

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 160/2006

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... O.A Pg. 1 to 5
MP 172/2012 endz page 1 to 2 MA Admitted - 10/12/2012
2. Judgment/Order dtd. 12/15/2009 Pg. 1 to 9
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 160/2006 Pg. 1 to 51
5. E.P/M.P. 172/2012 Pg. 1 to 26
6. R.A/C.P. Pg. to
7. W.S. 160/1 to 11 & 5 Pg. 1 to 24
8. Rejoinder Pg. 1 to 2
9. Reply. Pg. 1 to 4
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

SECTION OFFICER (Judl.)

B. B. Bhattacharya
24/10/17

(S.O. 1426 - 2)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 160/06
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Mrs. Anonoma Alex Tony (77)

Respondent(s) U. O. I. Form

Advocate for the Applicant(s). J.L. Sarkar.....
S.N. Tamuli.....
.....

Advocate for the Respondant(s) C.A. C......

Notes of the Registry	Date	Order of the Tribunal
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27.06.2006 Present : Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Application No. 1
U.O.I. Form No. 50-
Date 26.6.2006
Dated 9.6.06

Filed
By: Registrar

Re:

W. T. 27.6.06

Steps not taken

WAT

There are 78 Applicants in this application, who are working as Nursing Staff in the Assam Rifles. The Applicants are civilian employees and they are not given due pay scale as recommended by the 4th and 5th Pay Commission although the same was given to the Nursing Staff of other Central Government Organisations and Central Police Organisations. The Applicants earlier approached this Tribunal by way of filing O.A. No. 24/2001, which was disposed of directing the Respondents to consider the grant of pay scales and allowances of the Applicants. But the Respondents did not do so. Aggrieved by the said inaction of the Respondents, the applicants have filed this application.

Heard Dr. J.L. Sarkar, learned counsel for the Applicants and Ms. U. Das, learned Addl. C.G.S.C. for the Respondents.

Contd/-

27.06.2006

Considering the issue involved, the application has to be admitted. Admit. Issue notice to the Respondents.

Notice & order
sent to D/section
for issuing to
resp. nos. 1 to 4
by regd. A/D
post.

/mb/

D/No. 732 to 735

~~Ans~~
T/Off/106 DT=20/7/06

11.08.2006

Post on 11.09.2006

Vice-Chairman

10-8-06

mb

Member

~~by own
by
etc.~~

Vice-Chairman

① Service report awaited.
② No W/Ls has been filed.

11.9.06

Learned counsel for the Respondents wanted to file reply. Let it be done. Post the matter on 26.10.06

No W/Ls has been filed.

22

11.9.06

lm

Vice-Chairman

26-10-06

26.10.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

No W/Ls filed so far.

by

Learned Counsel for the Respondents wanted time to file reply statement. Let it be done.

Post on 05.12.2006.

Vice-Chairman

W/Ls submitted
by the Respondents.

/mb/

22

W/Ls has been filed.

22
4.12.06

5.12.06

Counsel for the respondents submitted that she has already filed written statement.

Post on 3.1.07 for hearing. In the meantime the applicant may file rejoinder, if any.

No rejoinder has been filed.

Vice-Chairman

pg

24.1.07

No rejoinder has been filed.

Vice-Chairman

21.2.07

/bb/

22.02.2007

Dr.J.L.Sarkar, learned counsel for the Applicants submitted that he would like to file rejoinder and he will put his best efforts within one week. Let the case be posted on 01.03.2007 on the hearing list.

28-2-07

No rejoinder filed so far.

10

Vice-Chairman

2.3.07

Rejoinder submitted by the Applicant.
Page contains 2 only

2/2

/bb/

1-3-07

Post before the next available Division Bench for hearing.

ce

Member

Vice-Chairman

pg

2/3-07
The case is ready for hearing.

23

The case is ready for hearing.

29
19.4.07

15.03.2007 Present: Hon'ble Shri K.V. Sachidanandan,
Vice-Chairman

Hon'ble Shri Tarsem Lal,
Administrative Member.

Post this matter before the next
Division Bench.

Karsan Lal

Member

nkm

✓

Vice-Chairman

23.4.2007 Present: The Hon'ble Mr. G. Shanthappa
Member (J)

The Hon'ble Mr. G. Ray, Member (A)

Mr.S.Nath, learned counsel represented

Dr.J.L.Sarkar, learned Railway Standing
Counsel and submitted he has personal
inconvenience to attend the case. Accordingly,
case is adjourned.

Call on 07.05.2007.

3/
9.5.07.

✓
Member (A)

G. Ray
Member (J)

/bb/

7.5.07

Post the matter after one month.

1m

✓
Vice-Chairman

*Reply has been
filed by the applicant.*

*NS
13.6.07.*

*The case is ready
for hearing.*

3/
9.5.08.

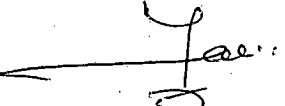
12.05.2008 Heard Dr J.L. Sarkar, learned Counsel appearing for the Applicants and Mrs M. Das, learned Addl. Standing Counsel for the Union of India and perused the materials placed on record.

For the reasons recorded separately the O.A. is disposed of. No costs.

Received copy
for Mrs. M. Das,
Addl. Counsel,
Kumar Deo
17/6/08

nkm


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

19.6.08
Copy of the judgement
sent to the D/see.
for issuing the
same to the parties
alongwith the L/Adv.
for the applicant.
AS

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 160 of 2006

DATE OF DECISION: 12.05.2008

Mrs Annamma Alex and 77 others

....APPLICANT(S)

Dr J.L. Sarker and Mr S.N. Tamuli

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

....RESPONDENT(S)

By Advocate Mrs M. Das, Addl. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

The Hon'ble Mr. M.R. Mohanty, Vice-Chairman

The Hon'ble Mr Khushiram, 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 compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman/Member

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.160 of 2006

Date of Order: This the 12th day of May 2008

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Hon'ble Shri Khushiram, Administrative Member

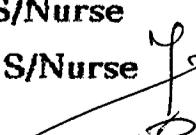
1. Mrs Anamma Alex, Sister
2. Mrs Sajiao Mao, Sister
3. Mrs Karma Gaikwal, Sister
4. Mrs Arupa Bordoloi, Sister
5. Mrs Nathamel, Sister
6. Mrs Beena Darjee, Sister
7. Mrs Kunjamma Thomas, Sister
8. Mrs Salamma Chacko, Sister
9. Mrs A. Basumatari, Sister
10. Mrs N. Sitholu, Sister
11. Mrs N. Mani Devi, Sister
12. Mrs Chanckabala Sharma, Sister
13. Mrs R. Vanchong, Sister
14. Mrs Sarita Babu, Sister
15. Mrs Sosamma Jacob, Sister
16. Mrs B. Kyndit, Sister
17. Mrs L. Labrean, Sister
18. Mrs C. Vhoihou, Sister
19. Mrs R. Lama, Sister
20. Mrs Chandrabati, Sister
21. Mrs Luchiana Toppo, Sister
22. Mrs Bishnu Kumari, Sister
23. Mrs Thankamma Thomas, Sister
24. Mrs V.B. Nair, Sister
25. Mrs N.K. Thappa, Sister
26. Mrs K. Mulu Devi, Sister
27. Mrs Santi Gonda, Sister
28. Mrs K. Bhattacharjee, Sister

S
D

10

2

- 29. Mrs Valsamma VM, Sister
- 30. Mrs Vungman, Sister
- 31. Esther Isaac, Sister
- 32. R.T. Anal S/Nurse
- 33. L. Mencha Devi, S/Nurse
- 34. L. Shanti Bala Devi, S/Nurse
- 35. Waheeda Begum, S/Nurse
- 36. Madhuri Bhiyel, S/Nurse
- 37. Hildaris Syndor, S/Nurse
- 38. Sita Rani, S/Nurse
- 39. Sini Thomas, S/Nurse
- 40. Shaji Joseph, S/Nurse
- 41. Bency John, S/Nurse
- 42. Shanti Rana, S/Nurse
- 43. Shajimol Thomas, S/Nurse
- 44. Agestina Jojowar, S/Nurse
- 45. Bindiya Das, S/Nurse
- 46. Adahamao, S/Nurse
- 47. Swarup Rani, S/Nurse
- 48. Anita Tamang, S/Nurse
- 49. Balaka Beck, S/Nurse
- 50. Bina Dahal, S/Nurse
- 51. Sheela T.K., S/Nurse
- 52. BB Topo, S/Nurse
- 53. Maina Kachari, S/Nurse
- 54. Mary Jacob, S/Nurse
- 55. Sujatha Limbu, S/Nurse
- 56. Chandra Kala, S/Nurse
- 57. Halen Basumatary, S/Nurse
- 58. Sharmila Gogoi, S/Nurse
- 59. Renu Bala, S/Nurse
- 60. Jolly Kuitty, S/Nurse
- 61. Beena Jose, S/Nurse
- 62. Geeta Sunar, S/Nurse
- 63. Manju Hari Kumar, S/Nurse
- 64. Lolikholia, S/Nurse
- 65. T Kamini Mao, S/Nurse
- 66. Sunita Bhuyan, S/Nurse



67. KM Kangmeini, S/Nurse
68. Chandrabati, S/Nurse
69. Lalita Tukey, S/Nurse
70. Dili Rai, S/Nurse
71. T. Kipgen, S/Nurse
72. Uma Bist, S/Nurse
73. Caroline Mariny, S/Nurse
74. Goumaya Shahi, S/Nurse
75. Rashmi Suni, S/Nurse
76. Babita Prasad, S/Nurse
77. Boby Borah, S/Nurse
78. Manna R Johnson, S/Nurse

All are working as Sisters/S Nurse at
Assam Rifles Hospitals in different places

.....Applicants

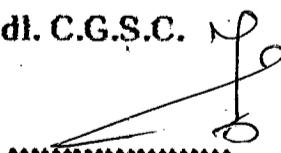
By Advocates Dr J.L. Sarkar and Shri S.N. Tamuli.

- versus -

1. Union of India, represented by the
Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Director (Police Finance)
Ministry of Home Affairs,
North Block, New Delhi.
3. The Secretary
Ministry of Health and Family Welfare,
Department of Health,
Government of India,
New Delhi.
4. Director General,
Assam Rifles,
Shillong-793011.

.....Respondents

By Advocate Mrs M. Das, Addl. C.G.S.C.



ORDER (ORAL)

M.R. MOHANTY, VICE-CHAIRMAN

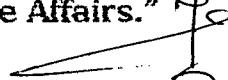
Claiming pay scales, as granted to similarly placed staff in other Central Government Organisations, with effect from 01.01.1996; the Nursing Staff of Assam Rifles had to undertake a number of litigations and, ultimately, the Government of India vide Order dated 15.02.2005 (a copy of which is at Annexure-J) had granted the following relief to the Nursing Staff of Assam Rifles Organisation:-

<u>Posts</u>	<u>Pay Scale</u>
Staff Nurse	Rs.5000-8000/-
Sister	Rs.5500-9000/-

2. While the aforesaid pay scale was extended to the Nursing Staff of all Central Government Organisations with effect from 01.01.1996, the authorities of Assam Rifles implemented the above said pay scale only prospectively; for which the members of the Nursing Staff of Assam Rifles Organisation had to approach this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985. This O.A. was filed during June 2006.

3. By filing counter during November 2006, it was disclosed on behalf of the Directorate of Assam Rifles as under:

(a) "..... proposal for grant of arrears from 01.01.1996 has been forwarded to the Ministry vide this Directorate letter No.II 16011/Allce/A-1/Med/2005 dated 20 October 2005 and the same is under consideration at the Ministry of Home Affairs."

(b) "..... they have submitted petition for arrears of pay with effect from 01 January 1996 and the same is under consideration at the Ministry of Home Affairs." 

(c) ".....based on the directions of the learned tribunal dated 16 August 2001 in O.A.No.24/2001, the staff nurse and sisters were granted higher pay scale from Rs.4500-7000/- to Rs.5000-8000/- and from Rs.5000-8000/- to Rs.5500-9000/- respectively vide Ministry of Home Affairs letter No.II.27014/9/2001-PF/IV dated 15 February 2006."

4. The Applicants having filed a Rejoinder, the Respondents filed (on 13.06.2007) a Reply to the said Rejoinder. Alongwith the said Reply to the Rejoinder, a copy of the Home Ministry letter dated 21.03.2007 has been placed as Annexure-R/5; the text of which reads as under:-

"To

The Director General,
Assam Rifles,
Shillong-793011.

Sub: Upgradation of pay scales of Staff Nurses.

Sir,

In supersession of this Ministry's letter of even number dated 15.2.2005, I am directed to convey the approval of competent authority for sanction of following pay scales to the Nursing Staff of Assam Rifles with effect from 01.01.1996 notionally, however, actual benefits will be extended with effect from 17.1.2005:-

Sl.No.	Posts	Pay Scale
(i)	Staff Nurse	Rs.5000-8000/-
(ii)	Sister	Rs.5500-9000/-

2. The Nursing Staff is entitled for following allowances:

Sl.No.	Allowances	Existing Rule	Revised Rate
(i)	Nursing Allowance (for Nurses only)	Rs.150/- p.m.	Rs.300/-p.m. w.e.f. 01.8.97
(ii)	Uniform Allowance (for Nurses only)	Rs.1500/- p.a.	Rs.1500/- p.a. upto 01.8.97 and Rs.3000/ p.a. w.e.f.01.8.97

(iii)	Washing Allowance (for Nurses only)	Rs.60/- p.m.	Rs.75/- p.m. upto 01.8.97 and Rs.150/- p.m. w.e.f. 01.8.97.
(iv)	Washing Allowance (for other group C & D Staff)	Rs.30/- p.m.	Rs.60/- p.m.

3. These allowances shall be admissible subject to the condition laid down vide letter No.II.27012/6/99-PF.I/PF.II(Vol.II) dated 07th October, 2004.

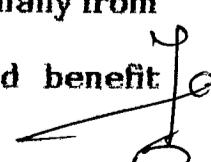
4. This issues with the concurrence of Ministry of Health vide their ID No.57/PMS/2005 dated 18.1.2005.

5. This issues with the concurrence of IFD of this Ministry vide their Dy. No.160/Fin.II/2007 dated 07.3.2007."

5. Thus, the Respondents (Government of India) have finally agreed to grant the Revised Pay Scale (of Rs.5000-8000/- to Staff Nurse and Rs.5500-9000/- to Sisters) to the Nursing Staff of Assam Rifles Organisation notionally w.e.f. 01.01.1996 and actually from 17.01.2005.

6. We have heard Dr J.L. Sarkar, learned Counsel appearing for the Applicants and Mrs Manjula Das, learned Addl. Standing Counsel appearing for the Respondents and perused the materials placed on record.

7. In course of hearing, Dr Sarkar, learned Counsel appearing for the Applicants, raised the point that when the Nursing Staff of all other Ministries were granted the Revised Pay Scale (of Rs.5000-8000/- and Rs.5500-9000/-) with effect from 01.01.1996, there were/are no reason not to extend the said benefit actually from that date; there are no reason to grant the said benefit notionally from 01.01.1995 and there are no reason to extend the said benefit



prospectively from 18.01.2005/an imaginary date. He argued that the date 18.01.2005 has been fixed un-reasonably and arbitrarily.

8. No reason (as to why 18.01.2005 has been fixed for actual payment of the Revised Pay Scale; whereas 01.01.1996 has been fixed universally to Nursing Staff of all Organisations of Government of India) has been ascribed in the Reply to the Rejoinder filed, in this case, by the Respondents nor in the order under Annexure-R/5 dated 21.03.2007.

9. It appears, there are enough force in the contention of the Applicants' Counsel. The date 18.01.2005 appears to be a wholly unreasonable one.

10. By taking a clue from para-4 of Annexure-R/5 dated 21.03.2007, Mrs Manjula Das, learned Addl. Standing Counsel for the Union of India, has, however, tried to explain that the Ministry of Health having granted the concurrence (vide their I.D. No.57/PMS/2005) on 18.01.2005, the payments (in the Revised Scale) has been ordered to be made, actually, with effect from that date/18.01.2005.

11. This stand of the Respondents side is not acceptable. The Revised Pay Scales were, ordinarily, to be extended to the Applicants with effect from 01.01.1996 for the reason of the provisions of Pay Rules of 1996 (notified on 30.09.1997). After a protracted litigation, the same was extended, belatedly, by the Order under Annexure-J dated 15.02.2005. This Tribunal passed orders on 16.08.2001 in O.A.No.224/2001. Despite that the Respondents slept over the matter for almost 5 years. Only when the Contempt Proceeding started

against the Respondents, they took refuge of Health Ministry and passed the order in February 2005. Now they cannot take advantage of their own laches of the past to put the Applicants to irreparable loss. While executing the same/belatedly issued order, the benefits were being extended prospectively (w.e.f. 15.02.2005); for which the Applicants represented to grant the benefit with effect from 01.01.1996. Without hearing from the Respondents, the Applicants approached this Tribunal with the present case; which was admitted on 27.06.2006. Well before that date, the Directorate of Assam Rifles moved the Home Ministry (on 20.10.2005) to extend the benefit of the Pay Revisions with effect from 01.01.1996. The Ministry (of Home Affairs) during pendency of this case, however, extended the benefit with effect from 17.01.2005. When the matter was pending with this Tribunal, the Respondents were estopped (for the Reason of the provisions under Section 19 (4) of the Administrative Tribunals Act, 1985) to pass any order on the points in issue.

12. In the above premises, the Respondents having failed to show any valid reason not to extend the actual benefits of the Pay Revision with effect from 01.01.1996 to the Applicants and since the Pay Rules of 1997 have provided replacement Pay Scale of Rs.5000-8000/- and Rs.5500-9000/- with effect from 01.01.1996, the Respondents are hereby directed to grant the Pay revision (as has been granted under Annexure-J dated 15.02.2005 and Annexure-R/5 dated 21.03.2007) to the Applicants with effect from 01.01.1996. The order under Annexure-R/5 dated 21.03.2007 hereby stands modified

9

(X)

to the above extent. Differential arrear dues at higher rate, with effect from 01.01.1996, should be released to the Applicants within next 90 (ninety) days. With these directions, this case stands disposed of. No costs.

Khushiram
12.05.2008
(KHUSHIRAM)
ADMINISTRATIVE MEMBER

Mohanty
12/05/08
(M. R. MOHANTY)
VICE-CHAIRMAN

nk

v

The Union of India & ors. has filed -
WP(C) 273 (SH) of 08 before The Hon'ble Gauhati
High Court, Shillong Bench, against the
Judgment and order dated 12.05.2008
Passed in O.A. NO. 160/2008 by this
Hon'ble Tribunal. The Hon'ble Court
dismissed the above mentioned WP(C)
273 (SH) of 08 on 10.6.2010 which
may kindly be seen at flag 'A'.

This may be placed before The Hon'ble
Member (S) for his Lordship's kind perusal.

SK no
23.6.2010

HON'BLE MEMBER (S)

24.6.2010

27 JUN 2006

Guwahati Bench
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL
GUWAHATI BENCH: GUWAHATI
O.A.NO.160 OF 2006

Between

Mrs Annamma Alex & others

-vs-

U.O.I & Others

Synopsis

The applicants are Nursing Staff of the Assam Rifles. They are civilian employers. They were not given due pay scales as recommended by the 4th and 5th pay commissions although the same was given to Nursing staff of other Central Government Organizations and Central Police Organizations. The applicants approached His Hon'ble Tribunal by filing OA No. 24/2001 which was disposed of by reasoned order and directing the respondents for consideration of the pay scales and allowances. The respondents passed order dated 6.3.2002 denying the pay scales. The applicants filed another OA. (OA No. 222/2002) which was decided on 8.8.2003 and reasons of denial of the scales by order dated 6.3.2002 was set aside. The Hon'ble Tribunal was pleased to directed the respondents to consider a fresh expeditiously preferably within 2 months. Respondents made ^{Under} delay and passed orders latter dated 15.2.2005 implementing the scales without mentioning the date of effect. But the applicants have not been paid from 1.1.1996 (5th CPC). Applicant, therefore pray for implementations of the scales announced by latter dated 15.2.2005, w.e.f. 1.1.96 for which the earlier OA's were filed.

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL**
GUWAHATI BENCH: GUWAHATI
O.A.NO. 160 OF 2006

Between

Mrs Anamamma Alex & others

-vs-
U.O.I & Other

Sl No	Particulars	Page No
1)	Original Application	1 to 15
2)	Verification	16
3)	Annexure A	17 to 18
4)	Annexure B	19
5)	Annexure C	20
6)	Annexure D	21 to 23
7)	Annexure E	24 to 29
8)	Annexure F	30 to 31
9)	Annexure G	32 to 33
10)	Annexure H	34 to 40
11)	Annexure I	41 to 44
12)	Annexure J	50
13)	Annexure K	51

Filed By

Advocate

29

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL
GUWAHATI BENCH: GUWAHATI
O.A.NO. 160 OF 2006

Between

1. Mrs. Appamma Alex, Sister
2. Mrs. Sajioa Mao, Sister
3. Mrs. Karma Gaikwal, Sister
4. Mrs. Arupa Bordolai, Sister
5. Mrs. Nathamel, Sister
6. Mrs. Beena Darjee, Sister
7. Mrs. Kunjamma Thomas, Sister
8. Mrs. Salamma Chacko, Sister
9. Mrs. A. Basumatari, Sister
10. Mrs. N Sitholu, Sister
11. Mrs. N. Mani Devi, Sister
12. Mrs. Chankabala Sharma, Sister
13. Mrs. R. Vanchong, Sister
14. Mrs. Sarita Babu, Sister
15. Mrs. Sosamma Jacob, Sister
16. Mrs. B. Kyndit, Sister
17. Mrs. L. Labrean, Sister
18. Mrs. C. Vhoihou, Sister
19. Mrs. R. Lama, Sister
20. Mrs. Chandrabati, Sister
21. Mrs. Luchiana Toppo, Sister
22. Mrs. Bishnu Kumari, Sister
23. Mrs. Thankamma Thomas, Sister
24. Mrs. V.B. Nair, Sister
25. Mrs. N.K. Thappa, Sister
26. Mrs. K Mula Devi, Sister
27. Mrs. Santi Gonda, Sister
28. Mrs. K. Bhattacharjie, Sister
29. Mrs. Valsamma VM, Sister

Filed by the applicant
through S.N.Tamuli
Advocate
26/6/06
Appamma

21

30. Mrs. Vungman, Sister
31. Esther Isaac, Sister
32. R.T. Anal S/Nurse
33. L. Mencha Devi, S/Nurse
34. L. Shanti Bala Devi, S/Nurse
35. Waheeda Begun, S/Nurse
36. Madhuri Bhiyel, S/Nurse
37. Hildaris Syndor, S/Nurse
38. Sita Rani, S/Nurse
39. Sini Thomas, S/Nurse
40. Shaji Joseph, S/Nurse
41. Bency John, S/Nurse
42. Shanti Rana, S/Nurse
43. Shajimol Thomas, S/Nurse
44. Agestina Jojowar, S/Nurse
45. Bindiya Das, S/Nurse
46. Adahamao, S/Nurse
47. Swarup Rani, S/Nurse
48. Anita Tamang, S/Nurse
49. Balaka Beck, S/Nurse
50. Bina Dahal, S/Nurse
51. Sheela T.K., S/Nurse
52. BB Topo, S/Nurse
53. Maina Kachari, S/Nurse
54. Mary Jacob, S/Nurse
55. Sujatha Limbu, S/Nurse
56. Chandra Kala, S/Nurse
57. Helen Basumatry, S/Nurse
58. Sharmila Gogoi, S/Nurse
59. Renu Bala, S/Nurse
60. Jolly Kuitty, S/Nurse
61. Beena Jose, S/Nurse
62. Geeta Sunar, S/Nurse
63. Manju Hari Kumar, S/Nurse
64. Lolikholia, S/Nurse

Andhra

65. T Kamini Mao, S/Nurse
66. Sunita Bhuyan, S/Nurse
67. KM Kangmeini, S/Nurse
68. Chandrabati, S/Nurse
69. Lalita Tirkey, S/Nurse
70. Dili Rai, S/Nurse
71. T. Kipgen, S/Nurse
72. Uma Bist, S/Nurse
73. Caroline Mariny, S/Nurse
74. Goumaya Shahi, S/Nurse
75. Rashmi Suni, S/Nurse
76. Babita Prasad, S/Nurse
77. Boby Borah, S/Nurse
78. Manna R Johnson, S/Nurse

All are working as Sisters/S.Nurse at
Assam Rifles Hospitals in different places.

.....Applicants

AND

1. Union of India
Represented by the Secretary,
Ministry of Home Affairs
North Block, New Delhi.
2. The Director (Police Finance)
Ministry of Home Affairs
North Block, New Delhi.
3. The Secretary
Ministry Health and Family Welfare
Department of Health
Government of India
New Delhi.
4. Director General Assam Rifles
Shillong- 793011

..... Respondents

Details of the Application:

1. Particulars of the order against which the application is made:

The application is made for granting pay scales of staff nurse and sister Rs.

5000- 8000/- and Rs 5500/- 9000/- respectively with retrospective effect from 1.1.96, the said scales have been sanctioned by Ministry of Home Affairs Memo No. II. 27014/ 9/2001 PF IV dated 15.2.2005; and also for respective pay scales of Rs. 1400-2600/- and Rs. 1640- 2900/- for staff nurse and sister under the 4th pay Commission with effect from 1.1.86.

Anil Choudhury

2. Jurisdictions:

The applicants declare that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation:

The applicants declare that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case:

4.1 That the applicants are citizens of India and as such are entitled to the rights and privileges guaranteed by the Constitution of India.

4.2 That the applicants are working as nursing staff in the Assam Rifles and are Civilian employees, as Sisters, Staff Nurses. The applicants have a common cause of action and they pray for the permission to file the common application under Rule 4 (5) (a) of the Central Administrative Tribunal Rules, 1987.

4.3 That the appointment in the nursing cadres are made from qualified candidates and at present as a national policy admission into nursing schools or nursing training centres are made from higher secondary (i.e. 10+2) passed candidates for nurses. The training is for general nursing and midwifery. Presently the training period is 3 years and such qualified candidates are appointed as staff nurses in Assam Rifles Hospitals/ Health Units. It is stated that there is no scope of such qualification in nursing for candidates with basic qualification less than (10+2), in the country. Matriculates or equivalent (i.e 10+0) are not eligible for 3 year nursing training. Auxiliary Nurse Midwifery Training is given to Matriculates and the training is for 1 year 6 month, and they become eligible for appointment as Auxiliary Nurse Midwife.

4.4 That as already stated admission into the 3 year nursing course is restricted to

those who have (10+2) basic qualification. In other words. No person shall be eligible for admission in the 3 year nursing course without the basic (10+2) qualification.

4.5 That the matter of service condition and scale of pay of the nursing staff received due consideration by the different pay commissions. The welfare Government of India was also keen to improve the conditions of service and pay scales of the nursing staff. From the 3rd pay commission there has been improvements in the pay scales of nursing staff and as such the Central Government including the Ministry of Railways accepted the pay scales etc. recommended by the different pay commissions. After the 5th pay commission recommendation the Central Government has accepted the scale of Rs. 5000-8000/- for staff nurse and Rs. 5500-9000/- for nursing sister. These are effective from 01.01.96.

A copy of the statement showing salaries and allowances of nursing personnel (from the Indian Nursing year Book 1996-97) is enclosed as
Annexure-A

4.6 That the Government of India has implemented the scale of Rs. 5500-9000/- to the staff nurses of Central Police Organizations (for short C.P.Os.) and Rs. 5000-8000/- for other Central Government Nurses and for the sisters the scale of pay of Rs. 6500-10500/-for C.P.Os. and Rs. 5500-9000/- for other Central Government nurses. Most unfortunately the Staff Nurses of the Assam Rifles ^{were} was given the pay scale of Rs. 4500-7000/- and for Sisters the Scale given was Rs. 5000- 8000/-. It is stated that the nursing staff of the Assam Rifles discharge the same duties like the nursing staff of C.P.Os. and other Central Government nursing staff of C.P.Os. and other Central Government nurses. A comparative position of the scale is furnished below: (w.e.f 1.1.96).

Pay Scale of	C.P.Os.	Other Central Govt.	Assam Rifles
Staff Nurses	Rs. 5500-9000/-	Rs. 5000-8000/-	Rs. 4500-7000/-
Sisters	Rs.6500-10500/-	Rs. 5500-9000/-	Rs. 5000/- 8000/-

4.7 That staff nurses are appointed by recruitment form open market by open advertisement. Such advertisements are made through Directorate of Advertising and Visual Publicity, New Delhi and publication in news papers.

Ananya
5/1

4.8 That though the Government of India accepted the recommendation of the 5th pay commission for the nursing staff and implemented it, the nursing staff of the Assam Rifles have been denied the pay scale recommended by the 5th pay commission. The other Central Government nurses were given the scale of Rs. 5000-8000/- for staff nurses and Rs. 5500-9000/- for sisters whereas in the case of Assam Rifles the scales Rs. 4500-7000/- and Rs. 5000-8000/- were given to the staff nurses and sisters respectively w.e.f. 1.1.96. This is denial of the already sanctioned and existing scales of pay and is whimsical and discriminatory.

Anil Agarwal

4.9 That representations praying for the higher scales, and allowances were made by some of nursing staff by representation dt. 16.12.99. The said representation was forwarded to the Directorate General by C.M.O. (C.H.S), Shillong-7 on 16.12.99. Thereafter further representations were also made on 27.4.2000 and 07.06.2000 praying for higher scales, and allowances. These representations were also forwarded and recommended accordingly but no reply to the representations have been received. It is stated that in his letter dt. 27.4.2000 the C.M.O. (C.H.S), Assam Rifles Hospitals recommended the case of the sisters and staff nurses.

Copies of representation dt. 16.12.99, 27.4.2000 and 07.06.2000 with the respective forwarding / recommendation letters are enclosed as Annexure B, C and D respectively.

4.10 That the applicants were also being denied the sanctioned allowances to the nursing staff. They were being paid uniform allowances of Rs. 200/- p.m. and washing allowances Rs. 30/- p.m. They were entitled to nursing allowance Rs. 1600/-p.m., uniform allowance Rs. 3000/- p.a. and washing allowance Rs. 150/- p.m. These revised allowances were not being paid to the applicants but paid to other Central Government Nursing Staff. The Government of India, Ministry of Health and Family Welfare as already circulated the amount of allowance to be paid to the nursing staff under the letters dt. 2.7.98 and 26.7.98. By the order dated 6.3.2002 these were denied and nursing allowance Rs. 150/- p.m., uniform allowance Rs. 400/- p.m., and washing allowance Rs. 60/- p.m were given w.e.f 1.8.1997.

4.11 That the applicants serve the ailing persons like the nursing staff of the other

26
Ankayam

Central Government Organizations and including those in the C.P.Os. but most unfortunately they were deprived of the due pay scales and were given less emoluments.

4.12 That the applicants have a grievance for non sanction of the scales being given to the nursing staff of the C.P.Os. However, the present application is made for implementation of the pay scales, and allowances as given to nursing staff of the other Central Government Organizations under the 4th and 5th C.P.C. The Hon'ble Tribunal may kindly permit pursuing the cause of pay scale at par with the scales in C.P.Os with the appropriate authorities separately.

4.13 That the pay scales of the nursing staff as recommended by 4th and 5th pay commission have been given to the nursing staff of the other Central Government Departments including Railways and there is no cogent reason as to why the applicants are being denied the same. It is stated that the staff nurse and nursing sisters/ sisters of other Central Govt. Department including Railways have been given the said scales on the basis of the designation irrespective of qualification i.e. those recruited with qualification of 10+2 and 3 years (or more) Nurses training course as staff nurse and those working as staff nurse with less qualifications viz. matriculates etc. by promotion or recruited old standards of recruitment have been given the scale of Rs. 5000-8000/-, in the CPOs the scale is Rs. 5500-9000/-. In the case of sisters the scale of Rs. 5500-9000/- to other central Govt. Nurses including Railways has been given irrespective of qualification and in the case of CPOs the scale given is Rs. Rs. 6500-10500/-

4.14 That an Original Application before this Hon'ble Tribunal stating the above facts and praying for the due scales of pay, and allowances was filed and registered as OA. No. 24/2001. The respondents filed written statement and in the facts explained did not dispute the entitlements and prayed for. The Hon'ble Tribunal in the Judgment and order dated 16.8.2001 held as under:

"From the conspectus of the materials, so far produced, there is no dispute as to the entitlement of the Nursing staff as to the pay and allowances etc. on the basis of the recommendations of the 5th Central Pay Commission. Their entitlement of the pay scales mentioned at para 8.1 and 8.2 of the pleadings were

never in dispute. The entitlement of the revised pay scales of the applicants on the basis of the 5th Central Pay Commission were not questioned. The 5th Central Pay Commission recommendations were already given effect to in other Cases. No reason, not to speak of good and weighty reasons, disentitling the applicants or similar benefit are discernible nor any reasons are ascribe for the torpidity in reaching at its decision.

K M Ganesh

The ultimate authority to act upon the recommendations, no doubt, rests on the respondent No.1, the concerned Ministry- the discretion is vested on the said authority. The discretion means sound discretion- what is just, fair, candid and unprejudiced- not arbitrary, capricious or biased- nor an unfettered one, Exercise of the discretionary power is unlawful where is found to be partial and unequal in its operation between different classes, or if it is oppressive. It also includes bad faith, focus on irrelevant extraneous consideration over looking relevant consideration- decisions based on considerations accorded manifestly on inappropriate balance."

The Hon'ble Tribunal was pleased to issue a direction to the respondents to take decision in the matter of implementation of the 5th Central pay Commission recommendations for the applicants. But without considering the matter for implementing the recommendations which were remaining unimplemented, the respondents disputed the entitlement of the pay and allowances of the applicants. The applicants humbly states that the applicants were given pay on non-existent pay scales, and denied already sanctioned allowances. The respondents disputed the entitlements on untenable ground, and they are also barred by process and procedure of law including principle of resjudicata.

Copy of the judgment in OA No. 24/2001

dated 16.8.2001 is enclosed as Annexure-E

4.15. That the respondents issued order dated 6.3.2002 stating that it is not possible to agree to the upgradation of pay scales. The applicants submit that their prayer is payment as per pay commission recommendations which were accepted and not for upgradation. The applicants are being paid salary in non-existent scales denying implementation of the scales accepted and sanctioned by the Govt. of India on the recommendations of the 5th Central Pay Commission. This was also not disputed in the OA No. 24/2001.

The respondents have mentioned about the qualification as per recruitment rules i.e. Matric and diploma in nursing for Assam Rifles. It is respectfully stated that the fact of qualification has been explained in the OA No. 24/2001 and these were not disputed. The recruitment of matriculation was qualification prevailing for nurses in old period. Present national policy has undergone change with upward standard and there is no scope of qualification as Matric with diploma in Nursing. The applicants, except a few who entered in very early period, are having qualification of 10+2 with diploma in nursing. All these were matters in the OA No. 24/2001. But most unfortunately the respondents denied the entitlements on the ground of a fictitious lower qualification eligibility criterion, although the applicants have higher qualifications. It is reiterated that there was no scope of recruitment of matric + diploma in nursing candidates in nursing service because minimum qualification for admission in nursing courses is 10+2/ Higher Secondary. Any lower qualification norm in any rule in Assam Rifles has with the passage of time become redundant and in fact at present there is no rule providing matriculation as minimum qualification. The applicants can not be denied their entitlements on such ground of minimum qualification. The minimum eligibility for promotion as sister i.e. 3 years service as staff nurse cannot be ground for denial of pay scale, promotional eligibility has been decided by respondents themselves. In practice also no promotion is made after 3 years and before 5 years. The applicants state that after the revision of minimum qualification and revision of scales by 4th and 5th central pay commission no rule has been framed as alleged for promotion eligibility after 3 years to sisters.

Copy of the order dated 6.3.2002 is enclosed as

Annexure-F

4.16 That there is no rule prescribing minimum qualification of Matric for any such scale of Rs. 4500-7000-. The recognized council does not accept matric as minimum qualification. The national policy has been changed requiring higher qualification of

10+2 as minimum eligibility for nursing diploma, and as such the respondents cannot make any rule prescribing minimum matric as alleged, and it is respectfully submitted even if rule is made (with minimum matric) the same is violative of national policy for public good and would be illegal.

4.17 That the Indian India Nursing Council is the recognised council for nursing education, and as such correspondence was made with the said council on the matter of minimum qualification. The council in letter date 3.6.2002 has also confirmed that the Academic Qualification for entrance is 10+2 or equivalent for staff nurses from 1986.

Copy of the letter dated 3.6.2002 is enclosed as
Annexure-G

4.18 That the respondents have been deprived the scales of pay sanctioned by Government of India after 4th and 5th Pay Commission on wrong interpretation. The payment had been made on non-existent scale. The pay scale attached to staff nurses from 1.1.1986 (4th Pay Commission) was Rs. 1400-2600/- and not Rs. 1400-2300- given in DGAR, and for sisters Rs. 1640-2900/-, not Rs. 1600-2600/- given in DGAR. Similarly after 5th Pay Commission scale for staff nurses was Rs. 5000-8000/- w.e.f 1.1.1996 but were paid in Rs. 4500/- 7000/- (non-existent scale). After 5th pay commission the sisters' scale was Rs. 5500-9000/- but were paid in scales Rs.5000/- 8000/- (non existant scale). There was no rule for scales of pay as Rs. 1400-2300/- or 4500-7000/- for staff nurses, and Rs. 1600-2600/- or Rs. 5000-8000/- for sisters.

4.19 That the applicants were also being denied nursing allowances as explained in this application though such allowances as explained in this application though such allowances were granted by Government of India. The grounds given in order dated 6.3.2002 was vague and without basis. The basis for decision was not disclosed and no reason for discrimination or denial of amounts granted by the official orders/ circulars had been shown.

4.20 That the applicants and others filed another OA which was registered as OA No.222/2002 challenging the order dated 6.3.2002 and with the following prayers. for 4th and 5th P.C scales w.e.f. 1.1.86 and 1.1.96.
The respondents filed written statement contesting the OA.

The copy of the W.S in OA. No. 222/2002 is enclosed

as Annexure. H

4.21 The Hon'ble Tribunal was pleased to decide the case by an order dated 8.8.2003 and set aside para 2 in its entirety of the impugned order dated 6.3.2002.

Copy of the judgment dated 8.8.2003 is enclosed as
Annexure-I

4.22 That the Hon'ble Tribunal was pleased to direct the respondents to consider the case of the applicants 'in the light of the observations made'.

That in para 6 of the above judgement it was held as under.

"The reasoning assinged in the impugned order rejecting the claim of the applicants are seemingly arbitrary.....

The absurdly writ large in excluding the applicants on the purported grounds of.....the criteria for promotion in the facts and circumstances also cannot be a valid reason for excluding the applicants from being provided the pay scale given to the Central Government Health Services as well as the Central Police Organizations"

4.23 That, the above findings of the Hon'ble Tribunal were in the context of the prayers for equal pay scales as per 4th and 5th C.P.C. The reasons for not giving the said pay scales during the relevant period communicated by the respondents were not legally sustainable and as such denial of the same has been arbitrary and discriminatory. The applicants have earned the salaries in the 4th and 5th pay commissions pay scales by virtue of their works discharged in the respective cadres. They have therefore a legitimate and legal right for the amount earned by hard work in their official capacity and designation and as such are entitled to the amounts due to them as a difference between the salaries due to them in their respective pay scales as per 4th and 5th pay commission and the amounts paid to them in the lower non existent scales.

4.24 That, the Hon'ble Tribunal was pleased to pass order on O.A. 222/2002 on 8.8.2003 directing the respondents to consider the case of the applicants in the light of

Annexure
30

the observations made, expeditiously preferable within two months from the date of the real of the order. As a result findings and observations of the first case i.e. OA. No. 24/2001 of the this Hon'ble Tribunal by order dated 16.8.2001 continued to remain unimplimented and the due claim of the applicant for pay and allowances remained unconsidered causing delay in the hands of the respondents. The applicants has had to bring the fact of delay to the notice of the Hon'ble Tribunal by filing contempt petition No. C.P. 33/2004. The respondents admitted before the Hon'ble Tribunal that the matter had been under consideration. Further delay was being caused then after. The respondents filed compliance report. In the compliance report the respondent submitted before the court that Nursing staff have been given the following scales.

- (i) Staff Nurse Rs. 5000-8000/-
- (ii) Sister Rs. 5500-9000/-

Reference was given to the letter dated 15.2.2005. and the same was produced before the Hon'ble Tribunal copy was also given to the counsel of the applicant. The said letter didn't indicate decision in reference to the judgement in O.A. No. 222/- 2002. The allowances referred to the dates w.e.f. the date from which these were given. It was pointed before the Hon'ble Tribunal that retrospective effect was not indicated as regards the implementation of the scales nor the order indicated that the same was in pursuance of the judgement in O.A. 222/2002. The Hon'ble Tribunal however pleased to close the C.P. keeping it open for the applicants to agitate the matter before the appropriate authority. It is stated that the some of the applicants have submitted representation in June 2005 to the director General of Assam Rifles requesting for implementation of revised scale which effects from 1.1.1996. This representation has not yet yield any result.

Copy of Govt. of India's letter dated 15.2.2005 and
Copy of the representation (which was identically
forwarded) are enclosed as Annexure-J & K
respectively.

4.25 That the applicants were being denied pay scales as per the 4th and 5th pay commissions recommendations accepted by the Government of India. Other equally circumstanced Nursing staff were given the scales. However the letter dated 15.2.2005 communicated the same scales for the nursing staff of the Assam Rifles also. The said letter granted the allowance with retrospective effect from the due dates at per with other Nurses in other organizations. The pay scales didn't indicate the dates of

implementations. The legal impact is that these scales shall be operative from 1.1.96 and corresponding scale of the 4th Pay Commission w.e.f 1.186. The judgements in the OA. No. 24/2001 and 222/2002 also found favour for implementation of the scales for the Assam Rifles Nursing Staff to bring equality with such staff of other similar organizations. The orders denying the scales with reasons of the respondents were also set aside by the Hon'ble Tribunal. The applicants humbly submit that in the circumstance of the case they are entitled to the pay scale given by the latter dated 15.2.2005 w.e.f 1.1.1996 and the corresponding 4th pay commissions scales from 1.1.86

Ans/for me

4.26 That the applicants have a grievance about the Nursing allowances which is not agitated in this application. They pray for the liberty from the Hon'ble Tribunal to agitate for the same separately.

4.27 That the Assam Rifle Nursing Staff are under the Ministry of Home Affairs. The Ministry deals with Central Police Organization namely, Border Security Force (BSF), Indo Tibetan Boarder Police (ITBP), Assam Rifles, Central Reserve Police Force (C.R.P.F) etc. When all Nursing Staff of the organization of the CPOs and other Central Govts have been given this scales as per 4th and 5th Pay Commissions recommendations, applicants humbly submit that, they shall not be discriminated in the matter of giving effect from the due dates i.e 1.1.1996 and 1.1.1986.

4.28 That the applicants have been legitimately and diligently pursuing the matter in the appropriate forums and got appropriate orders from the Hon'ble Tribunal also vindicating their legitimate cause. Ultimately by order dated 8.8.2003 the reasons of the denial of the scale were also set aside by the Hon'ble Tribunal, with direction to consider afresh expeditiously preferable within two months but respondents unduly delayed and accepted the scales by latter dated 15.2.2005. For the continuous working ^{of respondents} on illegal premisses, and again for continuous delay in taking the lawful decision applicants should not be denied the fruit of their rightful claim and protection of law of equality.

Grounds for reliefs with legal provisions:

5.1 For that the scale of pay in the letter dated 15.2.05 should be given effect to as per recommendation of 5th pay commission 1.1.1996. For that the scale of staff nurse

as recommended by the 5th pay commission and accepted by the Govt. of India is Rs. 5000-8000/- the applicant staff nurses can not be given a scale less than the scale. Similarly, in the 4th pay commission scale also staff nurses scale shall be Rs. 1400-2600/- and not Rs. 1400-2300/-

5.2 For that the scale of nursing staff i.e. the promotional post from the staff nurses as recommended by the 5th pay commission and accepted by the Govt. of India is Rs. 5500-9000/- the applicant sisters can not be given a scale less than that scale.

5.3 For that the payment in the lower scales to the staff nurses and sisters from is without any reason and is whimsical and discriminatory and as such violative of Article 14 and 16 of the Constitution of India.

5.4 For that denial of appropriate scale accepted by the Govt. of India offends Article 14,15 and 21 of the Constitution of India.

5.5 For that the denial of accepted scale of pay and payment of emoluments in lower scales after 1.1.96 is exploitation abhored by the Constitution of India and militates against the fundamental rights and directive principles of Constitution of India. Payment of lower salary w.e.f. 1.1.1996 (4th pc.) is arbitrary.

5.6 For that denial of nursing allowances, uniform allowances and washing allowances as sanctioned by the Govt. of India is violative of Article 14, 16 and 21 of the Constitution of India and such denial is also exploitation.

5.7 For that the applicants prays for the relief under the principles of justice, equity and fair play and the principle of equal pay for equal work.

5.8 For that the reasons in order dated 6.3.2002 has been set aside by the Hon'ble Tribunal.

5.9 For that the applicants connot be made to suffer for the denial of the scales on unreasonable/illegal grounds and for undue delay in taking the decision of announcing pay scales.

6. Details of remedies exhausted:

There is no remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievance.

7. Matters not previously filed or pending before any other Court:

The applicants declare that they have not filed any other case in any tribunal or Court on the subject (except OA. No. 24/2001 explained above).

8. Reliefs sought for:

Under the facts and circumstances of the case, the applicants pray for the following reliefs:

8.1 The pay scale of Rs. 5000-8000/- for staff nurses and Rs. 5500-900/- for sisters should be implemented for the applicants in the respective categories w.e.f. 01.01.96., and in scale Rs. 1400-2600/- for staff nurse, and for sisters in the scale of Rs. 1640-2900/- in 4th pay commission w.e.f 1.1.1986, and arrears for difference be paid.

8.2 The pay scale in letter dated 15.2.2005 (Assam). be implegmented w.e.f. 1.1.1996

8.3 Any other relief/reliefs the Hon'ble Tribunal may be pleased to grant.

The above reliefs are prayed for on the grounds stated in para 5 above.

Interim relief prayed for

9 During the pendency of this application the applicants pray for the following interim order.

9.1 The applicant staff nurses and sisters may be paid salary in the scale of Rs 5000-8000/- and Rs 5500-9000/- respectively w.e.f 1.1.96

10 This application has been filed through Advocate.

11 Particulars of the Postal Order

1) L.P.O. No- 26G 350767

2) Date of Issue- 9/6/06

3) Issued From- G.U. P.O.

4) Payable at- G.P.O. Guwahati

12 Enclosurers as stated in the index.

Anwesha

Verification

I, Shri/Smt.... ANNAMMA ALEX..... w/b

Shri... Alexander Mathew aged about 44 years, working as sister in Assam
Rifle Hospital..... 1st A.R., c/o 99 A.P.O. do here by declear that statement made in para.....
to..... are true to my knowledge and those made in para..... are true as per legal
advise.

I have been authorized by other applicants to sign this verification on their behalf
which I do accordingly.

Annamma

ANNAMMA ALEX

Signature

Guwahati

Date: 26/6/06.

THE FIFTH CENTRAL PAY COMMISSION

Salaries and Allowances of Nursing Personnel

Given below are the details of the salary structure and allowances of Nurses employed in Central Government Hospitals and Institutions as recommended by the Fifth Central Pay Commission and accepted by the Government of India.

Hospital Services

S. No. Categories	Existing Pay Scales	Recommended Pay Scales	Remarks
1. Staff Nurse	Rs. 1400-2600	Rs. 5000- 50-8000	
2. Non-Res Nurse	Rs. 1600-2660	Rs. 4000- 00-6000	Rationalisation
3. Nursing Sister	Rs. 1200-1800	Rs. 5500-175-9000	No Change
4. Assit. Nsg. Supdt.	Rs. 1640-2900	Rs. 6500-200-10500	No Change
5. Dy. Nsg. Supdt.	Rs. 2000-3200	Rs. 7500-250-12000	Rationalisation
	Rs. 2000-3500	Rs. 2500-400	
6. Nursing Supdt.	Rs. 2200-4000	Rs. 8000-275-13500	Separating scales of feeder and promotion grades
7. Chief Nsg. Officer	Rs. 3000-4500/5000	Rs. 10000-325-15200	No change No change

Community Health Nursing Services

1. Auxiliary Nurse	Rs. 975-1540	Rs. 4000-100-6000	
2. Lady Health Visitor	Rs. 1200-2040	Rs. 4500-125-7000	Upgraded
	Rs. 1200-2040	Rs. 1400-2300	
3. Sr. Lady Health Visitor	Rs. 1400-2600	Rs. 5000-150-8000	
4. Jr. PHN/ School Health Nurse	Rs. 1640-2900	Rs. 5500-175-9000	
5. Sr. PHN	Rs. 2000-3200	Rs. 6500-200-10500	
6. Supdt. of Health School/ Chief of P.H.N.	Rs. 2200-4000	Rs. 8000-13500	

Schools of Nursing

1. Clinical Instructor	Rs. 1640-2900	Rs. 5500-175-9000	
2. Sister Tutor	Rs. 2000-3200	Rs. 6500-200-10500	
3. Senior Tutor	Rs. 2000-3500	Rs. 7500-250-12000	
4. Vice Principal	Rs. 2500-4000	Rs. 8000-275-13500	Upgraded
5. Principal Tutor	Rs. 2200-4000	Rs. 10000-325-15200	

RAK College of Nursing, New Delhi

1. Clinical Instructor	Rs. 1640-2900	Rs. 5500-175-9000	
2. PH Nsg. Tutor/ Supervisor	Rs. 2000-3200	Rs. 6500-10500	
3. Senior Tutor	Rs. 2000-3500	Rs. 7500-250-12000	Rationalised
4. Sr. Lecturer	Rs. 2000-3200	Rs. 2500-4000	
	Rs. 2200-4000	Rs. 8000-275-13500	

Altered
S. S. S.
Advocate

5. Vice Principal	Rs. 3000-4500	Rs. 10000-325-15200
6. Professor	Rs. 3000-5000	Rs. 12000-375-16500
7. Principal	Rs. 3700-5000	Upgraded
	Rs. 3700-5000	Rs. 14300-400-18300

Replacement Scales were recommended for RAK College (52.67 - Page 660 Fifth Central Pay Commission Volume 1.)

Union Ministry of Health and Family Welfare

1. Nursing Advisor	Rs. 3700-5000	Rs. 14300-400-18300
	Rs. 4500-5700	Upgraded
2. Dy. Nursing Advisor	Rs. 3000-4500	Rs. 10000-325-15200
3. Nursing Officer	Rs. 2200-4000	Rs. 8000-275-13500

Nursing Staff Under the Railways: Proposed Pay Scales

1. Staff Nurse	Rs. 1400-2600	Rs. 5000-150-8000
2. Nursing Sister	Rs. 1600-2600	Rs. 5500-175-9000
3. Matron Grade II	Rs. 1610-2900	Rs. 6500-200-10500
4. Matron Grade I	Rs. 2000-3200	Rs. 2000-3500
5. Matron	Rs. 2000-3500	(Gaz.) Group-B
* Proposed to be redesignated as Nursing Officer	Rs. 2375-3750	Rs. 7000-225-11500
	Rs. 2375-3750	Rs. 7500-250-12000
	Rs. 2500-4000*	

Military Nursing Service: Proposed Pay Scales

1. Lieutenant	Rs. 2000-2480	Exiting	Recommended
2. Captain	Rs. 2250-3150		Rs. 8000-300-9500
3. Major	Rs. 3200-3600		Rs. 9400-300-12100
4. Lt. Colonel	Rs. 3800-4100		Rs. 11200-300-14800
5. Colonel	Rs. 4200-4400		Rs. 12800-300-15200
6. Brigadier	Rs. 4500-4800		Rs. 13400-300-15500
7. Major General	Rs. 4900-5200		Rs. 14700-300-16200
			Rs. 16400-450-20000

Allowances

Nurses are entitled to other allowances and perks as may be applicable to other Central Government employees. Apart from these enhanced rates, of allowances Nurses are entitled as following:

S.No.	Allowance	Pre-revised Rs.	Revised Rs.	Dated and Govt. Order
1.	Uniform Allowance	1500/- per annum	3000 (P.A.)	Effective from August 1, 1997 G.O. No. Z. 28015/40/98-N/PMS, dated July 2, 1998.
2.	Washing Allowance	75 per month	150 (p.m.)	
3.	Nursing Allowance	150 per month	300 (p.m.)	

*Nursing Allowance enhanced after Nurses' Strike in Delhi

1600 p.m.

Effective from July 15, 1998
G.O. No. Z 28015/86/97-N
dated July 28, 1998.

Enhancement of Qualification allowance and special pay is under consideration of the Central Government.

23-

ANNEXURE C

Assam Rifles Hospital
Happy Valley
Shillong- 7

I:3601/Pay/ARH/99/ 593

16 Dec 99

Mahanidesh Laya Assam Rifles
Directorate Gen Assam Rifles
(Medical, Branch)
Shillong-11

ANOMALIES OF PAY AND ALLOWANCES OF STAFF NURSES IN ASSAM RIFLES

An application dated 16 Dec 99 submitted by Staff Nurses of this hospital regarding anomalies of Pay & Allowances of Assam Rifles Staff Nurses and Sisters is fwd herewith in duplicate for your further necessary action please.

Encl: two (application)

(Dr B C Deuri)
CMO (CHS).
OIC AIR Hospital

~~Officer
Court
Advocate~~

-20-²⁵

ANNE XURE - C

ANNEXURE C
Assam Rifles Hospital
Happy Valley
Shillong - 7

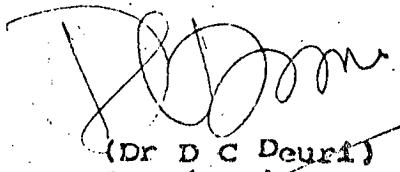
1.3604/ARH/2000/921

27 Apr 2000

Mahanidighataya Assam Rifles
Directorate Gen Assam Rifles
(Medical branch)
Shillong-11

ANOMALIES OF PAY AND ALLOWANCES TO STAFF NURSES AND
SISTERS IN ASSAM RIFLES

1. Ref your letter No I.14015/Misc/11/M-4/99 dated 21 Dec 99.
2. An application dated 27 Apr 2000 submitted by Staff Nurses of this hospital regarding anomalies of Pay & allowances of Assam Rifles Sisters and Staff Nurses alongwith connected letters are fwd herewith in duplicate for your necessary action please.
3. The case is recommended including mentioned in para 5 of above application since the Sisters and Staff Nurses of Assam Rifles neither getting CPO's pay scale nor getting pay scale of other Central Govt Nurses.


(Dr. D C Deuri)

EMO (CHS)

OIC AR Hospital

Encl: Appln - four sheets
copy of MIA letters
- 10(ten) sheets

After 10
Ranu
Advocate

From: Assam Rifles Hospital
Happy Valley
Mullong- 7

To : The Director General Assam Rifles
Gadling- 11

(Through proper channel)

ANNAULS OF PAY AND ALLIES TO ASSAM RIFLES SISTERS AND
STAFF NURSES

Sir,

1. With due respect and humble submission we the undersigned staff nurses of AR Hospital, Happy Valley beg to lay down the following few lines for your kind consideration and favourable action please.

2. That Sir, we have submitted two applications dated 16 Dec 99 and 27 Apr 2000, the same were fwd to HQ DGAR (A Branch) vide DGAR (A Branch) letter No I.14015/Misc/11/M-4/99 dated 21 Dec 99 and I.14015/Misc/11/M-4 dated 02 May 2000 respectively for getting the equal pay scale, Nursing allies, uniform allies and washing allies to AR Nurses like the other Central Govt Nurses but no any reply has been recd by us till date from your office.

3. Sir, the 5th CPC was crdered during 96 and till date no any favourable action has been taken for getting the equal pay scale and allies/parks to AR Nurses like other Central Govt Nurses. This will be effected in the moral of the Sisters and Staff Nurses of Assam Rifles. ANM of Assam Rifles are also getting the same pay scale like the other Central Govt Nurses. we are having the equal qualification ie 3 1/2 yrs diploma in General Nursing and Midwifery and having equal responsibilities like other all Central Govt Nurses. The AR Hospitals are having 30 bedded, we are doing shift duties and our services are transferable. The AR Nurses are serving in remotest/counter insurgency areas where the AR Bns are deployed taking the risk of our own life. The AR Nurses neither getting the pay scale of CPO's nor getting the scale of Central Govt Nurses. In all over our country no any Nurses are getting the lowest pay scale like the AR Nurses.

4. In view of all the above, a permission may please be granted to Assam Rifles Sisters and Staff Nurses for legal proceedings for getting the equal pay scale, Nursing allies, Uniform allies and washing allies to AR Sisters and Staff Nurses like other all Central Govt Nurses. For this act of kindness the AR Nurses will remain ever grateful to you Sir.

5. Thanking you in anticipation.

Yours faithfully,

Radhamani Devi
No MS/104 Smt Radhamani Devi,
Staff Nurse

Sheela TK
No MS/115 Smt Sheela TK, Staff Nurse

Haran
No MS/120 Miss Hulan Basumatry, Staff Nurse

S. Rana

No MS/128 Miss Santi Rana, Staff Nurse

Date: 07 Jun 2000

*Amrit Singh
Advocate*

Assam Rifles Hospital
Happy Valley
Shillong- 7

SK

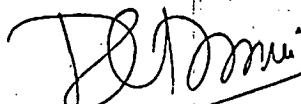
I.3601/ARH/2000/1027

08 Jun 2000

Rishabheshalaya Assam Rifles
Directorate Gen Assam Rifles
(Medical branch)
Shillong-11

ANOMALIES OF PAY AND ALLIES TO STAFF NURSES
AND SISTERS IN ASSAM RIFLES

1. Ref your letter No I.14015/Misc/Med-4 dated 02 May 2000.
2. An application dated 07 Jun 2000 submitted by Staff Nurses of this hospital regarding anomalies of Pay & Allies of Assam Rif Sisters and Staff Nurses is fwd herewith for your necessary action please.



(Dr D C Deuri)
CMO (CHS)
OIC AR Hospital

Appln- two copies

Attested
By
Advocate

1.94015/11/Misc/M-4/

Dated, Shillong the 16 Jun 2000

56

MEDICAL BRANCH

ANOMALIES OF PAY AND ALLOWANCES TO ASSAM RIFLES SISTER
AND STAFF NURSE

application dated 07 Jun 2000 regarding anomalies of pay and allowances to Assam Rifles Sister and Staff Nurse recd vids AR Hoop letter No. 1.94015/4004/2000/1027 dated 08 Jun 2000 is fwd herewith in original for your necessary action please.

R K Bhatia
(R K Bhatia)
Lt Col
JAD (Mad)

Enccl: 02 (Two) sheets.

A. B. Bhatia
A. B. Bhatia

Assam Rifles Hospital
Happy Valley, Shillong - 793001

for info. You are requested to
contact on the above subject matter
with A Branch this Dts in future.

Attn'd.
Advocate

FIRST SIGHT DAR
Date..... 1/2/00
CMO..... 2/2/00
SMC/AMC..... 3/2/00
Med JCO..... 4/2/00
Store 'C..... 5/2/00
Clerk..... 6/2/00

R Bhatia CMO

5/1 1/2/00

1/2/00

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.24 of 2001

Date of decision: This the 16th day of August 2001

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

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

Ms Shanti Rana and 137 others

.....Applicants

By Advocates Mr J.L. Sarkar, Mrs S. Deka and
Mr A. Chakrabarty.

- versus -

1. The Union of India, represented by
The Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

2. The Secretary,
Ministry of Finance,
Government of India,
New Delhi.

3. The Secretary,
Ministry of Health and Family Welfare,
Department of Health,
New Delhi.

The Director General of Assam Rifles,
Silvassa.

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

.....Respondents

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

*(After the
Bench
Adjourned)*

This application under Section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the action of the respondents in not giving effect to the recommendations made by the Fifth Central Pay Commission. The applicants are 138 in number who are serving under the Assam Rifles in the capacity of Auxiliary Nurse, Staff Nurse and Sisters. There is no dispute that these applicants are rendering services in the remote areas in insigent infested areas and

absorbed in the medical care and nursing of the members of the forces as well as civilians. The Fifth Central Pay Commission submitted its report and the Fifth Pay Commission in its recommendations as to the salary structure and allowances of Nurses employed in the Central Government Hospitals and Institutions, which were accepted by the Government of India, provided higher pay scales amongst others to Staff Nurses from the existing pay scale of Rs.1400-2600 and Rs.1600-2660 to Rs.5000-8000. Similarly, Nursing Sisters who were in the pay scale of Rs.1640-2900 were provided the pay scale of Rs.5500-9000. Similarly, the pay structure was raised for other persons like Auxiliary Nurses, etc. Apart from the enhanced salary, the Nurses were provided with higher Uniform Allowance, Washing Allowing and Nursing Allowance. The revision of rates of Nursing Allowance, Uniform Allowance and Washing Allowance to the Nursing Personnel were made thereafter by the Central Government and the Ministry of Health and Family Welfare communicated the revised rates vide communication dated 2.7.1998, the relevant portion of which is reproduced below:

<u>S.No</u>	<u>Allowance</u>	<u>Existing Rate</u>	<u>Revised Rate</u>
1.	Nursing Allowance	Rs.150/-pm	Rs.300/- pm
2.	Uniform Allowance	Rs.1500/-per annum	Rs.3000/- per Annum
3.	Washing Allowance	Rs.75/- pm	Rs.150/- pm."

The said order was to take effect from 1st August 1997. By order dated 28.7.1998, the Ministry of Health and Family Welfare informed the Director General of Health Services about the enhancement of Nursing Allowance from the existing rate of Rs.300 per month to Rs.1600 per month to all Nursing personnel working in the Central Government Hospitals with effect from 15.7.1998. Consequent to the revision of pay scales and other allowances the respective authorities gave effect to the recommendations of the Pay Commission including the Assam Rifles. The applicants who belong to the nursing sector of the Assam Rifles also put their representations praying for higher scales of pay and allowances. The representations which were submitted by the applicants were forwarded to the concerned authority. One such recommendation

dated.....

dated 27.4.2000 by one of the concerned officers to the Director General, Assam Rifles, reads as follows:

"Ref your letter No.I.14015/Misc/11/M-4/99 dated 21 Dec 99.

An application dated 27 Apr 2000 submitted by Staff Nurses of this hospital regarding anomalies of Pay & allowances of Assam Rif Sisters and Staff Nurses alongwith connected letters are fwd herewith in duplicate for your necessary action please.

The case is recommended including mentioned in para 5 of above application since the Sisters and Staff Nurses of Assam Rif neither getting COP's pay scale nor getting pay scale of other Central Govt Nurses."

A spate of such representations were made by these applicants which were forwarded to the concerned authority. But, till now no action has been taken by the concerned authority. The applicants have, therefore, moved this application seeking for a direction on the respondents for providing the pay scale of Rs.5000-8000 to the Staff Nurses and Rs.5500-9000 for Sisters, which were implemented in the case of other Central Government Nurses with effect from 1.1.1996 and also for granting them nursing allowance of Rs.150/- per month upto 14.7.1998 and at the rate of Rs.1600 per month from 15.7.1998 alongwith arrears. The applicants have also sought for a direction for granting them uniform allowance of Rs.1500 per annum upto 31.7.1998 and at the rate of Rs.3000 per annum from 1.8.1998 alongwith arrears. They have also sought for a direction for providing them washing allowance of Rs.75/- per months upto 31.7.1998 and at the rate of Rs.150 per month from 1.8.1998 alongwith arrears.

2. The respondent Nos.1 and 4 contested the case and submitted their written statement. The respondents did not seriously dispute the entitlement of the applicants of the reliefs sought for. Answering to the pleadings of the applicants as to the entitlement of the pay scales etc as per the Fifth Central Pay Commission recommendations, the respondents in their written statement averred as follows:

"That with regard to the statement made in para 4.8 to 4.15, the respondents state that the respondent no.4 took up the matter and details regarding existing and proposed pay scales and various allowances in respect of nursing staff of Assam Rifles has already been submitted to MHA vide our letter No.II.16011/Allces/A-II(Med)/124 dated 02 May 2000 (copy enclosed). Decision from MHA has not yet been received.

Since.....

"Since the case is under examination/consideration of MHA it was not felt necessary to inform the applicants. However all concerned were intimated about the projecting case for implementation of revised rates of various allowances to Nursing staff vide this Dte letter No.A/A-1/5-CPC/APS/98/1 dated 19 Jun '98. The entire matter related to policy decision of Govt. of India and more particularly classification of combatant from the non-combatant nursing staff."

The respondents, at para 3 of their written statement, have also averred that on implementation of the 5th Central Pay Commission recommendation, the Civilian para-medical staff like Sisters, Staff Nurse and ANM were allowed the replacement scales basing on their pre-revised scales as per Part A of First Schedule of CCS (RP) Rules, 1997, with effect from 1.1.1996 as made applicable to other category of Civilian Staff.

3. We have heard Mr J.L. Sarkar, learned counsel for the applicants, as well as Mr B.C. Pathak, learned Addl. C.G.S.C. From the materials placed before us it is apparent that the applicants working as Nursing Staff under the Assam Rifles are similarly situated like that of the Nurses of the Central Government Hospitals. Their entitlement to the recommendations of the Fifth Central Pay Commission as regards pay scales and other allowances were never in dispute. The other civilian employees working in the Assam Rifles have already been given the benefit of the higher pay scales. The Assam Rifles already took up the issue with the Ministry of Home Affairs for implementation of the pay scales. The Ministry of Home Affairs as far back as in January 2000, amongst others, also sent its communication to the Assam Rifles for furnishing particulars/information to take a final decision in the matter. By the said communication the Ministry of Home Affairs further advised the Assam Rifles to send its reply by 25.1.2000 including the financial implications involved. By communication dated 2.3.2000 the Assam Rifles sent the following reply to the Ministry of Home Affairs:

"I am directed to refer to Ministry's letter No 27011/6/99-PF.I/III dated 17 Jan 2000 and letter of even number dated 23 Feb 2000 and to furnish herewith the detail regarding pay and allowances of nursing and para medical staff in respect of this organisation as per appendices A, B, C & D enclosed.

It is stated that Rs.75/- per month as P.C.A shown against A.Y.A/Female Attendant/Female Sweeper at page 3 of the statement enclosed with Ministry's letter quoted above

is.....

is not correct as no PCA has been sanctioned to the above mentioned staff. A separate proposal has been taken up with MHA for admissibility of PCA to Group C and D staff excluding nursing staff which is under process with the Ministry. In this connection MHA letter No 27012/4/2000-P.F.IV dated 31 Jun 2000 may please be referred to.

Also as regards upgradation of the pay scale of VFA's, a separate proposal was submitted which is under consideration with MHA. In this connection MHA letter No.27012/12/98-P.F.I/ P.F.V dated 17 Dec 98 may please be referred to."

4. From the conspectus of the materials, so far produced, there is no dispute as to the entitlement of the Nursing Staff as to the pay and allowances etc. on the basis of the recommendations of the Fifth Central Pay Commission. Their entitlement of the pay scales mentioned at para 8.1 and 8.2 of the pleadings were never in dispute. The entitlement of the revised pay scales of the applicants on the basis of the recommendations of the Fifth Central Pay Commission were not questioned. The Fifth Central Pay Commission recommendations were already given effect to in others case. No reason, not to speak of good and wieghty reasons, disentitling the applicants of similar benefit are discernible nor any reasons are ascribed for the torpidity in reaching at its decision.

5. The ultimate authority to act upon the recommendations, no doubt, rests on the respondent No.1, the concerned Ministry - the discretion is vested on the said authority. The discretion means sound discretion - what is just, fair, candid and unprejudiced - not arbitrary, capricious or biased - nor an unfettered one. Exercise of the discretionary power is unlawful where it is found to be partial and unequal in its operation between different classes, or if it is oppressive. It also includes bad faith, focus on irrelevant extraneous consideration overlooking relevant consideration - decisions based on considerations accorded manifestly on inappropriate balance.

6. For all the reasons, we, therefore, issue a direction on the respondents, - more particularly on respondent No.1 to take its decision in the matter of implementation of the Fifth Central Pay Commission recommendations so far the applicants are concerned with utmost despatch

and.....

and convey its decision to all concerned including the applicants preferably within three months from the date of receipt of the order.

7. The application is allowed to the extent indicated. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (Adm)



TRUE COPY

प्रतिक्रिया

Section Officer (S)

श्रीमति विजयलक्ष्मी वर्मा
Section Officer (S) (Signature)
प्रिया
पुष्पिका वर्मा
प्रिया वर्मा, श्रीमति

16/30/8/1961

Attested
(Praveen
Advocate)

North Block, New Delhi
Dated, the 6th March, 2002

ORDER

Sub: O.A. No. 24/2001 filed by Ms. Shanti Rana, Staff Nurse and 137 others Vs UOI in CAT Guwahati Bench for grant of higher pay scales and other allowances.

Ref: Order dated 06.09.2001 of Mr. Justice D.N. Choudhary, Vice Chairman and Mr. K.K. Sharma, Administrative Member of Central Administrative Tribunal, Guwahati Bench.

In compliance with the order dated 06.09.2001 of the Guwahati Bench of the Central Administrative Tribunal in O.A. No.24 of 2001 filed by Ms. Shanti Rana and others Vs. Union of India, it is hereby informed that the orders of the Court have been considered very carefully by the Government.

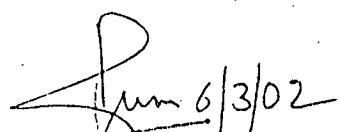
2. I am directed to say that it is not possible to agree to the upgradation of pay scales of Nursing Staff and Sisters of Assam Rifles at par with that of Nursing Staff in the Central Government Health Services on the following grounds:-

- (i) Educational qualification in respect of Staff Nurse in Assam Rifles is Matric and diploma in Nursing from recognized council as per the Recruitment Rules. Whereas in CGHS, educational qualification of Staff Nurse is 10+2 with diploma in general nursing and midwifery. Since there is dissimilarity in educational qualification of staff nurse of Assam Rifles (pay scale of Rs.4500-7000/-), grant of pay scale of Rs.5000-8000/- of staff nurse of CGHS is not possible for Staff Nurse of Assam Rifles.
- (ii) Posts of sister is a promotion post both in Assam Rifles and CGHS. The criteria of promotion in CGHS is 5 years regular service in the grade of Staff Nurse whereas in Assam Rifles the qualifying service is 3 years in the grade of Staff Nurse. Since, the educational qualification at entry level i.e. Staff Nurse is not similar and qualifying service is also not similar; pay scale of CGHS for the post of sisters i.e. Rs.5500-9000 cannot be granted to sisters of Assam Rifles (Rs.5000-8000).

✓
Dated
2002

(i) There is no specific recommendation for grant of pay parity between nursing staff of AR and the nursing staff of other Central Govt. Organisations.

3. As far as allowances (Nursing Allowance, Washing Allowance and Uniform Allowance) to the nursing staff of AR is concerned, the matter was considered in consultation with Ministry of Finance. The nursing personnel of Assam Rifles had not been given these allowances at par with the allowances available to the nursing personnel working in other Central Government Hospitals even prior to the 5th CPC. The 5th CPC (specifically) had recommended doubling of the existing rates of these allowances without recommending that the pay scales and allowances of the nursing staff working in Assam Rifles should be brought at par with the nursing personnel of other Central Government Organisations. Hence doubling the existing rate of these three allowances in case of nursing personnel of Assam Rifles would be in full conformity with the recommendations of the 5th CPC in this regard. It has accordingly been decided, in consultation with MoF, to grant Nursing Allowance @ Rs.150/- per month, Uniform Allowance @ Rs.400/- per annum and Washing Allowance @ Rs.60/- per month w.e.f. 1.8.1997. The rate of Uniform Allowance for the year 1997 may be adjusted proportionately for this purpose.

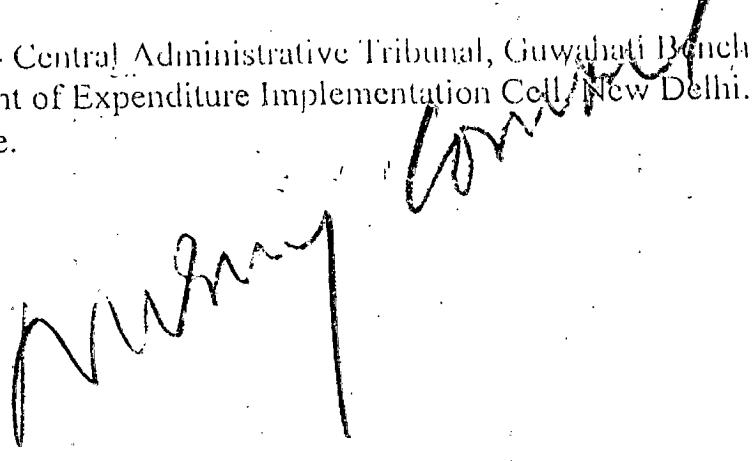

Sum 6/3/02
(Rakesh K. Gupta)
Director (Police Finance)

To

Director General,
Assam Rifles,
Shillong - 793 011

Copy forwarded for information to:

1. Registrar - Central Administrative Tribunal, Guwahati Bench.
2. Department of Expenditure Implementation Cell, New Delhi.
3. Guard File.



Original
ANNEXURE G

FAX: 323 6140
PH: 3235570, 3235619

ANNEXURE G

INDIAN NURSING COUNCIL
COMBINED COUNCILS BUILDING
KOTLA ROAD, TEMPLE LANE,
NEW DELHI - 110 002

F.No. 12-15(2)/2000-INC

K-3 JUN 2002

Dated:

To

The Director General,
Assam Rifles,
Shillong - 793 011,
MEGHALAYA.

Subject: Recruitment Rules for the post of Sisters & Staff Nurses.

Dear Sir/Madam,

Enclosed please find a copy of the letter dated 20.3.2002 received from Smt. Hildares Syndor, Staff Nurse, Assam Rifles Hospital, Shillong which is self explanatory. You are requested to look into the matter and send your comments thereon. You are also requested to let this Council know the actual qualification included in the Recruitment Rules for the post of Staff Nurses & Ward Sisters.

It is for your kind information that as per Revised GNM Syllabus (1986) the Academic Qualification for entrance is 10+2 or its equivalent.

Yours faithfully,

Sd/-

(Mrs. R. GUJRAL)
SECRETARY

Encl: As above.

P.T.O.

*Attested
(Name &
Address)*

F.No. 12-15(2)/2000-INC

Dated:

Copy forwarded for information & necessary action to Smt. Hildares
Syndor, Staff Nurse, Assam Rifles Hospital, Assam Rifles Adm. Support Unit Happy
Valley, Shillong - 793 007 Meghalaya with reference to her letter dated 20.3.2002.

(Mrs. R. GUJRAL)
SECRETARY

10/2/02
10/2/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A NO 222 OF 2002

Between

Miss Shanti Rana & Others

.....Applicants

And

1. Union of India
Represented by the Secretary,
Ministry of Home Affairs
North Block, New Delhi
2. The Director (Police Finance)
Ministry of Home Affairs
North Block, New Delhi
3. The Secretary
Ministry of Health and Family Welfare
Department of Health
Government of India
New Delhi
4. Director General Assam Rifles
Shillong – 793011

.....Respondents

*(A/c/cd
S/No. 10/2002)*
COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, Maj S George S/O Late Mr KM George, aged about 35 years,
working as SO 2 (Legal) do hereby solemnly affirm and sincerely state
as follows:-

1. That with reference to statement made in Para 1 of the O.A the deponent begs to submit that on implementation of 4th and 5th CPC the civilian nursing staff of Assam Rifles were allowed the replacement scale

as per Part A of the first schedule of CCS (RP) Rules 1986 wef 1-1-86 and CCS (RP) Rules, 1997 wef 1-1-96 respectively as under:-

	<u>Sister</u>	<u>Staff Nurse</u>
(a)	3 rd CPC wef 1-1-73 500-750	425-640
(b)	4 th CPC wef 1-1-86 1600-2660	1400-2300
(c)	5 th CPC wef 1-1-96 5000-8000	4500-7000

It is submitted that pursuant to the order of the Hon'ble CAT dated 16 Aug 2001 in OA No 24/2001, the matter was considered by the Ministry of Home Affairs. However, pay scale of applicants were not upgraded for the following reasons:-

(a) Educational qualification in respect of staff nurse in Assam Rifles is matric and diploma in Nursing from recognized council as per the Recruitment Rules. Whereas in CGHS, educational qualification of Staff Nurses is 10+2 with diploma in general nursing and midwifery. Since there is dissimilarity in educational qualification of staff nurse of Assam Rifles (Pay scale of Rs. 4500-7000) grant of pay scale of Rs. 5000-8000 of staff nurse of CGHS is not possible for staff nurse of Assam Rifles.

(b) Post of sister is a promotion post both in Assam Rifles and CGHS. The criteria of promotion in CGHS is 5 years regular service in the grade of staff nurse whereas in Assam Rifles the qualifying service is 3 year in the grade of staff nurse. Since, the educational qualification at entry level i.e. staff nurse is not similar and qualifying service is also not similar, pay scale of CGHS for the post of sisters i.e. 6600-9000 cannot be granted to sisters of Assam Rifles (5000-8000).

(c) There is no specific recommendation for grant of pay parity between nursing staff of Assam Rifles and the nursing staff of other Central Government Organisations.

2 That with reference to averments made in Para 2 the deponent begs to submit that since the CAT exercises the jurisdiction in service of

the Union or any civil post under the Union, O.A is well within the jurisdiction of the Hon'ble Tribunal.

3. That with reference to Para 3, it is submitted that since the applicant has invoked the jurisdiction of the Hon'ble Tribunal within one year from the date of issue of the impugned letters, the O.A is well within the limitation period as prescribed under section 21 of the AT Act, 1985.

4. That with reference to averments made in Para 4.1 and 4.2 of the O.A the deponent begs to offer no comments being factual.

5. That with reference to averments made in Para 4.3, the respondents beg to submit that the appointment in nursing cadre in Assam Rifles is made as per existing Recruitment Rules. The qualifications required for the civilian nursing staff in Assam Rifles is as under:-

(a) Staff Nurse - (i) Matric or equivalent.
(ii) Diploma in Nursing from recognized council.
(iii) Must have working knowledge of Hindi.

(b) Auxiliary Nursing Midwife
(i) Midwifery certificate from Govt recognized institution.
(ii) Matric or equivalent for matric scale.
(iii) Non-matric or equivalent for non matric scale.

That as per Indian Nursing Council, New Delhi letter No 12-15(2)/2000-INC-1462 dated 03 Jun 2002 (Annexure L to OA) the academic qualifications for entrance to General Nursing Midwifery course is 10+2 or its equivalent.

6. That the averments made in Para 4.4 and 4.5, of the OA, the deponent begs to submit that recruitment to the post of staff Nurse is

being made as per Recruitment Rules prescribed for the post, educational qualification of an individual does not count for higher pay scale, what is relevant in the educational/professional qualifications prescribed in its existing RRs for the post.

7. That with reference to averments made in Para 4.6, the deponent begs to submit that same has already been replied vide Para 1 of this written statement.

8. That with reference to averments made in Para 4.7, the deponent begs to no comments being factually correct.

9. That with reference to averments made in Para 4.8, the deponent begs to submit that same has already been replied vide Para 1 of this written statement.

10. That with reference to averments made in Para 4.9 the deponent herein begs to submit that case was examined by the Government, however it has not been agreed to and the decision was intimated by the Order dated 06 Mar 2002.

11. That with reference to averments made in Para 4.10, the deponent begs to submit that the rate of allowances have already been revised by the Government order dated 06 Mar 2002 (Annexure - K to O. A) this Written Statement.

12. That with reference to averments made in Para 4.11 the deponent herein begs to submit that educational qualification and experience of an individual cannot be given any weightage over and above the qualifications prescribed in existing Recruitment Rule.

13. That with reference to averments made in Para 4.12 of the OA, it submitted that for grant of upgraded pay scales for a post the educational qualification prescribed in the RRs is of prime importance and not individual qualifications possessed by an individual.

14. That with reference to averments made in Para 4.13 to 4.16, the respondents beg to submit that pay and allowances of Nursing Staff of Assam Rifles have been revised after due consideration by the

Government. In this connection also refer to Para 1 of this written Statement.

15. That with reference to averments made in Para 4.17, it is submitted that only Part A scale of 4th CPC and 5th CPC stands sanctioned and accordingly being paid. Due to difference in educational qualification (i.e. the higher standard of education (10+2) at entry level of nursing staff of CGHS), the pay scales applicable to CGHS, cannot be granted to the nursing staff of Assam Rifles whose educational qualification is lower (i.e. Matric or Equivalent).

16. That with reference to averments made in Para 4.18 to 4.19 of the OA, the deponent herein begs to state that same have already been replied vide Para 3 above.

17. That with reference to averments made in Para 4.20 of the OA, the deponent herein begs to submit that same has already been replied vide Para 13 above.

18. That with reference to averments made in Para 4.21 and 4.22 of the OA, it is submitted that the rates of allowances (Nursing Allowance, Washing Allowance and Uniform Allowances) for Nursing Staff were revised in consultation with Ministry of Finance and Order was issued accordingly. Since Vth Pay Commission had recommended doubling of existing rates of these allowances, rates were doubled. Vth CPC had not recommended for Assam Rifles Nursing staff to bring them at par with other similarly placed personnel in Central Government Organisations.

19. That with reference to averments made in Para 5.1 and 5.2 of the OA, the deponent herein begs to submit that same have already been replied vide Para 12 and 13 above.

20. That with reference to averments made in Para 5.3 to 5.6, the deponent submits that the pay and allowances of Nursing Staff of Assam Rifles are being made applicable as per order of the

Government, it cannot be construed as violation of Article 14 and 16 of the Constitution of India.

by J. J. D.

21. That with reference to averments made in Para 5.7, the deponent begs to submit that due to dissimilarity in the educational qualification between the nursing staff of the CGHS and Assam Rifles, pay scales applicable to CGHS nursing staff cannot be granted to the nursing staff of Assam Rifles. In absence of equal qualification (prescribed by the Recruitment Rules), there is no question of equal pay.

22. That with reference to averments made in Para 5.8, it is submitted that the order dated 06 Mar 2002 was issued by the Government after due consideration on the basis of facts, therefore averment made in the application is not correct.

23. That with reference to averments made in Para 6, the deponent begs to offer no comments.

24. That with reference to averments made in Para 7, the deponent begs to submit that the nursing staff had filed a case earlier in Hon'ble CAT vide OA No 24/2001 (Annexure - J to O.A) and judgment of Hon'ble CAT was given on 16 Aug 2001.

20/8/02

25. That with reference to averments made in Para 8.1 and 8.2, the deponent herein begs to submit that the pay scale prayed by the applicants cannot be accepted in view of lower educational qualification of staff nurse/sister (prescribed in Recruitment Rules) of Assam Rifles in comparison to Staff Nurse/Sister of CGHS.

20/8/02

26. That with reference to averments made in Para 8.3 to 8.4, the deponent herein begs to submit that the rates of Nursing Allowance, washing allowance and uniform allowance for Assam Rifles nursing staffs have already been doubled by the Govt of India vide order dated 06 Mar 2002. The order was issued on 06 Mar 2002 to implement the judgement of the Hon'ble CAT dated 16 Aug 2001.

27. That with reference to averments made in Para 9.1 and 9.2 the deponent herein begs to state that the Government has considered the

issue regarding grant of pay scale of Rs. 5000-8000 to staff Nurse and Rs. 5500-9000, however in view of the lower educational qualification/experience prescribed in Recruitment Rules, of staff nurse/sister of Assam Rifles in comparison to the staff nurse/sister of CGHS, the proposal was not agreed to. The rates of nursing allowance, washing allowance and uniform allowance have been doubled by the Government vide order dated 06 mar 2002.

28. That with reference to averments made in Para 10 to 12 of O.A, the deponent herein begs to offer no comments.

29. That in view of the above the applicant has not made out any case either on law or on facts and accordingly the O.A is liable to be dismissed at the admission stage itself. The Hon'ble Tribunal may be please to dismiss the OA and pass such order or orders as it may deem fit and proper in the circumstances of the case.

H. S. George
DEPONENT

VERIFICATION

I Major S George, age 35 years, Son of Shri Late Mr KM George, working as Staff Officer 2 (Legal) in the Office of the Directorate General Assam Rifles being authorised to hereby verify and declare that the statements made in this written statement are true to my knowledge, information and belief and I have not suppressed any material fact.

*Attested
(Signed)
(Advocate)*

And I sign this verification on this _____ day of
____ 2002.

H. S. George
Deponent
Major, Staff Officer (Legal)
Directorate General Assam Rifles
Shri Late Mr KM George
Shri S. S. George

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.222 of 2002.

Date of decision: This the 8th day of August 2003

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

The Hon'ble Mr N.D. Dayal, Administrative Member

Ms Shanti Rana and 152 othersApplicants

The applicants are working as
nursing staff in the Assam Rifles.

By Advocates Mr J.L. Sarkar and
Mr A. Chakraborty.

- versus -

1. The Union of India, represented by
The Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

2. The Director (Police Finance)
Ministry of Home Affairs,
Government of India,
New Delhi.

3. The Secretary,
Ministry of Health and Family Welfare,
Department of Health,
New Delhi.

4. The Director of Assam Rifles,
Shillong.Respondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

8/8/03

O R D E R

CHOWDHURY, J. (V.C.)



The controversy raised in this application relates to improvement of the pay scales of the nursing staff and singers of the Assam Rifles, similar to that provided to the nursing staff in the Central Government Health Services/Central Police Organisations etc.

2. The grievance of these applicants is against the action of the respondents in not acting in conformity with

*Accepted
B. D. Deb Roy
Advocate*

: 2 :

the recommendations of the Fifth Central Pay Commission pertaining to salary structures of Nurses employed in the Central Government Hospitals and Institutions which were accepted by the Government of India to provide higher pay scales amongst others to Staff Nurses from the existing pay scale of Rs.1400-2600 and Rs.1600-2650 to Rs.5000-8000 and Nursing Sisters who were in the pay scale of 1640-2900 were provided the pay scale of Rs.5500-9000. Similarly, the pay structure was raised for other persons like Auxillary Nurses, etc. Consequent to the revision of pay scales and other allowances the respective authorities gave effect to the recommendations of the Pay Commission including the Assam Rifles. The applicants who belong to the nursing sector of the Assam Rifles also put their representations praying for higher scales of pay and allowances. The representations which were submitted by applicants were forwarded to the concerned authority. Failing to get appropriate remedy, the applicants moved this Tribunal by way of O.A.No.24 of 2001. The said O.A. was finally disposed of by this Bench by Judgment and Order dated 16.8.2001 directing the respondents, more particularly the Union of India represented by the Secretary, Ministry of Home Affairs, Government of India to take a decision in the matter of implementation of Fifth Central Pay Commission recommendations concerning the applicants expeditiously. The Bench considering the case of both the parties and the materials on record including the correspondence between the Ministry of Home Affairs and the Assam Rifles directed the respondent No.1 to take its decision on the matter of implementation of the Fifth Central Pay Commission. The Bench while disposing of the application, inter alia made the following.....

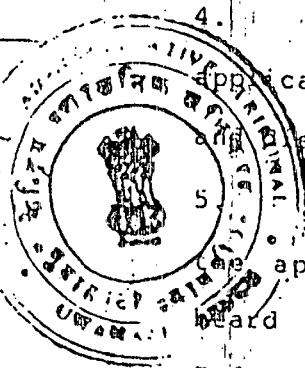
following observations:

"From the conspectus of the materials, so far produced, there is no dispute as to the entitlement of the Nursing Staff as to the pay and allowances etc. on the basis of the recommendations of the Fifth Central Pay Commission. Their entitlement of the pay scales mentioned at para 8.1 and 8.2 of the pleadings were never in dispute. The entitlement of the revised pay scales of the applicants on the basis of the recommendations of the Fifth Central Pay Commission were not questioned. The Fifth Central Pay Commission recommendations were clearly given effect to in other cases. No reason, not to speak of good and weighty reasons, disentitling the applicants of similar benefits are discernible nor any reasons are ascribed for the torpidity in reaching at its decision."

3. The Government of India, Ministry of Home Affairs by the impugned order No.27014/9/2001/PF.IV dated 6.3.2002 turned down the claim of the applicants for upgradation of pay scales of Nursing Staff and Sisters of Assam Rifles at par with the staff of Central Government Health Services, though acted partially on the Fifth Central Pay Commission as to granting of Nursing Allowances, Washing Allowances and Uniform Allowances. Hence this application assailing the legitimacy of the action of the respondents, as arbitrary and discriminatory.

4. The respondents contested the claim of the applicants and submitted their written statement denying, disputing the averments of the applicants.

5. We have heard Mr J.L. Sarkar, learned counsel for the applicants assisted by Mr A. Chakraborty and also heard Mr A. Deb Roy, learned Sr. C.G.S.C. at length. Before going any further it would be appropriate to refer to the relevant portion of the impugned order dated 6.3.2002, which reads as follows:



"I am directed to say that it is not possible to agree to the upgradation of pay scales of Nursing Staff and Sisters of Assam Rifles at par with that of Nursing Staff in the Central Government Health Services on the following grounds:-

- i) Educational qualification in respect of Staff Nurse in Assam Rifles is Matric and diploma in Nursing from recognized council as per the Recruitment Rules. Whereas in CGHS, educational qualification of Staff Nurse is 10+2 with diploma in general nursing and midwifery. Since there is dissimilarity in educational qualification of staff nurse of Assam Rifles (pay scales of Rs.4500-7000/-), grant of pay scale of Rs.5000-8000/- of staff nurse of CGHS is not possible for Staff Nurse of Assam Rifles.
- ii) Posts of sister is a promotion post both in Assam Rifles and CGHS. The criteria of promotion in CGHS is 5 years regular service in the grade of Staff Nurse whereas in Assam Rifles the qualifying service is 3 years in the grade of Staff Nurse. Since, the educational qualification at entry level i.e. Staff Nurse is not similar and qualifying service is also not similar, pay scale of CGHS for the post of sisters i.e. Rs.5500-9000 cannot be granted to sisters of Assam Rifles (Rs.5000-8000).
- iii) There is no specific recommendation for grant of pay parity between nursing staff of AR and the nursing staff of other Central Govt. Organisations.

As far as allowances (Nursing Allowance, Washing Allowance and Uniform Allowance) to the nursing staff of AR is concerned, the matter was considered in consultation with Ministry of Finance. The nursing personnel of Assam Rifles had not been given these allowances at par with the allowances available to the nursing personnel working in other Central Government Hospitals even prior to the 5th CPC. The 5th CPC (specifically) had recommended doubling of the existing rates of these allowances without recommending that the pay scales and allowances of the nursing staff working in Assam Rifles should be brought at par with the nursing personnel of other Central Government Organisations. Hence doubling the existing rate of these three allowances in case of nursing personnel of Assam Rifles would be in full conformity with the recommendations of the 5th CPC in this regard. It has accordingly been decided, in consultation with MoF, to grant Nursing Allowance @ Rs.150/- per month, Uniform Allowance @ Rs.400/- per annum and Washing Allowance @ Rs.60/- per month w.e.f. 1.8.1997. The rate of Uniform Allowance for the year 1997 may be adjusted proportionately for this purpose."

6. Admittedly, the staff nurses are recruited from the open market. One of the basic qualification for being appointed in the Assam Rifles is Matric with Diploma in Nursing. Save and except few applicants like applicant Nos. 13, 21, 23, 32, 36, 39, 43 and 137 who are matriculates, others are having qualification of 10+2 with Diploma in Nursing. The qualification is prescribed by the Indian Nursing Council constituted under the Indian Nursing Act, 1947. The Act was enacted to constitute an Indian Nursing Council in order to establish a uniform minimum standard of education and training for nurses, midwives and health visitors. The qualifications of Nurses are prescribed and recognised under the statute by the Council. The Council accordingly specified 10+2 as the qualification for obtaining Diploma in Nursing. As mentioned earlier, save and except those infinitesimal number of applicants the rest are 10+2 with Diploma in Nursing. 10+2 is the minimum qualification for Diploma in Nursing. Those infinitesimal group of persons were appointed before the new higher qualification was prescribed for the Diploma course and they were, therefore, with qualification as Matriculation, who have earned expertise by now and the rest are having the qualification of 10+2 with Diploma in Nursing. The reasonings assigned in the impugned order rejecting the claim of the applicants are seemingly arbitrary. The respondents referred to the educational qualification prescribed by the Assam Rifles indicating the qualification of Staff Nurse as Matric and Diploma in Nursing. A Diploma in Nursing is not permissible under the Nursing Act in view of the qualification.....

qualification prescribed for obtaining Diploma in Nursing is 10+2. The absurdity writ large in excluding the applicants on the purported ground of qualification. As per the norms prescribed by the Nursing Council one must possess the educational qualification of 10+2 for pursuing Diploma in Nursing. Mere lowering down the qualification by indicating Matriculation in the Recruitment Rules alongwith a Diploma for Nursing from a recognised Council does not carry any weight. Obviously, educational qualification at entry level for a Staff Nurse is similar to that of the Staff Nurses of Central Government Health Services. The criteria for promotion in the facts and circumstances also cannot be a valid reason for excluding the applicants from being provided the pay scale given to the Central Government Health Services as well as the Central Police Organisation.

The third ground for excluding the applicants the benefit of the pay scale was for want of specific recommendation. The respondent authority on its own in providing Nursing Allowance, Washing Allowance, Uniform Allowance itself indicated about the bringing of the recommendations of the Fifth Central Pay Commission. The Fifth Central Pay Commission provided recommendations for the Central Government Health Services. The Assam Rifles is one of the Central Police organisation like the BSF, ITBP, CISF, CRPF etc. The Fifth Central Pay Commission while recommending the pay scales to the personnel of the Assam Rifles including Group 'A', 'B', 'C' and 'C' took note of the difficulties faced by the personnel in difficult areas. The Nurses of Assam Rifles are also rendering service in remote localities in insurgent infested.....

b6

infested areas and absorbed in the medical care and nursing in the forces as well as the civilians. Their job is to nurse, and to take care of the sick persons, combatant and non-combatant and to render assistance to recoup their health. Among the various allowances, they also receive the risk allowance due to the risk they face in contracting diseases and mental and physical stress and strain while providing care to the patients. It is significant that the gazetted and non-gazetted ranks of Central Police Organisations including Assam Rifles face largely similar risks in their assignments and perform similar arduous nature of duties. It, therefore, stands to reason that the medical attention and health care needed by them is of a common nature requiring attendance and nursing of a comparable order. Undoubtedly, similarity in nature of duties and responsibility between the nursing staff of Central Police Organisations including Assam Rifles and Central Government Nursing Staff would end with the absence, in the case of the latter, of having to attend upon battle weary personnel and frequent injuries, casualties etc. in conditions of peace and war which may be unavoidable in Assam Rifles due to internal security/anti-insurgency duties in operational and sensitive areas.



As mail in the forces is synonymous with morale, so the medical attendance and nursing services are even more crucial for their fitness and survival. In the circumstances it is difficult to appreciate the difference being kept in pay scale between nursing staff of Assam Rifles and Nursing Staff serving in other Central Police Organisations or in Central Government Health Services. The Fifth Central Pay Commission in their recommendations do.....

: 8 :

do not appear to have made any explicit distinction in this regard that would support such a variation in pay scale to the disadvantage of the Nursing Staff in Assam Rifles. In fact the unique condition of service, risk to life, military discipline, deprivation and hardship in field areas would also support a case, if any, for higher allowances in the case of Assam Rifles on the analogy of other Central Police Organisations.

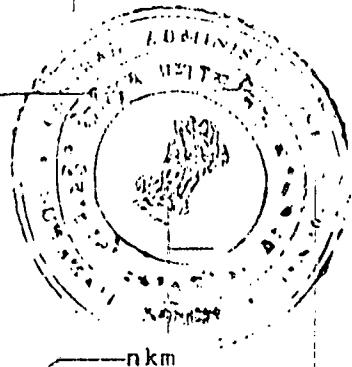
9. There is no ground for getting away from denying the benefit of higher pay on the score of qualification. That a person without the qualification of 10+2 is not eligible even applies to Assam Rifles since Assam Rifles also insists for a Diploma in Nursing from a recognised Council. To get the Diploma in Nursing as per the Nursing Council Act one is to possess the qualification of 10+2. Considering all aspects we are of the opinion that the Applicants who were engaged to nurse wounded need not be kept to pursue hurt feelings.

10. For all the reasons stated above, we set aside paragraph 2 in its entirety of the impugned order dated 6.3.2002 and direct the respondents to consider afresh the case of the applicants and assuage their grievances and provide a healing touch. The respondents are accordingly directed to consider the case of the applicants in the light of the observations made expeditiously preferably within two months from the date of receipt of the order. The respondents are also directed to take a fresh look in the matter of allowances referred to in paragraph 3 of the order dated 6.3.2002.

8/103

: 9 :

The application is allowed to the extent indicated. There shall, however, be no order as to costs.



n km

sd/ VICE CHAIRMAN
sd/ MEMBER (A)

certified to be true Copy
ગ્રાંચિત : સત્તિશિલ્પી

J (13/8/03)

Section Officer (J)
C.A.T. GUJARATI BANCH
Guwahati-781005

Affected
area
and vehicle

No.II.27014/9/2001-PF.IV
Government of India
Ministry of Home Affairs

69
Word Block, New Delhi-110 001.
Dated the 15th February, 2005.

To

The Director General,
Assam Rifles,
Shillong-793 011

Sub: Upgradation of pay scale of Staff Nurses.

Sir,

I am directed to refer to this Ministry's letter of even number dated 05.1.2005 and to say that Nursing Staff may be given following pay scales:-

Sl. No.	Posts	Pay Scale
1.	Staff Nurse	Rs.5000-8000/-
2.	Sister	Rs.5500-9000/-

2. The Nursing Staff is entitled for following allowances:-

Sl. No.	Allowances	Existing Rate	Revised Rate
1.	Nursing Allowance (for Nurses only)	Rs.150/- p.m.	Rs.300/- p.m. w.e.f. 01.8.97.
2.	Uniform Allowance (for Nurses only)	Rs.1500 p.a.	Rs.1500/- p.a. upto 01.8.97 and Rs.3000/- p.a. w.e.f. 01.8.97.
3.	Washing Allowance (for Nurses only)	Rs.60/- p.m.	Rs.75/- p.m. upto 01.8.97 and Rs.150/- p.m. w.e.f. 01.8.97.
4.	Washing Allowance (for other group C & D Staff)	Rs.30/- p.m.	Rs.60/- p.m.

3. These allowances shall be admissible subject to the condition laid down vide letter No.II.27012/6/99-PF.I/PIF.II(Vol.II) dated 7th October, 2004.

4. This issues with the concurrence of Ministry of Health vide their ID No.57/PMS/2005 dated 18.01.2005.

5. This supersedes this Secretariat's letter of even number dated 25th January, 2005.

Yours faithfully,

Satish Chander
(Satish Chander)
Section Officer

Copy to:- LOAR for Information

Attached
Chand
Advocate
Sinha
Renu

To,

The Director General of Assam Rifles
Mahanideshalaya Assam Rifles
O/O the Directorate General of Assam Rifles
Shillong. - 793011.

ANNEXURE - K

or

(Through proper channel)

**Sub : Application for Implementation of Revised Pay Scale of Sister/Staff
Nurse etc.**

Sir,

We have the honor to express our sincere gratitude and heartful thanks for granting us the enhanced rate of allowances i.e., Nursing allowances, uniform allowances, washing allowances etc wef. 01-08-1997.

Further sir, it is regretted to state that the revised pay scale is going to implement wef. 15-02-05 as per the letter No. 11.16011/Alcc/A-1/Med/2005 dated 28-02-05.

Therefore we would like to lay down a few lines for your kind consideration

That Sir, the existing scale of pay of sister/staff nurse is Rs. 5000- 8000/4500-7000. Which is revised to 5500 - 9000/5000- 8000 wef. 15-2-05 in Assam Rifles, instead of 01-1-1996, which is not in accordance with other central Govt employees, who draws the revised pay scale wef 01-1-1996. For that revision of pay scale and allowances only, we, Mis. Shanti Rana and 152 others approached the C.A.T. Guwahati Bench. O.A. No. 222 of 2002, based on 5th pay commission, of which copy of the court order is attached. Sir, due to the delay in implementation we virtually incur a heavy financial loss hence forth

We therefore request your honor kindly to consider our application for the implementation of revised pay scale wef. 01-01-1996.. If you kindly comply with our request we would remain ever grateful to you sir.,

Thanking you,

June 2005

Yours faithfully,

1.	Sister	Annamma Alex
2.	Sister	Esther Isaac
	S/Nurse	Jessy Varghese.

*Attested
by
Advocate*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Central Administrative Tribunal

GAUHATI BENCH: GAUHATI

ORIGINAL APPLICATION NO 160 OF 2006

গুৱাহাটী নথী যোঁ
Gauhati Bench

Smt Annamma Alex & 77 Others

..... Applicant

Versus

Union of India & others

..... Respondents

In the matter of :-

Written Statement submitted by the Respondents.

The humble Respondents beg to submit the reply as follows:-

1. That with regard to statements made in paras 1 to 4.5 of the Original Application, the respondents beg to offer no comments being matter of record.
2. That with regard to statements made in para 4.6 of the Original Application, it is submitted that Educational qualification in respect of Staff Nurse in Assam Rifles is Matric and Diploma in Nursing. Where as in Central Government Health Scheme basic minimum qualification required for staff Nurse is 10+2 with Diploma in General Nursing and Midwifery. Post of sisters is a promotion post both in Assam Rifles and Central Government Health Scheme. The criteria for promotion in Central Government Health Scheme is 5 years regular service in the grade of Staff Nurse and three years in the Assam Rifles. Since educational qualification at entry level in both the cases is different, pay scale similar to Central Government Health Scheme was not agreed to vide Ministry of Home Affairs Order No. 27014/9/2001/PF/IV dated 06th March 2002. However, the Ministry of Home Affairs vide their letter No. II.27014/9/2001-PF/IV dated 15 February 2005 has revised and upgraded the Pay and allowances of staff Nurse and Sisters of Assam Rifles inspite of being matric at the time of recruitment in comparison to Central Government Health Scheme where entry level educational qualification is 10 +2. Accordingly the pay scale of staff Nurse was revised to Rs.5000-8000/- and of Sisters to Rs.5500-9000/- with effect from 15 February 2005.

A copy of the Ministry of Home Affairs Order No. 27014/9/2001/PF/IV dated 06th March 2002, is attached herewith as Annexure-R-1

A copy of the Ministry of Home Affairs vide their letter No. II.27014/9/2001-PF/IV dated 15 February 2005, is attached herewith as Annexure-R-2

3. That with regard to statements made in paras 4.7 of the Original Application, the respondents beg to offer no comments being matter of record.
4. That with regard to statements made in para 4.8 of the Original Application, the respondents beg to state that the Assam Rifles Nursing staff have been granted revised pay scale of Rs.5500-9000/- and Rs.5000-8000/- to Sisters and Staff Nurses respectively vide Ministry of Home Affairs letter No.II.27014/9/2001-PF/IV dated 15 February 2005 (Annexure R-2 refers). It is further submitted that proposal for grant of arrears from 01-01-1996 has been fwd to the Ministry vide this Directorate letter No. II.16011/Allce/A-1/Med/2005 dated 20 October 2005 and the same is under consideration at the Ministry of Home Affairs.
5. That with regard to statements made in para 4.9 of the Original Application, the respondents beg to state that a case for higher pay scale and allowances had already been taken up with the Ministry of Home Affairs and same, after due consideration, has been sanctioned with effect from 15 February 2005 vide Ministry of Home Affairs letter No.II.27014/9/2001-PF/IV dated 15 February 2005. Further allowances from 01 August 1997 have also been sanctioned (Annexure R-2 refers).
6. That the statements made in para 4.10 of the Original Application are incorrect and hereby denied. The respondents beg to state that the following allowances were granted vide Ministry of Home Affairs letter No. II.27014/9/2001-PF/IV dated 15 February 2005 :-
 - (a) Nursing Allowance @ Rs.300/-p.m from 01 August 1997
 - (b) Uniform Allowance @ Rs.1500/- p.a upto 01 August 1997 and Rs. 3000/-p.a from 01 August 1997;
 - (c) Washing allowance @ Rs.75/-p.m upto 01 August 1997 and Rs.150/-p.m from 01 August 1997.

Further Ministry of Home Affairs vide U.O. No.27012/6/99/PF.I/II (Vol.II) dated 05 September 2005 have rejected the proposal of revision of nursing allowance from Rs.300/- per month to 1600/- per month.

A copy of the Ministry of Home Affairs U.O. No.27012/6/99/PF.I/II (Vol.II) dated 05 September 2005, is attached herewith as Annexure-R-3

7. That with regard to statements made in para 4.11 of the Original Application, the respondents beg to state that the applicants were given appropriate pay scales by Ministry of Home Affairs.
8. That with regard to statements made in para 4.12 of the Original Application, the respondents beg to state that the Nursing staff of Assam Rifles were given upgraded pay scale vide Ministry of Home Affairs letter No. II.27014/9/2001-PF/IV dated 15 February 2005 (Annexure R-2 refers).
That they have submitted petition for arrears of pay with effect from 01 January 1996 and same is under consideration at the Ministry of Home Affairs.
9. That no comments are offered with regard to statements made in para 4.13 of the Original Application. The respondents however beg to state that the pay scales of Railways Nursing staff and that of Central Police Organizations are different and cannot be equated as they are sanctioned by different Ministries. It is further submitted that comparison with Central Police Organizations/other organizations including Railways is unfounded and no parity can be drawn for the purpose of emoluments between the holder of the same post from different streams since the work environment, job profile and different employability conditions render the two appointments incomparable. More over the applicants having accepted the employment on the laid down terms, conditions and qualifications in terms of the Recruitment rules governing the subject are barred by law of estoppel to question their appointment and pay at this stage.
10. That with regard to statements made in para 4.14 of the Original Application, the respondents beg to state that based on the directions of the learned tribunal dated 16 August 2001 in OA No.24/2001, the staff

nurse and sisters were granted higher pay scale from Rs.4500-7000/- to 5000-8000/- and from Rs.5000-8000/- to Rs.5500-9000/- respectively vide Ministry of Home Affairs letter No. II.27014/9/2001-PF/IV dated 15 February 2005.(Annexure R-2 refers)

11. That with regard to statements made in para 4.15 of the Original Application, the respondents beg to state that the applicants were appointed to a post where in the entry level educational qualification was matriculation. The fact that they possessed higher educational qualification is not relevant. Having accepted the terms and conditions at the time of employment they are now barred by the law of estoppel to agitate the said issues now.
12. That with regard to statements made in paras 4.16 and 4.17 of the Original Application, the respondents beg to state that Minimum qualification as per the Assam Rifles (Medical Staff) Recruitment Rules prescribed for the post of Staff Nurse are as under :-
 - (a) Matriculation or equivalent.
 - (b) Diploma in Nursing from recognized Council, and,
 - (c) Must have working knowledge of Hindi.

Further Sisters are promotional post in Assam Rifles and Staff Nurses with 3 years regular service in the grade become eligible for the same. Further, in terms of the recruitment Rules prescribed for the post, educational qualification of an individual does not count for higher pay scale, what is relevant is the educational/ professional qualifications prescribed in its existing Recruitment Rules for the post.

A copy of the relevant portion of the Assam Rifles (Medical Staff) Recruitment Rules is attached herewith as **Annexure-R-4**

13. That with reference to the averments made in para 4.18 of the Original Application, it is submitted that pay and allowances of Nursing staff of Assam Rifles have been revised after due consideration by the Government. In this connection also refer to Para 1 of this written statement. Further due to difference in educational qualification (i.e the higher standard of education (10+2) at entry level of nursing staff of

Central Government Health Scheme) the pay scales applicable to Central Government Health Scheme cannot be granted to the nursing staff of Assam Rifles whose educational qualification is lower (i.e. matric or equivalent).

14. That with reference to the averments made in para 4.19, the deponent herein begs to submit that the case was examined by the Government and after due consideration rejected the same vide their order dated 06 March 2002 (Annexure R-1 refers).
15. That with regard to statements made in paras 4.20 and 4.21 of the Original Application, the respondents beg to offer no comments being matter of record.
16. That with regard to statements made in para 4.22 of the Original Application, the respondents beg to offer no comments being a matter of record.
17. That with regard to statements made in para 4.23 of the Original Application, the respondents beg to state that the applicants have been granted appropriate higher pay scale and allowance with effect from 15 February 2005 and 01 August 1997 respectively vide ministry of Home Affairs letter No II.27014/9/2001-PF/IV dated 15 February 2005 (Annexure R-2 refers). Further grant of arrears with effect from 01-01-1996 is under consideration at the Ministry of Home Affairs.
18. That with regard to statements made in para 4.24 of the Original Application, the respondents beg to state that based on representation of June 2005, the matter has been referred to the Ministry of Home Affairs for consideration of grant of revised pay scale with effect from 01 January 1996 vide this Directorate letter No. II.16011/Allce/A-1/Med/2005 dated 20 October 2005 and the same is under consideration at the Ministry of Home Affairs.
19. That with regard to statements made in para 4.25 of the Original Application, the respondents reiterate that the application of the revised pay scale in terms of impugned letter is prospective since it does direct their retrospective application. It is further submitted the representation of the Applicants regarding grant of revised pay scales wef 01.01.1996 is under consideration of the Ministry of Home Affairs.

20. That no comments are called for with regard to statements made in para 4.26 of the Original Application.
21. That with regard to statements made in para 4.27 of the Original Application, the applicants be put to strict proof thereof. It is further reiterated that the issue of grant of higher pay scales with effect from 01 January 1996 is under consideration by Ministry of Home Affairs.
22. That the statements made in para 4.28 of the Original Application are repetitive and have adequately been commented upon in the preceding paragraphs.
23. In reply to Para 5.1, it is submitted that there is no recommendation in the 4th Pay Commission in respect of Assam Rifles Nursing Staff i.e, the applicants to grant them pay scale at par with Nursing Staff working in other Central Government hospitals.
24. In reply to para 5.2 it is submitted that the criteria for promotion in Assam Rifles nursing services and Central Government Health Services being different besides the educational qualifications at entry level being different, neither parity was recommended by the 5th Pay Commission nor accepted by the Government.
25. In reply to para 5.3 it is submitted that the criteria for recruitment and promotion from nursing staff in the Assam Rifles and other Central Government Health Services being different, the disparity in pay scale did not violate Art 14 and 16 of the constitution.
26. In reply to para 5.4 and 5.5 it is submitted that the contention of the petitioner is misplaced and erroneous. It is submitted that the revised pay scales has been granted by the government from the date of issue of order prospectively except for the allowances. The same has been done keeping in view the recommendation of the pay commission to double the rate of allowances. It is reiterated that the pay commission has not made recommendation to grant parity of pay scales to Assam Rifles Nursing personnel with other Central Govt nursing staff. Thus, the demand for revised pay scales with effect from 1.1.96 is not tenable in law.

27. In reply to para 5.6 the contention of the applicant is denied since allowances as sanctioned by the Govt have been allowed by the answering respondent.
28. In reply to para 5.7 to 5.9 it is submitted that in deference to the order of the Hon'ble CAT the respondent authority have after due application have granted the revised pay scales and the orders have prospective application except to the extent specifically mentioned in the impugned order. That no ground in law has been made out and the application as such is liable to be dismissed.
29. In reply to para 7 it is submitted that the same is being formal submission, the deponent offer no comments on the same.
30. In reply to para 8 and 9 it is submitted that no ground has been made out for grant of any of the relief as prayed for by the applicants and the application is liable to be dismissed.
31. That the averment made in para 10 and 12 of the Original Application being formal submission no comments are made by the answering respondent.
32. That the averment made in para 10 and 12 of the Original Application being formal submission no comments are made by the answering respondent.

That in view of the facts mentioned herein above it is humbly prayed that the present Original Application is not bonafide and is not legally sustainable and is liable to be dismissed with cost.

VERIFICATION

I, Major S Salooja, S/o Gp Capt SC Salooja aged about 38 years, r/o Laitmukrah, East Khasi Hills District Shillong and competent officer of the answering respondents and I have been authorised to file written statement on behalf of respondents do hereby verify that the statement made in paras 31,32 are true to my knowledge and those of the paras 1 to 30 being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 3rd day of Nov 2006 at Guwahati

Carrie

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Assignment of Money

प्राथमिक मुख्य विधि अधिकारी

HQ DGAR, Shillong 793011

पहानिदेशालय अयम राईफल्स, शिलांग-793601

File No : 305075

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

IL.16011/Alces/A-II(Med)/182

14 Mar 2002

List 'A'
List 'B'
List 'C'
ARASU
ARSU
No 1 CC AR
AR Hosp Happy Valley

O.A NO 24/2001 FILED BY MS SHANTI RANA, STAFF NURSE
AND 137 OTHERS VS UOI IN CAT GUWAHATI BENCH FOR
GRANT OF HIGHER PAY SCALES AND OTHER ALLOWANCES

1. Further to our sig No A 3230 dated 14 Mar 2002.
2. A copy of Govt of India, Ministry of Home Affairs order No 27014/9/2001/PF.IV dated 06 Mar 2002 is fwd herewith for your info and necessary action please.

Q
(IM Singh)
Lt Col
AD (A)
for DG Assam Rifles

Copy to :-

Med Branch
 Legal Branch

GvJ/

/COPY/

No 27014/9/2001/PF.IV
Government of India
Ministry of Home Affairs

North Block, New Delhi
Dated 6th March 2002

ORDER

Sub : O.A No 24/2001 filed by Ms Shanti Rana, Staff Nurse and 137 others Vs UOI in CAT Guwahati Bench for grant of higher pay scales and other allowances.

Ref : Order dated 06.09.2001 of Mr Justice DN Choudhary, Vice Chairman and Mr KK Sharma, Administrative Member of Central Administrative Tribunal, Guwahati Bench.

In compliance with the order dated 06.09.2001 of the Guwahati Bench of the Central Administrative Tribunal in O.A No 24 of 2001 filed by Ms Shanti Rana and others Vs Union of India, it is hereby informed that the orders of the Court have been considered very carefully by the Government.

2. I am directed to say that it is not possible to agree to the upgradation of pay scales of Nursing ~~Wards~~ and Sister of Assam Rifles at par with that of Nursing Staff in the Central Government Health Services on the following grounds :-

(i) Educational qualification in respect of Staff Nurse in Assam Rifles is Matric and diploma in Nursing from Recognised council as per the Recruitment Rules. Whereas in CGHS, educational qualification of Staff Nurse is 10+2 with diploma in general nursing and midwifery. Since there is dissimilarity in educational qualification of staff nurse of Assam Rifles (pay scale of Rs.4500-7000/-), grant of pay scale of Rs.5000-8000/- of staff nurse of CGHS is not possible for Staff Nurse of Assam Rifles.

(ii) Post of sister is a promotion post both in Assam Rifles and CGHS. The criteria of promotion in CGHS is 5 years regular service in the grade of Staff Nurse whereas in Assam Rifles the qualifying service is 3 years in the grade of Staff Nurse. Since, the educational qualification at entry level i.e. Staff Nurse is not similar and qualifying service is also not similar pay scale of CGHS for the post of sister i.e. Rs. 5500-9000 cannot be granted to sisters of Assam Rifles (Rs.5000-8000).

(iii) There is no specific recommendation for grant of pay parity between nursing staff of AR and the nursing staff of other Central Govt Organisations.

3. As far as allowances (Nursing Allowance, Washing Allowance and Uniform Allowance) to the nursing staff of AR is concerned, the matter was considered in consultation with Ministry of Finance. The nursing personnel of Assam Rifles had not been given these allowances at par with the allowances available to the nursing personnel working in other Central Government Hospitals even prior to the 5th CPC. The 5th CPC (specifically) had recommended doubling of the existing rates of these allowances without recommending that the pay scales and allowances of the nursing staff working in Assam Rifles should be brought at par with the nursing personnel of other Central Government Organisations. Hence doubling the existing rate of these three allowances in case of nursing personnel of Assam Rifles would be in full conformity with the recommendations of the 5th CPC in this regard. It has accordingly been decided, in consultation with MOF, to grant Nursing Allowance @ Rs.150/- per month; Uniform Allowance @ Rs. 400/- per annum and Washing Allowance @ Rs. 60/- per month wef 1.8.1997. The rate of Uniform Allowance for the year 1997 may be adjusted proportionately for this purpose.

Sd/- x x x
 (Rakesh K Gupta)
 Director (Police Finance)

No.II.27014/9/2001-PFIV
 Government of India
 Ministry of Home Affairs

North Block, New Delhi-110 001.
 Dated, the 15th February, 2005.

To

The Director General,
 Assam Rifles,
 Shilling-793 011.

Sub: Upgradation of pay scale of Staff Nurses.

Sir,

I am directed to refer to this Ministry's letter of even number dated 25.1.2005 and to say that Nursing Staff may be given following pay scales:-

Sl. No.	Posts	Pay Scale
1.	Staff Nurse	Rs.5000-8000/-
2.	Sister	Rs.5500-9000/-

2. The Nursing Staff is entitled for following allowances:-

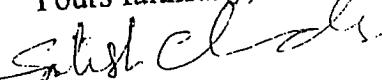
Sl. No.	Allowances	Existing Rate	Revised Rate
1.	Nursing Allowance (for Nurses only)	Rs.150/- p.m.	Rs.300/-p.m. w.e.f.01.8.97.
2.	Uniform Allowance (for Nurses only)	Rs.1500 p.a.	Rs.1500/- upto 01.8.97 and Rs.3000/- p.a. w.e.f. 01.8.97.
3.	Washing Allowance (for Nurses only)	Rs.60/-p.m.	Rs.75/- p.m. upto 01.8.97 and Rs.150/- p.m. w.e.f. 01.8.97.
4.	Washing Allowance (for other group C & D Staff)	Rs.30/-p.m.	Rs.60/- p.m.

3. These allowances shall be admissible subject to the condition laid down vide letter No.II.27012/6/99-PF.I/PF.II(Vol.II) dated 7th October, 2004.

4. This issues with the concurrence of Ministry of Health vide their ID No.57/PMS/2005 dated 18.01.2005.

5. This supercedes this Secretariat's letter of even number dated 25th January, 2005.

Yours faithfully,



(Satish Chander)
 Section Officer

Copy to:- LOAR for Information

94

Ministry of Home Affairs
(PF.II Desk)

10:8864223

ANNEXURE - R-3

Subject:- Enhancement of rate of Nursing Allowance for
Nursing personnel of CPFs.

The proposal regarding revision of rates of nursing allowance from Rs.300/- p.m. to Rs.1600/- p.m. has been considered in consultation with Ministry of Finance. However, it has not been found possible to agree to the same.

Ch
5/9/2005
(Nirmala Dev)
Desk Officer
Tel. No. 2309-2214

BSF/ITBP/CISF/SSB/ASSAM RIFLES
MHA U.O.No.27012/6/99/PF.III (Vol.II) dated 5.9.2005.

ପ୍ରକାଶ ପୁସ୍ତି କାର୍ଯ୍ୟ

FIRST S. LTD. PAK

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ANNEXURE 24

EXTRACT FROM THE GAZETTE OF INDIA : PART II—SEC. 3, SUB-SEC. (1)

Appearing on Page No. 2459—2472

Dated 28-7-2001

अधिसूचना

गृह मंत्रालय

नई दिल्ली, 4 जुलाई, 2001

सा. का. नि. 390.—राष्ट्रपति, संविधान के अनुच्छेद 309 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम रायफल (चिकित्सा कर्मचारीवृद्धि) भर्ती नियम, 1980 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (i) इन नियमों का संक्षिप्त नाम असम रायफल्स (चिकित्सा कर्मचारीवृद्धि) भर्ती नियम, 2001 है।

(ii) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. असम रायफल्स (चिकित्सा कर्मचारीवृद्धि) भर्ती नियम, 1980 में,

(1) नियम 3 के पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“परंतु यह कि इन नियमों की अनुसूची में सम्मिलित किसी पद के लिए सभी सीधी भर्ती, भविष्य में योधक हैसियत में की जाएगी।”

(2) अनुसूची के स्थान पर निम्नलिखित अनुसूची रखी जाएगी, अर्थात् :—

अनुसूची

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	योग्यता के आधार पर चयन या चयन-सह-ज्येष्ठता अधार	सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा अचयन पद	सेवा में जोड़े गए वर्षों का फायदा अनुज्ञय है या नहीं
1	2	3	4	5	6	7

1. सिस्टर	30*	साधारण केन्द्रीय सेवा, समूह 'ग'	5000-150- 8000 रु.	अचयन	लागू नहीं होता	लागू नहीं होता
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*कार्यभार के आधार पर परिवर्तन अनुसंचित्य किया जा सकता है।

सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित शैक्षिक और अन्य अर्हताएं	सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होंगी	परिवीक्षा की अवधि, यदि कोई हो
8	9	10

लागू नहीं होता

भर्ती की पद्धति : भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में वे श्रेणियां आमेलन द्वारा तथा विभिन्न पद्धतियों द्वारा भर्ती की दशा में वे श्रेणियां	प्रोन्नति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में वे श्रेणियां
प्रोन्नति द्वारा	प्रोन्नति :— ऐसी स्टाफ नर्स जिसने उस श्रेणी में 3 वर्ष नियमित सेवा सेवा की है।

(1)

यदि विभागीय प्रोन्नति समिति है, तो उसकी संरचना

2
भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जायेगा

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विभागीय प्रोन्नति समिति

- (i) उप महानिदेशक, असम राइफल्स
महानिदेशालय — अध्यक्ष
- (ii) निदेशक (प्रशासन) असम राइफल्स
महानिदेशालय — सदस्य
- (iii) उप निदेशक (चिकित्सा) असम रायफल्स
महानिदेशालय — सदस्य

लागू नहीं होता

1	2	3	4	5	6	7
2. स्टाफ नर्स	117*	साधारण केन्द्रीयसेवा, कार्यभार के आधार पर परिवर्तन किया जा सकता है।	4500-120- 7,000 रु. समूह 'ग' अराजपत्रित अननुसचिवीय	अचयन	25 वर्ष (विभागीय अभ्यर्थियों की दशा में 35 वर्ष तक शिथिल की जा सकती है।)	लागू नहीं होता

*कार्यभार समूह 'ग'
आयु-सीमा अवधारित करने के लिए निर्णायिक
तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त
करने के लिए नियत की गई अंतिम तारीख
होगी। (न कि वह अंतिम तारीख जो अंदमान
और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों
के लिए विहित की गई है)। रोजगार कार्यालयों
के माध्यम से की जाने वाली भर्ती की दशा में,
आयु सीमा अवधारित करने के लिए निर्णायिक
तारीख होगी जिस तक रोजगार कार्यालयों से
नाम भेजने के लिए कहा गया है।

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- (i) मैट्रिक्युलेशन या समतुल्य
- (ii) किसी मान्यताप्राप्त परिषद् से परिचर्या में डिप्लोमा
- (iii) हिन्दी का कार्यसाधक ज्ञान होना चाहिए।

लागू नहीं होता

दो वर्ष

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12

सीधी भर्ती

लागू नहीं होता

13

14

लागू नहीं होता

लागू नहीं होता

1	2	3	4	5	6	7	
3. सिविलियन	2*	साधारण	डिप्लोमा धारक	अचयन	25 वर्ष (विभागीय सेवकों की दशा में 35 वर्ष तक शिथिल की जा सकती है।) आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।) रोजगार कार्यालयों के माध्यम से की जाने वाली भर्ती की दशा में, आयु सीमा अवधारित करने के लिए निर्णायक तारीख होगी जिस तक रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।	लागू नहीं होता	

8	9	10
(i) डिप्लोमा धारक के लिए	लागू नहीं होता	दो वर्ष
मैट्रिक या समतुल्य और कंपाउंडर कार्य में डिप्लोमा		
(ii) प्रमाण पत्र धारक के लिए		
मैट्रिक या समतुल्य और कंपाउंडर कार्य में प्रमाणपत्र		

11	12
साधी भर्ती	लागू नहीं होता
लागू नहीं होता	
13	14
लागू नहीं होता	लागू नहीं होता

1	2	3	4	5	6	7	
4. मिडवाइफ	2*	साधारण	मैट्रिक	अचयन	25 वर्ष (सरकारी सेवकों की दशा में 35 वर्ष तक शिथिल की जा सकती है।) आयु सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।) रोजगार कार्यालयों के माध्यम से की जाने वाली भर्ती की दशा में, आयु सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस तक रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।	लागू नहीं होता	

सरकारी मान्यता प्राप्त संस्था से मिडवाइफ प्रमाणपत्र।

लागू नहीं होता

दो वर्ष

मैट्रिक वेतनमान के लिए मैट्रिक या समतुल्य।

नान-मैट्रिक वेतनमान के लिए नान-मैट्रिक या समतुल्य।

सीधी भर्ती

लागू नहीं होता

लागू नहीं होता

लागू नहीं होता

5. पशु चिकित्सा क्षेत्र सहायक पर परिवर्तन	31* कार्यभार के आधार पर परिवर्तन	साधारण केन्द्रीय सेवा, अराजपत्रित अननुसचिवीय	डिप्लोमा धारक के लिए प्रमाणपत्र धारक	अन्यथा 3200-85- 3050-75- 3950-80- 4590 रु.	25 वर्ष (सरकारी सेवकों की दशा में 35 वर्ष तक शिधिल की जा सकती है।) आयु सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियंत्र की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो अंदमान और निकोबार द्वीप या लक्ष्यद्वीप के अभ्यर्थियों के लिए विहित की गई है)। रोजगार कार्यालयों के माध्यम से की जाने वाली भर्ती की दशा में, आयुसीमा अवधारित करने के लिए निर्णायक तारीख वह अन्तिम तारीख होगी जिस तक रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।	लागू नहीं होता
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(i) डिप्लोमा धारक के लिए

लागू नहीं होता

दो वर्ष

मैट्रिक या समतुल्य पशु चिकित्सा विज्ञान में डिप्लोमा सहित

प्रमाण पत्र धारक के लिए

नान-मैट्रिक या समतुल्य पशु चिकित्सा विज्ञान में प्रमाणपत्र सहित

सीधी भर्ती

लागू नहीं होता

लागू नहीं होता

लागू नहीं होता

1	2	3	4	5	6	7
6. प्रयोगशाला सहायक	1* (2001)	साधारण केन्द्रीय सेवा, *कार्यभार के आधार पर परिवर्तन किया जा सकता है।	3200-85- 4900 रु.	अचयन	25 वर्ष (सरकारी सेवकों की दशा में 35 वर्ष तक शिथिल की जा सकती है।)	लागू नहीं होता

आयु सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यधियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यधियों के लिए विहित की गई है)। रोजगार कार्यालयों के माध्यम से की जाने वाली भर्ती की दशा में, आयु-सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस तक रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

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मैट्रिक या समतुल्य सरकारी मान्यताप्राप्त संस्था से प्रयोगशाला सहायक पाठ्यक्रम में डिप्लोमा/प्रमाणपत्र	लागू नहीं होता	दो वर्ष

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सीधी भर्ती

लागू नहीं होता

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लागू नहीं होता

1	2	3	4	5	6	7
7. आया 60* (2001)	साधारण केन्द्रीय सेवा, *कार्यभार के आधार पर परिवर्तन किया जा सकता है।	2550-55- 2660-60 समूह 'घ' 3200 रु.	अचयन	25 वर्ष (सरकारी सेवकों की दशा में 35 वर्ष तक शिथिल की जा सकती है।)	लागू नहीं होता	लागू नहीं होता

आयु सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यधियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यधियों के लिए विहित की गई है)। रोजगार कार्यालयों के माध्यम से की जाने वाली भर्ती की दशा में, आयु-सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस तक रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

2243 H B / 2021-2

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मिडिल स्कूल स्तर या समतुल्य और व्यवसाय में एक वर्ष का अनुभव।

लागू नहीं होता

दो वर्ष

अनुभव संबंधी अर्हता सक्षम प्राधिकारी के विवेकानुसार अनुसूचित जातियों और अनुसूचित जनजातियों के अभ्यर्थियों की दशा में तब शिथिल की जा सकती है जब चयन के किसी प्रक्रम पर सक्षम प्राधिकारी की यह राय है कि उसके लिए आरक्षित रिक्तियों को भरने के लिए अपेक्षित अनुभव रखने वाले उन समुदायों के अभ्यर्थियों के पर्याप्त संख्या में उपलब्ध होने की संभावना नहीं है।

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सीधी भर्ती

लागू नहीं होता

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लागू नहीं होता

लागू नहीं होता

1	2	3	4	5	6	7
8. महिला परिचर	95* (2001)	साधारण केन्द्रीय सेवा, *कार्यभार	2550-55-2660-60 समूह 'घ'	अचयन	25 वर्ष (सरकारी सेवकों की दशा में 35 वर्ष तक शिथिल की जा सकती है।)	लागू नहीं होता

आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।) रोजगार कार्यालयों के माध्यम से की जाने वाली भर्ती की दशा में, आयु-सीमा अवधारित करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस तक रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

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मिडिल स्कूल स्तर या समतुल्य और व्यवसाय में एक वर्ष का अनुभव।

लागू नहीं होता

दो वर्ष

अनुभव संबंधी अर्हता सक्षम प्राधिकारी के विवेकानुसार अनुसूचित जातियों और अनुसूचित जनजातियों के अभ्यर्थियों की दशा में तब शिथिल की जा सकती है जब चयन के किसी प्रक्रम पर सक्षम प्राधिकारी की यह राय है कि उसके लिए आरक्षित रिक्तियों को भरने के लिए अपेक्षित अनुभव रखने वाले उन समुदायों के अभ्यर्थियों के पर्याप्त संख्या में उपलब्ध होने की संभावना नहीं है।

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सीधी भर्ती

लागू नहीं होता

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लागू नहीं होता

लागू नहीं होता

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1	2	3	4	5	6	7
9. महिला सफाईवाली (2001)	62*	साधारण केन्द्रीय सेवा, *कार्यभार	2550-55- 2660-60 समूह 'घ'	अचयन 3200 रु.	35 वर्ष	लागू नहीं होता
के आधार पर परिवर्तन किया जा सकता है।						
प्राइमरी स्तर या समतुल्य	8				9	10
सीधी भर्ती	11				लागू नहीं होता	दो वर्ष
लागू नहीं होता	13				लागू नहीं होता	12
					लागू नहीं होता	14

[फा. सं. आई-45028/49/2000-पर्स-II]
एस. सी. सक्सेना, डैस्क अधिकारी

टिप्पणी :— प्रधान नियम 22 फरवरी, 1981 को सा. का. नि. संख्या 202 के तहत भारत के राजपत्र में प्रकाशित किए गए थे।

MINISTRY OF HOME AFFAIRS

New Delhi, the 4th July, 2001

G.S.R. 390.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Assam Rifles (Medical Staff) Recruitment Rules, 1980, namely :—

1. (i) These rules may be called the Assam Rifles (Medical Staff) Recruitment (Amendment) rules, 2001.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Assam Rifles (Medical Staff) Recruitment Rules, 1980

(1) After rule 3 the following shall be added namely :—

“Provided that all the direct recruitment against any post included in the Schedule to these rules, in the future, shall be done in the combatised capacity.”

(2) For the Schedule the following Schedule shall be substituted, namely :—

“SCHEDULE

Name of the post	Number of the post	Classification	Scale of pay	Whether selection or non-selection post	Age limit for direct recruits
1	2	3	4	5	6
1. Sister	30* (2001) *Subject to variation depending on workload.	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Rs. 5,000-150- 8,000/-	Non-selection	Not applicable

Whether benefit of added year of service admissible	Educational and other qualification required for direct recruits	Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees	Period of probation if any
7	8	9	10

Not applicable	Not applicable	Not applicable	Not applicable
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Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancy to be filled by various methods.	In case of recruitment by promotion/deputation/absorption, grade from which promotion/deputation/absorption to be made	If a DPC exists what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
--	--	---	--

11	12	13	14
By promotion	Promotion	Departmental Promotion Committee	Not applicable
	Staff Nurse with 3 years regular service in the grade	(i) Deputy Director General Assam Rifles	—Chairman
		(ii) Director (Admn.) Directorate General Assam Rifles	—Member
		(iii) Deputy Director (Medical) Directorate General Assam Rifles	—Member

1	2	3	4	5	6
2. Staff Nurse	117* (2001) *Subject to variation depending on workload.	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Rs. 4,500-125- 7,000/-	Non-selection	25 years (relaxable upto 35 years in case of Govt. Servants) The crucial date for determining the age limit will be in each cases be the last date for receipts of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.

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7	8	9	10
Not applicable	(i) Matriculation or equivalent (ii) Diploma in Nursing from the recognised Council (iii) Must have working knowledge of Hindi	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6
3. Civilian Compounder (Pharmacist)	2* (2001) *Subject to variation depending on workload.	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	For Diploma holder Rs. 4,000-100-6,000/- For Certificate holder Rs. 4,000-100-6,000/-	Non-selection	25 years (relaxable upto 35 years in case of Govt. Servants). The crucial date for determining the age limit will be in each cases be the last date for receipts of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.

7	8	9	10
Not applicable	(i) For Diploma holder Matric or equivalent with Diploma in compoundership (ii) For Certificate holder Non-matric or equivalent with certificate in compoundership	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6
4. Midwife/ Auxiliary Nurse	2* (2001) *Subject to variation depending on workload.	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Matric Rs. 4000-100-6000/- Non-Matric Rs. 3050-75-3950- 80-4590/-	Non-selection	25 years (relaxable upto 35 years in case of Govt. Servants). The crucial date for determining the age limit will be in each cases be the last date for receipts

2243 MA/2001-3

1	2	3	4	5	6
of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.					

7	8	9	10
Not applicable	Midwifery Certificate from Govt recognised institution. Matric or equivalent for matric scale. Non-matric or equivalent for non-matric scale.	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6
5. Veterinary Field Assistant	31*(2001) *Subject to variation	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	<u>For Diploma holder</u> Rs. 3200-85-4900/- <u>For Certificate holder</u> Rs. 3050-75-3950- 80-4590/-	Non-selection	25 years (relaxable upto 35 years in case of Govt. Servants). The crucial date for determining the age limit will be in each cases be the last date for receipt of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.

7	8	9	10
Not applicable	(i) <u>For Diploma holder</u> Matric or equivalent with Diploma certificate in Veterinary Science (ii) <u>For Certificate holder</u> Non-matric or equivalent with certificate in Veterinary Science.	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

2	3	4	5	6
6. Laboratory Assistant	1* (2001) *Subject to variation depending on workload.	General Central Service Group 'C' Non-Gazetted, Non-Ministerial	Rs. 3,200-85-4,900/-	Non-selection 25 years (relaxable upto 35 years in case of Govt. Servants). The crucial date for determining the age limit will be in each cases be the last date for receipt of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.

7	8	9	10
Not applicable	Matric or equivalent with Diploma/ Certificate of Laboratory Assistants course from Govt. recognised institution.	Not applicable	2 years

11	12		13	14	
1	2	3	4	5	6
7. Aya	60* (2001) *Subject to variation depending on workload.	General Central Service Group 'D'	Rs. 2550-55-2660- 60-3200/-	Non-selection	25 years (relaxable upto 35 years in case of Govt. Servants). The crucial date for determining the age limit will be in each cases be the last date for receipt of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.

7	8	9	10
Not applicable	Middle school standard or equivalent with one year experience in the trade. Qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidate belonging to the SC/ST, if at any stage of selection the competent authority is of the opinion that sufficient number of candidates from that community possessing required experience are not likely to be available to fill up the vacancies reserved for them.	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6
8. Female Attendant	95* (2001) *Subject to variation depending on workload.	General Central Service Group D	Rs. 2550-55-2660-60-3200.	Non-selection	25 years (relaxable upto 35 years in case of Govt. Servants). The crucial date for determining the age limit will be in each cases be the last date for receipt of application from the candidates in India (other than Andaman and Nicobar Islands and Lakshadweep). In respect of posts, the appointment which are made through employment exchange, the crucial date for determining the age limit will be in each case be the last date upto which the employment exchanges are asked to submit the names.

7	8	9	10
Not applicable	Middle school standard or equivalent with one year experience in the trade. Qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidate belonging to the SC/ST, if at any stage of selection the competent authority is of the opinion that sufficient number of candidates from that community possessing required experience are not likely to be available to fill up the vacancies reserved for them.	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

1	2	3	4	5	6
9. Female Sweeper	62* (2001) *Subject to variation depending on workload.	General Central Service Group D	Rs. 2550-55-2660-60-3200.	Non-selection	35 years

7	8	9	10
Not applicable	Primary standard or equivalent	Not applicable	2 years

11	12	13	14
Direct recruitment	Not applicable	Not applicable	Not applicable

[F. No. I-45028/49/2000-Pers-II]
S.C. SAKSENA, Desk Officer

Note :—The Principal Rules were published in the Gazette of India, vide GSR No. 202, dated the 22nd February, 1981.

MGIPRRND—2243 HA/2001—200.

25

Central Admin. Tribunal
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 160/2006
Date: 2 March 2007

O.A. No. 160/2006

Mrs. Annamma Alex

- VS -

U.O.I & ORS

Filed to the applicant
through S.N. Tomuji
Advocate 29/2/07

REJOINDER TO THE WRITTEN STATEMENT FILED BY THE RESPONDENTS.

- (1) That the applicants have gone through the written statements filed by the respondents and understood the contents thereof.
- (2) That before submitting replies to the statements in the written statement applicants humbly submit that the respondent are working in total disregard of the judicial process and have been working on the issues which have been already decided by this Hon'ble Tribunal.
- (3) That in reply to statements in para-2 to 5 of the written statement the applicants beg to state that the position has been decided by this Hon'ble Tribunal in O.A No. 222/02. The applicants are entitled to the scales prayed for with retrospective effect.
- (4) That in reply to statements in para 6 and para 14 of the written statement the applicants states that the applicants have not agitated for the matter of allowances in the present O.A. and reserve the right to agitate the same by a separate O.A.
- (5) That in reply to statements in Paras 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 18 it is stated that the matter has already been decided by this Hon'ble Tribunal in O.A. 222/02. For delay of the respondents the applicants cannot be denied the legitimate scale of pay with retrospective effect.
- (6) That in reply to statements in para 19 of the written statement it is stated that the applicants are entitled to the scale of pay of 4th and 5th pay commission from the respective dates of implementation of the recommendations.
- (7) That in reply to statements in para 21 to 25 the applicants reiterate the statements in the preceding paragraphs of this rejoinder.
- (8) That the correctness of the statements in paragraph 26 of the written statement is denied. The applicants have been denied the 4th and 5th P.C. scale arbitrarily and it is reiterated that they are entitled to the same.
- (9) That in reply to statements in para 27 and 28 the statements in the preceding paragraphs are reiterated. And the applicants submit that this deserves to be allowed with cost.

VERIFICATION

I Smt Annamma Alex applicant no. 1 in this O.A. aged about 45 years, wife of A. Mathew..... working as Staff Nurse in Assam Rifles do hereby verify that statements made in Para 1 to 9 are true to my knowledge and belief. I have been authorised by other applicants to sign this verification on their behalf which I do accordingly and I have not suppressed any material facts.

AND I sign this verification on this 28th day of February 2007 at Shillong.



Date : 28/2/07

Signature

Shillong

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
Central Administrative Tribunal
GAUHATI BENCH: GAUHATI

133 ORIGINAL APPLICATION NO 160 OF 2006

গুৱাহাটী অধিবক্তৃত
Guwahati Bench

Smt Annamma Alex & 77 Others

Filed by
Ex-Respondents
Through
Gokhale, Dass
Ghosh, Chakraborty
Date 10/07/2007
File No. 160

..... Applicant

Versus

Union of India & others

..... Respondents

In the matter of :-

Reply to Rejoinder submitted by the Applicant.

The humble Respondents beg to submit the reply as follows:-

1. That no comments are called for in reply to the statement made in para 1 of the Rejoinder Affidavit.
2. That the averment made in para 2 of the Rejoinder Affidavit are denied and the applicants be put to strict proof thereof.
3. That in reply to the averment made in para 3 of the Rejoinder Application, it is respectfully submitted that the issue of payment of revised scales with retrospective effect has not been addressed in OA No 222/02.
4. That the averment made in para 4 of the Rejoinder Affidavit is false, misleading and categorically denied. It is submitted that the issue of allowances was agitated by the applicants in para 4.10 of OA No 160/2006. Further the averments made in paras 2,5, and 6 alongwith Annexures R-1, R-2 and R-3 of the Written Statement are reiterated.
5. That the averments made in para 5 of the Rejoinder Affidavit is false, misleading and denied. It is reiterated that the issue of payment of revised scales with retrospective effect has not been addressed in OA No 222/02. The applicant be put to strict proof thereof. The averments made in paras 7,8,9,10,11,12,13,15,16,17 and 28 of the Written Statement are reiterated.

6. That with regard to the averments made in para 6 of the Rejoinder Affidavit it is respectfully submitted that the Ministry of Home Affairs vide letter No.II.27014/9/2001-PF.IV dated 21.3.2007 has accorded approval of competent authority for sanction of following pay scales to the Nursing Staff to Assam Rifles with effect from 01.1.1996 notionally, however, actual benefits will be extended with effect from 17.1.2005:-

Ser No	Posts	Pay scales
(i)	Staff Nurse	Rs. 5000-8000/-
(ii)	Sister	Rs.5500-9000/-

The Nursing Staff is entitled for following allowances:-

Ser No	Allowances	Existing Rate	Revised Rate
(i)	Nursing Allowance (for Nurse only)	Rs.150/- p.m.	Rs. 300/- pm w.e.f 01.8.97
(ii)	Uniform allowance (for Nurse only)	Rs. 1500/- p.a.	Rs. 1500/- p.a. upto 01.8.97 and Rs. 3000/- p.a. w.e.f. 01.8.97
(iii)	Washing Allowance (for Nurse only)	Rs. 60/- p.m.	Rs. 75/- p.m. upto 01.8.97 and Rs. 150/- p.m. w.e.f. 01.8.97
(iv)	Washing Allowance (for other group C and D staff)	Rs. 30/- p.m.	Rs. 60/- p.m.

Copy of Ministry of Home Affairs letter No.II.27014/9/2001-PF.IV dated 21.3.2007 is attached herewith and marked as **Annexure R-5**

7. That with regard to the averment made in para 7 of the Rejoinder Affidavit, the averments made in para 21 to 25 of the Written Statement are reiterated.

8. That with regard to the averments made in para 8 and 9 of the Rejoinder Application, the statements made in para 26 to 28 of the Written Statement are reiterated. It is submitted that in deference to the order of the Hon'ble CAT in OA 24/2001 the respondent authority have granted the revised pay scales and the orders have prospective application except to the extent specifically mentioned in the impugned order. That no ground in law has been made out and the application as such is liable to be dismissed.

9. That the Written Statement is made bonafide and for the ends of justice and equity.

VERIFICATION

I, Lt Col S Salooja, S/o Gp Capt SC Salooja aged about 39 years, r/o Laitmukrah, East Khasi Hills District Shillong and competent officer of the answering respondents and I have been authorised to file written statement on behalf of respondents do hereby verify that the statement made in paras _____ are true to my knowledge and those of the paras _____ being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this _____ the day of _____ 2007 at Guwahati

Signature

Lt Col

লেঠকর্নল

Deputy Legal Officer

ঢায় মুখ্য নির্বাচিকারী

HQ 1011

সাহানিদেৱালয় অসম রাইফল্স, শিল্পাংগ-৭৯৩০১১

No.II.27014/9/2001-PF.IV

Government of India
Ministry of Home Affairs

North Block, New Delhi-110 001.

Dated, the 21st March 2007.

To

The Director General,
Assam Rifles,
Shilling-793 011.

Sub : Upgradation of pay scale of Staff Nurses.

Sir,

In supersession of this Ministry's letter of even number dated 15.2.2005, I am directed to convey the approval of competent authority for sanction of following pay scales to the Nursing Staff of Assam Rifles with effect from 01.1.1996 notionally, however, actual benefits will be extended with effect from 17.1.2005 :-

Sl. No.	Posts	Pay Scale
(i)	Staff Nurse	Rs.5000-8000/-
(ii)	Sister	Rs.5500-9000/-

2. The Nursing Staff is entitled for following allowances:-

Sl. No.	Allowances	Existing Rate	Revised Rate
(i)	Nursing Allowance (for Nurses only)	Rs.150/- p.m.	Rs.300/-p.m. w.e.f. 01.8.97.
(ii)	Uniform Allowance (for Nurses only)	Rs.1500/- p.a.	Rs.1500/- p.a. upto 01.8.97 and Rs.3000/- p.a. w.e.f. 01.8.97.
(iii)	Washing Allowance (for Nurses only)	Rs.60/-p.m.	Rs.75/- p.m. upto 01.8.97 and Rs.150/- p.m. w.e.f. 01.8.97.
(iv)	Washing Allowance (for other group C & D Staff)	Rs.30/-p.m.	Rs.60/- p.m.

3. These allowances shall be admissible subject to the condition laid down vide letter No.II.27012/6/99-PF.I/PF.II(Vol.II) dated 07th October, 2004.

4. This issues with the concurrence of Ministry of Health vide their ID No.57/PMS/2005 dated 18.1.2005.

5. This issues with the concurrence of IFD of this Ministry vide their Dy. No.160/Fin.II/2007 dated 07.3.2007.

Yours faithfully,


(H. Kam Suanthang)
Under Secretary to the Govt. of India