

30/100  
3  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 196/02.....

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

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

1. Orders Sheet. O.A. 196/02 ..... Pg. .... 1 ..... to ..... 2 .....
2. Judgment/Order dtd. 06/09/02 ..... Pg. .... 1 ..... to ..... 4 ..... allowed .....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 196/02 ..... Pg. .... 1 ..... to. .... 25 .....
5. E.P/M.P..... N/I.C. ..... Pg. .... to.....
6. R.A/C.P..... N/I.C. ..... Pg. .... to.....
7. W.S. Filed by the Respondents ..... Pg. .... 1 ..... to ..... 8 .....
8. Rejoinder. Submitted by the Applicant ..... Pg. .... 1 ..... to ..... 15 .....
9. Reply..... Pg. .... to.....
10. Any other Papers..... Pg. .... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Jud.)

FROM No. 4  
(SEE RULE 42)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:**

ORDER SHEET

Original Application No. 196 / 2002  
Mise Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_ /

Apple carts. R. N. Maynard

-Vs-

Respondant(s) W.O. I. Jones

Advocate for the Appellant(s) M. Chanda, B.N. Chakrabarty  
11 Parbat 13

Advocate for the Respondat(s) H. Datta CASE

Notes of the Registry	Date	Order of the Tribunal
C. No. 26 of 2002 76522 S/02 18-6-2002 Dr. K. S. Narayanan B2	21.6.02	Heard Mr. M. Chanda, learned counsel for the applicant.
JK Takkar EPS S/02		Issue notice to show cause as to why the application shall not be admitted.

Notice prepared and  
Sent to D. Section  
for issuing of the  
Same to the respondents  
through Regd. post  
with A/D. Vide D/No 182 B to  
1826 Dtd. 27.6.02.

27.6.02

4.7.2002

Heard Mr M. Chanda, learned  
counsel for the applicant and Mr A. Deb  
Roy, learned Sr. C.G.S.C. The application  
is admitted. Call for the records. The  
respondents shall file their written  
statement within four weeks from today.  
Mr A. Deb Roy, learned Sr. C.G.S.C. also

4.7.2002

undertakes to file the written statement within the time prescribed. The case may be posted for hearing on 10.8.02.

In the meantime the parties may exchange their pleadings.

K.L.Usha

Member

Vice-Chairman

nkm

2.8. Discussion being on did not sit today,  
The case is adjourned to  
29/8/2002.

Mr.

A. Debroy

278

26.8.02

WS submitted  
by Respondent No. 1 to 4

29/8.

Heard Mr. M. Chandra, learned  
Counsel for the applicant  
Mr. A. Debroy, learned Counsel for the  
Respondent.

Hearing concluded,  
Judgment reserved.

Mr.

A. Debroy

29/8

28.8.2002

Respondent informed  
by the applicant. 6.9.02

28

Judgment order dated 6/9/02  
communicated to the  
applicant and the parties  
concerned.

24/9/02

K.L.Usha

Member

Vice-Chairman

mb

Mr. Debroy  
30.1.03

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./K.A.No...196.Qf.2002.of

DATE OF DECISION.. 6.9.02

Shri Rajat Nandi Mazumdar,

APPLICANT(S)

Mr.M.Chanda, Mr.G.N.Chakraborty, Mr.H.Dutta

ADVOCATE FOR THE APPLICANT(S)

VERSUS..

Union of India & Ors.

RESPONDENT(S)

Mr.A.Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR.D.N.CHOUDHURY, 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 ?

Judgment delivered by Hon'ble ADMINISTRATIVE MEMBER

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5

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 196 of 2002.

Date or Order: This the 6th Day of September 2002.

HON'BLE MR.D.N.CHOUDHURY, VICE-CHAIRMAN  
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

Shri Rajat Nandi Majumdar  
S/O. Shri P.K.Nandi Mazumdar,  
Now working as Radio Techinician,  
Communication Wing, Custom(P) Division,  
Department of Customs & Central Excise,  
Agartala.

... ... Applicant

By Advocate Mr.M.Chanda, Mr.G.N.Chakraborty,  
Mr.H.Dutta.

-Vs-

1. The Union of India  
(Through the Secretary,  
Department of Revenue,  
Government of India,  
New Delhi.)
2. The Commissioner of Customs,  
North Eastern Region,  
Morello Compound,  
Shillong-793001.
3. The Commissioner of Central Excise,  
North Eastern Region,  
Morello Compound,  
Shillong-793001.
4. The Astt.Commissioner(HQRS)  
Customs & Central Excise,  
Morello Compound,  
Shillong-793001. ... ... Respondents.

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

O R D E R.

K.K.SHARMA, ADMINISTRATIVE MEMBER:

The applicant has claimed the benefit of grant of Revised scale of pay of Rs. 5000-8000/- to the applicant on the basis of recommendation of the 5th Pay Commission with effect from 27.1.1997.

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contd/-2

2. The applicant was appointed as Radio Technician under the Respondents on 27.1.1997 in the scale of Rs. 1400-2300/- . It is stated that the 5th Pay Commission in para 50.23 and 50.24 recommended the revised pay scale of Rs. 5000-8000/- to all Diploma Engineers. The applicant has passed 3 years Diploma course. It is stated that on the basis of 5th Pay Commission recommendation the scale of Diploma holders Radio Technicians was revised to Rs. 1600-2660 and to corresponding revised scale of pay to Rs. 5000-8000/-. The pay scale of Radio Technician in other departments of the Government of India has been revised of Rs.5000-8000/-. The applicant has relied on the order of C.A.T.(PB) in O.A.Nos. 1003,1004,1005 and 1007 of 2000, dated 08.11.2000 in support of his claim for the scale of Rs. 5000-8000/-. This order was in respect of Radio Technicians working in the department of Police Wireless under the Ministry of Home Affairs. The applicant made representation to the respondents on 17.5.2001 but reply has not been received. Hence this application.:-

3. Mr.M.Chanda learned counsel appearing on behalf of the applicant argued that the applicant has passed three years Diploma Course and he is eligible to get the revised scale of pay Rs. 5000-8000/- as per recommendation of the Pay Commission in the light of paras 50.23 and 50.24.

4. Mr.A.Deb Roy, Sr.C.G.S.C. appearing on behalf of the respondents referred to the written statement and submitted that as per communication dated 1st January, 98, Department of Revenue, Ministry of Finance the Department of Customs and Central Excise revised the pay scale of Radio Operator was revised to Rs. 4500-7000/- . The recommendation of the 5th Pay Commission made in paras 50.23 and 50.24 pertain to the demand made by Technical Group of staff working under Administrative Ministries/Departments. The recommendation in these paras cannot be applied to Radio Technician working under Telecommuni-

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cation Wing of the C.E.E.C. The relevant recommendation pertaining to the applicant's department are contained in Paras 66.136 to 66.147 of the Pay Commission's Report. It is argued that on the recommendation contained in Paras 66.141 and 66.142 of the Fifth Pay Commission, the pay scale of Radio Operators was revised to Rs. 4500-7000/-. Therefore, claim for the Radio Technician's to the revised scale of pay Rs. 5000-8000/- cannot be accepted. According to Mr. A. Webb Roy, Sr.C.G.S.C. the application is liable to be dismissed.

5. We have carefully perused the contentions made on behalf of the applicant and also submissions made on behalf of the respondents. We have also perused the order of Principal Bench relied by the applicant. In that case the Radio Technician of Police Wireless Department who were in the scale of pay Rs. 1600-2600/- were given the scale of Rs. 5000-8000/-. The applicant was appointed in the scale of Rs. 1400-2300/- and continued to be in the same scale. Only the scale of Radio operators(operations system) as per communication dated 1.1.98 of the Department of Customs, Ministry of Finance(Annexure to the written statement) was revised to the scale of Rs. 4500-8000) from Rs. 1320-2040. It is seen that the applicant was not appointed as U Radio Operator(Rs. 1320-2040) but was appointed as ~~Radio~~ U Radio Technician(Rs. 1400-2300). In the Circular dated 1.1.98 filed with the written statement no scale is given for ~~Radio~~ U Radio Technician but it is seen that the Supervisor(operations system) who was in the scale of Rs. 1400-2300 was given the scale of Rs. 5000-8000/-. If the corresponding scale of Rs. 1400-2300 is Rs. 5000-8000, the applicant would

contd/-

be entitled to this scale. As the applicant is not a ~~radio~~ operator, the pay scale of ~~radio~~ operator is not applicable to him. The applicant falls in a different category. It appears that the claim of the applicant has not received due attention. The applicant had made a representation dated 17.5.2001 which has not been replied. We are of the view that the respondents should re-examine the applicants claim and give him the appropriate scale applicable to his post.

Subject to above observation the application is allowed to the extent indicated above. There shall be no order as to costs.

KC (Signature)  
(K.K.SHARMA)  
ADMINISTRATIVE MEMBER

  
(D.N.CHOUDHURY)  
VICE-CHAIRMAN

LM

9  
Filed by the applicant  
through Srin G. N.  
Chokkavant Advocate  
S. C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

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

Title of the case : O.A. No. 196 / 2002

Shri Rajat Nandi Majumdar - Applicant

- Versus -

Union of India & Others - Respondents

INDEX

Sl. No.	Annexure	Particulars	Page Nos.
1	-	Application	- 1 - 10
2	-	Verification	- 11
3	I	Appointment letter dated 24.1.97	- 12 - 14
4	II	Posting Order dated 29.1.97	- 15
5	III	Transfer Order dated 18.3.97	- 16 - 17
6	IV	Certificate of Diploma	- 18
7	V	Institute Leaving Certificate	- 19
8	VI	Judgment & Order dated 08.11.2000	- 20 - 23
9	VII	Representation dated 17.5.2001	- 24 - 25

Filed on :

Filed by,

Advocate

Rajat Nandi Majumdar

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 196 /2001

BETWEEN

Shri Rajat Nandi Majumdar,  
S/o Shri P.K. Nandi Majumdar,  
Now working as Radio Technician,  
Communication Wing, Custom(P) Division,  
Department of Customs & Central Excise,  
Agartala

... Applicant

-AND-

1. The Union of India  
(Through the Secretary,  
Department of Revenue,  
Government of India,  
New Delhi ).
2. The Commissioner of Customs,  
North Eastern Region,  
Morello Compound,  
Shillong- 793001.
3. The Commissioner of Central Excise,  
North Eastern Region,  
Morello Compound,  
Shillong - 793001.

contd...p/2

*Rajat Nandi Majumdar*

( 2 )

4. The Asstt. Commissioner (HQRS),  
Customs & Central Excise,  
Morello Compound,  
Shillong - 793001.

... Respondents

#### DETAILS OF THE APPLICATION

1. Particulars of the order against which this Application is made

This application is made not against any particular order but against non-implementation of the revised scale of pay in terms of the Recommendations of the Fifth Central Pay Commission for Diploma Engineers in respect of the Applicant and praying for a direction upon the Respondents for implementing the recommendation of the Vth Central Pay Commission in respect of the applicant and granting the revised pay scale of Rs.5000/- - 8000/- to the applicant in the light of the provisions made under Para 50.23 and 50.24 of the Pay Commission Report, as have been extended to the similarly situated Diploma Engineers of other Departments.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The applicant further declares that this application is filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

contd...p/3

Rajat Alandi Majumdar

4. Facts of the Case

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protections guaranteed by and under the Constitution of India.

4.2. That the applicant was appointed as a Radio Technician under the Respondents and joined at C.C.P.'s Cell, Headquarters Office, Shillong on 27.1.97. Subsequently he was transferred from CCP's Hqrs. Office, Shillong to Communication Wing, Customs ( Preventive) Division, Agartala in his same capacity vide order dated 18.3.97 where he is still continuing.

( Copy of Appointment letter dated 24.1.97, posting order dated 29.1.97 and Transfer order dated 18.3.97 are annexed hereto as Annexures- I,II and III respectively).

4.3. That the scale of pay granted to the Diploma Engineers at the time of appointment by the Respondents was Rs. 1400/- - 2300/- and the applicant was also paid the same initial recruitment scale of Rs. 1400/- - 2300/- as Radio Technician. The said scale of Rs. 1400/- - 2300/- was subsequently improved/rationalised to Rs. 1600/- - 2600/- ( Pre-revised) and revised to Rs. 5000/- - 8000/- by the Fifth Central Pay Commission in the light of Para 50.23 and 50.24 of the Commission's report which

are reproduced below :-

" 50.23 - we have carefully considered the demands of the Federation and the view of the Administrative Ministries/Departments in the light of our general approach on the pay scales of different professional/technical groups of staff and existing relativities between technical and non-technical categories. We have as a general rule, decided to improve the initial recruitment pay scale of diploma engineers in Government. We accordingly, recommended following pay structure for engineering subordinate cadres :-

Existing (Rs.)	Proposed (in present terms) (Rs.)
1400-2300	1600-2660
1600-2660 *	1640-2900
1640-2900 *	1640-2900
2000-3200 *	2000-3500
2000-3500	2000-3500
2375-3500	2375-3750
2375-3750	2500-4000

\* Some of these are graduates in engineering, others are diploma holders.

50.24 - These pay scales will apply mutatis mutandis for diploma Engineers in different cadres

depending upon the availability of specific existing pay scales. We have also recommended specific pay structure for different engineering cadres. "

4.4. That the Fifth Central Pay Commission in the light of Para 50.23 and 50.24 of its Report, recommended the revised Pay scale of Rs. 5000 - 8000/- for all the Diploma Engineers in the Government enjoying specific Pay Scales mentioned above including the scale of Rs. 1600-2660/- ( Pre-revised) in general irrespective of Ministries/Departments in the Government and removed all distinctions existing prior to Fifth C.P.C. in respect of Pay scales of <sup>among</sup> Diploma holders Radio Technicians ~~and other technical posts~~.

Accordingly, the pay scale of Diploma-holder Radio Technician stood revised from the scale of Rs. 1600-2660/- ( pre-revised) to Rs. 5000 - 8000/- ( Revised) w.e.f. 1.1.96.

4.5. That the applicant begs to state that he is a first class Diploma-holder in Electronics and Communication Engineering, having passed the three-years diploma course from the Marathawada Institute of Technology, Aurangabad, under the Board of Technical Examinations, Maharashtra State, and accordingly qualified for the said post of Radio Technician in which he has been appointed by the Respondents.

( Copy of certificate of Diploma and Leaving Certificate of the Institute are annexed hereto as Annexure- IV and V respectively).

contd.. p/6  
Rajat Alandi Majumder.

4.6. That following the recommendations of the Fifth Central Pay Commission, the Diploma Engineers Scale of Pay has been revised from Rs. 1600/- -2660/- (pre-revised) to Rs. 5000 - 8000/- ( Revised) in other Departments of the Government but the Respondent Department has not taken any action on the matter and the applicant has not been given the revised scale of Rs. 5000-8000/- as yet.

4.7. That under similar circumstances, the Principal Bench of the Central Administrative Tribunal (CAT) examined and adjudicated the matter in O.A. No. 1003,1004,1005 & 1007 of 2000 and by its judgment dated 08.11.2000 allowed the aforesaid applications directing the Department of Police Wireless under the Ministry of Home Affairs to grant the Diploma-holder Radio Technician of Police Wireless Department (MHA) the revised scale of Rs. 5000 - 8000/- against the corresponding pre-revised scale of Rs. 1600-2660/- w.e.f. 1.1.96 with all consequential benefits as per recommendations of the Fifth Central Pay Commission.

( Copy of the Judgment and order dated 08.11.2000 is annexed hereto as Annexure- VI ).

4.8. That the applicant approached the Respondents for granting him the revised scale of Rs. 5000-8000/- and also submitted representation on 17.5.2001 to the Respondents praying for implementation of the Fifth Central Pay Commission's recommendations and granting

contd...p/7

Rajat Alandi Majmudar

him the revised scale of Rs. 5000 - 8000/- as have been done in case of the similarly situated Radio Technicians in other departments of the Government but with no fruitful result.

( Copy of the representation dtd. 17.5.2001 is annexed hereto as Annexure- VII).

4.9 That your applicant begs to state that due to non-implementation of the Revised scale of pay as per the Fifth Pay Commission's recommendations in respect of the applicant, the applicant has been suffering huge financial losses every month and as such finding no other alternative the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and interests of the applicant directing the respondents to grant to the applicant the revised scale of Rs. 5000-8000/- in terms of the recommendations of the Fifth CPC.

4.10. That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions

5.1. For that the applicant is entitled to get the revised scale of Rs. 5000- 8000/- in terms of the recommendations of the Fifth Central Pay Commission.

5.2. For that the applicant is a duly qualified Diploma Engineer Radio Technician and is eligible to get the revised scale aforesaid in the light of Para 50.23 and 50.24 of the Fifth Pay Commission's report which is applicable to all the Administrative Ministries/Departments.

contd...p/8

Rajat Alandi Majumdar

5.3. For that the similarly situated Diploma-holder Radio Technicians in other departments of the Government have been granted the revised scale of Rs. 5000-8000/- following the recommendations of the Fifth CPC.

5.4. For that the Principal Bench of the Central Administrative Tribunal (CAT) has already examined and adjudicated the matter in case of the Radio Technicians of Police Wireless Department (MHA) who are similarly situated to that of the applicant and have granted the revised scale of Rs. 5000 - 8000/- to those Radio Technicians.

5.5. For that the applicant has been suffering heavy financial losses every month due to non-implementation of the Revised scale of pay in his case.

5.6. For that the applicant has repeatedly approached and submitted representation to the Respondents praying for grant of the revised pay scale to him.

5.7. For that non-granting of revised pay scale to the applicant is violative of the principles of natural justice and Article 14 and 16 of the Constitution of India.

6. Details of remedies exhausted

That the applicant states that he has no other alternative and other efficacious remedy

than to file this application before this Hon'ble Tribunal. Approaches and Representation of the application to the respondents failed to yield any response.

7. Matters no previously filed or pending with any other Court

The applicant further declares that he had not previously filed any application, writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, writ Petition or Suit is pending before any of them.

8. Relief(s) sought for

Under the facts and circumstances of the case the applicant prays for the following reliefs :-

8.1. The Respondents be directed to grant the revised scale of pay of Rs. 5000 - 8000/- to the applicant in terms of the Fifth Central Pay Commission's recommendations w.e.f. 27.1.97 with all consequential benefits.

8.2. Costs of the Application.

8.3. Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

contd...p/10

*Rajit Alandi Majumder*

9. Interim Order prayed for

During the pendency of this application, the applicant prays for the following reliefs :-

9.1. That the respondents be directed that the pendency of this application shall not stand as a bar in ~~xxxx~~ implementing the revised scale in respect of the applicant as prayed for. The applicant further prays that the instant application be disposed of expeditiously.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I.P.O. NO. : 74577502 dated 18.6.2002
- ii) Issued from and payable at : GPO, Guwahati.
- iii)
- iv)

12. List of enclosures

As given in the index.

contd....p/11

*Rajat Alandi Majumdar*

( 11 )

VERIFICATION

I, Shri Rajat Nandi Majumdar, S/O Shri P.K. Nandi Majumdar, aged about 29 years, Radio Technician, Communication Wing, Custom (P) Division, Department of Customs & Central Excise, Agartala do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

I sign this Verification on this the 19/6 day of June, 2002.

Rajat Nandi Majumdar

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE: SHILLONG

S. No. 11 (31) 8/ET. II/96

3907-08/1/

Dated: 24 JAN 1997

## OFFICE MEMORANDUM

With reference to his/her application/Interview/recommendation of the Staff Selection Commission Shri/Smti

Rajal-Naudi Mazzmudar is hereby offered a temporary post

of Radio Technician in the scale of Pay of Rs. 1400-40-1800-EB-50-2300/- plus the usual allowances as sanctioned by the Government of India. His/Her appointment will be subject to the following terms and conditions.

- i) The appointment is purely temporary and will be governed by the C.C.S. (T.S) Rules 1965 and is liable to termination without assigning any reason under Rules 5.
- ii) He/She will be on probation for period of two years which may however be extended at the discretion of the appointment authority.
- iii) He/She will have to comply with requirements of the C.C.S. (Conduct) Rules, 1964 and the plural Marriage Act. All Rules or orders already in existence or issued from time to time regarding attendance, duties, discipline, conditions of service etc. will automatically be applicable to him/her.
- iv) He/She must be willing to serve any where with-in the jurisdiction of this Commissionerate.
- v) He/She should give a Declaration of His/her town for the purpose of L.T.C. with 6(six) months from the date of entry into service.
- vi) He/She should pass the prescribed Departmental Examination within two years of his/her appointment failure to which may lead to his/her service being terminated.
- vii) That the seniority of the candidate of direct recruit vis-a-vis promotees will be assigned according to the Instruction issued by the Ministry from time to time.
- viii) His/Her retention in service in future subject to his/her being found suitable for Govt. service in all respect.
- ix) His/Her appointment is subject to the production of Medical Certificate of Fitness from the Civil Surgeon/Assistant Surgeon in case of Group 'B' staff only and subject to his/her taking an oath of allegiance to the constitution of India.
- x) He/She is liable to transfer/posting within the Commissionerate to which he/she is nominated and under no circumstance his/her request for transfer to any other Commissionerate will be entertained.
- xi) Applicable to candidates appointed on compassionate ground.
  - a) The appointment is purely provisional subject to satisfactory Police Verification Report.
  - b) The education qualification has been relaxed as a special case. He/She has to acquire requisite educational qualification viz. \_\_\_\_\_ class within two years from the date of appointment.

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*Approved  
Smti  
Parvati*

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c) He/She should acquire the requisite speed in typewriting as failure to pass the writing test will debar him/her from drawing increments in the pay scale and he/she will not be entitled for the confirmation.

xiii) Applicable to candidates claiming to be belonging to scheduled Castes/Scheduled Tribes :

"The appointment is provisional and is subject to the Caste/Tribe certificate being verified through the proper channels and if the verification reveals that the claim to belong to SC/ST, as the case may be, is false, the services will be out prejudicial such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.

4. If the offer is accepted by him/her, he/she should report for duty to the Assistant Commissioners (Hons.) of Customs & Central Excise, Shillong immediately, but in any case not later than 15 (fifteen) days from the date of receipt of this offer. If he/she fails to do so, this offer of appointment will be treated as cancelled.

5. He/She should submit the following documents alongwith him/her joining report.

- i) The Medical fitness certificate in the form enclosed obtainable from the Civil Surgeon/Assistant Surgeon on production of the enclosed latter to him/her.
- ii) The original Matriculation Certificate and other certificate in support of age, educational qualification etc.
- iii) If he/she claims to be member of SC/ST, he/she should submit the original certificates in support of his/her statement in the enclosed from duly signed by any one of the following officers.
  - a. District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
  - b. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
  - c. Revenue officer not below the rank of Tehsildar.
  - d. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
- iv) Two certificate of Character in the enclosed form not more than three month old from two gazetted officer. One of the certificates should be attested by the District Magistrate or Sub-Divisional Magistrate or their superior officer.
- v) A declaration in form enclosed regarding marriage.
- vi) No Objection Certificates from his/her previous employer and release order from his/her employer accepting his/her resignation from that service.
- vii) Attestation form in triplicate duly filled in.
- viii) Employment Exchange Registration Card in original.

*Blended  
for Patoole*

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-:- 3 :-

4. No travelling or other allowances will be paid to him/her for obtaining the Medical or other Certificates.

*D. Chattacharyya* 24/11/97  
( D. CHATTACHARYYA )  
ASSISTANT COMMISSIONER (HQRS.)  
CUSTOMS & CENTRAL EXCISE: SHILLONG

To

Shri Rajat Nandy Majender,  
c/o Shri P. K. Nandy Majender  
Assistant Post Master General (Staff & Technical),  
c/o Chief P.M.G., N.E. Circle,  
Shillong - 793 001.

*Shri Rajat  
Nandy Majender*

O-R-D-E-R

ANNEXURE-II

Dated, Shillong the

28<sup>th</sup> January, 1996

2

Consequent upon the joining of Shri/Smti Rajat Nandi Majumdar at the Commissionerate Hqrs. Office, Shillong as newly appointed Radio Technician on 27-1-97 he/she is hereby posted to C.C.P's cell of Hqrs. Office, Shillong until further order.

*Mr. Chakraborty*  
(M. L. CHAKRABORTY)  
ADMINISTRATIVE OFFICER (ESTT.)  
CUSTOMS & CENTRAL EXCISE: SHILLONG

C.NO.II(29) 12/ET-II/97 51830919

Date 9 JAN 1997

Copy forwarded for information and necessary action to :-

1. The Deputy Commissioner, Customs (Preventive),  
Shillong.
2. The Superintendent, C.C.P's cell Customs & Central Excise, Shillong.
3. A.O. (Hqrs.)/A.C.A.O. (Accts.)/(Revenue), Customs and Central Excise, Shillong.
4. C.A.O./P.A.O. of Commissionerate Hqrs. Office, Shillong.
5. Accounts I & II/Confidential Br./CIU-cum-VIG. Branch.
6. Shri/Smti Rajat Nandi Majumdar Radio for compliance.

*Mr. Chakraborty*  
(M. L. CHAKRABORTY)  
ADMINISTRATIVE OFFICER (ESTT.)  
CUSTOMS & CENTRAL EXCISE: SHILLONG

*Other add  
Smti  
Smti*

\* \* \* \* \*

OFFICE OF THE COMMISSIONER OF CUSTOMS (PREVENTIVE)  
NORTH EASTERN REGION  
SHILLONG

ORDER NO. 08/1997

Dated, Shillong, the 18th March, 1997

Sub :- Transfer and Postings in the grades of  
Supervisors, RT, TA, OTC of Commissionerate  
of Customs (Preventive), North Eastern Region,  
Shillong - orders regarding.

\*\*\*\*\*

The following transfer and postings in the grades of Supervisor, RT, TA and OTC of Communication wing of the Commissionerate of Customs (Preventive), North Eastern Region, Shillong are hereby ordered with immediate effect and until further orders.

SL.NO.	NAME AND DESIGNATION	PLACE OF POSTING FROM	TO
1.	T.N. Jha, Supervisor	SCP's Hqrs. Off. Shillong	Communication wing CCP's Hqrs. Office, Shillong.
2.	G. Chowdhury, TA	-do-	-do-
3.	D. Baishya, TA	-do-	-do-
4.	Y.K. Sharma, OTC	-do-	-do-
5.	N. Swain, OTC	-do-	-do-
6.	N. Sardar, OTC	-do-	-do-
7.	P. Datta, RT	-do-	Communication wing Customs (P) Divn Guwahati.
8.	S.R. Dey, OTC	-do-	-do-
9.	K.K. Deka, RT	-do-	Communication wing Customs (P) Divn. Karimganj
10.	T.C. Deka, OTC	-do-	-do-
11.	P. Das, RT	-do-	Communication wing Customs (P) Divn. Aizawl.
12.	P. Gogoi, OTC	-do-	-do-
13.	R.N. Majumdar, RT	-do-	Communication wing Customs (P) Divn. Agartala.
14.	A. Das, OTC	-do-	-do-

( LALJUNGHNEMA )  
COMMISSIONER OF CUSTOMS (PREV)  
NORTH EASTERN REGION  
SHILLONG

Revised  
by  
Parasect

( Contd....P/2 ).

-:: 2 ::-

C, NO. II(3)4/ET/CCP/CELL/SH/97/3127-58 Dated :- 20/08/97

Copy forwarded for information and necessary action to :-

1. The Assistant Director (Communication), Commissionerate of Customs (Preventive), North Eastern Region, Shillong.
2. The Assistant Commissioner (Hqrs), Customs and Central Excise, Shillong.
3. The Assistant Commissioner of Customs (Preventive), Agartala, Karimganj, Guwahati, Aizawl.
4. The Assistant Commissioner (P & I), Hqrs. Office, Shillong.
5. The PAC/ACAO(Accts), Customs and Central Excise, Shillong.
6. The Administrative Officer (Customs), Hqrs. Office, Shillong.
7. Shri Ayub Mandi Majinder, R.T., Communication Wing, Hqrs. Office, Shillong. for compliance.
8. The Branch-in-Charge, Accts. I & II/ET II & III/Confld Br./ CIU-VIG Branch of Hqrs. Office, Shillong.
9. Guard File.

Thanglum, 19/3  
 ( LAJLUNGHNEMA )  
 COMMISSIONER OF CUSTOMS (PREVENTIVE)  
 NORTH EASTERN REGION : SHILLONG

\* \* \* \* \*

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राष्ट्रीय शिल्प

# Board of Technical Examinations

## Maharashtra State

RAJAT NANDI MAJUMDAR

Rajat Nandi Majumdar

the withinsigned

having been examined for the DIPLOMA IN

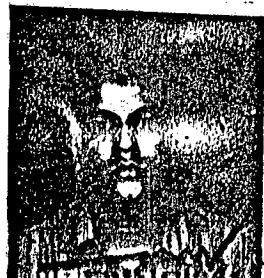
ELECTRONICS &amp; COMMUNICATION ENGINEERING

and having been adjudged to have passed  
in the FIRST class, has been awarded, the

DIPLOMA IN

ELECTRONICS &amp; COMMUNICATION ENGINEERING

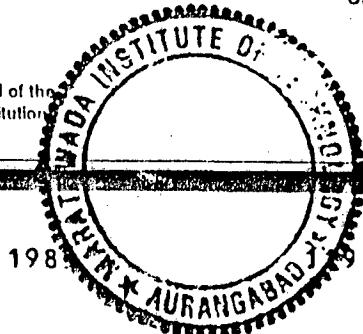
by the Board of Technical Examinations,  
on behalf of the Government of Maharashtra,  
on the 27TH day of the month of DECEMBER  
in the year One thousand nine hundred and  
ninety FIVE In testimony whereof is set  
the seal and signature of the Chairman,  
Board of Technical Examinations.



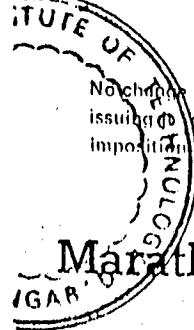
M.I.T. AURANGABAD.

Seal of the  
Institution

CHAIRMAN



Presided  
over by  
Dato' Dr. S. A. Majumdar



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No change in any entry in this certificate shall be made except by the authority issuing it and any infringement of this requirement is liable to involve the imposition of penalty such as that of retraction.

G. S. MANDAL'S

Marathwada Institute of Technology  
AURANGABAD

LEAVING CERTIFICATE

No. 2620

Register No. of the student ..... 3/91 .....

1] Name of the student Rajal Nandi Majumdar  
in full 2/o S. K. Majumdar

2] Caste with Sub-caste \_\_\_\_\_

3] Place of Birth \_\_\_\_\_

4] Date of birth, month  
and year according to  
Christian era, both in  
words & figures (27/12/1973) Twenty seventh  
Dec. Nineteen Seventy three

5] Last Institute attended Hindi Higher Secondary  
Kunshabur Road, Nagpur.

6] Date of admission 15-06-1991

7] Progress Good

8] Conduct Good

9] Date of leaving of  
this Institute 16-01-1996

10] Standard in which stu- Diploma third year 1994.  
dying and since when

11] Reason of leaving Completed Diploma Course  
Institute. 63TH Serial No. 667352 in First Dist.  
Exam No: 95.

12] Remarks \_\_\_\_\_

Certified that the above information is in accordance with  
the Institute's Records.

Date :- 16/01/96

Section Clerk

*Principal*

M. I. T AURANGABAD,

*16/01/96*

*Attested  
by Advocate*

8  
9  
Original Applications Nos. 1003, 1004, 1005 & 1007 of 2000

New Delhi, this the 8th day of November, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. S.A.T. Rizvi, Member (Admnv)

(1) Original Applications No. 1003 of 2000

Shri Rm. Kumar S/o Shri Kishan Singh,  
Working as Radio Technician In the office  
of the Directorate of Coordination,  
Police Wireless, Ministry of Home  
Affairs, Government of India And  
Residing at F-3, Police Wireless Quarters  
Near Taxi Stand, Humayun Tomb, Nizamuddin  
East, New Delhi-110013.

(By Advocate Shri V. Shekhar)

-Applicant.

Versus

1. Union of India Through Secretary,  
Ministry of Home Affairs, North Block,  
New Delhi-110001.

2. Directorate of Coordination, Police  
Wireless Through its Director, Block  
No. 9, C.G.O. Complex, Lodhi Road, New  
Delhi-110003.

(By Advocate Shri J.B. Hudgil)

-Respondents

(2) Original Applications No. 1004 of 2000

Shri N.K. Gupta, S/o Shri Inderjit  
Gupta, Working as Radio Technician In the  
office of the Directorate of  
Coordination, Police Wireless Ministry of  
Home Affairs, Government of India And  
Residing at P-14, Krishan Vihar,  
Kanjhwala Road, Delhi-110041.

(By Advocate Shri V. Shekhar)

-Applicant

Versus

1. Union of India Through Secretary,  
Ministry of Home Affairs, North Block,  
New Delhi-110001.

2. Directorate of Coordination, Police  
Wireless Through its Director, Block  
No. 9, C.G.O. Complex, Lodhi Road, New  
Delhi-110003.

(By Advocate Shri J.B. Hudgil)

-Respondents

(3) Original Applications No. 1005 of 2000

Shri V.T. Undirwade, S/o Tarachanji  
Undirwade, Working as Radio Technician In  
the office of the Directorate of  
Coordination, Police Wireless Ministry of  
Home Affairs, Government of India And  
Residing at 178-H/21A, Ward No. II Gadwall  
Colony, Mehrauli, New Delhi-110030.

(By Advocate Shri V. Shekhar)

-Applicant

1. Union of India Through Secretary,  
Ministry of Home Affairs, North Block,  
New Delhi-110001.

*Adv. Shri  
V. Shekhar*

(By Advocate Shri J. V. Shekhar)

## Versus

1. Union of India Through Secretary, Ministry of Home Affairs, North Block, New Delhi-110001.

2. Directorate of Coordination, Police Wireless Through its Director, Block No.9, C.G.O. Complex, Lodhi Road, New Delhi-110003.

-Respondents

(By Advocate Shri J.B. Mudgal)

### Common Order (Oral)

By D. A. T. Rizvi L. Bhopal (Admox)

Applicant in OA 1003/2000 is a Diploma Holder Radio Technician working in respondent no.2's establishment. The applicants in the other OAs, namely, OAs 1004, 1005 & 1007 of 2000 also happen to be Diploma Holder Radio Technicians in the same organisation. Their grievance is identical. All these OAs are, therefore, clubbed and this common order is passed:

2. The grievance is that various Pay Commissions right upto Fourth Pay Commission maintained a distinction between Diploma Holder Radio Technicians and Non-Diploma Holder Radio Technicians and granted different pay scales to them. According to the respondents the said distinction has been wiped out with the result that both the categories of Radio Technicians were given the same revised pay scale of Rs. 3000-8000 by the Fifth Pay Commission. The

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applicants' contention is that it would be incorrect to say that the distinction in question has been wiped out by the Fifth Pay Commission. He has read out from the Fifth Pay Commission's report, paras 50.23 and 50.24 of which are relevant. Those paragraphs are reproduced below:-

"50.23 We have carefully considered the demands of the Federation and the view of the Administrative Ministries/ Departments in the light of our general approach on the pay scales of different professional/ technical groups of staff and existing relativities between technical and non-technical categories. We have, as a general rule, decided to improve the initial recruitment pay scale of diploma engineers in Government. We accordingly, recommended following pay structure for engineering subordinate cadres:-

Existing (Rs.)	Proposed (in present Terms) (Rs.)
1400-2300	1600-2660
1600-2660*	1640-2900
1640-2900*	1640-2900
2000-3200*	2000-3500
2000-3500	2000-3500
2375-3500	2375-3750
2375-3750	2500-4000

\*some of these are graduates in engineering, others are diploma holders;

50.24 These pay scales will apply mutatis mutandis for diploma engineers in different cadres depending upon the availability of specific existing pay scales. We have also recommended specific pay structure for different engineering cadres.

It would be seen that the recommendations made in paragraph 50.23 relates to the persons working in all the Administrative Ministries/ Departments and in the light of the Commission's general approach they have revised the pay scales of Diploma Holders from Rs.1400-2300 to Rs.1600-2660. In Para 50.24 the Commission has specifically mentioned that the aforesaid scale will apply mutatis mutandis to diploma engineers in different cadres.

3. The learned counsel for the applicants has drawn our attention to Para 70.107 of the Pay Commission's recommendations which deals with the respondents' establishment in which the applicants are working. It is seen from these recommendations that the

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Commission has not been able to focus attention on Diploma Holder Engineers while making recommendations in respect of the respondent-establishment. The learned counsel of the respondents contends that the claim of the applicants should be examined with reference to the 1st Schedule Part 'A' attached to the recommendations of the Fifth Pay Commission. This schedule happens to be the running statement of existing pay scales merged to provide for revised pay scales as a general rule. This do not relate to specific jobs and services as such and are, therefore, not relevant for our purpose.

4. We are, therefore, left to consider what the Commission has said in Paras 50.23 and 50.24. As already stated, the Commission made clear provisions for grant of the pay scale of Rs.5000-8000 (Pro-revised Rs.1600-2660) to Diploma Holder Engineers across the board.

5. In the result, the OAs succeed and the respondents are directed to consider granting the Diploma Holder Radio Technicians the revised pay scale of Rs.5000-8000 with effect from 1.1.1996 with all consequential benefits. The respondents are required to comply with these directions within a period of two months from the date of receipt of a copy of this order.

No costs.

(Anup Agarwal)  
Chairman

(S.A.T.Rizvi)  
Member (Admnv)

RECORDED & ATTESTED

Smt. Meera Pare  
Executive Judicial Delegt.  
Office Secretary  
Central Administrative Tribunal  
2nd Floor, I ISBT  
New Delhi

Revised  
Recd. by  
Rizvi

નામાનુભાગ કરી શકતું હોય એવું હું માટે પૂર્ણ પૂર્ણ અનુભાગ હું કરી શકતું હોય  
Certified that this is a true and accurate  
copy of the document before me this 1<sup>st</sup> day of  
July 1992 in the city of Ahmedabad, State of  
Gujarat. I am a Notary Public and my  
Signature is as follows. My official stamp is as  
follows (O&R/NR/1992) Date 1<sup>st</sup> July 1992  
and that all the matter appearing therein  
is true and correct. I have  
carefully and faithfully copied with  
no modification.

ଶାରୀରିକ ନିର୍ଦ୍ଦେଶ ରି କମ୍ ନାମ୍

Serial No. of the copy application

प्राप्तकर्ता का नाम : *82*

(i) Name of the applicant : प्राप्तकर्ता का नाम : *2*

(ii) Date of presentation of application : प्रस्तुति की तिथि :

(v) No. of pages : प्रस्तुति की पृष्ठीयां पर्याप्त प्रत्येक पृष्ठ पर तात्पार्य

(v) Copying fee charged/due/urgent or ordinary : प्रत्येक पृष्ठ पर जाने की पारीष्ठ :

(vi) Date of preparation of copy : प्रत्येक पृष्ठ पर जाने की पारीष्ठ :

(vii) Date on which copy is ready : प्रत्येक पृष्ठ पर जाने की पारीष्ठ :

(viii) Date of Delivery : प्रत्येक पृष्ठ पर जाने की पारीष्ठ :

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To  
 The Commissioner of Customs  
 North Eastern Region  
 Shillong - 793 001.

[ Through the Assistant Director (Comm), NER, Shillong ]

Sub :- Implementation of Vth CPC recommendation for granting revised scale of Rs. 5000-8000/-.

Sir,

I have the honour to state that I have been working as Radio Technician in this Department since 27.01.1997. I am a 3 years Diploma holder. My initial pay scale was 1400-2300/-.

1. That Sir, the Vth Pay Commission in para 50.23 & 50.24 of their recommendation awarded the scale of Rs. 5000-8000/- for Diploma Holder Engineers. In para 50.23 the Vth CPC tried to meet the injustice by proposing the scale as under.

<u>Existing</u>	<u>Proposed in present terms</u>
1400-2300	1600-2660
1600-2660*	1640-2900
1640-2900*	1640-2900
2000-3200*	2000-3500
2000-3500	2000-3500
2375-3500	2375-3750
2375-3750	2500-4000

(\* some of these are graduates in engineering, others are Diploma holders )

2. That Sir, in para 50.24 ibid, the Vth CPC stated that the scale recommended will apply mutatis mutandis to Diploma Engineers in different cadres depending upon availability of specific existing pay scale. It would be seen that the revised pay scale of Rs. 5000-8000/- ( for existing scale 1400-2300/- and pre-revised 1600-2660/-) relates to the

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persons working in all the Administrative Ministries / Department and in the light of general approach they have revised pay scale of Diploma Holders from Rs.1400-2300 to Rs. 1600-2660/- . In para 50.24 the Commission specifically mentioned that the aforesaid scale will apply mutatis mutandis to Diploma Holder Engineers in different cadres.

3. That Sir, the Principal Bench of Central Administrative Tribunal (CAT) in consideration of all pros and cons on the applications S. No. 1003, 1004, 1005 & 1007 of 2000 delivered the verdict on 8.11.2000 in favour of the Diploma Holder Radio Technician of Police Wireless (Ministry of Home Affairs) commenting that the Commission made clear provision for grant of Pay Scale of Rs. 5000-8000/- (prerevised Rs. 1600-2660/-) to Diploma Holders and directed to implement the pay scale of Rs. 5000-8000/- with effect from 1.1.1996 with all consequential benefits. ( copy enclosed for ready reference ).

4. That Sir, unfortunately my case is pending in the Department ever since and I have been allowed the scale of Rs. 4500-7000/-, thereby causing financial loss every month without valid reason.

I therefore appeal to your honour to order implementation of the recommendation of the Vth Central Pay Commission ( Para 50.23 & 50.24 ) immediately as otherwise I shall have no other alternative but to take shelter of the law for justice.

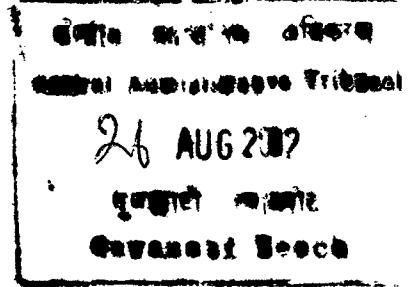
Thanking you Sir.

Dated. Agartala  
The 17th May'2001

Yours faithfully

( Rajat Nandi Majumdar )  
Radio Technician  
Telecommunication Wing  
Customs Division : Agartala

*Officed  
by  
Rajat*



Filed by

32  
(A. DEB ROY  
St. C. G. S. C.  
C. A. T., Guwahati Bench)

Virendra Kerkar

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

O.A. NO. 196/2002

Shri Rajat Nandi Mazumdar

..... Applicant.  
- Vs -

Union of India & Ors.

..... Respondents.

(Written Statements on behalf of the respondents

No. 1 to 4 )

The Written Statements of the abovenoted respondents  
are as follows :

1. That the copy of the O.A. No. 196/2002 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar the respondents have filed their common written statements.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That before traversing the various/ paragraphs parawise comments of the application, the respondents give a ~~background~~ history of the case as under :

4. That with regard to the statements made in para 1 of the application the respondents beg to state that the recommendation made by the Fifth Yxxx Pay Commission under Paras 50.23 and / 50.24 of its report cannot be extended to affect the Pay Scale of the applicant. The aforesaid recommendation was made in view of demands made by technical group of staff working under Administrative Ministries/ Departments. Hence, the recommendation cannot be applied in case of Radio Technician working under Telecommunication Wing of the C.B.E.C.

5. That with regard to the statements made in para 2, 3, 4.1 and 4.2 of the application the respondents beg to offer no comments.

6. That with regard to the statements made in para 4.3 of the application the respondents beg to state that the comments on para-1 above may be seen. Recommendation regarding up gradation of post and pay scale of the staffs of Telecommunication Wing of the C.B.E.C. are contained in Paras 66.136 to 66.147 of the Pay Commission's report . Therefore, Paras 50.23 and 50.24 of the Commission's Report has no connection whatsoever in the instant case of the petitioner.

7. That with regard to the statements made in para 4.4 of the application the respondents beg to state that the applicant has either failed to construe the relevancy of recommendation made in Paras 50.23 and 50.24 of the Pay

Pay Commission's Report or is trying to mislead the Hon'ble Tribunal to suit his own convenience. Pay structure recommended to be followed in case of Technical and Non-technical staff working under the Telecommunication Wing of the C.B.E.C. are categorically mentioned in Paras 66.141 and 66.142 of the Pay Commission's Report. Therefore, the recommendation made in Paras 50.23 and 50.24 is not applicable in case of the applicant.

8. That with regard to para 4.5 of the application the respondents beg to offer no comments.

9. That with regard to the statements made in para 4.6 of the application the respondents beg to state that the following the recommendation contained in Paras 66.141 and 66.142 of the Fifth Pay Commission, the Government of India issued a letter under F. No. A-26011/4/97-Ad II A dated 1.1.1998 wherein the post of Radio Operator (Operation Steam) is placed in the revised Pay Scale of Rs. 4500-125-7000. Therefore, the applicant's contention that revised Scale of Rs. 5000-8000/- be given to him cannot be accepted.

10. That with regard to the statements made in para 4.7 of the application the respondents beg to state that in view of the facts stated in the comments made against the preceding para, revised Pay scale granted to Diploma Holder Radio Technician of Police Wireless Department under Ministry of Home affairs cannot be granted to the Radio Operators of the Telecommunication Wing of the C.B.E.C. under Ministry of Finance.

11. That with regard to the statements made in para 4.8, of the application the respondents beg to state that the discretionary powers to implement the Pay Commission's recommendation rests wholly with the Government of India. Therefore, the Commissioner of Customs has no locus standi to take any action on the representation submitted by the applicant on this issue.

12. That with regard to paras 4.9 and 4.10 of the application the respondents beg to offer no comments.

13. That with regard to the statements made in para 5 of the application the respondents beg to state that in view of the comments made above the applicant is not entitled to any relief whatsoever.

14. That with regard to paras 6 and 7 of the application the respondents beg to offer no comments.

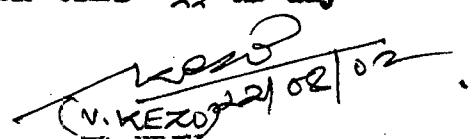
15. That with regard to the statements made in para 8 of the application the respondents beg to state that in the light of comments to the preceding paras the instant application has no merit.

16. That with regard to the statements made in para 9 of the application the respondents beg to state that the application is liable to be dismissed with costs.

## VERIFICATION

I, Shri VISIELIE KEZO, S/O KEZO NEIKHWE TSO,  
DEPUTY COMMISSIONER OF CUSTOMS, GHTX, being authorised, do hereby  
solemnly affirm and declare that the statements made in  
this written statement are true to my knowledge and  
information and I have not suppressed any material fact.

And I sign this verification on this 22<sup>nd</sup> day  
of August, 2002.

  
N. KEZO 22/08/02  
Chp. नायुक्त  
Deputy Commissioner  
सीमा रुक्ष; प्रभाग  
CUS 5 DIVISION  
गुवाहाटी, Guwahati  
Declarant.

6 (6b)

as his counterpart in Customs Houses other than Calcutta is designated as Sealer and is placed in a higher pay scale of Rs.775-1025. We recommend that the pay scale of Koyalman and Sealer should be equated to Rs.775-1025 and both posts should form part of the 3-tier structure proposed by us for Group 'D' posts in general.

#### TELECOMMUNICATIONS WING

6.36 The telecommunication network of CBEC has grown to 550 static and 560 mobile stations spread all over the country. The network provides telecom links to all Collectorates and is used extensively for other multifarious functions. The Directorate of Communication was originally envisaged to be a self-contained unit but since 1979, it has been functioning only as a division under the Directorate of Preventive Operations. This is stated to have deteriorated the efficacy of the telecommunication wing as a technical unit and hampered its growth and functioning. There is a demand for restoration of its earlier self-contained and independent status directly under CBEC. Status of Head of the Department, for the technical Head of Telecommunications wing, along with higher selection grade to four posts of Deputy Director (Communications) has also been demanded.

6.37 We find that the cadre structure of telecommunication posts was similar to that of an organised Group 'A' Service, with initial recruitment being made in the junior Time Scale of Rs.2200-4000. As such, the aspiration of the members of the cadre to rise up to the level of Senior Administrative Grade is justified and cannot be ignored. We, therefore, recommend that the post of Joint Director (Communication) be upgraded to the Director (Communication) in the pay scale of Rs.5900-6700. The entire cadre will then need restructuring and for this purpose, it is also recommended that one of the seven posts of Deputy Director (Communication) be upgraded as Joint Director (Communication) in the pay scale of Rs.4500-5700 plus special allowance. Two posts of Assistant Director, Computer Communications may be merged with the posts of Assistant Director (Communication) in the same pay scale as to become part of the cadre.

6.38 It is not recommended to merge Assistant Director (Cipher) and Cipher Officer with the cadre. These posts should be retained separately. The configuration of Special Pay attached to the various posts should be changed as Special Allowance and its rate doubled. No Special Pay is, however, recommended for the post of Director (Comm). In view of the apprehension expressed,

6.39 With the upgradation of the post of Joint Director (Communication), the Directorate of Communications should be placed under his overall charge instead of the Director (Preventive Operations). This arrangement will give adequate flexibility in the technical functioning of the department.

6.40 There are 1,237 posts in various grades at Group 'C' level and 55 posts at Group 'B' level in three different streams namely Operational, Technical and Cipher in the telecommunications set-up of the Department.

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made for the posts of Radio Operators in the three wings on the scales of different posts prior to bring about parity with the pay scales of other posts in the wings.

6.13 General recruitment at the lowest level of Radio Technician and Radio Operator is made with an educational qualification of Diploma in Radio Electronics. We recommend that the pay scale of Radio Operator in Operation Stream should, in future, be revised to Rs.1400-2300 from the existing Rs.1,2-2040. Similarly, Cipher Operators' pay scales should also be revised to Rs.1400-2300.

6.14 As a consequence of the above upgradation, the cadre structure of other Group 'C' posts in the three telecommunications wings will also need revision. The posts of Supervisor (Rs.1400-2300) in Operation Stream and Technical Assistant (Rs.1400-2600) in the Maintenance Stream will be placed in the higher pay scale of Rs.1600-2660; their designations will remain the same. In case of Cipher Cadre, the posts of Cipher Operator Grade II (Rs.1500-2200), may be divided into two grades as Cipher Operator Grade II (Rs.1400-2300) (22 posts) and Cipher Operator Grade I (Rs.1600-2660) (11 posts).

6.15 It is also recommended that Communication Assistants in the Operation Stream and Cipher Assistants in Cipher stream be upgraded to a higher pay scale of Rs.1600-2900, in place of their existing pay scale of Rs.1400-2660.

6.16 The pay scale of Fitters (Rs.1150-1500) shall get revised to Rs.1200-1600 as part of the general rationalisation of pay scales. The two higher pay scales of Rs.1320-2040 and Rs.1400-2300 should be the two ACP scales.

6.17 A suggestion has also been received that the need for deployment of large manpower to rectify minor faults arising in wireless equipment could be reduced by handing over of maintenance to suppliers of equipment. Apart from this, the Ministry should also examine the feasibility of merger of operational, maintenance and Cipher staff so as to reduce manpower and introduce the concept of multi-tasking.

6.18 Demand has been made for special allowance to Groups 'B' and 'C' posts in the Telecommunications Wing on the analogy of Special Pay being paid to Group 'A' posts. We recommend that the special pay already attached to some posts may continue as special allowance, but there is no case for its proliferation to other posts.

6.19 A demand has been made for supply of uniforms to the telecommunications staff. In view of the observations of the nodal Ministry that the bulk of telecommunications staff are mainly confined to wireless stations, we do not recommend supply of uniforms to them.

#### MISCELLANEOUS DEMANDS

F. No. A-26011/4/97-Ad. II-A  
Government of India  
Ministry of Finance  
Department of Revenue  
\*\*\*

Delhi, the 1st January, 1998.

To All Heads of Department  
under C.B.E.C.

Subject:- Upgradation of pay scales of Group 'C' Staff  
working in field formations under Central  
Board of Excise and Customs - Recommendations  
of Vth Central Pay Commission. Implementation  
thereof -

sir,

I am directed to refer to the recommendations contained in Paras 66.105, 66.111 to 66.140, 66.161 and 66.197 of the Vth Central Pay Commission and 3. No. 40 to 46 and 51 of Part - C of First Schedule of Gazette of India, Department of Expenditure's Notification, G.S.R. No. 569(E) dated 30-9-1997 relating to revision of pay scales of Group 'C' Staff working in Customs and Central Excise Department and to say that the question of extending the benefit of revised pay scales mentioned therein to the Group 'C' Staff in Customs & Central Excise Department, has been considered. It has been decided that the following Group 'C' posts be placed in the revised pay scales as indicated against each with effect from 1st January, 1996:

S.No.	Posts	Pre-revised Pay Scale	Revised Pay Scale
1.	1. Sealerman / Koyalman.	Rs. 750-0-10	Rs. 2610-60-3150-65-3510.
2.	2. Radio Operator (Operation Stream)	Rs. 1320-20-10	Rs. 4500-125-7000.
3.	3. Supervisor (Operation Stream).	Rs. 1400-2300.	Rs. 5000-150-8000.
4.	4. Cipher Operator.	Rs. 1350-2200	Rs. 4500-125-7000.

- 2 -

B

5. Communication Assistant : Rs. 1400-2600 Rs. 5500-175-9000.  
 Assistant (Operation Stream).

6. Cipher Asstt. Rs. 1400-2600 Rs. 5500-175-9000.  
 (Cipher Stream).

7. Chemical Asstt. Rs. 1400-2300 Rs. 5000-150-8000.  
 Grade-II.

8. Inspector Rs. 1400-2300 Rs. 5000-150-8000.  
 (Central Bureau of Narcotics).

2. Accordingly, the existing incumbents of these posts will be entitled to above-mentioned revised pay scales with effect from 1st January 1998.

3. The existing Cipher Operators have been given the above mentioned revised pay scale, pending finalisation of the Recruitment Rules for the posts of Cipher Operator, Grade-I and Cipher Operator, Grade-II.

4. The expenditure involved will be met from the sanctioned Budget grant of concerned Commission of the Directorate for the current financial year 1997-98.

5. This issued, with the concurrence of the integrated Finance Unit, conveyed by Li'lionz, vide their LD No. 5153/FAC/F/97 dated 30.12.1997.

WORKS FACILITY

C.R.K. MALHOTRA  
 UNDER-SECRETARY TO THE GOVT. OF INDIA

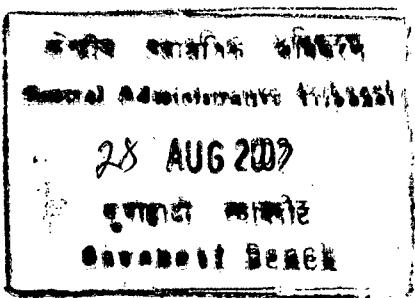
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F. NO. 37/F.C.P.C./Comns/94 - 117  
 COMMUNICATION DIVISION  
 (Dte. of Prev. Ops.)  
 Customs & Central Excise  
 Shopping Centre, 7th Street,  
 Shanti Niketan, New Delhi-21.

Copy to:

All DD(C)/AD(C)'s for information and necessary action please.  
 Dated the 1st Jan. 1998

(ASHOK GUPTA) 05/98  
 ASSISTANT FOR (P&E)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

O.A. No. 196/2002

Sri Rajat Nandi Majumdar

vs.

Union of India & Ors.

~And~

In the matter of :

Rejoinder submitted by the applicant in  
reply to the written statement submitted  
by the respondents.

The applicant above named -

most humbly and respectfully begs to state as under :

That your applicant categorically denies the statements made in paragraph 4,6,7, 9 and 11~~8~~ of the written statements and further begs to state that the Vth Central Pay Commission while recommending the pay scale of Diploma Holder Engineers under Para 50.23 of their report observed that - " we have as a general rule decided to improve the initial recruitment pay scale of the Diploma Holder Engineer in Government. We accordingly recommend following pay structure for engineering Subordinate cadres." Accordingly the Vth C.P.C. recommended to upgrade the scale of Rs. 1400-2300 to Rs. 1600-2660 of the Diploma Holder Engineers along with other pay scale and revised the same to

75  
Filed by the applicant  
through Sri G. N.  
Chakravarty D/o Mr.   
on 28/8/2002. Regd. No. 2878

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16

Rs. 5000-8000 with effect from 1.1.1996. Further in para 50.24 of their report, the Commission observed that - "These pay scales will apply mutatis mutandis for Diploma Engineers in different cadres depending upon the availability of specific existing pay scales". This clearly indicates that the applicant's case is fully covered under the provisions of Para 50.23 and 50.24 of the Pay Commission's recommendations and the contention of the respondents that the said recommendations are not applicable in case of the applicant is completely wrong and misconstrued.

The contents of Para 66.136 to 66.147 of the Pay Commissions Report as referred to by the respondents are not at all pertaining to the grade of Radio Technician (i.e. the applicants) but pertain to the posts in the operational stream of the Telecommunication Department. The recommendations made under Para 66.141 and 66.142 of the Commissions report in particular as referred to by the respondents are relating to the pay scale of "Radio Operators" of the Operational Stream and has got no relation with the scale of the applicant who is a "Radio Technician" and not Radio Operator. The recruitment scale of Radio Operator is Rs. 1320-2040 and that of Radio Technician is Rs. 1400-2300 (later upgraded to Rs. 1600-2660). Further, the letter issued by Government of India under No. F. No. A-26011/4/97-Ad II A dated 1.1.1998 as referred to by the respondents in para 9 of their

3

27

written statement pertains to the revision of pay scales of the Radio Operator (Operation Stream) to Rs. 4500-7000 whose recruitment scale is lower than that of the Radio Technician and as such it has got no relevance to the case of the applicant who is a Radio Technician and having higher recruitment scale than that of Radio Operator. As such, the case of the applicant is covered only under the recommendations made in Para 50.23 and 50.24 of the Pay Commission's Report and not in Para 66.136 to 66.147 or 66.141 and 66.142 as contended by the respondents.

It is surprising that the Respondents time and again confused between "radio Operator" and "Radio technician" and misconceived the Pay Commission's recommendations and further misleading the Hon'ble tribunal either deliberately or ignorantly and hence their contentions are totally wrong and untenable.

2. That the applicant emphatically denies the statement made in paragraph 10 of the written statement and begs to submit that the contents of Para 50.23 and 50.24 and so also the contents of other paras of the Pay Commission's report as contended by the respondents in this instant case was dealt in details by the Principal Bench of this Hon'ble Tribunal in O.A. Nos. 1003, 1004, 1005 and 1007 of 2000 in case of similarly situated Diploma Holder Radio Technicians and extended the revised pay scale of Rs. 5000-8000/- to those Radio Technicians vide its judgment dated 8.11.2000 by

4

rejecting all other pleas and only acting upon the recommendations under Para 50.23 and 50.24 of the Pay Commission's report as a general rule applicable to all Diploma Holder Radio Technicians. As such the same principle is applicable in case of the applicant also who is entitled for the revised scale of Ra. 5000-6000 in the similar way, as prayed for.

3. That the applicant categorically denies the statements made in paragraphs 13, 15 and 16 of the written statement and begs to submit that the case of the applicant is full of merit and the applicant is entitled to all the reliefs prayed for and as such the application deserves to be allowed with costs.

**VERIFICATION**

I, Shri Rajat Nandi Majumdar, S/o Shri P.K.Nandi Majumdar,, aged about 30 years, presently working as Radio technician, Communication wing, Custom (P) Division, Department of Customs & Central Excise, Agartala, do hereby verify that the statements made in Paragraph 1 to 3 in this rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 28th day of August, 2002.

Rajat Nandi Majumdar