

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

CP MA 19/08 order page - INDEX 1703 18/12/08 ✓ O.A/T.A No. 60/2007  
(2) MA 20/08 order page 1703 18/12/08 R.A/C.P No. ....  
8/0/18/12/08 E.P/M.A No. 19 X 20/2008

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 60/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) D.N. Boro VS Union of India & Ors

Advocate for the Applicant(s) M. Chanda, S. Nath  
Ms. Le. Dutta

Advocate for the Respondant(s) Self case. Ms. Le. Das

Notes of the Registry	Date	Order of the Tribunal
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Application is in form  
is filed/C.F. for Rs. 50/-  
deposited vide IPO/BD  
No. 286990824  
Dated 29.1.07

8.3.2007

Present: The Hon'ble Shri K.V. Sachidanandan  
Vice-Chairman.

The Applicant is presently working as  
Zonal Director, CBWE, North Eastern Zone,  
Guwahati. His grievance is that for the post of  
Director the departmental persons came under the  
zone of consideration for the last 48 years and no  
Recruitment Rules was there. But after the  
formation of Recruitment Rules in 2001 that  
privilege has been curtailed. As per the new  
Recruitment Rule the provision for promotion is  
only by deputation or by transfer thereby denying  
the opportunity to the departmental candidates  
and depriving the expectation of service rights  
from the Applicant and other similarly situated  
persons of the Department.

Dy. Registrar

Petitions come are  
not received.

P.S.

O.A. 60/2007

Contd.  
8.3.2007

2  
Notice & order sent  
to D/Section for  
issuing to R-1 to 5  
by regd. A/D post.

(as)  
9/3/07 D/No-310 to 314  
Dt 20/3/07.

Heard Mr.M.Chanda, learned counsel for  
the Applicant. Ms.U.Das, learned Addl.C.G.S.C  
for the Respondents submitted that notice should  
be issued to the Respondents so that she will get  
instruction and file reply statement.

Accordingly, issue notice to the  
Respondents, returnable by six weeks.

Post on 25.04.2007.

L  
Vice-Chairman.

① Service report  
awaited.

/bb/

25.4.2007

Mr. M. Chanda, learned counsel for the  
Applicant is present. Since Ms.U.Das, learned  
Addl. C.G.S.C. is appearing on behalf of all  
the Respondents, service of all the  
Respondents is held complete. The request of  
Ms. Das for time to file reply statement is  
considered and four weeks' time is granted to  
the Respondents to file reply statement.

Call on 28.05.2007.

Notice duly served  
on R-2,4.

(as)  
26/4/07.

No Wks has been  
billed.

24  
25.5.07.

/bb/

29.5.07.

Counsel for the respondents wanted  
time to file written statement. Let it be  
done. Post the matter on 14.6.07. ✓

No Wks has been  
billed.

23  
13.6.07.

lm

  
Member (A)

  
Member (J)

Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p><u>2.7.07</u> W/s Submitted by the Respondents. page 1 to 12. Copy Served.</p> <p><u>24</u> 5.7.07.</p> <p>Rejoinder not filed. /bb/</p> <p><u>24</u> 30.7.07.</p> <p>Rejoinder not filed.</p> <p><u>24</u> 25.1.08.</p> <p>Rejoinder filed on behalf of the Applicant.</p> <p><u>24</u> 25.1.08.</p>	<p>14.06.2007</p> <p>/bb/</p> <p>6.7.2007</p> <p>31.7.2007</p> <p>/bb/</p> <p>28.01.2008</p>	<p>Let the case be posted on 6.7.2007 for filing of reply statement.</p> <p>Vice-Chairman</p> <p>Post the case on 30.7.2007 granting three weeks time to the Applicant to file rejoinder.</p> <p>Vice-Chairman</p> <p>The O.A. is <u>admitted</u>. Learned counsel for the Applicant submitted that the matter may be listed for hearing. Post for hearing before the next available Division Bench. In the meantime, Applicant is permitted to file rejoinder.</p> <p>Vice-Chairman</p> <p>Mr M. Chanda, learned Counsel for the Applicant and Ms U. Das, learned Addl. Standing Counsel, appearing for the Respondents/ Department are present.</p> <p>The learned Counsel for the parties should, at the outset, clarify as to whether the Respondent</p>

O.A. NO-60/2007

Organisation - Central Board of Worker's Education is amenable to the adjudicatory jurisdiction of this Tribunal or not; which they should clarify by the next date.

Mr M. Chanda, learned Counsel for the Applicant, has filed a Petition seeking certain records from the custody of the Respondents. A copy of the said Petition has already been served on the learned Addl. Standing Counsel appearing for the Respondents/Department.

Call this matter on 05.02.2008, when the Respondents should keep the records ready with the learned Addl. Standing Counsel to be produced, if required, at the hearing.

Copy of this order be handed over to Ms U. Das, learned Counsel for the Respondents/Department.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

nkm

05.02.2008

Call this matter on 14.2.2008

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

lm

~~14.02.2008~~

On the prayer of Mrs U. Dutta, learned Counsel appearing for the Applicant, call this matter on 10.03.2008.

31.2.1.08

Pl. handover a copy  
of the order to Ms. Usha  
Das, Addl. C.B.S.C

31.1.08

received  
Usha Das.  
Addl C.B.S.C  
31/1/08

14.02.2008

On the prayer of Mrs U. Dutta, learned Counsel appearing for the Applicant, call this matter on 10.03.2008.

The case is ready for hearing.

7.3.08.

(Khushiram)  
Member (A)

nkm

(M.R. Mohanty)  
Vice-Chairman

10.03.2008

Mrs U. Dutta, learned counsel appearing for the Applicant is present.

Call this matter on 31.03.2008.

The case is ready for hearing.

28.3.08.

pg

(M.R. Mohanty)  
Vice-Chairman

31.03.2008

On the prayer of the counsel for the parties call this matter on 19.5.2008 for hearing.

The case is ready for hearing.

16.5.08.

(Khushiram)  
Member(A)

pg

(M.R. Mohanty)  
Vice-Chairman

19.05.2008

Call this matter on 21.07.2008.

Lm

(M.R. Mohanty)  
Vice-Chairman

PTD

OA. 60/2007

-6-

21.07.2008

On the prayer of Mrs.U.Dutta, learned counsel appearing for the Applicant, call this matter on 06.08.2008.

Dt. 21.7.08

Please send copies of this order to the Respondents via the address given in the O.A.

↓  
21/7/08

order dated 21/07/08

Send to D/Section for issuing to respondents by post.

31/7/08. D/No-3330 to /bb/  
D/- 3335  
1/8/08.

06.08.2008

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

Call this matter on 17.09.2008 for hearing.

Send copies of this order to the Respondents; who should come ready to participate in the hearing.

the case is ready for hearing.

16.9.08.

/bb/

16-9-08

no W/S received from the R. No. 6 (amended receipts)

km 17.09.2008

On the prayer of Mr M. Chanda, learned Counsel appearing for the Applicant, call this matter on 10.11.2008 for hearing.

(Khushiram)  
Member(A)

nkm

(M.R. Mohanty)  
Vice-Chairman

(M.R. Mohanty)  
Vice-Chairman

(M.R. Mohanty)  
Vice-Chairman

ON 60/07 -7-

2

10.11.2008

Call this matter on 18.12.2008.

(S.N.Shukla)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

lm

The case is ready 18.12.2008  
for hearing.

For the reasons recorded separately, this  
O.A. stands dismissed being withdrawn.

17-12-08

(S.N.Shukla)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

/bb/

Received  
Alpha Lm.  
Addl crsc  
23/12/08

Received  
Dutta  
23/12/08

Received copy  
for Resubmission  
no 4.  
23/12/08

31.12.08

Copy of the  
order sent to the  
Office for issue  
the time to the  
applicant as well  
to the respn.  
etc



a

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.60 of 2007

DATE OF DECISION: 18.12.2008

D.N.Boro

.....Applicant/s

Mr.M.Chanda

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Ms. U. Das, Addl. C.G.S.C.

.....Advocate for the  
Respondents

CORAM

THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN  
THE HON'BLE MR. S.N.SHUKLA, 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~~ ✓

Judgment delivered by

Vice-Chairman/Member (A)

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 60 of 2007

Date of Order: This, the 18th Day of December, 2008

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI S.N.SHUKLA, ADMINISTRATIVE MEMBER

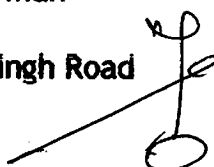
Shri Debendra Nath Boro  
S/o Sri Halanga Boro  
Working as Zonal Director  
Central Board of Workers Education  
North Eastern Zone  
Housefed Complex, near Last Gate  
Dispur, Guwahati-6.

..... Applicants.

By Advocates Mr.M.Chanda, Mr.S.Nath & Mrs.U.Dutta.

- Versus -

1. The Union of India  
Represented by the to the Government of India  
Ministry of Labour and Employment  
Shram Shakti Bhavan  
New Delhi-110 011.
2. The Union of India  
Represented by the to the Government of India  
Ministry of Finance  
Department of Expenditure  
North Block, New Delhi - 110 001.
3. The Chairman  
Central Board of Workers Education  
7/10, Room No.21-22, Jam Nagar House  
Man Singh Road, New Delhi - 110 011.
4. The Director  
Central Board of Workers Education  
North Ambazari Road  
Nagpur - 440 033.
5. The Department of Personnel and Training  
Ministry of Personnel, Public Grievances and Pensions  
Govt. of India, represented by its Secretary  
North Block, New Delhi - 110 001.
6. The Central Board of Workers Education  
represented by the Chairman  
at 7/10, Room No.21-22  
Jam Nagar House, Man Singh Road  
New Delhi - 110 011.



..... Respondents.

By Ms. U.Das, Addl. C.G.S.C.

**ORDER (ORAL)**  
**18.12.2008****MANORANJAN MOHANTY, (V.C.)**

Mr.M.Chanda (assisted by Mrs.U.Dutta, Advocate), learned counsel appearing for the Applicant is present. Ms. U.Das, learned Addl. Standing counsel appearing for the Respondent Organization is also present.

2. At the hearing stage, a memorandum to the following effect has been filed by the Advocate for the Applicant:-

**"IN THE MATTER OF**

O.A. No. 60/2007

along with M.P.19/08 &  
M.P.20/08

D.N.Boro

-vs-

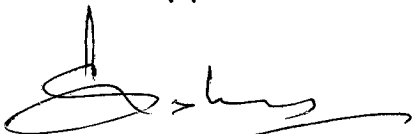
U.O.I. &amp; Ors.

**MEMORANDUM**

With due respect, I pray that I may be permitted to withdraw the abovementioned matter, under the instruction of my client, with liberty to file a fresh, if so advised."

3. In the aforesaid premises, this O.A. is permitted to be withdrawn with liberty to approach this Tribunal afresh, if so advised. Therefore, this O.A. is dismissed being withdrawn as aforesaid.

4. Send copies of this order to the Applicant and to all the Respondents in the address given in the O.A. and free copies of this order shall be supplied to the learned counsel appearing for both the parties.

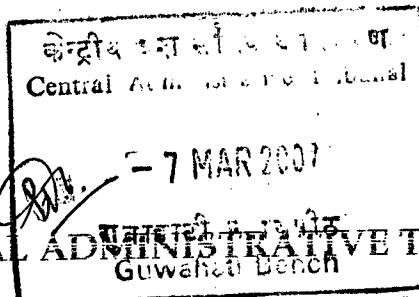


(S.N.SHUKLA)  
MEMBER (A)



18/12/08  
(MANORANJAN MOHANTY)  
VICE-CHAIRMAN

/bb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

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

O. A. No. 60 /2007

**Shri Debendra Nath Boro**  
-Vs-  
**Union of India and Others**

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

Applicant was initially appointed as Education Officer in the Central Board of Workers Education (CBWE) on 01.03.82. Subsequently, he was promoted to the cadre of Selection Grade Education officer w.e.f. 29.01.93 and further promoted as Regional Director w.e.f. 17.11.93. Eventually, he was promoted to the cadre of Zonal Director, which is a Group 'A' post, w.e.f. 10.10.05 and at present he is working as Zonal Director, CBWE, North Eastern Zone, Guwahati.

06.01.04, 03.01.06, 24.04.06 and 15.05.06- CBWE Officers Association submitted representation to the Ministry of Labour and Employment on several occasions regarding anomalies in pay scales but with no results whatsoever. (Annexure- II Series)

2004- In CBWE, the post of Education Officer is only post filled up by direct recruitment and all other posts above Education officer and upto the level of Additional Director are filled up by promotion from the feeder cadres below. This practice has been followed since inception, which is also evident from the Recruitment Rules, 2004. (Annexure- III)

25.10.2005- "Draft Recruitment Rule" placed before the Governing Body meeting held on 25.10.2005, wherein the scale of the Additional Director has been shown as Rs. 14,300-400-18,300/-, but unfortunately the scale of other feeder cadres including the post of Additional Director has not been revised till filing of the original application for the reasons best known to the authority. (Annexure- IV)

1997- The sub-committee constituted by CBWE after examining the different aspects of the services of CBWE Officers compared to those of other similar organizations, submitted its report on the pay scales, service conditions and Allied matters of employees of Central Board for workers Education. In their report, the committee

suggested for a higher pay scale of Rs. 2200-4000 in place of Rs. 1640-2900 for Education officers of CBWE on the basis of 4<sup>th</sup> GPC's recommendation and also suggested corresponding higher scale for other officers up to the rank of Director on that basis.

(Annexure- V)

Surprisingly, the respondent authorities while considering the Sub-Committees report arbitrarily and unreasonably picked up the recommendations in respect of the post of Director only in a selective manner and implemented the revised scale of Rs. 18,400-22,400/-.

17.04.2006- Govt. of India, Ministry of Labour and Employment has framed impugned Recruitment Rule 2006 for the post of Director and the same has been published in the Gazette of India wherein they took the unrevised pay scales of the officers below the post of Director arbitrarily and unreasonably in such a manner so as to block the departmental officers in the hierarchy for being considered for the post of Director in terms of eligibility and sealed their fate permanently for promotion to the post of Director which they had been availing for last 48 years since inception. (Annexure- 1)

Hence this original application.

#### P R A Y E R S

1. That the Hon'ble Tribunal be pleased to declare that the Recruitment Rule 2006 for the post of Director published on 17.04.06 (Annexure-f) as illegal and void-ab-initio and the respondents be directed to review and modify the Central Board for Workers Education (Director) Recruitment Rules, 2006 for the post of Director incorporating therein the provisions for promotion to the post of Director from the feeder cadre of Addl. Director/Zonal Director/Deputy Director in the hierarchy, in conformity with the guidelines, instructions, Rules of the Central Government.
2. That the Hon'ble Tribunal be pleased to direct the respondents to implement the revise pay scale for all cadres below the post of Director including the post of Zonal Director in the light of the recommendations of the pay Sub-Committee, 1997 as has been implemented in case of

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Director, in order to enable the applicant to avail the promotional benefit to the post of Additional Director/Director in due course.

3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned Recruitment Rules for the post of Director (Annexure-II) published on 17.04.06 and restrain the respondents from appointing any outsider, other than the eligible departmental officers from the feeder cadre to the post of Director till the disposal of this application.
  2. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.
-

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GUWAHATI BENCH: GUWAHATI**

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

**Title of the case** : **O.A. No.** 60 /2007

**Shri Debendra Nath Boro.** : **Applicant.**

**-Versus-**

**Union of India & Ors.** : **Respondents.**

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Sl. No.	Annexure	Particulars	Page No.
1.	---	Application	1-26
2.	---	Verification	-27-
3.	I	Copy of relevant pages of the Gazettee of India dated 17.04.06 containing impugned recruitment rule of Director 2006.	28-30
4.	II (Series)	Copy of letters dated 06.01.04, 03.01.06, 24.04.06 and 15.05.06 of President, CBWE Officer's Association.	31-34
5.	III	Copy of Recruitment rules 2004	35-44
6.	IV	Copy of the 'Draft Recruitment Rule' for the post of Director.	45-47
7.	V	Copy of report of Sub-committee 1997.	48-64
8.	VI	Copy of comparative statement of pay scales	65
9.	VII	Details of list of officers whom applicant represented.	66

Filed By:

*Adutta*  
Advocate

Date:- 7.03.07 :

*Debendra Nath Boro*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 60 /2007

BETWEEN:

Shri Debendra Nath Boro,

S/o- Sri Halanga Boro,  
Working as Zonal Director,  
Central Board of Worker's Education,  
North Eastern Zone,  
Housefed complex, near Last Gate, Dispur,  
Guwahati- 6.

-----Applicant.

-AND-

1. The Union of India,  
Represented by Secretary to the  
Government of India,  
Ministry of Labour and Employment  
Shram Shakti Bhavan, New Delhi- 110011.
2. The Union of India,  
Represented by the Secretary to the  
Government of India,  
Ministry of finance,  
Department of Expenditure,  
North Block, New Delhi- 110001.
3. The Chairman  
Central Board of Workers' Education,  
7/10, Room No. 21-22, Jam Nagar House,  
Man Singh Road, New Delhi- 110011.
4. The Director,  
Central Board of Workers' Education,  
North Ambazari Road, Nagpur- 440033.
5. The Department of Personnel and Training,  
Ministry of Personnel, Public Grievances and Pensions,  
Govt. of India, Represented by its Secretary,  
North Block, New Delhi-110001.

..... Respondents.

\* 6.

The Central Board of Workers Education, represented  
by chairman,  
at 7/10, Room No 21-22  
Jam Nagar House, Man Singh Road,  
New Delhi 110011.

Imploded as R-6, vide order dt. 19/5/08 passed in  
MP 20/08.

Debendra Nath Boro

Filed by: - The applicant  
Through: - U. Dutta  
Advocate on 7.03.07

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### DETAILS OF THE APPLICATION

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

This application is made against the impugned Recruitment Rules 2006 for the post of Director, Central Board of Worker's Education, published in the Gazette of India dated 17.04.2006 and also against non-implementation of the revised pay scales of the cadre officers of the Central Board of Workers' Education (CBWE) in terms of the recommendations made by the Pay Sub-Committee, Constituted by the Govt. of India.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant was initially appointed as Education Officer in the Central Board of Workers Education (CBWE) on 01.03.1982. Subsequently, he was promoted to the cadre of Selection Grade Education officer w.e.f. 29.01.1993 and further promoted as Regional Director w.e.f. 17.11.1993. Eventually, he was promoted to the cadre of Zonal Director, which is a Group 'A' post, w.e.f. 10.10.2005 and at present he is working as Zonal Director, CBWE, North Eastern Zone, Guwahati.

Deleendra Nath B

4.3 That it is stated that the Central Board of Workers Education is under the absolute control of Government of India, Ministry of labour and Employment and the HQ of the Board is at Nagpur. The Board has at present 50 Regional Directorates and 10 Sub-Regional Directorates and in the Country which organize activities relating to workers Education at Regional and Unit/Enterprise/Village levels.

There are 5 Zonal Directorates at Delhi, Kolkata, Chennai, Mumbai and Guwahati to monitor and supervise the training activities of the Regional Directorates in their respective zones.

The Indian Institute of workers Education was established in March, 1970 by the Board at Mumbai. It conducts national level programmes for the nominees of the Central Trade Union organizations and Federations. Besides, the institute also conducts pre-employment course of Education officers and refresher courses for Regional directors and Education officers from time to time.

All the training programmes are conducted in the well equipped modern training all of international standard.

Boards training programmes cover workers from organized, unorganized, rural and informal sectors through the Regional and the Sub-Regional Directorates. Selected workers are trained at Regional Directorates. The offices conducts refresher courses for trainees, joint educational programmes, personality development programmes, programmes for self generation funds. It also conducts need based seminars, programme on quality of life for workers, unit level classes. The Board conducts camps of 2 day/5 days duration for workers, camps for weaker sections and special seminars.

It is specifically stated that almost 90% recurring expenditure in the forms of grants-in-aid are being received by the Central Board of workers Education from the Central Government. It is also stated that Central Government may after due appropriation made by the parliament by law

Debendra Nath Bo

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in this behalf make the authorities, grants of such sum of money by the Central Govt. may consider it necessary

- 4.4 That it is stated that Central Government Financial Rules (in short GFR) particularly Rule 149 (4) (IV) states as follows: -

"That all autonomous bodies which receives more than 50 % of their receiving expenditure in the form of grants-in-aid should formulate terms and conditions of service of their employees so that by and large, they are-

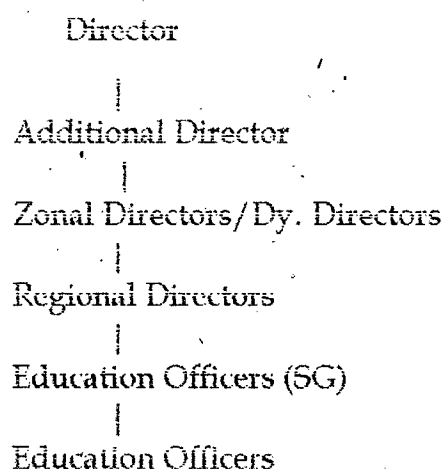
Broadly comparable to those applicable to similar category of employees in Central Government"

In view of the above provision of General Financial Rules of Central Government to Central Board of Workers Education, which receives more than 90% of the recurring expenditure in the form of grants-in-aid should formulate terms and conditions of service should be comparable to those applicable to similar category of employees in Central Government. Therefore it is obligatory on the part of the administration of CBWE to formulate terms and conditions of service of their employees, so that by and large they are broadly comparable to those applicable to similar category of employees.

It is pertinent to mention here that the Board all along have adopted the recommendation of Central Pay Commissions for enhancement of pay and allowances of their employees, in the past. However, the said decision is followed normally on the recommendation of the Board.

- 4.5 That under the normal set-up, the hierarchy of cadred officers in the CBWE is as under:

Deleendra Nath Bo



4.6 That there is one post of Director, in the CBWE stationed at CBWE Headquarter at Nagpur and there has been no Recruitment Rules for the said post until 2006. This post is in existence since 1958 and the same has been filled up by promotion from the rank of Additional Director from time to time since inception except in rare cases through deputation due to non-availability of eligible departmental candidate. A few examples of departmental officers who have held the post of Director, from time to time are shown below:

	<u>Name</u>		<u>Period</u>
1)	Dr. M.A. Chansarkar	--	1966-1974 1976-1980 1982-1985 1988-1989
2)	Shri H.C. Gupta	--	1985-1986
3)	Shri M. Sagirkhan	--	1986-1987
4)	Shri B.A. Chavan	--	1992-2000

From the above it is clear that the post of Director was filled up perpetually by promoting the above named departmental officers of the feeder cadres. In this connection it is relevant to mention here that the establishment started from 1958 and the promotee officers have performed very efficiently their duties and responsibilities. At present the said post of

Director is being held by one Sri V. Pareswaran, on deputation basis since 2002.

- 4.7 That of late in 2006, the Govt. of India, Ministry of Labour and Employment has framed one Recruitment Rule for the post of Director and the same has been published in the Gazette of India dated 17.04.2006. In the said Recruitment Rules it has been provided interalia under Column 11 pertaining to "Method of recruitment", that the post will be filled up by transfer/transfer on deputation (including short-term contract). As regards the criteria of eligibility for the said post, as given in column 12 of the recruitment rule, the specifications are as follows:

"Officers under the Central/State/UT Admn./Universities/Recognised Research Institute/Public Sector Undertakings/Semi Government, Statutory or Autonomous organizations.

- (a) (i) Holding analogous posts on regular basis, or  
(ii) with 2 years regular service in the posts in the pay scale of Rs. 16,400-450-20,000.  
(iii) With 3 years regular service in the posts in the pay scale of Rs. 14300-400-18300 and  
(b) having  
(i) Masters Degree from a recognized University and equivalent.  
(ii) 15 years experience in Group 'A' post or equivalent in a responsible capacity belonging to All India/Central Services and Central/State Government or Autonomous institutes.  
(iii) practical and administrative experience in the field of training/educational/rural development/planning development in labour-related issues would be an added advantage."

From above mentioned specifications it is evident that a clear departure has been made from the existing practice of filling up the post

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of Director from amongst the departmental officers in the feeder cadres, which has been in practice for last 48 years since 1958. As per the provisions of the recruitment rule, 2006 aforesaid, the promotional opportunity of the departmental officers from the feeder cadres to the post of Director have been blocked/sealed on two counts viz; -

- (a) the post to be filled up by transfer/transfer on deputation. (including short term contract), and
- (b) regular tenured service in the scale of Rs. 16,400-20,000 or Rs. 14,300-18,300 as quoted above.

It is relevant to mention here that there is no officer in the departmental hierarchy in the scales of Rs. 16,400-20,000 or Rs. 14,300-18,300, even the post of Additional Director which is next below the post of Director, carries the pay scale of Rs. 10,000-15,200 (unrevised) only. It is therefore clearly evident that the Recruitment rule 2006 for the post of Director has been formulated with the planned motive and clear intention of excluding the departmental officers in the feeder cadres from promotion to the said post, which is a deviation from the existing practice of about 48 years. As such the impugned recruitment rule for the post of Director aforesaid is malafide, arbitrary, unfair, illegal, motivated and violative of the principles of natural justice and hence liable to be reviewed/modified.

Copy of relevant pages of the Gazettee of India dated 17.04.06 containing the impugned R/R are annexed hereto as Annexure- I.

- 4.8 That the applicant begs to submit that it is well known to the respondents that while granting corresponding revised scales to the officers of different cadres of CBWE in persuasion to the recommendations of the 2nd Pay Commission, an anomaly crept up since all the officers from the grade of Education officer to the grade of Director were placed in the respective lower scales. In order to remove the anomalies, the Govt. of India

constituted several committees in tandem and all the committees recommended for upward revision of the scales of the cadre officers of CBWE i.e. from the post of Education Officer to the post of Director. But the respondents in their own wisdom on some pretext or the other, turned down the recommendations of all those committees, thus making a mockery of the committees. As such, the injustice on the cadre officers of CBWE in respect of their pay and upward revisions ignored by all the successive pay commission i.e. 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Central Pay Commission.

- 4.9 That the 5<sup>th</sup> Central Pay Commission refused to consider the case of CBWE officers on the plea that the CBWE being an autonomous organization, its employees do not come under the purview of the Central Pay Commissions. As such, the anomalies which crept up in respect of the officers of CBWE at the time of implementation of the 2<sup>nd</sup> Pay commission's recommendations has been continuing in perpetuity, in spite of all efforts of the Board.

The CBWE Officers Association persuaded the matter with the Ministry of Labour and Employment on several occasions but with no results whatsoever.

Copy of letters dated 06.01.04, 03.01.06, 24.04.06 and 15.05.06 of President, CBWE Officer's Association addressed to Ministry of Labour and Employment, Govt. of India are annexed hereto as Annexure- II Series.

- 4.10 That as per Recruitment Rules of CBWE, the post of Education Officer as shown at the bottom of the above mentioned hierarchy is only filled up by direct recruitment and all other posts above Education officer and upto the level of Additional Director are filled up by promotion from the feeder cadres below. This practice has been followed since inception, which is also evident from the Recruitment Rules, 2004.

Copy of Recruitment rules 2004 is annexed hereto for perusal of Hon'ble Tribunal as Annexure- III.

- 4.11 That it is stated that this Sub-Committee constituted by the Board for recommendation of the pay-scales of the officers of the CBWE, in fact suggested the proposed revised scale for the post of Director ought to be Rs. 5100-6700/- since the existing scale of pay of the Director is Rs. 3700-5000/-. It is relevant to mention here that as per Central Civil services revised pay Rules, 1997, the existing scale of Rs. 3700-5000/- has been year marked at Sl. No. 21 and also in post and grade of S-21 in the 1<sup>st</sup> schedule part 4 and the corresponding revised scale is Rs. 12000-375-16500. The Sub-Committee constituted by the CBWE in fact recommended and proposed the higher revised scale of pay of Rs. 5100-150-6300-200-6700 for which corresponding revised scale is Rs. 16400-450-20900/-, which would be evident from Sl. no. 27 and grade S-27 i.e. six stage higher than the existing scale as per revised pay rules 1997 but surprisingly the Govt. of India, Ministry of Labour and Employment have revised and allotted the higher scale of Rs. 18400-500-22400/- i.e. 8 (eight) stage higher than the proposed recommendation of the Sub-Committee, when the duties and responsibilities of the post of Director remain unchanged. But surprisingly no review is made for the other category of post of officers namely (1) Education officer (2) Education officer selection grade (3) Regional Director/Training Officer/Research officer/Editor (4) Deputy Director/Zonal Director (5) Additional Director, in terms of the recommendation of the Sub-Committee constituted by the Govt. of India and thereby the present applicant and other similarly situated officers of the Board has been deprived of the higher revised salary recommended/suggested by the Sub-committees constituted by the Board. It would be evident from the recruitment rules and the service conditions of CBWE 2004 that the applicant and other officers right from the cadre of education officer, upto the cadre of Additional Director have



been granted corresponding revised scale as per 5<sup>th</sup> Central Pay Commission and no review for grant of higher revised scale is made by the Govt. of India, Ministry of Labour and Employment but in isolation the pay-scale of the cadre of Director has been reviewed in terms of recommendation of Sub-committee constituted by the Govt. of India and as such much higher revised scale of Rs. 18400-500-22400/- has been allotted, i.e. the post of Director has been graded equivalent to S-29 from the grade of S-21 and thereby the scale of Director has jumped eight stage from the earlier existing scale. Which is not in conformity with the norms, policy and financial rules of the Govt. of India. More so, when the scale of pay of the feeder cadres has not been reviewed by the Department in conformity with the review, recommendation of Sub-committee. Since the respondent department have adopted all rules and regulations of the Govt. of India, therefore the said respondent authorities are bound to keep conformity with the existing rules and regulations of the Central Government, while framing recruitment rules or service conditions or in the question of allotment of higher revised scale in a particular cadre or cadres. But in the instant case the respondents deliberately made a departure from the rules while revised higher scale was allotted to only to the cadre of Director by the Govt. of India, Ministry of labour and Employment. It is relevant to mention here that the Sub-Committee constituted by the Govt. of India, in fact recommended higher scale of Rs. 5100-6700/- (revised Rs. 16,400-450-20,900/-). But the Govt. of India, Ministry of Labour and Employment in fact allotted further higher scale of Rs. 5,900-200-6,700/-/5,900-200-7,300/- i.e. corresponding revised scale of Rs. 18400-500-22400/-. It is pertinent to mention here that in the governing body meeting held on 25<sup>th</sup> October, 2005 wherein a "draft recruitment rule" has been placed before the Governing body for approval for the post of Director, CBWE. In the 'Draft Recruitment Rule' the scale of pay for the post of Director was proposed to Rs. 18,400-500-22,400/- and the post of Director has been treated as selection post i.e. selection by merit. In

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column 11 of the 'Draft Recruitment Rule' the first mode of recruitment has been prescribed by promotion from the feeder cadre of Additional Director with 3 years regular service in the grade of Rs. 14,300-400-18,300/- and failing which by transfer on deputation. But surprisingly, when the recruitment rule was published i.e the impugned recruitment rules, 2006, which is called as the Central Board for workers Education Director, recruitment rules, 2006 there is no provision made, for filling up the post of Director by way of selection from the feeder cadre of Additional Director to the cadre of Director. In the Draft Recruitment Rule, the post of Additional Director has been proposed to be in the scale of Rs. 4,500-150-5,700/- (revised Rs. 14,300-400-18,300/-) and it was also proposed that the selection committee shall be formed for the purpose of selection committee shall be formed for the purpose of selection with the following composition: -

1. Secretary, Ministry of Labour and Employment (Chairman)
2. Additional Secretary, Ministry of Labour and Employment (Member).
3. Chairman, CBWE (Member).
4. Labour and Employment Advisor, Ministry of Labour and Employment (Member).
5. Joint Secretary in charge of CBWE (Member)

But surprisingly the said Draft R/R 2006, which was recommended by the Board, has not been accepted by the Govt. of India, Ministry of Labour and Employment for the reasons best known to the authorities. But the draft recruitment rule was for the post of Director was framed keeping in conformity with the guidelines instructions and also in conformity with the G.F.R. But the said draft R.R. has not been taken into consideration while the impugned recruitment rule 2006 has been issued.

It is pertinent to mention here that the impugned recruitment rule is contrary to the provision of G.F.R as well as contrary to the relevant provisions of CCS (RP) Rules 1997.

In this connection it is stated that the terms of Central Civil Services revised pay rules, 1997, more particularly in terms of Rule 7 i.e fixation of initial pay in the revised scale, it is provided as follows -

- (A) In the case of all employees,-
- (i) An amount representing 40 per cent of the basic pay in the existing scale shall be added to the "existing emoluments" of the employee;
  - (ii) After the existing emoluments have been so increased, the pay shall thereafter be fixed in the revised scale at the stage next above the amount thus computed.

**Provided that-**

- (a) If the minimum of the revised scale is more than the amount so arrived at, the pay shall be fixed at the minimum of the revised scale;
- (b) If the amount so arrived at is more than the maximum of the revised scale, the pay shall be fixed at the maximum of that scale;

**Provided further that-**

Where in the fixation of pay, the pay of Government servants drawing pay at more than four consecutive stages in an existing scale gets bunched, that is to say, gets fixed in the revised scale at the same stage, by pay in the revised scale of such of these Government servants who are drawing pay beyond the first four consecutive stages in the existing scale shall be steeped up to the stage where such bunching occurs, as under, by the grant of increment (s) in the revised scale in the following manner, namely:-

- (a) For Government servants drawing pay from the 5<sup>th</sup> up to the 8<sup>th</sup> stage in the existing scale-by one increment;

- (b) For Government servants drawing pay from the 9<sup>th</sup> up to the 12<sup>th</sup> stage in the existing stage, if there is bunching beyond the 8<sup>th</sup> stage-by two increments
- (c) For Government servants drawing pay from the 13<sup>th</sup> up to the 16<sup>th</sup> stage in the existing scale, if there is bunching beyond the 12<sup>th</sup> stage-by three increments.

If by stepping up of the pay as above, the pay of a Government servant gets fixed at a stage in the revised scale which is higher than the stage in the revised scale at which the pay of a Government servant who was drawing pay at the next higher stages in the same existing scale is fixed, the pay of the letter shall also be only to the extent by which it falls short of that of the former.

Provided also that-

The fixation thus made shall ensure that every employee will get at least one increment in the revised scale of pay for every three increments [inclusive of stagnation increment (s), if any] in the existing scale of pay.

But in the instant case, it appears that the revised higher scale of the Director, has been allotted in such a manner, in violation of Rule 7 of the fixation Rule of CCS (RP) Rules, 1997 by jumping over eight stage, when the permissible limit is maximum 3 stage/grade and as a result basic pay for the post of Director has been enhanced more than 40% in total violation of the relevant provisions.

It is ought to be mentioned here that in the "Draft Recruitment Rule" placed before the Governing Body meeting held on 25.10.2005, wherein the scale of the Additional Director has been shown as Rs. 14,300-400-18,300/-, but unfortunately the scale of other feeder cadres including the post of Additional Director has not been revised till filing of the original application for the reasons best known to the authority.

A Copy of the 'Draft Recruitment Rule' for the post of Director is enclosed as Annexure- IV.

4.12 That it is stated that the revised scale of pay which is allotted to the cadre of Director i.e. Rs. 18,400-500-22,400/- by the Govt. of India, Ministry of Labour and Employment, but the said allotment of higher revised scale is not in conformity with the existing scale of pay of the feeder cadre officers of the CBWE, and as a result a wide gap has now been created by the respondents department in the pay structure of the post of Director with the feeder cadre pay structure of the officers of the respondent department and as a result, avenue of promotion from the feeder cadre, pay structure, of the Deputy Director/Zonal Director/Additional Director to the cadre of Director is now permanently blocked by the respondent authority in view of the publication of impugned arbitrary recruitment rule 2006 for the post of Director. More so in view of the fact that there is no provision made in the recruitment rule 2006 for providing promotion from the cadre of Additional Director or from any other feeder category of officers. The recruitment rule 2006 framed under Constitutional provision of Article 309 is highly arbitrary, unreasonable and unfair and the same is opposed to public policy. The recruitment rule is unprecedented recruitment rule as because there is no provision for promotion from the cadre of Additional Director to the cadre of Director or from any other feeder category, as such the impugned recruitment rule 2006 is highly arbitrary, and the said rule is opposed to public policy, and on that score alone the recruitment rule 2006 for the post of Director in CBWE is liable to be set aside and quashed.

4.13 That it is stated that even in the recent past the post of Director has been filled up from the feeder category of Additional Director by the Govt. of India, Ministry of Labour and Employment on the recommendation of the Board, as for example, Shri B.A. Chavan was appointed as Director from

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the cadre of Additional Director on regular basis and worked for about 8 years from 1992 to 2000, as such the feeder category officers working in the CBWE cannot be treated as ineligible for promotion to the cadre of Director. However, Sri V. Parameshwaran has now been appointed as Director on deputation basis since 2002. But in view of the impugned recruitment rule 2006, now there is no scope on the part of the feeder cadre officers in the Central Board for Workers Education to avail the opportunity of promotion to the cadre of Director, which is permanently sealed by the respondent department in a most unreasonable and arbitrary manner in spite of the fact that the eligible and sufficiently experienced officers on the line are available in the department itself. But even then the respondent department with an ulterior motive and in colourable exercise of their power framed the impugned recruitment rule 2006 without keeping any provision or opportunity, enabling the eligible feeder category officers for consideration of their promotion to the cadre of Director and as a result the present applicant is adversely effected so far his service prospect is concerned in view of the arbitrary and unreasonable recruitment rule. It is needless to mention here that the present applicant fulfilled the requirement of educational qualification and in due course if the scale is reviewed then definitely he will be eligible for promotion to the cadre of Director but so long this arbitrary recruitment rule 2006 exists, there is no scope on the part of the applicant to get any consideration for promotion at any point of time to the post of Director. In the compelling circumstances, the applicant has no other alternative but approaching this Hon'ble Tribunal for setting aside the arbitrary recruitment rule 2006 for the post of Director.

- 4.14 That eventually the CBWE constituted a Sub-committee in the year 1997 and the said committee made an in depth study in respect of the pay scales, service conditions and Allied matters of Employees of the CBWE. The sub-committee after examining the different aspects of the services of CBWE

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Officers compared to those of other similar organizations, submitted its report on the pay scales, service conditions and Allied matters of employees of Central Board for workers Education. In their report, the committee suggested for a higher pay scale of Rs. 2200-4000 in place of Rs. 1640-2900 for Education officers of CBWE on the basis of 4<sup>th</sup> CPC's recommendation and also suggested corresponding higher scale for other officers up to the rank of Director on that basis. Accordingly, the committee made it's final recommendations in respect of the officers of CBWE as shown hereunder.

Sl. No.	Name of the posts	Pay Scale existing (Rs.)	Pay Scale recommended by pay sub-committee (Rs.) (1997)	Implementation of recommended scale
1.	Education officer	5500-9000	8000-13,500	Nil
2.	Education Officer (Selection grade)	6,500-10,000	10,000-15,200	Nil
3.	Regional Director and others	6,500-10,000	12,000-16,500	Nil
4.	Dy. Director/ Zonal Director	8000-13,500	14,300-18,300	Nil
5.	Additional Director	10,000-15,200	16,400-20,000	Nil
6.	Director		18,400-22,400	Revised to Rs. 18,400-22,400 w.e.f. 2002

Copy of report of Sub-committee 1997 is annexed hereto as Annexure- V.

4.15 That the Sub-committee studied in details the comparative pay structures of various departments comparable to that of CBWE and found that originally, at the time of creation of the posts of Education Officers in the CBWE, their scales were higher than those in the identical posts of other departments. But after the 2<sup>nd</sup> CPC's recommendation, the Education

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Officers of CBWE were given the scale of Rs. 325-575/- only whereas those in the other departments were given the scales ranging from Rs. 400-900/- and above and from that point of time onward, the anomalies started which continued in all successive revisions of pay of CBWE officers. Accordingly, the corresponding revised scale granted to the Education Officers of CBWE after the 5<sup>th</sup> CPC was Rs. 5,500-9,000/-, which ought to have been Rs. 8,000-13,500/- when compared to other departments. As such, having found their claims to be genuine and rational, the Sub-Committee recommended a higher fitments and to grant the scale of Rs. 8,000-13,500/- to the Education Officers and comparative higher scales to other officers up to the category of Director in CBWE as shown in the table in the above mentioned paragraph.

Copy of comparative statement of pay scales is annexed hereto as Annexure-VI.

- 4.16 That surprisingly, the respondent authorities while considering the Sub-Committee's report, picked up the recommendations in respect of the post of Director only in a selective manner and implemented the revised scale of Rs. 18,400-22,400/- w.e.f. 2002 as recommended, but ignored the recommendations of the committee in respect of all other cadres i.e. from the cadre of Education Officer up to the cadre of Additional Director, thus leaving the anomalies unattended in respect of all the posts excepting for the post of Director in a choosy and selective manner. It is the settled position that when a pay committee's report is considered, it has to be acted upon in whole but in the instant case, the respondents acted upon the recommendations in a partial manner giving benefit to a particular incumbent in a solitary post i.e. the Director and denying the same benefit to others. Such acts of the respondents are discriminatory, malafide, motivated, unfair, arbitrary, violative of principles of Article 14 and 16 of the Constitution of India and opposed to the principles of natural justice.



4.17 That the applicant most respectfully begs to state that the respondent authorities in a bid to appoint person of their own choice to the post of Director and to give him fat benefits proceeded in a planned manner and in the first instance induced a disparity of pay scale keeping the scale of the officers in the next below cadres unrevised and far below the scale of Director which was deliberate and a part of the conspiracy. The respondent authorities finally achieved their goal by introducing a separate Recruitment rules for the post of Director (Annexure- I) in 2006 wherein they took the unrevised pay scales of the officers below the post of Director in such a manner so as to block the departmental officers in the hierarchy for being considered for the post of Director in terms of eligibility and sealed their fate permanently for promotion to the post of Director which they had been availing for last 48 years since inception. By doing so, the respondents managed to seclude the post of Director from the hierarchy by excluding all departmental officers in the hierarchy from being eligible for the said post and kept this particulars line post to their own choice and opposed to the elementary principles of service jurisprudence.

4.18 That the applicant most respectfully begs to submit that as per the existing practice going on for last 48 years, the officers in the cadre of Additional Director/Zonal Director are the legitimate expectant for the post of Director which is the basic principle of the "Doctrine of legitimate expectation". But in the instant case, the respondents have framed the rules in such a manner so as to induct a stranger of their own choice to the post of Director at the cost of the Departmental officers in the hierarchy.

In *Jai Ram Sharma -Vs- Jammu Development Authority* [(1996) 9 SCC 214], the Hon'ble Supreme Court has held the right to promotion of a regular appointee over the right of a deputationist and has even observed that to promote a deputationist ignoring a regular appointee is illegal and an arm-twist to nepotism. The same principle applies in the instant case as well which the respondent authorities lost sight of.

4.19 That due to the illegal action of the respondent authorities as stated above, not only the officer of the next below cadre in the hierarchy has been deprived of his legitimate right to promotion to the cadre of Director but the entire chain of promotion starting from the bottommost cadre of Education officer to their respective higher posts have been put to a halt.

As such, finding no other alternative the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant directing the respondents to review/or modify the recruitment rules for the post of Director incorporating the provisions for promotion to the post of Director from the feeder cadre i.e. the cadre of Addl. Director/Zonal Director/Deputy Director etc.

4.20 That it is stated that the applicant is one of the members of CBWE officers Association and the said Association repeatedly approached the authorities for review of the pay scale of the officers in terms of recommendation of the Sub-committee constituted by the Govt. of India for removal of anomaly, in the matter of allotment of pay scale. It is pertinent to mention here that the allotment of higher revise scale which is now under consideration of the Ministry of Labour and Employment, Govt. of India has got a direct bearing with the question of attaining eligibility for the post of Director by the feeder cadre officers serving in the grade of Additional Director/Deputy Director/Zonal Director, as because in terms of the impugned recruitment rule 2006 the feeder cadre officers must be either in the scale of Rs. 16,400-500-20,000/- or in the scale of Rs. 14,300-400-18,300/- with requisite experience of 2/3 years regular service in the grade as such grant of higher revised scale is very much relevant even for the purpose of promotion to the cadre of Director. Hence the applicant in the instant case is also praying for a direction upon the respondents to grant higher revised pay scale to the applicant and other similarly situated officers serving in the CBWE. Moreover, there is a specific provision in Column II of the

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impugned recruitment rule 2006 that officers either in the grade of Rs. 16,400-450-20,000/- or in the scale of pay of Rs. 14,300-400-18,300/- having Master Degree with requisite experience shall be eligible for consideration for appointment to the cadre of Director by way of transfer, as such pay scale is one of the relevant factor for determining eligibility for the post of Director. Hence the applicant claimed grant of higher revised scale in terms of recommendation of the sub-Committee constituted by the Govt. of India. Be it stated that the President of the Officers Association repeatedly approached the Authorities for grant of higher revised scale but to no result.

- 4.21 That it is stated that in the instant case the respondent No. 2 and 5 have been impleaded to ascertain the correctness of the contents raised by the applicant in the instant Original Application i.e. regarding the question of validity of the recruitment rule 2006. In view of the relevant provisions laid down in General Financial Rules as indicated in the preceeding paragraphs. Therefore the Hon'ble Court would be pleased to direct the respondent No. 2 and 5 to file their written statement on the question of validity of Recruitment rule 2006, indicating as to whether the aforesaid recruitment rule is made in conformity with the G.F.R as well as the guidelines and instructions issued by the Govt. of India, more particularly by the DOPT for proper adjudication of the case of the applicant.

It is specifically stated that the aforesaid impugned recruitment rule 2006 has been issued or framed without specific approval and also without consultation with Govt. of India, Ministry of Finance and DOPT. In other words, it can rightly be said that the impugned recruitment rule 2006 has been framed without the proper/valid approval of the Central Govt.

It is relevant to mention here that there is no cogent reason to exclude the mode of recruitment for the post of Director by way of promotion. There is no convincing reason to exclude the eligible departmental officers working in the feeder grade having gathered

sufficient experience in the respective field for consideration of their promotion to the cadre of Director in the due course. The impugned recruitment rule has confined recruitment to the post of Director by way of transfer or by way of transfer on deputation. Such decision of the respondents authority is highly unreasonable, unfair, illegal, arbitrary and also offends the Article 14 of the Constitution of India, moreover it will cause irreparable loss and injury to the applicant and other similarly situated officers of the CBWE. More so when the departmental officers working in the feeder cadre have all along been found fit and eligible for promotion to the post of Director. Therefore denying such benefit at this stage by framing arbitrary recruitment rule 2006 is opposed to public policy and on that score alone the impugned recruitment rule 2006 is liable to be set aside and quashed.

4.22 That in the facts and circumstances as stated above, the Hon'ble Court be pleased to direct the respondents to frame the recruitment rule afresh for the post of Director, incorporating necessary provision of enabling the officers of the feeder cadre including the applicant for consideration of their promotion to the cadre of Director, in due course.

4.23 That the present applicant has filed this Original Application in representative capacity. The name and particulars of the officers whom the applicant represented are furnished in detail in Annexure- VII.

Detail particulars of the officers whom represented by the present applicant are furnished as Annexure- VII.

4.24 That this application is made bonafide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that the recruitment rule 2006 has been framed in total violation of Central Civil Services (Revised pay) Rules 1997, DOPT guidelines, instructions and also without proper/valid approval of the Central Govt.

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- 5.2 For that the recruitment rule 2006 has been framed in total violation of relevant provision of GFR of the Central Govt. in as much as the recruitment rule 2006 has not been framed in conformity with Central Govt. service conditions.
- 5.3 For that the recruitment conditions and the pay scale allotted to the cadre of Director is in violation of Rule of fixation provided in the CCS (RP) Rules 1997 whereby the revised scale of the Director has been shown eight stage higher than the earlier existing scale of pay in a most arbitrary manner with an ulterior motive to deny the promotional benefit to the applicant and other feeder cadre officers.
- 5.4 For that the impugned recruitment rule 2006 has adversely effected the service prospect/promotion prospect of the applicant and other similarly situated officers which will cause irreparable loss and injury to the applicant.
- 5.5 For that the impugned recruitment rule 2006 is unreasonable, arbitrary, unfair and the same is not comparable with the other recruitment rule of the Central Govt. as laid down in GFR and as such the recruitment rule 2006 is liable to be set aside and quashed.
- 5.6 For that there is no provision in the arbitrary recruitment rule for consideration of promotion of the feeder category eligible officers for the post of Director, as such the impugned recruitment rule 2006 is liable to be set aside and quashed.
- 5.7 For that, the applicant being in the post of Zonal Director, is entitled for promotion to the post of Director as per the hierarchy of promotion in due course.
- 5.8 For that, the applicant is the legitimate expectant in his terms for the post of cadre post of Director as has been followed for last 48 years since inception.

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5.9 For that, the respondent authorities have framed a separate Recruitment Rule for the post of Director in 2006 making the post earmarked for outsiders/strangers at the cost of departmental officers in the hierarchy in an arbitrary, unfair and illegal manner.

5.10 For that, the respondents authorities while considering the recommendation of the sub-committee for upward revision of the scales of CBWE officers accepted the recommendation only in respect of the post of Director and ignored the cases of all other officers from the cadre of Education officer to Addl. Director deliberately in order to create a wide gap difference of pay scale of officers in the next below cadres with that of Director which is discriminatory, unfair, illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India.

5.11 For that, the respondent authorities subsequently utilized the discriminated lower scales of the departmental officers in the feeder cadre as an instrument and excluded them from promotion to the post of Director by framing the promotion criteria accordingly in the impugned recruitment rules, 2006 for the post of Director in a planned manner which was deliberate, motivated, malafide, unfair, arbitrary and opposed to the principles of natural justice.

5.12 For that, the Hon'ble Supreme Court has laid down that promoting a deputationist by ignoring a regular appointee is illegal and an arm-twist to nepotism. This principle applies in the instant case also which the respondent authorities have violated.

5.13 For that, the respondents authorities by their impugned actions have secluded the post of Director from the normal hierarchy of post in the CBWE by introducing new mode of recruitment and criteria of pay scales in the isolated recruitment rules of Director in a manner so as to exclude the departmental regular appointees in the feeder cadre in a planned and

sustained scheme and has kept the post of Director to be manned as per their personal choice and whims which is opposed to all concerns of service jurisprudence.

- 5.14 For that by introducing the arbitrary and illegal provisions in respect of eligibility criteria for the post of Director in the impugned recruitment rules, 2006 for the Director, the respondents have blocked the entire chain of promotion from the respective feeder cadres below and sealed the promotional avenues of the departmental cadre officers in the CBWE in a planned, motivated, unfair and illegal manner.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

3. Relief (s) sought for.

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

Debendra Nath Boro

- 8.1 That the Hon'ble Tribunal be pleased to declare that the Recruitment Rule 2006 for the post of Director published on 17.04.06 (Annexure-I) as illegal and void-ab-initio and the respondents be directed to review and modify the Central Board for Workers Education (Director) Recruitment Rules, 2006 for the post of Director incorporating therein the provisions for promotion to the post of Director from the feeder cadre of Addl. Director/Zonal Director/Deputy Director in the hierarchy, in conformity with the guidelines, instructions, Rules of the Central Government.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to implement the revise pay scale for all cadres below the post of Director including the post of Zonal Director in the light of the recommendations of the pay Sub-Committee, 1997 as has been implemented in case of Director, in order to enable the applicant to avail the promotional benefit to the post of Additional Director/Director in due course.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for

During pendency of the application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned Recruitment Rules for the post of Director (Annexure-II) published on 17.04.06 and restrain the respondents from appointing any outsider, other than the eligible departmental officers from the feeder cadre to the post of Director till the disposal of this application.
- 9.2 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for



consideration of the case of the applicant for providing relief as prayed for.

10. ....

11. Particulars of the I.P.O

i)	I.P.O No.	: 286 990824
ii)	Date of issue	: 29.01.07
iii)	Issued from	: G.P.O Guwahati
iv)	Payable at	: G.P.O Guwahati

12. List of enclosures:

As given in the index.

Deleendra Nath Boroo

VERIFICATION

I, Shri Debendra Nath Boro, S/o- Sri Halanga Boro, aged about 51 working as Zonal Director, in the Central Board of Worker's Education, North Eastern Zone, Housefed complex, near Last Gate, Dispur, Guwahati- 6, applicant in the instant original application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 4th day of March 2007.

*Debendra Nath Boro*

रजि. नं. एन (एन) 04/0007/2003-05

REGD. NO. D.L. (N) 04/0007/2003-05



# भारत का राजपत्र

## The Gazette of India

पुब्लिशेड बाय ऑथोरिटी  
पुब्लिशिंग  
विकल्प  
WEEKLY

सं. 17] नई दिल्ली, 23-अप्रैल 29, 2006, शनियार/वैशाख 3-वैशाख 9, 1928  
No. 17] NEW DELHI, APRIL 23-APRIL 29, 2006, SATURDAY/VAISAKHA 3-VAISAKHA 9, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक 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)

भारत सरकार के मंत्रालय (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि के अंतर्गत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश, उप नियम 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 अप्रैल, 2006

सा.का.नि. 89.--राष्ट्रपति, संविधान के अनुच्छेद 309 के परतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए असम राइफल्स (समूह 'ग' योधक पद) भर्ती नियम, 2000 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

- (1) इन नियमों का संक्षिप्त नाम असम राइफल्स (समूह 'ग' योधक पद) भर्ती नियम, 2006 है।
- (2) ये राजपत्र में प्रकाशन की तारीख का प्रवृत्त होंगे।

2. असम राइफल्स (समूह 'ग' योधक पद) भर्ती नियम, 2000 की अनुसूची में नायब सुबेदार क्लर्क के पद से संबंधित काम संख्या 10 के सामने स्तंभ (12) के अधीन विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"असम राइफल्स के ऐसे सदस्यों में से प्रोन्नति द्वारा, जिन्होंने कुल 18 वर्ष की सेवा की है, जिसको अन्तर्गत हवलदार (क्लर्क) का पद में की गई पांच वर्ष से अत्यन्त संचा भी है।"

टिप्पण :- जब तक बल में विद्यमान वारंट अफसर (क्लर्क) पदोन्नत या वेस्ट आउट नहीं हो जाते तब तक हवलदार और वारंट अफसर (क्लर्क) दोनों ग्रेडों में मिलाकर रजिस्ट्री की सेवा कम-से-कम पांच वर्ष होगी चाहिए।

[ फा. सं. ए/ए-11/आर पो 3 2006 ]

मनोज अग्रवाल, निदेशक (कानून)

टिप्पण:-मूल नियम भारत के राजपत्र भाग 2, खंड 3, उपखंड (1), संख्याक सा. का. नि. 198 तारीख 31 मई, 2000 द्वारा प्रकाशित किए गए थे।

11/4/2006

Attested  
Advocate

प्रक्रिया प्रोन्नति/प्रतिनियुक्ति/समावेशन  
एवं विभिन्न प्रक्रियाओं के अंतर्गत परे  
विशेष पदों का प्रतिपाद

यदि भर्ती प्रतिनियुक्ति आधार पर होनी है तो प्रतिनियुक्ति  
कहां से करनी है

12

नांतरण/प्रतिनियुक्ति पर स्थानांतरण  
नस्पावि सविदा भी शामिल है)

केन्द्रीय/राज्य/संघ शासित राज्य प्रशासन/विश्वविद्यालय/मान्यता प्राप्त  
अनुसंधान संस्थान/सार्वजनिक उपक्रम/अर्ध-सरकारी अथवा सार्वजनिक स्थान  
संस्थान में कार्यरत अधिकारी।

(i) वेतनमान 16,400-450-70000 के बीचमान में दो वर्ष की नियमित सेवा

(ii) रुपये 14300-400-18300 के वेतनमान में तीन वर्ष की नियमित सेवा तथा

(iii) (1) मान्यताप्राप्त विश्वविद्यालय से स्नातकोत्तर डिग्री अथवा समकक्ष

(2) विश्वविद्यालय/केन्द्रीय सेवा और केन्द्रीय/राज्य/संघ शासित राज्य

संस्थानों में कार्यरत वेतनमान 16,400-450-70000 के बीचमान में दो वर्ष की नियमित सेवा

(3) श्रम आधारित मान्यता पर प्रशिक्षण/शिक्षा/प्रायोगिक/विकास/विकास

क्षेत्र में प्राप्त व्यावहारिक एवं प्रशासनिक अनुभव की अतिरिक्त योग्यता

रूप में माना जायेगा।

यदि, चयन, सुमिति कार्यरत है तो  
संस्था गठन, बताएं

विन परिस्थितियों में संघ लोक सेवा आयोग से सलाह लेना आवश्यक है

13

14

सांगू नहीं

संघ लोक सेवा आयोग से सलाह  
आवश्यक नहीं।

[सं. ए-12018/6/2005- 3 एस ए (कन्य)

बोना रानी बिज, अवर

# MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 21st April, 2006

G.S.R. 96.—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 and condition of service to the post of Director Central Board for Workers Education Namely:—

1. Short title and commencement.—(1) These may be called the Central Board for Workers Education (Director) Recruitment Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Number of Posts.—The number of the said posts, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the schedule hereto annexed.

3. The method of recruitment to the said post, age limit qualifications and other matters relating thereto shall be as specified in columns 5—14 of the said schedule.

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 the said post:

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 such person from the operation of this rule.

5. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, 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 the Scheduled Castes, the Scheduled Tribes, the other Backward Classes, Ex-Service and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

## SCHEDULE

## RECRUITMENT RULES FOR THE POST OF DIRECTOR, CENTRAL BOARD FOR WORKERS' EDUCATION

Name of the post	No. of posts	Classification	Scale of pay	Whether selection by merit or selection-cum-seniority or Non-selection post	Whether benefit of added years of service admissible under Rule 40 of Central Civil Service (Pension) Rules, 1972	Age limit for direct recruitment
1	2	3	4	5	6	7
1. Director	1	Group 'A' Non-Ministerial	Rs. 18400-500-22400	Not applicable	Yes	Not applicable
Educational and other qualifications required for direct recruits		Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees		Period of Probation, if any		
8		9		10		
Not applicable		Not applicable		Not applicable		
Method of recruitment. Whether by promotion/by deputation/absorption and percentage of posts to be filled by various methods				In case of recruitment by deputation grades from which deputation to be made		
11				12		
Transfer/Transfer on Deputation (including short-term contract)				Officers under the Central/State/UT Admn./Universities/Recognized Research Institute/Public Sector Undertakings/Semi Government Statutory or Autonomous Organisations (a) (i) Holding analogous posts on regular basis; or (ii) with 2 years' regular service in the posts in the pay scale of Rs. 16400-450-20000; (iii) with 3 years, regular service in the posts in the pay scale of Rs. 14300-400-18300; and (b) having (i) Masters Degree from a recognized University and equivalent ; (ii) 15 years experience in Group 'A' post or equivalent in a responsible capacity belonging to All India/Central Services and Central/State Government or Autonomous Institutions. (iii) Practical and administrative experience in the field of training/educational rural development/planning development in labour-related issues would be an added advantage.		
If a Selection Committee exists, what is its composition				Circumstances in which Union Public Service Commission is to be consulted in making recruitment		
13				14		
Not applicable				Consultation with UPSC not required		

[No. A-12018/G/2006]

BINA RANI V.

Advocate

FROM: DOPT/ED/1/01/4TH

FAC NO. 151 33 24765017

FEB. 26 2007 11:00 AM P1

**CBWE OFFICERS' ASSOCIATION**

Regd. No. HO. 3-9116

72

**President**

Sri R. L. Chakraborty

Ref. ....

Date .....

**Vice President**

Sri R. K. Pant

To

Sri K. M. Sahu

Secretary

Ministry of Labour &amp; Employment,

Government of India**Vice President**

Sri J. P. Phogat

Fax 011 23355679

**General Secretary**

R. J. Wankhede

Respected sir,

**Secretary**

Sri P. Murthy

At the outset I, on behalf of CBWE Officers' Association wish you and the members of your family a very happy and prosperous New Year.

**Secretary**

Sri Puneet Gautam

Sir, we do express our heartfelt gratitude to your kindself for taking a bold initiative for the removal of injustice inflicted upon the Officers of the Board for the last 45 years. Nevertheless for last four months processing of files in the matter of anomaly in pay scales has been very slow and as a matter of fact no concrete result has come out till date.

**Treasurer**

Sri S. K. Roy

May we appeal to your good self for your personal intervention in the matter to settle the issue at the earliest

**Executive Members**

Sri J. K. Singh

With kind regards.

Sri S. P. More

Sri S. N. Hyder

Sri Abdul Salam

Sincerely Yours,

(R.L. Chakraborty)

Attested  
Public  
Advocate

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# CBWE OFFICERS' ASSOCIATION

Regd. No. HO. 3-9116

**President**

Sri R. L. Chakraborty

Ref: .....

Date 03/01/06

**Vice President**

Sri R. K. Pant

To

Fax: 011 23736011

Sri J. P. Singh

Additional Secretary

Ministry of Labour & Employment,

Government of India.

**Vice President**

Sri J. P. Phogat

Respected Sir,

**General Secretary**

R. J. Wankhede

At the outset I, on behalf of **CBWE Officers' Association** wish you and the members of your family a very happy and prosperous New Year.

**Secretary**

Sri P. Murthy

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**Treasurer**

Sri S. K. Roy

*With kind regards*

**Executive Members**

Sri J. K. Singh

Sri S. P. More

Sri S. N. Hyder

Sincerely Yours,

Sri Abdul Salam

*R. L. Chakraborty* 03/01/06  
( R.L.Chakraborty )

President

*Attested  
Advocate*

**President**  
Mr. R. L. Chakraborty

**Vice President**  
Mr. Mathew George  
Mr. Domni Mathew

**Gen. Secretary**  
Mr. R. J. Wankhede

**Treasurer**  
Mr. P. K. Moon

**Executive Member's**  
Mr. N. S. Singh  
Mr. R. K. Pant  
Mr. S. K. Roy  
Mr. R. S. Jamwal

To,  
Shri K. M. Sahni  
Secretary  
Ministry of Labour & Employment  
Government of India  
Shram Shakti Bhavan,  
Rafi Marg  
New Delhi-1

Fax No. 011 2335 5679

Sub - Removal of Pay Anomaly of Central Board for Workers Education  
Officers arose out of implementation of 5<sup>th</sup> C.P.C. in the Board

Respected Sir,

At the outset we thank you for your kind endeavor to settle the pay anomaly of the CBWE Officers arose out of the implementation of 5<sup>th</sup> CPC in the Board. However, with heavy heart we note that we are yet to receive any concrete result regarding settlement of Pay anomaly. In this context we would like to mention that after the implementation of the 4<sup>th</sup> CPC Report, we requested for improvement in terms and conditions of CBWE Officers pay which was perpetuating since 2<sup>nd</sup> CPC. But your good Office advised us to go slow in the process for 5<sup>th</sup> CPC. The 5<sup>th</sup> CPC straightway refused to consider the case of CBWE Officers reasons being autonomous organization. The anomaly still perpetuating even after 10 years of implementation of the 5<sup>th</sup> CPC report in the Board.

The progress in respect of removal of Pay anomaly as agreed by Anomaly Committee duly constituted by the Ministry may kindly be informed to the under signed

With regards,

Yours faithfully,

*R. L. Chakraborty* 28/4/06  
R. L. Chakraborty

President, C.B.W.E. Officers' Association  
Registered & Recognized

Copy to:

Director, CBWE, for information and necessary action please.

*R. L. Chakraborty* 24/4/06  
R. L. Chakraborty  
President

President  
C.B.W.E officers' Association,  
Registered & Recognized,  
43, Sarat Boro Road  
Kolkata-20

**Registered Office :** Indian Institute of Workers Education, Shramik Shikshan Bhavan,  
BS Marg, Kurla (W), Mumbai-400 070 Tel. : 26500861/26503532 E-mail : cbwe\_oa@rediffmail.com



# CBWE OFFICERS ASSOCIATION

Registered and Recognized  
PRESIDENT'S OFFICE 43, Sarat Bose Road, Kolkata - 700 020)  
G S's OFFICE S. S. Bhawan, L. B. Sastri Marg, Kurla (West), Mumbai - 70

Ref. No

Date 15 05 2006

Respected Sahni Sahab,

At the outset, we would like to express our gratitude to you and to other Officers of MOL&E who have equivocally supported the genuine cause of the cadre of Education Officers of CBWE and took initiative to remove the long pending injustice inflicted upon the aforesaid cadre. At the creation of the posts Sri P. M. Menon, ICS, Union Labour Secretary and Chairman of CBWE fixed the Pay Scale of Education Officers and Regional Directors taking conscious decision in the Board in 1958 after analyzing duties, responsibilities, educational qualifications and selection procedure for the posts

During 2<sup>nd</sup> CPC the Education Officers and Regional Directors became the victim of down gradation due to anomalous fitment in the corresponding pay scale. The Board's employees were not treated as government employees and did not come under the terms and reference of 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> C.P.Cs because of Autonomous nature of the Organization. Several attempts were made by the Board and by the Ministry for last forty years to remove the anomaly but without any concrete outcome.

The Union Labour Secretary was kind enough to set up a Pay Sub Committee. But the recommendations of the said Committee were not implemented even after a favourable verdict by Hon'ble CAT of Mumbai Bench in 2001 advising Ministry to take a final decision within four months. The Association did not move for contempt because of assurance given by the administration that justice would be removed in no time.

The vertical as well as horizontal relativity in the pay structure of CBWE Officers has been affected after successive Pay Commissions. But after implementation of 5<sup>th</sup> CPC it took worst shape calling for immediate attention. The senior officers

in the Ministry equivocally felt the urgent need for restoration of status of E.O.s what they used to enjoy during creation of the posts by giving fitment in appropriate pay scale to remove anomaly.

Once again we appeal to your wisdom for your personal intervention on the matter to settle the issue at your earliest.

With kind regards

Yours sincerely,

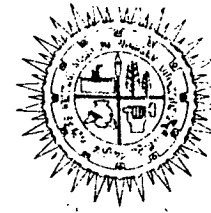
*R. L. Chakraborty* 15/5/06  
(R. L. Chakraborty)

President

President  
C.B.W.E Officers' Association  
Registered & Recognized  
43, Sarat Bose Road

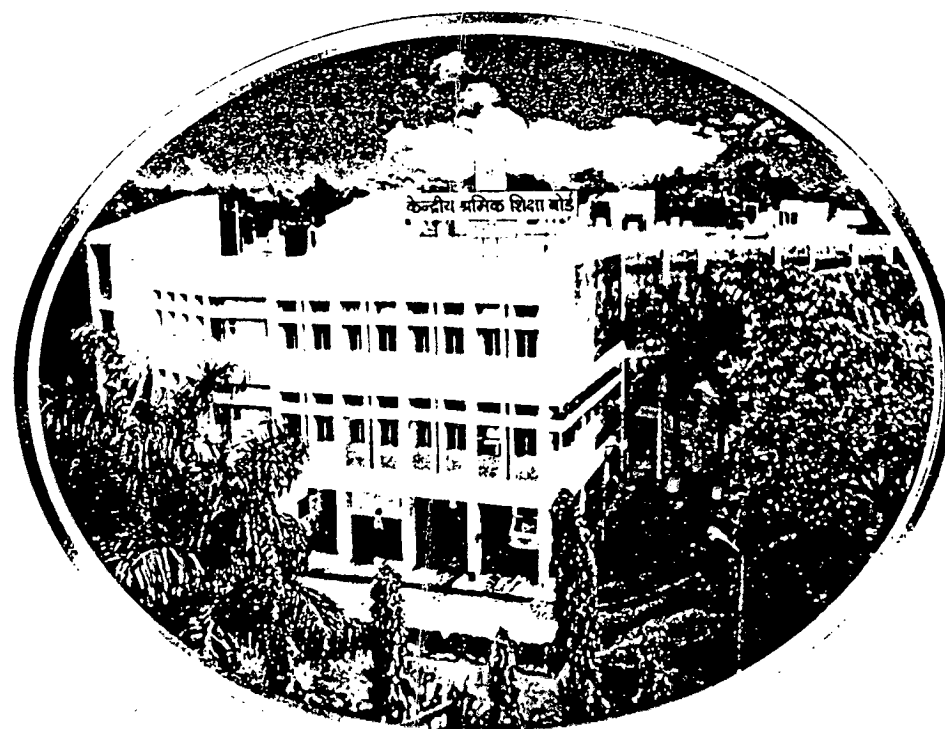
To  
Sri K M Sahni  
Union Labour  
Secretary  
Shram Shakti Bhawan  
New Delhi

*attested  
Advocate*



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## RECRUITMENT RULES AND SERVICE CONDITIONS OF CENTRAL BOARD FOR WORKERS EDUCATION



PUBLISHED & PRINTED BY: V. PARAMESWARAN, DIRECTOR  
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COVER DESIGN: JAYANT GAWALI

2004

2004

# **RECRUITMENT RULES**

Sr. No.	Name of the Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment.  B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
1	<b>GROUP - A</b> Additional Director	Rs.10,000-325-15,200	Selection Post	-	-
2	Financial Adviser (As already approved by Ministry of Labour vide letter No. A-12018/1/99 ESA(WE) dated 29/05/2001)	Rs.10,000 - 325 - 15,200	Selection Post.	40 Years	<b>A) Essential :</b> i) Chartered / Cost Accountancy from the Institute recognised by the Government of India or MBA with specialisation in Finance or M. Com. with 1st Class and 5 years experience in a supervisory capacity dealing with Financial Management, Accounting, Auditing etc. in Central Govt. or Public Sector Undertaking / Autonomous Body. ii) Knowledge in Computerised Accounting. iii) Experience in Computer Aided MIS. <b>B) Not Applicable</b>
3	(a) Deputy Director i) (Administration) ii) (Education) iii) (Training) iv) (Head Quarter) (b) Zonal Director (East, West, North, South)	Rs. 8,000 - 275 - 13,500	Selection Post	-	-

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
-	By Promotion failing which by deputation.	<b>Promotion :</b> Deputy Director with 5 years regular service in the grade. <b>Deputation :</b> Officer in the same grade / pay scale under Central State Government and having 5 years Experience in the field Education/Rural Development.	Chairman, Joint Secretary, Ministry of Labour, Director	Govt. of India, Ministry of Labour
2 Years in case of Direct Recruitment	By Promotion failing which by deputation failing both by direct recruitment.	<b>Promotion :</b> Accounts Officer of the CBWE with 8 years regular service in the grade possessing at least a degree of a recognised University.  <b>Deputation :</b> Officer holding analogous post or Accounts Officer from organised Audit and Accounts Department in the grade of Rs.8,000-13,500 with 5 years experience.	Chairman, Joint Secretary, Ministry of Labour, Financial Adviser, Ministry of Labour, Director.	Govt. of India, Ministry of Labour.
-	By promotion	<b>Promotion :</b> Regional Director / Research Officer/ Training Officer/ <del>Senior</del> with 5 years regular and continuous service in the grade.	Chairman, Joint Secretary, Ministry of Labour, Director	Chairman

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*Attested  
Mulla Advocate*

Sr. No.	Name of the Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment. B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
4	<b>GROUP-B</b> i) Regional Director  ii) Training Officer  iii) Research Officer	Rs. 6500-200-10500  Rs. 6500-200-10500  Rs. 6500-200-10500	Selection Post  Selection Post  Selection Post	-  -  -	-  -  -
X 5	Commercial Artist (As already approved by Ministry of Labour vide letter No. A-12018/1/99-ESA (WE) dt. 25.9.2002)	Rs. 6500-200-10500	-	Not exceeding 30 years	<b>A) Essential :</b> i) A degree or diploma in commercial art of a recognised institute. ii) At least five years practical experience in figure drawing, caricature drawing and lettering. Preference to candidates having experience of art work in pictorial charts, graphs, flash cards, flannel graphs and other audio visual etc. in an educational institute or an advertising agency or Govt. Department or any other recognised Institution.  <b>Desirable :</b> Knowledge of typography.  <b>B)</b> -
X 6	Editor	Rs 6500-200-10500	-	Not Exceeding 35 years	<b>A) Essential</b> i) Graduate of recognised University

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
-	By Promotion	By promotion from among eligible Education Officers (SG)	Chairman, Joint Secretary/ Director, Ministry of Labour, Director	Chairman
2 Years	Direct Recruitment	Not applicable	Chairman, Joint Secretary/ Director, Ministry of Labour, Director	Chairman
2 Years	Direct Recruitment	Not Applicable	Chairman, Joint Secretary/ Director, Ministry of Labour, Director	Chairman

Attended  
Dutta  
Advocate

Sr. No.	Name of the Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment. B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
					ii) Degree / equivalent Diploma in Journalism from a recognised University. iii) At least 5 years experience in Journalism preferably in Labour Journalism with a good command over English, Hindi Language. iv) Knowledge / skills of Computer operation / application <b>Desirable</b> i) Knowledge about designing and layout in Magazines. ii) Proven ability as an author / writer in the form of publications i.e. Book, article, paper etc. on Labour and workers education subjects. <b>B) -</b>
7	Librarian	Rs.6500-200-10500	Selection Post	Not exceeding 30 years	<b>A) Essential :</b> i) Second Class Master's Degree of recognised University in Arts, Science or its equivalent. ii) Degree or equivalent Diploma in Library Science of recognised University or Institute. iii) Minimum 5 years experience in a responsible capacity in a library of repute. iv) Literacy in Information Technology.

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
2 Years in case of Direct Recruitment	By Promotion failing which by deputation and failing both by direct recruitment.	<b>Promotion :</b> Library Assistant (Rs.5000-8000) with 6 years of service in the grade. <b>By Deputation :</b> Officer under the Central/ State Govt. /Universities /R & D organisation holding analogous post or with at least 6 years service as Asst. Librarian in the scale of Rs.5000-8000.	Chairman, Joint Secretary/ Director, Ministry Labour, Director	Chairman

Sr. No.	Name of the Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment.  B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
					<b>Desirable :</b> i) Master's Degree in Library Science of a recognised University or its equivalent. ii) Experience of documentation work in a responsible capacity. <b>B) Not Applicable</b>
8	Accounts Officer (As already approved by the Ministry of Labour vide letter No. A-12018/1/99-ESA (WE) dt. 29.5.2001)	Rs.6500-200-10500	Selection Post	Not more than 30 years	<b>A : ESSENTIAL :</b> i) M.Com. with First Class ii) 3 Years experience of cash and accounts work in a supervisory capacity in a Govt. office or a Public body or a commercial organisation of repute. iii) Experience in the preparation of Budget, Balance Sheet and Pension cases. iv) Literacy in Information Technology. <b>B : Not Applicable</b>
9	Assistant Director (As already approved by the Ministry of Labour vide letter No. A-12018/1/99-	Rs.6500-200-10500	Selection Post		

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
2 Years in case of Direct Recruitment	By Promotion failing which by deputation and failing both by direct recruitment	<b>Promotion :</b> Accountants in CBWE with 3 years regular service in the grade and should have passed the departmental examination consisting of two papers viz. Advanced Accountancy, Auditing and GFR and FRSR.  <b>Deputation:</b> Officer working in the Central / State Government i) Holding analogous post on a regular basis OR ii) 3 years regular service in the post carrying scale of Rs.5500-9000 and possessing the qualifications and experience prescribed for direct recruits in Col.6.	Chairman, Joint Secretary/Director (Ministry of Labour), Director, Financial Adviser (Ministry of Labour), Financial Adviser, CBWE	Chairman
	By Promotion failing which by deputation.	<b>Promotion :</b> From among the eligible Statistical Assistant / Technical Assistant/ Sr. Clerks with 8 years and Stenographer Grade-I with 3 years,	Chairman, Director, Additional Director, Financial Adviser, CBWE, Dy.Director (Admn)	Chairman

Sr. No.	Name of the Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment.  B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
X	ESA (WE) dt. 29.5.2001)				
X	10 Hindi Officer	Rs.6500-200-10500	Selection Post.	Not exceeding 35 years in case of Direct Recruitment.	<p><b>A : Essential :</b></p> <p>1. Master's Degree of a recognised University or equivalent in Hindi with English as a subject at the degree level. OR</p> <p>Master's Degree of a recognised University or equivalent in English with Hindi as a subject at the degree level. OR</p> <p>Master's Degree of a recognised University or equivalent in any Subject with Hindi and English as a subject at the degree level. OR</p>

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
		<p>Stenographer Grade-II, with 6 years regular and continuous service in the grade and possessing a degree of recognised University</p> <p><b>Deputation :</b></p> <p>a) Holding analogous posts on regular basis in Central Government Departments. OR</p> <p>b) Not less than 5 years regular service in the scale of Rs.5500-175-9000. OR</p> <p>c) Not less than 8 years regular service in the scale of Rs. 4500-125-7000.</p> <p>d) Degree of a recognised University.</p>		
2 Years in case of Direct Recruitment	By promotion failing which by deputation failing both by direct recruitment.	<p><b>Promotion :</b></p> <p>Senior Hindi Translator with 3 years service or Jr. Hindi Translator with 6 years service in the grade.</p> <p><b>Deputation :</b></p> <p>Officer holding analogous post and having the qualification prescribed for direct recruitment.</p>	Chairman, Joint Secretary/Director, Ministry of Labour, Director	Chairman

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Sr. No.	Name of the post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment. B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
					<p>Master's Degree of a recognised University or equivalent in any subject with Hindi medium and English as a subject at the degree level. OR</p> <p>Master's Degree of a recognised University or equivalent in any subject with English medium and Hindi as a subject at the degree level.</p> <p>ii) 5 years experience of terminological work in Hindi or translation work from English to Hindi or vice-versa preferably of technical or scientific literature.</p> <p><b>Desirable :</b></p> <p>i) Knowledge of Sanskrit and or modern Indian Language.</p> <p>ii) Administrative experience.</p> <p>iii) Experience of organising Hindi classes or workshops for noting and drafting.</p> <p>iv) Translation Training from Central Translation Bureau, New Delhi.</p> <p><b>B) Not Applicable</b></p>
11	Education Officer (Selection Grade)	Rs.6500-200-10500	Selection Post	-	-

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
-	By Promotion	From among the eligible Education Officers who have put in at least 10 years regular and continuous service in the grade.	Chairman, Joint Secretary/Director, Ministry of Labour, Director	Chairman



Sr. No.	Name of Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment. B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
12	Education Officer (As already approved by the Ministry of Labour vide letter No. A-12018/1/99-ESA (WE) dt. 2.11.2000)	Rs.5500-175-9000	-	24 to 28 years	<p><b>A) Essential :</b></p> <p>i) a) A Second Class Master's Degree of a recognised University in Economics, Social Work, Sociology, Industrial Relation and Personnel Management, Political Science, MBA with specialisation in Industrial Relations/ Personnel Management with at least 50 % marks;</p> <p style="text-align: center;"><b>OR</b></p> <p>c) Masters Degree with at least 40 % marks in aggregate in one of the subjects at (a) above and with 3 years experience as office bearer or registered Trade Union or a Worker Teacher/ Trainer/ Rural Educator/ Volunteer under the CBWE with 3 years experience.</p> <p>ii) Literacy in Information Technology.</p> <p><b>Desirable :</b></p> <p>First hand knowledge and experience in trade unionism, industrial relations, labour laws, labour welfare, teaching experience, work in rural areas etc.</p> <p><b>B)</b></p>

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
2 Years	Direct Recruitment	2/3 by candidates from open market; 1/3 from among the Group 'C' employees of CBWE having Masters Degree with minimum 40% marks and having put in at least 8 years regular and continuous service in the post of LDC or its equivalent posts failing which by direct recruitment. The departmental candidates will be required to compete along with open candidates.	Chairman, Joint Secretary/ Director, Ministry of Labour, Director	Chairman

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Sr. No.	Name of Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment.  B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
13	Accountant (As already approved by the Ministry of Labour vide letter No. A-12018/1/99-ESA (WE) dt. 29.5.2001)	Rs.5500-175-9000	Selection Post	Not exceeding 30 years	<p><b>A) Essential :</b></p> <p>1) Bachelors Degree</p> <p>2) Three years Accounts Experience in preparation of Budget and Balance Sheet in Govt. Deptt/ Public undertaking / autonomous bodies</p> <p>3) Knowledge of Computerised Accounting.</p> <p><b>B) Not Applicable</b></p>
14	Senior Hindi Translator	Rs.5500-175-9000	Selection Post	Not exceeding 28 years in case of Direct Recruitment	<p><b>A) 1) Master's Degree of a recognised University in Hindi/English with English/ Hindi as a compulsory/ elective subject or as medium of examination at degree level.</b></p> <p style="text-align: center;"><b>OR</b></p> <p>Master's Degree of a recognised University in any subject other than Hindi/ English with Hindi / English medium and English/ Hindi as a compulsory/ elective subject or as medium of examination at degree level.</p> <p style="text-align: center;"><b>OR</b></p> <p>Master's Degree of a recognised University in any subject other than Hindi/ English with Hindi and English as compulsory / elective subject or either of the two as Medium of Examination and the other as a compulsory / elective subject at degree level</p>

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
2 Years in case of Direct Recruitment	Promotion failing which by Deputation and failing both by Direct Recruitment	<p>1. By Promotion from among Sr. Clerks/ Statistical Assistant/ Technical Assistant with 6 years regular and continuous service in the above grade, who have passed the Departmental Examination in two papers viz.</p> <p>a) Advanced Accountancy &amp; Auditing.</p> <p>b) GFR and FRSR</p> <p>2. By deputation of SAS Acctts. From Central Govt. Audit Offices.</p>	Chairman, Director, Additional Director, Financial Advisor, Dy. Director (Admn)	Chairman
2 Years in case of Direct Recruitment	By promotion failing which by deputation and failing both by direct recruitment	<p>Promotion from amongst Jr. Hindi Translators with 3 years regular and continuous service in the grade.</p> <p><b>Deputation :</b></p> <p>Officers Holding analogous post.</p>	Chairman, Director, Dy. Director (Admn), Hindi Officer	Chairman

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Sr. No.	Name of the Post	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruitment	A- Educational and other qualifications required for direct recruitment. B- Whether age & educational qualifications for direct recruitment will apply in case of recruitment by promotion
1	2	3	4	5	6
					2) Recognised Diploma/Certificate Course in translation from Hindi to English and vice-versa or two years experience of translation work from Hindi to English and vice-versa in Central/State Govt. Offices, including Govt. of India undertakings/Autonomous bodies. 3) Literacy in Information Technology. B) Not Applicable
15	<b>GROUP - 'C'</b> Stenographer (for Chairman)	Rs. 5000-150-8000	-	-	-
16	Stenographer Grade - I (As already approved by the Ministry of Labour vide letter No. A-12018/1/99-ESA (WE) dt. 18.1.2001)	Rs. 5500-175-9000	Selection Post	-	-

Period of Probation if any	Method of recruitment i.e whether by direct recruitment or by promotion or by deputation and percentage of vacancies to be filled by the various modes	In case of vacancies filled by promotion/ deputation, grade/sources from which promotions/ deputations are to be made	If a Departmental Promotion Committee exists for recruitment by promotion, composition thereof/Selection Committee for Direct Recruitment.	Appointing Authority
7	8	9	10	11
	Shall be appointed by the Chairman & his tenure is co-terminous with the Chairman unless otherwise terminable upon the Chairman's pleasure	-	-	Director
	By promotion	Selection from among the Stenographers Grade-II in the CBWE having 3 years of regular & continuous service in the grade.	Chairman, Director, Additional Director, Financial Advisor, Dy. Director(Admn)	Chairman, CBWE

collected  
Adm. &  
Advocate

GOVERNING BODY 145<sup>TH</sup> MEETING  
( Mumbai - 25<sup>th</sup> Octobeer, 2005 )

Part - A : Recruitment Rules for the post of Director, CBWE  
Item - 8

Presently, there are no Recruitment Rules for the post of Director, CBWE except that he is appointed by the Government of India. As directed by the Ministry of Labour and Employment, Recruitment Rules for the post of Director are to be framed.

Accordingly, the proposed Recruitment Rules is at Annexure - I.

The Governing Body may please approve the proposed Recruitment Rules for the post of Director, CBWE.

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*Attested  
Wita  
Advocate*

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# RECRUITMENT RULES FOR THE POST OF DIRECTOR, CENTRAL BOARD FOR WORKERS EDUCATION, NAGPUR

Name of the Post	No. of Posts	Classification	Scale of Pay	Whether selection by merit or selection-cum-seniority or non-selection post	Age limit for direct recruitment	Whether benefit of added years of service admissible under rule 30 of Central Civil Services (Pension) Rules, 1972.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Director	1	General Central Service Group 'A'	Rs. 18400-500- 22400	Selection Post	<p>Preferably below 50 years (Relaxable for Govt. Servants upto 5 years in accordance with the instructions or orders issued by the Central Government)</p> <p><b>NOTE:</b> The official date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Lakshadweep, Division of J&amp;K State, Lahaul and Spiti district and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman &amp; Nicobar Islands or Lakshadweep).</p>	Not Applicable

*Attested by  
Public Advocate*

Educational and other qualification required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of Probation, if any	Method of Recruitment whether by promotion/ by deputation/ absorption and percentage of posts to be filled by various methods.	In case of recruitment by deputation grades from which deputation to be made	Departmental Promotion /selection Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making Recruitment
(8)	(9)	(10)	(11)	(12)	(13)	(14)
Not applicable	Not Applicable	Not Applicable	<p><u>By Promotion</u> : Additional Director with 3 years regular service in the grade of Rs14300-400-18300;</p> <p><u>By transfer or deputation</u>.</p>	<p>Officers under the Central/State/UT Administration Universities/ Recognised Research Institute/ Public Undertakings/Semi-Government Statutory or Autonomous Organisations;</p> <p>(a)</p> <p>(i) holding analogous posts on regular basis, or</p> <p>(ii) with 2 years regular service in the posts in the pay-scale of Rs. 16400-450-20000;</p> <p>(iii) with 3 years regular service in the posts in the pay scale of Rs. 14300-400-18300; and</p> <p>(b) having</p> <p>(i) Masters Degree from a recognized University and equivalent;</p> <p>(ii) 15 years experience in Group 'A' post or equivalent in a responsible capacity belonging to All India /Central Services and Central / State Governments or Autonomous Institutions</p> <p>(iii) Preferably Doctorate Degree or equivalent,</p> <p>(iv) Practical and Administrative experience in the field of Training /Educational/Rural Development/ Planning and development in labour related issues would be an added advantage.</p>	<p>1. Secretary, Ministry of Labour and Employment, (Chairman)</p> <p>2. Additional Secretary, Ministry of Labour and Employment, (Member)</p> <p>3. Chairman, CBWE, (Member)</p> <p>4. Labour and Employment Adviser, Ministry of Labour and Employment (Member)</p> <p>5. Jt. Secretary in-charge of CBWE (Member)</p>	Consultation with UPSC not required

# REPORT OF THE SUB-COMMITTEE

ON

PAY SCALES, SERVICE CONDITIONS  
AND ALLIED MATTERS OF EMPLOYEES OF  
CENTRAL BOARD FOR WORKERS EDUCATION

CENTRAL BOARD FOR WORKERS EDUCATION : NAGPUR

*Attended  
Public  
Advocate*

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REPORT OF THE SUB-COMMITTEE CONSTITUTED BY THE  
GOVERNING BODY OF CENTRAL BOARD FOR WORKERS EDUCATION

In pursuance of the resolution passed by the Governing Body of Central Board for Workers Education in its meeting held on 6th August 1996 and reiterated in the meeting held on 1st November 1996, first meeting of the Sub-Committee consisting of five members namely S/Shri Bhajan Das Gupta, B.L.Verma, M.P.Padmanabhan, P.B. Duggal and B.A. Chavan was held on 21st and 22nd November 1996 at Nagpur. The members of the Committee in preliminary discussion decided to study the reports of the previous Sub-Committees and also discussed at length with the Director, Central Board for Workers Education the background of the demands of the existing 3 Associations.

Thereafter, the representatives of the Associations were given opportunity to interact regarding their demands submitted in separate representations by all the 3 Associations. The Directorate was also requested to provide the relevant communications/instructions issued by the Government of India and CBWE from time to time regarding the demands contained in the representations referred earlier.

2. In the first meeting, it was decided to discuss in detail the views of the members of the Sub-Committee with the Secretary (Labour), Labour & Employment Adviser and Director (Finance) of the Ministry of Labour, Government of India before submitting any report in black and white.

3. Unfortunately, the Committee members could not get opportunity to meet the Secretary, Ministry of Labour, Government of India as he was not available in Delhi because of the auspicious marriage of his son.



time to time to employees of Govt. of India. The initial pay on first appointment should not be less than what would have been admissible to him if he had been appointed to a post in a similar scale of pay under Government of India. The Rules 25 of the said regulations provide that in respect of all other matters relating to the condition of the service of the employees for which no provision or insufficient provision has been made in these regulations, the normal and general rule ordinarily applicable from time to time to the corresponding category of class of Central Government Servant shall apply subject to such modification and variations or exceptions if any which the Chairman may with the approval of the Governing Body and the Govt. of India by order from time to time specify.

The scales of officers including the Education Officers of CBWE were determined arbitrarily and unilaterally at the time of inception of the Board and also the subsequent 4 Central Pay Commissions appointed by the Government of India did not pay heed to representation of All India Education Officers Association on the pretext that the employees of CBWE are not the Central Govt. Employees.

However, the general principle in respect of revision of Pay Scale is to compare the pay scale of similar work in other organisations. In this regard, it may not be out of place to mention the principles for the fixation of scale of pay as recommended by the 4th Pay Commission :

6. It is necessary to revise the pay scales periodically... to fill ANY ERRORS OR OMISSIONS that may have occurred in the earlier pay determination. (7.32)

12. The pay should be sufficient and satisfactory enough to motivate the employee FOR THE EFFICIENT PERFORMANCE of his duties and responsibilities WITH A SENSE OF RECTITUDE. (7.44)
14. It should provide a SATISFACTORY INCENTIVES TO PERFORMANCE AND PROMOTION.
15. The pay scale should not give rise to FRUSTRATION IN THE employees. Efforts should be made to provide AS FAR AS POSSIBLE COMPARABLE EMOLUMENTS FOR COMPARABLE WORK. (7.48).
27. There should be a pronounced OBJECTIVES AND WELL DEFINED POLICY OF PROMOTION. (7.61).
33. Fairness of payments to GOVT. employees has to SATISFY A DOUBLE TEST. IT HAS TO BE FAIR FROM THE POINT OF EMPLOYER AS WELL AS THE PEOPLE THEY SERVE TO GET
38. THERE IS A NEED FOR STANDARDIZATION OF DESIGNATIONS OF POSTS ON THE BASIS OF DUTIES AND RESPONSIBILITIES.

There are the guidelines for the determination of pay scales of Govt. employees. These guidelines have not been followed nor have been followed in any way whatever in revising the pay scales of the officers of Govt. especially the pay scale of Education Officers.

Table I showing the pay paid to the Officers in comparable organisation alongwith qualifications required for appointment and promotional avenues and Table II showing comparison with College/University Lecturer are annexed herewith.

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If we analyse the statement of pay, academic/ professional qualification and experience etc. in similar organisations for the same type of work we will see that the job of Education Officers are comparable with the job of (1) District Social Education Officer (2) Youth Coordinator under Ministry of HRD, Govt. of India, (3) Project Officer under Continuing Education Deptt., of Universities in West Bengal, (4) Programme Officer, Shramik Vidyapeeth under Ministry of HRD, Govt. of India (5) Asstt. Director under Directorate of Adult Education, Ministry of HRD, Govt. of India (6) Assistant Director, National Institute of Adult Education under Ministry of HRD, Govt. of India (7) Asstt. Director, National Productivity Council (8) Asstt. Director, Regional Labour Institute, Govt. of India. Moreover, perusal of the 2nd Table we will see that the job of Education Officers are more difficult and hazardous than those of lecturers of Universities and Colleges. Therefore, in the light of the principles as well as guidelines as recommended by the 4th Central Pay Commission, the pay scale of Education Officers be Rs.2200-4000. The Education Officers have been deprived in the matter of proper pay scale since the day of the implementation of 2nd Pay Commission. It is, therefore, suggested to treat the Education Officer on the same line by revising the pay scale of Education Officers setting aside the injustices done to them since the days of 2nd Pay Commission. It is worthwhile to mention that Govt. of India while accepting the Recommendation of the Ramanujam Committee (vide Recommendation No.53) in 1974 accepted in principle that "Emoluments of Education Officers should be commensurate with the qualifications, duties and responsibilities."

Therefore, it is suggested that the Govt. of India may rectify or correct its own error of omissions by following guidelines of 4th Central Pay Commission which is as follows "It is necessary to revise the pay scale periodically ..... to fill any error or omissions that

may have occurred in the earlier pay determination". Even the Ministry of Finance has revised the pay scale of Asstt. Regional Director, National Savings which was in fact equal to Rs.550-900 by way of up-grading the same and re-fixed their pay scale at the scale of Rs.2000-3500 whereas the Education Officers' pay scale has been mechanically fixed in the corresponding pay scale at Rs.1640-2900. Therefore, what the Ministry of Finance could do, Ministry of Labour can do the same by upgrading the pay scale of Education Officers including other Officers senior to Education Officers upto the Director (as tabulated in the Annexure I). It is relevant to mention that as per recruitment rules of Education Officers the minimum academic qualification is high ~~use~~ second class Degree which is followed strictly.

#### SERVICE CONDITIONS

- 1) In this connection, we would like to draw the attention of the Ministry of Labour, Government of India with which CBWE is directly connected the Gazette Notification No.2/10/80-JCH (Vol.IV) of Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, dated 5th May, 1993 wherein Rule 2(b) provides the definition of "GOVERNMENT SERVANTS". Rule 2(b) provides - "Government Servants means any person to whom the Central Civil Services (Conduct) Rules, 1964 apply". In CBWE CCS (Conduct) Rules, 1964 is very much in operation in all respects.
- 2) The status of Education Officers should be upgraded from Group "B" to Group "A" and similar upgradation of other senior officers.
- 3) The promotional avenues should for constant keeping in view the greatness of the infrastructure of CBWE. Therefore, CBWE Organisation should be restructured in accordance with the suggestions of Labour Adviser, Ministry of Labour, Govt of India vide his letter No.A-11014/1/94-ESA dated 19.10.95. Proposed Administrative Hierarchy of CBWE is annexed.
- 3) Post of Selection Grade Education Officer should be re-designed as Asstt. Regional Director.
- 4) PROMOTION
  - (a) The percentage of selection grade post of Education Officer should be increased from mere 15% to atleast 30% of the cadre of Education Officer;

(b) There should be a time bound promotion for all the employees after every 8 years of completion of effective service and should normally be placed in the next higher scale of pay. This is of paramount importance for certain categories of employees like Jr. Stenographer, Projectionist, Commercial Artist who in fact do not have any chance of promotion throughout their service carrier;

(c) The promotion must be on seniority-cum-merit;

(d) Every Sub-Regional Centre must be headed by a Selection Grade Education Officer (proposed Asstt. Regional Director) to be supported by one Steno., one Peon and one Chowkidar;

(e) Every responsible officer should be supported by one Sr. Clerk, one UDC, one Stenographer, one LDC one Peon and one Chowkidar depending upon their functional responsibilities;

(6) POSTING AND TRANSFER:

(a) Posting and transfer of the employees specially Regional Directors, Zonal Directors and Deputy Directors, the Director should have prior consultation with the Chairman. Efforts should be made to transfer the Education Officers in particular language area for which he has been recruited.

(b) As far as possible employees should be transferred on any ground whatsoever to place nearest to his home town particularly at the fag end of his service life. Questions of obligations towards their family members of the transferred employee should be given more weightage.

*g. Fair.*

(7) ALLIED MATTERS:

(a) It appears that the Government of India spent more or less 9 crores of rupees which is inadequate. Budgetary provision, therefore, for the spread of Workers Education for the accomplishment of its declared objectives, more fund needs to be made available.

(b) Expenditure pattern for all the programmes needs enhancement and the matter should be reviewed periodically that too in the context of rise and fall of Price Index.

(c) In accordance with the detailed notification issued by the Government of India regarding recognition, supply of documents to the functioning Associations be regulated. The provision of verification of members specifically dual membership also needs to be looked into. However, sharing of information with Association's representatives will create a sense of belonging, participation and duty amongst all members.

(d) The scope for promotion of officers of administrative cadre be limited to Deputy Director so that chances of officer with higher academic and professional qualification to get adversely affected.

(e) Some kind of insurance cover may be considered for the cash carrying officers and the field staff working in notified sensitive areas of the country.

1. ( BHAJAN DAS GUPTA )
2. ( B. L. VERMA )
3. ( M.P. PADMANABHAN )
4. ( P. B. DUGGAL )
5. ( B. A. CHAVAN )

Dated: \_\_\_\_\_

*Attended  
Bhaskar  
Advocate*

ANNEXURE I

PAY SCALES OF THE OFFICERS AS SUGGESTED BY THE SUB-COMMITTEE

( based on the scales of IVth Pay Commission )

Sr. No.	Name of the Post	Existing Pay Scales	Proposed Pay Scales
1.	Education Officers	Rs.1640-2900	Rs.2200-4000
2.	Education Officer (Selection Grade)	Rs.2000-3200	Rs.3000-4500
3.	Regional Director/ Training Officer/ Research Officer/ Editor.	Rs.2000-3500	Rs.3700-5000
4.	Deputy Director/ Zonal Director	Rs.2200-4000	Rs.4100-5300
5.	Additional Director	Rs.3000-5000	Rs.4500-5700
6.	Director	Rs.3700-5000	Rs.5100-6700

collected  
Mulla  
Advocate

*[Handwritten signatures and initials]*

PORPOSED ADMINMISTRATIVE

HIRARCHY  
OF  
CBWE

(In the light of Govt. of India's observation  
vide letter No A/11014/1/94-ESA dt. 9.10.95)

DIRECTOR GENERAL (1) FROM CBWE

DIRECTOR (1)

ADDITIONAL DIRECTORS (3)

DIRECTORS (ZONAL

&

DY.DIRECTOR (11)

STATE DIRECTOR (14)

REGIONAL DIRECTORS /  
TRAINING OFFICERS /  
RESEARCH OFFICERS /  
LIBRARIAN /  
EDITOR

ASST. REGIONAL DIRECTOR  
OR  
EDUCATION OFFICER (44) - (72)  
COMMERCIAL ACCOUNTS  
ACCOUNTS OFFICERS

EDUCATION OFFICERS (290)

ACCOUNTANTS

Note: Number indicated within brackets are actually  
the number of post.

*Attended  
P. S. S.  
Advocate*



WORKERS EDUCATION CENTRES ( 43 )

Regional Director(1)

Asst. Regional Director(1)

or

SG Education Officer(1)

Education Officers(5)

SUB REGIONAL CENTRES ( 14 )

Asst. Regional Director(14)

ZONAL DIRECTOR'S OFFICE

Zonal Director (1)

Accountant

INDIAN INSTITUTE OF WORKERS EDUCATION, BOMBAY

Addl. Director (Trg) - (1)

Dy. Director (Trg) - (1)

Training  
Officers(5)

Librarian (1)

Research  
Officers(2)

NOTE : Every responsible Officer should be supported by 1 Sr. Clerk, 1 UDC, 1 Stenographer, 1 LDC and 1 Peon.

Every office should have adequate number of Security Personnel

*Collect  
Data  
Advocate*

TABLE - II

College/University Lecturer

Education Officers

- |   |  |
|---|--|
| <p>1. To deliver lecture on subjects of particular discipline such as Economics-Political Sc., Sociology etc.</p>   | <p>1. To deliver lecture on various discipline like Pol.Sc., Economics, Labour Laws, Industrial Relations, Safety, Health Hygiene, Philosophy, sociology, Behaviour Science etc.</p>   |
| <p>2. Participants are under graduate/Post Graduate students of definite discipline having no practical experience.</p>   | <p>2. Participants are having different level of Educational qualification upto post Graduate standard in different discipline having rich practical experience and organisational knowledge. To impart education to them require more specialised knowledge and study on subjects of different discipline, more analytical mind, degree of knowledge to satisfy their educational need.</p> |
| <p>3. The composition of students are more or less of homogenous in character making their job easier.</p>  | <p>3. Participants attending different education programme under Workers Education Scheme essentially are heterogeneous in nature having different academic background and experience thus making our jobs more difficult.</p>   |
| <p>4. Lecturers are to deliver talk only in college class room during full academic session and thus develop good relation thereby getting opportunity a somewhat permanent relationship with the students in a familiar environment.</p> | <p>4. Participants are not only confined in the regular centre class room, but also various training Institute of Industrial Establishment used as class room Panchayat Hall, club room and other places, thus Education Officers are exposed to unknown and alien environment.</p>  |
| <p>5. No supervising/Monitoring work.</p>   | <p>5. Supervision / monitoring works of U.L.C. FAL and need based ULC etc. are done.</p>   |
| <p>6. No administrative works</p>   | <p>6. Having various administrative works.</p>   |

*Abstracted  
from  
document*

Educational qualifications Post Graduate Degree Desirable-  
NIL

4. Educational qualification post Graduate Degree.  
Desirable - First hand knowledge & experience of Trade Unionism or Journalism, Industrial Relation Labour Laws, Labour Welfare, Teaching experience, work in rural area etc.

Pay structure  
Rs. 2200-4000/-  
After 8 yrs. promotion to the scale of Rs. 3000/- to Rs. 4500/- again after 8 yrs. promotion to the scale of Rs. 3700-5000/-

8. Pay structure: Rs. 1600-2900/- promotion after 18 yrs. on average depending upon availability of vacancy to the scale of Rs. 2000-3200/-. Just one year or two yrs. before retirement promotion to the scale of Rs. 2000-Rs. 3500/- as Regional Director depending absolutely on vacancy.

9. Time bound promotion, promotion after 8 yrs. to the scale from 2200-4000/- to 3000-4500/- in Govt. College.

9. No time bound promotion

10. No transferable service.

10. Transferable service throughout India.

11. College and University are run by Grants in Aid Fund

11. C.B.W.E. is also run by Grant in Aid Fund.

12. Retirement age is 65 yrs.

12. Retirement age is 58 yrs only.

13. No motivational and persuasive work.

13. Workers are released for the training programme under different scheme of the Board by vigorous persuasion and motivating to the Management, T.Us, Workers etc. done by Education Officers.

7. Educational qualification Post Graduate Degree Desirable-  
NIL

7. Educational qualification post Graduate Degree.  
Desirable -First hand knowledge & experience of Trade Unionism or Journalism, Industrial Relation Labour Laws, Labour Welfare, Teaching experience, work in rural area etc.

Pay structure  
Rs.2200-4000/-  
After 8 yrs. promotion to the scale of Rs.3000/- to Rs. 4500/- again after 8 yrs. promotion to the scale of Rs.3700-5000/-

8. Pay structure:Rs.1600-2900/- promotion after 18 yrs. on average depending upon availability of vacancy to the scale of Rs. 2000-3200/-. Just one year or two yrs. before retirement promotion to the scale of Rs. 2000-Rs.3500/- as Regional Director depending absolutely on vacancy.

Time bound promotion, Promotion after 8 yrs. to the scale from 2200 4000/- to 3000 4500/- In case of colleges

9. No time bound promotion

10. No transferable services.

10. Transferable services throughout India

1. College and University are run by Grants in Aid Fund

11. C.B.W.E. is also run by Grant in Aid Fund.

2. Retirement age is 65 yrs.

12. Retirement age is 58 yrs only.

3. No motivational and persuasive work.

13. Workers are released for the training programme under different scheme of the Board by vigorous persuasion and motivating to the Management, T.Us, Workers etc. done by Education Officers.

Statement of Pay offered to the officers in comparable organisation  
alongwith qualification required for appointment and promotional avenues.

Designation post	Qualification for recruitment (3)	Duties and respon- sibilities (4)	Scale of pay (5)	Promotional Avenues (6)	Scale of pay (7)
co-ordinator Nehru Yuba- , Ministry of Resource pment, of India.)	Graduate of any discipline, Experience 5 Yrs. in any community Development - Work. Minimum age 25 Yrs.	1. Motivational work for rural youth. 2. Co ordination between different district agencies. 3. To conduct training Programme for integrated youth leadership (Training for Self emolvment) 4. Awareness programme 3 days to 1 month	2200-4000/-	Director	Not Known
t. Social on Officer, Govt. of ngal and tate	2nd Class Post- Graduate Degree in any discipline of Graduate with 3 years experience in social work.	To organise, planning & cond-ucting adult education class, to release fund for adult education for adult education for the block, to look after the functions of rural Libraries etc.	2200-4000/-	Assistant Di-rector,  Director	3000-5000/  5100-6700/

Attested  
Mulla Advocate

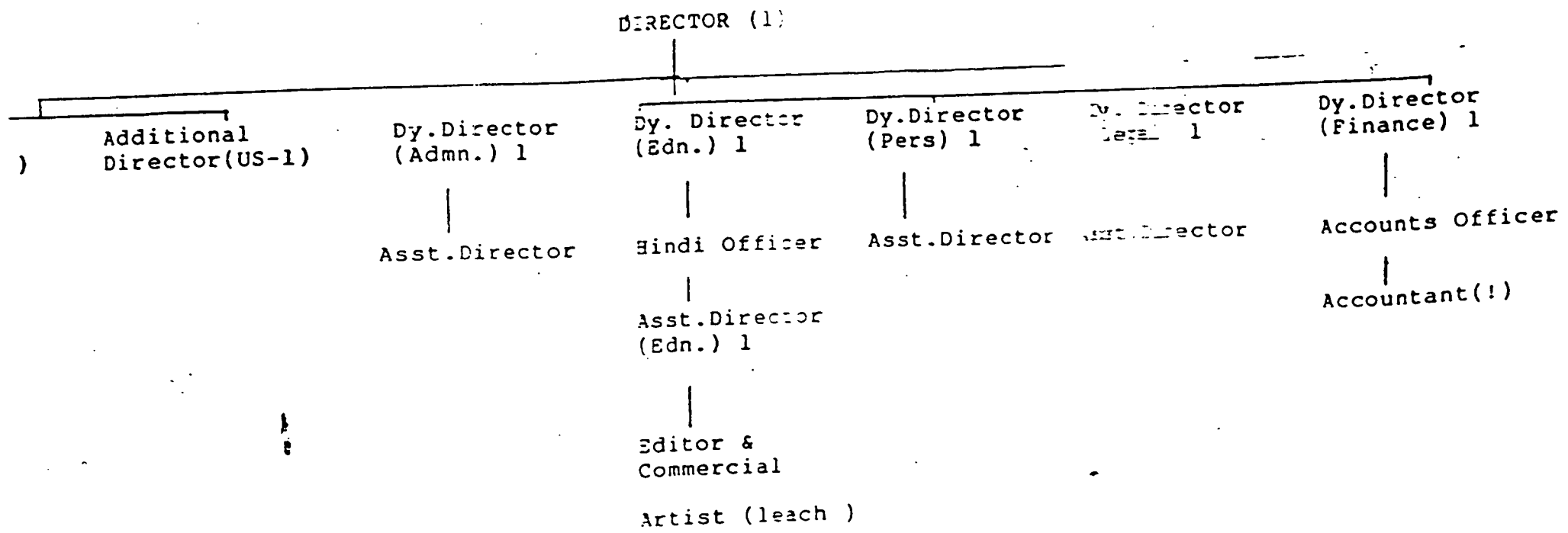
104

89

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ORGANISATIONAL STRUCTURE  
(HEAD QUARTERS)  
CONTROLLING AUTHORITY

DIRECTOR GENERAL (1) from CBWE



responsible officers be supported by Sr. Clerk, 1UDC, 1Stenographer, 1UDC & 1 peon.

2)	(3)	(4)	(5)	(6)	(7)
Director, Directorate Education, of Human Development. (India)	2nd Class post- Graduate Degree in any Social Science.	Organising, Planning, motivation, and preparing project for adult education.	2200-4000/-	Deputy Director, (against the vacancy of the post).	3000-5000/-
Director, Institute Edn. Ministry of Force nt (India)	2nd Class Post-Graduate degree in social science.	Organising, Planning, Motivation, and preparing project for adult education.	2200-4000/-	Deputy Director (against vacancy of post)  Director	3000-5000/-  7300/-
Director, Cutta, bay, er Productivity	Graduate with 3 years experience in the field of industry and workers organisation.	To organise the training programme on productivity in the industrial establishment, class work, teaching etc.	2200-4000/-	Deputy Director.	4000-5000/-
Director bour Ministry Govt.	Engineering Graduate or Diploma holder in Engineering with 3 years experience.	To organise safety Education training programme and camp etc. To organise training programme/Seminar etc. basically in safety.	2200-4000/-	Deputy Director Director  (against the vacant post)	3000-5000/-

**Comparative Statement showing the progression of scale of pay of Education Officers in the  
Central Board for Workers Education vis a vis identical posts in other Departments**

Sr. No.	Designation	Name of the Organization	Scale at the time of creation of the post	Scale of pay on implementation of 2 <sup>nd</sup> C.P.C.	3 <sup>rd</sup> C.P.C.	4 <sup>th</sup> C.P.C.	5 <sup>th</sup> C.P.C.	Remarks
1	Education Officer	CBWE	250 - 500	325 - 575	550 - 900	1640 - 2900	5500 - 9000	R.R. CBWE
2	Population Education Officer / Health Educator	Health and Family Welfare	250 - 400	400 - 900	700 - 1300	2200 - 4000	8000 - 13500	P-142, Vol-II, Part-I 3 <sup>rd</sup> CPC RHT/Delhi
3	Education Officer	Youth Affairs and Sports	250 - 400	400 - 900	700 - 1300	2200 - 4000	8000 - 13500	P-1184, 5 <sup>th</sup> CPC, Vol.-II
4	Education Officer	Govt. of Delhi	250 - 400	400 - 950	700 - 900 (revised to 700 - 1300 with 5 Adv Increments)	3000 - 4500	10000 - 15200	P-814, 815, 5 <sup>th</sup> CPC, Vol -II & P-80 3 <sup>rd</sup> CPC Vol -II, Part-I
5	PG Teacher, Gr I	Govt. Middle School	160 - 450	350 - 700 (Delhi) 300 - 600 (Others) (revised to 775-1000)	700 - 1300	2200 - 4000	8000 - 13500	P-811, 5 <sup>th</sup> CPC Vol.-II & P-221, 3 <sup>rd</sup> CPC, Vol-I
6	Asst Director	Directorate of Adult Edn	250 - 400	400 - 950	700 - 1300	2200 - 4000	8000 - 13500	P-83, 3 <sup>rd</sup> CPC, Vol - II, Part - I
7	Asst Regional Director	National Productivity Council	250 - 400	400 - 950	700 - 1600	2200 - 4000	8000 - 13000	Information collected over telephone from NPC
8	Lecturer	College	200 - 480	400 - 800 400-950	700 - 1300 700-1600	2200 - 4000	8000 - 13500	P-143, 3 <sup>rd</sup> CPC, Vol.-II, Part - I P-90, 3 <sup>rd</sup> CPC, Vol -II, Part - II and information collected from Website of Dept. Of Education, Govt. of India



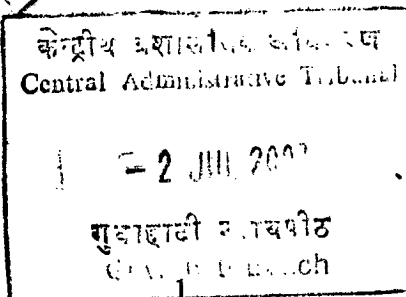
Annexure- VII

(Typed copy)

Name and particulars of the officers whom the applicant represented are furnished in detail as below:

Sl. No.	Name	Date of joining as Group "A" Officer	Place of posting and Address
1.	Shri Mathew George S/o- Philipose George	20/02/2002	Zonal Director (EZ) CBWE, Calcutta
2.	Shri K.S. Arumugam S/o- K. Subraya Pillai	28/02/2002	Dy. Director (Edn.) CBWE, H.O. Nagpur
3.	Sri Shyam S. Dangi S/o- Sadhuji Dangi	15/05/2006	Zonal Director (WZ) CBWE, Mumbai.
4.	Shri Vasant R. Hanawate S/o- Ramrao Hanawate	31/10/2006	Zonal Director (NZ) CBWE, Delhi.
5.	Shri Narayan H. Bhadre S/o- Hanumant Bhadre	08/01/2007	Dy. Director. (HQ). CBWE, H.O. Nagpur

*Attested  
By  
Advocate*



Filed by 108  
The Respondents Three  
Alsha Das  
Addl CSE  
29/6/07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA NO. 60/2007

SHRI D. N. BORO

.....APPLICANT

-VERSUS-

UNION OF INDIA & OTHERS

.....RESPONDENTS

Somnath  
29/6/07  
Education Officer  
Central Board for Workers Education  
Guwahati

IN THE MATTER OF

Written statement submitted by the respondents

- 1) That the respondents have received copy of OA and have gone through the same and understood the contentions made therein. Save and except the statements, which are, specifically admitted herein below, rests may be treated as total denial and the applicant is put to the strictest proof thereof.
- 2) Brief Facts of the case:-

This application has been filed challenging the validity and revision of Recruitment Rules (RRs) for the post of Director, CBWE by Shri D. N. Boro, Zonal Director, CBWE.

The Central Board Of Workers Education is a society registered under Societies Registration Act of 1860 and sponsored by Ministry of Labour & Employment, Government of India i.e. Respondent No.1. It was established to promote education and awareness among the working class. It is 100% finances and controlled by Central Government and is an authority 'State' within the meaning of Article 12 of the Constitution of India.

The Recruitment Rules for the post of Director, CBWE were notified and published in the Gazette of India, weekly No. 17, Part-II, Section-3, Sub-Section (i) on 17.4.2006 in the pay-scale of Rs. 18400-22400/-.

In addition to the above, the applicant has filed the OA for consideration of the pay-scale of the officers of the Board for Workers Education.

The service conditions of the staff are governed by Central Board for Workers Education ( Staff & Conditions of Service) Regulations 1962 framed under Rule 13 (iv) of the Rules and Regulations of the Central Board for Workers Education.

3) That before traversing various paragraphs of the OA the respondents beg to submit the preliminary objection before the Hon'ble Tribunal which may be treated as part of the Written Statement.

- A) The Central Board for Workers Education (CBWE) was set up by the Government of India in 1958 as an autonomous body under the Ministry of Labour (registered under the Societies Registration Act) to undertake workers education programme. Director, CBWE is principal executive of the Board. He is ex-officio Secretary of the Board, its Governing Body and various committees.
- B) The decision to upgrade the post of Director, CBWE in the rank of Joint Secretary, Govt. of India was taken long back after consulting various organizations of the Government, keeping in view the need of the dynamic, experienced, expertise as well as innovative qualities in experimenting new schemes and ability to interact with international organization like International Labour Organization, UNICEF etc. and undertaking the project/consultancies offered. Accordingly, the post of the Director, CBWE were filled up from time to time. The above decisions of DOPT (ACC) the Recruitment Rules for the post of Director, CNWE were notified on 21.04.2006 in the scale of pay of Rs. 18400-22400/-.
- C) That the Recruitment Rules known as "Central Board for Workers Education (Director) Recruitment Rules, 2006" notified on 21.4.2006 in the Gazette of India, have been challenged by the applicant to the extent that they have been deprived of the promotion to the post of Director, of the Central Board of Workers Education. In fact, since the inception of CBWE, there were no Recruitment Rules (RRs) for the post of Director, CBWE. While approving the appointment of Shri V. Parmeswaran as Director, CBWE, DOPT (ACC) directed the Ministry of Labour and Employment to frame RRS for the post of Director. Further, while approving the extension of deputation of Shri Parmeswaran for further period of 1 year beyond 6.8.2005, DOPT (ACC)

enquired about the RRs for the post of Director, CBWE. Governing Body of CBWE in its 145<sup>th</sup> meeting held on 25.10.2005 approved the draft RRs that were in turn approved by the Deptt. Of Personnel and Training, Government of India and published in the Government's Gazette. Hence, the action of the respondents of framing RRs for the post of Director, CBWE is just and in accordance with the norms and guidelines prescribed by the Government of India. In view of this the application is liable to be dismissed out rightly.

- D) That the applicant has never made representation to the Respondent No. 1, i.e. Government of India for upward revision of the pay scale of officers of the Board and as such he has not availed all remedies available to his. Hence his application is liable to be rejected out rightly.
  - E) That the applicant has not approached this Hon'ble Tribunal with clean hands and has misrepresented the factual position so as to prejudice the opinion of this Hon'ble Court and thus they are not entitled to any relief.
  - F) That the framing of Recruitment Rules for the post is the executive policy of the Govt., keeping in view the needs and recruitment of the post and, therefore, normally the Hon'ble Tribunal does not entertain such grievances put forth by the employees. That is well settled proposition of law that matters relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescribing of qualifications/entitlement and others conditions of service including avenues of promotion and criteria to be fulfilled for such promotions pertain to the field of policy and within the exclusive discretion and jurisdiction of the State and normally the Courts do not substitute their view for that of the State. The answering respondents are placing reliance upon recent Supreme Court Judgment reported as 2003(1) SCT 435, P.U. Joshi and others Vs. A.G., Ahmedabad and others.
- 4) That with regard to the statement made in paragraph 1 of the OA, the respondents beg to submit that since the inception of CBWE, there were no RRs for the post of Director, CBWE. While approving the appointment of Shri V. Parneswaran as Director, CBWE, DOPT (ACC) directed the Ministry of Labor and Employment to

frame RRs for the post of Director. Further, while approving the extension of deputation of Shri Parmeswaran for further period of 1 year beyond 6.8.2005, DOPT (ACC) enquired about the RRs framed for the post of Director, CBWE. The Governing Body of CBWE in its 145<sup>th</sup> meeting held in turn approved by the Government of India and published in the Government Gazette on 21.4.2006 not on 17.4.2007 as claimed by the applicant, in compliance with the directions of the ACC.(R-1 & R-2). Thus, the contentions of the applicant in this para are denied. Further, the contentions of the applicant in this para for non-implementation of the revised pay scale of the cadre officers of the Central Board of Workers Education (CBWE) in terms of the recommendations made by the pay sub-committee constituted by the Government of India are denied. The recommendations of the sub-committee in respect promotional avenues have not been made clear. However, the up gradation of the pay scales of Education Officer, the base level post in the officers' grade in CBWE is already under active consideration in consultation with the Ministry of Finance, Deptt. of Expenditure.

Copies of the letters dated 21.6.2002 and 19.7 2005 are annexed herewith and marked as Annexure- R1 and R2 respectively.

- 5) That with regard to the statement made in paragraphs 2, 3 and 4.1 of the OA, the respondents beg to offer no comment.
- 6) That with regard to the statement made in paragraph 4.2 and 4.3 of the OA, the respondents beg to submit that the averments of the applicant in this para are partly true, that the Board being an autonomous organization and 100% finance and control by central Government and is an authority 'State' within the meaning of Article 12 of the Constitution of India. That it is pertinent to state that the up gradation of the pay scale of Education Officers, the base level post in the Officers' grade in consultation with the Ministry of Finance, Deptt. of Expenditure.
- 7) That with regard to the statement made in paragraph 4.5 of the OA the respondents while denying the contentions made therein beg to submit that the contentions of the applicant are not absolutely true as the post of Director, CBWE has been filled up at

many occasions on deputation basis from the officers other than the officers in CBWE.

- 8) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to offer no comment same being matter of records.
- 9) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to submit that the decision to upgrade the post of Director, CBWE in the rank of Joint Secretary, Govt. of India was taken long back after consulting various organizations of the Government, keeping in view the need of the dynamic, experienced, expertise as well as innovative qualities in experimenting new schemes and ability to interact with the international organization like International Labour Organization, UNICEF etc. and undertaking the project/consultancies offered.

A copy of the letter issued by the Under Secretary is annexed herewith and marked as Annexure-R3.

- 10) That with regard to the statement made in paragraph 4.8 of the OA, the respondents while denying the contentions made therein beg to submit that the applicant failed to submit the records of several committees pertaining to the recommendations for revision of pay scale of the cadre officers of the Board.
- 11) That with regard to the statement made in paragraph 4.9 of the OA, that CBWE is being an autonomous organization its employees do not come under the purview of Central Pay Commission, the respondents beg to submit that the issue regarding anomaly which crept up at the time of implementation of the Second pay commissions recommendations were not brought at that time by the applicant since 1982 even after his joining as Education Officer in the Board and being at this later stage the applicant without any reasons specifying towards the delay at present brought into the notice of the respondents which are absolutely not justifiable.

- 12) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to offer no comment.
- 13) That with regard to the statement made in paragraph 4.11 and 4.12 of the OA, the respondents beg to submit that the contentions of the applicant made in para are matter of record. That it is pertinent to mention here that the applicant be put into strict proof for the 'draft Recruitment Rule' for the post of the Director placed before the Governing Body meeting held on 25<sup>th</sup> October, 2005. That the respondents submit that the issue for the recruitment rules for the post of the Director and revision of pay scale of the cadre officer of the Board are having different perspective and cannot be placed as a grievance for redressal before this Hon'ble Tribunal as the applicant has to file another OA being absolutely separate issue.
- 14) That with regard to the statement made in paragraph 4.13 of the OA, the respondents beg to submit that the averments made in the paragraph are mater of records. But the respondents submit that it is only an misapprehension on the part of the applicant and moreover he is not one of the candidate for the post of the Director published in the Gazette of India dated 17.4.2006 i. e. to the post of Director, Central Board of Workers Education. As the issue has risen by the applicant regarding the Recruitment Rules for the post of the Director show ulterior motives to file this instant application and try to give colorable exercise.
- 15) That with regard to the statement made in paragraph 4.14 and 4.15 of the OA, the respondents beg to submit that the averments of the applicant in these paras are matter of record regarding pay scale of the officers of the Board.
- 16) That with regard to the statement made in paragraph 4.16 and 4.17 of the OA, the respondents while denying the contentions made therein beg to submit that the allegations made by the applicant against the respondents are baseless and basically after thought and try to give colorable exercise to the instant application.
- 17) That with regard to the statement made in paragraph 4.18 of the OA, the respondents while denying the contentions made therein beg to submit that the case law cited by the applicant is not applicable to instant subject matter and it is far from truth.

- 18) That with regard to the statement made in paragraph 4.19 of the OA, the respondents beg to submit that the contentions of the applicant in this para are merely misapprehension. Hence denied.
- 19) That with regard to the statement made in paragraph 4.20 of the OA, the respondents beg to submit that the averments of the applicant merely repetition of the earlier paras, which has already been answered in above paras.
- 20) That with regard to the statement made in paragraphs 4.21 and 4.22 of the OA, the respondents beg to submit that the averments of the applicant are denied. The Governing Body of CBWE in its 145<sup>th</sup> meeting held on 25.10.2005, approved the draft RRs which were in turn approved by the Deptt. of Personnel and Training, Government of India and published in the Government's Gazette. Hence, the respondents action of framing RRs for the post of Director, CBWE in the rank of Joint Secretary, Govt. of India was taken long back after consulting various organizations of the Government, keeping in view the need of the dynamic, experienced, expertise as well as innovative qualities in experimenting new schemes and ability to interact with international organizations like International Labour Organization, UNICEF etc. and undertaking the project/consultancies officer (R-1, R-2 and R-3).
- 21) That with regard to the statement made in paragraph 4.23 of the OA, the respondents beg to offer no comment.
- 22) That with regard to the statement made in paragraph 4.24 of the OA, the respondents deny the contentions made therein. Thus, the instant OA is devoid of merit hence liable to be dismissed.
- 23) That with regard to the statement made in paragraph 5.1 to 5.14 of the OA, the respondents beg to submit that the averments of the applicant cannot be considered by the respondents on the basis of the facts contended and submitted by the applicant as stipulated in Recruitment Rules for the post of the Director, CBWE and pay scale of the officers of the Board. That the respondents submit that the relief sought and prayed in these paras deserved to be rejected in view of the submissions



made in the previous paras and legal position explained in this regard. The entire case including the grounds is absolutely vague and misconceived and, as such devoid of any merit and liable to be dismissed outrightly.

- 24) That with regard to the statement made in paragraph 6 of the OA, the respondents beg to deny the contentions made therein.
- 25) That with regard to the statement made in paragraph 7 of the OA, the respondents beg to submit that the applicant may be put into strictest proof thereof before the Hon'ble Tribunal.
- 26) That with regard to the statement made in paragraph 8.1 to 8.4 of the OA, the respondents beg to submit that in view of the submissions made in the above paragraphs, the applicant is not entitled to get any relief, as prayed for from the Hon'ble Tribunal hence the Hon'ble Tribunal may be pleased to dismissed the OA with cost.
- 27) That the respondents crave leave of the Hon'ble Tribunal for filing additional Written Statement if required at the time of hearing of the case.
- 28) That with regard to the statement made in paragraph 9 of the OA, the respondents beg to submit that the applicant is not entitled to get any interim relief. That the respondents beg to submit that if any interim relief is granted to the applicant, it will cause irreparable loss to the respondents. In the light of the submission made above the Hon'ble Tribunal may be pleased to dismiss the OA with cost.
- 29) That the respondents crave leave of the Hon'ble Tribunal for filing additional Written Statement if required at the time of hearing of the case.

- 9 -

146

VERIFICATION

I NAOREM SOMARAJIT SINGH, aged  
about 43 years at present working as  
EDUCATION OFFICER, CBWE, REGIONAL DIRECTORATE GUWAHATI

....., who is one of the respondents and taking steps in this case, being  
duly authorized and competent to sign this verification for all respondents,  
do hereby solemnly affirm and state that the statement made in paragraph

1, 24 to 29 are true

to my knowledge and belief, those made in paragraph

2 to 23 being matter of records, are

true to my information derived there from and the rest are my humble  
submission before this Humble Tribunal. I have not suppressed any material  
fact.

And I sign this verification this 29th day of JUNE 2007 at -----

---

DEPONENT

*Somarajit N*  
*29/6/07*  
Education Officer  
Local Board for Workers Education  
Regional Directorate Guwahati-6

Annexure - R-1

201  
4

**CONFIDENTIAL**

GOVERNMENT OF INDIA  
SECRETARIAT OF THE  
APPOINTMENTS COMMITTEE OF THE CABINET  
DEPARTMENT OF PERSONNEL AND TRAINING  
OFFICE OF THE ESTABLISHMENT OFFICER  
NORTH BLOCK, NEW DELHI

No. 3(4)EO/01(ACC)

Dated : 21.06.2002

Reference correspondence resting with the Ministry of Labour's communication No.A-12021/1/2000-ESA(WE) dated 29.04.2002.

The Appointments Committee of the Cabinet has approved the proposal for appointment of Shri V. Parameswaran, ISS, as Director in Central Board for Workers Education (CBWE), Nagpur, in the pay scale of Rs. 18400-22400/-, for a period of three years, extendable as per rules on deputation, from the date of taking charge of the post or until further orders, whichever is earlier.

3. The Committee has further directed the Ministry of Labour to frame the Recruitment Rules for the post without further delay.

4. CR dossiers of S/Shri V. Parameswaran and Dr. R.M. Tungare are returned herewith, receipt of which may kindly be acknowledged.

Jaya R.  
(R. JAYA)

Under Secretary to the Govt. of India  
Ph : 301 6504

Ministry of Labour,  
(Dr. P.D. Shenoy, Secretary),  
Shram Shakti Bhawan, New Delhi.

Amem - R<sup>L</sup> 2 (3)

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22/7/05

Immediate/Confidential



No. 3/3/2005-EO(SM.II)  
Government of India

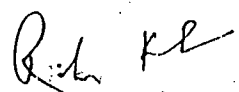
Secretariat of the Appointments Committee of the Cabinet  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
\*\*\*\*\*

ई. एस. ए. यूनिट  
H. S. A. Unit  
डाक सं. 1449  
Dr. No. ....  
तिथि 22-7-05  
Date .....

New Delhi, dated the 19<sup>th</sup> July, 2005

Reference Correspondence resting with Ministry of Labour & Employment OM No. A-12021/1/2005-ESA(WE), dated 9.6.2005.

2. The Competent Authority has approved the extension of tenure of Shri V. Parameswaran as Director, Central Board for Workers Education by 3 months beyond 6.8.2005.
3. The Competent Authority has also directed that the Ministry of Labour & Employment, in the meanwhile should indicate the vigilance status of Shri V. Parameswaran, and give a report on implementation of ACC directions to finalise Recruitment Rules, conveyed vide communication No. 3(4)EO/01(ACC) dated 21.6.2002.

  
( Ravindra Kumar )  
Under Secretary to the Govt. of India

Ministry of Labour & Employment,  
(Shri K.M. Sahni, Secretary),  
Shram Shakti Bhawan,  
New Delhi.

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24/7/05

Pub up on priority basis  
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Ministry of Finance  
Department of Expenditure  
E.II(B) Branch  
\*\*\*\*\*

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File HD. A. 12031  
1/200-E.S.V. (19)

Ministry of Labour may kindly refer to their notes on pre-pages regarding upgradation of the post of Director (CWAIE) from Dy. Secretary level to the level of Jt. Secretary.

The post of Director, Central Board of Worker's Education may be operated in the pay scale of Rs. 18400-22400. However, Ministry of Labour are advised to provide matching savings for the upgradation.

This issues with the approval of Secretary (Expenditure).

*T.S. Bhatia*  
T.S. Bhatia  
Under Secretary (E.II(B))

FA (Labour)  
Min. of Fin, D/o Expend U.O No. 5(59) - E-II(B) / 2000 dt. 3/4/01

AS (2) may pl. see.

*N. S. Bhatia*  
31/4/01

AS (2)  
*Secretary*

*Uma Pillai*  
4/4/01

For information & action.

AS  
✓ FS (R. K. ...)

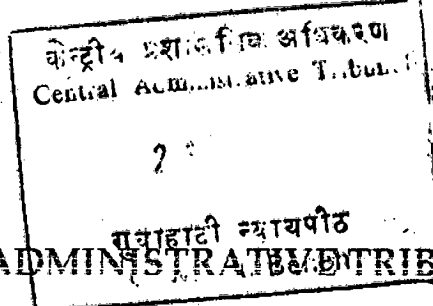
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4/4/2001

1112



Filed by Applicant  
through S. Nath  
25/01/2008

In the matter of:-

O.A. No 60/2007.

Sri Debendra Nath Boro.

... Applicant

-Versus-

Union of India and Others.

... Respondents.

-And-

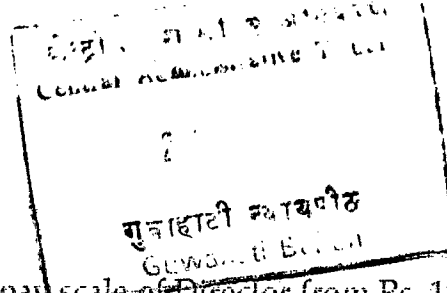
In the matter of:-

Rejoinder submitted by the applicant against the written statement submitted by the respondents.

The applicant most humbly and respectfully begs to state as under:-

1. That as regards the statements made in para 1, 2, 9 and 15 of the written statement, this applicant has no comments to offer since those are matters of records.
2. That the applicant denies the statements made in para 3 (A) to (F) and 4 of the written statements saves and except which are borne out of record and begs to submit that the decision to upgrade the post of Director was done in tune with the total upgradation process of all cadre of Education Officers in the Board. Accordingly Dasgupta Sub-Committee constituted by the Secretary, Labour, as Chairman of CBWE on 6<sup>th</sup> August 1996 in exercise of power 12 (i) of CBWE Rules and Regulations and Rule 209 (6) (iv) (a) of General Financial Rules of Govt. of India. The recommendations were approved and accepted by the competent Appropriate Authority on 28.01.1997 for implementation. But the respondents have picked up only

Debendra Nath Boro



one post and revised/up graded the pay scale of Director from Rs. 12,000-16,500/- to Rs. 18,400-22,400/- on 07.08.2002 keeping the pay scale of entire feeder posts to the posts of Director un-changed. The cadre officers were given false promises for so many years that their up gradation of pay scale is still under active consideration. Out of 48 years of existence of the Board, the cadre officers promoted as Director for last 44 years. They spend more than two decades in the field, experienced in Workers Education, successfully interacted with ILO, UNESCO, UNICEF, undertook consultancies/projects. The cadre officers represented India in several international bodies/discussion, seminars and committees.

It is stated that out of the recommendations for pay revision/up gradation for Education Officers to Director, picking up only one post for revision/up gradation by the respondent is clear violation of Article 14 and 16 of the Constitution of India. Due to non-revision of pay scale the cadre officers for so many years have become victim of justice and exploitation, keeping them in disadvantageous position secluding their promotional post by framing recruitment rule notified on 21.04.2006 is to perpetuate exploitation, injustice by the respondents. Therefore, the recruitment rule which was framed with ill intension, sole motive to deprive the cadre officers of the Board liable to be quashed. As such the Hon'ble Tribunal be pleased to direct the respondents to revise/up grade the pay scale of Cadre Officers which is long pending for along with the time with the respondents to give fair opportunity to the Cadre Officers and also be pleased to direct the respondents to reframe the recruitment rule with a provision for promotion of eligible Cadre Officers.

That with regard to the statements in paragraph 3 (C) of the written statement it is stated that the deprivation of Cadre Officers is clear from the recruitment rule notified on 21.04.2006 as there is no provision for promotion of the Cadre Officers from Zonal Director/Dy. Director or Additional Director. Since inception in 1958 there was no recruitment rule for the post of Director because conventionally it was filled up from Additional Director/Sr. Deputy Director of the Board who come from the Cadre Officers. Occasionally it was filled up on deputation for a very short period in absence of eligible departmental promote. The deputationist has

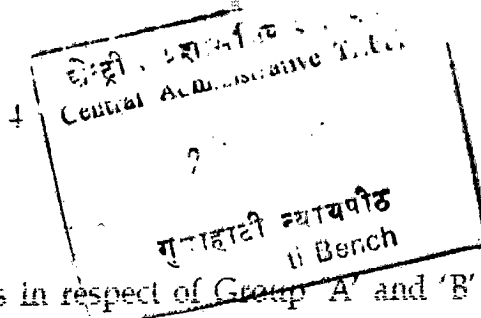
been repatriated as soon as the departmental promote become eligible for the post. When the deputationist's tenure is extended, he is blocking the promotional channel of the departmental promote and in turn prospective candidates falling short of qualifying service required for consideration for the post of Director. This is very unfair, un-ethical and motivated tactics of the respondents to deprive the Cadre Officers of the Board. The matter will be proved with facts at the time of hearing.

It is also stated that the Governing Body of CBWE in it's 145<sup>th</sup> meeting held on 25.10.2005 while approving the Draft recruitment rule observed in first and foremost view "..... the post should be filled only through promotion, as it was felt that this post should go to one of those Officers from the Cadre, who joins as Education Officers and has in depth knowledge and rich experience in the field, after putting several years of service at different levels" (Page-4, Part- A, Item-8 on recruitment rule for the post of Director, CBWE).

In the draft recruitment rule there was also room for promotion. But Ministry has intentionally removed the term "by promotion from Cadre Officers" just to deprive the Cadre Officers of the Board while publishing recruitment rule in Government's Gazettee. Therefore, the recruitment rule is not reflective of wisdom of Governing Body and can be claimed as approved by the Governing Body by the respondents. The respondents resorted to unethical activities by changing/modifying the recruitment rule approved by Governing Body violating all established norms of the country just to deprive the Cadre Officers by the Board to be considered for the promotion to the post of Director.

In reply to the para 3 (D) it is stated that several representations have been made individually and collectively, as such the respondents are well aware of the fact and they constituted expert Committee cited above for the revision/up gradation of pay scales from Education Officers to Director. The Central Board for Workers Education Officers Association approached the learned CAT, Mumbai Bench in O.A. No. 1123/1996, which was disposed of on 18.10.2001 with the direction to the respondents to take final decision on the Report of the Sub-Committee on Organisational Hierarchy, recruitment rule and promotion rules, job



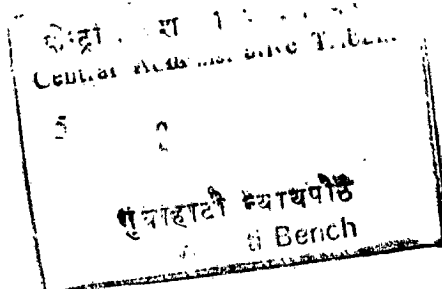


specifications and allied matters in respect of Group 'A' and 'B' officers pertaining to applicant No. 1 Association, within a period of four months from the date of receipt of a copy of the order with intimation to the applicants". Thereafter except the revision of Director's pay scale, nothing has been done so far to revise the pay scale of others.

It is further stated that, if the executive policy to frame Recruitment Rule and that too to perpetuate injustice, exploitation, motivated violation of Constitutional norms of country, depriving in nature and if the up-gradation or pay revision discriminatory and unfair in nature in the eye of law, if it is arbitrary and perverse, all those are subject to judicial scrutiny if the activities of the state violates the fundamental rules of the Country, judiciary has every right to interfere.

It is further stated that since inception there was no recruitment rule for Director as the post was conventionally filled up from Cadre Officers by promotion. Therefore, any recruitment rule framed at present must have a provision for promotion of the Cadre Officers who has served the Board as Director for 44 years out of 48 years of existence. It is also stated that up gradation of the post of Director by a new recruitment rule in 2006 after 48 years has neither altered the duties and responsibilities of the applicant nor has enhanced his expertise, ability, experimenting capacity or ability to interact with international organization as argued by the respondents, which have been aptly done by the incumbents holding the post of Director even prior to the introduction of the recruitment rule, 2006 for the said post. Further, upgradation of the lone post of Director in terms of pay scale without considering the same for the cadre officers below and secluding the post of Director from the normal hierarchy by incorporating some ill designed criteria or promotion in the new R/R for the post of Director is purpose-oriented, mala fide and opposed to all the canons of service jurisprudence. This apart, the mode of recruitment and criteria thereof, allotment/fixation of pay scale etc. for the post of Director as incorporated in the newly created "Central Board for Workers Education (Director) Recruitment Rules, 2006" are inconsistent with the recommendations of the pay sub-committee and not in conformity with the provisions of Central Civil Service (Revised Pay) Rule, 1997, DOPT

Deleendra Nath Bora



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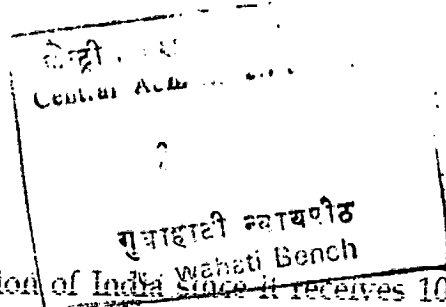
guidelines and Central Government Financial Rules (GFR) as described in the O.A. Further the new method of recruitment to the post of Director has been so designed with the sole objective of depriving the departmental cadre officers of their promotion to the said post which has been followed for 48 years in perpetuity. This has been done deliberately so as to create room for nepotism and favouritism for appointing persons to the said post. Non-revision of pay scale of Cadre Officers which is pending for a long time by the respondents is mala fide, purposive with a sole intention to deprive the Officers of the Board and to seclude the post from promotional channel. The Pay Sub-Committee was constituted by the respondents, there was direction of Hon'ble CAT for its consideration, there is approval of Competent Authority for its implementation. It is absolutely misrepresentation of the facts which is being done intentionally to prejudice the Hon'ble Tribunal against the applicant.

Further, it is not the responsibility of this applicant to make representation to the Government for upward revision of pay scale of officers of the CBWE (as stated in para 3 D) of the written statement and the applicant has not misrepresented the factual position whatsoever as alleged. As such the contentions of the respondents are not sustainable and are liable to be ignored. Applicant in support of his claim relies upon the judgment and order dated 27.09.2007 passed in O.A. No. 566 of 2007 by the Hon'ble CAT, Calcutta Bench.

Copy of list of Committees/Sub-committees, their recommendation and other proposals for settlement of pay issues of E.O's and their promotional posts is enclosed as Annexure- 1. Copy of extract of agenda papers of 146<sup>th</sup> G.B meeting held on 14.07.06 is enclosed as Annexure- 2. Copy of extract from G.F.R is enclosed as Annexure- 3, judgment and order dated 18.10.01 and the judgment and order dated 27.09.07 is enclosed herewith and marked as Annexure- 4 and 5 respectively.

3. That the applicant denies the statements made in para 6 and 7 of the written statements and begs to state that the Board is a "State" within the

Deleendra Nath Boro



meaning of Article 12 of the Constitution of India since it receives 100% grant of the Government. It is also true that the stating itself 'State' and violating Article 14 and 16 of the Constitution by not revising the pay scale of Cadre Officers for a long time. The respondents for last 40 years have deprived the Cadre Officers of the Board and instead of taking steps to remove injustice aggravated it by snatching the promotional post of Director from the Cadre in the name of the recruitment rule. In reply to para 7 the applicant reiterate that the post of Director, CBWE has always been filled up by promoting the departmental officers in perpetuity as shown in para 4.6 of the application excepting in rare cases where the said post had been filled up through deputation a stop gap arrangements only due to non availability of eligible departmental candidate. As such the contention of the respondents are not true to the fact and hence not sustainable.

4. That the applicant denies the statements made in para 10 and 11 of the written statements and begs to submit that the anomalies in respect of the pay scales of officers of CBWE were taken up by the CBWE officers association with the concerned authorities from time to time and some of their letters have already been annexed to the O.A. also the report of the pay sub-committee and their recommendations has been annexed to the O.A. Further, the records of the several other committees pertaining to the recommendations from revision of pay scales of the officers of CBWE are available with the respondents which are evident from the correspondences of the CBWE officers association annexed to the O.A.
5. That with regard to the statements made in para 13 and 14 of the written statements, the applicant begs to submit that the respondents be directed to produce all the records and proceedings of the governing body meeting held on 25.10.2005 including the "Draft Recruitment Rule" before this Hon'ble Tribunal for factual assessment of the matter. Further, the Director and the cadre officers of the CBWE are part and parcel of one and the same set up and hierarchy in the CBWE and they cannot be artificially deemed to be standing on different perspective as stated in para 13 of the written statements.

Further, the contention of the respondents that the applicant is not a candidate for the post of Director is a misconception and misinterpretation in as much as that the new recruitment rules for the post of Director, CBWE has been prejudicial to the interest of the applicant for promotion to the post of Director and in turn has choked the entire promotional ladder in the hierarchy. The applicant being a Zonal Director is a legitimate expectant for the post of Director in its usual course, and hence the applicant has filed this O.A challenging the validity and legality of the Illegal Recruitment Rules, 2006 for the post of Director, in order to protect his rights and interests.

6. That the applicant categorically denies the statements made in para 16 and 17 of the written statements and begs to reiterate that the respondents acting on the recommendations of the sub committee chose to pick up only the recommendations in respect of pay scale of Director ignoring the same for other cadre officers in a selective manner. Thus they created a wide gap between the pay scale of Director and that of other cadre officers in the first instance as a part of their sinister plan and later on excluded the cadre officers from being considered for the post of Director by fixing the eligibility criteria for the post based on scales which they have already made non existent as stated above by not revising upward the pay of cadre officers in the CBWE. This has been done deliberately for inducting strangers at the cost of departmental officers to the post of Director as per the personal choice of the respondents which amounts to nepotism as held by the Apex Court in Jai ram Sharma -Vs- Jammu Development Authority [(1996)9 SCC 214]. Such acts of the respondents are discriminatory, malafide, motivated, unfair, arbitrary, violative of Article 14 and 16 of the Constitution of India and opposed to the principles of natural justice.
7. That the applicant denies the statements made in para 18, 19 and 20 of the written statement and further begs to state that the contentions of the respondents are not sustainable for the reasons already stated in the preceding para hereinabove.

8. That the applicant categorically denies the statements made in para 22, 23, 24 and 25 of the written statement and respectfully begs to submit that this O.A is full of merit and the applicant is entitled to the reliefs prayed for in the application. All the grounds in the O.A are based on facts and in accordance with law. As such the O.A deserves to be allowed with costs.
9. That the applicant emphatically denies the statements made in para 26 and 28 of the written statements and begs to submit that the applicant is entitled to get the reliefs and the interim relief sought for in the application and the application deserves to be allowed with costs.
10. That in the fact and circumstances stated above, the applicant most humbly submits that he is entitled to the reliefs prayed for, and the O.A deserves to be allowed with costs.

के. टी. : स. नि. अ. वि. व. र. ण.  
Central Administrative Tribunal  
2  
गुवाहाटी न्यायपीठ  
C. W. : B. Bench

## VERIFICATION

I, Sri Debendra Nath Boro, S/O Shri Halanga Boro, aged about 51 years, working as Zonal Director in the Central Board of Workers' Education, North Eastern Zone, Housefed Complex, near Last Gate, Dispur, Guwahati-6, Assam, do hereby verify that the statements made in Paragraph 1 to 9 of the rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 25<sup>th</sup> day of January 2008:

Deleendra Nath Boro

Annexure - 1

## 46 Years Struggle for removal of injustice inflicted upon the cadre of Education Officers of CBWE

List of Committees / Sub-Committees, their recommendations and  
other proposals for settlement of pay issues of E.Os. and their promotional posts

Sl. No.	Date & Year	Nature of Committees / Sub-Committees	Recommendation
1.	14 <sup>th</sup> March 1960	2 <sup>nd</sup> Governing Body meeting of CBWE at New Delhi	Accepted the proposal for revision of Pay Scale of CBWE Officers
2.	1974	Parliamentary Estimate Committee on Workers Education Review headed by Sri G. Ramanujam.	"Keeping in view the fact the Education Officers, constitute an important link and instrument, in the implementation of Workers Education Scheme, their EMOLUMENTS SHOULD BE IMPROVED commensurate with their responsibilities and functions and adequate promotional channels open for them as to enable them to become AREA DIRECTORS AND STATE DIRECTORS" (vide Recommendation No.53).
3.	1974	Action Taken Report of Govt. of India on Ramanujam Committee.	"Government agreed in principle that emoluments of Education Officers should be commensurate with the qualifications, duties and responsibilities. Government proposed to examine in details the implications of recommendations and present emoluments of Education Officers ought to be improved".
4.	18.10.1977	62 <sup>nd</sup> Governing Body Meeting of CBWE at New Delhi.	"The revision of pay scale of Officers is overdue", it was unanimously felt.
5.	06.02.1978	Governing Body Meeting at Nagpur, a Sub-Committee constituted with Chairman, Shri. Daljit Singh, IFA and Director, CBWE to review the Pay Scale.	Recommended higher Pay revision.
6.	25.06.1981	71 <sup>st</sup> Governing Body Meeting held at New Delhi.	Stressed the "Urgent need for upward revision of pay scale of the officers of CBWE".
7.	July 1981	Sri G. Ramanujam, Hon'ble Chairman's representation to Hon'ble Finance Minister, Govt. of India.	Explained the need for upward revision of Pay Scale.

Attested  
Advocate.

Sl. No.	Date & Year	Nature of Committees / Sub-Committees	Recommendation
8.	15.10.1990	In 104 <sup>th</sup> Governing Body Meeting at Bombay, Four Members Cadre Review Committee headed by Prof. Devendra Kausik of J.N.U. was constituted and report submitted in 1991.	Favoured the upward revision of Pay Scale of Officers of the Board.
9.	29.06.1992	The Governing Body of CBWE in a meeting at Nagpur Constituted a Sub-Committee headed by Sri M. S. Gore.	Examined the question of revision of Pay Scale and favoured upward revision.
10.	07.02.1993	In 3 <sup>rd</sup> Meeting of Governing Body at Madras, the Sub-Committee report was further discussed.	Recommendation to Ministry "to examine the matter regarding enhancement of Pay Scales of Education Officers".
11.	26.8.1993	MOL, vide letter No., A-11015/1/93 - ESA (WE)	Pay revision on the basis of the 4 <sup>th</sup> C.P.C. can not be considered. 5 <sup>th</sup> C.P.C. is going to set up. "As such no proposal of revision of Pay Scales can be taken up at this stage".
12.	April' 1994	Central Pay Commission was set up by Govt. of India	Declined to consider the representation of CBWE Officers as being employees of autonomous organization.
13.	11.07.1994	CBWE Officers Representation to 5 <sup>th</sup> CPC	For revision of Pay Scale of Cadre of E.Os.
14.	4.10.1994	Director CBWE, vide letter No. WE/Accts/5 <sup>th</sup> CPC/94/7832	Requested for the revision of Pay Scales of the Officers of CBWE.
15.	24.02.1995	A. K. Chandana, Dy. Secretary to Govt. of India No.1939/94-PC (TR) to CBWE Officers	No action can be taken on pay issues being the employees of autonomous organization.
16.	29.04.1995	Sri Sanat Meheta, Hon'ble Chairman's representation to Sri Gopalan, Union Labour Secretary on revision of Pay Scale of the Officers.	Recommended upward revision before the publication of 5 <sup>th</sup> CPC report. E.O. - 2200 - 4000, E.O.(SG)- 3000 - 4500, R.D. - 3700 - 5000, Z.D./D.D. - 4100 - 5300, Addl. Director- 4500 - 5700 & Director - 5100 - 6700
17.	19.10.1995	MOL Letter No. A-11014/1/94 -ESA	Since the Govt. have appointed the 5 <sup>th</sup> C.P.C. .... we should go slow.
18.	14.10.1996	Director, CBWE's representation to Union Labour Secretary regarding revision of Pay Scale of Officers.	Requested for urgent revision in line with Chairman's recommendation so that identical fitment can be given in 5 <sup>th</sup> CPC's recommendation.
19.	28.01.1997	Report of Sri Bhajan Dassgupta, Pay Sub-Committee, Constituted by Union Labour Secretary, Dr. L. Mishra, considering the views of Dy. Chairman Planning Commission, L & E Adviser and Financial Adviser of Ministry of Labour (meeting was on 11.12.1996).	Recommended Pay Scales for Officers on the basis of 4 <sup>th</sup> CPC as under. E.O.- 2200 - 4000, E.O. (SG) - 3000 - 4500, R.D. - 3700 - 5000, Z.D. / D.D. - 4100 - 5300, Addl. Director - 4500 - 5700, Director - 5100 - 6700. Report submitted to Ministry.



Sl. No.	Date & Year	Nature of Committees / Sub-Committees	Recommendation
20.	06.08.1996	123 <sup>rd</sup> Meeting of GB Chaired by Union Labour Secretary	Constituted 5 Members Pay Sub Committee to consider pay and allied matters of CBWE Officers.
21.	04.02.1997	125 <sup>th</sup> Governing Body Meeting (Report submitted earlier due to impending on 5 <sup>th</sup> CPC report published)	Accepted the recommendation of pay sub committee & requested Ministry to implement it in the light of 5 <sup>th</sup> CPC.
22.	18.06.1997	126 <sup>th</sup> G.B. Meeting held at Bangalore.	Part-A, Item No.14 : Pay Sub-Committee Report was approved with the consent of the Financial Advisor of MOL (K. Nath) in the meeting.
23.	06.10.1999	MOF/DOE/E-III (B) T.S. Bhatia, Under Secretary	Returned the file "Qualification can not be the sole criteria for Pay revision".
24.	18.10.2001	Judgment of CAT, Mumbai Bench, OA No.1123 of 1996 CBWE OA VS Union of India through Labour Secretary, Govt. of India.	Order passed "Respondents to take a final decision on the Report of the Sub-Committee on Organizational Hierarchy, Recruitment and Promotions Rules, Job Specifications and allied Matters in respect of Group A and B Officers pertaining to Applicant No.1 Association, within a period of four months from the date of receipt of a copy of this order with intimation to the Applicants".
25.	07.08.2002	Ministry of Labour & Employment.	Only the Pay Scale of Director, CBWE was revised without touching the Pay Scale of other Officers in tune with the recommendation of Pay Sub Committee.
26.	2002	Second National Commission on Labour, Vol.-II, Chapter - XI, Para - II. 245, Page No.110 expressed concern for Pay Scales of CBWE Official.	Stated that "Adequate attention needs to be paid to the pay scale and infrastructure provided to the Officials of CBWE".
27.	24.9.2002	MOF/DOE/ E- III (B) Anuradha Mitra, Director (Pay)	Returned the file advising " look into the feasibility of merging the posts".
28.	25.9.2002	Parliamentary Consultative Committee Meeting under the Chairmanship of Hon'ble Union Labour Minister.	Member felt- "There is need for higher Pay Scale for Education Officer as their pay was more than College Teachers before the Second Pay Commission. It is also required for the reason that similar post in other Govt. Departments have a pay scale of Rs.10,000/- at the joining stage itself".
29.	18.2.2003	MOF/DOE/E-III(B) S.S. Rana, Dy. Secy.	Posts may continue to be operated in the existing pay scale. benefit of pay fixation may be allowed.

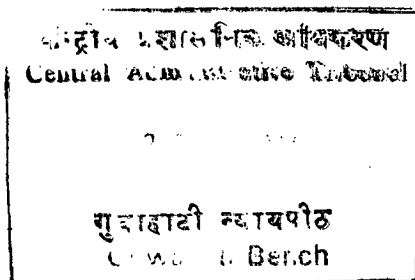
Sl. No.	Date & Year	Nature of Committees / Sub-Committees	Recommendation
30.	4.04.2003	MOS/Finance (EBI), A. Adsul	Requested secretary (Expenditure) of MOF to process the file and submit before him for approval.
31.	May' 2003	Report of Ten Members Up-gradation and Restructuring Committee constituted by Ministry of Labour, Govt. of India.	It says "..... it is a travesty that his Pay Scales are much more less than merely teachers and lecturers" (P-82). "It is to the credit of the E.Os that despite this treatment, they carried on with their duties with devotion and dedication". (P-84). Recommended higher Pay Scale for the cadre of E.O.
32.	2003	MOL & E, Govt. of India	Requested MOF for concurrence to settle anomaly of Officers of CBWE.
33.	23.3.2004	MOF, Dept. of Expenditure, Govt. of India A.K. Vinwak, Under Secretary E-III (B), MOF	Advising MOL & E to process the proposal through an Anomaly Committee of the Administrative Ministry and matter would be reviewed after 15 <sup>th</sup> May, 2004.
34.	23.9.2005	The Anomaly Committee of MOL & E under the Chairmanship of Addl. Secretary of Govt of India (MOL & E) and FA of Ministry, Jt. Secretary, Dy. Secretary. Under Secretary(F), Director, CBWE, R. K. Pant & S. K. Roy, CBWEOA.	Felt. at the inception of the post E.Os status was group 'A' Officers in 1 <sup>st</sup> CPC but degraded to group 'C' in 5 <sup>th</sup> CPC. Unanimously agreed on existence of anomaly and decided to remove it by resorting parity in the Pay Scale of E.O. File submitted by IFD of MOL (DOE) to MOF for Concurrence (5.1.06). Recommendation as in item 16 of AI
35.	1.2.2006	MOF, Govt. of India Karan Sing, Under Secretary MOF/DOE/E-III (B)	Advised to submit recruitment rules of E.O. of CBWE & analogous posts in other comparable organizations and certain other clarifications.
36.	27.3.2006	MOL&E, Govt. of India	MOL & E complied with the queries of MOF and file was resubmitted for concurrence.
37.		At the instance of Chairman, Director and S. K. Roy met JS (Pers) of MOF	JS MOF convinced on anomaly, but remarked 'it is a delayed case'.
38.	24.4.2006	MOF/DOE/E-III(B) Karan Sing, Under Secretary	It would not be possible to consider the proposal at this stage as the 6 <sup>th</sup> Central Pay Commission is to be setup in near future.
39.	15.5.2006	IFD of MOL & E with special recommendation of LS & FA of MOL & E, GOI to MOF/DOE/E-III (B)	Resubmitted the file for concurrence stating that a) All the CPC's constituted so far did not entertain the representation of CBWE Officers reason being the employees of autonomous organization. b) the present proposal has no relevance with the constitution of 6 <sup>th</sup> CPC.

Sl. No.	Date & Year	Nature of Committees / Sub-Committees	Recommendationh
40.	20.6.2006	MOF/DOE/E- III (B) Karan Sing, Under Secretary.	The proposal has been reconsidered and it is regretted that the same is not acceptable.
41.	23.6.2006	MOL & E Smt. B.R. Vij, Under Secretary	To Director , CBWE "MOF/DOE have not accepted the proposal".
42.	26.6.2006	Director, CBWE	To B.R.Vij, Under Secretary, MOL "Proposal may please be settled under the administrative power of the Ministry"
43.	29.06.2006	Sri S. K. Roy, Board Member's representation to Sr. Officers of Ministry and State Minister, MOL & E	Argued on case is not upgradation rather removal of misfitment erroneously done in 2 <sup>nd</sup> CPC and giving fitment in the appropriate Pay Scale of 5 <sup>th</sup> CPC as recommended by Anomaly Committee item-16.
44.	05.07.2006	Director, CBWE, to Smt. Vij, U/S, MOL & E	Sought permission to set-right misfitment.
45.	13.07.2006	Smt. Vij, U/S, MOL & E to Director, CBWE	Clarification on misfitment, reasons and responsibility.
46.	13.07.2006	Director, CBWE, to Smt. Vij, U/S, MOL & E	Complied on queries of MOL & E
47.	14.07.2006	Sri S. K. Roy, GB Member raised the issue in GB Meeting and appealed for pay scale of E.Os.	Chairman asked for legal opinion form and Expert Team.
48.	14.07.2006	Director, CBWE brought out notification on constitution of three members Legal Committee.	Judicial Members of CAT, Sr. Central Government Standing Counsel (MO Law and Justice), Kolkata and Sr. Standing Counsel of Nagpur High Court
49.	27.07.2006	Smt. Vij, U/S, MOL & E letter to Director on IFD's queries	Regarding misfitment and financial implication with authenticated documents.
50.	03.08.2006	Director, CBWE to Smt. Vij, U/S replied queries on 27.07.2006	Giving financial implication of Rs.65,000/- p.m.
51.	04.08.2006	Meeting of legal expert committee at H.O., Nagpur on 4 <sup>th</sup> & 5 <sup>th</sup> August' 2006	Report submitted to Chairman in a sealed cover with a forwarding by Director, CBWE
52.	10.08.2006	Chairman, CBWE representation of Hon'ble LEM, with legal opinion D/O No.1073/N/PS/LM/06	For remark within 10 days.
53.	12.08.2006	Association's representation to Minister of State for Labour in Kolkata by R. L. Chakraborty, President and others.	Requested Hon'ble Minister to authorize Chairman, CBWE to settle the pay issue of E.Os. and Others.
54.	18.08.2006	Sri S. K. Roy, GB Member representation to Hon'ble MOS (L&E) for authorization to Chairman, CBWE to settle the issue.	D/O No.50(1)/VIP/MOS/2006 requesting Chairman for appropriate action.

Sl. No.	Date & Year	Nature of Committees / Sub-Committees	Recommendation
55.	01.09.2006	U.D.N. Sidwani, Dy. Secy. MOL & E to Director, CBWE for further clarification-- on additional-- three queries.	Three additional queries.
56.	11.09.2006	Sri N. C. Bhatia, U/S MOL & E to Director, CBWE	Wanted clarification on legal opinion submitted by Chairman, CBWE to LEM
57.	21.09.2006	Director, CBWE to UDN Sidwani, Dy. Secretary, MOL & E	Replying clarification dated 1.9.2006
58.	21.09.2006	Director, CBWE's letter to UDN Sidwani, Dy. Secy., MOL & E reference to N. C. Bhatia's letter.	Replied on clarification on legal opinion.
59.	14.11.2006	Smt. B. R. Vij, Under Secretary, MOL&E to Director, CBWE	Additional clarification on information / documents and financial implication.
60.	28.11.2006	147 <sup>th</sup> G. B. Murty of Goa.	G.B. took a resolution to implement the Anomaly Committee Report.
61.	28.11.2006	60 <sup>th</sup> AGM of the Board.	Endorsed the decision of the G.B. (147 <sup>th</sup> ) for implement of Anomaly Committee Report.
62.	09.01.2007	D.O. letter of S. K. Srivastava, J.S., MOL&E to Director, CBWE.	To submit the papers regarding pay anomaly of E.Os. afresh.
63.	29.01.2007	Director, CBWE to J.S., MOL&E	Seeking approval to the implementation of the recommendation of the Anomaly Committee at the earliest.
64.	08.02.2007	Smt. B. R. Vij, Under Secretary, MOL&E to Director, CBWE	Seeking further clarification whether this is a case of misfitment or anomaly for processing the file.

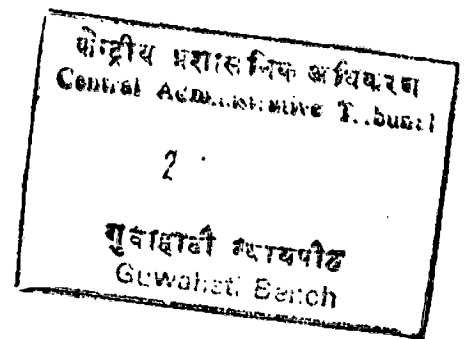
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sd -MD SKR-46 Years Struggles



# 146<sup>th</sup> GOVERNING BODY MEETING

NAGPUR  
14th JULY, 2006



## AGENDA PAPERS



**CENTRAL BOARD FOR WORKERS EDUCATION**  
Ministry of Labour & Employment, Government of India

Attended  
Advocate

North Ambazari Road, Nagpur - 440 033

Statement of Accounts for the year 2004-2005 were approved by the Governing Body.

Part-A      Revised Estimate for 2005-06 and Budget Estimate for 2006-07  
Item-4      of CBWE.

The Governing Body approved the Revised Estimate for 2005-06 and Budget Estimate for 2006-07

Part-A      Audit note on the Accounts of the CBWE 2004-05  
Item-5

The Audit note on the Accounts of CBWE for the year 2004-05 was approved

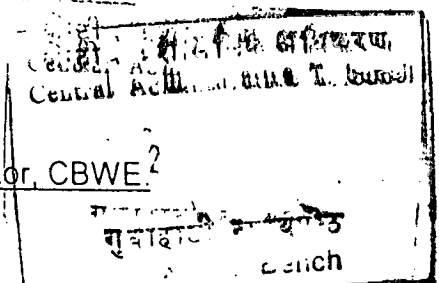
Part-A      Continuance of Temporary Group 'A' post in CBWE for the year  
Item-6      2006-07.

The Governing Body approved the proposal.

Part-A      Continuance of Temporary Group 'B', 'C' and 'D' posts in CBWE  
Item-7      for the year 2006-2007.

The Governing Body approved the proposal.

Part-A      Recruitment Rules for the post of Director, CBWE<sup>2</sup>  
Item-8



This was discussed at length by the members of the Governing Body. Some views were expressed that the post should be filled only through promotion, as it was felt that this post should go to one of those officers from the cadre, who joins as Education Officer and has in-depth knowledge and rich experience in the field, after putting several years of service at different levels.



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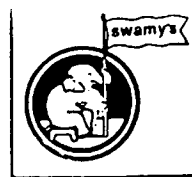
Approved by the Comptroller &  
Auditor-General of India  
as a reference book

**muthuswamy  
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brinda**

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ANNEXURE - 3

Attended  
Sub-  
Advocate

(vi) An organization whose performance is found to be outstanding and internationally acclaimed as a result of the review envisaged under (v) above should be granted greater autonomy and increased flexibility in matters of recruitment and financial rules thereby enabling it to devise and adopt staff structures, procedures and rules suited to improving their productivity.

(vii) Autonomous organisations as defined in (vi) above as also others with a budgetary support of more than Rupees five crores per annum, should be required to enter into a Memorandum of Understanding with the Administrative Ministry or Department, spelling out clearly the output targets in terms of details of programme of work and qualitative improvement in output, along with commensurate input requirements. The output targets, given in measurable units of performance, should form the basis of budgetary support extended to these organisations.

**Rule 209. (1) Principles and Procedure for award of Grants-in-aid.—**

Any Institution or Organisation seeking grants-in-aid from Government will be required to submit an application which includes all relevant information such as Articles of Association, bye-laws, audited statement of accounts, sources and pattern of income and expenditure, etc., enabling the sanctioning authority to assess the suitability of the Institution or Organization seeking grant. The application should clearly spell out the need for seeking grant and should be submitted in such form as may be prescribed by the sanctioning authority. The Institution or Organization seeking grants-in-aid should also certify that it has not obtained or applied for grants for the same purpose or activity from any other Ministry or Department of the Government of India or State Government.

**NOTE :** In order to obviate duplication in grants-in-aid, each Ministry or Department should maintain a list of Institutions or Organizations along with details of amount and purpose of grants given to them on its website.

**Rule 209. (2)** The Internal Finance Wing of the Ministry or Department concerned should lay down the rules or pattern of assistance under the broad guidelines contained in this Chapter and instructions issued by the Ministry of Finance from time to time. All sanctions of grants-in-aid issued by a Ministry or Department of the Central Government or an Administrator in exercise of their powers under Rule 20 of the Delegation of Financial Powers Rule, 1978, as amended from time to time, should conform to the pattern of assistance or rules governing such grants-in-aid.

**Rule 209. (3)** Award of grants should be considered only on the basis of viable and specific schemes drawn up in sufficient detail by the Institution or Organization. The budget for such schemes should disclose, *inter alia*, the specific quantified and qualitative targets likely to be attained against the outlay.

**Rule 209. (4)** Subject to the following terms and conditions, grants-in-aid towards administrative expenditure may be sanctioned to voluntary organisations to ensure a certain minimum staff structure and qualified personnel

to improve their effectiveness and expand their activities under the following conditions :—

- (a) The grants-in-aid should not exceed twenty-five per cent of approved administrative expenditure on pay and allowances of the personnel of the voluntary organization concerned;
- (b) Grants-in-aid to meet administrative expenditure to any private institutions other than the voluntary organizations should not ordinarily be sanctioned. In exceptional cases such grants can be considered for sanction in consultation with Internal Finance Wing.

**Rule 209. (5)** Every order sanctioning a grant shall indicate whether it is recurring or non-recurring and specify clearly the object for which it is being given and the general and special conditions, if any, attached to the grant. In the case of non-recurring grants for specified object, the order shall also specify the time-limit within which the grant or each instalment of it, is to be spent.

**Rule 209. (6) (i)** The sanctioning authority may prescribe conditions regarding quantum and periodicity for release of Grants-in-aid in instalments in consultation with the Financial Adviser. However, the release of the last instalment of the annual grant must be conditional upon the grantee institutions providing reasonable evidence of proper utilization of instalments released earlier.

(ii) In order to avoid delay in sanction or release of grants-in-aid to the grantee Institutions, the Ministry or Department should impress upon Institution or Organization desiring grants from Government, to submit their requirement with supporting details by the end of October in the year preceding the year for which the grants-in-aid is sought. The Ministry or Department should finalize their examination of the requests with the utmost expedition and make the necessary budget provision where it is decided to sanction grants. The Institution or Organization should be informed of the result of their requests by April of the succeeding year.

(iii) When recurring grants-in-aid are sanctioned to the same Institution or Organization for the same purpose, the unspent balance of the previous grant should be taken into account in sanctioning the subsequent grant.

(iv) (a) All grantee Institutions or Organizations which receive more than fifty per cent of their recurring expenditure in the form of grants-in-aid, should ordinarily formulate terms and conditions of service of their employees which are, by and large, not higher than those applicable to similar categories of employees in Central Government. In exceptional cases relaxation may be made in consultation with the Ministry of Finance.

(b) Grantee Institutions or Organizations should be encouraged to take advantage of the pension or gratuity schemes or group insurance schemes or house buildings loans or vehicle loans schemes, etc., available in the market for employees instead of undertaking liability on their own or Government account.



EXTRACTS FROM CCS (RP) RULES RELATING TO FIXATION OF PAY

**G.I. Decision (7)— Higher Pay Scales to Junior Translators working in various Subordinate Offices under Ministry of Defence—**

I am directed to say that the President is pleased to grant the higher pay scale of Rs. 5,000-8,000 to Junior Translators, who were in the pre-revised pay scale of Rs. 1,350-2,200/ Rs. 1,400-2,300 in the various subordinate office under the Ministry of Defence.

2. The higher pay scale of Rs. 5,000-8,000 will be effective from 1.1.1996.

3. This issues with the concurrence of the Ministry of Defence (Finance/AG/PB) vide their Dy. No. 68/PB/02, dated 24.1.2002.

[Min of Defence, Letter No. 11(9)/98/D(CIV.I), dated 24.1.2002.]

**G.I. Decision (8)— Higher Pay Scale to Senior Translators working in various subordinate Offices under Ministry of Defence—**

I am directed to refer to Department of Official Language O.M. No. 12/2/97-OL(S), dated 8th November, 2000 and to say that the President is pleased to grant the higher pay scale of Rs. 5,500-9,000 to Senior Translator, who were in the pre-revised pay scales of Rs. 1,600-2,600/Rs. 1,640-2,900 in the various subordinate offices under the Ministry of Defence.

2. The higher pay scale of Rs. 5,500-9,000 will be effective from 1.1.1996.

3. This issues with the concurrence of the Ministry of Defence (Finance/AG/PB) vide their No. 450/PB/02, dated 30.5.2002.

[Min of Defence, Letter No. 11(9)/98/D(CIV.I), dated 5.6.2002.]

**G.I. Decision (9)— Only normal replacement of pay scales to the Telecommunication Wing of the Department of Revenue – Modification to Part 'C' of the First Schedule to C.C.S. (R.P.) Rules, 1997**

**G.S.R. 317(E), dated 2.5.2002**— In partial modification of this Department's Notification G.S.R. 569(E), dated 30.9.1997, the entries at Serial Numbers 41 to 45 mentioned under the heading Telecommunication Wing of the Department of Revenue may be treated as deleted. Entries from Serial Number 46 onwards would stand re-numbered appropriately. Consequently these posts in the Telecommunication Wing of the Department of Revenue which were earlier placed at Serial Numbers 41 to 45 would only be given the normal replacement pay scales corresponding to the applicable pre-revised scales of pay.

[Min. of Finance, Notfn. No. 6/1/98-IC, dated 30.4.2002.]

**G.I. Decision (10)— Revision of pay scales (senior and selection scales) for Primary School Teachers in the employment of Government of India, in the Union Territories and other autonomous bodies sponsored by the Government of India.**

In continuation to this Ministry's letter No. 5-14/97-UT.1, dated 7.8.1998 regarding revision of pay scales of teachers, I am directed to say that the matter regarding anomaly in the pay scales (senior and selection) of Primary School Teachers was under consideration of the Government. It has now been decided to revise senior and selection scales of Primary Schools Teachers w.e.f. 1.1.1996 as under :

	Existing	Revised
Entry Scale	4,500-7,000	4,500-7,000 (No change)
Senior Scale	5,000-8,000	5,500-9,000
Selection Scale	5,500-9,000	6,500-10,500

2. This issues with the concurrence of Integrated Finance Division of this Ministry vide their Dy. No. 3053/2002-IFD, dated 4.4.2002.

[Min. of Human Resource Development (Deptt. of Secondary and Higher Education) Letter No. F 5-21/97-UT.1, dated 4.4.2002]

1907  
G. I. Decision (11)  
G. I. Decision (11)

**G.I. Decision (11)— Up-graded Pay scales for the staff belonging to the Organised Accounts Departments.**

Government had approved grant of higher scales for the Accounts staff of Railways on notional basis w.e.f. 1.1.1996 with actual payments being made prospectively. Keeping in view the fact that pay scales of corresponding categories in various organised Accounts cadres have traditionally been on par, it has been decided that the dispensation approved in case of the Accounts staff of Railways may be extended to the corresponding categories in all the organised Accounts cadres.

2. Pay scales of the following posts and their equivalent, posts in the organised Accounts cadres existing in various Ministries/Departments of the Government of India may accordingly be upgraded on notional basis w.e.f. 1.1.1996 with actual payments being made from 19.2.2003, the date on which this decision was approved by the Government as under :

Designation	Pay scale prior to (Rs.)	Existing pay scale (Rs.)	Pay scale to be extended notionally w.e.f. 1.1.1996 with actual payments being made prospectively (Rs.)
Auditor/Accountant	1,200-30-1,560-40- 2,040	4,000-100-6,000	4,500-125-7,000
Sr. Auditor/Sr. Accountant	1,400-40-1,600- 50-2,300-60-2,600	5,000-150-8,000	5,500-175-9,000
Section Officer	1,640-60-2,600-75- 2,900	5,500-175-9,000	6,500-200-10,500
Asstt. Audit Officer/ Asstt. Accounts Officer	2,000-60-2,300-75- 3,200	6,500-200-10,500	7,450-225-11,500

3. In-so-far, as persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued after consultation with the C&AG of India.

[Deptt. of Expr., O.M. No. F6/82/E.II(B)/91, dated 28.2.2003.]

**Clarification :** High Pay-scales are *not* to be extended in future to any Accounts post *not* belonging to one of the Organised Accounts Cadre i.e. C.G.D.A., C.G.A., I.A.&A.D., P&T and Railways.

[M.F., O.M. No. 8(1)-E. III(B)/2004, dated 1.4.2004]

**Further Clarifications :**

S.No.	Points Raised	Clarification
1.	Whether option as per Rule 5 and 6 of CCS (RP) Rules, 1997 are to be called afresh for pay fixation.	Rule 5 and 6 of CCS (RP) Rules, 1997 concern exercise of option by a Government employee regarding date for which pay in the revised pay scale is drawn. As new pay scale have been notionally implemented with effect from 1.1.1996, hence pay of various categories of staff with effect from 1.1.1996 would have to be refixed in such higher pay scale(s) in terms of CCS (RP) Rules, 1997. It would, therefore, be justified to allow fresh option for drawal of pay in the Revised Pay Scale(s) under Rules 5 and 6 of CCS (RP) Rules, 1997 to these employees.

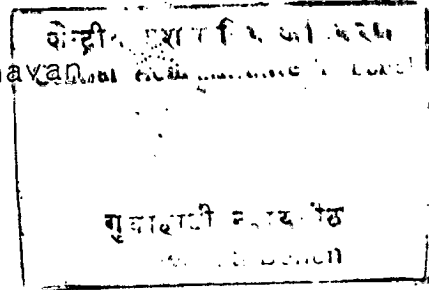
CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

O.A. NO.1123/1996

Thursday, the 13th day of October, 2001

HON'BLE SMT. LAKSHMI SWAMINATHAN. VICE CHAIRMAN (J)  
HON'BLE SMT. SHANTA SHASTRY. MEMBER (A)

1. Shri D.R. Sontakey,  
President, Central Board  
for Workers Education Officers  
Association, Shramik Shikshan Bhavan,  
2nd floor, L.B.S. Marg,  
Kurla (West), Mumbai-400 070.
2. Shri S.R. Joshi,  
Zonal Director (West Zone),  
Shramik Shikshan Bhavan,  
3rd floor, L.B.S. Marg,  
Kurla (West), Mumbai-400 070. .. Applicants



By Advocate Shri S.P. Kulkarni.

VERSUS



- Union of India  
Through The Secretary for Labour,  
Ministry of Labour,  
New Delhi.
2. Chairman of Central Board for  
Workers Education,  
Secretary, Ministry of Labour,  
Govt. of India,  
New Delhi.
  3. Shri B.A. Chavan,  
Director, Central Board for  
Workers Education, Adjacent  
to V.R.C.E. Gate,  
North Ambazari Road,  
Nagpur-440 010.
  4. Shri K.H. Kartha,  
Dy. Director (Admn),  
Central Board for Workers Education,  
Ambazari Road,  
Nagpur-440 010. .. Respondents

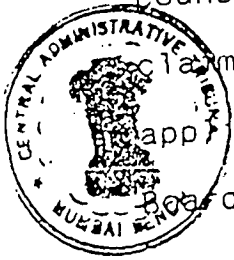
By Advocate Shri S.S. Karkera with Shri G.K. Neelkanth

Attested  
Advocate

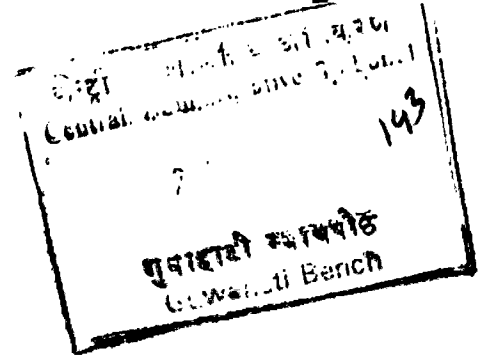
...2.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan. Vice Chairman (J)



Right at the outset Shri S.P. Kulkarni learned counsel has very fairly submitted that most of the claims raised by the applicants in the present application, which had been raised through the Central Board for Workers Education Officers Association have been examined by the sub-committee constituted by the respondents <sup>in the 1st</sup> Organisational Hierarchy, Recruitment and Promotion Rules, Job specifications and Allied Matters in respect of Group 'A' and 'B' officers of the Central Board for Workers Education i.e. Applicant No.1. This fact is also admitted by the learned counsel for Respondents. The Sub-committee has submitted its report to respondent No.1. According to the learned counsel for respondents, he is not aware whether any decision has been taken on the basis of the report of the Sub-committee. In the facts and circumstances of the case, Shri S.P. Kulkarni, learned counsel has submitted that he would be satisfied if a direction is given to the respondents to take a final decision in the matter on the subject dealt with by the aforesaid Sub-Committee within a specified time as he submits that the grievances of the applicants in the present O.A. are covered in the report of this committee.



2. In the facts and circumstances of the case and having regard to the submissions of the learned counsel for the parties, the O.A. is disposed of with the following direction :



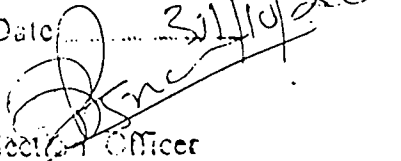
Respondents to take a final decision on the report of the Sub-committee on Organisational Hierarchy, Recruitment and Promotion Rules, Job Specifications and Allied Matters in respect of Group 'A' and 'B' officers pertaining to Applicant No.1 Association, within a period of four months from the date of receipt of a copy of this order with intimation to the Applicants.

No order as to costs.

(SMT. SHANTA SHASTRY)  
MEMBER (A)

(SMT. LAKSHMI SWAMINATHAN)  
VICE CHAIRMAN (J)

Gajan

Certified True Copy  
Date 31/10/2017  
  
Section Officer  
Central Adm. Tribunal,  
Bombay Bench.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

Annexure-5

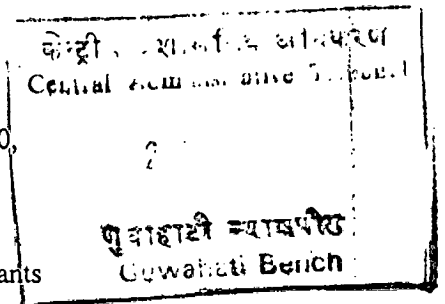
No. O.A. 566 of 2007

Present : Hon'ble Dr. A.R. Basu, Administrative Member  
Hon'ble Dr. D.K. Sahu, Judicial Member



1. Central Board for Workers Education Officers' Association (CBWE),  
A registered Association having its Registered Office at  
Indian Institute of Workers Education,  
Shramik Shikshan Bhavan,  
IBS Marg, Kurla (W),  
Mumbai - 400 070  
Represented by Shri Prabhudan Mondal  
Son of Late Manindra Mondal,  
Age - 50 years,  
Working as Education Officer (Selection Grade),  
Central Board for Workers Education,  
P-190, Kalindi Housing Estate,  
Kolkata - 700 089,  
Resident of House of Shri Manik Dhara,  
Ramchandrapur, P.O. - R.C. Thakurani,  
P.S. Thakurpukur, Dist. 24 Parganas (South).
2. Shri Aditya Bhattacharya,  
Son of Late Sikharendu Bhattacharya,  
Age - 32 years,  
Working as Education Officer,  
Central Board for Workers Education,  
43, Sarat Bose Road, Kolkata - 700 020,  
Resident of 2, Chakraborty Lane,  
Goswami Para, Serampore, Hooghly.

.. Applicants



Versus

1. Union of India,  
Service the Secretary to the Government of India,  
Ministry of Labour & Employment,  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi - 110 001.
2. The Secretary to the Govt. of India,  
Department of Expenditure,  
Ministry of Finance,  
North Block,  
New Delhi - 110 001.
3. The Chairman,  
Central Board for Workers Education,  
Room No. 21 & 22, Barrack No. 7/10,  
Jam Nagar House, Man Singh Road,  
New Delhi - 110 001.

Assisted  
Advocate

4. The Director,  
Central Board for Workers Education,  
Adjacent to VRCE Gate, North Ambazari Road,  
Nagpur - 440 033.

.. Respondents

For the Applicants : Mr. P. Chatterjee, Counsel  
Dr. Ms. S. Sinha, Counsel

For the Respondents : Mr. J.M. Bhattacharjee, Counsel

Order dated: 27.9.2007

ORDER

Per Dr. A.R. Basu, AM:

The applicants, the Central Board for Workers Education Officers' Association (CBWE) represented by Shri Prabhudan Mondal and Shri Aditya Bhattacharya have filed this O.A. challenging the non-implementation of report of the Sub-Committee on Pay Scales, Service conditions and allied matters of employees of Central Board for Workers Education (Dasgupta Sub-Committee) submitted on 28.1.1997, non-implementation of the directions dated 18.10.2001 passed in O.A. No. 1123/1996 by Central Administrative Tribunal, Mumbai Bench, Mumbai, in the matter of Shri D.R. Sontakey, President of CBWE Officers Association and another v. Union of India & ors. and non-removal of the anomaly crept in assignment of replacement scales of the Education Officers with effect from 1<sup>st</sup> July, 1961 consequent on acceptance by the Govt. of India, of the recommendations of the 2<sup>nd</sup> Central Pay Commission. The applicants submits that though they were similarly situated during successive Pay Commissions their pay scale went on declining though the persons who were getting similar pay scale in their case the pay scale were being revised on the recommendations of successive Pay Commissions. The applicants have, therefore, prayed that:

- i) The respondents be directed/ordered to accept and implement the recommendation of the Das Gupta Pay Sub-Committee with effect from 1.1.1996; in respect of the applicants in the pay scale of Rs. 8000-13500/-;
- ii) The respondents be further directed/ordered to pay to the applicants all arrears consequent on such acceptance and grant of revised scale within stipulated period;



*[Handwritten signature]*

- iii) Any other order/orders, direction/directions which the Hon'ble Tribunal considers fit and proper in this case;
- iv) Cost of this application; and
- v) An order granting leave under Rule 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987 to move this application jointly.

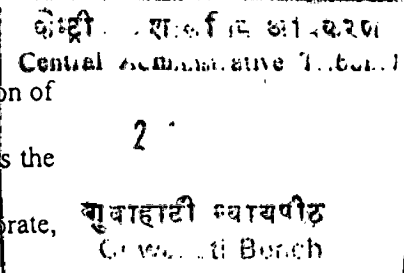
2. We have heard Mr. P. Chatterjee, Ld. Counsel leading Dr. (Ms.) Sinha, Ld. Counsel for applicants and Mr. J.M. Bhattacharyya, Ld. Counsel for the respondents and have perused the pleadings.

3. The Ld. Counsels for the applicants submits that initially at the time of creation of the post of Education Officers of CBWE were in the scale of Rs. 250-500/- whereas the Education Officers of Govt. of India, Assistant Director of Adult Education Directorate, Assistant Regional Director etc. all were in the same scale. While assigning the replacement scales for the post of Education Officers of the CBWE by the Board after the acceptance of the recommendations of the 2<sup>nd</sup> Central Pay Commission by the Govt. of India, a wrong lower scale of Rs. 325-575 was given to for the said post. The Ld. Counsel submitted that at that material point of time the post of Education Officers used to enjoy the scale of pay of Rs. 250-500 which was comparable to the pay scale of Class-I Officers of the Govt. of India.

4. The grant of lower scale was resented to by the Education Officers in appropriate fora. While all assurances were given to restore their status, in fact, proper adoption of the scale has not been done till date. Due to this error, the scale of the Education Officers continued to be lower than the comparable posts after acceptance of the recommendations of the subsequent Central Pay Commissions. As on today, the scale of pay of Education Officers is Rs. 5,500-9,000 as against their appropriate scale which should have been Rs. 8,000-13,500, which is the scale of Group "A" Officers of the Govt. of India.

5. The Ld. Counsel for the applicants argued that to redress the grievances of the cadre of the Education Officers, an Expert Committee headed by Late Bhajan Dasgupta was constituted. The said committee has submitted its report on 28.1.1997, a copy of

which has been annexed to the O.A. There the Pay Scale of the Education Officers,

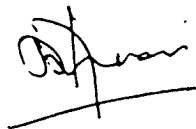




consequent on the recommendations of the 5<sup>th</sup> Central Pay Commission, has been recommended as Rs. 8,000-13,500. The other promotional posts of the cadre of Education Officers have been recommended scales as follows:

- a) Education Officers (Selection Grade) Rs. 10,000-15,200
- b) Regional Directors/Training Officers/Research Officers Rs. 12,000-16,500
- c) Deputy Directors/Zonal Directors Rs. 14,300-18,300
- d) Additional Director Rs. 16,400-20,000
- e) Director Rs. 18,400-22,400

6. The Ld. Counsel for the applicant submits that instead of straightway considering and accepting the recommendations of the said Expert Pay Committee, the Central Board for Workers Education / Ministry of Labour & Employment, Govt. of India, started processing the said recommendations treating the Autonomous Organisation as a subordinate office to the Govt. of India. In the result, the proposal for revision of Pay Scale, duly recommended by the Governing Body of Central Board for Workers Education and Ministry of Labour & Employment was referred to the Ministry of Finance (Department of Expenditure) time and again. The Department of Expenditure turned down the proposal either on the grounds on economy or suggested reference to the Pay Commission. The Ld. Counsel argued that as the Central Board for Workers Education is an Autonomous Organisation it is not covered by terms and reference of any Central Pay Commission. The reference to 5<sup>th</sup> Central Pay Commission and 6<sup>th</sup> Central Pay Commission made by the CBWE Officers and Ministry of Labour & Environment for Pay Scales etc. of the employees of CBWE have been returned by the respective Pay Commissions on the grounds that autonomous organizations are not covered by their terms and references. Mr. P. Chatterjee, Ld. Counsel for the applicants submitted that what is Central Pay Commission to Govt. of India, the expert committee, known as Dasgupta Pay Sub-Committee, is for the Central Board for Workers Education which was constituted by the Secretary in the Ministry of Labour & Employment as an Expert Body for the Board in G.B. As such its recommendation should have been accepted by that Ministry. It is, therefore, imperative that recommendation of expert committees in respect



of matters relating to such as Autonomous Organization like CBWE should not have been deferred to the Department of Expenditure to undergo all the rigors of financial discipline. Such a reference is a negation of autonomy. It tends to reduce the status of an autonomous organization to that of a subordinate office of the Govt. of India, which is never the intention of either the Board of the CBWE or the Ministry of Labour & Employment, Govt. of India.

7. Mr. P. Chatterjee has drawn our attention to Rule 209 (6)(iv)(a) of General Financial Rules regulating grants in aid and loans which runs as follows:

" All guarantee Institutions or Organizations which receive more than 50% of their recurring expenditure in the form of grants-in-aid, should ordinarily formulate terms and conditions of service of their employees which are, by and large, not higher than those applicable to similar categories of employees in Central Government. In exceptional cases relaxation may be made in consultation with the Ministry of Finance."

8. It has also been pointed out to us that being aggrieved, the CBWE Officers Association filed an O.A. being No. 1123 of 1996 in Central Administrative Tribunal, Bombay Bench, Mumbai. It was disposed of vide order dated 18.10.2001 with their following direction:-

" Respondents to take a final decision on the report of the Sub-Committee on Organisational Hierarchy. Recruitment and promotion rules, job specifications and allied matters in respect of Group 'A' & 'B' Officers pertaining to applicant No. 1 Association, within a period of 4 months from the date of receipt of a copy of this order with intimation to the applicants."

9. The Ld. Counsel for the applicants have drawn our attention to report of an Anomaly Committee constituted by the Ministry of Labour & Employment which is headed by an Additional Secretary of the said Ministry. The said Anomaly Committee in its meeting held on 23.9.2005 minuted as under:

" The Committee was of the opinion that there had been anomaly created during the implementation of the report of the 2<sup>nd</sup> Pay Commission. Therefore, the Committee accepted in principle to restore the status of education officers. It was also decided that necessary documents related to this anomalies should be submitted by CBWE and the proposal would be processed on file accordingly."

10. The Ld. Counsel for the applicant has given a comparative statement showing the progression of scale of pay of Education Officers, The Central Board for Workers Education vis-à-vis identical posts in other departments. Since the time of creation of the



post to the pay scale recommended during 5<sup>th</sup> CPC which reveals lowering of the pay scales of the applicants.

11. The respondents have filed the reply to the O.A. The factual positions as have been stated in the O.A. have not been denied. The Ld. Counsel for the respondents, Mr. J.M. Bhattacharjee accepted the anomaly that had been crept up during the implementation of the 2<sup>nd</sup> Pay Commission and submits that the issue regarding pay scale of the Education Officers and their promotional post of the Board are continuously under active consideration in the Ministry of Labour & Employment. They have not denied that an anomaly crept in while adopting revised pay scales of Education Officers after 2<sup>nd</sup> Central Pay Commission.

12. We have heard the Ld. Counsel for the parties and have gone through the pleadings. The Tribunals or Courts generally do not undertake any such duty upon them to fix pay scales. Thus unless patent injustice is noticed, Tribunal would not interfere in this field of activity. In the case of Supreme Court Employees Welfare Association v. Union of India AIR 1990 SC 334, the Apex Court held that it is the duty of the Government to fix the pay scales after considering various other matters and the Court can only consider whether such fixation of pay scales as related invidious discrimination or is arbitrary or patently erroneous in law or in fact. However, where inequalities are so glaring that Courts cannot ignore to give judicial attention, Courts have not failed to direct the executive authorities to remove the anomaly. The Court has, thus, exercised the principles of judicial review in fixation of pay scales where it noted patent injustice. The general principles thus is that the Court or the Tribunal may analyze the case of alleged disparity on sufficient material placed before it but it should not take upon it's the task of fixing pay scales for employees, rather it should issue directions to the authority concerned to fix appropriate pay scale bearing in mind the findings recorded by it [Chief Administrator-cum-General Secretary to Govt. of India v. Dipak Chandra Das 1999 SCC (L&S) 616]. Thus the Tribunal's power in regard to judicial review is limited and except for glaring discrimination ending to inequalities classification, the Tribunal will exercise restraint. However, the burden to show that there exists a glaring disparity amounting to

*[Signature]*



arbitrary action lies on the person, who invokes judicial review and claims parity [Mewa Ram Kanojia v. All India Institute of Medical Sciences (1989) 2 SCC 235.

13. After considering the contentions of rival parties, it is observed that it has been accepted by the Anomaly Committee that an anomaly was there while adopting scale after 2<sup>nd</sup> Central Pay Commission. The Commission had also accepted in principle to restore the status of the Education Officers. After the anomaly was detected, the Ministry of Labour & Employment constituted an expert committee known as Dasgupta Pay Sub-Committee. That committee has submitted its report in 1.1.97. The governing body of the CBWE in its 125<sup>th</sup> & 126<sup>th</sup> meeting held on 4.2.97 and 18.6.97 respectively approved the recommendation of the said expert body. Ministry of Labour & Employment have favourably recommended restoration of the status of the Education Officers as was available before the adoption of the pay scale after 2<sup>nd</sup> Central Pay Commission. It has also been pointed out by the Ld. Counsel for the applicant that the scale of pay of Director has been raised from Rs. 12000-16500 to 18400-22400 which is in consonance with the recommendation of the Pay Sub-Committee. It is also observed that despite direction issued by Central Administrative Tribunal, Bombay Bench, Mumbai vide their order dated 18.10.2001 the anomaly relating to pay scale of Education Officers has not been removed, which was required to be done within 4 months, though a period of about 6 years have already elapsed.

14. In view of the submissions made by the Ld. Counsel for both the parties and observations made by us hereinabove, it is obvious that the Education Officers have been deprived of their rightful scale of pay since 1<sup>st</sup> July, 1961 i.e. the critical date for implementation of the report of the 2<sup>nd</sup> Central Pay Commission. The expert Committee constituted by respondent No. 1 namely Dasgupta Pay Sub-Committee has recommended revised scale for Education Officers. It is understood and observed from the report of the said Sub-Committee that it has taken into consideration all relevant factors for determination of pay scales as is done by Central Pay Commission. When the terms and preference of Central Pay Commissions do not cover autonomous organizations like

CBWE it can be said that expert pay committee constituted by respondent No. 1 for

*[Signature]*



recommendation of revised scales for CBWE Officers is a proper substitute for Central Pay Commission. Therefore, the recommendation of Dasgupta Pay Sub-Committee should be considered by respondent No. 1 with due weightage as is given by the Govt. of India, in respect of the recommendations of Central Pay Commissions particularly when the Committee was constituted specifically for this purpose as the Officers of CBWE were not being covered by the recommendations of the Central Pay Commission and also the submission made by the Ld. Counsel for the respondents, Shri J.M. Bhattacharjee referred to earlier.

15. In view of the observation made above and submission of the Ld. Counsel for the respondents, we find sufficient merit in this O.A. The respondents are directed to consider the implementation of Dasgupta Commission Report in implementing the pay scales keeping in view our observations mentioned in this order. While considering so, they are also to consider implementation of the direction of Mumbai Bench, restoration of status of Education Officers equivalent to Group 'A' (Class-I) Officers notionally from 1.1.1996 and also to consider the appropriate fitment of Education Officer (Selection Grade), Regional Director, Training Officer, Research Officer & Dy. Directors/Zonal Directors and Additional Director as per recommendation of the aforesaid committee.

The entire exercise of consideration and passing of necessary orders be completed within 3 months from the date of communication of this order. The O.A. is thus allowed with the aforesaid direction. No order as to costs.

MEMBER(J)

MEMBER(A)

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Certified to be true copy

नियोज्य प्रशासनिक अधिकारी  
Central Administrative Tribunal  
कलकत्ता न्यायपीठ  
Calcutta Bench

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