

CENTRAL ADMINISTRATIVE TRIBUNAL
GRAND BENCH:

ORDER SHEET

- Applicant(s) Rajanikanta Tai

Applicant(s)
Respondent(s)

Respondents M. C. P. 4000
Advocate for the Applicant (S) M. Chanda, G. R. Chakraborty, S. Nath

Advocate for the Respondent (S... ..) Sr. Case: G. B. S. M.

Notes of the Registrar	Order of the Tribunal
<p>Ex. application is in form is filed/C.F. No. 266/322/42 deposited Dated 22.3.06</p> <p><i>[Signature]</i> Dy. Registrar</p> <p><i>[Signature]</i> 4-4-06</p>	<p>05.04.2006 Present : Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.</p> <p>Mr. M. Chanda, learned counsel the applicant applicant submits that this case is identical with the O.A. No. 70/2006 in which notice has been issued.</p> <p>Ms. U. Das, learned Addl. C.G.S.C. for represented the respondents.</p> <p>Issue notice to the respondents. Post on 22.05.2006.</p>

Vice-Chairman

mb
23.5.2006

Ms.U.Das, learned Addl.C.G.S.T.
for the respondents request for some
more time to file reply statement. Let
it be done.

post on 26.6.2006.

Vice-Chairmen

Id. comply order
dated 5.4.06.

$$\sqrt{3} \quad 6.4.06.$$

Notice & order sent to
2/section for issuing to
300 nos 1 to 4 leaf

Notice for resp.
no-2 received
back as unserved
with a remark "In-
complete add."

26.06.2006

Learned counsel for the
respondents wanted to have four ~~more~~
weeks time to file reply statement.
Post on 26.07.2006.

Vice-Chairman

mb

26.07.2006

Ms W. Das, learned Addl. C.E.
S.C. for the respondents wanted time
to file reply statement.
Post on 16.08.2006.

Vice-Chairman

mb

01.09.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

The matter pertains to parity of pay
scale with another employee with same
qualification. Considering the issue
involved, I am of the view that O.A. to be
admitted. Admit.

Post on 19.09.2006. In the
meantime, the Applicant is at liberty to file
rejoinder, if any.

Vice-Chairman

/mb/

13.11.2006

Mr.S.Nath, learned counsel for
the applicant is granted three weeks
time to file rejoinder.
post on 4.12.2006.

Vice-Chairman

bb

3/5/06.

19-5-06

① Service report
awaited

23-6-06

No. whs has been
liel.

23.6.

25-7-06

no W/S filed.
by

28.7.06

W/S filed by the
Respondents.

whs has been
liel.

31.8.06.

No Rejoinder has
been liel.

10.11.06.

4.12.06

Written statement has already been filed. Counsel for the applicant submitted that case may be listed for hearing.

Post on 22.12.06 for hearing. In the meantime the applicant may file rejoinder, if any.

[Signature]

Vice-Chairman

pg

No rejoinder has been filed.

[Signature]
21.12.06.

Rejoinder not filed.

[Signature]
6.5.08.

22.12.2006

Division Bench matter. Post before the next available Division Bench.

[Signature]

Vice-Chairman

/bb/

07.05.2008

Mr.M.Chanda, learned counsel appearing for the Applicant is present. None for the Respondents.

Call this matter on 4th June, 2008 for hearing.

Send copies of this order to the Respondents; who should come ready for hearing of this case on the date fixed.

[Signature]

(Khushiram)
Member(A)

[Signature]

(M.R.Mohanty)
Vice-Chairman

lm

Page Break

[Signature]
Dt. 7.5.08.
Pl. send copies of this order to the Respondents.

As per courts order Dt. 7/5/08 copies of order send to D/Section for issuing to respondents by post.


[Signature]
D/No-2215 to 2218
7/5/08, Dt- 12/5/08.

Rejoinder not filed.

[Signature]
3.6.08.

4/ OA 82/06
04.06.2008

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



(Khushiram)
Member (A)

nkm



(M.R. Mohanty)
Vice-Chairman

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.


(Khushiram)
Member(A)


nkm



(M.R. Mohanty)
Vice-Chairman

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.

Rejoinder not
filed.


25.08.08.



(Khushiram)
Member(A)


lm


(M.R. Mohanty)
Vice-Chairman

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

O.A.82 of 06

04.09.2008 Judgment pronounced in open Court.


Kept in separate sheets. Application is disposed of. No costs. (Common Jt. with OA.70/06)


31.2.9.08

Original judgment
is kept in OA
No. 70/06.

19.08

lm


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

11.9.08

Copy of the judgment
sent to the office for
issue the same to the
applicant by post and
copy for the Record.
no 1 to 4 sent along with
OA 70/2006 for issue
by post.

slr.

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::::::: GUWAHATI.

Respd Nor

DESPATCH NO. CAT/ GHY/ JUDL/ 3999 / DTD. GUWAHATI. 12-9-08

✓ ORIGINAL APPLICATION NO. 70/06 n 82 / 200 &

MISC. PETITION NO. _____ / 200

CONTEMPT PETITION NO. _____ / 200

REVIEW APPLICATION NO. _____ / 200

- 1) Sri Haripada Dinda in OA 70/06
2) Sri Rajani Kanta Tai in OA 82/06

/ APPLICANT (S)

VERSUS

U.O.I. v O.P.S.

/ RESPONDENT (S)

To

The Secretary to the Govt of India,
Ministry of Finance,
New Delhi.

Please find herewith a copy of Judgment/~~order~~ dated 4.7.08
passed by the Bench of this Hon'ble Tribunal comprising of Hon'ble
Shri M. R. McLarty Vice-Chairman and Hon'ble
Shri K. Krishnam Member (Admn.) in the above
noted case for information and necessary action, if any.

Please acknowledge the receipt of the same.

By Order

Enclo : As above

(Copy of the Petition in O.A. No. _____

Memo. No. _____

Dtd. _____

Copy for information to :

1. Mr. Mrs. Miss. Dr. _____

Advocate, Gauhati
High Court, Guwahati.

2. Mr. Mrs. Miss. _____

Dr. CGSC., Addl. CGSC.

3. Mr. Mrs. Dr. _____

Rly. Standing Counsel,
Govt. Advocate, Assam,
Nagaland, Manipur,
Mizoram, Tripura &
Arunachal Pradesh.
Advocate for KVS.

(SECTION OFFICER (JUDL))
11/9

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

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

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

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KJHUSHIRAM, 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.

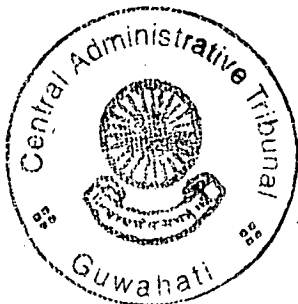
.....Applicant

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

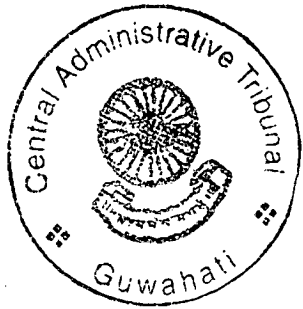
By Advocate Shri G. Baishya, Sr.C.G.S.C

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

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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

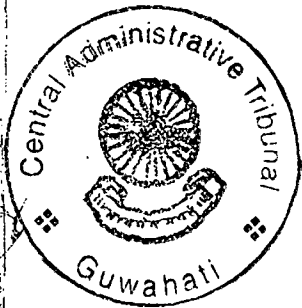
Sl.	Post/	Present Scale	Revised Scale
5.	S-5	950-20-1150-25-1400 950-20-1150-25-1500 1150-25-1500	3050-75-3950-80-4590
6.	S-6	975-25-1150-30-1540 975-25-1150-30-1660	3200-85-4900
7.	S-7	1200-30-1440-30-1800 1200-30-1560-40-2040 1320-30-1560-40-2040	4000-100-6000
21	Veterinary Compounder	800-15-1010-EB-20-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

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



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, based 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.

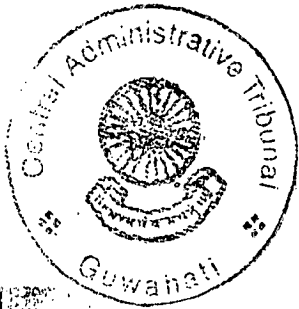
9. Since grant of pay scale is a policy decision and implementation of the same as per recommendation contained in Part B of Revised Pay Rules 1997 (which contain certain conditions such as changes in recruitment rules, restructuring of cadres, redistribution of posts into higher grade etc) something 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



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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.



Sd/-
Manoranjana Mohanty
Vice Chairman
Sd/-
Khushiram
Member (A)

TRUE COPY

प्रतिलिपि

अनुभाग अधिकारी 11/9/08

Section Officer (Judl)

Central Administrative Tribunal

गुवाहाटी न्यायपीठ

Guwahati Bench

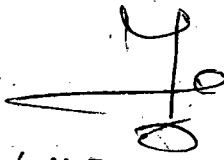
गुवाहाटी/Guwahati-5

11/9

✓ OA/CP/RA/MP No. 82 /2006

Order dated 25.3.2008

Call the matter for hearing
on 7-5-08.


(M.R. MOHANTY)
~~Vice-Chairman~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI.

It is prayed that the following matters may be permitted to be listed on 5th day of April, 2006 for admission.

① O.A. NO. — /2006.
Shri Badal Chakraborty & ORS.
-Vs-
U. O. I & ORS.

② O.A. NO. — /2006.
Shri Rajan Kanti Tai
-Vs-
U. O. I & ORS.

Attested by

For
5/4/06
by

Subrata Nath
Advocate
04/04

19

82/06

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. _____

1. a) Name of the Applicant:- R. Rai
- b) Respondants:- Union of India & Ors
- c) No. of Applicant(S) :-
2. Is the application is the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been dully signed and varified :- Yes / No.
5. Have the Copies duly signed :- Yes / No.
6. Have sufficiant number of copies of the application been filed:-Yes/No.
7. Whether all the annexure parties are impleaded :-Yes/No.
8. Whether English translation of documents in the Language : Yes/No?
9. Is the application is in time :- Yes/No?
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No.
11. Is the application by IFO/BD/For Rs: 5/- 264 322 942
12. Has the application is maitanable :- Yes/No.
13. Has the Impugned order original duly attested been filed : Yes/No.
14. Has the ligible copies of the annexures dully attested filed:-Yes/No.
15. Has the Index of documents been filed all available:- Yes/No.
16. Has the required number of enveloped bearing full address of the respondants been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:- Yes/No.
18. Whether the relief sought for arises out of the single :- Yes/ No.
19. Whether the interim relief is prayed for :- Yes/ No?
20. In case of condonation of delay is filed is it supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-

SECTION OFFICER(J)

DEPUTY REGISTRAR

Address of R-2 is incomplete
24/4/06.

केन्द्रीय प्रशासनिक न्यायाधीश
Central Administrative Tribunal

- 4 APR 2006

गुवाहाटी न्यायाधीश
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 82 /2006

Shri Rajani Kanta Tai

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 31.05.1977- Applicant was initially appointed as Veterinary Field Assistant under the DGAR, Shillong. At the time of his initial appointment applicant was possessing qualification of Matriculation and passed Veterinarian Science and Animal Husbandary Certificate course.
(Annexure- 1 and 2)
- 09.08.1999- Applicant was granted 1st ACP in the scale of Rs. 3,200-4,900/- vide order dated 20.11.99.
- 01.03.2002- Applicant was granted 2nd ACP in the scale of Rs. 4,000-6,000/- vide DGAR letter dated 27.02.02.

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.

- 15.09.1998/31.03.98- 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/-.

(Annexure- 6, 7)

Shri Rajani Kanta Tai.

- 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)
- 24.04.2001- 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)
- 27.10.2005- Applicant being highly aggrieved for non-extension of the benefit of higher revised pay scale submitted a representation addressed to the DGAR, praying interalia for grant of upgraded higher revised scale of pay of Rs. 4,000-6,000/- w.e.f. 01.01.96, but to no result. However, the applicant retired on superannuation w.e.f. 28.02.2006.
(Annexure-13)
- 13.05.1999- Govt. of Arunachal Pradesh also accepted and adopted the 5th Central Pay Commission and granted revised higher scale of Rs. 4,000-6,000/- to the VFA who were working in the pre-revised scale of Rs. 3050-4590/-.
(Annexure- 14)

Hence this application.

P R A Y E R S

Relief (s) sought for

Shri Rajani Kanta Jais

1. 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.
2. That the Hon'ble Tribunal be pleased to direct the respondents to grant the scale of pay to Rs. 5,000-8,000/- to the applicant as 2nd ACP w.e.f. 01.03.2002, by passing appropriate order modifying the order of ACP already passed in favour of the applicant.
3. Costs of 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.

Shri Rajani Kanta Tai.

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. 82/2006

Shri Rajani Kanta Tai. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed By:

Date: -

Advocate

Shri Rajani Kanta Tai

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 82 /2006

BETWEEN:

Shri Rajani Kanta Tai,

S/o- Late Kanakeswar Tai,

Veterinary Field Assistant, (Retired)

No. 3 Mint Group Assam Rifles,

Jorhat,

C/o- 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.

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Filed by me applicant
Through: S. Mahi
Advocate
04.04.2006

Shri Rajani Kanta Tai

DETAILS OF THE APPLICATION

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

This application is made not against any particular order but for non-consideration of grant of higher revised scale of pay of Rs. 4,000-6,000/- w.e.f. 01.01.1996 when the same was granted to similarly situated Veterinary Field Assistant Shri S. Manimacha Singh working in the same department following the recommendation of 5th CPC and also for non-consideration of representation of the applicant dated 27.10.2005 and praying for a direction upon the respondents for grant of revised scale of pay of Rs. 4,000-6,000/- by refixing the pay of the applicant w.e.f. 01.01.1996 with arrear monetary benefit.

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 this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

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 was initially appointed as Veterinary Field Assistant (for short VFA) on 31.05.1977 under the DGAR, Shillong. At the time of his initial appointment applicant was possessing qualification of Matriculation and passed Veterinarian Science and Animal Husbandary Certificate

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course from School of Veterinary Science and Animal Husbandry, Silchar, Assam of the Govt. of Assam.

(Copy of the educational certificate and appointment letter dated 05.05.1977 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A/1 and A/2 respectively).

4.3 That your applicant states that since his appointment in the scale of pay of Rs. 260-400/-, in the cadre of VFA in Assam Rifles, he was never promoted to any higher post. However, 1st ACP was granted to the applicant in the revised scale of Rs. 3,200-4,900/- w.e.f. 09.08.1999 vide DGAR letter bearing No. I. 140/5/ACP/MED-4198 dated 21.10.1999 vide order No. 6 AP Part II order No. 25/99 dated 20.11.99. However, 2nd ACP was granted to the applicant in the scale of Rs. 4,000-6,000/- w.e.f. 01.03.2002 vide DGAR letter No. 1. 14015/ACP/MED-IV/02 dated 27.02.2002. The applicant has already retired on superannuation w.e.f. 28.02.2006.

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

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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 Husbandary 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 veterinarian post equally to the pay scale of Rs. 4000-100-6000/- by naming the posts such as Stockman/compounder/stock Asstt./Animal Husbandary 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 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

Shri Rajani Ranta Jai,

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 Husbandary 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 further submitted that there is no post of Doctors/Practitioner. In other words, the veterinary Field Asstt. of Assam 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

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scale of Compounder, central Forest Service and letter of DCAR 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 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 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 DGAR 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.

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- (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 lead 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/8).

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

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(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 since cases are already filed and pending before this Hon'ble Court at the relevant point of time.

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

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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 here 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 VFAs 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).

- 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

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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.

(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 for non-extension of the benefit of higher revised scale of pay to the applicant who is similarly situated like Shri S. Manimacha Singh submitted a representation addressed to the DGAR, Assam Rifles on 27.10.2005, praying interalia for grant of upgraded higher revised pay scale of Rs. 4,000-6,000/- w.e.f. 01.01.1996, following the recommendation of 5th CPC. The applicant in his representation also stated that such higher revised scale of pay has also been granted to Shri K.K. D. Patle, VFA, working in No. 1 Assam Rifles, Dog Unit, who is junior to the applicant and some other VFA of Assam Rifles. The applicant also stated that he has passed HSLC Examination in 1971 and Elementary Animal Husbandary and Veterinary Science Examination in 1974-75; therefore the applicant prayed for upgraded pay scale of Rs. 4,000-6,000/- w.e.f. 01.01.1996 but surprisingly till filing of this application the respondents authority did not even furnish a reply to the applicant.

Copy of the representation dated 27.10.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- A/13.

- 4.12 That it is 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 be evident from the Assam

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Rifles recommendation letter dated 31.3.1998 written by the DCAR to the Govt. of India, Ministry of Home Affairs, New Delhi. It is also relevant to mention here that the Govt. of Arunachal Pradesh also accepted and adopted the 5th Central Pay Commission also granted revised higher scale of Rs. 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 like Shri S. Manimacha Singh with the same nature of work duties and responsibilities cannot be denied the higher revised scale of Rs. 4,000-6,000/-. 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.

(Copy of 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/14 and A/15 (Series respectively)).

- 4.13 That it is stated that on a mere reading of the order dated 13.05.99 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

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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/-.

4.14 That it is stated that applicant has been granted 2nd ACP benefit w.e.f. 01.03.2002 placing him in the scale of Rs. 4,000-6,000/- 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 DGAR 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 24 years of service instead of Rs. 4,000-6,000/-, in terms of Govt. O.M dated 09.08.1999.

4.15 That due to arbitrary action of the respondents Union of India, applicant has suffered 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 2nd ACP benefit in the scale of Rs. 4,000-6,000/- which ought to have been in the scale of Rs. 5,000-8,000/- as such modification of order granting 2nd ACP is necessary in order to grant adequate relief to the applicant.

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4.17 That this application is made bonafide 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 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 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".

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(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 on 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 denial of 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.

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

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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 DGAR 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 2nd financial upgradation in terms of O.M. dated 09.08.1999.
- 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 has suffered huge financial loss each and every month and as a result the applicant shall

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suffer loss in pensionary benefit as such cause of action arises in each month in view of denial of the rule.

- 5.12 For that the applicant submitted representation praying for higher revised scale of pay of Rs. 4,000-6,000/- w.e.f. 01.01.1996 but to no result.

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 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 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):

- 8.1 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.

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8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant the scale of pay to Rs. 5,000-8,000/- to the applicant as 2nd ACP w.e.f. 01.03.2002, by passing appropriate order modifying the order of ACP already passed in favour of the applicant.

8.3 Costs of application.

8.4 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 322944
ii)	Date of issue	:	27.3.06
iii)	Issued from	:	GPO, Guwahati
iv)	Payable at	:	GPO, Guwahati

12. List of enclosures:
As given in the index.

Shri Rajani Kumar Jais

VERIFICATION

I, Shri Rajani Kanta Tai, S/o- Late Kanakeswar Tai, aged about 60 years, Veterinary Field Assistant (retired), office of No. 3 Mint Group Assam Rifles, Jorhat, C/o- 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 2nd day of ^{April} ~~March~~ 2006.

Shri Rajani Kanta Tai

This is to Certify that Shri Rojani Kanta Tai Son of Shri Konokeswar Tai an inhabitant of Siram Miri Goan passed the H.S.L.C. Examination in the year 1971 as a private candidate and was placed in III Division under Roll Teok No776.

His age on the 1st March of 1971 was 20 Years 7 MonthsDays.

To the best of my knowledge and belief he bears a good moral character.

S/d

Illegible,
Head Master,
Teok High School.

Attested.

[Signature]
Income-tax Officer
G.Ward, Borhat

Attested
[Signature]
Advocate

GOVT OF ASSAM
ANIMAL HUSBANDRY & VETERINARY DEPARTMENT, ASSAM

Annexure-1 (series)
52

SCHOOL OF VETERINARY SCIENCE & ANIMAL HUSBANDRY
ASSAM

GHUNGOOR, SILCHAR.

ELEMENTARY ANIMAL HUSBANDRY & VETERINARY SCIENCE EXAMINATION
(1974-75)

Certified that Shri RAJANI KANTA TAL having attended the approved course of studies in the School of Veterinary Science and animal Husbandry, Passed successfully the required Examination held in the month of Jul 1975 and was placed in the Third Division.

Board of Examiner :-

Sd/- xx xx Chairmans

Sd/- xx xx Members

Sd/- xx xx Member.

Sd/- xx xx Member.

Sd/- xx xx Member.

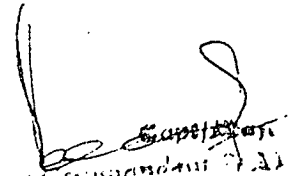
Dated, Ghungoor, Silchar
The _____ 1975

Sd/- xx xx 12/7
Principal,

School of Veterinary Science & Animal Husbandry.

@@@@@@@@@@@@@@@@

CERTIFIED TRUE COPY


Principal

222

Attested
Sub. Adv.
Adv.

Annexure-2

MED/11-M/2-YS/Part/23 05 May 1977

To

Sr. Rajani Ranta Tai

SI. Ram Niri Coan

P.O. Namrissa (Solenhat)

Dist. Sibsagar (Assam)

APPOINTMENT

ASSAM RIFLES

IN

Reference your application dated 21.9.1976

2. You are hereby selected for appointment until further orders as VFA 79 Bn AR in the scale of pay of Rs. 260-6-220-EB-6-326-0-366-58-8-390-10-400/- 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 subject to the following conditions :-

(a) You will produce medical fitness certificate from a Civil Surgeon or RMO at your own expense before joining the appointment.

(b) You will submit original educational and other certificates in support of your age and qualifications etc.

(c) You will submit a character certificate from a Class I officer or 1st Class Magistrate before joining the duty.

(d) You will also produce documentary proof in supports of your age being 25 years at the time of joining, five years relaxation in the case of SC/ST.

(e) No TA/DA will be admissible for your joining duty.

(f) You are liable to serve any where in Assam, Meghalaya, Nagaland, Manipur, Tripura, Arunachal Pradesh, Sikkim or wherever Assam Rifles Units exists.

3. Your appointment is subject to satisfactory police verification report or antecedents.

4. You will report for duty to Comdt 7 Bn AR on or before 30.5.77 failing which your appointment will be cancelled.

vijayan/-
08/12/76
Copy to :-

for INSPECTOR GENERAL OF ASSAM RIFLES

1. HQ AC Range AR.
2. Comdt 7 Bn AR. } C/O 99 APO

Affected
Sub
Advocate



- 22 -

General

ANNEXURE A/3

A-36 COMPILATION 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	2650-65-3300-70-4000
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	2500-4000 (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

Attested
by
Advocate

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.

Removal of names 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 sixty 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.

Person enrolled on Indian veterinary practitioners register to notify 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.

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

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

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

(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.

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 45 of the Indian Evidence Act, 1872, on any matter relating to veterinary medicine.

*Effect of
Law
Advocate*

(1)	(2)	(3)	(4)	(5)
7.	Range Officer/Forest Ranger	1400-40-1800-EB-50-2300	5500-175-9000	104.10
8.	Asstt. Conservator of Forests Fire Staff	2200-60-2300-EB-75-3200 100-3500	6500-200-10500 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	6500-200-10500 7500-250-12000	14.20
13.	Surveyors	1200-30-1560-EB-40-2040	4000-100-6000 4500-125-7000 5000-150-8000	104.21
14.	Plant Operator-cum-Mechanic Public Works Department	950-20-1150-EB-25-1400	4000-100-6000	104.22
15.	Asstt. Town Planner	2000-60-2300-EB-75-3200 100-3500	6500-200-10500 7500-250-12000	104.23
16.	Assistant Shed Master	1200-30-1560-EB-40-2040	4500-125-7000	104.24
17.	Shed Master	1400-40-1800-EB-50-2300	5000-150-8000	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 5500-175-9000	104.28
20.	Lineman-cum-Meter Reader	950-20-1150-EB-25-1500	4000-100-6000	104.29
	Forest Department			
21.	Veterinary Compounder	800-15-1010-EB-20-1150	4000-100-6000	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	1640-60-2600-EB-75-2900	6500-200-10500	104.32
	Public Works Department			
24.	Draughtsman Grade I	1400-40-1800-EB-50-2300	5000-150-8000	104.33
25.	Draughtsman Grade II	1200-30-1560-EB-40-2040	4500-125-7000	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	8000-275-13500	104.36

*Attestd
Sd/-
Advocate*

(Signature)

ANNEXURE - A/6 *47*

File No 709076

Ministry of Defence, Assam Rifles
Director General, Assam Rifles
Cuttack-751001

A/Pers/B/11 pay 1998

15 Sept 98

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

SALIENT FEATURES AFFECTING PAY AND ALLOWANCES
ASSAM RIFLES PERSONNEL

General

1. Govt has notified pay scales and various allowances for all Central Para Military Forces (CPMF) and the same have already been circulated to all concerned by this Dto from time to time. However, it has noticed that doubts still exist on various aspects of applicability and entitlement thereof. As a result, the Dto 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 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)
Rtn	2750-70-3800-75-4400	3650-75-3950-80-4590
Ltk	2750-70-3800-75-4400 + Rs. 15/- as special pay.	Rank of Ltk merged with Rtn and gtd Rs.30/- pm as special pay with the pay scale of Rtn till promoted to Hav.
Nk	3050-75-3950-80-4590	Rk Nk merged with Hav with the pay scale of Hav excluding appt pay.
Hav	3200-85-4900	3200-85-4900 with appt pay of Rs. 50/- pm till promoted to next higher rk
		4000-100-6000
		4500-175-9000
Sub	5500-175-9000	4500-200-10500
Sub Maj	6300-200-10500	4500-200-10500 + Rs. 200/- per month as appt pay.

Attested
(Signature)
Advocate

-26-

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Allowances

4. Special Compensatory (Remote Locality) Allow. The rate of said allowance has been doubled from the existing rates applicable to all difficult and other areas w.e.f. Aug 27. Govt. notification on the subject has also been circulated by this Dto. The list of difficult and other areas have been circulated vide this letter No. A/Pers/5th-P20/Pant/9B/206 dt 27 Aug 98. The rates applicable at various places are given below :-

State	Pay Band				
	Below Rs.3000/-	Rs.3000/- to Rs.4499/-	Rs.4500/- to Rs.5999/-	Rs.6000/- to Rs.8999/-	Rs.9000/- and above
<u>Manipur</u>	150	300	450	600	750
<u>Mizoram</u>	40	80	120	160	200
<u>Mizoram</u>					
(a) Difficult Area	300	500	700	1000	1300
(b) Other Area	250	400	550	800	1050
(c) Throughout Aizawl District	150	300	450	600	750
<u>Nagaland</u>	250	400	550	800	1050
<u>Sikkim</u>	300	500	700	1000	1300
<u>Sikkim</u>	40	80	120	160	200
<u>Arunachal Pradesh</u>					
(a) Difficult Area	300	500	700	1000	1300
(b) Throughout Arunachal Pradesh except above	250	400	550	800	1050
<u>Tripura</u>					
(a) Difficult Area	250	400	550	800	1050
(b) Throughout Tripura except above.	150	300	450	600	750

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.

T. H. H.
CPC

27-

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applicable

has now been made applicable to Assam Rifle personnel in Bikkim at the same rate and terms/conditions applicable for employees posted in the NE Region.

Ration Money Allowance. This Dte had submitted a proposal to MHA vide our letter No. A/Pers/5th Div/22/113 dated 22 Dec 97 for auth of Ration Money Allowance to Assam Rifles on the lines of 5th CPC recommendation for RPF officers. MHA has approved Ration Money Allowance from 01 Sep 1998 to combatants and non-combatants GPF pers and also upto the Lt Col of En Coy, vide MHA order No. 27012/26/98-PF.1 dated 07 Sep 1998. The allowance will be applicable on Army Scale of rations based on a daily cost of 2200 calories. Free ration may be kept in mind at the loc where these facilities are presently admissible. The allowance will be entitled to Assam Rifles personnel only.

- (a) Along side the Army.
- (b) Allocated to the Army on IP or on the line of control.
- (c) Under op control of Army.
- (d) In CE/Disturbed areas.

8. This Dte has circulated the under vide letter No. A/Pers/5th Div-CPC/Vol-III/98/167 dated 11 Sep 98.

9. Other Allowances. The Govt orders for following allowance have been received:-

- (a) Initial Uniform Grant. Rs. 6500/- for auth cat only.
- (b) Renewal Uniform Grant. Rs. 3000/- to be granted after every 7 years for entitled cat.
- (c) Washing Allowance. Rs. 30/- pm for non-gazetted staff subject to discontinuance of issue of washing soap.

License fee.

- (i) IPDs Incl MD - Rs. 127/- pm.
- (ii) OR - Rs. 83/- pm.

(c) Leave Travel Concession. Since doubts still exist, entitlement of LTC is clarified as under:-

Pay Scales	Rank	Entitlement
(i) 2550-3200	Follower	Sleeper class.
(ii) 2610-3540		

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

- (a) Below B. 4100 - Second class sleeper.
- (b) B. 4100 - B. 7999/- - First class/AC III tier sleeper.
- (c) B. 8000 - B. 1199/- - AC 2 tier sleeper.
- (d) B. 16400 - B. 18399/- - AC First class.

Pay Scales	Grade	Entitlement
(ix) 6500-10500 to 10650-13850	Sub/Sd. Maj Asst Commr By Commr	AC 11 Tier sleeper.
(x) 12000-16500 to 18400-22400	StC Commr	AC 1st class by train.

(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 11 Tier sleeper/ AC chair car.
(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	Rates
(i) Upto Rs. 50,000/-	Rs. 75/- 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 3500-9000/-	Rs. 75/-
(ii) 6500-10500/- to 7500-12000/-	Rs. 200/-
(iii) 18000-13500 and above.	Rs. 400/-

Note. Entitled to 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. vide our letter No. A/1-3/270/97 dt 24 Oct 97.

Accumulated to all vide this Dte letter No. A/Pers/CI/7-98 dated 21 Aug 98 and A/Pers/CI/7-98 dated 20 Aug 98. The continuation of CILQ of pers will be extended to

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

- (aa) Chittagong 15% of actual basic pay drawn.
- (ab) Dohat, Silchar, Imphal, Guwahati, Kohima, Dimapur and Agartala. 7.5% of actual basic pay drawn.
- (ac) Other than above 5% of actual basic pay drawn.

(ii) Licence Fee

Revised Rate wef 01 Jul 98

- (aa) JCOs incl WO Rs 122/- per month.
- (ab) OR Rs 89/- per month.

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

(b) Accumulation of Earned Leave. Orders for enhancement from 240 to 300 days is awaited from MHA.

Proposals Already Projected to MHA

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

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

14. Special Compensatory (Counter Insurgency) Allow (SCA) (CI). A proposal has been submitted to MHA vide this Dte letter No. A/Pers/CI/7-98 dated 26 Aug 98 for authorising SCA (CI) to all pers of Assam Rifles at par with Army's entitlement in add to already auth allow. The rates recommended by us are as under :-

<u>Ranks</u>	<u>Entitlement (per month)</u>
(a) Second-in-Command and above	Rs 1500/-
(b) Dy Comdt	Rs 1200/-
(c) Asst Comdt	Rs 1100/-
(d) JCOs incl WO	Rs 900/-
(e) Hav	Rs 600/-
(f) Rfn	Rs 500/-

Cases Being Referred to MHA

The following cases are being referred to MHA:

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

Status of Cases Pertaining to Anomalies of 5th Central Pay Commission Protected 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 rationalization of Tech Cadre in Assam Rifle 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 Combatized Clerical Cadre at Par with Other CPOs. MHA is favourably disposed towards bringing the ck structure of clerical cadre of Assam Rifles at par with BSF. Order to prepare a Cabinet Note for rationalization of Clerical Cadre vis-a-vis other CPOs will be given after comparing our proposals with other CPOs.
18. Re-Designation of Hav/PA to WO/PA. MHA has given their approval for re-designation of Hav/PA as WO/PA. Order for the same has been given by this Dte. The correct equivalence of Nb Sub for WO (PA) is being processed alongwith the clerical cadre proposals (Para 16 referral).
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 ck structure for Dtmn cat in the Engr set-up in AR on the plea that there is a ban on creation/upgradation of posts by Min of Fin. However DGAR during his visit to the Ministry convinced the authorities to review the case to give opportunity of carrier progression to the combatized dtmn cat. MHA is expected to issue orders for constituting a committee recommending the posts requiring promotion/carrier progression, under which this cat case will be considered.
20. Upgradation of Pay Scale for Post of Veterinary Field Assistant (VFA). This Dte had taken up a case to upgrade the basic pay of VFA to Rs. 4000-100-6000/- per month. MHA is inclined to our proposal. Info has also been sought from BSF regarding VFAs serving with them so that a composite case can be proj. to Min of Fin.
21. Fixation of Pay under 5th CPC where the Fixation Exceeds Max Pay Band 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 96 have clarified that

- 32 -

there is no provision for protection of senior incumbent crosses of his replacement pay scale after addition the fitment benefit of percent to the existing emoluments. This case has been turned over by the Ministry.

22. Anomalies in the Pay Scale of Civ Posts and Equivalent Rank of Combatized Posts. This Dte vide letter No. 11/11/50 CPC/APS/98 dt 2 Mar 98 had taken up a proposal for bringing pay equivalence between the combatized and civ post. MHA has turned down our proposal vide their letter No. 27012/11/50 PFI dt 10 Oct 98, clarifying that 5th CPC has given weightage to 3 (three) factors while making their recommendations. Accordingly combatized posts 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 MH/letter No. 27011/44/08 PFI dt 19 Sep 1997.

23. Upgraded Pay Scale for the Posts of Assistants in the Non-Sect Org of Assam Rifles. This Dte had taken up case with the MHA for upgrading the pay scale of Asst of Non-Sect 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 with 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 CPDs (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 DO letter NO ARESA/0/3219 dated 20 Aug 98 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 of 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 med facilities from all CPMF Hqs irrespective of the Force they are attached to. The detailed instr on the subject have been circulated vide this Dte

letter NO A/Pers/5th CPC/98/Vol-III dated 23 Mar 96. DGAR Record Branch is issuing Identity Cards to all pensioners before proceeding on pension. Similar Identity Card will be issued to NDEs of deceased pps. These identity card will be the condition for seeking CPMF Hosp facilities.

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/7-88/93 dated 30 Mar 93, for extending CSD Canteen and med facilities to Army Ex-Servicemen, to Ex-Assam Rifles pps. The MHA has turned down our proposal vide their letter No 1/29/93-NF.11 dated 27 Sep 93. Not withstanding the above, this case has again been taken up by this Dte vide our letter No A/I-W/7-88/96 dated 11 Jul 96 with MHA for consideration. The outcome is being pursued.

Conclusion

29. This bulletin brings out certain pay and allow entitlements in addition to those circulated earlier and their applicability in Assam Rifles. It has also addressed certain addl 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 all pps explained of the correct posn by cdr in the chain. Hindi version of this letter is being fwd separately.

(RE RIGAT)
Lt Col
AD (A)
for DG Assam Rifles

elo No : 705550,

34-
Annexure A/7
Bharat Bhatnagar
Government of India
Grh Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

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

March 98

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

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

Sir,

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

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

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

<u>Name of Post</u>	<u>Pre-revised Scale of Pay</u>	<u>Qualification required as per recruit- ment Rule</u>	<u>Revised Scale</u>
Veterinary (a) Field Assistant (VFA)	975-25- 1150-EB-30 -1540/-pm	Matric or equivalent with Diploma in Veterinary Science	Rs. 3200-85- 4900/- pm
(b)	950-20- 1150-EB-25 1500/-pm	Non-matric or equivalent with certifi- cate in Veterinary Science.	Rs. 3050-75- 3950-80- 4590/-pm

A. K. S. S. S.
S. S. S. S.
S. S. S. S.

.....2/-

(3)

57

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

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

5. An early reply is highly solicited please.

Yours faithfully,

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

ANNEXURE - A/8

Stock

Tele No. : 705095

Mohanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

I.14015/C-Duty/VF A/Med-4

04 Aug 99

5

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 appx att for your info necessary action please.
2. Please ack.

(R S Rethoe)

Col

Deputy Director (Medical)

for Director General Assam Rifles

Encl : 01 (One) sheet.

Affected
Law.
Advocate

Ref: to DGAH letter No.
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 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 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.

14(2) 2R3 sc. 643

-38-

60

(T)

ANNEXURE A/9

Appendix II

Classification of Technical Posts into Various Groups

GROUP I--FIELD/FARM TECHNICIANS

- | | |
|--------------------------------------|---|
| 1. Farm Superintendent | 30. Senior Cattle Supervisor |
| 2. Superintendent (Dairy) | 31. Animal House Keeper |
| 3. Dairy Farm Superintendent | 32. Horticultural Supervisor |
| 4. Farm Manager | 33. Forester |
| 5. Dairy Manager | 34. Senior Stockman |
| 6. Dairy Cattle Manager | ✓ 35. Stockman |
| 7. Assistant Farm Superintendent | ✓ 36. Veterinary Officer |
| 8. Assistant Superintendent (Dairy) | ✓ 37. Senior Veterinary Assistant |
| 9. Junior Farm Manager | ✓ 38. Veterinary Assistant 0 |
| 10. Junior Garden Superintendent | ✓ 39. Veterinary Commandant |
| 11. Junior Manager | 40. Fishing Minc |
| 12. Junior Superintendent | 41. Senior Technical Assistant |
| 13. Asstt. Farm Management Officer | 42. Technical Assistant |
| 14. Assistant Manager | 43. Junior Technician Assistant |
| 15. Field Officer | 44. Rice Production Training Asstt. |
| 16. Field Supervisor | 45. Agricultural Assistant |
| 17. Assistant Field Assistant ✓ | 46. Botanical Assistant |
| ✓ 18. Field Assistant | 47. Extension Assistant |
| 19. Junior Field Assistant | 48. Entomological Assistant |
| 20. Junior Field Assistant-cum-Curer | 49. Horticultural Assistant |
| 21. Curer | 50. Livestock Assistant |
| 22. Fieldman | 51. Meteorological Assistant |
| 23. Senior Farm Assistant | 52. Physiological Assistant |
| 24. Senior Assistant (Farm) | 53. Plant Protection Assistant |
| 25. Farm Assistant | 54. Seed Exchange Assistant |
| 26. Junior Assistant (Farm) | 55. Asstt. (Seed Production) |
| 27. Herbarium Keeper | 56. Senior Soil Assistant |
| 28. Herbarium Assistant | 57. Stock Assistant |
| 29. Nursery Assistant | 58. Senior Block Assistant |
| | 59. Field Plantation & Store Asstt |
| | 60. Junion Survey Assistant |

*Attested
for
Advocate*

39
ANNEXURE
A/10

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 C.M.Singh.

- Versus -

1. Union of India,
through the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.

2. The Ministry of Finance,
through its Secretary,
Govt. of India, New Delhi.

3. The Director General,
Directorate of Assam Rifles,
Shillong-793001.

4. The Deputy Inspector General,
MP Range, Assam Rifles,
Imphal.

5. The Commandant,
7th Assam Rifles,
Thoubal.

...Respondents

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

ORDER

CHOWDHURY J.(V.C)

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

Advocate
Sri A.K.Choudhury

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

produced 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.

- 41 -

(3)

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

Mr. A.M. Singh, learned counsel for the applicant has also drawn our attention to the communication sent by the Ministry of Home Affairs dated 31.3.1998 indicating its mind for implementation of upgradation of the pay scale of Veterinary Field Assistants in the Assam Rifles. The said communication clearly indicated the decision of the authority for revising the pay scale.

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

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

Certified to be true Copy
সত্যি প্রমাণিত

Section Officer (S)
C.A.T. GUWAHATI RANCH
Guwahati-781005

Sd/ VICE CHAIRMAN
Sd/ MEMBER (ADM)

Tele No. 705075

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 799 001

A/Pers-Pay & Allee/ 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,
Carpenter, EBR, Tailor & Painter.

Rs. 2610-3540/-

(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.

*Alfred
Advocate*

6. Revision of Pay scales of Hony Rk of Nb Sub. After declaration of 5th CPC report, Army has enhanced Rs. 100/- of addl element of pension to NCOs granted hony 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 Hony 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 Seale 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

- 44 -

ANNEXURE-A/12

6

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
(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.

4. Office Copy of

Advocate

- 45 -

Annexure - A/13

3

From : No. VFA - 005 Rank : VFA
Name : RK Tai
No. 3 Maint Group Assam Rifles
DGAR Equestrian Team
C/o 99 APO

To : Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 11

(Through proper channel)

SUBJECT: APPLICATION FOR UP - GRADATION OF PAY WEF 01 JAN 1996

Respected Sir,

1. I have the honour to take this opportunity to lay before you the following few lines for your kind information and necessary action please.

2. I have been appointed as Veterinary Field Assistant in Assam Rifles on 31 May 1977 vide your Directorate letter No. Med/M/2-75/Part/23 dated 05 May 1977.

3. It is re-iterated to mention that pay scale of VFAs has been revised in the scale of Rs. 4000 - 100 - 6000/- pm wef 01 Jan 1996 vide your Directorate letter No. 1.14015/5th CPC/98 A-II dated 31 Mar 1998 (photocopy enclosed). But the same revised pay scale has not yet been given to me. Shri K K O Patte, VFA, No. 1 Assam Rifles Dog Unit who is junior to me and some other VFAs of Assam Rifles have already been given revised pay scale of Rs. 4000 - 100 - 6000/- pm wef 01 Jan 1996.

4. My Educational Qualification as under :-

(a) Passed HSLC Examination in 1971.

(b) Elementary Animal Husbandry and Veterinary Science Examination in 1974-1975.

(c) HQ IGAR (Now DGAR) Appointment letter No. Med/M/2-75/Part/23 dated May 1977.

(The Photostat copies of above certificates are enclosed herewith for your perusal please).

5. Therefore, I earnestly request your good honour to kindly look after my case sympathetically and necessary approval may please be accorded to draw revised pay scale of Rs. 4000 - 100 - 6000/- pm wef 01 Jan 1996 at the earliest.

6. I would also like to mention that I have applied for voluntary retirement pension and my application has already been forwarded to your Directorate by HQ 7 Sector Assam Rifles.

7. An early action on the subject is highly solicited.

Yours faithfully,

(Signature)

Dated : 27 Oct 2005

(RK Tai)
VFA
No. 3 MGAR

Encl : 04 (Four) Sheets.

Copy Recd.
File
27/10/05

Attended
Sanj.
Kedwate

- 46 - Annexure - 14/1

'GOVERNMENT OF ARUNACHAL PRADESH'
DEPARTMENT OF ANIMAL HUSBANDRY AND VETERINARY

.....
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-designated as	revised upgraded pay scales.
1.	Supervisor Vety. Field Assistant and other allied posts.	Rs. 4000-100-6000/-	Assis- tant Veteri narian	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:-

Contd...2....

A. K. Advaita

69

- 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 uprated pay scale.

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 UO No.582 dated 7.4.99.

Sd/- T. Bagra

Secretary (AHV)

Government of AP, Itanagar.

Memo. no. MHV/E-98/83 Dated Itanagar the 13th May '99.

Copy to:-

1. The Accountant General (A & R) 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, Itanagar.
- 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 uprated 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...

-3-

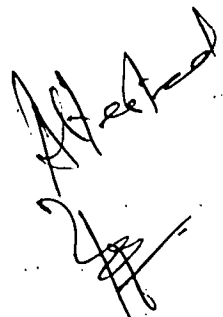
sectors and the arrears for the aforesaid periods are credited to the GPF accounts of the concerned officials. He is further requested to consult Deputy Secretary (Budget)/Secretary (Planning) to ensure availability of fund for the purpose.

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 (AHV) Govt. of A.P.
16. All Dist. & Vety. Officers/Sub-Divisional AH and Vety. Officers, Govt. of A.P.
17. All Treasury Officers/Sub-Treasury Officers, Govt. of A.P.



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

33666



Vety. Asst. Surgeon
Vety Dispensary
Mukto Yewang Dist
(A.P.)

Tele No : PABX 27510/5550

REGISTERED
Bharat Sarkar
Govt of India
Grih Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong-11

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

Shri K K Deyanandan Pillai
PO 4 vill - Arjuna via Terora
Dist - Bhandara
(M. Chavara)

APPOINTMENT - VFA

1. You are hereby selected for appointment until further orders as Vety Field Asstt in 85 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 Deyanandan Pillai 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.

Attested
for
Advocate

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.

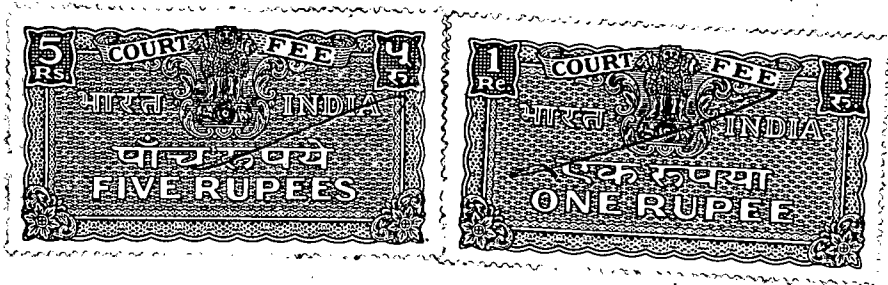
J. Sharma
(Rakesh Sharma)
Lt Col
Assistant Director (A)
for Offg Director General Assam Rifles

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.

kc/-

Sir,
He was appointed in the scale
of Pay Rs. 950-20-1150-EB-25-1500/-
pm and now same has been
revised on submission of his
application.
35



73

Shri Rajani Kanta Tai

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAILATI BENCH: GUWAILATI

O. A. No. 82 /2006

Shri Rajani Kanta Tai

...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 G. N. Chakraborty and Sri S. Choudhury, 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 intends 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 4th day of April 2006.

Received from the Executant, Mr. Subrata Nath satisfied and accepted.

And accepted Senior Advocate will lead me/us in the case.

Subrata Nath
Advocate

Subrata Nath
Advocate

Manik Chanda
Advocate

NOTICE

From: S. Natta
Advocate

To: Mr. G. Baishya
R. C. S. C.

Sub: O. A. No. 82/2006 (Sri Rajaw
Kanta Tai Vs. W. I. S. S.)

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,
Rubi Gosh
Adv. 4.4.06
(for G. Baishya).
R. C. S. C.

Yours Sincerely
S. Natta
Advocate
4/4

29 JUL 2006

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
গুৱাহাটী ন্যায়ালয়
Guwahati Bench
GAUHATI BENCH: GAUHATI

ORIGINAL APPLICATION NO 82 OF 2006

Sri Rajanikanta Tai

..... 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/- since he was recruited against appointment where matric with Diploma in Veterinary Science was eligibility criteria. Further, the petitioner was appointed in the pay scale of Rs.260-6-EB-8-390-10-400 (corresponding to 950-20-1150 EB-25-1500 Revised scale) per month to a post carrying essential educational qualification "certificate in Veterinary Science without matriculation" (Annexure A/1 of OA refers). On the other hand Shri Mani Macha Singh was initially appointed in the higher pay scale of Rs.975-25-1150-EB-30-1540 per month to a post carrying essential qualifications of "Diploma in Veterinary 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.

A copy of the certificate in Elementary Animal Husbandry & Veterinary Science Examination held in July 1975, issued by School of Veterinary Science & Animal Husbandry, Assam is attached herewith as **Annexure R-1**

2. That no reply is called for to the statement made in Para-2 and 3 of the Original Application.
3. That the statement made in Para-4.1 of the Original Application, are a matter of record and do not call for any reply.

Filed by
the Respondents through
Alka Das
Addl. C.S.C.
28/7/06.

4. That the statements made in Para-4.2 of the Original Application are false misleading and denied. It is submitted that the applicant had passed certificate in "**Elementary**" Annual Husbandry & veterinary science examination and not veterinarian science and Animal Husbandry certificate. Further the applicant has himself admitted that he possessed a certificate and not a diploma in Animal Husbandry and veterinary science. In this regard Annexure R-1 also refers. That though the applicant possessed matriculate qualification, the post for which he was selected in Assam Rifles was for non matriculate with Veterinary Certificate with pay scale as 260-6-EB-8-340-10-400 and that he accepted the same without any reservation.
5. That in reply to the statement made in Para-4.3 of the Original Application it is submitted that first Assured Career Progression was granted to the applicant with effect from 09-08-1999 in the scale of pay Rs.3200-85-4900/- and his pay was fixed at Rs.4590/-per month. That second Assured Career Progression was granted to him with effect from 01-03-2002 in the scale of pay Rs.4000-100-6000/- and pay fixed at Rs.4900/- per month. The applicant has proceeded on voluntary retirement pension with effect from 01-03-2006 (FN) vide Director General Assam Rifles order No. I.14015/94/Med-IV/2005/013 dated 16 December 2005 and not on superannuating as being contended.

A copy of the Headquarters Directorate General Assam Rifles Order No. I.14015/94/Med-IV/2005/013 dated 16 December 2005, is attached herewith as **Annexure R-2**

A copy of the No 3 Maint Group Assam Rifles Part Two Order No 20 dated 03 January 2006, is attached herewith as **Annexure R-3**

6. 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. It is further submitted that post of veterinary staff in B.S.F. and C.R.P.F are combatants whereas the applicant holds a civil post, hence the combatant nature of duties are different and cannot be equated with civil posts.

7. 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. Science & Animal Husbandry from a recognized University. 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. Moreso, the applicant has opted against holding a combatised post when it was given to all holders of civilian post of the force.
8. 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 not authority for which relevant Government orders are required (para 29 of Annexure A/6 of OA refers). Further, Ministry of Home Affairs after due examination of the same has rejected it since higher scale of Rs.4000-6000/- has been made admissible only to those who have Diploma in Veterinary Science with matric qualification as eligibility criteria at the time of entry into service.
9. 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.
10. 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 Diploma/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.260-400 and later Rs 950-1500, and
- (b) Veterinary Field Assistant with two years diploma holder (matric) Rs.975-1540/-.

That the applicant having accepted employment against the first category and having opted for voluntary retirement is barred by law of estoppel to question his appointment and pay.

11. That the averments made in Para-4.9 and 4.10 of the Original Application is misconceived and denied. It is submitted that the directions of the Hon'ble Central Administrative Tribunal did not confine to 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 benefits to 06 Veterinary Field Assistants of the Higher pay scale including Shri Mani Macha Singh who were enrolled as 2 years diploma holders (Matric) and rejected the claim of others who have been are inducted with one year certificate (non Matric) education qualification. Further in reply averments made in Para 1 and 11 of this Written Statement are reiterated. Further this Directorate is not aware of Government of India Ministry of Home Affairs , New Delhi Order No II.27014/16/99-PF IV dated 28-10-2003, since the same is not found annexed as annexure A/12 of the OA.

A copy of the Ministry of Home Affairs ,New Delhi letter No II.27014/16/99-PE.IV(h) dated 20 August 2004, is attached herewith as **Annexure R-4**

12. That in reply to the averments made in Para-4.11 of the Original Application the contents of Annexure R-4 of the Written Statement is reiterated. It is submitted that the attempt of the applicant to equate two years Diploma in Veterinary Science with one year certificate is highly ill perceived and misconceived.
13. 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. 260-6-EB-8-390-10-400 (corresponding to revised 950-20-1150-EB-25-1500/-per month) 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 applied and 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. Further in reply averments made in paras 1, 7 and 9 of this Written Statement are reiterated. It is categorically denied that the applicant and Shri S Mani Macha Singh were in the same pay scale.

14. 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 applied and was selected in Assam Rifles was for non matriculate with Veterinary Certificate in pay scale as Rs.260-6-EB-8-390-10-400 per month and that he has accepted the same without any reservation.
15. 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.4000-6000 per month with effect from 01-03-2002 on grant of second Assured Career Progression and pay fixed at Rs.4900/- per month.
16. That in reply to the averments made in Para-4.15 of the Original Application, it is submitted that the applicant got his authorized monthly emoluments and his claim is barred by law of estoppel. The applicant having proceeded on voluntary retirement, the cause of action has ceased to exist.

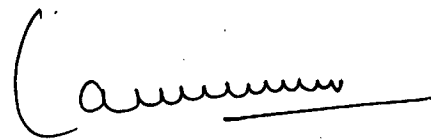
17. That the averments made in Para-4.16 of the Original Application are misplaced, repetitive and has adequately been commented upon in the preceding paragraphs of this Written Statement.
18. That no comments are called for in reply to the statements made in para 4.17 of the Original Application being in the nature of formal submission.
19. 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 as eligibility qualification was drawing the correct pay and allowances and cannot be equated with either matriculate with 2 years Diploma holders or combatants in B.S.F whose duties involve much higher risk.
20. That no comments are called for to the statement made in para 6 of the Original Application being in the nature of formal submission.
21. That no comments are offered to the statements made in Para-7 of the Original Application being a matter of record.
22. 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 260-6-EB-8-390-10-400 per month. He was accordingly granted two 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.

VERIFICTION

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 22 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 July 2006 at Guwahati



Signature


স্বাক্ষর

Asst Chief Law Officer

সহায়ক মুখ্য বিধি অধিকারী

HQ L. O. R, Shillong - 793011

সহানিদেশালয় অসম রাইফলস, শিলাং-793011



GOVT. OF ASSAM
ANIMAL HUSBANDRY & VETERINARY DEPARTMENT, ASSAM.

School of Veterinary Science & Animal Husbandry
Assam.
GHUNGOOR, SILCHAR.

ELEMENTARY ANIMAL HUSBANDRY & VETERINARY SCIENCE EXAMINATION

(1974-75)

Certified that Shri Rajani Kanta Tai
having attended the approved course of studies in the School of Veterinary Science
and Animal Husbandry, passed successfully the required Examination held in the
month of July 1975 and was placed in the
Third Division

Board of Examiner :-

<u>[Signature]</u>	Chairman.
<u>[Signature]</u>	Member.
<u>[Signature]</u>	Member.
<u>[Signature]</u>	Member.
<u>[Signature]</u>	Member.

Dated, Ghungoor, Silchar

The _____ 1975

[Signature]
Principal,

School of Veterinary Science & Animal Husbandry.

MAHANIDESHALAYA ASSAM RIFLES

DIRECTORATE GENERAL ASSAM RIFLES, SHILLONG - 11

ORDER

I.14015/94/Med-IV/2005/013

Dated, Shilling the 16 Dec 2005

Approval of voluntary retirement in respect of Shri R K Tai, VFA of No 3 MGAR is hereby accorded with effect from 01 Mar 2006(FN) under the provision of CCS Pension Rule 48-A on completion of 28 years, 08 months and 17 days qualifying service.



(O P Gurung)
Brigadier
Brigadier (Administration)

Memo No I.14015/94/Med-IV/2005/013

Dated, Shilling the 16 Dec 2005

Copy forwarded to :-

1. Pay and Accounts Office - For information please.
Assam Rifles
Laitumkhrah, Menbha Villa
Shillong - 793003
2. Headquarters - For info wrt their letter No I.11011/A-314/2005/844
7 Sector dated 27 Sep 2005
c/o 99 APO
3. No 3 Maint Group - For information please.
Assam Rifles
c/o 99 APO
4. 27 Assam Rifles - For information please.
Pin Code - 932027
c/o 99 APO
5. Shri R K Tai, VFA - For information please.
No 3 Maint Group
Assam Rifles
c/o 99 APO
6. Record Branch (Internal) - For info and necessary action please.
(NE Section)
7. Office Copy.

(D Pathak)
Lieutenant Colonel
Officiating Colonel (Medical)
for Director General Assam Rifles

RESTRICTEDPART TWO ORDER - CIV STAFF

Unit : No 3 Maint Group Assam Rifles

Present Part - II Order No : 20 Dated : 03 Jan 2006

Last Part - II Order No : 19 Dated : 19 Nov 2005

STRENGTH DECREASEVFA- 005 Shri R K Tai,
VFA

(a) Proceeding on Voluntary retirement pension with effect from 01 Mar 2006(FN) under the provision of CCS Pension Rule 48-A on completion of 28 years 09 months qualifying service.

(b) Date of Birth - 01-08-1950.

(c) Date of Appointment - 31-05-1977.

(d) Qualifying Service - 28 years 09 months.

(e) Present & Permanent Address as under :-

Village - Sram Mini Goan

Post Office - Namsissa (Selenghat)

Pin - 785636

Taluk - Selenghat

PS - Teok

Dist - Jorhat

State - Assam

(f) Name of NOK - Mrs Thuangi Sailo Tai (Wife)

(g) Name of Family members :-

(1) Mr Edmund Sailo Tai (Son)

(2) Mr Arden Sailo Tai (Son)

(h) Name of Father - Late Konakeswar Tai

(i) Identification Marks :-

An eagle cutting spot on the forehead.

(k) Earned LVE balance upto 28 Feb 2006 for encashment - 95 days

(l) Character on retirement :- 'EXEMPLARY'

(m) Pension will be drawn on :-

SER - TEOK, ASSAM

A/C No - 01/190/40008

(Auth :- HQ DGAR Order No. L140 signed by (A)Sd/1 dated 16 Dec 2005).

Distribution :-

HQ DGAR (A/Rec Branch/ NR Sec 1, Shillong - 1)

PAO (AR), Shillong - 3

3. Fin Branch (Internal).

4. Office copy.

Ny. Ganga / Asst Comd

ज़िन्नी कमान्डेंट/आसिस्ट कमान्डेंट

Adjutant

इन्डियन

No 3 Maint Group Assam Rifles

नं 3 अंतर्ग्रहण संस्था, असम राइफल

New Delhi, the 2nd 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.500-20-1150-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 place 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."

- 57 -
- 12 -
(61)

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 Service (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

13 - 64
(10)
87
revised in the corresponding pay scale as per the recommendation of 5th pay Commission.

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.

Notice

86

Date - 28/7/06,

From,

Usha Das,
Addl Cse

To,

Mr. M. Chandra
Mr. S. Nath

Advocates


Sub: DA No. 82/06 filed by Smt R. K. Tai.

Sir,

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

Thanking You.

Received copy


Advocate

Sincerely Yours

Usha Das,
Addl Cse

FORM NO. 11



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL NO. 82 OF 2006

R. K. Tai

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..... and undertake to plead and act for them in all matters in the aforesaid case.

Place: Guwahati

Date: 2.6.08

Gautam Baishya

(GAUTAM BAISHYA)
SR.CGSC.,CAT.