

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 199/2005

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(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 199/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): Mr. Ch. I. Singh

Respondant(S): M. O. I. Singh

Advocate for the Applicant(S): Mr. P.K. Roy Chaudhry, B.K. Kar, J. Das

Advocate for the Respondant(S): Case

Notes of the Registry	Date	Order of the Tribunal
Application is in form is filed/C.F. No. 199/05 disposed vide P.O. No. 206/156496 Dated 29.7.05	2.8.05.	Judgment delivered in open Court. Kept in separate sheets. Application is disposed of. <u>P.D. Beldar</u> Member

V. K. Das
Vice-Chairman

lm

M. O. I. Singh
Dy. Registrar

P.O.

199/05

Steps taken with
envelops.

P.O.

M. O. I. Singh
8/8
ADD. C.A.S.C.

9.8.05

Copy of the Judgment
has been sent to the
D/Sec. for receipt
the same to the applicant
by post.

156

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CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH.

O.A. No. 199 of 2005.

DATE OF DECISION: 02.08.2005

Mr.Ch.I.Singh

APPLICANT(S)

Mr.P.K.Roy Choudhury

ADVOCATE FOR THE
APPLICANT(S)

VERSUS -

U.O.I. & Others

RESPONDENT(S)

Mr.M.U.Ahmed, Addl.CGSC

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

G. Sivaranjan

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.199 of 2005.

Date of Order: This the 2nd Day of August, 2005.

HON'BLE MR JUSTICE .G.SIVARAJAN, VICE-CHAIRMAN

HON'BLE MR.K.V.PRAHLADAN, ADMINISTRATIVEMEMBER

1. Sri Ch.Itocha Singh,
Veterinary Field Assistant,
33 Assam Rifles,
C/O 99 apo,
Presently posted at
33 Assam Rifles, ~~Kachang~~ Kakching
Manipur. Petitioner

By Advocate Mr.P.K.Roy, Choudhury,
Mr..B.K.Kar, Mr.J.Das

-Versus-

1. The union of India,
Represented by the Secretary to the Department of Home Affairs,
Sansad Marg, New Delhi.
2. The Director General,
Assam Rifles, Shillong-11.
3. The Commandant,
Assam Rifles,
Kakching, Manipur. Respondents.

By Advocate Mr.M.U.Ahmed, Addl.CGSC.

ORDER(ORAL)

SUIVARAJAN,J(V.C)

Applicant, a Veterinary Field Assistant under the 33 Assam Rifles, C/O 99 APO, is presently posted at 33 Assam Rifles, Kakching, Manipur. He has filed this application for direction to the concerned respondents to revise his scale of pay as per the 5th Pay Commission recommendation, i.e. from the existing scale of pay to Rs. 4000/- Rs. 6000/- for the post of Veterinary Field Assistant under the Directorate of Assam Rifles. The applicant relied on the order dated 11.12.02 passed in O.A.No.65 of 2002 wherein this Tribunal has issued direction to the Respondents to implement the undertaking within the period of three months. The applicant has stated that in spite of representations dated




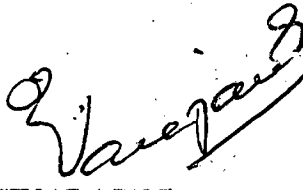
11.5.1992(Annexure III), 8.2.1998 (Annexure IV), July, 1999 (Annexure V) and

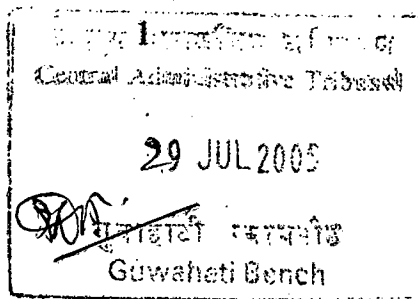
5.6.2005 (Annexure VI), the Respondents have not upgraded the pay scale.

2. We have heard Mr.P.K.Roy Choudhury, learned counsel for the applicant and Mr.M.U.Ahmed learned Addl.C.G.S.C appearing for the Respondents. It is not clear that whether the direction issued by this Tribunal in O.A. No.65 of 2002 dated 11.12.2002 has been complied with. However, the applicant's representations latest being Annexure VI, dated 5.6.2005 is stated to be pending before the Respondents. In the circumstances, we direct the Respondents to consider the representation dated 5.6.2005 (Annexure VI) and pass appropriate orders within a period of three months from the date of receipt of this order. The applicant will produce the copy of the order before the Respondents for compliance.

Application is disposed of as above at the admission stage itself.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH

GUWAHATI

ORIGINAL APPLICATION NO. 199 /2005

Sri Ch. Itocha Singh.....Applicant

- vs -

Union of India & others.Respondents.

S Y N O P S I S

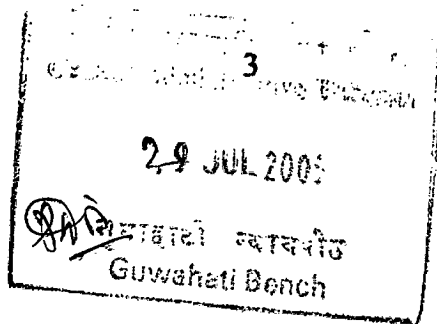
This is an application for granting of revised scale of pay to the petitioner who has been holding a post of Veterinary Field Assistant in the Directorate of Assam Rifles. The sole claim of the petitioner rests upon the recommendation made by the 5th Central Pay Commission and while the other Central Govt. Departments have adopted the revised scale of pay to the VFAs.

I N D E X

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Ch. J. Singh



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Chand Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

Guwahati Bench:

AT GUWAHATI.

(An application u/s 19 of the Central Administrative Tribunal Act, 1985.)

O.A.No.....199.....of 2005

Sri Ch. Itocha Singh,
Veterinary Field Assistant,
33 Assam Rifles,
C/O 99 APO,
Presently posted at
33 ASSAM RIFLES, KAKCHING,
MANIPUR.

.....PETITIONER.

-VS-

1. The Union of India,
Represented by the Secretary to the Department of
Home Affairs, Sansad Marg, New Delhi.
2. The Director General,
Assam Rifles, Shillong- 11.
3. The Commmandant,
Assam Rifles,
Kakching, Manipur.

Chd. Singh

DETAILS OF APPLICATION :

PARTICULARS AGAINST WHICH THE APPLICATION HAS BEEN MADE :

1. This application has been made against the inaction of the concerned respondents in revising the scale of pay as per the recommendation made by the 5th Central Pay Commission by which the petitioner is entitled for a revised scale of pay @ Rs. 4000/- to Rs. 6000/- as he is holding the post of Veterinary Field Assistant under Assam Rifles and also he has been discriminated as the other departments has already adopted the revised scale of pay for the post of VFA.

2. JURISDICTION::

The applicant declares that this Hon'ble Tribunal has got jurisdiction to adjudicate the matter in regards to which this application is made.

3. LIMITATIONS:

This applicant further declares that this application is well within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act ,1985.]

4. FACTS OF THE CASE::

4.1. That this applicant is a citizen of India and a permanent resident of Lamdeng Mayai Leikaie, SPO Lamsang Bazar, Imphal, Manipur was appointed on 16.3.92 after due selection, in the

Ch. S. Singh

post of Veterinary Field Assistant (herein after referred as VFA) in 18 Assam Rifles in the scale of pay Rs 950-20-1150-EB-25-1500/- pm plus other allowance as admissible under the existing rules from time to time. It would be relevant to note here that at present the petitioner has been permanently posted at 33 Assam Rifles, Kakching, Manipur.

A copy of the appointment letter is annexed herewith as ANNEXURE-I.

- 4.2 That the educational qualification of the petitioner is graduate in science and also completed training for the post of VFA securing 1st division from Veterinary Field Assistant Training Centre, Govt. of Manipur under Veterinary and Animal Husbandry Department, Manipur, in the academic session of the year 1984-85.

Copies of the graduation certificate and certificate of VFA training are annexed herewith as ANNEXURE- II-A and II-B respectively.

- 4.3 That the grievance of the petitioner leading to the preferring of this application is that non-
extention of upgraded scale of pay of Rs 4000/- 6000/- pm as he is legally entitled for

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Ch. Singh

the same under the revision of pay scale by the 5th Pay Commission recommendation from 1.1.86.

- 4.4 That the petitioner states that the minimum required qualification for the appointment in the post of VFA is matriculation with diploma or certificate or experience of one or two years as it may be as per the revision of pay scale under the 5th pay commission recommendation, the central Govt. revised pay scale of Veterinary Stuffs/or paraveterinarians equally to the pay scale of Rs 4000/- 6000/-. In Assam Rifles there are two scales of pay in existence, viz., Rs 950-1500 pm for the non-matric with certificate in veterinary science and Rs 975-1540 for matric with diploma in veterinary. But there is no separate pay scale for the holders of the post of VFA having certificate in veterinary science with matriculation. They have only been allowed the scale of pay of Rs 975-1540, which is otherwise applicable to the diploma holders.

- 4.5 That the petitioner states that the revision of pay scale has been implemented by all the concerned departments of the central Govt. but in case of the post of VFA of Assam Rifles, the Directorate General, Assam Rifles has failed to implement the same by taking

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Ch. Singh,

the chance of non mentioning the nomenclature of VFA in the column of veterinary stuffs of the Central Civil Service (revised pay) Rules, 1997. Instead of implementing the pay scale given in the first schedule of Part B of the said Civil Service (revised pay) Rules, 1997 i.e., 4000-100-6000 by taking analogy of the post of veterinary stuffs as described in section 30 of the Indian Veterinary Council Act, 1984 where it is clearly stated that what ever the names may be called but the Directorate General, Assam Rifles has implemented the CCS(RP) Rules 1997 in schedule A i.e., Rs 3200-4900.

- 4.6 That the petitioner submitted representation on 11th May 1992 before the complemented authority having a prayer therein for grant of matriculate scale of pay.

A copy of the representation dated 11th May 1992 is annexed herewith as ANNEXURE- III.

- 4.7 That the petitioner states that the authorities concerned have paid no heed to the aforesaid representation dated 11th May 1992. Thereafter the petitioner again submitted a representation dated 18.2.98 whereby it has been prayed to implement the 5th Central Pay Commission's recommendation in case of

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Ch Singh.

revised scale pay to the VFAs. The petitioner in his representation stated that he had passed B.Sc. with Biological science and diploma in veterinary science and qualified for Assistant Veterinarian and thereby prayed for granting of the revised scale of pay as per the 5th Pay Commission Report. Getting no positive reply, the petitioner again preferred another application dated 26.07.1999 before the authorities concerned in the same line incorporating the same prayer thereof but the result was same, the authorities neither looked into it nor paid any interest to consider the legitimate claim of the petitioner.

4.8 That the petitioner states that thereafter he had approached the authorities concerned for several times but got no positive result and ultimately on 05.06.2005 he again preferred another application incorporating the same prayer but till date nothing has been done.

A copy of the representation 18.02.1998 is annexed herewith as ANNEXURE – IV.

A Copy of the representation dated 26.07.1999 is annexed herewith as ANNEXURE – V.

A copy of the representation dated 05.06.05 is annexed herewith as ANNEXURE – VI.

Ch. Singh

- 4.9 That the petitioner states that although the authorities concerned has not acted upon the representations made by him in several times for revision of scale of pay as per the 5th Pay Commission Report yet it has accepted that there is some anomalies as regards to the scale of pay to the VFAs. In that regard the authorities have published a notification dated 24.04.2001 whereby in paragraph -7 it has been admitted that the scale of pay to VFAs have been revised by the 5th pay Commission to Rs. 4000/- 6000/-. Further it has been conceived that it has taken up to accord implementation of revised scale to the post of VFAs in Assam Rifles.

A copy of the Notification dated 24.04.01 is annexed herewith as ANNEXURE – VII.

- 4.10 That the Govt. of Arunachal Pradesh, Department of Animal Husbandry and Veterinary also accorded a notification on 13.05.99 whereby it had been approved the re-designation of the posts of Para-veterinarians in the Department of Animal Husbandry and Veterinary and also extended the benefit of scale of Pay as recommended by the 5th Central Pay Commission.

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Ch. Singh

A copy of the said notification dated 13.05.99 is annexed herewith as ANNEXURE – VIII.

- 4.11 That the petitioner states that a similarly situated person has preferred an application before this Hon'ble Central Administration Tribunal, Guwahati, by way of O.A. No. 65 of 2002 wherein this Hon'ble Tribunal has directed the authority to pay the said petitioner the revised scale of Pay as per the recommendation of the 5th Pay Commissions.

A copy of the order dated 11.12.2002 is annexed herewith as ANNEXURE –IX.

5. GROUND FOR RELIEF GROUNDS

5.1 For that the authorities have failed to consider his representations while he is legitimately entitled to the revised scale of pay as per the 5th Central Pay Commission recommendation and therefore the inaction on the part of the appropriate authority is bad in law.

5.2 For that the authorities concerned have also failed to consider that all the concerned Central Govt. Departments have approved and revised the scale of pay as per the 5th Pay Commission Report, therefore failure on the part of the ASSAM RIFLES is arbitrary as well a discriminatory.

Ch. Singh

5.3 For that the inaction on the part of the concerned respondent to adopt the revised scale of pay as per the recommendation of the 5th Central Pay Commission is highly prejudicing for the petitioner and he is legally entitled for the same.

6. DETAILS OF REMADIES EXHAUSTED

The applicant begs to state that he has exhausted all the remedies available to him and there is no other alternative remedy and hence he is approaching this Hon' able Tribunal by way of filing this application.

7. THIS MATTER IS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT.

This applicant states that he has not filed any writ petition or any Suit before any court or any authority or any other bench of his Hon'ble Tribunal regarding the grievances for which this application has been made and there pending before any of them.

8. RELIEF SOUGHT FOR :

Under the aforesaid circumstance the petitioner prays that this application may kindly be admitted, relevant records may be called for, after hearing the parties and on causes shown and perusal of the records be pleased to grant the following relief :

- a. To direct the concerned respondents to revise the scale of pay of the petitioner as per the 5th Pay Commission recommendation, i.e. from the existing scale of pay to Rs 4000/- Rs 6000/- for the post of

12
Ch. Singh

Veterinary Field Assistant under the Directorate of
Assam Rifles ; and

b. Any other relief or relives as Your Lordships deem
fit and proper for the ends of justice.

9. This application has been filed through advocate.

10. Particulars of IPO

- i) IPO No
- ii) Date of issue.....
- iii) Issued from
- iv) Payable at

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

I, Sri Ch. Itocha Singh, Veterinary Field Assistant,
 33 Assam Rifles, C/o 99 APO, Kakching , Manipur, do
 hereby verify that the contents of paragraphs
4p. to4.1.1..... are
 true to my personal knowledge and paragraphs
1, 2, 3..... to.....5, 6, 7, 8.....believed to be true on
 legal advice and that I have not suppressed any material
 facts.

Date: 29.7.05

Place: Bumsahan

applicant.

Ch. Itocha Singh.
 Signature

14 ANNEXURE - I 19

Tele No : PABX 27510/5550

REGISTERED

Bharat Sarkar
Govt of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-11

I. 14015/25-85/VFA/A-2(Med)

16 MAR 92

Shri Chingangbam Itecha Singh

C/O Sh Mani Singh

Lamdeng Mayai Leikai

SPO - Lamsang Bazar (Imphal-795146)

APPOINTMENT- VFA

1. You are hereby selected for appointment until further orders as Vety Field Asstt in 18 Assam Rifles in the scale of pay of Rs. 950-20-1150-EB-25-1500/- p.m. plus other allowances as admissible under the existing Rules from time to time. The appointment is purely temporary and may be terminated with one month notice from either side.

2. Shri Chingangbam Itecha Singh shall have to produce the following certificates before joining the post :-

(a) Medical fitness certificate from Civil Surgeon or equivalent at the time of joining.

(b) Educational and other certificates as proof of age and qualification.

(c) A character certificate from a Class I officer or 1st Class Magistrate at the time of joining the duty.

3. No TA/DA will be admissible to you for joining the duty.

4. You are liable to serve anywhere in Assam Rifles deployed in Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh and Sikkim or wherever Assam Rifles exists.

5. Your appointment is subject to satisfactory police verification and antecedent.

Confirmed to be true copy
[Signature]
[Signature]
2/-

18

20

6. You will report for duty to Commandant 18 Assam Rifles, C/O 99 APO on or before 18/04/92 failing which this appointment letter will be treated as cancelled.

7. Over-age of the individual is hereby condoned and this has the approval of DGAR.

8. Nearest Rly station is Silchar. You may report to OC Transit Camp at 2 MGAR, Silchar for further journey to the destination.

(P. S. Prakash)

Lt Col

Assistant Director (A)

for Director General

Assam Rifles

Copy to :-

1. HQ Mizeram Range
Assam Rifles
C/O 99 APO
2. 18 Assam Rifles
C/O 99 APO
3. Medical branch (internal)
4. Personal file
5. Office copy

rg/-

*Confidential to be taken Copy
Dated
Hence etc.*

16 -

ANNEXURE - II A

21

Manipur University



TWO-YEAR DEGREE EXAMINATION

1986

This is to certify that

Chingangbam Stecha Singh

of *Oriental* College,

Roll No. *579* qualified for the

Degree of Bachelor of *Science*

in this University in the year *1987*

Imphal,

The 14. 04. May 1990

V. K. Muraria
Vice-Chancellor

Certified to be true copy
[Signature]
Associate

201

VETERINARY FIELD ASSISTANT TRAINING CENTRE



GOVERNMENT OF MANIPUR
POROMPAT, IMPHAL

VETY. AND ANIMAL HUSBANDRY DEPT. MANIPUR
Elementary Animal Husbandry and Veterinary Science Examination.

Academic Session 1984-85

Certified that Shri/Smt/Mr/Ms. Hoeha Singh Roll no-137.
having attended the prescribed course of studies in the Vety. Field Assistant Training
Centre, passed successfully the Final Examination held in the month of June 19.85.
and was placed in the First Division.

Officer-in-charge

Vety. Field Asst. Training Centre
Porompat, Imphal

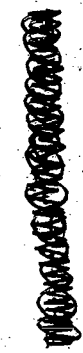
Dt. Poropat, Imphal

BOARD OF EXAMINERS:

	Chairman
	Member
	Member
	Member
	Member
	Member

ANNEXURE - II-B

(Ch. Hoeha Singh)
(Ch. Hoeha Singh)



From : Ch. Itocha Singh (VFA)
18 Assam Rifles,
C/O 99 APO

To : The Director General Assam Rifles
Shillong - 793011

(Through proper channel)

Sub : PAY SCALE NEWLY APPOINTED VFA

Sir,

1. With reference to your directorate appointment letter No. 14015/25-85/VFA/A-2 (Med) dated 16th March 92, I am to state the following lines for your consideration please.
2. According to your direction I have jointed duty at 18 Assam Rifles on 20-4-92.
3. I would like to draw your kind attention on Employment News page No. 7 dated 2-8 Nov. 91 (Photostat copy attached) in which you have advertised that the candidate who have passed matriculation and having diploma in veterinary science will be given pay scale of Rs. 975 - 25 - 1150 - EB - 30 - 1540/- PM. At this juncture I have to inform you that I have passed B. Sc. with diploma in Veterinary Science. All the requisite certificates were also produced before the interviewing board. But I am sorry to apprise you that even after having higher qualification I have been given pay scale of non-matric candidates i.e., Rs. 950 - 20 - 1150 - EB - 25 - 1500 - PM.
4. In view of the facts mentioned above, I implore you to kindly re-consider my case sympathetically and allow me to draw pay scale of matric candidate i.e. Rs. 975 - 25 - 1150 - EB - 30 - 1590/- PM as promised vide your above Employment News.
5. For this act of your kindness I shall ever remain grateful to you, Sir.

Station : C/O 99 APO
Dated : 11th May 1992

Your faithfully,
Sd/-
(Ch. Itocha Singh)

Certified to be true copy
[Signature]
[Signature]

(Ch. Itocha Singh)

(Ch. Itocha Singh)

To : Directorate General Assam Rifles
Shillong-11.

(Through Proper Channel)

Sub : Request for review on the implementation of new pay scale.

Sir,

With reference to your directorate letter No. A/Pe-ra/97/11 dt.

1. 23 Oct 97 on implementation of pay scale of civilian employees as per annexure of gazette, I am to state the following lines for your kind considerations.

2. According to your above order the standard scale of veterinary Field Asstt (VFA) has been revised from (950-1500) to (3050-4590) which is the scale of only matriculate having no certificate/Diploma.

3. I would like to draw your kind attention on the recommendation of 5th Central Pay Commission for Veterinary and Paraveterinarian staff and Part B of Gazette Sl. No. XXIV(C) in column 4 revised scale for Veterinary staff under head revised pay scale for certain common categories staff.

4. I had passed B.Sc. with biological Science and Diploma in Vety. Science and Qualified for Asstt veterinarian. But the required qualification of the existing post of VFA in your directorate is Matric & Diploma/Certificate in Vety. Science which is equivalent in all respect to the post of stock man/stock Asstt. etc. The post of compounder/stock man/stock Asstt etc have been rationalised by the commission and grouped in a single category. The different standard scales of this category ranging from (950-1500) to (1200-2040) are placed in a single scale of (1200-2040) which is replaced by the new scale of (4000-100-6000). The recommendation including pay scale has been accepted already. (A photo copy of CCS(Revised Pay) for veterinary staff is also attached for your kind perusal).

5. I therefore request to review my case sympathetically at your earliest convenience and kindly allow me to draw revised pay scale of (4000-100-6000) as published in the gazette for veterinary staff.

6. For this act of your kindness I shall ever remain grateful to you, Sir.

Date:- 24th Feb 98.

Enclosure :-

- (1). Photo Copy of CCS(Revised Pay)
for vety staff - 1 copy.

Yours Faithfully,

Hecha

(Ch. Itocha Singh)

(Ch Itocha Singh)

(Ch Itocha Singh)

From VFA-023 Ch Itocha Singh
24 Assam Rifles
C/O 99 APO

To Directorate General
Assam Rifles
Shillong - 11

(through proper channel)

SUB REMINDER ON IMPLEMENTATION OF REVISED PAY SCALE

Sir,

1. With reference to your Directorate message No. A 3497 dt 03 Apr 98 and A 3454 dt 01 May 98, I am to state the following few lines for your kind early action.

2. The 5th Central Pay Commission's recommendation was accepted and Notification had been issued by the Finance Ministry (Dept. of Expenditure) on 30th Sept 97 and the revised pay had been implemented in respective Depts. The revised pay scale of Vety Field Assistant (VFA) also was replaced by the scale of (Rs. 4000-100-6000). The same had been published in that Gazette in part 'B', Sl No XXIV(C) in column 4.

4. I also requested to implement technically that revised pay scale on 18th Feb 98 with relevant document and probably by others VFA community of Assam Rifles too. Responding on our request, your Dts. intimated by the above messages that a case of upgraded pay scale of VFA had been taken up with MHA on 31st March 98 and it is also mentioned that outcome would be intimated on scanning. Now, fifteen months had passed here, is no intimation in this regard beyond the expected time. I believe that the decision has come from MHA at your Directorate.

3. All VFA of Assam Rifles are working in the field at their own risk without any supervision of the Vety Surgeon. But we are getting less pay even having same eligible qualification than vety compounders of BSF and from other Central Govt Depts. As stated earlier in my application dt 18 Feb 98th I am qualified for Asst Veterinarian in the scale of (Rs. 5000-8000) as per same Gazette sl No XXIV(b). MY VFA course is pure Vety Science which was imparted training with minimum qualification of Matric or above in that time.

4. And my scale has been implemented to (3050-4590) which is the scale of only matriculate having no certificate/Diploma. Now this scale is not exist within the territory for those persons who has holding certificate/Diploma in Vety Science with minimum qualification of Matric or above.

5. In view of above facts, I therefore request again to implement sympathetically the revised pay scale of (Rs. 4000-100-6000) as published in the Gazette at your earliest convenience.

6. For this act of your kindness I shall ever remain grateful to you, Sir.

Yours faithfully,

(Ch Itocha Singh)

(Ch Itocha Singh)

Confirmed by Mr. [Signature]
[Signature]
[Signature]

RECEIVED

July 20, 1999

From : VFA-023

Ch. Itocha Singh

26 Assam Rifles

C/o 99 APC

17/11/05

21.

ANNEXURE - VI

To : Directorate General Assam Rifles
(A branch)
Shillong -11

5th of June, 2005

(Through proper channel)

Sub : REQUEST FOR IMPLEMENTATION APPROVED PAY SCALE OF
RS. 4000-6000/- FOR THE POST OF VETERINARY FIELD ASST (VFA)

Sir,

1. With ref to your Dto message A 3497 dt 03 April 1998 & A 4420 dt 29th Sep 1999, I would like to draw your kind attention of the following a few lines for your early action please.

2. I Submitted my representation on 18th Feb 1998 & a reminder on 26th July 1999 requesting to implement the revised scale of Rs. 4000-6000/- as per Part B of First Schedule of CCS (RP) Rules, 1997 instead of present scale of Rs. 3050-4590. As a reply of my both representations your Dto intimated me vide above message that case for upgraded pay scale of VFA had been taken up with MHA & outcome would be intimated.

3. I have learnt that the upgraded pay scale is approved and order has been released by MHA vide their letter No. II/27014/16/99-PF-IV dated 28th Oct 2003 to convey the sanction of the competent authority to grant that revised pay scale of Rs. 4000-6000/-. Accordingly, our Dto directed to the concerned unit to implement the upgraded pay scale for one individual.

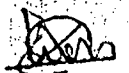
4. The undertaking was related to upgradation of pay scale of VFA serving in Assam Rifles to Rs. 4000-6000/- wef from 01-01-1996 in parity with those other counterparts. But the upgraded pay scale has not been implemented to me even three months elapsed then the issue of order of the individual. I am also entitled the upgraded pay scale in equal pay doctrine.

5. I am sorry to apprise you that our pay implementation case is inordinate delay in disposal. It causes hardship.


6. In view of above genuine facts, I implore to consider my case sympathetically and I may please be granted the upgraded pay scale of Rs. 4000-6000/- wef 01 Jan 1996 at your earliest convenience.

7. For this act of your kindness I shall ever remain grateful to you, Sir.

Yours faithfully



(Ch. Itocha Singh)

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22 -

ANNEXURE - VII

Tele No : 705075

Maharajchhalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793 011

A/Pers-Pay & Allce/2001

24 Apr 2001

List 'A'

'B'

'C'

'F'

PROGRESS ON PAY ANOMALIES CASES

1. Ref pt 26 (q) of min of AR Cdr Conf Mar 2001 fwd vide this Dte letter No 111011/11/2001-G(SD)/1214 dt 11 Apr 2001.
2. Progress on pay anomalies proposals are given in the succeeding paragraphs for info.
3. Rank and Pay Combatant Clk. To bring parity in ranks and pay with other CPOs, a case was taken up with MHA during 1997. After protracted correspondence and several mtgs held at MHA, it has now been decided that entry grade of Stenos and combatant clks would be ASI (WO in AR) and Hav/Clk respectively in the scale of pay Rs 4000-6000/- and Rs 3200-4900/- in all CPMFs. This entry grade will be applicable to the new entrants only and the existing staff in the Steno and ministerial cadre will continue to wk in the same level where they are at present. This Dte has further taken up a case with MHA that unless the existing cadre is re-designated one step up, the new policy cannot be implemented in AR. MHA's decision on the matter is still awaited.
4. Rank and Pay of Tech Cadre. Pers of RM, Dtmn, Pharma and Compounder of AR with the same intake QR for rect/remusteration are given the rk of Hav whereas their counterparts in other CPOs are given ASI. The MHA had asked to submit proposal indicating cadre to cadre comparison with BSF where the rk of ASI is available in other tech cat also along with fin implication. The proposal along with fin implication has been submitted to MHA and the case is lying with MOF for approval.
5. Anomaly in Pay of Tdn. There are nine cats of tdn of AR such as Cook, Carp, WM etc are being given less pay than their counterparts in other CPOs. Case was taken up that the pay scale applicable to the tdn in other CPOs is recommended to be auth to AR tdns. MHA has decided the following pay scale for all CPOs.

(a) Rfn Cook, Washerman, Barber, Carpenter, EBR, Tailor & Painter.	Rs 2610-3540/-
(b) Rfn WC & Safai	Rs 2550-3200/-

The fin implication along with restructuring proposal is being fwd to MHA for approval. It has also been decided by the MHA that the provision for remusteration in R'n (GD) from above cats will be made in PRs.

Recd	A	SS Pt
Modt		HA - spm
hc		
Sup & Tpr		
MC		
File	A	

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S. D. D. G.
Advocate

6. Revision of Pay scales of Hony Rk of Nb Sub. After declaration of 5th CPC report, Army has enhanced Rs 100/- of addl element of pension to NCOs granted hony rk of Nb Sub on retirement from Rs 30/- wef 01-01-96. On the similar line a case has been taken up with MHA for enhancement of ex-AR Hony NCOs. The case is lying with MOF for consideration.

7. Implementation of Upgraded Pay Scale from 01-01-96 for the Post of VFA. In 5th CPC the post of VFA and equivalent grade in other org has been revised by a single scale of Rs 4000-6000/-. A case has been taken up with MHA to accord approval for implementation of revised scale to the post of VFA in AR. Case is under proc.

8. Anomaly in Pay Scale of Civ Dtmn. Dtmn in AR are drawing scale of pay as per part A of 1st Schedule of CCS (RP) Rules 1997. In 5th CPC dtmns of other orgs has been gtil Part B of 1st Schedule of CCS(RP) Rules 1997 i.e., Rs 5000-8000/-. Case has been taken up with MHA for applicability of part B Scale to AR dtmns wef 01-01-96. The case is under consideration with MOF.

9. Admitting Revised Scale to Teaching Staff as per Part B of 1st Schedule of CCS(RP) Rules 1997. A proposal has been taken with MHA for admitting the Part B Scale of 5th CPC to teachers of AR. Case is under consideration with MHA.

(Satendra Kumar)
Col
DD(A)
For DG Assam Rifles

Copy to :-

List 'D'

List 'E'

Malik

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Singh
Advocate

24, HNNCX VRE -VII

29

'GOVERNMENT OF ARUNACHAL PRADESH'
DEPARTMENT OF ANIMAL HUSBANDRY AND VETERINARY

O R D E R
Dated Itanagar the 13th May '99.

No. AHV/E-98/83 ::: The Governor of Arunachal Pradesh is pleased to accord approval to the re-designation of the posts of Para-Veterinarians in the Department of Animal Husbandry and Veterinary Arunachal Pradesh and also extend the benefit of pay scales as recommended by the 5th Central Pay Commission in part 'B' Item XXIV-Veterinary staff of the First schedule to the CCS(RP) Rules 1997, as detailed below :-

sl no	Existing designation	Existing pay scales	Re-designated as	Revised upgraded pay scales.
1.	Supervisor Vety. Field Assistant and other allied posts.	Rs. 4000-100-6000/-	Ass'tant Veterinarian	Rs. 5000-150-8000/-
2.	Veterinary Field Assistant	Rs. 3050-75-3950-80-4590/-	Stockman.	Rs. 1000-100-5000/-

The benefit of the aforesaid pay scales would be effective from 20th June' 1998, in accordance with FD's Memo No. FIH/E/11/77/97 dated 3.3.1999.

The Governor of Arunachal Pradesh is further pleased to order that the aforesaid pay scales will be drawn in cash, with effect from 1st April, 1999. The arrears of pay and allowances with effect from 20.6.98 to 31.3.99 will be credited into the respective GPF accounts of the incumbents after making specific provision from within the sanctioned budget grant for 1999-2000. Withdrawal of arrear pay so credited to the GPF will not be permissible for a period of 3 years from the date of deposit or until final withdrawal whichever is earlier.

Consequent upon the extension of pay scales as indicated above, the fixation of pay in the upgraded pay scales will be regulated as under:-

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 Associate

- a) Pay shall be fixed at the same stage at which pay is drawn by the incumbent in the lower scale, if there is such a stage or at the next higher stage if there is no such stage;
- b) If the pay is fixed at the same stage, the next increment should be granted from the date on which it would have been granted in the lower scale.
- c) If however, the pay is fixed at the next higher stage, the next increment should be granted after completion of the normal incremental period of 12 months in the upgraded pay scale.

The official concerned may at his option to be exercised within one month from the date of issue of the order, retain his old scale until the date on which he earns his next increment or any subsequent increment in the lower scale. The option once exercised is final.

This issues with the approval of Finance vide UO No.532 dated 7.4.99.

Sd/- T. Bagra
Secretary (AHV)
Government of AP, Itanagar.

Memo.no.AHV/E-98/83 Dated Itanagar the 13th May'99.
Copy to:-

1. The Accountant General (A & E) Meghalaya, Shillong.
 2. The Secretary to the Governor, Govt. of AP, Itanagar.
 3. The Secretary to the Hon'ble Chief Minister, Govt. of AP, Itanagar.
 4. P.S. to all Ministers/Minister of State Speaker/Deputy Speaker Govt. of AP.
 5. P.S. to Chief Secretary, Govt. of AP, Itanagar.
 6. Development Commissioner, Govt. of AP, Itanagar.
 7. All Commissioners Govt. of AP Itanagar.
 8. All Secretaries/Deputy Secretaries, Govt. of AP Itanagar.
 9. Director of A.H. & Vety. Govt. of AP, Niraj.
- for information and necessary action as mentioned above. He is requested to ensure the requirement of fund on account of both the arrear pay from 20.6.98 to 31.3.99 and the monthly requirement for drawal of pay and allowances in the upgraded pay scales in cash with effect from 1.4.99 are made available from within the sanctioned budget grant of the department both under plan and non-plan

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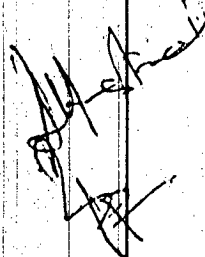
sectors and the arrears for the aforesaid periods are credited to the GPF accounts of the concerned officials. He is further requested to consult Deputy Secretary (Budget)/Secretary (Planning) to ensure availability of fund for the purpose.

10. The Secretary (Planning) Govt. of A.P. Itanagar.
11. The Deputy Secretary (Budget) Govt. of A.P. Itanagar.
12. All Heads of Department, Govt. of A.P.
13. All Deputy Commissioner/Additional Deputy Commissioner Govt. of A.P.
14. The Director of Accounts, Govt. of A.P. Naharlagun.
15. All Deputy Director, (A.H.V.) Govt. of A.P.
16. All Dist. A.H. & Vety. Officers/Sub-Divisional A.H. and Vety. Officers, Govt. of A.P.
17. All Treasury Officers/Sub-Treasury Officers, Govt. of A.P.



T. Koniya
Deputy Secretary (P&D)
Govt. of Arunachal Pradesh
Itanagar.

3363



Vety. Asst. Surgeon
Vety. Dispensary
Muk. 5 Tawang Dist
(A.P.)

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[Signature]

- 27 ANNEXURE - TA

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 65 of 2002.

Date of Order : This the 11th Day of December, 2002.


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

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

Shri Soraisam Manimacha Singh,
Veterinary Field Assistant of
Assam Rifles now posted at
A.R.Thoubal, a resident of Chingamakha Maisnam
Leikai, Imphal West District, Manipur ...Applicant

By Advocate Sri S.M.Singh.

- Versus -

- 
1. Union of India,
through the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.
 2. The Ministry of Finance,
through its Secretary,
Govt. of India, New Delhi.
 3. The Director General,
Directorate of Assam Rifles,
Shillong-793001.
 4. The Deputy Inspector General,
MP Range, Assam Rifles,
Imphal.
 5. The Commandant,
7th Assam Rifles,
Thoubal.

...Respondents

By Sri A.K.Choudhury, Addl.C.G.S.C.

ORDER

CHOWDHURY J.(V.C)

The issue relates to upgradation of pay scale of
Veterinary Field Assistant serving in Assam Rifles to
Rs.4000-6000/- in parity with those other counter parts.

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3/12/02
Advocate

2. Mr A.M.Singh, learned counsel appearing for the applicant stated that the applicant was agitating the matter in different forums and failing to get any remedy he moved the Imphal Bench of Gauhati High Court in Writ Petition(Civil) No. 798 of 1999. Finally by order dated 31.12.2002 the Writ Petition was disposed of directing the applicant to move the appropriate forum to seek his remedy. Hence this application before the Tribunal for redressal of his grievances. Mr Singh also pointed out to the reply submitted by the respondents in which it was indicated that the authority took a decision advising the Assam Rifles to process the proposal of cadre restructuring of the post of Veterinary Field Assistants in the manner indicated by the Ministry of Home Affairs in its communication dated 17.12.99. The relevant text of the said communication is reproduced below :

(i) DD(Pers) BSF has intimated that a proposal for cadre restructuring of Veterinary staff is being processed by them. ITBP is also processing the proposal on the same lines. Assam Rifles was advised by Dir.(Pers), MHA, to process the proposal for cadre restructuring of the post of VFA.

(ii) To maintain uniformity in educational qualification and pay scales as recommended by the Fifth Pay Commission, Assam Rifles was advised to process the proposal in consultation with the BSF and ITBP, so that a similar proposal on uniform lines is formulated.

(iii) As the posts of Veterinary staff in BSF and ITBP are combatised while in Assam Rifles VFAs are civilians, to maintain the uniformity in the rank structure, Assam Rifles were advised to propose the combatisation of these posts as well.



(iv) Since the matter is already subjudice, any decision for upgradation of pay scales in Assam Rifles can be taken after finalisation of the Court case."

Mr A.M.Singh, learned counsel for the applicant has also drawn our attention to the communication sent by the Ministry of Home Affairs dated 31.3.1998 indicating its mind for implementation of upgradation of the pay scale of Veterinary Field Assistants in the Assam Rifles. The said communication clearly indicated the decision of the Authority for revising the pay scale.



3. We have heard Mr A.M.Singh, learned counsel for the applicant and also Mr A.K.Choudhury, learned Addl.C.G.S.C. for the respondents at length. Considering the facts and circumstances we are of the opinion that the matter requires no further adjudication from our end. The Government has taken a decision in principle and in view of the pendency of the Court proceeding the authority did not take any step for implementation of the matter. In view of the clear statement made by the respondents we dispose of this application with a direction on the respondents to implement the undertaking as expeditiously as possible, preferably within a period of three months from the date of receipt of this order.

The application thus stands disposed of. There shall,

However, be no order as to costs.

Certified to be true
সত্যি

[Signature]
Section Officer (I)
C.A.T. GUWAHATI RANCH
Guwahati-781005
26/12/98

Sd/VICE CHAIRMAN
Sd/ MEMBER (Adm)

Certified to be true
[Signature]
Advocate