

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 96/2007

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SECTION OFFICER (Judl.)

*skalita*  
*26/9/17*

CENTRAL ADMINISTRATIVE UNIT  
OMAHA BRANCH

ORDER SHEET

1. Original Application No. 96/07

2. Mise Petition No. \_\_\_\_\_

Applicant(s) Baitam Kr. Debjons vs Union of India & Ors

Advocate for the Applicant(s). H. G. Barnah

Advocate for the Respondant(s).....Case:.....

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C.P. for Rs. 50/- deposited v.v. P.D/BD No. 346.652.802	3.5.2007	Heard learned counsel for the parties. Judgment passed, kept in separate sheets.
Dated..... 5.4.07.....		The O.A. is disposed of at the admission stage itself in terms of the order. No costs.
<i>Ques</i> By. Registrar <i>27.4.07</i>		
Petition is cognis for issue noticed and received. <sup>in envelope</sup> excess Rs 20/- deposited.	/bb/	<i>Vice-Chairman</i>
<i>Ques</i>		
<u>8.5.07</u>		

8.5.07  
Copy of the letter  
handed over to the  
Advocacy for the  
parties.

Received  
Mshe Dos  
Add enc  
09/5/07

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No.96 of 2007

DATE OF DECISION:03.05.2007

Mr. Biten Kumar Deb & 8 Others ..... Applicant/s  
Mr.H.G.Boruah ..... Advocate for the  
..... Applicant/s.

- Versus -

U.O.I. & Ors ..... Respondent/s  
Ms. U.Das, Addl.C.G.S.C. ..... Advocate for the  
..... Respondents

CORAM

THE HON'BLE MR. 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. 96 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. Mrs. Joyeeta Deb  
D/O: Late B.K.Deb  
Jr. Teacher, 19 Assam Rifles  
C/O: 99 APO.
5. Mrs. Swapna Dey  
D/O: Shri Rabindra Ch. Dey  
Jr. Teacher, 22 Assam Rifles  
C/O: 99 APO.
6. Mrs. Sarda Chanda  
S/O: Late B.Rai  
Jr. Teacher, 32 Assam Rifles  
C/O: 99 APO.
7. Mr. Mahendra Kumar  
S/O: Late A.R.Singh  
Jr. Teacher, 32 Assam Rifles  
C/O: 99 APO.
8. Mr. Raju Thapa  
S/O: K.R.Thapa  
Jr. Teacher, 25 Assam Rifles

C/O: 99 APO.

9. Mr. Himangshu Deb  
 S/O: H.K. Deb  
 Jr. Teacher, 25 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: 19 Assam Rifles  
 C/O: 99 APO.
7. The Commandant  
 O/A: 22 Assam Rifles  
 C/O: 99 APO.
8. The Commandant  
 O/A: 32 Assam Rifles  
 C/O: 99 APO.
9. The Commandant  
 O/A: 25 Assam Rifles  
 C/O: 99 APO.

..... Respondents.

✓

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

**O R D E R (ORAL)**

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

All the Applicants are working in different units of as Graduate Jr. Teachers under the Director General of Assam Rifles. According to them, there are three types of teacher in Assam Rifles, viz, Sr. Teacher, Jr. Teacher and Hindi Teacher. The Applicants claimed that duties of both Jr. Teachers and Hindi Teachers are same, i.e., to impart education in the Battalion children school of Assam Rifles. Further, the rank and minimum qualification for appointment of both teachers are also same. According to the Applicants, though the nature of works/duties of Jr. Teachers and Hindi Teachers are same, there is a gross disparity in their pay i.e., Graduate Jr. Teachers are getting pay in the scale of Rs.4500-125-7000/- whereas the Graduate Hindi Teachers are getting their pay in the scale of Rs.5500-175-9000/-, which is a hostile discrimination. The Applicants averred that since the qualification of appointment, class. on category, nature of work, reliability of both Jr. Teachers and

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Hindi Teachers are all same, the Applicants, Graduate Jr. Teachers are entitled to the equal pay to that of Graduate Hindi Teachers. The Applicants have submitted a joint representation dated 24.02.2007 (Annexure-D) to the third Respondent claiming pay parity with the Graduate Hindi Teachers but no response is forthcoming till date. According to the Applicants, the non-payment of equal pay to them with that of Graduate Hindi Teachers is violative of Article 14, 39 (d) of the Constitution of India. Hence, this Original Application 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 allow to draw the same pay scale to applicants as enjoyed by the Hindi teachers of Assam Rifles 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. Ms.U.Das, learned Addl. C.G.S.C. represented the Respondents. When the matter came up for consideration, learned counsel for the Applicants while bringing my notice to the Annexure-D representation so submitted by the

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Applicants, which is not yet answered by the Respondents, 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. Ms.U.Das, learned Addl. C.G.S.C. submitted that she has no objection in adopting such course of action.

3. Accordingly, in the interest of justice, the Applicants are directed to send a copy of this O.A. to the third Respondent forthwith and on receipt of such copy, the third Respondent or any other competent authority shall consider and dispose of the Annexure-D 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/

11 APR 2001

गुवाहाटी बैच  
Guwahati Bench

Dist: Senapati & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 96 /07.

Mr. Bitan Kumar Deb & Ors

.....Applicants

-Vs-

Union of India & Ors.

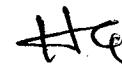
.....Respondents.

SYNOPSIS

All the applicants are working in different Units as a graduate Jr. Teachers under the Director General of Assam Rifles and are non-combatised employees. They are serving under the respondents from the date of their Joining till-to-day continuously and they are discharging their duties honestly, sincerely and to the best of satisfaction of all their superior. There are three types of teacher in Assam Rifles Viz, Sr. Teacher Jr. Teacher and Hindi Teacher. The duties of the both Jr. teachers and Hindi Teachers is to impart education in the Battalion children school of Assam Rifles and rank of the both Jr. teachers and Hindi teachers are same. The minimum qualification for appointment of Jr. teachers and Hindi teachers are also same. They have similar nature of works/duties as that of the Hindi teachers but there is a gross disparity in their pay; that is while Graduate Jr. teachers are getting pay scale in the grade of Rs.4500- 125-7000 and Graduate Hindi teachers are getting pay scale in the grade of Rs.5500-175-9000 which is a hostile discrimination. The duties of the Jr. teachers in the Assam Rifles are same and not different than the Hindi teachers of Assam Rifles, both of them have identical duties to perform. The service rendered by the Jr. teachers are not only same with those of Hindi teachers but degree of responsibility and reliability are also same with the Hindi teacher. There is no any qualitative difference as regards reliability and responsibility. Whereas the nature of function, degree of responsibility and reliability are the same, the differentiation in pay scale of both Jr. teacher and Hindi teacher is not a valid differentiation. This differentiation is not based on intelligible criterion, therefore Jr. teachers faced hostile discrimination. Both Jr. teachers and Hindi teachers fall in the same class or category.

Having regard to the qualification of appointment, class on category, nature of work, reliability and responsibility shouldered by the Jr. teachers, they are entitled to the equal pay with that of Graduate Hindi Teachers whereas Graduate Hindi teachers presently drawing the pay scale in the grade of Rs.5500-175-9000/-. On 24<sup>th</sup> day of Feb 2007 all the applicants Jointly filed an application before the Director General of Assam Rifles but no fruitful result came out in this attempt. The non-payment of equal pay to applicants with the Hindi teachers is violative of Article 14, 39 (d) of the constitution of India. Claiming parity in pay with the Hindi teachers of Assam Rifles applicants filed this instant application.

10  
Filed by



Hara Gobinda Boruah  
Advocate

Dist: Senapati & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 96 /07.

Mr. Bitan Kumar Deb & Ors

..... **Applicants**

-Vs-

Union of India & Ors.

..... **Respondents.**

LIST OF DATES

Sl No.	Annexure	Page	Contents.
1.	Annexure A.		Document regarding duties of Jr. teachers and Hindi Teachers of Assam Rifles.
2.	Annexure-B. 05/12/05		School routine of A.R. School.
3.	Annexure-C. 16/08/05		Order dated 16 <sup>th</sup> August 2005 issued by the Assam Rifles Authority vide Memo No. 6055A/2005/768.
4.	Annexure-D. 24/02/07		Joint application of the Applicants

Filed by

*He*

Hara Gobinda Boruah  
Advocate

Dist: Senapati & Ors.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 96 /07.

Mr. Bitan Kumar Deb & Ors

.....Applicants

-Vs-

Union of India & Ors.

.....Respondents.

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3.	Annexure-A	15
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6.	Annexure-D	20 to 23

Filed by

*HGB*

Hara Gobinda Boruah  
Advocate

Dist: Senapati & ors

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO.

107.

Filed by the  
applicant  
Bitan Kumar Deb  
through  
Hara Rabindra Banuah  
Advocate  
5/1/07

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 Godiyal  
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. Mrs. Joyeeta Deb  
D/O: Late B.K. Deb  
Jr. Teacher, 19 Assam Rifles  
C/O: 99 APO.

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

6. Mrs. Sarda Chanda  
D/O: Late B. Rai  
Jr. Teacher, 32 Assam Rifles  
C/O: 99 APO

7. Mr. A. Mahendra Kumar  
S/O: Late A.R. Singh  
Jr. Teacher, 32 Assam Rifles.  
C/O: 99 APO

8. Mr. Raju Thapa  
S/O: K.R. Thapa  
Jr. Teacher, 25 Assam Rifles.  
C/O: 99 APO

9. Mr. Himangshu Deb  
S/O: H.K. Deb  
Jr. Teacher, 25 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: 19 Assam Rifles  
C/O: 99 APO

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

8. The Commandant  
O/A: 32 Assam Rifles  
C/O: 99 APO

9. The Commandant  
O/A: 25 Assam Rifles  
C/O: 99 APO

**..... Respondents .****THE DETAILS OF THE APPLICATION****1. Particulars of the Applicants:**

1.1

I. Name of the Applicant No: Mr. Bitan Kumar Deb

II. Name of the father : Late Bijoy Kr. Deb

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

C/O: 99 APO

IV. Address after service : Mr. Bitan Kumar Deb  
S/O: Late Bijoy Kr. Deb  
Jr. teacher, 14 A.R.  
C/O: 99 APO

Bitan Kumar Deb

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:Mrs. Joyeeta Deb  
 II.Name of the father :Late B.K.Deb  
 III.Design. of the office :Jr. teacher, 19 A.R  
 C/O: 99 APO  
 IV. Address after service :Mrs. Joyeeta Deb  
 D/O: Late B.K. Deb  
 Jr. teacher, 19 A.R  
 C/O: 99 APO

1.5

I.Name of the applicant No.5: Mrs. Swapna Dey  
 II:Name of the father :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

1.6

I.Name of the applicant No.6:Mrs. Sarda Chanda  
 II.Name of the father :K.B. Rai  
 III.Design. of the office :Jr. teacher, 32 A.R  
 IV.Address after service :Mrs. Sarda Chanda  
 D/O: K.B. Rai  
 Jr. Teacher, 32 A.R  
 C/O: 99 APO

1.7

I.Name of the applicant No.7:Mr. A. Mahandra Kumar  
 II. Name of father :Late A.R. Singh  
 III.Design. of the office :Jr. teacher, 32 A.R  
 C/O:99 APO

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IV. Address after service : Mr. A. Mahandra Kumar  
 S/O: Late A.R. Singhs  
 Jr. teacher, 32 A.R  
 C/O: 99 APO

1.8

I. Name of the applicant No.8: Mr. Raju Thapa  
 II. Name of father : K.R. Thapa  
 III. Design. of the office : Jr. teacher, 25 A.R  
 C/O: 99 APO  
 IV. Address after service : Mr. Raju Thapa  
 S/O: K.R. Thapa  
 Jr. teacher, 25 A.R  
 C/O: 99 APO

1.9

I. Name of the applicant No.9: Mr. Himangshu Deb  
 II. Name of father : H.K. Deb  
 III. Design. of the office : Jr. teacher, 25 A.R  
 C/O: 99 APO  
 IV. Address after service : Mr. Himangshu Deb  
 S/O: H.K. Deb  
 Jr. teacher, 25 A.R  
 C/O: 99 APO

## 2. PARTICULARS OF RESPONDENTS

2.1 Name and designation of (1) 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  
 Mahanideshaley, 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: 19 Assam Rifles  
 C/O: 99 APO

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

(8) The Commandant  
 O/A: 32 Assam Rifles  
 C/O: 99 APO

(9) The Commandant  
 O/A: 25 Assam Rifles  
 C/O: 99 APO

2.2. Office Address of the Respondents

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

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

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

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

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

6. Office of the Commandant  
 O/A: 19 Assam Rifles  
 C/O: 99 APO

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

8. Office of the Commandant  
 O/A: 32 Assam Rifles  
 C/O: 99 APO

9. Office of the Commandant  
 O/A: 25 Assam Rifles  
 C/O: 99 APO

*Palan Vn Sub*

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**2.3. Address for service of NOTICE**

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

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

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

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

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

6. Office of the Commandant  
O/A: 19 Assam Rifles  
C/O: 99 APO

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

8. Office of the Commandant  
O/A: 32 Assam Rifles  
C/O: 99 APO

9. Office of the Commandant  
O/A: 25 Assam Rifles  
C/O: 99 APO

**3. Particulars against which the application is made:**

Claiming pay parity with the Hindi teachers of Assam Rifles whereas applicants getting the pay scale in the grade of 4500-125-7000 and Hindi teacher getting the pay scale in the grade of 5500-125-9000, which is a Hostile discrimination. Having regard to the qualification of appointment, class or category, nature of work, reliability and responsibility shouldered by the Jr. teachers, they are entitle to equal pay with that of Hindi teachers of Assam Rifles.

**4. JURISDICTION OF THE TRIBUNAL:**

The applicants declares that subject matter of the case against which they wants redressal is within the Jurisdiction of the tribunal. ~~As per Rule 4(5)(a) of eAT (Procedure) Rules, 1987.~~

**5. Ground for Relief.**

5.1. There are three types of teachers in Assam Rifles Viz, Sr. Teacher Jr. Teacher and Hindi Teacher. The minimum qualification for appointment of Jr. teachers and Hindi teachers is as follows:

Jr. Teacher : Graduate, J.B.T.

Hindi Teacher : Graduate or

10+2 with trained:

5.2. The duties of the both Jr. teachers and Hindi Teachers is to impart education in the Battalion children school and both of them have identical duties to perform.

5.3. They have similar nature of works/duties as that of the Hindi teachers but there is a gross disparity in their pay; that is while Jr. teacher are getting pay scale in the grade of Rs.4500-125-7000 and Hindi teachers are getting pay scale in the grade of Rs.5500-125-9000 which is a hostile discrimination. The duties of the Jr. teachers in the Assam Rifles are same and not different than the Hindi teacher of Assam Rifles.

5.4. The service rendered by the Jr. teachers are not only same with those of Hindi teachers but degree of responsibility and reliability are also same with the Hindi teachers. There is no any qualitative difference as regards reliability and responsibility. Whereas the nature of function, degree of responsibility and reliability is the same, the differentiation in pay scale of both Jr. teachers and Hindi teachers is not a valid differentiation. This differentiation is not based on intelligible criterion, therefore Jr. teachers faced hostile discrimination.

5.5. Both Jr. teachers and Hindi teachers fall in the same class or category.

5.6. Having regard to the qualification of appointment, class on category, nature of work, reliability and responsibility shouldered by the Jr. teachers, they are entitled to the equal pay with that of Hindi Teachers.

**6. Limitation:**

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

**7. Facts of the case:**

7.1. That all the applicants are citizen of India by birth as such they are entitled to all the rights and privileges guaranteed by the Constitution of India and the laws framed thereunder.

7.2. That all the applicants are working in different companies as a graduate Jr. teachers under the Director General of Assam Rifles. All the applicants are non-combatised employees working under the Respondent No.3.

The applicant No.1 was appointed by an order dated 23/12/1991 issued by the D.G.R. and his length of service in this esteem organization is 15 years.

The applicant No.2 was appointed by an order dated 15/04/1989 issued by the 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 the 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 25/07/2002 issued by the D.G.R. and his length of service in this esteem organization is 4 years.

The applicant No.5 was appointed by an order dated 21/04/1986 issued by the D.G.R. and his length of service in this esteem organization is 20 years.

The applicant No.6 was appointed in 1998 issued by the D.G.R. and his length of service in this esteem organization is 8 years.

The applicant No.7 was appointed by an order dated 31/12/1991 issued by the D.G.R. and his length of service in this esteem organization is 15 years.

The applicant No.8 was appointed by an order dated 03/04/2001 issued by the D.G.R. and his length of service in this esteem organization is 5 years.

The applicant No.9 was appointed by an order dated 18/02/2002 issued by the D.G.R. and his length of service in this esteem organization is 4 years.

Bijan Kr. Roy

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

7.3. That the applicants begs to state that all the applicants is the graduate Jr. teachers of Assam Rifles and they are serving under the Respondents from the date of their Joining till to-day continuously and they are discharging their duties honestly, sincerely and to the best of satisfaction of all their superiors.

7.4. 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.

*Bilan Mr. Sub*

7.5. That the applicants begs to state that there are three types of teachers in Assam Rifles Viz, Sr. Teacher Jr. Teacher and Hindi Teacher. All the applicants are the Graduate Jr. teachers of Assam Rifles.

7.6. The duties of the both Jr. teachers and Hindi Teachers is to impart education in the Battalion Children School of Assam Rifles and both of them have identical duties to perform.

*Battalion Per-Recd*

A photocopy of the relevant documents regarding duties of both Hindi teachers and Jr. teachers issued by appropriate authority is annexed herewith and marked as **Annexure-A**.

7.7. That the applicants begs, to state that they have similar nature of works/duties as that of the Hindi teachers but there is a gross disparity in their pay; i.e while Graduate Jr. teachers are getting pay scale in the grade of Rs.4500-125-7000 and Graduate Hindi teacher getting pay scale in the grade of Rs.5500-175-9000 which is a hostile discrimination. For Example, Sri Deepak Nunia, Hindi Teacher initially appointed in the scale of Rs.4000-100-6000 but by an order dated 16<sup>th</sup> August 2005 issued vide letter No.6035/A/2005/768 granted revised scale of pay of Rs.5500-175-9000. Again Sri Mrinmoy Nath, was temporarily appointed as Hindi teacher in the scale of pay Rs.4000-100-6000 but by an order dated 16<sup>th</sup> August 2005 issued vide letter No.6035/A/2005/768 granted revised scale of pay of Rs.5500-175-9000. The duties of the Jr. teachers in the Assam Rifles are same and not different than the Hindi teachers of Assam Rifles, both of them have identical duties to perform.

A photocopy of the daily class routine of the Battalion school and order dated 16<sup>th</sup> August 2005 are annexed herewith and marked as **Annexure-C and D respectively.**

7.8. That while originating the PE (Place Establishment) the Assam Rifles have authorised to run up to Primary Schools but since last 30 years, Assam Rifles are running schools upto class X & XII on self help basis and since the above cadres of teachers are equally taken to run the school, i.e. according to qualification, service experience and ability of teachers. They are allotted classes and duties as deem fit by the HM/Principal irrespective of cadre difference. It may be noted that Jr. teachers are shouldering classes equally or more than that of Hindi teachers posted in the Battalion.

7.9. That the applicants begs to state that service rendered by the Jr. teachers are not only same with those of Hindi teachers but degree of responsibility and reliability are also same with the Hindi teachers. There is no any qualitative difference as regards the reliability and responsibility. Where as the nature of function, degree of responsibility and reliability are the same, the differentiation in pay scale of both Jr. teachers and Hindi teachers is not a valid differentiation. This differentiation is not based on intelligible criterion therefore Jr. teachers faced hostile discrimination.

7.10. That the applicants begs to state that both Jr. teachers and Hindi teachers fall in the same class or category.

Having regard to the qualification of appointment, class or category, nature of work, reliability and responsibility shouldered by the Jr. teachers, they are entitled to the equal pay with that of Hindi Teachers.

7.11. That the applicants begs to state that on 24<sup>th</sup> day of Feb. 2007 all the applicants Jointly filed an application before the Director General of Assam Rifles but no fruitful result come out in this attempt.

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

7.12. That the applicants begs to state that non-payment of equal pay to applicants with the Hindi

teachers is violative of Article 14, 39 (d) of the constitution of India. The denial of the respondents is unreasonable, arbitrary and irrational.

7.13. That denying equal pay to Jr. Teachers with that of Hindi teachers of Assam Rifles is discriminatory and contrary to the accepted norms of equal pay for equal work.

7.14. That the demand of the equal pay is a very legal demand of the applicants, denial thereof is very illegal.

**8. Details of Remedies exhausted:**

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

8.1. That the applicants Jointly filed an application before the Respondent No.3 on 24<sup>th</sup> day of Feb. 2007 and since nothing has been done by the respondents which compelled them to approached 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 on 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 allow to draw the same pay scale to applicants as enjoyed by the Hindi teachers of Assam Rifles as specified in para-7 after hearing the parties and perusal of records.

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

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

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

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

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

Post order is 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: Particular regarding duties of A.R. teachers
- (2) Annexure-B: Daily class routine of A.R. school.
- (3) Annexure-C: Order dated 16<sup>th</sup> August 2005.
- (4) Annexure-D: Joint application of the applicants.

VERIFICATION

I, Mr. Bitan Kr. Deb S/O Late Bijoy K.R. Deb aged about 37 years Jr. teacher 14 Assam Rifles C/O 99 APO Dist. Senapati for my self and on behalf of the other applicants duly authorised by them do hereby verify that the contents from para-1 to 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:

# ANNEXURE- A

## 15 Appendix - 'C'

(Ref to para 6 of SOP  
Assam Rifles School)

### DUTIES OF SENIOR AND HINDI TEACHER (NOT PERFORMING THE DUTIES OF HEAD MASTER)

1. Take classes as per the time table allotted in the school.
2. Incharge of school library and maintenance of ledger/records.
3. Assists the Principal/Head Master.
4. Prepare students for various conducts and seminars.
5. Arrange extra curricular activities like drama, debate, etc on important days.
6. Prepare lesson plan as per the schedule in his/her own time.
7. Responsibility for collection of school dues from class students and depositing the same with the headmaster.
8. Responsible for drawal, issue and accounting of test books and stationery to students of his/her class.
9. Conduct of monthly examinations and to ensure progress of the children.

## Appendix - 'D'

(Ref to para 6 of SOP  
Assam Rifles School)

### DUTIES OF JUNIOR TEACHER

1. Assist the Principal/Head Master in all matters as and when required.
2. Take classes as per time table allotted by the Principal/Head Master.
3. Responsible for the class allotted and proper guidance to the students and their discipline and conduct in the school.
4. Prepare lesson plans as per the scheduled in his own time.
5. Pay special attention to the weak students.
6. Bring the cases of indiscipline to the notice of the Principal/Head Master.
7. Maintain daily attendance register of his/her class.
8. Conduct monthly examinations to ensure the progress of the children.
9. Any other duties allotted by the Principal/Head Master relating to the school.

\*\*\*\*\*

*Certified to be true copy*  
*H C Sonwane*  
*Advocate*

*15/01/2023*  
*15/01/2023*  
*15/01/2023*

16-  
ANNEXURE- B

Principal (C) 78  
C. 1-4  
Date 05/12/05  
ASSAM  
Udaipur  
J. 10.

05/12/05

ASSAM RIFLES SCHOOL, UDAIPUR  
DAILY CLASS ROUTINE

No.	Name of Teacher	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>
1	Mr. Sebastian M.T	Off	Off	IX English	Off	Off	Off	IX English 2nd
2	Mr. UP Upadhyay <i>Condu H.T</i>	Off	Eng-V	Eng VII	Off	Eng-III	Eng VI	OFF
3	Mrs. M Sebastian	IX English	III AHPL/H.W 1-3	VIII English	Off	Off	III Maths	4 Eng-X 5,6 Drw/game 1-3, Off
4	Mr. Bitan Kr. Deb Jr. T	VII Maths	IV Maths	Off	VI Maths	Off	VII 5,6 Game 1-4 Off	V GK,M/Sci/Drw
5	Mrs. Geeta B. J.J.	VI His/Civ/Lib	Off	V EVS	Off	II S/St.Lib	Off	Off
6	Mr. DS Chauhan <i>Condu Hindi</i>	IV Hindi	Off	III EVS	V Maths	I Hindi	Off	IX Game/Drw 5,6 1-4 Off
7	Mr. Deepak <i>Nunia</i> Hindi	IV English	II Maths	Off	VIII Hindi	Off	VIII Game 5,6 1-4 Off	VII Hindi
8	Mr. MitraRaj Chhetry	III Hindi	VII 1-3 Sans 4-6 Lib - I	English-II	IVH/W 4-6 1-3 Off	Off	Off	VI Hindi
9	Miss Beena Deb	IX His/Civ/Eco	4-6 Rhy (Eng) 1.KG (1-3 off)	Off	VII His/Civ	X His/Civ/Eco	Off	VIII His/Civ
10	Miss Rumi Sen	UKG Off Eng/Rhy	1-3 - S/St - I 4-6- Geo - VI	Off	GK/Drp/M/Sc III	4-6 H/W V-13- Guru VI 1-3 Drw VI -2, 5-6 5/6 off	1 English 1,2,3,4 GK/Drw 2,4-6 Off	II 1,2 GK/Drw 2,4-6 Off
11	Miss Ganga Thapa	Off	VII 4-6 Geo 1-3 VIII	UKG Activity Game/Tiffin	IX 1-3 Geo 4-6 X	Off	VIII 3,4 Drw/Lib 1,2,5,6 Off	1 GK/Drw/HW
12	Miss Sudeshna Deb	II Sci/M.Sci	1-3 Eng LKG 4-6 off	VI Sci	IX 4-6 Bio 1-3 X	VII 1,2/VIII 5,6 Bio 3,4 Off	Off	Off
13	Mrs. Pushpa Rawat	Off	VI 1-3 Sans VII 4-6	IV Hindi	Off	IX Hindi	X Hindi	Off
14	Mr. Nakul Paul	VIII Maths	Off	X Maths	3,4 Sem 3,4 game 1,2,5,6 off	Off	IX Maths	I-LX Maths 2,4 II H/W X Maths 3 & 5,6 off
15	Mrs. SK Lama	Hindi LKG	Hindi/Rhy UKG	Activity/Game Tiffin LKG	Maths UKG	Off	II Hindi	Off
16	Mrs. Jyoti	Off	Off	Off	Off	Off	IV EVS	Off
	Mrs. Pampa Chakraborty	1 Soi/M.Sci	1-3 IX Phy 4-6 X	4-6 IX Chem 1-3 X Chem	1 Maths	VIII 1,2-Phy 3,4 VII-Phy V-3,6 Lib	VII-5,6 /3,4-VIII Chem (1,2) off VIII (2,3) off	IV GK/Drw/M.Sci 79913 79901
	Mrs. Naraynn Saha	Off						

Certified to be true copy  
A. C. Banerjee  
Advocate

**17**  
**Daily Routine 2005-2006 Assam Rifles School, Udaipur (Wef 31/10/2005) 05/10/105**

Class	0740-0800	1 0800-0840	2 0840-0920	3 0920-1000	4 1000-1040	5 1040-1100	6 1100-1140	7 1140-1220	8 1220-1300
LKG		Hindi/Rhy Ms. SK Lama	1-3 (Eng) Sudeshna 4-6 (Rhy) Beena	Activity/Tiffin Game Mrs SK Lama	Maths Mrs Pampa				
UKG		Eng/Rhy Mrs Seeta Tiwari Ms Rumi	Hindi/Rhy Mrs SK Lama	Activity/Tiffin Game Miss G Thapa	Maths Mrs S.K Lama				
I		Sci/M.Sci Mrs Pampa	S/St (1-3) Rumi Lib (4-6) Mitra	Maths Mr N Saha	Game 1-2 Mr Narayan 3,4 Mr Nakul 5,6 Mr Rajesh				
II		Sci/M.Sci Miss Sudeshna	Maths Mr Deepak	English Mrs. Chhetri	Game PTI				
III		Hindi Mr MR Chhetry	AHPL/HW Mrs M Seb. 1-3 Comp 4-6 Rajesh	EVS D S Chauhan	GK/Dig/M.Sc/Lib Miss Rumi				
IV		English Mr Deepak	Maths Mr Bitan Deb	Hindi Mrs P Rawat	Comp 1-3 Rajesh Lib/HW-4-6 Mitra				
V		Hindi Mr DS Chauhan	English Mr. U.P. Upadhyaya	EVS Mrs Geeta B	Maths D S Chauhan				
VI		His/Civ/Lib Mrs Geeta B	Sank 1-3 P Rawat Geo 4-6 Miss Rumi	Science Miss Sudeshna	Maths Bitan				
VII		Maths Mr Bitan Deb	Sansk 1-3 Mitra Geo 4-6 G Thapa	English Mr Upadhyaya	His/Civ Miss Beena				
VIII		Maths Mr Nakul Paul	Sansk 4-6 P Rawat Geo 1-3 G Thapa	English Mrs M Sebastian	Hindi Mr Deepak				
IX		His/Civ/Eco Miss Beena	Phy 1-3 Pampa Chem 4-6 N Saha	English Mr Sebastian	Geo 1-3G Thapa Bio 4-6 Sudeshna				
		English Mrs M Sebastian	Chem 1-3 N Saha Phy 4-6 Pampa	Maths Mr Nakul	Bio 1-3 Sudeshna Geo 4-6 G Thapa.				

**RECESS**

Hindi Mr DS Chauhan	English Miss Rumi	GK/Drw/HW Ganga Thapa
S/St Lib. Mrs Geeta B	Hindi Mrs SK Lama	GK/Drw Rumi 1,3 Hw 2,4 Nakul Comp 5,6 Rajesh
English Mr. UP. Upadhyaya	Maths Mrs M Seb	Game PTI
Game PTI	EVS Mrs Jyoti	GK/Drw/Msci Mr N Saha
Comp 1-3 Rajesh HW 4 Rumi Lib. 5-6 Pampa	Game PTI	GK/Drw/Msci Mr Mr 6 tan Deb
Comp 4-6 Rajesh Game 1,3 Rumi Drw 2 Rumi	English Mr U P Upadhyaya	Hindi Mr Mitra Raj Chhetry
Bio 1,2 Sudeshna Phy 3,4 Pampa Chem 5,6 N Saha	Lib/Drw 1,2 N Saha Comp 3,4 Ganga Game 5,6 Bitan	Hindi Mr Deepak
Phy 1,3 Pampa Chem 3,4 N Saha Bio 5,6 Sudeshna	Comp 1,2 Rajesh Drw/Lib 3,4 S Deb Game 5,6 Deepak	His/Civ Miss Beena
Hindi Mrs P Rawat	Maths Mr Nakul Paul	Maths 1,2 Paul Eng 2 Mr. Seb Comp 3,4 Rajesh Game/Drw 5,6 DS Chauhan
His/Civ/Eco Miss Beena	Hindi Mrs P Rawat	Comp 1,2 Rajesh Eng 4 Mrs Sebastian Drw/ Game 5,6 M S M Sebastian

*Certified to be true copy*

*Atte: Sonu*  
*Advocate*

NB: Last Saturday of every month will be observed as a holiday for the school

*Principal (074)*  
*ASSAM RIFLES SCHOOL*  
*Udaipur, Tripura (S) - 739120*

*Administrator*  
*RIFLES SCHOOL*  
*Udaipur, Tripura (S) - 799*

*thru 3, 2006*

*Collection*

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**ANNEXURE. C**

6 Assam Rifles  
C/o 99 APO

16 Aug 2005

6035/A/2005/768

Assam Rifles School  
Udaipur (South) Tripura

**REVISED PAY SCALE HINDI TEACHER (GRADUATE)**

1. Shri Deepak Nunia, Hindi Teacher has been granted revised pay scale of Rs. 5500/- per month wef 07 Feb 2002 as per HQ DGAR sig No O 2259 dated 05 May 2005.
2. On scrutiny the service book in respect of Shri Deepak Nunia, Hindi Teacher it is found that he is under Graduate. Therefore, you are requested to info indd and direct him to submit Graduate Certificate and Mark Sheet in original for our necessary action.
3. An early action is requested.

(S Thumma)  
Maj  
Adt  
For Offg Comdt

*Certified to be true copy*

*H. S. Baruah*  
Advocate

*10/21/05*

-19-

6

(Typed copy)

From: 25 AR  
To 6AR by originator  
C/O. 99 APO

UNCLAS

DTG:29

A1966

Revised pay scale Hindi teacher (Graduate) (.) HQ DGAR  
sig O 2268 May -05 (Sic)

Below (.) quote(.)

Firstly (.) 23 Sector ltr No. 2170/A/2003/286 dated 25  
August 2003 and I sector ltr No. Roman one pt.  
15011/32/2004-A/1007 comma follg teacher of your unit  
is hereby granted revised pay scale of Rs.5500-175-9000  
P.M. w.e.f. the dates shown against each(.)

Alfa(.) Sri Mrinmoy Nath comma Hindi teacher wef 18 feb  
2000 (.)

Brave (.) Shri Brajesh Kumar comma Hindi teacher wef  
23(.)

Charlie(.) Shri Deepak Nnia comma Hindi teacher wef  
2002(.)

Secondly (.) necy pay fixation in r/o above teacher  
shall be done at your end and (Sic) part two order  
according(.) unquote (.) Shri Deepak Nnia comma Hindi  
teacher posted out to 6AR vide our Unit SOS/SORS wef to  
May 2005 fn in this connection our (Sic) necessary pay  
fixation at your end and publish same in part two order  
with immediate effect if not done earlier.

Maj Rohit Sharma

Adjt

A branch.

Dated 29 July 2005

*Certified to be true copy  
H.C. Banuwal  
Advocate*

20  
ANNEXURE.

D

2

To,

The Director General of Assam Rifles  
Mahanideshalaya, Shillong -11

Dated 24<sup>th</sup> Feb. 2007

Sub: An application claiming pay parity.

Sir,..

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

1. That all the applicants are working in different companies as a graduate Jr. teacher under the Director General of Assam Rifles and non-combatised employees.

2. That all the applicants are serving under you from the date of Joining till-to-day continuously and they are discharging their duties honestly, sincerely.

3. That there are three types of teacher in Assam Rifles Viz, Sr. Teacher, Jr. Teacher and Hindi Teacher. The minimum qualification for appointment of Jr. teachers and Hindi teachers is as follows:

Jr. Teacher	: Graduate, J.B.T.
Hindi Teacher	: Graduate or 10+2 with trained

4. That the duties of the both Jr. teachers and Hindi Teachers is to impart education to the sons and daughter's of both combatised and non combatised personnel of the units and rank of the both Jr. teachers and Hindi teachers is same.

5. That they have similar nature of works/duties as that of the Hindi teachers but there is a gross disparity in their pay i.e. while Jr. teachers are getting pay scale in the grade of Rs.4500-125-7000 Hindi teachers are getting pay scale in the grade of Rs.5500-125-9000 which is a hostile discrimination. The duties of the Jr. teachers in the Assam Rifles are same and not different than the Hindi teachers of Assam Rifles, both of them have identical duties to perform.

6. That the service rendered by the Jr. teachers is not only same with those of Hindi teachers but degree of responsibility and reliability are also same with the Hindi teachers. There is no any qualitative difference as regards reliability and responsibility. Whereas the nature of function, degree of responsibility and reliability is the same, the differentiation in pay scale of both Jr. teachers and

Certified to be true copy  
H.C. Baruah  
Advocate

CON1/2

- 2 -

Hindi teachers is not a valid differentiation. This differentiation is not based on intelligible criterion, therefore Jr. teachers faced hostile discrimination.

7. That the both Jr. teachers and Hindi teachers fall in the same class or category.

Having regard to the qualification of appointment, class on category, nature of work, reliability and responsibility shouldered by the Jr. teacher, they are entitled to the equal pay with that of Hindi teachers.

In the premises aforesaid, it is therefore prayed to you to grant/pay to applicants equal pay with that of Hindi teachers of Assam Rifles.

Yours faithfully,

1. Mr. Bitan Kumar Deb

2. Mr. Madhu Prakash Godiyal

3. Mr. Rajkumar Thakur

4. Mrs. Joyeeta Deb

5. Mrs. Swapna Dey

6. Mrs. Sarda Chanda

7. Mr. A. Mahendra Kumar

8. Mr. Raju Thapa

9. Mr. Himangshu Deb.

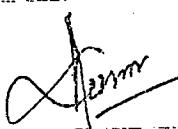
## PARTICULARS OF THE ASSAM RIFLES TEACHERS FOR PAY SCALE

No.	Name of the Teacher (Hindi & English)	Father's Name (Hindi & English)	Designation (Hindi & English)	Office Address	Date of Appointment (Hindi & English)	Place of Posting (Hindi & English)	Place of Employment (Hindi & English)	Signature
1.	Bilan Chandra Deb	(A) Bijoy K.R. Deb	Junior Teacher	14 AR	25/12/91	32 AR	32 AR Kethman 14 Assam Rifles Mampha	Deb
2.	Haldipoakash Godiyal	Lat. Shri Harshpati Godiyal	Junior Teacher	34 AR	15/04/1989	34 Assam Rifles	34 Assam Rifles	Haldipoakash Godiyal
3.	Raj Kumar Thakur	Late Shri Singha Shivar Thakur	Junior Teacher	34 AR	13/05/1983	34 Assam Rifles	34 Assam Rifles	Raj Kumar Thakur
4.	Mr. Joyeeta Deb	Late B.K. Deb	Junior Teacher	19 AR	25/07/2002	19 AR	19 AR	Joyeeta Deb
5.	Mr. Swapna K. Katskoich	Katskoich	Junior Teacher	22 AR	21/4/1986	22 AR	22 AR	Swapna K. Katskoich
6.	Mrs Sarala Chanda	Late Sub K.B. Rai 30 Assam Rifles	Junior Teacher	32 AR	-1988	32 AR	32 AR	Sarala Chanda

Cont/4

Cont/5

## PARTICULARS OF ASSAM RIFLES TEACHER FOR PAY SCALE CASE

S/No	Name of the Teacher	Father's Name	Designation	Office address	Date of appointment	Place of posting	Signature
7.	A. Mahendra Kumar	Late A. R. Singh	Junior Teacher	32 Assam Rifles C/o 99 APO	31/12/1991	32 AR Keiheimambi (west Imphal, Manipur)	

## **PARTICULARS OF ASSAM RIFLES TEACHER FOR PAY SCALE CASE**

S/No	Name of the Teacher	Father's Name	Designation	Office address	Date of appointment	Place of posting	Signature
8	MR RAJU THAPA	K R Thapa	ST	25AR	03-Apr '01	25AR	Raju
9	MR. HIMALANGSHU DEB	H K Deb	ST	25AR	18-Feb '02	25AR	Himalangshu Deb