

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....35/2004.....

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

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

1. Orders Sheet O.A-35/2004..... Pg..... 1 to..... 2
2. Judgment/Order dtd. 01/12/2004..... Pg..... 1 to..... 5 Disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 35/04..... Pg..... 1 to..... 21
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S.. Submitted by the Respondents Pg..... 1 to..... 10
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance..... Pg..... to.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

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

ORDER SHEET

Org. App/ Misc. Petn/ Cont. Petn/ Rev. Appn. 35/04
In O.A.

Name of the Applicant(S) Narayan Upadhyaya

Name of the Respondent(S) H.O.I 9018

Advocate for the Applicant Bijan Chakrabarty

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

OFFICE NOTE DATE ORDER OF THE TRIBUNAL

This application is in part, 20.2.2004 Heard Mr. B. Chakrabarty, learned counsel for the applicant.

is filed/C.P. No. 119378362

Dated 18.2.04

Issue notice to show cause as to why the application shall not be admitted. Returnable by four weeks.

Dy. Registrar

List on 25.3.2004 for admission.

Notice & order dt.
20/2/04 Sent to

mb

D/Section for issuing
to respondent no 1/2.

25.3.2004

The O.A. is admitted, issue notice to the parties, returnable by four weeks.

List on 26.4.2004 for order.

Notice issued vide NO.
572-573 dated 24.3.04

bb

KV Deka
Member (A)

SB

re postal A/D Card
received from
respondent No. 1

26.4.2004

Four weeks time is allowed to the
respondents to file written statement.
List on 26.5.2004 for order.

(L.S.)
WTS.

KV Reddy
Member (A)

WJS has been
filed.

bb

26.5.2004

List again on 30.6.2004 to
enable the respondents to file
written statement.

25-5-04

KV Reddy
Member (A)

23.8.04

mb

WJS submitted
by the respondents.

22.9.04.

The learned counsel for the
parties is present.

The applicant may file rejoinder
in case they desires, if any. The
matter be listed for hearing after
Puja vacation. Stand over to 16th Nov.,
2004.

KV Reddy
Member

R
Vice-Chairman

1) No rejoinder has been filed.
2) WJS has been filed on behalf
of the respondents.

29/11/04

lm

01.12.2004

Judgment delivered in open Court,
kept in separate sheets.

The application is disposed of
in terms of the order. No order as to
costs.

KV Reddy
Member

R
Vice-Chairman

bb

Received true copy
15/12/04
15/12/04
15/12/04
15/12/04
15/12/04
Copy of the judgment
has been sent to the
Office for delivery to the
Respondent No. 1

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~POW~~ NO. 35 OF 2004.

DATE OF DECISION 01.12.2004.

Sri Narayan Upadhyaya & 2 Others. APPLICANT(S)

Mr. B. Chakraborty ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

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

Mr. A. Deb Roy, Sr. C. S. C. ADVOCATE FOR THE
RESPONDENT(S).

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

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

1. Whether Reporters of local papers may be allowed to see the judgment ? *Ys*
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.

ND

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.35 of 2004.

Date of Order : This, the 1st Day of December, 2004.

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

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

1. Sri Narayan Upadhyaya
S/o. Late Chandralal Upadhyaya
SK II, Office of Inspector General
S.S.B., Tezpur
Assam.
2. Sri Toijam Sanjay Singh
S/o. T. Shamu Singh
SK II, Office of the Inspector General
S.S.B., Imphal
Manipur.
3. Sri Moirangthem Ojit Singh
S/o. M. Mani Singh
SK II, Office of the Area Organiser
S.S.B., Mongsangei
Imphal, Manipur. Applicants.

By Advocate Mr.B.Chakraborty.

- Versus -

1. Union of India
Represented by the Secretary
to the Home Ministry
New Delhi.
2. The Director General of SSB
R.K.Puram, New Delhi - 110 066. Respondents.

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

O R D E R (ORAL)

BATTA, J.(V.C.) :

The applicants are working as Store Keeper-II in the SSB. The applicants were directly recruited to the said post. The cadre of Store Keeper ~~was~~ initially consisted of different grades, namely, Store Keeper-II to Store Keeper-V. However, the posts of Store Keeper-IV and V were abolished. The applicants claim that they are entitled to get the benefit under the Assured Carrier programme Scheme (A.C.P. Scheme in short) in as much as they have completed more than

twelve years of service. Infact, the applicants were granted upgradation in the scale of Rs.4,500-7,000/-. However, the applicants claim that even inspite of upgradation they are hardly getting any benefit under the A.C.P. Scheme and there has been great deal of prejudice regarding fixation of their scale of pay vis-a-vis the store keeping staff of other Central Govt. Departments. It is also alleged that inspite of the recommendation of the Central Pay Commission for scale higher pay/to the store keeping staff, the authorities have not raised the pay scale of the Store Keepers of SSB. It is alleged that the scale of SK-II is discriminatory in comparision to the other equally situated staff of the SSB, who are getting the scale of pay of Rs.5,500-9,000/-. According to the applicants, they have higher qualifications than some of the other posts in the feeder cadre, namely for the post of LDA the required qualification is HSLC pass whereas the qualification for the post of SK-II is graduation with commerce. The applicants made representations, but the same were rejected vide order dated 26.9.2003 and the applicants have, therefore, approached this Tribunal for quashing the said order dated 26.9.2003 and for direction as to why the pay scale of SK-III should not be upgraded from Rs.4,500-7,000/- to Rs.5,500-9,000/- w.e.f. the date the applicants have been given financial upgradation to the rank of SK-III under the A.C.P. Scheme.

2. The respondents, on the other hand, stated that the claim made by the applicants in the application is totally unfounded in as much as the applicants are trying to make comparision with a mixure of posts which are not applicable ^{Comparable} in order to claim parity of pay scale for the purpose of financial upgradation under the A.C.P.Scheme. It has been specifically pleaded by the respondents that the cadre of

✓ Store Keeper now comprises only of SK-II and III after abolition of posts of SK-IV and V. It is pointed out that in order to provide sufficient promotional avenues to the Store Keepers willingness was sought vide memorandum dated 26.7.1995 to merge the said cadre with SSB (Ordnance) but the applicants had expressed their unwillingness and as such the applicants have to blame themselves for the plight in which they have landed.

3. We have heard Mr. B. Chakraborty, learned Advocate for the applicants as well as Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. Learned counsel for the applicants has placed before us the facts which we have already enumerated and after placing reliance at paragraph 7 of the judgment of the Apex Court in Randhir Singh -vs- Union of India & Others reported in AIR 1982 SC 879, the learned counsel urged that the applicants are entitled to parity with the post of store keeping staff of other department as also with the posts shown in Paragraph 9 of the application.

4. Infact, the applicants are claiming parity of pay scale vis-a-vis the scale in the post of SK-III with other posts in the same department. In order to claim parity in their pay scale on the principle of equal work equal pay, the applicants have to demonstrate that the duties and responsibilities in their post are comparable as also the educational qualifications etc. No materials whatsoever has been placed by the applicants on record to indicate the duties and responsibilities of Store Keeper and the other posts referred to at Paragraph 9 of the application. Unless such materials are placed before the Tribunal, there is no question of granting parity. It is also stated in the application that inspite of the recommendation of the

R

2

Central Pay Commission for higher pay scale to the Store keeping staff, the authorities have not granted higher pay scale. In this respect also, no materials has been placed on record. Respondents have, infact, categorically stated that the pay scales were fixed on the recommendation of 5th Pay Commission. It is pertinent to note that the respondents had, infact, given option to the Store Keeper cadre for the purpose of better promotional avenues vide memorandum dated 26.7.1995, but the applicants themselves had shown unwillingness and as such respondents have very rightly stated that the applicants have to blame themselves for the plight in which they have landed. The principle of equal work and equal pay is well settled. Besides the rulings relied upon by the learned counsel for the applicants, the other rulings of the Apex Court is in State of U.P. and Others vs. J.P. Chaurasia and Others reported in AIR 1989 SC 19 wherein the Apex Court has laid down as under :-

" The answer to the question whether two posts are equal or should carry equal pay depends upon several factors. It does not just depend upon either the nature of work or volume of work done. Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. More often functions of two posts may appear to be the same or similar, but there may be difference in degrees in the performance. The quantity of work may be the same, but quality may be different that cannot be determined by relying upon averments in affidavits of interested parties. The equation of posts or equation of pay must be left to the Executive Government. It must be determined by expert bodies like pay Commission. They would be the best judge to evaluate the nature of duties and responsibilities of posts. If there is any such determination by a Commission or Committee, the court should normally accept it. The court should not try to tinker with such equivalence unless it is shown that it was made with extraneous consideration."

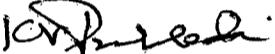
5. In view of the above, on merits we do not find that any case has been ^{made} meted out by the applicants calling for interference of the Tribunal. Learned counsel for the appli-

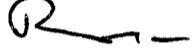
(2)

cants stated that applicants may be given an opportunity to make representation in order to consider their case for exercise of option at this stage in terms of the memorandum dated 26.7.1995 as also to approach the Anomaly Committee.

The applicants may, in case, ^{they} so desire, file such representation and in case such representation is filed, respondents shall consider the same and pass appropriate, reasoned and speaking order within a period of six months from the date of filing of representation.

The application stands disposed of in aforesaid terms with no order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(R.K.BATTA)
VICE CHAIRMAN

10

In the Central Administrative Tribunal
Guwahati Bench : Guwahati

Filed by :
B. S. Chakrabarti
20/2/04

Original application No 35 / 2004

Shri Narayan Upadhyaya...& Ors....Applicants

VERSUS

Union of India and anr.Respondents

SYNOPSIS OF THE CASE

That the applicants are all serving as Store-keeper II in the SSB which is a direct recruit post .

That, the Union Govt. framed a scheme namely Assured Carrier Programme Scheme under which the incumbents who have stagnated in the same rank / post for more than 12 years are being given the pay of the next higher post as financial up-gradation .

The applicant No-1 and 2 have completed 12 years of service and granted the scale of pay of Rs. 4,500/- to Rs.7,000 which is the pay scale of SK III at present and the applicant No-3 will get it in March , 2004 .

That in the application the applicants have raised their grievance stating that the pay scale of the SK III is anomalous and discriminatory in as much as many other equally situated staff of the SSB who get equal pay with the SK II staff at the feeder cadre , are

getting much higher scale at their promotional posts vis-a vis the scale of SK IIIs and due to this discrimination , the benefit of the ACP Scheme becomes virtually redundant to the SK II cadre of the Store Keeping staff of the SSB . As such the applicants contends that the pay scale of the SK III s in the SSB is anomalous, unreasonable and discriminatory which does not have any reasonable basis .

The applicants made representations before the respondent no 2 praying for up-gradation of the scale of pay of SK III to Rs.5500/= to Rs.9000/= and the same has been rejected

Hence this application before the tribunal praying justice due to the applicants .

19/2/2004

In the Central Administrative Tribunal
Guwahati Bench : Guwahati

Original application No. 35 / 2004

Shri Narayan Upadhyaya... & Ors....Applicants

VERSUS

Union of India and anr. Respondents

I N D E X

<u>P A R T I C U L A R S</u>	<u>PAGE NO.</u>
1. Petition	1 to 11
2. Verification	12
3. Annexure - I	13
4. Annexure II	14
5. Annexure III	15 - 19
6. Annexure III	20 - 21

Filed by
Bijaya Shresth
Advocate

13

In the Central Administrative Tribunal
Guwahati Bench : Guwahati

O.A 35/04

(An application under Sec.19 of the Administrative
Tribunal Act, 1985)

Filed by the Applicants
Dhrey Singh, Mr. Biju Chakraborty
Moraon 19/2/64

T. Sanjay Singh

1. Sri Narayan Upadhyaya
S/o. Late Chandralal Upadhyaya
SK II, Office of Inspector
General. S.S.B.
Tezpur, Assam.
2. Sri Toijam Sanjay Singh
S/o. T. Samu Singh
SK II, office of the
Inspector General, S.S.B.
Imphal, Manipur.
3. Sri Moirangthem Ojit Singh
S/o. M. Moi Singh
SK II, Office of the Area
Organiser, S.S.B. Mongsangei,
Imphal, Manipur.

Applicants

VERSUS

1. Union of India
Represented by The Secretary
to the Home Ministry,
New Delhi.

2. The Director General of SSB,
R.K Puram, New Delhi-110066.

Respondents

1. Particulars of the orders against which the application is made.

Order No. 16/SSB/42/98(16)3661-69 dated 26/9/2003 passed by the Directorate of SSB, New Delhi, rejecting the prayer of the applicants for up-gradation of the scale of pay of SK-III's to the level of other similarly situated promotional posts and thus to remove the disparity in the pay scale.

2. Jurisdiction of the Hon'ble Tribunal. :

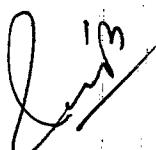
The applicants declare that the subject matter of the order against which they want redressal, is within the jurisdiction of this tribunal.

3. Limitation. :

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

4. Facts of the case :

1. That the applicants are all serving as Store-keeper II in the SSB and are posted at different places mentioned above. The applicants state that, the post of Store-keeper II is a direct recruit post and



the prescribed qualification for the post is graduation (preferable commerce) and two years experience in Store-keeping in reputed concern or Govt. undertaking is desirable.

2. That the service of Store-keeping in the SSB is governed by SSB(Store-keeper) service rule 1977. Under the rules, the post of Store- keeper II is a Grade-III post which is filled up by direct recruitment as stated above and above it, there were posts of Store-keeper III, then Store-keeper IV and then Store-keeper V which comprised the cadre of Store-keeper in the SSB. However very recently after the post of Store Keeper IV and Store Keeper V are abolished ,the strength of the cadre of the Store Keepers is comprised of only SK II and SK III .

3. That, the Union Govt. has framed a scheme namely Assured Carrier Programme Scheme (A.C.P. scheme for short) vide O M No-35034/1/97-Estt (D) dated 9-8-99, to mitigate the grievance of non-promotion / stagnation of the incumbents for a long period of time in all Central Govt. Departments. Under the scheme the incumbents who have stagnated in the same rank / post for more than 12 years and could not be promoted due to lack of promotional posts, are being given the pay of the next higher post .As such under the scheme the incumbents who have not been able to get promotion in last 12 years , are given monetary benefit in the form of higher pay scale of the next promotional post . Under the Scheme if the incumbent does not get any benefit even after such up-gradation , he is given one special increment



4. That, the applicant No-I was appointed as Store-keeper II in SSB on 1-10-84 . The applicant No-II was appointed as Store-keeper II on 8-4-91, and the applicant No-III was appointed as Store-keeper II on 2-3-92.

A copy of the Gradation list showing the dates of appointment of the applicants is annexed herewith and marked as Annexure- I

5. That, as per the date of appointment, the applicant No-I has completed his 12 years of service and accordingly the authorities passed order Dated 8-2-2000 granting up gradation to the applicant No-I to the scale of pay of Rs. 4,500/- Rs.7,000 with effect from 8-9-99. Accordingly the benefit of financial up gradation has become due for applicant No-II in April /2003 and applicant No-III will get it in March , 2004 , as per their date of joining service. The applicants state that the applicant no. 1 since stagnated for a long time since appointment , due to his increments earned , he is getting hardly any benefits under the ACP Scheme due to the fact that the pay Scale of the SK III is anomalous and discriminatory , as stated hereinafter .

A copy of the order dated 8.2.2000 giving the benefit of ACP to the applicant no. 1 is annexed herewith and marked as Annexure-II

5. That it is stated that the Store Keeping staff of the SSB have been caused a great deal of prejudice as regards fixation of their scale of pay vis-a-vis



the store keeping staff of other central govt. departments / undertakings and also in fixation of the scale of pay of other categories of staff in the SSB itself doing similar works like Store Keepers . It is stated that in spite of the recommendation of the Central Pay commissions for higher pay scale to the store keeping staff , the authorities have not done anything in this regard for raising the pay scale of the store keepers of the SSB .

6. That it is stated that prior to 1986 the SK II of the SSB were paid the pay scale of Rs. 330/- - 560/- and after the 4th pay commission recommendation, the pay of the SK II was raised to Rs. 1200/- - 2040/- . In 1996 after the 5th pay commission recommendations the scale of pay of the SK II was revised to Rs. 4000/- - 6000/- . It is stated that at present the scale of pay of the SK - III is Rs. 4500/- - 7000/- . Under the Assured Career Progression Scheme (ACP Scheme for Short) , as stated above , those SK-II who have stagnated for last 12 years and have not get promotions to the rank of SK-III, are to be given the scale of pay of the post of SK-III as financial up-gradation .

8. That as such the Sk IIs who would be getting the pay scale of SK III under the Scheme , their pay scale will be up-graded from Rs. 4000/- - 6000/- to Rs. 4500/- - 7500/- . The SK-II s , therefore, are not getting any tangible benefits in as much after long stagnation they would earn the increments which would be almost equivalent to that of the scale of the posts of SK III and as such the financial up-gradation is meaningless to the SK . II under the present structure of pay .



19

9. That it is stated that specifically the pay scale of the SK III is discriminatory in comparison to the other equally situated staff of the SSB who are getting the Scale of pay of Rs. 5500/- 9000/- and due to this discrimination , the benefit of the ACP Scheme becomes meaningless to the SK II . The discrimination aforementioned would be writ large from the following examples of present pay scale of S K III vis a vis Deputy field Officers (D.F.O.) in the SSB :-

No material

COMPARATIVE PAY SCALE (SSB)

Pay scale of the feeder post		Pay scale of the promotional post	
S K II	Rs.4000/- 6000/-	S K III	Rs.4500/- 7000/-
U.D.C.	Rs.4000/- 6000/-	Assistant	Rs.5500/- 9000/-
A.F.O. (Vetty)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O.(Medical)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O(Tele communication)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Genl)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O(Armourer)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Funct)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-

From the examples of the staff of the pay scale of the staff of the SSB, it would be apparent that at the promotional level, the SK III are getting much lower scale of pay then the other similarly situated staff of the SSB who were otherwise getting equal pay to that of SK-II at the feeder posts. Thus an apparent prejudice being caused to the SK II's without any sort of intelligible differentia. The difference is also not due to qualification for the post e.g.

John B. Smith

the post of UDC is a promotional post of LDC and for the post of LDA the qualification is H.S.L.C. pass, whereas the qualification for the post of SK II is Graduation and even then the SK IIs are getting lower pay scale then the UDCs at the promotional level .

10. That as such the appellants state that the pay scale of the SK III's in the SSB is anomalous, unreasonable and discriminatory and a great prejudice is being caused to the Store Keeping staff and this is now very relevant after coming into being the ACP Scheme. The central pay commissions have recommended time and again for higher pay scale of the Store keeping staff but the recommendations have not been given heed so far and as such a great deal of prejudice has been caused to them .

11. That it is stated that since there had been a very bleak chance of promotions of the Sk II's to the rank of SK III's due the cadre strength/position , the disparity in the fixation of the pay scale of SK III was not very relevant earlier . However after the coming into being the ACP scheme , the SK II are likely to get the scale of SK III after 12 years of service and as such the disparity in the pay scale is adversely affecting them and unless the disparity in the pay scale is removed , the benefits under the scheme becomes redundant to the SK II's .

12. That being highly prejudiced by the action of the authorities in fixing arbitrary and anomalous scale of pay for the post of the SK III's, the applicants made identical representations before the respondent no 2



praying for up gradation of the scale of pay of SK III to Rs.5500/= to Rs.9000/= and the authority has rejected the representation of the applicants by the impugned order no. 16/SSB/AZ/98 (16)/3661-69 dated 26.09.2003 .

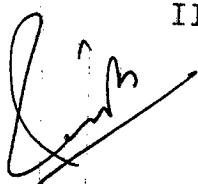
Copies of one such representation and order dated 26.09.03 are annexed herewith and marked as Annexure-III and IV .

5. Grounds for relief with legal provisions

i. For that the pay scale of the store keeping staff of the SSB is anomalous and discriminatory causing a great deal of undue hardship to the applicants and other similar situated store keeping staff and as such the action of the authorities is illegal, unreasonable and arbitrary and is not sustainable in law.

ii. For that the action of the authorities in giving the pay scale of Rs. 4500/= to Rs. 7000/= to the SKII staff of SSB and giving the pay scale of Rs. 5500/= to Rs. 9000/=to the post of Assistant and DFOs, which are equivalent to the post of SK III, is discriminatory and arbitrary and as such the action is not maintainable in law.

iii. For that due to the anomalous fixation of pay scale of the post of SKIII of SSB stores, the benefit of Assured Carrier Progression Scheme(ACPS) conferred on the SKII after 12 years of stagnation, has become redundant and brought in no substantial gain to the SK II's although the other staff similarly situated with

A handwritten signature consisting of a stylized 'L' and 'M' with a diagonal line through it.

that of SK II's, e.g. UDC and AFO's mentioned above are getting much higher pay scale and substantial benefits. As such, it submitted that the action of the authorities in depriving applicants are bad in law and are liable to be quashed and set aside.

iv. For that in view of the fact that the pay scale of SKII, is equivalent to that of UDC and AFO's of the SSB and also that the required qualification for the SKII is higher, the SK III, staff are entitled for getting the scale of pay of Rs.5500/= to Rs. 9000/= p.m., which is given to the promotional post of UDC and AFO's and the action of the authorities is denying the due pay scale to the applicants is illegal and arbitrary

v. For that the action of the authorities in giving lower pay scale to the SK - III's staff than that of similarly placed staff of the SSB e.g. Asstt's/DFO's is discriminatory on the face of the record and is not based on any intelligible differentia and the same is arbitrary and unreasonable and is not sustainable in law.

vi. For that the action of the authorities in issuing impugned order No.16/SSB/A2/98(16)366-69 dated 26. 9. 2003 rejecting the representation of the applicants for up gradation of pay scale is illegal and arbitrary and the order is liable to be quashed and set aside being vitiated by non application of mind.

6. Details of remedies exhausted.

The applicant has no relief under the service rules.



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

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

8. Prayer

In the premises aforesaid, it is, therefore, prayed that Your Lordship may be pleased to admit this application, issued notices to the respondent to show cause as to why the impugned order dated 26.7.2003 (Annexure.....) shall not be quashed and set aside and as to why the pay scale of the Store KeeperIII shall not be upgraded from Rs. 4500/= to Rs.7000/= to Rs. 5500/= to Rs.9000/= w.e.f. the date from which the applicants are financially upgraded to the rank of SKIII under the Assured Carrier Progression Scheme , call for the entire records of the case and after hearing the parties , be pleased to set aside and the impugned order and issue direction for fixing the scale of Rs. 5500/= to Rs.9000/= for the post of SKIII with retrospective effect and or pass such further order / orders as Your Lordships may deem fit and proper



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

9. Interim order

The applicants have prayed for no interim orders.

10. Does not arise

11. Particulars of bank draft/postal order in respect of the application fee

(i) I.P.O. No. 774 378368

(ii) Date 17/2/04

(iii) Issued by Guwahati Post Office

(iv) Payable at Guwahati.

12. List of enclosures.

As stated in the INDEX

A handwritten signature consisting of a stylized 'S' and a 'M'.

- 12 -

VERIFICATION

I, Shri Toijam Sanjay Singh, son of Shri T. Shamu Sing, aged about 37 years, presently serving as S.K. III in the office of Inspector General, S.S.B., Imphal, am one of the applicant in this original application and other applicants have authorised me to sign this verification on their behalf and as such I do hereby verify that the statements made in paragraphs Nos ~~4(1,2,3,4,5,6,7,8,9,10,11,12)~~ --- are true to my personal Knowledge ; those made in paragraph nos ~~-----~~ are matters of record and the statements made in paragraph nos. ~~5(1,2,3,4,5,6,7,8,9,10,11,12)~~ ~~1, VI~~ --- are believed to be true on legal advice and I have not suppressed no material fact.

And I sign this verification on this 19 th day of February / 2004, at Guwahati.

Place *Guwahati*

T. Sanjay Singh

Signature of the applicant

Date *19/2/04*



SENIORITY LIST OF STORE-KEEPER LEVEL-III & LEVEL-II AS ON 1.1.95.

Name, Whether SC/ST	Educational Qualification.	Date of Birth.	Date of joining Govt. Service.	Date of appt. in the grade.	Date of confir- mation.	Place of posting.
2.	3.	4.	5.	6.	7.	8.
<u>STORE-KEEPER LEVEL-III:</u>						
Shantanu Saikia	BA	1.3.43.	20.4.64.	12.97	Confirmed as AK-II.	FA Gwadam.
A.K. Sinha.	MA	18.1.46.	4.10.68.	6.10.97	-do-	SSB Dte.
<u>STORE-KEEPER LEVEL-II</u>						
K.S.Kathayat	Inter.	10.3.43.	9.11.64.	22.8.74.	-do-	Ranikhet.
S.C. Oirola	Inter.	5.7.42.	1.7.76.	16.2.75.	-do-	R&G.
Suresh Kr. Sharma	BA	22.1.59.	12.5.83.	12.5.83.	-do-	J&K.
Narayan Upadhyay	B.Com.	20.9.58.	1.10.84.	1.10.84.	-do-	NAD.
Kuldeep Singh	BA	2.4.62.	1.10.84.	1.10.84.	-do-	HP.
✓ Manik Sapkata	B. Com.	1.1.58.	23.10.84.	23.10.84.	-do-	Manipur.
Rajesh Chauhan	BA	22.1.60.	26.4.85.	26.4.85.	-do-	SSB Dte.
✓ Triloki Prasad SC	BA	1.1.57.	1.5.85.	1.5.85.	-do-	AP.
Prahlad Singh	B.Sc.	25.7.63.	9.6.87.	9.6.87.	-do-	Sarahan.
G.C.Kandpal	MA (Prc)	1.7.57.	12.9.78.	6.4.87.	-do-	Gwadam.
Sitangshu (SC) Shakla	B.Com.	2.9.52.	5.8.89.	5.8.89.	-do-	Shillong.
✓ T.Sanjay Singh	B.Com.	1.2.57.	3.4.91.	8.4.91.	-do-	Manipur.
Pankaj Nandy	B.Com(Agr)	1.11.68.	1.10.91.	1.10.91.	-do-	NB.
✓ M.ojit Singh	B. Com	-	2.3.92.	2.3.92.	-do-	Manipur.
✓ Dharani Timsia	-	-	1.10.93.	1.10.93.	-do-	Itanagar.

h.p.sw

*Certified to be correct copy
Gulab Singh
Advocate*

3. While forwarding discrepancies/objections of

ANNEXURE

-14-

No. 1/2/23(ACP)/99/1122-26
Directorate General of Security
Office of the Divisional Organiser
North Assam Division, SSB

Dated Tezpur the 8th Feb/2000

O R D E R

Pursuant to the implementation of the Assured Career progression Scheme for the Central Govt. Employees as notified vide DP&T's O.M. No. 35034/1/97-Estt(D) dated 9.8.99, the Screening Committee for upgradation of Groups 'C' and 'D' employees in its meeting held on 29.11.99 found the following employee eligible for financial upgradation on completion of 12 years Service in the scale of pay Rs. 4500-125-7000/-w.e.f. the date shown below:-

ST.	NAME AND DESIGNATION	DATE FROM WHICH ELIGIBLE	REMARKS
1.	Shri Narayan Upadhyaya, Store Keeper(Level-11)	9.8.99	1st Upgradation on completion of 12 yrs. Service.

Certified that before recommending the above name, Screening Committee had kept in mind the check points mentioned in O.M. dated 9.8.99 in para 3(3.1), (3.2) and conditions laid down in para 1, 2, 4, 5.1, 5.2, 6, 10, 11, 13 & 14 of Annexure-1 of DP&T order dated 9.8.99.

The financial benefits allowed under this scheme shall be final and the pay shall not be re-fixed on regular promotion to the higher grade.

On financial upgradation under the scheme, the pay of the beneficiary shall be fixed under the provision of FR 22(1)(a)(i).

The senior will not claim any stepping up/antedating of their pay with their juniors who have been allowed financial upgradation under this scheme.

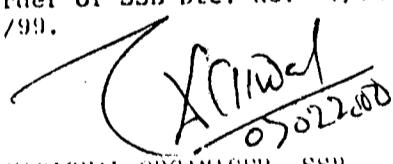
Financial upgradation given above is purely personal to the employee and shall have no relevance to his seniority position.

There shall be no change in his existing designation/status.

The Service Book of the above mentioned employee is also forwarded to the office of the DACB, New Delhi.

He is deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently.

In compliance with the DP&T O.M. No. 35034/1/97 Estt(D) dated 9.8.99 para 13 of Annexure-1, the Department has opted for the ACP Scheme for Store Keeper-11 Category of employees vide order of SSB Dte. No. 7/SSB/99(1)182 dated 19.1.2000 File No.1/2/23(ACP)/99.


DIVISIONAL ORGANISER, SSB
NORTH ASSAM DIVISION, TEZPUR

Distribution

1. The Director of Accounts, Cab. Sectt. Block-IX, Level-7, R.K. Puram, New Delhi-110066.
2. The Jt. Deputy Director (EA), SSB Dte. Block-V (East), R.K. Puram, New Delhi-110066.
3. The Accounts Officer, NAD, Tezpur.

certified to be true copy
B. Chakraborty
Advocate

To
The Director General , SSB ,
New Delhi .

(Through proper channel)

Subject :-Disparity in the pay scale of
the StoreKeeper - III in SSB .

Sir

I most respectfully beg to state that I have been rendering service in the SSB as Store Keeper - II for a long time. The instant representation is filed to draw your kind attention the disparity in the pay scale of the Store Keeping staff of the organization vis-a vis other Store keeping staff within the organization and also the store keeping staff of the other central govt. organizations and an apparent prejudice has been caused to us in the matter. I am placing this representation incorporating the necessary facts before you to place the grievance with the prayer that the apparent disparity in the pay scale is removed.

1. That I am serving as Storekeeper II in the SSB and posted at the place mentioned below . The post of Storekeeper II is a direct recruit post and the prescribed qualification for the post is graduation (preferable commerce) and further two years experience in Store-keeping in reputed concern or Govt. undertaking is desirable.
2. That the service of Store-keeping in the SSB is governed by SSB(Store-keeper) service rule 1977. Under the rules, the post of Store- keeper II is a Grade-

*Certified to be true copy
B. P. D. S. A. -
Advocate*

III post which is filled up by direct recruitment as stated above and above it, there were posts of Store-keeper III, then Store-keeper IV and then Store-keeper V which comprised the cadre of Store-keeper in the SSB. However very recently after the post of Store Keeper IV and Store Keeper V are abolished ,the strength of the cadre of the Store Keepers is comprised of only SK II and SK III .

3. That, the Union Govt. has framed a scheme namely Assured Carrier Programme Scheme vide O M No- 35034/1/97-Estt (D) dated 9-8-99 to mitigate the grievance of non-promotion / stagnation of the incumbents for a long period of time in all Central Govt. Departments. Under the scheme the incumbents who have stagnated in the same rank / post for more than 12 years and could not be promoted due to lack of promotional avenues, are being given the pay of the next higher post .As such under the scheme the incumbents who have not been able to get promotion in last 12 years , are given monetary benefit in the form of higher pay scale of the next promotional post .

5. That it is stated that the Store Keeping staff of the SSB have been caused a great deal of prejudice as regards fixation of their scale of pay vis-a-vis the store keeping staff of other central govt. departments / undertakings and also in fixation of the scale of pay of other categories of staff in the SSB itself doing similar works like Store Keepers .It is stated that in spite of the recommendation of the Central Pay commissions for higher pay scale to the store keeping staff , the authorities have not done anything in this regard for raising the pay scale of the store keepers of the SSB .

6. That it is stated that prior to 1986 the SK II of the SSB were paid the pay scale of Rs. 330/- - 560/- and after the 4th pay commission recommendation the pay of the SK II was raised to Rs. 1200/- - 2040/-. In 1996 after the 5th pay commission recommendations the scale of pay of the SK II was revised to Rs. 4000/- - 6000/-. It is stated that at present the scale of pay of the SK - III is Rs. 4500/- - 7000/-. Under the Assured Career Progression Scheme (ACP Scheme for Short) , as stated above , those SK-II who have stagnated for last 12 years and have not had promotions to SK-III are to be given the scale of pay of the post of SK-III as financial up-gradation .

8. That as such the Sk IIs who would be getting the pay scale of SK III under the Scheme , their pay scale will be up-graded from Rs. 4000/- - 6000/ to Rs. 4500/- - 7500/-. The SK-II s , therefore, are not getting any tangible benefits in as much after long stagnation they would earn the increments which would be almost equivalent to that of the scale of the posts of SK III and as such the financial up-gradation is meaningless to the SK II under the present structure of pay .

9. That as such it is stated that specifically the pay scale of the SK III is discriminatory in comparison to the other equally situated staff of the SSB who are getting the Scale of pay of Rs. 5500/- - 9000/ and due to this discrimination , the benefit of the ACP Scheme becomes meaningless to the SK II . The discrimination aforementioned would be writ large from the following examples as regards the scale of pay in the SSB :

COMPARATIVE PAY SCALE

Pay scale of the feeder post **Pay scale of the promotional post**

SK II	Rs.4000/- 6000/-	SK III	Rs.4500/- 7000/-
U.D.C.	Rs.4000/- 6000/-	Assistant	Rs.5500/- 9000/-
A.F.O. (Vetty)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Medical)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Tele communication)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Genl)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Armourer)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-
A.F.O. (Funct)	Rs.4000/- 6000/-	D.F.O.	Rs.5500/- 9000/-

From the examples of the staff of the pay scale of the staff of the SSB it would be apparent that at the promotional level , the SK III are getting much lower scale of pay then the other similarly situated staff of the SSB who were otherwise getting equal pay to that of SK II at the feeder posts . Thus an apparent prejudice being caused to the SK II s without any sort of intelligible differentia . The difference is also not due to qualification for the post e.g. the post of UDC is a promotional post of LDC for which post the qualification is H.S.L.C. pass whereas the qualification for the post of SK II is Graduation and even then the SK IIs are getting lower pay scale then the UDCs at the promotional level .

10. That as such the appellants state that the pay scale of the SK III s in the SSB is anomalous and unreasonable and discriminatory and a great prejudice is being caused to the Store Keeping staff and this is

now very relevant after coming into being the ACP Scheme. The central pay commissions have recommended time and again for higher pay scale of the Store keeping staff but the recommendations have not been given heed so far and as such a great deal of prejudice has been caused to them .

11. That it is stated that since there had been a very bleak chance of promotions of the SK II. to the rank of SK III's due the cadre strength/position , the disparity in the fixation of the pay scale of SK III was not very relevant . However after the coming into being the ACP scheme , the SK II are likely to get the scale of SK III after 12 years of service and as such the disparity in the pay scale is adversely affecting them and unless the disparity in the pay scale is removed , the benefits under the scheme becomes redundant to the SK II's .

In the premises aforesaid , it is therefore prayed before you to kindly consider the above facts in its true perspective and be pleased to grant the scale of pay of Rs. 5500/ to 9000/ to the SK III at par with the other staff of the SSB .

And for your this act of kindness , we shall remain ever grateful to you .

Sri Narayan Upadhyai

SK II, Divisional Headquarter
SSB NAD Tezpur, Assam.

Copy in advance sent to the Director General , SSB ,
New Delhi

ANNEXURE - IV

18
20

No 16/SSB/A2/98(16) 26/09/03
Ministry of Home Affairs,
Director General, SSB, FHQ,
East Block - V, R.K.Puram,
New Delhi-110066.

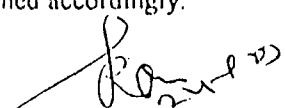
Dated 26/09/03 Sept. 2003

ORDER

Please refer to your Memo No.35/PF/Estt/98/4043 dated 25.7.03
forwarding therewith the representation of Shri Narayan Upadhyay
,Storekeeper Level-II regarding pay scale of the cadre

2. The case has been elaborately considered in this Force Hqrs. However,
the competent authority has not needed to the upgradation of pay scales as
there is no change in the present cadre structure or promotional avenues which
necessitates upgradation of pay scales and the pay scales already prescribed in
the Recruitment rules notified on 21.7.99 in consultation with Govt. agencies
will therefore in force

3. The individual may please be informed accordingly.


(Kamal Ram)

Assistant Director(EA-II)

To

The IG,SSB,
NAD, Tezpur.

Copy to:-

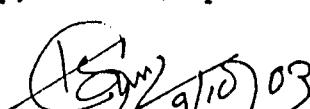
The IG,SSB,Imphal,Manipur w.r.t. his memo No.PF/TSJ/Sk-91/10695
dated 11.8.03.

Assistant Director(EA-II)

No. NOE/PP-NU/03/ 5493

Dt. 9/10/03

Copy forwarded to Sh. N. Upadhyay, Store Keeper for
information.


SECTION OFFICER

I.G.HQR. TEZPUR

Certified to be true copy
B. Upadhyay
Advocate

- 21 -

iv (contd)

Ministry of Home Affairs
Director General, SDR, TDO,
Sector Block - V R K Puram,
New Delhi - 110066.

Dated 13/9/03 Sept 2003

ORDER

Please refer to your Memo No.35/PF/Estt/98/1043 dated 25.7.03 for forwarding therewith the representation of Shri Narayan Upadhyay, Storekeeper Level-II regarding pay & ie of the cadre.

2. The case has been elaborately considered in this Force Hqrs. However, the competent authority has not acceded to the upgradation of pay scales as there is no change in the present cadre structure or promotional avenues which necessitates upgradation of pay scales and the pay scales already prescribed in the Recruitment rules notified on 21.7.79 in consultation with Govt. agencies will therefore in force.

3. The individual may please be informed accordingly.

(Kamal Rain)
Assistant Director(EA-II)

11

The IGSSB, NAP, Tezpur

Copy to:

The IG,SSB, Imphal, Manipur w.r.t. his memo No. PP/ESI/Sk-91/1069 dated 11.8.03

Assistant Director (EA-II)

No. PF/T 58-51-1914MD 10175 74
copy forwarded for information

SECTION OFFICER
SSB IMPHAL

TO :
1. Shri T. Banjay Singh, STC
2. Shri M. Ojha Singh, STC
3. Mr. S. S. Singh, D. M. A. M. A.

Certified to see file copy
Berkeley
forecst

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH::: GUWAHATI
2, 3 AUG 2004
গুৱাহাটী বিধুক্তি
Guwahati Bench

O.A.NO. 35 of 2004

File No. 19/8704
C.G.S.C

Shri Narayan Upadhyaya & Others

-Vs-

Union of India & Others.

In the matter of:

Written Statements submitted by
the respondents.

The respondents beg to submit a
brief history of the case which
may be treated as a part of the
written statement.

(BRIEF HISTORY OF THE CASE)

1 (A) Three applicants namely Shri Narayan Upadhyaya, Toijam Sanjay Singh and Monrangthem Ojit Singh are serving as Store Keeper Grade-II in SSB and are posted at I.G. SSB Tezpur and I.G. SSB, Imphal respectively. They have filed an O.A. in CAT, Guwahati for upgradation of pay scale of Store Keepers.

The instant case pertains to up-gradation of pay scale in respect of Store Keeper Cadre in parity with ministerial and executive cadre of SSB. Since abolition of the post of Store Keeper Grade IV & V and restructuring of SSB (Ordinance) and SSB (Store Keeper) services, the cadre of S.K. Comprises of S.K. Grade II & III only. To provide better promotional avenues to the SK Cadres willingness from Store Keepers was sought vide SSB Dte Memo No. 10/SSB/A-2/94(4) 144-1510 dated 26.7.95 to merge in SSB (Ordinance) service. However no willingness was received from the applicants. Hence the Store Keepers who did not opt remained as Store Keeper Grade II & III only with the revised Pay Scale of Rs. 4000/- to 6000/- and Rs. 4500/- to Rs. 7000/-. Their prayer is that the next higher pay scale of Rs. 4500/- - Rs. 7000/- from Rs. 4000/- - Rs. 6000/- has hardly any financial benefit and same should be enhanced, hence the O.A.

Contd.....

PARAWISE COMMENTS :

1. That with regard to the statement made in para.1, of the application the respondents beg to state that the order dated 26.9.03 which is at Annexure IV of the OA has been passed by the Competent Authority after elaborate examination of the case and in consultation with other agencies hence the same is legal and sustainable in the eyes of law. Hence no injustice has been done by the Respondents.
2. That with regard to the statement made in paras 2 & 3, of the application the respondents beg to state that being a matter of record.
3. That with regard to the statement made in para 4, of the application the respondents beg to state that before giving reply to these sub paras, a brief gists of the case is produced here as under :

The scales of pay authorized to Store Keeper Level-II was Rs. 1200 to Rs. 2040/- and that of Store Keeper Level-III was Rs. 1350/- to Rs. 2200/- prior to acceptance/implementation of the 5th Pay Commission Recommendations. Subsequently on the acceptance of the 5th Pay Commission Recommendations, the replacement scales for the above referred scales were authorized to the Store Keepers of SSB. The replacement scales for the post of Store Keeper Level-II was Rs. 4000/- to Rs. 6000/- and Store Keeper Level-II was Rs. 4500/- to Rs. 7000/-. It is pertinent to mention here that a proposal for restructuring of SSB (Ordnance) and SSB(Store Keeper) Services by way of merging willing Store Keepers into the SSB (Ordnance) Services cadre was initiated in order to provide sufficient promotional avenues to the Store Keepers of SSB. In this regard willingness of the serving Stores Keppers Level-II, III and V were sought for. Whereas some of the willing Store Keepers were merged and facilitated with promotional avenues some of the Store Keepers including the Applicants expressed their unwillingness for the merger and are continuing to serve in the Store Keeper Cadre. The promotional avenues made available to the Store Keeper by way of their merger in the SSB (Ordnance) Services is as under :-

Store Keeper Level - II	A.F.O.(Armourer)	Rs. 4000/- - 6000/-
Store Keeper Level - III	D.F.O.(Armourer)	Rs. 5500/- - 9000/-
Store Keeper Level - IV	F.O.(Armourer)	Rs. 6500/- - 10500/-

Contd.....

It is amply clear from the above that had the applicants opted for merger into the SSB (Ordnance) Cadre they would have enjoyed the promotional avenues provided by way of the merger but for their unwillingness expressed for the same. In this context a copy of each of SSB Directorate Memorandum No. 10/SSB/A-2/94(4)/1494-1510 dated 26.7.1995 and that of the unwillingness expressed by the petitioner vide his application, are also enclosed herewith and marked as Annexure- R-1 and R-2 respectively.

4. That with regard para 4.1 to 4.4 of the application the respondents beg to state that being a matter of record.

5. That with regard to the statement made in para 4.5, of the application the respondents beg to state that there is no anomaly as projected by the applicants. As per Recruitment Rules there are two scales of Store Keepers, Grade-II which is in the pay scale of Rs. 4000/- - Rs. 6000/- and Grade III which is in the scale of Rs. 4500/- - Rs. 7000/-. On attaining of 12 years of service and as per the eligibility criteria, the applicants have been granted the next higher scale as per the Recruitment Rules of Rs. 4500/- - Rs. 7000/- for grant of ACP. Moreover, had the applicants opted for the ordnance cadre, more promotional avenues would have been available to them. Hence the Department has extended the benefit under the ACP Scheme fully in accordance with the Recruitment Rules.

6. That with regard to the statement made in paras 4.6, of the application the respondents beg to state that the allegations raised by the applicants that there is a great deal of prejudice against the Store Keeper is denied being factually incorrect. The Department had tried to grant more promotional avenues to the applicants but they did not opt for the said cadre. Hence they are themselves to be blamed for their plight.

7. That with regard to the statement made in para 4.7, of the application the respondents beg to state that the matter is admitted.

Contd.....

One
Inspector General
Frontier Head Quarters
Sashstra Seema Bal (SSB)
Guwahati

8. That with regard to the statement made in para 4.8, of the application the respondents beg to state that the ACP Scheme is being implemented strictly as per the scales prescribed in the Recruitment Rules. There is no anomaly in the same. The present scales have continued since long. Moreover granting scales is a sole prerogative of the Government.

9. That with regard to the statement made in paras 4.9 to 4.11, of the application the respondents beg to state that the applicants in the instant sub-paras have drawn comparison with other Vety/Medical/Telecommunication staff. They infact should not have drawn comparison with the other cadres as other cadres are governed by their own set of rules and the applicants are governed by their own set up rules. Initially the Department had worked out a scheme for merger of the Store Keepers in the SSB (Ordnance) Service Cadre but the applicants did not give their willingness for the same and hence the Department can not be blamed for inaction on their part. Further the comparison between the educational qualification reflected for the different posts also does not hold any ground. Holding a bigger educational degree does not automatically entitle an individual to seek more pay.

10. That with regard to the statement made in para 4.12, of the application, the respondents beg to state that the representations of the applicants were rejected by the respondents after thoroughly examining their cases and accordingly the replies were given to them. There is no illegality or infirmity in the action of the respondents. Everything has been done as per the laid down procedure/rules in vogue.

11. That with regard to the statement made in para 5, of the application, the respondents beg to state that in light of the detailed reply given to para-4 of the OA the reply furnished there under is reiterated here in the grounds.

12. That with regard to the statement made in para 6 & 7, of the application, the respondents beg to state that calls for no reply being a matter of record.

Contd....


G. Meheti
S. Officer General
S. Officer Head Quarter
Comptroller Secunda Batal (MHA)
G. Meheti

-5-

13. That with regard to the statement made in para 8, of the application, the respondents beg to state that in light of the above submission it is most respectfully submitted that the instant O.A. be dismissed being devoid of merit.

14. That with regard to the statement made in paras 9 to 12 of the application, the respondents beg to state that calls for no reply on behalf of the respondents.

In the light of the above submission it is most respectfully submitted that the instant O.A. be dismissed being devoid of merit



Inspector General
Frontier Head Quarter
Verification
Sasbaita Seema Bal, (MHA)
Guwahati

-6-

V E R I F I C A T I O N

I, J. B. S. Negi, Inspector General,

Frontier Headquarters, SSB, Uzanbazar, Guwahati, Assam, do hereby verify that the statements made in paragraph 1(A), 1, 2, 4 To 15 of the written statement are true to my knowledge, those made in paragraphs 3 being matter of records are true to my information derived therefrom which I believe to be true and those made in the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

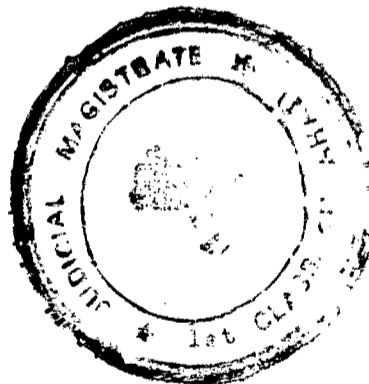
And I signed this verification on this 9th day of Aug/2004,
at Guwahati.

Aug 9/04
Inspector General
Defendant
Frontier Head Quarter
Basbaria Sectoral Bal. (MHA)
Guwahati

Identified by me
S. B. S. Negi

S. B. S. Negi (Signed in. Chakher)
9.8.2004

Address:



Aug 9/04
Signed before me,
MAGISTRATE, GNY.

Official Magistrate,
1st. Class. Guwahati

R-I

No. 10/SSB/A-2/94(4) 1494-1510

Directorate General of Security,
Office of the Director, SSB,
East Block-V, R.K. Puram,
New Delhi-110066.

Dated, the 26-7-95

MEMORANDUM

Subject: Re-structure of SSB(Ordnance) and
SSB(Store Keeper) Services.

A copy of Cabinet Secretariat Notification No. A-12018/31/93-DO-I-740 dated 12.7.95 is enclosed. From the notification it would be seen that some of the posts of Store Keepers belonging to SSB(Store Keeper) services have been re-structured and merged in SSB(Ordnance) Service.

2. Three posts of Store Keeper Level-III, IV & V and 7 posts of Store Keeper, Level-II stand converted into that of Deputy Field Officer(Armr) and Assistant Field Officer(Armr) respectively. Before the case of merger of Store Keeper is considered, the willingness in the enclosed proforma of all the Store Keepers posted in your unit may please be obtained and sent to this Directorate alongwith their upto date ACR folders and vigilance clearance certificate for taking further action. It may clearly be brought to the notice of all the Store Keepers that their seniority in the grade of Assistant Field Officer/Deputy Field Officer(Armr) will be fixed from the date of absorption in the grade and not from the date of joining their previous service as Store Keepers and placing them as junior to the last Assistant Field Officer/Deputy Field Officer(Armr) appointed till that date in Ordnance Service.

Sd/-

9
("B.D. ADHIKARI")
ASSISTANT DIRECTOR (EA)

Main Office
Island in
Sikkim
To
S.D.P.

1. Divisional Organisers: UP/HP/J&K/R&G/NB/NA/SB/Shillong/ AP/Manipur & Nagaland.
2. The Deputy Inspector General: TC Sarahan/Haflong/Salonibari FA Gwladam.
3. The Commandant CSD&W Bhopal.
4. The Assistant Commandant CSD&W Sarsawa/Salonibari.

I, Shri NARAYAN UPADHYAYA,
working as STORE KEEPER - LEVEL-II in the office
of the Director, SSB, Cabinet Secretariat has read the
SSB (Ordance) Service Rules, 1995 notified wide Cabinet
Secretariat Notification No. A-12018/31/93-DO-I-740
dated 12-7-95 and I am willing / not willing to be
permanently absorbed as AFO (Armr) in the SSB (Ordinance)
Service from the date of absorption in the grade of
AFO (Armr) as per terms and conditions laid down in
these rules.

* Strike out which is not applicable.

OPTION

I (name) Moirangthem Ojit Singh

working as STORE-KEEPER in the office of the

Director, SSB, Cabinet Secretariat has read the SSB
(Ordnance) Service Rules, 1995 notified vide Cabinet
Secretariat Notification no. A-12018/31/93-DO-I-740
dated 12.7.95 and I am willing/ not willing to be
permanently absorbed as AFO/DFO(Arme) in the SSB SSB (STORE
(Ordnance) Service from the date of absorption in
the grade of AFO/DFO(Armr) as per terms and conditions
laid down in these rules.

Date 30/8/95

Signature 30/8/95

Name in block official or
letter MOIRANGTHEM OJIT SINGH

* Strike out which is
not applicable.

Designation STORE-KEEPER

o/o AREA ORGANISER, SSB, IMPHAL

The Area Organiser(Admn.)
SSB, Divn. Hqrs. Imphal.

31-

45

MEMORANDUM
Willingness to be converted to
AFO (Armourer) from Stone Keeper.

The receipt of your memo No. 10/S/II/AD/94/41

24/27/95 this Office Memo No. 772-E/94/MD/ACR/2/OF
Ch. N. 0394-95 dated 23/8/95 cc. v-21-11-13-14-cby

acknowledged.

With reference to my letter No. TSS/SP-0/8/41
dated 28/8/95 regarding willingness for conversion to
AFO (Armourer) from Stone Keeper. I beg to submit the following rea-
sons for favour of your kind perusal and favourable consideration
please.

The Section Officer

SSB Directorate
East Thak Sis, when willingness for conversion to SSB(ORD)
service was sought for, I have submitted my willingness in this
without going through the norms and condition of proposed service and
capability and interest to accept the proposed conversion as such.
I beg to submit the following few lines which have forced me to propose
allow me to withdraw my willingness to the proposed conversion.

The basic pay of the proposed AFO (Armourer) is although
higher than my present scale but the ending does not
confer any benefit if I accept the conversion.

The condition of the proposed conversion does not of
me any seniority whereas I have already completed 5
service in my present post as such it will be a loss
to me.

The position of my son
I am not in a position to undergo training of 10 days
duration due to my personal and domestic problems.
Since being the eldest son of the family I have to
look after all family problems as my father is in a
annulation stage.

My mother who almost helpless and requires to be
shifted to hospital frequently for her better care
not only in Manipur but also to other Medical facilities
outside Manipur where better medical facilities are
available.

In view of the above facts, I beg to submit myself
may kindly be allowed to withdraw my willingness for conversion
to AFO (Armourer) Service and any case if proposed (Adm)
Divn. Hqrs. in this regard may please be dropped/discontinued.

Inconvenience caused to the office administration
is highly regretted.

Yours faithfully

Sd/-19.6.96

T. SANJOY SINGH
STORE-KEEPER LEVEL

Dated, the 19.6.96.