

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 97/2001.....

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

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

1. Orders Sheet OA 97/2001.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 15/11/2001.....Pg. NO separate order Dismissed.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....97/2001.....Pg. 1.....to 35.....
5. E.P/M.P.....NIL.....Pg.....to.....
6. R.A/C.P.....NIL.....Pg.....to.....
7. W.S.....NIL.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO.4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWHATI BENCH ::::: GUWAHATI

Original ORDER SHEET APPLICATION NO 97 OF 2001

Applicant (s) Mr. B. Singh Tom

Respondent(s) V. O. I Tom

Advocate for Applicant(s) M. Chanda, N.D. Gurusami, G.N. Chakrabarty, Mr. B.C. Pathak

Advocate for Respondent(s) S. Gosh, Ady. Case

Notes of the Registry	Date	Order of the Tribunal
<p>his application is in form but not in time Coordination Petition is filed not filed vide M. P. No. C.F. for Rs. 50/- deposited vide IPO/EO No 59422512 Dated 23.2.2001 Dr. Registrar.</p>	<p>8.3.01    lm</p>	<p>On the prayer of learned counsel for the parties case is adjourned to 9.4.01 for Admission.</p> <p>Member: K.C. Shaha Vice-Chairman: [Signature]</p>
<p>3-5-2001 Notice is prepared and sent to D/Secy in for issuing to the respondents NO. 1 to 7. vide D/No 1622 to 1628 dtd. 4/5/01. NS 3/5/2001.</p>	<p>9.4.2001   nkm</p>	<p>Heard Mr M. Chanda, learned counsel for the applicants. The application is admitted. Call for the records, returnable by four weeks. List it for orders on 3.5.01.</p> <p>Vice-Chairman: [Signature]</p>
<p>dist. for circuit sitting at Manipal. NR 2/15/01</p>	<p>3.5.2001   bb</p>	<p>List on 4.6.2001 to enable the respondents to file written statement.</p> <p>Member: K.C. Shaha Vice-Chairman: [Signature]</p>

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

On application made by Mr A.Deb Roy, learned Sr.C.G.S.C the present O.A. is stood over in order to enable the respondents to file written statement.

List on 27.6.2001, for order.

*P.P. Roy*  
By order

29.6.01 Mr. A.Deb Roy, learned counsel for the respondents, prays for and granted 4 weeks and no more time ~~time~~ to file written statement. The applicant will have 2 weeks thereafter to file rejoinder.

List on 29-6-2001.

*K.K. Sharma*  
Member

*[Signature]*  
Vice-Chairman

On the request of Mr.A.Deb Roy, learned Sr.C.G.S.C., 3 weeks time is allowed to file written statement.

List on 26/9/01 for order.

*K.K. Sharma*  
Member

No written statement has been filed.

25.9.01

mb  
3.9.01

No written statement has been filed.

13.11.01

mb  
26.9.01

List on 15/11/01 to enable the respondents to file written statement.

*K.K. Sharma*  
Member

*[Signature]*  
Vice-Chairman

mb  
15.11.01

Present : Mr.Justice D.N.Chowdhury, Vice-Chairman.  
Mr.K.K.Sharma, Administrative Member.

The 8(eight) applicants are working under the respondents as Senior Teachers. In this application, they sought for direction to grant the pay scale of Rs. 5500-9000/- in

Notes of the Registry	Date	Order of the Tribunal
	15.11.01	<p>Present : Mr. Justice D.N. Chowdhury, Vice-Chairman. Mr. K.K. Sharma, Administrative Member.</p> <p>Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>The 8 (eight) applicants are working under the respondents as Senior Teachers. In this application, they had sought for direction to grant the pay scale of Rs. 5500-9000/- for Trained Graduate Teachers in terms of pay scale mentioned in part 'B' of CCS (RP) Rules 1986 as sanctioned by Government of India dated 7.8.1998. Mr. B.C. Pathak, the learned <del>learned</del> Additional Central Govt. Standing counsel brought our attention to the order passed by the Competent authority vide order No. II.29013/15/99-PF.IV dated 08th June, 2001 revising the Pay structure. A copy of the order is placed on record. It seems that the applicants were accorded with benefit prayed for. There is thus no cause for adjudication. The application thus stands dismissed as infructious. There shall, however, be no order as to costs.</p>

20.11.2001  
Copy of the order  
has been sent to  
The Dy Sec. for issuing  
the same to the L/Os  
for the parties.  
HS

*K.K. Sharma*  
Member

*[Signature]*  
Vice-Chairman

u

Notes of the Registry

Date

Order of the Tribunal

Notes of the Registry	Date	Order of the Tribunal
<p>1. The Tribunal has received the report of the Commission on the situation in the Territory of the High Commission of the South West Africa.</p>		
<p>2. The Commission has reported that the situation in the Territory has not improved since the previous report.</p>		
<p>3. The Commission has also reported that the Government of the Territory has failed to comply with the recommendations of the Commission.</p>		
<p>4. The Commission has further reported that the situation in the Territory is still very serious and that the Government of the Territory has failed to take any effective steps to improve it.</p>		
<p>5. The Commission has also reported that the Government of the Territory has failed to provide the necessary information to the Commission.</p>		
<p>6. The Commission has further reported that the situation in the Territory is still very serious and that the Government of the Territory has failed to take any effective steps to improve it.</p>		
<p>7. The Commission has also reported that the Government of the Territory has failed to provide the necessary information to the Commission.</p>		
<p>8. The Commission has further reported that the situation in the Territory is still very serious and that the Government of the Territory has failed to take any effective steps to improve it.</p>		
<p>9. The Commission has also reported that the Government of the Territory has failed to provide the necessary information to the Commission.</p>		

6

Filed by the applicant  
through :- Digjit Ghosh  
Advocate 7.3.2004

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

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

Title of the Case : O.A. NO. 97 /2001

Sri Bhuvaneshwar Sing : Applicants  
& 10 Ors.

-Versus -

Union of India & Ors. : Respondents.

I N D E X

<u>Sl. No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
1.	-	Application	1 - 15
2.	-	Verification	16
3.	1	Copy of Notification (Extract) dated 13.9.86 .	17 - 22
4.	2	Order dated 12.8.1987	23 - 26
5.	3	Copy of the Circular dated 7.8.98.	27 - 28
6.	4	DGAR letter dated 12.10.98	29
7.	5	Representation dated 29.3.2000	30
8.	6	Judgement and order dated 15.12.00	31 - 35

Filed by

*Digjit Ghosh*

Advocate

Date : 7.3.2004

R

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

~~AN APPLICATION~~

O.A. No. 97/2001

BETWEEN

1. Shri Bhuwaneshwar Singh  
Son of Late R.B.Singh  
12, Assam Rifles, C/o 99 APO  
A.R.Middle School,  
Imphal, Manipur.
2. Shri Chandra Bahadur Chettri  
Son of Shri B.B.Chettri,  
12, Assam Rifles, C/o 99 APO  
A.R. Middle School,  
Imphal, Manipur.
3. Shri Rishi Muni Singh  
Son of Late Munshi Singh  
7, Assam Rifles, C/o 99 APO  
V.J.H. School,  
Thoubal, Manipur.
4. Shri Devendra Singh Chauhan,  
Son of Shri S.S. Chauhan  
7 Assam Rifles, C/o 99 APO  
V.J.H. School, Thoubal  
Manipur.
5. Shri Riawan Raja  
Son of Shafi A Latif,  
17 Assam Rifles, C/99 APO  
Imphal, Manipur.

Contd....

*Bhuwaneshwar Singh*

6. Shri Ram Chander Chaubey  
Son of Late S.N. Chaubey  
3 Assam Rifles, C/o 99 APO  
Junior H.S. School  
Maram.
7. Smti Neelu Sinha  
Daughter of Late Ramjee Pd. Singh  
3 Assam Rifles, C/o 99 APO  
Junior H.S. School  
Maram
8. Shri K.N. Sundriyal  
Son of Late M.L. Sundriyal  
3 Assam Rifles, C/o 99 APO  
Junior H.S. School  
Maram.
9. Shri S. Mazumder,  
Son of Late H.C. Mazumdar  
29 Assam Rifles, C/o 99 APO,  
A.R. Middle School,  
Kohima, Nagaland.
10. Shri V.K. Jha  
Son of Late S.K. Jha  
29 Assam Rifles, C/o 99 APO  
A.R. Middle School,  
Kohima, Nagaland.
11. Md. Akhlaque Hussain,  
Son of Md. Tajammul Hussain  
7 Assam Rifles, C/o 99 APO  
V.J.H. School, Thoubal,  
Manipur.

...Applicants

Bhuvaneshwar Singh

-AND-

1. Union of India,  
through the Secretary to the  
Government of India, Ministry of  
Home Affairs, New Delhi.
2. The Director General of Assam Rifles,  
Arbuthnath Road,  
Shillong-793011
3. The Commandant,  
12 Assam Rifles  
C/o 99 APO
4. The Commandant,  
7 Assam Rifles  
C/o 99 APO
5. The Commandant,  
17 Assam Rifles,  
C/o 99 APO
6. The Commandant,  
3 Assam Rifles,  
C/o 99 APO
7. The Commandant,  
29 Assam Rifles  
C/o 99 APO.

.... Respondents

DETAILS OF APPLICATION

1. Particulars of orders against which this applica-  
tion is made.

This application is made praying for a direction upon the Respondents to grant the pay scale of Rs.5500-

Bhuvaneshwar Singh

9000 in the grade of Trained Graduate Teacher (for short TGT) in terms of pay scale mentioned in Part 'B' of CCS (RP) Rules 1986 in place of existing scale of Rs.5000-8000 with effect from 1.1.1996 as sanctioned vide G.I. MHRD, Department of Education, Circular No. F.5-14/97-U.T.I dated 7.8.98, in the light of the judgement and order passed by this Hon'ble Tribunal in O.A. No. 13/99 ( Shri S.J.Kumar Vs. Union of India & Ors.).

2. Jurisdiction of the Tribunal

The applicants declare that the subject matter of the application falls within the jurisdiction of the Hon'ble Tribunal. The applicants are civilian employees serving in Assam Rifles and as such fall within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

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

4. Facts of the Case.

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

4.2 That the applicants were initially appointed under the respondents as Teachers on different dates with the pay scales as admissible under the rules then existing and were posted at different schools under

Contd....

*Pranaveshwar Singh*

the Assam Rifles. It is stated that the Director General of Assam Rifles has adopted the pay structure of the Central Government since its inception. It may be relevant to mention here that all the applicants are having the B.Ed degree and hence possess the requisite qualification of Trained Graduate Teacher.

4.3 That the applicants are working in different capacities under the Director General of Assam Rifles, and presently working in different schools under the Assam Rifles. All the applicants have got common grievances, common <sup>cause</sup> ~~course~~ of action and nature of reliefs sought for are also same and similar and hence having regard to the facts and circumstances they intend to prefer this application jointly and accordingly pray for permission to move this Application before the Hon'ble Tribunal in a single application under rule 4(5) (a) of the Central Administrative (Procedure) Rules, 1987.

4.4 That the Government of India, in the year 1986, revised the pay scale of the Central Government Employees pursuant to the recommendation of the 4th Central Pay Commission. Consequently the Government of India, Ministry of Finance vide Notification dtd. 13.9.86 approved new pay scales for Group B, C and D Central Government employees in pursuance whereof the applicants were placed in the revised pay scale of Rs. 1400-2600/-.

4.5 That the applicants were so placed by the Respondents in terms of the Government of India's Notification dated 13.9.86 under item V of the 1st Schedule Part B, since

Contd...

*Bhuvaneshwar Singh*

they were found to have been possessing the requisite qualifications of the Trained Graduate Teacher (TGT) and accordingly they were given the revised pay scale of Rs.1400-2600/- w.e.f. 1.1.1986 or the date of joining to the post as the case may be.

Copy of the Extract dated 13/9.86 aforesaid is annexed hereto and marked as Annexure-1.

4.6 That, subsequently, the Govt. of India, Ministry of Finance granted further revision of pay scale of school teachers and as per order issued under letter No. GI, MHRD, Deptt of Education Circular No. F.5-14/97-U.T.I. dated 7.8.1998 granted the revised pay scale of Rs. 5500-9000 in place of Rs. 1400-2600/-

4.7 That the applicants were entitled to the said revised scale of Rs. 5500-9000/- But unfortunately, they were instead, placed in the lower scale of Rs.5000-8000/- only which is the corresponding scale to the pre-revised scale of Rs. 1400-2600/- applicable to the Primary School Teachers (PST) and not in case of the TGT as <sup>per</sup> part <sup>B</sup> of revised *pay* schedule. Thus being aggrieved by and dissatisfied with the non-payment of the entitled revised scale of pay, the applicants, in their individual capacity represented to the concerned respondents for justice but of no avail.

4.8 That the applicants beg to state that they are Trained Graduate Teachers having requisite qualifications so as to be entitled to the scale of Rs.5500-9000/-. In this context, it may be stated that the 4th Central Pay

Contd...

*Bhuvneshwar Singh*

Commission simplified the pay scale of Teachers and left everything for the National Commission on Teachers under the Chairmanship of Prof. D.P. Chattopadhyaya. The 4th Central Pay Commission recommended replacement of pay scales and accordingly the pay scale of Trained Graduate Teacher was made as Rs.1400-2600/- in Part B of the 1st schedule. It was however made clear that the said scale of pay would be extended to those teachers only who had the prescribed qualification of graduation with degree or diploma in Education etc. It was also clarified that the persons who did not possess the requisite qualification would be given revised scale mentioned in the Part 'A' of that schedule. The applicants crave leave of this Hon'ble Tribunal to produce and rely upon the Revision of Pay Rules of 4th Central Pay Commission at the time of hearing. The applicants further state that they were given the scale of Rs. 1400-2600/- as they possessed the requisite qualification of graduation with degree in Education, as such they are entitled to revised scale in terms of Part 'b' of the schedule.

4.9 That the applicants beg to state that the recommendations of the National Commission on Teachers were considered by the Government of India and implementation of new pay structure was ordered vide MHRD letter No. F-5-180/86 dated 12.8.87. This order laid down three tier scales for each category of teachers on time bound basis in view of promotional avenues in teaching profession. These scales were :

Designation	Entry Scale	Senior Scale after 12 yrs.	Selection Gr. scale after 24 yrs.
I. Primary School Teacher (PST)	Rs.1200-2040	Rs.1400-2600	Rs.1640-2900

*Bhuvaneshwar Singh*

14

II. Trained Graduate Teacher (TGT)	Rs. 1400-2600	Rs. 1640-2900	Rs. 2000-3500
III. Post Graduate Teacher (PGT)	Rs. 1640-2900	Rs. 2000-3500	Rs. 2200-4000

---

A copy of the order dated 12.8.1987 referred to above is annexed hereto and the same is marked as Annexure-2.

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

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

---

From above, it would be clear that the minimum scale of the applicants 'i.e. TGT) becomes Rs. 5500-9000, and not Rs. 5000-8000/- as given to them, vide order issued under letter No. MHRD, Deptt of Education Circular No. F.5-14/97-U.T.I. dated 7.8.1998, as such applicants are entitled to be placed in the scale of Rs. 5500-9000 in stead of Rs. 5000-8000/-

Contd...

Bhuvaneshwar Singh



revised pay scale to teaching staff of Assam Rifles which was communicated vide DGAR letter No. A/1-A/87/P/264 dated 21.9.98 and the same was again informed vide Headquarter's B Range Assam Rifles C/o 99 APO letter No. 12012/56/38-A/0791 dated 12.10.98 in the said letter it is stated that pay scale mentioned in Part B of CCS(RP) Rules 1986 is applicable to teachers of All Union Territories (except Chandigarh) and Central Organisation like Kendriya Vidyalaya Sangathan etc. are not applicable to A.R teachers as the same has been clarified by the Ministry of Home Affairs. It was further stated in the said impugned order that due to wrong interpretation/implementation of Govt. Notification vide Part 'B' of CCS(RP) Rules 1986 and also instruction to regularise such irregularities by effecting recoveries in due course and further instructed not to forward any application or representation on this subject.

It is stated that no reason has been assigned either by the M.H.A. or DGAR in the communication dt. 21.9.98. The trained Graduate Teachers of Assam Rifles are also rendering similar duties and responsibilities like those teachers of Kendriya Vidyalaya Sangathan and the teachers of Union Territories. Therefore denial of revised higher pay scale to the applicants in terms of Govt. Notification vide Part 'B' of CCS (RP) Rules 1986 is violative of Article 14 of the Constitution. It is relevant to mention here that the said arbitrary modification came up for consideration before this Hon'ble Tribunal on a similar issued in the case of

Contd...

*Bhuvaneshwar Singh*

Assam Rifles Teacher Sri S. Jha Kumar vide his Original Application No. 13 of 1999. However, the Hon'ble Tribunal considering the arguments of the parties, decided the matter on 15.12.2000 ~~xxxxxxxxxxxx~~ set aside the impugned order dated 21.9.1998, therefore the said order of DGAR now cannot stand on the way of the applicant for granting higher revised pay scale of Rs. 5,500 - 9000/- in the case of O.A. 13 of 1999 . It was also directed in the said judgement and order dated 15.12.2000 to the respondents to grant the pay scale of Rs. 5,500-9000/- with all consequential benefits. Therefore, the case of the present applicants is also squarely covered by the following decision of this Hon'ble Tribunal in O.A. No. 13 of 1999 dated 15.12.2000. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to extend the benefit of the judgement and order dated 15.12.2000 passed in O.A. No. 13 of 1999 i.e. to fit the applicant in the scale of Rs. 5,500/- - 9000 with all consequential benefits as per circular dated 7.8.98 issued by the Govt. of India, Department of Education.

Copy of the circular dated 7.8.98, DGAR letter dt. 12.10.98, representation dt. 29.3.2000 and judgement & order dt. 15.12.2000 passed in O.A. No. 13/99 are enclosed as Annexures-3,4 and 5. and 6 respectively

4.12 That your applicants beg to state that the non-extension/non-sanction of appropriate pay scale to the applicants as per circular dated 7.8.1998 is a continuous wrong as the applicants incurring financial loss each and every day which will also effect the pensionary benefits

Contd...

Bhuvaneshwar Singh

of the applicants on their superannuation and more so when the said pay scale granted to the similarly situated teachers of Kendriya Vidyalaya and Union Territories by the Deptt. of Education, Govt. of India, therefore the application of the applicants are well within the period of limitation. Moreover, the respondents the DGAR instructed the Range offices and Unit offices not to forward any representation for grant of higher pay scale as the same has ~~not~~ been ~~settled~~ shuttered following the arbitrary decision of the Ministry of Home Affairs. In this circumstances, <sup>the</sup> applicants finding no other alternative approaching the Hon'ble Tribunal for redressal of their grievances.

In the facts and circumstances stated above in the application, the application is deserves to be allowed with costs.

4.13 That the issue involved in the instant case were earlier dealt in by this Hon'ble Tribunal vide O.A. No. 13/99 and the Hon'ble Tribunal was pleased to dispose of the case directing the Respondents to extend the benefit of the pay scale prayed for to those applicants in terms of item V of the Ist Schedule Part B.

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

5. Grounds for relief with legal provisions :

5.1 For that the applicants having requisite qualifications, were rightly placed in the pay scale of Trained Graduate Teacher of Rs.1400-2600/- (Pre-revised) and therefore are entitled to the

Bhuvanashwar Singh

- corresponding revised scale of TGT Rs.5500-000 in terms of Circular dated 7.8.1998 and also in terms of Part 'B' of revised Pay schedule.
- 5.2 For that, the placement of the applicants in a pay scale lower than the entitled one amounts to force labour and the same is contrary to the provisions of law.
- 5.3 For that, giving of a pay scale meant for the Primary School Teachers to the applicants who are Trained Graduate Teachers tantamounts to their demotion in the time scale of pay which is grossly unjustified and untenable.
- 5.4 For that the action of the Respondents in denying the applicants the approved scale is not in conformity with the Governments directives reflected in the revised scale and is violative of Article 14 of the Constitution.
- 5.5 For that the case of the applicants is squarely covered by the decision of this Hon'ble Tribunal passed in O.A. No. 13/99 and the applicants are being similarly circumstanced are entitled to similar benefits.
- 5.6 For that denying the pay scale to the applicants in spite of the Department of Education Circular dated 7.8.1998 in terms of Part 'B' of CCS (RP) Rules, 1986 is arbitrary illegal and unfair.
- 5.7 For that due to non sanction of the higher scale to the applicants, they are ~~xxxxxxx~~ getting less salary and it is a continuous wrong.

R. J. Kumar Singh

6. Details of Remedies Exhausted :

That your applicants state that they have no other alterantive and other efficacious<sup>ca</sup> remedy than to file this application.

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

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

8. Reliefs sought for :

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

- 8.1 That the Respondents be directed to place the applicants in their entitled revised pay scale of Rs.5500-9000/- which is applicable for the Trained Graduate Teacher instead of the scale of Rs. 5000-8000/- w.e.f. the respective dates on which they have been placed in the scale of Rs.5000-8000 in terms of Part B of revised pay Schedule and also in terms of MHA Circular dated 7.8.1998.
- 8.2 That the Respondents be directed to pay the difference of arrear pay and allowances to the applicants in the scale of Rs. 5500-9000 with all consequential service benefits.

Bhuvaneshwar Singh

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

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

99 Interim reliefs prayed for :

During the pendency of this application the applicants pray for the following interim relief :-

- 9.1 That the respondents be directed to pay higher revised scale of Rs. 5500-9000 from the current month to the applicants alongwith other allowances corresponding to the said scale pay.

10. ....

This application is filed through Advocate.

11. Details of Indian Postal Order.

- |      |                  |                     |
|------|------------------|---------------------|
| i.   | Postal Order No. | : 56 422 512        |
| ii.  | Date of Issue    | : 23.2.2001         |
| iii. | Issued from      | : G.P.O., Guwahati. |
| iv.  | Payable at       | : G.P.O., Guwahati. |

12. Details of Enclosures

As stated in the Index.

Bhuvaneshwar Singh

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

I, Shri Bhuwaneshwar Singh, son of late R.B. Singh, aged about 52 years, working as Trained Graduate Teacher in the A.R. Middle School, 12, Assam Rifles, Imphal, Manipur, do hereby the statements and declare that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material facts. I have also been authorised to sign this verification by the other applicants on behalf of them.

And I sign this verification on this the <sup>March</sup> 7th day of ~~February~~, 2001.

Bhuwaneshwar Singh  
Signature

<p>2. Section Officer (SG) 775-35-880-40-1000                  Accountant (SG)                  Junior Accounts Officer (SG)</p>	<p>Rs. 2000-60-2300-EB-75-3200                  (Functional Grade requiring promotion as per normal procedure.)                  The existing incumbents in the Selection Grade will be allowed the revised scale of Rs.2000-600-2300-EB-75-3200 as personal to them.</p>
--	---

**V. TEACHING STAFF**

<p>1. Primary School Teacher 330-10-350-EB-380-15-500-EB-15-560</p> <p>2. Trained Graduate Teacher/Head Master, Primary School 440-20-500-EB-25-700-EB--25-750</p> <p>3. Post Graduate Teacher/Head Master, Middle School 550-25-750-EB-30-900</p> <p>4. Primary School Teacher (SG) 530-20-630</p> <p>5. Trained Graduate Teacher (SG) Head Master, Primary School (SG) 740-35-880</p> <p>6. Post Graduate Teacher (SG) Head Master, Middle School (SG) 775-35-880-40-1000</p> <p>7. Vice-Principal / Head Master 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200</p>	<p>1200-30-1560-EB-40-2040</p> <p>1400-40-1600-50-2300-EB-60-2600</p> <p>1640-60-2600-EB-75-2900</p> <p>1400-40-1600-50-2300-EB-60-2600</p> <p>1640-60-2600-EB-75-2900</p> <p>2000-60-2300-EB-75-3200-100-3500</p> <p>2000-60-2300-EB-75-3200-100-3500</p>	<p>Those teachers who are not in the existing scales of pay mentioned in Col. 3 may be given the revised scales mentioned in this Col. only after ensuring that they have the prescribed qualifications. Those who do not possess prescribed qualifications will be given the revised scales mentioned in Part 'A' of this Schedule, which correspond to their existing scales. The Selection Grade scale indicated in this column will be admissible only to those teachers who are already in the existing Selection Grade scales mentioned in column 3</p>
---	--	---

V.V.G.P.

**VI. LABORATORY TECHNICIANS**

<p>1. Laboratory Assistant: (Directorate of Marketing and Inspection) 380-12-500-EB-15-560</p> <p>2. Junior Chemist (Directorate of Marketing and Inspection) 425-15-500-EB-15-560-20-700</p> <p>3. Laboratory Attendant (Central Revenue Control Laboratories) 225-5-260-6-290-EB-6-308</p> <p>4. Laboratory Attendant (Central Revenue Control Laboratories) (SG) 260-6-326-EB-8-350</p>	<p>1400-40-1800-EB-50-2300</p> <p>950-20-1150-EB-25-1400</p>
--	--

**MOTOR VEHICLE DRIVER**

<p>Drivers of Motor Vehicles (including Staff Cars) (i) 260-6-326-EB-8-350 (ii) 260-6-290-EB-6-326-8-366-EB-8-390-10-400</p>	<p>950-20-1150-EB-25-1500</p>
--	-------------------------------

**VIII. OTHER CATEGORIES OF STAFF (COOK AND BEARER)**

<p>Cooks/Cook Bearers/ 1. 196-3-220-EB-3-232</p> <p>Butlers/Bearers/ 2. 200-3-212-4-232-EB-4-240</p> <p>Attendants/Walters, etc. 3. 200-3-206-4-234-EB-4-250</p> <p>4. 210-4-250-EB-5-270</p> <p>5. 210-4-226-EB-4-250-EB-5-290</p> <p>6. 225-5-260-6-290-EB-6-308</p> <p>7. 260-6-326-EB-8-350</p> <p>8. 260-6-290-EB-6-326-8-366-EB-8-390-10-400</p> <p>9. 290-6-326-8-350-EB-8-390-10-400</p> <p>10. 320-6-326-8-390-10-400</p> <p>11. 330-8-370-10-400-EB-10-480</p>	<p>750-12-870-EB-14-940</p> <p>775-12-955-EB-14-1025</p> <p>800-15-1010-EB-20-1150</p> <p>825-15-900-EB-20-1200</p> <p>950-20-1150-EB-25-1500</p> <p>1200-30-1440-EB-30-1800</p>
--	--

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

certified to be true copy  
 Singh  
 Advocate

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

**V. Teaching staff**

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

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

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

Primary school teachers	Matriculation or its equivalent with basic training or Diploma in education or 1 year Teachers training certificate course.
Graduate or secondary school teacher	Bachelor's degree with degree or diploma in education.
Post-graduate or higher/Senior secondary school teachers	Master's degree with degree or Diploma in education.

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

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

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

From  
qualifications

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

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

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

#### VI. Electronic Data Processing Staff

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

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

#### VII. Laboratory Technicians

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

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

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

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

Teaching Staff

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

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

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

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

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

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

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

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

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

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

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

Annexure-2

COPY of Ministry of Human Resource Development ( Deptt. of Education letter No. F.5.180/86-UTI dated 12 Aug 87.

Subject : Revision of pay scales of School Teachers.

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

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

<u>Category of School Teachers</u>	<u>Revised Pay Scales.</u>
(a) Primary School Teachers	Rs. 1200-30-1380-EB-1560-EB-40-1800-EB-40-2040/-
(b) Senior Scales (after 12 Years)	Rs. 1400-40-1600-50-1650-EB-50-1950-EB-50-2250-EB-50-2300-60-2600/-

certified to be true copy  
Digitized by  
Adv.

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

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

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

- I) While Senior Scale will be granted after 12 years to Primary School Teachers. Trained Graduate Teachers/ Head Masters of Primary School and Post Graduate Teachers- Headmasters of Middle Schools, the Selection scale will be grants after 12 years service in the senior scale of the respective cadre. For the Vice-Principal's Headmasters of Secondary Schools, there will be only Senior

Senior Scale after 12 years and no Selection Scale.

- II. The number of posts in the Selection scale for Primary-School teachers, trained Graduate Teachers/Headmaster of Primary School, Post Graduate Teachers/Headmasters of Middle School will be restricted to 20% of the number of post in the Senior Scale of the respective cadre.
  - III. The Senior and Selection scale will be given after screening regarding their satisfactory performance by an appropriate DPC.
  - IV. Every teacher would be required to participate in and in-service training programme of at least three weeks during before he/she cross an EB or is promoted to Senior Scale or Selection Scale, i.e. once in every six years ; provided that where arrangements for such training cannot be made, the appointing authority may exempt a category of teachers for a specific period of time.
  - V. Although for purposes of grant of Selection scale Primary School teachers and Trained Graduate Teachers will be required to obtain higher qualifications, they will not be required to shift to an institution of higher level.
  - VI. Appointment to the post of Principals, Vice-Principals and Headmasters will be made in all schools on the basis of merit.
4. The revised pay scales, teaching allowance and special allowance will be applicable with effect from 1.1.1986. The arrears of pay for the period 1.1.1986 to 31.3.1986 which will accrue over and above the arrears of pay consequent upon the revision of pay scale on the recommendations of Fourth Pay - Commission vide Ministry of Finance Notification No. 15(1)-IC/86

26

27

Annexure - 2 (Contd.)

dated 13.9.1986 and 229.86 will have to be deposited in Provident Fund Account.

5. The above pay scale will be applicable to School Teacher of the categories mentioned above and to the incumbents of such teaching posts as are analogous to the above mentioned categories of posts of teachers working in schools in all Union Territories ( except Chandigarh ) including Govt. aided schools and organisations like Kendriya Vidyalaya - Sangthan, Central Tibetan School.
6. Amendment to the Central Civil Service (Review Pay) Rules, 1986 will be issued separately by the Ministry of Finance.
7. This issues with the concurrence of Ministry of Finance (Department of Expenditure vide their O.O No. 4183/E.III/87, dated 10.8.1987.

# Important Government Orders

97

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

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

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

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

This issues with the approval of DG (W).

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

98

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

**Maximum amount of gratuity exempted from IT, 3½ lakhs**

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

99

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

**Revised pay scales of School Teachers**

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

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

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

27

Hint S. N. The  
 May 1999  
 of Swamynews  
 certified to be true copy  
 Adv.



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

(i) *Teaching Allowance/Special Allowance:*

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

(ii) *Residency period:*

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

(iii) *Miscellaneous Teachers:*

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

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

100

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

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

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

Annexure-4

Headquarters  
B Range Assam Rifles  
C/O 99 APO

VII.12012/56/98-A/0791

12 Oct 98

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

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

Sd/- x x x x x  
( H Deoras )  
Capt  
SO~~3~~(A)  
for DD (Adm)

---

Copy of DGAR letter as cited above.

AS ABOVE

1. Of late it has been obs that units/Rgs HQs are fwd application representations of teaching staff of AR for granting Higher/Sr/TGT pay scale.
2. In this context it is clarified that pay scale mentioned in part 'B' of CCS(RP) Rules 1986 is applicable to teachers of all union territories (except Chandigarh) and Central org like Kendriya Vidyalaya Sangthan etc are not applicable to AR teacher. This has been clarified by MHA.
3. Higher/Sr/TGT pay scale were gtd to a few teaching staff of AR erroneously due to wrong interpretation/implementation of Govt. Notification vide part 'B' of CCS (RP) Rules 1986. Necessary action is in hand to regularise such irregularities departmentally, Modalities for refixation of pay as on 01 Jan86 and affecting recoveries will be intimated in due course.
4. In view of the above, it is requested to instr all Rg HQs/Units not to fwd any application/representation on this subject.

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

*certified to be true copy  
Sd/-  
Adm.*

30

From : Sri Bhuwaneshwar Singh  
BA, BEd, B.Lib sc  
Hindi Teacher  
1B Assam Rifles  
C/O 99 APO


To : The Director General  
Assam Rifles  
Shillong - 793011

Sub : FIXATION OF PAY SCALE

Sir,

1. Ref to my application dated 24.12.98, on the subject. Reply still awaited as such this is another one.
2. That sir, I was drawing the 4th Central pay scale of Part 'B' V "Teaching staff" of page No 81, para 2, but my present pay scale is given of general category. My pay scale of the 5th Central pay scale could have been fixed of para 'B', "Teaching staff" vide page No 31, para 55-259(b). According to this quoted para etc, scale of pay at entry level for trained graduate teachers, who are born for today's education is Rs. 5500/- to Rs. 9000/- ( photo copy already sent), though I am to complete 24 years of service in the same post.
3. I, therefore, fervently request your honour to re-fix my pay scale at the earliest on Rs. 5500/- to Rs. 9000/- and oblige.

Yours faithfully,

  
( Bhuwaneshwar Singh )  
Hindi Teacher

Dated : 29<sup>th</sup> Mar 2000

*Read  
me  
30/3/2000*

*certified to be true copy  
Suryakrishna  
Adv.*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 13 of 1999.

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

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

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

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

By Advocate Sri M.Chanda.

-Versus -

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

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

ORDER

CHOWDHURY J.(V.C)

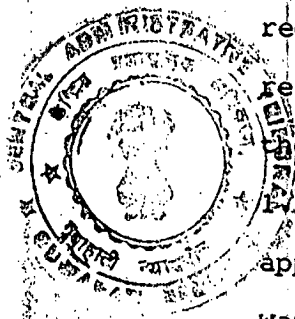
This application under Section 19 of the Administrative Tribunals Act 1985 has arisen and directed against the order communicated under letter No.Vol.12012/56/98-A/0791 dated 12.10.98 thereby bringing down the pay scale of Rs.5500-9000/- to Rs. 5000-8000/- and recovery of the amount already paid. The applicant is working as a Hindi Teacher in the Assam Rifles and presently posted at 25 Assam Rifles, Sansa in the district of Ukhrul, Manipur. In the year 1986 Government of India revised the pay scales of the Central Government employees on the recommendation of the 4th Central Pay Commission by a Notification

contd..2



*certified to be true copy  
Digitized by  
Adv*

dated 13.9.86. The Government of India approved the new pay scales of Group B, C and D employees. In pursuance thereof the applicant was placed in the revised scale of Rs. 1200-2040/-. The respondents by order dated 26.8.87 raised the scale of the applicant, a permanent Hindi Teacher attached to Directorate General Assam Rifles to Rs. 1480+ 20 pp per month with effect from 1.12.86 in the scale of Rs.1400-40-1600-50-2300-EB-60-2600/- with date of next increment on 1.3.87 in view of the fact that the applicant passed the B.Ed examination. After working out the details his pay was fixed accordingly. The 5th Central Pay Commission recommended for further revision of pay scales of the Central Government employees and as per recommendation the scale of pay of Rs.1400-2600/- was revised to Rs.5500-9000/-. The applicant has stated that the revised scale was extended to him with effect from 1.1.1996. The applicant was drawing his salary in the appropriate revised scale of Rs.5500-9000/-, but his salary was reduced with effect from 1.10.98 by an oral order issued by the Commandant, 25 Assam Rifles and he was given a lower scale of Rs.5000-8000/-, which is the corresponding pre-revised scale of Rs.1400-2600/- for senior scale of Primary School Teachers. The applicant being aggrieved with the reduction of pay submitted a representation dated 11.8.98 and the same was rejected by the respondents on 24.8.98. The respondents in its communication mentioned that a clarification was sought from the unit by the DGAR whether scales approved in Part B First Schedule of Revised Pay Rule 1997 are applicable to AR teaching staff vide their Signal No. A 1946 dated 29.7.98 and the DGAR was intimated vide Signal No. A 2488 dated



33

29

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

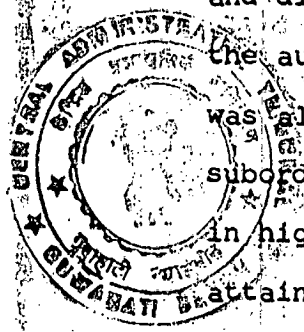
- "1. Of late it has been obs. that units/Rgs Hqs are fwd application representations of teaching staff of AR for granting Higher/Sr/TGT pay scale.
2. In this context it is clarified that pay scale mentioned in part 'B' of CCS(RP) Rules 1986 is applicable to teachers of all union territories (except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



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

departmentally by affecting recoveries in due course. The applicant being aggrieved moved this Tribunal by filing this application challenging the legality of the aforementioned order.

2. The respondents contested the application and filed written statement by denying and disputing the claim of the applicant. The respondents in their written statement reiterated the grounds mentioned above and stated that revised pay was granted to the applicant and his pay was fixed in the scale of Rs. 5000-150-8000/- corresponding to old scale of Rs.1400-2600/- as per revised pay Rules 1997. IPS was prepared accordingly on 17.10.97 and forwarded to the Accountant General, Manipur to test audit and approval. The AG Manipur returned the IPS after doing the needful with advise to draw and disburse the revised pay subject to further check by the audit department. Necessary part II order to this effect was also published on 29.10.97. Subsequently in 1998 the subordinate unit erroneously refixed the pay of the applicant in higher scale which was also later on cancelled after obtaining clarifications from Respondent No.2. The order dated 21.9.98 was issued as number of representations were received with regard to the scale of revised pay. It was also stated that the scale of pay of Rs. 5500-9000/- was not applicable to the applicant as the corresponding scale of Rs. 1400-2600/- was enhanced to Rs. 5000-8000. It was also stated that the applicant was granted higher scale considering his qualification in the prerevised scale.



3. We have heard Mr M.Chanda, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C at some length. Mr Chanda submitted that as per the decision of the Central Government all the Teachers under the Assam Rifles including

41

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

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



Certified to be true Copy  
प्रमाणित प्रतिलिपि

19/2/01  
Section Officer (J)  
জনস্বাস্থ্য প্রশাসনিক ট্রিবিয়ুনাল  
Central Administrative Tribunal  
কেন্দ্রীয় প্রশাসনিক ট্রিবিয়ুনাল  
Guwahati Bench, Guwahati-8  
গুৱাহাটী বেঞ্চ, গুৱাহাটী-৪

19/2/01

Sd/ VICE CHAIRMAN  
Sd/MEMBER (Adm)