

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 143/2003

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 143/03

Mise Petition No: _____/

Contempt Petition No: _____/

Review Application No: _____/

Applicants: - D. K. Deka

Respondents: - H. C. I. Form

Advocate for the Applicants: - J. L. Sarkar
A. Chakrabarty

Advocate for the Respondents: - CAF

Notes of the Registry	Date	Order of the Tribunal
Application is in hand but not in date Contempt Petition is filed; no. of C.P. for R.S. is not posted Vide P.T.O. No. 143/03 Dated 20.6.03	26.6.2003	Heard Mr. A. Chakrabarty, learned counsel for the applicant. The application is admitted. Call for the records. List on 1.8.2003 for orders.
<i>He is not registered.</i>	1.8.2003	<i>This case is listed today for orders. The name of the counsel for the applicant was shown wrongly. Office to list the matter for orders again on 11.6.2003.</i>
<i>D.K.</i>	mb	<i>Vice-Chairman</i>
<i>Pl. copy on date dated 26.6.03.</i>	mb	<i>Vice-Chairman</i>
<i>NS 26/6/03</i>		
<i>Notice referred & sent to D.S. for issuing the respondent No 182 to Regd. A/10 D.No 1379 in 1380</i>		
<i>Dated 30/6/03</i>	mb	

DEPUTY REGISTRAR

Deputy Registrar is directed to take steps to correct the name and report.

1.8.03

Vice-Chairman

11.8.2003 On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents four weeks time is allowed to file written statement. List on 15.9.2003 for orders.

Vice-Chairman

mb

9.8.03

As per order of the Hon'ble Sri J.L.Sarkar, advocate, named in the order should file cover.

10/8/03

15.9.2003 Present : The Hon'ble Sri K. V. Prahaladan Member (A).

Put up again on 27.10.2003 for orders.

KV Prahaladan
Member

mb

27.10.2003 None appears for the parties.
List the case again on 11.11.2003 for order.

KV Prahaladan
Member

Vice-Chairman

bb

11.11.03 no. Berat today.
Adjudged to 5.11.03.

by
by

26.12.2003 Present: Hon'ble Mr Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr K.V. Prahaladan, Administrative Member.

A prayer has been made by Mr A.K. Chaudhuri on behalf of Mr A. Deb Roy, learned Sr. C.G.S.C. for time to file written statement. The time for written statement was given for four weeks, but even then it could not be

(3)

O.A.No.143/2003

Office Note	Date	Tribunal's Order
	26.12.2003	<p>filed earlier. In this background, we direct the respondents to file the written statement positively within four weeks, failing which no written statement shall be accepted thereafter. Two weeks for rejoinder, if any, after service of copy on him. Let the matter appear on 12.1.2003 for hearing.</p> <p><i>No. Wb has been bked</i></p> <p><i>31.3.04</i></p>
	1.4.2004	<p>Member Vice-Chairman</p> <p>nkm</p> <p>Present: Hon'ble Shri Kuldip Singh, Judicial Member</p> <p>Hon'ble Shri K.V. Prahladan, Administrative Member.</p> <p>Learned counsel for the parties are present. Learned counsel for the respondents seeks some time to file written statement. List on 23.4.04 for hearing. No further adjournment shall be given.</p>
<i>22.4.04</i> <i>No. Wb is filed.</i>	23.4.2004	<p>Member (A) Member (J)</p> <p>nkm</p> <p>23.4.2004</p> <p><i>for</i></p> <p><i>List before the next Division Bench.</i></p>
<i>mb</i>	24.4.04.	<p>Member (A)</p> <p>Heard learned counsel for the parties. Hearing concluded. Judgment reserved.</p> <p><i>K. D. Reed</i> Member</p>
		<p><i>Vice-Chairman</i></p>

Office Note	Date	Tribunal's Order
<u>8.9.04</u> Copy of the Judgment has been sent to the D.P.C.C. for filing in the file to the applicant as well as to the D.G.S.C. for the Resp. Dr. and also the Resp. No. 2 by post. SL Aug 9/04	26.8.2004	<p>Present : The Hon'ble Sri D.C. Verma, Vice-Chairman (J). The Hon'ble Sri K.V. Prah- adan, Member (A).</p> <p>Judgment delivered in open Court, kept in separate sheets. The application is disposed of with costs of Rs.5,000/- payable by the respondent No. 2 to the applicant.</p> <p>Dr. Prahadan Member (A)</p> <p>Vice-Chairman (J)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~W.A.~~ No. 1111 143 of 2003

DATE OF DECISION 26.8.04

Shri Dev Karan Rai

.....APPLICANT(S).

Mr J.L. Sarkar and Mr A. Chakraborty

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

The Union of India and others

.....RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. D.C. VERMA, 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 ~~Member~~ Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.143 of 2003

Date of decision: This the 26th day of August 2004

The Hon'ble Shri D.C. Verma, Vice-Chairman

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

Shri Dev Karan Rai
Working as Senior Teacher in
1st Assam Rifles Middle School,
C/o 99 APO, Aizawl, Mizoram.Applicant
By Advocates Mr J.L. Sarkar and
Mr A. Chakraborty.

- versus -

1. Union of India, through the
Secretary, Ministry of Home Affairs,
Government of India,
New Delhi.
2. The Director General,
Mahanideshalaya Assam Rifles,
Directorate General, Assam Rifles,
Shillong.Respondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

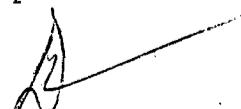
.....
O R D E R

D.C. VERMA, VICE-CHAIRMAN

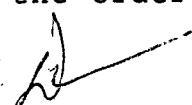
By this O.A. the applicant has prayed for grant of Senior Scale of pay of Rs.1400-2600/- with effect from 1.1.1986 i.e. from the date of implementation of the Fourth Central Pay Commission recommendations after quashing of the order dated 26.9.2002. The applicant has also prayed for consequential benefits.

2. Facts in brief are that:

The applicant was selected and appointed as Junior Teacher in the Assam Rifles by letter dated 7.12.1973. The applicant joined the post on 15.12.1973 and was given the



scale of pay of Rs.260-350 per month vide order dated 27.6.1975. The applicant passed Pre-University examination in the year 1968 and obtained the Degree of Bachelor of Arts in the year 1982. The qualification prescribed for Junior Teacher was Matric trained or Pre-University passed, but for higher pay scale, under Third Pay Commission recommendations, one had to complete the Teachers Training. On completion of the Teachers Training a Junior Teacher becomes entitled to pay scale for qualified Junior Teacher. The applicant was given the pay scale of qualified Junior Teacher under the Third Central Pay Commission as he was a Junior Teacher with requisite qualification of Pre-University pass. The Fourth Central pay Commission revised the scale of Rs.1200-2040 and the senior scale for Primary Teachers was Rs.1400-2600 to which a Primary School Teacher becomes entitled after completion of twelve years of service. In this connection Ministry of Human Resource Development (Department of Education) letter No.F.5.180/86-UTI dated 12.8.1987 was issued providing senior scale after twelve years of service to Primary School Teachers, Trained Graduate Teachers etc. As the applicant was not granted the benefit he filed O.A.405 of 1999. The respondents failed to file any reply in that case. Hence the said O.A. was decided by order dated 13.9.2001 by observing, ".....In the circumstances we are of the view that ends of justice will be met if a direction is given to the respondents to dispose of the representations submitted by the applicant, if not already disposed of. The respondents are accordingly directed to dispose of the representations of the applicant by giving a reasoned order within two months from the date of receipt of the order." After this order

 was.....

was passed and communicated with lawyer's notice the respondents passed an order on 26.9.2002. The same is impugned in the present O.A.

3. This O.A. was filed in June 2003 and notice was issued in the same month, but the respondents have not cared to file reply in this O.A. also. Mr A. Deb Roy, learned counsel for the respondents, submitted that he had not received instructions on behalf of the respondents but he would assist the Tribunal in deciding the O.A.

4. We have heard the counsel for both the sides. We noticed that while deciding the earlier O.A.405/1999 by its order dated 13.9.2001 the Tribunal had directed the respondents to dispose of the representation by a reasoned order within two months. Though the copy of the order was sent to the respondents they took more than a year to decide the representation by order dated 26.9.2002. The paragraphs relevant for decision in the present O.A. is as below:

"The grant of senior Scale of pay Rs.1400-2600/- for Primary School Teacher as claimed by you wef 01 Jan 1986 has been examined in the light of relevant rules on the subject and 4th Central Pay Commission Report and it is found that the same was not granted to you being ineligible. Your name as such did not come up for consideration of DPC for grant of Senior Scale.

"The pay scale of Junior Teacher in Assam Rifles has been further revised from Rs.4000-6000/- to Rs.4500-7000/- wef 01 Jan 2996 vide MHA's letter No.II.27013/35/99-PF.IV dated 08 Jun 2001 and this has already been implemented in the Force. As pay scale of Junior Teacher in Assam Rifles has not been upgraded to Rs.5500-9000/- vide MHA's ibid letter and no Junior Teacher as such is entitled to pay scale of Rs.5500-9000/- wef 01 Jan 1996."

5. Though it is mentioned in para 2 of the compliance order that the case of the applicant was examined in the light of the relevant rules, but what the relevant rule is, is not spelt out. In absence of reply details are missing.
 when This para also shows that the applicant was not granted.....

AB

granted the scale "being ineligible". How the applicant was ineligible is not explained. What was the eligibility criteria is not known. Though the Tribunal had directed the respondents to pass a reasoned order but the reasons are not given in the order impugned in the present O.A. Learned counsel Mr A. Deb Roy referred to a circular dated 11.5.1987 from Mahanideshalaya Assam Rifles, on the subject of implementation on the revised pay scale in respect of Teaching Staff of Assam Rifles.

6. Referring to para 9 of the 11.5.1987 circular, learned counsel, Mr A. Deb Roy submitted that Hindi Teachers do not have any equivalence in the category of teachers recommended for higher pay scale. Thus no Hindi Teacher is entitled to receive the higher pay scale even if he fulfils qualification requirement for other category of teacher. Refuting this argument, learned counsel Mr J.L. Sarkar appearing on behalf of the applicant submitted that, the applicant is not appointed as a Hindi Teacher, hence the case of the applicant is not covered by para 9 of the circular dated 11.5.1987.

7. It is noticed that the letter issued from the Human Resource Development is dated 12.8.1987. It is subsequent in time to the circular issued by Directorate General of Assam Rifles. Para 3(a) of 12.8.1987 letter provides for grant of senior scale after twelve years of service to Primary School Teachers, Trained Graduate Teachers etc. Thus if the applicant is covered by the letter dated 12.8.1987 he would become entitled to senior scale on completion of twelve years.

8. Learned counsel Mr A. Deb Roy submitted that as per the impugned order the applicant is to get benefit of Assured Career Progression (ACP) Scheme on completion of

the.....

the prescribed period. Mr J.L. Sarkar, learned counsel for the applicant on the other hand submitted that the ACP Scheme has been given effect from 9.8.1997, whereas under the Human Resource Development letter dated 12.8.1987 the applicant is to get benefit of the senior scale on completion of twelve years of service. Mr J.L. Sarkar, therefore, submitted that a direction be given to the respondents to provide benefit of higher pay scale to the applicant in the light of the 12.8.1987 letter.

9. After hearing the learned counsel for the parties at length we do not find any justification for the respondents for not considering the applicant's case in its correct perspective and in not issuing a reasoned order as per the Tribunal's direction given in O.A.405/1999. However, at this stage without the full facts being brought on record we are not inclined to give a direction to the respondents to give the senior scale with effect from 1.1.1986, as claimed but we dispose of this O.A. with a direction to the respondents to examine the case of the applicant under the relevant rules and orders on the subject and in case the applicant is found entitled to senior scale in the light of the provisions contained in Human Resource Development (Department of Education) letter dated 12.8.1987 the senior scale shall be given to the applicant with due arrears and interest thereon. The consideration shall be made by the respondents within a period of three months from the date of communication of this order. Looking to the facts of the case and conduct of the respondents the O.A. is decided with the above



directions.....

direction and cost of Rs.5000/- (Rupees five thousand only) payable by respondent 2 to the applicant within the aforesaid period.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(D. C. VERMA)
VICE-CHAIRMAN

nkm

In The Central Administrative Tribunal

Guwahati Bench :: **Guwahati**
Guwahati Bench

143
OA No...../2003

Sri D. K. Rai

- Vs -

Union of India & Others

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

07-12-1973 The applicant was appointed as a Junior Teacher in Assam Rifle.

15-12-1973 The applicant joined as Junior Teacher.

1982 The applicant did his degree of Bachelor of Arts.

1-1-1986 The 4th Central pay commission came into force.

11-5-1987 The respondents decided to admit pay scales as recommended by the 4th pay commission.

13-6-1988 to 8-7-1988 The applicant attended re-orientation training programme and successfully completed.

10-6-1991 to 28-6-1991 The applicant again attended the orientation course and successfully completed the same.

25-8-1995 and 5-1-1996 The applicant represented for the grant of senior scales as per the recommendations of the 4th pay commission.

1999 The applicant filed an OA No. 405/1999 before this Hon'ble Tribunal for the grant of senior scales.

13-9-2001 The Hon'ble Tribunal was pleased to allow the OA No. 405/99 with a direction to the respondents to dispose of the representations of the applicant by giving a reasoned order within 2 months.

9-12-8-2002 The applicant sent Lawyer's Notice for implementation of the Order of the Hon'ble Tribunal is OA No. 405/99.

26-9-2002 The respondents passed an order dated 26-9-2002, that the case of the applicant was not considered on the cryptic ground 'being ineligible.'

In The Central Administrative Tribunal, JUN 2003

Guwahati Bench :: Guwahati. *APR 2003*
Central Administrative Tribunal

OA. No. 143 /2003

Sri D. K. Rai

- Vs -

Union of India & Others

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Filed by

Chakraborty
(Anupam Chakraborty)
Advocate

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

16
Q. A. No. 143 /2003.

BETWEEN :

Sri Dev Karam Rayi

Working as Senior Teacher in 1st Assam
Rifle Middle School, C/o 99 APO
Aizawl, Mizoram.

..... Applicant.

AND

1. Union of India

through the Secretary, Ministry of
Home Affairs, Government of India
New Delhi.

2. The Director General

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011.

.... Respondents.

DETAILS OF APPLICATION

1. Particulars of the Order against which the
Application is made :

The application is made against the impugned Order No.
A/V-A/97-72/Pers/147 dated 26-09-2002 and for a direction to
grant senior scale of pay to the applicant w.e.f. 1.1.1986 and
for quashing and setting aside the impugned order dated
26-9-2002.

Filed by Mr. App. L. C. M.
through P. Chatterjee
25/7/03

2. Jurisdiction :

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

3. Limitation :

The applicant further declares that the application is within the period of limitation as per section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1 That the applicant is a citizen of India and is entitled to the rights and privileges guaranteed under the constitution of India.

4.2 That the applicant was selected for appoint as a Junior Teacher in the Assam Rifles by letter No. A/V-R/19-72 dated 7-12-1973 in the scale of Rs. 110-165/- p.m. He joined as a Junier Teacher in Assam Rifle w.e.f. 15-12-1973. Thereafter, he was given pay scales of Rs. 260 - 350/- p.m. by Order No. A/V-A/1-74/65 dated 27-06-1975. The applicant is a civilian employee in the Assam Rifles and at present he is woring as a senior Teacher in 1st Assam Rifle Middle school at Aizawl.

Copy of the letter dated 7-12-1973 is
enclosed as Annexure - A.

Copy of the Order dated 27-06-1975 is
enclosed as Annexure - B.

4.3 That the applicant passed pre-University examination in the year 1968. Thereafter, he did his Degree of Bachelor

of Arts in the year 1982. It is stated that the applicant was a Pre-university qualified candidate at the time of his appointment as Junier Teacher in Assam Rifle in the year 1973. It is further stated that the applicant was a Graduate when 4th pay commission recommendation was implemented w.e.f. 1st January 1986.

Copies of the Pre-university pass certificate and Degree Examination pass certificate are enclosed as Annexure 'C' & 'D' respectively.

4.4 That the applicant begs to state that the 3rd central pay commission had made it mandatory for matriculate Junier Teachers to undergo Teachers training to become eligible for the pay scales of qualified Junier Teachers. The minimum qualification for Junier Teachers was fixed as Matric trained or pre-university pass to become eligible for higher pay scales under 3rd pay commission recommendation. The said training was only made compulsory for the teachers with qualification of matriculation only. Accordingly a re-orientation training programme was arranged by the respondent authorities and the untrained matriculate teachers were asked to undergo the said training. It is mentioned that on successful completion of the said training the Junier Teachers with qualification of matriculation only were given the pay scales for qualified Unnierr Teacher. It is pertinent to mention here that the applicant was given the pay scales of qualified Junier Teachers under 3rd pay commission as he was a Junier Teacher with requisita qualification of Pre-university pass.

4.5 That the applicant begs to state that 4th central pay commission recommended revised pay scale of Rs. 1200-2040/-p.m. for Primary School Teachers (Junier Teachers in Assam Rifle). The senior scales for Primary school Teachers recommended was Rs. 1400-2600/- p.m. It is mentioned that a primary school

teacher was entitled to the senior scales under 4th pay commission after completion 12 years of service . The said recommendation had come into force w.e.f. 1-1-1986. The revised pay scale under the 4th pay commission was admissible subject to participation of primary school teacher in service training programme before such teacher was promoted to senior scale.

Copy of letter dated 12-8-1987 is enclosed
as Annexure - E.

4.6 That in pursuant to the recommendation of 4th pay commission the respondents by office Order No. A/VIII-PS/T/86 dated 11-5-1987 have decided to admit pay scales as recommended by the 4th pay commission.

Copy of the Order Dated 11-5-1987 is enclosed
herewith as Annexure - F.

4.7 That the applicant begs to state that he had attended two in service training camps conducted at Kohima by the Education Ministry, Nagaland and also attended in the re-orientation training programme organised at Shillong w.e.f. 13-6-1988 to 8-7-1988 and successfully completed the course. Thereafter, the applicant again attended the orientation course organised at Shillong w.e.f. 10-6-1991 to 28-6-1991 and successfully completed the course.

Copy of the re-orientation course completion certificates are enclosed as Annexure - G & H.

4.8 That the applicant begs to state that he fulfills all the conditions for his entitlement of senior scales of Rs. 1400-2600/- p.m. as Junior Teachers in Assam Rifles as per

the recommendation of the 4th pay commission. It is respectfully submitted that the applicant obtained his Gradution and also completed 12 years of service well before the implementation of the recommendation of 4th pay commission. It is reiterated that the applicant had undergone the service training programme whenever he was called for and successfully completed the same. But most unfortunaity he had been deprived of the senior scales of Rs. 1400-2600/- p.m. as per 4th pay commission recommendation though some of his coleuges with lesser qualifications were given the ~~xxx~~ senior scales. The applicant was representing before the respondents authorities without any result.

Copies of the representations dated 25-8-1995 and 5-1-1996 are enclosed as Annexure - I & J respectively.

4.9 That the applicant humbly begs to state that he had filed an Original Application No. 405/1999 for granting of Senior Scales. The Hon'ble Tribunal by an Order dated 13-9-01 was pleased to allow the application with a direction to the respondents to dispose of the representations of the applicant by giving a reasoned order within two months from the receipt of the above order.

Copy of the Order dated 13-9-2001 in OA No. 405/1999 is enclosed as Annexure - K.

4.10 That the respondents did not act upon the said order of the Hon'ble Tribunal and were silent on the issue. The

applicant thereafter, sent a Notice dated 9-8-2002 through his lawyer on 12-8-2002 to the respondent No. 2. After receipt of the aforesaid Notice dated 9-8-2002 the respondent No. 2 passed an Order dated 26-9-2002 that the case of the applicant was not considered being ineligible. The reply shows that the applicant's case was not placed before the DPC for grant of senior scale. It is stated that whereas others cases were placed before the DPC for consideration of promotion to senior scale, the applicant has been denied such consideration on the cryptic ground being ineligible. This Order is not as such, a reasoned order. The applicant begs to state that he is eligible as already explained above but he has not been considered for promotion. The ground on which he is said to be ineligible has not been stated anywhere even after the Order of the Hon'ble Tribunal to pass reasoned order.

In this connection it is stated that in the said order dated 26-9-2002 respondents have informed the applicant about the policy of upgradation w.e.f. 1-1-1996 which is not the subject matter of the present case. The case of the applicant is for promotion to senior scale under the 4th pay commission recommended scales excepted by the Government of India.

Copy of the Notice dated 9-12-8-2002 is enclosed as Annexure - L.

Copy of the Order dated 26-9-2002 is enclosed as Annexure - M.

4.11 That the applicant humbly begs to state that there is no urgent reason for withholding his promotion to the senior scales in terms of the recommendations of the 4th pay commission.

The applicant in his representations dated 25-8-95 and 5-1-1996 stated that he fulfilled all the conditions of the 4th pay commission recommendation for grant of senior scales i.e. Rs. 1400-2600/- p.m. to him. It is stated that the subject matters of the present application are same to the OA No. 405/1999 as stated above and the Hon'ble Tribunal was pleased to issue direction in the said OA No. 405/1999 to the respondents to dispose of his representation with reasoned order. The respondents have disposed of his representations without applying mind and have passed a criptic order. The respondents took the applicant to be 'inelivible' in a vague manner for the grant of senior scales of pay Rs. 1400-2600/- without assigning any ground. The respondents have whimsically and cyriciously denied the grant of senior scales of pay to the applicant though he fulfils all the conditions in terms of the 4th pay commission recommended actions. It is stated that the senior scales under 4th pay commission has been granted to other teachers including Hindi Teachers but the applicant has been denied. Malice on can and malice in fact is explicit in the facts and circumstances of the case.

4.12 That the applicant demanded justice, but he has been denied the same and this application is made bonafide and for the cause of justice.

5. Grounds for reliefs with legal provisions.

5.1 For that the applicant is entitled to senior scales of Rs. 1400-2600/- as per recommendation of the 4th central pay commission.

5.2 For that the applicant fulfils all the conditions for grant of senior scales as per 4th pay commission recommendation.

5.3 For that the respondents have withheld the grant of senior scale of pay to the applicant without any cogent reason.

5.4 For that the applicant obtained degree in the year 1982 and also completed 12 years of service prior to the implementation of 4th pay commission recommendations.

5.5 For that the respondents did not consider the case of the applicant on cryptic ground 'being ineligible'.

5.6 For that the respondents have passed the impugned order dated 26-9-2002 without applying mind and took the applicant to be 'ineligible' in a vague manner.

5.7 For that the respondents have not passed any reasoned order in terms of the Order of the Hon'ble Tribunal dated 13-9-2001 in OA No. 405/1999.

5.8 For that the action of the respondents is the result of whimsical, arbitrariness and crypricious and offends Article 14, 16 and 21 of the constitution of India.

5.9 For that the respondents have granted senior scales to other teachers including Hindi Teachers but the applicant has been denied the same though he is entitled for the same.

5.10 For that in any view of the matter the applicant is entitled to the relies sought for.

6. Details of the remedies Exhausted :

The applicant declares that he has exhausted all the remedies and there is no other efficacious remedies under any Rule, and this Hon'ble Tribunal is the only institution to adjudicate the subject matter.

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

The applicant declares that he has not filed any case on the subject matter before any court, forum or any other institution.

8. Reliefs sought for :

Under the above facts and circumstances for applicant prays for the following reliefs :

8.1 The applicant be granted senior scale of pay of Rs. 1400-2600/- p.m. w.e.f. 1-1-1986 i.e. from the date of implementation of 4th central pay commission recommendations.

8.2 The applicant be given all the consequential benefits and be paid all the arrears & of pay.

Relief 8.3 Order dated 26/9/2002 (Annexure-11) be set aside & quashed.

8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the grounds mentioned in para 5 above.

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Dew

9. Interim Relief :

As the Hon'ble Tribunal deem fit and proper.

10. This application has been filed through Advocate.

11. Particulars of the Postal Order.

- i) IPO No.
- ii) Date of Issue
- iii) Issued From
- iv) Payable at

12. List of Enclosures :

As per Index.

..... Verification

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VERIFICATION

I, Sri Dev Kumar Rai Working as Senior Teacher in
1st Assam Rifle Midle Schoel do hereby verify that the
statements made in para 1, 4, 6 to 12 are true to my
knowledge and those made in Para 2, 3 and 5 are true to
my legal advice and that I have not suppressed any material
fact.

And I, sign this verification on this 18th day
of June, 2003.



(Dev Kumar Rai)

125

18

A
18

ANNEXURE A

Annexure - 'A'.

HEADQUARTERS
INSPECTOR GENERAL OF
ASSAM RIFLES
SHILLONG - 11.

NO. A/V-A/19-72/

7 DEC 73.

To

Shri Dev Karan Rai,
Village - Vishnubur,
P.O. - JAGUN, via - Lado, Dist. Dibrugarh (Assam).

APPOINTMENT OF JUNIOR TEACHER.

1. You are hereby selected for appointment as Junior Teacher against the existing vacancy of 11th Bn. Assam Rifles in the scale of Rs.110-3-125-ER-3-140-ER-3-149-4-165/- Pm and other allowances as are admissible from time to time. You are hereby directed to report for duties to the Commandant 11th Bn. Assam Rifles at ALONG, Siang (Arunachal Pradesh) within seven days on receipt of this letter failing which your appointment letter is liable to be cancelled. Before joining the duties you are to produce medical fitness certificate obtained from D.G/Civil Surgeon at your own expenses and matriculation certificate for verification of age etc. and a Certificate from a Class -I Gazetted Officer regarding character and antecedent.

2. Your appointment is also subject to your furnishing a declaration in the form of oath and affirmation. You are also liable to serve anywhere in Assam, Manipur, Tripura, NEFA, Nagaland, Sikkim or whenever Assam Rifles Units exists or whenever you are called upon to go. Your appointment is also subject to the condition that you will not request for posting to a station where your husband/wife or any other relations may be serving.

Contd.. P/02.

Abdul Karim

Abdul Karim

13

(19)

-: 2 :-

3. No TA/DA will be admissible at the time of joining the duties.

signed by Maj Sawhney
For Inspector General of Assam
Rifles.

Copy to :-

1. HQ Arunachal Range Assam Rifles
C/o. 99 APO for information.

2. Commandant 11th Bn. Assam Rifles
C/o. 99 APO for information and
necessary action please. The reporting
date of the individual may be forwarded
to this HQ as per gradation list proforma.

Reported at Rear 11 AR Transit Camp (Mohanbari)
on 13 Dec and left for Bn. HQ on 14 Dec 73.

Manindra Nath Pandey
Advocate

Reported at Bn HQ
on 15.12.73

Signed by Rear Incharge

Signed by Head Accountant.

ORDER

A/V-A/1-74/65

Dated, 27 Jun 75

B
29

The Inspector General of Assam Rifles, Shillong appoints Shri DEVIKARAN RAI, temporarily as a Junior Teacher in 11 Assam Rifles in an existing vacancy with effect from 15th December 73 (IN) until further orders in the scale of pay of Rs. 260-6-326-EP-8-350/- per month plus other allowances from time to time.

2. The appointment is purely temporary and may be terminated in one month's notice from either side.

3. The appointee is liable to serve anywhere in Assam/Arunachal Pradesh/Manipur/Mizoram/Nagaland/Sikkim and Tripura or wherever Assam Rifles Units exist.

sd/- MG HAZARI

Maj Gen

INSPECTOR GENERAL OF ASSAM RIFLES

Memo No A/V-A/1-74/65

27 Jun 75

Copy to :-

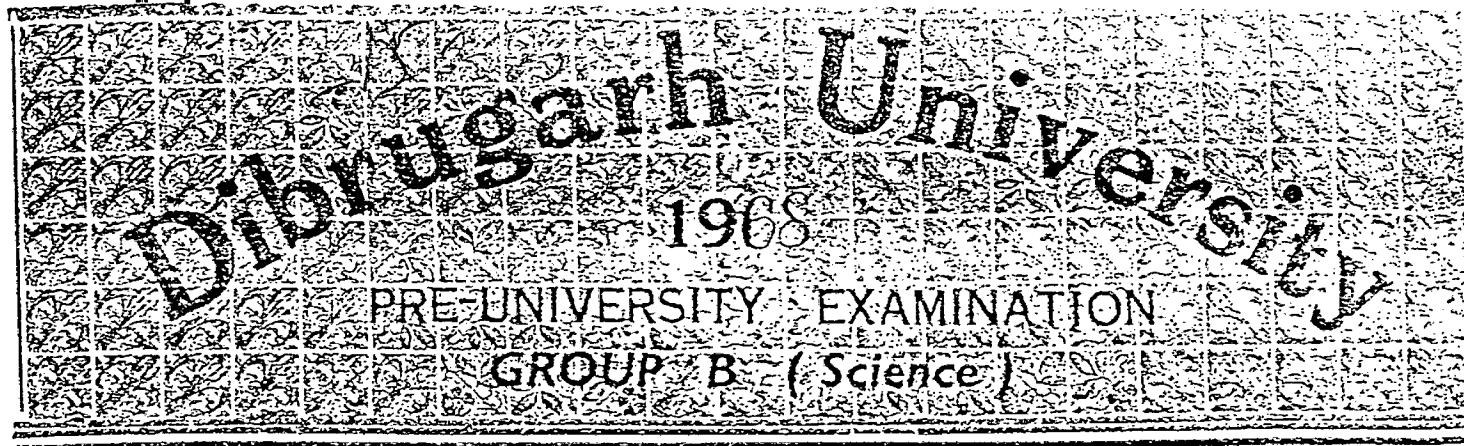
- 1) The Addl. Accountant General
(Central & Arunachal Pradesh)
- 2) HQ Arunachal Range
Assam Rifles
C/O 99 APO
- 3) REGISTERED/SDO
The Commandant
11 Assam Rifles
C/O 99 APO

for information with reference to his letter No 11508/74/AIV/681 dated 19th Sep 74. The original matric. certificate is returned herewith.

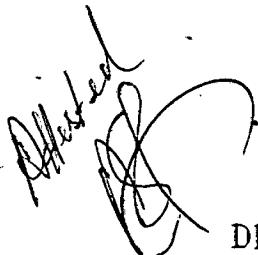
sd/- x x x x x x x x x
for INSPECTOR GENERAL OF ASSAM RIFLES

Check out
11/6/75

11/6/75
GIC



I Certify that Dev Karan Rai
 of Digboi College, Digboi, Roll No. B803,
 duly passed the Pre-University Examination in Group B (Science)
 of this University held in the year 1968 and was placed in
 the Third Division.

Attested


The 22 DEC 1971 19



Dr. Gurkha
 Registrar

A 27330

Dibrugarh University



DEGREE EXAMINATION 1981
(PASS)

This is to certify that

Dev Kaisare Rai

of Digboi College

Roll No. 5549 qualified for the

Degree of Bachelor of Arts in this

University at the Annual Examination held in the year

1982

Dibrugarh, Assam

the 6th Dec. 1986

Vice-Chancellor

Subject :- REVISION OF PAY SCALES OF SCHOOL TEACHERS.

1. I am directed to say that the National commission on teachers under the chairmanship of prof D P Chattopadhyayu has made various recommendations concerning pay and service conditions of teachers at school level. Pending Govt's decision on the report of National commission on teachers the fourth central pay commission only recommended the replacement scales for the school teachers. Accordingly these pay scales were implemented vide Ministry of Finance (Deptt of Expenditure)'s Notifications No.F.15 (1)-IC/86 dated 13th Sept 1986 and 22nd Sept 1986. Subsequently it was clarified that the revised scales of pay for different grades of teachers are based only on the recommendations of the fourth central pay commission, that decision on the recommendations of National commission on Teachers- I is yet to be taken & that it would be done as soon as possible.

2. In partial modification of finance Ministry's Notification No.F.15(1)-IC/86 dated 13th Sept 1986 and 22nd Sept 1986, by which replacement scales were given to school teachers, it has now been decided that the revised pay scales of school teachers in all union territories (Except Chandigarh) including Govt. aided schools and organisations like Kendriya Vidyalaya Sangathan and Central Tibetan School -Administration etc will be as under :-

	<u>Category of School Teachers</u>	<u>Revised pay scales</u>
(a)	Primary school teachers	Rs. 1200-30-1380-EB-30-1560- EB-40-1800-10-40-2040/-
	Senior scales	Rs. 1400-40-1500-50-1650-30- 2300-60-2600/-
	Selection grade (after 12 years in senior scales and attainment of qualification laid down for TGTs)	Rs. 1640-60-2000-EB-60-2360- EB-60-2600-10-2750-13-75-2900/-
(b)	Trained Graduate Teachers/ Headmaster of Primary/School	Rs. 1400-40-1600-1650-18-5- 1950-53-50-2250-EB-50-2300- 60-2600/-
	Senior scales (after 12 years)	Rs. 1640-60-2000-EB-60-2360- 60-2600-75-2750-EB-75-2900/-
	Selection scal. (after 12 years in senior scales and attainment of qualifications laid down for PGTs)	Rs. 2000-60-2300-75-2375-EB-75- 2825-EB-75-1200-100-53 0-EB- 100-3500/-
(c)	Post Graduate teachers/head master of Middle school	Rs. 1640-60-2000-EB-60-2360- EB-2600-15-2750-EB-75-2900/-
	Senior scales (after 12 years)	Rs. 2000-60-2300-75-2375-EB-75- 2825-EB-75-1200-100-53 0-EB- 100-3500/-
	Selection scales (after 12 years in senior xxxxxx scale)	Rs. 2200-75-2600-EB-75-2900- 100-3200-EB-100-3800-EB-100- 4000/-

It has also been decided to grant teaching allowance of 100/- Pm to Primary school teachers/lm of primary schools, trained graduate teacher, Headmaster of ME schools and post graduate teacher. Special allowance at the rate of 150/- Pm will be payable to vice principal and principal of senior secondary school and Headmaster of secondary school.

3. The revised pay scales will be advisable subject to the following conditions:-

a) While senior scale will be granted after 12 years to primary school teachers, trained graduate teachers/HM of primary school and post graduate teachers/HM of Middle school, the selection scale will be granted after 12 years service in the senior scale of the respective cadre. For the vice principal/HM of secondary schools there will be only senior scale after 12 years no selection scale.

b) The number of posts in the selection scale for primary school teachers, trained graduate teachers/HM of primary school, post Graduate Teachers/HM of Middle school will be restricted to 20% of the number of posts in the senior scale of the respective cadre.

c) Senior and selection scale will be given after seeing regarding their satisfactory performance by an appropriate DPC.

d) Every teachers would be required to participate in and in-service training programme of at least 3 weeks duration before he/She cross an EB or is promoted to senior scale or selection scale ie once in every 6 years provided that where arrangements for such training cannot be made, the appointing authority may exempt a category of teachers for a specific period of time.

e) Although for purposes of grant of selection scale primary school teachers and trained graduate teachers will be required to obtain higher qualifications. They will not be required to shift to an institution of higher level.

f) Appointment to the post of principal, vice principal and HM will be made in all schools on the basis of merit.

4. The revised pay scales, teacher allo and special allo will be applicable with effect from 1.1.86. The areas of pay for the period 1.1.86 to 31.3.86 will be acrue over and above the arerrs of pay consequent the revision of pay scale on the recommendation of 4th pay commision vide minstry of Fin nitification No 15(T) TC/86 d.ted 13-9-1985 and 22 -9-86 will save to deposited in providens a/o.

5. The above pay scale will be applicable to school teachers of the categories mentioned above and to the incumbents of such teaching post are analogous to the above mentioned posts of teachers working in schools in all union territories (except Chandigarh) including govt aided schools and organisations like Kendriya Vidyalaya Sankatom, central tiberal school Adm. etc.

6. Amendment to the central civil senior (review pay) rules, 1986 will be issued separately by the Min of Fin.

7. This issues with the concurrence of Min of Fin (Dept of Expdt vide their UO No. 4183/E NI/87 dated 10-8-1987.

Ref No : PABX 23510/230

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 893011

A/VII-PS/T/86

11 May 87

List 'A' & 'B'

IMPLEMENTATION ON THE REVISED PAY SCALES IN
RESPECT OF TEACHING STAFF-ASSAM RIFLES

1. The Govt of India, Ministry of Finance Notification dated 13 Sep 86 while approving the revised pay scales of the Central Govt employees of group B, C and D in pursuant to the recommendation of the 4th Central pay commission has approved pay scales of teaching staff under item V of 1st Schedule part 'B' att to the Notification in the aforesaid part 'B', the following pay scales have been recommended to the category of teachers mentioned against each :-

Ser	Category	Pre-revised	Revised
No	L		
1.	Primary School Teacher	Rs 330-10-360-ER- 380-15-500-EB-15- 560/-	Rs 1200-30-1560-ER- 40-2040/-
2.	Trained graduate Teacher	Rs 440-20-500-EB- 25-700-EB-25- 750/-	Rs 1400-40-1600-50- 2300-EB-60-2600/-

2. Against this it has also been recommended that those teachers who are not in the existing scales of pay mentioned in Col 3 may be given the revised scales mentioned in this Col only after ensuring that they have the prescribed qualification.

3. On the authority of above recommendations, pay scales in respect of the teachers of Assam Rifles have been examined with a view to find out whether or not the existing categories of teachers in Assam Rifles can be allowed to draw the higher pay scales as sanctioned by the Govt.

4. It has been revealed from the report of the 4th pay commission under para II.41 of chapter 11 that the following qualification are required for the appointment of the category of teacher mentioned against each :-

(a) Primary Teacher - Matriculation or equivalent with basic training or diploma in Education or one year teachers training certificate course.

(b) Trained Graduate - Bachelor Degree with degree or diploma in Education.

5. As per Recruitment Rule of Junior Teacher the qualification required is Matriculation with Teachers Training or pre-University Course. This qualification for our Junior Teacher in Rect Rule closely corresponds to the qualification suggested for the primary school teacher. Qualification required for senior teacher in Rect Rule is graduate with degree in teachers training. This qualification is also equivalent to that provided in the 4th pay commission recommendation for graduate teachers.

Office of
Major General
Commandant

6. From above it may be seen that the category of Jr Teacher in Assam Rifles fulfills the qualification requirement given for the primary school teachers and the Sr Teacher of the department fulfills that for the trained graduate teacher as provided in their respective Rec't Rule.

7. It is, therefore, decided that the following pay scales as sanctioned by the Govt of India under part 'B' of the Schedule mentioned above may be admitted to the following :-

Serv. Category	Pre-revised	Revised
1. Junior Teacher	Rs 260-6-290-EB-6-326- 8-366-EB-8-390-10- 400/-	Rs 1200-30-1560-EB-40- 2040/-
2. Senior Teacher	Rs 330-10-360-EB-380- 15-500-EB-15- 560/-	Rs 1400-40-1600-50- 2300-EB-60-2600/-

8. While admitting the higher pay scales as above the following may be specially examined and ensured :-

(a) Junior Teacher. If he is a matriculate he must have the certificate of teachers basic training, or diploma in education or one year teachers training certificate or he must be an intermediate ie, pre-university pass. Under no circumstances relaxation of qualification is allowed. If any jr teacher does not fulfil the above mentioned qualification he will be admitted the revised pay scale of Rs 950-20-1150-EB-25-1500/- corresponding to his existing pay scale as provided in the part 'A' of the above said schedule.

(b) Senior Teacher. Those senior teachers who are graduate with degree or diploma in education are admitted to above higher pay scales. Other senior teachers who do not have the required qualification irrespective of their seniority are not entitled to receive the above higher pay scale. They will be entitled to revised pay scales corresponding to their existing pay scales which is Rs 1200-30-1560-EB-40-2040/- as given in Part 'A' of the abovesaid Schedule.

The category of Hindi Teacher does not have any ~~maximum~~ equivalence in the category of teachers recommended for higher pay scales. Also the qualification requirement of Hindi Teacher provided in the Rec't Rules does not fulfil the conditions to higher pay scales. Thus no Hindi Teacher is entitled to receive the pay scale mentioned above even if he fulfills qualification requirement for other category of teacher.

10. The above order may be implemented in granting the higher pay scales to the entitled junior teachers and senior teachers with effect from 01 Jan 86 i.e, the date of implementation of the revised pay scales.

11. There will not be however, any representation from any incumbent on this order because the higher pay scales has been admitted to the concerned categories of teachers as per order of the Govt of India on the precondition of qualification requirement provided in their respective Rec't Rules.

12. Order will be implemented on personal knowledge and supervision of the Commandant.

SD/- x x x
(JK Roy)

Lt Col
Assistant Director (A)
for Director General
Assam Rifles

केंद्रीय हिंदी संस्थान • आगरा

[मानव संवाधन विकास मंत्रालय, भारत सरकार]

[KENDRIYA HINDI SANSTHAN • AGRA]

(Ministry of Human Resource Development, Government of India)

3372

क्रम संख्या
Sl. No.



प्रमाणित किया जाता है कि — श्री देव कर्ण राई,
हिंदी अध्यापक — असम राइफल्स — केंद्रीय हिंदी संस्थान, आगरा
द्वारा — प्रिलिंग — में दिनांक 13.6.08 से 8.7.08 तक आगोजिन
नवीकरण पाठ्यक्रम में नियमित रूप से उपस्थित रहे तथा उन्होंने पाठ्यक्रम को सफलतापूर्वक पूरा
किया जिसमें निम्नलिखित विषय सम्मिलित थे—

This is to certify that

Hindi Teacher _____ regularly attended the
Orientation Course organised at _____ from _____ to _____
by the Kendriya Hindi Sansthan (Central Institute of Hindi), Agra and that he/she
successfully completed the Course which comprised the following subjects—

1. सामान्य भाषा - विज्ञान
2. हिंदी संरचना एवं भाषा परिमार्जन
3. भाषा - शिक्षण

तिथि Date :

स्थान Place :

केंद्र प्रभारी

Centre Incharge

कुल संचिव
Registrar

निदेशक

Director

Attested
By

22

11/6/91

केंद्रीय हिंदी संस्थान • आगरा

[मानव संसाधन विकास मंत्रालय, भारत सरकार]

[CENTRAL INSTITUTE OF HINDI • AGRA]

(Ministry of Human Resource Development, Government of India)

क्रम संख्या
SI. No.

6341



प्रमाणित किया जाता है कि श्री देव करण राई
हिंदी अध्यापक असम राइफल्स केंद्रीय हिंदी संस्थान, आगरा
द्वारा शिलांग केन्द्र में दिनांक 10 जून, 1991 से 28 जून, 1991 तक आयोजित
नवीकरण पाठ्यक्रम में नियमित रूप से उपस्थित रहे तथा उन्होंने पाठ्यक्रम को सफलतापूर्वक पूरा
किया जिसमें निम्नलिखित विषय सम्मिलित थे—

This is to certify that Shri Dev_Karan Rai
Hindi Teacher Assam Rifles regularly attended the
Orientation Course organised at Shillong from 10.6.1991 to 28.6.1991
by the Central Institute of Hindi, Agra and that he/she successfully completed the
Course which comprised the following subjects—

1. अनुप्रयुक्त भाषा - विज्ञान
2. अन्य भाषा - शिक्षण को पद्धति
3. हिन्दी संरचना
4. हिन्दी साहित्य

तिथि Date : 28 जून, 1991
स्थान Place : शिलांग केन्द्र

Mo 20/7/2
केंद्र प्रभारी
Centre Incharge

Director
निदेशक

Signature

From : J/T - 7005
Shri B K Rai
22 Assam Rifles
C/O 99 APD

To : Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 11

(Through Proper Channel)

GRANT OF SENIOR SCALE

Sir,

Most respectfully, I beg to submit the following few lines for your kind perusal and favourable action please.

That Sir, in accordance with the revised pay structure based on the recommendations of the fourth Central Pay Commission, Govt teachers of Assam Rifles are drawing the scale of pay analogous to the primary School Teachers serving under the Central Government.

As so, two types of scales have been granted for Assam Rifles teachers one scale is Rs. 1200/- - Rs. 200/- and the other is Rs. 1400/- - Rs. 2600/-. The scale of Rs. 1400/- - Rs. 2600/- has been granted to the teachers having attained either of the following professional qualification :-

(a) An individual must be trained Graduate Teacher (TGT)

or

(b) An individual must have completed twelve years of service just to be eligible for grant of senior scale i.e. Rs. 1400/- - Rs. 2600/-.

I beg your pardon to say that I fulfil the conditions required for grant of senior Scale pay.

Firstly, prior to the implementation of the revised pay scale I had obtained my BA degree with the completion of twelve years of my professional service. (Service period wanted for grant of Senior Scale.

Secondly, while serving with 3rd Assam Rifles at Kohima I attended two in-service training camps conducted at Kohima by the Education Ministry, Nagaland.

Thirdly, I have undergone the Orientation course twice organised at Shillong by the Central Institute of Hindi, Agra.

In view of this, I request your honour to kindly manipulate the matter to see if I am entitled to get the scale. I aspire for.

I further extend my request to take my previous application also into account I submitted on 20 May 93 and forwarded by AC Range, Assam Rifles vide their letters No. II.16013.1/93-A/0772 dt 18 June 94.

I shall highly be obliged for your kind and favourable action.

Thanking you.

Yours faithfully


(B K Rai)

Dated: 25 Aug '95

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ANNEXURE

ANNEXURE - 'D'

FROM :
NO.0005
Jr. Teacher D.K. Rai,
22 Assam Rifles, C/
99 A.P.O.

To

The Directorate General,
HQ Assam Rifles, Shillong - 11,
M_E_G_H_A_L_A_Y_A.

THROUGH PROPER CHANNEL.

SUBJECT : GRANT OF SENIOR PAY SCALE.

Sir,

Most respectfully, I beg to submit the following few lines for your kind perusal and sympathetic action please.

That Sir, in accordance with the revised pay structure on the recommendation of the Fourth Central Pay Commission, Govt. Teachers of Assam Rifles are drawing the scale of pay analogous to the Primary School Teachers under the Central Government.

As such, two types of pay scales have been granted for AR- Teachers. One scale of pay is from Rs.1200- Rs.2040 and the other from Rs.1400 - Rs.2600 . The pay scale of Rs.1400 - Rs.2600 has been granted to the Teachers having attained either of the following professional qualifications.

(a) An individual must be a trained graduate teacher i.e. TGT Scale.

O R

(b) An individual must have completed twelve years of his professional service.

(Eligibility for grant of Senior Scale)

Contd... P/2.

Subhendra Nath Jain
Advocate
Officer

(25)

(32)

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I fulfill the conditic.
Scale. Following are the conditions

Primary
letter No.
for
yes
not

Firstly, I am a Junior Teacher
actually for running the Children School in t
Primary Level (It is mentioned in the P.E. of .

Secondly, prior to the implementation of vided
fourth Pay Commission, I had completed twelve years of n
service. In other qualifications, I would like to inform
your honour that I am a graduate and took my degree in 1981.
five years before the fourth Pay Commission came into force.
I obtained Madhyamik Degree, considered to be equivalent to
xx BA in Hindu. While serving with 3rd Assam Rifles at Kohima,
I attained inservice training camps conducted at Kohima by
the Education Ministry, Nagaland.

Having attained the professional or educational
qualification as mentioned above, I submitted application
for grant of senior scale of pay Ref. my application dt.
20th May, 1993 forwarded from 28 AR and HQ AC Range letter
No.11/16013/1/93-A/0772 dt. 18th June, 1993. No action was
taken on it. I submitted a fresh application from 22 AR on
25th August, 1995 which has been turned down by the Manipur
Range on the ground that Senior pay scale is applicable in
Union Territory only Vide Tac HQ 22 Assam Rifles letter
No.11078/A-II/95/2217 dt. 2nd Dec, 1995.

Accordingly to the P.E. of Assam Rifles Teachers,
two Junior teachers and one Senior Teachers only are the
Primary School Teachers appointed for the purpose of running
the Children Schools upto Primary standard in the AR Units.

Contd...P/3.

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The Hindi Teachers do not belong to the Primary School teachers. They are of different trade. The letter No. A/VI-A/78/1 dt. 24th Oct, 1978 is attached herewith for ready reference. The first sentence of the letter serves the evidence its authenticity. Since Hindi teachers do not belong to Primary School teachers they are not eligible to get TGT or Senior scales of pay. These two higher pay scales are meant for Jr. Teachers and Senior teachers provided they fulfill the conditions of eligibility vide letter No. A/VII-PS/P/86 dt. 11 May, 1987 attached herewith for ready reference of whose paras 9 and 10 say so.

Put in reality, TGT scale is granted to Hindi teachers. Most Hindi teachers are drawing senior scale of pay also. Junior teachers are totally deprived of TGT scale. Hindi teachers are seemed to be language teachers. Language teachers are entitled to get separate pay scale. I am not getting my entitlement but those who are not actually entitled, the same is granted to them. I further would like to draw your kind attention that Shri H. C. Choudhury, Hindi Teacher and Shri K.K. Krishnan Kutty Senior Teacher have been allowed to draw Senior scale of pay Vide Letter No. A/VIII-PS/T/86 Vol.I/111 dt. 8th June, 1993. Those two teachers are Matriculate teachers. Shri H.C. Choudhury is trained Matriculate Teacher since his appointment. But Shri K.K. Krishnan Kutty was sent to Chandigarh for training because the Third pay commission had made it mandatory that a teacher of A&E must either be intermediate or Matric trained. I was Intermediate at that time so was exempted from training. Those two teachers (in my knowledge) who are Matric trained can be eligible for getting senior scale of pay, why I am not. A Matric trained is equivalent to Intermediate but I am a graduate now.

Arindra Nath Indu
Advocate

Contd...P/4.

(27)

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(33)

- 4 -

In view of this, I pray before your honour to kindly avoid such anomalies and look into the matter thoroughly so that I may be benefitted. I further request your honour, if my this case is too clumsy to be solved now I may kindly be permitted to have the interview of ~~Directorate~~ Directorate General of Assam Rifles on this subject.

Thanking you in anticipation.

Yours faithfully,

Dated, Ambassa,

the 05th Jan, 1996.

Sd/- Illegible,

(D.K.RAI)

Advance copy forwarded to Directorate General of Assam Rifles.

Manindra Nath Indu
Advocate

28
K 43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.405 of 1999

Date of decision: This the 13th day of September 2001

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

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

Shri Deb Karan Rai,
Ambassa, District- Dhalai, Tripura,
Working as Teacher in 196 Assam Rifles,
Middle English School at
Serchhip, District- Aizawl South,
Mizoram.Applicant

By Advocates Mr M. Chanda appearing as Amicus Curiae and
Mr M.N. Indu.

- versus -

1. The Union of India, through the
Director General,
H.Q. Assam Rifles,
P.O.- Shillong, Meghalaya.Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....
O R D E R (ORAL)

CHOWDHURY, J. (V.C.)

The controversy raised in this application pertains to grant
of senior scale of pay to the applicant on the strength of the recommendations
of the Fourth Central Pay Commission.

2. The applicant was appointed as Junior Teacher in the month
of December 1973 in the Assam Rifles Children School at Along, District
Siang in Arunachal Pradesh. Thereafter he was posted at different places
in the North Eastern Region. In this application the grievance of the
applicant pertains to withholding of the benefit of the recommendations
of the pay scales given by the Fourth Central Pay Commission to the
Primary Teachers. The applicant claims that he completed more than
twelve years service when the Fourth Central Pay Commission recommendations
became effective from January 1986. The applicant obtained degree

BENCH

Alfred
RJ

in the year 1981, i.e. five years prior to implementation of the Fourth Central Pay Commission recommendations. Apart from that the applicant also obtained Madhyama Degree in Hindi. As a senior teacher who rendered more than twelve years of service and with degree, the applicant claims that he was entitled for the benefit of the senior scale. It was asserted and contended by Mr M. Chanda, learned Amicus Curiae on behalf of the applicant that Hindi Teachers working in the Assam Rifles are also provided with the senior scale.

3. The respondents did not file any written statement. Mr A. De' Roy, learned Sr. C.G.S.C., appearing on behalf of the respondents, instead asked for sometime to file the written statement. We are not inclined to grant any further time on this matter which has been pending since long.

4. The issue pertains to grant of senior scale. The applicant has already submitted numerous representations before the authority for granting him the senior scale. There is no justification at least for not attending to his representations. In the circumstances we are of the view that ends of justice will be met if a direction is given to the respondents to dispose of the representations submitted by the applicant, if not already disposed of. The respondents are accordingly directed to dispose of the representations of the applicant by giving a reasoned order within two months from the date of receipt of the order.

5. The application is accordingly allowed to the extent indicated. If the applicant is still aggrieved he may move the Tribunal, if so advised.

We must record our appreciation to Mr M. Chanda who volunteered to shoulder the responsibility on behalf of the applicant and ably argued the case.

No order as to costs.

TRUE COPY

SLM/11/17/102

Section Officer (Judicial)
Central Administration Tribunal
Government of India, Gurugram

Sd/VICE CHAIRMAN
Sd/MEMBER (A)

Chakraborty, B.Com., LL.B.

Guwahati High Court

Chamber : 104/106 Meer Market, 3n

Phone : (0361) 635909, 516090

To

The Director General,
H.Q. Assam Rifles,
Shillong,
Meghalaya.

Sir,

Guwahati 690 001

RL 2092

PA : PB
To: DIRECTOR S.I.C./S, ASSAM RIFLES
SHILLONG, PIN:

भारतीय डाक



Wt: 10gms

PG: 1.00, Adt: 15.00, D. WR. 2000, 100.00
HAVE A GOOD DAY

Under the instruction and upon the authority of my client Sri Deb Karan Rai, Teacher in 196 Assam Rifles, Middle English School, Berchhip, Aizawl South, Mizoram, do hereby give you this NOTICE as under :

That my aforesaid client is eligible for the benefit of the recommendations of the pay scales i.e. senior scale given by the 4th Central Pay Commission to the primary teachers which he has not been granted for the reason not known to him. He had also filed numerous representations for granting him the senior scale but most unfortunately he has been deprived of the same for a long period.

Being aggrieved by the above, my aforesaid client moved the Hon'ble Central Administrative Tribunal, Guwahati Bench through an Original Application No.405 of 1999. The Hon'ble Tribunal by an Order dated 13.09.2001 has been pleased to allow the application with a direction to dispose of the representations of my said client by giving a reasoned order within 2 months from the date of receipt of the order.

That a period of more than 11 months has been expired since the date of the order of the Hon'ble tribunal but no communication in this regard has yet been received by my said client.

I, therefore, give you this NOTICE for taking necessary action as per direction of the Hon'ble Tribunal in Order dated 13.09.2001 (Copy Enclosed) within 30 days from the date of receipt of this NOTICE failing which I have definite instructions for my said client to take necessary legal action against you at the appropriate court of law at your own risks, costs and consequences.

Yours sincerely,

(ANUPAM CHAKRABORTY)
ADVOCATE

Guwahati
Date : 09.05.2002

A/V-A/97-72/Pers/147

26 Sep 2002

✓ Shri Deb Karan Rai
 Junior Teacher (Now Senior Teacher)
 1st Assam Rifles
 C/O 99 APO

OA No. 405/1999 DEB KARAN RAI Vs UOI AND OTHERS

1. Please refer to the Hon'ble Central Administrative Tribunal Order (Oral) dated 13 Sep 2001.
2. The grant of Senior Scale of pay Rs 1400-2600/- for Primary School Teacher as claimed by you wef 01 Jan 1986 has been examined in the light of relevant rules on the subject and 4th Central Pay Commission Report and it is found that the same was not granted to you being Ineligible. Your name as such did not come up for consideration of DPC for grant of Senior Scale.
3. The pay scale of Junior Teacher in Assam Rifles has been further revised from Rs 4000-6000/- to Rs 4500-7000/- wef 01 Jan 1996 vide MHA's letter No II.27013/35/99-PF.IV dated 08 Jun 2001 and this has already been implemented in the Force. As pay scale of Junior Teacher in Assam Rifles has not been upgraded to Rs 5500-9000/- vide MHA's ibid letter, and no Junior Teacher as such is entitled to pay scale of Rs 5500-9000/- wef 01 Jan 1996.
4. However as you know the Govt of India has introduced Assured Career Progression (ACP) Scheme for its employees wef 09 Aug 1999 vide DOPT letter No 35034/1/97-Estt(D) dated 09 Aug 1999. Your case for grant of 1st and 2nd Fin upgradation wef 09 Aug 1999 would be considered subject to fulfilment of relevant conditions for the same. The financial upgradation admissible to you subject to fulfilment of conditions would be as under :-
 - (a) 1st Fin upgradation - Rs 5000-8000/-
 - (b) 2nd Fin upgradation - Rs 5500-9000/-
5. This may be treated as reasoned order as directed by the Hon'ble Tribunal please.


 (B K Chowdhury)
 Colonel
 Deputy Director(A)
 for Director General Assam Rifles

Copy to :-

Shri Anupam Chakrabarty, B Com, LLB - for information with reference to your notice dated 09 Aug 2002 please.
 Advocate Gauhati High Court
 Guwahati (Assam)