

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 12/12001.....

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

E.P/M.A No.....

1. Orders Sheet O.A. 12/12001..... Pg..... 1 to 4
2. Judgment/Order dtd. 10/05/2002..... Pg..... 1 to 5 allowed
common order 07/11/01 and 12/01
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 12/12001..... Pg..... 1 to 27
5. E.P/M.P..... N.I.L...... Pg..... to.....
6. R.A/C.P..... N.I.L...... Pg..... to.....
7. W.S. Respondents No-2 and 3..... Pg..... 1 to 60
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 12/2001

.... Sri. Ashis ... Mr. S. Sarma Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. B.K. Sharma

" S. Sarma

" C.K. Datta

" C.K. Goswami

For the Respondents. C.G. SC.

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form

9.1.2001

Present :

of application for the

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

and for the

Heard Mr.S. Sarma, learned

and for the

counsel for the applicant.

and for the

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

and for the

List it on 9.2.01 for written statement and further orders.

Stamps & enclosures

1 C. Usha

Vice-Chairman

are filed.

Sarma
12/10/01
mkSarma
12/10/0131.1.01
(Shillong)

Member (A)

Vice-Chairman

List on 13.3.01 to enable the respondents to file written statement.

Notice prepared and sent to
Sarma for naming the respondent
No. 1 to 3 by Regd. A.D. Vice
Memo No 174-176 dtd 17.1.2001pg
13.3.01

1 C. Usha

Member

Vice-Chairman

List on 10.4.01 to enable the respondents to file written statement.

12.3.01

1 C. Usha

Member

Vice-Chairman

No. 1 to 3 filed.

lm

20.8.01

1 C. Usha

Member

Vice-Chairman

List on 11.9.01 to enable the respondents to file written statement.

(1) Service report are still awaited.

(2) No. 1 to 3 has been filed.

lm

Sarma
12/10/01

10.4.2001

Four weeks time allowed to the respondents to file written statement. List for orders on 11.5.01.


Vice-Chairman

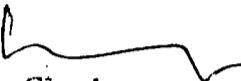
nkm

11.4.01

List on 11.6.01 to enable the respondents to file written statement.

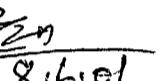
No. written statement has been filed.


Member

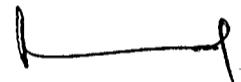

Vice-Chairman

lm

11.6.01


Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents has submitted that inspite of several communications to the respondents to file written statement, ^{they} have not shown any interest. Hence the written statement could not be filed during the time allowed. In the circumstances, list this O.A. for hearing on 6-8-2001.


Member


Vice-Chairman

bb

6.8.01

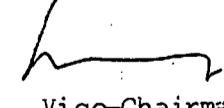
No. written statement has been filed.


17/8/01

The matter was listed for hearing today. It is the case in which the respondents did not file any written statement. By order dated 11.6.2001 the case was posted for hearing. We, however, feel it is a case in which the respondents need to file written statement and accordingly respondents are ordered to file written statement with two weeks from today.

List on 20.8.2001 for fixing a date of hearing.

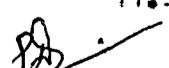

Member


Vice-Chairman

16.9.2001

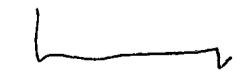
W.S. has been submitted by the respondent No. 2 and 3.

trd
11.9.01

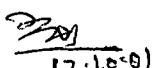


Written statement has been filed. The applicant may file rejoinder, if any, within 2 weeks from today. The case may now be listed for hearing on 16/10/01.


Member


Vice-Chairman

No. Rejoinder has been filed.


12.10.01

mb

(3)

OA NO 12/2001

3

Notes of the Registry	Date	Order of the Tribunal
No. Rejoinder has been filed.	6/10/	There is no DWP today. The case is adjourned to 11/12/2001. B/L A/K/J 10/10/
	11/12	There is no DWP today. The case is adjourned to 7/1/2002. B/L A/K/J 11/12
No. rejoinder has been filed.	7.1.2002	The case is adjourned on the prayer made by Mr. B.C.Das, learned counsel for the app respondents. List the case again for hearing on 31.1.2002.
		<u>KC Usha</u> Member
		<u>Vice-Chairman</u>
	bb	
	31.1.02	Adjourned on the prayer made by Mr. B.C.Das, learned counsel appearing for the respondents. List the case again for hearing on 28.2.2002.
		<u>KC Usha</u> Member
		<u>Vice-Chairman</u>
No. rejoinder has been filed.	28.2.02	Adjourned on the prayer made by Mr. B.C.Das, learned counsel for the Respondents. List on 19.3.2002 for hearing.
		<u>KC Usha</u> Member
		<u>Vice-Chairman</u>
	mb	
	9/3.	There is no DWP today. The case is adjourned to 9/4/2002.
		<u>KC Usha</u> A/K/J 19/3.
	9/4.	Heard in part List again on 29/4/2002.
		<u>KC Usha</u> A/K/J 19/3.

(4)

Notes of the Registry	Date	Order of the Tribunal
✓	23.4.	<p>There is no divisional bench.</p> <p>The case is adjourned to 29/5/2002.</p> <p>Md AK</p>
	28.5.	<p>Left at 10.30 am on 29/5/2002.</p> <p>10.5.2002</p> <p>Heard counsel for the parties.</p> <p>Hearing concluded. Judgment delivered in open court, kept in separate sheets.</p> <p>The application is allowed in terms of the order. No order as to costs.</p> <p>phg</p>
		<p><i>U. C. Shan</i> Member</p> <p><i>Vice-Chairman</i></p>

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.X. NO. 7/2001 and 12/2001

DATE OF DECISION 10.5.2002..

Sri Gobinda Kumar Basumatary & Ors. APPLICANT(S)

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

VERSUS -

Union of India & Ors. RESPONDENT(S)

Sri B.C.Das, 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 ?

5. Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.7 of 2001 and 12 of 2001.

Date of Order : This the 10th Day of May, 2002.

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

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

O.A. 7/2001

1. Sri Gobinda Kumar Basumatary,
2. Sri Anil Kumar Deka and
3. Sri Kingshon Kharpuji,
4. Sri Ain Singh Shongwan

... .Applicants.

O.A.12/2001

1. Sri Ashis Das Choudhury.
2. Ajit Dey,
3. Sri Manik Chandra Das,
4. Sri Paban Kr Phukan,
5. Tanka Prasad Pradhan,
6. Sri Haladhar Thakuria,
7. Sri Rameswar Rai,
8. Sri H.S.Nonkynrich,
9. Sri Deben Ch. Das
10. Sri Shinewell Nongneng,
11. Sri Jayanta Das,
12. Sri Dilip Ch. Barman
13. Sri Kshitindra Barman
14. Sri Deban Ch. Deka
15. Sri Munindra Kumar Das
16. Sri Bubaita Thabah
17. Sri Sashi Kant Dwivedi
18. Sri Khagendra Ch. Handique,
19. Sri Pranab Kr Dey
20. Sri Phen Shing Syiem
21. Sri Prabhat Ch. Das,
22. Sri Sibendra Nath Talikdar,
23. Smt Aimtimai Nongbri,
24. Shri Kushal Chandra Bora,
25. Sri Bikash Chandra Sarmah,
26. Shri Pranab Kumar Barman.

... .Applicants.

By Advocate Sri S.Sarma.

- Versus -

1. Union of India,
represented by the Secretary to
the Govt. of India,
Ministry of Agriculture, Krishi Bhawan,
New Delhi.
2. The Director General,
Indian Council of Agricultural Research(ICAR)
New Delhi.
3. The Director, ICAR,
ICAR Research Complex for NEH Region,
Umroi Road, Meghalaya.

... . Respondents.

By Sri B.C.Das, Advocate for the respondents.

O R D E R

CHOWDHURY J. (V.C.)

Both the applications are taken up together for consideration since it involve similar facts and common questions of law.

2. The matter pertains to placement in higher category by removing the category bar between category 1 and 2 under the respondents. All the applicants are holding the post of T-I-3 in the office of the Director, ICAR Research Complex, N.E.H.Region. During 1995 the category bar within category 1 and 2 was removed by Notification dated 1.2.95 after a long deliberation with the approval of the Governing Body. The removal of the category bar by the aforesaid decision was further deliberated upon in view of the fact that a number of technical personnel represented to the authority against such removal. As such the aforementioned decision of removal of category bar between category I and II was kept in abeyance vide memo E-mail/Fax/Telex/ Telegram dated 24.8.95. The matter was reconsidered and finally it was decided that on removal of category bar from Category I to II, i.e. on placement of technical personnel in T-II-3 from T-I-3 for the purpose of five yearly assessment their service rendered in T-II-3 grade would only be counted. In other words, the services rendered in T-I-3 for the purpose of computation of five years of service for grant of merit promotion/advance increments from T-II-3 to T-4 was not be counted. Subsequently, the respondent No.3 vide memo dated 21.7.95 requested the category I (T-2 & T-I-3) personnel to furnish their attested copies of certificate/technical qualification etc. for further examination by the Committee constituted for the

purpose in relevance to the Council's circular dated 1.2.95. By the said communication the authority requested them to forward their certificates immediately for taking further necessary action. The Institute level committee in its meeting held on 4.6.97 scrutinised all the cases but of the for want of some documents of some candidates the process could not be completed. The Joint Directors/Heads of departments were again requested to furnish detail documents. As per recommendation of the Committee held on 1.9.97 the Director ICAR Research Complex, Umroi passed the order allowing the 87 technical staff of T-1-3 grade (Category-1) to place in T-II-3 (Category II) vide order dated 23.10.97. When things rested at this stage the impugned order dated 2.12.99 cancelling the order dated 23.10.97 was issued. The full text of the order dated 2.12.99 is re-produced below :

"In the light of the judgment of the Hon'ble CAT, Jodhpur Bench's judgment dated 18.3.99 in O.A.No.91/98 endorsed vide council's letter F.No.15(9)99-Estt.IV dt. 28.6.99 which was duly circulated to the all concerned and also in view of the fact that the constitution of the committee for removal of category bar of technical staff T-I-3 of the Institute as well as it's recommendation were not as per norms in conformity with the rules 6.2, 7.4 and 7.5 respectively of the Handbook of Technical Services of ICAR, the removal of category bar of Technical Staff (T-I-3) issued vide this office orders (1) No.RC(BR)1/89 dt. 23.10.97 and (2) No.RC (BR)1/89 23.12.97 have been cancelled with immediate effect pending recommendation of a duly constituted Departmental Promotion Cum Selection Committee under Technical Service Rules and further orders.

Accordingly, all the technical staff placed in the grade T-II-3 vide abovementioned office orders may be treated as withdrawn with immediate effect."

The applicant being aggrieved submitted representations and failing to get appropriate remedy moved this Tribunal assailing the action of the respondents. It was stated

10

and contended that the impugned order dated 2.12.99 was statutory thus was be violative of the rules and liable to set aside. The order was arbitrary and contrary to the judgment and order passed in O.A.91/98 by the Jodhpur Bench of the Tribunal. It was further contended that the impugned order was passed by the respondents in violation of the principles of natural justice. Hence this application.

2. The respondents contested the claim and submitted their written statement. In its written statement it stood by the order dated 2.12.99 and asserted that the earlier order dated 23.10.97 was passed due to inadvertence and the same was corrected on receipt of the direction from the higher authority dated 28.6.99 and in the light of the order of the Jodhpur Bench of the Tribunal. It was also contended that the earlier committee while scrutinising the illegality of the employees in the grade T-I-3 for removal of category bar had committed certain lapses in making the recommendation in favour of many non eligible employees. The constitution of the committee vide order dated 3.6.97 was also not in accordance with the rules. It was also stated that subsequently an assessment committee was constituted and as per the recommendation of the committee the eligible technical staff in the Grade of T-I-3 of category I of ICAR Research Complex were placed in the pay scale of Rs.4500-7000/- with effect from 3.2.2000 and 1.7.2000 respectively where the applicants were also included.

3. We have heard Mr S.Sarma, learned counsel for the applicants and also Mr B.C.Das, learned counsel for the respondents. With a view to provide opportunity to the respondents we granted time to Mr Das to produce the

contd..5

relevant records and in course of time Mr Das produced the relevant materials and the matter was finally taken up for hearing. We have already mentioned to the order dated 2.12.99 by which the office order dated 23.10.97 was cancelled. The impugned order ascribed three reasons. One of the reason cited in the aforesaid order was the judgment dated 18.3.99 passed by the Jodhpur Bench of the Tribunal in O.A.91/98. We have perused the judgment and order of the C.A.T., Jodhpur Bench in Babulal Prajapati's case. The ten applicants before the Jodhpur Bench assailed the order mentioned in Annexure A/19 of the O.A. The order at Annexure A/19 mentioned in the aforementioned O.A is the order No. 14(3)/94-Estt.IV dated 10.1.96 which is annexed to this application as Annexure-2. We have already referred to the order dated 10.1.96 which was passed sequal to the removal of the category bar. The said communication was relatable to the removal of the category bar from category I to category II. The said memo clarified that on placement of technical personnel in T-II-3 from T-I-3, for the purpose of five yearly assessment, their service rendered in T-II-3 for the purpose of computation of five years of service for grant of merit promotion/advance increments from T-II-3 to T-4 would not be counted. The legitimacy of the said order was only challenged before the Jodhpur Bench and the said Bench rejected the application and held that the order dated 10.1.96 was lawful. The memo dated 10.1.96 and for that matter the decision of the Jodhpur Bench has no connection to the legitimacy of the order dated 23.10.97 and the decision no way can affect the recommendation of the Committee for allowing the applicants to place in T-II-3 with effect from the date

12

shown against them. The respondents also referred to the communication No. 15(9)99-Estt.IV dated 28.6.99. The said communication was only made by the Under Secretary indicating the directives by communicating the decision of the Jodhpur Bench and reiterating the circular dated 10.1.96 as lawful, which in no way made any reflection on the assessment committee held on 1.9.97 in placement of T-II-3 category. The reasons ascribed in the impugned order was to the effect that the recommendation were not as per norms and in conformity with the Rules 6.2, 7.4 and 7.5 of the Handbook of Technical Services of ICAR.

4. We have looked to those provisions mentioned in the mentioned in clause-I Rules. Rule 6.2 is the ~~introduction~~ of the provision of the memo dated 1.2.95 (Annexure-1 to this application). It is indicated the manner of removal of the category bar. 7.4 speaks of the promotion to be made on the recommendation of the Selection Committee constituted as per the Departmental Promotion Committee for various grades under ~~five~~ different categories. 7.5 speaks for qualifications prescribed for different groups of three categories as mentioned in Appendix IV. As regards Category II the following essential qualifications are prescribed.

"Three years Diploma/Bachelor's Degree in relevant field.
***National Trade Certificate of ITI National Apprenticeship Certificate or equivalent qualifications with seven years experience in the relevant field
or
*Matriculate with ten years experience in the field".

All the applicants are Matriculate with ten years experience in the relevant field. Therefore the applicants cannot be said to be ineligible for selection. The selection was

duly made and with due deliberation and would not have been cited no other valid reason. The reason ascribed in the order are obviously irrelevant. Mr B.C. Das, learned counsel for the respondents tried to justify the order by showing some other grounds. A public order made publicly cannot be equated with some other order cited in the written statement. As was observed by the Supreme Court in Commissioner of Police, Bombay vs. Gordhandas Bhanji, reported in AIR (39) 1952 SC 16, public order publicly made cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind or what he intended to do. Public order made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are intended. The impugned order is also unsustainable on the ground of violation of natural justice. On the strength of the order the applicants were upgraded and by the impugned order the respondents sought to take away the benefit conferred on them without giving any opportunity to them. On that ground also the impugned order is liable to be dismissed.

5. In view of the reasons cited above, the impugned order dated 2.12.99 is set aside and similarly the order dated 27.9.2000 stands modified. The respondents are accordingly directed to give the full benefit as per the order at Annexure-5 dated 23.10.97.

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

K.K.Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

(D.N.CHOWDHURY)
VICE CHAIRMAN

14
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Title of the case :

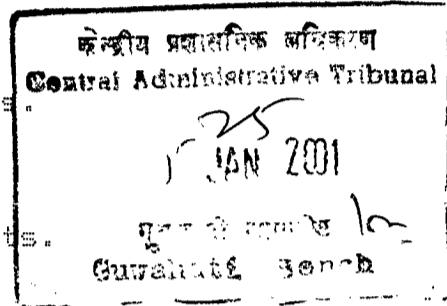
D.A. No. of 2000

BETWEEN

Shri Ashish Das & ors. Applicants.

AND

Union of India & ors. Respondents.



I N D E X

Sl. No.	Particulars	Page No.
1.	Application	1 to 12
2.	Verification	13
3.	Annexure-1	14
4.	Annexure-2	15
5.	Annexure-3	16
6.	Annexure-4	17
7.	Annexure-5	18 - 21
8.	Annexure-6	22
9.	Annexure-7	23
10.	Annexure-8	24 - 25
11.	Annexure-9	26 - 27

Filed by : U.K. Goswami, Advocate.

Regn. No. :

File : C:\WS7\DEBEN

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

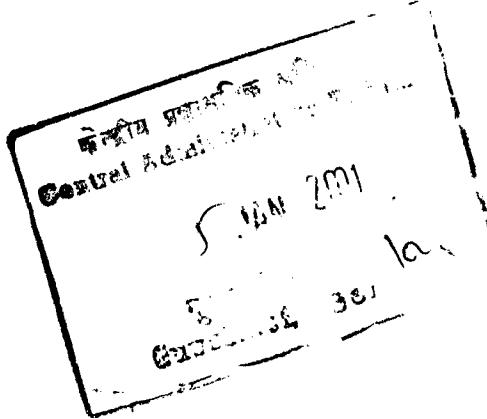
(An application under section 19 of the Central Administrative
Tribunal Act.1985)

D.A.No. of 2000

12/2001

BETWEEN

1. Shri Ashish Das Choudhury.
2. Shri Ajit Dey,
3. Shri Manik Chandra Das,
4. Shri Paban Kr Phukan.
5. Shri Tanka Prasad Pradhan.
6. Shri Haladhar Thakuria,
7. Shri Rameswar Rai,
8. Shri H.S. Nonkynrich
9. Shri Deben Ch.Das
10. Shri Shinewell Nongneng
11. Shri Jayanta Das
12. Shri Dilip Ch.Barman
13. Shri Kshitindra Barman
14. Shri Deben Ch. Deka
15. Shri Munindra Kumar Das
16. Shri Bubaita Thabah
17. Shri Shashi Kant Dwivedi
18. Shri Khagendra Chandra Handique
19. Shri Pranab Kr. Dey
20. Shri Phen Shing Syiem
21. Shri Prabhat Ch.Das
22. Shri Sibendra Nath Talikdar
23. Smt.Aimtimai Nongbri
24. Shri Kushal Chandra Bora
25. Shri Bikash Chandra Sarmah
26. Shri Pranab Kumar Barman.



All the applicants are presently holding various posts
under the grade T-3 under the Respondent No.3 .
..... Applicants.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of Agriculture, Krishi Bhawan.
New Delhi.
2. The Director General,
Indian Council of Agricultural Research (ICAR)
New Delhi.
3. The Director , ICAR,
ICAR, Research complex for NEH Region,
Umroi Road, Meghalaya.

..... Respondents.

Filed by:
the applicant
through
Legal Aid panel
Bewoost

16

K

6

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:

This application is directed against the order issued by the Director ICAR vide memo No RC(R)20/99 dated 2.12.99 and against the order vide No RC(R)22/99/6 dated 27.9.99. This application is also directed against the action of the respondents in not disposing of the representations filed by the applicants.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2. That the present applicants were holding the post of T-I-3 under the respondent No.3, under category-I. During this period the respondents issued an order dated 1.2.95 by which the category bar from category -I to category -II has been lifted,

and the stagnation of the employees of category-I came to an ~~epoch~~ ~~end~~

Thereafter the respondents issued yet another order dated 10.1.96 by which certain clarification has been issued in regard to the order dated 1.2.95 lifting the category bar. Thereafter the respondents issued an order dated 23.10.97 stated to be issued in pursuance of orders dated 1.2.95, 10.1.95 and other connected orders and as per the recommendation of DPC, by which category bar has been lifted in respect of present applicants w,e,f 1.1.95. Surprisingly enough the respondent No.3 issued impugned order dated 2.12.99 by which the order lifting the category bar dated 23.12.97 was canceled. It is noteworthy to mention here that the said order dated 2.12.99 has been issued pursuant to an order dated 28.6.99, stated to be issued purportedly in compliance of a Judgment and order passed by the Jodhpur Bench of the Hon'ble tribunal. The applicants are basically aggrieved by the said order dated 2.12.99 and non disposal of their representations filed against the said order. The respondents thereafter issued an order dated 27.9.2000 by which the category bar was again lifted placing the applicants once again in the category-II, however same was made effective only w,e,f 3.2.2000. The present applicants are also aggrieved by the aforesaid order dated 27.9.2000, praying for an appropriate order from this Hon'ble Tribunal setting aside the impugned orders dated 2.12.99 and 27.9.2000 with further direction to the respondents to give effect to the order dated 23.10.97 by which category bar was lifted. The grievance as well as relief sought for by the applicants are same and hence they pray for joining together in a single application invoking Rule 4(5)(A) of C.A.T(C)RWS 1987.

This is the crux of the matter for which the applicants have preferred the present application.

5/11/96

4.3. That the applicants were initially recruited under the respondents in the category-I i.e., T-I-3 and holding various posts. During their service tenure under the category -I, the respondents have issued an order vide order No F.No.14(3)/94 Estt.IV dated 1.2.95 by which the category bar which was prevalent at that time was removed. Earlier there was no promotional avenue for the employees of category-I and the employees belonging to the said category-I did not have any other promotional scope to any higher grade like T-II-3. It was therefore there was a pressure from the staff side including the present applicants for removal for such bar of promotion. The respondents acting on such requests issued the aforesaid order dated 1.2.95 by which the category bar was lifted between category-I and category-II. The said order has been issued pursuant to a decision made by the Governing Body of the ICAR, which is the highest body of the respondents in respect of making policy decision.

A copy of the said order dated 1.2.95 is annexed herewith and marked as **ANNEXURE-1**.

4.4. That the present applicants are all eligible to get the benefits of lifting of the category bar as per the criterias laid down in the said Annexure-1 order dated 1.2.95. The respondents were also making the move for implementation of the said order dated 1.2.95. In the mean time the respondents have issued yet another order vide order No 14(3)/94-Estt.IV dated 10.1.96, by which certain clarifications have been made in respect of aforesaid Annexure-1 order dated 1.2.95. The said clarification was in fact not related to the present dispute. The said clarification was in respect of the eligibility criteria of next higher grade i.e., T-4 grade promotion from the T-II-3 grade.

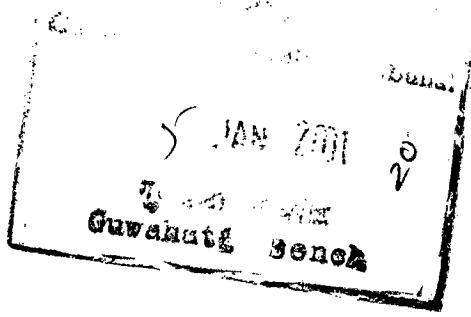
A copy of the said order dated 10.1.96 is annexed herewith and marked as ANNEXURE-2.

4.5. That as stated above after issuance of the Annexure-1 order dated 1.2.95, the respondents have started processes for implementing the said order. To that effect the respondents have issued various orders calling for the documents from the applicants and other eligible employees who were working in the category-I, i.e., T-I-3. The respondents issued a circular dated 21.7.95, to all the heads of the Divisions for furnishing the documents, including educational qualification certificates, technical qualification certificates in the relevant field etc, and to place the same before the Committee which was constituted as per the norms laid down by the said Governing Body, for the purpose of examination of the same.

A copy of the said circular dated 21.7.2000 is annexed herewith and marked as ANNEXURE-3.

4.6. That after issuance of the aforesaid Annexure-3 circular dated 21.7.95 all the applicants submitted there certificates pertaining to qualification both educational as well as Technical. Accordingly the meeting of the Committee held on 4.6.97 and after scrutinising all the documents it was found that some of the employees could not submit their documents for the reasons best known to them. The respondents thereafter issued a letter vide No RC(BR)1/89 dated 12.6.97 by which another chance was given to the left out employees for furnishing documents pertaining to their qualifications latest by 31.7.97.

A copy of the said letter dated 12.6.97 is annexed herewith and marked as ANNEXURE-4.



4.7. That on receiving all the required documents from the employees belonging to category-I, the Departmental Promotion Committee set again on 1.9.97 and recommended the cases of the applicants along with some others for grant of benefits of lifting of the said category bar, as mentioned in the Annexure-1 and 2 orders dated 1.2.95 and 10.1.96. To that effect the respondents have issued an order vide No RC(BR) 1/89 dated 23.10.97 by which the applicants along with some others have been placed in the next higher grade as per the recommendation of aforesaid DPC. In the said order the applicants have been granted the said benefits of upliftment of category w,e,f, 1.1.95.

A copy of the said order dated 23.10.97 is annexed herewith and marked as **ANNEXURE-5**.

4.8. That the applicants pursuant to the aforesaid Annexure-5 order dated 23.10.97 was enjoying the benefits of the higher pdsty/grade. In the mean time certain development took place and the respondents have issued the impugned order dated 2.12.99 purportedly stated to be issued in pursuance of the Judgment and order dated 18.3.99 passed in D.A. No 91/98 passed by the Jodhpur Bench of the Hon'ble Tribunal and on the basis of councils letter dated 28.6.99, by which the Annexure-5 order dated 23.10.97 has been canceled and the applicants were reverted to their earlier category i,e, category-I from category-II.

Copies of the said order dated 2.12.99 enclosing the councils letter dated 28.6.99 are annexed herewith and marked as **ANNEXURE-6 AND 7** respectively.

5/10/2011
Guwahati Bench

4.9. That the applicants immediately on receipt of the said order made representations to the concerned authority praying for reconsideration of the matter but same have not yielded any result in positive. Rather the said representations are yet to be disposed of.

Copies of the representations are annexed herewith and marked as **ANNEXURE-8** ~~REPLY~~.

4.10. That the applicants beg to state that the order dated 2.12.99 has been issued pursuant to a Judgment and order dated 18.3.99 passed by the Hon'ble Tribunal (Jodhpur Bench) in O.A. No 91/98, wherein the applicants were not a party before the said Hon'ble Tribunal, and without affording any opportunity of hearing to them. It is further stated that the subject matter of the said O.A. was quite different and the respondents in any event can not club both the matters. The respondents have misinterpreted the said judgment and issued the aforesaid impugned order dated 2.12.99. It is noteworthy to mention here that the said judgment in question is relating to a matter of portion from T-II-3 to T-4 and same has got no bearing in the present case in hand. The present case is a case of promotion from T-I-3 to T-II-3 not beyond that.

4.11. That the applicants beg to state that respondents have issued the impugned order dated 2.12.99 without affording any opportunity to them violating the settled provisions of Art 14 and 16 of the Constitution of India. As stated above the applicants have preferred representation after issuance of the said impugned order dated 2.12.99 but the respondents have not

2

Govt. of Rajasthan

yet acted on the same. Till date nothing has been communicated to the applicants towards reply to their representations.

4.12. That the applicant begs to state that the respondents have issued the impugned order dated 2.12.99 in the light of Annexure-7 order dated 28.6.99. From para 4 of the said order dated 28.6.99 it can be presumed that the issuance of Annexure-2 order dated 10.1.96 is not at all illegal. Be it stated here that the present applicants are not at all concern about the Annexure-2 order dated 10.1.96. The said order dated 10.1.96 relates to matter of promotion from T-II-3 to T-4. Hence from the above it is crystal clear that the respondents have misinterpreted the said order as well as the Judgment and order dated 28.6.99 passed by the Hon'ble Jodhpur Bench of the Hon'ble Central Administrative Tribunal and resulted issuance of the impugned orders dated 2.12.99.

4.13. That the applicants beg to state that the respondents thereafter during the pendency of the consideration of their representations issued another impugned order dated 27.9.2000 by which the applicants have been given the benefit of upgradation of category from category -I to category-II , however, w,e,f, 3.2.2000 . The earlier grade of T-II-3 has been redesignated as T-3 under category II.

A copy of the said order dated 27.9.2000 is annexed herewith and marked as **ANNEXURE-9**.

4.14. That the applicants beg to state that by issuance of the aforesaid Annexure-6 and 9 orders dated 2.12.99 and 27.9.00, the benefits granted to the applicants w,e,f, 1.1.95 was

Q3
JAN 10
Gyanpath, Sector 33C

cancel and again same was granted to them w,e,f, 3.2.2000, and about 5 years of service careers have been destroyed. It is further stated that before issuance/cancellation of promotion order, prior notice to the affected parties are required to be issued enabling the concern employee to place his say about the matter. But in the present case the respondents being a model employer failed to carry out the said exercise of issuance of prior notice before issuance of the impugned orders. The aforesaid action on the part of the respondents are illegal arbitrary and violative of principles of natural justice and same also violative of settled principles of administrative fair play.

4.15. That the applicants beg to state that the respondent No 3 has issued the impugned order dated 2.12.99 without any authority. The respondents No 3 holding the post Director ICAr could not have issued impugned order dated 2.12.99 without approval of the Governing Body who issued the order dated 1.2.95, pursuant to which the applicants have been granted the benefit of upgradation of category w,e,f, 1.1.95. Apart from that the respondents No 3 have acted in issuance of the aforesaid impugned orders beyond his jurisdiction. Even in the Annexure-7 order dated 28.6.99 there is no such direction for issuance of the orders like the present impugned order. The respondents have misinterpreted the contents of the letter dated 28.6.99 and the Judgement and order dated 18.3.99 passed by the Hon'ble Central administrative Tribunal Jodhpur Bench, which has resulted in issuance of the impugned orders dated 2.12.99 (Annexure-6) and 27.9.00 (Annexure-9). On this score alone the impugned orders are liable to be set aside and quashed.

4.16. That the applicants beg to state that they have preferred representations to the respondents against the impugned orders dated 2.12.99 and 27.9.00 but the same is yet to be disposed of by the said respondents. Having no other alternative the applicants have come under the protective hands of this Hon'ble Tribunal seeking appropriate relief.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the respondent have acted illegally in issuing the impugned Annexure 6 and 9 orders dated 2.12.99 and 27.9.00 as no prior notice was issued to the applicants, enabling them to place their say in the matter and hence the said orders are not sustainable in the eye of law and liable to be set aside and quashed.

5.2. For that the respondents have acted illegally in issuing the impugned Annexures 6 and 9 orders dated 2.12.99 and 27.9.00 stated to be issued in pursuance to a Judgment and order passed by the Hon'ble Central Administrative Tribunal Jodhpur Bench. In fact the Judgment and order passed by the Hon'ble Central Administrative Tribunal Jodhpur Bench pertains to a matter relating to promotion from T-II-3 to T-4 and the law laid down in the said case does not cover the present case more so the applicants not before the said Hon'ble Tribunal. Hence the impugned orders are not sustainable in the eye of law and liable to be set aside and quashed.

5.3. For that the respondents have issued the said impugned orders without applying mind and the same has been issued misinterpreting the Judgment and order passed by the Hon'ble

Central Administrative Tribunal Jodhpur Bench, and hence the same are not sustainable in the eye of law and liable to be set aside and quashed.

5.4. For that the respondents have issued the impugned orders dated 2.12.99 and 27.9.00 without any authority. The aforesaid orders are violative of the Rules guiding the field as well as the recommendations of the Governing Body, and hence the said orders are liable to be set aside and liable to be set aside and quashed.

5.5. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicants crave leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

✓ 18/10/01

Guwahati Bench

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash the impugned Annexures 6 and 9 orders dated 2.12.2000 and 27.9.2000 and to extend the benefit of Annexure-5 order dated 23.10.97 with all consequential service benefits.

8.2. To set aside and quash the Annexure-6 order dated 28.6.99.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicants do not pray for any interim order at this stage.

10. *****

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No.	:	69771823
2. Date	:	29.12.2000
3. Payable at	:	Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Shri Deben Ch. Deka, son of late U.Deka, aged about 54 years, at present working as Fieldman T-3 in the ICAR research Complex for NEH Region, Umroi Road Barapani, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 1, 4, 2, 4, 3, 4, 10, 4, 11, 4, 12, 4, 14, 4, 15, 4, 16 and 5 to 12 are true to my knowledge and those made in paragraphs 4, 3, 4, 4, 4, 5, 4, 6, 4, 7, 4, 8 and 4, 13... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case. I am the applicant No 14 in the present case and as such I am fully conversant with the facts and circumstances of the case and I am also dully authorised by the other applicants to swear this verification.

And I sign on this the Verification on this the 24th day of December of 2000.

Signature.

Shri Deben Ch. Deka.

TRIBAL COUNCIL OF AGRICULTURAL RESEARCH
HEADQUARTERS : NEW DELHI

F. No. 14(3)/94. Estt. IV

Dt. the 1st February 1995.

To

The Directors/Project Directors/Zonal Coordinators of
ICAR Research Institute/Project Directorates/ICCs/
Zonal Coordinating Units.

Subject : Removal of Category Bar between Cat.I and Cat.II.
Sir,

The question of removal of Category Bar between Cat.I and Cat.II has been under consideration of the Council for some time past. It has been decided with the approval of the Governing Body to remove the Category Bar between Cat.I and Cat.II in the following manner :-

- i) The existing employees at level T-I-3 who possess qualifications prescribed for entry to Cat.II by direct recruitment will be placed in grade T-II-3 of Cat.II with effect from 1.1.95. The employees who do not possess such qualifications will in the event of improving their qualification and acquiring degree/diploma/any other qualification prescribed for entry in Cat.II by direct recruitment will be placed in grade T-II-3 from the 1st January of the year following the year in which degree/diploma/Certificate is awarded. For subsequent merit promotion from grade T-II-3 to T-4 the service rendered in T-I-3 grade will count towards computation of five years of service for merit promotion.
- ii) The employees with five years of service in grade T-2 and possessing qualifications prescribed for entry to Cat.II by direct recruitment, in the event of merit promotion through five yearly assessment in terms of Rule 6.2 will be placed in the grade T-II-3.
- iii) The employees with five years of service in grade T-2 and not possessing qualifications prescribed for entry to Cat.II by direct recruitment will be placed in grade T-I-3 in the event of merit promotion through five yearly assessment. Such employees in the event of improving their qualification and acquiring degree/diploma/any other qualification prescribed for entry in Cat.II by direct recruitment will in case of merit promotion be placed in grade T-II-3 from 1st January of the year following the year in which degree/diploma/certificate is awarded.

2. Direct recruitment in grade T-II-3 will continue to be made as in the past.

Yours faithfully,

Sd/-

(K.K. BAJPAI)

DEPUTY SECRETARY (B)

Memo No. KC (BR) 1/89

Copy for information to :-

Dt. Barapani, the 27th March, 1995.

1. All Joint Directors, ICAR Research Complex for NEH Region, A.P. Centre/Nagaland/Sikkim/Tripura/Mizoram/Manipur Centre.
2. All In-charge, KVK, ICAR Research Complex for NEH Region.
3. All Head of Divisions, ICAR Research Complex for NEH Region, Barapani.
4. Notice Board.

(I.K. SHARMA)
ADMINISTRATIVE OFFICER

Attested
by
I.K. SHARMA
ADMINISTRATIVE OFFICER

- 15 -
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN: NEW DELHIAnnexure - 2
9

No. 105/94-Estt.IV

Dated: 10th January, 1996

To

The Directors/Project Directors/Zonal Coordinators of ICAR
Research Institutes/ Project Directorates/ NRCS/ Zonal
Coordinating Units.

Sub: Removal of Category Bar between Category I and Category II-
question of counting of service in grade T-I-3

Sir,

The instructions relating to the removal of Category bar
between Category I and Category II of the Technical Services were
issued vide Council's letter of even no. dated 1.2.95.

A number of technical personnel represented that their
seniority and promotion would be adversely affected if these
instructions are implemented and that they will become junior to
many of the personnel who are promoted as a result of counting of
service in T-I-3 grade. Therefore, instructions contained in the
above said letter of even number dated 1.2.95 were kept in abeyance
vide council's E. mail/Fax/Telex/Telegram dated 24.8.95.

The matter has been reconsidered and it has been decided by
the competent authority that on removal of Category bar from
Category I to Category II, i.e on placement of technical personnel
in T-II-3 from T-I-3, for the purpose of five yearly assessment,
their service rendered in T-II-3 grade will only be counted. In
other words, the service rendered in T-I-3 for the purpose of
computation of five years of service for grant of merit
promotion/advance increments from T-II-3 to T-4 shall not be
counted.

Yours faithfully,

Umesh
(G.C. Sharma)
OSD(S)

T-3 to T-4

Copy to:

1. All DDGs/ ADGs/ Dir.(P)/ Dir(F)/ Dir(W)/ Dir(DARE)
2. PPS to DG/ PS to Secy./ PS to FA.
3. All Dy. Secys/USYs/DDPs/DDFs/SOs
4. Secretary, ASRB
5. Secretary, CJSC/Secys-Institutes' IJSC
6. Guard file/ spare copy

10/1/96

Noted
Anil D. D. V. C. A.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
'UMROI ROAD' BARAPANI MEGHALAYA 793103.

Annexure - 3

No. RC(BR) 1/89;

Dt. Barapani, the 21st July 1995.

C I R C U L A R

SUB : Removal of Category Bar Between Cat-I & Cat-II.

In continuation to this Officer circular memo No. RC(BR) 1/89 dt. 27.3.95 all technical staff members of Category I (T-2 & T-I-3) group are requested to furnish attested copies of their academic qualification certificate/technical qualification certificate in the relevant field for further examination by the Committee constituted for the purpose in relevance to the Council's circular F.No. 14(3)/94-Estt. IV, dt. 1.2.95. already circulated.

All Heads of Divisions of HQ., Barapani and Jt. Directors of the centres including I/C KVKs are hereby requested to circulate the circular amongst the concerned Tech. Staff members and to forward their certificates immediately after receipt of the same for further necessary action.

Sd/- S. Laskar,
Director.

Memo No. RC(BR) 1/89,

Dt. Barapani, the 21st July 1995.

Copy to :-

1. All Head of Divisions, ICAR, Barapani.
2. All Jt. Directors, of the centres.
3. I/C KVKs.

21/7/95
(I.K. SHARMA)
ADMINISTRATIVE OFFICER

Accepted
Anil Kumar
Admin. Officer

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
I.C.A.R. RESEARCH COMPLEX FOR NEH REGION
UMROI ROAD, BARAPANTI, MEGHALAYA-793 103

Most Urgent.

Annexure-4

No. RCU(BR)1/89-

Dated Barapanti, the 12/6/97 June, 1997.

To

ALL Joint Directors/Heads of Divns.
ICAR Research Complex,

Sub:- Change of Category Bar from T-1-3 to T-II-3.

Sir,

A committee has been constituted at the Institute level to consider change of category bar from T-1-3 to T-II-3. A meeting of the committee was held on 04.6.97 at 11.00 A.M. and all the cases were scrutinized. However, it was mentioned that some necessary documents for some of the candidates were not available and the process could not be completed. In order to ensure that no eligible case is left out, you are kindly requested to furnish the information as per the format attached.

A list of the candidate is also enclosed for your reference. If some name has not been included in the list kindly point out the same. You are requested also to furnish attested copies of their qualifications.

Since, it is a long pending case, you are requested to furnish the information by 31st. July, 1997, otherwise the case will be considered on the basis of available documents. Copy of the letter may be circulated among the T-1-3 Staff.

It should be treated as most Urgent. This issues with the approval of Director.

Yours faithfully,

Encl. Proforma & List of
Candidates.

12/6/97
(M.J.Kharmaphlang)
Administrative Officer.

Pls. check
and forward
for
advantage

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N.E.H. REGION
 UMRIKI ROAD, UMIAIM, MEGHALAYA - 793 103.

NO. RC(DR) 1/89

Dated Umiam, the 23rd Oct. 1997.

O R D E R

In pursuance of Council's letter No. S 14(3)/94-Estt. IV dated 01.02.1995, dated 10.01.1996, dated 08.08.1996 and as per the recommendation of the Committee held on 01.09.1997, the Director, ICAR Research Complex for N.E.H. Region, Umiam is pleased to allow the following Technical Staff T-1-3 grade (Cat. I) to place in T-II-3 (Cat. II) with effect from the date as shown against each:-

Sl. No.	Name of the incumbent	Present grade under Cat. I in the scale of (Rs. 1400-2300/-)	Next grade after placement under date of Cat. II in the scale of placement (Rs. 1400-2300/-)	Effect date
1	2	3	4	5
<u>h. q. Umiam</u>				
1.	Sh. Rajal Kr. Suklabadya	T-1-3	T-II-3	01.01.95
2.	Sh. Debabrata Roy	-do-	-do-	-do-
3.	Sh. W. Kharsati	-do-	-do-	-do-
4.	Sh. H. Ahmed	-do-	-do-	-do-
5.	Sh. M. N. Borah	-do-	-do-	-do-
6.	Sh. Samir Kr. San	-do-	-do-	-do-
7.	Sh. Sunit Kr. Phukan	-do-	-do-	-do-
8.	Smt. Anju Phukan Jutta	-do-	-do-	-do-
9.	Smt. Tunu Baruah	-do-	-do-	-do-
10.	Sh. Samanjyoti Borgohain	-do-	-do-	-do-
11.	Sh. Rajen Ch. Baishya	-do-	-do-	-do-
12.	Sh. Sibir Chakraborty	-do-	-do-	-do-
13.	Sh. H. S. Nongkynrih	-do-	-do-	-do-
14.	Sh. Jadu Ram Borah	-do-	-do-	-do-
15.	Sh. Debajyoti Bhattacharjee	-do-	-do-	-do-
16.	Sh. Shnewall Nongneng	-do-	-do-	-do-
17.	Sh. Kushal Ch. Bora	-do-	-do-	-do-
18.	Sh. Pabon Kr. Phukan	-do-	-do-	-do-
19.	Sh. D. C. Barman	-do-	-do-	-do-
20.	Sh. Manik Ch. Das	-do-	-do-	-do-

contd... P/2.

Attested
 Dr. M. M. Dholka

1	2	3	4	5
		<u>T-I-3</u>	<u>T-II-3</u>	<u>01-01-95</u>
21.	Sh. Babaitu Thabah	-Do-	-Do-	-Do-
22.	Sh. Prabhat Cg. Das	-Do-	-Do-	-Do-
23.	Sh. Shashi Kt. Dwivedi	-Do-	-Do-	-Do-
24.	Sh. Haladhar Thakuria	-Do-	-Do-	-Do-
25.	Phen Sing Syiem	-Do-	-Do-	-Do-
26.	Sh. Munindra Kr. Das	-Do-	-Do-	-Do-
27.	Smti Aiomtimai Nongbri	-Do-	-Do-	-Do-
28.	Sh. D.C. Deka	-Do-	-Do-	-Do-
29.	Sh. T.P. Pradhan	-Do-	-Do-	-Do-
30.	Sh. A.K. Dey	-Do-	-Do-	-Do-
31.	Sh. Nagen Ch. Das	-Do-	-Do-	-Do-
32.	Sh. K. Barman	-Do-	-Do-	-Do-
33.	Sh. Pranab Kr. Barman	-Do-	-Do-	-Do-
34.	Sh. Ashish Das Choudhury	-Do-	-Do-	-Do-
35.	Sh. Deben Ch. Das	-Do-	-Do-	-Do-
36.	Sh. S.N. Talukdar	-Do-	-Do-	-Do-
37.	Sh. Bikash Ch. Shamma	-Do-	-Do-	-Do-
38.	Sh. Liana Mizo	-Do-	-Do-	-Do-
39.	Sh. Pranab Kr. Dey	-Do-	-Do-	-Do-
40.	Sh. Rama Kant Tiwari	-Do-	-Do-	-Do-
41.	Sh. P.N. Singh (Transferred to IGFRI, Jhansi)	-Do-	-Do-	-Do-
42.	Sh. Rameshwar Rai	-Do-	-Do-	-Do-
43.	Sh. Jayanta Das	-Do-	-Do-	-Do-
44.	Sh. A.K. Deka	-Do-	-Do-	-Do-
45.	Sh. H. Majaw	-Do-	-Do-	-Do-
46.	Sh. Sanjit Dutta	-Do-	-Do-	-Do-
47.	Sh. Kingshon Kharpuri	-Do-	-Do-	-Do-
48.	Sh. G.K. Basumatary	-Do-	-Do-	-Do-
49.	Sh. Ain Singh Shongwan	-Do-	-Do-	-Do-
50.	Sh. Kaushalendra Prasad	-Do-	-Do-	-Do-
51.	Sh. O. Pyngrope	-Do-	-Do-	-Do-

Contd. P/3

A Heste of
Lm. Vr.
Advocate

1	2	3	4	5
<u>TRIPURA</u>				
52.	Sh. Kamal Ranjan Ghosh	-Do-	-Do-	-Do-
53.	Sh. Ashish Chakraborty	-Do	-Do-	-Do-
54.	Smt. Kavita Mehrotra	-Do-	-Do-	-Do-
55.	Sh. Debabrata Choudhury	-Do-	-Do-	-Do-
56.	Sh. Malay Gupta	-Do-	-Do-	-Do-
57.	Sh. Swapnil Kr. Das	-Do	-Do-	-Do-
58.	Sh. Swapnil Kr. Lodh	-Do-	-Do-	21-7-97
59.	Sh. Sribabu Debnath	-Do-	-Do-	01-01-95
60.	Sh. Kanu Laskar	-Do-	-Do-	-Do-
61.	Sh. P.K. Bhattacharya	-Do-	-Do-	-Do-
62.	Sh. Jogendra Deb Barman	-Do-	-Do-	-Do-
63.	Sh. Nepal Debnath	-Do-	-Do-	-Do-
64.	Sh. Pradip Barman Roy	-Do-	-Do-	-Do-
65.	Sh. Nimal Kr. Das	-Do-	-Do-	-Do-
<u>MANIPUR</u>				
66.	Sh. G.K.R. Naga	-Do-	-Do-	-Do-
67.	Smt. Chandrakanta Devi	-Do-	-Do-	-Do-
68.	Sh. A.K. Soni Mao	-Do-	-Do-	28-06-95
69.	Sh. A. Manohor Singh	-Do	- Do-	01-01-95
70.	Sh. A. Premjit Singh	-Do-	-Do-	-Do-
71.	Sh. Y. Rajen Singh	-Do-	-Do-	-Do-
72.	Sh. K. Momon Singh	-Do-	-Do-	-Do-
73.	Sh. M. Raingam	-Do-	-do-	-Do-
<u>NAGALAND</u>				
74.	Sh. D.C. Baruah	-Do-	-Do-	-Do-
75.	Sh. B.C. Gohain	-Do-	-Do-	-Do-
76.	Sh. B. Talukdar	-Do-	-Do-	-Do-
77.	Sh. K.C. Handique	-Do-	-Do-	-Do-
78.	Sh. S.B. Singh	-Do-	-Do-	-Do-
79.	Sh. J.C. Sharma	-Do-	-Do-	-Do-
80.	Sh. K.V. Ngajhui	-Do-	-Do-	21-3-95

Cont'd. P/4

1	2	3	4	5
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LATZORAM

81. Sh. Lalsimliana	- Do -	- Do -	01-01-95
82. Sh. Durgesh Chanda	- Do -	- Do -	- Do -
83. Sh. Lalrinawma Pachuau	- Do -	- Do -	- Do -
84. Sh. A. Sangzika	- Do -	- Do -	- Do -
85. Sh. R. Zokhuma	- Do -	- Do -	- Do -

KVK TURA

86. Sh. Arun Azim	- Do -	- Do -	- Do -
87. Sh. Pramod Ch. Shanna	- Do -	- Do -	- Do -

23/10/97
 (M.J. KHARMAWPHLANG)
 Administrative Officer,

Memo. No. RC(BR)1/89

Dated : 23-10-1997.

Copy forwarded for information and necessary action to :-

1. F.A.O., ICAR (RC), Umiam.
2. A.A.O., ICAR (RC), Umiam.
3. Joint Directors', ICAR (RC) for NEH Region.
4. Scientist, Head of concerned Division, ICAR (RC), Umiam.
5. Personal file of concerned staff.
6. Assessment File.
7. Sh. P.N. Singh, IGFRI, Jhansi, (U.P.)
8. The Administrative Officer, IGFRI, Jhansi (U.P.)
9. Sh. Rama Kant Tiwari, NRC for Rapeseed-Mustard, Sewar, Bharatpur (Raj.) - 321 303.
10. The Asstt. Administrative Officer, NRC for Rapeseed-Mustard, Sewar, Bharatpur (Raj.)-321 303.
11. Person concerned.

23/10/97
 (M.J. Kharmawphlang)
 Administrative Officer.

*Attested
Ami borth
Ami Advocate*

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N. E. H. REGION
UMROI ROAD, UMIAM

NO.RC(R)20/99

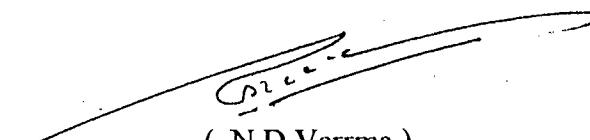
Dt. The

2nd Dec 99

O R D E R

In the light of the judgement of the Hon'ble CAT, Jodhpur Bench's judgement dt. 18.3.99 in O.A.No.91/98 endorsed vide council's letter F.No.15(9)99-Estt.IV dt 28.6.99. which was duly circulated to the all concerned and also in view of the fact that the constitution of the committee for removal of category bar of technical Staff T-I-3 of the Institute as well as it's recommendations were not as per norms/ in conformity with the Rules 6.2, 7.4 and 7.5 respectively of the Handbook of Technical Services of ICAR, the removal of category bar of Technical Staff (T-I-3) issued vide this office orders (1) No.RC(BR)1/89 23.10.97 and (2) No.RC(BR)1/89 23.12.97 have been cancelled with immediate effect pending recommendation of a duly constituted Departmental Promotion Cum Selection Committee under Technical Service Rules and further orders.

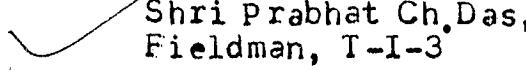
Accordingly, all the technical staff placed in the grade T-II-3 vide abovementioned office orders may be treated as withdrawn with immediate effect.


(N.D.Verrma)
Director

Copy forwarded for information and necessary action to :-

1. F.A.O. /A.O ,ICAR Res.Complex Umiam.
2. A.A.O (Estt.) ICAR Res.Complex Umiam.
3. Joint Directors of Centres/Head of concerned Divisions of Complex Hqs.
4. Personal files of concerned staff.
5. Sh. P.N.Singh, IGFRI , Jhansi
6. Sh.R.K.Tiwari ,NRC for Rapeseed ,Bharatpur-321 303(Raj.)
7. Asstt. Admn.officer, NRC for Rapeseed ,Bharatpur-321 303(Raj.)
8. Sh. N.C.Das ,CPCRI Regional Station ,Kahikuchi.
9. Administrative Officer , CPCRI Regional Station .Kahikuchi
10. Persons concerned.

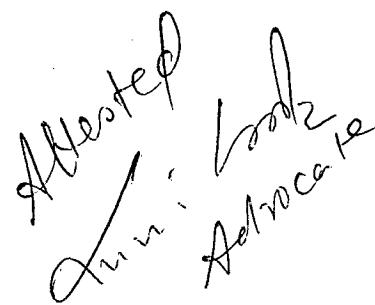
To,


Shri Prabhat Ch. Das,
Fieldman, T-I-3
ICAR, Umiam

Mrs. Upala

Pls. give to concerned


S.S. Gupta
13.12.1999


Advocate
Advocate

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN : NEW DELHI.

F. NO. 15 (9) / 99-Estt. IV

To

Dated 28

June, 99

The Director(s),
All ICAR Institutes.

Subject: CAT Jodhpur judgement dated 18.3.99 against the O.A. No. 91/98 filed by Shri Babu Lal Prajapati Vs ICAR.

Sir,

I am to forward herewith a copy of CAT Jodhpur Bench judgement in O.A. No. 91/98 filed by Shri Babu Lal Prajapati Vs ICAR for information and guidance.

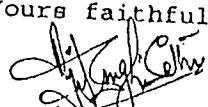
2. Shri Babu Lal Prajapati, T-II-3 has filed court case against council's instructions issued vide Council's letter No. 14-3/94-Estt. IV dated 10.1.96. The Category bar has been removed vide council's letter No. 14-3/94-E. IV dated 1.2.95 and it has been provided therein that existing employees at level T-1-3 who possess qualification prescribed for entry to category II by direct recruitment will be placed in T-II-3 w.e.f. 1.1.95. (2) It has further been laid down that for subsequent merit promotion from Grade T-II-3 to T-4 services rendered in T-1-3 grade will count towards computation of five years of service for merit promotion. The provision No. (2) has been withdrawn vide Council's instructions letter No. 14-3/94-E. IV dated 10.1.96.

3. The CAT Jodhpur has delivered judgement that a candidate can only claim a right of consideration for the next higher rank, he cannot claim next higher rank as of right on the basis of his working for requisite number of years on the lower rank. In a Scientific Institute like the respondents' next higher ranks are given after due consideration of performance of a candidate on an immediate lower category. The conferment of next higher category is not done as a matter of routine but the same is done after assessing the performance of a particular person on the category of post he is working for further conferment of higher rank. Therefore, applicants cannot be heard to say that they had become eligible for conferment of next higher rank looking to the number of years they had worked on the lower rank as per the earlier order.

4. In view of the above, we are of the opinion that there is no illegality in issuance of Circular No. 14-3/94-Estt. IV dated 10.1.96 which clearly mentions that for next higher rank past performance of a candidate on the immediate lower category shall be the consideration.

5. The judgement may be brought to the notice of the all concerned employees(s) of your Institute for information. Similar cases may be dealt with according to this judgement.

Yours faithfully,


(A.S. Sethi)
Under Secretary (Tech)

Copy to:-

1. All Section in ICAR including K.A.B.
2. All dealing Assistant in Estt. IV Section.
3. Copy for file No. 14-3/94-Estt. IV.


(A.S. SETHI)
Under Secretary (Tech.)

After the D
Am. 9/6/99
A. S. Sethi
Under Secretary

To

The Director,
IL&R Research Complex for NEH Region,
Umiam.

(Through proper channel)

Sub : Removal of category bar and subsequent imposition of the same

Ref : Your Circular No. RL(i)17/86 dtu. 23rd Dec., '99.

Sir,

With reference to above, I beg to lay the following few lines for your kind consideration and necessary action :

That Sir, in a suo moto action, Office removed category bar from category I to category II vide order No. RC(R)/1/89 dtd. 23rd Oct., '97 wherein I was placed in Category II that is T-II-3 from T-I-3 w.e.f. 1.1.95.

As per the above suo moto decision I am due to get promotion T-4 w.e.f. 1.1.2000.

But it is very surprising that Office all of a sudden, without affording any opportunities imposed the same category bar on me taking the plea of Hon'ble CAT judgement of Jaipur Bench vide Office Order No. RC(R)/20/99 dtd. 2.12.99.

Here, according to my knowledge the plea made by the office for above removal is contradictory to that of Hon'ble CAT judgement as the same is not at all related to removal/withdrawal of category bar.

Further, imposition of category bar, which was removed more than two years back by a suo moto order, is against the spirit of justice and against the provision of Govt. of India's on promotion.

Under the above circumstances, I request your kind honour to kindly reexamine the case in the light of natural justice and Govt. of India's provision to this effect.

Further more, it is seen that alongwith above imposition of category bar two more orders have been displayed on the Notice Board related to promotion/ removal of category bar etc. of some technical personnel wherein some of the existing T-I-3 technical personnel, so called qualified (as they do not fulfil the qualification criteria of Appendix -IV of Rule 7.5 of TSR) were placed straight way to category T-II-3 w.e.f./between 1.7.88 to 1.1.94 stating the provision of 7.2, 7.5 of TSR. As per the provision of TSR which deals with promotion of technical personnel that is 33 1/3 % quota under promotion.

Here, the word promotion as per the Govt. of India decision/ TSR promotion can be made to any person in category I of any grade possessing qualification prescribed for category II would be entitled to be promoted to category II Grade T-II-3.

The above action of the office which overlooks the fact that between Grade T-II of category I and Gr. I-II-3 of category II there is a Grade of T-I-3 of category I which is to be filled up through Selection method subject to availability of vacancies.

As per the plain reading of the order No. RC(R)20/99/41 dtd. 11.12.99 and Order No. RC(R)20/99/42 dtu. 11.12.99, 22 vacancies have been filled up, it means to fill up 22 vacancies Office need at least 66 sanctioned posts of T-II-3 which I believe is not available and will cross the total sanction posts, if office takes into consideration the existing T-II-3 in position. Moreover,

*After 60 days
Am. Advocate*

under any circumstance), promotion made through selection can not have retrospective effect that is prior to selection process.

The above posts were filled up without any notification which is mandatory as per rule.

In view of the above, it may please be noted that if the above Order are not reexamined/cancelled, the same will adversely effect our career advancement because of artificial non-availability of the posts due to above action, which I believe was done with ill motive for self interest neglecting/violating the Council's instructions to this effect by misrepresenting the same to the Selection Committee by the concerned Section.

Under the above circumstances, I request your kind honour to look into the matter at an early date.

Thanking you,

Yours faithfully,

04/11/2000

(P. C. Das)

T-3
Anupam Dubal
Dir. ICAR, Coriander
Mysore

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION.
UMIAM-793 103.

No. RC (R) 22/99/6

Dt. The 27th September, 2000.O R D E R

In pursuance of the Councils instructions vide No.18-1/97.Estt.IV dt. 3.2.2000 and on recommendation of the Five Yearly Assessment Committee, the following technical staff in the grades T-I-3 (Group I and II of Category-I) of ICAR Research complex for N.E.H. Region, Umiam are placed in the grade T-3 in the scale of Rs.4, 500-125-7,000/- with effect from the dates shown against each :-

Sl. No.	Name of the Technical Personal (Sh./Smt.)	Designation	Name of Centre	Date of effect
1	Jumgo Basar	Lab. Asstt	A.P. Centre	3.2.2000
2	Niranjan Tai	Fieldman	A.P. Centre	1.7.2000
3	Kingson Kharpuri	Lab. Asstt	Hqs. Umiam	3.2.2000
4	Sashi Kanta Dwivedi	Lab. Asstt	Hqs. Umiam	3.2.2000
5	Shinewell Nengnong	Lab. Asstt	Hqs. Umiam	3.2.2000
6	T.P. Pradhan	Fieldman	Hqs. Umiam	3.2.2000
7	P.N. Singh	Fieldman	Hqs. Umiam	3.2.2000
8	Rameswar Rai	Stockman	Hqs. Umiam	3.2.2000
9	A. Das Choudhury	Fieldman	Hqs. Umiam	3.2.2000
10	C. Liana Mizo	Fieldman	Hqs. Umiam	3.2.2000
11	G.K. Basumatari	Stockman	Hqs. Umiam	3.2.2000
12	H.S. Nongkynrieh	Fieldman	Hqs. Umiam	3.2.2000
13	Kushal Ch. Bora	Fieldman	Hqs. Umiam	3.2.2000
14	Paban Kr. Phukan	Fieldman	Hqs. Umiam	3.2.2000
15	D.C. Barman	Fieldman	Hqs. Umiam	3.2.2000
16	Manik Ch. Das	Fieldman	Hqs. Umiam	3.2.2000
17	Bubaitu Thabah	Fieldman	Hqs. Umiam	3.2.2000
18	Prabhat Ch. Das	Fieldman	Hqs. Umiam	3.2.2000
19	H. Thakuria	Fieldman	Hqs. Umiam	3.2.2000
20	Phen Singh Syiem	Fieldman	Hqs. Umiam	3.2.2000
21	Munindra Kr. Das	Fieldman	Hqs. Umiam	3.2.2000
22	Ajomtimai Nongbri	Fieldman	Hqs. Umiam	3.2.2000
23	A.K. Dey	Fieldman	Hqs. Umiam	3.2.2000
24	Nagen Ch. Das	Fieldman	Hqs. Umiam	3.2.2000
25	K. Barman	Fieldman	Hqs. Umiam	3.2.2000
26	Deben Ch. Das	Fieldman	Hqs. Umiam	3.2.2000
27	S.N. Talukder	Fieldman	Hqs. Umiam	3.2.2000
28	Bikash Ch. Sharma	Fieldman	Hqs. Umiam	3.2.2000
29	Pranab Kr. Dey	Fieldman	Hqs. Umiam	3.2.2000
30	D.C. Deka	Fieldman	Hqs. Umiam	3.2.2000
31	Jayanta Das	Fieldman	Hqs. Umiam	3.2.2000
32	P.K. Barman	Fieldman	Hqs. Umiam	3.2.2000
33	A.K. Deka	Fieldman	Hqs. Umiam	3.2.2000
34	G. Kharkongor	Fieldman	Hqs. Umiam	1.7.2000
35	B.B. Chullai	Fieldman	Hqs. Umiam	1.7.2000
36	Tarun Ch. Sharma	Fieldman	Hqs. Umiam	1.7.2000
37	B.R. Marak	Fieldman	KVK, Tura	3.2.2000
38	K. Soni Mao	Lab. Asstt	Manipur	3.2.2000
39	K. Momon Singh	Fieldman	Manipur	3.2.2000
40	M. Raingam	Fieldman	Manipur	3.2.2000
41	A. Majihar Singh	Fieldman	Manipur	3.2.2000

Contd... P/2

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Part 1
Part 2
Attested
Admin. Officer
Advocate

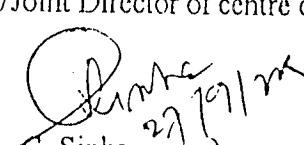
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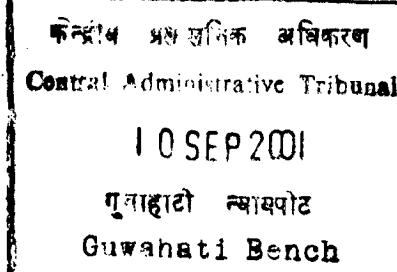
42	A.Premjit Singh	Fieldman	Manipur	3.2.2000
43	Y. Rajen Singh	Fieldman	Manipur	3.2.2000
44	R. N. Paith	Fieldman	Manipur	1.7.2000
45	A.Sangzika	Fieldman	Mizoram	3.2.2000
46	Lalsim Liana	Fieldman	Mizoram	3.2.2000
47	Lalrinawma Pachuau	Fieldman	Mizoram	3.2.2000
48	R. Zokhuma	Fieldman	Mizoram	3.2.2000
49	Durgesh Chanda	Lab. Asstt	Mizoram	3.2.2000
50	B.Talukder	Fieldman	Nagaland	3.2.2000
51	N.C.Borah	Fieldman	Nagaland	3.2.2000
52	K.C.Handique	Fieldman	Nagaland	3.2.2000
53	Sona Babu Singh	Fieldman	Nagaland	3.2.2000
54	Jadav Ch. Sharma	Fieldman	Nagaland	3.2.2000
55	Dilip Thapa	Fieldman	Sikkim	3.2.2000
56	P.T.Youzon	Fieldman	Sikkim	3.2.2000
57	Ramesh.Kr.Chettri	Stockman	Sikkim	3.2.2000
58	Lok Nath Khatiwara	Fieldman	Sikkim	3.2.2000
59	A.P.Dubey	Fieldman	Sikkim	3.2.2000
60	A.K.Battacharjee	Stockman	Sikkim	3.2.2000
61	Maheswar Singh	Fieldman	Sikkim	3.2.2000
62	Gopal Darjee	Stockman	Sikkim	3.2.2000
63	J.P.Pandey	Met. Obsevr.	Sikkim	3.2.2000
64	Manan Yadav	Fieldman	Sikkim	3.2.2000
65	Laxman Chettri	Stockman	Sikkim	3.2.2000
66	Jiwan Kr. Rai	Stockman	Sikkim	3.2.2000
67	Budha Gazmer	Stockman	Sikkim	3.2.2000
68	K.B.Basnett	Stockman	Sikkim	3.2.2000
69	M.K.Karkidholy	Fieldman	Sikkim	3.2.2000
70	S.B.Prasad	Stockman	Sikkim	3.2.2000
71	Basudev Ghosh	Fieldman	Sikkim	3.2.2000
72	B.N.Maurya	Fieldman	Sikkim	3.2.2000
73	Nirma! Kr. Das	Lab. Asstt	Tripura	3.2.2000
74	Malay Gupta	Fieldman	Tripura	3.2.2000
75	Sribus Debnath	Fieldman	Tripura	3.2.2000
76	Swapan Kr. Lodh	Grader	Tripura	3.2.2000
77	P.K.Battacharya	Fieldman	Tripura	3.2.2000
78	Kanu Laskar	Fieldman	Tripura	3.2.2000
79	Debabrata Choudhury	Fieldman	Tripura	3.2.2000
80	Swapan Kr. Das	Fieldman	Tripura	3.2.2000
81	Jogendra Deb Barman	Stockman	Tripura	3.2.2000
82	Ranjit Sen	Met. Obsevr.	Tripura	1.7.2000
83	Pramod Ch.Sharma	Fieldman	Tura	3.2.2000
84	R.C.Tamuli	Fieldman	A.P.Centre	1.7.2000

Sd/-

(N.D.Verma)
DirectorNo. RC (R) 22/99/6
Copy forwarded to :-Dt. The 27th September, 2000.

1. F.A.O./A.A.O.(Estt),/Head of Division/Joint Director of centre concerned.
2. Personal file/Service Book.
3. Persons concerned.


 (G. Sinha)
 Asstt. Admin. Officer. (Admin.)



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::
AT GUWAHATI .

ORIGINAL APPLICATION NO. 12/2001

Shri Ashish Das & Ors. ... Applicants.

- Versus -

Union of India & Ors. ... Respondents.

The Respondent Nos. 2 and 3 beg to file their
Written Statements as follows :-

1. That all the averments and submissions made in the Original Application are denied by the answering respondents save what has been specifically admitted herein and what appears from the records of the case.

2. That with regard to the statement made in paragraph 1 of the Original Application (hereinafter referred to as the O.A.) the answering respondents beg to state that while the order No. RC(R) 20/99 dated 2.12.1999 has been issued by the Institute, it appears that there was no order issued on 27.9.1999 as stated by the applicants. Perhaps it should have been No. RC(R) 22/99/6 dated 27.9.2000.

3. That with regard to the statement made in paragraph 2, 3 and 4.1 of the O.A. the answering respondents have no comments to offer.

4. That with regard to the statement made in paragraph 4.2 of the O.A. the answering respondents beg to state as per council's Order No. 14(3)/94-Estt.IV dated 1.2.1995 category bar between Category I and II has been lifted w.e.f. 1.1.1995 inly in respect of employees in category I, possessing educational/technical qualification as on 1.1.1995 prescribed in the Technical Service Rules of ICAR for direct entry to Category II.

The council vide Order No. 14(3)94/Estt.IV dated 10.1.1996 communicated the decisions of the council regarding counting of the service rendered in this grade of T-1-3 on removal of category bar from Category-I to Category-II i.e. on placement of technical personal in T-II-3 from T-I-3 grade for the purpose of Five Yearly Assessment, their services rendered in T-II-3 grade will only be counted. In other words, the service rendered in T-1-3 for the purpose of computation of five years of service for grant of merit promotion/advance increments from T-II-3 to T-4 shall not be counted. The council vide aforesaid letter dated 10.1.96 withdrew its earlier order dated 24.8.1995 for keeping in abeyance the order for removal of category bar dated 1.2.1995.

Further the Council vide order No. F.14(8)/

contd...

94-Estt.IV dated 6.4.1995 issued relaxations in qualification for promotion from Category I to Category II in the functional group of Library/Information/Documentation and Press Editorial Staff in respect of council's employees in position as on 1.1.1977. Thereafter vide letter No. 14(3)/94-Estt.IV dated 8.8.1996 conveyed the decision of the Council that the council's employees in service as on 1.1.1977 and possessing alternative qualification in terms of ICAR letter No. 7(10)/78-Per.IV dated 27.1.1979 and letter No. 14(8)/94-E.IV dated 6.4.95 will also be eligible for category promotion from Category I to Category II w.e.f. 1.1.1995 in terms of Council's letter dated 1.2.1995.

The Institute vide order dated 3.6.1997 constituted a committee under the Chairmanship of Dr. U.C. Sharma, Joint Director of the Institute to screen the eligible employees working in T-I-3 grade and to recommend to the competent Authority for removal of category bar for placement in T-II-3 grade of Category II as per conditions laid down in letter dated 1.2.1995 and 27.1.79. The Committee examined the particulars of the T-I-3 employees of the Institute including employees of its centres and recommended to the Authority vide their recommendation/ proceedings dated 16.9.1997 and the same was duly concurred by the Administrative Officer for the approval of the same and was approved by the Director on 30.9.1997 and

contd....

accordingly, the Institute had issued an order dated 23.10.1997 removing the category bar in respect of 87 T-I-3 employees w.e.f. 1.1.1995.

However, the committee while scrutinizing the eligibility of the employees in the grade T-I-3 for removal of category bar has committed certain lapses in making the recommendation in favour of many non-eligible employees. As a result the order for removal of category bar dated 23.10.1997 contained names of many person who do not possess the required minimum essential qualification as on 1.1.1995. It was as contained in the aforesaid letter dated 27.1.1979. It was also pointed out that constitution of the committee vide order dated 3.6.1997 was also not in accordance with the rules/instructions for constitution of such committees as neither any outside expert nor any SC/ST officer was nominated in the committee as is required as per rules 7.4 of T.S.R. These lapses came to light only after issuance of the aforesaid order dated 23.10.1997.

In fact, after the issuance of the erroneous order dated 23.10.1997 there was wide spread resentment leading to grievances from thousands of technical persons both (1) those possessing requisite qualifications and (2) other equally placed technical persons who were not beneficiaries of such erroneous order from within and outside the Institute. It had created a sort of imbalance

in the entire technical services of ICAR. In view of the above anomalies and resentment, the Competent Authority i.e. the Director has immediately constituted a review committee to review the whole matter and advice to the Director in accordance with the rules. However, due to the busy schedule of the Chairman of the review committee, the review could not take place immediately and another committee was constituted vide order dated 13.8.1998.

The committee under the Chairmanship of Dr. B. Lal although made many sittings as on 26.2.1999, 5.3.99 and 17.5.99 etc. and examined the representations received in the Institute against order dated 23.10.1997 and also examined the various circulars pertaining to removal of category bar but failed to give any specific recommendations in favour of recommendations of earlier committee which had recommended the removal of category bar of T-1-3 employees on 16.9.1997 and in the light of the Judgement of CAT Jodhpur dated 18.3.1999 in O.A. No. 91/98 filed by Shri Babulal Prajapati Vs. ICAR endorsed to the Institute by the ICAR with a direction to deal the cases of similar nature as per the Judgement and the proposal on the Note Sheet No. 7/N of RC(R)20/99 dated 20.8.99, the Competent Authority i.e. the Director has approved the proposal of administration to cancel the erroneous order of the Institute for removal of category bar issued vide order (i) No. RC(BR)1/89 dated 23.10.1997 and (ii) RC(BR)1/89 dated 29.12.97 and had withdrawn their placement in the

Gr. T-II-3 with immediate effect pending recommendations of a duly constituted DPC-cum-Selection Committee under rule 7.4 of Technical Service Rules. Accordingly, an order No. RC(R)20/99 dated 2.12.1999 was issued. However, the Director has constituted a DPC-CUM-Selection Committee as per the composition proposed by the AAO(Admn) under the Chairmanship of Dr. S.V. Nagachan, Joint Director, ICAR, Manipur Centre for further needful action in the matter. The committee held its meeting and conveyed the Director that a thorough scrutiny is required in category bars and their promotion matters related to the orders issued previously. Accordingly, another committee was nominated under the Chairmanship of Dr. Nagachan, Joint Director to conduct a thorough review in category bar removal case and representation received.

In the mean while, in a related development, concerning of grievances of technical personnel, council, with the approval of the Governing Body vide its order dated 3.2.2000, prescribed modified Technical Service Rules on the basis of which the applicants and others were placed in the Grade T-3 vide duly constituted DPC vide order dated 2.5.2000 and 18.9.2000 and DPC proceedings dated 22.9.2000.

However, in order to protect the service benefit of the applicants or others who could not be placed in Category II w.e.f. 1.1.1995 for want of requisite

minimum assential qualifications have already been assessed by a duly constituted DPC as per provision under Technical Service Rules for the period of service rendered in the Grade T-I-3 and prior to placement in the Grade T-3 for each of the completed 5 years terms. Accordingly they were granted advance increments vide order No. RC(R) 20/99 dated 11.12.1999, No. RC(R) 22/99/4 dated 26.9.2000, No. RC(R)22/99/12 dated 29.9.2000 and 9.10.2000 etc. Out of the possible maximum 3 (three) advance increments to be granted in a particular grade as per Technical Service Rules which the applicants have accepted without any hint of protest. It is to be mentioned here that three advance increments granted w.e.f. 1.1.1995 or afterwards are only consequent upon withdrawal of the order dated 23.10.1997 and as per the TSR, the applicants are not entitled for grant of both the benefits of advance increments and restoration of the erroneous category bar removal order on 23.10.1997.

Copies of the aforesaid letters dated 1.2.95, 10.1.96, 6.4.95, ~~22~~ 8.8.96, 27.1.79, 3.6.97. proceedings dated 16.9.97 duly approved by the C/A dated 30.9.97, Office order dated 31.7.98, 13.8.99, Note Sheet dated 20.8.99, Order dated 4.2.2000, 3.2.2000, 2.5.2000 and 18.9.2000 are annexed hereto and marked as Annexures - R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13 and R14 respectively.

5. That with regard to the statement made in paragraph 4.3 of the O.A. the answering respondents beg to state that the applicants were initially appointed in the grade T-1 / T-2 in the category-I and not in the grade T-I-3 as mentioned in the application and were subsequently placed in the grade T-I-3 through promotion from the grade T-2. The category bar was removed vide Council's order No. F No. 14(3)94-Estt.IV dated 1.2.95 only in respect of those staff possessing the required minimum essential qualification. Even prior to the issue of Council's order dated 1.2.1995 there was promotional avenue of technical staff in the Category-I, but the same was limited to 33.3% vacancies in the grade of T-II-3 in Category-II and it was also meant for only those employees possessing qualifications prescribed for direct entry to Category-II. The order dated 1.2.1995 issued by the Council pursuant to the decision of Governing Body of ICAR is only to extend the scope to all technical personnel holding T-I-3 in the Category-II as on 1.1.1995 irrespective of availability of vacancy, over and above the Departmental Promotion quota of 33.3%. Therefore, it is not correct that category bar has been lifted between Category-I and II in general for all Technical Staff in the Category I irrespective of their educational qualification.

6. That with regard to the statement made in paragraph 4.4 of the O.A. the answering respondents beg

to state that the educational qualification of each of the individual applicants has been presented in the following table and the required qualification for removal of category bar as on 1.1.1995 prescribed vide Council's order dated 1.1.1995 and 8.8.1996 have been presented in a Chart, which is annexed hereto as Annexure - R15.

Sl. No.	Name of the applicant	Educational/ Technical Qualifications
1.	Sri A. Das Choudhury	P.U. (Com.)
2.	Sri Ajit Dey	H.S.L.C.
3.	Sri M.C. Das	H.S.L.C.
4.	Sri P.K. Phukan	H.S.L.C.
5.	Sri T.P. Pradhan	H.S.L.C.
6.	Sri H. Thakuria	H.S.L.C.
7.	Sri Rameswar Rai	I.Sc (Inter Sc.)
8.	Sri H.S. Nongkymrieh	P.U.
9.	Sri Deben Ch. Das	H.S.L.C.
10.	Sri Shinewell Nongneng	P.U. (Sc. P)
11.	Sri Jayanta Das	P.U.
12.	Sri Dilip Ch. Barman	H.S.L.C.
13.	Sri Kshitendra Barman	H.S.L.C.
14.	Sri Deben Ch. Deka	H.S.L.C.
15.	Sri Munindra Kr. Das	H.S.L.C.
16.	Sri Bubaitu Thabah	H.S.L.C.
17.	Sri S.K. Dwivedi	P.U.

contd...

18.	Sri K.C. Handique	p.u. (Com.)
19.	Sri P.K. Dey	H.S.L.C.
20.	Sri Phen Sing Syiem	H.S.L.C.
21.	Sri Prabhat Ch. Das	H.S.L.C.
22.	Sri S.N. Talukdar	H.S.L.C.
23.	Smt. A. Nongbri	H.S.L.C.
24.	Sri K.C. Bora	H.S.L.C.
25.	Sri Bikash Ch. Sarmah	H.S.L.C.
26.	Sri P.K. Barman	H.S.L.C.

As none of the above applicants possess the required educational/technical qualification as per Council's order dated 1.2.1995 and 8.8.1996 they are not eligible for lifting of category bar on the strength of these orders. Council's Order dated 10.1.1996 was in supersession of its earlier order dated 24.8.1995 keeping in abeyance of the initial order for removal of category bar dated 1.2.1995 and to clear the confusion regarding computing the period of service rendered in the grade of T-I-3 i.e. prior to possession of necessary educational qualification and removal of category bar. Therefore, it only underscores further the necessity of technical/educational qualification to be qualified for either category jump or for computing eligibility for next higher grade.

7. That with regard to the statement made in paragraph 4.5 and 4.6 of the O.A. the answering respondents state that it is only a routing matter to call for necessary documents from the technical staff to furnish their educational/technical qualification to update their service records and to place them before the committee for determining their eligibility for removal of category bar.

8. That with regard to the statement made in paragraph 4.7 of the O.A. the answering respondents state that the order dated 23.10.1997 was erroneously issued and was withdrawn vide order dated 2.12.1999 as it has been stated earlier.

9. That with regard to the statement made in paragraph 4.8 of the O.A. the answering respondents state that after issue of the order dated 23.10.1997 it was found that certain lapses/ have occurred in respect of both constitution of committee for removal of the category bar as well as in determining the eligibility criteria in terms of the Technical Service Rules of ICAR and since the same was issued on the advise of a committee, authorities immediately took action and processed the matter further for their review to weed out the names of those staff who do not possess the required educational and technical qualification, but were erroneously included in the proceedings of the committee for removal of category bar on the basis of which order dated 23.10.97

59

was issued. Accordingly a Review Committee under the Chairmanship of Dr. H.S. Gupta was constituted vide Office Order No. NC(BR)1/89 dated 31.7.1998 followed by orders of even Nos. dated 13.8.1998. In the meantime Council circulated the copy of the Judgement of CAT Jodhpur Bench vide its F. No. 15(9) Est.IV dated 28.6.99 with the instruction that similar cases may be dealt with according to the said judgement. As already mentioned, the above judgement was in regard to Council's Order dated 10.1.1996 which was issued in clarification of the original order for removal of category bar dated 1.2.95. Finally, on the outcome of the different sittings of the Review Committee Meetings on the erroneous order dated 23.10.1997 as well as in the light of the Hon'ble CAT's Judgement, Director vide his order dated 2.12.1999 withdrew its order dated 23.10.1997 pending recommendation from a duly constituted committee as per provision under Technical Service Rules and further orders. After thorough scrutiny of the matter of the applicants, it was found that they do not possess the required minimum essential qualification for removal of category bar. Therefore, the content in the application that they were enjoying the benefits of higher post/grade from where they were reverted to the earlier category is not tenable.

A copy of the Note Sheet dated 27.4.2000 and proceedings of Review Committee are annexed hereto and are marked as Annexures-R16 and R17 respectively.

10. That the respondents deny the correctness of the statement made in paragraph 4.9 of the O.A. In fact it was at the initiative of the authorities vide its Circular No. RC(G)17/86 dated 23.12.1999 that representations were invited from the technical staff to be received upto 31st January, 2000 in order to make it convenient to redress their grievances/representations if any at a time. Accordingly, a Committee was also constituted vide Order No. RC(G) 17/86 dated 4.2.2000 to sort out the grievances expressed in the representations and on the basis of recommendations of the committee, orders for removal of category bar of all the eligible technical staff in the grade T-I-3 were issued vide duly constituted DPC vide order dated 22.5.2000 and Note Sheet dated 12.6.2000 and as per proceedings of DPC dated 14.6.2000 and order dated 14.6.2000.

It was only a related development that the Council Authorities with the approval of the Governing Body issued the order dated 3.2.2000 wherein the entire matter of removal of category bar and other service conditions of technical persons were modified. On the basis of this order, all the eligible technical persons in the grade T-I-3 including the applicants were placed in the grade T-3 vide office order dated 27.9.2000. Since the grievances of the applicants for placement in the

contd...

Category-II have already been met. It is not true that their representations are yet to be disposed. In fact neither the applicants preferred to represent against the grant of advance increments to them nor even represented after their placement in the grade T-3 vide order dated 27.9.2000 which only confirms further the ~~legitimacy~~ legitimacy of the office orders as well as settlement of their grievances. It is also to mention here that all the incremental/financial benefits accrued to the applicants after the advance increment orders issued by the authority to the applicants consequent upon withdrawal of the order dated 23.10.1997, have been drawn by them immediately after issue of the order for placement in CAT 3 dated 27.9.2000 without any hint of protest, which only further substantiate the fact of settlement of their grievances.

11. That with regard to the statement made in paragraphs 4.10 and 4.12 of the O.A. the answering respondents beg to state that the removal of category bar vide this office order dated 23.10.1997 was erroneous and not in conformity with the instructions laid down in the Technical Services Rules of ICAR and therefore, the same had to be cancelled. Aforesaid order was only in the light of the judgement of the CAT, Jodhpur Bench, ~~not~~ in pursuant to it as alleged in the application. The

contd....

original application at Jodhpur Bench itself was against Council's letter dated 10.1.1996 issuing clarification in the matter of its earlier order dated 1.2.1995 regarding removal of category bar and as such they can ~~be~~ not be entirely different matter. So far as the office order dated 2.12.1999 is concerned only the theme of the judgement of the Hon'ble CAT verdict was referred. It is not irrelevant to produce a part of the above order here :-

"that a candidate can only claim a right of consideration for the next higher rank, he cannot claim next higher rank as of rights on the basis of his working for requisite number of years on the lower rank. In a Scientific Institute like the respondents' next higher ranks are given after due consideration of performance of a candidate on an immediate lower category Therefore, applicants cannot be heard to say that they ~~had~~ become eligible for conferment of next higher rank looking to the number of years they had worked on the lower rank as per the earlier order".

The CAT verdict only emphasizes that in the interest of quality as well as uniformity and equality an order issued

earlier if found erroneous can be withdrawn. The matter also has further bearing here as has been proved from the applicant's claim in para 4.8. of its application " to have enjoyed the benefit of higher post/grade" albeit on the strength of an erroneous order prior to its cancellation vide order dt. 2.12.99.

12. That with regard to the statement made in paragraph 4.11 of the O.A. the answering respondents state that since the order dt. 23.10.97 was erroneous and not in conformity with the instructions laid down in the Technical Services Rules, the same had to be cancelled. It is to be noted here that even if the above order was not withdrawn, the same would not have yielded any benefit to the applicants as they are not to be conferred automatically the next promotion until they possess the requisite qualification. Promotion to technical staff under TSR of ICAR is granted only on recommendation of an expert committee after due consideration the qualification commensurate to pay and prescribed duties of a particular category as well as their performance in that grade etc. As already mentioned above necessary action on the matter of disposal of representations called for vide circular dt. 23.12.99 were completed and deserving technical personnel were identified on the basis of the exercise have all been placed in the Category-II. The applicants who do not possess the requisite qualification were placed in the category-II on the basis of relaxed criteria vide Council's order dt. 3.2.2000. The incremental benefits granted to the applicants consequent upon withdrawal of the order

contd....

dt. 23.10.97 as well as their placement in the Cat-II vide order dt. 27.9.2000 has already settled the matter to the satisfaction of all and no further representation from the applicants after that was received to further substantiate the fact. Whatever representation was received from the applicants after 27.9.2000 was only in the matter of grant of advance increments i.e. requesting the authorities to grant 3 Nos. at a time instead of 2 or so and so. Even one of the applicant at sl. 10 viz. Shri S. Nongneng submitted such representation dt. 16.3.2001 (copy enclosed) during the pendency of this O/A. Since the orders of adv. increments were consequent upon the withdrawal of category bar order dt. 23.10.97, it amounts to unconditional acceptance of the later in favour of the former without leaving any grievances. Therefore, it is not true that authorities have not acted on the matter.

A copy of the representation is annexed hereto and is marked as Annexure- R 18.

13. That with regard to the statement made in para 4.13 of the OA the answering respondents beg to state that pursuant to the relaxation in criteria granted vide Council's order dt. 3.2.2000, the applicants as well others who were left out for want of necessary qualification, were all placed in the re-designated grade T-3 in Category II with effect from the date of notification of the aforesaid order.

contd....

14. That with regard to the statement made in para 4.14 of the O.A. the answering respondent state that without possessing the requisite educational and technical qualification for placement in the next higher grade, the applicants can not claim to the benefit which was erroneously granted. In a scientific organization like ICAR, category bar as prescribed under Technical Service Rules, is a kind of educational/technical qualification bar commensurate with prescribed duties and pay of different grades belonging to a particular Category. Therefore, the same can not be diluted on the pretext of an erroneous order. Further continuance of the erroneous order would have consequent adverse effect on thousands of educationally/technically qualified as well as on other similarly placed employees. Moreover, as stated earlier in order to protect the service benefits of applicants or others whose category bar could not be removed for want of requisite qualification, have already been assessed as per provision under Technical Service Rules for the service rendered in the grade T-I-3 and prior to placement in the grade T-II and necessary orders were issued towards grant of advance increments. Therefore, it is not true that 5 years of their service careers have been destroyed. It is a fact that the applicants are yet to acquire the necessary educational/technical qualification to avail the benefit of placement in the Category-II as per the order dt. 1.2.95 but for the sympathetic view of the authorities to notify

contd....

the modified technical service rules w.e.f. 3.2.2000 to allow them to be placed in the Category-II on the strength of service alone.

15. That with regard to the statement made in para 4.15 of the O.A. the answering respondent state that the respondent no. 3 being the appointing authority for the applicants, acts on behalf of the Council authorities at New Delhi within the Rules and the Bye Laws framed by the Governing Body. Therefore, he has the obligation to follow these instructions of the Council authorities in letter and spirit. In fact the order dt. 23.10.97 was against the instructions/rules issued by the Governing Body which led to violation of rights and opportunities of thousands of equally placed technical employees of ICAR in different Institutes/National Research Centres/Deemed Universities etc. leading to grievances and resentments which were discussed in different national forums including Director Conference etc. At a time when the Council is modifying the Technical Service Rules to improve and update qualification to achieve greater efficiency, any dilution in the required qualification for removal of category bar either due to an erroneous order or otherwise would have adverse effect in the entire set-up and the same will also go against the directives of the Governing Body/Council authorities. As such there was no other alternative but to cancel the erroneous order. Since the order was issued by the Director, it was imperative for him to withdraw it which is perfectly within his jurisdiction.

contd....

16. That with regard to the statement made in paragraph 4.10 of the O.A. the answering respondents beg to state that the grievances of the applicants for placement in the Category-II have already been met albeit with effect from a different date (3.2.2000) considering the fact that they do not fulfill the necessary criteria of educational/technical qualification for such benefit prior to the issue of the order for the relaxed criteria. Further, the entire period of service rendered by them prior to placement in the T-3 were duly protected within the limits of Technical Service Rules of ICAR. Therefore, the contention of the applicants that their representations are yet to be disposed is not correct.

17. That under the facts and circumstances stated above it is respectfully prayed before the Hon'ble Tribunal that the instant application is dismissed with cost.

VERIFICATION....

VERIFICATION

I, Dr. Narendra Deo Verma, Son of Munilal Verma, aged about 58 years, presently working as Director, Indian Council of Agricultural Research, Research Complex for N E H Region, being duly authorised and competent to sign this Verification do hereby solemnly affirm and state that the statements made in paragraphs 1, 2, 3, 5, 6, 7, 8, 10, 11, 13, 14, 15 and 16 are true to my knowledge and those made in paragraphs 4, 9 and 12 are matters of records information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

I sign this Verification on this the 10th day of September, 2001 at Gwahati.

Narendra Deo Verma

निदेशक / Director
आ. कृ. अनु. प.-3. पूर्वी पर्वतीय अनुसंधान परिसर.
ICAR Research Complex For N.E.H. Region.
उमियम, मेघालय
Umiam, Meghalaya

SIGNATURE

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN, NEW DELHI

F.No.14(3)/94-Estt, IV

Dated the 1st February, 1995.

To

The Directors/Project Directors/Zonal Coordinators of ICAR Research Institutes/Project Directorates/NRCs/Zonal Coordinating Units.

Subject:- Removal of Category Bar between Cat.I and Cat.II.

Sir

The question of removal of Category Bar between Cat.I and Cat.II has been under consideration of the Council for some time past. It has been decided with the approval of the Governing Body to remove the Category Bar between Cat.I and Cat.II in the following manner:-

i) The existing employees at level T-1-3 who possess qualifications prescribed for entry to Cat.II by direct recruitment will be placed in grade T-III-3 of Cat.II with effect from 1.1.95. The employees who do not possess such qualifications will in the event of improving their qualification and acquiring degree/diploma/any other qualification prescribed for entry in Cat.II by direct recruitment will be placed in grade T-III-3 from the 1st January of the year following the year in which degree/diploma/certificate is awarded. For subsequent merit promotion from grade T-III-3 to T-4 the service rendered in T-1-3 grade will count towards computation of five years of service for merit promotion.

ii) The employees with five years of service in grade T-2 and possessing qualifications prescribed for entry to Cat.II by direct recruitment, in the event of merit promotion through five yearly assessment in terms of Rule 6.2 will be placed in the grade T-III-3.

iii) The employees with five years of service in grade T-2 and not possessing qualifications prescribed for entry to Cat.II by direct recruitment will be placed in grade T-1-3 in the event of merit promotion through Five Yearly Assessment. Such employees in the event of improving their qualification and acquiring degree/diploma/any other qualification prescribed for entry in Cat.II by direct recruitment will in case of merit promotion be placed in grade T-III-3 from 1st January of the year following the year in which degree/diploma/certificate is awarded.

Contd... 2/

P. b. of 1st Service
of 1st

2. Direct Recruitment in grade T-II-3 will continue to be made as in the past.

Yours faithfully,

(K.K. BAJPAI)
DEPUTY SECRETARY (B)

Copy to:-

1. All DDGs/ADGs/Director (P)/Director (F)/Director (W)
Director (DARE).
2. PS to DG/PS to Secretary, ICAR/PS to FA
3. All Deputy Secretaries.
4. Secretary, ASRB
5. Deputy Director (P)/Deputy Director (F)/All Under
Secretaries.
6. All Sections.
7. Secretary, CJSC
8. Personal Section of A.M.
9. Guard file/Spare copies.

(SODHI SINGH)
DEPUTY SECRETARY (S)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN: NEW DELHI

ANEXURE-R2 (24) 5

14(3)/94-Estt.IV

Dated: 10th January, 1996

To

The Directors/Project Directors/Zonal Coordinators of ICAR
Research Institutes/ Project Directorates/ NRCS/ Zonal
Coordinating Units.

Sub: Removal of Category Bar between Category I and Category II-
question of counting of service in grade T-I-3

Sir,

The instructions relating to the removal of Category bar
between Category I and Category II of the Technical Services were
issued vide Council's letter of even no: dated 1.2.95.

A number of technical personnel represented that their
seniority and promotion would be adversely affected if these
instructions are implemented and that they will become junior to
many of the personnel who are promoted as a result of counting of
service in T-I-3 grade. Therefore, instructions contained in the
above said letter of even number dated 1.2.95 were kept in abeyance
vide council's E. mail/Fax/Telex/Telegram dated 24.8.95.

The matter has been reconsidered and it has been decided by
the competent authority that on removal of Category bar from
Category I to Category II, i.e on placement of technical personnel
in T-II-3 from T-I-3, for the purpose of five yearly assessment,
their service rendered in T-II-3 grade will only be counted. In
other words, the service rendered in T-I-3 for the purpose of
computation of five years of service for grant of merit
promotion/advance increments from T-II-3 to T-4, shall not be
counted.

Copy to:

1. All DDGs/ ADGs/ Dir. (P)/ Dir(F)/ Dir(W)/ Dir(DARE)
2. PPS to DG/ PS to Secy./ PS to FA.
3. All Dy. Secys/ USYs/ DDPs/ DDFs/ SOs
4. Secretary, ASRB
5. Secretary, CJSC/ Secys-Institutes' IJSC
6. Guard file/ spare copy

Yours faithfully,

(G.C. Sharma)
OSD(S)

ICAR
24576
23.1.96

23/1/96

Subj. (2C) U/C
P.P. pickup and note for guidance

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN, NEW DELHI

No. F. 14 (8) / 94-Estt. IV

Dated the 6th April, 1995

To

18/4/95
224

The Directors/Project Directors/Zonal Coordinators of ICAI Research Institutes/Project Directors/National Research Centres/Zonal Coord. Units.

Subject: - Amendment in qualification for promotion from Cat. I to Cat. II in the functional group of Library/Information/Documentation and Press Editorial Staff in respect of Council's employees in position as on 1.1.1977.

Sir,

In order to provide promotional avenues to T-I-3 employees in position as on 1.1.1977 against the 33 1/3% quota, the Technical Service Rules provide for alternate qualifications in the following functional groups vide Council's Circular No. 7(10)/78-Fer. III, dated 27.1.1979;

1. Field/Farm Technician
2. Laboratory Technician
3. Workshop including Engineering

This facility was so far not available in other functional groups. The matter has been carefully considered and it has now been decided to provide similar benefit to the technical employees in position as on 1.1.1977 in the functional groups of (i) Library/Information/Documentation and (ii) Press & Editorial. Accordingly, the qualifications for the purpose of promotion from Category-I to Category-II for the above mentioned functional groups have been amended as per statement at Annexure-I.

contd. 2...

This amendment is effective w.e.f. 1.1.1995, and will be applicable to Council's employces in position as on 1.1.1977.

Yours faithfully,

K.K.Bajpai

(K.K.BAJPAI)
DEPUTY SECRETARY(B)

Copy to :-

1. Secretary, ASRB/All Deputy Secretaries/ under Secretaries/D.O.(P)/D.O.(F)/Sr.F&AO, ICAR.
2. All DDGs/All ADGs/Director(P)/(Finance), ICLR.
3. P.S.to D.G./ P.S.to Secretary/P.S.to F.A. (DARE)
4. All Sections, ICAR, KAB, Pusa
5. Secretary, CJSC.
6. Personal Section of Minister(A).

S.S.
(SODHI SINGH)
UNDER SECRETARY (S)

Category-II

PRESS AND EDITORIAL STAFF

EXISTING QUALIFICATION

Essential qualification for Editorial Staff

1) Master's Degree of a recognised University in the subject relevant to the job requirement.

DESIRABLE

Bachelor's degree/or Diploma in journalism

For posts pertaining to Production/Publicity & Public Relations under Press & Editorial Staff.

Essential Qualification

i) Bachelor's Degree
ii) 3 years experience in the line

DESIRABLE QUALIFICATION

Bachelor's Degree/or Diploma in journalism

AMENDED QUALIFICATION

Essential qualification for Editorial Staff

1) Master's degree of a recognised University in the subject relevant to the job requirement.

OR

* Matriculate with 10 years experience

DESIRABLE

Bachelor's Degree/or Diploma in journalism

For posts pertaining to Production/Publicity & Public Relations under Press & Editorial Staff.

Essential Qualification

i) Bachelor's Degree
ii) 3 years experience in the line

OR

* Matriculate with 10 years experience.

DESIRABLE QUALIFICATION

Bachelor's degree/or Diploma in journalism

* Applicable to Council employees in position as on 1.1.1977 for purpose of promotions only against 33-1/3% vacancies reserved for departmental promotions.

LIBRARY/INFORMATION/DOCUMENTATION STAFF
EXISTING QUALIFICATION

Essential qualification for Library/Information/Documentation Services Staff.

1. Bachelor's degree with Diploma/Degree (B.Lib) in Library/Information Science (or) any equivalent degree or certificate conferred by any organisation & approved by the Ministry of Education

FOR OTHER STAFF

1. Bachelor's degree
- ii) 3 years experience

DESIRABLE QUALIFICATION

1. Experience of working in University/Institute/ Council or any other organisation of repute in the relevant field.
- ii) Knowledge of one foreign language

Category-II

ANNEXURE I

AMENDED QUALIFICATION

Essential qualification for Library/Information/Documentation services staff.

Each: Bachelor's degree with Diploma/Degree (B.Lib) in Library/Information Science (or) any equivalent degree or certificate conferred by any organisation & approved by the Ministry of Education

OR

* Matriculate with 10 years experience

FOR OTHER STAFF

1. Bachelor's degree
- ii) 3 years experience

OR

* Matriculate with 10 years experience.

DESIRABLE QUALIFICATION

- i) Experience of working in University/Institute/ Council or any other organisation of repute in the relevant field.
- ii) Knowledge of one foreign language

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN: NEW DELHI

14(3)/94-Estt.IV

Dated 8th August, 1996

To,

The Directors/Project Directors/Zonal Coordinators of ICAR Research Institutes/Project Directorates/NRCs/Zonal Coordinating-Units.

Sub: Removal of Category Bar between Cat.I and Cat.II-clarification regarding applicability of relaxed alternative qualifications.

Sir,

Attention is invited to circular of even no. dated 1st Feb., 1995 wherein the Category Bar between Category-I and Category-II was removed for those possessing qualification for entry to Category-II. A question has been raised whether ICAR employees who were on the strength of the Council as on 1.1.77 i.e. the initial date of formation of Technical Services and possessing qualification in terms of ICAR letter no. 7(10)/78-Per.III dated 27.1.79 are also eligible for the purpose of Category jump from Category-I to Category-II in terms of Council circular of even no. date 1.2.95. The matter has been considered by the competent authority and it has been decided that Council employees in service as on 1.1.77 and possessing alternate qualifications in terms of ICAR letter no. 7(10)/78-Per.III dated 27.1.79 and 14(8)/94-E.IV dated 6.4.94 will also be eligible for Category jump from Category-I to Category-II w.e.f. 1.1.95 in terms of Council's circular of even no. dated 1.2.95.

W.W.W.
(G.C.Sharma)
OSD(S)

Copy to:

1. All DDGs/All ADGs/Director(P)/(Fin.)/(works)/(DARE)
2. PPS to DG/PS to Secretary, ICAR/PS to F.A.
3. All Deputy Secretaries
4. DD(P)/DD(Fin.)/All Under Secretaries
5. Secretary, ASRB
6. All Sections, ICAR/KAB, ICAR
7. Secretary, CJS/C/Secretary of IJSC of ICAR Institutes
8. Personal Section of A.M.
9. Guard File/Spare copies

BHARTIYA KRISHI ANUSANDHAN PARISHAD
 INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 KRISHI BHAVAN, NEW DELHI

No.7(10)/78-Per. III

Dated the 27th January, 1979

To

The Directors/Project Directors of
 all the Research Institutes.

Subject: Technical Service Rules - amendments to Appendix IV.

Sir,

A reference is invited to the Council's Circular letter No.7(8)/77-Per. III, dated the 18th February, 1978 forwarding amendments to the Technical Service Rules of the Indian Council of Agricultural Research. The President, Indian Council of Agricultural Research, has approved of the following further amendments to these Service Rules which may be suitably incorporated in Appendix IV (Minimum educational/trade qualifications for different Groups of the three categories), to the Handbook on Technical Services:-

LIBRARY/INFORMATION/DOCUMENTATION STAFF

CATEGORY II

<u>Existing qualifications</u>	<u>Intended qualifications</u>
<u>Essential qualifications for Library Staff.</u>	<u>Essential qualifications for Library/Information/Documentation Services Staff.</u>
(i) Bachelor's Degree with Diploma/Degree (B.Lib.) in Library Science.	(i) Bachelor's Degree with Diploma/Degree (B.Lib.) in Library/Information Science (Or any equivalent degree or certificate conferred by any Organisation and approved by the Ministry of Education.
(ii) 3 years' experience for Diploma holders.	
<u>For other Staff.</u>	<u>For other Staff.</u>
(i) Bachelor's Degree	(i) Bachelor's Degree
(ii) 3 years' experience	(ii) 3 years' experience
<u>Desirable Qualifications</u>	<u>Desirable Qualifications</u>
(i) Experience of working in University/Institute/Council or any other Organisation of repute in the relevant field.	(i) Experience of working in University/Institute/Council or any other Organisation of repute in the relevant field.
	(ii) Knowledge of one foreign language.

CATEGORY - IIIEssential Qualifications for Library Staff.

(i) Bachelor's Degree with Diploma/ Degree (B.Lib.) in Library Science.

Essential Qualifications for Library/ Information/Documentation Services Staff

(i) Bachelor's Degree of a recognised University with Master's Degree (M.Lib.) in Library/Information Science (OR any equivalent Degree or Certificate conferred by any Organisation which are approved by the Ministry of Education, Government of India, like INSDOC and DRDC).

OR

Master's Degree of a recognised University with Diploma or Degree (B.Lib.) in Library/Information Science (OR any equivalent Certificate if conferred by any Organisation which are approved by the Ministry of Education, Government of India).

(ii) 5 years' experience for Diploma holders.

(ii) 5 years' experience for Diploma holders.

For other Staff.

(i) Bachelor's Degree

(i)

(ii) 5 years' experience

For other Staff.Desirable Qualifications

(i) Master's Degree in Library Science or in the relevant field.

Desirable Qualifications

(i) 3 years' experience for Degree holders.

(ii) Experience of working in University/Instituto/Council or any other Organisation of repute.

(ii) Knowledge of one Foreign Language.

(iii) Experience of working in University/Institute/Council or any other Organisation of repute.

(iv) Science Degree.

Subject: Technical Service Rules - Amendments to Appendix IV

- 3 -

- 32 -

PRESS AND EDITORIAL STAFF INCLUDING TRANSLATORSCATEGORY - IIEssential Qualifications for Editorial Staff.

- (i) Bachelor's Degree
- (ii) 3 years' experience in the line.

Desirable Qualifications

Bachelor's Degree/Or Diploma in Journalism.

Essential Qualifications for Translators.

- (i) Bachelor's Degree
- (ii) 3 years' experience in the line.

Desirable Qualifications.

Bachelor's Degree/Or Diploma in Journalism

Essential Qualifications for Editorial Staff.

- (i) Master's Degree of a recognised University in the Subject relevant to the job requirement.

Desirable Qualifications

Bachelor's Degree/Or Diploma in Journalism.

Essential Qualifications for Translators.

- (i) Master's Degree of a recognised University in the subject relevant to the job requirement.
- (ii) Proficiency in the language concerned.

Desirable Qualifications.

Bachelor's Degree/Or Diploma in Journalism.

CATEGORY - IIIEssential Qualifications for Editorial Staff.

- (i) Bachelor's Degree
- (ii) 5 years' experience in the line. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of pay of Rs. 1100-1600, Rs.1300-1700 and Rs.1500-2000 respectively.

Essential Qualifications for Editorial Staff.

- (i) Master's Degree of a recognised University in the subject relevant to the job requirement.
- (ii) 3 years' experience in the line. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of pay of Rs.1100-1600, Rs.1300-1700 and Rs.1500-2000 respectively.

✓ be

....1/-

AM

Desirable Qualifications

Desirable Qualifications

(i) Master's Degree in the Subject. Bachelor's Degree/OR Diploma in Journalism.

(ii) Bachelor's Degree or Diploma in Journalism.

Essential Qualifications for Translators

Essential Qualifications for Translators

(i) Bachelor's Degree

(i) Master's Degree of a recognised University in the subject relevant to the job requirement.

(ii) 5 years' experience in the line. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of pay of Rs. 1100-1600, Rs. 1300-1700 and Rs. 1500-2000 respectively.

(ii) 3 years' experience in the line. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of Rs. 1100-1600, Rs. 1300-1700 and Rs. 1500-2000 respectively.

(iii) Proficiency in the language concerned.

Desirable Qualifications

Desirable Qualifications

(i) Master's Degree in the Subject. Bachelor's Degree/OR Diploma in Journalism.

(ii) Bachelor's Degree or Diploma in Journalism.

Field/Farm Technicians including that of 'Cank' Laboratory Technicians and Workshop including Engineering Workshop Staff (including 'Boat Crew' as on the 1st January, 1977).

Field/Farm Technicians
For Category I

Essential Qualifications

(i) Matriculate with at least one year Certificate in relevant field.

(i) Matriculate with at least one year Certificate in relevant field.

OR

Matriculate with 5 years experience of working in the respective field.

Matriculate with 5 years experience of working in the respective field.

OR

...5/-

*Matriculate with National Trade Certificate/National Apprenticeship Certificate or equivalent with 3 years' experience in the respective field.

OR

*National Trade Certificate/National Apprenticeship Certificate (if Non-Matric) or equivalent with 5 years' experience of working in the respective field.

*(ii) For the post of 'Cook' a candidate should be 'Literate' and should have proficiency in cooking.

Desirable Qualifications

(i) Diploma in the relevant field. (i) Diploma in the relevant field.

*For only existing employees holding positions in the Council on the 1st January, 1977.

For Category II.

Essential Qualifications

*(i) Three years' Diploma/Bachelor's Degree in relevant field.

*(i) Three years Diploma/Bachelor's Degree in relevant field.

OR

**National Trade Certificate of I.T. National Apprenticeship Certificate or equivalent qualifications with seven years' experience in the relevant field.

OR

**Matriculate with ten years' experience in the relevant field.

OR

**One year's training course in Forestry with ten years' experience in the relevant field.

OR

**Intermediate in Science/Intermediate in Agriculture.

*(ii) 3 years' experience in the relevant field for Diploma holders.

(ii) 3 years experience in the relevant field for Diploma holders.

*In fields where the duration of Diploma Courses available in the Country is only two years, the minimum qualification will be Two Years' Diploma instead of three years Diploma.

**For only existing employees holding positions in the Council on the 1st January, 1977.

Laboratory Technicians

For Category II.

Essential Qualifications

*(i) Three Years' Diploma/ Bachelor's Degree/ equivalent qualification in the relevant field.

*(i) Three Years' Diploma/Bachelor's Degree/ equivalent qualification in the relevant field.

OR

**Matriculate with ten years' experience in the relevant field.

OR

**Intermediate in Science/Intermediate in Agriculture.

(ii) 3 years' experience in the relevant field for Diploma holders.

(ii) 3 years' experience in the relevant field for Diploma holders.

Desirable Qualifications

Some experience for Bachelor's Degree holders.

Some experience for Bachelor's Degree holders.

*In fields where the duration of Diploma Courses available in the Country is only two years, the minimum qualification will be two years' Diploma instead of three years Diploma.

**For only existing employees holding positions in the Council on the 1st January, 1977.

Workshop including Engineering Workshop Staff.

For Category I

Essential Qualifications

(i) At least one year's Trade Certificate.

(i) At least one year's Trade Certificate.

...7/-

- 7 -

(ii) For 'Boat Crews' a candidate should have 'Good General education and appropriate proficiency Certificate' given by the Marine Mercantile Certificate Department will be preferred.

Desirable Qualifications

(i) Higher Certificate/Diploma in the Trade. (i) Higher Certificate/Diploma in the Trade.

(ii) Two year's experience in the relevant field. (ii) Two year's experience in the relevant field.

Essential Qualifications

For Category II

*(i) Three years Diploma/ Bachelor's Degree in relevant field. *(i) Three years Diploma/Bachelor's Degree in relevant field.

OR

National Trade Certificate of I.T.I./National Apprenticeship Certificate or equivalent qualifications with seven years' experience in relevant field.

OR

Matriculate with ten years' experience in the relevant field.

(ii) At least 3 years' experience for Diploma holders. (ii) At least 3 years' experience for Diploma holders.

OR

Higher Certificate/Diploma in the Trade with five years' experience in the relevant field.

Higher Certificate/Diploma in the Trade with five years' experience in the relevant field.

* In fields where the duration of Diploma Courses available in the Country is only two years, the minimum qualification will be two years Diploma instead of three years Diploma.

** For only existing employees holding positions in the Council on the 1st January, 1977.

Please acknowledge receipt of the letter.

Yours faithfully,

Hariharasankaran

(P.V. Hariharasankaran)
Director (Personnel)

.....8/-

Copy forwarded to:-

1. P.S. to Director General, ICAR.
2. All Deputy Directors General, ICAR.
3. P.S. to Secretary, ICAR.
4. Secretary, ASRB, Nirmal Tower, 26, Barakhamba Road, New Delhi.
5. P.A. to Director (P), ICAR.
6. All Additional Secretaries, ICAR.
7. Deputy Director (Personnel), ICAR.
8. All Under Secretaries, ICAR.
9. Si(G)/Sl(B)/SA(D), ICAR.
10. Personnel I/II/IV Section, ICAR.
11. Estt. I/II/III Section, ICAR.
12. All External Establishment Sections, ICAR.
13. The Secretary (Staff Side), C.J.S.C., IARI, New Delhi.
(with 10 photocopies)

K.L. Bhandula
(K.L. Bhandula)
Senior Analyst

38

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 I.C.A.R. RESEARCH COMPLEX FOR NEH REGION
 UMROI ROAD, BARAPANI, MEGHALAYA-793 103

No.AC(BR)1/89

Dated Barapani, the ~~20th~~ ^{3rd June} 1997.O R D E R

The Director, ICAR Research Complex, Barapani is pleased to constitute a committee with the following Scientists/Officers in connection with the Removal of Category Bar from Cat. I to Cat. II of the Technical Staff of this Institute. The meeting will be held on 04.6.97 in the Committee Room at 11.00 A.M.

1. Dr. U.C. Sharma, *Chairman*
Jt. Director(HQ)

2. Dr. B.P.S. Yadav, *Member*
Sr. Scientist(AN)

3. Dr. C. Rajkhowa, *Member*
Sr. Scientist
(Vety. Parasitology)

4. Dr. Sangit Kumar, *Member*
Sr. Scientist(PP)

5. ~~Ex~~ Smt. M. Kharmaophlang, *Member Secy.*
(A.O.)

The members are requested to make it convenient to attend the aforesaid meeting accordingly.

(M. Kharmaophlang)
3/6/97
Administrative Officer

to all concerned members. b/w m/s t/r 4/6/97 to 31/3/2000
 The Director, ICAR Research Complex for NEH Region, Barapani
 The Director, ICAR Research Complex for NEH Region, Barapani

(M. Kharmaophlang)
3/6/97
Administrative Officer

The proceedings of the Committee for Removal of Category Bar from Category - I & Category - II of the Technical Staffs of the Institute proceeded as follows:-

The Committee constituted for removal of Category Bar from Category - I & Category - II which met on 01-9-97 for the 1st and 2nd meeting of the Committee. This was the 3rd and the third meeting of the Committee. After going thoroughly through the available records as far as wished by the Office, the following Technical Staffs of the Institute were found eligible for removing the Category Bar from Cat - I & Category - II as per the Committee's order.

On 01-2-97 ^{8/117} and the Appendix D 03, the Tech. Service Rule Committee also suggested that the names of the eligible Staffs along with the Date of Joining and various etc are mentioned listed below for consideration & recommendation for removal of Cat Bar with the approval of Director. The names, relevant certificates may be re- checked before issuance of final order.

Sl. No.	Name of the Centre	Name of the Student	Date of joining	Qualification	Remarks
BARAPAHAL					
1.		✓Shri Kajal Kr. Suklabandy	20. 11. 76	HSLC	
2.		✓Shri Debabnata Roy	20. 10. 76	B.A.	
3.		✓Shri W. Kharsati	21. 10. 76	HSLC	
4.		✓Shri H. Ahmed	22. 11. 76	HSLC	
5.		✓Shri M. N. Bhattacharya	23. 11. 76	HSLC	
6.		✓Shri Samim Kr. Sen	03. 04. 80	B.Sc.	
7.		✓Shri Sunit Kr. Phukan	03. 04. 80	B.Sc.	
8.		✓Sat. Anju Phukan Dutta	08. 12. 82	M.A. (Pol. Sc. & B.Sc. (Lib.))	
9.		✓Sat. Tunu Baruah	24. 12. 82	B.Sc.	
10.		✓Shri Somarjyoti Borthachar	31. 12. 82	B.A. Certificate course of Lib. Sc. with Degree.	
11.		✓Shri Rajen Ch. Balshya	01. 02. 83	B.Sc.	
12.		✓Shri Subir Chakraborty	18. 3. 83	B.Sc. (Hons.) Zoology	
13.		✓Shri H. S. Nongkynrih	30. 11. 83	B.A.	
14.		✓Shri Jadu Ram Borah	15. 2. 84	B.A. (Geog.)	
15.		✓Shri Debjyoti Bhattacharjee	03. 03. 84	B.Sc. (Zoo., Bot. & Chem.)	
16.		✓Shri Shinewell Nongneng	29. 3. 84	M.A. (Hons. in Khasi)	
17.		✓Shri Kaushal Ch. Bora	15. 6. 83	HSLC	
18.		✓Shri Fabon Kr. Phukan	3. 9. 83	HSLC	
19.		✓Shri D. C. Barman	18. 3. 83	HSLC	
20.		✓Shri Manik Ch. Das	8. 12. 83	HSLC	
21.		✓Shri B. Thabah	8. 11. 83	HSLC	
22.		✓Shri Prabhat Ch. Das	30. 11. 83	HSLC	
23.		✓Shri Shashi Kt. Deivedi	20. 1. 83	P.U.	
24.		✓Shri Halashar Thakuria	30. 11. 83	MSLC	
25.		✓Shri Phen Singh Syiem	29. 11. 83	HSLC	
26.		✓Shri Munindra Kr. Das	29. 11. 83	HSLC	
27.		✓Sat. Aicontimal Nongbri	18. 1. 83	HSLC	
28.		✓Shri D. C. Deka	1. 8. 77	HSLC	
29.		✓Shri T. P. Pradhan	12. 12. 77	HSLC	
30.		✓Shri A. K. Dey	7. 11. 77	HSLC	
31.		✓Shri Nagen Ch. Das	4. 11. 77	HSLC	
32.		✓Shri K. Barman	20. 4. 79	HSLC	
33.		✓Shri Pranab Kr. Barman	20. 7. 81	HSLC	

Contd. to PTO

Sl. No.	Name of the Centre.	Name of the Staff.	Date of joining	Qualification	Remarks.
34	✓ Shri Ashish Das Choudhury		26.9.82	P. U. Com.	
35	✓ Shri Deben Ch. Das		15.10.82	HSLC	
36	✓ Shri S. N. Talukdar		28.12.82	HSLC	
37	✓ Shri Bikash Ch. Sharma		24.12.82	HSLC	
38	✓ Shri Mana Mizo		15.7.82	HSLC	
39	✓ Shri Pranab Kr. Dey		16.7.82	HSLC	
40	✓ Shri Rama Kt. Dwari				HSLC & Training on F/M & Maintenance
41	✓ Shri P. N. Singh (Transferred to IGFML), Jhansi		01.7.84		
42(a)	✓ Shri B. Roben Singh		02.4.80		Intermediate (1 yr.)
42(b)	✓ Shri Ramchandra Rai				
42(c)	✓ Shri Jayanta Das		9.4.80		P.U. Passed

National Trade Certificate & VFA Courses

43	✓ Sh. A. K. Deka	7-3-83	1. HSLC 2. Elementary AH & Vety. Sci. Course 1½ yrs.	
44	✓ Sh. H. Majaw	6-12-82	1. HSLC 2. NTC on motor mechanic-2 yrs.	
45	✓ Sh. Sanjit Dutta	1-10-82	1. H. S. Exam passed 2. NTC on Electrician 2 yrs.	
46	✓ Sh. A. Bhapuri	18-2-83	1. H. S. L. C. 2. Elementary Course on A.H. & Vety. Sci. 1½ yrs.	
47	✓ Sh. G. H. Basumatary	8-8-83	Do	
48	✓ Sh. A. S. Shongwan	19-2-83	1. P. U. C. 2. Elementary Course on A.H. & Vety. Sci. 1½ yrs.	
49	✓ Sh. Daushalendu Prasad	11-1-83	1. Intermediate 2. Diploma in Computer Course (1 yr. 5 months 18 days)	
50	✓ Sh. U. Pyngrope	1-2-77	1. HSLC 2. Diploma in Carpenter from Don Bosco Tech. School, Shillong 5 yrs.	

S.NO.	Name of the Centre	Name of the Staff	Date of joining	Qualification	Per.
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TRIPURA

15.1	Sh. Nirmal Ranjan Ghosh		24-11-80	B.A. (Econ. & Stat.)	✓
15.2	Sh. Adilish Chakraborty		25-10-85	B.Sc. (Bio. Group)	
15.3	Sh. Kavita Mehrotra		4-11-85	B.Sc. (Life Sci.)	
15.4	Sh. Debabrata Debbarma		14-3-78	H.S. passed	
15.5	Sh. Debabrata Choudhury		20-12-77	H.S. passed	
15.6	Sh. Malay Gupta		20-7-81	H.S. passed	
From 21.7.97	Sh. Swapnil Kr. Das		20-7-87	H.S. Passed	
15.7	Sh. Swapnil Kr. Loch		6-8-82	H.S. passed	
15.8	Sh. Sribach Debnath		8-7-82	H.S. Passed	
15.9	Sh. Manu Laskar		7-7-82	H.S. Passed	
16.0	P.D. Bhattacharya		8-7-82	H.S. Passed	
16.1	Sh. Jogendra Deb Banerjee		8-7-82	Mahayanic (Secondary exam. passed.)	
16.2	Sh. Nepal Debnath		4-11-85	1. H.S. passed 2. NTC of ITI in Electrician 2 yrs.	
16.3	Sh. Pradip Banerjee Roy		23-12-85	3. Supervising Electrical Workman's Competency Certificate 1. H.S. Passed 2. NTC of ITI in mechanic 1 yrs.	
16.4	Sh. Nimal Kr. Das		20-7-81	3. NAC - 2 yrs. 1. H.S. passed 2. NTC of ITI in sheet metal - 1 yr.	

MANIPUR

16.5	Sh. G.N. R. Naga		17-2-77	B.A.	
16.6	Sh. Chandrakanta Devi		24-12-82	B.Sc.	
16.7	Sh. A. Soni Mao		27-6-85	B.A.	
16.8	Sh. A. Manikor Singh		16-3-81	P.U.Sc.	
16.9	Sh. A. Premjit Singh		7-4-83	P.U. Sc.	
17.0	Sh. Y. Rajen Singh		7-4-83	P.U. Sc.	
17.1	Sh. K. Momon Singh		8-12-82	H.S.L.C.	
17.2	Sh. M. Raingam		7-4-83	H.S.L.C.	

NAGALAND

17.3	Sh. D. C. Baruah		24-11-76	H.S.L.C.	
17.4	Sh. B. C. Gohain		27-4-81	B.A.	
17.5	Sh. B. Talukdar		24-7-82	P.U. (Arts.)	
17.6	Sh. A. C. Handique		30-7-82	P.D. Com.	
17.7	Sh. S. B. Singh		28-4-88	H.S.L.C.	
17.8	Sh. J. C. Sharma		8-12-78	H.S.L.C.	

National Trade Certificate & VFA Course

17.9	Sh. A. V. Ngajhui		20-3-85	1. HSLC 2. ITI Trg. Course on Motor mechanic Mohim	
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21-3-95

Sl. No.	Name of the Centre	Name of the Staff	Date of joining	Qualification	Rks.
<u>SIKHIMI</u>					
80.	Sh. Surendra Mohan		8-12-82	B.A. (Socio.)	
81.	Sh. P.T. Yonzon		15-2-77	1. School Final passed.	
82.	Sh. K.B. Basnet		15-2-77	Secondary School passed	
83.	Sh. Milip Bhapu		16-2-77	School final passed	
84.	Sh. M.B. Karki	Kholy	16-2-77	Higher Secondary passed	
85.	Sh. R.N. Chetri		15-6-78	Passed Secondary School Exam. '96.	
86.	Sh. A.K. Bhattacharya		1-4-80	Higher secondary passed.	
87.	Sh. Maheshwar Singh		18-7-80	Matric passed.	
88.	Sh. Gopal Dorjee		22-7-80	School final passed	
89.	Sh. A.P. Dubey		31-3-81	Intermediate (Ag.)	
90.	Sh. Manon Yadav		3-12-82	Intermediate (Sci.)	
91.	Sh. J.P. Pandey		4-5-83	Intermediate (Ag.)	
92.	Sh. Surya Shan Prasad		4-6-83	Intermediate (Ag.)	
93.	Sh. B.N. Maurya		8-6-84	Intermediate	
94.	Sh. T.N. Chintury		7-11-84	1. Cl. VII passed 2. NTC in motor mechanic.	
95.	Sh. Basudeb Ghosh		7-2-85	1. H.S. passed 2. NTC in Farm mechanic.	
<u>MIZORAM</u>					
96.	Sh. Lalsimiana		16-4-79	B.A.	
97.	Sh. Birgesh Chanda		4-12-85	B.A.	
98.	Sh. Lalrinawma Pachmar		24-4-78	P.U.	
99.	Sh. A. Sangzika		26-4-78	P.U.	
100.	Sh. R. Zokhuma		13-6-78	P.U.	
<u>KVK TURA</u>					
101.	Sh. Arun Azim		01-02-77	1. Cl. IX passed 2. ITI Trade Certificate. 2 yrs.	
102.	Sh. Premod Ch. Sharma		26-3-81	H.S. L.C.	
103.	Sh. Rana Morar		08-04-86	Ob. Ex passed	
<u>Ministry</u> 16/9/1997					
1.	Dr. U.C. Sharma	2. Dr. B.P.S. Yadav	3. Dr. G. Rajkhowa		
	Chairman	Member	Member		
4.	Dr. Sankit Kumar		5. Shri G. Sinha		
	Member		A.A.O. (A) Member Secy.		

83
- 43 -

16/9/97 16/9/97 16/9/97

16/9/97

B

Proceedings of the Committee at pos-
tponed

A comprehensive list of electrical
staff who are found guilty of the
crossing category has been
prepared and recommended by the
Committee. The proceedings has
been signed by all the
members including the Chairman.

The Director may kindly
approve the same so that
necessary office order can be
issued at the earliest.

Submitted by
Johns

A.O.

Director

AO
AM(A) EICD
16/9/97

16/9/97

for kind appl. of the

Director pl. 16/9/97

Approver
On 30/9/97

16/9/97

Others above

Draft order is placed below
for approval/ signature except in the
case of Sikkim Centre for which
we may like to receive the
Qualification certificates etc. ^{again} ~~as~~
~~as~~ ~~of~~ ~~by~~ ~~which is to be verified~~
~~by~~ ~~under~~ ~~for~~

18/10/97 12/10/97 20/10/97

Approved as proposed above
20/10/97

P/277-280Km. n.c.(B)1/89 On 23/10/97 Issued

AM(A)

AO

EICD

No. RC (ER) 1/89

Dated Umiam, the 31st July, 98.

-45-

ORDER

The Director, ICAR Research Complex for NEI Region, Umiam is pleased to constitute a committee with the following scientists/Officers for reviewing the cases of removal of category bar from category I to category-I of the Technical Staff of this Institute.

The meeting will be held on 05th August, 1998 in Seminar Room at 11.30 a.m.

1)	Dr. H. S. Gupta, Principal Sci. (P. B.)	Chairman
2)	Dr. A. K. Singh, Sr. Sci. (P. P.)	Member
3)	Dr. K. K. Satapathy, Sr. Sci. & Head (Agril. Engg.)	Member
4)	Smt. M. J. Khamaphlang (A)	Member-Secy.
5)	Smti. G. Singh, Asstt. Admin. Officer (A)	Member

The members are requested to make it convenient to attend the aforesaid meeting.

31/7/98
(M. J. Khamaphlang)
Administrative Officer

Copy to:-

All members by name.

E/V

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
I.C.A.R. RESEARCH COMPLEX FOR NEH REGION
UMROI ROAD, UMIAH, MEGHALAYA-793 103.

46

ANNEXURE R9

No. EC(BR)1/89

Dated Umiam, the 13th August, '9

ORDER

Reference to this office orders of even No. dated 31st. July, 1998, the meeting for reviewing the cases of removal of category bar from category-I to category-II, the same meeting could not be held on the same date due to administrative reason & thereafter, the committee has been re-constituted to review the same with the following members.

In this connection, the meeting will be held on 18.8.98 in the Extension Room at 11:30 a.m.

This issues with the approval of the Director.

1.	Dr. Babu Lal, Sr. Sci.(Soils)	Chairman.
2.	Dr. A.K. Singh, Sr. Sci.(PP)	Member
3.	Dr.K.K. Satapathy Sr. Sci. & Head(AE)	Member
4.	Smt.H.S.Kharawphlang Adm. Officer.	Member Secy.
5.	Shri G.Sinha, Asstt. Adm. Officer(A)	Member.

The members are requested to make it convenient to attend the aforesaid meeting.

(G. SIEHA)
(G. SIEHA)
ASSTT. ADM. OFFICER (A)

Copy to members by name.

O.C

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(7)

NOTE SHEET ANNEXURE - R 10

- 47 -

8X

Notes and orders presages:-

The necessity of constituting a second Committee to review the recommendation of the Committee held on 1.9.97 for removal of category bar of technical staff Gr. T-I-3 of Category -I to place into T-II-3 grade and the inability of the review committee to arrive at a decision even after nearly 13 months of it's constitution and having already met in a number of occasions --- confirms about the anomalies in the office orders (1) No. RC(BR)1/89 dt. 23.10.97 (2) No. RC(BR)1/89 dt. 29.12.97 regarding removal of category bar and the same is also not in conformity with Rules 6.2 and 8.3 respectively of Handbook of Technical Services with notes below it, as amended from time to time.

Even both the Committees i.e. Committee for Removal of Category bar as well as for it's Review were not constituted as per the norms laid down in the Technical Services Hand book concerned.

Therefore, in order to implement the Council's decision in letter and spirit as per guidelines provided in the Technical Service Rules, Director may like to take decisions as proposed below:-

A. Cancel the erroneous orders of the Institute for removal of category bar issued vide orders (i) No. RC(BR)1/89 dt. 23.1.97 and (ii) No. RC(BR)1/89 dt. 29.12.97 and withdraw their placement in the Gr. T-II-3 with immediate effect pending recommendation of a duly constituted DPC cum Selection Committee under Rule 7.4 of Technical Service Rules.

B. Constitute a Departmental Promotion cum Selection Committee with the following mandates:-

- To recommend the eligible technical persons in the grade T-I-3 of Category-I having necessary qualification prescribed under Rule 7.5 of Technical Service Rules for promotion to the Gr. T-II-3.
- To select the eligible technical persons in the grade T-I-3 of Category-I possessing alternative qualification provided in the Technical Service Rules for promotion against 33.1/3% quota on the basis of notional seniority list to the next grade i.e. T-II-3 in the Category-II.
- To select the merit list of technical persons in the grade T-I-3 of Category-I having fulfilled the criteria provided in the Technical Service Rules for promotion against 33.1/3% quota to the grade T-II-3 of Category-II.
- To recommend advance increments to the eligible technical persons in the Grade T-I-3.

The DPC Cum Selection Committee may be constituted with the following members and the date of meeting proposed :-

1. Dr. S. V. Ngachan, ^{manjeet} - Chairman
2. Dr. ^{20/8/99} ²⁰ Su Kumar Roy - Member
3. Dr. ^{20/8/99} ²⁰ Dhar, Ex. Director Govt of Assam - Outside expert
4. Dr. Venkatasamulu, ^{20/8/99} ²⁰ SC/ST Member
5. Mrs. M. J. Kharmaophlang, ^{20/8/99} ²⁰ AO Member Secretary

Date of meeting _____

Submitted for orders pl.

A.A.O(A)

Y.C. Singh

P. L. C. 20

20/8/99

20/8/99

Appointed

20/8/99

20/8/99 - No. Rec'd 20/8/99 dt. 21.12.99 to all concerned

SRB

20/8/99

ANNEXURE-R11

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H.Region
UMIAM(PO)-793103, Umroi Road, Meghalaya

No.RC(G) 17/86

Dated the 4th February, 2000

OFFICE ORDER

A committee with the following officers is hereby constituted to review the representations received from various technical staff of the Instt.HQ's and the regional centres on the light of the Technical Service Rules and suggest recommendations for further implementation.

Dr.S.V.Ngachan, Chairman
Joint Director, ICAR(RC),
Manipur

Dr.K.R.Dhiman, Member
Joint Director, ICAR(RC),
Tripura

Dr.Kailash Kumar, Member
Sr.Scientist(Soil Science)

Shri.G.Sinha, Member
Asstt.Admin.Officer(Admin)

The committee should submit its report to the undersigned at the earliest.

6/2/02
(N.D.Verma
Director)

Copy to :-All concerned.

Sh. G. Sifa
AHO(Ad.)

for information

plan

SRB

for information

Shiv
m/w

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN NEW DELHI

No. 18-1/97.Estt.IV

Dated the 3rd February, 2000

To

All the Directors/Project Directors of ICAR Research Institutes/NRCs/Projects Directorates.

Subject: Modifications in the existing Technical Service Rules of the ICAR – Notification regarding.

Sir,

As you are aware, a proposal for revision of some of the provisions of existing Technical Service Rules has been under detailed consideration of the Council for the past quite sometime to remove the anomalies and to improve and update the qualifications.

2. The matter was considered by the Governing Body in its meeting held on 18th November, 1999 and based upon the decision of the Governing Body, the competent authority has approved the following changes in the existing technical service rules :

As. K. K. Pathak (i)
On account of two overlapping grades of T-I-3 and T-II-3, the assessment promotion has become redundant and therefore, grade structure in Cat.I and II has been modified as hereunder :-

137
10/1/2000

	Existing	Revised
	CATEGORY - I	
T-1	RS. 3200-85-4900	✓ T-1 RS. 3200-85-4900
T-2	RS. 4000-100-6000	✓ T-2 RS. 4000-100-6000
T-1-3	RS. 4500-125-7000	
	CATEGORY - II	
T-II-3	RS. 4500-125-7000	✓ T-3 RS. 4500-125-7000
T-4	RS. 5500-175-9000	✓ T-4 RS. 5500-175-9000
T-5	RS. 6500-200-10500	✓ T-5 RS. 6500-200-10500

As per the revised grade structure, the entrants of Category I at T-1 grade would continue to be regulated for assessment from T-1 to T-2 after five years of service as at present. However, from T-2 grade such personnel possessing the qualifications as prescribed herein further under this order for Category-II for direct recruitment, would be eligible for assessment promotion to T-3 grade after five years of

~~AAO (A)~~
~~Please circulate~~
~~to all concerned~~
~~Eff. from~~
~~1/1/2~~

Dr. Bhawna

200 - 50 -

service, while those not possessing such qualifications shall become eligible for assessment promotion to T-3 grade only after 10 years of service in the T-2 grade. The assessment promotions from T-3 onwards to T-4 and T-4 to T-5 shall continue to be regulated at five years interval as at present.

(ii) The provisions relating to 'Category barrier' for assessment promotions from T-5 grade of Category II to T-6 grade of Cat.III has been revised as under :

- (a) The technical personnel in T-5 grade (RS.6500-10500) and possessing the essential qualifications prescribed as hereinfurther under this order for Category III for direct recruitment, shall be eligible for assessment promotion to T-6 (RS. 8000-13,500) grade after completing five years of service in T-5 grade, while :
- (b) The T-5 Technical Personnel who do not possess the essential qualifications as for direct recruitment prescribed hereinfurther under this order for Cat.III shall be eligible for assessment promotion to T-6 grade after completing 10 years of service in T-5 grade, provided such technical personnel are possessing the qualifications prescribed under this order for direct recruitment to Category II (T-3). However, such Technical Personnel in T-5 grade who do not possess the qualifications prescribed under this order for direct recruitment to Category II (T-3) shall not be eligible for further assessment promotion to Category III of the Technical Services.

(iii) Since a revised single pay scale of RS.10000-15200 by way of replacement of their erstwhile pre-revised pay scales as per the Vth Central Pay Commission, has been attached to the existing technical grades of T-7 and T-8, these two grades have been redesignated as uniform and single grade as T(7-8) in the given pay scale of RS.10000-15200 and the movement of technical personnel existing in these grades has been approved to be regulated under the assessment system to the next higher grade of T-9 of Technical Service (Pay scale of RS.12000-16500) in the following manner :

- (a) Those technical personnel who are working in T-7 grade (RS.10000-15200) and have not been assessed for T-8 grade would be eligible for assessment to T-9 (RS.12000-16500) grade after completion of 7 years of service in T-7 grade.
- (b) Those technical personnel who have already been placed in T-8 grade (RS.10000-15200) will be

✓

assessed for T-9 (RS.12,000-16500) after completion of 5 years of service in this grade of T-8.

(iv) The minimum essential qualifications for direct recruitment of technical personnel in Category I, II and III at the entry grades there to would be as per the following model qualifications irrespective of the functional group:

- (a) Category-I, Matriculate with atleast one year Certificate from recognized institution in the relevant field;
- (b) Category-II, Bachelor's degree in the relevant field or equivalent qualifications from a recognized university;
- (c) Category-III, Master's degree in the relevant field or equivalent qualifications from a recognized university.

Based upon the above minimum essential model qualifications prescribed for different categories, the specific qualifications covering the relevant fields, location-specific requirements of posts as well as desirable specialization wherever required in case of posts of different functional groups should be finalized in case of direct recruitment in consultation with the concerned subject matter Divisions.

(v) The existing assessment system based upon the CCR gradings and records of performance of personnel as reflected in the assessment reports/proforma as well as the prescribed benchmark for assessment promotions of 'Good' for Cat.I and II and 'Very Good' for Cat.III respectively would continue as such, but for the sake of uniformity, it has been decided that the assessment committees should determine the benchmark for the relevant period only in accordance to the instructions of the Department of Personnel and Training for determination of benchmark as under selection method, issued from time to time.

3. The modifications, as set out under para 2 foregoing, would take immediate effect from the date of issuance of this Notification. Any existing technical employees who may like to be governed only as per the existing technical service rules may do so by specifically exercising an individual option in writing to the Director of the Institute within a period of 30 days from the date of issue of this Notification. **Option once exercised shall be irrevocable and final.** With the introduction of these modifications in the existing technical service rules, the 33 1/3% promotion quota will be operative only in Cat.I at the level of T-1. As under the existing procedure in force, the vacancy in the event of retirement/death/resignation of the technical personnel carrying

Rao RL. *[Signature]* *[Signature]*

4 - 52 -

whatever personal grade through assessment promotion in the technical service shall occur only in the initial grade of his appointment under the service. This will continue to be regulated accordingly. However, in the meanwhile no post/grade of post under the Category III of technical service should be filled up by Direct recruitment until further instructions from the Council.

4. Kindly acknowledge receipt of this Notification and immediate necessary action as per rules be expedited for its implementation.
5. While circulating the Notification at their respective institutes, the Directors may also endorse a copy to IJSC staff representatives.
6. Hindi version of this Notification follows.

Yours faithfully,


(N.S. Randhawa)
Deputy Secretary(Admn.)

Copy to :

1. All the DDGs ICAR at KB and KAB/National Director, NATP.
2. The Additional Secretary, Department of Expenditure, Ministry of Finance & Member(Finance), ICAR, North Block, New Delhi-1, with reference to his D.O. letter No.L-236/AS(E)/2000 dated 24th January, 2000.
3. Special Assistant to Chairman, ASRB with reference to D.O. No.50-4/99-R.II dated the 24th January, 2000.
4. PS to Hon'ble AM/PS to Hon'ble MOS(DAH&D).
5. All the ADGs/Director (P)/Director (Finance)/Director (DARE)/Director (Works)/Director(Hindi), ICAR at KB and KAB.
6. Sri PPS to Secy.(DARE) & DG, ICAR/Staff Officer to DG ICAR/PS to Secretary, ICAR/PS to FA, DARE/ICAR.
7. All Deputy Secretaries including Secretary ASRB/ All Deputy Directors/All Under Secretaries.
8. All the F&AOs of ICAR Institutes.
9. Secretary (Staff side), CJSC
10. Guard File/Spare Copies.


(A.S. Sethi)
Under Secretary(Technical)

(1)

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Telephone Off 5788172

कृषि वैज्ञानिक भर्ती मंडल
(भारतीय कृषि अनुसंधान परिषद)

AGRICULTURAL SCIENTISTS RECRUITMENT BOARD (ICAR)

KRISHI ANUSANDHAN BHAVAN,
PUSA, NEW DELHI-110 012

F.No.T-25/CH/ASRB/00

Dt:- 2nd May, 2000

To

The Director,
ICAR Research Complex for N.E.H. Region,
Umroi Road, Barapani,
Meghalaya-793 103

Sub:-

Nomination of Chairman on the Assessment Committee.

Sir,

I am to refer to your letter No. RC(R)/22/99 dated 17th September, 1999 on the subject mentioned above, and to intimate the names of following experts to act as Chairman on the Assessment Committee, in order of preference. The panel will be valid for a period of two years.

Field/Farm/Stockman - Cat.I / Cat.II (Lab.Tech.)

Chairman

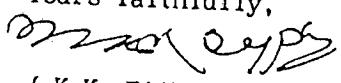
- 1) Dr.P.K. Gogoi
- 2) Dr.L. Paswan

Workshop staff including drivers Cat.I.

Chairman

- 1) Dr.P.K. Das
- 2) Dr.L.S. Yadav

Yours faithfully,


(K.K. BAJPAI)
Secretary

Dr. K.K. Bajpai
29/2X
ASRB
no case

CONFIDENTIAL

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 ICAR RESEARCH COMPLEX FOR N. E .H. REGION
 UMROI ROAD ,UMIAM

NO.RC(R)22 /99

Dt. The 18th Sept.2000.O R D E R

As per rule 6.6 of Technical Service Rules , a Five Yearly Assessment Committee with the following members are hereby constituted to consider the cases of promotion/ grant of advance increments to the Technical Staff (Category I & II - Field Farm Technician/Lab. Technician Group)of this Institute :-

1. Dr. P.K. Gogoi , Professor(Agronomy) Assam Agril. University , Jorhat.	Chairman(ASRB nominee)
2. Dr. D.K. Hore , Sr. Scientist & Incharge , NBPGR Regional Stn. Umiam.	Member
3. Dr. Kailash Kumar Sr. Scientist (Soil) , ICAR Res. Complex ,Umiam.	Member
4. Sh. G. Sinha , Assit. Admn. Officer(Admn.)	Member Secretary

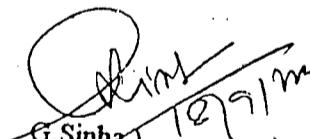
The date of DPC has been fixed on the 22nd Sept.2000 at 11.00 in the Committee Room of the Institute Hqs. Umiam.

Sd/- N.D.Verma
Director

Memo. NO.RC(R)22 /99

Dt. The 18th Sept.2000.

Copy to :- All the members concerned.


 (G. Sinha)
 Assit. Admn. Officer(Admn.)

ANNEXURE - R 15

- 55 -

Appendix - IV

Minimum Educational/Trade Qualifications for Different Groups of the Three Categories

Field/Farm Technicians		
CATEGORY I		
Essential Qualifications		
(i) Matriculate with at least one year's certificate in relevant field	(i) Three years Diploma/Bachelor's Degree in relevant field	(i) Three years Diploma/Bachelor's Degree in relevant field
or		
Matriculate with 5 years experience of working in the respective field	"National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in the relevant field	(ii) Five years experience of working in the relevant field. Minimum experience will be 3 years, 10 years and 12 years for lateral entry to posts carrying salaries Rs 3000-4500, Rs 3000-3000 and Rs 1700-3000, respectively.
or		
"Matriculate with National Trade Certificate/National Apprenticeship Certificate or equivalent with 3 years experience in the respective field	"Matriculate with ten years experience in the relevant field	
or		
"National Trade Certificate/National Apprenticeship Certificate (if non-Matric) or equivalent with 5 years experience of working in the respective field	"One year's training course in Forestry with ten years experience in the relevant field	(i) Master's Degree in the subject
or		
"Intermediate in Science/Intermediate in Agriculture	"Intermediate in Science/Intermediate in Agriculture	
(ii) For the post of 'Cook' a candidate would be 'taut' and should have proficiency in cooking	(ii) 3 years experience in the relevant field for Diploma holders	
Desirable Qualifications		
(i) Diploma in the relevant field		
• Laboratory Technicians		
CATEGORY I		
Essential Qualifications		
(i) Matriculate with one years trade certificate in the relevant field	(i) Three year's Diploma/Bachelor's Degree/equivalent qualification in the relevant field	(i) Three years Diploma/Bachelor's Degree in the relevant field/Forest Ranger Diploma (for posts as CSWCR & TI, Dehradoon and C/22, Jhunjhunu)
or		
Matriculate with 5 years experience of working in the relevant field	"Matriculate with ten years experience in the relevant field	or
or		
Intermediate/equivalent qualification in the relevant field	"Intermediate in Science/Intermediate in Agriculture	Equivalent qualifications in the relevant field
(ii) 3 years experience in the relevant field for Diploma holders		(ii) 3 years experience in the relevant field
Desirable Qualifications		
Diploma in the relevant field	Some experience for Bachelor's Degree holders	Master's Degree in the subject

* In fields where the duration of Diploma Course available in the country is only 2 years, the minimum qualification will be 2 years diploma instead of 3 years diploma.

** Applicable to council employees in position as 1.1.77 for the purpose of promotion only against 33 1/3% vacancies reserved for departmental promotions. The benefit of these alternate qualification marked as (double star) will also be extended to the employees for removal of category bar in between Cat.-I & II, for the employees in ICAR service as on 1.1.77 vide Council's letter No.14(3)94-Estt.IV dated 8.8.1996 and No.14(8)/94-Estt.IV dated 6.4.94

ICAR TECHNICAL STAFFS		
Workshop including Engineering Workshop Staff		
CATEGORY I		
Essential Qualifications		
(i) At least one year's Trade Certificate	(i) Three years Diploma/Bachelor's Degree in relevant field	CATEGORY II
	or	Essential Qualifications
	"National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in relevant field	(i) Three years Diploma/Bachelor's Degree in relevant field
(ii) For 'Boat Crew' a candidate should have "good general education" and appropriate proficiency certificate. The competency certificate given by the Ministry of Maritime Department will be preferred	"National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in relevant field	or
	"Matriculate with ten years experience in the relevant field	(ii) Matriculate with ten years experience in the relevant field
Desirable Qualifications		
(i) Higher Certificate/Diploma in the trade	(i) At least 3 years experience for diploma holders	Fishing and Training Vessel Staff
(ii) Two years experience in the field	or	
	Higher Certificate/Diploma in the trade with five years experience in the relevant field	Skiper (F.L.T.Y) (T-2); Rs 3000-4500)
ICAR TECHNICAL STAFFS		
Essential Qualifications		
(i) Certificate of competency as Skiper for the fishing vessels issued by the Maritime Service Department		
(ii) Secondary School Leaving Certificate or equivalent		
(iii) 5 years practical experience on fishing vessels		
		NOTE: Qualifications relaxable at the discretion of the Agricultural Scientists Recruitment Board in case of candidates otherwise well qualified.
		• Skiper (F.L.T.Y) (T-2); Rs 3000-4500)
ICAR TECHNICAL STAFFS		
Essential Qualifications		
(i) Matriculation from a recognised School Board/University or equivalent		
(ii) Certificate of competency of M.O.T. 1st class and 1st class Engineer (Minor)		
(iii) 3 years practical experience on board fishing vessel		
		NOTE: Qualifications are relaxable at the discretion of ASRB in case of candidates otherwise well qualified.
		NOTE: The qualifications regarding experience are relaxable at the discretion of the ASRB in case of candidates belonging to Scheduled Castes and Scheduled Tribes, if it is felt that selection by ASRB is of the opinion that sufficient number of candidates possessing the requisite experience are not likely to be available to fill up vacancies reserved for them. (ICAR letter No. 7(SYX)-Pet. III dated 29.1.87).

95

ANNEXURE - R 15

Note Sheet ANNEXURE - 16

- 11 -

72 NO. Re(R) 20/99/1 dt. 25.4.2000 to all Comdres

73 NO. Re(R) 20/99/2 dt. 25.4.2000 - do -

74-76 St. 74/76/c dt. 16.3.2000. from the Committee of Removal of
Category Bar.

SI. 74-76/c

The Proceedings of the Review committee on Removal of category bar in respect of Technical personals of the Institute held on 6th and 7th March, 2000 is placed below for favour of information and necessary orders pl.:-

As per the recommendation of the Committee the action to be taken at our end are :-

1. Names of technical staff listed at SI.76/c is to be placed in Cat.II (T-II-3) w.e.f. 1.1.95 or thereafter.
2. Relevance of qualification in respect of the following persons needed to be verified from the subject matter specialists of respective division :-
 - i. Sh. Kausalendra Prasad, K.P.O.
 - ii. Sh. K.R. Ghosh, Computer.
 - iii. Sh. Surendra Mohan, Fieldman
 - iv. Sh. B.C.Gohain, Fieldman
 - v. Sh. J.R.Bora, Asstt. Met.
 - vi. Sh. G.K.R. Naga, Fieldman

Submitted for orders regarding next course of action pl.

A.A.O.(A)

Note above

We may like to constitute a committee as prescribed under Tech. Survey Rule so as to consider the recommendation of the committee in both the cases at 1 & 2 above. However, before going further the position at SI. No. 2 may be verified.

Submitted & Please

27/6/00

(i) The names of technical personals listed at SI. 76/c, except Shri X. Rajan Singh who does not possess B.Sc. Degree, are to be considered in DPC for the removal of category bar from Category I to Cat. II.

PROCEEDINGS OF THE REVIEW COMMITTEE ON REMOVAL OF
CATEGORY BAR IN RESPECT OF TECHNICAL PERSONALS HELD
ON 6TH & 7TH MARCH 2000

The committee constituted vide No.RC9G)17-86 of dated 4.2.2000 consisting of (i) Dr.S.V.Ngachan (ii) Dr. K.R.Dhiman, (iii) Dr. Kailash Kumar (iv) Shri G.Sinha, members held a series of discussions on the 5th February 2000 and 6th & 7th March 2000 to scrutinize and review the cases related to change of category bar of technical staff.

The observations of the committee are as follows :

(i) The process for removal of category bar from Cat.-I to Cat.II was initiated by the Institute as per Councils Order F.No. 4(3) '94-Estt.IV of dated 1 Feb.1995 and No.14(3) '94-Estt-IV of dated 8th August 1996. Accordingly, the technical staff in category T-1-3 numbering 87 were placed in Cat.II (T-II-3) w.e.f. 1.1.95 vide Office Order No. RC(BR)1-89 of dated 23rd October 1997 and another set of 14 (fourteen) staff members were also placed in Cat.II (T-II-3) w.e.f. 1.1.95 vide Office order No. RC(BR) 1.89 of dated 23rd December 1997 irrespective of their qualifications.

(ii) Subsequently the above orders for change of category and placement in category II (T-II-3) w.e.f. 1.1.95, were withdrawn vide Office Order No. RC(R) 20/99 dated 2nd December 1999 on account of irregularities against "Handbook of Technical Services of ICAR" rules 6.2, 7.4 and 7.5.

(iii) Two departmental promotion committees (DPC) were constituted to look into the matter removing category bar and for grant of advance increments to the technical staff in the grade T-1-3 in Cat.I on 9th December, 1999. The committee met on 10th December 1999 and recommended as :

- (a) One hundred and twelve (112) technical staff T-1-3 Cat.I were granted two advance increments vide Office Order No. RC(R)20/99 of dated 11th December 1999.
- (b) Another group of technical staff were promoted to T-II-3 of Cat.II vide Office Order No. RC(R)20/99-41 of dated 11th December 1999.
- (c) 8 (eight) technical staff were promoted to Cat.II i.e T-II-3) vide Office order No. RC(R)20/99 42 dt. 11th December 1999.
- (d) Category bar of 2 (Two) persons was changed from Cat.I to Cat.II vide Office Order RC(R)20/99-43 dt. 11th December 1999.

It has been indicated in case of (b) and (c) above that the technical staff have been promoted against 33.3% departmental quota of existing vacancies.

The office orders in para-iii (b) & (c) have been withdrawn vide office order No. RC(R)20/99 dated 23rd Feb. 2000 as per instructions contained in the letter No. 7(3) E.(Coord)-99 dated New Delhi the 5th August, 1999 from the Ministry of Finance, Department of Expenditure, Govt. of India.

With reference to the above orders, the review committee observed certain lapses and irregularities indicated as:

(Signature) K.K. Pathak (Signature) G. Sinha

(Signature) S.P. (Signature) (Signature) (Signature)

(Signature) (Signature) (Signature) (Signature)

(Signature) (Signature) (Signature) (Signature)

- SS -
AS

(a) The removal of Category bar from Cat. I to Cat.II as indicated in para (i) above has not been done as per rules laid in Council's Memorandum No. 14(3)94, Estt. IV dated 1.2.1995 and No. 14(3)94-Estt. IV of dated 8.8.1996.

(b) The promotion of 20 (twenty) technical staff recommended against 33.3% quota of existing vacancies through Departmental promotion was not in accordance with the actual vacancy position of the institute at the time of holding DPC. As per the records made available by recruitment cell, only 13 (thirteen) vacancies (5 Tech. Assts., 3 livestock managers, 4 Sr. Computers and 1 Artist) existed as on the day of DPC. As per the recruitment norms, only 33.3% persons i.e. 4 posts of the total 13 vacancies should be filled through Departmental promotion Quota. The technical staff to be considered for promotion against specialised post of livestock manager, Sr.Computer and Artist should possess required specialised qualification.

(c) The technical persons considered for promotions against 33.3% of Departmental vacant post vide Office Order RC(R)20.99.41 of dated 11.12.99 were not holding positions in T-1-3 of Cat.I prior to the date of their promotions to T-II-3 of Cat.II which is pre-requisite for this type of promotion (Rule 7.2 of Tech.Services).

(d) The promotions have been given w.e.f. different dates from 1.7.88 to 1.1.95 which is contrary to the general rule 8.12 of "Manual of Admin. & Instructions ICAR 1979". The promotion of the officers in the panel should be regularised from the date of validity of panel or from the date of their actual promotion whichever is later. Accordingly, the effective date of promotion of the staff mentioned above would have been either the date of holding DPC i.e. 10.12.1999 or the date of issue of such orders i.e. 11.12.1999.

(vi) The career advancement for the technical staff of cat.I by removing the category bar is not a violation of G.O.I Order concerning ban on filling up of vacant posts. The committee, therefore, recommends :

(a) The technical staff having requisite qualifications for Cat.II should be placed in Cat.II (T-II-3) w.e.f. 1.1.95 or thereafter. Lists of technical staff are enclosed.

(b) The relevance of qualification in respect of (1). Mr. Kaushlendra Prasad, KPO, (2) Mr. Kamal RN Ghosh, Computer, (3) Mr. Surender Mohan, Fieldman, (4) Mr. B.C Gohain, Fieldman, (5) Mr. Jadu Ram Bora, Asstt. Met. and (6) Mr. G.K.R. Naga, Fieldman may require certification or verification from the subject matter specialists of respective division so as to allow them to change category bar.

Chairman
8/3/2000
(S.V.Ngachan)

Chairman

Member
8/3/2000
(K.R.Dhiman)

Member

Member
8/3/2000
(Kailash Kumar)

Member

Member
8/3/2000
(G.Sinha)

Member

Signed with
reservatn

Chairman
8/3/2000
(S.V.Ngachan)

LIST OF TECHNICAL PERSONNEL IN THE GRADE OF T-1-3 (CAT-I) FOR REMOVAL OF CATEGORY BAR

AA 39

Sl. No.	Name of the incumbent	Designation	Name of centre	Edu. qualitic.	Date of initial appoint.	Date of appointment in T-1-3	Date of placement in the grade T-1-3 of Cat.II
1)	S.K.Phukan	Lab.Asstt	Hqs.Umiam	B.Sc	1.10.82	1.7.88	1.1.95
2)	S.K.Sen	Fieldman	Hqs.Umiam	B.Sc	3.4.80	1.7.88	1.1.95
3)	Tunu Baruoh	Lab.Asstt	Hqs.Umiam	B.Sc	24.12.82	1.7.88	1.1.95
4)	R.Ch.Baishya	Lab.Asstt	HQs.Umiam	B.Sc	1.2.83	1.1.89	1.1.95
5)	Subhir Chakraborty	Lab.Asstt	Hqs.Umiam	B.Sc	18.3.83	1.1.89	1.1.95
6)	D.Bhattacharya	Lab.Asstt	Hqs.Umiam	B.Sc	3.3.84	1.1.90	1.1.95
7)	Chandrakatha Devi	Lab.Asstt	Manipur	B.Sc	24.12.82	1.7.91	1.1.95
8)	A.Chakraborty	Lab.Asstt	Tripura	B.Sc	25.10.85	1.7.91	1.1.95
9)	K.Mehrotra	Lab.Asstt	Tripura	M.Sc(Life.Sc)	4.11.85	1.7.91	1.1.95
10)	A.Phukan Dutta	Lab.Asstt	Hqs.Umiam	MA,B.Lib	8.12.82	1.1.94	1.1.95
11)	S.Borgohain	Lab.Asstt	Hqs.Umiam	B-Lib.Sci.	31.12.82	1.1.94	1.1.95
*12)	Y.Rajen Singh	Fieldman	Manipur	B.Sc	7.4.83	1.1.95	1.1.95
13)	KKSuklabaidya	Fieldman	Hqs.Umiam	HSLC	20.10.76	1.7.88	1.1.95
14)	Debabrata Roy	Fieldman	Hqs.Umiam	BA	20.10.76	1.7.89	1.1.95
15)	Bamkim Choudhury	Fieldman	Hqs.Umiam	HSLC	1-1-77	20.10.76	1.1.88
16)	W.Khortsati	Fieldman	Hqs.Umiam	HSLC	21.10.76	1.7.89	1.1.95
17)	A.Phukan	Fieldman	Hqs.Umiam	HSLC	30.10.76	1.1.88	1.1.95
18)	H.Ahmed	Fieldman	Hqs.Umiam	HSLC	22.11.76	1.7.88	1.1.95
19)	M.N.Bora	Fieldman	Hqs.Umiam	HSLC	23.11.76	1.1.90	1.1.95
20)	D.C.Baruah	Fieldman	Hqs.Umiam	HSLC	24.11.76	1.1.91	1.1.95
21)	H.Majhaw	Mechanic	Hqs.Umiam	NTC	6.12.82	1.7.88	1.1.95
22)	S.Dutta	Electrician	Hqs.Umiam	NTC	1.10.82	1.7.88	1.1.95
23)	N.Debpath	Electrician	Tripura	NTC	4.11.85	1.7.91	1.1.95
24)	P.Barman Roy	Mechanic	Tripura	NTC	23.12.85	1.7.91	1.1.95
25)	T.K.Cintury	Mechanic	Sikkim	NTC	7.11.84	1.7.90	1.1.95
26)	K.V.Ngajhii	Mechanic	Nagaland	ITI	20.3.85	1.1.91	1.1.95

S. V. Ngachan
8/12/2000
(S.V.Ngachan)
Chairman

D. D. Dhiman
8/06/2000
(K.R.Dhiman)
Member

K. K. Kumdr
8/03/2000
(Kailash Kumdr)
Member

G. Sinha
8/13/2000
(G.Sinha)
Member

*Signed with
reservations*
*Subrata
27/3/2000*

The Director,
ICAR Research Complex for NEH Region,
Umroi Road, Umiam -793103,
Meghalaya

ANNEXURE - R 18

60

(Through the Head Animal Production Divn.)

Sub: Request for grant of 3 advance increments at a time from due date reg.

Sir,

With reference to the above subject, I beg to bring the following facts for favour of your kind information and necessary consideration :

- i) That as per order No.RC(R)20/99 dt.11th 12.'99, I was granted only 2 advance increments instead of 3 as granted to my colleagues and other tech. staffs.
- ii) It may also be mentioned that 3 Advance increments were granted to all staff who are T-5 and T-II-3 grade as per the recent circular No.RC(R)22/99/5 dt.26th Sept. 2000 and No.RC(R)22/99/3 dt.26th Sept. 2000, respectively.
- iii) It may also be mentioned that I am a member of Scheduled Tribe category in which I am provided with special status of relaxation in relation with selection and promotion which is a spirit of the Govt. of India for upliftment of the SC/ST category.
- iv) It may also be further mentioned that my colleagues who joined at the same time and in the same grade with me and even those who are junior were now given promotion to T-4 as well as with 3 advance increments, whereas in my case no promotion was granted and only two increments were granted thereby denying me all the benefits inspite of the fact that I have experience more than twenty years and the qualification as well as good service records and ACRs.

This, I feel is the unkindest act of justice and partiality being done to me and I humbly request your gooself that necessary action may kindly be taken so that justice is prevailed, frustration is removed and job satisfaction is restored to me.

Thinking you,

DAIRY NO. 21/3/61
DATE.....
ICAR Res. Complex, Umiam,
MEGHALAYA

Yours faithfully

(S. Nongueng)
T-3, Animal Production Divn.
I.C.A.R. Umiam

प्रभागाध्यक्ष/Head Of Division
पशु उत्पादन/Animal Production
मा.कृ.अनु.प.-उ.पूर्वी पश्चिमी पर्वती
ICAR Research Complex For NEH Region

16/3/2001

Signature