

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Halita
25/9/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 69/07
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) S.D. Agarwal & Ors vs Union of India & Ors

Advocate for the Applicant(s) Rajib Mazumdar
O.N. Sastry

Advocate for the Respondent(s) Sr. case. G. Baishya

Notes of the Registry	Date	Order of the Tribunal
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1. Application is in form
is Rule C. F. for Rs. 50/-
deposited vide CPC/BD
No. 34(G) 6571617

Dated 13.3.07

Dy. Registrar

Phm

15
14/3/07

Petition's copies with
envelops for issue
notices are received.

PAI.
14/3/07

Notice & order sent
to D/section for
issuing to R-1, 2 and
3 by regd. A/D post.

Copy D/No- 319, 320, 321

19/3/07 DT = 20/3/07

15.3.07 Issue involved in this case is that the applicants who are working as Non Combatised Pharmacist in different C.R.P.F Hospitals claim that they should be granted correct pay scale on financial upgradation under the ACP scheme at par with their counter parts in the Central Govt. Health Services and hospitals under the Central Government, who are getting higher pay scales.

Heard Mr R. Mazumdar, learned counsel for the applicant and Mr G. Baishya, learned Sr. C.G.S.C for the respondents. When the matter came up for consideration the counsel for the parties submit that notice may be issued to the respondents at this stage.

Issue notice to the respondents returnable by four weeks.

Post on 27.4.07 for admission.



Member(A)



Vice-Chairman

2
2
SA 69/07

27.4.2007 Present: The Hon'ble Mr.G.Shanthappa
Member (J)

① Service report
awarded.

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

27.4.07 -

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

No Wks has been filed.

Post before the next Division Bench.

✓
Member (A)

✓
Member (J)

/bb/

No Wks filed.

30.5.2007 Mr. G. Baishya, learned Sr. C.G.S.C. prays for further time to file reply statement. Three weeks' time is allowed.

Post on 22.6.2007.

Vice-Chairman

/bb/

Wks not filed.

22.6.2007

As requested, further four weeks' time is granted to Mr.G.Baishya, learned Sr.C.G.S.C. for filing of reply statement.

Post on 25.7.2007.

Vice-Chairman

/bb/

25/7/07

25.7.07. Post the matter on 23.8.07, in the meantime the applicant are at liberty to file rejoinder if any.

26.7.07

W/S Submitted
by the Respondents.
page 1 to 5. Copy
served.

P.P.

Rejoinder not
filed.

22.8.07.

23.8.2007

Post the case on 26.9.2007 granting
time to the Applicant for filing of
rejoinder.

Vice-Chairman

lm

Rejoinder not
filed.

23.9.07.

Rejoinder not
filed.

26.10.07.

/bb/

18.9.2007

Reply statement is reported to have
filed. Three weeks time is granted to the
Applicant to file rejoinder, if any.

Post on 11.10.2007.

Vice-Chairman

/bb/

11.10.07 No rejoinder has been filed in this case, as
yet, ~~in this case~~ Mr R. Mazumdar, learned
counsel for the applicant, seeks more time to file
rejoinder.

Call this matter on 19.11.07 awaiting
rejoinder.

In this case Mr G. Baishya, learned senior
Central Govt. standing counsel has entered
appearance. The name of Mr M.U.Ahmed
wrongly shown in the cause list.

Rejoinder not
filed.

26.11.07

Rejoinder Submitted
by the Applicant.
served.

P.P.


(Khushiram)
Member(A)


(Manoranjan Mohanty)
Vice-Chairman

OA. 69/67

4-

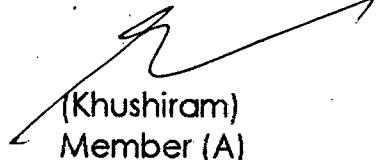
19.11.2007

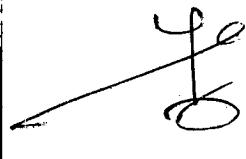
Mr.R.Mazumdar, learned counsel for the Applicant, undertakes to file rejoinder in course of the day. He may do so only after serving a copy thereof on Mr.G.Baishya, learned Sr. Standing counsel for the Union of India; who is also present in the Court.

The case is ready for hearing as regard written and rejoinder filed by the parties.

5.12.07.

Call this matter on 06.12.2007 for hearing.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

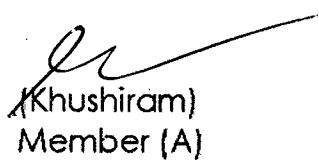
06.12.2007

In this case written statement and rejoinder have already been filed. The case is admitted and set for hearing.

The case is ready for hearing.

16.1.08

Call this matter on 17.01.2008 for hearing.


(Khushiram)
Member (A)

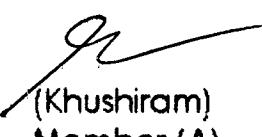

(M.R.Mohanty)
Vice-Chairman

/bb/

17.01.2008

At the request made on behalf of Mr.R.Mazumdar, learned counsel appearing for the Applicant, the case stands adjourned to be taken up on 31.01.2008.

/bb/


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

31.01.2008

On the prayer of Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Union of India (made in presence of Mr. R. Mazumdar, learned counsel appearing for the Applicant) this case stands adjourned and to be taken up on 08.02.2008.

*The case is ready
for hearing.*

7.2.08.

lm

(Khushiram)
Member (A)

(M.R. Mohanty)
Vice-Chairman

08.02.2008

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

*The case is ready
for hearing.*

24.3.08

lm

(Khushiram)
Member (A)

(M.R. Mohanty)
Vice-Chairman

25.03.08

Call this matter on 12.05.2008 before the Division Bench.

*The case is ready
for hearing.*

9.05.08.

Pg

(M.R. Mohanty)
Vice-Chairman

12-05-08

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

*The case is ready
for hearing.*

26.08.

pg

(Khushiram)
Member (A)

(M.R. Mohanty)
Vice-Chairman

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

The case is ready for hearing.

18.5.08 (Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

pg

19.06.2008 Mr. H. Bezbaruah, Advocate representing Mr. R. Mazumdar, learned counsel appearing for the Applicant seeks an adjournment of the hearing of this case. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents is present.

Call this matter on 05.08.2008 for hearing.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

The case is ready for hearing.

05.08.2008 This matter (pertaining to ACP claims) be called before the Division Bench on 16.09.2008.

Learned Counsel for the Parties take notice of the next date of hearing.

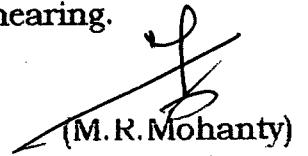
The case is ready for hearing.

15.09.08 nkm

(M.R. Mohanty)
Vice-Chairman

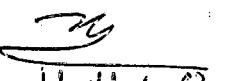
16.09.2008 On the prayer of learned counsel appearing for both the parties, call this matter on 17.11.2008 for hearing.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

The case is ready
for hearing.


16.11.08.

17.11.2008 Call this matter on
19.11.2008.



(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

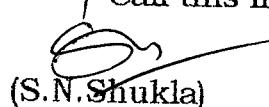
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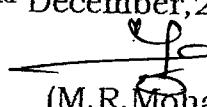
The case is ready 19.11.2008
for hearing.


1.12.08.

lm

Call this matter on 2nd December, 2008.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

02.12.2008 Heard the learned Counsel for the parties and perused the materials placed on record.

For the reasons recorded separately,
the O.A. stands disposed of.


(S.N. Shukla)
Member (A)

nkm


(M.R. Mohanty)
Vice-Chairman

5.12.08
Copy of the Order
sent to the Office
for issue the same
to the parties along
with the Copy to the
Adv. for the parties.



**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A.No. 69 of 2007**

Date of order 2nd December, 2008

Pharmacist S D Agrawal & others

Applicants

By Advocate Mr R. Mazumdar

Versus

The UOI & others

Respondents

By Advocate Mr. B. Baishya, Sr. C.G.S.C.

CORAM

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

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

Vice-Chairman/Member[A]

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A.No. 69 of 2007**

Guwahati, this the 2nd day of December, 2008

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

1. Pharmacist S D Agrawal
Force no 881650496
Presently posted at 11 Battalion,
Central Reserve Police Force,
Howly, Barpeta, Assam.

2. Pharmacist P K sahu
Force no 840720893
Presently posted at 6 Battalion, Central
Reserve Police force,
Kumarghat, North Tripura.
3. Pharmacist O N Sumathy
Force no 8435341854
Presently serving in Composite Hospital,
Central Reserve Police Force Group
Center, Amerigog, Guwahati, Assam.

Applicants

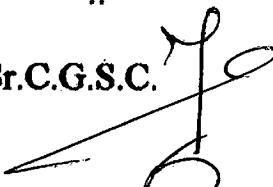
By Advocate Mr. R. Mazumdar

Versus

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

Respondents

By Advocate: Mr. G. Baishya, Sr.C.G.S.C.



O.A.No. 69 of 2007
ORAL ORDER DATED 02.12.2008

Manoranjan Mohanty, Vice-Chairman:-

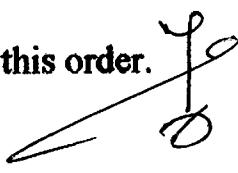
Applicants are Pharmacists engaged in Central Reserve Police Force [CRPF]. Pharmacists of CRPF were granted 'Assured Career Progression' [ACP] benefits on completion of 12 years and 24 years of services w.e.f. 09.08.1999. While doing so, the Respondent Organisation, it is alleged, acted discriminately. While granting such benefits in Central Govt. Health Services [CGHS], Pharmacists [of CGHS Organisation] were taken from the pay scale of Rs.4500-7000 to the pay scale of Rs.5,500-9,000; but in CRPF Organisation, similarly placed Pharmacists were granted a lower pay scale i.e. Rs.5,000-8,000 only. Some of the personnel [Pharmacists] of CRPF represented against such action of their authorities. While forwarding the said representations, the Addl. DIG, Bihar Sector Hqrs. of CRPF at Patna noted as under [in his forwarding letter dated 05.09.2002];-

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

2. At the hearing, Mr. Rajesh Mazumdar, learned Counsel appearing for the Applicants, submitted that similarly placed Pharmacists [of CRPF, as that of the present Applicants] approached the Principal Bench of this Tribunal in O.A. No. 1080 of 2007 and

the said case was disposed of on 06.05.2008 with grant of liberty to those Pharmacists [Applicants of the said Case/O.A.No.1080/07] to represent to their authorities to give consideration to the matter in issue and that the appropriate authorities of Govt. of India are now engaged to give consideration to the matter of granting the pay scale of Rs.5,500-9,000 on grant of ACP benefits w.e.f. 09.08.1999.

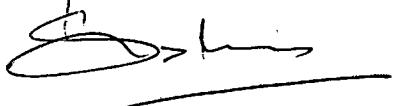
3. Having heard Mr. Rajesh Mazumdar, learned Counsel appearing for the Applicants and Mr. G. Baishya, learned Senior Standing Counsel for the Central Government, we also remit the matter back to the Respondents to re-consider the grievances of the present Applicants and to grant them relief, as due and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



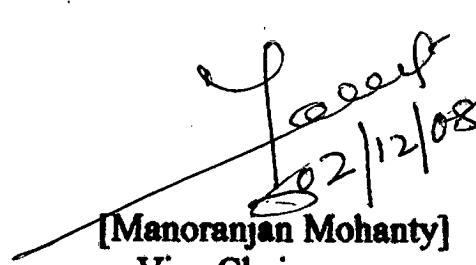
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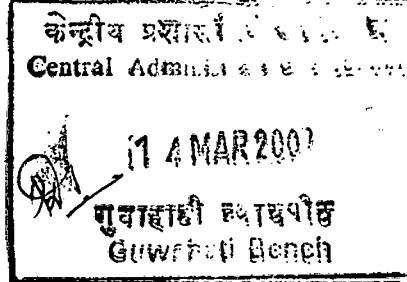
4. With the above observations and directions, this case stands disposed of.

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


[S.N. Shukla]
Member[A]

cm


[Manoranjan Mohanty]
Vice-Chairman
02/12/08



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

ORIGINAL APPLICATION NO.....69...../2007

Pharmacist S D Agrawal and others

-Vs-

The Union of India and others

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9.	VAKALATNAMA	

Filed by:

Rajesh Hazarika
Adv.

LIST OF DATES AND SYNOPSIS

9-8-1997

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

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

Combatised pharmacist serving the CRPF

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

Pharmacist serving in the CGHS:

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

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

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

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

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

**(An application under section 19 of the Central Administrative Tribunal
Act, 1985)**

ORIGINAL APPLICATION NO.....69...../2007

1. Pharmacist S D Agrawal
Force no 881650496
Presently posted at 11 Battalion,
Central Reserve Police Force,
Howly, Barpeta, Assam.

2. Pharmacist P K Sahu
Force no 840720893
Presently posted at 6 Battalion, Central
Reserve Police Force,
Kumarghat, North Tripura.

3. Pharmacist O N Sumathy
Force no 8435341854
Presently serving in Composite Hospital,
Central Reserve Police Force Group
Center, Amerigog, Guwahati, Assam

.....APPLICANT

-Vs-

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

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

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

..... Respondents

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

This application is made praying for a direction to the respondents to correctly fix the pay of the applicants in terms of the Assured Career Progression Scheme at parity with similarly situated persons serving in the

Filed by
Sanjeev Dayal & Agrawal
Through Rajesh Magamdar
Adv.

Gangaram Agarwal

Progression Scheme at parity with similarly situated persons serving in the Central Government Health Services and the Central Reserve Police Force.

2. Jurisdiction of the Tribunal.

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

3. Prayer to approach this Hon'ble Tribunal by a joint petition. per Rule 4(s)

3.1. That the applicants have a common cause of action and the nature of relief sought for is similar and as such they have a common interest in the matter. The applicants are non-combatised hospital staff serving in the hospitals of the Central Reserve Police Force and are similarly situated and as such fall in the same class. The applicants have authorized Pharmacist S. D. Agrawal, Force no 881650496 to sign and verify the contents of the present application filed before this Hon'ble Tribunal. The applicants crave the leave and permission of this Hon'ble Tribunal to join together and file a single petition seeking a common relief.

4. Limitation

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

5. Facts of the case.

5.1. That the applicants being citizen of India are entitled to all the rights and privileges and protections granted by the Constitution of India.

Gambhir & Rayal Agency

5.2. That the applicants are serving as Non-combatised Pharmacist in different hospitals of the Central Reserve Police Force, currently posted at West Garo Hills, Meghalaya.

5.3. That the applicants, in addition to salary is entitled to all the benefits and allowances as are applicable to the Nursing personnel and Hospital Staff serving in the other Central Government Health Services, at the same rate as is applicable to the nursing Personnel serving under the Central Reserve Police Force and other Central Health Services. The applicants are also entitled to the same scale of pay as is applicable to the Hospital Staff serving in the Central Government Health Services. The eligibility conditions regulating to the recruitment of the applicants are similar to the eligibility conditions governing the recruitment of pharmacist of the Central Government Health Services and other hospitals run and operated by the Government of India.

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

19
Memorandum dated 20/08/2000
Sambhu

5.5. That due to the lack of promotional avenues, the Government of India was pleased to introduce a scheme termed as the "Assured Career Progression Scheme" (hereinafter referred to as the "Scheme"). The Scheme was viewed as a 'safety net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. The Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial up-gradation) on to the Government Servant concerned on personal basis and therefore neither amounts to regular promotion nor requires creation of new posts for the purpose.

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

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

5.7 That the applicants joined the services of the Force in the year 1988, 1984 and 1984 respectively and as such as per the Assured Career Progression Scheme, the first applicant is eligible for ACP benefits in the

year 2000 and 2012 and the applicant no 2 and 3 are eligible for the benefit in the year 1996 and 2008 respectively. The applicant states that they have been given the benefit of 1st financial upgradation under the Assured Career Progression Scheme and their pay have been fixed at Rs. 5000 – 150- 8000/-.

Complaint Pending

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

5.9 That it is stated here that the similarly situated persons serving in the Central Government Health Services and other hospitals run and operated by the Government of India have been afforded a higher pay scale of Rs. 5500-175-9000/- on their qualifying for the benefits of the ACP Scheme.

5.10 That similarly situated pharmacist in the Safdarjung Hospital (Government of India) have been afforded the pay scales of Rs. 5500-

20/23

21
Copy of the
order dated 16/9/2002
is annexed hereto and marked as Annexure IV.

9000/- and Rs 6500-10500/- as 1st and 2nd financial upgradation under the ACP Scheme.

A copy order dated 04-10-2005 showing the financial upgradation in the Safdurjung Hospital is annexed hereto and marked as Annexure II.

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

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

5.12 That vide signal dated 16/9/2002, Director (Medical), Central Reserve Police Force had stated that orders issued for Central Government Health Services is not relevant to the Central Reserve Police Force.

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

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Sambhu Dayal Agarwal

5.13 That the applicants have come to know that similarly situated personnel had represented to the Director (Medical), Directorate General, Central Reserve Police Force (through proper channel) for correct fixation of pay as the scale of pay has not been granted at par with similarly situated persons of the Central Government Health Services and other hospitals run and operated by the Government of India.

A copy of the representation filed by such a similarly situated personnel is annexed hereto and marked as Annexure V.

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

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

5.15 That it is stated that similarly situated personnel working in the Hospitals of the Central Government Health Services have been allowed the scale of 5500 to 9500/- on their attaining the 1st benefit of the Assured Career Progression Scheme.

5.16 That it is stated herein that both the applicant and the pharmacists working in the hospitals under the Central Government Health Services

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P.W.D. and A.O.
Sarkar

have a basic pay scale of Rs. 4500 to 7000/- and execute similar nature of jobs and are similarly situated. The applicants are entitled to similar treatment with the pharmacists working in the Central Government Health Services and the Safdarjung Hospital with regard to the financial upgradation under the Assured Career Progression Scheme

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

Grounds.

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

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

6.3 For that the respondents have not denied the fact that the similarly situated employees of the Central Government Health Services are allowed financial upgradation in the higher pay scale and that the applicant is liable to be treated equally. The respondents have refuted the claim of the applicant simply on the ground that the orders issued for the

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Samanya Pay Award

Central Government Health Services is not relevant to the CRPF. The respondents have overlooked the fact that it is the respondents who have to pass appropriate orders to restore equality between the similarly situated persons executing similar duties.

6.4 For that the respondents have ignored the fact that Civilian Staff serving in the Hospital of the Central Reserve Police Force are similarly situated as Staff serving in the Central Government Health Services and thus should be treated equally and at par. It would be relevant to mention here that the issue regarding whether the hospital staff of the CRPF are similarly situated as the staff serving the Central Government Health Services and whether the Hospital staff of the CRPF would be eligible to similar allowances and parity of pay with the CGHS employees was raised in the cases regarding the payment of Hospital Patient Care Allowance to CRPF employees. The matter was taken up before the Hon'ble Supreme Court by the respondents herein and the Hon'ble Supreme Court had held that the hospital staff of the CRPF and the CGHS being similarly situated, the former would be eligible for the said allowance.

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

Combatised pharmacist serving the CRPF

On initial appointment:	Rs. 4300-100-6000/-
On 1 st financial upgradation:	Rs. 5500-175-9000/-

On 2 nd financial upgradation:	Rs. 6500-200-10500/-
<u>Pharmacist serving in the CGHS.</u>	
On initial appointment:	Rs. 4500-125-7000/-
On 1 st financial upgradation:	Rs. 5500-175-9000/-
On 2 nd financial upgradation:	Rs. 6500-200-10500/-
<u>Non-Combatised pharmacist serving the CRPF</u> (i.e. the applicant)	
On initial appointment:	Rs. 4500-125-7000/-
On 1 st financial upgradation:	Rs. 5000-150-8000/-
On 2 nd financial upgradation:	Rs. 5500-175-9500/-

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

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

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

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

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

Gambhu Dayal Agarwal

Sanctioned by
Sambhu Dayal Agarwal

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

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

7. DETAILS OF REMEDIES EXHAUSTED: -

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

8. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

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

9. RELIEF SOUGHT FOR:

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

8.1 Direct the respondents to correctly fix the pay of the applicant on financial upgradation under the Assured Career Scheme at par with

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Sanction Day of Award

his counter parts in the Central Government Health Services and hospitals under the Central Government; and

- 8.2 Grant the cost of this application in favor of the applicants and against the respondents; and
- 8.3 To grant such further or other reliefs as this Hon'ble Tribunal may deem fit, proper and necessary in the interests of justice and in the circumstances of the case.

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

(i) I P O number: 346-651617
(ii) Date: 13-3-07
(iii) Issued by the Guwahati post office
(iv) Payable at Guwahati.

10. LIST OF ANNEXURES:

As stated in the Index to the application.

VERIFICATION

I, Sri....Sambhu Dayal Agrawal.... s/o
Durga Charan ~~or~~ Ram...., aged about 49.... years, serving in
 the Central Reserve police Force, do hereby solemnly verify that the
 statements made in paragraphs no 1,2,3,4, (5.1 to 5.1) 5.15, 5.16 are true to the
 best of my knowledge and the statements made in paragraphs
5.10, 11, 13, 14, 12, 9.... being matters of records are true to my information
 derived there from and which I believe to be true and the rest are my
 humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 15th day of February,
 2007 at Assam.

Sambhu Dayal Agrawal
 DEPONENT.

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

North Block, New Delhi 110(X)

AUGUST 9, 1999

OFFICE MEMORANDUM

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

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

2. GROUP 'A' CENTRAL SERVICES

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

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

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

.....2/-

*True Copy
Rakesh
Awr.*

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

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

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

6. SCREENING COMMITTEE

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

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

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

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

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

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

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

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

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

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

Hindi version would follow.

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(K.K. JHA)
Director(Establishment)

All Ministries/Departments of the Government of India

President's Secretariat/Vice President's Secretariat/Prime Minister's Office/

Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/

UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi

All attached/subordinate offices of the Ministry of Personnel, Public

Grievances and Pensions

Secretary, National Commission for Minorities

Secretary, National Commission for Scheduled Castes/Scheduled Tribes

Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi

All Staff Side Members of the National Council (JCM)

Establishment (D) Section - 10000/-

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

ANNEXURE

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

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

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

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

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

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

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

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

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

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

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

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

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

S. Jha
(K.K. JHA)

Director(Establishment)

ANNEXURE-II

STANDARD/COMMON PAY-SCALES
As per Part-A of the First Schedule Annexed to the Ministry of Finance
Department of Expenditure) Gazette Notification dated September 30, 1997

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

S.No.		Revised pay-scales (Rs)
1.	S-1	2550-55-2660-60-3200
2.	S-2	2619-60-3150-65-3540
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3600-75-4400
5.	S-5	3050-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	4050-100-6000
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12900-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300



Annexure II

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भारत सरकार

GOVERNMENT OF INDIA

चिकित्सा अधीक्षक का कार्यालय

OFFICE OF THE MEDICAL SUPERINTENDENT

सफदरजंग अस्पताल एवं वी.एम.एम. कॉलेज

SAFDARJANG HOSPITAL & V.M.M.C.

नई दिल्ली-110029

NEW DELHI-110029

संख्या/No. : 10-3/2005-Admn.II

दिनांक/Dated : 04.10.05

* ORDER *

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

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

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

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

This issues with the approval of the Medical Supdt.


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

Copy forwarded for information & necessary action to :-

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

True copy
Rajeshwar

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ANNEXURE-B

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

*Sh. Kaushal
DMN OFFICER*

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Annexure - 11/2

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

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

Dated, the 5 Sep 2002

TO

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

Sub :-

FINANCIAL UPGRADATION UNDER
ACP SCHEME TO MOSP, STAFF.

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

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

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

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

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

Encl : (2 leaves)

(C. M. Bakshi)
Addl. DIGP

BS Hqr. CRPF, Patna

Dated, the 5 Sep 2002

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

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

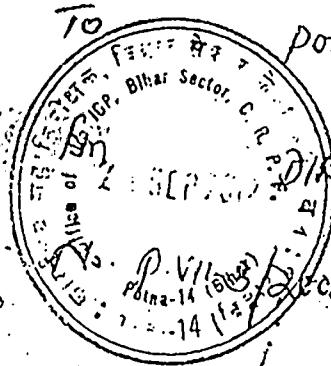
(C. M. Bakshi)

Some copy ready
for

24-

Annexure N.V

39

SIGNAL 15822
24/9

POLCENT B/S (By post)

DIRECTOR (MEDICAL)

Wb

DTD 16/9/02

U/C C) REG FINANCIAL UPGRADATION UNDER

P/67 ACP SCHEME (1) REF YR LTR NO. P.M-23/02-
BS-ADM-II DTD. 5/9/02 (2) NO. 761580109 PHAR.

SURESH PRASAD SINHA OF 116 BN HAS BEEN

GRANTED IN FINANCIAL UPGRADATION UNDER
ACP SCHEME CORRECTLY IN ACCORDANCE WITHGOVT. OF INDIA NO. 35034/1/97-EST(D) DTD
9/8/99 AND NO. 35034/1/97-EST(D) (VOL. IV) DTD

10/2/2000 VIDE THIS DTE OFFICE ORDER NO.

P.VIT-3/01-MED-1 DTD 9/3/01 # C) ORDERS ISSUED FOR
CGHS IS NOT RELEVANT TO OREF (1)

मुख्यमंत्री/मंत्री	
मान्य उपर्युक्त लेख प्रमाण अक्षय	2
मान्य उपर्युक्त लेख प्रमाण अक्षय	0
मान्य उपर्युक्त लेख प्रमाण अक्षय	2

Khasra
DIRECTOR (MEDICAL)

24/9/02	16/9/02	DR	FR
24/9/02	16/9/02	P/67	

True copy
Rajesh
ad.

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

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

Sir,

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

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

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

4. Thanking you Sir.

Yours faithfully,

Raj kumar Singh
 9/1 X 103

No.731550178 Pharmacist

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

True copy
 Rajkumar
 adw

79/2 (CL) 26 Annexure VI
BY REGD POST
OFFICE OF THE INSPECTOR GENERAL OF POLICE BIHAR SECTOR,
CRPF, PATNA-14(BIHAR)

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

Dated, the 12 Feb 2004

TO

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

Sub :-

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

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

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

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

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

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

Encl: (02 leaves)

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

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

Dated, the Feb 2004

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

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

True copy
Rajesh
Adv.

23 JUL 2007

Guwahati Bench
Guwahati Bench

File No. 42
Case No. 7.07

Filed by
through Lawyer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

D.A. NO. 69 OF 2007

Pharmacist S.D. Agrawal & Ors.

.....Applicants.....

-Versus-

Union of India & Ors.

.....Respondents.....

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH

1. That with regard to the statement made in paragraph 1 of the instant application the Respondents beg to state that the applicants were granted financial up-gradation in the pay scale of Rs.5000-8000/- as per scales approved by GOI/MHA for Pharmacist of CRPF. The orders issued for CGHS employees is not relevant to CRPF personnel.

2. That with regard to the statement made in paragraph 2,3,4,5.1 and 5.2 of the instant application the Respondents beg to offer no comments.

3. That with regard to the statement made in paragraph 5.3 of the instant application the Respon-

Contd...P/-

4. Respondents beg to state that all applicants are being given all benefits and allowances as are applicable to the Nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up gradation is being given as per the scale approved by GOI for Pharmacist of the Force.

4. That with regard to the statement made in paragraph 5.4, 5.5, 5.6 and 5.7 of the instant application the Respondents beg to state that these are matter of facts hence no comments.

5. That with regard to the statement made in paragraph 5.8, 5.9 and 5.10 of the instant application the Respondents beg to state that already stated in reply para 3 above, the orders issued for CGHS employees is not relevant for CRPF personnel.

6. That with regard to the statement made in paragraph 5.11 of the instant application the Respondents beg to state that Pharmacist Suresh Prasad Sinha has submitted an application to Director (Medical) in which he requested to allow his second financial up gradation in the pay scale of Rs.6500-10500/- at par with CGHS staff. His case was examined in this Directorate and A reply was given to IGP Bihar Sector, vide this Directorate Signal No.P.VII-3/2002-Med-1 dated 16.9.2002 as orders issued for CGHS employees is not relevant for CRPF personnel.

[3] (b)

7. That as regard to the statement made in paragraph 5.12, 5.13 and 5.14 of the instant application the Respondents beg to offer no comments.

8. That as regard to the statement made in paragraph 5.15 and 5.16 of the instant application the Respondents beg to state that the contention of the applicants not tenable as orders issued for CGHS employees is not relevant for CRPF personnel.

9. That as regard to the statement made in paragraph 6 of the instant application the Respondents beg to state that since orders issued for CGHS employees is not relevant for CRPF personnel as such request of the applicants may not be considered on the above ground.

10. That as regard to the statement made in paragraph 6.1, 6.2 and 6.3 of the instant application the Respondents beg to state that the contention of the applicants are not tenable. The benefits of financial up-gradation to the CRPF Pharmacist is being given as per the instructions issued by GOI/MHA. Orders issued to CGHS employees is not relevant for CRPF personnel as such request of the applicants may not be considered.

11. That as regard to the statement made in paragraph 6.4 of the instant application the Respondents beg to state that the contention of the applicants are not tenable. The non combatised (civilian non ministerial) Pharmacist of this force are not similarly situated as staff serving in the Central Government Health Services. The benefit of HPCA/PCA has been given to non combatised Pharmacist as well as Combatised Pharmacist. It does not means that Pharmacist (Combatised) or (non combatised) drawing HPCA/PCA are similarly situated as staff serving in CGHS. The service conditions of the Central Para Military Force Personnel and CGHS employees are different.

12. That as regard to the statement made in paragraph 6.5, 6.6, 6.7, 6.8, 6.9 and 6.10 of the instant application the Respondents beg to state that all applicants are being given all the benefits and allowances as are applicable to the Nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd Financial up-gradation is being given as per the scale fixed to Pharmacist of the Force. The respondents further state that the grounds set forth in the instant application are not tenable in law, as well as, on facts and are not good ground and on that count the instant application is liable to be dismissed.

P. C. S. I. C. Q.

13. That as regards to the statement made in paragraph 7 and 8 of the instant application the Respondents have no comments.

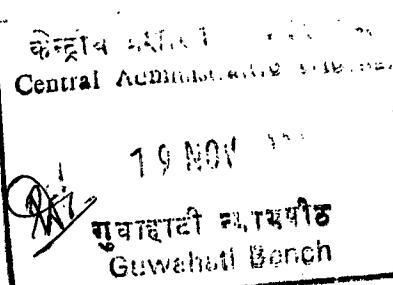
14. That as regards to the statement made in paragraph 9 of the instant application the Respondents beg to state that in view of the facts and circumstances as stated above the applicants are not entitled to get any relief as prayed for and the instant application is liable to be dismissed.

VERIFICATION

I, SATINDER SINGH, S/o SHRI RODD SINGH, aged about 50 years, R/o G.C.C.R.P.F. at Ghati, District KARTIK, and competent officer of the answering respondents, do hereby verify that the statement made in paras 1 to 14 of the statement are true to my knowledge and those made in paras 15, being matters of record are true to my information derived therefrom which I believe to be true and the rests are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this 20th day of July, 2007 at Guwahati.

(Satinder Singh)
Signature



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

ORIGINAL APPLICATION NO.....69...../2007

Pharmacist S D Agrawal and others

-Vs-

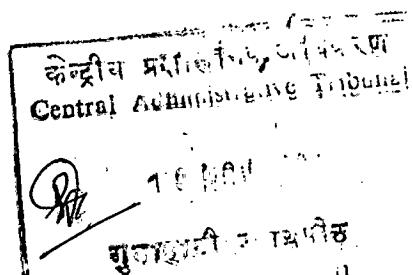
The Union of India and others

INDEX TO THE REJOINDER.

Sl.No.	Particulars	Page no
1.	Rejoinder with verification	1-7
2.	Annexure R-1-Copy of the Order dated 8-5-1997	8
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5.	Annexure R-4- Copy of communication dated 10-9-1985	12
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Filed by:

Rajesh Mazumdar
(RAJESH MAZUMDAR)
ADVOCATE
COUNSEL FOR THE APPLICANTS



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

ORIGINAL APPLICATION NO 69/2007

Pharmacist S D Aggarwal and others
.....Applicants
-Vs-

The Union of India and others
.....Respondents

-AND-

IN THE MATTER OF

The rejoinder on behalf of the applicants to the written statement filed by the respondent in OA No. 69/2007.

REJOINDER ON BEHALF OF THE APPLICANTS.

MOST RESPECTFULLY SHEWETH:

1. That the applicants state that the averments made in the original application filed before this Hon'ble Tribunal are reaffirmed and reiterated. The statements made in the written statements filed by the respondents may be deemed to be denied unless they are specifically admitted by the applicants.
2. That with regard to the contents of paragraph 1 of the written statement the applicants admit that they have been granted the first financial upgradation in the pay scale of Rs. 5000-8000/- on completion of 12 years of service. It is however reiterated and reaffirmed that the scale granted to them is not at par with the scale granted to similarly situated pharmacists of the Central Government Health services/ Central Health Services and also not at par with the similarly situated combatised pharmacist working in the Hospitals

G.N. Sumalit
Pharmacist

Hand of applicant
Bhupinder Singh
11/11/07

10 May 2004

गृहिणी संघर्षीक
Gowri Bench

of the Central Reserve Police Force. It is reiterated and reaffirmed that the Pharmacists working in the Central Health Services and the applicants execute similar nature of duties and are similarly situated. It is stated that the both the pharmacists are drawing a similar pay scale at the time of their appointment. It is also stated that the applicants are drawing the same allowances as are being drawn by the pharmacists working the hospitals run by the Central Government. It is also stated that the Respondents have passed several orders where efforts were made to grant all the benefits available to civilian pharmacists working in the Central Government hospitals and the non-combatised pharmacists working in the Central Reserve Police Force. It is submitted that being similarly situated, the applicants are entitled to be treated equally and at par with the pharmacist working in the CGHS and that orders passed for CGHS employees are relevant to the civilian hospital staff working in the Central Reserve Police Force. The applicants would pray the leave of this Hon'ble Court for permission to refer to and rely upon some orders passed by the respondents, which would show that civilian posts including pharmacist (both combatised and non-combatised) of the Force have always been treated at par with the analogous posts including pharmacist working in the Central Government Hospitals. It is submitted that there is no reason to deny the pharmacist an equal pay scale and thus commit violation of the principles of equal pay for equal work and of the principles of equality.

True copies of order no P.I.1/PCC-5th-Med-II dated 8 May 97, order no 27012/4/200-PF.IV, dated 8/9/2000 and order no II.27012/6/99-PF.I/II (Vol. II) dated 7/10/2004 are annexed hereto and marked as Annexure R1, R2, R3 respectively.


(O.N. Sumathi
Pharm)

19 NOV 2007

गुवाहाटी न्यायालय
Guwahati Bench

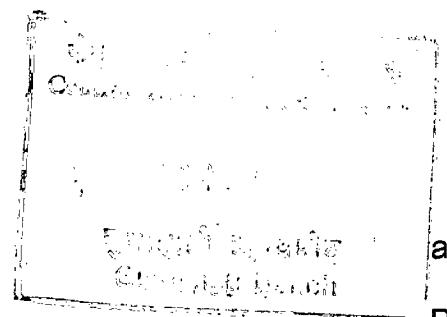
3. That with regard to the contents of paragraph 2 of the written statement of the original application, the applicants reiterate and reaffirm the contents of the 2,3,4,5.1 and 5.2 of the original application.

4. That with regard to the contents of paragraph 3 of the written statement, the applicants reiterate and reaffirm the contents of paragraph 5.3 of the original application. It is however stated that the respondents have resorted to arbitrariness and unequal treatment even within the Force, not to speak of between the CGHS Pharmacist and the applicants, inasmuch as, combatised pharmacists are being afforded a different and higher pay scale. However, the combatised pharmacist and the CGHS Pharmacists are being granted the same scales under the Assured Career Progression Scheme.

5. That with regard to the contents of paragraph 4 of the written statement, the applicants beg to reaffirm and reiterate the statements made in paragraphs 5.4,5.5,5.6 and 5.7 and begs to state that combatisation of the civil posts in Central reserve Police Force Hospitals by conversion under the Central Reserve Police Force Act, 1949 and Central Reserve Police Force Rules, 1955 was sanctioned in 19th September 1989. It is stated that prior to combatisation, all posts in the Hospital of the Force were civilian posts and were considered equivalent to the analogous posts of the Central Government Hospitals. As per the said sanction, those who did not opt for combatisation would continue in civilian posts until superannuation.

A true copy of the proposal communication
and the sanction orders for combatisation is

S. N. Sumalika
S. N. Sumalika
Pharmacist



annexed hereto and marked as Annexure R4 and Annexure R5 respectively.

It is stated that since the assured progression scheme dated 9-8-1999 is applicable to all the central government employees at the same rate and scale, granting different scales to similarly situated persons, (who were appointed on the same scale of pay) is arbitrary and unconstitutional.

6. That with regard to the contents of paragraph 6 of the written statement, the applicants beg to reiterate and reaffirm the contents of paragraph 5.8, 5.9, and 5.10 of the original application. It is stated that the applicants being civilian employees working for the respondents, which is a part of the Central Government, and since the applicants are similarly situated as the pharmacists of CGHS and also since the applicants are drawing the same allowances and pay scales as of the pharmacists of the CGHS, the stand taken by the respondents that orders issued for the CGHS Employees would not be relevant for the CRPF personnel is not correct. It is submitted that the respondents are duty bound to treat the applicants at par with the pharmacists working in the CGHS. It is stated that the respondents have been treating the applicants to be at par with the personnel working in the CGHS as would be evident from perusal of Annexures R1, R2, R3 etc.

7. That with regard to the contents of paragraph 7, 8 and 9 of the written statement, the applicants reiterate and reaffirm the contents of paragraph 5.11, 5.12, 5.13, 5.14, 5.15 and 5.16 of the original application and also would refer to rely upon the foregoing paragraphs of this rejoinder.

[Handwritten signature]
(O. N. Sumathi
Pharm)

केन्द्रीय
Central Administrative Tribunal
गुवाहाटी न्यायालय
Guwahati Law Court

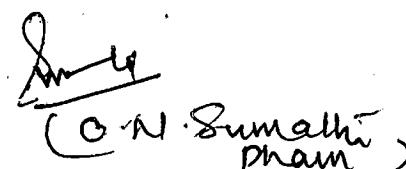
10 NOV

गुवाहाटी न्यायालय
Guwahati Law Court

8. That with regard to the contents of paragraph 10 of the written statement, the applicants would reiterate and reaffirm the contents of paragraph 6.1, 6.2 and 6.3 of the original application. It would be relevant to point out here that the respondents have avoided stating as to under what are the instructions referred to in the said paragraph of the written statement. It is submitted that the respondents have made only vague and ambiguous statements without an iota of truth. It is stated that even the combatised pharmacists, who draw a pay scale of Rs 4000-6000 on appointment are being granted the pay scale of Rs 5500-9000 on the first up gradation, in contrast to the scale of Rs. 5000-8000 as being given to the applicants, who start at a scale of Rs. 4500-7000/- . It is stated that pharmacists of the CGHS also start with a scale of Rs. 4500 -7000/- on initial appointment and are granted the scale of Rs. 5500-9000/- on first up gradation.

9. That with regard to the contents of paragraph 11 of the written statement, the applicants state would reiterate and reaffirm the contents of paragraph 6.4 of the original application. It is stated that as per the orders passed by the respondents as referred to in paragraph 2 of this rejoinder, the pharmacist of the Force have been considered to be at par with the pharmacists of CGHS. Moreover, it would be relevant to point out here that as per communication dated 5-9-2002, it is well-evident that the pharmacists of the Force have more duties and responsibilities. The step-motherly treatment being meted out to the non-combatised (civil) employees of the Force is not justifiable in any view of the matter.

10. That with regard to the contents of paragraph 12 of the written statement, the applicants beg to state reiterate and reaffirm the contents of


(C.N. Sumathi Pham)

19 NOV 2007

गुवाहाटी न्यायालय

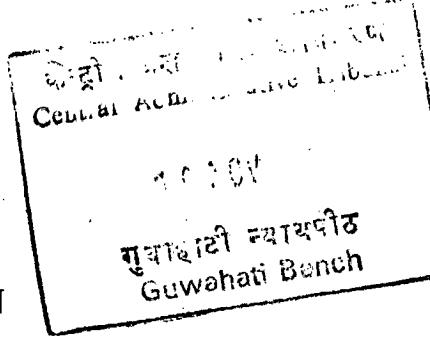
Guwahati Bench

paragraph 6.5 to 6.10 of the original application. It is stated that the applicants are entitled to be treated equally with other similarly situated pharmacists and that the grounds taken in the original application are good grounds.

11. That with regard to the contents of paragraph 13 and 14, of the written statement, the applicants reaffirm and reiterate the contents of paragraph 7,8 and 9 of the original application.

12. That the applicants state that they are entitled to be treated equally with the pharmacists of the CGHS and other similar pharmacist, more so in view of the fact that the combatised pharmacists of the same Force are being granted the financial up-gradation at par with the CGHS Pharmacist. It is stated that the respondents have not been able to show any plausible or sustainable reason for denying an equal benefit to the applicants with other similarly situated pharmacists except that orders issued for CGHS are not relevant for personnel of the Force. The respondents have ignored the fact that though the applicants serve the Force, they continue to the civilian employees and thus are at par with the pharmacists of the CGHS and are entitled to be treated at par. It is humbly prayed that this Hon'ble Tribunal would be pleased to grant the relief prayed for by the applicants in the original application.


G.N. Sarmati
Pharmacist



VERIFICATION

I, O.N. Sumathy, w/o of T.P. RAJAN,

aged about 44 years, working as a non-combatised Pharmacist in the Central Reserve Police Force, presently attached with C.R.P.F. at Guwahati, resident of

Kollam, Kerala, do hereby verify that the contents of paragraphs number

1, 3, 4, 5, 6, 7, 8, 9, 11, 12 are true to my

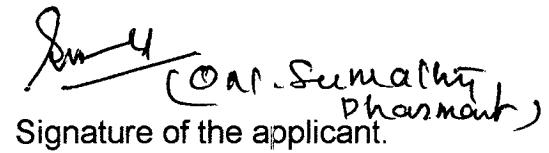
personal knowledge and the contents of paragraphs

2, 4, 5, 10, believed to be true

on legal advice and that I have not suppressed any material fact.

Date: 17/11/2007

Place: Guwahati


 Signature of the applicant.

Identified by
 Rajesh Nagarkar
 Advocate
 17/11/07

DIRECTORATE GENERAL CRPF CGO COMPLEX LODHI ROAD NEW DELHI -3. (MINISTRY OF HOME AFFAIRS).

NO.P.I.1/PCC-5TH-Med-II

dated, the 8 May '97

To,

The Inspector General of Police,
North East Sector, CRPF, Shillong - 793 001.

Subject : REG. FIFTH PAY COMMISSION

Please refer to your letter No.P.I-1/94/ADM-3(5TH PAY) dated 17th April'97.

2. We have strongly recommended the grant of pay scales, professional allowances and progression to our Para Medical Staff at par with C.G.H.S. Fifth Pay Commission has also recommended revision of pay scale & allowances with C.H.S.

3. As regards promotional prospects, a Committee was also constituted under the Chairmanship of IGP, Eastern Sector, CRPF to examine/prepare Cadre review proposal in respect of Group 'B', 'C' and 'D' Non-gazetted Executive/Ministerial, Hospital and signal staff. Proposal was also taken-up with MHA/Govt. by the Org Branch of this Dte. As and when the decision is taken on this proposal by the Govt., the same will be communicated. Thus we will have to wait for the decision of Govt. on Fifty Pay Commission recommendations as well Order Review Proposal. You may inform the concerned staff accordingly.

(Dr. K.K.SAINI).
DIRECTOR(MEDICAL)

No.P.I.1/PCC-5TH-med-II

Dated, the May '97

Copy forwarded to the DIGP, CRPF, Guwahati w.r.t. IGP NES, CRPF endt. No. cited above.

Sd/- X X
(Dr. K.K.SAINI)
DIRECTOR (MEDICAL)

NO.P.I.8/97-Estt.I

dated the May '97

This is a true copy of the original document.

Rejesh Agarwal
Admcl
17/11/07

11/11/01
No. 27012/4/2000-PI-IV
Government of India
Ministry of Home Affairs

1/2
By FAX

North Block, New Delhi.
Dated the 8 September, 2000

135-H/1
11/11/01

To.

The Directors General

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

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

Sir,

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

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

Contd...2

11/11/01
11/11/01

This is a true copy of the original document.

Parbat
Advocate
17/11/07

No. II.27012/6/99-I
 Government of India
 Ministry of Home Affairs

New Delhi, the 7th October 2004.

To

DG, BSF/CRPF/ITBP/CISF/SSB/Assam Rifles

Subject: Revision of rates Nursing Allowances, Uniform Allowances and washing Allowances to the Nursing personnel of Central Police Forces.

Sir, The proposal for revision of rates of various allowances in respect of nursing personnel in Central Police Forces as admissible to CHSS personnel has been considered in consultation with Ministry of Finance. The undersigned is directed to convey the sanction of the President for revised rates of following allowances:-

Sl.No.	Allowances	Existing Rate	Revised Rate
(i)	Nursing Allowance (for Nurses only)	Rs. 150/- p.m.	Rs. 300/- p.m. w.e.f. 01.8.97
(ii)	Uniform Allowance (for Nurses only)	Rs. 1500/- p.a.	Rs. 1500/- p.a. upto 01.8.97 and Rs. 3000/- p.a. w.e.f. 01.8.97.
(iii)	Washing Allowance (for Nurses only)	Rs. 60/- p.m.	Rs. 75/- p.m. upto 01.8.97 and Rs. 150/- p.m. w.e.f. 01.8.97.
(iv)	Washing Allowance (for other Group C & D Staff)	Rs. 50/- p.m.	Rs. 60/- p.m.

2. These allowances shall be admissible subject to the following conditions:-

This is a true copy of the original document

*Parthiv
Advocates
12/11/07*

(i) Nursing Personnel who are serving in dispensaries/hospitals without any in-patient facility are not entitled for Nursing Allowances.

(ii) The Allowance shall be admissible to those Nursing / Para Medic personnel whose service conditions are similar to those personnel working in analogous posts in CHS dispensaries.

3. This issues with the approval of Ministry of Finance, Department of Expenditure vide their I.D. No. 495/ENV/04 dated 07.10.2004 and Integrated Finance Division of this Ministry vide their Dy. No. 2407/ AS&FA (II)/04 dated 30.9.2004.

Your Faithfully

[Manoj Agarwal]
Director (Police/ Finance)
Tele- 2309-2123

TRUE TYPED COPY OF ANNEXURE I

Copy of Med. Supdt. Dte General, CRPF OFFICE SIGNAL NO.

A.VI-I/80-MS dated 10.09.85 addressed to all CRPF Officers.

COMBATISATION OF HOSPITAL STAFF (.) REF THIS DTE. SIGNAL EVEN NUMBER DATD 8/8/85 AND YOUR REPLIES THERETO (.) RANK STRUCTURE ON COMBATISATION OF HOSPITAL STAFF GIVEN AS UNDER (.) MATRON (.) D.Y.S.P (.) A/MATRON, SISTER IN-CHARGE (.) SUBEDAR MAJOR (.) PHARMACIST/LAB TECH/RADIO-GRAPHER/ELECTRICIAN (.) SUB INSPECTOR (.) LAB. ASSTT/X-RAY ASSTT/ TELEPHONE OPTR (.) A.S.I. (.) ASSTT. OPERATION ROOM (.) H.C. (.) PLUMBER (.) HEAD CONST (.) FROM NURSING ASSTT. TO MASALCHI (.) FOLLOWER (.) ON COMBATISATION HOSPITAL STAFF WILL NOT BECOME ENTITLED TO THE SCALE OF PAY OF RANKS WHICH THEY WILL GET ON COMBATISATION (.) THEY WILL CONTINUE TO DRAW SAME PAY IN THE SCALES OF POSTS ON WHICH THEY WERE WORKING PRIOR TO COMBATISATION (.) FOR ELIGIBILITY CONDITIONS, APPOINTMENTS, PROMOTIONS AND THEY WILL CONTINUE TO BE COVERED BY EXISTING REECRUITMENT RULES FOR EACH CATEGORY (.) ON COMBATISATION THEY WILL BECOME FUL-FLEDGEDMEMBERS OF FORCE AND SHALL BE COVERED BY CRPF ACT AND RULES (.) AGE OF SUPERANNUATION WILL BE 55 YEARS OF COMBATISATION (.) IN ADDITION, THEY WILL BE ENTITLED FOR FREE KIT ITEMS AND OTHER BENEFITS AS ENTITLED FOR MEMBER OF FORCE FROM TIME TO TIME ///

Sd/- 10.09.85

Medical Superintendent

NO. OPSAI-89-EC.III

Dated, the 27 Sept' 85

Copy to Medical Officer 55th Bn., CRPF, Churachandpur for information and necessary action. He is requested to intimate willingness/unwillingness/for combatisation as per above terms ad conditions to this office by 1st October, 1985. Those who are willing for the same, their written options in duplicate may be obtained and sent to this office for further necessary action.

Sd/- x x x
For Commandant 55th Bn.,
CRPF, Churachandpur.

This is a true copy of the original document.

Particulars

Advocate 17/11/07

No.27011/44/88- FP-I

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

To,

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

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

Sir,

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

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

2. The exiting incumbents of the posts mentioned in Col. 1 in the Annexure will be given option to opt for combatisation within a period of 3 months from the date of issue of this sanction. Those who do not opt for combatisation will continue in the civilian posts until superannuation under the existing conditions of service, which will be deemed to continue as applicable to them.

*This is a true copy of the original document
and for
Adarsh
17/11/07*

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

4. This issues with the concurrence of the Ministry of Finance, Department of Expenditure, vide their u.o No. F.V (33) E-III/89 dated 7/6/89 and Integrated Finance 1 of this Ministry vide their u.o No.2605/89-Fin.III D.I dated 1.9.89.

1 Division

Yours faithfully,

Sd/- x x

(K. S. PARTHASARATHY)

Under Secretary to the Govt. of India.

File in Court on..... 19/6/08
Court Officer.

File by
Court Officer

Central Administrative Tribunal
Guwahati Bench
ADDL. D.I.G.P. GC, C.R.P.R.
9th Floor, Government Building, Guwahati-23 (ASSAM)
Date of filing: 19/6/08
Date of service: 19/6/08
Handwritten signature of the Court Officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
AT GUWAHATI.

ORIGINAL APPLICATION No. 69 of 2007

SR. S.D. AGARWAL & ORS.

.....APPLICANTS
- VERSUS -

THE UNION OF INDIA & ORS.

.....RESPONDENTS

Reply to the rejoinder of the applicants filed by the respondent above named: -

REPLY TO THE REJOINDER OF THE APPLICANTS FILED BY THE RESPONDENT ABOVE NAMED

MOST RESPECTFULLY BEGS TO SHEWETH: -

1. That a copy of the rejoinder filed by the applicants has been served upon the respondents. The respondents has understood the contents thereof after going through the same.
2. That the respondents begs to state that the statements which are not specifically admitted by the respondents are deem to be denied by them.

Contd.../.

23 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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3. That with regard to paragraph 1 of the rejoinder the respondents has no comment to offer.

4. That with regard to statement made in paragraph 2 of the rejoinder, the respondents beg to state that the contention of the applicants is not tenable. The non combatised (civilian non ministerial) pharmacist of this force are not similarly situated as staff serving in the Central Government Health Services. The service condition of the central Para Military Force Personnel and Central Government Health Service employee are different. And the benefits of financial up gradation to the Central Reserve Police Force pharmacist are being given as per the instructions issued by Government of India / Ministry of Home Affairs. Orders issued to Central Government Health Service employees is not relevant for Central Reserve Police Force personnel as such request of the applicant can not be considered.

5. That with regard to paragraph 3 of the rejoinder the respondents has no comment to offer.

6. That with regard to statement made in paragraph 4 of the rejoinder, the respondents beg to state that all applicants are being given all the benefits and allowances as are applicable to the nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up gradation are being given as per the scale approved by Govt. of India for Pharmacist of the Central Reserve Police Force. The orders issued for Central

Contd.../-

(JOGINDER SINGH)

कानूनी दस्तावेज़

ADDL. D.I.G.P. GC: C.R.P.F.

पुर केन्द्र केन्द्रिय बल गुवाहाटी-23

GUWAHATI 23 (ASSAM)

23 JUN 2008

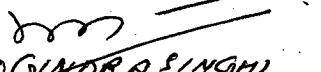
गुवाहाटी न्यायालय
Guwahati Bench

-3-

Government Health Service employees is irrelevant to the hospital staff of this Force. As such the contention of the applicants are not sustainable.

7. That with regard to statement made in paragraph 5 of the rejoinder, the respondents beg to state that Central Government Health Service personnel for whom separate rules will be issued by the Health ministry concerned. As such the employees of Central Government Health Service cannot be compared with Central Reserve Police Force. As such the facilities extended to Central Government Health Service employees can not be extended to Central Reserve Police Force Hospital staff. As such the benefits extended by Central Government Health Service servants can not be extended.
8. That with regard to statement made in paragraph 6 of the rejoinder, the respondents beg to state that the contention of the petitioners are not tenable as the orders issued for Central Government Health Service employees is not relevant for Central Reserve Police Force personnel and the benefits of financial up gradation to the CRPF pharmacist are being given as per the instructions issued by Government of India / Ministry of Home Affairs.
9. That with regard to statement made in paragraph 7 of the rejoinder, the respondents beg to no comments. Order issued for Central Government Health Service employees is not relevant for Central Reserve Police Force personnel. Hence request of the applicants may not be considered.

Contd.../-


(JOGENDRA SINGH)

अधिकारी पुलिस एवं महानिरीक्षक

ADDL. D.I.G.P. GO: C.R.P.F.

पुलिस केन्द्र केरिंग्पुल गुवाहाटी-23

GUWAHATI 23 (ASSAM)

23 JUN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

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10. That with regard to statement made in paragraph 8 of the rejoinder, the respondents beg to state that the assured Career Progression Scheme for Central Govt. Employee applicable w.e.f. 1999 i.e. the date of issue of Government order. On completion of 12 years of regular service the applicants were allowed 1st up gradation in the pay scale of Rs.5000-8000 as per pay scales approved Government of India / Ministry of Home Affairs for non combatised Pharmacist of Central Reserve Police Force. The combatised ASI/ Pharmacist are being allowed 1st financial up gradation as per their recruitment rules. Hence the contention of the applicant is not tenable.

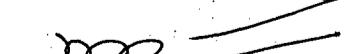
11. That with regard to paragraph 9 of the rejoinder the respondents has no comment to offer.

12. That with regard to statement made in paragraph 10 of the rejoinder, the respondents beg to state that the averment made in his paragraph is baseless and requires no consideration.

13. That with regard to paragraph 11 of the rejoinder the respondents has no comment to offer.

14. That with regard to statement made in paragraph 12 of the rejoinder, the respondents beg to state that all applicants are being given all the benefits and allowances as are applicable to the nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up

Contd.../-


(S. CHANDRA SINGH)

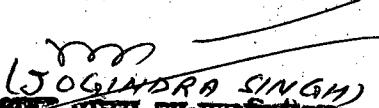
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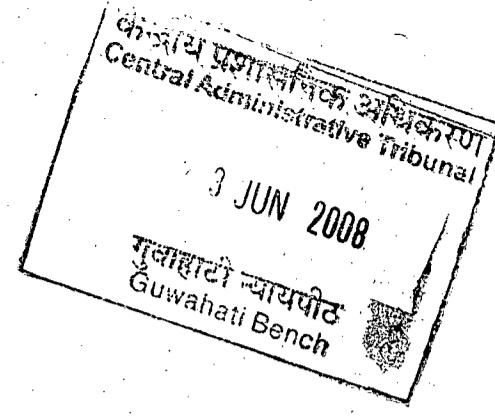
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पुलिस केन्द्र केंद्रिय पुलिस गुवाहाटी-23

GUWAHATI 23 (ASSAM)

gradation are being given as per the scale approved by Govt. of India for Pharmacist of the Central Reserve Police Force. The orders issued for Central Government Health Service employees is irrelevant to the hospital staff of this Force. All applicants are being given all the benefits and allowances as are applicable to the nursing personnel of Central Govt. As far as pay scale is concerned, pay scale on 1st and 2nd financial up gradation are being given as per the scale approved by Govt. of India for Pharmacist of the Central Reserve Police Force. The orders issued for Central Government Health Service employees is irrelevant to the hospital staff of this Force. Hence the request of the applicants for giving the benefits as per with Central Government Health Service employees may be rejected at the stage of admission.


JOGENDRA SINGH
अमर पुस्तक लेप-महानिरीक्षक
ADDL. D.I.G.P. GC, C.R.P.F.
पूर्ण केन्द्र केंद्रिय पुस्तक गुवाहाटी-23
GUWAHATI-23 (ASSAM)



- 6 -

VERIFICATION

I, Shri Jagendra Singh, Son of Sh. Harpal Singh, aged about years, Resident of G.C.C.R.P.F. Guwahati, working as Addl. D.I.G. in the district of Kamrup (Assam) and a competent officer of the answering respondents do hereby verify that the statement in paragraph 1-14 are true to my knowledge and those made in paragraph being matter of record are true to my information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal and I have not suppressed any material facts.

And I sign this verification on this the 18th day of June 2008 at Guwahati.

Jagendra Singh
वर पुलिस अधीनित
ADDL. D.I.G.P. GC, C.R.P.F.
१८ केन केन्द्रिय पुलिस गुवाहाटी-23
GUWAHATI-23 (ASSAM)
SIGNATURE