

50/100

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A.T.A No. 355/2002

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(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No. : 355 / 2002
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) Sri Bhup Singh Kaundal

Respondent (s) U. O. I. Foris. -Vs-

Advocate for the Applicant (s) Mrs. M.D. Choudhury

Advocate for the Respondent(s) Mr. D. Gogoi
Mr. S. Roy
C.G.S.C. A.K. Choudhury

Notes of the Registry	Date	Order of the Tribunal
This is application in form C. F. for Rs. 50/- deposited vide IP / <u>5756/2</u> Dated <u>21.11.2002</u> <u>Dr. Registrar</u>	8.11.02 mb 10.12.02	The application is admitted. Call for the records. List on 10.12.2002 for orders. <u>Vice-Chairman</u> Heard Mrs. M.D. Choudhury, learned counsel for the applican- and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents. Four weeks further time is allowed to the respondents to file written statement. List on 8.1.2003 for orders. <u>Member</u>

Steps have been filed.

29.11.02
Excess amount for Rs. 10/- is not detailed
Notice prepared and sent
to S/S for filing the respon-
dent No. 1 to 7 by Regd. A.D.

D/N_o 3162 to 3168

28/11/02

mb

V
No written statement
has been filed.

30
7.1.03

8.1.03 Present : The Hon'ble Mr Justice V.S. Aggarwal, Chairman
The Hon'ble Mr K.K.Sharma,
Administrative Member.

Mrs M.D.Choudhury, learned counsel is present for the applicant and Mr B.C.pathak, learned Addl.C.G.S.C is present for the respondents.

At the request of the respondents' counsel who seeks time to file reply, it is directed that the reply be filed within four weeks.

List on 6.2.03 for order.

No written statement
has been filed.

30
5.2.03

K.K.Sharma
Member

U. Aggarwal
Chairman

pg

6.2.03

List again 13.2.03 to enable Mr A.K. Choudhury, learned Addl.C.G.S.C to file written statement.

30
Member

30
Vice-Chairman

pg

13.2.03

W/s submitted
by the respondent nos.
1, 2, 3, 4, 5, 6 & 7.

13.2.2003

Pleadings are complete. The case may now be listed for hearing on 12.3.2003. The applicant may file rejoinder, if any, within two weeks from today.

30
Vice-Chairman

No rejoinder has
been filed.

mb

12.3.2003. Division Bench did not sit today.
The case is adjourned to 27/3/2003.

30
11.3.03

No rejoinder has
been filed.

30
21.3.03

27-3-03

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.

S. B. [Signature]

Member

[Signature]

Vice-Chairman

pg

9.4.2003

Copy of the Judgment
has been sent to the
Office for issuing
the same to the applicant
as well as to the Adm.
C.G.S.C.

all

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. 355 of 2002.

27-3-2003.
DATE OF DECISION

Shri Bhup Singh Kaundal APPLICANT(S).

By Advocate Mrs M.D.Choudhury ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

Union of India & Ors. RESPONDENT(S).

Sri A.K.Choudhury, Addl.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR S.BISWAS, 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 ?

yes

Judgment delivered by Ho'ble Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 355 of 2002.

Date of Order : This the 27th Day of March, 2003.

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

The Hon'ble Mr S.Biswas, Administrative Member.

Shri Bhup Singh Kaundal,
Group Centre,
Special Security Bureau,
Kohima, Nagaland

...Applicant

By Advocate Mrs M.D.Choudhury.

- Versus -

1. Union of India,
represented by the Secretary,
Ministry of Home Affairs,
Bikanir House, New Delhi.
2. Under Secretary to the Govt. of India,
Ministry of Health & Family Affairs,
Nirman Bhawan, New Delhi.
3. Director General,
Special Security Bureau,
Ministry of Home Affairs,
R.K.Puram, New Delhi.
4. The Divisional Organizer,
Special Security Bureau,
Manipur and Nagaland Division,
Imphal.
5. Commandant 17th (G.C)
S.S.B, Kohima, Post Box 211,
Nagaland.
6. Deputy Commandant,
Group Centre S.S.B
Kohima, Nagaland.
7. Director of Accounts,
Cabinet Secretariat,
R.K.Puram, New Delhi.

...Respondents

By Advocate Sri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

This is an application under Section 19 of the Administrative Tribunals Act 1985 assailing the legality and validity of the order dated 25.6.2002 passed by the Deputy Commandant cancelling its earlier order of fixation of pay of the applicant in the following circumstances.

2. The applicant is working as Laboratory Technician under the respondents. He was initially appointed on 16.9.91 at Bhopal and thereafter in due course he was transferred as a Laboratory Technician to the office of the Group Centre, SSB, Kohima, Nagaland on 6.7.99. According to applicant at the time of his first appointment as Laboratory Technician he used to be paid Rs.2040/- as initial pay scale plus other allowances as admissible. After recommendation of the 5th Pay Commission the scale was fixed at Rs.4500-125-7000/- per month. According to applicant for no good reason he was not given the scale prescribed by the 5th Pay Commission and therefore he moved this Tribunal by way of an O.A.423/2001. During the pendency of the O.A the respondents authority passed the order which reads as follows :

O R D E R

Fixation of pay under CCS(Revised pay) Rules,1997 at Rs.4400/- on 1.1.96 in the revised pay scale of Rs.4000-100-6000/- in respect of Lab.Tech. Bhup Singh Kaundal of this Group Centre is hereby modified and refixed his pay at Rs.4500/- w.e.f. 1.1.96 with D.N.I. 1.9.96 under the CCS(Revised Pay) Rules 1997 in the pay scale of Rs.4500-125-7000/-.

2. Consequent upon the re-fixation of his pay at Rs.4500/- w.e.f. 1.1.96 with D.N.I. 1.9.96 in the pay scale of Rs.4500-125-7000/- time scale increment for the year 1996 to 2001 of Lab.Tech. Bhup singh Kaundal are hereby granted in the following manner in cancellation of the increment granted earlier w.e.f. 1.9.96, 1.9.97, 1.9.98, 1.9.99, 1.9.2000 and 1.9.2001 raising his pay scale from Rs.4400/- to Rs.4500/-, from 4500 to 4600, from Rs. 4600 to 4700, from Rs.4700 to 5000 in the scale of Rs.4000-100-6000/- respectively.

Date of increment	Rate of increment granted	Pay raised from	to	remarks
1/9/96	Rs.125/-	Rs.4500/-	Rs.4625/-	
1/9/97	Rs.125/-	Rs.4625/-	Rs.4750/-	
1/9/98	Rs.125/-	Rs.4750/-	Rs.4875/-	
1/9/99	Rs.125/-	Rs.4875/-	Rs.5000/-	
1/9/2000	Rs.125/-	Rs.5000/-	Rs.5125/-	Financial effect w-e-f.
				26/9/2000 due to on leave w.e.f.14/8/2k to 25/9/2000.
1/9/2001	Rs.125/-	Rs.5125/-	Rs.5250/-	

This issues in exercise of the financial powers delegated to the undersigned vide SSB Dte. order No.19/9/2001/SSB/E-II/2778-81 dated 3.10.2001."

In view of the aforementioned order the O.A. was disposed of on 24.1.2002 by this Tribunal as infructuous. Despite the above order an memorandum was issued by the Commandant wherein it was mentioned that the service book of the applicant was received from the DA(C) without admittance of the Pay fixation for want of Cabinet Secretariat order dated 10.12.2001 by which the pay scale of Laboratory Technician was revised to Rs.4500-125-7000/-. The said letter also indicated that another signal was also received not to implement the order of the Cabinet Secretariat till further as the matter was taken up with the Ministry of Home Affairs and decision of the Ministry was awaited. By communication dated 16.1.2002 the Commandant Group Centre informed the Senior Section Officer that the pay scale was revised by the Cabinet Secretariat vide communication dated 10.12.2001 from Rs.4000-100-6000/- to Rs.4500-125-7000/- and directed to refix the pay of the Laboratory Technician Bhup Singh Kaundal with effect from 1.1.1996 in the pay scale of Rs.4500-125-7000/-. When things rested at this stage the impugned order dated 25.6.2002 was issued cancelling the earlier order dated 16.1.2002 and the authority started recovery. The applicant submitted number of representations and failing to get appropriate remedy he moved this Tribunal by this O.A. assailing the legitimacy of the action of the respondents.

3. The respondents contested the claim of the applicant and submitted its written statement. In the written statement the respondents stated that in exercise of financial power delegated the competent authority revised the pay of the applicant at Rs.4500/-with effect from 1.1.96

in the scale of pay of Rs.4500-125-7000/- vide order dated 16.1.2002 with a direction that DDO of Group Centre, SSB, Kohima would pay the arrear pay and allowances to the applicant only after admittances of the pay fixation by the ITC Section of Director of Accounts, Cabinet Secretariat, New Delhi who is competent authority for admittance of the pay fixation. It is also mentioned that with effect from 15.1.2001 SSB organisation had been brought under the administrative control of Ministry of Home Affairs and accordingly all administrative decisions were required to be ratified/processed afresh by the Home Ministry. Therefore, the respondents were awaiting for a decision from the concerned Ministry. Soon after a decision was taken the due scale of pay was to be sanctioned. Finally the respondents stated that the applicant is working presently under the Ministry of Home Affairs and the authority has taken the matter with the Ministry of Home Affairs and the decision from the Government is awaited.

3. We have heard Mrs M.Dutta Choudhury, learned counsel for the applicant and Mr A.K.Choudhury, learned Addl.C.G.S.C for the respondents at length. Admittedly there is no dispute to the effect that the scale of Laboratory Technician was revised as per the 5th Pay Commission recommendation. There is also no dispute that the same was accepted by the concerned Ministry. The Government of India, Cabinet Secretariat order dated 10.12.2001 speaks out the Presidential sanction of the revision of pay which reads as follows :

"Subject : Revision of pay scale of Laboratory Technician in SSB.

Reference SSB UO No.15/SSB/A-4/97(3)-5905 dated 17.11.99 on the above subject.

2. Sanction of the President is hereby conveyed to the revision of pay scale of Laboratory Technicians in SSB from Rs.4000-100-6000/- to Rs.4500-125-7000/- with effect from 1.1.1996.

3. The expenditure will be met out of the

funds placed at the disposal of the Director of Accounts, Cabinet Sectt., New Delhi.

4. This issues with the concurrence of Ministry of Finance, Deptt. of Expenditure (Implementation Cell) vide their UO No.96/4/2001-IC dated 27.11.2001."

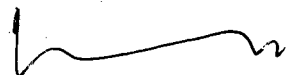
When the sanction of the President was available to revisional order from Rs.4000-100-6000/- to Rs.4500-125-7000/- with effect from 1.1.1996 the applicant as well as the other Laboratory Technicians were under the control of the Cabinet Secretariat. On the strength of the very order dated 16.1.2002 issued by the Deputy Commandant was an order issued by the an officer under the authority of the Government of India, Ministry of Home Affairs. In the circumstances it is obviously incongruous as to the decision making process in cancelling its earlier order refixing the pay scale in the light of the 5th Pay Commission recommendations. At any rate the impugned order dated 20.5.2002 is also cannot be sustained as lawful since the said order was passed unilaterally without taking the applicant into confidence. The order of cancellation is visited by civil consequence as it was passed without giving any opportunity to the applicant, the same cannot be sustained as lawful.

4. For all the reasons stated above, the impugned order dated 20.5.2002 passed by the Commandant cannot be sustained and the same is accordingly set aside and quashed and the respondents are directed to refund the amount so far recovered from the applicant. The respondents are also directed to pay the applicant the arrear at the revised rate and continue to pay in the scale of Rs.4500-125-7000/- as was ordered vide order dated 16.1.2002 with all consequential benefits.

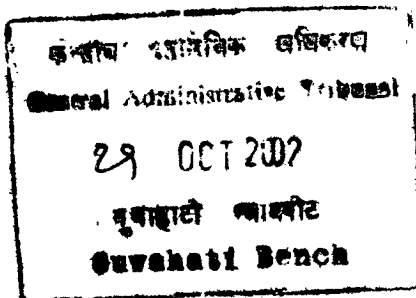
The application is thus allowed. There shall, however, be no order as to costs.

S - Biswas

(S.BISWAS)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 355/2002

In the matter of :

Sri Bhup Singh ~~Kandol~~ Kaundal
S/O Late Jhankhu Ram
Resident of Group Centre (GC)
Special Security Bureau
Dist. Kohima, Nagaland.

... Applicant

-Versus-

Union of India and others.

... Respondents.

I N D E X

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Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

*Bhup Singh Kandal
Filed by 2*

*Mr. M. D. Choudhury
Advocate
21.10.02*

(An application under Section 19 of Administrative Tribunal 1985).

ORIGINAL APPLICATION NO. Q 355 /2002

IN THE MATTER OF :

Sri Bhup Singh Kandal
S/O Late Jhankhu Ram
Resident of Group Centre (GC)
Special Security Bureau
District- Kohima, Nagaland.

..... Applicant

-Versus-

1. Union of India, represented by
the Secretary, Ministry of Home Affairs,
Bikanir House, New Delhi.
2. Under Secretary to the Govt. of India,
Ministry of Health & Family Affairs,
Nirman Bhawan, New Delhi.
3. Director General
Special ~~Secret~~ Security Bureau
Ministry of Home Affairs
R.K. Puram, New Delhi-66.

A. Singh Kandal

contd...2

4. The Divisional Organizer
Special Security Bureau
Manipur and Nagaland Division,
Imphal.
5. Commandant 17th (G.C.)
S.S.B. Kohima, Post Box 2 II
Nagaland.
6. Deputy Commandant
Group Centre ~~55~~ S.S.B.
Kohima, Nagaland.
7. Director of Accounts,
Cabinet Secretary,
R.K. Puram, New Delhi-66.

.... Respondents

1. PARTICULARS OF ORDER AND NOTIFICATION FOR IMPLEMENTATION OF WHICH THE APPLICATION IS MADE -

This application has been made for implementation of order dated 16-10-98 issued by Under Secretary to the Government of India as well as Notification dated 30-9-97 by which the pay scale of the applicants has been fixed as Rs. 4500-125-7000 with effect from 1-1-96 as per 5th Pay Commission (Central Government employees). This application has also been made for the second time against the order dated 25-6-02 issued by Deputy Commandant, Group Centre, &

contd....

B. Singh Kumbhar

SSB Kohima by which the order dated 16-1-02 ~~passed~~ ~~issued~~ ~~by~~ Deputy Commandant ~~xxx~~ ~~refixing~~ the salaries of the applicant as per pay commission, has been cancelled.

2) Jurisdiction :- The applicant declared that the subject matter of order against which he wants redressal is ~~xxx~~ within the jurisdiction of this Tribunal.

3. Limitation :- The applicant declares that as per provision of Section 21 of Administrative Tribunal Act 1985, the application is made within the limitation period of 1 (one) year from the date of impugned order dated 25-6-02 is passed and also from the ~~xxxxxx~~ dates of representation submitted by the applicant time to time for consideration ~~ix~~ of fixation of pay.

2. FACTS OF THE CASE :

(I) That the humble petitioner is a citizen of India and a resident of District Kohima, Nagaland. The petitioner is working as a Medical Laboratory Technician in the office of Commandant G.C. SSB Kohima, Nagaland.

(II) That the applicant initially issued a Laboratory Technician in the ~~Laboratory~~ office of Commandant CSD & W (Central Storage Depot and Workshop), Enadhada Road Bhupal on 16-9-91. Thereafter he was transferred to Simla

contd...

B. Singh Humil

(Himachal Pradesh) as Laboratory Technician in 1992 in the office of Commandant, Women Advanced Training School (WATS). And after that the applicant has been transferred to the office of G.C. SSB Kohima, Nagaland as Laboratory Technician on 6-7-99 and since then he has been working sincerely as Laboratory Technician in the office of G.C. SSB Kohima.

(III) That the applicant begs to state that at time of his first appointment as Laboratory Technician in the office of Commandant CSD DW Buupal on 16-9-91 he used to be paid Rs.2040/- P.M. as initial pay scale plus other allowances as admissible to Central Government employees from time to time. But after recommendation of 5th Pay Commission a special pay scale was fixed for Laboratory Technician vide Notification dtd. 30-9-97 and the scale has been fixed as Rs.4500-125-7000 P.M. As the applicant is working as Laboratory Technician the aforesaid Notification is applicable in his case also and he should have been allowed to draw his salaries as per revised pay scale with effect from 1-1-96. But in case of applicant no such revised pay scale was allowed to be paid to him till the date by the respondents without any valid reason, whereas all other Laboratory Technician have been given that benefit.

Copies of Memorandum dated 4-10-90, appointment order dtd. 21-8-91 and Notification dtd. 30-9-97 are annexed as Annexure A B & C.

contd...5

B. Singh Khuntia

IV) That the applicant begs to state that after the Notification dated 30-9-97 was issued by the Ministry of Finance, Govt. of India, the Under Secretary to the Govt. of India vide his letter dated 16-4-98 informed the Director General of Health Services, Niman Bhawan, New Delhi in regards to sanction of the President to the Revision of Pay Scale of Laboratory Technician with effect from 1-1-96 as per Central Civil Services (Revised Pay) Rules 1997. Such letter was even revised by the office of Commandant Group Centre, Special Secretary Security Bureau, Kohima. But inspite of receipt of the aforesaid letter, the Respondents have refused to Revise the pay scale of the applicant as per Revise Pay Scale and have been paying him Rs. 4000/- p.m. instead of Rs. 4500/- violating the direction of the Notification of Govt. of India as well as the letter dated 16-4-98.

A copy of letter dtd. 16-4-98 is annexed as Annexure-D.

V) That several representations have been submitted before the appropriate authority under which the applicant is working requesting repeatedly to fix his pay scale as per revised pay scale and also to release his salaries accordingly. On 24-5-2000 and also as subsequent dated, the applicant has submitted representations before

contd...6

B. Singh Khuntia

Director SSB Block(E) and the Commandant G.C.SSB. Kohima (Respondent No.5) vide his letter dated 24-8-2000 informed the applicant that his pay fixation may be done as per existing rules. But thereafter the respondents have not taken any action towards fixation of the pay of the applicant till date.

Copies of letter dtd. 24-5-2000 & 24-8-2000 are annexed as Annexure E & F

VI) That finding no way out the applicant approached this Hon'ble Tribunal by filing ~~this~~ an application praying for interference of the Hon'ble Tribunal in the matter. Accordingly the Hon'ble Tribunal admitted the application which was registered as O.A. 423/2001 and had given the respondents some time to file this affidavits. The matter came up on 24-1-2002 and on that very day the respondent 4 have submitted one order dtd. 16-1-02 issued by the Deputy Commandant G.C. SSB. Kohima before the Hon'ble Tribunal with the information that the pay scale of the applicant has been refixed at Rs.4500/- w.e.f. 1-1-96 under the CCS (Revised Pay ~~Scale~~ Rules 1997. As the aforesaid order dtd. 16-1-02 had given all reliefs sought by the applicant in O.A. No. 423/01, the Hon'ble Tribunal disposed of the matter on 24-1-02. A copy of order dtd. 16-1-02 was received by the applicant after disposal of the O.A. 432/01.

contd...7

A. Singh Khuntia

Copies of order dtd. 16-1-02, 24-1-02
are annexed as Annexures G & H

VII) That after almost 4 (four) months of issuance of order dtd. 16-1-02 by the issuance of order dtd. 16-1-02 by the Commandant G.C. SSB to another letter dtd. 20-5-02 issued by Commandant GC SSB was received by the applicant to his surprise with an intimation that Divisional Head Quqrter Evdst vide its orfer dtd. 1-2-02 instructed the respondent No.5 (Commandant) not to implement the order of cabinet Secretariat on the ~~revision~~ of pay scale of Laboratory Technician till further order. Thereafter another order was issued by the Deputy Commandant on 25-6-02 cancelling the order dtd. 16-1-02 which was submitted before Hon'ble Tribunal. A copy of such order dtd. 25-6-02 was revised by the applicant also.

It would be pertinent to mention have that as soon as the order dtd. 16-1-02 was issued by Deputy Commandant G.C. SSB., Kohima another letter was issued on 16-1-2002 to the senior Section Officer, I.T.C. ~~Ita.~~, C/O Director of Accounts, Cabinet Secretariat with a copy to the applicant intimating the authority in regards to refixation of pay scale of the applicant. The Service Book of the applicant was also sent along with pay fixation statement for admittances. But vide orders dtd. 20-5-02 and 25-6-02 the respondents 5 and 6 have cancelled the refixation of pay scale of the applicant without any valid ground.

contd...

A. Singh Mundel

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Order dated 20-8-02 and 16-1-02 as well as 25-6-02 are annexed as Annexures-I & J. & K.

VIII) That the applicant respectfully submits that the Notification dated 30-9-97 has been issued by the Ministry of Finance and its rules are applicable to Civil Services and posts in connection with the officers of the Union and it is specifically mentioned that the pay scale of Laboratory staff would be Rs. 4500/- P.M. Besides the letter dtd. 16-4-98 Under Secretary to the Government of India, Ministry of Health and Family Welfare clarifies the fact that sanction has been given by the ~~respondent~~ President of India to the Revision of pay scale of Laboratory Technician with effect from 1-1-96 in accordance with the Part 'B' of the first schedule to the Central Civil Services (Revised Pay) Rule 1997. So, when the President has sanctioned the ~~revision~~ revision, the respondents 2 to 6 could not have the power to withdraw such sanction on the pretext that the order dtd. 10-12-01 of Cabinet Secretariat is not readily available in the office of Group Centre. As such the cancellation of order dtd. 16-1-02 by which the pay scale of the applicant was ~~refixed~~, has been done ~~an~~ arbitrary and illegally by the respondents just to harass the applicant for no fault of his own.

contd...9

B. Shankar Reddy

It may be also stated here that in the signal dtd. 24-1-02, it is categorically mentioned that the SSB (Special ~~Security~~ Security Bureau), MHA has desired not to implement the order issued by the Cabinet Secretariat till further order. But no reason or ground have been shown for such non implementation and it has stated that MHA has taken up the matter and would conveyed the decision in due course. But till now even after lapse of 8 (eight) months from receipt of such signal on 1-2-02, no decision has been taken in respect of fixation of pay of the applicant. Whereas in case of other Laboratory Technician their salaries have already been revised with retrospective effect. The respondents have acted so arbitrarily that it can be clarified from the various orders and letters of them.

A copy of signal dtd. 24-1-02 and order dtd. 10-12-01 are annexed as Annexure L & M.

IX) That the applicant had requestee the respondents several times by submitting several representations for consideration of his case like other employees of his category. But there has been no response from the side of the concerning respondents and no decision has yet been made by the respondents 1 and 2. Hence this approach is made before this Hon'ble Tribunal.

contd...10

B. Singh handed

X) That the applicant has no other alternative but to file this application for fresh cause of action when the order dtd. 16-1-02 has been cancelled by the respondent 5 and 6.

5) GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- (I) For that the action of the respondents by not revising the pay scale of the applicant at Rs.4,000/- instead of Rs. 4,500/- p.m. is illegal arbitrary and in contrary to the Fifth Pay Commission Report dated 16-4-1998 as well as the Notification dated 30-09-1997 of the Ministry of Finance.
- (II) For that the applicant has been paid Rs.4,000/- p.m. when the Fifth Pay Commission has specially fixed the pay of Laboratory Technician as Rs.4,500/- - 7,000/- p.m. and as such the respondents are discriminatory and biased in respect of fixation of the pay scale of the applicant.
- III) For that due to such arbitrary action of the respondents the applicant has been deprived of his revised pay since 01-01-1996 till date.
- IV) For that the respondents are liable to pay the arrears of pay to the applicant since 01-01-1996 and also liable to implement the Fifth Pay Commission Report in case pay scale of the applicant.

contd...

B Singh Handwritten

- V) For that as the pay scale in other Central Services has been revised since 01-01-1996, the respondents are liable to revise the pay scale of the applicant.
- VI) For that the respondents could not have acted so illegally by not following the Central Service Rules when the applicant is entitled to get the benefit.
- VII) For that the respondents may be held liable for violating the Rules of Central Service and also for damages caused to the applicant.
- VIII) For that the respondents have acted illegally by cancelling the order dtd. 16-1-02 by which the pay scale of the applicant was revised.
- IX) For that when the 5th Pay Commission has revised the pay scale as per Central Service Rules the respondents have no authority to cancel the same without prior approval.
- X) For that the respondents have no authority to ~~disregard~~ disregard the order dtd. 10-12-01 passed by Cabinet Secretariat Refixing the pay scale of the petition without any amendment of order dtd. 10-12-01 passed by Under Secretary of the Govt. of India.

contd...12

B. Singh Munda

7. MATTERS NOT PENDING IN ANY OTHER COURT/TRIBUNAL

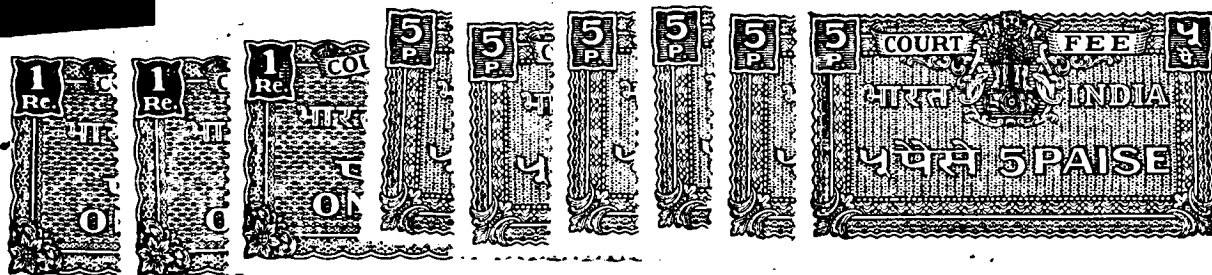
That the applicant further declares that the subject matter of this application is not pending before any other court or Tribunal.

8. RELIEF PRAYED FOR

Under the facts and circumstances stated above it is prayed that the Hon'ble Tribunal may be pleased to direct the respondents to implement the Notification dtd. 13-9-97 as well as order dtd. 16-10-98 and also to revise the pay scale of the applicant as Fifth Pay Commission. The Hon'ble Tribunal may also be pleased to direct the respondents to implement the order dated 16-1-02 as submitted before the court quashing the cancellation orders dtd. 20-5-02 and 25-6-02 passed by respondent No.5 and 6 respectively. It is further prayed by the applicant to allow him to draw revised pay scale as per Fifth Pay Commission and also the arrear since 1-1-96.

9. INTERIM RELIEF PRAYED FOR : NIL
10. PARTICULARS OF POSTAL ORDER : NO 76 575612
Postal Order No. Date of Issue Date of issue 21.10.2002
Payable at. payable at
11. DETAILS OF INDEX ANNEXED : ANNEXED
12. LIST OF INCLOSURES : As per Index.

A. Singh handal



24

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

I Sri Bhup Singh Kundal, son of late Shankhu Ram aged about 37 years, Medical Laboratory Technician, Office of Commandant, G.C. S.S.B. Kohima, Nagaland, do hereby solemnly affirm and verify as follows :-

- 1) That I am the applicant in the present application and as such acquainted with the facts and circumstances of the case.
- 2) The statements made in the application and the paragraphs 1, 2, 3, 4(I), 4(II), 4(VIII), 4(IX), 5, 6, 7, 8 and 9 are true to my knowledge and belief and those made in paragraphs 4(III,), 4(IV), 4(V), ^{4(VI), 4(VII)} 4(VIII) and 10 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this Verification on this 22nd day of October 2002 at Guwahati.

Bhup Singh Kundal

Signature of the Applicant

Interview letter

14 -
A
Annexure 'A' A
RECORDED.
No. 6/333/A-2/90(S)
Directorate General of Security
Office of the Director, SSB
R.K. Puram, Block -V (East)
New Delhi - 110056.

Dated, the 4th October, 1990

Memoandum

Subject: Recruitment for the post of Laboratory Technician.

Your name has been sponsored for the post of Laboratory Technician in this Organisation. The post of Lab. Technician carries the pay scale of Rs.1320-30-1560-EB-40-2040 plus all other allowances as are admissible to Central Government employees from time to time.

2. Please report to the undersigned for an interview at 0930 hrs. on 29.10.90/~~30.10.90~~ at the address mentioned above. You are requested to bring with you the original certificate showing your date of birth, educational qualifications, Diploma in Lab. Technician and other testimonials. If you are SC/ST candidate, a certificate of competent authority to this effect may also please be brought with you.

3. It may please be noted that there is no vacancy in Delhi. Vacancy exist in the outstation units and the post carries all India transfer liability. You should come for interview only if you are willing for posting in our outstation units.

4. Please note that no TA/DA will be admissible in connection with the above call. However, second class Railway fare to SC/ST candidates will be given in connection with the above interview limited to the nearest Railway Station. Particulars of Railway Tickets may be brought along. (Those who are already in the service of the Central/State Government etc. will, however, not be entitled to such benefits). You may bring an un-employment certificate from a Gazetted Officer of your locality, in case you claim refund of money spend by Rail in connection with the interview. Local candidates belonging to same station would appear in the examination at their own cost.

(K K LUTHRA)
ASSISTANT DIRECTOR (EA)

To
Shri Singh
S/o Shri Shanku Ram,
Vill. & P.O. Diargi,
Teh. Sadar, Distt. Pandsi (MP).

*certified to be true copy
S. Arora
Assistant*

Office of the Director (SSB)
Cabinet Secretariat,
Block-V (Evdst), R.K. Puram
New Delhi, 11 00 66.

Dated, the 21/8/91

MEMORANDUM

The undersigned hereby offers Shri Eshwar Singh Kondal
a temporary post of Lab. Tech. in the Office of the
Commandant, ISDAN, Bhopal

in the pay scale of Rs. 1320-30-1560-ES-40-2000
with usual allowances as admissible under the rules and
order in force from time to time.

2. The post is temporary. His/Her permanent appointment to the post if and when it is made permanent, will depend on various factors governing permanent appointment to such post in force at the time and will not confer on him/her title to permanency from the date of post is made permanent.

3. This appointment is purely temporary, but is likely to continue indefinitely. The appointment is likely to termination on one month's notice on either side without reasons being assigned. The appointing authority, however, reserves the right to terminating the services of of the appointed forthwith or before the expiry of the stipulated period of notice by making payment to him a sum equivalent to the pay and allowances for the period of notice or the expired portion thereof.

4. The appointee shall be on trial for a period of three years which may be extended or curtailed at the discretion of the competent authority but such extension or curtailment shall not exceed one year.

5. The appointment will be further subject to :

- 1) Production of a certificate of fitness from the competent Medical Authority viz. Civil Surgeon of District Medical Hospital.
- 2) In accordance with orders in force in regard to the recruitment to service under the Government of India, no candidate who has more than one wife living, is eligible for appointment under the Government of India provided that Government may, if they are satisfied that there are special reasons for doing so except any person from the operation of this rule. This offer of appointment, is, therefore, conditional upon his/her furnishing to this office a declaration as in the Annexure-I of this letter, alongwith his/her reply. If however, he has more than one wife living/she is married to a person having more than one wife living desires to be exempted from the operation of the above mentioned rules for any special reasons, he/she should make a representation in this behalf immediately. This offer of appointment should in that case, be treated as cancelled and a further communication will be sent to him/her in due course if upon a consideration of his/her appointment.

Contd...P/2..

*certified to be true copy
S. Singh
Advocate*

- 12 -

- 3) Taking an oath or affirmation faithful to the Constitution of India on making a solemn affirmation to that effect.
- 4) Production of the following original certificates (if not produced already) : -
 - (a) Degree/Diploma certificate of educational and other technical qualifications ;
 - (b) Certificate of age ;
 - (c) Character certificate in the prescribed form Annexure-II to this letter.
- Attested by a District Magistrate of Sub-Divisional Magistrate or their superior officer in the case of ~~candidates~~ for Class.III posts and ;
 - (d) Certificate in the prescribed form in support of candidates claims that he/she belongs to a SC/ST
 - (e) Discharge certificate in the prescribed form of previous employment, if any.

6. It may please be stated whether the candidate is serving or is under obligation to serve another Central Government/ a State Government or a Public Authority.

7. If any declaration given or information furnished by the candidate proves to be false and if the candidate is found to have wilfully suppressed any material information, he will be liable to removal from the service and such other action as Government may deem necessary.

8. / If Shri Bhup Singh Kondal accepts the offer on the above terms, he/she should report to the Commandant, CSD&W, Shastri Nagar, Bhamburda Road, Bhopal. M.P.

within one month of the date of issue of this Memorandum. If no reply is received or the candidate fails to report for duty by the prescribed date, offer will be treated as cancelled.

9. No travelling allowance will be allowed for joining the appointment, unless it is admissible under the rules.

10. He is liable to be transferred any where in India.

To

Shri Bhup Singh Kondal
Vill. & P.O. Diargi Thana Ratti
Teh. & Distt. Mandi (H.P.)

20/11/91
B.D. ADHIKARI
ASSISTANT DIRECTOR(EA)

Copy forwarded for information and necessary action to the Commandant, CSD&W, Bhopal. The attestation form & I.B. clearance of the candidate is enclosed herewith for record.

ASST. DIRECTOR(EA)

MINISTRY OF FINANCE

(Department of Expenditure)

NOTIFICATION

New Delhi, the 30th September, 1997

G.S.P. 569(E).— In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 143 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

Short title and commencement - (1) ~~These rules may be called the~~ Central Civil Services (Revised Pay) Rules, 1997.

(2) They shall be deemed to have come into force on the 1st day of January, 1996.

2. Categories of Government servants to whom the rules apply :- (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to civil services and posts in connection with the affairs of the Union whose pay is debitable to the Civil Estimates as also to persons serving in the Indian Audit and Accounts Department.

(2) These rules shall not apply to :-

- (a) persons appointed to the Central Civil Services and posts in Groups 'A', 'B', 'C' and 'D' under the administrative control of the Administrator of the Union territory of Chandigarh;
- (b) persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
- (c) persons not in whole-time employment;
- (d) persons paid out of contingencies;
- (e) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (f) persons employed on contract except where the contract provides otherwise;
- (g) persons re-employed in Government service after retirement;
- (h) any other class or category of persons whom the President may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.

3. Definitions - In these rules, unless the context otherwise requires -

(1) "basic pay" means pay drawn in the prescribed scale of pay,

certified to be true copy
S. Nayak
Deputy Secretary

1. Draftsman Gr. II/ Head Draftsman	1400-40-1800-50-2300	5500-175-9000	50.37
2. Draftsman Gr. I/ Head Draftsman	1600-50-2300-60-2660	5500-175-9000	50.37
3. Graduate Engineers recruited against posts of drawing/ design office in subordinate Engg. grades	1400-40-1800-50-2300 1600-50-2300-60-2660 2000-60-2300-15-3200	6500-200-10500	50.37

LABORATORY STAFF

1. Laboratory Technician	1320-30-1560-EB-40-2040	<u>4500-125-7000</u>	55.149
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MEDICAL AND PHARMEDICAL SUBJECTS

1. INDIAN COLLEGE OF MEDICINE AND HOMOEOPATHY (ISHANDEH)
 (a) Starting pay scale for all posts requiring B.Sc. 275-13500 52.33
 medical practice in ISHANDEH and a degree in
 ICPH as the minimum qualification

2. CLINICAL PSYCHOLOGISTS

(a) All posts of Clinical Psycholo- gists requiring minimum qualification of MA/Ph.D.(Psychology)	1640-60-2600-EB-75- 2900/2900-60-2300-EB- 75-3200-100-3500/3200- 75-2000-1B-100-3000	5500-275-13500	52.46
(b) All posts requiring MA/Ph.D.(Psychology)	1640-60-2600-EB-75- 900	5500-175-9000	52.46

3. DIETICIANS

(a) Assistant Dietician	1400-40-1800-EB-50- 2300	5500-175-9000	52.52
(b) Dietician	1640-60-2600-EB-75- 2900	6500-200-10500	52.52
Senior Dietician	2000-60-2300-EB-75- 3200-100-3500	8000-275-13500	52.52
Chief Dietician	2375-75-3200-100- 3500	10000-325-15200	52.52

OUTRIGING STAFF

Chief Superintendent	2000-60-2300-EB-75- 3200-100-3500	5500-275-13500	52.52
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*certified to be true copy
S. M. S. Acharya*

By order of the Director, K. P. S. Acharya

No. Z. 26021/33/97-PMS
Government of India
Ministry of Health & Family Welfare

Nirman Bhavan, New Delhi
Dated the 16th April 1998.

To

The Director General
of Health Services,
Nirman Bhavan, New Delhi

Subject:- 5th Pay Commission - Revision of pay scale
of Laboratory Technicians.

Sir,

I am directed to convey the sanction of the President to the revision of pay scale of Laboratory Technicians with effect from 1st January, 1996, in accordance with the Part 'B' of the first schedule to the Central Civil Services (Revised Pay) Rules 1997 as follows:-

Sl. No.	Name of Post	Existing Pay Scale	Revised Scale
1.	Laboratory Technician	Rs. 1320-30-1560-EB-40-2040	Rs. 4500-125-7000

This issues with the concurrence of Finance Division vide their D. No. 1434/98-35(FA) Dated 13-4-1998.

Yours faithfully,

(G.L. BHATIA)

Under Secretary to the Government of India

Copy to:-

1. The Medical Superintendent, Safdar Jang Hospital, New Delhi
2. The Medical Superintendent, Dr. Ram Mohan Lohia Hospital, New Delhi
3. The Medical Superintendent, Lod, Harding Medical College & Smt. S.K. Hospital, New Delhi.
4. DDG(N), Dtd. 6.11.5.
5. Finance Desk-II

(G.L. BHATIA)

Under Secretary to the Government of India

certified to be true copy
S. Roy
Advent

To,

The Director : SSB,
Block-V (East), R.K. Puram,
New Delhi-66.

(Through proper channel.)

Dated, the 24th May, 2000.

Sub : Fixation of Pay vide 5th Pay Commission
(Central Employees)

Sir,

With due respect and humble submission I have the honour to lay down the following few lines for favour of sympathetic consideration and favourable action please.

That, I was enrolled in SSD as Lab./Technician 16-9-91 in the Pay Scale of Rs. 1320-2040 as per the recommendation of 5th Pay Commission (Central Govt. Employees) the Lab. Technician has been facilitated with Pay scale of Rs. 4500 - 7000 w.e.f. 1-1-96 (Photo copy which is enclosed) where as my pay has been fixed in the scale of Rs. 4000-6000 which is applicable for others and not for Laboratory Technician Trade.

It is therefore, requested that my pay may be fixed as per 5th Pay Commission report which is applicable to Lab. Technician i.e. Rs. 4500-7000 instead of Rs. 4000-6000 and arrears from 1-1-96 may be paid to me.

This is for your kind perusal and I have very hope that you will take a formal prompt sympathetic action please.

Thanking You.

Yours faithfully,

(HUP SINGH)

Medical Lab. Technician,
CC SSB Kohima,
Nagaland.

Enclo : 2 (two copies).

Copy to :

The Divisional Organiser, SSD,
Meipur and Nagaland Division,
Imphal for information please.

(HUP SINGH)

Medical Lab. Technician,
CC SSB Kohima,
Nagaland.

certified to be true copy
2. Provs
Advocate

NO. 173/177, R-247, K. 17, C-51/3
Directorate General of Security,
Office of the Commandant,
Group Centre, SSB: Kohima, Nagaland

Date: the 24 August, 2000

Memorandum

Please refer to your representation dt. 24.5.2k addressed to the Director, SSB regarding fixation of Pay vide Str. Pay Commission (Central Employee).

2. Your representation has been received back from the DIG Hq, SSB, Nagaland under their Office M/No. DIGK/E-24(A)/97/3508 dt. 14.8.2000 with following remarks:

The representation of the above official has been returned by the Dig. Hqrs, Imphal with the following remarks vide their Office Memo No. 2/14/E/CC/95-SSB/5157-CC dt. 27.7.2000

a) Pay fixation of the Official staffs will be initiated by the concerned Units under the provision of CCS (Revised Pay) Rules, 1997 and Pay fixed by the Unit concerned has to be vetted from ITC section of DACS to avoid future complications.

b) In view of above facts pay fixation of the individual may be done as per existing Rules.

3. Hence, your representation is returned herewith for information please.

4. It is further to intimate that your S/Book is being sent to the DA (CS) for the admittance of Pay fixation on 1.1.96 under the CCS (R...) Rules, 1997.

Encl: As above

Commandant,
GC, SSB: Kohima, Nagaland

To:

Lab. Tech. Shup Singh
GC, SSB: Kohima

certified by Jims
2. 12.03
Advocate

NO.1/8(7)/R-PAY/GCK-97/ 267-70
Government of India
Ministry of Home Affairs
Office of the Commandant
Group Centre SSB Kohima
Pin No : 797001(Nagaland)
Post Box No : 211.

Dated, the 16 January, 2002.

ORDER

Fixation of pay under CCS(Revised pay) Rules, 1997 at Rs.4400/- on 1/1/96 in the revised pay scale of Rs.4000-100-6000/- in respect of Lab. Tech. Bhup Singh Kaundal of this Group Centre is hereby modified and re-fixed his pay at Rs.4500/- w.e.f. 1/1/96 with D.N.I. 1/9/96 under the CCS(Revised Pay) Rules, 1997 in the pay scale of Rs.4500-125-7000/-

2. Consequent upon the re-fixation of his pay at Rs.4500/- w.e.f. 1/1/96 with D.N.I. 1/9/96 in the pay scale of Rs.4500-125-7000/- time scale increment for the year, 1996 to 2001 of Lab. Tech. Bhup Singh Kaundal are hereby granted in the following manner in cancellation of the increment granted earlier w.e.f. 1/9/96, 1/9/97, 1/9/98, 1/9/99, 1/9/2000 and 1/9/2001 raising his pay from Rs.4400/- to Rs.4500/-, from Rs.4500/- to Rs.4600/-, from Rs.4600/- to Rs.4700/-, from Rs.4700/- to Rs.4800/-, from Rs.4800/- to Rs.4900/- and from Rs.4900/- to Rs.5000/- in the pay scale of Rs.4500-100-6000/- respectively.

Date of increment	Rate of increment granted	Pay raised From	To	Remarks
1/9/96	Rs.125/-	Rs.4500/-	Rs.4625/-	
1/9/97	Rs.125/-	Rs.4625/-	Rs.4750/-	
1/9/98	Rs.125/-	Rs.4750/-	Rs.4875/-	
1/9/99	Rs.125/-	Rs.4875/-	Rs.5000/-	
1/9/2000	Rs.125/-	Rs.5000/-	Rs.5125/-	Financial effect w.e.f. 26/9/2000 due to on leave wef 14/8/2k to 25/9/2000
1/9/2001	Rs.125/-	Rs.5125/-	Rs.5250/-	

This issues in exercise of the financial powers delegated to the undersigned vide SSB Dte. order No.19/9/2001/SSB/E-II/2778-81 dated 3/10/2001.

(B.C.BARMAN)
DEPUTY COMMANDANT
GROUP CENTRE SSB KOHIMA(NAGALAND)

DISTRIBUTION :

1. The Director of Accounts, Cab. Sectt. Block-IX(East), R.K. Puram, New Delhi-66.
2. D.D.O., G.C. SSB, Kohima: with spare copy of order. Arrear of pay & allowances on the revision of pay of Lab. Tech. Bhup Singh Kaundal be claimed after admittance of the pay fixation by the DA(CS).
3. S/Record of the individual, A) Lab. Tech. Bhup Singh Kaundal,

*certified 15th June 2003
S. Prasad
Advocate*

(See Rule 42)

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

ORDER SHEET

APPLICATION NO. 423 OF 2001APPLICANT(S) B.S. KandalRESPONDENT(S) U.O.I. JomADVOCATE FOR APPLICANT(S) Mrs. M.D. Choudhury, Mr. D. Gogoi, Mr. S. RoyADVOCATE FOR RESPONDENT(S) Mr. A.K. Choudhury, Addl. C.G.S.C.

Notes of the Registry

dated

Order of the Tribunal

24.1.02

Heard Mrs. M.D. Choudhury, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.

Mr. A.K. Choudhury, learned Addl. C.G.S.C. has placed before us an order dated 16.1.2002 issued by the Group Centre, SSB, Kohima, re-fixing the pay of the applicant at Rs. 4500/- w.e.f. 1.1.1996 under CCS (Revised Pay) Rules, 1997 in the pay scale of Rs. 4500-125-7000/-. A copy of the order is kept in record. In the circumstances, the application has become infructuous.

Mrs. M.D. Choudhury, learned counsel for the applicant submitted that the respondents be directed to give effect of the order forthwith. No order as such is necessary in view of the steps taken by the respondents. It is obvious.

The application thus stands disposed of as infructuous.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Admn)

Memo. No. 489

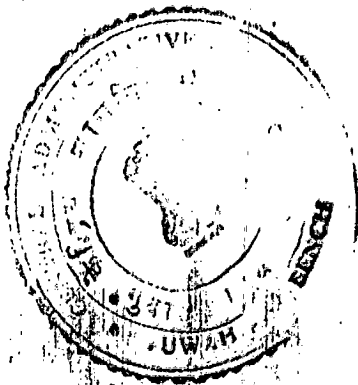
D.O. 15-2-02

Copy for information and necessary action to:-

1. Sri. Bhanu Singh Kandal, S/o Late Jhan, Khur Ram
Resident of Group Centre (GC), S.S.B., Dist Kohima,
Nagaland.

certified to be true copy
Sd/-
Advocate

31/01/02
Hd Section Officer (S)



No.I/13(2)/OA-423/GCK-01/3858
 Government of India,
 Ministry of Home Affairs,
 Office of the Commandant,
 Group Centre,SSB:Kohima,Nagaland

Dated, the 20 May, 2002

Memorandum

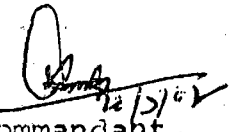
Please refer to this Office Letter No.I/8(7)/R-PAY/GK-97/271-72 dt.16.1.2001 addressed to the Sr. Section Officer(ITC HQ), Office of the Director of Accounts, New Delhi and copy endorsed to you regarding forwarding of your Service Book for admittance of Pay fixation as on 1.1.96 in the Pay scale of Rs.4500-127-7000/-.

2. Your Service book has been received back from the DA(C) without admittance of the Pay fixation for want of Cab. Sectt. Order No.1/69/99-EA-I/4545 dt.10.12.2001 vide which pay scale of Lab.Tech. revised to the pay scale of Rs.450-125-7000/- vide DA(CS) Letter No. ITC-HQ/PE/SSB-II/2301 dt.12.2.2002. But the said Cab. Sectt. order is not readily available with this Group Centre.

3. But in the mean time this Office received copy of SSB Dte. Signal No.U-5753-54 dt.24.1.2002 vide Div.HQ Endst.No./21(5)/-E/01/MD/1097-114 dt.1.2.2002 vide which it is instructed not to implement the orders of Cab. Sectt. on the revision of pay scale of Lab.Tech. till further order as the matter has been taken up with M.H.A. and decision would be conveyed in due course.

4. Copy of SSB Dte. Signal No.U/5753-54 dt.24.1.02 received from Div.HQ, Imphal under their Endst.No.1/21(5)-E/01/MD/1097-114 dt.1.2.2002 is also enclosed herewith for your information.

Encl: As above


 Commandant,
 GC, SSB: Kohima, Nagaland

TO

Lab.Tech. Bhoop Singh
 GC SSB Kohima

*certified to be true copy
 S. Bhoop Singh
 Commandant*

-25-

Annexure 2

REGISTERED INSURED R.100/-
No.1/8(7)/R-PAY/GCK-97/ 271-72
Government of India
Ministry of Home Affairs
Office of the Commandant
Group Centre, SSB Kohima
Pin No : 797001(Nagaland)
Post Box No : 211.

Dated, the 16th January, 2002.

To

The Sr. Section Officer,
I.T.C. HQ..
O/O. the Director of Accounts,
Cabinet Secretariat, Block-IX(East), Level-7
R.K.Puram, New Delhi-110066.

Subject : Admittance of pay fixation as on 1/1/96
under the CCS(Revised pay) Rules, 1997.

Sir,

It is to intimate that pay of Lab. Tech. Bhup Singh Kaundal was revised to R.4000-100-6000/- under the CCS(Revised pay) Rules, 1997 and fixed his pay at R.4400/- w.e.f. 1.1.96 and the same has also been admitted by the DA(CS).

2. The said Lab. Tech. filed a case vide O.A. No.423/2001 titled Bhup Singh Kaundal Vs U.O.I. and others at CAT, Guwahati Bench against the revised Pay scale of R.4000-100-6000/- entitled to the Lab. Technicians of SSB Organisation.

3. Now, this office is informed that the pay scale of Lab. Tech. has been revised by Cab. Sectt. vide their O/No.1/69/99-KA/4545 dated 10/12/2001 from R.4000-100-6000/- to R.4500-125-7000/- and directed to refix the pay of Lab. Tech. Bhup Singh Kaundal w.e.f. 1/1/96 in the pay scale of R.4500-125-7000/- and also get admittance of the DA(CS).

4. Hence, the pay of Bhup Singh Kaundal, Lab. Tech. has been refixed w.e.f. 1/1/96 in the pay scale of R.4500-125-7000/- vide this office O/No.1/8(7)/R-pay/GCK-97/ 267-70 dated 16/1/2002.

5. The service book of the said Lab. Tech. is sent herewith alongwith pay fixation statement for admittance please.

Encl : As above.

Yours faithfully,

Commandant
Group Centre SSB Kohima(Nagaland)

Copy to :

Lab. Tech. Bhup Singh Kaundal: For info pss.

16/1/02
Commandant
Group Centre SSB Kohima

certified to the time
20/1/02
Advocate

Annexure K
32

No.I/3(7)/R-PAY/GCK-97/4972-75
Government of India,
Ministry of Home Affairs,
Office of the Commandant,
Group Centre,SSB:Kohima,Nagaland

Dated, the 25th June, 2002

ORDER

As per SSB Dte.Signal No.U/5753-54 dt.24.1.2002, this Order No.I/8(7)/R-PAY/GCK-97/267-70 dt.16.1.2002 regarding fixation of Pay of Lab.Tech.Bhup Singh Kaundal of this Group Centre at Rs.4500/- w.e.f.1.1.96 under CCS(RP) Rules,1997 in the pay scale of Rs.4500-125-7000/- is hereby cancelled and earlier order on the fixation of pay as on 1.1.96 in the CCS(RP) Rules,1996 in the pay scale of Rs.4000-100-6000/- will remain effective.

DDO,GC,SSB:Kohima will recover overpayment if any from the NGO well.in time.

This order issues in exercise of the financial powers delegated to the undersigned vide SSB Dte.Order No.19/9/2001/SSB/E-II/1054-57 dt.24.4.2002.


(B.C.SARMAN)
DEPUTY COMMANDANT,

Distribution: Group Centre,SSB:Kohima(Nagaland)

1. The Dy.Director of Accounts,PAO,SSB(MHA)
East Block-IX,Level-7,R.K.Puram,New Delhi-66
2. DDO,GC,SSB:Kohima
3. Lab.Tech.Bhup Singh Kaundal
4. Service Record of the NGO

certified to be true copy
Sd/-
Accounts

MOST IMDT. SIG. NO. U-5753-54 DATED 24.01.02 RECEIVED FROM SSB EX
DTE'S RE-PRODUCED BELOW :-

REF. SSB HQRS SIG NO. U- 8841 DATED 13.12.01 REG. REVISION OF PAY
SCALES OF LAB TECH. IN SSB (.) MHA HAS DESIRED NOT TO
IMPLEMENT THE ORDERS ISSUED BY THE CAB. SECT. TILL FURTHER
ORDER (.) MATTER TAKEN UP WITH MHA AND DECISION WILL BE
CONVEYED IN DUE COURSE (.)

No. 1/21(5) E/01/MD/-1097-114
Government of India,
Ministry of Home Affairs,
Office of the Divisional Organiser,
SSB, Manipur & Nagaland Division,
Imphal

Dated The- 01.02.2002

Copy forwarded to :

1. The DIG SSB Kohima
2. The M& N Division
IIQ, SSB Imphal.
3. The Area Organiser
SSB Imphal
4. The Commandant GC SSB Kohima
/Imphal/Mokokchung.
5. The Accounts Officer Divn. HQ.
6. Dealing Assistant (Medical Section) Division. HQ.

for information and
Compliance.

AREA ORGANISER
(ADMN).

*certified to be true copy
S. Prasad
Advocate*

No. 1/69/99-L.A.I
Government of India
Cabinet Secretariat

Bikaner House (Annexe)
Shahjahan Road
New Delhi.

ORDER

10 DEC 2001

Subject : Revision of pay scale of Laboratory Technician in SSB.

Reference SSB UO No.15/SSB/A-4/97(3)-5905 dated 17.11.99 on the above subject.

2. Sanction of the President is hereby conveyed to the revision of pay scale of Laboratory Technicians in SSB from Rs.4,000-100-6,000/- to Rs.4,500-125-7,000/- with effect from 1.1.1996.

3. The expenditure will be met out of the funds placed at the disposal of Director of Accounts, Cabinet Sectt., New Delhi.

4. This issues with the concurrence of Ministry of Finance, Deptt. of Expenditure (Implementation Cell) vide their UO.No.96/4/2001-IC dated 27.11.2001.

(Jagdish Chander)
Under Secretary to the Govt. of India

1. Joint Secretary (Police), Ministry of Home Affairs, New Delhi.
2. DG, SSB (MHA), R.K. Puram, New Delhi.
3. Director of Accounts, Cab. Sectt.
4. Dy. Secretary, Finance (S), Cab. Sectt.
5. Guard File.

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3.
4.
5.

Signature to be taken copy
to my
Advocate

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Filed by
Group Memo
13/2/03

13 FEB 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI

OA NO. 355/2002

IN THE MATTER OF

BHUP SINGH KAUNDAL

..... Applicant

V/s

UNION OF INDIA & OTHERS

..... Respondents

Written statement for and on behalf of Respondents Nos. 1,2,3,4,5,6 &7 :

I, **T.N. Shanoo**, Divisional Organiser, Special Service Bureau, Manipur & Nagaland Division, Imphal, do hereby solemnly affirm and state as follows :-

1. That, I the Divisional Organiser, S.S.B. Manipur & Nagaland Division, Imphal and Respondent No.4 in the above case and as such am fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statements, the other contentions and statements may be deemed to have been denied. I am competent and authorised to file this written statement on behalf of all the respondents.

Contd..P/2

2. That, with regard to the statements made in paragraph-1 of the application the Respondents beg to state that as per recruitment Rules prescribed by the Cabinet Secretariat the applicant was appointed as Lab. Technician in S.S.B. - Workshop, Bhopal of D.G.(S), Department of Cabinet Secretariat, Government of India vide order No.4/Estt/BPL/91/2383 dated 18/09/91 of Commandant, CSD&W, Bhopal (copy of order is enclosed as Annexure-1)

The applicant's service matters are governed under CCS Rules with usual allowances from time to time and other allowances admissible to the SSB personnel. As per schedule 'A' of CCS(R.P) Rules, 1997 notified vide Govt.of India notification dated 30.09.97 (Extract copy of order is enclosed as Annexure-II) read with Cabinet Secretariat order No.1/71/97-EA-I-2139 dated 23.05.01, scale of pay of Lab. Technician Bhup Singh has been revised to Rs. 4000-100-6000/- and fixed at Rs.4400/- w.e.f. 01.01.96 and admitted by the Director of Accounts, Cabinet Secretariat (copy of pay fixation statement admitted by the ITC Section of the Director of Accounts, Cabinet Secretariat is enclosed as Annexure-III (copy of Recruitment Rules of Lab. Technician in SSB is enclosed as Annexure-IV).

Initially the applicant had filed a case against the revised pay scale of Rs.4000-100-6000/- vide O.A.No.423/01 before this Hon'ble Guwahati Central Administrative Tribunal. While the case for submission/ preparation of counter reply of the O.A. was under

Correspondence , SSB Dte. vide Signal No. U/8841-42 dated 13.12.2001 (Copy of the signal is enclosed as Annexure-V) had communicated that pay scale of Lab. Technician in SSB had been revised from Rs. 4000-100-6000/- to Rs.4500-125-7000/- w.e.f. 01/01/1996 by the Cabinet Secretariat vide their office order No.1/69/99-EA-I/4545 dated 10.12.2001 (copy enclosed as Annexure-VI).

In exercise of the financial powers delegated, vide SSB Dte. office order No. 19/09/2001/SSB/E-II/2778-81 dated 03/10/2001, Deputy Commandant, Group Centre, SSB Kohima (now 17th Bn. SSB Kohima) refixed pay of Lab. Tech. Bhup Singh Kaundal at Rs.4500/- w.e.f. 01/01/1996 in the pay scale of Rs.4500-125-7000/- vide order No.1/8(7)/R-Pay/GCK-97/267-70 dated 16.01.2002 (copy of order is enclosed as Annexure-VII) with direction that the D.D.O. of Group Centre, SSB, Kohima should claim the arrear of pay and allowances on the refixation of his pay only after the admittance of the pay fixation by the ITC Section of Director of Accounts, Cabinet Secretariat, New Delhi who is competent authority for admittance of the pay fixation under CCS (R.P.) Rules, 1997 and service book of the applicant along with pay fixation statement was sent to the ITC unit of the Director of Accounts, Cabinet Secretariat, New Delhi for admittance of the pay fixation of Rs.4500/- w.e.f. 01.01.1996 in the pay scale of Rs.4500-125-7000/- vide letter No.1/8(7)/R-Pay/GCK-97/271 dated 16.01.2002 of Commandant, Group Centre, SSB, Kohima. The ITC unit of the Director of Accounts, Cabinet Secretariat, New Delhi however, did not admit the pay fixation.

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As the applicant had already agitated the issue of his pay fixation before the Hon'ble Court a copy of pay fixation order dated 16.01.02 was also sent to the Addl. C.G.S.C. Guwahati alongwith a copy of SSB Dte. signal No.U/8841-42 dated 13.12.2001 for his information and necessary action vide letter No.1/17(2)/OA-423/GCK-01/368-71 dated 18.01.02 of Commandant, Group Centre, SSB Kohima (copy of letter is enclosed as Annexure-VIII).

The Hon'ble CAT, Guwahati accordingly disposed off the O.A. No.423/01 filed by the applicant without any cost in view of the steps taken up by the respondents (copy of order dated 24/01/2002 of the Hon'ble Tribunal is enclosed as Annexure-IX). It is pertinent to mention here that w.e.f. 15/01/01 SSB organisation has been brought under the administrative control of Ministry of Home Affairs and accordingly all administrative decision were required to be ratified/ processed afresh by the MHA. There are many other Central Para Military Forces of Government of India under the administrative control of Ministry of Home Affairs where generic posts in the Laboratories exist in different scale of pay. Upgradation of scale of pay of a single post in one CPMF viz. SSB in isolation will have implications on others. To have a holistic view in the matter and to bring about possible uniformity in the scales of pay and mode of recruitment to these posts the related issues are under active consideration of the Government. Decision of the scale of pay of these post and other laboratory posts in the CPMFs is awaited. Soon after a decision in the matter is taken the due scale of pay of the post will be sanctioned. The scale of pay of the

Contd..P/5

post held by the applicant has however already been duly revised in terms of the schedule 'A' of part-I of revised pay Rules, 1997.

In the light of above changed circumstances it has become imperative to maintain status quo till an appropriate decision in the matter is taken. Hon'ble Tribunal may kindly appreciate the measures of the Government in the exigencies of the circumstances.

3. No comments with regard to the para 2 and 3.

FACTS OF THE CASE :

4. That the Respondents have no comments to the statements made in paragraphs 2(i) and 2(ii) of the application.

5. That with regard to the statements made in paragraphs 2(iii) and 2(iv) of the application the respondents beg to state that SSB Organisation was initially under the Administrative Control of Cabinet Secretariat. But consequent upon transfer of SSB from Cab. Secretariat to Ministry of Home Affairs, all administrative decisions taken by the Cab. Secretariat were required to be considered afresh by MHA being the Administrative Ministry on the analogy of brining parity between various posts in the various organizations of the CPO's.

6. That with regard to the statements made in paragraph 2(v) of the application the Respondents beg to state that the applicant's pay fixation at Rs.4400/-w.e.f 01/01/96 in the pay scale of Rs. 4000-100-6000/- has

Contd...P/6

been fixed & admitted by the ITC unit of the Director of Accounts, Cabinet Secretariat as per the existing pay scale authorised to the post of Lab. Technicians in SSB. However as the matter regarding revision of pay scales for the post of Lab. Tech. is still under consideration of the government further action will be initiated only on receipt of orders of the competent authority.

7. That with regard to the statements made in paragraph 2(vi) and 2(vii) of the application the Respondents reiterate the statements made in paragraph 2 of the written statement.

8. That with regard to the statements made in paragraph 2(viii) & (ix) of the application the Respondents beg to state that the case of revision of pay scale of Lab. Tech. in SSB is still under consideration of the Government and a final decision is awaited in the matter.

9. That with regard to the statements made in paragraph 2(x) of the application the Respondents beg to state that the matter has been taken up with Home Ministry and re-fixation of pay of the applicant will be taken up on receipt of the decision from the Government, since SSB stands transferred from Department of Cabinet Secretariat to the Ministry of Home Affairs vide order No.1/2/2001/EA-I/133 dated 15.01.2001.

10. That with regard to the statements made in paragraph -5(i), 5(ii) and 5(iii) of the application the Respondents beg to state that till such

time the approval of the Government is received the scale of Rs. 4500-125-7000/- cannot be authorised to the Lab. Technicians of SSB.

11. That with regard to the statements made in paragraph 5(iv) of the application the Respondents beg to state in view of the reorganisation the question of arrear will be decided soon after a holistic decision is taken on the scale of pay of these categories of posts in all CPMFs.

12. That with regard to the averments made in para-5(v to x) of the application it is submitted that w.e.f. 15/01/2001 SSB Organisation has been brought under the administrative control of Ministry of Home Affairs and accordingly all administrative decision were required to be ratified afresh by the MHA with a view to bring parity between various CPOs working under their control. Accordingly the Cabinet Secretariat order dated 10.12.2001 (Annexure-M to the OA) was kept in abeyance till further order for implementation. It is as a result of this administrative change over the organisation from Cabinet Secretariat to Ministry of Home Affairs, which has delayed decision on the revision of pay scales in the rank of Lab. Technicians. Even as on today the matter is still under active consideration of the Government and would be resolved in due course, whereafter further administrative action would be initiated by the respondents in compliance to the orders of the Government.

13. That the respondents have no comments to the statement made in paragraph 7 of the application.

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14. That with regard to the statements made in paragraphs 8 the revision of pay scale of Lab. Tech. is under consideration with Government and decision is awaited and therefore fixation of pay of the applicant and due payment will be taken up only on receipt of formal orders from MHA in this regard.

15. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.


DEPONENT

VERIFICATION

I, **T.N. Shanoo**, Divisional Organiser, Special Service Bureau, Manipur & Nagaland Division, Imphal, being authorised to hereby verify and declare that the statements made in this written statements are true to my knowledge, information and belief and I have not suppressed any material fact.

And I sign this verification on this **4** th day of **February**, 2003.


DEPONENT

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ANNEXURE-I37
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(TRUE COPY)

NO.4/ESTT/DPL/91/2383
 DIRECTORATE GENERAL OF SECURITY
 OFFICE OF THE COMMANDANT
 GENERAL STORAGE DEPOT & WORKSHOP
 PO : SATRI NAGAR BHADHADA ROAD
 BHOPAL (MP)

DATED THE 18TH SEPT 1991

ORDER

L Koundal

In pursuance of SSB Dte. Memo No.6/SSB/A2/90(5) 2866 dated 21-8-1991. Shri Bhup Singh/Koundal is hereby appointed as Laboratory Technician in the Pay Scale of Rs. 1320-30-1560-EB-40-2040/- w.e.f: 16-9-1991(FN) ie. his date of joining in this office. He is entitled to get allowance as admissible to Central Govt. Employees from time to time.

2. He will be on probation for a period of three years.

sd/-

(T.D.PANDE)
 COMMANDANT
 CSDMW BHOPAL

DISTRIBUTION:

1. The Director of Accounts, Cab.Sectt. R.K.Puram New Delhi.
2. Assistant Director (EA) SSB Dte. East Block-V R.K.Puram, New Delhi w.r.t his Memo No.6/SSB/A2/90(5)/2866 dated 21-8-1991.
3. Shri. Bhup Singh Koundal, Lab.Tech.
4. Accounts Branch.
5. Personal File.
6. Service Book.

C.T.C.

Amal
 DY. Commandant
 17th Bn. SSB., Kohima

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SECRET
MOST IMMEDIATE

Government of India
Cabinet Secretariat

Bikaner House (Annex)
Shah Jahan Road
New Delhi, India

28 OCT 1997

OFFICE MEMORANDUM

Subject: Implementation of Fifth Central Pay Commission's recommendations - extension of revised scale of pay to personnel working in various organizations under the Cabinet Secretariat.

The undersigned is directed to forward herewith a copy of Ministry of Finance Memorandum No. 50(1)/97/FC-II dated 28th October, 1997 on the subject mentioned above for information and necessary action at their end.

P. N. Thakur

(P. N. Thakur)
Director to the Government of India

1. Shri R. S. Bodi, Director, ARC.
2. Shri S. V. Aiyadurai, Director of Accounts Cabinet Secret.
3. Shri D. G. Rawat, Jt. Secretary (Pers.), H&AW.
4. Shri R. Chel, Director, SSB.
5. Shri S. R. Mehra, Officiating Jt. Secy, SSB.
6. Col. K. L. Jangal, CIOA.
7. Shri S. H. Mehra, Jt. Secy (P&C), DGH.
8. Mr. Arjun Pandey, Dy. Secretary (Security).

Copies for information to:
1. Dy. Secretary (C)

C.T.C.
of
Dy. Commandant
87th Bn. SSB., Kohima

SECRET

Sl. No. 50(1)/97/10-11
 Government of India/Bharat Sarkar
 Ministry of Finance/Vitta Mantralaya
 Department of Expenditure/Vyaya Vibhag
 Pay Commission Implementation Cell

New Delhi, the 20th October, 1997
 Kartika 5, 1918 (SAKA)

OFFICE MEMORANDUM

Subject: Implementation of Fifth Central Pay Commission's recommendations - extension of revised scales of pay to personnel working in various organizations under the Cabinet Secretariat

The undersigned is directed to invite a reference to the Central Civil Services (Revised Pay) Rules, 1997 notified vide HR 609(1) dated September 30, 1997 and to state that the recommendations of the Fifth Central Pay Commission on the scales of pay and other conditions of service of personnel working in various Secret Service Organizations under the Cabinet Secretariat are being processed separately. It has been decided that, pending the issue of necessary orders incorporating the Government decisions thereon, the normal replacement scales of pay contained in Part 'A' of the First Schedule to the Central Civil Services (Revised Pay) Rules, 1997 may be implemented in these organizations and the relevant revised scales of pay extended to the corresponding categories of personnel in Groups 'A', 'B', 'C' and 'D'. This decision will apply to personnel in the Directorate General of Security and its constituent units, the Research & Analysis Wing, the Joint Intelligence Committee and the Special Protection Group.

Further action may kindly be taken accordingly.

Hindi version will follow.

H. Sunder Rajan

(H. SUNDAR RAJAN)

Joint Secretary to the Govt. of India

To

1. Cabinet Secretariat
2. Principal Director, Directorate General of Security
3. Secretary, Research & Analysis Wing
4. Chairman, Joint Intelligence Committee
5. Director, Special Protection Group
6. Secretary, Deptt. of Expenditure, Ministry of Finance
7. Secretary, Deptt. of Personnel & Training

C.T.C.

Amr Kumar
Sharma

Dy. Commandant
 17th Bn. SSB., Kohima

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MINISTRY OF FINANCE

(Department of Expenditure)

NOTIFICATION

New-Delhi, the 30th September, 1997

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G.S.R. 569 (E)

In exercise of the powers conferred by the proviso to article 309, and clause (b) of article 149 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :-

1. **Short title and commencement** - (1) These rules may be called the Central Civil Services (Revised Pay) Rules, 1997.

(2) They shall be deemed to have come into force on the 1st day of January, 1998.

2. **Categories of Government servants to whom the rules apply** : (1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to civil services and posts in connection with the affairs of the Union whose pay is debitable to the Civil Estimates as also to persons serving in the Indian Audit and Accounts Department.

(2) These rules shall not apply to :-

- (a) persons appointed to the Central Civil Services and posts in Groups 'A', 'B', 'C' and 'D' under the administrative control of the Administrator of the Union territory of Chandigarh;
- (b) persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
- (c) persons not in whole-time employment;
- (d) persons paid out of contingencies;
- (e) persons paid otherwise than on a monthly basis including those paid only on a piece-rate basis;
- (f) persons employed on contract except where the contract provides otherwise;
- (g) persons re-employed in Government service after retirement;
- (h) any other class or category of persons whom the President may, by order, specifically exclude from the operation of all or any of the provisions contained in these rules.

Definitions - In these rules, unless the context otherwise requires

(1) "basic pay" means pay drawn in the prescribed scale of pay,

C.T.C

Signature
By Commandant

17th Bn. SSB., Kohima

including stagnation increment(s), but does not include any other type of pay like 'special pay', 'personal pay', etc.

- (2) "existing scale" in relation to a Government servant means the present scale applicable to the post held by the Government servant (or, as the case may be, personal scale applicable to him) as on the 1st day of January, 1990 whether in a substantive or officiating capacity.

Explanation --

C.T.C.

Dr. C. V. Kumar
Commandant
17th Bn. SSB., Kottim

In the case of a Government servant, who was on the 1st day of January, 1990 on deputation out of India or on leave or on foreign service, or who would have on that date officiated in one or more lower posts but for his officiating in a higher post, "existing scale" includes the scale applicable to the post which he would have held but for his being on deputation out of India or on leave or on foreign service or, as the case may be, but for his officiating in a higher post;

- (3) "Present Scale" in relation to any post/grade specified in column 2 of the First Schedule means the scale of pay specified against that post in column 3 thereof;
- (4) "revised emoluments" means the basic pay of a Government servant in the revised scale and includes the revised non-practising allowance, if any, admissible to him, in addition to pay in the revised scale;
- (5) "revised scale" in relation to any post specified in column 2 of the First Schedule means the scale of pay specified against that post in column 4 thereof unless a different revised scale is notified separately for that post;
- (6) "Schedule" means a schedule annexed to these rules.

4. Scale of pay of posts. -- The scale of pay of every post/grade specified in column 2 of the First Schedule shall be as specified against it in column 4 thereof.

5. Drawal of pay in the revised scales. -- Save as otherwise provided in these rules, a Government servant shall draw pay in the revised scale applicable to the post to which he is appointed;

Provided that a Government servant may elect to continue to draw pay in the existing scale until the date on which he earns his next or any subsequent increment in the existing scale or until he vacates his post or ceases to draw pay in that scale.

Explanation 1. -- The option to retain the existing scale under the proviso to this rule shall be admissible only in respect of one existing scale.

Explanation 2. -- The aforesaid option shall not be admissible to any person appointed to a post on or after the 1st day of January, 1990, whether for the first time in Government service, or by transfer or promotion from another post, and he shall be allowed pay only in the revised scale.

Explanation 3. -- Where a Government servant exercises the option under the proviso to this rule to retain the existing scale in respect of a post held by him in an officiating capacity on a regular basis for the purpose of securing a grade of pay in that scale under Fundamental Rule 22, or any other rule

of the permanent post on which he holds a lien. If he would have held a lien had his lien not been suspended or the pay of the officiating post which has replaced the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

Exercise of Option

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- (1) The option under the proviso to rule 6 shall be exercised in writing in the form appended to the Second Schedule so as to reach the authority mentioned in sub-rule (2) within three months of the date of publication of these rules or where an existing scale has been revised by any order made subsequent to that date, within three months of the date of such order.

Provided that:-

- (1) In the case of a Government servant who is, on the date of such publication or, as the case may be, date of such order, out of India on leave or deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in India; and
- (11) where a Government servant is under suspension on the 1st day of January, 1996, the option may be exercised within three months of the date of his return to his duty if that date is later than the date proscribed in this sub-rule.
- (2) The option shall be intimated by the Government servant to the Head of his Office.
- (3) If the intimation regarding option is not received within the time mentioned in sub-rule (1), the Government servant shall be deemed to have elected to be governed by the revised scale of pay with effect on and from the 1st day of January, 1996.
- (4) The option once exercised shall be final.

Note 1. - Persons whose services were terminated on or after the 1st January, 1996 and who could not exercise the option within the proscribed time limit, on account of death, discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge or disciplinary grounds, are entitled to the benefits of this rule.

Note 2. - Persons who have died on or after the 1st day of January, 1996 and could not exercise the option within the proscribed time limit be deemed to have opted for the revised scales on and from the 1st day of January, 1996 or such later date as is most beneficial to their dependants, if the revised scales are more favourable and in such cases, necessary action for payment of arrears should be taken by the Head of Office.

Fixation of Initial pay in the revised scale :-

- (1) The initial pay of a Government servant who elects, or is deemed to have elected under sub-rule (3) of rule 6 to be governed by the revised scale on and from the 1st day of January, 1996, shall,

C.T.C.

Tantamal
Dy. Commandant
17th Bn. SSB., Kohima

unless in any case the President by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if he had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely :-

(A) In the case of all employees, -

- (i) "an amount representing 40 per cent of the basic pay in the existing scale" shall be added to the 'existing emoluments' of the employee;
- (ii) after the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the stage next above the amount thus computed.

Provided that -

- (a) if the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;
- (b) if the amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale.

Provided further that -

where in the fixation of pay, the pay of Government servants drawing pay at more than four consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised scale at the same stage, the pay in the revised scale of such of those Government servants who are drawing pay beyond the first four consecutive stages in the existing scale shall be stepped up to the stage where such bunching occurs, as under, by the grant of increment(s) in the revised scale in the following manner, namely:

- C.T.C. / (a) for Govt. servants drawing pay from the 5th upto the 8th stage in the existing scale - by one increment
- (b) for Govt. servants drawing pay from the 9th upto the 12th stage in the existing scale, if there is bunching beyond the 8th stage - by two increments
- (c) for Govt. servants drawing pay from the 13th upto the 16th stage in the existing scale, if there is bunching beyond the 12th stage - by three increments

By stepping up of the pay as above, the pay of a Government servant shall be fixed at a stage in the revised scale which is higher than the stage in the revised scale at which the pay of a Government servant who was drawing pay at the next higher stage or stages in the same existing scale is fixed, the pay of the latter shall also be stepped up only to the extent by which the latter falls short of that of the former.

Provided also that -

The fixation thus made shall ensure that every employee will get at least one increment in the revised scale of pay for every three

Signature
Dy. Commandant
17th Bn. SSB., Kohima

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Incremental [inclusive of stagnation increment(s), if any] in the existing scale of pay.

Explanation - For the purpose of this clause "existing emoluments" shall include,

(a) the basic pay in the existing scale;

(b) dearness allowance appropriate to the basic pay admissible at index average 1510 (1960=100), and;

(c) the amounts of first and second instalment of interim relief admissible on the basic pay in the existing scale;

(B) In the case of employees who are in receipt of special pay/allowance in addition to pay in the existing scale which has been recommended for replacement by a scale of pay without any special pay/allowance, pay shall be fixed in the revised scale in accordance with the provisions of clause (A) above except that in such cases "existing emoluments" shall include

(a) the basic pay in the existing scale;

(b) existing amount of special pay/allowance;

(c) admissible dearness allowance at index average 1510 (1960=100) under the relevant orders; and

(d) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale and special pay under the relevant orders;

(C) In the case of employees who are in receipt of special pay component with any other nomenclature in addition to pay in the existing scales, such as personal pay for promoting small family norms, special pay to Parliament Assistants, Central (Deputation on leave) Allowance, etc., and in whose case the same has been replaced in the revised scale with corresponding allowance/pay at the same rate or at a different rate, the pay in the revised scale shall be fixed in accordance with the provisions of clause (A) above. In such cases the allowance at the new rate as recommended shall be drawn in addition to pay in the revised scale of pay.

(D) In the case of medical officers who are in receipt of non-practising allowance, the pay in the revised scale shall be fixed in accordance with the provisions of clause (A) above except that in such cases the term "existing emoluments" shall not include NPA and will comprise only the following -

(a) the basic pay in the existing scale;

(b) dearness allowance appropriate to the basic pay and non-practising allowance admissible at index average 1510 (1960=100) under the relevant orders; and

(c) the amounts of first and second instalments of interim relief admissible on the basic pay in the existing scale and non-practising allowance under the relevant orders.

and in such cases, non-practising allowance at the new rates shall be drawn in addition to pay so fixed in the revised scale.

C.T.C.
Dy. Commandant
17th Bn. SSB, Kohima.

Note 1 - The Government servants drawing pay upto the stage of Rs. 1030 in the existing scale of Rs. 75-12-871-14-955-15-1030-20-1150 shall be fixed in S-2 scale of pay and those drawing pay beyond the stage of Rs. 1030 shall be fixed in S-3 scale of pay.

Note 2 - Where the increment of a Government servant falls on 1st day of January, 1996, he shall have option to draw the increment in the existing scale or the revised scale.

Note 3 - Where a Government servant is on leave on the 1st day of January, 1996, he shall become entitled to pay in the revised scale of pay from the date he joins duty. In case of Government servant under suspension, he shall continue to draw subsistence allowance based on existing scale of pay and his pay in the revised scale of pay will be subject to final order on the pending disciplinary proceedings.

Note 4 - Where a Government servant is holding a permanent post and is officiating in a higher post on a regular basis and the scales applicable to these two posts are merged into one scale, the pay shall be fixed under this rule with reference to the officiating post only, and the pay so fixed shall be treated as substantive pay.

The provisions of this Note shall apply, mutatis mutandis, to Government servants holding in an officiating capacity posts on different existing scales which have been replaced by a single revised scale.

Note 5 - Where the existing emoluments as calculated in accordance with clause (A), clause (B), clause (C) or clause (D), as the case may be, exceed the revised emoluments in the case of any Government servant, the difference shall be allowed as personal pay to be absorbed in future increases in pay.

Note 6 - Where in the fixation of pay under sub-rule (1), pay of a Government servant, who, in the existing scale was drawing immediately before the 1st day of January, 1996 more pay than another Government servant junior to him in the same cadre, gets fixed in the revised scale at a stage lower than that of such junior, his pay shall be stopped upto the same stage in the revised scale as that of the junior.

Note 7 - Where a Government servant is in receipt of personal pay on the 1st day of January, 1996, which together with his existing emoluments as calculated in accordance with clause (A), clause (B), clause (C) or clause (D), as the case may be, exceeds the revised emoluments, then, the difference representing such excess shall be allowed to such Government servant as personal pay to be absorbed in future increases in pay.

Note 8 - In the case of employees who are in receipt of personal pay for teaching Hindi, Braja, Hindi Typewriting, Hindi Short-hand and such other examinations under the "Hindi Teaching Scheme", or are successively undergoing training in cash and accounts matters prior to the 1st day of January, 1996, while the personal pay shall not be taken into account for purposes of fixation of initial pay in the revised scales, they would continue to draw personal pay after fixation of their pay in the revised scale on and from the 1st day of January, 1996 or subsequently for the period for which they would have drawn it but for the fixation of their pay in the revised scale. The quantum of such personal pay would be paid at the appropriate rate of increment in the revised scale from the date of fixation of pay for the period for which the employee would have continued to draw it.

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[Signature]
Dr. Commandant
17th Bn. SSB., Kohima

Explanation - For the purpose of this Note, "appropriate rate of increment in the revised scale" means the amount of increment admissible and immediately beyond the stage at which the pay of the employee is fixed in the revised scale.

Note 9 - In cases, where a senior Government servant promoted to a higher post before the 1st day of January, 1996 draws less pay in the revised scale than a junior who is promoted to the higher post on or after the 1st day of January, 1996, the pay of the senior Government servant should be stopped up to an amount equal to the pay as fixed for his junior in that higher post. Stopping up should be done with effect from the date of promotion of the junior Government servant subject to the fulfilment of the following conditions, namely:-

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical.
- (c) the senior Government servants at the time of promotion have been drawing equal or more pay than the junior.
- (d) the anomaly should be directly as a result of the application of the provisions of Fundamental Rule 27 or any other rule or order regulating pay fixation on such promotion in the revised scale. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, provision of this Note need not be invoked to stop up the pay of the senior officer.

The order relating to refixation of the pay of the senior officer in accordance with the above provisions should be issued under Fundamental Rule 27 and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of refixation of pay.

- (2) Subject to the provisions of rule 5, if the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, the former shall be fixed at the stage next above the substantive pay.

8. **Date of next increment in the revised scale** - The next increment of a Government servant whose pay has been fixed in the revised scale in accordance with sub-rule (1) of rule 7 shall be granted on the date he would have drawn this increment, had he continued in the existing scale:

Provided that in cases where the pay of a Government servant is stopped up in terms of Note 8 or Note 9 to sub-rule (1) and also second proviso to sub-rule (1) of rule 7, the next increment shall be granted on the

C.T.C.
Dy. Commandant
17th Bn. SSB., Kohima

completion of qualifying service of twelve months from the date of the stepping up of the pay in the revised scale.

Provided further that in cases other than those covered by the foregoing proviso, the next increment of a Government servant, whose pay is fixed on the 1st day of January, 1996 at the same stage as the one fixed for another Government servant junior to him in the same cadre and drawing pay at a lower stage than his in the existing scale, shall be granted on the same date as admissible to the junior. If the date of increment of the junior happens to be earlier.

Provided also that in the case of persons who had been drawing pay in the existing scale for more than a year as on the 1st day of January, 1996, next increment in the revised scale shall be allowed on the 1st day of January, 1996.

In cases where two existing scales, one being a promotional scale for the other, are merged, and the junior Government servant, now drawing his pay at equal or lower stage in the lower scale of pay, and happens to draw more pay in the revised scale than the pay of the senior Government servant in the existing higher scale, the pay of the senior Government servant in the revised scale shall be stepped up to that of his junior from the same date and he shall draw next increment after completing the qualifying period from the date of such stepping up of pay.

Fixation of pay in the revised scale subsequent to the 1st day of January, 1996 - Where a Government servant continues to draw his pay in the existing scale and is brought over to revised scale from a date later than the 1st day of January 1996, his pay from the later date in the revised scale shall be fixed under Fundamental Rules and for this purpose his pay in the existing scale shall have the same meaning as of existing emoluments as calculated in accordance with clause(A), clause(B) clause(c) or clause(D), as the case may be, of sub-rule(1) of rule 7 except that the basic pay to be taken into account for calculation of those emoluments will be the basic pay on the later date aforesaid and where the Government servant is in receipt of special pay or non-practising allowance, his pay shall be fixed after deducting from those emoluments an amount equal to the special pay or non-practising allowance, as the case may be, at the revised rates appropriate to the emoluments so calculated.

Fixation of pay on reappointment after the 1st day of January, 1996 to a post held prior to that date - A Government servant who had officiated in a post prior to the 1st day of January, 1996 but was not holding that post on that date and who on subsequent appointment to that post draws pay in the revised scale of pay shall be allowed the benefit of the proviso to Fundamental Rule 22, to the extent it would have been admissible had he been holding that post on the 1st day of January, 1996, and had elected the revised scale of pay on and from that date.

Mode of payment of arrears of pay - The arrears would be paid in cash with the stipulation that where the amount of arrears is less than

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Commandant
Dy. Commandant
17th Bn. SSB., Kohima

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Rs. 5000, it should be paid in one instalment and where it is in excess of Rs. 5000, it should be paid in two instalments; in the first instalment payment should be restricted to Rs. 5000 plus fifty percent of the balance amount of arrears.

Explanation - For the purposes of this rule:

- (a) "arrears of pay", in relation to a Government servant, means the difference between:-
- (1) the aggregate of the pay and allowances to which he is entitled on account of the revision of his pay and allowances under these rules, for the relevant period; and
 - (2) the aggregate of the pay and allowances to which he would have been entitled (whether such pay and allowances had been received or not) for that period had his pay and allowances not been so revised.
- (b) "relevant period" means the period commencing on the 1st day of January, 1996 and ending with the 30th September, 1997.

Overriding effect of Rules - The provisions of the Fundamental rules, the Central Civil Services (Revision of Pay) Rules, 1947, the Central Civil Services (Revised Pay) Rules, 1960, the Central Civil Services (Revised Pay) Rules, 1973 and the Central Civil Services (Revised Pay) Rules, 1986, shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

Power to relax - Where the President is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, he may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

Interpretation - If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Central Government for decision.

C.T.C.

[Signature]
Dy Commandant
17th Bn. SSB, Kohima

THE FIRST SCHEDULE
(SEE RULES 3 & 4)

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PART - A

Revised scales for posts carrying present scales in Group 'A', 'B', 'C' & 'D' except posts for which different revised scales are notified separately.

POST GRADE	PRESENT SCALE (Rs.)	REVISED SCALE (Rs.)
2.	3.	4.
S-1	750-12-870-14-940	2550-55-2000-00-3200
S-2	775-12-871-14-1025	2610-60-3150-65-3540
S-3	800-15-1010-20-1150	2650-65-3300-70-4000
S-4	825-15-900-20-1200	2750-70-3800-75-4400
S-5	950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500	3050-75-3950-80-4590
S-6	975-25-1150-30-1540 (975-25-1150-30-1650)	3200-85-4000
S-7	1200-30-1440-30-1800 1200-30-1550-40-2040 1320-30-1550-40-2040	4000-100-5000
S-8	1350-30-1440-40-1800-50-2200 1400-40-1800-50-2300	4500-125-7000
S-9	1400-40-1800-50-2300-60-2600 1600-50-2300-60-2600	5000-150-8000
S-10	1640-60-2500-75-2900	5500-175-9000
S-11	2000-60-2120	6500-200-8900
S-12	2000-60-2300-75-3200 2000-60-2300-75-3200-3500	6500-200-10500
S-13	2375-75-2200-100-3500 2375-75-2200-100-3500-125-3750	7450-225-11500
S-14	2500-400 (proposed new pro-revised scale)	7500-250-12000
S-15	2200-75-2800-100-4000 2300-100-2800 2400/- FIXED	8000-275-13500 9000/- FIXED

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Sanjay Siro
DY. Commandant
17th Bn. SSB., Kohima

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17.	S-17	2630-75-2780	9000-275-0550
18.	S-18	3150-100-3350	10325-325-10075
19.	S-19	3000-125-3625 3000-100-3500-125-4500 3000-100-3500-125-5000	10000-325-15200
20.	S-20	3200-100-3700-125-4700	10650-325-15850
21.	S-21	3700-150-4450 3700-125-4700-150-5000	12000-375-16500
22.	S-22	3950-125-4700-150-5000	12750-375-16500
23.	S-23	3700-125-4950-150-5700	12000-375-18000
24.	S-24	4100-125-4850-150-5300 4500-150-5700	14300-400-18300
25.	S-25	4800-150-5700	15100-400-18300
26.	S-26	5100-150-5700 5100-150-6150 5100-150-5700-200-6300	16400-450-20000
27.	S-27	5100-150-6300-200-6700	16400-450-20900
28.	S-28	4500-150-5700-200-7300	14300-450-22400
29.	S-29	5000-200-6700 5000-200-7300	18400-500-22400
30.	S-30	7300-100-7600	22400-525-24500
31.	S-31	7300-200-7500-250-8000	22400-600-26000
32.	S-32	7600/- fixed 7600-100-8000	24050-650-26000
33.	S-33	8000/- FIXED	26000/- FIXED
34.	S-34	9000/- FIXED	30000/- FIXED

C.T.C.

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17th Bn. SSB, Kohima

PART - B

REVISED PAY SCALES FOR CERTAIN COMMON CATEGORIES OF STAFF

The revised scales of pay mentioned in Column 4 of this part of the Notification for the posts mentioned in column 2 have been approved by the Government. However, it may be noted that in certain cases of the scales of pay mentioned in column 4, the recommendations of the Pay Commission are subject to fulfilment of specified conditions. These conditions relate inter-alia to changes in recruitment rules, restructuring of cadres, re-distribution of posts into higher grades etc. Therefore, in those cases where conditions such as changes in recruitment rules etc. which are brought out by the Pay Commission as the rationale for the grant of those upgraded scales, it will be necessary for the Ministries to decide upon such issues and agree to the changes suggested by the Pay Commission before applying those scales to those posts w.e.f. 1.1.98. In certain other cases where there are conditions prescribed by the Pay Commission as pre-requisites for grant of those scales to certain posts such as cadre restructuring, redistribution of posts etc. it will be necessary for the Ministries/Department concerned to not only accept these preconditions but also to implement them before the scales are applied to those posts. It would, therefore, be seen that it is implicit in the recommendations of the Pay Commission that such scales necessarily have to take prospective effect and the concerned posts will be governed by the normal replacement scales until then.

Sl. No.	Posts	Present Scale (Rs)	Revised Scale (Rs)	Paragraph No. of Report
1.	2.	3.	4.	5.
1.	OFFICE STAFF WORKING IN ORGANISATIONS OUTSIDE THE SECRETARIAT.			
(a)	Assistant	1400-40-1800-50-2300	5000-150-8000	10.9
(b)	Head Clerks	1400-40-1800-50-2300 1350-30-1440-40-1800-50-2200	5000-150-8000	10.10
(c)	Office Superintendent level II	1400-40-1800-50-2300	5000-150-8000	10.10
(d)	Office Superintendent level I	1600-50-2300-60-2800	5500-175-9000	10.11
(e)	Office Superintendent			
(f)	Administrative Officer	2375-75-3200-100-3500	7500-250-12000	10.13
(g)	Upper Division Clerk	1200-30-1540-40-2040 with special pay of Rs. 70/- per month.	5000-150-8000 without special pay.	10.17

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[Signature]
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65
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(h) Stenographer
Gr. II

1400-40-1800-50-2300
1400-40-1800-50-2300-
60-2600

5000-150-8000

48.34

II. CANTEEN STAFF

(a) Cook
Non/Coffee Maker

750-12-870-14-940

2010-60-3150-65-
3540 55.22

(b) Cook
Assistant Helper

825-15-900-20-1200

3050-75-3950-80-
4590 55.22

(c) Junior Clerks
(Coupon, Kitchen,
Sales, Office,
Accounts etc.)

825-15-900-20-1200

3050-75-3950-80-
4590 55.22

(d) Manager Gr. I

1350-30-1440-40-1800-
50-2200

5000-150-8000

55.22

III. EDITORIAL STAFF

(a) Sub Editor

1400-40-1800-50-2300-
80-2600
1400-40-1800-50-2300

5500-175-9000 55.50

IV. LIBRARY STAFF

(a) Senior Library
Attendant

800-15-1010-1150

2750-70-3800-
75-4400

55.170

(b) Librarian

1400-40-1800-50-2300-
60-2600

5500-175-9000

55.177

(c) Librarian
Senior Scale

1640-60-2600-75-2900

6800-200-10500

55.177

(d) Librarian
Selection Grade

2000-60-2300-75-3200-
100-3500

7500-250-12000

55.177

V. STORE KEEPING STAFF

(a) Posts in the
scale of pay of

1350-30-1440-40-1800-
50-2200
1400-40-1800-50-2300

5000-150-8000

55.240 (u)

VI. TELEPHONE OPERATORS

(a) Posts in the
scale of pay of

1400-40-1800-50-2300

5000-150-8000

55.272

VII. TEACHING STAFF

(a) Primary School Teacher

Entry Scale

1200-30-1500-40-2040

4500-125-7000

55.250

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of
Commandant

17th Bn. SSB., Kohima

Senior Scale	1400-40-1800-50-2300-60-2800	5000-150-8000	55.259
Selection scale	1640-60-2600-75-2900	5500-175-9000	55.259
(b) Trained Graduate Teacher/ Head Master, Primary School			
Entry Scale	1400-40-1800-50-2300-60-2800	5500-175-9000	55.259
Senior Scale	1640-60-2600-75-2900	5500-200-10500	55.259
Selection Scale	2000-60-2300-75-3200-100-3500	7500-250-12000	55.259
(c) Post Graduate Teacher/ Head Master, Middle School			
Entry Scale	1640-60-2600-75-2900	6500-200-10500	55.259
Senior Scale	2000-60-2300-75-3200-100-3500	7500-250-12000	55.259
Selection Scale	2200-75-2800-100-4000	8000-275-13500	55.259
(d) Vice Principal/Head Master, Secondary School			
Entry Scale	2000-60-2300-75-3200-100-3500	7500-250-12000	55.259

VIII. GR. 'A' ENGINEERING SERVICES

(a) Suptdg. Engineer	3700-125-4700-150-6000	14300-400-18300	50.45
(b) Exa. Engineer	3000-100-3500-125-4500	10000-325-15200 12000-375-18500 (Non-functional JAO)	50.45

IX. SUBORDINATE ENGINEERING CADRES

(a) Diploma Engineers	1400-40-1800-50-2300	5000-150-8000	50.23 &
<u>C.T.C.</u>	1600-50-2300-60-2800	5500-175-9000	50.24
	1640-60-2800-75-2900	5500-175-9000	50.23 &
	2000-60-2300-75-3200	6500-200-10500	50.24
	2000-60-2300-75-3200-100-3500	6500-200-10500	50.23 &
	2375-75-3200-100-3500	7450-225-11500	50.24
	2375-75-3200-100-3500-125-3750	7500-250-12000	50.23 &

Dy. Commandant
17th Bn. SSB., Kohima

X. DRAWING OFFICE STAFF

(a) Draftsman Gr. II/ Sr. Draftsman	1400-40-1800-80-2300	5000-150-8000	50.37
(b) Draftsman Gr. I/ Lead Draftsman	1800-50-2300-80-2600	5500-175-9000	50.37
(c) Draftsman Gr. II/III recruited against posts of drawing/ design office in subordinate Engg. cadres	1400-40-1800-80-2300 1000-50-2300-80-2600 2000-80-2300-75-3200	5000-150-8000 5500-175-9000 5000-150-8000	50.37 50.37 50.37

XI. LABORATORY STAFF

1. Laboratory Tech- nician	1320-30-1500-EB-40- 2040	4500-125-7000	55.140
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MEDICAL AND PARAMEDICAL SERVICES

XII. INDIAN SYSTEM OF MEDICINE AND HOMEOPATHY (ISMandH)

(a) Starting pay scale for all posts requiring medical practice in ISMandH and a degree in ISMandH as the minimum qualification	8000-275-13500	52.33
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XIII. CLINICAL PSYCHOLOGISTS

(a) All posts of Clinical Psycholo- gists requiring minimum qualification of MA/M.Sc(Psychology) and DM&SP	1840-60-2600-EB-75- 2900/2000-60-2300-EB- 75-3200-100-3500/2200- 75-2800-EB-100-4000	8000-275-13500	52.40
(b) All posts requiring MA/M.Sc(Psychology) but not DM&SP	1040-60-2000-EB-75- 2900	5500-175-9000	52.40

XIV. DIETICIANS

(a) Assistant Dietician	1400-40-1800-EB-50- 2300	5500-175-9000	52.52
(b) Dietician	1840-60-2000-EB-75- 2900	6500-200-10500	52.52
(c) Senior Dietician	2000-60-2300-EB-75- 3200-100-3500	8000-275-13500	52.52
(d) Chief Dietician	2375-75-3200-100- 3500	10000-325-15200	52.52

XV. NURSING STAFF

(a) Deputy Nursing Superintendent	2000-80-2300-EB-75- 3200-100-3500	7500-250-12000	52.58
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of
Annual
Status
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XVI. PUBLIC HEALTH NURSES

(a) Auxiliary Nurse Midwives	975-25-1150-EB-30- 1540	4000-100-6000	52.72
(b) Lady Health Visitors	1200-30-1500-EB-40- 2040	4500-125-7000	52.72

XVII. OPERATION THEATRE TECHNICAL STAFF

(a) O.T. Technician	1200-30-1500-EB-40- 2040	5000-150-8000	52.78
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XVIII. PHARMACISTS

(a) Pharmacists possessing entry qualification of diploma in Pharmacy		4500-125-7000	52.90
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XIX. PHYSIOTHERAPISTS AND OCCUPATIONAL THERAPISTS

(a) Physiotherapist/ Occupational Therapist	1400-40-1800-EB-50- 2300	5500-175-9000	52.98
(b) Sr. Physiothera- pist/Sr. Occupa- tional Therapist	2375-75-3200-EB- 100-3500	8000-275-13500	52.98

XX. PUBLIC AND SOCIAL HEALTH WORKERS

(a) Medical Social Worker (holding qualification 2000 of Post Graduation or Graduation with 2 years diploma in Social Work)	1800-50-2300-EB-	5500-175-9000	52.103
(b) Social Worker/ Psychiatric Worker (holding qualification of Post Graduation or Graduation with 2 years diploma in Social Work)	1400-40-1800-EB- 50-2300	5500-175-9000	52.103
(c) Welfare Officer (Grade II)/Probation Officer(Grade II)/ Prison Welfare Officer	1400-40-1800-50- 2300-EB-50-2000	5500-175-9000	104.05

XXI. RADIOGRAPHERS/X RAY TECHNICIANS

(a) Radiographer	1350-30-1440-40- 1800-EB-50-2200	5000-150-8000	52.107
(b) Radiographer possessing a minimum of 2 years diploma/certificate after 10 + 2		4000-100-6000	52.107

C.T.C.
[Signature]
 Dy. Commandant
 SSB Kohima

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Form-I

Statement of fixation of pay under central civil service (Revised pay) Rules, 1997. 67

1. Name of the Government servant. **BHUP SINGH KOUNDAL**

2. Designation of the post in which pay is to be fixed as on January 1, 1996. **L/Tech.**

3. Status (Substantive/Officiating) **Off.**

4. Pre-revised scale(s) of pay applicable for the post. (In case more than one scale of pay is applicable for the post and there have been changes in pursuance of the recommendation of the 5th CPC in a single revised scale, the scale of pay in which the employee was actually drawing his pay should be specified). **1320-30-1560-Gr-40-2040**

5. Existing emoluments as on January 1, 1996.

(a) Basic pay (including Stagnation increments, if any)

1440=00

(b) Special pay (Rule 7 (1) (B))

2131=00

(c) Dearness Allowance applicable at AICPI average 1510 (1960=100)

100=00

(d) Interim Relief (First Instalment)

144=00

(e) Interim Relief (Second Instalment)

3815=00

(f) Total existing emoluments (a) to (e)

576=00

6. Payment Weightage (40% of Basic pay).

4391=00

7. Total (Sl. Nos. 5 (I) & 6)

4000-100-8000

8. Applicable revised scale of pay corresponding to the pre-revised scale shown at Sl. No. 4 above.

4400=00

9. (a) Stage in the revised scale of pay at which pay is to be fixed in terms of Sub-Rule 1 (A), 1 (B), 1 (C) or 1 (D) as the case may be, including the benefit of bunching as envisaged in the First proviso to Sub-Rule 1 (D) of Rule 7.

(b) Number of increments due on account of bunching (First proviso to Sub-Rule 1 (A) of Rule 7).

(c) Stage in the revised scale of pay at which pay is to be fixed including the benefit on account of bunching.

C.T.C.

By Commr. & Bn. SSP, Kailash

(d) Stage in the revised scale of pay at which pay is fixed as to ensure at least one increment in the revised scale for every 2 increments in the pay revised scale (Second prefer to Sub Rule 1(A) of Rule 7)

4400=00

Pay fixed in the applicable revised scale of pay (Stage) as per Art. 36(1) or 36(2) whichever is higher

4400=00

Stopped up with reference to the revised pay of Junior A1 appointment (as provided to Sub-Rule 10 of Rule 7, read with Note 5 below Rule 7) and pay of the Junior A1 also to be allocated distinctly.

Revised pay with reference to the substantive pay in case where the pay fixed in the officiating post is lower than the pay fixed in the substantive post is applicable (Sub-Rule (2) of Rule 7)

4400=00

Personal pay, if any (Note 5 below Rule 7(1))

Revised Emoluments after fixation.

(a) Pay in the revised scale.

4400=00

(b) Special pay, if admissible (Sub-Rule 10(C) of Rule 7)

(c) Personal pay, if admissible (Note 5 below Rule 7(1))

(d) Non-practising Allowance, if admissible (Sub-Rule 10(D) of Rule 7)

Date of next increment (Rule 6) and pay after grant of increment

1-9-96

Date of Increment.

Pay after increment.

1-9-96

44500=00

(e) Any other relevant information

Signature and Designation

of Head of

W.A.T.B. Camp

Pay Fixed as Rs. 44000/-

in the revised scale of pay w.e.f. 1-9-96

In audit

Basan 4/6/99

SO/Section Officer DACS (ITC Section)

4/6/99

CTC

Commandant

17th Bn. SSB, Kohima

ANNEXURE-IV

No. 2/558/A2/MS(2) Pt. 11
Directorate General of Security
Office of the Director, SSB
Block-V (East) R.K. Puram
New Delhi-110066.

Dated 21/1/86

MEMORANDUM

A copy of SSB (Para-Medical Staff) recruitment (Amendment) Rules 1980 has notified by the Cabinet Secretariat vide their notification No. 12018/9/87- dated 14/1/88 is enclosed for information and action.

(S.D. AGHTKARI)
SECTION OFFICER

The D.O. HP/UP/NB/NA/Haflong/JVE/AP.

Deputy Director F.A., Agaldam.

D.I.G. Training Centre Garhoun/Haflong/Shillong/
W. Training Centre, Faridabad/CSO Bhopal.

Copy also forwarded to the Medical Superintendent, Directorate and Section Officer A.I. Branch for information.

(S.D. AGHTKARI)
SECTION OFFICER (A.I.)

adm/Sec
A separate file cover may be opened and this notification filed along with other concerned ones.

C.T.C.

for annual status
4. Commandant
17th Bn. SSB., Kohima

No. 13.8(2/9/87)-D-1
GOVERNMENT OF INDIA
CANTONMENT RULES, 1977

Bikaner House Annex
New Delhi, the
14/1/88.

NOTIFICATION

In exercise of the powers conferred by the
provision to article 309 of the Constitution, the
President hereby makes the following rules further
to amend the SSB (Para Medical Staff) Recruitment
Rules, 1977, namely :-

- (1) These rules may be called the SSB (Para
Medical Staff) Recruitment (Amendment)
Rules, 1987.
- (2) They shall come into force on the date of
their issue.

For the Schedule to the SSB (Para Medical Staff)
Recruitment Rules, 1977, the following Schedule shall
be substituted, namely :-

SCHEDULE

(R K GANGAR)
Deputy Secretary,
the Government of
India.

C.T.C.
of
Joint
Commandant
17th Bn. SSB., Kohima

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Laboratory
1201110-1

4
(1967)
Subject

General Control Re. 1320- Non
Service Group 30-1500- selection
101 Non-Selected EB-40-2040
(Non-Industrial)

No.

20-25 years

(Relaxable for Govern-
ment servants upto 35
years in accordance
with the instructions
or orders issued by the
Central Government).

deposited
on work-
load.

Photographer 1

(1967)

Subject

Ex-Service-
tion

Resident

1967

General Control
Service Group
101 Non-Selected
(Non-Industrial)

Re. 1350-30- Non-
1450-40-1000- Selec-
EB-50-2200 tion. No.

12-25 years

(Relaxable for Govern-
ment servants upto 35
years in accordance with
the instructions/orders
by the Central Government).

C7c

John C. Ward
Dy Commandant
17th Bn. SSB, Kofima

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10 Not applicable
11 2 years for direct recruits.
12 By direct recruitment/ promotion/ deputation.
13 Re-employment of persons with requisite experience at national level/ technology/ labour/ any other
14 Not applicable

15 Not applicable
16 2 years for direct recruits.
17 By direct recruitment/ promotion/ deputation.
18 Re-employment of persons with requisite experience at national level/ technology/ labour/ any other
19 Not applicable

20 Not applicable
21 2 years for direct recruits.
22 By direct recruitment/ promotion/ deputation.
23 Re-employment of persons with requisite experience at national level/ technology/ labour/ any other
24 Not applicable

25 Not applicable
26 2 years for direct recruits.
27 By direct recruitment/ promotion/ deputation.
28 Re-employment of persons with requisite experience at national level/ technology/ labour/ any other
29 Not applicable

30 Not applicable
31 2 years for direct recruits.
32 By direct recruitment/ promotion/ deputation.
33 Re-employment of persons with requisite experience at national level/ technology/ labour/ any other
34 Not applicable

By Commandant
17th Bn. SSB. Kohima

Deputation/transfer of officers holding rank of Major and above in the Central Government. Period of deputation including in another ex-cadre post held immediately preceding this appointment in the same organisation/department shall ordinarily not exceed 3 years.

W.T. Sig NO.U-8841-42 dated 13.12.01, received from
the SSB Dte's re-produced below :

PAY SCALE OF LAB.TECH. IN SSB HAS BEEN REVISED FROM
RS.4000-100-6000 TO RS.4500-125-7000 W.E.F. 1.1.96 VIDE
CABINET SECTT. ORDER NO. 1/69/99-BA.I-4543 DT. 10.12.01
(.) FURTHER ORDER FROM THIS HQ. IS UNDER ISSUE (.)

NO.1/21(5)-E-01/12825-30
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIVISIONAL ORGANISER,
SSB MANIPUR & NAGALAND DIVISION,
IMPHAL

Copy forwarded to:

DATED THE

27-12-01

1. The DIG,SSB,Kohima.
BY2H012H0400(SG) Div.NO.
SSB,Imphal.
3. The Area Organiser,SSB,Imphal.
4. The Commandant,GC,SSB,Imphal/
Kohima/Mokokchung.
5. The Accounts Officer Divn.NO.
6. Dealing Assistant(Medical Section)
of Divn.NO

- For information
and necessary action.

AREA ORGANISER (ADMN)

Dy Commandant
17th Bn. SSB., Kohima

35

ANNEXURE-VI

41545

(50)

No. 1/69/94 GA.I
Government of India
Cabinet Secretariat

84

Hikar House (Annexe)
Shahjahan Road
New Delhi.

ORDER

11 DEC 2001

Subject: Revision of pay scale of Laboratory Technician in SSB,

Reference SSB UO No.15/SSB/A-4/97(3)-5905 dated 17.11.99 on the above subject.

2. Sanction of the President is hereby conveyed to the revision of pay scale of Laboratory Technicians in SSB from Rs.4,000-100-6,000/- to Rs.4,500-125-7,000/- with effect from 1.1.1998.
3. The expenditure will be met out of the funds placed at the disposal of Director of Accounts, Cabinet Sectt., New Delhi.
4. This issues with the concurrence of Ministry of Finance, Deptt. of Expenditure (Implementation Cell) vide their UO.No.96/4/2001-IC dated 27.11.2001.

(Jagdish Chander)

Under Secretary to the Govt. of India

Joint Secretary (Police), Ministry of Home Affairs, New Delhi.
DG, SSB (MHA), R.K. Puram, New Delhi.
Director of Accounts, Cab. Sectt.
Dy. Secretary, Finance (S), Cab. Sectt.
Guard File.

C.T.C.

Shri Anwar Shafiq
Dy. Commandant
17th Bn. SSB., Kohima

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36
No. 1/69/94 GA I
Government of India
Cabinet Secretariat

Bikaner House (Annexe)
Shahjahan Road
New Delhi.

ORDER

10 DEC 2001

Subject : Revision of pay scale of Laboratory Technician in SSB.

Reference SSB UO No.15/SSB/A-4/97(3)-5905 dated 17.11.99 on the above subject.

2. Sanction of the President is hereby conveyed to the revision of pay scale of Laboratory Technicians in SSB from Rs.4,000-100-6,000/- to Rs.4,500-125-7,000/- with effect from 1.1.1996.

3. The expenditure will be met out of the funds placed at the disposal of Director of Accounts, Cabinet Sectt., New Delhi.

4. This issues with the concurrence of Ministry of Finance, Deptt. of Expenditure (Implementation Cell) vide their UO.No.96/4/2001-IC dated 27.11.2001.

(Jagdish Chander)

Under Secretary to the Govt. of India

Joint Secretary (Police), Ministry of Home Affairs, New Delhi.
DG, SSB (MHA), R.K. Puram, New Delhi.
Director of Accounts, Cab. Sectt.
Dy. Secretary, Finance (S), Cab. Sectt.
Guard File.

C.T.C.

[Signature]
Dy. Commandant
17th Bn. SSB., Kohima

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ANNEXURE - VII

NO.1/8(7)/R-PAY/GCK-97/207-70
Government of India
Ministry of Home Affairs
Office of the Commandant
Group Centre SSB Kohima
Pin No : 797001(Nagaland)
Post Box No : 211.

Dated, the 16 January, 2002.

ORDER

Fixation of pay under CCS(Revised pay) Rules, 1997 at Rs.4400/- on 1/1/96 in the revised pay scale of Rs.4000-100-6000/- in respect of Lab. Tech. Bhup Singh Kaundal of this Group Centre is hereby modified and re-fixed his pay at Rs.4500/- w.e.f. 1/1/96 with D.N.I. 1/9/96 under the CCS(Revised Pay) Rules, 1997 in the Pay scale of Rs.4500-125-7000/-

2. Consequent upon the re-fixation of his pay at Rs.4500/- w.e.f. 1/1/96 with D.N.I. 1/9/96 in the pay scale of Rs.4500-125-7000/- time scale increment for the year, 1996 to 2001 of Lab. Tech. Bhup Singh Kaundal are hereby granted in the following manner in cancellation of the increment granted earlier w.e.f. 1/9/96, 1/9/97, 1/9/98, 1/9/99, 1/9/2000 and 1/9/2001 raising his pay from Rs.4400/- to Rs.4500/-, from Rs.4500/- to Rs.4600/-, from Rs.4600/- to Rs.4700/-, from Rs.4700/- to Rs.4800/-, from Rs.4800/- to Rs.4900/- and from Rs.4900/- to Rs.5000/- in the pay scale of Rs.4000-100-6000/- respectively.

Date of increment	Rate of increment granted	Pay raised		Remarks
		From	To	
1/9/96	Rs.125/-	Rs.4500/-	Rs.4625/-	
1/9/97	Rs.125/-	Rs.4625/-	Rs.4750/-	
1/9/98	Rs.125/-	Rs.4750/-	Rs.4875/-	
1/9/99	Rs.125/-	Rs.4875/-	Rs.5000/-	
1/9/2000	Rs.125/-	Rs.5000/-	Rs.5125/-	Financial effect w.e.f. 26/9/2000 due to on leave wef 14/8/2K to 25/9/2000
1/9/2001	Rs.125/-	Rs.5125/-	Rs.5250/-	

This issues in exercise of the financial powers delegated to the undersigned vide SSB Dte. order No.19/9/2001/SSB/E-II/2778-81 dated 3/10/2001.

(B.C.BARMAN)
DEPUTY COMMANDANT
GROUP CENTRE SSB KOHIMA(NAGALAND)

DISTRIBUTION :

1. The Director of Accounts, Cab. Sectt. Block-IX(East), R.K. Puram, New Delhi-66.
2. D.D.O., G.C. SSB, Kohima; with spare copy of order. Arrear of pay & allowances on the revision of pay of Lab. Tech. Bhup Singh Kaundal be claimed after admittance of the pay fixation by the DA(CA).
3. S/Record of the individual, 2) Lab. Tech. Bhup Singh Kaundal.

C.T.C

Dy. Commandant
17th Bn. SSB., Kohima

38 ANNEXURE-VIII

(U9) (2) REGISTERED POST

No. I/17(2)/OA-423/CCK-01/
Government of India,
Ministry of Home Affairs,
Office of the Commandant,
Group Centre, SSB: Kohima, Nagaland

Dated, the 18 Jan, 2002

To:

Shri Anup Kumar Chaudhuri,
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal,
Guwahati Bench
Guwahati-781009

Subject: O.A. No. 423 of 2001 titled Shri Bhup Singh Kaundal
Vs. U.O.I. & Others.

Sir,

Please refer to this Office Letter No. I/17(2)/OA-423/CCK-01/12009-11 dt. 3.1.2002 on the subject cited above

2. It is intimated that pay of Shri Bhup Singh Kaundal, Lab. Tech. of this Group Centre has been revised to Rs. 4500/- 25-7000/- and refixed at Rs. 4500/- w.e.f. 1.1.96 under the CCS(R.P.) Rules, 1997 vide this Office Order No. I/8(7)/R-PAY/CCK-97/267-10 dt. 16.1.2002 (Photocopy of the Order is enclosed herewith duly attested) and the service book of the said Lab. Tech. has also been sent to Director of Accounts, Cab. Sectt, East Block-IX, Level-7 R.K. Puram, New Delhi-66 along with the pay fixation statement for the admittance of the pay fixation vide this Office L/No. I/8(7)/R-PAY/CCK-97/271-72 dt. 16.1.2002 (Photocopy of the letter is enclosed herewith duly attested) for necessary action in view of the case.

3. It is, further, intimated that a copy of SSB Dte. Signal No. U/8841-42 dt. 13.12.2001 is also enclosed herewith duly attested as desired vide your letter dt. 8.1.2002.

4. As regards advance of Rs. 3000/- being legal fee it is requested that the bill may kindly be sent to this Office in the prescribed format when the case is finally settled.

5. This is for your information & information i.e. w. the case.

Yours faithfully,

(18/1/02)
Commandant,
GC, SSB: Kohima, Nagaland

Copy to:

1. The Asstt. Director (EB-I),
O/o. the Director General, SSB
East Block-V, R.K. Puram, New Delhi-66
-for information and necessary instruction
to this Office for guidance please.

(C7C)

Contd. 2

Dy. Commandant
17th Bn. SSB., Kohima

UB
-1(2):-

2. Area Organiser (Admn),
O/O. the D.O., SSB
Manipur & Nagaland Division,
Imphal - for information please.

3. Bhup Singh Kaundal,
Lab. Technician,
GC, SSB, Kohima, Nagaland -
It is advisable that you may withdraw
the case filed to CAT, Guwahati Bench
if satisfied.

[Signature]
18/1/02
Y Commandant,
GC, SSB, Kohima, Nagaland

[Signature] M.S. e.
18/1/02

C.T.C

[Signature]
Jy. Commandant
17th Bn SSB Kohima

to this office for guidance please.

Contd. 2

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

ANNEXURE-IX

ORDER SHEET

APPLICATION NO. 423 OF 2001

APPLICANT (S) B.S. Kanad

RESPONDENT (S) U.O. 2 from

ADVOCATE FOR APPLICANT(S) Mrs. M.D. Choudhury, Mr. D. Gogoi, Mr. S. Roy

ADVOCATE FOR RESPONDENT(S) Mr. A.K. Choudhury, Addl. C.G.S.C.

Notes of the Registry

dated

Order of the Tribunal

24.1.02

Heard Mrs. M.D. Choudhury, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.

Mr. A.K. Choudhury, learned Addl. C.G.S.C. has placed before us an order dated 16.1.2002 issued by the Group Centre, SSB, Kohima, re-fixing the pay of the applicant at Rs. 4500/- w.e.f. 1.1.1996 under CCS (Revised Pay) Rules, 1997 in the pay scale of Rs. 4500-125-7000/-. A copy of the order is kept in record. In the circumstances, the application has become infructuous.

Mrs. M.D. Choudhury, learned counsel for the applicant submitted that the respondents be directed to give effect of the order forthwith. No order as such is necessary in view of the steps taken by the respondents. It is obvious.

The application thus stands disposed of as infructuous.

SD/ VICE CHAIRMAN

SD/ MEMBER (Admin)

C72
Just as mail
17th Bn. SSB., Kohima

158
29/1/2002