

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A./T.A No. 301/2007

R.A./C.P No.

✓
E.P/M.A No. 134/2007

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SECTION OFFICER (Judl.)

S. Kalita
11.10.07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

- 1. Original Application NO. 301/07
- 2. MiEs Petition No. _____
- 3. Contempt Petition No. _____
- 4. Review Application No. _____

Applicant(S).... Bitan Kr. Deb & Ors VS Union of India & Ors

Advocate for the Applicants... Haragobinda Boruah.....

Advocate for the Respondant(S).... C.G.Sc.....

Notes of the Registry	Date	Order of the Tribunal
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<p>The application is in fact filed in the Court for Rs. 30/- deposited with the Registrar No. <u>70E.048349, 66F84818</u> Dated <u>6.12.07</u> <u>66F84849</u></p> <p>Registrar</p>	<p>11.12.2007</p>	<p align="center"><u>OA 301/07</u></p> <p>Having heard Mr.H.G.Baruah, learned counsel appearing for the Applicants and Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India, notices are directed to be issued to the Respondents requiring them to file their written statement by 31.01.2008.</p>
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Petitioner's copies for issue of notices are received with envelope. Copy served.

Call this matter on 31.01.2008 for admission and hearing.

P.M.
7/12/07

[Signature]
(Gautam Ray)
Member (A)

[Signature]
(M.R.Mohanty)
Vice-Chairman

/bb/

Dt. 11.12.07
Pl. issue notices to the Respondents.

Notice & order along with MP 134/07 sent to D/Section for issuing to resp. nos 1 to 11 by regd. A/D post. P/No-D/No-1862 to 1872
DT=20/12/07

18/12/07

31.01.2008

Notice sent to the Respondent No.3 has come back unserved; because of inadequacy of address furnished by the Applicant.

Mr.H.G.Baruah, learned counsel appearing for the Applicant undertakes to furnish correct/adequate address of the Respondent No.3 by 4th February, 2008. He should file adequate postage (for issuance of fresh notice on the Respondent No.3) by 4th February, 2008.

Registry to issue fresh notice to Respondent No.3 requiring him to file reply by 10th March, 2008.

Mr.M.U.Ahmed, learned Addl. Standing Counsel for the Union of India, with instructions, states that various pages of the copy of the O.A. (which was sent, with notice, to Respondent No.5) are not legible; for which the Director General of Assam Rifles (Respondent No.5) has not been able to prepare para wise comments to file written statement in this case.

On perusal of the copy of the O.A (that was sent to Respondent No.5.) Mr. H. G. Baruah, learned counsel appearing for the Applicant, undertakes to supply a neat copy of the O.A. to Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents, by 4th February, 2008.

Call this matter on 10th March, 2008, awaiting reply/written statement from the Respondents.

Notice for resp. no-3 received back as unserved with a postal remark's "In-complete addr".

7/01/08.

As per order dt. 31/01/08.

notice send to D/Section for issuing to R-3 by regd. A/D post with the cost of learned advocate for applicant.

D/No-993
Dt= 7/2/08 -

Notice duly served on R-5, 11, 4

7/2/08.

3-
0A.301/07

Applicants to take note of this notice

Notice for Resp. No. 3
received back as
unserved with a
postal remarks
"Incomplete addr."

26/2/08

W/s not filed

7.3.08

10.03.2008

Fresh notice issued to the Respondents No.3, which has again come back unserved because of the incomplete address. By Memo dated 01.02.2008, the Applicant furnished the fresh address but still has not shown the name of the Department of Expenditure therein. Therefore, the Applicant is called upon to furnish the correct address of the Respondent No.3 and deposit required cost of the postage for issuance of notice for Respondent No.3 in correct address. Mr. H. Baruah, learned counsel appearing for the Applicant undertakes to furnish the correct address of the Respondent No.3 and required cost of the postage in course of the day.

Issue notice to the Respondent No.3, (The Secretary to the Government of India in the Ministry of Finance, Department of Expenditure, North Block, New Delhi-110001) requiring them to file reply by 30th April, 2008.

It has been reported by 17 Assam Rifles that the Applicant No.7 (Mridul Kar Purkayastha) has gone from 17 Assam Rifles to 19 Assam Rifles, 19 Assam Rifles has not been imp leaded as party Respondent in this case. It has been reported by 23 Assam Rifles that the Applicant No. 4 (Mrs. Biva Talukdar) has gone on transfer from 23 Assam Rifles to 14 Assam Rifles.

It has also been reported by 23 Assam Rifles that Applicant No.5 (Mr. Salil Kr. Choudhury) has gone to 41 Assam Rifles. 41 Assam Rifles has not been made a party Respondents in this case.

10.03.2008

Applicants to take note of this report and take appropriate steps in the matter.

Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents department undertakes to file reply by 30th April, 2008.

Call this matter on 30.04.2008.

(M.R. Mohanty)
Vice Chairman

Rs = 79/- (Rupees seventy nine) only received vide cash memo No = 2613 Dt = 10/3/08 of postal cost for fresh notice issue to the resp. no - 3.

10.4.2008

This case which was posted to 30.4.2008, is now postponed/re-scheduled to be listed on 15.5.2008.

Send copies of this order to both parties.

Member(A)

Vice-Chairman

Notice & order send to D/Section for issuing to Resp. no 3 by regd

ALD post D/No - 1309 Dt = 11/3/08

20.3.08

A letter dated 21.2.08 received from Kapil Gaur Maj 17 Avam Rifle regarding O.A 90/07, which is kept A file as flag A.

(Signature)

Order dt. 10/4/08 issuing to learned advocate's for both the parties.

21/4/08 D/No-1785, 1786 Dt = 22/4/08.

W/S not filed.

O.A. 301 of 07

M.P. 76/08

on 30/07

15.05.2008

By filing M.P.No.76 of 2008 the Applicant seeks to implead four officers of the Respondents Organization as the Respondents. Full address of four Officers sought to be added as the Respondents has not been furnished by the Applicant in M.P.No.76 of 2008. Mr.H.G.Baruah, learned counsel appearing for the Applicant undertakes to furnish the full address of all those four officers in course of the day.

Heard. Prayer to implead four officers of the Assam Rifles is allowed subject to furnishing of correct address of the four officers.

Mr.H.G.Baruah, learned counsel for the Applicant undertakes to file four extra copies of this O.A. and required postages for issuance of notices to the newly added four Respondents in course of the day.

Send notices to the newly added Respondents, at the cost of the Applicant, requiring them to file their reply by 30th June, 2008.

Registry to issue notice to ⁽¹⁾ the Commandant of 36 Assam Rifles, C/O: 99 APO, ⁽²⁾ Commandant of 38 Assam Rifles, C/O: 99 APO, ⁽³⁾ Commandant of 41 Assam Rifles, ⁽⁴⁾ C/O: 99 APO, ⁽⁵⁾ Commandant of 35 Assam Rifles, C/O: 99 APO

Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents undertakes to file reply for all the Respondents by 30th June, 2008.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Dt. 15.5.08

Pl. issue Notices to the newly added Respondents

16/5/08

As per order dt. 15/5/08

Notice send to D/Section for issuing to resp. nos. 11 to 14 by Speed post at the cost of learned advocate for applicant.

23/5/08. D/No-2460 to lm
Dt. 24/5/08
26/5/08.

27-6-08
Service report awarded
Dr.

30.06.08

On the prayer of Mr M.U.Ahmed, learned Addl. Standing counsel call this matter on 28.08.2008 awaiting written statement from the Respondents.

W/s not filed.

27.08.08

(M.R. Mohanty)
Vice-Chairman

pg

28.08.2008

Despite opportunities, written statement has not yet been filed by the Respondents.

W/s not filed.

25.9.08

Call this matter on 26.09.2008 awaiting written statement.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkm

26.09.08

None appears for the Applicant nor the Applicants are present. None also appears for the Respondents. No written statement has yet been filed by the Respondents in this case.

26.9.08

Order to send copies of this order to the Respondents at the addresses given in the O.A.

29.10.08

Call this matter on 07.11.2008 awaiting written statement from the Respondents.

Send copies of this order to the Respondents in the address given in the O.A; so that they can file their written statement by the date fixed.

Call this matter on 07.11.2008.

(S.N. Shukla)
Member(A)

(M.R. Mohanty)
Vice-Chairman

pg

Copies of order dated 26/09/08 send to D/Section for issuing to respondents by post.

D/No - 4212 to 4225
DT = 7-10-08

W/s not filed.

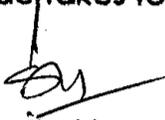
6.11.08

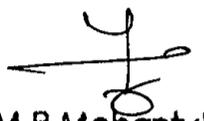
07.11.2008

Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India undertakes to file written statement by Monday, 10th November 2008. Mr.H.G.Baruah, learned counsel for the Applicant (who states that he has already received a copy of the written statement) undertakes to file rejoinder by 18.12.2008.

No w/s filed.

M.U.
17.12.08.


(S.N.Shukla)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

18.12.2008

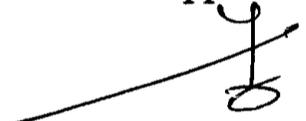
In this case written statement on behalf of the Respondents is being filed to-day in the Court. Mr.H.G.Baruah, learned counsel for the Applicant (who received a copy of the written statement by the previous date/07.11.2008) seeks more time to file rejoinder. Prayer is allowed.

dt. 18.12.08
w/s filed by the Respondents.
Copy served.

M.
18/12/08

Call this matter on 30.01.2009 awaiting rejoinder from the Applicant.


(S.N.Shukla)
Member(A)


(M.R.Mohanty)
Vice-Chairman

lm

No rejoinder filed.

M.
29.11.09.

Order received back from R.No. 10.

30.01.2009

Mr. H.G. Baruah, learned counsel appearing for the Applicant, prays for one month time to file rejoinder.

M.
19.2.09.

Prayer is allowed.

Call this matter on 05.03.2009 awaiting rejoinder from the Applicant.


(M.R. Mohanty)
Vice-Chairman

/bb/

O.A.301-07

29.4.09

30.04.2009

Mr.H.G.Baruah, learned counsel for the Applicants and Mr.M.U.Ahmed, learned Addl. Standing counsel for the Respondents are present.

Notice alongwith Honble Court's order dt. 23.3.09

returned from the newly impleaded respondent No.14 i.e.

~~In this case~~, call this matter on 18.06.2009

for hearing.

The Commandant of 35 Assam Rifles, c/o 99 A.P.O. as remark (individual does not belong to this unit).


(M.R.Mohanty)
Vice-Chairman

The same may kindly

Call this matter for hearing on

13th August 2009.

be seen at Regd.


(M.R.Mohanty)
Vice-Chairman

/lm/

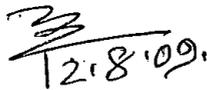

29/4/09

13.08.2009

Mr. H. G. Baruah, learned counsel for the Applicants and Mr. M. U.Ahmed, learned Addl. Standing Counsel for the Respondents are present.

The case is ready for hearing.

Call this matter on 25.08.2009 for hearing.


25.8.09.

The case is ready for hearing


(M.K.Chaturvedi)
Member(A)


(M.R.Mohanty)
Vice-Chairman


24.8.09. lm

O.A 301/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 301 of 2007

Mr Bitan Kumar Deb & others

Applicants

Versus

Union of India & others

Respondents

Order dated 25.02.2009

Call this matter on 23.3.09 awaiting rejoinder from
the Applicants

Send copies of this order to the Applicants and the
Respondents.


[M.R. Mohanty]
Vice-Chairman

cm

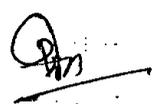
18.3.09

23.03.2009

Mr H.G. Baruah, learned Counsel
appearing for the Applicants, is present.

Rejoinder submitted
by the Applicant.
Copy served.

In this case Written Statement and
Rejoinder have already been filed by the
parties.



Subject to legal pleas to be examined
at the final hearing, this case is admitted.

W/S and rejoinder
filed by the parties.

Call this matter on 30.04.2009 for
hearing.


20.3.09

Send copies of this order to the
Applicants and the Respondents in the
addresses given in the O.A.

Copy of the order
Dtd - 23.3.2009
prepared and send
to D. Section for
issuing of the nkm
applicants and respondents.
vide D.No - 1569 to 1593
Dt: - 2-4-09.


(M.R. Mohanty)
Vice-Chairman


30.3.09.

O.A. 301 of 2007

25.08.2009

For the reasons recorded

separately, this O.A. stands disposed of.

1/9/09

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

Copy of judgment /lm/
order dated 25/8/2009
send to the D/section
for issuing to the Applicant
2 Respects by Regd. post.
Free copies of both side
standing counsels by hand.

D/No. 1043-1069

dtd 7-9-09

~~Don~~
1/9/09

29

12

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:**

O.A.No. 301 of 2007

Date of Decision 25.08.2009

Bitan Kr. Deb & Ors

..... Applicant/s

Mr. H.G. Baruah

..... Advocate for the
Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondent/s

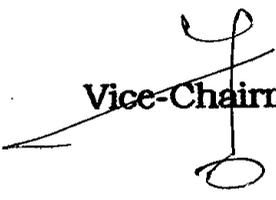
Mr. M. U. Ahmed, Addl. Standing Counsel

..... Advocate
for the Respondents

CORAM

MR. MANORANJAN MOHANTY, VICE-CHAIRMAN
MR. M. K. CHATURVEDI, ADMINISTRATIVE MEMBER

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


Vice-Chairman/Member (A)

13

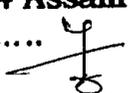
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.301 of 2007

Date of Order: This the 25th Day of August, 2009.

HON'BLE MR.MANORANJAN MOHANTY, VICE-CHAIRMAN

HON'BLE MR.M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

1. Mr.Bitam Kumar Deb
S/O Late Bijoy Kumar Deb
Jr.Teacher, 14 Assam Rifles
C/O 99 APO
2. Mr.Madhu Prakash Godiyal
S/O: Late Shri Harshpati Gadiyal
Jr. Teacher,34 Assam Rifles
C/O: 99 APO
3. Mr.Rajkumar Thakur
S/O. Late Shri Singheswar Thakur
Jr.Teacher,34 Assam Rifles
C/O:99 APO
4. Mrs. Biva Talukdar
D/O: Late Hari Dhar
Jr.Teacher, 23 Assam Rifles
C/O: 99 APO
5. M.Salil KrChoudhury
S/O: Late K.R.Choudhury
Jr.Teacher, 23 Assam Rifles
C/O: 99 APO
6. Mrs.Swapna Dey
D/O Shri Rabindra Ch.Dey
Jr.Teacher, 22 Assam Rifles
C/O: 99 APO
7. Mr.Mirdul Kar Purkayastha
S/O Late Gopesh Kar Purkayastha
Jr.Teacher, 17 Assam Rifles
C/O: 99 APO
8. Mrs. Geeta B.
W/O: Mr.Vidhya Dharan
Jr.Teacher, 6 Assam Rifles
C/O: 99 APO
9. Mr.Shaisuddin Ahmed
S/O: Mr.M.Uddin Ahmed
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO
10. Mrs. Shali Kumari Chaubey
W/O: Mr.R.C.Chaubey
Jr.Teacher, 14 Assam Rifles
C/O: 99 APO..... 

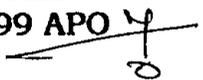
Applicants

(Same cause of Action)

By Advocate Mr.Haragobindra Baruah

-Versus-

1. The Union of India,
Represented by the Secretary to the Govt.of India,
Ministry of Home Affairs, North Block,
New Delhi-110001.
2. The Secretary to the Govt. of India,
Ministry of Human Resource Development
Department of Secondary and Higher Education,
New Delhi-110001.
3. The Secretary to the Govt. of India,
Ministry of Finance, New Delhi-110001
4. The Secretary to the Govt of India,
Ministry of Personal, Public Grievances and Pension
(Department of Personal and TRG)
Delhi-110001.
5. The Director General of
Assam Rifles Mahanideshalaya,
Shillong-11
6. The Commandant
O.A: 14 Assam Rifles
C/O: 99 APO
7. The Commandant
O/A: 34 Assam Rifles
C/O: 99 APO
8. The Commandant
O/A:23 Assam Rifles
C/O: 99APO
9. The commandant
O/A: 22 Assam Rifles
C/O:99 APO
10. The commandant
O/A: 17 Assam Rifles
C/O:99 APO
10. (A):The commandant
O.A: 6 Assam Rifles
C/O: 99 APO.
11. The Commandant of 36 Assam Rifles,
C/O-99 APO
12. The Commandent of 38 Assam Rifles
C/O-99 APO



13. The Commandant of 41 Assam Rifles,
C/O.99 APO

14. The Commandant of 35 Assam Rifles,
C/O 99 APO

Respondents

Impleaded as Respondent Nos. 11 to 14 vide order dated
15.05.2008 passed in M.P.No.76 of 2008

By Advocate Mr.M.U.Ahmed, Addl.Standing Counsel

ORDER (ORAL)
O.A.NO.301 OF 2007
25.08.2009

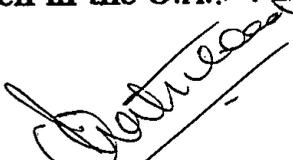
MANORANJAN MOHANTY, V.C.:

Heard Mr. H.G.Baruah, learned counsel appearing for the Applicant and Mr. M.U.Ahmed, learned Addl. Standing counsel representing the Respondents. In course of hearing, it has been pointed out by the learned counsel for the parties that the Applicants are enjoying the ACP (for which they have filed this case) since 10.11.2008, and therefore, the Advocate for the Applicants pray for withdrawing this case. In fact, Mr. H. G. Baruah, learned counsel for the Applicant has filed a memorandum praying to withdraw this case.

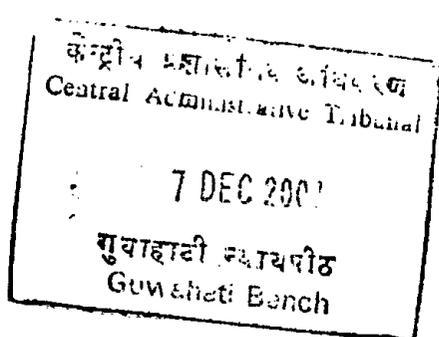
2. In the aforesaid premises, since the ACP benefits are being granted by order dated 10.11.2008, this case has become infructuous.

This case accordingly, stands disposed of being withdrawn.

3. Send copies of this order to ^{the Applicants} the Respondents in the address given in the O.A. Free Copies be given to the Advocates of Parties


(M.K.CHATURVEDI)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE-CHAIRMAN



Dist: Senapati & Ors.

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

ORIGINAL APPLICATION NO. 301 /07

Mr. Bitan Kumar Deb & Ors.

.....Applicants

-Vs-

The Union of India & Ors.

.....Respondents.

SYNOPSIS

All the applicants are the Jr. teachers of Assam Rifles and they are serving under the respondents from the date of their Joining till-to-day continuously. The length of service of all the applicants are more than 12 years. The school of Assam Rifles are equivalent to the Primary school of other Central Organization and the requisite qualification of the teachers confirm to the recruitment rules of primary teachers as applicable to all other Central Govt. Organization. Government of India has circulated a scheme through office memorandum being No. 35034/1/97 Estt (D) dated (09 August 1999) published through the Ministry of personal, public grievances and pension (Department of personal and TRG) in the name and style 'Assured Career Progression Scheme' for Central Govt. Civilian employees. This "Assured Career Progression Scheme" for Central Govt. employees has been introduced by the Govt. of India on the recommendation of the [fifth Central pay commission] to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme is operational from 9th August 1999 keeping in view all relevant factors. By the said scheme it has been decided to grant [two financial up-gradation] as recommended by the fifth Central pay commission and also in accordance with the agreed settlement dated [September 1, 1997] entered into with the staff side of the national council (JCM). The two financial up-gradation under the ACP scheme in the entire Govt. service career of an employee is to be counted against regular promotion availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial up-gradation under the ACP scheme shall be available only if no regular promotion during the prescribed period (12 and 24 years) have been availed by an employee. The benefits of revised pay scale under ACP scheme is applicable to all the school teachers employed by the Central Govt. in Union Territories and

7 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

other autonomous bodies sponsored by the Central Govt. Even after released of Rs.1831.20 Crore by the Central Govt. for revised pay scale and dearness allowance for all types of primary school teachers, the respondent No. 5 not allowed the applicants to draw the said revised scale of pay. The entry scale of pay with the corresponding scale as revised and selection scale of pay are given hereunder.

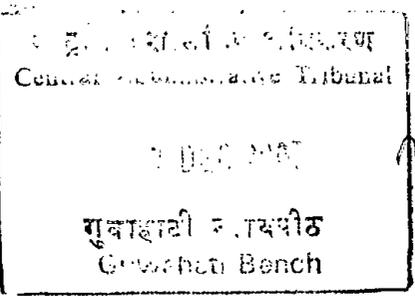
Entry scale : 4500-125-7000
Revised scale : 5500-175-9000 (After completion of 12 years.)
Selection scale : 6500-225-10500 (After completion of 24 years.)

The benefit of revised pay scale in the grade of Rs.5500-175-9000 per months under ACP scheme is presently drawing by the other teachers of the A.R. schools but the applicants are deprived which is a hostile discrimination. This differentiation/classification is not based on intelligible criterion. A news caption reported in the 'Sanghai Express' on 20/3/2002 from which the applicants came to know that cabinet has approved the grant of revised senior scale and selection scale for the primary school teachers w.e.f. January one 1996 in substitution of the scale already sanction to them. The Govt. of India, Ministry of Human Resource Development, Department of Education, Delhi informed the Ministry of Home Affairs that Govt. grant revised senior scale of pay to PRT teachers w.e.f. 1.1.96 and the Jr. teachers of AR school entitled to the said benefits in accordance with said decision. On [24th day of Feb 2007] all the applicants jointly filed an application addressing the D.G.A.R ventilating their grievances to vindicate their right but when for a long period it was not decided they approached the Hon'ble CAT by the filing [OA No. 95/07]. The Hon'ble CAT by its order dated [3rd day May 2007] disposing the application direct the concerned authorities to disposed of the said application dated 24/2/2007 along with OA within a period of three month. By an order dated [9/8/2007] D.G.A.R rejected the said application along with OA. No. 95/07 in the plea that applicants are not B.Ed and no PRT is exist in Assam Rifles. Hence this instant application.

Filed by

Hc

Hara Gobinda Boruah
Advocate.



Dist: Senapati & Ors.

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

ORIGINAL APPLICATION NO. 301 /07

Mr. Bitan Kumar Deb & Ors.

.....Applicants

-Vs-

The Union of India & Ors.

.....Respondents.

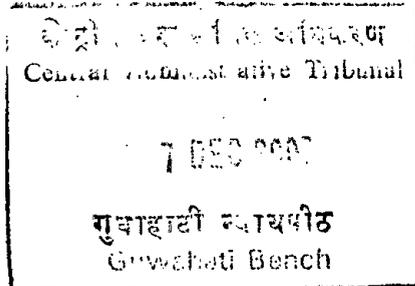
LIST OF DATES

Sl. No.	Annexure	Page	Contents
1.	Annexure-A. 24-25 11/5/1987		Latter dated 11/5/1987 Vide ref No. V/VII-PS/T/86.
2.	Annexure-B 26-32 09/08/1999		"Assured career progression Scheme" introduced by the Govt. of India.
3.	Annexure-C 33 20/03/2002		News Caption reported in the 'Sanghai Express' on 20/03/2002.
4.	Annexure-D 34-37 4/4/2002		Letter of the Ministry of Human Resource Development Deptt. Education.
5.	Annexure-E 38-40 24/2/2007		Joint application of the applicants.
6.	Annexure-F 41-45 3/5/2007		Certified copy of the order of the Hon'ble CAT passed in OA No. 95/07.
7.	Annexure-G 46-49 9/8/2007		Order dated 9 August 2007 issued by D.G.A.R rejecting the application dated 24/2/07 along with OA 95/07.

Filed by

Hc

Hara Gobinda Boruah
Advocate.



Dist: Senapati & Ors.

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

ORIGINAL APPLICATION NO. 301 /07

Mr. Bitan Kumar Deb & Ors.

.....Applicants

-Vs-

The Union of India & Ors.

.....Respondents.

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4.	Annexure-B	26 to 32
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6.	Annexure-D	34 to 37
7.	Annexure-E	38 to 40
8.	Annexure-F	41 to 45
9.	Annexure-G.	46 to 49

Filed by

HG

Hara Gobinda Boruah
Advocate

Dist. Senapati & Ors.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
7 DEC 2007
गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by the
applicants
through 22
Hara Gobinda Boruah
Advocate
6/12/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
ORIGINAL APPLICATION NO. 301 /07

~~7~~ 1. Mr. Bitan Kumar Deb
S/O: Late Bijoy Kumar Deb
Jr. Teacher, 14 Assam Rifles
C/O: 99 APO

~~7~~ 2. Mr. Madhu Prakash Godiyal
S/O: Late Shri Harshpati Gadiyal
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO

3. Mr. Rajkumar Thakur
S/O: Late Shri Singheswar Thakur
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO

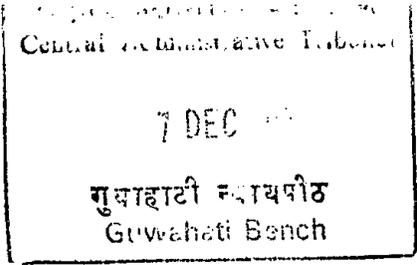
4. Mrs. Biva Talukdar
D/O: Late Hari Dhar
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO

5. Mr. Salil Kr. Choudhury
S/O: Late K.R. Choudhury
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO

~~7~~ 6. Mrs. Swapna Dey
D/O: Shri Rabindra Ch. Dey
Jr. Teacher, 22 Assam Rifles
C/O: 99 APO

OA 23/08
10/04/08
MP 28/08

Bitan K. Deb



7.Mr. Mirdul Kar Purkayastha
S/O: Late Gopesh Kar Purkayastha
Jr. Teacher, 17 Assam Rifles
C/O: 99 APO

8.Mrs. Geeta B.
W/O: Mr. Vidhya Dharan
Jr. Teacher, 6 Assam Rifles
C/O: 99 APO

9.Mr.Shaisuddin Ahmed
S/O: Mr. M. Uddin Ahmed
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO

10.Mrs. Shali Kumari Chaubey
W/O: Mr. R.C. Chaubey
Jr. Teacher, 14 Assam Rifles
C/O: 99 APO

(Same cause of Action)

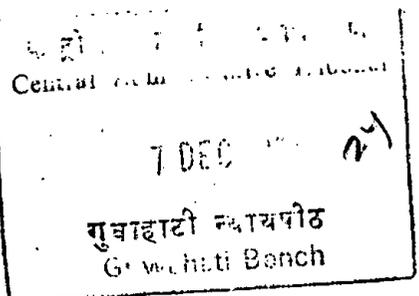
.....Applicants.

-Vs-

1.The Union of India,
Represented by the Secretary to
the Govt. of India, Ministry of
Home Affairs, North Block, New
Delhi. 110001

2.The Secretary to the Govt. of
India, Ministry of Human
Resource Development, Department
of Secondary and Higher
Education, New Delhi. 110001

Bitan K. Deb



3. The Secretary to the Govt. of India, Ministry of Finance, New Delhi. 110001

4. The Secretary to the Govt. of India, Ministry of Personal, Public Grievances and Pension (Department of Personal and TRG) Delhi. 110001

5. The Director General of Assam Rifles. Mahanideshalaya, Shilling-11.

6. The commandant
O/A: 14 Assam Rifles
C/O: 99 APO

7. The commandant
O/A: 34 Assam Rifles
C/O: 99 APO

8. The commandant
O/A: 23 Assam Rifles
C/O: 99 APO

9. The commandant
O/A: 22 Assam Rifles
C/O: 99 APO

10. The commandant ✓
O/A: 17 Assam Rifles
C/O: 99 APO

10(A) The commandant
O/A: 6 Assam Rifles
C/O: 99 APO

New
Resp. Nos

11. The commandant of
36 Assam Rifles,
C/O-99 APO.

12. The Commandant of
38 Assam Rifles
C/O-99 APO

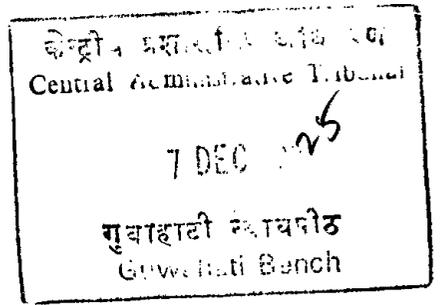
13. The Commandant of
41 Assam Rifles
C/O 99 APO.

14. The Commandant of
35 Assam Rifles,
C/O 99 APO.

.....Respondents.

27/5/08
impleaded as resp. nos 11 to 14 vide
order dated 15/5/08 passed in MP 76/08.

Bipan K. Deb



THE DETAILS OF THE APPLICATION

I. Particulars of the Applicants:

I.1.

I. Name of the applicant No.1: Mr. Bitan Kumar Deb
 II. Name of the father : Late Bijoy Kr. Deb
 III. Design. of the office : Jr. Teacher, 14 A.R.
 C/O: 99 APO
 IV. Address after service : Mr. Bitan Kumar Deb
 S/O: Late Bijoy Kr. Deb
 Jr. Teacher, 14 A.R.
 C/O: 99 APO

I.2.

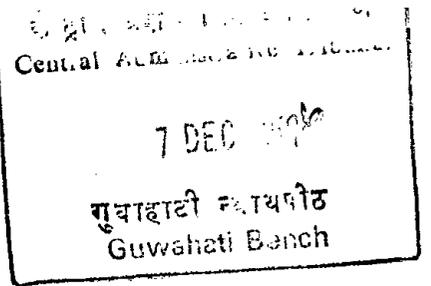
I. Name of the applicant No.2: Mr. Madhu Prakash Godiyal
 II. Name of the father : Late Shri Harshpati Godiyal
 III. Design. Of the office : Jr. teacher, 34 A.R.
 C/O: 99 APO
 IV. Address after service : Mr. Madhu Prakash Godiyal
 S/O: Late Shri Harshpati
 Godiyal
 Jr. Teacher, 34 A.R.
 C/O: 99 APO

I.3.

I. Name of the applicant No.3: Mr. Raj Kumar Thakur
 II. Name of the father : Late Shri Singheswar Thakur
 III. Design. of the office : Jr. Teacher, 34 A.R.
 C/O: 99 APO
 IV. Address after service : Mr. Raj Kumar Thakur
 Late Shri Singheswar Thakur
 Jr. Teacher, 34 A.R.
 C/O: 99 APO 1.4

I. Name of the applicant No.4: Mrs. Biva Talukdar
 II. Name of the father : Late Hari Dhar
 III. Design. of the office : Jr. Teacher, 23 A.R.
 C/O: 99 APO

Bitan Kr. Deb



IV. Address after service : Mrs. Biva Talikdar
 D/O: Late Hari Dhar
 Jr. Teacher, 23 A.R.
 C/O: 99 APO

I. Name of the applicant No.5: Mr. Salil Kr. Choudhury

II. Name of the father : Late K.R. Choudhury

III. Design. of the office : Jr. Teacher, 23 A.R.

C/O: 99 APO

IV. Address after service : Mr. Salil Kr. Choudhury

Late K.R. Choudhury

Jr. Teacher, 23 A.R.

C/O: 99 APO

I. Name of the applicant No.6: Mrs. Swapna Dey

II. Name of the father : D/O: Rabindra Ch. Dey

III. Design. of the office : Jr. Teacher, 22 A.R.

C/O: 99 APO

IV. Address after service : Mrs. Swapna Dey

D/O: Rabindra Ch. Dey

Jr. Teacher, 22 A.R.

C/O: 99 APO

I. Name of the applicant No.7: Mr. Mridul Kar Purkayastha

II. Name of the father : Late Gopesh Kar Purkayastha

III. Design. of the office : Jr. Teacher, 17 A.R.

C/O: 99 APO

IV. Address after service : Mr. Mridul Kar Purkayastha

S/O: Lt. Gopesh Kar

Purkayastha

Jr. Teacher, 17 A.R.

C/O: 99 APO 1.8

I. Name of the applicant No.8: Mrs. Geeta B.

II. Name of the Husband : W/O: Mr. Vidhya Dharan

III. Design. of the office : Jr. Teacher, 6 A.R.

C/O: 99 APO

Ditam Ho Deb

7 DEC 2007

गुवाहाटी न्यायपीठ

IV. Address after service

: Mrs. Geeta B.G. w. Chati Bench

W/O: Mr. Vidhya Dharan

Jr. Teacher, 6 A.R.

C/O: 99 APO

1.9

I. Name of the applicant No.9: Mr. Shaisuddin Ahmed

II. Name of the father : Mr. M. Uddin Ahmed

III. Design. of the office : Jr. Teacher, 34 A.R.

C/O: 99 APO

IV. Address after service

: Mr. Shaisuddin Ahmed

S/O: Mr. M. Uddin Ahmed

Jr. Teacher, 34 A.R.

C/O: 99 APO

1.10

I. Name of the applicant No.10: Mrs. Shali Kumari Chaubey

II. Name of the father : Mr. R.C. Chaubey

III. Design. of the office : Jr. Teacher, 14 A.R.

C/O: 99 APO

IV. Address after service

: Mrs. Shali Kumari Chaubey

W/O: Mr. R.C. Chaubey

Jr. Teacher, 14 A.R.

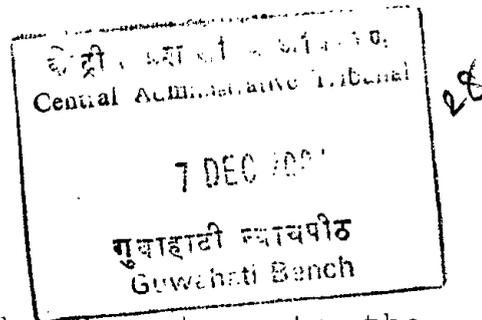
C/O: 99 APO

2. PARTICULARS OF RESPONDENTS

2.1 Name and designation of (I) The Secretary to the
the respondents Govt. of India, Ministry of
Home Affairs, North Block,
New Delhi.

(II) The Secretary to the
Govt. of India, Ministry of
Human Resources
Development, Department of
Secondary and Higher
Education, New Delhi.

Bitam B.G. Deb



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

(VI) The Secretary to the Govt. of India, Ministry of Personal, Public Grievances and Pension (Department of Personal and TRG) Delhi.

(V) The Director General of Assam Rifles
Mahanideshaleya, Shillong-

(VI) The Commandant
O/A: 14 Assam Rifles
C/O: 99 APO

(VII) The Commandant
O/A: 34 Assam Rifles
C/O: 99 APO

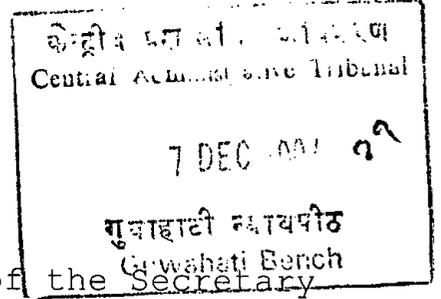
(VIII) The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

(IX) The Commandant
O/A: 22 Assam Rifles
C/O: 99 APO

(X) The Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

(XI) The Commandant
O/A: 6 Assam Rifles
C/O: 99 APO

Bitan 88. Dab



2.2. Office Address of the respondents.

(I) Office of the Secretary to the Govt. of India, Ministry of Home Affairs, North Block, New Delhi.

(II) Office of the Secretary to the Govt. of India, Ministry of Human Resources Development, Department of Secondary and Higher Education, New Delhi.

(III) Office of the Secretary to the Govt. of India, Ministry of Finance, New Delhi. 110001

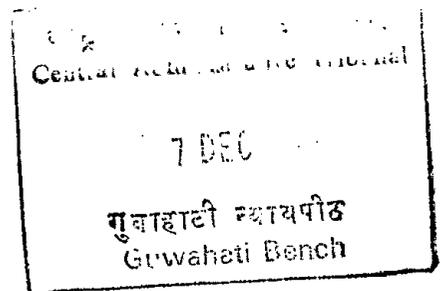
(IV) Office of the Secretary to the Govt. of India, Ministry of Personal and Public Grievances (Department of Personal and TRG) Delhi. 110001

(V) Office of the Director General of Assam Rifles Mahanideshaleya, Shillong-796001

(V) Office of the Commandant
O/A: 14 Assam Rifles
C/O: 99 APO

(VII) Office of the Commandant
O/A: 34 Assam Rifles
C/O: 99 APO

Dipan Deb



(VIII) Office of the Commandant

O/A: 23 Assam Rifles
C/O: 99 APO

(IX) Office of the Commandant

O/A: 22 Assam Rifles
C/O: 99 APO

(X) Office of the Commandant

O/A: 17 Assam Rifles
C/O: 99 APO

(XI) Office of the Commandant

O/A: 6 Assam Rifles
C/O: 99 APO

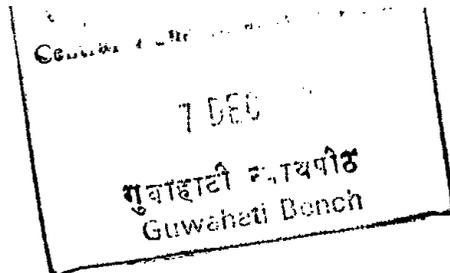
2.3. Address for service of notice.

(1) Office of the Secretary to the Govt. of India, Ministry of Home Affairs, North Block, New Delhi.

(II) Office of the Secretary to the Govt. of India, Ministry of Human Resources Development, Department of Secondary and Higher Education, New Delhi.

(III) Office of the Secretary to the Govt. of India, Ministry of Finance, New Delhi.

(IV) Office of the Secretary to the Govt. of India, Ministry of Personal and Public Grievances



(Department of Personal and TRG) Delhi.

(V) Office of the Director General of Assam Rifles Mahanideshaleya, Shillong-11.

(VI) Office of the Commandant
O/A: 14 Assam Rifles
C/O: 99 APO

(VII) Office of the Commandant
O/A: 34 Assam Rifles
C/O: 99 APO

(VIII) Office of the Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

(IX) Office of the Commandant
O/A: 22 Assam Rifles
C/O: 99 APO

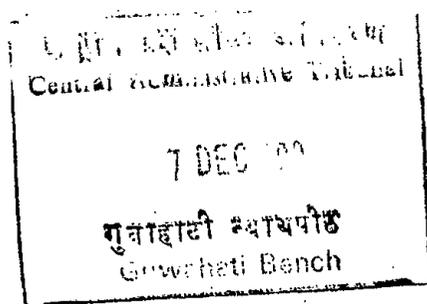
(X) Office of the Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

(X) Office of the Commandant
O/A: 6 Assam Rifles
C/O: 99 APO

3. Particulars against which the application is made:

3.1. The benefits of revised pay scale i.e. Rs.5500-125-9000 as sanction under "Assured career Progression scheme" introduced by the Govt. of India published through Ministry of personal, public grievance and pension (Department of personal and TRG) vide Memo No. 35034/1/97 Estt (D) date 09 August 1999 is denied to the applicants.

Ditan B. Deb



3.2. The letter of the Ministry of Human Resource Development, Department of education dated 4/4/02 granting senior scale of pay to the PRT teachers.

3.3. The Order dated 9th August 2007 issued by the D.G.A.R. rejecting the application of the applicants dated 24/2/07 along with OA NO. 95/07 in the plea that applicants is not B.ED and no PRT teachers exist in A.R. school which is highly illegal.

4. JURISDICTION OF THE TRIBUNAL:

The applicants declares that subject matter of the case against which they wants redressal is within the Jurisdiction of the tribunal.

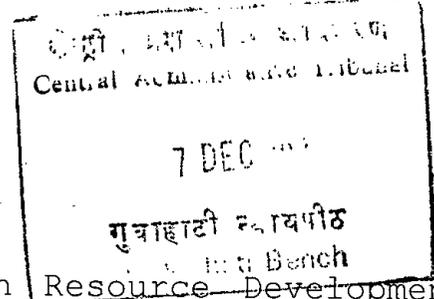
b. Ground for Relief:

5.1. That the benefits of revised pay scale of Rs.5500-125-9000 under ACP Scheme is denied to applicants even after sanction of the Cabinet and completion of more than 12 years of continuous services.

5.2. That the applicants is duly qualified for the said benefit of revised pay scale under ACP scheme because the applicants have been working continuously from the date of their joining against the isolated post which has no any promotional avenues.

5.3. That after release of Rs.1831.20 crore by the Central Govt. for revised pay scale for all types of primary school teachers the respondent No. 5 allowed the other teachers of the A.R. schools to draw the said revised scale pay excluding the applicants which is a hostile discrimination.

Dipan Deb



5.4. That the ministry of Human Resource Development Department, Department of Education decided to grant revised scale of pay to the PRT teachers of in the scale of Rs.5500-9000 w.e.f. 1.1.96

5.5. That the respondent No. 5 rejected the applicant of the application dated 24/2/2007 along with OA No. 95/07 on the plea that applicants is not B.Ed and no PRT is exist in A.R. school which is illegal and arbitrary.

6. Limitation:

The applicants further declares that this application is filed within the period of limitation as prescribed under section 21 of the Administrative tribunal Act. 1985.

7. Facts of the case:

The facts of the case are given below:

7.1. That the applicants beg to state that all the applicants are the Jr. teachers of Assam Rifles. All the applicants are serving under the respondents from the date of their joining till today continuously and they are discharging their duties honestly, sincerely and to the best of satisfaction of all their superior.

7.2. That the applicants beg to state that the applicant No. 1 was appointed by an order dated 23/12/91 issued by D.G.A.R. and his length of service in this esteem organization is 14 years.

The applicant no. 2 was appointed by an order dated 15/04/1989 issued by the D.G.A.R. and his length of service in this esteem organization is 17 years.

Bitan Deb Deb

7 DEC 1983

गुवाहाटी न्यायपीठ
Guwahati Bench

34

The applicant No. 3 was appointed by an order dated 13/05/1983 issued by the D.G.A.R. and his length of service in this esteem organization is 23 years.

The applicant No. 4 was appointed by an order dated 23/11/1985 issued by the D.G.A.R. and her length of service in this esteem organization is 20 years.

The applicant No. 5 was appointed by an order dated 8/01/1988 issued by the D.G.A.R. and his length of service in this esteem organization is 19 years.

The applicant No. 6 was appointed by an order dated 21/04/1986 issued by the D.G.A.R. and her length of service in this esteem organization is 21 years.

The applicant No. 7 was appointed by an order dated 29/09/1986 issued by the D.G.A.R. and his length of service in this esteem organization is 21 years.

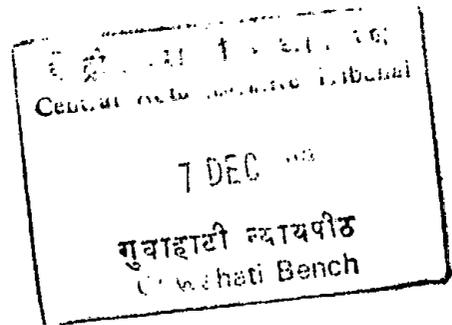
The applicant No. 8 was appointed by an order dated 23/06/1992 issued by the D.G.A.R. and her length of service in this esteem organization is 15 years.

The applicant No. 9 was appointed by an order dated 24/06/1990 issued by the D.G.A.R. and his length of service in this esteem organization is 17 years.

The applicant No. 10 was appointed by an order dated 30/12/1986 issued by the D.G.A.R. and his length of service in this esteem organizations is 21 years.

All the applicants now receiving the scale of pay Rs. 5000-8000/- being aggrieved by a common cause of action, all the applicants have filed this instant original application seeking similar relief:

B. K. Deb

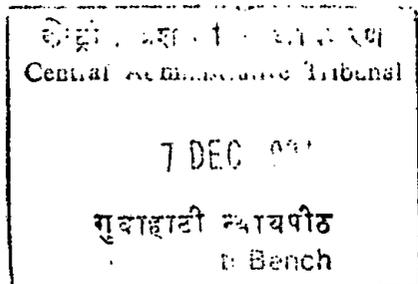


The applicants craves leaves of the Hon'ble Tribunal to produced the appointment letter of the applicants as an when called for.

7.3. That the Assam Rifles is directly under the General superintendence and Control of the Central Government as per provisions of the Assam Rifles Act. 1941. The office of the Director General is held by a person who is an active member of the Indian armed forces and he is an officer generally above the rank of Brigadier in the Indian Army. The Assam Rifles is created under the above referred Statute and function directly under the Control of the Central Govt. Section 5 of the Assam Rifles Act. 1941, Specifies the classes and ranks in the Assam Rifles. The teachers are classified as a Non-Combatised personnel of the Indian Army. The applicants are bound to services any where is India where Assam Rifles Units are located. Though the applicants are teachers they are part and parcel of the Assam Rifles organization. They are liable to serve in hard/soft/insurgency/remote/difficulty area where Assam Rifles Units exists and have to stay with the Combatised personnel.

7.4. That while originating the PE(place establishment) the Assam Rifles have authorised to run up to primary schools but presently they are running it up to class X & XII on the self help basis. The school of Assam Rifles are equivalent to the primary school of other Central organization and the requisite qualification of the teachers confirm to the recruitment rules of primary teachers as applicable to all other Central Govt. organization.

Bipan Deb



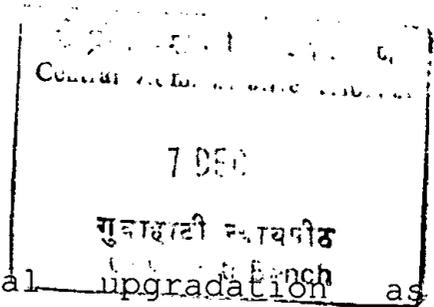
As per Recruitment Rule of Junior teachers the qualification required is intermediate or 10+2 or equivalent examination from recognized Board of education or University with JBT or TTC. This qualification of Junior teachers in Rect. rule closely corresponds to the qualification suggested for the primary school teachers.

The photo copy of the relevant document dated 11 May 1987 issued vide Ref V/VII-PS/T/86 is annexed herewith and marked as **Annexure-A**.

The applicants craves leaves of Hon'ble Tribunal to produced the photo copy of the standing operation procedure (SOP) of Assam Rifles to established the above mentioned fact as and when called for.

7.5. That Govt. of India has circulated a scheme through office memorandum being No.35034/1/97 Estt (D) dated 09 August 1999 published through the Ministry of personal, public grievances and pension (Department of personal and TRG) in the name and style 'Assured Career Progression Scheme' for central Govt. Civilian employees. This 'Assured Career Progression Scheme' (hereinafter referred to, as ACP Scheme) for Central Govt. employees has been introduced by the Govt. of India on the recommendation of the fifth Central pay commission to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme is operational from 9th August 1999 keeping in view all relevant factors. By the said scheme it has been

Bipan Sa. Deb



decided to grant two financial upgradation as recommended by the fifth Central pay commission and also in accordance with the agreed settlement dated September 1, 1997 entered into with the staff side of the national council (JCM) to Group B.C. & D employees in completion of 12 years and 24 years of regular service respectively.

A copy of the said scheme is annexed herewith and marked as **Annexure-B.**

7.6. That the applicants beg to state that First financial upgradation under the said scheme is allowed after 12 years of continuous service and second financial up-gradation is allowed after 24 years of continuous service.

7.7. That the applicants beg to state that two financial upgradation under the ACP scheme in the entire Govt. service career of an employee is to be counted against regular promotion avail from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial up-gradation under the ACP scheme shall be available only if no regular promotion during the prescribed period (12 and 24 years) have been availed by an employee. All the applicants have not availed any kind of promotion during their service tenure and fulfilled all the eligibility criterion/period under the ACP scheme.

7.8. That the applicants beg to state that a news caption reported in "The Sanghai express" on 20/3/2002 from which the applicants came to know that Cabinet has approved the grant of revised senior scale for the primary school teachers w.e.f. January one 1996 in

Bittan Sr. Deb

substitution of the pay scale already sanctioned to them. The said revised pay scale under ACP scheme is Rs.5500-125-9000.

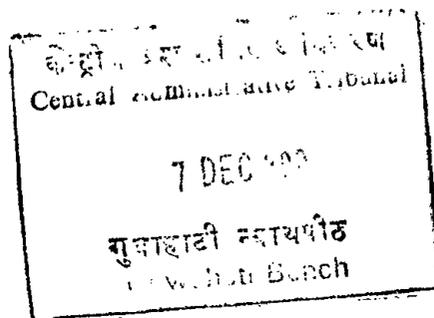
A photo copy of the said news caption is annexed herewith and marked as **Annexure-C**.

7.9. That the applicants beg to state that they have been completed more than 12 years of continuous qualifying service in this esteem organization and served to the entire satisfaction of the superiors but even after sanction of the Cabinet on the basis of the entry pay scale the case of the applicants regarding revised pay scale i.e., 5500-125-9000 under ACP scheme has not been projected till date after repeated request of the applicants.

7.10. That the applicants beg to state that the benefits of revised pay scale is applicable to all the school teachers employed by Central Govt. in Union Territories and other autonomous bodies sponsored by the Central Govt. Even after released of Rs.1831.20 Crore by the Central Govt. for revised pay scale and dearness allowance of primary school teachers, the respondent No. 5 allowed the other teachers of the A.R. school to draw the said revised scale of pay but the applicants are deprived of the said benefits. The entry scale of pay with the corresponding scale as revised and selection scale of pay are given hereunder.

Entry scale	: 4500-125-7000.
Revised scale	: 5500-175-9000 (After completion of 12 years.)
Selection scale	: 6500-225-10500 (After completion of 24 years.)

D. K. Deb



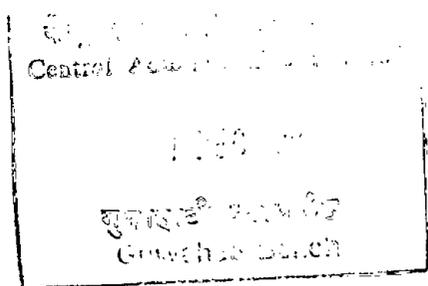
7.11. The applicants beg to state the Govt. of India Ministry of Human Resource Development, Department of education, secondary and Higher Education, New Delhi by its letter dated 04/04/02 informed the Secy, Ministry of Defence to take necessary action regarding revision of pay scale (Senior and selection scale) for primary teachers in employment of Govt. of India that Govt. decided to grant revised senior and selection scale of primary school teachers w.e.f. 1.1.1996. The Junior teachers of AR school are entitled to the said benefits in accordance with letter issued by the Ministry of Human Resources Development, Department of Education. The Assam Rifles teachers should continue to have pay scales party with Govt. aided schools and organization like Kendiya Vidyalay Sangathan etc. However denial of the said benefit is discriminatory and has generated resentment among them beside effecting their morale adversely.

A copy of the said letter dated 04/04/02 is annexed herewith and marked as **Annexure-D.**

7.12. That the applicants beg to state that the respondents depriving the applicants in getting the said benefits of revised pay scale under ACP scheme. The applicants all this time trying to settled their claims with the respondent No. 5. Being a model employer refusal of the respondents to settle the legal claims of their incumbents is arbitrary and improper.

7.13. That the applicants beg to state that the benefit of revised pay scale in the grade of Rs.5500-175-9000 per months under ACP scheme is drawing by the other

Bitan B. Deb



Teachers of the A.R. schools and other Central Government aided school and teachers of K.V.S. but the applicants are deprived from drawing the said pay scale which is a hostile discrimination. This differentiation/ classification is not based on intelligible criterion.

7.14. That the applicants beg to state that on 24th day of February 2007 the all the applicants jointly filed an application addressing the Director General of Assam Rifles ventilating their grievances to vindicate their rights but no fruitful result came out in that attempt.

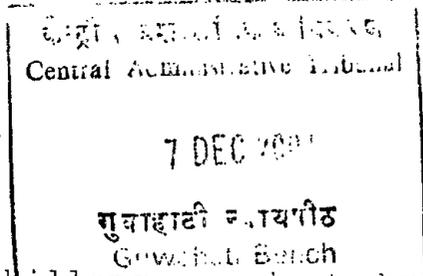
A copy of the said application is annexed herewith and marked as **Annexure-E.**

7.15. That the applicants beg to state that having no alternative they approached the Central Administrative Tribunal, Guwahati Bench as the lone forum of redressal to vindicate their right assailing the legality of their action invoking its original Jurisdiction which was registered as OA No. 95 of 2007. The Hon'ble Tribunal by its order dated 3rd day of May 2007 disposing the application direct the concerned authorities to dispose the representation dated 24/2/2007 along with O.A. within a period of three months.

A photo copy of the said order is annexed herewith and marks as **Annexure-F.**

7.16. That the applicants beg to state by an order dated 9th August 2007, the Director General of Assam

Ditam Deb. Deb



21

Rifles, Mahanideshalaya, Shillong rejected the application dated 24/2/2007 along with OA. 95 of 2007 on the plea that the applicants are not B.ED, and no category of primary teacher exist in Assam Rifles which is not only discriminatory, but also illegal. The impugned action of the respondents is arbitrary, unreasonable and injudicious. To get the benefit of said revised scale of pay no B.Ed decree is necessary as per ACP scheme. For the collateral purpose in collateral exercise of power, the respondent authorities are depriving the applicants from the said revised benefits. Such action is liable to be declared as illegal, arbitrary and unconstitutional being violative of Article 14, 16 & 21 of the Constitution of India, ACP scheme 1999 and Direction of the Ministry of Human Resource Development Department.

A photo copy of the said order is annexed herewith and marked as

Annexure-G.

7.17 That the denial of the benefits revised pay scale of Rs.5500-175-9000 under said scheme to the applicants in spite of sanction of the Cabinet and specific provisions in the scheme is therefore illegal.

7.18. That the respondents for a long period denied to applicants their legitimate dues for no fault of their own and thereby caused grave injuries and injustice to the applicants.

8. Details of Remedies exhausted:

That the applicants declares that they have availed all the remedies available to them.

Bikan P. Deb

7 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

8.1. That the respondents by its order dated 9th August 2007 rejected the application of the applicants alongwith OA No. 95/2007 in the plea that applicants are not B.ED and no category of PRT exist in Assam Rules and challenging the said orders hence this application.

9. Matter not pending with any other courts etc.

That the applicants declares that the matter regarding in which the application have been made is not pending before any courts of law, any other authority or any other bench of the Tribunal.

10. Relief sought:

In view of the facts mentioned in para 5 above the applicants prays for the following relief:

It is prayed that your Lordship would graciously be pleased to direct the respondents to release/ pay to the benefits revised pay scale i.e. 5500-125-9000 under 'Assured career progression scheme' with all arrear benefits as introduced by the Govt. of India or to direct the respondents to declare the service of the applicants is qualified for the said benefits as specified in para 7 after hearing the parties and perusal of records.

11. Interim order if any prayed for:

Pending final decision, in the facts and circumstance as of the case, it is prayed to pass an Interim order as your honour deem fit and proper.

12. Where and who the application is filed.

Bikan Deb

7 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

The application is presented personally before the Registrar, Central Administrative Tribunal, Guwahati Bench.

13. Particulars of the postal order:

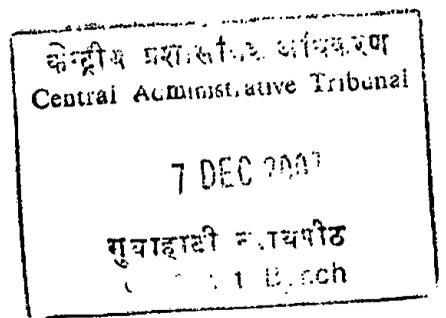
Postal order is respect of the application fee.

- (i) No of Indian postal order : 76E 048349, 66F 848118
66F 848119 dt 5/12/07
- (ii) Name of the post office : Guwahati
- (iii) Date of issue : Do.
- (iv) Post office at which payable : Do

14. List of enclosure:

- (1) Annexure-A: Letter dated 11/5/1987 issued vide Ref No. V/VII-PS/T/86 by D.G.A.R.
- (2) Annexure-B: Photo copy of the Assured Career progression scheme' introduced by the Govt. of India.
- (3) Annexure-C: News caption published in 'Sanghal Express'.
- (4) Annexure-D: Letter of the Ministry of Human Resource Development Deptt. Education
- (5) Annexure-E: Joint application dated 24/2/07
- (6) Annexure-F: Certified copy of the order of the Hon'bel CAT passed in OA 95/07
- (7) Annexure-G: Order dated 9th August 2007 issued by D.G.A.R.

Bitan Bar. Deb

VERIFICATION.

I Mr. Bitan Kr. Deb S/O Late Bijoy K.R. Deb aged about 37 years Jr. teacher 14 Assam Rifles C/O 99 APO D.D. Senapati for my self and on behalf of the other applicants duly authorised by them do hereby verify that the contents from para-1 to 14 are true to my personal knowledge and belief and I have not suppressed any material facts.

Bitan Kr. Deb

Signature of the applicant.

Place: Gauhati

Date: 5/12/07

No. : PAMX 23510/230

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

A/VII-PS/T/86

11 May 87

List 'A' & B

IMPLEMENTATION ON THE REVISED PAY SCALE IN
RESPECT OF TEACHING STAFF ASSAM RIFLES

1. The Govt of India Ministry of Finance Notification dated 13 Sep 86 while apprising the revised pay scale of the Central Govt employees of group B, C and D in pursuant to the recommendation of the 4th Central pay commission has approved pay scale of teaching staff under item V of 1st schedule part 'B' att to the Notification in the aforesaid part 'B' the following pay scale have been recommended to the category of teachers mentioned against each :-

Ser No	Category	Pre-revised	Revised
1.	Primary School Teacher	Rs. 330-10-360-EB 380-15-500-EB15-560	Rs. 1200-30-1560EB-40-2040/-
2.	Trained graduate Teacher	Rs. 440-20-500-EB-25-700-EB-25-750	Rs. 1400-40-1600-50-2300-EB 60-2600/-

2. Against this it has also been recommended that those teachers who are not in the existing scales of pay mentioned in Col 3 may be given the revised scale mentioned in this Col only after ensuring that they have the prescribed qualification.

3. On the authority of above recommendations, pay scale in respect of the teachers of Assam Rifles have been examined with a view of find out whether or not the existing categories of teachers in Assam Rifles can be allowed to draw the higher pay scales as sanctioned by the Govt.

4. It has been revealed from the report of the 4th pay commission under para II.41 of chapter II that the following qualification are required for the appointment of the category of teacher mentioned against each :-

- (a) Primary Teacher - Matriculation or equivalent with basic training or diploma in Education or one year teachers training certificate course.
- (b) Trained graduate Teacher - Bachelor Degree with degree or diploma in Education.

As per Recruitment Rule of Junior teacher the qualification required is Matriculation with Teachers Training or Pre-University course. This qualification of our Junior teacher in Rect Rule closely corresponds to the qualification suggested for the Primary school teacher. Qualification required for senior teacher in Rect Rule is graduate with degree in teachers training. This qualification is also equivalent to that provided in the 4th pay commission recommendation for graduate teacher.

Certified to be true copy
Ad. scale

6. From above ~~may be~~ it may be seen that the category of Jr teachers in Assam Rifles fulfils the qualification requirement given for the primary school teachers and the Sr teacher of the department fulfils that for the trained graduate teacher as provided their respective Rect Rule.

7. It is, therefore, decided that the following pay scales as sanctioned by the Govt of India under part 'B' of the Scheduled mentioned above may be admitted in the following :-

Ser No.	Category	Pre-revised	Revised
1.	Junior Teacher	Rs. 260-6-290-EB-6-326 8-366-EB-8-390-10-400	Rs. 1200-30-1500 EB-40-2040/-
2.	Senior Teacher	Rs. 330-10-360-EB-380 15-500-15-560/-	Rs. 1400-40-1600-50-2300-EB-60-260/-

8. While admitting the higher pay scales as above the following may be specially examined and ensured :-

(a) Junior Teacher. If he is a Matriculate he must have the certificate of teachers basic training, or diploma in education or one year teachers training certificate or he must be an intermediate i.e. Pre-university pass. Under no circumstances relaxation of qualification is allowed if any Jr teacher does not fulfil the above mentioned qualification in he will be admitted he revised pay scale of Rs. 950-20-1150-EB25-1500/- corresponding to his existing pay scale as provided in the part 'A' of the above said schedule.

(b) Senior Teacher. Those senior teachers who are graduate with degree or diploma in education are admitted to above higher pay scale. Other senior teachers who do not have the required qualification irrespective of their seniority are not entitled to received the above higher pay scale. They will be entitled in revised pay scale corresponding to their existing pay scale which is Rs. 1200-30-1560-EB-40-2040/- as given in part 'A' of the above said Schedule.

9. The category of Hindi Teacher does not have any equivalence in the category of teachers recommended for higher pay scales. Also the qualifications requirement of Hindi Teacher provided in the Rect Rule does not fulfil the conditions to higher pay scales. Thus no Hindi teacher is entitled to receive the pay scale mentioned above even if he fulfils qualification requirement for other category of teacher.

10. The above order may be implemented in granting the higher pay scale to the entitled junior teachers and senior teachers with effect from 01 Jan 86 i.e., the date of implementation of the revised pay scale.

11. There will not be however, any representation from any incumbent on this order because the higher pay scale has been admitted to the concerned categories of teachers as per order of the Govt of India on the precondition of qualification requirement provided in their respective Rect Rules.

12. Order will be implemented on personal knowledge and supervision of the Commandant.

Sd/- X X X
(J K Roy)
Lt Col
Assistant Director (A)
for Director General
Assam Rifles

MX

7 Assam Rifles
C/O 99 APG

18 Sep 99

A/Pay/99/1493

A/B/C/D/E/F/Adm Coys

THE ASSURED CAREER PROGRESSION SCHEME FOR THE
CENTRAL GOVERNMENT CIVILIAN EMPLOYEES

One copy of Govt of India Ministry of Personal, Public Grievances and Pensions (Department of Personal and Trg) OM No. 35034/1/97-Estt(D) dated 09 Aug 99 received vide OGAR, Shillong letter No. A/A-1/2-74/97 dated 18 AUG 99 is fwd herewith for your info and necessary action please.


(Punit Mehta)
Major
Adjt
for Commandant

Copy to :-

Rec/Fin/JA - for info and necessary action.

Govt of India Ministry of Personal, Public Grievances and Pensions (Department of Personal and Trg) OM No. 35034/1/97-Estt(D) dated 09 Aug 99

AS ABOVE

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

1. 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

In respect of Group A Central services (Technical/Non Technical), no functional 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 service (Technical/Non-Technical). Cadre controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by of organisational study, cadre review etc as per prescribed norms.

Contd.....2/-

Certified to be true copy

Advocate

Certified to be true copy

H. G. Datta
Advocate

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

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to accept the ACP Scheme in a modified form to mitigate hardship in cases of acute resignation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has therefore been decided to grant two financial upgradation as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 1, 1977 (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 in completion of 17 years and 21 years (subject to condition no. in Annexure -I 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) adhoc and contract employees shall not qualify for upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

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

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

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

6. SCREENING COMMITTEE

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

6.2 The Composition of the Screening Committee shall be the same as that 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.

Contd.....3/-

5. In order to prevent operation of the ACP Scheme from resulting into under 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 ACP Scheme. The next Screening Committee shall be constituted as per the time schedule suggested above.

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

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

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

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

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

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

Sd/- x x x

(K K Jha)
Director (Establishment)

Contd....4/-

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradations 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 beno financial upgradation and higher posts shall be filled strictly on vacancy based promotions.
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later.
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly.
- 5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast trade 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' employee, etc) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designation, 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 high posts, etc) shall be ensured for grant of benefits under the ACP Scheme.

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

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

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(1) a) subject to a minimum financial benefit of Rs. 100/- as per the Department of Personnel and Training Office Memorandum No. 1/4/97-pay.1 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 then more years in addition to two years of service already rendered by him.

after the first financial upgradation (2+10) in the higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year can not 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 provision of relevant CCS (CCA) Rules, 1965 and instructions thereunder.

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

13. Existing time bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department-not the employees - shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employee. 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.

Contd.....7/-

ed for grant of the second financial upgradation and frequently, 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.

Sd/- XXXXXXX

(K K Jha)
Director (Establishment)

Annexure - II

STANDARD/Common PAY-SCALE
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/OF THIS OFFICE MEMORANDUM)

Ser No.	Revised Pay-Scale 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	2750-70-3800-75-4400
5. S-5	3050-75-3950-80-4590
6. S-6	3200-85-4900
7. S-7	4000-100-6000
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	5450-225-11500
13. S-14	7500-250-12000
14. S-15	8000-275-13500
15. S-19	10000-325-15200
16. S-21	12000-375-16500
17. S-23	12000-375-18000
18. S-24	14300-400-18300

Certified to be true copy

Advocate

ANNEXURE C

The Sanghvi & Poores - 20/3/02
**Centre hikes DA for
Central Govt employees**

NEW DELHI, M 19

Government today announced a Rs 1831.20 crore hike in dearness allowance for its existing and retired employees with effect from January and an enhanced pay packet for Central Government primary school teachers.

The package for 14 months beginning January 2002 would include Rs 1355.20 crore through a four per cent hike in DA from 45 to 49 percent for existing employees besides additional dearness relief of Rs 476 crore for pensioners.

The school teachers employed by Central Government in Union Territories and other autonomous bodies sponsored by the Centre would get the benefit of revision of the pay scale (senior and selection scale).

The decisions were taken at a meeting of the Union Cabinet, Parliamentary

Affairs Minister after the meeting chaired by Prime Minister Atal Bihari Vajpayee.

Mahajan said the Cabinet decided to hike the basic pay for primary school teachers.

"Cabinet has approved the grant of revised Senior scale and selection scale for the primary school teachers with effect from January one, 1996 in substitution of the pay scale already sanctioned to them," he said.

The benefits would bring about a total annual recurring additional burden to the tune of Rs 20 crore annually and non-recurring additional expenditure would be Rs 105 crore, Mahajan said.

The senior scale would now be Rs 5500-9000 from the existing Rs 5000-8000 and the selection scale would be Rs 6500-10,500 from the existing level of Rs 5500-9000, the Parliamentary Affairs Minister said.

Certified to be true copy
He Banih
Advocate

No.F.5-21/97-UT.1
Government of India
Ministry of Human Resource Development
Department of Secondary & Higher Education

A-2/W-4, Curzon Road
New Delhi. Dated 04/04/02

To

1. Secretary(Education)
Andaman & Nicobar Admn.
Port Blair.

2. Secretary(Education)
Dadra & Nagar Haveli, Admn.
Silvassa.

3. Secretary (Education)
Daman and Diu Admn.
Moti Daman.

4 Director of Education
Directorate of Education
Govt. of NCT of Delhi
Delhi

5 Secretary (Education)
Lakshadweep Admn.
Kavaratti

6 Secretary (Education)
Govt. of Pondicherry
Pondicherry

Subject : Revision of pay scales (senior and selection scales) for Primary Teachers in the employment of Govt. of India, in the Union Territories other autonomous bodies sponsored by the Government of India.

Sir,

In continuation to this Ministry's letter NO.5-14/97-UT.1 dated [redacted] regarding revision of pay scales of teachers, I am directed to say that the matter of anomaly in the pay scales (senior and selection) of Primary School Teachers under consideration of the Govt. It has now been decided to revise senior and selection scale of Primary Schools Teachers w.e.f.1-1-96 as under :

	Existing	Revised
Entry Scale	4500-7000	4500-7000 (No change)
Senior Scale	5000-8000	5500-9000
Selection Scale	5500-9000	6500-10500

2. This issues with the concurrence of Integrated Finance Division of the [redacted] vide their Dy. No.3053/2002-IFD dated 4.4.2002.

[redacted]
Deputy Secretary to the Government

*Certified to be true copy
to the
Advocate*

Copy for information/necessary action to :

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18 Jeeb Singh
Delhi.
2. The Secretary, Central Tibetan Schools Administration, T.C. Jeeb
2 Netaji Subhash Marg, Daryaganj, Delhi.
3. Joint Director, Estt.(P&A) Ministry of Railways, Railway
Bhawan, New Delhi.
4. Deputy Secretary(Estt.), Ministry of Defence C-II Hutments, Delhi
New Delhi.
5. Joint Director (P&D), Deptt. of Atomic Energy, Anushakti Bhawan, Delhi
6. Director (Education), Municipal Corporation of Delhi, Town Hall
Gate, Delhi.
7. Executive Officer, Cantonment Board, New Delhi.
8. ~~Ministry of Finance (Deptt. of Expenditure), North Block, New Delhi.~~
9. Deptt. of Personnel & Training (PIC), North Block, New Delhi.
10. Cabinet Secretariat, South Block, New Delhi w.r.t. their communication
No.14/CM/2002(i), dated 22.3.2002.
11. IF Division (MHRD).

Deputy Secretary

LIBRARIANS

(a) Librarian	Rs.1400-40-1600-	Rs.5500-175-9000
Entry Scale	50-2300-60-2600	
(b) Librarian	Rs.1640-60-2600-	Rs.6500-200-10500
Senior Scale	75-2900	
(c) Librarian	Rs.2000-60-2300-	Rs.7500-250-12000
Selection Scale	75-3200-100-3500	

2. In continuation of the above, following points are made in order to ensure that there is no wrong interpretation or mis-interpretation of the decisions of the Government on recommendations of the Vth Central Pay Commission:-

(i) Teaching Allowance/Special Allowance:

In view of the recommendations of the Pay Commission as accepted by the Government, the teaching allowance stands abolished w.e.f. 1.1.1996 i.e. the date of implementation of the revised pay scales. Further, the special allowance admissible to Vice Principal/Head Master, Secondary School also stands abolished w.e.f. 1.1.1996. However, the principals will continue to draw the special allowance of Rs.150/- p.m. pending decision of the Government on the recommendation of the Pay Commission to enhance this allowance to Rs.300/- p.m.

(ii) Residency period:

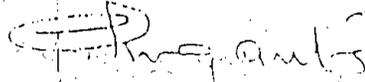
The proposed improvement in the residency period in the entry and senior scale for school teachers has been made by the Pay Commission in the context of a general Assured Career Progression (ACP) Scheme recommended for Central Government employees. The Government is still examining the proposed ACP scheme and no decision has been taken with regard to the improvement in residency period proposed for school teachers. It is, therefore, clarified that the existing provisions for grant of senior scale and selection scale shall continue pending decision of the Government.

(111) Miscellaneous Teachers:

The revised pay structure for teachers is also applicable to the equivalent categories of miscellaneous teachers to the extent of their existing scales of pay being replaced by revised scales of pay listed above.

This issues with the concurrence of Integrated Finance Division of this Ministry.

Yours faithfully,


(D.M. Gautam)
Director (UT)

Copy for information/necessary action to:-

1. Joint Director, Estt. (PCA), Ministry of Railways, Railway Board, Rail Bhawan, New Delhi-110001.
2. Deputy Secretary (Establishment), Ministry of Defence, C-II Hutments, Dalhousie Road, New Delhi.
3. Joint Director (RAD), Department of Atomic Energy, Anushakti Bhawan, Mumbai.
4. Director (Education), New Delhi Municipal Council, Palika Kendra, New Delhi.
5. Director (Education), Municipal Corporation of Delhi, Kashmir Gate, Old Hindu College Building, Delhi.
6. Executive Officer, Cantonment Board, New Delhi.
7. IED, Deptt. of Education.


(D.M. Gautam)
Director (UT)

ANNEXURE. E

To, The Director General of Assam Rifles
Mahanideshalaya, Shillong-11.

Dated: 24th Feb 2007.

Sub: An application praying revised scale of pay i.e. Rs.5500-125-9000 as sanction by the Cabinet under ACP scheme along with arrear benefits.

Ref: Assured career progression scheme introduced by the Govt. of India published through the ministry of personal, public Grievance and pension (department of personal and TRG) vide memo no 35034/1/97 EST (D) dated 09 August 99.

Sir,
Most respectfully and humbly we begs to state the following few lines for favour of your kind consideration

The applicant No.1 was appointed by an order dated 23/12/1991 and his length of service in this esteem organization is 14 years.

The applicant No.2 was appointed by an order dated 15/04/1989 and his length of service in this esteem organization is 17 years.

The applicant No.3 was appointed by an order dated 13/05/1983 and his length of service in this esteem organization is 28 years.

The applicant No.4 was appointed by an order dated 20/04/1965 and his length of service in this esteem organization is 41 years.

The applicant No.5 was appointed by an order dated 23/11/1955 and his length of service in this esteemed organization is 21 years.

The applicant No.6 was appointed by an order dated 8/01/1986 and his length of service in this esteem organization is 18 years.

The applicant No.7 was appointed by an order dated 21/04/1996 and his length of service in this esteem organization is 26 years.

The applicant No.8 was appointed by an order dated 29/09/1986 and his length of service in this esteem organization is 14 years.

Certified to be true copy
H. Jomh
Advocate

The applicant No.9 was appointed by an order dated 23/06/1992 and his length of service in this esteem organization is 14 years.

The applicant No.10 was appointed by an order dated 24/06/1990 issued by DGR and his length of service in this esteemed organization is 16 years.

The Govt. of India circulated a scheme through office memorandum vide memo No. 35034/1/97 ESTT (D) dated 19 August published through the ministry of personnel public grievance and pension (Department of personnel and TRA) in the name and style the Assured career progression scheme' for the Central Govt. employees has been introduced by the Govt. of India on the recommendation of the fifth Central pay commission to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. We have been completed More than 12 years of continuous qualifying service in this esteem organization.

A news caption reported in the 'Sanghai express' on 20/3/2002 from which we come to know that Cabinet has approved the grant of revised senior scale and selection scale for the primary school teachers w.e.f. January one 1996 in substitution of the scale already sanction to them. The said senior scale under ACP scheme is Rs.5500-9000 which is yet not paid to us.

The benefits of revised pay scale under ACP scheme is applicable to all the school teachers employed by the Central Govt. in Union Territories and other autonomous bodies sponsored by the Central Govt. Even after released of Rs.1831.20 Crore by the Central Govt. for revised pay scale and dearness allowance for all types of primary school teachers, you allowed the other teachers of the A.R. School to draw the said revised scale of pay excluding us. The entry scale of pay with the corresponding scale as revised and selection scale of pay are given hereunder.

- Entry scale : 4500-125-7000.
- Revised scale : 5500-125-9000 (After completion of 12 years.)
- Selection scale : 6500-125-10500 (After completion of 24 years.)

The benefit of revised pay scale in the grade of Rs.5500-125-9000 per months under ACP scheme is presently drawing by the other teachers of the A.R. schools but this applicants are deprived which is a hostile discrimination. This differentiation/

Certified to be true copy

Advocate

Cont/3

classification is not based on intelligible criterions.

Earlier also we approached you individually but our individual prays remained distant cry only. Therefore the following applicants decided to approached you by this joint application and particulars/ information regarding following incumbent is annexed herewith (page No.3 & 4)

It is therefore prayed to you to grant/pay the said revised pay scale with all arrear due to this applicants.

The applicants as in duty bound shall ever pray.

Yours faithfully,

1. Mr. Bitan Kr. Deb.
2. Mr. Madhu Prakash Godiyal
3. Mr. Raj Kumar Thakur
4. Mr. Hukam Chand Sharma
5. Mrs. Biva Talukdar
6. Mr. Salil Kr. Choudhury
7. Mrs. Swapna Dey.
8. Mr. Mridul Kar. Purkayastha.
9. Mrs. Geeta B.
10. Mr. Shaisuddin Ahmed.

SL. No. 47

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 95 of 2007.

Date of Order: This, the 3rd day of May, 2007.

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

1. Mr. Bitan Kumar Deb
S/O Late Bijoy Kumar Das
Jr. Teacher, 14 Assam Rifles
C/O: 99 APO.

2. Mr. Madhu Prakash Godiyal
S/O: Late Shri Harshpati Godiyal
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO.

3. Mr. Rajkumar Thakur
Late Shri Singheshwar Thakur
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO.

4. Mr. Hukum Chand Sharma
S/O: Late Ram Lok Sharma
Hindi Teacher, 34 Assam Rifles
C/O: 99 APO.

5. Mrs. Biva Talukdar
D/O: Late Hari Dhar
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO.

6. Mr. Salil Kr. Choudhury
S/O: Late K.R. Choudhury
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO.

7. Mrs. Swapna Dey
D/O: Shri Rabindra Ch. Dey
Jr. Teacher, 22 Assam Rifles
C/O: 99 APO.

8. Mr. Mridul Kar Purkayastha
S/O: Late Gopesh Kar Purkayastha
Jr. Teacher, 17 Assam Rifles



Certified to be true copy
[Signature]
Advocate

C/O: 99 APO.

Mr. Geeta B.

W/O: Mr. Vidhya Dharan

Jr. Teacher, 6 Assam Rifles

C/O: 99 APO.

10. Mr. Shaisuddin Ahmed

S/O: Mr. M. Udin Ahmed

Jr. Teacher, 34 Assam Rifles

C/O: 99 APO.

Applicants.

11. Advocate Mr. Hara Gobinda Boruah.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
North Block, New Delhi.

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

2. The Director General of Assam Rifles
Mahanideshalaya, Shillong-11.

3. The Commandant
O/A: 14 Assam Rifles
C/O: 99 APO.

The Commandant
O/A: 34 Assam Rifles
C/O: 99 APO.

The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO.

The Commandant
O/A: 22 Assam Rifles
C/O: 99 APO.

The Commandant
O/A: 17 Assam Rifles
C/O: 99 APO.



9. The Commandant
O/A: 6 Assam Rifles
C/O: 99 APO.

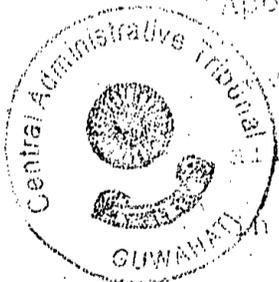
.....Respondents.

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

O R D E R (ORAL)

SACHIDANANDAN, K.V., (V.C.):

All the Applicants are Jr. Teachers of Assam Rifles. According to them, their length of service is more than twelve years and Applicant No.4 is on the verge of retirement. As per 'Assured Career Progression Scheme' of Govt. of India, Ministry of Personnel, Public Grievances and Pension all the Central Govt. Civilian employees is to be granted two financial upgradation on completion of twelve and twenty four years of regular service in the grade in the event of no regular promotion in the grade. The Applicants averred in the O.A. that the benefits of revised pay scale under ACP Scheme is applicable to the school teachers employed by the Central Govt. Union Territories and other autonomous bodies sponsored by the Central Government. According to the Applicants, the other school teachers* of the Assam Rifles Schools are allowed to draw the revised pay scale under the ACP Scheme but the present Applicants



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are deprived of the said benefits which is a hostile discrimination. This differentiation/classification is not based on intelligible criterion. According to them, since all of them have not availed any kind of promotion during their service tenure and having been completed more than twelve years of regular service, they are entitled to the benefit of financial upgradation. All the Applicants have filed a joint representation on 24.02.2007 to the third Respondent (Annexure-C) ventilating their grievances but to of no avail. Aggrieved by the inaction on the part of the Respondents they have filed this O.A. under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987 seeking the following relief:-



"It is prayed that your honour would graciously be pleased to direct the respondents to release/pay to the applicants the benefits revised pay scale i.e., 5500-125-9000 under assured career progression scheme with all arrear benefits as introduced by the Govt. of India or to direct the respondents to declare the service of the applicants is qualified for the said benefits as specified in para 7 after hearing the parties and perusal of records."

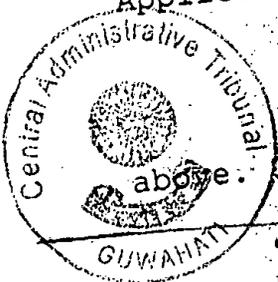
2. I have heard Mr. Hara Gobinda Boruah, learned counsel for the Applicants. Mr. M.U.Ahmed,

✓

learned Addl. C.G.S.C. represented the Respondents. When the matter came up for consideration, learned counsel for the Applicants submitted that he would be satisfied if a direction is issued to the third Respondent to consider and dispose of the joint representation within a time frame. Mr.M.U.Ahmed, learned Addl. C.G.S.C. submitted that he has no objection in adopting such course of action.

3. Accordingly, in the interest of justice, this Tribunal directs the Applicants to send a copy of this O.A. to the third Respondent forthwith. On receipt of such copy the third Respondent or any other competent authority shall consider and dispose of the Annexure-C representation dated 24.02.2007 along the O.A. and pass speaking orders thereon within a period of three months from the date of receipt of this order communicating the same to the Applicants without delay.

The Original Application is disposed of as above. There shall be no order as to costs.



Date of Application: 7.5.07
 Date on which copy is sent: 7.5.07
 Date on which copy is received: 7.5.07
 Certified to be true: 7.5.07

Nesim
 7.5.07
 Section Officer (Judicial)
 C. A. T. Guwahati
 Guwahati
 7.5.07

SA/VICE CHAIRMAN

**MAHANIDESHALAYA ASSAM RIFLES
DIRECTORATE GENERAL ASSAM RIFLES**

ORDER

I. 14017/GS(Edn)/ST/2007/1089

Dated 09 Aug 2007

**ORDER BY IC-23039Y LIEUTENANT GENERAL PARAMJIT SINGH
AVSM, VSM, DIRECTOR GENERAL ASSAM RIFLES IN THE CASE
OF MR BITAN KUMAR DEB, JUNIOR TEACHER AND OTHERS**

1. I have carefully considered the representation dated 24 Feb 2007 submitted by Mr Bitan Kumar Deb and others in deference to the learned CAT, Guwahati Bench order dated 03 May 2007 in OA No.95 of 2007.

2. Whereas, in the Assam Rifles no category of Primary School Teacher (PRT) exists. The category of teachers in the Assam Rifles are as under :-

- (a) Senior Teacher.
- (b) Junior Teacher.
- (c) Hindi Teacher.

3. Whereas MHA vide letter No.II.27013/35/99-PF. IV dated 08 Jun 2001 has placed Junior Teacher in the revised pay scale of Rs.4500-7000 wef 1-1-96. Further, MHA vide letter No.II.27013/35/99-PF.IV dated 03 Jul 2002 has placed only those Senior Teachers in the revised pay scale of Rs.5500-9000 who are Graduate + B.Ed. All others categories of Senior Teacher are placed in the corresponding revised pay scale without any upgradation.

4. Whereas, Mr Bitan Kumar Deb and others teachers have received ACP (Assured Career Progression Scheme) as under :-

Ser No	Rank, Name	Educational Qualification	Date of appointment	Gtd 1 st ACP on completion of 12 yrs of regular service	Gtd 2 nd ACP on completion of 24 yrs of regular service
(1)	(2)	(3)	(4)	(5)	(6)
(a)	Mr. Bitan Kumar Deb, Junior Teacher	BA	23-12-91	Gtd 1 st ACP wef 23 Dec 2003 in the scale of pay Rs.5000-15000-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	

.....2/-

Certified to be a true copy
The Advocate

(1)	(2)	(3)	(4)	(5)	(6)
(b)	Mr Madhu Prakash Godiyal, Junior Teacher	BA	15-04-89	Gtd 1 st ACP wef [15] Apr 2001 in the scale of pay Rs.5000-150-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	
(c)	Mr Raj Kumar Thakur, Junior Teacher	B.Sc	13-05-83	Gtd 1 st ACP wef [09] 08-99 in the scale of pay Rs.5000-150-8000/- vide DGAR letter No.I.14017/GS(Edn)/ACP/T/05/340 dt 04 Jul 2005.	Board proceedings for the grant of 2 nd ACP is in progress.
(d)	Mr Hukum Chand Sharma, Hindi Teacher	Matric with Basic Teacher Trained	29-04-85	Gtd 1 st ACP wef [09] 08-99 in the scale of pay Rs.5000-150-8000/- vide DGAR letter No.I.14017/GS(Edn)/ACP/T/05/340 dt 04 Jul 2005.	(i) Gtd 2 nd ACP wef 09-08-99 in the scale of pay Rs.5500-175-9000 vide DGAR letter No.I.14017/GS(Edn)/ACP/T/05/340 dt 04 Jul 2005.
(e)	Mrs Biva Talukdar, Junior Teacher	BA	23-11-85	Gtd 1 st ACP wef [09] 08-99 in the scale of pay Rs.5000-150-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	
(f)	Mr Salil Kr Choudhary, Junior Teacher	Pre-University	11-01-88	Gtd 1 st ACP wef [11] 01-2000 in the scale of pay Rs.5000-150-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	
(g)	Mrs Swapna Dey, Junior Teacher	BA	21-04-86	Gtd 1 st ACP wef [09] 08-99 in the scale of pay Rs.5000-150-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	

(1)	(2)	(3)	(4)	(5)	(6)
(h)	Mr Mridul Kar Purkayastha, Junior Teacher	B.Com	29-09-86	Gtd 1 st ACP wef 09-08-99 in the scale of pay Rs 5000-150-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	-
(i)	Mrs Geeta B. Junior Teacher	BA	23-06-92	Gtd 1 st ACP wef 23-06-04 in the scale of pay Rs 5000-150-8000/- vide DGAR letter No.I.14017/GS(Edn)/ACP/T/05/340 dt 04 Jul 2005.	-
(k)	Mr Shaisuddin Ahmed, Junior Teacher	B.Sc	24-06-90	Gtd 1 st ACP wef 24-06-02 in the scale of pay Rs 5000-150-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10 Jun 2004.	-

5. Whereas, Mr Bitan Kumar Deb, Junior Teacher and others are not B.Ed qualified and have accordingly been granted ACP as per their length of service in Assam Rifles.

6. I, therefore direct that the representation dated 24 Feb 2007 submitted by Mr Bitan Kumar Deb and others be rejected as it lacks merit and substance.

(Paramjit Singh)
Lieutenant General
Director General Assam Rifles

Copy to :-

1. Mr Bitan Kumar Deb, - for your information please.
Junior Teacher
14 Assam Rifles
Pin-932014
C/o 99 APO
2. Mr Madhu Prakash Godiyal, - do-
Junior Teacher
34 Assam Rifles
Pin-932034
C/o 99 APO

- 4-
3. Mr Raj Kumar Thakur, -do-
Junior Teacher
34 Assam Rifles
Pin-932034
C/o 99 APO
 4. Mr Hukun Chand Sharma, -do-
Hindi Teacher
34 Assam Rifles
Pin-932034
C/o 99 APO
 5. Mrs Riva Talukdar, -do-
Junior Teacher
23 Assam Rifles
Pin-932023
C/o 99 APO
 6. Junior Teacher
23 Assam Rifles
Pin-932023
C/o 99 APO
 7. Mrs Swapna Dey, -do-
Junior Teacher
22 Assam Rifles
Pin-932022
C/o 99 APO
 8. Mr Mridul Kar Purkayastha, -do-
Junior Teacher
17 Assam Rifles
Pin-932017
C/o 99 APO
 9. Mrs Geeta B, -do-
Junior Teacher
6 Assam Rifles
Pin-932006
C/o 99 APO
 10. Mr Shaisuddin Ahmed, -do-
Junior Teacher
34 Assam Rifles
Pin-932034
C/o 99 APO

18/12/08
Court Officer.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

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

IN THE MATTER OF :

O.A No.301/2007

Shri Bitan Kumar Deb, Junior Teacher
and 09 others

.....Applicant

- Versus -

Union of India & Others

..... Respondents

IN THE MATTER OF :

Written statement submitted by the Respondents No. 2

WRITTEN STATEMENT

The humble answering respondents
submit their written statement as
follows:

1. (a) That I Lt Col Parameswarappa BG son of Late
Shri BT Govindappa am competent and authorised to file the statement on
behalf of all the respondents 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 statement made in the application may be deemed to have
been denied.

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

60 I (Adm & Docu)
Directorate (General Assam E/10)
Shillong 793011
Assam 781001

Received
Hk Zorwah
07/11/2008

18 DEC 2008

गुवाहाटी न्यायपीठ
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 same was for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant, suffered from vice of illegality.

2. **Preliminary Objection.**

(a) Since Central Administrative Tribunal is not exercising the appellate power whereas exercising the power of judicial review of Higher Courts in relation to service matters of the Central Government Employees. The power of judicial review of a Court does not enable the Hon'ble Central Administrative Tribunal to interfere with pay scales of Central Government Employees. In the instant Original Application it is pertinent to mention that it is pertaining to revised pay scale wherein decision has to be taken by the Executive Wing of the State.

(b) Moreover, merely enough length of service in particular post (12 & 24 years) is not sufficient to get Assured Career Progression under the present scheme in addition he should have meet other requisition viz . civil qualification, bench mark.

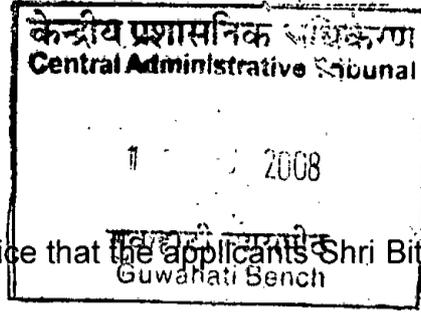
(c) Comparatively the granting of financial up-gradation under Assured Career Progression scheme to the applicants on same footing with other Teachers of Assam Rifles and Central Government aided school and teachers of Kedriya Vidhyalaya are impermissible since the terms, conditions and education qualification are different in each post and organization.

GO. 1 (Adm & Doc)

पदाधिकारी कार्यालय
Director General Assam Rifles

शिलांग-783011

Chillans-786088



(d) It is further brought out to kind notice that the applicants Shri Bitan Kumar Deb, Shri Madhu Prakash Godiyal and Smt Swapana Deb have later approached the Hon'ble Central Administrative Tribunal by filing OA No 23/08 making the same prayer. There applicants have made a false submission regarding non-filing of any case during the pendency of this Original Application.

However, the said Original Application was disposed off vide Court Order dated 10.04.2008 with direction to the respondents to re-consider the entire matter in the present prospective/ on the grounds set-forth in the present Original Application and pass a reasoned order/grant them necessary relief as would be due and admissible under the law expeditiously. The respondents may constitute a Committee (may be associating educationists engaged in admission of Primary School/High Schools/Higher Secondary schools) to examine the matter (including the questing of re-casting the staffing pattern of the teaching staff) and the Committee may give personal hearing to the teachers, who are approaching this Tribunal time and again.

Accordingly, Assam Rifles has constituted a committee in consultation with Ministry in deference to the Hon'ble Tribunal Order dated 10.04.2008 duly considering a healthy personnel management as well as upward revision in salary to the lower classes teachers with change of time. The prayer of the instant Original Application is also being considered by the Committee while in sitting for review.

श्री प्रदीप कुमार (सचिव एवं प्रभु)

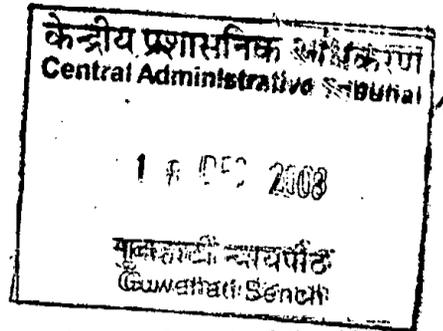
SO 1 (Adm & Docu)

सहायक निदेशक जन्य राई

Directorate General Assam Rifles

शिवांग-793011

Cell No-793011



3. **Brief facts of the case:** which may be treated as an integral part of the Written Statement.

At the outset, it is clarified that in Assam Rifles, only three categories of teachers exist i.e, Senior Teacher, Junior Teacher and Hindi Teacher. All categories of Assam Rifles teachers were enrolled as per the Gazette of India Notification No 10 dated 07 March 1981. The applicant Shri Biten Kumar Deb was initially appointed as Junior Teacher against the vacancy of 21 Assam Rifles with effect from 23 December 1991 in the pay scale of Rs. 1200-30-1560-EB-40-2040/- pm vide this Directorate appointment order dated 31 July 1992. Pay scale of Junior Teacher as mentioned in the appointment order was accepted by the applicant and he joined duty on 23 December 1991. Further pay scale was revised vide 5th Central Pay Commission to the pay scale of Rs.4500-125-7000/- pm wef 01 January 1996 vide Ministry of Home Affairs letter dated 08 June 2001. 1st Assured Career Progression Scheme (ACP) has already been granted to the applicant in accordance with provisions specified vide Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) office memorandum dated 09 August 1999 in the pay scale of Rs. 5000-150-8000/-pm wef 23 December 2003 after completion of 12 years of regular service vide this Directorate letter dated 10 June 2004.

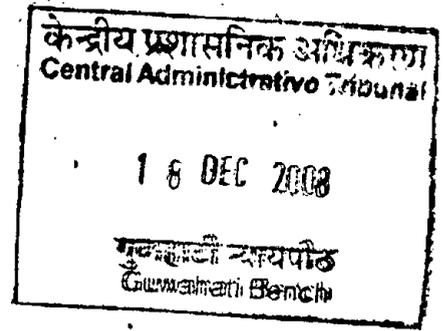
The petitioner is claiming for revised pay scale of Rs. 5500-175-9000/- under Assured Career Progression scheme after completion of 12 years of regular service which is the pay scale of Senior Teacher. The revised pay scale of Senior Teachers having Graduation and B Ed qualification is Rs. 5500-175-9000/- pm wef 01 January 1996. Further it is brought out that the authorization of teaching staff in each Assam Rifles battalion is as under:-

60 1 (Adm & Docu)

महानिदेशालय असम राईफल्स
Directorate General Assam Rifles

शिवांग-793011

Phone-793011



- (a) Senior Teacher - 01
- (b) Junior Teacher - 02
- (c) Hindi Teacher - 03

Photocopy of Gazette of India Notification No 10 dated 07 March 1981 is attached herewith and marked as **ANNEXURE R-1.**

Photocopy of appointment order issued vide this Directorate order No.A/V-A/91/BKD/Pers/98(a) dated 31 July 1992 is attached herewith and marked as **ANNEXURE R-2.**

Photocopy of Ministry of Home Affairs letter No.li.27013 / 35 / 99-PF. IV dated 08 June 2001 is attached herewith and marked as **ANNEXURE R-3.**

Photocopy of Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) office memorandum No 35034//97-Estt(D) dated 09 August 1999 is attached herewith and marked as **ANNEXURE R-4.**

4. It is further submitted that with the implementation of 6th CPC report, the applicants are granted salary per month as shown hereunder:-

- (a) Shri Bitan Kumar Deb Rs. 28,321/- PM
- (b) Shri madhu Prakash Godiyal Rs. 28,154/- PM
- (c) Shri Raj Kumar Thakur Rs. 28,927/- PM
- (d) Smt Biva Talukdar Rs. 29,684/- PM
- (e) Shri Salil Kumar Choudhary Rs. 22,270/- PM
- (f) ~~Shri~~ ^{Smt} Swapana Dey Rs. 28,831/- PM
- (g) Shri Mirdul Kar Purkayastha Rs. 31,325/- PM
- (h) Smt Geeta B Rs. 27,371/- PM
- (i) Shri Shesuddin Ahmed Rs. 29,747/- PM
- (j) Smt Shali Kumari Choubey Rs. 28,771/- PM

को ची० १ (एडम व डॉक) The relevant pay slip are attached herewith and marked as **ANNEXURE R-5 (a)**

को १ (Adm & Docu)
निदेशाचय प्रखण
Directorate General Assn

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

18 DEC 2008

गुवाहाटी बेंच
Guwahati Bench

Parawise Comments

- 5 That with regard to statements made in paragraphs 1 to 2.3 of the Application, the answering respondents beg to state that the same is a matter of record, however the applicants be put to strict proof thereof.
6. That with regard to statements made in paragraphs 3 to 3.1 of the Application, the answering respondents beg to state that the benefit of revised pay scale under Assured Career Progression Scheme have not been denied to the applicants and all the applicants who filed the instant Original Application have already been granted 1st Assured Career Progression Scheme in the pay scale of Rs. 5000-150-8000/- as admissible to the applicants after completion of 12 years of service in terms of Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) office memorandum dated 09 August 1999 (Annexure R-4 refers).
7. That with regard to statements made in paragraphs 3.2 of the Application, the answering respondents beg to state that Assam Rifles teachers are not governed by Human Resource Department, Department of Education and Assam Rifles is governed by Ministry of Home Affairs as published vide Government of India Gazette Notification No. 10 dated 07 March 1981(Annexure R-1 refers) and accordingly pay scale have been fixed based on the existing Rules. Moreover different Central Police Organizations and Government departments have different task / role, rank structures, pay scales and are not comparable.
8. That with regard to statements made in paragraphs 3.3 of the Application, the answering respondents beg to state that each and every aspects of the representation dated 24.02.2007 submitted by the applicants in accordance with the directions of OA 95/2007 have been considered carefully in accordance with Ministry of Home Affairs letter dated 08 June 2001(Annexure R-3 refers) and letter

क्र. 1 (एडम ए डॉक)

1 (Adm & Docu)

द्वारा दिशावली क्र. 95/2007

द्वारा दिशावली क्र. 95/2007

793011

793011

dated 03 July 2002 and based on policies issued on the subject and rejected as it lacks merit and substance vide this Directorate order dated 09 Aug 2007.

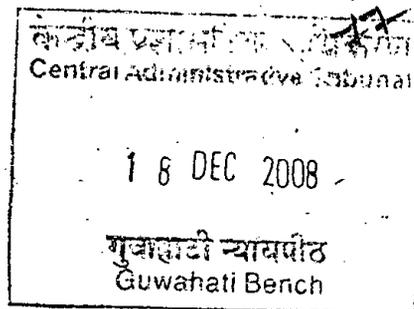
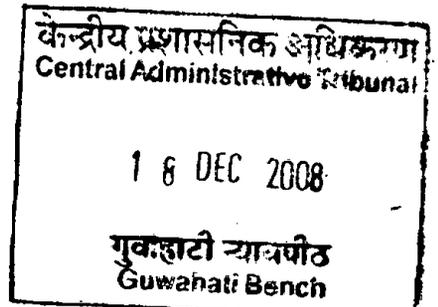


Photo copy of Ministry of Home Affairs letter No II.27013/35/99-PF .IV dated 03 July 2002 is attached herewith and marked as **Annexure R-6**.

9. That with regard to statements made in paragraphs 4 of the Application, the answering respondents have nothing to state as the same pertain to the jurisdiction to entertain the present application. However the answering respondents beg to state that the application is unjust and unsustainable both on facts and in Law.
10. That with regard to statements made in paragraphs 5.1 of the Application, the answering respondents beg to state that the revised pay scale of Rs. 5500-175-9000/- has been denied to the applicants since Ministry of Home Affairs vide letter dated 03 July 2002 (Annexure R-5 refers) clarified that only such Senior Teachers of Assam Rifles may be placed in the higher scale of 5500-175-9000/- whose Recruitment Rules prescribed minimum qualification of Graduation plus B.Ed at par with TGT of Central Government. All other categories of Senior Teachers of Assam Rifles may only be placed in the corresponding revised pay scales without any up-gradation. Hence the pay scale of Rs.5500-175-9000/- is only applicable to B.Ed qualified Teachers vide Ministry of Home Affairs letter dt 03 July 2002 (Annexure R-5 refers).
11. That with regard to statements made in paragraphs 5.2 of the Application, the answering respondents categorically denied the contents of the applicants being false and baseless. All applicants in the instant original application have been granted 1st Assured Career Progression scheme after completion of 12 years of



regular service as introduced vide Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) office Memorandum dated 09 August 99(Annexure R-4 refers) in the scale as applicable to the Non B.Ed teachers of Assam Rifles.

12 That with regard to statements made in paragraphs 5.3 of the Application, the answering respondents beg to state that the contention of the applicant is incorrect and baseless. The applicants be put to strict proof thereof regarding release of Rs. 1831.20 crore by the Central Govt. and the details of teachers of Assam Rifles who have been allowed to draw the revised pay scale. Further revised pay scale of Rs.5500-175-9000/- under Assured Career Progression scheme has been granted only to the Graduation plus B.Ed qualified Senior Teachers as introduced vide Ministry of Home Affairs letter dated 03 July 2002 (Annexure R-5 refers) who have completed 12 years of service. Further all applicants of the instant original application have also been granted 1st Assured Career Progression in the pay scale of Rs.5000-150-8000/-as applicable to them after completion of 12 years of service as per Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) office Memorandum dated 09 Aug 99 (Annexure R-4 refers).

13. That with regard to statements made in paragraphs 5.4 of the Application, the answering respondents beg to state that the Assam Rifles does not come under Human Resource Development, Department of Education Ministry. The Assam Rifles is governed by Ministry of Home Affairs as per Gazette Notification No 10

क्र. १००/१ (एडम & डॉक्यू)

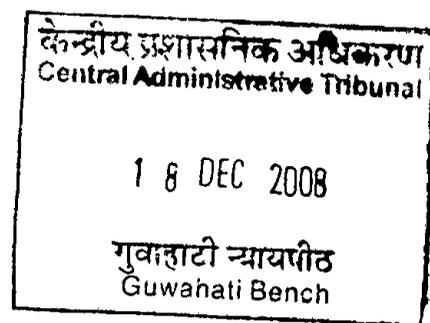
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पहानिदेशालय असम राईफल

Directorate General Assam Rifles

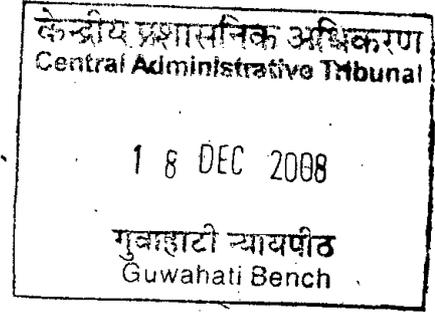
शिलांग-793011

Shillong-793011



dated 07 March 1981(Annexure R-1 refers). Further there is no category of Primary School Teacher (PRT) in Assam Rifles. Moreover different Central Police Organizations and Government departments have different task / role, rank structures, pay scales and are hence cannot be compared.

14. That with regard to statements made in paragraphs 5.5 of the Application, the answering respondents beg to state that the averments of the applicant is repetitive and have adequately been commended in para 6 of the written statement. However, it is respectfully submitted that all applicants in the instant Original Application are non B.Ed, Junior Teachers, therefore allegation of illegality and arbitrations is incorrect. All applicants are entitled to the pay scale of Rs 4500-125-7000/-pm as introduced vide Ministry of Home Affairs letter dated 08 June 2001 (Annexure R-3 refers).
15. That with regard to statements made in paragraphs 6 and 7 of the Original Application, the answering respondents offer no comments, being matter of record.
16. That with regard to statements made in paragraphs 7.1 to 7.2 of the Original Application, the answering respondents offer no comments, being matter of record. However, it is respectfully submitted that date of appointment in respect of the applicant No 5 and 10 mentioned in the instant original application is different as per records maintained by this Directorate. The correct appointment date in respect of the applicant No 5 and 10 are:-
- (a) Mr Salil Kumar Choudhary, applicant No. 5 - Correct appointment date is 11 January 1988 instead of 08 January 1988 as reflected in the instant Original Application.



(b) Mrs Sali Kumari Chaubey, applicant No. 10 - Correct appointment date is 30 December 1989 instead of 10 December 1986 as reflected in the instant Original Application.

17. That with regard to statements made in paragraphs 7.3 of the Original Application, the answering respondents beg to state that the Assam Rifles is governed by the Ministry of Home Affairs and all the teachers are General Central Services group 'C' non gazetted and non ministerial employees as per Gazette Notification No 10 dated 07 March 1981 (Annexure R-1 refers). The rest of the averments are matter of records and require no comments from the answering respondents.

18. That with regard to statements made in paragraph 7.4 of the Original Application, the answering respondents beg to state that as per Restructuring of Peace Establishment of Assam Rifles approved vide Ministry of Home Affairs letter dated 19 August 1993, the teachers are authorized to the Battalion only. Further, it is respectfully submitted that there is no category of Primary School Teachers prevalent in Assam Rifles. Moreover, different Central Police Organizations and Government departments have different task / role, rank structures, pay scales and are not comparable with each other.

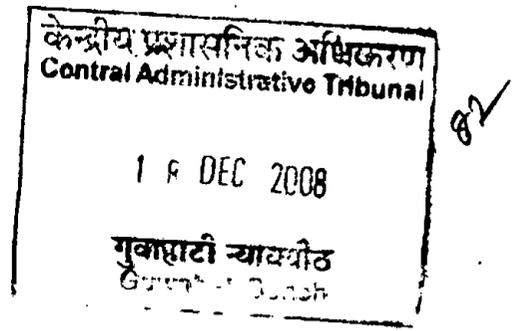
Photo copy of Ministry of Home Affairs, New Delhi letter No. II.3015/ 3/ 96/ PF .IV dated 19 Aug 2003 is attached herewith and marked as ANNEXURE R-7.

सो नो 1 (अडम व डेकु)
SO 1 (Adm & Dacu)
बहानिदेशालय असम राईफल
Directorate General Assam Rifles
दिल्ली-793011
Still no-793011

केन्द्रीय प्रशासनिक न्यायालय
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Guwahati Bench

19. That with regard to statements made in paragraphs 7.5 of the Original Application, the answering respondents beg to state that financial up gradation under Assured Career Progression scheme has been granted to all teachers as per their length of service and qualification prescribed vide Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) office Memorandum dated 09 August 99. (Annexure R-4 refers).
20. That with regard to statements made in paragraphs 7.6 and 7.7 of the Original Application, the answering respondents beg to state that revised scale of pay under Assured Career Progression scheme have been granted as per qualification and length of service of teachers based on policies and instructions issued by the Ministry of Home Affairs vide their letter dated 03 July 2002 (Annexure R-5 refers) and Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), North Block, New Delhi Office Memorandum No. 35034/1/97-Estt(D)dt 09 August 99(Annexure R-4 refers). 1st Assured Career Progression granted after 'completion of 12 years of qualifying service and 2nd Assured Career Progression granted after completion of 24 years of service.
21. That with regard to statements made in paragraphs 7.8 of the Original Application, the answering respondents beg to state that the news published in "The Sanghai Express", news papers does not have any official authority. Pay fixation and Assured Career Progression is granted as per Government Order issued by Ministry of Home Affairs vide their Office Memorandum dated 09 August 99.

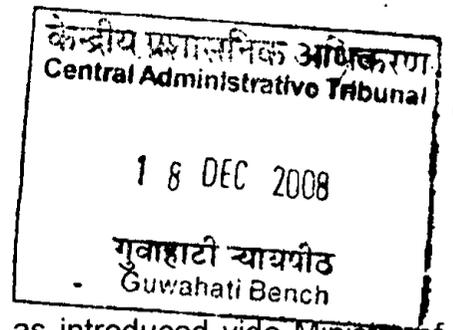
कोपी 1 (एडम ए डॉक)
60 1 (Adm & Docu)
प्रशासनिक न्यायालय का कार्यालय
Directorate, Central Assam E/10
शिलांग-783011
Phone-703011



22. That with regard to statements made in paragraphs 7.9 of the Original Application, the answering respondents beg to state that all the applicants have been granted 1st financial up-gradation under Assured Career Progression scheme as introduced vide Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), North Block, New Delhi OM No. 35034/1/97-Estt(D) datedt 09 August 99 in the revised pay scale of Rs 5000-150-8000 pm/- after fulfilling eligibility criteria and on completion of 12 years of qualifying service. Further, it is respectfully submitted that the applicants are non B.Ed, Junior Teachers, therefore allegation regarding revised pay scale of Rs. 5500-175-9000 is baseless and is incorrect. All applicants are entitled to the pay scale of Rs 4500-125-7000/-pm as introduced vide Ministry of Home Affairs letter dated 08 June 2001 (Annexure R-3 refers) and accordingly all the applicants have been granted 1st financial up-gradation under Assured Career Progression scheme in the revised pay scale of Rs 5000-150-8000 pm/- after fulfilling eligibility criteria and on completion of 12 years of qualifying service.

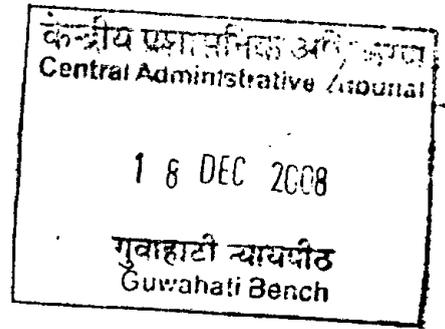
23. That with regard to statements made in paragraphs 7.10 of the Original Application, the answering respondents beg to state that the allegation of the applicant that the entry scale of pay is Rs. 4500-125-7000 and revised scale is Rs. 5500-175-9000 (after completion of 12 years) and selection scale is Rs. 6500-225-10500/- (after completion of 24 years) is purely false and baseless hence denied. Further it is respectfully submitted that as per Ministry of Home Affairs letter dated 03 July 2002, only B.Ed qualified Senior teachers have been placed under the revised pay scale of Rs.5500-175-9000/- and all junior teachers are

१०० पी० १ (एडम ए डॉक)
SO 1 (Adm & Docu)
महानिदेशालय असम राईबोर
Directorate General Assam I/O
शिर्षांग-793011
Shillong-793011



entitled to the pay scale of Rs 4500-125-7000/-pm as introduced vide Ministry of Home Affairs letter dated 08 June 2001 (Annexure R-3 refers). Accordingly all the applicants are granted 1st financial up-gradation under ACP Scheme on completion of 12 years of qualifying service and placed in the scale of Rs.5000-150-8000/-.

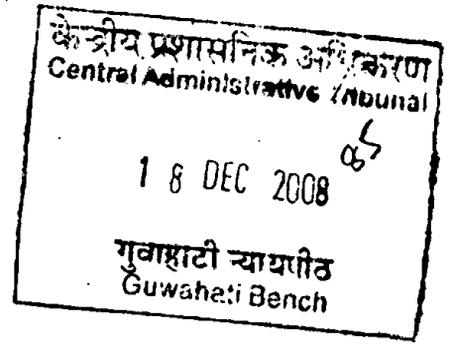
24. That with regard to statements made in paragraphs 7.11 of the Original Application, the answering respondents beg to state that the Human Resource Development, Department of Education Ministry /Kendriya Vidyalaya Sangthan rules, terms and conditions are not applicable to Assam Rifles teachers. Further, Assam Rifles teachers are governed by Ministry of Home Affairs vide Gazette of India Notification No 10 dated 07 March 1981 (Annexure R-1 refers). Moreover different Central Police Organizations and Government departments have different task/role, rank structures, pay scales and are not comparable with each other.
25. That with regard to statements made in paragraphs 7.12 of the Original Application, the answering respondents beg to state that first financial up-gradation under Assured Career Progression scheme in the revised pay scale has been granted to the applicants as per Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), North Block, New Delhi OM dated 09 August 99.
26. That with regard to statements made in paragraphs 7.13 of the Original Application, the answering respondents beg to submit that as per Ministry of Home Affairs letter dated 03 July 2002, only B.Ed qualified Senior teachers have been placed under the revised pay scale of Rs.5500-175-9000/-. Accordingly the B Ed
-



qualified junior teachers who have completed more than 12 years of regular service have also been granted 1st financial up-gradation under ACP Scheme in the scale of RS. Rs.5500-175-8000/-. Other all Junior Teachers are entitled to the pay scale of Rs 4500-125-7000/-pm as introduced vide Ministry of Home Affairs letter dated 08 June 2001 (Annexure R-3 refers). Accordingly all the applicants are granted 1st financial up-gradation under ACP Scheme on completion of 12 years of qualifying service and placed in the scale of Rs.5000-150-8000/-. Moreover different Central Police Organizations and Government departments have different task / role, rank structures, pay scales and are not comparable with each other.

27. That with regard to statements made in paragraphs 7.14 to 7.15 of the Original Application, the answering respondents beg to state that it is totally false, baseless and deliberate misrepresentation of the facts to misguide this Hon'ble Tribunal hence the same are denied. It is respectfully submitted that each and every aspects of the representation dated 24.02.2007 submitted by the applicants in accordance with the directions of Hon'ble CAT judgement dated 03 May 2007 passed in OA' 95/2007 have been considered carefully based on Ministry of Home Affairs letter dated 08 January 2001 (Annexure R-3 refers) and letter dated 03 July 2002 (Annexure R-5 refers) and on policies issued by the Administrative authority and the representation was rejected as it lacks merit and substance vide this Directorate order dated 09 Aug 2007.

केंद्रीय प्रशासनिक अपील बोर्ड
SO I (Adm & Pers)
पुस्तकालय प्रमुख राईबहा
Directorate of Central Assam
दिसाई - 781011
781011



28. That with regard to statements made in paragraphs 7.16 to 7.18 of the Original Application, the answering respondents beg to state that the contention of the applicant that the order passed by the respondent authority is arbitrary, unreasonable and injudicious is categorically denied being false and baseless. Rests of the averments in this para of the original application are nothing but the repetition of earlier paras and our reply to averments in para 6, 21 and 22 of the written statement and the same do not call for any reply.
29. That with regard to statements made in paragraphs 8 to 8.1 of the Original Application, the answering respondents beg to state that the applicant Shri Bitan Kumar Deb, Junior Teacher and others are non B. Ed qualified hence they are not entitled to get the pay scale of Rs. 5500-175-9000 and have accordingly been granted 1st Assured Career Progression in the pay scale of Rs 5000-150-8000/-pm as per their length of service in Assam Rifles. Further it is respectfully submitted that each and every aspects of the representation dated 24.02.2007 submitted by the applicants in accordance with the directions of Hon'ble CAT judgement dated 03 May 2007 passed in OA 95/2007 have been considered carefully based on policies issued by the Ministry of Home Affairs and rejected as it lacks merit and substance vide this Directorate order dated 09 Aug 2007.
30. That in reply to the contents of para 9 is the submission of the applicant and the same do not call for any reply.
31. That with regard to statements made in paragraphs 10 of the Original Application, the answering respondents beg to state that the same is the prayer clause and does not call for any comments from the answering respondent.

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केन्द्रीय प्रशासनिक अपीलकरण
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 18 DEC 2008
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 Guwahati Bench.

32. That the averment made in para 11 - 14 of the Original Application being formal submission no comments are made by the answering respondent.

That in view of the facts mentioned herein above it is humbly prayed that the present Original Application is not bonafide and is not legally sustainable and is liable to be dismissed with cost.

VERIFICATION

Lt Col Parameswarappa BGs/o
 Late Shri BT Govindappa aged about 47 years, r/o
 Laitmukrah, East Khasi Hills District, Shillong working as
 SO1 (Adm & Docu) in Record Branch HQ DGAR and competent officer of
 the answering respondents and I have been authorised to file written statement on
 behalf of respondents do hereby verify that the statement made in paras
 2, 3, 14, 17, 24, 26 are true to my knowledge and those of the paras
 4 being matters of record are true to my information derived
 there from which I believe to be true and the rests are my humble submissions
 before this Hon'ble Tribunal.

And I sign this verification on this 15th day of Dec, 2008 at Guwahati.

Lt Col P. Parameswarappa
 SO 1 (Adm & Docu)
 Signature: P. Parameswarappa
 Directorate General Assam Bf/fo
 शिवांग-793011
 Call no-900031

क्र. सं.	वर्ग	व्यक्तिगत विवरण	आय	आय स्रोत	आय वर्ग	आय सीमा	आय स्रोत
74	सामान्य केंद्रीय सेवा, संगठन 'ग' (अराज्यपन्थि प्रशासनिक वर्ग)	(i) स्नातक के लिए: 330-10-350-500-15-500-500 (ii) पूर्व स्नातक के लिए: 200-8-300-10-380-40-12-500-500-15-500-500	25 वर्ष**	सापेक्षता	25 वर्ष**	(मरभारी सेवाओं के मामले में शिथिल करने के 35 वर्ष की जा सकती है)	विश्वविद्यालय पूर्व (2 वर्ष का अध्ययन) या समतुल्यता विषयों में शिथिल करने के 35 वर्ष की जा सकती है।
75	सामान्य केंद्रीय सेवा, संगठन 'ग' (अराज्यपन्थि प्रशासनिक वर्ग)	200-8-300-10-380-40-12-500-500-15-500-500	25 वर्ष**	सापेक्षता	25 वर्ष**	(मरभारी सेवाओं के मामले में शिथिल करने के 35 वर्ष की जा सकती है)	(1) विश्वविद्यालय पूर्व (2 वर्ष का अध्ययन) या समतुल्यता विषयों में शिथिल करने के 35 वर्ष की जा सकती है। (2) विश्वविद्यालय पूर्व (2 वर्ष का अध्ययन) या समतुल्यता विषयों में शिथिल करने के 35 वर्ष की जा सकती है।

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
18 DEC. 2008
गुवाहाटी बेंच
Guwahati Bench

फॉर्म नं. 1 (एडमिनिस्ट्रेशन)
 501 (Adm & Docu)
 महाविद्यालय अखिल राई
 Directorate General, Assam BHO
 शिवांग-793011
 24108-792011

1	2	3	4	5	6	7
विभाग	साधारण केंद्रीय सेवा, समूह 'ग' (भराजपक्षित प्रतिनिधित्वगीय)	225-5-260- 6-200-ग-रो- 6-200-ग	लाय गही होगा	25 वर्ष** (सरकारी सेवकों के मामले में निर्दिष्ट करके 25 वर्ष की जा सकती है)	गिरिन स्तर या समतुल्य गिरिन या समतुल्य हो तथा गिरिन स्तर में पूजा करने की क्षमता हो।	

8	9	10	11	12	13
भाषा को होगा	का वर्ग	सीधी सीधी नया	भाषा को होगा	व्यक्तः यं गणनीयतां, यथा संभवम् (पुनःप्राप्त) वस्य।	भाषा को होगा

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

18 Dec 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

1. प. पाठ 30 प. पाठ
(प/मप) गुवाहाटी
साई जी ए पाठ
2. यथा संभवम्
निम्न मध्य विभाग
से समूह 'क' प्रवर्ग
का एक अधिकारी
स्थापन प्रतिभासी 2
(प) गुवाहाटी साई
जी ए पाठ 1

अधिनियम 10 में उल्लिखित भाषा सीमा अवधारित करने के लिए नियोजन प्रत्येक मामले में, भारत में रहने वाले पंजाबियों में (जिनमें निम्न जो
भारत में और विशेषकर द्वीप तथा लक्षद्वीप में रहते हैं) प्रत्येक मामले में, भारत में रहने वाले पंजाबियों में (जिनमें निम्न जो
एते पक्षों की बचत, जिन पर नियुक्ति रोजगार कार्यालय के माध्यम से की जाती है, भाषा-गोमा प्रवर्धित करने की निर्णायक वार्षिक प्रत्येक मामले में
यह सारीय होगी जिस-तक रोजगार कार्यालय से नाम भेजने के लिए कहा गया है।

[पं. 12016/4/72-पदे-2]

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th February, 1981

G.S.R. 246.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Teaching Staff Group 'C' in the Assam Rifles under the Ministry of Home Affairs, namely:

1. Short title and commencement.—(1) These rules may be called the Assam Rifles Teaching Staff Recruitment Rules, 1980.
(2) They shall come into force on the date of their publication in the Gazette of India.
2. Number of posts, classification and scale of pay.—The number of posts, classification and the scales of pay attached hereto, shall be as specified in columns 2 to 4 of the Schedule annexed hereto.
3. Method of recruitment, age limit, qualifications etc.—The method of recruitment, age limit, qualifications and in other matters relating to the said posts shall be as specified in columns 5 to 13, of the Schedule aforesaid.

4. Disqualification.—No person—
(a) who has entered into or contracted a marriage with a person having a spouse living or
(b) who, having a spouse living, has entered into or contracted a marriage with any person
shall be eligible for appointment to any of the said posts;
Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.
5. Power to relax.—Where the Central Government is of opinion, that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.
6. Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for candidates belonging to the Scheduled Castes and the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

सं. नं० 1 (एडम & प्रोव)
SO 1 (Adm & Prov)
महानिदेशालय, भारत सरकार
Directorate General
शिकाई - 8331
तैलिंग-793011

भारत में राजपत्र : मार्च 7, 1981/फिजपत्र 16, 1982

SCHEDULE

1	2	3	4	5	6	7
Name of post	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
(A) Senior Teacher	21	General Central Service Group 'C' (Non-Gazetted Non-Ministerial)	(i) for Graduates Rs. 330-10-380-15-500 EII-12-500-15-560 (ii) for under-Graduate Rs. 290-8-330-10-380-12-500-15-560 (iii) for Matric untrained Rs. 260-6-290-8-326-10-360-12-400 (iv) for Non-Matric untrained Rs. 260-6-326-10-400	Not applicable	25 years (relaxable upto 35 years in the case of Government servants).	(1) Degree from an recognized University (2) Degree in Teachers Training (3) At least 3 years teaching experience (4) Proficiency in teaching through Hindi and English medium.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
18 DEC 2008
गुवाहाटी बेंच
Guwahati Bench

8	9	10	11	12	13
Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotions	Period of probation if any	Method of recruiting whether by direct recruitment or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of recruiting by promotion/deputation/transfer grades from which promotion/transfer to be made	If a Departmental Promotion Committee exists what is its composition	Union or Public Service Commission to be consulted in making recruitment
Not applicable	2 years	50% by direct recruitment and 50% by promotion falling which direct recruitment.	Promotion: Junior Teacher with 5 years service in the grade	Chairman: Deputy Inspector General of Assam Rifles (Head Quarters). Members: 1. Assistant Inspector General Rifles (A/Q) Directorate General Assam Rifles. 2. One Officer belonging to Group 'A' Category from other Department other than Assam Rifles. Member Secretary: Staff Officer 2(A) Directorate General Assam Rifles.	Not applicable.

कृ० सी० 1 (एडम & डॉक)
SO 1 (Adm & Docu)
बहानिदेशालय असम राईफल
Directorate General Assam Rifle
शिखांग-793011
Billong-793011

1	2	3	4	5	6	7
(2) Hindi/Recruitment Teachers	74	General Central Service Group 'C' Non-Gazetted Non-Ministerial	(i) For Graduate Rs. 330-10-380-15-500 (ii) For Under Graduate Rs. 290-8-330-10-390-15-500	Not applicable	25 years (Relaxable upto 35 years in the case of Government Servants).	B.Sc. University (2 years Course) or equivalent with Hindi as one of the subjects or with Diploma/Degree with Hindi from recognised Government Institutions Proficiency in Imparting education upto Matric in English.
(3) Junior Teacher	41	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs. 260-6-326-8-350	Not applicable	25 years (Relaxable upto 35 years in the case of Government Servants).	B.Sc. University (2 years course) or equivalent or Matriculate with Normal Basic Teachers Training should be capable of imparting teaching in Hindi/English medium.
Not applicable	2 years	By direct Recruitment	Not applicable			Chairman: Deputy Inspector General of Assam Rifles (Head Quarters). Members: 1. Assistant Inspector General Assam Rifles (A/Q) Directorate General Assam Rifles. 2. One Officer belonging to Group 'A' Category from other Department other than Assam Rifles. Member Secretary: Staff Officer 2(A) Directorate General Assam Rifles.
Not applicable	2 years	By direct recruitment	Not applicable			Chairman: Deputy Inspector General of Assam Rifles (Head Quarters). Members: 1. Assistant Inspector General Assam Rifles (A/Q) Directorate General Assam Rifles. 2. One officer belonging to Group 'A' Category from other Department other than Assam Rifles. Member Secretary: Staff Officer 2(A) Directorate General Assam Rifles.
(4) Religious Teachers	2	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs. 225-5-260-6-290-11-6-308	Not applicable	25 years (Relaxable upto 35 years in the case of Government Servants).	Middle School Standard or equivalent. Must have working knowledge of Sanskrit and capacity to perform puja in unit temple.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
 18 DEC 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

पृष्ठ सं. 1 (एडव. व. सं.)
 SO 1 (Am. & Rect)
 महानिदेशक, असम राज्य सरकार
 Directorate of Public Instruction, Assam
 शिवांग-793011
 Phone 702611

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

18 DEC 2008

गुवाहाटी ब्याच
Guwahati Batch

Chief Member: Deputy Inspector General of Assam Rifles (Head Quarters)
Members: 1. Assistant Inspector General Assam Rifles (A/O) Director General Assam Rifles
2. One officer belonging to Group 'A' category from other Department other than Assam Rifles.
Member Secretary: Staff Officer 2(A) Director General, Assam Rifles.

The crucial date for determining the age limit mentioned in column 6 of the Recruitment Rules will in each case, be the closing date for receipt of applications from candidates in India (other than Andaman & Nicobar Islands and Lakshadweep). In respect of posts, the appointments to which are made through Employment Exchange, the crucial date for determining the age limit will in each case, be the last date upto which Employment Exchange are asked to submit the names.

नई दिल्ली, 21 फरवरी 1981

[No. 12016/1/77-Pers. II]

सं. कां. सि. 247.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तु द्वारा प्रयुक्त शक्तियों का प्रयोग करते हुए सरकार के पक्ष पर भर्ती की प्रक्रिया को विनियमन करने के लिए निम्नलिखित नियम बनाये हैं, यथा:—

- संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का संक्षिप्त नाम सरदार अर्द्ध पदक राष्ट्रीय पुलिस भवनवासी (तैराकी विभाग) भर्ती नियम, 1981 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- उप-पद: वर्गीकरण और संतुलन:—उप-पद की संख्या, उनका वर्गीकरण और उनके वर्तमान में होंगे जो इन नियमों से उगावट भवनवासी के स्तर 2 से 4 में निर्दिष्ट है।
- भर्ती की प्रक्रिया, प्राप्ति-सीमा और शर्तें:—उक्त पद पर भर्ती की प्रक्रिया, प्राप्ति-सीमा, शर्तें और उम्मीदवारों के नामों के सूचीकरण के सम्बन्ध में निम्नलिखित है।
- निर्देश: यह व्यक्ति—
(क) जिसकी पत्नी अविवाहित या विवाहित पत्नी जीवित है, विवाह किया है, या
(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है, उक्त पद पर नियुक्त का पात्र नहीं होगा।

परन्तु यदि केन्द्रीय सरकार का रायधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के पक्ष पर सरकार को लागू स्वीय विधि के अधीन प्रवृत्त है और ऐसा करने के लिये अन्य प्राधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवृत्त से छूट दे सकेगी।

5. शिष्ट करने की शक्ति:—जहाँ केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समझौता है, वहाँ यह, उम्मीद लिये जा करण है उक्त नियमों के किसी उपबन्ध को किसी वर्ष या प्रमाण के व्यक्तियों की बावत, प्रादेशिक विभाग में प्रवृत्त कर सकेगी।

6. व्याप्ति:—इन नियमों की कोई भी बात ऐसे प्रादेशिकों, प्राप्ति-सीमा में छूट भोग प्रमाण रिपोर्टों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस सम्बन्ध में सम्पत्ति पर विचार लिये गये प्रादेशिकों के प्रमाण पर प्रमाणित जातियों, प्रमाणित जातियों को अन्य विशेष प्रयोग के व्यक्तियों के लिये उपयुक्त करण पर प्रवृत्त है।

वर्ग का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	मनुष्यी	अन्य पद संख्या	संयोजित नियमों के अन्तर्गत प्राप्ति-सीमा	संयोजित प्राप्ति-सीमा का प्राधान्य केन्द्रिय	संयोजित प्राप्ति-सीमा का प्राधान्य केन्द्रिय (प्राप्ति-सीमा)	संयोजित प्राप्ति-सीमा का प्राधान्य केन्द्रिय (प्राप्ति-सीमा)
तैराकी विभाग	1	साधारण केन्द्रीय सेवा समूह 'क'	550-25-750- ब.रो.0-30-000	सागू नहीं होता	30 वर्ष से अधिक नहीं (सरकारी सेवाओं के प्राप्ति-सीमा)	सागू नहीं होता	प्राधान्य केन्द्रिय (क) (1) किसी	प्राधान्य केन्द्रिय (क) (1) किसी	प्राधान्य केन्द्रिय (क) (1) किसी

सं. कां. सि. (एडम & डॉक)
301 (Adm & Docu)
असम राईफल
Director General Assam Rifle
शिवाजी-793011
241102-793011

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	परामर्शित संशोधन		
	आचार्य का आदेश सुपु. परिचय क्रिया या संस्था है।		

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केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

1 6 DEC 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

सूचना प्रणाली विभाग
SO 1 (Adm. & Docu)
बहान्देशाखण्ड असम राईफ़ोर्स
Directorate General Assam Rifles
शिबसांग-793009
Tel: 793011

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NO.II.27013/35/99-PF.IV
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIT MANTRALAYA

New Delhi, the 8th June, 2001

To

The Director, General
Assam Rifles
Shillong-793011

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
7th Dec 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

Sub : REVISION OF PAY SCALE OF TEACHING STAFF IN ASSAM
RIFLES - REGARDING

Sir,

I am directed to refer to your letter No. A/VII-
PS/T/86/Vol.III/569 dated 10.11.2000 on the subject cited
above and to convey the sanction of the President to the
upgradation of pay scale of teachers in Assam Rifles
w.e.f 1.1.96 as under :-

Post	Existing Scale	Revised Scale
i) Junior Teacher	Rs.4000-6000/-	Rs. 4500-7000/-
ii) Senior Teacher	Rs.5000-8000/-	Rs. 5500-9000/-

2. The expenditure on this account will be met from
the sanctioned budget grant of Assam Rifles under head
"Salaries".

3. This issues with the approval of Ministry of Finance,
Deptt of Expenditure vide their Dy. No. 70/5/2001-IC
dated 31.5.2001 and Integrated Finance Division of this
Ministry vide their Dy. No. 811/Fin.II/2001 dated 08.6.
2001.

Yours faithfully,

Sd/- xx xx xx
(Nirmala Dev)
Desk Officer

Copy to :-

- (i) Pay & Accounts Officer, Assam Rifles, Shillong
- (ii) Pay & Accounts Officer, MHA.
- (iii) JS(P), MHA (for information).
- (iv) Director(PF), MHA (for information).
- (v) Director (Pers), MHA.
- (vi) Fin.II (MHA).
- (vii) LOAR, MHA.
- (viii) Guard File (PF.IV).

27

MOST IMP ANNEXURE R4

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 110001

August 9, 1999

OFFICE MEMORANDUM

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 DEC 2008

गुवाहाटी ब्याच
Guwahati Bench

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 two financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (NCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

3272

- Teacher
- Medical
- Govt. Cl.

1 (Adm & Occu)
शास्त्रिकार्य विभाग
Directorate General Assur. etc.
दिल्ली-788011
एड्रेस-788011

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

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

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

গোৱাহাটী আয়পীঠ
Administrative Tribunal
DEC 2008
গোৱাহাটী আয়পীঠ
Guwahati Bench

6. SCREENING COMMITTEE

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

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

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

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

...3/-

১৯৯৯ জিও ১ (এডম প ডিউ)
BG 1 (Adm & Dcu)
গোৱাহাটীৰ সাধাৰণ প্ৰশাসন
Directorate General Assam Rtf.
ফিউম-793011
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(57) 11/29

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

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

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

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

आयुक्तिक अदालत
Central Administrative Tribunal
9 DEC 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

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

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

13. Hindi version would follow.

(K.K. JHA)

Director (Establishment)

To

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

....4/-

निदेशालय असम राईफल
Directorate General Assam Rifle
शिफ्ट-793011
Call no-793011

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

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

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

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

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

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

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

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

.....5/-

सं. १०१/१९८८ व. ३४६
SO 1 (Adm & Exec)
महानिदेशालय असास राकेस
Directorate General Assam
शिवालय-793011
Dillong-793011

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

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

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

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

.....6/-

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
13 DEC 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

को.जा. 1/1987 प.सं.
501 (Adm & Docu)
महानिदेशालय वसुध राईज
Directorate General Assam Bf/le
शिकाई-793011
Shillong-793011

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

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

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

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

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

Sajha

(K.K. JHA)

Director (Establishment)

केन्द्रीय प्रशासनिक आधिकारण
Central Administrative Tribunal
14 DEC 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

सूच. सं. 1 (एन व डी),
60 I (Adm & Docu)

महानिदेशालय असम राईफल्स
Directorate General Assam Rifles

शिर्डीम-793811

कलिंग-793011

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	2650-65-3700-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	4000-100-6000
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	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

As per Council

Pay Council

2/10

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
13 DEC 2008
गुवाहाटी न्यायपीठ
Gwahati Bench

स. स. (अ. व. द. व. क.)

SO 1 (Adm & Docu)

सहानिदेशालय सचिव राईफर
Directorate General Assam R/o

शिबसांग-793011

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ANNEXURE R-5(9)

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CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO) 31/10/2008
Pay Slip for the month of September, 2008

Accittance Roll : 36 ARB (761) PAN: NOT AVAILABLE
 Employee Name : Mr. BITAN KUMAR DEB (000005420031) G.P.F. A/c No : SHI/AR/2060
 Designation : JUNIOR TEACHER (062) Pay Scale : 9300 - 34800 + 4600
 Place Of Posting : JWALAMUKHI (MANIPUR)
 Address :
 Bank / Branch : STATE BANK OF INDIA SBI LAIROUCHS/B Account No : 11851117306

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instll.
BASIC	17,650	CGEGIS		30
DA	2,824	GPF SUB		4,500
SDA	2,206			
SCA	1,200			
BONUS	3,454			
ARR BONUS	987			
Total Dues (Rs.)	28,321	Total Deductions (Rs.)	4,530	
Net Pay (Rs.)	23,791			
Net Payable (Rs.)	23,791			

Dues	Amount	Deduction	Amount
BASIC		CGEGIS	
DA		GPF SUB	
SDA			
SCA			
BONUS			
ARR			
Total		Total Deduction	
Net Pay			

[Signature]
Drawing & Disbursing Officer
 Central Pay Bill Office (AR)
 HQ DGAR, Shillong- 11

Administrative Tribunal
 18 DEC 2008
 गुवाहाटी न्यायपीठ
 Guwahati Bench

निदेश (एएम ए ऑफिस)
 60 I (Ach & Docu)
 पणनिदेशालय असम राईफल्स
 Directorate General Assam Rifles
 शिलांग-793011
 Shillong-795011

CENTRAL PAY BILL OFFICE (ASSAM RIFLES) PHASE-III_3 (DDO) 31/10/2008

Pay Slip for the month of September, 2008

Acquittance Roll : 14-ARB (721) PAN : NOT AVAILABLE
 Employee Name : Mr. MADHU PRAKASH GODIYAL (000005420022) G.P.F A/c No : SHI/AR/1958
 Designation : JUNIOR TEACHER (062) Pay Scale : 9300 - 34800 + 4200
 Place Of Posting : KANCHANPUR (TRIPURA)
 Bank / Branch : STATE BANK OF INDIA SBI,TLA HOUSS/B Account No : 30284999092

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instll.
BASIC	17,520	CGEGIS		30
DA	2,803	GPF SUB		7,000
SDA	2,190			
SCA	1,200			
BONUS	3,454			
ARR_BONUS	987			
Total Dues (Rs.)	28,154	Total Deductions (Rs.)	7,030	
Net Pay (Rs.)	21,124			
Net Payable (Rs.)	21,124			

How
 Drawing & Disbursing Officer
 Central Pay Bill Office (AR)
 HQ DGAR, Shillong- 1)

Central Administrative Tribunal
 T. C. DEC 2008
 गुवाहाटी न्यायालय
 Guwahati Bench

को. जी. 1 (एडम व डॉक)
 1 (Adm & Docu)
 महानिदेशालय असम राईफल
 Directorate General Assam Rifle
 शिल्लॉंग-793811
 Shillong-793811

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ANNEXURE RS-(C)

CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO) 31/10/2008

Pay Slip for the month of September - 2008

Acquittance Roll	41-ARB (768) PAN: NOT AVAILABLE	G.P.F. A/c No: SHI/AR/1859	
Employee Name	Mr. S K CHOUDHARY (000005420019)	Pay Scale	9300 + 34800 + 4200
Designation	JUNIOR TEACHER (062)		
Place Of Posting	LUNGLI (MIZORAM)		
Bank / Branch	STATE BANK OF INDIA, SBI, Lungli	S/B Account No.	1387561384

Dues	Amount (Rs)	Deductions	Amount (Rs) Instll.
BASIC	6,800	C.G.E.G.I.S.	30
DP	3,400	G.P.F. SUB	9,000
DA	4,794		
SDA	1,275		
SCA	1,050		
HRA	510		
BONUS	3,454		
ARR BONUS	987		
Total Dues (Rs.)	22,270	Total Deductions (Rs.)	9,030
Net Pay (Rs.)	13,240		
Net Payable (Rs.)	13,240		

41-ARB (768) PAN: NOT AVAILABLE	G.P.F. A/c No: SHI/AR/1859		
Mr. S K CHOUDHARY (000005420019)	Pay Scale: 9300 + 34800 + 4200		
JUNIOR TEACHER (062)			
LUNGLI (MIZO)			
STATE BANK OF INDIA, SBI, Lungli	S/B Account No: 1387561384		

bcu
Drawing & Disbursing
Central Pay Bill Office (AR)
HQ DGAR, Shillong-11

के. व. प्रशासनिक अधिकारी
Central Administrative Tribunal

18 DEC 2008

मुख्यालय
Guwahati

सूचक संख्या (एडम व डॉक)
SO 1 (Adm & Docu)
प्रशासनिक अख्य
Directorate General
शिळांग-793011
Shillong-793011

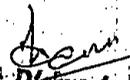
DRAWING OFFICE RSC III

CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III 3 (DDO) 31/10/2008

Pay Slip for the month of September, 2008

Acquittance Roll : 38 ARB/763 PAN: NOT AVAILABLE
 Employee Name : Smt. GEETA B (000005420032) G.P.F./Ac No. SHIAR/2076
 Designation : JUNIOR TEACHER (062) Pay Scale : 9300-34800 + 4200
 Place Of Posting : UDAIPUR (TRIPURA)
 Address :
 Bank / Branch : STATE BANK OF INDIA SBI, Udaipur S/B Account No. : 10515557032

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instll.
BASIC	16,910	CGEGIS		30
DA	2,706	LFEE		265
SDA	2,114	GPF SUB		5,000
SCA	200			
BONUS	3,454			
ARR BONUS	987			
Total Dues (Rs.)	27,371	Total Deductions (Rs.)		5,295
Net Pay (Rs.)	22,076			
Net Payable (Rs.)	22,076			


 Drawing & Disbursing Officer
 Central Pay Bill Office
 HQ DGAR, Shillong- 11

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 18 DEC 2006

60/1 Adm & L.Occ.
 महानिदेशालय असम राईफल
 Directorate General Assam Rifle
 शिवांग-793011
 Shillong-793011

4 2nd ANNEXURE R-5 (1) 112

CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO) 31/10/2008

Pay Slip for the month of September, 2008

Acquittance Roll : 34 ARB (759) ; PAN: NOT AVAILABLE
 Employee Name : Mr. S U AHMED (000005420028) ; G.P.F A/c No : SHI/AR/2011
 Designation : JUNIOR TEACHER (062) ; Pay Scale : 9300 - 34800 + 4200
 Place Of Posting : THOUBAL (MANIPUR)
 Address :
 Bank / Branch : STATE BANK OF INDIA SBI, THOUBAL S/B Account No : 11746751049

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instit.
BASIC	17,220	CGEGIS		30
DA	2,755	GPF SUB		6,000
SDA	2,153	REC EX PAY		723
SCA	1,200			
HRA	1,722			
BONUS	3,454			
ARR L AMT	256			
ARR BONUS	987			
Total Dues (Rs.)	29,747	Total Deductions (Rs.)	6,753	
Net Pay (Rs.)	22,994			
Net Payable (Rs.)	22,994			

[Signature]
 Drawing & Disbursing Officer
 Central Pay Bill Office
 HQ DGAR, Shillong- 11

केन्द्रीय प्रशासनिक आयोग
 Central Administrative Tribunal
 18 DEC 2008

501
 Director
 11/10/08

ANNEXURE-1
RS
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केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

18 DEC 2008

DDCA) FAX

No.11.27013/35/99-PF.IV
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 3rd July 2002.

To,
The Director General,
Assam Rifles,
Shillong-793011.

Sub:- Revision of Pay Scale of Teaching Staff in Assam Rifles regarding.

Sir,

I am directed to refer to your letter No.A/VII-PS/786/Vol.11/560 dated 15.6.2001 on the subject cited above. The matter regarding admissibility of revised pay scales in respect of different categories of Senior Teachers of Assam Rifles has been considered in consultation with Ministry of Finance.

2. It is clarified that only such Sr.Teachers of Assam Rifles may be placed in the higher scale of Rs.5500-9000/- whose recruitment rules prescribe minimum qualification of Graduation + B.Ed on par with Teachers of Central Government. All other categories of Sr.Teachers may only be placed in the corresponding revised pay scales without any upgradation.

3. This issues with the approval of Ministry of Finance vide their Dy.No 70/5/2001-IC dated 26.06.2001 and Integrated Finance Division of this Ministry vide their Dy.No.612/Fin.II/2001 dated 01.07.2001.

Yours faithfully

(Signature)
3/7/2002
(Nirmala D
Desk off

Copy to:-

- (i) Pay & Accounts Officer, Assam Rifles, Shillong.
- (ii) Pay & Accounts officer, MHA.
- (iii) JS(P), MHA (for information).
- (iv) Director(PF), MHA (for information).
- (v) Director (Pers), MHA.
- (vi) Fin.II (MHA).
- (vii) LOAR, MHA.
- (viii) Guard File (PF.IV)

शुद्धी (vi)
(Adm. (vii)
(viii)
शुद्धी
Shillong

(Nirmala D

COPY

No. II.3015/3/96/PF.IV
Government of India
Ministry of Home Affairs

New Delhi, the 19th August 2003.

To,
The Director General
Assam Rifles
Shillong - 793011.

Sub : Restructuring of Peace Establishment of Assam Rifles

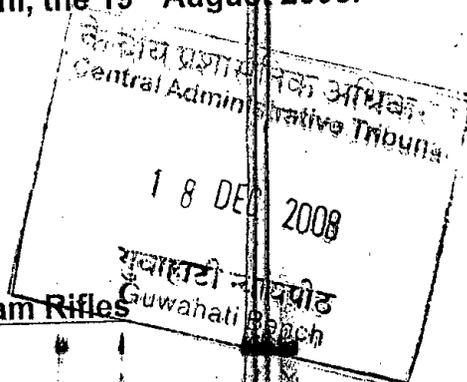
Sir,

The undersigned is directed to refer to your letter No. II.11011/248/2001-G(PE) dated 06.06.2001 on the subject cited above and to convey the sanction of the President for restructuring of Bns. of Assam Rifles as under:-

- (I) Total number of Assam Rifles Battalions will be 46 Battalions (31 old Battalions + 15 newly approved Battalions) and the strength of 1 Battalion of Assam Rifles will be 1250 personnel (Standard Pattern of Revised PE of Battalion is enclosed as Annex I)
- (II) Out of 15 new Battalions, 9 Battalions will be raised by new raising and 6 Battalions by culled out from the surplus strength due to reduced size of Battalion from 1526 to 1250.
- (III) For 6 culled out Battalion @ 36 posts (15 Officers, 01 JCO and 20 Civilian) will be created with simultaneous abolition of equal number of posts of ORs in 6 culled out Bns. (Details of posts is given in Annex-III).
- (IV) Abolition of 460 posts in 46 Battalions (9 Havildar (Clerk) + Staff Nurse in each Battalion).

2. Expenditure on this account will be incurred from the sanctioned Budget Grant of Assam Rifles for the current financial year and subsequent years.

SO 1 ()
Dir. ()
CLM



3. This issues with the approval of Ministry of Finance vide their U.O. No. 2(20)/E.III/2002 dated 30.4.2003 and Integrated Finance Division of this Ministry vide their Dy. No. 1548/Fin.V/03 dated 06.8.2003.

Yours faithfully,

Sd/xxx

(Indevar Pandey)

Director (PF)

19th August 2003

Copy to :-

1. Pay and Accounts Office, Assam Rifles, Laitumkhrah, Shillong-3.
2. DGAR, IP Estate, ITO, New Delhi.
3. Ministry of Finance, Department of Expenditure(E.III Desk) w.r.t. their U.O. No.2(20)/E.III/2002 dated 30.4.2003.
4. Additional Directorate General (Staff Duties), Staff Branch, Army Headquarters, South Block, New Delhi.
5. Directorate General of Military Operations, Army Headquarters, South Block, New Delhi.
6. MS Branch, Army Headquarters, South Block, New Delhi.
7. CDA(O), Pune.
8. PAO, MHA.
9. FA: Assam Rifles, Shillong.
10. Director (Pers), MHA, New Delhi.
11. Fin.V, MHA, New Delhi.
12. PF.I/II/III, MHA, New Delhi.
13. Pers.III, MHA, New Delhi.
14. Prov.I, MHA.
15. LOAR, North Block, New Delhi.
16. Guard file (PF.IV).

Copy for information to :-

1. Sr. PPS to HS.
2. PPS to JS(P).

Sd/xxx

(Indevar Pandey)

Director (PF)

19th August 2003

को नो 1 (प्रमाण व हॉक)

10/1/2004

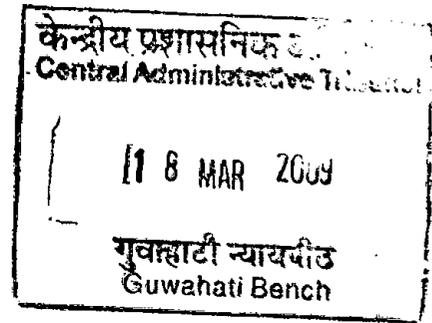
गुवाहाटी न्यायपीठ

19/8/2003

19/8/2003

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Central Administrative Tribunal
18 DEC 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT : Senapati & Ors



IN THE COURT ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF :

ORIGINAL APPLICATION No. 301 of 2007

Sri Bitan Kumar Deb & Ors.

... Applicants.

-VERSUS-

The Union of India & Ors.

.... Respondents.

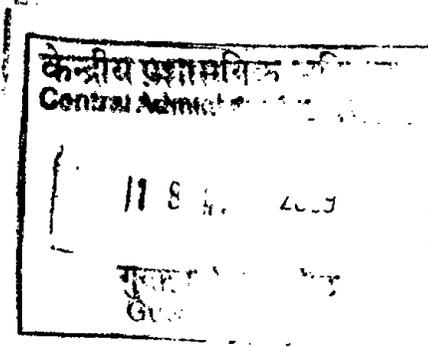
I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
1.	Rejoinder 1 to 18
2.	Verification 18
3.	Annexure - H 19
4.	Annexure - I 20 & 21
5.	Annexure - J 22 & 23

Filed by:


(Hara Gobinda Boruah)
Advocate

Contd...p/



Filed by the
Petitioner / Appellant
Through
He
Harra Geabinda Boruah
Advocate

20/03/2009

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DISTRICT : senapati Ors

IN THE COURT ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF :

ORIGINAL APPLICATION No. 301 of 2007

Sri Bitan Kumar Deb & Ors.

... Applicants.

-VERSUS-

The Union of India & Ors.

.... Respondents.

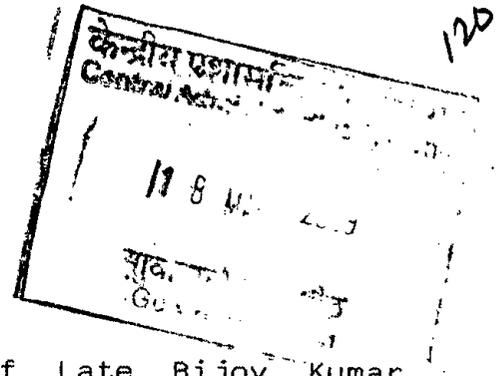
-AND-

IN THE MATTER OF :

Rejoinder on behalf of the applicants
in response to the written statement
filed by the respondents in Original
Application No. 301 of 2007.

The humble Rejoinder of the applicants
above named is as follows :

Bitan Kar. Deb



[2]

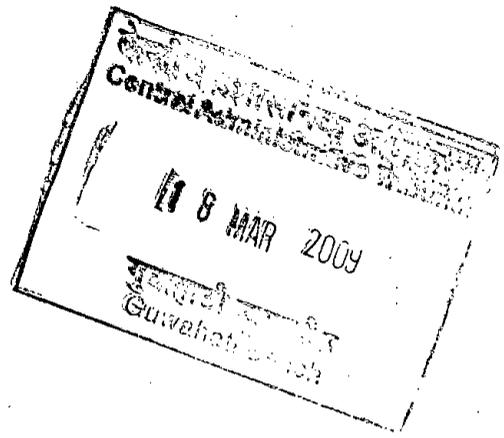
1. I, Sri Bitan Kumar Deb, son of Late Bijoy Kumar Deb, aged about 38 years, Junior Teacher, 36th Battalion, Assam Rifles, C/o 99APO is competent and authorised by the other applicants to swear this Rejoinder on their behalf and I have gone through a copy of the written statement served on my counsel and I have understood the contents thereof.

2. That save and except whatever is specifically admitted in this rejoinder, the contentions and statements made in the written statement filed by the Respondents may be deemed to have denied.

3(A). That with regard to the statements made in paragraph 1(A) (B) and (C) of the written statement, this answering applicants in reply categorically denied the said statements and the respondents is to put strictest proof thereof.

3(B). That with regard to the statements in paragraph 1(D) of the written statement, this answering applicants in reply begs to state that the Director General Assam Rifles passed the Order dated the 9th day of August, 2008 issued vide memo No. I.14017/GS(EDN)/ST/2007/1089 (Annexure-G) whimsically and without applying his mind and he had not issued the said order in public interest, as no healthy opinion was formed by him in the said order that it is in public interest. Hence the decision taken by the Respondent Authorities against the applicants is arbitrarily, colourable exercise of power and suffered from vice of illegality.

Bitan Kr. Deb



[3]

4(A). That with regard to the statement made in paragraph 2(a) [preliminary objection] of the written statement this answering applicants in reply begs to state that the Central Administrative Tribunal exercise all the jurisdiction, powers and authority in relation to recruitment and all service matter. Section 3 Clause (Q) of the Administrative Tribunal Act 1985 reads as follows:

Q.6. Service Matters' in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or Other Authority within the Territory of India or under the control of the Government of India, or as the case may be, of any corporation (or society) owned or controlled by the Government as respects -

- i. remuneration (including allowances) pension and other retirement benefits ;
- ii. tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation ;
- iii. leave of any kind ;
- iv. disciplinary matters ; and
- v. any other matter whatsoever.

All the applicants had filed a joint representation (Annexure-E) on 24/02/2007 addressing the respond-

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Jitan Kr. Deb

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Guwahati Bench

[4]

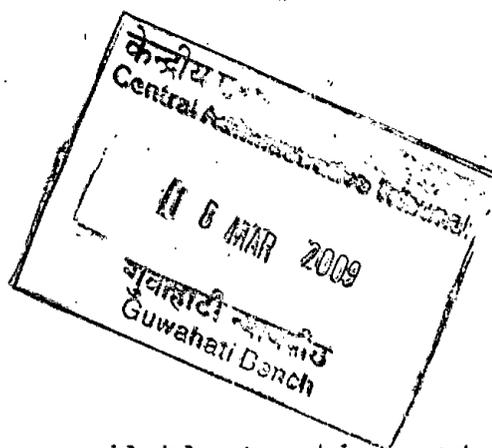
ent No. 5, ventilating their grievances and being aggrieved by the inaction on the parts of the Respondent No. 5, they approached the Hon'ble Central Administrative Tribunal, Guwahati Bench invoking the jurisdiction under section 19 of the Administrative Tribunal Act, 1985, which was registered as Original Application No. 95 of 2007. The Hon'ble Central Administrative Tribunal, Guwahati Bench vide his order dated the 3rd day of May, 2007, in the interest of justice, direct the respondents to consider and disposed of the representation dated 24/02/2007 alongwith Original Application No. 95 of 2007 and to pass speaking orders therein within a period of three months from the date of receipt of the order. The respondent No. 5 by an order dated the 9th day of August, 2007 issued vide memo No. I. 14017/GS/(EDN)/ST/2007/ 1089, reject the representation dated 24/02/2007 showing vexations and irrational reason and being highly aggrieved all the applicants challenging the final order dated 9th day of August 2007 (Annexure-G) approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by way of this instant original application. The applicants had availed all the remedies available to them before filing this instant Original Application. Section 20 of the Administrative Tribunal Act, 1985 reads as follows : (Relevant portion).

Section 20 : Application not be admitted unless other remedies exhausted -

1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant

Contd...p/

Jitan Kr. Deb



[5]

had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

2) For the purposes of sub-section (1) a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

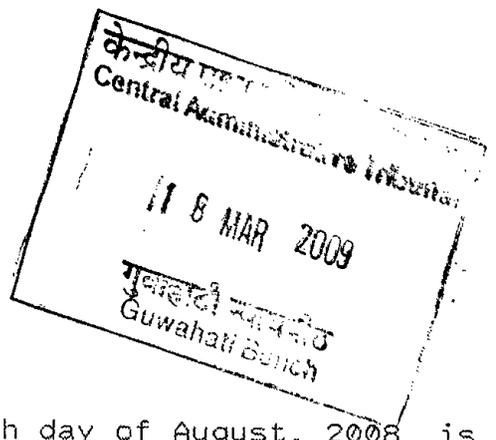
a. if a final order has been made by the Government or Other Authority or Officer or other person competent to pass such order under such Rules, rejecting any appeal preferred or representation made by such person in connection with the grievances ; or

Hence, the statement made in paragraph 2(a) (Preliminary Objection) of the written statement is not sustainable both in law and facts.

4(B). That with regard to the statements made in paragraph 2(b) [preliminary objection] and paragraph 6 of the written statement, this answering applicants in reply begs to state that the pay scale, i.e. Rs. 5000/- -150-8000 per month has sanctioned to the applicants but it is not correct revised pay scale as correct revised pay scale for Junior Teacher is Rs. 5500-175-9000 per month under "Assured Career Progression Scheme" as introduced by the Government of India. In this regard, the applicants relies on the order dated the 10th day of November, 2008 issued vide Memo A/pers/6th CPC/2008 wherein revised pay scales in respect of the teaching staff of the Assam Rifles as per the Govern-

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Gitan Kr. Deb

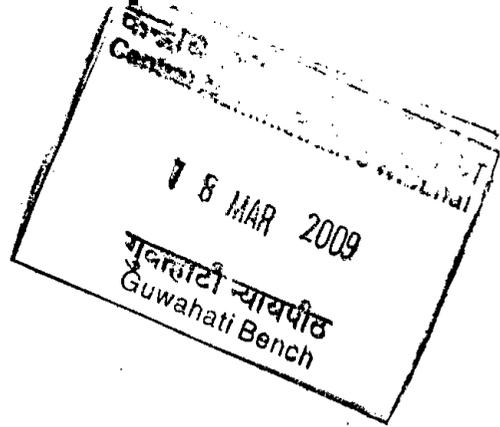


[6]

ment Notification dated the 29th day of August, 2008 is tabulated. The Director General Assam Rifles, vide this order fixed the pay of the Junior Teachers as per the 6th Central Pay Commission and grant financial upgradation as applicable under the "Assured Career Progression Scheme" and the petitioners are presently enjoying the said benefit. The benefits of revised pay scale in the grade of Rs.5500-175-9000 per month under "Assured Career Progression Scheme" is presently drawing by some Junior teachers of Assam Rifles, who even has been not acquired B.Ed. For example, Sri Bidhan Chandra Roy, Junior Teacher, presently enjoying the revised pay scale in the grade of Rs. 5500-175-9000 per month but he has not acquired B.Ed. qualification.

Under the "Assured Career Progression Scheme" the required financial benefits should be given to the individual after 12 and 24 years of service equivalent to the scale of promoted post, i.e. for Junior teacher the next promoted post is Senior teacher. The upgradation under "Assured Career Progression Scheme" is to be allowed in the scale of the next post in the cadre, i.e. in which the regular promotion is to be allowed to the incumbents. It is pertinent to mentioned herein that the question of Civil qualification, Bench mark is irrelevant. The Government of India has granted said two financial upgradation as per recommendation of the Fifth Central pay commission and also in accordance with the agreed settlement dated September 1, 1997 (in relation to group B, C and D employees) in completion of 12 years and 24 years of regular service respectively subject to the fulfillment of Annexure-I of the said scheme. The requisition like the Bench Mark, Departmental Examina-

Jitan Kr. Dab



[7]

tion is applicable only in the case of Group 'D' employees. All the applicants are General Central service Group 'C' non-gazetted employees. Hence while passing the order dated the 9th day of August, 2007 the Director General Assam Rifles failed to act in an open mind and had rejected the representation dated the 24th day of February, 2007 mechanically.

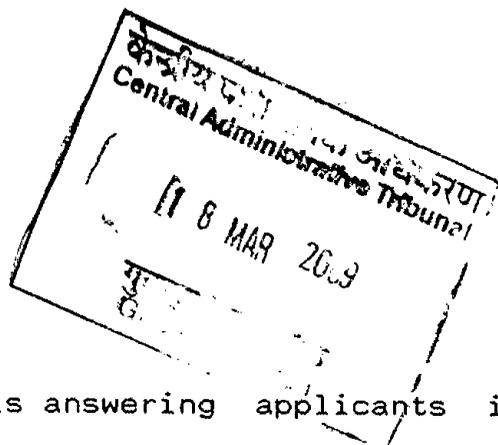
The photocopy of the order dated the 10th day of November 2008 issued vide memo No. A/pers/6th CPC/2008 and objection of Accounts Officers, IAP NO.VI (Shillong Based) MHA, New Delhi are annexed herewith and marked as ANNEXURE-H and I respectively.

4(C). That with regard to the statements made in paragraph 2(C) [preliminary objection] and paragraph 24 of the written statement, this answering applicants in reply begs to state that the applicants are entitled in the same footing with other Central Government aided school and teachers of Kendriya Vidyalaya, the grant of financial upgradation under "Assured Career Progression Scheme" in accordance with the Ministry of Human Resource Development (Department of Education) letter No. F.5/180/86 UTI dated 12th August, 1987. Hence the statements made in paragraph 2(a) [preliminary objection] and paragraph 24 of the written statement is not sustainable both in Law and facts.

4(D). That with regard to the statement made in the first part of the paragraph 3(D) [preliminary objection]

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Jitan Kr. Deb



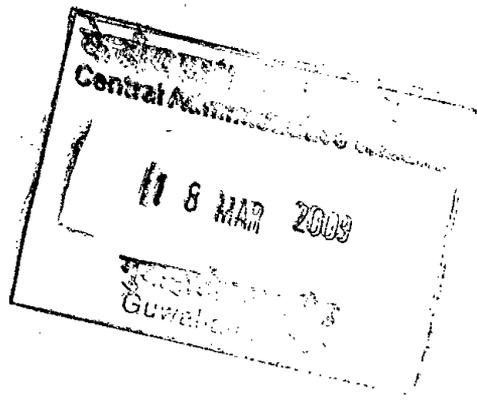
[8]

of the written statement, this answering applicants in reply begs to state that the applicants No. 1,2 & 6 of this instant Original Application, filed the Original Application No. 23 of 2008 claiming graduate scale of pay as that with the graduate Hindi Teachers of Assam Rifles and this Instant Original Application is filed by the Applicants claiming the benefits of revised pay scale in the grade of Rs. 5500-175-9000 per month under "Assured Career Progression Scheme". The subject matter and prayer of the both cases are different and has no relation with each other. Hence, the question of making false submission is baseless and irrelevant.

AND with regard to the statement made in the second part of the paragraph 3(D) [preliminary objection] of the written statement, this answering applicants does not like to make any comment thereon at this stage.

AND with regard to the statement made in the third part of the paragraph 3(D) [preliminary objection] of the written statement, this answering applicants in reply begs to state that the applicants yet not received any information officially regarding the constitution of any committee to heard the grievance of the applicants in pursuance of the command of the Hon'ble Central Administrative Tribunal dated 10/04/2008 passed in Original Application No. 23 of 2008 and the applicants will be satisfied if the respondent authorities consider the prayer of this instant applicants as admitted in this paragraph of the written statement by the respondents.

Ditan Kr. Deb



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[9]

5. That with regard to the statements made in paragraph 3 and 8 of the written statement, this answering applicants in reply begs to state that the Applicant No. 1 was appointed as Junior Teacher in the Assam Rifles against the vacancy of 21 Assam Rifles in the month of December, 1991 in the scale of pay of Rs. 1200-30-1560-EB-40-2040 and his pay has been revised after the 5th Central Pay Commission to Rs. 4500-125-7000 per month. After completion of 12 years of service his pay has been upgraded to Rs. 5000-150-8000 per month w.e.f. the 23rd day of December 2003 vide Directorate General Assam Rifles letter dated the 10th day of June, 2004 whereas his pay should have been upgraded to Rs. 5000-175-9000 per month of that of the Senior teacher, as his next promotional post is senior teacher and his pay should have been upgraded in the scale of a senior teacher under "Assured Career Progressive Scheme".

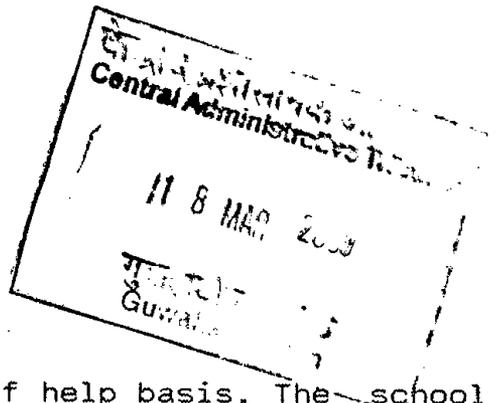
Jitan Kr. Deb

The Respondent authorities vide his order dated the 09th day of August 2007 rejected the representation of the applicants dated 24th day of February 2007 on the following two grounds :

I. In the Assam Rifles no category of primary school teacher (PRT) exist and or

II. The applicants are not B.Ed. qualified.

III. That with regard to the first ground, the applicants begs to state that while originating the PE (Place Establishment) the Assam Rifles have been authorised to run upto primary schools but presently they are running it



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up to Class-X to XII on the self help basis. The school of Assam Rifles are equivalent to the primary school of other Central Government organisation and the requisite qualification of the teachers confirm the recruitment rules of primary teachers as applicable to other Central Government organisation. The order dated 19th day of August 2003 issued by the Government of India, Ministry of Home Affairs vide memo No. II 3015/3/96/DF.IV (Annexure R 7 of the written statement) i.e. the restructuring of place establishment is silent about the non-existence of primary teacher. This answering applicants relies on the order dated the 11th day of May 1987 issued by the Directorate General of Assam Rifles vide Ref No. A/VII-PS/T/86 (Annexure-A of the Original Application) to establish their case.

That with regard to the Second ground, the applicant begs to state that as per recruitment rules of Junior Teacher, the qualification required is intermediate or 10 +2 or equivalent examination from Broad University with JBT (Junior Basic Training) TTC (Teachers Training Certificate). This qualification of Junior Teacher in recruitment Rules closely corresponds to the qualification suggested for the primary school teacher. To get the benefits of revised pay scale in the grade of Rs. 5500-175-9000 per month under "Assured Career Progression Scheme" B.Ed. Degree is not necessary. There are three categories of teacher exist in Assam Rifles, i.e. Senior Teacher, Junior Teacher and Hindi Teacher. As per recruitment rules of Senior Teacher qualification required is Bachelor Degree with Degree or Diploma in Education.

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11. 8. MAR 2009
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Guwahati Bench

[11]

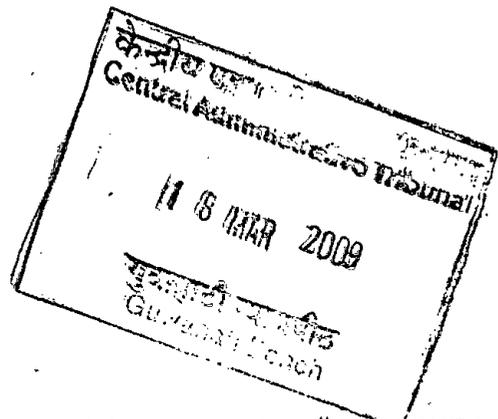
From the above, it is crystal clear that the category of Junior Teacher in Assam Rifles fulfills the qualification requirement given for the primary school teachers and Sr. Teacher in Assam Rifles fulfills that for the TGT (Trained Graduate Teacher) as provided in their respective recruitment rules. In this context, it is pertinent to mentioned herein that the upgraded /revised pay scale under "Assured Career Progressive Scheme" is to be allowed in the scale of the next post in the cadre, i.e. in which the regular promotion is to be allowed to the incumbents. Hence, the statement made in paragraph 3 of the written statement is not sustainable both in law and facts.

6. That with regard to the statements made in paragraph 4,5,9,15,16,30,31 and 32 of the written statement, this answering applicants does not like to make any comment thereon at this stage.

7. That with regard to the statements made in paragraph 7 and 17 of the written statement, this answering applicants in reply begs to state that the Assam Rifles teachers pay and allowances are governed by the Ministry of Human Resources Development (Department of Education). The Assam Rifles teachers are given the same pay scale with that of the teachers of other Central Government aided school and teachers of Kendriya Vidyalaya by Ministry of Human Resource Development (Department of Education) but there is a separate pay scale for the Teachers of Assam Rifles which is hostile discrimination. This differentiation is not based on intelligible criterion.

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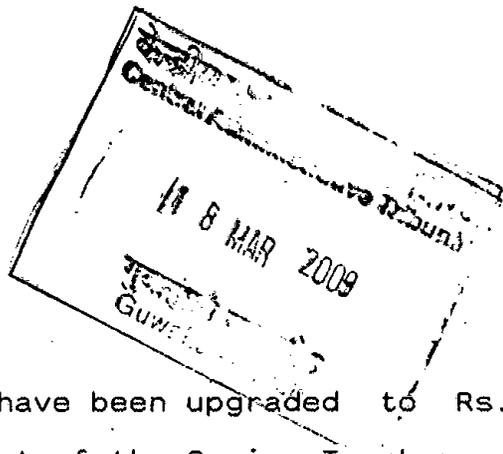
[12]

In this regard applicants relies on the "PRESENTATION ON PROPOSAL FOR 6TH CENTRAL PAY COMMISSION, Chapter IX, Assam Rifles, pay teaching staff. Hence this answering applicants categorically denied the said statement of the respondents made in paragraph 7 and 17 of the written statement declaring non sustainable both in facts and law.

The photocopy of the "Presentation on proposal for 6th Central Pay Commission, Chapter IX" is annexed herewith and marked as ANNEXURE-J.

8. That with regard to the statement made in paragraph 10,11,12,13,14 and 21 of the written statement, this answering applicants in reply begs to state that under the "Assured Career Progression Scheme" the required financial benefits should be given to the individual after 12 and 24 years of service equivalent to the scale of promoted post, i.e. for Junior teacher, the promoted post is senior teacher. The Government of India has granted two financial upgradation as per recommendation of the Fifth Central Pay Commission and also in accordance with the agreed Settlement dated September 1, 1997 (in relation to Group B,C and D employees) in completion of 12 years of regular service respectively subject to the fulfillment of Annexure-I of the said scheme. For example after completion of 12 years of service of the Application No. 1 his pay has been upgraded to Rs. 5000-150-8000 per month w.e.f. the 23rd day of December, 2003 vide Directorate General Assam Rifles letter dated the 10th day of June

Jitan Ktr. Deb



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[13]

2004, whereas his pay should have been upgraded to Rs. 5500-175-9000 per month of that of the Senior Teacher as his next promotional post is Senior teacher hence his pay should have been upgraded in the scale of a Senior teacher under 'Assured Career Progression Scheme' and to get the benefits of revised pay scale B.Ed. decree is not necessary under the 'Assured Career Progression Scheme'.

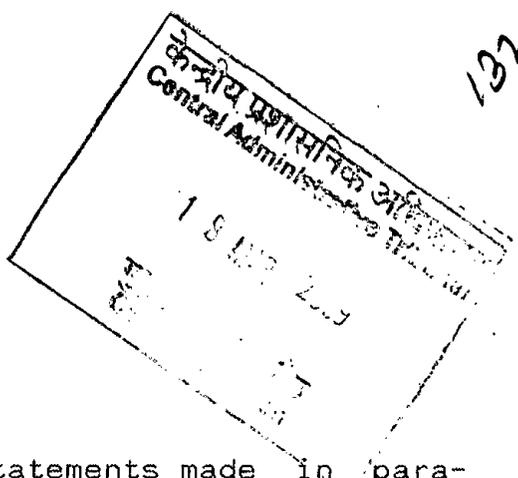
This answering applicants came to known from the news caption published in one international Newspaper, i.e. the 'Sanghai Express' published on 20/03/2002, that the cabinet has approved the grant of revised scale of pay for the primary school teacher w.e.f. January one 1996 in substitution of the pay scale already sanction to them and released 1821.00 crore accordingly. The applicants are entitled in the same footing with the other Central Government aided school and teachers of Kendriya Vidyalaya, the grant of financial upgradation under "Assured Career Progression Scheme" in accordance with the Ministry of Human Resource Development (Department of Education) Letter No. F.5/180/86-UTI dated the 12th day of August 1987.

Gitan Kri. Deb

9. That with regard to the statement made in paragraph 18 of the written statement, this answering applicants in reply begs to state that the order dated the 19th day of August 2003 issued by the Government of India, Ministry of Home Affairs vide memo No. II. 3015/3/36/PF.IV (Annexure R-7 of the written statement) i.e. the restructuring of place establishment is silent about the non-existence of primary school.

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[14]

10. That with regard to the statements made in paragraph 19,20,22,23,25,26,27,28 and 29 of the written statement this answering applicants in reply begs to state that all the averments in this paragraphs are nothing but the repetition of earlier paragraph of the written statement and this answering applicants beg to state that the pay scale, i.e. Rs. 5000/- -150-8000 per month has sanctioned to the applicants but it is not correct revised pay scale as correct revised pay scale for Junior Teacher is Rs. 5500-175-9000 per month under "Assured Career Progression Scheme" as introduced by the Government of India. In this regard, the applicants relies on the order dated the 10th day of November, 2008 issued vide Memo A/pers/6th CPC/2008 wherein revised pay scales in respect of the teaching staff of the Assam Rifles as per the Government Notification dated the 29th day of August, 2008 is tabulated. The benefits of revised pay scale in the grade of Rs.5500-175-9000 per month under "Assured Career Progression Scheme" is presently drawing by some Junior teachers of Assam Rifles, who even has been not acquired B.Ed. For example, Sri Bidhan Chandra Roy, Junior Teacher, presently enjoying the revised pay scale in the grade of Rs. 5500-175-9000 per month but he has not acquired B.Ed. qualification.

Ditan kr. Deb

Under the "Assured Career Progression Scheme" the required financial benefits should be given to the



[15]

individual after 12 and 24 years of service equivalent to the scale of promoted post, i.e. for Junior teacher the next promoted post is Senior teacher. The upgradation under "Assured Career Progression Scheme" is to be allowed in the scale of the next post in the cadre, i.e. in which the regular promotion is to be allowed to the incumbents. It is pertinent to mentioned herein that the question of Civil qualification, Bench mark is irrelevant. The Government of India has granted said two financial upgradation as per recommendation of the Fifth Central pay commission and also in accordance with the agreed settlement dated September 1, 1997 (in relation to group B, C and D employees) in completion of 12 years and 24 years of regular service respectively subject to the fulfillment of Annexure-I of the said scheme. The requisition like the Bench Mark, Departmental Examination is applicable only in the case of Group 'D' employees. All the applicants are General Central service Group 'C' non-gazetted employees. Hence while passing the order dated the 9th day of August, 2007 the Director General Assam Rifles failed to act in a opened mind and had rejected the representation dated the 24th day of February, 2007 mechanically. The applicants are entitled in the same footing with other Central Government aided school and teachers of Kendriya Vidyalaya, the grant of financial upgradation under "Assured Career Progression Scheme" in accordance with the Ministry of Human Resource Development (Department of Education) letter No. F.5/180/86 UTI dated 12th August, 1987. Hence the statements made in paragraph 2(a) [preliminary objection] and paragraph 24 of the written statement is not sustainable both in Law and facts. The Applicant No. 1 was appointed

Diptan Bar. Deb

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Central Administration
18 MAR 2009
गुवाहाटी क्लर्क
Guwahati Clerk

[16]

as Junior Teacher in the Assam Rifles against the vacancy of 21 Assam Rifles in the month of December, 1991 in the scale of pay of Rs. 1200-30-1560-EB-40-2040 and his pay has been revised after the 5th Central Pay Commission to Rs. 4500-125-7000 per month. After completion of 12 years of service his pay has been upgraded to Rs. 5000-150-8000 per month w.e.f. the 23rd day of December 2003 vide Directorate General Assam Rifles letter dated the 10th day of June, 2004 whereas his pay should have been upgraded to Rs. 5000-175-9000 per month of that of the Senior teacher, as his next promotional post is senior teacher and his pay should have been upgraded in the scale of a senior teacher under "Assured Career Progressive Scheme".

The Respondent authorities vide his order dated the 09th day of August 2007 rejected the representation of the applicants dated 24th day of February 2007 on the following two grounds :

I. In the Assam Rifles no category of primary school teacher (PRT) exist and or

II. The applicants are not B.Ed. qualified.

III. That with regard to the first ground, the applicants begs to state that while originating the PE (Place Establishment) the Assam Rifles have been authorised to run upto primary schools but presently they running it up to Class-X to XII on the self help basis. The school of Assam Rifles are equivalent to the primary school of other Central Government organisation and the requisite qualification of the teachers confirm the recruitment rules of primary teachers as applicable to other Central Government organisation. The order dated 19th day of

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Guwahati Branch

[17]

August 2003 issued by the Government of India, Ministry of Home Affairs vide memo No. II 3015/3/96/DF.IV (Annexure R 7 of the written statement) i.e. the restructuring of place establishment is silent about the non-existence of primary teacher. This answering applicants relies on the order dated the 11th day of May 1987 issued by the Directorate General of Assam Rifles vide Ref No. A/VII-PS/T/86 (Annexure-A of the Original Application) to establish their case.

That with regard to the Second ground, the applicant begs to state that as per recruitment rules of Junior Teacher, the qualification required is intermediate or 10 +2 or equivalent examination from Broad University with JBT (Junior Basic Training) TTC (Teachers Training Certificate). This qualification of Junior Teacher in recruitment Rules closely corresponds to the qualification suggested for the primary school teacher. To get the benefits of revised pay scale in the grade of Rs. 5500-175-9000 per month under "Assured Career Progression Scheme" B.Ed. Degree is not necessary. There are three categories of teacher exist in Assam Rifles, i.e. Senior Teacher, Junior Teacher and Hindi Teacher. As per recruitment rules of Senior Teacher qualification required is Bachelor Degree with Degree or Diploma in Education.

Jitendra Kar. Deb

From the above, it is crystal clear that the category of Junior Teacher in Assam Rifles fulfills the qualification requirement given for the primary school teachers and Sr. Teacher in Assam Rifles fulfills that for the TGT (Trained Graduate Teacher) as provided in their respective recruitment rules. In this context, it is pertinent to mentioned herein that the upgraded /revised pay scale under "Assured Career Progressive

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Central Administrative Tribunal
18 MAR 2009

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Scheme" is to be allowed in the scale of the next post in the cadre, i.e. in which the regular promotion is to be allowed to the incumbents. Hence, the statement made in paragraph 19, 20, 22, 23, 25, 26, 27, 28 and 29 of the written statement is not sustainable both in law and facts.

That in view of the facts, circumstances and reasons stated above, the Applicants are entitled to the benefits of revised pay scale in the grade of Rs. 5500-175-9000 per month under "Assured Career Progression Scheme" with all arrear benefits.

VERIFICATION

I, Mr. Bitan Kr. Deb, S/o Late Bijoy Kumar Deb, aged about 38 years, Jr. teacher 36 Assam Rifles, C/o 99 APD Dist : Senapati for myself and on behalf of the other applicants do hereby verify that the contents of paragraph 1 to 3(A) and 6... are true to personal knowledge and belief and those made in paragraph 3(B) to 5, 7 to 10 are partly knowledge and partly derived from the record which I believe to be true and those made in paragraph is my humble submission and I have not suppressed any material facts.

Place : Guwahati

Bitan Kr. Deb

Date : 20/03/2009

Signature

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FAX: 0364 - 2705080
0364 - 2230146
e-mail: dgar_abranch@yahoo.co.in

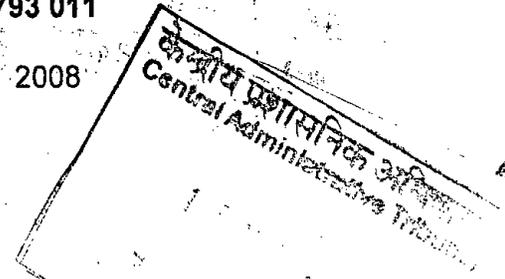
भारत सरकार
Government of India
गृह मंत्रालय
Ministry of Home Affairs
महानिदेशालय असम राइफल्स
Directorate General Assam Rifles
शिलांग - 793011
Shillong - 793 011

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A/Pers/6th CPC/2008

10 Nov 2008

List - A to G



ENTITLEMENT OF PAY AS PER 6TH CPC

- Further to our letter No. A/Pers/6th CPC/2008 dated 07 Oct 2008.
- Revised pay scales in respect of following categories of AR as per the Govt notification dated 29 Aug 2008 is tabulated below :-

Designation of existing post	Pre-revised pay scale	Revised pay scale	Pay band	Grade pay	Remarks
(a) Jr Teacher (b) Hindi Teacher	Grade -III 4500-7000	Grade - III 6500-10500	PB-2	4200	
	Grade - II 5500-9000	Grade - II 7450-11500	PB-2	4600	
	Grade - I 6500-10500	Grade -I 7500-12000	PB-2	4800	
(a) Sr Teacher (b) Graduate Hindi Teacher	Grade -III 5500-9000	Grade - III 7450-11500	PB-2	4600	
	Grade - II 6500-10500	Grade - II 7500-12000	PB-2	4800	
	Grade - I 7500-12000	Grade - I 8000-13500	PB-2	5400	

- You are requested to fix their pay accordingly and grant fin upgradation as applicable in ACP scheme, if entitled to the pers of these posts.

Certified to be true copy

He
Advocate

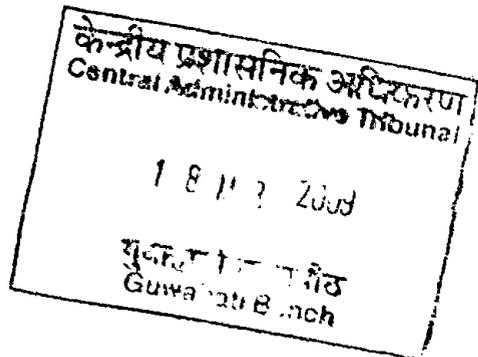

(Rajeev Kumar)
Lt Col
SO-1 (A)
for DG Assam Rifles

1	2	3
Para No.9	<p><u>Pay fixation case of Shri Bidhan Chandra Roy, Jr. Teacher</u></p> <p>While going through the service book and pay fixation case of Shri Bidhan Chandra Roy Jr. Teacher, it was observed that :</p> <p>(i) Pay fixed afresh with effect from 1-1-86 consequent on up-gradation of the revised scale to be not seems in order. Since, the official at earned six (6) increments in the pre-revised scale of Rs.1200-30-1560-40-2040 and was drawing the pay of the stage of Rs.1380, he was entitled to a minimum of two increments in the revised scale as on 1-1-98 itself.</p> <p>However, it was notified that his pay was fixed at the maximum of the revised scale Rs.4500-125-7000 ie at Rs.4500</p> <p>On the Contrary his pay should have been fixed at Rs.4750 P.M. w.e.f. 1-1-99 with DNI on 1-8-08 (Date of normal Increment)</p> <p>(ii) It was also observed that while giving him the benefit of first financial up-gradation w.e.f. 22-8-2001 under ACP scheme his pay was fixed under FR 22 (A) in the scale of Rs.5000-150-8000</p> <p>In this context it is mentioned that up-gradation under ACP is to be allowed in the scale of the next post in the cadre i.e. in which the regular promotion is to be allowed to the incumbents.</p> <p>In view of the above observation, the Bn is advised to review the pay fixation case of Shri Roy and findings thereof be communicated to Audit.</p> <p style="text-align: right;">Sd/- Account Officer, I.A.P. No.VI (Shillong Based) MHA, New Delhi</p>	<p>Pay of the individual as on 01-01-09 was fixed by Assam Rifles Training Centre and School, Dimapur while the individual was serving with them. Hence the Assam Rifles Training Centre & School has been approached vide our letter No.A/1025/2007/0235 dated 19 Feb 2007 for correct fixation of his pay as per the direction given the audit.</p> <p>Pay of the individual has been re-fixed by Assam Rifles Training Centre and School, Dimapur vide Ser 09 of their Part-II order No.13/AR/Civ/ACP/2007/dated 1st August, 2007 and also granted financial up-gradation under ACP scheme vide 19 AR Part-II order No.AR/C/26/07 dtd.11-9-2007 (Copy of above Part-II orders are enclosed)</p> <p>Therefore, this para may please be dropped.</p> <p style="text-align: right;">Sd/- Lt. Col. 2nd-in-Comd. DDO 19AR</p>

Certified to be true copy

He

Advocate



21
Promotion cases of Shri Bithan Chandra Roy

While going through the service book and promotion case of Shri Bithan Chandra Roy, it was observed that

his pay was fixed with effect from 1-1-86 with normal promotion in the revised scale to benefit seems in order. Since the official carried special increments in the pre-revised scale of Rs. 1200-30-1500-40, 2000 and was drawing the pay of the stage of Rs. 1300, he was entitled to a minimum of two increments in the revised scale as on 1-1-86 itself.

However, it was noticed that his pay was fixed at the minimum of the revised scale of Rs. 4500-125-7000 i.e. at Rs. 4500.

On the contrary his pay should have been fixed at Rs. 4750/- per m. (ref. 1-1-86 with 00% on 1-8-86. (Date of normal increment).

(ii) It was also observed that while giving him the benefit for financial up-gradation w.e.f. 22-4-2001 under ACP Scheme, his pay was fixed under FR 22 (a) in the scale of Rs. 5000-150-6000.

In this context it is mentioned that up-gradation under ACP is to be allowed in the scale of the next post in the cadre i.e. in which the regular promotion is to be allowed to the incumbents.

In view of the above observation, the Bn is advised to re-examine the pay fixation case of Shri Roy and findings thereof be communicated to Audit.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
15 FEB 2009

Certified to be true copy

Advocate

Sd/-
Accounts Officer, I.A.P No VI (Shillong Based)
MHA, New Delhi

Pay of the individual as on 1-1-86 was fixed by Assam Rifles Training Centre and School, Dima Hasar. The individual was serving in the unit. Hence the Assam Rifles Training Centre & School has been approached vide our letter No A/1025/2007/0235 dated 19 Feb 2007 for correct fixation of his pay as per the direction given by the audit.

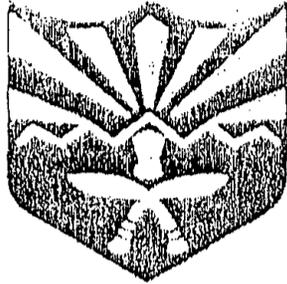
Pay of the individual has been re-fixed by Assam Rifles Training Centre and School, Dima Hasar vide order of their part II order No ARACK/2607 dt 14 Aug 2007 and also granted financial up-gradation under ACP scheme vide 19 AR part II order No ARACK/2607 dt 11-9-2007 (Copy of above part II orders are enclosed)

Therefore, this para may please be dropped.

Sd/-
Lt. Col/Maj
End in-Comd,
800 19 AR

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ASSAM RIFLES

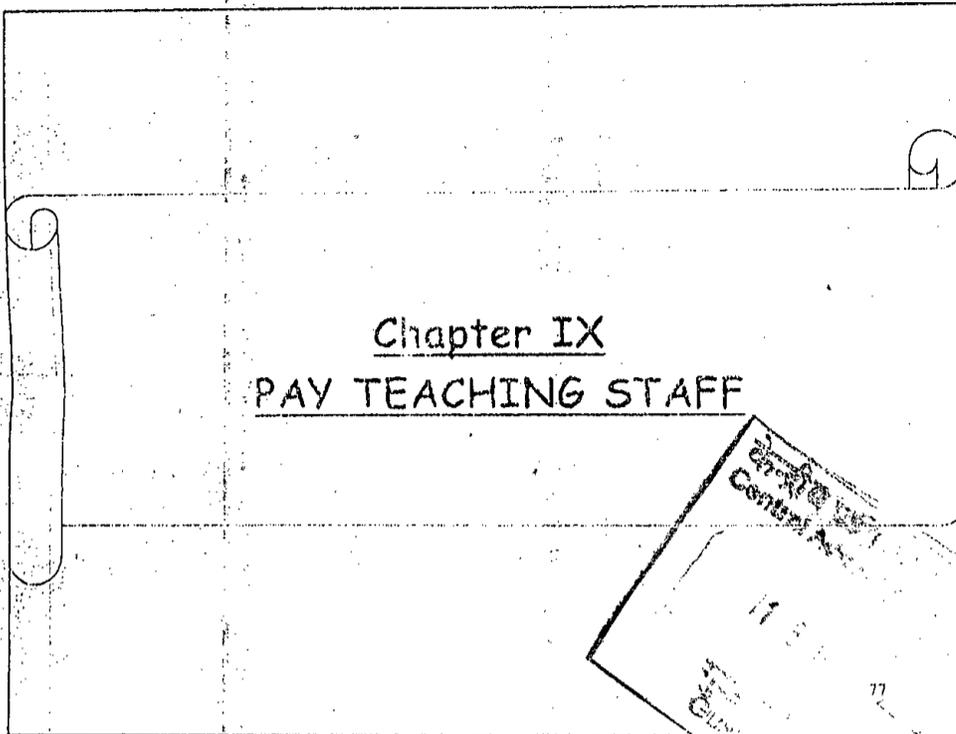


PRESENTATION ON
PROPOSAL FOR
6TH CENTRAL PAY COMMISSION

Certified to be true copy

He
Advocate

Central Advocate
1 1 1971



Pay Teaching Staff

- Present Status.
 - Teaching allce, entitled in accordance with Min of HRD (Dept of Edn) letter No. F. 5/180/86-UTI dt 12 Aug 1987, not being gtd.
 - Pay scale as per Kendriya Vidyalaya (KV) teaching staff.
- Justification.
 - Primary schools have evolved into secondary / higher secondary schools.
 - Incentive for qualified teachers to serve in remote areas.
- Recommendation.
 - Pay scale to continue as per KV teaching staff with efficiency bar.
 - All allce as applicable to AR pers be extended.

Certified to be true copy

He
Advocate