

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

## CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI.5

ORIGINAL APPLICATION NO. 7/2001

Sri. G. K. Basumatary &amp; Ors., Applicant.

VERSUS

Union of India &amp; Ors. . . . . Respondents.

For the Applicant(s) Md. B. K. Sharma,

" S. Sarma,

" K. D. Jain

" K. Goswami,

For the Respondents. C. S. C. . . . .

NOTES OF THE REGISTRAR

DATE 9.1.2001 ORDER

This application is in form  
but the application  
is not in order  
and is not in  
order of  
IP No. 721025  
Date 29.12.2000

AM  
Dy. Registrar

9.1.2001 Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman and Hon'ble Mr.K.K.Sharma, Administrative Member.

Heard Mr. S. Sarma, learned counsel for the applicant.

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

List on 9.2.01 for written statement and further orders.

1. (Signature)  
Member (A)

2. (Signature)  
Vice-Chairman

31.1.01 List after four weeks to enable the respondent's to file written statement.

List on 21.3.2001 for order.

1. (Signature)  
Member

2. (Signature)  
Vice-Chairman

Notice prepared and sent to D/Sec for sending the respondent No 1 to 3 by Regd A/D. Vide Memo No. C/101-177-179 dated 17.1.2001

12/01/01

pg

21.3.01

On the prayer of Mr.B.C.Das learned counsel on behalf of ICAR 4 weeks time granted to enable the respondents to file written statement List on 25.4.01 for orders.

1. (Signature)  
Member

2. (Signature)  
Vice-Chairman

1. Service report will still awaited.

lm

2. Mr. Written statement has been filed.

3. 100

07 7/2001

- 2 -

NO W/S does not  
filed

JK

24/4/01

25.4.01 List on 28.5.01 to enable the  
respondents to file written statement.

JK Shar

Member

Vice-Chairman

lm

28.5.01 List on 28-6-2001 to enable the res-  
pondents to file written statement.

Vice-Chairman

bb

28.6.01

No written statement so far been  
filed. List on 27/9/01 to  
enable the respondents to file written  
statement.

28.6.01

Mr. H.C. Das appearing on behalf of  
respondents Nos. 2 & 3 prays for and grants  
four weeks time to file written statement.  
Mr. A. Deb Roy, learned Sr. C.G.S.C. for the  
respondents No. 1 may also file written stat-  
ment during the course of the period. The  
applicant will have two weeks time thereafter  
to file rejoinder.

List on 28-8-2001 for order.

JK Shar

Member

Vice-Chairman

bb

28.8.01

No written statement so far been filed.  
List on 27/9/01 to enable the respondents  
to file written statement.

JK  
26.9.01

Vice-Chairman

1.10.2001

W/S submitted

mb

27.9.01

Written statement has been filed. List on

15/10/01 to enable the applicant to file rejoinder.

by the respondent Nos:  
2 and 3.

JK

JK Shar

Member

Vice-Chairman

mb

Notes of the Registry Date Order of the Tribunal

15.10.01

Written statement has been filed. Mrs. N. D. Goswami learned counsel on behalf of Mr. S. Sarma learned counsel for the applicant prays for time to file rejoinder. List on 6.12.01 for ~~and~~ hearing.

IC Usha  
Member

lm

6.12.2001

Mr. B. C. Das learned counsel for the respondents submits that the matter is analogous to Original Application No. 12 of 2001 and may be listed for hearing with O.A. 12 of 2001 on 11.12.2001.

List on 11.12.2001 US

Member (A)

IC Usha  
Member (A)

bb

11/12

There is no Divisional bench today. The case is adjourned to 7.1.2002.

11/12  
AC Taty

7.1.2002

The case is adjourned on the prayer made by the Mr. B. C. Das, learned counsel for the respondents.

List again on 31.1.2002 for hearing.

IC Usha  
Member

Vice-Chairman

bb

31.1.2002

The case is adjourned on the prayer made by Mr. B. C. Das, learned counsel appearing for the respondents on the ground of his ill-health.

List the case on 28.2.2002 for hearing.

IC Usha  
Member

Vice-Chairman

bb

Notes of the Registry      Date      Order of the Tribunal

U  
U  
O.A. No. 7/2001

Notes of the Registry	Date	Order of the Tribunal
WLS filed on behalf of R.No- 2 & 3.	28.2.02	Adjourned on the prayer of Mr. B.C.Das, learned counsel for the Respondents. List on 19.3.2002 for hearing.  <i>U</i> <i>U</i> 18.3.02 mb  <i>U</i> Member
	19.3.	There is no Division Bench today. The case is adjourned to 9.4.2002. 9.4. mb A.K.B
	9.4.	Heard in part. List again on 23/4/2002. 9.4. mb A.K.B
	23.4.2002	There is no Division Bench. The case is adjourned to 8/5/2002. 9.4. mb A.K.B
	8.5.	Heard at length. List again on 10/5/2002. 23.4. mb A.K.B 8.5
	10.5.02	Heard counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets.  The application is allowed in terms of the order. No order as to costs.  <i>U</i> Member
		<i>U</i> Vice-Chairman

PUCL) Memo No HC. XXI, 24, 690-92/RM dated  
26.7.07 received from The Asstt. Registrar(B)  
Gauhati High Court, Gauhati

The PUC may kindly be seen.

The WP(C) No 1572 of 2003 filed by  
The Director General, Indian Council  
of Agricultural Research in our before  
the Hon'ble Gauhati High Court against  
the Common Judgment and order dated 10.5.02  
passed in OA No. 8/2001 and 12/2001 and  
which were allowed by the Division Bench  
of this Hon'ble Tribunal. But the Hon'ble  
High Court has been pleased to disposed of  
the above mentioned WP(C) on 25.5.07  
with a direction to modify the Judgment  
and order passed by this Hon'ble Tribunal.  
submitted for favor of kind perusal.

4/6/8  
16/8/07  
so(S)  
14/8  
14/8/07  
14/8/07

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

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

DATE OF DECISION 10.5.2002.

**Sri Gobinda Kumar Basumatary & Ors.**

APPLICANT(S)

**Sri S. Sarma.**

ADVOCATE FOR THE APPLICANT(S)

VERSUS -

**Union of India & Ors.**

RESPONDENT(S)

**Sri B.C.Das.**

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
5. Judgment delivered by Hon'ble Vice-Chairman.



X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

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

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

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

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

O.A. 7/2001

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

... .Applicants.

O.A.12/2001

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

... .Applicants.

By Advocate Sri S.Sarma.

- Versus -

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

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

O R D E R

CHOWDHURY J. (V.C)

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

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

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

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

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

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

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

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

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

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

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

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

"Three years Diploma/Bachelor's Degree in relevant field.

\*\*\*National Trade Certificate of ITI National Apprenticeship Certificate or equivalent qualifications with seven years experience in the relevant field or

\*Matriculate with ten years experience in the field".

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

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

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

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

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

D.N.CHOWDHURY  
VICE CHAIRMAN

Certified by the State Tribunal  
Guwahati Bench  
11/12/2003

URGENT

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR;  
TRIPURA; MIZORAM AND ARUNACHAL PRADESH)

WRIT PETITION (C) NO. 1572 OF 2003

1. The Director General,  
Indian Council of Agricultural  
Research, Krishi Bhawan,  
New Delhi.

2. The Director,  
Indian Council of Agricultural  
Research,  
ICAR Research Complex,  
N.E.H Region, Umroi Road,  
Umiam, Meghalaya.

.....PETITIONERS

-vs-

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

All are presently holding various posts under Grade T-3 under the Petitioner No.2.

.....RESPONDENTS

**P R E S E N T**  
**THE HON'BLE MR. JUSTICE D.BISWAS**  
**THE HON'BLE SMT. JUSTICE A.HAZARIKA**

For the petitioners : Mr. KN Choudhury,  
 Mrs RS Choudhury  
 Advocates

For the respondent : Mr S Sarma,  
 Advocate

Date of hearing : 22.2.2007 & 15.5.2007

Date of judgment : 25.5.07

**JUDGMENT & ORDER**  
**(C.A.V)**

This writ petition is directed against the judgment and order dated 10.5.2002 passed by the Central Administrative Tribunal, Gauhati Bench, Guwahati in O.A. No. 12 of 2001. Being aggrieved by the aforesaid judgment and order, the Indian Council of Agricultural Research represented by its Director General has preferred this petition.

2. The respondents herein were appointed on various dates after 1.1.1977 in Grade T-I-3 of Category-I in the office of the Director, ICAR, N.E. Region. They filed the Original Application before the learned Tribunal praying for setting aside the order dated 2.12.99 and the order dated 27.9.2002. By the order dated 2.12.99, the original applicants who belonged to technical staff and were placed in Grade T-II-3 were reverted back to their original placement i.e. in Grade T-I-3. The order dated 2.12.99 was issued in pursuance of a judgment passed by the Jodhpur Bench of the Tribunal in O.A. No. 91/98 and also for the reason that the constitution of the Committee which recommended removal of the

category bar for placement to higher grade was not in conformity with the prescribed rules of the Handbook of the Technical Services of the ICAR. By this order, all the technical staff including the original applicants placed in Grade T-II-3 were reverted back to their original position. The order dated 27.9.2000 pertains to placement of some of the employees in Grade T-I-3. The case of the original applicants before the learned Tribunal was that their placement in Grade T-II-3 of Category-II as ordered on 23.10.97 on the recommendation of the Committee should not have been recalled since all of them possess the minimum criteria prescribed for placement in the higher grade.

3. After hearing the learned counsel for the parties and on perusal of the documents on record as well as the relevant rules, the learned Tribunal came to the conclusion that the applicants being matriculate with 10 years of experience, were eligible for selection and placement in the higher grade. Their selection and placement as ordered earlier ought not to have been withdrawn without valid reasons and that too, without affording any opportunity to them of being heard. On this ground, the learned Tribunal set aside the order dated 2.12.99 as well as the order dated 27.9.2000 and directed the petitioners to give full benefit to the applicants as per order dated 23.10.97.

4. Mrs. R Choudhury, learned counsel vehemently argued that the applicants do not have the requisite criteria for consideration for placement in the higher grade. The minimum educational/ trade qualification prescribed for Category-II provides that matriculate employees with 10 years' experience in the relevant field and in service as on 1.1.1977 are only eligible for promotion against  $33 \frac{1}{3} \%$  vacancies. The applicants were appointed after the cut-off date and, therefore, they are not eligible for promotion.

5. To appreciate the above contention, we may quote hereinbelow the minimum educational qualification/ trade qualification prescribed for appointment to Category-II which reads as under:-

**"Appendix IV**  
**Minimum Educational/ Trade Qualifications for Different Groups of the Three**  
**Categories**

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<b>CATEGORY I</b> Essential Qualifications	<b>CATEGORY II</b> Essential Qualifications	<b>CATEGORY III</b> Essential Qualifications
---	--	---

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

Or

\*\* National Trade Certificate of  
 ITI National Apprenticeship  
 Certificate or equivalent  
 qualifications with seven years  
 Experience in the relevant field.

Or

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

---

6. The qualification prescribed in the third row of the second column "Matriculate with ten years experience in the relevant field" is qualified by two asterisk signs, which is expanded by the words "Applicable to Council employees in position as on 1-1-77 for the purpose of promotions only against 33  $\frac{1}{3}$  % vacancies reserved for departmental promotions".

7. It would appear from above that the matriculate employees with ten years experience in the relevant field and in service as on 1.1.77 would be eligible for placement in Category-II. After having a look at the Rules, we are of the *prima facie* opinion that the original applicants do

not fulfill the requisite qualification if the note against the asterisk marks is applicable to them. The documents submitted before us are not in original and, therefore, it would not be safe to interpret the relevance of the asterisk marks relying upon the loose copies of the documents produced.

8. After careful consideration of the gamut of the entire situation, we think that it would be appropriate to leave the matter to the appointing authority i.e. the writ petitioners to decide from the office records whether the qualification prescribed in the second column of the Rules as quoted above is only meant for the employees in position as on 1.1.1977 and if the answer is in negative, to examine the case of the applicants and to extend to them the benefit of the order dated 23.10.97 with effect from the dates shown against each of them in the said order. The exercise in this behalf shall be completed within a period of three months from the date when a copy of this judgment is furnished. Appropriate Committee may be constituted in accordance with the provisions of the Rules for this purpose.

9. The writ petition is disposed of in terms of the above direction. The judgment of the learned Tribunal accordingly stands modified.

Sd/- A. Hazarika.  
JUDGE.

Sd/- D. Biswas.  
JUDGE.

Contd...

URGENT

Memo No. HC.XXI. 24, 690 - 92 R.M. Dtd. 26/7/07

Copy forwarded for information and necessary action to:-

1. The Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.

2. The Director, Indian Council of Agricultural & ICAR Research Complex, N.E.H. Region, Umroi Road, Umiam, Meghalaya.

3. The Deputy Registrar, Central Administrative Tribunal, Guwahati Bench Rajgarh Road, Bhangagarh, Guwahati-781005. He is requested to acknowledge the receipt of the following records. This has a reference to his letter No. 16-3/02-JA/1252 Date 13.12.2006.

*W.E.F*  
Enclo:-

1. O.A. 7/2001 &  
O.A. 12/2001  
(Part 'A')  
with Judgement & Order Sheets.

By order

*Asstt. Registrar (B)*  
Gauhati High Court, Guwahati.

*Chowdhury*  
25/7/07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

<p>केन्द्रीय प्रशासनिक अदायकाण Central Administrative Tribunal</p> <p>Title of the case :</p> <p style="text-align: center;">3 JAN 2001</p> <p style="text-align: center;">मुख्य बैठक Guwahati Bench</p>	<p>D.A. No. .... of 2000</p> <p style="text-align: right;">7/2001</p>
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**Union of India vs. Ors. v. Respondents.**

T N D E X

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Filed by : U.K. Nair, Advocate

Regn. No. 1

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Date \_\_\_\_\_

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FILED BY  
Shri Gobinda Kr.  
Basumatary  
Thoukh;  
U.K. Nain,  
Advocate

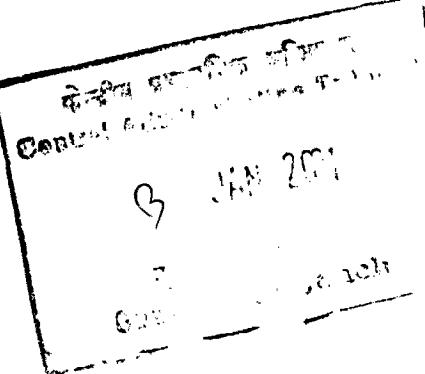
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

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

D.A.No. 7/2001 of 2000

BETWEEN

1. Shri Gobinda Kumar Basumatary  
Son of late Birendra Basumatary,  
At present working as Stockman, T-I-3,  
In the Office of the ICAR Barapani.
2. Sri Anil Kumar Deka,  
Son of Late Anna Ram Deka.  
At present working as Fieldman, T-I-3,  
In the Office of the ICAR Barapani.
3. Sri Kingshori Kharpuri,  
Son of Late H Synteng Umwi,  
At present working as Lab. Asstt, T-I-3,  
In the Office of the ICAR Barapani.
4. Sri Ain Singh Shongwan,  
Son of Mr Bestan Chyne.  
At present working as Lab. Asstt, T-I-3,  
In the Office of the ICAR Barapani.



..... Applicants.

VERSUS

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

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the order issued

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

2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

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

4.2. That the present applicants were holding the post of T-I-3 under the respondent No.3, under category-I. During this period the respondents issued an order dated 1.2.95 by which the category bar from category -I to category -II has been lifted, and the stagnation of the employees of category-I came to an end. Thereafter the respondents issued yet another order dated 10.1.96

S. J. K. 1/1

by which certain clarification has been issued in regard to the order dated 1.2.95 lifting the category bar. Thereafter the respondents issued an order dated 23.10.97 stated to be issued in pursuance of orders dated 1.2.95, 10.1.95 and other connected orders and as per the recommendation of DPC, by which category bar has been lifted in respect of present applicants w.e.f 1.1.95. Surprisingly enough the respondent No.3 issued impugned order dated 2.12.99 by which the order lifting the category bar dated 23.12.97 was canceled. It is noteworthy to mention here that the said order dated 2.12.99 has been issued pursuant to an order dated 28.6.99, stated to be issued purportedly in compliance of a Judgment and order passed by the Jodhpur Bench of the Hon'ble tribunal. The applicants are basically aggrieved by the said order dated 2.12.99 and non disposal of their representations filed against the said order. The respondents thereafter issued an order dated 27.9.2000 by which the category bar was again lifted placing the applicants once again in the category-II, however same was made effective only w.e.f 3.2.2000. The present applicants are also aggrieved by the aforesaid order dated 27.9.2000, praying for an appropriate order from this Hon'ble Tribunal setting aside the impugned orders dated 2.12.99 and 27.9.2000 with further direction to the respondents to give effect to the order dated 23.10.97 by which category bar was lifted. The relief sought for by the applicants are same and hence they pray for joining together in a single application invoking rule (4)(5)(a) of CAT(P) Rules 1987.

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

4.3. That the applicants were initially recruited under the respondents in the category-I i.e., T-I-3 and holding various posts like Stockman, Fieldman and Lab. Asstt. During their

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

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

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

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

3 JAN 1997

राज्य सरकार  
संविधान सभा

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

21-7-95  
A copy of the said circular dated 21.7.1995  
is annexed herewith and marked as **ANNEXURE-3.**

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

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

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

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

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

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

4.9. That the applicants immediately on receipt of the said order made representations to the concerned authority praying for reconsideration of the matter but same have not yielded any

3/10/99  
Jodhpur Bench

result in positive. Rather the said representations are yet to be disposed of.

Copies of the representations are annexed herewith and marked as ANNEXURE-8 COLLY.

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

4.11. That the applicants beg to state that respondents have issued the impugned order dated 2.12.99 without affording any opportunity to them violating the settled provisions of Art 14 and 16 of the Constitution of India. As stated above the applicants have preferred representation after issuance of the said impugned order dated 2.12.99 but the respondents have not yet acted on the same. Till date nothing has been communicated to the applicants towards reply to their representations.

4.12. That the applicant begs to state that the respondents have issued the impugned order dated 2.12.99 in the light of Annexure-7 order dated 28.6.99. From para 4 of the said order

3 JAN 2000 ✓  
COURT OF APPEAL  
ANNEXURE 2

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

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

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

4.14. That the applicants beg to state that by issuance of the aforesaid Annexure-6 and 9 orders dated 2.12.99 and 27.9.00, the benefits granted to the applicants w,e,f, 1.1.95 was canceled and again same was granted to them w,e,f, 3.2.2000, and about 5 years of service careers have been destroyed. It is further stated that before issuance/cancellation of promotion order , prior notice to the affected parties are required to be issued enabling the concern employee to place his say about the matter. But in the present case the respondents being a model

3/12/2000  
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employer failed to carry out the said exercise of issuance of prior notice before issuance of the impugned orders. The aforesaid action on the part of the respondents are illegal arbitrary and violative of principles of natural justice and same also violative of settled principles of administrative fair play.

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

4.16. That the applicants beg to state that they have preferred representations to the respondents against the impugned orders dated 2.12.99 and 27.9.00 but the same is yet to be disposed of by the said respondents. Having no other alternative

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3 Jan. 21

the applicants have come under the protective hands of this Hon'ble Tribunal seeking appropriate relief.

**5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:**

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

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

5.3. For that the respondents have issued the said impugned orders without applying mind and the same has been issued misinterpreting the Judgment and order passed by the Hon'ble Central Administrative Tribunal Jodhpur Bench, and hence the same are not sustainable in the eye of law and liable to be set aside and quashed.

3 JAN 20

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

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

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

3 JAN 2000

8. RELIEF SOUGHT FOR:

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

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

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

8.3. Cost of the application.

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

9. INTERIM ORDER PRAYED FOR:

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

10. \*\*\*\*\*

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

1. I.P.O. No. : 69771825

2. Date : 27.12.2000

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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Sect 10(2) R-4  
VERIFICATION

I, Shri Anil Kumar Deka, son of late Anil Ram Deka, aged about 47 years, at present working as Fieldman T-3 in the ICAR research Complex for NEH Region, Umroi Road Barapani, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.1, 4.2, 4.9, 4.10, 4.11, 4.12, 4.14, 4.15, 4.16 and 5 to 12 are true to my knowledge and those made in paragraphs 4.3, 4.4, 4.5, 4.6, 4.7, 4.8 and 4.13 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case. I am the applicant No 2 in the present case and as such I am fully conversant with the facts and circumstances of the case and I am also duly authorised by the other applicants to swear this verification.

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

Anil K. Deka.

Signature.

INDIAN COUNCIL OF AGRICULTURE AND RESEARCH  
HEADQUARTERS : NEW DELHI

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

Dt. the 1st February 1995.

To

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

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

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

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

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

Yours faithfully,

3d/-

( K.K. BAJPAI )

DEPUTY SECRETARY (B)

Mem No. KC (BR) 1/89  
Copy for information to :-

Dt. Barapani, the 27th March 1995.

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

Must pass

( L.K. SHARMA )  
ADMINISTRATIVE OFFICER

Attested  
Xxx  
Advocate

Cherif - to hand in  
from 2 Cat II

by Alvi Yer  
3 yrs. NIPR - NTC -

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

No. 143/94-Estt.IV

Dated: 10th January, 1996

To

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

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

Sir,

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

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

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

Yours faithfully,

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

Copy to:

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

10/1/96

Attest of  
Anil K. Sharma  
Advocate

16  
INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
'UMROU ROAD' BARAPANI MEGHALAYA 793103.

Annexure- 3

No. RC(BR) 1/89,

Dt. Barapani, the 21st July 1995.

C I R C U L A R

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

In continuation to this Officer circular memo No. RC(BR) 1/89

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

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

Sd/- S. Laskar,  
Director.

Memo No. RC(BR) 1/89,

Dt. Barapani, the 21st July 1995.

Copy to :-

1. All Head of Divisions, ICAR, Barapani.

2. All Jt. Directors, of the centres.

3. I/C KVKs.

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

16  
K. K. Sharma  
Administrative Officer

No. RC(BR)1/89 -

Dated Barapani, the 12/6/June, 1997.

To

gb

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

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

Sir,

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

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

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

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

Yours faithfully,

Encl. Proforma & List of  
Candidates.

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

Attested  
Ani. for  
Advocate

- 18 -

9X

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

NO. RC(BR) 1/89

Dated Umiam, the 23rd Oct. 197.

## O R D E R

In pursuance of Council's letter No. S 14(3)/94-Estt. IV dated 01.02.1995, dated 10.01.1995, dated 08.08.1996 and as per the recommendation of the Committee held on 01.09.1997, the Director, ICAR Research Complex for N.E.H. Region, Umiam is pleased to allow the following Technical Staff T-1-3 grade (Cat. I) to place in T-1-3 (Cat. II) with effect from the date as shown against each,-

Sl. No.	Name of the incumbent	Present grade under Cat. I in the scale of (Rs. 1400-2300/-)	Next grade after placement under date of Cat. II in the scale of place (Rs. 1400-2300/-)	Effect date
1				
2				
3				
4				
5				

## h.s. Umiam

1. Sh. Rajal Kr. Suklabadya	T-1-3	T-1-3	01.01.95
2. Sh. Debabrata Roy	-do-	-do-	-do-
3. Sh. W. Kharsati	-do-	-do-	-do-
4. Sh. H. Ahmed	-do-	-do-	-do-
5. Sh. M. N. Borah	-do-	-do-	-do-
6. Sh. Samir Kr. Sen	-do-	-do-	-do-
7. Sh. Sunit Kr. Phukan	-do-	-do-	-do-
8. Smt. Anju Phukan Ditta	-do-	-do-	-do-
9. Smt. Tunu Baruah	-do-	-do-	-do-
10. Sh. Samanjyoti Borgohain	-do-	-do-	-do-
11. Sh. Rajen Ch. Baishya	-do-	-do-	-do-
12. Sh. Subir Chakraborty	-do-	-do-	-do-
13. Sh. H. S. Nongkynrih	-do-	-do-	-do-
14. Sh. Jadu Ram Borah	-do-	-do-	-do-
15. Sh. Debajyoti Bhattacharjee	-do-	-do-	-do-
16. Sh. Shnewell Nongneng	-do-	-do-	-do-
17. Sh. Kunal Ch. Bora	-do-	-do-	-do-
18. Sh. Pabon Kr. Phukan	-do-	-do-	-do-
19. Sh. D. S. Rahman	-do-	-do-	-do-
20. Sh. Manik Ch. Das	-do-	-do-	-do-

Attested  
 Luni Wmz  
 Advocate

contd... P/2.

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

Contd. P/3

Arrested  
Ani Mr  
Advocate

1	2	3	4	5
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TRIPURA

52. Sh. Kamal Ranjan Ghosh	- Do -	- Do -	- Do -	
53. Sh. Ashish Chakraborty	- Do	- Do -	- Do -	
54. Smt. Navita Mehrotra	- Do -	- Do -	- Do -	
55. Sh. Debabrata Choudhury	- Do -	- Do -	- Do -	
56. Sh. Malay Gupta	- Do -	- Do -	- Do -	
57. Sh. Swapan Kr. Das	- Do	- Do -	- Do -	
58. Sh. Swapan Kr. Loh	- Do -	- Do -	- Do -	21-7-97
59. Sh. Sribabu Debnath	- Do -	- Do -	- Do -	01-01-95
60. Sh. Kanu Laskar	- Do -	- Do -	- Do -	- Do -
61. Sh. P.K. Bhattacharya	- Do -	- Do -	- Do -	- Do -
62. Sh. Jogendra Deb Barman	- Do -	- Do -	- Do -	- Do -
63. Sh. Nepal Debnath	- Do -	- Do -	- Do -	- Do -
64. Sh. Pradip Barman Roy	- Do -	- Do -	- Do -	- Do -
65. Sh. Nimal Kr. Das	- Do -	- Do -	- Do -	- Do -

MANIPUR

66. Sh. G.K.R. Naga	- Do -	- Do -	- Do -
67. Smt. Chandrakanta Devi	- Do -	- Do -	- Do -
68. Sh. A.K. Soni Mao	- Do -	- Do -	28-06-95
69. Sh. A. Manohor Singh	- Do	- Do -	01-01-95
70. Sh. A. Premjit Singh	- Do -	- Do -	- Do -
71. Sh. Y. Rajen Singh	- Do -	- Do -	- Do -
72. Sh. K. Momon Singh	- Do -	- Do -	- Do -
73. Sh. M. Raingam	- Do -	- do -	- Do -

NAGALAND

74. Sh. D.C. Baruah	- Do -	- Do -	- Do -
75. Sh. B.C. Gohain	- Do -	- Do -	- Do -
76. Sh. B. Talukdar	- Do -	- Do -	- Do -
77. Sh. K.C. Handique	- Do -	- Do -	- Do -
78. Sh. S.B. Singh	- Do -	- Do -	- Do -
79. Sh. J.C. Shama	- Do -	- Do -	- Do -
80. Sh. K.V. Ngajhui	- Do -	- Do -	21-3-95

Contd. P/4.

Attested  
Anil  
Adm. Cante

1	2	3	4	5
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BITZORAM

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

KVA TURA

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

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

Memo. No. RC(BR)1/89

Dated :- 23-10-1997.

Copy forwarded for information and necessary action to :-

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

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

*Allected  
K. M.  
Anwate*

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

NO.RC(R)20/99

Dt. The

2nd Dec 99

ORDER

In the light of the judgement of the Hon'ble CAT, Jodhpur Bench's judgement dt. 18.3.99 in O.A.No.91798 endorsed vide council's letter F.No.15(9)99-Estt.IV dt 28.6.99 which was duly circulated to the all concerned and also in view of the fact that the constitution of the committee for removal of category bar of technical Staff T-I-3 of the Institute as well as it's recommendations were not as per norms/ in conformity with the Rules 6.2, 7.4 and 7.5 respectively of the Handbook of Technical Services of ICAR, the removal of category bar of Technical Staff (T-I-3) issued vide this office orders (1) No.RC(BR)1/89 23.10.97 and (2) No.RC(BR)1/89 23.12.97 have been cancelled with immediate effect pending recommendation of a duly constituted Departmental Promotion Cum Selection Committee under Technical Service Rules and further orders.

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

( N.D. Verma )  
Director

Copy forwarded for information and necessary action to :-

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

To,

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

MYS. Umiam

P.S. give to concerned

J.J. Gupta  
13.12.1999

Attested  
Anu. by  
Sd/w Cate

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN : NEW DELHI.

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

Dated 28 June, 99

To

The Director(s),  
All ICAR Institutes.

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

Sir,

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

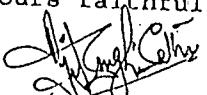
2. Shri Babu Lal Prajapati, T-II-3 has filed court case against council's instructions issued vide Council's letter No.14-3/94-Estt.IV dated 10.1.96. The Category bar has been removed vide council's letter No.14-3/94-E.IV dated 1.2.95 and it has been provided therein that existing employees at level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

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

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

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

Yours faithfully,

  
A.S. Sethi  
Under Secretary (Tech.)

Copy to:-

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

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

Attested  
Anu. M.  
A. M. Sethi

-24-

TO

The Director  
 ICAR Research Complex for NEH region  
 Umiam.

u3

Date-7/1/2000

( Through proper channel )

Subject:- Removal of category bar between  
 cat-I to cat-II regarding.

Reference :- your letter No.RC(G) 17/86 dt.28.12.99.

Sir,

In reference to the circular cited above I like to state the following few lines for your kind and sympathetic consideration.

(I) That sir, the award of two increments in lieu of promotion Vide order NO. RC (R) 20/99 dated 11.12.99 is totally an act of injustice done to me.

(II) According to the letter NO.14(3)94 Estt.iv dated 1st of Feb./1995 from the council I should get the benefit of removal of category bar between Cat-I to Cat-II.

Accordingly your Order NO.RC (R)1/89 dt.23.10.97 was acceptable to me.

(III) I was appointed in ICAR service accepting my one year certificate course at School of Veterinary Science and Animal Husbandry Silchar under Vety. and A.H department Govt. of Assam.

The Assam Vety Council considers this course as equivalent to Diploma course. (certificate enclose).

(IV) There is example of some employ in our institute who was promoted to T-5 position with same qualification from the same institute after direct posting in T-II-3.

More over the Diploma course in this respect is not available throughout the country.

Under this circumstances I request you to reconsider your Order NO. RC(R)20/99 dt.11.12.99 and for removal of category bar between Cat.-I and Cat.-II . So that I can avail the justified award thereupon.

Thanking You.

Yours faithfully.

*Anil Kumar Deka*  
 ( Anil Kumar Deka )

T-1-3

*Attested*  
 Anil Kumar  
 Advocate

The Director,  
Indian Council of Agricultural Research  
ICAR, Research Complex for NEH region  
Umroi Road, Umiam-793105

(Through proper channel)

Subject = Request for reviewal for removal of Category bar  
from Cat-1 to Cat-11

Sir,

With ref to your letter circular no RC(G)17/86 dated 28th. Dec.'99, I would like to state the following lines for your kind and sympathetic considerations.

1.) The demotion of category bar for me from cat-11 to cat-1 vide letter no RC(G)20/99 dt 2nd Dec.99 and also the grant of 2 increments in leau of 3 increments from due date are totally the unkindest act of justice done to me.

11) According to the Council letter No.14(3)/94-Estt 1V dt 1st Feb.1995. I should get the benefit of removal of category bar and accordingly your order letter No.RC(BR)1/89 dt.23rd.Oct 1997 was acceptable to me. ✓

111) I understand that you have considered and removed the bar of those who are simply general B.Sc on the basis of the spirit of the rules and not as per the letters of the rules and also not as per the letter of the Council's No.14(3)/94-Estt.4V dt.1st.Feb.1995. If they can be considered, I see no reason that I also cannot be considered.

1V) I have the technical qualifications in 1st div in the relevent field i.e (AH&Vety Sc) from the Principal School of AH&Vety, Silchar Govt of Assam. This course is approved and recognised by the entire North Eastern States. One of my colleauge - shri H. Bareh was promoted to T-5 with the same qualification and <sup>from 11/11/1999</sup> same Institute after he was directly posting in T-11-3. I also understand that the Vety Council of Assam recognises this course of study as equivilent to diploma as there is no diploma course in this field any where in the ~~entire~~ Country-

Under the above circumstances, I request you to kindly reconsider your order Bo.RC(G)20/99 dt 2nd.Dec.'99 and to move me back from cat-1 to cat-11 from the date of my promotion to T-1-3 as it was done in the case of simple B.Sc of 2 yrs Course.

Thanking you.

Attested  
Anu. Advocate

Yours Faithfully,

SAS 24/11/99  
H.S. SHONMAIN  
A-N Div ICAR Umiam

To

The Administrative officer  
ICAR Research Complex for NEH region  
Umroi road, Barapani.

Through proper channel.

Sub:- Submission of academic qualification/ technical qualification certificates for removal of category bar between Cat 1 and Cat 11.

Sir,

As per your circular under memo no RC(BR)1/89 dt. Barapani the 21st, July 1995 I have the honour to submit herewith both academic and technical qualifications certificates in A.H & Vety science, which is in the ~~xx~~ relevant field of Animal science.

It may ~~not~~ also be mentioned that a few employees who possess the same technical qualification like me are now working in the grade of category 11 in this institute. My nature of posting is not transferable to other disciplines rather than in Animal science divisions since I have a specific qualification specialises for that line only, and since my joining I have been posted only in Animal science. I have gained a lot of experiences both in theory and practical point of view.

Enclosures:-

1. Attested copy of H.S.L.C Certificate.
2. " " " P.U.C "
3. B. Com 1st year Marksheets "
4. A.H. & Vety Science Certificate.

Thanking you.

Yours faithfully,

*BAS*  
26/7/95  
(AIN SINGH SHONGWAN)  
T-1-3  
Animal Nutrition Division.

Affeste D  
Amrit Singh  
Advocate

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

No. RC (R) 22/99/6

Dt. The 27<sup>th</sup> September, 2000ORDER

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

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

Contd... P/2

A. Herts  
Advocate  
Am. Advocate

27/9/2000  
S. M. D.

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

Sd/-

( N.D.Verma )

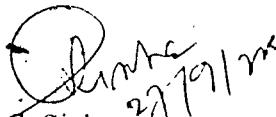
Director

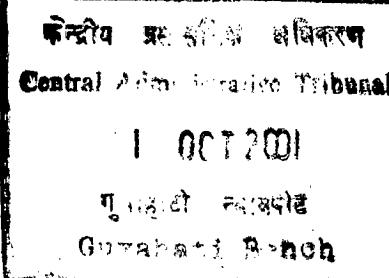
No. RC (R) 22/99/6

Copy forwarded to :-

Dt. The 27<sup>th</sup> September, 2000.

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

  
 ( G. Sinha )  
 Asstt. Admn. Officer. (Admn.)



Filed by :  
Borin Chandra Deka  
Advocate.  
27.9.01 SJK

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

ORIGINAL APPLICATION NO. 7/2001

Shri G.K. Basumatary & Ors.

.... Applicants.

- Versus -

Union of India and Others.

.... Respondents.

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

1. That all the averments and submissions made in the Original Application are denied by the answering respondents save what has been specifically admitted herein and what appears from the records of the case.
2. That with regard to the statement made in paragraph 1 of the Original Application ( hereinafter referred to as the O.A. ) the answering respondents beg to state that while the Order No. RC(R) 20/99 dated 2.12.1999 has been issued by the Institute, it appears that there was no order issued on 27.9.1999 as stated

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by the applicants. Perhaps it should have been No. RC(R) 22/99/6 dated 27.9.2000.

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

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

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

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aforesaid letter dated 10.1.1996 withdrew its earlier order dated 24.8.1995 for keeping in abeyance the order for removal of Category bar dated 1.2.1995.

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

The Institute vide order dated 3.6.1997 constituted a committee under the Chairmanship of Dr. U.C. Sharma, Joint Director of the Institute to screen the eligible employees working in T-I-3 grade and to recommend to the competent Authority for removal of Category bar for placement in T-II-3 grade of Category-II as per conditions laid down in letter dated 1.2.1995 and 27.1.1979. The Committee examined the particulars of the T-I-3 employees of the Institute including employees of

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its centres and recommended to the Authority vide their recommendation/proceedings dated 16.9.1997 and the same was duly concurred by the Administrative Officer for the approval of the same and was approved by the Director on 30.9.1997 and accordingly, the Institute had issued an Order dated 23.10.1997 removing the category bar in respect of 87 T-I-3 employees w.e.f. 1.1.1995.

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

In fact, after the issuance of the erroneous order dated 23.10.1997 there was wide spread resentment leading to grievances from thousands of technical persons

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both (1) those possessing requisite qualifications and (2) other equally placed technical persons who were not beneficiaries of such erroneous order from within and outside the Institute. It had created a sort of imbalance in the entire technical services of ICAR. In view of the above anomalies and resentment, the Competent Authority i.e. the Director has immediately constituted a review committee to review the whole matter and advice to the Director in accordance with the rules. However, due to the busy schedule of the Chairman of the review committee, the review could not take place immediately and another committee was constituted vide Order dated 13.8.1998.

The Committee under the Chairmanship of Dr. B. Lal although made many sittings as on 26.2.1999, 5.3.99 and 17.5.1999 etc. and examined the representations received in the Institute against order dated 23.10.1997 and also examined the various circulars pertaining to removal of category bar but failed to give any specific recommendations in favour of recommendations of earlier committee which had recommended the removal of category bar of T-I-3 employees on 16.9.1997 and in the light of the Judgement of CAT, Jodhpur dated 18.3.1999 in O.A. No. 91/98 filed by Shri Babulal Prajapati Vs. ICAR endorsed to the Institute by the ICAR with a direction to deal the cases of similar nature as per the Judgement and the proposal on the Note Sheet No. 7/N of RC(R) 20/99 dated 20.8.99, the Competent Authority i.e. the Director has approved the proposal of administration to cancel the

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erroneous order of the Institute for removal of category bar issued vide order No. (i) RC(BR) 1/89 dated 23.10.97 and (ii) RC(BR) 1/89 dated 29.12.1997 and had withdrawn their placement in the Grade T-II-3 with immediate effect pending recommendations of a duly constituted DPC-cum-Selection Committee under rule 7.4 of Technical Service Rules. Accordingly, an order No. RC(R) 20/99 dated 2.12.99 was issued. However, the Director has constituted a DPC-cum-Selection Committee as per the composition proposed by the AAO(Admn) under the Chairmanship of Dr. S.V. Nagachan, Joint Director, ICAR, Manipur Centre for further needful action in the matter. The committee held its meeting and conveyed the Director that a thorough scrutiny is required in category bars and their promotion matters related to the orders issued previously. Accordingly, another committee was nominated under the Chairmanship of Dr. Nagachan, Joint Director to conduct a thorough review in category bar removal case and representation received.

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

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

Copies of the aforesaid letters dated 1.2.95, 10.1.96, 6.4.95, ~~22~~ 8.8.96, 27.1.79, 3.6.97, proceedings dated 16.9.97 duly approved by the C/A dated 30.9.1997, Office Order dated 31.7.98, 13.8.99, Note Sheet dated 20.8.99, Order dated 4.2.2000, 3.2.2000, 2.5.2000 and 18.9.2000 are annexed hereto and marked as

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Annexures - R1, R2, R3, R4, R5, R6, R7, R8,  
R9, R10, R11, R12, R13 and R14 respectively.

5. That with regard to the statement made in paragraph 4.3 of the O.A. the answering respondents beg to state that the applicants were initially appointed in the Grade T-1 / T-2 in the Category-I and not in the Grade T-I-3 as mentioned in the application and were subsequently placed in the grade T-I-3 through promotion from the grade T-2. The category bar was removed vide Council's Order No. F. No. 14(3) 94-Estt.IV dated 1.2.1995 only in respect of those staff possessing the required minimum essential qualification. Even prior to the issue of Council's order dated 1.2.1995 there was promotional avenue of technical staff in the Category-I, but the same was limited to 33.3% vacancies in the grade of T-II-3 in Category-II and it was also meant for only those employees possessing qualifications prescribed for direct entry to Category-II. The Order dated 1.2.1995 issued by the Council pursuant to the decision of Governing Body of ICAR is only to extend the scope to all technical personal holding T-I-3 in the Category-II as on 1.1.95 irrespective of availability of vacancy, over and above the Departmental Promotion quota of 33.3%. Therefore, it is not correct that category bar has been lifted between Category-I and II in general for all Technical Staff in the Category I irrespective of their educational qualification.

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6. That with regard to the statement made in paragraph 4.4 of the O.A. the answering respondents beg to that the educational qualification of each of the individual applicants as well as the required qualification for removal of category bar as on 1.1.1995 prescribed vide Council's Order dated 1.2.1995 have been presented in a chart which is annexed hereto and marked as Annexure-R15.

Sl. No.	Name of applicant	Educational/ Technical qualification	Qualification prescribed vide Council's Order dtd. 1.2.95 for removal of category bar.
1.	Sri G.K. Basumatari	H.S.L.C. & One year certificate in AH & Vety Sc.	Essential Qualifications i) * Three yrs. Diploma/Bachelor's Degree in relevant field. or ** National Trade Certificate of ITI
2.	Sri A.K. Beka	H.S.L.C. & One year certificate course in AH & Vety Sc.	National Apprenticeship Certificate or equivalent qualification with 7 years experience in the relevant field.
3.	Sri K. Kharpuri	H.S.L.C. & One year certificate course in AH & Vety Sc.	or ** Matriculation with 10 yrs. experience in relevant field.
4.	Sri A. Shongwan	P.U. & One year certificate course in AH & Vety Sc.	Durable Qualifications. i) 3 yrs. experience in the relevant field for Diploma holders.

\* Where diploma course available in the country is 2 yrs. minimum qualification will be 2 yrs. instead of 3 yrs.

\*\* applicable to Council's employees in position as on 1.1.97 only.

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Neither the above applicants possess the required educational qualification nor the technical qualification. All of them completed only one year certificate course in Animal Husbandry and Vety. which is not a Diploma course as the letter from the Director of Animal Husbandry and Vety. Deptt. Govt. of Assam No. A5-157(Misc.) pt/21011 dated 29.12.1999. Therefore, as per Council's order dated 1.2.95 they are not eligible for lifting of category bar on the strength of this order. It is also to be mentioned here that the applicants here do not even qualify against the relaxed criteria for 2 years Diploma holders as per the clause "In case of non-availability of 3 years Diploma in the country" ignoring the fact that even ICAR Institute like NDRI are also offering 3 years Diploma Course in the subject. Further, Council's Order dated 10.1.1996 was in super session of its earlier order dated 24.8.1995 keeping in abeyance of the initial order for removal of category bar dated 1.2.1995 and to clear the confusion regarding computing the period of service rendered in the grade of T-I-3 i.e. prior to possession of necessary educational qualification and removal of category bar. Therefore, it only underscores further the necessity of technical/educational qualification to be qualified for either category jump or for computing eligibility for next higher grade.

Copies of the Certificates are annexed hereto and are marked as Annexures - R16, R17, R18 and R19 respectively.

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

8. That with regard to the statement made in paragraph 4.7 of the O.A. the answering respondents has no comments to offer.

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

issued. Accordingly, a Review Committee under the Chairmanship of Dr. H.S. Gupta was constituted vide Office Order No. RC(BR) 1/89 ~~etc.~~ dated 31.7.1998 followed by orders of even Nos. dated 13.8.1998. In the meantime council circulated the copy of the Judgement of CAT, Jodhpur Bench vide its F. No. 15(9)-Est.IV dated 28.6.1999 with the instruction that similar cases may be dealt with according to the said judgement. As already mentioned, the above judgement was in regard to Council's order dated 10.1.1996 which was issued in clarification of the Original Order for removal of Category bar dated 1.2.1995. Finally, on the outcome of the different sittings of the Review Committee Meetings on the erroneous order dated 23.10.1997 as well as in the light of the Hon'ble CAT's Judgement, Director vide his Order dated 2.12.1999 withdrew its order dated 23.10.1997 pending recommendation from a duly constituted committee as per provision under Technical Service Rules and further orders. After thorough scrutiny of the matter of the applicants, it was found that they do not possess the required minimum essential qualification for removal of category bar. Therefore, the content in the application that they were enjoying the benefits of higher post/grade from where they were reverted to the ~~earlier~~ category is not tenable.

A copy of the Note Sheet dated 27.4.2000 and proceedings of Review Committee are annexed hereto and are marked as Annexure - R20 and R21 respectively.

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

It was only a related development that the Council Authorities with the approval of the Governing Body issued the order dated 3.2.2000 wherein the entire matter of removal of category bar and other service conditions of technical persons were modified. On the basis of this order, all the eligible technical persons in the grade T-I-3 including the applicants were placed in the grade T-3 vide office order dated 27.9.2000. Since the grievances of the applicants for placement in the Category-II have already been met. It is not true that their representations are yet to be disposed. In fact neither the applicants

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preferred to represent against the grant of advance increments to them nor even represented after their placement in the grade T-3 vide order dated 27.9.2000 which only confirm further ~~is~~ the legitimacy of the office orders as well as settlement of their grievances. It is also to mention here that all the incremental/financial benefits accrued to the applicants after the advance increment orders issued by the authority to the applicants consequent upon withdrawal of the order dated 23.10.1997, have been drawn by them immediately after issue of the order for placement in CAT 3 dated 27.9.2000 without any hint of protest, which only further substantiate the fact of settlement of their grievances.

11. That with regard to the statement made in paragraphs 4.10 and 4.12 of the O.A. the answering respondents beg to state that the removal of category bar vide this Office order dated 23.10.1997 was erroneous and not in conformity with the instructions laid down in the Technical Services Rules of ICAR and therefore, the same had to be cancelled. Aforesaid order was only in the light of the judgement of the CAT, Jodhpur Bench not in pursuant to it as alleged in the application. The original application at Jodhpur Bench itself was against Council's letter dated 10.1.1996 issuing clarification in the matter of its earlier order dated 1.2.1995 regarding removal of category bar and as such they cannot be entirely different matter. So far

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as the office order dated 2.12.1999 is concerned only the theme of the Judgement of the Hon'ble CAT verdict was referred. It is not irrelevant to produce a part of the above order here :-

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

The CAT verdict only emphasizes that in the interest of quality as well as uniformity and equality an order issued earlier if found erroneous can be withdrawn. The matter also has further hearing here as has been proved from the applicant's claim in paragraph 4.8 of its application "to have enjoyed the benefit of higher post/grade" albeit

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on the strength of an erroneous order prior to its cancellation vide order dated 2.12.1999.

12. That with regard to the statement made in paragraph 4.11 of the O.A. the answering respondents state that since the order dated 23.10.1997 was erroneous and not in conformity with the instructions laid down in the Technical Services Rules, the same had to be cancelled. It is to be noted here that even if the above order was not withdrawn, the same would not have yielded any benefit to the applicants as they are not to be conferred automatically the next promotion until they possess the requisite qualification. Promotion to technical staff under TSR of ICAR is granted only on recommendation of an expert committee after due consideration the qualification commensurate to pay and prescribed duties of a particular category as well as their performance in that grade etc. As already mentioned above, necessary action on the matter of disposal of representations called for vide circular dated 23.12.1999 were completed and deserving technical personnel were identified on the basis of the exercise have all been placed in the Category-II. The applicants who do not possess the required qualification were placed in the Category-II on the basis of relaxed criteria vide Council's order dated 3.2.2000. The incremental benefits granted to the applicants consequent upon withdrawal of the order dated 23.10.1997 as

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well as their placement in the Category-II vide Order dtd. 27.9.2000 has already settled the matter to the satisfaction of all and no further representation from the applicants after that was received to further substantiate the fact. Whatever representation was received from the applicants after 27.9.2000 was only in the matter of grant of advance increments i.e. requesting the authorities to grant 3 Nos. at a time instead of 2 or so and so. Even one of the applicant at Sl. 10 viz. Shri S. Nongneng submitted such representation dated 16.3.2001 (copy enclosed) during the pendency of this O.A. Since the orders of Advance increments were consequent upon the withdrawal of category bar order dated 23.10.1997, it amounts to unconditional acceptance of the later in favour of the former without leaving any grievances. Therefore, it is not true that authorities have not acted on the matter.

A copy of the representation is annexed hereto and is marked as Annexure - R22.

13. That with regard to the statement made in paragraph 4.13 of the O.A. the answering respondents beg to state that pursuant to the relaxation in criteria granted vide Council's Order dated 3.2.2000, the applicants as well as others who were left out for want of necessary qualification, were all placed in the re-designated grade

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T-3 in Category-II with effect from the date of Notification of the aforesaid order.

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

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acquire the necessary educational/technical qualification to avail the benefit of placement in the Category-II as per the order dated 1.2.1995, but for the sympathetic view of the authorities to notify the modified technical service rules w.e.f. 3.2.2000 to allow them to be placed in the Category-II on the strength of service alone.

15. That with regard to the statement made in paragraph 4.15 of the O.A. the answering respondents state that the respondent No. 3 being the appointing authority for the applicants, acts on behalf of the Council authorities at New Delhi within the Rules and the Bye Lane framed by the Governing Body. Therefore, he has the obligation to follow these instructions of the Council authorities in letter and spirit. In fact the order dated 23.10.1997 was against the instructions/rules issued by the Governing Body which led to violation of rights and opportunities of thousands of equally placed technical employees of ICAR in different Institutes/National Research Centres/Deemed Universities etc. leading to grievances and resentments which were discussed in different National Forums including Directors Conference etc. At a time when the Council is modifying the Technical Service Rules to improve and update qualification to achieve greater efficiency, any dilution in the required qualification for removal of category bar either due to an erroneous order or otherwise would have adverse effect in the entire set-up and the

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same will also go against the directives of the Governing Body/Council authorities. As such, there was no other alternative but to cancel the erroneous order. Since the order was issued by the Director it was imperative for him to withdraw it which is perfectly within his jurisdiction.

16. That with regard to the statement made in paragraph 4.16 of the O.A. the answering respondents beg to state that the grievances of the applicants for placement in the Category-II have already been met albeit with effect from a different date ( 3.2.2000 ) considering the fact that they do not fulfill the necessary criteria of educational/technical qualification for such benefit prior to the issue of the order for the ~~xxxxxxxx~~ relaxed criteria. Further, the entire period of service rendered by them prior to placement in the T-3 were duly protected within the limits of Technical Service Rules of ICAR. Therefore, the contention of the applicants that their representations are yet to be disposed is not correct.

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

VERIFICATION

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

I sign this Verification on this 22<sup>th</sup> day of September, 2001 at Guwahati.

Narendra Deo Verma

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

SIGNATURE

ANNEXURE- R1

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN, NEW DELHI

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

Dated the 1st February, 1995.

To

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

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

Sir,

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

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

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

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

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P. b. & P. Service  
S. I. A. & S. I. F.

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Direct Recruitment in grade T-11-3 will continue  
to be made as in the past.

Yours faithfully,

(K.K. BATPAI)  
DEPUTY SECRETARY (B)

Copy to:-

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

(SODHI SINGH)  
UNDER SECRETARY (S)

14(3)/94-Estt.IV

Dated: 10th January, 1996

To

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

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

Sir,

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

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

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

Copy to:

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

Yours faithfully,

(G.C. Sharma)  
OSD (S)

245-76  
23.1.96

23/1/96

ANNEXURE - R3  
XV

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN, NEW DELHI.

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

18/1/95  
Dated the 6th April, 1995

To

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

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

Sir,

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

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

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

contd. 2...

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

Yours faithfully,

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

Copy to :-

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

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

ANNEXURE I

LIBRARY/INFORMATION/DOCUMENTATION STAFF

EXISTING QUALIFICATION

Essential qualification for Library/Information/ Documentation Services Staff.

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

FOR OTHER STAFF

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

DESIRABLE QUALIFICATION

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

Category-II

AMENDED QUALIFICATION

Essential qualification for Library/ Information/Documentation services staff.

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

OR

\* Matriculate with 10 years experience

FOR OTHER STAFF

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

OR

\* Matriculate with 10 years experience.

DESIRABLE QUALIFICATION

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

34  
35  
PRESS AND EDITORIAL STAFF

Category-II

RF

EXISTING QUALIFICATION

Essential qualification for Editorial Staff

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

DESIRABLE

Bachelor's degree/or Diploma in Journalism

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

Essential Qualification

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

DESIRABLE QUALIFICATION

Bachelor's Degree/or Diploma in journalism

AMENDED QUALIFICATION

Essential qualification for Editorial Staff

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

OR

\* Matriculate with 10 years experience

DESIRABLE

Bachelor's Degree/or Diploma in Journalism

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

Essential Qualification

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

OR

\* Matriculate with 10 years experience.

DESIRABLE QUALIFICATION

Bachelor's degree/or Diploma in Journalism

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

AS

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN: NEW DELHI

ANNEXURE R4

R8

14(3)/94-Estt.IV

Dated 8th August, 1996

To,

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

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

Sir,

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

  
(G.C.Sharma)  
OSD(S)

Copy to:

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

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

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

Dated the 27th January, 1979

To

The Directors/Project Directors of  
all the Research Institutes.

Subject: Technical Service Rules - amendments to Appendix IV.

\*\*\*

Sir,

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

LIBRARY/INFORMATION/DOCUMENTATION STAFFCATEGORY IIExisting qualificationsAmended qualificationsEssential qualifications for  
Library Staff.Essential qualifications for Library/  
Information/Documentation Services  
Staff.

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

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

(ii) 3 years' experience for Diploma holders.

For other Staff.For other Staff.

(i) Bachelor's Degree.

(i) Bachelor's Degree

(ii) 3 years' experience

(ii) 3 years' experience

Desirable QualificationsDesirable Qualifications

(i) Experience of working in University/Institute/Council or any other Organisation of repute in the relevant field.

(i) Experience of working in University/Institute/Council or any other Organisation of repute in the relevant field.

(ii) Knowledge of one foreign language.

2/-

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- 30 -  
CATEGORY - III

Essential Qualifications for Library Staff.

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

Essential Qualifications for Library/ Information/Documentation Services Staff

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

OR

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

(ii) 5 years' experience for Diploma holders. (ii) 5 years' experience for Diploma holders.

For other Staff.

(i) Bachelor's Degree

(ii) 5 years' experience

For other Staff.

(i)

Desirable Qualifications

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

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

Desirable Qualifications

(i) 3 years' experience for Degree holders.

(ii) Knowledge of one Foreign Language.

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

(iv) Science Degree.

Dated : 27th January, 1979

Subject: Technical Service Rules - Amendments to Appendix IV

PRESS AND EDITORIAL STAFF INCLUDING TRANSLATORS

- 31

CATEGORY - IIEssential Qualifications for Editorial Staff.

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

Desirable Qualifications

Bachelor's Degree/Or Diploma in Journalism.

Essential Qualifications for Translators.

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

Desirable Qualifications.

Bachelor's Degree/Or Diploma in Journalism

Essential Qualifications for Editorial Staff.

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

Desirable Qualifications

Bachclor's Degree/Or Diploma in Journalism.

Essential Qualifications for Translators.

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

Desirable Qualifications.

Bachelor's Degree/Or Diploma in Journalism.

CATEGORY - IIIEssential Qualifications for Editorial Staff.

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

Essential Qualifications for Editorial Staff.

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

be

...4/-

Desirable Qualifications

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

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

Essential Qualifications for Translators

(i) Bachelor's Degree

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

Desirable Qualifications

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

Essential Qualifications for Translators

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

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

(iii) Proficiency in the language concerned.

Desirable Qualifications

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

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

Desirable Qualifications

Field/Farm Technicians including that of 'Cork' Laboratory Technicians and Workshop including Engineering Workshop Staff (including 'Post Crew' as on the 1st January, 1971).

Field/Farm Technicians  
For Category I

Essential Qualifications

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

OR

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

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

OR

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

OR

...5/-

(382)

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

OR

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

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

#### Desirable Qualifications

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

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

#### For Category II.

##### Essential Qualifications

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

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

OR

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

OR

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

OR

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

OR

\*\*Intermediate in Science/Intermediate in Agriculture.

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

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

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

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

Laboratory Technicians

For Category II

Essential Qualifications

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

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

OR

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

OR

\*\*Intermediate in Science/Intermediate in Agriculture.

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

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

Desirable Qualifications

Some experience for Bachelor's Degree holders.

Some experience for Bachelor's Degree holders.

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

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

Workshop including Engineering Workshop Staff.

For Category I

Essential Qualifications

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

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

(384)

- 58 -

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

Desirable Qualifications

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

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

Essential Qualifications

For Category II

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

OR

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

OR

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

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

OR

OR

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

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

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

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

Please acknowledge receipt of the letter.

Yours faithfully,

P.V. Hariharasankaran

(P.V. Hariharasankaran )  
Director (Personnel)

.....8/-

Copy forwarded to:-

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

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

## ANNEXURE - R6

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

No. RC(BR) 1/89

Dated Barapani, the ~~20th~~ <sup>3rd</sup> June, 1997.

- 37 -

O R D E R

The Director, ICAR Research Complex, Barapani is pleased to constitute a committee with the following Scientists/Officers in connection with the Removal of Category Bar from Cat. I to Cat. II of the Technical Staff of this Institute. The meeting will be held on 07.6.97 in the Committee Room at 11.00 A.M.

1.	Dr. U.C. Sharma, St. Director(HQ)	Chairman
2.	Dr. B.P.S. Yadav, Sr. Scientist(AN)	Member
3.	Dr. C. Rajkhowa, Sr. Scientist (Vety. Parasitology)	Member
4.	Dr. Sangit Kumar, Sr. Scientist(PP)	Member
5.	Smt. H. Karmawphlang, (A.O.)	Member Secy.

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

( M. Kharmaophlang )  
Administrative Officer.

to ~~for~~ All concerned members b.m. M.G.C. 1.4.81 to 31.3.5000  
The Director I.C.I's Research Complex for New Materials

BEAGLE

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

- 38 -

86

The Committee constituted for removal of Category Bar from Category - I to Category - II which met on 01-9-97 for the first time. This was the 1st. and the third meeting of the Committee. After going thoroughly through the available records as furnished by the Office, the following Technical Staffs of the Institute were found eligible for crossing the Category Bar from Cat - I to Category - II as per the Committee's order even

Mr. Jol. 01-2-95 and the Appendix IV of the Tech. Service Rules Committee also suggested that the class of Drivers may be referred to Committee for removal of Category Bar from Cat - I to Category - II.

The names of the eligible Staff

Along with the Date of Joining, Qualifications etc are mentioned) listed below for consideration & recommendation for removal of Cat Bar with the approval of Director. The names of the Drivers, relevant certificates may be re-checked before issuance of final order.

15/10/97

Sl. No. Name of the Centre Name of the Staff Date of joining Qualification Rank

BARAFANI		-39-		
1.	✓ Shri Kajal Kr. Suklabadya	20. 10. 76	HSLC	
2.	✓ Shri Debnata Moy	20. 10. 76	B. A.	
3.	✓ Shri U. Kharanti	21. 10. 76	HSLC	
4.	✓ Shri H. Ahmed	22. 11. 76	HSLC	
5.	✓ Shri M. N. Borah	23. 11. 76	HSLC	
6.	✓ Shri Sami n Kr. Sen	03. 04. 80	B. Sc.	
7.	✓ Shri Sunit Kr. Phukan	03. 04. 80	B. Sc.	
8.	✓ Smt. Anju Phukan Dutta	08. 12. 82	M. A. (Pol. Sc. & B. Sc. (Lib.)	
9.	✓ Smt. Tunu Baruah	24. 12. 82	B. Sc.	
10.	✓ Shri Samarjyoti Baruah	31. 12. 82	B. A. Certificate course of Lib. Sc. with Degree.	
11.	✓ Shri Rajen Ch. Baisya	01. 02. 83	B. Sc.	
12.	✓ Shri Subir Chakraborty	18. 3. 83	B. Sc. (Hons.) Zoology.	
13.	✓ Shri H. S. Nongkynrih	30. 11. 83	B. A.	
14.	✓ Shri Jadu Nam Borah	15. 2. 84	B. A. (Geog.)	
15.	✓ Shri Debjyoti Bhattacharjee	03. 03. 84	B. Sc. (Zoo., Bot. & Chem.)	
16.	✓ Shri Shnewell Nongneng	29. 3. 84	B. A. (Hons. in Khasi)	
17.	✓ Shri Kaushal Ch. Bora	15. 6. 83	HSLC	
18.	✓ Shri Prabon Kr. Phukan	3. 9. 83	HSLC	
19.	✓ Shri D. C. Barman	18. 3. 83	HSLC	
20.	✓ Shri Manik Ch. Das	8. 12. 83	HSLC	
21.	✓ Shri B. Thabah	8. 11. 83	HSLC	
22.	✓ Shri Prabhat Ch. Das	30. 11. 83	HSLC	
23.	✓ Shri Shahi Kt. Deivedi	20. 1. 83	P. U.	
24.	✓ Shri Haladhar Thakuria	30. 1. 83	HSLC	
25.	✓ Shri Phen Singh Syiem	28. 11. 83	HSLC	
26.	✓ Shri Munindra Kr. Das	28. 11. 83	HSLC	
27.	✓ Smt. Alomtimal Nongkrih	18. 1. 83	HSLC	
28.	✓ Shri D. C. Deka	1. 8. 77	HSLC	
29.	✓ Shri T. P. Pradhan	12. 12. 77	HSLC	
30.	✓ Shri A. K. Dey	7. 11. 77	HSLC	
31.	✓ Shri Nagen Ch. Das	4. 11. 77	HSLC	
32.	✓ Shri K. Barman	20. 4. 79	HSLC	
33.	✓ Shri Pranab Kr. Barman	20. 7. 81	HSLC	

Contd. to PTO

2. ITI-Tra. Course on Motor

Sl. No.	Name of the Centre.	Name of the Staff.	Date of joining	Qualification	Remarks.
34	Shri Ashish Das	Choudhury	26.9.82	P.U. Com.	
35.	Shri Dewan Ch. Das		15.10.82	HSLC	
36.	Shri S.N. Talukdar		28.12.82	HSLC	
37.	Shri Mukash Ch. Sharma		24.12.82	HSLC	
38.	Shri Idana Mizo		15.7.82	HSLC	
39.	Shri Pranab Kr. Dey		16.7.82	HSLC	
40.	Shri Rama Kt. Tiwari				HSLC & Training on F/M & Maintenance
41.	Shri P.N. Singh (Transferred to IGFBI)	Jhansi	01.7.84		
42(a)	Shri R. Roben Singh		02.4.80		Intermediate(5 yrs)
42(b)	Shri Ramchandra Rai				
42(c)	Shri Gayanta Das		9.4.80		P.U. Passed.

National Trade Certificate & VFA Courses

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

S.No.	Name of the Centre	Name of the Staff	Date of joining	Qualification	Rk.d.
<u>TIJUPURA</u>					
51.	Sh. Naval Ranjan Ghosh		24-11-80	B.A. (Econ. & Stat.)	
52.	Sh. Ashish Chakraborty		25-10-85	B.Sc. (Bio. group)	
53.	Sh. Kavita Mehrotra		4-11-85	B.Sc. (Life Sci.)	
54.	Sh. Debabrata Debnath		14-3-78	H.S. passed	
55.	Sh. Debabrata Choudhury		20-12-77	H.S. passed	
56.	Sh. Malay Gupta		20-7-81	H.S. passed	
57.	Sh. Swapnil Kr. Das		20-7-87	H.S. Passed	
58.	Sh. Swapnil Kr. Loch		6-8-82	H.S. passed	
59.	Sh. Manu Laskar		8-7-82	H.S. Passed	
60.	P.A. Bhattacharya		7-7-82	H.S. Passed	
61.	Sh. Jogendra Deb Banerjee		8-7-82	Mechanistic (Secondary exam. passed.)	
<u>National Trade Certificate &amp; VFA Course</u>					
62.	Sh. Nepal Debnath		4-11-85	1. H.S. passed 2. NTC of ITI in Electrician 2 yrs. 3. Supervising Electrical workman's Competency Certificate	
63.	Sh. Pradip Banerjee Roy		23-12-85	1. H.S. Passed 2. NTC of ITI in mechanic 1 yr. 3. NAC - 2 yrs.	
64.	Sh. Nirmal Kr. Das		20-7-81	1. H.S. passed 2. NTC of ITI in sheet metal - 1 yr.	
<u>MANIPUR</u>					
65.	Sh. G.N. R. Naga		17-2-77	B.A.	
66.	Sh. Chandrakanta Devi		24-12-82	B.Sc.	
67.	Sh. K. Soni Mao		27-6-85	B.A.	
68.	Sh. A. Manihor Singh		16-3-81	P.U. Sc.	
69.	Sh. A. Premjit Singh		7-4-83	P.U. Sc.	
70.	Sh. Y. Majen Singh		7-4-83	P.U. Sc.	
71.	Sh. K. Momon Singh		8-12-82	H.S.L.C.	
72.	Sh. M. Raingam		7-4-83	H.S.L.C.	
<u>NAGALAND</u>					
73.	Sh. D.C. Baruah		24-11-76	H.S.L.C.	
74.	Sh. B.C. Gohain		27-4-81	B.A.	
75.	Sh. B. Talukdar		24-7-82	P.U. (Arts.)	
76.	Sh. A.C. Mandique		30-7-82	P.D. Com.	
77.	Sh. S.H. Singh		28-4-88	H.S.L.C.	
78.	Sh. J.C. Shama		8-12-78	H.S.L.C.	
<u>National Trade Certificate &amp; VFA Course</u>					
01-3-95	Sh. A.V. Ngajhui		20-3-85	1. HSLC 2. ITI Trg. Course on Motor Vehicles & Motorbikes	

Sl. No.	Name of the Centre	Name of the Staff	Date of joining	Qualification	Rks.
<u>SURJIM</u>					
80.	Sh. Surendra Mohan		8-12-82	B.A. (Socio.)	
81.	Sh. P.T. Yonzon		15-2-77	10.12. School Final passed.	
82.	Sh. K.B. Basnet		15-2-77	Secondary School passed	
83.	Sh. Milip Thapa		16-2-77	School final passed	
84.	Sh. M.N. Karkisholey		16-2-77	Higher Secondary passed	
85.	Sh. K.N. Chetri		15-6-78	Passed Secondary School Exam. '96.	
86.	Sh. A.K. Bhattacharya		1-4-80	Higher secondary passed.	
87.	Sh. Maheshwar Singh		18-7-80	Matric passed.	
88.	Sh. Gopal Dorjee		22-7-80	School final passed	
89.	Sh. A.P. Dubey		3-1-81	Intermediate (Ag.)	
90.	Sh. Mazon Yadav		3-12-82	Intermediate (Sci.)	
91.	Sh. J.P. Pandey		4-5-83	Intermediate (Ag.)	
92.	Sh. Surya Bhan Prasad		4-6-83	Intermediate (Ag.)	
93.	Sh. B.N. Maurya		8-6-84	Intermediate (Ag.)	
94.	Sh. K.N. Chintury		7-11-84	Intermediate	
95.	Sh. Basudeb Ghosh		7-2-85	1. Cl. VII passed 2. NTC in motor mechanic.	
<u>PTI 20 RKM</u>					
96.	Sh. Lal simliana		16-4-79	B.A.	
97.	Sh. Durgesh Chanda		4-12-85	B.A.	
98.	Sh. Lalrinawma Pachtau		24-4-78	P.U.	
99.	Sh. Sangzika		26-4-78	P.U.	
100.	Sh. R. Zokhuma		13-6-78	P.U.	

HVK TURA

101.	Sh. Arun Azim	01-2-77	1. Cl. IX passed 2. ITI Trade Certificate. 2 yrs.
102.	Sh. Premod Ch. Sharma	26-3-81	H.S.L.C. ✓
103.	Sh. Biju Konk	06-10-96	Cl. XII passed

1. Dr. U.C. Sharma 16/9/97  
Chairman 2. Dr. B.P.S. Yadav  
Member

5. Shri G. Singh  
A.A.O. (A) Member Secy.

16/9/97  
Dr. Arun Azim  
Member

16/9/97

16/9/97  
Dr. G. Rajkhowa  
Member

16/9/97

Proceedings of the Committee at page

-43-

at

A sumptuous list of technical staff who are found eligible for crossing out has been prepared and recommended by the committee. The proceedings have been signed by all the members including the Chairman. The Director may kindly approve the same so that necessary office order can be issued at the earliest.

Submitted for your

A.O

Dir 1-9-97

for kind appl. of the

Director pl. 16/9/97

Approved

Con 30/9/97

16/9/97

A.O (A) / EICD  
30/9/97

Others above

Draft order is placed below for approval/ signature place except in the case of Sickn. centre for which we may like to ascertain the quantity of the draft which is to be issued by the Director.

Approved

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

Approved as proposed above

P/277-200Km.n.c(PA)1/89 82 23/10/97 issued

No. RC(DR) 1/89

Dated Umiam, the 31st July, 98.

97 - 44 -

ORDER

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

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

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

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

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

Copy to :-

All members by name.

*SV*

(310)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
I.C.A.R. RESEARCH COMPLEX FOR NEH REGION ANNEXURE-R9  
UMROI ROAD, UMIAH, NEGLALAYA-793 103.

No. RC(BR)1/89

Dated Umiam, the 13th August, '93

⑩ -45-

ORDER

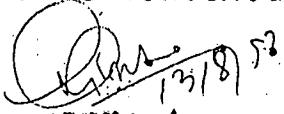
Reference to this office orders of even No. dated 31st. July, 1993, the meeting for reviewing the cases of removal of category bar from category-I to category-II, the same meeting could not be held on the same date due to administrative reason & thereafter, the committee has been re-constituted to review the same with the following members.

In this connection, the meeting will be held on 18.8.93 in the Extension Room at 17.30 a.m.

This issues with the approval of the Director.

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

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

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

Copy to members by name.

O C

.....

(7)

**NOTE SHEET**

94  
ANNEXURE-R10. 1/6

Notes and orders proposed :-

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

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

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

- A. Cancel the erroneous orders of the Institute for removal of category bar issued vide orders (i) No. RC(BR)1/89 dt. 23.1-0.97 and (ii) No. RC(BR)1/89 dt. 29.12.97 and withdraw their placement in the Gr. T-II-3 with immediate effect pending recommendation of a duly constituted DPC cum Selection Committee under Rule 7.4 of Technical Service Rules.
- B. Constitute a Departmental Promotion cum Selection Committee with the following mandates:-

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

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

1. Dr. S. V. Ngachan *7/0  
mainly cont* - Chairman.
2. Dr. *Subhendu Ray* - Member
3. Dr. *D. Shar. Ex. Director  
Govt of Orissa* - Outside expert
4. Dr. *Venkataswamy. JDS 9/0  
MCA* - Member SC/ST
5. Mrs. *M. J. Charanawhlang  
(AO)* - Member Secretary.

Date of meeting \_\_\_\_\_

Submitted for orders pl.

A.A.O(A)

Yc. Lekha Jay

PPC 20/99

20/99

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20/99 - NO. Re(e) 20/99 dt. 2. 12. 99 to all concerned

20/99 - S.R.B. 20/99

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20/99 - 20/99

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

ANEXURE - R11

AS -47-

No. RC(G) 17/86

Dated the 4th February, 2000

OFFICE ORDER

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

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

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

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

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

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

24/02/02  
(Dr. N.D. Verma  
Director)

Copy to :- All concerned.

Sh. C. Sirc  
AO(Adm)

for

SRB  
in formation plan

Shiv  
mn

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN NEW DELHI

ANNEXURE-R12

No.18-1/97.Estt.IV

Dated the 3<sup>rd</sup> February, 2000

To

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

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

Sir,

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

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

(i) On account of two overlapping grades of T-1-3 and T-II-3, the assessment promotion has become redundant and therefore, grade structure in Cat.I and II has been modified as hereunder :-

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10/1/2000

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

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

P. Bhawal V.

APD (A)  
Please circulate  
to all concerned  
11/2

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

(ii) The provisions relating to Category barrier for assessment promotions from T-5 grade of Category II to T-6 grade of Cat.III has been revised as under :

- (a) The technical personnel in T-5 grade (RS.6500-10500) and possessing the essential qualifications prescribed as hereinafter under this order for Category III for direct recruitment, shall be eligible for assessment promotion to T-6 (RS. 8000-13,500) grade after completing five years of service in T-5 grade, while :
- (b) The T-5 Technical Personnel who do not possess the essential qualifications as for direct recruitment prescribed hereinafter under this order for Cat.III shall be eligible for assessment promotion to T-6 grade after completing 10 years of service in T-5 grade provided such technical personnel are possessing the qualifications prescribed under this order for direct recruitment to Category II (T-3). However, such Technical Personnel in T-5 grade who do not possess the qualifications prescribed under this order for direct recruitment to Category II (T-3) shall not be eligible for further assessment promotion to Category III of the Technical Services.
- (iii) Since a revised single pay scale of RS.10000-15200 by way of replacement of their erstwhile pre-revised pay scales as per the Vth Central Pay Commission, has been attached to the existing technical grades of T-7 and T-8, these two grades have been redesignated as uniform and single grade as T(7-8) in the given pay scale of RS.10000-15200 and the movement of technical personnel existing in these grades has been approved to be regulated under the assessment system to the next higher grade of T-9 of Technical Service (Pay scale of RS.12000-16500) in the following manner :
  - (a) Those technical personnel who are working in T-7 grade (RS.10000-15200) and have not been assessed for T-8 grade would be eligible for assessment to T-9 (RS.12000-16500) grade after completion of 7 years of service in T-7 grade.
  - (b) Those technical personnel who have already been placed in T-8 grade (RS.10000-15200) will be

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

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

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

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

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

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

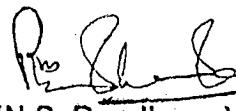
Ram R. S. 20/10/2013

4-51-99

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

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

Yours faithfully,



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

**Copy to :**

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



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

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Telephone Off 5788172

ANNEXURE - R13 -

कृषि वैज्ञानिक भर्ती मंडल  
(भारतीय कृषि अनुसंधान परिषद)

**AGRICULTURAL SCIENTISTS RECRUITMENT BOARD (ICAR)**

KRISHI ANUSANDHAN BHAVAN,  
PUSA, NEW DELHI-110 012

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

Dt:- 2nd May, 2000

To

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

Sub:- Nomination of Chairman on the Assessment Committee.  
Sir,

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

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

Chairman

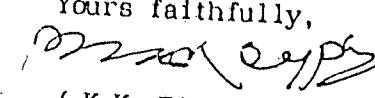
- 1) Dr.P.K. Gogoi
- 2) Dr.L. Paswan

Workshop staff including drivers Cat.I.

Chairman

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

Yours faithfully,

  
( K.K. BAJPAI )  
Secretary

Dr. K. K. Bajpai  
8/5/99  
29/2/00  
ASRB  
cc: [unclear]

CONFIDENTIAL

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

NO.RC(R)22/99

Dt. The 18<sup>th</sup> Sept.2000.

O R D E R

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

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

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

Sd/- N.D.Verma  
Director

Memo. NO.RC(R)22/99

Dt. The 18<sup>th</sup> Sept.2000.

Copy to :-

All the members concerned.

  
( G. Sinha ) 10/9/00  
Asstt. Admn. Officer(Admn.)

Appendix 1\*

Minimum Educational Trade Qualifications for Different Groups of the Three Categories

Data Form Testificates		
CATEGORY I Essential Qualifications	CATEGORY II Essential Qualifications	CATEGORY III Essential Qualifications
(i) Matriculate with at least one year's certificate in relevant field	(i) Three years Diploma/Bachelor's Degree in relevant field	(i) Three years Diploma/Bachelor's Degree in Science/Agriculture/Animal Sciences/relevant field/Forces Rangers Course (for CAZRI & CSWCR & TI)
or	or	or
(ii) Matriculate with 5 years experience of working in the respective field	(ii) National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in the relevant field	(ii) Five years experience of working in the relevant field. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales Rs 3000-4500, Rs 3000-5000 and Rs 3700-5000, respectively.
or	or	or
iii) Matriculate with National Trade Certificate/National Apprenticeship Certificate or equivalent with 3 years experience in the respective field	iv) Matriculate with ten years experience in the relevant field	v) Matriculate with ten years experience in the relevant field
or	or	or
vi) National Trade Certificate/National Apprenticeship Certificate (if non-Matri) or equivalent with 3 years experience of working in the respective field	vii) One year's training course in Forestry with ten years experience in the relevant field	viii) Master's Degree in the subject
or	or	or
viii) For the post of 'Cook' a candidate should be 'Literate' and should have proficiency in cooking	ix) 3 years experience in the relevant field for Diploma holders	x) Intermediate in Science/Intermediate in Agriculture
Desirable Qualifications		
xi) Diploma in the relevant field		
Laboratory Testificates		
CATEGORY I Essential Qualifications	CATEGORY II Essential Qualifications	CATEGORY III Essential Qualifications
(i) Matriculate with one years trade certificate in the relevant field	(i) Three year's Diploma/Bachelor's Degree/equivalent qualification in the relevant field	(i) Three years Diploma/Bachelor's Degree in the relevant field/Forces Rangers Diploma (for posts in CSWCR & TI, Dehradoon and CAZRI, Jodhpur)
or	or	or
ii) Matriculate with 5 years experience of working in the relevant field	iii) Matriculate with ten years experience in the relevant field	iv) Equivalent qualifications in the relevant field
or	or	or
v) Intermediate/equivalent qualification in the relevant field	vi) Intermediate in Science/Intermediate in Agriculture	vii) 5 years experience in the relevant field
Desirable Qualifications		
Diploma in the relevant field		

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

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

ANNEXURE - R 15 - 54 -

Workshop including Engineering Workshop Staff		
CATEGORY I Essential Qualifications	CATEGORY II Essential Qualifications	CATEGORY III Essential Qualifications
(i) At least one year's Trade Certificate	(i) Three years Diploma/Bachelor's Degree in relevant field	(i) Three years Diploma/Bachelor's Degree in relevant field
or	or	or
ii) For 'Boat Crew' a candidate should have 'good general education' and appropriate proficiency certificate. The competency certificate given by the Marine Mercantile Department will be preferred	iii) National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in relevant field	iv) National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in relevant field

Desirable Qualifications	Fishing and Training Vessel Staff
(i) Higher Certificate/Diploma in the trade	Slipper (F&T.V) (T-7): Rs 3000-4500
(ii) Two years experience in the field	Essential Qualifications
— Any trade certificate for which the duration prescribed for the course is more than one year, may be treated as a higher certificate, since one year's trade certificate has been prescribed as an essential qualification.	(i) Certificate of competency as Skipper for the fishing vessels issued by the Mercantile Marine Department.
(ICAR letter No. 7/27/79-Per. III, dated 28-3-81)	(ii) Secondary School Leaving Certificate or equivalent
	(iii) 5 years practical experience on fishing vessels.

Note: Qualifications relaxable at the discretion of the Agricultural Scientists Recruitment Board, in case of candidates otherwise not qualified.

Essential Qualifications
(i) Qualification from a recognised School/Board/University or equivalent
(ii) Certificate of competency of MCA/ITI class or 2nd class Engineer (Marine).
(iii) 5 years practical experience on board fishing vessel.

Note 1: Qualifications are relaxable at the discretion of ASRB, in case of candidates otherwise not qualified.

Note 2: The qualifications regarding experience are relaxable at the discretion of the ASRB in case of candidates belonging to Scheduled Castes and Scheduled Tribes, if in any case of selection the ASRB is of the opinion that sufficient number of candidates possessing the requisite experience are not likely to be available to fill up vacancies created for them, (ICAR letter No. 7/27/79-Per. III dated 28-3-81).

TECHNICAL STAFFS

CATEGORY I Essential Qualifications	CATEGORY II Essential Qualifications	CATEGORY III Essential Qualifications
(i) At least 3 years experience for diploma holders		
or		
ii) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
iii) At least 3 years experience for diploma holders		
or		
iv) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
v) At least 3 years experience for diploma holders		
or		
vi) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
vii) At least 3 years experience for diploma holders		
or		
viii) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
ix) At least 3 years experience for diploma holders		
or		
x) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
xi) At least 3 years experience for diploma holders		
or		
xii) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
xiii) At least 3 years experience for diploma holders		
or		
xiv) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
xv) At least 3 years experience for diploma holders		
or		
xvi) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
xvii) At least 3 years experience for diploma holders		
or		
xviii) Higher Certificate/Diploma in the trade with five years experience in the relevant field		
or		
xix) At least 3 years experience for diploma holders		
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xxxviii) Higher Certificate/Diploma in the trade with five years experience in the relevant field		

103  
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ANNEXURE - R 16



GOVT. OF ASSAM

ANIMAL HUSBANDRY & VETERINARY DEPARTMENT, ASSAM.

School of Veterinary Science & Animal Husbandry  
Assam.  
GHUNGOOR, SILCHAR.

Elementary Animal Husbandry & Veterinary Science Examination.

1975-76.

Certified that Shri Hindu Chongwan,  
having attended the approved course of studies in the School of Veterinary Science  
and Animal Husbandry, passed successfully the required Examination held in the  
month of February 1977 and was placed in the First  
Division.

Dated: Ghungoor, Silchar.

Principal.

The 15 Feb 1977. School of Veterinary Science & Animal Husbandry.

BOARD OF EXAMINER :-

<u>Chairman</u>
<u>Member</u>

*W.S.R. Bordoloi*  
Scientist  
Co-ordination Unit  
TOT Projects.



GOVT OF ASSAM.



ANIMAL HUSBANDRY &amp; VETERINARY DEPARTMENT, ASSAM.

*School of Veterinary Science & Animal Husbandry*  
**GHUNGOOR, SILCHAR.**  
**ASSAM.**

Elementary Animal Husbandry &amp; Veterinary Science Examination.

1977-78

Certified that Shri Gobinda Kumar Basumatary having attended the approved course of studies in the School of Veterinary Science and Animal Husbandry, passed successfully the required Examination held in the month of June 1979 and was placed in the Second Division.

## BOARD OF EXAMINER :-

Chairman.

Member.

Member.

Member.

Member.

Dated. Ghungoor, Silchar.

  
Principal

The 30th June, 1979 School of Veterinary Science &amp; Animal Husbandry.



GOVT. OF ASSAM

ANIMAL HUSBANDRY &amp; VETERINARY DEPARTMENT, ASSAM.

Assam.

GHUNGOOR, SILCHAR.

Elementary Animal Husbandry &amp; Veterinary Science Examination.

1975-'76.

Certified that Shri Anil Kumar Deka having attended the approved course of studies in the School of Veterinary Science and Animal Husbandry, passed successfully the required Examination held in the month of February 1977 and was placed in the Second Division.

*Approved*  
*2600222112*  
 Dated, Ghungoor, Silchar.  
 Principal.

The 11-2-1977, School of Veterinary Science & Animal Husbandry.

## BOARD OF EXAMINER :-

Chairman.

Member.

Member.

Member.

Member.

Member.



ANNEXURE - C 19

GOVT. OF ASSAM  
ANIMAL HUSBANDRY & VETERINARY DEPARTMENT, ASSAM.

**GOVT. OF ASSAM**

## Assam.

## GHUNGOOR, SILCHAR.

## Elementary Animal Husbandry & Veterinary Science Examination.

1975-'76.

Certified that Shri Kingshore Kharburi having attended the approved course of studies in the School of Veterinary Science and Animal Husbandry, passed successfully the required Examination held in the month of February 1977 and was placed in the Second Division.

Dated, Ghungoor, Silchar.

20, incipial

The 11th Feb. 1877. School of Veterinary Science & Animal Husbandry.

**BOARD OF EXAMINER :-**

Chairman.

Member.

Member.

Member

Megabci

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# Note Sheet

- 11 -

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ANNEXURE - R 20 -

0X

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

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

74-76 St. ~~Annexure~~ dt. 16.3.2000. from the Committee for Removal of  
category bar.

Sl. 74-76/c

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

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

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

Submitted for orders regarding next course of action pl.

A.A.O.(A)

Copy 27/7/2000

## Note above

We may like to constituted a committee as proscribed under Tech. Service Rule so as to consider the recommendation of the committee in both the cases at 1 & 2 above.

However, before going further the position at Sl. No. 2 may be verified.

Submitted Chapman

27/7/2000

Dr. Kailash Kumar  
Y. Secy.  
Cell

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

PROCEEDINGS OF THE REVIEW COMMITTEE ON REMOVAL OF  
CATEGORY BAR IN RESPECT OF TECHNICAL PERSONNEL HELD  
ON 6<sup>TH</sup> & 7<sup>TH</sup> MARCH 2000

The committee constituted vide No.RC9G)17/86 of dated 4.2.2000 consisting of

(i) Dr.S.V.Ngachan (ii) Dr. K.R.Dhiman. (iii) Dr. Kailash Kumar (iv) Shri G.Sinha, members held a series of discussions on the 5<sup>th</sup> February 2000 and 6<sup>th</sup> & 7<sup>th</sup> March 2000 to scrutinize and review the cases related to change of category bar of technical staff.

The observations of the committee are as follows :

*H*  
*for M/s a/b*  
*for M/s a/b*  
*10/3/00*  
*766*  
*9/3/00*

(i.)

The process for removal of category bar from Cat.I to Cat.II was initiated by the Institute as per Councils Order E.No. 4(3)94-Estt.IV of dated 1 Feb,1995 and No.14(3)94-Estt-IV of dated 8<sup>th</sup> August 1996. Accordingly, the technical staff in category T-1-3 numbering 87 were placed in Cat.II (T-II-3) w.e.f. 1.1.95 vide Office Order No. RC(BR)1/89 of dated 23<sup>rd</sup> October 1997 and another set of 14 (fourteen) staff members were also placed in Cat.II (T-II-3) w.e.f. 1.1.95 vide Office order No. RC(BR) 1/89 of dated 23<sup>rd</sup> December 1997 irrespective of their qualifications.

Subsequently the above orders for change of category and placement in category II (T-II-3) w.e.f. 1.1.95, were withdrawn vide Office Order No. RC(R) 20/99 dated 2<sup>nd</sup> December 1999 on account of irregularities against 'Handbook of Technical Services of ICAIR' rules 6.2, 7.4 and 7.5.

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

(a) One hundred and twelve (112) technical staff T-1-3 Cat.I were granted two advance increments vide Office Order No. RC(R)20/99 of dated 11<sup>th</sup> December 1999.

(b) Another group of technical staff were promoted to T-II-3 of Cat.II vide Office Order No. RC(R)20/99-41 of dated 11<sup>th</sup> December 1999.

(c) 8 (eight) technical staff were promoted to Cat.II i.e T-II-3 vide Office order No. RC(R)20/99 42 dt. 11<sup>th</sup> December 1999.

(d) Category bar of 2 (two) persons was changed from Cat.I to Cat.II vide Office Order RC(R)20/99 43 dt. 11<sup>th</sup> December 1999.

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

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

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

*RAOla*  
*10/3/00*  
*EX 6965  
09/3/00*  
*J. G. S. P. B. (P.W.D.)*  
*Pls. note (J. G. S. P. B. (P.W.D.))*  
*10/3/00*  
*W. H. K. K. Pathak*  
*C. J. K. K. Pathak*  
*G. Simhae*

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

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

(c) The technical persons considered for promotions against 33.3% of Departmental vacant post vide Office Order R.C(R)20/99-41 of dated 11.12.99 were not holding positions in T-1-3 of Cat.I prior to the date of their promotions to T-II-3 of Cat.II which is pre-requisite for this type of promotion (Rule 7.2 of Tech.Services).

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

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

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

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

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

Chairman

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

8/3/2000  
(Kailash Kumar)  
Member

8/3/2000  
(G.Sinha)  
Member

Signed with  
reservations

8/3/2000  
(Chairman)

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

- 62 -

Name of the incumbent	Designation	Name of centre	Edu. qualific.	Date of initial appoint.	Date of appointment in T-1-3	Date of placement in the grade T of Cat. II	
1) S.K.Phukan	Lab.Asstt	Hqs.Umiam	B.Sc	1.10.82	1.7.88	1.1.95	
2) S.K.Sen	Fieldman	Hqs.Umiam	B.Sc	3.4.80	1.7.88	1.1.95	
3) Tunu Baruah	Lab.Asstt	Hqs.Umiam	B.Sc	24.12.82	1.7.88	1.1.95	
4) R.Ch.Baishya	Lab.Asstt	Hqs.Umiam	B.Sc	1.2.83	1.1.89	1.1.95	
5) Subhira Chakraborty	Lab.Asstt	Hqs.Umiam	B.Sc	18.3.83	1.1.89	1.1.95	
6) D.Bhattacharya	Lab.Asstt	Hqs.Umiam	B.Sc	3.3.84	1.1.90	1.1.95	
7) Chandrakanta Devi	Lab.Asstt	Manipur	B.Sc	24.12.82	1.7.91	1.1.95	
8) A.Chakraborty	Lab.Asstt	Tripura	B.Sc	25.10.85	1.7.91	1.1.95	
9) K.Mehrotra	Lab.Asstt	Tripura	M.Sc(Life.Sc)	4.11.85	1.7.91	1.1.95	
10) A.Phukan Dutta	Lab.Asstt	Hqs.Umiam	MA,B.Lib	8.12.82	1.1.94	1.1.95	
11) S.Borgohain	Lab.Asstt	Hqs.Umiam	B.Lib.Sci.	31.12.82	1.1.94	1.1.95	
*12) Y.Rajen Singh	Fieldman	Manipur	B.Sc	7.4.83	1.1.95	1.1.95	
13) KKSuklabaidya	Fieldman	Hqs.Umiam	HSLC	20.10.76	1.7.88	1.1.95	
14) Debabrata Roy	Fieldman	Hqs.Umiam	BA	before	20.10.76	1.7.89	1.1.95
15) Bamkim Choudhury	Fieldman	Hqs.Umiam	HSLC	1-1-77	20.10.76	1.1.88	1.1.95
16) W.Khagreati	Fieldman	Hqs.Umiam	HSLC		21.10.76	1.7.89	1.1.95
17) A.Phukan	Fieldman	Hqs.Umiam	HSLC		30.10.76	1.1.88	1.1.95
18) H.Ahmed	Fieldman	Hqs.Umiam	HSLC		22.11.76	1.7.88	1.1.95
19) M.N.Bora	Fieldman	Hqs.Umiam	HSLC		23.11.76	1.1.90	1.1.95
20) D.C.Baruah	Fieldman	Hqs.Umiam	HSLC		24.11.76	1.1.91	1.1.95
21) H.Majhaw	Mechanic	Hqs.Umiam	NTC		6.12.82	1.7.88	1.1.95
22) S.Dutta	Electrician	Hqs.Umiam	NTC		1.10.82	1.7.88	1.1.95
23) N.Debhath	Electrician	Tripura	NTC		4.11.85	1.7.91	1.1.95
24) P.Barman Roy	Mechanic	Tripura	NTC		23.12.85	1.7.91	1.1.95
25) T.K.Cintury	Mechanic	Sikkim	NTC		7.11.84	1.7.90	1.1.95
26) K.V.Ngajhii	Mechanic	Nagaland	ITI		20.3.85	1.1.91	1.1.95

*Chairman*  
8/03/2000  
(S.V.Ngachan )  
Chairman

*Member*  
8/03/2000  
(K.R.Dhiman )  
Member

*Member*  
8/03/2000  
(Kailash Kumar )  
Member

*Member*  
8/03/2000  
(G.Sinha )  
Member

*Signed with  
reservations*

*Chairman*  
8/03/2000  
C.R.Dhiman

Dated : 19th Oct. 2000

TO

The Director  
ICAR Research Complex for NEH Region  
Umroi Road, Umiam-793 103, Meghalaya

ANNEXURE - R 22

- 63 -

( Through the Head, Animal Nutrition Division )

Sub : Request for grant of 3 (three) advance increments at a time from the due date - reg.

Sir,

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

- I) That I joined ICAR service as Lab. Asstt. (T-2) in Feb. 1983 and I was promoted to T-1-3 on 1.1.1989 one year after due date.
- II) For further promotion/assessment, the due date was 1.1.1994. But instead, I was granted only 2 increments vide office order No. RC(R) 20/99 dt. 11.12.99 and that too, not from the due date whereas the rule permits for 3 (three) increments from the due date.
- III) It may also be mentioned that 3 advance increments were granted to all technical staff who are T-5 and T-11-3 grade as per the recent circular No. RC(R) 22/99/5 dt. 26th Sept. 2000 and No. RC(R) 22/99/3 dt. 26th Sept. 2000, respectively.
- IV) It may also be mentioned that I am a member of Scheduled Tribe category in which I am provided with special status of relaxation in relation with selection and promotion which is a spirit of the Govt. of India for upliftment of the SC/ST category.

*Forwarded for  
reconsideration  
13/10/2000*

It may also be further mentioned that my colleagues who joined at the same time and in the same grade with me and even those who are junior, were now given promotion to T-4 as well as with 3 advance increments, whereas in my case no promotion was granted, no category bar removal and only two increments granted (not from the due date) thereby denying me all the benefits inspite of the fact that I have experience more than twenty three years and the qualification as well as good service records and ACRs.

*Recd  
13/10/2000*

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

Thanking you,

Yours faithfully,

*B.H.S 13/10/00*

*(A. SHONGBAN)*  
Animal Nutrition, ICAR India

*6/11/2000  
13/10/2000*

112  
Filed by  
Bishwanath Jana  
Advocate  
8/4/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BENCH ::

O.A. NO 7 OF 2001.

REJOINDER AND GIST OF THE CASE.

1. The issue involved in the present case is relating to lifting of category bar between Cat-I and Cat-II, which was earlier allowed vide order dated 23.10.97 and subsequently by issuing the impugned orders dated 2.12.99 and 27.9.99 (Annexure-6 & 7), same was canceled. However, the respondents later on by issuing the Annexure-9 order dated 27.9.2000 once again the said bar has been lifted but w.e.f, 2000.

The Written statement basically confined to the following issues:-

(i) The 1st issue is relating to qualification of the applicants to hold the post under Cat-II and according to them they are not eligible for the said post. However, as per the respondents the earlier committee has made a mistake in holding the applicants to be qualified and issued the order dated 23.7.1997, removing the category bar.

(ii) The respondents have confined their statement that the impugned order has been issued pursuant to the judgment and order dated 18.3.99 passed in O.A No 91/98 by the Hon'ble Jodhpur Bench ( Sri Babulal Prajapati -vs- ICAR).

(iii) Another issue raised in the Written Statement is that the applicants without any protest have accepted the subsequent order dated 27.9.00 by which again aforesaid bar has been lifted, however, w.e.f, 2000 instead of 1995.

REPLY OF THE APPLICANTS.

(i) The Prescribed qualification as per the Technical Service Rules (TSR) indicated the qualification and all the applicants are in possession of the required qualification as mentioned in the TSR.

The extract of the TSR is annexed herewith and the service particulars of the applicants are annexed herewith and marked as ANNEXURE-RJ-1 & 2.

(ii) With regard to the contention regarding the judgment dated 18.3.99 in O.A No 81/99, the applicant begs to state that the aforesaid matter pertains to promotion from the grade T-II-3 to T-4. The present O.A is only confined to the matter pertaining promotion from T-I-3 to T-II-3. The classification of the categories are as follows;

CAT-I	CAT-II	CAT-III
<b>1. T-I-1 (OR)</b>	<b>T-II-3 (OR) (T-3)</b>	<b>T-6. (OR) ..</b>
5 Yrly. Assm.	4,500/- to 7,000/-	.....
<b>2. T-I-2</b>	<b>T-4</b>	.....
5 Yrly Assm.	5 Yrly Assm.	.....
<b>3. T-I-3</b>	<b>T-5..</b>	<b>T-9..</b>

From Cat-I to Cat-II initially there was no promotional avenue. The respondents it have decided to remove the category bar vide order dated 1.2.95 (Ann-1) and the said fact has been reflected in para 6.2 of the TSR.

As per the judgment and order dated 18.3.99 passed in O.A No 81/99 a bar regarding counting of past service at the time of promotion from T-II-3 to T-4 as reflected in order dated 18.1.1996 has been held to legal.

A copy of the said judgment is annexed herewith and marked as Annexure- RJ-3.

ADDITIONAL SUBMISSION OF THE APPLICANTS:

1. As per the order dated 12.12.89 the respondents have made it clear that after assessment there will not be any further reassessment.

A copy of the order dated 12.12.89 is annexed herewith and marked as Annexure- RJ-4.

2. The Respondents have taken into consideration the revised Technical Service Rules dated 3.2.00 in rejecting the case of the applicant.

A copy of the said Technical Service Rules dated 3.2.00 is annexed herewith and marked as Annexure- RJ-5.

3. The impugned orders have been issued without affording the applicants the reasonable opportunity of hearing and same are violative of Article 14 and 16 of the constitution of India.

In that view of the matter it is clear that the respondents have failed to take into consideration the aforesaid facts and have issued the impugned orders and same depicts total non-application of mind by the respondents.

VERIFICATION

I, Shri Anil Kr.Deka, son of Late A.R.Deka, aged about 47 years, at present working as Field Man T-3 in ICAR, Borapani do hereby solemnly affirm and verify that the statements made in paragraphs ..... 3 ..... are true to my knowledge and those made in paragraphs ..... 1 and 2 ..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 6<sup>th</sup> day of MAY of 2002.

*Anil Ch Deka*

(ANIL CH DEKA).

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## TECHNICAL SERVICES OF THE ICAR

### Scope and Nature of the Services

1. All posts, the incumbents of which are engaged in performing technical services in support of research and education whether in the laboratory, workshop or field in areas like library, documentation, publication and agricultural communication, constitute the Technical Services. There will be no common cadre. The posts will be borne on the strength of the respective Institutes or the Headquarters of the Council, as the case may be.

### Date of Coming into Force of the Service Rules

2. The Technical Service Rules came into force w.e.f. 1-10-1975

### Categories and Grades of the Services

3.1 The Technical Services are grouped into three categories consisting of the following grades:

<i>Category</i>	<i>Grade</i>	<i>Pay Scale</i>
Category-I	T-1	<i>Old Scales</i> Rs 260-430
	T-2	Rs 330-560
	T-I-3	Rs 425-700
Category-II	T-II-3	Rs 425-700
	T-4	Rs 550-900
	T-5	Rs 650-1200
Category-III	T-6	Rs 700-1300
	T-7	Rs 1100-1600
	T-8	Rs 1300-1700
	T-9	Rs 1500-2000
		<i>Revised Scales</i>
		Rs 975-25-1150-EB-30-1540
		Rs 1200-30-1560-EB-40-2040
		Rs 1400-40-1800-EB-50-2300
		Rs 1400-40-1800-EB-50-2300
		Rs 1640-60-2600-EB-75-2900
		Rs 2000-60-2300-EB-75-3200
		100-3500
		Rs 2200-75-2800-EB-100-4000
		Rs 3000-100-3500-125-4500
		Rs 3000-100-3500-125-5000
		Rs 3700-125-4700-150-5000

3.2 The pay scales in Categories I and II replace the existing pay scales in the manner indicated in Appendix I. The new pay scales in the Category-III are the same as the existing pay scales.

## ICAR TECHNICAL SERVICES

3.3 The new pay scales will be applicable both to the future entrants as well as to the existing incumbents from 1-10-1975. However, the existing incumbents may, if they so desire, retain their existing scales as personal to them.

NOTE: The Technical Service Rules which originally came into force from 1-1-1977 were given retrospective effect from 1-10-1975. The Technical personnel appointed during the period from 1-10-1975 to 31-12-76 should be treated as existing employees for the purposes of Rule 3.3 of Technical Service Rules and they have the option either to retain their existing scale of pay (as indicated in Appendix I) as personal to them or the unified replacement scale of pay as stated in Rule 3.1 above.

(ICAR letter No. 7(56)/79-Per. III dated 22-7-81)

**Functional Classification**

4.1 Within each category the posts have been functionally classified as follows:

- Group I — Field/Farm Technicians
- Group II — Laboratory Technicians
- Group III — Workshop Staff including Engg. Workshop Staff
- Group IV — Library/Information/Documentation Staff
- Group V — Photography Staff
- Group VI — Artists
- Group VII — Press and Editorial Staff

4.2 The details of functional classification of the existing posts in the Council are given in the list at Appendix II. Any adjustment in the classification, if found necessary, will be made in consultation with the Agricultural Scientists' Recruitment Board.

NOTE: Certain posts earlier classified as technical have been reclassified as Auxiliary. However, the existing employees will continue to be governed by Technical Service Rules and the new incumbents will be recruited under Auxiliary category.

(ICAR letter No. 9-1/82-Per. IV dated 28-5-82 and  
ICAR letter No. 9-1/82-Per. IV dated 11-10-82)

4.3 All technical posts under the Council with different designations will be known by their grade numbers. However, for the purpose of identification of duties performed by different functionaries, the grades of the persons will be appropriately distinguished to reflect the duties attached to the posts. For example, a post of Laboratory Technician in Grade T-2 may be denoted as 'T-2 (Lab. Technician)'.

## ICAR TECHNICAL SERVICES

**Initial Adjustment of Existing Employees**

5.1 The existing permanent and temporary employees appointed through regularly constituted DPC/Selection Committees will be fitted into the grades specified in para 3.1 on point-to-point basis without any further screening irrespective of their qualifications. However, persons holding positions in the merged grade of Rs 425-700 and possessing qualifications prescribed for Category-II will be fitted in grade T-II-3 (Rs 425-700).

(ICAR letter No. 7-16/78-Per. III dated 18-4-79)

5.2 The existing employees in grade T-5 may, on the advice of Agricultural Scientists Recruitment Board, be considered for appointment to grade T-6 Category-III in the initial constitution of the service if they possess the minimum qualifications prescribed for this category. For this purpose, the approved persons will be adjusted against the existing vacancies in the respective fields. Where, however, no such vacancies exist, the existing posts in Grade T-5 held by the approved incumbents will be upgraded to Grade T-6 till such time as regular vacancies in the latter grade become available. On the absorption of persons against regular vacancies in Grade T-6, the upgraded posts will be downgraded to Grade T-5 and reverted to the cadre strength of Category-II.

5.3 Government servants who are on notional foreign service and are holding technical posts under the Council are not eligible for appointment to the technical services until such time as they opt and are absorbed in the Council's service on a regular basis.

NOTE: These rules are applicable to Council's employees only and such of the Government servants who held the posts on notional foreign service with the Council were allowed to exercise their options for Council's service by March 31, 1978, which was further extended to 30-9-80. The optees were allowed the benefit of technical service rules from the dates their options became effective.

(ICAR letter No. 7-30/77-Per. III dated 2-1-78 and  
ICAR letter No. 7-30/77-Per. III dated 2-4-81)

NOTE: Such of these technical personnel on notional foreign service and have exercised option for the Council's service from 31-12-1975 but before the prescribed date, i.e. 31-3-1978, should be treated at par with those who exercised options before 31-12-1975.

(ICAR letter No. 7(10)/78-Per. III dated 27-1-79)

**Career Advancement**

6.1 Career advancement of persons will be in their respective categories and will be done in the following manner:

6.2 There shall be a system of merit promotion from one grade to the next higher grade irrespective of occurrence of vacancies in the higher grade or grant of advance increment(s) in the same grade, on the basis of assessment of performance. The persons concerned will be eligible for consideration for such promotion or for the grant of advance increment(s) after the expiry of five years service in the grade.

NOTE: Since merit promotions are restricted within the category, persons holding highest grades viz. Grade T-I-3 in Category-I, Grade T-5 in Category-II and Grade T-9 in Category-III are not eligible for further promotion. There is, however, no bar for grant of advance increments to such Technical Personnel who are in the highest grade of category subject to the maximum of three increments within the grade.

(ICAR Letter No. 7-18/83-Per. III dated 16-7-84)

NOTE: Category Bar between Category-I and Category-II has been removed in the following manner:

- I. (i) The existing employees at level T-I-3 who possess qualifications prescribed for entry to Cat. II by direct recruitment will be placed in grade T-II-3 of Cat. II with effect from 1-1-95. The employees who do not possess such qualifications will in the event of improving their qualification and acquiring degree/diploma/any other qualification prescribed for entry in Cat. II by direct recruitment be placed in grade T-II-3 from the 1st January of the year following the year in which degree/diploma/certificate is awarded. For subsequent merit promotion from grade T-II-3 to T-4, the service rendered in T-I-3 grade will count towards computation of five years of service for merit promotion.
- (ii) The employees with five years of service in grade T-2 and possessing qualifications prescribed for entry to Cat. II by direct recruitment, in the event of merit promotion through five-yearly assessment in the terms of Rule 6.2 will be placed in the grade T-II-3.
- (iii) The employees with five years of service in grade T-2 and not possessing qualifications prescribed for entry to Cat. II by direct recruitment will be placed in grade T-I-3 in the event of merit promotion through Five-Yearly Assessment. Such employees in the event of improving their qualification and acquiring degree/diploma/ any other qualification prescribed for entry in Cat. II by direct recruitment will in case of merit promotion be placed in grade

T-II-3 from 1st January of the year following the year in which degree/ diploma/ certificate is awarded.

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

(ICAR letter No. 14(3)/94-Estt. IV dated 1-2-95)

6.3 The first screening of eligible persons for promotion or advance increment(s) in all the categories shall be made within one year of the introduction of the technical service rules, i.e 1-10-1975, and thereafter, once a year as early as practicable after 1st January, in respect of all those who have become eligible for consideration for promotion on or before the last date of the previous year ending 31st December.

6.4 Merit Promotion or grant of advance increments to the successful technical personnel will be given with effect from the date following the date of completion of five years of service in the grade.

This amendment will be effective from 1-1-95.

(ICAR Notification No. 14(4)/94-Estt. IV dated 1-2-95)

6.5 For determining the eligibility of a person for grant of merit promotion or advance increment(s) the entire period of service in the grade including the service rendered in the pre-revised scale of pay will be counted.

(i) The service rendered by an individual in another Institute from where he comes on transfer on compassionate grounds will be taken into account for computing the eligibility period of 5 years.

(ICAR letter No. 7-5/83-Per. III dated 27-8-1984)

(ii) For the purpose of computing the five years period for assessment the period of ad-hoc service in the same grade and also the period of leave including study leave/EOL and period spent on deputation will also be counted.

(iii) However, it may be added that the following periods are not to be counted for computing the period of five years eligibility for assessment/promotion to the next higher grade :

(a) Period of suspension treated as dies-non for all purposes inclusive of assessment under Technical Service Rules;

(b) Period of reduction to lower grade as measure of penalty.

(ICAR letter No. 7-34/80-Per. III dated 19-5-82)

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6.6 The assessment of eligible persons for merit promotion/grant of advance increment(s) in Categories-I and II will be done by a Selection Committee to be constituted by the Appointing Authority. The Chairman of Committee will be a person from outside the Institute/Headquarters to be nominated by the Chairman of the Agricultural Scientists' Recruitment Board.

6.7 For persons in Category-III the assessment will be done by a Assessment Committee to be constituted in consultation with the Chairman, Agricultural Scientists' Recruitment Board.

6.8 A person who is not found fit for merit promotion or for grant of advance increment(s) may be considered again at a subsequent stage or stages.

NOTE: Such persons will be considered every year till such time as they are adjudged suitable for promotion to the next higher grade. The technical personnel once promoted will, however, be eligible for promotion to the next higher grade/grant of advance increment(s) only after they have put in 5 years service in that grade and not earlier.

(ICAR letter No. 7-4/79-Per. III dated 10-9-79)

6.9 The procedure for assessment of persons for grant of merit promotion or advance increment(s) has been detailed in Appendix III.

NOTE: Proforma for special information to be furnished by the technical personnel for their subsequent assessment for grant of merit promotion is given in Appendix VII.

**Promotion**

7.1 33 $\frac{1}{3}$ % of vacancies in grade T-I of Category-I may be filled by promotion of persons in supporting services possessing qualifications prescribed for Category-I

(ICAR letter No. 7(2)/88-Estt. IV dated 6-5-91)

7.2 33 $\frac{1}{3}$ % of vacancies in grade T-II-3 may also be filled by promotion of persons in grade T-1-3 possessing qualifications prescribed for Category-II.

7.3 33 $\frac{1}{3}$ % of vacancies in grade T-6 may also be filled by promotion of persons in Grade T-5 possessing qualifications prescribed for Category-III.

(ICAR letter No. 7(12)/86 Per. III/Estt. IV dated 20-9-89)

It is clarified that promotions to Grade T-I, T-II-3 and T-6 under the Technical Service Rules are to be made on the basis of selection(s).

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NOTE: Alternative qualifications required for promotion (by selection) against the 33 $\frac{1}{3}$ % vacancies are contained in Council's letter No. 7(10)/78-Per. III dated 27-1-79 and 7(11)/83 Per. III dated 22-8-84.

7.4 Promotions will be made on the recommendation of the Selection Committee(s) constituted as per the Revised Composition of Selection Committees/Departmental Promotion Committees for various grades under different categories under the Council. The revised composition of SCs/DPCs for promotion, completion of probationary period, confirmation and crossing of efficiency bar are in Appendix V.

(ICAR letter No. 1-2/81-Per. IV dated 10-9-87)

7.5 The qualifications prescribed for different groups of the three categories are given in Appendix IV.

NOTE: Alternative qualifications circulated vice the Council's letter No. 7(10)/78-Per. III dated 27-1-1979 are applicable to the Council's employees for purpose of promotion only against the (33 $\frac{1}{3}$ %) vacancies reserved for departmental promotion. These qualifications will not, therefore, be applicable to the Council's employees when they apply for technical posts against (66 $\frac{2}{3}$ %) quota reserved for direct recruitment.

(ICAR letter No. 7 (11)/83-Per. III dated 22-8-84)

**Direct Recruitment**

8.1 Normally, there will be direct recruitment only in the lowest grade in each of the three categories. However, direct recruitment to the other grades in the three categories may also be done in order to correct imbalances in staff composition in those grades.

8.2 Direct Recruitment to Grade T-I in Category-I to be limited to 66 $\frac{2}{3}$ % of vacancies.

(ICAR letter No. 7(2)/88-Estt. IV dated 6-5-91)

NOTE: No direct recruitment in Category-II may be made except in T-II-3 level even in cases where the posts have been sanctioned/created at T-4 and T-5 level.

(ICAR letter No. 14(3)/94-Estt. IV dated 10-1-95)

8.3 The minimum educational/trade qualifications prescribed for different groups of the three categories will be as per Appendix IV. Any modification to this

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Appendix, if considered necessary, will be made in consultation with the Agricultural Scientists' Recruitment Board.

**NOTE:** In the case of ex-servicemen, the equivalence for their qualifications with those prescribed in Appendix IV will be decided in consultation with the Director-General of Resettlement, Ministry of Defence.

**8.4** The maximum age limit for direct recruitment for different categories is as under:

Category-I and II	30 years
Category-III	35 years
Grade T-6 (Rs 2200-4000)	35 years
Grade T-7 (Rs 3000-4500)	45 years
Grade T-8 (Rs 3000-5000)	50 years
Grade T-9 (Rs 3700-5000)	50 years

(ICAR letter No. 7(14)/79-Per. III dated 5-1-80)

**NOTE:**

- (i) There will be no age limit for the employees of the Council for direct recruitment to posts in all the three categories.
- (ii) Age relaxation shall be allowed to Scheduled Castes and Scheduled Tribes candidates as per the rules framed and instructions issued from time to time by the Central Government.
- (iii) The crucial date for determining the age limit will in each case be the closing date for receipt of applications from candidates in India (other than Andaman and Nicobar Islands and Lakshadweep).

(ICAR letter No. 12 (15)/77-Cdn. II dated 2-8-80)

**8.5** The composition of the Selection Committee for direct recruitment to posts covered under the Technical Service Rules will be as detailed in Appendix V.

(Revised vide ICAR letter No. 1(2)/81 Per. IV dated 10-9-87)

**8(A)** The appointing authority may appoint eligible persons on deputation basis on usual terms and conditions of deputation in the event of non-availability of suitable candidates otherwise for appointment on technical posts. Such persons will not be eligible for absorption on permanent basis under the ICAR system.

(ICAR Notification No. 8-5/90-Estt. IV dated 19-11-92)

#### Appointing Authority

**9.** The Appointing Authorities for different grades will be as under:

(i) Director-General, ICAR	:	Grades T-7 to T-9
✓(ii) Directors of Institutes	:	Grades T-1 to T-6 of posts borne on the strength of Institutes
✓(iii) Secretary, ICAR	:	Grades T-4 to T-6 of posts borne on the strength of ICAR Headquarters
(iv) Deputy Secretary, ICAR	:	Grades T-1 to T-II-3 of posts borne on the strength of ICAR Headquarters

#### Pay Fixation

**10.** The pay of a person appointed to any grade shall be fixed in accordance with such orders as may be applicable to the Council's employees from time to time.

#### Probation

**11.**

- (1) The persons appointed to the respective grades by direct recruitment or by promotion shall be on probation for a period of 2 years provided the Appointing Authority may, for counting the said period of 2 years at its discretion, count any period of service in posts of equivalent or higher responsibility.
- (2) The appointing authority may extend the period of probation specified in sub-para (1).

**NOTE:** Such of the technical personnel as are promoted to the next higher grade on the basis of five-yearly assessment of performance under Technical Service Rules of the ICAR are not to be put on probation.

(ICAR letter No. 7(13)/81-Per. III dated 7-5-81)

#### Seniority

**12.** There will be no *inter-se* seniority amongst the personnel of the service for the purpose of promotion.

**NOTE:** For the purpose of promotions to Grade T-II-3 and T-6 under the Technical Service Rules, a notional seniority list based on the length of service in a grade on a regular basis may be maintained, for each grade of the technical service.

(ICAR letter No. 7(22)/81-Per. III dated 3-9-81)

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**Annual Assessment**

13. The annual assessment of performance of the persons appointed to the three categories of the service will be recorded in the forms at Appendix VI.

**Study Leave**

14. The ARS - Study leave regulation - 1991 will be applicable to technical personnel with the proviso that study leave for a duration of 3 years will be admissible only for undertaking Ph. D programme. It will be effective w.e.f. 1-1-95.

(ICAR letter No. 14(6)/94-Estt. IV dated 1-2-95)

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**Appendix I**

**Merger of Pay Scales for Categories I and II  
of Technical Posts**

<i>Existing Scales</i>	<i>New Scales</i>
1. Rs 260-6-326-EB-8-350	
2. Rs 260-6-290-EB-6-326-8-EB-8 390-10-400	Rs 260-8-300-EB-8-340-10-
3. Rs 320-6-326-8-390-10-400	380-EB-10-430
4. Rs 260-8-300-EB-8-340-10-380- EB-10-430	
5. Rs 330-8-370-10-400-EB-10-480	
6. Rs 290-8-330-10-380-EB-12-500 EB-15-560	Rs 330-10-380-EB-12-500-
7. Rs 330-10-380-EB-12-500- EB-15-560	EB-15-560
8. Rs 380-12-500-EB-150-560	
9. Rs 380-12-440-EB-15-450- EB-20-640	
10. Rs 425-15-530-EB-150-560- 20-600	Rs 425-15-500-EB-15-560- 20-700
11. Rs 425-15-560-EB-20-640	
12. Rs 425-15-500-EB-15-560- 20-700	
13. Rs 455-15-560-EB-20-700	
14. Rs 425-15-500-EB-15-560-20 700-EB-25-800	
15. Rs 470-15-530-EB-20-650- EB-25-75	
16. Rs 550-20-650-25-750	Rs 550-25-750-EB-30-900
17. Rs 550-25-750-EB-30-900	
18. Rs 650-30-740-35-810-EB-35-880- 400-1000-EB-40-1200	Rs 650-30-740-35-810-EB-35- 880-40-1000-EB-40-1200

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description of various projects/activities you may have undertaken during the past five years, rather a summary statement of the most significant aspects of your overall professional performance (with supporting evidence).

Priority Area 1 :

Priority Area 2 :

Priority Area 3 :

12. Please append a precise resume of the work done during the period ending ..... with full supporting evidence, if any.
13. If some or all of your professional work remained incomplete or fell below your expectations, please furnish reasons for that, and suggest improvement, if any.
14. Do you wish to have an opportunity for presenting before the Assessment Committee personally the details of your work?

Signature of Reviewee .....

Name .....  
(in Block Letters)

Date: ..... Designation .....

#### FOR THE USE OF THE REVIEWER(S) ONLY

1. Is the information provided by the Reviewee correct to the best of your knowledge?
2. Do you generally agree with the assessment and the projections provided by the Reviewee? Please give your critical appraisal.

Signature of Reviewer(s)

Name .....  
Designation .....

3. Recommendation of the Director (in case of employees of the Institutes)/DG, ICAR or DDG, ICAR (in case of employees of the Headquarters and/or centrally administered programmes).

Signature .....

Name .....  
Designation .....

Date: .....

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

Field/Farm Technicians	CATEGORY I Essential Qualifications	CATEGORY II Essential Qualifications	CATEGORY III Essential Qualifications
	(i) Matriculate with at least one year's certificate in relevant field	(i) Three years Diploma/Bachelor's Degree in relevant field	*Three years Diploma/Bachelor's Degree in Science/Agriculture/Animal Sciences/relevant field/Forest Ranger Course (for CAZRI & CSWCR & TI)
			Five years experience of working in the relevant field. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales Rs 3000-4500, Rs 3000-5000 and Rs 3700-5000, respectively.
		(ii) Matriculate with 5 years experience of working in the respective field	(ii) National Trade Certificate of ITI or equivalent qualifications with seven years experience in the relevant field
			**National Apprenticeship Certificate or equivalent qualifications with seven years experience in the relevant field
			*Matriculate with ten years experience in the relevant field
			or
			*Matriculate with National Trade Certificate/National Apprenticeship Certificate or equivalent with 3 years experience in the respective field

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		<i>Desirable Qualifications</i>
	or	
(i)	• National Trade Certificate/National Apprenticeship Certificate (if non-Matric) or equivalent with 5 years experience of working in the respective field	• One year's training course in Forestry with ten years experience in the relevant field or • Intermediate in Science/Intermediate in Agriculture
(ii)	• For the post of 'Cook' a candidate should be 'Literate' and should have proficiency in cooking	(ii) 3 years experience in the relevant field for Diploma holders

*Desirable Qualifications*

(i) Diploma in the relevant field

*Laboratory Technicians**CATEGORY I**Essential Qualifications*

(i) Matriculate with one years trade certificate in the relevant field  
or  
Matriculate with 5 years experience of working in the relevant field

*CATEGORY II**Essential Qualifications*

(i) Three year's Diploma/Bachelor's Degree/equivalent qualification in the relevant field  
or

*CATEGORY III**Essential Qualifications*

(i) Three years Diploma/Bachelor's Degree in the relevant field/Forest Rangers Diploma (for posts in CSWCR & TI, Dehradun and CAZRI, Jodhpur)

or

Intermediate/equivalent qualification in the relevant field.

• Matriculate with ten years experience in the relevant field

or

• Intermediate in Science/Intermediate in Agriculture

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

or

Equivalent qualifications in the relevant field

(ii) 5 years experience in the relevant field

*Desirable Qualifications*

Diploma in the relevant field

*Desirable Qualifications*

Some experience for Bachelor's Degree holders

*Desirable Qualifications*

Master's Degree in the subject

**Workshop including Engineering Workshop Staff***CATEGORY I**Essential Qualifications*

(i) At least one year's Trade Certificate  
  
(ii) For 'Boat Crews' a candidate should have 'good general education' and appropriate proficiency certificate. The competency certificate given by the Marine Mercantile Department will be preferred

*CATEGORY II**Essential Qualifications*

(i) Three years Diploma/Bachelor's Degree in relevant field  
or  
• National Trade Certificate of ITI/National Apprenticeship Certificate or equivalent qualifications with seven years experience in relevant field  
or  
• Matriculate with ten years experience in the relevant field

*CATEGORY III**Essential Qualifications*

(i) Three years Diploma/Bachelor's Degree in relevant field  
(ii) At least 5 years experience

*Desirable Qualifications*

(i) Experience of working in an organisation/workshop/factory of repute in the relevant field  
(ii) Master's degree in the subject

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*Desirable Qualifications*

(i) Higher Certificate/Diploma in the trade  
 (ii) Two years experience in the field  
 — Any trade certificate for which the duration prescribed for the course is more than one year, may be treated as a higher certificate, since one year's trade certificate has been prescribed as an essential qualification  
 (ICAR letter No. 7(27)/79-Per. III, dated 28-3-81)

At least 3 years experience for diploma holders

or

Higher Certificate/Diploma in the trade with five years experience in the relevant field

*Fishing and Training Vessel Staff**Skipper (F&T.V.) (T-7; Rs 3000-4500)**Essential Qualifications*

i) Certificate of competency as Skipper for the fishing vessels issued by the Mercantile Marine Department.  
 ii) Secondary School Leaving Certificate or equivalent.  
 iii) 5-years practical experience on fishing vessels.

NOTE: Qualifications relaxable at the discretion of the Agricultural Scientists Recruitment Board in case of candidates otherwise well qualified.

*Engineer (F&T.V.) (T-7; Rs. 3000-4500)**Essential Qualifications*

i) Matriculation from a recognised School/Board/University or equivalent.  
 ii) Certificate of competency of MOT 1st class or 2nd class Engineer (Motor).  
 iii) 5 years practical experience on board fishing vessel.

NOTE I: Qualifications are relaxable at the discretion of ASRB in case of candidates otherwise well qualified.

NOTE II: The qualification(s) regarding experience are relaxable at the discretion of the ASRB in case of candidates belonging to Scheduled Castes and Scheduled Tribes, if at any stage of selection the ASRB is of the opinion that sufficient number of candidates possessing the requisite experience are not likely to be available to fill up vacancies reserved for them. (ICAR letter No. 7(8)/86-Per. III dated 29-1-87).

\*In fields where the duration of diploma courses available in the country is only two years, the minimum qualification will be two years diploma instead of three years diploma.

\*\*Applicable to Council employees in position as on 1-1-77 for the purpose of promotions only against 3.31% vacancies reserved for departmental promotions.

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**Library/Information/Documentation Staff**

<b>CATEGORY I</b> <i>Essential Qualifications</i>	<b>CATEGORY II</b> <i>Essential Qualifications</i>	<b>CATEGORY III</b> <i>Essential Qualifications</i>
<p>(i) Matriculate with at least one year's certificate in the relevant field or Matriculate with 5 years experience in the line</p> <p><i>Desirable Qualifications</i> Diploma in relevant field.</p>	<p>(i) Bachelor's Degree with Diploma/ Degree (B. Lib.) in Library/Information Science (or) any equivalent degree or certificate conferred by any organization and approved by the Ministry of Education</p> <p><i>For other Staff</i></p> <p>(i) Bachelor's degree (ii) 3 years experience</p> <p><i>Desirable Qualifications</i></p> <p>(i) Experience of working in University/Institute/Council or any other organization of repute in the relevant field (ii) Knowledge of one foreign language</p>	<p>(i) Bachelor's Degree of a recognised University with Master's Degree (M. Lib.) in Library/Information Science (or) any equivalent Degree or Certificate conferred by any organization which is approved by the Ministry of Education, Government of India, like INSDOC and DRTC)</p> <p>or</p> <p>Master's Degree of a recognised University with Diploma or Degree (B. Lib.) in Library/Information Science or any equivalent certificate if conferred by any organization which is approved by the Ministry of Education, Government of India</p> <p>(ii) 5 years experience for Diploma holders</p> <p><i>Desirable Qualifications</i></p> <p>(i) 3 years experience for Degree holders (ii) Knowledge of one foreign language</p>

**Photographers**

<b>CATEGORY I</b> <i>Essential Qualifications</i>	<b>CATEGORY II</b> <i>Essential Qualifications</i>	<b>CATEGORY III</b> <i>Essential Qualifications</i>
<p>(i) Good General Education (ii) Must qualify a Departmental Trade Test</p> <p><i>Desirable Qualifications</i></p> <p>(i) Diploma in Photography (ii) Experience of write-ups on Photographic features</p>	<p>(i) Good General Education (ii) At least 3 years experience in high class Photography including feature news and colour Photography with theoretical and practical knowledge of Dark room work</p> <p><i>Desirable Qualifications</i></p> <p>(i) Bachelor's Degree and/or Diploma in Photography (ii) Experience of write-ups on Photographic features</p>	<p>(iii) Experience of working in University/ Institute/Council or any other organization of repute (iv) Science Degree</p> <p><i>Desirable Qualifications</i></p> <p>(i) Bachelor's Degree and/or Diploma in Photography (ii) Experience of write-ups on Photographic features</p>

**CATEGORY I**  
**Essential Qualifications**

- (i) Good General Education
- (ii) One year's certificate in the relevant field  
or  
Matriculate with 5 years experience of working in the relevant field in a reputed organization

**Desirable Qualifications**

Diploma in the relevant field

**Press and Editorial Staff**

**CATEGORY I**  
**Essential Qualifications**

- (i) Matriculate with at least one year's Certificate in the trade  
or  
Matriculate with 5 years experience in the line

**CATEGORY II**  
**Essential Qualifications**

- (i) Diploma/Bachelor's degree in Fine Arts  
or  
Matriculate with 10 years experience in relevant field in University/Institute/Organisation of repute
- (ii) 3 years experience for Diploma holders

**CATEGORY III**  
**Essential Qualifications**

- (i) Diploma/Bachelor's Degree in Fine arts
- (ii) 5 years experience of working in the relevant field  
Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of Rs 3000-4500, Rs 3000-5000 and Rs 3700-5000 respectively

**Desirable Qualifications**

Master's Degree in the subject

**Desirable Qualifications**  
Diploma in the trade

**Desirable Qualifications**

Bachelor's Degree/or Diploma in Journalism

job requirement provided that the candidate has at least 7 years experience of Science writing and Science journalism in the concerned language as evident through his publications

**Desirable Qualifications**

- i) Bachelor's Degree/or Diploma in journalism

- ii) (a) *For Master's Degree holders*  
Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of pay of Rs 3000-4500, Rs 3000-5000 and Rs 3700-5000 respectively.

- (b) *For Bachelor's Degree holders*  
Minimum experience will be 11 years (7+4), 14 years (10+4) and 16 years (12+4) for lateral entry to posts carrying scales of pay of Rs 3000-4500, Rs 3000-5000 and Rs 3700-5000 respectively.

(ICAR letter No. 7(24)/85-Per. III dated 30-5-86)

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FOR POSTS PERTAINING TO PRODUCTION, PUBLICITY AND PUBLIC RELATIONS UNDER THE PRESS AND EDITORIAL STAFF

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**CATEGORY I**  
*Essential Qualifications*

(i) Matriculate with at least one year's Certificate in the Trade

OR

Matriculate with 3 years experience in the line

*Desirable Qualifications*

Diploma in the Trade

**CATEGORY II**  
*Essential Qualifications*

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

*Desirable Qualifications*

Bachelor's Degree/or Diploma in Journalism

*Technical Assit. (Production) T-II-3  
(Cat. II) (Rs. 1400-2300)*

*Essential Qualifications*

i) Bachelor's degree from a recognised University or equivalent  
ii) Diploma in Printing Technology or 2 years post-graduate diploma

**CATEGORY III**  
*Essential Qualifications*

(i) Bachelor's Degree  
(ii) 5 years experience in the line. Minimum experience will be 7 years, 10 years and 12 years for lateral entry to posts carrying scales of pay of Rs 3000-4500, Rs. 3000-5000 and Rs. 3700-5000 respectively.

*Desirable Qualifications*

(i) Master's Degree in the subject.  
(ii) Bachelor's Degree or Diploma in Journalism.

*Assistant Production Officer (T-6)  
(Category-III) (Rs. 2200-4000)*

*Essential Qualifications*

i) Bachelor's degree from a recognised University or equivalent  
ii) Diploma in Printing Technology or 2 years post-graduate diploma in Book

in Book Publishing with specialisation in Book Production.  
iii) 3 years experience in the line

Publishing with specialization in Book Production.  
iii) 7 years experience in line.

*Production Officer T-7 (Category-III)  
(Rs. 3000-4500)*

*Essential Qualifications*

i) Bachelor's degree from a recognised University or equivalent  
ii) Diploma in Printing Technology or 2 years post-graduate diploma in Book Publishing with specialization in Book Production.  
iii) 10 years experience in the line

*Chief Production Officer, T-8  
(Category-III) (Rs 3000-5000)*

*Essential Qualifications*

i) Bachelor's degree from a recognised University or equivalent.  
ii) Diploma in Printing Technology or 2 years post-graduate diploma in Book Publishing with specialization in Book Production.  
iii) 12 years experience in the line

ICAR TECHNICAL SERVICES

ICAR TECHNICAL SERVICES

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*Desirable Qualifications*

- i) Conversant with computer-based composing and printing
- ii) Knowledge of Hindi

NOTE: To safeguard the interest of the existing incumbents it was decided that the existing qualifications will be applicable to the Council's employees in position as on date i.e. 26-8-89, for the purpose of promotion only against promotion quota vacancies.

(ICAR letter No. 7(7)/89-Estt. IV dated 2-2-1990)

*Printing Officer, Press and Editorial T-6  
(Category-III) (Rs. 2200-4000)*

*Essential Qualifications*

- i) Diploma in Printing Technology.
- ii) 5 years experience in supervisory capacity in a Printing Press of State or Central Govt. organization or any Institute of repute.

(ICAR letter No. 7(7)/88-Per. III dated 17-3-89)

*ICAR letter nos.*

- (i) 7-10/78-Per. III dated 27-1-79
- (ii) 7-26/79-Per. III dated 12-9-79
- (iii) 7-27/79-Per. III dated 28-3-81
- (iv) 7-55/79-Per. III dated 4-4-81
- (v) 7-31/81-Per. III dated 22-10-81
- (vi) 7-11/82-Per. III dated 30-9-83
- (vii) 7-10/78-Per. III dated 24-1-84
- (viii) 7-8/86-Per. III dated 29-1-87
- (ix) 7-24/85 Per. III dated 30-5-86
- (x) 7-7/89 Estt. IV dated 2-2-90
- (xi) 7-7/88 Per. III dated 17-3-89

## Applicants particulars

SL. No.	Name	Educational Qualification	Date of Service as Technical	1 <sup>st</sup> Next Assessment/as T-2	2 <sup>nd</sup> Next Assessment T-1-3	3 <sup>rd</sup> Promotion to cat. II as T-11-3	4 <sup>th</sup> Demotion from T-11-3 to T-1-3
1	A. Das Choudhury	P.U. Com. Passed	26.9.81 as T-1	1.1.87 as T-2	1.1.93 as T-1-3	1.1.95	2.12.99
2	Ajit Kumar Dey	H.S.L.C. Passed	7.11.77 as SS Gr. 1.10.82 as T-1	1.1.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
3	Manik Chandra Das	H.S.L.C. Passed	8.12.83 as T-1	1.1.90 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
4	Paban Kumar Phukan	H.S.L.C. Passed	3-9-83 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
5	T.P. Pradhan	H.S.L.C. Passed	12.12.77 as T-1	1.1.85 as T-2	1.1.90 as T-1-3	1.1.95	2.12.99
6	Haladhar Thakuria	H.S.L.C. Passed	30.11.83 as T-1	1.1.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
7	Rameshwar Rai	I.Sci. (Inter Science)	2-4.80 as T-1	1.1.86 as T-2	1.7.91 as T-1-3	1.1.95	2.12.99
8	H.S. Nongkynrih	B.A. Passed	30.11.83 as T-1	1.7.87 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
9	Deben Chandra Das	H.S.L.C. Passed	15.10.82 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
10	Shinewell Nongneng	P.U. Science & B.A. in Khasi	29.3.84 as T-2 Lab. Assistant	1.1.90 as T-1-3	Continue T-1-3	1.1.95	2.12.99
11	Jayanta Das	P.U. Passed	9.4.80 as T-1	1.1.86 as T-2	1.7.91 as T-1-3	1.1.95	2.12.99
12	Dilip Ch. Barman	H.S.L.C. Passed	18.3.83 as T-1	1.1.89 as T-2	1.7.94 as T-1-3	1.1.95	2.12.99
13	Kshitendra Barman	H.S.L.C.	20.4.79 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
14	Deben Chandra Deka	H.S.S.L.C. Science & Pre-exam in medicine	1.8.77 as T-1	29.9.84 Select as T- 2 Lab. Assistant	1.7.90 as T-1-3	1.1.95	2.12.99
15	Munindra Kumar Das	H.S.L.C. passed	28.11.83 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
16	Bubaita Thabah	H.S.L.C Passed	8.11.83 as T-1	1.1.90 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
17	S.K. Dwivedi	P.U. Passed	20.1.83 as T-2	1.1.90 as T-1-3	1.1.90 continue T- 1-3	1.1.95	2.12.99
18	K.C. Handique	P.U. Com. Passed	30.7.82 as T-1	1.1.89 as T-2	1.7.94 as T-1-3	1.1.95	2.12.99
19	Pranab Kumar Dey	H.S.L.C. Passed	16.7.82 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
20	Phensing Syiem	H.S.L.C. Passed	28.11.83 as T-1	1.1.90 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
21	Prabhat Chandra Das	H.S.L.C. Passed	30.11.83 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
22	Sibendra Nath Talukdar	H.S.L.C. Passed	28.12.82 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
23	Smt. A. Nongbri	H.S.L.C. Passed	18.1.83 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
24	Sri. Kusal Chandra Bora	H.S.L.C. Passed	15.6.83 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
25	Sri. Bikash Sarma	H.S.L.C. Passed	24.12.82 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99
26	Sri. P.K. Barman	H.S.L.C. Passed	20.7.81 as T-1	1.7.89 as T-2	1.1.95 as T-1-3	1.1.95	2.12.99

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

DATE OF ORDER : 18.03.1999.

ORIGINAL APPLICATION NO. 91/1998.

1. Babu Lal Prajapati S/o Shri Mangla Ram, aged 47 years Fieldman T-II-3.
2. Ram Singh Panwar S/o Shri Gulab Singh aged 55 years Fieldman T-II-3 Genostic Section Div.IV.
3. Girdhari Ram S/o Shri Birdha Ram aged 44 years Fieldman T-II-3, E.M.Section Div.VI.
4. Bhanwar Singh S/o Shri Udai Singh aged 42 years Fieldman T-II-3, Agri.Engg.Section Div.VI.
5. Laxmi Narayan S/o Shri Har Das Aged 49 years, Observer T-II-3, Climatology Sec. Div.III
6. Shanti Lal Sharma S/o Shri Tej Raj aged 42 years, Field Asstt. T-II-3, Water Shed Management Section Div.II.
7. Bheru Singh S/o Shri Pratap Singh aged 50 years Field Asstt. T-II-3, Div.III.
8. Manohar Singh S/o Shri Bhanwar Singh aged 40 years Fieldman T-II-3, Crop Improvement Div.III.
9. R.S.Mettiya S/o Shri Guman Singh aged 41 years, Observer T-II-3, Climatology Section Div.II.
10. R.S.Chouhan S/o Shri J.S.Chouhan aged 44 years, Observer, T-II-3, Animals Section Div. V.

All in Office of the Central Arid Zone  
Research Institute, Jodhpur.

.... Applicants

VERSUS

1. Indian Council of Agricultural Research, Krishi Bhawan, New Delhi, through its Director General.
2. Secretary, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi.
3. Director, Central Arid Zone Research Institute, Jodhpur.

.... Respondents.

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CORAM

HON'BLE MR. A.K.MISRA, JUDICIAL MEMBER  
HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER  
.....

PRESENT :

Mr. Vijay Mehta, Counsel for Applicants.  
Mr. V.S.Gurjar, Counsel for the Respondents.  
.....

ORDER

(PER HON'BLE MR. A.K.MISRA)

.....  
All the applicants have in this joint application prayed that the impugned order Annex.A/13 to A/14, may be quashed. The order Annex.A/19 be declared invalid and be accordingly quashed. The respondents be directed to consider the case of the applicants in category T-4 taking into account the services rendered by them in T-I-3 category.

ANT 2

2. Notice of the O.A. was given to the respondents who have filed their reply.

3. We have heard the learned counsel for the parties and gone through the record.

4. It is alleged by the applicant that while the applicants were holding the post under T-I-3 category they were placed in T-II-3 category in the same pay scale on the recommendation of departmental committee by the respondent No. 3 vide order dated 24.8.1995, (Annex.A/20). It is alleged by the applicants that in order Annex.A/21 it is mentioned

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(B)

A2 (W)

that subsequent merit promotion from grade T-I-3 to T-4 the services rendered in T-I-3 will count towards computation of five years service for merit promotion. The order Annex.A/20 has been issued by the respondent Council in pursuance of order Annex.A/21 which was issued for removal of category bar between category - I and category - II and thus for further consideration the applicants performance as T-I-3 for five years was only required to be considered but the respondents have issued another order dated 10.1.1996 (Annex.A/19) indicating that earlier order dated 1.2.1995 would adversely affect the seniority and promotion of other executives and, therefore, service rendered in T-I-3 for the purpose of computation of five years of service for grant of merit promotion/advance increments from T-II-3 to T-4 shall not be counted. It is alleged by the applicant that modification of earlier order by Annex.A/19 has deprived the applicants of their right which had accrued to them earlier than the date of issue of Annex.A/19, therefore, the order Annex.A/19 deserves to be quashed. For the reasons as stated above orders Annex.A/1 to A/18 are also required to be quashed.

5. The respondents in their reply have stated that the order Annex.A/19 is perfectly legal. That 14 persons were placed in T-II-3 category by the Council as per their order Annex.A/20 dated 24.8.1995 keeping in view the order of the Council dated 1.2.1995. Subsequently, the order of the Council dated 1.2.1995 was kept in abeyance by a Fax

(5)

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there is a short-fall of period for consideration of the intervening second stage. In our opinion this cannot be permitted because the applicants were given weightage at a higher stage by considering their performance at the lower stage. As far as the applicants' prayer the performance at first stage is to be given weight for considering higher status to such candidate it would mean that their previous performance or affiliation's performance at stage one is to be required to be ignored. But in our opinion in an organisation where specialists working for advancement of technology in different categories there cannot be any compromise in respect of quality of work by giving weight to the longevity of period or number of years of working suffice in the lower category. The applicants while they were given the status of category R-II-3 their performance cannot be considered and thus they were given benefit of giving their performance by giving them better app. Next higher status. For entering still next higher category i.e. R-II-4 the period required to be assessed in respect of their performance will be R-II-3. In earlier order was that their earlier performance would be considered for computing the period. If a candidate a Scientist has not given good performance in R-II-3 then he would be given category R-II-4 computing the period for computing the period of his performance in R-II-3 which in our opinion would adversely affect the mobility of the Institute and scientific advancement would be hampered. There is no dispute that in second category i.e. R-II-3 Scientists are directly recruited and Scientists who have given placement who were earlier would be given the performance of a candidate in R-II-3 for their future

(6)

(3)

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consideration for computing the period of five years the person may be in an advantageous position in comparison to a person who has been directly placed on the basis of his recruitment as T-II-3 because such candidate may be having lesser number of years of working as compared to a candidate who had earlier worked as T-I-3. Advantage of working period of one stage can only be given for conferring the next category and that advantage cannot be derived by a candidate repeatedly or second time for claiming higher category i.e. T-2. In view of this, we are of the opinion, that the applicants cannot claim that the earlier order directing consideration of their working as T-1-3 is required to be maintained. We may again repeat here that a candidate can only claim a right of consideration for the next higher rank, he cannot claim next higher rank as of right on the basis of his working for requisite number of years on the lower rank. In a Scientific Institute like the respondents' next higher ranks are given after the consideration of performance of a candidate on an immediate lower category. The conferment of next higher category is not done as a matter of routine but, the same is done after assessing the performance of a particular person on the category of post he is working for further conferment of higher rank. Therefore, applicants cannot be heard to say that they had become eligible for conferment of next higher rank looking to the number of years they had worked on the lower rank as per the earlier order.

.7.

8. In view of the above, we are of the opinion that there is no illegality in issuance of Annex.A/19 which clearly mentions that for higher rank past performance of a candidate on the immediate lower category shall be the consideration. There seems to be no arbitrariness in this contention. Therefore, the original Application, in our opinion, does not bear any merit. The original Application deserves to be dismissed and is hereby dismissed with no order as to costs.

Sd/-

(N.P. NAWANI)  
Adm. Member

प्राप्तिकर्ता  
गत प्रतिलिपि  
५५१३३  
मनुभाग अधिकारी (न्यायिक)  
सेन्ट्रल प्रशासनिक अधिकरण  
गोप्यपुर स्थायीठोड, गोप्यपुर

Sd/-

(A.K. MISRA)  
Judl. Member1  
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T-11-3

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ANNEXURE

RT-4

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KALPNA BHAVAN, NEW DELHI

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No. 7(2)/86-Per.III/Eott.IV Dated the 12th December, 1986.

To

The Directors/Project Directors  
of all Research Institutes

Sub:- Five yearly assessment of Technical Personnel - Mechanism  
for review of assessment result & discontinuance of

Sir,

I am to invite a reference to Council's letter No. 7(2)/86-  
Per.III dated 30.3.1986 on the subject mentioned above and to  
say that the matter regarding review of assessment results of  
technical personnel as contained in the above mentioned letter  
dated 20.3.86 has been reconsidered in the Council and it has  
been decided to discontinue the system of review of assessment  
results of technical personnel with effect from 1984. It means  
that there shall be no provision for review of the assessment/  
re-assessment for the period ending December, 1984 and onwards.

The above decision may be brought to the notice of all  
concerned.

Yours, faithfully,  
Sd/- Satinder Singh  
Deputy Secretary(A)

- 26 -  
7-2-2000  
13X

**INDIAN COUNCIL OF AGRICULTURAL RESEARCH**  
**KRISHI BHAVAN NEW DELHI**

No.18-1/97.Estt.IV

Dated the 3<sup>rd</sup> February, 2000

To

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

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

Sir,

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

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

*Dr. K. D. Pathak*  
137  
(04/2000)

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

137  
(04/2000)

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

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

*Please circulate  
to all concerned*  
*11/2*

*K. D. Pathak*  
*11/2/2000*

*Dr. Bhawna*  
*11/2/2000*

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

(ii) The provisions relating to Category barrier for assessment promotions from T-5 grade of Category II to T-6 grade of Cat.III has been revised as under :

(a) The technical personnel in T-5 grade (RS.6500-10500) and possessing the essential qualifications prescribed as hereinfurther under this order for Category III for direct recruitment, shall be eligible for assessment promotion to T-6 (RS. 8000-13,500) grade after completing five years of service in T-5 grade, while :

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

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

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

(b) Those technical personnel who have already been placed in T-8 grade (RS.10000-15200) will be

*Ramchandra*

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

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

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

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

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

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

*Ram Sharda*

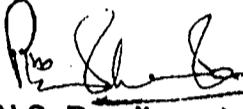
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whatever personal grade through assessment promotion in the technical service shall occur only in the initial grade of his appointment under the service. This will continue to be regulated accordingly. However, in the meanwhile no post/grade of post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

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

Yours faithfully,

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

**Copy to :**

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

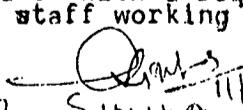
  
( A.S. Sethi )  
Under Secretary(Technical)

No. RC(R)20/99

Dated Umiam the 11th Feb., 2000

**Copy to :-**

1. All the Joint Director of the centres, All KVK, i/o
2. All Head of the Divisions, FAO/ A&D(E)/Medical Officer/ Sr. Farm Manager/ Estate Officer, Notice Board with a request to bring to the notice of the Technical staff working under them.
3. Secretary(Staff side) IJSC.

  
( G. S. Sinha )  
B.Sc. II M.Sc. B.Ed. (Hons.)