

13

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO...108/2009-3408
R.A./CP/NO.....2015
E.P./M.P./NO.18/2010 2015

1. Order Sheets.....07 pg.....01.....to.....12 ✓
MA. 18/2010 do 03 pg - 01 to 04 ✓
2. Judgment/ order dtd 02-9-2010 pg.....to.....
MA. 18/10 do 04.8.2010 pg (in order sheet) Dismissed & withdrawn
3. Judgment & Order dtd.....received from H.C. / Supreme Court.
4. O.A.108/2009.....page.....01.....to.....44 ✓
5. E.P./M.P.18/10.....page.....01.....to.....19 ✓
6. R.A./C.P.....page.....to.....
7. W.S. Filed by Recept. 2.....Page.....01.....to.....21 ✓
8. Rejoinder Filed.....page.....01.....to.....47
9. Replypage.....to.....
10. Any other paperspage.....to.....
11. Memo Appearancepg 01 to 07 ✓
12. Consolidated in mt. 108/09 pg-01 to 53

SECTION OFFICER (JUDL.)

P.D. 23/7/2015

23/7/2015
23/7/2015

FROM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 108 /2009

2. Misc Petition No _____

3. Contempt Petition No _____

4. Review Application No _____

Applicant(s) Joynal Abedin

Respondent(s) Union of India Ans.

Advocate for the Applicant(s): Mr. H.K. Das

Advocate for the Respondent(s):6

CGSC

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide I.P.C/BD No. 69F 351797, 351798 & 351799 Dated 12.5.2009	10.06.2009	
<i>N. Dasmalla 9.6.09 Dy. Registrar 8/6/09</i> <u>9.6.09</u> 4 copies of Application with envelope received for issue notice to the Respondents No. 1 to 4 Copy served Advocates welfare fund stamp for Re. 3/- only. <i>8/6/09</i>		

O.A. No.108/2009

10.06.2009 Applicant joined as a Stenographer Grade III, on 16.02.1996, in the Office of the Deputy Director of Regional Centre of Song & Drama Division of Govt. of India at Guwahati, with salaries in the pre-revised pay scale of Rs.1200-30-1560-EB-40-2040.

2. Upon the pay revision (w.e.f. 01.01.1996), he was brought over to S-7 pay scale i.e. Rs.4000-100-6000.

3. In the Standard/Common Pay Scales, as per Part-A of the First Schedule annexed to the Ministry of Finance (Department of Expenditure) Gazette Notification dated 30.09.1997; immediate next higher pay scale was S.8-Rs.4500-125-7000/-

4. On successful completion of 12 years in the said Grade III Stenographer post, the Applicant has been granted ACP/Pay upgradation benefit in the said next higher pay scale i.e.S-8/Rs.4500-125-7000/- by an order dated 07.05.2008 w.e.f. 16.02.2008.

5. Applicant, by way of filing Annexure-5 dated 29.09.2005 and Annexure-6 dated 24.02.2006, has stated that under a set of Recruitment Rules (framed by the Govt. of India in exercise of the powers under the proviso to Article 309 of the Constitution of India) that came into force w.e.f. 29.09.2005, a new/higher scale of pay has been prescribed for all categories of Stenographers of the Hqrs., Regional Offices and Branch Offices of Press Information Bureau of the Ministry of Information & Broadcasting of Govt. of India and those are as under,-

Steno Gr. III	-	Rs.4000-100-6000/-
Steno Grade.II	-	Rs.5000-150-8000/-
Steno Gr.I	-	Rs.5500-175-9000/-

O. A. 108/2009

3

Applicant has prayed (by way of filing a representation dated 20.11.2008 at Annexure-10) that ACP/Pay upgradation benefit ought to have been given to him in the pay scale of Rs.5000-150-8000 (as prescribed) on 29.09.2005 in the Rules specially made for all categories of Stenos of Information & Broadcasting Ministry) instead of the pay scale of Rs.4500-125-7000 (which is/was prescribed in an old general Rules/at S-8 in the General Notification of Ministry of Finance on 30.09.1997) and, without hearing from the Respondents, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

6. A copy of this Original Application has already been supplied to Mr. M.U.Ahmed, learned Addl. Standing Counsel for Govt. of India; who is present in Court today.

7. At the preliminary hearing, Mr. H.K.Das, learned Counsel appearing for the Applicant has argued that on the principle of "Special provision should prevail over the General provisions", the benefits of the pay scale prescribed in the new Recruitment Rules of 29.09.2005 ought to be extended to the Applicant, instead of the General Pay Scale prescribed in the Pay Rules/Govt. of India/Ministry of Finance (Department of Expenditure) Notification dated 30.09.1997.

8. Mr. M.U. Ahmed, learned Addl. Standing Counsel intends to take instructions in the matter.

9. Issue notice to the Respondents requiring them to file their written statement by 05.08.2009. *T*
S

O.A. 108/2009

10. Pendency of this case shall, however, not stand on the way of the Respondents to re-consider the case of the Applicant to grant him ACP/Pay-upgradation benefit at the higher pay scale of Rs.5000-150-8000 and/or to fix the same in the replaced new pay scale prescribed w.e.f. 01.01.2006 and to extend the benefits under the Modified ACP Scheme circulated by DOPT/GOI on 19th May 2009.

11. Send copies of this order to the Applicant & to all the Respondents (along with the notices) and free copies of this order be supplied to the Advocates appearing for both parties.

Received 10/8/09
[Manoranjan Mohanty]
Vice-Chairman

Case No - 8224 - 3227

15/8/09

Date 16.8.09

05.08.2009

On the prayer of Mr.M.U.Ahmed,

learned Addl. Standing counsel representing the Respondents, call this matter on 08.09.2009 awaiting written statement from the Respondents.

① Service report forwarded, and of course awaited.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

4/08/09 /bb/

No 108/2009

2/9/09

Boz

O.A. No.108 of 2009

08.09.2009 No written statement has yet
been filed in this case.

K. Das

send copy's of this
order to the Respondents
in the address given in O.A.

*Qb.
9/9/09*

Call this matter on
21.10.2009 awaiting written
statement from the Respondents.

Send copies of this order to
the Respondents in the address given
in the O.A.

Copies of order
dated 8/9/2009
sent to D/See.
for issuing to
the respondents
by post.

D/No - 1263-1265
Copy
10/9/09. Dt - 15/9/09

No w/s filed.

*22
20.10.09*

21.10.2009 It is stated that reply has been filed today
with a copy to the Applicant who seeks and
allowed four weeks time to file rejoinder.

✓
(M.K.Chaturvedi)
Member(A)

✓
(M.R.Mohanty)
Vice-Chairman

/PB/

List on 04.12.2009.

✓
(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

21.10.09
W/S filed by the
Respondents through
Mr. M.L. Ahmed, Add.
CGSC in the Court.
Copy served.

21/10/09

04.12.2009

Further time is allowed to the
applicant to file rejoinder as a last
opportunity.

List on 05.1.2010. It is made clear
that no further adjournment will be
allowed.

✓
(Madan Kr. Chaturvedi)
Member (A)

✓
(Mukesh Kr. Gupta)
Member (J)

/pg/

No rejoinder
filed.

*22
4.1.2010*

4-01-2010

5.1.2010

Time is extended to file reply as prayed

for.

List the matter on 19.1.2010.

Rejoinder filed by
the applicant, with
undertaking.

(Madan Kumar Chaturvedi)
Member (A)(Mukesh Kumar Gupta)
Member (J)

/lm/

31

4-1-2010

5.1.2010

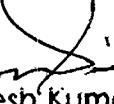
Rejoinder has been filed. Pleadings are
complete.

Admit.

Subject to legal pleas, if any, to be
examined at the time of final hearing.

List the matter for hearing on 5.2.2010.

*The case is ready
for hearing.*

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)
31

4-2-2010

*The case is ready
for hearing.*

31

12-2-2010

5.02.2010

Learned proxy counsel submitted
that Mr H.K.Das, learned counsel for the
applicant is unwell.In the circumstances adjourned
to 15.2.2010.


(Madan Kumar Chaturvedi)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

/pg/

15.02.2010

On the request of Mr.H.K.Das, learned
counsel for Applicant, adjourned to
18.02.2010. He undertakes to inform
Mr.M.U.Ahmed, learned Addl.C.G.S.C. for
Respondents.


(Madan Kumar Chaturvedi)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

/bb/

O.A.108 of 2009

18.2.2010 List the matter on 22.3.2010 along
with M.P.No. 18 of 2010.

M.P. No. 18/10 is
disposed on 18/2/10 as
in order sheet of M.P.

DR.

/lm/

 (Madan Kumar Chaturvedi)  (Mukesh Kumar Gupta)
Member (A) Member (J)

the O.A. No. 108 of 2009 dated 03.03.2010. The present O.A. No. 108 of 2009 has been mentioned by Mr. H.K. Das, learned counsel for applicant stating that vide order dated 18th February 2010 passed in M.A. No. 18 of 2010, certain typographical mistake has crept in, namely in the cost imposed of Rs. 5000/- instead of Rs. 4000/- as described therein. On examination of the matter we find substance in the submission made accordingly the said amount be read as Rs. 4000/- instead of Rs. 5000/- which shall be deposited with Assam State Legal Services Authority.

Digitally signed

Digitally signed
by Madan Kumar Chaturvedi

*W/S and rejoinder
filed by the parties.*

19/3/2010

Digitally signed
by Madan Kumar Chaturvedi /pb/
Date: 22/03/2010 11:45:00 AM

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
O.A. Member (A) Member (B)

Vide order dated 18.02.2010, M.P. filed by the applicant was allowed subject to payment of costs of Rs.4000/- to be deposited with the Assam State Legal Services Authority. Mr.H.K.Das, learned counsel submitted a receipt dated 15.03.2010 of Rs.4000/- paid to Assam State Legal Services Authority in conformity with the order passed by the CAT.

it was submitted that amended O.A. will be filed during the course of the day.

List the matter on 24th March 2010.

(Madan Kumar Chaturvedi)
Member (A)

/pb/

28.06.2010. Amended O.A. has been filed. Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents, states that no additional affidavit/reply will be filed to said amended O.A. In the circumstances, pleadings are complete. As O.A. has already been admitted vide order dated 05.01.2010, list for hearing on 16.07.2010.

*The case is ready
for hearing.*

22
15.7.2010


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

nk

16.07.2010

Both sides express the hope that the matter may be resolved without making submission on merits before the court. List on 04.08.2010.

*The case is ready
for hearing.*

22
3.8.2010

/bb/


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

04.08.2010

Statement has been made by Mr. M.U. Ahmed, learned counsel for the respondents that necessary relief has been granted to the applicant but no order has been received by Guwahati Office i.e., respondent no. 4. It is further stated that except the applicant, there is no other official dealing with the issue in question. We express our serious concern in the manner in which statement is made that though relief has been granted but no order has been received by respondent no. 4. As a matter of indulgence, last and final opportunity is granted to produce such order.

List on 12.08.2010.

*The case is ready
for hearing.*

22
11.8.2010


(Madan Kumar Chaturvedi)
Member (A)

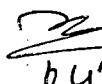

(Mukesh Kumar Gupta)
Member (J)

/bb/

12.08.2010 Direction contained vide order dated 04.08.2010 have not been complied with. No order has been produced to establish that relief prayed by applicant stood granted as informed on the earlier dates of hearing. On the request of both sides one more opportunity is granted.

The case is ready
for hearing.

List on 25.08.2010.


24/8/2010



(Mukesh Kumar Gupta)
Member (J)

nkm

25.08.2010 Despite orders passed on earlier occasion and as informed to this Bench that necessary relief has been granted by the respondents, no order has been produced by the respondents or even by applicant. Mr M.U. Ahmed, learned counsel for the respondents prays for another fourteen days time to produce said order. We notice that repeatedly the matter has been adjourned only for production of said order.

In the circumstances, let Shri Mukesh Sharma, Assistant Director, Song & Drama Division, Guwahati, who has verified the reply filed on behalf of respondents appear and apprise this Tribunal as to what is the real status of the case.

List on 02.09.2010.

Copy of order be made available to learned counsel for the respondents for compliance.


(Madan Kumar Chaturvedi)
Member (A)

nkm

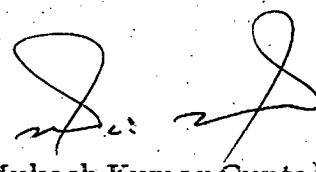

(Mukesh Kumar Gupta)
Member (J)

02.009.2010 Vide order dated 25th August 2010, we required Mr. Mukesh Sharma, Assistant Director, Song & Drama Division, Guwahati to appear in person to explain certain aspects. Mr. M.U. Ahmed, learned Addl. CGSC appearing for Respondents states that copy of said order has been made available to said official for necessary compliance and he has also conveyed over phone to said person for being present in court, but he is not present. No cause has been shown for his absence.

We would have taken serious view of this matter and issue **Non-Bailable** warrant against said official, who dared to flout the order of this Tribunal. However, Mr. H.K. Das, learned counsel for Applicant states that necessary reliefs has been granted to Applicant and therefore he wants to withdraw present O.A.

Accordingly O.A. is dismissed as withdrawn.

Copy of this order be sent to Secretary, Ministry of Information & Broadcasting, Government of India, Shastry Bhawan, New Delhi – 1 to convey our serious concern.

 
(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/pb/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 108 of 2009

Joynal Abedin.

...APPLICANT

- Vs -

Union of India & Ors.

...RESPONDENTS

INDEX

Sl. No.	Particulars	Page Nos.
1.	Synopsis	I to II
2.	List of dates	III to IV
3.	Original Application	1 to 11.
4.	Verification	12.
5.	Annexure- 1 (Memorandum dated 11.12.1995)	13 - 14
6.	Annexure- 2 (Memorandum dated 12.02.1995).....	15 - 20
7.	Annexure- 3 (Order dated 31.03.1997).....	21
8.	Annexure- 4 (Office Order dated 13.07.2001).....	22
9.	Annexure- 5 (Gazette Notification dated 08.10.2005).....	23 - 32
10.	Annexure- 6 (Memorandum dated 24.02.06)	33
11.	Annexure- 7 (Communication dated 26.02.08).....	34 - 35
12.	Annexure- 8 (ACP Scheme dated 09.08.1999).....	36 - 42
13.	Annexure- 9 (Impugned order dated 07.05.08)....	42
14.	Annexure- 10 (Representation dated 20.11.08)....	44

15- *Writs & Suits* : — *45-64*
Replies : — *65-71*
16. *Misc. Petitions No. 18/10- 72-85 Filed by*
17.

*Hab.
9.6.09.*

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 108 of 2009

Joynal Abedin.

..APPLICANT

- Vs -

Union of India & Ors.

..RESPONDENTS

S Y N O P S I S

That the applicants are presently working as Stenographer, Grade- III in the Song and Drama Division, Guwahati Regional Center. The applicant after clearing the competitive examination of Stenographer Grade- III conducted by the Staff Selection Commission in the year 1995 was appointment w.e.f 16.02.1996 in the Song and Drama Division, Ministry of Information and Broadcasting. Initially the applicant was put in a probation period of 2 (two years) w.e.f. 16.02.96.

In the year 2005 the entire cadre of Stenographer under the Ministry of Information and Broadcasting was restructured and new recruitment rule came into effect in the name and style of **"Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers 9Grade- I, Grade- II and Grade- III) Recruitment Rules, 2005.** The said recruitment rule provides for three categories of posts namely Stenographer Grade- I, II and III in the pay scale of Rs. 5500-175-9000, Rs. 5000-150-8000 and Rs. 4000-100-6000 respectively. As per the Recruitment Rule Stenographer Grade- III in the pay scale of Rs. 4000-100-6000 having 8 (eight) years of regular service are eligible for promotion to the post of Stenographer Grade- III in the pay scale of Rs. 5000-150-8000/-. Therefore, the applicant became eligible for promotion in the year 2004.

However, his case was not considered for promotion to the grade of Stenographer Grade- II and as a result had to face acute stagnation in his service career. The respondents by an order dated 07.05.08 considering the stagnation faced by the applicant granted the benefit of 1st financial up gradation w.e.f. 16.02.08 ^W in the pay scale of Rs. 4500-125-7000/-under ACP Scheme of 1999.

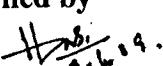
^{W 12 years}

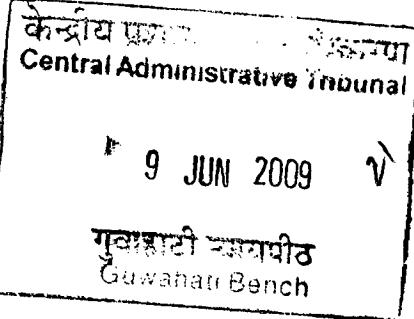
9 JUN 2009 ७९

गुवाहाटी न्यायालय
Guwahati Bench

As per Para 7 of the Annexure -II of the Scheme the financial up gradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts. The next higher grade for the applicant who is presently holding the post of Stenographer Grade- III in the pay scale of Rs. 4000-100-6000 is Stenographer Grade- II carrying the pay scale of Rs. 5000-150-8000. However, the respondents in a total erroneous manner granted the pay scale of Rs. 4500-125-7000/- while extending the benefits of the 1st financial up gradation causing gross discrimination to the applicant. There is no mention of the said scale of pay in the hierarchy of the cadre of Stenographer after the coming of the Recruitment Rule of 2005. Hence the said scale of pay is non existent. The applicant submitted representation dated 20.11.08 ventilating his grievances however the respondents sat over the matter and did not give an eye to the grievances raised by the applicant. The applicant demanded justice but same has been denied to him and having no other alternative has to come before this Hon'ble Court praying for justice.

Hence the present original application.

Filed by

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 108 of 2009

LIST OF DATES

11.12.95 Order nominating the applicant for the post Stenographer Grade- III in the Song and Drama Division, Regional Center, Guwahati after clearing the Stenographer Grade- III examination conducted by the Staff Selection Commission in the year 1995. **[ANNEXURE- 1] [Page- 13]**

12.02.96 Memorandum under No. A-12011/1/95-Admn.I. issued by the Deputy Director (Admn), Song and Drama Division, Ministry of Information and Broadcasting offering temporary appointment to the applicant to the post of Stenographer Grade- III in the pay scale of Rs. 1200-30-1560-EB-40-2040. **[ANNEXURE- 2] [Page- 15]**

16.02.96 The applicant was appointed as Stenographer Grade- III.

31.03.97 Formal appointment order posting the applicant as Stenographer Grade- III at Guwahati Regional Center of Song and Drama Division for a probation period of 2 (two) years w.e.f. 16.02.96. **[ANNEXURE- 3] [Page- 21]**

16.02.98 The applicant completed the probation period successfully.

09.08.99 Memorandum No. 35034/1/97-Estt (D) issued by the Government of India, Department of Personnel, public grievance and Pension (Department of Personnel and Training) circulating a Scheme in the name and style "**Assured Career Progression Scheme for the Central Government Employees**". **[ANNEXURE- 8] [Page- 36]**

13.07.01 Office order No. A-31016/2/2000-Admn.I terminating the probation period of the applicant and appointing him in the substantive post of Stenographer Grade- III, Song and Drama Division, Guwahati Regional Center w.e.f. 16.02.1998. **[Annexure- 4] [Page- 22]**

08.10.05 The cadre of Stenographer was restructures and Government of India framed new recruitment rule in the

9 JUN 2009

पूर्वोत्तरी बैच
Eastern Bench

name and style "Ministry of Information and
Broadcasting, Press Information Bureau's Headquarters,
Regional and Branch Offices Stenographers 9Grade- I,
Grade- II and Grade- III) Recruitment Rules, 2005.
[Annexure- 5] [Page- 23]

24.02.06 Memorandum under No. 2/1/2002-Admn-I dated 24.02.06
circulating the revised distribution of the post of
Stenographers Grade- I, Grade- II & Grade- III after
restructuring of the cadre as per the Recruitment Rule'
2005. [Annexure- 6] [Page- 33]

26.02.08 Communication circulating the Sr. List in the grade of
Stenographer Grade- III in song and drama division as on
01.01.2008. Seniority of the applicant was placed at Sl.
No. 5 showing his date of regular appointment as
16.02.1996 [Annexure- 7] [Page- 34]

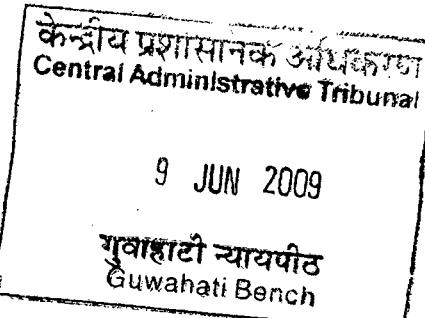
07.05.08 Impugned order No. A-32016/1/99-Admn.I issued by the 3rd
respondent granting the 1st Financial Up gradation to
the applicant from the pay scale of Rs. 4000-100-6000
i.e. Stenographer Grade- III to the scale of pay of Rs.
4500-125-7000 w.e.f. 16.02.08. [Annexure- 9] [Page- 41]

21.11.08 Representation submitted by the applicant making a
grievance against the impugned order dated 07.05.08
granting an erroneous scale of Rs. 4500-125-7000
pursuant to the 1st financial up gradation under the ACP
Scheme. However, the said representation has yielded no
result in positive. [Annexure- 10] [Page- 44]

Filed by

H. S.
9.1.09.

Advocate



Filed by: Prasanta DAS
The Applicant
through
Prasanta DAS
Approved

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

OA No. 108 of 2009.

BETWEEN

Joynal Abedin, Stenographer, Grade- III,
Song and Drama Division, Guwahati
Regional Center, Chandmari, Guwahati-
781003. ✓

APPLICANT

-Versus-

1. Union of India.

Represented by the Secretary, Ministry
of Information & Broadcasting,
Government of India, Shastry Bhawan, New
Delhi- 110001. ✓

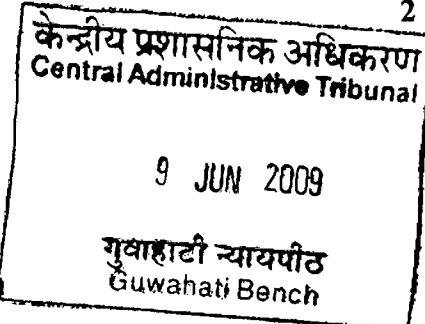
2. The Director, Song and Drama
Division, Ministry of Information &
Broadcasting, Soochna Bhawan, C.G.O.
Complex, Lodi Road, New Delhi- 11 0003. ✓

3. The Deputy Director (Admn), Song
and Drama Division, Ministry of
Information & Broadcasting, Soochna
Bhawan, C.G.O. complex, Lodi Road, New
Delhi- 11 0003. ✓

4. The Deputy Director, Song and
Drama Division, Guwahati Regional
Center, Chandmari, Guwahati- 3. ✓

RESPONDENTS

Joynal Abedin



DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER(S) AGAINST WHICH THE APPLICATION IS MADE:

The present application is directed against the impugned order No. A-32016/1/99-Admn.I dated 07.05.08 [**Annexure- 9**] issued by 3rd respondent.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

4.1 That the applicant is presently working as Stenographer, Grade- III in the Song and Drama Division, Guwahati Regional Center.

4.2 That the applicant cleared the Stenographer Grade- III examination conducted by the Staff Selection Commission in the year 1995. Thereafter, by a Memorandum No. A-12011/1/95-Admn.I dated 11.12.1995 he was nominated by the Staff Selection Commission for appointment to the post of Stenographer Grade- III in the Song and Drama Division, Regional Center, Guwahati in the pay scale of Rs. 1200-30-1560-EB-40-2040. By the said memorandum the applicant was also asked to submit documents.

A typed copy of the memorandum dated 11.12.1995 is annexed herewith and marked as **ANNEXURE- 1**.

4.3 That consequent upon nomination of the applicant by the Staff Selection Commission, the Deputy Director (Admn), Song and Drama Division, Ministry of Information and Broadcasting issued a

Jayusd Aledin

9 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

memorandum under No. A-12011/1/95-Admn.I dated 12.02.1995 offering temporary appointment to the applicant to the post of Stenographer Grade- III in the pay scale of Rs. 1200-30-1560-EB-40-2040. By the said memorandum the applicant was put in a probation period of 2 (two) years from the date of appointment. Thereafter the respondents issued the formal appointment order dated 31.03.1997 to the applicant posting him as Stenographer Grade- III at Guwahati Regional Center of Song and Drama Division initially putting him in a probation period of 2 (two) years w.e.f. 16.02.1996.

A typed copy of the memorandum dated 12.02.1995 and order dated 31.03.1997 is annexed herewith and marked as **ANNEXURE- 2 and 3.**

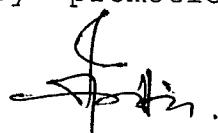
4.4 That the applicant begs to state that the respondents by an office order No. A-31016/2/2000-Admn.I dated 13.7.01 terminated the probation period of the applicant and appointed him in the substantive post of Stenographer Grade- III, Song and Drama Division, Guwahati Regional Center w.e.f. 16.02.1998.

A copy of the Office Order dated 13.07.2001 is annexed herewith and marked as **ANNEXURE- 4.**

4.5 That the applicant begs to state that in the year 2005 entire cadre of Stenographers in non secretarial offices was restructured and the Government of India consequent upon the restructuring framed new recruitment rule in the name and style "**Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers 9Grade- I, Grade- II and Grade- III) Recruitment Rules, 2005**" (herein after referred to as 'Recruitment Rule' 2005') vide Gazette Notification dated 08.10.2005. The aforesaid recruitment rule provides for 3 (three) posts namely:

Stenographer Grade- I	pay scale of Rs. 5500-175-9000.
Stenographer Grade- II	pay scale of Rs. 5000-150-8000.
Stenographer Grade- III	pay scale of Rs. 4000-100-6000.

The Recruitment Rule also provides that the post of Stenographer Grade- II carrying the pay scale of Rs. 5000-150-8000 is to be filled up 100% by promotion from amongst



9 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

Stenographers Grade- III in the pay scale of Rs. 4000-100-6000 working in the Press Information Bureau's Headquarters, Regional and Offices having **8 (eight) years'** of regular service in the grade and failing which by deputation.

A copy of the Gazette Notification dated 08.10.2005 is annexed herewith and marked as **ANNEXURE- 5.**

4.6 That the applicant begs to state that after the restructuring of the cadre the Press Information Bureau, Government of India issued a memorandum under No. 2/1/2002-Admn-I dated 24.02.06 circulating the revised distribution of the post of Stenographers Grade- I, Grade- II & Grade- III after restructuring of the cadre as per the Recruitment Rule' 2005. The relevant portion is quoted below for ready reference:-

Sl. No.	Post	Scale of Pay (In Rupees)	Number of posts before restructuring	Number of posts after restructuring
01	Stenographer Grade- III	4000-150-6000	40	21
02	Stenographer Grade- II	5000-150-8000	9	19
03	Stenographer Grade- I	5500-175-9000	-	9
	Total		49	49

A copy of the memorandum No. No. 2/1/2002-Admn-I dated 24.02.06 is annexed herewith and marked as **ANNEXURE- 6.**

4.7 That the applicant begs to state that the respondents by a communication under No. A.23022/1/08-Admn.I circulated the seniority list in the grade of Stenographer grade- III in the song and Drama Division as on 01.01.2008. In the aforesaid seniority list the applicant was placed at Sl. No. 5 showing his date of regular appointment as 16.02.1996. The persons at Sl. No. 4 and above are enjoying the pay scale of Stenographer Grade- II i.e. Rs. 5000-150-8000/- as 1st Financial Up gradation and the applicant has to face the negation on the part of the respondents of similar benefits.

Jaynal Ahsan

9 JUN 2009

गुवाहाटी खायदीठ
Guwahati Bench

A copy of the communication dated 26.02.08 is annexed herewith and marked as **ANNEXURE- 7**.

4.8 That the applicant begs to state that as per the Recruitment Rules' 2005 the applicant became eligible for promotion to the post of Stenographer Grade- II in the pay scale of Rs. 5000-150-8000 on 16.02.04 after completion of 8 (eight) years of regular service in the post of Stenographer- III. Although the applicant became eligible for promotion to the next higher grade of Stenographer Grade -II in the year 2006 but his case was not considered for promotion till 2008. Hence, the applicant had to face acute stagnation in his service career.

4.9 That the applicant begs to state that the Government of India, Department of Personnel, public grievance and Pension (Department of Personnel and Training) issued an Office Memorandum No. 35034/1/97-Estt (D) dated 09.08.1999 in the name and style "**Assured Career Progression Scheme for the Central Government Employees**" to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme provides for two financial up gradation as per the recommendation of the Fifth Central Pay Commission to the Group- 'A', 'B', 'C' and 'D' employees after completion of 12 (twelve) and 24(twenty four) years of regular service respectively.

The aforesaid Scheme in **Para 7 in Annexure- II** provides that financial up gradation 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.

A copy of the ACP Scheme dated 09.08.1999 is annexed herewith and marked as **ANNEXURE- 8**.

4.10 That the applicant begs to state that considering the acute stagnation faced by the applicant in his service the 3rd respondent by an order No. A-32016/1/99-Admn.I dated 07.05.08 granted the 1st Financial Up gradation to the applicant from the pay scale of Rs. 4000-100-6000 i.e. Stenographer Grade- III to the scale of pay of Rs. 4500-125-7000 w.e.f. 16.02.08.

Jyoti Adhikari

9 JUN 2009

গুৱাহাটী বিধায়কোঠ
Guwahati Bench

It is worthwhile to mention here that the pay scale granted to the applicant i.e. Rs. 4500-125-7000 is not the pay scale of Stenographer Grade- II which is the next higher grade for the applicant. No where in the Recruitment Rule of 2005 there is any mention of the pay scale of Rs. 4500-125- 7000.

A copy of the order dated 07.05.08 is annexed herewith and marked as **ANNEXURE- 9**.

4.11 That the applicant begs to state that as per the Recruitment Rule' 2005 and the Memorandum dated 24.02.06 the next higher grade for the applicant in the cadre of Stenographer is **Stenographer Grade- II** carrying the pay scale of **Rs. 5000-150-8000**. Therefore, as per the ACP Scheme of 1999 Para 7 of the Annexure- II the 1st Financial Up gradation to the applicant should have been to the pay scale of Rs. 5000-150-8000 in the Grade of Stenographer Grade- II. However, the respondents in a total erroneous manner fixed the pay of the applicant in the scale of Rs. 4500-125-7000 causing gross discrimination towards the applicant. It is stated that the said scale of Rs. 4500-125-7000 is not at all existent in the hierarchy of the posts in the cadre of Stenographer.

4.12 That the applicant being aggrieved and making a grievance against the impugned order dated 07.05.08 submitted a representation dated 20.11.2008 to the Deputy Director (Admn.), Song and Drama Division, Soobhna Bhawan, New Delhi. In the said representation the applicant submitted that as per the hierarchy in the cadre of Stenographer, while fixing the pay of the applicant under the ACP Scheme, the pay of the applicant should have been fixed in the time scale of Rs. 5000-150-8000 i.e. the pay scale of Stenographer Grade- II. However, the respondents causing serious discrimination to the applicant granted the benefit of 1st financial up gradation to the scale of Rs. 4500-125-7000/- which is contrary to the Constitutional mandate. Had it been case of isolated post in the absence of defined hierarchical grades, in such a situation the pay scale granted by the respondents would have had some legs to stand. However, as regards the applicant the post held by the applicant is not an isolated post. Therefore, the pay scale granted to the applicant

Jyoti Kedia

19 JUN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

as 1st Financial up gradation under the ACP Scheme is erroneous. The applicant further stated that similarly situated persons in the Stenographer Grade- II are enjoying higher pay scale i.e. Rs. 5000-150-8000/- under the ACP Scheme whereas the applicant is denied of his legitimate claim. However, in spite of the repeated requests the respondents sat over the matter and did not give an eye towards the grievance of the applicant.

A copy of the representation dated 20.11.2008 is annexed herewith and marked as **ANNEXURE- 10**.

4.13. That from the present facts and circumstances of the case it is clear that the pay scale of Rs. 4500-125-7000/- which has been granted to the applicant as 1st financial up gradation under the ACP Scheme is in disparity with the pay scale of other Stenographer Grade- III enjoying through out the country. Moreover, as per the provisions of the Scheme the applicant should have been granted the pay scale of next higher grade as 1st financial up gradation. The next higher grade for the applicant in accordance with the existing hierarchy in the cadre of Stenographer is Stenographer Grade- II in the pay scale of Rs. 5000-150-8000/-. However, the respondents in clear violation of the provisions of the Scheme and causing gross discrimination have granted a lower pay scale of Rs. 4500-125-7000/- to the applicant which has no existence in the cadre of Stenographer. Hence the present case is a fit case wherein the Hon'ble Tribunal may be pleased to pass an interim order directing the respondents to grant the pay scale of stenographer Grade- II i.e. Rs. 5000-150-8000 w.e.f. 16.02.08 and the difference in pay from the said date pending disposal of the present original application. The applicants have made out a prima facie case of illegality and arbitrariness on the part of the respondents. The balance of convenience is in favour of the applicants for such an interim order. They would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

4.14 That the applicant demanded justice from the respondents which has been denied to him.

Jaynal Akedri

9 JUN 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

4.15 That the applicant has no other alternative or any other efficacious remedy and the remedy sought for, if granted, shall be adequate, just and proper.

4.16 That the applicant has filed this application bonafide for securing the ends of justice.

5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS :-

5.1 Because the respondents illegally and arbitrarily granted a lower pay scale to the applicant as 1st financial up gradation under the ACP Scheme which in clear violation of Article 14 and 16 of the Constitution of India. Hence on this ground alone the impugned order is liable to be set aside and quashed.

5.2 Because the respondents committed gross illegality in granting a lower pay scale i.e. Rs. 4500-125-7000/- to the applicant instead of Rs. 5000-150-8000/- which has resulted in serious discrimination towards the applicant. Law is very clear that there should not be arbitrary classification in granting the pay scales and there should be equal pay for equal work. Hence, on this score alone the impugned orders are liable to be set aside and quashed.

5.3 Because the **Para 7 of Annexure- II of the Assured Career Progression scheme of 1999** provides that financial up gradation 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. The next higher grade from the post of Stenographer Grade- III, which the applicant is presently holding, is Stenographer Grade- II carrying the pay scale of Rs. 5000-150-8000/-. Therefore, as per the provisions of the Scheme while granting the benefit of 1st financial up gradation the pay of the applicant should have been Rs. 5000-150-8000/-. However, the respondent causing serious discrimination granted a pay scale of Rs. 4500-125-7000/- to the applicant. Hence, the respondents committed gross illegality and arbitrariness in granting a lower pay scale negating the legitimate claim of the applicant and on this score alone the

Jaynal Aledri

9 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

impugned order is liable to be set aside and quashed by this Hon'ble Tribunal.

5.4 Because the basic aim of the ACP Scheme is to remove the problem of genuine stagnation and hardship faced by the Central Government Civilian employees due to lack of adequate promotional avenues. However, in the case of the applicant the respondents while removing the stagnation created discrimination to the applicant by granting a lower pay scale which is contrary to the Constitutional provisions and spirit of the Scheme and not at all sustainable in the eye of law.

5.5 Because the similarly situated persons in the cadre of Stenographer Grade- III in the entire country are enjoying the pay scale of Rs. 5000-150-8000/- as 1st financial up gradation whereas the respondents are denying the applicant from the similar benefits. Hence, on this score alone the impugned order is liable to be set aside and quashed.

5.6 Because from the sequence of events it is clear that the impugned order is illegal and arbitrary and has been issued depriving the applicants from his legitimate claim of higher pay scale i.e. Rs. 5000-150-8000/- as 1st financial up gradation under the ACP Scheme. Hence on this ground alone the impugned orders are liable to be quashed.

The applicant craves leave of the Hon'ble Court to advance more grounds both legal and factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

Syed Aledi

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

The applicant further declares that he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any other court or any other bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. **RELIEF(S) SOUGHT FOR:**

8.1. To quash / set aside / modify the impugned orders dated 07.05.08 to the extant of correct fixation of pay and grant all the consequential service benefits.

8.2. To direct the respondents to grant the pay scale of Rs. 5000-150-8000/- to the applicant w.e.f. 16.02.08 and to re-fix his pay accordingly.

8.3. To direct the respondents to pay the arrear in pay w.e.f. 16.02.08 taking the pay scale to be Rs. 5000 - 150 - 8000/-.

8.4. To direct the respondents to pay interest @ 21% on the arrear pay (as indicated in Para 8.3).

8.5. Cost of the application.

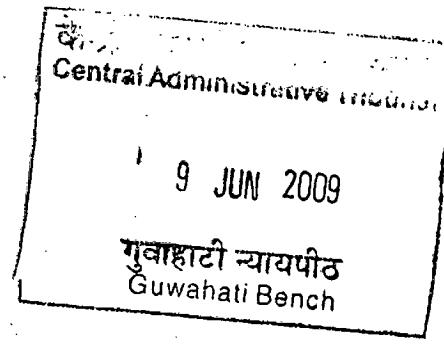
8.6. To pass any such order/orders as Your Lordships may deem fit and proper.

9. **INTERIM ORDER PAYED FOR:**

Pending disposal of the present original application the applicant prays for an interim order directing the respondents to consider his case towards granting the pay scale of Rs. 5000-150-8000/- to the applicant w.e.f 16.02.08 with re-fixation as prayed above and pay the arrear in pay scale w.e.f. 16.02.08.

10. The application is filed through Advocates.

Keyu Alcock



11. PARTICULARS OF THE IPO:

(I) IPO No.	:	69F 351797, 351798, 351799
(II) Date of Issue	:	12.5.09
(III) Issued from	:	6.P.O
(IV) Payable at	:	Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

...Verification

Jaynel Acadia

९ JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

VERIFICATION

I, Joynal Abedin, son of Md. Kamor Ali, aged about 39 years, presently working as Stenographer, Grade- III, Song and Drama Division, Guwahati Regional Center, Chandmari, Guwahati- 781003, Assam, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.8, 4.11, 4.13, 4.14, and 4.15 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.10 and 4.12 being matters of records are true to my information derived there from and the grounds urged are as per legal advice and rests are my humble submission before the Hon'ble Court. I have not suppressed any material fact.

And I sign this verification on this the 9th day of July, 2009 at Guwahati.



APPLICANT

No. A-12011/1/95-Admn. I
 Song and Drama division
 Ministry of Information and Broadcasting

केन्द्रीय मन्त्रालय
 Central Administrative Ministry

9 JUN 2009

गुवाहाटी न्यायपीठ
 Guwahati Bench

Soochna Bhawan, CGO Complex,
 Lodhi Road, New Delhi- 110003

Dated the 11th Dec. '95

M E M O R A N D U M

Sri Joynal Abedin is informed that he has been nominated by the Regional Director, Staff Selection Commission, Guwahati for his appointment to the post of Stenographer Grade- III in the scale of pay of Rs. 1200-30-1560-EB-40-2040. Sri Joynal Abedin is advised to give his willingness for his appointment to the post of Stenographer Grade- III within 15 days after the receipt of this memorandum.

Sri Joynal Abedin is also requested to submit the following certificate/documents in original along with receipt of this memorandum:-

- i) Age Certificate;
- ii) Educational qualification certificate;
- iii) Certificate of physical fitness from civil surgeon/District Medical Officer;
- iv) Character certificate from two Gazetted officer duly counter- signed by Dist. Magistrate/SDM;
- v) Attestation form duly filled in (in triplicate);
- vi) Caste Certificate

In case he is not interested in his appointment in the Song and Drama Division, he may inform the undersigned immediately.

Address
Has.
Adress

Sd/-
 (SURINDER MOHAN)
 DEPUTY DIRECTOR (ADMN.)

Shri Joynal Abedin,
 C/O Makbul hussain sarkar,
 Shoe Center, (Station Road)
 P.O. & Dist.- Bongaigaon-783380.

Joynal Abedin

Ho. A1204/1/95-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

Regd. No. 36
Soochna Bhawan, CBO Complex,
Lodhi Road, New Delhi-110003.

Dated the 11th Dec. '95.

MEMORANDUM

Shri Joynal Abedin is informed that He has been nominated by the Regional Director, Staff Selection Commission, Guwahati, for his appointment to the post of Stenographer Grade III in the Song and Drama Division, Regional Centre, Guwahati in the scale of pay of Rs. 1200-/-, Rs. 1500-/-, Rs. 40-2040. Shri Joynal Abedin is advised to give his willingness for his appointment to the post of Stenographer Grade III within 15 days after the receipt of this Memorandum.

Shri Joynal Abedin is also requested to submit the following certificates/documents in original alongwith two attested copies thereof within 15 days after the receipt of this memorandum:-

- i) Age Certificate;
- ii) Education/qualification certificate;
- iii) Certificate of Physical fitness from Civil Surgeon/District Medical Officer;
- iv) Character certificate from two Gazetted Officers, duly counter-signed by Dist. Magistrate/SDM;
- v) Attestation form duly filled in (in triplicate);
- vi) Caste Certificate.

If he is not interested in his appointment in the Song and Drama Division, he may inform the undersigned immediately.

Surinder Mohan
(SURINDER MOHAN)
DEPUTY DIRECTOR (ADMN.)

Shri Joynal Abedin,
C/O Mekbul Hussain Sarker,
SHOP CENTRE (Station Road)
P. O. & Dist. Bongaigaon
783380

Attested.

H.M.S.

Advocate

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer

9 JUN 2000

गुवाहाटी न्यायालय
Guwahati Bench

केन्द्रीय प्रशासन
Central Administrative Institute

9 JUN 2009

No. A-12011/1/95-Admn. I
Song and Drama division
Ministry of Information and Broadcasting

गुवाहाटी न्यायपीठ
Guwahati Bench

Soochana Bhawan, CGO Complex,
Lodhi Road, New Delhi- 110003

Dated the 12th February 1996

M E M O R A N D U M

Consequent upon his nomination by the staff Selection commission for appointment to the post of Stenographer Grade III Sri Joynal Abedin is hereby offered temporary appointment to the post of Stenographer Grade III in the office of Song and Drama Division. He shall also be entitled to draw dearness and other allowances at the rates admissible under Rules and subject to the conditions laid down in the orders governed in grant of such allowance in force from time to time.

2. The terms of appointment are as follows:-

- i) The appointment is purely temporary and will not confer any title for permanent employment.
- ii) The appointment may be terminated at any time by a month's notice by either side i.e. by the appointee or the appointing authority without assigning any reason. The appointing authority, however, reserves the right of terminating the service of the appointee forthwith or before the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the part of notice or the expired portion thereof.
- iii) The appointment carries with it liability to serve in any part of India or abroad.
- iv) Sri Joynal Abedin shall be on probation for a period of two years from the date of appointment which may be extended or curtailed at the discretion of the appointing authority.
- v) The Headquarters of Sri Joynal Abedin will be for the present at Song & Drama Division, P.D. Challiha Road, Guwahati-781003.

3. The appointment will further subject to:-

- i) Production of certificate of fitness from competent authority, Civil Surgeon/District Medical Officer,
- ii) In accordance with the Rules in force in regard to recruitment of service under the Govt. of India:-
 - a) No male person who has more than one wife living or who having spouse living, marries in any case in which such a marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service, unless the Govt. of India after being

4th June
Hab.
Adams

Joynal Abedin

ते गुवाहाटी अधिकारी
Central Board of Secondary Education
Guwahati Bench

9 JUN 2000
गुवाहाटी न्यायपीठ
Guwahati Bench

satisfied that there are special grounds for doing so exempt any male person from the operation of this rule.

b) No female person whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of service, unless the Govt. of India after being satisfied that there are special grounds for doing so, exempt any female person from the operation of this rule.

The offer of appointment is, therefore, conditional upon his/her satisfying the requirements mentioned above and to his/her furnishing to this Division a declaration asked in Annexure to this memorandum along with his/her reply. If, however, he/she does not satisfy the above condition and desires to be exempted from the operation of the above mentioned rules for any special reason, he/she should make a representation in writing in this behalf immediately. The officer of appointment would in that case be treated as cancelled and further communication will be sent to him/her in due course, if upon consideration of his/her representation it is decided to offer him/her temporary appointment of **Stenographer Grade- III** in the Song and Drama Division.

iii) Taking of an oath of allegiance/faithfulness to the Constitution of India or making a solemn affirmation to that effect in prescribed proforma:

iv) Production of the following original documents/certificates along with two attested copies of each:-

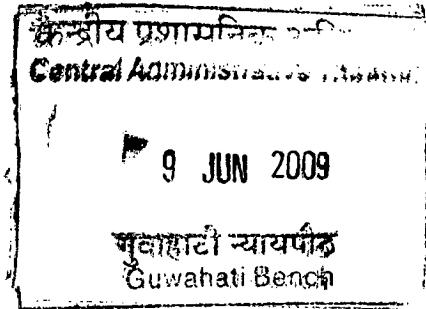
- a) Educational Qualification,
- b) Certificate of age,
- c) Character certificate in the prescribed proforma from two Gazetted Officers duly countersigned by Dist. Magistrate/S.D.M.
- d) Certificate in the prescribed proforma in support of candidates claim to belong ST/SC/OBC.

4. If any declaration given or information furnished by Sri **Joynal Abedin** proves to be false or if he/she is found to have willfully suppressed by material/information, he will be liable to removal from service and to such other action as Government deem necessary.

5. If Sri **Joynal Abedin** accepts the offer on the above terms and conditions, he/she should communicate his/her acceptance or report to the authority mentioned in Para 2(v) above immediately and in no case later than. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer of appointment will be treated as cancelled.

6. No traveling allowance will be allowed for joining this appointment.

Joynal Abedin



Sd/-

(SURINDER MOHAN)

Deputy Director (Admn.)

Sri Joynal Abedin

S/o Md. Kamor Ali,
Vill- BandhalPara,
P.O & P.S. -Bilasipara,
Dist- Dhubri (Assam)
Pin-783348.

Copy to:-

1. Pay & Accounts officer (Through Dy. Director, Guwahati)
2. Personal file of Sri Joynal Abedin,
3. Deputy Director, S & DD, Guwahati Center.
4. Guard File (Adm. I Section)
5. Computer cell, S & DD.

Sd/-

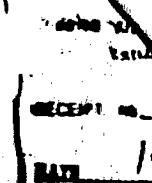
(SURINDER MOHAN)

Deputy Director (Admn.)

Joynal Abedin

No. -A-12011/1/95 Admn. I
Song & Drama Division
Ministry of Information & Broadcasting

Goochua Bhawan, CGO Complex,
Lodi Road, New Delhi-110003



Dated the 12th February, 1996.

MEMORANDUM

Consequent upon his/her nomination by the Staff Selection Commission for appointment to the post of Stenographer Grade III of in the scale of pay of Rs. 1200-30-1560-EB-40-2040, Sh./Smt./Sh. Joynal Abedin is hereby offered a temporary appointment to the post of Stenographer Grade III in the office of Song & Drama Division. He/She shall also be entitled to draw dearness and other allowances at the rates admissible under Rules and subject to the conditions laid down in the orders governed in grant of such allowances in force from time to time.

2. The terms of appointment are as follows:-

i) The appointment is purely temporary and will not confer any title for permanent employment.

ii) The appointment may be terminated at any time by a month's notice, by either side i.e. by the appointee or the appointing authority without assigning any reasons. The appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the stipulated period of notice by making payment to him/her of a sum equivalent to salary and allowances for the part of notice or the expired portion thereof.

iii) The appointment carries with it liability to serve in any part of India or abroad.

iv) Sh./Smt./Sh. Joynal Abedin shall be on probation for a period of two years from the date of appointment which may be extended or curtailed at the discretion of the appointing authority.

v) The Headquarters of Sh./Smt./Sh. Joynal Abedin will be for the present at Song & Drama Division, P.D. Chaliha Road, Guwahati-781003.

3. The appointment will further subject to:-

i) Production of certificate of fitness from competent authority, Civil Surgeon/District Medical Officer.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

A. A. Ali
Hab.
Advocate

40
-19-

accordance with the rules in force in regard to recruitment of service under the Govt. of India:-

a) No male person who has more than one wife living or who having a former wife, marries in any case in which such a marriage is void by reason of its taking place during the life time of such former wife, shall be eligible for appointment to the service, unless the Govt. of India after being satisfied that there are special grounds for doing so, exempt any male person from the operation of this rule.

b) No female person whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who have a wife living at the time of service, unless the Govt. of India after being satisfied that there are special grounds for doing so, exempt any female person from the operation of this rule.

The offer of appointment is, therefore, conditional upon his/ her satisfying the requirements mentioned above and to his/her furnishing to this Division a declaration asked in Annexure to this Memorandum, alongwith his/her reply. If, however, he/she does not satisfy the above condition and desires to be exempted from the operation of the above mentioned rules for any special reasons, he/she should make a representation in writing in this behalf immediately. The offer of appointment would in that case be treated as cancelled and further communication will be sent to him/her in due course, if upon consideration of his/her representation it is decided to offer him/her temporary appointment of Stenographer Grade III in the Song & Drama Division.

iii) Taking of an oath of allegiance/faithfulness to the constitution of India or making a solemn affirmation to that effect in prescribed proforma.

iv) Production of the following original documents/certificates alongwith two attested copies of each:-

a) Educational Qualification

b) Certificate of age

c) Character Certificate in the prescribed proforma from two gazetted Officers duly countersigned by Distt. Magistrate/S.D.M.

d) Certificate in the prescribed proforma in support of candidates claim to belong to ST/SC/OWC.

4. If any declaration given or information furnished by Sh./Smt./Mr. Loynal Abedin proves to be false or if he/she is found to have wilfully suppressed by material/information, he/she will be liable to removal from service and to such other action as Government deem necessary.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

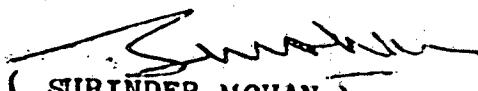
9 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

5. If Sh./Off//Wd. Joynal Abedin accepts the offer on the above terms and conditions, he/she should communicate his/her acceptance or report to the authority mentioned in para 2(v), above immediately and in no case later than 4. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer of appointment will be treated as cancelled.

9.2.96

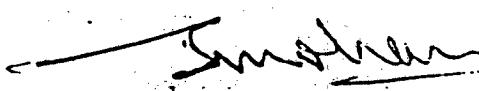
6. No travelling allowance will be allowed, for joining this appointment.


(SURINDER MOHAN)
Deputy Director (Admn.)

Shri Joynal Abedin

S/O Md. Kamor Ali
Vill. Bandhalpara
P.O & P.S. Bilaipara,
Dist. Dhubri (Assam)
Pin. 783348.

Copy to:-
1. Pay & Accounts Officer (Through Dy. Director, Guwahati)
2. Personal file of Sh./Gmt/Km. Joynal Abedin
3. Deputy Director, SMDU, Guwahati Centre.
4. Guard File (Adm. I Section)
5. Computer Cell, SMDU.


(Extra copy)

(SURINDER MOHAN)
Deputy Director (Admn.)

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

No. A-12011/1/95-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

CGO Complex, Lodhi Road,
New Delhi-110003.

Dated the March 31, 1997.

568

8/4/97

ORDER

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Shri Joynal Abedin is appointed to the post of Stenographer Grade III (Group 'C' Non-gazetted) carrying a scale of pay of Rs.1200-30-1560-EB-40-2040 on temporary basis w.e.f. 16th February, 1995 (FN).

2. On his appointment to the post of Stenographer Grade III, Shri Joynal Abedin is posted at Guwahati Regional Centre of the Division.

3. Shri Joynal Abedin, Stenographer Grade III will be on probation for a period of two years w.e.f. 16th February, 1996.

Surinder Mohan
(Surinder Mohan)
Deputy Director(Admn.)

1. Shri Joynal Abedin, Stenographer, Song and Drama Division, Guwahati Regional Centre.
2. Deputy Director, S&DD, Guwahati Regional Centre.
3. His Nomination folder received from the Staff Selection Commission and Medical Fitness Certificate, Two Character Certificates etc.(in original) are enclosed for necessary record in his Service-Book/Personal file.
4. The Pay and Accounts Officer, Doordarshan, Guwahati.
5. Personal file of Shri Joynal Abedin.
6. P.A. to Director, S&DD.
7. Guard file/ Stock file (Admn.I).

Surinder Mohan
(Surinder Mohan)
Deputy Director(Admn.)

arya

Atul

Hab

Advani

No. A-31016/2/2000-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

CGO Complex, Soochna Bhawan,
Lodhi Road, New Delhi-110003

Dated the 13th July, 2001.

OFFICE ORDER

The competent authority is pleased to terminate the probation period and also to appoint the following Stenographer Grade III, Song and Drama Division, in substantive capacity from the date shown against each:-

S.No.	Name	Date of termination of probation period.	Date of appointment in the substantive capacity.	Present place of posting.
1.	Sh. Nirmal Kumar	29.8.1993	29.8.1993	Lucknow
2.	Ms. K.B. Suja Devi	30.1.1998	30.1.1998	Bangalore
3.	Sh. Jaynal Abedin	16.2.1998	16.2.1998	Guwahati
4.	Ms. Charul	24.10.1998	24.10.1998	Delhi Region.
5.	Sh. Yoginder Soni	06.04.2000	06.04.2000	Bhopal.
6.	Sh. Kamal Rawat	04.05.2000	04.05.2000	Chandigarh
7.	Sh. Pankaj Kumar	01.07.2000	01.07.2000	Delhi.

K.L.DAS
(K.L.DAS)
ADMINISTRATIVE OFFICER

Copy to:-

1. All individuals concerned.
2. All Officers at Hqs./Regional/Sub-Centres.
3. Personal file of all concerned.
4. All Pay & Accounts Officer concerned (Through DD, concerned).
5. PA to Director, S&DD.
6. Guard file (Admn. I Section).

K.L.DAS
(K.L.DAS)
ADMINISTRATIVE OFFICER

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

*Arya**

Afzal

H.D.S.

Advani

EXTRACT FROM THE GAZETTE OF INDIA : PART II, SEC. 3, SUB-SEC. (i)

Appearing on Page Nos. 1492—1501

Dated 8-10-2005

सूचना और प्रसारण मंत्रालय
MINISTRY OF INFORMATION AND BROADCASTING

अधिसूचना

नई दिल्ली, 29 सितम्बर, 2005

सा.का.नि. 359.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक हारा प्रदत्त शक्तियों का प्रयोग करते हुए, पत्र सूचना कार्यालय (समूह 'ग' पद-मुख्यालय) भर्ती नियम, 1989, पत्र सूचना कार्यालय (समूह 'ग' पद-पूर्वी क्षेत्र) भर्ती नियम, 1989, पत्र सूचना कार्यालय (समूह 'ग' पद-दक्षिणी क्षेत्र) भर्ती नियम, 1989, और पत्र सूचना कार्यालय (समूह 'ग' पद-परिचनी क्षेत्र) भर्ती नियम, 1969, को जहां तक उनका संबंध आशुलिपिक (कन्चित) और आशुलिपिक (ज्येष्ठ) के पदों से है, उन बातों के सिवाय अधिकांश करते हुए, जिन्हें ऐसे अधिकारण से पहले किया गया है या करने का लोप किया गया है, सूचना और प्रसारण मंत्रालय, पत्र सूचना कार्यालय मुख्यालय, क्षेत्रीय और शाखा कार्यालयों में आशुलिपिकों के पदों की भर्ती की पद्धति का विनियमन करने के लिए निष्पत्तिवित नियम बनाते हैं, अर्थात्—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम सूचना और प्रसारण मंत्रालय, पत्र सूचना कार्यालय मुख्यालय, क्षेत्रीय और शाखा कार्यालय आशुलिपिक (श्रेणी-1, श्रेणी 2 और श्रेणी 3) भर्ती नियम, 2005 है।

(2) ये एलप्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. लागू होना.—ये नियम इन नियमों से उपर्युक्त अनुसूची के स्तंभ (1) में विनिर्दिष्ट पदों को लागू होंगे।

3. पद संख्या; शर्माकरण और वेतनमान.—उक्त पदों को संख्या, उनका वर्गीकरण और उनके वेतनमान ये होंगे जो इन नियमों से उपर्युक्त अनुसूची के स्तंभ (2) से स्तंभ (4) में विनिर्दिष्ट हैं।

4. भर्ती की पद्धति, आयु-सीमा, अद्वारा आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा, अद्वारा और उससे संबंधित अन्य बातें ये होंगी, जो उक्त अनुसूची के स्तंभ (5) से स्तंभ (14) में विनिर्दिष्ट हैं।

5. निर्दृता.—क्लैर्इ व्यक्ति,—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञा है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रबंधन से छूट दे सकेगी।

6. शिथिल करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो व्यावरण हैं उन्हें लेखबद्ध करके तथा संघ स्तोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वार्ग या प्रकार के व्यक्तियों की शावत, आदेश द्वारा शिथिल कर सकेगी।

7. व्यावृत्ति.—इन नियमों की कोई बात, ऐसे आरक्षण, आयु-सीमा में छूट और अन्य रिपायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों, भूतपूर्व सेविकों और अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अपेक्षित है।

2990 I & B/2005

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी-न्यायपीठ
Guwahati Bench

Adv.

H.M.

Advocate

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

— 24 —

2

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	चयन अथवा अवयन पद	सेवा में जोड़े गए वर्षों का फलयदा केन्द्रीय विभिन्न सेवा (पेशन) नियम, 1972 के नियम 30 के अधीन अनुमेय है या नहीं
(1)	(2)	(3)	(4)	(5)	(6)
1. आशुलिपिक श्रेणी-1	9* (2005)	सामाजिक केन्द्रों ‘कार्यभार के आधार पर परिवर्तन किया जा सकता है	सेवा, समूह 'ख', अराजपत्रित, अनुसन्धित	5500-175- 9000 रुपए	चयन लागू नहीं होता
सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा		सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित शैक्षिक और अन्य अहताएं		सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अहताएं, प्रोन्ति व्यक्तियों की दशा में लागू होंगी या नहीं	परिवेश की अवधि यदि कोई हो
(7)	(8)			(9)	(10)
लागू नहीं होता		लागू नहीं होता		लागू नहीं होता	2 वर्ष
भर्ती की पद्धति : भर्ती सीधे होंगी या प्रोन्ति द्वारा या प्रतिनियुक्ति/आमेलन द्वारा वथा विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता			प्रोन्ति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में से ब्रेंडिंग जिनसे प्रोन्ति/ प्रतिनियुक्ति/आमेलन किया जाएगा		
(11)				(12)	
प्रोन्ति			प्रोन्ति : पत्र सूचना कार्यालय के मुख्यालय, क्षेत्रीय और शाखा कार्यालयों में कार्यालय 5000-8000 रुपए के वेतनमान में ऐसे आशुलिपिक श्रेणी 2 जिन्होंने उस श्रेणी में तीन वर्ष नियमित सेवा की है।		
			टिप्पणी : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध में, जिन्होंने अपनी अहक/पात्रता सेवा पूरी की है, प्रोन्ति के लिए विचार किया जा रहा हो वहां उनके अपेक्षित व्यक्तियों के संबंध में भी विचार किया जाएगा परन्तु यह तब जब कि उनके द्वारा की गई ऐसी अहक/पात्रता सेवा, अपेक्षित अहक/पात्रता सेवा के आधे से अधिक से या दो वर्ष से, इनमें से जो भी कम हो, और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित उनकी उच्चातर श्रेणी में प्रोन्ति के लिए अपनी परिवेश की अवधि सफलतापूर्वक पूरी कर ली है, जिन्होंने ऐसी अहक/पात्रता सेवा पहले ही पूरी कर ली है।		
चार्दि विभागीय प्रोन्ति समिति है, तो उसकी संरचना			भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा		
(13)				(14)	
प्रोन्ति के संबंध में विचार करने के लिए समूह 'ख' विभागीय प्रोन्ति समिति जो निम्नलिखित से पिलकर बनेगी :—			इन नियमों के किसी उपर्युक्त का संशोधन करने या उसको शिथिल करने के लिए संघ लोक सेवा आयोग से परामर्श करना आवश्यक है।		
1. एपेक्षित अपर प्रधान सूचना अधिकारी या अपर प्रधान सूचना अधिकारी (प्रशासन)		— अप्पक्ष			
2. सहायक प्रधान सूचना अधिकारी (प्रशासन)		— सदस्य			
3. अवर सचिव, सूचना और प्रसारण मंत्रालय (पत्र सूचना कार्यालय से संबंधित)		— सदस्य			
4. अनुसूचित जाति या अनुसूचित जनजाति का अवर सचिव सर का कोई अधिकारी		— सदस्य			

9 JUN 2009 ५८

गुवाहाटी न्यायालय
Guwahati Bench

(1)	(2)	(3)	(4)	(5)	(6)
2. आशुलिपिक श्रेणी 2	19* (2005) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है)	साधारण केन्द्रीय सेवा, समूह 'ग', अराजपत्रित, अनुसंचितीय	5000-150- 8000 रुपए	चयन	लागू नहीं होता
(7)	(8)	(9)	(10)		
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता		

(11)

शत प्रतिशत प्रोन्नति द्वारा जिसके न हो सकने
पर प्रतिनियुक्ति द्वारा ।

प्रोन्नति : पत्र सूचना कार्यालय के मुख्यालय, क्षेत्रीय और शाखा कार्यालयों में कार्यरत 4000-100-6000 रुपए के वेतनमान में ऐसे आशुलिपिक श्रेणी 3 में से जिन्होंने उस श्रेणी में आठ वर्ष नियमित सेवा की है।

प्रतिनियुक्ति :

5000-150-8000 रुपए के वेतनमान में सदूचा या समतुल्य पद धारण करने वाले ऐसे अधिकारियों में से जिन्होंने उस श्रेणी में तीन वर्ष नियमित सेवा की है।

टिप्पण 1 : प्रतिनियुक्ति को अवधि उसी या किसी अन्य संगठन में इस नियुक्ति से ठीक पहले धारित किसी अन्य काफ़ार बाह्य पद पर प्रतिनियुक्ति को अवधि साधारणतया 3 वर्ष से अधिक नहीं होगी।

टिप्पण 2 : प्रतिनियुक्ति पर नियुक्ति के लिए अधिकतम आयु-सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी।

(12)

(13).

समूह 'ग' विभागीय प्रोन्नति समिति जो निम्नलिखित से
मिलकर बनेगी :—

1. अध्यक्ष अपर प्रधान सूचना अधिकारी या अपर प्रधान
सूचना अधिकारी (प्रशासन)
2. सहायक प्रधान सूचना अधिकारी (प्रशासन)
3. अवर सचिव, सूचना और प्रसारण मंत्रालय (पत्र सूचना
कार्यालय से संबंधित)
4. अनुसूचित जाति या अनुसूचित जनजाति का
अवर सचिव स्तर का कोई अधिकारी

(14)

लागू नहीं होता।

—अध्यक्ष
—सदस्य
—सदस्य
—सदस्य

(1)

(2)

(3)

(4)

(5)

(6)

3. आशुलिपिक श्रेणी 3	21* (2005) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है।)	साधारण केन्द्रीय सेवा, समूह 'ग' अराजपत्रित, अनुसंचितीय	4000-100- 6000 रुपए	कर्मचारी चयन आयोग के माध्यम से सोधी भर्ती	18-25 वर्ष के बीच केन्द्रीय सरकार द्वारा जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए 40 वर्ष तक शियिल की जा सकती है और अनुसूचित जातियों और अनुसूचित जनजातियों की वापत 45 वर्ष तक।
-------------------------	---	---	------------------------	---	---

टिप्पण 1 :— आयु-सीमा अवधारित करने
के लिए नियायिक तारीख भारत में

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

अध्यर्थियों से आवेदन प्राप्त
नियत की गई अंतिम तारीख
कि बह अंतिम तारीख जो असम
अस्त्राचल प्रदेश, मिजोरम, म
नागालैंड, त्रिपुरा, सिक्किम, जम्मू-क
राज्य के लद्दाख छंड, हिमाचल प्रदेश
लाहौल और स्पीति जिले तथा चम्बा-चि
के पांगी उपखंड, अंदमान और निकोब
द्वीप या सक्षम्भवीप के अध्यर्थियों के लिए
विहित को गई है।

टिप्पणि 2 :— रोजगार कार्यालयों
माध्यम से को जाने वाली नियुक्ति की द
में, आयु-सीमा अवधारित करने के लिए
निर्णायक तारीख बह अंतिम तारीख हो।
जिस पर रोजगार कार्यालयों से नाम भेज
के लिए कहा गया है।

(7)	(8)	(9)	(10)
लागू नहीं होता	(क) किसी मान्यताप्राप्त बोर्ड या विश्वविद्यालय से मैट्रिकुलेशन या समतुल्य परीक्षा उत्तीर्ण। (ख) आशुलिपि में ४० शतांश प्रति भिन्न की गति दो वर्षोंतक त्रिकाल में ३० शतांश प्रति भिन्न की गति।	लागू नहीं होता	दो वर्ष
(11)		(12)	
शत प्रतिशत सौधी भर्ती हाया		लागू नहीं होता	
(13)		(14)	
विभागीय प्रोनेन्टि समिति (पुष्टि के संबंध में मामलों पर विचार करने के लिए) जो निम्नतिनिधित से मिलकर बनेगी :— पत्र सूचना कार्यालय (मुख्यालय)		लागू नहीं होता।	
1. उप प्रधान सूचना अधिकारी या जन सम्पर्क निदेशक (प्रशासन)	— अध्यक्ष		
2. सहायक प्रधान सूचना अधिकारी (प्रशासन)	— सदस्य		
3. अवर सचिव, सूचना और प्रसारण मंत्रालय (पत्र सूचना कार्यालय से संबंधित)	— सदस्य		
क्षेत्रीय कार्यालय चंडीगढ़			
1. सूचना अधिकारी, पत्र सूचना कार्यालय, चंडीगढ़	— अध्यक्ष		
2. सहायक केन्द्र निदेशक, आकाशवाणी, चंडीगढ़	— सदस्य		
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी की संकिळ कल अधिकारी पत्र सूचना कार्यालय, चंडीगढ़	— सदस्य		

१० JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

recruitment to the posts of Stenographer in the Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers (Grade-I, Grade-II and Grade-III) Recruitment Rules, 2005

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

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule annexed hereto.

3. **Number of posts, classification and scale of pay.**—The number of posts, their classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule.

4. **Method of recruitment, age limit, qualifications etc.**—The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the aforesaid Schedule.

5. **Disqualification.**—No person,

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said post.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

7. **Savings.**—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Whether benefit of added years of service admissible under Rule 30 of the Central Civil Services (Pension) Rules, 1972
1	2	3	4	5	6
I. Stenographer Grade I	9* (2005) *Subject to variation dependent on workload.	General Central Service, Group 'B', Non-Gazetted, Non-Ministerial	Rs. 5500-175- 9000	Selection	Not applicable
Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any		
7	8	9	10		
Not applicable	Not applicable	Not applicable	Two years		

9 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods

In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation or absorption to be made

11

Promotion

12

Promotion :

Stenographer Grade II in the pay scale of Rs. 5000—8000 working in the Press Information Bureau's Headquarters, Regional and Branch Offices with three years' regular service in the grade.

Note : Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered, provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

If a Departmental Promotion Committee exists, what is its composition?

Circumstances in which the Union Public Service Commission is to be consulted in making recruitment

13

Group 'B' Departmental Promotion Committee (for considering promotion) consisting of :—

1. Senior Additional Principal Information Officer or Additional Principal Information Officer (Administration)
2. Assistant Principal Information Officer (Administration)
3. Under Secretary, Ministry of Information and Broadcasting (dealing with Press Information Bureau)
4. An Officer belonging to Scheduled Caste or Scheduled Tribe at the Under Secretary level

Chairman

—Member

—Member

—Member

14

Consultation with Union Public Service Commission necessary for amendment/relaxation of any provision of these rules.

1	2	3	4	5	6
2. Stenographer Grade II	19* (2)(x)5 *(Subject to variation dependent on workload)	General Central Service, Group 'C', Non-Gazetted Non-Ministerial	Rs. 5000-150-8000	Selection	Not applicable

7	8	9	10
Not applicable	Not applicable	Not applicable	Not applicable

11

Hundred per cent by promotion, failing which by deputation.

12

Promotion :
From amongst Stenographers Grade III in the pay scale of Rs. 4000-100-6000

9 JUN 2005

गुवाहाटी न्यायालय
Guwahati Bench

working in the Press Information Bureau's Headquarters, Regional and Offices having eight years' of regular service in the grade.

Deputation.—From amongst the officers holding equivalent or analogous posts in the pay scale of Rs. 5000-150-3000 with three year's regular service in the grade.

Note 1.—Period of deputation in another ex-cadre post held immediately including period of deputation preceding this appointment in the same organization shall ordinarily not exceed three years.

Note 2.—The maximum age limit for appointment by deputation shall be not exceeding fifty six years as on the closing date of receipt of application.

13

Group 'C' Departmental Promotion Committee consisting of :—

1. Senior Additional Principal Information Officer or Additional Principal Information Officer (Administration) —Chairman
2. Assistant Principal Information Officer (Administration) —Member
3. Under Secretary, Ministry of Information and Broadcasting (dealing with Press Information Bureau) —Member
4. Under-Secretary belonging to Scheduled Caste or Scheduled Tribe —Member

14

Not applicable

1	2	3	4	5
3. <u>Stenographer</u> <u>Grade III</u>	21* (2005) *Subject to variation dependent on workload.	General Central Service, Group 'C' Non-Gazetted, Non-Ministerial	Rs. 4000-100- 6000	Direct Recruitment through Staff Selection Commission

6	7	8	9
Between 18 and 25 years (Relaxable for Government servants upto the age of 40 years in the case of general candidates and upto 45 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes in accordance with the instructions issued by the Central Government from time to time.	Not applicable	(a) Matriculation or equivalent examination passed from a recognised Board or University (b) Speed of 80 words per minute in Shorthand and 30 words per minute in typing in English.	Not applicable

Note 1 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates (except for the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangj Sub-Division of Himachal Pradesh, the Union Territories of Andaman and Nicobar Islands and Lakshadweep).

9 JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

Rule 2 : The crucial date for determining the age limit in the case of candidates from Employment Exchange shall be the last date up to which the Employment Exchange is asked to submit the names.

10	11	12
10 years	Hundred per cent by direct recruitment	Not applicable
13		14

Departmental Promotion Committee (for considering cases for confirmation) Not applicable.

consisting of :

1B Headquarters

1. Deputy Principal Information Officer or Director Public Relations (Admn.) —Chairman
 2. Assistant Principal Information Officer (Admn.) —Member
 3. Under Secretary, Ministry of Information & Broadcasting (dealing with Press Information Bureau) —Member

Regional Offices

Chandigarh

1. Information Officer, Press Information Bureau, Chandigarh —Chairman
 2. Assistant Station Director, All India Radio, Chandigarh —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Chandigarh —Member

Mumbai

1. Information Officer, Press Information Bureau, Mumbai —Chairman
 2. Senior Administrative Officer, Doordarshan Kendra, Mumbai —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Mumbai —Member

Kolkata

1. Information Officer, Press Information Bureau, Kolkata —Chairman
 2. Assistant Station Director, All India Radio, Kolkata —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Kolkata —Member

Chennai

1. Information Officer, Press Information Bureau, Chennai —Chairman
 2. Assistant Station Director, All India Radio, Chennai —Member
 3. Officer of the Rank of Assistant Information Officer, Press Information Bureau, Chennai —Member

Bhopal

1. Information Officer, Press Information Bureau, Bhopal —Chairman
 2. Senior Administrative Officer, Doordarshan Kendra, Bhopal —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Bhopal —Member

Lucknow

1. Information Officer, Press Information Bureau, Lucknow	—Chairman
2. Senior Administrative Officer, Doordarshan Kendra, Lucknow	—Member
3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Lucknow	—Member

Guwahati

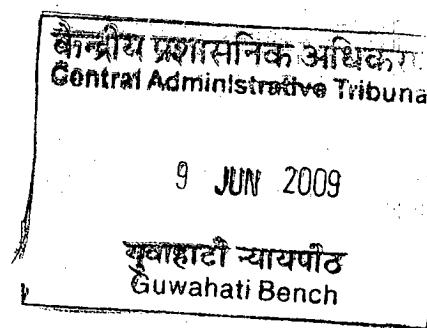
1. Information Officer, Press Information Bureau, Guwahati	—Chairman
2. Senior Administrative Officer, Doordarshan Kendra, Guwahati	—Member
3. Officer of the rank of Assistant Information Officer, Press Information Bureau, Guwahati	—Member

Hyderabad

1. Information Officer, Press Information Bureau, Hyderabad	—Chairman
2. Senior Administrative Officer, Doordarshan Kendra, Hyderabad	—Member
3. Officer of the rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Hyderabad	—Member

[No. 25/4/2003-Press]

D. E. RICHARDS, Under Secy



9 JUN 2009

गुवाहाटी न्यायालय

New Delhi, Gauhati-782006

2/1/2002-Admin-I
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA

5026
27/2/06

Subject: Recruitment Rules for the post of Stenographers (Grade I, II and III) in PIB after restructuring of cadre of Stenographers in Non-Secretarial offices.

In accordance with the Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers(Grade-I, Grade-II and Grade III) Recruitment Rules, 2005, the revised distribution of stenographers Grade-I, Grade-II & Grade-III posts after restructuring of the cadre is as under :-

S. No.	Post	Scale of Pay (In Rupees)	Number of posts Before restructuring	Number of posts After restructuring
01	Stenographer Grade-III	4000-100-6000	40	21*
02	Stenographer Grade-II	5000-150-8000	9	19#
03	Stenographer Grade-I	5500-175-9000	-	9
Total			49	49

*One post each at PIB (11Q), Jammu, Srinagar, Shimla, Indore, Kota, Kanpur, Varanasi, Shillong, Imphal, Aizawl, Agartala, Gangtok, Port Blair, Vijayawada, Hyderabad, Kochi, Madurai, Nanded, Panaji & Rajkot.

#One post each at Chandigarh, Srinagar, Jalandhar, Jaipur, Lucknow, Patna, Guwahati (2), Kohima, Kolkata(2), Bhubaneswar, Bangalore, Chennai, Mumbai(2), Pune, Nagpur and Thiruananthapuram.

^One post each at Chandigarh, Bhopal, Lucknow, Guwahati, Kolkata, Hyderabad, Chennai, Mumbai, and Ahmedabad.

This restructuring has become effective from 29.09.2005, the date of publication of the said Recruitment Rules in the Official Gazette.

Encl. Revised R/Rules for Stenographers.

Parkash Kaur
(Parkash Kaur)

Assistant Principal Information Officer

1. All Regional/Branch Offices.
2. Pay and Account Office(MS) M/o I&B.
3. Cash /Budget Sections.
4. Guard File/Reference Folder.

Attached

Has

Arrived

A.K. Deb
19/03/06

No.A.23022/1/08-Admin.I
Song and Drama Division
Ministry of Information and Broadcasting

Soocha Bhavan, Lodhi Road,
New Delhi-110003

GOVT OF INDIA, MINISTRY OF I&B
SONG AND DRAMA DIVISION
GUWAHATI CENTRE
RECEIPT NO. 1811
DATE 18/3/08

Dated the February 26, 2008.

Sub : Seniority list in the grade of Stenographer Gr. III in
Song and Drama Division as on 1.1.2008

A copy of seniority list in the grade of Stenographer Grade
III in Song and Drama Division as on 1.1.2008 is enclosed. It is
requested that the copy of seniority list meant for the official
concerned may kindly be issued after obtaining dated receipt. In
case any discrepancy is found the same may be brought to the
notice of the Hqrs immediately but not later than 10.3.2008 failing
which the seniority list under reference will be treated as final.

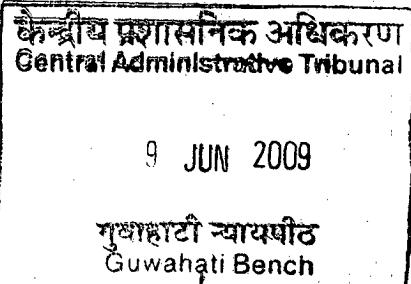
Encls : As above.


(Dr. N.A. Kulsange)
Deputy Director (Admin)

Copy to :

1. All Deputy Director/Assistant Directors at centers alongwith a copy of the inter-se-seniority list meant for the individual.
2. Each individual concerned.
3. All Officers at Hqrs of S&DD, New Delhi.
4. P.A. to Director, S&DD.
5. Guard file (Admin.I Section)


(Dr. N.A. Kulsange)
Deputy Director (Admin)



Attached

Has.

Advocati

SENIORITY LIST OF STENOGRAPHER GR.III IN SONG AND DRAMA DIVISION AS ON 1.1.200

Sr. No	Name of Officer	Date of Birth	Date of regular Appointment To the grade	Whether belongs to SC/ST/OBC	Place of posting
1	Smt M Vaijenth	05.04.1960	16.08.1983	Neither	Chennai
2	Smt Sharmila	14.08.1968	10.12.1990	Neither	Delhi
3	Sh Nirmal Kumar	15.02.1967	29.08.1991	Neither	Lucknow
4	Smt KB Suja Devi	16.05.1971	30.01.1996	OBC	Bangalore
5	Shri Joynal Abedin ✓	05.07.1970 ✓	16.02.1996 ✓	Neither	Guwahati ✓
6	Smt Charul	22.07.1975	24.10.1996	OBC	Delhi
7	Shri Yogender Soni	18.02.1971	06.04.1998	OBC	Bhopal
8	Shri Kamal Rawat	14.07.1977	04.05.1998	Neither	Chandigarh
9	Hari Oraon	04.10.1973	13.09.1999	ST	Ranchi


(Dr. N. A. Kalsange)
Deputy Director (Admn.)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

North Block, New Delhi 110001

August 9, 1999

OFFICE MEMORANDUM

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

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

2. GROUP 'A' CENTRAL SERVICES

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

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

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

Attested

H. S.

Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

.....2/-

o JUN 2009

गुवाहाटी न्यायालय
Guwahati Bench

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

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

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee 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 the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

....3/-

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

9 JUN 2009

गवाहाटी न्यायालय
Guwahati Bench

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 Indian 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 doubt 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;

13. Hindi version would follow.

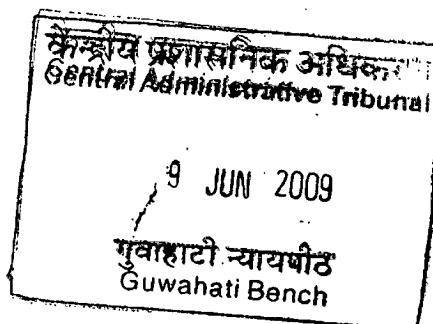
[Signature]
(K.K. JHA)

Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/
Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/
UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public
Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

....4/-



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 upgradation) 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; ~~but these financial benefits are not to be available under the ACP Scheme~~
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' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, 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 higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal

5/-

9 JUN 2009

गुवाहाटी अद्यपीठ Guwahati Bench

7. 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.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

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

Central Administrative Tribunal
Guwahati Bench

....6/

9 JUN 2009

Guwahati Bench

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 provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder; b

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;

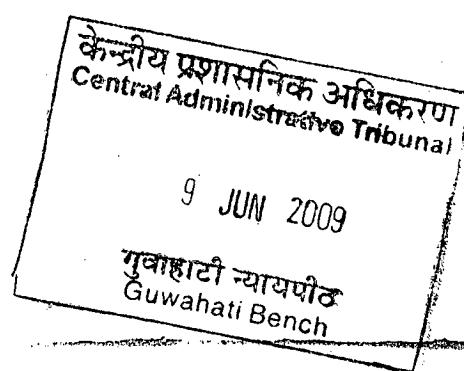
13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department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

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



(K.K. JHA)
Director(Establishment)



ANNEXURE-II

STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

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

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200
2.	S-2	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	7450-225-11500
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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

No.A-32016/1/99-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

Soochna Bhawan,
C.G.O. Complex,
Lodhi Road, New Delhi.
Dated: 07.05.2008.

Chakraborty
20/5/08
Govt. of India
Ministry of Information & Broadcasting
162
20/5/08

ORDER

In pursuance of Department of personnel Training O.M. No. 35034/1/99-Essn dated 09.08.1999 introducing the Assured Career Progression Scheme for the Central Government civilian employees. Shri Joynal Abedin, Jr. stenographer Gr.III, S&DD, Guwahati is granted 1" financial upgradation from the scale of pay of Rs. 4000-100-6000 to the scale of pay of Rs. 4500-125-7000 w.e.f. 16.02.2008.

On the upgradation, pay of Shri Joynal Abedin, Jr steno Gr.III will be fixed under the provision of FR 22 (1)(a)(1). The financial benefit allowed shall and no pay fixation benefit accrue at the time of regular promotion of Shri Joynal Abedin i.e. posting against a functional post in the higher grade.

(Dr. Vijayaraghavan)
Deputy Director (Admn.)

Copy to:

1. Shri Joynal Abedin, Jr stenographer Gr.III, S&DD, Guwahati.
2. Drawing & Disbursing Officer, S&DD, Guwahati.
3. Pay & Accounts Officer, Doordarshan, Guwahati.
4. The Service book of Shri Joynal Abedin.

(Dr. Vijayaraghavan)
Deputy Director (Admn.)

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

9 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Attached

H.A.S.

Advocates

Date: 20.11.2008

The Deputy Director(Admn.)
Song and Drama Division
Soochna Bhawan, CGO Complex
Lodhi Road, New Delhi
Pin- 110 003

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribu

9 JUN 2009

गुवाहाटी न्यायघीठ
Guwahati Bench

Subject: Discrepancy in the pay scale on awarding ACP

Sir,

I have the honour to lay before you a few lines for your kind and sympathetic consideration please, that Sir, I have been nominated by Staff Selection Commission (SSC) after qualifying in the SSC Stenographer Gr.III competitive examination held in 1995. Consequent upon the nomination by the SSC (copy enclosed) I had joined on 16.02.1996(F.N) in the office of the Deputy Director, Song and Drama Division, Regional Centre, Guwahati as Stenographer Gr.III vide S&DD, Hqtrs, Office Memorandum No. A-12011/1/95-Admn.I dt. 11.12.1995 (Copy enclosed) in the pay scale of Rs. 1200-30-1560-EB-40-2040. After my acceptance of joining I had been put in probation for a period of 2 years and formal letter of appointment was issued vide order No. A-12011/1/95-Admn.I dt. 31.03.1997 putting me on probation for a period of 2 years. Accordingly the probation period was also terminated vide Office Order No. A-31016/2/2000-Admn.I dt. 13.07.2001(copy enclosed) and the service was regularised. As per ACP scheme introduced by the Government of India for the officials who does not get promotion in a period of 12 years is awarding him/her financial upgradation putting him in the next pay scale to the post he/she has been holding. On completion of 12 years of sincere and dedicated service on 16.02.2008 I requested for first financial upgradation as Stenographer Gr.III in the pay scale of Rs. 5000-150-8000.as the same pay scale is being adopted in granting first financial upgradation to Stenographer Gr.III in all the Central Government offices throughout the country.(circular enclosed). But on completion of 12 years of successful service as Stenographer Gr.III, I have been given financial up gradation from the pay scale of Rs. 4000-100-6000 to Rs. 4500-125-7000/- which is in no way justifiable and reasonable. If all the Stenographer Gr.III who are being nominated by SSC for the appointment to the post of Stenographer Gr.III, irrespective of their departments are enjoying the equal status in the country , I surprise, why the same is not being adopted in my case. It is very distressing to find that on granting financial upgradation in the purview of ACP scheme as Stenographer Gr.III I have been put in the pay scale of Rs. 4500-125-7000 in stead of pay scale Rs. 5000-150-8000, which makes disparity with the pay scale to the other Stenographer Gr.III enjoying through out the country.

It is therefore, my humble request to your kind honour to clarify and give me a suitable and justifiable reply for the discrepancy in my pay scale.

For this act of kindness I will be ever grateful to you.

Thanking you,

Ahmed

Abbas

Admali

Yours faithfully

J. Abedin

Stenographer, Gr.III, S&DD,

Encl: as above (12 pages)

Date: 20.11.2008

Guwahati.

45-
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

File in Court on 21/10/09

Court Officer.

GUWAHATI BENCH

IN THE MATTER OF

Original Application No. 108/2009

Shri. Joynal Abedin

..... Applicant

- Versus -

Union of India & Ors.

..... Respondents.

IN THE MATTER OF

Written statement filed by the Respondents No. 2

WRITTEN STATEMENT

The humble answering respondents

submit their written statement as

follows :

1.(a) That I Mukesh Sharma, Assistant Director, Song & Drama Division,

Guwahati is swearing this affidavit on behalf of all the Respondents in the above case and I have gone through a copy of the application served on the respondents and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both on facts and

in law.

Mukesh Sharma
Assistant Director
Song & Drama Division
Ministry of I & B Govt. of India
NER, Guwahati

M. u. Ahmed. Page 21/10/09
File No. 57
Motin Uddin Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

20 OCT

Guwahati Bench
गुवाहाटी न्यायपीठ

(c) That the application is also hit by the principles of waiver estoppel and acquiescence and liable to be dismissed.

(d) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

2. Preliminary submissions :

The applicant joined Government service as Stenographer Grade-III in the scale of pay of Rs. 4000-100 6000 on 16/02/1996. He has two promotional channels for the promotion (i) for the post of Technical Assistant in the pre-revised scale of Rs.4500-125-7000 and (ii) Stenographer Grade-II carrying the pay scale of Rs. 5000-8000. As per the provisions of the Assured Career Progression Scheme introduced by the Government in the year 1999 and the clarifications received thereafter, if there are two promotional channels, the pay scale of the lower post of promotional channel is to be granted. Copy of relevant guidelines issued by the Deptt. of Personnel & Training is attached as Annexure- RI. There is also an instruction to eliminate one promotional channel which has not been done in the case of the category of the employees to which the Applicant belongs. Hence, as per the scheme, he was granted First Financial upgradation the pay scale of Rs. 4500-125-7000 which is one of the two promotional channels.

[Signature] As regards restructuring of the category of posts of Stenographer Grade-III, II and I in the ratio of 40:40:20, the same has not been done in Song & Drama Division where the Applicant was appointed and posted. Hence, the pay scale granted to the Applicant is absolutely in accordance with the Scheme of 1999.

Assistant Director
Song & Drama Division
Ministry of I & B Govt. of India
NER, Guwahati

26 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-3-

3. That with regard to the statements made in paragraphs 1, 4.1 to 4.6 and 10 to 12 of the application the answering respondents beg to state that they do not admit anything which is inconsistent with and contrary to the record and based on legal foundation and as such the applicant is put to strictest proof thereof.

4. That with regard to the statements made in para 2&3 of the application the answering respondents beg to state that no cause of action has accrued to the Applicant and therefore the question of the OA under reply to be within the jurisdiction of this Hon'ble Tribunal and limitation does not arise.

5. That with regard to the statements made in para 4.7 of the application the answering respondents beg to state that official at S1.No.1 to 4 has also been granted the pay scale of Rs. 4500-7000 only. No discrimination has been made to the applicant in this regard.

6. That with regard to the statements made in para 4.8 it is stated that promotion to higher post is linked with the availability of vacancy. No discrimination has been metted out to the applicant. His case for promotion will be considered in accordance with instructions of GOI, subject to availability of vacancies.

7. That with regard to the statements made in para 4.9 to 4.16 of the application the answering respondents beg to state that the submissions made in para 2 of this reply under the heading "preliminary submissions" and other preceeding paragraphs covers reply to these paragraphs. Hence, the same are

[Signature] not being repeated for the sake of brevity.

Assistant Director

Song & Drama Division

Ministry of I & B Govt. of India

NER, Guwahati

21 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

- 4 -

8. That with regard to the statements made in paras 5.1 to 5.6 of the application the answering respondents beg to state that the same has already been replied/reiterated in the preliminary submissions and in other proceeding paras. Hence, the same are not being repeated for the sake of brevity.

9. That with regard to the statements made in para 6 of the application the answering respondents beg to state that the present OA is ill conceived because the applicant did not wait for the disposal of the representation filed by him.

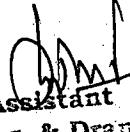
10. That with regard to the statements made in para 7 of the application the answering respondents beg to state that the contents of the corresponding para of the OA need no reply from the Respondents for want of knowledge.

11. That with regard to the statements made in paras 8 and 9 of the application the answering respondents beg to state that there is no merit in the O.A as well as in the interim relief sought. Hence the application may please be dismissed in limine.

12. That with regard to the statements made in paras 10 to 12 of the application the answering respondents beg to state that those are being normal in nature and hence need no reply.

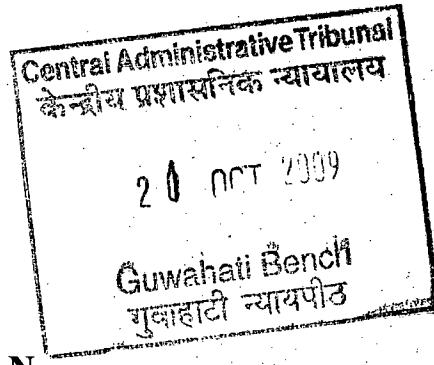
13. That the application is devoid in any merit and deserved to be dismissed.

14. That his reply has been made bonafide and for the ends of justice and equity.


Assistant Director
Song & Drama Division
Ministry of I & B Govt. of India
NER, Guwahati

It is therefore humbly prayed before this Hon'ble

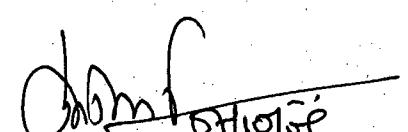
Tribunal that the present application filed by the applicant may be dismissed with cost.



VERIFICATION

I, Mukesh Sharma working as Assistant Director in Song & Drama Division, Ministry of Information & Broadcasting, Guwahati duly authorized and competent officer of the answering respondents to sign this verification, do hereby solemnly affirm and verify that the statements made in paras 1 & 2 are true to my knowledge, belief and information and those made in para 2(1-2) being matters of record are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 07th day of October, 2009 at Guwahati.


(MUKESH SHARMA)
Assistant Director
Song & Drama Division
Ministry of I & B Govt. of India
S&DR, Guwahati.

New Delhi 110001
July 18, 2009

OFFICE MEMORANDUM

Subject:-ASSUPED. CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES - CLARIFICATIONS REGARDING

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum of even number dated August 9, 1999 regarding the Assured Career Progression Scheme (ACPS) and subsequent Office Memorandum dated February 10, 2000 clarifying the various points of doubt received from various quarters.

2. Some more situations in which a doubt persists in various organizations in regard to applicability/implementation of ACP Scheme have been brought to the notice of this Department. These have been duly examined and appropriate advice has been conveyed in individual cases. However, as it is observed that similar doubts are being received from various other Ministries/Departments/Organizations, it has been considered appropriate to issue a second set of clarificatory orders containing point-wise clarification to the additional points of doubt.

3. Cases where the ACP Scheme has already been implemented shall be reviewed/rectified, if the same are not found to be in accordance with the scheme/clarifications.

3. All Ministries/Departments may give wide circulation to these clarificatory instructions for general guidance and appropriate action in the matter.

4. ~~last~~ Hindi version would follow.

(R.K. GOEL)

DEPUTY SECRETARY TO THE GOVT OF INDIA

All Ministries/Departments of the Government of India

Copy to:-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office, Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities, New Delhi.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. All Staff Side Members of the National Council (JCM).
7. Facilitation Center, DoP&T – 20 copies
8. Establishment (D) Section - 1000 copies
9. NIC (DoP&T) for placing this Office Memorandum on the Website of DoP&T (persmin.nic.in).

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्याय लय

29 OCT

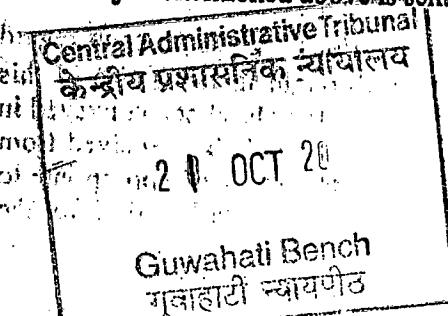
Guwahati Bench গুৱাহাটী ন্যায়পীঠ

51
7
MINISTRY OF INFORMATION & BROADCASTING
(ADMN.II SECTION)

Subject: Assured Career Progression scheme for the Central Government civilian employees
clarifications regarding.

Date: 10.10.2001

A copy of O.M. No.35034/1/97-Estt(D)(Vol.IV) dated 18.07.2001 received from
Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)
on the subject mentioned above is sent herewith for information and necessary action.



Upadhyay
(H.G. UPRETTI)
Under Secretary to the Govt. of India

Ph. # 338 96 42

All Media Units, Attached & Subordinate Offices / autonomous bodies / PSUs
M/o I&B's LD. No. 24/1/2001-Admn. II dated 27.07.2001.

Copy to :

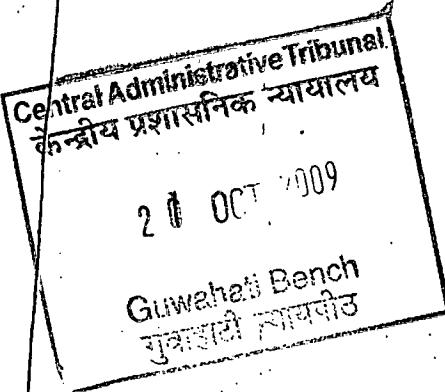
1. All administration Sections in the Main Secretariat
2. All Deputy Secretaries/Under Secretaries in the Main Secretariat.
3. All dealing hands in Admn.II & Admn.IV
4. Guard file (No. 101)

Upadhyay
(H.G. UPRETTI)
Under Secretary

Reference: Office Memorandum No. 35034/1/97-Estt(D)(Vol.IV) dated 18.7.2001]

No.	Point of doubt	Clarification
3.	<p>An employee was promoted from Grade 'A' to Grade 'C'. Grade 'B' was introduced in the hierarchy in between Grade 'A' and Grade 'C' subsequent to such promotion. Will he be entitled to any more financial upgradation under the ACP Scheme-(ACPS) considering that he is already placed in the third level of the hierarchy?</p> <p>Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय</p> <p>21 OCT 2004</p> <p>Guwahati Bench</p>	<p>The reply is in the affirmative. The employee has got only one promotion in his career as per the hierarchy existing at the time of his promotion. The subsequent creation of the post in Grade 'B' will not, therefore, make any material difference in the situation in relation to the case of this employee for the purpose of grant of second financial upgradation under ACPS. The newly created Grade 'B' would, as such, need to be ignored in his case. However, persons in Grade 'A', who become entitled to financial upgradation only after introduction of Grade 'B' in the hierarchy, will be entitled for grant of financial upgradation only in Grade 'B' subject to fulfillment of the other stipulations and conditions specified in the ACP Scheme introduced on 9.8.1999</p>
34.	<p>An employee has superannuated after 9.8.1999; i.e. the date from which ACPS was introduced. He had completed the required eligibility service as on 9.8.1999 for grant of financial upgradation but he retired on superannuation before the Screening Committee could meet to assess his suitability for grant of benefits under ACPS. Will he be entitled for financial upgradation under ACPS?</p>	<p>In terms of condition no. 3 of the ACP Scheme introduced <u>vide</u> O.M. dated 9.8.1999, the financial benefit under the ACPS shall be granted from the date of completion of the eligibility period prescribed under the ACPS or from the date of issue of the instructions whichever is later. Therefore, in respect of employees who had completed eligibility service as on 9.8.1999 but retired prior to meeting of the first Screening Committee meeting, if the assessment to decide grant of financial upgradation is based on ACRs and other service records, the employees who retired after 9.8.1999 may also be considered by the Screening Committee and, if recommended for grant of financial upgradation, such employees may be allowed the benefit of ACPS from the due date. If, however, the assessment also includes passing of a trade test/skill test/written examination (as prescribed for regular promotion) under ACPS and the employee had not qualified in such tests already, then it may not be possible to consider the retired persons, as assessment based on such tests is not possible after the date of superannuation.</p>

S.No.	Point of doubt	Clarification
35.	<p>Whether placement/appointment in higher scales of pay based on the recommendations of the Pay Commissions or Committees set up to rationalise the cadres is to be reckoned as promotion/financial upgradation and offset against the two financial upgradations applicable under the ACP Scheme?</p>	<p>Where all the posts are placed in a higher pay, with or without a change in the pay, without requirement of any new qualification, holding the post in the higher grade, not in the Recruitment Rules for the existing post, without involving any change in responsibilities and duties, then placement of all the incumbents against such upgraded posts is not be treated as promotion/upgradation. Where, however, rationalisation/restructuring involves creation of number of new hierarchical grades in the rationalised set up and some of the incumbents in the pre-rationalised set up are placed in the hierarchy of the restructured set up in a grade higher than the normal corresponding level taking into consideration their length of service in existing pre-structured/pre-rationalised grade, then this will be taken as promotion/upgradation.</p> <p>If the rationalised/restructured grades require possession of a specific nature of qualification and experience, not specified for the existing posts in pre-rationalised set up, and existing incumbents in pre-rationalised scales/pre-structured grades, who are in possession of the required qualification/experience are placed directly in the rationalised upgraded post, such placement will also not be viewed as promotion/upgradation. However, if existing incumbents in the pre-rationalised grades who do not possess the said qualification/experience are considered for placement in the corresponding rationalised grade only after completion of specified length of service in the existing grade, then such a placement will be taken as promotion/upgradation.</p> <p>Where placement in a higher grade involves assumption of higher responsibilities and duties, then such upgradation will be viewed as promotion/upgradation.</p> <p>Where only a part of the posts are placed in a higher scale and rest are retained in the existing grade, thereby involving redistribution of posts, then it involves creation of another grade in the hierarchy requiring framing of separate recruitment rules for the upgraded posts. Placement of existing incumbents to the extent of upgradations involved, in the upgraded post will also be treated as promotion/upgradation and offset against entitlements under the ACPS.</p> <p>For any doubts in this regard, matter should be referred to the Department of Personnel and Training (Establishment 'D' Section) giving all relevant details.</p>



10
15

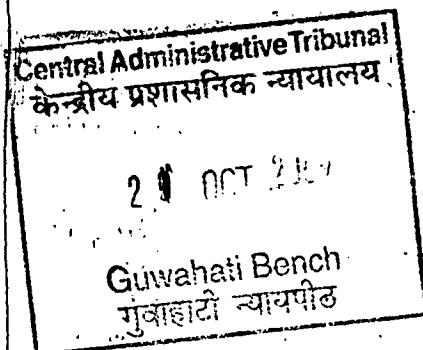
Point of doubt

employee was initially appointed on deputation in a grade higher than the grade of the post held on regular basis and was subsequently absorbed against the ex-cadre post. Will such initial period of deputation in the higher grade prior to date of absorption be counted towards residency period/ 'regular service' for purposes of ACPS?

Clarification

In reply to points of doubt No. 4 to 6 in DoP&T O.M. dated 10.2.2000, it has been stated that where a person is appointed on direct recruitment/transfer basis from another post in the same grade, then past regular service as well as past promotions, in the earlier post, will be counted for computing regular service for the purpose of ACPS in the new hierarchy. The reason being that so long as service is in the same scale during the period in question, it is immaterial whether he has been holding different posts in the same scale. However, if the appointment is made to a post in a higher grade, then such appointment, whether by direct recruitment or by transfer or initially on deputation followed by absorption, will be treated as direct recruitment and past service/promotion (which was in a different scale) will not be counted.

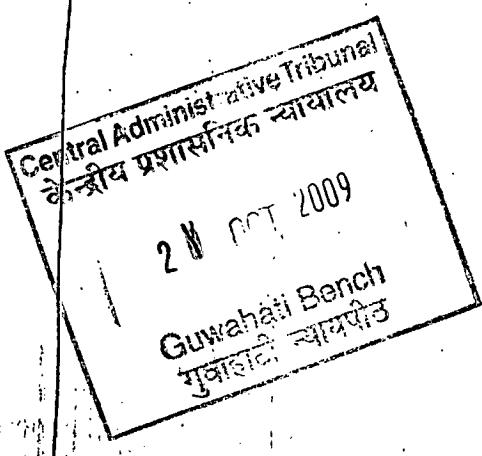
In the case where a person is appointed to an ex-cadre post in higher scale initially on deputation followed by absorption, while the service rendered in the earlier post, which was in a lower scale can not be counted, there is no objection to the period spent initially on deputation in the ex-cadre post prior to absorption being counted towards regular service for the purposes of grant of financial upgradation under ACPS as it is in the same scale of pay and same post.



37. Whether it is necessary to have SC/ST members in the Screening Committees set up for grant of ACPS?

As clarified *vide* condition no. 12 of ACP Scheme (vide DoP&T O.M. dated 9.8.1999), reservation orders/roster shall not apply to the ACP Scheme. Consequently, it is not necessary to have an officer from SC/ST communities on the Screening Committee constituted for deciding the suitability of the employee for upgradations under ACPS.

55

S.No.	Point of doubt	Clarification
38.	<p>A person has refused a vacancy-based promotion offered to him prior to his becoming eligible for financial upgradation under ACPS, on personal grounds. Will he be eligible for financial upgradation under ACPS?</p> <p>A person had refused a regular promotion for personal reasons. He has since completed 24 years' of service. Will he be entitled for 2nd financial upgradation?</p> 	<p>The ACP Scheme has been introduced to provide relief in cases of acute stagnation where the employees, despite being eligible for promotion in all respects, are deprived of regular promotion for long periods due to non-availability of vacancies in the higher grade. Cases of holders of isolated posts have also been covered under ACPS, as they do not have any promotional avenues. However, where a promotion has been offered before the employee could be considered for grant of benefit under ACPS but he refuses to accept such promotion, then he can not be said to be stagnating as he has opted to remain in the existing grade on his own volition. As such, there is no case for grant of ACPS in such cases. The official can be considered for regular promotion again after the necessary debarment period.</p> <p>In the second case also, since in terms of condition No. 10 of the ACPS, on grant of ACPS, the employee shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy, the officer will have to give in writing his acceptance of the regular promotion when offered again after the debarment period before he can be considered for grant of second financial upgradation under ACPS.</p>
39.	<p>An employee is appointed to a lower grade as a result of unilateral transfer on personal request in terms of FR 15(2). Will the period of service rendered in the higher post count for the purposes of ACPS?</p>	<p>Condition no. 14 of the ACPS (DoP&T O.M. dated 9.8.1999), inter-alia, states that in case of transfer including unilateral transfer on request, regular service rendered in previous organisation shall be counted along with regular service in the new organisation for the purposes of getting financial upgradation under the Scheme. This condition covers cases where a unilateral transfer is to a lower post. However, financial upgradations under the ACPS shall be allowed in the hierarchy of the new post.</p>

.....5/-

Point of doubt	Clarification
<p>An employee drawing pay in the scale of Rs.800-1150 (pre-revised) was declared surplus and was re-deployed as Peon in a Ministry through the Surplus Cell in the scale of Rs.750-940 (pre-revised). However, he was allowed to draw pay in the scale of Rs.800-1150 as personal to him even after redeployment in the lower grade. What shall be his entitlements under ACPS?</p>	<p>As the employee has remained in the scale of Rs.800-1150 all along and has not availed any promotion, he is entitled to two financial upgradations in a scale higher than Rs.800-1150 (pre-revised) irrespective of the post actually held after redeployment. Since in the Ministry, a Group 'D' employee is eligible for promotion to the grade of LDC provided he is a matriculate and as a post in the scale of Rs.825-1200 (S-4) is not in the normal hierarchy in the Secretariat, such an employee can be considered for two financial upgradations in the grades of LDC and UDC provided he is a matriculate. Otherwise he will get only one financial upgradation in the revised scale of Rs.825-1200 (Rs.2750-4400 revised). Cases of other persons re-deployed to lower posts through the Surplus Cell may also be regulated accordingly.</p>

41.	<p>A cadre consists of 4 Grades - 'A', 'B', 'C' and 'D' (in ascending order). Upon restructuring of a cadre, Grade 'B' is abolished from a date subsequent to 9.8.1999. Employees recruited in Grade 'A', who are eligible for financial upgradation on or after 9.8.1999 but before the date of effect of restructuring, get first/second financial upgradation in Grade 'B' and Grade 'C' respectively but those who become eligible for financial upgradation after the restructuring has been effected are entitled to first financial upgradation in Grade 'C' and second financial upgradation in Grade 'D'. This is anomalous. The cases of earlier set of employees should be reviewed and they may be allowed financial upgradations as applicable to the latter category of employees.</p>	<p>The benefit of ACP Scheme is to be allowed as per the hierarchy existing, as on the date the employees become eligible for financial upgradation under ACPS. Cadres/hierarchical structures are never static and are always subject to review based on recommendations of Pay Commissions/Expert Committees or otherwise and it is not possible to review the entitlements under ACPS already earned every time a cadre is reviewed. ACPS is only a temporary solution to provide relief to stagnating employees and the lasting solution for stagnation lies in review of cadre structures, as regular promotions will be earned in such restructured grades. All the employees will benefit from such cadre restructuring.</p>
-----	--	---

42.	<p>An employee in Grade 'A' is eligible for promotion simultaneously to Grades 'B', 'C' and 'D' (in ascending order) with varying requirements of length of service in the present grade. In other words, he has multiple channels of promotion. What shall be his eligibility under the ACP?</p>	<p>Provisions in the existing Recruitment Rules in various organisations providing for multiple channels for promotion are not consistent with the guidelines on framing of the Recruitment Rules. All such Rules should be reviewed immediately so as to provide only a single channel of promotion. However, till such a review is undertaken, the first financial upgradation in such cases shall be allowed with reference to the lowest promotional Grade which is Grade 'B'. If he does not earn any promotion in 24 years, his second financial upgradation will be as per the hierarchy of Grade 'B'. However, if he has already earned one regular promotion, then his second financial upgradation shall be as per the hierarchy of the Grade to which he has been promoted.</p>
-----	---	--

Guwahati Bench
राष्ट्रीय प्रशासनिक न्यायालय
2 OCT 20

S.No.	Point of doubt	Clarification
43.	Whether service rendered in an autonomous body/statutory body/ State Government prior to appointment in Central Government as a direct recruit prior to appointment in the Central Government will be counted while computing regular service for the purpose of grant of financial upgradations under the ACP Scheme?	ACP Scheme is applicable to Central Government employees and for the purpose of financial upgradations under the ACP Scheme, only the regular service rendered after regular appointment in a Central Government civil post is to be counted. Therefore, service rendered in autonomous body/statutory body/State Government is not to be counted for the purpose. Correspondingly, promotions earned in these bodies prior to appointment in the Central Government are also to be ignored. The clarification in reply to point of doubt no. 4 to 6 in DoP&T O.M. dated 10.2.2000 providing for counting of past service in another organisation in the same grade is, only in relation to past service in a civilian post held in the Central Government.
44.	On the basis of recommendations of the Fifth Central Pay Commission, a uniform pay structure has been introduced for Stenographers in the non-Secretariat organisations whereby the posts have been distributed in the ratio of 40:40:20 in the grades of Stenographer Grade-III (Rs.4000-6000), Stenographer Grade-II (Rs.5000-8000) and Stenographers Grade-I (Rs.5500-9000). However, in a particular non-Secretariat organisation, there is only an isolated post of Stenographer in the scale of Rs.4000-6000. Will he be entitled to financial upgradations in the scale of Rs.4500-7000 and Rs.5000-8000 as per Annexure II to O.M. dated 9.8.1999 or can he be allowed financial upgradations in the grades of Stenographer Grade-II and Stenographer Grade-I?	In reply to point of doubt No. 10 in DoP&T O.M. dated 10.2.2000, it has been stated that the scales of pay for ACPS for isolated posts shall be same as those applicable for similar posts in the same Ministry/Department/Cadre except where the Pay Commission has recommended specific pay scales for mobility under ACPS. Such cases may be specifically examined by respective Ministries/Departments in consultation with the Department of Personnel and Training. In the case of remaining isolated posts, the pay scales contained in Annexure-II of O.M. dated August 9, 1999 shall apply. Thus, hierarchy in Annexure-II of O.M. dated August, 1999 applies where Pay Commission has not made any specific recommendation regarding scales to be allowed under the ACPS and where it is not possible to identify similar posts in same organisation. In the case of stenographers in non-Secretariat organisations, which is a common category post, the Pay Commission has recommended a uniform grade structure for which has been accepted by the Government. Since the isolated post of Stenographer in scale of Rs.4000-6000 in a subordinate office is comparable to corresponding posts of Stenographer Grade-III in other non-Secretariat organisations under the same Ministry, the uniform pay (grade) structure for Stenographers may be adopted for the purpose of allowing financial upgradations to the said isolated post. In the instant case of an isolated post of Stenographer (Rs.4000-6000) in a non-Sect organisation, first and the second financial upgradations may be allowed in the scales of Rs.5000-8000 (Steno Grade-II) and Rs.5500-9000 (Stenographer Grade-I) respectively provided he is otherwise eligible. A similar approach can be adopted in respect of all other isolated posts belonging to common categories for which Pay Commission has similarly recommended a uniform grade structure which has been accepted and notified in part 'B' of the Ministry of Finance notification dated September 30, 1997 or agreed to by the Government subsequently. If such an isolated post is in a Central Ministry/Department, then the structure as recommended and accepted for similar common category posts in the Central Ministry/ Department may be adopted. If the isolated post is in a non-Secretariat organisation, then the uniform hierarchy as recommended for similar posts in the non-Secretariat organisations may be followed.

7

14

29

Point of doubt	Clarification
<p>certain organisations, an employee after his selection on direct recruitment basis or even on promotion is required to undergo an induction training before he is given a functional post. Whether such induction training shall count towards the eligibility service for ACPS?</p>	<p>If under the relevant Recruitment/Service Rules, the induction training counts towards eligibility service for regular promotion, the same will also be counted towards the 12-years/24 years residency period/regular service required for financial upgradations under ACPS Scheme.</p>
<p>16. A person is working in the immediate promotional grade on ad-hoc basis. Is he eligible for financial upgradation under the ACPS Scheme? Will his pay be refixed?</p>	<p>An ad-hoc promotion is made only in an exigency of work where the post cannot be kept vacant and such appointment is to be discontinued as soon as a regular incumbent is appointed. In terms of existing guidelines, continuation of such arrangement beyond one year is also subject to prior concurrence of DoP&T. Thus such an employee can be reverted to the original regular pos. at any moment. Therefore, case of an employee holding the higher promotional grade/any other post on ad-hoc basis, for grant of financial upgradation under ACPS cannot be ignored. Upon being recommended for grant of financial upgradation in the higher grade, his pay may be refixed with reference to the pay drawn in the post held on regular basis under <u>FR 22 (I)(a)(i)</u> subject to a minimum benefit of Rs. 100 as per the provisions of the ACPS. If, on pay fixation under ACPS, the pay gets fixed at a stage higher than the pay already drawn on ad-hoc basis, he may be allowed such higher pay.</p>
<p>47. An employee was allowed promotion in a higher grade in terms of the Ministry of Finance O.M. No. 10(1)/E.III/88 dated September 13, 1991. However, on introduction of ACPS, the benefit of the said O.M. is to be withdrawn so as to allow the benefits under the ACPS in terms of the stipulation that no time bound promotion/insitu promotion scheme can run concurrently with the ACPS. Will the benefit of higher grade drawn prior to 9.8.1999 will also be withdrawn?</p>	<p>No. It will only be a switchover from the existing scheme to the ACPS Scheme as on 9.8.1999. While determining his entitlements under ACPS on or after 9.8.1999, pay benefits already drawn upto 9.8.1999 in the higher grade allowed under the Scheme of September 13, 1991 are not to be recovered.</p>

59

S.No.	Point of doubt	Clarification
48.	Whether sealed cover procedure as laid down <u>vide</u> DoP&T O.M. No. 22011/4/91-Estt (A) dated 14.9.1992 is to be followed in cases relating to ACP also?	Yes. Condition no. 11 of the ACP issued <u>vide</u> DoP&T O.M. dated 22011/4/91-Estt (A) dated 14.9.1992 clearly states that in the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Therefore, when the employee is exonerated, the recommendations of the Screening Committee placed in a sealed cover will be opened and its recommendations acted upon. If he has been recommended for grant of financial upgradation, the benefit of the same will be allowed from 9.8.1999 or from the date of completion of 12/24 years regular service, whichever is later. If, however, the employee is not exonerated and a formal penalty is imposed, sealed cover will not be opened and the case of employee will be considered only in the next meeting of the Screening Committee. If such Screening Committee, having regard to all relevant facts, recommends grant of financial upgradation, then such upgradation shall be allowed only on expiry of the period of penalty and not during the currency of the penalty. If penalty imposed is Censure or recovery of loss to the Government, then such upgradation shall be allowed from the date of meeting of the Screening Committee which met to consider his case subsequent to imposition of penalty. The next financial upgradation shall be allowed only on completion of 12 years regular service from the date from which the first upgradation under the ACP is allowed and not necessarily on completion of 24 years of service.
49.	Whether any period(s) of break-in-service under FR 17A declared during the career of an employee will have any adverse effect on his getting financial upgradation under the ACP Scheme?	Break in service under FR 17A incurs only 3 specific disabilities as specified in the relevant FR. It does not affect the normal regular promotions. Consequently, it will have no effect on financial upgradation under the ACP Scheme.

....9/-

Point of doubt	Clarification
Whether temporary service in respect of a person who was declared surplus and redeployed through the Surplus Cell will be counted with the subsequent regular service in the new Organisation for purposes of the ACP Scheme. What will be the position in respect of those temporary employees who at the time of retrenchment did not possess the required service to be taken on the rolls of Surplus cell and were terminated but were offered fresh appointment in a new organisation through the efforts of the parent Ministry/Department.	If the redeployment through the Surplus Cell is in the same/lower scale, such temporary service (and not an ad-hoc service), rendered prior to retrenchment may count towards regular service for purposes of ACPS in the new organisation. If the redeployment is in a higher grade, regular service will count only from the date of appointment in the new Organisation. However, this will not cover cases of those temporary employees who had put in less than the required length of service for being taken on the strength of the Surplus Cell and whose temporary service was terminated but were given preference in fresh appointment in the Government in terms of DoP&T O.M. dated 27.3.1976/29.6.78 read with DoP&T O.M. dated 22.1.1993. In their case, the past temporary service before retrenchment shall not count towards residency period for grant of ACPS.
51. Whether work charged staff is eligible to be covered under the ACPS?	If, in the matter of service conditions, work charged staff is comparable with the staff of regular establishment, there is no objection in extending the ACP Scheme to the work charged staff.
52. Following the recommendations of the Pay Commission, feeder and promotional posts have been placed in the same scale. Consequently, hierarchy of a post comprises of Grades 'A', 'A' and 'C' i.e. the entry level and the first promotional grade are in the same scale. What shall be his entitlements under ACPS.	<p>Normally, it is incorrect to have a feeder grade and a promotional grade in the same scale of pay. In such cases, appropriate course of action is to review the cadre structure. If as a restructuring, feeder and promotional posts are merged to constitute one single level in the hierarchy, then in such a case, next financial upgradation will be in the next hierarchical grade above the merged levels and if any promotion has been allowed in the past in grades which stand merged, it will have to be ignored as already clarified in reply to point of doubt No.1 of O.M. dated 10.2.2000. However, if for certain reasons, it is inescapable to retain both feeder and promotional grades as two distinct levels in the hierarchy though in the same scale of pay, thereby making a provision for allowing promotion to a higher post in the same grade, it is inevitable that benefit of financial upgradation under ACPS has also to be allowed in the same scale. This is for the reason that under the ACPS, financial upgradation has to be allowed as per the 'existing hierarchy'. Financial upgradation can not be allowed in a scale higher than the next promotional grade. However, as specified in condition No 9 of the ACP Scheme (vide DoP&T O.M. dated 10.2.2000, pay in such cases shall be fixed under the provisions of FR 22 (I)(a) (I) subject to a minimum benefit of Rs.100.</p> <p style="text-align: right;">.....10/.....</p> <p>Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय Guwahati Bench গুৱাহাটী ন্যায়পুর</p> <p>21 OCT 2000</p>

S.No.	Point of doubt	Clarification
53.	If for promotion on regular basis, an employee has to possess a higher/additional qualification, will it be necessary to insist on possession of these qualifications even while considering grant of financial upgradation under the ACPS?	In terms of condition No. 6 of Annex DoP&T O.M. dated 9.8.1999, only employees who fulfill all promotional norms are eligible to be considered for benefit under ACPS. Therefore, various stipulations and conditions specified in the recruitment rules for promotion to the next higher grade, including the higher/additional educational qualification, if prescribed, would need to be met even for consideration under ACPS.
54.	<p>Whether EOL without medical certificate will count for computing regular service under ACPS</p> <p><i>Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय</i></p> <p>20 OCT 2011</p> <p>Guwahati Bench गुवाहाटी न्यायालय</p>	Unless the counting of such leave or any other kind of leave is specifically excluded under relevant rules governing promotions for being counted towards regular service for promotion (e.g. in some cases of promotions under Flexible Complementing Scheme), all kinds of leave including EOL without medical grounds normally counts towards regular service for promotion. EOL without medical grounds will be similarly treated while computing regular service for purposes of grant of financial upgradation under ACPS.
55.	A cadre has been restructured with proper sanction but the recruitment rules for the restructured grades are still to be framed. Whether the individuals be granted financial upgradation in the existing hierarchical order or in the revised hierarchical order introduced subsequently	Financial upgradation under ACP Scheme is to be allowed under the hierarchy existing as on 9.8.1999 or at the time one becomes eligible, whichever is later. Since a new hierarchy has come into being, financial upgradations may be allowed only in the restructured hierarchy. If model Recruitment Rules exist for such restructured grades, then Screening Committee may review cases on the basis of such model Rules? Otherwise, ACPS may be allowed after finalisation of Recruitment Rules but the benefit may be allowed from the due date.

....11/-

Point of doubt

The Fifth Central Pay Commission has identified a number of common category posts spread across various Ministries/ Departments as well as in Offices outside the Secretariat as discussed in chapter 55 of its report and also in other Chapters and has made recommendations for adoption of uniform grade/cadre structure subject to functional needs of an individual organisation. In a large organisation, all the hierarchical levels as per uniform cadre/grade structure may be created while in a smaller office, a few levels of the uniform hierarchical structure may not be introduced keeping in view the functional needs of the organisation. Consequently, while in a larger organisation/cadre, promotions are allowed in consecutive hierarchical grades, in a smaller cadre, promotions involve substantial jumps though in such cases, the requirement of period of regular service in the feeder grade as specified in the Recruitment Rules may be longer. Since, under ACPS, the requirement of longer regular service in the feeder grade for promotion to such higher levels is not reckoned while considering financial upgradations, it results in a situation where persons belonging to common category and recruited at same time in same entry grades are entitled to financial upgradations in vastly different grades under ACPS. Is it not anomalous?

Clarification

Financial upgradations under ACPS are to be allowed in the 'existing hierarchy'. However, in reply to point of doubt No. 2, it has already been clarified that existing hierarchy in relation to a cadre would mean the restructured grades recommended by the Fifth Central Pay Commission. Further, as an example, in reply to point of doubt no. 19, it has been stated that in order to secure upward mobility of library staff under the ACPS, it has been decided to adopt the pay structure as notified by the Ministry of Finance vide O.M. dated July 24, 1990 subject to the terms and conditions specified by them. Therefore, the ACPS already envisages that in respect of common category posts, if the Government has accepted a uniform standard hierarchical structure, then 'existing hierarchy' in relation to such common categories shall be the standard hierarchy as approved by the Government and not the hierarchy in a particular office, which, for functional considerations may not have all the grades. If such financial upgradations are allowed keeping purely such local hierarchy in view, it will result in vast disparities in entitlements under ACPS for identical category of posts which cannot be justified. It has the potential of generating huge disquiet and unrest, which will not be in public interest.

If, however, the Fifth Central Pay Commission has recommended a specific pay structure/ACP grades for a particular category in an organisation, which may seemingly belong to a common category, then the mobility under ACPS in respect of such specific posts in that organisation shall be through the grade structure/ACPS grades recommended for that organisation, if the same has been approved by the Government, and not the standard grade/hierarchical structure recommended for such common category.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

24 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपोठ

.....12/-

63'

S.No.	Point of doubt	Clarification
57.	<p>Whether an employee who has not been recommended for grant of financial upgradation under ACPS by a Screening Committee can be considered by the next Screening Committee to be held in the other half of the year or one held only on expiry of one year?</p>	<p>In para 6 of DoP&T O.M. dated 10.2.2009, it has been provided that the Screening Committee shall meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases maturing in the respective half of the financial year concerned. Normally, a case, once considered, should be reviewed only in the Screening Committee to be held after one year. However, if an additional ACR report has become available in respect of such an employee before cases are processed for placing the other cases before the Screening Committee to be held in the second half, or if there is any other development which makes a material change in the matter of assessment from the position obtaining when the case was considered earlier by the Screening Committee, there is no objection to the case of such employee being considered in the subsequent Screening Committee to be held in the other half of the year. As regards date of effect for grant of ACPS in such cases, it is clarified that ACPS is applicable on 9.8.1999 or from date of completion of 12/24 years of regular service only in those cases where the employee is found fit for grant of ACPS at the first opportunity. If, however, he is found suitable only by a subsequent Screening Committee, the benefit of ACPS will be allowed to him only from the date of meeting of the Screening Committee in which he is recommended for grant of ACP. If the first financial upgradation is deferred in this manner, the second financial upgradation shall be allowed only after completion of 12 years of regular service from the date of first financial upgradation subject to fulfillment of the prescribed conditions. In this regard condition no. 4 of the Scheme is relevant.</p>

64

(20)

Point of doubt	Clarification
<p>(i) An Inspector in a CPO in the pay scale of Rs.6500-10500 is entitled to benefits like Ration Allowance, Washing Allowance, Leave encashment for working on holidays, bonus etc. Some of these benefits are not admissible to incumbents of posts in the grade of Assistant Commandant (Rs.8000-13,500). Will the Inspector continue to get these benefits upon grant of financial upgradation in the grade of Assistant Commandant.</p> <p>(ii) Officers in the higher promotional grade are entitled to facilities like telephone at residence, reimbursement of cost of newspaper/magazines, which are not admissible to feeder grade post holder. Which such facilities are available when feeder grade holder is allowed financial upgradation under Caps in the grade of higher promotional post.</p>	<p>ACPS only allows financial upgradation and cannot be equated with regular promotion though normal promotion norms are insisted for grant of this financial upgradation. Even after grant of financial upgradation which is allowed as personal to the employee, he continues to hold the original post on regular basis, with same designation, classification, duties and responsibilities etc. In other words, except being allowed to draw pay in a higher grade the employee continues to be regular incumbent of the post to which he has been selected on regular basis as per the Recruitment Rules.</p> <p>Therefore, if there are certain perks and benefits, which are applicable to an employee as a result of his holding a particular post, the same will continue to be available to him, notwithstanding the fact that he may be placed in a higher grade on personal basis under ACPS. On the same analogy in the second case, except the entitlements like higher advance, HBA etc. which are linked to pay scale rather than status of the higher post, no privileges related to status of the higher post will be applicable in the event of grant of financial upgradation in the grade of the higher post. This has been clarified in condition No. 6 of the ACP Scheme introduced <u>vide</u> O.M. dated 9.8.1999 also.</p>

59.	Where the Strength of Staff Car Drivers is not sufficient to introduce the Staff Car Driver Scheme notified by DoP&T, or where the organisation consciously decides to opt for the ACPS, how is the ACP to be regulated in case of such Staff Car Drivers.	As in the case of Stenographers discussed in point of doubt No. 44 above, Staff Car Drivers in such organisations may be allowed financial upgradations in the scales as applicable under the Staff Car Driver Scheme on completion of 12/24 years of regular service subject to passing of the trade tests as specified in the Scheme. However, where the Staff Car Driver Scheme is applicable, ACPS is not applicable.
-----	--	---

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

20 OCT 2000

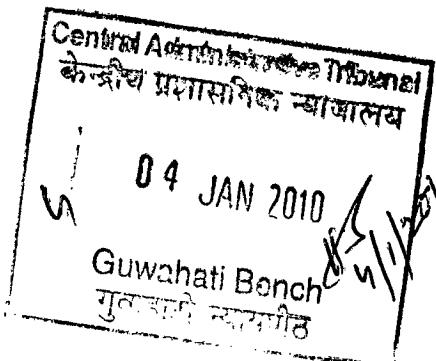
Guwahati Bench
गुवाहाटी न्यायपोर्ट

xxx

W

competent and auth-

gle the statement on behalf of ...



8/6
1
Filed by:
The Applicant
through
Filing by Post
Guwahati
4.1.10.

-65-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::

GUWAHATI BENCH:: GUWAHATI::

OA No. 108/2009.

BETWEEN

Joynal Abedin.

APPLICANT

-Versus-

Union of India and Ors

RESPONDENTS

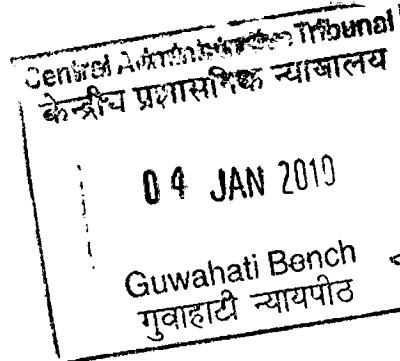
R E J O I N D E R

1. That a copy of written statement has been served upon the applicant. The applicant has gone through the same and under stood the contents thereof. The statements which are specifically admitted herein below, other statements made in the written statement are categorically denied and the respondents are put to the strictest proof thereof.

2. That with regard to the statements made in Para 1 (a), (b) and (c) of the written statement the deponent while denying the contentions made therein begs to state that the objections raised by the respondents has got no legs to stand.

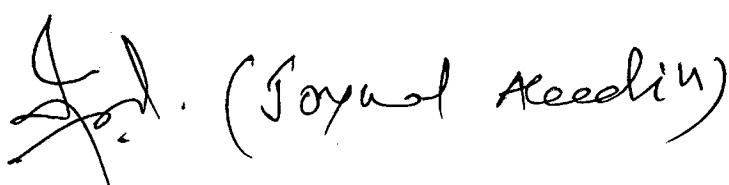
3. That with regard to the statements made in Para 2 of the written statement the deponent begs to state that on 16.02.1996 the applicant joined as Stenographer Grade- III in the pay scale of Rs. 1200-30-1560-EB-40-2040 [pre-revised] under the respondents as direct recruit and he was granted the 1st financial up gradation under the ACP Scheme w.e.f. 16.02.08. It is pertinent to mention here that

J. A. (Joynal Abedin)



pursuant to the recommendation of the 5th Central Pay Commission in Para 46.35 of its report the Government of India, Department of Personnel and Training issued the O.M. No. 22034/2/92-Estt. (D). dated 06.08.1999 directing restructuring of the cadre of non-secretariat Stenographers in the ratio of 40:40:20. However, the respondent did not implement the restructuring of cadre in the division and put to applicant in a disadvantageous situation vis-à-vis the stenographers in the other Central Government Departments.

It is further stated that the clarifications [Annexure-R/1] issued with regard to the grant of ACP benefit very clearly stated that the existing recruitment rules which provides for multiple channels of promotion are no consistent with the guidelines on framing of the recruitment rules and directions have been issued to review the recruitment rules immediately to provide a single channel of promotion. However, the respondents taking benefit of such anomaly created by them have placed the applicant in a lower pay scale while granting 1st financial up gradation under the ACP Scheme. It is stated that the DOPT in the aforesaid clarifications, even in case of isolated post of Stenographer in the non-secretariat, wherein the pay commission has made specific recommendation regarding scales to be allowed under the ACPS likewise the applicant herein, directed for grant of pay scale of Rs. 5000-8000 in 1st financial up-gradation. The respondents taking benefit of their own wrong has caused serious discrimination to the applicant by granting him the pay scale of Rs. 4500-7000/- while granting 1st financial up gradation under the ACP Scheme whereas the Stenographer Grade- III in the other Central Government departments have bee, extended with the pay scale of Rs. 5000-8000/-. Even under the same Ministry pay scale of Rs. 5000-8000/- has been extended to the Stenographer Grade- III in pursuance of the 1st financial up-gradation. Hence the respondents acted in clear violation of the directives of the Government of India and resorted to


Joyntu Keddiwala

04 JAN 2010

67-

Chinchhati Bench
पर्याय

arbitrariness and acted discriminatorily in negating the claim of the applicant.

A copy of the DOPT O.M. No. 22034/2/92-Estt. (D). dated 06.08.1999 is annexed herewith and marked as **ANNEXURE- 1**.

4. That with regard to the statements made in Para 3 to 12 of the written statement the deponent while denying the contentions made therein and reiterating and reaffirming the contentions raised in the O.A. as well as Para 3 above begs to state that the respondents have acted in clear violation of the Government of India directives and have taken benefit of their own wrong while negating the claim of the applicant of pay scale of Rs. 5000-8000/- in pursuance of the 1st financial up-gradation under the ACP Scheme. Hence, on this score alone the present O.A. deserves to be allowed with cost.

5. That in view of the aforesaid the present original application deserves to be allowed with cost.


(Joyual Aluedin)

68 89

VERIFICATION

04 JAN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

I, Joynal Abedin, son of Md. Kamor Ali, aged about 40 years, presently working as Stenographer, Grade- III, Song and Drama Division, Guwahati Regional Center, Chandmari, Guwahati- 781003, Assam, do hereby solemnly affirm and verify that the statements made in the rejoinder in paragraphs 1, 2, 4 & 5 are true to my knowledge, those made in paragraphs 3 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 4th day of January, 2010 at Guwahati.


(Joynal Abedin)
APPLICANT

04 JAN 2010

Guwahati Bench
गुवाहाटी न्यायालय

October, 1999

Subj: 69-
S. No. 367

This issues with the concurrence of FA (P) vide their letter No. 383/FA/99, dated 10-8-1999.

242

G.I., Dept. of Per. & Trg., O.M. No. 22034/2/92-Estt. (D),
dated 6-8-1999

Restructuring of Stenographers cadre in non-secretariat offices in the ratio of 40:40:20, with effect from 6-8-1999

The undersigned is directed to say that there has been a demand for restructuring of the cadre of non-secretariat Stenographers in the ratio of 40:40:20. The Fifth Central Pay Commission in Paragraph 46.35 of its report also recommended that the existing posts of Stenographers Grades-III, II and I in the pre-revised pay scales of Rs. 1,200, Rs. 2,040, Rs. 1,400-2,300/Rs. 1,400-2,600 and Rs. 1,640-2,900 respectively should be pooled together and restructured in the ratio of 40:40:20 by individual Departments wherever feasible. For smaller offices, there could be pooling of posts for this purpose only.

2. These recommendations have been examined in consultation with the Ministry of Finance (Department of Expenditure) and it has been decided to accept the recommendations. The basic features of the scheme would be as indicated below:—

- (i) The cadre of Stenographers Grade-III, Grade-II and Grade-I will be restructured by suitable upgradation and downgrading of posts. The strength of these grades will be re-sized in the ratio of 40:40:20 in each Department. In other words, if the total strength of said grades in a Department is 100, 40 posts will be held in Grade-III, 40 in Grade-II and 20 in Grade-I;
- (ii) The vacancies that may arise in Grade-II and Grade-I in a Department as a consequence of re-fixation of the strength of these grades on the specified date, will be filled up by the Stenographers working in that Department. In smaller offices, there could be pooling of posts for this purpose only;
- (iii) If the revised number of posts is in excess of the existing strength of a particular grade, the difference will be deemed as newly sanctioned posts in that grade. Similarly, if the revised number of posts in a grade is less than the existing strength, the number of posts equal to the difference will be treated as having been abolished in that grade; and
- (iv) The vacancies arising out of the restructuring will be filled up only from amongst the Stenographers who fulfil the eligibility criteria laid down in the Recruitment Rules for the post. All the new posts (other than Sr. P.A. which would be outside the purview of the aforesaid restructuring) necessary

Attached

Hari

Advocate

October, 1999

Swamy's news

61

Central Administrative Tribunal
संघीय प्रशासनिक न्यायालय

to be created subsequently on functional ground in the cadre of Stenographers will be created only in Grade-III initially.

3. The existing norms laying down the level of stenographic assistance admissible to officers of various ranks as contained in the Department of Personnel and Training O.M. No. 28034/1/88-Estt. (D), dated 6-2-1989, O.M. No. 28034/1/89-Estt. (D), dated 9-2-1990 and O.M. No. 22034/5/87-Estt. (D), dated 30-1-1991 (copies enclosed) (*also published in Swamy's Annual — vide Sl. No. 407 of 1989, Sl. No. 335 of 1990 and Sl. No. 194 of 1991 respectively*) will stand relaxed accordingly. Suitable adjustments may be made by respective Departments/offices within the re-fixed strength of different grades of Stenographers. There may be instances, where even after upgradation, there may be no change in the level of officer with whom a Stenographer has been attached. In other words, there may be no change in the duties and responsibilities of a Stenographer even after upgradation.

4. These instructions will be effective from the date of issue of the orders. The actual benefit would, however, be admissible to the stenographers from the date of actual upgradation to Grade-II and Grade-I as the case may be.

5. Ministries/Departments are requested to take expeditious action to implement the aforesaid decision so as to relieve stagnation amongst stenographers in non-secretariat offices within their administrative jurisdiction.

ANNEXURE - I

Copy of G.I., Dept. of Per. & Trg., O.M. No. 28034/1/88-Estt. (D), dated 6-2-1989

Subject:— Stenographers in Subordinate Offices — Recommendations of 4th Central Pay Commission — Scale of Stenographic assistance

The undersigned is directed to refer to the Deptt. of Personnel & Administrative Reforms O.M. No. 1/8/72-Estt. (D), dated the 6th January, 1977, wherein the Administrative Ministries were advised to provide officers working in the subordinate offices and drawing pay in the pre-revised scale of Rs. 1,500-60-1,800-100-2,000 and above with stenographers drawing pay in the scale of Rs. 425-700 and allot stenographers in the scale of Rs. 330-560 to officers drawing pay in the scale lower to Rs. 1,500-2,000. In the light of the adoption of common replacement scale of pay for officers pursuant to the 4th Central Pay Commission recommendations, the entitlement of officers for stenographic assistance in Subordinate Offices has been reviewed in consultation with the Ministry of Finance. The entitlement of officers for stenographic assistance has accordingly been revised as under with immediate effect:—

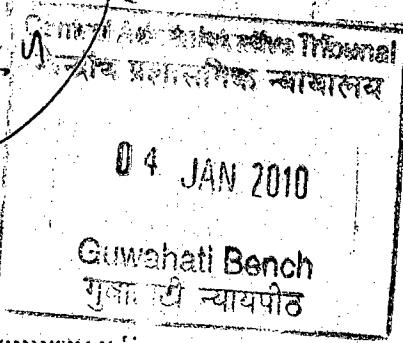
04 JAN 2010

Guwahati Bench
জগুগুৱাহাটী

October, 1999

42

Swamyam



<i>Level of stenographic assistance</i>	<i>Scale of officer entitled</i>
(1)	(2)
1. Stenographer Grade III (Rs. 1,200-2,040)	Rs. 3,000-4,500 and below Rs. 3,700-5,000.
2. Stenographer Grade II (Rs. 1,400-2,300)	Rs. 3,700-5,000 and above and below Rs. 5,100-5,700.
3. Stenographer Grade I (Rs. 1,640-2,900)	Rs. 5,100-5,700 and above and below Rs. 5,900-6,700.
4. Senior P.A. (Rs. 2,000-3,200)	Rs. 5,900-6,700 and above (Officers of Senior Administrative Grade or equivalent posts).

2. The post of Stenographers Grade III may be upgraded to Grade II in those cases where the officers in a scale of pay lower than JAG have been allowed the revised scale of JAG with the approval of Ministry of Finance/Cabinet.

3. Ministry of Agriculture, etc., are requested to bring the above decision to the notice of all concerned for information and suitable action.

3X 22 MAR 2009
Guwahati Bench
ज्ञानी देश

File No: The Applicant
The Bench Lod.
Abidip Nar. Das.
A. Aboudi
22/3/10

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

CONSOLIDATED O.A. No. 108 of 2009

BETWEEN

Joynal Abedin, Stenographer, Grade- III,
Song and Drama Division, Guwahati
Regional Center, Chandmari, Guwahati-
781003.

APPLICANT

-Versus-

1. Union of India.

Represented by the Secretary, Ministry
of Information & Broadcasting,
Government of India, Shastry Bhawan, New
Delhi- 110001.

**2. The Director, Song and Drama
Division, Ministry of Information &
Broadcasting, Soochna Bhawan, C.G.O.
Complex, Lodi Road, New Delhi- 11 0003.**

**3. The Deputy Director (Admn), Song
and Drama Division, Ministry of
Information & Broadcasting, Soochna
Bhawan, C.G.O. complex, Lodi Road, New
Delhi- 11 0003.**

**4. The Deputy Director, Song and
Drama Division, Guwahati Regional
Center, Chandmari, Guwahati- 3.**

RESPONDENTS

Joynal Abedin

Received
22/02/10

22 NOV 2008

Guwahati Branch

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER(S) AGAINST WHICH THE APPLICATION IS MADE:

The present application is directed against the impugned order No. A-32016/1/99-Admn.I dated 07.05.08 [Annexure- 9] issued by 3rd respondent.

1.A. The present application is also made against the inaction on the part of the respondents for non implementation of the directions issued by the Government of India, DOPT O.M. No. 22034/2/92-Estt. (D) dated 06.08.1999.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

4.1 That the applicant is presently working as Stenographer, Grade- III in the Song and Drama Division, Guwahati Regional Center.

4.2 That the applicant cleared the Stenographer Grade- III examination conducted by the Staff Selection Commission in the year 1995. Thereafter, by a Memorandum No. A-12011/1/95-Admn.I dated 11.12.1995 he was nominated by the Staff Selection Commission for appointment to the post of Stenographer Grade- III in the Song and Drama Division, Regional Center, Guwahati in the pay scale of Rs. 1200-30-1560-EB-40-2040. By the said memorandum the applicant was also asked to submit documents.

Joyual Abedin

22 MAR 2010

Clerical Branch
Guwahati

A typed copy of the memorandum dated 11.12.1995 is annexed herewith and marked as **ANNEXURE- 1**.

4.3 That consequent upon nomination of the applicant by the Staff Selection Commission, the Deputy Director (Admn), Song and Drama Division, Ministry of Information and Broadcasting issued a memorandum under No. A-12011/1/95-Admn.I dated 12.02.1995 offering temporary appointment to the applicant to the post of Stenographer Grade- III in the pay scale of Rs. 1200-30-1560-EB-40-2040. By the said memorandum the applicant was put in a probation period of 2 (two) years from the date of appointment. Thereafter the respondents issued the formal appointment order dated 31.03.1997 to the applicant posting him as Stenographer Grade- III at Guwahati Regional Center of Song and Drama Division initially putting him in a probation period of 2 (two) years w.e.f. 16.02.1996.

A typed copy of the memorandum dated 12.02.1995 and order dated 31.03.1997 is annexed herewith and marked as **ANNEXURE- 2 and 3**.

4.4 That the applicant begs to state that the respondents by an office order No. A-31016/2/2000-Admn.I dated 13.7.01 terminated the probation period of the applicant and appointed him in the substantive post of Stenographer Grade- III, Song and Drama Division, Guwahati Regional Center w.e.f. 16.02.1998.

A copy of the Office Order dated 13.07.2001 is annexed herewith and marked as **ANNEXURE- 4**.

4.5 That the applicant begs to state that in the year 2005 entire cadre of Stenographers in non secretarial offices was restructured and the Government of India consequent upon the restructuring framed new recruitment rule in the name and style "**Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers Grade- I, Grade- II and Grade- III) Recruitment Rules, 2005**" (herein after referred to as 'Recruitment Rule' 2005') vide Gazette Notification dated 08.10.2005. The aforesaid recruitment rule provides for 3 (three) posts namely:

Joymal Aladdin

22 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়পালিকা

Stenographer Grade- I pay scale of Rs. 5500-175-9000.
 Stenographer Grade- II pay scale of Rs. 5000-150-8000.
 Stenographer Grade- III pay scale of Rs. 4000-100-6000.

The Recruitment Rule also provides that the post of Stenographer Grade- II carrying the pay scale of Rs. 5000-150-8000 is to be filled up 100% by promotion from amongst Stenographers Grade- III in the pay scale of Rs. 4000-100-6000 working in the Press Information Bureau's Headquarters, Regional and Offices having **8 (eight) years'** of regular service in the grade and failing which by deputation.

A copy of the Gazette Notification dated 08.10.2005 is annexed herewith and marked as **ANNEXURE- 5.**

4.6 That the applicant begs to state that after the restructuring of the cadre the Press Information Bureau, Government of India issued a memorandum under No. 2/1/2002-Admn-I dated 24.02.06 circulating the revised distribution of the post of Stenographers Grade- I, Grade- II & Grade- III after restructuring of the cadre as per the Recruitment Rule' 2005. The relevant portion is quoted below for ready reference:-

Sl. No.	Post	Scale of Pay (In Rupees)	Number of posts before restructuring	Number of posts after restructuring
01	Stenographer Grade- III	4000-150-6000	40	21
02	Stenographer Grade- II	5000-150-8000	9	19
03	Stenographer Grade- I	5500-175-9000	-	9
	Total		49	49

A copy of the memorandum No. No. 2/1/2002-Admn-I dated 24.02.06 is annexed herewith and marked as **ANNEXURE- 6.**

4.7 That the applicant begs to state that the respondents by a communication under No. A.23022/1/08-Admn.I circulated the seniority list in the grade of Stenographer grade- III in the

Jaynel Acedia

22/2/2010
Gurahati Bench
Tribunal

5

song and Drama Division as on 01.01.2008. In the aforesaid seniority list the applicant was placed at Sl. No. 5 showing his date of regular appointment as 16.02.1996. The persons at Sl. No. 4 and above are enjoying the pay scale of Stenographer Grade- II i.e. Rs. 5000-150-8000/- as 1st Financial Up gradation and the applicant has to face the negation on the part of the respondents of similar benefits.

A copy of the communication dated 26.02.08 is annexed herewith and marked as **ANNEXURE- 7**.

4.8 That the applicant begs to state that as per the Recruitment Rules' 2005 the applicant became eligible for promotion to the post of Stenographer Grade- II in the pay scale of Rs. 5000-150-8000 on 16.02.04 after completion of 8 (eight) years of regular service in the post of Stenographer- III. Although the applicant became eligible for promotion to the next higher grade of Stenographer Grade -II in the year 2006 but his case was not considered for promotion till 2008. Hence, the applicant had to face acute stagnation in his service career.

4.9 That the applicant begs to state that the Government of India, Department of Personnel, public grievance and Pension (Department of Personnel and Training) issued an Office Memorandum No. 35034/1/97-Estt (D) dated 09.08.1999 in the name and style "**Assured Career Progression Scheme for the Central Government Employees**" to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme provides for two financial up gradation as per the recommendation of the Fifth Central Pay Commission to the Group- 'A', 'B', 'C' and 'D' employees after completion of 12 (twelve) and 24(twenty four) years of regular service respectively.

The aforesaid Scheme in **Para 7 in Annexure- II** provides that financial up gradation 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.

A copy of the ACP Scheme dated 09.08.1999 is annexed herewith and marked as **ANNEXURE- 8**.

Syed Azeem

22 MAR 2010

Guwahati Bench

4.10 That the applicant begs to state that considering the acute stagnation faced by the applicant in his service the 3rd respondent by an order No. A-32016/1/99-Admn.I dated 07.05.08 granted the 1st Financial Up gradation to the applicant from the pay scale of Rs. 4000-100-6000 i.e. Stenographer Grade- III to the scale of pay of Rs. 4500-125-7000 w.e.f. 16.02.08.

It is worthwhile to mention here that the pay scale granted to the applicant i.e. Rs. 4500-125-7000 is not the pay scale of Stenographer Grade- II which is the next higher grade for the applicant. Nowhere in the Recruitment Rule of 2005 there is any mention of the pay scale of Rs. 4500-125- 7000.

A copy of the order dated 07.05.08 is annexed herewith and marked as **ANNEXURE- 9**.

4.11 That the applicant begs to state that as per the Recruitment Rule' 2005 and the Memorandum dated 24.02.06 the next higher grade for the applicant in the cadre of Stenographer is **Stenographer Grade- II** carrying the pay scale of **Rs. 5000-150-8000**. Therefore, as per the ACP Scheme of 1999 Para 7 of the Annexure- II the 1st Financial Up gradation to the applicant should have been to the pay scale of Rs. 5000-150-8000 in the Grade of Stenographer Grade- II. However, the respondents in a total erroneous manner fixed the pay of the applicant in the scale of Rs. 4500-125-7000 causing gross discrimination towards the applicant. It is stated that the said scale of Rs. 4500-125-7000 is not at all existent in the hierarchy of the posts in the cadre of Stenographer.

4.12 That the applicant being aggrieved and making a grievance against the impugned order dated 07.05.08 submitted a representation dated 20.11.2008 to the Deputy Director (Admn.), Song and Drama Division, Soobhna Bhawan, New Delhi. In the said representation the applicant submitted that as per the hierarchy in the cadre of Stenographer, while fixing the pay of the applicant under the ACP Scheme, the pay of the applicant should have been fixed in the time scale of Rs. 5000-150-8000 i.e. the pay scale of Stenographer Grade- II. However, the respondents causing serious discrimination to the applicant granted the

Yours sincerely

22 MAR 2010

7

Guwahati Bench
महानगर न्यायालय

benefit of 1st financial up gradation to the scale of Rs. 4500-125-7000/- which is contrary to the Constitutional mandate. Had it been case of isolated post in the absence of defined hierarchical grades, in such a situation the pay scale granted by the respondents would have had some legs to stand. However, as regards the applicant the post held by the applicant is not an isolated post. Therefore, the pay scale granted to the applicant as 1st Financial up gradation under the ACP Scheme is erroneous. The applicant further stated that similarly situated persons in the Stenographer Grade- II are enjoying higher pay scale i.e. Rs. 5000-150-8000/- under the ACP Scheme whereas the applicant is denied of his legitimate claim. However, in spite of the repeated requests the respondents sat over the matter and did not give an eye towards the grievance of the applicant.

A copy of the representation dated 20.11.2008 is annexed herewith and marked as **ANNEXURE- 10.**

4.12. A That the applicant begs to state that the Government of India, Department of Personnel and Training issued the O.M. No. 22034/2/92-Estt. (D) dated 06.08.1999 pursuant to the recommendation of the 5th CPC directing all the non-secretariat offices to restructure the cadre of Stenographer in the ratio of 40:40:20. Therefore, the respondents are duty bound to effectuate such restructuring in the cadre of Stenographer in the Song and Drama Division immediately after issuance of the directives of the DOPT. It is worthwhile to mention here that the Press Information Bureau, Ministry of Information and Broadcasting have already implemented such restructuring.

Copies of recommendation of the 5th CPC and DOPT O.M. dated 06.08.1999 are annexed herewith and marked as **ANNEXURE- 11 and 12.**

4.12. B. That the applicant begs to state that the DOPT vide O.M. dated 18.07.2001 [Annexure- R/1 of the W.S] in Sl. No. 42 while giving clarification towards grant of ACP in case of posts having multiple channel of promotion have categorically stated that the provisions in the existing recruitment rules in various organizations providing for multiple channel of promotion are incontinent with the guideline on framing of the Recruitment

Jyoti Aladdin

22 MAR 2013

Guwahati Bench
গুৱাহাটী বেংচ

Rules. The DOPT further directed that all such Rules should be immediately reviewed to provide only a single channel of promotion and till such review as an interim arrangement 1st financial up-gradation to the lowest promotional grade shall be allowed. It is stated that in spite of the clear cut direction of the Government of India for review of the recruitment rule having multiple of channel of promotion, the respondents in clear violation of such guidelines and committing serious illegality continued with such defective recruitment rules and did not effectuate the cadre restructuring as directed by the DOPT O.M. dated 06.08.1999. Although, the clarification provides for 1st financial up-gradation to the lowest promotional grade as an interim measure pending review of the recruitment rules, the respondents never reviewed the recruitment rule and alternatively taking benefit of their own wrong have granted the lowest promotional grade as 1st financial up-gradation which is not at all sustainable in the eye of law and discriminatory in nature.

4.12. c That the applicant begs to state that the action on the part of respondents in granting the pay scale of Rs. 4500-125-7000/- as 1st financial up-gradation is discriminatory and is in clear violation of the directive issued by the Government of India. It is stated that the Stenographer Grade- III in the other Central Government Departments pursuant to the 1st up-gradation have been allowed the pay scale of Rs. 5000-150-8000, i.e. pay scale of Stenographer Grade- II. However, in the instant case the respondents causing serious discrimination have granted a much lower pay scale of Rs. 4500-125-7000 while extending the 1st financial up-gradation in gross violation of Article 14 and 16 of the Constitution of India.

4.13. That from the present facts and circumstances of the case it is clear that the pay scale of Rs. 4500-125-7000/- which has been granted to the applicant as 1st financial up gradation under the ACP Scheme is in disparity with the pay scale of other Stenographer Grade- III enjoying through out the country. More over, as per the provisions of the Scheme the applicant should have been granted the pay scale of next higher grade as 1st financial up gradation. The next higher grade for the applicant



22 MAR 2010

Girija

in accordance with the existing hierarchy in the cadre of Stenographer is Stenographer Grade- II in the pay scale of Rs. 5000-150-8000/-. However, the respondents in clear violation of the provisions of the Scheme and causing gross discrimination have granted a lower pay scale of Rs. 4500-125-7000/- to the applicant which has no existence in the cadre of Stenographer. Hence the present case is a fit case wherein the Hon'ble Tribunal may be pleased to pass an interim order directing the respondents to grant the pay scale of stenographer Grade- II i.e. Rs. 5000-150-8000 w.e.f. 16.02.08 and the difference in pay from the said date pending disposal of the present original application. The applicants have made out a prima facie case of illegality and arbitrariness on the part of the respondents. The balance of convenience is in favour of the applicants for such an interim order. They would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

4.14 That the applicant demanded justice from the respondents which has been denied to him.

4.15 That the applicant has no other alternative or any other efficacious remedy and the remedy sought for, if granted, shall be adequate, just and proper.

4.16 That the applicant has filed this application bonafide for securing the ends of justice.

5. GROUNDS FOR RELIEF(S) WITH LEGAL PROVISIONS :-

5.1 Because the respondents illegally and arbitrarily granted a lower pay scale to the applicant as 1st financial up gradation under the ACP Scheme which in clear violation of Article 14 and 16 of the Constitution of India. Hence on this ground alone the impugned order is liable to be set aside and quashed.

5.1. A For that the O.M. dated 18.07.01 issued by the DOPT while clarifying grant of 1st financial up-gradation in case of posts having multiple channel of promotion had directed in very categorical terms that the recruitment rules having multiple

Syed Azeem

22 MAR 2010

GURU GEGGUTA
T

channel of promotion are to be reviewed and modified immediately because it is contrary to the guidelines of recruitment rules. Therefore, the respondents are duty bound to adhere the aforesaid directions of the DOPT and accordingly wipe out the infirmity. However, the respondents causing serious illegality did not review or modify such recruitment rule for the entire last decade which is in clear violation of the directives issued by the Government of India and incurs interference of this Hon'ble Tribunal.

5.1. B For that the DOPT in the later part of the aforesaid clarification provides for granting of lowest promotional grade in 1st financial up-gradation as an interim measure pending finalization of review or modification of such recruitment rule. However, the respondents neither reviewed nor modified such rules for the last decade and taking benefit of their own wrong have granted the lower pay scale of Rs. 4500-125-7000 causing serious injustice and discrimination to the applicant. Hence the impugned order is liable to be set aside, quashed and modified.

5.1. C For that the respondents even after passing of a decade did not implement the Government of India directives dated 06.08.1999 towards restructuring of the cadre of Stenographer. It is stated that the Stenographer Grade- III in the other Central Government Departments are getting the pay scale of Rs. 5000-150-8000 in Grade- II pursuant to grant of 1st financial up-gradation. However, in the instant case the respondents causing serious discrimination and taking benefit of their own wrong have granted a much lower pay scale of Rs. 4500-125-8000 which is not sustainable in the eye of law and liable to be interfered with by this Hon'ble Court.

5.2 Because the respondents committed gross illegality in granting a lower pay scale i.e. Rs. 4500-125-7000/- to the applicant instead of Rs. 5000-150-8000/- which has resulted in serious discrimination towards the applicant. Law is very clear that there should not be arbitrary classification in granting the pay scales and there should be equal pay for equal work. Hence,

Yogesh Aeedu

on this score alone the impugned orders are liable to be set aside and quashed.

5.3 Because the **Para 7 of Annexure- II of the Assured Career Progression scheme of 1999** provides that financial up gradation 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. The next higher grade from the post of Stenographer Grade- III, which the applicant is presently holding, is Stenographer Grade- II carrying the pay scale of Rs. 5000-150-8000/-. Therefore, as per the provisions of the Scheme while granting the benefit of 1st financial up gradation the pay of the applicant should have been Rs. 5000-150-8000/-. However, the respondent causing serious discrimination granted a pay scale of Rs. 4500-125-7000/- to the applicant. Hence, the respondents committed gross illegality and arbitrariness in granting a lower pay scale negating the legitimate claim of the applicant and on this score alone the impugned order is liable to be set aside and quashed by this Hon'ble Tribunal.

5.4 Because the basic aim of the ACP Scheme is to remove the problem of genuine stagnation and hardship faced by the Central Government Civilian employees due to lack of adequate promotional avenues. However, in the case of the applicant the respondents while removing the stagnation created discrimination to the applicant by granting a lower pay scale which is contrary to the Constitutional provisions and spirit of the Scheme and not at all sustainable in the eye of law.

5.5 Because the similarly situated persons in the cadre of Stenographer Grade- III in the entire country are enjoying the pay scale of Rs. 5000-150-8000/- as 1st financial up gradation whereas the respondents are denying the applicant from the similar benefits. Hence, on this score alone the impugned order is liable to be set aside and quashed.

5.6 Because from the sequence of events it is clear that the impugned order is illegal and arbitrary and has been issued

joynt acclm

12

22 MAR 2019

Glücklich 3

depriving the applicants from his legitimate claim of higher pay scale i.e. Rs. 5000-150-8000/- as 1st financial up gradation under the ACP Scheme. Hence on this ground alone the impugned orders are liable to be quashed.

The applicant craves leave of the Hon'ble Court to advance more grounds both legal and factual at the time of hearing of this case.

6. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

The applicant further declares that he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any other court or any other bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT FOR:

8.1. To quash / set aside / modify the impugned orders dated 07.05.08 to the extant of correct fixation of pay and grant all the consequential service benefits.

8.1 A To direct the respondents to implement the directives issued vide DOPT O.M. dated 06.08.1999 and consequently review the recruitment rule along with all consequential benefits.

8.2. To direct the respondents to grant the pay scale of Rs. 5000-150-8000/- to the applicant w.e.f. 16.02.08 and to re-fix his pay accordingly.

8.3. To direct the respondents to pay the arrear in pay w.e.f. 16.02.08 taking the pay scale to be Rs. 5000 - 150 - 8000/-.

Journal Acacelia

22 MAR 2009

Guwahati Bench
Assam High Court

8.4. To direct the respondents to pay interest @ 21% on the arrear pay (as indicated in Para 8.3).

8.5. Cost of the application.

8.6. To pass any such order/orders as Your Lordships may deem fit and proper.

9. INTERIM ORDER PAYED FOR:

Pending disposal of the present original application the applicant prays for an interim order directing the respondents to consider his case towards granting the pay scale of Rs. 5000-150-8000/- to the applicant w.e.f 16.02.08 with re-fixation as prayed above and pay the arrear in pay scale w.e.f. 16.02.08.

10. The application is filed through Advocates.

11. PARTICULARS OF THE IPO:

(I)	IPO No.	:
(II)	Date of Issue	:
(III)	Issued from	:
(IV)	Payable at	: Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

...Verification

Jaynat Aladdin

22/3/2010

Court of Session

VERIFICATION

I, Joynal Abedin, son of Md. Kamor Ali, aged about 39 years, presently working as Stenographer, Grade- III, Song and Drama Division, Guwahati Regional Center, Chandmari, Guwahati- 781003, Assam, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.8, 4.11, 4.12B, 4.12C, 4.13, 4.14, and 4.15 are true to my knowledge, those made in paragraphs 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.9, 4.10, 4.12 and 4.12A being matters of records are true to my information derived there from and the grounds urged are as per legal advice and rests are my humble submission before the Hon'ble Court. I have not suppressed any material fact.

And I sign this verification on this the 22nd day of March, 2010 at Guwahati.

**APPLICANT**

-15-

No. A-12011/1/95-Admn. I
 Song and Drama division
 Ministry of Information and Broadcasting

Soochana Bhawan, CCO Complex,
 Lodhi Road, New Delhi- 110003

Dated the 11th Dec. '95

M E M O R A N D U M

Sri Joynal Abedin is informed that he has been nominated by the Regional Director, Staff Selection Commission, Guwahati for his appointment to the post of Stenographer Grade- III in the scale of pay of Rs. 1200-30-1560-EB-40-2040. Sri Joynal Abedin is advised to give his willingness for his appointment to the post of Stenographer Grade- III within 15 days after the receipt of this memorandum.

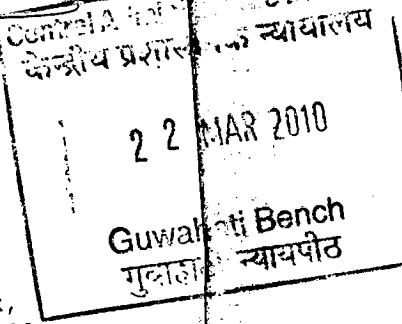
Sri Joynal Abedin is also requested to submit the following certificate/documents in original along with receipt of this memorandum:-

- i) Age Certificate;
- ii) Educational qualification certificate;
- iii) Certificate of physical fitness from civil surgeon/District Medical Officer;
- iv) Character certificate from two Gazetted officer duly counter-signed by Dist. Magistrate/SDM;
- v) Attestation form duly filled in (in triplicate);
- vi) Caste Certificate

In case he is not interested in his appointment in the Song and Drama Division, he may inform the undersigned immediately.

H.S.
Sd/-
 (SURINDER MOHAN)
 DEPUTY DIRECTOR (ADMN.)

Shri Joynal Abedin,
 C/O Makbul hussain sarkar,
 Shoe Center, (Station Road)
 P.O. & Dist.- Bongaigaon-783380.



No. A12014/1/95-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

Soochna Bhawan, CBDO Complex,
Lodhi Road, New Delhi-110003.

Dated the 11th Dec. 1995.

MEMORANDUM

Shri Joynal Abedin is informed that He has been nominated by the Regional Director, Staff Selection Commission, Guwahati, for his appointment to the post of Stenographer Grade III in the Song and Drama Division, Regional Centre, Guwahati in the scale of pay of Rs. 1200-
0-1650-5B 40-2040. Shri Joynal Abedin is advised to give his willingness for his appointment to the post of Stenographer Grade III within 15 days after the receipt of this Memorandum.

Shri Joynal Abedin is also requested to submit the following certificates/documents in original alongwith two attested copies thereof within 15 days after the receipt of this memorandum:-

- i) Age Certificate;
- ii) Education/qualification certificate;
- iii) Certificate of Physical fitness from Civil Surgeon/District Medical Officer;
- iv) Character certificate from two Gazetted Officers, duly counter-signed by Dist. Magistrate/SDM;
- v) Application form duly filled in (in triplicate);
- vi) Caste Certificate.

In case he is not interested in his appointment in the Song and Drama Division, he may inform the undersigned immediately.

S. Mohan
(SURINDER MOHAN)
DEPUTY DIRECTOR(ADMN.)

Shri Joynal Abedin,
C/o Makbul Hussain Sarker,
SHOP NO. 88A
(Station Road)
Dongailgaon-
783380

22. MAR. 2010

Guwahati Bench
Tribunal

No. A-12011/1/95-Admn. I
Song and Drama division
Ministry of Information and Broadcasting

Soochna Bhawan, CGO Complex,
Lodhi Road, New Delhi- 110003

Dated the 12th February 1996

M E M O R A N D U M

Consequent upon his nomination by the staff Selection commission for appointment to the post of Stenographer Grade III Sri Joynal Abedin is hereby offered temporary appointment to the post of Stenographer Grade III in the office of Song and Drama Division. He shall also be entitled to draw dearness and other allowances at the rates admissible under Rules and subject to the conditions laid down in the orders governed in grant of such allowance in force from time to time.

2. The terms of appointment are as follows:-

- i) The appointment is purely temporary and will not confer any title for permanent employment.
- ii) The appointment may be terminated at any time by a month's notice by either side i.e. by the appointee or the appointing authority without assigning any reason. The appointing authority, however, reserves the right of terminating the service of the appointee forthwith or before the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the part of notice or the expired portion thereof.
- iii) The appointment carries with it liability to serve in any part of India or abroad.
- iv) Sri Joynal Abedin shall be on probation for a period of two years from the date of appointment which may be extended or curtailed at the discretion of the appointing authority.
- v) The Headquarters of Sri Joynal Abedin will be for the present at Song & Drama Division, P.D. Chalihha Road, Guwahati-781003.

3. The appointment will further subject to:-

- i) Production of certificate of fitness from competent authority, Civil Surgeon/District Medical Officer,
- ii) In accordance with the Rules in force in regard to recruitment of service under the Govt. of India:-
 - a) No male person who has more than one wife living or who having spouse living, marries in any case in which such a marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service, unless the Govt. of India after being

ANEXURE
Has
Advocate.

satisfied that there are special grounds for doing so exempt any male person from the operation of this rule.

b) No female person whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of service, unless the Govt. of India after being satisfied that there are special grounds for doing so, exempt any female person from the operation of this rule.

The offer of appointment is, therefore, conditional upon his/her satisfying the requirements mentioned above and to his/her furnishing to this Division a declaration asked in Annexure to this memorandum along with his/her reply. If, however, he/she does not satisfy the above condition and desires to be exempted from the operation of the above mentioned rules for any special reason, he/she should make a representation in writing in this behalf immediately. The officer of appointment would in that case be treated as cancelled and further communication will be sent to him/her in due course, if upon consideration of his/her representation it is decided to offer him/her temporary appointment of Stenographer Grade- III in the Song and Drama Division.

iii) Taking of an oath of allegiance/faithfulness to the Constitution of India or making a solemn affirmation to that effect in prescribed proforma:

iv) Production of the following original documents/certificates along with two attested copies of each:-

- a) Educational Qualification,
- b) Certificate of age,
- c) Character certificate in the prescribed proforma from two Gazetted Officers duly countersigned by Dist. Magistrate/S.D.M.
- d) Certificate in the prescribed proforma in support of candidates claim to belong ST/SC/OBC.

4. If any declaration given or information furnished by Sri Joynal Abedin proves to be false or if he/she is found to have willfully suppressed by material/information, he will be liable to removal from service and to such other action as Government deem necessary.

5. If Sri Joynal Abedin accepts the offer on the above terms and conditions, he/she should communicate his/her acceptance or report to the authority mentioned in Para 2(v) above immediately and in no case later than. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer of appointment will be treated as cancelled.

6. No traveling allowance will be allowed for joining this appointment.

22 MAR 2010 125

Guwahati Bench
सदर न्यायालय

Sd/-

(SURINDER MOHAN)

Deputy Director (Admn.)

Sri Joynal Abedin

S/o Md. Kamor Ali,
Vill- BandhalPara,
P.O & P.S. -Bilasipara,
Dist- Dhubri (Assam)
Pin-783348.

Copy to:-

1. Pay & Accounts officer (Through Dy. Director, Guwahati)
2. Personal file of Sri Joynal Abedin,
3. Deputy Director, S & DD, Guwahati Center.
4. Guard File (Adm. I Section)
5. Computer cell, S & DD.

Sd/-

(SURINDER MOHAN)

Deputy Director (Admn.)

No. -A-12011/1/95-Admn. I
Song & Drama Division
Ministry of Information & Broadcasting

Soochana Bhawan, CGO Complex,
Lodi Road, New Delhi-110003

RECEIVED ON
15-2-2010

Dated the 11th February, 1996.

MEMORANDUM

Consequent upon his/her nomination by the Staff Selection Commission for appointment to the post of Stenographer Grade III of in the scale of pay of Rs.1200-30-1560-EB-40-2040, Sh./Smt./Km. Sh. Joynal Abedin is hereby offered a temporary appointment to the post of Stenographer Grade III in the office of Song & Drama Division. He/She shall also be entitled to draw dearness and other allowances at the rates admissible under Rules and subject to the conditions laid down in the orders, governed in grant of such allowances in force from time to time.

2. The terms of appointment are as follows:-

i) The appointment is purely temporary and will not confer any title for permanent employment.

ii) The appointment may be terminated at any time by a month's notice by either side i.e. by the appointee or the appointing authority without assigning any reasons. The appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the stipulated period of notice by making payment to him/her of a sum equivalent to his/her pay and allowances for the part of notice or the expired portion thereof.

iii) The appointment carries with it liability to serve in any part of India or abroad.

iv) Sh./Smt./Km. Joynal Abedin shall be on probation for a period of two years from the date of appointment which may be extended or curtailed at the discretion of the appointing authority.

v) The Headquarters of Sh./Smt./Km. Joynal Abedin will be for the present at Song & Drama Division, P.D. Chaliha Road, Guwahati-781003.

3. The appointment will further subject to:-

i) Production of certificate of fitness from competent authority, Civil Surgeon/District Medical Officer.

Guwahati Bench
22 MAR 2010

Guwahati Bench

-21-

accordance with the rules in force in regard to
ment of service under the Govt. of India:-

b) No male person who has more than one wife living or who having
a wife living, marries in any case in which such a marriage is
for any reasons of its taking place during the life time of such
male shall be eligible for appointment to the service, unless
the Govt. of India after being satisfied that there are special
grounds for doing so, exempt any male person from the operation of
this rule.

b) No female person whose marriage is void by reasons of the
husband having a wife living at the time of such marriage or who
has married a person who have a wife living at the time of
service, unless the Govt. of India after being satisfied that
there are special grounds for doing so, exempt any female person
from the operation of this rule.

The offer of appointment is, therefore, conditional upon
his/ her satisfying the requirements mentioned above and to
his/her furnishing to this Division a declaration asked in
Annexure to this Memorandum, alongwith his/her reply. If,
however, he/she does not satisfy the above condition and desires
to be exempted from the operation of the above mentioned rules
for any special reasons, he/she should make a representation in
writing in this behalf immediately. The offer of appointment
would in that case be treated as cancelled and further
communication will be sent to him/her in due course, if upon
consideration of his/her representation it is decided to offer
him/her temporary appointment of Stenographer Grade III
in the Song & Drama Division.

iii) Taking of an oath of Allegience/faithfulness to the
constitution of India or making a solemn affirmation to that
effect in prescribed proforma.

iv) Production of the following original documents/certificates
alongwith two attested copies of each:-

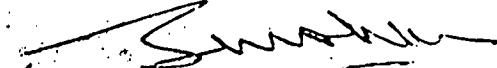
- a) Educational Qualification
- b) Certificate of age
- c) Character Certificate in the prescribed proforma from two
Gazetted Officers duly countersigned by Distt. Magistrate/S.D.M.
- d) Certificate in the prescribed proforma in support of
candidates claim to belong to ST/SC/OBC.

4. If any declaration given or information furnished by
Sh./S/o/ M/s Moynal Abedin proves to be false
or if he/she is found to have wilfully suppressed by
material/information, he/she will be liable to removal from
service and to such other action as Government deem necessary.

✓ M.R. 2010

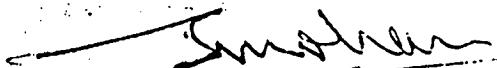
If Sh./Smt./Km. Joynal Abedin accepts the offer on the above terms and conditions, he/she should communicate his/her acceptance or report to the authority mentioned in para 2(v), above immediately and in no case later than 4. If no reply is received or the candidate fails to report for duty by the prescribed date, the offer of appointment will be treated as cancelled.

6. No travelling allowance will be allowed for joining this appointment.


(SURINDER MOHAN)
Deputy Director (Admn.)

Shri Joynal Abedin
S/O Md. Kamor Ali
Vill-Bandhaipara
P.O & P.S. Bilaipara,
Dist. Dhubri (Assam)
Pin-783348.

Copy to:-
1. Pay & Accounts Officer (Through Dy. Director, Guwahati)
2. Personal file of Sh./Smt/Km. Joynal Abedin
3. Deputy Director, S&DD, Guwahati Centre.
4. Guard File (Adm. I Section)
5. Computer Cell, S&DD.


(SURINDER MOHAN)
Deputy Director (Admn.)

22/1/2021
Guwahati Branch
General Register

No. A-12011/1/95-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

CGO Complex, Lodhi Road,
New Delhi-110003.

Dated the March 31, 1997.

568
8/4/97

O R D E R

Shri Joynal Abedin is appointed to the post of Stenographer Grade III (Group 'C' Non-gazetted) carrying a scale of pay of Rs:1200-30-1560-EB-40-2040 on temporary basis w.e.f. 16th February, 1996 (FN).

2. On his appointment to the post of Stenographer Grade III, Shri Joynal Abedin is posted at Guwahati Regional Centre of the Division.

3. Shri Joynal Abedin, Stenographer Grade III will be on probation for a period of two years w.e.f. 16th February, 1996.

Surinder Mohan
(Surinder Mohan)
Deputy Director(Admn.)

1. Shri Joynal Abedin, Stenographer, Song and Drama Division, Guwahati Regional Centre.
2. Deputy Director, S&DD, Guwahati Regional Centre.
His Nomination folder received from the Staff Selection Commission and Medical Fitness Certificate, Two Character Certificates etc.(in original) are enclosed for necessary record in his Service-Book/Personal file.
3. The Pay and Accounts Officer, Doordarshan, Guwahati.
4. Personal file of Shri Joynal Abedin.
5. P.A. to Director, S&DD.
6. Guard file/ Stock file (Admn.I).

Surinder Mohan
(Surinder Mohan)
Deputy Director(Admn.)

arya

Attestation

Hab
Advocate

No. A-31016/2/2000-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

CGO Complex, Soochna Bhawan,
Lodhi Road, New Delhi-110003

Dated the 13th July, 2001.

OFFICE ORDER

The competent authority is pleased to terminate the probation period and also to appoint the following Stenographer Grade III, Song and Drama Division, in substantive capacity from the date shown against each:-

S.No.	Name	Date of termination of probation period.	Date of appointment in the substantive capacity.	Present place of posting.
1.	Sh. Nirmal Kumar	29.8.1993	29.8.1993	Lucknow
2.	Ms. K.B. Suja Devi	30.1.1998	30.1.1998	Bangalore
3.	Sh. Jaynal Abedin	16.2.1998	16.2.1998	Guwahati
4.	Ms. Charul	24.10.1998	24.10.1998	Delhi
5.	Sh. Yoginder Soni	06.04.2000	06.04.2000	Region.
6.	Sh. Kamal Rawat	04.05.2000	04.05.2000	Bhopal.
7.	Sh. Pankaj Kumar	01.07.2000	01.07.2000	Chandigarh
				Delhi.

K.L.DAS
(K.L.DAS)
ADMINISTRATIVE OFFICER.

Copy to:-

1. All individuals concerned.
2. All Officers at Hqs./Regional/Sub-Centres.
3. Personal file of all concerned.
4. All Pay & Accounts Officer concerned (Through DD, concerned).
5. PA to Director, S&DD.
6. Guard file (Admn. I Section).

K.L.DAS
(K.L.DAS)
ADMINISTRATIVE OFFICER

22/7/2001

*aryan

Attested

Hari
Advocate

Guaranteed
T. 2001-07-13

EXTRACT FROM THE GAZETTE OF INDIA : PART II, SEC. 3, SUB-SEC. (i)

Appearing on Page Nos. 1492—1501

Dated 8-10-2005

सूचना और प्रसारण मंत्रालय
MINISTRY OF INFORMATION AND BROADCASTING

अधिसूचना

नई दिल्ली, 29 सितम्बर, 2005

सा.का.नि. 359.—एष्टपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पत्र सूचना कार्यालय (समूह 'ग' पद-मुख्यालय) भर्ती नियम, 1989, पत्र सूचना कार्यालय (समूह 'ग' पद-पूर्वी क्षेत्र) भर्ती नियम, 1989, पत्र सूचना कार्यालय (समूह 'ग' पद-दक्षिणी क्षेत्र) भर्ती नियम, 1989, और पत्र सूचना कार्यालय (समूह 'ग' पद-परिचमी क्षेत्र) भर्ती नियम, 1989, को जहां तक उनका संबंध आरुलिपिक (कन्विंज) और आरुलिपिक (ज्येष्ठ) के पदों से है, उन बातों के सिवाय अधिकांश करते हुए, जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, सूचना और प्रसारण मंत्रालय, पत्र सूचना कार्यालय, क्षेत्रीय और शाखां कार्यालयों में आशुलिपिकों के पदों की भर्ती की पद्धति का विनियमन करने के लिए निष्पत्तिविहित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम रूचना और प्रसारण मंत्रालय, पत्र सूचना कार्यालय मुख्यालय, क्षेत्रीय और शाखा कार्यालय आशुलिपिक (श्रेणी-1, श्रेणी 2 और श्रेणी 3) भर्ती नियम, 2005 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. लागू होना.—ये नियम इन नियमों से उपावद अनुसूची के संबंध (1) में विनिर्दिष्ट पदों को लागू होंगे।

3. पद संख्या; वर्गीकरण और वेतनमान.—उक्त पदों की संख्या, उनका वर्गीकरण और उनके वेतनमान ये होंगे जो इन नियमों से उपावद अनुसूची के संबंध (2) से संबंध (4) में विनिर्दिष्ट हैं।

4. भर्ती की पद्धति, आयु-सीमा, अवृत्ताएं आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा, अवृत्ताएं और उससे संबंधित अन्य बातें ये होंगी, जो उक्त अनुसूची के संबंध (5) से संबंध (14) में विनिर्दिष्ट हैं।

5. निरहता.—कलैं व्यक्ति,—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति से विवाह किया है,

उक्त पद पर नियुक्ति का पात्र नहीं होगा :

परन्तु यदि केन्द्रीय सरकार का यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के अधीन अनुज्ञय है और ऐसा करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।

6. शिथित करने की शक्ति.—जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, यहां यह उसके लिए जो कारण हैं उन्हें लेखबद्ध करके तथा संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध को किसी वर्ग या प्रकार के व्यक्तियों की यात्रा, भारत द्वारा शिथित कर सकेगी।

7. व्यावर्जन.—इन नियमों की कोई बात, ऐसे आरक्षण, आयु-सीमा में छूट और अन्य विधायितों पर प्रभाव नहीं होतेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों, भूतपूर्व सेविकों और अन्य विशेष प्रवर्ग के व्यक्तियों के लिए उपबंध करना अनिवार्य है।

2990 | 8 B/2005

22 MAR 2010

Guwahati Bench
गुवाहाटी न्यायालय

Guwahati Bench

गुवाहाटी न्यायालय

2

अनुसूची

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	चयन अथवा अचयन पद	सेवा में जोड़े गए वर्षों का फायदा केन्द्रीय सिविल सेवा (पेशन) नियम, 1972 के निर- 30 के अधीन अनुज्ञेय है या ना
(1)	(2)	(3)	(4)	(5)	(6)
1. आशुलिपिक श्रेणी-I	9 * (2005)	साथारण केन्द्रीय सेवा, समूह 'ख'. अराजपत्रित, जा सकता है	5500-175- 9000 रुपए	चयन	लागू नहीं होता

सीधे भर्ती किए जाने वाले व्यक्तियों के लिए भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित रौप्यिक और अन्य अहीताएं अहीताएं, प्रोनत व्यक्तियों की दशा में लागू होंगी या नहीं

(7)	(8)	(9)	(10)
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	2 वर्ष

भर्ती के पद्धति : भर्ती सीधे होगी या प्रोनति
द्वारा या प्रतिनियुक्ति/आमेलन द्वारा
वथा विभिन्न पद्धतियों द्वारा भर्ती जाने वाले
पदों की प्रतिशतता

प्रोनति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में से श्रेणियां जिनसे प्रोनति/प्रतिनियुक्ति/आमेलन किया जाएगा

(11)	(12)
प्रोनति	प्रोनति : पत्र सूचना कार्यालय के मुख्यालय, क्षेत्रीय और शाखा कार्यालयों में का 5000-8000 रुपए के वेतनमान में ऐसे आशुलिपिक श्रेणी 2 जिन्होंने उस श्रेणी में वर्ष नियमित सेवा की है। टिप्पण : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध में, जिन्होंने अपनी अहंक/पात्रता सेवा पूरी तरी है, प्रोनति के लिए विचार किया जा रहा हो वहां उनके ज्येष्ठ व्यक्तियों के संबंध में विचार किया जाएगा परन्तु यह तब जब कि उसके द्वारा की गई ऐसी अहंक/पात्रता से अपेक्षित अहंक/पात्रता सेवा के आधे से अधिक से या दो वर्ष से, इनमें से जो भी कम। और उन्होंने अपने ऐसे कनिष्ठ व्यक्तियों सहित उनकी उच्चतर श्रेणी में प्रोनति के लिए अपरिवीक्षा की अवधि सफलतापूर्वक पूरी कर ली है, जिन्होंने ऐसी अहंक/पात्रता सेवा पहले पूरी कर ली है।

यदि विभागीय प्रोनति समिति है, तो उसकी संरचना

भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा

(13)	(14)
प्रोनति के संबंध में विचार करने के लिए समूह 'ख' विभागीय प्रोनति समिति जो निम्नलिखित से मिलकर बनेगी :—	इन नियमों के किसी उपायंध का रांशोधन करने या उसको शिथित करने के लिए संघ लोक सेवा आयोग से परामर्श करना आवश्यक है।
1. ज्येष्ठ अपर प्रधान सूचना अधिकारी या अपर प्रधान सूचना अधिकारी (प्रशासन)	— अध्यक्ष
2. सहायक प्रधान सूचना अधिकारी (प्रशासन)	— सदस्य
3. अवर सचिव, सूचना और प्रसारण मंत्रालय (पत्र सूचना कार्यालय से संबंधित)	— सदस्य
4. अनुसूचित जाति या अनुसूचित जनजाति का अवर सचिव सरका कोई अधिकारी	— सदस्य

(1)	(2)	(3)	(4)	(5)	(6)
2. आशुलिपिक श्रेणी 2	19* (2005) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है)	साधारण केन्द्रीय सेवा, समूह 'ग', अराजपत्रित, अनुसूचितों	5000-150- 8000 रुपए	चयन	लागू नहीं होता

(7)	(8)	(9)	(10)
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

(11)	(12)
------	------

शास प्रतिशत प्रोन्ति द्वारा जिसके न हो सकने पर प्रतिनियुक्ति द्वारा

प्रोन्ति : पत्र सूचना कार्यालय के मुख्यालय, शेत्रीय और शाखा कार्यालयों में कार्यरत 4000-100-6000 रुपए के येतनमान में ऐसे आशुलिपिक श्रेणी 3 में से जिन्होंने उस श्रेणी में आठ वर्ष नियमित सेवा की है।

प्रतिनियुक्ति :

5000-150-8000 रुपए के येतनमान में सदूश या समतुल्य पद धारण करने याते ऐसे अधिकारियों में से जिन्होंने उस श्रेणी में तीन वर्ष नियमित सेवा की है।

टिप्पण 1 : प्रतिनियुक्ति की अवधि उसी या किसी अन्य मंगठन में इस नियुक्ति से ठीक पहले धारित किसी अन्य काढ़ बाह्य पद पर प्रतिनियुक्ति को अवधि साधारणतया 3 वर्ष से अधिक नहीं होगी।

टिप्पण 2 : प्रतिनियुक्ति पर नियुक्ति के लिए अधिकतम आयु-सीमा आदेन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी।

(13).
समूह 'ग' विभागीय प्रोन्ति समिति जो निम्नलिखित से मिलकर बनेगी :—

1. ज्येष्ठ अपर प्रधान सूचना अधिकारी या अपर प्रधान सूचना अधिकारी (प्रशासन)
2. सहायक प्रधान सूचना अधिकारी (प्रशासन)
3. अवर सचिव, सूचना और प्रसारण मंत्रालय (पत्र सूचना कार्यालय से संबंधित)
4. अनुसूचित जाति या अनुसूचित जनजाति का अवर सचिव स्तर का कोई अधिकारी

—अध्यक्ष
—सदस्य
—सदस्य
—सदस्य

(14).
लागू नहीं होता।

(1)	(2)	(3)	(4)	(5)	(6)
3. आशुलिपिक श्रेणी 3	21* (2005) *(कार्यभार के आधार पर परिवर्तन किया जा सकता है।)	साधारण केन्द्रीय सेवा, समूह 'ग', अराजपत्रित, अनुसूचितों	4000-100- 6000 रुपए	कर्मचारी चयन आयोग के माध्यम से सीधी भत्ता	18-25 वर्ष के बीच केन्द्रीय सरकार द्वारा जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए 40 वर्ष तक शियिस की जा सकती है और अनुसूचित जातियों और अनुसूचित जनजातियों की आयत 45 वर्ष तक।

टिप्पण 1 :— आयु-सीमा अवधित करने के लिए नियायिक तारीख भारत में

22 MAR 2010

Gujarat - 4 Branch
સુચના કાર્યાલય

અધ્યર્થીઓને આવેદન પ્રાપ્ત નિયત કો ગઈ અંતિમ તારીખ જો અસરી અરૂણાચલ પ્રદેશ, મિઝોરમ, માનગલેઝ, પ્રિપુરા, સિક્કિમ, જમ્મુ-ય રાષ્ટ્ર કે લદાખ છંડ, હિમાચલ પ્રદેલાહોલ ઔર સ્વીતિ જિલ્લે તથા ચમ્બા-કે પાંગી રૂપખંડ, અંદમાન ઔર નિન્હીપ યા લક્ષદ્વીપ કે અધ્યર્થીઓને કે વિદ્ધિત કો ગઈ હૈ)

ટિપ્પણી 2 :— રોજગાર કાર્યાલયોની માધ્યમ સે કો જાને કાલી નિયુક્તિ કી મેં, આયુ-સીમા અવધારિત કરને કે 1 નિણાયક તારીખ વહ અંતિમ તારીખ જિસ પર રોજગાર કાર્યાલયોને નામ મેં કે લિએ કહા ગયા હૈ ।

(7)	(8)	(9)	(10)
લાગુ નહીં હોતા	(ક) કિસી માન્યતાપ્રાપ્ત બોર્ડ યા વિશ્વવિદ્યાલય સે મેટ્રિક્યુલેશન યા સમતુલ્ય પરીક્ષા ઉત્તીર્ણ । (ખ) આશુલિપિ મેં ૪૦ શાંક્રદ પ્રતિ પિન્ટ કો ગતિ દીંગ કારોડી રૂપાંશમાં ૩૦ શાંક્રદ પ્રતિ પિન્ટ કો ગતિ ।	લાગુ નહીં હોતા	દો વર્ષ
(11)	શરત પ્રતિશાસ સીધી ભર્તી દ્વારા	(12)	લાગુ નહીં હોતા
(13)	વિભાગીય પ્રોન્ટિ સમિતિ (પુષ્ટિ કે સંબંધ મેં માપતોં પર વિચાર કરને કે લિએ) જો નિનિલિંગિત સે મિલકર થનેણી :— પત્ર સૂચના કાર્યાલય (મુખ્યાલય)	(14)	લાગુ નહીં હોતા ।
1.	ઉપ પ્રધાન સૂચના અધિકારી યા જન સંપર્ક નિદેશક (પ્રશાસન)	— અધ્યક્ષ	
2.	સહાયક પ્રધાન સૂચના અધિકારી (પ્રશાસન)	— સદસ્ય	
3.	અવર સચિવ, સૂચના ઔર પ્રસારણ મંત્રાલય (પત્ર સૂચના કાર્યાલય સે સંબંધિત)	— સદસ્ય	
	ક્ષેત્રીય કાર્યાલય		
	ચંડીગઢ		
1.	સૂચના અધિકારી, પત્ર સૂચના કાર્યાલય, ચંડીગઢ	— અધ્યક્ષ	
2.	સહાયક કેન્દ્ર નિદેશક, માકાશવાણી, ચંડીગઢ	— સદસ્ય	
3.	સહાયક સૂચના અધિકારી યા પ્રશાસનિક અધિકારી કી પંચિત કલ અધિકારી પત્ર સૂચના કાર્યાલય, ચંડીગઢ	— સદસ્ય	

(13)

(14)

Central Administration Recruitment Rules
कानूनी अधिकारी, पत्र सूचना कार्यालय

22

Guwahati Branch
गुवाहाटी ब्रांच

मुख्य

1. सूचना अधिकारी, पत्र सूचना कार्यालय, मुख्य
2. ज्येष्ठ प्रशासनिक अधिकारी, दूरदर्शन केन्द्र, मुख्य
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, मुख्य

कोलकाता

1. सूचना अधिकारी, पत्र सूचना कार्यालय, कोलकाता
2. सहायक केन्द्र निदेशक, आकाशवाणी, कोलकाता
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, कोलकाता

चेन्नई

1. सूचना अधिकारी, पत्र सूचना कार्यालय, चेन्नई
2. सहायक केन्द्र निदेशक, आकाशवाणी, चेन्नई
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, चेन्नई

भोपाल

1. सूचना अधिकारी, पत्र सूचना कार्यालय, भोपाल
2. ज्येष्ठ प्रशासनिक अधिकारी, दूरदर्शन केन्द्र, भोपाल
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, भोपाल

लखनऊ

1. सूचना अधिकारी, पत्र सूचना कार्यालय, लखनऊ
2. ज्येष्ठ प्रशासनिक अधिकारी, दूरदर्शन केन्द्र, लखनऊ
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, लखनऊ

गुवाहाटी

1. सूचना अधिकारी, पत्र सूचना कार्यालय, गुवाहाटी
2. ज्येष्ठ प्रशासनिक अधिकारी, दूरदर्शन केन्द्र, गुवाहाटी
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, गुवाहाटी

हैदराबाद

1. सूचना अधिकारी, पत्र सूचना कार्यालय, हैदराबाद
2. ज्येष्ठ प्रशासनिक अधिकारी, दूरदर्शन केन्द्र, हैदराबाद
3. सहायक सूचना अधिकारी या प्रशासनिक अधिकारी को पंक्ति का अधिकारी पत्र सूचना कार्यालय, हैदराबाद

— अध्यक्ष

— सदस्य

(14)

— सदस्य

[फ. सं. 25/4/2003-प्रैस]

डॉ. ई. रिन्हॉस, अध्यक्ष

NOTIFICATION

New Delhi, the 29th September, 2005

G.S.R. 359.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Press Information Bureau (Group 'C' posts—Headquarters) Recruitment Rules, 1989, the Press Information Bureau (Group 'C' posts—Eastern Region) Recruitment Rules, 1989, the Press Information Bureau (Group 'C' posts—Northern Region) Recruitment Rules, 1989, the Press Information Bureau (Group 'C' posts—Southern Region) Recruitment Rules, 1989, the Press Information Bureau (Group 'C' posts—Western Region) Recruitment Rules, 1989, in so far as they relate to the posts of Stenographer (Junior) and Stenographer (Senior), except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the manner of

recruitment to the posts of Stenographer in the Ministry of Information and Broadcasting, Press Information Headquarters, Regional and Branch Offices, namely :—

1. **Short title and commencement.**—(1) These rules may be called the Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers (Grade-I, Grade II and Grade III) Recruitment Rules, 2005.

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

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule annexed hereto.

3. **Number of posts, classification and scale of pay.**—The number of posts, their classification and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule.

4. **Method of recruitment, age limit, qualifications etc.**—The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns (5) to (14) of the aforesaid Schedule.

5. **Disqualification.**—No person, —

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said post.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

7. **Savings.**—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Whether benefit of added years of service admissible under Rule 30 of the Central Civil Services (Pension) Rules, 1972
1	2	3	4	5	6
1. Stenographer Grade I	9* (2005) *Subject to variation dependent on workload.	General Central Service, Group 'B', Non-Gazetted, Non-Ministerial	Rs. 5500-175-XXXX	Selection	Not applicable
Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any		
7	8	9	10		
Not applicable	Not applicable	Not applicable	Two years		

Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods

In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation or absorption to be made

11

12

Promotion

Promotion :

Stenographer Grade II in the pay scale of Rs. 5000--8000 working in the Press Information Bureau's Headquarters, Regional and Branch Offices with three years' regular service in the grade

Note : Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors would also be considered, provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

If a Departmental Promotion Committee exists, what is its composition?

Circumstances in which the Union Public Service Commission is to be consulted in making recruitment

13

14

Group 'B' Departmental Promotion Committee (for considering promotion) consisting of :—

1. Senior Additional Principal Information Officer or Additional Principal Information Officer (Administration)	Chairman
2. Assistant Principal Information Officer (Administration)	—Member
3. Under Secretary, Ministry of Information and Broadcasting (dealing with Press Information Bureau)	—Member
4. An Officer belonging to Scheduled Caste or Scheduled Tribe at the Under Secretary level	—Member

Consultation with Union Public Service Commission necessary for amendment/relaxation of any provision of these rules.

1	2	3	4	5	6
2. Stenographer Grade II	19* (2005) *(Subject to variation dependent on workload)	General Central Service, Group 'C', Non-Gazetted, Non-Ministerial	Rs. 5000-150-8000	Selection	Not applicable

7	8	9	10
Not applicable	Not applicable	Not applicable	Not applicable

11

12

Hundred per cent by promotion, failing which by deputation.

Promotion :

From amongst Stenographers Grade III in the pay scale of Rs. 4000-100-6000

working in the Press Information Bureau's Headquarters, Regional and Offices having eight years' of regular service in the grade.
Deputation.—From amongst the officers holding equivalent or analogous posts in the pay scale of Rs. 5000-150-8000 with three year's regular service in the grade.

Note 1.—Period of deputation in another ex-cadre post held immediately including period of deputation preceding this appointment in the same organization shall ordinarily not exceed three years.

Note 2.—The maximum age limit for appointment by deputation shall be not exceeding fifty six years as on the closing date of receipt of application.

13.

14

Group 'C' Departmental Promotion Committee
consisting of :—

Not applicable

1. Senior Additional Principal Information Officer —Chairman
or Additional Principal Information Officer (Administration)
2. Assistant Principal Information Officer —Member
(Administration)
3. Under Secretary, Ministry of Information and Broadcasting (dealing with Press Information Bureau) —Member
4. Under Secretary belonging to Scheduled Caste or Scheduled Tribe —Member

1	2	3	4	5
3. Stenographer Grade III	21* (2015) *Subject to variation dependent on workload.	General Central Service, Group 'C' Non-Gazetted, Non-Ministerial	Rs. 4000-100- 600	Direct Recruitment through Staff Selection Commission

6	7	8	9
Between 18 and 25 years (Relaxable for Government servants upto the age of 40 years in the case of general candidates and upto 45 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes in accordance with the instructions issued by the Central Government from time to time.	Not applicable	(a) Matriculation or equivalent examination passed from a recognised Board or University. (b) Speed of 80 words per minute in Shorthand and 30 words per minute in typing in English.	Not applicable

Note 1 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates (except for the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Himachal Pradesh, the Union Territories of Andaman and Nicobar Islands and Lakshadweep).

22 MAR 2010

9

The crucial date for fixing the age limit in the case of candidates from Employment Exchange shall be the last date up to which the Employment Exchange is asked to submit the names.

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

10	11	12
10 years	Hundred per cent by direct recruitment	Not applicable
13	14	

Departmental Promotion Committee (for considering cases for confirmation) consisting of :

18 Headquarters

1. Deputy Principal Information Officer or Director Public Relations (Admn.) —Chairman
 2. Assistant Principal Information Officer (Admn.) —Member
 3. Under Secretary, Ministry of Information & Broadcasting (dealing with Press Information Bureau) —Member

Regional Offices

Chandigarh

1. Information Officer, Press Information Bureau, Chandigarh —Chairman
 2. Assistant Station Director, All India Radio, Chandigarh —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Chandigarh —Member

Mumbai

1. Information Officer, Press Information Bureau, Mumbai —Chairman
 2. Senior Administrative Officer, Doordarshan Kendra, Mumbai —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Mumbai —Member

Kolkata

1. Information Officer, Press Information Bureau, Kolkata —Chairman
 2. Assistant Station Director, All India Radio, Kolkata —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Kolkata —Member

Chennai

1. Information Officer, Press Information Bureau, Chennai —Chairman
 2. Assistant Station Director, All India Radio, Chennai —Member
 3. Officer of the Rank of Assistant Information Officer, Press Information Bureau, Chennai —Member

Bhopal

1. Information Officer, Press Information Bureau, Bhopal —Chairman
 2. Senior Administrative Officer, Doordarshan Kendra, Bhopal —Member
 3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Bhopal —Member

22 MAR 2010

Guwahati Bench
गुवाहाटी न्यायालय

Lucknow

1. Information Officer, Press Information Bureau, Lucknow
2. Senior Administrative Officer, Doordarshan Kendra, Lucknow
3. Officer of the Rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Lucknow

Chairman

—Member

—Member

Guwahati

1. Information Officer, Press Information Bureau, Guwahati
2. Senior Administrative Officer, Doordarshan Kendra, Guwahati
3. Officer of the rank of Assistant Information Officer, Press Information Bureau, Guwahati.

Chairman

—Member

—Member

Hyderabad

1. Information Officer, Press Information Bureau, Hyderabad
2. Senior Administrative Officer, Doordarshan Kendra, Hyderabad
3. Officer of the rank of Assistant Information Officer or Administrative Officer, Press Information Bureau, Hyderabad

Chairman

—Member

Member

[INo 254/2003-Press]

D. E. RICHARDS, Under Secy

22 MAR 2006 (M)

2/1/2002-Admn-I
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA

Guwahati Branch
T/ 123/2006

New Delhi, dated 24-2-2006

Subject: Recruitment Rules for the post of Stenographers (Grade I, II and III) in PIB after restructuring of cadre of Stenographers in Non-Secretarial offices.

In accordance with the Ministry of Information and Broadcasting, Press Information Bureau's Headquarters, Regional and Branch Offices Stenographers(Grade-I, Grade-II and Grade III) Recruitment Rules, 2005, the revised distribution of stenographers Grade-I, Grade-II & Grade-III posts after restructuring of the cadre is as under :-

S. No.	Post	Scale of Pay (In Rupees)	Number of posts Before restructuring	Number of posts After restructuring
01	Stenographer Grade-III	4000-100-6000	40	21*
02	Stenographer Grade-II	5000-150-8000	9	19#
03	Stenographer Grade-I	5500-175-9000	-	9
Total			49	49

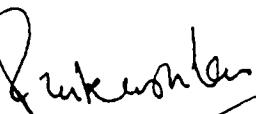
*One post each at PIB (IIQ), Jammu, Srinagar, Shimla, Indore, Kota, Kanpur, Varanasi, Shillong, Imphal, Aizawl, Agartala, Gangtok, Port Blair, Vijayawada, Hyderabad, Kochi, Madurai, Nanded, Panaji & Rajkot.

#One post each at Chandigarh, Srinagar, Jalandhar, Jaipur, Lucknow, Patna, Guwahati (2), Kohima, Kolkata(2), Bhubaneswar, Bangalore, Chennai, Mumbai(2), Pune, Nagpur and Thiruananthapuram.

^One post each at Chandigarh, Bhopal, Lucknow, Guwahati, Kolkata, Hyderabad, Chennai, Mumbai, and Ahmedabad.

? This restructuring has become effective from 29.09.2005, the date of publication of the said Recruitment Rules in the Official Gazette.

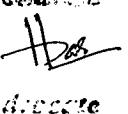
Encl. Revised R/Rules for Stenographers.


(Parkash Kaur)

Assistant Principal Information Officer

1. All Regional/Branch Offices.
2. Pay and Account Office(MS) M/O I&B.
3. Cash /Budget Sections.
4. Guard File/Reference Folder.


A.K. Deb
19/03/06


Addressee

No.A.23022/1/08-Admin.I
Song and Drama Division
Ministry of Information and Broadcasting

Soocha Bhavan, Lodhi Road,
New Delhi-110003

Dated the February 26, 2008

GOVT OF INDIA, MINISTRY OF I & B
SONG AND DRAMA DIVISION
GUWAHATI CENTRE
RECEIPT NO 1811
DATE 18/3/08

Sub : Seniority list in the grade of Stenographer Gr. III in
Song and Drama Division as on 1.1.2008

A copy of seniority list in the grade of Stenographer Grade III in Song and Drama Division as on 1.1.2008 is enclosed. It is requested that the copy of seniority list meant for the official concerned may kindly be issued after obtaining dated receipt. In case any discrepancy is found the same may be brought to the notice of the Hqrs immediately but not later than 10.3.2008 failing which the seniority list under reference will be treated as final.

Encls : As above.


(Dr. N.A. Kulsange)
Deputy Director (Admin)

Copy to :

1. All Deputy Director/Assistant Directors at centers alongwith a copy of the inter-se-seniority list meant for the individual.
2. Each individual concerned.
3. All Officers at Hqrs of S&DD, New Delhi.
4. P.A. to Director, S&DD.
5. Guard file (Admin.I Section)


(Dr. N.A. Kulsange)
Deputy Director (Admin)

22 MAR 2010

Attestor


A.C.

Guwahati Bench
গুৱাহাটী স্বাক্ষৰপীঠ

SENIORITY LIST OF STENOGRAPHER GR.III IN SONG AND DRAMA DIVISION AS ON 1.1.2000

Sr. No	Name of Officer	Date of Birth	Date of regular Appointment To the grade	Whether belongs to SC/ST/OBC	Place of posting
1	Smt M Vaijenthii	05.04.1960	16.08.1983	Neither	Chennai
2	Smt Sharmila	14.08.1968	10.12.1990	Neither	Delhi
3	Sh Nirmal Kumar	15.02.1967	29.08.1991	Neither	Lucknow
4	Smt KB Suja Devi	16.05.1971	30.01.1996	OBC	Bangalore
5	Shri Joynal Abedin	05.07.1970	16.02.1996	Neither	Guwahati
6	Smt Charul	22.07.1975	24.10.1996	OBC	Delhi
7	Shri Yogender Soni	18.02.1971	06.04.1998	OBC	Bhopal
8	Shri Kamal Rawat	14.07.1977	04.05.1998	Neither	Chandigarh
9	Hari Oraon	04.10.1973	13.09.1999	ST	Ranchi


(Dr. N. A. K. Disange)
Deputy Director (Admin.)

Guwahati Bench
Gauhati High Court
Guwahati Bench
नगर निवास न्यायालय

22 MAR 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

- 38 -

North Block, New Delhi 110001

August 9, 1999

OFFICE MEMORANDUM

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

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

2. GROUP 'A' CENTRAL SERVICES

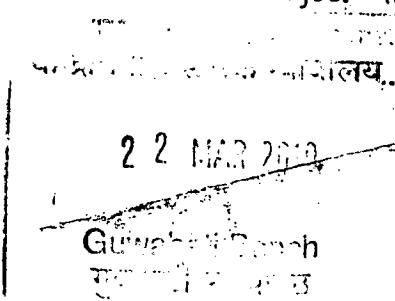
2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services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

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

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

Attest:

Advocate,



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

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

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

6. SCREENING COMMITTEE

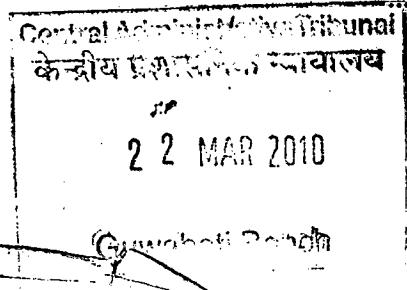
6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

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

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

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee 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 the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

.3/-



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

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 Indian 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 doubt 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;

13. Hindi version would follow.

Arbo
(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
4. Secretary, National Commission for Minorities
5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
7. All Staff Side Members of the National Council (JCM)
8. Establishment (D) Section - 1000 copies

....4/-

22.12.2010

12/12/10
12/12/10

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 upgradation) 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; *but does not envisage any financial benefit under the ACP Scheme to be available to any Government servant on the basis of functional/regular promotion or 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' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, 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 higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical cadre, 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.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

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

.....6/-

22 MAR 2010

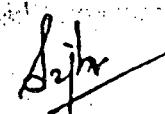
11. In the matter of disciplinary/penalty proceedings, grant of benefits under the Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder.

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 employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

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



(K.K. JHA)
Director(Establishment)

24/10/2010

....71-

Central Government

-44-

ANNEXURE-II

STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

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

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200
2.	S-2	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	7450-225-11500
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

22 MAR 2010

Guwahati Bench
গুৱাহাটী ন্যায়পৌঁত

No.A-32016/1/99-Admn.I
Song and Drama Division
Ministry of Information & Broadcasting

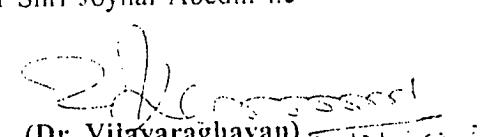
ANNEXURE - 9

Soochna Bhawan,
C.G.O. Complex.
Lodhi Road, New Delhi.
Dated: 07.05.2008.

ORDER

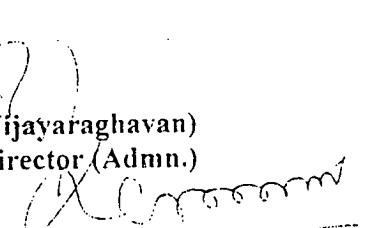
In pursuance of Department of personnel Training O.M. No. 35034/1/99-Essit dated 09.08.1999 introducing the Assured Career Progression Scheme for the Central Government civilian employees, Shri Joynal Abedin, Jr. stenographer Gr.III, S&DD, Guwahati is granted 1st financial upgradation from the scale of pay of Rs. 4000-100-6000 to the scale of pay of Rs. 4500-125-7000 w.e.f. 16.02.2008.

On the upgradation, pay of Shri Joynal Abedin, Jr steno Gr.III will be fixed under the provision of FR 22 (I)(a)(1). The financial benefit allowed shall and no pay fixation benefit accrue at the time of regular promotion of Shri Joynal Abedin i.e. posting against a functional post in the higher grade.


(Dr. Vijayaraghavan) 12/5/08
Deputy Director (Admn.)

Copy to:

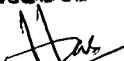
1. Shri Joynal Abedin, Jr stenographer Gr.III, S&DD, Guwahati.
2. Drawing & Disbursing Officer, S&DD, Guwahati
3. Pay & Accounts Officer, Doordarshan, Guwahati.
4. The Service book of Shri Joynal Abedin.


(Dr. Vijayaraghavan)
Deputy Director (Admn.)
12/3/10

22 MAR 2010

Guwahati Branch
12/3/10

Annexure



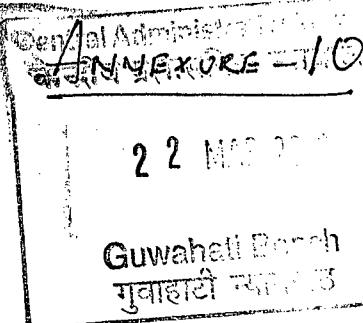
Adv.

Speed post

- 46 -

The Deputy Director(Admn.)
Song and Drama Division
Soochna Bhawan, CGO Complex
Lodhi Road, New Delhi
Pin- 110 003

Date: 20.11.2008



Subject: Discrepancy in the pay scale on awarding ACP

Sir,

I have the honour to lay before you a few lines for your kind and sympathetic consideration please, that Sir, I have been nominated by Staff Selection Commission (SSC) after qualifying in the SSC Stenographer Gr.III competitive examination held in 1995. Consequent upon the nomination by the SSC (copy enclosed) I had joined on 16.02.1996(F.N) in the office of the Deputy Director, Song and Drama Division, Regional Centre, Guwahati as Stenographer Gr.III vide S&DD, Hqtrs, Office Memorandum No. A-12011/1/95-Admn.I dt. 11.12.1995 (Copy enclosed) in the pay scale of Rs. 1200-30-1560-EB-40-2040. After my acceptance of joining I had been put in probation for a period of 2 years and formal letter of appointment was issued vide order No. A-12011/1/95-Admn.I dt. 31.03.1997 putting me on probation for a period of 2 years. Accordingly the probation period was also terminated vide Office Order No. A-31016/2/2000-Admn.I dt. 13.07.2001(copy enclosed) and the service was regularised. As per ACP scheme introduced by the Government of India for the officials who does not get promotion in a period of 12 years is awarding him/her financial upgradation putting him in the next pay scale to the post he/she has been holding. On completion of 12 years of sincere and dedicated service on 16.02.2008 I requested for first financial upgradation as Stenographer Gr.III in the pay scale of Rs. 5000-150-8000.as the same pay scale is being adopted in granting first financial upgradation to Stenographer Gr.III in all the Central Government offices throughout the country. (circular enclosed). But on completion of 12 years of successful service as Stenographer Gr.III, I have been given financial up gradation from the pay scale of Rs. 4000-100-6000 to Rs. 4500-125-7000/- which is in no way justifiable and reasonable. If all the Stenographer Gr.III who are being nominated by SSC for the appointment to the post of Stenographer Gr.III, irrespective of their departments are enjoying the equal status in the country, I surprise, why the same is not being adopted in my case. It is very distressing to find that on granting financial upgradation in the purview of ACP scheme as Stenographer Gr.III I have been put in the pay scale of Rs. 4500-125-7000 in stead of pay scale Rs. 5000-150-8000, which makes disparity with the pay scale to the other Stenographer Gr.III enjoying through out the country.

It is therefore, my humble request to your kind honour to clarify and give me a suitable and justifiable reply for the discrepancy in my pay scale.

For this act of kindness I will be ever grateful to you.

Attested



Advocate

Thanking you,

Yours faithfully

J. Abedin

Stenographer, Gr.III, S&DD,

Encl: as above (12 pages)

Date: 20.11.2008

Guwahati.

46.26 In order to overcome such difficulties in individual cadres, we recommend that an exercise in restructuring the cadre of ministerial posts in different subordinate offices be undertaken by each Ministry, on the basis of general recommendations given by us in this Chapter. We have also analysed the cadre strength in some of the subordinate offices and recommend a revised cadre structure as given in Annex 46.1. This is without prejudice to the revisions that may be found justified after a proper cadre review.

STENOGRAPHERS OUTSIDE THE SECRETARIAT

Historical background

46.27 Historically, there have been differences in the pay scales of stenographers outside the secretariat and their counterparts in the Central Secretariat Stenographers' Service (CSSS). The Second CPC had recommended three standard scales for stenographers outside the secretariat which had proliferated to 17 at the time of constitution of the Third CPC. The Third CPC observed that the number of pay scales for an occupational group like stenographers was much larger than necessary and brought down the number of pay scales by following a uniform approach. The then existing category of Stenotypists was converted to stenographers subject to their qualifying in the prescribed speed test. It developed a nexus between stenographers at the lowest level and the Upper Division Clerks (UDCs). It also recommended the grant of one and two advance increments for those stenographers who qualified in the proficiency test in stenography at higher speeds of 100 and 120 words per minute respectively.

Third CPC

46.28 Considering the differences in the hierarchical structures and in the type of work transacted in the secretariat and in the subordinate offices, the Commission was not in favour of adopting a uniform pattern. It felt that there would be a greater internal harmony if the stenographers at the second level and the Head Clerks were to be given the same scales of pay (Rs.425-700). It also recommended a selection grade of Rs.550-750 for stenographers at the second level, for the purpose of relieving stagnation.

Fourth CPC

46.29 At the time of constitution of the Fourth CPC, there were about 41,000 stenographers in the three scales of pay of Rs.330-560 (Grade III), Rs.425-700 (Grade II), and Rs.550-900 (Grade I). The Fourth CPC took note of the fact that posts of stenographer were linked with the status of the officers concerned and that the number of officers in subordinate offices being small, there was stagnation in the cadre of stenographers. Recognising the need for improvement in the promotion prospects of stenographers in offices outside the secretariat and to enable their being attached to officers holding posts in the senior administrative grade and equivalent, it recommended creation of posts in the pay scale of Rs.2000-3200 by suitably upgrading the required number of posts of stenographers from the lower grades. It recommended the replacement scale of Rs.1200-2040 for stenographer Grade III and Rs.1400-2300 for stenographers Grade II.

Award of the Board of

46.30 On a demand made by the staff side in the National Council of JCM seeking parity in the pay scales of stenographers in the secretariat and subordinate

offices, the matter was referred to the Board of Arbitration (BOA). The BOA while rejecting the demand for absolute parity directed that stenographers Grade II in subordinate offices should be placed in the pay scale of Rs. 1400-2600 w.e.f. 1.1.1986. The Award was implemented and orders were issued on 4.5.1990.

46.31 The pay scale of Assistants in the Central Secretariat Service (CSS) and Stenographers in the CSSS was revised by the Government on 31.7.1990, effective from 1.1.1986. Some of the Assistants/Crime Assistants and Stenographers Grade II working in the CBI, Directorate General of Income Tax (Investigation), and Directorate of Field Publicity filed a number of petitions before the Principal Bench of the Central Administrative Tribunal seeking benefit of the orders dated 31.7.1990. Rejecting the contention of the Union of India that Stenographers Grade II and Assistants in the non-secretariat offices could not be compared with Stenographers Grade 'C' of CSSS and Assistants of CSS because of different classification, method of recruitment, nature of duties and responsibilities and eligibility for promotion to higher grade, the CAT directed the Union of India to place the petitioners in the pay scale of Rs. 1640-2900. The judgement of the CAT has been implemented.

46.32 The comparative position of stenographers in the secretariat and offices outside the secretariat as it existed at the time of constitution of the Fifth CPC is as under:-

	Secretariat	Non-Secretariat
a)	Stenographer Grade 'D' (Rs.1200-2040)	a) Stenographer Grade III (Rs.1200-2040)
b)	Stenographer Grade 'C' (Rs.1640-2900)	b) Stenographer Grade II (Rs.1400-2300/ Rs.1400-2600/ Rs.1640-2900)
c)	Stenographers Grades 'A' and 'B' (Merged) (Rs.2000-3500)	c) Stenographer Grade I (Rs.1640-2900)
d)	Principal Private Secretary (Rs.3000-4500)	d) Senior Personal Assistant (Rs.2000-3200)
e)		e) Private Secretary (Rs.2000-3500)
f)		f) Principal Private Secretary (Rs.3000-4500)

46.33 Associations representing stenographers have urged before us that there should be complete parity between stenographers in non-secretariat offices

-49-

and in the secretariat in matters relating to (a) pay scales, (b) designations, (c) cadre structure, (d) promotion avenues, (e) level of stenographic assistance to officers in technical, scientific and research organisations, etc. Suggestions have also been made for a higher pay scale for stenographers in the entry grade, treating advance increments granted for acquiring proficiency in stenography at higher speed as pay, allowing stenographers in non-secretariat offices to compete in the Limited Departmental Competitive Examination (LDCE), and grant of Special Pay for operating computers, fax machines, etc.

Pay scales and designations

46.34 We have given our careful consideration to the suggestions made by Associations representing stenographers in offices outside the Secretariat in the light of observations made by the Third CPC. The Commission had observed that as a general statement, it was correct to say that the basic nature of a stenographer's work remained by and large the same whether he was working with an officer in the secretariat or with an officer in a subordinate office. The Commission was of the considered view that the size of the stenographer's job was very much dependent upon the nature of work entrusted to that officer and that it would not be correct, therefore, to go merely by the status in disregard of the functional requirement. By the very nature of work in the secretariat, the volume of dictation and typing work was expected to be heavier than in a subordinate office; the requirement of secrecy even in civil offices of the secretariat could be very stringent. Considering the differences in the hierarchical structures and in the type of work transacted in the secretariat and in the subordinate offices, the Commission was not in favour of adopting a uniform pattern in respect of matters listed in the preceding paragraph. To our mind, the observations of the Third CPC are as relevant today as they were at that point of time and we are not inclined to overlook them totally. In view of the above mentioned distinguishable features, we do not concede the demand for absolute parity in regard to pay scales between stenographers in offices outside the secretariat and in the secretariat notwithstanding the fact that some petitioner stenographers Grade II have got the benefit of parity in pay scale through courts. However, pursuing the policy enunciated by the Second CPC that disparity in the pay scale prescribed for stenographers in the secretariat and the non-secretariat organisations should be reduced as far as possible, we are of the view that Stenographers Grade II should be placed in the existing pay scale of Rs.1600-2660 instead of Rs.1400-2300/Rs.1400-2600. The next available grade of stenographers in non-secretariat offices is Rs.1640-2900 (Grade I). We do not recommend any change in the existing pay scale of Stenographers Grade I. Senior Personal Assistants and Private Secretaries are at present in the pay scale of Rs.2000-3200 and Rs.2000-3500 respectively. Giving the Senior PAs the benefit of rationalisation of pay scales, we recommend that both Senior PAs and Private Secretaries should be placed in the pay scale of Rs.2000-3500 and known as Private Secretaries. Stenographers in the newly recommended grade of Rs.2500-4000 should be known as Senior Private Secretaries and those in the pay scale of Rs.3000-4500 shall continue to be known as Principal Private Secretaries.

Restructuring of Cadre

46.35 Since stenographers in the non-secretariat offices do not form an organised common cadre, their promotion prospects vary from organisation to organisation. The availability of higher grades in the cadre of stenographers is linked to the grades of officers to whom they are attached. Such a linkage has been dispensed with in the case of stenographers in the secretariat with the restructuring of their cadre in the ratio of 40:40:20. We are of the view that stenographers in the

offices outside the secretariat deserve to be provided some relief and we accordingly recommend that the existing posts of stenographers in the pay scales of Rs.1200-2040, Rs.1400-2300/Rs.1400-2600 and Rs.1640-2900 should be pooled together and restructured in the ratio of 40:40:20 by individual departments wherever feasible. For smaller offices, there could be pooling of posts for this purpose only.

Introduction of new grade

46.36 We have noted with concern the acute stagnation prevalent in the cadre of stenographers in offices outside the secretariat, particularly in small offices where there are posts only in the entry grade. The Assured Career Progression Scheme recommended by us elsewhere would ensure at least two upgradations in the career of a stenographer. Even in big offices which are headed by officers in the grade of Joint Secretary and Additional Secretary to the Government of India, the highest grade available to stenographers is limited to Rs.2000-3200/Rs.2000-3500. With a view to meeting the aspirations of stenographers in such big offices, we are of the view that the level of stenographic assistance to officers in the existing pay scale of Rs.7300 and above may be raised by upgradation of the equivalent number of posts of Senior Personal Assistants/Private Secretaries to the newly created pay scale of Rs.2500-4000.

Level and scale of stenographic assistance

46.37 Having due regard to the difference in the volume of dictation and typing work, hierarchical structure, type of work transacted in secretariat and non-secretariat offices, it will not be worthwhile to aim for parity in respect of scale and level of stenographic assistance between officers in the Central Secretariat and non-secretariat offices. As regards level of stenographic assistance to officers of technical, scientific and research organisations, we are of the view that mere scale of pay of such officers cannot be the criterion for provision of stenographic assistance. The level of stenographic assistance to such officers has to be linked with quantum of work load, to be determined by the Staff Inspection Unit/Internal Work Study Unit. We feel that the existing guidelines relating to provision of stenographic assistance to officers of technical, scientific and research organisations are based on rational consideration and we, therefore, recommend that the existing practice of provision of stenographic assistance based on the quantum of workload may continue.

Pay scale at entry grade

46.38 Keeping in view the educational qualifications required for recruitment to the grade of Stenographer Grade III, we are of the view that the replacement scale of Rs.1200-2040 would be an adequate remuneration for Stenographers Grade III and we recommend accordingly.

Special allowance for higher proficiency

46.39 While considering the demand for treating the advance increments granted for acquiring higher proficiency in stenography as part of pay, we have noted that the advance increments are granted as an incentive to encourage employees to improve their skill and it is only appropriate that the incentive granted is kept as a separate element. We, however, recommend that with a view to making the position clear to the recipients of such advance increments, the nomenclature 'advance increments' may be replaced by 'special allowance' for acquiring higher skill in stenography.

Eligibility to LDCE

46.40 Inclusion of Stenographers Grade III in the eligibility list for competing in the Limited Departmental Competitive Examination which is open

to stenographers belonging to CSSS would widen the field of eligibility which would adversely affect the promotion prospects of CSSS personnel. We are of the firm view that the promotion prospects of a particular service cannot be improved at the expense of another service. Since we have already recommended restructuring of the cadre of stenographers, wherever feasible, in the ratio of 40:40:20, introduction of a new grade of Rs.2500-4000 and Assured Career Progression Scheme, we feel that the promotion prospects of stenographers outside the secretariat would improve considerably. However, with a view to improving the quality of stenographic assistance, we recommend that to begin with, 25% of the posts of Stenographer Grade II may be filled by direct recruitment of graduates and the percentage of direct recruitment may be gradually raised to 50%, in the next five years.

Special pay for handling computers, etc.

46.41 With the introduction of modern office gadgets, the job of stenographers has been made easier and less wearisome than working on conventional machines. In view of the fact that Government spends large sums on acquisition of such modern gadgets for the facility of stenographers and provides necessary training for their operation, no special pay is justified. Handling of office gadgets should be treated as part of the duty of the employees. We do not find any merit in the demand and recommend its rejection.

Promotion avenues for Hindi Stenographers

46.42 It has been urged before us that the discrimination in promotion avenues between English and Hindi Stenographers in All India Radio and Doordarshan may be removed.

46.43 We have considered the demand in the light of information furnished by the nodal ministry. We have been informed that against the 21 posts of Hindi Stenographer Grade III, there are 15 posts in Grade II and 4 posts of Reporter in the pay scale of Rs.2000-3500. These 4 posts of Reporter (Monitoring-Hindi) have been created specifically to provide for promotion avenues to Hindi Stenographers Grade III. Provision of 15 posts in Grade II and 4 posts of Group 'B' are considered to be more than adequate avenues of promotion for a base of 21 Hindi Stenographers Grade III. With the introduction of Assured Career Progression Scheme, the promotion prospects of Hindi stenographers would further improve. In this view of the matter, we are unable to recommend any further remedial measures.

ISSUES PECULIAR TO INDIVIDUAL DEPARTMENTS

Ordnance Factories Organisation/ Defence Research and Development Organisation

46.44 Stenographers in subordinate offices under the Ministry of Defence have suggested that Senior PAs working in such offices should be classified as Group 'B' (Gazetted). Stenographers working in Defence Research and Development Organisations (DRDO) should be given parity in grade structure and pay scales with their counterparts in other scientific and technical departments like Bhabha Atomic Research Centre, Department of Science & Technology, Department of Space, etc. Senior PAs in DRDO should be considered for promotion to the post of Senior AO-II in the pay scale of Rs.2200-4000 with further avenues of promotion in the hierarchy of Administration/ Personnel Officers and pay scale of Rs.1400-2600 be granted to Stenographers Grade III with enhancement of qualification to graduation and proficiency in stenography at the rate of 100 w.p.m.

(36)

October, 1999

40

Supplementary

This issues with the concurrence of FA (P) vide their Dy. No. 383/FA/99, dated 10-8-1999.

242

G.I., Deptt. of Per. & Trg., O.M. No. 22034/2/92-Estt. (D),
dated 6-8-1999

Restructuring of Stenographers cadre in non-secretariat offices in the ratio of 40:40:20, with effect from 6-8-1999

The undersigned is directed to say that there has been a demand for restructuring of the cadre of non-secretariat Stenographers in the ratio of 40:40:20. The Fifth Central Pay Commission in Paragraph 46.35 of its report also recommended that the existing posts of Stenographers Grades-III, II and I in the pre-revised pay scales of Rs. 1,200, 2,040, Rs. 1,400-2,300/Rs. 1,400-2,600 and Rs. 1,640-2,900 respectively should be pooled together and restructured in the ratio of 40:40:20 by individual Departments wherever feasible. For smaller offices, there could be pooling of posts for this purpose only.

2. These recommendations have been examined in consultation with the Ministry of Finance (Department of Expenditure) and it has been decided to accept the recommendations. The basic features of the scheme would be as indicated below:—

- (i) The cadre of Stenographers Grade-III, Grade-II and Grade-I will be restructured by suitable upgradation and downgradation of posts. The strength of these grades will be re-sized in the ratio of 40:40:20 in each Department. In other words, if the total strength of said grades in a Department is 100, 40 posts will be held in Grade-III, 40 in Grade-II and 20 in Grade-I;
- (ii) The vacancies that may arise in Grade-II and Grade-I in a Department as a consequence of re-fixation of the strength of these grades on the specified date, will be filled up by the Stenographers working in that Department. In smaller offices, there could be pooling of posts for this purpose only;
- (iii) If the revised number of posts is in excess of the existing strength of a particular grade, the difference will be deemed as newly sanctioned posts in that grade. Similarly, if the revised number of posts in a grade is less than the existing strength, the number of posts equal to the difference will be treated as having been abolished in that grade; and
- (iv) The vacancies arising out of the restructuring will be filled up only from amongst the Stenographers who fulfil the eligibility criteria laid down in the Recruitment Rules for the post. All the new posts (other than Sr. P.A. which would be outside the purview of the aforesaid restructuring) necessary

गुरुग्राम नगरपालिका
गुरुग्राम नगरपालिका

Attested



Advocate

22 MAR 2010

Gurugram Bench
नगरपालिका न्यायालय

to be created subsequently on functional ground in the cadre of Stenographers will be created only in Grade-III initially.

3. The existing norms laying down the level of stenographic assistance admissible to officers of various ranks as contained in the Department of Personnel and Training O.M. No. 28034/1/88-Estt. (D), dated 6-2-1989, O.M. No. 28034/1/89-Estt. (D), dated 9-2-1990 and O.M. No. 22034/5/87-Estt. (D), dated 30-1-1991 (copies enclosed) (*also published in Swamy's Annual — vide Sl. No. 407 of 1989, Sl. No. 335 of 1990 and Sl. No. 194 of 1991 respectively*) will stand relaxed accordingly. Suitable adjustments may be made by respective Departments/offices within the re-fixed strength of different grades of Stenographers. There may be instances, where even after upgradation, there may be no change in the level of officer with whom a Stenographer has been attached. In other words, there may be no change in the duties and responsibilities of a Stenographer even after upgradation.

4. These instructions will be effective from the date of issue of the orders. The actual benefit would, however, be admissible to the stenographers from the date of actual upgradation to Grade-II and Grade-I as the case may be.

5. Ministries/Departments are requested to take expeditious action to implement the aforesaid decision so as to relieve stagnation amongst stenographers in non-secretariat offices within their administrative jurisdiction.

ANNEXURE - I

Copy of G.I., Dept. of Per. & Trg., O.M. No. 28034/1/88-Estt. (D), dated 6-2-1989

Subject:— Stenographers in Subordinate Offices — Recommendations of 4th Central Pay Commission — Scale of Stenographic assistance

The undersigned is directed to refer to the Deptt. of Personnel & Administrative Reforms O.M. No. 1/8/72-Estt. (D), dated the 6th January, 1977, wherein the Administrative Ministries were advised to provide officers working in the subordinate offices and drawing pay in the pre-revised scale of Rs. 1,500-60-1,800-100-2,000 and above with stenographers drawing pay in the scale of Rs. 425-700 and allot stenographers in the scale of Rs. 330-560 to officers drawing pay in the scale lower to Rs. 1,500-2,000. In the light of the adoption of common replacement scale of pay for officers pursuant to the 4th Central Pay Commission recommendations, the entitlement of officers for stenographic assistance in Subordinate Offices has been reviewed in consultation with the Ministry of Finance. The entitlement of officers for stenographic assistance has accordingly been revised as under with immediate effect:—

Central Adm. Deptt. (S)

केन्द्रीय प्रशासन विभाग

22 MAR 2010

Gwalior Bench

गुवाहाटी नगर ३