

0/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No.....149/2003.....

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

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

1. Orders Sheet O.A-149/2003 Pg. 1 to 3
2. Judgment/Order dtd. 24/12/2003 Pg. 1 to 2 dismissed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A.....149/03..... Pg. 1 to 20..... 30
5. E.P/M.P..... Pg. to.....
6. R.A/C.P..... Pg. to.....
7. W.S..... Pg. to.....
8. Rejoinder..... Pg. to.....
9. Reply P.C. H. Pg. 1 to 18
10. Any other Papers..... Pg. to.....
11. Memo of Appearance.....
12. Additional Affidavit Response No. 2 A.B. Pg. 1 to 24
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

High Court Forwarding pg- 1 to 6

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42.).

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 149/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: Atul Ch. Rava & ans

Respondents: Union of India & ans

Advocate for the Applicants: - B.K. Sharma, Mrs. S. Das Baruah
Mr. S. Sarma

Advocate for the Respondents: - C.A.S. K.N. Chaudhury, P. Bhattacharya
Mrs. B. Datta

Notes of the Registry	Date	Order of the Tribunal
As per order dated 2.6.03 of the Hon'ble High Court that C.R. No. 2079/97 is transmitted to the Central Administrative Tribunal for consideration of the matter, and the same is registered as O.A. No. 149/03.	18.7.2003	Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. N.D. Dayal, Administrative Member.
The matter placed before the Hon'ble Court for further orders.	23.7.2003	Put up again on 23.7.2003 as prayed by Mr. S. Sarma, learned counsel for the applicant.
<i>See office</i>		<i>Member</i> <i>Vice-Chairman</i>

The respondents may file written statement within four weeks from today. Thereafter, matter shall be disposed fixing the date of hearing.

List the matter again on 21.8.2003 for admission.

Member

Vice-Chairman

⑦

21.8.2003

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

The Hon'ble Mr. K.V. Prahaladan
Administrative Member.

Heard Miss U. Das, learned
counsel for the applicant and also Mrs.
R.S. Chowdhury, learned counsel on
behalf of the respondents.

Both the counsel for the parties
stated that the case is ready as regards
pleadings. Learned counsel for both
the parties also stated that they
exchanged their affidavit in the High
Court. The learned counsel for the
parties ~~are~~ requested to submit their
respective pleadings within three weeks.

Office to verify as to whether
~~the full records of the Civil Registry in the High Court~~
~~any other civil records~~ are received
from the High Court, if not indicate
the same in the office note.

List again on 15.9.2003 for
orders.

K.V. Prahaladan
Member

Vice-Chairman

3.9.03

mb

An affidavit in
opposition filed on behalf
of the Respondent Nos. 2 & 3
has been filed.

15.9.2003 Heard Miss U. Das, learned
counsel for the applicant and also
Miss S. Das, learned counsel for the
Respondents.

List the matter for hearing
on 4.11.2003.

6.10.03

mb

Prd
Affidavit in reply
submitted by the Applicant.

K.V. Prahaladan
Member

4.11.03 No Bench today.

Adjusted to 20.11.03.

180
km.

(3)

7

Office Note	Date	Tribunal's Order
	20.11.2003	<p>Present: Hon'ble Smt Lakshmi Swaminathan, Vice-Chairman Hon'ble Shri S.K. Naik, Administrative Member.</p> <p>Shri S. Sarma through proxy counsel Mr R. Lal, for the applicant.</p> <p>List on 21.11.2003.</p>
<i>The case is ready for hearing.</i>		<p>Member Vice-Chairman</p> <p>nkm</p> <p><i>23/11/03</i> 21.11.03 Leftover. Not enough meat off available.</p> <p><i>23.12.03</i></p>
<i>16.1.04 Copy of the Judgment was been sent to the Office for issuing the same to the L/Adv for the parties.</i>	24.12.2003	<p>Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.</p> <p>The Hon'ble Mr. K.V. Prahladan, Member (A).</p> <p>Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p><i>mb</i></p> <p><i>B</i></p> <p><i>Member Vice-Chairman</i></p>

Office Note	Date	Tribunal's Order
<p>dismissed. No order as to costs.</p> <p>separate sheets. The application delivered to open court, kept in batches. Highest configuration. Pending</p>	<p>Member</p>	<p>dm</p>

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXXXXX~~ 111 149/2003

DATE OF DECISION 24.12.2003

.....Sri. Atul Ch. Raya & Ors......APPLICANT(S).

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

-VERSUS-

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

.....Mrs. R.S. Chowdhury......ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE B. PANIGRAHI, 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 ~~XXXXXX~~ Vice-Chairman.

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 149 of 2003.

Date of Order : This the 24th Day of December, 2003.

The Hon'ble Mr Justice B.Panigrahi, Vice-Chairman.

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

Shri Atul Chandra Rava,
Shri Jagannath Gogoi

. . . Applicants

By Advocate Sri S.Sarma

- Versus -

1. Union of India,
represented by the Secretary,
Ministry of Health & Family Welfare,
Govt. of India, New Delhi.

2. The Indian Council of Medical Research,
Ansari Nagar, New Delhi, represented
by its Director General.

3. The Director,
Regional Medical Research Centre,
N.E.Region (ICMR),
Dibrugarh.

. . . Respondents.

By Mrs R.S.Choudhury, Advocate for respondents.

O R D E R (ORAL)

PANIGRAHI J.(V.C)

Upon an extensive hearing Mr S.Sarma, learned counsel appearing for the applicants as well as Mrs R.S.Choudhury, learned counsel appearing for the respondents and on going through the averments stated in the application and also in the written statement and reply filed by the applicant, it appears that the applicants had been appointed as Field Workers on 13.3.1986 in the scale of Rs.260-430/-. They are now redesignated as Laboratory Assistant. They have claimed in this application that their scale of pay at their initial appointment ought to have been Rs.380-560/- and correspondingly it should be fixed in the revised pay scale of Rs.1320-2040/- and after fifth pay commission they ought to have been got the scale of Rs.5000-150-8000/-. It is submitted that although

the other employees working in the same capacity were allowed to draw the pay of Rs.380-560/- whereas the same scale of pay was denied to them.

2. We have carefully gone through the pay scale then existing for the Field Workers. It is noticed that Field Workers pay scale was Rs.260-430/-. Thus we did not find any discrepancy in the pay scale so that the applicants could have been fitted in the pay scale of Rs.380-560/-. Mr S.Sarma, learned counsel has invited our attention to the pay scale of B.K.Goswami and Sadhan Gogoi and contended that they were given the scale of Rs.380-560/- at their initial appointment. Correspondingly their pay scale was raised and now they are getting the scale of Rs.5000-8000/- and 4500-7000/- respectively. Mrs Choudhury, learned counsel for the respondents in reply to the averments made by Mr Sarma has disputed the said fact by stating that B.K.Goswami was not working as Field Worker but was appointed as a Research Assistant. Similarly Sadhan Gogoi was appointed as Laboratory Recorder. Thus their scale of pay was different at the time of their initial appointment. We find there is substantial force in the aforesaid submission. Thus the applicants were appointed as Senior Field Worker and their scale of pay was Rs.260-430/-. We do not find any merit in the application to direct revision of their pay scale.

The application is accordingly dismissed. No order as to costs.

KV Prahladan
(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

B. Panigrahi
(B.PANIGRAHI)
VICE CHAIRMAN

THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur and Tripura)

CIVIL APPELLATE SIDE

Appeal from
—
Civil Rule

Civil Rule

No. 2079 of 1997.

Shri Atul Chandra Rava
& ane.

Appellant

Petitioner

Versus

The Union of India & C.R.S.

Respondent

Opposite-Party

Appellant
For—
Petitioner

Mr. B.K. Sharma

Mrs. S. Das Baruah Advocates

Mr. S. Sarma

Respondent
For _____
Opposite-Pa

Central Govt. Standing Council.

Mark N. Chaudhury, Mr. P. Bhattacharya
Mrs. Basu

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
1	2	3	4

Noting by Office or
AdvocateSerial
No.

Date

Office notes, reports, orders
proceedings with signature

- PRESENT -

THE HON'BLE MR JUSTICE AK PATNAIK

14.5.97Heard Mr MK Choudhury, learned
counsel for the petitioner.

Let the records be sent for.

Let a Rule issue calling upon
the respondents to show cause as to why a
writ should not be issued, as prayed for;
and/or why such further or other order or
orders should not be passed as to this Court
may seem fit and proper.The Rule is made returnable
within six weeks.Mr KN Choudhury, learned
Senior Central Govt. Standing Counsel,
will accept notice on behalf of Respondent
No.1. Respondents-2 and 3 will be served
by Registered A/D. Petitioner will take
steps by 16.5.97.✓
JUDGEJoshi28/4/97Ref. to Hon'ble Courts
order dt. 14/5/97.Steps for issuance
of notices on respon-
dent nos. 2 and 3 not
yet received.noRef. at above
Laid before Landzima
for order.RB8.8.972 (two) days to
grantRegistrar (I&D)
JHARKHAND HIGH COURT

(R. 2079/97)

(3)

Noting by Office or Advocate

Serial
No.

Date

Office notes, reports, orders or proceeding
with signature

30/11/98

Ref. Order dated
8/8/97 at parag.
2 weeks time
granted has already
expired.
But the C/A has
not taken steps as
yet.

Laid for favr of
order.

30/11/98

18/11/98
Ref. order above
2 weeks time granted
as last chance has
expired.

But the C/A
has not taken steps
as yet.
Laid for favr

favr

30/11/98

1.12.98

2 (2nd) week & time
granted as last chance.

Registrar (I & II)
GAUHATI HIGH COURT
GUWAHATI

18.12.98

Place the matter

b-for record

Registrar (I & II)
GAUHATI HIGH
GUWAHATI

12

(4)

10

Noting by office or Advocate.	Serial	Date	Office notes, reports, orders, or proceeding with signature.
21/12/98			
Received the file again on 21/12/98.			
Steps have already been taken.			
Notices on the respondent NO. and records call letters 2 and 3 sent to Dispatch Section for issuance.			
21/12			

Date - 2079/97 (5)

Noting by Officer or Advocate

Sl. No. Date

OFFICIAL NOTES, REPORTS,
OR LETTERS OR PROCEEDING WITH
SIGNATURE

13

12-1-01.

AA ~~Agree~~ accepts notice
for Respondent no. 1

Notice is valid even
if the Respondent no. 2 & 3

by Regd. Adm. 206/00.
10-082-83/2001 dt. 8.2.99 at Regd.

But Adm. card has been
received only from Regd.

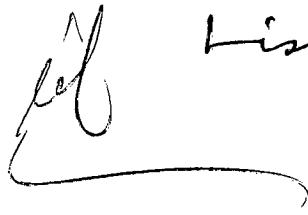
No. 2.

Now the service of notice
at Respondent no. 3 may
perhaps be accepted as
sufficient under order
5 Rule 19(A) C.R.C.
5. Order 19
Laid for hearing
or order 1

12-1-01.

21.4.2001

Rule is ready.

 List for hearing.

21.4.01
21.4.01
21.4.01

2.2.2001. Service of notice
upon respondents 2 and 3
is treated as sufficient
in terms of or.s. Rule 19
of CPC.

REGISTRAR (RE)
ASSOCIATE HIGH COURT,
GUWAHATI

P.G. Agarwal.

04-05-01.

List the matter for
hearing.



THE GAUHATI HIGH COURT **IMMEDIATE**

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA, MIZORAM & ARUNACHAL PRADESH)

No. 4828/RH AL-11.6-3

From Shri H. Sharma,
Deputy Registrar (I&E)

Gauhati High Court, Guwahati.
GAUHATI HIGH COURT, GUWAHATI-781001

To The Registrar,
Central Administrative Tribunal,
Bhangagarh, Guwahati.

Dated Guwahati, the 10th June 2003.

Subject :- Transmission of the records of Civil Rule No. 2079/97.

Reference :- Order dated 2.6.2003 passed by the Hon'ble High Court in
the matter referred to in the subject above.

Sir,

As directed, I am sending herewith the marginally
noted Case records for doing the needful at your end.

Please acknowledge the receipt of the same at
an early date.

Enclo:-

1. C.R. No. 2079/97
H.C. file Part-I
Original O/s - 4
with Petition.

Yours faithfully.

Deputy Registrar (I&E)
Gauhati High Court, Guwahati

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
			CR No. 2079/97
			BEFORE THE HON'BLE MR JUSTICE P.G.AGARWAL
		2.6.2003	
			The learned counsel for both sides have submitted that the matter has to be decided by the learned Central Administrative Tribunal as the present writ petition was filed prior to the notification dated 17 th December, 1998.
			Let the records be transmitted to the learned Central Administrative Tribunal for consideration of the matter.
			<i>JUDGE</i>
		Skd.	
<p><i>Pl. communicate and transmit the records to the C.A.T. for consideration (part only)</i></p> <p><i>REKHA 2.6.03</i></p>			

Noun by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

District : Dibrugarh

IN THE GAUHATTI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA-ORDINARY JURISDICTION)

Civil Rule No. 2079 of 1997

Shri Atul Chandra Raya & Anr.

... Petitioner

- Versus -

The Union of India & Ors.

... Respondents

BENCH - B

SERVICE MATTER

CATEGORY CODE NO 10046

I N D E X

<u>Sl. No.</u>	<u>Particulars of the documents</u>	<u>Page Nos.</u>
1.	Writ petition	... 1 to 13
2.	Affidavit	... 14
3.	Annexure-A1	... 15
4.	Annexure-A2	... 16
5.	Annexure-B1	... 17
6.	Annexure-B2	... 18
7.	Annexure-C	... 19
8.	Annexure-D1	... 20
9.	Annexure-D2	... 21
10.	Annexure-D3	... 22
11.	Annexure-E1	... 23
12.	Annexure-E2	... 24
13.	Annexure-E3	... 25
14.	Annexure-F1	... 26
15.	Annexure-F2	... 27
16.	Annexure-G	... 28
17.	Annexure-H	... 29

Filed by :

Advocate

6 MAY 1997

District : Dibrugarh

Filed by ²⁰
Atul Chander Raval & Sons
Petitioners
through
S. Dass Baruah
Advocate

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur,
Tripura, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA-ORDINARY JURISDICTION)

Civil Rule No. 2079 of 1997

To

CR - 10046 - SALARY AND ALLOWANCES

The Hon'ble Shri V.D. Gyani, B.A. LL.B., the Chief
Justice (Acting) of the Gauhati High Court and His
Lordship's Companion Justices of the said Hon'ble
Court.

IN THE MATTER OF :

An application under Article 226 of the
Constitution of India for the issue of a
Writ in the nature of Certiorari and/or
Mandamus and/or any other appropriate
Writ, Order or Direction.

6 MAY 1997

- AND -

IN THE MATTER OF :

Infringement of fundamental and
other legal rights of the
petitioners

- AND -

IN THE MATTER OF :

Correct fixation of pay of the petitioners from their respective date of joining the service.

- AND -

IN THE MATTER OF :

Refusal on the part of the respondents towards correct fixation of pay of the petitioners.

- AND -

IN THE MATTER OF :

Letter No.RMRC/Dib/Estt.I/94-95/1844 and letter No.RMRC/Dib/Estt.I/94-95/1845 issued by the respondents intimating the petitioners that the matter regarding fixation of their pay has been referred to ICMR Headquarter and the decision would be intimated as and when received.

- AND -

IN THE MATTER OF :

Letter No.RMRC/Dib/Estt-1/96-97/1371 dated 3.10.96 intimating the petitioners that revision of pay scale cannot be acceded to for the reasons stated therein.

- AND -

IN THE MATTER OF :

Delay in fixation of pay of the petitioners long over due.

- AND -

IN THE MATTER OF :

1. Shri Atul Chandra Rava
2. Shri Jagannath Gogoi.

Both are working as Field Workers (Senior) in the office of the Regional Medical Research Centre, N.E. Region, Indian council of Medical Research, Dibrugarh.

... Petitioner

- Versus - (Same cause of action)

1. The Union of India, represented by the Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi.
2. The ~~Director General~~, Indian Council of Medical Research, Ansari Nagar, New Delhi, represented by its Director General.
3. The Director, Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh.

... Respondents

The humble petition on behalf of
the petitioners abovenamed

MOST RESPECTFULLY SHEWETH :

1. That the petitioners are citizens of India and permanent residents of Assam and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India and the laws framed thereunder.

2. That the petitioners pursuant to their selection as Field Worker (Senior) were appointed as such in the year 1986 vide their respective appointment orders No.RMRC/ICMR/Dib/Apptt/85-86/5163 dated 13.3.86 and No.RMRC/ICMR/Dib/Apptt/85-86/5168 dated 13.3.86.

Copies of the aforesaid appointment orders dated 13.3.86 are annexed herewith as ANNEXURES A1 & A2 respectively.

3. That the petitioners state that the Regional Medical Research Centre, N.E. Region, Dibrugarh is under the Indian Medical Research Centre, Government of India Undertaking under the Ministry of Health and Family Welfare. It is a body corporate amenable to Writ jurisdiction within the meaning of Article 12 of the constitution of India being an Authority for the purpose.

4. That the pay scale of the petitioners as indicated in the appointment letters was Rs.260-430/- (pre-revised). After the 4th Pay Commission Report, the said

scale of Rs.260-430/- has been revised to Rs.975-1540/- The 4th Pay Commission recommendation came into effect from 1.1.86. Thus the appointment of the petitioners being after 1.1.86, they are being paid at the revised pay scale of Rs. 975-1540/- although initially their appointments were in the pre-revised scale of Rs. 260/- 430/-. The petitioners were confirmed in their service vide letters No.RMRC/Dib/Admn.28((ii)/92-93/599 and RMRC/Dib/Adm.28(ii)/92-93/600 dated 11.6.92 in the scale of Rs.975-1540/-.

Copies of the aforesaid order of confirmation dated 11.6.92 are annexed herewith as ANNEXURES- B1 and B2.

5. That the petitioners state that the actual pay scale prescribed for the post of Field Workers is Rs.380-560/- (pre-revised), now revised to Rs.1320-2040/- after the 4th Pay Commission recommendation with effect from 1.1.86. This decision, the petitioners could come to know on going through a scheme prepared by the respondents named as "Integrated Recruitment and Assessment Scheme of ICMR". In the said scheme, the pay scale for the Field Worker has been prescribed as Rs.1320-2040/-. On further enquiry, the petitioners also came to know that in all other offices of ICMR, the Filed Workers are being paid in the scale of Rs.1320-2040/- (revised)/Rs.380-560/- (pre-revised).

The petitioners inspite of their best efforts could not collect the full text of the scheme, but they

have been able to collect the relevant portion showing the scale of Rs.1320-2040/- for the post of Field Workers.

The relevant extract of the scheme is annexed herewith as ANNEXURE-C.

6. That the petitioners having come to know about the said anomaly in the matter of their pay scale made series of representation to the respondents urging for placing them in appropriate pay scale i.e. Rs.1320-2040/- with retrospective effect i.e. from the date of their initial appointment.

Copies of such representations dated 3.2.94, 5.5.94 and 15.12.94 are annexed herewith as ANNEXURES-D1, D2, D3, E1, E2 and E3 respectively.

7. That the petitioners state that the said representations are only illustrative and not exhaustive. The petitioners have submitted several other representations but till date they have not been accorded the benefit of the actual pay scale to which they are legally entitled. However, the Administrative Officer In-charge vide his letter No.RMRC/Dib/Estt/I/94-95/1844 and No.RMRC/Dib/Estt/ I/94-95/1845 dated 15/19.12.94 has issued on behalf of the respondent No. 3. The Director, Regional Medical Research Centre, N.E. Region, IMRC, Dibrugarh intimating the petitioners that the matter regarding correct fixation of pay scale has been referred to the

ICMR HQ and the decision as and when received would be communicated to them.

Copies of the said letters dated 15/19.12.94 are annexed herewith as ANNEXURES-F1 and F2.

8. That the petitioners state that there cannot be any earthly reason as to why they should be deprived of the actual pay scale prescribed for their post more so, when pay scale of Rs.1320-2040/- which they are claiming for, is provided for in all other offices of ICMR. Thus the respondents on their own ought to have extended the said pay scale to the petitioners without asking for the same by the petitioners. This anomaly has occurred because of their initial appointment in the pay scale of Rs.260-430/- (pre-revised) which now corresponds to the revised scale of Rs. 975-1540/-. This prescription of pay scale of Rs.260-430/- was due to the mistake on the part of the respondents inasmuch as the actual pay scale prescribed for the post of Field Worker was Rs.380-560/- (pre-revised) now revised to Rs.1320-2040/-. The petitioners having come to know about this discrepancy have pointed out the same to the respondents and the respondents are duty bound to rectify the mistake by extending the actual pay scale of Rs. 1320-2040/- to which the petitioners are entitled.

9. That the petitioners state that by now more than eleven years have passed since the date of their appointment in the wrong scale of pay and after the same was detected by the petitioners, they have pointed

out the to the respondents and the respondents without further delaying the matter ought to have corrected the mistake by granting the actual pay scale to the petitioners. However, the respondents are still sitting over the matter. The communications at Annexures-F1 and F2 dated 15/19.12.94 were issued to the petitioners long back : but till date they have not been given their right pay scale. Such a simple matter should not have taken such long time depriving the petitioners from their legitimate dues. As pointed out above, all other Field Workers in other offices of the ICMR are getting the correct pay scale of Rs.1320-2040/- and thus the respondents on their own ought to have extended the said pay scale to the petitioners without consuming so much of time.

10. That the petitioners being aggrieved by the aforesaid inaction on the part of the respondents filed Civil Rule No. 3734/95 in this Hon'ble Court making a grievance against the same. The Civil Rule was disposed of by order dated 15.9.95 with the direction to the Respondent No. 3 to dispose of the representations filed by the petitioners immediately.

A copy of the said order dated 15.9.95 is annexed as ANNEXURE-G.

11. That even after the above order passed by this Hon'ble Court which was duly intimated to the respondents, the said respondents kept on sitting over

9b

the matter and completely turned a deaf ear to the legitimate grievance of the petitioners.

12. That after more than a year of passing the said order dated 15.9.95 by this Hon'ble Court, a letter No. RMRC/Dib/Estt-1/96-97/1371 dated 3.10.96 has been issued to the petitioners purportedly issued on behalf of the respondent No. 3. By the said letter, it has been intimated that the revision of pay scale of the petitioners cannot be acceded to. Reasons for such rejection as have been given in the communication are that the petitioners originally had accepted the present scale of pay (pre-revised) at the time of revised pay scale thereof and that the post of Senior Field Worker was created in the scale of pay of Rs. 260-430/- (pre-revised) which was revised to that of Rs. 975-1540/-.

A copy of the said letter dated 3.10.96 is annexed hereto as ANNEXURE-H.

13. That the petitioners submit that denial of the actual pay scale to them while others are getting the pay scale of Rs. 1320-2040/- has resulted in violation of the Article 14 of the Constitution of India. There is also violation of the principles of equal pay for equal works. It will be pertinent to mention here that as against the designation of Field Workers for which pay scale has been prescribed as 1320-2040/-, the designation of the petitioners are Field Workers (Senior). Thus they should get the same pay scale to

91

that of the Field Worker i.e. 1320-2040/- if not a higher scale of pay.

14. That the petitioners submit that the respondents on their own having prescribed the pay scale of Field Worker as 1320-2040/- cannot deprive the petitioners of the same merely because they committed mistake by prescribing the pay scale of Rs.260-430/- at the time of initial appointment of the petitioners. As pointed out above, the said pay scale has been revised to Rs.975-1540/-. Had the petitioners been given their actual entitled pay scale of Rs.380-560/-, they would have got the pay scale of Rs.1320-2040/- after the 4th Pay Commission recommendation with effect from 1.1.86. Thus they are entitled to get their pay scale fixed at Rs.1320-2040/- from the respective date of their appointment into the service of ICMR as Field Worker (Senior).

15. That the petitioners submit that at the time of their initial appointment, they had accepted the given pay scale of Rs. 260-430/- (revised to the scale of pay of Rs. 975-1540/-) inasmuch as they were not aware of the actual pay scale prescribed for the post of Field Worker. However, immediately on coming to know about the actual pay scale prescribed for the post, they made several representations urging for their placement in correct pay scale : but till date the respondents have not done anything in the matter and in the process the petitioners continued to suffer.

16. That the petitioners submit that they perform the same amount of work for the post for which they have been appointed alongwith others. If the others can be granted the pay scale of Rs.1320-2040/- there is no earthly reason as to why the petitioners should be deprived of the same merely because there was an error/mistake on the part of the respondents in placing the petitioners in the pay scale of Rs.260-430/- instead of placing them in the pay scale of Rs. 380-560/- (pre-revised) but for which they would have automatically been fitted in the pay scale of Rs.1320-2040/-.

17. That the petitioners submit that the respondents have not stated the truth or have stated the half truth only in saying in the impugned order that the post of Senior Field Worker was created in the pay scale of Rs. 260-430/- inasmuch as the pay structure provided in the scheme mentioned above clearly speaks of the pay scale of Rs. 380-560/- (pre-revised) and Rs.1320-2040/- (revised). Further the respondents are silent in the impugned order on the point that others working in ICMR like that of the petitioners are getting the pay scale of Rs. 380-560/-(pre-revised)/Rs. 1320-2040(revised). There is also no mention in the order about the said scheme. Going by the nature of the impugned order dated 3.10.96, it appears that there is total non-application of mind and the respondents have simply brushed aside the claim of the petitioners presumably being annoyed by the fact of approaching this Hon'ble Court.

31

18. That the petitioners submit that there is violation of Article 14 of the Constitution of India and so also the principle of "equal pay for equal work" in the instant case. The respondents cannot adopt double standard in respect of grant of pay scale varying from office to office for the same post. Except the petitioners, others working in different offices are being paid in the scale for which the petitioners have made a demand in this case. Even if the posts in which the petitioners are working were initially born in the pay scale of Rs.260-430/-, but with the revision thereof as provided for in the abovementioned scheme, the petitioners are entitled to the same and the respondents cannot deny the same to the petitioners. It appears that the respondent No. 3 has passed the impugned order dated 3.10.96 without making any reference to the higher authorities, whereas the earlier stand at Annexures-F1 and F2 was that the matter has been referred to ICMR Head Quarter and a decision is awaited.

19. That the petitioners submit that they have exhausted all the remedies available to them and they have got no other alternative and efficacious remedy than to approach this Hon'ble Court seeking appropriate relief.

20. That the petitioners demanded justice, but the same has been denied to them and hence this Writ Petition.

In the premises, it is most respectfully prayed that Your Lordships would be call for the records of the case, issue Rule calling upon the respondents to show cause as to why a Writ of Mandamus and/or Certiorari and/or any other approriate Writ, Order or Direction shall not be issued directing the respondents to fix the pay scale of the petitioners at Rs.1320-2040/- from the date of appointment of the petitioners to the post of Field Worker (Senior) with all consequential benefits including arrears etc. and to set aside the impugned order dated 3.10.96 issued under No.RMRC/Dib/Estt-1/96-97/1371 by the respondent No. 3 and upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to make the Rule absolute and/or be pleased to pass such further or other order or orders as Your Lordships may deem fit and proper.

And for this, as in duty bound, the petitioners shall ever pray.

Affidavit.....

A F F I D A V I T

I, Shri Atul Chandra Rava, aged about 40 years, son of Late H.R. Rava, at present working as Field Worker (Senior) in the office of the Director, Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, do hereby solemnly declare and affirm as follows :

1. That I am the petitioner No. 1 in the instant petition, conversant with the facts and circumstances of the case and therefore, competent to swear this Affidavit. I am also duly authorised to swear this affidavit on behalf of the respondent No. 2.
2. That the statements made in this affidavit and in the accompanying petition in paragraphs 1 to 4, 6 to 9 and 11 are true to my knowledge : those made in paragraphs 5, 10 and 12 being matters of records are true to my information derived therefrom and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 14th day/5 of March 1997 at Guwahati.

Identified by me :

Satya Nath Baruah
Advocate's Clerk. 15.3.97

Atul Chandra Rava
DEPONENT 15.3.97

REGIONAL MEDICAL RESEARCH CENTRE: NORTH EAST REGION (ICMR)
DIBRUGARH - 786003 (ASSAM)

No.RMRC/IMCR/Dib/Abptt/85-86/5163 Dt.Dibrugarh 13.3.86

To

Shri Atul Ch. Rabha
WHO, ESP Unit, Boko,
Dist. Kamrup (Assam)

Sub : Appointment to the post of Sr. Field Officer

Ref : Your letter of acceptance dated 13.2.86

With reference to your letter of acceptance mentioned above, you are hereby appointed as Senior Field Worker in the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, Assam in the scale of pay of Rs.260-8-300-EB-8-340-10-380-EB-10-430/- plus other usual allowances as admissible under the rules to the employees of the Council stationed at Dibrugarh (Assam). Other terms and conditions of your appointment to the post of Senior Field Worker will remain same as stated in this office. letter

No.RMRC/IMCR/Dib/Appointm/85-86/5035 dated 27.2.86
already communicated to you.

Sd/-

Director,
Regional Medical Research Centre
N.E. Region(ICMR) Dibrugarh
Assam

No.RMRC/IMCR/Dib/Abptt/85-86/

Dated

Copy to :

1. The Director General. Indian Council of Medical Research Ansari Nagar, Post Box No.4508 New Delhi-110 029.	For favour of information & necessary action.
2. Accounts Section	For informa- tion and necessary action.
3. Administrative Section	For informa- tion and necessary action.
4. Personal File.	

Sd/-

Director,
Regional Medical Research Centre
N.E. Region(ICMR) Dibrugarh
Assam

31

REGIONAL MEDICAL RESEARCH CENTRE::NORTH EAST REGION (ICMR)
DIBRUGARH - 786003 (ASSAM)

No.RMRC/IMCR/Dib/Abptt/85-86/5163 Dt.Dirbquarh 13.3.86

To

Shri Jagannath Gogoi,
C/O Shri Kamal Gogoi.
Jamirah Kopow Gaon.
P.O. Dibrugarh, Dibrugarh

Sub : Appointment to the post of Sr. Field Officer

Ref. : Your letter of acceptance dated 13.3.86

With reference to your letter of acceptance mentioned above, you are hereby appointed as Senior Field Worker in the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, Assam in the scale of pay of Rs.260-8-300-EB-8-340-10-380-EB-10-430/- plus other usual allowances as admissible under the rules to the employees of the Council stationed at Dibrugarh (Assam). Other terms and conditions of your appointment to the post of Senior Field Worker will remain same as stated in this office letter No.RMRC/ICMR/Dib/Appointmen/85-86/5035 dated 27.2.86 already communicated to you.

Sd/-

Director,
Regional Medical Research Centre
N.E. Region(ICMR) Dibrugarh
Assam

No.RMRC/IMCR/Dib/Abptt/85-86/ Dated

Copy to :

1. The Director General, Indian Council of Medical Research Ansari Nagar, Post Box No.4508 New Delhi-110 029.	For favour of information & necessary action.
2. Accounts Section	For informa- tion and necessary action.
3. Administrative Section	
4. Personal File.	

Sd/-

Director,
Regional Medical Research Centre
N.E. Region(ICMR) Dibrugarh
Assam

REGIONAL MEDICAL RESEARCH CENTRE::NORTH EAST REGION (ICMR)
DIBRUGARH - 786003 (ASSAM)

No. RMRC/Dib/Adm-28(ii)/92-93/599 Dated 11th June 1992

To

Shri Atul Chandra Rabha.
Senior Field Workers.
RMRC, N.E. Region (ICMR), Dibrugarh

Sub : Confirmation of staff - RMRC, Dibrugarh

This is to inform you that you are confirmed in the post of "Senior Field Worker" (initially recruited grade/post) in the scale of pay Rs. 975-25-1150-EB-30-1540/- with effect from 13.3.1988 at the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh against the post sanctioned vide Council's letter No. RMRC/Dib/ECD-II dated 25.10.1983 and No. 43/3/RMRC/85-NCD-II dated 29.8.1985.

Sd/-
(Dr. K. Satyanarayana)
Director,
RMRC, N.E. Region (ICMR)
Dibrugarh

Copy to :

1. The Director General, ICMR, Ansari Nagar, Post Box No. 4508, New Delhi-110029 for favour of information and necessary action.
2. Personal file.
3. Accounts Section.

36
ANNEXURE-B2

REGIONAL MEDICAL RESEARCH CENTRE:::NORTH EAST REGION (ICMR)
DIBRUGARH - 786003 (ASSAM)

No.RMRC/Dib/Adm-2-(ii)/92-93/599 Dated 11th June 1992

To

Shri Jagannath Gogoi
Senior Field Worker,
RMRC, N.E. Region (ICMR), Dibrugarh.

Sub : Confirmation of staff - RMRC, Dibrugarh

This is to inform you that you are confirmed in the post of "Senior Field Worker" (initially recruited grade/post) in the scale of pay Rs. 975-25-1150-EB-30-1540/- with effect from 13.3.1988 at the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh against the post sanctioned vide Council's letter No.RMRC/Dib/ECD-II dated 25.10.1983 and No.43/3/RMRC/85-NCD-II dated 29.8.1985.

Sd/-

(Dr. K. Satyanarayana)
Director,
RMRC, N.E. Region (ICMR)
Dibrugarh

Copy to:

1. The Director General, ICMR, Ansari Nagar, Post Box No. 4508, New Delhi-110029 for favour of information and necessary action.
2. Personal file.
3. Accounts Section.

STATEMENT SHOWING THE PRESENT DESIGNATION IN ICMR

GROUP-I

Existing designation (1)	Scale of pay (2)	Grade (3)
-----------------------------	---------------------	--------------

APPENDIX-VII

1. Wireman (Rs. 1200-1800) Personal Grade
2. Sr. Pump Driver-cum-Supervisor
3. Helper Engine Driver
4. Plumber
5. Garden Supervisor
6. Animal House Keeper
7. Sr. Nursing Attendant
8. Sr. Gestethner Operator
9. Sr. Book Binder
10. Sr. Driver

APPENDIX-VII

1. Field Worker (Rs. 1320-2040) Grade-IV
2. Wireman
3. Sr. Pump-Driver-cum-Supervisor
4. Helper Enginer Driver.

To

The Officer-in-Charge,
Regional Medical Research Centre,
N.E. Region (ICMR),
Dibrugarh.

Date : 3.2.94

Sub : Application regarding pay scale of
Sr. Field Worker.

Ref : Integrated recruitment and assessment
scheme of ICMR, New Delhi.

Sir.

I have the honour to inform you that I have been working as Sr. Field Worker at the basic pay scale of Rs. 975-25-1150-2040/-, Since my joining date i.e. 13.3.1986. My basic qualification is P.U. (Arts). Hereby I state you that the employees in the post of Field Worker in the ICMR institutes have been drawing basic pay scale of Rs.1320-2040/-. But being appointed as a Sr. Field Worker I have been drawing less than the basic pay scale of Field Worker of ICMR.

I, therefore, request you kindly to consider my case so that I may get the actual basic pay scale of Sr. Field Worker.

Thanking you.

Yours faithfully,

Sd/-

(A.C. Rabha)
Sr. F.W.
RMRC/ICMR, Dibrugarh

To

The Director,
Regional Medical Research Centre,
N.E. Region (ICMR),
Dibrugarh.

Date : 5.5.94

Sub : Regarding Basic pay scale of Sr. Field Worker.
Sir.

With due respect I would like to inform you that I have been working in this centre since 13th March 1986 as a Sr. Field Worker at the Basic pay scale of Rs. 975-1540/-. I have also already crossed the efficiency bar. Sir. I came to know that the Field Worker of the ICMR institutes are getting Basic pay scale of Rs. 1320-2040/-. But being a Sr. Field Worker I have been drawing less than above mention pay scale. I will be grateful to you if you kindly consider my case that I can draw the actual Sr. Field Worker basic pay scale as recommended ICMR, New Delhi.

Thanking you.

Yours faithfully,

Sd/-
(Atul Chandra Rabha)
Sr. Field Worker
Malaria Section

To

The Director,
Regional Medical Research Centre,
N.E. Region (ICMR),
Dibrugarh.

Date : 15.12.94.

Through the Section In-charge.

Sub : Reference my letter dated 5.7.94
regarding my scale rectification.

Sir,

This is to inform your honour that I had submitted a representation for rectification of anomaly the basic pay scale of Senior Field Worker which should be Rs.1320-2040/- (Revised) according to ICMR pay structure whereas we are being paid Rs. 975-1540/- only (Revised).

My earlier representation to this office regarding above mention matter we are submitted on 3.2.94, 18.5.94 and 5.7.94. But sir, with utter regret I have to inform you kindself that I have not received any reply to my representation.

Hope your goodself will look into the matter and convey your judgment in my favour.

Thanking you,

Yours faithfully,

Sd/-

(Atul Chandra Rabha)
Sr. Field Worker
Entomology Section

ANNEXURE-E1

To

The Officer-in-Charge,
 Regional Medical Research Centre,
 N.E. Region (ICMR),
 Dibrugarh.

Date : 3.2.94

Sub : Application regarding pay scale of
 Sr. Field Worker.

Ref : Integrated recruitment and assessment
 scheme of ICMR, New Delhi.

Sir,

I have the honour to inform you that I have been working as Sr. Field Worker at the basic pay scale of Rs. 975-25-1150-2040/-, Since my joining date i.e. 13.3.1986. My basic qualification is Graduate in Arts (B.A.). Hereby I state you that the employees in the post of Field Worker in the ICMR institutes have been drawing basic pay scale of Rs.1320-2040/-. But being appointed as a Sr. Field Worker I have been drawing less than the basic pay scale of Field Worker of ICMR.

I, therefore, request you kindly to consider my case so that I may get the actual basic pay scale of Sr. Field Worker.

Thanking you,

Yours faithfully,

Sd/-

(J.N. Gogoi)
 Sr. F.W.
 RMRC/ICMR, Dibrugarh

ANNEXURE-E2

To

The Director,
Regional Medical Research Centre,
N.E. Region (ICMR),
Dibrugarh.

Date : 5.5.94

Sub : Regarding Basic pay scale of Sr. Field Worker.

Sir.,

With due respect I would like to inform you that I have been working in this centre since 13th March 1986 as a Sr. Field Worker at the Basic pay scale of Rs. 975-1540/- . Herewith I again like to inform you that Field Worker of the ICMR (New Delhi) employees drawing at the Basic pay scale of Rs. 1320-2040/- . But sir, being I am a Sr. Field Worker I have been drawing less than Field Worker scale. So sir, I would be grateful to you forever if you kindly consider my case as I can draw the actual Senior Field Worker basic pay scale as recommended ICMR, New Delhi.

Thanking you..

Yours faithfully,

Sd/-
(J.N. Gogoi)
Sr. Field Worker
R.M.R.C.Dibrugarh

To

The Director,
 Regional Medical Research Centre,
 N.E. Region (ICMR),
 Dibrugarh.

Date : 15.12.94.

Through the Section In-charge.

Sub : Reference my letter dated 5.7.94
 regarding my scale rectification.

Sir,

This is to inform your honour that I had submitted a representation for rectification of anomaly the basic pay scale of Senior Field Worker which should be Rs.1320-2040/- (Revised) according to ICMR pay structure whereas we are being paid Rs. 975-1540/- only (Revised).

My earlier representation to this office regarding above mentioned matter we are submitted on 3.2.94, 18.5.94 and 5.7.94. But sir, with utter regret I have to inform you kindself that I have not received any reply to my representation.

Hope your goodself will look into the matter and convey your judgment in my favour.

Thanking you,

Yours faithfully,

Sd/-

(J.N. Gogoi)
 Sr. Field Worker
 Animal House

ANNEXURE-F1

REGIONAL MEDICAL RESEARCH CENTRE::NORTH EAST REGION (ICMR)
DIBRUGARH - 786003 (ASSAM)

No.RMRC/Dib/Estt.I/94-95/1844 Dated the 15th Dec. 1994.

To

Shri A.C. Rabha.
Field Worker (Senior)
RMRC, N.E. Region (ICMR),
Dibrugarh.

Sub : Pay scale of Field Worker (Sr.) of RMRC,
Dibrugarh - its revision - req.

This has a reference to your application dated
15.12.94 on the subject mentioned above.

In this connection, this is to you inform you that
the matter has been referred to the ICMR Hrs. and the
decision as and when received will be communicated to
you.

Sd/-
Administrative officer i/c
for DIRECTOR

ANNEXURE-F2

REGIONAL MEDICAL RESEARCH CENTRE: NORTH EAST REGION (ICMR)
DIBRUGARH - 786003 (ASSAM)

No. RMRC/Dib/Estt.I/94-95/1845 Dated the 15/19th Dec. 1994.

To

Shri J.N. Gogoi.
Field Worker (Senior)
RMRC, N.E. Region (ICMR),
Dibrugarh(Assam).

Sub : Pay scale of Field Worker (Sr.) of RMRC,
Dibrugarh - its revision - req.

This has a reference to your application dated
15.12.94 on the subject mentioned above.

In this connection, this is to you inform you that
the matter has been referred to the ICMR Hrs. and the
decision as and when received will be communicated to
you.

Sd/-
Administrative officer i/c
for DIRECTOR

ANNEXURE G

THE GAUHATE HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

CIVIL APPELLATE SIDE

Civil Rule No. 3734 of 1995

Atul Ch. Bava & Ors. ... Petitioners

- Versus -

Union of India & Ors. .. Respondents

For petitioner - Mrs. B.K. Sharma,
Mr. M.K. Choudhury
Mr. S. Sarma,

For Respondent - C.G.S.C.

Date BEFORE
15.9.95 THE HON'BLE MR. JUSTICE D.N. BARUAH

In this application under Article 226 of the Constitution, petitioners have prayed for issuance of appropriate writ or direction.

The case of the petitioners is that they are Field Workers (Senior) in the office of the Regional Medical Research Centre, N.E. Region, Indian Council of Medical Research, Dibrugarh. According to the petitioner Field Workers of other offices are getting their pay, however, this was not given to them. Being aggrieved, the petitioner submitted Annexure-D/1, D/2, D/3, E/1, E/2, and E/3 representations to the Director, Regional Medical Research Centre, N.E. Region (ICMR) Dibrugarh, (Respondent No. 3). However, the respondent No. 3 has not taken any step. Hence the present petition.

I have heard Mr. M.K. Choudhury, learned counsel for the petitioner and Mr. K.N. Choudhury Sr. Central Govt. Standing Counsel.

On hearing the counsel for the parties, I dispose of this petition with a direction to the Respondent No. 3 to dispose of the representation filed by the petitioner immediately. If the petitioners are still aggrieved with the decision of Respondent No. 3, they are at liberty to approach the appropriate forum.

Sd/- D.N. Baruah,
JUDGE.

OFFICE OF THE DIRECTOR REGIONAL MEDICAL RESEARCH CENTRE
N.E. REGION (ICMR) DIBRUGARH

No. RMRC/DIB/Estdt-1/96-97/1371 Dated 03.10.96

To

1. Shri J.N. Gogoi,
Field Worker (Senior)
Regional Medical Research Centre,
N.E. Region, (ICMR),
Dibrugarh-786001
2. Sri A.C. Rabha,
Field Worker (Senior),
Regional Medical Research Centre,
N.E. Region (ICMR),
Dibrugarh-786001.

Sub : Pay Scales of Field Workers (Sr.) at RMRC,
Dibrugarh regarding Court case of the -

I am directed to inform you that the ICMR
H.Q.'s. has gone through your representation very care-
fully regarding the revision of your scale of pay from
Rs. 975-1540 to that of Rs. 1320-2040 - and regretted
that it cannot be acceded to on the following points :

That the posts of Senior Field Worker were
created in the scale of pay of Rs. 260-430/- (Pre-revised)
which was revised to that of Rs. 975-1540/- on the
recommendation of the IVth Pay Commission and the
selection was made in the said scale of pay. You have
also accepted the same scale of pay at the time of
your joining and submitted your acceptance for the
revised scale of pay.

This is for your information only.

Sd/-

(S.N. Bhagawati)
Administrative Officer,
for Director.

38
18

IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM; NAGALAND; MEGHALAYA; MANIPUR; TRIPURA
MIZORAM & ARUNACHAL PRADESH)

CIVIL RULE NO. 2079/97

SHRI ATUL CHANDRA RAYA & ANR. Petitioner.

- Vs. -

THE UNION OF INDIA & ORS. Respondents.

P R E S E N T

THE HON'BLE MR JUSTICE AK PATAIK

For the Petitioner : Mr. BK Sharma, Mrs. S. Das
Baruah & Mr. S. Sarma, Advs.
For the Respondent : C.G.S.C.
Date of Order : 14.05.97.

O R D E R

Heard Mr. MK Choudhury, learned counsel for
the petitioner.

Let the records be sent for.

Let a Rule issue calling upon the respondents
to show cause as to why a writ should not be issued,
as prayed for; and/or why such further or other order
or orders should not be passed as to this Court may
seem fit and proper.

The Rule is made returnable within six weeks.

MR. KN Choudhury, learned Senior¹ Central Govt.
Standing Counsel, will accept notice on behalf of
Respondent No. 1. Respondents-2 and 3 will be served
by Registered A/D. Petitioner will take steps by
16.05.97.

Sd/- AK PATAIK.
Judge.

District : Dibrugarh

General Adm. Deptt. 2018
1 SEP 2018
R.P. Dibrugarh
Date

-30-

49
filed by

The Respondent Nos 2 & 3

through

R. S. CHOWDHURY

Advocate
03/09/03

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

(CIVIL EXTRAORDINARY JURISDICTION)

IN THE MATTER OF :

Civil Rule No. 2079 of 1997

-AND-

IN THE MATTER OF:

An affidavit-in -opposition filed on behalf of the
Respondent Nos. 2 and 3.

-AND-

IN THE MATTER OF :

Sri Atul Chandra Rava & Anrs. Petitioners.

-Versus -

Union of India & Ors. Respondents.

I, Sri Sailendra Nath Bhagabati, son of late Banshidhar Bhagabati,
presently working as Administrative Officer, Regional Medical
Research Centre, North Eastern Region (ICMR), Dibrugarh, Assam,
aged about 52 years, do hereby solemnly affirm and declare as follows

1. That I am competent to file this affidavit on behalf of the Respondent Nos.2 and 3 as authorised and I swear the same. I am also fully acquainted with the facts and circumstances of the case. A copy of the writ petition filed by the petitioner has been served upon the answering Respondents. I have gone through the same and understood the contents thereof. Save what has been specifically admitted in this

affidavit all the averments and submissions made in the writ petition may be taken to have been denied by the deponent.

2. That with regard to the statements made in paragraph 1 of the writ petition the deponent has no comments to offer.

3. That save and except those which are matters of record of the case all the averments made in para 2 of the writ petition are denied by the deponent. In this connection it would be pertinent to state that the office of the Director General, Indian Council for Medical research, hereinafter referred to as ICMR, vide communication dated 29.8.85 informed the Respondent No.2 about creation of new posts at the Regional Medical Research Centre, Dibrugarh. By the said communication dated 29.8.85 the Respondent No.2 was informed about the sanction for creation of new posts which includes the post of Field Worker (Senior). It would be seen that two posts of filed worker (Senior) in the pay scale of Rs. 260-430/- were sanctioned for the Regional Centre at Dibrugarh. Pursuant thereof an advertisement was also issued by the Respondent No.3 vide letter dated 15.11.85. In the said advertisement the pay scale of filed Worker (Senior) was specifically shown as Rs.260-430/-. It would thus be seen that the pay scale for the post of Filed Worker (Senior) wherein the petitioner was appointed on 13.3.86 was Rs.260-430/-.

Copies of the sanction letter dated 29.8.85 and the Advertisement dated 15.11.85 are annexed hereto and marked as Annexure -I & II respectively.

4. That with regard to the statements made in paragraph 3 of the writ petition the deponent states that ICMR is under the administrative control of the Government of India, Ministry of Health and Family Welfare. In this connection the deponent undertakes to make further submissions at the time of hearing.

5. That save and except those which are matters of record of the case all the averments made in para 4 of the writ petitioner are denied by the deponent. In this connection the deponent states that the Respondent No.3 vide letter dated 27.2.86 issued offer of appointment to the petitioner No.1 in the post of Senior Filed Worker in the pay scale of

Rs. 260-430/- Pursuant thereto the petitioner No.1 submitted a declaration on 13.3.86 agreeing to abide by the terms and conditions including in the offer of appointment dated 27.2.86. Thereafter the respondent No.3 was pleased to issue appointment order to your petitioner No.1 on 13.3.86. Thereafter the respondent No.3 by an order made on 11.6.92 was pleased to confirm the petitioner No.1 in the said post of Senior Filed Worker. From the offer of appointment, the declaration submitted by the petitioner No.1 and the appointment order it would be seen that the scale of pay was Rs. 260-430/-.

Similarly in respect of petitioner No.2 also an offer of appointment was made on 27.2.86. Pursuant thereto the petitioner No.2 submitted a declaration on 13.3.86 willing to abide by the terms and conditions indicated in the offer of appointment. Thereafter vide order dated 13.3.86 the petitioner No.2 was appointed to the post of Senior Filed Worker in the pay scale of Rs.260-430/-. Similarly the post in which the petitioner was appointed was also confirmed by the appointing authority made on 11.6.92.

Copies of the offer of appointment, declaration, appointment order and order of confirmations made in favour of the Petitioner Nos.1 and 2 are annexed hereto and marked as ANNEXURE – III AND IV respectively.

6. That with regard to the statements made in paragraph 5 of the writ petition the deponent states that “ Integrated Recruitment and Assessment Scheme of ICMR” is an assessment scheme of technical staff of the ICMR and not for the direct recruits. It was introduced as one-time cadre review of all technical staff who completed 7 years as on 31.7.90 and later on the said scheme was extended for another one year upto 1991. Thereafter, the scheme has been for technical assessment and decided in this regard is still awaited. Therefore, the contention of the petitioner that the actual pay-scale prescribed for the post of Field Workers as 'Rs. 380-560/- (pre-revised) is based on surmises and conjecture of the petitioners. The further contention of the petitioners that in all other officers of ICMR, the filed workers are being paid in the scale of pay Rs. 1320-2040 (Revised) is not correct.

7. That with regard to the statements made in para 6 of the writ petition the deponent states that no anomaly and/or irregularity has been committed by the answering respondents in fixing the pay scale of the petitioner initially at Rs. 260-430/- and subsequently revising the same to Rs. 950-1500/- (revised as per 4th Pay Commission Recommendation). As the petitioners were appointed in the scale of pay as indicated above and also revised, the question of placing them in the pay scale of Rs. 1320-2040/- does not arise.

8. That with regard to the statements made in paragraph 7 of the write petition the deponent states that the representation submitted by the petitioners have been forwarded to the ICMR Head Quarters for consideration and the petitioners were also informed that whenever any reply is received, the same will be communicated to the petitioners.

9. That the statements made in paragraph 8 of the writ petition being misconceived, the same are hereby denied. No cause whatever has been made but by the petitioner for fixing their pay scale at Rs. 1320-2040/-.

10. That with regard to the statements made in paragraph 9 of the writ petition, the deponent states that no illegality and/or irregularity was committed by the respondents in appointing the petitioners in the pay scale of Rs. 260-430/- and thereafter revising the same to Rs. 950-1550/. It may be pointed out herein that the office of the Respondent No.1 vide communication dated 20.2.87 informed the Respondent No.3 about revision of pay scale of Group 'B', 'C' and 'D' staff as per the recommendation of the 4th Pay Commission.

A copy of the said communication dated 20.2.87 is annexed hereto and marked as ANNEXURE -V.

11. That the statements made in para 10 of the writ petition is admitted to the extent that the petitioner approached this Hon'ble Court disposed of the Civil Rule No. 3734/95 vide order dated 15.9.95.

12. That the deponent denies the correctness of the statements made in para 11 of the writ petition. As pointed out above, since the petitioners

were appointed in the pay scale of Rs. 260-430/- and thereafter the same was revised to Rs. 850-1550/- there is no cogent reason to give scale of Rs. 1320-2040/- to the Petitioners on the Integrated Recruitment and Assessment Scheme of ICMR is also not well placed, inasmuch as, the said scheme was introduced as one time cadre review of all technical staff as pointed out above. The scheme has been discontinued.

13. That save and except those which are matters of record of the case, all the averments made in para 12 are denied by the deponent.
14. That the deponent denies the correctness of the statements made in para 13 of the writ petition made to the effect that the petitioners have been denied the actual scale of pay while others have been getting a higher pay scale. As the petitioners were not appointed in the scale of pay Rs. 380-560/- the question of giving them revised pay scale of Rs. 1320-2040/- does not arise.
15. That the deponent emphatically denies the correctness of the statements made in para 14 of the writ petition and states that at no point of time the respondents have ever prescribed the scale of pay for filed workers at Rs. 1320-2040/. The petitioners were given prescribed pay scale as admissible to Senior Filed Workers and subsequently the same was revised pursuant to the 4th Pay Commission's Recommendation. No illegality as such has been committed by the respondents as alleged by the petitioners.
16. That with regard to the statements made in paragraph 15 of the writ petition the deponent states that the petitioners having accepted the pay scale of Rs. 260-430/- and the same have been revised to Rs. 950-1550/-, they cannot legally claim for the revised pay scale of Rs. 1320-2040 /- under any circumstance.
17. That the deponent denies the correctness of the statements made in paragraphs 15,16,17,18,19 and 20 of the writ petition the same being legally misconceived. As a matter of fact, there is no illegality irrationally and/or procedural impropriety in the decision making process, in as much, the petitioner's pay scale were from 260-430/- to Rs. 950/- to 1500/- as indicated above. Now the question of giving

revised pay scale of Rs. 1320-2040/- does not arise, as admittedly the petitioners were not appointed in the pay scale of Rs. 380-560/-. Further, the reliance placed on the Integrated Recruitment and Assessment Scheme has also been misplaced due to the reason indicated above.

18. That under the facts and circumstances stated above, it is respectfully submitted that the challenged in the writ petition is devoid of any merit and the same is liable to be dismissed with costs.
19. That the statements made in this affidavit and in paragraphs 1,2,4,6,7,9,10,11,12,14 to 17 are true to my knowledge, those made in paragraphs 3,5 and 8 and 13 being matters of record of the case are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

I sign this affidavit this 1st day of Sept, 2003 at Guwahati.

Identified by

Saileshwar Nath Bhagat

DEPONENT

Advocates clerk.

ANNEXURE I Telegeneral AUTHENTIC
Telex: 031-3007

-7-

भारतीय आयुर्विज्ञान अनुसंधान परिषद्

(BHARATIYA AYURVIJNANA ANUSANDHANA PARISHAD)

INDIAN COUNCIL OF MEDICAL RESEARCH

ANSARI HAGAR, POST BOX 4508
NEW DELHI-110020

No. 49/3/RIMC/05-NCD-II

Dated, the 29/8/85

To:

The Director,
Regional Medical Research Centre,
M.E. Region,
Bane Chowk Dilli Bazaar,
Dibrugarh - 786 001.

Subject : Creation of New posts ^{at v.} in the Regional Medical Research Centre, Dibrugarh.

Dear Sir,

Please refer to your letter No. RIMC/XCHR/1/Mb/Adm-3/65-86/3229 dated 26th May, 1985.

The Director-General of the Council sanctions creation of the following new posts at the above-mentioned Centre with effect from the date these are filled in under head 'PLAN' in the budget of the Centre for the year 1985-86 :-

Sl. No.	Designation	Pay scale	No. of posts
1.	Deputy Director (Medical)	Rs. 1500-2000	One
2.	Asstt. Director (Medical/ Non-Medical)	Rs. 1200-1700	Two
3.	Senior Research Officer (Medical/Non-Medical)	Rs. 1100-1600	Four
4.	Senior Research Officer (Statistics)	Rs. 1100-1600	One
5.	Research Officer (Medical/Non-Medical)	Rs. 700-1300	Seven
6.	Asstt. Research Officer	Rs. 650-900/-	Two
7.	Statistical Assistant	Rs. 425-700	One
8.	Laboratory Technician	Rs. 360-560	Five
9.	Chemist	Rs. 330-560	One
10.	Field Worker (Senior)	Rs. 260-400	Two

Certified to be true Copy

[Signature]
Rukhsira Sircuthia Chowdhury
ADVOCATE

-12-

37

11.	Field Worker (Junior)	Rs. 196-232	Two
12.	Laboratory Attendant	Rs. 196-232	Four
13.	Telok Machine Operator	Rs. 260-400	One
14.	Driver	Rs. 260-400	One
15.	Upper Division Clerk	Rs. 330-560	Two
16.	Lower Division Clerk	Rs. 200-400	Two
17.	Peon-oum-Lak, Runner	Rs. 196-232	One
18.	Chowkidar	Rs. 196-232	One

The expenditure on this account may be met from the provision made under head 'PLAN' in the budget of the Centre for the year 1985-86.

Yours faithfully,

(Pratap Singh)
Administrative Officer,
for Director-General.

001 1) Finance Section, ICMR.
2) Accounts Section, ICMR.

STATE MEDICAL RESEARCH CENTRE, N.E. REGION (ICMR)
DIBRUGARH.

RMRC/ICMR/DIB/ADM-10/85-86/4152-56 Dated the 15th November 1985.

1. The Advertising Manager,
"The Assam Tribune"
Tribune Building, Guwahati-3.
2. The Advertising Manager,
"The Sentinel"
M/o Omega Printers & Publishers,
G.S. Road, Guwahati-5.
3. The Advertising Manager,
"The Dainik Janambhumi"
Jorhat-1
4. The Advertising Manager,
"The Telegraph"
M/o Ananda Bazar Patrika Ltd.
1, Pratullo Sarker Street, Cal. 1

Subject:- Regional Medical Research Centre - Advertisement
for the posts of -

Dear Sir,

I send herewith an advertisement for publication by simple insertion in your esteemed paper. It would be greatly appreciated if the advertisement could be published immediately. The advertisement may please be published column 'Classified' Advertisements (Public Appointment). The advertisement should not be spread out and absolute minimum space should be used.

Certified copy of advertisement as published may please be sent to this office alongwith your bill (in duplicate) for arranging payment.

Kindly acknowledge the receipt of this letter.

Yours faithfully,

Encl: As above.

Director
Regional Medical Research Centre
N.E. Region (ICMR)
Dibrugarh.

5. The Advertising Manager,
"The Dainik Asom"
Tribune Building,
Guwahati-3.

Certified to be true Copy

Debkumar Sankar Chowdhury
ADVOCATE

- 45 -

Age:- Below 20 years. SC/ST candidates will be allowed relaxation in respect of upper-age limit to the extent of 5 (five) years.

N.B.:-

- (a) All other allowances are admissible as per Central Government Rules.
- (b) The posts are temporary at present, but likely to be permanent.
- (c) Age - Below 45 years for all technical posts.
- (d) Candidates already in service must send their applications through proper channel.

General Relaxation Clause:- Age limits, qualification and experience prescribed above are relaxable in deserving cases. Benefits of pension admissible. Private practice is not allowed. However, non-practicing allowance as per rules of the Council is admissible to Medical Graduates.

Interview and Appointment:- Candidates will be required to appear at an interview/test, if and when called for at their own expenses. Candidates selected for appointment will be required to join duty immediately after selection.

Applications on plain paper in their own hand writing stating, complete bio-data, including (i) Name in full (ii) Father's name (iii) place and date of birth (iv) permanent home address (v) present address for correspondence (vi) detailed academic record and experience with attested copies of marksheets and testimonials in support of age, qualification, experience etc. (vii) names and addresses of two referees not related to the candidates, should be sent to reach the undersigned on or before 10th December, 1985.

Incomplete application will not be entertained.



DIRECTOR
REGIONAL MEDICAL RESEARCH CENTRE
N.E.REGION(ICMR): DIBRUGARH
PIN - 786 003.

Administrative Officer
for Director General

DSW
ISW

40/- - 16 -
I Office-21512
Phone: I Res -21445

Ref. 7/10 82-11
ANNEXURE B = III Series
Telex: 205-222

REGIONAL MEDICAL RESEARCH CENTRE, N.E.REGION(ICMR)
DIBRUGARH-786 003 (ASSAM)

No. RMRC/ICMR/Dib/Appointment/05-06/5035 Dated, 27.2.86

To

Shri/Dx. Ashok Raha.....
WHO, EEP Canal, Bokak,.....
Dist. Kamrup (Assam).....

Sub:- Offer/Appointment to the post of Sr. Field Worker,
Regional Medical Research Centre, N.E.Region (ICMR),
Dibrugarh, Assam.

With reference to your application dated 5/8 Dec/85
for the post of Sr. Field Worker, Regional Medical
Research Centre, N.E.Region (ICMR), Dibrugarh, this is to inform
you that you are appointed as Sr. Field Worker in the
scale of pay Rs. 260-8-300-EB-8-340-10-380-EB-10-158/-
plus other usual allowances as admissible under the rules to
the employees of the Council stationed at Dibrugarh (Assam).

The offer/appointment is subject to the following
terms and conditions of service :-

1. The post is temporary but likely to continue.
2. The appointee will be "on probation" for a period
of 2(two) years from the date of joining duty. The probation
period can be extended at the discretion of the competent
authority. During the probation period, the service of the
employee can be terminated at any time without giving any
notice and without assigning any reason.
3. The appointment can be terminated at any time by
giving of one month's notice on either side. The Council, how-
ever, reserves the right to terminate the services of the
employee forthwith or before the expiry of notice period by
making payment to the employee of a sum equivalent to the pay
and allowances for the period of notice or the unexpired
thereof. The employee cannot, however, surrender pay and
allowances in lieu of notice or unexpired portion thereof any
may be required to serve for the full period of notice.

(contd. to page 2)

Certified to be true Copy


Rabindra Sarathna Chowdhury
ADVOCATE

29/8/92 111
A. Function with gratuity is admissible subject to rules.

5. Leave will be granted under the Central Civil Service Revised Leave Rules (1972) amended from time to time.

6. The Central Civil Service Conduct Rules and the Civil Service (Classification Control and Appeal Rules) are applicable to the employees.

7. The appointee will have to give declaration in the attached form regarding marital status. In the event of the appointee having more than one wife living or being married to a person having more than one wife living, the appointment will be subject to the exemption being granted by the competent authority.

8. No travelling allowance is admissible for joining the first appointment.

9. Service rendered outside the Council will not be counted for purpose of the leave, grant of increment etc.

10. Prior permission of the Council is to be obtained for publication of papers based on the work carried out under the aegis of the Council and for registering for a Post-Graduate Degree and for the utilisation for work of submission of thesis for a Post-Graduate Degree of Universities or for appearing in an examination.

11. The employee will not be permitted to apply for appointment elsewhere before completing one year service under the Council. Not more than four applications for outside appointment shall be forwarded in a year. All applications should be sent through proper channel and not direct.

12. Medical aid is admissible under Central Services (Medical Attendance) Rules. A declaration regarding dependents should be furnished in the prescribed form.

13. The appointment is subject to the production of a Medical Fitness Certificate from the Civil Surgeon/Doctor Board.

14. He is required to submit an oath of allegiance. Please let me know your acceptance. You are expected to join your duty on ^{on 15th March/86} ~~15th March/86~~.

The appointee should submit the following documents at the time of joining duty :-

(a) An attested copy of the Matriculation/Higher Secondary or equivalent examination giving date of birth. (contd. to page 3)

(3)

-18-

-42-

b

- (a) Attested copies of Certificates of all examination passed.
- (b) Character Certificate from a trustworthy person, duly attested by a 1st Class Registrar.
- (c) Declaration of Home Town.
- (d) Declaration of Marital Status.
- (e) Declaration regarding close relations.
- (f) Declaration regarding property from officers trusted on par with gazetted officers.
- (g) Declaration of dependents for purpose of medical aid.
- (h) Declaration of dependents for purpose of medical aid.

[Signature]
 Director
 Regional Medical Research Centre
 N.E. Region (ICMR) Dibrugarh

[Signature]
 P. A. S. A. M.

Memorandum No. RMRC/ICMR/Dib/Appointment/05-06/5634 Dated, 17.7.84

Copy to :-

- 1) The Director-General
 Indian Council of Medical Research
 Ansari Nagar, Post Box No. 4500
 New Delhi - 110 029 for favour of information
 and necessary action.
- 2)

1) Personal file.
 2) Accounts file.

[Signature]
 Director
 Regional Medical Research Centre
 N.E. Region (ICMR) Dibrugarh

[Signature]
 P. A. S. A. M.

gb

DECLARATION

43 - 14 -

I do hereby accept the undermentioned term and condition of my appointment to the post of Gr. Field Officer in the scale of pay Rs. 260/- 1130/- at the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, that - ' I am liable to serve in any part of India' as per Clause No. 10 of the said format.

Abul Chanda Rakha

Signature of the employee
with date, 13.3.86

Designation : Gr. Field Officer

1101/1
Director,
Regional ICMR
Dibrugarh
Assam.

Certified to be true Copy

Rakhee
Rakhee Siraauthia Chowdhury
ADVOCATE

REGIONAL MEDIC.

ITRE: NORTH EAST REGION (ICMR)
003 (ASSAM).

No. RMRC/ICMR/Dib, ...

1503 Dated Dibrugarh, 17/1/1986.

To

Shri/Dr. Atul Ch. Bobba

MR. ESP Unit, Doka

Dilat. Kamrup (Assam)

Sub: Appointment to the post of Sr. Field Worker

Ref: Your letter of acceptance dated 13-3-86

With reference to your letter of acceptance mentioned above, you are hereby appointed as Senior Field Worker in the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, Assam in the scale of pay Rs. 260-0-300-10-0-340-10-300-10-430/- plus other usual allowances as admissible under the rules to the employees of the Council stationed at Dibrugarh 10331936 (F.I.D.). The terms and conditions of your appointment to the post of Senior Field Worker will remain same as stated in this office letter No. RMRC/ICMR/Dib/Appointment/05-86/5033 dated 27-2-86 already communicated to you.

DR

Director

Regional Medical Research Centre
N.E. Region (ICMR) : Dibrugarh

ASSAM

Memo No. RMRC/ICMR/Dib/App/05-86/5164 Dated 18/3/86

Copy to:

1. The Director General Indian Council of Medical Research Ansari Nagar, Post Box No. 4500 New Delhi-110 029.	<input type="checkbox"/> For favour of <input type="checkbox"/> information <input type="checkbox"/> & necessary <input type="checkbox"/> action.
2. Accounts Section	<input type="checkbox"/> For information
3. Administrative Section	<input type="checkbox"/> & necessary action.
4. Personal File	<input type="checkbox"/> For information <input type="checkbox"/> & necessary action.

Atul Ch. Bobba

Received

13/3/86

DR

Director

Regional Medical Research Centre
N.E. Region (ICMR) : Dibrugarh

ASSAM

Certified to be true Copy

Rakhee Siraithia Chowdhury
ADVOCATE

gb

REGION

SEARCH CENTRE, N. E. REGION (ICMR)
BRUGARH : ASSAM

No. RMRC/Dib/Adm-28(ii)/92-93/599

Dated -

11/11 June, 1992

To

Shri Atul Chandra Rabha
Senior Field Worker

ICMR, N. E. Region (ICMR), Dibrugarh

Sub:-

Confirmation of staff - RMRC, Dibrugarh.

This is to inform you that you are confirmed in
the post of " _____ " (initially
recruited grade/post) in the scale ~~Rs. 1000/-~~ with ~~25.10.80~~ -

from ~~19-3-1987~~ at the Regional Medical Research Centre,
N. E. Region (ICMR), Dibrugarh against the post sanctioned
vide Council's letter No. RMRC/Dib/ECD-II dated 25-10-1983
and No. 43/3/RMRC/85-NCD-II dated 29-8-1985.

S. S.

(Dr. K. Satyanarayana)
DIRECTOR

✓ Dr. K. Satyanarayana, ICMR, Dibrugarh.

Copy to :-

1. The Director General, ICMR, Ansari Nagar,
Post Box No. 4503, New Delhi - 110 029. for
favour of information and necessary action.
2. Personal file.
3. Accounts Section.

RKD/HG

Certified to be true Copy

Rakhee Sirauthia Chowdhury
ADVOCATE

(contd: to page 2)

Office-21512
Telephone: Res -21445Gramex "RENJIL" - 17-
Telex: 205-222REGIONAL MEDICAL RESEARCH CENTRE, N.E.REGION(ICMR)
DIBRUGARH-786 003 (ASSAM)

No. RMRC/ICMR/Dib/Appointment/05-06/5033 Dated, 25.2.86

To

Shri/Dr. Tagnamal Gogoi ... b-2

S/o Shri Kamal Ch. Gogoi...

Tansenah Kapsanggao...

P.O. Dibrugarh, Dist. Dibrugarh

Sub:- Offer/Appointment to the post of St. Field Worker
Regional Medical Research Centre, N.E. Region (ICMR),
Dibrugarh, Assam.

With reference to your application dated 26 Dec/85
for the post of St. Field Worker, Regional Medical
Research Centre, N.E. Region (ICMR), Dibrugarh, this is to inform
you that you are appointed as St. Field Worker in the
scale of pay Rs. 260-8-300-E13-8-340-10-380-10-420/-
plus other usual allowances as admissible under the rules to
the employees of the Council stationed at Dibrugarh (Assam).

The offer/appointment is subject to the following
terms and conditions of service :-

1. The post is temporary but likely to continue.
2. The appointee will be "on probation" for a period
of 2(two) years from the date of joining duty. The probation
period can be extended at the discretion of the competent
authority. During the probation period, the service of the
employee can be terminated at any time without giving any
notice and without assigning any reason.
3. The appointment can be terminated at any time by
giving of one month's notice on either side. The Council, how-
ever, reserves the right to terminate the services of the
employee forthwith or before the expiry of notice period by
making payment to the employee of a sum equivalent to the pay
and allowances for the period of notice or the unexpired
thereof. The employee cannot, however, surrender pay and
allowances in lieu of notice or unexpired portion thereof any
may be required to serve for the full period of notice.

(contd. to page 2)

Certified to be true Copy

Rekhee Sirauthia Chowdhury
ADVOCATE

4. Pension with gratuity is admissible subject to rules.

5. Leave will be granted under the Central Civil Service Revised Leave Rules (1972) amended from time to time.

6. The Central Civil Service Conduct Rules and the Civil Service (Classification Control and Appeal Rules) are applicable to the employees.

7. The appointee will have to give declaration in the attached form regarding marital status. In the event of the appointee having more than one wife living or being married to a person having more than one wife living, the appointment will be subject to the exemption being granted by the competent authority.

8. No travelling allowance is admissible for joining the first appointment.

9. Service rendered outside the Council will not be counted for purpose of the leave, grant of increment etc.

10. Prior permission of the Council is to be obtained for publication of papers based on the work carried out under the aegis of the Council and for registering for a Post-Graduate Degree and for the utilisation for work of submission of thesis for a Post-Graduate Degree of Universities or for appearing in an examination.

11. The employee will not be permitted to apply for appointment elsewhere before completing one year service under the Council. Not more than four applications for outside appointment shall be forwarded in a year. All applications should be sent through proper channel and not direct.

12. Medical aid is admissible under Central Services (Medical Attendance) Rules. A declaration regarding dependents should be furnished in the prescribed form.

13. The appointment is subject to the production of a Medical Fitness Certificate from the Civil Surgeon/Medical Board.

14. He is required to submit an oath of allegiance.

Please let me know your acceptance. You are expected to join your duty on ^{on the} 15th ~~Nov~~ / 86.

The appointee should submit the following documents at the time of joining duty :-

(a) An attested copy of the Matriculation/Higher Secondary or equivalent examination giving date of birth.

(contd. to page 3)

(3)

- (b) Attested copies of Certificates of all examination passed.
- (c) Character Certificate from a trustworthy person, duly attested by a 1st Class Registrar.
- (d) Declaration of Home Town.
- (e) Declaration of Marital Status.
- (f) Declaration regarding close relatives.
- (g) Declaration regarding property from officers treated on par with gazetted officers.
- (h) Declaration of dependents for purpose of medical aid.

J.S.
Director
Regional Medical Research Centre
N.E. Region (ICMR) Dibrugarh
24/1
A S S A M.

Memo No. RMRC/ICMR/Dib/Appointment/05-06/5034 Dated, 24.2.86.

Copy to :-

1) The Director-General
Indian Council of Medical Research
Ansari Nagar, Post Box No. 4500
New Delhi - 110 029 for favour of information
and necessary action.

2)

✓ 3 Personal file.
4) Accounts file.

J.S.
Director
Regional Medical Research Centre
N.E. Region (ICMR) Dibrugarh
24/1
A S S A M.

gb

DECLARATION

I do hereby accept the undermentioned term and condition of my appointment to the post of Ex: Field Worker in the scale of Pay Rs. 260/- (Two Hundred Sixty) — 43/- at the Regional Medical Research Centre, N.E. Region (ICMR) Dibrugarh, that - 'I am liable to serve in any part of India' as per Clause No. 10th of the said format.

Fagannath Gogoi
Date: 13-3-86

Signature of the employee with date.

Designation : Ex: Field Worker

REGIONAL M

NTRE, N. E. REGION (ICMR)
ASSAM

No.RMRC/Dib/Adm-28(ii)/92-93/ 600
To

Dated - 1/1/1992

9

(3) - 21 -

Shri Jagannath Gogoi

Senior Field Worker

RMRC, N.E. Region (ICMR), Dibrugarh.

Sub:- Confirmation of staff - RMRC, Dibrugarh.

This is to inform you that you are confirmed in the post of "Senior Field Worker" (initially recruited grade/post) in the scale of pay Rs. 975-25-1150-

ER-30-1540/- with effect from 13-3-1988 at the Regional Medical Research Centre, N. E. Region (ICMR), Dibrugarh against the post sanctioned vide Council's letter No.RMRC/Dib/ECD-II dated 25-10-1983 and No.43/3/RMRC/85-NCD-II dated 29-8-1985.

Satya

(Dr. K. Satyanarayana)

DIRECTOR (ICMR)

✓ 16/12/92 Dr. K. Satyanarayana (I.C.M.R.)

Chittagong, April

Copy to :-

1. The Director General, ICMR, Ansari Nagar, Post Box No. 4509, New Delhi - 110 029, for favour of information and necessary action.

2. Personal file

3. Accounts Section.

RKD/HG

Certified to be true Copy

Rakhee Sirauthia Chowdhury
ADVOCATE

(contd. to page 2)

- 51 -

(26)

(26)

(27)

- 22 -

REGIONAL MEDICAL RESEARCH CENTRE: N.E. REGION (ICMR)
DIBRUGARH-786 003 (ASSAM).

No. RMRC/ICMR/Dib/Apptt/05-06/ 5168 Dated Dibrugarh, 13.03.1986.

To

Shri/Dr. XX--Jagannath Gogoi
C/o Shri Kewal Ch. Gogoi
Janikah Kopow Gaon
P.O. Dibrugarh, Dibrugarh.

Sub:- Appointment to the post of Sr. Field Worker
Ref:- Your letter of acceptance dated 13.03.1986.

With reference to your letter of acceptance mentioned above, you are hereby appointed as Sr. Field Worker in the Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, Assam in the scale of pay Rs. 260-8-300-15-8-340-10-330-15-10-430/- plus other usual allowances as admissible under the rules to the employees of the Council stationed at Dibrugarh (Assam) 13/3/1986 (E.N.). terms and conditions of your appointment to the post of Sr. Field Worker will remain same as stated in this office letter No. RMRC/ICMR/Dib/Appointment/05-06/ 5033 dated 27.2.86 already communicated to you.

(RS)
Director
Regional Medical Research Centre
N.E. Region (ICMR) : Dibrugarh
A S S A M

Mem No. RMRC/ICMR/Dib/Apptt/05-06/ 5169 Dated 13/3/86
Copy to:

1. The Director General Indian Council of Medical Research Ansari Nagar, Post Box No. 4500 New Delhi-110 029.	<input type="checkbox"/> For favour of information & necessary action.
2. Accounts Section	<input type="checkbox"/> For information and necessary action.
3. Administrative Section	<input type="checkbox"/> For information and necessary action.
4. Personal File	<input type="checkbox"/> For information and necessary action.

(RS)
Director
Regional Medical Research Centre
N.E. Region (ICMR) : Dibrugarh

(contd. to page 2)

Certified to be true Copy

Sunita Chowdhury
ADVOCATE

653980
phone: 652794
652895

52
ANNEXURE - I (V)
Telegrams: SCIENTIFIC
Telex: 3163067 - 28-

INDIAN COUNCIL OF MEDICAL RESEARCH
LNSARI NAGAR, POST BOX 4508
NEW DELHI - 110 029

No.16/23/86-Admn.II

Dated: 20th February, 1987.

To

The Directors of all permanent
Institutes/Centres of the Council.

Sub:- Revision of Pay Scales of Groups 'B', 'C'
and 'D' staff as per recommendations of Fourth Central
Pay Commission.

Dear Sir/Madam,

In continuation of this office letter of even number
dated the 13th November, 1986 notifying revision of Pay Scales
of Group 'B', 'C' and 'D' staff mentioned in Appendix-I, the
scales of Pay of the following posts are revised as under:-

APPENDIX-I

Part-I Administrative and Ministerial Staff

Sl. No.	Item No.	Name of the Post	Existing Scales	Revised Postion
1.	1 (J)	Watchman	Rs. 196-3-220-EB-3-232	Rs. 750-12-870-EB-14-940
2.	1 (K)	Scout	-do-	-do-
3.	2 (c)	Sl. Gr. Watchman	Rs. 200-3-212-4-232-EB-4-240	Rs. 775-12-955-EB-14-1025
4.	3 (d)	Senior Cook	Rs. 200-3-206-4-234-EB-4-250	Rs. 775-12-955-EB-14-1025

PART-II Technical

1.	1 (h)	Sl. Gr. Female Nursing Orderly	Rs. 200-3-212-4-232-EB-4-240	Rs. 775-12-955-EB-14-1025
2.	6 (z)	Sr. Laboratory Attendant/Sl. Gr. Lab. Attendant	Rs. 260-6-326-EB-8-350	Rs. 950-20-1150-EB-25-1400
3.	6 (aa)	Ammt. Mechanic	-do-	-do-

CCP - COUNCIL OF MEDICAL RESEARCH
LNSARI NAGAR, NEW DELHI - 110 029
Date: 10/3/87
Destined to: Rakhee Siraauthia Chowdhury

Certified to be true Copy

Rakhee Siraauthia Chowdhury
ADVOCATE

Sl. No.	Item No.	Name of the Post	Existing Scales	Revised Scales
4.	9 (c)	Field Worker	Rs. 260-6-290-EB-6- 326-8-366-EB-8- 390-10-400	Rs. 950-20-1150- EB-25-1500
5.	11 (i)	Assistant Technician (X-Ray)	Rs. 330-8-370-10- 400-EB-10-480-	Rs. 1200-30-1440- EB-30-1800
6.	11 (J)	Junior X-Ray Technician	-do-	-do-
7.	12 (e)	Sr. Driver/Mechanic	-do-	-do-
8.	16 (z)	Census Taker	Rs. 330-10-380-EB- 12-500-EB-15- 560.	Rs. 1200-30-1560- EB-40-2040
9.	16 (aa)	Asstt. Technician	-do-	-do-
10.	16 (bb)	Field Investigator	-do-	-do-
11.	19A (b)	Deputy Team Leader	Rs. 380-12-440-EB- 15-500-EB-20-640	Rs. 1350-40-1440- 40-1800-EB-50-22 2200-
12.	21 (e)	X-Ray Tech.	Rs. 425-15-500-EB- 20-640	Rs. 1400-40-1800- EB-50-2300
13.	23 (hh)	Console Operator	Rs. 425-15-500-EB- 15-560-20-700	Rs. 1400-40-1800- EB-50-2300
14.	22B (a)	Public Health Nurse	-do-	-do-
15.	25A (a)	Deputy Field Supervisor	Rs. 470-15-530-EB- 20-650-EB-25-750	Rs. 1400-40-1600- 50-2300-EB-60- 2600
16.	25A (b)	Senior X-Ray Technician	-do-	-do-
17.	29 (e)	Senior Technical Assistant (Nursing/ HV/Lab/Stat/X-Ray)	Rs. 550-25-750-EB- 30-900	Rs. 1640-60-2600- EB-75-2900

Yours faithfully,

(H.C. JOSHI)
ADMINISTRATIVE OFFICER
for DIRECTOR GENERAL

Copy forwarded for similar action to :-

1. Sr. AOs, AOs, Accounts Officer
2. Accounts Section-I, II, IV, VI
3. Pay Fixation Cell
4. D.D.O.
5. All Divisions/Sections
6. Admn. I, II, IV.

क्रमांक २०
General Admin. & Legal
29/9/2013
द्रविड़ी भाषा
Gauhati Bench

54-

Filed by 29
the petitioner through
Alsho Das
Advocate
29/9/2003

District: Dibrugarh

IN THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

Civil Rule No. 2679/1997

Atul Chandra Rava & Ors.

.....Petitioners

-Versus-

The State of Assam & Ors.

.....Respondents

Affidavit in Reply by the Petitioners to the Affidavit-in-opposition filed by the Respondents.

AFFIDAVIT-IN-REPLY

I, Shri Atul Chandra Rava, aged about 46 years, son of late H.R.Rava, Dibrugarh, do hereby solemnly affirm and state as follows:

- That I am the writ petitioner No.1 in the above mentioned writ petition being Civil Rule No. 2697/97 and as such I am fully acquainted with the facts and circumstances of the case. I am also competent and duly authorised to swear this affidavit on behalf of the writ petitioner No.2.

2. That I have gone through the copy of the Affidavit-in-opposition (hereafter referred to as the affidavit) filed by the Respondents and have understood the contents thereof. Save and except the statements which are specifically admitted to hereinbelow, other statements made in the writ petition are categorically denied. Further the statements made in the said affidavit which are not borne on records are also denied.

3. That with regard to the statements made in paragraphs 1 to 5 of the affidavit I do not admit anything contrary to the relevant records. As stated in the writ petition, in all other office orders the Respondents throughout the country, the pay scale of Rs. 300-560/- has been provided for field workers. The Respondents while taking action to fill up the two posts presently being held by the writ petitioners wrongly described the pay scale for the same as Rs. 260-430/- instead of Rs. 300-560/-. Their such wrong doing cannot be allowed to be perpetuated with a discriminatory treatment to the petitioners in violation of Article 14 of the Constitution of India. I further beg to state that mere signing of a declaration as regards the terms and conditions of appointment does not bind the petitioners to a wrong pay scale contrary to rule and the law of the land. The Respondents instead of being a model employer cannot take recourse to such unsustainable pleas.

4. That with regard to the statements made in paragraph 6 of the affidavit I beg to state that the contention raised by the Respondents are wholly untenable. The pay scale attached to a post and the depiction thereof have got nothing to do with any scheme. In the said scheme, the pay scale of Field Worker was indicated as indicated 1320-2040/- which is the revised pay scale of Rs. 300-560/-. As to for what purpose the scheme was introduced and as to how long the same was valid have got nothing to do with the pay scale attached to different posts including to that of field worker. The Respondents may be directed to produce the copy of the scheme.

5. That with regard to the statements made in paragraphs 7 to 13 of the affidavit, while denying the contentions raised therein, I reiterate and reaffirm the statements made in the writ petition. The Petitioners are entitled to the pay scale of Rs. 300-560/- (pre-revised) which has been revised to Rs. 1320-2040/- as per the Fourth Pay Commission recommendations and accepted by the Respondents. Consequently, they are entitled to the further revised pay scale as per the 5th Pay Commission recommendations w.e.f. 1.1.96. Merely, because the Petitioners were given a wrong pay scale than the one admissible to the post held by them, they cannot be denied the actual pay scale attached to the post of field worker in violation of Rule and the law holding the field. The respondents ought not to have raised the untenable pleas and ought not have resorted to the principle of unfair labour practice and exploitation.

6. That with regard to the statements made in paragraphs 14 to 18 of the affidavit, while denying the contentions raised therein, I reiterate and reaffirm the statements made hereinabove and in the writ petition. In this connection, I beg to state that similar mistake had occurred in respect of laboratory attendant in the same office who were provided with the pay scale of Rs. 750-950/- as against their claim of Rs. 800-1150/- (revised). However, later on they were given the correct pay scale w.e.f. 1.1.90 instead of 1.1.86. In this connection the laboratory attendant had submitted representation and accordingly to the best of knowledge of the petitioners, they have been given the benefit of the correct pay scale w.e.f. their due date i.e.f from the date of appointment.

In the above context the letters dated 21.9.89, 18.5.90 and June '94 are annexed as Annexure-A, Annexure-B and Annexure-C.

7. That the Deponent states that same is the case with the petitioners. It is stated that the pay scale of Rs. 300-560 (3rd CPC) stood revised to Rs.1320-2040/- (4th CPC) and further revised to Rs. 4000-6000/- with effect from 1.1.96 as per 5th CPC. The Petitioners have since been granted the revised pay scale of Rs. 4000-6000/- w.e.f 1.1.96. However, they have not been given the corresponding pre-revised scales of Rs.380/-560/1320-2040/- which they are entitled to from their initial date of appointment. As

already stated in the writ petition, all other field workers posted in other offices like Kolkata etc. have been given the said scale of Rs. 300-560/1320-2040/- . There cannot be any earthly reason to deprive the Petitioners alone sticking to the mistake committed by Respondents.

8. That the Deponent states that the post of field worker (Sr.) has since been redesignated as Laboratory Assistant w.e.f. 1.1.96 and the Petitioners have been given the revised pay scale of Rs.4000-6000/- corresponding pre-revised scale of which are 300-560 and 1320-2040/-.

A copy of the order dated 8.11.2000
is annexed as Annexure-D.

The Deponent craves leave to the Hon'ble Court to refer the relevant portion of the 5th CPC at the time of hearing of the instant case.

9. The Deponent states that the revised pay scale as per Fourth CPC such as 1200-1800/-; 1200-2040/- and Rs.1320-2040/- have been marched together and hence been revised to Rs.4000-6000/- as per 5th CPC. This being the position there is no reason as to why the Petitioners should be deprived of their entitled pay scale.

59-

b

10. That under the facts and circumstances, the writ petition deserves to be allowed with cost and due interest on the arrears payable to the Petitioners.

11. That the statements made in this affidavit in paragraphs 1, 2, 3, 4 and 5 are true to my knowledge; those made in paragraphs 6, 7, 8 and 9 being matters of records are to my information derived therefrom and the rest are my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 29th day of Sept. 2003 at Guwahati.

Identified by me:

Asha Das.

Deponent

Advocate [REDACTED]

- 7 -

ANNEXURE

REGIONAL MEDICAL RESEARCH CENTRE, N.E. REGION (ICMR)
DIBRUGARH : ASSAM

NO. RMRC/DIB/Estt-1/89-90/4024

Dated the 21st Sept/89

To

Shri Kamaleswar Gogoi
Laboratory Attendant
RMRC, Dibrugarh

With reference to your application dated 25th August, 1989, I would like to inform you that the scale of pay i.e. Rs.750-12-870-EB-14-950/- (Revised) in which you have been working at present, is in order and no discrimination has been found.

(S.N. Bhagawati)
Administrative Officer
for DIRECTOR

(S.N. Bhagawati)
Administrative Officer
for DIRECTOR

RECORDED

I RECORDS OFF

Telex 031-61001
031-61002

1990-91

1990-91

1990-91

ANNEXURE - B

AC/100/100/100
Gram: 500/100/100
20400
Telex: 031-61001



INDIAN COUNCIL OF MEDICAL RESEARCH
अन्सारी नगर, पोस्ट बॉक्स 4508, नई दिल्ली-110 029
ANSARI NAGAR, POST BOX 4508, NEW DELHI-110 029

NO. 49/2/RMRC/08-NCD-II.

Dated, the 18/3/90

To

Dr. L.P. Butta,
Director,
Regional Medical Research Centre,
Post Box No. 105,
Dibrugarh-786001.

Subject : Regional Medical Research Centre, Dibrugarh -
Staff of -

Dear Sir,

Please refer to your letter No. RMRC/Dib/ADM-4/89-90/4643
dated 23rd March, 1990.

It is noted that the staff appointed to the post of Lab.
Attendant at your Centre are performing technical work of
laboratory at present. The Director-General, ICMR has, therefore,
decided to sanction w.e.f. 1.1.90 the pay scale of Rs. 800-15-100-1
20-150, to the holders of these posts. Necessary correction in
the budget statement of the ICMR may be made accordingly. It
has been decided that the extra expenditure involved on this
account may be met from the saving under various heads in the budget
of the centre for the year 1990-91.

(Handwritten note: Please note that the fixation of pay of the incumbents should be done at the same stage and if there is no such stage, the stage next below that plus personal pay equal to the difference.)

The receipt of this letter may, please be acknowledged.

Yours faithfully,

N.K. Kohli
(N.K. KOHLI)
Administrative Officer,
for Director-General.

10

Dated, 11th June, 1994.

The Director
Regional Medical Research Centre,
N. E. Region (ICMR),
Dibrugarh

S.I.

With due respect I have the honour to inform you that I have been workd^g as Lab. Attendent in this Centre since my joining on . At the time of joining, my scale of pay was Rs.196-3-220-EB-3-232/- and after revision of pay scale wef. 1-1-1986, it became Rs.750-12-870-EB-14-940/-, but according to pay structure of ICMR, the pay scale of Lab. Attendent should be Rs.210-4-250-EB-5-270/- (pre-revised) and Rs.800-15-1010-EB-20-1150/- (Revised). Later when we the Lab. Attendent came to know this anomaly of pay scale, we gave representation to your office in 1990 to rectify the anomaly of pay scale. Then the authority considered our demand and accordingly from 1st January, 1990, we are getting our actual scale of pay i.e. Rs.800-15-1010-EB-20-1150/=. In this connection I have the honour to bring to your kind attention that the revised pay scale is effective from 1-1-1986 as per recommendation of fourth pay commission. In view of this fact, I request you to permit me to draw the revised scale of pay Rs.800-15-1010-EB-20-1150/- w.e.f. the date of implementation of revised pay scale i.e., 1-1-86 or from the date of my joining service i.e., 1-1-86.

It may be agreed that the first is the original of the document, and the second of the return of the original, and that the two may be compared. That this may be done, I have the honor to report to the differences,
Yours faithfully,
J. C. Scott, of the Library, to be acknowledged.

(Lab. Attendant)

(11.2.3) $\{ \cdot \} \in \mathcal{U}_1$

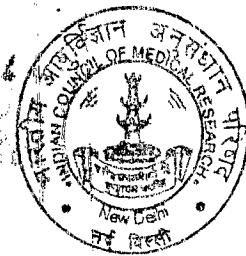
REFERENCES

THEORY OF THE EQUILIBRIUM STATE OF A POLYMER

Phone Off. : (0373) 81494
81506

- 10 -

Annexure - B
Gram : ReMres
Fax : (0373) 81748
E.Mail : icmrcrdi@ren.nic.in



क्षेत्रीय आयुर्विज्ञान अनुसंधान केन्द्र, पूर्वोत्तर क्षेत्र (आई.सी.एम.आर.)
REGIONAL MEDICAL RESEARCH CENTRE, N.E. REGION

INDIAN COUNCIL OF MEDICAL RESEARCH
Post Box No. 105, Dibrugarh - 786 001 (Assam), INDIA

NO. RMRC/DIB/ADM-56(ii)/2000-2001/1879

Date: 8/11/2000

ORDER

This is for information to the following staff that as per ICMR letter No 6/14/2000-Admn.II(Part-II) dtd. 30th October, 2000, designation of the undermentioned officials are redesignated as shown below from the date shown against each.

Sl. No.	Name of the employee	Re-designated the post as	Pay Scale
1.	Sri B.K. Goswami Research Assistant	Technical Assistant wef. 30-6-1999	Rs. 5000-150- 8000/-
2.	Sri Sandhan Gogoi Lab. Recorder	Laboratory Techni- cian wef. 1-1-1996	Rs. 4500-125- 7000/-
3.	Sri A.C. Rabha Field Worker(Sr)	Laboratory Assistant wef. 1-1-1996	Rs. 4000-100- 6000/-
4.	Sri J.N. Gogoi Field Worker(Sr)	Laboratory Assistant wef. 1-1-1996	Rs. 4000-100- 6000/-

10/11/2000
(S.N. Bhagawati)
Administrative Officer
for Director

Copy to:

1. All concerned employees
2. The Director General, ICMR, New Delhi - for favour of information.
3. Accounts Section X for necessary action.
4. Bill Section X
5. Personal file of employee's concerned.
6. ACP file (Adm.97)
7. Budget file
8. Estt.3(Increment) file.