

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No.....305/06

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

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH:

1. Original Application No. 305/2006
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Sri Prabhu Chandra Meekhi D.O.S.

Respondant(S) Union of India & ors.

Advocate for the Applicant(S) MR. Salil Ahmed
Smt. S. Bhattacharya

Advocate for the Respondant(S) MR. C. G. S. K. Ahmed

Notes of the Registry	Date	Order of the Tribunal
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22.12.06

post on 22.12.06 for admission.

This application is in form
is filed/C.F. No. 10-
deposited vide IFC/BD
No. 289/932911
Dated 10.9.06

pg

Vice-Chairman

Dy. Registrar

No steps.

14.12.06

22.12.06. The grievance of the applicant is that the Government of India office Memorandum dated 9.8.1999 launched an Assured Career Progression Scheme for Group B,C,D employees who are stagnated due to lack of adequate promotional avenues. As per scheme those employees are entitled for two financial upgradation on completion of 12 years and 24 years. The instant applicants have already completed 31 to 32 years of service under the respondents. Therefore the applicants are entitled for first financial upgradation i.e. the pay scale of junior Engineer Rs.5500-175-9000/- and the second up gradation pay scale Rs.7500-250-12,000/-. However, the Respondents have granted two financial

22.12.06. upgradation to the applicants from the existing pay scale of Rs.4000-6000/- to graded scale of Rs.4500-7000/- and 5000-8000/- respectively. The aforesaid pay scale which has given to them are total anomalies with the existing pay scale. The Civil Construction Wing of All India Radio follows the rule based on the CPWD/P&T Civil Wing as per AIR Manual.

Pl. comply order dated 22-12-06
NJ
26/12/06

I have heard Mr.A.Ahmed learned counsel for the applicant and Mrs. M. Das learned Addl.C.G.S.C. for the Respondents. When the matter came up for hearing the learned counsel for the learned counsel for the applicant has submitted that notice may be issued to the respondents.

Issue notice on the respondents.
Post the matter on 8.2.07.

Vice-Chairman

lm

Notice & order sent to D/Section for issuing to R-1 & 2 by regd. A/D post and other R-3,4 sent to received by hand.

Class D/No-307033
2/1/07 Dt=12-1-07

Notice duly served on R-3,4.

18/1/07.

① Notice duly served on R.No-3 & 4,

② Respondants No-1 & 2 from avoided.

09.03.07.

7.2.07.

Notice duly served on R-2.

lm

13/2 No Wks has been filed.

8.3.07.

8.2.07 Further four weeks time is sought for by the respondents to file written statement.

Post on 9.3.07 for order.

Vice-Chairman

pg

Counsel for the applicant prays for adjournment. Post the matter on 11.4.07.

Vice-Chairman

No Wls has been
billed.

my
8.5.07

9.5.07.

Counsel for the respondents has submitted that he has filed the reply statement and copy of the same has served the counsel for the applicant. Post the matter on 8.6.07.

Vice-Chairman

lm

8.6.07.

Counsel for the applicant prays for further time to file rejoinder. Post the matter on 2.7.07.

vice-Chairman

10.5.07

Wls filed by
the Respondents
nos. 1 to 4. Page
1 to 15.

lm

2.7.2007

Applicant has filed rejoinder today. Post the case on 25.7.2007 and thereafter the matter will be posted before the Division Bench for hearing.

Vice-Chairman

Wls has been
billed.

my
7.5.07.

/bb/

Rejoinder not billed.

my
29.6.07.

25.7.07. Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 10.8.07.

Vice-Chairman

5.7.07

Rejoinder filed
by the Applicant
page 1 to 15. Copy
served.

lm

14.9.07.

Pleadings are completed. Post the matter before the next available division Bench for hearing.

Vice-Chairman

Wls and rejoinder
billed by the parties.

my
24.7.07

Wls and rejoinder
billed.

my
13.9.07.

OA 305/06

14.05.2008

The case is ready
for hearing.

My
13.5.08

On the prayer of Mr.N.Ahmed, learned
counsel representing the Applicant call this
matter on 11.06.2008.

Mr.M.U.Ahmed undertakes to file
appearance memo in this case in course of the
day.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

The case is ready
for hearing.

My
06.06.08

11.06.08

Mr A. Ahmed, learned counsel for
the Applicant is not present owing to
the ailment of his mother. Mr
M.U.Ahmed, learned Addl. Standing
counsel for the Respondents is present.

Call this matter on 24.06.2008 for
hearing.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

pg

The case is ready
for hearing.

My
10.6.08.

The case is ready
for hearing.

My
23.6.08.

24.06.08

Mr A. Ahmed, learned counsel
appearing for the Applicant and Mr
M.U.Ahmed, learned Addl. Standing
counsel for the Union of India are
present.

Call this matter on 08.08.2008
before Division Bench.

(M.R.Mohanty)
Vice-Chairman

pg

The case is ready
for hearing.

My
7.08.08.

O.A. 305 of 06

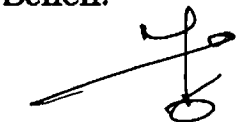
08.08.2008

Mr. A. Ahmed, learned counsel appearing for the Applicant is present. Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents is also present.

Call this matter on 16.09.2008 for hearing before Division Bench.

The case is ready for hearing.

MU
15.9.08.



(M.R. Mohanty)
Vice-Chairman

lm

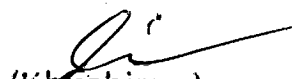
16.09.2008


On the prayer of learned counsel appearing for both the parties, call this matter on 17.11.2008 for hearing.

The case is ready for hearing.

MU
14.11.08.

lm


(K. K. Shukla)
Member(A)



(M.R. Mohanty)
Vice-Chairman

17.11.2008

On the prayer of Mr N. Ahmed, learned counsel appearing for the Applicant (made in presence of Mr M.U.Ahmed) call this matter on 02.12.2008.

The case is ready for hearing.

MU
1.12.08.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

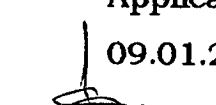
pg

02.12.2008

On the prayer of Mr. A. Ahmed, learned counsel for the Applicant call this matter on 09.01.2009.

The case is ready.

MU
7.1.09.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman


pg

O.A. 305 of 06

09.01.2009 Mr. N. Ahmed learned counsel appearing for the Applicant is present. Mr. M.U. Ahmed, learned Addl. Standing Counsel for the Respondent is also present.

Call this matter on 18.02.2009.

The case is ready for hearing.


(M.R. Mohanty)
Member (A)

3
17.2.09

lm

18.02.2009.

Call this matter on 08.04.2009.

The case is ready for hearing.



(M.R. Mohanty)
Vice- Chairman

3
6.3.09

lm

08.04.2009 Call this matter on 28.05.2009 for hearing.

The case is ready for hearing.


(M.R. Mohanty)
Vice- Chairman

3
27.5.09

lm


28.05.2009

On the consent of the learned counsel for the parties, call this matter on 23.07.2009.

The case is ready for hearing.

3
22.7.09


(N.D. Dayal)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

O.A.305 of 2006

23.07.2009


Heard Mr.A.Ahmed, learned counsel appearing for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing counsel representing the Respondents in part.

On the request of Mr.A.Ahmed, call this matter on 17.08.2009 for further hearing. Mr.A.Ahmed intends to produce relevant Recruitment Rules to show that the Work Assistant has got a right to be considered for promotion to the post of Junior Engineer/ Assistant Engineer.

The case is ready for hearing.

14.8.09


(M.K.Chaturvedi)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

17.08.2009

Heard Mr.N.Ahmed, learned counsel for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing counsel for the Respondents.

Hearing concluded and order is reserved.


(M.K.Chaturvedi)
Member (A)


(M.R.Mohanty)
Vice-Chairman


/bb/

28/8/09

Judgment order dtd 21/8/09 send to the D/section for issuing to the Applicant & Respdts. by Regd post and free Copies to both side standing counsel by hand.

21.08.2009

Judgment pronounced in open court, kept in separate sheets. The Application is dismissed. No costs.


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkrm

D/No 9860-9866 ^{28/8/09}
dtd 31/8/09

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A.No.305 of 2006

DATE OF DECISION: 21.08.2009

Shri Prafulla Chandra Medhi & 2 others

.....Applicant(s)

Mr A. Ahmed & Ms S. Bhattacharjee

Advocate(s) for the
Applicant (s)

- Versus -

Union of India and others

Respondent(s)

Mr M.U. Ahmed, Addl. C.G.S.C.

Advocate(s) for the
Respondent(s)

CORAM:

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE-CHAIRMAN

THE HON'BLE SHRI M.K. CHATURVEDI, 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

10

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.305 of 2006

Date of Order: This the 21st day of August 2009

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

The Hon'ble Shri M.K. Chaturvedi, Administrative Member

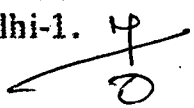
1. Shri Prafulla Chandra Medhi,
Son of Sri Maheswar Baishya,
Work Assistant,
Office of the Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Tarun Nagar, Guwahati-5.
2. Md. Atour Rahman,
Son of Late Saydur Rahman,
Work Assistant,
Office of the Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Tarun Nagar, Guwahati-5.
3. Shri Budhadev Kharghoria,
Son of Late Jatindra Nath Kharghoria,
Work Assistant,
Office of the Assistant Engineer (Civil),
Civil Construction Wing,
All India Radio,
Dibrugarh, District- Dibrugarh,
Assam.

..... Applicants

By Advocate Mr A. Ahmed and Ms S. Bhattacharjee.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Information and Broadcasting,
New Delhi-1.
2. The Director General
Civil Construction Wing,
All India Radio,
Government of India,
New Delhi-1.



3. The Superintending Engineer (Civil)
Civil Construction Wing,
All India Radio, Ganeshguri Chariali,
Dr R. Kakati Building, 1st Floor,
Post Office- Dispur, Guwahati-6.

4. The Executive Engineer (Civil)
Civil Construction Wing,
All India Radio,
Guwahati Division,
Tarun Nagar, Behind Rajiv Bhawan,
Guwahati.

.....Respondents

By Advocate Mr M.U. Ahmed, Addl. C.G.S.C.

.....

ORDER

M.R. MOHANTY, VICE-CHAIRMAN

Applicants are Work Assistants in Civil Construction Wing of All India Radio. They have been admitted to higher pay scales under Assured Career Progression (in short ACP) Scheme benefits; on completion of 12 years and 24 years of their employment. By way of filing this Original Application, under Section 19 of the Administrative Tribunals Act, 1985, they have prayed to get the said (ACP) benefit at a higher rate i.e. in the pay scales meant, (a) for Junior Engineers (on completion of 12 years of service) and (b) for Assistant Engineers (on completion of 24 years of service) respectively.

2. By way of filing written statement, the Respondents have explained that the Applicants having no channel of promotion to go over to the posts of Junior Engineers and Assistant Engineers, they are in isolated posts and, as such, they have not been given the higher pay scale meant for Junior Engineers and Assistant Engineers and that, however, they have been given the next higher pay scales

(prescribed in the Pay Rules) at the end of 12 years and 24 years of their services. In paragraph 3 of the written statement, the Respondents have explained as under:-

"..... There is no promotional avenue of Work Assistant, hence they have been treated as isolated post in Group-C categories and accordingly they have been allowed ACP scheme and upgraded their pay scale from Rs.4000-100-6000/- to Rs.4500-125-7000/- after completion of 12 years of regular service and from Rs.4500-125-7000/- to Rs. 5000-150-8000/- after completion of 24 years of regular service as per DOPT/s circular dated 9.8.1999....."

It has also been explained by the Respondents that pay of the Applicants were fixed at Scale-7 (Rs.4000-100-6000/-) as per recommendations of the 5th Central Pay Commission and that they have been given Scale-8 (Rs.4500-125-7000/-) and Scale-9 (Rs.5000-150-8000/-) after completion of 12 years and 24 years of services respectively.

3. We have gone through the materials placed on record and heard Mr A. Ahmed, learned Counsel appearing for the Applicants and Mr M.U. Ahmed, learned Addl. Standing Counsel appearing for the Respondent Organization. At the outset, we have perused the Scheme of ACP attached to DOPT/GOI Circular dated 09.08.1999. Relevant portion of paragraph 7 of ACP Scheme attached to DOPT Circular dated 09.08.1999 reads as under:-

"However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification, dated September 30,1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay scales S-5 and S-6."

4. At the hearing it has been explained that the Applicants (who were in S-7 Scale, on pay revision, as per 5th Pay Commission) were granted ACP benefits in S-8 and S-9 Scales on completion of their 12th and 24th years of services respectively. It has also been explained that in CPWD Organization, the posts (of Work Assistants) has already been declared as dying-cadre, that it has/had no scope to go, on promotion, to the post of Junior Engineer or that of Assistant Engineer and that similar is the position in Construction Organization of AIR. In absence of any materials shown to the contrary, we accept that the Applicants had no scope to get any promotion to the posts of Junior Engineer or to the posts of Assistant Engineer and, as such, they were in isolated posts and, thereby, payments made to them in next higher pay scale (than the scale in which they were continuing) were just in terms of GOI/DOPT Circular dated 09.08.1999 (Supra). That apart the Applicants have failed to show any instance in which any Work Assistant got promotion to Junior Engineer/Assistant Engineer in Respondent Organization.

5. In absence of any channel of promotion (from the posts of Work Assistants held by the Applicants) to the posts of Junior Engineer and Assistant Engineer and since ACP benefits (as per the Scheme circulated on 09.08.1999) have already been given to the Applicants; there is no scope to grant any relief to the Applicants. Hence this case is dismissed. No costs.


(M. K. CHATURVEDI)
ADMINISTRATIVE MEMBER


(M. R. MOHANTY)
VICE-CHAIRMAN

File in Court on.....

Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

FILED BY
Advocate 17/8/09

ORIGINAL APPLICATION NO. 305 OF 2006

Sri Prafulla Chandra Medhi & Others

...Applicants

- Versus -

The Union of India & Others

... Respondents

IN THE MATTER OF:

Written argument/submission submitted by the
Advocate of the Applicants

That the instant Original Application No. 305 of 2006 relates to non-granting of appropriate higher grade of pay scale to the Applicants (who are working as Work Assistant in Civil Construction Wing, All India Radio) in accordance with the existing hierarchy in a cadre/category of posts without creating new post for the purpose under the Assured Career Progression (ACP in short) Scheme. But the Respondents have granted the standard/common pay scale to the Applicants by giving the reason that the post of Work Assistant is an isolated post. Further, it is to be stated that the organizational set up of Civil Construction Wing (CCW in short), All India Radio (AIR in short) has been generally based on the pattern of CPWD/P&T Civil Wing. The Hon'ble Tribunal heard the aforesaid Original Application No. 305 of 2006 in part on 23.07.2009 and the Advocate of the Applicants intends to produce the Recruitment Rules to the post of Work Assistant under the CCW, AIR. In spite of best efforts, the Advocate of the Applicants or the Applicants could not procure or get through the Recruitment Rules to the post of Work Assistant, CCW, AIR. Therefore, the Hon'ble Tribunal, if feel necessary, may be pleased to direct the Respondents (as they are the appointing authority of the Work Assistant) to produce the Recruitment Rules to the post of Work Assistant, CCW, AIR.

In general, the post of Work Assistant in CPWD is class III non-Gazetted/non-Ministerial post. The essential qualifications and desirability to the post of Work Assistant are given below for kind perusal of this Hon'ble Tribunal.

Essential Qualifications-

- (a) should have passed Matriculate examination or 10 class of Higher Secondary School with drawing and lower mathematics as compulsory subjects.
- (b) Should have knowledge of Elementary Engineering and simple accounts.

Desirable- Working knowledge of setting of a dummy level for work and knowledge of its working parts, reading simple maps and plans.

In the instant case the Applicant No.1 was appointed as Work Assistant in the month of October 1975, Applicant No.2 was appointed as Work Assistant in the month of March 1974 and Applicant No.3 was appointed as Work Assistant in the month of October 1975 in the Civil Construction Wing, All India Radio. Till date they are working as Work Assistant in the CCW without any promotion since their appointment in the post. The Government of India vide its Office Memorandum dated 09.08.1999 introduced the ACP Scheme for the Central Government Civilian employees Groups 'B', 'C' and 'D' services/posts and isolated posts in Groups 'A', 'B', 'C' and 'D' categories. Under the ACP Scheme two financial up-gradations has been granted to central Government employees on completion of 12 years and 24 years of regular service irrespective of availability of posts/vacancies. As the Applicants have already been completed more than 32 years of regular service under the Respondents, they are entitled for two financial up-gradations on completion of 12 years and 24 years of regular service irrespective of availability of posts/vacancies as per the DOPT office Memorandum dated 09.08.1999. The Respondents have granted two financial up-gradation to the Applicants under the ACP Scheme in the pay scale from Rs. 4000-100-6000/- to Rs. 4500-125-7000/- on completion of 12 years of regular service and granted the second upgraded pay scale of Rs. 5000-150-8000/- on completion of 24 years of regular service respectively. The Respondents have only granted the standard pay scale to the Applicants instead of existing hierarchy pay scale in the cadre under the ACP Scheme. It is worth to mention here that as per existing hierarchy the Applicants are entitled for first up-gradation in the pay scale of Junior Engineer i.e. Rs. 5500-175-9000/- and second up-gradation in the pay scale of Assistant Engineer i.e. Rs. 7500-250-12000/-.

It is pertinent to mention here that as per para 3.5.4 of the AIR manual Chapter-III Section V Civil Construction Wing (Annexure-C of the O.A.), the organizational set up of Civil Construction Wing has been generally based on the pattern of CPWD/P&T Civil Wing. It is also admitted by the Respondents in paragraph 3 of their Written

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Statement that the Applicants were posted as Work Assistant in the Worked Charged category as per organizational set up of CPWD. The Indian Post & Telegraph department (Civil Engineering Wing) issued a memorandum on 03.01.1981 (Annexure-B of the O.A.) for recruitment of Junior Engineer (Civil) in the P&T Civil Engineering Wing from direct recruitment of outside candidate and also from departmental candidate through Departmental Competitive Examination. As per the said Memorandum 'Departmental candidates Draftsman Grade-I and Grade II, Work Assistant working in the Civil Wing and Draftsman (Higher Grade and Lower Grade) working in the Telecommunication Branch of the department all be eligible to appear in the departmental examination for recruitment of Junior Engineer (Civil).' Therefore it is well established that the next promotion of Work Assistant is Junior Engineer (Civil).

The Respondents in their written statement has submitted that the post of Work Assistant is a isolated post, therefore, they are providing the standard/common pay scale as indicated in notification dated 30.09.1997. The contention of the Respondents are totally false and misleading to this Hon'ble Tribunal. The CPWD manual Vol. I, 2008 Chapter-Administration, Section-I, Departmental Cadre and Pay Scale under the heading of XI, Regular Classified Establishment, Group-C, in Serial No.5 Work Assistant Post is marked as regular classified establishment under pay scale of Rs. 4000-6000/-.

That since the organizational set up of Civil Construction Wing (CCW) has been generally based on the pattern of CPWD/P&T Civil Wing and as per the CPWD/P&T manual the next promotion from Work Assistant is Junior Engineer and thereafter to the post of Assistant Engineer, therefore, the Applicants are entitled for first up-gradation in the pay scale of Junior Engineer i.e. Rs.5500-175-9000/- and second up-gradation in the pay scale of Assistant Engineer i.e. Rs. 7500-250-12000/-.

That the Work Assistant who are working in P&T (Civil) are eligible for departmental candidate to the next post of Junior Engineer (Annexure B of the O.A.). Interestingly the Respondents have not been issued any notification or circular, whatsoever, that the post of Work Assistant is isolated cadre till filing of their written statement in the instant O.A. (In the Written Statement the Respondents only stated that the post of Work Assistant is isolated post.) But the Respondents have failed to produce any authentic documents or Annexure in their written statement to prove their stands. It is also pertinent to mention here that the Applicant No.2 was entrusted to carry out the duties of Junior Engineer by the Respondents in the absence of Junior Engineers as well

as Assistant Engineer from time to time [Annexure XI(series) of the rejoinder in the instant O.A.). The Applicants were allowed to maintain the Measurement Book from time to time. Therefore, having a similar organizational set up to that of CPWD/P&T, the Applicants are entitled to the pay scale of Junior Engineer i.e. Rs.5500-175-9000/- on completion of 12 years of regular service and second up-gradation in the pay scale of Assistant Engineer i.e. Rs. 7500-250-12000/- on completion of 24 years of regular service. The Respondents can not deny the same to the Applicants. Therefore, the Original Application deserved to be allowed and the Hon'ble Tribunal may be pleased to give direction to the Respondents to give all consequential benefits including arrear salary to the Applicants.

FILED By

Sil ———
(Asic AHMED)
Advocate
13/8/09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 305/06

1. a) Name of the Applicant:- P.C. Measuri & Ors.
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :- 2 Ors.
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/No.
4. Has the application been duly signed and verified :- Yes/No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed:-Yes/No.
7. Whether all the annexure parties are impleaded :-Yes/No.
8. Whether English translation of documents in the Language : Yes/No.
9. Is the application in time :- Yes/No.
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No.
11. Is the application by IFO/BD/For Rs: 5/- 286932911 dtd 10.9.06
12. Has the application is maintainable :- Yes/No.
13. Has the Impugned order original duly attested been filed : Yes/No.
14. Has the legible copies of the annexures duly attested filed:-Yes/No.
15. Has the Index of documents been filed all available:- Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No.
20. In case of condonation of delay is filed is it supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
This application is in form

N. S. Sanyal
14.12.06
SECTION OFFICER (J)

① Annexure A is not clearly legible
② Address of R-1 and R-2 is totally incomplete
DEPUTY REGISTRAR g. S. Sanyal
14/12/06

✓ OA/CP/RA/ME No. 305 /2006

Order dated 25.3.2008

Call the matter for hearing

on

14.5.08



(M.R. MOHANTY)
Vice-Chairman

MENTION

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

File in Court on 14/5/08
Court Officer.

O.A. No. 305 of 2006

Sri Prafulla Ch. Medhi

-- Applicant

VS

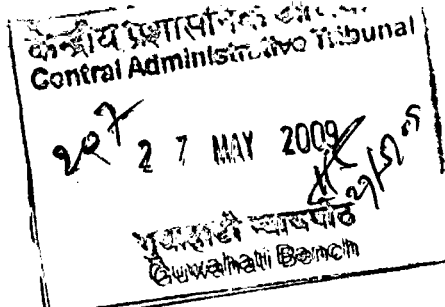
The Union of India & Ors

-- Respondent.

I beg to mention Item No. 10 of
hearing and this matter may be taken
on 11th June of 2008.

Nuruddin Ahmed
Advocate

14/05/08



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 305 OF 2006

Shri Prafulla Chandra Medhi & others

-Applicants

-Versus-

The Union of India & Others

-Respondents

LIST OF DATES

March, 1974 Para: 4.2 of the O.A.	Applicant No.2 Md. Ataour Rahman, was appointed as Work Assistant under the Respondents.
October, 1975 Para : 4.2 of the O.A.	Applicant No.1 Shri Prafulla Chandra Medhi, was appointed as Work Assistant under the Respondents.
October, 1975 Para: 4.2 of the O.A.	Applicant No.3 Shri Budhadev Khargharia, was appointed as Work Assistant under the Respondents.
03.01.1981 Para: 4.4 of the O.A. Annexure B	The Indian Posts and Telegraph Department (Civil Engineering Wing) has issued an office Memorandum for recruitment of Junior Engineer(Civil)in the P&T Civil Engineering Wing from direct recruitment of outside candidate and also from departmental candidate through Departmental Competitive Examination. In the said Memorandum the Departmental candidates like Work Assistant working in the Civil Wing and Draftsman (Higher Grade and Lower Grade) working in the Telecommunication Branch of the Department were eligible to appear in the Departmental Examination for recruitment of Junior Engineer, Civil.
05.03.1984 Para : 4 of the Rejoinder in O.A. No.305 of 2006 Annexure X1 Series 10/18.04.1984 Para : 4 of the the Rejoinder in O.A. No.305 of 2006 Annexure X1 Series	The Applicant No.2 Md. Ataour Rahman, Work Assistant was entrusted by the Respondent No.4 do work as Junior Engineer and carry out the Responsibility of Junior Engineer.
	The Applicant No.2 Md. Ataour Rahman, Work Assistant was entrusted by the Respondent No.4 do work as Assistant Engineer and carry out the Responsibility of Assistant Engineer

21.08.1997
Para 4 of the
Rejoinder in
O.A. No.305 of
2006
Annexure X1
Series

09.08.1999
Para: 4.3 of
the O.A.
Annexure A

17.10.2001
Para:4.5 of
the O.A.
Annexure D

10.08.2005
Para:4.6 of
the O.A.
Annexure E

27.09.2005
Para:4.6 of
the O.A.

06.01.2006
Para:4.6 of
the O.A.
Annexure F

25.01.2006
Para :4.6 of
the O.A.
Annexure F

The Respondent No.2 vide his letter requested all Superintending Engineer (Civil & Electrical) Civil Construction Wing, All India Radio to furnish the details of W/C Staff falling under Assistant Category for implementation of Arbitration Award on re-categorization /re-classification of work charge staff of C.P.W.D. as modified by the Hon'ble Delhi High Court Judgment.

The Ministry of Personal, Public Grievances and Pensions (Department of Personnel and Training), Govt. of India introduced the Assured Career Progression scheme for Central Government Civilian Employee. As per the said Scheme the Group 'B', 'C' and 'D' employees are entitled for financial up-gradation on competition of 12 years and 24 years of regular service irrespective of availability of posts / vacancies.

The Applicants pay scale was up-graded from the existing pay scale of Rs.4000-6000/- to up-graded pay scale of Rs.4500-7000/- and 5000-8000/- respectively, (as per the Assured Career Progression Scheme on completion of 12 and 24 years of regular service irrespective of posts and vacancy).

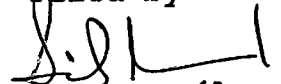
The applicant No.1 Shri Prafulla Chandra Medhi submitted a Representation before the Respondent No.3 against the anomalies in the pay scale granted to him as per the ACP Scheme as he is entitled for the pay scale of Junior Engineer and Assistant Engineer i.e. Rs.5500-175-9000/- and Rs.7500-250-12000/- respectively.

The Respondent No.4 forwarded the Representation of the Applicant No.1 Shri Prafulla Chandra Medhi and Applicant No.2 Md. Ataour Rahaman before the Respondent No.3 for consideration of their grievances.

The Applicant No.1 Shri Prafulla Chandra Medhi submitted reminder to the Respondent No.4 for rectification of the anomalies in implementation of ACP Scheme.

The Respondent No.4 forwarded the letter of the Applicant No.1 Shri Prafulla Chandra Medhi, Work Assistant before the Respondent No.3 for necessary action.

Filed by


Advocate (A, 10- AHMRE)

14 DEC 2006

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

(An Application Under Section 19 of the Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 305 OF 2006.

Sri Prafulla Chandra Medhi & Others

... Applicants

-Versus-

The Union of India & Others

... Respondents

- I N D E X -

SL No.	Annexure	Particulars	Page No.
1	...	Application	1 to 9
2	...	Verification	10
3	A	Photocopy of ACP Scheme vide Office Memorandum dated 09 th August 1998.	11-17
4	B	Photocopy of Office Memorandum dated 3 rd January 1981 issued by the Indian Posts and Telegraph Department (Civil Engineering Wing).	18-19
5	C	Photocopy of relevant portion of AIR Manual Section V Civil Construction Wing.	20-21
6	D	Photocopy of Order No: CCW/AIR/SE-GH/80(E)/2000-2001/2341-44 Dated 17 th of October 2001.	22
7	E & F	Photocopies of representations dated 10-8-2005 and 6-1-2006, and forwarding letters dated 27-9-2005 and 25-1-2006.	23-26

Date:

Filed By:

Advocate (Adv. Primes)

24

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

ORIGINAL APPLICATION NO. 305 OF 2006.

Sri Prafulla Chandra Medhi & Others

... Applicants

-Versus-

The Union of India & Others

... Respondents

SYNOPSIS:

All the applicants are working under the Respondents. The Government of India vide their Office Memorandum dated 9-8-1999 launched an Assured Career Progression (in short ACP) Scheme for Group B, C, and D employees who are stagnated due to lack of adequate promotional avenues. As per the aforesaid Scheme those employees are entitled for two financial upgradation on completion of 12 years and 24 years. The instant applicants have already completed 31 to 32 years of service under the Respondents. Therefore they are entitled for two financial upgradation. The next promotion from Work Assistant is Junior Engineer and thereafter to the post of Assistant Engineer. The Civil Construction Wing of All India Radio follows the rule based on the pattern of CPWD/ P&T Civil Wing as per AIR Manual Chapter III Section V Civil Construction Wing. The Indian Posts and Telegraphs Department (Civil Construction Wing) for recruitment of Junior Engineer (Civil) in their Department generally called the candidates from outside open market and also from departmental candidate like Draftsman Grade-I and Grade-II, Work Assistant working in Civil Wing, etc. Therefore, the applicants are entitled for first financial upgradation i.e. the pay scale of Junior Engineer Rs. 5500-175-9000/- and second upgradation i.e. the pay scale of Assistant Engineer Rs. 7500-250-12,000/ However, the Respondents have granted two financial upgradation to the applicants from the existing pay scale of Rs. 4000-6000/- to upgraded scale of Rs. 4500-7000/- and 5000-8000/- respectively, (12/24 years). The aforesaid pay scale which was given to them are total anomalies with the existing pay scale of Junior Engineer and Assistant Engineer. Being aggrieved by this the Applicants filed representations before the authority concern for granting appropriate pay scale to them. But till date the Respondents have not taken any steps in this matter. Hence, this Original Application for seeking justice in this matter and also for seeking a direction from this Hon'ble Tribunal to the Respondents to grant appropriate pay scale to applicants.

P 57
C 1

25
Filed by
Shri Prafulla Chandra Medhi
Applicant No 1
Through J.L.H.
(AD (2- AHM))
Advocate

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**
**(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)**

ORIGINAL APPLICATION NO. 305 OF 2006.

BETWEEN

1. Shri Prafulla Chandra Medhi
Son of Sri Maheswar Baishya
Work Assistant
Office of the Executive Engineer (Civil)
Civil Construction Wing,
All India Radio,
Tarun Nagar, Guwahati-5.
2. Md. Atour Rahman
Son of Late Saydur Rahman
Work Assistant
Office of the Executive Engineer (Civil)
Civil Construction Wing,
All India Radio,
Tarun Nagar, Guwahati-5.
3. Shri Budhadev Kharghoria
Son of Late Jatindra Nath Kharghoria
Work Assistant
Office of the Assistant Engineer (Civil)
Civil Construction Wing,
All India Radio,
Dibrugarh, District-Dibrugarh, Assam.

1974
Applicants

-AND-

1. The Union of India represented by the
Secretary to the Government of India,
Ministry of Information and
Broadcasting, New Delhi-1.
2. The Director General
Civil Construction Wing,
All India Radio,
Government of India, New Delhi-1.
3. The Superintending Engineer (Civil)
Civil Construction Wing,

Signature

All India Radio, Ganeshguri Chariali,
Dr.R.Kakati Building, 1st Floor,
Post Office-Dispur, Guwahati-6.

4. The Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Guwahati Division,
Tarun Nagar,
Behind Rajiv Bhawan,
Guwahati.

... Respondents

DETAILS OF THE APPLICATION:

1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Application is made for anomalies in implementation of Assured Career Progression (in short ACP) Scheme to the applicants by the Respondents and also praying for a direction from this Hon'ble Tribunal to the Respondents for grant of appropriate grade pay scale to the applicants as per the above mentioned Assured Career Progression (in short ACP) Scheme issued by the Government of India., Ministry of Personnel, Public Grievances and Pensions (Department of Personal and Training).

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

The Applicants further declare that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

- 4.1) That your humble applicants are citizens of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of India.

[Handwritten signature]

4.2) That your Applicants beg to state that the applicant No. 1 was appointed as Work Assistant under the Respondents in the month of October 1975, the applicant No. 2 was appointed as Work Assistant under the Respondents in the month of March 1974 and the applicant No. 3 was appointed as Work Assistant under the Respondents in the month of October 1975. Since then they are working in the same posts i.e. as Work Assistant in All India Radio (Civil Construction Wing). It is to be stated that the present Pay scale of Work Assistant is Rs. 4000-100-6000/-. *The applicants pray to move this application jointly under Section 4(5)(a) C.A.T. (Procedure) Rule 1987 and as there relief are common.*

4.3) That your Applicants beg to state that the Fifth Central Pay Commission been circulated by the DOPT vide its said O.M. dated 09-08-1999. recommended interalia for an Assured Career Progression (ACP) Scheme as a "Safety net" for those Central Government Civilian employees who are stagnated due to lack of adequate promotional avenues. Pursuant to the recommendation of the CPC, the Govt. of India, vide its Office Memorandum No.35034/1/97-Estt (D) dated 09-08-1999 issued by the Department of Personal and Training (DOPT) launched an ACP Scheme with certain modifications for the Central Government Civilian employees to mitigate hardships in cases of acute or in an isolated post. As per the said ACP Scheme the Group "B", "C" and "D" employees are entitled to be granted to financial up gradations on completion of 12 years and 24 years of regular service irrespective of availability of posts/vacancies. The detailed Scheme and the conditions thereto have been circulated by the DOPT vide its said OM dated 9-8-1999.

Photocopy of ACP Scheme vide Office Memorandum dated 09th August 1998 is annexed herewith and marked as ANNEXURE-A.

4.4) That your Applicants beg to state that all of them have already completed about 31(Thirty one) to 32 (Thirty two) years of service under the Respondents. As such they are entitled for two financial up- gradations on completion of 12 years and 24 years of

regular service irrespective of availability of Posts/Vacancies. The next Promotion from Work Assistant is Junior Engineer and thereafter to the post of Assistant Engineer. In this connection the applicants want to draw the kind attention of this Hon'ble Tribunal by highlighting the Office Memorandum dated 3rd January issued by the Indian Posts and Telegraph Department (Civil Engineering Wing). The aforesaid Memorandum dated 3rd January 1981 was issued for recruitment of Junior Engineer (Civil) in the P&T Civil Engineering Wing from direct recruitment of outside candidate and also from departmental candidate through Departmental Competitive Examination. As per the said Memorandum "Departmental candidates Draftsman Grade- I and Grade- II, Work Assistant working in the Civil Wing and Draftsman (Higher Grade and Lower Grade) working in Telecommunication Branch of the Department all be eligible to appear in the Departmental Examination for recruitment of Junior Engineer (Civil)". Therefore it is clear that next promotion from Work Assistant is Junior Engineer. It is pertinent to mention here that as per AIR Manual Chapter- III Section V Civil Construction Wing it is stated in para 3.5.4 the organisational set up of Civil Construction Wing has been generally based on the pattern of CPWD/ P&T Civil Wing

Photocopy of Office Memorandum dated 3rd January 1981 issued by the Indian Posts and Telegraph Department (Civil Engineering Wing) is annexed herewith and marked as ANNEXURE-B.

Photocopy of relevant portion of AIR Manual Section V Civil Construction Wing is annexed herewith and marked as ANNEXURE-C.

4.5) That your Applicants beg to state that they are entitled for two financial upgradation as per ACP scheme i.e. first upgradation is the pay scale of Junior Engineer Rs. 5500-175-9000/- and second upgradation is the pay scale of Assistant Engineer Rs. 7500- 250-,

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12000/as they have already completed 24 years of regular service. However, office of the Respondent No. 3 vide their Order No: CCW/AIR/SE-GH/80(E)/2000-2001/2341-44 Dated 17th of October 2001 upgraded the pay scale of the applicants from the existing pay scale of Rs. 4000-6000/- to upgraded scale of 4500-7000/- and 5000-8000/- respectively, (12/24 years).

Photocopy of Order No: CCW/AIR/SE-GH/80(E)/2000-2001/2341-44 Dated 17th of October 2001 is annexed herewith and marked as **ANNEXURE-D.**

4.6) That your Applicants beg to state that the pay scale which was granted to them is total anomalies with the pay scale of Junior Engineers (Civil) Civil Construction Wing, All India Radio and Assistant Engineer (Civil), Civil Construction Wing, All India Radio. Being aggrieved by this they filed representations before the Respondent No. 4 and lastly they filed two representations dated 10-8-2005 and 6-1-2006 which was forwarded by the Respondent No. 4 to Respondent No. 3 vide his Forwarding Letters Nos. CWG/AIR/Admn/1(5)/ 2005-06/2932-34 dated Guwahati, the 27/9/2005 and CWG/AIR/Admn/1 (5)/2005-06/2573 dated Guwahati, the 25/1/2006. However, the Respondents have not taken any steps and action in this matter for granting appropriate two financial upgradation of pay scale of the applicant as per ACP Scheme till date. The Respondents have adopted a discriminatory attitude towards the applicants. It is a fit case for this Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicants directing the Respondents to grant appropriate pay scale to them as per ACP Scheme.

Photocopies of representations dated 10-8-2005 and 6-1-2006, and forwarding letters dated 27-9-2005 and 25-1-2006 are annexed herewith and marked as **ANNEXURE-E & F.**

Edman

4.7) That your Applicants beg to state that due to non-consideration of their case for granting of appropriate higher pay scale they are suffering from heavy financial loss. As such the action of the Respondents are arbitrary, unjust, unfair, illegal, discriminatory and violative of the principle of natural justice and doctrine of equality.

4.8) That your Applicants beg to state that the cause of action arises each and every day, every month for non-fixation of appropriate pay scale in favour of the applicants.

4.9) That your Applicants submit that the Respondents have acted with a mala-fide intention only to deprive them from their legitimate right.

4.10) That your Applicants submit that the action of the Respondents is highly illegal, improper, discriminatory, whimsical and also against the fair play of Administrative justice.

4.11) That your Applicants submit that the Respondents have violated the Articles 14, 16 and 21 of the Constitution of India.

4.12) That your Applicants submit that the Respondents have violated the principle of Natural Justice.

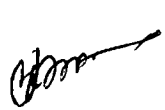
4.13) That your Applicants submit that they demand justice and the same has been denied by the Respondents

4.14) That this application is filed bonafide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction.



- 5.2) For that, as per AIR Manual Section V Civil Construction Wing paragraph 3.5.4 the organizational set-up of Civil Construction Wing has been based on the pattern of CPWD/P&T Civil Wing and the Office Memorandum dated 3rd January 1981 issued by the Indian Posts and Telegraphs Department (Civil Engineering Wing) has stated that Departmental Candidates viz. Draftsman Grade-I and Grade-II, Work Assistant working in the Civil Wing are eligible to appear in the Departmental Examination for recruitment of Junior Engineer (Civil) in P&T Department. Therefore, it is clear that next promotion from Work Assistant is Junior Engineer. Hence, the Respondents cannot deny the benefits of granting pay scale of Junior Engineer and Assistant Engineer to the applicants as per ACP Scheme (12/24 years).
- 5.3) For that, the applicants are entitled for higher-grade pay scale of Rupees 5500-175-9000/- and 7500-250- 12,0 00/- as per ACP Scheme issued by the Govt. of India (DOPT). Hence the Respondents cannot deny the same benefit to the applicants without any cause or causes.
- 5.4) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive only to deprive the applicants from getting their appropriate pay scale.
- 5.5) For that the Respondents being a model employer cannot deny the aforesaid benefit to the applicants, which they are legally entitled to.
- 5.6) For that all the applicants are in the verge of the retirement without getting appropriate upgraded pay scale. As such the action of the Respondents are bad in the eye of law and also not maintainable in fact.
- 

5.7) For that, due to non-consideration of appropriate higher grade pay scale the applicants are suffering from great financial loss and also mental anxiety due to neglected attitude of the Respondents.

5.8) For that in any view of the matter the action of the Respondents are not sustainable in the eye of law as well as fact of this case.

The Applicants crave leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicants further declare that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may

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- 9 -

be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to give appropriate higher pay scale to the applicants @ Rupees 5500-175-9000/- and 7500-250-12,000/- as per ACP Scheme issued by the Govt. of India (DOPT).

8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

At this stage Applicants do not seek any interim relief but if the Hon'ble Tribunal may deem fit and proper may pass any order/orders.

10) Application is filed through Advocate.

11) Particulars of L.P.O.:

L.P.O. No. 286-932911

Date of Issue 10-9-2006

Issued from C.P.O.

Payable at G. N. S. S. S.

12) LIST OF ENCLOSURES:

As stated above.

Verification

Chandra

VERIFICATION

I, Shri Prafulla Chandra Medhi, Son of Sri Maheswar Baishya, aged about 53 years, working as Work Assistant under the Office of the Executive Engineer (Civil), Civil Construction, Wing, All India Radio, Tarun Nagar, Guwahati-5 do hereby solemnly verify that I am the Applicant No.1 of this instant Application as such I am well acquainted with the facts and circumstances of the instant case and I am also authorized by other Applicants to verify the statements on their behalf.

That the statements made in paragraph nos. 4.1, 4.2, 4.7, 4.8 are true to my knowledge, those made in paragraph nos. 4.3, 4.4, 4.5, 4.6 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 14th day of Dec 2006 at Guwahati.

Prafulla Ch. Medhi
DECLARANT

-11- -12-

MOST IMMEDIATE

ANNEXURE - A

No.35034/1/97-1211(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
August 9, 1999

OFFICE MEMORANDUM

Subject: THE ASSURED CAREER PROGRESSION SCHEME FOR
THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations for the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to provide a problem of genuine stagnation and hardship faced by the employees due to lack of promotional avenues. Accordingly, after careful consideration it has been decided to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain modifications as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

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

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

.....2/-

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

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre reviews, etc as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year - preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....3/-

Sh. K. K. Advani

- 3 - 14-13-

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Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in service/cadre/posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)

Director (Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/
Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/
UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public
Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

....4/-

Attended
Sd/-
Private

- 18-14-
- 4 -

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ANNEXURE-1

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;
- 5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;
- 5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employee together with ~~recognition of old designations~~, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

....5/-

Attested
Sd/-
Advocate

Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(1) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

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

.....6/-

Attstd
Sd/-
Bharati

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;
12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;
13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;
14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and
15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

[Signature]

(K.K. JHA)

Director (Establishment)

....7/-

[Handwritten initials]
A. K. Jha
S. K. Jha

STANDARD/Common PAY SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE MEMORANDUM]

S.No.	Revised pay-scales (Rs)	
1.	S-1	2530-55-2660-60-3200 P.C.
2.	S-2	2610-60-3150-65-3540 D.C. (Can)
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590 Z.D.
6.	S-6	3200-85-4900
7.	S-7	4000-100-6000 (J.P.C.) P.A.
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000 P.A.
11.	S-12	6500-200-10500 P.S./C.
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200 U.S.
16.	S-21	12000-375-16500 D.S.
17.	S-23	12000-375-18000
18.	S-24	14300-400-18500 D.C. (Can)

Attested
Sd/-
for to

23/6/00
b.p.d.
30/2/00
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v

(True copy)

ANNEXURE - B

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
(CIVIL ENGINEERING WING)

No. 3(2)/SEHD/81/26

Dt. 3rd Jan./1981.

% the Superintending Engineer
P&T Civil Circle, Chikkadpally
Hyderabad-500020.

OFFICE MEMORANDUM

It has been decided by the P&T Board that the recruitment for Junior Engineer (Civil) in the P&T Civil Engg. Wing shall be done as follows:

"(i) 63 1/3% by direct recruitment of outside candidates through an open competitive examination; and (ii) 16 2/3% by promotion of departmental candidates through departmental competitive examination".

"Departmental candidates viz. Draftsman Grade-I and Grade-II, Work Assistant working in the Civil Wing and Draftsman (Higher grade and Lower Grade) working in the Telecommunications Branch of the Department, all be eligible to appear in the Departmental examination provided they have put in a minimum of 5 years regular service in one or more of the eligible cadres on 1st July of the year of Examination".

Certain clarifications have been called for in this context from the Directorate. However, pending receipt of clarifications, and in order to save time it has been decided to conduct the departmental competitive examination from eligible departmental candidates as mentioned above. It is proposed to hold this examination on 15-2-1981. The subjects of study for this examination are mentioned in the enclosed Annexure-I to this letter.

You are requested to give wide publicity to this examination among all eligible candidates working under your control.

The application for taking this examination may be sent in the proforma given in Annexure-II enclosed to this letter. The candidates should also give an undertaking that this examination is provisional pending clarifications to be received from the Directorate.

SUBJECTS OF STUDY & SYLLABUS FOR THE EXAMINATION (ANNEXURE-I).

The examination will be of the standard of Diploma in Civil Engineering and will cover mainly the following subjects:

- 1) Building Construction (2) Building materials, (3) Applied Mechanics (Strength of materials and theory of structures).
- (4) R.C.C. and steel designs (5) Surveying (6) Water supply and sewerage engineering and sanitary engineering.
- (7) Transport engineering.

...2...

Attchd

File
Date

PST

33777/81

Supp. 1/81

APPLICATION FORM FOR THE DEPARTMENTAL EXAMINATION FOR
RECRUITMENT OF JUNIOR ENGINEER (CIVIL)

- 1) Name (in block letters) :-
- 2) Date of Birth:-
- 3) Educational Qualifications:-
- 4) Present post held :-
- 5) Details of the service of the candidate in the eligible post (i.e.,) Draftsman Grade-I/II, Work Assistants working in Civil Wing and Draftsman (Higher Grade and Lower Grade) working in the Telecommunications Branch.

Name of the post. Nature of service. Period of working, whether regular or not. From To

- 1) I declare that the above particulars are true to the best of my knowledge and belief.
- 2) I am also aware that this examination is provisional pending certain clarifications to be received from the P&T Directorate. Hence, I agree not to claim any eligibility for the cadre of J.E. (Civil) on the results of the examination.

Place:

Date:

SIGNATURE OF THE CANDIDATE

SPECIMEN SIGNATURE OF THE CANDIDATE.
(Attested by the head of the office with designation & seal).

The eligible candidates may be informed that the last date of receipt of applications for the examination would be 2-2-1981 and the applications should be received in this office by that date.

Enclo:-2 Annexures:

Sd/-Illegible.
(S. GREENIVASA MOORTHY)
Superintending Engineer,
P&T Civil Circle, Hyderabad.

Copy forwarded for info, and n/a to:-

- 1) The Executive Engineer, P&T Civil Division No. I/II, Hyderabad.
- 2) The Surveyor of Works and EA to SE/O.S.
- 3) All DETs under Telecom, Andhra Pradesh Circle.
- 4) The Director, Coaxial Cable Project, Hyderabad.
- 5) The General Manager (Telecom.), AP Circle, Hyderabad.
- 6) The General Manager (Telephones), Hyderabad-33.
- 7) All the DETs (Coaxial) in AP. (8) All the DETs, Microwave projects, in A.P. (9) The Divisional Engineer Telegraph (Maintenance) (10) The Circle Secretary, All India Telegraph Engineering Employees Union-Class-III, Hyderabad, India. (11) The Circle Secretary, All India Junior Engineers Associations, Hyderabad, for information.

Enclo:-Two.

Sd/-Illegible. S.E. Hyderabad

Compared with
[Signature]

Attd
[Signature]
[Signature]

SECTION V — CIVIL CONSTRUCTION WING

3.5.1. Introductory :

The Civil Construction Wing came into existence in 1971-72 and became fully operational in 1972-73. Prior to this, CPWD was handling all the Civil Works pertaining to various units of Ministry of Information & Broadcasting. The construction of buildings for new projects and maintenance of existing buildings of All India Radio and Doordarshan and other media units, under the Ministry of I&B, are now carried out by Civil Construction Wing, All India Radio.

3.5.2. Civil Construction Wing, was initially headed by a Chief Engineer (equivalent to Zonal Engineer of CPWD). The post was subsequently upgraded to Chief Engineer level because of tremendous increase in activities of CCW and its strengthening to take up increased work load.

3.5.3. Chief Engineer (Civil) has been declared as the Head of the Department for the purpose of Delegation of Financial Powers Rules 1978 and Fundamental and Supplementary Rules and enjoys financial powers equivalent to D.G.(Works) CPWD.

3.5.4. The organisational set up of C.C.W. has been generally based on the pattern of C.P.W.D./P&T Civil Wing. There is, however, variation as regards cadre of ministerial staff of G.C.S. and Central Secretariat services as compared to CPWD/P&T Civil Wing. The cadre controlling authority in respect of Central Secretariat Services at C.C.W. Headquarters is vested in several sections of the Directorate and in respect of G.C.S. cadres with the Station Directors of the respective zones. As against this, there is a separate ministerial cadre for construction wing in C.P.W.D. and P&T Civil Wing.

3.5.5. Applicability of CPWD Rules :

The Civil Construction Wing is working generally on the pattern of C.P.W.D. The rules contained in C.P.W.D. Account Code, C.P.W.D. Department Code and C.P.W.D. Manuals and subsidiary instructions issued by competent authorities, under these rules, from time to time, apply to the Civil Construction Wing.

3.5.6. Organisation :

C.C.W. is a part of the Directorate General, All India Radio and is headed by a Chief Engineer (Civil).

3.5.7. At the Headquarters of Civil Construction Wing, Chief Engineer (Civil) is assisted by Superintending Surveyer of Works, Senior Architects, Engineer Officers, Financial Advisor and other complementary staff working under them. All estimates, plans and tenders document exceeding the power of SE and requiring CE's approval are required to be attended in CCW(HQ) by SSW Unit on the basis of design and drawings of the senior Architect's Unit. For execution of Civil Works, Chief Engineer(Civil) is assisted by Superintending Engineer (Civil) and (Electrical) in the field.

3.5.8. There are 3 to 5 divisions under the control of each superintending Engineer, as per approved pattern of C.P.W.D./P&T.

3.5.9. The organisational set up of Civil Construction Wing is given in the chart, as per Annexure I.

Attested
Jil
Permit

3.5.10. The Administrative Wing of CCW at the Headquarters consists of four sections. The work being dealt with by these sections and the organisational chart of this wing is given in Annexure.

3.5.11. Architectural Units :

Architectural Units are under the administrative control of Chief Engineer (Civil). The two P&D Units, DG: Doordarshan and DG: AIR and other media units submit their technical and administrative requirements to the Sr. Architects, who after due consideration of the technical information/data from the circle offices produce the design of spaces and buildings. The SSW Unit/Circle offices provide the structural design for such buildings/structures. Though the SAs are under overall control of Chief Engineer, they are afforded ample freedom in their professional work. The Sr. Architects also supervise buildings under construction periodically and record mandatory completion certificates.

3.5.12. Duties and Responsibilities :

3.5.12.1. Civil Construction Wing, All India Radio is working basically on the pattern of C.P.W.D., the duties and responsibilities of staff working in the organisation are the same as laid down in Section - II of C.P.W.D. Code and Chapter-3 and Chapter-8 of C.P.W.D. Manual Volume-I. However, there have been certain differences as regards internal delegation of powers to various officers of Civil Construction Wing, Headquarters as per DG: AIR Order No.A-179 with latest instructions from time to time.

3.5.12.2. The Superintending Engineers and Executive Engineers are responsible for implementation of policies, construction programmes as laid down by Chief Engineer (Civil) and are required to maintain liaison with the office of Chief Engineer (C) in regard to execution of works, technical matters and other administrative matters. The budgetary control of divisions under each circle rests with respective Superintending Engineer who in turn is accountable to Civil Construction Wing Headquarters. The Executive Engineers are responsible for the correct compilation of works, accounts etc. through Junior Accounts Officers and they have to account for the expenditure of various projects to the satisfaction of the audit.

3.5.12.3. Office Superintendents, Head Clerks and J.A.Os are incharge of Sections. The Superintendent controls the office establishment of circle, while the Head Clerk and JAO are incharge of Administration and Accounts Branches respectively in Divisional Office.

3.5.12.4. In order to ensure proper coordination in respect of Administrative and establishment matters with the Ministerial GCS cadre, drawings staff, Group 'D' staff of subordinate offices and SSW Units, Officers of CCW(HQ) have been declared as S.E.(Coordination).

3.5.16. Deposit Works :

In addition, C.C. Wing is occasionally required to execute works of other Ministries also as deposit work.

3.5.17. Work Charge Establishment :

Generally speaking workcharged establishment means that establishment whose pay, allowances etc. are directly chargeable to "Works". Workcharged staff is employed on the actual execution of a specific work, sub-works of a specific work etc. The cost of workcharged establishment is invariably shown as a separate sub-head of the estimate for a work. In other respects, the workcharged staff is quite comparable to the regular Govt. servants. The workcharged establishment exists in CCW field offices only. For the recruitment, pay scale and other rules C.P.W.D. Manual Vol.III is applicable to them.

Attn
Sd/-
Date

22

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ANNEXURE - D

PRASAR BHARATI
(BROADCASTING COOPERATION OF INDIA)
O/O THE SUPERINTENDING ENGINEER (C)
CCW: AIR: GUWAHATI

NO:CCW/AIR/SE-GH/80(E)/2000-2001/2241-44/Dated: 17th of OCT'2001.

/ O R D E R /

In pursuance of DOPT, OM.NO.35034/1/97 Estt.(P) dated 09.08.99 and the recommendation of the screening committee held on 15.10.2001 the following categories of incumbents who have completed 12/24 years of service without any promotion are granted financial up-gradation under ACP as under with effect from the dates mentioned against their names.

WORK ASSISTANT

Existing pay scale of Rs. 4000-6000/- (Revised on initial appointment up-graded Scale 12/24 years 4500-7000/- and 5000-8000/- respectively).

Sl. Name & Designation No.	Date of joining	Date of effect 1st ACP	Date of effect 2nd ACP.
1.Md. Atawr Rahman, W/Asstt.	01.03.74	09.08.99	09.08.99
2.Shri P.C.Mddhi -do-	27.10.75	09.08.99	09.08.99

WORK CHARGE MOTOR DRIVER.

Existing pay Scale of Rs.3050-4590/- on initial appointment up-graded pay Scale Rs. 4000-6000/-

1. Shri R.K.Kalai, W/C.M/D.	10.11.87	09.11.99	-
2. Shri Bidhan Ch.Das, -do-	19.06.89	18.06.01	-
3. Shri P.P.Sharma -do-	10.04.89	09.04.01	-
4. Shri Arban Ali -do-	04.08.84	09.08.99	-
5. Shri Rajesh Gurung -do-	24.01.84	09.08.99	-
6. Shri Mao Marak -do-	17.04.88-86	09.08.99	-
7. Shri S.Shema -do-	10.07.86	09.08.99	-

W/C. SECURITY GUARD.

Existing pay Scale of Rs.2550-3200/- on initial appointment up-graded Scale 12/24 years Rs. 2650-4000/- and 2750-4400/- respectively.

1. Shri S.Dutta, S/Guard	15.05.74	09.08.99	09.08.99
2. Md.K.Khan. -do-	15.04.76	09.08.99	09.08.99
3. Shri S.Roy. -do-	13.02.89	12.02.01	-
4. Shri C.DebBarman -do-	01.04.74	09.03.99	09.08.99
5. Shri D.K.Sangha -do-	05.09.88	04.09.2000	-
6. Shri S.K.Podder -do-	06.09.88	05.09.2000	-
7. Shri D.C.Deb -do-	25.03.74	08.09.99	08.09.99
8. Shri D.B.Roy. -do-	29.03.74	08.09.99	08.09.99

The Pay of the above officials may be fixed as per instruction contained in the DOPT's No dated 09.08.99, mentioned above.

EA to Superintending Engineer(C).
CCW::All India Radio::Guwahati:::

Copy for information and necessary action to:-

1. The Executive Engineer (C), CCW, AIR, Guwahati, for necessary action.
2. The Executive Engineer (C), CCW, AIR, Silchar and he is directed to hold DPC in respect of Group 'D' i.e. Shri N.N.Das, Peon to allow ACP.
3. The Executive Engineer (C), CCW, AIR, Itanagar, upto date C.R. of staffs under his jurisdiction may be forwarded to this office at the earliest.
4. To All person concerned for information.

EA TO SUPERINTENDING ENGINEER (C).

To
The Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Guwahati.

23- ANNEXURE - E
Date : 10-8-2005.

Sub :- Anomalies in implementation of A.C.P. Scheme for the post of Work Asstt.

Ref :- S.E.(C)'s letter No.CCW/AIR/SE-GH/80(E)/2000-2001/2341-44 dated 17.10.2001.

...

Sir,

With due respect and humble submission I beg to state that the A.C.P. Scheme which were implemented by the Central Govt. to those employees who have not promoted to the next higher post or hardship faced by the employees due to lack of adequate promotional avenues. Such employees should get the financial upgradation under the Scheme will be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new post for the purpose.

That Sir, on the above context I hereby bring to kind notice that the A.C.P. was granted to me as per your order No. CCW/AIR/SE-GH/80(E)/2000-2001/2341-44 dated 17.10.2001 on the basis of Standard pay Scales on 'SNAMMY's CCS (Revised pay) Rules 1997 and two upgradation scale i.e. on Rs. 4500-125-7000/- and Rs. 5000-150-8000/- was granted to me as I was completed more than 24 (twenty four) years of service as on 9.8.1999 in the post of Work Assistant. I carry out the order and the arrear payment was drawn but recording objection in the pay bill as it is felt by me that the Hierarchy in my cadre/Category is not maintained by the Department while implementing the A.C.P. Scheme to me. During that time I could not represent the case to your goodself as the whole matters is not clear to me. However, in this connection I hereby submit the following for your kind perusal and necessary action on the matter of maintaining Hierarchy in implementation of A.C.P. scheme to me which has not taken into consideration in the above mentioned letter No.CCW/AIR/SE-GH/80(E)/2000-2001/2341-44 dated 17.10.2001.

That Sir, as I know that my post has some promotional avenue and the ACP scheme was also directed that to maintain the Hierarchy in a cadre/category of post without creating new post for the purpose for such an employee like me.

That Sir, as I know that the post of Draughtsman Gr.-I, Draughtsman Gr.-II and Work Assistant working in P&T Department, their Recruitment Board has decided that for recruitment for the post of Junior Engineer (C) in Engineering Wing shall be done as percentage basis from such posts like Draughtsman Gr.-I, Draughtsman Grade-II and Work Assistant by promotion of Departmental candidates through Departmental competitive Examination. In this connection I refer the P&T's letter No.3(2)SEHD/81-26 dated 3.1.1981 and copy of the same is also enclosed herewith) for your information please. But our Department has not done so.

That Sir, on the basis of the above order's it is learnt that the post of Work Assistant has promotional Avenue and I am eligible for grant of the Scale of J.E.(C) and onwards.

Under the above circumstances, I pray your honour to kindly look into the matter and consider my case favourably to take up the case to appropriate authority for grant of benefit under the ACP Scheme maintaining the Hierarchy of my post so that I get encouragement for my future service to the Department and for this act of your kindness I shall remain ever grateful to you.

With regards 'Sir'.

Your's faithfully,

(P.C.MEDHI)
Work Assistant,
CCW, AIR, Guwahati.

- Enclos:- 1) Copy of S.E.(C)'s order.
2) Copy of P&T's order.

-24- 48

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE EXECUTIVE ENGINEER (CIVIL)
CIVIL CONSTRUCTION WING : ALL INDIA RADIO
GUWAHATI DIVISION

No. CWG/AIR/Admn/1(5)/2005-06/2932 34

Dated : Guwahati,
the 27/9/05

The Superintending Engineer (C),
Civil Construction Wing,
All India Radio,
Ganeshguri,
Guwahati

Sub : Anomalies in implimentation of 7CP. Scheme
for the post of Work Assistant.

Sir,

Enclosed please find herewith the 2 (two) Nos. of application
in respect of S/Shri A. Rahaman, W/Asstt., P. Ch. Medhi, W/Asstt. of
this Office regarding "anomalies in implimentation of ACT. Scheme for
the post of Work Assistant".

This is for your further necessary action please.

Yours faithfully,

Sd/-
(S. C. ARORA)
EXECUTIVE ENGINEER (C)
CCW : AIR : GUWAHATI

Enclosed : As above.

Copy to : 1) Sri A. Rahaman, W/Asstt. of CCW, AIR, Ghy.
2) Sri P. Ch. Medhi, W/Asstt. of CCW, AIR, Ghy.

Sd/-
EXECUTIVE ENGINEER (C)

Sd/-
Sd/-

To
The Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Guwahati.

25- 4025 20/1
ANNEXURE-F
Date : 6-1-2006.

Sub :- Anomalies in implimentation of A.CP.Scheme
for the post of Work Assistant.
Ref :- My letter No. Nil dated 10.8.2005.

...

Sir,

With reference to the subject cited above,
I had submitted a representation for Anomalies in implimentation
of A.C.P. Scheme for the post of Work Assistant on 10.8.2005.
It is sad to say that after 5 months over 5-months over no any
fruitful action has been taken by the office.

I, therefore, once again requested that the
matter may please be seen and inform me accordingly ^{so that} I may be
satisfied with your fruitful result & oblige.

With regurds Sir,

Encl:- Copy of 1st
representation.

Yours faithfully,

P. C. Medai
(P. C. Medai 6/1/2006)

Work Assistant.
CCW, AIR, Guwahati.

...

H.C.

2/1

Sh. KRC PL
20/1

Attended
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- 26 -

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE EXECUTIVE ENGINEER (CIVIL)
CIVIL CONSTRUCTION WING : ALL INDIA RADIO
GUWAHATI, DIVISION

No. CWG/AIR/Admn/1(5)/2005-06/ 2573

Dated : Guwahati,
the

The Superintending Engineer (C),
Civil Construction Wing,
All India Radio,
Guwahati

Sub : Anomalise in implimentation of ACP Scheme for
the post of Work Assistant.

Ref : EE(C) L/No. CWG/AIR/Admn/1(5)/2005-06/2932-34
dtd. 27-9-2005.

Sir,

With the reference to the subject of even numbers, an
application in respect of Sri P.C Medhi, W/Asstt. of this Division
Office is forwarded herewith for your kind necessary action please.

Yours faithfully,

(S. C. MOHA)
EXECUTIVE ENGINEER (C)
CCW : AIR : GUWAHATI

Enclosed : As above.

Attchd
Sd/-
Am to

Central Administrative Tribunal

10 MAY 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH

IN THE MATTER OF:

O.A.No. 305/2006:

Shri P.C. Medhi & Ors.

..... Applicant

- Versus -

Union of India & Others.

..... Respondents

- AND -

IN THE MATTER OF :

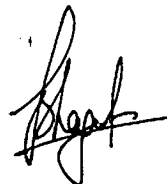
Written statement submitted by
the Respondents No.1 to 4.

WRITTEN STATEMENT

The humble answering
respondents submit their written
statements as follows :

1.(a) That I am the Superintending Engineer (Civil), all India Radio, Guwahati and Respondents No. 3 in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both on facts and in law.



for

M. U. Ahmed, Clerk
9/5/07

(c) That the application is bad for non joinder of necessary parties and misjoinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver estoppel and acquiescence and liable to be dismissed.

(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

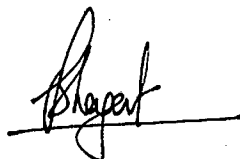
2. That with regard to the statement made in para 4.1, 4.2 to 4.3 of the application, the answering respondents do not admit anything except those are based on record and legal and/or rational foundation. As such the applicant is put to strictest proof thereof.

3. That with regard to the statement made in para 4.4 of the application, the answering respondents beg to submit that the applicants were posted as Work Assistant in the Work Charged category as per organisational set up of CPWD.

(There is no promotional avenue of Work Assistant, hence they have been treated as isolated post in Group-C categories and accordingly they have been allowed ACP scheme and upgraded their pay scale from Rs.4000-100-6000/- to Rs.4500-125-7000/- after completion of 12 years of regular service and from Rs.4500-125-7000/- to Rs.5000-150-8000/- after completion of 24 years of regular service as per

DOPT/s circular dated 9.8.1999) (Photo copy of ACP scheme vide

O.M. dated 9.8.1999 is annexed herewith and marked as Annexure-A).



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH

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Applicant

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contents thereof. Save and except whatever is specifically admitted in the

written statement, the contentions and statements made in the

application may be deemed to have been denied. I am competent and

authorized to file the statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both on

facts and in law.

The para 7 of the DOPT Circular dated 9.8.1999 is reproduced as under

"However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification, dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay scales S-5 and S-6." As per 5th Pay

Commission their pay scales were fixed in Rs.4000-100-6000/- (Scale S-7 of Annexure-II). They have been given scale S-8 (4500-125-7000/-) and S-9 (5000-150-8000/-) after completion of 12 years and 24 years respectively. This is as per the illustrative example mentioned in Para 7 of the said OM. In view of above, due to non promotional nature of job the CPWD has declared the post of Work Assistant as dying cadre and no appointment is being made by CPWD. Further CPWD Manual Vol-III, which deals with Work Charged establishment category, there is no mention of Work Assistant on the said manual due to aforesaid reason.

The contention of applicant that they have to be treated at par with P&T, mentioning para 3.54 of organizational set up of Civil Construction Wing is misconceived and highly ambitious. This only given in illustrative nature of organizational set up of on the basis of the pattern of CPWD/P&T. Para 3.55 of AIR Manual (Annexure-

[Signature]

B) deals with "APPLICABILITY OF CPWD RULES" :- it has been clearly mentioned that rule contained in CPWD Account Code, CPWD Departmental Code and CPWD Manuals and subsidiary instructions issued by competent authorities, under these rules, from time to time, apply to the Civil Construction Wing. Further CPWD Manual Vol.III which deals with Work Charged establishment and the applicant also falls under work charged establishment and this is followed in the department of Civil Construction Wing of All India Radio.

In view of the above, contention of applicant is not correct. Any rules regulations formed by P&T does not apply to Civil Construction Wing, All India Radio and applicants have been given ACP as per rules.

4. That with regard to the statement made in para 4.5 of the application, the answering respondents beg to submit that the applicants have been accordingly given the ACP as per this office order dated 17.10.2001, hence their claim for pay scale of Junior Engineer of Rs.5500-175-9000/- in the first up gradation and secondly of Assistant Engineer of Rs.7500-250-12000/- in second upgradation is not correct and cannot be made applicable to them for the reasons mentioned in the above para.

5. That with regard to the statement made in para 4.6 of the application, the answering respondents beg to submit that the allegation of discrimination is misconceived. There is no discrimination in granting ACP. Since any rules and regulations framed by P&T is not applicable to CCW AIR because it is following

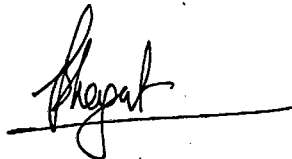


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the CPWD Manual as stated above. The question of granting the pay scale of Junior Engineer and Assistant Engineer to them does not arise. There has been no discriminatory attitude towards the applicants as ACP has been granted as per DOPT guidelines dated 9.8.1999.

6. That with regard to the statement made in para 4.7 & 4.8 of the application, the answering respondents beg to submit that the applicants have been paid ACP rightly and hence allegations that they are suffering financial loss is not at all tenable as the same is not due to them and therefore no course of action arises.
7. That the respondents beg to submit that the application is devoid of merit and as such same is liable to be dismissed.
8. That this written statement is made bonafide and for the ends of justice & equity.

Under the above circumstances,
Your Lordship would be pleased to
dismiss the application filed by the
applicant for the ends of justice.



AFFIDAVIT

I, Shri J. Bhagat, son of late D.N.Bhagat, Superintending Engineer (Civil), Civil Construction Wing, all India Radio, Guwahati being authorized to file this affidavit do hereby solemnly affirm and declare as follows :-

1. That I am the respondent No.3 of the O.A. and acquainted with the facts and circumstances of the case and, therefore, I am competent to swear this affidavit.

2. That the statements made in this affidavit and paragraphs 1 to 5 are true to my knowledge and those made in paragraphs are being matters of records and true to my information derived therefrom which I believe to be true and rest are my humble submissions made before this Hon'ble Court.

Accordingly, I sign this verification on this 26 day of Nov 2007 at Guwahati.

Identified by me :-

Advocate

Superintending Engineer (C),
CCW, All India Radio, Guwahati

Deponent

Solemnly affirm and declared by the
deponent before me, who is identified by
Motin Ud-Din Ahmed Advocate at
Guwahati on this 26th day of
Nov
November, 2007.

-12- (7)

ANNEXURE - A.
MOST IMMEDIATE

No. 35034/1/97-Pat(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

ANNEXURE - A

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North Block, New Delhi, 110001
August 9, 1999

OFFICE MEMORANDUM

SUBJECT: THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Central Pay Commission in its Report has made certain recommendations for the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to solve the problem of genuine stagnation and hardship faced by the employees due to lack of promotional avenues. Accordingly, after careful consideration it has been decided to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain modifications as indicated hereunder:

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

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

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant ~~no financial upgradation~~ (as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)) under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 15 years (subject to condition no. 4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradation under ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

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

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre reviews, etc as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year - preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

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Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

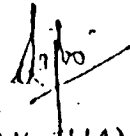
9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/posts within their administrative jurisdiction;

13. Hindi version would follow.



(K.K. JHA)

Director (Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshahi Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

.....4/-

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ANNEXURE-1

**CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME**

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy-based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

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

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

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employee together with retention of old designations, financial upgradations on personal to the incumbent for the stated purposes and retention of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

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Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(1) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.176/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

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

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and Instructions thereunder;
12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;
13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;
14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and
15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

[Signature]

(K.K. JHA)

Director (Establishment)

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ANNEXURE-II

(1)

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STANDARD/COMMON PAY-SCALES
As per Part-A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE MEMORANDUM]

S.No.		Revised pay-scales (Rs)
1.	S-1	2530-55-2660-60-3100 P.A.
2.	S-2	2610-60-3150-65-3540 J.D. (P.A.)
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590 Z.D.
6.	S-6	3200-85-4900
7.	S-7	4000-100-6000 U.P.C./P.A.
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000 / AS & U
10.	S-10	5500-175-9000 P.A.
11.	S-12	6500-200-10500 U.S./O.
12.	S-13	7450-225-11800
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200 U.S.
16.	S-21	12000-375-16500 D.S.
17.	S-23	12000-375-18000
18.	S-24	14300-400-18500 D.S. / 65

24/6/00
62/0
30/2/00
96/0
96/0
96/0

SECTION V — CIVIL CONSTRUCTION WING

3.5.1. Introductory :

The Civil Construction Wing came into existence in 1971-72 and became fully operational in 1972-73. Prior to this, CPWD was handling all the Civil Works pertaining to various units of Ministry of Information & Broadcasting. The construction of buildings for new projects and maintenance of existing buildings of All India Radio and Doordarshan and other media units, under the Ministry of I&B, are now carried out by Civil Construction Wing, All India Radio.

3.5.2. Civil Construction Wing, was initially headed by a Chief Engineer (equivalent to Zonal Engineer of CPWD). The post was subsequently upgraded to Chief Engineer level because of tremendous increase in activities of CCW and its strengthening to take up increased work load.

3.5.3. Chief Engineer (Civil) has been declared as the Head of the Department for the purpose of Delegation of Financial Powers Rules 1978 and Fundamental and Supplementary Rules and enjoys financial powers equivalent to D.G.(Works) CPWD.

3.5.4. The organisational set up of C.C.W. has been generally based on the pattern of C.P.W.D./P&T Civil Wing. There is, however, variation as regards cadre of ministerial staff of G.C.S. and Central Secretariat services as compared to CPWD/P&T Civil Wing. The cadre controlling authority in respect of Central Secretariat Services at C.C.W. Headquarters is vested in several sections of the Directorate and in respect of G.C.S. cadres with the Station Directors of the respective zones. As against this, there is a separate ministerial cadre for construction wing in C.P.W.D. and P&T Civil Wing.

3.5.5. Applicability of CPWD Rules :

The Civil Construction Wing is working generally on the pattern of C.P.W.D. The rules contained in C.P.W.D. Account Code, C.P.W.D. Department Code and C.P.W.D. Manuals and subsidiary instructions issued by competent authorities, under these rules, from time to time, apply to the Civil Construction Wing.

3.5.6. Organisation :

C.C.W. is a part of the Directorate General, All India Radio and is headed by a Chief Engineer (Civil).

3.5.7. At the Headquarters of Civil Construction Wing, Chief Engineer (Civil) is assisted by Superintending Surveyer of Works, Senior Architects, Engineer Officers, Financial Advisor and other complementary staff working under them. All estimates, plans and tenders document exceeding the power of SE and requiring CE's approval are required to be attended in CCW(HQ) by SSW Unit on the basis of design and drawings of the senior Architect's Unit. For execution of Civil Works, Chief Engineer(Civil) is assisted by Superintending Engineer (Civil) and (Electrical) in the field.

3.5.8. There are 3 to 5 divisions under the control of each superintending Engineer, as per approved pattern of C.P.W.D./P&T.

3.5.9. The organisational set up of Civil Construction Wing is given in the chart, as per Annexure I.

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3.10. The Administrative Wing of CCW at the Headquarters consists of four sections. The work dealt with by these sections and the organisational chart of this wing is given in Annexure 3.10.

3.11. Architectural Units :

Architectural Units are under the administrative control of Chief Engineer (Civil). The two P&D Units, DGS Doordarshan and DGS AIR and other media units submit their technical and administrative requirements to the Sr. Architects, who after due consideration of the technical information/data from the circle offices produce the design of spaces and buildings. The SSW Unit/Circle offices provide the structural design for such buildings/structures. Though the SAs are under overall control of Chief Engineer, they are afforded ample freedom in their professional work. The Sr. Architects also supervise buildings under construction periodically and record mandatory completion certificates.

3.12. Duties and Responsibilities :

3.12.1 Civil Construction Wing, All India Radio is working basically on the pattern of C.P.W.D., the duties and responsibilities of staff working in the organisation are the same as laid down in Section 11 of C.P.W.D. Code and Chapter-3 and Chapter-8 of C.P.W.D. Manual Volume-I. However, there have been certain differences as regards internal delegation of powers to various officers of Civil Construction Wing, Headquarters as per DGS AIR Order No.A-179 with latest instructions from time to time.

3.12.2 The Superintending Engineers and Executive Engineers are responsible for implementation of policies, construction programmes as laid down by Chief Engineer (Civil) and are required to maintain liaison with the office of Chief Engineer (C) in regard to execution of works, technical matters and other administrative matters. The budgetary control of divisions under each circle rests with respective Superintending Engineer who in turn is accountable to Civil Construction Wing Headquarters. The Executive Engineers are responsible for the correct compilation of works, accounts etc. through Junior Accounts Officers and they have to account for the expenditure of various projects to the satisfaction of the audit.

3.12.3 Office Superintendents, Head Clerks and J.A.Os are in charge of Sections. The Superintendent looks after the office establishment of circle, while the Head Clerk and JAO are in charge of Administration and Accounts Branches respectively in Divisional Office.

3.12.4 In order to ensure proper coordination in respect of Administrative and establishment matters of DGS Ministerial GCS cadre, drawings staff, Group 'D' staff of subordinate offices and SSW Units, one of the officers of CCW(HQ) have been declared as S.E.(Coordination).

3.13. Deposit Works :

In addition, C.C. Wing is occasionally required to execute works of other Ministries also as deposit work.

3.14. Work Charge Establishment :

Generally speaking workcharged establishment means that establishment whose pay, allowances etc. are directly chargeable to "Works". Workcharged staff is employed on the actual execution of a specific work or sub-works of a specific work etc. The cost of workcharged establishment is invariably shown as a separate item with head of the estimate for a work. In other respects, the workcharged staff is quite comparable to the regular Govt. servants. The workcharged establishment exists in CCW field offices only. For the recruitment, pay scale and other rules C.P.W.D. Manual Vol.III is applicable to them.

গুৱাহাটী কেন্দ্ৰীয়
সিবিটি
গুৱাহাটী ৭৮১০০৬

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::::::::: GUWAHATI

FILED BY

Shri Prafulla Ch. Medhi & Ors
62 ... Applicants
Through - Smriti Bhattacharyee
(Advocate)
09.02.07 - 07-2007

IN THE MATTER OF :

O.A. No. 305 of 2006

Shri Prafulla Chandra Medhi
& Ors.

. . . Applicant

- Versus -

The Union of India & Ors.

. . . Respondents.

- AND -

IN THE MATTER OF :

Rejoinder filed by the
Applicants to the written
statement filed by the
respondents.

The humble Applicants submit this
rejoinder as follows:

1. That with regard to the statement made in paragraph 1 (a) of the written statement the Applicants have no comment to offer.
 2. That with regard to statements made in paragraph 1 (b) to 1 (e) of the written statement the Applicants beg to state that the same are vague, misleading to this Hon'ble Tribunal and also not sustainable in the eye of law.
 3. That with regard to the statements made in paragraph 2 of the written statement the Applicants prefer not to offer any comment.
- 4

4. That with regard to the statement made in paragraph 3 the Applicants beg to state that the same are not correct and misleading. In this regard, the Applicants beg to state that the cadre of the Applicants is not an isolated post as stated by the Respondents. The duties performed by the Work Assistant are given below for kind perusal of this Hon'ble Tribunal.

- (a) Field duties under the Sectional Officer (Civil) Civil Construction Wing, All India Radio.
- (b) Supervising the Construction Works including looking after minor maintenance work under Sectional Officer (Civil) Civil Construction Wing, All India Radio. The Work Assistants are generally attached with the Sectional Officer (Civil) & Assistant Engineer (Civil) Civil Construction Wing, All India Radio.
- (c) The Work Assistants are also entrusted to look after Stores and some times they were designated as Store Keeper which is equivalent to the post of Junior Engineer.

The statement of the Respondents that the Work Assistant is isolated post is totally false. No notification or circular, whatsoever, is issued by the Respondents that the post of Work Assistant is a isolated one till date. Respondents cannot say that the post of Work Assistant is isolated one in the absence of any notification or circular to that effect. Had it been so, the Applicants could have been informed about the same, but in their service careers of more than 32 years Respondents did not intimate them that the post of Work Assistant is isolated one. Further, when they made representations for promotion/upgradation, Respondents

2

were silent for all these 32/33 years on the issue. After rendering more than 32/33 years of sincere services when the Applicants were legitimately expecting and making representations for financial upgradation to the pay scales they are actually entitled to, Respondents were all along keeping silent and only after filing of this O.A. they have come up with the idea/ plea that in view of Work Assistant is treated as isolated post, the Applicants were granted financial upgradations to Rs.4,500-7,000/- and thereafter Rs.5,000-8,000/-which cannot at all be sustainable in the eyes of law. The Respondents have violated the principles of natural justice in this case of the Applicants as the Applicants were never been informed that their posts are isolated or of dying cadre till filing of this Written statement, which is against the fair play of service jurisprudence. Therefore, in the absence of any notification/circular to the effect that the post of Work Assistant is isolated post Para 7 of the DOP&T Circular dated 9.8.1999 regarding granting of ACP which is quoted and relied by the Respondents in paragraph 3 of the written statement, is not applicable in the Applicants' case.

The stand of the Respondents that the post of Work Assistant was declared as dying cadre or the post is isolated post is totally false in view of the fact that off and on the Applicants were entrusted to carry out the duties of Junior Engineers in the absence of Junior Engineers.

Copies of some of the orders entrusting the Applicants the duties of Junior Engineers are annexed herewith and marked as **Annexures-X1 Series.**

The Applicants were also allowed to maintain the Measurement Book (in short M. B. Book) from time to time. The Director General, All India Radio, Civil Construction Wing vide their letter No.SSW-11-10(1)(1)/95-9/1293 dated 21.08.1997 requested the All Superintending Engineer (Civil & Electrical), Civil Construction Wing, All India Radio to furnish the details of W/C Staff falling under Assistant Category for implementation of Arbitration Award dated 31.01.1988 on Re-categorisation/Re-classification of Work-Charge Staff of CPWD as modified by the Delhi High Court Judgment dated 28.01.1992, Judgment dated 19.11.1996 in CCP Nos.295/93, 306/93 and 1/95 in Writ Petition No.2792/88. In the letter it has been stated that consequent of revision of Pay Scale and Re-classification of Work-Charge staff of CPWD, the Civil Construction Wing has also decided to implement the same. However, till date the instant Respondents are not implementing the same for reason best known to them causing prejudice to the Applicants in particular whereas in CPWD the re-classification of the Work Charged staff had already been done implementing the Arbitration Award dated 31.01.1988.

Copies of letter No.SSW-11-10(1)(1)/95-9/1293 dated 21.08.1997 and the forwarding letter dated 16.9.1997 are annexed herewith and marked as **Annexures-X2 Series**.

Para 3.5.4 (Section V - Civil Construction Wing, Chapter-III) of the AIR Manual itself shows that the organizational set up of CCW has been generally based on the pattern of CPWD/P&T Civil Wing. Hence it is apparent that organisation set up or hierarchy of promotion of CCW is of similar pattern to that of CPWD/P&T. The Work Assistants of P&T (Civil) are eligible as departmental candidate to the next of post of Junior Engineer and the

Work Assistants were also promoted to Junior Engineer by virtue of their eligibility. Therefore, having a similar organizational set up to that of P&T (Civil) the Respondents cannot deny the similar benefits i.e., financial upgradation in the pay scale of Junior Engineer i.e., Rs.5,500-175-9,000/- on completion of 12 years of regular service and in the next higher pay scale of Assistant Engineer i.e., Rs.7,500-250-12,000 on completion of 24 years of regular service respectively to the instant Applicants in the event of their non-promotion.

5. That with regard to the statements made in paragraph 4 of the Written Statement the Applicants beg to state that though the Applicants are eligible for financial upgradation to the pay scale of Junior Engineer & Assistant Engineer they were granted financial upgradation to the pay scale of Rs.4,500-7,000/- and Rs.5,000-8,000/-. Since there is no notification/circular declaring the post of Work Charge Work Assistant as isolated post or dying cadre they are entitled to first financial upgradation to next higher grade i.e. of Junior Engineer and second financial upgradation to the grade of Assistant Engineer. Therefore, the contention of the Respondents in that paragraph is not correct.

6. That with regard to the statements made in paragraph 5 of the Written Statement the Applicant begs to state that statement made therein are not fully correct and misleading to this Hon'ble Tribunal. In this connection, the Applicants beg to stand by the statement made at paragraph 4.6 of the O.A. The Respondents have denied the Applicants of their actual financial up gradations. Since there is no notification/circular, whatsoever, that the post of Work Assistant is isolated post, Para 7 of the DOP&T circular dated 09.08.1999 regarding granting of ACP as quoted and relied by the Respondents at paragraph 3 of



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their written statement is not applicable in the case of the Applicants.

7. That with regard to the statements made in paragraph 6 of the Written Statement the Applicant begs to reiterate the statement made in paragraphs 4.7 & 4.8 of the O.A. The Applicants begs to state that in a similar department where the organizational set is same to the CCW, AIR the Work Assistants are considered eligible for promotion to Junior Engineer and promoted as such, the present Applicants being similarly situated are also entitled to financial upgradation of the pay scales of Junior Engineer & Assistant Engineers. As such, being deprived of the actual financial upgradation to that of the pay scales of Junior Engineer (Rs.5,500-9,000/-) and Assistant Engineer (Rs.7,500-12,000/-) the Applicants are incurring heavy financial loss day by day for the discriminative attitude of the Respondents.

8. That with regard to the statements made in paragraphs 7 & 8 of the Written statement the Applicant begs to state that same bears no substance and not tenable in the eyes of law.

Therefore, the Written Statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application filed by the Applicants deserved to be allowed by this Hon'ble Tribunal.

✓

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

I, Shri Prafulla Kumar Medhi, Son of Sri Maheswar Baishya, aged about 54 years, working as Work Assitant under the Office of the Executive Engineer (Civil), Civil Construction Wing, All India Radio, Tarun Nagar, Guwahati-5 do hereby solemnly verify that I am the Applicant No.1 of this instant Application as I am well acquainted with the facts and circumstances of the instant case and I am authorized by other Applicants to verify the statements on their behalf.

That the statements made in paragraph Nos. 1 to 3 and 5 to 8 are true to my knowledge, those made in paragraph Nos. 4 being matters of records are true to my information derived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 2nd Day of July 2007 at Guwahati.

Pra fulla Ch. Medhi
D E C L A R A N T

ANNEXURE-X₁ Series
CONFIDENTIAL

-Copy-
GOVERNMENT OF INDIA
CIVIL CONSTRUCTION WING :: ALL INDIA RADIO
GUWAHATI

No.CWG/E-74/1393-95

Dated Guwahati, the 5.3.84

To

The Assistant Engineer (Civil),
Civil Construction Wing,
All India Radio,
Guwahati.

Sub :- Cement and Steel.

I have seen on today that one truck load of cement has arrived from Shillong at the All India Radio Godown without unloading from last night. This has made inconveniences to the carriage Contractors. As Sectional Officer (Civil) in Charge of Stores, Shri R. K. Verma is always remaining away from the store site on the pretext of visiting sites whenever I make enquiry, I found him most unsuitable. There is already a complaint from Contractor in this regard.

As such, I propose henceforth to take charge of cements receiving and issuing works of Guwahati Division by Shri A. Rahman, Work Charge Work Assistant who will be solely responsible for this job. He should work directly under you without any interference from J.E.'s.

Please report compliance immediately and see that no complaints from carriage contractors as well as other contractors are received regarding unloading of the materials.

Sd/-

Illegible

Executive Engineer (Civil)
All India Radio : : Guwahati

Copy to :-

1. Shri R. K. Verma, Sectional Officer (Civil), Civil Construction Wing, All India Radio, Guwahati for information and necessary action.
2. Service Book of Shri R. K. Verma for incorporating of my remarks.

Sd/-

Illegible

Executive Engineer (Civil)
All India Radio : : Guwahati

Government of India
All India Radio : Civil Sub-Divn.
Gauhati

No. AIR/GCSD/Stock/

Dated 7.3.1984.

Copy of above letter forwarded to :-

Shri A. Rahman, Work Charged Work Asstt., CCW, AIR, Gauhati for further necessary action.

Sd/-

Illegible

Assistant Engineer (Civil)

ATTESTED

Shahate
ADVOCATE

GOVERNMENT OF INDIA
CIVIL CONSTRUCTION WING: ALL INDIA RADIO
GUWAHATI

ANNEXURE-- X₁ Series

NO. CWG/E-74/1393-95

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Please report compliance immediately and see that no complaints from carriage contractors as well as other contractors are received regarding unloading of the materials.

Sd/-

Executive Engineer (civil)
All India Radio: Guwahati

Copy to:-

1. Shri R.K. Verma, Sectional officer (Civil), Civil Construction Wing, All India Radio, Guwahati for information and necessary action.
2. Service Book of Shri R.K. Verma for incorporating of my remarks.

Executive Engineer (Civil)
All India Radio: Guwahati

CONFIDENTIAL

Government of India
All India Radio: Civil Sub-Divn.
Guwahati

No. AIR/CCSD/Stock/

Dated 7.3.1984.

Copy of above letter forwarded to:

Sri A. Rahman, Work Charged Work Assst., CEN, All India Radio, Guwahati for further necessary action.

ATTESTED

Bhattacharya
ADVOCATE

Assistant Engineer (civil)

GOVERNMENT OF INDIA
CIVIL CONSTRUCTION WING :: ALL INDIA RADIO
GUWAHATI

No.CWG/21 (1) 84-S/2414-15

Dated Guwahati, the 10-4-84.
18

MEMORANDUM

Although I marked one letter to Assistant Engineer (Civil), Guwahati for repacking of torn paper bags of cement in Assam State Ware House Corporation Godown at Beltola, no action has since been taken by the said Assistant Engineer (Civil). Apathy to such important works by one responsible officer is very much regretted.

However, to sort out the problems, Md. A. Rahman, Work Assistant has been asked to repack the said bags with immediate effect and the charges of repacking is to be reimbursed.

Sd/-
Illegible
Executive Engineer (Civil)
All India Radio : Guwahati

1. Shri M. Vijayan,
Assistant Engineer (Civil),
CCW, AIR, Guwahati
2. Md. A. Rahman
Work Assistant
CCW, AIR, Guwahati

ATTESTED

Bhattacharya
ADVOCATE

GOVERNMENT OF INDIA
CIVIL CONSTRUCTION WING :: ALL INDIA RADIO
GUWAHATI

No. ENG/21(1)84-5/2414-15

Dated Guwahati, the 10-4-34.

18

MEMORANDUM

Although I marked the letter to Assistant Engineer (Civil), Guwahati for repacking of torn paper bags of cement in Assam State Ware House Co-operation Co-dam at Beltola, no action has since been taken by the said Assistant Engineer (Civil). Apathy to such important works by one responsible officer is very much regretted.

However, to sort out the problem, Mr. A. Rahaman, Work Assistant has been asked to repack the said bags with immediate effect and the charges of repacking is to be reimbursed.

Executive Engineer (Civil)
All India Radio : Guwahati

CHB/30X

1. Shri M. Vijayan,
Assistant Engineer (Civil),
CCW, AIR, Guwahati.

✓ 2. Mr. A. Rahaman,
Work Assistant,
CCW, AIR, Guwahati.

ATTESTED

Bhatte
ADVOCATE

ANNEXURE-X₂ Series

CONFIDENTIAL

GOVERNMENT OF IDNA
DIRECORATE GENERAL : ALL INDIA RADIO
CIVIL CONSTRUCTION WING

No. SSW-II-10 (1) (1)/95-S/1293

Dated :21/8/97

SUBJECT: Implementation of the Arbitration Award dated 31.1.88 on Re-categorisation / Re-classification of Work-charged Staff of CPWD as modified by Delhi High Court Judgment dated 28.1.92, Judgment dated 19.11.96 in CCP No.295/93, 306/93 and 1/95 in Writ Petition No.2792/88.

DG, CCW, AIR is in receipt of the representations from various W/C staff unions of CCW, AIR on the subject matter mentioned above. The case pertains to revision of pay scales consequent to Re-classification of the Work-charged staff in CPWD. Work-charged staff unions of CCW have made requests that the same may be implemented in CCW also.

In this connection, all SE (C) / (E) are requested to furnish the details of W/C staff failing under Asstt. Category except daily rated workers under their jurisdiction. Also intimate the date with effect from individuals is working in CCW and pay scales against their name.

It may be treated as most urgent so that the matter may be referred to Ministry at earliest.

Sd/-

(J. B. KUNDU)

E.A. to Superintending Surveyor of Works-
II

To,

ALL SE (C) / (E), CCW, AIR
SE (C) Guwahati.

ATTESTED
Bhatte
ADVOCATE

- 13 -
CCW, AIR, CPWD, AIR
Entry No. 1160
Date 28/8/95

ANNEXURE-- X2 Series

CONFIDENTIAL

GOVERNMENT OF INDIA.
DIRECTORATE GENERAL : ALL INDIA RADIO
CIVIL CONSTRUCTION WING

2nd Floor, RTI Building,
4, Parliament Street,
New Delhi-110 001.

No. SSW-II-10(1)(1)/95-S/1293

Dated : 21/8/97

SUBJECT : Implementation of the Arbitration Award dated 31.1.88 on Re-categorisation/Re-classification of Work-charged Staff of CPWD as modified by Delhi High Court Judgment dated 28.1.92, Judgment dated 19.11.96 in CCPs No. 295/93, 306/93 and 1/95 in writ petition No. 2792/88.

CCW, AIR is in receipt of the representations from various W/C staff unions of CCW, AIR on the subject matter mentioned above. The case pertains to revision of pay scales consequent to Re-classification of the Work-charged staff in CPWD. Work-charged staff unions of CCW have made requests that the same may be implemented in CCW also.

In this connection, all SE(C)/(E) are requested to furnish the details of W/C staff falling under Asstt. Category except daily rated workers under their jurisdiction. Also intimate the date with effect from individuals is working in CCW and pay scales against their name.

It may be treated as most urgent so that the matter may be referred to Ministry at earliest.

(J.B. KUNDU)
S.A. to Superintending Surveyor of Works-II

All SE(C)/(E), CCW, AIR.

GIFT.
for information pl. SECC Guwahati
27/8/97

ATTESTED
Bhatta
ADVOCATE

ANNEXURE- X₂ Series

GOVERNMENT OF INDIA
OFFICE OF THE SUPERINTENDING ENGINEER (C)
CCW : ALL INDIA RADIO :: GUWAHATI CIRCLE ::

NO. CCW/AIR/SE-GH/10 (E)/96-97 / 1461-63 /
16.09.97

Dated :

To,

The Executive Engineer (C)
CCW (All India Radio),
Guwahati / Silchar / Itanagar

Subject : Implementation of the Arbitration Award datd 31.01.86 on Re-categorisation / Re-Classification of W/C/. Staffs of CPWD, as modified by Delhi High Court Judgment dated 28.01.92 Judgment dated 19.11.96 in CGPS No.-295/93, 306/93 and 1/95 in writ petition No.-2792 / 88.

I am enclosing a Dte. Letter No. SSW-II-10 (I)/95-S/1293 dt. 21.08.97 pertains to revision of Pay Scales Consequent to Re-Classification of the W/C. Staff working under CCW, Unit for implementation on Subject above.

In this connection all EE (C)'s are requested to furnish the details of W/C Staff falling under Asstt. Category except daily rated workers under their jurisdiction. Also intimate the date with effect from individuals is working in CCW, and pay scales against their name to Directorate directly under intimation to this Office.

It may be treated as Most urgent.

Enclo :- As above

Sd/-

Illegible

EA to Superintendent Engineer (C)
CCW :: All India Radio :: Guwahati ::

ATTESTED

/Shatta
ADVOCATE

GOVERNMENT OF INDIA
OFFICE OF THE SUPERINTENDING ENGINEER (C)
CCW::ALL INDIA RADIO::GUWAHATI CIRCLE::

ANNEXURE--X₂ Series

NO. CCW/AIF/SE-GH/10(E)/96-97/100 / Dated: 16.09.97

To,
The Executive Engineer (C)
CCW All India Radio,
Guwahati/Silchar/
Itanagar

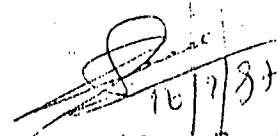
Subject :: Implementation of the Arbitration Award dated 31.01.86 on Re-categorisation/Re-Classification of W/C. Staffs of CPWD, as modified by Delhi High Court Judgement dated 28.01.92 Judgement dated 19.11.96 in CGPS No-295/93, 306/93 and 1/95 in writ petition No-2792/88.

10 (1) (1) / 95-5 / 223
10 (1) / 95-5 (1) / 93 I am enclosing herewith a Dte. letter No. SSW-II-10 (1) / 95-5 (1) / 93 dt. 21.08.97 in connection of pertains to revision of Pay Scales consequent to Re-Classification of the W/C. staff working under CCW, Unit for implementation on subject above.

In this connection all EE(C)'s are requested to furnish the details of W/C. staff falling under Asstt. Category except daily rated workers under their jurisdiction. Also intimate the date with effect from individuals is working in CCW, and pay scales against their name to Directorate directly under intimation to this Office.

It may be treated as Most Urgent.

Enclo:-As above.

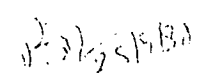

16/9/97
EA to Superintending Engineer (C).
CCW::All India Radio::Guwahati::

H/c

1/5/97

13/5/97

Since this is a case of service matter it is to be dealt with by Admin Section. However, in case of any difficulties, H/c may please coordinate with A to for disposal of the case.


E.E (C)

ATTESTED

ADVOCATE