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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. OA 95/2007

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SECTION OFFICER (Judl.)

Kahla
28.9.17

CENTRAL ADMINISTRATIVE AREA
GIMHALL BUILDING

ORDERS SHEET

1. Original Application No. 95/07

2. Miscellaneous Petition No.

3. Contempt Petition No.

4. Review Application No.

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

Advocate for the Applicant (S) H. G. Boruah

Advocate for the Respondant (S) CASE

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 50/- deposited vide IPO/BD No. <u>346652801</u> Dated <u>5.4.07</u></p> <p><i>[Signature]</i> Dy. Registrar</p> <p><i>[Signature]</i> <u>NS</u> <u>21.4.07</u></p> <p>Petitioner's brief for none notices are received ^{with envelope} <u>excess Rs 20/-</u> submitted.</p> <p><i>[Signature]</i></p> <p><u>10.5.07</u> Certified Copy has been collected by the L/Adv. for the applicant on 8.5.07 and a copy of this has been handed over to the Adm. C.S.C.</p>	<p>3.5.2007</p>	<p>Heard learned counsel for the parties. Judgment passed, kept in separate sheets.</p> <p>The O.A. is disposed of at the admission stage itself in terms of the order. No costs.</p> <p><i>[Signature]</i> Vice-Chairman</p>

/bb/

15/5/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.95 of 2007

DATE OF DECISION:03.05.2007

Mr.Biten Kumar Deb & Others

.....Applicant/s

Mr.H.G.Boruah

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

- Versus -

U.O.I. & Ors

.....Respondent/s

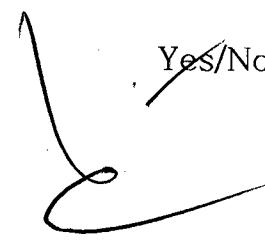
Mr.M.U.Ahmed, Addl.C.G.S.C.

.....Advocate for the
Respondents

CORAM

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

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 to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 95 of 2007.

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

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

1. Mr. Bitan Kumar Deb
S/O Late Bijoy Kumar Das
Jr. Teacher, 14 Assam Rifles
C/O: 99 APO.
2. Mr. Madhu Prakash Godiyal
S/O: Late Shri Harshpati Godiyal
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO.
3. Mr. Rajkumar Thakur
Late Shri Singheshwar Thakur
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO.
4. Mr. Hukum Chand Sharma
S/O: Late Ram Lok Sharma
Hindi Teacher, 34 Assam Rifles
C/O: 99 APO.
5. Mrs. Biva Talukdar
D/O: Late Hari Dhar
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO.
6. Mr. Salil Kr. Choudhury
S/O: Late K.R. Choudhury
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO.
7. Mrs. Swapna Dey
D/O: Shri Rabindra Ch. Dey
Jr. Teacher, 22 Assam Rifles
C/O: 99 APO.
8. Mr. Mridul Kar Purkayastha
S/O: Late Gopesh Kar Purkayastha
Jr. Teacher, 17 Assam Rifles

C/O: 99 APO.

9. Mrs. Geeta B.
W/O: Mr. Vidhya Dharan
Jr. Teacher, 6 Assam Rifles
C/O: 99 APO.
10. Mr. Shaisuddin Ahmed
S/O: Mr. M. Udin Ahmed
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO.

..... Applicants.

By Advocate Mr. Hara Gobinda Boruah.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
North Block, New Delhi.
2. The Secretary to the Govt. of India
Ministry of Finance
New Delhi.
3. The Director General of Assam Rifles
Mahanideshalaya, Shillong-11.
4. The Commandant
O/A: 14 Assam Rifles
C/O: 99 APO.
5. The Commandant
O/A: 34 Assam Rifles
C/O: 99 APO.
6. The Commandant
O/A: 23 Assam Rifles
C/O: 99 APO.
7. The Commandant
O/A: 22 Assam Rifles
C/O: 99 APO.
8. The Commandant
O/A: 17 Assam Rifles
C/O: 99 APO.

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


.....Respondents.

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

O R D E R (ORAL)

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

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



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

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

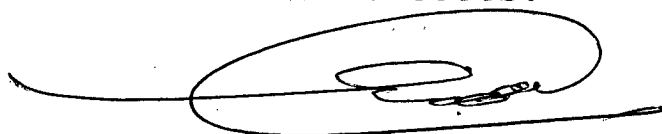
2. I have heard Mr. Hara Gobinda Boruah, learned counsel for the Applicants. Mr. M.U.Ahmed,



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

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

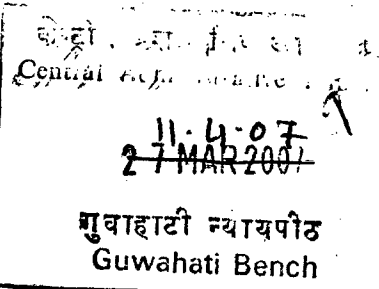
The Original Application is disposed of as above. There shall be no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

/BB/

Dist: Senapati & Ors.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 95 /07.

Mr. Bitan Kumar Deb & Ors

.....Applicants

-Vs-

Union of India & Ors.

.....Respondents.

SYNOPSIS

All the applicants are the Jr. Teachers of Assam Rifles and applicant No. 4 is a Hindi teacher. All the applicants are serving under the respondents from the date of their joining till today continuously and they are discharging their duties honestly, sincerely and to the best of satisfaction of all their superior. The length of service of all the applicants are more than 12 years and applicant NO. 4 is on the verge of retirement. Govt. of India has circulated a scheme through office memorandum being No. 35034/1/97 Estt (D) dated 09 August 1999 published through the Ministry of personal, public grievances and pension (Department of personal and TRG) in the name and style 'Assured career progression scheme' for central Govt. Civilian employees. This 'Assured career progression scheme' for Central Govt. employees has been introduced by the Govt. of India on the recommendation of the fifth Central pay commission to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme is operational from 9th August 1999 keeping in view all relevant factors. By the said scheme it has been decided to grant two financial up-gradation as recommended by the fifth Central pay commission and also in accordance with the agreed settlement dated September 1, 1997 entered into with the staff side of the national council (JCM). The two financial up-gradation under the ACP scheme in the entire Govt. service career of an employee is to be counted against regular promotion availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial up-gradation under the ACP scheme shall be available only if no regular promotion during the prescribed period (12 and 24 years) have been availed by an employee. The benefits of revised pay scale under ACP scheme is applicable to all the school teachers employed by the Central Govt. in Union

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Territories and other autonomous bodies sponsored by the Central Govt. Even after released of Rs.1831.20 Crore by the Central Govt. for revised pay scale and dearness allowance for all types of primary school teachers, the respondent NO. 3 allowed the other teachers of the A.R. School to draw the said revised scale of pay excluding the applicants. The entry scale of pay with the corresponding scale as revised and selection scale of pay are given hereunder.

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

The benefit of revised pay scale in the grade of Rs.5500-175-9000 per months under ACP scheme is presently drawing by the other teachers of the A.R. schools but the applicants are deprived which is a hostile discrimination. This differentiation/classification is not based on intelligible criterion. A news caption reported in the 'Sanghai Express' on 20/3/2002 from which the applicants came to know that cabinet has approved the grant of revised senior scale and selection scale for the primary school teachers w.e.f. January one 1996 in substitution of the scale already sanction to them. All the applicants have not availed any kind of promotion during their service tenure and fulfilled all the eligibility criterion /period under the ACP scheme but no steps has been taken by the respondents yet for the benefits of the applicants. They have been completed more than 12 years of continuous qualifying service in this esteem organization and applicant No. 4 is on verge of retirement. The respondents are delaying the matter depriving the applicants in getting the said benefits. On 24th day of February 2007 all the applicants filed an joint application addressing the Director General of Assam Rifles ventilating their grievances to vindicate their rights but no fruitful result came out in this attempt. Hence this instant application.

Filed by

Hra

Hara Gobinda Boruah
Advocate

Dist: Senapati & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 95 /07.

Mr. Bitan Kumar Deb & Ors

.....Applicants

-Vs-

Union of India & Ors.

.....Respondents.

LIST OF DATES

Sl No.	Annexure	Page	Contents.
1.	Annexure-A. 09/08/1999		'Assured career progression' scheme introduced by the Govt. of India.
2.	Annexure B. 20/03/2002		News Caption reported in the 'Sanghai Express' on 20/03/2002.
3.	Annexure-C. 24/02/2007		Joint application of the applicants.

Filed by

HG

Hara Gobinda Boruah
Advocate

Dist: Senapati & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 95 /07.

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.....Respondents.

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Filed by

HG

Hara Gobinda Boruah
Advocate

Dist: Senapati & Ors.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO. 95 /07.

- 1.Mr. Bitan Kumar Deb
S/O:Late Bijoy Kumar Deb
Jr. Teacher, 14 Assam Rifles
C/O: 99 APO
- 2.Mr. Madhu Prakash Godiyal
S/O: Late Shri Harshpati Gadiyal
Jr. Teacher, 34 Assam Rifles
C/O:99 APO
- 3.Mr. Rajkumar Thakur
S/O: Late Shri Singheshwar Thakur
Jr. Teacher, 34 Assam Rifles
C/O: 99 APO
- 4.Mr. Hukum Chand Sharma
S/O: Late Ram Lok Sharma
Hindi Teacher, 34 Assam Rifles
C/O: 99 APO.
- 5.Mrs. Biva Talukdar
D/O: Late Hari Dhar
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO
- 6.Mr.Salil Kr. Choudhury
S/O: Late K.R. Choudhury
Jr. Teacher, 23 Assam Rifles
C/O: 99 APO
- 7.Mrs Swapna Dey
D/O: Shri Rabndra Ch. Dey
Jr.Teacher, 22 Assam Rifles.
C/O: 99 APO
- 8.Mr. Mridul Kar Purkayastha
S/O:Late Gopesh Kar Purkayastha
Jr. teacher, 17 Assam Rifles.
C/O: 99 APO
9. Mrs. Geeta B.
W/O: Mr. Vidhya Dharan
Jr. teacher, 6 Assam Rifles
C/O: 99 APO

Filed by the
applicant's
Partner Kr. Deb
through
13
Attara Gobinda Baruah
Advocate
5/4/07

10. Mr. Shaisuddin Ahmed
 S/O: Mr. M. Uddin Ahmed
 Jr. teacher, 34 Assam Rifles
 C/O: 99 APO
 (Same cause of Action)

.....Applicants.

-Vs-

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

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

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

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

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

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

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

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

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

.....Respondents.

The Details of the Application

1. Particulars of the Applicants:

1.1

I. Name of the Applicants No1: Mr. Bitan Kumar Deb

Bitan Kumar Deb

II.Name of the father :Late Bijoy Kr. Deb
 III.Design. of the office :Jr. Teacher, 14 A.R.
 C/O: 99 APO
 IV.Address after service :Mr. Bitan Kumar Deb
 S/O: Late Bijoy Kumar Deb
 Jr. teacher, 14 A.R.
 C/O: 99 APO

1.2.

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

1.3

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

1.4.

I.Name of the applicant No.4:Mr.Hukam Chand Sharma
 II.Name of the father :Late Ram Lok Shama
 III.Design. of the office :Hindi teacher, 34 A.R.
 C/O: 99 APO

IV. Address after service :Mrs. Hukam Chand Sharma
 S/O: Late Ram Lok Sharma
 Hindi teacher, 34 A.R.
 C/O:99 APO

1.5

I.Name of the applicant No.5:Mrs Biva Talukdar
 II.Name of the father : Late Hari Dhar
 III.Design. of the office :Jr. teacher, 23 A.R.
 C/O: 99 APO
 IV.Address after service :Mrs. Biva Talukdar
 D/O:Late Hari Dhar
 Jr. Teacher, 23 A.R.
 C/O: 99 APO

1.6

I.Name of the applicant No.6:MrSalil Kr. Choudhury
 II. Name of father :Late K.R. Choudhury
 III.Design. of the office :Jr. teacher, 22 A.R.
 C/O: 99 APO

Postman kr Deb

IV. Address after service :Mr. Salil Kr. Choudhury
S/O: Late K.R. Choudhury
Jr. Teacher, 22 A.R.
C/O: 99 APO.

1.7

I.Name of the applicant No.7: Mrs. Swapna Dey
II:Name of the father :D/O: Rabindra Ch. Dey
III.Design. of the office :Jr. Teacher, 22 A.R
C/O: 99 APO
IV.Address after service :Mrs. Swapna Dey
D/O:Rabindra Ch. Dey
Jr. Teacher, 22 A.R
C/O: 99 APO

1.8

I.Name of the applicant No.8: Mr. Mridul Kar Purkayastha
II:Name of the father :Late Gopesh Kar Purkayastha
III.Design. of the office :Jr. Teacher, 17 A.R
C/O: 99 APO
IV.Address after service : Mr. Mridul Kar Purkayastha
S/O: Late Gopesh Kar Purkayastha
Jr. Teacher, 17 A.R
C/O: 99 APO

1.9

I.Name of the applicant No.9: Mrs. Geeta B.
II:Name of the ~~Husband~~ :W/O: Mr. Vidhya Dharan
III.Design. of the office :Jr. Teacher, 6 A.R
C/O: 99 APO
IV.Address after service : Mrs. Geeta B.
W/O: Mr. Vidhya Dharan
Jr. Teacher, 6 A.R
C/O: 99 APO

1.10

I.Name of the applicant No.10: Mr. Shaisuddin Ahmed
II:Name of the father : Mr. M. Uddin Ahmed
III.Design. of the office :Jr. Teacher, 34 A.R
C/O: 99 APO
IV.Address after service : Mr. Shaisuddin Ahmed
Mr. M. Uddin Ahmed
Jr. Teacher, 34 A.R
C/O: 99 APO

2. Particulars of Respondents

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

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

Particulars of Respondents

(III) The Director General
of Assam Rifles
Mahanideshaleya, Shillong-11.

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

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

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

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

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

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

2.2. Office Address of the Respondents

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

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

(III) Office of the Director
General of Assam Rifles,
Mahanideshalaya, Shillong-11

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

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

VI. Office of the Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

Bd/95 bn-Deb

VII. Office of the Commandant
O/A: 22 Assam Rifles
C/O: 99 APO

VIII. Office of the Commandant
O/A: 17 Assam Rifles
C/O: 99 APO

(IX) Office of the Commandant
6 Assam Rifles.
C/O: 99 APO

2.3. Address for service of Notice:

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

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

(III) Office of the Director
General of Assam Rifles,
Mahanideshalaya, Shillong-11

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

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

VI. Office of the Commandant
O/A: 23 Assam Rifles
C/O: 99 APO

VII. Office of the Commandant
O/A: 22 Assam Rifles
C/O: 99 APO

(VIII) Office of the commandant
17 Assam Rifles.
C/O: 99 APO

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

Pt. K. K. Deb

3. Particulars against which the application is made:

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

4. Jurisdiction of the Tribunal:

The applicants declare that subject matter of the case against which they want redressal is within the Jurisdiction of the tribunal. *As per Rule 4(5) of CAT (Procedure) Rules, 1987.*

5. Ground for relief:

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

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

5.3. That the applicants have approached the department saying that they are duly completed all the eligibility criterion prescribed under the ACP scheme but no steps has been taken till date by the concerned authority for the good self of the applicants which is arbitrary and illegal.

5.4. That after release of Rs.1831.20 crore by the Central Govt. for revised pay scale for all types of primary school teachers the respondent No. 3 allowed the other teachers of the A.R. schools to draw the said revised scale pay excluding the applicants which is a hostile discrimination.

6. Limitation:

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

7. Facts of the case:

The facts of the case are given below:

7.1. That the applicants beg to state that All the applicants are the Jr. Teachers of Assam Rifles and

Particulars V.R. Doh

applicants No. 4 is a Hindi teacher. All the applicants are serving under the respondents from the date of their joining till today continuously and they are discharging their duties honestly, sincerely and to the best of satisfaction of all their superior.

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

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

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

The applicant No.4 was appointed by an order dated 29/04/1965 issued by D.G.R. and his length of service in this esteem organization is 41 years.

The applicant No. 5 was appointed by an order dated 23/11/1985 issued by D.G.R. and his length of service in this esteem organization is 21 years.

The applicant No.6 was appointed by an order dated 8/01/1988 issued by D.G.R. and his length of service in this esteem organization is 21 years.

The applicant No.7 was appointed by an order dated 21/04/1986 issued by D.G.R. and his length of service in this esteem organization is 26 years.

The applicant No. 8 was appointed by an order dated 29/09/1986 issued by D.G.R. and his length of service in this esteem organization is 20 years.

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

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

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

Pratish Kumar Deb

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

Post to be Deb

7.4. That Govt. of India has circulated a scheme through office memorandum being No. 35034/1/97 Estt (D) dated 09 August 1999 published through the Ministry of personal, public grievances and pension (Department of personal and TRG) in the name and style 'Assured career progression scheme' for central Govt. Civilian employees. This assured career progression scheme for Central Govt. employees has been introduced by the Govt. of India on the recommendation of the fifth Central pay commission to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme is operational from 9th August 1999 keeping in view all relevant factors. By the said scheme it has been decided to grant two financial upgradation as recommended by the fifth Central pay commission and also in accordance with the agreed settlement dated September 1, 1997 entered into with the staff side of the national council (JCM) to Group B.C. & D employees in completion of 12 years and 24 years of regular service respectively.

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

7.5. That the applicants begs to state that First financial upgradation under the said scheme is allowed after 12 years of continuous service and second

financial up gradation is allowed after 24 years of continuous service.

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

7.7. That the applicants begs to state that a news caption reported in 'The Sanghai express' on 20/3/2002 from which the applicants came to know that Cabinet has approved the grant of revised senior scale for the primary school teachers w.e.f. January one 1996 in substitution of the pay scale already sanction to them. The said revised pay scale under A.C.P. scheme is Rs.5500-125-9000.

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

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

7.9. That the applicants begs to state that benefits of revised pay scale is applicable to all the school teachers employed by Central Govt. in Union Territories and other autonomous bodies sponsored by the Central Govt. Even after released of Rs.1831.20 Crore by the Central Govt. for revised pay scale and dearness allowance of primary school teachers, the respondent NO. 3 allowed the other teachers of the A.R. School to draw the said revised scale of pay but the applicants are denied the said benefits. The entry scale of pay with the corresponding scale as revised and selection scale of pay are given hereunder.

22
P. S. K. Deb

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

7.10. That the applicants begs to state that the respondents are delaying the matter depriving the applicants in getting said benefits of revised pay scale under ACP scheme. The applicants all this time trying to settled their claims with the respondent No. 3. Being a model employer refusal of the respondents to settle the legal claims of their incumbents is arbitrary and improper.

7.11. That the applicants begs to state that the benefit of revised pay scale in the grade of Rs.5500-175-9000 per months under ACP scheme is drawing by the other teachers of the A.R. schools but the applicants are deprived from drawing the said pay scale which is a hostile discrimination. This differentiation/classification is not based on intelligible criterion.

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

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

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

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

8. **Details of Remedies exhausted:**

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

Prakash K. Deb

8.1. That the applicants Jointly filed an application before the Respondent No.3 on 24th day of Feb. 2007 and since nothing has been done by the respondents which compelled them to approach the Hon'ble Tribunal.

9. **Matter not pending with any other courts etc.**

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

10. **Relief sought:**

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

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

11. **Interim order if any prayed for:**

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

12. **Where and who the application is filed:**

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

13. **Particulars of the postal order:**

Post order in respect of the application fee.

- | | |
|-----------------------------------|------------|
| (i) No of Indian postal order | : |
| (ii) Name of the post office | : Guwahati |
| (iii) Date of issue | : Do |
| (iv) Post office at which payable | : Do |

14. **List of enclosure:**

- (1) Annexure A: Photo copy of the 'Assured career progression scheme' introduced by the Govt. of India.
- (2) Annexure-B: News caption published in 'Sanghai express.'
- (3) Annexure-D: Photo copy of the application filed by the applicants.

Porter vs. Deb

VERIFICATIONS

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

Bitan Kumar Deb

Signature of the applicant.

Place: Guwahati

Date: 11.4.08.

7 Assam Rifles
C/O 99 APG

A/Pay/99/1453

28 Sep 99

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

THE ASSURED CAREER PROGRESSION SCHEME FOR THE
CENTRAL GOVERNMENT CIVILIAN EMPLOYEES

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

(Punit Mehta)
Major
Adjt
for Commandant

Copy to :-

Rec/Fin/JA

- for info and necessary action.

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

AS ABOVEOFFICE MEMORANDUM

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

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

2. GROUP 'A' CENTRAL SERVICES

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

Contd.....2/-

Certified to be true copy

He Anwar
Advocate

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2 -

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

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to accept the ACP Scheme in a modified form to mitigate hardship in cases of acute designation either in a cadre or in an isolated post. Keeping to view all relevant factors, it has therefore been decided to grant two financial upgradation as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 1 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 in completion of 12 years and 24 years (subject to condition no in Annexure -I) regular service respectively. Isolated posts in Group A, B, C and D categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status) adhoc and contract employees shall not qualify for upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

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

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

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

6. SCREENING COMMITTEE

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

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

Contd.....3/-

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

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

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

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

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

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

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

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

Sd/- x x x

(K K Jha)

Director (Establishment)

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CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradations only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose.
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs. 14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions.
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later.
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly.
- 5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him.
- 5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit.
6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employee, etc) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designation, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government Accommodation, advances, etc only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to high posts, etc) shall be ensured for grant of benefits under the ACP Scheme.

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

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

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR-22(I) a(1) subject to a minimum financial benefit of Rs. 100/- as per the Department of Personnel and Training Office Memorandum No. 1/6/27-pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade.

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

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after the first financial upgradation (2+10) in the higher grade, i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year can not be taken into account towards the required 12 years of regular service in that higher grade.

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

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

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

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

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

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quired for grant of the second financial upgradation and subsequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

Sd/- xxxxxx

(K K Jha)
Director (Establishment)

Annexure - II

STANDARD/Common PAY-SCALE
As per part -A of the First Schedule Annexed to the
Ministry of Finance

(Department of Expenditure) Gazette Notification dated
September 30, 1997

(REFERENCE PARA 7 OF ANNEXURE/OF THIS OFFICE MEMORANDUM)

Ser No.	Revised Pay-Scale Rs.
1. S-1	2550-55-2660-60-3200
2. S-2	2610-60-3150-65-3540
3. S-3	2650-65-3300-70-4000
4. S-4	2750-70-3800-75-4400
5. S-5	3050-75-3950-80-4590
6. S-6	3200-85-4900
7. S-7	4000-100-6000
8. S-8	4500-125-7000
9. S-9	5000-150-8000
10. S-10	5500-175-9000
11. S-12	6500-200-10500
12. S-13	5450-225-11500
13. S-14	7500-250-12000
14. S-15	8000-275-13500
15. S-19	10000-325-15200
16. S-21	12000-375-16500
17. S-23	12000-375-18000
18. S-24	14300-400-18300

Certified to be true copy

H. C. Jha
Advocate

Centre hikes DA for Central Govt employees

NEW DELHI, May 19

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

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

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

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

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

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

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

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

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

Certified to be true copy

The Annual
Advocate

- 22 -

ANNEXURE. C

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

Dated: 24th Feb 2007.

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

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

Sir,

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

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

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

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

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

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

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

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

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

Certified to be true copy
H. C. J. J. J.
Advocate

Cont/2

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

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

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

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

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

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

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

-24-
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classification is not based on intelligible criterion.

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

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

The applicants as in duty bound shall over pray.

Yours faithfully,

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

PARTICULARS OF THE ASSAM RIFLES TEACHERS FOR REVISED SENIOR PAY SCALE UNDER ACP SCHEME

Sr. No.	Name of the Teacher	Father's Name	Designation	Office Address	Date of Appointment	Place of Posting	Signature
1.	BITAN KR. DEB	(L) BIJOY KR DEB	Jr. Teacher	14 AR	23/12/91	14 Assam Rifles	<i>[Signature]</i>
2.	Madhu prakash Godiyal	Late Shri Harshpati Godiyal	Junior Teacher	34 AR	15/04/1989	34 Assam Rifles	<i>[Signature]</i>
3.	Raj Kumar Thakur	Late Shri Singhe Shwar Thakur	Junior Teacher	34 AR	13/05/1983	34 Assam Rifles	<i>[Signature]</i>
4.	NE HT/0024 Hukam Chandel SHARMA	Late Pt. Ram SHARMA	Junior Teacher	34 AR	29-4-1965	34 Assam Rifles 40 99 AR	<i>[Signature]</i>
5.	Mrs. BIVA TALUKDAR	(L) HEM DHAR	Jr. Teacher	23 AR	23-11-85	23 Assam Rifles	<i>[Signature]</i>
6.	Mr. SALIL KR. Choudhary	(L) K.L. Chaudhary	Jr. Teacher	23 AR	8-1-88	23 Assam Rifles	<i>[Signature]</i>
7.	M. Swabna B. Ch.	Shri Rabinchandra Ch.	Jr. Teacher	22 AR	21-4-1986	22 AR	<i>[Signature]</i>

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10.	Mridul Kar Purkayastha	(L) Gopesh Kar Purkayastha	Jr. Teacher	17AR	29 Sep '86	17AR	(M) Purkayastha
	Mrs. Geeta B.	Mr. Vidhyadharan	Jr Teacher	6AR	23 Jun '92	6AR	Geeta
	Mr. Shaisuddin Ahmed	M. Uddin Ahmed	Jr. Teacher	34AR	14/6/90	34AR	