

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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R.A./CP/NO.....2015
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14.7.2015
SECTION OFFICER (JUDL.)

14.7.2015

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

1. Original Application No : 119 / 2009
2. Misc. Petition No : ----- in O.A. No.-----
3. Contempt Petition No : ----- in O.A. No.-----
4. Review Application No : ----- in O.A. No.-----
5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Santi Anusree Deb

Respondent (S) : Union of India & ors.

Advocate for the : Mr. H. G. Boruah

{Applicant (S)}

Advocate for the : CGSC
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 30/- deposited vide IPC/BB No. <u>396/409403</u> Dated <u>8.6.2009</u></p> <p><i>C. V. Mohanty</i> Dy. Registrar <u>26/6/09</u></p> <p><u>26.6.09</u> 4 copies of Application with envelope received for issue notices to the respondents No 1 to 4. Copy served.</p> <p><u>26/6/09</u> <i>26/6/09</i> <u>3/6/2009</u></p>	02.07.2009	<p>Heard learned counsel for the parties.</p> <p>For the reasons recorded separately, this O.A. is disposed of.</p> <p><i>M.R. Mohanty</i> (M.R. Mohanty) Vice-Chairman</p>

8-7-09

send order at 2.7.09
send to the DfC for issue
Fee same to the Applicant
and to the Respondent and
free copy both the counsels
wide 303777 to ^{8/7/09} at 8/7/09

3780 ~~8/7/09~~

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 119 of 2009

Date of Decision : 02.07.2009

Smti. Anusree Deb

..... Applicant/s

Mr. H.G. Boruah

..... Advocate for the
Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondent/s

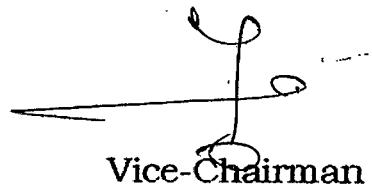
Ms. Usha Das, Addl. CGSC

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

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



Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.119 of 2009

Date of Order: This, the 2nd day of July, 2009.

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Smti. Anusree Deb
Senior Teacher, ST-0029
W/o Late Nithendra Narayan Deb
46th Battalion, Assam Rifles
C/O: 99 APO.

....Applicant

By Advocate: Mr. H.G. Boruah, Advocate.

-Versus-

1. The Union of India
Represented by the Secretary to
the Government of India
Ministry of Home Affairs
North Block, New Delhi- 110001.
2. The Secretary to the Government of India
Ministry of Finance
Department of Expenditure
North Block, New Delhi- 110001.
3. The Director General Assam Rifles
Mahanideshalaya
(Directorate General Assam Rifles)
Shillong, Meghalaya, 793011.
4. The Commandant
46th Battalion
The Assam Rifles
C/O : 99 APO
Pin- 932046.

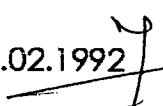
.....Respondents

By Advocate : Ms. Usha Das, Addl. C.G.S.C.

O.A.119/2009
ORAL ORDER
Dated 02.07.2009

MANORANJAN MOHANTY, (VICE CHAIRMAN):-

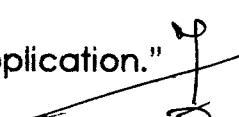
Applicant has claimed that she was appointed as a Junior Teacher on 19.02.1985 and promoted as a Senior Teacher on 01.02.1992



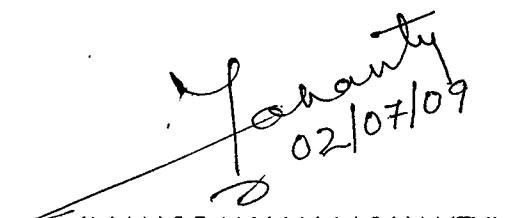
and, yet, she is being paid salaries in the pay scale of Rs.4500-125-7000/-; although similarly placed Senior Teachers (namely Padumi Das and S.N.Prasad) are getting pay in the scale of Rs.5500-175-9000/- p.m. and that, although promoted in the year 1992, her pay in the promotional post has not yet been fixed; for which she filed representations under Annexure-A dated 02.07.2008 and Annexure-B dated 23.09.2008. Her case was recommended (to get higher scale) under Annexure-C dated 24.09.2008 and under Annexure-D dated 30.09.2008. She has not yet got any relief on that count. Under Annexure-E dated 04.03.2009, the Applicant has been informed to face retirement by end of November 2009.

2. By way of filing the present Original Application (on 26.06.2009) under Section 19 of the Administrative Tribunals Act, 1985, the Applicant has prayed as under:-

- "I. To direct the Respondents authorities to grant and to pay the scale of Senior Teacher to the Applicant in the grade of Rs.5000-150-8000/- from 01/02/1992 upto 31/12/1995.
- II. To grant and to pay the scale of a Senior Teacher to the Applicant in the grade of Rs.5500-175-9000/- from 02/01/1996 upto 01/01/2006 under Central Civil Services (Revised Pay) Rules 1997.
- III. To grant and to pay the scale of a Senior Teacher to the Applicant in the grade of Rs.9300-34800/- with grade pay of Rs.4800/- from 01/01/1996 upto 01/12/2009 under Central Civil Services (Revised pay) Rules 2008.
- IV. To pay to the Applicant outstanding amounts accounted towards the aforesaid financial benefit with interest @ 12% per annum calculating from the date it become due.
- V. Cost of the Application."



3. Heard Mr.H.G.Boruah, learned counsel appearing for the Applicant and Ms. Usha Das, learned Addl. Standing counsel for the Govt. of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.
4. It appears from Annexure-C dated 24.09.2008 that the case of the Applicant was recommended favourably and, under Annexure-D dated 30.09.2008, the case of the Applicant was submitted to the Headquarters /Director General of Assam Rifles. Although almost a year has already elapsed in between and the Applicant is at the verge of retirement, the authorities have not yet passed orders fixing her pay in the Sr. Teacher post/scale.
5. In the above premises, since the Applicant is going to face retirement shortly/by end of November, 2009, without any waste of time, this case is, hereby, disposed of by remitting the matter to the Respondents (especially to the Respondent No.3) to pass appropriate orders (fixing the pay of the Applicant at higher scale) by end of August 2009 under intimation to the Applicant.
6. Send copies of this order, by Registered Post, to the Applicant and to all the Respondents (along with copies of the O.A.) in the address given in the O.A.
7. Free copies of this order be also supplied to the Advocates appearing for both the parties.



Manoranjan Mohanty
02/07/09
(MANORANJAN MOHANTY)
VICE-CHAIRMAN

३०८ 6 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT- SONITPUR (ASSAM)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLICATION NO 119 OF 2009

Smti Anusree Deb

..... Applicant

-Vs-

The Union of India & Ors.

..... Respondents

SYNOPSIS

The Director General Assam Rifles, by an order dated the 19th day of February 1985 appointed the applicant as Junior Teacher and posted at 15th Battalion, Assam Rifles in the scale of pay of Rs. 260-6-326-EB-8-350/- per month plus other allowances as admissible under the existing rules and at present she is working at 46th Battalion, Assam Rifles, Chaduar, Sonitpur, Assam. She was promoted to the post of Senior Teacher by an order dated the 1st day of February 1992 vide HQ. D.G.A.R. signal No/A. 3140. She is a graduate Senior Teacher and she is serving under the Respondents from the date of her joining till day continuously and sincerely. But she is presently drawing the pay scale of a Junior Teacher, i.e., in the grade of Rs. 4500-125-7000 but similarly situated Senior Teacher viz. (1) Padumi Das and (2) S.N. Prasad (under graduate) are getting pay scale of Rs. 5500-175-9000/- p.m. Though the Applicant was promoted to the post of Senior Teacher in the year 1992, her pay scale as a Senior Teacher yet not fixed by the Respondent authorities. Hence this Application.

Filed by

Hara Gobinda Boruah
Advocate.

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT : SONITPUR (Assam)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI
ORIGINAL APPLICATION NO. 119 OF 2009

Sri Anusree DebAPPLICANT

-VERSUS-

The Union of India & Ors.RESPONDENTS

LIST OF DATES

<u>SL. NO.</u>	<u>DATES</u>	<u>PARTICULARS, ANNEXURES, PAGE NOS.</u>
1.	02/07/2008	Application of the Applicant, <u>Annexure-A, Page No.17</u>
2.	23/09/2008	Application of the Applicant <u>Annexure-B, Page No.18</u>
3.	24/09/2008	Letter issued by the Commandant 46 th Battalion, Assam Rifles vide Memo No.II.110048/Civ/ Misc/08/2021 addressing the Director General Assam Rifles, Meghalaya, Shillong <u>Annexure-C, Page No.19</u>
4.	30/09/2008	Letter issued by the Commandant 46 th Battalion, Assam Rifles vide Memo No.II.110046/Civ/ Misc/08/2062 addressing the Director General Assam Rifles, Charduar. <u>Annexure-D, Page No.20</u>
5.	04/03/2009	Notice issued by the Commandant, 46 th Battalion, Assam Rifles vide Memo No.II110046/A/pension/ CS/09/453 informing the Applicant that she will retire on 30 th day of November, 2009 <u>Annexure-E, Page No. 21</u>

Filed by :


Hara Gobinda Boruah
Advocate
Gauhati High Court Bar Association
Guwahati-781001

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT : SONITPUR (Assam)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 119 OF 2009

Sri Anusree Deb

.....APPLICANT

-VERSUS-

The Union of India & Ors.

.....RESPONDENTS

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Filed by :


Hara Gobinda Boruah
Advocate
Gauhati High Court Bar Association
Guwahati-781001

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by the
Petitioner / Appellant
through Advocate

Hare Gobind Senapati
Advocate
Central High Court Bar Association
Guwahati-781001

26/6/2009

DISTRICT- SONITPUR (ASSAM)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLICATION NO

119

OF 2009

IN THE MATTER OF

An application under section 19
of the Central Administrative
Tribunal Act 1985.

-AND-

IN THE MATTER OF:

Smti. Anusree Deb

Senior Teacher, ST-0029

W/o- Late Nithendra Narayan Deb
46th Battalion, Assam Rifles

C/O : 99 APO

.....Applicant

-VS-

1. The Union of India,
Represented by the Secretary to
the Government of India, Ministry
of Home Affairs, North Block,
New Delhi- 110001.
2. The Secretary to the Government
of India, Ministry of Finance,
Department of Expenditure, North
Block, New Delhi – 110001.

Anusree Deb.

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गुवाहाटी न्यायालय
Guwahati Bench

3. The Director General Assam
Rifles, Mahanideshalaya,
(Directorate General Assam Rifles)
Shillong, Meghalaya, 793011.

4. The Commandant, 46th Battalion,
The Assam Rifles, C/O : 99 APO
Pin 932046.

.....Respondents.

DETAILS OF THE APPLICATION

1. Particulars against which the Application is made

A. This application has been filed by the Applicant claiming pay scale of Senior Teacher.

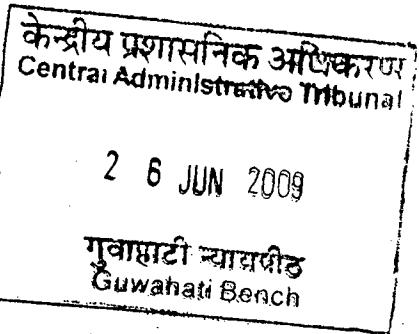
(i) in the grade of Rs. 5000-150-8000/- from 01/02/ 1992 upto 31/12/1995

(ii) in the grade of Rs. 5500-175-9000 from 01/01/1996 upto 31/12/2005 under Central Civil Services (Revised pay) Rules 1997.

(iii) in the grade of Rs. 9300-34800/- with grade pay of Rs. 4800/- from 01/01/2006 upto 30/11/2009 under Central Civil Service (Revised pay) Rules 2008.

with all consequential benefits including arrears with the similarly situated Senior Teacher of Assam Rifles organization whereas the Applicant has been drawing the pay scale in the grade of 4500-125-7000, though she was promoted to the post of Senior Teacher by an order dated the 15th day of February 2009 vide H.Q. D.G.A.R. Signal No/ A. 3140 which is not only illegal but also discriminatory.

Amusree Deb.



B. Non disposal of the representations of the Applicant dated 02/07/2008 and 23/09/2008.

2. JURISDICTION OF THE TRIBUNAL

The Applicant declares that subject matter of the case against which she wants redressal is within the jurisdiction of the Tribunal.

3. LIMITATION

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

4. FACTS OF THE CASE

I. That, this Applicant is a citizen of India by birth as such she is entitled to all the rights and privileges guaranteed by the Constitution of India and the laws framed thereunder.

2. That, the Applicant begs to state that she is a General Central Service Group 'C' non-gazetted Civilian employee of Assam Rifles and was appointed by an order dated the 19th day of February 1985, issued vide memo No. A/V-I/86-07/Rect/Jt/6 by the Directorate General Assam Rifles as Junior Teacher with effect from the 30th day of October 1985 and posted at 15th Battalion, Assam Rifles in the scale of pay of Rs. 260-6-326-EB-8-350/- per month plus other allowances admissible under the existing rules. It would be

Anusree Deb.

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गुवाहाटी न्यायपीठ
Guwahati Bench

pertinent to mentioned herein that at present the Applicant has been working at 46th Battalion, Assam Rifles, Charduar, Sonitpur, Assam.

3. That, the Applicant begs to state that the Applicant is graduate Senior Teacher and she is serving under the Respondents from the date of her joining till to-day continuously and she is discharging her duties honestly, sincerely and to the best of satisfaction of all her superiors.
4. That, the Assam Rifles is directly under the general superintendence and control of the Central Government as per the provisions of the Assam Act 1941. The office of the Director General is held by a person who is an active member of the Indian armed forces and he is an officer generally above the rank of Brigadier in the Indian Army. The Assam Rifles is created under the above referred statute and function directly under the control of the Central government. Section 5 of Assam Rifles Act 1941 specifies the classes and ranks in the Assam Rifles. There are three types of Teachers in Assam Rifles viz. Junior Teacher, Hindi Teacher, and Senior Teacher. The Teachers are classified as a General Central Service Group 'C' non-gazetted, civilian employees. The pays, allowances and disciplinary action of all the Assam Rifles employees (both civilian and armed personnel) is regulated by the Assam Rifles Act 1941 and Assam Rifles Rules 1985.

Anusree Deb

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Though the Teachers are classified as non-combatised civilian employees they are part and parcel of the Assam Rifles organization.

5. That, the Applicant begs to state that she was appointed as a Junior Teacher by an order dated the 19th day of February 1985 and she was promoted to the post of Senior Teacher by an order dated the 1st day of February 1992 vide H.Q. D.G.A.R. Signal No/ A. 3140 and after her promotion her pay was fixed as per FR 22 (a) with effect from 25 May 1992.

6. That, the petitioner begs to state that she is presently drawing the pay scale of a Junior Teacher i.e., in the grade of Rs. 4500-125-7000 but similarly situated Senior Teacher viz (i) S.N. Prasad, 43rd Battalion Assam Rifles (under graduate) (2) Padumi Das, 4th Battalion, Assam Rifles are getting pay scale of Rs. 5500-175-9000/- per month. Though the Applicant was promoted to post of Senior Teacher in the year 1992 her pay scale as a Senior Teacher yet not fixed by the Respondent authorities.

7. That, the petitioner begs to state that Respondent authorities have recognized and approved the contribution of other similarly situated Senior Teacher by granting them the higher pay scale but have neglected the Applicant. The Applicant is shouldering the same nature of work, responsibility with that of

Anusree
Def.

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

similarly situated Senior Teacher of Assam Rifles Battalion Children School. Having regard to the class or category, nature of work, degree of reliability and responsibility shouldering by the Applicant, she is entitled to the equal of pay with that of similarly situated Senior Teacher of Assam Rifles Battalion Children School. This differential is not based on intelligible criterion and therefore the Applicant faced hostile discrimination.

8. That, the Applicant begs to state that on 02/07/2008 the Applicant filed an application addressing the Director General Assam Rifles through the Commandant, 46th Battalion, Assam Rifles wherein she clearly stated it that after her promotion neither any change was made in her pay scale nor upgraded, and she is getting less pay then her juniors and requested him to take immediate action accordingly.

The photocopy of the said application is annexed herewith and marked as Annexure A.

9. That, the Applicant begs to state that again on 23/09/2008 the Applicant's filed an application addressing the Director General Assam Rifles though the Commandant, 46th Battalion, Assam Rifles wherein she clearly stated it that at the time of her promotion she had not been given the actual pay scale of Senior Teacher. In the said application she further stated it

Annexure A

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

that Senior Teacher viz (1) S.N. Prasad, 43rd Battalion Assam Rifles (under graduate) (2) Padumi Das, 4th Battalion Assam Rifles are getting the pay scale in the grade of 5500-175-9000 and she is drawing the pay of scale in the grade of 4500-125-7000/- and requested him to consider her prayer.

The photocopy of the said application is annexed herewith and marked as Annexure B.

10. That, the Applicant begs to state that the Commandant, 46th Battalion, Assam Rifles by letter dated the 24th day of September 2008 issued vide order No. II. 110046/Civ/Misc/08/2021 informed the Director General Assam Rifles that the Applicant was enrolled as a Junior Teacher on 30/10/1985 and she was promoted as a Senior Teacher on 01/02/1992 and she is drawing the pay scale in the grade of Rs. 4500-125-7000/- p.m. whereas the pay scale applicable for her as a Senior Teacher is 5500-175-9000/- p.m. and request him to issue necessary direction.

The photocopy of the letter dated the 24th day of September 2008 is annexed herewith and marked as Annexure C.

11. That, the Applicant begs to state that the Commandant, 46th Battalion, Assam Rifles by a letter

Annexure
Deb.

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

dated the 30th day of September 2008 issued vide memo No. II. 110046/Civ/Misc/08/2062 informed Assam Rifles School, Chaduar, 46th Battalion that the case of the Applicant has been taken up to HQ. D.G.A.R. vide their letter No. II 110046/Civ/Misc /08/2021 dated the 24th September 2008 for reconcile the pay scale of the Applicant as a Senior Teacher.

The photocopy of the letter dated the 30th day of September 2008 is annexed herewith and marked as Annexure D.

12. That, the Applicant begs to state that the Commandant, 46th Battalion, Assam Rifles by an order dated the 4th day of March 2009 issued vide memo No. II. 110046/ A/Pension/CS/09/453 in exercise of power conferred by clause (a) of FR 56 of the Fundamental Rules 35 (I) CCS (Pension) Rules 1972, informed the Applicant that she shall retire from Service on attaining 60 years of age for superannuation pension on 30th day of November 2009 (FN).

The photocopy of the order dated the 4th day of March 2009 is annexed herewith and marked as Annexure E.

13. That, the Applicant begs to state that she is going on retirement on the 30th day of November 2009 (FN) on

Annexure D

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गुवाहाटी न्यायपीठ
Guwahati Bench

Amukhee Deb.

her attaining the age of 60 years and she already completed 23 years 7 months of regular/continuous service in Assam Rifles organization, but the Respondent authorities yet not allowed her to draw the pay in the scale applicable for her as a Senior Teacher.

14. That, the Applicant begs to submit that she is entitled to get the said monetary benefits from the date of her promotion, i.e., 1st Day of February 1992 and the Respondent authorities deprived the Applicant in getting the said benefits from the said date. The Applicant all this time trying to settle her claim with the Respondents and being a model employer refusal to settle the legal claims of the Applicant is arbitrary and illegal. The Applicant is entitled to get the pay scale in the following grade.
 - (i) in the grade of Rs. 5000-150-8000/- from 01/02/1992 upto 31/12/1995
 - (ii) in the grade of Rs. 5500-175-9000 from 01/01/1996 upto 31/12/2005 under Central Civil Services (Revised pay) Rules 1997.
 - (iii) in the grade of Rs. 9300-34800/- with grade pay of Rs. 4800/- from 01/01/2006 upto 30/11/2009 under Central Civil Service (Revised pay) Rules 2008. with all consequential benefits including arrears.
15. That, the Applicant begs to submit that action of the Respondent authorities is arbitrary, unreasonable and injudicious. For the collateral purpose in collateral

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Guwahati Bench

exercise of power, the Respondent authorities deprived the Applicant from the aforementioned monetary benefits. Such action is liable to be declared as illegal, arbitrary and unconstitutional being violative of Article 14, 21, 39 (A) and 300 A of the constitution of India and principles of Administrative Fairplay, Good Conscience and Equity.

16. That, the Applicant begs to submit that Respondents for a long period derived the Applicant of her legitimate dues for no fault of her own and thereby caused grave injustice and injuries to the Applicant.
17. That, the Applicant demanded justice but same has been denied to her.
18. That, this application is made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF

- (i) For that the Respondents by an order dated the 1st day of February 1992 vide H.Q. D.G.A.R. signal No/ A. 3140 promoted the Applicant to the post of Senior Teacher by virtue of seniority and eligibility and the Respondents authorities fully utilized the service of the Applicant without fixing the pay scale of a Senior Teacher.

Anusree Deb.

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गुवाहाटी न्यायपीठ
Guwahati Bench

Amulree Deb.

II. For that on fulfillment of all requisite eligibility criteria, Respondents authorities selected the Applicant for promotion from Junior Teacher to the post of Senior Teacher but the Respondents compelled the Applicant to work in a low salary which is highly illegal.

(ii) For that some other Senior Teacher viz. (i) S.N. Prasad (under graduate) (2) Padumi Das (graduate) are getting the pay scale of a Senior Teacher i.e., 5500-175-9000/- p.m. but the Respondents failed recognized and approved the contribution of the Applicant. The Applicant has been shouldering the same nature of work, responsibility with that of similarly situated Senior Teacher and Assam Rifles Battalion Children School. Having regard to the class or category, nature of work, degree of reliability and responsibility shouldering by the Applicant, she is entitled to the equal of pay with that of similarly situated Senior Teacher of Assam Rifles Battalion Children School. This differential is not based on intelligible criterion and therefore the Applicant faced hostile discrimination.

(iii) For that non-payment of the pay scale of a Senior Teacher to the Applicant from the date of her promotion is violative of Article 14 and 21 of the Constitution of India.

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गुवाहाटी न्यायपीठ
Guwahati Bench

Amukhee Deb.

- (iv) For that the representations of the Applicant dated 02/07/2008 and 23/09/2008 are yet not disposed of by the Respondents in favour of the Applicant.
- (v) For that it is a settled principles of law that in case of non-payment of arrears due to the persons, the liability of the Government to pay interest at market rate commence from the date of non-payment and any culpable delay in settlement and disbursement thereof, the party responsible must be visited with penalty of payment or payment in interest at the current market rate till actual payment.
- (vi) For that it is settled principles of law that when an amount legally due to the party was not paid, the party responsible for non-payment/withholding it must pay interest at the current market rate.
- (vii) For that outstanding amounts accumulated towards her pay scale constitute property within meaning of Article 300 A of the Constitution of India.
- (viii) For that inaction on the parts of the Respondents to grant the pay scale of Senior Teacher to the Applicant from the date it become due is highly prejudicial and she is legally entitled for the same.
- (ix) For that financial loss caused to the Applicant by the Respondents.

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गुवाहाटी न्यायपीठ
Guwahati Bench

- (x) For that administrative fairplay and good conscience is denied.
- (xi) For that the Respondents have violated their own sets of rules and principles.

6. DETAILS OF REMEDIES EXHAUSTED

- (i) That the Applicant declare that she has avail all the remedies available to her and there is no alternative remedy and hence she is approaching this Hon'ble Central Administrative Tribunal by way of this original Application.

7. MATTER NOT PENDING WITH ANY OTHER COURTS

That the Applicant declares that the matter regarding in which the application have been made is not pending before any court of law or any other arbitrary or any other Bench of the Tribunal.

8. RELIEF SOUGHT FOR

Under facts and circumstances stated above, the Applicant humbly prays that your Lordship would graciously be pleased to admit this application, call for the records of the case, issue notice to the Respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of records and after hearing the parties or cause or causes that may be shown, be pleased to grant the following relief (s).

Anusree Deb

26 JUN 2009

गुवाहाटी न्यायपाठ
Guwahati Bench

I. To direct the Respondent authorities to grant and to pay the scale of Senior Teacher to the Applicant in the grade of Rs. 5000-150-8000/- from 01/02/1992 upto 31/12/1995.

II. To grant and to pay the scale of a Senior Teacher to the Applicant in the grade of Rs. 5500-175-9000/- from 02/01/1996 upto 01/01/2006 under Central Civil Services (Revised pay) Rules 1997.

III. To grant and to pay the scale of a Senior Teacher to the Applicant in the grade of Rs. 9300-34800/- with grade pay of Rs. 4800/- from 01/01/1996 upto 01/12/2009 under Central Civil Services (Revised pay) Rules 2008.

IV. To pay to the Applicant outstanding amounts accounted towards the aforementioned financial benefit with interest @ 12% per annum calculating from the date it become due.

V. Cost of the Application.

VI. Any other relief (s) as the Hon'ble Tribunal may deem fit and proper.

9. INTERIM RELIEF

Pending final disposal, in the facts and circumstances of the case, it is prayed to pass an interim order as your Lordship deem fit and proper.

Amulree Daff

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench10. PARTICULARS OF THE BANK DRAFT/POST ORDER

I. IPO No. : 39G 409403

II. Date of issue : 08/06/2009

III. Issued from : Guwahati

IV. Payable At : Guwahati.

11. WHERE AND WHO FILE THE APPLICATION

The application has been filed through Advocate.

12. LIST OF ENCLOSURES :

As stated in the Index/List of Dates

Anusree Deb.

- 16 -

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

VERIFICATION

I, Smti Anusree Deb, W/O- Late Nithendra Narayan Deb, aged about 59 years $\frac{7}{12}$ months, Senior Teacher, ST-0029, 46th Battalion, Assam Rifles, C/O : 99 APO, Chaduar, Sonitpur, Assam, do hereby verified that the contents from paragraph 1 to 12 are true to my personal knowledge and belief which I believed to be true and I have not suppressed any material facts.

Date : 26 /06/2009

Anusree Deb.

Place : Guwahati

Signature of Applicant

ANNEXURE - A

- 17 -

From:- ST 0029
Smt. Anusree Deb
Sr. Teacher
46 Assam Rifles
C/O 99 APO

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

To
Mahamideshaisya Assam Rifles
Directorate General Assam Rifles
A Branch
Shillong-II

(Through proper channel)

SUB:- REQUEST FOR ACP SCALE OF SENIOR TEACHER

1. Respected Sir,

With due respect and humble submission I have the honour to implore few lines for your information and favourable action please.

2. Sir, Ref the letter No.11.110046/Civ/ACP/656 dated 30 Dec 2007. My good office forwarded my name to the DGAR Civil ACP board for ACP scale, because I had already being completed 22 years 08 months of my regular service.

3. Sir, on completion of necessary qualification and fulfillment of all requisite eligibility criteria. I have been selected for promotion from Jr. Teacher to Sr. Teacher vide your Sig. No. A 3140 dt 10th Feb 1992, by virtue of seniority and eligibility. But after promotion neither any change was made in my pay scale nor upgraded, no ACP, to that which is fixed for direct appointment. Consequently no monetary accrual was attained in this regard and hence I am drawing lower pay scale with one junior to me. The anomaly directly arose in consequent to the application of fixing identical scales in both lower and higher post.

4. Simultaneously, ACP scales also given to the AR teachers and I am getting less pay than my juniors.

5. Therefore, I request your immediate action will be highly appreciated.

Thanking you in anticipation.

Yours faithfully

Anusree Deb.
(Anusree Deb)

Date :- 02-07-2008

Certified to be true Copy

HGB
Hara Gobinda Boruah
Advocate

From:- ST 0029

Smt. Anusree Deb
Sr. Teacher
46 Assam Rifles
C/O 99 APO

To

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
A Branch
Shillong-II

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(Through proper channel)

SUB:- REQUEST FOR THE SCALE OF SENIOR TEACHER

Respected Sir,

With due respect I have the honour to state the following few lines before you for your kind and sympathetic consideration please.

That Sir, I am serving as a senior teacher of your unit school No. 46 AR since 7th Oct, 2007. I was promoted to the post of senior teacher vide your Sig No. A 3140 dt 10th Feb, 1992.

But Sir, at the time of my promotion I had not been given the actual pay scale of senior teacher. To your existing policy I had not given the pay scale of senior teacher. But on the other hand I have found that some senior teacher like (1) S.N. Prasad 43 AR (Under graduate) (2) Padami Das 4 AR(Graduate) are getting the pay scale like 5500-175-9000 and my self getting 4500-125-7000. Hence I have promoted as a senior teacher but I have not been financially benefited due to non-fixing of my pay as a senior teacher.

I therefore fervently pray your good self to consider my case and kindly issue the necessary instruction of my favour as prayed for.

Thanking you in anticipation

23 Sept 08

Date:-

Yours faithfully

Anusree Deb

Anusree Deb

Certified to be true Copy


Hara Gobinda Boruah
Advocate

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tncl.

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

46 Assam Rifles
Pin-932046
C/O 99 APO

II.110046/Civ/Misc/08/ 2021

24 Sep 2003

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(Record Branch (Adm-IV)
Shillong - 793 011

APPLICATION FOR GRANT OF ACP

1. Ref your Dte Sig No A 5093 dt 03 Sep 03.
2. Smt Anusree Deb was enrolled as a Jr teacher on 30/10/1992. Consequently, she was promoted as a senior teacher on 01/02/1992. Ever since this promotion, the indl has been fixed in the pay scale of Rs. 4500-125-7000/-pm whereas the pay scale applicable for her as a senior teacher is 5500-175-9000/-pm.
3. The indl does not qualify for grant of ACP, as she will complete 24 yrs service on 30/10/09. You are requested to reconcile the pay scale of the indl consequent to her promotion on 01/02/1992 and issue necessary direction please.

Sanjoy Kumar Maj Adjt for Comdt
(Sanjoy Kumar)
Maj
Adjt
for Comdt

Certified to be true Copy

HGB

Hara Gobinda Boruah
Advocate

II.110046/Civ/Misc/08/2062

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी आदायक
Guwahati Bench

46 Assam Rifles
Pin-932046
C/O 99 APO

30 Sep 2008

Assam Rifles School
Charduar
46 Assam Rifles

APPLICATION FOR THE SCALE OF SENIOR TEACHER

1. Refer to your letter No I. 11011/ARS/08 dt 23 Sep 08.
2. ST-0029 Smt Anursree Deb, Senior Teacher case has already taken up to HQ DGAR vide our letter No II. 110046/Civ/Misc/08/2021 dt 24 Sep 08 for reconcile the pay scale of senior teacher.
3. You are requested to info individual accordingly.

(Sanjoy Kumar)
Major
Adjutant
for Commandant

Certified to be true Copy


Hara Gobinda Boruah
Advocate

OFFICE OF THE COMMANDANT : 46 ASSAM RIFLES**ORDER**

II.110046/A/Pension/CS/09/453

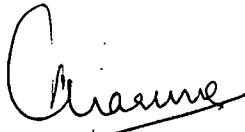
Dated: 04 Mar 2009

WHERE AS THE COMMANDANT of 46 Assam Rifles is of the opinion that it is in the public interest to do so.

Now therefore, in exercise of the power conferred by clause (a) of FR 56 of the Fundamental Rules/Rules 35 (1) CCS(Pension) -1972. The Commandant hereby gives notice to:-

ST - 0029, Smt Anusree Deb, Senior Teacher

That she on attaining 60 yrs age for the superannuation pension on 30 Nov 2009 (AN) shall retire from service on superannuation pension on 01 Dec 2009 (FN) or the day following the date of service of the notice on her which ever is later.

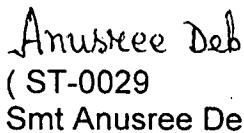


(Sarvesh Sharma)
Colonel
Commandant

ST-0029
Smt Anusree Deb,
Senior Teacher
46 Assam Rifles
C/O 99 APO
Pin-932046

ACKNOWLEDGEMENT

I, ST-0029 Smt Anusree Deb, Senior Teacher holding the post of Senior Teacher hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.



Anusree Deb
(ST-0029)
Smt Anusree Deb
Senior Teacher

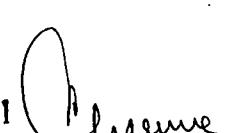
Witness:-

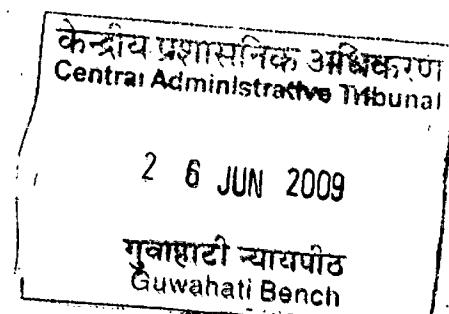

(C/361965M Hav/Clk)
M Paul

Dated: 04 Mar 2009

Dated: 04 Mar 2009

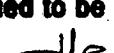
COUNTERSIGNED

Col 
Comdt
46 Assam Rifles

**Distribution**

- PAO(AR), Shillong -793 003
- HQ DG Assam Rifles, Shillong-793 011
(Rec/NE I/II/III/A Branch/GS(Edn) Branch/East Branch / CPBO, AR)
- HQ 25 Sector Assam Rifles, C/o 99 APO, Pin- PIN-932425
- A/Fin Branch (Internal)
- AR School, 46 Assam Rifles, C/O 99 APO
- Office Copy

Certified to be true Copy



Hara Gobinda Boruah
Advocate