

FROM No. 4.  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 90 106  
2. Misc Petition No.                       
3- Contempt Petition No.                       
4. Review Application No.

Applicant(S) Tapan Sutradhar

Respondants U.O.I. Govt

Advocate for the Applicant(S) Mr. U.K. Nair

Advocate for the Respondant(S) Case

Notes of the Registry	Date	Order of the Tribunal
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This application is in form  
is filed on 30/-  
deposited  
No. 266 32 4115  
Dated 24.4.06

sd/-  
Dy. Registrar

9.5.06

**Judgment delivered in open  
Court. Kept in separate sheets.  
Application is disposed of. No  
costs.**

                      
Vice-Chairman

Received  
Usha Das  
Add CHSC  
16/5/06

17.5.06  
Copy of the order  
has been sent to the  
Office for issuing the  
line to the applicant by  
post.  
U.K.

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CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH.

(O.A.No.90 OF 2006.)

DATE OF DECISION: 09.05.2006.

Shri Tapan Sutradhar

APPLICANT(S)

Mr.U.K.Nair

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS-  
Union of India and ors.

RESPONDENT(S)

Miss Usha Das Addl. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS

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

1. Whether Reporters of local papers may be allowed to see the judgments? *m*
2. To be referred to the Reporter or not? *m*
3. Whether their Lordships wish to see the fair copy of the judgment? *m*
4. Whether the judgment is to be circulated to the other Benches? *m*

Judgment delivered by Hon'ble Vice-Chairman

*9/5/06*

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH

Original application No.90 of 2006.

Date of order: This the 9<sup>th</sup> Day of May, 2006.

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

Sri Tapan Sutradhar,  
son of late Dinesh Ch.Sutradhar,  
resident of Sangati Path, House No.51,  
Tarun Nagar,Guwahati. Applicant.

By Advocate Mr.U.K.Nair  
Mr.B.Sarma.

-Vs-

1. The Union of India,  
represented by the Secretary Government of India,  
Ministry of Information and Broadcasting, New Delhi.
2. The Director, Directorate of Advertisement &  
Visual Publicity (DAVP), PTI Building, 3<sup>rd</sup> Floor, Parliament /  
Street, New Delhi.
3. The regional Director,  
Directorate of Advertisement & Visual Publicity(DAVP)  
Nabin Nagar, Janapath, Guwahati-24.
4. The Secretary to the Government of India,  
Department of Personnel & Training, New Delhi.
5. The Secretary to the Government of India,  
Ministry of Finance, New Delhi.
6. The Regional Director, Staff Selection Commission,  
Rukmini Nagar,  
Guwahati.

Respondents.

By Advocate ~~Miss Usha Das~~ **Addl.C.G.S.C.**


**ORDER(ORAL)**


**SACHIDANANDAN,V.C:**

The applicant is presently working as Accountant in the DAVP.  
The applicant is aggrieved on the ground of lower scale of pay, than  
what is being drawn by similarly situated persons working against  
corresponding posts in other Audit & Accounts Departments of the

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Government of India. The said deprivation is being meted out to the applicant only on the ground that the Accounts cadre in DAVP is not considered as an Organised Accounts cadre and it is averred that contrary to the said position the Accounts cadre existing in the DAVP has a separate and distinct existence in the organisation and has got a reasonable number of incumbents. The promotional avenues of the incumbents in the Accounts Cadre is also well defined and as such it cannot be said that the Accounts Cadre of DAVP is not an organized cadre. The status, duties and responsibilities as attached to the post of Junior Accountant and Accountant figuring in the DAVP Accounts Cadre and that of the similar post figuring in other departments having an organized Account Cadre is one and the same. The Junior Accounts, Accountants and the other incumbents working against other posts in the Accounts Cadre of DAVP discharge works identical and similar in nature to the works being discharged by incumbents in other Indian Audit & Accounts Departments and they shoulder similar responsibilities in this connection. The entry qualifications are similar and the initial recruitment is from one and the same source. The applicant also made representation dated 07.04.2005(Annexure 6) before the 2<sup>nd</sup> Respondent, which is, not evoke any response. Being aggrieved the applicant has filed this O.A. seeking for the following reliefs:-

- "8.1 To direct the respondents authorities to grant to the petitioner the scale of pay of Rs. 4500-7000/ in the entry cadre w.e.f. the date of appointment of the applicant to the said cadre.
- 

- 8.2. To direct the respondents authorities to grant to the applicant the scale of Rs.5500-9000/- w.e.f. the date he had completed 3 years of service in the entry grade of the Accounts cadre of DAVP.
- 8.3. To direct the respondent authorities to promote the applicant to the grade of Accountant w.e.f. the date he completed five years of service in the entry grade and for the purpose to give retrospective effect to the order dated 22.07.02(Annexure 5).
- 8.4. To direct the authorities to grant to the applicant the scale of pay as attached to posts analogous to the post of Accountant, in the Accounts cadre of DAVP, as figuring in other Accounts Departments to the Government of India, which are treated as Organised Accounts Cadres.
- 8.5. To release to the applicant the difference in pay after effecting the revisions in his pay as prayed for above.
- 8.6. Alternatively to direct the respondent authorities to accommodate/adjust the services of the applicant in any other Accounts Department of the Government of India, which are treated as Organised Accounts Cadres and to extend to his all service benefits that persons selected
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alongwith him and appointed to such departments stood to enjoy.

8.7. Cost of the application.

8.8 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may deem fit and proper by this Hon'ble Tribunal upon consideration of the facts and circumstances of the case."

2. I have heard Mr. U. K. Nair learned counsel for the applicant and ~~Miss Usha Das~~ learned ~~Adv.~~ C.G.S.C. appearing for the Respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that it is a matter of policy decision and this decision will be taken by the respondents. The counsel for the applicant has stated that he will be satisfied if a direction is given to the respondents to consider the representation and also a representation is proposed to be filed alongwith the O.A. within two weeks from to day. I am of the opinion that if such direction is given it will suffice the interest of justice.

3. Considering the entire facts and circumstances, I am of the view that since it is a matter of first round litigation, the respondents are expected to consider the case of the applicant. Therefore, liberty is given to the applicant to file a comprehensive representation to the 2<sup>nd</sup> respondent within two weeks. If such representation is filed by the applicant the 2<sup>nd</sup> respondent or any other competent authority ~~as~~ ~~directed by him~~ shall consider and dispose of the same within three months from the date of receipt of his representation.



The O.A. is accordingly disposed of at the admission stage itself. There will be no order as to costs.



(K.V.SACHIDANANDAN)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 90/66

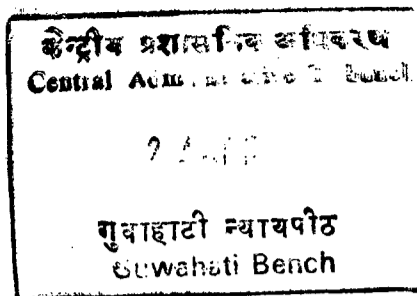
1. a) Name of the Applicant:- T. Sutradhan  
b) Respondants:- Union of India & Ors  
c) No. of Applicant(S) :-
2. Is the application in the proper form:- Yes/No.
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.
4. Has the application been duly signed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

*The application is in order*

SECTION OFFICER(J)  
3.5.06

DEPUTY REGISTRAR

*AK*



**THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI**

**O.A. No. 90 of 2006**

Sri Tapan Sutradhar

-Versus-

The Union of India & Ors.

**SYNOPSIS**

The Applicant has by way of this application assailed the arbitrary and illegal action on the part of the respondent authorities in continuing to extend to the applicant his pay and allowances at a lower scale of pay, than what is being drawn by similarly situated persons working against corresponding posts in other Audit & Accounts Departments of the Government of India. The said deprivation is being meted out to the applicant only on the ground that the Accounts cadre in DAVP is not considered as an Organised Accounts cadre. However, contrary to the said position the Accounts Cadre existing in the DAVP has a separate and distinct existence in the Organisation and has got a reasonable number of incumbents. There is in place Rules prescribing the method of recruitment and other service conditions of the members of the Accounts Cadre. The promotional avenues of the incumbents in the Accounts Cadre is also well defined and as such it cannot be said that the Accounts Cadre of DAVP is not

an organised cadre. The incumbents in the Accounts cadre of DAVP have got a well defined path for career advancement, although the same is not at par with the promotional avenues as available for incumbents in other Audit & Accounts Department of the Government of India.

Further, the status, duties and responsibilities as attached to the post of Junior Accountant and Accountant figuring in the DAVP Accounts cadre and that of the similar post figuring in other department having an Organised Account Cadre is one and same. The Junior Accounts, Accountants and the other incumbents working against other posts in the Accounts cadre of DAVP discharge works identical and similar in nature to the works being discharged by incumbents in other Indian Audit & Accounts Departments and they shoulder similar responsibilities in this connection. The entry qualifications are similar and the initial recruitment is from one and the same source.

The appeals as made by the applicant for redressal of his greivances having failed to evoke any response, he has by way of this application come under the protective hands of your lordships praying for redressal of his greivances.

*Filed by: MR. B. Sarma  
Advocate.*

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

2 / 11 / 06

गुवाहाटी न्यायपीठ

THE CENTRAL

ADMINISTRATIVE TRIBUNAL  
GUWAHATI

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

2 / 11 / 06

गुवाहाटी न्यायपीठ

(Guwahati Bench)  
GUWAHATI BENCH

O.A. No. 90 of 2006

BETWEEN

Sri Tapan Sutradhar

... Applicant ...

- AND -

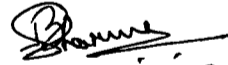
The Union of India & Ors.

... Respondents

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Filed by:



(C.B. Sharma)  
Advocate.

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**THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI**

O.A. No.                      of 2006

**BETWEEN**

Sri Tapan Sutradhar, son of late Dinesh  
Ch. Sutradhar, resident of Sangati Path,  
House No. 51, Tarun Nagar, Guwahati.

... Applicant.

- AND -

1. The Union of India, represented by  
the Secretary Government of India,  
Ministry of Information and  
Broadcasting, New Delhi.
2. The Director, Directorate of Advertisement  
& Visual Publicity (DAVP), PTI Building,  
3rd Floor, Parliament Street, New Delhi.
3. The Regional Director, Directorate of  
Advertisement & Visual Publicity (DAVP),  
Nabin Nagar, Janapath, Guwahati - 24.
4. The Secretary to the Government of  
India, Department of Personnel &  
Training, New Delhi.
5. The Secretary to the Government of  
India, Ministry of Finance, New Delhi.
6. The Regional Director, Staff

Filed by:- the Applicant  
through → Brijesh Sharma  
Advocate.

Selection Commission, Rukmini Nagar,  
Guwahati.

... Respondents

#### **DETAILS OF APPLICATION**

##### **1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :**

The present application is not directed against any particular order, but is directed against the arbitrary and illegal action on the part of the respondent authorities in continuing to extend to the applicant his pay and allowances at a lower scale of pay, than what is being drawn by similarly situated persons working against corresponding posts in other Audit & Accounts Departments of the Government of India. The applicant has also raised a grievance against the arbitrary and illegal action on the part of the authorities in rejecting his prayer for an appropriate posting in terms of his merit position as obtained by him at the time of his recruitment for Government service.

##### **2. JURISDICTION OF THE TRIBUNAL :**

The applicant declares that the subject matter in respect of which the application is made is within the jurisdiction of this Hon'ble Tribunal.

##### **3. LIMITATION:**

The applicant further declares that this application has been made is within the limitation period 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 a permanent resident in the State of Assam and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant is presently working as Accountant, Regional Office, Directorate of Advertisement & Visual Publicity (DAVP), Guwahati.

**4.2** That your applicant states that an advertisement was issued by the Staff Selection Commission in the year 1993 for recruitment as Divisional Account, Auditor, UDC, etc., The applicant in response to the advertisement submitted his applications complete in all respects. The applicant who was a graduate at that point of time, had fulfilled all the eligibility criteria's as spelt out in the advertisement in question. The applicant appeared in the selection held in pursuance to the said advertisement and basing on his performance, his name figured at Sl. No. 21 of the merit list prepared by the said commission.

**4.3** That your applicant states that the

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Directorate of Advertising and Visual Publicity (herein after referred to a DAVP for the sake of brevity) vide communication dated 10.04.95 intimated the applicant about his selection by the Staff Selection Commission, Guwahati for appointment as Accounts Clerk in the scale of pay Rs. 1200-2040. Accordingly, an offer of appointment was made to the applicant for his appointment as Accounts clerk. The applicant at that relevant point of time was in a desperate need for a regular engagement for the purpose of maintaining him self and his family members and as such, the applicant ignorant of the fact that the appointment that was offered to him was in reality a discrimination meted out to him, proceeded to accept the said appointment. The applicant was thereafter vide office order dated 01.08.95 appointed as Accounts clerk on the basis of his nomination by the SSC, Guwahati in pursuance to the DA/ Auditor/ UDC etc. Examination, 1993.

A copy of the said office order dated 01.08.95 is annexed as **Annexure - 1.**

**4.4** That your applicant states that on successful completion of his period of probation, the applicant was vide office order dated 11.03.98, appointed as Accounts Clerk on a substantive basis by termination of his probationary period.

A copy of the said order dated 11.03.98 is annexed as **Annexure - 2**

**4.5** That your applicant states that vide office order dated 24.03.99, the Recruitment Rules to the post of Accounts Clerk in DAVP was amended and the said post was re-designated as Junior Accountant. The educational qualification of the said post which was heither to before "Higher Secondary pass" was also amended to a "Degree from a recognised University or Equivalent". The applicant was ignorant of the said specification of qualification attached to the post of Accounts Clerk in the establishment of DAVP at the time of appointment and came to know about the said position subsequently on coming across the said office order dated 24.03.99 and immediately thereafter vide his representation dated 09.08.01 drew the attention of the respondent no. 2 to the discrimination meted out to him in appointing him as Accounts Clerk in DAVP. The applicant also highlighted the fact that he had restricted promotional avenues in comparison to persons who were appointed in other organisations from the same selection from which he was appointed as Accounts Clerk. The applicant accordingly prayed for a review of his cadre and for grant of financial benefits to compensate the discrimination meted out to him.

A copy of the representation dated 09.08.01 is annexed as ~~Annexure - 3~~

**4.6** That your applicant states that the Deputy Director (Administration) DAVP proceeded vide office memo dated 31.12.01 to dispose of the representation dated 09.08.01 as preferred by the applicant inter-alia

stating therein that the terms and conditions of his appointment as Accounts Clerk in DAVP was clearly intimated to the applicant and as such the issue of departmental examination for promotional and giving him benefits for the same as demanded by the applicant was not tenable. It may be mentioned here that the grievances as raised by the applicant vide his representation dated 09.08.01 was however not considered in its proper perspective. The grievance of the applicant about lack of adequate opportunities for advancement in his service career in comparison to persons recruited along with him in the same selection process, was however not considered.

A copy of the said memo dated 31.12.01 is annexed as **Annexure - 4.**

**4.7** That your applicant states that after around seven years of service as Junior Accountant, the case of the applicant was considered for promotion to the cadre of Accountant and he was so promoted vide office order dated 22.07.02 and was posted on his promotion to the DAVP Head Quarters at New Delhi. The applicant on his promotion as Accountant was placed in the scale of pay of Rs. 4500-7000. It may be mentioned here that persons recruited along with the applicant in the same selection held in the year 1993, but appointed in the office of the AG/ PAO etc were however drawing their pay and allowances in the scale of pay of Rs. 5500-9000/-. It may be mentioned here that although as per

the practice and procedure followed, a Junior Accountant is promoted to the next higher post of Accountant immediately upon completion by him of 5 years service as Junior Accountant, however in the case of the applicant due to the laches on the part of the authorities his promotion to the cadre of Accountant could materialize only after he had rendered 8 years service as Junior Accountant.

A copy of the order dated 22.07.02 is annexed as **Annexure - 5.**

**4.8** That your applicant states that persons who were selected along with the applicant in the year 1993, from the same selection process, but appointed as Accountants, Auditors in the establishments of AG, PAO Doordarshan Guwahati were also placed at the initial entry in the scale of pay of Rs. 1200-2040, (revised to Rs. 4000-6000). Thereafter on completion of three years of service they were placed in the next higher scale of pay of Rs. 5000-8000 whereas the applicant continued in the scale of pay of Rs. 4000-6000 till his promotion as Accountant in the year 2002. Upon his promotion as Accountant, the applicant came to be placed in the scale of pay of Rs. 4500-7000 which was still below the scale of pay drawn by persons similarly situated and holding analogous posts in other organisations which had the same status, duties and responsibilities as that attached to the post held by the applicant in DAVP. The said discrimination was meted out to the

applicant on the ground that he did not hold a post in an Organised Accounts Department. The accounts setup in DAVP was not treated as being an Organised Accounts Department and because of this factually incorrect disparity, the persons like the applicant in the Accounts setup of the DAVP were being discriminated against in matters of prescription of pay scales. It may be mentioned here that an Accounts Cadre is very much in existence in DAVP comprising of reasonable number of persons. Rules/ Instructions are in place governing the service conditions of the said persons and as such under no circumstances the accounts cadre of DAVP can be said to be an un-organised cadre.

**4.9** That your applicant states that vide office memo dated 28.02.03, the Government of India proceeded to prescribe a still higher scale of pay for the post figuring in the Organised Accounts Cadres as existing in the various in Ministries and Departments w.e.f. 01.01.96. The scale of pay of Rs. 4000-6000 was now further revised with retrospective effect to that of Rs. 4500-7000/-. Accordingly, the persons recommend from the same selection as that of the applicant, and appointed in other organisations now stood to receive their pay and emolument in the entry cadre in the scale of pay of Rs. 4500-7000/- w.e.f. 01.01.96 while the applicant continued to receive his pay and allowances in the lower scale of pay of Rs. 4000-6000/-.

**4.10** That your applicant states that the distinction that is being sought to be made with regard

to the post in the Accounts line figuring in a department having an Organised Accounts Cadre and those in other departments not treated as an Organised Cadre is a misnomer and the very concept of an organised cadre is misleading. Further, for departments which are treated as an Organised Accounts Cadre, the persons recruited in the initial cadre are eligible for promotion to the next higher grade by appearing in the Subordinate Accounts Service (SAS) examination. The said lack of availability of an opportunity to appear in the said SAS examination and/ or JAO examination was held against the persons like the applicant working in departments which are not treated to be an Organised Accounts Cadre for the purpose of prescription of a higher scale of pay as granted to incumbents discharging similar duties and function in the other departments held to be an organised Accounts cadre.

**4.11** That your applicant states that the status, duties and responsibilities as attached to the post of Junior Accountant and Accountant figuring in the DAVP Accounts cadre and that of the similar post figuring in other department having an Organised Account Cadre is one and same. The Junior Accounts, Accountants and the other incumbents working against other posts in the Accounts cadre of DAVP discharge works identical and similar in nature to the works being discharged by incumbents in other Indian Audit & Accounts Departments and they shoulder similar responsibilities in this connection. The entry qualifications and the initial

recruitment is from one and the same source. The initial recruitment in the Accounts cadre of DAVP and other departments held to be an organised accounts cadre is through a joint selection process conducted by the Staff Selection Commission. Although, in departments not having an Organised Account Cadre the incumbents in the initial entry cadre are not conferred with the benefit of appearing in the said SAS examination but the said incumbents also have promotional avenues available to them. As such, it was not open to the Government to treat identical post differentially in the matter of their pay merely by applying the analogy of availability of an organised accounts cadre or not, when all relevant considerations are the same. The incumbents in the accounts cadre of DAVP and the one in the Indian Audit & Accounts department, both work under the same employer.

**4.12** That your applicant states that highlighting the said position about the disparity as regards the scale of pay authorised to him, the applicant proceeded to prefer a representation dated 07.04.05 before the Director, DAVP, inter-alia, highlighting the deprivations meted out to him in forcing him to draw his pay and allowances in a lower scale of pay in comparison to persons who were recruited along with him on the basis of the same selection but appointed to other departments where in a higher scale of pay was granted in the entry cadre and thereafter on completion of three years were promoted and placed in a still more

higher scale of pay. The applicant prayed in the said representation for grant of similar scale of pay as authorised to persons recruited along with him but appointed in the offices like AG/ PAO/ CDA under the Indian Audit & Accounts Department.

A copy of the representation dated 07.04.05 is annexed as **Annexure - 6.**

**4.13** That your applicant states that on not receiving any response as regard the grievances raised by him in his said representation dated 07.04.05, the applicant, proceeded to prefer reminders to his said representation and the last of such reminders was preferred by him on 27.09.05 wherein he had reiterated the prayers made by him in his representation dated 07.04.05 and prayed for expeditious action in the matter.

A copy of the said representation dated 27.09.05 is annexed as **Annexure - 7.**

**4.14** That your applicant states that there being a single selection for appointment to the post of Divisional Accountant, Auditor, (UDC) etc., the applicant could not have been deprived of the same perks and allowances that was being drawn by the other persons selected through the same selection process but appointed to other departments when they were all discharging similar duties and shouldering identical responsibilities. The applicant could not have been

discriminated against only because of the fact that he was appointed in the Directorate of Audit Visual Publicity (DAVP), which was not treated as an Organised Accounts Cadre.

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4.15 That your applicant states that the Accounts Cadre existing in the DAVP has a separate and distinct existence in the Organisation and has got a reasonable number of incumbents. There is in place Rules prescribing the method of recruitment and other service condition of the members of the Accounts Cadre. The promotional avenues of the incumbents in the Accounts Cadre is also well defined and as such it cannot be said that the Accounts Cadre of DAVP is not an organised cadre. The incumbents in the Accounts cadre of DAVP have got a well defined path for career advancement, although the same is not at par with the promotional avenues as available for incumbents in other Audit & Accounts Department of the Government of India.

4.16 That your applicant states that all the persons recruited through the SSC in the year 1993 in pursuance to the selection for appointment as Divisional Accountant, Auditor, (UDC) etc., were appointed in the scale of pay of Rs. 1200-2040/- (now revised to Rs. 4000-6000/-). The applicant also was placed in the said scale of pay of Rs. 4000-6000/-. The persons appointed in other Audit & Accounts Departments of the Government of India, were however sanctioned the next high grade of pay of Rs. 5000-8000/- upon

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completion of three years of service. The applicant was however not granted the same benefit. Thereafter, the applicant and other incumbents were denied the further revision of scale of pay as made in the year 2003 in case of posts figuring in the Accounts cadre of the departments having the so called Organised Accounts cadre. As such, the applicant and other incumbents in the Accounts cadre of DAVP are being denied their actual remuneration in comparison to the persons holding analogous posts in other IA & AD which is in clear violation of the Principle of "Equal pay for Equal Work".

**4.17** That your applicant states that the fact that there actually exists in the DAVP a separate and independent Accounts cadre, having hierarchy of posts and presence of a channel of promotion from the entry grade to the higher grades is proof enough of the constitution of a cadre. As such, the applicant and other incumbents in various grades of the Accounts cadre could not have been deprived of there due service benefits including pay, in comparison to persons discharging identical nature of functions and shouldering same responsibility in other departments.

**4.18** That the denial to the applicant and other persons in various grades of the Accounts cadre of DAVP of the scale of pay as sanctioned to incumbents holding analogous posts in other Indian Audit & Accounts Departments is clearly without any jurisdiction and/ or

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authority. The said discrimination as being meted out to the applicant and other incumbents in the Accounts cadre is not based on any intelligible differentia. The action on the part of the authorities in continuing to deprive the applicants & other members of the Accounts cadre of DAVP from the scale of pay already sanctioned to persons holding analogous posts in other Indian Account & Accounts Department is in clear violation of the principles inscribed in Article 14 & 16 of the Constitution of India.

**4.19** That your applicant and other incumbents working in various grades of the Accounts cadre are entitled to receive their pay and allowances, w.e.f the dates of their respective entry into service, in the higher scale of pay as authorised to persons holding analogous posts in other Accounts Departments of the Government of India, by applying the principle of "Equal Pay for Equal Work".

**4.20** That this application has been made bonafide for securing the ends of justice.

**5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:**

**5.1** For that the applicant having been selected by the Staff Selection Commission and his name having figured at Sl. No. 21 of the select list, the applicant could not have been picked up for a posting in a department wherein the posts in Accounts Cadre did not carry the same prospects and emoluments, like the other

Departments which were also within the preview of the said selection.

5.2 For that the offer of appointment as Accounts Clerk as made to the applicant by DAVP and the acceptance of the same cannot be constructed to be a bar for the applicant to seek for his appointment against an equivalent post in any other Accounts Department of the Government of India, in terms of his merit, wherein emoluments and prospects in service is higher and better than that is available in DAVP.

5.3 For that the status, responsibilities and duties attached to the post held by the petitioner and other employees of the Accounts cadre of DAVP being identical to the analogous posts as existing in other Accounts Departments, treated as organised Accounts cadre, the applicant could not have been denied the higher scale of pay as sanctioned to the incumbents holding analogous posts in other Accounts Departments which are treated as Organised Accounts Cadre.

5.4 For that the sources of recruitment for appointment against the posts in the entry grade of the Accounts cadre of DAVP and other Accounts Departments of the Government of India, being through an amalgamated selection process and the entry qualification being the same there existed no cogent cause and reason for causing detriment to the applicant, by forcing him to draw his pay and allowances at a lower scale of pay and depriving him of

9/

allowances at a lower scale of pay and depriving him of benefits of advancement in his service career, only due to the fact that he came to be appointed in DAVP which was not considered as an organised accounts cadre.

**5.5** For that the very concept of an organised account cadre is a misnomer. The accounts cadre of DAVP has got a well defined hierarchy of posts and there is in place a procedure for advancement of an incumbent from the lower grades to the higher grades. There exists a reasonable number of employees in the accounts cadre of DAVP. As such, the accounts cadre of DAVP is an organised cadre and the incumbents of the cadre, including the applicant are entitled to the pay sanctioned for analogous posts in other accounts Departments of the Government of India that are treated to be organised accounts cadre.

**5.6** For that it is settled law that the incumbents working against two posts having the same status, responsibility and duties are required to be paid equal remuneration by applying the principle of Equal Pay for Equal Work. The respondent authorities by raising the plea that the Accounts cadre of DAVP is not an Organised Accounts Cadre has all along being depriving its incumbents including the applicant from the higher scale of pay as sanctioned to persons working against analogous posts in other Accounts Departments and such discrimination is without any justifiable cause or reason.

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5.7 For that the trappings of an Organised Accounts cadre being in existence in the Accounts cadre of DAVP, the incumbents therein, including the applicant could not have been deprived of the higher scale of pay as sanctioned to the incumbents of other Accounts cadres of the Government of India, that are treated to be Organised Accounts Cadres.

5.8 For that mere absence of some intermediate grades in the Accounts cadre of DAVP in comparison to the other Accounts Departments of the Government of India will not tantamount to the Accounts cadre of DAVP being ceased to be treated to be an Organised cadre, it is the totality of the structure of the cadre and its functioning that is of paramount importance for determining as to whether it is an organised cadre or not. The Accounts cadre of DAVP has a well defined hierarchy of posts and the functions discharged by the incumbents in various grades of the said cadre and the responsibility shouldered by them in discharge of the said functions is one and the same with that as shouldered by the incumbents in other Accounts Departments which are treated as Organised Accounts cadres, in discharge of their functions .

5.9 For that everything being equal i.e the relevant considerations for determining the equivalency of posts figuring in the Accounts cadre of DAVP and other Accounts Departments of the Government of India, treated as Organised Accounts cadres, being the same, the incumbents in the Accounts cadre of DAVP could not

9/

have been treated differentially in the matter of their pay and a lower scale of pay could not have been attached to the posts figuring in the Accounts cadre of DAVP.

**5.10** For that in any view of the matter the action/ in-action on the part of the respondent authorities are not sustainable in the eye of law and the impugned order dated 25.05.05 is liable to set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing the case.

**6. DETAILS OF REMEDIES EXHAUSTED:**

The applicant declares that he has no other alternative and efficacious remedy except by way of filing this application. He is seeking urgent and immediate relief.

**7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:**

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

13

**8. RELIEFS SOUGHT FOR:-**

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs:

**8.1** To direct the respondent authorities to grant to the petitioner the scale of pay of Rs. 4500-7000/- in the entry cadre w.e.f the date of appointment of the applicant to the said cadre.

**8.2** To direct the respondent authorities to grant to the applicant the scale of Rs. 5500-9000/- w.e.f the date he had completed 3 years of service in the entry grade of the Accounts cadre of DAVP.

**8.3** To direct the respondent authorities to promote the applicant to the grade of Accountant w.e.f the date he had completed five years of service in the entry grade and for the purpose to give retrospective effect to the order dated 22.07.02 (Annexure-5)

**8.4** To direct the authorities to grant to the applicant the scale of pay as attached to posts analogous to the post of Accountant, in the Accounts cadre of DAVP, as figuring in other Accounts Departments of the Government of India which are treated as Organised Accounts Cadres.

9/

8.5 To release to the applicant the difference in pay after effecting the revisions in his pay as prayed for above.

8.6 Alternatively to direct the respondent authorities to accommodate/ adjust the services of the applicant in any other Accounts Department of the Government of India, which are treated as Organised Accounts Cadres and to extend to his all service benefits that persons selected along with him and appointed to such departments stood to enjoy.

8.7 Cost of the application.

8.8 Any other relief/ reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may deem fit and proper by this Hon'ble Tribunal upon consideration of the facts and circumstances of the case.

**9. INTERIM ORDER PRAYED FOR:**

In the facts and circumstances of the case the applicant does not pray of any interim relief at this stage, but prays before this Hon'ble Tribunal for an expeditious hearing of the application.

**10. PARTICULARS OF THE I.P.O.:**

- i) I.P.O. No. : 26G 324/15
- ii) Date : 24.4.06
- iii) Payable at : Guwahati.

**11. LIST OF ENCLOSURES:**

As stated in the Index.

9/

VERIFICATION

I, Shri Tapan Sutradhar, aged about 39 years, son of Dinesh Chandra Sutradhar, resident of House No.51, Sangati Nagar, Tarun Nagar, Guwahati do hereby solemnly affirm and declare that the statements made in this verification and in paragraphs 1,2,3,4.1,4.2,4.5,4.8,4.9,4.10,4.11,4.12,4.13,4.14,4.15,4.16,4.20 and 5 to 12 of the accompanying application are true to the best of my knowledge; those made in 4.3, 4.4, 4.6 and 4.7 being matters of record are true to the best of my information as derived therefrom which I verily beleive to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 30<sup>th</sup> day of March, 2006.

Tapan Sutradhar  
DEPONENT

No. A-12011/9/93-Admn.II  
Government of India  
Directorate of Advertising & Visual Publicity  
Ministry of Information & Broadcasting  
New Delhi.

Date: 1.8.95

ANNEXURE-1

OFFICE ORDER

Consequent upon his nomination to this Directorate on the basis of DA/Auditors/UDCs ETC. Examination, 1993 conducted by SSC, Shri Tapan Sutradhar is appointed as Accounts Clerk in this Dte. in a temporary capacity in the scale of pay of Rs. 1200-30-1560-EB-40-2040 with effect from 10-7-1995 (forenoon).

2. He will be on probation for a period of two years from the date of his appointment as Accounts Clerk, which may be extended or curtailed at the discretion of the competent authority.

3. He has been medically examined by Chief Medical & Health Officer (C.D.), Tinsukia and declared fit for the Government service.

4. He is posted in Directorate of Advertising & Visual Publicity, Regional Office, Guwahati.

(A.N. BARDAIYAR)  
DEPUTY DIRECTOR (ADM.)  
TELE : 3719765

Copy to:-

1. Shri Tapan Sutradhar, DAVP, RO, Guwahati.
2. Pay & Accounts Officer, Doordarshan, Guwahati.
3. Jt. Director, R.O., Guwahati.
4. Cash Section, RO, Guwahati. (with 2 spare copies)
5. Service Book. This copy also being sent to Guwahati.
6. Personal file.
7. Reference folder.

(S. Shankar)  
Section Officer

Certified to be true Copy

  
Advocate


No. 41/2/97-Admn.II  
Government of India  
Directorate of Advertising & Visual Publicity  
Ministry of Information & Broadcasting  
.....

'B' Block Barracks, K.G. Marg,  
New Delhi-110001, Dated:- 11.03.98

OFFICE ORDER


On the recommendation of DPC the probation period of Shri Tapan Sutradhar, Accounts Clerk is hereby terminated with effect from 10-07-97.


2. The above mentioned official is appointed in the post on substantive basis with effect from the date mentioned above.

  
(S.M. ABBAS)  
DEPUTY DIRECTOR (ADMN.)  
TEL. 371 9765

Copy to:-

- ✓ 1. Shri Tapan Sutradhar, Accounts Clerk.
2. Service Book/Personal File of Shri Tapan Sutradhar.
3. Reference Folder.
4. Spare Copies.

  
(MAHINDER SINGH)  
SECTION OFFICER  
TEL. 338 4009

Certified to be true Copy  
  
Advocate

DATE - 9-8-2001

To  
The Director,  
DAVP, Ministry of I & B,  
III rd. Floor,  
New Delhi- 1

Subject: Grievances regarding appointment of the undersigned.

Sir,


With due respect I would like to draw your kind attention to the following: -

I was appointed as an Accounts clerk at Regional Office, DAVP, and Guwahati on 10<sup>th</sup> July '95 after passing the open competitive Exam. "DIVISIONAL ACCOUNTANT, ACCOUNTANT, AUDITORS, UDC'S etc. Exam. '93 conducted by SSC with the rank 21/1993. I was transferred to Hqrs., New Delhi on March '97. Here I came to know the recruitment rules for the post of Accounts Clerk, that the required qualification for the post was H.S.(10+2) with typing knowledge and desirable qualification was graduation which was not meet the essential qualification required for the Examination which I had succeeded. Although the recruitment rule for the same has been amended recently and published in the Gazette of India on 24<sup>th</sup> Oct '98 and the required qualification enhanced to Graduation and the post is renamed as Junior Accountant

In this Directorate I become an Ex-Cadre instead of being considered for "Authorized Accounts Cadre" and as there is no option for SAS (Subordinate Accounts Services) Exam. my promotional avenues are based on seniority basis only.

So therefore I request you kindly review my Cadre and financial benefits <sup>may</sup> please be given to compensate the case, however my promotion to Accountant is due since Jan '2001 and the same has been delayed for D.P.C. and obliged.

Yours faithfully

  
(TAPAN SUTRADHAR)  
Jr. Accountant,  
CASH SECTION  
DAVP, MIB  
K.G.Marg.  
New Delhi-1

**Certified to be true copy**

  
**Advocate**

No. 11/9/95-Admn.II

Annexure - 4 3

Government of India

Directorate of Advertising & Visual Publicity  
Ministry of Information & Broadcasting

.....  
'B' Block Barracks, K.G. Marg,  
New Delhi-110001, Dated: 31.12.2001

OFFICE MEMORANDUM

Reference grievance dated 09.08.2001 received from Shri Tapan Sutradhar, Junior Accountant of this Directorate. His grievance relating to his appointment as an Accounts Clerk in this Directorate has been examined. However, it has been found that his contentions are not in conformity with the guide-lines in force.

2. DAVP sent requisition to SSC for nominations of Accounts Clerks and SSC had nominated Shri Sutradhar against the said post. All the terms and conditions of appointment for the post of Accounts Clerk in DAVP were clearly informed to Shri Sutradhar in his offer of appointment. Therefore, the issue of departmental examination for promotion and giving financial benefits for the same as raised by Shri Sutradhar is not tenable.

3. This issues with approval of RD:DAVP.

  
(MANOJIT DEY)  
DEPUTY DIRECTOR(ADMN.)

Shri Tapan Sutradhar  
Junior Accountant  
DAVP  
PTI Building,  
New Delhi

Received on  
4/1/02

Certified to be true Copy



Advocate

- 26 -  
No. 21/1/2000-Admn.II  
Government of India  
Directorate of Advertising & Visual Publicity  
Ministry of Information & Broadcasting

Annexure - 5


'B' Block Barracks, K.G. Marg  
New Delhi-110001, Dated: 09.04.2002  
10

OFFICE ORDER

On the recommendations of Departmental Promotion Committee, the following Junior Accountants are offered appointment on promotion to four posts of Accountants and are posted at DAVP Hqrs, New Delhi.


- i) Shri M. Murugan
- ii) Ms Sudeshna Gupta
- iii) Shri Tapan Sutradhar
- iv) Shri N.S.S. Srinivas

2. The above mentioned officials are advised to join the promotional post by 30.04.2002 positively and submit their joining report. They are also advised to submit option under F.R. 22 within one month of joining to the higher post.

  
(MANOJIT DEY)  
DEPUTY DIRECTOR(ADMN.)  
TEL. 338 4009

Copy to:

1. Shri M. Murugan, Junior Accountant, R.O. DAVP, Bangalore.
2. Ms Sudeshna Gupta, Junior Accountant, R.O. DAVP, Guwahati.
- ✓ 3. Shri Tapan Sutradhar, Junior Accountant, DAVP, New Delhi.
4. Shri N.S.S. Srinivas, Junior Accountant, R.O. DAVP, Bangalore.
5. R.O. DAVP, Bangalore(Shri M.S. Rajnikant, Assistant Editor).
6. R.O. DAVP, Guwahati(Shri S.K. Malviya, Research Officer).
7. FA & CAO/Admn.I/Admn.III/G.A./Confidential Assistant.
8. Service Book/Personal File.
9. Spare copies(2).

  
(MANOJIT DEY)  
DEPUTY DIRECTOR(ADMN.)

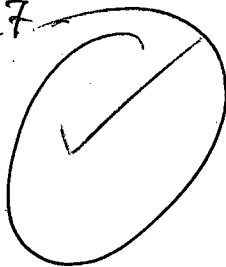
Certified to be correct



Advocate

To  
The Director,  
DAVP, New Delhi-110001.

- 27 -



Annexure-

32  
6

Date: April 7, 2005

(Through Proper Channel)

**Sub: -Request for declaring as Authorized /Organized Accounts Cadres  
to the employees come through Staff-Selection Commission- reg.**

Sir,

I beg to draw your kind attention on the above subject based on the following few points, for early and sympathetic action.

1. That Sir, I appeared in the examination conducted by the **Staff Selection Commission** in All India basis in the year **1993** for the post of **Div.Acctts. /Auditors/UDCs etc. 1993**. My rank was at No.21/93 for the above examination.
2. **Staff Selection Commission, Guwahati** nominated my name for Regional Office, DAVP, Guwahati against the requisition placed by DAVP, Hqrs., for the post of Accounts Clerk in the pay scale of **Rs.4000 -100- 6000/-** (earlier it was Rs.1200-2040/-).
3. I, being a graduate and as per the required qualification, I appeared for the posts mentioned above when the minimum required qualification for the Accounts Clerk was **H.S (10+2)**. But, it was not understood as to how I had been offered for the post of **Accounts Clerk** for DAVP only and without posting me as an Authorized Accounts Cadre/Dep'tt. However, I joined at RO, DAVP, Guwahati in the year **1995** wrongly and also to get myself free from unemployment.
4. The Accounts Clerks are now a days called as **Junior Accountant** in accordance with the Notification issued vide **Gazette of India Part II Section 3 Sub Section (i) dated. 06.10.1998** enhancing the required qualification as **graduate** instead of **H.S (10+2)** for the post of **Accounts Clerks/ now Junior Accountant** which has also not solved the anomalies properly such as subsequent promotional period and as well the pay protection to the next promotional post like the others are getting in different Departments/Ministries.

For example, after serving **almost 7 years** as Accounts Clerk at DAVP Guwahati in the pay scale Rs.4000 -100-.6000/-, I have been promoted as Accountant at DAVP in the pay scale of Rs.4500-125-7000/- w.e.f. 22.04.2002 whereas the candidates appointed initially in the post of Auditor/Acctt.in the pay scale of Rs.4000-100-6000/-, in the offices like **AG/PAO/CDA (Authorized Accounts Cadre)** have been promoted after **3 years** as mandatory to the post of **Sr.Accountant** in the pay scale of **Rs.5500-175-9000/-**. Such anomalies are also found in subsequent stages in the promotion/pay-scales.

Sir, as per norms and after the Staff Selection Commission on Regional basis, starts functioning for direct recruitment since 1976 or so, every Dep'tt. /Ministry is to place requisitions to S.S.C who nominates the candidates in different Dep'tt. Ministries usually from the common Seniority list against the candidates appeared for the same examination in a particular year. But, it has been noticed that the candidates appointed appearing in the same examination, in different offices/Ministries as Authorized Accounts Cadre /Dep'tts., while I had been placed for DAVP without declaring me also as Authorized Accounts Cadre and for such type of dual actions by the SSC/Dep'tt., I have been depriving from the due benefits like pay-protections/designation/promotional avenues within the stipulated period meant for others in different organizations/transferable aspects from one Dep'tt./Ministry to another

**Certified to be true Copy**

**Advocate**

Deptt./Ministry. In this regard, the extract from the **Swamy's Master Manual for DDOs and Head of Offices towards mode of recruitment etc. (i.e. Recruitment by Staff Selection Commission, -II (iv)-Allotment of candidates by the Commission, for ready reference, perusal and necessary action.**

Sir, I never applied for a particular post for a particular Deptt. against any advertisement published in the local News papers/Employment News or appointed through the local Employment Exchange. Hence, being selected through **Staff Selection Commission** the employees should not be treated that they are for a particular Deptt./Ministry only. Moreover, as per norms, the candidates appointed their transfer, promotion should have been made only within the jurisdiction of the concerned Regional Staff Selection Commission Office.

In view of the above, I firmly believe that the mode of appointment as offered to me by the SSC/Deptt., was wrong and I accepted the same wrongly because of initial lack of knowledge to entry into Government service and also to get rid of unemployment. But, this should be cleared once for all to avoid the continuation of anomalies/discrepancies in near future.

I, therefore, would humbly request you to look into the matter and take it up with the concerned Authorities like **SSC/DOP&T etc.**, and arrange to declare/Place me as an Authorized Accounts Cadre/Deptt. and give the necessary pay-protection based on the above stated facts for the pay scale of Rs.5500/-175 -9000/- w.e.f. 11.7.1998 i.e. after 3 years of my joining as Accounts Clerk, till date.

Your early action in this regard is highly solicited.

Thanking you,

Yours faithfully,



**(TAPAN SUTRADHAR)**

**Accountant**

**RO: DAVP: GUWAHATI**

Advance copy for information and necessary action please ,

To:

1. Director, SSC, Guwahati
2. Director, SSC, New Delhi.
3. Director, DOP&T
4. Accounts Association, DAVP, New Delhi.

**(TAPAN SUTRADHAR)**

To  
The Director,  
DAVP, NEW DELHI - 1

**REMINDER III**  
**Date: 27-Sep-05**

**(Through Proper Channel)**

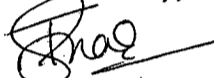
**Sub: -Request for declaring as Authorized /Organized Accounts Cadres  
to the employees come through Staff-Selection Commission- reg.**

Sir,


Kindly refer to my letter dated 07-04-2005 submitted through R.O., DAVP, Guwahati, on the above subject. I understand that the same has already been forwarded to the Hqrs. by this office for its necessary action.

Since, I have not received anything in this regard from Hqrs. till date, I would like request you once again to kindly do the needful and intimate me the position expeditiously so that I may not be deprived from further more as already narrated in my letter dated 07-04-05. I am enclosing herewith a copy of my letter dated 07-04-05 again for your ready reference and kind perusal.

Yours faithfully,

  
**(TAPAN SUTRADHAR)**  
**Accountant**  
**RO: DAVP: GUWAHATI**

**Certified to be true Copy**

  
**Advocate**

29058

SL. No.

DISTRICT:



## VAKALATNAMA

### IN THE GAUHATI HIGH COURT

[ THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM  
AND ARUNACHAL PRADESH ]

Original Application NO 90 OF 2006

Tapan Sutradhar

APPELLANT  
PETITIONER

VERSUS

Union of India & ors

RESPONDENT  
OPPOSITE-PARTY

I/We know all men by these presents that the above named Applicant  
do hereby nominate, constitute and appoint Sri/U. K. Nain, Mr. B. Sharma  
Advocate and such of the undermentioned Advocates as shall  
accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above  
and in connection therewith 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 acts to be done by the said Advocates as mine/ours for all intents and purposes. In case of non-  
payment of the stipulated fee in full, no Advocate will be bound to appear and act on my/our behalf.

In Witness Whereof I/We hereunto set my/our hand on this 30th Day of March, 2006

N. M. LAHIRI (Sr. Adv.)  
B. M. GOSWAMI (Sr. Adv.)  
J.P. BHATTACHARJEE (Sr. Adv.)  
D.C. SHARMA  
B. K. GOSWAMI (Sr. Adv.)  
A. M. MAZUMDAR (Sr. Adv.)  
P. K. BARUA (Sr. Adv.)  
S. N. BHUYAN (Sr. Adv.)  
J. K. BARUAH (Sr. Adv.)  
ANIL SARMA (Sr. Adv.)  
B.K. DAS (Sr. Adv.)  
M. A. LASKAR (Sr. Adv.)  
DR S.N. CHETIA  
A.S. BHATTACHARJEE (Sr. Adv.)  
A. R. BANERJEE (Sr. Adv.)  
D.K. HAZARIKA (Sr. Adv.)  
N.N. SAIKIA (Sr. Adv.)  
J.M. CHOUDHURY (Sr. Adv.)  
P.K. GOSWAMI (Sr. Adv.)  
P.G. BARUAH (Sr. Adv.)  
C.R. DE (Sr. Adv.)  
D. K. BHATTACHARYYA (Sr. Adv.)  
D.K. TALUKDAR (Sr. Adv.)  
R.P. AGARWALA (Sr. Adv.)  
D.P. CHALIHA (Sr. Adv.)  
MRS. K. DEKA  
BISHNU PRASHAD  
S.S. RAHMAN  
GOLAP SARMA  
S.R. BHATTACHARJEE (Sr. Adv.)  
P.C. DEKA (Sr. Adv.)  
BHARGAV CHOUDHARY  
P.K. DAS  
A.K. CHAUDHURI  
B. R. DEY (Sr. Adv.)  
A.K. PHOOKAN (Sr. Adv.)

K.R. PATHAK (Sr. Adv.)  
BHUBANESWAR KALITA (I) (Sr. Adv.)  
B. R. DAS (Sr. Adv.)  
S.P. DEKA  
D.R. GUHA  
S.A. LASKAR  
SAUKAT ALI (Sr. Adv.)  
B. K. ACHARYYA  
MS. USHA BARUAH  
N.C. DAS (Sr. Adv.)  
A.K. BHATTACHARYYA (Sr. Adv.)  
A. B. CHOUDHURY (Sr. Adv.)  
T.S. DEKA (Sr. Adv.)  
K. P. SARMA (Sr. Adv.)  
B. P. BORAH (Sr. Adv.)  
H. K. SARMA  
PRABIN BARTHAHUR (Sr. Adv.)  
M.C. BARTHAHUR  
P.C. GAYAN  
C.K. SHARMA BARUA (Sr. Adv.)  
ANUP KR. DAS  
DR Y.K. PHUKAN (Sr. Adv.)  
DIBAKAR GOSWAMI  
BIJON CH. DAS (Sr. Adv.)  
R.L. YADAV  
PRAFULLA ROY  
A.C. BURAGOHAIN  
B.L. SINGHA  
P.K. MUSAHARY  
M.Z. AHMED (Sr. Adv.)  
R.P. KAKOTI  
S.I. RASUL  
GURMOORTHY GOPAL  
B.K. GHOSE (Sr. Adv.)  
S. K. BARKATAKI  
DR N. K. SINGHA

D.C. MAHANTA (Sr. Adv.)  
T.C. KHATRI (Sr. Adv.)  
MS. BINOYA DUTTA  
BHABATOSH BANERJEE  
R.K. JAIN  
G.K. BHATTACHARYYA (Sr. Adv.)  
PRANABANANDA PATHAK (Sr. Adv.)  
T.C. MAJUMDAR (Sr. Adv.)  
DR H. N. DAS (Sr. Adv.)  
B. C. MALAKAR  
SAMSUL HUDA  
BHADRESWAR TANTI  
N.N. SARMA  
JANARDAN DAS  
CHAITANYA BARUAH (Sr. Adv.)  
A.C. SARMA  
N.Z. AHMED  
N.C. PHUKAN  
MUNIN (GAUTOM) SARMA  
FAIZNUR ALI  
D.K. KAKATI  
G.N. SAHEWALLA (Sr. Adv.)  
G. K. JOSHI (Sr. Adv.)  
A.A. MIR  
MS. REKHA CHAKRAVORTTY  
MRS. JHARANA BORAH  
S. N. SARMA (Sr. Adv.)  
MD. ABDUL MANNAN  
DILIP KR. DAS (Sr. Adv.)  
PRADIP KHATANIAR  
N. CHAKRAVORTY (Sr. Adv.)  
MRS K. YADAV  
DR B. P. TODI (Sr. Adv.)  
MRS. K. BHATTACHARYYA  
A. K. BARPUJARI  
S.S. SHARMA (Sr. Adv.)

S. P. ROY  
K.K. BHATRA  
R.P. SHARMA (Sr. Adv.)  
S.C. BISWAS  
P. C. RAYMEDHI  
UTPAL DAS (I)  
DR S. S. HARLALKA  
D.R. GOGOI  
KHAIRUL BASAR  
A.S. CHOUDHURY (Sr. Adv.)  
DINDAYAL AGARWALA  
KAMAL AGARWAL  
MD. SAMNUR ALI  
JOYDEV CH. DAS  
V. K. BHATRA  
A.C. BORBORA (Sr. Adv.)  
P.K. KALITA  
SAILEN MEDHI  
MRS. M.B. DUTTA CHOUDHURY  
P.C. GOSWAMI  
APURBA SARMA (I)  
K.H. (SALIM) CHOUDHURY (Sr. Adv.)  
A.K. PURKAYASTHA  
ASHIS DAS GUPTA  
L.P. SHARMA  
VIJAY HANSARIA  
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MS. M. BORDOLOI  
SADHAN KALITA  
CHINMOY BHATTACHARYYA  
ANUPAM CHAUDHURY  
PRABAL KATAKI  
SANJU GANGULY  
R.K. BOTHRA  
MS. NAVANITA MITRA  
RAM NAKSHTRA  
S.N. RAY  
D.K. SARMAH  
MS. ANUPAMA DASS  
MISS. R. DEKA  
L.K. BORAH  
R.K. ADHIKARY  
S.K. SHARMA  
MISS. ANITA DAS  
J. K. SARMA  
MRS. M. CHOWDHURY  
ZIAUL ALAM  
MS. N. HOMCHAUDHURY  
S.K. SINHA  
ROMEN BARUAH  
ARUPANANDA CHOWDHURY  
NILADRI BHATTACHARYYA  
MS. I. KRISHNATRAIYA  
MS. PAHARI SAIKIA  
N. K. BARKAKATI  
ASHIM KR. CHOUDHURY  
MS. S. HAZARIKA  
RUPJIT DE  
R.K. NATH  
D. J. DUTTA  
R.K. SARMA  
DINAMANI SARMAH  
PARTHA CHOUDHURY  
B.P. SINHA  
ROFIQUDDIN AHMED  
AISWARYYA SARMA  
MS. A. BARUA  
MD. NIZAMUDDIN SEIKH  
DIGANTA GOGOI  
SANJIB ROY  
MS. KALPANA GOGOI (SARMAH)  
ANIRBAN DAS  
MRS. INDRANI CHOWDHURY  
ANAN KR. BHUYAN  
PALASH DAS  
MS. BIPAACKHI BORTHAKUR  
DIPAK KR. DEY  
PARTHA P. BARUAH  
AJIT KR. DUTTA  
MD. BAHARUL ISLAM  
MD. TARIQUL ISLAM

ABU SAYED  
BHASKAR BARMAN  
MS. BIJOYA BAIRAGI  
PABITRA S. BHATTACHARYYA  
SURAJIT BHARALI  
MS. BABINA BEGUM  
MS. NANDITA BHARALI  
SUJIT KR. GHOSH  
MISS. RUPALIM DAS  
PRANAB SHARMA  
MISS M.M. BORAH  
MS. BANTI BAISHYA  
RADHA M. DAS  
PADMESWAR DEKA  
ANUPAM CHAKRABORTY  
ANGSHUMAN BORA  
RAJEEV DAS  
BISWAMBHAR SHARMA  
HARGOBINDA BORUAH  
MS. JITUMONI SHARMA  
PUTUL CH. GOSWAMI  
RANJAN GOGOI  
MISS. LOLITA RENGMA  
MISS. BASABI DAS  
MS. RUPANJALI DAS  
MANISH CHOUDHURY  
MISS. MARAMEE GOGOI  
NABIN DEB NATH  
MRS. CHAYA DEVI  
MS. BASHARI SEAL  
MISS DEBALINA CHOUDHURY  
MS. SMRITISHREE CHAKRAVARTY  
MISS. MAMANI BASAR  
MISS. SANCHITA ROY  
MISS. ANJALI DAS  
DIPAK KR. KALITA  
NURUL I. CHOUDHURY  
MD. A.K. HOSSAIN  
MS. KAVERI MEDHI  
KAUSHIK GOSWAMI  
ABDUR R. SHEIKH  
MS. TAPASI DAS  
HEMANTA KR. SARMA (II)  
MISS. DIPSHIKHA DAS  
RAJESH KR. BHATRA  
SAGAR RAVI G.  
PADMADHAR UPADHYAY  
MISS. PEACE LAHKAR  
IKBAL H. SAIKIA  
DIBYAJYOTI BORAH  
MISS. HASINA YESMIN  
MRS. JURI D. BARMAN  
MISS. ASMINA BEGUM  
MRS. RAKHEE B DEB  
MRINMOY DUTTA  
MISS. SANTANA SARMA  
BIMAL SARMAH  
AMBAR BARKATAKI  
MISS. NIZIFA KHANAM  
MS. BARNALI MAHANTA  
MIZAZUR R. BARBHUIYA  
SANJAY ROY  
IMTI LONGJEM  
MISS. BIPASHA SARKAR  
MISS. RINI SHARMA  
SHAMIMA JAHAN  
NILOUTPAL RAJKHOWA  
R.K. DEV CHOUDHURY  
SONIT KR. SAIKIA  
MISS. SEWALI KEOT  
MS. MITALI MAHANTA  
GAUTAM KR. SARMA  
SHAHAB UD. MAZUMDAR  
ABDUL MANNAF  
RAGHUNATH PD. ROY

NURMOHAMMOD SARKAR  
SANTOSH JAIN  
SUNIL KR. JAIN  
DIPENJYOTI DUTTA  
MRS. BANANI DAS  
RAJESH KR. CHAYENGIA  
MS. ASHA TEWARI  
MRS. R. BORO BORAH  
MISS. REKHA DEKA  
MS. N. MEDHI KALITA  
MANASH GARODIA  
JAKIRUL I. BORBHUIYA  
SUBIR BHATTACHARJEE  
MS. DIPIKA BORGHAIN  
MRINALENDU CHOUDHURY  
DHRUVAJYOTI PATHAK  
KAUSHIK HAZARIKA  
DILIP BARUAH (II)  
MD. ABDUL MATLIB  
RAJIB HAZARIKA  
NABASHISH GOSWAMI  
DEBASHISH BATTACHARYA  
KUMUD CH. BORO  
NARENDRA NATH JHA  
RANDEEP SHARMA  
MS. TAMANNA BORA  
MRS. FARIDA BEGUM  
NEELANJAN DEKA  
DEVASHIS BARUAH  
MS. MEETA DEY  
TUSHAR KT. RAJKUMAR  
MISS. S. MADHURI NEOG  
MRS. RUNUMI DAS  
MISS. B. MAYA CHHETRI  
MD. MASUD-UR-RAHMAN HAZARIKA  
TAPAN CH. DAS (III)  
SANJAY KR. CHAKRABORTY  
MRS. D. BAISHYA (GOGOI)  
MS. ANJU AHMED  
ROBIN KR. DUTTA  
SHARIF UDDIN  
MRIDUL KR DAS  
MRS. CHANDANA SHOME  
RITU PARNA HAZARIKA  
ABHIJIT DAS  
MS. KANCHAN NEWAR  
HRISHIKESH DAS  
PRABIN DAS  
ANKUR BHUYAN  
MRS. SHAHNAZ BEGUM  
DEVA KR. DAS (II)  
MS. ROUSHANARA CHOUDHURY  
RABINDRA CH. PAUL  
MS. M. BHATTACHARJEE  
MS. NAVANITA BARUAH  
UJJAL KR. GOSWAMI  
MRINAL KT. NATH  
DURGA P. MANDAL  
MISS. NAMITA CHOUDHURY  
DILIP KR. JAIN  
MISS. IJUMONI THAKURIA  
ARUN DEV CHOUDHURY  
NAKUL KALITA  
MS. MUNMUN B. SARMA  
MISS. RANJUMONI NEWAR  
MOIRANGTHEM G. SINGH  
SANDIP BHATTACHARJEE  
DEBASHISH SAIKIA  
NANDAN SARKAR  
SOFIQR RAHMAN  
UDAY J. SAIKIA  
PANKAJ KR. DEKA  
IMRAN H. LASKAR  
MS. BANASHREE GOGOI

MISS. HIRAMONI DEKA  
 ISWAR CH. GOGOI  
 MISS. BIJOYA SINHA  
 MD. KURBAN ALI  
 SAHIDUL H. SARKAR  
 GAUTAM SHARMA  
 MISS. ADITI BHATTACHARJEE  
 DHRUBA BANIA  
 GAUTAM CHAUDHURY  
 SATYABRAT DEV SARMA  
 MRS. NIRADA SEAL  
 NARAYAN D. BHUYAN  
 KULAJIT DAS  
 MD. ASLAM KHAN (II)  
 SAMIUL MUNIR  
 SANTANU GOSWAMI  
 NARAYAN SHARMA  
 MS. PANCHALI BRAHMA  
 MANISH NATH  
 MISS. REHNA BEGUM (II)  
 MS. RAJI CHETRI  
 KISHOR KR. BHANSALI  
 DIBAKAR BORAH  
 NARESH MARKANDA  
 MRS. MAITREYEE BORAH  
 JAYANTA KR. PARAJULI  
 BAPAN CHOWDHURY  
 UTPAL KR. KALITA  
 MS. APARAJITA SAIKIA  
 MRS. MEERA H. BORAH  
 DEBABRATA SAHA  
 MS. ANIMITA GOSWAMI  
 MS. MANOSHI SHARMA  
 MISS. SATYAWATEE KONWAR  
 MD. JAKIR H. KHAN  
 BIJAN KR. MAHAJAN  
 ABHIJIT BHATTACHARJEE (II)  
 ARSHAD CHAUDHURY  
 PRANAB KR. DAS  
 MS. MITALEE LAHKAR  
 KHANINDRA LAHKAR  
 MS. MANJU BORDOLOI  
 SUSHANTA S. BAROOAH  
 MS. S. HAZARIKA (BORA)  
 MD. ASLAM  
 PRANJAL DAS  
 MS. PANNA SHARMA  
 MS. MONALISA KONWAR  
 SANDI K. DEORI  
 MS. M. CHAKRABORTY  
 DEBOJIT SENAPATI  
 RAJKUMAR T. SINGH  
 MS. B. GHOSH (SEN)  
 MS. TASFIA HUSSAIN  
 MRS. MEHBOOBA BEGUM  
 JAI KISHAN BAJAJ  
 MS. JAYATI PURKAYASTHA  
 MS. PAREE GOGOI  
 A. M. BARBHUIYA  
 MISS. ARJUMANDA BHANU  
 MS. KANGKI BORKATAKI  
 BINOY PATHAK  
 NITYANANDA UPADHYAYA  
 SANJIT SHIL  
 MS. JULIE MAHANTA  
 MRS. MADHABI SAIKIA  
 MISS. BABITA RANI DAS  
 SANTANU KR. DAS  
 MISS. DOLORINA PATHAK  
 SUBHRANGSU DHAR  
 PARAMA KUMAR GOGOI  
 MISS. GOPA SUTRADHAR  
 IKBAL AHMED  
 SANJIB GOGOI

ABHIJIT BHATTACHARYA (III)  
 SUDIPTO BHATTACHARJEE  
 PRAHLAD KR. BRAHMA  
 MS. JAGRITI RAJKUMARI  
 KUSH RAM BORA  
 MS. DEEPALI KALITA  
 DEEPAK BORA  
 DIPANKAR PD. BORAH  
 RAJESH KR. AGARWAL  
 MRS. SACHITRA BORA  
 SUJOY GOSWAMI  
 RINKU MAHANTA  
 JAIDEEP PURKAYASTHA  
 ZAKIRUL AHSAN  
 MISS. RINKI BISWAS  
 MISS. SHABNAM CHETTRY  
 MISS. MANASHI CHOUDHURY  
 SANTANU RAJ GOGOI  
 MISS. SHARMILA DAS  
 MRS. RUPREKHA DAS  
 MS. ARPITA PAUL  
 JOY DAS  
 DHRUPAD KASHYAP DAS  
 MS. SARMISTHA BARUA  
 MRS. PRANITA PATHAK  
 MS. MOUSHUMI DAS  
 MS. BULIE SARMAH  
 MS. NANDINI MUKHARJEE  
 NEERAJ ANAND  
 GITARTHA PATHAK  
 SANKAR P. BHATTACHARJEE  
 MD. KOHINOOR ISLAM  
 SYED MUSFIQUR RAHMAN  
 PUSPENDRA KR. MEDHI  
 SANJIB KR. SINGHA  
 MISS. NILAKSHI GOSWAMI  
 MISS. MANISHA SHARMA  
 GAUTAM RAHUL  
 MS. ANITA VERMA  
 TONGPOK PONGENER  
 ANIL GOHAIN  
 MISS. ANUJITA BORA  
 SANJAY KR. SINGH  
 SANJIB BARUAH  
 MISS. SOBHANA SAIKIA  
 MISS. MOON BARUAH  
 BRIJESH SHARMA  
 MISS. RAKHI PATHAK  
 RATAN CH. DAS  
 NABAJIT NARZARY  
 SAFIQUH HUSSAIN  
 NASIR UDDIN  
 MS. N. M. BORDOLOI (BORA)  
 PRAKASH KR. BOTHRA  
 BIJOY CHETIA  
 SUBHAJIT BANIK  
 SAHADEV DAS  
 DR. K. UDDIN AHMED  
 MD. A. Q. AKANDA  
 PRADIP KR. AGARWALA  
 MD. FARID U. BARBHUIYA  
 MISS. NIYATI KALITA  
 MRS. SADHANA KALITA  
 ARUP GOSWAMI (II)  
 MS. ARUNDHATI BORA  
 MS. RITAMANI GOSWAMI  
 SHUROT ZAMAL SHEIKH  
 SUMAN CHETIA  
 ALAKESH DEV SARMAH  
 RANJIT KR. GOSWAMI  
 JAKIR HUSSAIN SAIKIA  
 BHUPEN CH. PEGU  
 KUNTAL SHARMA PATHAK  
 DEEPAK KEJRIWAL

MISS. AMI SAIKIA  
 MRS. RUBI G. GOHAIN BARUAH  
 MISS. JOYATI PAUL  
 MISS. ANOWARA MAZUMDAR  
 MISS. MADHUSMITA BAISHYA  
 ABHIJIT DAS  
 BIJOY KR. DAS  
 JAHURUL ISLAM  
 MISS. GITUMANI DEKA  
 MS. HIRANYAMAYEE BARUA  
 MD. JEHIRUL I. AHMED  
 MS. PRITIBHA DEKA  
 MRS. S. BORPATRA GOHAIN  
 MRS. MANASI DAS  
 SYED S. FAROOQUE  
 PARANGAM N. GOSWAMI  
 ANOWAR HUSSAIN  
 ADITYA HAZARIKA  
 SHIMANTA NEOGI  
 RUPAK DHAR  
 TAPAS DHAR  
 RAJA JOY PHOOKAN  
 MANOJ KR. SHARMA  
 ROUSHAN LAL  
 MD. ROFIQUL ALOM  
 MISS. PRANATI DAS  
 RATUL DAS  
 MISS. BAGMITA SARMA  
 MISS. P. R. MAHANTA  
 SANTANU BORTHAKUR  
 MISS. MITALI BHUYAN  
 MISS. SABINA YASMIN  
 KISHORE KR. HAZARIKA  
 MOYNUL H. CHOUDHURY (2)  
 JONAB ALI AHMED  
 BHASKAR NATH  
 ALIN SARMA  
 KULA PD. GOGOI  
 H. M. A. MANNAN LASKAR  
 BIBHASH PATHAK  
 MD. JYOTSHNA ALI  
 JITU BORAH  
 MISS. BABITA DAS  
 MISS. RUNMANI DEKA  
 MISS. MURCHANA SARMA  
 ASHOK KR. BORA  
 RANJAN KR. BHARALI  
 BIJAY KRISHNA SEN  
 MISS. MEDHA LILA GOPE  
 DR. N. G. GOSWAMI  
 KASHEM BHUYAN  
 MISS. LIYANA RAHMAN  
 M. U. MONDAL  
 MISS. PARUL DAS  
 JAYABRATA SINHA  
 MISS. BIJAYA HAZARIKA  
 MISS. SUMITA CHOUDHURY  
 DEBAJIT BARUAH  
 MISS. DIPANJANA NANDI  
 ABDUL KASHIM TALUKDAR  
 BIKASH SARAF  
 MS. AMVALIKA MEDHI  
 BABUL KUMAR DAIMARI  
 MISS. IVALINA DEKA  
 SANJIB GOSWAMI  
 SABYASACHI P. CHOUDHURY  
 DEBA KUMAR BORDOLOI  
 MANINDRA CHANDRA DAS  
 MUL HOQUE AHMED  
 BATU KRISHNA BORAH  
 MISS. BANDITA DEY  
 MISS. JULI GOGOI  
 MS. V. N. LASKAR  
 MISS. RANJITA VERMA

HARINARAYAN SARMA  
 MISS. DIPANJALI DEKA  
 MD. ALAM GEER  
 NUR ISLAM  
 BABUL DEKA  
 AJOY KR. PHUKAN  
 ATAL TEWARI  
 MISS. WAHEEDA REHMAN  
 N. UNNI K. NAIR  
 NABADIP BAROOAH  
 J. A. HASSAN  
 MISS. SANGEETA SARKAR  
 ANJAN KR. DAS  
 MISS. JAYA CHANDA  
 NITESH BHATRA  
 MISS. DOROTHY ROY  
 MS. ARPANA BORAH PHUKAN  
 MISS. LIPIKA TALUKDAR  
 MISS. MEGHALI DEHINGIA  
 MISS. RIMLY BARUAH  
 MS. BIPASHA DAS  
 MS. PRANITA DAS  
 ABHIJEET KR. BARUAH  
 SULTAN AHMED  
 MISS. BARNALI BARUAH  
 MRS. M. MAZUMDER DEB  
 MS. PANKAJA UPADHYAY  
 THANESWAR SARMA  
 ASHIM TALUKDAR  
 ABID ALI  
 MS. SIMA GUPTA  
 D. N. BHATTACHARYYA  
 MISS. SUDAKSHINA KHANIKAR  
 ASHIMANTA GOSWAMI  
 ANIL SHARMA BHATRA  
 K. R. PATGIRI  
 DEBENDRA SAHARIA  
 RAJIB SARMA  
 MUSTAFA JAMAL QUADIR  
 MISS. MANASKANTA BARUAH  
 MISS. KAVITA K. JAIN  
 TAPAN RANJAN DAS  
 TRIDIB KALITA  
 MS. MAMONI ROY  
 SAIDUL ISLAM  
 MS. SHAMIMA BEGUM  
 DIPANKAR BAGCHI  
 SHYAMAL AICH  
 MS. KANIKA SINGHA  
 JAGADISH CH. GOGOI  
 MISS. SWARNALI S. CHOUDHURY  
 HARIBRATA CHANDA  
 MUKUT CH. BHATTA  
 SUJIT KR. ROY  
 RAJU GOSWAMI  
 NANI G. KUNDU  
 SHEKHAR CHAKRABORTY  
 OM P. AGARWAL  
 RANABRATA BANERJEE  
 MS. SUMITRA SARMA  
 MRS. BANDANA DEKA  
 TARUN BORA  
 MOTI RAJ ADHIKARI  
 MISS. SABBINA YASMIN  
 BISWAJIT BURAGOHAIN  
 MRS. BOBY G. BURAGOHAIN  
 MISS. SANGEETA BURAGOHAIN  
 NEEL KAMAL DEV NATH  
 MISS. DIPANNITA CHAKRABORTY  
 NAZMUL I. MAZARBHUIYA  
 PRASANTA HAZARIKA  
 MS. NAZNEEN AHMED  
 RIYAJUDDIN ANSARI  
 SOURAV SHARMA

MS. SIMA RANI DEY  
MS. SWARNALATA GOSWAMI  
MAINUL H. BARBHUYAN  
MUKTI RAM LASKAR  
MISS BINITA BARUAH  
RAFICUL ISLAM (II)  
MISS KAMALA SINGHA  
MISS ANUPAMA ROY  
BISWAJIT CHAKRABORTY  
MD. RAFIKUL ISLAM (III)  
BINODAN TALUKDAR  
MISS MINERVA BARTHAKEUR  
MISS NITU HAWELIA  
RAHUL BEZBARUAH  
ABU NASERUDDIN AHMED  
SUMIT DAS  
SANACHOWBA SINGHA  
YUNUSH AHMED  
MISS RITA DEVI  
N. ANIX SINGH  
BANDAN KR. KAR  
BIKRAM MALAKAR  
LALIT KR. MINDA  
MD. FAJLEY K.R. AHMED  
AMZAD HUSSAIN  
PHANINDRA KALITA  
JITEN PAYENG  
MS. KABERI DEKA  
PRADIP KR. KALITA (II)

SANTANU BORA  
KARABI KALITA  
MISS MANIKA CHOUDHURY  
MISS RUMA DAS  
RAFIQUL ISLAM (IV)  
MASTER SHELIM  
MRS. SUNITI KALITA  
MD. NEKIBUDDIN AHMED  
RAJIB BORPUJARI  
DIGANTA BARMAN  
SAMIR DA  
ABDUL HASHEM KHANDAKER  
DR TILOK DASGUPTA  
ASHIM KUAMR BARUAH  
SANJAY SINGH  
PRATIM KR. CHAKRABORTY  
MOHD. INAM UDDIN  
NEELOTPAL DEKA  
MS. RABINA SULTANA  
PARSWAJYOTI DAS NAIR  
MS. AYESHA SIDDIKA  
MS. BHARATI MUKHERJEE  
MS. MALABIKA P. GOGOI  
SRAVAN KR. TALUKDAR  
HIFZUL I. CHOUDHURY  
SUSHANTA DAS  
AMIT JALLAN  
ISTIAQUE ALAM  
RAJIB CHAKRABORTY

LASHMI N. DIHINGIA  
RAKESH DUBEY  
DEVJYOTI CHOUDHURY  
PRIYANKU SUNDI  
SUBRATA NATH (II)  
MISS GITY KALITA  
ROSHAN MALOO (JAIN)  
MS. ONTIMA SHARMA  
TAPAN ROY  
MOINUL HOQUE ANSARY  
MD. RAHMAT ALI (II)  
MISS MARY GOGOI  
IDRISH CHOUDHURY  
MS. MINAKSHI  
BHATTACHARJEE  
JYOTIRMOY PATOWARY  
SHEELADITYA  
MADHURYA MAHANTA  
MISS SHEHNAZ RASUL  
RASIDUL HUSSAIN  
MISS ANJANA SINGHA  
MD. ABUBAKKAR SIDDIQUE  
ABDUL AWAL  
SOHEL ALIM  
JAHID M. A. CHOUDHURY  
MISS JULFIYA BEGUM  
MD. HOSNUL HOQUE  
TRIDIB BAIDYA  
SANTANU KR. SARKAR

PRASANTA S. DEKA  
MS. BINITA SWARGIAR  
MISS SNIGDHA DAS  
ATANU GANGULY  
BHARGAV SARMA  
TALAT H. HAZARIKA  
DIPAYAN DUTTA  
GHANASHYAM DAS  
NAYANJYOTI MEDHI  
MS. MOON MOON LASKAR  
DILIP DEY  
MANOJ KR. SARMA  
MRS. JENNIFER ZAMAN  
GURVINDER SINGH SODHI  
MD. GIASH UDDIN  
MS. JULIANA RAHMAN  
MUSTAKIM RAHMAN  
PRANJAL BORTHAKUR  
BIPUL KR. DAS  
ASHOK KR. BORAH (2)  
MISS PALLAVI TALUKDAR  
INDRAJEET SHARMA  
SUKUMAR SARMA  
NAYAN JT. SARMA  
RITU BARNA DEKA  
MS. MOMITA BARAH  
MISS LIPIKA DEVI  
RITURAJ BISWAS  
MISS SEEMA CHAKRABORTY

Received from the executant,  
satisfied and accepted

*(Signature)*  
Advocate (B. Sharma)

Mr/Ms..... will lead  
me/us in the case

And Accepted

Advocate

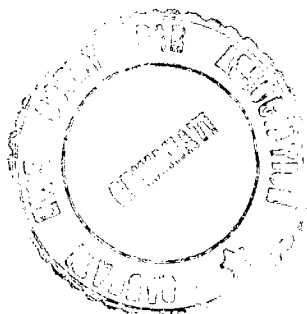
Advocate

*(Signature)*  
And Accepted

And Accepted

Advocate

Advocate



47

NOTICE

FROM: MR. B. Saini  
Advocate

TO: MR. G. Baishya  
Sr. C.G.S.C, C.A-7.

Sub: O A NO: 90 / 2006  
Shri Tapan Sutradhar  
- vs -  
Union of India & Ors

Sir,

Please take notice that the above state OA  
has been filed before the Hon'ble C.A-7, a copy  
whereof is enclosed herewith for your use.  
Kindly accept the same & acknowledge.

Thanking you,

Received copy:

G. Baishya

Sr. C.G.S.C, C.A-7.

Yours faithfully.

Anil Kumar  
(H. S. Nani)  
Advocate.

I undertake to serve the copy on  
the Ad. Counsel.

Anil Kumar

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.208/1997

New Delhi, this the 24<sup>th</sup> day of February, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI S.A.SINGH, MEMBER (A)

Shri J.R.Chobedar  
s/o late Shri Mohan Lal  
r/o 67/12, Sector-1  
Pushpa Vihar  
New Delhi - 110 017.

... Applicant

(By Advocate: Sh. G.D.Gupta, Senior Counsel with Sh.  
S.K. Gupta)

Versus

1. Union of India through  
The Secretary to the Government of India  
Ministry of Home Affairs  
North Block  
New Delhi - 110 001.

2. The Director General  
Border Security Force  
Block No.3, C.G.O.Complex  
Lodi Road  
New Delhi - 110 003.

3. Deputy Director (Accounts)  
Pay & Accounts Division  
Directorate General, BSF  
Pushpa Bhawan  
Madangir  
New Delhi - 110 062.

... Respondents

(By Advocate: Sh. K.C.D.Gangwani)

O R D E R

Justice V.S. Aggarwal:-

Fundamental Rule 9(4) explains what is meant by a cadre: it means in effect the strength of an establishment or service (later amended to include a part of a service) sanctioned as a separate unit.

2. Some of the relevant facts are that appellant is working as a Joint Assistant Director (redesignated as Accounts Officer) in the Border Security Force) in the pay scale of Rs.2375-3500. The

*Ag*

~~CHIEF JUSTICE~~



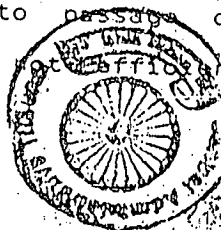
Border Security Force is a paramilitary force. It is a statutory body established by the Border Security Force Act, 1968. They have framed Border Security Force Rules, 1969. Applicant is holding the post of Joint Assistant Director (Accounts Officer) and is a civilian employee holding a civil post. By the present O.A., he has challenged the inaction on the part of the respondents in not prescribing the scale of pay for various posts like that of Senior Accountant, Junior Accounts Officer and Accounts Officer of Pay and Accounts Division of the Border Security Force (for short the PAD of BSF) at par with the scales of pay attached to the corresponding posts of other Audit and Accounts Departments of the Government of India. He has further complained of inaction on the part of the respondents in not creating 80% of posts in the PAD of BSF for being granted the higher pay scale on the same lines as has been done for the corresponding posts in various other Pay & Accounts Departments of the Government of India.

3. It has been pointed out that the Border Security Force was established with effect from 1.12.1965 in order to safeguard the borders of the country. The payments to the Officers of the Force were at that time made by the Comptroller & Auditor General of India/Accountant Generals of various States. As far as payment to non-gazetted officers and payments like the contingent payments were concerned, the same were drawn from the Central Treasuries by presenting bills. Due to passage of

was felt that this system was not efficient

Chief, Central Board  
of Secondary Education  
New Delhi  
Ministry of Education  
Government of India

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because of the mobility of the Border Security Force. Drawal of money from the treasury in such a situation took a lot of time which adversely affected the mobility of the force. In order to overcome this situation, separate PAD of BSF was established w.e.f. 1.7.1967. A copy of the order passed by the Ministry of Home Affairs on 17.5.1967 establishing a centralised Payment and Accounting Procedure in the Border Security Force is annexed at Annexure-A-1. Aforesaid order, it is pointed out was issued in consultation with the Comptroller and Auditor General of India and the Ministry of Finance.

4. The newly created PAD of BSF was initially manned by the officers and staff of the Comptroller and Auditor General of India as also various other ~~officers and staff of the Comptroller and Auditor General of India~~ accounts etc. In the year 1974, the Border Security Force promulgated its own recruitment rules styled as Directorate General Border Security Force Recruitment Rules, 1974. The same were issued under proviso to Article 309 of the Constitution of India and a copy thereof is annexed at Annexure A-2.

5. Applicant has placed reliance on para 11.38 of the recommendations of the Fourth Central Pay Commission at Annexure A-5 which has inter alia, recommended as under:

"11.38. We have considered the matter. There has all along been parity between the staff in the IA & AD and accounts staff of other departments which has been disturbed by restructuring IA & AD into two separate cadres viz

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सूचना प्रशासन विभाग  
सूचना प्रशासन विभाग  
सूचना प्रशासन विभाग

audit cadre and accounts and establishment cadre and giving higher pay scales to a major portion of staff on the audit side. The audit and accounts functions are complementary to each other and are generally performed in many government offices in an integrated manner which is necessary for their effective functioning. The staff in these offices perform functions of internal check and audit suited to the requirements of each organisation which are equally important. There is direct recruitment in the scale of Rs.330-560 in all the audit and accounts cadres through Staff Selection Commission/Railway Recruitment Boards from amongst university graduates. We are therefore of the view that there should be broad parity in the pay scales of the staff in IA&AD and other accounts organisations. Accordingly, we recommend that the posts in the pay scale of Rs.425-700 in the organised accounts cadres may be given the scale of Rs.1400-2600. In the Railways, this will apply to the posts of sub-head in both the ordinary and selection grades. We also recommend that this should be treated in future as a functional grade requiring promotion as per normal procedure. The proposed scale of Rs.2000-3200 of Section Officer may also be treated as a functional grade. With the proposed scales, there will be no selection grades for any of the posts. As regards the number of posts in the functional scales of Rs.1400-2600 and Rs.2000-3200, we note that about 53 per cent of the total posts of junior/senior auditor and 66 per cent of the total posts of ordinary and selection grade of Section Officer in IA&AD are in the respective higher scales. Government may decide the number of posts to be placed in the scales of (i) Rs.1400-2600 and (ii) Rs.2000-3200 in the other organised accounts cadres taking this factor into consideration. All other accounts posts may be given the scales recommended in chapter 8."

Based on the aforesaid recommendations of the Fourth Central Pay Commission, the pay scales of the PAD of BSF and other organised accounts departments were revised as under:-

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**STATEMENT SHOWING COMPERATIVE PAY SCALES OF  
PAD BSF AND OF OTHER ORGANISED ACCOUNTS DEPTT.**

RANK	PAY SCALES V.E.F. 01.01.86		PAY SCALES W.E.F. 01.04.87	
	(A) PAD BSF	(B) OTHER ORGANISED DEPTT.	(C) PAD BSF	(D) OTHER ORGANISED DEPTT.
1. CLERK	Rs. 950-20-1150- EB-25-1500	Rs. 950-20-1150-EB- 25-1500	SAME AS COLUMN 'A'	SAME AS COLUMN 'D'
2. JR. ACCOUNTANT	Rs. 1200-90-1560- EB-40-2040	Rs. 1200-90-1560-EB- 40-2040	SAME AS COLUMN 'A'	Rs. 1200-30-1560-EB- 40-2040 FOR 20% POSTS
3. SR. ACCOUNTANT	Rs. 1400-40-1800 EB-50-2900	Rs. 1400-40-1800-EB- 50-2900	SAME AS COLUMN 'A'	Rs. 1400-40-1600- 50-2300-EB-60- 2600 FOR 80% POSTS
4. JR. ACCTS OFFICER	Rs. 1640-60-2600- EB-75-2900	Rs. 1640-60-2600-EB- 75-2900	SAME AS COLUMN 'A'	Rs. 1640-60-2600- EB-75-2900 FOR 20% POSTS Rs. 2000-60-2900- EB-75-3200 FOR 80% POSTS IN AAOs GRADE
5. ACCOUNTS OFFICER	Rs. 2375-75-3200- EB-100-3500	Rs. 2375-75-3200-EB- 100-3500	SAME AS COLUMN 'A'	Rs. 2975-75-3200- EB-100-3500 FOR 20% POSTS Rs. 2200-75-2800- EB-100-4000 FOR 80% POSTS IN SR. AOs GRADE V.E.F. 01.04.92

4000-6000

4500-7000/-

**PAY SCALES V.E.F. 01-01-96**

1. CLERK	Rs. 3050-75-3950-80-4590	Rs. 3050-75-3950-80-4590
2. JR. ACCOUNTANT	Rs. 4000-100-6000	Rs. 4000-100-6000 FOR 20% POSTS
3. SR. ACCOUNTANT	Rs. 4500-125-7000	Rs. 5000-150-8000 FOR 80% POSTS
4. JR. ACCOUNTS OFFICER	Rs. 5500-175-9000	Rs. 5500-175-9000 FOR 20% POSTS Rs. 6500-200-10500 FOR 80% POSTS IN AAOs GRADE
5. ACCOUNTS OFFICER	Rs. 7450-275-11500	Rs. 7500-250-12000 FOR 20% POSTS Rs. 8000-275-13500 FOR 80% POSTS IN SR. AAOs GRADE

-6- The grievance of the applicant is that pertaining to the upgradation of 80% posts of Junior Assistant Directors (Accounts)/Accounts Officer in the PAD of BSF. A representation on that behalf were submitted by the applicant to the Ministry on 24.8.1995.

*[Signature]*  
 Dy. Secy, Finance  
 Directorate, Padmalaya Bldg  
 2nd Floor, 1st Flr  
 Central Administrative Tribunal  
 (Finance) (1st Flr)  
 Civil Lines, Bhopal

*[Signature]*



It was rejected on 30.8.1995 vide Annexure A-13. Since the memorandum did not contain any reasons a further representation had been made. It was rejected on 6.9.1995. The rejection had been supported by the following reasons:

"With reference to his application dated 30.8.1995, Shri J.R.Chobdar, JAD (Accounts) is informed that, Ministry of Finance did not agree to our proposal as they held that BSF Accounts Cadre is not an organised Accounts service."

7. On earlier occasion, when this matter came up before this Tribunal on 6.12.2000, the present application was allowed. It was directed:

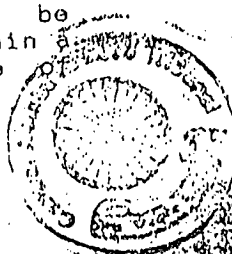
"If one has regard to the aforesaid decisions cited by Shri Gupta, we find that the applicant has made good his claim contained in the OA. In the circumstances, the impugned Memorandum of 30.8.1995 at Annexure A-13, Memorandum of 6.9.1995 at Annexure A-15 as also Memorandum of 7.12.1995 at Annexure A-17 are quashed and set aside. We further hold that the pay scales of the various posts in the PAD of BSF are liable to be revised and brought on par with the scales of other organised Audit and Accounts services under the Government of India. Respondents are accordingly directed to upgrade 80% posts in PAD of BSF in line with the Controller General of Defence Accounts (CGDA) cadre etc.

15. Based on the aforesaid directions, respondents will consider the claim of the applicant for grant of higher pay scale to 80% of the posts in the PAD of BSF provided he is found eligible. In case he is found eligible for being placed in the 80% of the posts, he will be entitled to all consequential benefits with effect from 1.4.1987.

16. Present OA in the circumstances is allowed in the aforesaid terms. Aforesaid directions shall be complied with by the respondents within a period of six months from the date of service of this order. No costs."

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8. Against the said order, the Union of India and Others preferred Civil Writ Petition No. 5599/2001. The Delhi High Court had set aside the order of this Tribunal and the matter was remanded holding:

"17. In a vital issue of this nature, the learned Tribunal was obligated to take into consideration the materials brought on record of the parties to the lis but also arrive at a definite finding as to whether the Pay and Accounts Division of BSF is an organized cadre or even under CAG or CGDA. This court in exercise of its jurisdiction under Article 226 of the Constitution of India only exercises the power of judicial review. All contentions relating to the service dispute must necessarily be addressed by the Tribunal itself at the first instance. Only in some rare cases where a grave injustice may be caused and in some cases having regard to the interest of justice, this court may determine such questions at the first instance. Furthermore, as notice hereinbefore, before us, the learned counsel for the parties referred to various documents which the learned Tribunal had no occasion to consider at all. We have purposely not referred thereto so that it may not be considered to be a conscious decision on our part either way.

18. In this view of the matter, we are of the opinion that the matter should be considered afresh by the learned Tribunal."

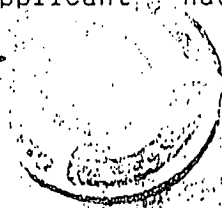
9. It is in this backdrop that the whole controversy has been re-argued basically on the question as to whether Pay and Accounts Division of the Border Security Force is an organised cadre or even under CAG or CGDA.

10. On behalf of the respondents, plea was raised that the claim of the applicant is barred by time. We have already in the preceding paragraphs

referred to the facts that the applicant had

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represented. The representation had been rejected vide Memorandum of 30.8.1995 followed by another Memorandum of 6.9.1995. The present application has been filed on 6.12.1996. But the question of limitation will not arise because drawing of salary is a continuous cause. Even if a little more than one year expired from the rejection of the representation, the arrears, if any can be given for a period of one year before filing of the application. In this regard, we are supported by the decision in the case of M.R. Gupta v. Union of India & Others, 1995(5) SCC 628

11. Reverting back to the controversy before us, at this stage, it is relevant to mention that respondents in the counter pleaded that in the audit stream of India Audit and Accounts Department, the posts have been placed in the following grades, namely:

"In audit stream of India Audit and Accounts Department, the posts have been placed in the following grades vide their No.A/2014/2/92/MFCGA/GFB/357 dated 31.3.1993.

Pay and Accounts Officer  
(functional promotional) grade:

- |                             |                    |     |
|-----------------------------|--------------------|-----|
| 1. Pay and Accounts Officer | Rs.2200-75-2800-EB |     |
| (functional promotional)    | -100-4000          | 80% |
| 2. Pay and Accounts Officer | Rs.2375-75-3200-EB |     |
|                             | -100-3500          | 20% |
| 3. Asstt. Accounts Officer  | Rs.2000-3200       | 80% |
| 4. Section Officer          | Rs.1640-2900       | 20% |
| 5. Sr. Auditor              | Rs.1400-2600       | 80% |
| 6. Auditor                  | Rs.1200-2040       | 20% |

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Secretary, Judicial Branch  
Central Administrative Tribunal  
New Delhi

Whereas in Pay and Accounts Border Security Force, we have following posts:-

- |                             |              |
|-----------------------------|--------------|
| 1. JAD now Accounts Officer | Rs.2375-3500 |
| 2. JAO                      | Rs.1640-2900 |
| 3. Sr. Accountant           | Rs.1400-2300 |
| 4. Jr. Accountant           | Rs.1200-2040 |

5. It would thus be seen from the above that in Pay and Accounts Division of Border Security Force the grade of Pay and Accounts Officer (Functional Promotional grade) in the pay scale of Rs.2200-4000 is not available. The post of AAO in the pay scale of Rs.2000-3200 is not available. It is also added that the pay scale of Sr. Acctt. is of Rs.1400-2300, which is comparatively a lower scale than of Sr. Auditor prevalent in Audit & Account of Constituted service which run from Rs.1400-2600. Promotion in the grade of Section Officer/JAO in the organised Accounts Cadre are being made after passing Subordinate Accounts Service examination, whereas in Pay and Accounts Division Border Security Force it does not exist, which is a major qualification for qualified Accountants in Organised Accounts Cadre. In Pay and Accounts Division Border Security Force it is made by Selection cum fitness."

12. Though Fundamental Rules as already referred to above defines 'cadre' but during the course of submissions neither of the counsel had brought to our notice any specific or precise definitions as to what is meant by 'organised cadre'. In the additional affidavit filed on behalf of the respondents, the respondents plead that 'organised cadre' has the following attributes:

- The service has all the standard grades of pay, viz., Rs.8000-13500, Rs.10000-15200 and Rs.12000-16500 etc.
- 50% of the officers are through direct recruitments.
- All posts upto the pay scale of Rs.18400-22400 are filled through promotion from within the cadre.
- The highest post in cadre is above the pay scale of Rs.18400-22400.

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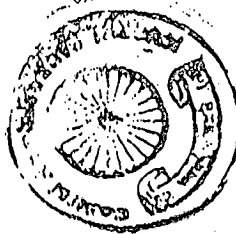
13. It appears, these attributes are being mentioned and taken from the cadre management of Group 'A' Central Service issued by the Government of India, Ministry of Personnel, Public Grievance and Pension, and under the heading, it has been mentioned:

"The expression 'organised Group A Civil Cadre' means a cadre which has all the following attributes, namely:-  
 (i) the highest cadre post is not below the level of Rs. 5900-6700 (ii) it has all the standard grades, namely, Rs. 2200-4000, Rs. 3000-4500, Rs. 3700-5000/ Rs. 4500-5700 and Rs. 5900-6700 (iii) at least 50% of the vacancies in the Junior Time Scale (Rs. 2200-4000) are required to be filled by direct recruitment and (iv) all vacancies above the Junior Time Scale and upto the Senior Administrative Grade (Rs. 5900-6700) are filled by promotion from the next lower grade."

14. It is abundantly clear from the aforesaid that the said attribute pertains to Group 'A' Service/Cadre. The applicant does not belong to Group 'A' Service/Cadre and, therefore, the respondents cannot take advantage of the same.

15. Otherwise also, on behalf of respondents though stress was laid pertaining to certain scales which are not available in PAD of the BSF, in our opinion will not tantamount to hold that in the absence of the same it was ceased to be an organised cadre. If certain scales are missing that will not take the trait of the organised cadre, and therefore, this particular plea has simply to be stated to be rejected.

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 Director, P. & P.  
 Ministry of Personnel,  
 Public Grievance & Pension,  
 Government of India,  
 New Delhi.

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the said controversy, when a similar argument had been advanced, held it to be an organised cadre and the findings read:

"Mr. A.B. Saharya, the learned counsel for the petitioners, took great pains in going through the report of the Third Pay Commission as contained in Chapter 8. The only reason contained in the impugned orders for the non admissibility of the special pay to the petitioners is that they do not belong to "organised service" Group A. The counsel urges that there is no warrant for the respondents to so construe the recommendations of the Third Pay Commission as also the orders of the Government contained in the resolution dated May 1, 1974 and the sanction of the President contained in the memorandum dated August 20, 1975. The contention is that there is no basis to restrict the grant of the special pay only to those officers belonging to the Military Engineering Services comprising of three branches namely: Engineering Cadre, Surveyor of Work Cadre and Architects Cadre.

The first question for determination is whether the service to which the petitioners belong has been regularly constituted as Class I Service. By notification dated November 21, 1969, published in the Official Gazette on December 6, 1969, the President in exercise of the powers conferred by the proviso to Art. 309 of the Constitution, made rules regulating the methods of recruitment to Class I and Class II posts in the Military Engineering Services. The rules are called the Military Engineering Service (Administrative Cadre) Recruitment Rules, 1969.....

Article 309 provides for the enactment of rules and regulations relating to the recruitment and conditions of Govt. Servants. In regard to the Central Services, the authority is given to the Central Legislature. Under the proviso rules can be made by the President with regard to the Central Services. It is not obligatory to make rules of recruitment before a service is constituted and the posts filled. But the framing of the rules does suggest the constitution of a service and the creation of a cadre. The channel of promotion from the lower grade to the

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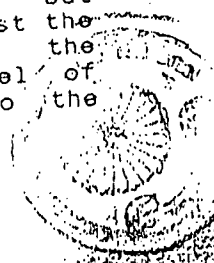
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higher grade provided in the Recruitment Rules is a weighty circumstance in favour of holding the regular constitution of a cadre. Cadre means the strength of the service or part of service sanctioned as a separate unit."

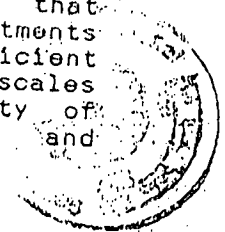
19. In the absence of any other decision to the controversy in the hierarchy as it is in force after the decision of the Supreme Court in the case of L. Chandra Kumar v. Union of India & Ors., 1997 SCC (L&S) 577, we must follow the said Judgement. Therefore, it must be held that the applicant belongs to an organised cadre.

20. The only other controversy thereafter is as to whether the applicant is entitled to equal pay on the principle of 'equal pay for equal work'?

21. This question had been decided by this Tribunal. The said findings have not been set aside by the Delhi High Court. We deem it unnecessary to go into the same again because of the above said facts. For purposes of continuation of the matter, we take opportunity to reproduce the some of the precedents quoted in the earlier order. In the case of Randhir Singh v. Union of India and Others, 1982(1) SLR 756, the Supreme Court held:

"6. The counter-affidavit does not explain how the case of the drivers in the police force is different from that of the drivers in other departments and what special factors weighed in fixing a lower scale of pay for them. Apparently in the view of the respondents, the circumstances that persons belong to different departments of the Government is itself a sufficient circumstance to justify different scales of pay irrespective of the identity of their powers, duties and

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responsibilities. We cannot accept this view. If this view is to be stretched to its logical conclusion, the scales of pay of officers of the same rank in the Government of India may vary from department to department notwithstanding that their powers, duties and responsibilities are identical. We concede that equation of posts and equation of pay are matters primarily for the Executive Government and expert bodies like the Pay Commission and not for Courts but we must hasten to say that where all things are equal that is, where all relevant considerations are the same persons holding identical posts may not be treated differentially in the matter of their pay merely because they belong to different departments. Of course, if officers of the same rank perform dissimilar functions and the powers, duties and responsibilities of the posts held by them vary, such officers may not be heard to complain of dissimilar pay merely because the posts are of the same rank and the nomenclature is the same."

"9. There cannot be the slightest doubt that the drivers in the Delhi Police Force perform the same functions and duties as other drivers in service of the Delhi Administration and the Central Government. If any thing, by reason of their investiture with the powers, functions and privileges of a police officer, their duties and responsibilities are more arduous. In answer to the allegation in the petition that the driver-constables of the Delhi Police Force perform no less arduous duties than drivers in other departments, it was admitted by the respondents in their counter that the duties of the driver constables of the Delhi Police Force were onerous. What then is the reason for giving them a lower scale of pay than others? There is none. The only answer of the respondents is that the drivers of the Delhi Police Force and the other drivers belong to different departments and that the principle of equal pay for equal work is not a principle which the Courts may recognise and act upon. We have shown that the answer is unsound. The clarification is irrational. We, therefore, allow the Writ Petition and direct the respondents to fix the scale of pay of the petitioner and the driver-constables of the Delhi Police Force at least on a par with that of the drivers of the Railway Protection Force. The scale of

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effective from 1st January, 1973, the date from which the recommendations of the Pay Commission were given effect."

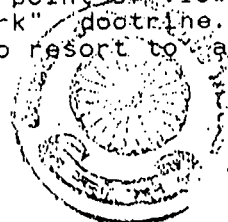
22. It goes without saying that the officers working in PAD of BSF are doing equal work as that of officers of other Account Departments. Therefore, the cited decision is very much applicable.

23. Similarly in the case of Bhagwan Dass and Others v. State of Haryana and Others, AIR 1987 SC 2049, the Supreme Court held:

"11. With regard to the next contention viz. that the mode of recruitment of the petitioners is different from the mode of recruitment of respondents 2 to 6, we are afraid it is altogether without substance. The contention has been raised in the following terms (para. 4(d) of the Counter-affidavit dated 6.1.1986 filed on behalf of respondents 1 to 13)>-

"It is absolutely incorrect that the petitioners are similarly placed as the employees under the Social Education Scheme as alleged. The latter are whole-time employees selected by the subordinate services Selection Board after competing with candidates from any part of the country. In the case of petitioners, normally the selection at best is limited to the candidates from the cluster of a few villages only. The contention made by the Petitioners has no justifiable basis." (Emphasis added).

We need not enter into the merits of the respective modes of selection. Assuming that the selection of the petitioners has been limited to the cluster of a few villages, whereas respondents 2 to 6 were selected by another mode wherein they had faced competition from candidates from all over the country, we need not examine the merits of these modes for the very good reason that once the nature and functions and the work are not shown to be dissimilar the fact that the recruitment was made in one way or the other would hardly be relevant from the point of view of "equal pay for equal work" doctrine. It was open to the State to resort to a



selection process whereat candidates from all over the country might have competed if they so desired. If however they deliberately chose to limit the selection of the candidates from a cluster of a few villages it will not absolve the State from treating such candidates in a discriminatory manner to the disadvantage of the selectees once they are appointed, provided the work done by the candidates so selected is similar in nature. It was perhaps considered advantageous to make recruitment from the cluster of a few villages for the purposes of the Adult Education Scheme because the Supervisors appointed from that area would know the people of that area more intimately and would be in a better position to persuade them to take advantage of the Adult Education Scheme in order to make it a success. So also it was perhaps considered desirable to take recourse to this mode of recruitment of candidates because candidates from other parts of the country would have found it inconvenient and onerous to seek employment in such a Scheme where they would have to work amongst total strangers and it would have made it difficult for them to discharge their functions of persuading the villagers to avail of the Adult Education Scheme on account of that factor. So also they might not have been tempted to compete for these posts in view of the fact that the Scheme itself was for an uncertain duration and could have been discontinued at any time. Be that as it may, so long as the petitioners are doing work which is similar to the work performed by respondents 2 to 6 from the standpoint of equal work for equal pay doctrine, the petitioners cannot be discriminated against in regard to pay scales. Whether equal work is put in by a candidate selected by a process whereat candidates from all parts of the country could have competed or whether they are selected by a process where candidates from only a cluster of a few villages could have completed (competed) is altogether irrelevant and immaterial for the purposes of the applicability of equal work for equal pay doctrine. A typist doing similar work as another typist cannot be denied equal pay on the ground that the process of selection was different inasmuch as ultimately the work done is similar and there is no rational ground to refuse equal pay for equal work. It is quite possible that if he had to compete with candidates from all over the country, he might or might not

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have been selected. It would be easier from him to be selected when the selection is limited to a cluster of a few villages. That however is altogether a different matter. It is possible that he might not have been selected at all if he had to compete against candidates from all over the country. But once he is selected, whether he is selected by one process or the other, he cannot be denied equal pay for equal work without violating the said doctrine. This plea raised by the respondents-State must also fail."

13. Lastly we have to deal with the contention that the Scheme is a temporary Scheme and the posts are sanctioned on an year to year basis having regard to the temporary nature of the Scheme. We are unable to comprehend how this factor can be invoked for violating 'equal pay for equal work' doctrine. Whether appointments are for temporary periods and the Schemes are temporary in nature is irrelevant once it is shown that the nature of the duties and functions discharged and the work done is similar and the doctrine of 'equal pay for equal work' is attracted. As regards the effect of the breaks given at the end of every six months, we will deal with this aspect shortly hereafter. That however is no ground for refusing the 'equal pay for equal work' doctrine. Be it realized that we are concerned with the 'equal work for equal pay' doctrine only within the parameters of the four grounds and the fact situation discussed hereinabove. We are not called upon, and we have no need or occasion to consider the applicability or otherwise of the said doctrine outside these parameters. For instance we are not required to express any opinion in the context of employment of similar nature under different employers, or in different cadres under the same or different employers. Nor are we concerned with questions required to be dealt with by authorities like the Pay Commissions such as equation of cadres or determination of parity-differential between different cadres or making assessment of work loads or qualitative differential based on relevant considerations and such other matters. We are concerned in the present matter with employees of the same employer doing same work of same nature discharged in the same department but appointed on a temporary basis instead of in a regular cadre on a regular basis. We have therefore decided the questions

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raised before us in the backdrop of facts of the present case. On the other dimensions of the doctrine we remain silent as there is no need or occasion to speak."

24 These decisions clearly show that principle of 'equal pay for equal work' is very much applicable in the facts of the present case.

25. Resultantly, we allow the present application. Holding that pay scales of various posts in the Accounts Cadre of the PAD of BSF are liable to be revised. Respondents should consider the upgradation of posts and for grant of higher pay scale of 80% of the posts, subject to eligibility, with consequential benefits. It is directed that the decision may be implemented preferably within six months from the date of receipt of a certified copy of this order. No costs.

member (A)

(V.S. Aggarwal)  
Chairman

/NSN/



General Assistant  
Payal Mittal, of India  
Civil Service, New Delhi

(9) E 66

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Extra Ordinary Original Civil Jurisdiction)

WRIT PETITION (CIVIL) NO. 2005-67 OF 2004

Memo of Parties

In the matter of

1. Union of India,  
Through Its Secretary,  
Ministry of Home Affairs  
North Block,  
New Delhi-110001
2. The Director General Border Security Force,  
Block No. 10, C.G.O. Complex,  
Lodhi Road,  
New Delhi- 110003
3. The Deputy Director (Accounts)  
Pay & Accounts Division,  
Directorate General  
Border Security Force  
Pushpa Bhawan,  
Madangir,  
New Delhi

~~Not Private~~

~~Member Judicial Department~~  
~~High Court of Delhi~~

VERSUS

Petitioners

Shri J. R. Chobedar,  
Son of Late Mohan Lal  
Resident of 67/12,  
Sector-1, Pushp Vihar  
New Delhi- 110062

Respondent

Delhi dated: October 6, 2004

Certified to be True Copy

Petitioners

Through Department  
of Delhi  
Division VII

*Sanjeev Sachdeva*  
Sanjeev Sachdeva  
Advocate

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IN THE HIGH COURT OF DELHI  
AT NEW DELHI

For Private Use  
Executive Judicial Department  
Court of Delhi

%  
Date of decision : January 25, 2005

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W.P.(C) No.20065-67/2004

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# Union of India and Others

..... Petitioner

through : Mr. Sanjeev Sachdeva with Ms. Priya  
Puri, Mr. Vibhav Srivastava and Mr. Rohit  
Nagpal, Advocates

Vs.

\$ Shri I.R. Chobedar

^

through : In person.

..... Respondent.

CORAM :-

\* HON'BLE MR. JUSTICE VIJENDER JAIN  
HON'BLE MR. JUSTICE J.P. SINGH

1. Whether reporters of Local papers may be allowed to see the judgment?
  2. To be referred to the reporter or not?
  3. Whether the judgment should be reported in the Digest?
- 4.

Vijender Jain, J. (Oral)

1. This writ petition has been preferred impugning the order passed by the Central Administrative Tribunal. The respondent is working as Joint Assistant Director re-designated

W.P.(C) No.20065-67/2004

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as Accounts Officer in the Border Security Force (for short 'BSF') in the pay scale of Rs.2375-3500. This case has a chequered history. When the first O.A. was allowed, the appellant before us challenged the finding of the Central Administrative Tribunal and filed a WP(C) 5599/2001. The Delhi High Court set aside the order of the Tribunal and the matter was remanded holding:

"17. In a vital issue of this nature, the learned Tribunal was obligated to take into consideration the materials brought on record of the parties to the IIs but also arrive at a definite finding as to whether the Pay and Accounts Division of BSF is an organized cadre or even under CAG or CGDA. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India only exercises the power of judicial review. All contentions relating to the service dispute must necessarily be addressed by the Tribunal itself at the first instance. Only in some rare cases where a grave injustice may be caused and in some cases having regard to the interest of justice, this Court may determine such questions at the first instance. Furthermore, as notice herein before, before us, the learned counsel for the parties referred to various documents which the learned Tribunal had no occasion to consider at all. We have purposely not referred thereto so that it may not be considered to be a conscious decision on our part either way.

18. It is in this backdrop that the whole controversy has been re-argued basically on

ATTESTED  
Examiner Judicial Department  
Government of Delhi

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the question as to whether Pay and Accounts Division of the Border Security Force is an organized cadre or even under CAG or CGDA.

2. Therefore, case was made for determination as to whether there was an organised cadre. Learned counsel appearing for the petitioner has contended that in terms of the report of the Pay Commission at page 48 paragraph 11.36 of the paper book, a similar question was raised which the Commission has answered in terms of its finding at p.51 of the paper book. According to the learned counsel for the petitioner, based on that finding the case was examined by the Ministry of Finance and the same was rejected vide its order dated 6<sup>th</sup> September, 1995 to the following effect:-

"With reference to his application dated 30.08.95 Shri J R Chobdar, JAD(Accounts) is informed that, Ministry of Finance did not agree to our proposal as they held that BSF Accounts Cadre is not an organized Accounts service."

3. Similarly, on 7<sup>th</sup> December, 1995, the BSF, Pay and Accounts Division also taking into consideration the rejection by the Ministry of Finance disposed of the application of the respondent that it cannot be treated as an organised accounts service. On the basis of the aforesaid, it was contended before

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Examiner Judicial Department  
High Court of Delhi

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us that the finding of the learned Tribunal in the impugned order is not as per the report of the Pay Commission and BSF and there was no cadre of the Accounts Officer in the BSF and the anomaly has come up in view of the re-structuring of the cadre. In our view the reliance by the petitioner on the letter dated 6<sup>th</sup> September, 1995(supra) is misplaced. The point raised by the learned counsel for the petitioner was considered in depth by the Tribunal and on the basis of the material before the Tribunal, the Tribunal gave the opinion that if certain scales were missing that will not take away the trait of the organised cadre. It was also considered that the method and manner of promotion has nothing to do with a cadre being organised or not. If it has other traits that it is a cadre comprising of reasonable number of persons, they have specific rules in this regard and there is no other factor which prompts one to conclude that it is an unorganised cadre. Relying upon the judgment of this Court in T.N. Natarajan and Ors. v. Union of India and Ors. in CWP 176/1979 decided on 3<sup>rd</sup> September, 1980 which also dealt with a similar controversy, it was held by the Tribunal by a reasoned order that the cadre of the respondent was an organised cadre.

No. 11032  
Date of Presentation of Petition 11/2/05  
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Name of Applicant  
Date of Receipt of Copy  
Date of Receipt of Copy  
Date of Receipt of Copy  
Administrative Officer (Judl)  
High Court of Delhi  
New Delhi



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4. We find no infirmity with the impugned order. No other point has been urged before us. We find no merit in the petition. Dismissed.

Self  
Vijender Jain

January 25, 2005  
ks

Data has been  
transmitted to the  
relevant source

by 23/1/05

S/-  
J.P. Singh

TRUE COPY  
EXAMINED

Sealed to be True Copy

Department of  
Delhi  
Commissioner

W.P.(C) No.20065-67/2004

ITEM NO.21

COURT NO.2

SECTION XIV

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) Nos...../2005

(CC 6923-6925/2005)

(From the judgement and order dated 03/09/1980 in CWP Nos.20065/2004, 2006  
of the HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA &amp; ORS.

Petitioner(s)

VERSUS

J.R. CHOBEDAR

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 29/07/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARUN KUMAR

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For Petitioner(s)

Mr. A. Sharan, A.S.G.

Mrs. Indra Sawhney, Adv.

Ms. Sushma Suri, Adv.

For Respondent(s) Mr. Mukul Rohtagi, Sr. Adv.

Mr. B.S. Gupta, Adv.

UPON hearing counsel the Court made the following

## O R D E R

Delay condoned.

The special leave petitions are dismissed.

On request of learned Additional Solicitor General  
further but final time for three months to comply with the order.

(N. Annapurna)

Court Master

(V.P.)

Court

□