

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 210/04.....

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SECTION OFFICER (Judl.)



FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 210/04

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Dr. R.K. Mudaiya

Respondents: U.O. I Joms

Advocate of the Applicants: S. Medhi, S. Barnah, Sheeladitya

Advocate for the Respondents: Case.

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
is filed/ Rs. 50/-
deposited Rs. 20

No. 206/113320

Dated 2-8-04

Dy. Registrar

Steps taken with
envelops.

13.9.2004

Present: The Hon'ble Mr. Justice R.K. Batta
Vice-Chairman.

The Hon'ble Mr. K.V. Prahladan
Member (A).

Heard learned advocates for both the
parties. Judgment delivered in open
Court, kept in separate sheets.

The application is rejected in terms
of the order at the admission stage
itself. No costs.

Member (A)

Vice-Chairman

bb

15.9.04

Copy of the Judgment has
been sent to the Dy. Secy. for
issuing the same to the
applicant by post.

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./XXX.No. 210 of 2004.

DATE OF DECISION 13.09.2004.

.....Dr.Rajesh Kumar Mudaiya.....APPLICANT(S)

.....S/Shri.S.Medhi,S.Baruah & Sheeladitya.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

.....U.O.I. & Ors.....RESPONDENT(S)

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

THE HON'BLE MR. JUSTICE R. K. BATTA, VICE CHAIRMAN.

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

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ? No.
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Vice-Chairman.

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 210 of 2004.

Date of Order : This, the 13th Day of September, 2004.
(At admission stage.)

THE HON'BLE MR. JUSTICE R. K. BATTA, VICE CHAIRMAN.

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

Dr. Rajesh Kumar Mudaiya
S/o Sri Chandra Swaroop Mudaiya
Research Assistant (Botany)
Regional Research Institute
(Ayurveda), Borsojai (Bhetapara)
Beltola, Guwahati - 781 028.
Dist: Kamrup, Assam. Applicant.

By Advocates S/Shri S. Medhi, S. Baruah & Sheeladitya.

- Versus -

1. The Union of India
Represented by the Commissioner
and Secretary, Ministry of Health
and Family Welfare, Nirman Bhawan
New Delhi.
2. The Director
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.)
(An Autonomous Organisation under
Ministry of Health and Family
Welfare, Govt. of India)
Jawaharlal Nehru Bharatiya Chikitsa
Avum Homoeopathy Anusandhan
Bhawan, No. 61-65, Institutional
Area, D-Block, Janakpuri
New Delhi - 110 058.
3. The Deputy Director (Administration)
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.)
Jawaharlal Nehru Bharatiya Chikitsa
Avum Homoeopathy Anusandhan Bhawan
No. 61-65, Institutional Area
D-Block, Janakpuri
New Delhi - 110 058.

4. The Asstt. Director (Co-ordination)
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.)
Jawaharlal Nehru Bharatiya Chikitsa
Avum Homoeopathy Anusandhan Bhawan
No.61-65, Institutional Area
D-Block, Janakpuri
New Delhi - 110 058.
5. The Administrative Officer (F)
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.)
Jawaharlal Nehru Bharatiya Chikitsa
Avum Homoeopathy Anusandhan Bhawan
No.61-65, Institutional Area
D-Block, Janakpuri
New Delhi - 110 058.
6. The Research Officer In-Charge
Regional Research Institute
(Ayurveda) under C.C.R.A.S.
Borsojai (Bhetapara), Beltola
Guwahati - 781 028
Dist: Kamrup, Assam.
7. The Research Officer In-Charge
Regional Research Institute
(Ayurveda) under C.C.R.A.S.
Tarikhet, Ranikhet
Uttaranchal - 263 663. Respondents.

O R D E R (ORAL)

BATTA, R.K., J. (V.C):

The applicant is working as Research Assistant (Botany) in the office of Regional Research Institute, Beltola, Guwahati. In this application the applicant claims financial upgradation under the A.C.P. Scheme w.e.f.9.8.1999 on the ground that he had completed twenty years of service and that he was not given financial upgradation from 9.8.1999 though the same has been granted to him later on w.e.f.20.5.2004. His case is that the required papers which are to be sent before the Screening

Committee, which meets twice in a year, have not been sent and that the applicant's case for upgradation was rejected on the ground that he was found unfit even though no adverse entry in the ACR was ever communicated to him.

2. We have heard Mr.S.Medhi, learned advocate for the applicant and also Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents. Learned advocate for the applicant has substantially argued the two grounds referred to above in the application.

3. The applicant is challenging order dated 31.5.2004 vide which he was given benefit of upgradation w.e.f.20.5.2004. In the garb of this order, what the applicant seeks to challenge is, infact order dated 20.6.2002. What cannot be done directly cannot be permitted to be done indirectly. It is vide order dated 20.6.2002 that the applicant was informed that his case was examined by the Screening Committee for financial upgradation under the A.C.P.Scheme but he was not found fit for the same and his case will be put up again before the next Screening Committee. This order could be challenged before the Tribunal within a period of six months but the applicant failed to invoke jurisdiction of this Tribunal during the said period of limitation and the petitioner now cannot be permitted to challenge the said order dated 20.6.2002 in the garb of order dated 31.5.2004. Hence, the same is barred by limitation in terms of Section 21 of the Administrative Tribunals Act, 1985. Even the representation against the said order of

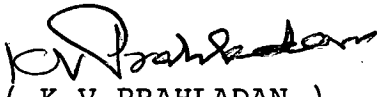
R -

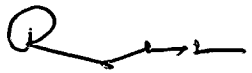
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20.6.2002 was made by the applicant to the department after a period of one year on 19.12.2003. Therefore, on this count alone, the application is required to be dismissed. Besides this, it transpires that the applicant did not have the requisite bench mark which means that the applicant did not attain the bench mark prescribed for promotion which necessarily ^{does} ~~need~~ not amount to any adverse entry as such.

In the facts and circumstances we find no merit in this application and the application is summarily rejected.

There shall be no order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(R.K.BATTA)
VICE CHAIRMAN

BB

7 SEP 2004

Shyam Barooch
Advocate

FILED BY

LIST OF DATES/ SYNOPSIS

O. A. NO. 210 / 2004.

Dr. Rajesh Kumar Mudaiya

.... Applicant.

- Vrs -

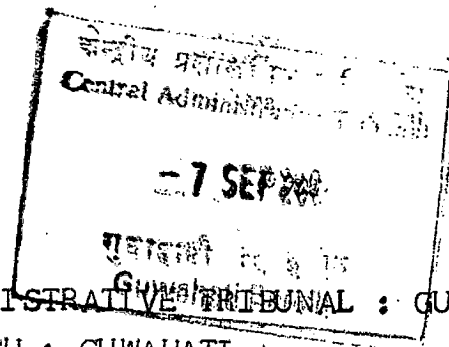
Union of India and others.

.... Respondents.

<u>Sl.No.</u>	<u>Date</u>	<u>Particulars</u>
1.	18.7.1983 -	Applicant joined as a Research Assistant (Botany) at Regional Research Centre (Ayurveda) Tadang (Gangtok, Sikkim). (Ann-1)
2.	1.8.1988 -	Applicant was transferred to Regional Research Institute (Ayurveda) Terikhat, Ranikhat, Uttaranchal vide Office Order dtd. 18.7.1988. (Ann-3)
3.	9.8.1999 -	A scheme known as <u>Assured Career Progression</u> in short, A.C.P. was formulated and brought forward by the Govt. of India for its employees who had stagnation in their career.
4.	3.5.2001 and 13.7.2001	Letters submitted by the Respondent No.3 to the respondent No.7 intimating him about the process of implementation of the A.C.P. scheme as regards the applicant. (Ann 4 & 5)

<u>Sl.No.</u>	<u>Date</u>	<u>Particulars</u>
4.	14.5.2001 -	A letter submitted by the applicant to the respondent No.2 submitting his C.R. in view of the threat of the respondent No.7 of putting adverse remarks in the said C.R. (Anx-6)
5.	28.5.2001 -	A letter by the applicant to respondent No.7 informing him about the submission of his C.R. to the Respondent No.2. (Anx-7)
6.	<u>20.6.2002</u>	A letter by the respondent No.2 to the respondent No.7 informing him about the decision of the Screening Committee in not allowing financial upgradation to the applicant under the A.C.P. Scheme <u>as he was not found fit, but assured that the applicant's name ^{would be} put up again in the next screening committee meeting.</u> (Anx-8)
7.	26.6.2002 -	That said letter dtd. 20.6.2002 was communicated to the applicant by the respondent No.7. (Anx-9)
8.	7.8.2002 - 6.6.2002	The applicant was transferred to Regional Research Institute (Ayurveda), Guwahati. (Anx-10 & 11)

<u>Sl.No.</u>	<u>Date</u>	<u>Particulars</u>
9.	19.12.2002 and 3.2.2004 -	Being aggrieved by the order dtd. 20.6.2002 the applicant submitted representations to the respondent No.2 stating therein that having completed 20 years of service he is eligible for the financial upgradation under the A.C.P. Scheme. (Anx-12 & 13)
10.	31.5.2004 -	Office order issued by the Respondent No.3 allowing the applicant's <u>his first financial upgradation under the ACP Scheme w.e.f. 20.5.2004 and not 9.8.1999</u> from which the applicant is entitled. (Anx-14)
11.	28.6.2004 -	Representation submitted by the applicant to the respondent No.2 requesting him to grant the benefit of financial upgradation from 9.8.1999. (Anx-15)
12.	3.8.2004 -	Letter by the respondent No.6 to the applicant informing him of the decision of the screening committee to grant the benefit of financial upgradation only from 20.5.2004 and not earlier <u>as he did not have the prescribed bench mark meant for the post.</u> (Anx-16)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI
BENCH : GUWAHATI.

O.A. NO. 210 / 2004.

Dr. R.K. Mudaiya ... Applicant.

- Vrs -

Union of India & Ors ... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
1.	Application	1 to 14
2.	Verification	15
3.	Annexure-1	16, 17
4.	Annexure-2	18
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6.	Annexure-4	21
7.	Annexure-5	22, 23
8.	Annexure-6	23, 24, 25, 26
9.	Annexure-7	26, 27
10.	Annexure-8	28
11.	Annexure-9	29
12.	Annexure-10	30
13.	Annexure-11	31
14.	Annexure-12	32
15.	Annexure-13	33
16.	Annexure-14	34
17.	Annexure-15	35
18.	Annexure-16	36
19.	Annexure-17	37, 38, 39.

Filed by :-

Shyam Baruah
Advocate.

12
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI

BENCH :: GUWAHATI.

(An application U/S 19 of the Administrative Tribunal Act, 1985).

FILED BY:

O.A. NO. 210 OF 2004.

Dr. Rajesh Kumar Mudaiya,
S/O. Sri Chandra Swaroop Mudaiya,
Research Assistant (Botany),
Regional Research Institute
(Ayurveda), Borsojai (Bhetapara),
Beltola, Guwahati-781028,
Dist. Kamrup, Assam.

.... APPLICANT.

- Vrs -

1. The Union of India,
Represented by the Commissioner
and Secretary, Ministry of Health
and Family Welfare, Nirman Bhawan,
New Delhi.
2. The Director,
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.)
(An Autonomous Organisation under
Ministry of Health and Family
Welfare, Govt. of India),

Contd.... P.2.

Dr. Rajesh Kumar Mudaiya
THROUGHT
Shyam Sawary Advocate,

12

Nehru

Jawaharlal, Bhartiya Chikitsa
Avum Homoeopathy Anusandhan
Bhawan, No.61-65, Institutional
Area, D-Block, Janakpuri,
New Delhi-110058.

3. The Deputy Director (Administration),
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.),
Jawaharlal Nehru Bhartiya Chikitsa
Avum Homoeopathy Anusandhan Bhawan,
No.61-65, Institutional Area,
D-Block, Janakpuri,
New Delhi-110058.
4. The Asstt. Director (Co-ordination),
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.),
Jawahar Lal Nehru Bhartiya Chikitsa
Avum Homoeopathy Anusandhan Bhawan,
No.61-65, Institutional Area,
D-Block, Janakpuri,
New Delhi-110058.
5. The Administrative Officer (E),
Central Council for Research in
Ayurveda and Siddha (C.C.R.A.S.),
Jawaharlal Nehru Bhartiya Chikitsa
Avum Homoeopathy Anusandhan Bhawan,
No.61-65, Institutional Area,
D-Block, Janakpuri,
New Delhi-110058.

6. The Research Officer In-charge,
Regional Research Institute
(Ayurveda) under C.C.R.A.S.,
Borsojai (Bhetapara), Beltola,
Guwahati-781028,
Dist. Kamrup, Assam.
7. The Research Officer In-charge,
Regional Research Institute
(Ayurveda) under C.C.R.A.S.,
Tarikhet, Ranikhet, Uttaranchal-
263663.

.... RESPONDENTS.

1. PARTICULARS OF THE ORDERS AGAINST WHICH THE
APPLICATION IS MADE :

- (i) Letter No.F.NO.12-22/2000-CCRAS/Estt.Vol-IV
dated 31.05.2004 issued by the respondent No.3 allowing
first financial upgradation under the Assured Career
Progression (ACP) Scheme w.e.f. 20.5.2004.
- (ii) Representation dtd. 28.06.2004 submitted by
the applicant to the respondent No.2 requesting grant
of first financial upgradation under the ACP Scheme
w.e.f. 09.08.1999 and not from 20.05.2004 as was
allowed earlier.
- (iii) Letter No.1-35/2002-2003/RRI/Ghy/Estt/427
dtd. 03.08.2004 issued by the Respondent No.6 on the
direction of Respondent No.2 rejecting the representation

Contd.... P.4.

of the applicant dtd. 28.06.2004 on the ground of not having the prescribed bench mark.

(iv) Illegal and arbitrary actions of the respondents in not allowing the applicant the benefit of first financial upgradation under the ACP Scheme w.e.f. 09-08-1999 where the scheme itself envisages the said upgradation after completion of 12 years service period which the applicant has completed way back in the year 1995 taking into account his date of joining which was 18.07.1983.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the order against which he seeks redressal is within the jurisdiction of this Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

1. That the applicant after successful completion of Master Degree in Botany in the year 1980 applied vide his application dtd. 19.04.1982 to the Regional Research Centre (Ayurveda), Tadong, Gangtok (Sikkim) and was thereafter appointed vide an office order

dated 30.06.1983 in the post of Research Assistant (Botany) and the applicant joined on 18.07.1983.

(A copy of the said order dtd. 30.06.1983 is annexed herewith and marked as Annexure-1).

2. That considering the applicants good work, the Asstt. Research Officer In-Charge of Regional Research Centre (Ayurveda), Gangtok (Sikkim) issued a work experience certificate dtd. 30.04.1984.

(A copy of the certificate is enclosed herewith and marked as Annexure-2).

3. That thereafter the applicant was transferred to Regional Research Centre (Ayurveda), Tarikhet, Ranikhet, Uttaranchal (previously Uttar Pradesh) by office order dtd. 18.07.1988 and the applicant after being released on 20.07.1988 joined at Ranikhet on 01.08.1988 and was appointed there in the upgraded scale of pay vide office order dtd. 18.07.1995.

(A copy of the said order is enclosed herewith and marked as Annexure-3).

It is pertinent to mention here that the applicant had cleared his efficiency bar in the year 1995 after successful completion of 12 years of service.

4. That in the meantime a new scheme known as Assured Career Progression (ACP) was formulated by the Govt. of India in the year 1999 for financial upgradation of its employees who had stagnation in their career as a result of lack of regular promotion.

5. That as regards implementation of the ACP scheme, the respondent No.3 vide letter dtd. 3.5.2001 intimated the In-Charge, Regional Research Institute (Ayurveda), Ranikhet (Respondent No.7) where the applicant was posted at that period that the same is under process in so far as it concerns the applicant and two other officers and the decision would be communicated to him in due course.

(Copies of the said letters dtd. 03.05.2001 and 13.07.2001 are enclosed herewith and marked as Annexures-4 & 5 respectively).

6. That while the applicant was working in Ranikhet, Uttaranchal, he was threatened by the In-charge of that Institute (Respondent No.7) that he (the In-charge) would put in adverse entry in the applicant's Confidential Report (C.R.) and fearing this, the applicant sent his C.R. for the year 2000-2001 by post to the respondent No.2 narrating the circumstances under which he had to take this step.

(A copy of the letter dtd. 14.5.2001 along-with the postal receipt is enclosed herewith and marked as Annexure-6).

7. That one of the grievances raised in the applicant's letter dtd. 14.5.2001 addressed to the respondent No.2 was that the in-charge, Regional Research Institute, Ranikhet, Uttaranchal (Respondent No.7) never sent his name for the ACP scheme for first financial upgradation even after completing 18 years in service but did send the name of one Sri V.N.Pandey (RA, Botany) who got the benefit under the said scheme.

8. That after submitting the C.R. to the respondent No.2, the applicant duly intimated the same to the In-charge, Regional Research Institute, Ranikhet, Uttaranchal (Respondent No.7) vide his letter dtd. 28.05.2001.

(A copy of the letter dtd. 28.05.2001 is enclosed herewith and marked as Annexure-7).

9. That thereafter on the insistence of the applicant, the In-charge, Regional Research Institute, Ranikhet, Uttaranchal (Respondent No.7) sent a letter to the respondent No.2 enquiring about the implementation of the ACP Scheme and in turn the respondent No.4 vide his letter dtd. 20.06.2002 intimated the respondent No.7 that after examining the case of the applicant by the Screening Committee for financial upgradation, it was found that he was not fit for the same, but assured that the applicant's case would be put again in the next Screening Committee meeting and this letter dtd. 20.06.2002 was duly communicated to the applicant by

the In-charge, R.R.I., Ranikhet, Uttaranchal
(Respondent No.7).

(Copies of the said letter dtd. 20.6.2002
and 26.6.2002 are enclosed herewith and
marked as Annexures-8 & 9 respectively).

10. That in the meantime, the applicant was
transferred from Ranikhet, Uttaranchal to Guwahati,
Assam on 06.06.2002 and he joined in Guwahati on
07-08-2002 in the same capacity after being relieved
from Ranikhet, Uttaranchal.

(Copies of the order of transfer dtd.6.6.2002
and the joining report dtd. 7.8.2002 are enclosed herewith
and marked as Annexures-10 & 11 respectively).

11. That the applicant, taken aback by such a
drastic decision of the respondents adversely affecting
his career, submitted a representation dtd. 19.12.2003
to the respondent No.2 inter-alia stating therein that
he had completed 20 years of service and is eligible
for the financial upgradation under the ACP Scheme
from 09.08-1999 and that he is entitled to know the
cause of non-consideration but the respondent No.2 did
not pay any heed to his representation and as such the
applicant submitted another representation dtd.03.02.2004
highlighting the same grievances.

(Copies of the said representations dtd. 19.12.2003 and 03.02.2004 are enclosed herewith and marked as Annexures-12 and 13 respectively).

12. That after more than 3 months since the last representation dtd. 03.02.2004 was submitted to the respondent No.2, the respondent No.3 issued an office order dtd. 31.05.2004 allowing the applicant his first financial upgradation under the scheme but w.e.f. 20.5.2004 and not 09.08.1999, from which the applicant is entitled.

(A copy of the office order dtd. 31.5.2004 is enclosed herewith and marked as Annexure-14).

13. That being aggrieved by the afore-mentioned order dtd. 31.5.2004 in granting financial upgradation w.e.f. 20.05.2004, the applicant submitted a representation dtd. 28.06.2004 to the respondent No.2 stating inter alia that he should be given the benefit from 09.08.1999 as he is entitled to under the ACP Scheme or else he would have no other alternative but to approach the competent Court for redressal of his grievances.

(A copy of the said representation dated 28.6.2004 is enclosed herewith and marked as Annexure-15.).

14. That in reply to the said representation, the Research Officer, R.R.I., Guwahati (Respondent No.6) on the direction of the respondent No.2 intimated to the applicant that as he was not having the prescribed bench-mark meant for the post of R.A. (Botany), the Screening Committee could not consider his case in its meeting held on 10.09.2001, but subsequently on his case being put up again, on re-consideration, the Screening Committee have granted him the ACP benefit w.e.f. 20.05.2004 but the respondents did not care to detail out anything regarding the prescribed benchmark as to how it is obtained etc..

(A copy of the said letter dtd. 03.08.2004 is enclosed herewith and marked as Annexure-16).

15. That the applicant in his long career sparing more than 20 years have been working diligently, sincerely and to the satisfaction of his seniors and has carried out all office orders and works assigned to him with utmost sincerity and these could be reflected in the number of works that were handed over to him.

(Copies of the office orders are enclosed herewith and marked as Annexure-17 series).

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- i) For that the order dtd. 31.5.2004 and 3.8.2004, allowing the applicant his first financial upgradation under the ACP Scheme w.e.f. 20.05.2004 and

not from 09.08.1999, the date from which he is entitled is illegal and arbitrary and as such the same is liable to be modified thereby giving effect from 09.08.1999.

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ii) For that as per the ACP Scheme, the first financial upgradation should be after 12 years of service and the applicant has completed his 12 years in the year 1995 and hence is entitled to the benefit from 1999 onwards when the said scheme was formulated and as such the orders dtd. 31.5.2004 and 3.8.2004 should be modified and the applicant be allowed first financial upgradation from 09.08.1999.

iii) For that the screening committee constituted under the ACP Scheme is to meet twice in a year for consideration of financial upgradation of the employees, but in the case of the applicant his case was not forwarded to the screening committee till June, 2002 and hence his case was not considered and this action of the respondents is malafide on its face and as such the orders dtd. 31.5.2004 and 3.8.2004 needed to be modified thereby allowing the applicant the benefit of his financial upgradation from 09.08.1999.

iv) For that the reason cited by the respondents in not allowing the applicant his first financial upgradation prior to 31.5.2004 was that he did not attain the prescribed benchmark but the respondents ought to have communicated to him if there was any adverse entry against him as is required under the established principles of

service Rules and in not following the same, the respondents have violated all provisions and as such the orders dtd. 31.5.2004 and 3.8.2004 are liable to be modified thereby allowing the applicant to get the benefit under the ACP Scheme w.e.f. 09.08.1999.

v) For that if the first financial upgradation gets postponed on account of the employee not found fit or due to departmental proceedings etc. this would have consequential effect on the second upgradation which would also get deferred. In the case of the applicant similar situation has arisen as his first upgradation has already been postponed by five years which will have its effect on his second upgradation as that would also get delayed even after completion of 24 years of service as is required under the scheme for the second upgradation. This is therefore, a case of Double Jeopardy. The Deptt. of Personnel and Training, Govt. of India by its office Memorandum dtd. 10.2.2000 has clarified that this Double Jeopardy inflicted on its employees under the ACP Scheme should not be done, and hence the orders dtd. 31.5.2004 and 3.8.2004 are liable to be modified thereby allowing the applicant to avail the benefit w.e.f. 09.08.1999.

vi) For that in any other view of the matter the orders dtd. 31.5.2004 and 3.8.2004 are bad in law and is liable to be modified.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant has no remedy under the Service Rules.

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

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

8. P R A Y E R :

It is, therefore, prayed that Your Lordships would be most graciously pleased to admit this application, call for the records of the case, ask the respondents to show cause as to why the orders dtd. 31.05.2004 and 03.08.2004 (Annexures-4 & 16) should not be modified thereby granting the applicant the benefit of first financial upgradation under the ACP Scheme w.e.f. 09.08.1999 and after perusal of the causes that may be shown and after hearing the parties modify the aforesaid orders and grant the applicant the benefit under the Scheme w.e.f. 09.08.1999, and/or pass any other order or orders as Your Lordships deem fit and proper.

And for this act of kindness, the applicant as in duty bound shall ever pray.

9. INTERIM ORDER IF ANY PRAYED FOR :

Does not arise.

10. DOES NOT ARISE :

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :

- i) I.P.O. NO. : 20 G 11 3390
- ii) Date : 02.09.2004
- iii) Issued by Guwahati
Post Office.
- iv) Payable at Guwahati.

12. LIST OF ENCLOSURES :

As stated in the INDEX.

Contd.... P.15. Verification...

Ry

VERIFICATION

I, Dr. Rajesh Kumar Mudaiya, S/O. Sri Chandra Swaroop Mudaiya, aged about 47 years, resident of Borsojai, Bhetapara, Beltola, Guwahati-781028 in the District of Kamrup, Assam do hereby verify that the statements made in paragraph Nos.- 1,2,3,6,7,8,10,11,12,15
_____ are true to my personal knowledge and the statements made in paragraph Nos.- 4,9,13,14
_____ are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this day of August, 2004 at Guwahati.

Dr. Rajesh Kumar Mudaiya

Place- Guwahati.

SIGNATURE.

Date -

OFFER OF APPOINTMENT

= 16 =

With reference to his application dated 19.4.1982 to the Regional Research Centre (Ay), Tadong, Gangtok (Sikkim), Shri Rajesh Kumar Mudaliya is offered a temporary post of Research Assistant (Bot.) in the scale Rs. 425-15-500-15-560-20-700 plus the usual allowances sanctioned by the Govt. of India. His appointment to the following conditions:

1. (i) The appointment is temporary but likely to continue indefinite. The appointee will be on probation for a period of 2 years which may be extended or curtailed at the discretion of the appointing authority, during this period the appointment may be terminated without any notice notwithstanding the provision in clause (2) below.
- (ii) The appointment may be terminated at any time by a month notice given either side viz. the appointee or appointing authority. The Council, however, reserves the right of terminating the service of the appointee forthwith or before the expiration of the stipulated period of notice by making payment to him a sum equivalent to the pay & allowances for the period of notice of the unexpired portion thereof.
- (iii) "Pension-cum-GPF Death-cum-retirement Gratuity Scheme is admissible subject the rules in force".
- (iv) He shall have to comply with requirements of the C.C.S. (Conduct) Rules, 1964 and the plural marriages Act, All rules and orders already in existence or issued from time to time regarding attendance, duties, discipline, conditions of service etc. will automatically be applicable to him.
- (v) He should give a declaration of his home town for the purpose of L.T.C. within 6 (Six) months from the date of entry into service.

2. If the offer is accepted by him, he should report personally to this office immediately, but in any case not later than 31st July 1983. This offer is liable to lapse if he does not join on or before the stipulated date.

3. He should bring with him the original certificates in support of age, educational qualifications etc. and other certificates showing citizenship were necessary. He should also submit the following documents with his letter of acceptance.

- (i) A certificate of Physical fitness in the prescribed form from the District Medical Officer (Govt.), Gwalior.
- (ii) Submission of declaration form (enclosed) in regard to the Marital status in the event of the appointee having more than one wife living.

P.T.O.

A. H. H. H.
Shyam Boral
Advocate

(iii) Employment Exchange Registration card.

(iv) Declaration of family members, dependant etc.

(v) Certificate of Character in the form enclosed from the Head of the Educational Institution last attended or in case such a certificate can not be obtained, a certificate in the same form from a Gazetted Officer (in both cases duly attested by a District Magistrate, Sub-divisional Magistrate or Stipendiary 1st Class Magistrate, Executive). This certificate should have reference to the 2 (Two) years immediately preceding.

(vi) This offer of appointment is further subject to his taking on Oath of allegiance to the Constitution of India.

5. He will not be paid any TA for joining his appointment.

If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have been liable to removal from services and such other action as the Council may deem necessary.

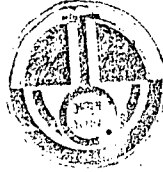
F.1-2/03/ARC-GTK/App/Admn/

(DR. S. K. SHARMA)
OFFICER INCHARGE.

Date: 30-6-1983.

To

Shri Rajesh Kumar Mudaiya,
Shanti Nagar colony,
New road, Lashkar,
Gwalior-474 001 (M.P.)



Annex-2

(11)

Phone 2753

क्षेत्रीय आयुर्वेद अनुसंधान केंद्र

गंगटोक-७३७१०२, (सिक्किम)

REGIONAL RESEARCH CENTRE (AY)

Gangtok-737102 (Sikkim)

(Central Council for Research in Ayurveda and Siddha. An autonomous organisation under Ministry of Health & Family Welfare, Govt. of India)

F.2-4/83/RRC-GTK/P-RKM/Estt./433 Date:30.4.84

Work Experience Certificate

This is to certify that Shri Rajesh Kumar Mudaiya S/o. Shri C.S.Mudaiya is working at Regional Research Centre(Ay), Tadong since 18.7.83(eighteenth july Ninteen hundred eighty three) as Research Assistant(Bot.). The nature of job is conducting survey tours of Sikkim Forest Areas for collection of medicinal and botanical plants, preparation of Herbaria shwets with Identification of plants.

He has been working with the fullest of satisfaction since his joinin

He bears a moral^{good} character.

I wish him all success in his future life.

(DR.D.N.Singh)

To : Asstt.Res. ^{DR.D.N.Singh} in charge

✓ Shri R.K.Mudaiya, क्षेत्रीय आयुर्वेद अनुसंधान केंद्र R.A.(Bot.), this certificate is being issued to you inresponse to your letter dated 28.4.84.

Affixed,

Shyam Basak

Advocate

CENTRAL COUNCIL FOR RESEARCH IN AYURVEDA AND SIDDHA
JLNBCPAHAB, 61-65, Institutional Area, New Delhi

= 19/11/95
21/11/95

No.F.12-13/95-CCRAS/ESTT.

18th July, 1995

OFFICE ORDER NO.541 /95

The following Research Assistants(Botany) are hereby appointed in the upgraded scale of pay of Rs.1640-2900 at the Institute/Centre/Unit indicated against each with effect from the date of issue of this office order.

S.No.	Name of R.A.(Bot.)	Place of posting
1.	Shri V.K. Pandey	RRG, Nagpur
2.	Shri G.N. Sinha	RRI, Patna
3.	Mrs. Z. Mary	RRC, Bangalore
4.	Shri J.G. Joseph	RRI, Jaipur
5.	Shri A.K. Hakim	RRC, Jammu
6.	Smt. P. Brinda	CSMDRIA, Madras
7.	Shri Shashi Bhushan Rao	RRC, Vijayawada
8.	Mrs. E. Sasikala	DSU(S), Madras
9.	Dr. G.C. Joshi	AU, Tarikhet
10.	Shri N.K. Pandey	AU, Tarikhet
11.	Shri K.R.Keshavamurthy	RRC, Bangalore
12.	Shri V.N. Pandey	AU, Tarikhet
13.	Kum. T.R. Santha	PSU, Bangalore
14.	Smt. B.P. Dhar	Headquarters Office
15.	Dr. R.K. Mudaiya	AU, Tarikhet
16.	Smt. V.S. Lalitha	PSU(S), Trivandrum
17.	Smt. B. Padmaja	RRI, Trivandrum
18.	Shri R.K.Tewari	PSU, Varanasi
19.	Shri Mohan Singh Rawat	RRC, Itanagar
20.	Dr. P.B. Singh	RRC, Mandi
21.	Shri K.C. Yadav	RRI, Lucknow

The appointment to the upgraded Scale of pay holds good only in case the incumbent in question holds M.Sc./ Postgraduation in Botany at the time of his/her appointment to the post of R.A.(Bot).

The pay of these staff will be fixed as per provisions contained under FR22(I)(a)(2). Examples illustrating the

Attested
Phygan Basoch
Advocate

= 20 = 30

Fixation of pay in the upgraded scale are being circulated separately.


(A.L. VACHHER)
DEPUTY DIRECTOR (ADMN.)
for DIRECTOR

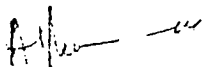
To

Concerned Research Assistants (Bot.)

Copy to:

1. Incharges of the concerned Institutes/Centres/Units. They are requested to verify and certify the qualification i.e. M.Sc./Postgraduation in Botany at the time of the appointment of the incumbent to the post of R.A.(Bot.). The Incharges of the Institute will also ensure that there is no disciplinary/ vigilance case pending/contemplated against RA before allowing him/her to join upgraded Scale of pay.

2. P.A. to Director/D.D.(A)
3. Accounts Officer/Ad.O (V&E)
4. Accountant I/O.S.(B)/O.S.(E)
5. Office Order File
6. Computer Section
7. Recruitment File of the concerned Unit.


for DIRECTOR

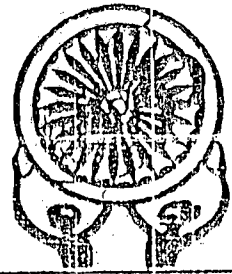
Sham : "AYUSH"



X 5528748
ABX 5614970
5614971
5614972

केन्द्रीय आयुर्वेद एवं सिद्ध अनुसंधान परिषद्
(भारत सरकार स्वास्थ्य एवं परिवार कल्याण मन्त्रालय के अधीन गठित स्वशासी निकाय)
जवाहर लाल नेहरू भारतीय विविक्तता एवं होमोपैथी अनुसंधान भवन
नं० 61-65, इन्स्टिट्यूट एरिया, समूह 'डी' ब्लॉक, जयपुरी, नई दिल्ली-110058
CENTRAL COUNCIL FOR RESEARCH IN AYURVEDA AND SIDDHA

An autonomous organisation under Ministry of Health & Family Welfare, Govt. of India
Jawahar Lal Nehru Bhawan Homoeopathy Annexation Bhawan
No. 61-65, Institutional Area, Opp. D Block, Janakpuri, New Delhi-110058



सभी के लिए सभी मानव अधिकार
ALL HUMAN RIGHTS FOR ALL

F.No.43-1/92-CCRAS/Estt.

Dated:

To,

The Incharge,
Regional Res. Institute(Ay.),
Ranikhet.

03 MAY 2001

Sub: Implementation of the Assured Career Progression Scheme
under the Council in respect of Res. Asstt.(Bot.) -
regarding (Dr.G.C. Joshi, Sh.N.K. Pandey & Dr.R.K. Mudaiya.

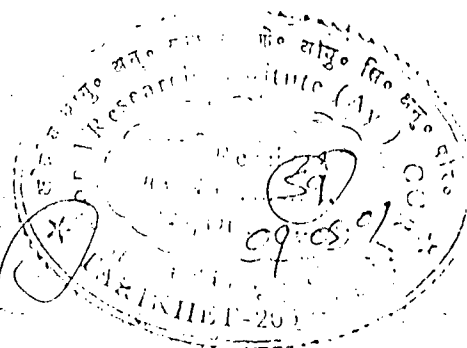
Sir,

I am directed to refer to your letter No.1-(VI)/GC/Estt./
92/Pt/1115 dated 13.2.2001 on the above subject and to say that
the matter regarding implementation of the ACP Scheme in respect
of Dr.G.C. Joshi, Sh.N.K. Pandey and Dr. R.K. Mudaiya is under
process. The decision in this regard will be communicated in due
course.

We may inform to above
RAS, for their information.

Yours faithfully,

(A.L. VACHHER)
Deputy Director(Admn.)
for Director



Registered under Societies Registration Act, 1860

Attested,
Sbyam Barwal
Advocate

Gram : "AYUSH"



केन्द्रीय आयुर्वेद एवं सिद्ध अनुसंधान परिषद्-22 =

(भारत सरकार स्वास्थ्य एवं परिवार कल्याण मन्त्रालय के अधीन गठित स्वशासी निकाय)

जवाहर लाल नेहरू भारतीय चिकित्सा एवं होम्योपैथी अनुसंधान भवन
नं० 61-65, इन्स्टिट्यूशनल एरिया, समुख 'डी' ब्लॉक, जनकपुरी, नई दिल्ली-110058

CENTRAL COUNCIL FOR RESEARCH IN AYURVEDA AND SIDDHI

(An autonomous organisation under Ministry of Health & Family Welfare, Govt. of India)

Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhawan

No. 61-65, Institutional Area, D Block, Janakpuri, New Delhi-110058

Tele-fax : 011-5528748 E-mail : <ccras@del6.vsnl.net.in>

5528748
LUN 5536488 5536491
5599831 5599852
5599862 5599883
5599897

F.No.43-1/92-CCRAS/Estt.

Dated:

To,

The Res. Officer Incharge,
Regional Res. Institute(Ay.),
Ranikhet.

13.11.2001

Sub: Implementation of ACP Scheme.

Sir,

I am directed to refer to your letter No.I(vi)GC/Estt/92/Pt/144-47 dated 11.5.2001 and I-(vii)/GC/Estt/92/Pt/140 dated 10.5.2001 and to say that the matter regarding implementation of ACP Scheme in respect of Research Assistant(Botany) (Dr.G.C. Joshi, N.K.Pandey & R.K. Mudaiya) and in respect of Sh.M.M. Kunwar Head Clerk is under process. The decision in this regard will be communicated in due course.

We may convey to the concerned employees as stated above

Yours faithfully,

D.S. MEENA
(D.S. MEENA)

Administrative Officer(E)
for Director

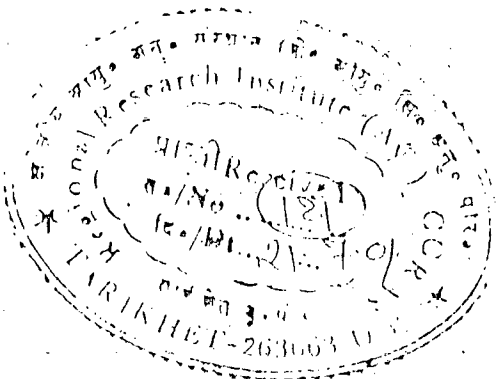
1/10
20/07/01

Refd

Give copy to the concerned

Done

21/12/01



Attested
Shyam Prasad
Advocate

Anx-6

CONFIDENTIAL

28

To,
The Director,
C.C.R.A.S.
New Delhi

Sub: Submission of C.R. reg.

...

Sir,

I bring you a kind attention regarding submission of C.R. which insist me to inform about bias nature of Sri K.C.Tewari, R.O. Incharge of RRI, Tarikhet, has challenged and given open threat for adverse entry in my C.R. There are many evidences which have shown that R.O. Incharge is much prejudiced with me. For example, he has not sent my name for ACP scheme for 1st progression after completing 18 years in one post of R.A. (Bot.). However, one of the R.A. (BOT) of this institute Sri V.N. Pandey get benefit under the same scheme.

Sir, for the first time in my career, I dare to write all above factors and have no option left to submit my C.R. direct to you.

Hoping a favourable consideration.

Thanking you,

Yours Faithfully,

Date: 14/5/2001

(Dr. R.K. MUDAIYA)
R.A. (Bot.)
R.R.I. (Ay.) CCRAS,
Tarikhet (Ranikhet)
Uttaranchal

Attested,
Shyam Baruah
Advocate

25

क्रमांक / No. 0164

लगाए गए टिकटों का मूल्य रु० Rs. 23 P. 0

Amount of Stamps affixed Rs. 23 P. 0

एक रजिस्ट्री टिकट प्राप्त किया

Received a Registered insured letter

पत्रे वाले का नाम Mr. B.C.A. Singh

Addressed to Mr. B.C.A. Singh

बोमे की रकम Insured for Rs. 1000 (in figures) 1000 (in words)

बोमा शुल्क Insurance fee Rs. 10 P. 0

भेजने वाले का नाम व पता Name and address of sender

डाकघर निर्देशिका में दी गई शर्तों के अधीन जारी की गई

Issued subject to terms and conditions in P.O. guide

पाने वाले अधिकारी के हस्ताक्षर

Signature of Receiving Officer

15/5/2001

~~Sir, for the first time in my career, I dare to write all above factors and have no option left to submit my C.R. direct to you.~~

~~Hoping a favourable consideration.~~

~~Thanking you,~~

~~Yours Faithfully,~~

Date: 14/5/2001

(Dr. R.K. MUDAIYA)
R.A. (Bot.)
R.R.I. (Ay.) CCRAS,
Tarikhet (Ranikhet)
Uttaranchal

-26- 37

ANNEXURE-7

To,

The Officer-in-Charge,
Regional Research Institute (Ay.),
Tarn Taran.

Sub : A.C.R. for 2000-2001 regarding

Sir,

With reference to your letter No.F.NO.I(iv)/
Estt.(ACR)/99/213-14 dated 25th May, 2001. I inform
you that, I have submitted my A.C.R. directly to the
Director, C.R.A.S New Delhi for necessary action.

Thanking you,

Yours faithfully,

Sd/- Illegible.

28.5.2001

(Dr. R.K. Mudaiya)

B.A. (Bot.)

Date : 28.5.2001.

Sd/- Illegible.

28/5.

Attested,

Shyam Banooh

Advocate

.....

(X)
= 208 - 27-
36

REGIONAL RESEARCH INSTITUTE (AYURVEDA)
Central Council for Research In Ayurveda & Siddha

Terikhot-263663
Dist. Almora (U.P. NAINITAL)

F.No.I-(iv)/Estt(ACR)/99/- 213-14

Dated: May, 2001

25 MAY 2001

1) Dr. V.P. Tewari,
A.R.O. (Ay)

2) Dr. R.K. Mudalya,
R.A. (Bot)

Subject: A.C.R. for 2000-2001 - req.

Refer to RRI's O.O.No.06/2001 dated 12.04.01 and Memo No.25/2001 dated 16.05.2001 regarding submission of ACR for 2000-2001. In this context, it is to state that your ACR has not been received so far. Therefore, it is again remind to submit the ACR alongwith Property Return, so that these may be handedover to the reporting officer at the Institute.


(K.C. TIWARI)
RESEARCH OFFICER (I/C)

25/05/01

Gram: "AYUSH"



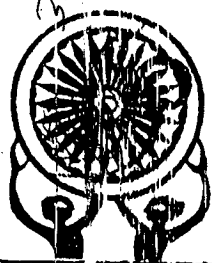
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BX 5536488 5536491
5599831 5599852
5599862 5599883
5599897

केन्द्रीय आयुर्वेद एवं सिद्ध अनुसंधान परिषद्
(भारत सरकार स्वास्थ्य एवं परिवार कल्याण मन्त्रालय के अधीन गठित स्वशासी निकाय)
जवाहर लाल नेहरू भारतीय चिकित्सा एवं होम्योपैथी अनुसंधान भवन
नं० 61-65, इन्स्टिट्यूशनल एरिया, सम्पुख 'डी' ब्लॉक, जनकपुरी, नई दिल्ली-110058

CENTRAL COUNCIL FOR RESEARCH IN AYURVEDA AND SIDDHA

(An autonomous organisation under Ministry of Health & Family Welfare, Govt. of India)
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhawan
No. 61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110058



सभी के लिए सभी मानवाधिकार
ALL HUMAN RIGHTS FOR ALL

F.No.: 43-3/2002-CCRAS/Estt.

Dated:

To,

The Res. Officer Incharge,
Regional Res. Institute(Ay.),
Tarikhet.

20 JUN 2012

Sub.: Application regarding ACP in respect of Dr.R.K. Mudaiya, Res. Asstt.(Bot.).

Sir,

I am directed to refer to your letter No.AU/I-(vii) FF/RKM/89-876 dated 5.11.2001 on the above subject and to say that the Screening Committee has examined the case of Dr.R.K. Mudaiya, Res. Asstt.(Bot.) for financial upgradation under ACP Scheme but he is not found fit for the same. However his case will be put up again before next Screening Committee may be informed accordingly.

HC to inform Dr. R. K. Mudaiya
18/6/12
25/6/12

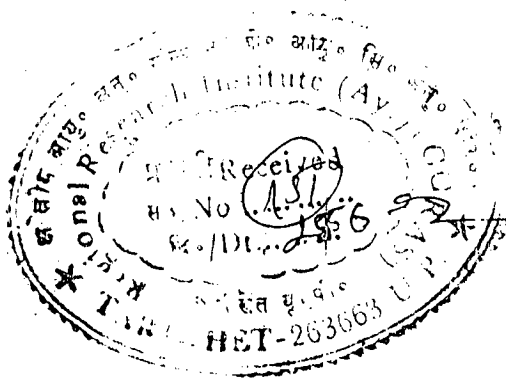
Yours faithfully

DSMeena

(D. S. MEENA)
Asstt. Director (Coordn.)
for Director

Rudra

Attested,
Shyam Baruah
Advocate



Registered under Societies Registration Act, 1860

REGIONAL RESEARCH INSTITUTE (AY)
TARIKHET (RANIKHET) 263663 ALMORA

Anx-9

28

29-

F.NO.-I-(vii)/PF/RKM/89/- 881 - 362 Dated:-

126 JUN 1982

To,

Dr. R.K. Mudaiya,
R.A. (Bot),
R.R.I. (Ay),
Tarikheth.

Sub:- A.C.P. in r/o Dr. R.K. Mudaiya- Regarding.
Enclosed please find a copy of the letter
received from the Council, for information.

Yours faithfully,

[Signature]

FOR RESEARCH OFFICER (I/C)

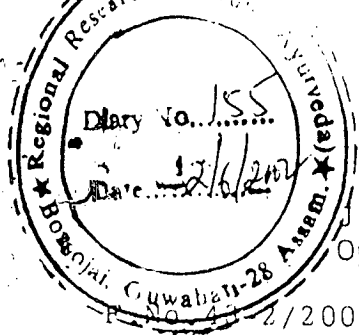
Copy to:-

The Director, CCRAS, New Delhi for kind
information.

FOR RESEARCH OFFICER (I/C)

Km. MAMTA/-

Attested
Shyam Baruah
Advocate



8/No 1
Annex-10
-30-39

CENTRAL COUNCIL FOR RESEARCH IN
AYURVEDA AND SIDDHA

J.L.N.B.C.A.H.A.B., No.61-65, Institutional Area
Opp. 'D' Block, Janakpuri, New Delhi-58.

2/2002-CCRAS/Estt.

Dated: 6/6/2002

OFFICE-ORDER-NO: 361/2002.

The following employees are hereby transferred alongwith the posts to the places as mentioned against each in the same capacity with immediate effect until further order.

	From	To
1.	Dr.R.B. Saxena, ARO(Chem.)	RRI(Ay.),Tarikhet DSU, CRI(Ay.), Gwalior
2.	Sh.N.K. Pande, Res.Asstt.(Bot.)	RRI(Ay.),Tarikhet DSU, CRI(Ay.), Gwalior
3.	Sh.R.K. Mudaiya, RA(Bot.)	RRI,Tarikhet SMPU, Guwahati

1. Sl.No.2 and 3

TA/DA and joining time will be admissible/as per rules.

(A.L. VACHHER)
Deputy Director(Admn.)
for Director

To,

1. Dr.R.B.Saxena, ARO(Chem.),RRI,Tarikhet. * TA/DA and joining time will not/admissible to him as transfer has been made at his own request.
2. Sh.N.K. Pande, RA(Bot.),RRI, Tarikhet.
3. Sh.R.K. Mudaiya, RA(Bot.), RRI,Tarikhet.

Copy to:

1. The Res. Officer Incharge, RRI, Tarikhet. He is advised to relieve the above mentioned officials to report for duty at the place of posting. Their Service Book/Leave A/c duly completed & LPC may be sent to the place of posting.
2. Incharge, DSU, CRI(Ay.), Gwalior. He is advised to allow Dr.R.B. Saxena, ARO(Chem.) and Sh.N.K. Pande, RA(Bot.) to join duty and their joining report may be forwarded to the Hqrs. Office for information.
3. Incharge, SMPU, Guwahati. He is advised to allow Sh.R.K. Mudaiya, RA(Bot.) to join duty and his joining report may be forwarded to the Council for information.
4. Accounts Officer/Accountant-I.
5. A.D.(C)/Ad.O.(A)/Ad.O.(V&B)/Stat. Officer.
6. PS to Director/PA to DD(A)/DD(T)/DD(P).
7. Dealing Assistant of DSU, CRI,Gwalior/SMPU, Guwahati.
8. Office Order file.

Advocate
Shyam Baruah

Advocate

for Director

Sl. No. 3

70 40
= 31 =

The Assistant Director Incharge,
Regional Research Institute (Ayurveda),
Borsojai (Phetapara),
Belitola,
Guwahati-78.

Subject: Joining report and charge assumption report reg.-

Sir,

In pursuance to my transfer order vide Council's
Letter No. F.43-2/2002-CCRAS/Estt. Office Order No.361/2002 dated
06/06/2002, I report for duty w.e.f. 7/8/2002 F.N. and assumed the
Charge of post of Research Assistant (Bot.)

Yours faithfully

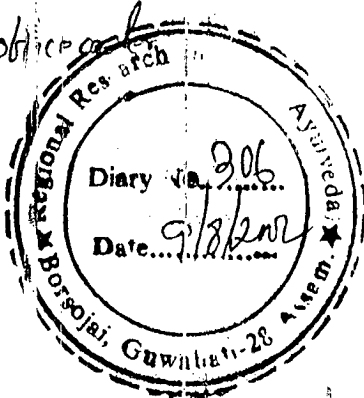
R. R. K. Mudaiya 7/8/02

(DR. R. K. MUDAIYA)
RESEARCH ASSISTANT (BOT)
Regional Research Institute (Ay.)
Guwahati-28.

Accepted
7/8/02

Estt
7/8/02

Please issue office order



Attested,

Shyam Baruah

Advocate

To,

The Director,
C.C.R.A.S.,
New Delhi-58.

(Through Proper Channel)

Sub:- Grant of 1st A.C.P.-rec.

Sir,

I have the honour to submit that, I have been an employee of Council since 18th July 1983 as Research Assistant (Bot) ~~at present at Bhatnagar~~ during my service period so far, I have been served at R.R.C. (Ay.) Gangtok, R.R.I. (Ay.) Tarikhat and at present R.R.I. (Ay.) Guwahati.

2. Since last 20 years I served with utmost satisfaction to my authorities ^{and} so far I have never been communicated any adverse remarks or not even a single letter from my authority in relation ^{to} my sphere of duty or conduct.

3. In pursuance to O.M. No. 35034/1/97-Estt. (D) dated 9th August 1999 of Ministry of personnel, Public Grievance & Pension, Our Council implemented the Assured career progression scheme vide its letter No. P. 12-30/99-CCRAS/Estt., Office Order No. 668/2000 dated 4th August 2000 with effect from 9th August 1999 of having 12 years service of 1st ACP and 24 years service as 2nd ACP.

4. As per the guidelines, as on 9th August 1999, I had completed 16 years of service and I was suppose to get 1st ACP in the pay scale of Rs. 6500-10500 w.e.f. 9th August 1999 to be considered by Head Quarter.

5. On representation I was informed by council that your case was not considered by Screening Committee. Further, I submitted to let me know the causes of non consideration in view of my carrier block without any reason. But ~~that~~ till now, I have not been highlighted of my faults.

With humble submission, I am to request ^{you} to review my case and allowed my 1st ACP w.e.f. 9/8/1999 in the pay scale of Rs. 6500 - 10500 or I may be informed of my short comings as I have been depressed of my carrier block.

With profound regards,

Yours Faithfully,

Dated:- 19/12/03.

Attested,
Ghyam Baruah
Advocate

R. K. Mridha
19/12/03
(Dr. R. K. Mridha)
Research Assistant (Bot.)
Regional Research Institute (Ay)
Borsojai, Bhetapara, Beltola,
Guwahati- 20.

Reminder - I

To,

The Director,
C. C. R. A. S.,
New Delhi - 58.

(Through Proper Channel)

Sub :- Grant of 1st ACP after 20 years regular service
as R.A. (Bot.)

Sir,

With due respect and incontinence to my representation date 19/12/2003 (Copy enclosed) on the subject cited above, I am once again draw your kind attention for consideration of my 1st A.C.P. as I have been so far deprived of this carrier advance, even though I served since last 20 years as Research Assistant (Bot.) on regular service under Council.

But till date no reply has been received from Council. Hence it is my humble request to consider my case and orders may issued for grant of 1st A.C.P. w.e.f. 09/08/1999 at the earliest.

Thanking You.

Yours faithfully,

(Mr. R. K. Madaiya)
Research Assistant (Bot.)

Regional Research Institute (Ay.)
Beltola, Guwahati - 28.

Enclosure : As above.

Attested,
Phyjam Baruah

Advocate

Ann-14

37
= 34 =

CENTRAL COUNCIL FOR RESEARCH IN AYURVEDA AND SIDHA
(An autonomous organization under Ministry of Health & Family Welfare, Govt. of India)
Jawahar Lal Nehru Bhartiya Chikitsa Avum Homoeopathy Anusandhan Bhawan
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

F.No.12-22/2000-CCRAS/Estt.Vol.IV

31st May, 2004

OFFICE ORDER NO. 291/2004

On the recommendation of the Screening Committee the following employee of the Council is allowed for the first financial upgradation in the scale of pay as mentioned against each as per details given below, under the ACP Scheme as announced by the Government of India and extended to the Council's employees as per the terms and conditions mentioned in the Council's letter No.12-30/99-CCRAS/Estt. (Office Order No.668/2000) dated 4.8.2000:

Sl. No.	Name	Date of initial appointment	Upgradation (First/Second)	Pay scale	Date of benefit
1.	Dr.R.K.Mudaiya RA(Bot.) RRI, Guwahati	18.7.83	First upgradation	Rs.6500-10500	Granted first ACP upgradation in the scale of Rs.6500-10500 w.e.f. 20.5.2004

On upgradation under the ACP Scheme their basic pay will be fixed under the provisions of FR 22(1) (a) (I) and he may exercise their option for fixation of pay from the accrual of next annual increment within one month from the issue of the order.

There will be no change in designation/grade/status of the employees consequent upon the grant of FIRST financial upgradation and will carry out the work assigned to them.

(D.K.Gupta)
Dy. Director (Admin.)
for Director

To

The person concerned.

R
8/6/04

Attested,
Shyam Borooh
Advocate

To,

The Director,
Central Council for Research In Ayurveda
& Siddha,
New Delhi - 58.

Through proper channel

Sub :- Permission to move competent Hon'ble Court for redressal of grievances of grant of First ACP w.e.f. 20th May 2004 instead of 9th August 1999.

Sir,

With reference to the above vide the Council's letter bearing No.12-22/2000-CCRAS/Estt Vol. IV O/O No.291/2004 dated 31st May 2004, I humbly pray your kind consideration for the following.

1. My first assured carrier progression has been granted vide the above referred letter dt.31st May '04 w.e.f. 20th May 2004 instead of 9th Aug. '99 without disclosing any cause as such discrimination.
2. That this action in part of the Council as cause to the set back my service career for granting 2nd ACP too.

In view of the above I request you to reconsider/grant of my first ACP w.e.f. 9th Aug. '99 failing which I have little or no alteration to approach the competent Court for grant of justice within stipulated period.

My present letter may be treated to confirm to the statutory condition required for redressal of justice by a government servant before approaching the competent Court of law for proper direction to set aside any or all inequalities.

Thanking You.

Yours faithfully,

(DR. RAJESH KUMAR MUDAIYA)
Research Assistant (Botany)
Regional Research Institute(Ayurveda)
Guwahati - 28.

Dated: 28/6/04

Received
28/6/04

Attested,
Sby am Baruah
Advocate

तार : आयुष
Gram : AYUSH



क्षेत्रीय अनुसन्धान संस्थान (आयुर्वेद) = 36 =

(सी.सी.आर.ए.एस. भारतीय चिकित्सा पद्धति विभाग, केन्द्रीय स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार के अन्तर्गत)

वरसजाई (भेटापारा), बेलतला, गुवाहाटी-781 028

REGIONAL RESEARCH INSTITUTE (AYURVEDA)

(Under C.C.R.A.S. Deptt of ISM&H, Ministry of Health & Family Welfare, Govt. of India, New Delhi)

Borsojai (Bhetapara), Beltola, Guwahati-781 028

Dist. : Kamrup, Assam

संदर्भ क्रमांक / Ref. No.1435/2002-2003/RRI/Chy/Estt.

दिनांक / Date : 3/5/2004

To,

Dr. R.K. Mudaiya,
R.A. (Bot.)
R.R.I. (A.S.), Guwahati-78.

Sul:- Representation for grant of A.C.P. benefit-100.

Sir,

With reference to your representation dated 28/6/04, I am directed to say that your case was placed before the Screening Committee meeting held on 10/9/2001 but your case could not be considered by the Screening Committee as you were not having the prescribed benchmark meant for the post of R.A. (Bot.). Now your case was again placed before the Screening Committee which considered your case for grant of First ACP benefit v.c.f. 20/5/2004.

Yours Faithfully,

F. Majumdar
2.8.04

(Dr. R. Majumdar)

Research Officer Incharge.

Attested,

Shyam Baroo

Advocate

REGIONAL RESEARCH INSTITUTE (AYURVEDA),
Guwahati-28.

No. R-2-21/2001-2002/RR1/GHY/Admn/440

Dated 19/9/2002

OFFICE ORDER NO 54/2002-2003.

The following work distribution has been made in favour of Dr.R.K. Mudaiya, R.A.(Bot.) till further order. He will work under the supervision of Dr.R. Majumder, Research Officer(Bot.).

Sl.No	Name and Designation	Work allotted
1.	Dr.R. K. Mudaiya, R.A.(Bot.)	Survey of Medicinal Plant all over Plan and Protection, Raw drug collection and supply, Preparation of Herbarium specimens, Establishment of M.M.P.U. Museum and Medicinal plant Garden, Preparation of Progress report, (Monthly/Quarterly/Halfyearly and Annual.)
2.		Any other work assigned from time to time.

R. Majumder
5.9.02
RESEARCH OFFICER INCHARGE
Research Officer (Bot.)
Regional Research Institute (Ay)
(Borsajai, Guwahati-28)

To,

Dr.R.K. Mudaiya, R.A.(Bot.),
Regional Research Institute(Ay),
Guwahati-28.

Attended,
Shyam Baruah
Advocate

तार : आयुष
Gram : AYUSH.

Tel. Fax : 0361-30371



क्षेत्रीय अनुसन्धान संस्थान (आयुर्वेद)

(सो.सी.आयु.एस. भारतीय चिकित्सा पद्धति विभाग, केन्द्रीय स्वास्थ्य एवं परिवार कल्याण मन्त्रालय, भारत सरकार के अंतर्गत)

वरसजाई (भेटापारा), बेलतला, गुवाहाटी - 781 028

REGIONAL RESEARCH INSTITUTE (AYURVEDA)

(Under C.C.R.A.S, Deptt. of ISM&H, Ministry of Health & Family Welfare, Govt. of India, New Delhi)

Borsojai (Bhetapara), Beltola, Guwahati-781 028

Dist. : Kamrup, Assam.

संदर्भ क्रमांक / Ref. No.

F.2-14/2001/RRI/Chy/Admn. / 560

दिनांक / Date ... 18/10/02

To,

Dr. R. K. Mudiya,
Research Assistant C Bof 2
R. R. I. (Ay.)
Guwahati - 28.

Sub :- Recruitment of the post of Driver - Regd.

Sir,

It is to inform you that the recruitment for the post of Driver Group 'C' in the pay scale of Rs. 3050-4190/- is being held for OBC is to be held on 08/10/2002 at this Institute.

A Committee consisting of following member has constituted to verify the Certificates as per recruitment and submit their report to the undersigned by 11.00 A.M. on 8/10/2002. The Candidates are called to attend on 10 A.M.

1. Dr. B. K. Bharali, Chairman
2. Dr. Dinesh Baruah, Member
- ✓ 3. Dr. R. K. Mudiya, Member.

A Written examination is proposed before Select Committee. If approved, the same is also to be conducted and examined by them and submit the report of marks obtained by candidates.

Yours faithfully,

R. Majumdar
7.10.02
(DR. R. MAJUMDER)
Research Officer In-Charge

F.No. 5-12/2002-2003/RRI/Ghy/Tech./595

Dated : 16/10/2002

OFFICE ORDER NO. 71 /OCTOBER/2002.

= 39 =

In Pursuance to Council's letter No. F. 2-8/95-CCRAS/Tech/Vol. -VIV dated 8/10/2002 sanction of special survey tour to Pynorla (Khasi Hills) Meghalaya for collection of raw drugs-Vidanga is hereby conveyed in favour of the officials alongwith T.A./D.A. advance as mentioned as below :-

1. Dr. R. K. Mudaiya,
Research Assistant (Bot.)

Rs. 950/=

2. Sh. Sanikar Das
Field Attendant

Rs. 440/=

They are requested to adjust the advances on completion of tour.

Rinajumol
16.10.02
Research Officer In-Charge
Regional Research Institute (AY)
Borsal, Guwahati-28

Copy to :-

1. The Accounts Officer, CCRAS, New Delhi-53
2. The Accounts Section/Cashier (Local)
3. Office Order file

Research Officer In-Charge