

FROM NO. 4
(See Rule 42.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

SLIP SHEET

1. original Application No. 70/06
2. Misc Petition No. 6
3. Contempt Petition No. 1
4. Review Application No. 1

Applicant (S) Hanipada Dinda

Respondent (S) U.O.I. 901

Advocate for the Applicant (S) M. Chanda, G.N. Chakraborty, S. Naik, S. Chakraborty

Advocate for the Respondent (S) Sr. C.A. G. Borthakur

| Notes of the Register | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

21.3.06.

Post the matter on 22.3.06.

The application is in form
is filed for Rs. 50/-

d. pos. 10/03
No. 266319562

Dated.....28.2.06.....

Dy. Registrar

Vice-Chairman

22.3.06.

relates to the issue involved in the
pay scale of the applicant. The applicant is working as Veterinary File
Assistant in Assam Rifles. The claim
of the applicant is that the higher
revised scale of pay of the applicant
has been rejected, when the same scale
of pay has been given to Shri
Manimacha Singh. Considering the fact
this court is of the view that the
notice has to be issued to the Respondents.
Issue notice on the Respondents.

Post the matter on 5.5.06.

Notice & order sent
to D/section for
issuing to resp. nos.

1 to 4 by regd. A/D

1m

Vice-Chairman

post. D/No = 2124 to 427

On 27/3/06. D/F = 5/4/06.

27/3/06

5.5.06.

The issue involved in this case the pay scale of the applicant and this is the second round of litigation. Considering of the view the application is to be admitted. Application is admitted. Issue notice on the respondents. Post the matter on 8.6.06.

Vice-Chairman

lm

Notice of resp.
no. 2, received
back as unserved
with a remark
"In completed
add.".

(e) 1/106.
1/14/06.

4.5.06

Notice received unserved
from R.no. 2.

Service awaited from
R.no. 1, 3 & 4.

One7.6.06

W/S filed by the
Respondents.

by26.6.06

W/S filed by the
Respondents.

mb

28.7.2006

Par

W/S has been filed.

27.7.06

No rejoinder filed.

08.08.2006

Learned counsel for the applicant submitted that he is not ready in the matter and sought for adjournment.

Post on 24.08.2006.

No rejoinder has
been filed.

Rejoinder not
filed.

Member

Vice-Chairman

04/CP/RA/MP. No. 70

1/206

Order dated 25.3.2008

Call the matter for hearing

on 8-5-08

Hearing Mr. M. Chanda, Issued 26.03.2008

couple of days before the Application and
Mr. G. Biswas, Issued 26.03.2008

couple of days before the Respondents and
berise the matter is likely to be

Hearing conducted. Order Issued
this order to all the
Respondents.

8-5-08 (M.R. Mohanty)
Vice-Chairman

(Khushiram)
Member (A)

pg

(M.R. Mohanty)
Vice-Chairman

Call this matter for hearing on
04.06.2008 along with O.A.82/06.

Send copies of this order to all the
Respondents to come ready for hearing
on the date fixed.

(M.R. Mohanty)
Vice-Chairman

(Khushiram)
Member (A)

order dt. 8/5/08

Send to D/Section
for issuing to all
the respondents by

post. D/No-2243 to 2246

dt- 12/5/08.

Rejoinder not
filed.

3-6-08

04.06.2008 On the prayer of the learned Counsel
for the Parties, call this matter on
10.06.2008 for hearing.

(M.R. Mohanty)
Vice-Chairman

(Khushiram)
Member (A)

nk

10.06.2008 On the request of Mr. M. Chanda,
learned Counsel appearing for the
Applicant, call this matter on 22.7.2008 for
hearing.

(M.R. Mohanty)
Vice-Chairman

(Khushiram)
Member (A)

nk

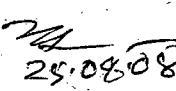
22.07.2008 On the prayer of Mrs. U. Dutta, learned counsel appearing for the Applicant, call this matter on 26th August 2008, for hearing.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

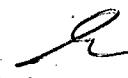
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Rejinder not
filed.


25.08.08

26.08.2008

Heard Mr. M. Chanda, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing counsel for the Respondents and perused the materials placed on record. Hearing concluded. Order reserved.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

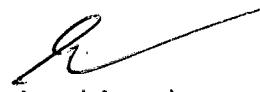
O.A.70 of 06

04.09.2008 Judgment pronounced in open Court.

Kept in separate sheets. Application is disposed of. No costs. (Common Jt. with OA 82/06)

11/9/08
Copy of the
order send to the
fee. for issue
in same to the
applying in regard
No 1 to 4 by post
and a copy of the
same to the Am. CGSC.
by hand.
etc.

lm


(Khushiram)
Member(A)


(M.R. Mohanty)

15.1.09
Same rule
S/NOS 3999 to
4002 d. 12.2008.
etc.

No. WP(c) 128(SH) 09/271 dated 5.3.2010 received
from the Deputy Registrar, Gauhati High Court,
Shillong Bench.

v

The DUC may kindly be seen.

Sri Haripada Dina the applicant in
OA No. 70/2006 has filed WP(c) No. 128(SH)
of 2009 before the Hon'ble Gauhati High Court,
Shillong Bench Shillong against the common
judgment and order dated 4/9/2008 passed in
OA No. 70/2006 and OA No. 82/2006 which
were disposed of by this Hon'ble Tribunal.

The Hon'ble High Court allowed the
WP(c) No. 128(SH) of 2009 with a direction that
that "Accordingly, the said impugned
order dated 2-8-2008 stands set aside
and quashed and consequently the
impugned judgment and order dated 4-9-2008
passed by the Tribunal in OA No. 70/2006 also
stands modified to that extent. The matter
shall now go back to the authorities of the
respondents for a fresh decision consistently
with the observations made above and the stand
of the respondents in their above quoted affidavit
in opposition. Let the fresh and final decision
in the matter be taken as expeditiously as
possible, preferably within 30.04.2010.

The writ petition is allowed to the extent
indicated above without however, any
order as to costs".

This may be placed before the
Hon'ble Member (J) and Hon'ble Member (A)
for their Lordships' kind perusal.
Submitted for form of kind perusal.

11/3/2010

11/3/2010
SD(J)

Laid before the Hon'ble Member (J)

11/3/2010

11/3/2010

SD (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 70/06 & 82/06.

DATE OF DECISION : 4 -09 -2008.

Shri Haripada Dinda & another

.....Applicant/s

Mr M. Chanda

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr. G. Baishya, Sr. C.G.S.C.

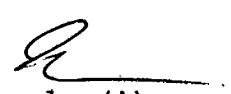
.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No.


Vice-Chairman/Member(A)

29

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 70/2006 & 82/2006.

Date of Order : This the 4/3, Day of September, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Haripada Dinda (O.A.70/2006)

C/o Shri Gosta Behari Dinda

Veterinary field Assistant,

1st Assam Rifle, Dog Unit, Jorhat

99 APO.

.....Applicant

Shri Rajani Kanta Tai, (O.A.82/2006)

S/o Late Kanakeswar Tai,

Veterinary Field Assistant (Retired)

No.3 Mint Group Assam Rifles,

Jorhat, C/o 99 APO.

.....Applicant

By Advocate Shri M.Chanda.

Versus -

1. Union of India

Represented by Secretary to the

Government of India,

Ministry of Home Affairs

North Block,

New Delhi-110001.

2. The Ministry of finance

Through its Secretary,

Government of India,

New Delhi.

3. The Director General,

Directorate of Assam Rifles,

Shillong-793001.

4. The Commandant,

3 Director General Assam Rifles,

C/o 99 APO, Jorhat

.....Respondents

By Advocate Shri G. Baishya, Sr.C.G.S.C



ORDER (ORAL)

KHUSHIRAM, MEMBER (A)

Since both these Applications involve common questions of law (based on almost similar facts), both of them are being disposed of by this common order.

2. O.A.No.70 of 2006 is the 2nd round of litigation of the Applicant; who was appointed as Veterinary Field Assistant ('VFA' for short) in Assam Rifles Organisation in the scale of pay of Rs.950-1500/-.

The Applicant is a Matriculate with one year certificate course in Veterinary Science. He has claimed parity in pay scale with one Shri S. Manimacha Singh, another VFA of the same organization, who was appointed in the scale of Rs.975-1540/-, which (after 5th Pay Commission) has been fixed in the new scale of Rs.4000-6000/-; whereas the Applicant has been granted a scale of Rs.3200-4900/-.

The Applicant has claimed that he is discharging the same duties as are being discharged by Shri S. Manimacha Singh and that, therefore, he should be placed in the said higher scale. The earlier round of litigation that ^{Shri S. Manimacha Singh} had filed (O.A.65/2002) was disposed of by this Tribunal on 11.12.2002; in which it was directed as under :-

"The Government has taken a decision in principle and in view of the pendency of the Court proceeding the authority did not take any step for implementation of the matter. In view of the clear statement made by the respondents we dispose of this application with a direction on the respondents to implement the undertaking as expeditiously as possible, preferably within a period of three months from the date of receipt of this order."



The representation filed in this regard by the Applicant was disposed of by the Respondents by the following speaking order dated 20.08.2004;

"Whereas Shri S.Mani Macha Singh was initially appointed in the pay scale of Rs.975-1540/-, of which the corresponding pay scale as per the recommendations of 5th Pay Commission the pay scale is Rs.3200-4900/-. Thus his pay has been correctly revised by the DGAR. The pay scale of Shri Haripada Dinda was also correctly revised in the corresponding pay scale as per the recommendation of 5th Pay Commission.

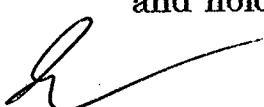
Whereas in other CRPFs, Veterinary staff who are drawing pay scale in the revised scale Rs.4000-6000/- & Compounders of BSF, who are drawing pay in the pay scale of Rs.4500-7000/- are combatants while, the VFAs of Assam Rifles are holding civilian post, hence two appointments are not comparable. No parity can be drawn for the purpose of emoluments between the holders of the same post from different streams.

Whereas the pay scale of Shri S. Mani Macha Singh, who is holding a civilian post in Assam Rifles can not be compared with veterinary staff of other CRPFs or Compounders of BSF who are holding combatants posts, he had been granted higher pay scale of Rs.4000-6000/- as per the court directions, considering his qualification only."

Aggrieved by this decision the Applicant has filed the Original Application No.70 of 2006 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :-

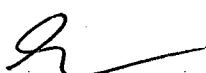
- i) The Hon'ble Tribunal be pleased to set aside and quash the impugned order issued under letter No.11.27014/16/99-PF.IV (h) dated 20.08.2004 (Annexure-A/14).
- ii) The Hon'ble Tribunal further be pleased to direct the respondents to grant the revised scale of Rs.4000-6000/- to the Applicant w.e.f. 01.01.1996 in terms of central Revised Pay Rule 1997 with all consequential benefits."

3. In O.A.No.82/2006, the Applicant, who was a Matriculate and holder of certificate in Veterinary and Animal Husbandry Course,



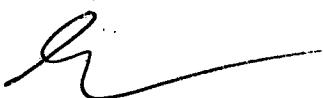
was also appointed as VFA in Assam Rifles Organisation. He was granted ACP benefit in 1999 upgrading his pay scale to Rs.3200-4900/- and by seeking ACP benefit in the scale of Rs.4000-4900/-, he claimed (as per recommendation of the 5th Pay Commission) the revised scale of Rs.4000-6000/-. Assam Rifles has implemented the recommendation of the 5th Pay Commission and have granted VFAs the scale of Rs.3200-3900/-. The Directorate of Assam Rifles has taken up the case for upgradation of the VFAs to the pay scale of Rs. 4000-6000/- and also claimed that one Shri Mani Macha Singh similarly situated VFA approached the Tribunal by filing O.A.65/2002 has been granted the scale of Rs.4000-6000/-.

4. The Respondents have filed written statements admitting that Shri S. Mani Macha Singh was granted the higher pay scale of Rs.4000-6000/- as he held the educational qualification of Matriculate with diploma (covering 2 years) in Veterinary Science. On his appointment his basic pay was Rs.975-1540/- as compared to the pay scale of the Applicants which was Rs.950-1500/-. The Applicants held lower educational qualification of Matric/Non Matric with one year certificate course in Veterinary Science. Therefore, there can be no parity between the case of Shri S. Mani Macha Singh and those of Applicants. Moreover, the VFAs in CRPF and BSF have since been combatised and, as such, the case of the Applicant (being civilians in Assam Rifles) cannot be compared with combatants of para military forces. It has been stated that Assam Rifles have two categories of VFAs i.e. (i) those holding Matric/Non Matric qualifications with one



year certificate in Veterinary Science are in the scale of Rs.950-1500/- and (ii) VFA with two years diploma in Veterinary Science with Matriculation were appointed in the pay scale of Rs.975-1540/-. Since Applicants in both the cases were appointment in the lower scale, therefore, they are estopped from raising the issue at this stage as they are barred by law of estoppels. The Respondents have claimed that the representation of the Applicants have been rejected on various occasions and have explained the reasons to differentiate the case of two types of VFAs. It has also stated that Matric/Non Matric educational qualification with one year veterinary certificate holder cannot be equated to the — Matriculation with two years diploma holder in Veterinary Science or combatants in BSF whose duties involve much higher risk. With the better connectivity in North East Region, the Respondents have phased out mules and ponies with most units of Assam Rifles. The comparison with compounders of BSF (who are combatants) with the Applicants (who are civilian) have no basis.

5. Heard Mr M. Chanda, learned counsel appearing for the Applicants and Mr G. Baishya, learned Sr. Standing counsel appearing for the respondents and perused the materials placed on record. Mr Chanda argued that applicants have been denied higher pay scale on hypertechnical ground of difference between matriculate or non matric with one year certificate course in Veterinary Science and Matriculate with two years diploma in Veterinary Science; whereas, both the VFAs are discharging same duties. The learned counsel pointed out that the



claim of the Respondents that in the case of Shri S. Mani Macha Singh higher pay scale was granted at the instance of the Tribunal was not correct as the order of the Tribunal in O.A.65/2002 passed on 11.12.2002 has no direction to the effect that the Applicant in that case (Shri S. Mani Macha Singh) may be granted higher pay scale. He has drawn the attention of the Tribunal to progress of pay anomalies cases dated 24.04.2001, wherein in para 7 reads as under :-

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

He tried to make out a strong case in favour of the Applicants.

6. Mr G. Baishya, learned Sr. Standing counsel appearing for the Respondents, argued that different educational and professional qualifications are justified for grant of different pay scales. In regard to the case of Shri S. Mani Macha Singh, he argued that Shri Singh was not only a Matriculate but also a holder of 2 years diploma in Veterinary Science and he was appointed to a higher pay scale of Rs.975.1540/- which now has been equated with the scale of Rs.4000-6000/- but the case of the Applicants with non Matric/Matric with one year certificate course in Veterinary Science does not entitle them to be equated with the case of Shri S. Mani Macha Singh. Therefore, both the applications should be dismissed.

7. We have given our anxious consideration to the arguments advanced by learned counsel for both the parties and also perused the



materials placed on record. The respective pay scale shown in the compilation of 5th CPC report at Sl.No.5 are as under :

| Sl. | Post/ | Present Scale | Revised Scale |
|-----|-----------------------------|--|----------------------|
| 5. | S-5 | 950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500 | 3050-75-3950-80-4590 |
| 6. | S-6 | 975-25-1150-30-1540 975-25-1150-30-1660 | 3200-85-4900 |
| 7 | S-7 | 1200-30-1440-30-1800 1200-30-1560-40-2040 1320-30-1560-40-2040 | 4000-100-6000 |
| 21 | Veterinary Compounder | 800-15-1010-EB-20- 1150 | 4000-100-6000 |
| 22 | Sr.Veterinary Compounder | 950-20-1150-EB-25- 1400 | 4500-125-7000 |

The Respondents referred the matter to the Ministry of Home Affairs (MHA) regarding implementation of upgraded pay scale from 01.01.1996 for different posts of VFAs in Assam Rifles under Part-B Item No.XXIV – Veterinary staff of the First schedule to the CCS(RP) Rules 1997, wherein the revised scale of certain common category of Veterinary Staff have been approved by the Govt. as under :-

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

At the end of this letter the Ministry was requested to accord approval to the implementation of the revised scale of 5th CPC with effect from 01.01.1996 in respect of post of VFA in Assam Rifles. The matter is stated to be still pending with the MHA.



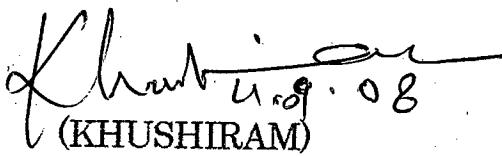
8. In their written statement, the Respondents have stated that the grant of higher scale to Shri S. Mani Macha Singh was at the instance of the Tribunal and is not based on merit. Though in view of the recommendation of the Assam Rifles to MHA, the grant of higher scale to six other VFAs including Shri S. Mani Macha Singh ~~base~~ on their higher qualification and to "comply with the Court directions", though no such specific direction is on record. The Respondents have continued to use newly invented logic to justify their decision over time.

9. Since grant of pay scale is a policy decision and implementation of the same as per recommendation contained in Part-B of Revised Pay Rules 1997 (which contain certain conditions such as changes in recruitment rules, restructuring of cadres, redistribution of posts into higher grade etc) something more is required to be done as a condition precedent, and therefore, in those cases, where conditions such as changes in recruitment rules etc. which are brought out by the Pay Commission as the rationale for the grant of these upgraded scales, it will be necessary for Respondents and the Ministries to decide upon such issues and agree to the changes suggested (by the Pay Commission) before applying these upgraded pay scale to these posts with effect from 1-1-96. As per the Rules of 1997, until then replacement scales prescribed in Part 'A' of Revised Pay Rules, 1997 are only to be followed with effect from 01.01.1996. In certain other cases, of course, where there are condition prescribed by the Pay Commission as pre-requisite for grant of these scales to certain posts



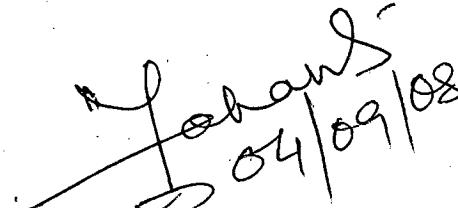
such as cadre restructuring, redistribution of posts, etc, it will be necessary for the Ministries/Department concerned to not only accept these pre-conditions but also to implement them before the upgraded scales are applied to those posts. In this background the Assam Rifles had referred the matter to the MHA, with no response to the same so far from MHA and the higher pay scale (at Part.B of Revised Pay Rules, 1997) have not been granted to the Assam Rifles personnel.

10. In view of the foregoing discussion and the fact that 6th Central Pay Commission report is already out, we do not like to interfere by passing any order on the issue at this stage. In the light of the observation both the matter stand disposed of without any order as to costs.


 (KHUSHIRAM)

ADMINISTRATIVE MEMBER

//pg//


 (MANORANJAN MOHANTY)
 VICE CHAIRMAN
 04/09/08

FORM OF LETTER ACCOMPANYING A RECORD

No. W.P. (62) 128 (34) 09 /271

From

THE DEPUTY/ASSISTANT REGISTRAR OF THE GAUHATI HIGH COURT
SHILLONG BENCH

To

The Deputy Registrar, Central Administrative Tribunal
Gauhati Bench, Gauhati - 5.Dated Shillong, the 5th March 2010

Sir,

HIGH COURT I have the honour to return herewith, by parcel post, the original record of the case No. of 19 noted in the margin received with your letter No. C-21/02 dated the 21-5-09
 Versus JA 396
 Strike out in [together with a copy of the judgement and a copy of the decree of this Court], and to
 the case of Criminal Records. request the return of the annexed memorandum duly signed.

.....files of this Court
 Records. Attention is invited to the fact that during the pendency of the case substitution or/and addition of parties or/and(for any other clerical change) has taken place as shown in the copy of the decree.

(See Rule 361, Chapter XIV, Part I, Civil Rules and Orders, Volume I)

ENCL :-

- 1) O.A. No. 40/2006
Part I file with original Judgment 9 Sheets
and order Sheet - 3 Sheet
- 2) M.P. No 19/06 with order Sheet 1 Sheet
- 3) High Court as Judgment & order
Dated 18-2-2010!

Yours faithfully,

Deputy/Assistant Registrar

MEMORANDUM OF ACKNOWLEDGEMENT

Received the record [and the accompanying judgement and decree of the High Court] forwarded with letter No. dated the 19 from Deputy/Assistant Registrar of the High Court of judicature at Gauhati, Assam, Appellate Jurisdiction.

(Signature and designation of receiving officer)

Dated the 19

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR :
TRIPURA : MIZORAM AND ARUNACHAL PRADESH)

(SHILLONG BENCH)

W. P. (C) NO. 128(SH) of 2009

Shri Haripada Dinda,
S/o. Shri Gosta Behari Dinda,
Veterinary Field Assistant,
40 Assam Rifles, C/o. 99 APO

.....Petitioner

-Vs-

1. The Union of India, Represented by Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi - 110001.
2. The Ministry of Finance, Department of Expenditure, Through it's Secretary, Government of India, North Block, Lok Nayak Bhawan, New Delhi - 110001.
3. The Director General, Directorate of Assam Rifles, Shillong - 793001.
4. The Commandant, 3 Director General of Assam Rifles, C/o. 99 APO, Jorhat.

.....Respondents

BEFORE

THE HON'BLE MR. JUSTICE B.K. SHARMA
THE HON'BLE MR. JUSTICE A. POTSANGBAM



For the Petitioner : Mr. M. Chanda, Advocate.

For the respondents : Mr. S.C. Shyam, CGSC.

Date of hearing : 17.2.2010.
Date of judgement : 18.2.2010.

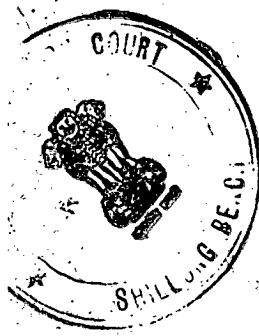
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JUDGEMENT AND ORDER (CAV)

The petitioner who was the applicant in Original Application (OA) No. 70/2006, filed in the Central Administrative Tribunal, Guwahati Bench (*in short Tribunal*), has filed this writ petition being dissatisfied with the judgement and order dated 4.9.2008, passed in the said O.A.

2. The petitioner is a matriculate with Veterinary Diploma / Certificate. He was appointed as Veterinary Field Assistant (VFA) in the pay scale of Rs. 950-1500/- in the year 1992 vide Annexure-2 appointment order dated 16.3.1992. According to the petitioner, the post of VFA and other posts known as Animal Husbandry Assistant, Compounder, Dresser, Stockman, Stock Assistant, Vaccinator and Milk Recorder, etc. are categorised as Para veterinarians post. The minimum qualification for such posts is matriculate with diploma or certificate or experience of one year or two years, as the case may be. Initially, the aforesaid categorised posts were placed at the pay range of Rs. 950-1500/- to Rs. 1200 - 2040/-. However, as per the recommendation of the 5th CPC, the said Veterinary staff / Para Veterinary staffs were placed in the pay scale of Rs. 4000 - 6000/- by re-designating the posts as Stockman / Compounder / Stock Assistant / Animal Husbandry Assistant / Dresser, etc.

3. According to the petitioner, all the concerned departments in the Central Government have implemented the said recommendation of the 5th CPC but



in case of the VFAs like that of the petitioner serving in Assam Rifles, same has not been implemented.

4. By Annexure-6 notification dated 15.9.1998, the Assam Rifles Directorate while notifying the salient features affecting pay and allowances of the Assam Rifles Personnel, indicated that the Directorate had taken up the case to upgrade the basic pay of VFAs to Rs. 4000 - 6000/- per month. It was also indicated that the Ministry of Home Affairs was inclined to the proposal of the Directorate and that information had been sought from the BSF regarding VFAs serving with them, so that a composite case could be projected to the Ministry of Finance.

5. According to the petitioner, the duties and responsibilities and nature of works performed by the VFAs and other personnel in the aforesaid category are more or less similar, and infact, the VFAs performed more arduous nature of job than other Veterinary staff of other departments. The petitioner has also placed reliance on the Annexure-10 order dated 11.12.2002 passed by the Tribunal in OA No. 65/2002, by which direction was issued to the respondents to implement the particular undertaking as expeditiously as possible, preferably within a period of three months. The undertaking furnished was by the communication dated 17.12.1999, issued by the Ministry of Home Affairs. For a ready reference, the relevant text of the said communication is reproduced below :-

"(i) DD(Pers) BSF has intimated that a proposal for cadre restructuring of Veterinary staff is



11
being processed by them. ITBP is also processing the proposal on the same lines. Assam Rifles was advised by Dir.(Pers), MHA, to process the proposal for cadre restructuring of the post of VFA.

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

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

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

6. Pursuant to the aforesaid order passed by the Tribunal, the Govt. of India in the Ministry of Home Affairs, by its order dated 28.10.2003 accorded sanction of the competent authority to grant revised pay scale of Rs. 4000-6000/- in place of Rs. 3200 - 4900/- to one Shri S. Mani Macha Singh, VFA of Assam Rifles. However, no such benefit was extended to the other VFAs including the petitioner. Being aggrieved, the petitioner approached the Tribunal by filling OA No. 283/2003, which was disposed of by order dated 21.1.2004 with the direction to the petitioners involved to submit comprehensive individual representation to the respondents, with further direction to the respondents to dispose of the same within two months, by a speaking order. Accordingly, individual

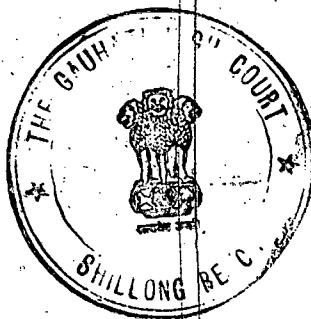


representations were submitted justifying entitlement to the revised scale of Rs. 4000-6000/-.

7. The representations were disposed of by the impugned order dated 20.8.2004 rejecting the claim of the persons involved including the petitioner. Being aggrieved, the petitioner once again approached the Tribunal by filling OA No. 70/2006, which was resisted by the respondents by filling their written statement.

8. In the written statement filed by the respondents, their plea taken was that since for the post, to which the petitioner was appointed, the prescribed qualification was "**Certificate in Veterinary Science without Matriculation**" but on the other hand, for the post to which said Shri S. Mani Macha Singh was initially appointed, the prescribed essential qualification was "**Diploma in Veterinary Science with Matriculation**", both the cases were on different footing and cannot be equated. Further stand of the respondents was that based on such prescribed qualification, while the petitioner was appointed in the pay scale of Rs. 950 - 1500/-, said Shri S. Mani Macha Singh was placed in the pay scale of Rs. 975 - 1540/- Further stand was that said Shri Singh was placed in the revised scale of Rs. 4000 - 6000/- as per the direction of the Tribunal and not on merit.

9. The learned Tribunal by its impugned judgement and order dated 4.9.2008 has disposed of the OA refusing to interfere with the impugned order dated 2.8.2004, by which the representation submitted by the petitioner was



13

rejected. However, at the same time, it has been noticed that the Assam Rifles, although, had referred the matter to the Ministry of Home Affairs, there was no response to the same and the VFAs serving in Assam Rifles had not been granted the revised pay scale of Rs. 4000 - 6000/- . The learned Tribunal on the basis of the discussions made in the impugned judgement and order, has declined to interfere with the matter by passing any order "*at this stage*". Thus, although according to the petitioner some of the observations made in the impugned judgement and order and refusal to interfere with the impugned order, amount to dismissal of the OA, but in fact, no finality has been attached to the issue relating to the grievance of the petitioner for grant of revised pay scale of rs. 4000-6000/-.

10. We have heard Mr. M. Chanda, learned counsel for the petitioner as well as Mr. S.C. Shyam, learned CGSC. While Mr. Chanda upon a reference to the entire materials on record strenuously argued for a direction to the respondents to provide the petitioner the revised pay scale of Rs. 4000 - 6000/-, Mr. S.C. Shyam, learned CGSC resisting the said argument, submitted in tune with the stand of the respondents in their written statement, referred to above, that the petitioner is not entitled to the said revised pay scale, his status and position being different with that of said Shri S. Mani Macha Singh.

11. We have given our anxious consideration to the submissions made by the learned counsel for the parties and the materials on record.

12. The stand of the respondents in their written statement filed before the Tribunal has been noted above. Surprisingly, the same very respondents took altogether a different stand in another Original Application being OA No. 234/2008, filed subsequently by one Shri Shankar Yadav, VFA. In the written statement filed in the said OA, the stand taken was that the matter relating to granting higher pay scale of Rs. 4000-6000/- to the similarly placed VFAs has been referred to the Ministry and the same is likely to be approved / sanctioned by the competent administrative authority in due course of time. For a ready reference, the written statement / affidavit - in opposition filed in the aforesaid OA No. 234/2008, a copy of which has been annexed to the rejoinder affidavit filed by the petitioner is reproduced below :-

"BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

**GAUHATI BENCH :: GAUHATI
ORIGINAL APPLICATION NO. 234 OF 2008**

Shri Shankar Yadav, Veterinary Field AssistantApplicant

Versus

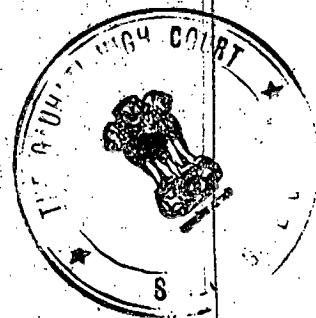
Union of India and 3 others

..... Respondents.

AFFIDAVIT-IN-OPPOSITION

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

1. *That the answering respondents respectfully submit that in the Directorate General Assam Rifles, Veterinary Field Assistants (VFA) were recruited in the pay scale of Rs. 950-20-1150-EB-25-1500/- per month and 975-23-1150-EB-30-1540. The same was revised to Rs. 3050-4750 and Rs. 3200-4900/- PM as per replacement pay scale granted as per the CCS (Revised Pay) Rule 1997.*



15

2. Ministry of Home Affairs vide F. No.II-14015/5th CPC/98/A-II dated 15/10/2003 issued GSR 375 vide which the aforesigned pay scales viz, Rs. 3050-4750/- pm and Rs. 3200-4900/- pm have been clubbed and a single pay scale of Rs. 3200-4900/- pm was made applicable to VFAs recruited in the pay scale of Rs. 950-20-1150-EB-25-1500/- pm and 975-23-1150-EB-30-1540/- pm. Copy of G.S.R. 390 issued vide Ministry of Home Affairs F. No. I.45028/49/2000-Pers-II dated 04 July 2001 is attached herewith and marked as ANNEXURE- R-1.

Copy of G.S.R. 375 issued vide Ministry of Home Affairs F. No. II-14015/5th CPC/98/A-II dated 15 October 2003 is attached herewith and marked as ANNEXURE R-2.

3. The case for granting higher pay scale of Rs. 4000-100-6000/- to the applicant as being given to similarly placed VFAs based on the orders of the Hon'ble Tribunal and granted by competent administrative authority has been sent to the Ministry. The same is likely to be approved / sanctioned by the competent administrative authority in due course of time.

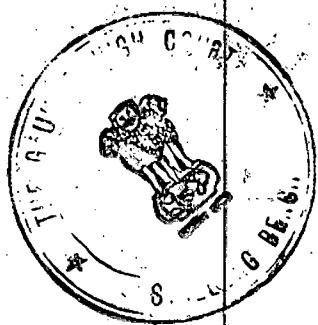
4. In view of the foregoing the Hon'ble Tribunal may be pleased to dispose of the instant Original Application accordingly".

13. On the basis of the aforesaid stand of the respondents, OA No. 234/2008 has been disposed of by order dated 10.11.2009. In the order, paragraph 2 of the aforesaid affidavit has been quoted. Direction has been issued to the respondents to take the final decision in the matter by passing a reasoned and speaking order within a period of two months from the date of receipt of the order. It was submitted by the learned counsel for the parties that no such order has been passed.

14. The written statement in the case of the present petitioner was filed by the respondents taking altogether

a different stand towards justifying the impugned order dated 2.8.2004, passed by the Ministry of Home Affairs, rejecting the claim of the petitioner. The Tribunal by its impugned judgement and order dated 4.9.2008 noted the stand of the respondents, as discussed above. The Tribunal also noted the fact that the matter was referred to the Ministry of Home Affairs for implementation of upgraded pay scale w.e.f. 1.1.1996 for the posts of VFAs in Assam Rifles. The Tribunal while observing that the grant of a particular pay scale is a policy decision and will have to be implemented as per the recommendation of the 5th CPC, also observed that it will be necessary for the respondents and the Ministry's to decide the issue and agree to the changes suggested by the Pay Commission. Thus, the learned Tribunal has not given any finality to the matter and the same has been left open to be decided by the appropriate authorities. However, the petitioner is aggrieved by the fact that the Tribunal declined to interfere with the impugned order dated 2.8.04, by which the claim of the petitioner has already been rejected.

15. Mr. Chanda, learned counsel for the petitioner has drawn our attention to the fact of clubbing of different pay scales towards granting revised pay scale of Rs. 4000-6000/- . Referring to the case of Shri S. Mani Macha Singh, he submitted that the cases of said Shri Singh and that of the petitioner being exactly identical in respect of the principles involved regarding grant of revised pay scale applying the same yardstick and parameters, the respondents could not have ignored the case of the petitioner. The learned counsel for the petitioner has also



referred to the case of one Shri Ch. Itocha Singh, who according to him is similarly situated like that of the petitioner. As stated in paragraph 21 of the writ petition, said Shri Itocha Singh is also a VFA in Assam Rifles, having similar recruitment qualification with one year Certificate Course. It has been stated in paragraph 21 that said Shri Itocha singh had approached the Tribunal by filling OA No. 307/2006, praying for grant of higher revised scale of Rs. 4000-6000/- During the pendency of the Original Application(OA), he was sanctioned with the revised scale of Rs. 4000-6000/- and accordingly, the OA was disposed of as infructuous.

16. The petitioner has also referred to the case of Nursing Sisters working in the same establishment who had also approached the Tribunal by filling OA No. 160/2006 (*Mrs. A. Alex and others Vs. Union of India & others*) under similar circumstances and the Tribunal granted their prayer. The petitioner has also placed reliance on the decision of the Apex Court reported in 2006(9) SCC 406.

17. Having noticed the rival contentions, more particularly, the stand of the same very respondents in OA No. 234/2008 (quoted above), we are of the considered opinion that the respondents have not acted bonafide in rejecting the claim of the petitioner. The impugned order dated 2.8.04 (Annexure-14) runs counter to the subsequent stand of the same very respondents in their above quoted written statement / counter affidavit. As per the said written statement, the Ministry of Home

Affairs issued GSR 375 vide which the revised pay scales of Rs. 3050-4750/- and Rs. 3200-4900/- corresponding to pre-revised scale of Rs. 950-1500/- and Rs. 975-1540/- had been clubbed and a single pay scale of Rs. 3200-4900/- was made applicable to VFAs recruited in the pay scale of Rs. 950-1500/- and Rs. 975-1540/-.

18. In view of the aforesaid subsequent stand of the respondents and the direction of the same very Tribunal vide order dated 10.11.2009, based on the undertaking of the respondents, we are of the considered opinion that since the matter is now pending with the authorities of the respondents, the impugned order dated 2.8.2004 must not stand on the way of the said authorities in the decision making process. Accordingly, the said impugned order dated 2.8.2004 stands set aside and quashed and consequently the impugned judgement and order dated 4.9.2008 passed by the Tribunal in OA No. 70/2006 also stands modified to that extent. The matter shall now go back to the authorities of the respondents for a fresh decision consistently with the observations made above and the stand of the respondents in their above quoted affidavit-in-opposition. Let the fresh and final decision in the matter be taken as expeditiously as possible, preferably within 30.04.2010.

19. The writ petition is allowed to the extent indicated above, without however, any order as to costs.

sukhamay

JDUGE

TRUE COPY
B. B. Bhattacharya
 5/3/10
 Court Master
 Gauhati High Court
 Shillong Bench

JUDGE



26/08/08

| |
|----------------------------------|
| File in Court on <u>26/08/08</u> |
| Court Officer, |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O. A. No. 70 /2006

Shri Haripada Dinda.
-Vs-
Union of India and Others.

LIST OF DATES

1988- Applicant passed Secondary Examination under the Board of Secondary Education, West Bengal. (Annexure- A/1, page- 21)

15.11.1991- Directorate General of Assam Rifles published an advertisement in various national Newspapers for appointment to the post of Veterinary Field Assistant (for short VFA). As per the advertisement the pay scale of V.F.As were provided in two categories i.e. (i) V.F.A with matriculate + Diploma in Veterinary Science - Rs. 975-1540/- and (ii) V.F.A with non matric + certificate in Veterinary Science- Rs. 950-1500/-.
Applicant being a matriculate with certificate course in Veterinary Science, applied for the post of VFA.
(Para- 4.2, page-3 of O.A)

16.03.1992- Applicant was appointed to the post of VFA in the scale of pay of Rs. 950-1500/- in Assam Rifles. (Annexure- A/2, page- 22)

01.12.1992- Applicant submitted representation to DGAR, Assam Rifles for grant of scale of pay of Rs. 975-1540/- in place of Rs. 950-1500 since he is a VFA having qualification of Matric with Diploma and entitled for the scale of pay of Rs. 975-1540/-.
(Annexure- A/15 series, page- 53)

13.07.1993- One Shri K.K. Durjan Patle, VFA appointed in the Assam Rifle to the post of VFA in the scale of pay of Rs. 975-1540/-.
(Annexure- A/17, page- 61)

W.e.f 01.01.1996 Central Govt. in terms of 5th Pay Commission report, revised the pay scale of Rs. 950-1500 to Rs. 3050-4590.
(Annexure- A/3, Page- 24)

Section 30 of the Indian Veterinary Council Act, 1984 provides the minimum qualification and nature of works to be done by the persons holding diploma or certificate in Veterinary.

(Annexure- A/4, page- 25)

First schedule of part 'B' of the Central Civil Services (Revised pay) Rules, 1997 provide Rs. 4,000-6,000/- to the Veterinary Compounder. (Annexure-A/5, page- 26)

54
2006(2)SC/SLT 49 (Para-16)
K. B. S. R. A. P. P. A.

Filed by the applicant
through U. Datta, advocate
on 26.08.08

31.03.1998- Assam Rifles implemented the Central Civil Service (RP) Rules 1997 in Schedule 'A' and revised scale of pay of VFA to Rs. 3200-4900/- (Annexure- A/7, page- 36)

15.09.1998- Directorate General of Assam Rifles issued an official notification, whercin it is stated that Directorate had taken up a case to upgrade the basic pay of VFA to Rs. 4,000-6,000/- (Annexure- A/6, page- 27)

13.05.1999- Govt. of Arunachal Pradesh approved re-designated post of para-Veterinary staff in the department of Animal Husbandry and Veterinary, Arunachal Pradesh and also extended benefit of pay scales as recommended in the 5th CPC in part 'B' Item XXIV-Veterinary Staff of the First Schedule to the CCS (RP) Rules 1997. The Veterinary Field Assistant placed in the scale of Rs. 4,000-6,000/- (Annexure- A/16, page- 57)

04.08.1999- ^{evident} It is evinced from the charter of duties of Veterinary Field Assistant that the nature of works allocation of all the veterinary staffs are almost same but in ground reality the VFA in Assam Rifles are more arduous than the other veterinary staffs of other departments. (Annexure- A/8, page- 38)

17.12.1999

24.04.2001- DGAR, Shillong, issued a notification stating therein that in 5th CPC the post of VFA and equivalent grade in other organization has been revised by a single scale of Rs. 4,000-6,000/- a case has been taken up with MHA to accord approval for implementation of revised scale to the post of VFA in AR is under progress. (Annexure- A/11, page- 44)

It is crystal clear from this notification that the DGAR also admitted that the other equivalent post/grade of other organization or department have benefited with the said revision of pay of Rs. 4,000-6,000/- and the DGAR is wiling to implement such revision of pay in case of VFA.

11.12.2002- Shri S. Manimacha Singh, similarly situated VFA, approached this Hon'ble Tribunal through O.A. No. 65/2002, which was disposed of with a direction to the respondents to implement the decision of Ministry of Home Affairs dated 17.12.99 for cadre restructuring of VFA. ^{Q. When?} (Annexure-A/10, page- 41)

Respondents denied the present applicant the benefit of scale of pay of Rs. 4,000-6,000/- in spite of being similarly situated VFA like that of S. Manimacha Singh.

22.04.2003- Applicant submitted representation to DGAR, Shillong praying for enhancement of his pay. (Annexure- A/12, page- 46)

28.10.2003- Ministry of Home Affairs, New Delhi accorded sanction of competent authority to grant revised scale of pay of Rs. 4,000-6,000/- in place of Rs. 3,200-4,900/- to Sri S. Manimacha Singh,

VFA in compliance of the Hon'ble Tribunal's order dated 11.12.02 passed in O.A. No. 65/2002. (Para- 4.10, page- 10)

21.01.2004- Applicant being highly aggrieved for non-payment of higher revised pay scale in the terms of Central Civil Services pay Rules 1997, approached this Hon'ble Tribunal through O.A. No. 283/2003 along with another employee, which was disposed of with the direction to the applicant to submit representation to the respondents. Applicant accordingly submitted a detailed representation praying interalia for grant of higher revised pay scale. (Annexure- A/13, page- 47)

20.08.2004- Respondents issued impugned letter dated 20.08.04, in para 7 it has been stated that Shri S. Manimacha Singh has been granted higher revised pay scale as per Court's direction. Applicant being similarly situated like that of Shri S. Manimacha Singh has been arbitrarily denied the benefit of higher revised scale of pay of Rs. 4,000-6,000/- which is illegal, arbitrary and liable to be set aside and quashed. (Annexure- A/14, page- 50)

02.05.2005- Applicant submitted representation to DGAR, Shillong praying for pay scale of Rs. 975-1540/- from his initial appointment. (Annexure- 15 series, page- 54)

Applicant relies on the following decisions:

1. (2004) 6 SCC 218. (State of Mizoram and another -Vs- Mizoram Engineering Service Association).
2. (2006) 2 SC SLJ 49 (K.T. Veerappa & Ors. -Vs- State of Karnataka & Ors.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 70/06

1. a) Name of the Applicant :- Sh. Dinda
b) Respondents :- Union of India & Ors.
c) No. of Applicant(S) :-
2. Is the application in the proper form :- Yes / No.
3. Whether name & description and address of the all the 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. Has the application is in time :- Yes / No.
10. Has the Vokatlatnama / Memo of appearance / Authorisation is filed : Yes/No.
11. Is the application by IPO / RI / for Rs. 50/- 26/3/19562
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 annexurea duly attested filed : Yes/No.
15. Has the Index of the 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 sough for arises out of the Single : Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is 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 pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk :
The application is in order

SECTION OFFICER (J)

DEPUTY REGISTRAR

PAI

20 MAR 2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 70 /2006

Shri Haripada Dinda,
-Vs-
Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

15.11.1991- Directorate General of Assam Rifles published an advertisement in various national Newspapers for appointment to the post of Veterinary Field Assistant (for short VFA). Applicant being a matriculate with veterinary diploma, applied for the post of VFA.

16.03.1992- Applicant was appointed to the post of VFA in the scale of pay of Rs. 950-1500/- in Assam Rifles. (Annexure-2)

The post of VFA in Assam Rifles falls in the category of Para Veterinarians and the said group of para Veterinarians was initially placed at pay range of Rs. 950-1500/- to 1200-2040/- but now as per 5th Pay Commission report, the Central Govt. revised the pay scale of said Veterinary posts/para veterinarian to the pay scale of Rs. 4,000-6,000/-. (Annexure-3)

Instead of implementing the pay scale given in the first schedule of part 'B' of the Central Civil Services (Revised pay) Rules, 1997 i.e. Rs. 4,000-6,000/-, the Assam Rifles implemented the Central Civil Service (RP) Rules 1997 in Schedule 'A' i.e. Rs. 3200-4900/-. (Annexure-4, 5)

08.06.2001- Assam Rifles had submitted a proposal to Ministry of Home Affairs to streamline the pay structure of VFA of Assam Rifles with Compounder of BSF/ITBP. (Annexure- 6, 7)

15.09.1998- Directorate General of Assam Rifles issued an official notification, wherein it is stated that Directorate had taken up a case to upgrade the basic pay of VFA to Rs. 4,000-6,000/-.

04.08.1999- It is evinced from the charter of duties of Veterinary Field Assistant that the nature of works allocation of all the veterinary staffs are almost same but in ground reality the VFA in Assam Rifles are more arduous than the other veterinary staffs of other departments. (Annexure-8)

Hari pada Dinda

34

24.01.2001- DGAR, Shillong, issued a notification under the heading "Progress on Pay Anomalies Cases, at para No. 7 it is stated that in 5th CPC the post of VFA and equivalent grade in the organization has been revised by a single scale of Rs. 4,000-6,000/- It is crystal clear from this notification that the DGAR also admitted that the other equivalent post/grade of other organization or department have benefited with the said revision of pay of Rs. 4,000-6,000/- and the DGAR is willing to implement such revision of pay in case of VFA.

(Annexure- 11)

11.12.2002- Shri S. Manimacha Singh, similarly situated VFA, approached this Hon'ble Tribunal through O.A. No. 65/2002 which was disposed of with a direction to the respondents to implement the decision of Ministry of Home Affairs dated 17.12.99 for cadre restructuring of VFA.

(Annexure-10)

28.10.2003- Ministry of Home Affairs, New Delhi vide order dated 28.10.03 accorded sanction of competent authority to grant revised scale of pay of Rs. 4,000-6,000/- in place of Rs. 3,200-4,900/- to Sri S. Manimacha Singh, VFA in compliance of the Hon'ble Tribunal's order dated 11.12.2002 passed in O.A. No. 65/2002. But the respondents denied the present applicant the benefit of scale of pay of Rs. 4,000-6,000/- inspite of being similarly situated like that of S. Manimacha Singh.

(Annexure- 12)

21.01.2004- Applicant being highly aggrieved for non-payment of higher revised pay scale in the terms of Central Civil Services pay Rules 1997, approached this Hon'ble Tribunal through O.A. No. 283/2003 along with another employee, which was disposed of with the direction to the applicant to submit representation to the respondents. Applicant accordingly submitted a detailed representation praying interalia for grant of higher revised pay scale.

20.08.2004- Respondents issued impugned letter dated 20.08.04, in para 7 it has been stated that Shri S. Manimacha Singh has been granted higher revised pay scale as per Court's direction. Applicant being similarly situated like that of Shri S. Manimacha Singh has been arbitrarily denied the benefit of higher revised scale of pay of Rs. 4,000-6,000/- which is illegal, arbitrary and liable to be set aside and quashed.

(Annexure- 13)

Hence this application.

P R A Y E R S

Relief (s) sought for:

Hari Dada Binda

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25

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned order issued under letter No. 11.27014/16/99- PF. IV (h) dated 20.08.2004 (Annexure- A/14).
2. That the Hon'ble Tribunal further be pleased to direct the respondents to grant the revised scale of Rs. 4000-6000/- to the applicant w.e.f 01.01.1996 in terms of Central Revised Pay Rules, 1997 with all consequential benefits.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased direct the respondents that the pendency of this application shall not be a bar for the respondents for considering the case of the applicant for providing relief as prayed for.

Haripada Danda

36

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A. No. 70/2006
 Shri Haripada Dinda. : Applicant.
 -Versus-
 Union of India & Ors. : Respondents.

INDEX

| Sl. No. | Annexure | Particulars | Page No. |
|---------|-------------|--|----------|
| 1. | — | Application | 1-19 |
| 2. | — | Verification | -20- |
| 3. | 1 | Copy of certificate of secondary education. | - 21 - |
| 4. | 2 | Copy of appointment order dated 16.03.92 | 22 - 23 |
| 5. | 3 | Copy of relevant page showing pay scale of veterinary staffs. | - 24 - |
| 6. | 4 | Copy of relevant portion of section 30 of Indian Veterinary Council Act 1984. | - 25 - |
| 7. | 5 | Copy of relevant portion containing the pay scale of compounder of Central Forest Service. | - 26 - |
| 8. | 6 | Copy of notification dated 15.09.98 | 27 - 35 |
| 9. | 7 | Copy of letter dated 31.03.98. | 36 - 37 |
| 10. | 8 | Copy of charter of duties. | 38 - 39 |
| 11. | 9 | Copy of relevant page containing Appendix-II of the Hand Book of ICAR. | - 40 - |
| 12. | 10 | Copy of Order dated 11.12.2002 | 41 - 43 |
| 13. | 11 | Copy of letter dated 24.04.2001. | 44 - 45 |
| 14. | 12 | Copy of letter dated 28.10.2003. | - 46 - |
| 15. | 13 | Copy of the order dated 21.01.04. | 47 - 49 |
| 16. | 14 | Copy of impugned letter dated 20.08.2004. | 50 - 52 |
| 17. | 15 (Series) | Copy of representation dated 1.12.92, 2.5.05 | 53 - 56 |
| 18. | 16 | Copy of service book, order dated 13.05.99 | 57 - 59 |
| 19. | 17 | Copy of appointment letter dated 16.03.92 and 13.07.93. | 60 - 61 |

Filed By:

Date: -

Advocate

Haripada Dinda

32
Filed by the applicant
through: S. Nat.
Advocate
At 03. 2006

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 70 /2006

BETWEEN:

Shri Haripada Dinda,
C/o- Shri Gosta Behari Dinda,
Veterinary Field Assistant,
1st Assam Rifle, Dog Unit, Jorhat
99 APO.

-----Applicant

-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi- 110001.
2. The Ministry of Finance,
Through it's Secretary,
Government of India,
New Delhi.
3. The Director General,
Directorate of Assam Rifles
Shillong-793001.
4. The Commandant,
3 Director General Assam Rifles,
C/O 99 APO, Jorhat.

.....Respondents.

Haripada Dinda

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DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned order issued under letter No. 11.27014/16/99- PF. IV (h) dated 20.08.2004 (Annexure- A/14), whereby the claim of the applicant for grant of higher revised scale of Rs. 4,000-6,000/- has been rejected, when the said scale of pay of Rs. 4,000-6,000/- has been granted to the similarly situated employees namely Shri S. Manimacha Singh, Civilian Veterinary field Assistant working in Assam Rifles in terms of the judgment and order of this learned Tribunal passed on 11.12.2002 in O.A. No. 65/2002 as well as in terms of the order dated 5.5.2003 passed in MP No. 53/2003 in O.A. No. 65/2002 and also praying a direction upon the respondents to extend the similar benefit of higher revised scale of pay of Rs. 4,000-6,000/- to the applicant.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that he has filed a separate application for condonation of delay.

4. Facts of the case:

- 4.1** That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2** That your applicant is a permanent resident of Benia Village, Madinapore District, West Bengal. The applicant passed secondary examination in the year 1988 under the Board of Secondary Education, West Bengal.

Hari pada Binda

39

Thereafter, the applicant completed Veterinary Field Assistant Course from West Bengal.

The Assistant Director (A) Directorate General of Assam Rifles, Shillong-11 issued a public advertisement dated 15th November, 1991 in various national News papers for appointment to the post of Veterinary Field Assistant (for short VFA). The said advertisement also reported in the Bengali Daily News paper "KARMA KHETRA PATRIKA" on 18.11.1991. The terms and conditions mentioned in the said advertisement are (i) the candidate should be between 18 to 25 years, (ii) those candidate who have passed Veterinary Diploma/certificate with Metric, the pay will be Rs. 975-25-1150-30-1540/- P.M and (iii) only veterinary science certificate with non-Metric/Under metric candidates their basic pay will be Rs. 950-1150-25-1500/- P.M.

(A Copy of the pass certificate of secondary education is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-A/1).

4.3 That the applicant being a veterinary Diploma/certificate holder with metric in response to the said advertisement applied to the post of VFA in the scale of Rs. 975-25-1150-30-1540/- per month and passed interview for the said post. On satisfaction of the applicant's overall performance, the selection board selected the applicant vide appointment order issued by Assistant Director (A) bearing No. 1415/25-85/VFA/A-2 (med) dated 16th march, 1992 in the scale of Rs. 950-20-1150-EB-25-1500/- P.M plus other allowances as admissible under the existing rules from time to time and posted at 3rd A.R.

(A Copy of the appointment order dated 16.03.1992 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-A/2).

4.4 The present post of the applicant i.e. Veterinary Field assistant (VFA) and other posts known as Animal Husbandry Assistant, Compounder, Dresser, Stockman, Stock Asslt, Vaccinator and milk recorder etc. are

Haripada Benda

4
49

categorized as Para veterinarians posts. They provide auxiliary support in veterinary and animal Husbandry practices.

The minimum required qualification of such post is matriculation with diploma or certificates or experience of one or two years as the case may be. Section 30 of the Indian Veterinary Council Act, 1984 also provides the minimum qualification and nature of works to be done by such posts. The relevant portion is hereby reproduced for easy reference.

"Sec. 30 (b) Practise Veterinary Medicine in any State: -

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

Explanation: - "Minor Veterinary services" means the rendering of preliminary veterinary aid, like vaccination, castration, and dressing of wounds, and as such other types of preliminary aid, like vaccination, castration and dressing of wounds, and such other types of preliminary aid the treatment of such ailments as the State Government may, by notification in the official Gazette, specify in the behalf."

Therefore, duties and nature of works of all such posts are to do minor veterinary services provides auxiliary support in veterinary and Animal Husbandry service vaccination, castration, dressing of wounds or treatment of ailments etc.

4.5 That initially the pay scale of the said group of post (i.e Veterinary staffs/or Para veterinarian post) were placed at the pay range from Rs. 950-1500/- to 1200-2040/-. But now as per 5th pay Commission report, the Central Government revised the pay scale of the said veterinary staffs/or Para

Hari pada Dinda

5
41

veterinarian post equally to the pay scale of Rs. 4000 to 100-6000/- by naming the posts such as Stockman/compounder/stock Asslt./Animal Husbandry Asslt/Dresser etc. All the concerned Department under Central Service have implemented the said revision of pay, but in case of the post of VFA of Assam Rifles, the Directorate General Assam Rifles failed to implement such revision of pay by taking the chance of non mentioning the nomenclature of VFA in the column of veterinary staffs of the Central Civil Service (Revised pay) Rules, 1997. Instead of implementing the pay scale given in the first schedule of part "B" of the said Central Civil Service (RP) Rules 1997 i.e. 4000-100-6000/- by taking analogy of the post of veterinary staffs as described in section 30 of the Indian Veterinary Council Act, 1984, where it is clearly stated that what ever name may be called, but the DGAR implemented the Central Govt. Civil Services (RP) Rules 1997 in schedule 'A' i.e. Rs. 3200-4900/-.

It will not be out of place to mention here that the post of veterinary compounder attach to Central Forest Service was initially fixed at the pay scale of Rs. 800-1150/- less than the pay scale of VFA, Assam Rifles. But with the new pay revision the pay scale of the said Vety. Compounder of Forest Service is revised to Rs. 4000-6000/-.

The applicant begs to submit that the compounder of BSF is also enjoying the pay scale of Rs. 1400-2300/- pre revised and after revised Rs. 4500-125-7000/- per month. It is also beg to submit that the nature of work of compounder in B.S.F is only to maintain pharmaceutical works under supervision of a Registrar Veterinary Doctors. Whereas the nature of works of the petitioner's post i.e. VFA of Assam Rifles include all the functions and operation of Veterinary and animal Husbandry works such as treatment, minor veterinary works maintaining pharmaceutical works. Inspection of animal health, checking of meat supply to troops, accompany with troops in field works without supervision of any Doctors/Registrar Veterinary practitioner. It is also begged to submit that there is no post of Doctors/Practitioner. In other words, the veterinary Field Asstt. of Assam

Hari pada Dinda

Rifles are entrusted with more workload and responsible than the compounder of BSF.

The Assam Rifles had submitted a proposal to Ministry of Home Affairs to streamlines the pay structure of VFA Assam Rifles with Compounder B.S.F/ITBP vide DGAR letter No. A/PERS/5th pay/98/dated 15 September, 1998 and letter No. II 14015/5th CPC/98/A-II/dated 31.03.98.

(Copy of the relevant page showing pay scale of the veterinary staffs of the Central Civil Service (Revised Pay) Rules, 1997. First schedule of Part "A" relevant portion of section 30 of India Veterinary Council Act, 1984, relevant portion containing the pay scale of Compounder, central Forest Service and letter of DGAR dated 15.09.1998 and 31.03.98 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A/3, A/4, A/5, A/6 and A/7 respectively).

- 4.6 That on approach being made by the applicant, the Directorate General Assam Rifles issued an official notification dated 15.09.1998 (at Annexure-A/6) under heading of "salient feature of pay scale of Assam Rifles Personnel". It is stated at para No. 20 of the said notification that the Directorate had taken up a case to upgrade the basic pay of VFA to Rs. 4000-6000/- and further stated that Ministry of Home Affairs is inclined to such proposal.
- 4.7 That, as stated above the duties and nature of works of the VFA and other posts like Stockman/Compounder/Stock Asstt./Animal Husbandary Asstt/Dresser etc. are only minor veterinary service rendering preliminary veterinary aids like vaccination, castration, dressing of wound etc. Therefore, the nature of allocation of works to all the veterinary staffs (or para veterinarian post) are almost same in view of the Section 30 (b) of the

Hari prada Dinda

7
13
said Act, 1984. But in ground reality the VFA in Assam Rifles are more arduous than the other veterinary staffs of other Departments.

Charter of duties of VFA, Assam Rifles:-

APEX

(Ref to DGAK letter No. L14015/C-

Duty/VFA/Med-4 dated 4th Aug., 99

CHARTER OF DUTIES OF VETERINARY FIELD

ASSISTANT : ASSAM RIFLES

1. Charter of Duties of Field assistant are as under:-
 - (a) Regular medical inspection to be conducted, to ensure fitness of animals, the veterinary Field assistant and proper record of such inspection be maintained.
 - (b) Regular medical examination and treatment of sick animals held at Battalion.
 - (c) Regular medical examination of Animals available in dairy farm, poultry farm and Piggery farm etc. in the Battalion.
 - (d) Veterinary Field assistant always accompany the animal transport when they carry load from one place to another.
 - (e) Examination of MOH (Meat of Hoof) and inspection of dressed meat issued to the troops.
 - (f) Veterinary Field assistant ensures that eggs supplied by contractor are fresh, of good average size and weight of 12 eggs is not less than 500 gms. Individual egg weighing less than 40 gms. is not accepted.
 - (g) Veterinary Field Assistant also ensures that poultry live is healthy and well nourished.

(A copy of the chart of duties is enclosed herewith for perusal of Hon'ble Tribunal and marked as Annexure-A/3).

- 4.3 The service of the VFA in Assam Rifles with one year certificate course on Diploma in the veterinary science is also a Technical post. In the hand Book

Hari Pada Singh

of Indian Council of Agricultural Research (ICAR), it is clearly pointed out that Field Assistant in veterinary is also a Technical post vide appendix-II of the said Hand Book of ICAR.

It may also be relevant to mention here that one similarly situated with the present applicant, Shri S. Manimacha Singh, VFA of Assam Rifles filed a writ petition No. 798 of 1999 with a prayer to include VFA of Assam Rifles in the category of "OTHER TECHNICIANS" in CCS (RP) Rules, 1997 and the same is reproduced hereunder: -

"XXII OTHER TECHNICIANS"

(a) Post requiring matriculation with some experience as minimum qualification for direct recruitment Rs. 4000-100-6000/-."

(A Copy of the relevant page containing Appendix-II of the Hand Book of ICAR is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-A/9).

4.9 That during the pendency of the aforesaid W.P (C) No. 798 of 1999, the DGAR, Shillong again reconsidered the matter of the pay scale of VFA and notified another office decision vide letter dated 24.04.2001 under the heading of "Progress on Pay Anomalies Cases" and in that at para No. 7, it is stated that in 5th CPC the post of VFA and equivalent grade in the organization has been revised by a single scale of Rs. 4000-6000/- A case has been taken up with MHA to accord approval for implementation of revised scale to the post of VFA in A.R. Case is under progress. From this it is crystal clear that the DGAR also admitted that the other equivalent post/grade of other organization or department have benefited with the said revision of pay of Rs. 4000-6000/- and that DGAR is also willing to implement such revision of pay in case of VFA, AR. But the applicant cannot understand as to why the DGAR still remain silent, it may be the intention to wait the decision of a competent court or tribunal as the

Hari Pada Binda

applicant already started filing a writ petition before this present application (case) before this Hon'ble Tribunal.

In pursuance of the order of the Hon'ble Gauhati High Court dated 31.12.2001 passed in WP (C) No. 798 of 1999, an original application being O.A No. 65 of 2002 was filed before the Hon'ble Central Administrative Tribunal, Guwahati Bench and the same was disposed of on 11.12.2002 with the following direction: -

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

This application thus stands disposed of. There shall however, be no order as to costs."

It is also pertinent to mention that the direction of the Hon'ble CAT does not confine to the applicant of O.A. No. 65 of 2002 only, in fact, it extends to all the VAs of Assam Rifles.

(Copies of the order of the Hon'ble CAT dated 11.12.2002 passed in O.A. No. 65 of 2002 and decision of the DGAR in the matter of pay anomalies taken on 24.04.2001 are also enclosed herewith for perusal of Hon'ble Tribunal and marked as Annexure-A/10 and A/11 respectively).

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4.10 That it is stated that the Govt. of India, Ministry of Home Affairs, New Delhi vide its order issued under letter No. II. 27014/16/99-PF. IV dated 28.10.2003 accorded sanction of the competent authority to grant revised pay scale of Rs. 4000-6000 in place of Rs. 3200-4900/- to Sri S. Manimacha Singh, veterinary field assistant of Assam Rifles in compliance of the Hon'ble Tribunal judgment and order dated 11.12.2002 passed in O.A 65/2002. The said order of sanction of higher revised scale of Rs. 4000-6000/- has been issued with the approval of Ministry of Finance letter No. U.O. NO. 12/52/99 -IC dated 17.10.2003 and integrated finance division of MHS Dy No. F.2080/Fin.V/03 dated 27.10.2003. Be it stated that the applicant and Shri S. Manimacha Singh are working in the same department with same designation, same scale of pay and nature and duties of works as well as responsibilities are exactly similar as such denial of higher revised scale of Rs. 4000-6000/- to the applicant when the same was sanctioned to Shri S. Manimacha Singh is highly arbitrary, illegal and unfair and such action of the respondents is in violation of the Article 14 of the Constitution of India.

(A copy of the letter-dated 28.10.2003 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-A/12).

4.11 That your applicant being highly aggrieved approached this Hon'ble Tribunal by filing an original application for grant of higher revised pay scale in terms of the central civil services pay rules 1997, the said original application was registered as O.A. No. 283/2003, the original application was finally disposed of on 21.01.2004 with the direction to the applicant to submit comprehensive individual representation to the respondents within a period of 15 days and thereafter the respondents shall disposed of the same within two months by passing a speaking and reasoned order after taking into consideration the observation made in the judgment dated 11.12.2002 passed by the learned Tribunal in O.A No. 65/2002, the applicant accordingly submitted a detailed representation praying interalia

Hari Pada Dinda

for grant of higher revised pay in terms of central civil services revised pay rules 1997, however the respondents vide their impugned order issued under letter No. II. 27014/16/99-PF. IV (h) dated 20.08.2004, whereby claim of the applicant was rejected for higher revised scale of Rs. 4000-6000/- . In the said impugned order it has been contended that in other central paramilitary force, veterinary staff who are drawing pay scale in the revised scale of Rs. 4000-6000/- are combatant staffs while VFA's of Assam Rifles are holding civilian posts hence two appointments are not comparable as such no parity can be drawn for the purpose of emoluments, the aforesaid ground of the respondents does not hold good and liable to be rejected at the threshold, in view of the fact that there is no separate recommendation made by the 5th central pay commission for the combatant veterinary staff. The other ground taken in para 7 of the impugned letter dated 20.08.2004 that Shri S. Manimacha Singh, civilian VFA has been granted higher revised scale of Rs. 4000-6000/- as per the court's direction, considering his qualification only. In this connection it may be stated that both that applicant and Shri S. Manimacha Singh had posses similar educational qualification i.e. both of them have passed Matriculation/ Secondary Education plus they are having certificate course in veterinary science/Veterinary Diploma as such there is no difference of recruitment qualifications between Shri S. Manimacha Singh and the applicant, therefore denial of higher revised scale of Rs. 4000-6000/- on the pretext that Shri S. Manimacha Singh has been granted higher revised scale following the direction of the Hon'ble Tribunal is highly arbitrary illegal and unfair and such decision is discriminatory and on that score alone the impugned letter dated 20.08.2004 is liable to be set aside and quashed.

(A copy of the order dated 21.01.04 and impugned letter dated 20.08.2004 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A/13 and A/14 respectively).

Hari Pada Dinda

4.12 That the contention of the respondents raised in paragraph 8 and 9 of the impugned letter dated 20.08.2004 is also not maintainable in view of the fact that once a pay scale allotted to a similarly situated employees following a direction of a competent Court, the said allotment of scale is definitely granted on the basis of merit of the case. Further contention of the respondents that the applicant is recruited without having matriculation qualification is not correct, the applicant in terms of his appointment letter No. I. 14015/25-85/VFA/A-2 (Med) dated 16.03.1992 submitted his matriculation certificate, which is also recorded in his service book at the time of his entry in service in Assam Rifles; however, the applicant was wrongly allotted the scale of Rs. 950-1500/- instead of Rs. 975-1540/- when he posses the requisite qualification of matriculation plus certificate in veterinary science, and accordingly the applicant repeatedly submitted representations before the respondents Union of India for grant him appropriate scale of Rs. 975-1540/- vide his representation dated 01.12.1992 and 02.05.2005, but those representations not yet been disposed of by the respondents. In this connection it may be stated that after the 5th Central Pay Commission recommendation even those veterinary field Assistant and other similarly situated employees working in the same rank and status with the scale of Rs. 950-1500/- has been placed to the higher revised scale of Rs. 4000-6000/- following the recommendation of the 5th pay commission and also in terms of revised pay rules 1997. the same may evident from the Assam Rifles recommendation letter dated 31.3.1998 written by the DGAR to the Govt. of India, Ministry of Home Affairs, New Delhi. It is also relevant to mention here that the Govt. of Arunachal Pradesh, which has accepted and adopted the 5th central pay commission also granted revised higher scale 4.000-6.000/- to the veterinary field assistant who were working in the pre-revised scale of Rs. 3050-4590/-, which is evident from the order dated 13.05.1999 issued under letter No. AHV/E-98/83. Therefore applicant who is similarly situated and working in the same post of VFA

Hari Pada Sinda

like Shri S. Manimacha Singh with the same nature of work duties and responsibilities cannot be denied the higher revised scale of Rs. 4000-6000/- The veterinary diploma or certificate course in veterinary Science are same and similar in view of the specific provision of Section 30 of the Indian Veterinary Council Act, 1984 as indicated in the preceding paragraph. Therefore discrimination cannot be made on the ground that applicant is a holder of certificate course in veterinary science and Shri S. Manimacha Singh is a veterinary diploma holder more so in view of the recommendation of the 5th Central Pay Commission, which has been duly accepted by the Govt. of India.

In the circumstances stated above the Hon'ble Tribunal was pleased to set aside the impugned letter dated 20.8.2004 and further be pleased to declare that the applicant is entitled to revised pay of scale of Rs. 4000-6000/- w.e.f. 01.01.1996 with arrear monetary benefits.

(Copy of the representation dated 01.12.1992, 02.05.05, certified copy of the service book, Govt. of A.P order dated 13.05.99 and appointment letter dated 16.03.92, 13.07.93 are also enclosed herewith for perusal of Hon'ble Tribunal as Annexure-A/15 (series), A/16, A/17 and A/18 (Series)).

4.13 That it is stated that on a mere reading of the order dated 13.5.99 passed by the Secretary (AHV), Govt. of Arunachal Pradesh, wherein it is specifically stated that following the recommendation of the 5th central pay commission the existing pay scale of Rs. 3050-4590/- of the Veterinary Field Assistant have been revised to Rs. 4.000-6.000/- and the existing designation, VFA is redesignated as Stockman. Be it is stated that the scale of Rs. 950-1500/- has been revised to Rs. 3050-4590/- following the recommendation of the 5th Central Pay Commission therefore even assuming the applicant is working in the scale of Rs. 950-1500/- (Revised 3,050-4,590/-) then also the applicant is entitled to revised higher scale of Rs. 4.000-6.000/-. In the circumstances stated above the contention of the

Haripada Binda

respondents that applicant does not possesses qualification of matriculation is totally incorrect and respondent rather committed a mistake placing the applicant in a wrong scale of Rs. 950-1500/- instead of Rs. 975- 1540/- at the entry stage as such applicant is entitled to Rs. 975- 1540/- at least from the date of his entry in service.

4.14 That it is stated that applicant has been granted 1st ACP benefit in the year 2004 placing him in the scale of Rs. 3,200-4,900/- whereas applicant is legally entitled to be placed in the scale of Rs. 4,000-6,000/- at least w.e.f 01.01.1996 with all consequential benefit including arrear monetary benefit in terms of recommendation of the 5th Pay Commission. Moreover, the respondents authority did not assign any good ground for rejecting the proposal of the DCAR sent to the Govt. of India through letter dated 31.03.1998 recommending the scale of Rs. 4000-6000/- even for the employees holding the scale of Rs. 950-1500/. Moreover, applicant is liable to be placed in the scale of Rs. 5,000-8,000/- on completion of 12 years of service instead of Rs. 3,200-4,900/-, in terms of Govt. O.M dated 09.08.1999.

4.15 That due to arbitrary action of the respondents Union of India, applicant is incurring huge financial loss in each and every month as such it is a continuous wrong which gives rise cause of action each and every month therefore application is well within the period of limitation.

4.16 That your applicant approaching this Hon'ble Tribunal for protection of his valuable and legal right in the circumstances explained above and the Hon'ble Court further be pleased to pass appropriate order directing the respondents to grant scale of pay of Rs. 4000-6000/- to the applicant at least w.e.f 01.01.1996 with all consequential service benefit including arrear monetary benefit and further be pleased to pass necessary order for modification of the order, whereby the applicant is granted 1st ACP benefit in the scale of Rs. 3,200-4,500/- which ought to have been in the

Hari Pada Sinda

scale of Rs. 5,000-8,000/- as such modification of order granting 1st ACP is necessary in order to grant adequate relief to the applicant.

4.17 That this application is made bona fide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, the Veterinary establishment in any organization or Directorate or Institute, there exists a certain post or posts which normally nomenclature as VFA or Stockman or Animal Husbandry or Veterinary Compounder or Vaccinator or Dresser or Field Assistant (Whatever name may be called). Their main work is to render minor veterinary service like vaccination, castration, dressing of wounds treatment of animal. So works of every such post (which is termed as para veterinarian post) either of the Directorate of Assam Rifles or B.S.F or other organization are to be treated as same in view of Section 30 (b) of the Indian Veterinary Council Act, 1984. And more so the minimum qualification of such post is matriculation with diploma or certificate or experience as indicated in the said Section 30 (b) of the said Act, 1984; so also as discussed in para No. 55.284 of the 5th Central Pay Commission by taking these different nomenclature to revise equally to Rs. 4,000-6,000/- so that there may not arise any question of pay anomaly. The Central Govt. also accepted and approved the recommendation and revised the pay scale of such post to Rs. 4,000-6,000/- by reflecting under the heading "XXIV- Veterinary Staffs" (C) of the CCS (RP) Rules, 1997. But the Directorate of Assam Rifles failed to implement the same without any cogent reason and denied the right of the applicant to enjoy the said revised pay scale.

5.2 For that, the pay commission also discussed about other posts of Technicians for which minimum educational qualification is only matriculation with some experience and recommended to revise the pay scale of Rs. 4,000-6,000/- equally to those of para veterinarians post, and

Haripada Binda

the same is approved by the Central Government and included in the CCS (RP) Rules, 1997 and reflected in para B or column No. " XXII-OTHER TECHNICIANS".

- (a) The present applicant also similarly situated with the petitioner of O.A. No. 65 of 2002.
- (b) VFA of Assam Rifle is also a technical post and the minimum qualification is matriculation with diploma or certificate (vide A/8 and Section 30 (b) of the Indian Council Act, 1984). Looking in this angle too, the pay scale of VFA/AR is sought to have revised to Rs. 4,000-6,000/-.
- (c) That, on the recent decision of DGAR (vide Annexure-A/18) it is clearly stated and admitted that the pay scale of other equivalent post/grade with the VFA/AR have already been revised to Rs. 4,000-6,000/-. So, it can be concluded that the DGAR had already expressed their willingness to revise the said pay scale of VFA equally with other counterparts.
- (d) That, the VFA/AR and its counterparts (or equivalent posts) in different organization or Directorate or institute are same and equal either in the nature of works or in the looking to the minimum educational qualification. So, the principle of equal pay for equal works is applicable in the present case as enumerated in Article 39 (d) of the Constitution of India.

5.3 For that, the grounds raised in the impugned order dated 20.08.2004 while denying the appropriate scale of Rs. 4,000-6,000/- to the applicant w.e.f 01.01.1996 is not sustainable in the eye of law in view of the fact that applicant is also similarly circumstances like Sri S. Manimacha Singh having similar recruitment qualification.

Hari Pada Dinda

5.4 For that, applicant is also working in the cadre of Veterinary Field Assistant (Civilian) like that of S. Manimacha Singh who is holding a civilian post of Veterinary Field Assistant as such applicant cannot be discriminated in the matter of allotment of revised pay scale which has already been provided to Sri S. Manimacha Singh vide Govt. order dated 28.10.2003.

5.5 For that, applicant is a matriculate with certificate in veterinary science as such liable to be placed initially in the scale of Rs. 975-1540/- and also entitled to the benefit of scale of Rs. 4,000-6,000/- in terms of the Govt. order dated 28.10.2003.

5.6 For that, even assuming applicant is working in the scale of Rs. 950-1500 in the cadre of Veterinary Field Assistant in that event also applicant is entitled to higher revised pay of Rs. 4,000-6,000/- in terms of the recommendations of the 5th Central pay Commission as well as Revised Pay Rules, 1997.

5.7 For that, in view of section 30 of Indian Veterinary Council Act, 1984 the qualification of the applicant is similar to that of Sri S. Manimacha Singh as such entitled to be placed in the higher scale of Rs. 4,000-6,000/- in terms of order dated 28.10.2003.

5.8 For that no ground has been assigned by the Govt. for non-acceptance of proposal/recommendation of DGAR contained in the letter dated 31.03.1998.

5.9 For that in terms of recommendation of DCAR letter dated 31.03.1998 applicant is liable to be placed in the scale of Rs. 4,000-6,000/- at least w.e.f 01.01.1996 and thereafter he is liable to be placed in the scale of Rs. 5,000-8,000 on account of 1st financial upgradation in terms of O.M. dated 09.08.1999.

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- 5.10 For that applicant being similarly situated employee cannot be discriminated in the matter of pay scale.
- 5.11 For that due to arbitrary denial of pay scale applicant is incurring huge financial loss each and every month as such cause of action arises in each month in view of denial of the rule.
- 5.12 For that the contention raised in the impugned letter dated 20.08.2004 is contrary to the recommendation of 5th Central Pay Commission as such the same is not sustainable in the eye of law.
- 5.13 For that the grounds raised in the impugned letter dated 20.08.2004 cannot be maintainable in view of the fact that the benefit of higher pay scale has also been granted to Shri S. Manimacha Singh a similarly situated employee of the same department.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that saves and except filing of O.A. No. 283 of 2003 before this Hon'ble Tribunal, he had not previously filed any application, writ petition or suit before any Court or any other authority or any other bench of the Tribunal regarding the subject matter of this application nor any such application. Writ petition or suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to

Hari Pada Dinda

why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 3.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order issued under letter No. 11.27014/16/99- PF. IV (h) dated 20.08.2004 (Annexure- A/14).
- 3.2 That the Hon'ble Tribunal further be pleased to direct the respondents to grant the revised scale of Rs. 4,000-6,000/- to the applicant w.e.f 01.01.1996 in terms of Central Revised Pay Rules, 1997 with all consequential benefits.
- 3.3 Costs of application.
- 3.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased direct the respondents that the pendency of this application shall not be a bar for the respondents for considering the case of the applicant for providing relief as prayed for.

10.

11. Particulars of the I.P.O

| | |
|-------------------|--------------------|
| i) I.P.O No. | : 26 G 319562 . |
| ii) Date of issue | : 28. 2. 06 . |
| iii) Issued from | : G Po. Guwahati . |
| iv) Payable at | : G Po. Guwahati . |

12. List of enclosures:

As given in the index.

Hari Panda Dinda

VERIFICATION

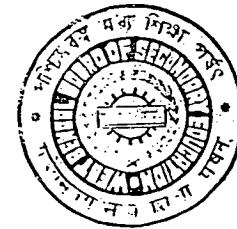
I, Shri Haripada Dinda, S/o- Shri Gosta Behari Dinda, aged about 38 years, working as Veterinary Field Assistant, office of 1st Assam Rifle, Dog Unit, Jorhat, 99 APO, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 12 day of March 2006.

Hari Pada Dinda

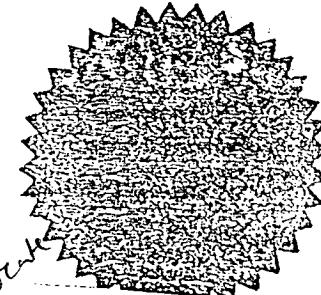
1/22
385

WEST BENGAL BOARD OF SECONDARY EDUCATION
ANNEXURE A/1



MADHYAMIK PARIKSHA (SECONDARY EXAMINATION)

Certified that Kanjada Sinda
 Son/Daughter of Gostabehari Sinda
 appearing from/qs Ishantore B.B. Vidyabhaban, whose date of birth
 is 12/12 day of June One thousand nine hundred and
Sixty eight, duly passed the Madhyamik Pariksha (Secondary Examination)
 held in the month of March 1988 and was placed in the Second Division



Sudin Baralpadhyay

Chittaranjan Banerjee

CALCUTTA-16.

Secretary

President

10.1.90

A/22
JAN
1/22
385

EX

Tele No : PABX 27510/5550

(A) ~~ASSAM RIFLES~~
1. General Officer Commanding
2. General Officer Commanding

REGISTERED

Bharat Sarkar
Govt of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshataya Assam Rifles
Directorate General Assam Rifles

1. 24015/25-85/VFA/A-2(Med)

16 Mar 92

Ch. Shri Alavipada Dinda
Ch. Chota Bishore Dinda
Bonia
P.O. - Debeda Dagaon
Dist - Mednapur
(West Bengal).

APPOINTMENT - VFA

1. You are hereby selected for appointment until further orders as Vety Field Asstt in 3 Assam Rifles in the scale of pay of Rs. 950-20-1150-EB-25-1500/- p.m. plus other allowances as admissible under the existing Rules from time to time. The appointment is purely temporary and may be terminated with one month notice from either side.
2. Shri Alavipada Dinda shall have to produce the following certificates before joining the post : -

- (a) Medical fitness certificate from Civil Surgeon or equivalent at the time of joining.
- (b) Educational and other certificates as proof of age and qualification.
- (c) A character certificate from a Class I officer or 1st Class Magistrate at the time of joining the duty.

3. No TA/DA will be admissible to you for joining the duty.
4. You are liable to serve anywhere in Assam Rifles deployed in Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh and Sikkim or wherever Assam Rifles exists.
5. Your appointment is subject to satisfactory police verification and antecedent.

*Alavipada
Dinda
Advocate*

2/-

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

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

8. Nearest fly station is Dibrupur and you may report to No. 7 MGR at Dibrupur for onward journey to the destination.

(P. S. Prakash)
Lt Col
Assistant Director (A)
for Director General
Assam Rifles

Copy to :-

1. HQ Dibrupur RAK

3. Medical branch (internal)

4. Personal file

5. Office copy

rg/-

General

ANNEXURE A/3

A-36 COMPILED OF FIFTH CENTRAL PAY COMMISSION REPORT

THE FIRST SCHEDULE
(See Rules 3 & 4)

PART - A

*Revised scales for posts carrying present scales in Group 'A', 'B', 'C' & 'D'
except posts for which different revised scales are notified separately.*

| SL. NO. | POST/ GRADE | PRESENT SCALE (Rs.) | REVISED SCALE (Rs.) |
|------------|----------------|--|------------------------|
| 1. | 2. | 3. | 4. |
| 1. | S-1 | 750-12-870-14-940 | 2550-55-2660-60-3200 |
| 2. | S-2 | 775-12-871-14-1025 | 2610-60-3150-65-3540 |
| 3. | S-3 | 800-15-1010-20-1150 | 2650-65-3100-70-4000 |
| 4. | S-4 | 825-15-900-20-1200 | 2750-70-3800-75-4400 |
| 5. | S-5 | 950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500 | 3050-75-3950-80-4590 |
| 6. | S-6 | 975-25-1150-30-1540 975-25-1150-30-1660 | 3200-85-4900 |
| 7. | S-7 | 1200-30-1440-30-1800 1200-30-1560-40-2040 1320-30-1560-40-2040 | 4000-100-6000 |
| 8. | S-8 | 1350-30-1440-40-1800-50-2200 1400-40-1800-50-2300 | 4500-125-7000 |
| 9. | S-9 | 1400-40-1600-50-2300-60-2600 1600-50-2300-60-2660 | 5000-150-8000 |
| 10. | S-10 | 1640-60-2600-75-2900 | 5500-175-9000 |
| 11. | S-11 | 2000-60-2120 | 6500-200-6900 |
| 12. | S-12 | 2000-60-2300-75-3200 2000-60-2300-75-3200-3500 | 6500-200-10500 |
| 13. | S-13 | 2375-75-3200-100-3500 2375-75-3200-100-3500-125-3750 | 7450-225-11500 |
| 14. | S-14 | 2500-1000 (proposed new pre-revised scale) | 7500-250-12000 |
| 15. | S-15 | 2200-75-2800-100-4000 2300-100-2800 | 8000-275-13500 |
| 16. | S-16 | 2630/- FIXED | 9000/- FIXED |
| 17. | S-17 | 2630-75-2780 | 9000-275-9550 |
| 18. | S-18 | 3150-100-3350 | 10325-325-10975 |
| 19. | S-19 | 3000-125-3625 3000-100-3500-125-4500 3000-100-3500-125-5000 | 10000-325-15200 |
| 20. | S-20 | 3200-100-3700-125-4700 | 10650-325-15850 |

*After
final
review*

ANNEXURE - A/4

27. If the name of any person enrolled on a State veterinary register is removed therefrom in pursuance of any power conferred under this Act, the Council shall direct the removal of the name of such person from the Indian veterinary practitioners register.

28. Every person registered in the Indian veterinary practitioners register shall notify any transfer of the place of his residence or practice to the Council and the State Veterinary Council within ninety days of such transfer, failing which his right to participate in the election of members of the Council or a State Veterinary Council shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein.

Removal
of names
from the
Indian-vete-
rinary prac-
titioners
register.

Person
enrolled on
Indian-vete-
rinary prac-
titioners
register to
nonly change
of place of
residence or
practice.

CHAPTER IV

PRIVILEGES OF REGISTERED VETERINARY PRACTITIONERS

29. Subject to the conditions and restrictions laid down in this Act, every person whose name is for the time being borne on the Indian veterinary practitioners register shall be entitled according to his qualifications to practise as a veterinary practitioner and to recover, in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

30. No person, other than a registered veterinary practitioner, shall—

(a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) practise veterinary medicine in any State;

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

(c) Explanation.—“Minor veterinary services” means the rendering of preliminary veterinary aid, like vaccination, castration, and dressing of wounds, and such other types of preliminary aid or the treatment of such ailments as the State Government may, by notification in the Official Gazette, specify in the behalf.

(b) be entitled to sign or authenticate a veterinary health certificate or any other certificate required by any law to be signed or authenticated by a duly qualified veterinary practitioner;

(d) be entitled to give evidence at any inquest or in any court of law as an expert under section 43 of the Indian Evidence Act, 1872, on any matter relating to veterinary medicine.

Privileges
of persons
who are
enrolled on
Indian
veterinary
practitioners
register.

Right of
persons who
are enrolled
on the Indian
veterinary
practitioners
register.

After
J. S.
Rao
Advocate

A-74 COMPILED OF FIFTH CENTRAL PAY COMMISSION REPORT

| (1) | (2) | (3) | (4) | (5) |
|-----|---|--|---|--------|
| 7. | Range Officer/Forest Ranger | 14(X)-40-18(X)-EB-50-21(X) | 55(X)-175-9(X) | 104.10 |
| 8. | Asstt. Conservator of Forests | 22(X)-60-23(X)-EB-75-32(X) 100-3500 | 65(X)-200-105(X) 7500-250-12000 | 104.10 |
| 9. | Fireman | 750-12-870-EB-14-940 | 2610-60-3150-65- 3540 | 104.11 |
| | Andaman and Nicobar Islands : Directorate of Fisheries | | | |
| 12. | Fisheries Development Officer/Asstt. Dir. | 2000-60-2300-EB-75-3200 | 6500-200-105(X) 7500-250-12000 | 104.20 |
| 13. | Surveyors | 1200-30-1560-EB-40-2040 | 4000-100-6000 4500-125-7000 5000-150-8000 | 104.21 |
| 14. | Plant Operator-cum-Mechanic | 950-20-1150-EB-25-1400 | 4000-100-6000 | 104.22 |
| | Public Works Department | | | |
| 15. | Asstt. Town Planner | 2(X)-60-2300-EB-75-3200 100-3500 | 65(X)-200-105(X) 75(X)-250-12000 | 104.23 |
| 16. | Assistant Shed Master | 1200-30-1560-EB-40-2040 | 4500-125-7000 | 104.24 |
| 17. | Shed Master | 14(X)-40-18(X)-EB-50-23(X) | 5(X)-150-8(X) | 104.24 |
| 18. | Overseer | 950-20-1150-EB-25-1400 | 3050-75-3950-80- 4590 4000-100-6000 | 104.25 |
| | Health Department | | | |
| 19. | Pharmacists | 1200-30-1560-EB-40-2040 | 4500-125-7000 5000-150-8000 5500-175-9(X) | 104.28 |
| 20. | Lineman-cum-Meter Reader | 950-20-1150-EB-25-1500 | 4000-100-6000 | 104.29 |
| | Forest Department | 975 | | |
| 21. | Veterinary Compounder | 8(X)-15-1010-EB-20-1150 | 4(X)-1(X)-6(X) | 104.30 |
| 22. | Senior Veterinary Compounder | 950-20-1150-EB-25-1400 | 4500-125-7000 | 104.30 |
| | Dadra and Nagar Haveli : Health Department | | | |
| 23. | Bio-Chemist | 1610-60-2600-EB-75-2900 | 6500-200-10500 | 104.32 |
| | Public Works Department | | | |
| 24. | Draughtsman Grade I | 14(X)-40-1800-EB-50-2300 | 5000-150-8000 | 104.33 |
| 25. | Draughtsman Grade II | 12(X)-30-1560-EB-40-2040 | 45(X)-125-7000 | 104.33 |
| 26. | Draughtsman Grade III | 950-20-1150-EB-25-1500 | 4000-100-6000 | 104.33 |
| | Lakshadweep : Directorate of Health | | | |
| 27. | Ayurvedic Physician | 2000-60-2300-EB-75-3200- 100-3500 | 8000-275-135(X) | 104.36 |

Atul
Sax
Advocate

ANNEXURE A/6

Malikulhaq Khan, General, Assam Rifles
Directorate General, Assam Rifles
Gauhati-781001

15 Sep 78

1/Pers/311 pay 17/7/8.

Link A, B, C, D, E & F

SALIENT FEATURES AFFECTING PAY AND ALLOWANCES
ASSAM RIFLES PERSONNEL

General

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

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

Pay Scales

3. The pay scales after revision under Central Civil Services (Revised Pay) Rules, 1997 wef 01 Jan 98 and on rationalisation of pay scales in respect of CPMF personnel wef 10 Oct 97 are given below.

| | Pay scales applicable wef 01 Jan 1996 to 09 Oct 97 | Rationalised pay scales wef 10 Oct 97 | |
|----------|--|---|--|
| | (1) | (2) | (3) |
| Rfn | 2750-70-3800-75-4400 | 3650-75-3950-80-4590 | |
| Link | 2750-70-3800-75-4400 Rsl. 15/- as special pay. | | Rank of Link merged with Rfn and std Rs.30/- pm as special pay with the pay scale of Rfn till promoted to Hav. |
| Rk | 3050-75-3950-80-4590 | | Rk Rk merged with Hav with the pay scale of Hav excluding appt pay. |
| Hav | 3200-85-4900 | | 3200-85-4900 with appt pay of Rs. 50/- pm till promoted to next higher rk |
| | | 44000-100-6000 | |
| | | 50000-100-6000 | |
| Sub | 5800-175-9000 | 6500-200-10500 | |
| Sub. Maj | 6500-200-10500 | 6500-200-10500 + Rsl. 200/- per month as appt pay. | |

Afzal
Advocate

Allowances

4. Special Compensatory (Remote Locality) Allowance: The rate of said allowance has been doubled from the existing rates applicable to all difficult and other areas and on 01 Aug 98. Block notification on the subject has also been circulated by this D.O. The list of difficult and other areas have been circulated vide G.O. Letter No. A/Per/5th-Fax/Pant/98/206 dt 27 Aug 98. The rates applicable at various places are given below:-

| State | Pay Range | | | | | |
|---|------------|------------|------------|------------|-------------|-------------|
| | Below | | Between | | Above | |
| | Rs. 3000/- | Rs. 4500/- | Rs. 6000/- | Rs. 9000/- | Rs. 12000/- | Rs. 15000/- |
| <u>Manipur</u> | 150 | 300 | 450 | 600 | 750 | 1000 |
| <u>Meghalaya</u> | 140 | 200 | 120 | 160 | 200 | 250 |
| <u>Uttarakhand</u> | | | | | | |
| (a) Difficult Area | 300 | 300 | 700 | 1000 | 1200 | 1500 |
| (b) Other Area | 250 | 400 | 550 | 800 | 1050 | 1300 |
| (c) Throughout Pauri District | 150 | 300 | 450 | 600 | 750 | 1000 |
| <u>Nagaland</u> | 250 | 400 | 550 | 800 | 1050 | 1300 |
| <u>Sikkim</u> | 300 | 500 | 700 | 1000 | 1200 | 1500 |
| <u>Sarban</u> | 40 | 80 | 120 | 160 | 200 | 250 |
| <u>Arunachal Pradesh</u> | | | | | | |
| (a) Difficult Area | 300 | 500 | 700 | 1000 | 1200 | 1500 |
| (b) Throughout Arunachal Pradesh except above | 250 | 400 | 550 | 800 | 1050 | 1300 |
| <u>Tripura</u> | | | | | | |
| (a) Difficult Area | 250 | 400 | 550 | 800 | 1050 | 1300 |
| (b) Throughout Tripura except above | 150 | 300 | 450 | 600 | 750 | 1000 |

5. Special Duty Allowance (SDA): SDA has been revised from 01 Aug 98 vide Min of Fin. Letter No. 11(2)/97-E.11(B) dt 22 Jul 98. The rate of 12.5% of basic pay without any ceiling on the quantum. The ceiling of Rs. 1000/- per month currently in force shall no longer be applicable and the condition that the aggregate of the SDA plus, special pay/Deputation Duty Allowance, if any, will not exceed Rs. 1000/- per month is also dispensed with. Other terms and conditions governing the grant of this allowance shall, however, continue to be applicable.

..... has been made applicable to Assam Rifles personnel in Bikkim at the same rate and term/conditions applicable for employees posted in the HQ Station.

Ration Money Allowance. The DMS has submitted a proposal to MHA vide our letter No. A/P/2/26/98 dated 22 Dec 97 for authorisation of Ration Money Allowance to ARSA and RFA. It is desired to draw on the lines of 5th CPC recommendation for PAF personnel, paragraphs 11 and 12. The Ration Money Allowance will be applicable from qualified CPMF pers and AFMFA eff from 01 Sep 1998 to non-qualified non-qualified CPMF pers and AFMFA eff from 01 Oct 1998, vide MHA order No. 27012/26/98-PF.1 dated 07 Sep 1998. The rates will be applicable on Army Scale of rations based on 1 daily cost of 12000 calories. Free ration may be supplied in kind at the rate where these facilities are presently admissible. The allowances will be omitted to those RFAles who are otherwise entitled.

(a) Along side the Army.

(b) Moved off the Army on IP/OM on the basis of
actual control.

(c) Under op control of Army.

(d) In CIV/Disturbed areas.

8. This Dte has circulated the order vide letter
No.A/Perq/5th-CPO/Vol-III/93/163 dated 11 Sep 93.

9. Other Allow. The Govt orders for following Allow. have been
received, -

(a) Initial Uniform Grant. Rs. 650/- for Authorat only.

(b) Renewal Uniform Grant. Rs. 3000/- to be granted after every
7 years for entitled cat.

(c) Washing Allow. Rs. 30/- per for non entitled staff subject to
discontinuance of issue of washing map.

ENTRANCE FEE:

Fig. 6. θ^2 vs. μ .

(e) Leave Travel Concession. Some doubts still exist, as to the interpretation of LTC in clarified as under :

| Pay Scale | Rank | Entitlement |
|---------------|----------|---------------|
| (1) 2550-3200 | | |
| (2) 2610-3540 | Follower | Sleeper class |

LTC has been amended wef 01 Oct 98 as under vide DGAR signal NO. A 2419 dated 22 Sep 98 :-

| | |
|---------------------------|------------------------------------|
| (a) Below Rs. 4100 | - Second class sleeper. |
| (b) Rs.4100 - Rs. 7999/- | - First class/AC III tier sleeper. |
| (c) Rs.8000 - Rs. 1099/- | - AC 2 tier sleeper. |
| (d) Rs.16400 - Rs.18399/- | - AC First class. |

- Second class sleeper.
- First class/AC III tier sleeper.
- AC 2 tier sleeper.
- AC First class.

| Pay Scales | Entitlement |
|--------------------------------------|--|
| (ix) 6500-10500 to 10650-13650 | Sub/Sub Major Agent/Comdt By Comdt |
| (x) 12000-16500 to 16400-22400 | 2nd Comdt |

(f) Traveling Allowance on Tour. Entitlement is further clarified as per the pay band as under :-

| Pay Range | Entitlement |
|--|--|
| (i) Below Rs. 4100/- | Sleeper class. |
| (ii) Rs. 4100/- and above but less than Rs. 8000/- | 1st class/11 AC 1st class/sleeper/ AC Sleeper class. |
| (iii) Rs. 8000/- and above but less than Rs. 16400/- | 11 AC sleeper |
| (iv) Rs. 16400/- and above | AC 1st class. |

(g) Cashier's Special Pay.

| Average monthly cash disbursed | Rate |
|---|---------------|
| (i) upto Rs. 50,000/- | Rs. 2/-/- pm. |
| (ii) Over Rs. 50,000/- & upto Rs. 2,00,000/- | Rs. 100/- pm. |
| (iii) Over Rs. 2,00,000/- and upto Rs. 5,00,000/- | Rs. 200/- pm. |
| (iv) Over Rs. 5,00,000/- and upto Rs. 10,00,000/- | Rs. 250/- pm. |
| (v) Over Rs. 10,00,000/- | Rs. 300/- pm. |

(h) Transportation Allowance.

| Pay scales | Rate |
|---|-----------|
| (i) 2550-3200/- to 5500-9000/- | Rs. 75/- |
| (ii) 6500-10500/- to 7500-12000/- | Rs. 200/- |
| (iii) 18000-13500 and above | Rs. 400/- |

Note. Entitled upto only those cat of pers who fulfil terms and conditions laid down in Min of Fin letter No. 21(1)/97/F.II(B) dt 03 Oct 97, fud vide our letter No. A/1-A/2/97 dt 14/10/97 dt 24 Oct 97.

(j) Transportation of Personal Effects. Rates of Other City category same received and in addition:

| Per Range | Other City Rates (Per P.M.) |
|--|--------------------------------|
| Below Rs. 4100/- | Rs. 4.00 |
| Rs. 4100/- and above but less than Rs. 6500/- | Rs. 4.00 |
| Rs. 6500/- and above Rs. 9,00 but less than Rs. 8000/- | |
| Rs. 8000/- and above Rs. 10,00 | |

(k) Children Educational Assistance.

Edn Assistance Revised Rate

| | | |
|--------------------------------------|---|---|
| (i) Children Edn Allow. | Primary, Secondary, Higher & Senior Secondary Classes (I to XII) | 100/- pm per child |
| (ii) Reimbursement of tuition Fee | Class I to X Class XI to XII | 40/- pm per child 150/- pm per child |
| | Class I to XII in respect of physically handicapped and mentally retarded children | 100/- pm per child |
| | Secondary Deep | 10/- pm |
| (iii) Hostel Subsidy | Primary, Secondary, Higher Secondary & Sr. Secondary classes (I to XII) | 300/- pm per child |

10. Consv Allce: Consv allce was being given to Assam Rifles pers on Army analogy. Terms and condition for grant of these allces were also specified in the above-order which stated that changes on the rates and eligibility conditions etc for drawal will auto apply to Assam Rifles pers. Min of Def has abolished consv allce wef 01 Aug 97. vide their letter No. J(4) 97 D(Pay/Services) dt 08 Jan 98. Therefore, in the Army, consv allce has now been discontinued and the said allce is to be ceased wef 01 Aug 97 for Assam Rifles pers.

11. Govt orders on following are still awaited from the MHA:

(a) CILQ: CILQ on HRA rate has been made applicable for all CPMF, pers vide Part B of Min of Fin Resolution dated 30 Sep 97. The rate of CILQ will be according to revised rate of HRA plus licence-fee as applicable to Central Govt employees. Govt Order for calculating HRA and licence-fee has already been circulated

circulated to all concerned on 20 Aug 90. The letter dated 21 Aug 90 and A/Perms/7-90 dated 20 Aug 90, cancellation of CILQ of perm will be in order to

(i) House Rent Allowance (HRA) (Revised)

| | |
|---|--------------------------------|
| (a) Children | 15% of actual basic pay drawn. |
| (b) Kochbar, Silchar, Imphal, Agartala, Kohima, Dimapur and Agartala. | 21% of actual basic pay drawn. |
| (c) Other than above | 5% of actual basic pay drawn. |

(ii) Licence Fee

Revised Rate wef 01 Jul 90

| | |
|------------------|---------------------|
| (a) JCOS incl WO | Rs 122/- per month. |
| (b) OR | Rs 89/- per month. |

(iii) However, MHA notfn is still awaited, till then old rate of CILQ will be in force.

(b) Accumulation of Earned Leave. Orders for enhancement

240 to 300 days is awaited from MHA.

Proposals Already Projected to MHA

12. Free Air Travel Concession. This proposal is being case to the Ministry for auth free air travel facility to all AR perm posted in state of Tripura and Manipur once in a calendar year during Earned Leave, to and from Agartala and Calcutta and Imphal and Calcutta. A case for free air travel for Assam Rifles perm once a year to and from Aizawl and Calcutta is being taken up.

13. Nursing Allowance. A case has been taken up for enhancement of uniform, washing and nursing allowances for med staff of Assam Rifles.

14. Special Compensatory (Counter Insurgency) Allowance (SCA) (CI). A proposal has been submitted to MHA vide this letter No. A/Perms/CI/7-90 dated 06 Aug 90 for authorising SCA (CI) to all perm of Assam Rifles at par with Army's entitlement in add to already authd. allowance. The rates recommended by us are as under :—

| <u>Ranks</u> | <u>Entitlement (per month)</u> |
|---------------------------------|--------------------------------|
| (a) Second-in-Command and above | Rs 1300/- |
| (b) Dy Commdt | Rs 1200/- |
| (c) Asst Commdt | Rs 1100/- |
| (d) JCOS incl WO | Rs 900/- |
| (e) Hav | Rs 600/- |
| (f) Rfn | Rs 3500/- |

Expenditure on SCA (CI) is estimated to be Rs 1000/- per month per rank.

Cases Being Referred to MHA

The following cases are being referred to MHA :-

(a) Journey Period. Increase payment of the period leave for pers posted to Sikkim, as being granted to pers posted to NE Region.

(b) Social Compensatory Allowance (SCA) (Remote Locality). SCA for pers. posted in Manipur to be brought at par with Nagaland.

(c) Earned Leave. Earned leave entitlements for AR pers posted in HQ/ICAR/Rg to be increased to 60 days.

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

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

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

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

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

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

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

there is no provision for payment of pension to the combatant troops or his replacement pay scale, after availing the fitment benefit of 50% p cent to the existing appointments. This case has been turned down by the Ministry.

22. Anomalies in the Pay Scale of Civ Posts and Equivalent Rank of Combatized Posts. This Dte vide letter No. 5/4/11/5th CPC/APS/90 dt 2 Mar 90 had taken up a proposal for fixing the pay equivalence between the combatized and Civ posts. MHA had turned down our proposal vide their letter No. 27012/10/90 MPA/14/11/90 dt 22, classifying that 5th CPC has given weightage to X (CIVIL) factor while making their recommendations. Accordingly combatant pers have been given an edge over the civ counterparts. However, to get over the perceived anomaly civ staff may opt for equivalent combatized posts as given in MHA letter No. 27011/44/90, PPL dt 19 Sep 1989.

23. Upgraded Pay Scale for the Posts of Assistants in the Non-Sectt Army of Assam Rifles. This Dte had taken up case with the MHA for upgrading the pay scale of Army of Non-Sectt org in Assam Rifles to Rs. 5000-125-8000 per month. The case has been favourably ref by MHA to Min of Fin. The decision of Min of Fin is awaited.

24. Enhancement of Promotional Prospects of Religious Teachers in Assam Rifles. Presently, Assam Rifles is with 3 Sub and 34 Nb Sub Religious Teachers. To enhance service conditions, this Dte had taken up case with MHA to restructure the Religious Teachers cadre and auth 2 Sub Maj, 10 Sub and 19 Nb Sub. The proposal has not been accepted by the Ministry on the ground that Religious Teacher cadre is peculiar to Assam Rifles on Army analogy. Other CPOs (BSF) do not have this cat. Secondly, this cat does have promotional avenues upto the rank of Sub. Notwithstanding the above, this Dte will take up case of reviewing the service conditions and rank structure in next cadre review as and when ordered by the Govt.

Important Issues Relating to Ex-Assam Rifles Personnel.

25. Grant of Various Concession/Facilities to Ex-Assam Rifles Personnel. This Directorate has approached Chief Secy of all States of Union of India vide DU letter NO ARE/SA/0/3219 dated 20 Aug 90 to accord same priority to the Ex-Assam Rifles pers as well as dependents of those killed in action for their resettlement/ rehabilitation as is given to Def pers particularly in respect of the following :-

- (a) Preference in providing re-emp.
- (b) Preferential allotment of house/plot.
- (c) Grant of loans to purchase house/plot.
- (d) Allotment of land to the landless Ex-Assam Rifles pers during the course of the redistribution land in rural areas.
- (e) Grant of scholarship to children of pers killed or wounded disabled in action.

26. Central Para Military Force (CPMF) Hosp Facilities. CPMF pensioners and their families who are not availing Central Govt Health Services (CGHS) facilities, will be allowed to avail such facilities from all CPMF based hospitals of the Forces they transferred from. The detailed intr on the subject have been circulated vide this Dte

letter NO A/Pars/5th CPC/96/Vertell dated 11 Mar 96, DGAR Record Branch is issuing Identity Cards to all pensioners before proceeding on pension. Similar Identity Card will be issued to NOMEs of deceased persons. These identity card will be the only card seeking CPMF Hospital facility.

27. Med Allow. The Gazette of India (Extraordinary) No 192 dated 30 Sep 1997 has authorised med allow to pensioners residing in an area not covered by Central Govt Health Scheme. A sum of Rs 100 per month fixed med allow is authorised to all such pensioners for meeting the day to day med expenses that do not require hospitalisation.

28. CSD Facility to Ex-Assam Rifles Personnel. This Dte had taken up a case with the Govt vide letter NO A/I-W/7-BC dated 30 Mar 93, for extending CSD Canteen and med facilities as admissible to Army Ex-Servicemen, to Ex-Assam Rifles personnel. The MHA has turned down our proposal vide their letter NO 17297/93-NE.11 dated 27 Sep 93. Notwithstanding the above, this case has again been taken up by this Dte vide our letter NO A/I-W/7-BC/96 dated 11 Jul 96 with MHA for consideration. The outcome is being pursued.

Conclusion

29. This bulletin brings out certain pay and allowances entitlements in addition to those circulated earlier and their applicability in Assam Rifles. It has also addressed certain additional issues of 5th CPC anomalies and the action taken by this Dte to rectify them. This is an info bulletin only and it should not be quoted as auth, for which the relevant Govt Orders should be ref to. Progress on outstanding issues will be circulated to all as and when disposed off by the Ministry.

30. A copy of this hand out will be displayed at prominent places and a) pure explained of the correct posn by cdr in the chain. Hindi version of this letter is being fwd separately.



(RS Baruah)
Lt Col
AD (A)
for DG Assam Rifles



Faruq
Ali Baruah

File No : 705550

Director General
Government of India
Ghul-Bhulaiya
Ministry of Home Affairs
Mahandeshwaraya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

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

March 98

31/03/98

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

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

Sir,

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

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

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

| Name of Post | Pre-revised Scale of Pay | Qualification required as per recruitment Rule | Revised Scale |
|---|------------------------------------|---|--------------------------------------|
| Veterinary (a) Field Assistant (VFA) | 975-25- 1150-EB-30 -1540/-pm | Matric or equivalent with Diploma in Veterinary Science | Rs. 3200-05- 4000/- pm |
| (b) | 950-20- 1150-EB-25 1500/-pm | Non-matric or equivalent with certifi- cate in Veterinary Science. | Rs. 3050-75- 3950-80- 4590/-pm |

Attested
for
Parvate

.....2/-

15/3/98

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

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

5. An early reply is highly solicited please.

Yours faithfully

(B. Bhull)
Colonel

Director Director (A)
or Director General Assam Rifles

ANNEXURE - A/8

Tele No. : 705095

Mahanideshkhaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

I.14015/C-Duty/VFA/Med-4

04 Aug 99

- List 'A'
- List 'B'
- List 'C'
- List 'E'

CHARTER OF DUTIES OF VETERINARY FIELD
ASSISTANT ; ASSAM RIFLES

1. Guide lines on charter of duties of Veterinary Field Assistant Assam Rifles is fwd. herewith as per fppx stt for your info & necessary action please.

2. Please ack.

(R S Rethi)

Col

Deputy Director (Medical)
for Director General Assam Rifles

Encl : 01 (One) sheet.

After for
Gard. Private

Stru

28

11 IX
(Ref to DG:AB letter No.
I_14015/C-Duty/VF)/Med-4
dated Aug 99

CHARTER OF DUTIES OF VETERINARY FIELD
ASSISTANT : ASSAM RIFLES

1. Charter of Duties of Veterinary Field Assistant are as under :-

(a) Regular medical inspection to be conducted, to ensure fitness of animals, by the Veterinary Field Assistant and proper record of such inspections be maintained.

(b) Regular medical examination and treatment of sick animals held at Battalion.

(c) Regular medical examination of animals available in Dairy farm, Poultry farm and Piggy farm etc in the Battalion.

(d) Veterinary Field Assistant always accompany the Animal transport when they carry load from one place to another.

(e) Examination of MOH (Ment of Hoof) and inspection of dressed meat issued to the troops.

(f) Veterinary Field Assistant ensures that eggs supplied by contractor are fresh, of good average size and weight of 12 eggs is not be less than 500 gms. Individual egg weighing less than 40 gms is not be accepted.

(g) Veterinary Field Assistant also ensures that Poultry live is healthy and well nourished.

643

28/8/99

AM(2)

ANNEXURE-A/9

Appendix II

Classification of Technical Posts into Various Groups

GROUP I--FIELD/FARM TECHNICIANS

1. Farm Superintendent
2. Superintendent (Dairy)
3. Dairy Farm Superintendent
4. Farm Manager
5. Dairy Manager
6. Dairy Cattle Manager
7. Assistant Farm Superintendent
8. Assistant Superintendent (Dairy)
9. Junior Farm Manager
10. Junior Garden Superintendent
11. Junior Manager
12. Junior Superintendent
13. Asstt. Farm Management Officer
14. Assistant Manager
15. Field Officer
16. Field Supervisor
17. Assistant Field Assistant
18. Field Assistant
19. Junior Field Assistant
20. Junior Field Assistant-cum-Curer
21. Curer
22. Fieldman
23. Senior Farm Assistant
24. Senior Assistant (Farm)
25. Farm Assistant
26. Junior Assistant (Farm)
27. Herbarium Keeper
28. Herbarium Assistant
29. Nursery Assistant
30. Senior Cattle Supervisor
31. Animal House Keeper
32. Horticultural Supervisor
33. Forester
34. Senior Stockman
35. Stockman
36. Veterinary Officer
37. Senior Veterinary Assistant
38. Veterinary Assistant
39. Veterinary Commissioneer
40. Fishing Mnic
41. Senior Technical Assistant
42. Technical Assistant
43. Junior Technical Assistant
44. Rice Production Training Asstt.
45. Agricultural Assistant
46. Botanical Assistant
47. Extension Assistant
48. Entomological Assistant
49. Horticultural Assistant
50. Livestock Assistant
51. Meteorological Assistant
52. Physiological Assistant
53. Plant Protection Assistant
54. Seed Exchange Assistant
55. Asstt. (Seed Production)
56. Senior Soil Assistant
57. Stock Assistant
58. Senior Stock Assistant
59. Field Plantation & Store Asstt
60. Junior Survey Assistant

Alleged
Fact
Advocate



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 65 of 2002.

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

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

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

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

By Advocate Sri S.M.Singh.

- Versus -



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

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

O R D E R

CHOWDHURY J. (V.C.)

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

*A. K. Chowdhury
Advocate*

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

reproduced below :



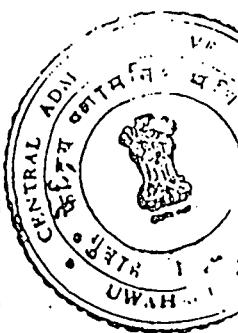
(i) DD(Pers) BSF has intimated that a proposal for cadre restructuring of Veterinary staff is being processed by them. ITBP is also processing the proposal on the same lines. Assam Rifles was advised by Dir.(Pers), MHA, to process the proposal for cadre restructuring of the post of VFA.

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

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

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

Mr. A.M. Singh, learned counsel for the applicant has also drawn our attention to the communication sent by the Ministry of Home Affairs dated 31.3.1998 indicating its mind



for implementation of upgradation of the pay scale of Veterinary Field Assistants in the Assam Rifles. The said communication clearly indicated the decision of the authority for revising the pay scale.

3. We have heard Mr A.M. Singh, learned counsel for the applicant and also Mr A.K. Choudhury, learned Addl.C.G.S.C.

for the respondents at length. Considering the facts and circumstances we are of the opinion that the matter requires

no further adjudication from our end. The Government has

taken a decision in principle and in view of the pendency of the Court proceeding the authority did not take any step for

implementation of the matter. In view of the clear statement made by the respondents we dispose of this application with

a direction on the respondents to implement the undertaking

as expeditiously as possible, preferably within a period of

three months from the date of receipt of this order.

*Certified to be true copy
Satisfied
Section Officer (I)*
The application thus stands disposed of. There shall, however, be no order as to costs.

*Section Officer (I)
C.A.T. GUWAHATI BRANCH
Guwahati-781005*

Sd/ VICE CHAIRMAN
Sd/ MEMBER (ADM)

Tele No. 705075

Mahamideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793 001

A/Pers-Pay & Allcc/ 2001

24 Apr 2001

List : A
B
C
F

PROGRESS ON PAY ANOMALIES CASES

1. Ref pt 26 (q) of min of AR Cdr Conf Mar 2001 fwd vide this Dte letter No. 11011/11/2001.G(SD)/1214 dt 11 Apr 2001

2. Progress on pay anomalies proposal are given in the succeeding paragraphs for info.

3. **Rank and Pay Combatant Clk.** To bring parity in ranks and pay with other CPOs, a case was taken up with MHA during 1997. After protracted correspondence and several mtgs held at MHA it has now been decided that entry grade of Stenos and combatant clks would be ASI (WO in AR) and Hav/Clk respectively in the scale of pay Rs. 4000-6000/- and Rs. 3200-4900/- in all CPMFs. This entry grade will be applicable to the new entrants only and the existing staff in the Steno and ministerial cadre will continue to wk in the same level where they are at present. This Dte has further taken up a case with MHA that unless the existing cadre in redesignated one step up, the new policy cannot be implemented in AR. MHA's decision on the matter is still awaited.

4. **Rank and Pay of Tech Cadre.** Pers of RM, Dtmn, Pharma and Compounder of AR with the same intake QR for rect/remusteration are given the rk of Hav whereas their counterparts in other CPOs are given ASI. The MHA had asked to submit proposal indicating cadre to cadre comparison with BSF where the rk of ASI is available in other tech cat also along with fin implication. The proposal along with fin implication has been submitted to MHA and the case is lying with MOF for approval.

5. **Anomaly in Pay of Tdn.** There are nine cats of tdn of AR such as Cook, Carp, WM etc are being given less pay than their counterparts in other CPOs. Case was taken up that MHA has decided the following pay scale for all CPOs.

(a) Rfn cook, washerman Barber, Rs. 2610-3540/-
Carpenter, EBR, Tailor & Painter.

(b) Rfn WC & Safai Rs. 2550-3200/-

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

Attested
Smt. Advocate

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

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

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

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

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

Copy to :-

List 'D'

List 'F'

Malik

(253)

ANNEXURE A/12

- 46 -

82

From : No 019 VFA,
H P Dinda
15 Assam Rifles
C/O 99 APO

To : Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

(Through Proper Channel)

Subject : ENHANCEMENT OF PAY SCALE OF VFA

Sir,

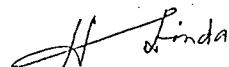
With due respect I have the honour to submit the following facts for your kind consideration and favourable orders please.

Kindly refer the enclosed a copy of my application dated 27 Sep 2002 and your reply there to vide DGAR letter No II.14015/5thCPC/98-A-II/42 dated 07 Nov 2002.

As It is learnt that the Hon'ble Court (CAT) has disposed off the case in favour of the Assam Rifles VFA's, I request your honour to issue necessary orders for the enhancement of my pay at the earliest. I shall be obliged.

Thanking You

Yours faithfully,


(H P Dinda)
VFA

Dated : 22 Apr 2003

Copy to :-

1. Directorate General Assam Rifles
Legal Branch
Shillong - 793011
2. Headquarters
Inspector General Assam Rifles (N)
C/O 99 APO
3. Headquarters
Manipur Range Assam Rifles
C/O 99 APO

for your info and necessary action
please.

Alex
Law Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No. 282 and 283 of 2003.

Date of Order : This the 21st Day of January, 2004.

The Hon'ble Sri Bharat Bhushan, Judicial Member.

The Hon'ble Sri K.V.Prahladan, Administrative Member.

Shri Athokpam Tomba Singh, (O.A.282/03)
 Veterinary Field Assistant,
 7th Assam Rifles,
 resident of Thoubal Athokpam,
 P.O. & P.S. Thoubal,
 Dist. Thoubal, Manipur.

Shri Haripada Dinda, (O.A.283/03)
 Veterinary Field Assistant,
 Assam Rifles,
 resident of Village Benia,
 Dist. Mandinapore,
 P.O. Debra Bazar, West Bengal.

. . . Applicants.

By Advocate Sri A.M.Singh.

- Versus -

1. Union of India through the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
2. Secretary to the Government of India, Ministry of Finance, New Delhi.
3. The Director General, Directorate of Assam Rifles, Shillong-793001.
4. The Commandant, 7th and 15th Assam Rifles.

. . . Respondents.

Sri A.Deb Roy, Sr.C.G.S.C. in both the cases.

ORDER (ORAL)

SRI BHARAT BHUSAN, MEMBER (J)

The present two Original Applications involving identical questions of law and facts are being disposed of by this common order.

2. Heard Sri A.M.Singh, learned counsel for the applicants and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents.
3. The issue relates to upgradation of pay scales of Veterinary Field Assistants serving in Assam Rifles to Rs. 4000-6000/- in parity with those of other counter-parts.

Afternoon
Sri Advocate

J.D.

The Reliefs claimed is as under :-

(i) Respondents be directed to upgrade the pay scale of VFA (Assam Rifles) to Rs.4500-7000/- in parity with Compounder (BSF) or at least to Rs.4000-6000/- in parity with those of other paraveterinarians w.e.f. 01.01.1996;

(ii) to direct the Respondent to consider for changing the nomenclature of the present Petitioner's post of VFs either to Veterinary Assistant or Assistant Veterinarian or Animal Husbandry Asstt. or Compounder.

4. Sri A.M. Singh, learned counsel for the applicant states that exactly similar matter had earlier been decided by the Guwahati Bench of the Tribunal in O.A. 65/2002 (Copy of the order placed at Annexure A/10), wherein the directions were given as under :-


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

5. The learned counsel for the applicants urges that though they have already submitted representations to the respondents seeking relief on the aforesaid lines yet they have not yet been informed the outcome of the same. But the learned counsel for the respondents contended that the copies of such representations placed on file are quite sketchy.

in nature and as such they be directed to furnish fresh comprehensive representations. This being so, the applicants in both the cases are directed to submit comprehensive individual representations to the respondents within a period of 15 days from today and thereafter the respondents shall dispose them of within two months by passing a speaking and reasoned order after taking into consideration the observations made in the judgment dated 11.12.2002 passed by the Tribunal in O.A. 65/2002.

The applications are accordingly disposed of. No order as to costs. A copy of the Judgment be placed in case file of O.A. No. 283/2003.



pg

Sd/MEMBER (A)

Sd/MEMBER (J)

RECORDED IN THE CLERK'S
OFFICE
Guwahati

Section Officer (J)
for C.A.T. GUWAHATI BENCH
Guwahati 781005

No.II.27014/16/99-PF.IV(h)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grill Mantralaya

New Delhi, the 24th August, 2004.

O R D E R

Whereas in the DGAR Veterinary Field Assistants (VFAs) are presently recruited in the pay scales of Rs.3050-4750/- and Rs.3200-4900/-. Their educational qualifications are certificate in veterinary science without matriculation and diploma in Veterinary Science with matriculation respectively.

2. Whereas Shri Haripada Dinda was appointed as VFA vide Directorate General of Assam Rifles appointment letter No.14015/25-85/VFA/2-Med dated 16.3.1992 in the pay scale of Rs.950-20-1150-EB-25-1500/- per month and other allowance admissible under the rules.

3. Whereas Shri Haripada Dinda filed an original application No.283/03 in the Hon'ble Central Administrative Tribunal, Guwahati for grant of higher pay scale of Rs.4000-6000. The Hon'ble Central Administrative Tribunal, delivered its judgment in the matter. The operative portion of the said judgment is as under :-

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

The learned counsel for the applicants urges that though they have already submitted respondents to the respondents seeking relief on the aforesaid lines yet they have not yet been informed the outcome of the same. But the learned counsel for the respondents contended that the copies of such representations placed on file are quite sketchy in nature and as such they be directed to furnish fresh comprehensive representations. This being so, the applicants in both the cases are directed to submit comprehensive individual representations to the respondents within a period of 15 days from today and thereafter the respondents shall dispose them of within two months by passing a speaking and reasoned order after taking into consideration the observations made in the judgment dated 11.12.2002 passed by the Tribunal in O.A 65/2002."

*Attest
J.W. Selvach*

4. Whereas Shri S Mani Macha Singh had also filed an A.O on the following grounds :-

(i) Initially the pay scale of the said group of post (i.e. Veterinary Staffs/ or Para Veterinarians Posts) were placed at the pay range from Rs.950-1500/- to 1200-2040/-.. But now as per 5th pay commission report, the Central Government revised the pay scale of the said Veterinary Staffs/ or para veterinarians post equally to the pay scale of Rs.4000 — 100-6000/- by naming the posts such as stockman/Compounder/Stock Asstt./Animal Husbandry Asstt./Dresser etc. All the concerned Department under Central Service have implemented the said revision of pay, but in case of the post of VFA of Assam Rifles, the Directorate General Assam Rifles failed to implement such revision of pay by taking the chance of nonmentioning the nomenclature of VFA in the column of Veterinary Staffs of the Central Civil Service (revised pay) Rule, 1997. Instead of implementing the pay scale given in the "First Schedule of Part "B" of the Civil Science (RP) Rules 1997 i.e 4000-100-6000 by taking analogy of the post of veterinary staffs as described in sec 30 of the Indian Veterinary Council Act 1984, where it is clearly stated that what ever name may be called, but the DGAR implemented the C.C.S (RP) Rules 1997 in schedule "A" i.e Rs.3200-4900.

(ii) It will be not be out of the place to mention here that the post of Veterinary Compounder attach to Central Forest Service was initially fixed at the pay scale of Rs.800-1150/- less the pay scale of VFA, Assam Rifles. But with with new pay revision, the pay scale of the said Vety Compounder of Forest Service revised to Rs.4000-6000/-.

(iii) The petitioner be to submit that the compounder of BSF also enjoying the pay scale of Rs.1400-2300 pre revised and after revised Rs.4500-125-7000/- per month. It is also beg to submit that the nature of work of compounder BSF is only to maintain pharmaceutical works under supervision of a Register Veterinary Doctors. Whereas the nature of works of the petitioner's post i.e VFA of Assam Rifles include all the functions and operation of vety. And Animal Husbandry works such as Treatment, minor veterinary works maintaining pharmaceutical works, inspection of animal health, checking of Meat supply to Troops, accompany with troops in field works without supervision of any Doctors/Register Veterinary Practitioner. It is also beg to submit that there is no Post of Doctors in Assam Rifles whereas BSF has having Register Veterinary Doctors/Practitioner. In other words the Veterinary Field Asst. of AR are more workload and responsible than the compounder of BSF".

5. Whereas Shri S Mani Macha Singh was initially appointed in the pay scale of Rs.975-1540/-, of which the corresponding pay scale as per the recommendations of 5th pay commission the pay scale is Rs.3200-4900/- Thus his pay has been correctly revised by the DGAR. The pay scale of Shri Haripada Dinda was also correctly

revised in the corresponding pay scale as per the recommendation of 5th pay Commission.

6. Whereas in other CPFs, Veterinary staff who are drawing pay scale in the revised scale of Rs.4000-6000/- & Compounders of BSF, who are drawing pay the pay scale Rs.4500-7000/- are combatants while, the VFAs of Assam Rifles are holding civilian post, hence two appointments are not comparable. No parity can be drawn for the purpose of emoluments between the holders of the same posts from different streams.

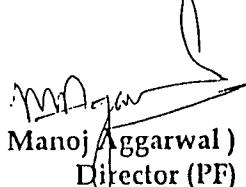
7. Whereas the pay scale of Shri S Mani Macha Singh, who is holding a civilian post in Assam Rifles can not be compared with veterinary staff of other CPFs or Compounders of BSF who are holding combatants posts, he had been granted higher pay scale of Rs.4000-6000/- as per the court directions, considering his qualification only.

8. Whereas Shri Haripada Dinda was also appointed in the pay scale of Rs.975-1540/-, in which shri S Mani Macha Singh was initially appointed. Thus terms and conditions of appointment of Shri S Mani Macha Singh and Shri Dilip Vithalrao Nagpurkar are same. Since Shri S Mani Macha Singh has already been placed in the higher scale of Rs.4000-6000/-, which is granted to him as per the court directions, not on merit.

9. Whereas Shri Haripada Dinda was appointed in the pay scale of Rs. 950-20-1150-EB-25-1500/- per month against the post advertised by DGAR carrying essential educational qualifications certificate in veterinary science without matriculation while Shri S Mani Macha Singh was initially appointed in the higher pay scale of Rs.975-25-1150-EB-30-1540 per month against the post advertised by DGAR having essential qualifications of diploma in veterinary science with matriculation. Thus they were initially appointed against the posts having different pay scales & qualifications and their cases cannot be placed at par with each other. Moreover, the pay scale of Shri Haripada Dinda cannot be compared with the pay scale granted to veterinary staff of other CPFs or Compounders of BSF, because Shri Haripada Dinda is holding a civilian post whereas veterinary staff of other CPFs and Compounders of BSF are holding combatants posts.

10. Now therefore, Shri Haripada Dinda is not granted higher pay scale.

11. This issues with the approval of Home Secretary.


(Manoj Aggarwal)
Director (PF)

Copy to :-

1. The Director General Assam Rifles, Shillong - 11.
2. PAO, Assam Rifles, Shillong - 11.
3. Shri Haripada Dinda, VFA (through LOAR).
4. LOAR, New Delhi.

To

53
The Directorate General
Assam Rifles
(A Branch)
Shillong-793011.

Annexure A/15 (Series)

81

(Through proper channel)

GRANTING HIGHER SCALE OF PAY

Sir,

With due respect and humble submission I have the honour to state that I have been appointed as VFA in the scale of pay Rs 950-20-1150-EB-25-1500/-pm wef 11 Jun 92 and posted to 3 Assam Rifles vide your Dte appointment letter No I.14015/25/85/VFA/A-2 (Med) dated 16 Mar 92.

But as per advertisement issued to all state Govt by your Dte, 2 pay scales were given according to qualification e.g. Matric with diploma Rs 975-25-1150-EB-30-1540/-pm and for non-matric with veterinary science in the scale of Rs 950-20-1150-EB-25-1500/-pm.

Since I have passed the Madhyamik Pariksha (Secondary Examination) from West Bengal Board of Secondary Education in 1988 vide certificate No 385 dt 10-1-90, I am eligible to draw pay and allowances in the scale of Rs 975-25-1150-EB-30-1540/-pm. The Madhyamik Certificate, Admit card and mark sheet are enclosed herewith in original for your perusal and further necessary action please.

For this act of your kindness I shall remain grateful to you.

Yours faithfully,

Haripada Dinda

(Shri Haripada Dinda
VFA, 3 Assam Rifles
C/O 99 APO)

Dated: 01 Dec 92

After
All
Done

To,

The Director General Assam Rifles.
Shillong- 11.

(Through Proper Channel)

Subject:- A representation for giving pay scale of Rs. 975-25-1150/-EB-30-1540/-from the initial appointment.

Sir,

The undersigned most respectfully begs to submit the following few lines for your kind perusal and necessary action thereof:-

1. That the Directorate of Assam Rifles invited application for filling up of 13 post of VFA's from the interested candidates through Employment news of 2nd 8th November, 1991. As per the said Advertisement, the pay scale of V.F.A's were provided in two (2) categories I.e. (i) V.F.A. with matriculate + Diploma in Vety. Science -Rs. 975-25-1150-EB-30-1540/-p.m, plus other allowances as admissible from time to time. (ii) V.F.A. with non-metric + certificate in Veterinary Science - Rs. 950-20-1150-EB-25-1500/- p.m. plus other allowances as admissible from time to time.

In response to the said Advertisement the undersigned also applied to the post of V.F.A. with matriculate as the undersigned had already been completed Matriculate academic session on of 1987-88.

A true copy of Matric Certificate is
enclosed as Enclosure -I.

2. That, on satisfaction of the performance of the undersigned, the Authorities of the Assam Rifles was pleased to appoint the undersigned vide order being No. I. 14015/25-85/VFA/A-(med) dated 16-03-1992 at the pay scale of Rs. 950-20-1150- p.m EB -25-1500/-p.m. plus other allowances as admissible under existing rules from time to time. The appointment order contents with the instruction to produce following certificates before joining the post,

- (a) Medical fitness certificate from civil surgeon or equivalent at the time of joining.
- (b) Educational and other Certificates as proof of age and qualification.
- (c) A character certificate from a class 1 Officer or 1st class Magistrate at the time of joining the duty.

In compliance of the said instruction, the undersigned submitted the Madhyamik pariksha (Secondary examination) Certificate issued by the West Bengal Board of Secondary Education as Educational qualification as well as proof of age etc. The undersigned also begs to submit that a humble representation dated 1-12-92 submitted to the Authority in the form of protest with a prayer inter alia that the undersigned should be appointed to the scale of pay of Rs. 975-25-1150-EB-30-1540/-p.m. The said representation dated 1-12-1992 is still pending for disposal.

*S. H. S.
S. C. S.
Advocate*

A true copy of the Representation
Dated 01-12-1992 is enclosed here
with as Enclosure -II.

3. That, at present the undersigned is still discharging his duties same as those VFA who were enjoying the pay scale of Rs. 975-25-1150-EB-30-1540/- p.m. It is also beg to submit that those VFA with under metric and VFA with metric are made inter transferable. The humble undersigned also begs to submit that the Indian Veterinary Council Act, 1984 regulates veterinary practice and procedure of the veterinary practitioner in India, section on 30 (b) of I.V.C. Act, 1984 provides as follows :-

S. 30 (b) "practice veterinary medicine in any state :

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

Explanation—"Minor veterinary services" means the rendering of preliminary veterinary aid, like, vaccination, castration, and dressing of wounds, and such other types of preliminary aid or the treatment of such ailments as the state Government may, by notification in the official Gazette, specify in the behalf."

It is also pertinent to mention that there is no any institute offer veterinary Diploma or Certificate course to a person without passing matriculate examination. As such, matriculate is minimum qualification for to undergo Diploma or Certificate Course in veterinary science.

4 That, it is also beg to submit that minimum standards of veterinary education has been provided in section 22 of the said act 1984. The same is reproduced hereunder for easy reference:-

Section 22 (1) "The council may, by regulations, specify the minimum standards of veterinary education required for granting recognized veterinary qualifications by veterinary institutions in those states to which this Act extends.

(2) Copies of the draft regulations and of all subsequent amendments thereof shall be furnished by the Council to the state Government concerned and the Council shall, before submitting such regulations or any amendments thereof as the case may be, to the central Government for approval, take into consideration the comments of the State Government received within three months from the furnishing of the copies as aforesaid.

3. The Central Government may, before approving such regulations or any amendments thereof, consult the Indian Council of Agricultural Research.

4. The Committee constituted under section 12 shall from time to time report to the Council on the efficacy of the regulations and may recommend to the council such amendments thereof as it may think fit.

The Hand Book of Technical Services issued by Indian Council Agricultural Research, New Delhi provides in Appendix-II classification of Technical post into various groups.

GROUP -I- FIELD/FARM TECHNICIANS

S1.No. 18-Field Assistant
S1.No. 25-Farm Assistant
S1.No. 35-Stock man
S1.No. 38-Veterinary Assistant
S1.No. 39-Veterinary Compo under
S1.No. 86-Stockman -cum-compo under
S1.No. 106-Milk Recorder.

The above mentioned works are allocated to the Veterinary field Assistants and in Appendix-IV of the same book provides Minimum Educational/Trade qualification for different groups of the three categories.

Field/Farm Technicians

| Category-I | Category -II | Category -III |
|-------------------|---------------------|-----------------------|
| Matriculate with | Three Years Diploma | Three Years Diploma |
| At least one year | Bachelor's Degree | Bachelor's Degree in |
| Certificate in | in relevant field. | Science/ Agri----etc. |

It is humbly beg to submit that from the above instruction/provision the minimum qualification of a V.F.A is matriculate and one year certificate in relevant field.

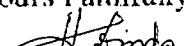
5. That, it is reiterated that since the undersigned discharging his duties same with the other VFA with scale of pay of Rs. 975-25-1150-EB-30-1540/-P.m from the date of entry into the service.

In the above premises it is, therefore, prayed
That your good self may kindly be disposed
My earlier representation dated 1-12-1992
In favour of undersigned for providing pay
scale of Rs.975-25-1150-EB-30-1540/-P.m.
from the date of entry into service for the end
of justice fair play and public policy.

Dated : 02/5/05

Place : Jorhat

Yours Faithfully


(Hari Pada Dinda)
VFA
No 1 AR Doc unit

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ANIMAL HUSBANDRY AND VETERINARY

Annexure-A/16

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

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

| Sl no | Existing designation | Existing pay scales | Re-designation | revised pay scales. |
|-------|--|-----------------------------|------------------------|---------------------|
| 1. | Supervisor Vety. Field Assistant and other allied posts. | Rs.4000-100- 6000/- | Assistant Veterinarian | Rs.5000-150- 8000/- |
| 2. | Veterinary Field Assistant | Rs.3050-75- 3950-80- 4590/- | Stock-man. | Rs.4000-100- 6000/- |

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

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

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

A. S. J. A.
Advocate

-2- 58

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

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

This issues with the approval of Finance vide UC No.582 dated 7.4.99.

Sd/- T.Bagra
Secretary (AHV)
Government of AP, Itanagar.
Memo. no. AHV/E-98/83 Dated: Itanagar the 13th May '99.
Copy to:-

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

contd....3...

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

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

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

36666

Accepted
Yash
Vety. Asstt. Surgeon
Vety Dispensary
Ektlo. Tawang Dist
A.P.

Tele No : PABX 27510/5550

REGD. TENDERED

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

I. 14015/25-85/VFA/A-2 (Med) 16 MAR 92

Shri K K Deygymani Riffle
Po & Vill - Agaram via Tacobea
Dist - Bhamolka
(Meghalaya)

APPOINTMENT - VFA

1. You are hereby selected for appointment until further orders as Vety Field Asstt in SS Assam Rifles in the scale of pay of Rs. 950-20-1150-EN-25-1500/- p.m. plus other allowances as admissible under the existing Rules from time to time. The appointment is purely temporary and may be terminated with one month notice from either side.
2. Shri K K Deygymani Riffle shall have to produce the following certificates before joining the post :-
 - (a) Medical fitness certificate from Civil Surgeon or equivalent at the time of joining.
 - (b) Educational and other certificates as proof of age and qualification.
 - (c) A character certificate from a Class I officer or 1st Class Magistrate at the time of joining the duty.
3. No TA/DA will be admissible to you for joining the duty.
4. You are liable to serve anywhere in Assam Rifles deployed in Assam, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Arunachal Pradesh and Sikkim or wherever Assam Rifles exists.
5. Your appointment is subject to satisfactory police verification and antecedent.

. 2/-

*Affest
Law.
Advocate*

Ann-1/17
(Series)
ox

Tele No : PABX 230222/5550

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

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

13 Jul 93

✓ Shri K K Durjan Patle, VFA
8 Assam Rifles
C/O 99 APO

APPOINTMENT- VFA

1. Further to this Directorate letter No. II. 14015/25-85/VFA/A-2 (Med) dated 16 Mar 92.
2. The Director General of Assam Rifles is pleased to appoint Shri K K Durjan Patle temporarily as VFA against the existing vacancy of 8 Assam Rifles with effect from the fore-noon of 08 Jul 92 in the scales of pay of Rs. 975-25-1150-EB-30-1540/-pm plus other allowances as admissible under the existing rules from time to time. The appointment is purely temporary and may be terminated with one month notice from either side.
3. You are liable to serve anywhere in India, wherever Assam Rifles units exist.

1
lenuy

(Rakesh Sharma)
Lt Col
Assistant Director (A)
for Offg Director General Assam Rifles

Copy to :-

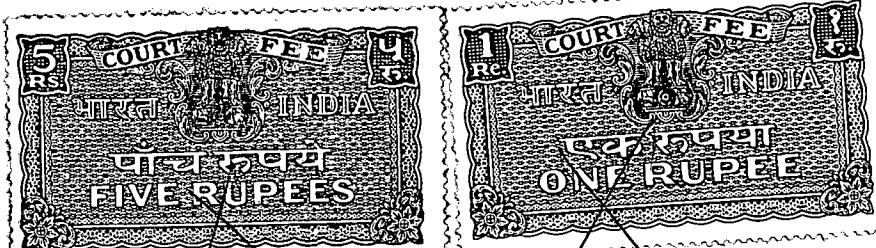
1. Pay and Accounts Office (Assam Rifles)
Manbha Villa, Laitumkhrah
Shillong- 793003
2. 8 Assam Rifles
C/O 99 APO
3. Headquarters
Nagaland Range (North)
Assam Rifles
C/O 99 APO
4. Office copy.

Sir.

~~He was appointed in the scale
of pay Rs. 750-20-1150-EB-30-1540/-
from the new date has been
granted on commission of his
application.~~

35

c/-



28

Haripada Dinda

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWALIATI BENCH: GUWALIATI

O. A. No. 70 /2006

shri Haripada Dinda

...Applicant(s)

-Vs-
Union of India & others

...Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri S. Nath, S. Choudhury and Sri G. N. Chakrabarty Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 17th day of March 2006

Received from the Executant, Mr. _____ And accepted
satisfied and accepted. Senior Advocate will lead me/us in the case.

Manik Chanda
Advocate

Surjit Choudhury
Advocate

M. Chakrabarty
Advocate

S. Nath
Advocate

NOTICE

From: S. Nabi
Advocate

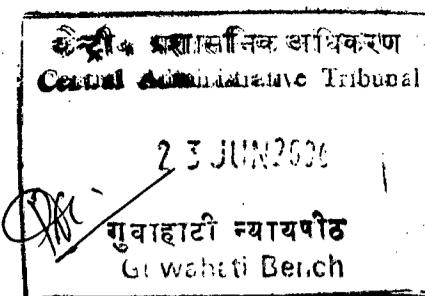
To, Shri S. Baishya,
Sr. C.G.S.C

Sub: O.A. No. 20/2006 (San H.P. Dinda
C.O.I. Darsy).

Sir, find, please enclosed herewith a copy of
the O.A, which is being filed today. This is
for your information and necessary action.
Please acknowledge receipt of
the same.

Received
Rabi Gogoi Advocate
for
(S. Baishya)
Sr. C.G.S.C.

Yours sincerely
S. Nabi
Advocate
17/3.



Filed by
the
Respondents through
Lalha Das
Adv. Encl. 100
26/6/06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH: GAUHATI

ORIGINAL APPLICATION NO 70 OF 2006

Sri Haripada Dinda Applicant

Versus

Union of India Respondents

In the matter of :-

Written Statement submitted by the Respondents.

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

1. That in reply to the averments made in Para-1 of the Original Application, it is submitted that Shri Mani Macha Singh had been granted higher pay scale of Rs.4000-6000/- in deference to the Hon'ble Court's direction. Further the petitioner was appointed in the pay scale of Rs.950-20-1150-EB-25-1500 pm to a post carrying essential educational qualification "certificate in vet science without matriculation". On the other hand Shri Mani Macha Singh was initially appointed in the higher pay scale of Rs.975-25-1150-EB-30-1540 pm to a post carrying essential qualifications of "diploma in vet science with matriculation". Thus they were initially appointed against posts having different pay scales and eligibility qualification therefore applicant can not be placed at par with Shri Mani Macha Singh.
2. That no reply is called for to the statement made in Para-2 of the Original Application.
3. That no reply is called for to the statement made in Para-3 of the Original Application.
4. That the statement made in Para-4.1 of the Original Application, are a matter of record and does not call for any reply.

5. That the statements made in Para-4.2 of the Original Application are matter of record. It is submitted that the applicant has accepted in 1992 his appointment in pay scale of Rs.950-20-1150-EB-25-1500/- pm. Since he knows well that the same was just and legal in view of his educational qualification and not eligible for higher grade. Having accepted the same he is now prevented by law of estoppel to question the same.
6. That the statement made in Para-4.3 of the Original Application is a matter of record and does not call for any reply.
7. That in reply to the averments made in Para-4.4 of the Original Application, it is submitted that the Veterinary Field Assistant provide auxiliary support in veterinary and Animal Husbandry practices. It is further submitted that the minimum qualification varies from state to state.
8. That in reply to the averments made in Para-4.5 of the Original Application, it is submitted that in the Military Dairy Farm, a Veterinary Dresser is placed under Group 'D' in pay scale of 2550-55-2660-60-3200. In Assam Rifles a Veterinary Field Assistant is required to undertake jobs as specified but he is not competent to record his comments on animal health and checking of meat supply to the troops. Such certificates are valid only when issued by a Regd Veterinary Practitioner holding bonafide degree of B.V. Sc & Animal Husbandry from a recognized University. It is further submitted that in some units, Veterinary Field Assistants are under worked as Assam Rifles is in the process of phasing out mules and ponies due to improved road connectivity with most Assam Rifles posts. Further comparison with BSF personnel is unfounded since the compounders of BSF are combatants & the petitioner is a civilian. No parity can be drawn for the purpose of emoluments between the holders of same post from different stream since the two appointments are not comparable.
9. That in reply to the averments made in Para-4.6 of the Original Application, it is denied that any notification was published as being contended. In fact the said document under reference was merely an information bulletin and can not be quoted as authority for which relevant Government orders were required to be referred to (para 29 of Annexure A/6

of OA refers). Further, a case was taken up with Ministry of Home Affairs, but Ministry of Home Affairs has rejected the same stating that the higher scale of Rs.4000-6000/- was granted to Shri Mani macha Singh pursuant to Court's order (Annexure A/14 of the OA refers) that too since he had Diploma in Veterinary Science with matric.

10. That in reply to the averments made in Para-4.7 of the Original Application, it is reiterated that no parity can be drawn between the holders of similar post from different streams since the work environment, job profile and different employability conditions renders the same incomparable. Duties of combatants and non-combatants cannot be equated considering the nature of task and element of risk involved for combatants.
11. That in reply to the averments made in Para-4.8 of the Original Application, it is submitted that the Annexure -A/9 just denotes classifications of technical posts into various groups without specifying the applicable pay scales. Assam Rifles has enrolled Veterinary Field Assistants of both the categories i.e. two years/one year certificate holder Veterinary Field Assistant with different pay scale as under :-
 - (a) Veterinary Field Assistant with one year certificate holder (non matric) Rs.950-1500/- and,
 - (b) Veterinary Field Assistant with two years diploma holder (matric) Rs.975-1540/-.
12. That in the averments made in Para-4.9 of the Original Application is misconceived and denied. It is submitted that the directions of the Hon'ble Central Administrative Tribunal only conform to the applicant of OA No.65 of 2002 i.e. Shri S Mani Macha Singh. Pursuant to the Hon'ble Courts directions in OA No.65/2002, the Ministry of Home Affairs carefully examined the issue and granted only in case of 06 Veterinary Field Assistants the Higher pay scale including Shri Mani macha Singh who were enrolled as 2 years diploma holders (Matric) and rejected the claim of other 05 VFA including Shri Haripada Dinda who have been are inducted with one year certificate (non Matric) education qualification (Annexure A/14 of the OA refers).

13. That the averments made in Para-4.10 of the Original Application is misconceived and misleading. It is submitted that the same has adequately been commented upon in Para 1 and 12 of this Written Statement.
14. That the averments made in Para-4.11 of the Original Application are repetitive and have adequately been commented upon in the preceding paras. Further contents of Annexure A/14 of the OA are reiterated. It is submitted that the attempt of the applicant to equate Diploma in Veterinary science with 1 year certificate is highly misconceived and baseless.
15. That the averments made in Para-4.12 of the Original Application are vague, erroneous, and misleading. It is submitted that the petitioner was appointed in the pay scale of Rs. 950-20-1150-EB-25-1500 per month against the post advertised by Directorate General Assam Rifles requiring Veterinary certificate without matriculation where as Shri S Mani Macha Singh was appointed in the higher pay scale of 975-25-1150-EB-30-1540 per month against the post requiring diploma in veterinary science with matriculation. That they were appointed on different pay scales based on the educational qualification at the time of entry. The Applicant having accepted the said appointment letter and employment is barred by law of estoppel to question the same now. Further it is reiterated that no parity can be drawn for the purpose of emoluments between the holders of same post from different streams. That they are not comparable, as has adequately been explained upon in paras 1, 8 and 10 of this Written Statement.
16. That in reply to the averments made in Para-4.13 of the Original Application, it is submitted that the Assam Rifles is a force raised and maintained by Ministry of Home Affairs and is not bound by State Government Policies or recommendations. That though the applicant possessed matriculate qualification, the post for which he was selected in Assam Rifles was for non matriculate with Veterinary Certificate in pay scale as Rs.950-20-1150-EB-25-1500 pm and that he has accepted the same without any reservation.
17. That the averments made in Para-4.14 of the Original Application is incorrect and the same is denied. It is submitted that the petitioner is being granted Assured Career Progression benefits as per the policy in vogue for Assam Rifles and the same is as per the laid down rules and regulations. Further the applicant has correctly been placed in the pay scale of Rs.3200-4900/-.

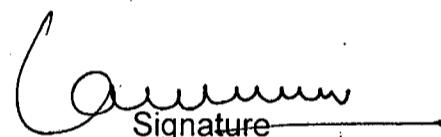
18. That in reply to the averments made in Para-4.15 of the Original Application, it is submitted that the applicant is getting his authorized monthly emoluments and his claim is barred by law of estoppel.
19. That the averments made in Para-4.16 of the Original Application are repetitive and have adequately been commented upon in the preceding paras.
20. That no comments are called for in reply to the statements made in para 4.17 of the Original Application being in the nature of formal submission.
21. That the grounds taken by the applicant in para 5 of the Original Application are misconceived, and categorically denied. That the petitioner having educational qualification one year veterinary certificate is drawing the correct pay and allowances.
22. That no comments are called for to the statement made in para 6 of the Original Application being in the nature of formal submission.
23. That no comments are offered to the statements made in Para-7 of the Original Application being a matter of record.
24. That in reply to the averments made in Para-8 of the Original Application, it is submitted that the applicant was well aware at the time of his initial appointment that he was selected for the post of Veterinary Field Assistant in non matric and veterinary certificate category carrying pay scale as 950-20-1150-EB-25-1500. He is accordingly being granted Assured Career Progression benefits.

That in view of the facts mentioned above no ground in law is made out by the applicant. That the present Original Application lacks merit and it is humbly prayed that the same is liable to be dismissed with costs.

VERIFIACTION

I, Major S Salooja, S/o GP Capt SC Salooja aged about 38 years, r/o Laitmukrah, Shillong District Shillong and competent officer of the answering respondents, do hereby verify that the statement made in paras _____ are true to my knowledge and those of the paras 1 to 23 being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 26 the day of June 2006 at Guwahati


Signature

मार्ग
मेष्टर
Chief Law Officer
सहायता मुख्य विधि परिषद
D.O.R, Shillong-703011
प्रानिदेशाधिक अदाय राष्ट्रपति, शिल्लो, 703011

Notice

106
Date-26/6/06

From,

Usha Das.

Addl ChSC

To,

Mr. M. Chanda

Mr. S. Nath

Advocates

Sub: OA no. 70/06 filed by Smt. Dinkar
Gupta

Sir,
Please find herewith a copy of
WS being filed today. Kindly
acknowledge the receipt thereof.

Thanking you.

Received

Sincerely yours

Usha Das.

Addl ChSC.

Usha Das.
Advocate
26/6



FORM NO. 11

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA/RAMP/PT NO. 70 OF 2006

Hari Pada Binda Applicant(S)

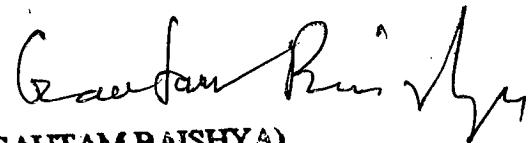
-vs-

Union of India Respondent(S)

I, Sri Gautam Baishya having been authorized by
Ministry of Law by the Central Government /Government Servant
/..... Authority/Corporation /Society notified under section 14
of the Administrative Tribunals Act,1985, hereby appear for applicant
no...../Respondent no..a.c.l..... and undertake to plead and act
for them in all matters in the aforesaid case.

Place: Guwahati

Date: 02-06-08


(GAUTAM BAISHYA)
SR.CGSC.,CAT.