

FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. 22/05 in O.A 10/2001

Review Application No. _____

Applicant(S): Anil Kumar D. Deka

Respondant(S): U. O. I. Gons

Advocate for the Applicant(S): M. Chanda, G.N. Chakraborty, S. Nath

Advocate for the Respondant(S): CASE

Notes of the Registry	Date	Order of the Tribunal
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25.7.2005

Heard Mr. M. Chanda, learned counsel for the applicants.

This Contempt petition has been filed by the Counsel for the petitioner and praying initiation of a Contempt proceeding against the alleged Contemner for non-compliance of the order dated 8.10.2001 passed by this Hon'ble Tribunal in O.A 10/2001.

Issue notice to the respondents to show cause as to why contempt proceedings shall not be initiated. Returnable within four weeks.

Post on 25.8.2005. Personal appearance is dispensed with for the time being.

Mr. M. Chanda
Member

V. S. Nath
Vice-Chairman

mb

26.8.05

Mr. M. U. Ahmed learned Addl. C. G. S. C. submits that the Respondents have received ~~received~~ notice and that he requires more time to file affidavit. Mr. S. Nath learned counsel for the applicant is also present. Post the matter on 29.9.05.

lm

V. S. Nath
Vice-Chairman

Section Officer

Please comply order dated 25.7.05

Notice & order sent to D/section for issuing to resp. Nos. 1, 2

by regd. A/D post.

D/No = 1197

DT = 28/7/05

(2)

Notice duly served
on resp. No-2.

29.9.05

Post on 4.10.2005 for
order?

No. Reply has been
biled.

By order

25.8.05

4.10.2005

Mr.M.U.Ahmed, learned Addl.C.G.

S.C. submits that the directions
issued in the O.A. have already been
complied with. Mr.M.Chanda, learned
counsel for the applicant submits
that the same have not been complied
with. Hence respondents are directed
to file affidavit supported by docu-
ments.

Post on 9.11.2005.

Vakalat nama filed by
Mr. MU Ahmed, ACSL on
40 C no. 1 & 2.

bb

Member
bb

Vice-Chairman

No Affidavit has
been biled.

28.9.05

No Affidavit has
been biled.

3.10.05

(3)

C.D. 22/05 m.O.A 10/2001

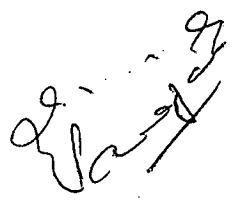
3

Office Note	Date	Tribunal's Order
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3.10.05

9.11.2005

Heard Mr.S.Nath, learned counsel for the applicant and Mr.M.U.Ahmed, learned Addl.C.G.S.C. for the respondents. The Standing counsel submits that the respondents want to file a detailed compliance report, post before the next Division Bench.



Vice-Chairman

Compliance report of Judgment and order dated 8.10.2001 passed in O.A 10/2001 has been submitted by ~~Mr. Addl. Secy M.U.~~ Ahmed, Addl. case which may kindly be seen at flag 'A'.

bb

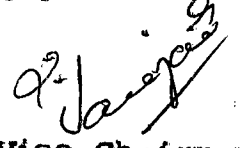
6.1.2006

When the matter came up today Mr M.U.Ahmed, learned Addl.C.G.S.C submits that the direction issued by this Tribunal in O.A.10/2001 has been fully complied with. Mr M.Chanda, learned counsel for the petitioner also submits to the same effect.

In the light of the above there is no need to pursue this Contempt petition. It is accordingly closed.



Member



Vice-Chairman

Amo.
21/10/05

3/1/06

pg

Compliance report has been filed Judgment and order dated 8.10.2001 passed in O.A.10/2001.

NS
3.1.06

5-1-05

Compliance report has been filed at Flag - 'A'

30

Office Note

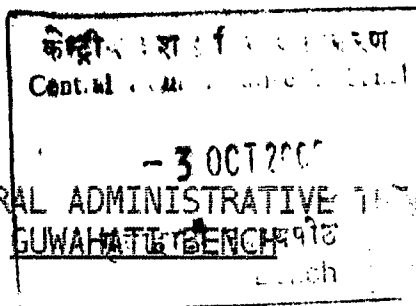
Date

Tribunal's Order

16/1/06

Copy of the order
has been sent to
the office for issuing
the same to the L/Ady
for the parties.

W.H.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CONTEMPT PETITION No.22 OF 2005
IN
ORIGINAL APPLICATION NO.10 OF 2001

IN THE MATTER OF

Shri Anil Kumar D. & othersPetitioners

- Vs -

- 1) Shri V.K. Duggal,
Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.
- 2) Lt. General Bhupinder Singh,
DGAR,
Shillong-793001.Alleged Contemnors/
Respondents

AND

IN THE MATTER OF

Compliance report of Judgment and Order dated
8.10.2001 passed in O.A.No.10 of 2001 and/or
Affidavit in the aforesaid Contempt Petition
No.22 of 2005 - filed by the Respondents/Alleged
Contemnors.

I, Shri NAVNEET KHANNA, S/o Shri S.N. KHANNA,
aged about 50 years, now residing at Laitumkhrach, Shillong,
posted as Chief Law Officer, Assam Rifles and Respondent

5
In the presence of, M.A.D.Sc./L.B.
Adm. Officer, Shillong Court
Guwahati Bench.
28/9/05

No....., representing the Respondent Nos.1 and 2 do hereby solemnly affirm and disclose as follows:

1. That, I have perused a copy of the above noted Contempt Petition and understood the contents thereof.
2. At the outset I submit that I have the highest regard for this Hon'ble Tribunal and there is no question of any willful disobedience of any order passed by the Hon'ble Tribunal. However, I tender unqualified and unconditional apology for any delay or lapse in the compliance of the order dated 8.10.2001 passed in O.A.No.10 of 2001, pronounced by this Hon'ble Tribunal.
3. That, the aforesaid O.A.No.10 of 2001 was filed by the applicants for entitlement of Higher Revised Pay Scale in terms of the 3rd and 4th Central Pay Commission recommendation, read with Office Memorandum dated 13.03.1984 issued by Ministry of Finance, Government of India (Department of Expenditure).
4. That the Respondents have fully complied with the Order/Judgment dated 8.10.2001 passed in O.A.No.10/2001 and as such the instant petition has become infructuous.

Under the above circumstances Your
Lordship may be pleased to admit this

Affidavit/Petition and pass an order
dismissing the instant Contempt
Petition for the ends of justice and
equity and/or pass any other order(s)
as Your Lordship may deem fit and
proper.

AND

For this act of kindness, your
petitioners/respondents shall ever pray.

A F F I D A V I T

I, Sr Narmeen Khanna 360 Sr S.N. Khanna
 aged about 50 years, working as Chief Law Officer
Assam Rifles do hereby
 solemnly affirm and declare as follows:-

1. I am fully conversant and acquainted with the facts and circumstances of the instant case and authorised to swear this affidavit.

2. That the statements made hereinabove are true to my knowledge, belief and information and based on records.

And I sign this Affidavit on this 28th day of September 2005.

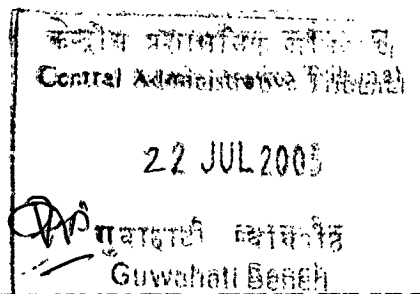
Identified by:-

M. K. Ahmed

Advocate



(Narmeen Khanna)
 Colonel
 Chief Law Officer
 Directorate General Assam Rifles



Filed by the petitioners
Advocate
21.07.05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 17 of the Administrative Tribunals Act, 1985)

Contempt petition No. 22 /2005

In O.A No. 10 of 2001.

In the matter of:

Shri Anil Kumar D. & Ors.

---- Petitioners.

-Versus -

Union of India and Others.

----- Alleged Contemnors.

-And -

In the matter of:

An application under Section 17 of the Administrative Tribunals Act, 1985 praying for initiation of a Contempt proceeding against the alleged contemnors for non-compliance of the order dated 08.10.2001 passed in O.A.No.10/2001.

-And -

In the matter of:

1. Shri Anil Kumar D.
S/o- Shri D. Damodaran,
Draftsman.
O/o- DIG, Assam Rifles,
Hqrs. Nagaland, Range South.
C/o- 99 APO.
2. Sri Jose Samuel,
Son of Shri P. Y. Samuel Kutty,
Draftsman,
O/o- The Engineer Branch,
Directorate General of Assam Rifles,
Shillong- 793011.
3. Sri Prakash Barua,
S/o- Shri Binoy Bhusan Barua.

Draftsman,
O/o- The DIG, Assam Rifles,
Hqr. Mizoram Range,
C/O- 99 APO.

4. Sri Dinesh Kumar Joshi,
S/o- Shri Jeevan Chandra Joshi,
Draftsman,
Engineer Branch, A.R.T.C. and School
Dimapur- 797 115, Nagaland.
5. Smti. Kumari Devi,
Draftsman,
Headquarter, Manipur Range,
C/o- 99 APO.

... Petitioners.

-Versus-

1. Sri V.K. Duggal,
Secretary,
Ministry of Home Affairs.
Govt. of India.
North Block.
New Delhi.
2. Lt. General Shri Bhupinder Singh,
Director General of Assam Rifles,
Shillong- 793011.

... Alleged Contemnors.

The humble petitioners above named-

Most respectfully sheweths: -

1. That your petitioners approached this Hon'ble Tribunal through O.A. No. 10/2001 praying for a direction upon the respondents to grant Higher Revised Pay Scale in terms of the 3rd and 4th Central Pay Commission recommendation read with Office Memorandum dated 13.03.1984 issued by the Govt. of India, Ministry of Finance, Department of Expenditure.
2. That the Hon'ble Tribunal after hearing the contentions of the parties was pleased to dispose of the Original Application on 08.10.2001 passed in O.A. No. 10 of 2001, directing the respondents as follows: -

"----- In view of the admitted position we do not find any lawful justification in not granting the benefit of the revised pay scale indicted in

the office Memorandum dated 13.3.1998. Accordingly, the respondents are directed to provide the benefit of the revised scale of pay to the five applicants as indicated in the communication dated 24.12.98 (Annexure-7) with effect from 1.1.1996 in terms of office Memorandum No. 23/14/97-EC-IX dated 16.10.1997, with arrear monetary benefits. The respondents are directed to complete the exercise within a period of four months from the date of receipt of this order.

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

(Copy of the Judgment and order dated 08.10.2001 is annexed hereto and marked as Annexure-I).

3. That your petitioners thereafter approached the alleged contemnors through representation dated 21.12.2001 for implementation of the Judgment and order dated 08.10.01 passed in O.A. No. 10/2001, enclosing therewith a copy of the aforesaid judgment and order dated 08.10.01.

(Copy of the representation dated 21.12.2001 is annexed hereto and marked as Annexure-II).

4. That the alleged contemnors thereafter approached Hon'ble Gauhati High Court (Shillong Bench) through W P (C) No. 100 (SH)/2002 against the judgment and order dated 08.10.2001, passed by this Hon'ble Tribunal, praying for quashing the judgment and order dated 08.10.2001 passed in O.A. No. 10/2001. However, the Division Bench of the Hon'ble Gauhati High Court (Shillong Bench) after hearing the contentions of the counsels of the parties was pleased to dismiss the W.P (C) No. 100 (SH)/2001 on 08.04.2005 with the directions as follows: -

"14. In the result, there is no infirmity in the order passed by the learned Central Administrative Tribunal, Guwahati Bench, which warrants our interference. The Writ Petition is accordingly dismissed. Parties are to bear their own costs."

Copy of the judgment and order dated 08.04.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-III.

- 4 12
5. That the petitioners thereafter submitted representations on 02.05.2005 to the alleged contemnors, praying for implementation of the judgment and order dated 08.04.2005 passed in W.P. (C) No. 100 (SH)/2002, but to no result.

Copy of the representation dated 02.05.05 is enclosed herewith as Annexure-IV.

6. That it is stated that the alleged contemnors deliberately and willfully did not initiate any action for implementation of the Judgment and Order dated 08.10.2001 passed by this Hon'ble Tribunal in O.A. No. 10 of 2001 which amounts to Contempt of Court. Therefore the Hon'ble Tribunal be pleased to initiate a Contempt proceeding against the alleged contemnors for willful violation of the order of the Hon'ble Tribunal dated 08.10.2001 in O.A. No. 10/2001 and further be pleased to impose punishment upon the alleged contemner in accordance with law.

Under the facts and circumstances stated above, the Hon'ble Tribunal be pleased to initiate Contempt proceeding against the Alleged Contemnors for willful non-compliance of the order dated 08.10.2001 in O.A. No. 10/2001 and be pleased to impose punishment upon the alleged contemnors in accordance with law and further be pleased to pass any other order or orders as deemed fit and proper by the Hon'ble Court.

And for this act of kindness the petitioners as in duty bound shall ever pray.

AFFIDAVIT

I, Sri Prakash Barua, S/o- Shri Binoy Bhusan Barua, aged about __ years, presently working as Draftsman, O/o- The DIGAR, Mizoram Range, C/O- 99 APO, petitioner No. 3 in the instant petition, duly authorized by the other petitioners and competent to swear this affidavit, do hereby solemnly declare as follows: -

1. That I am the petitioner No. 3 in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the statement made in para 1 to 6 are true to my knowledge and belief and I have not suppressed any material fact.
3. That this Affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench for non-compliance of the Hon'ble Tribunal's order dated 08.10.2001 passed in O.A. No.10/2001.

And I sign this Affidavit on this 10th day of July' 2005.

Identified by
Surajit Choudhury
Advocate

Prakash Barua
Deponent

The above named deponent -
solemnly affirmed and declared
before Shri Subrata Nath Advocate
on this the 10th day of July'05,
who is identified by Shri
Surajit Choudhury, Advocate.

Subrata Nath.
Advocate
10/07/05

DRAFT CHARGE

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati for initiating a contempt proceeding against the contemnors for willful disobedience and deliberate non-compliance of order of the Hon'ble Tribunal dated 08.10.2001 passed in O.A. No 10/2001 and to impose punishment upon the alleged contemnor for willful disobedience and deliberate non-compliance of order dated 08.10.2001 of the Hon'ble Tribunal.

-7- Annexure - I
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.10 of 2001

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

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

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

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

-Vs-

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

contd/-

Hqrs. Manipur Range
C/O 99 APO

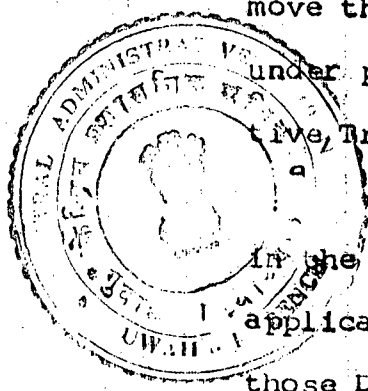
Respondents;

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

O_R_D_E_R.

CHOWDHURY J(VC):

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



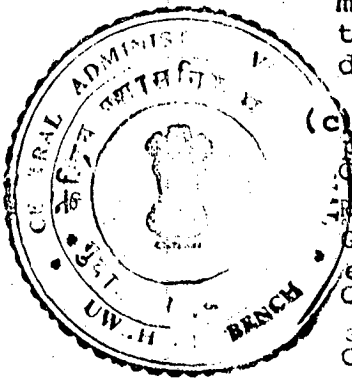
The applicants are serving in the cadre of Draftsman in the scale of Rs. 1200-2040 (revised 4000-6000). The applicants possessed similar educational qualification like those Draftsman Gr. II of CPWD. All the applicants are appointed in between the June 1989 to August 1994 and all the applicants are matriculate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

contd/-3

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

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

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



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

contd/-

The applicant moved the authority by their representation demanding the justice. Failing to get the appropriate remedy the applicant approach this Tribunal by way of this O.A. The respondents submitted the written statement and did not dispute the claim of the applicant. In the written statement the respondents also stated that a comprehensive proposal was tendered before the concerned Ministry and the said recommendation is still under consideration in Ministerial level and the matter is lying with the Ministry. In the written statement the respondents also admitted the claim of the applicant and higher revised scale as granted to the similarly situated Draftsman of CPWD. We have heard Mr.M.Chanda learned counsel appearing on behalf of the applicant and Mr.B.C.Pathak, Addl.C.G.S.C. for the respondents. In view of the admitted position we do not find any lawful justification in not granting the benefit of the revised pay scale indicated in the office Memorandum dated 13.3.1998. Accordingly, the respondents are directed to provide the benefit of the revised scale of pay to the five applicants as indicated in the communication dated 24.12.98(Annexure 7) with effect from 1.1.1996 in terms of office Memorandum No.23/14/97-EC-IX dated 16.10.1997, with arrear monetary benefits. The respondents are directed to complete the exercise within a period of four months from the date of receipt of this order.

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

Certified to be true Copy

सहायक न्यायाधीश

Sd/VICE CHAIRMAN

Sd/MEMBER (A)

W.S. 7/3/02

Control Officer (A)

सहायक न्यायाधीश (न्यायिक शाखा)
Central Administrative Tribunal

न्यायिक शाखा
पुणे-2, महाराष्ट्र, गुवाहाटी
न्यायाधीश, गुवाहाटी

- 11 -

A 21210 x one

II

19

From : Jose Samuel
Draughtsman
Engineer Branch
Directorate General Assam Rifles
Shillong - 11

To : The Directorate General Assam Rifles
(A/Legal Branch)
Shillong - 11

(Through proper channel)

Sub : **IMPLEMENTATION OF NEW PAY SCALE : DRAUGHTSMAN (CIVIL)**

Respected Sir,


With due respect and humble submission I would like to state the following few lines for your kind consideration and valuable orders please.

That Sir, I was one among the five Draughtsman who were moved to the Honorable CAT, Guwahati for implementation of new pay scale as applicable to all other Central Govt Employees. The Honorable CAT has given the verdict in favour of us in the light of your letter No.A/V-A/86-87/M/98305 dated 24 Dec 98 addressed to MHA.

It is also reflected here that as per court order vide No.OA 10/2001 dated 08 Oct 2001 (Photo copy of the order attached for your ready reference please), the new pay scale is required to be implement within a period of four months from the date of receipt of this order by the respondents.

I Therefore request your good offices to take necessary action for implementation of new pay scale at the earliest for which the act of your benevolence, I shall remain ever grateful to you.

Yours faithfully,


(Jose Samuel)
Draughtsman

Dated : 21 Dec 2001

A. H. S. Advocate

Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamp and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.
19-4-05	19-4-05	19-4-05	19-4-05	19-4-05

- 12 -

Annexure - III

**THE GAUHATI HIGH COURT
(HIGH COURT OF
ASSAM: NAGALAND: MEGHALAYA: MANIPUR:
TRIPURA: MIZORAM & ARUNACHAL PRADESH)
SHILLONG BENCH**

WP(C) No.100(SH)2002

1. Union of India
Represented by the Secretary
Govt. of India, Ministry of Home Affairs
North Block, New Delhi.

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

3. The Director General
Assam Rifles, Shillong.

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

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

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

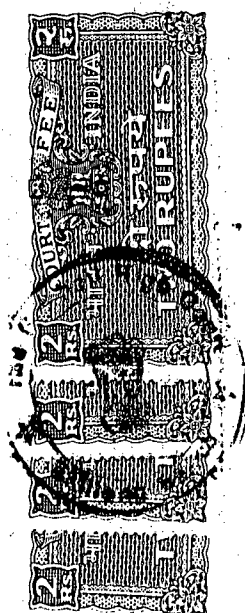
Petitioner

- Versus -

1. Sri Anil Kumar Das
Draftsman, Son of Sri D Damodran
HQ Nagaland Range (South)
Assam Rifles, C/o 99 APO

2. Sri Jose Samuel
Draftsman, S/o Shri PY Samuel Kutty
DGAR, Shillong.

3. Sri Prakash Barua
Draftsman, S/o Shri Binoy Bhusan Barua
HQ Mizoram Range
Assam Rifles, C/o 99 APO



A. H. H. H.
Advocate

13
4. Shri Dinesh Kumar Joshi
Draftsman
S/o Shri Jeevan Chandra Joshi
Assam Rifles Training Centre &
School, Dimapur (Nagaland)

5. Smti Kumari Dev
Draftsman
HQ Manipur Range, Assam Rifles
C/o 99 APO.

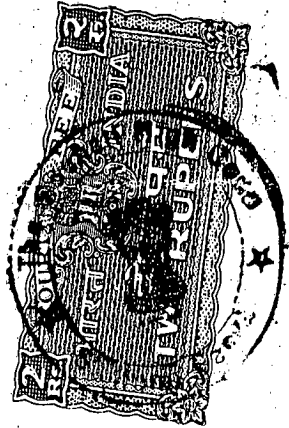
Respondents

BEFORE
THE HON'BLE MR JUSTICE AH SAIKIA
THE HON'BLE MRS JUSTICE A HAZARIKA

For the Petitioners : Mr SC Shyam, CGSC
For the Respondents : Mr JL Sarkar
Mr M Chanda, Advocates
Date of Hearing : 8.4.2005
Date of Judgment : 8.4.2005

JUDGMENT & ORDER (ORAL)

Smti Hazarika, J :



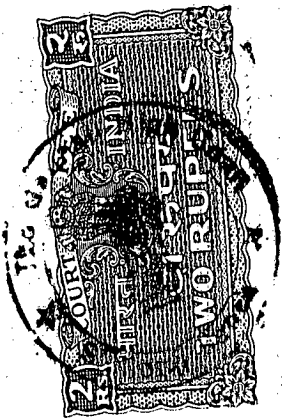
The petitioners being aggrieved with the judgment and order dated 8.10.2001 passed by the learned Central Administrative Tribunal, Guwahati Bench, (hereinafter referred to as CAT), passed in Original Application No.10/2001 has preferred the instant writ petition, praying for quashing the impugned order dated 18.10.2001.

2. By the aforesaid impugned order, the petitioners have been directed to provide the benefit of the revised scale of pay to the respondents within four months from the date of receipt of the order.

3. The respondents numbering five are serving in the cadre of Draftsmen under the Director General Assam Rifles (DGAR in short) in the scale of pay of Rs.1200-2040/- (revised Rs.4000-6000/-) and posted in different areas of North Eastern Region. They possess similar educational qualification like those draughtsmen serving in the Central Public Works Department (CPWD in short). The respondents, being government employees serving under the DGAR, are entitled to the benefits and facilities issued by the Government of India from time to time for Central Government civilian employees.

4. The respondents further contention is, that on the date of their initial appointment, they possessed similar recruitment qualification like those draftsmen Gr-II of CPWD. All the respondents were appointed in between June 1989 to August 1994 and all of them are Matriculate having 2(two) years ITI Diploma in Draughtsmanship and also possessed 2/3 years experience at the time of initial appointment. But, the respondents were placed inadvertently in the scale of pay of Rs.1200-2040/- (4th Pay Commission – CPC in short), corresponding to pre-revised scale of pay of Rs.350-560/- given by the 3rd Pay Commission instead of Rs.1400-2300/- (4th CPC), corresponding to pay scale of Rs.425-700/- (3rd CPC). Out of ten Draughtsmen, five were drawing higher revised pay scale of Rs.1400-2300 as per order dated 8.11.1985 issued by the Director General Assam Rifles, whereas, the benefit of revised pay scale issued under O.M dated 13.3.84 was not extended to the respondents having similar recruitment qualification with those five draughtsmen.

5. The Director General Assam Rifles brought the said anomaly to the notice of the Ministry of Home Affairs vide letter dated 24.12.98



- 15 -

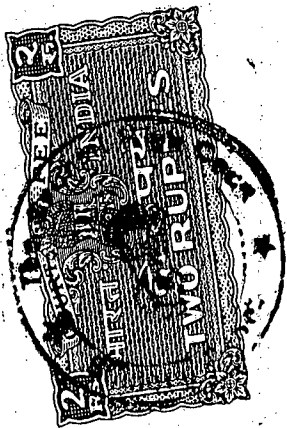
highlighting the case of the respondents. The Director General Assam Rifles requested the Ministry for taking an early decision. Paragraphs 4 and 5 of the letter dated 24.12.98 being relevant, are reproduced below :-

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

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

- a) Five Draughtsman mentioned in Appendix B to this letter may please be granted revised scale of pay of Rs.1400-2300(4th CPC) with effect from the date of their appointment on the basis of MOF OM dated 13 Mar 84.
- b) Three Draughtsman mentioned in Appendix A to this letter at sl.3,4 and 5 have been granted revised scale of Rs.1400-2300(4th CPC) on completion of three years of service. This may also be reviewed and revised scale may be granted to them from the date of their appointment on the basis of MOF OM dated 13 Mar 84.
- c) The Draughtsman of Assam Rifles in the pre-revised scale of Rs.1400-2300 (4th CPC) have been granted the revised scale of Rs.4500-7000 (5th CPC) as applicable to all Central categories of central Govt. employees vide Part A of First Schedule of CCS (RP) Rules 1997. The Govt. of India vide serial x(a) of Part B of First Schedule of CCS (RP) Rules 1997 has sanctioned revised scale of Rs.5000-8000 to the Draughtsman Grade II who were in the pay scale of Rs.1400-2300, the justified scale of Rs.5000-8000/(5th CPC) as per serial x(a) of Part B of First Schedule of CCS(RP) Rule 1997. It is also stated that the upgraded/revised scale of Rs.5000-8000 has already been made applicable to the Draughtsman Grade II of CPWD with effect from 01.1.1996 vide Govt.of India, Directoral General of Works, CPWD O.M No.23/14/97-EC-IX dated 16 Oct 97 (copy enclosed). The Draughtsman of Assam Rifles may therefore, be granted the revised scale of Rs.5000-8000/(5th CPC) corresponding to the scale of Rs.1400-2300 (4th CPC) as per serial x(a) of Part B of First Schedule of CCS(RP) Rules 1997 with effect from 01.1.1996 in place of Rs.4500-7000(5th CPC)."

6. Failing to get justice from the authorities, the respondents approached the learned Central Administrative Tribunal ventilating their grievances. The learned Central Administrative Tribunal vide the impugned order dated 8.10.2001 allowed the prayer of the respondents, directing the



- 16 -

24

authority to provide the benefit of the revised scale of pay to the five respondents/applicants as indicated in the communication dated 24.12.98 with effect from 1.1.1996 in terms of Office Memorandum No.23/14/97-EC-IX dated 16.10.1997 with arrear monetary benefits. It further directed to complete the exercise within a period of four months from the date of receipt of the order.

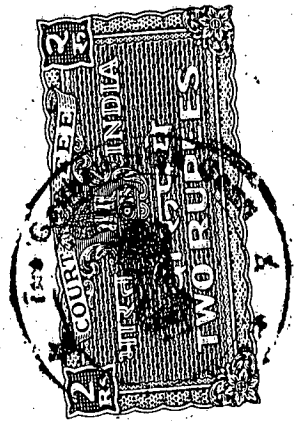
7. Challenging the legality and validity of the aforesaid order dated 8.10.2001, the instant petition has been preferred by the petitioner, Union of India.

8. We have heard Mr SC Shyam, learned Central Government Standing Counsel appearing on behalf of the petitioners, Mr JL Sarkar and Mr M Chanda, learned counsel appearing on behalf of the respondents/applicants.

9. Mr Shyam, learned CGSC submits, that the learned Tribunal committed a serious error of law apparent on the face of the records by allowing the claim of the respondents on the grounds inter-alia as mentioned below :-

i) Prescribed qualifications even for Draughtsmen Grade-III in CPWD are higher than those in the Assam Rifles. But, inspite of this position, comparison has been sought to be made with the next higher grade of Draughtsmen Grade II in the pay scale of Rs.425-700 (pre-revised) Rs.5000-8000/-

ii) On account of the provision and dissimilarities in statutory recruitment rules of Draughtsman in Assam Rifles viz-a vis Draughtsman Grade II and Draughtsman Grade III in CPWD, both grades requiring better qualifications, the actual qualification prescribed in the respective recruitment

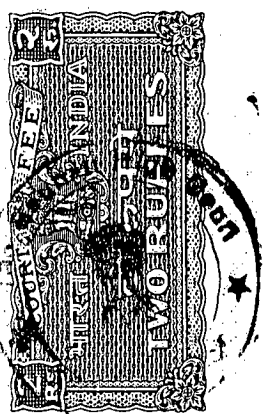


rules and not that possessed by separate individuals are relevant for according scale of pay to the post.

iii) O.M. No.5(59)/E.III/82 dated 13.3.1984 and its subsequent OM's were not promotion or career progression schemes. These instructions have been issued to bring about uniformity in the designations and pay scales of Draughtsmen in the various left out Central Government Departments. In Assam Rifles, the recruitments rules prescribed less qualification as compared to Draughtsman Grade II in CPWD. The respondents, having already been accorded the similar scale of pay of Rs.330-560 (pre-revised)/Rs.1200-2040 (pre-revised)/Rs.4000-6000(revised), no upgradation of pay scale is, therefore, called for and the provision of O.M dated 13.3.1984 do not apply to the Draughtsmen of Assam Rifles.

iv) Draughtsmen of Assam Rifles do not satisfy the essential requirement of being in the pre-revised scale of Rs.205-280, they are not similarly placed with those Draughtsmen covered by the Supreme Court order and OM dated 11.9.1987 and the benefits thereof is therefore not available to the respondents.

v) Prescribed qualification as per the statutory recruitment rules of Draftsmen in Assam Rifles is not higher than the qualification recommended by the 5th CPC and the scale of pay already conform to the pay scale of Rs.4000-6000, which is applicable to Draughtsman Grade III of CPWD, the question of upgradation of scale of pay of the Draughtsmen in Assam Rifles does not arise.



-18-

26

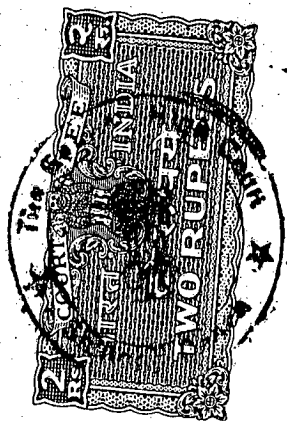
vi) Upgradation of pay of scales of the six Draughtsmen of Assam Rifles was done erroneously without express approval of Ministry of Finance and the same is being reviewed.

vii) Scale of pay of Draughtsmen in Assam Rifles have been appropriately sanctioned as Rs. 330-560(3rd CPC pre-revised)/ Rs. 1200-2040 (4th CPC pre-revised)/ Rs. 4000-6000 (5th CPC revised) based on recommendations of expert bodies like successive pay commission and as such the same should not have been interfered with by the learned Tribunal.

10. In support of his argument, the learned CGSC has placed reliance upon the case reported in 1997 SCC (L&S) 888, Union of India and Another-v-PV Hariharan and Another.

I have carefully perused the same. The Hon'ble Supreme Court, in the said case has held in paragraph 5 as follows :-

"Before parting with this appeal, we feel impelled to make a few observations. Over the past few weeks, we have come across several matters decided by Administrative Tribunals on the question of pay scales! We have noticed that quite often the Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated, as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realize that interfering with the prescribed pay scales is a serious matter. The Pay Commission, which goes into the problem at great depth and happens to have a full picture before it, is the proper authority to decide upon this issue. Very often the doctrine of "equal pay for equal work" is also being misunderstood and misapplied, freely revising and enhancing the pay sales across the board. We hope and trust that the Tribunals will exercise due restrain in the matter. Unless a clear case of hostile discrimination is made out, there would be no justification for interfering with the fixation of pay scales. We have come across orders passed by Single Members and that too quite often Administrative Members, allowing such claims. These orders have a serious impact on the public exchequer too. It would be in the fitness of things if all matters relating to pay scales, i.e., matters asking for a higher pay scale or an enhanced pay scale, as the case may be, on one or the other ground, are heard by a Bench comprising at least one Judicial Member. The Chairman of the Central Administrative Tribunal and the Chairmen of the State Administrative Tribunals shall consider issuing appropriate instructions in the matter."

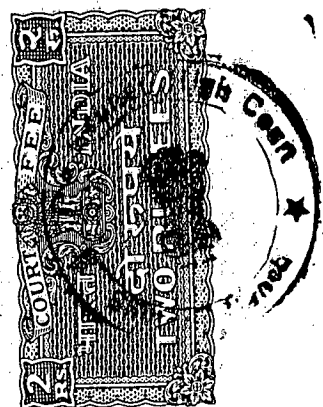


In my considered view, the case referred to above does not apply in the instant case, inasmuch as, the impugned order dated 8.12.2001 has been passed by the Tribunal comprising of two members, one of them being a retired High Court Judge and after taking care of every aspect of the matter, basing on the material facts and circumstances, the impugned order has been passed.

10. (11) Mr JL Sarkar assisted by Mr M Chanda, Advocate on the other hand, has vehemently opposed the arguments advanced by the learned CGSC. Their clear case is, that following the judgment dated 1.5.1985 of the Hon'ble Supreme Court in P Sarita & Ors v. Union of India, the Ministry of Finance, Govt. of India vide its OM No.F.No.5(13)-E.III/87 dated 11.9.1987 communicated the decision of the President of India, the relevant provision of which reads as follows :-

" The question of extension of the benefit of the draughtsman in other Ministries/Departments of the Govt.of India has been under consideration of the Government. President is now pleased to decide that Draughtsman as were in the pay scale of Rs.330-560 based on the recommendations of the third Central Pay Commission as referred to in para 1 above, may be given the scale of Rs.425-700 notionally from 1.1.1993 and actually from 1.9.1987."

Thereafter, the Government of India vide OM No.13(1)-ic/91 dated 19.10.1994 directed that the revised scales as indicated in OM dated 13.3.1984 may be extended to Draughtsman Grade I, II and III irrespective of their recruitment qualifications in all Government of India's Office subject to some length of service as specified therein. Accordingly, since the pay scale of Draughtsman Grade II in the CPWD stood revised from Rs.330-560 to Rs.425-700 and the said benefit was thereafter extended to the similarly placed Draughtsman of all other departments of the Government of India by OM dated



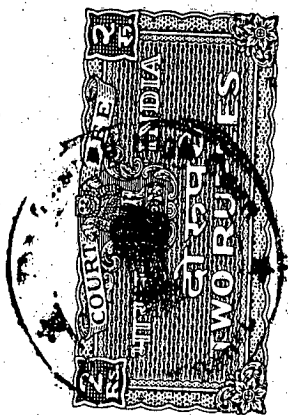
13.3.1984 and the subsequent OM dated 19.10.1994, the respondents are also entitled to the same benefit as they fall within the purview of OM dated 13.3.1984, OM dated 11.9.1987 and OM dated 19.10.1994 and having been satisfied that the qualification of the respondents are similar to that of Draughtsman Grade II in the CPWD, implemented the revised pay scale of Rs.425-700 in case of Draughtsman working in the Assam Rifles and granted the said scale of five Draughtsman, leaving aside the present respondents and the said anomalies thus brought into the notice of the authority vide letter dated 24.12.1998 quoted above.

The learned counsel therefore, argued that there is no illegality and infirmity in the impugned order dated 8.12.2001, more so, the appellants did not dispute the claim of the respondents at any point of time before the Tribunal, rather made the statement in their written statement filed before the Tribunal admitting the claim of the respondents and also of granting of higher revised scale (Rs.425-700) to five other similarly situated Draughtsman (i.e. the respondents) as granted to the Draughtsman Grade II of the CPWD and admitting that the non-granting of the higher scale to the respondents was an inadvertent one. The learned counsel therefore, vehemently opposed the stand taken by the petitioners herein, inasmuch as, once admitted the case of the respondents to be genuine, contradicting their own statements before this Court would not be proper.

11. (12) In support of his submission, the learned counsel Mr JL Sarkar had relied upon the following decisions :-

- 1) 1995 Suppl (3) SCC 528
Union of India

-VS-



- 21 -

29

Debashis Kar and Others.

2) Judgment and Order dated 31.7.99 passed by the Division Bench of Gauhati High Court in Civil Rule No. 4733/97; The Secretary, Ministry of Science & Technology & Ors.

- Vs -

Central Administrative Tribunal and Others.

(13) In the first case, while upholding the Tribunal's decision, the Hon'ble Court at paragraph 16 and 17 held as follows :-

"16. Dealing with draughtsmen in the Army Base Workshops in the EME, the Principal Bench of the Tribunal has observed that in the EME for the post of draughtsman, the qualifications that are prescribed are "Matriculation or its equivalent with two years' Diploma in Draughtsmanship Mechanical or its equivalent". The Tribunal has referred to the Report of the Third Pay Commission wherein, while dealing with draughtsmen who were in the pay scale of Rs. 150-240(as per report of Second Pay Commission), it is stated:

(ii) for the next higher grade of Rs. 150-240 the requirement is generally a Diploma in Draughtsmanship or an equivalent qualification ~~or~~ Architecture (both of 2 years' duration after Matriculation)"

"17. The Tribunal has observed that Tracer in the CME could not be treated in any other manner but on a par with Grade II Draughtsman of CPWD, keeping in view their recruitment qualifications. The Tribunal held that the benefit of Office Memorandum dated 13.3.1984 had been rightly extended to Draughtsmen in EME and that its withdrawal was illogical and irrational. The learned counsel for the appellants has been unable to show that the said view of the Tribunal suffers from an infirmity which would justify interference by this Court."

(14) In the second case, the Division Bench of the Gauhati High Court, while dismissing the writ petition, filed by the Union of India held, that the decision in Union of India -versus- Debashis Kar (supra) squarely answers



the submissions raised by the appellants and the decision of the Central Administrative Tribunal stands fully justified.

Relevant para 9 of the said judgment is reproduced below :-

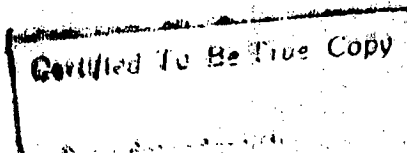
" In view of the above we find no force in the submission of the appellants that the OM dated 19.10.1994 is not applicable to the draftsmen belonging to Survey of India as the waiver of recruitment qualification based on misconception. As stated above the above applicants are not required to possess the qualifications similar to those in the case of draftsmen in CPWD and as such the Office Memorandum dated 13.3.1984 is not applicable to them and apparently this was the reason as to why the requirement relating to the period of service was incorporated in the Office Memorandum dated 19.10.1994. The decision in Union of India versus Debashis Kar (supra) squarely answers the submissions raised by the appellants and the decision of the Central Administrative Tribunal stands fully justified."

14. In the result, there is no infirmity in the order passed by the learned Central Administrative Tribunal, Guwahati Bench, which warrants our interference. The Writ Petition is accordingly dismissed. Parties are to bear their own costs.

24- A. Hazarika
JUDGE

8- A. H. Sarkar
JUDGE

mdk



Typed by.....
Read By.....
Compared By.....

19/4/05
Deputy Registrar
Guwahati High Court
Kamillona Bench

From : Anil Kumar D
Draughtsman
HQ DGAR
(Engr Branch)
Shillong -11

31

To : The Director General Assam Rifles,
Directorate General Assam Rifles
Shillong-11.

(Through Proper Channel)

Sub : JUDGMENT AND ORDER DATED 08-04-2005 PASSED BY THE
HON'BLE GAUHATI HIGH COURT IN WP (c) NO. 100 (SH) 2002 ;
IMPLEMENTATION OF

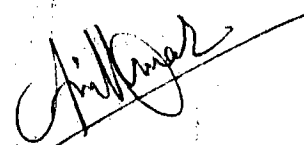
Sir,

Most respectfully I beg to enclose herewith a copy of the judgment and order dated 08-04-2005 passed by the Hon'ble Gauhati High Court in WP (c) No. 100 (SH) 2002.

This is for your information and necessary orders to implement the judgment dated above at the earliest please.

Thanking you,

Yours faithfully,



(Anil Kumar D)
Draughtsman

Encl : As above.

Dated :- 02 May 2005

*Alister
for
Advocate*

-24-

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 3 JAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
Guwahati Bench

Contempt Petition No. 22 of 2005.

In O.A.No. 10 of 2001.

IN THE MATTER OF :

Sri Anil Kr. D & Ors.

...Petitioners

- Versus -

1. V.K.Duggal.
Secretary, Ministry of Home Affairs,
Government of India,
New Delhi.

2. Lt. General Bhupinder Singh,
DGAR, Shillong - 793001

...Respondents/Alleged Contemner.

- AND -

IN THE MATTER OF :

Compliance report (in continuation to the earlier compliance report filed before the Hon'ble Tribunal) of judgment and order dated 8.10.2001 passed in O.A.No. 10 of 2001 and/or Affidavit in the aforesaid Contempt Petition No.22/05 filed by the Respondents/Alleged Contemners.

I, Shri Navneet Khanna, Son of Shri S.N.Khanna aged about 50 years, now residing at Laitumkhrah, Shillong posted as Chief Law Officer, Assam Rifles and representing the Respondents No.1 and 2 do hereby solemnly affirm and declare as follows :

1. That I have perused a copy of the above noted Contempt Petition and understood the contents thereof.

32
Motin 7/12/05
Gauhati Bench.
3/1/06

2. That the earlier compliance report filed by the Respondent may be treated as the integral part of this petition.
3. That the respondents have not wilfully flouted the order dated 8.10.2001 passed in O.A. No.10/2001 by this Hon'ble Tribunal as alleged by the applicant.
4. That there is no any willful or deliberate and reckless disobedience of the aforesaid order by the Respondents. The respondents have highest regards for this Hon'ble Tribunal and hence there is no question of showing any contempt to the orders of this Hon'ble Tribunal. However, the respondents tender an unconditional and unqualified apology for any lapse or delay in compliance of the order of this Tribunal dated 8.10.2001 in O.A. 10/2001.
5. That, the contents of para 1 to 6 of the Contempt Petition are accepted to be true which being only matters of record and rest are denied by the Respondents.

That, it is pertinent to mention here that the upgraded pay scales as claimed by the applicants have been sanctioned in accordance with the Ministry of Home Affairs letter No. II-27013/2005-PF.IV dated 24th August/2008 and accordingly the applicants are allowed upgraded pay scale of Rs.1400-2300/- from the date of appointment and Rs.5000-8000/- from 01-01-1996 (i.e. from the date of 5th Pay Commission).

Furthermore, the copy of Assam Rifles Training Centre & School Part II order No. TCRO II Ser No.87/CIV/Gr.'C'/2005 dated 06 October 2005 (Marked as Annexure-A).

- AND -

The copy of Directorate General Assam Rifles order Number 111013/Est-2005/Pay/58 dated 14 October 2008 (Marked as Annexure B)

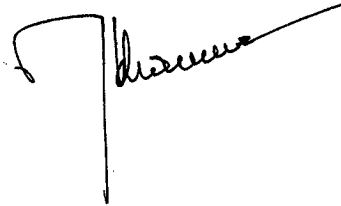
- AND -

The copy of Nagaland Range (South) Assam Rifles Part II Order Number AR/CIV/11/2005 dated 04 October 2005 (Marked as Annexure-C).

Are self explanatory and a piece of evidence in support of the compliance of order dated 8.10.2001.

6. That, since the respondents have paid due regard to the orders of this Hon'ble Tribunal and have accordingly taken action to implement the same, the contempt petition may be dismissed.

7. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to discharge the notice issued against the respondents in the Contempt Petition No.22/2005.



- 27 -

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VERIFICATION

Verified on 21st day of December/2005 at Shillong
 that the contents given above are true to the best of my knowledge
 and belief based on the records of the case believed to be true and
 nothing materials of the case has been concealed therefrom.

Identified by :

21/12/05
 (Motin Ud-Din Ahmed)
 Advocate

[Signature]
 (Namron Khanna)
 Colonel
 Chief Law Officer
 Directorate General Assam Rifles
Deponent

RESTRICTED

PART II ORDERS : GROUP 'C' STAFF

Unit : Assam Rifles Training Centre & School

Location : Dimapur

TCRO II Ser No.87/Civ/Gp 'C'/2005

Dated : 06 Oct 2005

Last TCRO II Ser No.86/Civ/Gp 'C'/2005

Dated : 24 Sep 2005

UPGRADATION OF PAY SCALES

1. Shri Jose Samuel,
Draughtsman

- Upgraded pay scales in the scale of Rs.1400-40-1800-50-2300/-pm from the date of appt i.e 10 Nov 1990, Basic pay fixed as Rs.1400/-pm Subsequently given periodically service increment ad pay raised as under

- Pay as on 01 Nov 1991 @ Rs.40/- - Rs.1440/-

- Pay as on 01 Nov 1992 @ Rs.40/- - Rs.1480/-

- Pay as on 01 Nov 1993 @ Rs.40/- - Rs.1520/-

- Pay as on 01 Nov 1994 @ Rs.40/- - Rs.1560/-

- Pay as on 01 Nov 1991 @ Rs.40/- - Rs.1600/-

DNI - 01 Nov 1996

UPGRADATION OF PAY SCALES

2. Shri Jose Samuel,
Draughtsman

- Upgraded pay scales in the scale of Rs.5000-150-8000/-pm wef 01 Jan 1996 (i.e from the date Of 5th Pay Commission) and pay fixed as under :-

- Pay as on 01 Jan 1996 in the existing - Rs.1600/- scale of pay.

- DA as on 01 Jan 96 - Rs.2368/-

- 1st install of IR - Rs.100/-

- 2nd install of IR i.e 10% of basic pay - Rs.160/-

- Add of 40 % of Basic pay - Rs.160/-

-Rs.4868/-

- Pay fixed in the revised scale of Rs.5000-150-8000/- - Rs.5000/-

- If one increment is ensured in the proposed scale for every three increment in the existing scale the stage of pay in the revised scale. - Rs.150/-

29-
RESTRICTED

-2-

89
37

TCRO II Ser No.87/Civ/Gp`C'/2005

Dated : 06 Oct 2005

- Subsequently given periodically service increment and pay raised as under

- Pay as on 01 Nov 1996 @ Rs.150/- - Rs.5300/-
- Pay as on 01 Nov 1997 @ Rs.150/- - Rs.5450/-
- Pay as on 01 Nov 1998 @ Rs.150/- - Rs.5600/-
- Pay as on 01 Nov 1999 @ Rs.150/- - Rs.5750/-
- Pay as on 01 Nov 2000 @ Rs.150/- - Rs.5900/-
- Pay as on 01 Nov 2001 @ Rs.150/- - Rs.6050/-
- Pay as on 01 Nov 2002 @ Rs.150/- - Rs.6200/-
- Pay as on 01 Nov 2003 @ Rs.150/- - Rs.6350/-
- Pay as on 01 Nov 2004 @ Rs.150/- - Rs.6500/-

DNI - 01 Nov 2005

(Auth : HQ DGAR letter No. A/V-A/86-87/Part dated 14 Sep 2005)

I.36011/68/2005-A/ 297

Assam Rifles Training Centre
And School
PO : Dimapur (Nagaland)

Dated : 06 Oct 2005

Distrs:-

1. HQ DGAR (A Branch), Shillong- 11
2. PAO, AR, Shillong - 03
3. Finance Branch - (Internal) - In triplicate.
4. Office

RAJ/***

मजर/Major
रुद्धपाठ/Adjutant
अ. रा. प्र. के. प्र. वि. वि.
ARTC and S

RESTRICTED

DIRECTORATE GENERAL ASSAM RIFLES: SHILLONG

ORDER

L11013/Est-2005/Pay/58

Dated Shillong, the 14 Oct 2005

1. In compliance with the Judgement and order dated 18.10.2001 passed by the Central Administrative Tribunal, Guwahati Bench in O/A No.-10/2001 and consequent upon the direction of Govt of India, Min of Home Affairs vide letter No.II.27013/2005-PF.IV dated 24 Aug 2005, sanction is hereby accorded for upgradation of pay from the date of appointment at the scale of Rs.1400-40-1800-50-2300/- which has been revised wef 01 Jan 1996 at Rs.5000-150-8000/- and in accordance with the revision of pay, the pay in respect of following Draughtsman of this Directorate are re-fixed as under :-

<u>Ser No</u>	<u>Name & designation</u>	<u>Scale of pay</u>	<u>Date of effect</u>	<u>Pay fixed</u>	<u>DNI</u>
(a)	Shri Anil Kr D, Draughtsman	Rs.1400-40- 1800-50-2300/-	24-06-89	Rs.1400/-	01-06-90
			01-06-90	Rs.1440/-	
			01-06-91	Rs.1480/-	
			01-06-92	Rs.1520/-	
			01-06-93	Rs.1560/-	
			01-06-94	Rs.1600/-	
			01-06-95	Rs.1640/-	
		Rs.5000-150- 8000.00	01-01-96	Rs.5300/-	
			01-06-96	Rs.5450/-	
			01-06-97	Rs.5600/-	
			01-06-98	Rs.5750/-	
			01-06-99	Rs.5900/-	
			01-06-2000	Rs.6050/-	
			01-06-2001	Rs.6200/-	
(b)	Shri Prakash Barua, Draughtsman	Rs.1400-40- 1800-50-2300/-	12-02-93	Rs.1400/-	01-02-94
			01-02-94	Rs.1440/-	
			01-02-95	Rs.1480/-	
		Rs.5000-150- 8000.00	01-01-96	Rs.5000/-	
			01-02-96	Rs.5150/-	
			01-02-97	Rs.5300/-	
			01-02-98	Rs.5450/-	
			01-02-99	Rs.5600/-	
			01-02-2000	Rs.5750/-	
			01-02-01	Rs.5900/-	
			01-02-02	Rs.6050/-	
			01-02-03	Rs.6200/-	
			01-02-04	Rs.6350/-	
			01-02-05	Rs.6500/-	
(c)	Smti S Kumari Devi, Draughtsman	Rs.1400-40- 1800-50-2300/-	04-08-94	Rs.1400/-	01-08-9
			01-08-95	Rs.1440/-	
		Rs.5000-150- 8000/-	01-01-96	Rs.5000/-	
			01-08-96	Rs.5150/-	
			01-08-97	Rs.5300/-	
			01-08-98	Rs.5450/-	
			01-08-99	Rs.5600/-	

2. In pursuance to Govt of India, Min of Pers, Public Grievances and Pension (DOPT) New Delhi OM No.35034/1/97-Estt (D) dated 09 Aug 99 and the sanction of the competent authority communicated vide DGAR ('A' Br) Order No.A/1-A/2005/ACP/08 dated 26 Sep 2005 for grant of 1st ACP to Shri Anil kumar D, Draughtsman in the scale of pay of Rs.5500-175-9000/- wef 24 Jun 2001, the pay of Shri Anil Kumar D, Draughtsman has been re-fixed as under :-

<u>Scale of Pay</u>	<u>Date of effect</u>	<u>Pay fixed</u>	<u>DNI</u>
Rs.5500-175-9000/-	24-06-2001	Rs.6375/-	01-06-2002
	01-06-2002	Rs.6550/-	
	01-06-2003	Rs.6725/-	
	01-06-2004	Rs.6900/-	
	01-06-2005	Rs.7075/-	

Sd/-
(R P Choudhury)
Comdt
OC ARASU (DGAR)

Memo No.I.11013/Est-2005/Pay/58(A)

Dated Shillong, the 14 Oct 2005

Copy to:-

1. The Pay & Accounts Office,
Assam Rifles, Shillong - 3
2. Est Branch (Bill Sec), HQ DGAR, Shillong

✓ 3. A Branch, HQ DGAR, Shillong

- for info with reference to their No.A/V-A/86
87/Part/25 dated 14 Sep 2005 and Sig No.A 327/
dt 6 Oct 2005.

4. Personal file.
5. Office copy.

Sd/-
(B K Saikia)
Asst Comdt
SO-2 (EST)

32-
ANNEXURE - C

RESTRICTED

Unit : HQ Nagaland Range (South) AR, C/O 99 APO
Present Part - II Order Ser No & Date : AR/Civ/11/2005 dated 04 Oct 2005.
Last part II Order No & Date : AR/Civ/10/2005 dated 20 Sep 2005

GROUP - I : NIL

GROUP - II

PAY AND ALLOWANCES

UPGRATION OF PAY SCALE

1. Shri Dinesh Kumar Joshi, Draughtsman
Granted upgraded pay scale of Rs. 1400-40-1800-5000-2300 pm instead of Rs. 1200-30-1560-EB-40-2040 from the date of appointment ie. 11 May 1994 (FN) and revised corresponding pay scale of Rs. 5000-150-8000 pm instead of Rs. 4000-100-6000/- wef 01-01-1996 (i.e from the date of implementation 5th Pay Commission) in accordance with the Ministry of Home Affairs letter No. II.27013/2005/PF.IV dated 24 Aug 2005. Details of upgraded Basic pay are as under:-

S/No	Details of Basic Pay	Revised Basic pay pm	Date of Next Increment
(a)	Pay as on 11 May 1994 (ie date of appointment)	Rs. 1,400/-	01 May 1995
(b)	Pay as on 01 May 1995.	Rs. 1,440/-	01 May 1996
(c)	Revised pay on the 5 th CPC as on 01 Jan 1996.	Rs. 5,000/-	
(d)	Pay as on 01 May 1996.	Rs. 5,150/-	01 May 1997
(e)	Pay as on 24 May 1997 due to Leave up to 23 May 1997.	Rs. 5,300/-	01 May 1998
(f)	Pay as on 01 May 1998.	Rs. 5,450/-	01 May 1999
(g)	Pay as on 01 May 1999.	Rs. 5,600/-	01 May 2000
(h)	Pay as on 27 May 2000 due to 38 days E/L, 05 days HPL and 04 days JP wef 10 Apr 2000 to 26 May 2000).	Rs. 5,750/-	01 May 2001
(i)	Pay as on 01 May 2001.	Rs. 5,900/-	01 May 2002
(k)	Pay as on 01 May 2002.	Rs. 6,050/-	01 May 2003
(l)	Pay as on 01 May 2003.	Rs. 6,200/-	01 May 2004
(m)	Pay as on 01 May 2004.	Rs. 6,350/-	01 May 2005
(n)	Pay as on 01 May 2005.	Rs. 6,500/-	01 May 2006

Auth : HQ DGAR letter No. A/V-A/86-87/par dated 14 Sep 2005

EST/5003/1/2005/ 1491

Headquarters
Nagaland Range (South)
Assam Rifles
C/O 99 APO

Oct 2005

Distribution :-

(Nitin)
Maj
Camp Comdl
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