

100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./T.A No. 244/2004

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

13/11/17

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH

ORDER SHEET

Org./App./Miss. Patn./Cont. Patn./Rev. Appl.

244/04

In O.A.

Name of the Applicant(s) Lakhi Ram Boro Jns

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

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

26.10.2004

Heard Mr. M. Chanda, learned counsel for the applicant. Mr. B.C. Pattnaik, 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.

100 P. S. Datta
Member (A)

b1)

5.11.2004

Non. for the parties. List on 10.12.2004.

100 P. S. Datta
Member (A)

b1)

206/114716

1.10.04

For Dy. Registrar

Dr. J.

steps not taken.

Dr. J.

Pl. comply order dated
26/10/04

Dr. J.
27/10/04

4-11-04

steps not taken.

Dr. J.

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

Service report is awaited.
List on 24.3.2005 for orders.

KV Prahladan
Member (A)

mb

29.3.2005 Present : The Hon'ble Mr. Justice G. Sivaraman, 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.

G. Sivaraman
Vice-Chairman

mb

28.4.2005 Ms. U. Das, learned Addl. C.G.S.C. for the respondents seeks time for filing written statement. List on 27.5.2005.

G. Sivaraman
Vice-Chairman

mb

27.5.05 The Respondents have filed their written statement to-day. The applicant may file rejoinder if any. Post the matter for hearing on 29.6.05.

KV Prahladan
Member

lm

29.6.2005 Post on 6.7.2005.

G. Sivaraman
Vice-Chairman

mb

6.7.2005 Post on 7.7.2005.

G. Sivaraman
Vice-Chairman

mb

7.7.05 none to be parties. Adm to tomorrow 8-7-05 1520

21-2-05

S/Ramachandran

28-3-05
No. w/s has been filed.

Notice duly served
on resp. Nos. 1, 5.

25/4

26/4-05

No. w/s has been
filed.

31.5.05

W/s filed by
the respondents.

No. rejoinder has
been filed.

28.6.05

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.

[Signature]
Member

[Signature]
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 D/Sec
for delivery the same
to the applicant by
post.
etc*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./P.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.

6

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.

.....

ORDER (ORAL)SIVARAJAN. I. (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.

[Signature]

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. Haedquarters.
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

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,

Laksh Ram Boro

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/carpenter 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/carpenter has been upgraded from semi skilled grade (210-290) to the

Lakhi Ram Boro

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

Lakhi Ram Boro.

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/carpenter.

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

Lakhi Ram Boro

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.

Lakhi Ram Boro

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/carpentar, 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.

Lakhi Ram Boro

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: -

Laksh Ram Boro

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.
- ii) Date of Issue
- iii) Issued from
- iv) Payable at

: 20G 114716.
: 1.10.04.
: G.P.O. Guwahati.
: G.P.O. 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 AFV

39452/1/10-3

11 Feb 91

Shri Dulin Choudhary Bera

Vill & PO Mani Jami

Distt. Smitpur (Assam)

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 - 12 - 871 - 53 - 31 - 1025 /- and other allowances as admissible from time to time. Please report to OC ISO MH C/O 99 AFV on 01 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 accn.
5. Your service will be subject to all India Transfer Rules.
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 any 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.

K R Ramakrishnan

(K R Ramakrishnan)
Brig
EDMS

Sd/-

ISO MH Hq
C/O 99 AFV

For info.

*Have copy
Sd/-
18.10.09*

35482/1/M-3

M. A. C. 115
C/O 99 APO

Feb 91

S. M. Lakshmi Ram Hara

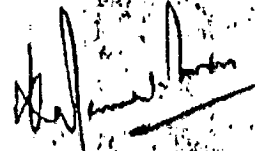
Vill. Kacham Goro

P.O. ULIBAN

Distt. Sanitpur (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 grade of pay Rs 273-12-871 Rs 11-1028/- and other allowances as admissible from time to time. Please report to DC BO MH C/O 99 APO on 01 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 accommodation.
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 any material information you will be liable to removal from service and such other action as the department may deem necessary.



(K R Ramakrishnan)
Brig
DD48

Copy is :-

BO MH Hesp
C/O 99 APO

For info.

No. 3327/IS(C&M)/Civ-7/84
Government of India
Ministry of Defence

New Delhi, the 15th October,
1984

To
The Chief of the Army Staff
New Delhi

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

Sir,
Based on the decisions taken by the Government on the
unanimous recommendations of the Appointments Committee, I am directed
to convey the sanction of the President to the following :-

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

Ser No.	Job Title	Existing Scale	Revised Scale
(1)	Foot-maker	B. 210-290	B. 330-400
(2)	Carpenter	-do-	-do-
(3)	Painter/Painter III	-do-	-do-
(4)	Painter (IHC)	-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 categories to be identified by one or feeder
categories in the pay scale of B. 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/ex-trade apprentices
/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

(ii) Provision/induction of Highly skilled grade II
(B. 330-400) and Highly Skilled grade I (B. 420-530) 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
benchmark percentage :-

2/0

True Copy
Surg. Officer
Adm. Secy
on 18.10.84

- 23
- (a) Highly skilled grade I (M. 226-236) 15%
- (b) Highly skilled grade II (M. 236-246) 20%
- (c) Skilled grade (M. 246-256) 65%

This should be given to the grades enumerated in Annexure I with viable number of jobs and if there are non-viable trades these should be grouped together for the purpose of giving the above benefit. In the trade where the above bench mark percentages are introduced, the selection grade for the skilled grade, if provided, will stand abrogated and be 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 is issued with the concurrence of the Ministry of Defence, (Finance Division) vide their interdepartmental No. Y755/Dir(Af/Eqpt) of the 15th October, 1954.

Yours faithfully,

Sd/ 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-
By, Director of Audit Defence Services - Calcutta/Pune/Meerut/
Dehradun/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 (Financial Administration)

Annexure I

AG's Branch

List of common category 'Skilled' Jobs

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

(11)

- 16 -

Annexure III

24

HQ 4 Corps
C/389 APO

30 Nov 84

35462/M-2.3

P. M. n. Div

S. M. n. Div

150 MM

155 BR

ATTN: AT INDIAN WORKERS OF AQ'S BRANCH IN
PAY SCALES RECOMMENDED BY THIRD PAY COMMISSION
TO THE INDIAN STAFF

1. A copy of Govt of India, Min of Def letter No. 2322/D2(CAM) /Civ-I/84 dated 16 Oct 84 received vide HQ Eastern Command letter No. 232289/1/M-3(E) 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. Bhatnagar)
Lt Col
ADM
HQ 4 Corps

CC	✓
Adm Officer	✓
File	✓
Date	✓

Policy for employment

251

True copy
Sujit Singh
Adm Officer
01 18.10.04

26

AGREEMENT OF FIXATION OF PAY UNDER CENTRAL CIVIL SERVICE (REVISED PAY)
1959, 1980

1. Name of the Government Servant
2. Designation of the post in which pay is to be fixed on 1st Jan 86
3. Whether subject above is representing
4. Existing scale / scales of the posts (where there is more than one scale and the scales are merged, in a single revised scale the particular scale in which the Officer was drawing pay should be specified)
5. Existing emoluments as on 1st Jan 86
 - (a) Basic pay (Excluding advance increment on account of stagnation at the maximum of the existing scale)
 - (b) Special pay under rule 7(1) (b)
 - (c) Dearness pay, ADA where DA appropriate to basic pay and Special pay under rule 7(1) (b) and NPA at the index average 88(1980 = 10)
 - (d) Amount of first and second instalment of interim roll of admissible on the basic pay Special pay under Rule 7(1)(b) & NPA
6. Total existing emoluments (a) to (d)
7. 20% of Basic pay subject to minimum of Rs 75/-
8. Total of items 5 & 6
9. Revised scale corresponding to existing scale / scales shown against item 4 above
 - (i) Revision pay as fixed under Sub-rule (I) (A) or I(B) or I(C) or I(D), of rule 7 at stage in the Revised Scale next above the amount item 8 above
 - (ii) Special pay in the revised Scale, if any (Rule 7(1) (b) refer)
 - (iii) Revised NPA, if admissible (Rule 7(1) (D) refer)
10. Revised emoluments (Total of item 9 (i), (ii) and (iii))

S. Charles
Painter

Per m

225-S-206-290-EB-6-308

260/- as on 1-5-81

NO.

260-6-290-EB-6-306
366-EB-8-390-10-457

NO

266/-

.....2/-

True copy
Sent to
Hd. Office
on 18.10.87

11. Incremental emoluments (Item 10.) Item 5) :-
12. Revised emoluments to be shown as:
 - (i) Revised pay :-
 - (ii) Special Pay- Rule 7(1) (C) refers :-
 - (iii) Personal pay - note 2 under Rule 7(1) refers :-
 - (iv) NPA- Rule 7(1)(D) refers :-
13. (i) Number of increments to be allowed on account of seniority (Note 3 below Rule 7(1) :-
- (ii) Stopped up revised pay :-
14. Stopped up revised pay under Note 5 below Rule 7(1) (i) also the name and pay fixed for the Junior) :-
15. Increment allowed :-
 - (a) Under third proviso to Rule 8 :-
 - (b) Under fourth proviso to Rule 8 :-
16. Amount of personal pay (if the revised pay is less than the existing emoluments plus personal pay) the difference to be allowed personal pay and above the revised pay (Note 5 under Rule 7(1) :-
17. Whether the revised pay in the officiating post is less than the revised pay will be substantive post vide Rule 7(2) :-
18. If answer to 17 is (Yes, the final revised pay under Rule 7(2) :-
19. Date of next increment under Rule 8 :-
20. Any other relevant information :-

NO

Govt of India Min of Def & Aer
NO F1 (2) 10010 (ECC/IC) dt-
16 Oct 81

NO

01-10-82

Verified from Service Book

Station - 151 Indo Hospital
Date - 15/10/82

(M R Sandil)
Signature of the Head of
Establishment
151 Indo Hospital

15/10/82

68

2 19.

Annexure - 9
27

From

No. Trade

Name Bri Pulim Chandra 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 Carpenter wef 01 March 91 vide HQ 4 corps letter No. 35452/1/AL3 dt 11 March 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 performa 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 be greatful to you.

Thanking you Sir

Yours faithfully

Bri Pulim Chandra Boro
(Sri)

Dated 06.08.02

Recd
Sub
06/08/02

Tare
Sanjay Chandra
Advocate
on 18.10.09.

- 20 -

Annexure - (D)
(Sri)

From
No 485101 Trade Painter
Name Sri Lakhi 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 Painter wef 01 March 91 vide HQ 4 corps letter No 35252/1/M-2 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 MHI 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 greatful to you.

Thanking you Sir

Yours faithfully

Dated 06.08.02

(Sri) Sri Lakhi Ram Boro

Recd
on 06/08/02
Sri

True Copy
Sujit Choudhary
Advocate
on 18.10.09

6826535/03/para/2002

The Commanding Officer
180 Military Hospital
C/O 99 APO

-21- No. 6826535 Carpenter
Sri Pulin Chandra Boro
180 Military Hospital
C/O 99 APO

27/Dec 2002

(123)
28

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/M-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 Chandra Boro
Sri Pulin Chandra Boro
180 MH C/O 99 APO

COPY To :-

Hq 4 Corps (Med)
c/o 99 APO

1. Please refers your Hq letter No 35452/M-3 dated 18 Dec 2002 and 180 MH Letter No-177/150 /Civ dated 26 Dec 2002.

2. It is requested that 180 MH may please be instructed for immediate necessary action as per your Hq Letter No 35452/M-3 dated 18 Dec 2002.

Received

10/12/2002

10/12/2002

True copy
Sri Pulin Chandra Boro
Advocate
18.10.09

(122)

29

REMINDER ~~LETTER~~ No- 1

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

6826535/ 02 /Pers/2002

12 Dec 2002

TO

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

PAY FIXATION

Sir ,

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

Yours faithfully ,

Sri Pulin Chandra 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.

ews
24/12/02

True copy
Singh
Ad. 18.10.09.

-231

Annexure-VII

(141)

180 Military Hospital
C/O 99 APO

20 Dec 2002

177/150/Civ

Headquarters
4 Corps (Med)
C/O 99 APO

PAY 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 added 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 Tival 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 BSMZ 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/-.

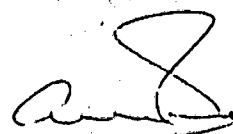
4. A clarification on the above pay fixation was asked from AAO Shillong vide this unit letter No-177/133/Civ dated 04 Sep 02. Copy of which alongwith photo-copies of the applications were forwarded to your HQ also.

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.

Kamal/-



(A K Tewari)
Colonel
Commanding Officer

*Three copies
Jug. H. Chilly
Adm. Sect.
on 08.10.09*

BY HAND

100 Military Hospital
C/O 99 APO

Dec 2002

26

177/152/Civ

No-6826335 Carpenter
Sri Pulin Chandra Boro

No-465107 Painter
Sri Lakhi Ram Boro

PAY FIXATION

1. Ref to :-

(a) Personal application No-6826335/01/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).

Lat pay

Kamal/-

(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.

True copy
Sargit Chaudhary
Advocate
dt 18.10.09.

- 25 -

Annexure → IX (124) (Series) M ✓

6826535/04/PERS/2003

No 6826535 Carpenter

Shri Pulin Chandra Boro

180 Military Hospital

C/O 99 APO.

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
(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.

Recd
08/1/03

True Copy
Sent to
Advocate
on 18.10.09

-26-

Ameyum - IX/S

No 485107 Painter
Sri Lakshmi Rani Boro

180 Military Hospital
C/O 99 APO

27 Mar 2003

485107/pers/LRB/2003

DDMS
HQ 4 Corps
C/O 99 APO

PAY 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 submitted 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.

Yours faithfully

CL Boro

*Recd
27/3/2003*

Copy to :-

DTe Gen of Med Services (Army)
AGSs Branch
AHQ DHQ PO- New Delhi- 11

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

180 MH for information

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/M3 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 Bogleri 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
Surgil Officially
Admitted
on 18.10.04*

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

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 Bor 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

36
Filed by
the Respondents through
Shri L. R. Boro -
Addl C. & A.
27/5/05

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 appointmant 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 Accoounts 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.

- 4 -

3

VERIFICATION

I Shri MR-03388-F Col A P Padhi at present
working as Commanding 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 the day of May ~~March~~ 2005 at
Guwahati. AP Padhi

AP Padhi
A P Padhi
Colonel
Commanding Officer

3452/1/M-3

HQ 1 Corps
C/O 92 APC

Feb 91.

Annexure-1

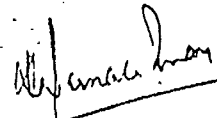
Shri Bala Chandra Bera

Vill & PO. Manilandi

Distt. Sanitpur (Assam)

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. 725 - 10 - 871 - 58 - 14 - 1025 /- and other allowances as admissible from time to time. Please report to OC ISO MH C/O 92 APC on 01 Dec 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 accn.
5. Your service will be subject to all India Transfer Rules.
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 any 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.


(K R Ramakrishnan)
Brig
EDMS

Copy to :-

ISO MH Hqs For info.
C/O 92 APC

From

No. 485107 Trade Pediatric

Name Sri Lakshmi Ram Boro

180 Military Hospital

C/O 99 APO

41

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 Paediatric wef 01 March 91 vide HQ 4 corps letter No 35452/1/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 ~~performa~~ 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 be grateful to you.

Thanking you Sir

Yours faithfully

Dated 06.08.02


(Sri)

Annexure - 1

01A 03

-7-

✓

From

No 6826535

Trade Corporator

Name

Sri Pulim Chandra Boro

180 Military Hospital

C/O 99 APO

Annexure-2

Commanding Officer
Military Hospital
99 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 Corporator wef 01 March 91 vide HQ 4 corps letter No 35452/1/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).

Subsequently pay fixed in the scale of Rs. 2610-60-3150-65-3540/- instead of scale Rs. 3050-75-3950-80-4530/- 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 performa in respect of Corps of MH 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 grateful to you.

Thanking you Sir

Yours faithfully

Sri Pulim Chandra Boro
(Sri)

Dated 06.8.02

Annexure - III

IN HAND/READ IN POST

180 Military Hospital
C/O 99 APO

019 Sep 2002

177/ 3 /CIV

Area Accounts Office
Diver Road, Shillong-1
(Meghalaya)

Annexure-3

PAY FIXATION

1. No-4224353 Shri Pulin Chandra Boro and No-485107 Shri Lakshmi Ram Boro of this unit were appointed as Carpenter and Painter respectively in the Scale of pay Rs-775-12-571-14-1025 on 01 Mar 91 vide Hq 4 Corps letter No-35452/1/M-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.

Encl/1

(Suresh Babu)
Major
Adm Officer
for Commanding Officer

Copy to :-

Hq 4 Corps (Mod)
C/O 99 APO

: for info please alongwith photo copies of applications.

9-
BY HAND

180 Military Hospital
C/O 99 APO

26 Dec 2002

Annexure-4

177/152/Civ

No-6826535 Carpenter
Sri Pulin Chandra Bore

No-465107 Painter
Sri Lakhi Ram Bore

PAY FIXATION

1. Ref to :-

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

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

2 of pay

KABUL/-

(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/M-3 dated 18 Dec 2002.

Received

1. Chandra

2. Bore

35452/M-3

HQ 4 Corps
C/O 99 APO

06 Jan 2003

Area Accounts Office
Silver Road
Shillong-1
(Meghalaya)

Annexure-5

PAY FIXATION

1. Ref 180 MH letter No 177/43/civ dated 04 Sep 2002 and 177/141/civ dated 26 Oct 2002 and your letter No Pay/Tech/Coord/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 Tivai 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 resubmit 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. 2410-60-3150-65-3540/- 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 :-

(a) In which scale Painter, Carpenter and Tailor of AMC come under.

(b) The scale of pay of Painter, Carpenter and Tailor of AMC as on 01 Mar 1991 i.e., the date of appointment of the above indls.

(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.

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.

(H S Dhatt)
Col
Offg. DMS

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 Tivai Baglari
180 MH C/O 99 APO

- for info.

534/Asm/DO/2003

29 Apr 2003

Dear Shri Hangzo

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 Laxhi Ram Boro and civ/tailor Smt Tivai Baglari of this unit 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 vide 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 proforma 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 attn) Your office vide letter No Pay/Tech/Coord/Army XXX dated nil (copy attn) 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 pur letter No 534/Adm/03 dated 25 Feb 2003 (copy attn). 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 tailor of AMC comes under.

(b) The scale of pay of painter, carpenter and tailor of AMC as on 01 Mar 1991 i.e. 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.

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

[Handwritten signature]

Shri TK Hangao
JCDA
Area Accounts Office
Shillong

d)
09/4

Annexure - ~~7~~ 7 (38)

भा.पी.ए.जी. 2011 (बड़ा)
I.A.P. Z-2011 (Large)

सापेक्ष
Memorandum

सेवा से
From

AAO

Biver Road

No. Pay / Tech / Station

Coord / 21 Army xxx

सेवा से
To

The Commanding Officer

180 Military Hospital

210 99 APO

Date 10/1/03

Sub: - Pay Fixation: Civ Employees.

Ref: - Your DO NO. 534/Adm/DO/2003 dated 9.9.03
addressed to JI C.D.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 Rs 950/- 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

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.

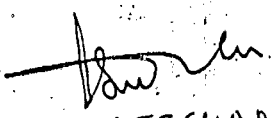
A statement of case i.e. brief history of the case alongwith the comparison of pay scale of same traders in other defence department to be sent to your Army HQ for Govt. Order.

Regarding para 8 of your DO 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.

On 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.

JI CDN has seen.


(P. V. KATESWARLU)

1.0
10/4

5.

Annexe - 2

187/31/10.8

119 4 COROS (Real)
C/O S. A. P. U.

RAY FIXATION

1. Ref No 4 Contd Letter No-26333/Ans dated 13 Dec 2002.
2. Forwarded of case regarding issue of passport to the Dy Secy in charge of No-26333 Corporation
Shri Pulin Chandra Das, No-26333 Paltan Shri Lakshmi Das Das
and No-26333 Paltan Das Das, District of the District
to find out the in question for further necessary action.

Ward

(MILITA HONOR)
Capt
Offg Asa Officer
for Commanding Officer

500

for info alongwith a copy of above
old statement of memo.

Abdullah bin Muhammad bin
Muhammad bin Muhammad
Muhammad bin Muhammad bin

Small Laid Red Book
Printer, 180 mm

Rev. W. V. A. Ireland
T-11-98, 1941-42

Low Info

- 17 -

STATEMENT OF CASE REGARDING AMENDMENT OF PAY SCALE IN RESPECT
OF PAINTER, CARPENTER AND TAILOR OF 180 MH C/O 99 A P O

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-775-12-671-14-1025 vide HQ 4 Corps letter No-33452/1/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/Tech/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-3050-75-3950-80-4990/- 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-775-12-671-14-1025/-. It is seen that employees of the same trade 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.

contd . . . 2/-

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 Bore, Painter Shri Lakhi Ram Bore and Tailor Sant Tivai 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

AP Pathi
(A P Pathi)
Colonel
Commanding Officer

Colonel A P Padi
Commanding Officer

180 Military Hospital
C/O 99 APO

19-51
Annexure-9

177/47/Cdv/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 DO 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-210809/2/M-18 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,

[Signature]

Mr K L Vohra
Dir MS (Civ)
Office of DMS (Army)
AND '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