

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 1221/2001...

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SECTION OFFICER (Judl.)

FORM NO.4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWATI BENCH ::::: GUNAHATI

ORDER SHEET  
APPLICATION NO. 122/2001

Applicant (s), *Mr Bitem Kr. Das and others.*

Respondent(s) - *Union of India and others.*

Advocate for Applicant(s) *Mr. N. Chaudhury*  
*Adv. N.D. Gogoi*

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

Notes of the Registry Date Order of the Tribunal

1. Date

30.3.01

Application is admitted.

Call for the records. Issue usual notice.

List on 1.5.01 for written statement and further orders.

*IC Usha*

Member

Vice-Chairman

pg

45  
1.5.30/3/01

List on 4.6.2001 to enable the respondents to file written statement.

*IC Usha*

Member

Vice-Chairman

Three weeks time allowed to the respondents for filing of written statement.

List for orders on 27-6-2001.

*IC Usha*  
Member

Vice-Chairman

bb

① Service report are still awaited.

② No. 1293 has been filed.

2.7.2001

Mr. A. Deb Roy, learned Sr.C.G.S.C. ~~has~~ the  
respondents seeks time to file written statement.

Four weeks time is allowed to the respondent  
to file written statement. List for order on 31.7.01

No written statement  
has been filed.

~~By~~  
30.7.01

IC (Chairman)

Member

bb

31.7.01

List after 4 weeks to enable the respondents  
to file written statement.

List on 30-8-2001 for order.

IC (Chairman)

Member

Vice-Chairman

mb

30.8.01

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

The sanction of the President <sup>as</sup> to the  
upgradation of pay scale of teachers in Assam  
Rifles with effect from 1.1.96 was communicated  
to Director General, Assam Rifles vide memo  
No. 11.27013/35/99-PF IV. By the said memo  
the scales of Junior Teacher Rs. 4000-6000/-  
and Senior Teacher Rs. 5000-8000/- have been  
revised to ~~1900~~ Rs. 4500-7000/- and Rs. 5500-9000/-  
respectively. The Ministry of Home Affairs  
further communicated the same to Ministry of  
Finance by memo no. 811/Fin.II/2001 dated  
8.6.2001. A copy of the order is placed on  
record. This information communicated to us  
by Mr. A. Deb Roy, learned Sr.C.G.S.C. which  
was also shown to Mr. M. Chanda, learned counsel  
for the applicant. The application thus has  
come, infructuous. The application thus stands  
disposed of as infructuous.

There shall, however, be no order as  
to costs.

Vice-Chairman

mb

२०

केन्द्रीय प्रसंसित बन्धन ए
Central Admin. Trib. (Bench)
29 MAR 2001
गुवाहाटी बैचनिक
Guwanati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

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

Title of the Case : O.A. No. 122 / 2001

Shri Biten Kr. Deb &  
28 others. : Applicants.

-Vs-

Union of India & Others : Respondents.

I N D E X

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Y

Y

Filed by

Advocate.

5

Filed by the applicant  
Guruji M. D. George  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

O.A. No. 122/2000

BETWEEN

1. Shri Bitan Kumar Deb  
Son of Late B.K. Deb  
7, Assam Rifles,  
C/o 99 APO,  
Thoubal, Manipur.
2. Shri A. Mahendra Kumar  
Son of Late A.R. Singh  
7, Assam Rifles,  
C/o 99 APO,  
Thoubal, Manipur.
3. Shri B.N.S. Yadav,  
Son of Shri R.S. Yadav  
17 Assam Rifles, C/o 99 APO,  
Imphal, Manipur.
4. Shri G.B.S. Thapa,  
Son of Shri Ganga Singh,  
17 Assam Rifles, C/o 99 APO,  
Imphal, Manipur.
5. Smti Urmila Devi  
Daughter of Shri Bansi Lal  
17, Assam Rifles, C/o 99 APO,  
Imphal, Manipur.

Contd....

Bitan kr Deb

6. Smti Swapna Dey  
Daughter of R.C.Dey  
17 Assam Rifles, C/o 99 APO,  
Imphal, Manipur.

7. Smti W.Jomi Bibanta Devi  
Wife of W. Sbotaba Singh,  
17 Assam Rifles, C/o 99 APO  
Imphal, Manipur.

8. Shri Prem Lal Limbu,  
Son of Shri G.L. Limbu  
12 Assam Rifles, C/o 99 APO  
Imphal, Manipur.

9. Shri Salil Kumar Choudhury,  
Son of Late K.R.Choudhury  
12 Assam Rifles, C/o 99 APO  
Imphal, Manipur

10. Shri Satya Narayan Prasad  
Son of Late Jagdeo Prasad  
21 Assam Rifles, C/o 99 APO  
Manipur.

11. Smti Biva Talukdar  
Daughter of Late Haridhar Changmai  
21 Assam Rifles, C/o 99 APO  
Jwalamukhi, Manipur.

12. Smti Manju Deb Choudhury  
Daughter of Shri N.K.Majumder  
21 Assam Rifles, C/o 99 APO.

Contd....

Bilān Kr. Deb

13. Smti Dev Maya Subba,  
Daughter of Late K.B. Limbu  
21 Assam Rifles,  
C/o 99 APO

14. Shri Darbari Prasad  
Son of Late Nandan Prasad  
3, Assam Rifles,  
C/o 99 APO  
Maram, Manipur.

15. Smti Shail Kumari Chauby  
Daughter of Shri Ram Ashram Upadhyaya  
3 Assam Rifles, C/o 99 APO  
Manipur.

16. Shri Shaifuddin Ahmed  
Son of Shri Meseruddin Ahmed  
3 Assam Rifles, C/o 99 APO  
Kohima, Nagaland.

17. Smti Neli Deb  
Daughter of Shri K.K. Paul  
29 Assam Rifles,  
C/o 99 APO.

18. Shri Ram Nagina Prasad  
Son of Late Ram Sewak Prasad  
27, Assam Rifles, C/o 99 APO  
Ghaspani, Nagaland.

19. Shri Simon Mathew  
Son of Shri Matheu Simon  
27 Assam Rifles, C/o 99 APO  
Ghaspani, Nagaland.

Contd...

Bikram K. Deb

AB

20. Smti Nita Choudhury  
Daughter of Shri G.C.Paul  
A.R.T.C.  
Dimapur, Nagaland.

21. Smti Chandrika S.  
Wife of Shri V.K. Sukumaranan  
29, Assam Rifles,  
C/o 99 APO

22. Shri Shatrughan Prasad  
Son of Late Kewal Prasad  
24 Assam Rifles,  
C/o 99 APO  
Wokha, Nagaland.

23. Shri P.K. Bhardwaj  
Son of Late M.C. Bhardwaj  
24 Assam Rifles, C/o 99 APO  
Wokha, Nagaland.

24. Shri M.K. Purkayastha  
Son of Late Gopesh Kar Purkayastha,  
24 Assam Rifles, C/o 99 APO  
Wokha, Nagaland.

25. Shri Arun Kumar Rajak  
Son of Shri Fakir Chand Rajak  
24 Assam Rifles, C/o 99 APO  
Wokha, Nagaland.

26. Shri Prem Singh Parswan,  
Son of Shri U.S. Parswan  
24 Assam Rifles, C/o 99 APO,  
Wokha, Nagaland

Contd...

Bilan kr. Deb

27. Shri Satyendra Kumar Singh  
27 Assam Rifles, C/o 99 APO  
Ghaspani, Nagaland.

28. Smti Nalini Chettri  
21, Assam Rifles,  
C/o 99 APO,  
Jwalamelchi.

29. Shri Debasish Roy  
21 Assam Rifles, C/o 99 APO,  
Jwalamelchi.

.....Applicants

-AND-

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

2. The Director General of  
Assam Rifles, Shillong-793011

3. The Commandant,  
7 Assam Rifles,  
C/o 99 APO.

4. The Commandant,  
12 Assam Rifles,  
C/o 99 APO.

5. The Commandant,  
12 Assam Rifles,  
C/o 99 APO

Contd....

Bilal kr. Dab

6. The Commandant  
21 Assam Rifles,  
C/O 99 APO.
7. The Commandant,  
3 Assam Rifles,  
C/O 99 APO.
8. The Commandant,  
29 Assam Rifles,  
C/O 99 APO.
9. The Commandant  
27 Assam Rifles,  
C/O. 99 APO.
10. The Commandant,  
24 Assam Rifles,  
C/O 99 APO

..... Respondents.

#### DETAILS OF APPLICATION

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

This application is made against the action of the Respondents depriving the applicants, Primary School Teachers (For short PST) of Assam Rifles of getting the benefit of corresponding revised pay scale on the recommendation of the 5th Central Pay Commission. The representations of the applicants to the Respondents to that effect were all turned down in view of a DGAR Sig. No. A.3180 dated 14.10.98 communicated vide No. 11052/19/A/98/2085 dated 19.10.1998 praying for a direction for payment of a higher revised scale of Rs. 4500-7000 in the light of the decision passed in O.A. No. 13/99 dt. 15.12.2000.

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of the application fails within the jurisdiction of the

Tribunal. The applicants are civilian employees serving in Assam Rifles and as such fall within the jurisdiction of this Tribunal.

3. Limitation.

The applicants further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985 due to the sustained pecuniary loss <sup>that</sup> they have been suffering under continuous cause of action.

4. Facts of the Case.

4.1 That the applicants are citizens of India and as such are entitled to all the rights and privileges guaranteed by the Constitution of India.

4.2 That the applicants were initially appointed under the Respondents as Primary School Teachers (PST) on different dates with the pay scales as admissible under the rules then existing and were posted at different schools under the Assam Rifles. It is stated that the Director General of Assam Rifles has adopted the pay structure of the Central Government since its inception.

4.3 That your applicants state that the cause of action and the relief sought for in this application are common and therefore the applicants pray before the Hon'ble Tribunal for permitting them to move this application jointly in a single application under the provision of Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.4 That the Government of India, in the year 1986, revised the pay scale of the Central Government employees

pursuant to the recommendation of the 4th Central Pay Commission. Consequently, the Government of India, Ministry of Finance, vide notification dated 13.9.86 approved new pay scales for Group B.C. and D Central Government Employees in pursuance whereof the applicants were placed in the revised pay scale of Rs. 1200-2040/- .

4.5 That the applicants were so placed by the respondents in terms of the Government of India's notification dated 13.9.96 under item V of the 1st Schedule Part B, since they were found to have been possessing the requisite qualifications of the Primary School Teacher (PST) and accordingly they were given the revised pay scale of Rs. 1200-2040/- with effect from 1.11.86/- their date of joining as the case may be.

A copy of the Extract Notification dated 13.9.96 is enclosed as Annexure - 1 and Extract of 4th Pay Commission report are enclosed as Annexure - 2.

4.6 That, subsequently, the 5th Central Pay Commission recommended for further revision of pay of Central Government Employees and as per its recommendations the scale of pay of Rs. 1200-2040/- of Primary School Teachers was revised to Rs. 4500-7000/- in terms of Ministry of Finance Notification dated 30.9.97 as communicated in part 'B' of the Notification.

4.7 That the applicants were entitled to the said revised scale of pay of Rs. 4500- 7000/-. But unfortunately they were instead, placed in a lower scale of Rs. 4000 - 6000/- only in terms of Part 'A' of the Notification dated 30.9.97 which does not find any place wheresoever the scales recommended by the 5th C.P.C. for teachers.

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Thus being aggrieved by and dissatisfied with non-payment of the entitled, revised scale of pay the applicants in their individual capacity preferred applications to the concerned respondents for justice but to no avail. In this connection it is stated that applicant No.1 submitted his representation dated 11.8.1998, after issuance of the Notification dated 30.9.97 issued by the Ministry of Finance granting scale of Rs. 4500-7000/- for Primary Teachers in terms of Part 'B' of the Notification dated 30.9.97, similarly other applicants also approached the DGAR, Shillong for grant of appropriate higher revised scale but surprisingly, DGAR Shillong vide letter bearing No. A/1-A/87/P/264 dated 21.9.98 informed Headquarters 'B' range Assam Rifles, C/o 99 APO the units/Ranges Headquarters are forwarded application/representations of Teaching staff of Assam Rifles for granting higher pay scale. In this context clarification is given by the Ministry of Home Affairs that pay scale mentioned in Part B of CCS(RP) Rules 1986 is applicable to teachers of All Union Territories (except Chandigarh) and Central Organisation like Kendriya Vidyalaya Sangathan etc. are not applicable to Assam Rifles Teachers.

It is further stated in the said letter dated 21.9.98 which is communicated vide letter No. Vol12012/56/98-A/0791 dated 12.10.98 that higher pay scale were granted to a few teaching staff of Assam Rifles erroneously due to wrong interpretation of Government Notification vide Part 'B' of CCS(RP) Rules 1986 as such necessary

action for effecting recoveries will be intimated in due course.

It is also stated in view of the clarification the Range Headquarters and Unit Officers not to forward any representation on this subject, this decision of Ministry of Home Affairs communicated vide letter dated 21.9.98 was challenged before this Hon'ble Tribunal through O.A. No. 13 of 1999 by Shri S.N.Jha (TGT) of Assam Rifles and this Hon'ble Tribunal was pleased to set aside and quash the arbitrary decision for not extending the benefit of pay scale contained in Part 'B' of the Government Notification of CCS(RP) Rules 1986 vide Judgement and order dated 15.12.2000 passed in O.A. 13/99 as such the present applicant who are denied the benefit of revised higher pay scale of Rs. 4500-7000 contained in Part B of Government Notification 13.9.97 and also circulated by the Ministry of Human Resoruce vide GI, MHRD, Deptt. of Education, Cir. Lr. No. F.5-14/97-  
~~AA~~ UT.I dated 7.8.98 are ~~not~~ entitled to in view of the decision passed by this Hon'ble Tribunal in O.A. No. 13 of 1999, therefore finding no other alternative applicants approaching this Hon'ble Tribunal praying for a direction for grant of higher revised pay scale of Rs.4500-7000 in terms of the aforesaid Government Circular in place of Rs. 4000-6000/-.

It is stated that due to non receipt of appropriate scale all the applicants are incurring financial loss each and every month and it is <sup>a</sup> continuous cause <sup>of</sup> action till the applicants are settled with the appropriate

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Babu Deb

higher revised pay scale. It is ought to be mentioned here that DGAR had already instructed the Range Head Hqarters/Units not to forward any representation regarding grant of revised higher pay scale contained in Part 'B' in the compelling circumstances applicants approaching Hon'ble Tribunal for grant of benefit of therevised pay scale as has been mentioned in Part 'B' of the Notification staged above.

Copy of the Extract 5th Central Pay Commission circular dated 7.8.98 and letter dated 12.10.98, Judgement & Order dated 15.12.2000 passed in O.A. <sup>representation dt 11.8.98</sup> No. 13/99 are enclosed as Annexures- 3, 4, 5, 6 and <sup>A</sup> 7 respectively.

4.8 That the applicants beg to state that they are having requisite qualifications so as to be entitled to the scale of Rs. 4500-7000 since they had been enjoying the corresponding pre-revised scale of Rs. 1200-2040/- which was given to them pursuant to the 4th C.P.C. in consonance with the provisions of Part B of the Ist Schedule only. The applicants crave leave of this Hon'ble Tribunal to produce and rely upon the Revision of pay Rules of 4th Central Pay Commission at the time of hearing, if necessary.

4.9 That the applicants beg to state that the recommendations of the National Commission on Teacher under the Chairmanship of Prof. D.P. Chottopadhyaya were considered by the Government of India and implementation of a new pay structure was ordered vide letter No. F-5-180/86 dated 12.8.87. This order laid down three tier scales of each category of teachers on time bound basis in view of

the stagnated promotional avenues in teaching profession.

These scales were -

Designation	Entry Scale	Senior Scale after 12 yrs.	Selection gr. scale after 24 yrs.
I. Primary School Teacher (PST)	Rs. 1200-2040	Rs. 1400-2600	Rs. 1640-2900
II. Trained Graduate Teacher (TGT)	Rs. 1400-2600	Rs. 1640-2900	Rs. 2000-2500
III. Post Graduate Teacher (PGT)	Rs. 1540-2900	Rs. 2000-3500	Rs. 2200-4000

Copy of the aforesaid order dated 12.8.87 is annexed as Annexure-8

4.10 That the applicants state that similarly recommendations of the 5th Central Pay Commission and after taking into consideration the report of the National Commission on Teachers, the Government of India vide Notification dated 30.9.97 revised the earlier pay scales of teachers in the following manner :

Designation	Entry scale	Senior scale	Selection gr. scale.
PST	Rs. 4500-7000	5000-8000	5500-9000
TGT	Rs. 5500-9000	6500-10500	7500-12000
PGT	Rs. 6500-10500	7500-12000	8000-13500

From above, it would be clear that the minimum scale of the applicants (PST) even at <sup>entry</sup> intake level stands to Rs. 4500-7000 and not Rs. 4000-6000 as given to the applicants.

4.11 That the ~~issuance~~ involved in the instant case were earlier dealt ~~is~~ by the Hon'ble Tribunal <sup>in</sup> vide O.A. No. 13/99 and the Hon'ble Tribunal was pleased to ~~dispense~~ of the case directly ~~the~~ Respondents to extend the benefit of the pay scale as was prayed for to that applicant in terms of item V of Ist Schedule Part B .

4.12 That it is stated that the applicants approached the authorities individually by filing representation for grant of higher revised scale of Rs. 4,500 - 7000/- contained in part B of the notification dated 30.9.97 and also contained in the circular dated 7.8.98 issued by the Department of Education, Ministry of Human Resource, New Delhi for maintaining uniformity in the pay scale of teachers serving in different school under the Govt. of India but surprisingly again vide letter dated 11052/19/A/98/2085 dated 19.10.98, it is communicated that in terms of DGAR signal No. A/3/80 dated 14.10.98, corresponding pay scale is not admissible to Hindi/Junior teacher of Assam Rifles, in terms of DGAR letter dated 21.9.98, which was again communicated vide letter bearing no. 11052/19/A/98/2058 dated 13.10.98 wherein it is further stated that the corresponding scale in the terms of Govt. Notification vide part 'B' of CCS (RP) Rules 1986 is not admissible. This decision of the Ministry of Home Affairs communicated by the DGAR vide letter dated 21.9.98 is highly arbitrary, unfair, illegal and the same is contrary to fundamental Rule and the denial of higher revised pay scale to the applicants is a continuous wrong which gives rise of cause of action in each and every month for non sanction of appropriate scale in terms of notification dated 30.9.97 and circular dated 7.8.98. However, this

Hon'ble Tribunal in O.A. 13/99 decided on 15.12.2000 held that the teachers serving in Assam Rifles are also entitled to corresponding scale of pay as contained in part B of the Notification dated 30.9.97 and in terms of circular dated 7.8.98 as such the Hon'ble Tribunal be pleased to direct the respondents to pay scale of Rs. 4500-7000/- instead of Rs. 4000-6000 from the date the scale of Rs. 4000-6000 is sanctioned in the light of the judgement and order dated 15.12.2000 passed in O.A. No. 13/99.

Copy of the letter dated 13.10.98 and 19.10.98 are annexed herewith and marked as Annexure- 9 and 10.

4.13. That this application filed bonafide and for the ends of justice.

5. Grounds for relief with legal provisions;

5.1 For that the applicants being entitled, were rightly placed in the pay scale of Primary School Teachers of Rs. 1200-2040 (Pre-revised) and therefore are entitled to the corresponding revised scale of Rs.4500-7000/-

5.2 For that, the placement of the applicants in a pay scale lower than the entitled one amounts to forced labour and the same is contrary to the provisions of law.

5.3 For that giving of a scale lower than the rationally prescribed one, tantamounts to demotion in the time scale of pay which is grossly unjustified and untenable.

5.4 For that the action of the respondents in denying the applicants the approved and legitimate scale is not in conformity with the Government directives reflected in the revised scales and is violative of article 14 and 16 of the Constitution.

5.5 For that due to non sanction of higher scale to the applicants they are getting less salary and it is a continuous wrong.

5.6 For that the case of the applicants is squarely covered by the ~~document~~ decision of this Hon'ble Tribunal passed in O.A. No. 13/99 and the applicants are being similarly circumstanced are entitled to similar benefits.

6. Details of Remedies Exhausted.

That your applicants state that they have no other alternative and other efficacious remedy than to file this application.

7. Matter not previously filed or pending with any other court/Tribunal.

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

8. Reliefs sought for :

Under the facts and circumstances of the case the applicants pray for the following reliefs :

8.1 That the respondents be directed to place the applicants in the appropriate revised pay scale of Rs. 4500-7000 which is applicable for the Primary Teacher instead of the scale of Rs. 4000-6000 with effect from the respective

Contd...

dates on which they have been placed in the scale of Rs. 4500-7000 in terms of Part B of revised pay schedule and also in terms of MHA Circular dated 7.8.1998.

8.2 That the respondents be directed to pay the difference of arrear pay and allowances to the applicants in the scale of Rs. 4500-7000 with all consequential service benefits.

8.3 Cost of the application.

8.4 Any other relief or reliefs to which the applicants are deemed to be entitled by the Hon'ble Tribunal under the facts and circumstances of the case.

The above reliefs are prayed on the grounds stated in paragraph 5 of the application and if the same are not granted, the applicants would suffer irreparable loss and injury.

9.9 Interim reliefs prayed for :

Pending disposal of this application, an observation be made that pendency of this application shall not be a bar for the respondents to extend the relief(s) prayed for by the applicants, more particularly in view of the Section 19(4) of the Administrative Tribunals Act, 1985 and the applicants pray for early disposal of this application.

10. ....

That this application is filed through advocate.

11. Details of Indian Postal Order.

i. Postal Order No. : 562 422 856  
ii. Date of Issue : 9/3/2001

Contd...

iii. Issued from : G.P.O, Guwahati.  
iv. Payable at : G.P.O, Guwahati

12. Details of Enclosures :

As stated in the Index.

.... Verification

VERIFICATION

I, Shri Bitam Kumar Deb, son of Late B.K. Deb, aged about 36 years, working as Primary School Teacher, 7 Assam Rifles, C/o 99 APO, Thoubal, Manipur one of the applicants in this application do hereby verify and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are the legal advice which I believe to be true, and I have not suppressed any material, fact. I have also been authorised to sign this verification on behalf of the other applicants.

And I sign this verification on this the 29<sup>th</sup> day of March, 2001.

*Bitam Kr. Deb*

Signature

2	3	4
	Rs.	Rs.
2. Section Officer (SG)/ Accountant (SG)	775-35-880-40-1000	2000-60-2300-EB-75-3200 (Functional Grade requiring promotion as per normal procedure.)
Junior Accounts Officer (SG)		The existing incumbents in the Selection Grade will be allowed the revised scale of Rs.2000-600-2300-EB-75-3200 as personal to them.
<b>V. TEACHING STAFF</b>		
1. Primary School Teacher	330-10-350-EB-380-15-500-EB-15-560	1200-30-1560-EB-40-2040
2. Trained Graduate Teacher/Head Master, Primary School	440-20-500-EB-25-700-EB-25-750	1400-40-1600-50-2300 EB-60-2600
3. Post Graduate Teacher/Head Master, Middle School	550-25-750-EB-30-900	1640-60-2600-EB-75-2900
4. Primary School Teacher (SG)	530-20-630	1400-40-1600-50-2300-EB- 60-2600
5. Trained Graduate Teacher(SG)/ Head Master, Primary School(SG)	740-35-880	1640-60-2600-EB-75-2900
6. Post Graduate Teacher(SG)/ Head Master, Middle School(SG)	775-35-880-40-1000	2000-60-2300-EB-75-3200- 100-3500
7. Vice-Principal / Head Master	650-30-740-35-810- EB-35-880-40-1000- EB-40-1200	2000-60-2300-EB-75- 3200-100-3500
<b>VI. LABORATORY TECHNICIANS</b>		
1. Laboratory Assistant: 380-12-500-EB-15-560 (Directorate of Marketing and Inspection)		1400-40-1800-EB-50-2300
2. Junior Chemist 425-15-500-EB-15-560- (Directorate of Marketing and Inspection)		20-700
3. Laboratory Attendant 225-5-260-6-290-EB- (Central Revenue Control Laboratories)		6-308
4. Laboratory Attendant 260-6-326-EB-8-350 (Central Revenue Control Laboratories)(SG)		950-20-1150-EB-25-1400
<b>MOTOR VEHICLE DRIVER</b>		
Drivers of Motor Vehicles including Staff Cars. (i) 260-6-326-EB-8-350 (ii) 260-6-290-EB-6-326-8-366- EB-8-390-10-400		950-20-1150-EB-25-1500
<b>VIII. OTHER CATEGORIES OF STAFF (COOK AND BEARER)</b>		
Cooks/Cook Bearers/ 1. 196-3-220-EB-3-232		750-12-870-EB-14-940
Butlers/Bearers/ 2. 200-3-212-4-232-EB-4-240		
Attendants/Walters, etc. 3. 200-3-206-4-234-EB-4-250		775-12-955-EB-14-1025
4. 210-4-250-EB-5-270		
5. 210-4-226-EB-4-250-EB-5-290		800-15-1010-EB-20-1150
6. 225-5-260-6-290-EB-6-308		825-15-900-EB-20-1200
7. 260-6-326-EB-8-350		
8. 260-6-290-EB-6-326-8-366-EB- 8-390-10-400		950-20-1150-EB-25-1500
9. 290-6-326-8-350-EB-8-390-10-400		
10. 320-6-326-8-390-10-400		
11. 330-8-370-10-400-EB-10-480		1200-30-1440-EB-30-1800

The Ministries/Departments  
should review the work  
content of the posts carry-  
ing the scale of Rs.225-  
308 so that they are clas-  
sified as carrying either

11.38. We have considered the matter. There has all along been parity between the staff in the IA&AD and accounts staff of other departments, which has been disturbed by restructuring IA&AD into two separate cadres viz., audit cadre and accounts and establishment cadre and giving higher pay scales to a major portion of staff on the audit side. The audit and accounts functions are complementary to each other and are generally performed in many government offices in an integrated manner which is necessary for their effective functioning. The staff in these offices perform functions of internal check and audit suited to the requirements of each organisation which are equally important. There is direct recruitment in the scale of Rs.330-560 in all the audit and accounts cadres through Staff Selection Commission/Railway Recruitment Boards from amongst university graduates. We are therefore of the view that there should be broad parity in the pay scales of the staff in IA&AD and other accounts organisations. Accordingly, we recommend that the posts in the pay scale of Rs.425-700 in the organised accounts cadres may be given the scale of Rs.1400-2600. In the Railways, this will apply to the posts of sub-head in both the ordinary and selection grades. We also recommend that this should be treated in future as a functional grade requiring promotion as per normal procedure. The proposed scale of Rs.2000-3200 of section officer may also be treated as a functional grade. With the proposed scales, there will be no selection grades for any of the posts. As regards the number of posts in the functional scales of Rs.1400-2600 and Rs.2000-3200, we note that about 53 per cent of the total posts of junior/senior auditor and 66 per cent of the total posts of ordinary and selection grade of section officer in IA&AD are in the respective higher scales. Government may decide the number of posts to be placed in the scales of (i) Rs.1400-2600 and (ii) Rs.2000-3200 in the other organised accounts cadres taking this factor into consideration. All other accounts posts may be given the scales recommended in chapter 8.

#### V. Teaching staff

11.39. There are more than 50,000 teaching staff employed in primary, middle, secondary and higher/senior secondary schools run by the ministries of the Government of India and Administrations of Union Territories (UT). They are distributed in 21 scales of pay. In UT there are about 12,000 primary school teachers (PST), 20,000 trained graduate teachers (TGT) and 6,000 post-graduate teachers (PGT). In addition, there are 784 posts of vice-principal and 460 posts of principal of secondary and higher secondary schools.

11.40. Associations representing teachers in UT have stated that there is considerable stagnation in the category of teachers. There is very little opportunity of promotion for teachers. Posts of headmaster, principal and vice-principal are very few. The existing pay scales and the selection grades have not provided much relief and most of the associations have asked for longer scales and annual stagnation increments.

11.41. There are normally 3 levels of entry for teachers viz., primary, secondary and senior/higher secondary. Corresponding to these levels, the recruitment qualifications generally are as follows,-

Primary school teachers

Matriculation or its equivalent with basic training or Diploma in education or 1 year Teachers training certificate course.

Graduate or secondary school teacher

Bachelor's degree with degree or diploma in education.

Post-graduate or higher/Senior secondary school teachers

Master's degree with degree or Diploma in education.

At present there are no well defined promotion channels and they differ from organisation to organisation. However, broadly speaking the posts of head master, vice-principal, and principal are generally filled by promotion of graduate or post-graduate teachers. In general, there is one selection grade available by way of promotion at each level.

11.42. For the three entry levels of matriculate trained, graduate trained and post-graduate trained teachers, the pay scales are Rs.330-560, 440-750 and 550-900. The promotion grades of teachers at the levels of head masters, vice-principals and principals have the pay scales of Rs.650-1200, Rs.1100-1600 and Rs.1200-1600. These six scales cover about 48,000 teachers out of 50,000 employed by the central government. For these posts we recommend the following scales of pay,-

PST	Rs.1200-2040
TGT/Headmaster	Rs.1400-2600
PGT/Vice-Principal	Rs.1640-2900
Vice-principal/Headmaster	Rs.2000-3500
Principal	Rs.3000-4500

There are more than 2,000 teachers who are in the other scales. It will be desirable to place all teachers in the above scales if they have the prescribed qualifications. We recommend that those teachers who are not in these scales of pay may be given these scales after ensuring that they have the prescribed qualifications. Those who do not possess these qualifications may be given only the corresponding revised scales of pay recommended by us in chapter 8.

11.43. The three selection grades for teachers are Rs.530-630, Rs.740-880 and Rs.775-1000 for primary school, trained graduate teacher/headmaster, primary school and post-graduate teacher/headmaster, middle school respectively. These are different from the entry scales. It has been reported that the national commission on teachers under the chairmanship of Professor D.P. Chattopadhyaya has given its report to government on the pay structure of teachers and the same is under consideration. Keeping this in view we have not suggested any changes in their pay scales except simplification of the selection grade which we recommend as follows,-

PST	Rs.1400-2600
TGT	Rs.1640-2900
PGT	Rs.2000-3500

#### VI. Electronic Data Processing Staff

11.44. There are about 4000 posts of Electronic Data Processing (EDP) staff in 21 ministries/departments. They are in 14 pay scales at different levels from Rs.260-400 to Rs.650-960. Special pay of Rs.20/- is given with some of these posts. There are a large number of EDP posts at different levels in the National Informatics Centre (NIC), Department of Electronics, Registrar General of India (Ministry of Home Affairs), Ministry of Defence, Planning Commission and Department of Statistics. EDP posts in the Department of Railways have been dealt with in chapter 10.

11.45. It has been suggested that there should be a regularly constituted service for staff engaged on EDP work. While we agree with the suggestion, we think that at this stage of development, a separate cadre of EDP officers may not be feasible. In fact due to rapid development of computerisation in administration, existing employees should be exposed to this discipline so that their skills get upgraded for switchover to the new technology of work. However, as a long term policy it will be desirable to develop a cadre of experienced employees trained in EDP and other related areas of work. We are of the view that the Department of Electronics should examine the matter and suggest reorganisation of the existing posts and prescribe uniform pay scales and designations in consultation with the Department of Personnel. Until then the pay scales and special pays recommended by us in chapters 8 and 24 will apply to these posts.

#### VII. Laboratory Technicians

11.46. There are posts of laboratory assistant under the Ministry of Defence in the scale of Rs.290-500. These are filled from amongst those who have passed higher secondary/intermediate with science with some experience. We recommend that these posts may be given the scale of Rs.1200-2040.

11.47. There is one post of laboratory assistant in the scale of Rs.530-610 (Selection Grade) in Chittaranjan Locomotive Works under the Railways, which is filled by promotion from post in the scale of Rs.330-530. We recommend that selection grade post may be given the scale of Rs.1400-2300.

11.48. There are posts of laboratory assistant in different organisations under the Railways in the scale of Rs.290-500. They are filled by those who have passed higher secondary/intermediate examination with science and have one year experience. These posts may be given the scale of Rs.1200-2040.

11.49. In the Directorate of Marketing and Inspection there are posts of laboratory assistant in the scale of Rs.380-560 and posts of junior chemist in the scale of Rs.425-700. The posts of laboratory assistant are generally filled by direct recruits with degree in chemistry. The posts of junior chemist are also filled by direct recruits with post-graduate degree or B.Sc.(Honours) in chemistry with some experience. It has been stated by the department that junior chemist and laboratory assistant are treated as working chemists and their duties are comparable. They have suggested merger of both grades in

Extract from 5th pay commission Report

COMMON CATEGORIES

Annexure-C

**Teaching Staff**

55.255 **Introduction.**—There are about 50,000 teachers in the primary, middle, higher secondary and senior secondary schools run by various Union Territory Administrations, including the Government of the National Capital Territory of Delhi, who are covered by our terms of reference. In addition, teaching staff are also employed in schools administered by various ministries and departments of the Government of India, Railways, Defence establishments, Central Police Organizations, etc. While details of the posts in these schools are not readily available, they are mainly concentrated in the Railways and Defence establishments.

55.256 **Present scales of pay.**—Teaching Staff in different categories of schools are broadly designated as Primary School Teachers, Trained Graduate Teachers and Postgraduate Teachers or Lecturers. Besides, post of Headmasters, Vice-Principals and Principals also exist in different schools. The National Commission on Teachers, appointed under the Chairmanship of Professor D.P. Chattopadhyaya, having submitted its report to Government in March, 1985, the Fourth CPC had not gone into the question of rationalization of the scales of the teaching staff. Apart from recommending scales of pay in replacement of the then existing scales of pay, the Commission had suggested only the simplification of the Selection Grade. The National Commission on Teachers had recommended composite running scales of pay for different categories of teachers and other administrative officers in the field of education having regard to the absence of adequate promotion avenues for these categories. Government did not, however, accept the recommendation on composite scales and instead provided the following pay structure for the teachers and Heads of Educational Institutions:—

Designation	Entry scale   Senior scale		Selection scale
	Rs.	Rs.	
Primary School Teacher ... ...	1,200-2,040	1,400-2,600	1,640-2,980
Trained Graduate Teacher/Headmaster, Primary School ... ...	1,400-2,600	1,640-2,900	2,000-3,500
Postgraduate Teacher/Headmaster, Middle School ... ...	1,640-2,900	2,000-3,500	2,200-4,000
Vice-Principal/Headmaster, Secondary School ... ...	2,000-3,500	2,200-4,000	...
Principal ... ...	3,000-4,500	...	...

Teachers, as well as Headmasters and Vice-Principals in different types of schools are entitled to be placed, on a time-bound basis, in the Senior Scale on completion of 12 years' service. The Selection Scale is, however, restricted to 20 per cent of the posts in the Senior Scale of the relevant categories and is admissible after 12½ years' service in that scale.

55.257 **Summary of demands and suggestions.**—A very large number of individual teachers and their representatives have suggested, in their memoranda submitted to us as well as in the course of their oral evidence, that the scales of pay finally approved by the Government are not only significantly lower than the equivalent of the composite scales of pay recommended by the National Commission on Teachers, but also lower in relation to certain posts in Government which were in identical or lower scales of pay prior to January, 1986. This, according to them, has resulted in a grave injustice to their community. They have, therefore, urged the introduction of a composite running scale of pay using the pay scales recommended by the National Commission as the basis. It has been further pointed out that, though the National Commission had observed that the scale of pay of Postgraduate Teachers should compare favourably with that of the Lecturers in colleges in view of the similarities in their basic qualifications and also in consideration of the fact that the former spent an additional year in acquiring a degree in Education, the gap between their scales of pay had nevertheless widened over a period of time. Certain other issues raised by the teachers have been briefly summarized below—

- (a) Whereas school teachers are required to cross an efficiency bar after every six years, no such stipulation exists in respect of college lecturers.
- (b) College lecturers who were already in the Selection Grade on January 1, 1986 were placed in that grade even after revision of their scales of pay, school teachers similarly placed, were, on the contrary, only placed in the Senior Scale. As a result, they would be eligible to the Selection Grade only in 1998, after a further period of 12 years.
- (c) Disparities also exist between school teachers and college lecturers in regard to their placement in the Senior Scale and Selection Grade.
- (d) Primary School Teachers are also eligible for promotion as Trained Graduate Teachers. Many of them are, however, unwilling to accept the functional promotion because they would be eligible to be placed in the Senior Scale applicable to the Trained Graduate Teachers (which is identical to the Selection Scale of Primary School Teachers) only twelve years after their promotion as against the much lesser time taken in placement in the equivalent Selection Scale of Primary School Teachers if they decide to continue only in the same post. This is an anomalous situation that needs to be rectified.

55.258 **Reasons for non-acceptance of recommendations of National Commission on Teachers.**—We have been informed by the Ministry of Human Resources Development that the recommendation of the National Commission on Teachers on introduction of composite scales of pay for all categories of teachers and educational administrators was not accepted by Government on the following considerations:—

## COMMON CATEGORIES

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- (a) The introduction of a single running pay scale—which itself was only illustrative—would present considerable difficulties in actual implementation.
- (b) It was the view of the Finance Ministry that it would be inappropriate to make a departure from the pay structure established on the recommendations of the Fourth CPC.
- (c) There appeared to be no point in having a running scale covering all the grades from the primary school teacher to the higher levels in the school system.
- (d) Teachers placed in a running scale would not have the incentive or be adequately motivated to improve their performance to attain higher levels in the school system.

**55.259 Our recommendations on scales of pay.**—We have given careful consideration to the submissions made before us. We are inclined to agree with the views of Government that no special advantages are likely to accrue by the introduction of composite scales of pay and that such a course of action could instead prove counterproductive in the final analysis. The comparison with college lecturers is also not quite appropriate because remuneration cannot be determined merely on the basis of qualifications to the exclusion of the distinct differences in duties and responsibilities; nor is the comparison with certain other posts in Government departments, valid because the higher scales of pay recommended for these posts by the Fourth CPC were based on conscious decisions after taking into account the job content, duties and responsibilities and certain other peculiar features. While the balance of advantage would lie in retaining the present three-tier pay structure for the teachers, we are nevertheless of the view that the scales of pay of the teaching fraternity need to be improved. After taking into account the composite scales of pay suggested by the National Commission on Teachers and other relevant factors as well as the rationalized pay structure proposed by us in general, we recommend that teachers in schools and heads of educational institutions may be provided the replacement scales corresponding to the scales of pay indicated in the following table:—

Designation	Grade III	Grade II	Grade I
Primary School Teacher ... ...	Rs. 1,400-2,300	Rs. 1,600-2,660	Rs. 1,640-2,900
Trained Graduate Teacher/Headmaster, Primary School ... ...	1,640-2,900	2,000-3,500	2,500-4,000
Postgraduate Teacher/Headmaster, Middle School ... ...	2,000-3,500	2,500-4,000	2,200-4,000
Vice-Principal/Headmaster, Secondary School Principal ... ...		2,500-4,000	2,200-4,000
			3,000-4,500

**55.260 Residency period for promotion to higher grades.**—In modification of the present provisions relating to the placement of different

## Important Government Orders

97

D.G. of Works (CPWD), O.M. No. DGW/MAN/23,  
dated 31-3-1999

Acceptance of deposits much in advance from the clients, only after ascertaining required details of the work to be carried out

It has been brought to the notice of the Directorate General of Works that the Executive Engineers have been accepting deposits from clients for carrying out certain works as "Deposit Works" without any estimates or details leading to considerable delay between the date of receipt of deposits and physical commencement of work at site and consequent time and cost overruns as well as criticism from clients.

It is, therefore, essential that an estimate should be sent to the client department fully ascertaining all necessary site details, technical feasibility, typographical details ownership of land, etc., before acceptance of any deposit by the Executive Engineer. In case any preliminary work like soil testing, site survey/contour, etc., are to be done, a small estimate can be sent to client and deposits received. Otherwise no deposit should be accepted without completing the necessary formalities and obtaining written approval of the Chief Engineer concerned.

This issues with the approval of DG (W).

[Issued from File No. 30/1/96/SE/CM]

98

G.I., M.F., Notfn. No. 200/77/97-ITA-I, dated 20-1-1999

Maximum amount of gratuity exempted from IT,  $3\frac{1}{2}$  lakhs

S.O. 287C.—In exercise of the powers conferred by sub-clause (iii) of Clause (10) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government, having regard to the maximum amount of any gratuity payable to its employees, hereby specifies three lakhs and fifty thousand rupees as the limit for the purposes of the said sub-clause in relation to the employees who retire or become incapacitated prior to such retirement or die on or after the 24th September, 1997 or whose employment is terminated on or after the said date.

99

G.I., MHRD, Dept. of Education, Cir. Lr. No. F. 5-14/97-UT.I,  
dated 7-8-1998

Revised pay scales of School Teachers

The Ministry of Finance, Department of Expenditure, *vide* Notification GSR No. 569 (E), dated 30-9-1997 have provided the upgraded scales for Primary Teachers, Trained Graduate Teachers, Postgraduate Teachers, Vice-Principals and Librarians as given in Part 'B' of the Notification. These upgraded pay scales are subject to the provisions/conditions given in the preamble to Part 'B'. The senior scale for Vice-Principal/Headmaster, Secondary School and pay scale of Principals will be the replacement scales as given in Part 'A' of the Notification. As per the Notification, the revised scales for Teachers are as under:—

	Present Scale	Revised Scale
<b>(a) Primary School Teacher</b>		
Entry Scale	Rs. 1,200-30-1,560-40-2,040	Rs. 4,500-125-7,000
Senior Scale	Rs. 1,400-40-1,600-50-2,300-60-2,600	Rs. 5,000-150-8,000
Selection Scale	Rs. 1,640-60-2,600-75-2,900	Rs. 5,500-175-9,000
<b>(b) Trained Graduate Teacher/Headmaster, Primary School</b>		
Entry Scale	Rs. 1,400-40-1,600-50-2,300-60-2,600	Rs. 5,500-175-9,000
Senior Scale	Rs. 1,640-60-2,600-75-2,900	Rs. 6,500-200-10,500
Selection Scale	Rs. 2,000-60-2,300-75-3,200-100-3,500	Rs. 7,500-250-12,000
<b>(c) Postgraduate Teacher/Headmaster, Middle School</b>		
Entry Scale	Rs. 1,640-60-2,600-75-2,900	Rs. 6,500-200-10,500
Senior Scale	Rs. 2,000-60-2,300-75-3,200-100-3,500	Rs. 7,500-250-12,000
Selection Scale	Rs. 2,200-75-2,800-100-4,000	Rs. 8,000-275-13,500
<b>(d) Vice-Principal/Headmaster, Secondary School</b>		
Entry Scale	Rs. 2,000-60-2,300-75-3,200-100-3,500	Rs. 7,500-250-12,000
Senior Scale	Rs. 2,200-75-2,800-100-4,000	Rs. 8,000-275-13,500
<b>(e) Principal</b>	Rs. 2,000-100-3,500-125-4,500	Rs. 10,000-325-15,200
<b>(f) Librarian</b>		
Entry Scale	Rs. 1,400-40-1,600-50-2,300-60-2,600	Rs. 5,500-175-9,000
Senior Scale	Rs. 1,640-60-2,600-75-2,900	Rs. 6,500-200-10,500
Selection Scale	Rs. 2,000-60-2,300-75-3,200-100-3,500	Rs. 7,500-250-12,000

2. In continuation of the above, following points are made in order to ensure that there is no wrong interpretation or mis-interpretation of

3-25

the decisions of the Government on recommendations of the Fifth Central Pay Commission:

*(i) Teaching Allowance/Special Allowance:*

In view of the recommendations of the Pay Commission as accepted by the Government, the Teaching Allowance stands abolished with effect from 1-1-1996, i.e., the date of implementation of the revised pay scales. Further, the Special Allowance admissible to Vice-Principal/Headmaster, Secondary School also stands abolished with effect from 1-1-1996. However, the Principals will continue to draw the Special Allowance of Rs. 150 p.m. pending decision of the Government on the recommendation of the Pay Commission to enhance this allowance to Rs. 300 p.m.

*(ii) Residency period:*

The proposed improvement in the residency period in the entry and senior scale for School Teachers has been made by the Pay Commission in the context of a general Assured Career Progression (ACP) Scheme recommended for Central Government employees. The Government is still examining the proposed ACP Scheme and no decision has been taken with regard to the improvement in residency period proposed for School Teachers. It is, therefore, clarified that the existing provisions for grant of senior scale and selection scale shall continue pending decision of the Government.

*(iii) Miscellaneous Teachers:*

The revised pay structure for teachers is also applicable to the equivalent categories of miscellaneous teachers to the extent of their existing scales of pay being replaced by revised scales of pay listed above.

3. This issues with the concurrence of Integrated Finance Division of this Ministry.

**100**

*G.I., MHRD (Dept. of Education), Cir. Lr. No. 23-5-95-TS. I.*  
dated 26-2-1999

**Revised pay scales of Faculty and Scientific/Design Staff, from  
1-1-1996**

I am directed to say that the matter relating to revision of pay scales of the faculty and scientific/design staff of Indian Institute of Technology (IITs), Indian Institute of Management (IIMs), Indian Institute of Science (IISc), Bangalore, National Institute of Industrial Engineering (NITIE), Mumbai, Indian School of Mines (ISM), Dhanbad and Indian Institute of Information Technology and Management (IIITM), Gwalior, has been under consideration of the Government. It has been decided by the Government to revise the scales of pay of the faculty and Scientific/Design Staff of IITs, IIMs, IISc, Bangalore,

29 -26-

Annexure 5

Headquarters  
8 Range Assam Rifles  
C/O 99 APO

VII.12012/56/98-A/0791

12 Oct 98

**GRANT OF HIGHER/SENIOR/TGT/PAY SCALE  
TO TEACHING STAFF OF ASSAM RIFLES**

1. A copy of DGAR letter No.A/1-A/87/P/264 dated 21 Sept '98 is fwd herewith for info and necessary action.

2. Please ack.

Sd/- x x x x x  
( H Deoras )  
Capt  
BOS(A)  
for DD (Adm)

Copy of DGAR letter as cited above.

AS ABOVE

1. Of late it has been obs that units/Rgs RMs are fwd application representations of teaching staff of AR for granting Higher/Sr/TGT pay scale.

2. In this context it is clarified that pay scale mentioned in part 'B' of CCS(RP) Rules 1986 is applicable to teachers of all union territories (except Chandigarh) and Central org like Kendriya Vidyalaya Sangathan etc are not applicable to AR teacher. This has been clarified by MHA.

3. Higher/Sr/TGT pay scale were gtd to a few teaching staff of AR erroneously due to wrong interpretation/implementation of Govt. Notification vide part 'B' of CCS (RP) Rules 1986. Necessary action is in hand to regularise such irregularities departmentally. Modalities for refixation of pay as on 01 Jan86 and effecting recoveries will be intimated in due course.

4. In view of the above, it is requested to instr all Rg RMs/Units not to fwd any application/representation on this subject.

Sd/- x x x x x  
( R.S. Dhal )  
Col.  
DD(A)  
for Dir (Adm)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 13 of 1999.

Date of Order : This the 15th day of December, 2000.

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

Hon'ble Mr. M.P. Singh, Administrative Member.

Shri Shebnath Jha Kumar  
Son of late Kaushiki Nath Jha  
25 Assam Rifles, C/o 99 APO  
Sanshak, Dist. Ukhrul

...Applicant

By Advocate Sri M. Chanda.

-versus-

1. Union of India  
through the Secretary to the Govt.  
of India, Ministry of Home Affairs,  
New Delhi.
2. The Director General of Assam Rifles,  
Shillong-793011
3. The Commandant,  
25 Assam Rifles,  
C/o 99 APO

...Respondents.

By Advocate Sri A. Deb Roy, Sr. C.G.S.C.

O R D E R

CHOWDHURY J. (V.C.).

This application under Section 19 of the Administrative Tribunals Act 1985 has arisen and directed against the order communicated under letter No. Vol. 12012/56/98-A/0791 dated 12.10.98 thereby bringing down the pay scale of Rs.5500-9000/- to Rs. 5000-8000/- and recovery of the amount already paid. The applicant is working as a Hindi Teacher in the Assam Rifles and presently posted at 15 Assam Rifles, Sansa in the district of Ukhrul, Manipur. In the year 1986 Government of India revised the pay scales of the Central Government employees on the recommendation of the

Contd...

*Detached  
Copy*

4th Central Pay Commission by a Notification dated 13.9.86. The Government of India approved the new pay scales of Group B, C and D employees. In pursuance thereof the applicant was placed in the revised scale of Rs. 1200-2040/- . The respondents by order dated 26.8.87 raised the scale of the applicant, a permanent Hindi Teacher attached to Directorate General Assam Rifles to Rs. 1480 + 20 pp per month with effect from 1.12.86 in the scale of Rs. 1400-40-1600-50-2300-EB-60-2600/- with date of next increment on 1.3.87 in view of the fact that the applicant passed the B.Ed examination. After working out the details his pay was fixed accordingly. The 5th Central Pay Commission recommended for further revision of pay scales of the Central Government employees and as per recommendation the scale of pay of Rs. 1400-2600/- was revised to Rs. 5500-9000. The applicant has stated that the revised scale was extended to him with effect from 1.1.1996. The applicant was drawing his salary in the appropriate revised scale of Rs. 5500-9000/- but his salary was reduced with effect from 1.10.98 by an oral order issued by the Commandant, 25 Assam Rifles and he was given a lower scale of Rs.5000-8000/-, which is the corresponding pre-revised scale of Rs.1400-2600/- for senior scale of primary school teachers. The applicant being aggrieved with the reduction of pay submitted a representation dated 11.8.98 and the same was rejected by the respondents on 24.8.98 ~~xxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxx~~ The respondents in its communication mentioned that a clarification was sought from the unit by the DGAR whether scales approved in Part B First Schedule of Revised pay Rule 1997 are applicable to AR teaching staff vide their Signal No. A 1946 dated 29.7.98

and the DGAR was intimated vide Signal No. 2488 dated 5.8.98 that those scales were not applicable. Hence the Part II Order No. AR/25AR/Civ/01/98 dated 22.1.98 by which enhanced scale given was cancelled. The applicant not being satisfied preferred a representation for redressal of his grievances. According to the applicant that representation was also not responded but the respondents passed a general order on 21.9.98 which was communicated to the applicant by letter No. VII 12012/56/98-A/0791 dated 12.10.98, which is the subject matter of this proceeding. The full text of the aforesaid communication is reproduced below :

- "1. Of late it has been observed that units/Rgs HQs are fwd application representations of teaching staff of AR for granting Higher/Sr/TGT pay scale.
- 2. In this context it is clarified that pay scale mentioned in Part 'B' of CCS(RP) Rules 1986 is applicable to teachers of all Union territories (except Chandigarh) and Central Org like Kendriya Vidyalaya Sangathan etc. are not applicable to AR teachers. This has been clarified by MHA.
- 3. Higher/Sr/TGT pay scale were gtd to a few teaching staff of AR erroneously due to wrong interpretation/implementation of Govt. Notification vide Part 'B' of CCS(RP) Rules 1986. Necessary action is in hand to regularise such irregularities departmentally, Modalities for refixation of pay as on 01 Jan 86 and affecting recoveries will be intimated in due course.
- 4. In view of the above, it is requested to instr all Rg Hqs/Units not to fwd any application/representation on this subject."

By the aforesaid communication it was indicated that pay scale mentioned in part 'b' of CCS(RP) Rules 1986 is applicable to teachers of all Union Territories (except Chandigarh) and Central Organisation like Kendriya Vidyalaya Sangathan etc. were not applicable to the Assam Rifles Teachers as was clarified by the Ministry of Home Affairs. Higher/Senior/Trained Graduate Teachers of the Assam Rifles

were granted the same pay scale erroneously and accordingly authorities are instructed to regularise the irregularities departmentally by affecting recoveries in due course. The applicant being aggrieved moved this Tribunal by filing this application challenging the legality of the aforementioned order.

2. The respondents contested the application and filed written statement by denying and disputing the claim of the applicant. The respondents in their written statement reiterated the grounds mentioned above and stated that revised pay was granted to the applicant and his pay was fixed in the scale of Rs. 5000-150-8000/- corresponding to old scale of Rs. 1400-2600/- as per revised pay Rules 1997. IPS was prepared accordingly on 17.10.97 and forwarded to the Accountant General, Manipur to test audit and approval. The AG Manipur returned the IPS after doing the needful with advise to draw and disburse the revised pay subject to further check by the audit department. Necessary part II order to this effect was also published on 29.10.97. Subsequently in 1998 the subordinate unit erroneously refixed the pay of the applicant in higher scale which was also later on cancelled after attaining clarification from Respondent No.2. The order dated 21.9.98 was issued as number of representations were received with regard to the scale of revised pay. It was also stated that the scale of pay of Rs. 5500-900/- was not applicable to the applicant as the corresponding scale of Rs.1400-2600/- was enhanced to Rs.5000-8000. It was also stated that the applicant was granted higher scale considering his qualification in the

pre-revised scale.

3. We have heard Mr. M. Chanda, learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. at some length. Mr. Chanda submitted that as per the decision of the Central Government all the Teachers under the Assam Rifles including the Primary Teachers. Trained Graduate Teachers etc. as mentioned in Part 'B' of the Notification subject to the provisions/conditions given in the preamble to Part 'B' are entitled for the scale. The recommendations also shows as such. The clarifications issued by the Ministry of Human Resource Development was not placed before us. We find it difficult to accept the submissions of A. Deb Roy for distinguishing the applicant from the other Teachers. The Government directions including the Pay Commission recommendations are applicable to all the Central Government employees including the Assam Rifles Teachers. The Pay Commission recommendation to this extent was accepted by the Central Government. Therefore, we find no discernable reasons for excluding the Teachers of the Assam Rifles from the benefit of the revised scale in the absence of any cogent ground. No materials so far produced before us for excluding the benefit to such class of Teachers from the policy decision relied on by Mr. Chanda in this context in Union of India & Ors. Vs. Bijoylal Ghosh & Ors. reported in (1998) 3 SCC 362 is also lends support the view we have reached. In these circumstances, the impugned order No. I.14014/19/98-A/998 dated 24.8.1998 (Annexure-3) issued by the 25 Assam Rifles as well as EGAR letter No. A/1-A/87/P/264 dated 21.9.98 communicated vide Annexure-4 letter are set aside and quashed and the respondents are directed to give effect to the applicant the consequential benefit and fit him in the scale of pay of Rs.5500-9000/- with other consequential benefits.

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

Sd/- Vice-Chairman  
Sd/- Member

From

JT/0056, Jr. Teacher  
Bitan Kr. Deb  
12 AR, C/o 99 APO

To

The Directorate General,  
Assam Rifles,  
Shillong-11

(Through proper channel)

Sub : Fixation/Entry pay scale according to 5 CPC for Primary School Teachers.

Sir,

1. Ref to M.P. Range Sig No. A 1236 dt. 3rd March '98
2. Under 4th CPC teachers of Assam Rifles were given the privilege to draw PRT Entry Scale of 1200-30-1560-40-2040 as per with their counterparts in Central Government School Teachers.
3. As per Government of India, Ministry of Finance, Notification No. 385 of the 30th Sept, 1997 the Entry pay scale of Primary School Teachers is 4,500-125-7000. This is the lowest scale for primary School teachers as approved and declared by Government of India.
4. It is therefore, requested to your honour to kindly grant me the above mentioned entry scale of the PRT under 5 CPC and enable me to draw the benefits of the said scale.

Thanking you in anticipation.

Dated  
the 11th August '98

Yours faithfully,

(BITAN KUMAR DEB)

Copy of Ministry of Human Resource Development (Dept. of Education letter No. F.5.180/86-UTL dated 12 Aug 87.

Subject : Revision of pay scales of School Teachers.

I am directed to say that the National Commission on Teachers under the Chairmanship of Prof. D.P. Chattopadhyaya has made various recommendations concerning pay and service conditions of teachers at School level. Pending Govt's decision on the report of National Commission on Teachers, the Fourth Central Pay Commission only recommended the replacement scales for the schools teachers. Accordingly these pay scale were implemented vide Ministry of Finance (Dept. of Expenditure)'s Notifications No. F. 15910-IC/86 dated 13th September 1986 and 22nd September 1986. Subsequently it was clarified that the revised scales of pay for different grades of teachers are based only on the recommendations of the Fourth Central Pay Commission that decision on the recommendations of Nation Commission on Teachers-I is yet to be taken and that it would be done as soon as possible.

2. In partial Modification of Finance Ministry's Notifications No. F.15(1)-IC/86 dated 13th September 1986 and 22nd September, 1986 by which replacement scales were given to school teachers, it has now been decided that the revised pay scales of school teachers in all Union Territories (except Chandigarh including Govt. aided schools and organisations like Kendriya Vidyalaya Sangathan and Central Tibetan School Administration etc. will be as under :

<u>Category of school Teachers</u>	<u>Revised Pay scales</u>
(a) Primary School Teachers	Rs.1200-30-1380-EB-1560-EB-40-1800-EB-40-2040.
(b) Senior scales (after 12 years	Rs.1400-40-1600-50-1650-EB-50-1950-EB-50-2250-EB-50-2300-60-2600.
Selection grade (after 12 years in senior scales and attainment of qualifications laid down for TGTs.	Rs.1640-60-2000-EB-60-2360-EB-50-2000-EB-70-2900.

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Bilas kr. Deb

(b) Trained Graduate Teachers/ Head Masters of Primary Schools	Rs. 1400-40-1600-1650-EB-50- 1950-EB-50-2250-EB-50-2300- 60-2600.
Senior scales (after 12 years)	Rs. 1640-60-2000-EB-60-2360- EB-60-2600-75-2750-EB-75- 2900.
Selection scale (after 12 years in senior scales and attainment of qualifications laid down for PGTs)	Rs. 2000-60-2300-75-2375-EB- 75-2825-EB-75-3200-100- 3300-EB-100-3500.
(c) Post Graduate Teachers/ Head Masters of Middle School	Rs. 1640-60-2000-EB-60-2360- EB-60-2600-75-2750-75- 2900.
Senior scale (after 12 years)	Rs. 2000-60-2300-75-2375-EB- 75-2825-EB-75-3200-100- 3300-EB-100-3500.
Selection scale (after 12 years in senior scale	Rs. 2200-75-2650-EB-75-2800- 100-3200-EB-100-3300-EB- <del>300</del> <del>300</del> <del>300</del> <del>300</del> <del>300</del> <del>300</del> 100-4600/-
(d) Vice Principal/Headmaster of Secondary School	Rs. 2000-60-2300-75-2375-EB- 75-2825-EB-75-3200-100- 3300-EB-100-3500.
Senior scale (After 12 years)	Rs. 200-75-2550-EB-2800-100 3200-EB-100-3800-EB-100- 4000.

It has also been decided to grant Teaching Allowance  
@ Rs. 100/- p.m. to primary school teachers, Headmasters of Primary School, Trained Graduate Teachers, Headmasters of Middle School and Post Graduate Teachers, special Allowance @ Rs. 150/- p.m. will be payable to Vice-Principals and Principals of Senior Secondary school and Headmasters of Secondary School.

3. The revised pay scale will be admissible subject to the following conditions :

I) While senior scale will be granted after 12 years to primary school teachers, Trained Graduate Teachers/Head masters of Primary School and Post Graduate Teachers/Head masters of Middle Schools, the Selection scale will be granted after 12 years service in the senior scale of the

Contd. . .

Bilan Kr. Deb

respective cadre. For the Vice-Principal's Headquarters of Secondary Schools, there will be only Senior Scale after 12 years and no Selection scale.

ii) The number of posts in the Selection scale for primary school teachers, Trained Graduate Teachers/Headmaster of Primary School, Post Graduate Teachers/Headmasters of Middle School will be restricted to 20% of the number of posts in the Senior Scale of the respective cadre.

iii) The Senior and Selection scale will be given after screening regarding their satisfactory performance by an appropriate DPC.

iv) Every teacher would be required to participate in and in-service training programme of at least three weeks during before he/she crosses an EB or is promoted to Senior Scale or Selection Scale, i.e., once in every six years; provided that where arrangements for such training cannot be made, the appointing authority may exempt a category of teachers for a specific period of time.

v) Although for purposes of grant of Selection scale primary school teachers and Trained Graduate Teachers will be required to obtain higher qualifications, they will not be required to shift to an institution of higher level.

vi) Appointment to the post of Principals, Vice-Principals and Headmasters will be made in all schools on the basis of merit.

4. The revised pay scales, teaching allowance and special allowance will be applicable with effect from 1.1.1986. The arrears of pay for the period 1.1.1986 to 31.3.86 which will accrue over and above the arrears of pay consequent upon the revision of pay scale on the recommendations of Fourth Pay Commission vide Ministry of Finance Notification No. 15(1)-IC/86, dated 13.9.1985 and 22.9.86 will have to be deposited in Provident Fund Account.

5. The above pay scale will be applicable to School Teacher of the categories mentioned above and to the incumbents of such teaching posts as are analogous to the above mentioned categories of posts of teachers

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Bijan Kr. Deb

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Annexure-4 (Contd.)

working in schools in all Union Territories (except Chandigarh) including Govt. aided schools and organisations like Kendriya Vidyalaya Sangathan, Central Tibetan School.

6. Amendment to the Central Civil Service (Revised pay) Rules, 1986 will be issued separately by the Ministry of Finance.

7. This issues with the concurrence of Ministry of Finance (Department of Expenditure vide their U.O. No. 4183/E.III/87 dated 10.8.1997.

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U<sup>b</sup>

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Annexure- 9

11052/19/A/98/2058      12 Assam Rifles  
Junior Public School      C/o 99 APO  
12 Assam Rifles      13  
C/o 99 APO      14 Oct 98

Sub : GRANT OF HIGHER/SENIOR/TGT PAY SCALE TO  
TEACHING STAFF OF ASSAM FIFLES.

A copy of DG Assam Rifles letter No. A/1-A/87/P/  
98/264 dt. 21 Sep 98 is fwd herewith for your info please.

Encl : As above

Sd/- UNS Yadav  
Maj  
Adjt  
for Comdt.

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(Copy of DGAR letter No. A/1-A/87/P/98/264

Dt. 21 Sep 98

AS ABOVE

1. Of late it has been obs that Units/Rg Hqs are fwd applications/representations of teaching staff of AR for granting higher/Sr./TGT pay scale
2. In this context it is clarified that pay scale mentioned in Part 'B' of CCS(RP) Rules 1986 is applicable to teachers of all Union territories (Except Chandigarh) and Central Org like Kendriya Vidyalaya Sangathan etc are not applicable to AR Teachers. This has been clarified by MHA.
3. Higher/Sr/TGT pay scales were gtd to a few teaching staff of AR erroneously due to wrong interpretation/ implementation of Govt. Notification vide Part 'B' of CCS (RP) Rules 1986. Necessary action is in hand to regularise such irregularities departmentally. Modalities for refixation of pay as on 01 Jan 86 and effecting recoveries will be intimated in due course.
4. In view of the above, it is requested to instr all Rg Hqs/Units not to fwd any application/representation on this subject.
5. Please ack and confirm.

Sd/- X X X  
(RS Dhull)  
DD(A)  
for Dir (Adm)

12 Assam Rifles  
C/o 99 APO

11052/19/A/98/2015

12 Assam Rifles  
C/o 99 APO

19 Oct 98

Junior Public School  
12 Assam Rifles  
C/o 99 APO

CORRESPONDING PAY SCALE ACCORDING TO 5TH CPC.

1. Ref our letter No. 11052/19/A/98/2058 dt. 13 Oct 98.
2. A copy of DGAR Sig No. A 3180 dt. 14 Oct 98 added to HQ MP Rg with info this unit is fwd herewith for your info please.

Sd/- Illegible

Enclo : As above.

(UNS Yadav)  
Maj  
Adjt

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(DGAR sig No. A 3180 dt. 14 Oct 98)

AS ABOVE

Corresponding Pay scale according to 5th CPC (.)  
Ref your signal A 1204 Sept 23 (.) Pay scale Rs.4500-  
7000/- Not admissible to Hindi/Junior Teacher of Assam  
Rifles (.) In this connection request draw your attn to  
our letter No. A/1-A/87/P/98/264 Sep 21.

*Ansawar  
D.S.P.*