

50/100

2

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No....31/2005..

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

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

1. Orders Sheet.....Pg....01.....to...NIL.....
2. Judgment/Order dtd....09.02.2005 Pg.....01.....to...05.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....Pg....01.....to...16.....
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.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....Pg....01....to...23.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

[Signature]
31/2/15

FORM NO.4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 31/2005

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: S. M. Singh

Respondents U.O. 1205

Advocates for the Applicant A. M. Singh, A. Patam, S. T. Singh.

Advocates of the Respondents Case

Notes of the Registry Date _____ Order of the Tribunal _____

This application is in form.
is filed/C. F. for Rs. 50/-
deposited vide IPC/BD
No. 206/135571
Dated 25.11.05

N. S. Singh
8.2.05
Dy. Registrar

steps taken.

09.02.2005

Present : The Hon'ble Mr. M.K. Gupta
Member (J).

Heard learned counsel for
the parties.

The application is dismissed
in terms of the order passed in
separate sheets. No order as to
costs.

[Signature]
Member (J)

mb

15.2.05

Copy of the ~~for~~
final order has been
sent to the office for
issuing the same to the
applicant as well as to
Respond No. 3.

HS

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 31/2005

DATE OF DECISION 09.02.2005.

S.M. Singh.....APPLICANT(S)

Mr. A.M. Singh.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

Union of India & Ors.....RESPONDENT(S)

None for the respondents.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Member (J).

MA
[Signature]

6

CENTRAL ADMINISTRATIVE TRIBUNAL :::: GUWAHATI BENCH

Original Application No. 31/2005

Date of Order : This the 9th day of February, 2005.

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

Sri Soraisam Manimacha Singh aged
About 42 years old. S/o S. Ibobi Singh,
by occupation a veterinary Field Asstt. Of
Assam Rifles now posting at 23rd Assam
Rifles 99 APO, a resident of Chigamakha
Maisnam Leikai P.O. & P.S. Singiamei,
Dist - Imphal West, Manipur.

... Applicant.

By Advocate Mr. A.M. Singh, Mr. A.P. Singh, Mr. S.T. Singh.

- Versus -

1. The Union of India, represented by the Secretary to Govt.
Of India, Ministry of Home Affairs, New Delhi.
2. The Ministry of Finance through the Secretary
To the Govt. of India, New Delhi.
3. The Director General of Assam Rifles,
Directorate of Assam Rifles, at Shillong - 793 001.
4. The Commandant, 23rd Assam Rifles,
C/o 99 APO.

... Respondents.

ORDER (ORAL)

M.K. Gupta, Member (J):

Heard Mr. A.M. Singh, learned counsel for the applicant in detail and
perused the pleadings carefully.

1. By the present Original Application, the applicant seeks direction to the
Respondents to upgrade Pay Scale of the post of Veterinary Field Assistant
(Assam Rifles) to Rs. 4500-125-7000/- bringing it at par with the Compounder
(BSF) or at least Rs. 4000-6000/-, at parity with those other para veterinarians
w.e.f. 1.1.1996. The applicant also seeks direction to the respondents to consider
- f

changing the nomenclature of the post held by him i.e. Veterinary Field Assistant either to Veterinary Assistant or Assistant Veterinary or Animal Husbandry Assistant or Compounder.

2. It is contended that the applicant was entitled to the revised pay scale of Rs. 4000-6000/-, granted to him in terms of Union of India, Ministry of Home Affairs order dated 28.10.2003, by which sanction of the competent authority to grant revised pay scale of Rs. 4000-6000/- in place of Rs. 3200-4900/- was conveyed with immediate effect, particularly in compliance of this Tribunal's order in O.A. No. 65/2002. The basic grievance is that he was entitled to the said scale w.e.f. 01.01.1996 instead of with immediate effect, as prescribed under the order dated 28.10.2003.

3. In order to appreciate the contention in question, certain facts are required to be noticed, which are as under: -

4. The applicant was appointed to the post of Veterinary Field Assistant vide order dated 02.02.1987 in the pay scale of Rs. 975-1540/- by the Director General of Assam Rifles. The said pay scale was revised to Rs. 3200-4900/- on implementation of the 5th Central Pay Commission recommendations. It was the contention of the applicant that he was entitled to the upgraded pay scale of Rs. 4500-7000/- or at least the pay scale of Rs. 4000-6000/-. Therefore, he instituted O.A. No. 65/2002 praying the similar and identical relief as prayed for in the present case. It will be expedient to notice the relief prayed for which reads as under: -

“(i) Respondents be directed to upgrade the pay scale of VFA (Assam rifles) to Rs. 4500—125-7000/- in parity with compounder (BSF) or least to Rs. 4000-100-6000/- in parity with those of other para veterinarians w.e.f. 1.1.1996;

(ii) to direct the respondent to consider for changing the nomenclature of the present petitioner's post of VFA either to Veterinary Assistant or Assistant Veterinary or Animal Husbandry Asstt. Or compounder.”

[Handwritten signature]

5. The respondents in their reply to the said O.A. 65/2002 had submitted that the proposal to grant the pay scale of Rs. 4000-6000/- was pending with the Ministry of Home Affairs vide their recommendation dated 31.03.1998. The contents of the said Annexure - 1 communication dated 31.03.1998, indeed goes to show that in the cadre of Veterinary Field Assistant there were 31 sanctioned posts in the Assam Rifles, which were allowed standard revised Pay Scale of Rs. 3200-4900/- for those who were placed in the pay scale of Rs. 975-1540/-, and those who were carrying the pay scale of Rs. 950 - 1500/-, were allowed the revised pay scale of Rs.3050-4590/- w.e.f. 01.01.1996. Vide paragraph 3 of the said communication, recommendations were also made to provide upgraded pay scale of Rs. 4000-6000/- to Veterinary Field Assistant of Assam Rifles and accordingly sanction of competent authority was sought.

6. On noticing the aforesaid aspect, the Division Bench of this Tribunal disposed of the above said Original Application vide order dated 11.12.2002 with making the following observation: -

“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 nay 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.” (emphasis supplied)

7. Pursuant to the aforesaid direction of this Tribunal, the Respondents issued the order dated 28.10.2003 and placed the applicant in the upgraded pay scale of Rs. 4000-6000/- “with immediate effect”. Though it is the contention of the applicant that he was entitled to the said upgraded pay scale with effect from 01.01.1996, the validity or otherwise of the said order dated 28.10.2003 has not been challenged in the present O.A. Paragraph 2 of the aforesaid communication

specifically goes to show that the approval of the Ministry of Finance as well as Integrated Finance Division of Ministry of Home Affairs was accorded to grant the said upgraded pay scale with immediate effect.

8. Sri A.M. Singh learned counsel for the applicant strenuously argued that once the recommendation of the 5th CPC are implemented, they are necessarily to be operated with effect from 01.01.1996 and cannot be made applicable with immediate effect or from the date of the O.M. For this purpose reliance was placed on Swamy's news September, 2004 K. Indira and another Vs. The Chief General Manager Telecom, A.P. Circle, Hyderabad and Others in O.A. No. 1141 of 2001 decided on 23.01.2004 to contend that when the changes are effected as per recommendations of the 5th Central Pay Commission, the same should be given effect from 01.01.1996.

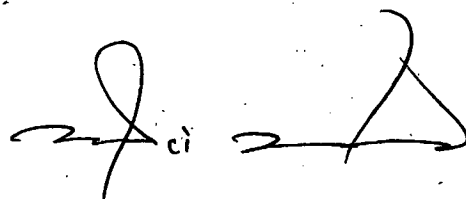
9. On careful consideration of the entire matter, I am of the view that it is not a case of the applicant that the 5th CPC recorded its positive recommendations or finding of parity between the applicant on the one hand and allegedly similarly placed person in the other organizations. As noticed hereinabove vide communication dated 31.03.1998, the Assam Rifles in its recommendation made to the Ministry of Home specifically noticed that the Veterinary Field Assistants, were earlier placed in the pay scale of Rs. 975-1540/- and Rs. 950-1500/- were allowed revised pay scale of Rs. 3200-4900/- and Rs. 3050-4590/- respectively, and a proposal was also made to grant upgraded pay scale of Rs. 4000-6000. A close analysis of the aforesaid communication, in my considered view, indeed goes to show that it is not the 5th CPC recommendations, which recommended a parity, but the Respondent i.e., the Assam Rifles recommended grant of upgraded pay scale to the applicant. The facts of the present O.A. are not similarly placed to the case decided by the Hyderabad Bench of the Tribunal in O.A. No. 1141/2001 dated 23.01.2004, on which strong reliance was placed by the Learned Counsel for the applicant. Therefore, in my considered view that the reliance placed on the Hyderabad Bench Judgment in K. Indira and another Vs. The Chief General Manager Telecom, A.P. Circle, Hyderabad and Others (Supra) is not of any assistance and the said judgment is clearly distinguishable. When the pay scale is granted, which was not based upon Pay Commission recommendations and the validity of such order remains unchallenged, no relief can be granted to the

applicant. Moreover the issue of granting upgraded pay scale from a particular date is in the realm of policy decision, which cannot be questioned by the applicant.

10. As noticed hereinabove, the relief prayed for in earlier O.A. No. 65/2002 as well as in the present O.A. remains the same, identical and verbatim and therefore the relief which was not granted earlier could not be allowed in a subsequent proceedings particularly when the orders passed in compliance of earlier directions of the Tribunal also remains unchallenged.

11. The learned counsel for the applicant contended that the said communication dated 28.10.2003 has been challenged vide paragraph 9 of the present O.A., which in my respectful view is misplaced as such contention is not supported by the said paragraph 9. Moreover, the paragraph 9 of the said O.A. deals with interim relief and not the final relief, as prayed. Further, a perusal of the said para 9 would show that what is sought in the said paragraph is to stay the operation of the DGRs order dated 07.11.2000 and not the order by which the sanction of the competent authority was conveyed to grant upgraded pay scale of Rs. 4000-6000/- with immediate effect.

12. In view of the above findings recorded hereinabove, I do not find any justification and merit in the present O.A. and the same is accordingly dismissed at the admission stage itself without issuing notice to the respondents. No order as to costs.



(M. K. GUPTA)
JUDICIAL MEMBER

केन्द्रीय प्रशासनिक अपील निकाय
Central Administrative Tribunal

8 FEB 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench
[GUWAHATI BENCH]

Original Application No. 30 of 2005

Soraisam Manimacha Singh. _____ Applicant.

- Versus -

The Union of India and others. _____ Respondents.

INDEX / SYNOPSIS

Sl. No.	Nomenclature of document	Brief description of documents from to	Page
1.	Application	Application filed by the Applicant.	1 - 17
2.	Affidavit	Affidavit of the Applicant.	18
3.	ANNEXURE-A/1	Certificate of H.S.L.C. 1980	19
4.	ANNEXURE-A/2	Certificate of Veterinary Sc. 1983	20
5.	ANNEXURE-A/3	Certificate of B.A. (2 years) 1985	21
6.	ANNEXURE-A/4	Appointment order dated 02/02/1987	22
7.	ANNEXURE-A/5	Pay scale of Vety. staffs in CCS(RP) Rules 1997.	23
8.	ANNEXURE-A/6	Pay scale of Compounder, Central Forest Service.	24
9.	ANNEXURE-A/7	Letter dated 15/09/1998	25 - 26
10.	ANNEXURE-A/8	Letter dated 08/06/2001.	27
11.	ANNEXURE-A/9	High Court order dated 31/12/2002.	28 - 30
12.	ANNEXURE-A/10	Order dated 11/12/2002.	31 - 33
13.	ANNEXURE-A/11	Order dated 05/05/2003	34
14.	ANNEXURE-A/12	Memorandum dated 21/04/2003	35
15.	ANNEXURE-A/13	Letter dated 31/03/1998	36 - 37
16.	ANNEXURE-A/14	Letter dated 24/02/2004	38
17.	ANNEXURE-A/15	Letter dated 26/02/2004.	39
18.	ANNEXURE-A/16	Letter dated 08/06/2001.	40

Signature of the Applicant's counsel

N. Toiba Singh.

For use in Tribunal's office

Date of filing: 08-02-2005

Registration No. :

①

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
[GUWAHATI BENCH]**

Original Application No. **3Φ** of 2004

Shri Soraisam Manimacha Singh aged about 42 years old. S/o S. Ibobi Singh, by occupation a veterinary Field Asstt. of Assam Rifles no posting at 23rd Assam Rifles 99 APO, a resident of Chingamakha Maisnam Leikai P.O. & P.S. Singjamei, Dist.-Imphal West, Manipur.

APPLICANT

-VERSUS-

1. The Union of India represented by the Secretary to Govt. of India, Ministry of Home Affairs, New Delhi.
2. The Ministry of Finance through the Secretary to the Govt. of India, New Delhi.
3. The Director General of Assam Rifles, Directorate of Assam Rifles, at Shillong-793001.
4. The Commandant, 23rd Assam Rifles, C/o 99 APO.

RESPONDENTS

1. DETAILS OF APPLICATION

- (a) Against the action of the Respondents in implementing the Central Civil Services (Revision of Pay) Rules, 1977; in the First Schedule Part-A instead of Part B XXIV.
- (b) Non compliance of the undertaking before the Hon'ble Central Administrative Tribunal dated 11-12-2002

Filed by the applicant-
through N. Thakur Singh
(Advocate)
08-02-05 10

S. Manimacha Singh.

passed in O.A. No. 65 of 2002; Central Administrative Tribunal.

(c) To rename the post of (Veterinary Field Assistant) as Stockman / Compounder/Stock Assistant/Animal Husbandry Assistant/Dresses etc.

2. JURISDICTION OF TRIBUNAL

The Applicant declare that the subject matter of the present case where he wants redressal is within the jurisdiction of the Central Administrative Tribunal, Guwahati Bench.

3. LIMITATION

The subject matter of the present case is as regards the unequal treatment in implementing the CCS (Revised Pay) Rules, 1997. It is a case of continuing cause of action which arises every month. Hence the applicant begs to submit that the application is very much within time-Limitation Period prescribed in Section 21 of the Administrative Tribunal Act.

4. FACT OF THE CASE

The applicant is a bonafide citizen of India having permanent residence at Chingamkha Maisnam Leikal P.O. & P.S. Singjamei Bazar, Imphal West District, Manipur.

He is an educated person possessing the following certificate and degree :

(a) He passed High School Leaving Certificate in the year 1980 under the Board of Secondary Education, Manipur in third division.

S. Manimaka Singh.

(b) He passed Veterinary Field Assistant Training Course for the Academic Session of 1982-83 in the month of October, 1983 under the Veterinary Training Centre, Government of Manipur at Porompat, Imphal and place in the 1st Division.

(c) He passed B.A (Two years course) Examination in the year 1985 under the Manipur University.

True copies of certificates of HSLC, Vety. Trng. Course and BA are enclosed herewith and marked as Annexures-A/1, A/2 & A/3 respectively

(d) the applicant faced interview and selected for appointment to the said post of Veterinary Field Assistant (VFA in short) and accordingly, the Director General of Assam Rifles issued appointment order being No II 14015/49-75/VFA/ME (A), dated 2-2-1987 at the pay scale of Rs. 975-25-1150-EB-30-1540 per month plus other admissible allowances thereafter, the Applicant joined the service by getting posting place at 2nd Assam Rifles. At present the petitioner is posted at 23rd Bn. Assam Rifles.

True copy of the appointment order dated 2-2-1987 is annexed herewith as Annexure A/4

(e) The present post of the applicant is VFA and other posts known as Animal Husbandry Assistant, Compounder, Dresser, Stocker, Stock Assistant, Vaccinator and Milk

S. Manimocha Singh

Recorder etc. are categorised as Para Veterinarians post. They provide auxiliary support to Veterinary and Animal Husbandry practice. The minimum required qualification of such post is Matriculation with Diploma in Certificate with experience of one or two years as the case may be. Section 30 of the Indian Veterinary Council Act, 1984 clearly provides the minimum qualification and nature of works to be done by such post. The relevant portion of section 30 of The Indian Veterinary Council Act is reproduced hereunder for easy reference.

Simha
K. Manimachala

"30. Right of persons who are enrolled on the Indian veterinary practitioners register – No person, other than a registered veterinary practitioner, shall –

(a)

(b) *practise veterinary medicine in any State :*

Provided that the State Government may, by order, permit a person holding a diploma or certificate of veterinary supervisor, stockman or stock assistant (by whatever name called) issued by the Directorate of Animal Husbandry (by whatever name called) of any State or any veterinary institution in India, to render under the supervision and direction of a registered veterinary practitioner, minor veterinary services.

Explanation.- "Minor veterinary services" means the rendering of preliminary veterinary aid, like, vaccination, castration, and dressing of wounds,

14

5

and such order types of preliminary aid or the treatment of such ailments as the State Government may, by notification in the Official Gazette, specify in this behalf."

As such, the duties and nature of works of all such posts are to do minor veterinary services which provides auxiliary support in veterinary and Animal Husbandry Service like Vaccination, Castration, dressing of wounds or treatment of ailments etc.

- (f) That initially the pay scale of the said group of post (i.e. Veterinary Staffs/Paraveterinarians Post) was placed at the pay range from Rs. 975-1540/- per month. But as per 5th Pay Commission report, the Central Government has revised the pay scale of the said Veterinary Staffs/Paraveterinarians working under the Central Government, equally to the pay scale of Rs. 4000-100-6000/- by naming the posts such as Stockman/Compounder/Stock Asst./Animals Husbandry Asst./Dresser etc. All the concerned Departments under Central Service have implemented the said revision of pay, but in the case of VFAs of Assam Rifles, the Director General Assam Rifles failed to implement the revision of pay by taking the advantage of nonmentioning the name of post of VFA in the column of Veterinary Staffs of the Central Civil Service (Revised Pay) Rules, 1997. Instead of implementing the pay scale given in the First Schedule of Part "B-XXIV" of the said

K. Meimada Singh.

Civil Service (RP) Rules 1997 i.e. 4000-100-6000/- by taking analogy of the post or veterinary staffs as described in Section 30 of the Indian Veterinary Council Act 1984, where it is clearly stated that whatever name may be called, but the DGAR implemented the CCS (RP) Rules 1997 in Schedule "A" i.e. Rs. 3200-4900/- per month without any cogent reason.

True copy of the relevant pages showing pay scale of the veterinary staffs of the Central Civil Service (Revised Pay) Rules 1997 First Schedule of Part "A" is enclosed herewith and marked as Annexure A/5.

S. Narinanda Singh.

- (g) That, it will not be out of the place to mention here that the post of Veterinary Compounder attached to Central Forest Service was initially fixed at the pay scale of Rs. 800-1150/- less than the pay scale of VFA, Assam Rifles. But in the new pay revision, the pay scale of the said Vety. Compounder of Forest Service is revised to Rs. 4000-6000/-. The petitioner begs to submit that the Compounder of BSF has been enjoying the pay scale of Rs. 1400-2300 pre revised and after revised Rs. 4500-125-7000/- per month. It is also beg to submit that the nature of the work of the compounder of BSF is only to maintain pharmaceutical works under the supervision of a Registered Veterinary Doctor. Whereas the nature of works of the petitioner's post i.e. VFA of Assam Rifles

includes all the functions and operation of Vety. And Animal Husbandry works such as Treatment, minor veterinary works maintaining pharmaceutical works, inspection of animal health. Checking of meat supply to Troops, accompany with troops of any Doctors/Registered Veterinary Practitioner. It is also beg to submit that there is no Post of Doctor in Assam Rifles whereas BSF has Registered Veterinary Doctors/practitioners. In other words, the veterinary Field Assistant of A.R. are more workload and responsible than the compounder of BSF.

The Assam Rifles has issued a general Notification called Salient Features affecting pay allowances of Assam Rifles Personnels dated 15th Sept. '98, in para 20 of the said notification indicates that the Ministry of Home Affairs has inclined to the proposal to upgrade the pay scale of VFS to Rs. 400-100-6000/- per month w.e.f. 1-1-1996. It is also begged to submit that in Visit Points issued by DGAR dated 26-6-2001 clearly indicates the Ministry of Home Affairs has advised to submit for cadre restructuring of VFAs of Assam Rifles on similar lines with BSF/ITBP.

True copies of relevant portion containing the pay scale of compounder, Central Forest Services and Salient Features of the DGAR dated 15-9-98 and Visit Point circular dated 26-6-2001 are enclosed as Annexure A/6, A/7 and A/8.

(h) That having no other alternative the applicant approached Hon'ble High Court by filing a writ petition being W.P. (c) No. 789 of 1999 in month of June, 1999 before the Hon'ble Guwahati High Court, Imphal Bench on bonafide believe that VFA Assam Rifles is also a part and parcel of the Assam Rifles and hence, is an armed

S. Manimala Singh.

forces, Unfortunately the Hon'ble High Court, Imphal Bench Closed the writ petition by giving specific observation that the nature of care falls within the jurisdiction of the Central Administrative Tribunal thereby directing the applicant to approach the Hon'ble Tribunal. The said W.P. © No. 789/99 was disposed of with above observation by an order dtd. 31-12-2001 and the certified copy was obtained on 16-2-2002.

The copy of the Hon'ble High Court order dated 31-12-2001 is enclosed herewith and marked as Annexure-A/9.

- (i) That in pursuance of the order of the Hon'ble Guwahati High Court dated 31-12-2002 passed in W.P. © No. 789/2002 approached to the Central Administrative Tribunal by filing an original Application being O.A. No. 65/2002 with a prayer inter alias to give the benefit of the Central Civil Services (Revised Pay) Rules, 1997 Part B-XXIV with effect from 1-1-1996 and to change the nomenclature of the Veterinary Field Assistant to Compounder, Animal Husbandry Assistant, Dresser, Vaccinator, Castration etc. the said O.A. was can tested by the respondents by filing centre affidavits on behalf of all the respondents by one Major S George on 11-12-2002. The Hon'ble Central Administrative Tribunal was pleased to dispose of the said O.Q. after perusal of the materials available on record and after hearing both the

B. Manimatha Singh.

parties at length vide judgment and order dated 11-12-2002 with the following observation.

"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".

Thereafter, the respondents approached the Hon'ble Tribunal by filing a Misc. Application being Misc. case No. 53/03 [Ref. O.A. No. 65/202] with a prayer to allow to complete the exercise and implement the judgment and order dated 11-12-2002 passed in O.A. No. 65/2002 within a period of two months. The Hon'ble Central Administrative Tribunal was pleased to allow the prayer of the respondents by an order dated 5-5-2003.

True copies of the order dated 11-12-2002 and order dated 5-5-2003 are enclosed herewith and marked as Annexures A/10 and A/11 respectively.

S. M. Singh
M. M. Singh

A. Manimacha Singh,

- (j) That after the lapse of about 1(one) year of passing order in original Application No.65 of 2002 months the authorities in a casual manner without considering the undertaking given in their counter affidavit of the respondents as well as the statement given in the Misc. Application No.53 of 2003 issued order being No. 1127014/16/99-PF.IV dated 28-10-2003 in purported compliance of the said orders upgraded the pay scale of the petitioner to Rs. 4000-6000/- in place of Rs. 3200-49000/- with effect from 28-10-2003. It is reiterated that in the counter affidavit of respondents O.A. No. 65/2002 the respondent No. 3 DGAR. Annexed a letter to the Ministry of Home Affairs seeking approval through its letter dated 31-3-1998 under the caption "IMPLEMENTATION OF UPGRADED PAY SCALE FROM 10-1-96 FOR THE POST OF VETERINARY FIELD ASSISTANTS IN THE ASSAM RIFLES". It is also begged to mention that on 15th Sept. 1998 the Directorate of Assam Rifles issued a SILENT FEATURES AFFECTION PAY ALLOWANCES ASSAM RIFLES PERSONNEL in Paragraph 20 it is Clearly stated that upgradation of pay scale of VFA of Assam Rifles to Rs. 4000-100-6000/- per month has already been inclined by the Ministry of Home affairs for easy reference para 20 is quoted reproduced hereunder

"20. Upgradation of Pay Scale of Veterinary Field Assistants(VFA). This Dte had taken up a case to upgrade the basic pay of VFA's to Rs.4000-100-6000/-

per month. MHA is inclined to our proposal info has also been sought from BSF regarding VFAs serving with them so that a composite case can be proj. to Min of Finⁿ.

True copies of the Letter of the MHA dated 28th Oct. 2003 and letter of the DGAR dated 31-3-1998 are enclosed herewith and marked as Annexure A/12 and A/13 respectively.

- (k) That, on received of letter of the DGAR 'A' Branch being no. II 14015/5th CPA/98-A-II/2003/298 dated 07-Nov. 2003 the commandant 23rd Assam Rifles wrote a letter being No. A/WP/798/2004/ dated 24th February, 2004 seeking clarification as to whether the basic pay in respect of above incumbent again required to be fixed as upgrade the pay scale of the petitioner to Rs. 4000-100-6000/- in compliance the order of the Hon'ble Council Assistant Tribunal dated 11-12-2002 passed in O.A. No. 65/2002. The commandant 23rd Assam Rifles mentioned in details about the basic pay in respect of Sri Manimacha Singh, VFA of this Unit has already been fixed Rs. 4000-100-6000/- per month with effect from 09. August. 1999 under the ACP Scheme [HQ DGAR 1tr No. 1.14015/ACP/Med-4/99 dt. 21-Oct. 99 & Sig No. A 4440 2 dated 15-Jun 01). Now individual is drawing pay and allies at the scale of Rs. 4000-100-6000/- w.e.f. 09 Aug. 1999 instead of Rs. 3200-85-4900 p.m.

S. Manimacha Singh.

A true copy of letter of the 23rd A.R. Commandant dated 24/02/2004 is enclosed herewith and marked as Annexure A/14

- (l) That in response to the said letter of the Commandant 23rd Assam Rifle the office of the DGAR informed vide letter No. II. 14015/5th CPC/98/b-II/367 dated 23rd March 2004 that the case for upgradation of pay scale in respect of VFA'S of Assam Rifles w.e.f. 1-1-1996 has already been taken up with MHA vide this Directorate letter No. II. 14015/5th CPC/98/A-II/Part/351 dated 26-Feb. 2004. On receipt of the decision you will be intimated accordingly.

A true copy of the letter dated 23rd March 2004 is enclosed herewith and marked as Annexure-A/15.

- (m) That the present applicant do not understand why the office of the Directorate of Assam Rifles keep on seeking approval from the Ministry of Home Affairs to upgrade the pay scale of VFA's of Rs. 4000-100-6000/- per month w.e.f. 01-01-1996. On the other hand at para 20 of silent features affecting pay allowances of Assam Rifles personnel's issued by the Directorate of Assam Rifles on 15th Sept. 1998 Clearly mentioned about inclination of MHA of the pay scales of VFA'S w.e.f. 01-10-1996. The act of the respondent on denying of CCS (RP) Rules, 1997. First schedule part B-XXIV w.e.f. 1-1-1996 is illegal, unlawful, bias,

B. Manimocha Singh.

discriminatory and vindictive to the extent that the respondents have denied the rights enshrined in the constitution of India. The said act of the respondents is also in gross violation of the principles of natural justice and the Directive Principles of State Policy.

- (n) It may not be out of place to mention that in case of other civilian employees under the Assam Rifles such as teachers their pay anomalies have been corrected in case of Junior Teachers from Rs.4000 – 6000/- p.m. to Rs.4500 – 7000/- p.m. and Senior Teachers from Rs.5000 – 8000/- p.m. to Rs.5500 – 9000/- p.m. with effect from 01/01/1996 vide letter of the Ministry of Home Affairs being No.II.27013/35/99-PF.IV dated 08/06/2001 but reason best known to the authorities the enjoyment of Central Civil Services (Revision of Pay), Rules 1997 has been denying to the Petitioner but, in case of other similarly situated with the present petitioner are taken into consideration by the authorities. The act of the authorities is malafide, capricious, ill-motive and violets the laws framed under the constitution of India. As such the impugned order dated 28th Oct. 2003 for giving the upgradation of pay scale of the present applicant to Rs. 4000-100-6000/- with effect from 28th Oct. 2003 is liable to be set aside or the same should be modified to the extent that the effective date as 1-1-1996. Hence the present application.

B. Manmocha Singh.

(b) VFA of Assam Rifles is also a technical post and the minimum qualification is matriculation with diploma or certificate (vide A/8 and section 30 (b) of the Indian Veterinary Council Act, 1984). Looking in this angle too the pay scale of VFA is ought to have revised to Rs. 4000-100-6000/- with effect from 01/01/1996.

(c) That, on the recent decision of DGAR (vide Annexure-A/11) it is clearly stated and admitted that the pay scale of other equivalent post/grade with the FAVAR have already been revised to Rs. 4000-100-6000/-. So, it can be concluded that the DGAR had already expressed their willingness to revise the said pay scale of VFA with other counterparts.

(d) That, the VFAVAR and its counterparts (or equivalent posts) in different organisation or Directorate or Institute are all same and equal either in the nature of works or in looking to the minimum educational qualification. As such, the principle of equal pay for equal works is applicable in the present case as enumerated in Article 39 (d) of the constitution of India.

6. **DETAILS OF THE REMEDIES EXHAUSTED :**

The applicant declares that there is no remedy available to him or provided under the relevant service Rules.

7. **MATTER NOT PREVIOUSLY FIELD OR PENDING WITH ANY OTHER COURT :**

The applicant had field a writ petition being w.p. © No. 789/99 before the Hon'ble Guwahati High Court, Imphal

K. Manimadha Singh.

Bench. Counters had been filed by the respondents. But at the time of hearing the Hon'ble High Court reluctant to proceed with the case on the ground of jurisdiction. Hence the case was closed by an order dated 31-17-2002 stating that the subject matter falls within the jurisdiction of the Central Administrative Tribunal and thereby directing the applicant to approach the Tribunal. Then the applicant filed an application being original Application No. 65/2002 before the Hon'ble Tribunal. The Hon'ble disposed of the application on 11-12-2002.

8. **RELIEF SOUGHT FOR :**

(i) Respondents be directed to upgrade the pay scale of VFA (Assam Rifles) to Rs. 4500-125-7000/- in parity with compounder (BSF) or at least Rs. 4000-100-6000/- in parity with those of other paraveterinarians w.e.f. 1-1-1996. ✓

(ii) To direct the respondent to consider for changing the nomenclature of the present petitioner's post of VFA either to Veterinary Assistant or Assistant Veterinary or Animal Husbandry Assistant or compounder.

9. **INTERIM RELIEF :**

The impugned order of the DGR being No.11.14015/5thCPC/98-A-11/2003/298 dated 07/11/2000 may kindly be stayed or any appropriate interim order may be passed in the interest of justice.

or

S. Manimata Singh.

Pendency of the application may not be a barred to upgrade the pay to Rs.4500-125-7000/- p.m. or Rs.4000-100-6000/- p.m. with effect from 01/01/1996. the petitioner in the scale of compounder BSF.

L. Manimacha Singh.
Signature of the Applicant.

10. Particulars of I.P.O.,
I.P.O No.
Date.
Payable at Guwahati.

VERIFICATION

I, Soraisam Manimacha Singh, aged about 40 years, S/o S. Ibobi Singh, resident of Singjamei Makha Meisnam Leikai, P.O. & P.S. Singjamei, District – Imphal West, Manipur at present employed as Veterinary Field Assistant presently posted in 23 Assam Rifles C/O 99 APO do hereby verify that the statements made in the above para Nos.1 to 9 are true and correct to the best of my knowledge except the legal points and those legal points are base from the information from my counsel which I also verily believe to be true.

L. Manimacha Singh.
Signature of the Applicant.

Dated/Guwahati,

The 8th Feb. October, 2004

By:- N. Urita Singh.

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. _____ OF 2004.

Soraisam Manimacha Singh. _____ Applicant.

- Versus -

The Union of India and others. _____ Respondents.

AFFIDAVIT

I, Soraisam Manimacha Singh, aged about 40 years, S/o S. Ibobi Singh, resident of Singjamei Makha Meisnam Leikai, P.O. & P.S. Singjamei, District – Imphal West, Manipur at present employed as Veterinary Field Assistant presently posted in 23 Assam Rifles C/O 99 APO do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant in the accompanying application. I have gone through the contents of the present application and as such, I am well acquainted with the facts and circumstances of the case. I am presenting this affidavit in support of the statements made in the said application. This is true to my knowledge.
2. That, the statements made in the foregoing paragraph Nos.1 to 9 are true and correct to the best of my knowledge except the legal points and those legal points and those of the rest paras are based from the information from my counsel which I also verily believe to be true.
3. That, the documents at ANNEXURES-A/1 to A/16 are true copies of the originals. This is true to my knowledge.

Signature of the deponent

Dated/Guwahati,

The 8th Feb, 2004.

By:- N. K. Singh.

Advocate.

S. Manimacha Singh

19
No 025359

27
Board of Secondary Education, Manipur

ANNEXURE A1

HIGH SCHOOL LEAVING CERTIFICATE

I Certify that

Soraisam Marimacha Singh

Roll No. 2562 duly passed the High School
Leaving Certificate Examination, 1980 of this Board
and was placed in the Third Division.

His/Her date of birth is the 15th February,

One thousand nine hundred and sixty two.

Imphal

The 16th February 1981

Secretary

True Copy
A
Advocate.

20
30

VETERINARY FIELD ASSISTANT TRAINING CENTRE

22

ANNEXURE A/2



Govt. of Manipur
POROMPAT, IMPHAL

VET. AND ANIMAL HUSBANDRY DEPT. MANIPUR

Elementary Animal Husbandry of Veterinary Sc. Examination.

Academic Session 1982-83

Certified that ~~Shril Shrimati Kumari~~ *S. Manimacha Singh* Roll No. 117
having attended the prescribed course of studies in the Vety. Field Assist. Training Centre, passed
successfully the Final Examination held in the month of Oct 1983. and was placed in the
First Division.

[Signature]

Officer-in-charge

Vety. Field Asst. Training Centre
Porompat, Imphal.

BOARD OF EXAMINERS:

[Signature] Chairman
[Signature] Member
[Signature] Member
[Signature] Member
[Signature] Member
[Signature] Member

True Copy
[Signature]
Advocate.

Dt. Porompat, Imphal
the... 198...

26 MAR 1985

21 29
ANNEXURE A/3

No. 2624

OFFICE OF THE PRINCIPAL
MANIPUR COLLEGE, IMPHAL

Provisional Certificate

This is to certify that Seraidem Manmacha Singh
appeared at the BA (Two years) Examination ¹⁹⁸⁵ of the Manipur University
held in the year 1986 under Roll No. 4146 and was declared
to have passed the said Examination in Simple division as per
Result Sheet supplied to the College.

True Copy
A
Advocate.

Dated, Imphal

2/1/86

1986

Verified by *[Signature]*

Manipur College, Imphal

REGISTERED

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

22

II. 14015 / 48 / - 75 / VFA / ME (A)

Shri S. Manimacha Singh

Chingamakha Meisnam Leikai
P.O. Singjamei,
Imphal - 795008 (Manipur)

02 Feb 87

APPOINTMENT : VFA

1. You are hereby selected for appointment temporarily until further order as Veterinary Field Assistant in the scale of pay Rs. 975 -25-1150-EB-30-1540/- per month plus other allowances as admissible under the existing Rules from time to time. The appointment is purely temporarily subject to production of the following certificates and may be terminated with one month notice from either side.

- A Medical fitness certificate from a Civil Surgeon or equivalent at the time of joining.
- Educational and other certificate as proof of age qualification etc. in original.
- A character certificates from a class I officer or 1st class magistrate at the time of

Joining the duties.

2. You are liable to serve anywhere in Assam, Nagaland, Manipur, Tripura, Arunachal Pradesh, Maghalaya, Sikkim or wherever Assam Rifles units exist.

3. You will report for duty to the commandant 2 Assam Rifles, C/O 99 APO on or before 28 Feb 87, Along with certificate mentioned in this order.

(M.C. Bordoloi)
CGO
for Assistant Director (A)
for Director General Assam Rifles

Copy to :-

- HQ Arunachal (Range
Assam Rifles
C/O 99 APO
- Commandant
2 Assam Rifles
C/O 99 APO
- Pay and Accounts Office
Assam Rifles
Laithumkhrah Market
Shillong - 3

True Copy

Advocate.

CCS (RP) RULES, 1997

41

THE FIRST SCHEDULE

[See Rules 3 and 4]

PART - A

Revised scales for posts carrying present scales in Groups 'A', 'B', 'C' and 'D' except posts for which different revised scales are notified separately

SL. NO.	POST/ GRADE	PRESENT SCALE (Rs.)	REVISED SCALE (Rs.)
1.	S-1	750-12-870-14-940	2,550-55-2,660-60-3,200
2.	S-2	775-12-871-14-1,025	2,610-60-3,150-65-3,540
3.	S-3	800-15-1,010-20-1,150	2,650-65-3,300-70-4,000
4.	S-4	825-15-900-20-1,200	2,750-70-3,800-75-4,400
5.	S-5	950-20-1,150-25-1,400 950-20-1,150-25-1,500 1,150-25-1,500	3,050-75-3,950-80-4,590
6.	S-6	975-25-1,150-30-1,540 975-25-1,150-30-1,660	3,200-85-4,900
7.	S-7	1,200-30-1,440-30-1,800 1,200-30-1,560-40-2,040 1,320-30-1,560-40-2,040	4,000-100-6,000
8.	S-8	1,350-30-1,440-40-1,800-50-2,200 1,400-40-1,800-50-2,300	4,500-125-7,000
9.	S-9	1,400-40-1,600-50-2,300-60-2,600 1,600-50-2,300-60-2,660	5,000-150-8,000
10.	S-10	1,640-60-2,600-75-2,900	5,500-175-9,000
11.	S-11	2,000-60-2,120	6,500-200-6,900
12.	S-12	2,000-60-2,300-75-3,200 2,000-60-2,300-75-3,200-100-3,500	6,500-200-10,500
13.	S-13	2,375-75-3,200-100-3,500 2,375-75-3,200-100-3,500-125-3,750	7,450-225-11,500
14.	S-14	2,500-4,000 (Proposed new pre revised scale)	7,500-250-12,000
15.	S-15	2,200-75-2,800-100-4,000 2,300-100-2,800	8,000-275-13,500
16.	S-16	2,630 - FIXED	9,000 - FIXED
17.	S-17	2,630-75-2,780	9,000-275-9,550
18.	S-18	3,150-100-3,350	10,325-325-10,975

RFR-4

True Copy

Advocate.

24

32

ANNEXURE A/G

Andaman and Nicobar Islands Directorate of Fisheries

12. Fisheries Development Officer/Asstt. Dir.	2,000-60-2,300-EB-75-3,200	6,500-200-10,500 7,500-250-12,000	104.20
13. Surveyors	1,200-30-1,560-EB-40-2,040	4,000-100-6,000 4,500-125-7,000 5,000-150-8,000	104.21
14. Plant Operator-cum-Mechanic	950-20-1,150-EB-25-1,400	4,000-100-6,000	104.22

Public Works Department

15. Asstt. Town Planner	2,000-60-2,300-EB-75-3,200-100-3,500	6,500-200-10,500 7,500-250-12,000	104.23
16. Assistant Shed Master	1,200-30-1,560-EB-40-2,040	4,500-125-7,000	104.24
17. Shed Master	1,400-40-1,800-EB-50-2,300	5,000-150-8,000	104.24
18. Overseer	950-20-1,150-EB-25-1,400	3,050-75-3,950-80-4,500 4,000-100-6,000	104.25

Health Department

19. Pharmacists	1,200-30-1,560-EB-40-2,040	4,500-125-7,000 5,000-150-8,000 5,500-175-8,000	104.28
-----------------	----------------------------	---	--------

20. Lineman-cum-Meter Reader

950-20-1,150-EB-25-1,500	4,000-100-6,000	104.29
--------------------------	-----------------	--------

Forest Department

21. Veterinary Compounder	800-15-1,010-EB-20-1,150	4,000-100-6,000	104.30
22. Senior Veterinary Compounder	950-20-1,150-EB-25-1,400	4,500-125-7,000	104.30

Dadra and Nagar Haveli Health Department

23. Bio-Chemist	1,640-60-2,600-EB-75-2,900	6,500-200-10,500	104.32
-----------------	----------------------------	------------------	--------

Public Works Department

24. Draughtsman Grade I	1,400-40-1,800-EB-50-2,300	5,000-150-8,000	104.33
25. Draughtsman Grade II	1,200-30-1,560-EB-40-2,040	4,500-125-7,000	104.33

FIRST SCHEDULE

96

True Copy

Advocate.

ANNEXURE - A/7

33

Tele No. 705076.

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong- 793 011

25

A/ Pers / 5th Pay / 98

15 Sep '98

List A, B, C, D, E & F.

SALIENT FEATURES AFFECTING PAY AND ALLOWANCES ASSAM RIFLES PERSONNEL

General

1. Govt has notified pay scales and various allces for all Central Para Military Forces (CPMF) and the same have already been circulated to all concerned by. This Dte from time to time. However, it is noticed that doubts still exist on various aspects of applicability and entitlement thereof. As a result, the tps are still unaware about their entitlement of monthly pay and allces.

2. In this info bulletin, certain issues of pay and allces have further been clarified. Steps taken to resolve existing rk. And pay anomalies with the MHA also been covered.

Pay Scales

3. The pay scales after revision under central Civil Services, (Revised Pay) Rules 1997 wef 01-Jan 96 and on rationalization of pay scales in respect of CPMF personnel wef 10 Oct 97 are given below:-

Rk	Pay scales applicable wef 01 Jan 1996 to 09 Oct 97	Rationalised pay scales wef 10 Oct 97
(1)	(2)	(3)
Ffn	2750-70-3800-75-4400	3050-75-3950-80-4590
Lnk	2750-70-3800-75-4400	Rank of Lnk merged with Rfn and gtd Rs. 30/- pm as special pay with the pay scale of Rfn till promoted to Hav.
NK	3050-75-3950-80-4590	Rk Nk merged with Hav with the pay scale of Hav excluding appt pay.
Hav	3200-85-4900	3200-85-4900 with appt pay of Rs. 50/- pm till promoted to next higher rk
WO	--	4000-100-6000
Nb Sub	4500-125-7000	5500-175-9000
Sub	5500-175-9000	6500-200-10500
Sub Maj	6500-200-10500	6500-200-10500 + Rs. 200/- Per month as appt pay.

True Copy

Advocate.

Other Cases Being Referred to MHA

26 34

15. The following cases are being ref to MHA:-

- (a) Journey Period. Journey Period with Earned leave for pers posted to Sikkim, as being granted for pers posted in NE Region.
- (b) Special Compensatory Allowance (SCA) (Remote Locality). SCA for pers posted in Manipur to be brought at par with Nagaland rates.
- (c) Earned Lve. Earned lve entitlements for AR pers posted in HQ IGAR/Rg to be increased to 60 days.

Status of Cases pertaining to Anomalies of 5th Central Pay Commission Projected by DGAR to MHA.

16. Introduction of Warrant Officer (WO) Rank for Technical Categories in Assam Rifles. In response to this Dte proposal for introducing the rank of WO equivalent to Asst Sub Insp (ASI) rank in BSF, the MHA an issued instr for prep of a Cabinet Note for rationalization of Tech Cadre in Assam Rifles vis—a—vis othe CPOs. Details asked by the Ministry have been fwd along with fin implication. The Cabinet Note will be fwd by MHA to Min of fin for their approval/sanction after comparing our proposals with other CPOs.

17. Upgradation of Posts of Combatised Clerical Cadre at Par with Other CPOs. MHA is favourably disposed towards bringing the rank structure of clerical cadre of Assam Rifles at par with BSF. Other to prepare a Cabinet Note for rationalization of Clerical Cadre vis—a—vis other CPOs will be given after comparing our proposals with other CPOs.

18. Re- Designation of Hav/PA to WO/ PA. MHA has given their approval for re-designation of Hav/PA as WO/ PA. Order for the same has been given by this Dte. The correct equivalence of Nb Sub for WO (PA) is being prbcessed alongwith the clerical cadre proposals (Para 16 refers).

19. Enhancement of Promotional Prospect of Dtmn Category in the Engineer Set Up of Assam Rifles. MHA had turned down this Dte proposal of having a rk structure for Dtmn cat in the Engr Set-Up in AR on the plea that there is a ban on creation/upgradation of posts by min of Fin. However DGAR during his visit to the Ministry convinced the authorities to review the case to give opportunity of carrier progression to the combatised dtmn cat. MHA is expected to issue orders for constituting a committee recommending the posts requiring promotion/ carrier progression, under which this cat case will be considered.

20. Upgradation of Pay Scale for Post of Veterinary Field Assistants (VFA). This Dte had taken up a case to upgrade the basic pay of VFA's to Rs. 4000-100-6000/- Per month. MHA is inclined to our proposal info has also been sought from BSF regarding VFAs serving with then so that a composite case can be proj. to Min of Fin.

21. Fixation of Pay under 5th CPC where the Fixation Exceeds Max Revised Scale. This Dte had proposed to MHA that excess amount in such cases should be protected. MHA has intimated that Min of Fin (5th CPC Implementation Cell) in their letter of 02 Apr 98 have clarified that.

No. 1 Dog Unit
Assam Rifles
C/O 99 APO

VISIT POINTS

Contents of HQ DGAR Ltr No. II 14015/5th CPC/98/A-II/198 dated 08 Jun 2001 is enumerated below for your info and necessary action please.

R.K. Sarma
Maj
EMAE (SA)

(DGAR Letter No. II. 14015/5th CPC/ 98/A-II/198 dated 08 Jun 01)

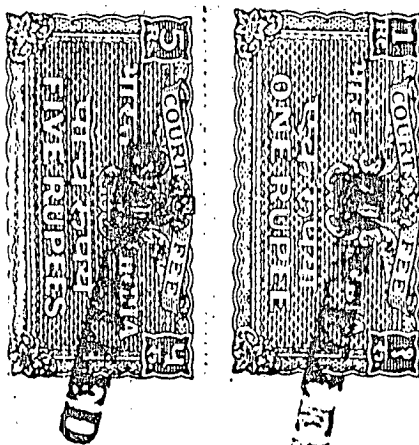
1. Ref Pt No. 5 raised during vis of brg P R Patra, Dir,(Adm) to No. 1 Dog Unit on 23 Apr 2001 fwd vide your letter No. III. 11011/20/95/2000/5022 dt 02 May 2001.
2. As advised by MHA, a fresh proposal for cadre restructuring of VFAs of Assam Rifles on similar lines of BSF/ITBP is required to be submitted, which is in process.
3. MHA has also intimated that since the matter is already subjudice, any decision for upgradation of pay scale can be taken after finalisation of court case.

Sd/- XXXXXX
(Satendra Kumar)
Col
DD(A)
For Dir (Adm)

Copy to:-

- | | |
|----------------------------|--|
| 1. GS. Branch.(Internal) - | For Info w.r.t their ION No.
I. 11011/30/2001-G/SDO/1358 dated 21 May 2001. |
| 2. Med Branch (Internal) | alongwith a copy of AC & A Rg' letter No. III. |
| 3. Sig Branch (Internal) | 11011/20/GS/2001/5022 dated 02 May 2001 for
necessary action on pts. |

True Copy
A
Advocate.



दिनांक के लिए आवेदन की तारीख Date of application for the copy.	रजिस्ट्रार और फोटो की अपेक्षित तिथि Date fixed for notifying the required number of stamps and fees.	अपेक्षित रजिस्ट्रार और फोटो देने की तारीख Date of delivery of the requisite stamps and fees.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदन को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
31-12-2001	31-12-2001	31-12-2001	16-2-2002	16-2-2002

No. HEM/4382

31-12-2001

IN THE GAUHATI HIGH COURT
(The High Court of Assam, Nagaland, Meghalaya,
Manipur, Tripura, Mizoram & Arunachal Pradesh)

IMPHAL BENCH

WRIT PETITION (CIVIL) NO. 798 OF 1999

Shri Soraisam Manimacha Singh, aged about 36 years, S/o
S. Ibobi Singh, by occupation a Veterinary Field Assistant
of Assam Rifles now posting at 7th A.R., Thoubal, a
resident of Chingamakha Maisam Leikal, Imphal West District,
Manipur.

.. petitioner

- Versus -

1. The Union of India.
2. Director General of the Directorate of Assam Rifles,
at Shillong - 793011.
3. Deputy Inspector General, MP Range, Assam Rifles, at
Imphal.
4. The Commandant, 7th Assam Rifles, at Thoubal.
5. The Ministry of Finance, through its Secretary,
Government of India.

.. Respondents

P R E S E N T

THE HON'BLE MR. JUSTICE H. KAMINIKUMAR SINGH

For the Petitioner : Mr. A. Modhuchandra Singh, Advocate

For the Respondents : Mr. N. Ibotombi Singh, CGSC

Date of hearing : 8 - 11 - 2001

Date of judgment
& order

31 - 12 - 2001

JUDGMENT AND ORDER

Heard Mr. A. Modhuchandra Singh, learned counsel
for the petitioner and also Mr. N. Ibotombi Singh, learned
CGSC for the respondents.

Contd..2/-

True Copy

Advocate.

- 2 -

2. This writ application under Article 226 of the Constitution filed by the petitioner who is now working as Veterinary Field Assistant (VFA) is for a direction to the authority concerned under the respondents to upgrade the pay scale of Veterinary Field Assistant (Assam Rifles) to Rs.4500-Rs.7000/- which is enjoyed by Compounder (BSF) or at least to the scale of Rs.4000-6000/-.

3. The petitioner joined service in 1987 as veterinary field Assistant in the 2nd BA. Assam Rifles under appointment order dated 2.2.1987 (Annexure-A/4). In view of the decision which I am going to make, I need not go into details regarding the service career of the petitioner. Suffice it to mention that the petitioner who is now serving in Assam Rifles prays for some service benefits. In this regard, at the outset the learned Central Government Standing Counsel for the respondents submitted regarding the jurisdiction of this Court to decide the matter. The learned CGSC submitted to the Court for deciding as to whether this matter may be decided by this Court or by the Central Administrative Tribunal.

4. The petitioner was appointed as Veterinary Field Assistant in the 2nd BA. Assam Rifles. Section 4 of the Assam Rifles Act provides that the appointment of all riflemen shall rest with the Commandant. Under Section 5, the riflemen are divided into combatants and non-combatants. Learned counsel on both sides admit that the veterinary field Assistant is a non-combatant post. Again, it is also admitted by the learned counsel on both the sides that non-combatant posts/riflemen are civilian posts. Again, learned CGSC has drawn attention of the Court to a correspondence bearing No. II. 14015/5th CPC/98/A-II/512 dated 16th Feb., 2001 which indicates that certain amendment to Assam Rifles (Medical Staff) Recruitment Rules, 1980 was proposed. And under draft rule 3-A it was provided

Contd..3/-

that all the direct recruitment against any post included in the schedule to these rules, in future, shall be done in the combatised capacity, which clearly indicates that the petitioner is holding a non-combatant post. Resultantly, the matter relating to recruitment and other service conditions of the petitioner who is holding a non-combatant post i.e. civilian post has to be decided by the Central Administrative Tribunal. If the petitioner is aggrieved by any order that may be passed by the Central Administrative Tribunal, the High Court may exercise the power of judicial review against such an order passed by the Central Administrative Tribunal in appropriate case. But the petitioner has to approach the Central Administrative Tribunal first.

5. For the aforesaid reasons, petition is closed and the petitioner is directed to approach the Central Administrative Tribunal.

Sd/-H. KAMINIKUMAR SINGH,
JUDGE

Signature of the Copyist :

R.K. Surchandra Singh
(R.K. SURCHANDRA SINGH)

Read by :-

R.K. Surchandra Singh
8/2/02

Compared by :-

Reeta Datta
8/02/02

NOTIFIED TO BE A TRUE COPY

S. Ramesh Dutt

16.2.2002

[Signature]

Secretary, District Board

" established under Section 70, Act I
of 1971 "

8/2/02

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.

True Copy

Advocate

32/90

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.

True Copy

Advocate.

(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.

Sd/VICE CHAIRMAN
Sd/ MEMBER (Adm)

Certified to be true Copy
Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005
26/12/2005

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI.

Misc. Petition No.53 in OA No.65/02

Date of Order: This the day of 5th May, 2003.

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

The Hon'ble Mr.S.Biswas, Administrative Member.

The Union of India & Ors. APPLICANT.

By Advocate Shri A.K.Choudhury Addl. C.G.S.C.

- Vs -

Shri Soraisam Manimacha Singh.

..... RESPONDENT.

O R D E R

Heard Mr. A.K.Chaudhuri, Learned Addl.C.G.S.C.
appearing on behalf of the Union of India.

Considering the facts and circumstances of the case, the application is allowed and the respondents are allowed to complete the exercise and implement the judgement and order dated 11.12.2002 passed in O.A. 65/2002 within two months from the date of receipt of the order.

The application is allowed. The respondents are directed to complete the exercise within the time prescribed.

Sd/-
Member.

Sd/-
Vice-Chairman.

True Copy
A
Advocate.

No.II.27014/16/99-PF.IV
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 28th the October, 2003

To,
 ✓ The Director General
 Assam Rifles
 Shillong - 793011

Subject: O.A.No.65/2002 filed by Shri S.Mani Macha Singh in CAT
 Guwahati Bench for upgraded pay scale of Rs.4000-6000/-.

Sir,

I am directed to refer to your letter No.I.11018/162/2003-Legal dated 29.9.2003 on the subject cited above and to convey the sanction of the competent authority to grant that revised pay scale of Rs.4000-6000/- in place of Rs.3200-4900/- to Shri Mani Macha Singh, Veterinary Field Assistant of Assam Rifles, with immediate effect in compliance of the order given by the Hon'ble Guwahati Bench of Central Administrative Tribunal in O.A.No.65/2002.

2. This issues with the approval of Ministry of Finance vide their U.O.No.12/52/99-IC dated 17.10.2003 and Integrated Finance Division of MHA vide their Dy.No. F.2082/Fin.V/03 dated 27.10.2003.

Yours faithfully,

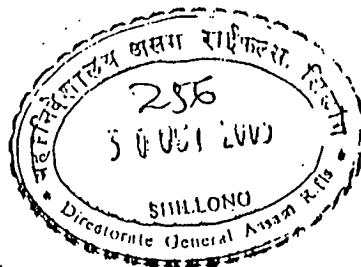
P. Deb
 (P Deb)
 Section Officer

Copy to :-

1. PAO, MHA, New Delhi.
2. PAO, Assam Rifles, Laitumukhra, Shillong.
3. FA:AR, Shillong.
4. Ministry of Finance, Department of Expenditure (IC).
5. DG:ACR, IP Estate New Delhi.
6. Fin.V (MHA)
7. Pers.III Section, MHA.
8. LOAR, New Delhi.
9. Guard File.

Copy for information to :-

1. PPS to JS(P).



(P Deb)
 Section Officer

True Copy

A
 Advocate.

File No : 705550

Dharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

ANNEXURE A/13

36

II.14015/5th CPC/98/A-II/

31 March 98

Govt of India
Ministry of Home Affairs
(PF.I)
New Delhi-01

IMPLEMENTATION OF UPGRADED PAY SCALE FROM 01-1-96
FOR THE POSTS OF VETERINARY FIELD ASSISTANTS IN
THE ASSAM RIFLES

Sir,

1. I am directed to invite Ministry's attention to the approved pay scale appearing at serial No. XXIV (c) in Part 'B' of First Schedule of CCS(RP) Rule 1997, wherein the revised scale of certain common category of Veterinary Staff have been approved by the Govt as under :-

<u>Name of Post</u>	<u>Pre-revised Scale</u>	<u>Revised Scale</u>
Stockman/ Compounder/ Stock Mastt/ Animal Husbandry Mastt/ Dresser	Rs. 950-20-1150-25- 1500/- pm TO Rs. 1200-30-1560- 40-2040/- pm	Rs. 4000-100-6000/-pm

2. It is submitted that there are 31 sanctioned posts of Veterinary Field Assistants in this Force who have been allowed standard revised Scale with effect from 01-1-96 replacing the pre-revised scale as per Part 'A' of First Schedule of CCS(RP) Rule 1997 as under :-

<u>Name of Post</u>	<u>Pre-revised Scale of Pay</u>	<u>Qualification required as per recruitment Rule</u>	<u>Revised Scale</u>
Veterinary (a) Field Assistant (VFA)	975-25- 1150-EB-30 -1540/-pm	Matric or equivalent with Diploma in Veterinary Science	Rs. 3200-05- 4900/- pm
(b)	950-20- 1150-EB-25 1500/-pm	Non-matric or equivalent with certifi- cate in Veterinary Science.	Rs. 3050-75- 3950-80- 4590/-pm

Attended
AK Choudhary

.....2/-

True Copy
Advocate.

3. Though the name of the post of Veterinary Field Assistant existing in the Assam Rifles is not included in the posts mentioned at serial XXIV(c) in Part 'B' of First Schedule, the pre-revised scales of Veterinary Field Assistants in Assam Rifles were within the pre-revised scales as mentioned against above posts which have been revised by a single scale of Rs. 4000-100-6000/-. The VFAs of Assam Rifles therefore should be eligible for the upgraded scale of Rs. 4000-100-6000/-pm.

4. It is therefore submitted that the Ministry may kindly accord approval to the implementation of the revised scale of Rs. 4000-100-6000/-pm with effect from 01-1-96 in respect of the post of Veterinary Field Assistants in Assam Rifles.

5. An early reply is highly solicited please.

Yours faithfully,

(B. Phull)
Colonel
Deputy Director (A)
for Director General Assam Rifles

Maison Officer
Assam Rifles
Room No. 171
North Block
Ministry of Home Affairs
New Delhi

Attested
MHC Phull

Tele : 03786-222376(Exch)Civ

23 Assam Rifles
C/O 99 APO

38

24th Feb 2004

A/W/798/2004/

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
'A' Branch
Shillong - 793011

O. A NO 65/2002 FILED BY SHRI S MANIMACHA SINGH, VFA
IN CAT GUWAHATI BENCH FOR UPGRADED
PAY SCALE OF RS 4000-100-6000/-

1. Ref your letter No. II.14015/5thcpc/98-A-II/2003/298 dated 07 Nov 2003.
2. It is submitted herewith for your info that basic pay in respect of Shri Manimacha Singh, VFA of this unit has already been fixed Rs. 4000-100- 6000 pm wef 09 Aug 1999 under the ACP scheme (HQ DGAR ltr No. I:14015/ACP/Med-4/99 dt 21 Oct 99 & Sig No. A 4402 dated 15 Jun 01). Now individual is drawing pay & allces at the scale of Rs 4000-100-6000 wef 09 Aug 1999 instead of Rs 3200-85-4900 pm.
3. It is therefore requested to clarify whether basic pay in respect of above incumbent again required to be fixed as shown para 2 of above quoted letter wef 28 Oct 2003. In compliance of the order given by honorable Guwahati Bench of cat in OA No 65/2003 and your Dte Sig A.
4. An early action on the subject is requested.

(N K Gurung)
Asst Comdt.
Offg Adjt
for Comdt

True Copy
A
Advocate.

Mahanideshalaya Assam Rifles
Directorate General Assam Rifle
Shillong - 11

39

II.14015/5thCPC/98/A-II/304


23 Mar 2004

23 Assam Rifles
C/O 29 APC

OA No. 65/2002 FILED BY SHRI S. MANIMACHA
SINGH, VFA FOR UPGRADED PAY SCALE


1. Ref your letter No. A/WP/798/2004/84 dated 24 Feb 2004.

2. The case for upgradation of pay scale in respect of VFA's of Assam Rifles wef 01-01-1996 has already been taken up with MHA vide this Directorate letter No. II.14015/5th CPC/98/A-II/part/351 dated 26 Feb 2004. On receipt of decision you will be intimated accordingly.


(I M Singh)
Lt Col
SO-1 (A)
for Director General
Assam Rifles

Copy to :-

Medical Branch (Internal) for info please.

True Copy

Advocate.

ANNEXURE- A/16

/COPY/

NO.II.27013/35/99-PF.IV
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi, the 8th June, 2001.

To
The Director General,
Assam Rifles,
Shillong-798011.

Sub : REVISION OF PAY SCALE OF TEACHING STAFF IN ASSAM RIFLES –
REGARDING.

Sir,

I am directed to refer to your letter No.A/VII-PS/T/86/Vol.III/569 dated 10.11.2000 on the subject cited above and to convey the sanction of the President to the upgradation of pay scale of teachers in Assam Rifles w.e.f. 1.1.96 as under :-

	<u>Post.</u>	<u>Existing Scale</u>	<u>Revised Scale</u>
i)	Junior Teacher	Rs.4000-6000/-	Rs.4500-7000/-
ii)	Senior Teacher	Rs.5000-8000/-	Rs.5500-9000/-

2. The expenditure on this account will be met from the sanctioned budget grant of Assam Rifles under head "Salaries".

3. This issues with the approval of Ministry of Finance, Deptt. of Expenditure vide their Dy. No.70/5/2001-IC dated 31.5.2001 and Integrated Finance Division of this Ministry vide their Dy. No.811/Fin.II/2001 dated 08.6.2001.

Yours faithfully,

Sd/- xx xx xx
(Nirmala Devi)
Desk Officer.

Copy to :-

- (i) Pay & Accounts Officer, Assam Rifles, Shillong.
- (ii) Pay & Accounts Officer, MHA
- (iii) JS(P) MNA (for information)
- (iv) Director (PF), MHA (for information).
- (v) Director (Pers), MHA.
- (vi) Fin.II(MHA).
- (vii) LOAR, MHA.
- (viii) Guard File (PF.IV).

True Copy
A
Advocate.