

100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 244/2004

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SECTION OFFICER (Judl.)

13/11/17

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH

ORDER SHEET

Org. No./Date/Cont. Date/Cont. Appl. 244/04.....

In O.A.

Name of the Applicant(s) Lakhi Ram Bored Gars

Name of the Respondent(s) W. O. I. Gond.

Advocate for the Applicant M. Chanda, G.N. Chakrabarty, S. Nath

Counsel for the Railway/C.G.S.C. ✓

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
Recd. in office on 26/10/04 206/11/47/16 1.10.04 For N. Chanda 25/10/04 For Dy. Registrar ✓	26.10.2004	Heard Mr. M. Chanda, learned coun. for the applicant. Mr. B.C. Patnaik, learned Addl. C.G.S.C. was present on behalf of the respondents. Issued notice on the respondents to show cause as to why the application shall not be admitted, returnable by four weeks. List on 5.11.2004 for admission. Pendency of this application shall not be a bar to consider the prayer of the applicant.
Pl. copy by order dated 26/10/04 N/2 27/10/04	5.11.2004	Non. for the portion. List on 10.12.2004.
4-11-04 Steps not taken.	10.12.2004	<i>LCV Balakumar</i> Member (A)

22.02.2005 Present : The Hon'ble Mr. K.V. Krishnan, Member (A).

Service report is awaited.
List on 24.3.2005 for orders.

KV Krishnan
Member (A)

mb

29.3.2005 Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Ms. U. Das, learned Addl. C.G.S.

C. for the respondents seeks time for filing written statement. Post on 27.4.2005.

27.2.2005

S/2aaarthaed

DR

mb

G. Sivarajan
Vice-Chairman

28.3.2005 Ms. U. Das, learned Addl. C.G.S.C. for the respondents seeks time for filing written statement. List on 27.5.2005.

NO. WTS HAD BEEN FILED.

DR

mb

27.5.2005 The Respondents have filed their written statement to-day. The applicant may file rejoinder if any. Post the matter for hearing on 29.6.2005.

26.4.05
NO. WTS HAD BEEN FILED.

DR

lm

KV Krishnan
Member

21.5.05

WTS filed by the Respondents.

DR

mb

29.6.2005 Post on 6.7.2005.

G. Sivarajan
Vice-Chairman

No. rejoinder has been filed.

28.6.05

mb

6.7.2005 Post on 7.7.2005.

G. Sivarajan
Vice-Chairman

7.7.2005 none or in partis. Add to tomorrow. DR - 8-7-05 1020

O.A.No.244/2004

Notes of the Registry Date Order of the Tribunal

8.7.2005

Heard Nr S. Nath, learned counsel for the applicant and Ms U. Das, learned Addl. C.G.S.C. appearing for the respondents. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.

U. Das
Member

R. Bhattacharya
Vice-Chairman

nkm

*Received
Usha Das
Addl C.G.S.C
13/7/05*

13-7-05
Copy of the
Order has been
sent to the Dsec
for issuing the same
to the applicant by
post.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. No. 244 of 2004

DATE OF DECISION : 08.07.2005

1. Shri Lakhi Ram Boro
2. Shri Pulin Chandra Boro

APPLICANT(S)

Mr. M. Chanda, Mr. G.N. Chakraborty
and Mr. S. Nath

ADVOCATE(S) FOR
THE APPLICANT(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Ms U. Das, Addl. C.G.S.C.

ADVOCATE(S) 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 judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 244 of 2004

Date of Order: This the 8th day of July 2005.

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

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

1. Shri Lakhi Ram Boro
S/o Late Chakiram Boro,
Working as Carpenter,
Office of the 180, Military Hospital,
Michamari, District- Sonitpur.
2. Shri Pulin Chandra Boro,
S/o Shri Bhutoka Boro,
Working as Painter,
Office of the 180, Military Hospital,
Michamari, District- Sonitpur.

.....Applicants

By Advocates Mr M. Chanda, Mr G.N. Chakraborty
And Mr S. Nath.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Defence,
New Delhi-110001.
2. Headquarter,
Eastern Command (Med),
Fort William,
Kolkata-21.
3. The Area Accounts Office,
Bivar Road, Shillong-1,
Meghalaya.
4. Headquarters,
4 Corps (Med),
C/o 99 APO.
5. The Commanding Officer,
180 Military Hospital,
C/o 99 APO.

.....Respondents

By Advocate Ms U. Das, Addl. C.G.S.C.

O R D E R (ORAL)SIVARAJAN. J. (V.C.)

The applicants were appointed as Carpenter/Painter in the scale of pay of Rs.775-12-871-14-1025/- The applicants have filed this O.A. for a declaration that the applicants are entitled to be placed in the pay scale of Rs.950-20-1150-25-1400/- instead of Rs.775-1025/- in terms of Government of India's order dated 15.10.1984 from the date of their joining in service as Carpenter/Painter.

2. The respondents have filed their written statement wherein they have denied the averments of the applicants regarding their entitlement. In paragraphs 4 to 9 of the written statement the respondents have stated that steps have been initiated by them on the representations received from the applicants. In paragraph 10 of the written statement it is stated thus:

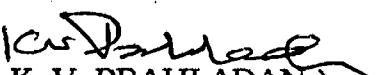
"10. That in view of the foregoing facts enumerated above, it is stated by the respondents that some time may be required to receive the decision in this matter from the competent authority. Immediately after receiving the decision from the competent authority the same will be intimated to the applicant without any further delay."

3. We have heard Mr S. Nath, learned counsel for the applicant and Ms U. Das, learned Addl. C.G.S.C. appearing for the respondents. Though the counsel for the applicant has made submissions in regard to the entitlement of the applicants for the reliefs sought for, we do not think it proper to consider the same at present for the reason that the matter is engaged in the attention of the respondents themselves as could be seen from paragraphs 4 to 9 and it is clearly stated in paragraph 10 extracted above.

9/1

4. In the light of the above this O.A. is disposed of by directing the respondents to expedite the decision and intimate the same to the applicants.

The O.A. is disposed of as above. No costs.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE CHAIRMAN

nkm

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

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

O. A. No. 244 /2004

BETWEEN

1. Shri Lakhi Ram Boro.
Son of Late Chakiram Boro.
Working as Carpenter,
Office of the 180, Military Hospital,
Michamari, District-Sonitpur.
2. Shri Pulin Chandra Boro.
Son of Shri Bhutoka Boro.
Working as Painter,
Office of the 180, Military Hospital,
Michamari, District- Sonitpur.

...Applicants

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Defence,
New Delhi- 110001.
2. Headquarter,
Eastern Command (Med)
Fort William,
Kolkata-21.
3. The Area Accounts Office,
Biver Road, Shillong-1,
Meghalaya.
4. Headquarters,
4 Corps (Med)
c/o 99 APO.
5. The Commanding officer,
180 Military Hospital.
C/o 99 APO.

... Respondents.

DETAILS OF THE APPLICATION

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

Lakhi Ram Boro

6
2

This application is made not against any particular order(s) but praying for a direction upon the respondents for allotment of the pay scale in the pay of Rs. 950-20-1150-25-1400/- (pre-revised) instead of Rs 775-12-871-14-1025/- (pre-revised) from the date of their initial joining in service and also praying for a direction upon the respondents to re-fix the pay scale of the applicants, with all consequential service benefit including arrear, monetary benefit.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

- 4.1 That the applicant are citizens 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 the applicants pray permission to move this application jointly in a single application under Sec 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common,

therefore they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That the applicant no.1 was initially appointed as painter/carpentar in the scale of Rs. 775-12-871 14-1025/- in the office of the 180, Military Hospital, Missamari on 11.02.1991. the applicant no. 2 was also initially appointed as painter in the scale of pay of Rs. 775-12-871 14-1025/- in the office of the 180, Military Hospital, Missamari on 11.02.1991. in his connection it may be stated that the applicants are wrongly allotted the pay scale of Rs. 775-12-871-14-1025 instead of Rs. 950-20-1150-25-1400/- whereas similarly situated employees of the same trade, rank and status of 151 Base Hospital were given the scale of Rs. 950-20-1150-25-1400/- ,which was higher than the scale which were allotted to the present applicants on their joining in service. As such they are entitled to the higher revised pay scale of Rs.950-20-1150-25-1400/- from the date of their initial appointment with all consequential and arrear monetary benefit.

A Copy of the appointment order dated 11.02.1991 are enclosed as Annexure-I(Series)

4.4 That your applicants beg to say that the Govt. of India, Ministry of Defence vide its letter no. 3822/DS(C&M)/ Civ-I/84 dated 15.10.1984 informed and confirmed to the Chief of Army staff, New Delhi that the existing pay scale of Rs. 210-290 has been upgraded to Rs. 260-400 to the trade of painters and others following the recommendations of the 3rd central pay Commission and the post of painter/carpentar has been upgraded from semi skilled grade (210-290) to the

skilled grade (260-400) and it was further stated that the aforesaid order taken w.e.f 15.10.1984 i.e from the date of issue of the order. The aforesaid order dated 15.10.1984 was communicated to 108 Military Hospital vide letter no. 3542/M dated 30.11.1984. But even then the applicants who were recruited as painter/ carpenter were allotted wrong scale of pay of Rs. 775-12-871 EB-14-1025 instead of the correct pay scale of 950-20-1150-25-1400/- . In this connection it would be evident from the statement of fixation of pay under Central Civil Services (Revised pay) Rules 1986, One Sri S.Charles, painter of 151 Base Hospital, Guwahati have been allotted/granted the revised scale of pay of Rs. 260-400/- w.e.f 01.01.1986 following recommendation of the pay Commission. As such the applicants are also entitled to the Pre-revised scale of Rs. 260-400 i.e the revised scale of Rs. 950-1400, but the action of the respondents in allotting a lower scale to the applicants in fact offend the Article 14 of the Constitution. Hence the cause of action is a continuous cause of action arises each and every month and every year till the applicant are seddeled with appropriate scale of pay.

A Copy of the letter dated 15.10.1984, 30.11.1984, and statement of fixation of pay of Sri S.Charles, painter are enclosed as Annexure-II.III and IV respectively.

4.5 That your applicants were in the dark regarding their entitlement to the scale of pay of Rs. 950-20-1150-25-1400. On coming to know such allotment of lower pay scale to them, they have immediately submitted

representations to the commanding officer, 180 Military Hospital praying interalia for allotment of the correct scale of Rs. 950-1400 instead of Rs. 775-1025 with effect from the date of their joining in service as painter/carpenters.

A Copy of the representation dated 06.08.2002 are enclosed herewith and marked as Annexure-V (Series).

4.6 That your applicants finding no alternative again submitted representations on 27.12.2002 for allotment of the appropriate scale of pay but to no result.

Copy of the representations dated 27.12.2002 are enclosed as Annexure-VI (series).

4.7 That your applicant beg to say that the Commanding Officer vide its letter no. 177/150/CIV dated 20.12.2002 addressed to Head Quarters, 4 corps (Med) c/o 99 APO wrote a letter for taking up a case with higher authority to clarify the correctness of their fixation of pay scale for review. However, vide letter no. 177/152CIV dated 26.12.2002. It is informed by the Commanding Officer to the applicants that a case has been taken up for pay fixation with head Quarters 4 corps (Med).

Copy of the letter dated 20.12.2002 and letter dated 26.12.2002 are enclosed as Annexure- VII and VIII.

4.8 That it is stated that the applicant no.1 and applicant no.2 again submitted their representations on 8.1.2003 as well as on 27.3.2003 to the authorities for

allotment/fixation of the appropriate pay scale but to no result.

A Copy of the representations dated 8.1.2003 and 27.03.2003 is enclosed herewith as Annexure-IX (Series).

4.9 That your applicants further beg to say that a detailed statement of the case of the applicants were prepared by the office of the Commanding Officer on 31.7.2004 and the same was forwarded to the higher authority but till date no favourable order has been passed in favour of the applicants for allotment of the correct pay scale from their date of initial appointment in service. Several correspondences has been made by the local authority to the higher Head Quarter Office but to no result, as such applicants are incurring huge financial loss each and every month and the action of the respondents also hit by Article 14 of the Constitution.

In the compelling circumstances as stated above the applicants finding no other alternative approaching this Hon'ble Court for protection of their valuable legal right and interest by passing an appropriate order/direction for allotment of the scale of pay of Rs. 950-1400 from the date of their initial date of joining in service by re-fixing the pay with all consequential service benefit including Arrear monetary benefit.

A Copy of the statement prepared by office of the Commanding Officer is enclosed as Annexure-X.

4.11 that it is stated that the pay of the applicants was further re-fixed in the scale of Rs. 2610-60-3150-65-3540/- with effect from 1st march 1996 in terms of 5th Central pay Commission corresponding scale, the aforesaid scale is also a lower scale and the re-fixation of the applicants ought to have been done in the pay of scale of Rs. 3050-75-3950-80-4590/- following the recommendation of the 5th Central pay Commission. Therefore the applicants are further allotted to a wrong scale of pay w.e.f 1.3.1996. Hence re-fixation of pay of the applicant are required to be done from the date of their initial date of joining in service with appropriate scale of pay including corresponding revision of scale of pay in terms of 5th CPC.

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

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

5.1 For that, the respondents have wrongly allotted the scale of Rs. 775-1025 to the applicants on their joining in service as painter/carpentor, instead of correct scale of Rs. 950-1400/-. As a result applicants suffering irreparable financial loss each and every month, then their counterparts carrying higher scale of pay working in 151 Base Hospital.

5.2 For that, the Govt. of India vide order dated 15.10.1984 upgraded the scale of Rs. 210-290 to 260-400 following the recommendation of the pay commission

declaring the painter/carpenter as skilled category industrial employees.

5.3 For that, due to lapses or fault of the administrative authority the applicants cannot be made to suffer in the matter of allotment of pay scales.

5.4 For that, non allotment of correct scale of pay to the applicants is violative of Article 14 of the Constitution of India.

5.5 For that, the applicants have been representing to their authorities for allotment of the scale of 950-1500 by re-fixing the pay of the applicants. But no fruitful decision has yet been taken for allotment of such scale till filing of this application. Although the Commanding Officer being very much sympathetic towards the applicants and taken up the case with the higher HQ but to no result.

6. Details of remedies exhausted.

That the applicants states 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 applicant further declares that they did 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 applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to declare that applicants are entitled to be placed in the pay scale of Rs. 950-20-1150-25-1400 instead of the scale of Rs. 775-12-871-14-1025 in terms of the Govt. of India's order dated 15.10.1984 from the date of their joining in service as carpenter/painter under the respondents.
- 8.2 That the respondents be directed to re-fix the pay of the applicant to the scale of Rs. 950-20-1150-25-1400 from the date of their joining in service and further be pleased to direct the respondents to grant the pay with arrear monetary benefit.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

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

18
9.1 That the Hon'ble Tribunal be pleased to observe that the pendency of this Original Application shall not be a bar to grant the relief to the applicants as prayed above.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.	: 20G114716.
ii) Date of Issue	: 1.10.04.
iii) Issued from	: GPO, Guwahati.
iv) Payable at	: GPO, Guwahati.

12. List of enclosures.
As given in the index.

VERIFICATION

I, Shri Lakhi Ram Boro S/o Shri late Chaki Ram Boro , aged about 35 years, resident of kachari gaon, P.O. Ulubari, dist- sonitpur one of the petitioner in the instant petition, duly authorized by the others to verify this affidavit, 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 18th day of October 2004.

Lakhi Ram Boro

HQ 4 Corps
C/O 99 AR

30452/1/11-3

11 Feb 91

Shri Biju Chandra Behera

VILL & RD. Muzi Lam

DIST. Sambalpur (Assam)

APPOINTMENT FOR THE POST OF CARPENTER

1. Ref to your interview dated 25 Oct 90.
2. You are hereby offered the appointment of Carpenter in the scale of pay Rs. 725 - 124 - 871 - Rs. 14 - 1025/- and other allowances as admissible from time to time. Please report to OC ISO MH C/O 99 AR on 11 Feb 91 for duty at 0800 Hrs failing which the appointment will be terminated.
3. You will be on probation for a period of 02 (Two) years from the date of joining, extendable at the discretion of the appointing authority.
4. You will be required to make your own arrangement for accommodation.
5. Your service will be subject to all India Transfers.
6. The appointment is made against a backlog vacancies being filled up during the Special Recruitment Drive carried out as per the Government Orders.
7. If my declaration given or information by you proves to be false, or if you are found to have wilfully suppressed any material information you will be liable to removal from service and such other action as the department may deem necessary.

W. Sankar Iyer

(K R Rama Krishnan)
Brig.
DDMS

Rank to : -

1PO Mill Hand For info.
C/O 99 ARU

*Have been
Satisfied
by Adm'dt
on 18.10.91*

13
Dtd 91

35482/1/M-3

Smt. L. K. Ram Hars
Vill. Kochbari, Gopin

P.O. 11111
District - Sonitpur (Assam)

APPOINTMENT FOR THE POST OF PAINTER

1. Ref to your interview dated 05 Oct 89.
2. You are hereby offered the appointment of painter in the scale of pay Rs 273/- to 821/- P.M. in 1025/- and other allowances as admissible from time to time. Please report to SC BO MH C/O 99 APO on 31 Mar 91 for duty at 0800 hrs failing which the appointment will be terminated.
3. You will be on probation for a period of 02 (TWO) years from the date of joining, extendable at the discretion of the appointing authority.
4. You will be required to make your own arrangement for meals.
5. Your service will be subject to all India Transferability.
6. The appointment is made against a backlog vacancies being filled up during the Special Recruitment Drive carried out as per the Government's Orders.
7. If my declaration given or information by you proves to be false, or if you are found to have wilfully suppressed my material information you will be liable to removal from service and such other action as the department may deem necessary.



(K R Ramakrishna)
Brig
DDMS

Copy to

180 Mil Hqs
C/O 99 APO
For info.

W. 3822/DS(C&M)/CIV-7/84
Government of India
Ministry of Defence

New Delhi, the 18th October,
1984

To
The Chief of the Army Staff
New Delhi

Subject: - Fitment of non-industrial workers of AGS Branch
in pay scales recommended by the third pay commission.

Sir,

Base on the decisions taken by the Government on the unanimous recommendations of the Pay Commission, I am directed to convey the sanction of the President to the following:-

(1) Upgradation of the following jobs from semi-skilled grade (Rs. 210-290) to the skilled grade (Rs. 330-400) :-

<u>Sr. No.</u>	<u>Job Title</u>	<u>Existing Scale</u>	<u>Revised Scale</u>
(1)	Foot-maker	Rs. 210-290	Rs. 330-400
(2)	Carpenter	-do-	-do-
(3)	Painter/Painter III	-do-	-do-
(4)	Painter (I.M.C)	-do-	-do-

These orders supersede the earlier orders in regard to fitment of the above categories of workers in the relevant scales of pay, from the date of issue of this letter.

Fresh induction to the trades listed in (1) above shall be from:-

- (a) Semi-skilled workers refers to be identified by on or feeder categories in the pay scale of Rs. 210-290 already existing under the present recruitment rules, subject to the workers having rendered a minimum of three years' service in the grade and after passing the prescribed trade tests and
- (b) Direct recruits with ITI certificate/trade apprentice /NCTVT etc. inducted in the semi-skilled grade, who have rendered in the semi-skilled grade, who have rendered 2 years service in that grade
- (c) Provision/introduction of Highly skilled grade II (Rs. 330-400) and Highly skilled grade I (Rs. 330-400) for common category jobs listed in Annexure I classified as "Skilled" depending on the functional requirement of highly skilled jobs, in the following manner as a bench mark percentage:-

2/2.

True copy
Sug. After
Adm.
10. 10.
on 18.

(a) Highly skilled grade I (Rs. 220-350)	15%
(b) Highly skilled grade II (Rs. 330-450)	30%
(c) Skilled grade (Rs. 220-350)	65%

This should be applied to the grades enumerated in Annexure I with viable number of jobs and if there are non-viable trades these should be grouped to greater or the purpose of giving the above benefit. In the trades where the above basic mark percentages are not reduced, the selection grade for the skilled grade, if provided, will stand simultaneously abolished as a one time measure.

2. These orders will take effect from the date of issue.

3. The expenditure involved shall be debitable to the respective Head of the Defence Services Estimates.

4. This issue with the concurrence of the Ministry of Defence (Finance Division) will be forwarded to the Ministry of Finance (Finance Division) vice their interdepartmental No. 1755/DIN (AF/Expt) of the 15th October, 1984.

Yours faithfully,

S/ x x x x x
(Rama Krishna)

Deputy Secretary to the Government of India
Tele : 375040

Copy to :
CGDA, New Delhi - 2 copies
DADS, New Delhi - do -

Dy. Director of Audit Defence Services - Calcutta/Port Blair/Mysore/
Delhi/Patna (2 copies each)
Controller of Defence Accounts, Eastern Command Calcutta
-do- Central Command Meerut
-do- Western Command Chandigarh
-do- Southern Command Pune
-do- Northern Command Jammu
-do- Bangalore
-do- Gauhati

Fin. Division
DPA (AG)

Dir. Final Settlement

Annexure I

AG's Branch

List of common category 'skilled' jobs

1. Carpenter
2. Coppersmith/Tin smith
3. Electrician
4. Mason
5. Painter

HQ 4 Corps
C/3 RD APO

30 Nov 84

35482/M-3/3

P.M.D.
3/3 DIV
155 BRNOTIFICATION TO THE WORKERS OF 40th BRANCH IN
DAY-SCALES RECOMMENDED PAY COMMISSION
IN THE INTEREST OF STAFF

1. A copy of Govt of India, Min of Def letter No. 3827/Def(C&S) /CIV-I/84 dated 16 Oct 84 received vide HQ Encl. Command letter No. 232809/1/M-3/3) dated 19 Nov 84 on the above subject is fwd herewith for info and necessary action.
2. Please ensure that the contents of the above letter are brought to the notice of all concerned.

(S.K. Bm gal)

Lt. Col

ADM

D/P DDMS

2/2	CD 12
ADM	
1/12	
1/12	

Policy for employment

F.S.R

Trace back
Sajid Adcock
on 18.10.04.

NOTICE OF FIXATION OF PAY UNDER CENTRAL CIVIL SERVICE (REVIS. OF PAY)
M.S. 1986

26

Name of the Government Servant

S. Charles

Painter

Person

225-5-506-290-EB-6-308

2. Designation of the post in which
pay is to be fixed on 1st Jan 86

3. Whether the above is representing
existing scale/scales of the posts

(Where there is more than one scale
and the scales are merged, in a
revised scale the particular
scale in which the Officer was drawing
pay should be specified).

4. Existing increments as on 1st Jan 86

(a) Basic pay (Excluding adhoc increment
on account of stagnation at the maximum of
the existing scale).

(b) Special pay under rule 7(I) (b)

(c) Dearness pay, and adhoc DA appropriate
to whole per and Special pay under rule 7(I) (b)
and NRA at the index average 88 (1900 = 10).

(d) Amount of first and second instalment of
interim rule of admissible on the basic pay Special
pay under Rule 7(I) (b) & NRA

Total existing increments (a) to (d)

5. 20% of Basic pay subject to minimum of Rs 75/-

6. Total of items 5 & 6

7. Revised scale corresponding to existing scale/
scale/scales shown against item 6 above

8. (i) Revision may be fixed under Sub-rule (I)
(a) or I(B) or I(C) or I(D) of rule 7 at stage
in the Revised Scale not above the amount item
shown.

(ii) Special pay in the ~~revised~~ scale, if any
(rule 7(I) (b) or (c)).

(iii) Revised NRA, if admissible (Rule 7(I)
(D) or (E)).

9. Revised increments (Total of item 9 (i), (ii)
and (iii)).

NO.

260-6-290-EB-6-3-6

366-EB-8-390-10-4-87

NO

266/266/-

.....2/-

True copy
Sajit Singh
on 18.10.89

From

To
The Commanding Officer
180 Military Hospital
C/O 99 APO

PAY FIXATION

Sir

1. * With due respect and humble submission I beg to lay down the following few lines for your kind information and favourable action please.
2. I was appointed to the post of Carpenter wef 01 March 91 vide HQ 4 corps letter No 35452/1/113 dt 11-1-91 (Photostate copy enclosed) in the scale of Rs. 775-12-871-14-1025/- which is wrong and correct scale of pay is Rs. 950-20-1150-25-1400/- (as per recommendation of 4th CPC).
3. Subsequently pay fixed in the scale of Rs. 2610-60-3150-65-3540/- instead of scale Rs. 3050-75-3950-80-4590/- during 5th CPC and for wrong pay fixation I am getting less pay which is a great financial loss I am bearing since appointment.
4. It is also mentioning here that pers appointed in other defence estt in the same trade /post were getting more pay and their pay fixed initially Rs. 950-20-1150-25-1400/- and thereafter in the scale of pay Rs. 3050-75-3950-80-4590/- In this connection photostate copy of pay fixation perferma in respect of the emps of MH Shillong is enclosed herewith for your ready reference.
5. In view of the circumstances mentioned above, it is therefore requested your honour my pay and allowances may please be fixed in correct scale of pay and I may be paid outstanding sums since appointment at the earliest and for which act of your kindness I shall ever greatfull to you.

Thanking you Sir

Yours faithfully

Bri Ratnachandra Boro
(Sri)

Dated 1968.8.2.

Recd
S. S. B.
06/08/02

True to my
Saying I shall
return to
you on 10. 10. 09.

From
 No 495107 Trade P-ramber
 Name Sri Lakhi Ram 13.0PCO
 180 Military Hospital
 C/O 99 APO

To
 The Commanding Officer
 180 Military Hospital
 C/O 99 APO

PAY FIXATION

Sir,

- With due respect and humble submission I beg to lay down the following few lines for your kind information and favourable action please.
- I was appointed to the post of Painter wef 01 March 91 vide HQ 4 corps letter No 35252/1/1-3 dt 11 Feb 91 (Photostate copy enclosed) in the scale of Rs. 775-12-871-14-1025/- which is wrong and correct scale of pay is Rs. 950-20-1150-25-1400/- (as per recommendation of 4th CPC).
- Subsequently pay fixed in the scale of Rs. 2610-60-3150-65-3540/- instead of scale Rs. 3050-75-3950-80-4590/- during 5th CPC and for wrong pay fixation I am getting less pay which is a great financial loss I am bearing since appointment.
- It is also mentioning here that pers appointed in other defence estt in the same trade/post were getting more pay and their pay fixed initially Rs. 950-20-1150-25-1400/- and thereafter in the scale of pay Rs. 3050-75-3950-80-4590/. In this connection photostate copy of pay fixation perferma in respect of the emps of MHI Shillong is enclosed herewith for your ready reference.
- In view of the circumstances mentioned above it is therefore requested your honour my pay and allowances may please be fixed in correct scale of pay and I may be paid outstanding sums since appointment at the earliest and for which act of your kindness I shall ever be greatfull to you.

Thanking you Sir

Yours faithfully

Dated 06.08.02
 (Sd) Sri Lakhi Ram B/PO

Recd
on 06.08.02
by

True Copy
Sarjit Chaudhary
Advocate
on 18.10.09

No. 6826535 Carpenter
 Sri Pulin Chandra Boro
 180 Military Hospital
 C/O 99 APO

Annexure - VI

(123)

28

6826535/03/para/2002

27/Dec 2002

The Commanding Officer
 180 Military Hospital
 C/O 99 APO

PAY FIXATION

Sir,

1. Ref Your Letter No-177/152/Civ dated 26 Dec 2002.
2. Having clear directions issued vide HQ 4 Corps Letter No :- 35452/H-3 dated 18 Dec 2002 for taking up a case with AAO Shillong as advised vide their letter No-Pay/Tech Coord/21-Army XXX dated 19 Sep 2002 and even of number dated 20 Nov 2002, hence for awaiting clarification from HQ 4 Corps does not means.
3. It is therefore requested that the case may please be taken up with AAO Shillong at the earliest as advised vide their letter quoted under Para 2 above.

Thanking You,

Yours faithfully
 Sri Pulin Ch. Boro
 Sri Pulin Chandra Boro
 180 NH C/O 99 APO

COPY TO :-

HQ 4 Corps (Med)
 C/O 99 APO

1. Please refer your Hq letter No 35452/H-3 dated 18 Dec 2002 and 180 NH Letter No-177/150/Civ dated 26 Dec 2002.
2. It is requested that 180 NH may please be instructed for immediate necessary action as per your Hq Letter No 35452/H-3 dated 18 Dec 2002.

Received
 10/09/2002
 Copy
 8/12/2002

True copy
 Sri Pulin Ch.
 18.10.09
 on

123
29

REMINDER LETTER No- 1

6826535/ 02 /Pars/2002

No. 6826535 CARPAINTER
Sri PULIN CHANDRA BORO
180 MH C/O- 99 APO
12 Dec 2002

TO

The Commanding Officer
180 Military Hospital
C/O -99 APO

PAY FIXATION

Sir ,

1. Ref to my letter No 6826535/Pars/01/02 Dt 07 Dec 2002.
2. may the present position of the case please be intimated .

Yours faithfully ,

Sri Pulin. Ch. Boro
(Sri Pulin Chandra Boro)

CARPAINTER

180 MH C/O 99 APO.

Copy to :-

HQ 4 Corps (A Branch)
C/O 99 APO

HQ 4 Corps (Med)
C/O - 99 APO .

For informed ^{and} necessary action with
reference to my letter quoted
under reference.

*✓ C/S
12/12/02*

*True copy from
Sriji Admire
on 18.10.09.*

(141)

180 Military Hospital
C/O 99 APO

30

177/150/Civ

20 Dec 2002

Headquarters
4 Corps (Med)
C/O 99 APOPAY FIXATION

1. Please refer to the applications No-6826535/01/Pers/02 and 485107/Pers/01/02 dated 07 Dec 2002 in respect of Civ Carp Pulin Chandra Boro and Civ/Painter Lakhi Ram Boro addsd to CO this unit with copies to your HQ 'A' and 'Med Br.

2. Civ/Carp Pulin Chandra Boro, Civ/Painter Lakhi Ram Boro and Civ/Tailor Smt Tivali Baglari of this unit were appointed in this unit as Gp 'D' employees in the pay scale of Rs-775-12-871-14-1025/- on 01 Mar 91 by the DDMS then DDMS your HQ ie appointing authority, vide your HQ appointment letter No-35452/1/M-3 dated 11 Feb 91.

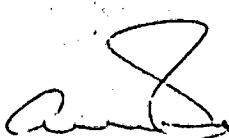
3. The above indls have now submitted applications stating that the pay fixed at the time of their appointment was wrong and as per recommendations of 4th CPC it should have been Rs-950-20-1150-25-1400/-.

4. A clarification on the above pay fixation was asked from AAO Shillong vide this unit letter No-177/133/Civ dated 04 Sep 02. Copy of which alongwith photo-copies of the applications were forwarded to your HQ also.

5. AAO Shillong without clarifying about the correctness of the pay fixation, asked this unit to submit the case alongwith service books, statement of case and pay fixation proforma to review the case. This unit again requested AAO Shillong to clarify the correctness of the pay fixation so that necessary action could be taken. AAO Shillong replied in the same line.

6. In this regard it is submitted that the statement of case can not be prepared without knowing the correctness of the pay fixation.

7. In view of the above, you are requested to kindly clarify/take-up a case with higher auth to clarify the correctness of their fixation of pay scale so that necessary action can be taken to review their cases accordingly.



(A. K. Tewari)
Colonel
Commanding Officer

Kamal/-

One copy Shillong
Avy. off placed
On 08.10.02

BY HAND

3)

180 Military Hospital
C/O 99 APO

177/152/CIV

Dec 2002

26

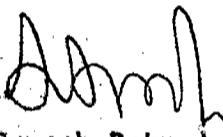
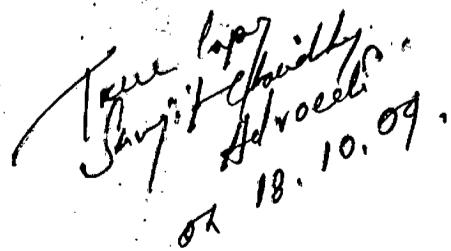
No-6826535 Carpenter
Sri Pulin Chandra BoroNo-465107 Painter
Sri Lakhi Ram BoroPAY FIXATION

1. Ref to :-

(a) Personal application No-6826535/01/Pers/02 dt 07 Dec 2002 in respect of Sri Pulin Chandra Boro, Carpenter.

(b) Personal application No-465107/Pers/01/02 dt 07 Dec 2002 in respect of Sri Lakhi Ram Boro, Painter.

2. A case has been taken up with HQ 4 Corps (Med) for clarifying the correctness of fixation at the time of your appointment vide this unit letter No-177/150/CIV dated 20 Dec 2002. Action will be taken immediately on receipt of reply from HQ 4 Corps (Med).

Komal/-

 (Suresh Babu)
 Major
 Adm Officer
 for Commanding Officer
Copy to :-HQ 4 Corps (Med)
C/O 99 APO: for info please wrt their HQ letter
No-35452/E-3 dated 18 Dec 2002.

 Jagjit Chawla
 Advocate
 dt 18.10.09.

Annexure - IX (24) ✓
(See 01)

No 6826535 Carpenter

Shri Pulin Chandra Boro

180 Military Hospital

C/O 99 APO.

6826535/04/PERS/2003

08 Jan 2003

To

The Commanding Officer
180 Military Hospital
C/O 99 APO

PAY FIXATION

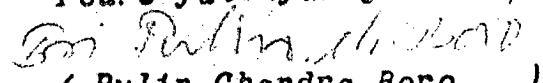
Sir,

1. Ref to your letter No-177/152/Civ dated 26 Dec 2002.

2. It is requested that please intimate whether any clarification on the matter been received from HQ 4 Corps (Med) and further action on the subject been taken at your end.

Thanking you.

Yours faithfully


(Pulin Chandra Boro)

Copy to :-

HQ 4 Corps (Med)
C/O 99 APO

: For appropriate necessary action wrt my
letter No 6826535/03/pers/2002
dt 27 Dec 2002 and 180 MH Letter No- 177/
152/Civ dt 26 Dec 2002.

Reed
Smti
08/01/03

True Copy
Surjit Advani
08.10.03

No. 485107 Painter

Sri Lakshmi Ram Boro M

180 Military Hospital
C/O 99 APO

27 Mar 2003

485107/pers/LRB/2003

DDMS
HQ 4 Corps
C/O 99 APOPAY FIXATION

Respected Sir,

1. Ref to:-

- (a) HQ 4 Corps Letter No 35452/M-3 dated 06 Jan 2003
- (b) HQ 4 Corps Letter No 35452/M-3 dated 18 Feb 2003
- (c) 180 MH letter No -177/152/CIV dated 26 Dec 2002.
- (d) AAO Shillong Letter No-pay/Tech/Coord/21 Army-XXX dt 02/03

2. It is regretted to submit that inspite of clear instructions of your HQ, advice of AAO shillong and my repeated personal requests no action on the subject yet been taken by the authority of 180 MH.

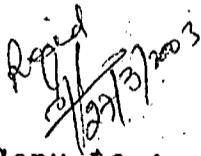
3. On Several interview with my Adm Officer it is learnt that he will not taken any action on the subject on the plea that the error was taken place at the time of issue of appointment letter by HQ 4 Corps and hence it is the duty of HQ 4 Corps to take further action.

4. The circumstances compelled me to mentioned here that during the interview the Adm Officer threatened me that if I Pressing him for action on the subject he will be transferred me to other unit. The activities of the Adm Officer clearly appears that he is anti-working class and his attitude is against ST Communities and challengable.

5. It is not understand why the authority of 180 MH not taking any action on the subject which is entitled for me. Due to the step-motherly attitude of Adm Officer I am at great financial less day to day.

6. In view of all above , your immediate intervention is requested please.

Thanking you.



Copy to :-

DT Gen of Med Services (Army)
AG8s Branch
AHQ DHQ PO- New Delhi- 11

HQ Eastern Command (HEC)
Fort William, Kolkata-21

180 MH for information

Yours faithfully



Photostate copy of my application
dt 06 Aug 02, HQ 4 Corps Letter
No:-35452/M-3. dt 18 Dec 02,
AAO Shillong
Letter No-pay/Tech/Coors/21-ArmyXXX
dt 19 Sep 02 pay/Tec/Coord/21-Army
XXX
dt 20 Nov 02, Pay/Tech/Coord/21-Army
XXX
dt 02/03, HQ 4 Corps Letter No-
35452/M-3 dt 18 Feb 03 are enclosed
with for your information and
necessary action Please.

ANNEXURE-X

STATEMENT OF CASE REGARDING AMENDMENT OF PAY DEALS IN REPORT OF PAINTER,
CARPENTAR AND TAILOR OF 180 MH C/O 99 APO

INTRODUCTION

1. No. 6826535 Carpenter Shri Pulin Chandra Boro, No-488107 painter Shri Lakhi Ram Boro and No-6026537 tailor Smti Tivai Baglari were appointed in 180 MH C/O 99 APO as Gr "D" employee on 1st march 91 in the scale of pay of Rs. 775-12-871-14-1020 vide HQ 4 corps letter no. 35452/1/M-3 dated 11 Feb 91. Their pay was subsequently revised to the scale of pay of Rs. 2610-60-3150-65-3540/- AFTER 5TH central pay Commission duly audited by area accounts Office, Shillong.
2. The above individuals have represented requesting that there was some anomaly in their pay scales which were given to them at the time of their initial appointment as a result of which they are getting less pay as compared to their counterparts posted in 151 Base Hospital c/o 99 APO. The matter was referred to Area accounts office, Shillong for clarification. The area accounts office vides their letter no. Pay/Tech/Coord/21 Army XXX dated 10.04.2003 (Xerox copy attached) has advised that the matter be taken up with Army HQ for issue of amendment of pay scale.

PROPOSAL

3. It is proposed to take up a case with Army HQ for issue of amendments to the pay scales of the affected individuals mentioned above from Rs. 2610-60-3150 to Rs 3050-75-3950-80-4590/- as revised by 5TH Central pay Commission.

DETAILED JUSTIFICATION OF CASE

4. No. 6826535 Carpenter Shri Pulin Chandra Boro, No-484107 Painter Shri Lakhi ram Boro and No-6026537 tailor Smt. Tivai Baglari of 180 MH C/o 99

*True copy
Smti. Tivai Baglari
Advocate
of 180. 10. 04*

Lakhi Ram Boro

APO represented stating that there has been some anomaly in their pay scales at the time of their initial appointment on 1st Mar 91. They have requested that their pay scales at the time of their appointment should have been Rs. 950-20-1150-25-1400/- instead of Rs. 775-12-871-14-1025/. It is seen that employees of the same trade have been appointed in 151 base Hospital were given the scale of Rs. 950-20-1150-25-1400/- which was higher than the scale made applicable to the three employees of 180 MH mentioned above. Xerox copies of the pay fixation statement in respect of the employees of the same trades who have been appointed in 151 Base Hospital and drawing higher salary have been enclosed for ready reference.

FINANCIAL EFFECT

5. There is no additional financial effect on the state as the individuals mentioned above are legitimately entitled to the pay of Rs. 950-20-1150-25-1400/-, which was prevailing at the time of their appointment.

CONCLUSION

6. Since the employees of the same trade appointed in other defence Establishment are drawing higher salary, it is recommended that the existing scales of pay in respect of carpenter, Shri Pulin Chandra Boro, painter Shri Lakhi Ram Boro and tailor Smt. Tivai Baglari be amended accordingly at the earliest as that the effected individuals are not denied their legitimate entitlement causing great financial loss to them.

180 MH C/O 99 APO
Dated: 31 Jul 2004

(A P Pathi)
Colonel
Commanding Officer.

Lakhi Ram Boro

1 MAY 2004
Guwahati
36
Filed by
the Respondents this
27/5/05
Lakhi Ram Boro
and wife
Case No. 244/04
Date of filing
27/5/05

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO. 244/04

SHRI L. R. BORO & ANRS

.....APPLICANTS

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

1) That the respondents have received copy of OA and have gone through the same and have understood the contentions made thereof. Save and except, the statements, which are not specifically admitted herein below, rest may be treated as total denial. The statements, which are not borne on record, are also denied and the applicant is put to the strictest proof thereof.

That the respondents beg to place the background of the case as follows:-

That personal number 6826535 civilian carpenter Shri Pullin Chandra Boro and personal Number 485104 civilian painter Shri Lakhi Ram Boro were appointed in the trade of Carpenter and Painter respectively by the appointing authority in the pay scale of Rs. 775-12-871-14-1025 against the vacant post held in 180 Military Hospital Missamari vide appointment order issued by HQ 4 Crops Tejpur under their letter No. 35452/1/M-3 dated 11 February 1991. These pay scales were subsequently revised to the pay scale of 2610-60-3150-65-3540 based on recommendation of 5th Central Pay Commission, and this was done by prescribed regional controller of Defence Accounts, Shillong.

2) That the appointments of offer of 11 February 1991 to both the applicants for the post of Carpenter and Painter in pay scale of Rs. 775-12-871-14-1025 was accepted by both of them and it never became bone of contention as regards of

financial upgradation in existing pay scales till 06 August 2002. after lapse of more than a decade the individuals have represented against the pay scale.

- 3) That both the applicants were categorized as industrial employees for which proficiency of trades/jobs are grouped as semi skilled, skilled, highly skilled grade II and lastly highly skilled grade I and their pay scales are different from each other. Both these applicants were initially appointed in Semi Skilled categories.
- 4) That however on receipt of the representations made by the applicants vide their application dated 6. 8. 2002, Commanding Officer 180 Military Hospital not being prescribed Military authority, approached to the higher superior Military authorities for the needful.

Copies of the appointment orders and the representations are annexed herewith and marked as Annexure- 1 series and 2 series respectively.

- 5) That after receiving the representations the matter was referred to Area Account Office Shillong vide 180 MH letter No. 177/3/Civ dated 04.9.2002.

A copy of the said letter is annexed herewith and marked as Annexure-3.

- 6) That the applicants were informed about the status of progress of the case vide 180 MH letter No. 177/152/Civ dated 26.12.2002. HQ 4 Corps vide their HQ letter No. 35452/M-3 dated 6.1.2003 again approached Area Accounts Office, Shillong for needful.

Copies of letter dated 26.12.2002 and 06.01.2003 are annexed herewith and marked as Annexure-4 & 5 respectively.

- 7) That a D.O. letter No. 534/Adm/DO 2003 dated 09.04.2003 was written to the Joint Controller of Defence Account, Shillong. A reply was received from the Joint Controller Defence Accounts Shillong vide the office letter No.

Pay/Tech/Coord/21-Army XXX dated 10.04.2003. the matter was referred to HQ 4 Corps vide 180 MH letter No. 534/Adm/2003 dated 16.04.2003.

Copies of the letters dated 09.04.2003 and 10.04.2003 are annexed herewith and marked as Annexure-6 & 7 respectively.

8) That the statement of case regarding issue of amendment to the pay scales in respect of Number 6826535 Carpenter Shri Pulin Chandre Boro and Number- 485107 Painter Shri Lakhi Ram Boro have been referred to HQ 4 Corps (Med) C/O 99 APO and Copy to Army HQ, AG's Branch, DGMS-3 (B) (Civ), DHQ PO: New Delhi and Individuals Concerned vide 180 MH letter No. 177/31/Civ dated 31 July 2004.

✓ A copy of the letter-dated 31.7.2004 is annexed herewith and marked as Annexure-8.

9) That a D.O. letter No. 177/47/Civ/2004 dated 03.12.2004 regarding amendment of pay scale of the applicants have been sent to Director MS (Civ), Office of DGMS (Army), AHQ 'L' Block, New Delhi-1.

✓ A copy of the letter dated 03.12.204 is annexed herewith and marked as Annexure-9.

10) That in view of the foregoing facts enumerated above, it is stated by the respondents that some time may be required to receive the decision in this matter from the competent authority. Immediately after receiving the decision from the competent authority the same will be intimated to the applicant without any further delay.

VERIFICATION

I Shri MR-03388-F col A P Padhi at present working as Commissioning Officer at 180 Military Hospital C/o 99 APO who is taking steps in this case, being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statement made in paragraph One to ten are true to my knowledge and belief, those made in paragraph One to ten being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 20 ^{May} the day of March 2005 at Guwahati. Padhi


A P Padhi
Colonel
Commissioning Officer

11 Feb 91.

40

30452/1/M-3

Shri Balu Chandra Baru

Vill & PO. Mani Lani

Distr. Sanitpur (Assam)

Annexure-1

APPOINTMENT FOR THE POST OF CARPENTER

1. Ref to your interview dated 25 Oct 89.
2. You are hereby offered the appointment of Carpenter in the scale of pay Rs 775 to Rs 1025/- and other allowances as admissible from time to time. Please report to 180 Mill Hse C/O 90 AFU on 21 Jan 91 for duty at 0800 Hrs failing which the appointment will be terminated.
3. You will be on probation for a period of 02 (Two) years from the date of joining, extendable at the discretion of the appointing authority.
4. You will be required to make your own arrangement for accommodation.
5. Your service will be subject to all India Transfers.
6. This appointment is made against a backlog vacancies being filled up during the Special Recruitment Drive carried out as per the Government Orders.
7. If my declaration given or information by you proves to be false, or if you are found to have wilfully suppressed any material information you will be liable to removal from service and such other action as the department may deem necessary.

W. R. Ramakrishnan

(K R Ramakrishnan)
Brlg
DDMS

Copy to :-

180 Mill Hse For info.
C/O 90 AFU

From
No 485107 Trade Peasant
Name Sri Lakh Ram Boro
180 Military Hospital
C/O 99 APO

To
The Commanding Officer
180 Military Hospital
C/O 99 APO

PAY FIXATION

Sir,

1. With due respect and humble submission I beg to lay down the following few lines for your kind information and favourable action please.
2. I was appointed to the post of Peasant wef 01 March 91 vide HQ 4 corps letter No 35/152/1/M.3 dt 11 Feb 91 (Photostate copy enclosed) in the scale of Rs. 775-12-871-14-1025/- which is wrong and correct scale of pay is Rs. 950-20-1150-25-1400/- (as per recommendation of 4th CPC).
3. Subsequently pay fixed in the scale of Rs. 2610-60-3150-65-3540/- instead of scale Rs. 3050-75-3950-80-4590/- during 5th CPC and for wrong pay fixation I am getting less pay which is a great financial loss I am bearing since appointment.
4. It is also mentioning here that pers appointed in other defence estt in the same trade /post were getting more pay and their pay fixed initially Rs. 950-20-1150-25-1400/- and thereafter in the scale of pay Rs. 3050-75-3950-80-4590/. In this connection photostate copy of pay fixation ~~performed~~ in respect of the emps of MH Shillong is enclosed herewith for your ready reference.
5. In view of the circumstances mentioned above, it is therefore requested your honour my pay and allowances may please be fixed in correct scale of pay and I may be paid outstanding sums since appointment at the earliest and for which act of your kindness I shall ever greatfull to you.

Thanking you Sir

Yours faithfully


(Sri

Dated 06.08.02

Encls x 6/1C - II DJA 1/1 - 7 - ✓

From No 6826535 Trade Corporal
Name Sri Pulin Chandra Boro
180 Military Hospital
C/O 99 APO

Annexure-2

Commanding Officer
Military Hospital
C/O APO

PAY FIXATION

With due respect and humble submission I beg to lay down the following few lines for your kind information and favourable action please.

I was appointed to the post of Corporal wef 01 March 91 vide HQ 4 corps letter No 35452/1/ M. 3 dt 11-3-91 (Photostate copy enclosed) in the scale of Rs. 775-12-871-14-1025/- which is wrong and correct scale of pay is Rs. 950-20-1150-25-1400/- (as per recommendation of 4th CPC).

2. Subsequently pay fixed in the scale of Rs. 2610-60-3150-65-3540/- instead of scale Rs. 3050-75-3950-80-4590/- during 5th CPC and for wrong pay fixation I am getting less pay which is a great financial loss I am bearing since appointment.

4. It is also mentioning here that pers appointed in other defence estt in the same trade /post were getting more pay and their pay fixed initially Rs. 950-20-1150-25-1400/- and thereafter in the scale of pay Rs. 3050-75-3950-80-4590/-. In this connection photostate copy of pay fixation performa in respect of the corps of MH Shillong is enclosed herewith for your ready reference.

5. In view of the circumstances mentioned above it is therefore requested your honour my pay and allowances may please be fixed in correct scale of pay and I may be paid outstanding sums since appointment at the earliest and for which act of your kindness I shall ever be greatfull to you.

Thanking you Sir

Yours faithfully

Sri Pulin Chandra Boro
(Sri

Dated 06.8.92

RE. PAY FIXATION

- 8 -

13

160 Military Hospital
C/O 99 ADG

01 Sep 2002

Annexure - 3

Area Accounts Office
River Head, Shillong-1
(Meghalaya)

PAY FIXATION

1. No-4024383 Shri Pulin Chandra Baru and No-483107 Shri Lakhi Ram Baru of this unit were appointed as Carpenter and Painter respectively in the Scale of pay R-775-12-671-14-1025 on 01 Mar 91 vide HQ 4 Corps letter No-33452/1/4-3 dt 11 Feb 91.
2. Now, the above individuals have submitted applications stating that the pay fixed at the time of their appointment was wrong.
3. Photo copies of the above applications and enclosures are forwarded herewith for your clarification on the subject please.

Komal/x


(Bireesh Behu)
Major
Adm Officer
for Commanding Officer

Copy to :-


HQ 4 Corps (Mod)
C/O 99 ADG

: for info please alongwith photo copies
of applications.

BY HAND

180 Military Hospital
C/O 99 APO

26 Dec 2002

Annexure-4

No-682653P Carpenter
Sri Pulin Chandra Bera

No-485107 Painter
Sri Lakhli Ram Bera

PAY FIXATION

1. Ref to :-

(a) Personal application No-6826533/01/Pers/02 dt 07 Dec 2002
in respect of Sri Pulin Chandra Bera, Carpenter.

(b) Personal application No-485107/Pers/01/02 dt 07 Dec 2002
in respect of Sri Lakhli Ram Bera, Painter.

2. A case has been taken up with HQ 4 Corps (Med) for clarifying
the correctness of fixation at the time of your appointment vide
Letter No-177/150/Civ dated 20 Dec 2002. Action will be
taken immediately on receipt of reply from HQ 4 Corps (Med).

Kamal/-

(Surean Babu)
Major
Adm Officer
for Commanding Officer

Copy to :-

HQ 4 Corps (Med) : for info please wrt their HQ letter
C/O 99 APO No-35452/M-3 dated 18 Dec 2002.

Received

1. Chowdhury

2. Chowdhury

35452/H-3

HQ 4 Corps
C/O 99 APO

06 Jan 2003

Area Accounts Office
Silver Road
Shillong-1
(Meghalaya)

Annexure - 5

PAY FIXATION

1. Regd 180 MH letter No 177/43/Civ dated 06 Sep 2002 and 177/141/Civ dated 26 Oct 2002 and your letter No Pay/Recd/Coard/21-Army xxx dated 19 Sep 2002 and even No dated 20 Nov 2002.

2. No 6826535 Civ/Carp Pulin Chandra, No 485107 Civ/Painter Lekhi Ram Boro and 6826537 Civ/Tailor Smt Tivali Baglari of 180 MH had submitted applications stating that the pay fixed at the time of their appointment was wrong and to be rectified.

3. A case in this matter was taken up with your office by 180 MH vide their letter under ref. Your office vide your letter quoted above has directed 180 MH to remit the case alongwith service books, Statement of Case, Pay fixation proforma etc. The above indls were appointed on 01 Mar 1991 at the scale of Rs. 775-12-871-14-1025/- Their pay was revised at the scale of Rs. 2810-60-3150-65-3540/- after 5th CPC duly audited by your office.

4. 180 MH has now approached this HQ to clarify the correct pay scale of the above indls to submit statement of case to your office.

5. In view of the above, you are requested to kindly intimate the following at the earliest :-

- In which scale Painter, Carpenter and Tailor of ANC come under.
- The scale of pay of Painter, Carpenter and Tailor of ANC as on 01 Mar 1991 i.e., the date of appointment of the above indls.
- If the scale of pay was revised, the date of revision with revised scale and its effective dates.
- The present pay scale of the above categories.

6. An early reply is requested as the above indls claim that due to the wrong fixation of pay they are at great financial loss.

(PM Dhatt)
Col
Offg. DDMS

Copy to :-

180 MH
C/O 99 APO

- for info.

Civ/Carp Pulin Chandra Boro
180 MH C/O 99 APO

Civ/Painter Lekhi Ram Boro
180 MH C/O 99 APO

Civ/Tailor Smt Tivali Baglari
180 MH C/O 99 APO

- for info.

29 Apr 2003

534/ADM/DO/2003

Dear Smt Hangoo

PAY FIXATION : CIV EMPLOYEES

1. I am writing this letter to you for your kind intervention in connection with pay fixation of three civilian employees of this unit.

2. Civ/Carp Pulin Chandra Boro, Civ/Painter Lakhi Ram Boro and civ/tailor Smt Tivai Baglari of this unit whom were appointed as Gp 'D' employees on 01 Mar 91 in the pay scale of Rs 775-12-871-14-1025 vide HQ 4 Corps appointment letter No 35452/1/M-3 dated 11 Feb 91. Their pay was revised in the scale of Rs 2610-60-3150-65-3540 after 5th CPC duly audited by your office.

3. The above individuals have now submitted applications stating that the pay fixed at the time of their appointment was wrong and it should have been Rs 950-20-1150-25-1400.

4. A clarification on the pay fixation was asked from your office via this unit letter No 177/133/Civ dated 04 Sep 2002. In reply, your office asked this unit to submit the case alongwith service books, statement of case and pay fixation preforma to review the case vide your office letter No Pay/Tech/Coord/Army XXX dated 19 Sep 2002.

5. This unit was not able to prepare the statement of case without knowing the correctness of pay scale of the above individuals. Hence the case was taken up with HQ 4 Corps.

.....2/-

6. HQ 4 Corps asked your office the details of fixation of pay of the above individuals vide their HQ letter No 35452/M-3 dated 06 Jan 2002. (Copy attd) Your office vide letter No Pay/Tech/Coord/Army XXX dated nil (copy attd) asked to deal with the case according to Ministry of Def letter No F.1(2)/8C/D(ECC) dated 16 Oct 2001.

7. Since the above letter is not available in this unit and HQ 4 Corps, your office had been requested to forward the same vide our letter No 534/Adm/03 dated 25 Feb 2003 (copy attd). But the above letter has not been received so far.

8. In view of the above, you are requested to kindly arrange to forward the following informations so that necessary action can be taken accordingly :-

- (a) In which scale painter, carpenter and tailer of AMC comes under.
- (b) The scale of pay of painter, carpenter and tailer of AMC as on 01 Mar 1991 ie. the date of appointment of the above individuals.
- (c) If the scale of pay was revised, the date of revision with revised scale and its effective dates.
- (d) The present pay scale of the above categories.
- (e) Misc'

9. Considering the welfare of the employees an early action is requested please.

1978 (8/8/78)

(35)

- 13 -

10. JC-692795-N Nb/Sub/SKT KN Rai of this unit is
hereby detailed to visit your office to obtain the above
information.

2
Jinu

Shri TK Hangzo
JCDA
Area Accounts Office
Shillong

①
09/4

Annexure - ~~7~~ 7 (38)

o - M.

मानोगा. २०११ (सं.)
I.A. P. २०११ (Larg.)

49

मानव
Memorandum

From

A.A.O. ^{To} The Commanding Officer
B river Road 180 Military Hospital
No. Pay / Technical ^{मिलिट्री} Shilling 1 ^{१०} D.O.A.P.O
Coorct 21 Army xxx

१० D.O.A.P.O

Date 10/11/09

Sub:- Pay Fixation: civ Employees.

Ref:- Your DO NO. 534/Adm/DO/2003 dated 9/11/09
addressed to Jt C.G.A

— x —

In this connection it is stated that the case
has been examined in detail and found that
the initial pay fixation was done on the
basis of offer of appointment to the
individuals and later based on the Fixation
of pay drawn by them and fixed as per
5th Pay Commission.

The individuals have accepted the appointment
at the scale of pay offered to them
and there is no question of fixation
of pay at N ९५०/- as contested by the
individuals unless the original appointment
letter is amended. The individuals
stated that they are getting less pay
as compared to other employees of Defence

P.T.O

- 15 -

employees of the same trade for which the matter should be taken up with Army HQs for clarification.

issue of the amendment to the pay scale and this office cannot fix the pay without Govt. Orders.

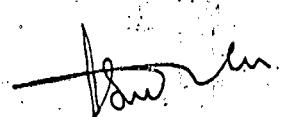
A statement of case i.e. brief history of the case alongwith the comparison of pay scale of same traders in other defence department to be sent to your Army HQ for Govt. Order.

Regarding para 8 of your 30 letter ibid, it is stated that this office is not having the full details of the 4th & 5th Pay Commission reports and as such we cannot furnish the information.

In view of the above this office has no action for fixation/revision of pay.

It is also stated that the letter dated 16-10-2001 wrongly dated instead of 16-10-81 and now it has no relevance with the case.

Jt CDA has seen.


(P. V. KATESHWARLU)

A.O.
8/14

160 Military Hospital
GPO 49 400

31 JUL 2004

1871 31 (G.V)

110 4 Corps (Head)
GPO 49 400

PAY FIXATION

1. Ref No. 4 Corps Letter No-0642/Emd dated 13 Dec 2002.
2. Statement of case regarding 2 case of increment to
the pay scales in respect of Nos-026333 Corporal
Sard Balbir Chahal, No-033137 Private Sard Lekh Ram Dass
and No-026437 Yalla 24 Tivat, England of this regiment
is forwarded in the annexure for further necessary actions

(Milti Harem)
Capt
Offy Adm Officer
for Commanding Officer

1871 31 (G.V)

110 4 Corps
Ref No. 3 (G.V)
Dated 10 Dec 2004

for info alongwith a copy of above
and statement of case

Sard Balbir Chahal Dass
24 Tivat, England
Corporal, 160 MLI

Sard Lekh Ram Dass
Private, 160 MLI

- for info

110 4 Corps
Ref No. 3 (G.V)
Dated 10 Dec 2004

INTRODUCTION

1. No-6826535 Carpenter Shri Pulin Chandra Boro, No-485107 Painter Shri Lakhi Ram Boro and No-6826537 Tailor Smt Tival Baglari were appointed in 180 MH C/O 99 APO as Gp 'D' employees on 01 Mar 91 in the scale of pay of Rs-773-12-671-14-1025 vide HQ 4 Corps letter No-35452/1/M-3 dated 11 Feb 91. Their pay was subsequently revised to the scale of pay of Rs-2610-60-3150-65-3340/- after 5th Central Pay Commission duly audited by Area Accounts Office, Shillong.

2. The above individuals have represented requesting that there was some anomaly in their pay scales which were given to them at the time of their initial appointment as a result of which they are getting less pay as compared to their counterparts posted in 151 Base Hospital C/O 99 APO. The matter was referred to Area Accounts Office, Shillong for clarification. The Area Accounts office vide their letter No-Pay/Teoh/Coord/21 Army XXX dated 10.04.03 (Xerox copy attached) has advised that the matter be taken up with Army HQ for issue of amendment to the pay scales.

PROPOSAL

3. It is proposed to take up a case with Army HQ for issue of amendments to the pay scales of the affected individuals mentioned above from Rs-2610-60-3150-65-3340 to Rs-3050-75-3950-80-4590/- as revised by 5th Central Pay Commission.

DETAILED JUSTIFICATION OF CASE

4. No-6826535 Carpenter Shri Pulin Chandra Boro, No-485107 Painter Shri Lakhi Ram Boro and No-6826537 Tailor Smt Tival Baglari of 180 MH C/O 99 APO have represented stating that there has been some anomaly in their pay scales at the time of their initial appointment on 01 Mar 91. They have requested that their pay scales at the time of appointment should have been Rs-950-20-1150-25-1400/- instead of Rs-773-12-671-14-1025. It is seen that employees of the same trades who have been appointed in 151 Base Hospital were given the scale of pay of Rs-950-20-1150-25-1400/- which was higher than the scale made applicable to the three employees of 180 MH mentioned above. Xerox copies of the pay fixation statement in respect of the employees of the same trades who have been appointed in 151 Base Hospital and drawing higher salary have been enclosed for ready reference.

FINANCIAL EFFECT

5. There is no additional financial effect on the State as the individuals mentioned above are legitimately entitled to the scale of pay of Rs-950-20-1150-25-1400/- which was prevailing at the time of their appointment.

CONCLUSION

6. Since the employees of the same trade appointed in other Defence Establishment are drawing higher salary, it is recommended that the existing scales of pay in respect of Carpenter, Shri Pulia Chandra Bore, Painter Shri Lakhji Ram Bore and Tailor Smt Tilai Baglari be amended accordingly at the earliest so that the affected individuals are not denied their legitimate entitlement causing great financial loss to them.

180 MH C/O 99 APO

Dated : 31 Jul 2004

Padhi
(A P Padhi)
Colonel
Commanding Officer

Colonel A P Padhi
Commanding Officer

180 Military Hospital
C/O 99 APO

VII

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91

Annexure-9

177/47/CIV/2004

03 Dec 2004

AMENDMENT OF PAY SCALES OF CARPENTER
SHRI P C BORO, PAINTER SHRI L R BORO
AND TAILOR SMT TIVAI BAGLARI OF 180 MH

Dear Mr Vohra,

1. I am approaching you through this DC letter for your help. This is regarding amendment of the pay scales of the above mentioned civ defence employees of this hosp. The individuals have represented that there has some anomaly in their pay scales at the time of their initial appointment on 01 Mar 91.

2. The case has been forwarded to your office duly recommended vide HQ Eastern Command, Kolkata letter No-230809/2/M-1B dated 06 Oct 2004.

3. I request you to look in to the matter and take necessary action as deemed fit which will go a long way in restoring the financial loss borne by the affected employees.

With best wishes

Yours sincerely,

Y/ll - allu

Mr K L Vohra
Dir MS (Civ)
Office of DOMS (Army)
ADM 'L' Block
New Delhi - 110001

NOO

Shri P C Boro, Carpenter
180 MH C/O 99 APO

Shri L R Boro, Painter
180 MH C/O 99 APO

Smt Tivai Baglari, Tailor
180 Military Hospital