

✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 96/2007

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... OAPg. 1to. X
2. Judgment/Order dtd 03.05.2007Pg. 1to. 5 8/D
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 96/2007Pg. 1to. 24
5. E.P/M.P.....Pg.to.
6. R.A/C.P.....Pg.to.
7. W.S.....Pg.to.
8. Rejoinder.....Pg.to.
9. Reply.....Pg.to.
10. Any other Papers.....Pg.to.
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Shalita
28.9.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GIMMATHI BUILDING:

ORDERS SHEET

1. Original Application No. 96/07

2. Miscellaneous Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

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

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

Advocate for the Respondant(S) Case

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

This application is in form
is filed/C.F. Rs. 50/-
deposited with PL/BD
No. 346,652,802
Dated 5.4.07

Gless
Dy. Registrar

27.4.07

Petitioner's copies
for issue notices are
received. Excess Rs 20/-
deposited.

Di

3.5.2007

Heard learned counsel for the
parties. Judgment passed, kept in separate
sheets.

The O.A. is disposed of at the
admission stage itself in terms of the
order. No costs.

✓
Vice-Chairman

/bb/

8.5.07

Copy of the order
handed over to the
Advocates for the
parties.

Received
Usha Das
Addl. Secy
09/5/07

3

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

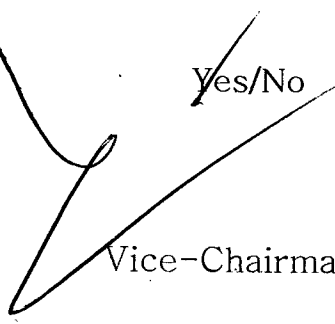
Ms. U.Das, Addl.C.G.S.C.

.....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



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



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.

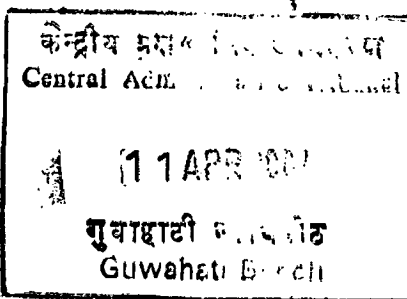
3. Accordingly, in the interest of justice, the Applicants are directed to send a copy of this O.A. to the third Respondent forthwith and on receipt of such copy, the third Respondent or any other competent authority shall consider and dispose of the Annexure-D representation dated 24.02.2007 along the 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/



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.

10

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 24th 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.

Filed by

HG

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-

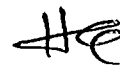
Union of India & Ors.

.....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 th 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



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.

INDEX

S1. No.	Particulars	Page Nos
1.	Original application	1 to 13
2.	Verification	14
3.	Annexure-A	15
4.	Annexure-B	16 to 17
5.	Annexure-C	18 to 19
6.	Annexure-D	20 to 23

Filed by

HG

Hara Gobinda Boruah
Advocate

Dist: Senapati & ors

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORIGINAL APPLICATION NO. /07.

Filed by the
applicants
Bijan Kr Deb
through
Haza Gribinda Baruah
Advocate
5/4/07

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.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 No1: Mr.Bitam 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. Bitam Kumar Deb
S/O: Late Bijoy Kr. Deb
Jr. teacher, 14 A.R.
C/O: 99 APO

Particulars of the Applicants

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

Banta no Deb

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

Dinakar Kr. Deb

2. PARTICULARS OF RESPONDENTS

2.1 Name and designation of (1) The Secretary to the
the Respondents 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
Mahanideshaleya, 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

18
Baitan Vn Deb

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.

Filed Mr. Deb

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 CAT (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.

Dilans for sub

6. Limitation:

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

7. Facts of the case:

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-combatant 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.

Dated 10-12-2023

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.

Bijan K. Deb

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.

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 16th 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 16th 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.

Bulter Kr-Deb

A photocopy of the daily class routine of the Battalion school and order dated 16th 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.

Bilal K. Deb

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 24th 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 24th 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.

Bharat Kr Deb

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 16th August 2005.
- (4) Annexure-D: Joint application of the applicants.

Bilal K. Deb

VERIFICATION

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

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. G. Gouah
Advocate

U800-7007
5500-2000

ANNEXURE- B

Principal

ASSAM

Udaipur

Wef 05/12/05

ASSAM RIFLES SCHOOL, UDAIPUR DAILY CLASS ROUTINE

No.	Name of Teacher	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th
1	Mr. Sebastian M.T	Off	Off	IX English	Off	Off	Off	IX English 2nd
2	Mr. UP Upadhaya	Off	Eng - V	Eng VII	off	Eng - III	Eng VI	Off
3	Mrs. M Sebastian	X 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.T.	VI His/Civ/Lib	Off	V EVS	Off	II S/SLib.	Off	Off
6	Mr. DS Chauhan	IV Hindi	Off	III EVS	V Maths	I Hindi	Off	IX Game/Drw 5,6 1-4 Off
7	Mr. Deepak Nuniya	IV English	II Maths	Off	VIII Hindi	Off	VIII Game 5,6 1-4 Off	VII Hindi
8	Mr. Mitra Raj Chhetry	III Hindi	VII 1-3 Sans 4-6 Lib - 1	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	4.KG Off Eng/Rhy	1-3 - S/St - 1 4-6 - Geo - VI	Off	GK/Drw/M/Sci III	4-H/W V-1-3 4-6 Off	I English	II 1,3 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	I GK/Drw/H/W
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 game 1,2,5,6 off	Off	X Maths	1-IX 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	Hindi I	Off
16	Mrs. Jyoti	Off	Off	Off	Off	Off	IV EVS	Off
	Mrs. Pampa Chakraborty	I Sci/M.Sci	1-3, IX Phy 4-6 X	Off	LKG Maths	VIII 1,2-Phy 3,4 VII-Phy V-3,6-Lib	Off	Off
	Mr. Naraynn Saha	Off	4-6 IX Chem 1-3 X Chem	I Maths	4-6 Off 1,2,3 Game	VII-5,6/3,4-VIII Chem (1,2) Off	(3-6) Off VIII (2,3) Drw	IV GK/Drw/M.Sci

Certified to be true copy
The General
Advocate

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

05/10/05

29

Class	0740-0800	0800-0840	0840-0920	0920-1000	1000-1040	1040-1100	1100-1140	1140-1220	1220-1300
LKG		Hindi/Rhy Mrs SK Lama	1-3 (Eng) Sudeshna 4-6 (Rhy) Beena	Activity/Tiffin Game Mrs SK Lama	Maths Mrs Pampa				
UKG		Eng/Rhy Mrs Senu 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/Drw/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 UP Upadhyaya	EVS Mrs Geeta B	Maths D S Chauhan				
VI		His/Civ/Lib Mrs Geeta B	Sansk 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 Sabastian	Hindi Mr Deepak				
IX		His/Civ/Eco Miss Beena	Phy 1-3 Pampa Chem 4-6 N Saha	English Mr Sebastian	Geo 1-3 G Thapa Bio 4-6 Sudeshna				
X		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 Bitan Deb
Comp 4-6 Rajesh Game 1,3 Rumi Drw 2 Rumi	English Mr UP Upadhyaya	Hind 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 1,2 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 Mrs M Sebastian

Certified to be true copy

Advocate

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

Principal (M)

ASSAM RIFLES SCHOOL
Udaipur, Tripura (S) - 799120

Headmaster
RIFLES SCHOOL
Udaipur, Tripura (S) - 799

Chh. Govt

18-
ANNEXURE. C 30

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. 5500-175-9000/- 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 indl and direct him to submit Graduate Certificate and Mark Sheet in original for our necessary action.
3. An early action is requested.

(S Thamma)

Maj

Adt

For Offg Comdt

Certified to be true copy

He Zorun
Advocate

1072
4500-7000

-19-

31

(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 Nunia 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
Dated 29 July 2005

Adjt

A branch.

*Certified to be true copy
H. B. Bhat
Advocate*

To,

The Director General of Assam Rifles
Mahanideshalaya, Shillong -11

Dated 24th 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
Hce Bonuash
Advocate

- 21 -

- 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 or 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.

22 -

3

PARTICULARS OF THE ASSAM RIFLES TEACHERS FOR PA SCALE

No	Name of the Teacher	Father's Name	Designation	Office Address	Date of Appointment	Place of Posting	Signature
1.	Bilan Kumar Deb	(A) Bijoy KR Deb	Junior Teacher	14 AR	25-12-91	32 AR Kerthiman Boat Ganga Mampan	
2	Madhuprakash Godiyal	Lt. Shri Harshpati Godiyal	Junior Teacher	34 AR	15/04/1989	34 Assam Rifles	
3.	Raj Kumar Thakur	Late Shri Singhe Shiver Thakur	Junior Teacher	34 AR	13/05/1983	34 Assam Rifles	
4	Mr. Joyeeto Deb	Late B. K. Deb	Junior Teacher	19 A R	25/07/2002	19 A R	
5.	Mrs. Swapna Luy	Kabir Chandra Luy	Junior Teacher	22 AR	21-4-1986	22 AR	
6.	Mrs Sarda Chanda	Late Sub K-B Rai 30 Assam Rifles	Junior Teacher	32 AR	-1988	32 AR	

Cont/4

Cont/5

