

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

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

ORDERSHEET

1. Original Application No: 120 / 2009
2. Miscellaneous Petition No
3. Contempt Petition No
4. Review Application No

Applicant(s) Santi Anusree Deb

Respondant(s) Union of India's Moss.

Advocate for the Applicant(s): Mr. H.G. Boruah

Advocate for the Respondant(s): 6

C.S.C

Notes of the Registrar	Date	Order of the Tribunal
<p>Application No. 120/2009 Dated 02.07.2009 No. 396/409402 Dated 02.07.2009 Dy. Registrar 26/6/09 Six (6) copies of application with envelope received for issue notices to the Respondants No 1 to 6. Extra charge deposited. Copy served. 26/6/09</p>	<p>02.07.2009</p> <p>/bb/</p>	<p>Heard learned counsel for the parties.</p> <p>For the reasons recorded separately, this O.A. stands disposed of.</p> <p>(M.R.Mohanty) Vice-Chairman</p>

6.7.09

order dated 2.7.09
send to the DfE for issue the
same to the Applicant and
to Respondents and free copy
to the Comers of both parties.
vide NO. 3781 & 3789 dt. 8/2/09

6/7/09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 120 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


Mr. Kankan 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 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 of the Judgment ? Yes/No


Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.120 of 2009

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

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Smt. 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 Human Resource Development
Department of Secondary and Higher Education
North Block, New Delhi- 110001.
3. The Secretary to the Government of India
Ministry of Finance
Department of Expenditure
North Block, New Delhi- 110001.
4. The Secretary to the Government of India
Ministry of Personal
Public Grievances and Pension
(Department of Personal and TRG)
North Block, New Delhi- 110001.
5. The Director General
Assam Rifles, Mahanideshalaya
(Directorate General Assam Rifles)
Shillong, Meghalaya, 793011.
6. The Commandant
46th Battalion
The Assam Rifles
C/O : 99 APO
Pin- 932046.

By Advocate: Mr. Kankan Das, Addl. C.G.S.C.



Respondents

ORAL ORDER
Dated 02.07.2009
O.A. No.120/2009

MANORANJAN MOHANTY, (VICE CHAIRMAN):-

Heard Mr.H.G.Boruah, learned counsel appearing for the Applicant and Mr. Kankan 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.

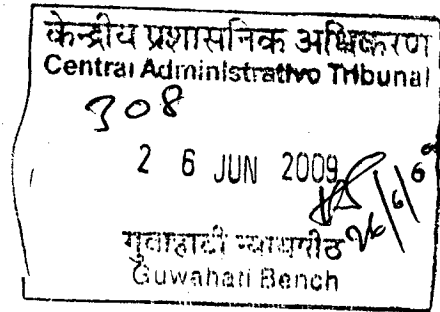
2. Claiming the ACP benefits, the Applicant has approached this Tribunal with the present O.A. filed (on 26.06.2009) under Section 19 of the Administrative Tribunals Act, 1985.

3. It is stated by Mr.H.G.Boruah, learned counsel for the Applicant that a Board has already considered the case of the Applicant and the Proceeding of the said Board is pending before the Director General of Assam Rifles, Shillong (Respondent No.5) for consideration. He prayed that, since the Applicant is going to retire by end of November, 2009, Respondents ought to be asked to act expeditiously to consider the case of the Applicant.

4. In the aforesaid premises, this case is disposed of by remitting the matter to the Director General of Assam Rifles to consider the case of the Applicant (pertaining to her claim for ACP benefits) expeditiously and pass a reasoned order by end of September, 2009.

5. Send copies of this order to the Respondents (by Registered Post) along with copies of this O.A. and free copies of this order be also supplied to Applicant and the Advocates appearing for both the parties.


(MANORANJAN MOHANTY)
VICE-CHAIRMAN



DISTRICT- SONITPUR (ASSAM)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLICATION NO 120 OF 2009

Smti Anusree Deb

..... Applicant

-Vs-


The Union of India & Ors.

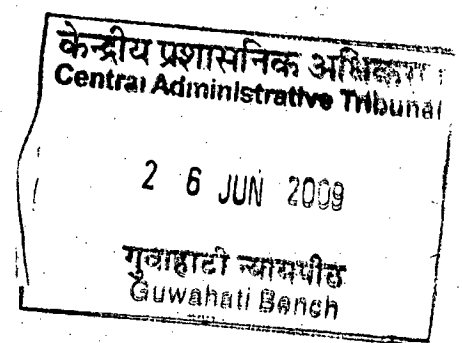
..... Respondents

SYNOPSIS

The Director General Assam Rifles, by an order dated 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 and claiming financial up gradation as applicable under the Assured Career progression Scheme i.e. Rs. 6500-200-10500/- from 1st day of February 2004 up to her retirement, she filed this Original Application.

Filed by


Hara Gobinda Boruah
Advocate.



DISTRICT : SONITPUR (Assam)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 120 OF 2009

Sri Anusree Deb

.....APPLICANT

-VERSUS-

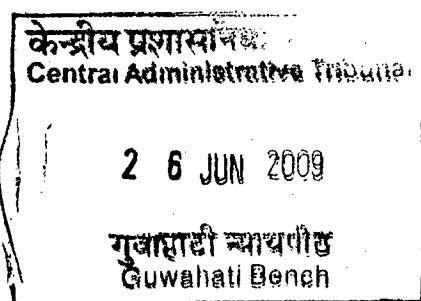
The Union of India & Ors.

.....RESPONDENTS

LIST OF DATES

<u>SL. NO.</u>	<u>DATES</u>	<u>PARTICULARS, ANNEXURES, PAGE NOS.</u>
1.	04/07/2008	Application of the Applicant <u>Annexure-A, Page No.18</u>
2.	02/08/2008	Application of the Applicant <u>Annexure-B, Page No.19</u>
3.	06/08/2008	Forwarding letter issued by the Commandant, 46 th Battelion Assam Rifles Vide Memo No.II 110046/ Civ/Misc/08/1717 addressing the Director General Assam Rifles, Meghalaya, Shillong. <u>Annexure-C, Page No.20</u>
4.	03/09/2008	Letter issued by the Director General of Assam Rifles vide Signal No.A 5093 asking Commandant, 46 th Battalion, Assam Rifles to forward the Board proceeding of the Applicant. <u>Annexure-D, Page No.21</u>
5.	24/10/2008	Letter issued by the Commandant, 46 th Battalion, Assam Rifles, vide signal No.A1906 addressing the Director General Assam Rifles, Meghalaya, Shillong. <u>Annexure-E, Page No. 22</u>
6.	11/12/2008	Letter issued by the Commandant, 46 th Battalion, Assam Rifles, vide signal No.A1921 addressing the Director General Assam Rifles, Meghalaya, Shillong. <u>Annexure-F, Page No. 23</u>

7. 30/12/2007 Letter issued by the Commandant, 46th Battalion, Assam Rifles, vide Memo No.II 110046/Civil/ACP/656 vide which he forward the Board proceeding of the Applicant to Director General Assam Rifles, Meghalaya, Shillong.
Annexure-G series, Page Nos. 24 and 25
8. 10/11/2008 Order issued by Director General Assam Rifles vide Memo No.A/Pers/6th CPC/2008.
Annexure-H, Page No. 26
9. 09/08/1999 Assured Career Progression Scheme
Annexure-I, Page Nos. 27 to 40
10. 04/04/2002 Letter issued by the Government of India, Ministry of Human Resource Development, Department of Secondary and Higher Education, vide Memo No.F.521/97 UTI
Annexure-J, Page Nos. 41 to 48
11. Presentation on proposal for 6th Central pay Commission
Annexure-K, Page Nos. 49 and 50



Filed by :

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

2 6 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT : SONITPUR (Assam)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 120 OF 2009

Sri Anusree Deb

.....APPLICANT

-VERSUS-

The Union of India & Ors.

.....RESPONDENTS

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17.	Annexure -H	26
18.	Annexure -I	27 to 40
19.	Annexure -J	41 to 48
20.	Annexure -K	49 and 50

Filed by :



Hara Gobinda Boruah
Advocate

Gauhati High Court Bar Association
Guwahati-781001

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by the
Petitioner / Appearing
Through

Mr. Gobinda Boruah
Advocate
Guwahati High Court Bar Association
Guwahati-781001

28/06/2009

DISTRICT- SONITPUR (ASSAM)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLICATION NO 120 OF 2009

IN THE MATTER OF

An application under the Central
Administrative Tribunal Act 1985.

-AND-

IN THE MATTER OF:

Smt. Anusree Deb

Senior Teacher, ST-0029

W/o- Late Nithendra Narayan Deb

46th Battalion, Assam Rifles

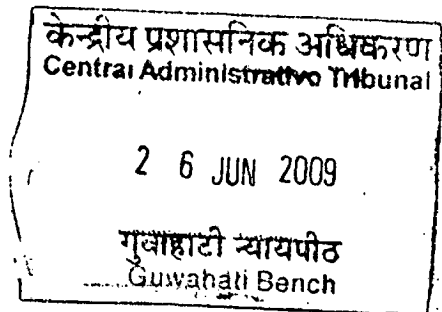
C/O- 99 APO ✓

.....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 Human
Development, Department of
Secondary and Higher Education,
North Block, New Delhi- 110001. ✓

Anusree Deb.



3. The Secretary to the Government of India, Ministry of Finance,
Department of Expenditure, North Block, New Delhi - 110001. ✓
4. The Secretary to the Government of India, Ministry of Personal, Public Grievances and Pension
(Department of Personal and TRG)
North Block, New Delhi 11001. ✓
5. The Director General Assam Rifles,
Mahanideshalaya,
(Directorate General Assam Rifles)
Shillong Meghalaya, 793011 ✓
6. The Commandant
46th Battalion, The Assam Rifles
C/o : 99 APO
Pin 932046. ✓

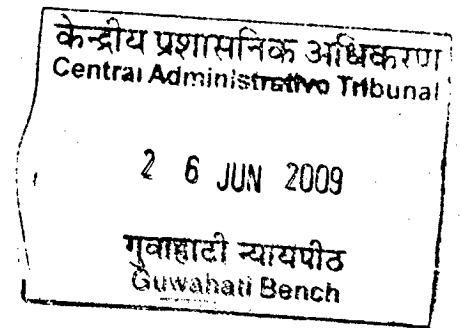
Amusree Deb.

.....Respondents.

DETAILS OF THE APPLICATION

I. This application has been filed by the Applicant claiming

- (i) financial up gradation as applicable under the Assured Career Progression Scheme i.e., Rs. 6500-200-10500 from 1st day of February 2004 up to retirement.



- (II) Assured Career Progression Scheme introduced by the Government of India, published through the Ministry of Personal, Public Grievances and Pension (Department of personal and TRG) vide memo No 35034/1/97 Estt (D) dated the 09th day of August 1999 and
- (III) the letter of the Ministry of Human Resources Development, Department of Education dated the 4th day of April 2002, granting senior scale pay to the school teachers.
- (IV) Non-disposal of the representations of the Applicant dated 04/07/2008 and 02/08/2008.

Amushee Deb.

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

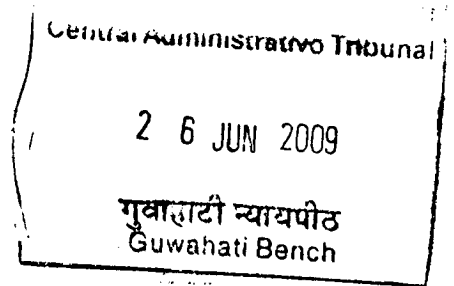
26 JUN 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

guaranteed by the Constitution of India and the laws framed thereunder.

- II. 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 (hereinafter referred to as D.G.A.R.) as Junior teacher with effect from 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 and she was promoted to the post of senior Teacher an order dated the 15th day of February 1992 vide H.Q. D.G.A.R. signal No/A. 3140. It would be pertinent to mentioned herein that at present the Applicant is working at 46th Battalion, Assam Rifles, Charduar, Sonitpur, Assam.
- III. 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.
- IV. That, the Assam Rifles is directly under the general superintendence and control of the Central Government as per the provisions of the Assam Act

Anuskee Deb.



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 the Assam Rifles Act 1941 specifies the classes and ranks in the Assam Rifles. There are three types of Teachers in Assam 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. Though the teachers are classified as non-combatised civilian employees they are part and parcel of the Assam Rifles organization.

Amustee Deb.

- V. That, the Applicant begs to state that on 04/07/2008 and the Applicant filed an application addressing the Director General Assam Rifles through the Commandant, 46th Battalion, Assam Rifles wherein she clearly stated that the Financial benefits of Assured Career Progression Scheme has not been given to her but other teachers of Assam Rifles School junior to her presently enjoying the financial benefits under Assured Career Progression Scheme.

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

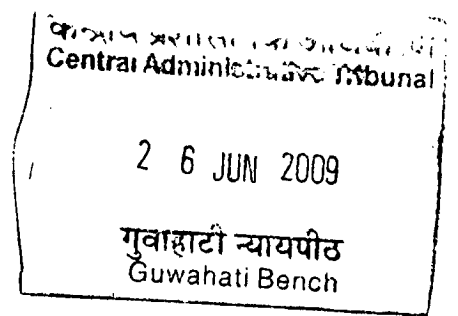
The photocopy of the application dated 04/07/2008 is annexed herewith and marked as Annexure A.

- VI. That, the Applicant begs to state that again on 02/08/2008, the Applicant filed an application addressing the Director General Assam Rifles through the Commandant, 46th Battalion, Assam Rifles wherein she clearly stated that the Financial benefits under Assured Career Progression Scheme has not been given to her but other teachers of Assam Rifles School junior to her presently enjoying the financial benefits under Assured Career Progression Scheme and by a letter dated the 6th day of August 2008 issued vide memo no. II. 110046/Civ/Misc/08/1717, the Commandant, 46th Battalion, Assam Rifles forwarded the said application to the Director General Assam Rifles for his necessary action.

Annexure Deb.

The photocopy of the application dated 02/08/2008 and forwarding letter dated the 06th day of August 2008 are annexed herewith and marked as Annexure B and C respectively.

- VII. That the Applicant begs to state that the Director General, Assam Rifles on 3rd day of September 2008 vide signal No/A. 5093 asked the Commandant, 46th Battalion, Assam Rifles to forward Board Proceeding



of the applicant for his further necessary action. On 24th day of October 2008, the Commandant, 46th Battalion, Assam Rifles vide Signal No/A. 1906 informed the Director General Assam Rifles that to grant the Financial benefits under Assured Career Progression Scheme no direction to reconcile the pay scale in reference of the Applicant is received and request him to take early action in that regard. Again on 11th day of October 2008, the Commandant, 46th Battalion, Assam Rifles vide signal No/A 1921 informed the Director General Assam Rifles that to grant the Financial benefits under Assured Career Progression Scheme no direction to reconcile the pay scale in reference of the Applicant is received and request him to take necessary action in that regard.

Annexure Deb.

The photo copy of the Signal dated the 3rd day of September 2008, the 24th day of October 2008 and 11th day of October 2008 are annexed herewith and marked as Annexure D, E and F respectively.

VIII. That, the Applicant beg to state that the Commandant, 46th Battalion, Assam Rifles by an letter dated the 30th day of December 2007 issued vide memo No. II. 110046/Civi/ACP/656 forwarded to the Director General Assam Rifles, the Board Proceeding of the applicant to grant the Financial benefits under Assured Career Progression Scheme.

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

The photocopy of the letter dated the 30th day of December 2007 and Board proceeding in annexed herewith and marked as Annexure G Series.

- VIII. That the petitioner begs to state the Director General Assam Rifles by an order dated the 10th Day of December 2008, issued vide memo No. A/PERS/6th CPC/2008, in pursuance of Government Notification dated the 29th day of August 2008 tabulated the revised pay scale of teachers of Assam Rifles and asked all the Units to fix their pay accordingly and grant financial up gradation as applicable in Assured Career Progression Scheme.

Annexure Deb.

The photo copy of the said order dated the 10th day of November 2008, is annexed herewith and marked as Annexure H.

- IX. That Government of India has circulated a scheme through Office Memorandum being No. 35034/1/97 Estt (D) dated 09 August 1999 published through the Ministry of personal, public grievances and pension (Department of personal and TRG) in the name and style 'Assured career progression Scheme' for Central Government Civilian employees. This 'Assured Career

Progression Scheme' for Central Government employees has introduced by the Government of India on the recommendation of the Fifth Central Pay Commission to deal with the problem of genuine stagnation and hardship faced by the employees due to the lack of adequate promotional avenues. The scheme is operational from 9th August 1999 keeping in view all relevant factors. By the said scheme it has been decided to grant two financial upgradation as recommended by the Fifth Central Pay Commission and also in accordance with the agreed settlement dated September 1, 1997 entered into with the staff side of the National Council (JCM) to group B, C & D employees in completion of 12 years and 24 years of regular service respectively.

Amusree Deb.

The typed copy of the Assured Career Progression Scheme along with photocopy of the original is annexed herewith and marked as Annexure I.

- X. That, the Applicant begs to state that first financial up gradation under the said scheme is allowed after 12 years of continuous service and second financial up gradation is allowed after 24 years of continuous service.
- XI. That, the Applicant begs to state that she has been completed more than 23 years of continuous qualifying service in this esteem organization and served to the entire satisfaction of the superiors. The financial benefits under Assured Career Progression Scheme is applicable to all the school teachers employed by the Central Government in Union Territories and other autonomous bodies sponsored by the Central Government.
- XII. That Applicant begs to state the Government of India Ministry of Human Resource Development, (Department of

26 JUN 2009

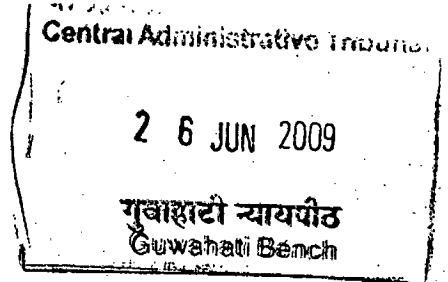
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

Education), Secondary and Higher Education, New Delhi by the letter dated the 4th day of April 2002, informed the Secretary, Ministry of Defence to take necessary action regarding revision of pay scale (Senior and Selection Scale) for primary Teachers in employment of Government of India that Government decided to grant revised senior and selection scale of primary school teachers with effect from 01/01/1996. The School Teachers of Assam Rifles are also entitled to the said benefits in accordance with letter issued by the Ministry of Human Resources Development, (Department of Education). The applicant is entitled in the same footing with other Central Government Aided School and teachers of Kendriya Vidyalaya Sangathan, the grant of financial up gradation under Assured Career Progression Scheme in accordance with the Ministry of Human Resource Development (Department of Education) letter No. F.5/180/86UTI dated 12 August 1987. In this regard, the applicant relies on the "Presentation on Proposal for 6th Central Pay Commission, Chapter IX Assam Rifles, pay Teaching Staff". However denial of the said benefit is discriminatory and had generated resentment among them beside effecting their morale adversity.

Annexure Deb.

The type copy of the said latter dated the 4th day of April 2002, along with photocopy of original is annexed herewith and marked as Annexure J.

-AND-



The photocopy of the "Presentation on Proposal for 6th Central Pay Commission, Chapter IX Assam Rifles, pay Teaching Staff is annexed herewith and marked as Annexure K.

XIII. That the Applicant begs to state that the Respondents willfully deprived the Applicant in getting the said financial benefits under Assured Career Progression Scheme. The Applicant all this time trying to settled her claims with the Respondents. Being a model employer refusal of the Respondents to settle the legal claims of their incumbents is arbitrary and improper.

Anusree Deb.

XIV. That the Applicant begs to state that the financial upgradation under Assured Career Progression Scheme is presently drawing by the other Government Aided School and teachers of Kendriya Vidyalaya Sangathan but the Applicant is deprived from drawing the said financial upgradation which is a hostile discrimination. This differentiation/classification is not based on intelligible criterion.

The Applicant is entitled to the financial upgradation / benefits under Assured Career Progression Scheme as follows :-

Rs. 6500-200-10500/- from the 1st day of February 2004 up to the date of her retirement.

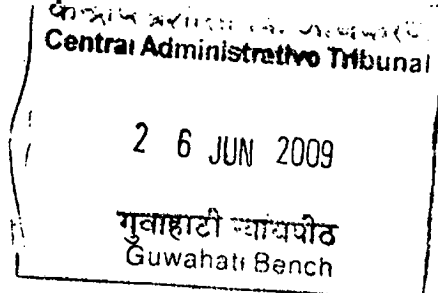
XV. The Applicant begs to submit that it is a settled principles of law that in case of non-payment of any financial benefits due to the persons, the liability of

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 on payment in interest at the current market rate till actual payment. 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.

Anusree Deb.

XVI. That the Applicant begs to submit that action of the Respondent authorities is arbitrary, unreasonable and injudicious. For the collateral purpose in collateral 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.

XVII. That the Applicant begs to submit that Respondents for a long period deprived the Applicant of her legitimate dues for no fault of her own and thereby caused grave injustice and injuries to the Applicant.



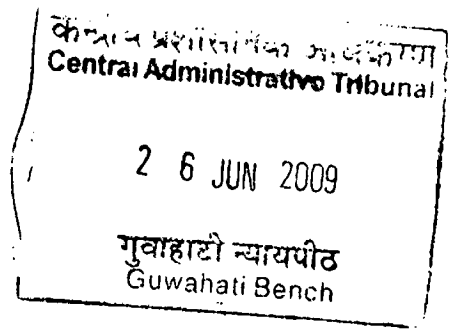
XVIII. That, the Applicant demanded justice but same has been denied to her.

XIX. That, this application is made bonafide and for the ends of justice.

5. GROUND FOR RELIEF :

- I. For that, the applicant has completed more than 12 years of continuous service from the date of her promotion i.e. 01/02/1992.
- II. For that the Applicant is dully qualified for financial upgradation/ benefit under Assured Career Progression Scheme as introduced by the Government of India published through the Ministry of Personal, Public Grievances Pension (Department of Personal and TRG) vide Memo No. 35034/1/97Esst. (D) dated 09 August 1997.
- III. For that the Respondents allowed the other teachers of the Assam Rifles Schools to draw the financial benefit under Assured Career Progression Scheme excluding the Applicant which is a hostile discrimination.
- IV. For that the Government of India Ministry of Human Resource Development, (Department of Education), Secondary and Higher Education, New Delhi by the letter dated the 4th day of April 2002, informed the Secretary, Ministry of Defence to take necessary action regarding revision of pay scale (Senior and Selection Scale) for primary Teachers in employment of Government of India that Government decided to grant revised senior and selection scale of primary school teachers with effect from 01/01/1996. The School Teachers of Assam Rifles are also entitled to the said benefits in accordance with letter issued by the Ministry of Human Resources Development, (Department of Education). The applicant is entitled in the same footing with other Central Government Aided School and teachers of Kendriya Vidyalaya Sangathan, the grant of financial up gradation under Assured Career Progression Scheme in accordance with the Ministry of Human Resource Development (Department of Education) letter No. F.5/180/86UTI dated 12 August 1987. In this regard, the applicant relies on the "Presentation on Proposal for 6th Central Pay Commission, Chapter IX Assam Rifles, pay Teaching Staff".

Anuskee Deb



- V. For that the representations of the Applicant dated 04/07/2008 and 02/08/2008 are yet not disposed of in favour of the Applicant.
- VI. For that it is a settled principles of law that in case of non-payment of financial benefits 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 on payment in interest at the current market rate till actual payment.
- VII. 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.
- VIII. For that inaction on the parts of the Respondents to grant and to pay to the Applicant the financial benefits under Assured Career Progression Scheme 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.
- X. For that Administrative Fairplay and Good Conscience is denied.

Anuskee Deb.

26 JUN 2009

গুৱাহাটী ন্যায়ালয়
Guwahati Bench

- 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 if 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

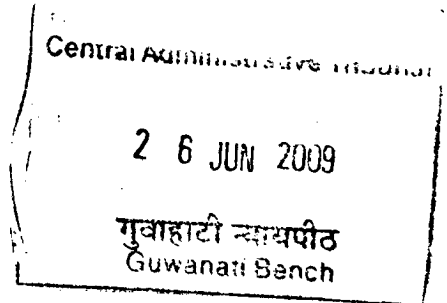
That the Applicant declares that the matter regarding in which the application have been made is not pending before any court of law or any other arbitrary or any other Bench of the Tribunal.

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).

- I. To direct the Respondent authorities to grant and to the pay to the applicant the benefit the Financial up gradation as applicable in the Assured Career

Anuskee Deb.



Progression Scheme in pre-revised scale i.e. Rs. 6500-200-10500 from 01/02/1992 upto 30/11/2009 with all consequential benefits .

II. To direct the Respondents 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.

III. Cost of the Application.

IV. 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.

10. PARTICULARS OF THE BANK DRAFT/POST ORDER

- I. **IPO No.** : 396 409 402
- II. **Date of issue** : 08/06/2009
- III. **Issued from** : Guwahati
- IV. **Payable At** : Guwahati.

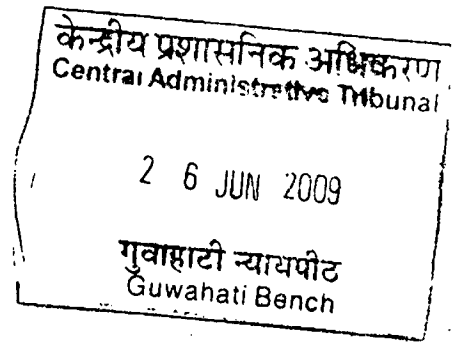
11. WHERE AND WHO FILE THE APPLICATION

The application has been filed through Advocate.

12. LIST OF ENCLOSURES :

As stated in the Index/List of Dates

Amusee Deb.



VERIFICATION

I, Smti Anusree Deb, W/O- Late Nithendra Narayan Deb, aged about 59 years 7 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.

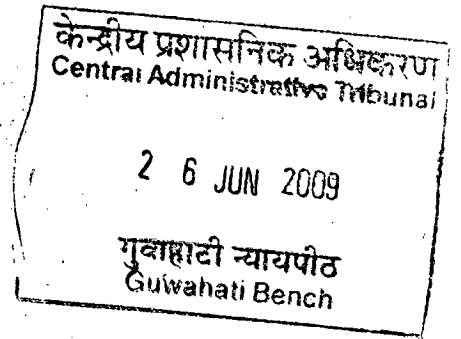
Date : 28 /06/2009

Place : Guwahati

Anusree Deb.

Signature of Applicant

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



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

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/Civi/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 :- 04/07/08.....

Certified to be true Copy


Hara Gobinda Boruah
Advocate

From:- ST 0029

Smt. Anusree Deb

Sr. Teacher

46 Assam Rifles

C/O 99 APO

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

2 6 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

To

Mahamudeshhalaya 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.

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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 :- 02.08.2008

Certified to be true Copy



Hara Gobinda Boruah
Advocate

APPLICATION FOR
COST OF ACJ/F

केन्द्रीय प्रशासनिक अदालत
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

46 Assam Rifles
Pin-932046
C/O 99 APO

06 Aug 2008

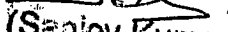
II.110046/Civ/Misc/08/1717

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

FWD OF: APPLICATION FOR ACP SCALE OF SENIOR TEACHER

An application submitted by ST-0029 Senior Teacher Smt Anusree Deb of this unit is fwd herewith for your further action please.

Encl: As above


(Sanjoy Kumar)
Maj
Adj
for Comdt

Certified to be true Copy


Hara Gobinda Boruah
Advocate

From : HQ DGAR Rec Branch (Adm-IV) DTG:03

UNCLAS

To : 46 AR (BY POST)

A 50 93

Application for grant of ACP (.) ref your letter No. roman two pt 110046/Civ/

Misc/08/1717 dt 06 Aug 2008 (.) fwd board proceeding for our further action

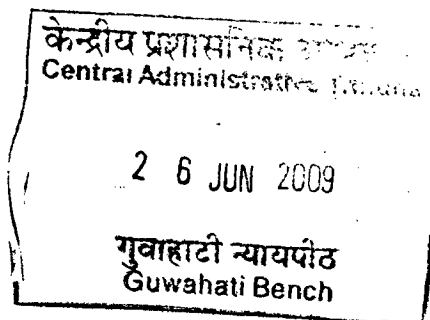
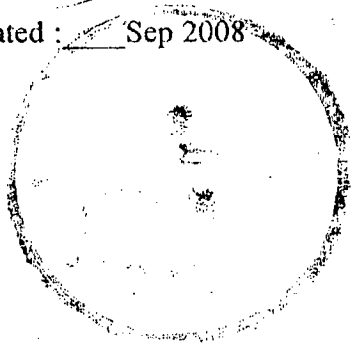
please -

Lt Col Parameswarappa BG, SO1(Adm & Docu)

Rec

03
Dated : Sep 2008

Lt Col
TOREL hrs



Certified to be true Copy

Hara Gobinda Boruah
Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

From : 46 AR

DTG :

UNCLAS

To : HQ DGAR (Rec Branch Adm-IV)

A 19 06

Application for grant of ACP (.) ref our letter No roman two pt
110046/Civ/Misc/08/2021 Sep 24 (.) direction ^{to} ~~on~~ reconcile the pay scale in
r/o Smt Anusree Deb comma Sr Teacher of this unit not yet recd (.) early
action requested pl -

Maj R Prabhakar, Offg Adjt

A Br

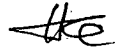
Dated: 24 Oct 08

Maj

TORel

h

Certified to be true Copy


Hara Gobinda Boruah
Advocate

- 23 -

ANNEXURE - F

From : 46 AR

DTG :

UNCLAS

To : HQ DGAR (Rec Branch Adm-IV)

A 19 21

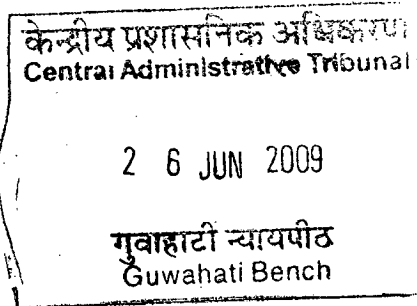
Application for grant of ACP (.) ref our letter No roman two pt 110046/Civ/Misc/08/2021 Sep 24 and sig No A 1906 Oct 24 (.) direction on reconcile the pay scale in r/o Smt Anusree Deb comma Sr Teacher of this unit not yet recd (.) early action requested pl -

Maj Sanjoy Kumar Singh, Adjt

A Br

Dated: // Dec 08

Maj
TORel _____ h



Certified to be true Copy

HG

Hara Gobinda Boruah
Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

46 Assam Rifles
PIN - 932 046
c/o 99 APO

30 Dec 2007

IL.110046/Civil/ACP/ 656

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(GS (Edn) Branch)
Shillong - 793 011

BOARD PROCEEDING FOR GRANT OF ACP : FWD OF

1. Please refer to your sig No. A O 2262 dated 28 Sep 2007 and O 2286 dated 27 Nov 07.
2. Board proceeding for grant of ACP in respect of ST-0029 Smt Anusree Deb, Sr Teacher of this unit is fwd herewith in triplicate for your further action please.

Encl : As above

(Ritesh Prabhakar)
Maj
Adj
for Comdt

Certified to be true Copy

Hara Gobinda Boruah
Advocate

BOARD PROCEEDING FOR GRANT OF ACP

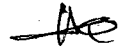
Sl. No. and Designation	Date of Appt	Edn qualification with date, Name of Unit and BRO part II order No and Date	Date of promotion to next rank	Date of Completion of 12 yrs of regular service	Date of completion of 24 yrs of regular service	Date of Grant of Higher/TGT pay scale/senior pay scale	Details of punishment	ACR grading last five years	Pay Scale admissible under first/second Financial benefit under the ACP scheme	Effective date of ACP scheme	Remarks, if any
ST-0029 Smt Anusree Deb Senior Teacher <u>Present pay scale</u> 4500-125-7000/- <u>Present pay drawing</u> Rs. 6,125/-	30/10/07	BA	01/02/92	30/10/97	30/10/09	Not yet granted	-				

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Hara Gobinda Boruah
Advocate

- 26 -

ANNEXURE - H

Tele: 0364 - 2705076
FAX: 0364 - 2705080
0364 - 2230146
e-mail: dgar_branch@yahoo.co.in

भारत सरकार
Government of India
गृह मंत्रालय
Ministry of Home Affairs
महानिदेशालय असम राइफल्स
Directorate General Assam Rifles
शिलांग - 793011
Shillong - 793 011

10 Nov 2008

A/Pers/6th CPC/2008

List - A to G

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 JUN 2009

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Guwahati Bench

ENTITLEMENT OF PAY AS PER 6TH CPC

- Further to our letter No. A/Pers/6th CPC/2008 dated 07 Oct 2008.
- Revised pay scales in respect of following categories of AR as per the Govt notification dated 29 Aug 2008 is tabulated below :-

Designation of existing post	Pre-revised pay scale,	Revised pay scale	Pay band	Grade pay	Remarks
(a) Jr Teacher (b) Hindi Teacher	Grade - III 4500-7000	Grade - III 6500-10500	PB-2	4200	
	Grade - II 5500-9000	Grade - II 7450-11500	PB-2	4600	
	Grade - I 6500-10500	Grade - I 7500-12000	PB-2	4800	
(a) Sr Teacher (b) Graduate Hindi Teacher	Grade - III 5500-9000	Grade - III 7450-11500	PB-2	4600	
	Grade - II 6500-10500	Grade - II 7500-12000	PB-2	4800	
	Grade - I 7500-12000	Grade - I 8000-13500	PB-2	5400	

- You are requested to fix their pay accordingly and grant fin upgradation as applicable in ACP scheme, if entitled to the pers of these posts.

(Rajeev Kumar)
Lt Col
SO-1 (A)
for DG Assam Rifles

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Hina Gohain Boruah
Advocate

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Typed Copy

A/Pay/99/1493
A/B/C/D/E/F/Adm Coys

7 Assam Rifles
C/o 99 APO
of Sep 99

THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES

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

(Punit Mehta)
Major
Adjt
For Commandant

Copy to :
Rec/Fin/JA - for info and necessary action

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

AS ABOVE

OFFICE MEMORANDUM


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

1. The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government Civilian Employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a safety net to deal with the problem of Idleness 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.

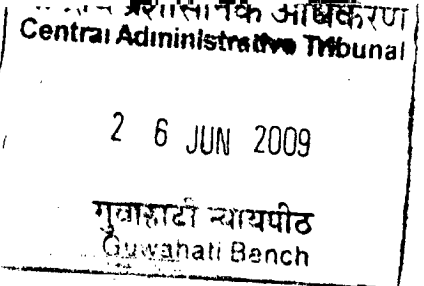
2. GROUP 'A' CENTRAL SERVICE

In respect of Group A Central Service (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 service (Technical /Non-Technical). Cadre controlling Authorities in their case would, however, continue to improve the promotion prospect in organizations/cadres on functional grounds by way of organizational study, cadre review etc as prescribed norms.

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Hara Gobinda Boruah
Advocate

Contd.....2/-



3. GROUP B.C. AND SERVICES/POSTS AND ISOATED POST IN ... A.B.C. AND CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to acpt the ACP scheme in a modified form to mitigate hardship in cases of acutesignation either in a cadre or in an isolated post. Keeping to view all relevant factors, it has therefore been decided to grant (two financial up gradation) as recommended by the Fight Central Pay Commission and also in accordance with the Agreed Settlement dated September 1, 1997 (in relation to group c and D employees) entered into with the staff side of the National Council (JCM under the ACP Scheme to Group B, C and D employees in completion of 12 years and 24 years (subject to condition no in Annexure I, regular service respectively. Isolated posts in group A, B, C and D categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees (including those with Temporary Status) adhoc and contract employees shall not quality for up gradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure I.

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

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


5. Vacancy based regular promotions, as distinct, from financial up gradation 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 COMMETEE

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

6.2. The composition of the Screening Committee shall be the same as that the DPC prescribed under the relevant Recruitment, service Rules for regular promotion to the higher grade to which financial up gradation 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 Minstry/Department.

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Hara Gobinda Boruah
Advocate

Contd.....3/-

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

6.3 In order to prevent operation of the ACP Scheme from resulting into under strain on the administrative machinery the Screening Committee shall follow a time—schedule and meet twice in a financial year—preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April- September) of 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 up to March 31, 2000 for grant of benefits under ACP scheme. The next Screening Committee shall be constituted as per the time schedule suggested above.

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

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

9. In so far as persons serving in the India Audit and Accounts Department 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 for doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personal and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubts as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personal 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 the services/cadres/posts within their administrative jurisdiction.

Sd/-

(K K Jha)

Director (Establishment)

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Hara Gobinda Boruah
Advocate

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26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench


ANNEXUR-1

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 up gradations only to the government servant concerned on personal basis and shall, therefore neither amount to functional / regular promotion nor would require creation of new posts for the purpose.
2. The highest pay-scale upto which the financial up gradation 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 which ever is later.
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 year of regular service and second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other word, 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 trade 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 upgradation under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 year) 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 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 directed as a direct recruit.
6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority—cum—fitness in the case of group D employee, etc) for grant of financial up gradations, performance of such duties as are entrusted to the employees together with retention of old designation financial up gradations 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 Government Accommodation, advances ect only without conferring any privileges related to higher status (e. g invitation to ceremonia functions, deputation to high posts , ect) shall be ensured for grant of benefits under the ACP Scheme.

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 Hara Gobinda Boruah
 Advocate

26 JUN 2009

गुवाहाटी न्यायपीठ
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 or 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-scale 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 scale 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 upgradation under the scheme 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 up gradation 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 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 any employee shall be fixed under the provisions of FR 22(1) a (1) subject to a minimum financial benefit of Rs. 100/- as per the Department or personal and Training Office Memorandum no. 1/6/97 - pay 1 dated July 5, 1999. The financial benefits allowed under the ACP Scheme shall be final and no pay-fixation benefits 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 that regard. However, as and when 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 of regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering then more years in addition to two years of service already rendered by him

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Advocate

2 6 JUN 2009

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

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall therefore, be regulated under the provision of relevant CCS (CCA) Rules, 1969 and instructions thereunder.

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant financial benefits only and shall not amount to actual/functional promotion of the employee concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion reservation order/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 institution, promotion schemes, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these scheme, 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. axisting time bound promotion scheme or the ACP scheme, for various categories of employee. However, in case of switch over from the existing time-bound promotion scheme to the ACP Scheme, all stipulation (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.

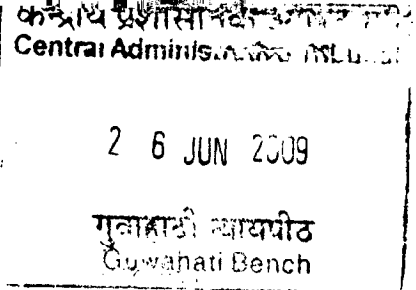
14. The case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose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

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

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Advocate



(sic) 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 more years of regular vice without waiting for completion of 12 more years of regular service vice after the first financial upgradation already granted under the scheme.

Sd/-
(K.K. Jha)
Director (Establishment)

Annexure - II

STANDARD/COMMON PAY-SCALE


As per part - A of the First schedule Annexed to the Ministry of Finance

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

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

<u>Ser. No.</u>	<u>Revised Pay-Scale Rs.</u>
1. S-1	2550-55-2660-60-3200
2. S-2	2610-603150-65-3540
3. S-3	2650-65-3300-70-4000
4. S-4	2750-70-3800-75-4400
5. S-5	3050-75-3950-80-4590
6. S-6	3200-85-4900
7. S-7	4000-100-6000
8. S-8	4500-125-7000
9. S-9	5000-150-8000
10. S-10	5500-175-9000
11. S-12	6500-200-10500
12. S-13	5450-225-11500
13. S-14	7500-250-12000
14. S-15	8000-275-13500
15. S-19	10000-325-15200
16. S-21	12000-375-16500
17. S-23	12000-375-18000
18. S-24	14300-400-18300

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Hara Gobinda Boruah
Advocate

7 Assam Rifles
C/O 99 APC

7 Sep 99

A/Pay/99/1493

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

THE ASSURED CAREER PROGRESSION SCHEME FOR THE
CENTRAL GOVERNMENT CIVILIAN EMPLOYEES

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

(Punit Mehta)
Major
Adjt
for Commandant

Copy to :-

Rec/Fin/JA - for info and necessary action.

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

AS ABOVE

OFFICE MEMORANDUM

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

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

2. GROUP 'A' CENTRAL SERVICES

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

Contd.....2/-

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

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Advocate

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

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to accept the ACP Scheme in a modified form to mitigate hardship in cases of acute resignation either in a cadre or in an isolated post. Keeping to view all relevant factors, it has therefore been decided to grant financial upgradation as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 1 1997 (in relation to Group C and D employees) entered into with the staff side of the National Council (JCM under the ACP Scheme to Group B, C and D employees in completion of 12 years and 24 years (subject to conditions in Annexure - I regular service respectively. Isolated posts in Group A, B, C and D categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status) adhoc and contract employees shall not qualify for upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

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

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

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

6. SCREENING COMMITTEE

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

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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

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

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

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

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

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

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

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


Sd/- x x x

(K K Jha)

Director (Establishment)

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Advocate

26 JUN 2009

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Guwahati Bench

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Annexure - 1

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

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

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Advocate

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Guwahati Bench

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

9. 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(1) 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 then more years in addition to two years of service already rendered by him.

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Advocate

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

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall therefore, be regulated under the provision of relevant CCS (CCA) Rules, 1969 and instructions thereunder.

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

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

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

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

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Advocate

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

Sd/- xxxxxx

(K K Jha)
Director (Establishment)

Annexure - II

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

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

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

Sl. No. Revised Pay-Scale Rs.

1. S-1	2350-55-2660-60-3200
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
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8. S-8	4500-125-7000
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10. S-10	5500-175-9000 ✓
11. S-12	6500-200-10500
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16. S-21	12000-375-16500
17. S-27	12000-375-18000
18. S-24	14300-400-18300

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Advocate

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No. F.5.21/97 U.T.I.

Government of India

Ministry of Human Resource Development
Department of Secondary & Higher Education

A-2/W-4, Curzon Road
New Delhi, Dated 04/04/02.

To,

1. Secretary (Education)
Andaman & Nicobar Admn
Port Blair

2. Secretary (Education)
Dadra & Nagar Haveli, Admn.
Silvassa

3. Secretary (Education)
Daman and Diu Admn.
Moti Daman

4. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Delhi

5. Secretary (Education)
Lakshdweep Admn.
Kavarati

6. Secretary (Education)
Govt. of Pondicherry
Pondicherry

Subject: Revision of pay scales (senior and selection scales)
for Primary Teachers in the employment of Govt. of India in
the Union Territories other autonomous bodies sponsored by
the Government of India.

Sir,

In continuation to this Ministry's Letter No. 5-14/97 U.T.I. dated regarding revision of pay scales of teachers. I am directed to say that the matter (Sic) anomenly in the pay scales (senior and selection) of Primary School Teachers (sic) consideration of the Govt. It has now been decided to revise senior and selection scale of Primary Schools Teachers w.e.f., 1.1.96 as under:

	Existing	Revised
Entry Scale	4500-7000	4500-7000 (No Change)
Senior Scale	5000-8000	5500-9000
Selection Scale	5500-9000	6500-10500

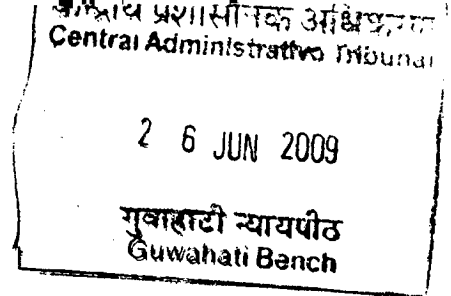
2. This issues with the concurrence of Integrated Finance Division of the (Sic) vide their Dy. No. 3053/2002-IFD dated 4/4/2002.

Sd/-

Deputy Secretary to the Govt. (Sic)

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Hara Gobinda Boruah
Advocate




Copy for information/necessary action to:

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18 Jeet Singh Delhi.
2. The Secretary, Central Tibetan Schools Administration, (Sic) Netaji Subhash Marg, Daryaganj, Delhi.
3. Joint Director, Estt. (P&A) Ministry of Railways. Rail Board, Rail Bhawan, New Delhi- 110001.
4. Deputy Secretary (Estt.) Ministry of Defence C-II. Hutments, Dalhousie Road, new Delhi.
5. Joint Director (R & D), Deptt of Atomic Energy, Anushakti Bhawan, Mumbai.
6. Director (Education), Municipal Corporation of Delhi, Town Hall Gate, Delhi.
7. Executive Officer, Cantonment Board, New Delhi.
8. Ministry of Finance (Deptt. Of Expenditure), North Block, New Delhi.
9. Deptt. Personnel & Training (PIC), North Block, New Delhi.
10. Cabinet Secretariat, South Block, New Delhi (Sic) No. 14/Cm/2002 (1) dated 22.3.2002.
11. IF Division (MHRD).

Sd/-

Deputy Secretary to the Govt. (Sic)

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Advocate

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Senior Scale 75-2900
- (c) Librarian Rs. 2000-60-2300 Rs. 7500-250-12000
Selection Scale 75-3200-100-3500

2. In continuation of the above, following points are made in order to ensure that there is no wrong interpretation or mis-interpretation of, the decision of the Government on recommendations of the Vth Central Pay Commission:-

(i) Teaching Allowance/Special Allowance

In view of the recommendations of the pay commission as accepted by the Government, the teaching allowance stands abolished w.e.f., 1.1.1996 i.e., the date of implementation of the revised pay scales. Further, the special allowance admissible to Vice Principal/Head Master, Secondary School also stands abolished w.e.f., 1.1.1996. However, the principals will continue to draw the special allowance of Rs. 150/- p.m. pending decision of the Government on the recommendation of the Pay Commission to enhance this allowance to Rs. 300/- p.m.

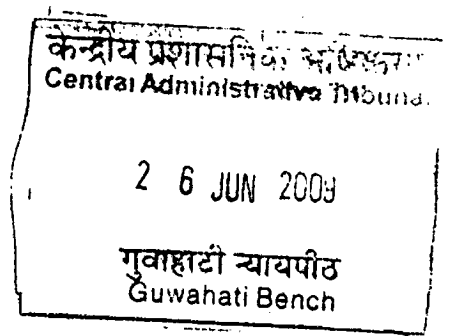
(ii) Residency Period:-

The proposed improvement in the residency period in the entry and senior scale for school teachers has been made by the Pay Commission in the context of a general Assured Career Progression (ACP) Scheme recommended for Central Government employees. The Government is still examining the proposed ACP Scheme and no decision has been taken with regard to the improvement in residency period proposed for school teachers. It is, therefore, clarified that the existing provisions for grant of senior scale and selection scale and selection scale shall continue pending decision of the Government.

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Hara Gobinda Boruah
Advocate



(iii) Miscellaneous Teachers:

The revised pay scale structure for teachers is also to the equivalent categories of miscellaneous to the extend of their existing scales of pay surplused by revised scales of pay listed above.

This issues with the concurrence of Integrated Drovision of this Ministry.

Yours faithfully

Sd/- Illegible

(D.M. Gautam)

Director (UT)

Copy for information/necessary action to:-

1. Joint Director, Estt. (P&A), Ministry of Railways, Railway Board, Rail Bhawan, New Delhi- 110001.
2. Deputy Secretary (Establishment), Ministry of Defence, C-II Hutments Dalhousie Road, New Delhi.
3. Joint Director (R & D), Department of Atomic Energy, Anushakti Bhawan, Mumbai.
4. Director (Education), New Delhi Municipal Council, Palika Kendra, New Delhi.
5. Director (Education), Municipal Corporation of Delhi, Kashmere Gate, Old Hindu College Building.
6. Executive Officer, Cantonment Board, New Delhi,
7. IFD Deptt. Of Education.

(D.N. Gautam)

Director

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He

Hara Gobinda Boruah
Advocate

45-

No.F.5-21/97-UT.1
Government of India,
Ministry of Human Resource Development
Department of Secondary & Higher Education

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

A-2/W-4, Curzon Road
New Delhi. Dated 04/04/02

To

1. Secretary(Education)
Andaman & Nicobar Admn.
Port Blair.

2. Secretary(Education)
Dadra & Nagar Haveli, Admn.
Silvassa.

3. Secretary (Education)
Daman and Diu Admn.
Moti Daman

4. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Delhi

5. Secretary (Education)
Lakshadweep Admn
Kavaratti

6. Secretary (Education)
Govt. of Pondicherry
Pondicherry

Subject : Revision of pay scales (senior and selection scales) for Primary Teachers in the employment of Govt. of India, in the Union Territories & other autonomous bodies sponsored by the Government of India.

Sir,

In continuation to this Ministry's letter NO.5-14/97-UT.1 dated regarding revision of pay scales of teachers, I am directed to say that the matter anomaly in the pay scales (senior and selection) of Primary School Teachers consideration of the Govt. It has now been decided to revise senior and selection scale of Primary Schools Teachers w.e.f. 1.1.96 as under :

	Existing	Revised
Entry Scale	4500-7000	4500-7000 (No change)
Senior Scale	5000-8000	5500-9000
Selection Scale	5500-9000	6500-10500

2. This issues with the concurrence of Integrated Finance Division of the Govt. vide their Dy. No.3053/2002-IFD dated 4.4.2002.

Deputy Secretary to the Government

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Hara Gobinda Boruah
Advocate

2 6 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Copy for information/necessary action to :

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18 Jeeb Sinner, Delhi.
2. The Secretary, Central Tibetan Schools Administration, T.C. 100, 2 Netaji Subhash Marg, Daryaganj, Delhi.
3. Joint Director, Estt.(P&A) Ministry of Railways, Railway Bhawan, New Delhi.
4. Deputy Secretary(Estt.), Ministry of Defence C-II Hutments, Delhi, New Delhi.
5. Joint Director (R&D), Deptt. of Atomic Energy, Anushakti Bhawan, New Delhi.
6. Director (Education), Municipal Corporation of Delhi, Town Hall Gate, Delhi.
7. Executive Officer, Cantonment Board, New Delhi.
8. Ministry of Finance (Deptt. of Expenditure), North Block, New Delhi.
9. Deptt. of Personnel & Training (PIC), North Block, New Delhi.
10. Cabinet Secretariat, South Block, New Delhi (w.r.t. their communication No.14/CM/2002(i), dated 22.3.2002).
11. IF Division (MHRD).

Deputy Secretary to the Tribunal

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Hara Gobinda Boruah
Advocate

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- 3 -

LIBRARIANS

(a) Librarian Entry Scale	Rs. 1400-40-1600- 50-2300-60-2600	Rs. 5500-175-9000
(b) Librarian Senior Scale	Rs. 1640-60-2600- 75-2900	Rs. 6500-200-10500
(c) Librarian Selection Scale	Rs. 2000-60-2300- 75-3200-100-3500	Rs. 7500-250-12000

2. In continuation of the above, following points are made in order to ensure that there is no wrong interpretation or mis-interpretation of the decisions of the Government on recommendations of the Vth Central Pay Commission:-

(i) Teaching Allowance/Special Allowance:

In view of the recommendations of the Pay Commission as accepted by the Government, the teaching allowance stands abolished w.e.f. 1.1.1996 i.e. the date of implementation of the revised pay scales. Further, the special allowance admissible to Vice Principal/Head Master, Secondary School also stands abolished w.e.f. 1.1.1996. However, the Principals will continue to draw the special allowance of Rs. 150/- p.m. pending decision of the Government on the recommendation of the Pay Commission to enhance this allowance to Rs. 300/- p.m.

(ii) Residency period:

The proposed improvement in the residency period in the entry and senior scale for school teachers has been made by the Pay Commission in the context of a general Assured Career Progression (ACP) Scheme recommended for Central Government employees. The Government is still examining the proposed ACP scheme and no decision has been taken with regard to the improvement in residency period proposed for school teachers. It is, therefore, clarified that the existing provisions for grant of senior scale and selection scale shall continue pending decision of the Government.

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Hara Gobinda Boruah
Advocate

26 JUN 2009

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Guwahati Bench

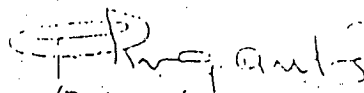
- 4 -

(iii) Miscellaneous Teachers:

The revised pay structure for teachers is also applicable to the equivalent categories of miscellaneous teachers to the extent of their existing scales of pay being replaced by revised scales of pay listed above.

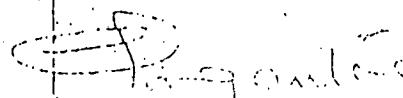
This issued with the concurrence of Integrated Personnel Division of this Ministry.

Yours faithfully,

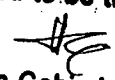

(D.M. Gautam)
Director (UT)

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1. Joint Director, Esst. (PCA), Ministry of Railways, Railway Board, Rail Bhawan, New Delhi-110001.
2. Joint Secretary (Establishment), Ministry of Defence, C-II, Hutments, Dalhousie Road, New Delhi.
3. Joint Director (RAD), Department of Atomic Energy, Anushakti Bhawan, Mumbai.
4. Director (Education), New Delhi Municipal Council, Palika Kendra, New Delhi.
5. Director (Education), Municipal Corporation of Delhi, Kashmir Gate, Old Hindu College Building, Delhi.
6. Executive Officer, Cantonment Board, New Delhi.
7. SED, Deptt. of Education.


(D.M. Gautam)
Director (UT)

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Hara Gobinda Boruah
Advocate




PRESENTATION ON
PROPOSAL FOR
6TH CENTRAL PAY COMMISSION

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Hara Gobinda Boruah
Advocate

26 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Chapter IX
PAY TEACHING STAFF

77

Pay Teaching Staff

- Present Status.
 - Teaching allce, entitled in accordance with Min of HRD (Dept of Edn) letter No. F. 5/180/86-UTI dt 12 Aug 1987, not being gtd.
 - Pay scale as per Kendriya Vidyalaya (KV) teaching staff.
- Justification.
 - Primary schools have evolved into secondary / higher secondary schools.
 - Incentive for qualified teachers to serve in remote areas.
- Recommendation.
 - Pay scale to continue as per KV teaching staff with efficiency bar.
 - All allce as applicable to AR pers be extended.

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Advocate