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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A./T.A No. 472/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Appelcation No. 472/2001

Applicant(s):- Ram Krishna Goswami

Respondant(s):- U.O.I Gorn

Advocate for the Applicant :- P.K. Tinsani, U.K. Goswami

Advocate for the Respondant:- case

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C.F. for Rs. 50/- deposited vide IP <u>7/66790215</u> Dated <u>28.11.2001</u> Dy. Registrar</p> <p><u>Slips taken without Emolus</u> <u>Notice prepared and sent to D/S for trans the respondent</u> <u>No 1 to 3 by Regd A.D.</u></p> <p><u>D/No 76678</u> <u>Dtd. 8/11/02</u></p>	<p>19.12.01</p> <p>mb</p> <p>21.1.02</p> <p>11.2.02</p> <p>mb</p> <p>mb</p>	<p>Heard learned counsels for the parties.</p> <p>The application is admitted. Call for the records.</p> <p>List on 21.1.2002 for further order.</p> <p><u>U. U. Sharma</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>Await service report. List on 11.2.2002 for order.</p> <p><u>U. U. Sharma</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p> <p>Notice was send by the registered post on 8.1.2002. Service is accepted. The respondents may file written statement within 4 weeks from today.</p> <p>List on 18.3.2002 for order.</p> <p><u>U. U. Sharma</u> Member</p> <p><u>[Signature]</u> Vice-Chairman</p>
<p>① Service report are still awaited.</p> <p><u>By</u> <u>18.11.02</u></p>		
<p>① Service report are still awaited.</p> <p><u>By</u> <u>8.2.02</u></p>		

✓

②

18.3.02

Pleadings are complete. The case may now be listed for hearing on 9.4.2002. The applicant may file rejoinder, if any, within two weeks from today.

Member

Vice-Chairman

① Wks has been filed

mb

② No. Rejoinder has been filed.

9.4.02

A prayer for adjournment has been made on behalf of Mr P.K.Tiwari by Mr S.Sarma, learned counsel. Prayer allowed List on 30.4.2002 for hearing.

30
8.4.02

Member

Vice-Chairman

Written statement
filed on behalf
of the respondents

pg

30.4.02

Prayer has been made on behalf of Mr.P.K.Tiwari learned counsel for the applicant by Mr. P.K.Tiwari, learned counsel for adjournment of the case. Prayer is allowed. List on 22.5.02 for hearing.

30
29.4.02

Member

Vice-Chairman

lm

22.5.02

List again before the Shillong circuit Bench of this Tribunal.

Member

Vice-Chairman

pg

11.6.02

Adjourned on the prayer of learned counsel for the applicant. List the matter for hearing on 1.7.2002 alongwith O.A. No. 321/2001.

Member

Vice-Chairman

mb

Notes of the Registry Date

Order of the Tribunal

1.7.2002

List again on 23.7.2002 alongwith
O.A.321/2001.

U. Usham
Member


Vice-Chairman

was filed by the
respondents

pg

34
30.7.02

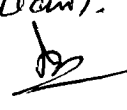
29.7.

Dismissal bench did not sit today the
case is adjourned to 29.7.02.

31.7.

Heard Mr. P. K. Tiwari learned Counsel for
the applicants Mr. A. Debroy, B.C. & C.
for the respondent.
Hearing concluded
Judgment reserved.

Mr. A. Debroy
31.7.

Judgment did 19/8/02
Communicated to
the parties counsel
& the applicant.


19.8.02

Judgment delivered in open Court,
kept in separate sheets. The application
is dismissed in terms of the order. No
order as to costs.

U. Usham
Member


Vice-Chairman

mb

Notes of the Registry | Date

Order of the Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

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

Title of the Case : O.A. No.

Ram Krishna Goswami & 2 Ors. ...

- Versus -

Union of India & Ors. ...

670001
472 of 2001

Applicant's Bench

Respondents

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For use in Tribunal's Office :

Date of filing :

Registration No.

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O.A. No. 472 of 2001

BETWEEN

1. Ram Krishna Goswami, Assistant,
North East Police Academy, Umsaw,
Umiam, District Ri-bhoi, Meghalaya,
PIN-793123.
2. Pradip Kumar Bhattacharjee,
Assistant, North East Police
Academy, Umsaw, Umiam, District Ri-
bhoi, Meghalaya, PIN-793123.
3. Field Back Lyngdoh Tron, Assistant,
North East Police Academy, Umsaw,
Umiam, District Ri-bhoi, Meghalaya,
PIN-793123.

... Applicants

AND

1. Union of India through the Secretary,
to the Government of India,
Ministry of Home Affairs, North Block,
New Delhi.
2. The Director, North East Police
Academy, Ministry of Home Affairs,
Government of India, Umsaw Umiam,
Meghalaya.
3. The North Eastern Council, through
the Secretary, North Eastern Council
Secretariat, Shillong-1.

.... Respondents

DETAILS OF APPLICATION

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

The present application is not against any specific order, but the same is against the disparity in the pay scale of the Assistants of North Eastern Police Academy with that of other similarly situated Assistants working in different attached and subordinate offices of the Department of Home, Ministry.

Rk Goswami

*Filed by the applicants
through the advocate
J.K. Goswami
29/11/2001*

of Home Affairs, Government of India. The North Eastern Police Academy is under the Department of Home, Ministry of Home Affairs. The Assistants working in North Eastern Police Academy are getting the revised scale of Rs. 4500-700/- whereas the Assistants working in other attached and/or subordinated offices of the Department of Home, Ministry of Home Affairs are getting two different pay scales of Rs. 5,000-8000/- and Rs. 5500-9000/-. The instant application seeks parity in the pay scale of Assistants of North Eastern Police Academy with that of other similarly situated Assistants working in different attached and subordinate offices of the Department of Home, Ministry of Home Affairs, Government of India. The Applicants have been this parity in pay scale despite the recommendation of 4th and 5th Pay Commission. The working for which the Applicants are seeking remedy is a continuous wrong.

2. JURISDICTION OF THE TRIBUNAL :

The applicants further declare that the subject matter of the instant application for which they want redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

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

RK Gorwami

4. FACTS OF THE CASE :

4.1 That the Applicants (who are three in numbers) in the instant case have a common grievance arising out of a same subject matter. The reliefs Applicants are seeking are also same. Hence having regard to the cause of action and the nature of relief prayed for, the Applicants have a common interest in the matter. The Hon'ble Tribunal, therefore, may be pleased to allow the Applicants to file the present application jointly in terms of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.2 That the Applicants are presently serving as Assistants in North Eastern Police Academy, hereinafter referred to as "NEPA" in the pay scale of Rs.4500-7000/-.

4.3 That the NEPA is a Police Training Institute under the Department of Home, Ministry of Home Affairs, Government of India. It imparts training to police personnel of seven North Eastern States. It is headed by a Director who is assisted by a Joint Director, a Deputy Director, Assistant Director and other staff. Till 1983, the NEPA was under the North Eastern Council and it was headed by the Commandant. Even now the North Eastern Council exercises budgetary and financial control over the NEPA.

4.4 That the NEPA has all total three Assistants. The post of Assistant is a supervisory level post. The recruitment to this post is governed by the North

R K Goshwami

Eastern Police Academy, Barapani (Group C and D Posts) Recruitment Rules, 1983. The rules were framed in exercise of power under proviso to Article 309 of the Constitution. Under the Rules, the recruitment to the posts of Assistants are made by the method of promotion from the feeder cadre of Upper Division Clerk or through transfer or deputation.

Copy of the relevant portion of the North Eastern Police Academy, Barapani (Group C and D Posts) Recruitment Rules, 1983 is annexed as ANNEXURE-A/1.

4.5 That the Applicant No.1 joined NEPA as a Lower Division Clerk on 30th June 1970 and he worked in the said capacity till June 1978. On 12.6.78, the Applicant No.1 was promoted to the post of UDC and he worked in the said capacity till September 1984. The Applicant No.1 was promoted to the post of Assistant with effect from 1.10.1984 and he is working in the said post till this very date.

The Applicant No. 2 joined NEPA as LDC with effect from 16.1.1979 and he worked in the said capacity till 15.1.87. He was promoted to the post of UDC with effect from 16.1.87 and worked in the said capacity till 10.8.88. He was promoted to the post of Assistant with effect from 11.8.88 and is working in the said capacity till date.

The Applicant No. 3 joined NEPA as LDC with effect from 1.9.1980 and he worked in the said capacity till 30.6.84. He was UDC from 1.7.84 to 12.4.98 and he was promoted in an adhoc capacity to the post of Assistant

Rk Gernam

with effect from 13.4.98 and is holding the said post till date.

4.6 That before the 4th Pay Commission's recommendation, the pay scale of Assistants in NEPA was Rs.425-700/-. During the same period in many other organisations of the Government of India including Central Secretariat staff, the Assistants were given the pay of Rs.425-800/-. However, the Assistants in NEPA were not the only one to get the pay scale of Rs.425-700/-, there were many Assistants under other Government of India organisations who were also given the same pay scale. Therefore, between the Assistants of the different organisations under the Government of India, two different pay scales amongst Assistants existed i.e. Rs. 425-700/- and Rs.425-800/-.

4.7 That the pay scale of Assistants working in the Central Secretariat and other organisations outside the Secretariat came for scrutiny of the 4th Pay Commission. In para 7.12 of its report, the 4th Pay Commission observed that in the absence of any distinguishing features, employees of the Central Government in different branches should be paid equally if their work is adjudged to be of equal value. For doing so, the Commission specified the factors on the basis of which comparisons were to be carried out. The Commission was also of the view that the difficulty and complexity of the task to be performed, as well as the responsibility undertaken should be given considerable weight in determining the scale of pay. The Commission

R. K. Gaur

expressed itself in favour of reducing the large number of pay scales and to establish equitable relativity not only vertically but also horizontally.

4.8 That the 4th Pay Commission in Part III of its report at para 11.33 stated that there are 26,000 clerical supervisory posts in 15 designations and 16 different pay scales. The posts in these organisations are generally classified as Group-C (non-gazetted). In the Central Secretariat, the clerical supervisory posts is at the level of Section Officer. The Commission stated about the suggestion that the pay scales at supervisory levels of clerical staff should be the same in all offices of Government of India. While observing that the Commission has found considerable difference in educational qualifications, levels of recruitments and methods, duties and responsibilities of the posts between these organisations, it was stated that the Commission did not find it possible to recommend parity in pay scales, but it opined that there is need for bringing some uniformity in the scales of pay below the level to pay Rs.650-1200/- and also in the designations of supervisory level posts in offices outside the Central Secretariat. The Commission opined that the Government of India may review the position keeping in view the present levels, duties and responsibilities of the posts in supervisory level and other relevant factors. The Commission recommended three standard levels of supervisory posts in the scale of Rs. 1400-2300/-, Rs.1640-2900/- and Rs. 2000-3200/- with suitable designations.

Rk Grewal

4.9 That the recommendations of the 4th Pay Commission were accepted by the Government of India during September 1987 and the same were implemented retrospectively with effect from 1.1.1986. Consequent on the implementation of the 4th Pay Commission's report, the pay scale of Assistants in Central Secretariat service was revised to Rs.1400-2600/-, whereas the pay scale of the Assistants in NEPA was revised to Rs.1400-2300/- with effect from 1.1.1986.

4.10 That the trouble started with the issue of office memorandum No. 2/1/90 CS.IV dated 30.7.90 of the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, New Delhi. The aforesaid office memorandum had the following provisions with regard to revision of pay scales :

"The same revised pay scale (i.e. Rs.1640-2900/-) will also be applicable to Assistants and Stenographers in other organisations like Ministry of External Affairs which are not participating in the Central Secretariat Service and Central Secretariat Stenographers' service, but where the posts are in comparable grades with same classification and pay scales and the method of recruitment through open competitive examination is also the same."

The copy of Ministry of Personnel's office memorandum dated 31.7.90 is annexed as ANNEXURE-
A/2.

RK Gorman

4.11 That consequent on the issue of the office memorandum of the Government of India dated 31.7.90, many departments under various Ministries and various other organisations under the Government of India which do not participate in the Central Secretariat service and have also different modes of recruitment to the post of Assistant i.e. promotion as a mode of recruitment, revised the pay scales of the Assistants to Rs. 1640-2900/-.

4.12 That pursuant to the memorandum of the Government of India dated 31.7.90, when in various other departments under the Ministry of Home and other Ministries, the pay scales of Assistants were revised to Rs.1640-2900/- from pre-revised scale of Rs.1400-2600/- then the Assistants working in the India Council of Medical Research also claimed similar hike in their pay scale. The demand of this nature was also made by other Assistants working in different organisations under the Ministry of Home and other Ministries. Consequently, the Government of India, Ministry of Home Affairs vide office memorandum dated 2.7.92 called upon all the attached/subordinate officers of the Ministry of Home Affairs and all other statutory organisations working under various departments and Ministries for requisite information for the purpose of extending the benefit of enhanced pay scales to the Assistants working in the aforesaid offices. Though the NEPA also received the office memorandum dated 2.7.92, but no information was furnished to the Ministry of Home Affairs.

R k Gorman

Copy of the office memorandum dated 2.7.92 is annexed as ANNEXURE-A/3.

4.13 That pursuant to the office memorandum of the Government of India dated 31.7.90, the Assistants working in the various departments of the Government of India were given higher scale of Rs.1640-2900/- though they did not have element of direct recruitment and were earlier in the pay scale of Rs.425-700/- like the Assistants in NEPA. This was done as a result of intervention of the Principal Bench of the Central Administrative Tribunal, New Delhi in its order dated 19.1.96 passed in O.A. No. 548/94. The order of the Tribunal dated 19.1.96 passed in O.A. No. 548/94 was taken on appeal before the Supreme Court. However, the SLP against the said order was dismissed by the Supreme Court and as such, the order dated 19.1.96 in O.A. No. 548/94 attained the finality. The contentions in the aforesaid case which were accepted by the Principal Seat, were that in respect of parity, no discrimination can be made in regard to pay scale of Rs.425-800/- or Rs.425-700/-, if the nature of duties is same though the pay scale of Rs.425-700/- was revised to Rs.1400-2300/- and the pay scale of Rs.425-800/- was revised to Rs.1400-2600/-. However, when by the office memorandum of the Government of India dated 31.7.90, there was further revision of scale of pay of Assistants from Rs.1400-2600/- to Rs.1640-2900/-, it was held by the Tribunal that the similarly situated Assistants be given the pay scale of Rs.1640-2900/- irrespective of the fact whether their pre-revised scale of pay was Rs.425-700/- or Rs.425-800/-.

RK Goshwami

4.14 That the similar issue once again came for consideration before the Principal Bench of the Central Administrative Tribunal, New Delhi in the case of All India ESI Corporation Employees' Federation -Vs- Director General, ESI & Anr. - O.A. No. 981/1994. The Tribunal in its judgment dated 17.3.99 took note of the earlier order of the Tribunal dated 19.1.96 passed in O.A. No. 548/94. In its elaborate judgment, the Tribunal took note of the fact that many organisations and departments of the Government of India including Central Secretariat have given the revised pay scales of Rs.1640-2900/- to the Assistants. The examples given were of Assistants in attached and subordinate offices of the Government of India like Central Bureau of Investigation, Central Administrative Tribunal, Border Security Ordinance Factory Board Employees, Crime Assistants in CBI, Assistants in the Subordinate Offices of Directorate General of Income Tax, offices of the Central Board of Direct Taxes, Ministry of Finance etc. The Tribunal in the said judgment also took note of the fact that the Assistants in Delhi Development Authority, an autonomous body under the Ministry of Urban Development who were drawing the previous pay scale of Rs.425-700/- were given revised pay scale of Rs.1640-2900/- by order dated 7.10.96. It was also noted that Indian Council of Medical Research where Assistants are appointed on the basis of 100% by promotion were also given the same pay scale. Moreover, the Delhi High Court also allowed revised pay scale of Rs.1640-2900/- to the Assistants and

Rk Gaur

Stenographers of National Book Trust in C.W.P. 4842/96 on the principle of "equal pay for equal work".

4.15 That in view of the aforesaid, the Principal Bench of the Central Administrative Tribunal in its judgment dated 17.3.99 passed in O.A. No. 981/94 (All India ESI Corporation Employees' Federation -Vs- Director General, ESI & Anr.) held that ESIC Assistants though equal like those in Delhi Development Authority, Indian Council of Medical Research, National Book Trust and other Assistants attached with Central Government offices, are being treated unequally only in respect of pay simply on the ground that these Assistants of ESIC are promotees. Hence the Tribunal held that simply because the Assistants of ESIC are promotees and they were earlier drawing the pay scale of Rs.425-700/- which was revised to Rs.1400-2300/- pursuant to the acceptance of the recommendation of the 4th Pay Commission, cannot be denied the revised scale of Rs.1640-2900/-.

Applicants crave leave of this Hon'ble Tribunal to refer to and rely on the judgment of the Principal Bench of the Hon'ble Tribunal passed on 17.3.99 in O.A. No. 981/94.

4.16 That moreover, many of the Assistants working in other organisations who were not allowed the revised pay scale of Rs.1640-2900/- on the ground that their mode of recruitment, classification etc. are different, approached various Benches of the Hon'ble Tribunal. These Benches of the Hon'ble Tribunal

Rk Gaur

examined the relevant portion of the office memorandum dated 31.7.90 and granted parity of pay scales to Assistants working in the departments like Bureau of Police Research and Development, Border Security Force, Indo Tibetan Border Police, Central Industrial Security Force, Intelligence Bureau, SSB, Research and Analysis Wing, Armed Force Headquarters etc. with Assistants of Central Secretariat service with effect from 1.1.86.

Applicants crave leave of the Hon'ble Tribunal to refer to these judgments of the different Benches of the Hon'ble Tribunal at the time of hearing of this case.

4.17 That when pursuant to many of the aforesaid pronouncements of the various Benches of Central Administrative Tribunal, the pay scales of Assistants in various subordinate offices of the Government of India were brought at par with the Assistants in the Central Secretariat service with effect from 1.1.1986, the Applicants wrote a letter dated 1.7.95 to the Joint Consultative Machinery for Central Government employees. The attention was drawn of the Joint Consultative Machinery towards the lower pay scale of Assistants and disparity in the pay scale of Assistants in NEPA to that of pay scales of Assistants in other Central Government organisations.

Copy of the letter dated 1.7.95 is annexed as ANNEXURE-A/4.

4.18 That the Joint Consultative Machinery vide reply dated 11.7.95 informed the Applicants that the

RK Goman

grievance of the Applicants have been remitted to the 5th Pay Commission for consideration.

Copy of the letter dated 11.7.95 of Joint Consultative Machinery is annexed as ANNEXURE-A/5.

4.19 That the Applicants also took up the matter with the Respondent No. 1 by submitting a representation dated 21.10.97 to take suitable action to revise the pay scale of Assistants working in NEPA to Rs.1640-2900/-. The issue was also raised before the Respondent No. 2. The Respondent No. 2 vide his letter dated 25.11.97 drew the attention of the Director, North East Council, NE-II Division, Government of India, Ministry of Home Affairs towards extension of the pay scale of Rs.1640-2900/- to the Assistants of NEPA. In his letter, the Respondent No. 2 specifically stated that under the provisions of the office memorandum dated 31.7.90 of the Government of India, the pay scale of Assistants working in some of the attached offices of certain Ministries like Bureau of Police Research and development, Central Administrative Tribunal, Border Security Force, Central Bureau of Investigation, Subsidiary Intelligence Bureau etc. has been revised to Rs.1640-2900/-. It was further stated that the aforesaid office memorandum dated 31.7.90 is not specific if the enhanced scale of Rs.1640-2900/- can also be extended to Assistants in NEPA whose pay scale is Rs.1400-2300/- (pre-revised). Hence the Respondent No. 2 requested for suitable clarification at the earliest.

Rk Gamm

Copy of the letter dated 25.11.97 issued by the Director, NEPA is annexed hereto as ANNEXURE-A/6.

4.20 That the Appellants also took up the matter with the Director, Grievances, Ministry of Home Affairs, NEPA by submitting a representation dated 12.11.97. The Director, Grievances vide letter dated 27.11.97 replied that for upgradation of pay scales, matter has been taken up with the Ministry of Home Affairs and the clarification has been sought for.

Copy of the letter dated 27.11.97 of the Director, Grievances is annexed as ANNEXURE-A/7.

4.21 That thereafter from the office of the Ministry of Home Affairs vide letter No. 6/29/27-NE.II dated 17.12.97, the Respondent No. 2 was informed that the matter was taken up with the Integrated Finance Division and in their view the orders referred to O.M. No. 2/1/90-CS.IV dated 31.7.90 of the Government of India are not applicable in respect of Assistants in North Eastern Police Academy and they may be given the normal replacement scale of pay with effect from 1.1.96. It was further stated that as regards grant of higher scale of pay, since it involves upgradation, the issue may be taken up as per order on the subject. Hence, the specific observations of the office of the Ministry of Home on the said subject may be outlined thus :

(a) O.M. No. 2/1/90-CS.IV dated 31.7.90 is not applicable to Assistants in NEPA.

RK Gaur

(b) The Assistants in NEPA may be given the normal replacement scale of pay with effect from 1.1.96.

(c) As regards grant of higher scale of pay, it involves upgradation which may be taken up as per order on the subject.

Copy of Ministry of Home Affairs letter dated 17.12.97 is annexed as ANNEXURE-A/B.

4.22 That the letter from the office of the Ministry of Home Affairs dated 17.12.97 contained the views of the Integrated Finance Division. It appears that the matter was not dealt at the appropriate level. The letter in question has been issued by the Desk Officer. The letter only communicates the views of the integrated Finance Division and it is not an administrative order. The Applicants have reasons to believe that at a very subordinate level, the issue pertaining to the revision of the pay scales of the Assistants of NEPA, was handled by the Ministry of Home Affairs, Government of India and no appropriate consideration was given to the case of the Applicants on merits.

4.23 That when the Applicants took up the matter with the Government of India in regard to correctness of the communication of Ministry of Home Affairs dated 17.12.97 and illegality of the decision conveyed by Integrated Finance Division, the Applicants were informed that since the 5th Pay Commission has already been constituted, therefore, it would be in the fitness

R. K. Gaur

of things if the matter is raised before the 5th Pay Commission.

4.24 That since the Applicants had already approached the Joint Consultative Machinery for presenting their views about the parity of the pay scales of Assistants of NEPA with that of other Assistants of different Central Government organisations, the Applicants had reasons to believe that the Joint Consultative Machinery would present their case before the 5th Pay Commission. Unfortunately, this was not to be.

4.25 That the 5th Pay Commission in its report dealt with the organizational set up of NEPA but remained silent about the pay scale of the Assistants of NEPA. The Applicants reliably learnt that the Joint Consultative Machinery did not even present their case before the 5th Pay Commission and the grievance of the Applicants were not looked into. In this connection, it should be noted that there are only three numbers of posts of Assistants in the NEPA and as such being very few in numbers, the Assistants of NEPA are normally ignored.

4.26 That pursuant to the revision of pay scale as per the recommendation of the 5th Pay Commission, the pre-revised pay scale given to the Assistants of NEPA i.e. Rs. 1400-2300/- was enhanced to Rs.4500-7000/-. In sharp contrast, the pay scale of those very Assistants whose pre-revised pay scale was Rs.1640-2900/- was revised to Rs.5500-9000/-. The anomaly in the pay scales of Assistants of NEPA vis-a-vis the Assistants

Rk Gouan

of other Central Government organisations thus became glaring.

4.27 That in the aftermath of the recommendation of the 5th Pay Commission, when there was resentment amongst the employees of various organisations including the employees of NEPA, the Government of India, Ministry of Personnel, Public Grievances and Pension issued an office memorandum dated 6.2.98 providing for setting up of anomaly committees at the national as well as departmental level consisting of representatives of official side and the staff side to settle the anomaly arising from the recommendations of the Pay Commission. The aforesaid office memorandum was issued in pursuance of an agreement reached with the standing Committee members of staff side of National Council (JCM) and the Government of India, Ministry of Personnel.

4.28 That, however, in many organisations, anomaly committees were never set up. NEPA was no exception. To the knowledge of the Applicants, no anomaly committee was at work in NEPA. Moreover, nobody had any concern for only three Assistants of NEPA.

4.29 That in connection of setting up of anomaly committees, the Government of India, Ministry of Home Affairs issued office memorandum dated 9.8.2001 to all the subordinate offices of the Ministry of Home Affairs and other organisations which are under it. Since there was no information from the different organisations of the Ministry of Home, including NEPA,

Rh. Gowan

the Government of India issued yet another letter dated 21.8.2000 directing the Respondent No. 2 to furnish relevant information in regard to setting up of anomaly committee.

Copy of the letter dated 9.8.2000 and 21.8.2000 are annexed as ANNEXURES-A/9 colly.

4.30 That the functioning of the departmental anomaly committees remained a distant dream. This is evident from the office memorandum dated 9.7.2001 of the Government of India, Ministry of Personnel when the fact of non-functioning of departmental anomaly committees has been bemoaned. It is stated that there is no departmental anomaly committee at work in NEPA. The Applicants had reposed trust on the anomaly committee of NEPA to take up their case at an appropriate forum and to redress their grievances. Now the Applicants believe that no fruitful purpose would be served in waiting any further. The denial of appropriate pay scale to the Applicants is a continuous wrong and there is no other remedy left for them but to approach this Hon'ble Tribunal for the redressal of their grievances.

4.31 That after the recommendation of the 5th Pay Commission in few other organisations under the Ministry of Home, the pay scales of the Assistants have been revised from Rs.1400-2600/- to Rs.5000-8000/-. This is the situation so far as the pay scale of the Assistants in the office of the Commissioner of Border is concerned. Interestingly there is no recruitment

Rk G...

rule in regard to the post of Assistants in the office of the Commissioner of Border and the post of Assistants is filled through deputation.

4.32 That in the Ministry of Environment, Department of Forests, the post of Assistants in the Regional Offices of the Ministry of Environment is a Group-B non-gazetted ministerial post and it is given the revised pay scale of Rs.5500-9000/- (pre-revised Rs.1640-2900/-). The recruitment to the post is governed by the Regional Offices of the Ministry of Environment and Forest (Group-B Posts) Recruitment Rules, 2000. As per the recruitment rules, the post of Assistant is a promotional post which is filled up by a method of promotion from amongst the cadre of Upper Division Clerk. It is interesting to note that the post of Assistant in NEPA is also a promotional post and it is filled up from the cadre of Upper Division Clerk.

4.33 That the Assistants in the office of Registrar General, Census under the Ministry of Home are given the revised pay scale of Rs.5000-8000/- with effect from 1.1.96. The Assistants in this office were earlier given the pre-revised pay scale of Rs.1400-2300/-. The post of Assistant in the office of Registrar General, Census is also a promotional post and it is filled up from the cadre of Upper Division Clerk. The post is also filled up by method of transfer on deputation or transfer.

The relevant documents showing the pay scale of Assistants in the Regional Offices of Ministry of Environment, Registrar General, Census etc. are annexed as ANNEXURES-A/10 colly.

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4.34 That even in the North Eastern Council the Assistants were given the pay scale of Rs.210-530/- prior to 3rd Pay Commission report. After the recommendation of the 3rd Pay Commission, the pay scale of Assistants was revised from Rs.210-530/- to Rs.425-700/- though in all other departments of the Government of India, the Assistants were given the revised pay scale of Rs.425-800/-. In the case of the North Eastern Council, the revised pay scale of Rs.425-800/- was only given to the then existing Assistants and those Assistants who joined thereafter were given the lower pay scale of Rs.425-700/-. On recommendation of the 4th Pay Commission, the pay scale of Rs.425-700/- was revised to Rs.1400-2300/- and the pay scale of Rs. 425-800/- was revised to Rs.1400-2600/-. As a result of resentment amongst the Assistants of the North Eastern Council, when the North Eastern Council Secretariat (Group C Posts of Assistants) Recruitment Rules, 1995 were framed, all the Assistants of North Eastern Council was given the pay scale of Rs.1400-2600/-. After the recommendation of 5th Pay Commission, the Assistants of the North Eastern Council are presently given the revised pay scale of Rs.5000-8000/- This is in sharp contrast to the Assistants of NEPA who are getting the revised pay scale of Rs.4500-7000/-. It is noteworthy that even in the North Eastern Council, the post of Assistant is a promotional post which is filled through the method of promotion from the feeder cadre of Upper Division Clerk or transfer on deputation. Hence, in regard to the source of recruitment, there is

Rk Gaur

no difference among the Assistants of North Eastern Council and Assistants of NEPA. However, despite being similarly situated, the pay scales of Assistants of North Eastern Council and the assistants of NEPA are not the same. In this connection, it is pertinent to reiterate that previously, NEPA was under the control of North Eastern Council and even now the North Eastern Council exercises budgetary and financial control over NEPA.

The North Eastern Council Secretariat (Group C Posts of Assistants) Recruitment Rules, 1995 are annexed as ANNEXURE-A/11.

4.35 That at present amongst the Assistants of Central Secretariat Service and other Assistants working in different attached and subordinate offices of the Department of Home, Ministry of Home Affairs and other departments and offices of various other Ministries, there are three different pay scales in operation. The Assistants of Central Secretariat Service are given the pay scale of Rs.5500-9000/- (pre-revised Rs.1640-2900/-) the Assistants working in various other subordinate and attached offices of the Department of Home, Ministry of Home Affairs are also getting the aforesaid pay scale of Rs.5500-9000/-. The similar pay scale is also being given to various other Assistants working in subordinate offices of different Ministries of the Government of India. Many of these Assistants have got this benefit by approaching the various Benches of the Central Administrative Tribunal. Examples in this connection can be given of - Assistants of ESIC,

Rk Gaur

Central Bureau of Investigation, Central Administrative Tribunal, Border Security Ordinance Factory Board Employees, Crime Assistants in Central Bureau of Investigation, Assistant in Subordinate Offices of Directorate General of Income Tax, Offices of the Central Board of Direct Taxes, Ministry of Finance, Delhi Development Authority, Indian Council of Medical Research, National Book Trust, Regional Offices of the Ministry of Environment and Forests etc.

There are also Assistants working in some of the subordinate offices of the Government of India like office of the Registrar General of India, North Eastern Council, office of the Commissioner of Border who are getting the revised pay scale of Rs.5000-8000/- (pre-revised Rs.1400-2600/-).

However, all over India, the Assistants of NEPA are possibly the only Assistants who are getting the revised pay scale of Rs.4500-7000/- (pre-revised Rs.1400-2300/-). Considering the fact that the NEPA is under the Department of Home, Ministry of Home Affairs, it is unfortunate that the Assistants working with this Academy are being discriminated in the matter of scale of pay despite being similarly situated with all other Assistants working under various departments and Ministries of the Government of India.

4.36 That being faced with this anomalous situation when the similarly situated Assistants were being given different pay scales, the Applicants protested at the appropriate level. During this time, in the aftermath

Rh Goman

of the implementation of the recommendation of the 5th Pay Commission, there was also resentment amongst other employees in regard to their pay scale. In view of this situation, the Government of India in order to remove the anomaly took a decision to set up Departmental Anomaly Committees.

4.37 That at last the Government of India, Ministry of Personnel, Public Grievances and Pension vide office memorandum dated 5.11.98 provided for constitution of Departmental Anomalies Committee by nominating staff side representatives on such committees by the Secretary, staff side of the respective councils from amongst the members of the Departmental Council only as it existed as on 4.5.95. However, no appropriate step was taken by the different Departments and Ministries including subordinate offices towards implementation of the said directives.

4.38 That the Government of India, Ministry of Personnel in its office memorandum dated 9.7.2001 which was forwarded for necessary action vide endorsement dated 17.8.2001 to all the attached and subordinate offices of the Ministry of Home and other offices under various departments and Ministries, drew the attention of all the Departments and Ministries towards non-implementation of the constitution of Departmental Anomaly Committees and it was emphasised that the immediate action may be taken towards such implementation.

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Copy of the office memorandum dated 9.7.2001 with its endorsement dated 17.8.2001 is annexed as ANNEXURE-A/12.

4.39 That the Applicants do not have any knowledge as to whether or not in other departments Departmental Anomally Committees have been constituted. However, till this very date, no Anomally Committee has been constituted in NEPA. The Applicants accordingly vide their letter dated 5.9.2001 requested the Respondent No. 2 to set up the Departmental Anomally Committee which may look into the grievance of the Appellants in regard to the lower pay scale that has been given to them.

Copy of the letter dated 5.9.2001 is annexed as ANNEXURE-A/13.

4.40 That the Applicants do not have any hope left for the redressal of their grievances from administrative bodies. They have been treated unequally despite being equal to the Assistants of Central Secretariat under the Ministry of Home and the Assistants of various other organisations under the Ministry of Home. Even the source of recruitment of the Applicants is similar to the source of recruitment of Assistants working in various other subordinate offices under the Ministry of Home Affairs. The Applicants as Assistants of NEPA form a class. The fact that the post of Assistants in NEPA is filled by method of promotion cannot make it different than the post of Assistants of other organisations under the Ministry of Home. The law is

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settled that no discrimination can be made on the basis of source of recruitment. The Applicants performed the work exactly similar to the Assistants of other organisations. Their qualification is same and as such, they are entitled to be given the similar pay scale. Hence, in the facts and circumstances of the case any of the two pay scales may be given to the Assistants of NEPA i.e. either the pay scale of Rs.5500-9000/- or Rs.5000-8000/-.

4.41 That it is pertinent to mention that initially on implementation of the recommendation of the 4th Pay Commission in September 1997, the pay scale of the Applicants were initially revised to Rs.5000-8000/- with effect from 1.1.96. However, the benefit of this revised pay scale of Rs.5000-8000/- was given to the Applicants only for a period of two months i.e. October and November 1997 and immediately thereafter the pay scale was reduced to Rs.4000-7000/- with effect from 1.1.96 and consequently the excess amount paid for two months was deducted from the pay bills of the Applicants.

4.42 That the Applicants sought the redressal of the grievances at the appropriate forum, but having been denied the relief, they file this application bonafide to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 Because the denial of pay scale of Rs.5500-9000/- or Rs.5000-8000/- to the Assistants of NEPA is discriminatory and violative of Article 14 and 16 of the Constitution.

Rh Goman

5.2 Because the Assistants of NEPA perform the work similar to the Assistants of other organisations and offices under the Government of India. Their qualification is same and in many cases even the source of recruitment is also same. As such, the Applicants are being denied the parity in pay scale without any intelligible differentia and the rationale and objective criteria.

5.3 Because including the Principal Seat of the Hon'ble Tribunal as well as its various other Benches have held in different pronouncements that the Assistants working in different departments, attached and subordinate offices of the various Ministries of the Government of India, should be treated equally in the matter of pay scale. It has also been held that no discrimination can be made between the Assistants on the ground of difference in their source of recruitment.

6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicants state that they have no other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

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

The Applicants further declare that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of

Rk Gaur

the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

8.1 Declare that the Applicants are entitled to be given the enhanced revised pay scale of Rs.5500-9000/- and/or in the alternative Rs.5000-8000/-.

8.2 Direct the Respondents to give Applicants the enhanced revised pay scale of Rs.5500-9000/- and/or in the alternative Rs.5000-8000/-.

8.3 Pass such other order/orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

8.4 Cost of the application.

9. INTERIM ORDER PRAYED FOR :

10.

The Application is filed through Advocate

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

- (i) I.P.O. No. : 66 7962/5
- (ii) Date : 28/11/2001
- (iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

Rk [Signature]

VERIFICATION

I, Ram Krishna Goswami, son of Shri Rajendra Ch. Goswami, Assistant, North eastern Police Academy, Umsaw, Umiam, District Ri-bhoi, Meghalaya, PIN-793123, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs

are true to my knowledge ; those made in paragraphs

being matters of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this the 29th day of November 2001 at Guwahati.

Ram Krishna Goswami

No.III.14028/8/80-NE.II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Griha Mantralaya

New Delhi-110001, the 17th Feb. 1983

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

G.S.R. In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to Group "C" and Group "D" posts in the office of the Commandant, North Eastern Police Academy, Barapani, Meghalaya :

1. Short title and commencement :

- (1) These rules may be called the North Eastern Police Academy Barapani (Group 'C' and Group 'D' posts) Recruitment Rules, 1983.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Application :

These rules shall apply to the posts specified in column ii of the Scheduled annexed hereto.

3. Number, classification and scales of pay :

The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said schedule.

4. Method of recruitment, age limit and qualifications :

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

5. Disqualification, No persons -

- (a) who has entered into, or contracted a marriage with any person having a spouse living or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to any of the said posts.

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

Attested

P. K. Tiwari
Advocate

6. Power to relax :

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

7. Savings :

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

Sd/-

(Miss Neeru Nanda)

Deputy Secretary to the Govt. of India

No. III.14028/8/80-NE.III the 17 Feb. 1983

Copy to :

1. Estt. RR, Deptt. of Personnel & A.R. (with 10 s/cs)
2. CS.I Section, Deptt. of Personnel & A.R.
3. The Secretary, North eastern Council Secretariat, Shillong.
4. The commandant, North Eastern Police Academy, Barapani, UMSAW, Meghalaya (with four s/cs).
5. The Ministry of Law (Deptt. of Legal Affairs), New Delhi.
6. 10 spare copies.

Sd/-

(Miss Neeru Nanda)

Deputy Secretary to the Govt. of India

SCHEDULE

(Extract only)

1. Name of the post : Assistant
2. Number of post : 2 (subject to variation dependent on work load)
3. Classification : General Central Service
(Group "C" Non-Gazetted)
4. Scale of pay : Rs.125-15-500-EB-15-560-20-700/-.
5. Whether selection : Not applicable
or non-selection
post
6. Age limit for direct : Not applicable
recruits
7. Education and other : Not applicable
qualification as required
for direct recruitment
8. Whether age and educa- : Not applicable
tional qualification pres-
cribed for direct recruits
will apply in case of
promotees
9. Period of probation, if : Two years.
any
10. Method of recruitment, : By promotion failing which
whether by direct recruit- by transfer on deputation.
ment or by deputation/
transfer and percentage of
the vacancies to be filled
in by various methods
11. In the case of recruit- : Promotion. From Upper
ment/by promotion/ depu- Division Clerks of the
tation/transfer or or for Deptt. having minimum 5
from which promotion/ years regular service in
deputation/transfer to be the grade. Transfer on
made deputation/transfer from
central/State/Union Terri-
tory Governments having at
least 5 years regular
service as Upper Division
Clerk or equivalent posts.
(Deputation period shall
ordinarily not exceed 3
years).

- 32 -

No.2/1/90-CS.IV
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 31st July, 1990.

Office Memorandum

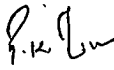
Subject: Revision of Scale of Pay of Assistant Grade of Central Secretariat Service and Grade 'C' Stenographers of Central Secretariat Stenographers Service.

The undersigned is directed to say that the question regarding revision of scale of pay for the post of Assistants in the Central Secretariat etc., has been under consideration of the Government in terms of order dated 23rd May, 1989 on OA No.1538/87 by the Central Administrative Tribunal, Principal Bench, New Delhi for some time past. The President is now pleased to prescribe in the revised scale of Rs.1640-60-2600-EB-75-2900 for the pre-revised scale of Rs.425-15-500-EB-15-560-20-700-EB-25 900 for duty posts included in the Assistant Grade of Central Secretariat Service and Grade 'C' Stenographers of Central Secretariat Stenographers Service with effect from 1.1.1986. The same revised pay scale will also be applicable to Assistants and Stenographers in other Organisations like Ministry of External Affairs which are not participating in the Central Secretariat Service and Central Secretariat Stenographers Service but where the posts are in comparable grades with same classification and pay scales and the method of recruitment through Open Competitive Examination is also the same.

2. Pay of the Assistants and Grade 'C' Stenographers in position as on 1.1.1986, shall be fixed in terms of Central Civil Service (Revised Pay) Rules, 1986. The employees concerned shall be given option to opt for the revised scale of pay from 1.1.1986 or subsequent date in terms of Rule 5 ibid, read with Ministry of Finance O.M. No.7(52)-E.III/86 dated 22.12.1986 & 27.5.1988 in the form appended to Second Schedule of the rule ibid. This option should be exercised within three months of the date of issue of this O.M. The option once exercised shall be final.
3. Formal amendment to CSS(RP) Rules, 1986 will be issued in due course.
4. This issues with the concurrence of Ministry of Finance, (Department of Expenditure) vide their U.O.No. 7(43)/IC/89 dt.30.7.90.

Sd/-
(Gurnthal Singh Pirzada)
Under Secretary to the Government of India

Attested


P. K. Tiwari
Advocate

No.13011/11(11)/92-4 In.11
Government of India
Ministry of Home Affairs
....

New Delhi, dated the 2nd July, 1992

OFFICE MEMORANDUM

Subject: Revision of pay scales of the Assistants/Stenographers in the Indian Council of Medical Research.

The undersigned is directed to refer to this Ministry's endorsement of even number dated the 17th June, 1992 forwarding Department of Expenditure U.O. No.6 (76)/IC/91 dated the 26th May, 1992 on the subject mentioned above and to say that the Cabinet Sectt. are pressing hard for collecting the information within a definite time frame so that the same could be placed before the Committee of Secretaries for taking an urgent decision in the matter. In view of this, it is requested that the requisite information may please be furnished to MHA without any further delay but not earlier than 10th July, 1992.

2. This may please be treated as most urgent.
3. Hindi version will follow.

(S.C. SAKSENA)
DESK OFFICER

To

1. All attached/subordinate offices of MHA/DOL/DOJ/DOPT/DOAR&PG/DOPT&PW (Except MCRB).
2. All statutory organisations/commissions/committees/Panels etc. under MHA/DOL/DOJ/DOPT/DOAR&PG/DOPT&PW.
3. All UT Administrations (Finance Secretaries).
4. Ministry of Finance, Deptt. of Expenditure (Shri G.C. Gupta, Under Secretary)
5. 20 Spare copies.

Attested

P. K. Tiwari
P. K. Tiwari
Advocate

13/7/92

Dated Barapani, the 1st July/95.

From :: Shri
North Eastern Police Academy,
Govt. of India, Ministry of Home Affairs,
Umsaw-Barapani-793123,
Meghalaya

To
The Secretary,
National Council (Staff Side),
Joint Consultative Machinery for Central
Govt. Employees, 13-C, Ferozshah Road,
New-Delhi-110001

Subject :: SUPERVISORY POSTS IN OFFICE STAFF WORKING
IN ORGANISATIONS OUTSIDE THE SECRETARIAT-
IMPLEMENTATION OF PAY COMMISSION'S REPORT.

Sir,

YOU being the JCM and only authority of the Central Govt. Employees to look-after the benefits and Welfare of the staff, your kind attention is invited to Ministry of Finance, Deptt. of Expr., Implementation Cell, New Delhi's OM No. F 23(4)/IC/90, dated 28/2/92, endorsing the 4th Central Pay Commission's Report Vide Paragraph 11.33.

As you are aware that the posts of Assistants are of supervisory nature and we are too in that grade carrying the Pay scale of Rs. 1400-2300/-p.m. our office has recommended the case to the Deputy Secretary (NEC), Government of India, Ministry of Home Affairs, NE.II Division vide letter No.A.14016/2/86-Estt/404-05 dtd. 12/05/92 to review the matter basing on Govt of India's above quoted memorandum.

But it is regretted that our grievances has not been considered till date whereas pay scale of Rs. 1640-2900/-p.m. have been given to the staff of a few & other subordinate department including the staff of Indian Council Medical Research w.e.f. 1/1/1986.

Having no ~~th~~ other alternative, I am now approaching you seeking redressal of our plight to have the pay scale of Assistants in the scale of Rs. 1640-2900/-p.m. finalisation of the scale in the 5th Pay Commission so that fair deal and justice prevails.

In view of the above, I would like to request you to impress upon the Government to settle the issue uniformly so as to avoid parity on Pay.

A line of action is solicited.

Yours faithfully,

1) G.K. S. D. S. D.
2) A. C. Chatterjee
3) P. K. Chatterjee
Assistant, NEPA
Umsaw,

Attested

P. K. Tiwari
Advocate

35-

ANNEXURE-A/5
W

Tele : 382786

NATIONAL COUNCIL (Staff Side)

*Joint Consultative Machinery
for Central Government Employees*
13-C, Ferozshah Road, New Delhi-110001

No. NC-JCM-95/64

Dated 11th July, 1995

Shri R.K. Goswami,
Assistant,
N.E. Police Academy,
Govt. Of India,
Ministry of Home Affairs,
Umsaw-Barapani - 793123
Meghalaya (Assam)

Subject:- Supervisory posts in Office Staff
Working in Organisations outside
the Secretariat Implementation
of Pay Commission's Report.

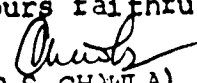
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Dear Sir,

With reference to your letter dated 1st July, 1995,
I am directed to inform you that the above item has
been remitted to the 5th Pay Commission for consideration.

Shri A.C. Bhuyan & Shri P.K. Bhattacharjee may also be
informed accordingly.

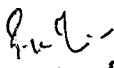
Yours faithfully,


(T.S. CHAWLA)

for Secretary

....

Attested


P. R. Tiwari
Advocate

36- A/6

Govt of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw 793 123 · Umiam : Meghalaya

No. A.14016/1/94-Estt/ 5685

Date 25/11/92

To

The Director (NEC)
N E II Division
Govt of India
Ministry of Home Affairs
North Block, New Delhi 110 001

Sub

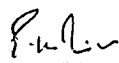
Extension of revised pay scale of Rs. 1640-2900/- (Pre-revised)
to Assistants in NEPA - clarification regarding

Sir,

The Assistants working in NEPA have represented that their existing pay scales of Rs. 1400-2300/- may be revised to Rs. 1640-2900/- basing on the recommendation of the 4th Central Pay Commission. In this connection, it may be mentioned here that NEPA, which was established in 1978 as a project of NEC, is a Subordinate Office of Ministry of Home Affairs. The post of Assistant of this department is in the pay scale of Rs. 1400-2300/- (Pre-revised) and is filled up by promotion from the post of UDC in the pay scale of Rs. 1200-2040/-. Presently there are three Assistants in the Academy.

The 4th Central Pay Commission, vide Para 11.33 recommended that "there is a need for bringing some uniformity in the scales of pay below the level of Rs. 650-1200/- and also in the designations of supervisory level posts in offices outside the central secretariat. Govt may review the position keeping in view the present levels, duties and responsibilities of the posts in supervisory level and other relevant factors. Three standard levels of supervisory posts may be in scales of Rs. 1400-2300/-, Rs. 1640-2900/- and Rs. 2000-3200/- with suitable designations."

Attested


P. K. Tiwari
Adv. Sec.

Contd 2

Under the provisions of the O.M. No. 2/1/90 CSA Dt. 31/7/90 (Copy Enclosed) of Govt of India, Ministry of Personnel, Public Grievances & Pensions, Deptt of Personnel & Training, New Delhi, the pay scale of Assistants working in some of the attached offices of certain Ministries like BPR&D, CAT, BSF, CBI, SIB, etc has been revised to Rs. 1640-2900/-. The said O.M Dt. 31/7/1990 is not specific if the enhanced scale can also be extended to Assistants in NEPA, whose pay scale is Rs. 1400-2300/- (Pre-revised). Suitable clarification in this regard may please be communicated at the earliest.

Yours faithfully,

P. Chandrasekharan
 (T Chandrasekharan)
 Director 25/11/90

Encl : a.s.a.

Shri Goshwami Asst

Seen *[Signature]*
 26/11/97

Shri Bhattacharya Asst

Seen *[Signature]*
 26/11/97

Shri Bhayen Asst

[Signature]
 26/11/97

May Mr. Mohi to & to

Seen rep to Sec (GOI) Secy to Govt

Seen had submitted

[Signature]
 25/11

Govt of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw 793 123 : Umiam : Meghalaya .

No. NEPA/JD/2/97/ 8761

Date 27/11

To

Shri R K Goswami
Assistant, N E Police Academy
Umsaw, Meghalaya

Sub

Redressal of grievances.

Ref

Your representation dated 12/11/97

I have carefully examined your representation dated 12-11-97. In this connection am to say that -

1. The Academy has only three Assistants in the supervisory level to look after the day to day functioning of various branches of the Academy. These posts were created initially keeping in view the then work load. In view of the enhanced responsibilities, a Committee was constituted during 1995 to suggest creation and upgradation of posts etc in NEPA. Subsequently an Internal Work Study Team of Ministry of Home Affairs had conducted a study with a view to consider creation/upgradation of posts in NEPA. It was then suggested to create a post of Section Officer in the scale of Rs. 2000-3500/- in order to open promotional avenues to the staff working in Office.
2. Further, the post of Administrative Officer would be re-created very shortly. The undersigned and Dy Director (A) had personally gone and discussed the matter with officials of Ministry of Home Affairs. Suitable orders in this regard is expected within a period of 1/2 months. The re-creation of the post of AO would enable upward movement of around 7 officials and your case could be considered in terms of its merits.
3. With regard to the upgradation of your pay scale, I am to say that I have already moved a case vide letter No. A 14016/1/94-Estt/ Dt. seeking clarification in this regard and hopeful that Ministry of Home Affairs would agree to the proposal.
4. In view of the limited staff available to NEPA to meet the ever increasing responsibilities, it may not be in the interest of the administration to spare experienced and senior staff in the supervisory level on deputation without suitable substitute now. However in case re-creation of the post of AO and the resultant promotions not forthcoming within 5/6 months, to support your career interest your application for deputation to any departments could be re-considered.

Attested

P. K. Tiwari
P. K. Tiwari
Adv. etc

T. Chandrasekharan
(T. Chandrasekharan)
Director Grievances 27/11/97

BY REGD. POST
No.6/29/97-NE.II
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001, the 17th Dec.1997

To

The Director,
North Eastern Police Academy,
Umsaw, Meghalaya,
SHILLONG-793001

Subject : Extension of revised pay scale of Rs.1640-
2900/- (pre-revised) to Assistants in NEPA,
clarification regarding.

Sir,


I am directed to refer to your letter No. A.14016/1/94-Estt/5685 dated the 25th November 1997 on the above subject. This matter has been taken up with the Integrated Finance Division. In their view, the orders referred to in O.M. No. 2/1/90-CS.IV dated 31.7.90 of Government of India, Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnel and Training, New Delhi are not applicable in respect of Assistants in North Eastern Police Academy. They may be given the normal replacement scale of pay with effect from 1.1.1996. As regards grant of higher scale of pay, it involves upgradation, which may be taken up as per orders on the subject. ✓

Yours faithfully,

Sd/- 17.12.97

(P.K. Banerjee)
Desk Officer (NE.II)

Attested


P. K. Tiwari
Advocate

**IMMEDIATE
REMINDER**

No.19011/7/2000-Finance-II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 9 August, 2000

OFFICE MEMORANDUM

Sub: Setting up of Anamoly Committees to settle the anamolies arising out of the 5th Pay Commission's recommendations.

The undersigned is directed to refer to this Ministry's letter of even number dtd.5.4.2000 on the subject mentioned above and to say that the required information pertaining to your division is still awaited in this Ministry.

2. It is requested that requisite information pertaining to your division may kindly be sent to this Ministry urgently.

(P.K. SWAIN)
DEPUTY FINANCIAL ADVISER

To

As per the list enclosed:

1. All attached subordinate offices of MHA/DOL/DOJ/DOJ&KA/DOP&T/DOAR&PG/DOP&PW (5 copies) each and 20 spare copies to Pr.A.O.MHA and Ministry of personnel P.G. and Pension.
2. All statutory organisations/Commissions/Committees/Panels etc under MHA/DOL/DOJ/DOJ&KA/DOP&T/DOP&PW/(5 copies each).
3. All UT Administration (Finance Secretaries).
4. Ministry of Home Affairs -All Officers/Sections.
5. Ministry of Personnel P.G. and Pensions-All Officers/Sections.
6. Department of Official Language/All Officers/Sections.
7. Department of Justice -All Officers/Sections.
8. Department of Jammu and Kashmir Affairs -All Officers/Sections.
9. All Zonal councils.

Attested

P. K. Tiwari
P. K. Tiwari
Adv. Secy

Get details
from NEC
and NEPA

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No.1/MISC/2000-NE.II
Government of India
Ministry of Home Affairs
(N.E. Division)
.....

New Delhi,
Dated the 21st August, 2000

To

1. Shri L. Chuaungo,
Deputy Secretary,
North Eastern Council,
Shillong-793001.
2. The Director(Incharge),
North East Police Academy,
Umsoo,
Meghalaya.

Subject: Setting up of Anomaly Committees to
settle the anomalies arising out of the
5th Pay Commission's recommendations.

.....

Sir,

I am directed to enclose herewith a copy
of this Ministry's O.M.No.19011/7/2000-Finance-II,
dated 9th August, 2000 on the subject mentioned
above and to request that the relevant information
on the above subject may urgently be furnished to
this Ministry for taking further necessary action
in the matter.

Yours faithfully,

(K. Ahmad)
Section Officer(NE.II)

Attested

P. K. Tiwari
Advocate

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1/9/00

GOVERNMENT OF INDIA
Ministry of Environment and Forests

ANNEXURE-A/10 6/1

New Delhi the 5th July 2000

NOTIFICATION

G.S.R..... In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the methods of recruitment of Group "B" posts in the Regional Offices of the Ministry of Environment and Forests.

Short title and commencement:-

- (1) These rules may be called the Regional Offices of the Ministry of Environment and Forests (Group "B" posts) Recruitment Rules 2000.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Number of posts, classification and scale of pay:-

The number of said posts, their classification and scale of pay attached thereto shall be as specified in column (3) to (4) of the said schedule.

Method of recruitment, age limit and other qualification etc:-

The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the aforesaid schedule.

Disqualification:- No person:-

- (a) Who has entered into or contracted a marriage with a person having a spouse living;
- (b) Who having a spouse living has entered into or contracted marriage with any person shall be eligible for appointment to any of the said posts provide that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

Attested

P. K. Tiwari
Advocate

er to relax and in Consultation with the Union Public Service Commission

ere the Central Government is of the opinion that it is necessary or expedient so to
 ay by order, for reasons to be recorded in writing and in consultation with the Union
 ublic Service Commission relax any of the provisions of these rules with respect to any
 s or category of persons.

ying:-

thing in these rules shall affect reservations, relaxation of age limit and other
 ceptions required to be provided for the Scheduled Castes, the Scheduled Tribes and
 her BackWard Classes, the Ex-servicemen and other special categories of persons in
 cordance with the orders issued by the Central Government from time to time in this
 gards.

(THE SCHEDULE)

G.C. Basumatary
 (G.C. BASUMATARY)
 DIRECTOR

The Manager
 Governemnt of India Press
 Mayapuri, Ring Road,
 New Delhi.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
POSTANT	11	GENERAL CENTRAL SERVICES GROUP B NON- GATED MINISTERIAL	550-175- 9000	Non Selection	NOT APPLICABLE	NO	NOT APPLICABLE	NOT APPLICABLE
<p>• (2000) SUBJECT TO VARIATION DEPENDANT ON WORK LOAD</p> <p>REGION-WISE BREAK UP OF THE POSTS</p> <p>Bangalore(SZ)-02 Bhopal(WZ)-02 Bhubaneswar(EZ)-02 Lucknow(CZ) -02 Shillong (NEZ)- 02 Chandigarh-01</p>								

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(10)	(11)	(12)	(13)	(14)
NOT APPLICABLE	PROMOTION FAILING WHICH BY DEPUTATION	<p>PROMOTION</p> <p>SDO in the scale of Rs. 4000-6000/- in the respective Regional office with ten years regular service in the grade.</p> <p>NOTE 1:- Where juniors who have completed their qualifying eligibility service are being considered for promotion, their seniors would also be considered provided they are not less than of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years whichever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their seniors who have already completed such qualifying/eligibility service.</p> <p>DEPUTATION</p> <p>Officers under the Central/State Government:-</p> <p>(i) (i) holding analogous posts on a regular basis; or (ii) with three years regular service in posts in the scale of Rs. 5000-8000/- or equivalent; or (iii) with six years regular service in posts in the scale of Rs. 4500-7000/- or equivalent; or (iv) with three years regular service in posts in the scale of Rs. 4000-6000/- or equivalent; and</p> <p>NOTE 2:- The departmental officers in the feeder grade who are in direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly, departmental officers will not be eligible for consideration for appointment by promotion.</p> <p>NOTE 3:- The period of deputation including the period of deputation in another grade will not exceed immediately preceding the appointment in the same or some other organization, department of the Government shall not ordinarily exceed three years. The maximum period for appointment on deputation shall be not exceeding fifty six years from the date of first appointment.</p>	<p>GROUP B* DEPARTMENTAL PROMOTION COMMITTEE FOR PROMOTION CONSIDERING</p> <p>1. Additional Inspector General of Forests/Joint Secretary (Administration), Ministry of Environment and Forests, Chairman</p> <p>2. Deputy Secretary (Administration), Ministry of Environment and Forests, Member</p> <p>3. Assistant Inspector General of Forests, Regional Office (Head Quarter), Member</p> <p>4. Deputy Commissioner of Forests (General) of respective regional office, Member</p>	<p>CONSULTATION WITH UNION PUBLIC SERVICE COMMISSION NECESSARY WHILE APPOINTING AN OFFICER ON DEPUTATION</p>

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(A)

[TO BE PUBLISHED IN THE GAZETTE OF INDIA
PART II SECTION 3 SUB-SECTION (i)]

No. 4/40/82-RG (Ad. II)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE REGISTRAR GENERAL, INDIA

2/A, Mansingh Road,

New Delhi-11, the

NOTIFICATION

G.S.R. 378 dt 23/6/90
In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Office of the Registrar General, India and ex-officio Census Commissioner for India and the offices of the Directors of Census Operations in States and Union Territories Assistant/Head Clerk Recruitment Rules, 1984 except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the said posts of Assistant/Head Clerk in the various Offices of the Registrar General, India as the offices of the Directors of Census Operations in the States and the Union territories namely:-

1. Short title and commencement:- (1) These rules may be called the office of the Registrar General and ex-officio Census Commissioner for India and the offices of the Directors of Census Operations in States and Union territories (Assistant/Head Clerk) Recruitment Rules, 1990.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Number of posts, classification and scale of pay:-
The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.
3. Method of recruitment, age limit, educational and other qualifications, etc:- The method of recruitment, age limit, educational and other qualifications, and other matters relating to the said posts shall be as specified in columns 5 to 14 of the Schedule aforesaid:

Provided that the appointing authority concerned may, if it considers necessary or expedient so to do, having regard to the circumstances of the case and for reasons to be recorded in writing, order any vacancy in the said posts in any of the

2/.....

Attested

P. K. Tiwari

P. K. Tiwari

Advocate

47-
offices to which these rules apply and in relation to which he is the appointing authority to be filled by ^{transferee} of a person holding the same post in any of the other offices to which these rules apply when the person to be transferred has made a request in writing for such transfer:

Provided further that the persons so transferred shall be placed below all persons already appointed on regular basis to the grade to which he is appointed on such transfer.

4. Disqualification:- No person, -

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

(b) who, having a spouse living, has entered into, or contracted a marriage with any person, shall be eligible for appointment to the said post.

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

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

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

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63.

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THE SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether Selection post or non-selection post	Whether benefit of added years of service admissible under Rule 30 of the CCS (Pension) Rules 1972.	Age limit for direct recruits.
1	2	3	4	5	6	7
Assistant/ Head Clerk	*107	General Central Service Group 'C' Non-Gazetted, Ministerial.	Rs. 1400- 40- 1800-EB-50- 2300	Selection	No	25 years (Relaxable upto 35 years for Government servants in accordance with the instruction or orders issued by the Central Government.

*Subject to variation dependent on work load.

Note:- The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than Andaman & Nicobar Islands, and Lakshadweep). In respect of posts, the appointments to which are made through the Employment Exchanges, the crucial date for determining the age limit shall, in each case, be the last date upto which the Employment Exchange are asked to submit names.

Education and other qualifications required for direct recruits.	Whether age and qualifications prescribed for direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of recruitment whether direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.
8	9	10	11	12
<u>Essential</u>	No	2 years	Promotion failing which by transfer on deputation/transfer, and failing both by direct recruitment.	Promotion:- Upper Division Clerk(s) in the respective offices with 5 years' regular service in the grade (Rs.1200-30-1560-EB-40-2040).
i) Degree of a recognised University or equivalent. ii) 3 years' experience in administrative and establishment matters in a Government Office and possessing a thorough knowledge of rules and regulations governing such matters and office procedure.			Note:- The Regularly appointed Accountants in the scale of pay of Rs.425-640 (Pre-revised) shall be deemed to have been appointed by transfer as Assistants in the scale of pay of Rs.1400-2300 (Revised) on regular basis in the respective offices at the initial constitution.	Transfer on deputation/ Transfer:- Officials of the Central Govt./ State Governments holding analogous posts or with 5 years regular service in the post in the scale of pay of Rs.1200-30-1560-EB-40-2040 or equivalent, and possessing the educational qualification and experience prescribed for direct recruits in column 8. (Period of deputation shall ordinarily not exceed 3 years)

40

To,

Shri R. K. / Goswami
N. E. P. A.
Umsaw Umiam, Meghalaya.

Sub.: Pre-revised and revised Pay Scale of Assistant.

This is to inform that the pre-revised and revised pay scale of Assistant in the Office of the Commissioner(Border) M.H.A. Guwahati was/is as follows:-

Pre-revised

Rs.1400 - 2600/-

Revised

Rs. 5000 - 8000/-

Hv-f
11/8/2000

Administrative Officer.

O/o the Commissioner (Border)

M H A , Guwahati-5

Attested

P. K. Tiwari
Advocate

-51- (37)

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NORTH EASTERN COUNCIL SECRETARIAT
SHILLONG.

NO.NEC/ADM/17/89

Dated. Shillong the 29th January 1999

VACANCY CIRCULAR

The following post in this Council Secretariat is likely to be filled up by transfer on deputation basis. The Scale of pay and the eligibility conditions for the post is indicated below:-

Sl.No.	<u>Name of post with Scale of pay</u>	<u>Eligibility Criteria</u>
1.	Assistant 5000-150-8000/-)	Officers under the Central Govt./ State Govt/U.T Govt holding analogous posts or with 5 years service in post in the scale of Rs.4000-100-8000/- or equivalent.

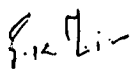
Central/State/Union Territory Govts/Public Sector Undertakings Semi Government Organisation/ Autonomous Bodies are requested to forward name of suitable candidates who can be spared on deputation basis together with their Annual Confidential Report for the last 3 years and complete Bio-data in the prescribed Form-Annexure-A so as to reach the undersigned latest by 31st March 1999. Selected candidates will be kept in the panel for vacancies during 1999-2000 and shall not be allowed to withdraw their names later on. The period of deputation will be one year initially which may be extended upto 3 years.

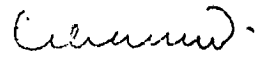
While forwarding the names of the candidates the following certificates are also required to be furnished by the respected Controlling Authority of the candidates concerned:-

- (a) The particulars of the candidates are correct as per his/her service record.
- (b) The integrity of the candidate is beyond doubt and there is no Vigilance/Disciplinary case pending or contemplated against the candidate.

The pay and allowance of the selected persons will be regulated in accordance with the rules and Govt. of India's instructions vide O&A No.2/29/91-Estt(Pay-II) dated 5.1.94 as amended from time to time.

Attested


P. K. Tiwari
Advocate


(L. Chuaungo)
Deputy Secretary
North Eastern Council Secy.,
Shillong.

[भाग II—खंड 3 (1)]

भारत का राजपत्र : अंश 1, 1995/भाग 10, 1917 (N.E.C.)

यदि विभागीय प्रोन्नति समिति है तो उसकी संरचना

मर्ती करने में क्लिप परिस्थितियों में 'लोक सेवा आयोग' से परामर्श किया जाएगा

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SECRETARY, N.E.C.

समूह "ग" विभागीय प्रोन्नति समिति :

सागू नहीं होता

1. उप सचिव निदेशक, पूर्वोत्तर परिषद्, शिलांग—प्रध्यक्ष
2. निदेशक, अनुसूचित जाति/अनुसूचित जन जाति, शिलांग—सदस्य
3. सहायक महाकापाल (कर्मचारिवृन्द)—सदस्य

[फा. सं. 5/5/94-एन. ई. II]

श्रीमती एल. तोडोंग, निदेशक (एच ई सी)

New Delhi, the 21st June, 1995

G.S.R. 308.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the President hereby makes the following rules regulating the method of recruitment to the posts of Assistants in the Secretariat of the North Eastern Council, Shillong (Ministry of Home Affairs) namely :—

1. Short title and commencement.—(1) These rules may be called The North Eastern Council Secretariat (Group 'C' posts of Assistants) Recruitment Rules, 1995.

(2) They shall come into force from the date of publication.

2. Number, classification and scale of pay.—The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule.

3. Method of recruitment, age limit, qualifications etc.—The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the said Schedule.

4. Disqualifications.—No persons,—

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

(b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment for any of the said posts :

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

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

6. Savings.—Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes and other categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of post	Classification	Scale of pay	Whether selection or non-selection post	Age limit for direct recruits
1	2	3	4	5	6
Assistant	15* (Fifteen) (1995)	General Central Service Group-C Ministerial (Non-Gazetted)	Rs. 1400-40-1600-50-2300-EB-60-2600/- (Revised) Rs. 425-800/- (Pre-revised)	Non-Selection	Not applicable.

*Subject to variation dependent on work-load

Assessed

P. R. Tiwari
Adrcose

Whether benefit of added years of service admissible under rule 30 of the Central Civil Service (Pension) Rules, 1972.	Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of recruitment: Whether by direct requirement or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.
7	8	9	10	11
No	Not applicable	Not applicable	Not applicable	90% by promotion, failing which by transfer on deputation. 10% by transfer on deputation.

In case of recruitment by promotion/deputation If a Department Promotion Committee is constituted, the Commission is to be consulted in making recruitment.

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Promotion : Group 'C' Departmental Promotion Not applicable.
 Upper Division Clerk with 5 years regular service in the grade rendered after appointment thereto on a regular basis. Committee.
 Transfer on deputation : 1. Deputy Secretary Director, North Eastern Council, Shillong—Chairman

Officers under the Central Governments/State Government/Union Territory holding analogous or equivalent posts or Upper Division Clerks with 5 years service in the scale of Rs. 1200—2040/-
 2. Director, Scheduled Castes/Scheduled Tribes, Shillong—Member.
 3. Assistant Postmaster General (Staff)—Member.

(Period of deputation shall ordinarily not exceed 3 years).

[F. No. 5/5/94-N.E. II]

Smt. L. TOCHHONG Director, (NEC)

रुई, दिस्लो, 21 जून, 1995

सा.का.नि. 309-राष्ट्रपति, संविधान के अनुच्छेद 100 के परन्तु द्वारा प्राप्त शक्तियों का प्रयोग करते हुए और पूर्वोक्त पुलिस थकादमी, बारापानी, उप सहायक निदेशक (विधि) और उप सहायक निदेशक (प्राध्यापक) भर्ती नियम, 1991 को, उन बातों के सिवाय, अधिग्रहण करते हुए, जिन्हें ऐसे अधिग्रहण से पहले किया गया है या करने का लोप किया गया है पूर्वोक्त पुलिस थकादमी, बारापानी में सहायक निदेशक (विधि) और सहायक निदेशक (प्राध्यापक) के पदों पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, प्रमाण -

अधिसूचना सं. 1209/1995
 दिनांक 21 जून 1995

No. 13011/18/2001-Finance-II
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Cirih Mantralaya

New Delhi, the..17.12/2001

ENDORSEMENT

A copy of the under mentioned paper(s) is forwarded herewith for information/ necessary action to the following:-

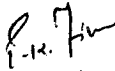
- (1) All attached/Subordinate offices of MHA/DOL/DOJ/DOJ/DOJ&KA (5 copies each and 20 spare copies to Pr. A.O. MHA.
- (2) All Statutory Organisations/Commissions/Committees/Panels etc. under MHA/ DOL/DOJ/DOJ&KA (5 copies each).
- (3) All UT Administrations (Finance Secretaries).
- (4) Ministry of Home Affairs-All Officers/Sections.
- (5) Department of Official Languages-All Officers/Sections.
- (6) Department of Justice-All Officers/Sections.
- (7) Department of Jammu & Kashmir-Affairs-All Officers/Sections.
- (8) All Zonal Councils.
- (9) 20 spare copies for Finance-II Section.
- (10) DOP&T,DOP&PW,DOAR&PG- All attached/Subordinate offices.


 (Harish Chander)
 AFA(Fin-II)

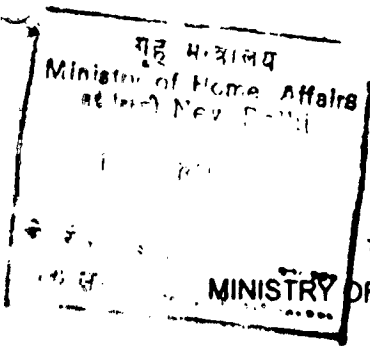
List of Papres forwarded:-

<u>SLNo.</u>	<u>Name of the Ministry</u>	<u>No.and Date</u>	<u>Subject</u>
1.	Government of India Ministry of Personnel, Public Grievances & Pension. Deptt. of Personnel & Training.	No.3/46/2000- JCA, dated 9.7.2001	Setting up of Ad-hoc Departmental Anomaly Committees to settle the anomalies arising out of the implem- entation of the 5 th Pay Commission's recommendations.

Attested.


 P. K. Tiwari
 Advocate

FAX : 011-301243
011-3013142
011-4624821 (L. d.)
011-6107962 (Trg. Div.)
011-4361230 (P.E.S.B.)



भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कार्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING
नई दिल्ली
NEW DELHI

R-991/Rim II
20/7/2001

No.3/46/2000-JCA

New Delhi the 9th July, 2001.

OFFICE MEMORANDUM

Subject: Setting up of Ad-hoc Departmental Anomaly Committees to settle the anomalies arising out of the implementation of the 5th Pay Commission's recommendations.

The undersigned is directed to refer the instructions issued by this Department vide their OM No.19/1/97-JCA dated 5.11.1998 wherein it was inter-alia provided that the Departmental Anomalies Committees may be constituted by nominating staff side representatives on such Committees by the Secretary, Staff Side of the respective councils from amongst the members of the Departmental Council only as it existed as on 4.5.1995. In terms of Rule 4 of the CCS (RSA) Rules, 1993, Service Associations or Federations which were recognised before commencement of these rules were allowed to continue to be so recognised for a period of one year, later extended by six months upto 4.5.1995 to enable them to seek recognition afresh under the said rules. Pending the said process to be completed, the Departmental Councils were allowed to function on the basis of nominations as on 4.5.1995.

2. It has come to notice that Departmental Councils in certain Departments were not functioning as on 4.5.95 for various reasons and hence the Departmental Anomaly Committees could not be constituted. In such cases it has been decided as per decision in the meeting of the Standing Committee of the National Council (JCM) held on 6.2.2001 that ad-hoc Departmental Anomaly Committees may be set up to look into the pay related anomalies in terms of this Departments OM No.19/1/97-JCA dated 6.2.1998 by co-opting

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AFA (Rim II)

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AFA (Rim II)

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19/7

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Advocate

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- 2 -

Financial Advisor, representatives of Ministry of Finance and Department of Personnel & Training and six Staff Side members to be nominated by Secretary, Staff Side, National Council (JCM), Shri U.M.Purohit, 13-C, Ferozeshah Road, New Delhi, from amongst members of the National Council (JCM).

3. Ministries/Departments may take action accordingly.

M. Mohan
(MRS.PRATIBHA MOHAN)
Director (JCA)

To

1. All Ministries/Departments of Govt.of India.
2. All Staff Side members of the National Council (JCM) (As per list attached).
3. All Staff Side members of the Departmental Council of Department of Personnel & Training.

To

Date : 5/9/2007

The Director
N E Police Academy
Umsaw

Sub : Setting up of Anomaly Committees to settle the anomalies arising out of the implementation of the Fifth Pay Commission's recommendations.

Ref : MHA Endorsement No. 13011/18 2001-Finance-II Dt. 17 8 2001.

Sir,

The Govt has been time and again insisting for setting up of Anomaly Committees to settle the anomalies arising out of the implementation of the Fifth Pay Commission's recommendations. The Academy has so far not set up a Departmental Anomaly Committee in this regard.

It is requested that a Departmental Anomaly Committee may please be set up in the Academy comprising officials from office side and staff side to examine the anomalies arising out of the implementation of the Fifth Pay Commission's recommendations and to make suitable recommendations with regard to the status and pay scale of Assistant of NEPA, etc at the earliest.

Yours faithfully,

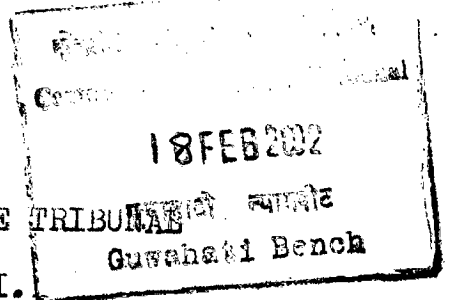
Attested

P. K. Tiwari
P. K. Tiwari

Sd/-

- 1) (R K Goswami)
Assistant, NEPA
- 2) P. K. Bhattacharya
Asstt, NEPA
- 3) F. B. L. Tripathi
Asstt.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI :: GUWAHATI.



O.A.NO. 472 OF 2001

Shri R.K.Goswami & Ors.

- VS -

Union of India & Ors.

- AND -

IN THE MATTER OF ::

Written statements submitted
by the respondents.

The Respondents beg to submitted written
statement as follows :-

1. That with regard to para - 3.1 , 4.2 & 4.3 of O.A., the respondents beg to offer no comments.
2. That with regard to para 4.4. of O.A., the respondents beg to state that NEPA has the following sanctioned posts so far as the Office Establishment.
 - i) Admn.Officer - 1 post in the scale of pay of Rs. 8000-275-13,500/- P.M. post deemed to have been ~~abolish~~ abolished w.e.f. 4.7.96 but there is a recommendation for revival of post by Internal Works Study Unit.
 - ii) Supdt - 1 post in the scale of pay of Rs. 5500-175-9000/- p.m.
 - iii) Accountant - 1 post in the scale of pay of Rs. 5500-175-9000/- p.m.
 - iv) Assistant - 3 posts in the scale of pay of Rs. 4500-125-7000/- p.m.
 - v) UDC - 4 posts in the scale of pay of Rs. 4000-100-6000/- p.m.

Contd...P/2

- vi) LDC - 4 posts in the scale of pay Rs.3050-75-3950-80-4590/- p.m.
- vii) Steno Grd.1 - 1 post in the scale of pay of Rs.5500=175-9000/- p.m.
- viii) Steno Grd -II - 1 post in the scale of pay of Rs.5000-150-8000/- p.m.
- ix) Steno Grd-III - 3 posts in the scale of pay of Rs. 4000-100-6000/- p.m. out of ³1 post deemed to have been abolished.
- x) Multigraph Operator - 1 post in the scale of pay of Rs.3050-75-3950-80-4590/- p.m.
- xi) Dafty - 1 post in the scale of pay of Rs. 2610 - 60-2910-65-3300-70-4000/p.m.
- xii) Farash - 1 post in the scale of pay of Rs. 2550 - 55-2660-60-3200/- ~~3200~~ p.m.

A dmn.Officer is the over all incharge of the Office Establishment assisted by Supdt. & by Accountant.

Under Accountant there are 2 Assistants, one allots with the duty of preparing the monthly salary of the staff and another is functioning as cashier. In addition 2 UDCs are under supervision of Accountant.

One Asstt. is looking after the job of Provisioning/ Engineering section ,being supervised by Supdt.and the Supdt.~~and the~~ Supervises ~~all the branches~~ all the branches of Office establishment.

Contd... P/3

As per the above heirchay of the staff and allotment of duties show that only supdt. and accountant are the supervisory posts. Since no one has been kept under the Assistant either in Accounts Branch or in Estt. Branch the post of Assistant can not be a supervisory post

3. That with regard to para - 4.5 of O.A. the respondents beg to state that the information given by applicant No- 1 is wrong. Records available speaks that Shri R.K.Goswami joined Arunachal Pradesh on 30/6/70 as ~~tx~~ typist and came on deputation to NEPA on 15/11/80 as UDC promoted to the post of Assistant on 14.10.84 and absorbed on the same day regarding applicants No-2 & 3 no comments.

4. That with regard to para - 4.6 to 4.9 of O.A., the respondents beg to ~~xxxxx~~ offer no comments.

5. That with regard to para - 4.10 of O.A., the respondents beg to state that designation are not the sole determinant of pay scales & there are many other factors viz eligibility, minimum educational qualification, nature of duties and responsibilities, work load, professional skill and proficiency and method of recruitment. Their recruitment is not through open completion examination which are considered while desiding the pay scale ~~Appra~~ appropriate to the post.

6. That with regard to para - 4.11 of O.A., the respondents beg to offer no comments.

7. That with regard to para - 4.12 of O.A., the respondents beg to state that since the O.M. dtd. 2/7/92 is related to revision of pay of Assistant/Stenographer in Indian Council of Medical Research no action was felt necessary.

Contd....P/4

8. That with regard to para - 4.13,4.14,4.15 to 4.18 of O.A., the respondents beg to offer no comments

9. That with regard to para- 4.19 of O.A., the respondents beg to state that it is a fact that clarification was sought for vide this office letter No-A 14016/1/94-Estt/5685 dtd. 25/11/97 (copy enclosed as Annexure 'A') & in turn,reply was given by the MHA stating that the Assistants of NEPA may be given in normal replacement scale w.e.f. 1/1/96.As regards the higher scale of pay, it involves upgradation which was not taken up as the duties and responsibilities ~~xxx~~ attached to the post of Assistant do not warrant upgradation.

9. That with regard to para - 4.20,O.A., the respondents beg to offer no comments.

10. That with regard to para - 4.21 of O.A., the respondents beg^{to} state that the same was stated ~~xxx~~ in para - 4.19.

11. That with regard to para - 4.22 of O.A., the respondents beg^{to} state that reply to this office letter dtd 25/1/97 given by Govt.of India, Ministry of Home Affairs, Clearly state that the case was taken up with the Integrated Finance Division who are of the view that the order dtd 31/7/90 of Govt. of India, Min. of Personnel, Public Grievances & Pension, Deptt.Of personnel and Training are not applicable in respect of Assistants of NEPA. Therefore the claim of the applicants that no appropriate consideration was given is baseless and unfounded.

12. That with regard to para - 4.23 & 4.24 of O.A. the respondents beg to offer no comments.

13. That with regard to para- 4.25 of O.A., the respondents beg to state that it is wrongly stated that the 5th CPC ignored the pay scale of Assistants of NEPA. As a matter of fact the recommendation of 5th CPC given under caption "our recommendation" para -70.117 Vol-II, P/1168) clearly states that the replacement scale for analogous post will be given to organisations like NCRB, SVP, NPA, NEPA, BPR&D & CFSL (P-1168, Vol-II) (copy enclosed as Annexure - B).

14. That with regard to para - 4.26 of O.A., the respondents beg to state that since the Assistants of NEPA did not enjoy the pay scale of Rs.1640-2900/-pm but Rs. 1400-2300/- p.m. normal replacement scale i.e. Rs. 4500-7000/- p.m. allowed to them is very much in order.

15. That with regard to para - 4.27 of O.A., the respondents beg to offer no comments.

16. That with regard to para - 4.28 of O.A., the respondents beg to ~~state~~ state that since replacement scale given to them is in order no anomaly committee was set up.

17. That with regard to para - 4.29 of O.A., the respondents beg to state that action on the O.M. dtd 9.8.2000 and 21.8.2000 was taken vide this office ~~letter~~ letter No. A.14016/1/94-Estt/Vol-I/3830 dtd.6/9/2000 (Copy enclosed as Annexure - C).

18. That with regard to para - 4.30 of O.A., the respondents beg to state that Assistants of NEPA are ~~are~~ placed in normal replacement scale as per recommendation ~~and is order~~ of 5th CPC vide para - 70-116 under caption "our recommendation" and is in order. Therefore, there was no necessity in having departmental anomaly committee.

19. That with regard to para 4.31 to 4.33 of O.A., the respondents beg to offer no comments.

20. That with regard to para - 4.34 of O.A., the respondents beg to state that it appears from the para that the Assistants in NEC, Shillong were enjoying the scale of pay Rs. 1400-2600/- p.m. prior to 1.1.96 and therefore, it is obvious that they would now enjoy the pay scale of Rs. 5000-8000/- p.m. being the replacement scale (S.9). So far duties and responsibilities attached to the Assistants of NEC is concerned the fact is better known to the concerned ^{office}. The set up of NEC is entirely different from this institution.

21. That with regard to para - 4.35 of O.A., the respondents beg to state that it will be wrong that the Assistants of NEPA are getting the revised pay scale of Rs. 45000/- - 70000/- p.m. As per as we know the Assistants of DG, Assam Rifles are also in the above mentioned scale. As per the recommendation of the 5th CPC para - 10.116 under caption "our recommendation" (P-1168, Vol-II) the pay scale of under mentioned departments are also normal replacement scale (1) NCRB (2) SVP, EPA (3) BPR & D (4) CFSL and (5) NEPA.

22. That with regard to para - 4.36 & 4.37 of O.A. the respondents beg to offer no comments.

23. That with regard to para - 4.38 of O.A., the Respondents beg to state that the Assistants of NEPA are ~~xxx~~ placed in normal replacement scale as per the recommendation of the 5th CPC and acceptance of the Govt. and therefore, there was no anomaly as such. Since there was no anomaly setting up of departmental anomaly committee was not felt necessary. However, a letter was sent to NEC to look in this matter.

24. That with regard to para - 4.39 of O.A., the respondents beg to state that the matter has already stated in para - 4.38 above.

25. That with regard to para - 4.40 of O.A., the respondents beg to state that the duties and responsibilities attached to the posts of Assistants in different organisations, the method ^{of} recruitment may differ according to the organisational set up. This being the reason all the Assistants are not recommended identical pay scale by the 5th CPC which will be evident from the fact that there are still Central Govt. Organisations where the Assistants are placed in normal replacement scale. Therefore, it will be wrong to state that Assistants of all the Central Govt. Organisations perform the work exactly similar to each other.

26. That with regard to para - 4.41 of O.A., the respondents beg to state that it is inadvertently mentioned 4th Pay Commission but was 5th CPC, likewise the pay scale is also wrongly shown as Rs. 4000-7000/. p.m which in fact was Rs. 4500-7000/- p.m. However, the initially

given scale of Rs.5000-8000/- p.m. to Assistants of NEPA was brought down to the correct pay scale and excess amount paid for was recovered. It is a well established fact that it is open to the department to rectify the mistakes.

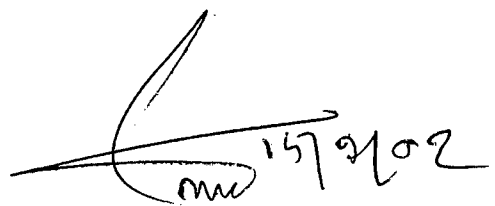
27. That with regard to para- 4.42 of O.A. , the respondents beg to offer no comments.

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

I, Shri Umesh Singh DIR. NEPA

being authorised do hereby verify and declare that the statements made in the written statements are true to my knowledge, information and I have not suppressed any material fact.

And I sign this verification of this . th
day of . 2002.



Declarant.

- 36 -
~~ANNEXURE - A/6~~

Annexure - "A"

22
38

Govt of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw 793 123 : Umiam : Meghalaya

No. A.14016/1/94-Estt/ 5685

Date 25/11/94

To

The Director (NEC)
N E II Division
Govt of India
Ministry of Home Affairs
North Block, New Delhi 110 001

Sub : Extension of revised pay scale of Rs. 1640-2900/- (Pre-revised)
to Assistants in NEPA - clarification regarding

Sir,

The Assistants working in NEPA have represented that their existing pay scales of Rs. 1400-2300/- may be revised to Rs. 1640-2900/- basing on the recommendation of the 4th Central Pay Commission. In this connection, it may be mentioned here that NEPA, which was established in 1978 as a project of NEC, is a Subordinate Office of Ministry of Home Affairs. The post of Assistant of this department is in the pay scale of Rs. 1400-2300/- (Pre-revised) and is filled up by promotion from the post of UDC in the pay scale of Rs. 1200-2040/-. Presently there are three Assistants in the Academy.

The 4th Central Pay Commission, vide Para 11.33 recommended that "there is a need for bringing some uniformity in the scales of pay below the level of Rs. 650-1200/- and also in the designations of supervisory level posts in offices outside the central secretariat. Govt may review the position keeping in view the present levels, duties and responsibilities of the posts in supervisory level and other relevant factors. Three standard levels of supervisory posts may be in scales of Rs. 1400-2300/-, Rs. 1640-2900/- and Rs. 2000-3200/- with suitable designations."

Contd 2

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Annexure 'A'

39

Under the provisions of the O.M. No. 2/1/90 CS-4 Dt 31/7/90 (Copy Enclosed) of Govt of India, Ministry of Personnel, Public Grievances & Pensions, Deptt of Personnel & Training, New Delhi, the pay scale of Assistants working in some of the attached offices of certain Ministries like BPR&D, CAT, BSF, CBI, SIB, etc has been revised to Rs. 1640-2900/-. The said O.M Dt 31/7/1990 is not specific if the enhanced scale can also be extended to Assistants in NEPA, whose pay scale is Rs. 1400-2300/- (Pre-revised). Suitable clarification in this regard may please be communicated at the earliest.

Yours faithfully,

P. Chandrasekharan
(T Chandrasekharan)
Director 25/11/97

Encl : a.s.a.

Shri Gosalami Asst

Seen *[Signature]*
26/11/97

Shri Bhakta Charan Asst

Seen *[Signature]*
26/11/97

Shri Bhayen Asst

[Signature]

May mention to S to

Dear Sir to Sec (901) Secy to Secy

Dear Secy Secy

[Signature]

5/11

Distribution of posts

70.104 Secretariat Security Force (SSF)

Post	Scale (Rs.)
Subedar Major (1)	Rs. 1400-2600
Inspector (7)	Rs. 1320-2040
Sub-Inspector (28)	Rs. 1150-1500
Havaldar (90)	Rs. 825-1200
Sepoy (1200)	Rs. 775-1150

Central Reception Organisation

Post	Scale (Rs.)
Chief Supervisor (1)	Rs. 1640-2900 plus spl pay
Supervisor (9)	Rs. 150/- p.m. (Gp B ministerial)
Senior Reception Officer (29)	Rs. 1640-2900 (Gp B ministerial)
Junior Reception Officer (58)	Rs. 1400-2300
	Rs. 1200-2040

Main Issues

70.105 The main issues in respect of SSO relate to upgradation of posts ranging from Chief Security Officer to Sepoy in SSF so as to bring them at par with corresponding posts in CPOs and, upgradation of different posts in the Reception Wing of SSO.

Our recommendation

70.106 Since the duties of guarding various buildings by SSF wing of CISE are more or less similar to those of the Central Industrial Security Force (CISF) personnel, we recommend that SSF be merged with the CISF. All eligible and suitable personnel be absorbed in CISF at the appropriate levels. Similarly, since the Reception Wing is being mostly manned by deputationists from the Central Secretariat, the posts in this wing should be encadred with the Central Secretariat Service (CSS). Accordingly, the pay scales of different posts in the Reception Wing will be at par with the scales prevailing in Central Secretariat and will thus stand revised as under:

Post	Scale (Rs.)
Chief Supervisor (1)	2500-4000 without spl pay
Supervisor (9)	2000-3500
Senior Reception Officer (29)	1640-2900
Junior Reception Officer (58)	1200-2040

Directorate of Coordination (Police Wireless) (DCPW) Role

70.107 The Directorate of Coordination (Police-Wireless) (DCPW) set up in the year 1946 is an apex body entrusted with the responsibility of establishing, developing, upgrading and modernising the country's vast police telecommunication systems/network. It has a network of 27 inter-state police wireless stations located at state capitals. It also imparts training to the entire police telecommunication personnel in the country.

Directorate consists of about 1290 personnel, most of whom are technical and professional qualifications. It is headed by a Director who presently holds charge of Inspector General (Communication) in the Security Force. The hierarchy of group A officers manning the Directorate is as under:

	Scale (Rs.)
Director (1)	5900-6700
Joint Director (1)	3700-5000
Director (7)	3000-4500
Director (19)	2200-4000
Assistant Director (28)	2000-3500

There are supporting staff in the wireless wing, cryptography wing, telecommunication wing, intelligence wing, ministerial cadre and group D staff.

Issues

The main issues concerning DCPW are : (i) grant of group A status to Joint Director in the 2200-4000 scale to Extra Assistant Director (Rs. 2000-3500) whose level qualification is BE (Electronics), (ii) upgradation of the rank of Joint Director (Rs. 5900-6700) to the level of Addl Director General (P) in the 7300-7600 and (iii) creation of a post of Addl Director in the 4500-5700

Recommendations

As the Extra Assistant Directors are not recruited through the Combined Engineering Services examination, we recommend that they may continue in their existing scale of Rs. 2000-3500 which is the scale recommended for other directly recruited graduate engineers who do not go through the Combined Engineering Services exam. We also find that the number of group A officers in the Directorate is small and hence the rank of the Director is appropriate. However, to provide a proper pyramidal structure, we recommend upgradation of the post of Joint Director (Rs. 3700-5000) and its redesignation as Addl Director in the scale of pay Rs. 4500-5700. Further two posts Deputy Director in the scale of Rs. 3000-4500 may be upgraded to the rank of Joint Director in the scale of Rs. 3700-5000.

National Crime Records Bureau (NCRB)

111 The National Crime Records Bureau (NCRB) was constituted in the year 1986 and is mainly responsible for maintaining computerised Crime Information System. It is headed by a Director in the pay scale of Rs. 5900-6700 who is from the IPS and is assisted by Deputy Directors, Asstt Directors, Asstt. Directors and other subordinate staff. The majority of the staff is trained.

Sardar Vallabhbhai Patel National Police Academy (SVPNPA)

112 The SVPNPA is the Premier Police Training Institution in India imparting training to IPS officers of all ranks. The Academy also conducts

short courses for IAS officers and senior officers of other Central services. The SVPNPA is headed by a Director with a fixed pay of Rs. 7600/- p.m. who is assisted by Joint Director, Dy Directors, Asstt Directors and other supporting staff besides the non-gazetted uniformed staff comprising constables to Inspector.

North Eastern Police Academy (NEPA)

70.113 The North Eastern Police Academy (NEPA) training is a Police Training Institute under the Ministry of Home Affairs imparting to police personnel of the 7 North-Eastern States. It is situated 22 Kms away from Shillong in Meghalaya. It is headed by a Director in the pay scale of Rs. 5100-6150 who is assisted by a Joint Director, a Dy Director, Asstt Director and other staff. The total staff strength is 237

Bureau of Police Research and Development (BPR&D)

70.114 The BPR&D was established in the year 1970 as an attached office under the MHA with a view to promoting a speedy and systematic study of police problems in a changing society and bringing about rapid application of science and technology to the methods and techniques of the police in the country. It is headed by a Director General, an IPS officer in the pay scale of Rs. 7300-7600 who is assisted by three Director and other police officers experts and scientific officers in different ranks. BPR&D also has 3 Forensic Science laboratories, Central Detective Training Schools and Govt. Examination of Questioned documents under it.

Central Forensic Science Laboratory (CSFL)

70.115 The CSFL was established in 1968 and is located in New Delhi. It is the largest, most comprehensive and modern Forensic Science Laboratory in the country. It analyses the crime exhibits using the most advanced scientific technology and prepares comprehensive expert reports for critical evaluation of truth in crime investigation. It is headed by a Director in the pay scale of Rs. 5100-6300 who is assisted by a Principal Scientific Officer in the pay scale of Rs. 3700-5000 and other staff of different categories totalling 151.

Our recommendations

70.116 The replacement scales for analogous posts recommended in the relevant chapters will be given to the posts in the following organisations.

DEPARTMENT OF OFFICIAL LANGUAGES

Functions

70.117 The Department of Official Language was set up in June 1971 under the Ministry of Home Affairs for implementation of constitutional provisions concerning Official Language and Official Language Act, 1963. The Department is responsible for all matters concerning the use of Hindi as the Official language of the Union, including monitoring of the Hindi Language Scheme for Central Government employees and publication of new books and periodicals, organisation of Central Secretariat Official Language

Ministry of Home Affairs

and their cadre management matters concerning Central Hindi Committee and Central Translation Bureau.

Organisation

70.118 The Department of Official Language headed by a Secretary has a total strength of 85 and has under it three subordinate offices, viz (i) Central Hindi Training Institute including Hindi Teaching Scheme (575 posts) (ii) Central Translation Bureau (275 posts) and (iii) Regional Implementation Offices (73 posts)

Central Sectt. Official Language Service (CSOLS)

70.119 CSOLS was up in 1981 to bring about uniformity in scales of pay, provide promotion avenues and improve service conditions of the Hindi Staff. The details of posts in CSOLS are as under:

Sl. No.	Designation	No. of posts	Pay Scale (Rs.)
1.	Director	14	3700-5000
2.	Dy. Director	46	3000-4500
3.	Asstt. Director	145	2000-3500
4.	Sr. Translator	192	1640-2900
5.	Jr. Translator	410	1400-2600

Main Demands

70.120 Two main demands pertaining to CSOLS are that (i) posts of Junior Translators and Senior Translators be upgraded and given the scale of Rs. 1640-2900 and Rs. 2000-3500 respectively and their posts redesignated as Translator and Translation officer respectively. Similarly, the pay scales of Asstt. Director, Deputy Director and Director are also sought to be revised upwards to Rs. 3000-4500, Rs. 3700-5000 and Rs. 4500-5700 respectively, and (ii) Direct recruitment at the level of Asstt. Director which is at present 25% should be stopped and 100% vacancies be filled up by promotion from amongst the Sr. Translators to remove the prevalent stagnation.

Our recommendations

70.121 We recommend the following scales for CSOLS

Designation	No. of Posts	Pay scale	Remarks
Director	(14 posts)	(Rs. 4500-5700)	Upgraded, due to upgradation of feeder posts. *by re-distribution of the existing 46 post of Deputy Director) ** (by re-distribution of the existing 145 posts of Assistant Director) (Mode of Rectt. 50% Direct and 50% by promotion) No Change Rationalisation
Dy. Director	(20 posts)	(Rs. 3700-5000)*	
Asstt. Director	(26 posts)	(Rs. 3000-4500)*	
Sr. Translator	(65 posts)	(Rs. 2500-4000)**	
Jr. Translator	(80 posts)	(Rs. 2000-3500)**	
Sr. Translator (192 posts)		(Rs. 1640-2900)	
Jr. Translator (410 posts)		(Rs. 1600-2660)	

Annexure C
19

108
26

Government of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw, 793 123, Umiam, Meghalaya

No.A-14016/1/94-Estt/Vol-I/3830

Dtd. Umsaw, the 6 Sept, 2000

To,

The Section Officer (NE.II)
Government of India,
Ministry of Home Affairs
North Block,
New Delhi- 110 001.

Sub :-

Setting up of Anamoly Committees to settle the anomalies arising out of the 5th Pay Commission's recommendations. P.106/c

Sir,

Information as asked for vide your letter No.1/Misc/2000 NR.II dtd. 21/08/2000 & Govt. of India, Deptt. of Personnel & Training letter No.19/1/97-JCA dtd. 6/2/1998 is as under :- P.94/c

- (a) Where the Official side and staff side are of the opinion that the vertical/horizontal relativities have been disturbed as a result of the Fifth Central Pay Commission Report in a manner leading to grave dissatisfaction and adverse impact on efficiency ; - No such case has come to notice.
- (b) Where the Official Side and the staff side are of the opinion that any recommendation is in contravention of the principle or the policy enunciated by the Fifth Central Pay Commission itself without the Commission assigning any reason ; and - as above
- (c) Where the maximum of the revised scale is less than the amount at which one is entitled to be fixed except in those cases where the same is as a result of modified fixation formula adopted by the Government ; and - None has exceeded the maximum the revised pay scale.
- (d) Where the amount of revised allowance is less than the existing rate. - The present rate of revised allowance is more than the existing.



9c

Yours faithfully,

(H. K. Nazimdar)
Dy. Director(A)