

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 282/03

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SECTION OFFICER (Judl.)

Sakita
20/11/07

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No:- 282/03

Misc Petition No:

Contempt Petition No:

Review Application No:

Name of the Applicant(s): A. Domba Singh

Name of the Respondant(s): H.O.P. GUM

Advocate for the Applicant:- A. Mahendra Singh

Advocate for the Respondant:- CASE

Notes of the Registry	date	Order of the Tribunal
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	16.12.03	
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	16.12.03	Heard Mr A.M.Singh, learned counsel for the applicant.
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	16.12.03	Issue notice to show cause as to why this application shall not be admitted. Returnable by four weeks.
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	16.12.03	List on 21.1.2004. for reply to show cause and admission.
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[Signature]
Member

This application is in
form but not in time
for Rs. 100/-
wide 100/-
Dated 16.12.03

196.577153

[Signature]
15/12/03

Steps taken with
envelopes.

[Signature]

Issue notice as per order
dated 16/12/03.

16/12/03

Notice & order dt. 16/12/03, 21.01.2004
sent to D/Section for
issuing to respondent
No- 1 to 4.


Present : The Hon'ble Sri Bharat
Bhusan, Judicial Member.
The Hon'ble Sri K.V. Pra
hladan, Member (A).

~~Cons~~ D/Section No-
2451 to 2482
22/12/03. Dt. 24/12/03.

Heard learned counsel for
the parties.

Order passed separately.

No. reply has been
billed.


Member (A)


Member (J)

By
20.1.04

pg

12.2.04

Copy of the
order has been
sent to the D/Sec
for issuing the same
to the applicant
well as to the
Sr. C.S. Sec. for the
regdm.
ret
16/2.

✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~R.A.~~ No.282/2003 andx 283/2003

DATE OF DECISION 21.01.2004.
.....

... . Sri A.T. Singh & Shri H. Dinda APPLICANT(S).

... . Sri A.M. Singh ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

... . Union of Inida & Ors. RESPONDENT(S).

... . Sri A. Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. BHARAT BHUSAN, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Ho'ble Member (J).

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No. 282 and 283 of 2003.

Date of Order : This the 21st Day of January, 2004.

The Hon'ble Sri Bharat Bhushan, Judicial Member.

The Hon'ble Sri K.V.Prahladan, Administrative Member.

Shri Athokpam Tomba Singh, (O.A.282/03)
Veterinary Field Assistant,
7th Assam Rifles,
resident of Thoubal Athokpam,
P.O. & P.S. Thoubal,
Dist. Thoubal, Manipur.

Shri Haripada Dinda, (O.A.283/03)
Veterinary Field Assistant,
Assam Rifles,
resident of Village Benia,
Dist. Mandinapore,
P.O. Debra Bazar, West Bengal.

. . . Applicants.

By Advocate Sri A.M.Singh.

- Versus -

1. Union of India through the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
2. Secretary to the Government of India, Ministry of Finance, New Delhi.
3. The Director General, Directorate of Assam Rifles, Shillong-793001.
4. The Commandant, 7th and 15th Assam Rifles.

. . . Respondents.

Sri A. Deb Roy, Sr.C.G.S.C. in both the cases.


O R D E R (ORAL)

SRI BHARAT BHUSAN, MEMBER (J)

The present two Original Applications involving identical questions of law and facts are being disposed of by this common order.

2. Heard Sri A.M.Singh, learned counsel for the applicants and Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents.

3. The issue relates to upgradation of pay scales of Veterinary Field Assistants serving in Assam Rifles to Rs. 4000-6000/- in parity with those of other counter parts.



The Reliefs claimed is as under :-

- Ø1) Respondents be directed to upgrade the pay scale of VFA (Assam Rifles) to Rs.4500-7000/- in parity with Compounder (BSF) or at least to Rs.4000-6000/- in parity with those of other paraveterinarians w.e.f. 01.01.1996;
- (ii) to direct the Respondent to consider for changing the nomenclature of the present Petitioner's post of VFs either to Veterinary Assistant or Assistant Veterinarian or Animal Husbandry Asstt. or Compounder.

4. Sri A.M. Singh, learned counsel for the applicant states that exactly similar matter had earlier been decided by the Guwahati Bench of the Tribunal in O.A. 65/2002 (Copy of the order placed at Annexure A/10), wherein the directions were given as under :-

"We have heard Mr A.M. Singh, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents at length. Considering the facts and circumstances we are of the opinion that the matter requires no further adjudication from our end. The Government has taken a decision in principle and in view of the pendency of the Court proceeding the authority did not take any step for implementation of the matter. In view of the clear statement made by the respondents we dispose of this application with a direction to the respondents to implement the undertaking as expeditiously as possible, preferably within a period of three months from the date of receipt of this order."

5. The learned counsel for the applicants urges that though they have already submitted representations to the respondents seeking relief on the aforesaid lines yet they have not yet been informed the outcome of the same. But the learned counsel for the respondents contended that the copies of such representations placed on file are quite sketchy.

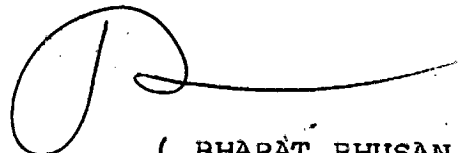


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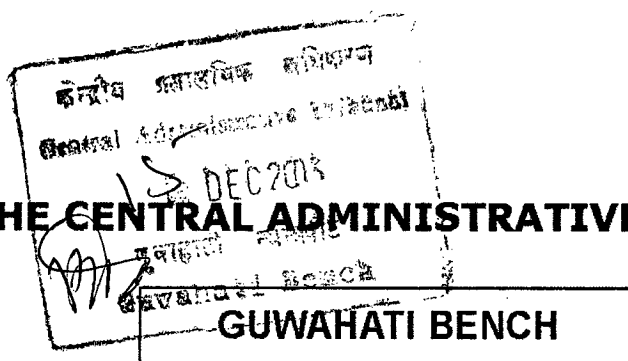
in nature and as such they be directed to furnish fresh comprehensive representations. This being so, the applicants in both the cases are directed to submit comprehensive individual representations to the respondents within a period of 15 days from today and thereafter the respondents shall dispose them of within two months by passing a speaking and reasoned order after taking into consideration the observations made in the judgment dated 11.12.2002 passed by the Tribunal in O.A. 65/2002. ©

The applications are accordingly disposed of. No order as to costs. A copy of the Judgment be placed in case file of O.A. No. 283/2003.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(BHARAT BHUSAN)
JUDICIAL MEMBER.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL



Produced by:—
J. Shyam Mohandas Singh
15/12/03 Advocate

ORIGINAL APPLICATION NO. 282 OF 2003.

Shri Athokpam Tomba Singh

Applicant.

- Versus -

The Union of India and others.

Respondents

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Signature of the Applicant

For use in Tribunal's office.

Date of filing :

Registration No. :

J. Shyam Mohandas Singh
15/12/03

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

Guwahati Bench

Original Application No. 282 of 2003.

Shri Athokpam Tomba Singh, aged about 37 years, S/o late A. Bira Singh, by occupation a Veterinary Field Assistant of Assam Rifles now posting at 7th A.R., a resident of Thoubal Athokpam, P.O. & P.S. – Thoubal, District – Thoubal, Manipur.

Applicant.

- Versus -

1. The Union of India through the Secretary to the Government of India, Ministry of Home Affairs.
2. The Ministry of Finance through its Secretary, Government of India, New Delhi.
3. The Director General, Directorate of Assam Rifles, at Shillong – 793001.
4. The Commandant, 7th Assam Rifles.

Details of Applications :-

1. Particulars of the order against which the application is made :-

Against the inaction of the Respondents in implementing the Central Civil Services (RP) Rules, 1997 in the other words for non implementation of the Central Civil Services (Revised Pay) Veterinarians (Veterinary Staffs) of the Assam Rifles which has been nomenclatured as Veterinary Field Assistants (VFA).

2. **Jurisdiction of Tribunal :-**

The applicant declares that the subject matter of the present case where he wants redressal is within the jurisdiction of the Central Administrative Tribunal, Guwahati Bench.

3. **Limitation :-**

The subject matter of the present case is as regards to unequal treatment in implementing the CGS (Revised Pay) Rules, 1997. It is a case of continuing cause of action which arises every month. Hence, the applicant begs to submit the application is very much within time. Limitation Period prescribed in Section 21 of the Administrations Tribunal Act.

4. **Fact of the case :-**

- A. Funder Singh*
- (A) The Applicant is a bonafide citizen of India having permanent residence at Thoubal Athokpam, P.O. & P.S. – Thoubal, District – Thoubal, Manipur. The Applicant passed Pre-University Examination in the year 1986 under the Manipur University, Manipur. Thereafter, the Applicant completed Veterinary Field Assistant Course from the V.F.A. Training Centre, Porompat, Veterinary & Animal Husbandry Department, Manipur, Government of Manipur.

The Assistant Director (A) Directorate General of Assam Rifles, Shillong-11 issued a public advertisement in various National News Papers for appointment to the post of Veterinary Field Assistant (VFA for short) in the Directorate of Assam Rifles.

- (B) In response to the said advertisement the Applicant applied to the post of Veterinary Field Assistant and the Directorate of Assam Rifles

issued a letter being No.14015/48-78/S Nurse/ME(A) dated 13th October, 1998 with a direction to report for facing interview for the said post. On satisfaction of the Applicant's overall performance, the Selection Board selected the Applicant by the Selection Board vide appointment order issued by Assistant Director(A) being No.14015/25-85/FA/A-2(MED) dated 17th December, 1988 in the scale of Rs.974-25-1150-EB-30-1570/- p.m. plus other allowances as admissible under the existing Rules from time to time and posted at 10th Assam Rifles.

True copies of (i) Certificate for passing Pre-University, (ii) Certificate for passing VFA Training, (iii) Letter of the DG.AR dated 13/10/1988 and (iv) Appointment order dated 19/12/1988 are enclosed herewith and marked as Annexures-A/1, A/2, A/3 and A/4 respectively.

C. The present post of the applicant i.e. Veterinary Field Assistant (VFA) and other posts known as Animal Husbandry Assistant, Compounder, Dresser, Stockman, Stock Asstt. Vaccinator and Milk Recorder etc. are categorised as paraveterinarians posts. They provide auxiliary support in Veterinary and Animal Husbandry practices.

The minimum required qualification of such post is matriculation with diploma or certificate or experience of one or two years as the case may be. Section 30 of the Indian Veterinary Council Act, 1984 also provides the minimum qualification and nature of works to be done by such posts. The relevant portion is hereby reproduced for easy reference.

Sec. 30(b) Practise Veterinary Medicine in any State :-

Provided that the State Government may, order, permit a person holding a diploma or certificate of veterinary supervisor, stockman or stock assistant (by whatever name called) of any state or any veterinary institution in India to render under the supervision and direction of a registered Veterinary practitioner, minor veterinary services.

Explanation :- "Minor veterinary services" means the rendering of preliminary veterinary aid, like vaccination, castration, and dressing of wounds, and such other types of preliminary aid, like vaccination, castration and dressing of wounds, and such other types of preliminary aid the treatment of such ailments as the State Government may, be notification in the Official Gazette, specify in the behalf.

Therefore, duties and nature of works of all such posts are to do minor veterinary services which provides auxiliary support in Veterinary and Animal Husbandry Service like vaccination, castration, dressing of wounds or treatment of ailments etc.

D. That, initially, the pay scale of the said group of post (i.e. Veterinary Staffs/or Paraveterinarian Post) were placed at the pay range from Rs.950-1500/- to 1200-2040/-. But now as per 5th pay commission report, the Central Government revised the pay scale of the said Veterinary Staffs/or paraveterinarian post equally to the pay scale of Rs.4000 to 100-6000/- by naming the posts such as Stockman/Compounder/Stock Asstt./Animal Husbandry Asstt./Dresser etc. All the concerned Department under Central Service have implemented the said revision of pay, but in case of the post of VFA of Assam Rifles, the Directorate General Assam Rifles failed to

GA. Tombury

implement such revision of pay by taking the chance of nonmentioning the nomenclature of VFA in the column of Veterinary Staffs of the Central Civil Service (Revised Pay) Rules, 1997. Instead of Implementing the Pay scale given in the First Schedule of Part "B" of the said Civil Science (RP) Rules 1997 i.e. 4000-100-6000/- by taking analogy of the post or veterinary staffs as described in Section 30 of the Indian Veterinary Council Act. 1984, where it is clearly stated that what ever name may be called, but the DGAR implemented The C.G.S.(RP) Rules 1997 in Schedule "A" i.e. Rs.3200-4900.

True copy of the relevant page showing pay scale of the veterinary staffs of the Central Civil Service (Revised Pay) Rules, 1997 First Schedule of Part "A" Relevant Portion of Section 30 of India Veterinary Council Act, 1984 are enclosed herewith and marked as Annexures-A/5 and A/6 respectively.

It will not be out of place to mention here that the post of Veterinary Compounder attach to Central Forest Service was initially fixed at the pay scale of Rs.800-1150/- less than the pay scale of VFA, Assam Rifles. But with the new pay revision the pay scale of the said Vety. Compounder of Forest Service is revised to Rs.4000-6000/-

The Petitioner begs to submit that the Compounder of BSF is also enjoying the pay scale of Rs.1400-2300/- pre revised and after revised Rs.4500-125-7000/- per month. It is also begged to submit that the nature of work of Compounder B.S.F. is only to maintain pharmaceutical works under supervision of a Register Veterinary Doctors. Whereas the nature of works of the Petitioner's post i.e. VFA of Assam Rifles include all the functions and

A. Tomba

operation of Vety. And Animal Husbandry works such as treatment, minor veterinary works maintaining pharmaceutical works. Inspection of animal health, checking of meat supply to Troops, accompany with troops in field works without supervision of any Doctors/Register Veterinary Practitioner. It is also begged to submit that there is no Post of Doctors in Assam Rifles whereas B.S.F. has having Register Veterinary Doctors/Practitioner. In other words, the Veterinary Field Asstt. of A.R. are more workload and responsible than the Compounder of BSF.

The Assam Rifles had submitted a proposal to Ministry of Home Affairs to streamlines the pay structure of VFA Assam Rifles with Compounder B.S.F./ITBP vide DGAR letter No.A/PERS/5th pay/98 dated 15 September, 1998 and letter No.II.14015/5th CPC/98/A-II/198 dated 08 June, 2001.

True copies of relevant portion containing the pay scale of Compounder, Central Forest Service and letter of DGAR dated 15/09/1998 and 08/06/2001 are enclosed as Annexures-A/7, A/8 and A/9 respectively.

E. That, on approach being made by the applicant, the Directorate General Assam Rifles issued an official notification dated 15/09/1998 1984 (at Annexure-A/12) under heading of "Silent Feature of Pay Scale of Assam Rifles Personnel". It is stated at para No.20 of the said notification that the Directorate had taken up a case to upgrade the basic pay of VFA to Rs.4000-6000/- and further stated that Ministry of Home Affairs is inclined to such proposal.

A. Tomba Singh

F. That, as stated above the duties and nature of works of the VFA and other posts like Stockman/Compounder/Stock Asstt./Animal Husbandry Asstt./Dresser etc. are only minor veterinary service rendering preliminary veterinary aids like vaccination, castration, dressing of wound etc. Therefore, the nature of works or work allocation of all the veterinary staffs (or para – veterinarian post) are almost same in view of the Section 30(b) of the said Act. 1984. But in ground reality the VFA in Assam Rifles are more ordous and than the other veterinary staffs of other Departments.

Charter of duties of VFA, Assam Rifles :-

APPX

(Ref to DGAR letter No.I.14015/C-

Duty/VFA/Med-4 dated 4th Aug., 99

CHARTER OF DUTIES OF VETERINARY FIELD

ASSISTANT : ASSAM RIFLES.

1. Charter of duties of Field Assistant are as under :-
 - (a) Regular medical inspection to be conducted, to ensure fitness of Animals, the Veterinary Field Assistant and proper record of such inspections be maintained.
 - (b) Regular medical examination and treatment of sick Animals held at Battalion.
 - (c) Regular medical examination of Animals available in Dairy farm, Poultry farm and Piggery farm etc. in the Battalion.
 - (d) Veterinary Field Assistant always accompany the Animal transport when they carry lead from one place to another.
 - (e) Examination of MOH (Meat of Hoof) and inspection of dressed meat issued to the troops.

A. Tombu Singh

- (f) Veterinary Field Assistant ensures that eggs supplied by contractor are fresh, of good average size and weight of 12 eggs is not be less than 500 gms. Individual egg weighing less than 40 gms is not be accepted.
- (g) Veterinary Field Assistant also ensures that Poultry live is healthy and well nourished.

A true copy of chart of duties is enclosed herewith and marked as Annexure-A/10.

G. The Service of the VFA in Assam Rifles with one year certificate course on Diploma in the Veterinary Science is also a Technical Post. In the Hand Book of Indian Council of Agricultural Research (ICAR), it is clearly pointed out that Field Assistant in Veterinary is also a Technical post vide Appendix-II of the said Hand Book of ICAR.

True copy of the relevant page containing Appendix-II of the Hand Book of ICAR is enclosed herewith and marked as Annexure-A/11.

It may also be relevant to mention that one similarly situated with the present Applicant, Shri S. Manimacha Singh, VFA of Assam Rifles filed a writ-petition No.798 of 1999 with a prayer to include VFA of Assam Rifles in the category of "OTHER TECHNICIANS" in CCS(RP) Rules, 1997 and the same is reproduced hereunder :-

"XXII OTHER TECHNICIANS"

- (a) Post requiring matriculation with some experience as minimum qualification for direct recruitment Rs.4000-100-6000/-"

A. Tomlin Singh

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H. That, during the pendency of the aforesaid W.P.(C) No.798 of 1999, the DGAR, Shillong again reconsidered the matter of the pay scale of VFA and notified another office decision under the heading of "Progress of Anomalies Cases" and in that at para No.7 it is stated that in 5th CPC of the post of VFA and equivalent grade in other organisation has been revised by a single scale of Rs.4000-6000/-. A case has been taken up with MHA to accord approval for implementation of revised scale to the post of VFA in A.R. Case is under progress. From this it is crystal clear that the DGAR also admitted that the other equivalent post/grade of other organisation or department have benefited with the said revision of pay of Rs.4000-6000/- and that DGAR is also willing to implement such revision of pay in case of VFA, AR. But the applicant cannot understand as to why the DGAR still remain silent, it may be the intention to wait the decision of a competent court or tribunal as the applicant already started filing a writ-petition before this present application (case) before this Hon'ble Tribunal.

In pursuance of the order of the Hon'ble Gauhati High Court dated 31/12/2001 passed in W.P.(C) No.798 of 1999, an Original Application being No.O.A. No.65 of 2002 was filed before the Hon'ble Central Administrative Tribunal, Guwahati Bench and the same was disposed of on 31/12/2002 with the following direction :-

"We have heard Mr. A. M. Singh, learned counsel for the Applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents at length. Considering the facts and circumstances we are of the opinion that the matter requires no further adjudication from our end. The Government has taken a decision in principle and in view of the pendency of the Court proceeding the authority did not

A. Jomta Sign

take any step for implementation of the matter. In view of the clear statement made by the respondents we dispose of this application with a direction on the respondents to implement the undertaking as expeditiously as possible, preferably within a period of three months from the date of receipt of this order.

The application thus stands disposed of. There shall, however, be no order as to costs."

It is also pertinent to mention that the direction of the Hon'ble CAT does not confine to the Applicant of O.A. No.65 of 2002 only, in fact, it extends to all the VFAs of Assam Rifles.

True copies of the order of the Hon'ble CAT dated 11/12/2002 passed in O.A. No.65 of 2002 and decision of the DGAR in the matter of pay anomalies taken on 24/04/2001 are also enclosed herewith and marked as Annexure-A/12 and A/13 respectively.

5. **Grounds for relief with legal provision :-**

(a) The Veterinary establishment in any organisation or Directorate or Institute, there exist a certain post or posts which normally nomenclature as VFA or stockman or Animal Husbandry or Veterinary Compounder or Vaccinator or Dresser or Field Assistant (Whatever name may be called). Their man work is to render minor veterinary service like vaccination, castration, dressing of wounds treatment of animal. So works of every such post (which is termed as paraveterinarian post) either of the Directorate of Assam Rifles or B.S.F. or other Organisation are to be treated as same in

CA. Tonin S. Jc

view of the Section 30 (b) of the Indian Veterinary Council Act, 1984. And moreover the minimum qualification of such post is matriculation with diploma or certificate or experience as indicated in the said Section 30(b) of the said Act. 1984 ; so also as discussed in para No.55.284 of the 5th Central Pay Commission by taking these different nomenclatures of post into one ground as paraveterinarian post, the pay scale was recommended to revise equally to Rs.4000-6000/- so that there may not arise any question of pay anomaly. The Central Govt. also accepted and approved the recommendation and revised the pay scale of such post to Rs.4000-6000/- by reflecting under the heading "XXIV-Veterinary Staffs"(c) of the CCS(RP) Rules, 1997. But the Directorate of Assam Rifles failed to implement the same without any cogent reason and denied the right of the applicant to enjoy the said revised pay scale.

(b) The Pay Commission also discussed about other posts of Technicians for which minimum educational qualification is only matriculation with some experience and recommended to revise the pay scale to Rs.4000-6000/- equally to those of paraveterinarians post, and the same is approved by the Central Government and included in the CCS(RP) Rules, 1997 and reflected in part B or column No."XXII-OTHER TECHNICIANS" for convenient the same is reproduced herein :

- (a) The present Applicant also similarly situated with the Petitioner of O.A. No.65 of 2002.
- (b) VFA of Assam Rifles is also a technical post and the minimum qualification is matriculation with diploma or certificate (vide A/8 and Section 30(b) of the Indian Veterinary Council Act., 1984). Looking

in this angle too, the pay scale of VFA/AR is sought to have revised to Rs.4000-6000/-

- (c) That, on the recent decision of DGAR (vide Annexure-A/18) it is clearly stated and admitted that the pay scale of other equivalent post/grade with the VFA/AR have already been revised to Rs.4000-6000/-. So, it can be concluded that the DGAR had already expressed their willingness to revise the said pay scale of VFA equally with other counterparts.
- (d) That, the VFA/AR and its counterparts (or equivalent posts) in different organisation or Directorate or Institute are all same and equal either in the nature of works or in looking to the minimum educational qualification. So, the principle of equal pay for equal works is applicable in the present case as enumerated in Article 39(d) of the Constitution of India.

6. Details of the remedies exhausted :

The Applicant filed a representation dated 22/04/2003 with a prayer to the benefit of upgradation of pay scale from 3200-85-4900/- to 4000-100-6000/- per month. As such, the applicant declares that there is no remedy available to him or provided under the relevant Service Rules except by way of the present application.

A true copy of the representation dated 22/04/2003 is enclosed herewith and marked as Annexure-A/14.

7. Matter not previously filed or pending with any other Court :

No such application has been filed in any other Court or Tribunal.

LA. Tondra 5/5/20

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8. **Reliefs sought :**

- (i) Respondents be directed to upgrade the pay scale of VFA (Assam Rifles) to Rs.4500-7000/- in parity with Compounder (BSF) or at least to Rs.4000-6000/- in parity with those of other paraveterinarians w.e.f. 01/01/1996 ;
- (ii) to direct the Respondent to consider for changing the nomenclature of the present Petitioner's post of VFs either to Veterinary Assistant or Assistant Veterinarian or Animal Husbandry Asstt. or Compounder.

9. **In the Interim :-**

Any appropriate interim order be passed in the interest of justice. Pendency may not be a bar to extend the benefit of order of the Hon'ble CAT dated 31/12/2002 passed in O.A. No.65 of 2002.

Signature of the Applicant.

Dated/Imphal,

The 15th Decemb 2003.

U. Tomba Singh

By :-



Advocate.

10. The application is being submitted by hand through the Applicant's duly appointed counsel.

11. Particulars of Postal Orders filed in respect of the application fee :-

12. List of enclosures :

(1) Application in triplicate.

(2) Affidavit

(3) Postal Order No. dated

in favour of the payee, the Registrar, CAT, Guwahati Branch,
Guwahati.

(4) 5 extra copies of the application for 5 Respondents.

(5) Index in Form-1.

(6) Receipt Slip.

(7) Vakalatnama.

VERIFICATION

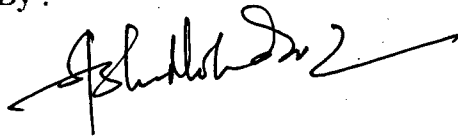
I, Athokpam Tomba Singh, aged about 37 years, S/o late A. Bira Singh, by occupation a Veterinary Field Assistant of Assam Rifles now posting at 7th A.R., a resident of Thoubal Athokpam, P.O. & P.S. – Thoubal, District – Thoubal, Manipur, do hereby verify that the contents of paragraph Nos.1,4 & 9 are true to personal knowledge and contents of Para Nos.2 and 3 are believe to be true on the legal advice and the contents of the para No.5,6,7 and 8 are true and correct excepting those legal points and those legal points are based on the information of my counsel which I also verify believe to be true.

Dated/Imphal,

The 15th December 2003.

A. Tomba Singh

By :-



Advocate.

To

The Registrar,

Central Administrative Tribunal,

Guwahati Bench, Guwahati.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. _____ OF 2001.

Shri Athokpam Tomba Singh.

Applicant.

- Versus -

The Union of India and others.

Respondents.

A F F I D A V I T

I, Athokpam Tomba Singh, aged about 37 years, S/o late A. Bira Singh, by occupation a Veterinary Field Assistant of Assam Rifles now posting at 7th A.R., a resident of Thoubal Athokpam, P.O. & P.S. – Thoubal, District – Thoubal, Manipur, do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant in the accompanying application. I have gone through the contents of the present application and as such I am well conversant with the facts and circumstances of the case. I am presenting this affidavit in support of the statements made in the said application. These are true to my knowledge.

2. That, the statements made in the foregoing paragraph Nos.1, 4 and 9 are within my personal knowledge ; and contents of Para Nos.2 and 3 are believe to be true on the legal advice and the contents of the Para Nos.5, 6, 7

and 8 are based on the information received by me from my counsel which I believe the same to be true.

3. That, the documents at Annexure-A/1 to A/14 are the true and correct copies of their originals.

A. Tomba Singh

(Athokpam Tomba)

DEPONENT.

Dated/Imphal,

The 15th Decr 2003.

Drawn up by :-


Advocate.

ANNEXURE-A/1

1344

Manipur University

SPECIAL
PRE-UNIVERSITY EXAMINATION

1986

(TWO-YEAR COURSE)

I certify that Atokram Tomba Singh
of Thoubal College, Roll No. 2962
duly passed the Pre-University Examination in Arts of this
University held in the year 1986 and was placed in the
Third Division.



Imphal

The 12th Dec. 1988

[Signature]
Registrar

[Handwritten note:]
Certified to be
true copy
of the original

19
24
ANNEXURE - A/2



No. 231

GOVERNMENT OF MANIPUR
VETERINARY & A.F. DEPARTMENT, MANIPUR
V.F.A. TRAINING CENTRE,
POROMPAT.

"PROVISIONAL CERTIFICATE"

Certified that Shri/Mr./Smt. A. Janta Singh
Roll No. 129 having attended the V.F.A. Trg. Course for
the academic session 1985-86 and appeared in the Final Examination
held in the month of August, '86 and He/She passed the said
examination and was placed in I Division.

His/Her character is Good

Dated


Officer-in-charge
V.F.A. Trg. Centre, Porompat.

-:():-

Checked by
Sanjay

20
28
ANNEXURE 4/3

Tele No : PARX 23510/218

REGISTERED

Bharat Sarkar
Govt of India
Grih Mantralaya
Ministry of Home Affairs
Maharajkumari Assam Rifles
Directorate General Assam Rifles
Shillong-793011

L. 14C15/48-78/S.Nurse/ME(A)

12 Oct 88

Alhokpam Tomba Singh
Oto Late A Bira Singh
Thoubal Alhokpam
THOUBAL (Manipur)

INTERVIEW FOR THE POST OF STAFF NURSE VFA

1. Ref your application dated 12 Sep 88.

2. You are hereby directed to report to this Directorate for interview at 1100 hrs on 03 Nov 88 for the post of ~~staff nurse~~ VFA in the scale of pay of Rs ~~1400-40-1800~~ 5150-20-1150 ~~Rs 50-2300~~ Rs 50-2300 p.m. plus central rate of DA and other allowances as admissible under the existing rules. You must be in possession of the following certificates in original and these will be required to be produced at the time of interview. In case you are not a diploma holder cert holder in ~~nursing~~ very science, you need not appear in the interview.

(a) Diploma cert in very science in ~~nursing~~ in original from a recognised council in India.

(b) Matric or equivalent certificate in original.

3. No TA/DA will be admissible.

4. please report to the office of JAD (A), DGAR at 1030 hrs on 03 Nov 88.

5. If selected you will be liable to serve anywhere in Assam, Nagaland, Manipur, Mizoram, Arunachal Pradesh, Tripura and Sikkim or where ever Assam Rifles units may be deployed.

(M.C. Borelola)
JAD (A)

for Director General Assam Rifles

rg/-

Copy to Mr. [unclear]

(21)

9

ANNEXURE-A/4

107 1 89

ASSAM RIFLES	
REGD	
RIC	
Tele No: PABX-23510/218	
QM	
ATO	
ED	

B711 A

REGISTERED
Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

II.14015/25-R5/FA/A-2 (MED)

19 Dec 88

Shri A. Tomba Singh
C/o Late A. Bina Singh
Thoubal Athokpam
PO: Thoubal
Dist: Thoubal (Manipur)

APPOINTMENT : VFA

1. You are hereby selected for appointment until further orders as VFA in 10 Assam Rifles in the scale of pay of Rs. 975-25-1150-ER-30-1540/- p.m. plus other allowances as admissible under the existing Rules from time to time. The appointment is purely temporary and may be terminated with one month notice from either side.
2. Shri/Smt. A. Tomba Singh shall have to produce the following certificates before joining the post :-
 - (a) Medical fitness certificate from Civil Surgeon or equivalent at the time of joining.
 - (b) Educational and other certificates as proof of age and qualification.
 - (c) A character certificate from a Class I officer or 1st Class Magistrate at the time of joining the duty.
3. No TA/DA will be admissible to you for joining the duty.
4. You are liable to serve anywhere in Assam Rifles deployed in Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh and Sikkim or wherever Assam Rifles exists.
5. Your appointment is subject to satisfactory police verification and antecedent.

P.T.O.

Calified for 4PM

- 2 -

6. You will report for duty to Commandant, 10 Assam Rifles, C/O 99 APO on or before 18 Jan 89 failing which this appointment letter will be treated as cancelled.

Leads

(~~P. K. Chose~~) (M. C. Bardoloi)
Major
JAD (A)
for Director General Assam Rifles

Copy to :-

1. HQ NLR(N)
Assam Rifles
C/O 99 APO
2. 10 Assam Rifles
C/O 99 APO
3. Medical Branch
(Internal)
4. personal file
5. office copy

Gupta/*

*Copied to
for copy
[Signature]*

THE FIRST SCHEDULE

(See Rules 3 & 4)

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.

SL. NO.	POST/ GRADE	PRESENT SCALE (Rs.)	REVISED SCALE (Rs.)
1.	2.	3.	4.
1.	S-1	750-12-870-14-940	2550-55-2660-60-3200
2.	S-2	775-12-871-14-1025	2610-60-3150-65-3540
3.	S-3	800-15-1010-20-1150	2650-65-3300-70-4000
4.	S-4	825-15-900-20-1200	2750-70-3800-75-4400
5.	S-5	950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500	3050-75-3950-80-4590
6.	S-6	975-25-1150-30-1540 975-25-1150-30-1660	3200-85-4900
7.	S-7	1200-30-1440-30-1800 1200-30-1560-40-2040 1320-30-1560-40-2040	4000-100-6000
8.	S-8	1350-30-1440-40-1800-50-2200 1400-40-1800-50-2300	4500-125-7000
9.	S-9	1400-40-1600-50-2300-60-2600 1600-50-2300-60-2660	5000-150-8000
10.	S-10	1640-60-2600-75-2900	5500-175-9000
11.	S-11	2000-60-2120	6500-200-6900
12.	S-12	2000-60-2300-75-3200 2000-60-2300-75-3200-3500	6500-200-10500
13.	S-13	2375-75-3200-100-3500 2375-75-3200-100-3500-125-3750	7450-225-11500
14.	S-14	2500-4000 (proposed new pre-revised scale)	7500-250-12000
15.	S-15	2200-75-2800-100-4000 2300-100-2800	8000-275-13500
16.	S-16	2630/- FIXED	9000/- FIXED
17.	S-17	2630-75-2780	9000-275-9550
18.	S-18	3150-100-3350	10325-325-10975
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

Citibank

27. If the name of any person enrolled on a State veterinary register is removed therefrom in pursuance of any power conferred under this Act, the Council shall direct the removal of the name of such person from the Indian veterinary practitioners register.

Removal of names from the Indian veterinary practitioners register.

28. Every person registered in the Indian veterinary practitioners register shall notify any transfer of the place of his residence or practice to the Council and the State Veterinary Council within sixty days of such transfer, failing which his right to participate in the election of members of the Council or a State Veterinary Council shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

Person enrolled on Indian veterinary practitioners register to notify change of place of residence or practice.

CHAPTER IV

PRIVILEGES OF REGISTERED VETERINARY PRACTITIONERS

29. Subject to the conditions and restrictions laid down in this Act, every person whose name is for the time being borne on the Indian veterinary practitioners register shall be entitled according to his qualifications to practise as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

Privileges of persons who are enrolled on Indian veterinary practitioners register.

30. No person, other than a registered veterinary practitioner, shall—

Right of persons who are enrolled on the Indian veterinary practitioners register.

(a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) practise veterinary medicine in any State:

Provided that the State Government may, by order, permit a person holding a diploma or certificate of veterinary supervisor, stockman or stock assistant (by whatever name called) issued by the Directorate of Animal Husbandry (by whatever name called) of any State or any veterinary institution in India, to render, under the supervision and direction of a registered veterinary practitioner, minor veterinary services.

Explanation.—“Minor veterinary services” means the rendering of preliminary veterinary aid, like, vaccination, castration, and dressing of wounds, and such other types of preliminary aid or the treatment of such ailments as the State Government may, by notification in the Official Gazette, specify in the behalf.

(b) be entitled to sign or authenticate a veterinary health certificate or any other certificate required by any law to be signed or authenticated by a duly qualified veterinary practitioner;

(d) be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to veterinary medicine.

of 1872

Original to be kept

ANNEXURE A/8

Maharajacharya Assam Rifles
Directorate General, Assam Rifles
Shillong-793011

15 Sept 98

File No : 705076

A/Pers/B pay 1998

List A, B, C, D, E & F

SALIENT FEATURES AFFECTING PAY AND ALLOWANCES ASSAM RIFLES PERSONNEL

General

1. Govt has notified pay scales and various allowances for all Central Para Military Forces (CPMF) and the same have already been circulated to all concerned by this Dte from time to time. However, it is noticed that doubts still exist on various aspects of applicability and entitlement thereof. As a result, the personnel are still unaware about their entitlement of monthly pay and allowances.

2. In this info bulletin, certain issues of pay and allowances have further been clarified. Steps taken to resolve existing pay anomalies with the MHA also been covered.

Pay Scales

3. The pay scales after revision under Central Civil Services (Revised Pay) Rules, 1997 wef 01 Jan 96 and on rationalisation of pay scales in respect of CPMF personnel wef 10 Oct 97 are given below:-

	Pay scales applicable wef 01 Jan 1996 to 09 Oct 97	Rationalised pay scales wef 10 Oct 97
Rfn	2750-70-3800-75-4400	3050-75-3950-80-4590
Lnk	2750-70-3800-75-4400 + Rs. 15/- as special pay.	Rank of Lnk merged with Rfn and gtd Rs.30/- pm as special pay with the pay scale of Rfn till promoted to Hav.
Nk	3050-75-3950-80-4590	Rk Nk merged with Ha with the pay scale of Ha excluding appt pay.
Hav	3200-85-4900	3200-85-4900 with appt pay of Rs. 50/- pm till promoted to next higher
		4000-100-6000
		5500-175-9000
Sub	4500-125-7000	6500-200-10500
Sub Maj	5500-175-9000	6500-200-10500 + Rs. 20 per month as appt pay.
	6500-200-10500	

*Cliff to
Q. Am
Lyn
S. H. H.*

Allowances

4. **Special Compensatory (Remote Locality) Allowance.** The rate of said allowance has been doubled from the existing rates applicable to all difficult and other areas w.e.f. 01 Aug 98. Govt notification on the subject has also been circulated by this Dte. The cl of difficult and other areas have been circulated vide this Dte letter No A/Pers/5th-Fax/Pant/98/206 dt 27 Aug 98. The rates applicable at various places are given below :-

State	Pay Range				
	Below Rs. 3000/-	Rs. 3000/- to Rs. 4499/-	Rs. 4500/- to Rs. 5999/-	Rs. 6000/- to Rs. 8999/-	Rs. 9000/- and above
Manipur	150	300	450	600	750
Mizoram	40	80	120	160	200
Nagaland					
(a) Difficult Area	300	500	700	1000	1300
(b) Other Area	250	400	550	800	1050
(c) Throughout Aizawl District	150	300	450	600	750
Nagaland	250	400	550	800	1050
Sikkim	300	500	700	1000	1300
Sikkim	40	80	120	160	200
Arunachal Pradesh					
(a) Difficult Area	300	500	700	1000	1300
(b) Throughout Arunachal Pradesh except above	250	400	550	800	1050
Tripura					
(a) Difficult Area	250	400	550	800	1050
(b) Throughout Tripura except above.	150	300	450	600	750

5. **Special Duty Allowance (SDA).** SDA has been revised from 01 Aug 98 vide Min of Fin Letter No. 11(2)/97-E.11(B) dt 22 Jul 98. The rate is 12.5% of basic pay without any ceiling on the quantum. The ceiling of Rs. 1000/- per month currently in force shall no longer be applicable and the condition that the aggregate of the SDA plus special pay/Deputation Duty Allowance, if any, will not exceed Rs. 1000/- per month is also dispensed with. Other terms and conditions governing the grant of this allowance shall, however, continue to be applicable.

10/10/98

Special Duty Allowance. The

applicable

has now been made applicable to Assam Rifle personnel in Bikkim at the same rate and terms/conditions applicable for employees posted in the NE Region.

Ration Money Alice. This Dte had submitted a proposal to MHA vide our letter No. A/Pers/5th Pay/97/112 dated 22 Dec 97 for auth Ration Money Alice to Assam Rifles cadre officers on the lines of 5th CPC recommendation for BPF officers. MHA has sanctioned Ration Money Alice eff from 01 Sep 1998 to combatized non gazetted CPMF pers and off upto the pt of En Cdr, vide MHA order No. 27012/26/98-PF.1 dated 07 Sep 1998. The Alice will be applicable on Army Scale of rations based on a daily cost of 2800 calories. Free ration may be sup in kind at the loc where these facilities are presently admissible. The Alice will be entitled to Assam Rifles pers when deployed:

- (a) Along side the Army.
- (b) Ahead of the Army on IP or on the line of actual control.
- (c) Under op control of Army.
- (d) In CI/Disturbed areas.

8. This Dte has circulated the order vide letter No. A/Pers/5th-CPC/Vol-III/98/167 dated 11 Sep 98.

9. **Other Allices.** The Govt orders for following Alice have been received:-

- (a) **Initial Uniform Grant.** Rs. 6500/- for auth cat only.
- (b) **Renewal Uniform Grant.** Rs. 3000/- to be granted after every 7 years for entitled cat.
- (c) **Washing Alice.** Rs. 30/- pm for non-gazetted staff subject to discontinuance of issue of washing soap.

Licence fee.

- (i) 100s incl MO Rs. 127/- pm.
- (ii) OR Rs. 62/- pm.

(e) **Leave Travel Concession.** Since doubts still exist, entitlement of LTC is clarified as under:-

Pay Scales	Rank	Entitlement
(i) 2550-3200	Follower	Sleeper class.
(ii) 2610-3540		

LTC has been amended wef 01 Oct 98 as under vide DGAR signal NO. A 2419 dated 22 Sep 98 :-

- (a) Below Rs. 4100 - Second class sleeper.
- (b) Rs. 4100 - Rs. 7999/- - First class/AC III tier sleeper.
- (c) Rs. 8000 - Rs. 11999/- - AC 2 tier sleeper.
- (d) Rs. 12000 - Rs. 18399/- - AC First class.

Pay Scales	Rank	Entitlement
(ix) 6500-10500 to 10450-15850	Sub/Secy Maj Asst Comdt Dy Comdt	AC 11 Tier sleeper.
(x) 12000-16500 to 18400-22400	21C Comdt	AC 1st class by train.

(f) Traveling Allowance on Tour. Entitlement is further clarified as per the pay band as under:-

Pay Range	Entitlement
(i) Below Rs.4100/-	Sleeper class.
(ii) Rs.4100/- and above but less than Rs. 8000/-.	1st class/11 AC 111 Tier sleeper/ AC chair car.
(iii) Rs. 8000/- and above but less than Rs. 16400/-.	11 AC sleeper
(iv) Rs. 16400/- and above.	AC 1st class.

(g) Cashier's Special Pay.

Average monthly cash disbursed

Rates

(i) Upto Rs. 50,000/-	Rs. 75/- pm.
(ii) Over Rs.50,000/- & upto Rs.2,00,000/-	Rs. 100/- pm.
(iii) Over Rs. 2,00,000/- and upto Rs.3,00,000/-	Rs. 200/- pm.
(iv) Over Rs.5,00,000/- and upto Rs.10,00,000/-	Rs. 250/- pm.
(v) Over Rs.10,00,000/-	Rs. 300/- pm.

(h) Transportation Allowance.

Pay scales	Rate
(i) 2550-3200/- to 5500-9000/-	Rs. 75/-
(ii) 6500-10500/- to 7500-12000/-	Rs. 200/-
(iii) 8000-13500 and above.	Rs. 400/-

Note. Entitled to only those cat of pers. who fulfil terms and conditions laid down in Min of Fin letter No. 21(1)/97/F.II(B) dt 03 Oct 97 and vide our letter No. A/1-A/274/97 dt 24 Oct 97.

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(j) Transportation of Personal Effects. Rates of Other City category now received are as follows:-

<u>Pay Band</u>	<u>Other City Rates (Per PM)</u>
Below Rs. 4100/-	Rs. 4.00
Rs. 4100/- and above but less than Rs. 6500/-	Rs. 4.50
Rs. 6500/- and above Rs. 9.00 but less than Rs. 8000/-	
Rs. 8000/- and above Rs. 13.00	

(k) Children Educational Assistance.

<u>Edn Assistance</u>	<u>Revised rate</u>	
(i) Children Edn Allowance.	Primary, Secondary, Higher & Senior Secondary Classes (I to XII)	100/- pm per child
(ii) Reimbursement of tuition Fee	Class I to X	40/- pm per child
	Class XI to XII	50/- pm per child
	Class I to XII in r/o physically handicapped and mentally retarded children.	100/- pm per child
	Science Fee	10/- pm
(iii) Hostel Subsidy	Primary, Secondary, Higher Secondary & Sr. Secondary classes (I to XII)	300/- pm per child

10. Consv Allowance. Consv allowance was being given to Assam Rifles pers on Army analogy. Terms and condition for grant of these allowances were also specified in the above order which stated that changes on the rates and eligibility conditions etc for drawal will auto apply to Assam Rifles pers. Min of Def has abolished consv allowance wef 01 Aug 97 vide their letter No. 3(4) 97 D(Pay/Services) dt 08 Jan 98. Therefore, in the Army, consv allowance has now been discontinued and the said allowance is to be ceased wef 01 Aug 97 for Assam Rifles pers.

11. Govt orders on following are still awaited from the MHA:-

(a) CILQ. CILQ on HRA rate has been made applicable for all CPMF pers vide Part B of Min of Fin Resolution dated 30 Sep 97. The rate of CILQ will be according to revised rate of HRA plus licence fee as applicable to Central Govt employees. Govt order for calculating HRA and licence fee has already been circulated.

Transportation of Personal Effects. Rates of Other City

(31) 39

Circulated to all vide this Dte letter No. A/Pers/CI dated 21 Dec 97 and A/Pers/CI dated 28 Aug 98. The calculation of CLQ of pers will be as under:-

(i) House Rent Allowance (HRA) (Revised)

- (aa) Shillong - 15% of actual basic pay drawn.
- (ab) Jorhat, Silchar, Imphal, Aizawl, Kohima, Dimapur and Agartala. - 7.5% of actual basic pay drawn.
- (ac) Other Incl towns - 5% of actual basic pay drawn.

(ii) Licence Fee

Revised Rate wef 01 Jul 98

- (aa) JCOs incl WO - Rs 122/- per month.
- (ab) OR - Rs 89/- per month.

(iii) However, MHA. notfn is still awaited, till then old rate of CLQ will be in force.

(b) Accumulation of Earned Leave. Orders for enhancement from 240 to 300 days is awaited from MHA.

Proposals Already Projected to MHA

12. Free Air Travel Concession. This Dte has proj case to the Ministry for auth free air travel facility to all AR pers posted in state of Tripura and Manipur once in a calendar yr, during Earned Leave, to and from Agartala and Calcutta and Imphal and Calcutta. A case for free air travel for Assam Rifles pers once a year to and from Aizawl and Calcutta is being taken up.

13. Nursing Allowance. A case has been taken up for enhancement of uniform, washing and nursing allowances for med staff of Assam Rifles.

14. Special Compensatory (Counter Insurgency) Allowance (SCA) (CI). A proposal has been submitted to MHA vide this Dte letter No. A/Pers/CI/7-98 dated 06 Aug 98 for authorising SCA (CI) to all pers of Assam Rifles at par with Army's entitlement in add to already auth allow. The rates recommended by us are as under:-

<u>Ranks</u>	<u>Entitlement (per month)</u>
(a) Second-in-Command and above	Rs 1300/-
(b) Dy Comdt	Rs 1200/-
(c) Asst Comdt	Rs 1100/-
(d) JCOs incl WO	Rs 900/-
(e) Hav	Rs 600/-
(f) Rfn	Rs 500/-

32 40

Cases Being Referred to MHA

The following cases are being ref to MHA :

- (a) **Journey Period.** Journey period with Earned Leave for pers posted to Sikkim, as being granted for pers posted in NE Region.
- (b) **Special Compensatory Allowance (SCA) (Remote Locality).** SCA for pers posted in Manipur to be brought at par with Nagaland rates.
- (c) **Earned Lve.** Earned Lve entitlements for AR pers posted in HQ IGAR/Rg to be increased to 60 days.

Status of Cases Pertaining to Anomalies of 5th Central Pay Commission Projected by DGAR to MHA.

- 16. **Introduction of Warrant Officer (WO) Rank for Technical Categories in Assam Rifles.** In response to this Dte proposal for introducing the rank of WO equivalent to Asst Sub Insp (ASI) rank in BSF, the MHA has issued instr for prep of a Cabinet Note for rationalisation of Tech Cadre in Assam Rifle vis-a-vis other CPOs. Details asked by the Ministry have been fwd along with fin implications. The Cabinet Note will be fwd by MHA to Min of Fin for their approval/sanction after comparing our proposals with other CPOs.
- 17. **Upgradation of Posts of Combatised Clerical Cadre at Par with Other CPOs.** MHA is favourably disposed towards bringing the rank structure of clerical cadre of Assam Rifles at par with BSF. Order to prepare a Cabinet Note for rationalisation of Clerical Cadre vis-a-vis other CPOs will be given after comparing our proposals with other CPOs.
- 18. **Re-Designation of Hav/PA to WO/PA.** MHA has given their approval for re-designation of Hav/PA as WO/PA. Order for the same has been given by this Dte. The correct equivalence of Nb Sub for WO (PA) is being processed alongwith the clerical cadre proposals (Para 16 refers).
- 19. **Enhancement of Promotional Prospect of Dtmn Category in the Engineer Set Up of Assam Rifles.** MHA had turned down this Dte proposal of having a rank structure for Dtmn cat in the Engr set-up in AR on the plea that there is a ban on creation/upgradation of posts by Min of Fin. However DGAR during his visit to the Ministry convinced the authorities to review the case to give opportunity of carrier progression to the combatised dtmn cat. MHA is expected to issue orders for constituting a committee recommending the posts requiring promotion/carrier progression, under which this cat case will be considered.
- 20. **Upgradation of Pay Scale for Post of Veterinary Field Assistants (VFA).** This Dte had taken up a case to upgrade the basic pay of VFA's to Rs. 4000-100-6000/- per month. MHA is inclined to our proposal. Info has also been sought from BSF regarding VFAs serving with them so that a composite case can be proj. to Min of Fin.
- 21. **Fixation of Pay under 5th CPC where the Fixation Exceeds Max. Revised Scale.** This Dte had proposed to MHA that excess amount in such cases should be protected. MHA has intimated that Min of Fin (5th CPC Implementation Cell) in their letter of 02 Apr 98 have clarified that

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- 30 -

there is no provision for protection where an incumbent crosses of his replacement pay scale after adding the fitment benefit of 5 percent to the existing emoluments. Thus our case has been turned down by the Ministry.

22. Anomalies in the Pay Scale of Civ Posts and Equivalent Rank of Combatized Posts. This Dte vide letter No. A/A-II/5th CPC/APS/98 dt 2 Mar 98 had taken up a proposal for bringing pay equivalence between the combatized and civ posts. MHA has turned down our proposal vide their letter No. 27012/18/98-PF.1 dt 24 Oct 98, clarifying that 5th CPC has given weightage to X (Risk) factor while making their recommendations. Accordingly combatant pers have been given an edge over the civ counterparts. However, to get over the perceived anomaly civ staff may opt for equivalent combatized posts as given in MH/ letter No. 27011/44/88.FPI dt 19 Sep 1989.

23. Upgraded Pay Scale for the Posts of Assistants in the Non-Sect Org of Assam Rifles. This Dte had taken up case with the MHA for upgrading the pay scale of Asst of Non-Sectt org in Assam Rifles to Rs. 5000-125-8000 per month. The case has been favourably ref by MHA to Min of Fin. The decision of Min of Fin is awaited.

24. Enhancement of Promotional Prospects of Religious Teachers in Assam Rifles. Presently, Assam Rifles is auth 9 Sub and 34 Nb Sub Religious Teachers. To enhance service conditions, this Dte had taken up case with MHA to restructure the Religious Teachers cadre and auth 2 Sub Maj, 18 Sub and 19 Nb Sub. The proposal has not been accepted by the Ministry on the ground that Religious Teacher cadre is peculiar to Assam Rifles on Army analogy. Other CPOs (BSF) do not have this cat. Secondly, this cat does have promotional avenues upto the rank of Sub. Notwithstanding the above, this Dte will take up case of reviewing the service conditions and rank structure in next cadre review as and when ordered by the Govt.

Important Issues Relating to Ex-Assam Rifles Personnel.

25. Grant of Various Concession/Facilities to Ex-Assam Rifles Personnel. This Directorate has approached Chief Secy of all States of Union of India vide DO letter NO ARESA/B/3219 dated 20 Aug 98 to accord same priority to the Ex-Assam Rifles pers as well as dependents of those killed in action for their resettlement/ rehabilitation as is given to Def pers particularly in respect of the following :-

- (a) Preference in providing re-emp.
- (b) Preferential allotment of house/plot.
- (c) Grant of loans to purchase house/plot.
- (d) Allotment of land to the landless Ex-Assam Rifles pers during the course of the re-distr of land in rural areas.
- (e) Grant of scholarship to children of pers killed or wounded/disabled in action.

26. Central Para Military Force (CPMF) Hosp Facilities. CPMF pensioners and their families who are not availing Central Govt Health Services (CGHS) facilities, will be allowed to avail med facilities from all CPMF Hosp irrespective of the force they retired from. The detailed intrn on the subject have been circulated vide this Dte

(34) 42

letter NO A/Pers/5th CPC/98/Vol-III dated 23 Mar 93. DGAR Record Branch is issuing Identity Cards to all pensioners before proceeding on pension. Similar Identity Card will be issued to NOKs of deceased pers. These identity card will be the auth for seeking CPMF Hosp facilities.

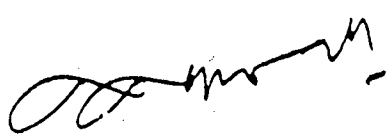
27. Med Allow. The Gazette of India (Extraordinary) No 192 dated 30 Sep 1997 has authorised med allow to pensioners residing in an area not covered by Central Govt Health Scheme. A sum of Rs 100 per month fixed med allow is authorised to all such pensioners for meeting the day to day med expenses that do not require hospitalisation.

28. CSD Facility to Ex-Assam Rifles Personnel. This Dte had taken up a case with the Govt vide letter NO A/I-W/7-88/96 dated 30 Mar 93, for extending CSD Canteen and med facilities to Army Ex-Servicemen, to Ex-Assam Rifles pers. The MHA has turned down our proposal vide their letter No 1/29/93-NB.11 dated 27 Sep 93. Notwithstanding the above, this case has again been taken up by this Dte vide our letter No A/I-W/7-88/96 dated 11 Jul 96 with MHA for re-consideration. The outcome is being pursued.

Conclusion

29. This bulletin brings out certain pay and allow entitlements in addition to those circulated earlier and their applicability in Assam Rifles. It has also addressed certain addl issues of 5th CPC anomalies and the action taken by this Dte to rectify them. This is an info bulletin only and it should not be quoted as auth, for which the relevant Govt Orders should be ref to. Progress on outstanding issues will be circulated to all as and when disposed off by the Ministry.

30. A copy of this hand out will be displayed at prominent places and all pers explained of the correct posn by cdr in the chain. Hindi version of this letter is being fwd separately.


(RS Rivat)

Lt Col

AD (A)

for DG Assam Rifles

ele No : 705550

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

II.14015/5th CPC/98/A-II/

31 March 98

Govt of India
Ministry of Home Affairs
(PF.I)
New Delhi-01

IMPLEMENTATION OF UPGRADED PAY SCALE FROM 01-1-96
FOR THE POSTS OF VETERINARY FIELD ASSISTANTS IN
THE ASSAM RIFLES

Sir,

1. I am directed to invite Ministry's attention to the approved pay scale appearing at serial No. XXIV (c) in Part 'B' of First Schedule of CCS(RP) Rule 1997, wherein the revised scale of certain common category of Veterinary Staff have been approved by the Govt as under :-

<u>Name of Post</u>	<u>Pre-revised Scale</u>	<u>Revised Scale</u>
Stockman/ Compounder/ Stock Asstt/ Animal Husbandry Asstt/ Dresser	Rs. 950-20-1150-25- 1500/- pm TO Rs. 1200-30-1560- 40-2040/- pm	Rs. 4000-100-6000/-pm

2. It is submitted that there are 31 sanctioned posts of Veterinary Field Assistants in this Force who have been allowed standard revised Scale with effect from 01-1-96 replacing the pre-revised scale as per Part 'A' of First Schedule of CCS(RP) Rule 1997 as under :-

<u>Name of Post</u>	<u>Pre-revised Scale of Pay</u>	<u>Qualification required as per recruitment Rule</u>	<u>Revised Scale</u>
Veterinary (a) Field Assistant (VFA)	975-25- 1150-EB-30 -1540/-pm	Matric or equivalent with Diploma in Veterinary Science	Rs. 3200-85- 4900/- pm
(b)	950-20- 1150-EB-25 1500/-pm	Non-matric or equivalent with certifi- cate in Veterinary Science.	Rs. 3050-75- 3950-80- 4590/-pm

*Copy to
Hq copy
Subordinate*

.....2/-

CS/2002

(20) 44

3. Although the name of the post of Veterinary Field Assistant existing in the Assam Rifles is not included in the posts mentioned at serial XXIV(c) in Part 'B' of First Schedule, the pre-revised scales of Veterinary Field Assistants in Assam Rifles were within the pre-revised scales as mentioned against above posts which have been revised by a single scale of Rs. 4000-100-6000/-. The VFAs of Assam Rifles therefore should be eligible for the upgraded scale of Rs. 4000-100-6000/-pm.

4. It is therefore submitted that the Ministry may kindly accord approval to the implementation of the revised scale of Rs. 4000-100-6000/-pm with effect from 01-1-96 in respect of the post of Veterinary Field Assistants in Assam Rifles.

5. An early reply is highly solicited please.

Yours faithfully,

(B. Chell)
Colonel
Deputy Director (A)
for Director General Assam Rifles

34 45
ANNEXURE - A/10

Tele No. : 705095

Mohenideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011


I.14015/C-Duty/VF A/Med-4

04 Aug 99

List 'A'
List 'B'
List 'C'
List 'E'

CHARTER OF DUTIES OF VETERINARY FIELD
ASSISTANT : ASSAM RIFLES

1. Guide lines on charter of duties of Veterinary Field Assistant Assam Rifles is fwd herewith as per appx att for your informed necessary action please.
2. Please ack.


(R S Rathee)
Col
Deputy Director (Medical)
for Director General Assam Rifles

Encl : 01 (One) sheet.

*Col. R S Rathee
4 Aug 99*

111A

26-

38

46

EX
(Ref to DGAR letter No.
I.14015/C-Duty/VFA/Med-4
dated Aug 99

CHARTER OF DUTIES OF VETERINARY FIELD
ASSISTANT : ASSAM RIFLES

1. Charter of Duties of Veterinary Field Assistant are as under :-

(a) Regular medical inspection to be conducted, to ensure fitness of Animals, by the Veterinary Field Assistant and proper record of such inspections be maintained.

✓ (b) Regular medical examination and treatment of sick Animals held at Battalion.

(c) Regular medical examination of Animals available in Dairy farm, Poultry farm and Piggery farm etc in the Battalion.

to ensure
examination

✓ (d) Veterinary Field Assistant always accompany the Animal transport when they carry load from one place to another.

(e) Examination of MOH (Meat of Hoof) and inspection of dressed meat issued to the troops.

11

(f) Veterinary Field Assistant ensures that eggs supplied by contractor are fresh, of good average size and weight of 12 eggs is not be less than 500 gms. Individual egg weighing less than 40 gms is not be accepted.

1

(g) Veterinary Field Assistant also ensures that Poultry live is healthy and well nourished.

Chief B. de
Copy
Ashok

14(2) 2175 sc. 643

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ANNEXURE A/II

Appendix II

Classification of Technical Posts into Various Groups

GROUP I—FIELD/FARM TECHNICIANS

- | | |
|--------------------------------------|-------------------------------------|
| 1. Farm Superintendent | 30. Senior Cattle Supervisor |
| 2. Superintendent (Dairy) | 31. Animal House Keeper |
| 3. Dairy Farm Superintendent | 32. Horticultural Supervisor |
| 4. Farm Manager | 33. Forester |
| 5. Dairy Manager | 34. Senior Stockman |
| 6. Dairy Cattle Manager | 35. Stockman |
| 7. Assistant Farm Superintendent | 36. Veterinary Officer |
| 8. Assistant Superintendent (Dairy) | 37. Senior Veterinary Assistant |
| 9. Junior Farm Manager | 38. Veterinary Assistant |
| 10. Junior Garden Superintendent | 39. Veterinary Compounder |
| 11. Junior Manager | 40. Fishing Mule |
| 12. Junior Superintendent | 41. Senior Technical Assistant |
| 13. Asstt. Farm Management Officer | 42. Technical Assistant |
| 14. Assistant Manager | 43. Junior Technician Assistant |
| 15. Field Officer | 44. Rice Production Training Asstt. |
| 16. Field Supervisor | 45. Agricultural Assistant |
| 17. Assistant Field Assistant | 46. Botanical Assistant |
| ✓ 18. Field Assistant | 47. Extension Assistant |
| 19. Junior Field Assistant | 48. Entomological Assistant |
| 20. Junior Field Assistant-cum-Curer | 49. Horticultural Assistant |
| 21. Curer | 50. Livestock Assistant |
| 22. Fieldman | 51. Meteorological Assistant |
| 23. Senior Farm Assistant | 52. Physiological Assistant |
| 24. Senior Assistant (Farm) | 53. Plant Protection Assistant |
| 25. Farm Assistant | 54. Seed Exchange Assistant |
| 26. Junior Assistant (Farm) | 55. Asstt. (Seed Production) |
| 27. Herbarium Keeper | 56. Senior Soil Assistant |
| 28. Herbarium Assistant | 57. Stock Assistant |
| 29. Nursery Assistant | 58. Senior Block Assistant |
| | 59. Field Plantation & Store Asstt |
| | 60. Junior Survey Assistant |

Handwritten signatures and initials:
C. J. F. (with 'to' above)
S. M. (with 'for' below)
S. P. (with 'for' below)
S. P. (with 'for' below)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 65 of 2002.

Date of Order : This the 11th Day of December, 2002.

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

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

Shri Soraisam Manimacha Singh,
Veterinary Field Assistant of
Assam Rifles now posted at
A.R.Thoubal, a resident of Chingamakha Maisnam
Leikai, Imphal West District, Manipur ...Applicant

By Advocate Sri S.M.Singh.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Ministry of Finance,
through its Secretary,
Govt. of India, New Delhi.
3. The Director General,
Directorate of Assam Rifles,
Shillong-793001.
4. The Deputy Inspector General,
MP Range, Assam Rifles,
Imphal.
5. The Commandant,
7th Assam Rifles,
Thoubal.

...Respondents

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

ORDER

CHOWDHURY J.(V.C)

The issue relates to upgradation of pay scale of
Veterinary Field Assistant serving in Assam Rifles to
Rs.4000-6000/- in parity with those other counter parts.

*Copy to be
sent to
Shri...*

—2. Mr A.M.Singh, learned counsel appearing for the applicant stated that the applicant was agitating the matter in different forums and failing to get any remedy he moved the Imphal Bench of Gauhati High Court in Writ Petition(Civil) No. 798 of 1999. Finally by order dated 31.12.2002 the Writ Petition was disposed of directing the applicant to move the appropriate forum to seek his remedy. Hence this application before the Tribunal for redressal of his grievances. Mr Singh also pointed out to the reply submitted by the respondents in which it was indicated that the authority took a decision advising the Assam Rifles to process the proposal of cadre restructuring of the post of Veterinary Field Assistants in the manner indicated by the Ministry of Home Affairs in its communication dated 17.12.99. The relevant text of the said communication is

reproduced below :



(i) DD(Pers) BSF has intimated that a proposal for cadre restructuring of Veterinary staff is being processed by them. ITBP is also processing the proposal on the same lines. Assam Rifles was advised by Dir.(Pers), MHA, to process the proposal for cadre restructuring of the post of VFA.

(ii) To maintain uniformity in educational qualification and pay scales as recommended by the Fifth Pay Commission, Assam Rifles was advised to process the proposal in consultation with the BSF and ITBP, so that a similar proposal on uniform lines is formulated.

(iii) As the posts of Veterinary staff in BSF and ITBP are combatised while in Assam Rifles VFAs are civilians, to maintain the uniformity in the rank structure, Assam Rifles were advised to propose the combatisation of these posts as well.

(iv) Since the matter is already subjudice, any decision for upgradation of pay scales in Assam Rifles can be taken after finalisation of the Court case."

Mr A.M.Singh, learned counsel for the applicant has also drawn our attention to the communication sent by the Ministry of Home Affairs dated 31.3.1998 indicating its mind

for implementation of upgradation of the pay scale of Veterinary Field Assistants in the Assam Rifles. The said communication clearly indicated the decision of the Authority for revising the pay scale.

3. We have heard Mr A.M.Singh, learned counsel for the applicant and also Mr A.K.Choudhury, learned Addl.C.G.S.C. for the respondents at length. Considering the facts and circumstances we are of the opinion that the matter requires no further adjudication from our end. The Government has taken a decision in principle and in view of the pendency of the Court proceeding the authority did not take any step for implementation of the matter. In view of the clear statement made by the respondents we dispose of this application with a direction on the respondents to implement the undertaking as expeditiously as possible, preferably within a period of three months from the date of receipt of this order.

The application thus stands disposed of. There shall, however, be no order as to costs.

Certified to be true copy
সত্যি প্রমাণিত

Section Officer (A)
C.A.T. GUWAHATI RANCH
Guwahati-781005

Sd/ VICE CHAIRMAN
Sd/ MEMBER (ADM)

(42)

G

ANNEXURE-A/13

Tele No. 705075

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 799 001

A/Pers-Pay & Alice/ 2001

24 Apr 2001

List : A
B
C
F

PROGRESS ON PAY ANOMALIES CASES

1. Ref pt 26 (q) of min of AR Cdr Conf Mar 2001 fwd vide this Dte letter No. 11011/11/2001.G(SD)/1214 dt 11 Apr 2001
2. Progress on pay anomalies proposal are given in the succeeding paragraphs for info.
3. **Rank and Pay Combatant Clk.** To bring parity in ranks and pay with other CPOs, a case was taken up with MHA during 1997. After protracted correspondence and several mtgs held at MHA it has now been decided that entry grade of Stenos and combatant clks would be ASI (WO in AR) and Hav/Clk respectively in the scale of pay Rs. 4000-6000/- and Rs. 3200-4900/- in all CPMFs. This entry grade will be applicable to the new entrants only and the existing staff in the Steno and ministerial cadre will continue to wk in the same level where they are at present. This Dte has further taken up a case with MHA that unless the existing cadre in redesignated one step up, the new policy cannot be implemented in AR. MHAs decision on the matter is still awaited.
4. **Rank and Pay of Tech Cadre.** Pers of RM, Dtmn, Pharma and Compounder of AR with the same intake QR for rect/remusteration are given the rk of Hav whereas their counterparts in other CPOs are given ASI. The MHA had asked to submit proposal indicating cadre to cadre comparison with BSF where the rk of ASI is available in other tech cat also along with fin implication. The proposal along with fin implication has been submitted to MHA and the case is lying with MOF for approval.
5. **Anomaly in Pay of Tdn.** There are nine cats of tdn of AR such as Cook, Carp, WM etc are being given less pay than their counterparts in other CPOs. Case was taken up that MHA has decided the following pay scale for all CPOs.

(a) Rfn cook, washerman Barber,
Carpenter, EBR, Tailor & Painter.

Rs. 2610-3540/-

(b) Rfn WC & Safai

Rs. 2550-3200/-

The fin implication along with restructuring proposal is being fwd to MHA for approval. It has also been decided by the MHA that the provision for remusteration in Rfn (GD) from above cats will be made in RRs.

(44)

6. **Revision of Pay scales of Hony Rk of Nb Sub.** After declaration of 5th CPC report, Army has enhanced Rs. 100/- of addl element of pension to NCOs granted hony rk of Nb Sub on retirement from Rs. 30/- wef 01-01-96. On the similar line a case has been taken up with MHA for enhancement of ex- AR Hony NCOs. The case is lying with MOF for consideration.

7. **Implementation of Upgraded Pay Scale from 01-01-96 for the Post of VFAs.** In 5th CPC the post of VFA and equivalent grade in other org has been revised by a single scale of Rs. 4000-6000/- a case has been taken up with MHA to accord approval for implementation of revised scale to the post of VFA in AR. Case is under prog.

8. **Anomaly in Pay Scale of Civ Dtmn.** Dtmn in AR drawing scale of pay as per part A of 1st Schedule of CCS (RP) Rules 1997. In 5th CPC dtmns of other orgs has been gtd Part B of 1st Schedule of CCS (RP) Rules 1997 i.e., Rs. 5000-8000/- Case has been taken up with MHA for applicability of part B Scale to AR dtmns wef 01-01-96. The case is under consideration with MOF.

9. **Admitting Revised Scale to Teaching Staff as per Part B of 1st Schedule of CCS (RP) Rules 1997.** A proposal has been taken with MHA for admitting the Part B Scale of 5th CPC to teachers of AR. Case is under consideration with MHA.

(Satendra Kumar)
Col
DD(A)
For DG Assam Rifles

Copy to :-

List 'D'

List 'F'

Malik

9/c ✓

From : No 019 VFA,
H P Dinda
15 Assam Rifles
C/O 99 APO

To : Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

(Through Proper Channel)

Subject : ENHANCEMENT OF PAY SCALE OF VFA

Sir,

With due respect I have the honour to submit the following facts for your kind consideration and favourable orders please.

Kindly refer the enclosed a copy of my application dated 27 Sep 2002 and your reply there to vide DGAR letter No IL.14015/5thCPC/98/A-II/42 dated 07 Nov 2002.

As It is learnt that the Hon'ble Court (CAT) has disposed off the case in favour of the Assam Rifles VFA's, I request your honour to issue necessary orders for the enhancement of my pay at the earliest. I shall be obliged.

Thanking You

Yours faithfully,

H P Dinda
(H P Dinda)
VFA

Dated : 22 Apr 2003

Copy to :-

1. Directorate General Assam Rifles
Legal Branch
Shillong - 793011
2. Headquarters
Inspector General Assam Rifles (N)
C/O 99 APO
3. Headquarters
Manipur Range Assam Rifles
C/O 99 APO

-for your info and necessary action please.

14. Office Copy of

T/C

*Copy to
Manipur Range
Shillong*