

0/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No..... 202/04.....

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

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

✓ 1. Orders Sheet..... 3 Pg..... 1 to 3
✓ 2. Judgment/Order dtd..... 28/02/05 Pg..... 1 to 7
3. Judgment & Order dtd..... Received from H.C/Supreme Court
✓ 4. O.A..... 91 Pg..... 1 to 91
5. E.P/M.P..... Pg..... to
6. R.A/C.P..... Pg..... to
✓ 7. W.S..... 10 Pg..... 1 to 10
✓ 8. Rejoinder..... 3 Pg..... 1 to 3
9. Reply..... Pg..... to
10. Any other Papers..... Pg..... to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)


FORM NO. 1
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH

ORDER SHEET.

Case No. pp/Misc.Petn/Cont.Petn/Rev. Appl. 202/2004

In O.A.

Name of the Applicant(s) A. K. Dey & Others

Name of the Respondent(s) Learned

Advocate for the Applicant Mr. M. Chanda, G.N. Chakrabarti,
S. Pathak & S.C. Chaudhary,

Counsel for the Railway/C.G.S.C.

Case: A. K. Chaudhary

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
This application is in form is filed on 19.11.2004 Deposited on 19.11.2004 No. 202/2004	3.9.2004	Heard Mr. M. Chanda, learned counsel for the applicants. The O.A. is admitted, call for the records, returnable by four weeks. List on 5.10.2004 for orders.
Dy. Registrar 21/9/04 No. 202/2004	bb	Present : The Hon'ble Mr. Justice R.K. Batta, Vice-Chairman. The Hon'ble Mr. K.V. Prabhakar Administrative Member. None for the parties. Adjourned to 19.11.2004.
Notice & order. Sent to O/Section for issuing to resp. Nos. 1 to 4, by regd. with A/D post. 4-12-04	2.12.04.	Mr. A. Deb Roy, Sr.C.G.S.C. seeks time to file written statement. Hence case is adjourned to 2nd January 2005, for filing written statement.

1) S/R "received"
2) A/D card not yet received.

Date 202 of 04

1-12-04
S.M. awarded.
No arts kar-seen
B7/ed.

8.2.05. None appears for the respondents. Reply has not been filed. Adjourned to 29.3.05 for filing reply.

sfci
Member (J)

lm

29.3.05.

7-1-05
No arts kar-seen B7/ed
d

Mr. A. K. Choudhury, learned Addl. C.G.S.C has filed the written statement to-day. The learned counsel for the applicant seeks time for filing rejoinder.

Post the matter for hearing on 13.4.2005. Rejoinder if any in the meantime.

2/4/05
Vice-Chairman

lm

13.4.2005

At the request of Mr. M. Chanda, learned counsel for the applicant the case is adjourned. List on 12.5.2005.

2/4/05
Vice-Chairman

mb

12.5.2005

At the request of Mr. S. Nath, learned counsel for the applicant the case is adjourned. Post on 6.6.2005.

2/4/05
Vice-Chairman

mb

ICP Dutt
Member

6.6.2005

At the request of Mr. M. Chanda, learned counsel for the applicant the case is adjourned to 21.6.2005. Rejoinder, if any, in the meantime.

2/4/05
Vice-Chairman

bb

ICP Dutt
Member

11.5.05
No rejoinder has been filed.

2/4/05

(3)

O.A.202/2004

21.6.2005 At the request of the counsel for the parties, the case is adjourned to 28.7.2005 for hearing.

① Written statement filed by the respondents.

I.C. Baiden
Member

2. Jyoti
Vice-Chairman

② No. rejoinder has been filed.

bb

28.7.2005 Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

3. 27.7.05

Rejoinder submitted by the Applicant.

I.C. Baiden
Member

2. Jyoti
Vice-Chairman

mb

R. A. D.

R. A. D. 9/8/05

9.8.05

C: Copy has been collected by the L.D. for the applicant and a copy of the same handed over to the Ad. C. 98C for the Resps.

AS

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No. 202 of 2004.

DATE OF DECISION: 28.07.2005

Shri Anjan Kumar Dey & Ors.

APPLICANT(S)

Mr. M. Chanda, Mr. G.N. Chakrabarty
Mr. S. Nath

ADVOCATE FOR THE
APPLICANT(S)

VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr. A.K. Chaudhuri, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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

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

.....
Judgment delivered by Hon'ble Vice-Chairman.

G. Sivraj

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application Nos. 202/2004

Date of Order : This the 28th day of July, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.

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

1. **Shri Anjan Kumar Dey,
Electrician (SK)
Office of the Garrison Engineer,
Narengi, Satgaon,
Guwahati – 781 027.**
2. **Shri Animesh Das,
Electrician (SK),
Office of the Garrison Engineer,
Narengi, Satgaon,
Guwahati – 781 027.**
3. **Shri Ram Bahadur Limbu,
Electrician (SK),
Office of the Garrison Engineer,
Shillong – 2.**
4. **Shri Tapash Nath,
Electrician (SK),
Office of the Garrison Engineer,
Shillong – 2.**
5. **Shri Biren Chandra Boro,
Electrician (SK),
Office of the Garrison Engineer,
Shillong – 2.**
6. **Shri Subash Nath,
Electrician (SK),
Office of the Garrison Engineer,
Shillong – 2.**
7. **Shri Gautam Brahmachari,
Electrician (SK),
Office of the Garrison Engineer,
Shillong – 2.**
8. **Shri Shahadat Hussain,
Electrician (SK)
Office of the Garrison Engineer,
Shillong – 2.**

... Applicants
By Mr. M. Chanda, Mr. G.N. Chakrabarty, Mr. S. Nath, Advocates

- Versus -

1. The Union of India,
Represented by the Secretary to the
Ministry of Defence,
Govt. of India,
New Delhi.
2. The Commandant Works Engineer,
Spread Eagle Falls,
Shillong - 793 011.
3. The Garrison Engineer,
Narengi, Satgaon,
Guwahati - 781 027.
4. The Garrison Engineer,
Shillong - 2.

... Respondents.

By Mr. A.K. Chaudhuri, Addl. C.G.S.C.

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicants, 8 in number are presently working as Electrician (SK) under the Office of the Garrison Engineer, Shillong at the relevant point of time. Prior to this they were holding the post of Lineman, Switch Board Attendant and Wireman pursuant to an offer of appointment (Annexure - I Series). The terms and conditions under which the applicants were offered appointment were also provided therein one such offer is dated 26.04.1998. The applicants accepted the same and were appointed in the said posts. In 2003 - 14.11.2003, the applicants had made representations (Annexures - IV series) before the 2nd respondent for fixation of their pay scale as Rs. 950-1500/- instead of Rs. 800-1150/- in the post of Lineman, Switch Board Attendant and Wireman offered to them in the Annexure - I Series. The said applications were rejected as per order dated 27.01.2004

GpA

(Annexure - V series). The applicants are aggrieved by the said order. Hence, this Original Application.

2. The case of the applicant is that the scale of pay in the post of Lineman, Switch Board Attendant and Lineman as per order dated 24.06.1987 (Annexure - II) issued by the Government of India, Ministry of Defence is Rs. 260-400/- and as a result of 3rd Pay Commission, the said scale of pay has been revised to Rs. 950-1500/-. Since the applicants were appointed subsequent to 24.06.1987 i.e., between 30.6.87 and 26.4.88, they are entitled to be appointed initially in the scale of Rs. 950-1500/-. The applicants have relied on the letter dated 09.04.2002 (Annexure - VII), which are the comments on the report of the expert committee for implementation of the CAT Kolkata Bench order passed in O.A. No. 118/97 filed by Sri P.K. Mahanta and Others.

3. The respondents have filed their written statement. In paragraph 2 of the said written statement it is stated that lower pay scale of Rs. 800-1150/- are for the trainee SBA, Wireman and Lineman till they successfully completed their 2 years of probation period/ training period after which they will be placed under the skilled pay scale of Rs. 950-1500, which fact has been clearly mentioned in the speaking order dated 27.01.2004. It is also stated that inadvertently due to ignorance/loss sightedness of the Government of India policy, few similarly situated fresh appointees were given a skilled pay scale of Rs. 950-1500/-. The respondents have also stated in paragraph 5 in reply to paragraph 4.4 of the application that consequent to the Government of India, Ministry of Defence letter dated 24.06.1987, the post of Switch Board Attendant, Lineman and Wireman were all re-designated as Electrician (SK) under the pay scale of Rs. 260-400/-

9/2

(Pre-revised) and Rs. 950-1500/- (Revised). Again in paragraph 6, it is stated that it is only by mistake that the similarly situated persons were granted the pay scale of Rs. 950-1500/-.

4. Mr. M. Chanda, learned counsel for the applicant submits that the applicants were appointed as Lineman, Switch Board Attendant and Wireman which are general categories, for which scale of pay is Rs. 950-1500/-. But by mistake, the respondents had offered the applicants the pay scale of Rs. 800-1150/- during the probation period. Mr. Chanda submits that the dicotomy of having two scales for the same post, one during the period of probation and the other after completion of probation period is not provided for anywhere in the Rules. Counsel submits that pursuant to the decision of the Calcutta Bench of the Central Administrative Tribunal an expert committee was constituted who has considered the matter and recommended for grant of higher scale of pay of Rs. 950-1500/- stating that there is an anomaly. Counsel submits that though the decision in the matter is pending, applicants' case has not been taken up for similar consideration. Counsel submits that at least a direction must be issued to the respondents to consider the case of the applicants also on similar lines.

5. Mr. A.K. Chauhduri, learned Addl. C.G.S.C. for the respondents, on the other hand, submits that at the time of initial appointment, the applicants were offered the scale of pay Rs. 800-1150/- during the probation period and scale of pay of Rs. 950-1500/- after satisfactory completion of the probation period, which the applicants have accepted. He submits that in the instant case, since the applicants were offered appointments with specified terms and conditions and since they have accepted the same, after a very long

S.P.A.

lapse of more than 15 years they cannot be heard to contend that they must be given scale of pay contrary to the terms and conditions of the appointment letter. Central Government Standing Counsel also took us to the appendix of the Annexure – I series which reads as follows:

"He will be in the scale of Rs. 800-15-1010-EB-20-1150 and will be considered for promotion in the scale of Rs. 950-20-1150-EB-25-1500 in terms of E-in-C8s Branch, New Delhi letter No. 90270/99/EIC dated 11 Jan 85 by DPC after satisfactory completion of two years service in the Grade (Semi Skilled)".

Standing Counsel accordingly submits that there is absolutely no merit in this application.

6. We have considered the rival submissions. As pointed out by Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents the offer of appointment (Annexure – I series) clearly provides for two separate scales of pay – one during probation and the other after probation (vide extracted portion above). The applicants have accepted the same and continued in the post for more than 15 years. It is only thereafter they had filed representations (Annexure – IV series). The 2nd respondent had issued speaking order dated 27.01.2004 wherein it is stated that this matter was taken up with the Government of India, but the Government of India did not accept the same. It is stated that the claim for grant of pay scale of Rs. 950-1500/- from the date of initial appointment was considered in the light of the decision of the Government of India communicated vide E-in-C's Branch letter dated 31-01-2003 and after due examination a decision was taken that the Government of India did not agree for grant of skill pay scale of Rs. 950-1500/-.

9/2

7. The issue relates to period of two years from the date of initial appointment. It is only for that period the pay scale of Rs. 800-1150/- was given. Admittedly, after two years of probation period, the applicants have been confirmed and granted the pay scale of Rs. 950-1500/. They had accepted the scale of pay mentioned in the offer of appointment letter and they remained without any objection for more than 15 years. In such circumstances they cannot be heard to contend against the terms and conditions under which they were appointed to the post. For this ground alone, this application, *prima facie*, deserves no merit. However, since the applicants have brought to our notice the communication dated 09.04.2002 (Annexure - VII) which are the recommendations of the expert committee constituted pursuant to the direction of the Calcutta Bench of the Tribunal in O.A. No. 118/97 filed by Sri P.K. Mahanta and Others, if the applicants make any representation and if any relief is granted to the applicants in the O.A. before the Calcutta Bench pursuant to the recommendation made by the expert committee, the competent authority among the respondents will consider the case of the applicants' also, if they are case similarly situated and pass appropriate orders on the representations.

8. It is open to the applicants to refer to and rely on the decisions of the Supreme Court in *M.R. Gupta V. Union of India*, (1995) 5 SCC 628 (paras 3, 5 and 6 on the question of delay) and in *Union of India and Others. V. Arun Kumar Roy* (1986) 1 SCC 675, (Supercession of appointment order by Rules Governing his service conditions). The respondents will consider the effect of these Judgments while considering the representations untrammelled by the observations made earlier.

Jpt

The O.A. is disposed of as above. In the circumstances no order as to costs.

The applicants will produce a copy of this order alongwith representation, if any, to be filed for compliance before the concerned authority.



(K.V. PRAHALAND)
ADMINISTRATIVE MEMBER



(G. SIVARANA)
VICE-CHAIRMAN

/mb/

30 AUG 2004

26

12
Sri Anjan Kumar Dey
Guwahati Bench

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

O.A. No. 1/2004

Sri Anjan Kumar Dey and Others.

-Vs.-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

30.6.87 to 26.2.88- Applicants were initially appointed on their respective dates during the period during the period from 30.6.87 to 26.2.1988, as Switch Board Attendant/ Wireman/ Lineman, in the same cadre and scale of pay of Rs. 800-1150/-. (Annexure-I)

30.10.1987- Appointment of other persons in the similar posts were made in the scale of Rs. 950-1500/ as evident from the appointment letter of one Sri Biren Kr. Dutta dated 30.10.87 (Annexure-III). While the applicants were placed in the scale of Rs. 800-1500/, other similarly situated persons were placed in the higher scale of Rs. 950-1500/ in a discriminatory manner.

31.05.1990- CAT, Guwahati passed its judgment and order in O.A. No 133(G)/89 and O.A. No. 152(G)/89 filed by some carpenter, mason, Wireman, Plumber (other than the applicants) of the respondent department who are in the same grade as that of these applicants and who were also placed in the scale of 800-1150 in a discriminatory manner. It was held that the applicants of O.A. No. 133 (G)/89 and O.A.No.152(G)/89 were entitled to the scale of Rs. 950-1500.

14.11.2003- Applicants submitted representations praying for the scale of Rs. 950-1500/- at par with their other counterparts. Prior to that the applicants constantly approached the respondents for parity of pay but not considered. (Annexure-IV Series)

27.01.04 and 03.02.04- Respondents addressed separate speaking orders in a common format to each of the applicants informing that their prayer for higher scale could not be agreed to by the Government but no reason for such rejection was assigned to. (Annexure-V Series)

Hence this application before the Hon'ble Tribunal.

PRAYER

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to grant the following relief(s):

1. That the respondents be directed to grant the scale of Rs. 260-400/- (Pre-revised) Rs. 950-1500/- (revised) at the relevant time and refix the pay accordingly to the applicants from the date of their initial appointment with all consequential benefits including arrear, annual increments etc. at par with their other counterparts.
2. That the impugned speaking orders dated 27.01.2004 and dated 03.02.2004 issued by the respondents in the name of each of the respective applicants (Annexure-V Series) be set aside and quashed.
2. Costs of the application.

14

4. Any other relief(s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

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

1. That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar for the respondents to consider the case of the applicants.

5

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

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

Title of the case : O. A. No. _____/2004

Shri Anjan Kr. Dey and Others : Applicants.

- Versus -

Union of India & Others : Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-13
02.	----	Verification	-14-
03.	I (Series)	Copy of the appointment letters.	15-29
04.	II	Copy of the letter dated 24.06.87.	30-33
05.	III	Copy of the appointment letter dated 30.10.87.	34-35
06.	IV (Series)	Copy of the representations dated 14.11.03.	36-51
07.	V (Series)	Copy of the speaking orders dated 27.01.04 & 03.02.2004.	52-67
08.	VI	Copy of the judgment and order dated 31.05.90.	68-77
09.	VII	Copy of the order dated 09.04.02	78-91

Filed by

Date: 90.08.04

Subrata Naskar
Advocate

Anjan Kr Dey

10

filed by the applicants
through: Subash Nath

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 202 /2004

BETWEEN

1. Shri Anjan Kumar Dey.
Electrician (SK)
Office of the Garrison Engineer.
Narengi, Satgaon,
Guwahati-781027.
2. Shri Animesh Das,
Electrician (SK)
Office of the Garrison Engineer,
Narengi, Satgaon
Guwahati-781027.
3. Shri Ram Bahadur Limbu,
Electrician (SK)
Office of the Garrison Engineer.
Shillong-2
4. Shri Tapash Nath.
Electrician (SK)
Office of the Garrison Engineer.
Shillong-2
5. Shri Biren Chandra Boro.
Electrician (SK)
Office of the Garrison Engineer.
Shillong-2
6. Shri Subash Nath.
Electrician (SK)
Office of the Garrison Engineer.

Anjan

Shillong-2

7. Shri Gautam Brahmachari.
Electrician (SK)
Office of the Garrison Engineer.
Shillong-2

8. Shri Shahadat Hussain.
Electrician (SK)
Office of the Garrison Engineer.
Shillong-2

...Applicants.

-AND-

1. The Union of India,
Represented by the Secretary to the
Ministry of Defence,
Govt. of India
New Delhi.
2. The Commander Works Engineer,
Spread Eagle Falls,
Shillong-793011.
3. The Garrison Engineer,
Narengi, Satgaon,
Guwahati-781027
4. The Garrison Engineer,
Shillong-2

... Respondents.

Amrapali Dey

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned speaking orders (1) No.1046/618/EIA dated 03.02.2004, (2) No.1046/617/EIA dated 03.02.2004, (3) No. 1046/616/EIA dated 27.01.2004, (4) No.1046/615/EIA dated 27.01.2004, (5) No. 1046/614/EIA dated 27.01.2004, (6) No. 1046/612/EIA dated 27.01.2004 (7) No.1046/611/EIA dated 27.01.2004 and (8)No. 1046/613/EIA dated 27.01.2004 addressed to the applicant No. 1,2,3,4,5,6,7 and 8 respectively whereby the applications of the said applicants for grant of higher scale of Rs. 950-1500/- to the applicants and re-fixation of their pay accordingly w.e.f. their respective dates of original appointment in the skilled grade were rejected by the respondents. The applicants at the time of their initial appointment in the skilled grade were placed in the lower scale of Rs.800-1150 whereas other similarly situated persons in the same grade were given the higher scale of Rs. 950-1500 in a discriminatory manner.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicants further declare that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case:

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

4.2 That applicants pray for permission to move this application jointly in a single application under section 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1985 as the relief's sought for in this application by the applicants are common.

4.3 That the applicants were initially appointed in different posts in the skilled grade and their respective designations and other details of appointments are furnished hereunder; -

Name	Designation	Date of appointment in the grade.	Place of posting.	Appointment order No.
Anjan Kr Dey	Switch board Attendant	26.04.1988	0/0 GE, Shillong	1285/A/1003/EIA
Animesh Das	Switch Board Attendant	31.12.1987	0/o GE, Shillong	1285/A/966/EIA
Ram Bahadur Limbu	Switch Board Attendant	26.02.1988	0/o GE, Shillong	1285/A/1/98/EIA
Tapash Nath	Switch Board Attendant	30.06.1987	0/o GE, Shillong	1208/R/351/EIC(I)

Anjan Kr Dey

Biren ChandraBoro	Wireman	15.10.1987	O/o Shillong	GE, 1285/A/956/EIA
Subash Nath	Wireman	23.10.1987	O/o Shillong	GE, 1285/A/962/EIA
Gautam Bra- hamachari	Lineman	12.10.1987	O/o Shillong	GE, 1285/A/934/EIA
Shahadat Hussain.	Switch Board Attendant	30.12.1987	O/o Shillong	GE, 1285/A/965/EIA

It is relevant to mention here that the posts of Switch Board Attendant, Wireman, Lineman etc are all in the same cadre and as such the present applicants only were placed in the scale of Rs. 800-1150 at the time of appointment.

(Copy of appointment letters are annexed hereto as Annexure-I Series)

4.4 That subsequently all the trades of the industrial cadre of the MES were rationalized in order to conform to the structure of the National classification of occupation vide letter no. 91026/ETC/88/116/D (W-II) dated 24.06.1987 issued by the Ministry of Defence, Government of India. Under the said rationalization, the post of switch board attendant, lineman, wireman were all redesignated as Electrician (SK) and they all were in the same scale of Rs. 260-400 (pre-revised) as evident from the said letter dated 24.06.1987. Accordingly these applicants were also redesigned as electrician (SK). Further although all the applicants were initially posted in the office of the GE, Shillong but subsequently the applicant no. 1 and 2 were

transferred and posted in the office of the GE, Narengi, Guwahati, Where as the other applicants are still continuing at Shillong.

(Copy of letter dated 24.06.1987 is enclosed hereto as Annexure-II.)

4.5 That the present applicants were all placed in the scale of Rs. 800-1150/ at the time of the appointment whereas other similarly situated Switch Board Attendant, Lineman, Wireman who were appointed along with the applicants at that time were placed in the higher scale of Rs. 950-1500/ at the time of their appointment. It has been observed that those persons who were posted at Shillong were placed in the lower scale of Rs. 800-1150/-, which includes the applicants also whereas those posted at Guwahati were given in the higher scale of Rs. 950-1500/. It may be evident from one appointment letter issued under No. 1016/4784/EIN B dated 30.10.1987 in the name of Sri Biren Kumar Dutta who by virtue of his posting at Guwahati was placed in the higher scale of Rs. 950-1500/, although he was appointed in the post of wireman and a large number of similarly situated as that of the applicants. There are other instances also. However, inspite of the best effort the applicants could not collect those appointment orders carrying scale of Rs. 950-1500/-. Thus the applicants have been grossly discriminated upon.

(Copy of appointment letter dated 30.10.1987 is enclosed hereto as Annexure-III).

Ajarni Kr Dey

4.6 That the applicants being aggrieved at this, approached the respondents seeking justice and submitted representations on 14.11.2003 praying for grant of higher scale of Rs. 950-1500/- i.e. at par with that of their other counterparts. It is pertinent to mention here that the applicants are doing the same duties and responsibilities like the other Switch Board Attendant, Wireman and Lineman who have been given the scale of Rs. 950-1500/-.

(Copy of representations (8 Nos.) dated 14.11.2003 are annexed hereto as Annexure-IV Series).

4.7 That in reply to the representations aforesaid, the respondent No.2 has issued one impugned speaking order in a common format addressed separately to each of the applicants on 27.01.2004 and 03.02.2004 informing the applicants that their prayer of higher scale of Rs. 950-1500/- could not be agreed to by the Govt. of India for which no reason has been assigned. The respondents have therefore rejected the prayer of the applicants in an arbitrary, unjust and discriminatory manner.

(Copy of the speaking orders dated 27.01.2004 and 03.02.2004 (8.nos) are annexed hereto as Annexure-V Series).

4.8 That it is stated that similar discrimination was also made by the respondents in case of some other carpenter, Mason, Wireman, Plumber who were in the same skilled Grade as that of these applicants and were placed in the lower scale of Rs.800-1150/- as done in

Arjun Kr Dey

case of these applicants. Consequently a group of those workers approached the Hon'ble Central Administrative Tribunals, Guwahati Bench through O.A.No 133(G)/1989 and O.A.No 152(G)/1989 praying for grant of higher scale of Rs. 950-1500/. The Hon'ble CAT after examining the cases disposed of both the O.A's vide a common judgment and order dated 31.05.1990 holding that the applicants of O.A. No. 133 (Manik Ch. Das & ors. - Vs- U.O.I & Ors) and O.A. No. 152 (Jatin Saikia & Ors. - Vs- U.O.I & Ors.) are entitled to the scale of Rs. 950-1500/- with usual allowances and yearly increment from the dates of their first appointment and further directed the Respondents of those O.A'S to implement the order within a period of 90 days time. It is pertinent to mention here that the applicants of this application are also holding the similar posts and doing the same duties and responsibilities and as such the principle laid down in the judgment dated 31.05.1990 are also applicable in case of these applicants. But unfortunately the Respondents herein acting arbitrarily and most mechanically denied to extend the same benefit to these applicants.

(Copy of the judgment and order dated 31.05.1990 is annexed hereto as Annexure-VI).

4.9 That it is stated that the Army Headquarter, Engineer-in-Chief Branch, New Delhi vide it's letter bearing No. 90270/73/86/EIC (3) dated 9th April, 2002 it is informed that an expert committee was constituted on

the order of the Hon'ble CAT, Kolkata, passed in O.A. No. 118/97 for redressal of grievances of employees and with the view of intention to remove anomalies which are created while implementing the recommendations of the expert committee report and asked for comments of the various commands with the instruction to submit the said comments by 15th May, 2002. The present applicants are also victims of similar circumstances as because they were placed in the lower pay scales of Rs. 800-1150/- whereas other similarly situated persons in the same grade were given the higher scale of Rs. 950-1500/- in a discriminatory manner. Therefore, finding no other alternative the applicants are approaching this Hon'ble Tribunal for a specific direction upon the respondents for grant of pay scale of Rs. 950-1500/- to the applicants from the date of their initial appointment. In this connection it may be stated that the applicants in spite of their best effort could not obtained a complete copy of the order dated 09.04.2002, however they have obtained a copy of the order dated 09.04.2002 where some paragraphs are missing. Therefore the Hon'ble Court be pleased to direct the respondents to produce a complete copy order dated 09.04.2002 for proper adjudication of the case of the applicants.

(Copy of the order dated 09.04.02 is annexed hereto for perusal of Hon'ble Tribunal as Annexure-VII).

4.9 That due to denial of the aforesaid benefit to the applicants, the respondents have been committing a

continuous wrong and fresh cause of action arises every month when the salary of the applicants are paid at a lower rate causing great financial loss to the applicants.

4.10 That the applicants are legitimately entitled to the scale of Rs. 950-1500/-, which have been denied to them. As such finding no other alternative, the applicants are approaching this Hon'ble Tribunal and it is a fit case for the Hon'ble Tribunal to interfere with and protect the legitimate rights and interests of the applicants, directing the respondents to grant the scale of Rs. 950-1500/- to the applicants from the date of their first appointment with all consequential benefits at par with their counterparts.

4.11 That this application is made bonafide and for the interest of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicants are entitled to the scale of Rs. 260-400/- (pre-revised) and revised Rs. 950-1500/- at the time of their first appointment but they have been wrongly placed in the lower scale of Rs. 800-1150/-.

5.2 For that, a large numbers of similarly situated persons in the same grade who joined along with the applicants under G.E, Guwahati were given the higher scale of Rs. 950-1500/- and as such these applicants are also

entitled to get the same since they are doing the same duties and responsibilities.

5.3 For that, the similar issue was dealt in by this Hon'ble Tribunal in case of some other applicants vide O.A.NO 133(G)/89 and 152(G)/89 and the Hon'ble Tribunal vide its judgment dated 31.05.1990 held that those applicants are entitled to the scale of Rs. 950-1500/-. These applicants are similarly situated and hence entitled to get the same benefit.

5.4 For that, the applicants prayed and submitted representations for grant of the scale of Rs. 950-1500/ to them, which were rejected by a non-speaking order issued by the respondents.

5.5 For that, the respondents did not assign any reason for rejection of the claims of the applicants and as such is arbitrary, malafide, illegal, unjust and unfair.

5.6 For that, the denial of the scale of Rs. 950-1500/ to the applicants is discriminatory, and violative of the Article-14 and 16 of the Constitution of India and contrary to the principles of natural justice.

5.7 For that the applicants have been suffering heavy financial loss and in terms of service prospects due to denial of their legitimate claim.

6. Details of remedies exhausted.

That the applicants state that they have exhausted all the remedies available to them and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to grant the following relief(s):

- 8.1** That the respondents be directed to grant the scale of Rs. 260-400/- (pre-revised) Rs. 950-1500/- revised at the relevant time and re-fix the pay accordingly to the applicants from the date of their initial appointment with all consequential benefits including arrear, annual increments etc. at par with their other counterparts.
- 8.2** That the impugned speaking orders dated 27.01.2004 and dated 03.02.2004 issued by the respondents in the name of each of the respective applicants (Annexure-V Series) be set aside and quashed.

8.3 Costs of the application.

8.4 Any other relief(s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicants pray for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar for the respondents to consider the case of the applicants.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.	:	20 G 113115
ii) Date of Issue	:	18.8.04
iii) Issued from	:	G Po. Gurdiali
iv) Payable at	:	G Po. Gurdiali

12. List of enclosures.

As given in the index.

Aijaz Khan Daf

VERIFICATION

I, Shri Anjan Kumar Dey, S/o Shri Asit Kumar Dey, aged about 36 years, working as Electrician (SK) in the office of G.E, Narangi, Guwahati one of the applicant in the instant application duly authorized by the others to verify this verification, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 30th day of August, 2004.



Tele. Mily-436

Commander Nirman Engineers
Commander Works Engineers
Spread Eagle Falls
Shillong-733011

1285/A/ (00) 1/IA

26 Apr 88

Shri. Anjan Kr. Dey

Qr. No. 421/6

Babubli Maidan

Gauhati -21

APPOINTMENT S B A

1. You are hereby offered the appointment of S B A in the scale of pay Rs. 800-15-1010-LB-20-1150, per month other allowances as admissible from time to time.
2. Your appointment will be subject to the conditions mentioned in Appendix 'A' attached.
3. If you accept the offer, you are hereby posted to GE(AF) Shillong where you may report on or before 14 May 88, failing which the offer of appointment will be treated as cancelled.
4. Unless directed by the authority refer to in para 3 above to do otherwise you are required to produce on reporting for duty the documents listed in the paragraph 6 of the appendix 'A' referred to above in original for verification.

Sat Parkash(Sat Parkash)
AO 2
for Commander Works Engineers

HOO

Copy to :-

1. GE (AF) Shillong Together with Appendix 'A' and verified
2. GE Shillong PV Roll in original.
3. GE (P) Umroi

Before allowing the individual to join duty it should be ensured that date of birth/Edn/Tech qualification certificate etc are invariably verified from original certificate produced by the individual. The individual Regn. No. is 110787-356/183

P.T.O

Done this
day of
February
1988

- 2 -

The name of the individual was *Ganesh*, sponsored vide Employment Exchange No. 1825/SS-1761 dt 27-3-88 which should be published in PTO while taking him in the strength.

PV Roll should be initiated at your earliest, Hq and.

Please note that individual will not be allowed to join duty until and unless documents listed in Para 7 of appendix 'A' are produced by him duly completed in all respect. In case of illiterate persons not having any proof of age the same will be determined on the authority of Medical certificate under Art 49 CSR. In case of any doubt the case should be referred to this HQ for decision.

He will be in the scale of Rs.800-15-1010-EB-20-1150 and will be considered for promotion in the scale of Rs.950-20-1150-EB-25-1500 in terms of E-in-C3 Branch, New Delhi letter No.99270/SC/EIC dated 11 Jan 85 by DPC after satisfactory completion of two years service in the grade 4 (semi skilled).

APPENDIX A
30/12/87

File No. 436

ANEXURE I series
Commander Nirman Engineers
Commander Works Engineers
Spread Eagle Falls
Shillong - 793011

230/A/106/EIA

3 Dec 87

Mr. Anilash Das

20-A, ~~Binders~~ Super Market

Guwahati

APPOINTMENT : SBA

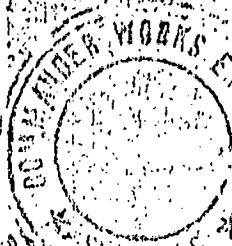
You are hereby offered the appointment of SBA in the scale of pay RS. 800-15-1010-EB-20-1150 per month other allowances as admissible from time to time.

Your appointment will be subject to the conditions mentioned in appendix 'A' attached.

If you accept the offer, you are hereby posted to ~~Orissa~~ where you may report on or before ~~15 Jan 88~~ in the offer of appointment will be treated as vacated.

Unless directed by the authority refer to in para 3 above to do otherwise, you are required to produce on reporting for duty the documents listed in the paragraph 6 of the Appendix 'A' referred to above in original for verification.

Your appointment is subject to detailed verification from your authority.



(Signature)
Sat Parkash
AO 2
Commander Works Engineers

Copy to:

1. GE(AF)Shillong () Together with Appendix 'A' and verified
2. GE Shillong () PV Roll in original.
3. GE(P)Umri ()

Before allowing the individual to join duty it should be ensured that date of birth/Edn/Tech qualification certificate etc. etc. are invariably verified from original certificate produced by the individual. The individual Regn. No. is 3475/87.

P.T.O.

*True copy
from private
30/12/87*

The name of the individual was
Guwahati sponsored vide Employment Exchange
No _____ dt _____ which
should be published in PRO while
taking him in the strength.
ad 2 Dec 87

PV Roll should be initiated at
your end, by (u), (v).

Please note that individual will not
be allowed to join duty until and
unless documents listed in para 7
of appendix 'A' are produced by him
duly completed in all respects.
In case of illiterate persons not
having any proof of age the same will
be determined on the authority of
Medical certificate under Art. 19 CCR.
In case of any doubt the case will be
referred to this HQ for

He will be in the scale of Rs. 800-15-
1010-EB-20-1150 and will be considered
for promotion in the scale of Rs. 950-
20-1150-EB-25-1500 in the terms of E-1-C's
Br New Delhi letter No 90270/89/ER0 dated
11 Jan 85 by DFC after satisfactory
completion of two years service in the
grade (semi skilled)

ANNEXURE-I Series

Telc Hily-436

1285/A/1/ 98 . /SIA

Shri Ram Bhadur Limbu,

Rynjah Basti

Umping - Shillong-6

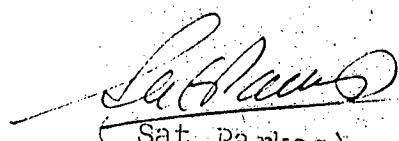
Read Post

Commander Nirman Engineers
Commander Works Engineers
Spread Eagle Falls
Shillong- 793011

26 Feb 88

RACRITMENT :- S B A

1. Your name has been sponsored by Zila Sainik Board Shillong for the post of S B A. Please attend this office on 08 Mar 88 at 1000 hrs for interview alongwith the following documents :-
 - (a) Rogr Card.
 - (b) Original Edn Certificate.
 - (c) Documentary evidence for date of birth.
 - (d) Caste certificate in original if any.
 - (e) I.T.I. certificate in original.
 - (f) Discharge Certificate.
2. No TA/DA will be paid for this purpose.


Sat Parkas)

AO 2

for Commander Works Engineers

True Copy
Fm
Advocate
Bofslon

REGISTERED POST BY HAND

Mukhyalaya 137, Nirman Engineers
Headquarters 137 Works Eng Indors
C/O 199 APO

122R/N 351 EIC (I)

30 Jun 1987

1. Mr. Tapan Nath
2. Narendra Nath
3. Tapan Nath
4. Cashar

APPOINTMENT

1. Reference your interview held on 22 May 87 for the post of
2. You are hereby offered the provisionally appointment as SBA in the scale of Pay of Rs. 800-15-10-10-20-1150/- and other allowances as admissible from time to time.
3. Your appointment will be subject to the conditions mentioned in Appendix 'A' to this letter.
4. If you accept the offer, you are hereby directed to report for duty to ~~NE 167 G.S.~~ (nearest railway station ~~Kakame~~) on or before 22nd June 1987, failing which, the offer of appointment will be treated as cancelled. 30 Sep '87
5. No TA/DA will be admissible.
6. You will produce all the documentary proof/certificate in respect of age, qualification, SC/ST/Ex-Serviceman in original, at the time of joining and as and when called for by the authorities referred to in para 4 above at a later stage.
7. However, you will be in skilled grade in scale of pay of Rs. 950-20-1150/- Authority ~~Chief Engg in~~ SAIL Kharagpur X Zone X Post Engrs after completion of satisfactory 2 years probationary period as per HQ E-in-C's Br. letter No. 90270/89/EIC dated 11 Jun '85.

(P. V. Joseph)

Capt
Adjt/Adm Offr
Commandor Works Engrs

Truly Yours
John Joseph
30/08/87

Headquarters
Chief Engineer
Billing Zone
Billing #1

for information.

Along with character certificate in original. Final Police verification will be done by your office / this office after taking the individual in strength. Till such time the final and satisfaction PV roll is received the individual will be on provisional appointment on the basis of certificates from Gazetteed offr/ Magistrate for satisfactory character and antecedents.

Please verify all documents in original for qualification, age and SC/ST/Ex-Serviceman before the individual is taken on strength.

The date of reporting/TOG will be intimated to this HQ and the name of the individual will be added in your establishment register.

The individual has been sponsored by Employment Exchange Silchar under their letter No ORD-129-31/87/3401/549 dated 24/6/87. No necessary PTO be issued to that effect.

60
16

ER

DR
919

Entered at 1245 hrs
on 9/9

Tele. Mily - 436

Commander Nirman Engineers
 Commander Works Engineers
 Spread Eagle Falls
 Shillong - 793011

1285/A 956 /EIA

15 Oct 87

Shri. Biren Chandra Boro
C/O Dr. R. Swargiang

Fatasil-Ambari, Guwahati- 25.

APPOINTMENT : WIREMAN

1. You are hereby offered the appointment of Wireman in the scale of pay RS. 800-15-1010-EB-20-1150 per month other allowances as admissible from time to time.
2. Your appointment will be subject to the conditions mentioned in appendix 'A' attached.
3. If you accept the offer, you are hereby posted to GE Shillong where you may report on or before 01 Nov 87 or failing which the offer of appointment will be treated as cancelled.
4. Unless directed by the authority refer to in para 3 above to do otherwise, you are required to produce on reporting for duty the documents listed in the paragraph 6 of the Appendix 'A' referred to above in original for verification.

S. P. Farkash
 (Sat Farkash)
 AO 2
 Commander Works Engineers

NOC

Copy to :

1. GE(AE) Shillong
2. GE Shillong
3. GE(P) Umripi

Together with Appendix 'A' and verified
 PV Roll in original.

Before allowing the individual to join duty it should be ensured that date of birth/Edn/Tech qual. qualification certificate etc etc are invariably verified from original certificate produced by the individual. The individual's Regn No is 4836/87.

P.T.O

*True copy
 Sat Farkash
 30/10/87*

Gauhati

LICD-54-60/87/13130
dated 24 Sep '87

The name of the individual was sponsored vide Employment Exchange No _____ dt _____ which should be published in PTO while taking him in the strength.

has been PV Roll /S/ initiated /11/11/1987 by this office.

Please note that individual will not be allowed to join duty untill and unless documents listed in para 7 of appendix 'A' are produced by him duly completed in all respects. In case of illiterate persons not having any proof of age the same will be determined on the authority of Medical certificate under Art. 49 CSR. In case of any doubt the case should be referred to this HQ for decision.

He will be in the scale of Rs 800-15-1010-EB-20-1150 and will be considered for promotion in the scale of 950-20-1150-EB-25-1500 in terms of E-in C's Branch, New Delhi letter No 90270/82/LI C dated 11 Jan 85 by DPC after satisfactory completion of two years service in the grade (Semi Skilled).

Tele. Mly - 436

Commander Nirman Engineers
 Commander Works Engineers
 Spread Eagle Falls
 Shillong - 793011

1285/A 962 /EIA

23 Oct '87

Shri. Subash Nath
 C/O Mrinal Sarma,
 Birubari (Fahari Para)
 Guwahati - 16

APPOINTMENT : WIREMAN

1. You are hereby offered the appointment of Wireman in the scale of pay RS. 800-15-1010-EB-20-1150 per month other allowances as admissible from time to time.
2. Your appointment will be subject to the conditions mentioned in appendix 'A' attached.
3. If you accept the offer, you are hereby posted to Shillong where you may report on or before 21 Oct '87 failing which the offer of appointment will be treated as cancelled.
4. Unless directed by the authority refer to in para 3 above to do otherwise, you are required to produce on reporting for duty the documents listed in the paragraph 6 of the Appendix 'A' referred to above in original for verification.



Sat Parkash

(— Sat Parkash —)
 AO 2
 Commander Works Engineers

NOC

Copy to :-

1. GE(AF)Shillong
2. GE Shillong
3. GE(P)Umroi

Together with Appendix 'A' and verified
 PV Roll in original.

Before allowing the individual to join duty it should be ensured that date of birth/Edn/Tech qualification certificate etc are invariably verified from original certificate produced by the individual. The individual Regn No is 9720/86.

P.T.O

*True copy
 Sat Parkash
 20/10/87*

-2-

Gauhati

LICD-54-60/87/13130
dated 24 Sep '87

The name of the individual was
sponsored via Employment Exchange
NO. _____ dt. _____ which
should be published in PTO while
taking him in the strength.

PV Roll ~~should be~~ initiated by
~~PPA~~ by this office.

Please note that individual will not
be allowed to join duty until and
unless documents listed in para 7
of appendix 'A' are produced by him
duly completed in all respects.
In case of illiterate persons not
having any proof of age the same will
be determined on the authority of
Medical certificate under Art. 49 CSM.
In case of any doubt the case should
be referred to this HQ for decision.

He will be in the scale of Rs 800-15-
1010-EB-20-1150 and will be considered
for promotion in the scale of 950-20-
1150-EB-25-1500 in terms of E-in-C's
Branch, New Delhi letter No 90270/89/
EIC dated 11 Jan 85 by DPC after
satisfactory completion of two years
service in the grade (Semi Skilled).

Tele. Mily - 436

Commander Nirman Engineers
 Commander Works Engineers
 Spread Eagle Falls
 Shillong - 793011

1285/A/ 834 /EIA

12 Oct '87

Sri. Gautam Brahmachari
C/O BK. Brahmachari
Nambari, Guwahati-11

APPOINTMENT OF LINEMAN

1. You are hereby offered the appointment of Lineman in the scale of pay RS. 800-15-1010-EB-20-1150 per month other allowances as admissible from time to time.
2. Your appointment will be subject to the conditions mentioned in appendix 'A' attached.
3. If you accept the offer, you are hereby posted to GE Shillong where you may report on or before 31 Oct '87 failing which the offer of appointment will be treated as cancelled.
4. Unless directed by the authority refer to in para 3 above to do otherwise, you are required to produce on reporting for duty the documents listed in the paragraph 6 of the Appendix 'A' referred to above in original for verification.

S. Parkash
 AO 2
 Commander Works Engineers

NOO

Copy to :-

1. GE(AF)Shillong
2. GE Shillong
3. GE(P)Umrpi

Together with Appendix 'A' and verified
 PV Roll in original.

Before allowing the individual to join duty it should be ensured that date of birth/Edn/Tech qualification certificate etc are invariably verified from original certificate produced by the individual. The individual Regn No is 7479/85.

P.T.O

me too
Sub. pincode
Bo. no.

Gauhati

The name of the individual was sponsored vide Employment Exchange

NO/

which should be published in PTO while taking him in the strength.

has been

PV Roll No 810424/101 initiated
by this office.

Please note that individual will not be allowed to join duty until and unless documents listed in para 7 of appendix 'A' are produced by him duly completed in all respects. In case of illiterate persons not having any proof of age the same will be determined on the authority of Medical certificate under Art. 49 CSR. In case of any doubt the case should be referred to this HQ for decision.

He will be in the scale of Rs 800-15-1010-EB-20-1150 and will be considered for promotion in the scale of 950-20-1150-EP-25-1500 in terms of E-in-C's Branch letter No 90270/89/EIC dated 11 Jan 85 by DPC after satisfactory completion of two years service in the grade (Semi Skilled).

LION-54-80/87/13130
dated 24 Sep '87

Tele Mily - 436

Commander Nirman Engineers
Commander Works Engineers
Spread Eagle Falls
Shillong - 793011

1235/A/ 965 /EIA

Dec 87

Suri Shahadat Hussain
Choudhury Tailoring House

Silvukhuri

Guwahati - 3

APPOINTMENT I SBA

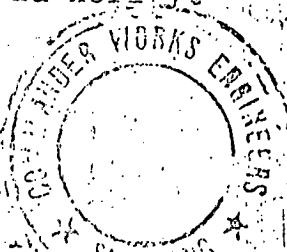
1. You are hereby offered the appointment of SBA in the scale of pay RS. 800-15-1010-EB-20-1150 per month other allowances as admissible from time to time.

2. Your appointment will be subject to the conditions mentioned in appendix 'A' attached.

3. If you accept the offer, you are hereby posted to GE Shillong where you may report on or before 16 Jan 88 failing which the offer of appointment will be treated as cancelled.

4. Unless directed by the authority refer to in para 3 above to do otherwise, you are required to produce on reporting for duty the documents listed in the paragraph 6 of the Appendix 'A' referred to above in original for verification.

5. Your appointment is subject to detailed verification from civil authority.

HQD
Copy to :-

Sh. Parkash
(Sh. Parkash)
AO 2
Commander Works Engineers

1. GE(A) Shillong (Together with Appendix 'A' and verified
2. GE Shillong (PV Roll in original.
3. GE(P) Umripi

Before allowing the individual to join duty it should be ensured that date of birth/Edn/Tech qualification certificate etc are invariably verified from original certificate produced by the individual. The individual Regn No is 8819/86.

P.T.O

*Me God
Don't write
so fast*

The name of the individual was
Guwahati sponsored vide Employment Exchange
No. _____ dt. _____ which
should be published in PTO while
taking him in.

giving him in the strength.
He has been
PV Roll should be initiated at
your end, by the office

Please note that individual will not be allowed to join duty until and unless documents listed in para 7 of appendix 'A' are produced by him duly completed in all respects. In case of ill health, he will be allowed to join duty only after he is fit.

In case of illiterate persons not having any proof of age, the same will be determined on the authority of Medical certificate under Art. 49 CSR. In case of any doubt the case should be referred to this HQ for decision.

He will be in the scale of Rs. 800-15-1010-EB-20-1150 and will be considered for promotion in the scale of Rs. 950-89-1150-EB-25-1500 in the terms of E-in-C's Br. New Delhi letter No 90270/39/EMO dated 11-Jan-85 by DPG after satisfactory completion of two years service in the grade (Semi Skilled).

No. 91026/EIC/88/1/D (U-I)

No. Bldgs/RTG/OC/D (H-18)

Government of India

Ministry of Defence,

New Delhi, the 24 June 1987

To
The Chief of the Army Staff
NEW Delhi.Subject :- NATIONALISATION OF TRADES OF THE INDUSTRIAL
CADE OF THE MES

S.A.P.

The President is pleased to sanction the redesignation and codification of the following categories of personnel in the MES in order to conform to the structure of the National Classification of Occupations :-

Sl. No	Existing Designation	Revised NCO	Code No	Pay scale	
				1	2
1.	Charge Electrician	Senior Electrician (H-1)	861.10	380-12-500- EB-15-560	
2.	Charge Mechanic	Senior Mechanic (H-1)	-	-do-	
3.	Charge Mechanic Refrigeration	Senior Mechanic Refrigeration & Air Conditioning (H-1)	845.70	-do-	
4.	Driver Mechanical Equipment	Operator Earth Moving Machinery (SK)	974.10 974.15 974.20	260-6-290-EB-6 326-8-366-EB-8 390-10-400.	
5.	Armature Winder Electrician	Electrician (SK)	979.10 851.10	851.10	-do-
6.	6.				
7.	Cabinet Maker	Carpenter (SK)	811.20	(811.20)	
8.	Carpenter	Carpenter (SK)	811.20	-do-	
9.	Sawyer				
10.	Fitter Engine	Mechanic Petrol and Diesel Engine (SK)	845.10 845.13	-do-	
11.	Engine Artificer				
12.	Instrument Reparator	Mechanic precision Instrument	841.15 841.20 851.20	-do-	

Contd... 2/-

*One copy
for
Jai
Sawant
of 801*

2	3	4	5
Refrigerator Mechanic	Mechanic Refrigerator	845.70	260-6-290-EB-6-326-8- 366-EB-8-3900-10-200
Turner	Machinist (SK)	835.10	-do-
Driver Engine Static, Driller, Road Roller (IC) & Small plant Compre- ssors, Dumper, Dacauyile Engines, Concrete Mixers	(a) Driver Engine Static (SK) (b) Driver Mobile Plant (SK) (c) Driver Concrete Mixor (SS)	961.20 961.25 974.45 974.70	210-4-226-EB-4-250- EB-5-290.
Driller well Boring	well Driller cum pile driver	717.10 974.12	260-6-290-EB-6-326- 383-366-EB-8-390- 10-400.
Line Man	Electrician (SK)	855.10	-do-
Switch Board Attendant	Electrician (SK)	857.10	-do-
Wireman	Electrician (SK)		-do-
Mason	Mason (SK)		951.20 951.40 951.90 952.10 952.30 952.60 955.10 976.00
Packer Grade I	Packer Gde I		260-6-290-EB-6-326- 8-366-EB-8-390-200- 210-4-EB-4-250-EB- 5-290.
Packer Grade II	Packer GDE II		871.10 260-6-290-EB-6- 326-8-366-EB-8-390- 10-400.
Pipe Fitter	Fitter Pipe		871.20 -do-
Plumber			942.30 210-4-226-EB-4- 250-EB-5-290.
Cane Weaver	Cane man		
Lift Attendant	Lift Operator	979.30	-do-
Motor pump Attendant	Pump House Operator	961.70	260-6-290-EB-6- 326-8-366-EB-8- 390-10-400.
Ballow Boy	Ballow Boy		210-4-226-EB-4- 250-EB-5-290.
Cable Jointer	Cable Jointer (HS-II)	257.30	330-8-370-10- 400-EB-10-400

		3	4	5
1.	Lift Mechanic	Lift Mechanic (SK)	-	260-6-290-EB-326-8- 366-EB-8-390-10-400
2.	Pattern Maker	Carpenter (SK)	891.20	-do-
3.	Vehicle Mechanic	Vehicle Mechanic (SK)	843.20	-do-
4.	Welder	Welder (SK)	872.70 872.20	-do-
5.	Boiler Attendant	Boiler Attendant (SK)	962.20	-do-
6.	Blacksmith	Blacksmith (SK)	831.10	-do-
7.	Moulder	Moulder (SK)	725.10	-do-
8.	Painter	Painter (SK)	932.10 932.39	-do-
9.	Upholsterer	Upholsterer (SK)	796.10	-do-
10.	Operator Pneumatic Tools	Operator Pneumatic Tools (SK)	713.10 974.42	-do-
11.	Hammerman	Hammerman (SS)	831.40	210-4-220-EB-4- 250-EB-5-290.
12.	Mate	Mate (SS)	"	-do-
13.	Valveman	Valveman (SS)	"	-do-
14.	Mazdoor	Mazdoor (USK)	999	196-3-220-EB-3-232

Sanction is also accorded for the modification in the existing trades as shown below :-

(a) The trades of Tailor will be abolished : existing incumbants will be re-designated as Upholsterers.

(b) The trades of Veharpoy Stringer, Coal Trimmer and Fireman will be abolished : existing incumbants in the pay scale of Rs. 210-290 will be redesignated as Mates. The existing Charpoy Stringers in the pay scale of Rs 196-232 will be redesignated as Mazdoors.

Contd....4.....

(c) Signwriter and Driver Compressor will also be abolished and existing incumbents re-designated as painter and Driver Engine Static respectively.

(d) There will be no future recruitment of Glazier, and the category will be abolished when existing holders are washed out.

3. The relevant recruitment rules will be amended as necessary. Pending such amendment, recruitment as well as the channels of promotion and demotion will be on the basis of above modification as an interim measure.

4. The duties of the posts will be laid down by the Engineer-in-Chief.

5. This letter issues with the concurrence of the Ministry of Finance (Defence) vide their u.o. No.1809/M-III of 1986.

Yours faithfully,
Sd/
(G.P. BHUGUNA)
Under Secretary to the Govt
of India

Telephone 31231

REGISTERED
Commander Nirman Engineer
Commander Works Engineers
AT Road Santipur
Gauhati 781009

91

1316/ 14/10/87/EINB

Sri. Biron Kr Dutta
Vill : Kokeria
Su. : Baihata
Dist : Kamrup

30 Oct 87

APPOINTMENT AS FIREMAN

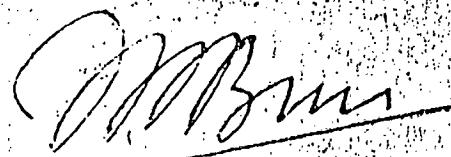
Reference your interview held in this office on 25 Sep 87

1. You are hereby offered the appointment of Fireman in the scale of Rs. 950-20-115-44-15/- and other allowances as admissible from time to time. It may also be noted that your appointment will be subject to the conditions laid down in Appendix 'A' attached.

2. If you accept the offer, you are hereby directed to report to the office of G.F. Maranui for duty on or before 14 Nov 87 with requisite certificates/documents for verification and record.

3. No TA/DA is admissible for joining the duty.

4. If you are not joining duty by the above date, it will be assumed that you are not longer interested for the offer and this offer will automatically stand cancelled.



(HS Brar)
Lieutenant
Administrative Officer
Commander Works Engineers

Encls : 7 Nos

Copy to :

Contd... 2/-

Me Crp
Jad. private
before

Copy to :-

1. Narongi 0
2. Borjar 0
3. 58 Engr Park 0
4. (f) Rangiyा 0

1. The above individual has been posted to your division against existing vacancy and will be taken on strength. Please ensure that all the original documents with regard to age/qualification/caste verified before taking the individual on strength. The individual's Regt No. 6094/86 Rangiyा
2. Character verification form in respect of the individual is enclosed duly verified by the Police authorities.
3. The above appointment is subject to verification of CV Roll for which necessary CV Roll forms duly got filled by the above individual may be sent to Police authorities.
4. Please ensure that documents listed below are obtained from the individual and kept in record. The date of reporting of the individual will be intimated to this office within 24 hours from the occurrence of casualty :-
 - (a) Certificate of fitness from Civil Surgeon or Staff Surgeon of a Military Hospital.
 - (b) Medical Certificate under Art 49 CSR.
 - (c) Declaration of Marriage.
5. However appointment is subjected to verification of CV Roll about which respective police authorities are being requested.

From
Shri Anjan Kumar Dey,
Electrician (SK)
Office of the Garrison Engineer
Narengi, Satgaon,
Guwahati-781027

To
The Commander Works Engineers
S.E.Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Switch Board Attendant with effect from 12.05.1988 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E., Air Force, Shillong. Subsequently I was transferred and posted at Narengi, Guwahati in 1993 and still continuing as such.

A copy of my appointment letter dated 26.4.1988 is annexed herewith for your kind perusal and marked as Annexure-A.

2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.

3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.

4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were

*Free Com
for
permitted
26/6/88*

from the letter No. 91026/ETC/88/116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17,18 and 19 alongside their pay scales.

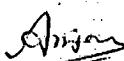
Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Yours faithfully,



(ANJAN KUMAR DEY)

Date : 14-11-83

From
Shri Animesh Das,
Electrician (SK)
Office of the Garrison Engineer
Narengi, Saliqaon,
Guwahati-781027

To
The Commander Works Engineers
S.E.Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

(Through proper channel).

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Switch Board Attendant with effect from January, 1988 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E., Shillong. Subsequently I was transferred and posted at Narengi, Guwahati in 1996 and still continuing as such.

A copy of my appointment letter dated 30.12.1987 is annexed herewith for your kind perusal and marked as Annexure-A.

2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/- As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/RINB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.

A copy of appointment order of 30-10-87 is annexed

4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence,

*Received
Date 11/11/88*

*True copy
for
reference
before
posting*

Government of India wherein the above mentioned designations have been shown under Sl. No. 17,18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Date : 14-11-03

Yours faithfully,

Animesh Das

(ANIMESH DAS)

From
Ram Bahadur Limbu
Electrician (SK)
Office of the Garrison Engineer
Shillong - 2
(Through proper channel)

To

The Commander Works Engineers,
Spread Eagle Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Switch Board Attendant, with effect from March 1988 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E. ~~Max Engg.~~ Shillong-2 where I am continuing as such. A copy of my appointment letter dated 26.2.1988 is annexed herewith for your kind perusal and marked as Annexure-A.
2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.
4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17, 18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

True copy
for
reference
9/6/89

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Yours faithfully,

(RAM BAHADUR LIMBU)

A/71100701
Elect/SK.

Date : 14/11/2003

From
Tapash Nath
Electrician (SK)
Office of the Garrison Engineer
Shillong - 2

To *(Through proper channel)*

The Commander Works Engineers,
Spread Eagle Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Switch Board Attendant, with effect from September 1987 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E. Shillong, Shillong where I am continuing as such. A copy my appointment letter dated 30.06.1987 is annexed herewith for your kind perusal and marked as Annexure-A.
2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.
4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/ 116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17,18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

*True copy
from
Advocate
28/6/89*

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A.B.C.

Yours faithfully,

(TAPASH NATH)

NO. 263676

skot (sk)

Date : 14/11/2003

From
Biren Chandra Boro
Electrician (SK)
Office of the Garrison Engineer
Shillong - 2

To

The Commander Works Engineers,
Spread Eagle Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Wireman, with effect from November, 1987 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E. ~~SK~~ ^{Category}, Shillong ~~where~~ I am continuing as such. A copy my appointment letter dated 15.10.1987 is annexed herewith for your kind perusal and marked as Annexure-A.
2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.
4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/ 116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17,18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

*True copy
Biren Chandra Boro
F B 3/2/88*

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Yours faithfully,

B.C.Boro

(BIREN CHANDRA BORO)

MES NO - 229673

Elected - (GK.)

Date : 14/11 - NOV 2003

From
Subash Nath
Electrician (SK)
Office of the Garrison Engineer
Shillong - 2

To (Through proper channel)

The Commander Works Engineers,
Spread Eagle Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Wireman, with effect from November, 1987 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E. Shillong Power, Shillong, where I am continuing as such. A copy my appointment letter dated 23.10.1987 is annexed herewith for your kind perusal and marked as Annexure-A.
2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.
4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17, 18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

True Copy
Jaswinder
30/8/88

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Yours faithfully,

Subash

(SUBASH NATH)

MES/229586

Date : 14/11/2003

From
Gautam Brahmachari
Electrician (SK)
Office of the Garrison Engineer
Shillong - 2
To (Through proper channel)

The Commander Works Engineers,
Spread Eagle Falls,
Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Lineman, with effect from 1987 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E. Shillong, Shillong, where I am continuing as such. A copy my appointment letter dated 12.10.1987 is annexed herewith for your kind perusal and marked as Annexure-A.
2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biran Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.
4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17, 18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were

True copy
Jatin
Parasuram
3/6/88/61

simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining, with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Yours faithfully,

(GAUTAM BRAHMACHARI)

MBS/229585

Electrician (SK)

Date : 14/11/2003

From
 Shahadat Hussain
 Electrician (SK)
 Office of the Garrison Engineer
 Shillong - 2

To

The Commander Works Engineers,
 Spread Eagle Falls,
 Shillong-793011

Sub : Discrepancies in Pay Scale.

Sir,

Most respectfully I beg to bring the following facts under your notice for your kind and sympathetic considerations.

1. That Sir, I was initially appointed as Switch Board Attendant, with effect from January, 1988 in the pay scale of Rs. 800-1150/- and was posted at Shillong under the G.E. Air Force, Shillong, where I am continuing as such. A copy of my appointment letter dated 30.12.1987 is annexed herewith for your kind perusal and marked as Annexure-A.
2. That Sir, I beg to state that while I was given the pay scale of Rs. 800-1150/- at the time of appointment, some other persons of the same grade i.e. Switch Board Attendant, Lineman, Wireman appointed at the same time have been given the higher pay scale of Rs. 950-1500/-, in a discriminatory manner.
3. That Sir, it has been found that those including myself who were posted at Shillong in the above mentioned grades at that point of time were given the lower scale of Rs. 800-1150/- whereas those who were posted at Guwahati were given the higher scale of Rs. 950-1500/. As an illustrating case one appointment letter of Shri Biren Kumar Dutta, Wireman issued under No. 1016/4784/E1NB dated 30.10.1987, is annexed as Annexure-B which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. There are many such instances.
4. That Sir, I beg to submit that the posts of Switch Board Attendant, Lineman, Wireman (all designated as Electrician (SK) later on as per National classification of occupation) are all in the same cadre who were getting the same scale of Rs. 260-400 (Pre-revised). This is quite evident from the letter No. 91026/ETC/88/116/D(W-II) dated 24.6.1987 issued by the Ministry of Defence, Government of India wherein the above mentioned designations have been shown under Sl. No. 17, 18 and 19 alongside their pay scales.

Copy of letter dated 24.6.1987 is annexed herewith as Annexure-C.

*True copy
J. M. Rawat
B. S. S. 8/84*

5. That Sir, although I was initially posted at Shillong but I belong to the same cadre of the other Switch Board Attendant, Lineman, Wireman who were simultaneously posted at Guwahati and have been discharging the same duties and responsibilities and I am similarly situated with them. As such, granting of the lower scale of Rs. 800-1150/- to me as against the higher scale of Rs. 950-1500/- granted to those posted at Guwahati is discriminatory and illegal which will adversely affect my service prospects and will cause irreparable financial losses to me in all counts throughout my whole life.

Respectfully Yours

Under the circumstances stated above, I would pray your honour kindly to grant me the higher pay scale of Rs. 950-1500/- i.e. at par with that of my other counterparts posted at Guwahati with effect from the initial date of my joining with all consequential service benefits and for this act of your kindness, I shall remain ever grateful to you.

Enclo : Annexure-A,B,C.

Yours faithfully,

Date : 14th Nov 2003

(SHAHADAT HUSSAIN) *Shahadat Hussain*

MES/229587 A copy my

pp. 10/10/2003

had enclosed as reference

That Sir, I have a state of mind that I was on the pay scale of Rs. 800-1150/- at the time of my appointment and my counterparts of the same grade i.e. Switch Board Attendant, Lineman, Wireman posted at the same time have been given the higher pay scale of Rs. 950-1500/- as discriminatory measure.

Sir, It has been found that all of us including myself who were posted at Shillong in the above mentioned cadre at that point of time were given the lower scale of Rs. 800-1150/- whereas others who were posted at Guwahati were given the higher scale of Rs. 950-1500/- as an discriminatory and no appointment letter of 2nd Officer Lineman issued under No. 1016/3784/ETC dated 23.10.1987, is annexed as proof, copy of which shows that the said appointee got the higher scale of Rs. 950-1500/- only because he was posted at Guwahati. Your early reply much appreciated.

4. Sir, I beg to submit that for posts of Switch Board Attendant, Lineman, Wireman (all designated as Class 'A' posts) based on the National classification of appointment, i.e. all to the cadre cadre who were entitled the same scale of Rs. 950-1500/- (Pay scales). This is fully evident from the letter No. 121026/ETC/88/ (Part II) dated 24.6.1988 issued by the Ministry of Defence, Government of India, wherein the above mentioned designations have been slotted under Sl. No. 121026/ETC/88/ (Part II) and graded as per the following:

11/V

- 52 -

12
ANNEXURE - V Series

SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shillong-11

1046/ 613 /EIA

Dec 2003

27 Jan 2004

Shri Shahadat Hussain
Elec (SK)
GE Shillong

(Through GE Shillong)

**GRANT OF PAY SCALE OF Rs. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT**

1. Reference your application dated 14 Nov 2003.
2. You were appointed as Switch Board Attendant (SBA in short) in the skilled grade during Jan 1988 and posted at the dispensation of GE Shillong vide CWE Shillong letter No. 1285/A/965/EIA dated 31 Dec 1987. Though appointed in skilled grade of Switch Board Attendant, you were placed in the pay scale of 800-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs800-1150, you were placed in the skilled pay scale of Rs 950-1500/- which need not be viewed as promotion/upgradation and may not offshoot the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of Switch Board Attendant redesignated as Elect (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21831/TGS/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-

" 1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

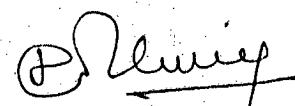
2. In this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

1/2
Tavelm
Jan 2004
26/01/04

Contd... P/2

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(R.K. Pandey)

SE

CWF, Shillong

Copy to :-

GE Shillong

SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shillong-11101

1046/ 611 /EIA

27 Dec 2003
Jan 2004

*Shri Gautam brahamchari
Elect (SK)
GE Shillong*

(Through GE Shillong)

**GRANT OF PAY SCALE OF Rs. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT**

1. Reference your application dated 14 Nov 2003.
2. You were appointed as Lineman in the skilled grade during 1987 and posted at the dispensation of GE Shillong vide CWE Shillong letter No. 1285/A/934/EIA dated 12 Sep 87. Though appointed in skilled grade of Lineman, you were placed in the pay scale of 800-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs600-1150, you were placed in the skilled pay scale of Rs. 950-1500/- which need not be viewed as promotion/upgradation and may not offset the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of Lineman redesignated as Elect (SK), has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21831/TGS/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-

" 1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/-, to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

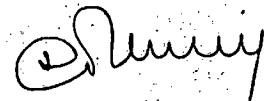
2. in this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

Contd...P/2

*One copy
for
private
use*

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(R.K. Pandey)

SE

CWE, Shillong

Copy to :-

GE Shillong

SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shilong-11

1046/ 612 EIA

Dec 2003

27 Jan 2004

Shri Subash Nath
Elect (SK)
GE Shillong

(Through GE Shillong)

**GRANT OF PAY SCALE OF Rs. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT**

1. Reference your application dated 14 Nov 2003
2. You were appointed as Wireman in the skilled grade during 1987 and posted at the dispensation of GE Shillong vide CWE Shillong letter No. 1285/A/962/EIA dated 23 Oct 87. Though appointed in skilled grade of Wireman, you were placed in the pay scale of 800-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs800-1150, you were placed in the skilled pay scale of Rs 950-1500/- which need not be viewed as promotion/upgradation and may not offset the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of Wireman redesignated as Elect (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21831/TGS/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-

" 1 A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

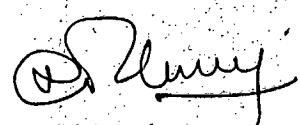
2. "in this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

Conta...Pi/2

Tom Cor
Limb Advocate
36 story

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(R.K. Pandey)

SE

CWF Shillong

Copy to :-

GE Shillong

SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shillong-11

1046/ 614/EIA

27 Dec 2003
27 Jan 2004

Shri Biren Chandra Boro
Elect (SK)
GE Shillong

(Through GE Shillong)

**GRANT OF PAY SCALE OF Rs. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT**

1. Reference your application dated 14 Nov 2003.
2. You were appointed as Wireman in the skilled grade during Nov 1987 and posted at the dispensation of GE Shillong vide CWE Shillong letter No. 1285/N/956/EIA dated 15 Oct 1987. Though appointed in skilled grade of Wireman, you were placed in the pay scale of 800-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs 800-1150, you were placed in the skilled pay scale of Rs 950-1500/- which need not be viewed as promotion/upgradation and may not offset the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of Wireman redesignated as Elect (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21831/TGS/EiC(3) dated 31 Jan 2003, an extract of which is appended below :-

" 1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

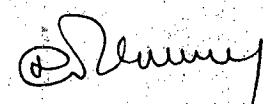
2. In this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

Contd...P/2

For CPM
Jawahar
25/8/04

4. Your case regarding grant of skilled pay scale of Rs 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(R.K. Pandey)

SE

CWE Shillong

Copy to :-

GE Shillong

SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shillong-11

1046/ 6/ /EIA

27 Dec 2003
Jan 2004

Shri Tapesh Nath
Elec (SK)
GE Shillong

(Through GE Shillong)

**GRANT OF PAY SCALE OF RS. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT**

1. Reference your application dated 14 Nov 2003
2. You were appointed as Switch Board Attendant (SBA in short) in the skilled grade during Sep 1987 and posted at the dispensation of CE Shillong vide HQ 137 Works Engineers letter No. 1208/R/351/EIC (i) dated 30 Jun 1987. Though appointed in skilled grade of Switch Board Attendant, you were placed in the pay scale of 800-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs800-1150, you were placed in the skilled pay scale of Rs 950-1500/- which need not be viewed as promotion/upgradation and may not offshoot the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of Switch Board Attendant redesignated as Elec (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21831/TGS/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-
 - " 1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.
 - 2. In this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

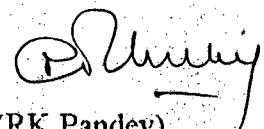
*True Copy
for
Govt
of
Assam*

Contd... P/2

X

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-In-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(R.K. Pandey)

SE

CWE Shillong

Copy to :-

GE Shillong

SPEAKING ORDER

92

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shillong-11

1046/616 /EIA

-Dec 2003

27 Jan 2004

*Shri Ram Bahadur Limbu
Elect (SK)
GE Shillong*

(Through GE Shillong)

**GRANT OF PAY SCALE OF Rs. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT**

1. Reference your application dated 14 Nov 2003.
2. You were appointed as Switch Board Attendant (SBA in short) in the skilled grade during Jan 1988 and posted at the dispensation of GE Shillong vide CWE Shillong letter No. 1285/A/EIA dated Feb 1888. Though appointed in skilled grade of Switch Board Attendant, you were placed in the pay scale of 800-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs800-1150, you were placed in the skilled pay scale of Rs 950-1500/- which need not be viewed as promotion/upgradation and may not offshoot the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of Switch Board Attendant redesignated as Elect (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21831/TGS/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-

" 1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

2. In this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

Contd... P/2

*Forw (PM)
from
30/1/04*

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(R.K. Pandey)

SE

CWR Shillong

Copy to :-

GE Shillong

SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shilong-11

1046/ C17/EIA

03 Dec 2003
Feb 2004

*Shri Animesh Das
Electrician (SK)
GE Narangi*

(Through GE Narangi)

GRANT OF PAY SCALE OF Rs. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT

1. Reference your application dated 14 Nov 2003.
2. You were appointed as Switch Board Attendant (SBA in short) in the skilled grade wef 31 Dec 87 and posted at the dispensation of GE Shillong vide CW&E Shillong letter No. 1286/A/666/EIA dated 31 Dec 1097. Though appointed in skilled grade of SBA, you were placed in the pay scale of 600-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs800-1150, you were placed in the skilled pay scale of Rs. 950-1500/- which need not be viewed as promotion/upgradation and may not offshoot the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of SBA redesignated as Elect (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21631/TG3/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-

1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.
2. In this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

*Leave long
for
Reinstate
of old*

Contd... P/2

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.

RK Pandey

(RK Pandey)

SE

CWE Shillong

Copy to :-

GE Narangi

- 66 -
SPEAKING ORDER

Tele : 5045

Commander Works Engineers
Spread Eagle Falls
Shillong-11

1046/ 618 /EIA

Dec 2003

03 Feb 2004

✓ *Shri Arjan Kumar Dey*
Electrician (SK)
GE Narangi

(Through GE Narangi)

GRANT OF PAY SCALE OF RS. 950-1500/- IN THE SKILLED GRADE
FROM THE DATE OF INITIAL APPOINTMENT

1. Reference your application dated 14 Nov 2003.
2. You were appointed as Switch Board Attendant (SBA in short) in the skilled grade wef 26 Apr 88 and posted at the dispensation of GE(AF) Shillong vide CWE Shillong letter No. 1285/A/1003/EIA dated 26 Apr 88. Though appointed in skilled grade of SBA, you were placed in the pay scale of 600-1150 for the initial period of 02 years as trainee. Consequent upon completion of initial period of 02 years as trainee in the semi skilled pay scale of Rs800-1150, you were placed in the skilled pay scale of Rs 950-1500/- which need not be viewed as promotion/upgradation and may not offshoot the entitlement under ACP Scheme.
3. Your representation regarding placement in the skilled pay scale of Rs. 950-1500/- from the date of initial appointment in the grade of SBA redesignated as Elect (SK) has adequately been addressed and considered at the appropriate level and covered under E-in-C's Branch letter No. B/21631/TGS/EIC(3) dated 31 Jan 2003, an extract of which is appended below :-

"1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500/- (3rd pay commission scale) from the date of initial appointment instead of Rs. 800-1150/- to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

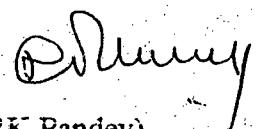
2. In this regard, it is stated that a case was taken up with the Govt of India for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt".

*True Copy
Sard.
Bhawna
20/1/2004*

Contd... P/2

4. Your case regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment has been examined in the light of decision of Govt of India communicated vide E-in-C's Branch letter dated 31 Jan 2003 as referred to above and after due examination a tangible conclusion that the proposal regarding grant of skilled pay scale of Rs. 950-1500/- from the date of initial appointment to you has not been agreed to by Govt of India.

5. With the issue of speaking order, your application dated 14 Nov 2003 is hereby disposed off as infructuous.



(RK Pandey)

SE

CWE Shillong

Copy to :-

GE Narangi

68-
Registered with A.D.

Applicant

ANNEXURE - VI

IN THE CENTRAL ADMISSIONS TRIBUNAL
SUBORDINATE DIVISION, KOLKATA

Opposition No. 1700, dated, number No. 12/4/90.

C.S./L.R./Civil Rule No.

Misc.Petition/Review Appln./Contempt petition No.

Transfer Application No.

Original Application No. 133.182.3 (S2/89)

Manik Ch. Das 303

Applicant/petitioner(s)

A. Officer
Commissioner works Engg.

versus

Respondents.

To,

Manik Ch. Das ~~son~~, Carpenter
O/C Carpenter, A.G.E/B.I.R.

Noragi, G.E. Noragi Station
Pawalkhi-27. Karmup.

Sir,

I am directed to forward herewith a copy of Judgment and Order
dated 21.5.90, passed by the Bench of this Tribunal comprising
of Hon'ble Shri K.P. Acharya, Vice-Chairman, & Hon'ble Shri J.C. Roy, Member,
Administrative in the above noted case, for information and necessary
action if any.

Placed acknowledge receipt.

Yours faithfully,

DEPUTY REGISTRAR (ADMN).

Enclo. 1 A.D. 1990.

68C/

True Copy
First
Feb 1990
30/2/90

Central Administrative Tribunal
Guwahati Bench,
Guwahati-5.

Original Application No.133(G)/1989 &
152(G)/89

Date of Decision:- The day of 31/5/May, 1990

1. Shri Manik Ch. Das & Ors.
Son of Shri Amrit Lal Das.
Carpenter in the office of A.S.E/B/R, Narangi, GE-Narangi
Satgaon, Guwahati-27, District-Kamrup, Assam.

... ... Petitioner.

-V-

- i) Administrative Officer,
Commander Works Engineer,
Santipur, Guwahati, Dist Kamrup, Assam.
- ii) Chief Engineer, H.Q. Eastern Command
Engineer Branch, Fort William, Calcutta-21.
- iii) Engineer in-Chief, Army Head Quarter
Engineer-in-Chief's Branch,
D.H.Q., P.O. New Delhi-110011.
- iv) Union of India, (Represented by Engineer-in-Chief)
Army Head quarter, D.H.Q., New Delhi-110011.

... ... Respondents.

For the Applicant:- Mr. S. Banerjee, Advocate
Mr. A. Dasgupta, Advocate.

For the Respondents:- Mr. G. Chatterjee, Addl.C.G.C.G.

A N D

2. Shri Jatin Saikia, & Ors.
Son of Shri Sona Ram Saikia,
Vehicle Mechanic in the office of the
Assistant Garrison Engineer, R.O. Rangiya,
District-Kamrup, Assam.

... ... Petitioners.

-V-

- i) Assistant Garrison Engineer(I),
Rangiya, District-Kamrup, Assam
- ii) Chief Engineer,
H.Q. Eastern Command,
Fort William, Calcutta-21.
- iii) Engineer-in-Chief, Army Head Quarter,
Engineer-in-Chief Branch,
D.H.Q.P.O.-New Delhi-110011.

contd/2.

Done for
Date
Place
B.O./G.O.

iv) Administrative Officer,
Commander Works Engineer,
Santipur, Guwahati.
District-Kamrup, Assam.

v) Union of India,
Represented by Engineer-in-Chief
Army Head Quarters,
DHQ, New Delhi-110011.

... ... Respondents.

For the Applicant:- Mr.A.Dasgupta, Advocate.

For the Respondents:- Mr.A.K.Choudhury, Addl.C.G.S.C.

CORAM:

THE HON'BLE SHRI K.P.ACHARYA, VICE-CHAIRMAN
AND
THE HON'BLE SHRI J.C.ROY, ADMINISTRATIVE MEMBER.

1. Whether reporters of local papers may be allowed to
see the judgment ?
2. To be referred to the Reporters or not ? *Yes*
3. Whether Their Lordships wish to see the fair copy
of the judgment ?

JUDGMENT.

J.C.ROY The facts and the law involved in the two cases being similar the cases were heard analogously. The following common order will govern both of these two cases.

2. In the first case OA 133/89 Shri Manik Ch. Das and 24 others were appointed as Carpenter, Mason, Plumber, Firemen and Refrigerator mechanic. In the other application OA 152/89 Shri Jatin Saikia and two others were appointed as Vehicle mechanic and carpenters. All these appointments were to various trades of semi-skilled/skilled workers of the N.E.S by the Commander Works Engineer, Guwahati (CWE for short) on different dates of 1987 and 1988. They were appointed in the skilled grade of N.E.S employees in the scale of Rs. 950-1500/- They were, after the lapse of one year or more, told that their scale of pay would be Rs. 800-1150/- instead of Rs. 1.950-1500/-. All the applicants excepting one who is an Ex-servicegen were recruited through the Employment Exchange to which the vacancies were notified. All of them claim to have the qualifications prescribed in the vacancy notice. The scale of pay was altered to their prejudice without giving them any opportunity of being heard. After the downgradation of their pay scale, recoveries of the amount paid in excess of the lower scale of pay were stayed by order of this Bench at the time of admission of the application in O.A. 133 of 1989. In the other case no recovery was reported to us.

3. On behalf of all the respondents Col. V.P. Singh, the CWE filed a written reply. In this the facts outlined in the preceding paragraph were not disputed. The respondent's also

also admit that in the various appointment letters issued to the applicants of these two cases, they were offered the pay scale of Rs. 950-1500/- . This correspond to the old scale of Rs. 260-400/- prior to the IV Central Pay Commission (CPC for short) and is the scale prescribed for skilled trades of the NES. It has been stated that according to the Engineer-in-Chief's Branch, Army Head Quarters letter No. 9C270/89/EIC dated 11.1.1985 direct recruitment to the skilled grade (Rs. 260-400/-) can not be made. The newly inducted direct recruits were to be recruited in the semi-skilled scale of Rs. 210-290/- at the time of initial recruitment. After the IV CPC the correspondent scale for semi-skilled grade because Rs. 800-1150/- . Direct recruits after induction in this grade has to complete a probation period of two years before they can be brought on the higher scale of Rs. 950-1500/- . At the time of first appointment of all the applicants these instructions of Army Head Quarters was lost sight of. When this was pointed out by the higher authority, the ~~old~~ scale was revised. According to the respondents, this error was rectified by issuing separate letters to each of the applicants all dated 19.6.1989 (the impugned orders). Since the condition of service initially set out in their appointment letters had a mistake, such mistake can be rectified in the interest of public service. But before this amendment was made no opportunity was given to any of the applicants to state their case or to show cause why their pay scales for the first two years of service would not be depressed.

4. -We heard Mr.A.Dasgupta the learned counsel for all the petitioners and Mr.G.Sharma, the learned standing counsel for the Central Government in O.A.No.133/89 and Mr.A.K.Choudhury, the learned standing counsel for the Central Government in O.A.152/89 at some length. From the submissions made from the bar it transpires that the I.I.C.F.G. went into the question of pay fixation of the various groups of the I.E.S. employees. On the basis of their recommendation w.e.f. October 1981 the pay scales of several trades of semi-skilled workers of I.E.S. was upgraded to the category of skilled workers and their pay scale was raised to Rs. 260-400/-, But a few other trades which were also categorised as semi-skilled prior to these orders were left out. In order to examine the resultant anomalies, a committee was constituted, called for I.I.C.F.G. Committee was appointed by the Central Government which submitted their report on 15.10.1984. The Government finally accepted the recommendation of this Expert Committee but brought the remaining trades into the skilled grade of Rs. 260-400/- w.e.f. 15.10.1984 instead of 16.10.1981, the date from which the other trades of the semi-skilled workers were upgraded to the skilled grade. This action of the Government was challenged by some of the aggrieved employees before the Supreme Court of India. The case of Bhagavan Sahai Carpenter V.Union of India, (1989) 2 SCC 299 was decided on 15.3.1989 by the Hon'ble Supreme Court. The Court ordered that the remaining trades like carpenter, plumber, Mason etc. should also to be given the benefit of the higher scale from October 1981. During the intervening period of 1981 to 1984, the Central Government and the I.E.S. authorities were seized of the question of upgradation of all

the erstwhile semi-skilled trades, to the skilled grade (Rs. 260-400/-). In so far as direct recruitment from outside to the skilled grade is concerned the Engineer-in-Chief's Branch, Army Head Quarter letter dated 11.1.1985 laid down the educational and trade qualifications required of the recruits. But it also stipulated that outsider candidates having these qualifications will be inducted first in the semi-skilled grade of Rs. 210-290/- and kept on probation for a period of 2 years. They were to be brought on the skilled grade of Rs. 260-400/- after they had completed the probation period and after they were recommended for promotion to the skilled grade by the Departmental Promotion Committee. It will thus be seen the Central Government upgraded the trades which the applicants joined as direct recruits from semi-skilled to skilled category on the recommendation of III CIC. But at the same time, the Govt. retained the semi-skilled grade for utilising this as a feeder grade for the skilled worker. The order of 11.1.1985 permitted direct recruitment to the skilled grade but the qualifications prescribed for the skilled grade workers were utilised for induction of outsiders to the semi-skilled grade first. Such direct recruits were however eligible to be promoted to the skilled grade after successfully completing a probation period of two years. Subsequently after the IV CIC the pay scales of the two grades, / semi-skilled grade Rs. 210-290/- and skilled grade Rs. 260-400/- were revised to Rs. 800-1150/- and Rs. 900-1500/- respectively, i.e. are not required to go into the merit of the decision of the Central Government contained in the circular of 11.1.1985. For our purpose it is sufficient that at various times of 1987 and 1988

the

the applicants were appointed after due selection and given the higher pay scale of skilled workers, and by the impugned orders dated 19.6.1989 all of them were unilaterally brought down to the lower scale of semi-skilled worker for a period of two years. Simultaneously it was promised to them that after the expiry of two years probationary period they would be given the higher scale. In the cases of some of the applicants, by the time of impugned orders dated 19.6.1989 were issued, they had nearly completed this two years time. In the case of all applicants one year service had already completed. No notice was given to them. No opportunity was given to them for representing their cases before the conditions of their service was altered to their prejudice. In our opinion this action of the respondents amounts to denial of natural justice to the applicants. Of course the learned standing counsels strenuously argued that the initial appointment letters issued in 1987 and 1988 showed the pay scales erroneously caused by administrative error and that administrative error can always be rectified in pursuance of public policy. We are unable to accept this contention. In the case of K.I. Sephard V. Union of India, 1988(1) SLJ 105 the Hon'ble Supreme Court considered the circumstances where the principles of natural justice must be employed. The Court while conceding that in the exercise of legislative power of the Government these principles may not have universal application, held that for all administrative actions the principles of natural justice have to be fully observed. My Lord Marjanath Misra, J speaking for the Bench in paragraph 13 of the Judgment stated as follows:-

"Fair play is a part of the public policy and is a guarantee for justice to citizens. In our system of Rule of Law every social agency conferred with power is required to act fairly so that social action would be just and there would be furtherance of the well-being of citizens. The rules of natural justice have developed with the growth of civilisation and the content thereof is often considered as a proper measure of the level of civilisation and Rule of Law prevailing in the community. Men within the social frame has struggled for centuries to bring into the community the concept of fairness and it has taken scores of years for the rules of natural justice to conceptually enter into the field of social activities."

5. Even in cases of undisputed administrative error like wrong fixation of pay giving higher benefits to an employee, when this is sought to be rectified after the lapse of years, such action of the employer if it is to the detriment of the employee was not allowed consistently by this Tribunal. For example, in the case of Nilkontha Shah v. Union of India & Ors., 1987(3) S.L.J(CAT) 266 the Calcutta Bench of this Tribunal held that overpayment on account of pay & allowances wrongly fixed by the employers and not caused by/employee's mistake can not be recovered after long years. Again in the case of C.S. Bedi v. Union of India, ATR 1986(2) 510 the Principal Bench of the Tribunal held that rectification of an order resulting in adverse civil consequence to an employee can not be done without issuing him a show cause notice. Respectfully agreeing with the decisions of this Tribunal we conclude that the terms and conditions of appointments given to the applicants can not be altered to their prejudice by a subsequent order even though these were offered wrongly through administrative error. This is particularly so because in case of all the applicants this was done after the lapse of more than a year and none was given any opportunity of placing their case against such unilateral order.

6. The petitions therefore succeed. The impugned orders of the Commander Works Engineer, Guwahati dated 19.6.1989 are hereby set aside and quashed. The applicants shall be entitled to the scale of r. 956-1500/- with usual allowances and yearly increment from the date of their first appointment. This order shall be implemented within a period of 90 days of its receipt by the opposite parties. There will be no order as to costs.

9. agree

Sd/- K. P. Acharya
Vice-Chairman
31-5-90

Sd/- T. C. Ray
Member (A)
31-5-90

TRUE COPY
Deputy
Chairman
Guwahati, Guwahati.
(Judicial)
20th June 1990
Guwahati, Guwahati.

True Copy
from Advocate
R. S. Saha

EIC/EEC

Tele: 3019107

Army Headquarters
Engineer-in-Chief's Branch
DHQ PO, Kashmir House
New Delhi-110011

No 90270/73/86/EIC(3)

09 Apr 02

Chief Engineer(s)

Southern Command Pune
Eastern Command Kolkata
Central Command Lucknow
Western Command Chandigarh
Northern Command C/o 56 APO
ADG (OF) R & D Hyderabad

COMMENTS ON THE REPORT OF THE EXPERT COMMITTEE
FOR IMPLEMENTATION OF CAT KOLKATA BENCH ORDER
IN QA NO 118/97 FILED BY SHRI P.K. MOBANTA & OTHERS

1. An expert Committee was constituted on the orders of the Hon'ble CAT Kolkata to examine the grievances of the applicants of subject QA, for the purpose of removal of anomalies as claimed by the applicants. The Committee has now submitted its report. Copy of extract of the report is forwarded herewith.
2. Action is required to be taken on the recommendations of the Expert Committee regarding the anomalies pertaining to all the effected employees of MES.
3. In view of above, you are requested to offer your comments on the Expert Committee Report so that no further anomalies are created while implementing the recommendations of the Expert Committee Report. Your views/comments should reach this office by 15 May 2002.

(Raj Kumar)

Lt Col

SOP/EIC

For E-in-C

Encd. As above

True (Sd)
 Smt.
 *Temporary
 Secretary*

5

79

A

COLLECTION OF INFORMATION AND DATA

In order to conduct this study in the matter, the Committee collected 20 numbers of various government orders and instructions issued by Ministry of Defence and E-in-C's Branch HQ i.e. EIC. These letters are listed as Annexure I and the copies of the same are enclosed.

6. Besides the above mentioned orders/letters/circulars EIC section of E-in-C's Branch were also requested to furnish certain information and documents by the Committee vide letter No.36323/Court Case/CEI, dated 02 Aug 2001. In response EIC Section provided under mentioned documents for study by the Committee vide EIC Section letter No.90270/TGS/MISE/EIC (3) dated 03 Oct 2001 (Copy enclosed as Annexure II).

(a) Expert Classification Committee Report in five bound volumes.

(b) Representations submitted by six individuals from Northern Command. Copies of the representations are enclosed as Annexure III to this report.

(c) The copy of executive instructions which was issued by Govt./E-in-C's Branch in which it was ordered to grant higher pay scale of Rs 330-430 to 10 percent of SBA and Wireman with effect from 16 Oct 1981. However, this letter could not be traced out and produced to this Committee.

7. In order to ascertain the nature of problem, its causes and its effect on the employees, the committee visited certain selected places and interviewed employees, their trade-union representatives and also two of the applicants. The subject O.N. No. 113/1997.

8. The Committee found the minimum wage of employees in the majority of the administrative staff in the offices and units established by the concerned units are given under:

(i) HQ C of Engineer, Southern Command, Pune

- (ii) Chief Engineer, Pune Zone, Pune
- (iii) Chief Engineer (Air Force), Bangalore
- (iv) Chief Engineer (Navy), Kochi
- (v) CWE(Navy) Kochi
- (vi) HQ Chief Engineer Eastern Command, Kolkata
- (vii) Chief Engineer Kolkata Zone, Kolkata
- (viii) Chief Engineer Siliguri zone, Siliguri

CIRCUMSTANCES LEADING TO DISCREPANCIES IN THE PAY GRADE STRUCTURE
VIZ-A-VIS THE JUNIOR

9. Prior to fitment of industrial grades posts in various pay realignments, recommendations of Expert Classification Committee and re-structuring of the trades, the components of existing Electrician Category and their line of promotion were as shown below:-

Mazdoor

Chowkidar

Electrician, Bhopalwala

Mate

Linenman

Switchboard

WIREMAN

ATTENDANT

ELECTRICIAN,
INSTRUMENT REPAIRER,
ARMATURE WINDER

ELECTRICIAN,
INSTRUMENT REPAIRER,
ARMATURE WINDER

ELECTRICIAN

CHARGE ELECTRICIAN

10. The posts of Wireman, Lineman and SwitchBoard Attendant (SBA) were in Semi-Skilled grade with a pay scale of Rs 210-290 and their next higher grade i.e. promotion i.e., Electrician, Armature Winder and Instrument Repairer were in the skilled grade with a pay scale of Rs 260-350.

ANOMALIES COMMITTEE

15. Due to implementation of the settlement as brought out above certain anomalies had arisen. Certain jobs needed re-evaluation and re-structuring of various grades for implementing the three-grade structure and thus grant of Highly Skilled Grade II & Highly Skilled Grade I, as also certain other problems were required to be resolved. In an effort to remove the anomalies, the govt. thus appointed an Anomalies Committee in 1982 which was headed by an Officer of the rank of a Joint Secretary and ten other members (Six from official side and four from staff side). The committee had submitted its report during May 1984.

UPGRADATION OF SKILLED POSTS

13. Further, pursuant to the Expert Classification Committee's recommendation, the Ministry of Defence, after discussing the matter with the staff side, approved that a proportion of 10 percent of a few skilled trades posts were granted further, at higher pay scale where it was felt that promotional avenues were limited. Under this scheme, 10 percent of Wireman and SBA were granted a further higher pay scale of Rs 330-430 with effect from 16 Oct 1981. The upgradation was granted strictly on the basis of Seniority without requirement of passing any further trade test etc.

14. After implementation of fittings in the respective pay scales pursuant to ECC recommendations, as approved by the govt., the pay scale of feeder categories of Electrician, Armature Winder and Instrument Repairer not only was upgraded at par with their pay scale, but some of their erstwhile Juicers in the post of Wireman and SBA started drawing even higher pay scale of Rs 330-430 because of the upgradation against a quota of 10 percent of the total vacancies.

INTRODUCTION OF THREE GRADE STRUCTURE

16. Based on the recommendations of Anomalies Committee, Ministry of Defence, introduced three-grade structure in certain common categories of Industrial Tradesmen with benchmark percentages as under:-

- (a) Highly Skilled Gde I - 15%
- (b) Highly Skilled Gde II - 20%
- (c) Skilled Gde - 65%

17. Government orders to implement the above-mentioned three-grade structure were issued vide Ministry of Defence letter No.3810/DS (One)/Civ.I/84 dated 15 Oct 1984. As per this Govt. order the three-grade structure was made applicable to 16 common categories which included Electrician and Line Mistry (Lineman in MES). This was to be given with effect from 15 Oct 1984. Consequent upon issue of the Govt. Order, the E-in-C's Branch also issued an executive order to club Electrician and Lineman together for the purpose of granting promotion to HS Gde II and HS Gde I respectively as both these posts were in the same line of promotion. However, for want of detailed instructions regarding implementation, it was not possible for the field units to implement this scheme of three-grade structure and it was not done in most of the places. These orders regarding implementation of three grade-structure were implemented only after detailed instructions were issued vide Ministry of Defence letter No. 1(1)/30/D (ECC/CC) Vol. III dated 03 Apr 1986.

18. As per above mentioned Govt. order dated 03 Apr 1986 promotion against initial 20% vacancies in the HS Gde II grade was to be granted on the basis of seniority without any further requirement to pass any trade test etc. (as a one-time measure only) with effect from 15 Oct 1984. Over and above these 20% vacancies a further 15% (whichever applicable) were also to be promoted to HS Gde II against the vacancies pertaining to HS Gde I with effect from the same date i.e. 15 Oct 84 after passing the prescribed trade test in two chances. Those promoted to HS Gde II would thereafter be eligible to promoted to HS Gde I against the 15% vacancies in HS Gde I.

CLUBBING OF OTHER TRADES/POSTS WITH ELECTRICIAN

19. In 1987, the Ministry of Defence vide their letter No.91026/E1C/88/D (W-II), dated 24 June 1987 codified and re-designated the under-mentioned categories as Electrician Category:-

- (i) Armature Winder
- (ii) Lineman
- (iii) Switch Board attendant (SBA)
- (iv) Wireman

Subsequently Instrument Repairer Category too was codified/re-designated as Electrician vide Ministry of Defence letter No.91026/E1C (3)/672(D (W-II), dated 21 Feb 1994 read with letter No. 91026/E1C (3)/2395/D (W-II), dated 28 June 1994.

20. Consequent to clubbing up of the above mentioned categories with Electrician Category there was this requirement to review the promotions which were granted earlier to 20 % of Electricians/Lineemen. In view of this, instructions were issued by E-in-C's Branch vide letter No.91026/E1C (3), dated 22 Dec 88 instructing the field units to prepare a combined Seniority list of Electricians after the clubbing with these categories. As per the instructions all the Electricians (who were promoted from Lineman, Wireman and SBA) were to be placed en-block senior to others. As per

HIGHER PAY SCALE TO A JUNIOR

21. On the combined seniority of Electricians which was recast after inclusion of Wireman, SBA etc Electrician, Armature Winder, Instrument Repairer were placed en masse senior to Wireman and SBA. However, since certain Wireman and SBA were already granted higher pay scale of Rs 330-480 with effect from 16 Oct 81 against 10% vacancy and they were all to be placed below Electrician, Armature Winder and Instrument Repairer. This, thus created a situation that a junior was drawing higher pay scale than his senior was drawing. Subsequently when they were further promoted to higher grades the anomaly was carried over to HS Gde I and further higher level as well.

REPRESENTATIONS AND CASES WITH CENTRAL ADMINISTRATIVE TRIBUNALS AND COURTS OF LAW

22. The anomaly of a junior Electrician drawing higher pay than the senior was thus to become a cause for generating representations from many a number of employees. Due to various reasons; it appears that there was no positive remedial action, which was taken to redress these grievances of the employees. As complete old records/files are not presently available the reasons for not taking action to resolve the issue could not be ascertained by this committee. On account of the anomaly there have been several cases filed by the aggrieved individuals in the Central Administrative Tribunal and the affected employees in most of these cases were granted relief through the orders/judgements by the respective benches of the Central Administrative Tribunal. In 1997, on this very issue, one Shri P.K. Malanta and six other Electricians working in Siliguri Area filed an OA No. 118/1997 in the Central Administrative Tribunal Calcutta Bench. In that OA Hon'ble Central Administrative Tribunal instead of directing the respondent department to grant relief to the petitioner has directed the respondent to appoint an Expert Committee to take the decision in the matter and to resolve the anomaly as claimed by the applicants. Accordingly the Ministry of Defence had constituted this committee

OBSERVATIONS OF THE COMMITTEE

23. After studying the complete case, the committee has come to the conclusion that the disparity in the pay of the senior vis-à-vis his junior in the Electrician category has occurred because of the grant of higher pay scale of Rs 330-480 to 10% of Wiremen and SBAs with effect from 16 Oct 81 as the cut-off date, without considering the fact that the line of promotion of these categories was that of an Electrician. As per the instructions issued, the higher Scale of Rs 330-480 was granted to 10% of the wiremen and SBAs who were holding their post as on 16 Oct 81. Those Wiremen and SBAs who were already promoted to next higher grade i.e. Electrician, Armature Winder or Instrument Repairer were deprived of the benefit of this up-gradation even though they were senior to these Wiremen and SBAs who did receive the benefit of higher pay scale simply because on the particular cut-off date they happened to be within the first 10% amongst the Wiremen and SBAs on the rolls of a particular CWL. Further, out of three categories of feeder grades to Electrician, Armature Winder and Instrument Repairer, only Wireman and SBA were granted the benefit and the third category i.e. Lineman was excluded.

24. Prior to issue of Ministry of Defence letter No.91026/E1C/88/D (Civ-II) dated 24 Jun 87, the cases of a junior drawing higher pay than the senior was not existing because of the fact that after fitment of trades as per ECC recommendations the post of Wireman and SBA were upgraded to skilled category and had ceased to be in the hierarchy of Electrician category. Their line of promotion to Electrician, Armature Winder and Instrument Repairer had been snapped after their pay scale came at par with their erstwhile promotional post. However, after issue of the govt. letter dated 24 Jun 87, wherein all the categories were again clubbed into one category the anomaly came to surface. Since all the categories were pooled into one combined seniority.

25. It has been observed by the Committee, that as per para 2 (c) (iii) of E-in-C's Branch letter No.91026/E1C (3) dated 22 Dec 88, those Wiremen and SBAs who had been granted higher pay scale of Rs 330-480 against 10% vacancies as on 16 Oct 81 were to be placed in the seniority list US Grade II below other US Grade II incumbents.

26. The Committee consider that these instructions are not in order because this would place the erstwhile Lineman category in a position of disadvantage for no fault of theirs. For example, Let us illustrate this with an example, given in the subsequent para below.

✓ 27. Let us assume that there are two individuals Savishri A and B. Shri A was promoted as a Lineman in 1977 and Shri B was promoted as a Wiceman in 1979. Shri B has got the benefit of higher pay scale of Rs 330-430 w.e.f. 16 Oct 81 against a quota of 10% of the total vacancies of Wiceman in a particular CWB area without any act on his part because of this one-time up-gradation. Thus it would be observed that Shri A, who is senior to Shri B, remained in the pay scale of Rs 260-400 without any fault of failure on his part because of this one-time up-gradation suddenly coming up. Now if Shri B is placed in the seniority of US Grade II above as compared to Shri A, it will be injustice to Shri A who is placed in the Seniority list of a lower grade and thus will always remain at a disadvantage as compared with Shri B whereas he is senior to him and has done nothing adverse which causes him to deserve this fate.

28. In view of above the Committee suggest that E-in-C's Branch should review the instructions in this regard.

29. It has also been observed by the Committee that in E-in-C's Branch letter dated 22 Dec 1983 the instructions regarding fixing of seniority in combined Electrician category speaks only about placing Electrician category emasce senior to others. It does not mention anything regarding fixing of Seniority in a similar manner in respect of Armature Winder which was also clubbed with Electrician vide Govt. Order dated 24 June 1987. Further, consequent to inclusion of Instrument Repairer in Electrician Category in 1994, similar treatment is also necessary to be given to this category.

30. The anomalies in the matter of pay etc appear to have occurred because the instructions on fitment, red-signation and clubbing of various categories have been issued by different section in the Ministry of Defence viz D(EIC), D(Civ-1) and D(W-II) at different points of time.

RECOMMENDATIONS OF THE COMMITTEE

31. (a) As per the govt. policy a senior employee cannot be allowed to draw lesser pay than his junior unless there is something adverse against him. This policy is reflected in the Government of India decisions/instructions under Fundamental rules. As per Govt. Order under FR 22, when a junior employee starts drawing pay at higher stage in the pay scale due to application of pay fixation rules the pay of the senior has to be stepped up at par with the pay of the junior. Although these provision of the rules cannot be applied in toto in the case of the senior electrician but the committee recommends that the spirit of the govt policy as enunciated in the Fundamental Rules should also be applied in these cases and the senior electrician should be granted higher pay scale of Rs 330-480 with effect from 16 Oct 1981 at par with their juniors. Since seniority/promotion etc. in respect of industrial personnel in MES are CWE area based for the purpose of identification of senior or junior it should be on CWE area basis. In other words in any CWE area if any junior Wireman or SBA had been granted higher pay scale of Rs 330-480 wef 16 Oct 1981, the pay of their senior counterpart who had already been promoted to Electrician, Armature Winder or Instrument Repairer prior to 16 Oct 1981 or those Linemen who were senior in the grade as compared to those 10% of Wireman and SBA, their pay should also be upgraded to the scale of Rs 330-480 with effect from the date their juniors were granted with all consequential benefits.

(b) In view of the facts as brought out in the observations of the committee in paras 24 to 27, the instructions regarding fixation of seniority vide E-In-C's Branch letter dated 22 Dec 88 is also recommended to be reviewed.

(c) To obviate any further cases going to the Central Administrative Tribunal or becoming causes for grievances/litigation, it is recommended that the CWE concerned be empowered to deal with such cases in the light of FR 22 which can be applied mutatis mutandis, since this rule is not applicable in toto in this context.

(d) The committee during the course of interaction with all concerned in its field units, have also learnt that similar situation may arise in case of certain other categories such as Fitter General Mechanic, which has been created after clubbing several categories of industrial personnel. It is recommended that the same principle may be made applicable in this case too.

clubbing several categories of industrial personnel. It is felt that that the same principle may be made applicable in this case too.

(c) Experts Classification Committee in their deliberations for job training and analysis had observed that the process of job evaluation and analysis is a continuous one and ought to be made a regular feature and a periodic exercise.

(Paras 8.10 to 8.12 on page 15-16 of the report and recommendations ix, x, xi on pages 71-72, refer)

32. The technological changes have brought in a host of far-reaching consequences in the skills requirements, qualifications, experience, hazard, responsibility etc. of the workers and with new automation coming up, these changes will be even faster. It is therefore, imperative that this exercise of job evaluation and analysis is made a regular feature at a periodicity of two/three years.

Shri K. J. Chellai, SAQ (Chairman) (Signature)

(SK Shingari) (Signature)

Chief Engineer

Chairman Expert Committee

Shri K. J. Chellai, SAQ (Signature) MEMBER

Shri R. K. Mehta (Signature) MEMBER

Shri R. K. Mehta (Signature)

One long
from
few weeks
ago

(v)

NOTICE

From:
Subrata Nath.
Advocate
Central Administrative Tribunal
Guwahati Bench, Guwahati.

To,
Shri A. Deb Roy,
C.G.S.C
Central Administrative Tribunal
Guwahati Bench,
Guwahati.

Sub: - O.A. No. _____ /2004
Smti Anjan Kr Dey & Ors. – Vs- Union of India & Ors.

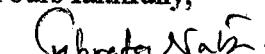
Sir,

Please take notice that the above Original application, a copy whereof is enclosed herewith for your information and necessary action, is being filed before this Hon'ble Central Administrative Tribunal today.

Kindly acknowledge receipt of the same.

Thanking you,

Yours faithfully,



Advocate

Received Copy of the Original Application
Consisting pages _____ including Annexure.


(A. Deb Roy)
C.G.S.C

3, 1 MAR 2005

गुवाहाटी बैठक
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO 202/2004

Shri Anjan Kumar Dey & Others..... Applicants

-Vs-

Union of India and Others Respondents

- AND -

IN THE MATTER OF

Written Statement filed by the respondents

The humble respondents beg to submit the written statement as follows:-

1. That the statements made in the application which are not specifically admitted by the answering respondents, are hereby denied.
2. That with regard to the statement made in Para 1, the respondents state that lower pay scale of 800-1150 are for trainee SBA, wireman, lineman till they successfully completed their 2 years probation period/training period after which they will be placed under the skilled pay scale of 950-1500. The above fact has been clearly mentioned in CWE's speaking order letters No.1046/613/E1A dated 27 Jan 04, 1046/611/E1A dated 27 Jan 04, 1046/612/E1A dated 27 Jan 04, 1046/614/E1A dated 27 Jan 04, 1046/615/E1A dated 27 Jan 04, 1046/616/E1A dated 27 Jan 04, 1046/617/E1A dated 03 Feb 04. Inadvertently due to ignorance/loss sightedness of the Govt of India policy, few similarly situated fresh appointees were given a skilled pay scale of 950-1500/-grant
3. That with regards to statement made in Para 2, 3, 4.1, and 4.2 the answering respondents beg to offer no comments.

Union of India & or
- Respondents vs
through:-
Anjan Kumar Dey
C. A. T.
Guwahati
Addl. Central Govt. Standing Counsel
22/3/05

4. That with regards to statement made in Para 4.3 the answering respondents have no comments to offer as these are all matters pertaining to records and nothing is admitted which is not submitted by such records.

5. That with regards to statement made in Para 4.4 the answering respondent state that consequent to GOI, Ministry of Defence letter No.91026/EIC/88/116/D (W-II) dated 24-06-1987 the post of Switch Board Attendant, Lineman and wireman were all re-designated as Electrician (SK) under pay scale of 260-400 (Pre-revised) and 950-1500 (Revised) GOI, Ministry of Defence letter No.91026/EIC/88/116/D (W-II) dated 24-06-1987 is attached as Annexure I

6. That with regards to statement made in Para 4.5 of the OA the answering respondents beg to offer that the appointment of erstwhile wireman, lineman now rechristened as Electrician (SK) in the Semi Skilled pay scale of Rs.800-15-1010-EB-20-1150 per month is for a probationary period of 2 years. After successful completion of the 2 years probation/training period the candidates are entitled for a scale of skilled Electrician pay scale of Rs.950-20-1150-EB-1500/- It is clearly indicated that there is a quantum jump in the pay scale from '830/- per month after 2 years to Rs.950/- month after successful completion of probation period. In certain cases where similarly situated candidates are appointed in other Commander Works Engineer's offices in the direct pay scale of Rs.950-20-1150-EB-1500/-, Army Hq, E-in-C Branch letter No.90270/89/E1C dated 11 Jan 85 have not been consulted or followed, which is therefore a administrative error not intending at harassing/indiscriminating the individuals.

E-in-C Branch letter No.90270/89/E1C date 11 Jan 85 is attached as Annexure – II.

7. That with regards to statement made in Para 4.6 the respondent beg to offer that appointment of fresh candidates into wireman, lineman, and SBA in the pay scale of 950-20-1150-EB-1500/- much higher that the other similarly situated candidates but (Pay scale of Rs.800-15-1010-EB-20-1150/- is an administrative error overlooking Army Hq, E-in-C Branch letter No.90270/89/E1C dated 11 Jan 85

8. That with regards to statement made in para 4.7 the answering respondents beg to state that consequent to E-in-C Branch letter No.B/21831/E1C(3) dated 21 Jan 2003 and statement made in para 4.5 and 4.6 Speaking order were served upon the petitioners disposing of their representation.

Copy of letter No.B/21831/E1C (3) dated 31st Jan 2003 is attached as per Annexure III

9. That with regards to statement made in para 4.8 the answering respondents beg to state that consequent to Hon'ble CAT, Kolkata Bench Judgment in OA No.118/97 on expert committee was constitute vide Army Hq, E-in-C Branch letter No.90270/73/86/E1C dated 9th April 2002 to look into the anomalies in the pay scale arising due to restruchiring of different grades and fixing of their pay scales. It applies to the individuals who are already in service in the instant case(OA).The application is concerning anomaly in the pay scale of the individual at initial appointment which is purely due to administrative errors.
10. That with regards to statement made in para 4.10 the answering respondents have no comments to offer as these are all matters pertaining to records and nothing is admitted which is not supported by such records.
11. That with regards to statement made in para 4.11 the answering respondent begs to state that new appointee were placed as trainee at an initial pay scale of Rs.800-1150/- . The pay scale increase to Rs. 950-1500/- an successful of 2 years completion period. Administrative error committed by certain units by placing initial appointment at initial pays scale of Rs.950- 1500/- cannot takes precedence over GOI legislative power of formulating policy.
12. That with regards to statement made in Para 4.12 the answering respondents have no comments to offer as these are all matters pertaining to records and nothing is admitted which is not supported by such records.
13. That with regards to statement made in para 5.1, 5.2, 5.3 the answering respondent have no comments to offer except those made in the above paragraphs.
14. That with regards to statements made in para 5.4 & 5.5 the answering respondent beg to state that speaking order issued vide letter No. 1046/613/E1A dated 27 Jan 04, 1046/611/E1A dated 27 Jan 04, 1046/612/E1A dated 27 Jan 04, 1046/614/E1A dated 27 Jan 04, 1046/615/E1A dated 27 Jan 041046/616/E1A dated 27 Jan 041046/617/E1A dated 03 Feb 04 and 1046/618/E1A dated 03 Feb 2004 were issued consequent to E-in-C Branch letter No.B/21831/TGS/E1C(3) dated 31st Jan 2003.

4

15. That with regards to statements made in para 5.6, 5.7, 6, 7 and 8.1, 8.2, 8.3 the answering respondents have no additional comments to offer except those made in the above paragraphs and reiterates that under the fact and circumstances in the case the applicants are not entitled to any relief.

16. That with regard to statements made in para 9.1 the answering respondent beg to state that consequent to E-in-C Branch letter No. B/21831/TGS/E1C(3) dated 31 Jan 2003, speaking orders were issued to the applicants as stated in Para 15 above. The respondents further reasserts and reiterates the statement herein above in this written statement and states that under the facts and circumstances of the case and the provision of law, the applicants are not entitled to any relief whatsoever and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Shri Gurmit Singh, at present working as Garrison Engineer, Shillong in the Office of the Garrison Engineer Shillong, being competent and duly authorized do hereby solemnly affirm and declare that the statements made in Paragraphs 2 - 16 being matters of record are true to my information derived therefore and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material fact.

And I sign the verification on this 28th day of Mar 2005.



DEPONENT

5 No. 91024/ERIC/33/TS (U-II)
 No. Bldgs/ETO/OC/D (W-18)
 Government of India
 Ministry of Defence,
 New Delhi, the 24 June 1987

To
 The Chief of the Army Staff
 New Delhi

Subject : NATIONALISATION OF TRADES OF THE INDUSTRIAL
 CHARGE OF THE MES

S.A.P.

The President is pleased to sanction the redesignation and codification of the following categories of personnel in the MES in order to conform to the structure of the National Classification of Occupations :-

Sl. No	Existing Designation	Revised NCO	Code No	Pay scale
				1 2 3 4 5
1.	Charge Electrician	Senior Electrician (HS-I)	851.10	380-12-500- EB-15-500
2.	Charge Mechanic	Senior Mechanic (HS-I)	-	-do-
3.	Charge Mechanic Refrigeration	Senior Mechanic Refrigeration & Air Conditioning (HS-I)	845.70	-do-
4.	Driver Mechanical Equipment	Operator Earth Moving Machinery (SK)	974.10 974.15 974.20 979.10	260-6-290-EB-15 326-8-366-EB-8 390-10-400. -do-
5.	Armature Winder Electrician	Electrician (SK)	851.10	-do-
6.	Cabinet Maker	Carpenter (SK)	811.20	(611.20)
7.	Carpenter	Carpenter (SK)	811.20	-do-
8.	Sawyer			
9.	Fitter Engine	Mechanic Petrol and Diesel Engine (SK)	845.10 845.13	-do-
10.	Engine Artificer	Mechanic precision Instrument	841.15 841.20 851.20	-do-
11.	Instrument Repairer			

Contd... 2/-

1	2	3	4	5
Refrigerator Mechanic		Mechanic Refrigerator	846.70 ✓	260-6-290-EB-6-326-8- 366-EB-8-3900-10-100
Turner ✓		Machinist (SK)	835.10 ✓	-do-
Driver Engine ✓		(a) Driver	961.20 ✓	
Static, Driller ✓		Engine Static (SK)	961.25 ✓	
Road Roller (IC) & ✓		(b) Driver Mobile	974.45 ✓	
Small plant Compre- ssors, Dumper, Dacauvile Engines, Concrete Mixers, Mixor (SS)		Plant (SK) (c)	974.70 ✓	-do-
Driver Concrete		Driver Concrete		
Driller well Boring.		well Driller cum pile driver	717.10 260-6-290-EB-6-326- 974.12 383-366-EB-8-390- 10-400.	
Line Man		Electrician (SK)	855.10 ✓	-do-
Switch Board Attendant		Electrician (SK)	857.10 ✓	-do-
Wireman		Electrician (SK)	-	-do-
Mason		Mason (BK)	951.20 ✓ 951.40 ✓ 951.90 ✓	-do-
Packer Grade I		Packer Gde I	952.10 ✓ 952.30 ✓ 952.60 ✓ 955.10 ✓ 976.00 ✓	
Packer Grade II		Packer GDE II	-	-260-6-290-EB-6-326- 8-366-EB-8-390-290- 210-4-EB-4-250-EB- 5-290.
Pipe Fitter		Fitter Pipe	871.10 260-6-290-EB-6- 326-8-366-EB-8-390- 10-400.	
Plumber			871.20 ✓	-do-
Cane Weaver		Cane man	942.30 ✓	210-4-260-EB-4- 250-EB-5-290.
Lift Attendant		Lift Operator	979.30 ✓	-do-
Motor pump Attendant		Pump House Operator	961.70 260-6-290-EB-6- 326-8-366-EB-8- 390-10-400.	
Ballow Boy		Ballow Boy	-	210-4-226-EB- 260-EB-5-290.
Cable Jointer		Cable Jointer (III-II)	857.30 330-8-370-10- 100-EB-10-100	

14

Lift Mechanic	Lift Mechanic (SK)		260-6-290-EB-326-8-		
			360-EB-8-390-10-400		
Pattern Maker	Carpenter (SK)	891.20	✓	-do-	
Vehicle Mechanic	Vehicle Mechanic (SK)	843.20	✓	-do-	
Welder	Welder (SK)	872.70	✓	-do-	
		872.20	✓	-do-	
Boiler Attendant	Boiler Attendant (SK)	962.20	✓	-do-	
Blacksmith	Blacksmith (SK)	831.10	✓	-do-	
Moulder	Moulder (SK)	725.10	✓	-do-	
Painter	Painter (SK)	932.10	✓	-do-	
		932.30	✓	-do-	
Upholsterer	Upholsterer (SK)	796.10	✓	-do-	
Operator Pneumatic Tools	Operator Pneumatic Tools (SK)	713.10	✓	-do-	
		974.42	✓		(226)
Hannerman	Hannerman (SS)	831.40	✓	210-4-6-6-EB-4-	
Mate	Mate (SS)	"		250-EB-5-290,	-do-
Valveman	Valveman (SS)	"			-do-
Mazdoor	Mazdoor (USK)	999		196-3-220-EB-3-232	

Sanction is also accorded for the modification in the existing trades as shown below :-

(a) The trade of Tailor will be abolished ; existing incumbants will be re-designated as Upholsterers.

(b) The trades of Vcharpey Stringer, Coal Trimmer and Firemen will be abolished ; existing incumbants in the pay scale of Rs.210-290 will be redesignated as Mates. The existing Charpoy Stringers in the pay scale of Rs 196-232 will be redesignated as Mazdoors.

Contd....4/.....

8
115
2. Signwriter and Driver Compressor will also be abolished and existing incumbents re-designated as painter and Driver Engine Static respectively.

(c) There will be no future recruitment of Glazier, and the category will be abolished when existing holders are washed out.

3. The relevant recruitment rules will be amended as necessary. Pending such amendment, recruitment as well as the channels of promotion and demotion will be on the basis of above modification as an interim measure.

4. The duties of the posts will be laid down by the Engineer-in-Chief.

5. This letter issues with the concurrence of the Ministry of Finance (Defence) vide their u.o. No.1309/M-III of 1986.

Yours faithfully,
Sd/
(G.P.BHUNGUNA)
Under Secretary to the Govt
of India

Attested by
V.K.Ch.
Addl. G.G.S.C.

9
TELEPHONE : 371309

Annex-II

REGISTERED
Coord our Karmik Nideshalaya/EIC
Pravalki Engineer Shakha
Thal Sona Mukhyalaya
Coord & Pers Directorate/EIC
Engineer in Chief's Branch
Army Headquarters
DHQ PO New Delhi-110011

90270/30/EIC

17 Jan 85

The Chief Engineer

Southern Command, Pune
Eastern Command, Calcutta
Western Command, Simla
Central Command, Lucknow
Northern Command, C/O 56 APO

The Commandant

CME Kirkee Pune-31
Madras Engg Gp and Centre Bangalore
Bengal Engg Gp and Centre Roorkee
Bombay Engg Gp and Centre Kirkee

EMPLOYMENT OF INDUSTRIAL WORKERS OF MES IN PAY
SCHEME RECOMMENDED BY THE THIRD PAY COMMISSION

F/173-1. Further to this HQ letter No 90270/89/EIC dated 29 Oct 84. F/173

F/112
No. 1
from this

2. The posts which have been upgraded from Semi-Skilled grade (Rs. 210-290) to the Skilled grade (Rs. 260-400) are indicated in Government orders, copy forwarded via our letter No 90270/30/EIC dated 20 Dec 83 and even number dated 29 Oct 84. The feeder categories to these posts from the Semi-Skilled categories are indicated in the Recruitment Rules. The posts in the Skilled grade are to be filled by promotion of qualified/eligible Semi-Skilled tradesmen failing which by transfer and failing both by direct recruitment.

3. Due to upgradation of posts from Semi-Skilled grade (Rs. 210-290) to Skilled grade (Rs. 260-400), the qualifications for making direct recruitment will be as follows:-

Educational

(a) Middle standard/latric standard as stipulated for admission by the ITI for the concerned trades.

Technical

(b) ITI certificate for the concerned trades/ex-trade Apprentices/NCTVT. The newly inducted direct recruits will be recruited in the Semi-Skilled grade of Rs. 210-290 and on satisfactory completion of two years service in that grade will be considered for promotion to the Skilled grade by DPC.

---2/-

Attested
Addl. G. G. S. C.

Tele: 3109107

574-18
118
Engg/Engr-in/Chief in Branch
Army Headquarters
DHQ P.O. Kashmere Gate
New Delhi - 110011

Annex-III

70
B/21831/CGS/EIC(1) 66

31 Jan 2003

Chief Engineer

Southern Command, Pune

Western Command, Chandigarh

Central Command, Lucknow

Eastern Command, Kolkata

Northern Command, C/o 56 APD

GRANT OF SKILLED GRADE IN THE PAY SCALE OF RS. 950-1500
FROM DATE OF INITIAL APPOINTMENT MADE DURING 1987 TO
1991 WHO WERE INITIALLY FOR A PERIOD OF TWO YEARS PAID
IN SEMI SKILLED GRADE OF RS.800-1150

1. A number of applications have been received from individuals for grant of skilled grade of Rs. 950-1500 (3rd pay commission Scale) from the date of initial appointment instead of Rs.800-1150 to which they were originally appointed for a period of two years. These individuals have quoted the authority of various CAT judgements and requested that the benefits of those judgements be extended to them.

In this regard it is stated that a case was taken up with the Govt for extending the benefit of the judgements to similarly placed people in addition to the applicants in the OAs decided by the CAT. The proposal has not been accepted by the Govt.

Ch. Secy
EE
Date 18/1/03
For F. in

Copy to

Attested
P.K. Chatterjee
Addl. C. G. S. G.

27 JUL 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

118

In the matter of:-

O.A. No. 202 of 2004

Shri Anjan Kumar Dey

-Vs-

Union of India and Others.

-And-

In the matter of:-

Rejoinder submitted by the applicants in reply to the written statements submitted by the respondents.

The applicants above named most humbly and respectfully begs to state as under:-

1. That with regard to the statement made in paragraph 2, the applicants deny the correctness of the same and further beg to say that the present applicants were appointed after 24.06.1987 and as such they are entitled to the benefit of pay scale of Rs. 260-400 revised 950-1500 in terms of the Govt. of India's Circular no. 91026/EIC/88/116/D(W-II) dated 24.06.1987 (Annexure-II) of the O.A and as such they are entitle to the scale of Rs. 260-400 revised 950-1500 in terms of the Govt. order dated 24.06.1987 but surprisingly even after 24.06.1987 the present applicant when offered the appointment by the respondent authority they have shown the designation of Lineman/S.B.A/Wireman, whereas on 24.06.1987 all those designation were redesignated as electrician S.K following the order of Govt. of India referred in Ann-II and as such even those designation which are sanctioned in the office of appointment were not correct since the nomenclature Lineman/S.B.A/wireman were redesignated as

Filed by the applicants
through Subroto Nalak
Advocate.
29.9.05.

Electrician SK with the scale of 260-400 (Prerevised) as such all the applicants have been wrongly placed in the scale of pay of Rs. 800-1150 (prerevised) 210-290 instead of Rs 950-1500 (Pre-revised 260-400), therefore contention of the respondents that the scale of Rs. 950-1500 were wrongly given is not correct rather at least this applicants who were appointed after 24.06.1987 are rightly entitled to the scale of Rs. 950-1500 (Pre revised 260-400) and the same has been specifically admitted in paragraph 5 of the respondents themselves.

2. That with regard to the statements made in paragraph 6, 7, 8, 11 and 14, the respondent has fairly admitted that the same has been occurred due to administrative error. The applicants are entitled to appropriate scale from the date of their appropriate scale from the date of their initial appointment with usual increments in the pay scale of Rs. 950-1500, so far contention of the respondents made relating to Govt. order dated 11.01.1985 but the said order has no relevancy with the instant case since the applicants were appointed after passing of Govt. order dated 24.06.1987 when the scale for the redesignated post of electrician S.K has been placed in the scale of pay of Rs. 950-1500 (Pre revised 260-400). Moreover the applicants have been redesignated immediately after their appointment as electrician SK in terms of the Govt. order dated 24.06.1987. all the applicants are matriculate having ITI certificate. As such applicants are also entitled the pre revised scale of Rs. 240-400 even in terms of the Govt. order dated 11.01.1985. as such denial of appropriate scale to the applicants will lead to hostile discrimination which are also going to effect even the pensionery benefit of the applicants.

In the facts and circumsances stated above the application is deserves to be allowed with cost.

VERIFICATION

I, Shri Anjan Kumar Dey, Son of Sri Asit Kumar Dey, aged about 36 years, working as Electrician (SK) in the office of the G.E. narengi, Guwahati is one the applicants in the instant Original Application duly authorized to verify the statements made in the rejoinder, do hereby verify that the statements made in paragraph 1 to 3 are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on the ___ day of July' 2005.

Anjan Kumar Dey