

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. Lalit
11.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 39/07

2. MIs Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(S).... Bitan Kr. Das & 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
		<u>OA 301/07</u>
The application is in for is filed C. A. for Rs. 30. deposited vide F.D. (BJ) No. <u>70E048349, 66F848118</u> Dated <u>6.12.07</u> <u>66F84849</u>	<u>11.12.2007</u>	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.
Registrar <u>21/12/07</u>		Call this matter on 31.01.2008 for admission and hearing.
Petitioner's Cris for issue of notices are received with envelope Copy served.		<u>Gautam Ray</u> Member (A)
	/bb/	<u>(M.R.Mohanty)</u> Vice-Chairman
<u>21.12.07</u> 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/N-1862 to 1872 Dt=20/12/07		

11.12.2007

Order of the Tribunal

OA 301/07

The application is in for
is filed C. A. for Rs. 30.
deposited vide F.D. (BJ)
No. 70E048349, 66F848118
Dated 6.12.07 66F84849

Registrar

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.

Call this matter on 31.01.2008 for
admission and hearing.

Gautam Ray
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

21.12.07

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/N-1862 to
1872

Dt=20/12/07

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.

5/2/08 D/A-993
Dt= 7/2/08 -

Notice duly served on R-5, 11, 4

7/2/08.

3-
0A.301/07

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

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

20.3.08

A letter dated 21.2.08 received from Kapil Gaur Maj 17 Assam 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.

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

W/S not filed.

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.

11/3/08

lm

Notice & order send

to D/Section for issuing to Resp. no 3 by regd

Ald post

D/No-1309

Dt= 11/3/08

5
O.A. 301 of 07

M.P. 76/08

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, C/O: 99 APO, ⁽⁴⁾ 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 applicants.

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

27-6-08
Service report submitted
by,

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

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkml

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.

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

W/s not filed.

6.11.08

Dr. 26.9.08
22 send copies of this order to the Respondents at the addresses given in the O.A.

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

Case 10/08. D/No-4212 to 4225
DT- 7-10-08.

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.

22/11/08
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.

18.12.08
W/s filed by the Respondents.
Copy served.

18/12/08

Call this matter on 30.01.2009 awaiting rejoinder from the Applicant.

No rejoinder filed.

29.1.09

(S.N.Shukla)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

30.01.2009

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

Prayer is allowed.

Call this matter on 05.03.2009 awaiting rejoinder from the Applicant.

Order received
Back from R.No. 10.

19.2.09

(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. the Commandant of 35 Broom Rifles, c/o 99 A.P.O. as remark 'Individual does not belong to this unit'.

In this case, call this matter on 18.06.2009 for hearing.

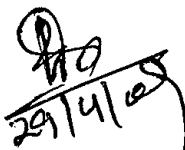

(M.R.Mohanty)
Vice-Chairman

The same may kindly be seen at Regd.

18.06.2009
Call this matter for hearing on 13th August 2009.


(M.R.Mohanty)
Vice-Chairman

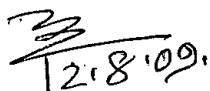
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29/4/09

13.08.2009

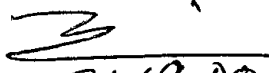
Mr. H. G. Baruah, learned counsel for the Applicants and Mr. M. U.Ahmed, learned Addl. Standing Counsel for the Respondents are present.

The case is ready for hearing.

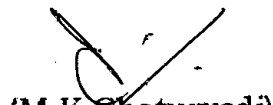

12.8.09.


Call this matter on 25.08.2009 for hearing.

The case is ready for hearing


24.8.09.

lm


(M.K.Chaturvedi)
Member(A)


(M.R.Mohanty)
Vice-Chairman

O.A 301/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 301 of 2007

Mr Bitan Kumar Deb & others

Applicants

Versus

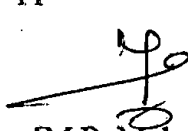
Union of India & others

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.

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

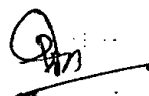
Subject to legal pleas to be examined
at the final hearing, this case is admitted.

Call this matter on 30.04.2009 for
hearing.


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


(M.R. Mohanty)
Vice-Chairman

Rejoinder submitted
by the Applicant.
Copy served.



W/s and rejoinder
filed by the parties.


20.3.09

Copy of the order

Dtd - 23.3.2009

Prepared and send


to D. Section for

issuing of the

Applicants and respondents.

vide D.No - 1569 to 1593

Df: - 2-4-09.


30.3.09.

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

**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: 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.
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

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.

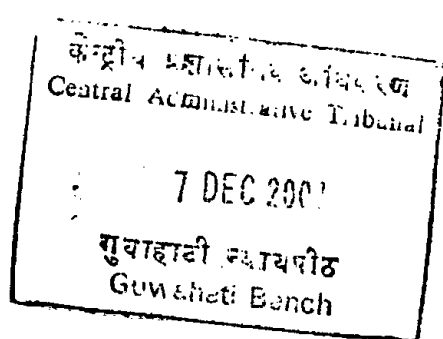
This case accordingly, stands disposed of being withdrawn.

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

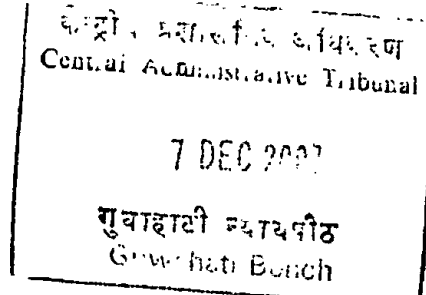
-Vs-

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



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.

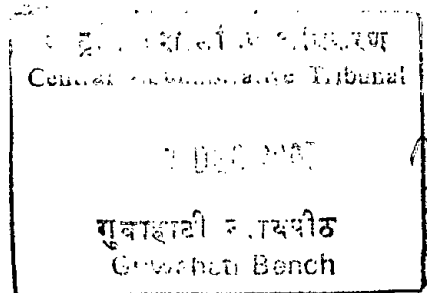
Entry scale : 4500-125-7000
Revised scale : 5500-175-9000 (After completion of 12 years.)
Selection scale : 6500-225-10500 (After completion of 24 years.)

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

Hg

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.

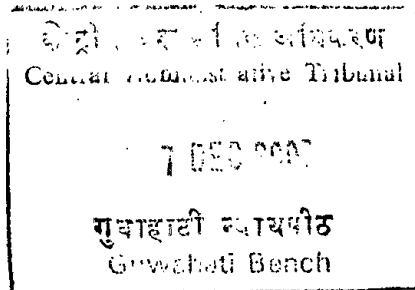
.....Respondents.

LIST OF DATES

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2.	Annexure-B 26 to 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 to 37 4/4/2002		Letter of the Ministry of Human Resource Development Deptt. Education.
5.	Annexure-E 38 to 40 24/2/2007		Joint application of the applicants.
6.	Annexure-F 41 to 45 3/5/2007		Certified copy of the order of the Hon'ble CAT passed in OA No. 95/07.
7.	Annexure-G 46 to 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


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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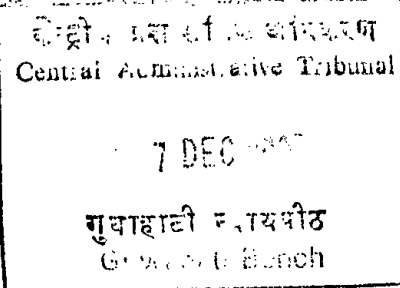
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2.	Verification	23
3.	Annexure-A	24 to 25
4.	Annexure-B	26 to 32
5.	Annexure-C	33
6.	Annexure-D	34 to 37
7.	Annexure-E	38 to 40
8.	Annexure-F	41 to 45
9.	Annexure-G.	46 to 49

Filed by

HG

Hara Gobinda Boruah
Advocate

Dist. Senapati & Ors.



Filed by the
applicants
through 22
Hara Gopinanda Baruah
Advocate
6/12/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. 301 /07

1. Mr. Bitan 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. Mr. Salil Kr. Choudhury
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

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

Bitan K. Deb

7 DEC 1999

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Guwahati Bench

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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)

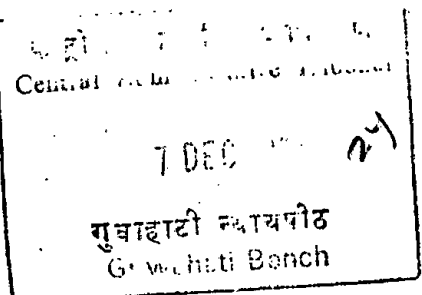
.....Applicants.

-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

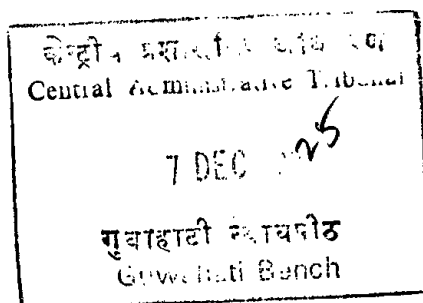
13. The Commandant of
41 Assam Rifles
C/O 99 APO.

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

.....Respondents.

27/5/08 Implored 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.

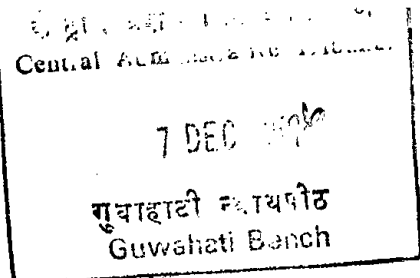
I. Name of the applicant No.2: Mr. Madhu Prakash Godiyal
 II. Name of the father :Late Shri Harshpati Godiyal
 III. Design. Of the office :Jr. teacher, 34 A.R.
 C/O: 99 APO
 IV. Address after service : Mr. Madhu Prakash Godiyal
 S/O: Late Shri Harshpati
 Godiyal
 Jr. Teacher, 34 A.R.
 C/O: 99 APO

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. /

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

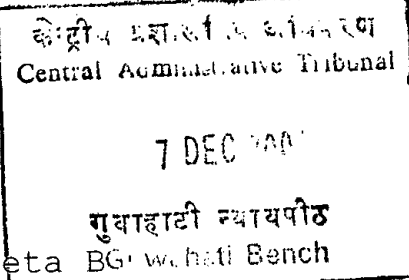
I. Name of the applicant No.8: Mrs. Geeta B.

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

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

C/O: 99 APO

Dipam K. Deb



IV. Address after service : Mrs. Geeta B.G. Wahati 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

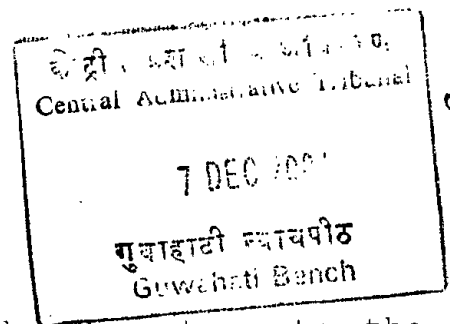
I. Name of the applicant No.10: Mrs. Shali Kumari Chaubey
II. Name of the father : Mr. R.C. Chaubey
III. Design. of the office : Jr. Teacher, 14 A.R.
C/O: 99 APO
IV. Address after service : Mrs. Shali Kumari Chaubey
W/O: Mr. R.C. Chaubey
Jr. Teacher, 14 A.R.
C/O: 99 APO

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.

Bitan 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

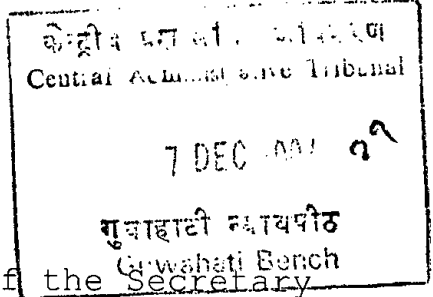
(VIII) The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

(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

Bipan B. 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

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(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

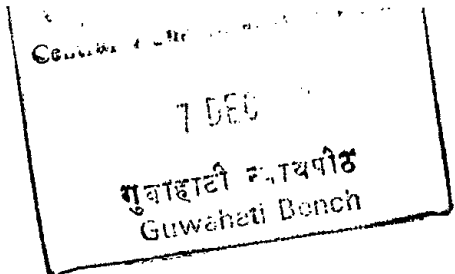
(XI) Office of the
Commandant

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

Bipan Deb



(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

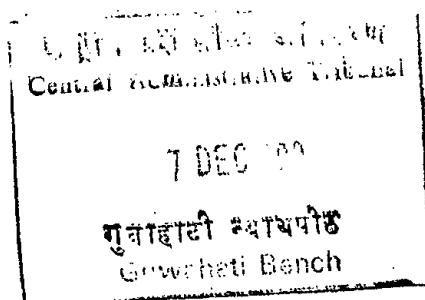
(X) Office of the Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

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

Ditan H. Deb

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.



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.

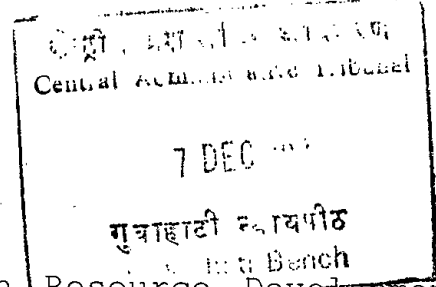
5. Ground for Relief:

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.

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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.

Bitar Dr. Deb

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Guwahati Bench

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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.

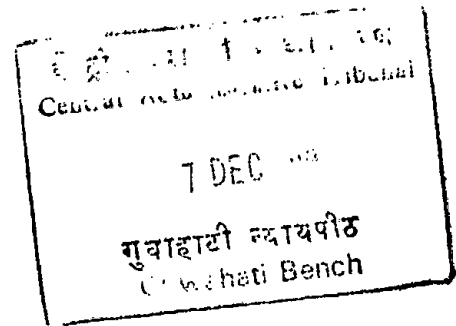
The applicant No. 8 was appointed by an order dated 23/06/1992 issued by the D.G.A.R. and her length of service in this esteem organization is 15 years.

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:

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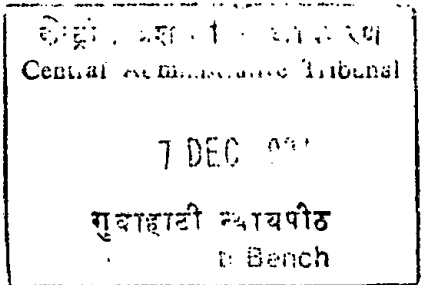


The applicants craves leaves of the Hon'ble Tribunal to produced the appointment letter of the applicants as an when called for.

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. 1911. 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



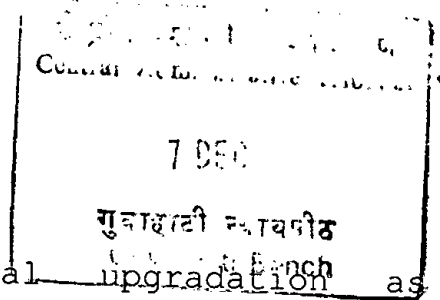
As per Recruitment Rule of Junior teachers the qualification required is intermediate or 10+2 or equivalent examination from recognized Board of education or University with JBT or TTC. This qualification of Junior teachers in Rect. rule closely corresponds to the qualification suggested for the primary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

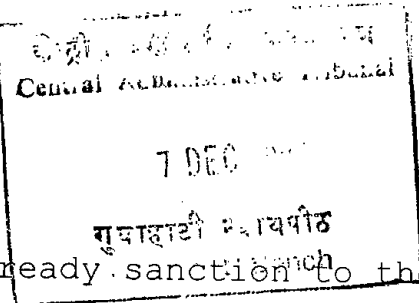
A copy of the said scheme is annexed herewith and marked as **Annexure-B.**

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

Ditain Dr. Deb



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

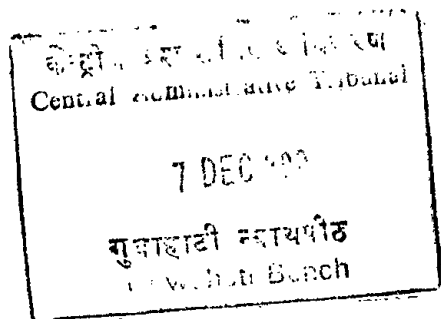
A photo copy of the said news caption is annexed herewith and marked as **Annexure-C**.

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



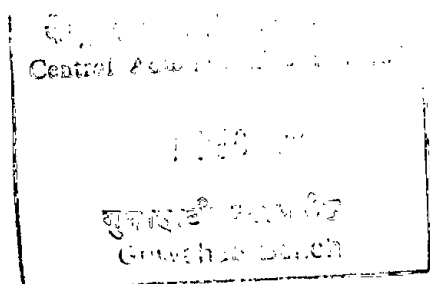
7.11. The applicants beg to state the Govt. of India Ministry of Human Resource Development, Department of education, secondary and Higher Education, New Delhi by its letter dated 04/04/02 informed the Secy, Ministry of Defence to take necessary action regarding revision of pay scale (Senior and selection 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 parity 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

Bikan Rs. 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

Ditun B. Deb

7 DEC 2007

গুৱাহাটী ন্যায়ালয়
Gowahati Bench

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.

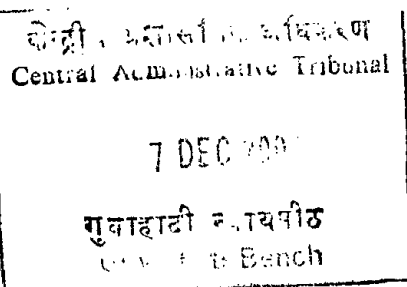
7.17 That the denial of the benefits revised pay scale of Rs.5500-175-9000 under said scheme to the applicants in spite of sanction of the Cabinet and specific provisions in the scheme is therefore illegal.

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 Poo. Deb



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 Rifles 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.

Bitten Ho. Deb

গুৱাহাটী ন্যায়পীঠ

to Bench

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

13. Particulars of the postal order:

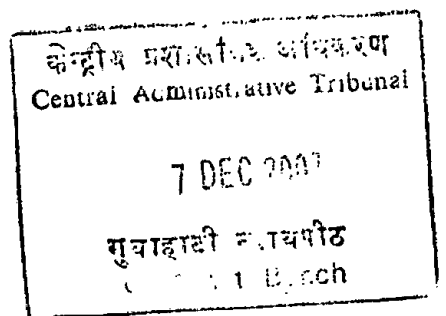
Postal order is respect of the application fee.

- (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.

Bitten B. 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 Dist. 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: *Guwahati*

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.

5. 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
[Signature]

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 Rule.

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

7 Assam Rifles
C/O 99 APO

A/Pay/99/1493

68 Sep 99

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. Danush
Advocate

3. GROUP D, C AND SERVICES/POSTS AND ISOLATED POSTS IN P, D, 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 to 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 12 years and 24 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/-

- 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 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' 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.

Contd.....5/-

- 5 -

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(1) a(1) subject to a minimum financial benefit of Rs. 100/- as per the Department of Personnel and Training Office Memorandum No. 1/4/97-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 then more years in addition to two years of service already rendered by him.

Contd.....6/-

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/-

- 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

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 B. B. B.
 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 anomaly in the pay scales (senior and selection) of Primary School Teachers 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.

Yours faithfully,
[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 to the Govt.

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.

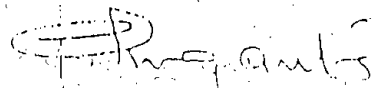
- 4 -

(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. B. B. B.
Advocate

Cont/2.

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

- 3 -

classification is not based on intelligible criterions.

Earlier also we approached you individually but our individual prayers remained distant cry only. Therefore the following applicants decided to approach 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.

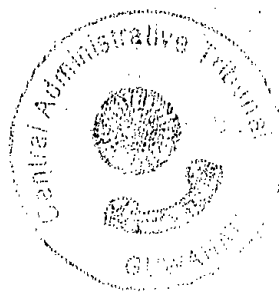
5. Mrs. Biva Talukdar
D/O: Late Hari Dhar
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO.

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
H. B. Dey
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.

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..

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

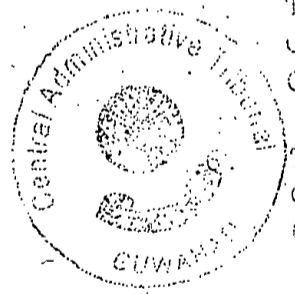
4. The Commandant
O/A: 14 Assam Rifles
C/O: 99 APO.

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.

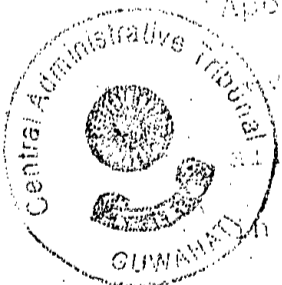
.....Respondents.

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:-



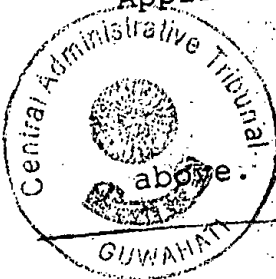
"It is prayed that your honour would graciously be pleased to direct the respondents to release/pay to the applicants the benefits revised pay scale i.e., 5500-125-9000 under assured career progression scheme with all arrear benefits as introduced by the Govt. of India or to direct the respondents to 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.

Sd/ VICE CHAIRMAN

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

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

**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.5000-1500-8000/- vide DGAR letter No.I.14017/20/A-II/ACP/2004/359 dt 10-Jun 2004.	

2/-

Certified as true copy
He Banu
 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	29-04-65	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,
Junior Teacher
14 Assam Rifles
Pin-932014
C/o 99 APO - for your information please.
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 Hukam 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

18/12/08
Motin Ud-Din Ahmed
M.A., B.Sc., L.L.B.
Addl. Central Govt. Standing Counsel
Gauhati 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

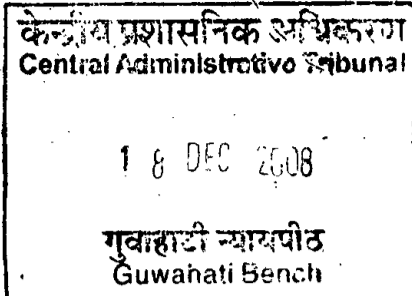
The humble answering respondents
submit their written statement as
follows:

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)
General Assam
Shirga 193011
703611

Received
Hk Zorwah
07/11/2008



(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.

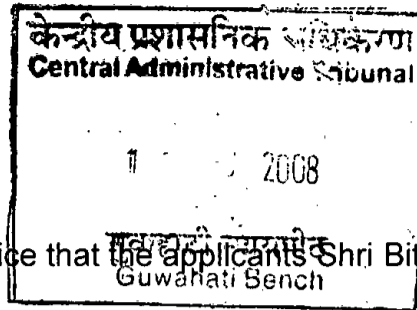
(c) Comparatively the granting of financial up-gradation under Assured Career Progression scheme to the applicants on same footing with other Teachers of Assam Rifles and Central Government aided school and teachers of Kedriya Vidhyalaya are impermissible since the terms, conditions and education qualification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

GO. 1 (Adm & Docu)

पदाधिकारी कार्यालय
Director General Assam Rifles

फ़ोन-793011

छाता-793011



(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.

CC 1 (Adm & Docu)

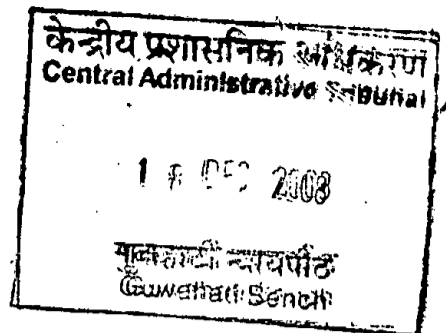
CC 1 (Adm & Docu)

पहानिदेशाध्यक्ष पदम राई

Directorate General Assam Rifles

शिवांग-793011

Shillong-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.

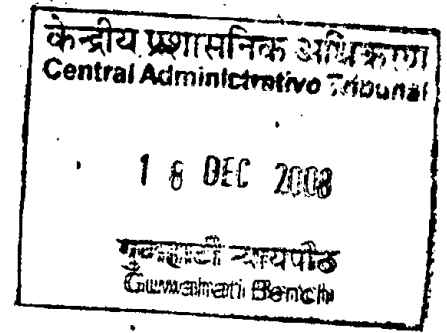
The petitioner is claiming for revised pay scale of Rs. 5500-175-9000/- under Assured Career Progression scheme after completion of 12 years of regular service which is the pay scale of Senior Teacher. The revised pay scale of Senior Teachers having Graduation and B Ed qualification is Rs. 5500-175-9000/- 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

शिफारा-793011

Shillong-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/I/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 |

The relevant pay slip are attached herewith and marked as **ANNEXURE R-5 (a)**

1 (Adm & Docu)
निदेशाच पत्र
Directorate General Assn

शिका १२११
Bhillion ०३०११

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

Ministry of Home Affairs letter dated 08 June 2001(Annexure R-3 refers) and letter

dated 03 July 2002 and based on policies issued on the subject and rejected as it

flacks merit and substance vide this Directorate order dated 09 Aug 2007.

॥ श्री० ॥ (एक व तीज)

1 (Adm & Docu)

देशात् प्रत्येक रात्रि

Dear Mr. Gove

FTJ 793011

110-1-1

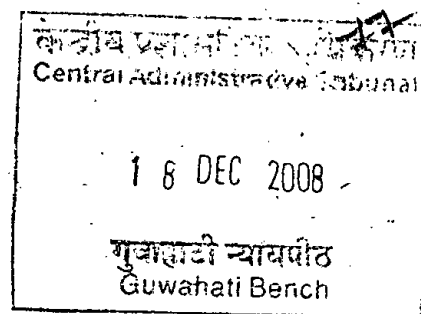
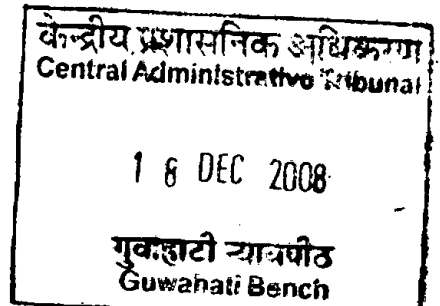


Photo copy of Ministry of Home Affairs letter No II.27013/35/99-PF, IV dated 03 July 2002 is attached herewith and marked as **Annexure R-6**.

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).

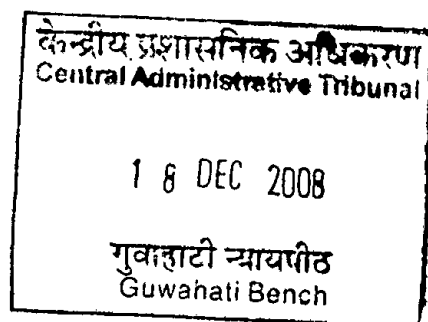
13. That with regard to statements made in paragraphs 5.4 of the Application, the answering respondents beg to state that the Assam Rifles does not come under Human Resource Development, Department of Education Ministry. The Assam Rifles is governed by Ministry of Home Affairs as per Gazette Notification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

को. पी. १ (एडम. व. डॉक्यू.)
80 1 (Adm & Docu).

पहानिदेशालय एसएम राई
Directorate General Assam Rifles

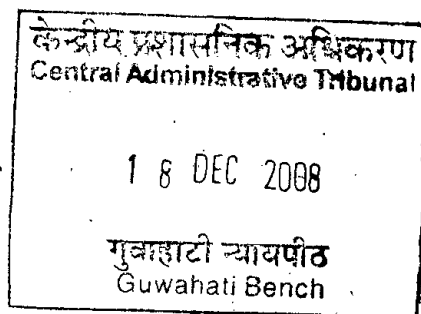
शिखर-793011

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.

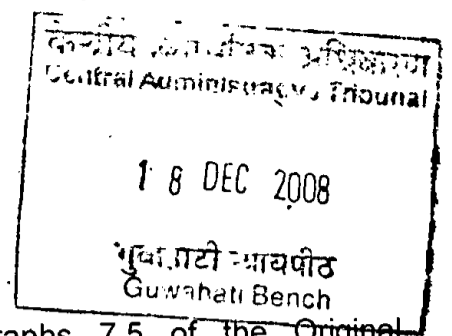


(b) Mrs Sali Kumari Chaubey, applicant No. 10 - Correct appointment date is 30 December 1989 instead of 10 December 1986 as reflected in the instant Original Application.

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.

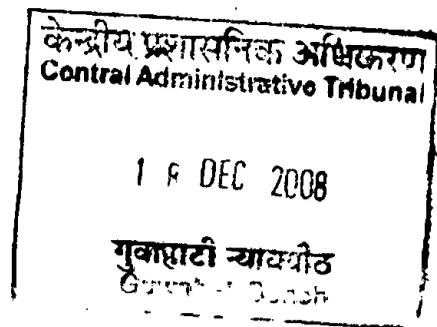
Photo copy of Ministry of Home Affairs, New Delhi letter No. II.3015/ 3/ 96/ PF .IV dated 19 Aug 2003 is attached herewith and marked as ANNEXURE R-7.

को. १ (अ. व. द.)
३०१ (Adm & Docu)
प्रधान निदेशालय, असम सरकार
Directorate General Assam Govt
शिलांग-७८३०११
Shillong-783011



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 & डॉक)
60 1 (Adm & Docu)
पहानिदेशालय पासरा राई
Directorate General Assam Eflo
शिर्वांग-703011
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) dated 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

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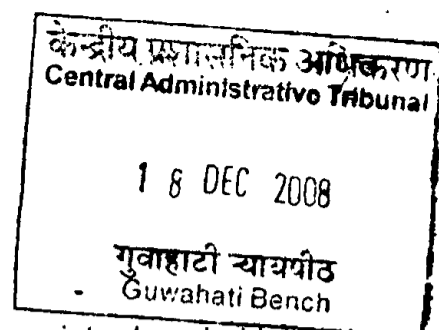
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प्रशासनिक सेवाएं

Directorate General Admin Svc

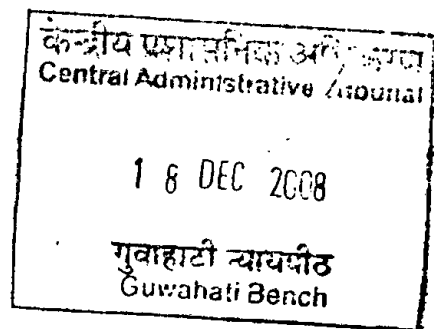
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Shillong-793011



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/-.

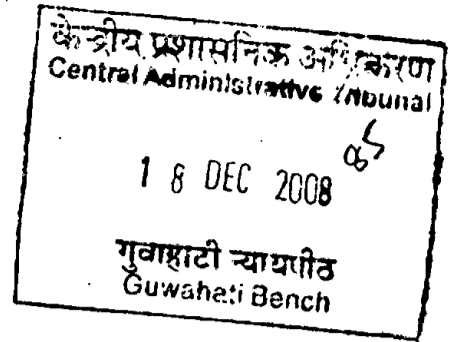
24. That with regard to statements made in paragraphs 7.11 of the Original Application, the answering respondents beg to state that the Human Resource Development, Department of Education Ministry /Kendriya Vidyalaya Sangthan rules, terms and conditions are not applicable to Assam Rifles teachers. Further, 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
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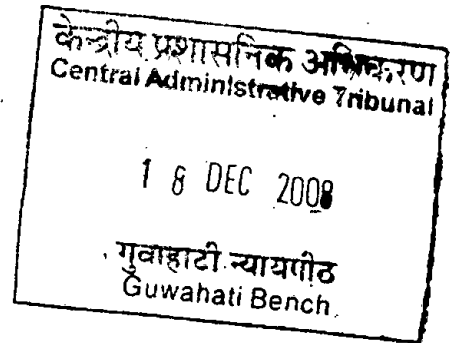
qualified junior teachers who have completed more than 12 years of regular service have also been granted 1st financial up-gradation under ACP Scheme in the scale of RS. Rs.5500-175-8000/-. Other all Junior Teachers are entitled to the pay scale of Rs 4500-125-7000/-pm as introduced vide Ministry of 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.

সং. প্রশাসনিক ও নথি
SO I (Adm & Docs)
পরিচালক, প্রশাসন
Director, Central Admin. Bldg
কিটাবাং-793011
ফোন-795011



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.



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

I, Lt Col Parameswarappa BG, s/o
Late Shri BT Govindappa aged about 47 years, r/o
Laitmukrah, East Khasi Hills District, Shillong working as
SO 1 (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, 6, 8, 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.

हो. पी. 1 (एडम & डॉक)
EO 1 (Adm & Docu)
Signature: [Signature]
Directorate General Assam Bfio
फ़ोन-793011
ऑफिस-793011

R-1

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ANNEXURE R-1
REGISTERED No. D. (b) 3

Re at 2.30
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भारत का राजपत्र The Gazette of India

प्रतिष्ठापित से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, शनिवार, मार्च 7, 1981/फाल्गुन 10, 1902
No. 10] NEW DELHI, SATURDAY, MARCH 7, 1981/PHALGUNA 10, 1902

न्यायिक अधिकरण
Administrative Tribunal
18 DEC 2008
गुवाहाटी बेंच
Guwahati Bench

इस भाग में शिष्ट पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (I) PART II—Section 3—Sub-section (I)

(राष्ट्रमंडलाय की छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों की छोड़कर) केन्द्रीय प्राधिकारियों द्वारा विधि के अन्तर्गत बनाए और जारी किए गए साधारण नियम और नियमों साधारण प्रकार के आदेश, उपनियम आदि सम्मिलित हैं।

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

गृह मंत्रालय

नई दिल्ली, 17 फरवरी, 1981

सं० 10] भा० 1240—राष्ट्रपति, संविधान के अनुच्छेद 309 के अन्तर्गत जारी प्रवृत्त शक्तियों का प्रयोग करते हुए, गृह मंत्रालय के समक्ष प्रस्तुत किए गए (प्राधान्य क्रमबद्ध) संपूर्ण "ग" के तहत पर अती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाए हैं, जिनमें—

- (1) इन नियमों का संविधान भाग प्रथम अनुच्छेद (प्राधान्य क्रमबद्ध) अती भाग, 1980 है।
- (2) ये राजपत्र में प्रकाशित की शारीर की प्रवृत्त होगी।
- (3) इन नियमों की प्रवृत्त होगी—
(क) जिनमें ऐसे व्यक्ति के विवाह की प्रवृत्त होगी, जिनका विवाह है, या
(ख) जिनमें ऐसे व्यक्ति के विवाह की प्रवृत्त होगी, जिनका विवाह है, या

उक्त भाग पर नियमों का गठन मही होगा।
परन्तु यदि केन्द्रीय सरकार को समझा हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य प्रवृत्त की भाग स्वीय विधि के प्रवृत्त अनुभव है और ऐसा करने के लिए आवश्यक है तो वह किसी व्यक्ति की इस विधि के प्रवृत्त से छूट दे सकेगी।
नियम (विनियम करने के लिए) जहाँ केन्द्रीय सरकार को यह राय है कि ऐसा करने आवश्यक माना जाता है, यहाँ यह उचित सिद्ध हो कारण है जहाँ अनुभव करने के लिए नियमों के अन्तर्गत उपबंध को किसी नये या प्रवृत्त के अन्तर्गत की शक्ति, आदेश द्वारा विनियमित कर सकेगा।
आदेश—इन नियमों के अन्तर्गत भी बात ऐसे आदेशों, प्रावधानों में छूट और अन्य विधायकों पर प्रभाव नहीं डालेगी।
इस संवैधानिक संविधान के अन्तर्गत आदेशों के अन्तर्गत अनुवृत्त जातियों, अनुवृत्त जगजातियों और अन्य विशेष प्रवृत्त के अन्तर्गत के लिए उचित करना होगा।

(491)

सं० 10] (एस ए एन)
150/1 (A. S. S. S. S.)
निदेशिका
Director
विभाग-733811
Cell No-793811

18 DEC 2008

Callong-723031

क्र.सं.	वर्ग	वर्ग	वर्ग	वर्ग	वर्ग	वर्ग
1	2	3	4	5	6	7
विश्वविद्यालय	74	सामान्य केन्द्रीय सेवा, संगठन 'ग' (संसाधन वित्त प्रसिद्धि के तहत)	(i) स्नातक के लिए: 330-10-350-500-12-500-15-500-50	साथ नहीं होता	25 वर्ष** (सरकारी सेवा के मामले में शिथिल करने के 35 वर्ष की जा सकती है)	विश्वविद्यालय के पूर्व (2 वर्ष का अध्ययन) या समतुल्यता विषयों में डिग्री प्राप्त करने वाले किसी राज्य के मान्यता प्राप्त संस्थानों से स्नातक शिथिल करने के 35 वर्ष की जा सकती है।
			(ii) पूर्व स्नातक के लिए: 200-8-330-10-380-40-12-500-500-15-500-50			

अतिरिक्त प्रशासक	21	सामान्य केन्द्रीय सेवा, संगठन 'ग' (संसाधन वित्त प्रसिद्धि के तहत)	260-8-320-500-12-500-50	साथ नहीं होता	25 वर्ष** (सरकारी सेवा के मामले में शिथिल करने के 35 वर्ष की जा सकती है)	(1) विश्वविद्यालय के पूर्व (2 वर्ष का अध्ययन) या समतुल्यता विषयों में डिग्री प्राप्त करने वाले किसी राज्य के मान्यता प्राप्त संस्थानों से स्नातक शिथिल करने के 35 वर्ष की जा सकती है।
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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
18 DEC. 2008
गुवाहाटी बेंच
Guwahati Bench

क्र.सं.	वर्ग	वर्ग	वर्ग	वर्ग	वर्ग	वर्ग
1	2	3	4	5	6	7
साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता

क्र.सं.	वर्ग	वर्ग	वर्ग	वर्ग	वर्ग	वर्ग
1	2	3	4	5	6	7
साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता	साथ नहीं होता

सदस्यः
1. ए. साई जी. ए. चार (ए/एच) के मुख्यालय
साई जी. ए. चार
2. असम - राक्षस से निम्न प्रमुख विभाग से सम्बन्धित प्रमुख का एक अधिकारी स्टाफ अधिकारी 2 (ए) मुख्यालय साई जी. ए. चार

को. 1 (एडम व डॉक)
601 (Adm & Docu)
प्रधान कार्यालय सचिव राई
Directorate General, Assam
शिलांग-793011
Phone-798011

1	2	3	4	5	6	7
1. शिक्षा	साधारण केन्द्रीय सेवा,	225-5-260-	लाभ गृही होता	25 वर्ष**	मिनिमम स्तर या समतुल्य	
	समूह 'ग' (भराजगक्षित	6-200-मोरो-		(सरकारी सेवकों के मामले	मिनिमम या समतुल्य	
	प्रतिनिधित्वगीय)	6-300-मो-		में मिनिमम वर्ग 25	हो तथा गृहित मन्त्रियों में	
				वर्ष की जा सकती है)	पूजा करने की क्षमता हो।	

8	9	10	11	12	13
भाषा गृही होता	भाषा	सीपी सीपी भाषा	भाषा गृही होता	भाषा	भाषा गृही होता
				भाषा	भाषा गृही होता
				भाषा	भाषा गृही होता
				भाषा	भाषा गृही होता

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

18 Dec 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

1. प. भाई श्री ए. भाई
(ए/एम) गुवाहाटी
भाई जी ए. भाई

2. भाई श्री ए. भाई
मिनिमम स्तर या समतुल्य
हो तथा गृहित मन्त्रियों में
पूजा करने की क्षमता हो।

अधिनियम 10 में उल्लिखित भाषा सीपी सचिवालय करने के लिए नियुक्त प्राधिकार प्रत्येक मामले में, भारत में रहने वाले पेशवापियों में (जिनमें भिन्न जो भाषाभाषी और निम्नोक्त द्वीप तथा लक्षद्वीप में रहते हैं) प्रत्येक भाषा करने के लिए नियम की गई भक्ति तरीक़ा होगी। ऐसे पेशवा की वक़्त, जिस पर नियुक्ति राजगार कार्यालय के माध्यम से की जाती है, भाषा-सीपी प्रक़ाशित करने की निष्ठापक तरीक़ा प्रत्येक मामले में यह तरीक़ा होगी जिस-तक राजगार कार्यालय से नाम भेजने के लिए कहा गया है।

[पं. 12016/4/72-पं. 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. 1 (एडम & प्रो. 1)

30 1 (Adm & Pro)

भारत निदेशालय, भारत सरकार

Directorate General

शिकाई-18301

Attens-793011

भारत में राजस्व : मार्च 7, 1981/फरवरी 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 Not applicable Rs. 330-10-380-15-500-20-550-25-600 (ii) for under-Graduate Rs. 290-8-330-10-380-12-500-15-560 (iii) for Matric untrained Rs. 260-6-290-8-326-10-390-12-400 (iv) for Non-Matric untrained Rs. 260-6-326-10-390-12-400	Not applicable	25 years (relaxable upto 35 years in the case of Government servants).	(1) Degree from an recognised 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 2003

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.
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कृ० जी० 1 (एडम & डॉक)

SO 1 (Adm & Docu)

बृहत्निदेशालय असम राईफल

Directorate General Assam Rifle

शिखांग-793011

Phillong-793011

1 23

93

111

भारत का संविधान : भाग 2, अनुच्छेद 16, 1002

497

Not applicable 2 years By direct recruitment Not applicable

Chahaman, Deputy Director, General of Assam Rifles (Head Quarter).
Members: 1. Assistant Inspector General, Assam Rifles (A/O) 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.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

18 DEC 2008

गुवाहाटी बेंच
Guwahati Bench

**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]

सं० का० प्र० 247.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परमपूज्य द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए सैन्यी शिक्षक के पद पर भर्ती की पद्धति को विनियमन करने के लिए निम्नलिखित नियम बनाये हैं, यथातः—
1. संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का संक्षिप्त नाम सैन्यी शिक्षक भर्ती नियम, 1981 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. पद संख्या, वर्गीकरण और संतुलन:—उक्त पद की संख्या, उसका वर्गीकरण और उसके वर्तमान में होने वाला इन नियमों से उद्भव करने वाले भर्ती के स्तर 2 से 4 में निर्दिष्ट है।
3. भर्ती की पद्धति, प्राप्ति-योग्यता और शर्तें:—उक्त पद पर भर्ती की पद्धति, प्राप्ति-योग्यता, शर्तें और उम्मीदवारों से संबंधित अन्य बातें वे होंगी जो पूर्वोक्त अनुसूची के स्तर 5 से 13 में निर्दिष्ट हैं।
4. निरवकाश:—यह व्यक्ति—
(क) जिसकी ऐसी व्यक्ति से, जिसका पति या जिसकी 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 हो नहीं पायेगा।
परन्तु यदि केन्द्रीय सरकार का समझना हो जाता है कि ऐसा विवाह ऐसी व्यक्ति, जो उक्त पद पर नियुक्त हो जाने के लिए अर्हता प्राप्त कर चुका है, के लिए आवश्यक है तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।
5. भर्ती करने की शक्ति:—जहाँ केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समायोजित है, वहाँ यह, उसके लिये जो कारण हैं उन्हें लेखबद्ध करके इन नियमों के किसी उपबन्ध को किसी वर्ग या वर्गों के व्यक्तियों की बाबत, आवेदन द्वारा प्रेषित कर सकेगी।
6. व्याप्ति:—इन नियमों की कोई भी बात ऐसे शारङ्गों, प्राप्ति-योग्यता में छूट और अन्य विधायकों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस सम्बंध में समय-समय पर निर्धारण किये जायेंगे, अनुसूचित जनजातियों और अन्य विशेष प्रवर्ग के व्यक्तियों के लिये उपबन्ध करणार्थ प्रयोज्य है।

पद का नाम	पदों की संख्या	वर्गीकरण	वैतनिक तालिका	अनुसूची		
				अवधि पर भर्ती भवनायक	सैन्यी भर्ती नियमों के अन्तर्गत प्राप्ति-योग्यता	सैन्यी भर्ती नियमों के अन्तर्गत प्राप्ति-योग्यता
1	2	3	4	5	6	7
सैन्यी शिक्षक	1	साधारण केन्द्रीय सेवा समूह "क"	550-25-750- ब० 100-30-000	साप्ताहिक नहीं होता	30 वर्ष से अधिक नहीं (सैन्यी सेवाओं के लिये)	साप्ताहिक (क) (1) किताबें

सं० जी० ए० (एडमिनिस्ट्रेशन)
601 (Adm & Docu)
सैन्यी शिक्षक
Director General Assam Rifles
फोन-793011
टेलीग्राम-793011

(१) विद्यार्थीसमूह - ५५ पत्रिका
विद्यार्थीसमूहसमिति
विद्यार्थीसमिति
(२) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(३) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(४) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(५) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(६) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(७) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(८) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(९) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति
(१०) विद्यार्थीसमूहसमिति - ५५
विद्यार्थीसमिति

टिप्पण :- 2. भगुत्तव
महेत्ता (महेत्ता) से
सेवा धर्मांग के विवेक
भगुत्तवित्त, गतिगो रा
सचित्त जन्जाति
मन्त्राधिवा के मागले
दशा मन्त्राधिवा की
के (हे), जब पि
किया प्रक्रम पर तो
मागले को गे राय ह
तिग-मालोपा वि
ना भग्ने के लि
भगुत्तव रखने वाले
के भग्ने की गतिग
गमना गती हो सं

गुवाहाटी न्यायपीठ
Guwahati Bench

DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG-71

ORDER

A/V-A/91/DKD/pers/ 98(a)

Dated Shillong, the 31 Jul 92

1. The Director General Assam Rifles, Shillong appoints Shri Bitan Kumar Deb as a Junior Teacher against the existing vacancy of 21 Assam Rifles with effect from 23 Dec 91 (FN) until further orders in the scale of pay of B. 1200-30-1560-EE-40-2040/- per month plus other allowances as may be admissible from time to time.

2. The appointment is purely temporary and may be terminated on one month notice from either side.

3. The individual is liable to serve anywhere in India wherever Assam Rifles units located.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 DEC 2008

Sd/- x गुवाहाटी न्यायपीठ
(Devendra Singh) Guwahati Bench
Major
Offg Assistant Director (A)
for Director General Assam
Rifles

Memo No. A/V-A/91/DKD/pers 98(a) Dated Shillong, the 31 Jul 92

Copy forwarded to:-

1. The Additional Accountant General Central and Arunachal Pradesh Shillong
2. Pay and Accounts Office (AO) Manbha Villa, Laitumkhrah Shillong-793003
3. HQ Inspector General Assam Rifles (H) C/O 99 APO
4. HQ M F Range Assam Rifles C/O 99 APO
5. 25 Assam Rifles C/O 99 APO - for info and necessary action with ref to their letter No. 1. 46011/105/92-A/2505 dated 20 May 92.
6. Office copy.
7. ☒ Pers file.

(H M Singh)
Hindi Officer
for Director General Assam
Rifles

100/-

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

New Delhi, the 8th June, 2001

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/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).

सं. नं. १/१०००/१०००
SO 1 (Adm & Docu)

बहादुरशाह जयन राईकर
Directorate General Assam Rifle

शिल्लॉग-793011

शिल्लॉग-793011

27

MOST IM 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 MEMORANDUMSubject: THE ASSURED CAREER PROGRESSION SCHEME FOR
THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEESकेंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 DEC 2008

गुवाहाटी बेंच
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.

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- Teacher
- Med. Cal
- Eng. Cl.

1 (Adm & Ecu)

शास्त्रिशास्त्र व्यवस्थापक

Directorate General Assam Rtd.

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पत्रिका-780011

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 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.

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६३० जी० १ (एडम ए डेपु)

BO 1 (Adm & Deccu)

बहामिरोसाय एसएम राईफर

Directorate General Assam Rtf.

फिजिम-793011

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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.

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/-

निदेशात्मक असम राईफल्स
Directorate General Assam Rifle
शिफ्ट-793011
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**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. ७१७/६९६८ व. ३३६

GO 1 (Adm & Focu)

महानिदेशाख्य असा राफेल

Directorate General, Assam

शिफोन-793011

Chillong-799011

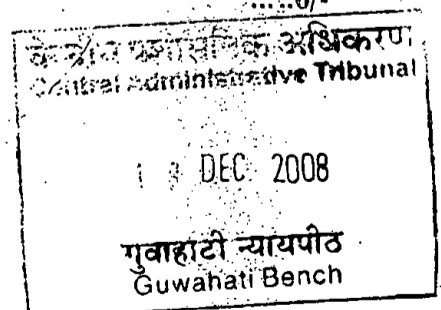
Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall 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/-



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महानिदेशालय व्यवस्थापन
Directorate General Assam Bf/fo

शिफारिश-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;

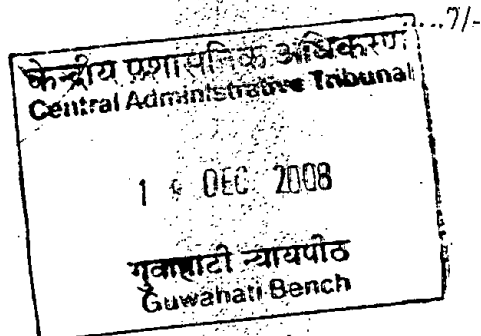
14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of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

Sd/-

(K.K. JHA)

Director (Establishment)



सूचक संख्या : (एन व डी),
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महानिदेशाध्यक्ष असम राईफल्स
Directorate General Assam Rifles

शिफारस-793811

विलेज-793811

ANNEXURE-II

STANDARD/Common PAY SCALES

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

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

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200
2.	S-2	2610-60-3150-65-3540
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3800-75-4400
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

A.C. Council

Pay Council

210

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

13 DEC 2008

गुवाहाटी न्यायपीठ
Gywhati Bench

स. मा. (अ. व. द. व. क.)

SO 1 (Adm & Docu)

सहानिदेशालय सचिव राईफ

Directorate General Assam R/o

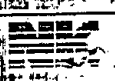
शिबोम-793011

Shillong-793011


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ANNEXURE R-5(9)

		CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO		31/10/2008
Pay Slip for the month of September, 2008				
Accutance 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	: STATE BANK OF INDIA SBI LAIROUCHS/B Account No: 11851117306			
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			

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


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

आधिकारण
Administrative Tribunal
18 DEC 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

पुनर्विचार (एच ए पी)
601 (Act & Docu)
पुनर्विदेशालय पासपोर्ट
Directorate General Passport
शिलांग-793011
Shillong-793011

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			

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

प्रशासनिक अधिकरण
Central Administrative Tribunal

T = DEC 2008

गुवाहाटी न्यायालय
Guwahati Bench

को. जी. 1 (एडम & डॉक)

CO 1 (Adm & Docu)

प्रशासनालय असम राईफल
Directorate General Assam Rifle

शिल्लॉंग-793011

Shillong-793011

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ANNEXURE RS-00

CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO) 31/10/2008			
Pay Slip for the month of September, 2008			
Acquittance Roll	: 1 ARB (708) PAN : NOT AVAILABLE	G.P.F A/c No : SHI/AR/1690	
Employee Name	: Shri. RAJ KUMAR THAKUR (000005420004)	Pay Scale : 9300 - 34800 + 4200	
Designation	: JUNIOR TEACHER (062)		
Place Of Posting	: TUENSANG (NAGALAND)		
Address			
Bank / Branch	: STATE BANK OF INDIA SBI, Tuensang S/B Account No : 11839404578		
Dues	Amount (Rs)	Deductions	Amount (Rs) Instl.
BASIC	17,810	CGEGIS	30
DA	2,850	GPF SUB	6,500
SDA	2,226	GPF ADV	1,500 11/20
SCA	1,600		
BONUS	3,454		
ARR BONUS	987		
Total Dues (Rs.)	28,927	Total Deductions (Rs.)	8,030
Net Pay (Rs.)	20,897	ASSAM RIFLES PHASE I	
Net Payable (Rs.)	20,897		

Devi
Drawing & Disbursing Officer
Central Pay Bill Office (A)
HQ DGAR, Shillong- 11

1 DEC 2008

गुवाहाटी व्यापारी
Guwahati Bazar

सं. ७०८ (एचएम व पीपी)
SO (Cash & Docu)
पहानिदेशांक व पत्राचार
Directorate General Assam Rifle
शिल्लॉग-793011
Shillong-793011

37

ANNEXURE R 5(d) 107

CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III 3 (DDO) 31/10/2008			
Pay Slip for the month of September 2008			
Accumulated Roll	: 36 ARB (761) PAN: NOT AVAILABLE	G.P.F. A/c No	: SHI/AR/1798
Employee Name	: Smt. BIVA TALUKDAR (000005420009)	Pay Scale	: 9300 - 34800 + 4600
Designation	: JUNIOR TEACHER (062)		
Place Of Posting	: JWALAMUKHI (MANIPUR)		
Address			
Bank/Branch	: STATE BANK OF INDIA SBI, LAIROUCHS/B Account No: 11851123137		
Dues	Amount (Rs.)	Deductions	Amount (Rs.) Instl.
BASIC	18,710	CGEGIS	30
DA	2,994	GPF SUB	6,000
SDA	2,339		
SCA	1,200		
BONUS	3,454		
ARR-BONUS	987		
Total Dues (Rs.)	29,684	Total Deductions (Rs.)	6,030
Net Pay (Rs.)	23,654		
Net Payable (Rs.)	23,654		

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

केन्द्रीय प्रशासनिक अधिकारी
 Central Administrative Tribunal
 18 DEC 2008
 गुवाहाटी व्यापक
 Guwahati Branch

को. ३०१ (एडम. व. डॉक.)
 301 (Adm & Docu)
 महानिदेशालय वसम राईस
 Directorate General Assam Rifles
 शिल्लॉंग-793011
 Shillong-793011

108

Pay Slip for the month of September, 2008

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instil.
BASIC	6,800	CGEGIS	30	
DP	3,400	GPF+SUB	9,000	
DA	4,794			
SDA	1,275			
SCA	1,050			
HRA	510			
BONUS	3,454			
VARR BONUS	987			
Total Dues (Rs.)	22,270	Total Deductions (Rs.)	9,030	
Net Pay (Rs.)	13,240			
Net Payable (Rs.)	13,240			

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

केन्द्र प्रशासनिक अधिकारी
Central Administrative Tribunal

18 DEC 2008

पुनर्जातीकरण
1954-55

पृष्ठ सं. १०१ (एडम र)


60-1 (Admin & Docu)

पहानिर्देशाध्यक्ष

Directorate General

शिर्डी-793611

Shillong-793011



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

Accumittance Roll : 35 ARB (760) PAN : NOT AVAILABLE

Employee Name : Smt. SWAPNA DEY (000005420010) G.P.F A/c No : SHI/AR/1808

Designation : JUNIOR TEACHER (062) Pay Scale : 9300 - 34800 + 4200

Place Of Posting : AGARTALA (TRIPURA)

Bank / Branch : STATE BANK OF INDIA SBI TLA HOUSS/B Account No : 11285075220

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instll.
BASIC	17,810	CGEGIS	30	
DA	2,850	GPF SUB	8,000	
SDA	2,226			
SCA	1,200			
BONUS	3,454			
ARR L AMT	304			
ARR BONUS	987			
Total Dues (Rs.)	28,831	Total Deductions (Rs.)	8,030	
Net Pay (Rs.)	20,801			
Net Payable (Rs.)	20,801			

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

वेस्ट बंगाल प्रशासनिक सेवा
Central Administrative Service

16 DEC 2008

कोषी 1 कन 4 10
1 (A)
शान्तिदेश
Director General
शान्ति-793011
Shillong-793011

ANNEXURE R-5 (9) 110

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

Acquittance Roll : 23 ARB (740) PAN: NOT AVAILABLE
Employee Name : Shri. MRIDUL KAR PURKAYASTHA (000005420014) G.P.F A/c No : SHI/AR/1820
Designation : JUNIOR TEACHER (062) Pay Scale : 9300 - 34800 + 4200
Place Of Posting : KHONSA (ARUNACHAL PRADESH)
Address :
Bank / Branch : STATE BANK OF INDIA, SBI, Imphal S/B Account No : 20005410093

Dues	Amount (Rs)	Deductions	Amount (Rs)	Instll.
BASIC	17,810	CGEGIS	30	
DA	2,850	GPF SUB	6,000	
SDA	2,226	GPF ADV	500	5/28
SCA	2,000			
HRA	1,781			
BONUS	3,454			
LC	217			
TARR BONUS	987			
Total Dues (Rs.)	31,325	Total Deductions (Rs.)	6,530	
Net Pay (Rs.)	24,795			
Net Payable (Rs.)	24,795			

23 ARB (740)	17,810	CGEGIS	30	
Shri. MRIDUL KAR PURKAYASTHA	2,850	GPF SUB	6,000	
JUNIOR TEACHER (062)	2,226	GPF ADV	500	5/28
KHONSA (ARUNACHAL PRADESH)	2,000			
STATE BANK OF INDIA, SBI, Imphal	1,781			
20005410093	3,454			
	217			
	987			
	31,325	Total Deductions (Rs.)	6,530	
	24,795			
	24,795			

Handwritten signature
Director of Districts
D.D. 062, Imphal


केन्द्रीय वित्तमन्त्रिक अख्यतम्भ
Central Administrative Tribunal


18 DEC 2008

SC-1
महानिदेश
Direct
सेवा
Muz-703

41

DRMBYRB RS(X) 111

 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) Designation : JUNIOR TEACHER (062) Place Of Posting : UDAIPUR (TRIPURA) Address : Bank / Branch : STATE BANK OF INDIA SBI, Udaipur S/B Account No : 10515557032	G.P.F./Ac No : SHIAR/2076 Pay Scale : 9300-34800 + 4200	
Dues	Amount (Rs)	Deductions
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

(सं. प्र. ०१) दि. २०.१०.०८
 SO-1 Adm & Loc.
 महानिदेशालय असम राईफल
Directorate General Assam Rifle
 शिवांग-793011
 शिल्लॉ-793011

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)	Instll.
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 अधिकरण
 Central Administrative Tribunal

18 DEC 2008

501

प्रशासक

Director

प्रशासक

प्रशासक

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ANNEXURE RS 5/13

CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO 31/10/2008)			
Pay Slip for the month of September, 2008			
Accomittance Roll	: 36 ARB (761)	PAN: NOT AVAILABLE	
Employee Name	: Smt. SHALI KUMAR CHOUBEY (000005420027)	G.P.F. A/c No: SHI/AR/2013	
Designation	: JUNIOR-TEACHER (062)	Pay Scale: 9300-34800-4600	
Place Of Posting	: JWALAMUKHI (MANIPUR)		
Address	: STATE BANK OF INDIA SBI LAIROUCI S/B Account No: 11851113695		
Bank/ Branch	: STATE BANK OF INDIA SBI LAIROUCI S/B Account No: 11851113695		
Dues	Amount (Rs)	Deductions	Amount (Rs) Instll.
BASIC	18,000	CGEGIS	30
DA	2,880	GPF SUB	8,000
SDA	2,250		
SGA	200		
BONUS	3,454		
ARR BONUS	987		
Total Dues (Rs.)	28,771	Total Deductions (Rs.)	8,030
Net Pay (Rs.)	20,741		
Net Payable (Rs.)	20,741		

Sl. No.	Pay Slip	Amount (Rs)	Deduction	Net Pay (Rs)
1	36 ARB (761) PAN: NOT AVAILABLE			
2	Smt. SHALI KUMAR CHOUBEY (000005420027)			
3	G.P.F. A/c No: SHI/AR/2013			
4	JUNIOR-TEACHER (062)			
5	Pay Scale: 9300-34800-4600			
6	JWALAMUKHI (MANIPUR)			
7	STATE BANK OF INDIA SBI LAIROUCI S/B Account No: 11851113695			
8	STATE BANK OF INDIA SBI LAIROUCI S/B Account No: 11851113695			
9	BASIC	18,000	CGEGIS	
10	DA	2,880	GPF SUB	
11	SDA	2,250		
12	SGA	200		
13	BONUS	3,454		
14	ARR BONUS	987		
15	Total Dues (Rs.)	28,771	Total Deductions (Rs.)	8,030
16	Net Pay (Rs.)	20,741		
17	Net Payable (Rs.)	20,741		

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

Central Administrative Tribunal
16 DEC 2008

सं० सी० १ (एडम प डॉक)
SO 1 (Adm & Docu)
महानिदेशालय असम राईफल्स
Directorate General Assam Rifles
शिलांग-793011
Shillong-793011

ANNEXURE

R5

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3431

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,

1. I am directed to refer to your letter No.A/VII-PS/7/86/Vol.II/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 TGTs 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 01.07.2002.

Yours faithfully,


(Nirmala D.)
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) F.I.II (MHA).
- (vii) LOAR, MHA.
- (viii) Guard File (PF.IV)

(Nirmala D.)

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am, the 19 August 2008.

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
18 DEC 2008
गुवाहाटी नायपीठ
Guwahati Bench
am Rifles

Sub : Restructuring of Peace Establishment of Assam Rifles

The undersigned is directed to refer to your letter No. IL/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 II)
- (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.

[illegible]

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.

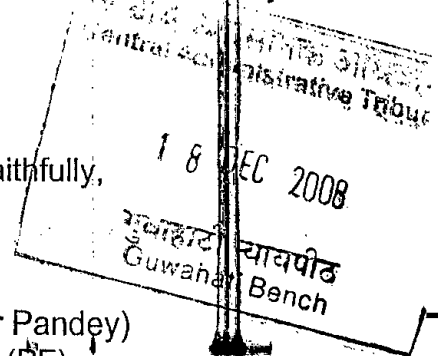
Yours faithfully,

Sd/xxx

(Indevar Pandey)

Director (PF)

19th August 2003



Copy to :-

1. Pay and Accounts Office, Assam Rifles, Laitumkhrach, 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 :-

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

Sd/xxx

(Indevar Pandey)

Director (PF)

19th August 2003

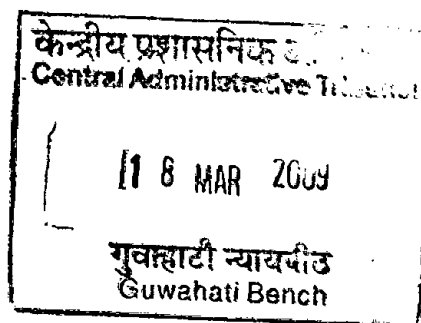
को नो 1 (प्रधान सचिव)

SER NO: 11

SUMMARY OF PERSONNEL

Directorate General, Assam Rifles
 शिवांग-793011
 कॉल-793011

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.

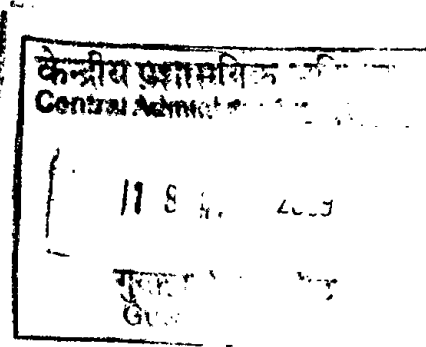
I N D E X

<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
Hara Gurbinder Darrach
Advocate

20/03/2009

119

DISTRICT : senapati Dors

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-

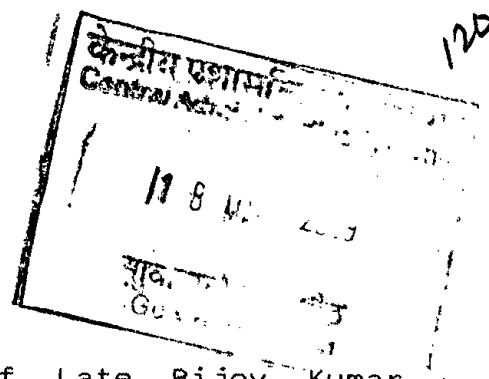
IN THE MATTER OF :

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]



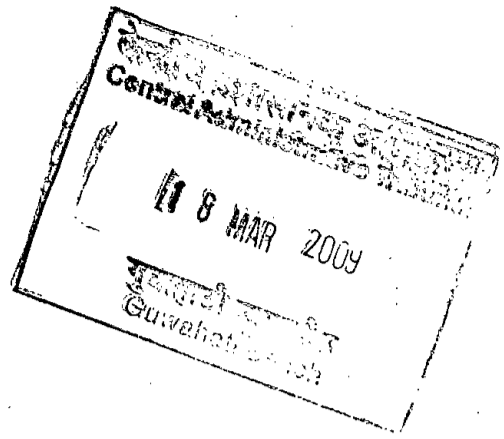
1. I, Sri Bitan Kumar Deb, son of Late Bijoy Kumar Deb, aged about 38 years, Junior Teacher, 36th Battalion, Assam Rifles, C/o 99APO is competent and authorised by the other applicants to swear this Rejoinder on their behalf and I have gone through a copy of the written statement served on my counsel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

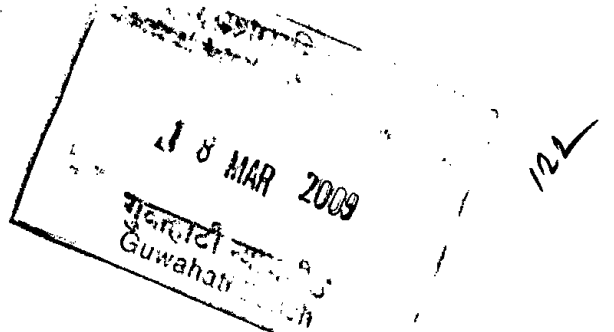
v. any other matter whatsoever.

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

Contd...p/

Gitan Kr. Deb

[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).

Gitan Kr. Deb

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/



[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.

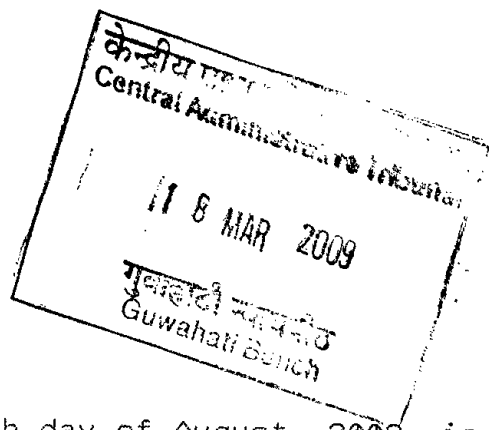
a. if a final order has been made by the Government or Other Authority or Officer or other person competent to pass such order under such Rules, rejecting any appeal preferred or representation made by such person in connection with the grievances ; or

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-

Gitan Kr. Deb

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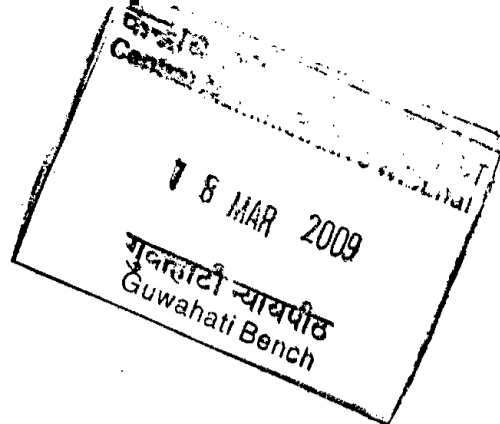


[6]

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-

124
Jitan K. 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 opened 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



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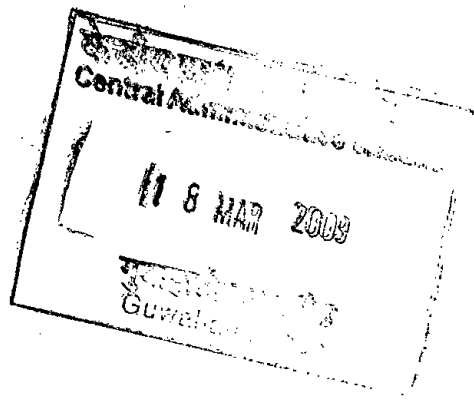
[8]

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.

Dipan K. 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".

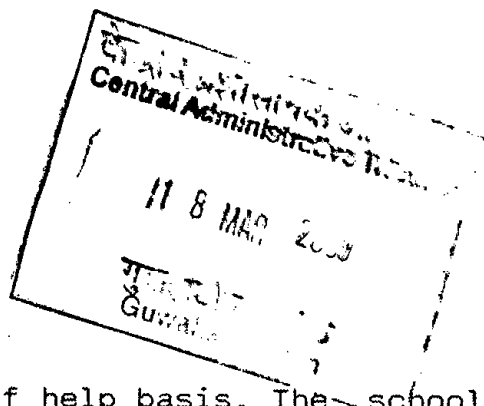
Jitendra Kr. Deb

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



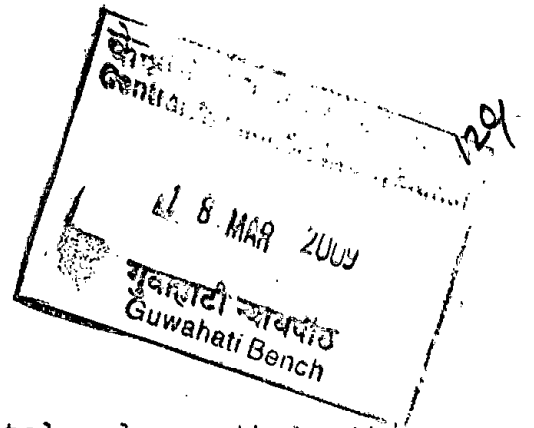
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[10]

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.

Gitan Kr. Deb



[11]

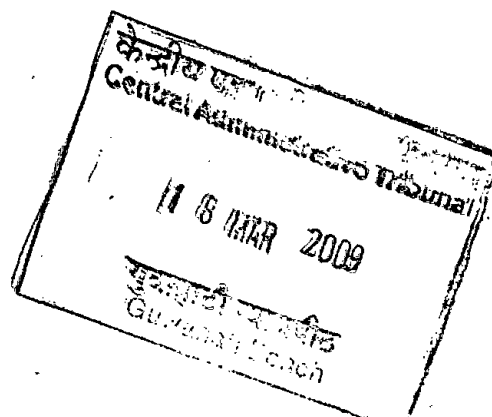
From the above, it is crystal clear that the category of Junior Teacher in Assam Rifles fulfills the qualification requirement given for the primary school teachers and Sr. Teacher in Assam Rifles fulfills that for the TGT (Trained Graduate Teacher) as provided in their respective recruitment rules. In this context, it is pertinent to mention 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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Gitan Kr. Deb



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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

[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'.

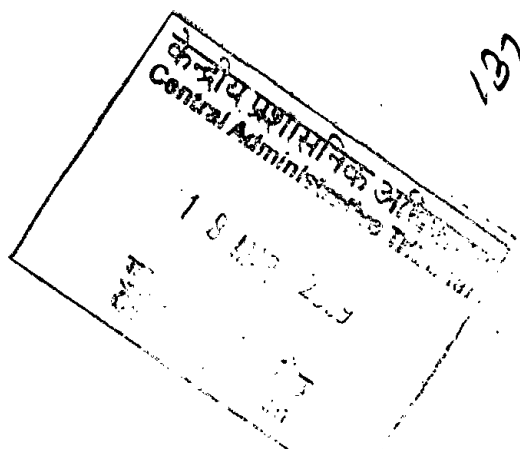
This answering applicants came to known from the news caption published in one international Newspaper, i.e. the 'Sanghai Express' published on 20/03/2002, that the cabinet has approved the grant of revised scale of pay for the primary school teacher w.e.f. January one 1996 in substitution of the pay 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.

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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Gitan Kr. Deb

[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.

Gitan k. Deb

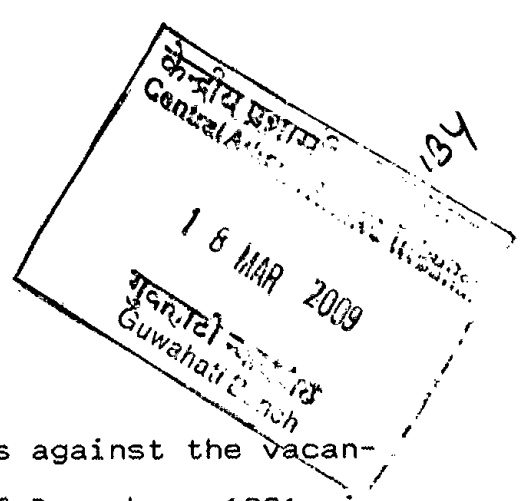
Under the "Assured Career Progression Scheme" the required financial benefits should be given to the



[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 mention 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 an open 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



[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 :

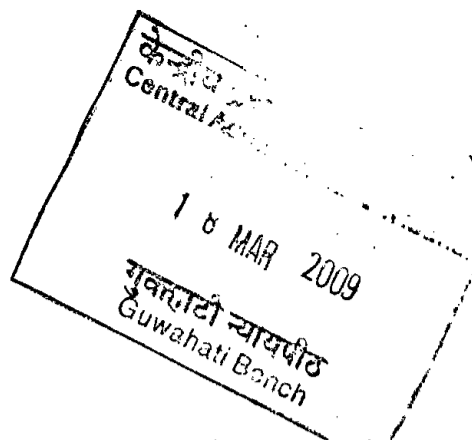
I. In the Assam Rifles no category of primary school teacher (PRT) exist and or

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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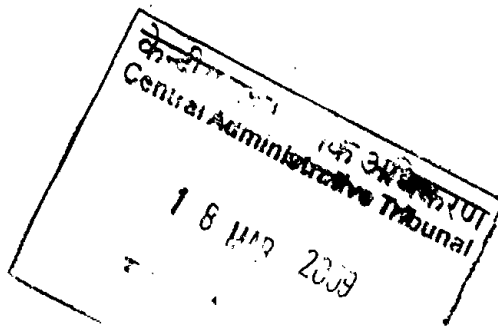
August 2003 issued by the Government of India, Ministry of Home Affairs vide memo No. II 3015/3/96/DF.IV (Annexure R 7 of the written statement) i.e. the restructuring of place establishment is silent about the non-existence of primary teacher. This answering applicants relies on the order dated the 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.

Biton 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 mention herein that the upgraded /revised pay scale under "Assured Career Progressive

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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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Tele: 0364 - 2705076
 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

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

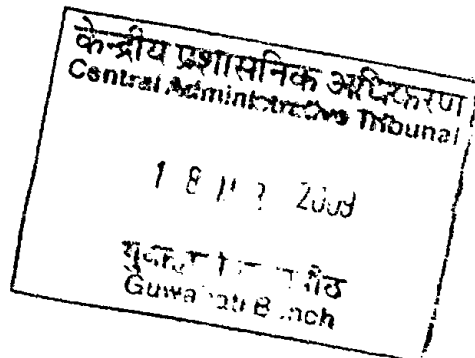
(Rajeev Kumar)
 Lt Col
 SO-1 (A)
 for DG Assam Rifles

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

Hc

Advocate



21-
 fixation cases of Shri Birhan Chandra Roy and another.

While going through the service book and fixation case of Shri Birhan Chandra Roy, it was observed that:

(i) Pay fixed fresh with effect from 1-1-86 was Rs 4500/- (Grade pay Rs 1300/-) which seems to be correct. Since the official earned 13 increments in the pay-revised scale of Rs 1200-30-1500-40-20-40 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 1-1-86 & sell.

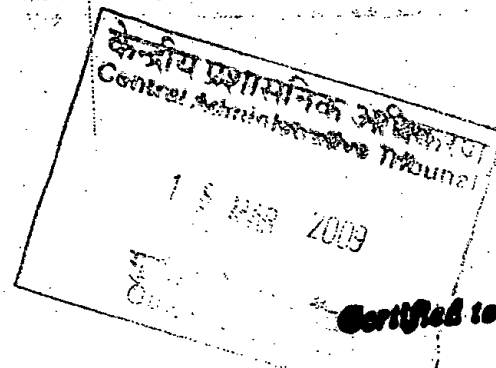
However, it was noticed that his pay was fixed at the minimum of the revised scale of Rs 4500-125-7000 i.e. at Rs 4500.

On the contrary his pay should have been fixed at Rs 4750/- (min. def. 1-1-86 with G.M. on 1-8-86) (Date of normal increment).

(ii) It was also observed that while giving him the benefit for financial up-gradation with effect from 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 review the pay fixation case of Shri Roy and findings thereof be communicated to Audit.



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 rank of 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 1100/2007 dt 14 Aug 2007 and also granted financial up-gradation under ACP scheme vide 19 AR part II order No AR/CK/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,
 DDO 19 AR

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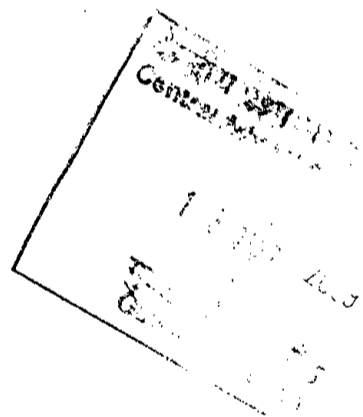


PRESENTATION ON
PROPOSAL FOR
6TH CENTRAL PAY COMMISSION

Certified to be true copy

He

Advocate



- 23 -

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Chapter IX
PAY TEACHING STAFF

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