

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 94/2005

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SECTION OFFICER (JUDI.)

(See Rule 71)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDERSHEET

~~ERSON~~ 99/2005

Original Application No.

Misc. Petition No. 8

Contempt petition No. 8

Review Application No. 9

Applicant(s) Smt. Prk. Sarceia

Respondents 11092

Advocate(s) for the Applicant(s) Mrs. K. Deka, Mr. DK Bora

Advocates) for the Respondents

nts C.S.C. M. U. Ahmed
K.M. Chaudhury, R.S. Chaudhury, G. Rahmat.
two Respondent Nos. 2 and 3.

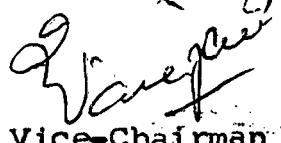
Notes of the Registry	Date	Order of the Trial
<p>This application is a return is filed at P. O. Box No. 0, deposited via P. O. Box No. 66337.</p> <p>Dated 26.4.05 (h. 150)</p> <p><i>1/1c</i> Dy. Registrar 27.4.05</p> <p>Steps not taken</p> <p><i>6/5/05</i></p> <p>Pl. issue as per Hon'ble court's order dated 4.5.05 to the respondents.</p> <p><i>4.5.05</i></p> <p>(a) steps taken on 6/5/05.</p> <p>6/5/05</p> <p>Notice & order sent to D/Section for issuing to resp. Nos. 1 to 5 by a/c. A/D post. (Ref. D/No = 673 to 6/5/05. D/No = 677 to 6/5/05.</p>	04.05.2005	<p>Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman</p> <p>The Hon'ble Mr. K. V. Prahладan, Member (A).</p> <p>Heard Mrs. K. Deka, learned counsel for the applicant and also Mr. M.U. Ahmed, learned Addl. C.G.S. C. for the respondents.</p> <p>Issue urgent notice to show cause as to why the application shall not be admitted.</p> <p>Written statement, if any, has to be filed within four weeks from the date of receipt of copy of the notice.</p> <p>Post on 17.6.2005.</p> <p><i>K. V. Prahладan</i> Member (A)</p> <p><i>G. Sivarajan</i> Vice-Chairman</p>

17.6.2005 Heard Mrs. K. Deka, learned counsel for the applicant, Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the Union of India and Mrs. R.S. Chowdhury, learned counsel for the respondents No. 2 and 3.

At the request of counsel for applicant the case is adjourned. Post on 1.7.2005.

No. written statement has been filed.


Member


Vice-Chairman

mb

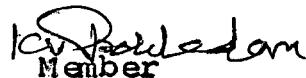
01.07.2005 At the request of counsel for the applicant the case is adjourned to 29.7.2005.

17.6.05

W/S filed in the Court today on behalf of Nos. 2 & 3. mb

29.7.05. At the request of Mr. G. Rahul learned counsel for the Respondents case is adjourned to 30.8.05.

Issue notice on the Respondents in the O.A. and in the M.P.


Member


Vice-Chairman

lm

30.8.05

Counsel for the parties are present Post the matter before the next available Division Bench.


Vice-Chairman

lm

27.7.05
Reply submitted by the applicant.
Notices of MP 129/05 sent to O/Section for issuing to resp. Nos. 1 to 5, by regd. A/D post. D/No 1223 to 1227.

on 94105

5.10.2005 Post on 22.11.2005. If the written statement has not supplied to the applicant the same will be furnished to the applicant.

4-6-05
W.L.S and Rejoinder was been filed.




Member


Vice-Chairman

22.11.2005 Post before the next Division Bench.

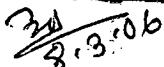
The case is ready for hearing.


4.1.06.

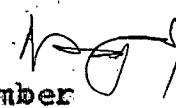
mb


Vice-Chairman

Case is ready for hearing.


3.3.06

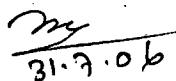
5.1.06 Ms.K.Deka learned counsel for the applicant seeks for short adjournment. Mr.M.UAhmed learned Addl.C.G.S.C. and Mr.G.Rahul learned counsel for other Respondents has no objection. Post the matter before the next available Division Bench.


Member

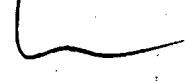

Vice-Chairman

lm

The case is ready for hearing.


31.7.06.

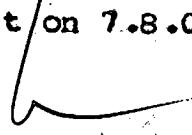
09.03.2006 None for the applicant. Post before the next Division Bench.


Vice-Chairman (J) Vice-Chairman (A)

mb

1.8.06 Heard counsel for the parties at length. On the prayer of the counsel for the respondents post on 7.8.06.


Member


Vice-Chairman

pg

31.10.06
4
07.08.2006 Present: Hon'ble Sri K.V.
Sachidanandan, Vice-Chairman.

Hon'ble Sri Gautam Ray,
Administrative Member.

Heard Mrs. K. Deka, learned
counsel for the applicant and Mrs. R.S.
Chowdhury, learned counsel for the
Respondents. Hearing concluded. Reserved
for orders.



Member



Vice-Chairman

mb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 94 of 2005

DATE OF DECISION 22.9.2006

Shri Pradip Kumar Saikia.....Applicant/s
Mrs. K. Deka.....Senior Advocate for the
.....Applicant/s.

..... Versus -
U.O.I. & Ors.Respondent/s
Mrs. R.S. ChoudhuryAdvocate for the
.....Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman Member (A)
29/9/06

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 94 of 2005

• Date of Order: This the 22nd day of September 2006

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman

The Hon'ble Shri G. Ray, Administrative Member

Shri Pradip Kumar Saikia,
S/o Shri Durbal Krishna Saikia,
Resident of Athabari Gaon,
P.O. Khwang Ghat,
District- Dibrugarh, Assam.

.....Applicant

By Advocate Mrs K. Deka.

- versus -

1. The Union of India, represented by the Secretary, Health and Family Welfare, Government of India, New Delhi-1.
2. The Director, Regional Medical Research Centre, N.E. Region (ICMR), District- Dibrugarh, Assam.
3. The Administrative Officer, Regional Medical Research Centre, N.E. Region (ICMR), District- Dibrugarh, Assam.
4. Shri Kamaleswar Gogoi, Laboratory Assistant, Regional Medical Research Centre, N.E. Region (ICMR), District- Dibrugarh, Assam.
5. Shri Purnananda Gogoi, Laboratory Assistant, Regional Medical Research Centre, N.E. Region (ICMR), District- Dibrugarh, Assam.Respondents

By Advocate Mrs R.S. Choudhury.

ORDERK.V. SACHIDANANDAN (V.C.)

The applicant who is a graduate belongs to the ST community of Assam (Annexure-I). In response to a notification the applicant applied for the post of Field Worker (Senior) in the pay scale of Rs.260-430. At that time the qualification required was H.S.L.C. Examination passed. A call letter was issued to the applicant. The applicant was selected and appointed as Field Worker (Juniro) instead of Field Worker (Senior) since the applicant had no experience. Thereafter the applicant discharged his duties with full satisfaction. On 22.03.2000 respondent No.2 granted financial upgradation under the Assured Career Progression (ACP for short) Scheme with effect from 09.08.1999 and accordingly the applicant's basic pay became Rs.2610-60-3150-65-3540. The applicant submitted an application on 24.02.2000 praying to consider his promotion to the next higher upgradation i.e. to the post of Field Worker (Senior) in the pay scale of Rs.3200-85-4900 per month. Thereafter on 18.06.2003 vide Annexure-V order the applicant was promoted as Laboratory Attendant with effect from 12.06.2003 in the pay scale of Rs.2610-60-2910-65-3300-70-4000. The applicant submitted a representation contending that the applicant was serving as a Field Worker (Junior) since last sixteen years and the applicant's next promotion was to the post of Field Worker (Senior), which was equivalent to the post of Laboratory Assistant. Those who had joined as Field Worker (Senior) had been promoted as Laboratory Technician and the applicant accepted the post of Laboratory Attendant under protest and requested to reconsider the applicant's promotion to the post of Field

Worker (Senior). The applicant submitted a representation on 30.07.2003 contending that the post of Field Worker (Senior) has been re-designated as Laboratory Assistant but the post of Field Worker (Junior) has not been re-designated and the post and scale of Laboratory Attendant is equivalent to the post of Field Worker (Junior). The pay scale of Laboratory Attendant is not enhanced pay scale to that of Field Worker (Junior) and the pay scale that the applicant has already received in the month of August 1999. Instead of promoting the applicant as Field Worker (Senior) the applicant has been given the scale of Laboratory Attendant. Aggrieved by the said inaction the applicant has filed the present Original Application seeking the following reliefs:

- "A. Setting aside of the order No.RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18th June, 2003, passed by the Administrative Officer for the Director, Regional Medical Research Centre N.E. Region (ICMR) Dibrugarh, Assam.
- B. Setting aside the orders (Date and No. not known) of promotions whereby the respondents No.4 and 5 were promoted from the posts of Laboratory Attendants to the posts of Laboratory Assistants.
- C. Directing the respondent No.2 to pass order promoting the applicant to the post of Field Worker (Senior) which is re-designated as Laboratory Assistant with effect from 12.6.2003."

2. The respondents have filed a detailed written statement contending that the claim is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. The applicant agreed to the terms and conditions and has given his consent as per clause 10 of the Conditions of grant-of benefits under the ACP Scheme. Therefore, the applicant cannot have a second thought over the same. The applicant

was considered for the recruitment to the post of Field Worker (Junior) and accordingly the applicant joined the post. The applicant was given financial upgradation under the ACP Scheme raising his scale of pay from Rs.2550-3200 to Rs.2610-3540 with effect from 9.8.1999 as per the guidelines contained in DOPT letter dated 26.10.1999. The promotion to the higher post can only be considered as and when suitable vacancies arise and that too under the rules and provisions in force. As per the DPC recommendations the applicant was promoted to the post of Laboratory Attendant with effect from 12.6.2003 with a direction to the applicant either to accept the same or to make an objection over the said promotion. As per clause 10 of the ACP Scheme while accepting the benefit under the Scheme, an employee shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of subsequent vacancy and if he refuses to accept the higher post on regular basis he shall be subject to normal debarment for regular promotion. According to the respondents the applicant has given his unqualified acceptance of such promotion on occurrence of such vacancy. The posts of Field Worker (Junior) and Laboratory Attendant are not equivalent posts as contended nor is the post of Laboratory Assistant a reserved post. The right to be considered for promotion is not a fundamental right and as such the applicant cannot claim promotion as a matter of right. Therefore, the applicant is not entitled for the benefit.

3. The applicant has also filed a rejoinder reiterating his contentions in the original application.

4. We have heard Mrs. K. Deka, learned counsel for the applicant and Mrs. R.S. Choudhury, learned counsel for the respondents. The learned counsel for the parties submitted that since the pleadings are complete and there is some urgency in the matter the matter may be heard even before admission before the Division Bench and the counsel for the parties have taken us to various pleadings, materials and evidence placed on record.

5. The learned counsel for the applicant argued that the applicant who is well qualified for the post of Field Worker (Senior) was not granted the same though the selection was held only for that post. Even thereafter when the ACP was granted, instead of upgrading the salary to the pay scale of Field Worker (Senior) the applicant was placed on a lesser pay scale, which is not in the hierarchy.

6. The learned counsel for the respondents, on the other hand, submitted that the applicant has joined as Field Worker (Junior) and worked for years which cannot be a dispute at this juncture. After the merger of the cadre the applicant was given financial upgradation under the ACP Scheme according to the hierachal pay scale. The applicant was not denied any benefit and therefore cannot have a case.

7. We have given due consideration to the arguments, pleadings and evidence placed on record. The contention of the applicant that the applicant was called for the selection of Field Worker (Senior) is a thing of the past, which now cannot be agitated.

In the rejoinder the applicant has specifically pleaded that there is no post in between the posts of Field Worker (Junior) and Field Worker (Senior). Only in Dibrugarh RMRC, N.E. Region of Indian Council of Medical Research there is a post of Field Worker (Junior), but there is no such post designated as Field Worker (Junior) in other Regional Medical Research Centre of ICMR. Again the post of Field Worker (Senior) was redesignated as Laboratory Assistant but the post of Field Worker (Junior) is not redesignated till date. The applicant has made a representation on 9.9.2002 with a request to take necessary steps to redesignate the post of Field Worker (Junior) to Laboratory Assistant (Junior) considering the future prospect of the applicant but no reply has been received. It is also the case of the applicant that the post of Laboratory Attendant is equivalent to the post of Field Worker (Junior). The pay scale of Laboratory Attendant is not enhanced pay scale of Field Worker (Junior) and the applicant has already received that pay in the month of August 1999. Therefore, the pay scale granted in the post of Laboratory Attendant is of no consequential benefit to the applicant and the applicant's consistent case is that the applicant should be upgrade to the post of Field Worker (Senior), which is equivalent to the post of Laboratory Assistant. Those who have joined with the applicant as Field Worker (Senior) have been promoted as Laboratory Technician. Therefore, it will be of some use to find out the hierachal position of the post held by the applicant. Annexure-IX dated 29.8.1985 is a Circular issued by the ICMR sanctioning creation of the new posts right from Deputy Director to Chowkidar. For better elucidation the relevant items (10, 11 and 12) are reproduced as under:

Sl.No.	Designation	Pay scale	No.of posts
10.	Field Worker (Senior)	Rs.260-400	Two
11.	Field Worker (Junior)	Rs.196-268	One
12.	Laboratory Attendant	Rs.196-268	Four

8. From the said document it is clear that Field Worker (Junior) and Laboratory Attendant are in the same pay scale of Rs.196-268/- at that point of time. Therefore, O.M. dated 04.08.2004 (Annexure-XIII) promoting the applicant from the post of Field Worker (Junior) to the post of Laboratory Attendant in the pay scale of Rs.2610-4000/- cannot be said to be an upgradation in the promotional post. The applicant, admittedly, joined service as Field Worker (Junior) and completed more than sixteen years of service. The ACP Scheme which was born on 09.08.1999 by the orders of the Ministry of Personnel, Public Grievances and Pensions had salient features of granting financial upgradation to Group 'B', 'C' and 'D' employees on completion of 12 and 24 years of regular service. For better elucidation clause 3 of the ACP Scheme and clauses 4, 5, 6.1 and also 10 of the conditions for grant of benefits under the ACP Scheme, which are relevant, are reproduced as under:

"3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED POSTS IN GROUP 'A','B','C' AND 'D' CATEGORIES.

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to

Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no. 4 in Annexure - I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status) ad hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure - I.

3.2 Regular Service for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment Service Rule.

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first financial upgradation gets postponed on accounts of the employee not found fit or due to departmental proceedings, etc. this would have consequential effect on the second upgradation which would also get deferred accordingly.

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on competition of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall be accrue to him;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purpose and restriction of the

ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc.) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputations to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years ($12+2+1$) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation ($2+10$) in that higher grade, i.e. after 25 years ($12+2+1+10$) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;"

9. The Scheme is introduced to mitigate hardship in case of acute stagnation either in a cadre or in an isolated post and decided to grant two financial upgradations on completion of 12 years and 24 years of regular service. Reading from clause 5.1 of the Scheme, admittedly, the applicant was not subjected to any regular promotion during the prescribed period of 12 and 24 years. Therefore, this is a beneficial scheme to the employee. It goes without saying that any technicalities or interpretation of the scheme in denying the eligible

employees for the benefit cannot be accepted. The standard/common pay scale as per Part A annexed to the Ministry of Finance as Annexure-II to the ACP Scheme is as follows:

"S.No.	Revised pay scales (Rs)	
1	S-1	2550-55-2660-60-3200
2	S-2	2610-60-3150-65-3540
3	S-3	2650-65-3300-70-4000
4	S-4	2750-70-3800-75-4400
5	S-5	3050-75-3950-80-4590

10. Now, it will be interesting to note what are the pay scales that the applicant was drawing and the pay scales of Field Worker (Senior) and Laboratory Assistant:

Laboratory Attendant carries the scale of Rs.2610-60—2910-65-3300-70-4000/-

Field Worker (Junior) carries the scale of Rs.2550-55-2660-60-3200/-

Field Worker (Senior) carries the scale of Rs.3200-85-4900/-

Laboratory Assistant carries the scale of Rs.3200-85-4900/-.

11. Admittedly, at the time of the upgradation under the ACP Scheme the applicant was drawing the pay scale of Laboratory Attendant. According to the applicant the next post of promotion was Field Worker (Senior), which was equivalent to the post of Laboratory Assistant. The applicant's line of job was directly related to the job of Field Worker (Senior) and Laboratory Assistant. The job is not related

to the Laboratory Attendant and pay scale of Field Worker (Junior) and that of Laboratory Attendant is almost the same. The post of Field Worker (Senior) and Laboratory Assistant were merged and redesignated as one, whereas Field Worker (Junior) was not redesignated. Vide Annexure-XIII order dated 4.8.2004 it is evident that a financial upgradation is sought to be granted to the applicant to the pay scale of Rs.2610-4000/- with effect from 12.6.2003 i.e. Rs.3215.00 plus Rs.20.00 as PP (Total Rs.3235.00) which was almost the same that the applicant was drawing at the time of this order as Field Worker (Junior). Therefore, it cannot be said that any upgradation has been granted to the applicant as per the scheme. Admittedly, the Field Worker (Junior) post is analogous and not designated till date and the hierarchical position of the next promotion of the applicant is Field Worker (Senior). We are of the view that the alleged upgradation to the post of Laboratory Attendant is not justified and not in the spirit and interpretation of the ACP Scheme. Though the respondents have contended that as per clause 10 of the ACP Scheme if an employee accepts a post he cannot challenge the same later on cannot be made applicable in this case for the reason that by merger and redesignation of the promotional post which has been compartmentalized stood prejudiced to the applicant and this also has to be taken note of. From the records it is clear that the applicant has objected and given in writing that he cannot accept the upgradation which is very meager in its output. After serving for sixteen years in a stagnated post an employee who is aspiring for the next hierarchical post of Field Worker (Senior) has been down played to give a pittance of putting in the higher scale, which he was almost drawing at the time of alleged upgradation.

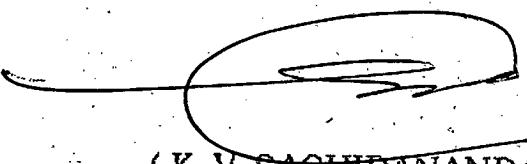
12. In the conspectus of facts and circumstances we are of the considered view that the upgradation made to the applicant to the post of Laboratory Attendant is not justified and the applicant will be entitled to the pay scale of Field Worker (Senior) on ACP if the applicant is otherwise eligible.

13. The respondents are directed to consider the same and grant the benefit to the applicant at the earliest. In the meantime the status quo as of now will continue. However, considering the entire aspects it is made clear that the applicant will be entitled to the benefit notionally till the date of issuance of the order. This shall be carried out within four months from the date of receipt of this order by convening a DPC if required.

The original application is allowed. In the circumstances there will be no order as to costs.



(G. RAY)
ADMINISTRATIVE MEMBER



(K. V. SACHIDANANDAN)
VICE-CHAIRMAN

nkm

Central Administrative Tribunal
Central Administrative Tribunal

26 APR 2005

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

C.A No. 94 OF 2005

Sri Pradip Kumar Saikia...Petitioner/Applicant

-VS-

The Union of India and others....Respondents

1. PARTICULARS OF THE APPLICANT:

Sri Pradip Kumar Saikia, son of Sri Durbal Krishna Saikia, aged about 45 years. Resident of Athabari Gaon, P.O: Khwang Ghat, P.O: Khwang in the District of Dibrugarh, Assam.

2. PARTICULARS OF THE REPRESENTATIVE:

1. The Union of India,

Represented by the Secretary

Health and Family Welfare, Govt. of India

New Delhi-1

2. The Director

Regional Medical Research Centre

N.E. Region (ICMR) District: Dibrugarh, Assam.

3. The Administrative Officer

Regional Medical Research Centre

N.E. Region (ICMR) District: Dibrugarh, Assam.

4. Sri Kamaleswar Gogoi

Laboratory Assistant

Regional Medical Research Centre

N.E. Region (ICMR) District: Dibrugarh, Assam.

5. Sri Purnananda Gogoi

Laboratory Assistant

Regional Medical Research Centre

N.E. Region (ICMR)

District: Dibrugarh, Assam.....Respondents

Pradip Kumar Saikia
Filed by the applicant
Hcoks: Sri Deba Kumar Bordoloi
Advocate
26/4/05

Pradip Kr. Saikia

3. DETAILS OF APPLICATION:

THE APPLICATION IS AGAINST THE FOLLOWING ORDER:

1. The petition is against the illegal order vide No. RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18th June, 2003 promoting Shri Pradip Kr. Saikia, the applicant, Filed worker (Junior) to the post of Laboratory Attendant with effect from 12 June, 2003 passed by the Administrative Officer for DIRECTOR of Regional Medical Research Centre, N.E. Region (ICMR) Dibrugarh.

2. Orders (date and No. not known) passed by the Director, Regional Medical Research Centre, N.E. Region (ICMR) Dibrugarh, promoting Sri Kamaleswar Gogoi and Sri Furnanda Gogoi from their posts of Labortory Attendants to the posts of Laboratory Assistants.

3. THE APPLICANTS DECLARE THAT THE SUBJECT OF THE ORDER ARE WITHIN THE JURISDICTION OF THE TRIBUNAL

4. THE APPLICANTS DECLARE THAT THE APPLICATION IS WITHIN THE LIMITATION PRESCRIBED UNDER SECTION 21 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985.

4. FACTS OF THE CASE:

1. That the petitioner is a Citizen of India having his permanent residence at Athabari Gaon, Khowang Ghat in the district of Dibrugarh, Assam. The petitioner is an Arts Graduate and belongs to the Scheduled Tribes community of Assam.

A Xerox copy of the Caste Certificate is annexed herewith and marked as annexure-I to the petition.

2. That as per the advertisement published in the Assam Tribune dated 28.11.85, applications were invited by the Director, Regional Medical Research Centre, N.E. Region (ICMR) Dibrugarh, to fill up two posts of Field Worker (Senior) and one post was reserved for S.T. candidate, pay scale Rs. 260-430 and at that time, qualification for the said post was required H.S.L.C Exam. passed and accordingly, the

Director, Regional Medical Research center, Dibrugarh, the respondent No.2, issued a call letter to the applicant through the Employment Exchange, Dibrugarh to selection for the post of Filed Worker (Sr)

A Xerox copy of the advertisement is annexed herewith and marked as annexure- II to the petition.

3. That the applicant appeared in the interview and was selected by the respondent No.2, vide appointment latter dated 2.6.86 which was issued to the applicant for the post of Filed Worker (Junior) instead of Field Worker Senior for which the applicant was infact applied for. It may be mentioned herein that on being asked by the applicant, as to why he was selected for filed worker (Jr), the respondent No.2 told the applicant that as he had no experience he was appointed for the post of Filed Worker (Jr) but very soon he would be promoted to the Filed Worker (senior). Accordingly on 19.6.86 the applicant joined the post of Filed Worker (Jr) with the hope to get the post of Filed Worker (Sr.) in the near future; and since then the applicant is working in the said post without any blemish to the satisfaction of all the concern with his sincerity, loyalty to the authority. It may be mentioned herein that Sri Atual Ch. Rabha was appointed as Filed Worker (Sr.)

A Xerox copy of the appointment latter dated 2.6.86 is annexed herewith and marked as annexure III to the petition.

4. That on 22.3.2000 the respondent No.2 vide order No. RMRC/DIB/ADM-97-2000/2458 dated 23.2.2000 granted financial upgradation under Assured Carrier Progression Scheme, w.e.f. 9.8.99 and accordingly the applicant's basic pay scale became 2610-60-3150-65-3540. The applicant begs to mention herein that the applicant can not trace out the said order dated 23.2.2000 for annexing the same with this petition and as such craves leave before this Hon'ble Court to produce the same as and when the applicant find out the same.

5. That in response to the aforesaid latter for financial upgradation the applicant submitted an application on 24.2.2000 to the respondent No.2 praying to consider his promotion to the next higher upgradation i.e. to the post of Filed Worker (Senior) with pay scale of Rs.3200-85-4900 per month. The said application is not yet considered and at present the same is pending for disposal.

A typed copy of the said application is annexed herewith and marked as annexure-IV to the petition.

6. That on 18.6.2003 the Administrative Officer for the respondent No.2 issued an order vide No. RMRC/Dib/Adm-28(DPC)/2003-04/961 promoting the applicant to the post of Laboratory Attendant ^{with effect from} (w.e.f) 12.6.2003 with pay scale of Rs. 2610-60-2910-65-3300-70-4000 with a direction the applicant either to accept the said order or make an objection over the said promotion order within seven days from the receipt of the said order.

A Xerox copy of the said order dated 18.6.2003 is annexed herewith and marked as annexure-V to the petition.

7. That on receipt of the said order dated 18.6.2003 the applicant submitted an application dated 20.6.2003 before the respondent No. 2 apprising him that the applicant have been serving as a Filed Worker (Jr) sine last about 16 years and that the applicant's next promotion was Filed Worker (Sr) which was equivalent to the post of Laboratory Assistant. The applicant further stated in his application that those who had joined as Filed Worker (Sr) has been promoted to Laboratory Technician and that he accepted the post of Filed Worker (Jr) with the hope to get the Filed Worker (Sr) after getting the desire experience. The applicant had also apprised the respondent No.2 that he obtained the Graduate degree from the Dibrugarh University in the year 1988 and a Certificate Course in Application of Computer in Office Automation from Tezpur University in 1999. The applicant also apprised the respondent No.2 that the post of Lab Attendant was not

Pradip Kumar Sarker

acceptable to him and prayed for kind consideration to reconsider his promotion to the post and scale equivalent to the Filed Worker (Sr.)

A xerox copy of the said application dated 20.6.03 is annexed herewith and marked as annexure VI.

8. That thereafter the Administrative Officer for the respondent No.2, sent a letter No. RMRC/Dib/PF-49/86-87/1422 dated 24th July 2003 to the applicant apprising him that as the applicant was granted financial benefit by allowing higher scale of pay of Rs. 2610-60-3150-65-3540 w.e.f. 9.8.1999 under the Assured Career Progression (ACP) Scheme vide this office order No. RMRC/ Dib/Adm-97/99-2000/2458 dated 23.2.2000 the applicant shall be deemed to given his unqualified acceptance for regular promotion on occurrence of vacancy, subsequently as per Clause 10 of the ACP Scheme. The applicant is also directed to rethink about the entire matter and to submit about his decisions on or before 30th July 2003.

A Xerox copy of the said letter dated 24.7.2003 is annexed herewith and marked as annexure VII to the petition.

9. That thereafter the applicant submitted a petition dated 30.7.2003 to the respondent No.2, apprising him that as to how the applicant was first appointed as Filed Worker (Jr) in place of Filed Worker (Sr.) and that the post of Filed Worker (Sr) is re-designated as Laboratory Assistant but at the same time the post of Filed Worker (Jr) have not been re-designated. The applicant has also stated that vide the letter No. 49/3/RMRC/05-NCD-II dated 29.8.85, the post and scale of Lab Attendant is equivalent to the post of Filed Worker (Jr) and the pay scale for the post of Lab Attendant is not enhanced pay scale to that of Filed Worker (Jr) and that pay scale he had already received in the month of August 1999. The applicant also requested the respondent No.2, to allow him more time to let the latter to know of his decisions regarding acceptance of his regular promotion to the post of Laboratory Attendant.

Pradeep Mr. Sachin

A Xerox copy of the said petition dated 30.7.2003 and the letter No. 49/3/RMRC/05-NCD-II dated 29.8.85 are annexed herewith and marked as annexures VII and IX respectively to the petition.

10. That thereafter the applicant sent a petition dated 23.8.03 to the respondent No.2, apprising the latter about the above facts from the very joining in the post of Filed Worker (Jr). He has further stated in details as to how he is eligible for promotion to the post of Filed Worker (Sr.) after working continuously for lat about 16 years and that the post of Filed Worker (Sr) is equivalent to the post of Lab Assistant. Further the applicant's line of job is directly related to the Filed Worker (Sr) and Laboratory Assistant and that the petitioner's line of job is not related to Laboratory Attendant. The petitioner also mentioned in the said petition that the respondent No.2, vide order No. RMRC/ ICMR/DIB/Appointment/85-86/451 dated 2.6.86 re-designuated the post of Field Worker (Sr.) as the post of Laboratory Assistant and in doing so the respondent No.2 promoted Sri Atul Ch. Rabha, from the post of Filed Worker (Sr). to the post of Lab Technician. In the same way in the month of August, 2002 the respondent No.2, promoted Sri Jaganath Gogoi, from Filed Worker (Sr.) to Laboratory Technician showing justification for petitioner's claim for promotion to the post of Filed Worker (Sr.) re-designated as Laboratory Assistant.

A typed copy of the said petition dated 23.8.03 is annexed herewith and marked as annexure-X to the petition.

11. That instead of legally promoting the applicant to the post of Filed Worker (Sr.) the respondent No.2 promoted Sri Kamalaswar Gogoi, the respondent No.4 and Sri Purnananda Gogoi, the respondent No.5 from their post of Laboratory Attendants to the posts of Laboratory Assistants. The orders whereby they were illegally promoted to Lab Assistant and in the said capacity they are at present working at Chabua, Dibrugarh. Further the respondents No. 4 and 5

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Pradeep K. Sarker

does not belong to the Scheduled Tribes community as such their promotions to the said posts are highly illegal.

12. That thereafter the Administrative Officer for the respondent No.2 sent a letter to the petitioner No. RMRC/DIB/PR-49/86-87/1824 dated 27th August 2003 apprising the petitioner that his request for promotion from the post of Filed Worker (Jr.) to the Filed Worker (Sr.) which is re-designated a "LAB ASSISTANT" can not be exceeded as per the recruitment rules by the councils, the petitioner was also directed to inform the Director, the respondent No.2 on or before 1.09.2003 about the petitioner's final decisions regarding his acceptance of promotions as given vide the order dated 18.6.2003.

A Xerox copy of the said petition dated 27.8.03 is annexed herewith and marked as annexure-XI to the petition.

13. That thereafter the applicant sent a reply dated 1/9/03 to the Administrative officer, the respondent No.3, stating interalia that the applicant is entitled to be promoted to the post of Filed Worker (Sr.) which is equivalent to the post of Lab Assistant and the post is a reserved post belonging to Schedule Tribes. The applicant also apprised the respondent No.3 that promotion to the post of Lab Attendant cannot be accepted by him and prayed the latter to reconsider and promote the applicant to the post equivalent to the Field Worker (Sr.)

A typed copy of the said letter (reply) dated 1.9.03 is annexed herewith and marked as Annexure XII to the petition.

14. That thereafter the applicant received from the respondent No.3, two office memorandums dated 4.8.04 and 17.8.04 to the applicant regarding the applicant's pay scale in view of Financial upgradation benefits under the Assured Career progression. The respondent No.3 with a malafide intention has referred the applicant as Laboratory

Attendant although the applicant had informed the respondent No.3 that he had not accepted the promotion to Lab Attendant.

The Xerox copies of the said two office memorandums dated 4.8.04 and 17.8.04 are annexed herewith and marked as Annexures-XIII and XIV respectively to the petition.

15. That the applicant vide his letters dated 9.8.04 and 19.8.04 sent his reply to the respondent No. 3 that he had not accepted the promotion to the post of Laboratory Attendant and that he accepted the salary under protest. It may be mentioned herein that the salaries of the employees of R.M.R.C, N.E Region, Dibrugarh are given through bank only and as such the employees are used to accept their salaries as per sent by the employer.

The typed copies of the said two letters dated 9.8.04 and 19.8.04 are annexed herewith and marked as Annexures-XV and XVI respectively to the petition.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

I. For that there cannot be any promotion from the post of Filed Worker (Jr.) to the post of Laboratory Attendant as the said two posts are equivalent and the pay scales are also the same, and as such it is in violation of the service Rules.

II. For that the relevant post of promotion is a reserved post for Scheduled caste and filling up the said post by persons not belonging to scheduled Tribes is highly illegal and as such it warrants interference of this Hon'ble Tribunal.

III. For that the applicant being the senior most Filed Worker (Jr.) working in the said capacity without any blemish for about 16 years he has fundamental right for promotion to the post of Filed Worker (Sr.) and denial of the same to the applicant is highly illegal.

IV. For that the applicant being a Scheduled Tribes and the post of promotion is also a reserved post for S.T., denial or refusal for

Radip M. Saikia

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promote him to the said post is highly illegal and as such interference of this Hon'ble Tribunal is warranted.

V. For that the applicant has fundamental right to be promoted in service and as such deprivation of the same to him is bias and the same suffers from discrimination as such it violates the fundamental right of the applicant requiring interference of this Hon'ble Tribunal.

VI. For that there is a strong *prima facie* case in favour of the applicant and denial of promotion of the applicant to the post of Filed Worker (Sr) which is re-designated as Laboratory Assistant is highly illegal being bias and arbitrary interference of this Hon'ble Tribunal.

VII. For that promotions of the respondents NO. 4 and 5 are highly illegal being bias and arbitrary are liable to be set aside and quashed.

6. RELIEF SOUGHT FOR:

- A.** Setting aside of the order No. RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18th June, 2003, passed by the Administrative officer for the Director, Regional Medical Research Centre N.E. Region (ICMR) Dibrugarh, Assam.
- B.** Setting aside the orders (Date and No. not known) of promotions whereby the respondent No.4 and 5 were promoted from the posts of Laboratory Attendants to the posts of Laboratory Assistants.
- C.** Directing the respondent No.2 to pass order promoting the applicant to the post of Filed Worker (Sr.), which is re-designated as Laboratory Assistant with effect from 12.6.2003

7. INTERIM ORDER IF ANY PRAYED FOR:

In the premises aforesaid, it is prayed that, your Lordship will be pleased to admit this petition call for the entire record of the case, direct the respondents to show cause as to why the respondents No.2 and 3 should not be directed to set aside the orders promoting the respondents No.4 and 5 and also direct the respondent No.2 to set

Pradip M. Saikar
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aside the order dated 18th June, 2003 (annexure-V) and pass order promoting the applicant to the post of Filed Worker (Sr.) which is redesignated as Lab Assistant with effect from 12.6.03; and after causes shown, if any, and upon hearing both sides set aside the aforesaid orders promoting the respondents No. 4 and 5 and also setting aside the order No.RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18.6 2003 and directing the respondent No.2 to pass order to pass order immediately promoting the applicant to the post of Field Worker(Sr.) or the post of Laboratory Assistant with effect from 12.6.2003.

8. PARTICULARS OF THE POSTAL ORDER

IPO NO.....206160397.....dated 26/4/2005.....in favour of Deputy Registrar, C.A.T. Guwahati.....issued by the Post Office at Guwahati is enclosed.

9. List of Enclosures:

1. Application with Annexures I to XVI
2. Extra Copies of application with annexures (copies)
3. Postal order
4. Vakalatnama

VERIFICATION

I, Sri Pradip Kumar Saikia, son of Sri Durbal Krishna Saikia, aged about 45 years. Resident of Athabari Gaon, P.O: Khwang Ghat. P.O: Khwang in the District of Dibrugarh, Assam do hereby verify that the above statements made in accompanying petition in paragraphs ^{12 to 15} 5, 7, 9, 10, are true to my knowledge, and those made in paragraphs 6, 8, 13 are derived from records and information which I believe to be true and the rests are my humble submission before this Hon'ble Court.

And I sign this verification on this the 26 day of April, 2005 at Guwahati.

Pradip K. Saikia

Office of the Dibrugarh District Tribal Sangha

(Affiliated to all Assam Tribal Sangha)

P. O. MANKATA

DIBRUGARH

No. DDTs 3115/82

Dated, Dibrugarh the 7th October, 1982.

This is to certify that Sri/ Srimati Pradip Kumar Saikia, son/daughter/wife of Sri Durbul Krishna Saikia of Village Khowang Athabari P. O. Khowanghat Mouza newassi, Sub-Division Dibrugarh / Tinsukia, District Dibrugarh, in the State of Assam, belongs to the Kachari community which is recognised as Scheduled Tribes under the Constitution (Scheduled Tribes) orders, 1950, as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) orders, 1956 and the Scheduled Castes and Scheduled Tribes, orders, (Amendment) Act, 1970.

2. Sri/Srimati Pradip Kumar Saikia and his/her family ordinarily resides in Village Khowang Athabari P. O. Khowanghat P. S. Mokar, District Dibrugarh in the State of Assam.

Countersigned by:

[Signature]
Deputy Commissioner
Dibrugarh
26/10/82

[Signature]
Allected
T. H. A. A. 26/10/82

President / Secretary, 7/10/82

D.D.T.S. Mankata

Secretary, Dibrugarh tribal Sangha

P. O. Mankata, 7/10/82

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

Annexure-II

Applications are invited upto 10th December, 1985 for the following posts at REGIONAL MEDICAL RESEARCH CENTRE, N. E. REGION (ICMR) DIBRUGARH.

A. **ASSISTANT RESEARCH OFFICER** : (Two Posts) One Reserved for S.T. Scale of pay of Rs. 650-900
POST NO. 1 QUALIFICATIONS & EXPERIENCE : **ESSENTIAL** : M. B. B. S. or equivalent Medical qualification with research experience particularly in the field of Pathology/Cytology. **DESIRABLE** : Laboratory and research experience in the subject.
POST NO. 2 (Unreserved) QUALIFICATIONS & EXPERIENCE : **ESSENTIAL** : M.B.B.S. or M.Sc. from a recognised University with research experience in Microbiology/Biochemistry **DESIRABLE** : Laboratory and research experience in the subject.

B. **STATISTICAL ASSISTANT** : (One) Post Unreserved Scale of pay of Rs. 425-700 **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : A Post Graduate Degree in Statistics/Mathematics or Graduate in Statistics with 5 years experience in statistical field.

C. **RESEARCH ASSISTANT** : (One) Post Unreserved Scale of pay of Rs. 425-700 **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : M. Sc. or B. Sc. with atleast 3 years research experience.

D. **LABORATORY TECHNICIAN** : (Five Posts) Scale of pay of Rs. 380-560. One Reserved for S.T. One Reserved for S.C. and remaining three (Unreserved) **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : B. Sc. or Pre-Degree (Science) with Diploma in Medical Laboratory Technology or Matriculates with Diploma in Medical Laboratory Technology with long experience in Laboratory work.

E. **CHEMIST** : (One) Post Unreserved: Scale of pay of Rs. 330-560. **QUALIFICATIONS & EXPERIENCE** : Graduate in Science (B. Sc.) from a recognised University.

F. **FIELD WORKER (Senior)** : (Two) Posts. One Reserved for S.T. Scale of pay of Rs. 260-430 **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : H. S. L. C. Examination passed with experience in Field work.

G. **TELEXMACHINE OPERATOR** : (One) Post Unreserved. Scale of pay of Rs. 260-400. **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : H.S. L.C. Examination passed with adequate knowledge of operating Telex Machine.

H. **UPPER DIVISION CLERK** : (Two) Posts. One Reserved for S.T. Scale of pay of Rs. 330-560 **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : A Graduate in Arts/Sciences or Commerce from a recognised University. Preference will be given to the candidates having experience in office establishment, accounting, purchasing procedure and maintenance of stores etc. Must know type writing.

I. **LOWER DIVISION CLERK** : (Two Posts) One Reserved for S.T. Scale of pay of Rs. 260-400 **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : H. S. L. C. or equivalent examination passed from a recognised Board/University with minimum speed of English Typewriting at 40 words per minute Previous experience in office works preferable.

J. **DRIVER** : (One Post) Unreserved Scale of pay of Rs. 150-400 **QUALIFICATIONS & EXPERIENCE** : **ESSENTIAL** : Should have experience in driving Government motor vehicles with valid driving licence upto class-VIII.

Age :--Below 28 years. SC/ST candidates will be allowed relaxation in respect of upper-age limit to the extent of 5 (five) years.

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

General Relaxation Clause :--Age limits, qualification and experience prescribed above are relaxable in deserving cases. Benefits of pension admissible. Private practicing however non-practicing allowance

*Attested
A. N. Acharya*

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served for S.T. Scale of pay of Rs. 260-400 QU-
ALIFICATIONS & EXPERIENCE ESSENTIAL : H.S. L.C. Examination passed with experience in
Field work. -14-

G. TELETYPE MACHINE OPERATOR : (One Post) Un-
reserved. Scale of pay of Rs. 26000. QUALIFI-
CATIONS & EXPERIENCE : ESSENTIAL : H.S.
L.C. Examination passed with adequate knowledge
of operating Telex Machine.

H. UPPER DIVISION CLERK : (Two Posts) One
Reserved for S.T. Scale of pay of Rs. 130-560 QU-
ALIFICATIONS & EXPERIENCE : ESSENTIAL :
A Graduate in Arts, Sciences or Commerce from a
recognised University. Preference will be given to
the candidates having experience in office establish-
ment, accounting, purchasing procedure and main-
tenance of stores etc. Must know typewriting.

I. LOWER DIVISION CLERK : (Two Posts) One
Reserved for S.T. Scale of pay of Rs. 260-400
QUALIFICATIONS & EXPERIENCE : ESSEN-
TIAL : H.S. L.C. or equivalent examination passed
from a recognised Board/University with minimum
speed of English Typewriting at 40 words per minute
Previous experience in office works preferable.

J. DRIVER : (One Post) Unreserved Scale of pay of
Rs. 260-400 QUALIFICATIONS & EXPERIENCE :
ESSENTIAL : Should have experience in driving
light/heavy motor vehicle with valid driving licence.
Read upto Class-VIII.

Age :—Below 28 years. SC/ST candidates will be
allowed relaxation in respect of upper-age limit to the
extent of 5 (five) years.

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

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

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

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

Director

Regional Medical Research Centre
N.E. Region (ICMR) Dibrugarh
Pin-786003.

G/Sv/2848/ 1

Attested
D. M. Acharya
26/11/85

Office No. 21512
Date: 21.6.86

Gramex: "REHRES"
Telex: 205-222

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

Ref. RMR/ICMR/Dib/Appointment/85-86/457

Dated: 2.6.86

To: Shri/Dr. ~~Pradip K. Banerjee~~
Shri/Dr. ~~Pradip K. Banerjee~~
Alphans Village, P.O. Khawraghat,
Dibrugarh (Assam)

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

With reference to your application dated _____ for the post of Mr. Field Worker, Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, this is to inform you that you are appointed as Mr. Field Worker in the scale of pay Rs. 196-3-220-68-2-22/- plus other usual allowances as admissible under the rules to the employees of the Council, stationed at Dibrugarh (Assam).

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

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

(contd. to page 2)

1. Pension with gratuity is admissible subject to age.

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

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

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

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

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

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

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

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

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

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

Please let me know your acceptance. You are expected to join your duty on or before 16th June/76.

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

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

(3)

- (i) All valid copies of Certificates of all examination passed.
- (ii) Character Certificate from a trustworthy person, duly attested by a 1st Class Magistrate.
- (iii) Declaration of Home Town.
- (iv) Declaration of Marital Status.
- (v) Declaration regarding close relations.
- (vi) Declaration regarding property from Officers treated up to par with Gazetted Officers.
- (h) Declaration of dependents for purpose of medical aid.

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

File No. RMR/ICMR/Dib/Appointment/85-86/452-556 Dated: 2.6.86
Copy to :-

1) The Director-General
Regional Medical Research
Centre, 110, Jor Bagh, New Delhi - 110 029 for favour of information
and necessary action.

2)

3) Personal file.
4) Accounts file.

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

Attested
P. M.
Advocate
26/4/86

Typed Copy

To,
The Director
Regional Medical Research Centre,
N.E. Region (ICMR)
Dibrugarh
Dated 24/2/2000

Sub: Regarding Assured Carrier Progression

Sir,

I have the Honour to state that I am in receipt of office memo No. RMRC/DIB/Adm-97-99-2000/249 dated 23.2.2000 in connection with A.C.P. In this regard, I would like to inform you that the next higher grade in my category of post is Filed Worker (SR.). Therefore after implementation of A.C.P my scale should be in the scale of F.W. (Sr.) i.e. 3200-85-4900.

I therefore request your Honour to review the fixation of my pay scale so that I shall get the actual basic pay scale due to effect of A.C.P.

Thanking you.

Your's faithfully

Pradip Kumar Saikia
Junior Field Worker

*Pradip
Saikia
26/4/05*

xf. : (0373) 2381494, 2381506
2381548, 2381566

Gram : Remres
Fax : (0373) 2381748
E.Mail : icmrrcdi@hub.nic.in



क्षेत्रिय आयुर्विज्ञान अनुसंधान केन्द्र, पूर्वोत्तर क्षेत्र (आई. सी. एम. आर.)

REGIONAL MEDICAL RESEARCH CENTRE, N. E. REGION

INDIAN COUNCIL OF MEDICAL RESEARCH

Post Box No. 105, Dibrugarh - 786 001 (Assam), INDIA

No.RMRC/Dib/Adm-28 (DPC)/2003-04/961
ORDER

Dated the 18th June, 2003

Subject: Promotion to the post of **Laboratory Attendant** in the scale of Pay of Rs 2610-60-2910-65-3300-70-4000 at the Regional Medical Research Centre (ICMR), Dibrugarh

On recommendation of the Junior Departmental Promotion Committee held on 12th June, 2003, the Director of the Centre accords approval for promotion of **Shri Pradip Kr. Saikia**, **Field Worker (Junior)** to the post of **Laboratory Attendant** in the scale of Pay of Rs 2610 -60 -2910 -65 -3300 -70 -4000 plus other allowances as admissible as per rules at the Regional Medical Research Centre (ICMR), Dibrugarh with effect from 12th June, 2003.

2. The pay of **Shri Pradip Kr. Saikia** will be fixed as admissible as per rules.
3. He will be governed by the usual terms and conditions of service under the Council
4. He will be on probation for a period of 2 (two) years in the post of **Laboratory Attendant** from the date of his promotion, i.e. 12-6-2003.
5. Benefits of his service as **Field Worker (Junior)** will be carried forward to the post of **Laboratory Attendant**.
6. He is informed to furnish his acceptance or any objection for accepting this promotion within 7 (seven) days of receipt of this letter.

To

✓ **Shri Pradip Kr. Saikia**
RMRC (ICMR), Dibrugarh

(S.N. Bhagawati)
Administrative Officer
For DIRECTOR

Copy to :-

1. The Director General, Indian Council of Medical Research, V. Ramalingaswamy Bhawan, Ansari Nagar, Post Box No. 4911, New Delhi -110029 for favour of his kind information and necessary action
2. Personal file of employee concerned.
3. Accounts Section
4. Bill Section
5. Estt. 3 (Increment) file
6. Budget file
7. Seniority file

Attended
P. N. Advocate
26/6/03

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

Dated: 20 June, 2003

Sub:- Prayer for promotion to the equivalent post of Sr. Field Worker in the Scale
Rs.3200 to 4900 - regarding

Ref.: - No. RMRC/DIB/Adm-28(DPC)/2003-04/961 dated 18 June, 2003.

Sir,

With reference to the subject cited above, I beg to state that I have been working as a Field Worker (Junior) since my joining i.e. last 16 years and I am entitle for promotion to the post of Sr. Field Worker which is equivalent to the post of Laboratory Assistant. Further, those who had joined as Sr. Field Worker in our office, had been promoted to the post of Laboratory Technician. In this regard, I want to say that at the time of interview, I was also appeared for the post of Sr. Field Worker, but I was offered the post of Field Worker (Jr.), which I accepted with the hope to get the post of Sr. Field Worker after getting the desired experience. However, I have worked sincerely on the same post till this date with the hope of getting the promotion to the post of Sr. Field Worker or any such equivalent post. During this period, I have obtain my graduate degree from Dibrugarh University in the year 1988 and a Certificate course in Application of Computer in Office Automation from Tezpur University in 1999. These certificates were submitted to office for necessary information and record for future benefit in my service.

Sir, at this stage, I feel disappointed to receive the office order dated 18th June 2003, wherein I have been offered the post of Laboratory Attendant, which is not acceptable to me. Sir, I pray for your kind consideration to reconsider my promotion to the post and scale equivalent to the Sr. Field Worker. This will restore my confidence and dedication to my duty.

Thanking you,

Yours faithfully

(Pradip Kr. Saikia)
Field Worker (Junior).

Attested
P. N. S.
police
26/11/05

Phone Off. : (0373) 381494, 381506
381548, 381566

Gram : Remres
Fax : (0373) 381748
E-Mail : icmrrcdi@hub.nic.in



क्षेत्रिय आयुर्विज्ञान अनुसंधान केन्द्र, पूर्वोत्तर क्षेत्र (आई. सी. एम. आर.)
REGIONAL MEDICAL RESEARCH CENTRE, N. E. REGION
INDIAN COUNCIL OF MEDICAL RESEARCH
Post Box No. 105, Dibrugarh - 786 001 (Assam), INDIA

No.RMRC/Dib/PF-49/86-87/ 1422

Dated the 24th July, 2003
25th

To

✓ Shri Pradip Kumar Saikia
Field Worker (Junior),
RMRC (ICMR), Dibrugarh

This has a reference to your letter dated 20th June 2002 wherein you have refused to accept the regular promotion granted vide this office letter No. RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18-6-2003.

In this context, it may be mentioned here that earlier you have been granted financial benefit by allowing higher scale of pay of Rs.2610-60-3150-65-3540 w.e.f. 9-8-1999 under the ACP Scheme vide this office order No. RMRC/Dib/Adm-97/99-2000/2458 dated 23-2-2000. As per Clause 10 of the conditions for grant of benefit under the Assured Career Progression (ACP) Scheme, "the grant of higher scale of pay under the ACP Scheme is conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed. Moreover, subsequent financial upgradation will get postponed.

In view of the facts mentioned above, you may re-think about the entire matter and its consequences due to your refusal to accept regular promotion and let this office know about your decision on or before 30th July 2003. Please note your decision will be treated as final and action on this matter will be taken accordingly.

Yours faithfully

(S.N. Bhagawati)
Administrative Officer
For DIRECTOR

*Notified
P. N. A.
26/7/03*

To
The Director
Regional Medical Research Centre,
N. E. Region, (I.C.M.R.)
Dibrugarh, Assam.

Date: 30-07-2003

Sub:- Prayer to promote me from Field Worker(Jr.) to Field Worker(Sr.) as per rules
of the Govt.

Ref:-1- Your letter No.RMRC/DIB/PF-49/86-87/1422, dated 24th July, 2003.

Ref:-2- My letter dated 20.06.2003, addressed to the Director, R.M.R.C.,
N.E. Region (ICMR), Dibrugarh, Assam.

Sir,

In response to your letter under reference above, I humbly submit the following
facts, for your kind consideration and sympathetic order please.

That sir, at first I beg to state that I had appeared for interview, for the post of
Field Worker (Sr.), which was advertised in the leading news and on the conduct of my
said interview, I was appointed as Field Worker (Jr.) in place of Field Worker (Sr.), vide
appointment letter, issued to me, being letter No.RMRC/ICMR/DIB/Appointment/85-86/
451/ dated 2/6/86.

That secondly I beg to state that the post of Field Worker (Sr.) had been re-
designated as Laboratory Assistant. But at the same time the post of Field Worker (Jr.)
had not been re-designated.

That thirdly I want to state that at present I had been offered on promotion the
post of Laboratory Attendant, which in my view is equivalent to the Field Worker (Jr.),
and the pay scale fixed for the post of Laboratory Attendant is not enhanced pay scale to
that of Field Worker (Jr.) and that pay scale had been received by me in the month of
August, 1999.

*Attested
by
Advocate*

That Sir, there are existing post of Field Worker, at Development of Sentinel Health Monitoring Centres in India and under the Department of ICMR Regional Centres.

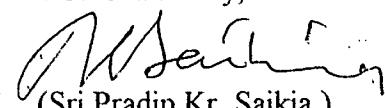
That Sir, in my view, the aforesaid post of Laboratory Attendant, which is offered to me, is not Line-up post.

That Sir, I have been working sincerely as a Field Worker (Jr.), since my joining, i.e. last 16 years, and within this period I had completed my Graduation and obtained a Certificate, in Computer Application.

That by considering the facts and circumstances as stated above, I humbly request your good self to promote me from the post of Field Worker (Jr.) to Field Worker (Sr.), in place of Laboratory Attendant, which in my view is equivalent to the post of Field Worker (Jr.).

That Sir, I request your good self to know me the aforesaid facts and till then allow me time, to let you know my decision regarding acceptance of my regular promotion to the post of Laboratory Attendant, and for the same I shall remain ever grateful to you.

Yours faithfully,


(Sri Pradip Kr. Saikia)
Field Worker (Jr.)

Attended
P. H. Attendant

1994
G. 1994

-24-

ANNEXURE I

TELEPHONE: 24000020
TELE: 001-24001

Annexure

(5)

WELFARE AND RESEARCH BOARD

INDIAN COUNCIL OF MEDICAL RESEARCH
ANNAPURNA HAGAR, POST BOX 4500
NEW DELHI-110039

No. 19/3/IRMC/OS-NCD-II

Dated, the 27/8/85

The Director,
Regional Medical Research Centre,
M.R. Region,
Babu Chaudhary Bhawan,
Bhubaneshwar - 751 001.

Subject: Creation of new posts in the Regional Medical Research Centre, Bhubaneshwar.

Dear Sir,

Please refer to your letter No. IRMC/OS/IR/IR/100-3/65-66/31/90
dated 26th May, 1985.

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

Sl. No.	Designation	Pay scale	No. of posts
1.	Deputy Director (Medical)	Rs. 1500-2000	One
2.	Asst. Director (Medical/Non-Medical)	Rs. 1200-1700	Two
3.	Senior Research Officer (Medical/Non-Medical)	Rs. 1100-1600	Four
4.	Senior Research Officer (Statisticians)	Rs. 1100-1600	One
5.	Research Officer (Medical/Non-Medical)	Rs. 700-1300	Four
6.	Asst. Research Officer	Rs. 650-950/-	Two
7.	Statistical Assistant	Rs. 425-700	One
8.	Laboratory Technician	Rs. 350-550	Two
9.	Chemist	Rs. 350-550	One
10.	Field Worker (Senior)	Rs. 260-400	Two

11.	Elect. Worker (Junior)	Rs. 196-232	Two
12.	Laboratory Attendant	Rs. 196-232	One
13.	Telox Machine Operator	Rs. 260-400	One
14.	Interior	Rs. 260-400	One
15.	Upper Division Clerk	Rs. 330-660	Two
16.	Lower Division Clerk	Rs. 260-400	Two
17.	Monogram-Jak, Runner	Rs. 196-232	One
18.	Shoulders	Rs. 196-232	One

The expenditure on this account may be met from the provision made under Head "PEAN" in the budget of the Central Government for the year 1966-67.

Yours faithfully,

(Signature)

Administrative Officer
for Director-General

001 (1) Finance Section, T.O.M.B.
2) Accountant-Booth, T.O.M.B.

Attended
P. H. Advocate
26/10/65

To, (Typed copy)

The Director

Regional Medical Research Centre

N.E. Region (ICMR), Dibrugarh Assam

Dated: 23.8.2003

Sir, I have the honour to place before you the following facts for your kind consideration and necessary orders.

That I am a Citizen of India having permanent residence of Khowang Athabari Gaon, P.O: Khowanghat, P.S: & Mouza Khowang, District of Dibrugarh, Assam; and I belonged to the community of Scheduled Tribes; as such I am entitled to get all the privileges and facilities; granted by the Constitution of India.

That I have passed the H.S.L.C Final Examination in the year of 1978 under Board of secondary Education, Assam from Khowang High School, P.O & P.S. Khowang, Dist-Dibrugarh, Assam vide Roll No. 218 No. 633.

That in the year of 1982; I have passed the Pre Degree Final Examination (Arts) under Dibrugarh University from Dibru College, P.O. P.S: & Dist. Dibrugarh, Assam vide Roll-A No. 9189.

That in the year of 1988, I have passed the B.A. Final Examination under Dibrugarh University from Dibru College, P.O. P.S: & Dist. Dibrugarh, Assam vide Roll-A No. 428.

That I have also completed the course of application of Computers in Office Automation from Centre for electronics design and technology of India under Tezpur University, Tezpur, Assam in the year of 1999.

That on 28.11.1985, applications were invited by the Regional Medical Research Centre N.E. Region (ICMR) Dibrugarh, Assam to fill up two posts of Senior Field Worker and one post was reserved for S.T. candidate, pay scale Rs. 260-430 and at that time, and accordingly, the Director, Regional Medical Research center, Dibrugarh, issued a call letter to me through the Employment Exchange, Dibrugarh, Assam and at the time; qualification for the said post was required H.S.L.C Examination passed.

That in due course of process, I was selected in the interview, conducted by the Director, Regional Medical Research center, Dibrugarh, Assam and accordingly on 2.6.86 appointment letter was issued to me for the post of Filed

Worker (Jr) instead of Sr. Filed worker and on 19.6.86 I have joined in my service with hope to get the post of Sr. Field worker in near future and since then I have been discharging my duties with sincerely, honesty and loyalty to the Government.

That on 22.3.2000, the Director, Regional Medical Research center, Dibrugarh vide order No. RMRC/DIB/ADM-97-2000/2458 dated 23-2-2000 granted financial upgradation under assured carrier progression Scheme w.e.f 9/8/1999 and accordingly my basic pay scale became 2610-603150-65-3540.

That in response to the aforesaid letter for financial upgradation on 24.2.2000 I filed an application to the Director, Regional Medical Research center, Dibrugarh with prayer to consider that my next higher upgradation is to the category of post of Filed Worker (Sr.) and as such my scale ought to have been Rs. 3200-85-4900/ and in the said application is pending for disposal.

That the post of Senior Filed Worker is still in existence and recruitment in the said post is going on. That on 18.6.03, the Director, Regional Medical Research center, Dibrugarh issued an order for promoting me to the post of Laboratory attendant w.e.f. 12.6.03 with pay scale of Rs. 2610-60-2910-65-3300 and asked me either to accept the said order or to make an objection over the said promotion order within 7 days from the date of receipt of that order.

That on receipt of the aforesaid order, I filed an application dated 20.6.03 before the Director, Regional Medical Research center, Dibrugarh, Assam and pointed out that I had been serving in the post of Filed Worker (Jr.) continuously since last about 16 years, and my next post for promotion was Filed Worker (Senior) which was equivalent to the post of Laboratory Assistance, and my line of Job was directly related with the Filed Worker (Sr.) and Laboratory Assistance. My line of Job is not related with the Laboratory Attendant. If I am shifted to the post of Laboratory Attendant from the post of Field Worker (Jr) it amounts to the category of the same post having some financial benefits (more or less), as such I requested the Director, Regional Medical Research center, Dibrugarh, Assam to accept my application, and issue promotion order to the post of Filed worker (Sr) or Laboratory Assistant. Be it mentioned herein that the Director, Regional Medical Research center, Dibrugarh, Assam vide order No. RMRC/ICMR/DIB/Appointment 85-86/451 dated 2.6.86 re-designated the post of Filed Worker (Senior) to the post of Laboratory Assistance and in doing so, in

the month of August, 2001; Director, Regional Medical Research center, Dibrugarh, Assam promoted Sri Atul Ch. Rava from Senior Filed worker to Laboratory Technician. In the same way, in the month of August, 2002, Director again promoted Sri Jaganath Gogoi, Senior Filed Worker to Laboratory Technician, as such, my legitimate claim for promotion to the post of Senior Filed Worker or Laboratory Assistant is justified and within the sanction of law.

That on 30.7.03, I again made my aforesaid legitimate claim through my application filed before the Director, Regional Medical Research center, Dibrugarh, and that also in response to the letter, dated 24.7.03 issued by the Director, Regional Medical Research center, Dibrugarh and said application is pending.

I therefore pray before your Honour to consider the aforesaid facts and circumstances of the subject matter of issue, and pass necessary order for my promotion to the post of Filed Worker (Senior) or Laboratory Assistant whatsoever in nature at an earliest, as otherwise, I shall be victim of circumstantial for my no fault.

And for this act of kindness, I shall remain ever greatful to you and pray.

Copy to:

1. The Director General
Indian Council of Medical Research
Ansari Nagar, Post Box No. 4508,
New Delhi-110029
2. National Commissioner
National Commission for Scheduled Tribe,
New Delhi, India
3. The Secretary
Indian Council of Medical Research
Scheduled Tribe Employee Association
Ansari Nagar, Post Box No. 4508,
New Delhi-110029
4. The President/Secretary
All Assam Tribal Employee Association
Jatia, Kahilipara, Ghy-22

Your's faithfully

(SRI PRADIP KR. SAIKIA)
Field Worker (Junior)
RMRC (ICMR) Dibrugarh
Assam

*Attended
J. S.
Advocate*

REGIONAL MEDICAL RESEARCH CENTRE, NE. REGION (ICMR)

DIBRUGARH: ASSAM

NO. RMRC/DIB/PF-49/86-87/1824

Date. 27th Aug '03

To

Sri Pradip Kr. Saikia
Field Worker (Junior)
RMRC (ICMR)
Dibrugarh

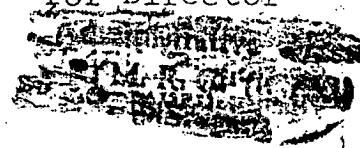
Sub :- Prayer to promotion from Field Worker (Jr.) to
Field Worker (Sr.)

With reference to your letter dtd. 30.7.2003 this is to inform you that your case has been examined thoroughly and in this connection, this office had already informed you vide letter No. RMRC/DIB/PF-49/86-87/1422 dtd. 25th July '03 in details.

2) Your request for promotion from the post of Field Worker (Jr.) to the post of Field Worker (Sr.) which is redesignated as 'Lab. Assistant', cannot be exceeded, as per Recruitment Rules of the Council.

You may inform this office about your final decision regarding acceptance of your promotion as given vide this office order No. RMRC/DIB/Adm-28/(DPC)/2003-04/961 dtd. 18.6.2003, on or before 15th Sept Aug '03 failing which it will be presumed that you have accepted the above promotion.


(S.N. Bhagawati)
Administrative Officer
for Director



*Notified:
S. N. Bhagawati
27/8/2003*

To,
 The Administrative Officer
 For Director, Regional Medical Research Centre
 N.E. Region (ICMR), Dibrugarh

Dated. 1.9.2003

Sub: Reference to your letter No. RMRC/DIB/PF-49/86-87/1824 Dated 27th August, 2003.

Sir, With reference to your letter No. RMRC/DIB/PF-49/86-87/1824 Dated 27th August, 2003, I beg to address you as follows:

1. That I have been working as a Filed Worker (Jr.) since 19th June 1986 and I am entitle for promotion to the post of Sr. Filed Worker which is equivalent to the post of Lab. Assistant. Further, those who had joined as Filed Worker (Sr.) in our office had been promoted to the post of Lab. Technician. In this regard, I would like to say that at the time of interview, I was also appeared for the post of Filed Worker (Sr.) and not Filed Worker (Jr.). But I was offered the post of Filed Worker Junior, which I accepted with the hope to get the Filed Worker (Sr.) after getting the desired experience.
2. That at the time of creating new post of Filed Worker's (Jr) and Lab Attendant's pay scale was the same i.e. no difference vide order No. 49/3/RMRC/05-NCD-II dated 29.8.85.,
3. That one post of Senior Filed Worker was reserved for S.T and the post offered to me was also reserved for S.T.
4. That after re-designation the Senior Filed Worker as Lab Assistant. Vide No. RMRC/DIB/Adm-56 (II) 2000-01/1879 dated 8.11.2000. I requested that my post should be re-designated to the Junior Lab. Assistant and file several representation before the authority concerned.

Sir, at this stage, I feel disappointed to receive the office order dated 18th June 2003, wherein I have been offered promotion to the post of Lab. Attendant, which is not acceptable to me.

Sir, I pray for your kind consideration to reconsider my promotion to the post and scale equivalent to Filed Worker Senior. This will restore my confidence and dedication to my duty.

Thanking you.

Your's faithfully
 Pradip Kumar Saikia F.W.(Jr)

Attested
 M
 26/10/03

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

No.RMRC/Dib/FF-49/2003-04/1234

Dated the 4/August, 2004

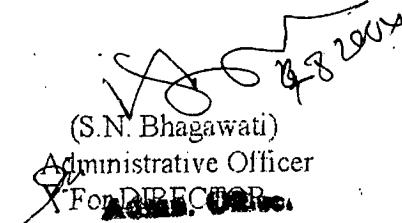
-OFFICE MEMORANDUM-

In accordance with the office order No.RMRC/Dib/Adm-28(DPC)/2003-04/961 dated 18th June 2003 and in view of the grant of financial upgradation benefits under the Assured Career Progression (ACP) Scheme vide O.M.No. RMRC/Dib/Adm-97/99-2000/2458 dated 23rd February 2000, Mr. Pradip Kumar Saikia on his promotion from Field Worker (Junior) to the post of Laboratory Attendant in the scale of pay Rs. Rs. 2610-60-2910-65-3300-70-4000/- w.e.f. 12.6.2003 is allowed to draw his pay as follows: -

(i) Pay to be drawn in the scale of pay of
Rs. 2610-60-2910-65-3300-70-4000/- w.e.f. 12.6.2003 -- Rs.3,215=00 plus Rs.20=00 as P.P.
(Total=Rs.3,235=00)

The P.P as shown above, is to be adjusted in the next increment due on 1-8-2004

The next increment of Rs.65=00 w.e.f. 1.8.2004 raising his basic pay to Rs.3,300=00 is also allowed.


(S.N. Bhagawati)

Administrative Officer

For DIRECTOR,

 RMRC (ICMR), Dibrugarh

Distribution. -

- ✓ 1. Mr. Pradip Kumar Saikia .Laboratory Attendant, RMRC, Dibrugarh
- 2. Accounts Section
- 3. Bill Section
- 4. Estt.3(Increment) file
- 5. Budget file
- 6. Personal file of the employee concerned

*Attended
P. M.
25/7/04/2004*

-32-

48

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

No.RMRC/Dib/PF-49/2003-04/ 1430

Dated the 17th August, 2004

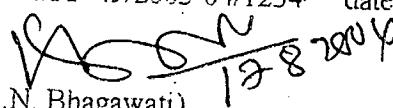
-OFFICE MEMORANDUM-

In accordance with the office order No.RMRC/Dib/Adm-28 (DPC)/2003-04/961 dated 18th June 2003 and in view of the grant of financial upgradation benefits under the Assured Career Progression (ACP) Scheme vide O.M.No. RMRC/Dib/Adm-97/99-2000/2458 dated 25th February 2000, Mr. Pradip Kumar Saikia on his promotion from Field Worker (Junior) to the post of Laboratory Attendant in the scale of pay Rs. Rs. 2610-60-2910-65-3300-70-4000/- w.e.f. 12.6.2003 is allowed to draw his pay as follows: -

(i) Pay to be drawn in the scale of pay of
Rs. 2610-60-2910-65-3300-70-4000/- w.e.f. 12.6.2003 -- Rs.3,215=00 plus Rs.20=00 as P.P.
(Total=Rs.3,235=00)
The P.P as shown above, is to be adjusted in the next increment due on 1-8-2003

The next annual increments of Rs.65=00 raising his basic pay to **Rs.3,300=00** w.e.f. 1-8-2003 and Rs.70=00 raising his basic pay from Rs.3,300=00 to **Rs.3,370=00** w.e.f. 1-8-2004 are also allowed.

The earlier Office order issued vide O.M.No.RMRC/Dib/PF-49/2003-04/1234 dated 4th August 2004 is hereby cancelled.


(S.N. Bhagawati)
Administrative Officer
For DIRECTORATE
RMRC (ICMR), Dibrugarh

Distribution: -

- ✓ 1. Mr. Pradip Kumar Saikia, Laboratory Attendant, RMRC, Dibrugarh
- 2. Accounts Section
- 3. Bill Section
- 4. Estt.3(Increment) file
- 5. Budget file
- 6. Personal file of the employee concerned

*Attested
P. N. Palencia*

Typed copy

To,
The Administrative Officer
For Director
Regional Medical Research Centre
N.E. Region (ICMR)
Dibrugarh

Dated. 9.8.2004

Sub: Reference Office Memorandum No. RMRC/DIB/PF-49/2003-2004/1234 Dated 4th August, 2004.

Sir,

With due Honour I would like to lay before you few lines for your kind consideration.

I have received an office memorandum No. RMRC/DIB/PF-49/2003-2004/1234 Dated 4th August, 2004, regarding my adjusted increment and designation.

I have been working as a Junior Filed Worker since 19th June 1986; but now I have been promoted to the post of Lab. Attendant, which I am not going to accept at any cost. Regarding adjusted increment to the said post I am accepting under protest.

So, kindly look into the matter sympathically.

Thanking you.

Attested
P. M. 26/8/04
Your's faithfully

Pradip Kumar Saikia
Junior Field Worker

Typed copy

To,
The Administrative Officer
For Director
Regional Medical Research Centre
N.E. Region (ICMR)
Dibrugarh

Dated. 19.8.2004

Sub: Reference Office Memorandum No. RMRC/DIB/PF-49/2003-2004/1430 Dated 17th August, 2004.

Sir,

With due Honour I would like to lay before you few lines for your kind consideration.

I have received an office memorandum No. RMRC/DIB/PF-49/2003-2004/1430 Dated 17th August, 2004, regarding my adjusted increment and designation.

I have been working as a Filed Worker(Jr.) since 19th June 1986; but now I have been promoted to the post of Lab. Attendant, which I am not going to accept at any cost. Regarding adjusted increment to the said post I am accepting under protest.

So, kindly look into the matter sympathically.

Thanking you.

Your's faithfully

Pradip Kumar Saikia
Junior Field Worker

Attested
P. M. Saikia
Advocate
26/8/04

Central Administrative Tribunal
20 JUN 2005
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.
ORIGINAL APPLICATION NO.94/2005

Filed By:
The Respondent No.3
Through:
Hrs. R.S. Choudhury
17/6/05

IN THE MATTER OF:

O. A. No. 94/2005

Sri Pradip Kumar Saikia.

..... Applicant.

-VS-

Union of India and others.

..... Respondents.

-AND-

IN THE MATTER OF:-

A written statement filed on behalf of Respondent No.2 and 3 i.e. The Director, Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh and the Administrative Officer, Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh of the original Application No.94/2005.

WRITTEN STATEMENT

I, Sri Romen Kumar Dutta, Son of Sri Lalit Chandra Dutta, aged about 49 years, presently serving as Administrative Officer, RMRC (ICMR), Dibrugarh do hereby solemnly affirm, declare and state as follows:-

1. That the applicant has arrayed me as the respondent No.3 in the instant case and the copy of the Original Application has been served upon me. I have gone through the copy of the Original Application and have understood the contents thereof. Being the Administration Officer of RMRC (ICMR) Dibrugarh, I am well acquainted and fully conversant with the facts and circumstances of the instant case. As such, I am competent to file this written

statement. Further I have also been duly instructed by the respondent No.2 herein to file this written statement on his behalf also.

PRELIMINARY OBJECTIONS

A. That at the very outset this answering deponent respectfully begs to state that the Original application NO.94/2005 is not maintainable as the instant petition is being filed challenging the Order dated 18/6/2003, passed by the Administrative Officer for Director of Regional Medical Research Centre, North East Region, (ICMR), Dibrugarh promoting the applicant who is holding the post of Field Worker (Junior) to the post of Laboratory Assistant w.e.f. 12/6/2003 and as such is barred by limitation under Section 21 of Administrative Tribunals Act, 1985.

B. That the deponent further begs to state that the applicant has agreed to the terms and conditions and has given his consent as per clause 10 of the Conditions for grant of benefits under Assured Career Progression Scheme, (herein after referred as ACP Scheme) the relevant portions of which is quoted below.

“ An employee while accepting the said benefits under the ACP Scheme, shall deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion, subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. Moreover, subsequent financial up-gradation will get postponed”.

A bare reading of the aforesaid clause clearly indicates that if any employee accepts any benefits under the ACP Scheme, then it is deemed that the person has given his unqualified acceptance for promotion on occurrence of subsequent vacancy only. As Sri Pradip Kumar Saikia was allowed benefit under the ACP scheme, it is deemed that he was given his unqualified acceptance for regular promotion on occurrence of subsequent vacancy. The vacancy so occurring in the post of ‘Lab Attendant’ has therefore been offered to him and his non acceptance of the same shall not only debar him from further regular promotion but will also delay his further financial upgradation. As such, the respondent authorities are only trying to help the applicant and to accommodate him to enhance his promotional avenues in this Centre.

Kumar Kumar Saikia

DETAILED WRITTEN STATEMENT

2. That save and except those statements and averments made in the original application which have been specifically admitted here in below, the rests shall be deemed to have been denied by this answering respondent.

3. That as regards the statement made paragraph 4.1 of the Original Application this answering Respondent begs to state that they are matter of records and he has no comments to offer.

4. That as regards the statement made in paragraph 4.2 of the Original Application, this deponent begs to state that advertisement was made by the Director, Regional Medical Research Centre, North East Region (ICMR) Dibrugarh to fill up two posts of Field Worker (Senior) in the scale of pay of Rupees 260-430 (pre revised) for the recruitment year 1985-86 out of which one post was reserved for ST candidates and the other one was unreserved. Subsequently, the selection Committee on 7th February 1986 selected Sri Atul Chandra Rabha (ST candidate) against the post of Field worker (Senior) reserved for ST candidates and for the unreserved post Mr. Jaganath Gogoi was selected. Although, Sri Pradip Kumar Saikia was one of the candidates for the aforementioned post, he was not selected for the said post by the Selection Committee for want of requisite qualification/ experiences. Further as would be evident from the minutes of the meeting of the Selection Committee held on 7/2/1986 the applicant was considered for recruitment to the post of "Field Worker (Junior). Accordingly, both Mr. Atul Chandra Rabha and Mr. Jaganath Gogoi joined their respective posts as Field Worker (Senior) and the applicant herein was offered the post of Field Worker (Junior).

A copy of the minutes of the meeting of the selection committee held on 7/2/1986 to consider the cases of candidates for recruitment of "Senior Field Worker" as well as for Field Worker (Junior) RMRC, N.E. Region (ICMR) Dibrugarh is annexed here with and marked as ANNEXURE-A & B respectively.

Kumar Saikia
Atul Chandra Rabha

5. That while denying the statement made in paragraph 4.3 of the Original Application this answering deponent begs to state that Sri Pradip kumar Saikia was not selected for appointment to the post of Field Worker (Senior) by the Selection Committee constituted for the purpose at that time as has been alleged. In fact, the applicant was selected for the post of Field Worker (Junior) which is clearly evident from the minutes of the meeting of the Selection Committee held on 7/2/1986 and as such, the applicant is under a misconception that he was appointed to the post of Field Worker (Senior). The deponent further begs to state that in fact two posts of Field Worker (Junior) in the scale of pay of Rs.196-3-2002-EB-3-232 (pre-revised) were also lying vacant at that time in this Centre i.e. RMRC (ICMR), Dibrugarh. Although the applicant had applied for the post of Field Worker (Senior) he was not found suitable for the post of Filed Worker (Senior), yet one of the vacant post of Field Worker (Junior) which was reserved for ST candidates was offered to him vide letter No.RMRC/ICMR/DIB/Appointment/85-86/451 dated 2/6/1986. Subsequently, the applicant accepted the offer/appointment to the above post vide his letter dated 10/6/1986 and declaration dated 19/6/1986 without any objection and joined the said post on 19/6/1986. Further, the applicant never mentioned about his grievances, if any, in writing neither at the time of joining the said post nor at any time since his joining. Therefore, there is no weightage in the averments made by the applicant regarding the assurance given by the then Director RMRC, Dibrugarh for his future promotion as there is no written records or evidence of the same. As such, the deponent states that the applicant has a misconceived notion that he was selected for the post of Field Worker (Senior) as would be evident from the minutes of the meeting of the Selection Committee held on 7/2/1986.

A copy of the appointment letter dated 2/6/1986 issued by the Director, RMRC, NE, Region, (ICMR), Dibrugarh to the applicant, letter of acceptance of the applicant dated 10/6/1986 are annexed here with and marked as **ANNEXURE- C & D respectively.**

6. That as regards the Statement made in paragraph 4.4 of the Original Application, the deponent begs to state that the applicant was given financial up gradation under the ACP Scheme raising his scale of pay Rs.2550-50-2660-60-3200 to 2610-60-3150-65-3540 w.e.f. 9/8/1999 as per the guidelines contained in the DOPT, GOI, OM, No.16/82/99- Admn-II dated 26/10/1999 vide letter No.RMRC/DIB/Admn-97/99-2000/2458 dated 23/2/2000.

Pradip Kumar Saikia

A copy of the Office Memo dated 23/2/2000 issued by the Administrative Officer, RMRC (ICMR), Dibrugarh, is annexed herewith and marked as ANNEXURE-E.

7. That as regards the statement made in paragraph 4.5 of the Original Application, this deponent begs to state and submit that promotion to a higher post can only be considered as and when suitable vacancy arise and that too within the purview of the rules and provisions in force and the same cannot be considered immediately on receipt of any request/demand from any employee at any time. It is also pertinent to mention herein that the hierarchy of the promotional posts in this center in this cadre are firstly, the post of Field Worker (Junior), then the post of Field worker and then the post of Field Worker (Senior). Hence the applicant cannot be promoted to the post of Field Worker (Senior) directly.

8. That as regards the statement made in paragraph 4.6 of the Original Application this answering deponent begs to state that subsequently a post of Lab Attendant in the scale of pay of Rs.2610-63-2900-65-3300-70-400 had fallen vacant on this center i.e. RMRC (ICMR), Dibrugarh and as per the recommendation of the Departmental Promotion Committee (Junior) the applicant was promoted to the post of Laboratory -Attendant w.e.f 12th June 2003 vide letter No. RMRC/BLB/Admn.-28(DPC)/2003-04/961 dated 18/6/2003 with a direction to the applicant either to accept the said order or to make an objection over the said promotion order dated 18/6/2003 within a period of 7 days from the receipt of the said order.

A copy of the order of promotion dated 18/6/03 issued by the Administrative Officer, RMRC(ICMR), Dibrugarh is annexed herewith and marked as ANNEXURE-F.

9. That as regards the statement made in paragraph 4.7. of the Original Application this answering deponent begs to state that on receipt of the written complaint filed by the applicant on 20/6/2003 before the respondent No.2 about his promotion, he was requested vide letter dated 24/7/2003 to reconsider his case for promotion to the post of Lab-Attendant. It was also brought to the notice of the applicant that as per clause 10 of the conditions for grant of benefits under ACP Scheme, an employee while accepting the said benefits under the ACP Schemes, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of subsequent

Rome Kumar
Jaiswal

vacancy and if he refuses to accept the higher post on regular post subsequently, he shall be subject to normal debarment for regular promotion as prescribed. Moreover, it was also stated vide office letter dated 24/7/2003 that subsequent financial up gradation will also get postponed. Therefore, there is no malafide intention on the part of the Centre i.e. RMCR (ICMR), Dibrugarh as the applicant has been promoted to the post of Laboratory Attendant only after grant of financial benefits under ACP Scheme as per official norms. Further, after having accepted the salary for the said post of Lab. Attendant, the applicant, cannot blow hot and cold of the matter and cannot revert and say that the promotional post is not acceptable to him.

Copies of letter dated 24/7/2003 and 25/9/2003 are annexed herewith and marked as **ANNEXURE-G & H respectively.**

10. That as regards the statement made in paragraph 4.8 of the Original Application, this deponent has no comments to offer.

11. That as regards the statement made in paragraph 4.9 of the Original Application, this answering deponent begs to state that the post of Field Worker (Junior) of RMRC carries the lowest scale of pay from Group "D" post i.e. Rs.2550-55-2660-60-3200, whereas, the post of Field worker (Senior) which has been re-designated as laboratory Assistant which is a Group "C" post and carries the scale of Rs.4000-100-6000 and in between the two scales of pay, the post of Laboratory Attendant are available in this centre i.e. RMRC (ICMR), Dibrugarh which carries the scale of pay of Rs.2650-65-3300-70-4000. Hence, the contentions made contrary thereto are denied.

A statement showing pay structures of different posts under ICMR as per Vth Pay Commission is annexed herewith and is marked as **Annexure I.**

12. That as regard the statement made in paragraph 4.10 of his Original Application this answering deponent begs to reiterate that the statement made in the preceding paragraphs and begs to state that as per the Recruitment Rule of the ICMR for the post of Laboratory Assistant, the method of recruitment is 75% by promotion of laboratory Attendant with 3 years experience in that grade. Accordingly two vacant posts of Laboratory Assistant have been filled up by promotions of Sri Kamaleswar Gogoi and Sri Punananda Gogoi w.e.f. 1/9/2002 as both are senior most amongst all the Laboratory Attendant in this center. It is evident from a bare glace at the recruitment rules that only

employees who have been serving in the Lab. Attendant for atleast 3 years can be eligible for promotion to the post of Lab. Assistant. Hence 'Lab. Attendant' is the feeder post for 'Lab. Assistant'.

A copy of the recruitment Rules of ICMR regarding the post of Lab. Assistant is annexed herewith and marked as **ANNEXURE-J**

13. That deponent denies the statements made in paragraph 4.11 of the Original Application and begs to state that the promotions of Sri Kameleswar Gogoi and Sri Punananada Gogoi from the post of Laboratory Attendant to the post of Laboratory Assistant have been made as per the Recruitment Rules of ICMR and at present both of them are working in the RMRC (ICMR) Lahoal and not at Chabua, Dibrugarh as mentioned in the application filed by the applicant.

14. That as regards the statement made in paragraph 4.12 this deponent has no comments to offer.

15. That as regard the statements made in paragraph 4.13 of the Original Application, this answering deponent begs to state that as per the post based reservation roster, the two posts of Laboratory Assistant falls in point No. 1 and 2, which are ear marked as "unreserved" and as such the statement of the applicant that "the post is a reserved post belonging to scheduled Tribe" is denied by the answering deponent. Further, as the applicant was allowed benefit under the ACP Scheme, it shall be deemed that he has given his unqualified acceptance for regular promotion on occurrence of subsequent vacancies only. On refusal of such promotion the applicant shall be debarred from consideration for regular promotion.

A copy of the post based reservation roster is annexed hereto and marked as **ANNEXURE-K**

16. That as regards the statements made in paragraph 4.14 of the Original Application, this deponent denies the correctness of the same and begs to state that the applicant has been promoted to the post of Laboratory Attendant only after grant of financial benefits under ACP Scheme which is as per the official norms and there is no malafide intention on the part of the office, in this regard.

Home, Lemo, Laho

17. That as regard the statement made in paragraph 4.15 of the Original Applications, this answering deponent begs to state that the applicant is drawing his salaries regularly in his present post to which is has been promoted. Further monthly salaries of those employees, who opt for deposition in the bank, are sent to bank and salaries for rest of the employees are paid directly. Hence, the contention of the applicant cannot hold any ground since, after having accepted the salary for the said post, he is estopped from the challenging the said promotion.

18. That the answering deponent begs to state that from the facts and circumstances narrated above, it is apparent that the Original application has not been filed bonafide, but just with sole purpose of causing the necessary harassment to the deponent as well as to obtain illegal gains and as such, the Original Application is liable to be dismissed with costs.

19. That none of the grounds averred to in the Original Application are valid or legally tenable grounds as the applicant is not at all qualified to be promoted to the posts of Field Worker (Senior)/Laboratory Assistant. Further the post of Field Worker (Junior) and Lab. Attendant are not equivalent posts as contended nor is the post of Lab. Assistant a reserved post, as has been stated above. Be it further stated herein that the Hon'ble Apex Court has held in a catena of decisions that 'right to be considered for promotion' is fundamental right and as such the applicant cannot claim promotion as a matter of right. Hence the statements made contra there to in Ground 5.V are not tenable in law and cannot hold sway. As such, the applicant is not entitled to the relief so sought for by him. The Original Application is accordingly liable to be dismissed.

VERIFICATION

I, Sri Romen ^{Kumar} Dutta, S/o Sri Lalit Chandra Dutta, aged about 49 years, presently serving as Administrative Officer PMCR (ICMR) Dibrugarh, do hereby solemnly affirm and verify that the statements made in paragraphs 1,2,3,4(pt),5,6,7,8,9,10,11(pt),12,13,14,15,16,17,18,19 are true to my knowledge and those made in paragraphs 4(pt),11(pt) are matter of records derived therefrom, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 17th Day of June, 2005 at Guwahati.

Romen Kumar Dutta

Minutes of the meeting of the "Selection Committee", which met on 7th (Seventh) February, 1986 at 12 Noon in the office of the Director, Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh to consider the cases of candidates for recruitment " Senior Field Worker" for Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh.

Members present:-

1. Dr. B.D. Baruah,
Director,
Regional Medical Research Centre,
N.E. Region (ICMR), Dibrugarh Chairman.
2. Dr. T.C. Saikia,
Prof. & Head
Department of Physiology
Assam Medical College Member
3. Dr. K.C. Baruah
Prof. & Head
Department of Pathology
Assam Medical College, Dibrugarh (Assam) Member
4. Dr. N. Pegu
Chief Medical Officer
Dibrugarh District Member (Unsigd. S.C.)
Dibrugarh (Assam)
5. Prof. D. Chaliha
Prof & Head
Department of Zoology
D.H.S.K. College, Dibrugarh (Assam) Member

98 (Ninety eight) candidates applied for the post of "Field Worker Senior". Out of them only 14 (fourteen) candidates were called for interview after proper scrutiny. After interviewing the candidates, the committee recommended the following candidates as suitable for appointment of "Field Worker Senior" in order of merit.

1. Shri Atul Chandra Rabha (Sl No.9) From Schedule Tribe candidate
2. Shri Suryya Kanta Lachan (Sl No.5) from Schedule Tribe candidate

From General:-

1. Shri Jaganath Gogoi (Sl No.18)
2. Shri Arun Kr. Gogoi (Sl No.17)

The committee recommended Shri Atul Chandra Rabha (ST) and Shri Jaganath Gogoi for appointment.

(Dr. B.D. Baruah) (Dr. T.C. Saikia) (Dr. K.C. Baruah) (Dr. N. Pegu)
Certified to be true Copy Member Member Member
Chairman Member Member Member

Rekhee Siraustia Chowdhury
ADVOCATE

(Prof. D. Chaliha)

ANNEXURE-B

1. Chowkider :-	Lileswar Gogoi.
2. Peon-cum- :-	Bisitra Nath Sarmah
3. Uma Kanti Das -	Case for interview

Field Worker Junior (unreserved)

1. Dipak Dutta.
2. Arun Gogoi.
3. Lalit Gogoi (Sl. No.6 of F/W -Sr.)

Field Worker Reserved (Junior)

1. Sri Surjya Kanta Laskar (Sl. No. 5 of F/W Sr)
2. Sri Pradip Kr. Saikia (ST) (F/W Sr.Sl. No.....)
3. Sri Maneswar Borah - ST Sl. No.16 of F/W (Sr)

Lab Attendant (4 posts) : Reserved

1. Sri Maneswar Borah, ST
2. Sri Ba..... Sonowal, ST
3. Sri Padmeswar Das, SC
4. Sri Bulu Das, ----

Unreserved

1. Sri Arun Gogoi- Sl. No.2 of F/W (Sr)
2. Sri Robin Chandra Doloi- Sl. No.19 of F/W (Sr)

Sd/-

Illegible

Sd/-

Illegible

Sd/-

Illegible

Sd/-

Illegible

Certified to be true Copy



Rukhsar Sivnauthia Chowdhury
ADVOCATE

Driver

The following candidates are recommended in order of merit

1. Shri Phatik Gogoi
2. Shri Madan Das.

Shri Phatik Gogoi is recommended for the appointment.

Sd/-
Illegible
07.02.86

1. Chowdhury - Lilleswar Govt.

2. Deon car

Dabur Khana - Binita Nath Banerjee

③ Lena Nauti Devi - case for Interrogation

Nile Amba river (unreserved)

① Dipak m. Ho.

② ~~Green Sari~~

② Labit Govt. C. 81 N 6 & R/H - Sn

Ridge Amba Reserv. - (Reserv)

✓ ① Sri Sengha Kanta Debnath - (S. C. M. S. R. H. S. N.)

✓ ② Sri Prasip K. Saha - (S. M. S. N.)

③ Sri ~~Debendra~~ Debnath - S. 82 N. 16. P. R/H (S. N.)

① Lal Attendant ^(4 posts) - Reserv.

① Sri ~~Pravaran Banerjee~~ ~~Banerjee~~ - S. T. - S. T.
② Sri ~~Padmanabha Banerjee~~ - S. C. - S. C.
③ Sri ~~Padmanabha~~ Debnath - S. C. - S. C.

unreserved

✓ ① Sri ~~Pravaran~~ Govt. - S. 2 N 2 P. R/H. (S. N.)

✓ ② Sri Robin Ghosh Dabi - S. C. 218.

Certified to be true Copy

Rakhee Srauthia Chowdhury
ADVOCATE

R/H (S. N.)

18

2000

Driver

The following Candidates are recommended
in order of merit.

(1) Smt. Phatle Gogoi
(2) Smt. Madan das.

Smt. Phatle Gogoi is recommended for
the appointment.

S. S. S.DSW

7-2-86

Mukul
7/2/86Subrata
7/2/86Subrataof 7/2/86
recd 7/2/86

Grams: "REMRES"
Telex: 285-222

Telephones: Office-21512
Res -21445

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

No. RMRC/ICMR/Dib/Appointment/85-B6/451 Dated: 2.6.86

To

Shri/Dr. Gondap K. Saikia

C/o Sri Dulal Kishore Saikia
Athabari Village, P.O. Khaonghat
Dibrugarh (Assam)

Sub:-

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

With reference to your application dated
for the post of Jr. Field Worker, Regional Medical
Research Centre, N.E. Region (ICMR), Dibrugarh, this is to inform
you that you are appointed as Jr. Field Worker in the
scale of pay Rs. 196-3-220-63-3-23/-
plus other usual allowances as admissible under the rules to
the employees of the Council stationed at Dibrugarh (Assam).

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

1. The post is temporary but likely to continue.
2. The appointee will be "on probation" for a period of 2(two) years from the date of joining duty. The probation period can be extended at the discretion of the competent authority. During the probation period, the service of the employee can be terminated at any time without giving any notice and without assigning any reason.

3. The appointment can be terminated at any time by giving of one month's notice on either side. The Council, however, reserves the right to terminate the services of the employee forthwith or before the expiry of notice period by

Certified to be true Copy

Rukhee Strautia Chowdhury
ADVOCATE
making payment to the employee of a sum equivalent to the pay and allowances for the period of notice or the unexpired thereof. The employee cannot, however, surrender pay and allowances in lieu of notice or unexpired portion thereof for the full period of notice.

4. Pension with gratuity is admissible subject to rules.

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

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

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

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

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

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

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

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

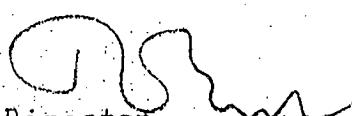
13. The appointment is subject to the production of a Medical Fitness Certificate from the Civil Surgeon/Medical Board.

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

Please let me know your acceptance. You are expected to join your duty on or before 16th June, 76.

(3)

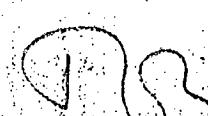
- (b) Attested copies of Certificates of all examination passed.
- (c) Character Certificate from a trustworthy person, duly attested by a 1st Class Magistrate.
- (d) Declaration of Home Town.
- (e) Declaration of Marital Status.
- (f) Declaration regarding close relations.
- (g) Declaration regarding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


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

Memo No. RMRC/ICMR/Dib/Appointment/85-86/452-454 Dated: 2.6.86

Copy to :-

- 1) The Director-General
Indian Council of Medical Research
Ansari Nagar, Post Box No. 4508
New Delhi - 110 029 for favour of information
and necessary action.
- 2)
- 3) Personal file
- 4) Accounts file.


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

* gb *

ANNEXURE - D

To

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

Dated 10th June 1986.

Sub:- Acceptance

Ref:- No. RMRC/ICMR/Job/Appointment/85
GBI dated 2.6.86.

Sir,

With reference to the above, I have
the honour to acknowledge the receipt of your
appointment letter and like to state;
I am agreeable to accept your kind offer.

Kindly furnish me with the necessary
forms to be submitted at the joining time.

Your faithfully

Parulip K. Salkia

19-6-86
Rakhee Sirauthia Chowdhury

19-6-86
Certified to be true Copy

Rakhee Sirauthia Chowdhury
ADVOCATE

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

NO. RMRC/DIB/Adm-97/99-2000/2458

Date: 23/2/2000

OFFICE MEMO

In view of the recommendations made by Departmental Screening Committee constituted for the purpose, the Director is pleased to grant of financial up-gradation under Assured Career Progression Scheme to the following employees of this Centre who have completed 12 years of regular services respectively strictly in accordance with the guidelines/instructions as mentioned in office Memo No. 35034/1/97-Estt(D) dated 9th August, 1999 issued by Govt. of India, Ministry of Personnel & Public Grievances & Pensions (Deptt. of Personnel and Training, New Delhi) as per details given below w.e.f 9-8-1999.

Sl. No.	Name & Designation	Present Pay Scale	Last Pay drawn as per pay-scale as on Aug. 99	Upgraded Pay Scale in higher under ACP Scheme w.e.f 9-8-99	Pay fixed 9-8-99	Next date of increment
1.	Shri A.C. Rabha Field Worker(Sr)	3200-85- 4900/=	4135/=	4000-100- 6000/=	4300/=	1-8-2000
2.	Shri J.N. Gogoi Field Worker(Sr)	3200-85- 4900/=	4135/=	4000-100- 6000/=	4300/=	1-8-2000
3.	Shri Kamaleswar Gogoi Lab. Attendant	2650-65- 3300-70- 4000/=	3105/=	3050-75- 3950-80- 4590/=	3275/=	1-8-2000
4.	Shri Punananda Gogoi Lab. Attendant	2650-65- 3300-70- 4000/=	3105/=	3050-75- 3950-80- 4590/=	3275/=	1-8-2000
5.	Shri R.C. Doloi Lab. Attendant	2650-65- 3300-70- 4000/=	3040/=	3050-75- 3950-80- 4590/=	3200/=	1-8-2000
6.	Shri A.K. Gogoi Lab. Attendant	2650-65- 3300-70- 4000/=	3040/=	3050-75- 3950-80- 4590/=	3200/=	1-8-2000
7.	Shri Moneswar Borah Lab. Attendant	2650-65- 3300-70- 4000/=	3040/=	3050-75- 3950-80- 4590/=	3200/=	1-8-2000
8.	Shri Dipak Dutta Field Worker (Jr)	2550-50- 2660-60- 3200/=	2960/=	2610-60- 3150-65- 3540/=	3090/=	1-8-2000
9.	Shri P.K. Saikia Field Worker (Jr)	2550-50- 2660-60- 3200/=	2900/=	2610-60- 3150-65- 3540/=	3030/=	1-8-2000
10.	Shri B.N. Sarmah Peon-cum-Dak Runner	2550-50- 2660-60- 3200/=	2960/=	2610-60- 3150-65- 3540/=	3090/=	1-8-2000

The pay of the above mentioned employees have been fixed under the provision of FR-22 1(a) I/ normal rules.

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

Certified to be true by (RMRC) Dibrugarh

Rakhee Srauthia Chowdhury
ADVOCATE

Copy to:

1. All concerned employees.
2. Director General, ICMR, New Delhi
3. Accounts, RMRC, Dibrugarh
4. Bill section.
5. Personal files of employee's concerned.

Phone Off. : (0373) 2381494, 2381506
2381548, 2381566



धेत्रिय आयुर्विज्ञान अनुसंधान केन्द्र, पूर्वोत्तर क्षेत्र (आई. सी. एम. आर.)

REGIONAL MEDICAL RESEARCH CENTRE, N. E. REGION

INDIAN COUNCIL OF MEDICAL RESEARCH

Post Box No. 105, Dibrugarh - 786 001 (Assam), INDIA

No.RMRC/Dib/Adm-28 (DPC)/2003-04/961

Dated the 18th June, 2003

ORDER

Subject: Promotion to the post of **Laboratory Attendant** in the scale of Pay of Rs 2610-60-2910-65-3300-70-4000 at the Regional Medical Research Centre (ICMR), Dibrugarh

On recommendation of the Junior Departmental Promotion Committee held on 12th June, 2003, the Director of the Centre accords approval for promotion of Shri Pradip Kr. Saikia, Field Worker (Junior) to the post of **Laboratory Attendant** in the scale of Pay of Rs 2610 -60 -2910 -65 -3300 -70 -4000 plus other allowances as admissible as per rules at the Regional Medical Research Centre (ICMR), Dibrugarh with effect from 12th June, 2003.

2. The pay of Shri Pradip Kr. Saikia will be fixed as admissible as per rules.
3. He will be governed by the usual terms and conditions of service under the Council
4. He will be on probation for a period of 2 (two) years in the post of **Laboratory Attendant** from the date of his promotion, i.e. 12-6-2003.
5. Benefits of his service as Field Worker (Junior) will be carried forward to the post of **Laboratory Attendant**.
6. He is informed to furnish his acceptance or any objection for accepting this promotion within 7 (seven) days of receipt of this letter.

To

(S.N. Bhagawati)
Administrative Officer
For DIRECTOR

Shri Pradip Kr. Saikia
RMRC (ICMR), Dibrugarh

Copy to :-

1.	The Director General, Indian Council of Medical Research, V. Ramalingaswamy Bhawan, Ansari Nagar, Post Box No. 4911, New Delhi -110029 for favour of his kind information and necessary action		
2.	Personal file of employee concerned.		
3.	Accounts Section	4. Bill Section	5. Estt. 3 (Increment) file
6.	Budget file	7. Seniority file	

Entered in S.B.R. Certified to be true Copy

5/2/04

Rakhee Siraauthia Chowdhury
ADVOCATE

ANNEXURE- G

No. RMRC/Dib/PP-49/86-87/ 1422

Dated the 24th July, 2003
25/7

To

Shri Pradip Kumar Saikia
Field Worker (Junior),
RMRC (ICMR), Dibrugarh

This has a reference to your letter dated 20th June 2002 wherein you have refused to accept the regular promotion granted vide this office letter No. RMRC/Dib/Adsim-28 (DPC)/2003-04/961 dated 18-6-2003.

In this context, it may be mentioned here that earlier you have been granted financial benefit by allowing higher scale of pay of Rs.2610-60-3150-65-3540 w.e.f. 9-8-1999 under the ACP Scheme vide this office order No. RMRC/Dib/Adm-97/99-2000/2458 dated 23-2-2000. As per Clause 10 of the conditions for grant of benefit under the Assured Career Progression (ACP) Scheme, "the grant of higher scale of pay under the ACP Scheme is conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed. Moreover, subsequent financial upgradation will get postponed.

In view of the facts mentioned above, you may re-think about the entire matter and its consequences due to your refusal to accept regular promotion and let this office know about your decision on or before 30th July 2003. Please note your decision will be treated as final and action on this matter will be taken accordingly.

Yours faithfully
S.N. Bhagawati
(S.N. Bhagawati)
Administrative Officer
For DIRECTOR
RMRC
Dibrugarh
Assam
India

Rakhee Sirauthia Chowdhury
Certified to be true Copy

Rakhee Sirauthia Chowdhury
ADVOCATE

ANNEXURE - H

No.RMRC/DIB/PF-49/86-87/2278

Dated the 25 September 2003

To

Sri Pradip Kumar Saikia
Field Worker (Junior)
RMRC (ICMR), Dibrugarh

Sub.: Promotion from the post of Field Worker (Junior) to the post of Laboratory Attendant at the Regional Medical Research Centre (ICMR), Dibrugarh – reg.

This has a reference to your letter dtd.23.8.2003 and in this connection, this is to inform you that the matter has been considered sympathetically, but it is found that there is no merit in your representation. Further please note that as per clause 10 of the conditions for grant of benefits under the Assured Career Progression (ACP) Scheme (which you have already accepted), "an employee while accepting the said benefits under the ACP Scheme, shall deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed. Moreover, subsequent financial up-gradation will get postponed".

As such, you are requested to accept the promotion offered to you vide this office letter No.RMRC/DIB/Adm-28/(DPC)/2003-04/961 dated 18.6.2003 within 2(two) days from the date of receipt of this letter, failing which a decision on this matter, will be taken ex parte.

(S.N. Bhagawati)
Administrative Officer

For Director
Admn. Officer
RMRC (ICMR) Dibrugarh

Certified to be true Copy

Rakhee Siraauthia Chowdhury
ADVOCATE

ANNEXURE - I

STATEMENT SHOWING EXISTING SCALES OF PAY AND PROPOSED REVISED SCALES OF PAY UNDER VTH PAY COMMISSION

S.No.	Existing scales of Pay in ICMR	Proposed Revised Scales of pay in ICMR Gazette Notification (Rule 3 & 4)	Grade under Part A of First Schedule of Notification	Remarks	
1	2	3	4	5	6

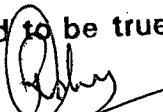
TECHNICAL STAFF (GROUP B,C & D)

1. (i) Animal Attendant
- (ii) Attendant (Lab/ Field/Store/Vehicle)
- (iii) Lab Servant
- (iv) Junior Field Worker
- (v) Washer Man
- (vi) Dai
- (vii) Pump-House-Operator 750-12-870-14-940
- (viii) Khalasi
- (ix) Gardener
- (x) Ward Boy
- (xi) Helper (Workshop)
- (xii) Plumber-cum-Carpenter(Hqrs.)
- (xiii) Plumber
- (xiv) Cook-cum-Guest House Attendant
- (xv) Laundry Room Attendant
- (xvi) Assistant Cook
- (xvii) Assistant Attendant
- (xviii) Lift Man/Operator
- (xix) Tahli
- (xx) Library Attendant
- (xxi) Cooche-cum-Khalasi
- (xxii) Female Nursing Orderly/ Male Nursing Orderly
- (xxiii) Attender
- (xxiv) Ayah

2550-55-2660-60-3200

S-1

Certified to be true Copy


Rakhee Sirauthia Chowdhury
ADVOCATE

- 20 -
- 21 -

Na Post

15

		Existing scales of Pay in ICMR	Proposed Revised Scales of pay in ICMR Gazette Notification (Rule 3 & 4)	Grade under Part A of First Schedule of Notification	Remarks
1	2	3	4	5	6
	(xxv) Handi				
	(xxvi) Dresser				
	(xxvii) Junior Workshop Attendant	750-12-870-14-940	2550-55-2660-60-3200	S-1	
	(xxviii) Cleaner				
	(xxix) Plumber Cum Mason				
	(xxx) Workshop Servant				
	(xxxii) Pump Operator Cum Wireman				
2	Female Nursing Orderly (S.G.)	775-12-871-14-955-15-1030-20-1150	2610-60-3150-65-3540	S-2	
3	(i) Dair				
	(ii) Laboratory Helper				
	(iii) Sr. Animal Attendant	775-12-871-14-955-15-1030-20-1150	2610-60-3150-65-3540	S-2	

1	2	3	4	5	6
Existing scales of Pay in ICMR	Proposed Revised Scales of pay in ICMR Gazette Notification (Rule 3 & 4)	Grade under Part A of First Schedule of Notification	Remarks		
4 (i) Field Lab Attendant (ii) Lab Attendant/Library Attendant (iii) Assistant Ground Man (iv) Senior Animal Attendant (Gr II) (v) Assistant Mechanic/ Mechanic (Maintenance) (vi) Plumber (vii) Plumber-cum-Mason (viii) Wireman (ix) Senior Mali (x) Baker (xi) Assistant Book-Binder (xii) Senior Helper (xiii) Workshop Assistant (xiv) Lift Operator (xv) Senior Animal Caretaker (xvi) Senior Gardener (Group-I Grade-III) (xvii) Tinsmith-cum-welder (xviii) Field Assistant (xix) St. Helper Transport	800-15-1010-EB-20-1150 2650-65-3300-70-4000	<u>2650-65-3300-70-4000</u>	S-3		

No. Post	Existing scales of Pay in ICMR	Proposed Revised Scales of pay in ICMR Gazette Notification (Rule 3 & 4)	Grade under Part A of First Schedule of Notification	Remarks	
1	2	3	4	5	6
(i) Electrician					
(ii) Carpenter					
(iii) Generator Operator					
(iv) Lab. Assistant					
(v) Xerox Machine Operator					
(vi) Plumber					
(vii) Workshop Attendant					
(viii) Wireman					
(ix) Cataloguer	950-20-1150-EB-25-1400	3050-75-3950-80-4590			
(x) Plant Operator					
(xi) Theatre Assistant					
(xii) Gestetner Operator					
(xiii) Selection Grade/Senior Lab. Attendant					
(xiv) Mechanic, Wireman-cum-Electrician					
(xv) Pump Driver/Operator					
(xvi) Guest Room Caretaker					
(xvii) Lab Attendant					
(xviii) Mason					
(xix) Junior Carpenter					
(xx) Driver-cum-mechanic					
(xxi) Mechanic/Assistant Mechanic Fitting Mistry					
(xxii) Caretaker					
(xxiii) Insect Collector					
(xxiv) Sr. Cook					
(xxv) Lift Operator					

S-5

	Existing scales of Pay in ICMR	Proposed Revised Scales of pay in ICMR Gazette Notification (Rule 3 & 4)	Grade under Part A of First Schedule of Notification	Remarks
	3	4	5	6
(i)	Scorer Operator			
(ii)	Launch/Verifier Operator			
(iii)	Copy holder/Plat Maker			
(iv)	Wheelman			
(v)	Book Binder			
(vi)	cycle mechanic			
(vii)	Line Graver cum machine man			
(viii)	Busshaw Driver			
(ix)	Carpenter			
(x)	Insect Collector			
(xi)	Field Assistant			
(xii)	Driver (Van)			
(xiii)	Library Assistant	950-20-1150-25-1500	<u>3050-75-3950-80-4590</u>	S-5
(xv)	Despatch Rider			
(xvi)	<u>Child Worker</u>			
(xvii)	Junior Social Worker			
(xviii)	Duplicator Operator			
(xix)	Fax machine Operator (Sr G.)			
(xx)	Census Taker			
(xxi)	Bank-room-Assistant			
(xxii)	3			
(xxiii)	Data-Entry-Operator			
(xxiv)	Messanger-cum-Driver			

S.No	Existing scales of Pay in ICMR	Proposed Revised Scales of pay in ICMR Gazette Notification (Rule 3 & 4)	Grade under Part A of First Schedule of Notification	Remarks
1				
2				
3				
4				
5				
6				
7	(i) Senior Lab. Assistant/ Lab. Assistant ✓ (ii) Illustrator (iii) Animal Keeper (iv) Photographer (v) Junior Lab. Assistant (vi) Pharmacist (vii) Nursing Attendant ✓ (viii) Senior Field Worker (ix) Ground Man/Mahi (x) Photographic Assistant (xi) Auxiliary Nurse (xii) Helper to Mechanic (xiii) Animal House Assistant (xiv) Assistant Mechanician (xv) Field Assistant (xvi) Catering Assistant	975-25-1150-EB-30-1540	<u>3200-85-4900</u>	S-6

RECRUITMENT RULES FOR TECHNICAL POSTS UNDER ICMR

28

1.	Name of the Post	Laboratory Assistant
2.	No. of Posts	*207(1996) *Subject to variation dependent on workload
3.	Classification	Group-C (Non-Gazetted, Non-Ministerial)
4.	Scale of Pay	975-25-1150-EB-30-1540
5.	Whether Selection-cum-seniority or selection by merit or non-selection	Non Selection
6.	Age limit for Direct Recruits	Below 28 years
7.	Whether the benefit of added years of service under Rule 30 of CCS (Pension) Rules 1972 admissible.	Not applicable
8.	Educational and other qualifications required for direct recruits	High School with one year Lab. experience
9.	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Not applicable
10.	Period of probation, if any	Two years
11.	Method of recruitment whether by direct recruitment or by promotion or by deputation or by absorption and percentage of vacancies to be filled by various methods	a) 25% by direct recruitment from amongst the candidates sponsored by Employment Exchange. b) 75% by promotion of Laboratory Attendants with 3 years experience in that grade.
12.	In case of recruitment by promotion or deputation or absorption grades from which promotion or absorption to be made	Laboratory Attendant
13.	Circumstances in which UPSC is to be consulted	Not applicable
14.	If a D.P.C. exists, what is its composition	

Selection Committee

ICMR Hqrs.	Instts./Centres
1.Sr.DDG/Chief	1.Director/OIC
2.DDG/ADG	2.Dy.Director/A.D.
3.Two experts in the field	3.Two experts in the field
4.One expert representing SC/ST	4.One expert representing SC/ST

Departmental Promotion Committee

ICMR Hqrs.	Insts./Centres
1.Sr.DDG/Chief	1.Director/OIC
2.DDG/ADG	2.Dy.Director/A.D.
3.Sr.A.O./A.O.	3.Sr.A.O./A.O.
4.Member representing SC/ST	4.Member representing SC/ST

Certified to be true Copy


Rakhee Sirauthia Chowdhury
ADVOCATE

REGIONAL MEDICAL RESEARCH CENTRE N.E. REGION (ICMR)
 POST BOX NO. 105 DIBRUGARH.
 POST BASED RESERVATION ROSTER
 As on

Name of the Post : Lab. Assistant
 Method of Recr. : promotion

ANNEXURE - K.S -

Cadre Strength : 2 (Two) 17
 Grade : 'C'
 Ps. Group : R 4000-100-6000/-

Sl. No. of the Post	Category for which the post is earmarked	Name of the incumbent and date of Joining	Whether SC/ST/OBC/ General	Remarks	Signature of the Officer
1	UR	Dr. A. S. Gogo Mys. 1.9.2002	GEN	own merit	
2.	UR	Dr. Purna N. Gogo Mys. 1.9.2000	GEN	own merit.	Asst. Officer RMRD (ICMR), Dibrugarh
3	U/R				
4	U/R				
5	U/R				
6	U/R				
7	SC				
8.	U/R				
9	U/R				

Certified to be true Copy


 Rakhee Siraauthia Chowdhury
 ADVOCATE

REGIONAL MEDICAL RESEARCH CENTRE N.E. REGION (ICMR)
POST BOX NO. 105 DIBRUGARH.

Name of the Post :-
Method of Recall :-

POST BASED RESERVATION ROSTER
AS OF

18

Cañon Strength :
Grade :
Group ;

Sl No. of the Post	Category for which the post is earmarked	Name of the incumbent and date of Joining	Whether SC/ST/OBC/ General	Remarks	Signature of the Officer
10	U/R				
11	U/R				
12	U/R				
13	U/R				
14	ST				

4 27 JUL 2005

BENCH

C.A. No. 94 /2005

IN THE MATTER OF:

Written Reply by the applicant against
the Preliminary objection raised by the
respondent No. 2 and 3 in their written
statements

-AND-

IN THE MATTER OF:

Sri Pradip Kumar Saikia.....Petitioner/
Applicant

-VS-

The Union of India and others
.....Respondents

The applicant named above

Most Respectfully Sheweth:

1. That as regards the statements made in Para A of the objection, the applicant begs to state that the petition is not barred by limitation under section 21 of Administrative Tribunal Act, 1985.
2. That as regards the statements made in Para B, the applicant begs to state herein that under objections the applicant had accepted the financial upgradation and refused to accept the promotion to the post of Laboratory Attendant, which in fact is not a promotion at all. In his petition the applicant had shown that the post of the Field worker (Jr.) and Laboratory Attendant are of the same rank.
3. That as regards the statements made in para 15 of the written statements, the applicant begs to state that it is absolutely false that

Filed by the applicant
Through Sri. Debkrishna
Chowdhury

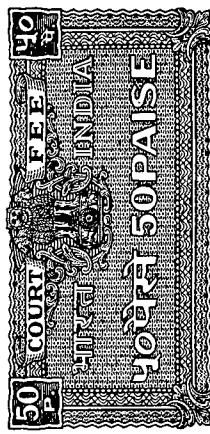
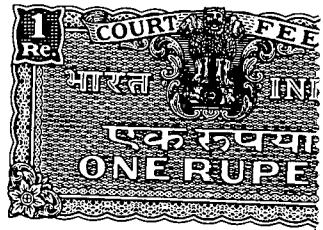
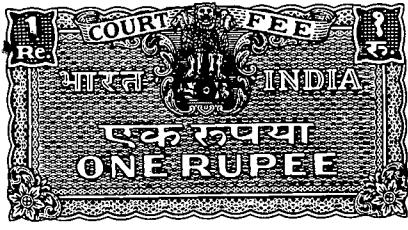
Recd by Mr. Saikia
27.7.05.

32
Pradip Kumar Saini
7.05.2012

"as per the post based reservation roster, the two posts of Laboratory Assistant falls in point No.1 and 2, which are earmarked as "unreserved" as stated therein. Further in this connection the applicant begs to state that one Sri Bichitra Sarma who was serving as peon cum Deek runner, which is of the same rank with that of Field worker (Jr.) was promoted to the post of Telex operator although he also took benefit under the A.C.P Scheme. It may be mentioned herein that the Bichitra Sarma has no knowledge of Telex. In this connection the applicant further begs to mention herein that there is no such post of Field worker in between the post of Field Worker (Jr.) and Field worker (Sr.). Further only in Dibrugarh R.M.R.C (NE Region) of Indian Council of Medical Research there is post of Field worker (Jr.) but there is no such post designated as Field Worker (Jr.) in other Regional Medical Research Centre of I.C.M.R. Again the post of Field worker (Sr.) is redesignated as Laboratory Assistant but the post of Field Worker (Jr.) is not redesignated till date. The applicant submitted a petition to the respondent No. 2 on 9.9.2002 stating the above fact and requested him to take necessary steps to redesignate the post of Field Worker (Jr.) to Laboratory Assistant (Jr.) considering the future prospect of the applicant; but the applicant has not yet receive any reply of his said letter. The applicant for the ends of justice wants this Hon'ble court to enquire as to whether the post of Field Worker (Sr.) is redesignated as directed by I.C.M.R or was proposed by R.M.R.C (NE Region) without considering to redesignate the post of Field Worker (Jr.).

The said letter dated 9.9.02 is annexed herewith and marked as Annexure XVII

-Verification-



VERIFICATION

I, Mr. Pradip Kumar Saikia, son of Sri Durbal Krishna Saikia, aged about 45 years, Resident of Jihabari Gaon, P.C. Khwang Ghat, P.S. Khwang in the District of Dibrugarh, Assam do hereby verify that the above statements made in accompanying petition in paragraphs 1 to 3 are true to my knowledge, belief and information and the rests are my humble submission before this Hon'ble Court.

And I sign this verification on this the 27th day of July, 2005 at Guwahati.

Pradip K. Saikia

SIGNATURE

Pradip K. Saikia
27.7.05.

(Typed copy)

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

Dated: 9.9.2002

Sub: Request for redesignation of the post of Field Worker (Jr.)

Sir,

I have the honour to state before you the following few lines for favour of your kind perusal and favourable consideration.

That sir, I was appointed as field worker (Jr.) in R M R C Dibrugarh vide your appointment letter No. RMRC/ ICMR/Dib/ appointment / 85-86/ 451 dated 2.6.86.

That Sir, I am seiving in the said post since my appointment till date,. Now it is learnt that no such type of post is existed in any ICMR institution except this Center, hence there is no scope of future promotion from this post.

I therefore, request you to take necessary step to redesignate the post of Field Worker (Jr.) to Laboratory Assistant (Jr.) considering my future prospect on this line.

Thanking You

Your's faithfully

Pradip Kumar Saikia
Field worker (Jr.)