRAUGHTSMAN.

Respected Sir,

1. With due respect and humble submission I beg to state the following few lines for your kind consideration and favourable action please.

2. That Sir, I was appointed in Assam Rifles as a Draughtsman in 12 Feb 93 and rendering service since then with full satisfaction of my superiors. I have completed 4 and half years of qualifying service under your highly honoured command including 11 months in this Directorate.

3. I have reliably come to know that under the existing policy of Assam Rifles, civil Draughtsman are eligible for promotion to the next grade after completion of 3 years of qualifying service. Based on this policy, all the Draughtsman have already been promoted. Three of the Draughtsman have been promoted in the year 1988 & 1989 respectively in the scale of Rs. 1400/- to 2300/- vide DGAR order No.A/V-A/86-87/DM/30/A dated 23 Feb 89, on the authority of Govt. of India, Ministry of Finance, Department of expenditure, New Delhi OM No. F5(59)-E/III/82 dated 13 March 1984 after completion of three years of qualifying service. I have also completed three years of qualifying service. Therefore, my name may please be included in the list of eligible incumbents for promotion.

4. I may also add here that due consideration in this matter will give to the stagnation of Draughtsman. Further, it will motivate them to render service with devotion for this reputed organisation.

5. In view of the above, your honour is requested to consider my prayer for upgradation to next grade with a favourable order as early as possible for which act of your generosity, I shall remain ever grateful to you.

Thanking you in anticipation,

Place : Shillong

Date 28 July'97

Yours faithfully,

Sd/-

(Prakash Barua)
Draftsman

From

No DM/009 Draughtsman Gde III
Anil Kumar D
Assam Rifles
Signal Unit
Shillong-11

To

The Director General Assam Rifles
Directorate General Assam Rifles
Shillong-793011

(Through Proper Channel)

Sub : APPLICATION FOR UPGRADATION/REVISED PAY SCALE.

Sir,

With due respect and humble submission I have the honour to state that following few lines for your kind consideration and favourable action please.

That Sir, I have been appointed as a Draughtsman Gde III on 24th June 1989 in the Scale of 1200-30-1560-EB-40-2040. During my interview the board of officers had been assured me that you will be upgraded to the next Gde which is Gde II in the scale of 1400-40-1800-EB-50-2300 only after completion of three years of qualifying service in the same grade. Now I have already completed eight years and two months of qualifying service in the same Gde, but unfortunately I did not get the same gde till this date, as all other Draughtsmans senior than me are upgraded and granted the scale of 1400-40-1800-EB-50-2300 when they were completed three years of qualifying service.

Now I cam to know that all other Draughtsmans in the Central Govt departments like MES, GSI, RGI, CPWD, etc are drawing the revised pay scale of 1400-40-1800-EB-50-2300 since 1991. The following copies of the reviewing orders of the above mentioned Govt Departments are enclosed herewith for ready reference please.

- i. Office order of Geological Survey of India, Govt. of India.
- ii. Govt. of India, Ministry of Defence letter.
- iii. Office Memorandum of Registrar General, India, Govt. of India.
- iv. Judgement given by the Central Administrative Tribunal, Guwahati Bench.

In view of the above, I earnestly requesting to your kind honour to look into the matter and an early action please.

For this act of your kindness I shall ever remain grateful to you Sir,

Thanking you in anticipation.

Place : Shillong
Dated : 22nd Aug 97

Yours faithfully,
Sd/-
(Anil Kumar 'D'
Draughtsman Gde III

From

Prakash Barua
Draughtsman
DGAR (Engr Branch)
Shillong-793011

To

The Director General Assam Rifles
Shillong-793011

(Through Proper Channel)

Sub : REPRESENTATION AGAINST GIVING LOWER PAY SCALE THAN THAT ATTACHED TO THE POST.

Sir,

1. Most humbly and respectfully I beg to state that I was appointed Draughtsman on 12 Feb 93 and was given the pay scale of Rs. 1200-2040/- . In this connection, I beg to state and submit as under :-
2. Under established rule, a candidate when appointed to a post, is given the prescribed pay scale of that post as in Force on the date of his appointment and as revised from time to time. He cannot be given less pay or lower pay scale than that attached to his post except on operation of FR-35. As per DGAR HQ order No. A/V-A/15-80-81/162 dated 08 Nov 85 issued on the authority of the Government of India, Ministry of Finance, Department of Expenditure, O.M. No. F.5(59)-E.III/82 dated 13 Mar 84 (Copy enclosed for ready reference), the pay scale of Draughtsman is Rs. 425/- - 700/- (Revised 1400-2300) effective from 1st Nov 1983. Although appointed in 12 Feb 93, when the pay scale of Draughtsman was Rs. 425/- - 700/- (Revised Rs. 1400-2300) as per the DGAR order dated 08 Nov 1985, I was given the pay scale of Rs. 1200/- - 2040/- which had ceased to exist way back in October 1983. I was thus not only given a pay scale which was no longer in existence but also a lower pay scale than that attached to the post at time of my appointment. While, again, I was given a lower and non-existent pay scale, 6 of my predecessors mentioned in the DGAR HQ order dated 08 Nov 1985 under reference, were given the prescribed pay scale of Rs. 425-700/- (Revised Rs. 1400-2300) for the post of Draughtsman. I was thus discriminated also against 6 of my predecessors. Your honour would appreciate that a grave injustice has been done to me ab initio and is being perpetrated since then. By now, the pay scale of Rs. 425-700 (Revised Rs. 1400-2300) has again been revised as per 5th Central Pay Commission recommendation with depending aggravation in the injustice done on me.
3. In the circumstances, premises and facts stated above, I pray to request you to be kind enough to order immediate review of my case and to remove the injustice done to me by allowing me the pay scale of Rs. 425-700 (Revised Rs. 1400 - 2300) from the date of my appointment and thereafter to give me the 5th CPC pay scale corresponding to the pay scale of Rs. 425-700 (revised 1400-2300). And for this act of your kindness, I as duty bound shall ever pray.

Thanking you,

Shillong-11
Dated : 12 Feb '98

Yours faithfully,

Sd/-
(PRAKASH BARUA)

From

No.DM/009 Draughtsman
Anil Kumar D
Assam Rifles Signal Unit
Shillong-11

To

The Director General Assam Rifles
Directorate General Assam Rifles
Shillong-11

(Through Proper Channel)

Sub : REPRESENTATION AGAINST ARBITRARY AWARD OF LOWER PAY SCALE TO THE DRAUGHTSMAN OF ASSAM RIFLES.

Sir,

1. In the subject matter aforesaid, I beg most humbly and respectfully to state and submit as under :
2. That Sir, I was appointed as Draughtsman on 24th June 1989 and was given the pay scale of Rs. 1200-30-1560-EB-40-2040.
3. That Sir, under well established rule, a candidate when appointed to a post, is given the prescribed pay scale of that post as in existence on the date of his appointment and as revised from time to time. He can not be given less pay or lower pay scale than that prevalent on the date of his appointment except invoking FR 35. As per DGAR HQ order No. A/V-A/15/80-81/162 date 08 Nov 1985 issued on the authority of the Govt of India, Ministry of Finance, Department of Expenditure OM No. F-5(59)-E.III/182 dated 13 Mar 1984 (Copy enclosed for ready reference) the pay scale of Draughtsman is Rs. 425-15-500-EB-15-560-20-700 (Revised 1400-40-1800-EB-50-2300) effective from 01 Nov 1983. Although appointed in Jun 1989, when the pay scale of Draughtsman was Rs. 425-700 (Revised 1400-2300) as per the DGAR order dated 08 Nov 1985, I was given the pay scale of Rs. 330-560 (Revised 1200-2040) which has ceased to exist way back in 1984. I was thus given a pay scale which was no longer in force but a lower pay scale than that attached to the post of Draughtsman at the time, I was appointed. While I was given a lower and non-existent pay scale, all my predecessor listed in the DGAR HQ order dated 08 Nov 1985 under reference were given the prescribed pay scale of Rs. 425-700 (Revised 1400-2300) for the post of Draughtsman. I was thus not only given a lower pay scale but also discriminated against all my predecessors. That way a grave injustice has been done to me ab initio. By now, the pay scale have been again revised as per the Vth CPC report with resultant aggravation in the pay scale given to me.
4. In the circumstance, premises and facts stated above, I beg to request you kindly to order immediate review of my case and to set right the injustice done to me by awarding the pay scale of Rs. 1400-40-1800-EB-50-2300/- to me from the date of my appointment and thereafter to give me the Vth CPC pay scale corresponding to the pay scale of Draughtsman to Rs. 1400-2300/- ever remain grateful to you Sir,

Thanking you in anticipation.

Place : Shillong
Date : 17 Mar 98

Yours faithfully,
Sd/-
(Anil Kumar D)
Draughtsman

From

Shri Dinesh Kumar Joshi
Draughtsman
Engr Branch
Directorate General Assam Rifles
Shillong-793 011

To

The Director General Assam Rifles
Shillong-793 011

(Through proper channel)

Sub : I-MPLEMENTATION OF REVISED PAY SCALE & PROMOTION OF DRAUGHTSMAN

Reference : My application dated 12 Aug '98 (Copy att please)

Sir,

I have the honour to submit the following few lines for your kind consideration please.

2. That Sir, vide my above application, I sought your kind consideration for implementation of revised pay scale from which I have been deprived inspite of fulfilling all conditions as my seniors. The following senior draughtsman had been given the revised pay scale of Rs. 1400-2300/- (As per 4th CP C).

- (a) Shri T.K. ~~JK~~ Ramchandran Nair
- (b) Shri B.K. Mitra
- (c) Shri P.M. Nair
- (d) Shri P.N. Ojha
- (e) Shri N.K. Chowdhury
- (f) Shri A. Acharjee
- (g) Mrs S. Das Choudhury
- (h) Shri K.C. Das
- (j) Shri S. Lala

3. That Sir, Assam Rifles Cadre draughtsman are performing the same duties as assigned to other departments under Central Govt. and all departments have promotional prospects where in Assam Rifles Cadre draughtsman have no promotional scope which indicates I shall have to run with the same pay scale till my superannuation on retirement.

4. That Sir, it is pertinent to reflect here that despite of my repeated appeal in writing for implementation of revised scale as considered to my seniors earlier and also to take initiative for promotional scope on the basis of quality and quantum of workload also as per the recommendation of 5th CP C, neither any favourable action nor any reply has so far been given as on today.

5. I therefore request you to look into the matter and favourable action my please be taken for which act of your kindness I shall remain ever grateful to you.

Enclo : Copy of my application
dt. 12 Aug 98

Yours faithfully,

Sd/-

(Dinesh Kumar Joshi)

Shillong
Dated 23 Oct '98
Copy to

1. DG Assam Rifles
Secretariate

- Advance copy fwd for your necessary
action pl.

From : DM/009 Draughtsman

Anil Kumar D

Assam Rifles Signal Unit

Shillong-11

To The Director General Assam Rifles
Directorate General Assam Rifles
Shillong-11

(Through Proper Channel)

Sub : APPLICATION FOR IMPLEMENTATION OF REVISED PAY SCALE.

Ref : My Applications dated 22 Aug 97 and 17 Mar 98

Sir,

With due respect and humble submission I have the honour to state the following few lines for your kind consideration and favourable action please.

That Sir, I have been appointed as a Draughtsman on 24 June 1989 in the pay scale of 1200-30-1560-EB-2040/- In 04 May 1984 a letter regarding the revision of pay scales of draughtsman forwarded to the Director General Assam Rifles from the Ministry of Home Affairs New Delhi enclosed with the Ministry of Finance O.M. No. F.5(59)-E.III/82 dated 13 Mar 1984. (copy enclosed for ready reference please). On receipt of the said letter all the Draughtsmans who were presently in service were awarded the revised pay scale of Rs.1400-2300 (III CP C for 425-700). After that three more Draughtsmans were awarded the pay scales on 1988 and 1989 respectively. These three Draughtsmans were awarded the revised pay scale only after completion of three years service. But unfortunately I not not been awarded the revised pay scale even after completion of nine years and four months. Where as all my predecessors are drawing the pay scale of 1400-2300 (V CPC 4500-7000). In this way a grave injustice has been done to me.

In view of the above, I earnestly requesting to your kind honour to look into the matter and the pay scale of 1400-2300/- may please be awarded from the date of my appointment or after completion of three years service. For this act of kindness I shall ever remain grateful to you Sir.

Thanking you,

Place : Shillong
Dated 23 Oct 98

Copy to

The Chief Engineer : for info and necy action please.
HQ DGAR

Yours faithfully,

Sd/-

(ANIL KUMAR D)
Draughtsman

Annexure-9 (Series)

From : Anil Kumar D
Draughtsman
HQ Nagaland Range (South)
Assam Rifles
C/o 99 APO

To : Col WJB Sturgeon
Deputy Director (A)
Directorate General Assam Rifles
Shillong-11

Sub : APPLICATION FOR IMPLEMENTATION OF REVISED PAY SCALE.

Ref : My applications dated 22 Aug97, 17 Mar 98 and 23 Oct 98.

Sir,

1. With due respect and humble submission I beg to lay down the following few lines on the basis of DGAR recent directive to redress my grievance for your kind consideration and favourable action please.

2. That Sir, I have been appointed as a Draughtsman on 24 Jun 1989 in the pay scale of Rs. 1200-30-2560-EB-2040 (IV CP C). As per the Government of India, Ministry of Home Affairs letter No.13011/11/84-Finance-II dated 04 May 1984, the pay scale of Draughtsman have been revised from Rs.330-560 to 425-700 (III CPC) (Copy att). On the basis of the aforesaid letter, all the existing Draughtsmans were awarded the pay scale of 425-700/-. Although I have been appointed on June 1989, when the pay scale of Draughtsman was Rs. 425-700/- (Revised 1400-2300) IV CPC) as per the DGAR order dated 08 Nov 1985 and I was given the pay scale of Rs.330-560/- (Revised 1200-2040) which has ceased to exist way back in 1983. I was thus given a pay scale which was no longer in force but a lower pay scale than that attached to the post of Draughtsman at the time, I was appointed. While I was given a lower pay scale but also discriminated against all my predecessors. That way a grave injustice has been done to me.

3. In the circumstance, premises and facts stated above, I beg to request you kindly to order immediate review of my case and to set right to the injustice done to me by awarding the pay scale of Rs.1400-40-1800-EB-50-2300 to me from the date of my appointment and thereafter to give me the Vth CP C pay scale coresponding to the pay scale of Draughtsman to Rs. 1400-2300/- (i.e. 5000-150-8000). And for this act of your kindness, I shall ever remain grateful to you Sir,

Thanking you,

Station: c/o 99 APO
Dated : 08 Jan 2000

Yours faithfully,
Sd/-

(Anil Kumar D)
Draughtsman

Tele No. : 70 5075

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/1-A/89/AKD/Pers/476 20 Jan 2000

IMPLEMENTATION OF REVISED PAY SCALE.

1. Ref application dated 08 Jan 2000 submitted by Shri Anil Kumar D, Draughtsman of your Range HQ (Copy enclosed).
2. It is intimated that the case for grant of pay scale (3rd CPC to 5th CPC) as requested by the Indl has already been taken up with Ministry. The case is still under process/exam at Ministry level. The benefit of pay scale to eligible Draughtsman will be granted on receipt of decision from MHA.
3. Please info indl accordingly. Also please direct him to submit all such correspondence through proper channel in future.

Sd/-

(Gurvinder Singh)
Maj
JAD (A)
for Dir (Adm)

Annexure-11

Tele No. 705075

REGISTERED

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793001

A/V-A/86-87/DM/98/334

19 Mar 99

The Government of India
Ministry of Home Affairs
Pers.II/PF.V Section
New Delhi-110001

ANOMALY IN PAY SCALE OF CIVILIAN DRAUGHTSMAN IN
ASSAM RIFLES.

1. I am directed to refer to this Directorate letter No. A/V-A/86-87/DM/99/305 dated 24 Dec 98 it is to state the necessary sanction for grant of pay scale to civilian Draughtsman in Assam Rifles as asked for vide para 5 (a), and (c) to above letter has not been received.
2. Ministry is requested to intimate decision on the subject at the earliest.

✓✓
Yours faithfully,

Sd/-

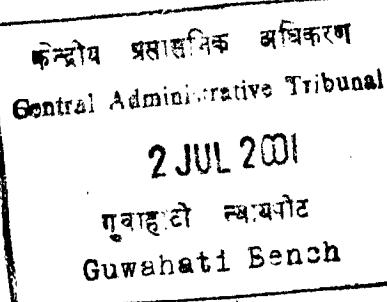
(R. S. Dhull)
Colonel
Deputy Director (A)
for Director General
Assam Rifles

NOO

1. Liaison Officer
Assam Rifles
Room No.171
North Block
Ministry of Home Affairs
New Delhi-110001
2. Engr Branch
(Internal)

letter addressed to Ministry
is enclosed for handing
over to concerned section
please.

- for info



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI

O.A NO 10 OF 2001

Shri Anil Kumar D and 4 Others

- Versus -

Union of India and Others.

- And -

In the matter of :

Written Statement submitted by the
Respondents.

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

i. That with regard to Para 1, the
respondents beg to state that the applicants
appointed as Draughtsman in the scale of pay
Rs. 1260-2646/- (4th CPC) w.e.f. date shown
against each :

(i) Shri Anil Kumar D	-	24-06-89
(ii) Shri Jose S	-	10-11-90
(iii) Shri Prakash Baruah	-	12-02-93
(iv) Shri DK Joshi	-	11-05-94
(v) Smt S Kumar Devi	-	01-08-94

During 4th CPC, all above individuals were not appointment in Assam Rifles. Regarding benefit of pay scale notified in ministry of Finance O.M No dated 19.10.94, a detailed proposal has already been taken up with Ministry vide this Dte letter No A/V-A/86-87/DM/98/365 dated 24 Dec 98 and same proposal is still under consideration at Ministry level, as per LOAR, New delhi Sig, presently file is with Ministry of Finance (E-III) since 20 June 2000. There is no grade I, Grade II in AR as per RRs.

Copy of letter dated 24-12-98 is annexed hereto and marked as Annexure - R1.

2. That with regards to Para 2, 3 and 4, the respondents beg to offer no comments.

3. That with regard to Para 4.2, the respondents beg to state that all the applicants are serving in Assam rifles since their appointment.

4. That with regard to Para 4.3, the respondents beg to state that all the applicants are serving in AR as Draughtsman (not in grade II) in the scale of Pay Rs. 1200-2040/- (4th CPC). All possess educational qualifications as per RRs. It is not possible to extend all facilities to them without specific approval of the controlling

Ministry i.e. MHA (as entitled to other Central Govt. employee as our Force is Para Mil Force) and higher pay scale of part 'B & C' of 5th CPC cannot be implemented without consulting Ministry vide their letter date 10 Aug 98.

5. That with regard to Para 4.4, the respondents beg to state that all individuals were appointed in the scale of pay Rs. 1200-2840 (4th CPC). They have been granted/admitted pay scale Rs. 4000-6000/- (5th CPC) corresponding scale of 4th CPC (Part 'A' scale).

6. That with regard to Para 4.5, the respondents beg to state that the Govt. has extended benefit vide letter date 13 Mar 1984 to Draughtsman Grade - I, II and III whereas in AR no such grade is existing and all applicants have been enrolled/appointment after May 1989. However, above benefits have been granted to draughtsman on the str at that time. In this regards, a detailed proposal has already been taken up with Ministry as stated in para 1 above.

7. That with regard to Para 4.6 and 4.7, the respondents beg to state that the Min. of Finance, Department of Expenditure vide their O.M. No F5(59)-E-III/82/ dated 13th March 84 further revised the pay scale of Draughtsman

of other offices/deptt of Govt of India other than CPWD based on the Award of Boards of Arbitration in respect of Draughtsman of CPWD. This Department accordingly extended the benefit of upgraded pay scale from Rs. 330/- 560/- to 425-7--- (3rd CPC) to the Civilian Draughtsman of Assam Rifles, accordingly out of 10 civilian Draughtsman, five Draughtsman are in receipt of higher scale presently.

8. That with regard to Para 4.8, the respondents beg to offer no comments.

9. That with regard to Para 4.9, the respondents beg to state that the proposal has already been taken up with Ministry to grant higher pay scale to Draughtsman of our department as stated in Para 1 above and same still under examination/consideration at Ministry level. This Department will take action accordingly on receipt of decision from MHA.

10. That with regard to Para 4.10, the respondents beg to offer no comments.

11. That with regard to Para 4.11, the respondents beg to state that no decision received from MHA, accordingly this Directorate informed NLR (S) about position of the case. A reminder to this effect has also been issued to LOAR, New Delhi to get present

position of the case. LOAR intimated that the file is presently with Ministry of Finance (E-III) since June 2000 vide their signal dated 20 Sep 2000.

12. That with regard to Para 4.12, the respondents beg to state that no decision of our proposal is received from the Ministry till date.

13. That with regard to Para 4.13, the respondents beg to state that the benefits will be extended to the applicants on receipt of favourable decision from the Ministry.

14. That with regard to Para 4.5, the respondents beg to submit the comments what have already made against the foregoing para 4.13 above.

15. That with regard to Para 4.5, the respondents beg to offer no comments.

16. That with regard to Para 5.1, 5.2 & 5.3, the respondents beg to submit the comments what have already made against the foregoing paragraph 13 above.

17. That with regard to Para 5.4, the respondents beg to state that individuals appointed in the scale of pay of Rs. 1200-2040/- as per RRs.

18. That with regard to Para 5.5, to 5.7 the respondents beg to state that the benefit under the O.M dated 13.03.84 will be made applicable to them on receipt of favourable decision from the Ministry.

19. That with regard to Para 5.8, the respondents beg to state that the proposal submitted by this Directorate is under examination at Ministry level.

20. That with regard to Para 5.9 & 5.10, the respondents beg to submit the comments what have already made against the foregoing paragraph 12 above.

21. That with regard to Para 6, the respondents beg to state that the action on the representation of applicants have already been taken up with Ministry and same still under consideration at MHA.

22. That with regard to Para 7, the respondents beg to offer no comments.

23. That with regard to Para 8, the respondents beg to state that the case presently with Ministry.

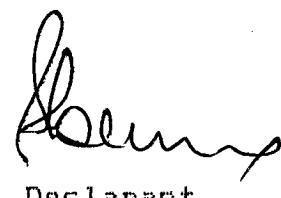
24. That with regard to Para 8.1, the respondents beg to state that the benefits will be granted to them on receipt of favourable decision from the Ministry.

✓

M E R I E I C A T I O N

I Major Sandeep Kumar, age 32 years, Son of Shri JP Sharma, working as Joist Assistant Director (Legal) in the Office of the Directorate General Assam Rifles being authorised to hereby verify and declare that the statements made in this written statement are true to my knowledge, information and belief and I have not suppressed any material fact.

And I sign this verification on this
22 day of June 2001.



Declarant