

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 25/2007
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet..... O.A Pg.....1.....to.....8.....

2. Judgment/Order dtd. 19.11.2008 Pg.1.....to.3.....21.....

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 25/2007 Pg.1.....to.3.....4.....

5. E.P/M.P..... Pg.....to.....

6. R.A/C.P..... Pg.....to.....

7. W.S..... Pg.1.....to.19.....
and 10/13 Pg.1.....to.5.....
8. Rejoinder..... Pg.1.....to.21.....

9. Reply..... Pg.....to.....

10. Any other Papers..... Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

Kahta
21.9.2017

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 25 /2007
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) P.R.K. Singh vs Union of India & Ors

Advocate for the Applicant(s) MR R. Mazumdar
Mr P. Rai

Advocate for the Respondent(s) All. C. Arsc. M. M. Ahmed

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed on 1.2.07 at Rs. 10/- Deposited with the No. <u>25/9099/13</u> Date <u>31.1.07</u>	<u>7.2.2007</u>	Present: The Hon'ble K.V.Sachidanandan Vice-Chairman. The Applicant, now working in the Central Reserve Police Force (CRPF in short) as Pharmacist (Non- Combatised), is aggrieved by the non-granting of pay in comparison and tune with the identically placed employees in Central Govt. Health Scheme. Applicant submitted that he and the other person in other department work in the same pattern and equal pay is applicable to CRPF also. Representation so filed was also rejected by the Respondents.
<u>Defect removed to day</u> <u>copy of the application</u> <u>for respondents has</u> <u>been submitted to day</u> <u>no.</u>	<u>5.2.07</u>	

OA. 25/2007

Contd.
7.2.2007

Heard Mr.R.Mazumdar, learned counsel for the Applicant. When the matter came up for admission, Mr.M.U.Ahmed, learned Addl. C.G.S.C. submitted that he would like to get instruction and file reply statement.

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

1,2 and 3 day regd.
A/D post.

(Ans) D/No. 234 to 236 dt= 26/2/07
at= 28/2/07

Issue notice to the Respondents. Respondents are granted six weeks time to file reply statement.

Post the matter on 23.3.2007.

No Wts has been filed.

22-3-07.

Vice-Chairman

/bb/

23.3.07.

Four weeks time is granted to file written statement. Post the matter on 27.4.07.

Member

Vice-Chairman

1m

25.4.2007 Present:

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

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

① Notice duly served
on R.No. 2.
② Service awaited from
R.No. 1 & 3.

Mr.R.Mazumdar, learned counsel for the Applicants is present. Service is awaited. Since Mr.G.Baishya, learned Sr.C.G.S.C. is representing the Respondents notice held sufficient. Respondents are permitted to file written statement within four weeks from today. Applicants are permitted to file the rejoinder, if any, within 15 days' time from the date of receipt of written statement.

27.4.2007

Mr.R.Mazumdar, learned counsel for the Applicants is present. Service is awaited from Respondents 1 & 3. Since Mr.M.U.Ahmed, learned Sr.C.G.S.C. is representing all the Respondents, notice held sufficient. Respondents are permitted to file written statement within four weeks from today. Applicants are permitted to file their rejoinder, if any, within 15 days' time from the date of receipt of written statement.

No W.Ls has been filed.

BB

29.5.07.

Post before the next Division Bench.

BB
Member (A)

Guruji
Member (J)

/bb/

30.5.2007

Mr. M. U. Ahmed, learned Addl. C.G.S.C. is granted, on request, four weeks' further time to file reply statement.

Post on 29.6.2007.

~~W.Ls filed.~~

Vice-Chairman

BB
/bb/

28.6.07.

Counsel for the respondents wanted time to file written statement. Let it be done.. Post the matter on 23.7.07.

W.Ls not filed.

Vice-Chairman

BB
25.7.07. lm

W.Ls not filed.

Vice-Chairman

BB
22.8.07.

23.7.07. Counsel for the respondents prays for adjournment for filing of written statement. Let it be done. Post the matter on 23.8.07.

4

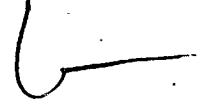
SA. 25/07

23.8.2007

Post the case on 18.9.2007 granting three weeks time to Mr.M.U.Ahmed, learned Addl.C.G.S.C. for filing of reply statement.

W/Ls not filed.

23.9.07


Vice-Chairman

/bb/

18.9.2007

As requested, further time of three weeks is granted to Mr.M.U.Ahmed, learned Addl. C.G.S.C.

W/Ls not filed.

23.9.07

Post on 11.10.2007.


Vice-Chairman

/bb/

09.10.07.1.

None appears for either to the parties. No reply has yet been filed in this case by the Respondents.

Call this matter on 21.11.07 requiring them to file reply in this case.

Send copies of this order to the Applicant and the Respondents in the address given in the Original Application.



(Khushiram)
Member(A)


(Manoranjan Mohanty)
Vice-Chairman

lm

order dt. 9/10/07
issuing to applicant
and respondents by
Post. D/No-1252 To
1255
Court. Dt. 14/11/07.
7/11/07.

W/Ls not filed.

20.11.07.

O.A.25/2007

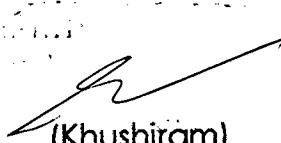
21.11.2007

No written statement has been filed

in this case as yet.

Call this matter on 7.12.2007 awaiting written statement from the Respondents. Last chance is given to the Respondents to file written statement by that date; failing which the case shall be proceeded ex parte and the matter shall be decided on the merits of the O.A. without written statement.

Send copies of this order to the Respondents in the address given in the Original Application.



(Khushiram)
Member (A)



(M.R.Mohanty)
Vice-Chairman

Dt. 21.11.07

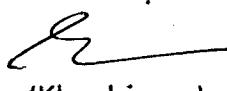
Pl. send order copies
to the respondents.

/bb/

07.12.2007

written statement has already been filed in this case, after serving a copy on the learned counsel for the Applicant.

Subject to legal pleas to be examined at the time of hearing, this case is admitted and set for hearing on 01.01.2008.



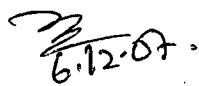
(Khushiram)
Member (A)



(M.R.Mohanty)
Vice-Chairman

WLS not filed.

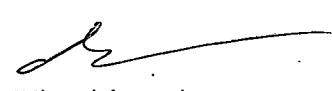
/bb/



6.12.07.

01.01.2008

On the request of Mrs.P.Rai, learned counsel for the Applicant, call this matter on 07.01.2008.



(Khushiram)
Member (A)



(M.R.Mohanty)
Vice-Chairman

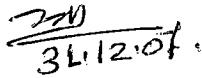
11.12.07

WLS submitted by
The Respondents. Cops
not served.



/bb/

Rejoinder not filed.



31.12.07.

07.01.2008

On the request of Mr.R.Mazumdar, learned counsel appearing for the Applicant (made in presence of Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India) this matter stands adjourned to 08.02.2008.

Rejoinder not
filed.

3/1/08

/bb/


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

08.02.2008

On the prayer of learned counsel appearing for both the parties ,call this matter on 25.3.2008.

Rejoinder filed
on behalf of
the applicant.

3/2/08

Lm


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

3/3/08

The case is ready
for hearing.

3/9/08

Pg

25.03.08

Call this matter on 12.05.2008
before the Division Bench.


(M.R. Mohanty)
Vice-Chairman

12-05-08

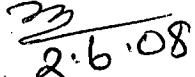
On the prayer of learned counsel for
the Applicant call this matter on 3.06.08.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

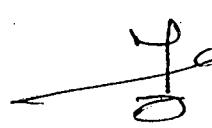
pg


26.05.08

03.06.08

On the prayer of Mr R. Mazumdar,
learned counsel for the applicant the
case is adjourned to 19.06.2008 for
hearing.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

5.6.08

WPS don't wish to
be Respondents.
Undertaking given
for service.

pg


5.6.08

19.06.2008

Mr. H. Bezbaruah, Advocate

(representing Mr. R. Mazumdar, learned
counsel appearing for the Applicant) seeks an
adjournment of the hearing of this case. Mr.
M. U. Ahmed, learned Addl. Standing
Counsel appearing for the Respondents is
present.

Call this matter on 05.08.2008 for
hearing.

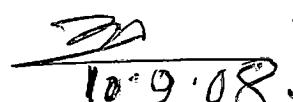

(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

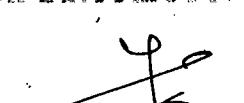
lm
05.08.2008

Call this matter on 11.09.2008.

The case is ready
for hearing.


10.9.08

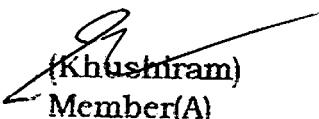
nkm


(M.R. Mohanty)
Vice-Chairman

8
O.A. 25 of 07

11.09.2008. None appears for the Applicant. However, Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Union of India is present.

Call this matter on 10.11.2008 for hearing.


(Khushiram)

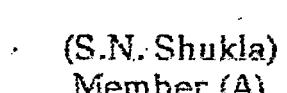
lm

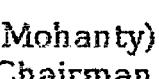
Member(A)


(M.R. Mohanty)
Vice-Chairman

10.11.2008 Mr H. Bezbaruah, Advocate, makes a prayer seeking adjournment of the hearing of this case to tomorrow, 11.11.2008. Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, has no objection.

Call this matter on 11.11.2008.


(S.N. Shukla)
Member (A)


(M.R. Mohanty)
Vice-Chairman

The Case is ready for hearing. 11.11.2008 Heard Mr.R.Mazumdar, learned counsel for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India in part.

My
18.11.08

Call this part heard matter on 19.11.2008 for further hearing.

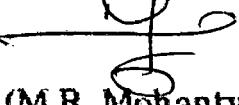

(S.N. Shukla)
Member (A)


(M.R. Mohanty)
Vice-Chairman

19.11.2008 Heard the learned Counsel for the parties. For the reasons recorded separately, this O.A. stands disposed of.


(S.N. Shukla),
Member (A)

nm


(M.R. Mohanty)
Vice-Chairman

Received at
R&R Registry
15/11/08

3/12
R&R CGA

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. No. 25 of 2007

Date of order 19th November, 2008

Pharmacist Raj Kumar Singh
By Advocate Mr. R. Mazumdar

Applicant

Versus

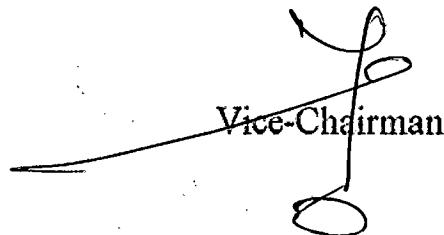
The UOI & others
By Advocate Mr. M.U. Ahmed, A.C.G.S.C.

Respondents

CORAM

The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman
The Hon'ble Mr. S.N. Shukla, Member [Administrative]

1. Whether reporters of local newspapers may be Allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
2. Whether their Lordships wish to see the fair Copy of the Judgment? Yes/No


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. 25 of 2007

Guwahati, this the 19th day of November, 2008

The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri S.N. Shukla, Member [Administrative]

Pharmacist Raj Kumar Singh
Force No.731550178
Presently serving in 114 Bn.
Central Reserve Police Force
Hospital, Tura, West Garo Hills,
Meghalaya

Applicant

By Advocate Mr. R. Mazumdar

Versus

1. The Union of India, through the Secretary, Ministry of Home Affairs
New Delhi-1.
2. The Director General of Police
Central Reserve Police Force,
Lodhi Road, CGO Complex,
New Delhi-110 003
3. The Director [Medical] Directorate
General, CRPF, East Block,
10, R.K.Puram-110 066

Respondents

By Advocate: Mr. M.U. Ahmed, A.C.G.S.C.

ORAL ORDER DATED 19.11.2008

Manoranjan Mohanty, Vice-Chairman:-

Applicant is a Pharmacist engaged in Central Reserve Police Force [CRPF]. Pharmacists of CRPF were granted 'Assured Career Progression' [ACP] benefits on completion of 12 years and 24 years of services w.e.f. 09.08.1999. While doing so, the Respondent Organisation, it is alleged, acted discriminately. While granting such

benefits in Central Govt. Health Services [CGHS], Pharmacists [of CGHS Organisation] were taken from the pay scale of Rs.4500-7000 to the pay scale of Rs.6500-10,500; but in CRPF Organisation, similarly placed Pharmacists were granted a lower pay scale i.e. Rs.5,500-9,500 only. Some of the personnel [Pharmacists] of CRPF represented against such action of their authorities. While forwarding the said representations, the Addl. DIG, Bihar Sector Hqrs. of CRPF at Patna noted as under [in his forwarding letter dated 05.09.2002];-

"As per current scenario, it is well evident that the Pharmacist posted in para military forces have more duties and responsibilities rather than Pharmacist of CGHS Department. Hence, the Pharmacists of CRPF may also be allowed the benefits of the ACP Scheme at par with the Pharmacist of CGHS Department."

2. At the hearing, Mr. Rajesh Mazumdar, learned Counsel appearing for the Applicant, submitted that similarly placed Pharmacists [of CRPF, as that of the present Applicant] approached the Principal Bench of this Tribunal in O.A. No. 1080 of 2007 and the said case was disposed of on 06.05.2008 with grant of liberty to those Pharmacists [Applicants of the said Case/O.A.No.1080/07] to represent to their authorities to give consideration to the matter in issue and that the appropriate authorities of Govt. of India are now engaged to give consideration to the matter of granting the pay scale of Rs.6500-10,500/- on grant of ACP benefits w.e.f. 09.08.1999.

3. Having heard Mr. Rajesh Mazumdar, learned Counsel appearing for the Applicant and Mr. M.U. Ahmed, learned Additional

Standing Counsel for the Central Government, we also remit the matter back to the Respondents to re-consider the grievances of the present Applicant and to grant him relief, as due and admissible under the law, and, while doing so, they [Respondents] should give consideration to the fact that Pharmacists of the CRPF/Hospitals/Departments are doing the same job as that of the Pharmacists engaged in Hospitals/Departments of the CGHS Organisation and that, therefore, there appears to be no reason to discriminate in the matter of granting pay/salary/ACP benefit. "Equal pay for equal work" being an important segment of Healthy Personnel Management, the Respondents/Govt. of India should consider to grant the same pay/salary benefits to its employees discharging the same nature of duties being posted in different departments of the same Government. This exercise need be completed within a period of 180 days from the date of receipt of a copy of this order.

4. With the above observations and directions, this case stands disposed of.

5. Send copies of this order to the Applicant and the Respondents and free copies supplied to the Advocates of both the sides.

[S.N.Shukla]
Member[A]

cm

[Manoranjan Mohanty]
Vice-Chairman

19/11/08

2-4-07

गुवाहाटी न्यायपाठी
Guwahati Bench

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

ORIGINAL APPLICATION NO.....25...../2007

Pharmacist Raj Kumar Singh

-Vs-

The Union of India and others

INDEX

S.I.No.	Particulars	Page no
1.	List of dates and synopsis	A
2.	Original Application with verification	1-16
3.	Annexure I- Copy of the Order dated 9-8-1999	17-23
4.	Annexure II Copy of the Order dated 9-2-2001	24-25
5.	Annexure III- Copy of the order dated 13-11-2000	26
6.	Annexure IV- Copy of the order dated 14/11/2002	27-28
7.	Annexure V- Copy of the order dated 04-10-05	29-30
8.	Annexure VI- Copy of recommendation dated 5-9-2002	31
9.	Annexure VII- Copy of signal dated 16-9-2002 from the DG dated 11-03-06	32
10.	Annexure VIII - Copy of the representation dated 09-10-2003	33
11.	Annexure IX- Copy of the order dated 12-2-2004	34
12.	VAKALATNAMA	

Filed by:

Rajesh Majumdar
Adv.

LIST OF DATES AND SYNOPSIS

9-8-1999

The Government of India introduced the Assured Career Progression Scheme to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. The Scheme envisages merely placement in higher pay-scale/grant of financial benefits (through financial up-gradation.)

The applicant is serving as a non-combatised pharmacist in the Central Reserve Police Force. A comparison of the pay scales of the combatised and the non-combatised pharmacist serving in the CRPF and the personnel serving the Central Health Services would show that the non-combatised personnel (i.e. including the applicant) are being subjected to discrimination to their disadvantage. The comparison table is illustrated below:

Combatised pharmacist serving the CRPF

On initial appointment:	Rs. 4000-100-6000/-
On 1 st financial upgradation:	Rs. 5500-175-9000/-
On 2 nd financial upgradation:	Rs. 6500-200-10500/-

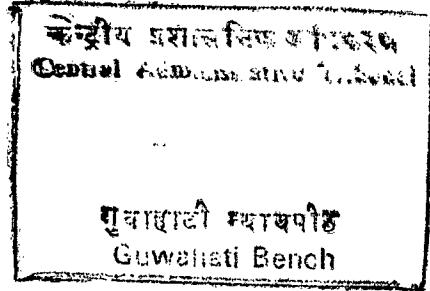
Pharmacist serving in the CGHS:

On initial appointment:	Rs. 4500-125-7000/-
On 1 st financial upgradation:	Rs. 5500-175-9000/-
On 2 nd financial upgradation:	Rs. 6500-200-10500/-

Non-Combatised pharmacist serving the CRPF (i.e. the applicant)

On initial appointment:	Rs. 4500-125-7000/-
On 1 st financial upgradation:	Rs. 5000-150-8000/-
On 2 nd financial upgradation:	Rs. 5500-175-9500/-

Applicant most respectfully pray that your Lordships may be pleased to direct the respondents to correctly fix the pay of the applicant on financial upgradation under the Assured Career Scheme at par with his counter parts in the Central Government Health Services and hospitals under the Central Government.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI
(An application under section 19 of the Central Administrative
Tribunal Act, 1985)

ORIGINAL APPLICATION NO.....25...../2006

1. Pharmacist Raj Kumar Singh
Force no 731550178
Presently serving in 114 Bn.
Central Reserve Police Force
Hospital, Tura, West Garo Hills,
Meghalaya.

.....APPLICANT

-Vs-

1. The Union of India, Through the
Secretary, Ministry of Home Affairs,
New Delhi--\.

2. The Director General Of police,
Central Reserve Police Force, Lodhi
Road, CGO Complex, New Delhi-
110003.

3. The Director (Medical) Directorate
General, CRPF, East Block, 10, R.K.
Puram New Delhi, 110066

..... Respondents

**1. Particulars of the orders against which the application
is made.**

This application is made praying for a direction to the respondents to correctly fix the pay of the applicant in terms of the Assured Career Progression Scheme at parity with similarly situated persons serving in the Central Government Health Services and the Central Reserve Police Force.

*Filed by
Raj K. N. Biju
through Raj Kumar
Sinha*

12
Raj Kumar Singh

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is within the Jurisdiction of the Hon'ble Tribunal and that the applicant is serving within the territorial jurisdiction of this Hon'ble Court.

3. Limitation

The applicant declares that this application is filed within the period of limitation prescribed under the Administrative Tribunal Act, 1985.

4. Facts of the case.

4.1. That the applicant being citizen of India is entitled to all the rights and privileges and protections granted by the Constitution of India.

4.2. That the applicants are serving as Non-combatised Pharmacist in the 114 Bn, Central Reserve Police Force, and is currently posted at West Garo Hills, Meghalaya.

4.3. That the applicant, in addition to salary is entitled to all the benefits and allowances as are applicable to the Nursing personnel and Hospital Staff serving in the other Central Government Health Services, at the same rate as is applicable

Raj K. Dalmia

to the nursing Personnel serving under the Central Reserve Police Force and other Central Health Services. The applicants are also entitled to the same scale of pay as is applicable to the Hospital Staff serving in the Central Government Health Services.

4.5 That the applicant is a non-combatised employee of the Central Reserve Police Force and as such is a civilian employee of the force. It would be pertinent to mention here that the Central Reserve Police Force (hereinafter referred to as the CRPF) had given an option to the civilian employees to opt to be combatised with certain conditions. The applicant herein, along with others, did not opt to be combatised and is continuing service as a civilian employee. The CRPF after implementation of the options availed by the then existing civilian employees had started to induct combatised hospital staff and only a few non-combatised hospital staff remain in the Force as of today.

4.6 That due to the lack of promotional avenues, the Government of India was pleased to introduce a scheme termed as the "Assured Career Progression Scheme" (hereinafter referred to as the "Scheme"). The Scheme was viewed as a 'safety net' to deal with the problem of genuine

stagnation and hardship faced by the employees due to lack of adequate promotional avenues. The Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial up-gradation) on to the Government Servant concerned on personal basis and therefore neither amounts to regular promotion nor requires creation of new posts for the purpose.

A true copy of the office memorandum no 35034-1/97-Estt(D) dated August 9, 1999 issued by the Ministry of Personnel, Public Grievances and Pensions regarding implementation of the Assured Career Scheme for Central Government Civilian Employees is annexed hereto and marked as Annexure I.

4.7 That the said scheme is applicable to the non-combatised employees serving the Central Reserve Police Force as well and the combatised hospital staff of the CRPF is also being afforded the benefits of the Scheme.

4.8 That the applicant joined the services of the Force in the year 1973 and as such as per the Assured Career Progression Scheme, he was eligible for his first ACP benefit in the year

Raj. K. P. Ganguly

20
Raj Kumar Singh

1985 and the Second ACP benefit in the year 1997. The applicant states that he has been given the benefit of financial upgradation under the Assured Career Progression Scheme. and his pay has been fixed at Rs. 5500 - 175- 9000/-.

A copy of the orders dated 09-02-2001 fixing the pay of the applicant in the scale 5500-9000/- after giving benefit of the is annexed hereto and marked as Annexure II.

4.9 That it is stated that the Assured Career Progression is to be implemented in an equal manner to all the persons situated similarly, i.e. the non-combatised personnel working in the Hospitals of the Central Reserve Police Force and the persons in the Hospitals under the Central Government Health Services. It will be pertinent to mention here that the Hon'ble Supreme Court has held that the personnel working in the hospitals of the Central Reserve Police Force and the persons in the hospitals under the Central Government Health Services are similarly situated and thus are entitled to the same and equal benefits of pay-scale, allowances etc.

4.10 That it is stated here that the similarly situated persons serving in the Central Government Health Services have been

Raj KM Banerji

afforded a higher pay scale on their qualifying for the benefits of the ACP Scheme.

4.11 That vide order dated 13-11-2000, the Directorate General of Health Services, (CGHS-II SECTION) had clarified that the scale of pay of pharmacists and Assistant Store Superintendents in the Central Government Health Services lie in the same pay scale i.e. Rs. 4500 - 7500/-, and that in terms of the accepted policy the second financial benefit under the Assured Career Progression Scheme is to be allowed in the scale of Rs. 6500- 10500/-.

A copy of the letter dated 13-11-2000 of the Directorate General of Health Services is annexed hereto and marked as Annexure III.

4.12 That following the directions of the Directorate General of Health Services, New Delhi, similarly situated pharmacists serving in the Hospitals of the Central Government Health Schemes, Patna have been upgraded to the pay-scale of Rs. 6500-175-10500/- vide order dated 14/11/2002.

Copy of the order dated 14-11-2002 is annexed hereto and marked as Annexure IV.

Rajiv Singh

4.13 That similarly situated pharmacists in the Safdarjung Hospital (Government of India) have also been the pay scales of Rs. 5500-9000/- and Rs 6500-10500/- as 1st and 2nd financial upgradation under the ACP Scheme.

A copy one order showing the financial upgradation in the Safdarjung Hospital is annexed hereto and marked as Annexure V.

4.14 That it would be relevant to mention here that the issue of correct fixation of pay of the pharmacist of the Central Reserve Police Force was raised by one Suresh Prasad Sinha, Pharmacist before the Director, Medical, CRPF, to fix his pay at Rs. 6500-10500/- instead of Rs. 5500-9000/- at par with the CGHS staff. While forwarding the application, the Additional Deputy Inspector General, BS Hqr. CRPF, Patna had recommended that the pharmacists of Central Reserve Police Force be allowed the financial benefits of the ACP Scheme at par with the pharmacist of Central Government Health Services, since the Pharmacists in Central Government Health Services were being allowed the pay scale of Rs. 6500/- to 10500/- as their 2nd benefit under the Assured Career Progression Scheme.

Raj K. Singh
2

A copy of the recommendation dated 5-9-2002 is annexed hereto and marked as Annexure VI.

4.15 That vide signal dated 16/9/2002, Director (Medical), Central Reserve Police Force had stated that orders issued for Central Government Health Services is not relevant to the Central Reserve Police Force and that the said Suresh Prasad Sinha had been granted 2nd Financial Upgradation under the Assured Career Progression Scheme correctly.

Copy of the aforesaid signal dated 16-9-2002 is annexed hereto and marked as Annexure VII.

4.16 That the applicant had made enquiries and after finding that his scale of pay has not been granted at par with similarly situated persons of the Central Government Health Services, had represented to the Director (Medical), Directorate General, Central Reserve Police Force (through proper channel), for correct fixation of pay.

A copy of the representation filed by the applicant is annexed hereto and marked as Annexure VIII.

22
Raj K. Singh

4.17 That instead of forwarding the representation of the applicant to the appropriate authorities, the Inspector General of Police did not consider it fit for onward transmission and referring to the signal passed in the case of Pharmacist Suresh Prasad Sinha dated 16/9/2002, held that since the orders issued for the Central Government Health Services is not relevant to the CRPF.

A copy of the communication
dated 12-2-2004 is annexed
hereto and marked as Annexure
IX.

4.18 That it is stated that similarly situated personnel working in the Hospitals of the Central Government Health Services have been allowed the scale of 6500 to 10500/- on their attaining the 2nd benefit of the Assured Career Progression Scheme.

4.19 That it is stated herein that both the applicant and the pharmacists working in the hospitals under the Central Government Health Services have a basic pay scale of Rs. 4500 to 7000/- and execute similar nature of jobs. The applicants are entitled to similar treatment with the pharmacists working in the Central Government Health

25

Services and the Safdarjung Hospital with regard to the financial upgradation under the Assured Career Progression Scheme

5. That it is submitted that the respondents have discriminated against the applicant vis-à-vis similarly situated personnel in the Central Government Health Services and the applicant herein is challenging the discrimination on the following among other

Grounds.

5.1 For that the impugned actions of the respondents are illegal and arbitrary and are without application of mind and, as such, are not tenable in Law.

5.2 For that the respondents have resorted to discrimination, inasmuch as, the applicant has not been afforded similar 2nd financial upgradation benefits under the Assured Progression Schemes with similarly situated counterparts working in the Central Government Health Services. It is submitted that the applicant and the counterparts in the Central Government Health Services are both Central Civil Employees and thus are liable to be treated equally.

Rajiv K. Singh

Ref by Limp

5.3 For that the respondents have not denied the fact that the similarly situated employees of the Central Government Health Services are allowed financial upgradation in the higher pay scale of and that the applicant is liable to be treated equally. The respondents have refuted the claim of the applicant simply on the ground that the orders issued for the Central Government Health Services is not relevant to the CRPF. The respondents have overlooked the fact that it is they who have to pass appropriate orders to restore equality between the similarly situated persons executing similar duties.

5.4 For that the respondents have ignored the fact that the Hon'ble Courts of law have already held that Civilian Staff serving in the Hospital of the Central Reserve Police Force are similarly situated as Staff serving in the Central Government Health Services and thus should be treated equally and at par. It would be relevant to mention here that the issue regarding whether the hospital staff of the CRPF are similarly situated as the staff serving the Central Government Health Services and whether the Hospital staff of the CRPF would be eligible to similar allowances and parity of pay with the CGHS employees was raised in the cases regarding the

29
Raj K. P. Singh

payment of Hospital Patient Care Allowance to CRPF employees. The matter was taken up before the Hon'ble Supreme Court by the respondents herein and the Hon'ble Supreme Court had held that the hospital staff of the CRPF and the CGHS being similarly situated, the former would be eligible would be eligible for the said allowance.

5.5 For that a simple comparison of the pay scales of the combatised and the non-combatised pharmacist serving in the CRPF and the personnel serving the Central Health Services would show that the non-combatised personnel (i.e. including the applicant) are being subjected to discrimination to their disadvantage. The comparison table is illustrated below:

Combatised pharmacist serving the CRPF

On initial appointment:	Rs. 4000-100-6000/-
On 1 st financial upgradation:	Rs. 5500-175-9000/-
On 2 nd financial upgradation:	Rs. 6500-200-10500/-

Pharmacist serving in the CGHS:

On initial appointment:	Rs. 4500-125-7000/-
On 1 st financial upgradation:	Rs. 5500-175-9000/-
On 2 nd financial upgradation:	Rs. 6500-200-10500/-

Non-Combatised pharmacist serving the CRPF (i.e. the applicant)

On initial appointment:	Rs. 4500-125-7000/-
On 1 st financial upgradation:	Rs. 5000-150-8000/- 73 86 9.8, 9.9
On 2 nd financial upgradation:	Rs. 5500-175-9500/- 9.8, 9.9

28

The discrimination is being meted out in granting the financial benefits under the Assured Career Progression Schemes.

5.6 For that it is stated here that the combatised pharmacists are also being afforded the higher pay scale on their attaining the financial upgradation under the Assured Career Progression scheme at par with the personnel serving the CGHS.

5.7 For that the applicant has been subjected to gross injustice, inasmuch as, his application was never put before the appropriate authorities for due consideration and was rejected only on the basis of a signal which did not relate to him.

5.8 For that the applicant has been subjected to gross inequality when he has not been afforded an equal pay scale with similarly situated persons.

5.9 For that the action of the respondents in denying the applicants the equal benefit of financial upgradation under the ACP Scheme which is allowed to other similarly situated persons is in clear violation of the principles of the equality and as such the respondents are liable to directed by this Hon'ble Court to grant the similar pay scale on financial upgradation under the ACP Scheme.

Raj Kumar Singh

29
Raj Br.込んで

5.10 For that the respondents have acted in gross violation of the principles of "equal pay for equal work".

5.11 For that it is submitted that since the equality of persons working in the hospitals of the Central Reserve Police force with the persons serving the CGHS has already been settled by Courts of law, the act of the respondents in attempting to curtail the entitlement to equal pay is without any force and against all canons of law.

7. DETAILS OF REMEDIES EXHAUSTED: -

There is no other alternative and efficacious remedy available to the applicants except invoking the Jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunal Act, 1985.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH

ANY OTHER COURT:

The applicants further declare that they have neither filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court nor any such application, writ petition or suit is pending before any of Court or Tribunal.

Raj KM. Bora

9. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully pray that your Lordships may be pleased to grant the following reliefs to the applicant.

- 8.1 Direct the respondents to correctly fix the pay of the applicant on financial upgradation under the Assured Career Scheme at par with his counter parts in the Central Government Health Services and hospitals under the Central Government; and
- 8.2 Grant the cost of this application in favor of the applicants and against the respondents; and
- 8.3 To grant such further or other reliefs as this Hon'ble Tribunal may deem fit, proper and necessary in the interests of justice and in the circumstances of the case.

9. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE

- (i) I P O number: 286-989913
- (ii) Date: 31-1-07
- (iii) Issued by the Guwahati post office
- (iv) Payable at Guwahati.

10. LIST OF ANNEXURES:

As stated in the Index to the application.

VERIFICATION

I, Sri.....Raj Kumar Singh....., s/o
 late Sri Ram Janam Singh....., aged about 53 years,
 serving in the Central Reserve police Force, do hereby
 solemnly verify that the statements made in paragraphs no
 1,2,3,4(1-5)4(7-10,18-19) are true to the best of my knowledge and
 the statements made in paragraphs 4(6,11,12,13-17).....being
 matters of records are true to my information derived there
 from and which I believe to be true and the rest are my
 humble submissions before this Hon'ble Tribunal.

And I sign this verification on this ...1st... day of
 January..., 2007 at Meghalaya.

Raj Kumar Singh

17

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

North Block, New Delhi 110(X)
August 9, 1999

OFFICE MEMORANDUM

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

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

2. GROUP 'A' CENTRAL SERVICES

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

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

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

Forie copy
Rajesh Majumdar
PDR

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

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

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

SCREENING COMMITTEE

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

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

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

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

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

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

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

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

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

3. Hindi version would follow.

(K.K. JHA)

Director(Establishment)

60

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

20

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

ANNEXURE

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 24 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

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

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

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

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

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

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

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 23 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personnel basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the Scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the Scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.


(K.K. JHA)

Director(Establishment)

ANNEXURE-II

STANDARD/COMMON PAY-SCALES

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

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

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200
2.	S-2	2610-60-3150-65-3540
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3600-75-4400
5.	S-5	3050-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	4050-100-6000
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12900-375-16500
17.	S-23	12600-375-18000
18.	S-24	14300-400-18300

कार्यालय कमाण्डेन्ट-108 बटालियन, दृत कार्य बल, कैण्टरिंगुबल, सेरठौड़त्तर प्रदेश १३

पत्र संख्या-: पो-एक-1/2001-108-सेप्युल-एक दिनांक १ फरवरी 2001

कार्यालय आदेश

इस बटालियन के बल संख्या-731550178, फ्रेसिष्ट राजकुमार सिंह का हेतन भारत सरकार के डॉ. अ.पी. एवं एकार्यालय इापन संख्या-35034/1/97/स्थान-देश दिनांक ०९/८/९९ व संख्या-35034/1/97-स्थान-डॉ. भाग-चार दिनांक १०/२/२००० एवं निदेशक सेडिकल महानिहेशालय, कैण्टरिंगुबल के पत्र संख्या-पो-आठ-३/२०००-में-एक दिनांक ०४/५/२००० के प्रावधानुसार और एक-आर-२२ ईएक्टू ईएक्टू के अनुसार स.सी.पी. स्कोम के तहत निम्नानुसार निर्धारित किया जाता है।

12 वर्ष पूरे होने पर नया हेतनमान रु. 5000-150-8000

१०५० दिनांक ०९/८/९९ को हेतन	= रु. ६३७५-००
१०५० दिनांक ०९/८/९९ को निचले हेतनमान	= रु. ६५००-००
रु. ४५००-१२५-७००० का एक नौशनल हेतन बूद्धि देने के बाद	
१०५० नये हेतनमान रु. ५०००-१५०-८००० में दिनांक ९/८/९९ को हेतन निर्धारण	= रु. ६६५०-००

24 वर्ष पूरे होने पर नया हेतनमान रु. 5500-175-9000

१०५० दिनांक ९/८/९९ को हेतन	= रु. ६६५०/-
१०५० ९/८/९९ को निचले हेतनमान रु. ५०००- १५०-८००० का एक नौशनल हेतन बूद्धि देने पर	= रु. ६८००/-
१०५० नये हेतनमान रु. ५५००-१७५-९००० में दिनांक ९/८/९९ को हेतन निर्धारण	= रु. ६९००/-
अली हेतन बूद्धि दिनांक ०१/८/२००० को रु. ६९००/- से रु. ७०७५/- प्राधिकार-कमाण्डेन्ट द्वारा कार्यालय टिप्पणी पर दिनांक ७/२/२००१ को अनुमोदित है।	

हस्ताक्षर

कृते कमाण्डेन्ट-108 बटालियन
दृत कार्य बल, कैण्टरिंगुबल, सेरठ

लगतार- 2 पर

Attached

[Signature]

कमाण्डेन्ट, कार्यालय
१०८ बटा लियन बूल
कैण्टरिंगुबल
०१०८/१०८/२००१

Copy
Rajesh Hegde
Adm

-245

OFFICE OF THE COMMANDANT-108 Bn, RAF, CRPF
MERRUT, UTTAR PRADE SH

letter no P-I-1/2001-108-SRC-I

dated 9 February 2001

OFFICE ORDER

The pay scale of Force no 731550178 Pharmacist Rajkumar Singh of this Battalion is fixed as follows are per Government of India, DOP&T OM no 35034/1/97/ Estt-II dated 09-8-99 and no 35034/1/97-Estt D Part IV dated 10-2-2000 and Director Medical, Directorate General, CRPF letter no P-VIII-3/2000-Med-I dated 04/5/2000 and FR (1) (a) (i) in terms of the ACP Scheme:

On completion of 12 years **new payscale Rs. 5000-150-8000**

(A)	pay as on 09-8-99	Rs. 6375-00
(B)	pay on 09-8-99 after notional Increment on Rs. 4500-125-7000	Rs. 6500-00
(C)	Pay fixed on new payscale Rs. 5000 -150-8000 on 9/8/99	Rs. 6650-00

On completion of 24 years new payscale Rs. 550/-175-9000

(A) pay as on 09-8-99 Rs. 6650/-
(B) pay on 09-8-99 after notional
Increment on Rs. 5000-150-8000 Rs. 6800/-
(C) Pay fixed on new payscale Rs. 5500
-175-9000 on 9/8/99 Rs. 6900/-
Next increment on 01/8/2000 from Rs. 6900/- to Rs. 7075/-
(Approved as per office notes dated 7/2/2001 of the
Commandant)

For Commandant 108 Battalion,
RAF, CRPF, Merrut.

Some geography
Rajesh Bagwanlal Adv.

— 26 —

MINISTRY OF PHARMACEUTICALS & CHEMICALS
GENERAL & INDUSTRIAL SERVICES
(CGHS-II Section)

To,

Nizam Bhawan, New Delhi.
Dated the 13-11-2000.

The Additional/Joint/Deputy Director,
CGHS,

Subject : Implementation of A.C.P. Scheme in respect of Post of Pharmacist, Assistant Store Superintendent and Store Superintendent in CGHS, Delhi and outside Delhi.

Madam/Sir,

I am directed to say that the matter regarding implementation of A.C.P. Scheme in respect of the post of Pharmacist, Assistant Store Superintendent and Store Superintendent in CGHS, Delhi and outside CGHS, Delhi was taken up with the D.O.P.T.

The D.O.P.T. has clarified that the two consecutive rungs in the hierarchy i.e. the Scale of Pharmacist and Assistant Store Superintendent lie in the same Pay Scale i.e. Rs.4500-7000/-, In terms of accepted policy, the upgradation under A.C.P.s. is to be allowed in the existing hierarchy albeit two consecutive grades being in the same Pay Scales and the second financial upgradation may be allowed in the Scale of Rs.6500-10500/-.

You are requested to settle the pending A.C.P. cases of Pharmacist and send the compliance report.

Yours faithfully,

JCP
13.11.2000
(MISS KIRAN PURI)
DIRECTOR ADMIN. (EP)

Sh. B.G.
16/11/00

True copy
Rajesh Mehta
sdv.

No. 10-3/2000/Estt/ 1415-24

GOVERNMENT OF INDIA
OFFICE OF THE ADDITIONAL DIRECTOR
CENTRAL GOVERNMENT HEALTH SCHEME
54, CHHAJJU BAGH, PATNA-800001

14/11/02
Dated.....

OFFICE ORDER

In pursuance of D.G.H.S., New Delhi letter No.A.60015/6/2001-CGHS.II dated 08.8.2002 the undermentioned Pharmacist Gr.I, Staff Nurse, Pharmacist Cum-Clerk have been allowed II id. financial upgradation under ACP Scheme. Pay Scale as mentioned against each post in Annexure-A. The Basic pay has been fixed under the Provision of FR-22(I)(a)(1) subject of minimum benefit Rs.100/-

If the "above official will be on regular leave on the date of fixation then the benefit of Pay fixation will be admissible from the date of their joining on duty.

In case any anomalies/discrepancies found in Calculation of above fixation is found at later stage resulting over/ excess Payment of Pay & allowances, shall be recovered in one lump-sum from this future payment or any other due as case may be.

Encls:- Annexure A attached.

(Dr.S.N.N.Alam)

Addl. Director.

Copy to:-

1. Shri./Smt. Nawal Kishore Sarain Chamanlal

Through the M.O.I/C, CGHS Disp. 1, 2, 3, 4 & PTC Sub-Disp.

2. Accounts Officer, P.A.O. M/O. Health & F.W. Chowranghee Square, Kolkatta-69.

3. Deputy Director(Admm), CGHS Desk-II (Section)
(D.G.H.S.) Nirman Bhawan, New Delhi-110011.

4. Account Section, CGHS, Patna.

5. Service Book/Personal File

Scd 13/11/02

(Dr.S.N.N.Alam)
Addl. Director

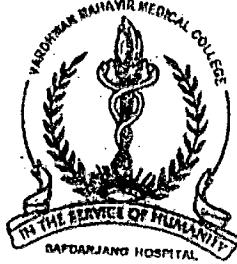
*One copy
Rajendra Nandan
Dr.*

Annexure - A

CGHS, Patna

L.no.	Name & Designation	Existing Scale Date of Pay as on the Upgrade Pay Date of fix Pay, fixed DNI					Pay after DNI given Inc.	Pay after giving Inc.		
		3	4	5	6	8				
2							9	19	11	10
1.	Dr. R.M. Singh, Pharmacist	5000-150-3000	05.6.00	6350/-1.6.01	6500-200-10500	05.6.00	6700/-	01.6.01	6900/-	01.6.01
2.	Mr. M. Sarain	-do-	-do-	17.8.00	6350/-1.8.01	-do-	17.8.00	6700/-	01.8.01	6900/-
3.	R.P. Verma	- do-	-do-	20.8.00	6350/-1.8.01	-do-	20.8.00	6700/-	01.8.01	6900/-
4.	Dr. P. S. Sahu	-do-	-do-	02.9.00	6350/-1.9.01	-do-	02.9.00	6700/-	01.9.01	6900/-
5.	Chandrika Choudhary	-do-	-do-	12.5.01	6200/-01.5.02	-do-	12.5.01	6600/-	01.5.02	6800/-
6.	Prabir Kumar	-do-	-do-	22.11.00	6350/-01.11.01	-do-	22.11.00	6700/-	01.11.01	6900/-
7.	Dr. Rita Devi, s/o	5500-175-3000	16.11.00	7425	01.11.01	-do-	16.11.00	7700/-	01.11.01	7900/-

Sh. B. S. Singh
Additional Director
केन्द्रीय सरकारी दरावस्तुकालीन
CENTRAL GOVT. HEALTH BOARD
काशी पट्टना



भारत सरकार
GOVERNMENT OF INDIA
चिकित्सा अधीक्षक का कायलिय
OFFICE OF THE MEDICAL SUPERINTENDENT
सफदरजंग अस्पताल एवं वी.एम.एम. कॉलेज
SAFDARJANG HOSPITAL & V.M.M.C.
नई दिल्ली-110029
NEW DELHI-110029

संख्या/No.: 10-3/2005-Admn.II

दिनांक/Dated: 04.10.05

*** ORDER ***

In pursuance of Min of Personnel, Public Grievances & Pension (Deptt. of Personnel & Trg.) North Block New Delhi O.M.No.35034/1/97-Estt.(d)dt.09.8.99 & subsequent O.M.No.35034/1/97-Estt.-(D)(vol.IV)dt.10.2.2000 & F.No.12/26/2000-coord. (circular no.,26/2000) dt.09.3.2000, Min. of Finance, Deptt. of Revenue, New Delhi and on the recommendations of Screening Committee (D.P.C.) the Gr. 'B' & Gr 'C' employees(other than Nursing Staff) of this hospital as shown in Annexure 'A' & 'C' are granted upgradation under Assured Career Progression Scheme from the date shown against their names, subject to the terms & conditions indicated in the Annexure of the above mentioned O.M.

The Group 'C' employees shown in Annexure 'B' have exercised their option for fixation of their pay under 1st/2nd ACP from the date of accrual of increment in the existing scale of pay

The pay of all these employees has been fixed under FR-22(1) (a)(1). The employees as shown in Annexure 'A' Annexure 'B' & Annexure 'C' are entitled to draw arrears of difference of pay

The fixation of pay is subject to post audit & in the light of audit observation, over payments made if any, either in the form of arrears or otherwise, shall be recovered from the amount due to the official.

This issues with the approval of the Medical Supdt.

(I.J.S.Bhatia)
Dy.Director(Admn.)

Copy forwarded for information & necessary action to :-

1. Accounts section in duplicate 2. P.A.O.
3. P.files of the individual. 4. Individual concerned
5. Concerned Dealing Asssts. for entry in service book.
6. Office order file /Guard file

Free wpy
Rajesh Pragyaan
Sdr

- 80 -

ANNEXURE-B

S.no.	Name of the employee & designation	Existing Scale of pay & Pay Immediately before the date of ACP as shown below	Date of Option for fixation of pay	A.C.P. Allowed (I/II)	Scale of pay allowed under ACP & Pay fixed w.e.f Dt.mention in Col.03	Pay refixed under FR 22(1)(a)(1) from the date of option	Date of next increment if otherwise admissible.
1	2	3	4	5	6	7	8
1.	Sh. Krishan Kr. Pasrija, Pharmacist	Rs.5500-175-9000/- Rs.6550/- 14.06.2003	01.8.2003	Second ACP	Rs.6500-200-10500/- Rs.6700/-	Rs.7100/-	01.8.2004 @ Rs.7300/- 01.08.2005 @ Rs.7500/-
2.	Sh. D.C.Tiwari, Pharmacist	Rs.5500-175-9000/- Rs.6725/- 10.05.2004	01.8.2004	Second ACP	Rs.6500-200-10500/- Rs.6900/-	Rs.7100+125/-	01.08.2005 @ Rs.7300+125/-
3.	Sh. Kaushal Mani Nim, Pharmacist	Rs.4500-125-7000/- Rs.5500/- 09.08.1999	01.9.1999	First ACP	Rs.5500-175-9000/- Rs.5500/-	Rs.5850+125/-	01.09.2000 @ Rs.6025+125/- 01.09.2001 @ Rs.6200+125/- 01.09.2002 @ Rs.6375+125/- 01.09.2003 @ Rs.6550+125/- 01.09.2004 @ Rs.6725+125/- 01.09.2005 @ Rs.6900+125/-

ADMN OFFICER

Qash

45

- 81 -

OFFICE OF THE INSPECTOR GENERAL OF POLICE, BIHAR SECTOR.
CRPF, PATNA - 14 (BIHAR)

No. P. VII-23/02-BS-Adm-II

Dated, the 5 Sep 2002

TO

The Director Medical,
Dte., Genl., CRPF,
CGO Complex, Lodhi Road,
New Delhi - 03.

Sub :- FINANCIAL UPGRADATION UNDER
ACP SCHEME TO MOSP, STAFF.

No. 761580109 Pharmacist Suresh Prasad Sinha of 116 Bn, CRPF has submitted an application addressed to the Director (Medical), Dte., Genl., CRPF, New Delhi, requesting for grant/allow him second financial upgradation under ACP scheme in the pay scale of Rs. 6500-10,500, instead of Rs. 5500-9000, at par with CGHS staff.

2. In this count, it is intimated that, the above pharmacist was granted second financial upgradation under ACP scheme and his pay was upgraded from pay scale Rs. 5000-8000 to Rs. 5500-9000 w.e.f. 8/11/00 vide Medical Dte. office order No. P. VII-3/01-Med-I dated 9/3/01, as per provision contained in Annexure-I & II to GOI, OM No. 35034/1/97-Estt-(D) dated 9/8/99 and OM No. 35034/1/97-Estt(1) (Vol. IV) dated 10/2/2000.

3. Now the said pharmacist has requested to allow/grant him the second financial upgradation under ACP scheme in the pay scale of Rs. 6500-10,500, instead of Rs. 5500-9000, in the light of Directorate General, Health Service, (CGHS-IX-section) OM No. A-60015/3/ACP's/2000 CGHS-II dated 13/11/2000 (Copy enclosed). As per aforesaid GOI OM, the pharmacists in CGHS Delhi and outside Delhi, who were in the pay scale of Rs. 4500-7000 have been allowed second financial upgradation in the pay scale of Rs. 6500-10,500.

4. As per current scenario, it is well evident that, the pharmacists posted in Para-military Forces have more duties and responsibilities, rather than the pharmacists of CGHS Department. Hence the pharmacists of CRPF may also be allowed the benefits of ACP scheme at par with the pharmacists of CGHS Department. Since the application of individual is addressed to the Director (Medical), Dte., Genl., CRPF, same is enclosed for favour of further needful.

5. Decision on application of above individual may please be intimated to this office for needful.

Encl : (2 leaves)

No. P. VII-23/02-BS-Adm-II

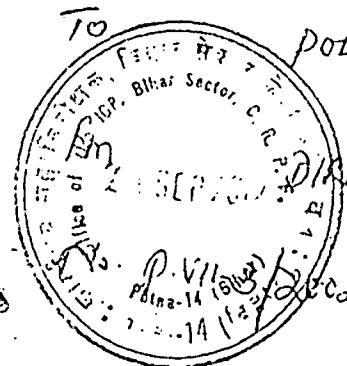
(C. M. Bakshi)
Addl. Dir.
BS Hqr. CRPF, Patna
Dated, the 5 Sep 2002

Copy forwarded to the IGP, CRPF, Patna-14 (Bihar) for favour of information w.r.t. his office letter No. P. VII-23/02-CC dated 27/8/2002.

(C. M. Bakshi)

SIGNAL

15822
24/9



15822
24/9

(By Post)



DTD 16/9/02

U/C C) REG FINANCIAL UPGRADATION UNDER
ACP SCHEME (1) REG YR LTR NO. P. V. I. C. P. 23/02-
P. S. - A. D. M. - II DTD 5/9/02 (2) NO. 761580109 PHAR.
SURESH PRASAD SINHA OF 116 BN HAS BEEN
GRANTED IN D. FINANCIAL UPGRADATION UNDER
ACP SCHEME CORRECTLY IN ACCORDANCE WITH
GOVT. OF INDIA OM NO. 35034/1/97-EST(D) DTD
9/8/99 AND NO. 35034/1/97-EST(D) (VOL. IV) DTD
10/2/2000 VIDE THIS DTE OFFICE ORDER NO.
P. V. I. C. P. 3/01-MED-1 DTD 9/3/01 # C) ORDERS ISSUED FOR
CGHS IS NOT RELEVANT TO ACP //

प्रमुख, आ. द. म.	
अ. द. म. द. व. आ. द. म.	
ए. द. म. द. व. आ. द. म.	
ए. द. म. द. व. आ. द. म.	
ए. द. म. द. व. आ. द. म.	

Director (Medical)

16/9/02
P. V. I. C. P. 3/01-MED-1
DTE
P. V. I. C. P. 3/01-MED-1
F.R.

Done on
Rajesh Mehta
A.D.M.

To

The Director Medical,
Dte. General, CRPF,
East Block-10, Level-7,
R.K. Puram, New Delhi- 66.
(Through Proper Channel)

Subject:

**SECOND ACP OF PHARMACIST IN THE PAY SCALE
OF RS.6500/- TO 10,500/-**

Sir,

With due regards and humble submission I beg to submit that being a non combotised pharmacist I, No.7315502178 Pharm. Raj Kumar Singh am getting pay and allowances/other benefits applicable to civil employees of Central Govt. /CGHS.

2. As per Govt. of India, Director General Health Services, Nirman Bhawan, New Delhi letter dated 13.11.2000 and Additional Director, CGHS, Patna letter No.19-3/2000/Estd/1415-29 dated 14/11/02 (copy enclosed) pharmacist of CGHS appointed in the same pay scale i.e. Rs.4500 to 7000/- (as in CRPF for non combotised pharmacist) have allowed Ist ACP in the pay scale of Rs.5000/- to 8000/- and second ACP (after 24 years of service) in the pay scale of Rs.6500/- to 10,500/- where as I have been given second ACP in the pay scale of Rs.5500/- to 9000/- only vide 108 BN,RAF Office order No.P.I.1/2001-108-SRC-I dated 09/02/2001 whereas I am entitled to above benefit in the pay scale of Rs.6500/- to 10,500/- as being given by CGHS.

3. Therefore, in view of above it is requested that I may kindly be given second ACP in the pay scale of Rs.6500/- to 10,500/- with effect from appropriate date.

4. Thanking you Sir.

Yours faithfully,

Raj kumar Singh
9/1X/03

No.731550178 Pharmacist

Raj Kumar Singh,
HQ/114 Bn, CRPF,
C/O 56 APO.

True copy
Raj Kumar Singh ACP

17/2 (C) - 34 -

BY REGD POST
OFFICE OF THE INSPECTOR GENERAL OF POLICE BIHAR SECTOR,
CRPF, PATNA-14 (BIHAR)

NO. P. VII-23/04-BS-Adm-II

Dated, the 17 Feb 2004

TO

The Dy Inspector General of Police,
Central Reserve Police Force,
Jamshedpur (Jharkhand).

Sub :-

SECOND FINANCIAL UPGRADATION UNDER ACP SCHEME
TO NON-COMBATISED PHARMACIST IN THE PAY SCALE
OF Rs. 6500-10500 AT PAR WITH CGHS STAFF.

Please refer to your office letter No. P. I-1/04-
DA-I dated 04/02/2004.

2. The application for granting second financial upgradation under ACP scheme in the pay scale of Rs. 6500-10500 at par with CGHS employees, submitted by No. 731550178 Phrm. Raj Kumar Singh of 114 Bn, CRPF, received vide your letter cited above has been examined in this office with relevant instructions on the subject.

3. In this connection, it is intimated that, during Sep'02, a similar request/case of No. 761580109 Phrm. Suresh Prasad Sinha of 116 Bn (for grant of 2nd financial upgradation under ACP scheme from pay scale Rs. 5000-8000 to Rs. 6500-10500) was taken-up with the Director Medical, Dte., General, CRPF, New Delhi, by explaining the facts vide this office letter No. P. VII-23/02-BS-Adm-II dated 5/9/02 (Copy enclosed), with the recommendation to allow/grant the benefits of ACP scheme to pharmacists of CRPF at par with the CGHS employees.

4. Responding to the above proposal, the Director Medical, Dte., General, CRPF vide signal No. P. VII-3/02-Med-I dated 16/9/02 (Copy enclosed) had intimated that, the Pharmacists in CRPF are being granted the financial upgradations under ACP scheme correctly in accordance with GOI O.M. No. 35034/1/97-Estt(D) dated 9/8/99 and No. 35034/1/97-Estt(D) (vol-IV) dated 10/2/2000 and the orders issued for CGHS is not relevant to CRPF.

5. Therefore, the application of Phrm. Raj Kumar Singh of 114 Bn is not considered for onward submission to Medical Directorate. The position as explained above may please be informed to the individual concerned accordingly.

End: (02 leaves)

(Jagjit Singh)
Addl. DIGP (Adm)
for IGP, BS, CRPF, Patna

No. P. VII-23/04-BS-Adm-II

Dated, the 17 Feb 2004

Copy forwarded to the Director (Medical), BS, CRPF, New Delhi w.r.t. the signal No. P. VII-3/02-Med-I dated 16/9/02. It is, further requested to confirm our action.

(Jagjit Singh)
Addl. DIGP (Adm)
for IGP, BS, CRPF, Patna

True copy
Rajendra Singh
Rajendra Singh

File in Court on.....
Court Officer.

केन्द्रीय न्यायालय
Central Administrative Tribunal

26 MAR 2007

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA NO. 25/2007

Shri R.K. Singh

.... Applicant

- Versus -

Union of India & others

.... Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No. 1 to

WRITTEN STATEMENT:

The humble answering respondents submitted their written statement as follows:

1(a)

That I

am SATINDER SINGH s/o SH. ROOP SINGH
aged about 50 years working as Commandant (staff),
SDI CP, CRPF, Guwahati

I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statements made in the application and authorized to file the written statement on behalf of all the respondents.

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

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

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

(Signature)
(Satinder Singh)
Commandant (staff)

कार्यालय मन्त्री, देश नगर, गुवाहाटी-23
Office of the D.C.P., CRPF, Guwahati-23

90
M. H. Ahmed, C. 64
7/12/07

26 MAR 2001

গুৱাহাটী বিদ্যুৎ
Guwahati Bench

2

57
Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

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

2) That the respondents would like to give the Brief History of the case before traversing various paragraphs of the OA, which may be treated as integral part of the Written Statement.

Govt. of India/ MHA has introduced Assured Progression Scheme for Central Govt. Employees vide Min of Personnel and Public Grievances OM No. 35034/1/97-Estt (II) dated 9/8/1999. Consequent on completion of 12/24 years of continues service. Pharmacist R. K. Singh, was allowed 1st financial up-gradation under A.C.P. Scheme in the pay scale of Rs. 5000-175-8000 and 2nd financial up-gradation in the pay scale of Rs. 5500-9000 vide Directorate order No. P.VII-3/2000-Med-1 dated 4/5/2000.

A copy of the letter-dated 04.05.2000 is annexed herewith and marked as Annexure- R1.

The financial up-gradation to the Pharmacists/Para Medical Staff (Combatised/Non-Combatised) are being given as per Central Reserved Police Force Group C & D Hospital Staff Recruitment Rules 1995 and Amendment Rules 2001 as notified by DOI/MHA vide GSR No. 392 dated 22/11/99.

A copy of the letter-dated 22.11.99 is annexed herewith and marked as Annexure- R2.

Pharmacists R. K. Singh has submitted representation dated 9/10/02 which was forwarded by DIGP, CRPF, Jamshedpur to IGP Bihar Sector. His representation examined by IGP, Bihar Sector, CRPF and DIGP, Jamshedpur was informed vide their letter No. P.VII-23/04-BS-Admn-II dated 12.4.2004 that the 2nd financial up-gradation under ACP Scheme granted to the applicant correctly as per rules (Copy annexed). The order issued for CGHS employees is not relevant to CRPF personnel. Further the issued regarding sanction of 2nd financial up-

(
S. K. S.
SATINDER SINGH
Commandant (Rtd.)
কার্য প্রক্ষেপ নি. দে.
C.R.P.F.

26 MAY 2018

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

3

gradation under ACP Scheme was also examined in this Directorate in the past and it was decided that the orders issued for CGHS employees is irrelevant to the hospital staff of this Force. Hence plea of said Pharmacist for sanction of 2nd financial up-gradation under ACP Scheme in the pay scale of Rs. 6500-10500 under ACP Scheme does not covered under the rules.

- 3) That with regard to the statement made in paragraphs 1 to 4.2 of the OA, the respondents do not admit anything contrary to the records of case.
- 4) That with regard to the statement made in paragraph 4.3 of the OA, the answering respondents beg to submit that all the applicant is being given all the benefits and allowances as are applicable to the Nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up gradation are being given as per the scale approved by GOI for Pharmacists of the Force. The orders issued for CGHS employees are irrelevant to the hospital staff of this Force. Hence plea of the applicant for sanction of 2nd financial up-gradation under ACP Scheme in the pay scale of Rs. 6500-10500 under ACP Scheme does not covered under the rules.
- 5) That with regard to the statement made in paragraph 4.5 of the OA, the answering respondents beg to offer no comment.
- 6) That with regard to the statement made in paragraph 4.6 of the OA, the answering respondents beg to submit that on completion of 12/24 years of service, the applicant is allowed to 1st financial up-gradation in the pay scale of Rs. 5000-8000 and 2nd up-gradation in the pay scale of Rs. 5500-9000 as per pay scales approved by GOI/MHA for Pharmacists of CRPF.
- 7) That with regard to the statement made in paragraph 4.7 of the OA, the answering respondents beg to offer no comment.

(Signature)
(SARATH DEO SENGUPTA)
Commandant (Staff)

কার্য প্রক্রিয়া নথি নং ১০০-২৩
Date: 23/05/2018, C. No. 13

SC-2
Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

8) That with regard to the statement made in paragraphs 4.8 of the OA, the answering respondents beg to submit that the Assured Career Profession Scheme for Central Govt. Employees applicable w.e.f. 9/8/1999 i.e. from the date of issued of Govt. orders. The contention of the applicant that he was eligible 1st ACP in the year 1985 and 2nd ACP in the year 1997 is totally wrong.

9) That with regard to the statement made in paragraphs 4.9 to 4.13 of the OA, the answering respondents state that the applicant is being given all the benefits and allowances as are applicable to the Nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up-gradation is being given as per the scale approved by GOI for Pharmacist of the Force. The orders issued for CGHS employees are irrelevant to the hospital staff of this Force. Hence plea of the applicant for sanction of 2nd financial up-gradation under ACP Scheme in the pay scale of Rs. 6500-10500 does not covered under the rules.

10) That with regard to the statement made in paragraph 4.14 of the OA, the answering respondents beg to offer no comment.

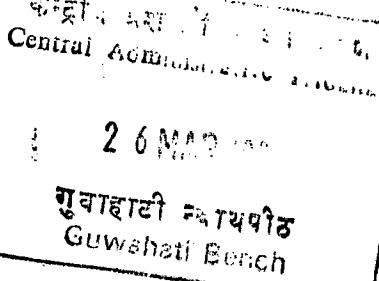
11) That with regard to the statement made in paragraph 4.15 of the OA, the respondents beg to submit that the contention of the applicant on this para is wrong. Pharmacists S. C. Sinha has not been granted 2nd financial up-gradation under the ACP Scheme in the pay scale of Rs. 6500-10500/-.

12) That with regard to the statement made in paragraphs 4.16 and 4.17 of the OA, the answering respondents beg to submit that the applicant has submitted representation-dated 9.10.2003, which was forwarded by DIGP, CRPF, Jamshedpur to IGP Bihar Sector. His representation examined by IGP, Bihar Sector, CRPF, and DGP, Jamshedpur was informed vide their letter No.P.VII-23/04-BS-Admn-II dated 12.2.2004 that the 2nd financial up-gradation under ACP Scheme granted to the applicant correctly as per rules (Copy annexed). The orders issued for CGHS employees are not relevant to CRPF personnel.

(*S. C. SINHA*)
कमांडर (स्टाफ)

Commandant (Staff)

कार्यालय
Commandant, CRPF
Guwahati, Assam
26-3-2003



Copies of the letters dated 9.10.2003 and 12.4.2004 are annexed herewith and marked as Annexure- R3 and R4 respectively.

13) That with regard to the statement made in paragraphs 4.18 and 4.19 of the OA, the answering respondents beg to submit that the contention of the applicant is not tenable. The benefits of financial up-gradation to the CRPF Pharmacists are being given as per the instructions issued to CGHS employees is not relevant for CRPF personnel as such request of the applicant has not been considered.

14) That with regard to the statement made in paragraph 5 of the OA, the answering respondents while reiterating and reaffirming the statements made above beg to submit that the action taken by the Department as per the instructions on the subject as such the contentions on this Para is not tenable in the eye of law hence liable to be rejected.

15) That with regard to the statement made in paragraphs 5.2 and 5.3 of the OA, the answering respondents while denying the contentions made therein beg to submit that the contention of the applicant is not tenable. The benefits of financial up-gradation to the CRPF Pharmacists are being given as per instructions issued by GOI/MHA. Orders issued to CGHS employees are not relevant for CRPF personnel, as such request of the applicant has not been considered.

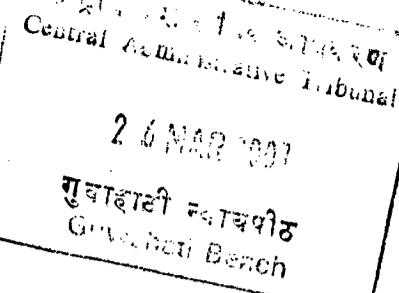
16) That with regard to the statement made in paragraph 5.4 of the OA, the answering respondents beg to submit the contentions of the applicant is not tenable. The non- combatised (civilian non-ministerial) Pharmacists of this force are not similarly situated as staff serving in the Central Government health Services. The benefit of HPCA/PCA has been given to non-combatised Pharmacists as well as Combatised Pharmacists. It does not mean that Pharmacists (Combatised or non-combatised) drawing HPCA/PCA are similarly situated as staff serving in CGHS. The service conditions of the Central Para Military Force personnel and CGHA employees are different.

S. N. S.
(SATINDER SINGH)

Corporal (Staff)

Central Para Military Force - 23
Guwahati, Assam - 781023

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)



6

17) That with regard to the statement made in paragraphs 5.5 to 5.11 of the OA, the answering respondents be to rely and refer upon statements made in above paragraphs of this Written Statement.

18) That with regard to the statement made in paragraphs 6 and 7 of the OA, the respondents offer no comment.

19) That with regard to the statement made in paragraphs 8.1 to 8.4 and 9 of the OA, the respondents beg to submit that the applicant has failed to make out a case warranting the interference by this Hon'ble Tribunal. In view of the submission the respondents therefore pray that the Hon'ble Tribunal may be pleased to dismiss the present case in the interest of justice and equity.

(Signature)
(SATINDER SINGH)
JAGAT (ETC)
Commandant (Staff)
T-23
T-23

Central Administrative Tribunal
26 MAR 2007
गुवाहाटी विधायकीय
Guwahati Bench

VERIFICATION

I SH. SATINDER SINGH S/o SH. ROOP SINGH, aged about 30 years at present working as Comdt (staff), DICP, CRPF, Guwahati, who is one of the respondents and taking steps in this case, being duly authorized and competent to sign this verification for all respondents, do hereby solemnly affirm and state that the statement made in paragraph

1 to 18

are true

to my knowledge and belief, those made in paragraph 1 to 18 being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign verification this 7 th day of December 2007 at Guwahati

Satinder Singh
(SATINDER SINGH)

DEPONENT

कमाण्डेंट (स्टाफ)

Commandant (Staff)

कार्यालय, पु. उ. म. नि. के विभ. - १००२३

Office of the DICP, CRPF, Guwahati-23

8 - Annexure R-I

DIRECTORATE GENERAL, C.R.P.F., EAST BLOCK-10, R.K. PURA,

NEW DELHI-110 066.

No. P.V.II-3/2000-Ref. I

Dated, the 4 May 2000.

To,

OFFICE OF P.D.P.

Under the provision of COI, DOP & T.O.M. No. 15034/1/97/EGII.D dated 9/8/99 and OM No. 15034/1/97/EGII.D Vol. IV dated 10/2/2000, the personnel as per list enclosed have been considered by the DPC/DSR and found eligible to release their pay in the upgraded pay scales under ACP scheme as per details noted against each with effect from 9/8/99 or date of completion of 12/24 years of service which ever is later subject to the following conditions:-

- 1) The employees accepting the said benefits shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently where ever applicable.
- 2) No P.M/PE is pending or contemplated against them.
- 3) Individual should physically present in active duty. In case of personnel away on duty, their pay may be fixed from the date of re-joining date.
- 4) No punishment in currency.
- 5) Upgradation in pay scales in respect of All(Param)/Radiographer/Lab. Technician etc. have been given provisionally subject to revision if any on receipt of clarification from Govt/Competent authority.

(Dr. K.E. SATHI)
DIRECTOR (MEDICAL)

No. P.V.II-3/2000-Ref. I

Dated, the 4 May 2000.

Copy forwarded to :-

The Addl. DG, CRPF, Chandigarh.

1. The Addl. DG, CRPF, Chandigarh.
2. All Sectoral HQs, CRPF.
3. All Command HQs, CRPF, B/Abn (Ras).

(Dr. R.P. SATHI)
DIRECTOR (MEDICAL)

Internal

1. P.M. (Param), 2nd Comm, DOP (Comm)
2. 1st and 2nd Comm

to be sent

Motin Ud. Din Ahmed

Addl. C. J. C. (Adv. & Counsel
Gujarati & S. CAT)

DETAILS OF PERSONNEL CONSIDERED BY THE DSC/DPC FOR CONSIDERATION THE FINANCIAL UPGRADATION UNDER ACE SCHEME

Sl. No.	F/No.	Rank & Name	Unit	Date of regular upgr. in present rank	Date of completion of 12/24 years of service	Present pay scales	Recommended upgraded pay scales	Remarks
1	2	3	4	5	6	7		
1.	661510011	Pharm. Nandji Singh	17/2/66	17/2/90	5000-8000	5500-9000 & 6500-10500		
2.	591570019	" L.R. Yadav	95 Bn GC GGN	17/10/61	17/10/85	"	"	
3.	681560031	" M.L. Sahu	103 RAF	1/11/66	31/10/90	"	"	
4.	671540019	" M.R. Nagina	46 Bn	18/10/67	17/10	4500-7000*	"	*Subject to re-fixation of pay w.e.f 31/12/98
5.	671580039	" D.C. Dutta	14 Bn	1/6/68	31/5/92	4500-7000	5000-8000 & 5500-9000	
6.	651580196	" B.P. Sinha	133 Bn	8/11/65	7/11/89	"	"	
7.	671560011	" Durgeshwar Pd.	GC Alia.	17/7/67	16/7/91	"	"	
8.	691560016	" Satinder Kr.	GC NGR	7/2/69	6/2/92	"	"	
9.	691560024	" MD N.Mallik,	10 Bn	22/3/69	21/3/93	"	"	
10.	691540014	" V.R.K.NAIR	51 Bn	6/5/69	5/6/93	"	"	
11.	701525026	" L.P. Kumar	GC BUSH	17/3/70	16/3/94	"	"	
12.	701540042	" C.P. Sebastian		25/4/70	24/4/94	"	"	
13.	701540087	" T.V. Loanan	BH-II	27/4/70	26/4/94	"	"	
14.	701550092	" M.G.Varheese	GC Pune	1/6/70	31/5/94	"	"	
15.	701530135	" T.M.Molhan	64 Bn	6/6/70	5/6/94	"	"	
16.	701580178	" R.R.Shah	GC MKG	5/7/70	4/7/94	"	"	
17.	701540149	" P.V.Chakrapani	86 Bn	31/10/70	30/10/94	"	"	
18.	701540167	" V.V.Haridas	RTC-I	19/11/70	18/11/94	"	"	
19.	701550154	" A.Raman	61 Bn	11/12/70	10/11/94	"	"	
20.	711540017	" N.P.Ashokan	RTC-3	11/1/71	10/1/95	"	"	
21.	710540204	" K.Prabhakaran	27 Bn	30/11/71	29/11/95	"	"	
22.	731540167	" Gopal Sharma	136 Bn	1/5/73	30/4/97	"	"	
23.	730575018	" Vinod Singh	GC DPR	1/5/73	30/4/97	"	"	
24.	731550178	" Raj Kr.Singh	108 Bn	6/8/73	5/8/97	"	"	
25.	731160162	" G.Radhakrishnan	90 Bn	2/7/73	1/7/85*	"	5000-8000	*Due to unsatisfactory record of service the second financial upgradation has been withheld till next DPC.
26.	730360199	" Md.Salim Ahmed	GC Alid.	8/9/73	7/9/97	"	5000-8000 & 5500-9000	
27.	730520383	" R.P.Mishra	GC MZR	15/11/73	14.9.97	"	"	
28.	736000216	" Raja Ram Das	11Bn	15/11/73	14/11/97	"	"	
29.	731130329	" M.Aruna	32 Bn	10/12/73	9/12/97	"	"	
30.	730350532	" Kishori Rai	67 Bn	13/12/73	12/12/97	"	"	
31.	730675027	" Md.Idris Kazi	BH-3	22/12/73	21/12/97	"	"	
32.	730100223	" Abdul Mazid	133 Bn	22/12/73	21/12/97	"	"	
33.	730310325	" Bhavesh Thakur	93	24/12/73	23/12/97	"	"	
34.	741150028	" J.p.sharma	BH-I	1/1/74	31/23/97	"	"	
35.	7405000018	" S.B.K.Singh	BH-1	1/1/74	31/12/97	"	"	
36.	741190014	" C.L.Nemon	23 Bn	14/1/74	13/1/98	"	"	
38.	740330542	" Arjun Mehta	12 Bn	16/1/74	15/1/98	"	"	
39.	741550055	" Dinesh Pd.Singh	102 Bn	30/1/74	29/1/98	"	"	
40.	742070112	" N.T.Zakhariah	GC GNR	13/2/74	12/2/98	"	"	

Contd. P/2.

Motin Ud-Din Ahmed
 M.A., B.Sc., LL.B.
 Addl. Central Govt. Standing Counsel
 Guwahati Bench (CAT)

1	2	3	4	5	6
40.	742070021	Pharm. K.J. Ali Kutty, GC GNR 13/2/74	12/2/98	4500-7000	5000-8000 & 5500-9000
41.	740540003	" V.K.Johny, 43 Bn	11/3/74	10/3/97	"
42.	740600013	" S.P.Singh, GC NMII	16/3/74	15/3/98	"
43.	742080002	" A.Ranji	RTC-3 8/4/74	7/4/10*	5000-8000 * Same as No. 25.
44.	740530256	" R.K.Yadav	GC LKR 8/8/74	7/8/98	5000-8000 & 5500-9000.
45.	741320718	" Mohd.Rustam Ali	104 Bn	12/9/74	11/9/98
46.	751590032	" K.Mohnan	119 Bn	10/1/75	9/1/99
47.	751140223	" K.P.Chaudhary	GC BTB	17/5/75	16/5/99
48.	751260487	" M.P.Keshari	53 Bn	17/5/75	16/5/99
49.	750180106	" R.H.Roy	GC MKG	17/5/75	16/5/99
50.	750470587	" Girish Pandey	SDG	22/5/75	21/5/99
51.	750280173	" Md.Khurshid Alam GC-II	17/5/75	16/5/99	"
52.	750320218	" Md.Taharak Hussain, 29 Bn	17/5/75	16/5/99	"
53.	750150154	" Subash Pd.	115Bn	20/5/75	19/5/87*
54.	750380355	" M.M.Alam	GC BTB	8/7/75	7/7/99
55.	761590034	" S.K.Singh	33 Bn	9/2/76	8/2/88
56.	761630035	" N.Mastan	86 Bn	9/6/76	8/6/88
57.	761590121	" B.C.Bhatta	44Bn	4/11/76	3/11/88
58.	761580109	" S.P.Sinha	116 Bn	8/11/76	7/11/88
59.	771530015	" Y.Rama Mohan Rao, 81 BN	15/2/77	14/2/89	"
60.	771560057	" P.B.Sharma	43 Bn	2/5/77	1/5/89
61.	781580042	" R.B.Singh	62 Bn	15/8/78	14/8/90
62.	781530026	" P.Sree Ramulu	49 Bn	13/9/78	12/9/90
63.	791650149	" Mohd.Naseem	GC JSR	22/9/79	21/9/91
64.	811530129	" Yaseem Khan	GC PUNE	10/4/81	9/4/93
65.	802070832	" A.K.Gautam	GC,I	13/7/85	12/7/97
66.	811530013	" Mohd.Suleman	8 Bn	6/1/81	5/1/93
67.	811680042	" Mohd.Alam	SGC	11/6/81	10/6/93
68.	811570078	" V.R.Bommany	24 Bn	15/6/81	14/6/93
69.	821630019	" Mahadev Ram	109 Bn	11/3/82	10/3/94
70.	821690022	" M.P.Singh	GC DPR	15/9/82	14/9/94
71.	821590072	" B.M.Kumar	94 Bn	13/10/82	12/10/94
72.	821590079	" A.K.Gupta	134 Bn	22/10/82	21/10/94
73.	821590081	" A.K.Sinha	SGC	25/10/82	24/10/94
74.	820360474	" S.C.Sinha	30 Bn	29/10/82	28/10/94
75.	830210287	" Ajit Kumar	GC NMII	10/11/82	9/11/94
76.	831550018	" O.P.Singh	101 Bn	17/1/83	16/1/95
77.	831560014	" Vinod Kumar	14 Bn	11/4/83	10/4/95
78.	831520021	" Ganesh Prasad	26 Bn	15/4/83	14/4/95
79.	831520048	" R.P.Yadav	97 Bn	28/5/83	27/5/95
80.	831520057	" Mohd.Faiz	36 Bn	30/5/83	29/5/95
81.	831570358	" A.K.Roy	BH-3	8/9/83	7/9/95
82.	831530302	" C.V.Reddy	CTC-3	22/11/83	21/11/95
83.	831650316	" Swapan Ghosh	GC DPR	20/12/83	19/12/95
84.	841520014	" Narendar Kumar	38 Bn	26/1/84	25/1/96
85.	841520023	" B.Ram Kumar Sharma, 92BN	10/2/84	9/2/96	"
86.	842040023	" A.Nakamall	108 Bn	20/2/84	19/2/96

Contd. page.....3/

Nil - *Due to these financial records of s
has been next DPC.

1.	2.	3.	4.	5.	6.	7.
87. 84072057	" D.N.Patra	52 Bn	12/3/84	11/3/96	4500-7000	5000-8000
88. 841650024	" H.K.Sahu	GC BBSR	14/3/84	13/3/96	"	"
89. 840720893	" P.K.Sahu	102 Bn	19/3/84	18/3/96	"	"
90. 841650015	" B.D. Panda	84 Bn	2/11/84	1/11/96	"	"
91. 841520041	" Umesh Prasad	BH-I	4/4/84	3/4/96	"	"
92. 842070022	" T.M.Jose	82 Bn	11/4/84	10/4/96	"	"
93. 841540113	" Usha Jayan	BH-I	12/4/84	11/4/96	"	"
94. 841440104	" O.N.Sumati	102 Bn	12/4/84	11/4/96	"	"
95. 841530189	" Amrender Kumar	125 Bn	9/7/84	8/7/96	"	"
96. 841550092	" Girli Jacob	GC RFR	28/7/84	27/7/96	"	"
97. 841140356	" M.P.Singh	101 Bn	31/8/84	30/8/96	"	"
98. 841690106	" P.V.Chetty	28 Bn	11/2/84	10/2/96	"	"
99. 851550316	" R.Govinath	BH-II	23/11/85	22/11/97	"	"
100. 859810457	" Mohd.Guhar Ali,RTC-I		16/12/85	15/12/97	"	"
101. 850720119	" A.K.Gupta	GC RPR	17/12/85	16/12/97	"	"
102. 850720191	" Phulanji Sukla,42 Bn		17/12/85	16/12/97	"	"
103. 851550423	" P.R.Jaidevan	119 Bn	30/12/85	29/12/97	"	"
104. 860830095	" S.K.Nehar	GC LKW	29/3/86	28/3/98	"	"
105. 860800133	" D.K.Upadhyay	GC SVP	8/4/86	7/4/98	"	"
106. 861560118	" Joseph Mathew	GC AVD	14/4/86	13/4/98	"	"
107. 861540322	" Subrahmanyam	10 Bn	15/9/86	14/9/98	"	"
108. 861540296	" M.V.Babu	18 Bn	18/9/86	17/9/98	"	"
109. 861540196	" Sanjay Kumar	BH-II	4/10/86	3/10/98	"	"
110. 861520179	" Biju Prabhakar	12 Bn	14/10/86	13/10/98	"	"
111. 861530264	" K.M.Sundy	122 Bn	23/10/86	22/10/98	"	"
112. 861560109	" Moly Thnakachan	135 Bn	11/11/86	10/11/98	"	"
113. 861560092	" Linamma	GC PPM	11/11/86	10/11/98	"	"
114. 861620031	" Ajit Kumar	107 Bn	11/11/86	10/11/98	"	"
115. 861690084	" V.Thremiakutty	GC JSR	10/12/86	9/12/98	"	"
116. 861740081	" V.Vetty Jose	20 BH	23/12/86	22/12/98	"	"
117. 871530132	" S. Koushalya	ISA ARU	16/2/87	15/2/99	"	"
118. 871530141	" K.Rajshekhran	GC PPM	19/2/87	18/2/99	on October 7.5.99 Create on 31/8/2002	"
119. 871550039	" V.R.Sidha	132 Bn	23/2/87	22/2/99	"	"
120. 871740065	" V.Vijay	GC GGN	20/4/87	22/4/99	"	"
121. 871570081	" Kalicharan Mardgal,80 Bn		23/4/87	22/4/99	"	"
122. 870750067	" P.Ravi	BH-II	18/5/87	1/5/99	"	"
123. 871550115	" S.Muthu Kumar	ISA ARU	10/6/87	9/6/99	"	"
124. 871313658	" A.Uma Maheshwari	51Bn	23/7/87	22/7/99	"	"
125. 870820016	" S.M.Sundaram	5 Bn	25/5/87	24/5/99	4000-6000	4500-7000

Contd. page.....4.....

On the 1st floor
Motin Ud-Din Ahmed

MA, E.Sec, LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

1.	2.	3.	4.	5.	6.	7.
126.691290099	AST/PHARM.C.L.Sharma	73 Bn	1/7/60	30/6/93	4000-6000	4500-7000
127.680331403	" Abhimanyu Pd.	78 Bn	30/3/82	29/3/94	"	4500-7000
128.740010547	" P.K.Sinha	CC BTR	31/7/74	30/7/98	"	
129.8301900027XXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	4500-7000	
130.831530062	" Kishori Mahto	1/1/83		31/3/96	"	Not done combination course. Withheld till next DPC.
131.840720848	" Bholeshwar Bhatia	94 Bn	9/3/84	8/3/96	"	4500-7000
132.841690104	" P.Y.Babu	91 Bn	11/12/84	10/12/96	"	Same as per Sl.No.8
133.859810448	" Arvind Das	1st Bn	9/12/85	8/12/97	"	4500-7000
134.861530193	" M.A.Khan	111 Bn	19/6/86	18/6/98	"	Same as per Sl.No.8
135.871530159	" S.Selva Rajan	CTC-III	13/2/87	12/2/99	"	4500-7000
136.871690139	" Yaduvant Singh	81 Bn	22/12/87	21/12/99	"	
137.772008014	Staff Nurse Mary Vimla Jassej				11	"
138.771570054	" L.Sadanandan	BH-2	18/1/77	17/1/89	5000-8000	5500-9000
139.772000095	" K.Prabhu Late	BH-2	25/5/77	24/5/89	"	"
140.771620032	" Preeti Late	GC BTR	13/6/77	12/6/89	"	"
141.782000025	" Harry Joseph	BH-1	10/8/77	9/8/89	"	"
142.701940111	" Kutty Amma Varughese, GC GNP	18/8/78		20/7/90	"	"
143.781520039	" C.R.Panchu	BH-2	6/9/78	5/9/90	"	"
144.791960025	" T.H.Gunathil	GC BTR	17/3/79	16/1/91	"	"
145.791650122	" Harry Kutty Mani	BH-1	15/6/79	14/6/91	"	"
146.791520059	" P.Baby	GC-1	16/1/79	15/7/91	"	"
147.791570137	" R.L.Gunathil	GC BTR	13/8/79	12/8/91	"	"
148.792670054	" Shanti V.V	GC NGR	17/5/79	14/1/91	"	"
149.762070025	" S.M.Singh	GC NMH	5/2/80	8/2/90	"	"
150.801583829	" Harry Anthony	BH-2	15/11/80	12/11/91	"	"
151.811570033	" Sureshna P.K	GC BTR	3/2/81	4/3/91	"	"
152.811560037	" Sheela Seelan	BH-3	16/6/81	29/6/91	"	"
153.821190243	" Rajlakshmi Ahuja	GC-1	13/4/82	14/4/91	"	"
154.822070061	" Summa Rajeeckharan	BH-1	3/5/82	2/5/91	"	"
155.821560012	" E.R.Belong	BH-3	9/12/82	7/12/94	"	"
156.821690031	" Ryma Meni Tambi	BH-2	18/12/82	17/12/94	"	"
157.821560021	" P.Handa	BH-3	30/12/82	29/12/94	"	"
158.831650067	" P.L.Mohanty	20 Bn	7/5/83	6/5/95	"	"
159.831520066	" M.S.Steward	GC-1	6/10/83	5/10/95	"	"
160.842070013	" Pratibha Sharma	BH-2	23/1/84	22/1/96	"	"
161.842100018	" S.N.Moyen	GC BTR	23/1/84	22/1/96	"	"
162.842100027	" Reativa Gerao	BH-3	31/1/84	30/1/96	"	"

* Due to Counting of her previous State Service
 Signed at P.VII-3/2002-Med-1 dtg 22/3/02

Contd. page...5/...

2.	3.	4.	5.	6.	7.
161.842100045 Staff Nurse Benjamin Basera	BH-3	9/2/84	8/2/96	5000-8000	5500-9000
164.841530111 " G.K.N.Biswanath	CTC-3	30/8/84	29/8/96	"	"
165.840721043 " Ponam Nembraam	BH-1	1/10/84	30/9/96	"	"
166.842100072 " M.H.Moyan	BH-3	8/10/84	7/10/96	"	"
167.842100107 " Sanoh Lata	BH-3	15/10/84	14/10/96	"	"
168.842100099 " Meoran Purti kundu	BH-3	15/10/84	14/10/96	"	"
169.841580151 " Meena Kumaci	BH-3	13/11/84	12/11/96	"	"
170.851690019 " Laila Devi	BH-3	7/1/85	6/1/97	"	"
171.851580037 " Manju Kumaci	BH-3	4/3/85	3/3/97	"	"
172.852100047 " Radha Limbu	GC BTB	10/4/85	9/4/97	"	"
173.861520134 " Sheela	GC NMH	23/7/86	22/7/98	"	"
174.862080022 " Asha S.Wankhede	BH-2	7/8/86	6/8/98	"	"
175.861520143 " Phoolmani Lal	BH-3	1/10/86	30/9/98	"	"
176.871560022 " Christina Topno	BH-2	15/1/87	14/1/99	"	"
177.871280127 " S.Randhawa	GC BTB	15/6/87	14/6/99	"	"
178.872070055 " Silvi Thomas	GC AVD	19/9/87	18/9/99	"	"
179.872080024 " K.Ramalaxmi	GC-I	7/11/87	6/11/99	"	"
180.871530037 " Rema R.Nair	BH-11T	16/12/87	15/12/99	"	"
181.84210116 " Rina Pal	GC KKT	3/12/84	2/12/96	"	"
182.832100203 " Ranjita Todo Sona	BH-1	6/12/83	5/12/95	"	"
183.842100081 " K.R. Bhomik	BH-1	11/10/84	10/10/96	"	"
184.83207011 Pharm. Ram Kishan	45 Bn	19/11/84	8/11/96	4000-6000 ⁽²⁾	5000-8000Subject to re-fixation of his pay at par with qual- fied Pharms.
185.741310116 " R.N. Sharma	60 Bn	28/6/74	27/6/98	4500-7000	5500-9000
186.691530134 " Nazrool Islam	GC KKT	6/10/69	5/10/93	"	"
187.730340474 " Jawahar Pathak	6 Bn	2/7/73	1/7/97	"	"
188.750170182 " Surresh Sah	GC KKT	17/5/75	16/5/99	"	"
189.741190093 " P.G.Samul	GC SVP	—	—	—	OSL since 1993
190.7511102 FSN S.P.Dilraj	GC-I(A)	—	—	—	Promotion forgone h- -ce not considered.
191.751560098 FSN Thankamma Mathew	GC MAM	—	—	—	— do -
192.751568174 " Jeevanmalu Devi	GC MKG	—	—	—	— do -
193.762070029 " S.M.Singh	GC NMH	9/2/76	8/2/88	5000-8000	5500-9000
194.831530089 Pharm.Srinivasa Rao	—	—	—	—	—OSL since 1993.

-0-0-0-0-0-0-0-0-0-0-0-0-0-

Carried over for
Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

14-

1	2	3	4	5	6	7
195. 751560071	Lab.Tech	R.Punnamma	CC NRII	28/3/75 ✓	28/3/99	4500-7000 5000-8000
196. 751550089	"	R.Bhattacharya	BH-3	20/5/75 ✓	19/5/99	4500-7000 5000-8000
197. 762070097	"	P.J.Chacko	BH-TI	5/7/76 ✓	4/7/88	" 4500-7000 "
198. 762080046	"	P.J. Thriyamma	GC-T	29/9/76 ✓	28/9/88	" "
199. 731160659	"	K.Natesan	BH-2	1/3/81	1/3/93	" "
200. 811171032	"	Mariamma George	BH-2	4/12/81	3/12/93	" "
201. 721190288	"	Jose Thomas	20 Bh	17/4/82	16/4/94	" "
202. 83721112	ASI/L.T.	N.R. Ojha	BH-3	30/8/83	29/8/95	4000-6000 4500-7000
203. 831650272	Lab.Tech	Gmt. Susamma Samuel	GC-BTB	2/9/83	1/9/95	" 4500-7000 "
204. 832100189	ASI/L.T.	S.Mukhopadhyay	BH-1	30/11/83	29/11/95	" 4500-7000 "
205. 842070031	ASI/L.T.	V.K.Mishra	BH-T	25/5/84	24/4/96	" "
206. 840721052	ASI/L.T.	Gautam Nandi	CTC-3	11/11/85	10/11/97	" "
207. 8415400151	Lab.Tech.	Vinod Kumar		4/4/84	3/4/96	" "
208. 840721016	"	U.C. Sharma	CC-T	12/9/84	11/9/96	" "
209. 851550272	"	R.P.Harrykutty	CC-PPM	12/8/85	11/8/97	" "
210. 851530120	"	A.Kalayamani	CC-NCR	9/9/85	8/9/97	" "
211. 851520413	"	S.Devanayagam	CC-CNR	17/9/85	16/9/97	" "
212. 710550192	"	M.G. Warke	CC-BTR	30/11/85	29/11/97	" "
213. 872020037	"	Gmt. Shashi Bhattecha	GC-BCH	14/3/87	13/3/99	" "
214. 730090256	"	Jaydish Singh	CC-BTR	12/4/87 ✓	11/4/99	" 5000-8000 "
215. 832100168	Lab.Ascrt	Jagannath Das	BH-2	1/12/83	30/11/95	3200-4000 4500-7000
216. 601525016	R/Grapher	N.R. Saini	BH-1	11/1/60	11/1/84	4500-7000 5500-9000
217. 791560043	"	B.Bhatia	BH-3	9/8/79	8/8/91	" 5000-8000 "
218. 781620016	"	Avinash Chander	BH-2	12/1/78	11/1/90	" "
219. 771570089	"	A.B.Punjya	GC-T	1/10/77	30/9/89	" "
220. 791520077	"	Nabi Ahmed	GC-BTR	12/12/79	11/12/91	" "
221. 752080046	Lab.Tech	P.Wilson Mathew	BH-T	7/7/75	6/7/99	4000-6000 4500-7000 Due to un- -nected -records of -service, the -second finan- -cial upgra- -dation has been -withheld till -next DPC.

FOOT NOTE

1. Upgradation in pay scales in r/o ASI/Pharm, SI/Staff Nurse etc. have been provisionally subject to revision if any on receipt of clarification from MHA/Competent authority.

2. Similarly, upgradation in pay scales in r/o Lab.Tech.(Civilians) has been given taking into account of pay scales as on 1/1/96 ignoring the pay scale recommended by the 5th Central Pay Commission in part-'B' of the recommendations subject to revision if any on receipt of clarification from MHA/Competent authority.

Mr. (Retired) [Signature]
Director (M.I.L.)
National Institute of
Diseases of the Skin
Director, C.M.R.P.
Chairman, C.C.P.
M.R.C. [Signature]
Lodi Road, New Delhi-3.

(To be published in Part II, Section-3, sub-section (i) of Gazette of India)

Government of India

Ministry of Home Affairs

New Delhi, the 22.11.1999.

NOTIFICATION

GSR 392. In exercise of the powers conferred by sub-section (1) and clause (a) of sub-section (2) of section 18 of the Central Reserve Police Force Act, 1949 (66 of 1949), the Central Government hereby makes the following rules further to amend the Central Reserve Police Force (Combatised Para-Medical posts) Recruitment Rules, 1995, namely:-

1. (1) These rules may be called the Central Reserve Police Force (Combatised Para-Medical Posts) Recruitment (Amendment) Rules, 1999.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the schedule to the Central Reserve Police Force (Combatised Para-Medical Posts) Recruitment Rules, 1995,

- (a) against serial number 1 to 28 (both inclusive), in columns 1 and 4, the existing scale of pay shall be substituted by the scale of pay shown against each in the table given below, namely :-

Veru fud ak
Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

Contd. P/2.

67

Name of Post	Existing scale	Revised scale	Existing scale	Revised scale	Column-1
1. <u>Non-Combat</u> : (Staff Nurse)	Rs. 1400-40-1800- E8-50-2300-50- 8000. -	Rs. 1400-40-1800- E8-50-2300-50- 8000. -	Rs. 5000-150- E8-50-2300-50- 2600. -	Rs. 5000-150- E8-50-2300-50- 2600. -	in the Post shall be designated as Staff Nurse and will draw their pay in the scale of pay of 2300-50-2600. -
2. <u>Non-Combat</u> (Nursing Assistant)	Rs. 5000-175-9000- E8-75-2900. -	Rs. 1640-60-2600- E8-75-2900. -	Rs. 6500-200- E8-75-3200. -	Rs. 6500-200- E8-75-3200. -	in the Non-Combat Nursing Assistant scale shall be designated as Staff Nurse and will draw their pay in the scale of pay of 1640-60-2600- E8-75-2900. -
3. <u>Non-Combat</u> (Nursing Assistant)	Rs. 2000-60-2300- E8-75-3200. -	Rs. 2000-60-2300- E8-75-3200. -	Rs. 6500-200- E8-75-3200. -	Rs. 6500-200- E8-75-3200. -	in the Non-Combat Nursing Assistant scale shall be designated as Staff Nurse and will draw their pay in the scale of pay of 1640-60-2600- E8-75-2900. -
4. <u>Non-Combat</u> (Nursing Assistant)	Rs. 10500- E8-10500- 10500. -	Rs. 10500- E8-10500- 10500. -	Rs. 10500- E8-10500- 10500. -	Rs. 10500- E8-10500- 10500. -	in the Non-Combat Nursing Assistant scale shall be designated as Staff Nurse and will draw their pay in the scale of pay of 1640-60-2600- E8-75-2900. -

1	2	3	4	5
4. *Assistant Sub-Inspector (Pharmacist)	Rs. 1350-30-1440-40-1800-EB-50-2200 or in the selection grade pay scale of Rs. 1400-40-1600-50-2300-EB-60-2600.	Rs. 4500-125-7000 or in the selection grade pay scale of Rs. 5000-150-8000, as the case may be.	Rs. 1320-30-1560-EB-40-2040.	Rs. 4000-100-6000
5. *Sub. Inspector (Pharmacist)	Rs. 1400-40-1800-EB-50-2300.	Rs. 5000-150-8000.	Rs. 1400-40-1800-EB-50-2300.	Rs. 5500-175-9000
6. * Inspector (Pharmacist)	Rs. 1640-60-2600-EB-75-2900.	Rs. 5500-175-9000.	Rs. 1640-40-2600-EB-75-2900.	Rs. 6500-200-10500.

Contd. P/4.

Motin Ud-Din Ahmed
 M.A., B.Sc., LL.B.
 Addl. Central Govt. Standing Counsel
 Guwahati Bench (CAT)

18 → 33

37

Annex = R-3

To

The Director Medical,
Dte. General, CRPF,
East Wing-10, Level-7,
R.K. Puram, New Delhi-66.
(Through Proper Channel)

Subject:

SECOND ACP OF PHARMACIST IN THE PAY SCALE
OF RS.6500/- TO 10,500/-

Sir,

With due regards and humble submission I beg to submit that being a non combatised pharmacist I, No.7315502178 Pharm. Raj Kumar Singh am getting pay and allowances/other benefits applicable to civil employees of Central Govt. & CGHS.

2. As per letter of India, Director General Health Services, Nirman Bhawan, New Delhi letter dated 13.11.2000 and Additional Director, CGHS, Patna letter No.19-3/2000/Estt/1415-29 dated 14/11/02 (copy enclosed) pharmacist of CGHS appointed in the same pay scale i.e. Rs.4500 to 7000/- (as in CRPF for non combatised pharmacist) have allowed 1st ACP in the pay scale of Rs.5000/- to 8000/- and second ACP (after 24 years of service) in the pay scale of Rs.6500/- to 10,500/- whereas I have been given second ACP in the pay scale of Rs.5500/- to 9000/- only vide 108 BN,RAF Office order No.P.I.1/2001-108-SRC- I dated 09/02/2001 whereas I am entitled to above benefit in the pay scale of Rs.6500/- to 10,500/- as being given by CGHS.

3. Therefore, in view of above it is requested that I may kindly be given second ACP in the pay scale of Rs.6500/- to 10,500/- with effect from appropriate date.

4. Thanking you Sir.

Yours faithfully,

Raj Kumar Singh
9/1/2003

No.731550178 Pharmacist
Raj Kumar Singh,
HQ/114 Bn, CRPF
C/O 56 APG

Ex No. 44 for
✓

Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

192 34 R (38)

OFFICE OF THE INSPECTOR GENERAL OF POLICE BIHAR SECTION
C.R.P.F. PATNA-14 (BIHAR)

BY REGD POST

NO. P. VII-23/04-BS-Adm-II

Dated, the 15 Feb 2004

TO

The Dy Inspector General of Police,
Central Reserve Police Force,
Jhanchpur (Jharkhand).

SUB :-

SECOND FINANCIAL UPGRADATION UNDER ACP SCHEME
TO NON-COMMISARISED PHARMACIST IN THE PAY SCALE
OF ₹. 6500-10500 AT PAR WITH CGHS STAFF.

Please refer to your office letter No. P.I-1/04-
DA-I dated 04/02/2004.

2. The application for granting second financial up-
gradation under ACP scheme in the pay scale of ₹. 6500-10500
at par with CGHS employees, submitted by No. 731550178 Pharm.
Raj Kumar Singh of 114 Bn, CRPF, received vide your letter
citid above has been examined in this office with relevant
instructions on the subject.

3. In this connection, it is intimated that, during
Sep'02, a similar request/case of No. 761580109 Pharm. Surash
Prasad Sinha of 116 Bn (for grant of 2nd financial upgrad-
ation under ACP scheme from pay scale ₹. 5000-8000 to ₹. 6500-
10500) was taken-up with the Director Medical, Dte., General,
CRPF, New Delhi, by explaining the facts vide this office
letter No. P. VII-23/02-BS-Adm-II dated 5/9/02 (Copy enclosed),
with the recommendation to allow/grant the benefits of ACP
scheme to pharmacists of CRPF at par with the CGHS employees.

4. Responding to the above proposal, the Director
Medical, Dte., General, CRPF vide signal No. P. VII-3/02-Med-I
dated 16/2/02 (Copy enclosed) had intimated that, the Phar-
macists in CRPF are being granted the financial upgradations
under ACP scheme correctly in accordance with GOI O.M. No. 35034/
1/97-Ett(D) dated 9/8/99 and No. 35034/1/97-Ett(D) (vol-IV)
dated 10/2/2000 and the orders issued for CGHS is not relevant
to CRPF.

5. Therefore, the application of Pharm. Raj Kumar Singh
of 114 Bn is not considered for onward submission to Medical
Directorate. The position as explained above may please be
informed to the individual concerned accordingly.

No. P. VII-23/04-BS-Adm-II

Dated, the 15 Feb 2004

Copy forwarded to the Director Medical, Dte., General, CRPF, New Delhi
15/2/02. To be further requested to confirm the intimation.

(Pragjit Singh)
Addl. Dte., General, CRPF, Patna
for IGP, BS, CRPF, Patna

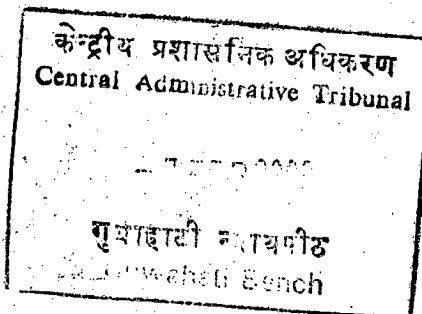
Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

Rejoinder filed by Sh. Rajesh Mazumdar Advocate
to be posted on 8.2.08. Copy served on the other side.

1/2/08

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

ORIGINAL APPLICATION NO 25/2007



Pharmacist Raj Kumar Singh and others

-Vs-

The Union of India and others

INDEX TO THE REJOINDER.

Sl.No.	Particulars	Page no
1.	Rejoinder with verification	1-13
2.	Annexure A-1 True copy of letter of appointment along with typed copy	14-15
3.	Annexure A-2 - true copy of certificate dated 8.01.08	16
4.	Annexure A-3- true copy of order dt 19.9.89 regarding combatisation.	17-20
5.	Annexure A-4 Collectively- True copies of order dt 8.9.2000	21

Filed by:

Rajesh Mazumdar
(RAJESH MAZUMDAR)
ADVOCATE.
COUNSEL FOR THE APPLICANTS

Received copy
M.V. Ahmed
07/02/08

1

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

ORIGINAL APPLICATION NO. 25/2007
Pharmacist Raj Kumar Singh

...Applicant

-Vs-

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

The Union of India and others

...Respondent

-AND-

In The Matter Of

গুৱাহাটী নিৰ্বাচনী
Guwahati Bench

The rejoinder on behalf of the applicant to the written statement filed by the respondent in OA No.25/2007.

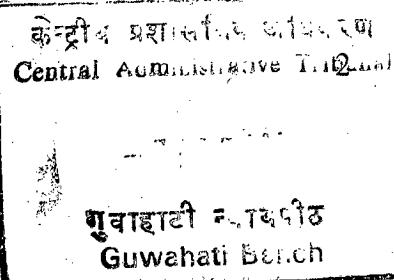
REJOINDER BY THE APPLICANT

MOST RESPECTFULLY SHEWETH

1. That the applicant states that the averments made in the original application filed before this Hon'ble Tribunal are reaffirmed and reiterated. The statements made in the written statement filed by the respondents may be deemed to be denied unless they are specifically admitted by the applicant.
2. That with regard to the contents of paragraph 1 (A) of written statement the answering deponent does not offer any comments.
3. That with regard to the contents of paragraph 1(B) of written statement the applicant states that the applicant has filed the application for the ends of justice and against the illegal and arbitrary act of the respondent and as such the applicant is sustainable both in law and on facts

Raj Kumar Singh
22.01.08

Check by the officials
Major Raj Kumar Singh
20



4. That with regard to the contents of paragraph 1© it is submitted that the application has been made against the necessary party and neither non joinder of necessary party nor misjoinder of unnecessary party has taken place.
5. That with regard to the contents of paragraph 1(D) the applicant states that the principle of waiver, estoppels and acquiescence are not applicable in the present case.
6. That with regard to the contents of paragraph 1(E) of the written statement the applicant states that the respondents have denied the applicant right to equality and also the right to equal pay for equal work. It is stated that such act of the respondents is violating their own rules and regulation and as such their action can not be said to be in public interest. It is submitted that the rejections of the respondents to grant equal pay for equal work to the applicant in the most whimsical and arbitrary manner is not tenable in law and the applicant is entitled to be granted relief as deemed fit and just by this Hon'ble Tribunal.
7. That with regard to the contents of paragraph 2 of the written statement the applicant humbly states that the respondents have not given the correct and complete history of the case. The

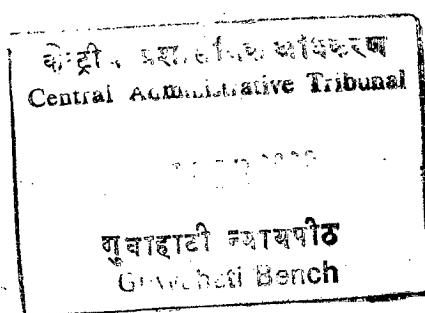
Rajkr. Singh
27.01.08

applicant herein craves the leave of his Hon'ble court to allow the applicant to present actual picture and history.

(7) The petitioner was appointed as temporary compounders with effect from 6/8/73 vde order No .R-11-1/73-44 dated 10.8.73 in the pay scale of Rs. 130- 240 plus usual allowance as admissible to central government servants from time to time

(The true copy of letter of appointment is annexed here to and marked as Annexure -A 1)

The service of the applicant was confirmed on 5/8/1975 vide Office order NO. C VI 4/78-GC dated 20.4.78



(The true copy of Certificate dated 8/01/08 is annexed here to and marked as Annexure -A 2)

Thus the petitioner is appointed as Central Government civilian Employee to serve in the hospitals run by CRPF. It is further stated that the petitioner ,at the time of his appointment , confirmation, and even there after has always been a Central Government Civilian Pharmacist and has executed work similar to and equivalent to work executed by Pharmacist in hospital run by the Central Government and the civilian

Rajkrishna Singh
27.01.08

Pharmacist working in the CRPF are the same. Further both the classes of pharmacist are the same service condition and execute same nature of duty.

Prior to combatisation of Group C and D post of CRPF hospitals the civilian employees in CRPF hospital were outside the purview of CRPF Act 1949 and CRPF Rule 1955 and were considered to be Central Government Civilian employees vide order no 27011/44/88-FP- 1 dated 19/9/1989, the civilian posts in the CRPF Hospital were combatised by conversion ,subject to terms and condition laid down in the order it self. As per the said order, the incumbents who opted for combatisation would be governed by CRPF Act 1949 and CRPF Rule 1955 hence forth, and those who did not opt for combatisation would continue in the civilian posts until superannuation under the existing condition of service which

~~would deemed to continue applicable to them.~~

Central Administrative Tribunal

- 7 CCG 2008

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

(A True copy of order dtd 19/9/1989
is annexed here to and marked as
Annexure A-3)

It further relevant to mention here that on each occasion when certain orders regarding grant of financial and other service benefit would be passed by the central government in favour of civilian employee working in hospital run by central government, the civilian employee of the hospital CRPF were constrained to approach the Hon'ble' courts of law to establish their claim of equity with pharmacist working in hospital

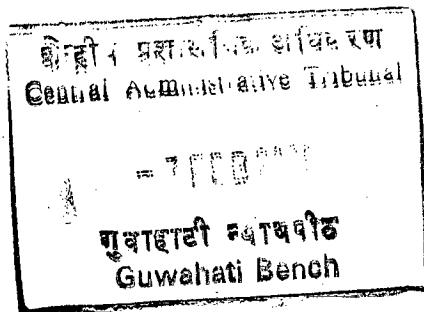
Rajkr Singh
27.01.08

run by central government and on each occasion the equality has been upheld. It is further stated that even a care perusal of orders passed by respondent would go into show the civilian employee working in central government hospital are similarly situated as present applicant and as such principle for equality before law and equal pay for equal work would apply.

(True copies of order dated

8/9/2000 and 16/2/2007)

are annexed herewith and marked as Annexure A4



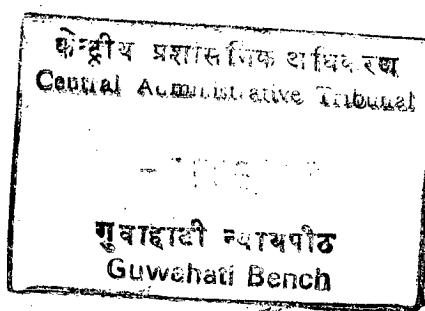
The applicant states that Annexure R2 of written statement is not CRPF Group "C" and "D" Hospital staff Recruitment Rules 1995 and Amendment Rules 2001 as notified by GOI/MHA vide GSR NO- 392 dated 22/11/1999. It actually is CRPF (Combatised paramedical post) recruitment (Amendment) Rules 1999 which brought in amendment to the CRPF (Combatised Paramedical post) Recruitment Rules 1995 . The applicant states these rules are not applicable to the civilian/Non Combatised pharmacist, in as much as, they are central government civilian employees ,serving as pharmacist and as per the order of

Rajkrishna
27.01.08

combatisation, They would not be governed by the CRPF Act and CRPF Rules . Moreover the act of the respondent has gone beyond the terms and condition of order dated 19/09/1989 and the attempt to force the civilian non combatised pharmacist to submit to CRPF (Combatised paramedical post)

Recruitment Rules is against the principle of administrative fair play and is not sustainable in law. The applicant humbly states that being similarly situated as the pharmacist serving hospital run by Central Government, he is entitled to equal pay and service benefit and respondents have acted against all canons of law. It is stated the only stand taken by the respondent is that orders issued for the CCHS employee is irrelevant to the Hospital staff of the force. The applicant states that being a civilian employee of a hospital run by central government he is at par with pharmacist serving in the central government hospital. The combatised personal may perhaps be on a different footing but the applicant is similarly situated to civilian employees. As such the plea of the applicant for the second financial up gradation under ACP scheme at par similarly situated pharmacist working in the central government hospital is a just reasonable and constitutional demand.

Raj Kr. Singh
27-01-08

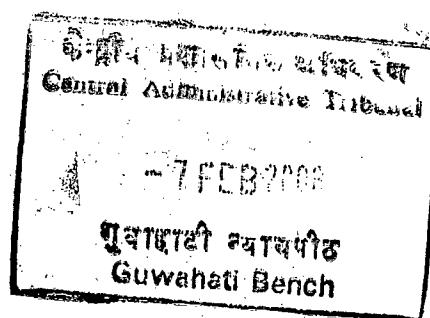


8 That with regard to the contents of paragraph 3 of the written statement the applicant offers no comment.

9 That will regard to the contents of paragraph 4 and 5 of the written statement the applicant humbly submits that the applicant is a civilian pharmacist serving in the hospital run by the central government and as such is entitled to be treated at par and equally with other civilian pharmacist working in hospital run by central government. It is stated that the petitioner did not opt for combatisation and as such remains a central government civilian employee, is at par and similarly situated to the civilian pharmacist serving in the other hospitals run by the central government.

10 That with the regard to the contents of paragraph 6 and 7 of the written statement the applicant humbly reaffirms and reiterates the contents of the corresponding paragraphs of the original application. It is submitted that the application has been filed for correct fixation of pay scales on award of financial benefits under the Assured Career Progression scheme at par with the pharmacist serving other hospital run by the central government.

Raj Kr. Singh
27.01.08

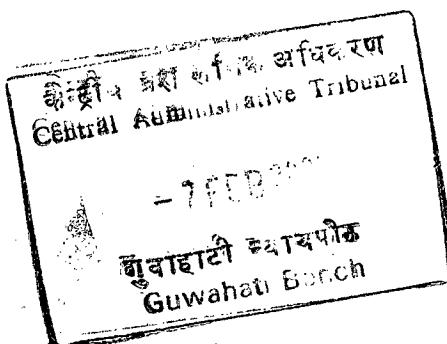


11 That with regard to the contents of paragraph 8 of the written statements it is humbly submitted that the applicant had completed 12 years and 24 years in 1985 and 1997 respectively. However, the scheme was to be implemented with prospective effect i.e. from 9/8/1999.

12 That with regard to the contents of paragraph 9 of the written statement it is stated that the Central Reserve Police Force has two types of Pharmacists in its hospitals viz. the combatised pharmacists and the non combatised pharmacists. The civilian non combatised pharmacist who from a class separate from the non combatised pharmacists and are similarly situated to the civilian pharmacist who serve in the other hospital run by central government, have to be treated at par with such civilian pharmacists. It is submitted that respondents are acting illegally when they have not treated the civilian Pharmacist serving in the force at par with the other civilian pharmacist and also when an attempt has been made to force them to submit to the CRPF Act and Rules.

13 That with regard to the contents of paragraph 10 of the written statement the applicant reaffirms and reiterates the contents of paragraph 4.14 of the application.

Raj Kr. Singh
27.01.08



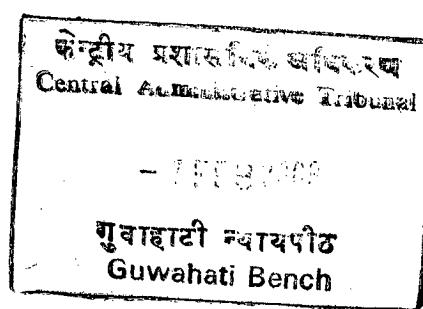
14 That with regard to the contents of paragraph 11 of the written statement , the applicant reaffirms and reiterates the contents of paragraph 4.15 of the original application.

15 That with regard to the contents of paragraph 12 of the written statement the applicant states reiterates and reaffirms the contents of paragraph 4.16 and 4.17 of the original application and further states that the same are maters of records.

16 That with regard to the contents of paragraph 13 of the written statement the applicant states the applicant is not a CRPF Pharmacist but is a civilian non combatiesd pharmacist serving in the force and as such is not governed by the CRPF Act and Rules. It is submitted that the stand of the respondents that the orders passed by the CRPF to the disadvantage of the civilian employees would be binding on the civilian employee is not tenable in law or in any view of the matter.

17 That with regard to the contents of paragraph 14 of the written statement the applicant reaffirms and reiterates the contents of paragraph 5 of the original application.

18 That with regard to the contents of paragraph 15 of the written statement , the applicant states that the applicant has challenged the action/instructions of the GOI/MHA ,in as much as the GOI/MHA has sought to treat the civilian employees unequally

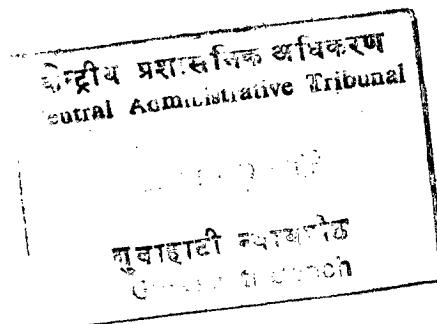


Rajkrishna -
27-01-08

with similarly situated civilian employees, even though both work for the central Government. It is relevant to point out that the civilian employees of the hospital are not CRPF personnel since they do not fall within the ambit of the CRPF Act and Rules and they are central government Servants. It is also relevant to point out here that the respondents have admitted that even the request of the applicant had not been considered.

19 That with regard to the statements made in paragraph 16 of the written statement, the applicant states that as per the orders passed by the respondents themselves, the civilian staff serving in the hospitals of the CRPF have been given the benefit of the allowances only on the ground that they are similarly situated as the paramedical staff serving in the other hospitals run by the Central Government. The respondents cannot now turn around and contend otherwise the applicant prays the leave of this Hon'ble Tribunal to refer to and rely upon the several order annexed to this rejoinder as annexure 'A4' (collectively) to substantiate his submission. It is relevant to mention here that the respondents have also admitted in several of their communication, one of which has been marked as Annexure 'VI' to the original application that the civilian pharmacists serving in the CRPF are saddled with more duties and responsibilities. Thus there is no

Raj K. Singh
27.01.08



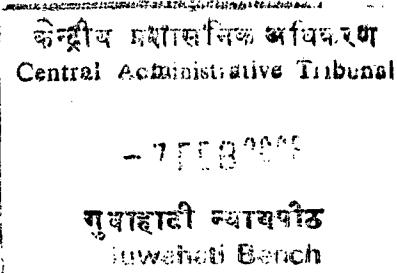
basis for treating them unequally to the disadvantage of the applicant.

20 That with regard to the contents of paragraph 17 of the written statement, the applicant reiterates and reaffirms the contents of paragraph 5.5 to 5.11 of the original application and also the contents of the contents of the paragraph made herein above.

21 That with regard to the contents of paragraph 18 of the written statement the applicant reaffirms and reiterates the contents of paragraph 6 and 7 the original application.

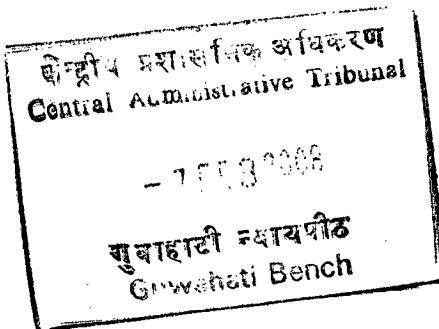
22 That with regard to the contents of the paragraph 19 of the written statement the applicant reiterates and reaffirms the contents made in paragraph 8.1 to 8.4 and paragraph 9 of the original application. It is further submitted that the applicant has been put to suffer inequality and injustice at the hands of the respondents and as such it is a fit case where this Hon'ble Tribunal would be pleased to exercise its powers to grant relief to the applicant. It is stated that the respondents have not been able to show any plausible or sustainable reason for denying an equal benefit to the applicant with other similarly situated pharmacists except for contending that the orders issued for CGHS are not relevant for personnel of the force. The respondents have ignored the fact that though the applicant serves the force, he continues to be civilian employee and thus is at par with the pharmacists of

Rajkr. Singh
27.01.08



the CGHS and is entitled to be treated at par. The applicant states that he is entitled to be treated equally with the pharmacists of the CGHS and other similar pharmacist, more so in view of the fact that the combatised pharmacists of the same force are being granted the financial up-gradation at par with the CGHS Pharmacist.

Rajkr. Singh
27-01-08



VERIFICATION

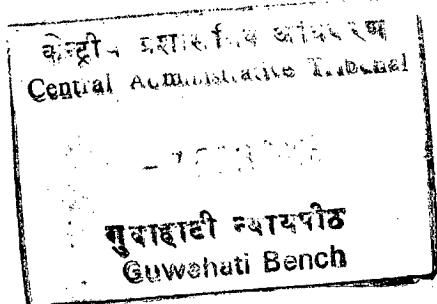
I Sri RAJ KUMAR SINGH... S/O Late Sh. Ram Janam Singh. Aged about 54 years serving the Central Reserve police Force, do hereby solemnly that the statements made in paragraphs no 1-10, 12-14, 16-18, 20-22 Are true to the best of my knowledge and the statements made in paragraphs 7(1), 11, 15, 19..... Being matters of records are true to my information derived there from and which I believe to be true the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 27. Day of JAN.....2008

at JAMMU

Rajkr. Singh

27-01-08



C.R.

OFFICE OF THE COMMANDANT, T-44, TH BN, C.R.P.F., POLICE LINES, VARANASI-2 (UR)

No. R. II-1/73-44 Dtd Varanasi, the AUGUST 1973.

OFFICIAL

Shri Raj Kumar Singh S/o Shri Ram Janam Singh is hereby appointed as a Temporary Commander in 44th Bn, C.R.P.F. W.e.f. 6-8-73 (A) in the pay scale of Rs. 130-5-175-RB-6-205-/-212-BB-/-240 plus usual allowance as admissible to Central Government servants from time to time. He has been registered as a Pharmacist under section 32(2) of Pharmacy Act 1948. His services are purely temporary and can be terminated at any time on one month's notice.

Sd/-

Lt. Col,

(Harish Dahi)

Commandant, 44th Battalion,
Central Reserve Police Force,
Police Lines, Varanasi-2 (UR).

No. R. II-1/73-44 Dtd Varanasi, the AUGUST 1973.

Copy forwarded to the :-

1. Deputy Director (Aum), C.A.T., R.K.Puram, New Delhi-22.
2. Deputy Inspector General, Central Reserve Police Force, Guwahati-1.
3. C.M.O. Base Hospital Chittaranjan.
4. Commandant, GC, CRPF, Guwahati-411006- for information and necessary action. He will issue one blank service book alongwith verification to this office for further necessary action at this end.

Internal

5. J.M.O./DQ-Hq Coy/W.M/JA/Ex. 111/44th Bn, CRPF, for necessary action.
6. Shri Raj Kumar Singh (new Commander), 44th Bn, CRPF - for information

देशद्रीप्र प्रशासनिक अधिकारण
Central Administrative Tribunal

- 7 P.C.B. 2008

গুৱাহাটী ন্যায়পাইঠ
Guwahati Bench

Admn. 16/8

(S.B.Singh)

Commandant, 44th Battalion,
Central Reserve Police Force,
Police Lines, Varanasi-2 (UR)
(on tour)

This is the true copy of the original document.

Rajiv P. Nayak
Advocate

7/2/08

OFFICE OF THE COMMANDANT 44 TH BN C.R.P.F. POLICE LINES, VARANASI-2 (UP)

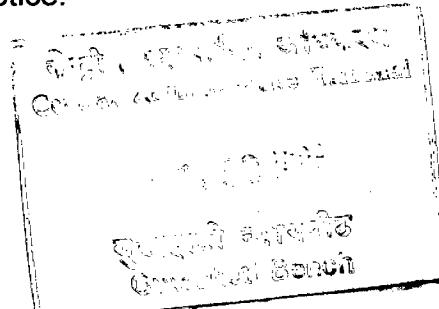
No. R. II-1/73-44

Dtd. Varanasi, the

August 1973.

OFFICE ORDER

Shri Raj Kumar Singh S/O Shri Ram Janam Singh is hereby appointed as a Temporary Compounder in 44th BN, C.R.P.F. w. e. f. 6-8-73 (FN) in the pay scale of Rs. 130-5-175-EB-6-205-7-212-EB-7-240 plus usual allowance as admissible to Central Government servants from time to time. He has been registered as a Pharmacist under section 32 (2) of Pharmacy act 1948. His services are "purely temporary and can be terminated at any time on one monthes notice.



No. R. II-1/73-44

Dtd. Varanasi, the

August 1973.

Sd/-

Lt. Col,

(Harish Bahl)

Commandant, 44th Battalion,
Central Reserve Police Force,
Police Lines, Varanasi-2 (UP).

Copy forwarded to:-

1. Deputy Director (Adm), C.R.P.F.,
R.K. Puram, New Delhi-22.
2. Deputy Inspector General,
Central Reserve Police Force, Poona-1.
3. C.M.O. Base Hospital CRPF Neemuch.
4. Commandant, GC, CRPF, Poona-411006- for information and necessary action. He will issue one blank service book alongwith verification report to this office for further necessary action at this end.

Internal

5. J.M.O./OC HQ Coy/Q.M/JA/EC.III/44th BN, CRPF, for necessary action.
6. Shri Raj Kumar Singh (new Compounder), 44th BN, CRPF-for information.

Sd/-

(illegible)

10/8

(S. B. SINGH)

Commandant, 44th Battalion,
Central Reserve Police Force
Police Lines, Varanasi-2 (UP)
(on tour).

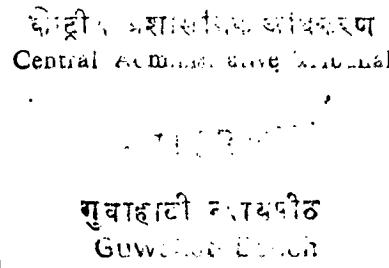
CERTIFICATE

It is certified that as per Service record
 date of confirmation in r/o No. 731550178 Pharmacist, Grd-I
 Raj Kumar Singh is 05.08.78 vide Office Order No.C.VI.4/78-
 dated 20.04.78 FO No. 119/78-GC MKG.

Ch. G. S. Bantwal
 CH, G.S.B. Bantwal
 Composite Respiratory RT
 Guwahati, Assam
 7/1/08

This is the true copy of the original
 document.

Rajit Deybar
 Advocate
 7/1/08



No.27011/44/88- FP-I

GOVERNMENT OF INDIA /BHARAT SARKAR
MINISTRY OF HOME AFFAIR/GRIH MANTRALAYANew Delhi – 110 001, the 19th Sept' 89

To,

The Director General,
Central Reserve Police Force,
New Delhi.

Sub: COMBATISATION OF GROUP 'C' AND 'D' POSTS
IN CENTRAL RESERVE POLICE FORCE HOSPITAL.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 7 FEB 2009

गुवाहाटी न्यायालय
Guwahati Bench

Sir,

I am directed to convey the sanction of the President to the combatisation by conversion of the civilian posts in CRPF Hospitals under the CRPF Act, 1949 and CRPF Rules, 1955 with immediate effect subject to the following terms and conditions.

- a) The equivalence of the ranks and pay scales for the combatised posts shall be as indicated in the Annexure.
- b) On combatisation the incumbents of the posts who opt for such combatisation will be governed by the CRPF Act, 1949 and CRPF Rules, 1955 as amended from time to time for all purposes and the posts concerned on the civil side shall be deemed to have been abolished.
- c) All future appointments against the vacancies shall be in the combatised ranks as per the recruitment rules.

2. The exiting incumbents of the posts mentioned in Col. 1 in the Annexure will be given option to opt for combatisation within a period of 3 months from the date of issue of this sanction. Those who do not opt for combatisation will continue in the civilian posts until

*This is the true Copy of the
original document.*

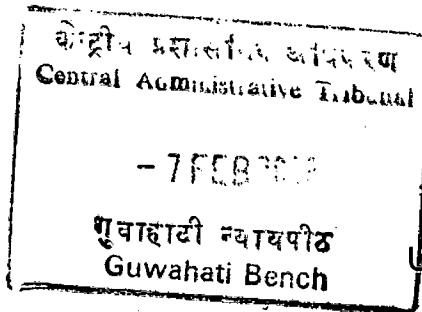
*Rajesh Mehta
Sdr.
7/1/08.*

superannuation under the existing conditions of service, which will be deemed to continue as applicable to them.

3. The expenditure involved shall be met from within the budget grant of Central Reserve Police Force for the year 1989-90 and subsequent years.

4. This issues with the concurrence of the Ministry of Finance, Department of Expenditure, vide their u.o No. F.V (33) E-III/89 dated 7/6/89 and Integrated Finance / of this Ministry vide their u.o No.2605/89-Fin.III D.I dated 1.9.89.

/ Division



Yours faithfully,

Sd/- x x

(K. S. PARTHASARATHY)

Under Secretary to the Govt. of India.

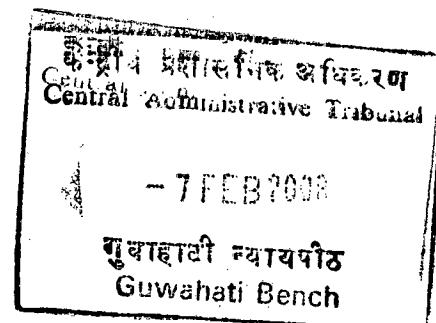
ANNEXURE

Statement indicating the existing posts in CRPF Hospitals and the equivalent rank on combatisation.

Designation of existing post (scale of pay)	Equivalent rank on combatisation (scale of pay)
(1)	(2)
Group 'C'	
1. Asstt. Matron (Rs. 2000-3200)	Subedar Major Central Administrative (Rs. 2000-3200)
2. Sister in charge (Rs. 2000-3200)	-do- (Rs. 2000-3200)
3. Ward Sisiter (Rs. 1640-2900)	Inspector (Rs. 1640-2900)
4. Theatre Sister (Rs. 1640-2900)	-do-
5. Staff Nurse (Rs. 1400-2600)	S.L. (Rs. 1400-2300)
6. Pharmacist (Rs. 1350-2200)	ASI (Rs. 1320-2040)
7. Lab. Technician (Rs. 1320-2040)	ASI (Rs. 1320-2040)
8. Radiographer (Rs. 1350-2200)	ASI (Rs. 1320-2040)
9. Laboratory Asstt. (Rs. 975-1540)	HC (Rs. 975-1660)
10. 'X' Ray Asstt. (Rs. 975-1540)	HC (Rs. 975-1660)
11. Electrician (Rs. 1200-1800)	HC (Rs. 975-1660)
12. Telephone Operator (Rs. 950-1500)	HC (Rs. 975-1660)
13. Asstt. (Operation Room) (Rs. 950-1400)	HC (Rs. 975-1660)

Group 'D'

1.	Plumber (Rs. 950-1400)	HC (Rs. 975-1660)
2.	Dresser (Rs. 800-1150)	CT (Rs. 825-1200)
3.	Nursing Asstt. (Avan) (Rs. 800-1150)	CT (Nursing Asstt. & Avan) (Rs. 825-1200)
4.	Steward (Rs. 750-940)	Follower (Rs. 750-940)
5.	Ward Boy (Rs. 750-940)	-do-
6.	Mali (Rs. 750-940)	-do-
7.	Chowkidar (Rs. 740-950)	-do-
8.	Masalchi (Rs. 750-940)	-do-
9.	Kahar (Rs. 750-940)	-do-
10.	Table Boy (Rs. 750-940)	-do-
11.	Safai Karamchari (Rs. 750-940)	-do-
12.	Dhobi (Rs. 750-940)	-do-
13.	Carpenter (Rs. 750-940)	-do-
14.	Cook (Rs. 750-940)	-do-



Sd/- 19/9/89
 (K. S. PARTHASARATHY)
 Under Secretary to the Govt. of India.

No.27012/4/2000-PF.IV
Government of India
Ministry of Home Affairs

1/2
By fax
135741
11/9
North Block, New Delhi.
Dated the 8 September, 2000

To.

The Directors General

- ✓ 1. Border Security Force, CGO Complex, New Delhi.
- ✓ 2. Central Reserve Police Force, CGO Complex, New Delhi.
- ✓ 3. Indo-Tibetan Border Police, CGO Complex, New Delhi.
- ✓ 4. Central Industrial Security Force, CGO Complex, New Delhi.
- ✓ 5. Assam Rifles, Shillong.
- ✓ 6. The Director, National Police Academy, Hyderabad.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
- 7 FEB 2002
गुवाहाटी न्यायपीठ
Guwahati Bench

Subject: Grant of Patient Care Allowance/Hospital Patient Care Allowance to Non-Ministerial Group C & D Civilian Employees of BSF, CRPF, ITBP, CISF, Assam Rifles and National Police Academy, Hyderabad employed in Dispensaries/Hospitals.

Sir,

I am directed to convey the sanction of the President to the Grant of Patient Care Allowance/Hospital Patient Care Allowance, to the Non-Ministerial Group C & D Civilian Employees of BSF, CRPF, ITBP, CISF, Assam Rifles and National Police Academy, Hyderabad employed in the Dispensaries/Hospitals, at the same rates as has been given to employees similarly placed in the COHS Dispensaries or Central Government Hospitals in Delhi/Outside Delhi on the same terms and conditions. This will take effect from the date of issue of these orders.

2. This is subject to the condition that no Night Duty Allowance or Risk Allowance, if sanctioned by the Central Government, will be admissible to these employees.
3. The expenditure involved will be met out of the budget grant of the concerned organization.

Contd... 2

This is the true copy of the original document.

Rajesh Rayamajhi
Adiwall
3/2/06.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
गुवाहाटी व्यापारिक
Guwahati Bench

IN THE MATTER OF :

Original Application. NO. 25/2007

Pharm R.K. Singh

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

AND -

IN THE MATTER OF :

Written statement submitted by the Respondents No.

WRITTEN STATEMENT

The humble answering respondents submit their written statement as follows :

1.(a) That I Shri Jaginder Singh s/o.
Shri Harpal Singh, and Respondents No. _____ in the above case and I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

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

200
(JOGINDER SINGH)
वर्म शुल्क उप-महानियन्त्रण
ADDL. D.I.G P. C.C. C.R.P.F
प. केन्द्र केरियुवल गुवाहाटी-2
GUWAHATI 23 (ASSAM).

Mohd.
Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

प्राप्ति कार्यालय
Guwahati Bench

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

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

2. That with regard to the statements made in paragraphs 1 of the Application, the answering Respondents beg to state that the benefits of financial up gradation to the non combatised (civilian non ministerial) Pharmacist of this force are being given as per the instructions issued by Govt. of India, Ministry of Home Affairs. Orders issued to CGHS employees is not relevant for CRPF personnel as such request of the applicant cannot be considered.

3. That with regard to the statements made in paragraphs 2, 3 and 4, 5, 8, 13, 14, 15, 17, 20- & 21 of the Application, the answering Respondents beg to state that they do not admit anything which is beyond the record and based on legal foundation and as such the applicants are put to strict proof thereof.

4. That with regard to the statements made in paragraphs 6 of the Application, the answering Respondents beg to state that all the applicants are being given all the benefits and allowances as are applicable to the nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial upgradation are being given as per the scale approved by Govt. of India for Pharmacist of the CRPF. The orders issued for CGHS employees is irrelevant to the hospital staff of this Force. CGHS personnel for whom separate rules will be issued by the Health Ministry concerned. As such the employees of CGHS cannot be compared with CRPF. As such the facilities extended to CGHS

1000
(JOGINDER SINGH)
बाबर पुस्तक एवं माहात्मीय
ADDL. D.I.G.P. C. R.P.F.
प.प केन्द्र कॉर्ट पुस्तकालय गुवाहाटी-2
GUWAHATI 781 023 (Assam)

- 2 JUN 2018

employees cannot be extended to CRPF Hospital staff. As such the allegation of the applicants are not sustainable.

5. That with regard to the statements made in paragraphs 7 of the Application, the answering Respondents beg to state that as already stated in previous paragraph the Assured Career Progression Scheme for Central Govt. Employees applicable w.e.f. 1999, i.e. the date of issue of Govt. order. On completion of 12 years of regular service the applicants were allowed 1st up gradation in the pay scale of Rs. 5000-8000/- as per pay scales approved by Govt. of India, Ministry of Home Affairs for non combatised Pharmacist of CRPF. The combatised ASI/Pharmacist are being allowed 1st financial up gradation as per their recruitment rules. Hence the allegation of the applicant is not tenable.

6. That with regard to the statements made in paragraphs 9 of the Application, the answering Respondents beg to state that the Applicant is being given all the benefits and allowances as are applicable to the nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up gradation are being given as per the scale approved by Govt. of India for Pharmacist of the CRPF. The orders issued for CGHS employees is irrelevant to the hospital staff of this Force. As far as pay scale is concerned, pay scale on 1st and 2nd financial up gradation are being given as per the scale approved by Govt. of India for Pharmacist of the CRPF. The orders issued for CGHS employees is irrelevant to the hospital staff of this Force. Hence the request of the applicants for giving the benefits as per with CGHS employees may be rejected at the stage of admission.

7. That with regard to the statements made in paragraphs 10 of the Application, the answering Respondents beg to state that the same has already stated in the previous paragraph.

८८८
(JOGINDER SINGH)
वर प्रशासनिक अधिकरण
ADDL. D.I.G.P. (L.L.) R.P.
१४ केन्द्र केरिंग्गुड गुवाहाटी
GUWAHATI 781 023 (ASSAM)

8. That with regard to the statements made in paragraphs 11 of the Application, the answering Respondents beg to state that the Assured Career Progression Scheme for Central Govt. employees applicable w.e.f. 9.8.99 i.e. from the date of issue of Govt. orders. Accordingly on completion of 12/24 years of service the applicant was allowed 1st financial up gradation in the pay scale of Rs. 5000-8000/- and 2nd up gradation in the pay scale of Rs.5500-9000/- as per pay scales approved by Govt. of India, Ministry of Home Affairs for Pharmacist of CRPF.

9. That with regard to the statements made in paragraphs 12 of the Application, the answering Respondents beg to state that same has already discussed in previous paragraphs. Averment made in this para is baseless and required no consideration.

10. That with regard to the statements made in paragraphs 16 of the Application, the answering Respondents beg to state that the same has already stated in previous paras.

11. That with regard to the statements made in paragraphs 18, 19 & 22 of the Application, the answering Respondents beg to state that same has already stated in previous paras. As such the allegation of the applicant is not sustainable and the request made by the applicant cannot be considered.

12. That the application is devoid of any merit and deserved to be dismissed.

13. That this reply has been made bona fide and for the ends of justice and equity.

It is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed with cost.

100
(JOGINDER SINGH)
कर्म प्रशासनिक अधिकरण
ADDL. D.I.G.P. G.C. (C.P.T.)
पुर्ण केन्द्र केंद्रीय प्रशासनिक अधिकरण
GUWAHATI 781023 (ASSAM)

केन्द्रीय प्रशासनिक अधिकारपा Central Administrative Tribunal
- 2.11.2008
गुवाहाटी न्यायालय Guwahati Bench

VERIFICATION

I, Shri Jagender Singh
 Son of Shri Harpal Singh aged about 55
 years, resident of G C C.R.P. Amritgaj Guwahati
 working as Addl. D.I.G.P.

duly authorized and competent officer of the answering respondents
 to sign this verification, do hereby solemnly affirm and verify that the
 statements made in Paras 2, 3, 4, 7, 8, 11 are true to my knowledge,
 belief and information and those made in Para 5 being
 matters of record are true to my knowledge as per the legal advice
 and I have not suppressed any material facts.

And I sign this verification on this 28/day of February 2008
 at Guwahati

Shri Jagender Singh
 अपर पुलिस एप-महानिरीक्षक
 ADDL. D.I.G.P. GC, C.R.P.R.
 प.प केन्द्र केंद्र ०५०५० गुवाहाटी-२३
 GUWAHATI-23 (ASSAM)