

16

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A. NO. 13/2009
O.A./TA/NO.....2009
R.A./CP/NO.....2009
E.P./M.P./NO.....2015

1. Order Sheets.....9.....pg.....1.....to.....15 ✓
2. Judgment/ order dtd. 04.03.2011 pg.....1.....to.....8 ✓
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
~~Adm. Rejoinder filed by applicant~~
4. O.A. 13/09.....page.....1.....to.....42 ✓
~~Adm. Rejoinder~~ Adm. Rejoinder pg. 1 to 17 ✓
by applicant
5. E.P./M.P.page.....to.....
Affidavit filed by applicant Pg - 01 to 3 + 08 ✓
documents
6. R.A./C.P.....page.....to.....
7. W.S. Biled. Respdts.....Page.....1.....to.....25 ✓
Respondent affidavit — 01 - to 05 ✓
8. Rejoinder. Biled. by applicant.....page.....1.....to.....4 ✓
9. Reply to Rejoinder Biled.....page.....1.....to.....8 ✓
Reply Rejoinder Affidavit filed by Applicant
10. Any other paperspage.....to.....
11. Memo Appearance Pg - 1 ✓
Biled by Mrs. M. San. Chsc
12. — do — M. G. Baidya sa. Chsc Pg - 01 ✓

09/07/2015
SECTION OFFICER (JUDL.)

8.7.2015

been violation of the principles of natural justice, in issuing the order under Annexure-10 dated 07.10.2008, the said order is hereby stayed ad-interim.

While passing the above ad-interim order, liberty is hereby given to the Respondents to put up their objection, if any, to the interim prayer made in this O.A. and this ad-interim order; well before the date fixed.

Call this matter on 31.03.2009.

Send copies of this order to the Respondents (alongwith the notices) and free copies of this order be also supplied to the learned Counsel of both the parties.


(M.R. Mohanty)
Vice-Chairman

nkm

31.03.2009

M.s. U. Dutta, learned Counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing Counsel for the Union of India prays for more time to file written statement.

Call this matter on 4th May, 2009 awaiting written statement from the Respondents.

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


(M.R. Mohanty)
Vice-Chairman

Dl.

Notice to
Copies of order dt.
6-2-2009 prepared &
sent to objection to the
Respondent & free copy
handed over to learn.
both party's Counsel
of this both party

13.2.09 M.N. 842 to 845
dt 02-03-2009

① Service report
awaited.


30.3.09

Copies of order
dated 31/3/09 send
to D/Sec. for issuing
to respondents by
post - D/No-1849 to 1852
1/4/09. Dt = 16-4-09

W/s not filed. /pb/


01.05.09

O.A.13-2009

04.05.2009

Mr.G.Baishya, learned Sr. Standing counsel prays for six weeks more time to file written statement.

Call this matter on 16.06.2009 awaiting written statement from the Respondents.

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


(M.R.Mohanty)
Vice-Chairman

/bb/

16.06.2009

Mrs. U. Dutta, learned counsel appearing for the Applicant is present. On the prayer of Mr. G. Baishya, learned Sr. Standing Counsel representing the Respondents, call this matter on 28.07.2009 awaiting written statement from the Respondents


(M.R.Mohanty)
Vice-Chairman

/lm/

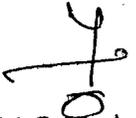
28.07.2009

Mrs.U.Dutta, learned counsel for the Applicant is present. No written statement has yet been filed by the Respondents.

Call this matter on 08.09.2009 awaiting written statement from the Respondents.

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


(M.K.Chaturvedi)
Member (A)


(M.R.Mohanty)
Vice-Chairman

/bb/

Copies of order dated 4/5/09 send to D/Sec. for issuing to respondents by post.

D/No-2391/2304

Cons
7/5/09 Dt. 15.5.2009

no W/S filed.
in
15/6/09.

No W/S filed.

27.7.09.

Copies of order dated 28/7/2009 send to D/Sec. for issuing to respondents by post.

D/No-9189-92

Cons
5/8/09. Dt. 5/8/09-

D/No. 9298 - 9301

dated 10/8/09

O.A. No.13 of 2009

08.09.2009 Despite several adjournment, no written statement has yet been filed by the Respondents.

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

If the written statement is not filed by the next date, we will proceed to dispose this case ex-parte.

Send copies of this order to the Respondents (in the address given in the O.A.) requiring them to file their written-statement by 21.10.2009.

(M.K.Chaturvedi)
Member(A)

(M.R.Mohanty)
Vice-Chairman.

/PB/

21.10.2009

Ms. Usha Das, learned Addl. C.G.S.C. for Respondents states that she has received the para wise comments only yesterday and therefore, requests for eight weeks time to file reply. This request has been opposed by Mrs.U.Dutta, learned counsel for Applicant stating that Applicant has not been paid pension so far though she attained the age of superannuation on 31.01.2009.

Considering the fact that Applicant has not been paid pension and on the last date of hearing, it was observed that if the written statement is not filed by the next date ex-parte hearing will take place, we grant only four weeks time to Respondents to file reply.

List on 24.11.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

No W/S filed.

7.9.09

K. Das

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

9/9/09

Copies of order dated 8/9/09 send to D/Sec. for issuing to the respondents by post.

D/No-1171-1176

10/9/09 D/No-10.9.09

No W/S filed.

20/10/09

Copy recd order dt

21/10/09

S/SB/M

Copy recd 11/11

16/11/09

No W/S filed.

23.11.09

O.A. No. 13-09

25.11.09

W/S has been filed by the Respondents through Ms. U. Das, Addl. CGSC, Copy served.

25/11/09

24.11.2009 Learned proxy counsel states that reply will be filed by 25th of November 2009.

List on 30.11.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

30.11.2009 Four weeks time as prayed for is allowed

to Respondents enabling to file reply. It is allowed. List on 24.12.2009

W/S filed.

23
23.12.09

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

24.12.2009 Learned counsel for the Applicant seeks time to file rejoinder. List the matter on 27.1.2010.

No rejoinder filed.

25
25.1.2010

lm

(Madan Kumar Chaturvedi)
Member (A)

27.1.2010 Learned counsel for the Applicant seeks and allowed two days time to file rejoinder.

Pleadings should be complete.

List the matter on 12.2.2010.

No rejoinder filed.

11
11.2.2010

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

lm

O.A. 13/09

12.02.2010

Mr. M. Chanda, learned counsel for applicant submitted that in this case dispute in this regard to the grant of higher revised scale of pay as such, service book is required.

Respondents are directed to produce the Service Book on the next date of hearing.

List the matter on 10.3.2010.

(Madan Kumar Chaturvedi)
Member (A)

Rejoinder filed,
Copy served.
13/4/2010

The case is ready
for hearing

10.3.2010

10.03.2010

Being Division Bench matter list on 06.04.2010.

(Mukesh Kr. Gupta)
Member (J)

The case is ready
for hearing

15.4.2010

06.04.2010

On the request of learned counsel for the Applicant case is adjourned to 21.4.2010.

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

The case is ready
for hearing

20.4.2010

lm/

21.04.2010 Ms.U.Das, Learned Addl.Standing counsel for Respondents prays for adjournment on her personal grounds, which request has not been objected by Mrs. U.Dutta, learned counsel for Applicant. Mrs. M.Das, learned Sr.Standing Counsel for Respondents has been instructed to appear in this case by the Respondents. This may be settled out within the party.

List the matter on 6.5.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/Lm/

06.05.2010 On the request of learned counsel for Applicant, adjourned to 07th May 2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pb/

07.05.2010 Learned proxy counsel for Respondents prays time which is not objected by learned counsel for Applicant.

Case is adjourned to 20.5.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Lm

the case is ready for hearing.

26.5.2010

28.05.2010

It is the contention of applicant that since the Presidential sanction has been granted to upgrade the scales of teachers in Assam Rifles w.e.f. 01.01.1996. any clarification subsequently issued has also to be issued by the President. Learned counsel further contended that this issue is settled by a judgment, and he needs some time to produce the same. Therefore, he be allowed to produce the same. His further contention is that pursuant to Presidential sanction dated 08.06.2001, applicant was granted revised upgraded scale of Rs.5500-9000/-, which has been recalled and his pay fixed in the lower scale i.e. Rs.4500-7000/-. No notice had been issued prior to taking aforesaid action.

Admitted facts are: applicant was appointed as Junior Teacher in the year 1971 and promoted to next higher rank of Sr. Teacher w.e.f. 09.08.1994. She was also granted second ACP w.e.f. 09.08.1999. As per Recruitment Rules in force, vide GSR Notification dated 17.02.1981 Sr. Teacher is allowed four different scales of pay depending upon the educational qualification. For a person, who was "graduate" the scale was Rs.330-560/-, for "under Graduate" the scale was Rs.290-560/-, for "Matriculate untrained", the scale was Rs.260-400/- and for "Non-Matric untrained" the scale was Rs.260-350/-. As per clause (8) of the schedule annexed with said rules, age and qualification prescribed for direct recruit will not apply for promotion. Furthermore, the method of recruitment for said post provides for 50% by direct recruitment and 50% by promotion failing which by direct recruitment.

(Signature of learned counsel)

On the request of learned counsel for applicant adjourned to 07/05/2010

(Signature of learned counsel)

(Signature of learned counsel)

(Signature of learned counsel)

2

Junior Teacher is a feeder cadre, with five years service. Earlier she was granted the scale of Rs.1200-2040/-, which according to the respondents would now be revised to Rs.1400-2600/- w.e.f. 09.08.1994 and she would be entitled to arrears of pay and allowances.

Short question, which needs consideration, is, whether she is entitled to the revised pay scale w.e.f. 01.01.1996 on implementation of Fifth Central Pay Commission. According to her, there are only two categories of Teachers namely, Junior and Senior Teacher in the Assam Rifles in the pay scale of Rs.4500-7000/- and Rs.5500-9000/- respectively. As the pay scale of Sr. Teacher has been revised to Rs.5500-9000/-, second ACP would be available in the next higher scale of Rs.6500-10500/-. The question which arises for consideration is what is the revised pay scale of different categories of teachers as provided vide GSR No.246 dated 17.02.1981. Whether pay scale of Rs.5500-9000/- is applicable to all Sr. Teachers irrespective of educational qualification and whether pay can be reduced without notice or otherwise.

Learned proxy counsel for the respondents prays for adjournment as her senior is not available today. Mr M. Chanda, learned counsel for applicant also seeks time to produce the judgment to the effect that clarification need to be issued only by the President alone.

List on 01.06.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

10

01.06.2010 Learned counsel for the respondents prays for adjournment to produce the Service Book as directed vide order dated 12.02.2010.

The case is ready for hearing.

M
4.6.2010

Adjourned to 07.06.2010. It is made clear that no further time will be allowed to the respondents to comply with the said order.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

nkm

07.06.2010 Directions had been issued to produce Service Book vide order dated 12.02.2010 as reiterated on 01.06.2010. But the directions have not been complied with. What has been produced are the "personal records" of the applicant and not the "Service Book". Learned counsel for the respondents prays for adjournment. Very reluctantly, we adjourn the matter to 14.06.2010.

The case is ready for hearing.

M
14.6.2010


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

nkm

14.06.2010 Proxy counsel for respondents prays for adjournment, which is not opposed. List on 25.06.2010.

The case is ready for hearing.

M
24.6.2010


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/bb/

O.A.13-09

25.06.2010

Mr.M.Chanda, learned counsel for the applicant prays for adjournment. List on 28.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

28.06.2010

Pursuant to earlier orders passed in present case, original Service Book of the applicant had been produced. On initial page of the Service Book, entry was made "B.A." which has been erased by putting fluid. It bears no initial of the person who did it besides the date and place when it was done. Contention raised by applicant has been that she is a Graduate, which has been denied by the Respondents stating that she had passed only B.A. Part II examination in the year 1970. Even in the reply filed by the respondents including the reply to the rejoinder, contradictory stand has been taken by the respondents stating that applicant being "neither a Graduate nor B.Ed" was not eligible to revised pay scale of Rs.5500-9000/-. Though reply para 15 also avers that : "the qualification of the applicant was only B.A." Basic question which arises for consideration is whether applicant was holding a Bachelor Degree or not. Furthermore, whether the B.A. course was of two years or three years.

Respondents should file an affidavit highlighting in specific the precise qualification of applicant namely, qualification at the time of entry

Contd/-

Contd/-
28.6.2010

in 1971. Further aspect which needs specific clarification is what were the recommendations made by the Fifth Central Pay Commission for granting higher pay scale to Senior Teachers. The affidavit on aforesaid aspects shall be filled within a period of two weeks.

List on 14.07.2010. Applicant's Service Book shall also be produced on the next date of hearing.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

On the request of Mrs.M.Das, learned counsel for the respondents, list on 16.07.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

Directions contained vide order dated 28.06.2010 have not been complied with despite another opportunity granted on 14.07.2010. Today, Mrs.M.Das, learned counsel for the respondents seeks further time to do the needful. Very reluctantly, we adjourn the matter to, comply with said direction to, 05.08.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

on behalf of
Respondant
True copy of order
dt 28-6-10 received
by Har vipan kwr.
Leg Del incharge
Assam Rifles

Madan
01/7/10

Received true

copy of order

dt 28-6-10 on

behalf of

M. Das Secy

by vipan kumar

Madan
01/7/10

Documents filed

by Ms U. Dutta, Adv.

on behalf of the
applicants at page

80-82.

M
13.7.2010

Affidavit filed on
behalf of the respondents.

M
4.8.2010

05.08.2010

counsel for the respondents

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

06.08.2010

Respondents have filed affidavit. However, Mr M. Chanda, learned counsel for applicant prays for time to obtain appropriate instructions.

List on 30.08.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

mkrn

30.08.2010

Additional affidavit has been filed by the applicant stating that she has applied for supply of degree certificate to the concerned University on 28.8.2010. Mr M.Chanda, learned counsel seeks 4 weeks time to produce the said certificate. We grant 3 weeks time.

*Addt. Rejoinder filed by
The applicant.*

30.8.2010

List on 24.9.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

*The case is ready
for hearing.*

/pg/

24.09.2010

Present : Ms U.Dutta, for applicant and Mr P.K.Zannat proxy counsel for respondents.

It is stated by Ms U. Dutta that copy of the degree granted to applicant has been obtained by her, which is a clear evidence that applicant had passed the degree examination in 1970. Let her take appropriate step to place the document on record. Proxy counsel for the respondents prays for adjournment.

List on 30.9.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pg/

*Submission of documents
filed by The applicant.*

29.9.2010

30.9.2010

Proxy counsel for respondents seeks adjournment. We may observe that neither the applicant has filed an appropriate affidavit placing the degree on record nor the respondents have filed any affidavit.

List on 28.10.2010.

Affidavit filed by the applicant.

m
27.10.10


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/pg/

28.10.2010

On the request of Mrs.M.Das, learned counsel for respondents, adjourned to 29.10.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/bb/

The case is ready for hearing.

m
26.11.2010

29.10.2010

Due to paucity of time, case is adjourned to 29.11.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

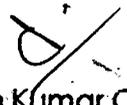
nkm

The case is ready for hearing.

m
25.2.2011

29.11.2010

Place it before the earliest possible Division Bench. Adjourned sine die.


(Madan Kumar Chaturvedi)
Member (A)

/bb/

28.02.2011

Heard Mr M.Chanda, learned counsel for the applicant and Mrs M. Das, learned Sr.C.G.S.C for the respondents. Hearing concluded. Order reserved.


(Madan Kumar Chaturvedi)
Member (A)


(Bharati Ray)
Member (J)

pg

04.03.2011

Judgment pronounced in open court.

9-3-11

The OA is allowed to the extent indicated in the order passed separately. No costs.

Order dated 4/3/11 is prepared and sent to the D/S for issuing of the same
Andar

2. Reportable order dated 4/3/11 is prepared & sent to the D/S for issuing of the same
Andar

/bb/


(Madan Kumar Chaturvedi)
Member (A)


(Bharati Ray)
Member (J)

11-3-11

1. Issued reportable form.
wide D.No. 256 to 259.

2. Issued ^{form ready form} wide D.No. 249 to 255

Andar

Order of 4/3/2011
issued vide memo
No. 253 dt. 10.3.2011


4.4.2011

17

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI:**

O.A. No. 13 of 2009

Date of Decision : 04.03. 2011

Smti. Pranati Bhattacharjee
.....

Applicant/s

Mr M. Chanda
.....

Advocates for the
Applicant/s

- Versus -

Union of India & Ors.
.....

Respondent/s

Mrs. M. Das, Sr.C.G.S.C
.....

Advocate for the
Respondents

CORAM :

HON'BLE SMT. BHARATI RAY, MEMBER (J)

HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed
to see the Judgment ?

Yes/No No

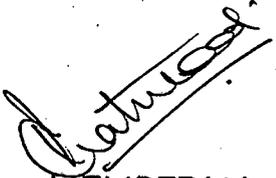
2. Whether to be referred to the Reporter or not ?

Yes/No No

3. Whether their Lordships wish to see the fair copy
of the Judgment ?

Yes/No No

Judgment delivered by


MEMBER(A)

81

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Original Application No. 13 of 2009.

DATE OF DECISION: THIS IS THE 4th DAY OF MARCH, 2011.

HON'BLE SMT. BHARATI RAY, JUDICIAL MEMBER
HON'BLE MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Smt. Pranati Bhattacharjee
Senior Teacher (Retired)
C/o Late S.R. Bhattacharjee,
Palli Sree Lane
House No. 41/1, Ward No. 14,
Kanakpur Part-II, Silchar-788005, Assam.

.....Applicant

By Advocate Mr M. Chanda.

-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,
Ministry of Finance, Govt. of India,
Deptt. of Expenditure,
North Block, Lok Nayak Bhawan,
New Delhi - 110001.
3. The Director General,
Headquarters Assam Rifles,
Shillong - 793011.
4. The Principal,
Assam Rifles School.
15 Assam Rifles,
Teliamura, Tripura,
Pin 932015, C/o 99 APO.

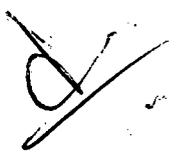
..... Respondents

By Advocate Mrs M. Das, Sr.C.G.S.C.

ORDER

MR. MADAN KUMAR CHATURVEDI, MEMBER(A):

By this O.A applicant makes a prayer to set aside and quash the
impugned fixation of pay allow to allow higher revised scale of pay and



consequential benefits in the context of 2nd ACP reckoning from the date of her promotion to the cadre of Sr. Teacher.

2. In the month of September, 1971, applicant after obtaining graduate degree applied for the post of Junior Teacher in Assam Rifles School. Consequent upon interview she was appointed as Junior Teacher. She joined service on 12.10.1971 and served in the North Eastern Region. On 09.08.1994, applicant was promoted as Senior Teacher after rendering nearly 23 years of service in the cadre of Junior Teacher. However, scale of pay of Rs.1400-2600/- has not been extended to the applicant after her promotion to the cadre of senior teacher.

3. As per the Recruitment Rule 1980 scale for Senior Teacher was prescribed at Rs.330-560/- (pre-revised) during the third Central Pay Commission. Further corresponding revised scale for Senior Teacher as per 4th Central Pay Commission was Rs.1400-2600/ with effect from 1.1.1986. Government of India granted higher revised scale of Rs.5500-9000/- to Senior Teacher by the CCS (Revised Pay) Rules, 1997 following the recommendation of 5th CPC with effect from 01.01.1996.

4. Applicant was placed in the corresponding scale of Rs.1200-2040/- (and not in the scale of Rs.1400-2600/-) after 1.1.1986. However, vide letter dated 8.6.2001 issued by Ministry of Home Affairs applicant was granted the benefit of revised scale of Rs.5500-9000/- as per Presidential sanction and fixation benefit in the scale of Rs.5500-9000/- with effect from 1.1.1996. Ministry informed vide letter dated 03.07.2002 that senior teacher without having B.Ed are not entitled to higher revised scale of Rs.5500-9000/-. This letter was communicated to applicant by D.G. Assam Rifles along with letter dated 17.07.2002. Thereafter, applicant was placed in the lower scale of pay of Rs.4500-7000/- without any show cause notice. Meanwhile

applicant attained eligibility for grant of 2nd ACP in terms of O.M. dated 09.08.1999. However, the benefit of 2nd ACP was not extended to the applicant.

5. The applicant retired on 01.02.2009. Just before her retirement respondents fixed the pay treating the applicant as senior teacher in the scale of Rs.5500-9000/-. However, the respondents did not give any fixation benefit to the applicant in terms of ACP Scheme.

6. Mr M.Chanda, learned counsel for the applicant appeared before us and submitted that promotion of the applicant is governed by the Recruitment Rule 1980 of the Ministry of Home Affairs, wherein it has been provided that 50% of the post of senior teachers are liable to be filled up from amongst the Junior teachers having 5 years experience. Since the applicant was initially recruited as Junior Teacher having a bechelor degree as such clarification made by the Ministry vide letter dated 3.7.2002 cannot supersede the statutory Recruitment Rule, 1980 which was framed under Article 309 of the Constitution. Reliance was placed on the decision of the Hon'ble Supreme Court rendered in the case of **Bhikhubhai Vitthalbhai Patel & Ors. Vs. State of Gujarat & another, (2008) 4 SCC 144**. In this case it was held that the public orders publicly made, in exercise of a statutory authority, cannot be construed in the light of explanations subsequently given by the decision-making authority. Public orders made by authorities are meant to have public effect and must be construed objectively with reference to the language used in the order itself. Further reliance was placed on the decision of the Hon'ble Supreme Court rendered in the case of **Shanti Sports Club & another vs. Union of India & Ors., (2009) 15 SCC 705**. In this case it was held that "in view of Articles 77 and 166 of the Constitution, unless an order is expressed in the



name of President or Governor and is authenticated in the manner prescribed by rules made by President or Governor, as the case may be, the same cannot be treated as an order on behalf of the Government. Notings recorded in official file merely represent expression of opinion by the particular individual. Such noting/opinion, even if recorded by competent authority on merits of matter under consideration, cannot be termed as decision of Government, unless it is sanctified and acted upon by issuing an order in accordance with Articles 77(1) and (2) or Articles 166(1) and (2) of the Constitution and is communicated to the affected persons. Learned counsel invited our attention to GSR 246 issued by the Ministry of Home Affairs, New Delhi dated 17.2.1981, wherein it is stated :

"In exercise of powers conferred by proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Teaching staff Group "C" in the Assam Rifles under the Ministry of Home Affairs....."

Thereafter, pay scale of the teaching staff was revised vide order dated 8.6.2001 consequent upon the sanction accorded by the President to the upgradation of senior teachers in the scale of pay scale of Rs.5000-8000/- in the revised scale of Rs.5500-9000/-. Thereafter, the following clarification was issued.

"To
The Director General,
Assam Rifles,
Shillong

Sub : Revision of Pay Scale of Teaching Staff in Assam Rifles-
regarding.

Sir,

I am directed to refer to your letter No.A/VII-PS/T/86/Vol.III/560 dated 15.6.2001 on the subject cited above. The matter regarding admissibility of revised pay scales in respect of different categories of Senior Teachers of Assam Rifles has been considered in consultation with Ministry of Finance.

2. It is clarified that only such Sr.Teachers of Assam Rifles may be placed in the higher scale of Rs.5500-9000/- whose recruitment rules prescribe minimum qualification of Graduation + B.Ed on par with TGT's of Central Government. All other categories of Sr.Teachers may only be placed in the corresponding revised pay scales without any upgradation.

3. This issues with the approval of the Ministry of Finance vide their Dy.No.70/5/2001-IC dated 26.06.2001 and Integrated Finance Division of this Ministry vide their Dy.No.612/Fin.II/2001 dated 01.07.2002.

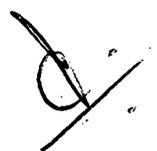
Yours faithfully,
Sd/-
(Nirmala dev)
Desk Officer"

7. It was strongly contended by Mr Chanda that the aforesaid clarification goes against the order of the President. This is mere an executive order which cannot override the statutory rule. Reliance was placed on the decision of the Apex Court rendered in the case of **Director General of Posts & others vs. R.Ravindran and another, (1997) 1 SCC 641**, wherein it was held that "clarificatory instruction cannot supersede or take away the right itself under the Regulations sought to be clarified." Further reliance was placed on the decision of the Hon'ble Supreme Court in the case of **Union of India vs. V.Ramakrishnan & Ors., (2005) 8 SCC 394**, wherein it was held "validly framed rules under proviso to Art. 309 continue to operate until repealed or replaced by validly framed new rules." Learned counsel further stated that applicant was granted the benefit of higher revised scale of Rs.5500-9000/- as per Presidential sanction and granted fixation benefit to the applicant with effect from 1.1.1996. However, Ministry of Home Affairs has stated that senior teacher without having B.Ed. degree are not entitled to higher scale of Rs.5500-9000/-. The Director General Assam Rifles vide impugned letter dated 17.7.2002 communicated the decision of the Ministry of Home Affairs to the

applicant. In this regard learned counsel relied on the decision of Apex Court rendered in the case of **Bhagwan Shukla vs. Union of India & Ors., (1994) 6 SCC 154**. In this case it was held that "order of reduction of pay on the ground of having been wrongly fixed initially, cannot be passed without affording opportunity to the affected party. It was held to be violative of principle of natural justice."

8. Mrs. M.Das, learned Sr.C.G.S.C appeared for the respondents and submitted that the applicant was appointed in the Assam Rifles as Junior Teacher with effect from 12.10.1971 in the pay scale of Rs.225-5-260-6-290/- per month. Further she was promoted to the post of senior teacher with effect from 9.8.1994 in the scale of Rs.1200-2040/-. She was also granted ACP benefit with effect from 9.8.1999. She has attained the age of superannuation with effect from 1.2.2009. Though applicant was granted the pay scale of Rs.5500-9000/- but in terms of Ministry of Home Affairs letter dated 3.7.2002 she was placed in the lower scale of Rs.4500-7000/- as the qualification prescribed by Ministry for senior teacher was graduation plus B.Ed. whereas the applicant's qualification was only B.A.

9. We have heard the rival submissions in the light of the materials placed before us and the precedents relied upon. We have carefully perused the Recruitment Rules 1980 issued by Ministry of Home Affairs. Adverting to the rules we find that it prescribes three categories of teachers, viz. Senior Teacher, Hindi Teacher and Junior Teacher. Post of senior teacher is to be filled up by promotion and also by direct recruitment. For direct recruitment, the necessary qualification is degree from a recognized university with degree in Teachers training. As per Recruitment Rule 1980, the qualification prescribed for promotion to the senior teacher is, 5 years experience as junior teacher. Indisputably these



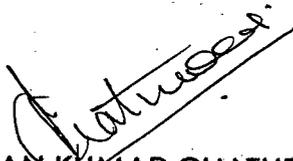
rules have not been amended. These are valid rules made under proviso to Article 309 of the Constitution. In the case of **Union of India vs. V. Ramakrishnan & Ors., (2005) 8 SCC 394**, it was held that draft rules could not form basis for granting of promotion where rules to the contrary are holding the field. In the case of **Director General of Posts vs. V. Ravindran and another, (1997) 1 SCC 641**, it was held that "clarificatory instruction cannot supersede or take away the right itself under the Regulations sought to be clarified. In the case of **Bhikhubhai Vitthalbhai Patel & Ors. Vs. State of Gujarat & another, (2008) 4 SCC 144**, the Apex Court made it very clear in the context of delegated legislation, that the public orders publicly made, in exercise of a statutory authority, cannot be construed in the light of explanations subsequently given by the decision-making authority. Public orders made by authorities are meant to have public effect and must be construed objectively with reference to the language used in the order itself. This may not be construed in the light of instruction subsequently given by the decision making authority.

10. Interpretation postulates the search for the true meaning of the words used in the statute. If the language of the statute is plain, obvious meaning is to be applied. Rules of interpretation are applied only to resolve the ambiguities. The object and purpose of interpretation is to ascertain the MENS LEGIS, i.e. the intention of the law, as evinced in the statute.

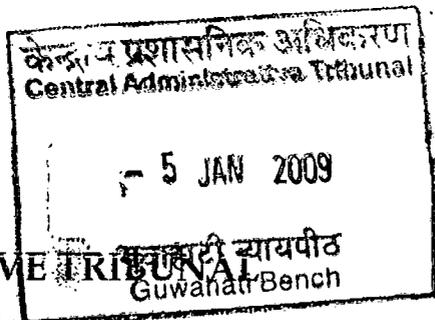
11. In the present case there appears to be no ambiguity in the Recruitment Rule, 1980, therefore the context of issuing the clarification is not clear. The scope of the rule which is sanctified by the constitutional mandate cannot be abridged by the issuance of an executive instruction. It is not possible to supersede the provisions of Recruitment Rule, 1980 by

issuance of clarification. The words of enactment ought to be construed in the light of policy, only to the extent it can be gleaned within the four corners of the statute. The requirement of B.Ed degree in the context of the applicant is a superimposed requirement and is not supported by the provisions of Recruitment Rules. As such we set aside and quash the impugned letters dated 3.7.02, 17.7.02 and 12.1.09 and hold that applicant is entitled to the benefit of higher revised scale of pay of Rs.1400-2600/- from the date of promotion to the cadre of Senior Teacher and is entitled to higher revised scale of pay of Rs.5500-175-9000/- with effect from 01.01.1996 in terms of Presidential order dated 08.06.2001. Ex-consequenti applicant is also entitled to the benefit of 2nd ACP in the scale of pay of Rs.6500-10500/- from 9.8.1999 in terms of O.M. dated 9.8.1999 issued by the DOP&T, Government of India. We direct the respondents to refix the pay of the applicant accordingly with all consequential benefits.

In the result O.A stands allowed. No costs.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)


(BHARATI RAY)
MEMBER (J)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 13 /2009

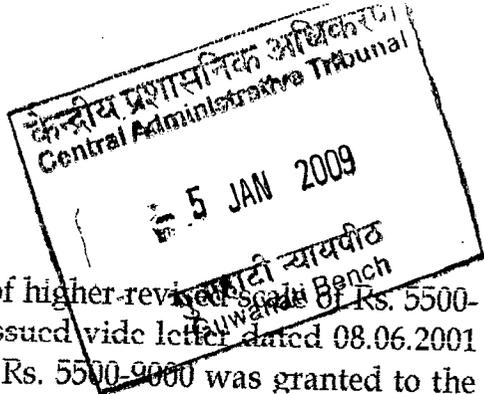
Smti. Pranati Bhattacharjee

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- September, 1971- Applicant was appointed as Junior Teacher in Assam Rifles.
- 12.10.1971- Applicant joined as Junior Teacher at 9 AR, Kimin, Arunachal Pradesh.
- 17.02.1981- Ministry of Home Affairs, Govt. of India notified "The Assam Rifles Teaching Staff Recruitment Rule, 1980". As per said RR, 50% of the posts of Senior Teachers in the scale of Rs. 330-560/- are liable to be filled up by promotion failing which by direct recruitment. Junior teachers having 5 years service in the grade are eligible for consideration of promotion to the post of Senior Teacher.
(Annexure-1)
- 01.01.1986- Scale of pay for senior teacher was prescribed as per 4th CPC as Rs. 1400-2600/- with effect from 01.01.1986. However, applicant was placed in the corresponding scale of Rs. 1200-2040 after 01.01.1986.
- 12.08.1987- Ministry of Human Resource Development decided to grant scale of Rs. 1400-2600 to the teachers as senior scale after 12 years of service.
(Annexure- 2)
- 09.08.1994- Applicant was promoted as Senior Teacher after rendering nearly 23 years of service in the cadre of junior teacher. However, scale of pay of Rs. 1400-2600 has not been extended to the applicant after her promotion to the cadre of Senior Teacher for the reason best known to the authority although she is legally entitled to scale of Rs. 1400-2600 immediately after her promotion on 09.08.1994.
- 12.10.1995- Applicant completed 24 years of regular service.
- 01.01.1996- Govt. of India granted higher revised scale of pay of Rs. 5500-9000 to senior teachers by the CCS (Revised Pay) Rules, 1997 following the recommendation of 5th CPC.
- 09.08.1999- Govt. of India, D.O.P&T issued Scheme of ACP. (Annexure- 4)
Applicant in spite of her eligibility for the benefit of 2nd ACP she was not granted benefit of 2nd ACP in the scale of Rs. 6500-200-10500.



- 08.06.2001- Applicant was granted the benefit of higher revised scale of Rs. 5500-9000 as per Presidential sanction issued vide letter dated 08.06.2001 and fixation benefit in the scale of Rs. 5500-9000 was granted to the applicant with effect from 01.01.1996. (Annexure- 3)
- 03.07.2002- Ministry of Home Affairs in the impugned letter dated 03.07.2002 stated that Sr. Teacher without having B.Ed are not entitled to higher revised scale of Rs. 5500-175-9000/-. (Annexure- 8)
- 17.07.2002- DGAR vide impugned letter dated 17.07.2002 communicated MHA letter dated 03.07.2001. (Annexure- 9)
- 15.09.2008- Respondents in terms of CCS (Revised Pay) Rules, 2008 fixed pay of the applicant at Rs. 15,180 initially on 15.09.2008 treating the applicant as Senior Teacher in the scale of Rs. 5500-175-9000. (Annexure- 5)
- 07.10.2008- DGAR, Shillong vide impugned letter dated 07.10.2008 placed the applicant in a lower scale of pay of Rs. 4500-7000/- as Sr. Teacher from the higher revised scale of Rs. 5500-175-9000/- without any prior notice or show cause in total violation of principle of natural justice. (Annexure- 10)
Impugned letter dated 07.10.2008 has been issued on the basis of the Ministries letter dated 03.07.2002 communicated vide letter dated 17.07.2002.
- Dec' 2008 - Respondents again calculated pay of the applicant at Rs. 13,330 on December 2008. (Annexure- 6)
- 18.12.2008- Applicant submitted representation stating that she is entitled to the scale of Rs. 5500-9000 w.e.f. 01.01.1996 in view of her promotion to the cadre of Senior Teacher and also stated that she is entitled to the benefit of 2nd ACP in the higher pay scale of Rs. 6500-10500 and further requested to grant such benefit since she is retiring on 01.02.2009. (Annexure- 11)
- 07.01.2009- Applicant submitted with reference to letter dated 07.10.2008 pointing out that error in calculation of basic pay and also expressed her grievances on the question of allotment of lower pay of Rs. 4500-9000/- w.e.f. 01.01.1996, but to no result. (Annexure- 12)
- 12.01.2009- Respondents communicated to the applicant the revised pay in the Pay Band/scale of Rs. 13,760 vide impugned statement dated 12.01.2009. (Annexure- 7)
- 01.02.2009- Applicant retired on superannuation.

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter No. II.27013/35/59-PF.IV dated 03.07.2002 (Annexure- 8), letter No. A/VIII-PS/T/86/Vol-III/108 dated 17.07.2002 (Annexure- 9) and letter No.

- 5 JAN 2009

12-01-2009
Guwahati Bench

1.14016/Rec (Adm-IV)/ACP/2008/121 dated 07.10.2008 (Annexure- 10) and the impugned fixation of pay shown in the letter dated 12-01-2009 (Annexure- 7).

2. That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to the benefit of the higher revised scale of pay of Rs. 1400-2600 w.e.f. 09.08.1994 i.e. from the date of promotion of the applicant to the cadre of Sr. Teacher with all consequential benefit.
3. That the Hon'ble Tribunal be pleased declare that the applicant is entitled to the higher revised scale of pay of Rs. 5500-175-9000 w.e.f. 01.01.1996 in terms of the Presidential order dated 08.06.2001.
4. That the Hon'ble Tribunal be pleased declare that the applicant is entitled to the benefit of 2nd ACP in the scale of pay of Rs. 6500-10500 w.e.f. 09.08.1999 in terms of O.M dated 09.08.1999 issued by the D.O.P.T, Govt. of India.
5. That the Hon'ble Tribunal be pleased to direct the respondents to re-fix the pay of the applicant in terms of prayer No. 8.2, 8.3 and 8.4 and further be pleased to direct the respondents to pay all consequential benefit including arrear monetary benefit.
6. Costs of the application.
7. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay operation of the impugned letter No. 1.14016/Rcc (Adm-IV)/ACP/2008/121 dated 07.10.2008 (Annexure- 10) till disposal of the Original Application.
2. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.

29

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

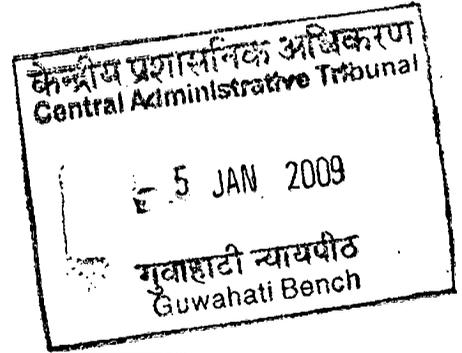
(An application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A. No. 13 /2009

Smti Pranati Bhattacharjee : Applicant

-Versus-

Union of India & Ors. : Respondents.



INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	---	Application	1-14
2.	---	Verification	-15-
3.	1	Copy of the recruitment rule 1980 notified on 17.02.1981	16-18
4.	2	Copy of the letter dated 12.08.1987	19-20
5.	3	Copy of the letter dated 08.06.2001.	-21-
6.	4	Copy of the O.M dated 09.08.1999.	22-30
7.	5	Copy of the statement of fixation dated 15.09.2008	31-32
8.	6	Copy of the statement of fixation dated nil Dec' 2008.	33-34
9.	7	Copy of the impugned fixation dated 12.01.2009.	35-36
10.	8	Copy of the impugned letter dated 03.07.02.	-37-
11.	9	Copy of the impugned letter dated 17.07.02.	-38-
12.	10	Copy of the impugned letter dated 07.10.08	39-40
	11	Copy of the representation dated 18.12.08.	-41-
	12	Copy of the representation dated 07.01.09	-42-

13-

w/s



43-67

Date: 05.02.09

Filed By: -
The Petitioner
Through: -
(Shri W. S.)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 13 /2009

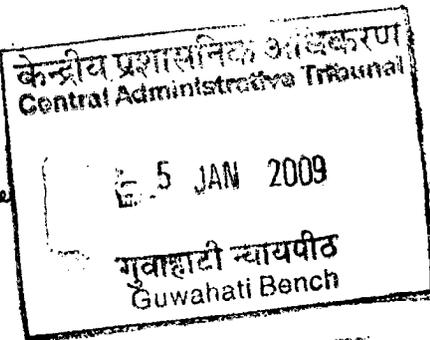
BETWEEN:

Smti. Pranati Bhattacharjee,
Senior Teacher (Retired)
C/o- Late S. R. Bhattacharjee.
Palli Sree Lane,
House No. 41/1, Ward No. 14,
Kanakpur Part- II, Silchar- 788005, Assam.

---Applicant.

-AND-

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,
Ministry of Finance, Govt. of India, Dept. of expenditure
North Block, Lok Nayak Bhawan
New Delhi- 110001.
3. The Director General,
Headquarters Assam Rifles,
Shillong-793011. ✓
4. The Principal,
Assam Rifles School,
15 Assam Rifles,
Teliamura, Tripura,
Pin- 932015, C/O 99APO.



... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned letter No. II.27013/35/59-PF.IV dated 03.07.2002 (Annexure- 8), letter No. A/VIII-PS/T/86/Vol-III/108 dated 17.07.2002 (Annexure- 9) and letter No. 1.14016/Rec (Adm-IV)/ACP/2008/121 dated 07.10.2008 (Annexure- 10) whereby pay of the applicant has been reduced arbitrarily without any prior notice, and also against the impugned order of fixation dated 12.01.2009 (Annexure- 7) and

Pranati Bhattacharjee

Filed by: -*the applicant*
Through: -*U. Datta*
Advocate on
05.02.09
30

further praying for a direction upon the respondents to re-fix the pay of the applicant treating the applicant as Senior Teacher of Assam Rifles in the scale of pay of Rs. 5,500-175-9000 w.e.f. 01.01.1996. The fixation of pay be made consequent upon corresponding revised scale of pay given by the Govt. of India in terms of Sixth Central Pay Commission with effect from 01.01.2006 and benefit of 2nd ACP be granted to the applicant in terms of Govt. of India O.M dated 09.08.1999.

2. **Jurisdiction of the Tribunal:**

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

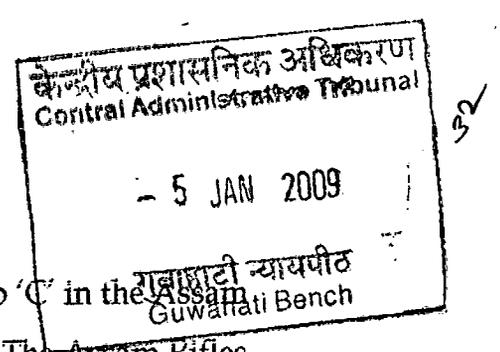
3. **Limitation:**

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act' 1985.

4. **Facts of the case:**

- 4.1 That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. She has retired on superannuation on 01.02.2009 from the post of Senior Teacher, 15 Assam Rifles, Teliamora in the State of Tripura.
- 4.2 That your applicant after obtaining graduation degree from Gauhati University she applied for recruitment to the post of Junior Teacher in Assam Rifles School, pursuant to an advertisement issued by the DGAR, Shillong for filling up few vacancies of Junior Teacher of Assam Rifles School in the month of September, 1971. She appeared in the interview and after being found suitable she was appointed as Junior Teacher at 9 AR, Kimin in the State of Arunachal Pradesh. She joined in service on 12th October, 1971 and served in N.E. Region, namely; Lokhra, Phek, Tuensang, Aizwal, Lunglei, Sealing in Mizoram, Ambasa, Teliamora in Tripura.
- 4.3 That your applicant further begs to say that Ministry of Home Affairs, Govt. of India, New Delhi notified recruitment rules under the proviso to Article

Pranati Bhattacharyee



309 of the Constitution for the post of Teaching Staff, Group 'C' in the Assam Rifles under the Ministry of Home Affairs which is called "The Assam Rifles Teaching Staff Recruitment Rule, 1980". The said recruitment rule is still in force and holding the field. Under the 1980 recruitment rule 50% of the posts of Senior Teachers are liable to be filled up by promotion failing which by direct recruitment. As per recruitment rule rest 50% Senior Teachers are liable to be filled up by direct recruitment having degree from a recognized University with degree in Teachers Training and also 5 years teaching experience with proficiency in teaching through Hindi and English medium.

However, as per column 8 of the recruitment rule, 1980 the recruitment qualification prescribed for direct recruitment senior teachers are not required for the purpose of promotion of junior teachers to the cadre of senior teachers.

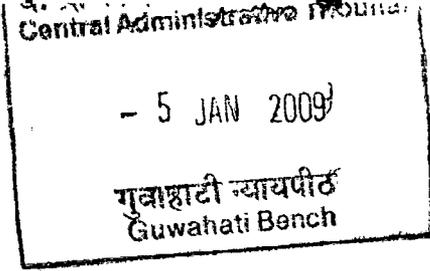
It is specifically stated in recruitment rule, 1980 that junior teacher with 5 years service in the grade are eligible for consideration of promotion/deputation/absorption under column 11 of the said recruitment rule, 1980 for Sr. Teacher.

Copy of the recruitment rule 1980 is enclosed herewith and marked as Annexure- 1.

- 4.4 That it is stated that your applicant was promoted as Senior Teacher on 09.08.1994 after rendering nearly 23 years of service in the cadre of junior teacher.
- 4.5 That it is stated that as per recruitment rule 1980 the scale for senior teacher was prescribed as Rs. 330-560 (pre-revised) during the 3rd Central Pay Commission. However, corresponding revised scale for senior teacher was prescribed as per 4th CPC as Rs. 1400-2600/- with effect from 01.01.1986. However, the Govt. of India granted a higher revised scale of pay of Rs. 5500-9000 to senior teacher by the CCS (Revised Pay) Rules, 1997 following the recommendation of 5th CPC w.e.f. 01.01.1996.

It would be evident from the copy of letter No. F.5/180/86-UTI dated 12.08.1987 that the Ministry of Human Resource Development following the recommendation of National Commission on Teachers under

Pranati Bhattacharjee



the Chairmanship of Prof. D.P. Chattopadhyaya in partial modification of Finance Ministries notification No. F.15 (1)-IC/86 dated 13th September, 1986 and 22nd September, 1986 by which higher replacement scale given to School Teachers have been further granted higher revised scale wherein senior scale of Rs. 1400-2600 has been decided to be granted to the teachers as senior scale after 12 years. Accordingly granted higher revised scale of Rs. 1400-2600 to the senior teachers of Assam Rifles, however, the said benefit of higher revised scale of Rs. 1400-2600 has not been extended to the applicant after her promotion to the cadre of Senior Teacher for the reason best known to the authority although she is legally entitled to scale of Rs. 1400-2600 immediately after her promotion on 09.08.1994. It is relevant to mention here that applicant was rather placed in the corresponding scale of Rs. 1200-2040 after 01.01.1986. However pursuant to the MHA's letter No. II.27013/35/99-PF.IV dated 08.06.2001, the applicant was granted the benefit of higher revised scale of Rs. 5500-9000 as per Presidential sanction and fixation benefit in the scale of Rs. 5500-9000 was granted to the applicant with effect from 01.01.1996 vide letter dated 20.03.2002 under the seal and signature of the Commandant, 1st Assam Rifles and Senior Accounts Officer, MHA, Shillong on 20.03.2002.

Copy of the HRD letter dated 12.08.1987 and MHA letter dated 08.06.2001 are enclosed herewith and marked as Annexure- 2 and 3 respectively.

- 4.6 That it is stated that in terms of letter dated 08.06.2001 applicant was given the higher revised scale of Rs. 5500-9000 in terms of 5th CPC recommendation accepted by the Govt. of India. The applicant in the meanwhile attained eligibility for grant of benefit of 2nd ACP in terms of Govt. of India's O.M dated 09.08.1999. However, in spite of her eligibility the said benefit of 2nd ACP not extended to the applicant for the reasons best known to the authorities although she has acquired a valuable legal right for grant of such benefit of 2nd ACP in the scale of Rs. 6500-200-10500.

Copy of the O.M dated 09.08.99 is enclosed herewith and marked as Annexure- 4.

Pranati Bhattacharyei

- 5 JAN 2009

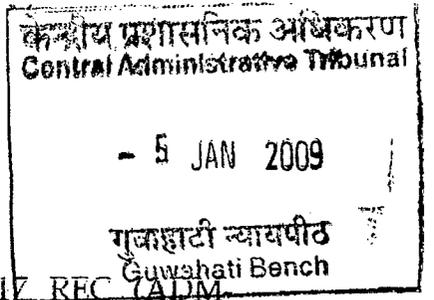
गुवाहाटी न्यायपीठ
Guwahati Bench

4.7 That it is stated that your applicant has retired on 01.02.2009 but surprisingly just before her retirement, the respondent in terms of CCS (Revised Pay) Rules, 2008 fixed her pay at Rs. 15,180 initially on 15.09.2008 treating the applicant as Senior Teacher in the scale of Rs. 5500-175-9000. However, the said respondents again calculated her pay at Rs. 13,330 on December 2008 but finally communicated the revised pay in the Pay Band/scale of Rs. 13,760 on 12.01.2009 with seal and signature of the Head of Office. It is relevant to mention here that calculation made on 15.09.2008 appears to be not correct in terms of revised pay scales, 2008. However, authority did not give any fixation benefit to the applicant in terms of ACP Scheme issued under O.M dated 09.08.1999. There is no signature of the authority contained in the calculation sheet dated 15.09.2008 and also in the calculation sheet dated December 2008, as such the calculation sheet has no relevancy, but the same has been produced for perusal of the Hon'ble Tribunal to show that fixation of pay is made in a casual manner and without granting the benefit of 2nd ACP, therefore the impugned letter dated 12.01.2009 is liable to be modified incorporating the fixation benefit due to the applicant on account of 2nd ACP in terms of O.M dated 09.08.1999 and also taking into consideration the higher revised scale of Rs. 1400-2600/- w.e.f. 09.08.1994 to 31.12.1995.

Copy of the statements of fixation of pay consequent upon Revised Pay Rules 2008 dated 15.09.08, dated nil Dec' 08 and 12.01.09 are enclosed herewith as Annexure- 5, 6 and 7 respectively.

4.8 That it is stated that the DGAR, Shillong vide impugned letter No. 1.14016/Rec (Adm-IV)/ACP/2008/121 dated 07.10.2008 whereby the applicant is placed in a lower scale of pay of Rs. 4500-7000/- as Sr. Teacher from the higher revised scale of Rs. 5500-175-9000/- without any prior notice or show cause in total violation of principle of natural justice. It is further stated that in para 4 of the impugned order dated 07.10.2008 it has been stated that 1st ACP has been granted to the applicant in the scale of pay of Rs. 5000-150-8000 with effect from 09.08.1999 since the applicant completed 12 years of service on 12.10.1983, therefore she has been given the benefit of 1st

Pranati Bhattacharyee



ACP w.e.f. 09.08.1999 vide Directorate letter No. 1.14017 IV)/2008/038 dated 03.06.2008. It is also stated that benefit of 2nd ACP also granted to the applicant in the higher scale of pay of Rs. 5500-175-9000 w.e.f. 09.08.1999 since she has completed 24 years of service on 09.08.1999.

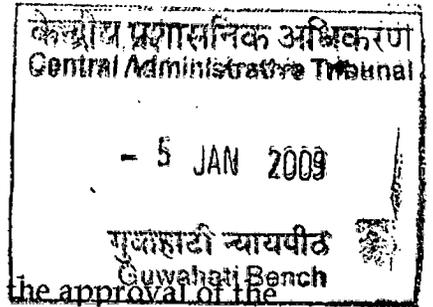
It is relevant to mention here that in para 3 of the impugned letter dated 07.10.2008, the respondents Union of India also finally admitted that the applicant was appointed as Sr. Teacher on 09.08.1994. It is stated in the impugned letter dated 07.10.2008 that the applicant is not entitled to scale of pay of Rs. 5500-175-9000/- in terms of Directorate letter No. II.27013/35/59-PF.IV dated 03.07.2001 and also in terms of letter No. A/VIII-PS/T/86/Vol-III/108 dated 17.07.2002, wherein it has been stated that Sr. Teacher without having B.Ed are not entitled to higher revised scale of Rs. 5500-175-9000/-. However, this decision of the authority is highly arbitrary, illegal and unfair.

Copy of the letter dated 03.07.2002, 17.07.2002 and impugned letter dated 07.10.2008 are enclosed herewith and marked as Annexure- 8, 9 and 10 respectively.

4.9 That it is stated that promotion of the applicant is governed by the recruitment rule, 1980 of the Ministry of Home Affairs wherein it has been provided that 50% of the post of Senior Teachers are liable to be filled up by promotion from among the Junior Teachers having 5 years experience. Since the applicant who was initially recruited as Junior Teacher having degree in graduation and got the promotion after rendering 23 years of service as Junior Teacher, as such Ministry of Home Affairs letter dated 03.07.2002 communicated vide letter dated 17.07.2002 cannot supersede the statutory recruitment rule, 1980 which was framed under Article 309 of the Constitution of India and the said recruitment rule 1980 is still in force. Therefore the impugned letter dated 03.07.2002, 17.07.2002 and the impugned letter dated 07.10.2008 are arbitrary, illegal and same are liable to be set aside and quashed.

4.10 That it is stated that higher revised scale of pay of Rs. 5500-9000/- granted to Sr. Teacher following the Presidential sanction by the MHA vide it's letter

Pramati Bhattacharyei



dated 08.06.2001 without any pre-condition that too with the approval of the Ministry of Finance, department of Expenditure vide Dy. No. 70/5/2001-IC dated 31.05.2001 and Ministry's Dy. No. 811/Fin.II/2001 dated 08.06.2001 are still in force, as such benefit of higher revised scale granted to the applicant fixing her pay on 20.03.2002 in the scale of pay of Rs. 5500-175-9000 cannot be take away by the impugned clarificatory letter dated 03.07.2002 issued in the form of an executive instruction and on that score alone the impugned letter dated 03.07.2002 and impugned letter dated 07.10.2008 are liable to be set aside and quashed.

- 4.11 That it is stated that on a mere reading of the impugned order dated 07.10.2008, it appears that the respondents arbitrarily reduced and re-fixed the pay of the applicant to her disadvantage while carried out verification of service book to ensure the correctness of the emoluments drawn or to be drawn during the last 10 months service and thereafter reduced and re-fixed the pay of the applicant. In this connection it may be stated that higher revised scale of Rs. 5500-9000 given to the applicant following CCS (Revised Pay) Rules 1997 and the said fixation was made way back on 20.03.2002. But surprisingly after lapse of about 6 years, said fixation in the scale of Rs. 5500-9000 has been disturbed by reducing the scale of pay from 5500-9000 to 4500-7000 whereas as per provision laid down in clause (iii) of Rule 59 (1) (b) of the CCS (Pension) Rules 1972, the respondents are only entitled to verify the correctness of emoluments of 24 months only preceeding the date of retirement of a Govt. servant and not for any period prior to that date. But in the instant case of the applicant the respondents in violation of the aforesaid provision of the CCS (Pension) Rules 1972 arbitrarily reduced the pay of the applicant that too without any notice or show cause. Therefore on that score alone the impugned order dated 07.10.2008 is liable to be set aside and quashed.

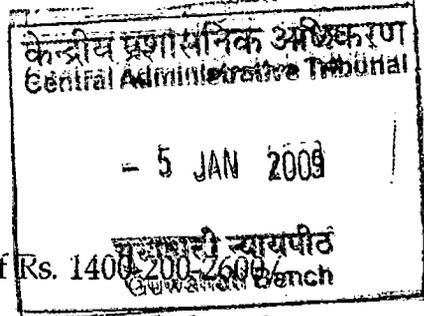
In support of the above contention the applicant relies upon the decision rendered by Hon'ble CAT, Bombay Bench in O.A No. 2248/2004 decided on 29.06.2005 (Chintaman Namdeorao Umare -Vs- U.O.I & Ors.), reported in 2005 (3) ATJ 511 and also in O.A No. 1300/1994 (Shri P.J. Naidu -Vs- CPMG & Ors.) decided on 17.08.1995, reported in 1996 (33) ATC 489.

Pranati Bhattacharyya

4.12 That it is stated that since the applicant got the promotion on 09.08.1994 to the cadre of Senior Teacher, as such she is entitled to the benefit of 2nd ACP in the scale of Rs. 6500-200-10,500 in terms of the O.M dated 09.08.1999 w.e.f. 09.08.1999. But the respondents in order to cover up their lapses and also in violation of the rules and regulations given 1st ACP to the applicant in the scale of Rs. 5000-150-8000 w.e.f. 09.08.1999 and again the 2nd ACP in the scale of Rs. 5500-175-9000 w.e.f. 09.08.1999 by placing the applicant in the scale of Rs. 4500-7000 w.e.f. 01.01.1996 instead of Rs. 5500-9000/-. It is a settled position of law that once a benefit of promotion is granted to the cadre of Sr. Teacher, the said benefit cannot be taken away, more so the benefit was provided to the applicant in terms of statutory recruitment rule 1989, as such there is no illegality in the promotion of the applicant to the cadre of Sr. Teacher. It is specifically stated that B.Ed is not required as an essential qualification for promotion from the cadre of Jr. Teacher to the cadre of Sr. Teacher under the statutory recruitment rule, 1980 of Assam Rifles issued by the Ministry of Home Affairs. As such the clarificatory order dated 03.07.2002 has no application in the instant case of the applicant and on that ground alone the impugned letter dated 03.07.2002 and 07.10.2008 are liable to be set aside and quashed.

4.13 That it is stated that in the impugned letter dated 03.07.2002 it is alleged that the Ministry of Finance has clarified that the scale of Rs. 5500-9000 would be extended to the Sr. Teachers in whose recruitment rule B.Ed qualification has been prescribed. In this connection it may be stated that if the scale of Rs. 5500-9000 has been provided to the Sr. Teacher of Assam Rifles following a sanction of the President of India. Moreover, as per Recruitment Rule, 1980 there is no requirement of B.Ed for the purpose of promotion to the cadre of Sr. Teacher. As such Ministry of Finance cannot impose such addition qualification retrospectively that too without amending the existing recruitment rule. As such the applicant cannot be made to suffer due to absence of recruitment rule having B.Ed degree. Therefore the impugned letter dated 03.07.2002 is liable to be set aside and quashed.

Pranati Bhattacharya



- 4.14 That your applicant begs to state that the scale of pay of Rs. 1400-2000-2600/- granted to the Sr. Teacher following the decision rendered by the Department of Education, Ministry of HRD vide letter dated 12.08.1987 wherein it is provided that a Primary School Teacher working in the revised pay scale of Rs. 1200-2040/- entitled to be placed in the scale of Rs. 1400-2600 after completion of 12 years of service in the senior scale and the said decision have been followed by the Govt. of India in different educational institutions including the Kendriya Vidyalaya Sangathan. Accordingly, the DGAR following the instruction of MHA extended the benefit of Rs. 1400-2600 to all Senior Teacher working in Assam Rifles. But the said higher scale of Rs. 1400-2600 was not granted to the applicant after her promotion to the cadre of Sr. Teacher which is due to her w.e.f. 09.08.1994 to 31.12.1995. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to re-fix the pay of the applicant from 09.08.1994 in the scale of Rs. 1400-40-1500-EB-2300-60-2600/- and thereafter further direction be given to place the applicant in the scale of Rs. 5500-9000 w.e.f. 01.01.1996 and again the benefit of 2nd ACP be given to the applicant in the scale of Rs. 6500-10,500/- w.e.f. 09.08.1999 and thereafter she should be placed in the corresponding revised scale pursuant to the CCS (Revised Pay) Rules 2008 w.e.f. 01.01.2006.
- 4.15 That your applicant further begs to say that she has submitted a representation on 18.12.2008 wherein she has stated that she is entitled to the scale of Rs. 5500-9000 w.e.f. 01.01.1996 in view of her promotion to the cadre of Senior Teacher and also stated that she is entitled to the benefit of 2nd ACP in the higher pay scale of Rs. 6500-10500 and further requested to grant such benefit since she is retiring on 01.02.2009. The applicant submitted another representation on 07.01.2009 with reference to letter dated 07.10.2008 wherein she has pointed out that that error in calculation of basic pay and also expressed her grievances on the question of allotment of lower pay of Rs. 4500-9000/- w.e.f. 01.01.1996 but to no result.
- 4.16 That your applicant has retired on superannuation w.e.f. 01.02.2009, therefore reduction of scale of pay after a lapse of 6 years from the date of re-fixation in the scale of pay of Rs. 5500-9000 that too without any valid reason

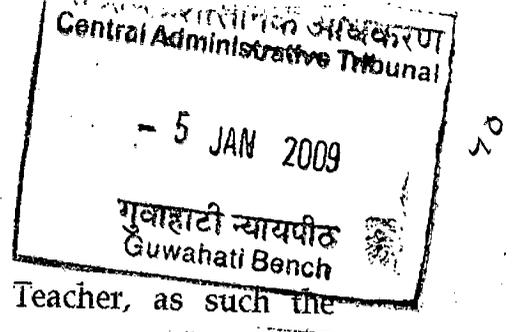
Pranati Bhattacharyee

is highly arbitrary, illegal and unfair, more so when the benefit of higher scale of Rs. 1400-2600 as well as the benefit of 2nd ACP in the scale of Rs. 6500-10,500/- has been denied to the applicant without any valid reason. Therefore, it is a fit case before this Hon'ble Tribunal to interfere with the impugned letter dated 07.10.2008 and impugned letter dated 03.07.2002 in order to protect the rights and interest of the applicant.

Copy of the representation dated 18.12.08 and 07.01.09 are enclosed herewith and marked as Annexure- 11 and 12 respectively.

- 4.17 That the fixation benefit given vide impugned letter date 12.01.2009 is not correct in view of the entitlement of higher pay by the applicant as discussed in the preceding paragraphs, as such the fixation order dated 12.01.2009 is liable to be modified.
- 4.18 That it is stated that the impugned letter dated 07.10.2008 has not been effected till filing of the Original Application, as such the Hon'ble Tribunal be pleased to stay operation of the impugned letter dated 07.01.2008 till disposal of the Original Application otherwise it will cause irreparable loss and injury to the applicant.
- 4.19 That this application is made bonafide and for the cause of justice.
5. Grounds for relief (s) with legal provisions:
- 5.1 For that, reduction of pay without prior notice after a long lapse of 6 years that too without any valid reasons is not sustainable in the eye of law and on that score alone, the impugned letter dated 07.01.2008 is liable to be set aside and quashed.
- 5.2 For that, promotion of the applicant is effected in the light of the statutory recruitment rule, 1980 i.e. "The Assam Rifles Teaching Staff Recruitment Rule, 1980" from the cadre of Jr. Teacher to Sr. Teacher w.e.f. 09.08.1994 and as per the recruitment rule, there is no requirement of possessing B.Ed

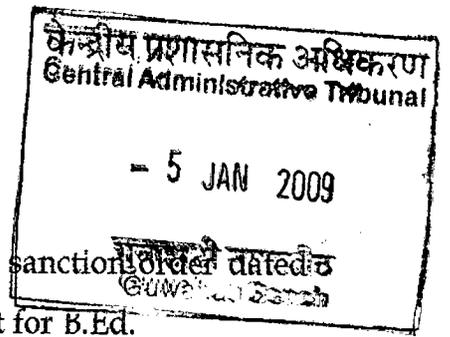
Phanati Bhattacharya



qualification for promotion to the cadre of Sr. Teacher, as such the promotion is lawful and valid.

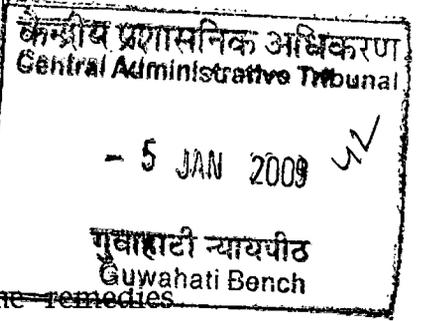
- 5.3 For that, the Assam Rifles Teaching Staff recruitment rule, 1980 has been framed under the proviso of Article 309 of the Constitution of India for Group 'C' Teaching staff. As such the said recruitment rule is statutory in nature wherein it is provided that 50% posts of Sr. Teachers in Assam Rifles School are liable to be filled up from among the Jr. Teachers with 5 years experience. As such the promotion of the applicant to the cadre of Sr. Teacher on 09.08.1994 is valid and lawful.
- 5.4 For that, the benefit of higher revised scale of Rs. 5500-9000/- given to the applicant following the Presidential sanction conveyed vide letter dated 08.06.2001, as such the said benefit of higher revised scale of Rs. 5500-9000 which was re-fixed on 20.03.2002 with retrospective effect from 01.01.1996 cannot be taken away following an executive instruction issued under MHA's letter dated 03.07.2002 that too in violation of statutory recruitment rule.
- 5.5 For that, the impugned letter dated 03.07.2002 and communication dated 17.07.2002 are clarificatory orders passed in contrary to the statutory recruitment rule, 1980 as well as Presidential order dated 08.06.2001. As such the impugned letter dated 03.07.2002, 17.07.2002 as well as order dated 07.10.2008 are liable to be set aside and quashed.
- 5.6 For that, requirement of B.Ed degree as a requisite qualification for promotion to the cadre of Sr. Teacher is not essential according to recruitment rule holding the field; as such Ministry of Finance or Ministry of Home Affairs cannot impose such additional qualification for placement in the higher scale in violation of the statutory recruitment rule.
- 5.7 For that, in terms of rule 9 (1) (b) (iii) of CCS (Pension Rules) 1972, the respondents are not entitled to reduce the pay of the applicant which was fixed 6 years ago and on that score alone the impugned letter dated 07.10.2008 is liable to be set aside and quashed.

Pranati Bhattacharyya



- 5.8 For that there is no pre-condition in the Presidential sanction order dated 08.06.2001 for grant of Rs. 5500-9000/- for requirement for B.Ed.
- 5.9 For that, the Presidential order dated 08.06.2001 whereby scale of pay of Rs. 5500-9000/- extended to the applicant neither cancelled nor revoked and the said order dated 08.06.2001 issued by the MHA is still holding the field. Therefore denial of such benefit of higher revised scale of pay of R. 5500-9000 cannot be taken away from the applicant merely on the basis of a clarificatory O.M dated 03.07.2002, as such on that score alone the impugned letter dated 03.07.2002 and 17.07.2002 as well as the impugned letter dated 07.10.2008 are liable to be set aside and quashed.
- 5.10 For that, the applicant has acquired a valuable and legal right for grant of scale of Rs. 1400-2600 w.e.f. 09.08.1994 i.e. from the date of her promotion to the cadre of Sr. Teacher as well as higher revised scale of pay of Rs. 5500-9000 w.e.f. 01.01.1996 in terms of CCS (Revised Pay) Rules 1997 and benefit of 2nd ACP in the scale of pay of Rs. 6500-10500 w.e.f. 09.08.1999 in terms of O.M dated 09.08.1999 issued by the D.O.P.T and thereafter pay of the applicant is liable to be re-fixed consequent upon the CCS (Revised Pay) Rules, 2008.
- 5.11 For that, applicant is entitled to benefit of 2nd ACP on completion of 24 years of service in terms of O.M dated 09.08.1999 since she had availed one promotion on 09.08.1994 in the cadre of Sr. Teacher, as such the contention of the respondents that the applicant is liable to be placed in the scale of Rs. 4500-7000 w.e.f. 01.01.1996 is not sustainable in the eye of law as because such placement would mean that she had never been promoted to the cadre of Sr. Teacher in Assam Rifles. Therefore such decision of the respondent by granting the benefit of 1st ACP is highly arbitrary, illegal and unfair and contrary to the statutory recruitment rule 1980 as well as the same is also opposed to the provision laid down in O.M dated 09.08.1999.
- 5.12 For that requirement of B.Ed degree in recruitment rule cannot be prescribed by the Ministry of Finance without amendment of the existing recruitment rule i.e. recruitment rule, 1980.

Pranati Bhattacharjee



6. Details of remedies exhausted.

That the applicant declares that she has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that she had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

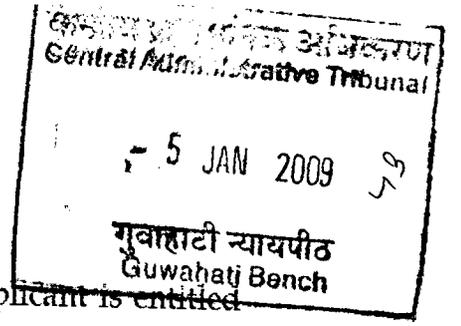
Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal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

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned letter No. II.27013/35/59-PF.IV dated 03.07.2002 (Annexure- 8), letter No. A/VIII-PS/T/86/Vol-III/108 dated 17.07.2002 (Annexure- 9) and letter No. 1.14016/Rec (Adm-IV)/ACP/2008/121 dated 07.10.2008 (Annexure- 10) and the impugned fixation of pay shown in the letter dated 12.01.2009 (Annexure- 7).

8.2 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to the benefit of the higher revised scale of pay of Rs. 1400-2600 w.e.f. 09.08.1994 i.e. from the date of promotion of the applicant to the cadre of Sr. Teacher with all consequential benefit.

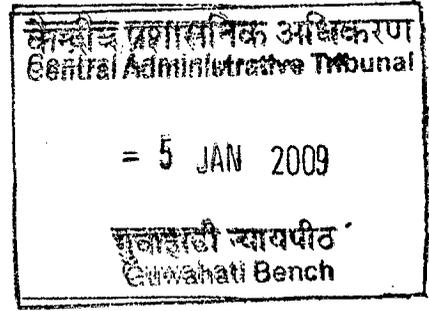
8.3 That the Hon'ble Tribunal be pleased declare that the applicant is entitled to the higher revised scale of pay of Rs. 5500-175-9000 w.e.f. 01.01.1996 in terms of the Presidential order dated 08.06.2001.

Pranati Bhattacharjee



- 8.4 That the Hon'ble Tribunal be pleased declare that the applicant is entitled to the benefit of 2nd ACP in the scale of pay of Rs. 6500-10500 w.e.f. 09.08.1999 in terms of O.M dated 09.08.1999 issued by the D.O.P.T, Govt. of India.
- 8.5 That the Hon'ble Tribunal be pleased to direct the respondents to re-fix the pay of the applicant in terms of prayer No. 8.2, 8.3 and 8.4 and further be pleased to direct the respondents to pay all consequential benefit including arrear monetary benefit.
- 8.6 Costs of the application.
- 8.7 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.
9. **Interim order prayed for:**
During pendency of the application, the applicant prays for the following interim relief: -
- 9.1 That the Hon'ble Tribunal be pleased to stay operation of the impugned letter No. 1.14016/Rec (Adm-IV)/ACP/2008/121 dated 07.10.2008 (Annexure- 10) till disposal of the Original Application.
- 9.2 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicant for providing relief as prayed for.
10.
11. **Particulars of the I.P.O**
- | | | |
|------|---------------|---------------------|
| i) | I.P.O No. | : 39 G 3784 06 |
| ii) | Date of issue | : 22.12.08 |
| iii) | Issued from | : G.P.O., Guwahati. |
| iv) | Payable at | : G.P.O., Guwahati. |
12. **List of enclosures:**
As given in the index.

Pranati Bhattacharyee



VERIFICATION

I, Smti. Pranati Bhattacharjee, Sr. Teacher (retired), aged about 60 years, resident of C/o- Late S. R. Bhattacharjee, Palli Sree Lane, House No. 41/1, Ward No. 14, Kanakpur Part- II, Silchar- 788005, Assam, applicant in the instant Original Application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 4th day of February, 2008.

Pranati Bhattacharjee

Ministry of Home Affairs
New Delhi, 17 February, 1981

ANNEXURE-1

G.S.R 246 - In exercise of the powers conferred by the proviso to article 309 of the constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Teaching Staff Group 'C' in the Assam Rifles under the Ministry of Home Affairs, Namely:-

1. Short title and commencement

(1) These rules may be called the Assam Rifles Teaching Staff Recruitment Rules, 1980.

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

2. Number of posts, classification and scale of pay: The number of posts, classification and scale of pay attached hereto, shall be as specified in columns 2 to 4 of the schedule annexed hereto.

3. Method of recruitment, age limit, qualifications etc: The method of recruitment, age limit qualifications and in other matters relating to the said posts shall be as specified in columns 5 to 13 of the schedule aforesaid.

4. Disqualifications

No persons

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

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

shall be eligible for appointment to any of the said posts.

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

5. Power to relax

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

6. Savings

Nothing in these rules shall effect reservations, relaxations of age limit and other concessions required to be provided for candidates belonging to the scheduled castes and the scheduled tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
- 5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Objected
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Ministry of Home Affairs
New Delhi

Short title and commencement
(1) These rules may be called the Assam Rifles Teaching Staff Recruitment Rules, 1980.

-17-
SCHEDULE

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
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1. Senior Teacher 21

General Central Service Group 'C' (Non-Gazetted Non-Ministerial) -560
 (i) For Graduates Rs. 330-10-380-EB-12-500-EB-15
 (ii) For under Graduate Rs. 290-8-330-10-380-EB-12-500-EB-15-560
 (iii) for Matric untrained Rs. 260-6-290-EB-6-325-8-360-EB-8-390-10-400
 (iv) for Non- Matric untrained Rs.260-6-326-EB-8-350

25 Years (relaxable upto 35 years in the case of Government servants)

(1) Degree from a recognised University **Not applicable**
 (2) Degree in Teachers Training
 (3) At least 5 years teaching experience.
 (4) Proficiency in teaching through Hindi and English medium.

2 Years 50% by direct recruitment and 50% by promotion falling which direct recruitment

Promotion Junior Teacher with 5 years service in the grade.

If a departmental Promotion Committee exist what is its composition
 Chairman : Not applicable
 Deputy Inspector General of Assam Rifles (Head Quarters)
 Members.
 1. Assistant Inspector General Rifles (A/O) Directorate General Assam Rifles.
 2. One officer belonging to Group A Category from other Department Other than Assam Rifles
 Member Secretary : Staff Officer-2 (A), Directorate General Assam Rifles

2.Hindi Teacher 74

General Central Service Group 'C' (Non-Gazetted Non-Ministerial) -560
 (i) For Graduates Rs. 330-10-380-EB-12-500-EB-15
 (ii) For under Graduate Rs. 290-8-330-10-380-EB-12-500-EB-15-560

25 Years (relaxable upto 35 years in the case of Government servants)

Pre-University(2years Course) or equivalent with Hindi as one of the subject or with Diploma Degree with Hindi from recognised Government Institution Proficiency in imparting Education upto matric in English.

2 Years by direct recruitment

Not applicable

Chairman : Not applicable
 Deputy Inspector General of Assam Rifles (Head Quarters) grade.
 Members.
 1. Assistant Inspector General Rifles (A/O) Directorate General Assam Rifles.
 2. One officer belonging to Group A Category from other Department Other than Assam Rifles
 Member Secretary : Staff Officer-2 (A), Directorate General Assam Rifles

Central Administration
 = 5 JAN 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench

Attended
 Mr. A. S. A. S.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
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<p>2 Junior 41 Teacher</p>	<p>General Central Service Group 'C' (Non- Gazetted Non- Ministerial)</p>	<p>Rs. 260-6-325-EB -8-350</p>	<p>Not Applicable</p>	<p>25 Years (relaxable upto 35 years in the case of Government servants)</p>	<p>1. Pre-University(2years Course) or equivalent or Matriculate Normal Basic Teacher Training</p> <p>2. Should be capable of imparting Teaching in Hindi English medium</p>	<p>2 Years by direct recruitment</p>	<p>Not applicable</p>	<p>Chairman : Not Deputy Inspector applicable General of Assam Rifles (Head Quarters) grade. Members.</p> <p>1. Assistant Inspector General Rifles (A/Q) Directorate General Assam Rifles.</p> <p>2. One officer belonging to Group A Category from other Department Other than Assam Rifles</p> <p>Member Secretary : Staff Officer-2 (A), Directorate General Assam Rifles</p>
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केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal

 5 JAN 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench

Copy of Ministry of Human Resource Development (Deptt. of Education letter No. F.3.100/86-UTI dated 12 Aug 87.)

SUBJECT: REVISION OF PAY SCALES OF SCHOOL TEACHERS.

It is directed to say that the National commission on Teachers under the chairmanship of prof D P Chattopadhyaya has made various recommendations concerning pay and service conditions of teachers at school level. Pending Govt's decision on the report of National commission on teachers the fourth central pay commission only recommended the replacement scales for the school teachers. Accordingly the replacement scales were implemented vide Ministry of Finance (Deptt. of Expenditure)'s Notification No.F.15 (1)-IC/86 dated 15th Sept 1986 and 22nd Sept 1985. Subsequently it was clarified that the revised scales of pay for different grades of teachers are based only on the recommendations of the fourth central pay commission, that decision on the recommendations of National commission on Teachers- It is yet to be taken and that it would be done as soon as possible.

2. In partial modification of finance Ministry's Notification No.F.15(1)-IC/86 dated 15th Sept 1986 and 22nd Sept 1985, by which replacement scales were given to school teachers, it has now been decided that the revised pay scales of school teachers in all union territories (Except Chandigarh) including Govt. aided schools and organisations like Kendriya Vidyalaya sangathan and Central Tibetan school -Administration etc shall be as under :-

केंद्रीय प्रशासनिक आयोग
Central Administrative Tribunal
(a)
- 5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Category of School Teachers	Revised pay scales
Primary school teachers	Rs. 1200-30-1580-EB-30-1560-EB-40-1800-EB-40-2040/-
Senior scales (after 12 years)	Rs. 1400-40-1500-50-1650-EB-2300-60-2600/-
Selection grade (after 12 years in senior scales and attainment of qualification laid down for TPTs)	Rs. 1640-60-2000-EB-60-2300-EB-60-2600-75-2750-EB-75-2900/-
(b) Trained Graduate Teachers/ Headmaster of Primary/School	Rs. 1400-40-1600-1650-EB-50-1750-EB-50-2250-EB-50-2500-60-2600/-
Selective senior scales (after 12 years)	Rs. 1640-60-2000-EB-60-2360-EB-60-2600-75-2750-EB-75-2900/-
Selection scale (after 12 years in senior scales and attainment of qualifications laid down for TPTs)	Rs. 2000-60-2300-75-2375-EB-75-2625-EB-75-3000-100-3500-EB-100-3500/-
(c) Post Graduate teachers/head master of Middle school	Rs. 1640-60-2000-EB-60-2560-EB-2600-75-2750-EB-75-2900/-
Senior scales (after 12 years)	Rs. 2000-60-2500-75-2375-EB-75-2625-EB-75-3200-100-3500-EB-100-3500/-
Selection scales (after 12 years in senior scales scale)	Rs. 2200-75-2650-EB-75-2900-100-3200-EB-100-3600-EB-100-4000/-

It has also been decided to grant teaching allowance Rs. 100/- pm to Primary school teachers/HM of primary schools, trained graduate teachers, Headmaster of MI schools and post graduate teachers. Special allowance at the rate of 150/- pm payable to principal and principal of senior school and headmaster of secondary school.

Attached
Dutta
Adv

3. The revised pay scales will be admissible subject to the following conditions:-

a) While senior scale will be granted after 12 years to primary school teachers, trained graduate teachers/III of primary school and post graduate teachers/III of middle school, the selection scale will be granted after 12 years service in the senior scale of the respective cadre. For the vice principal/III of secondary schools there will be only senior scale after 12 years no selection scale.

b) The number of posts in the selection scale for primary school teachers, trained graduate teachers/III of primary school, post Graduate Teachers/III of Middle School will be restricted to 20% of the number of posts in the senior scale of the respective cadre.

c) Senior and selection scale will be given after be regarding their satisfactory performance by an appropriate DPC.

d) Every teachers would be required to participate in an in-service training programme of at least 5 weeks before he/she cross an EB or is promoted to senior scale or selection scale is once in every 6 years provided that where arrangements for such training cannot be made, the appointing authority may a category of teachers for a specific period of time.

e) Although for purposes of grant of selection scale primary school teachers and trained graduate teachers will be required to obtain higher qualifications, they will not be required to shift to an institution of higher level.

f) Appointment to the post of school principal, vice principal and III will be made in all schools on the basis of merit.

4. The revised pay scales, teachers' scale and special scale will be applicable with effect from 1.1.86. The arrears of pay for the period 1.1.86 to 31.3.86 will be accrued over and above the arrears of pay consequent the revision of pay scale on the recommendation of 4th pay commission vide ministry of Fin notification No 15(T) TC/86 dated 13-9-1985 and 22-9-86 will have to deposited in provisions a/o.

5. The above pay scale will be applicable to school teachers of the categories mentioned above and to the incumbents of such posts are analogous to the above mentioned posts of teachers working in schools in all union territories (except Chandigarh) including govt aided schools and organisations like Kendriya Vidyalaya Sankatam, central liberal school Adm etc.

6. Amendment to the central civil senior (review pay) Rules, 1986 will be issued separately by the Min of Fin.

7. This issues with the concurrence of Min of Fin (Dept of Exptd vide their UO No. 4183/E NI/87 dated 10-9-1987.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

= 5 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ANNEXURE-3

/COPY/

NO.II.27013/35/99-PF.IV
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRE MANTRALAYA

New Delhi, the 8th June, 2001

The Director General
Assam Rifles
Shillong-793011

SUB: REVISION OF PAY SCALE OF TEACHING STAFF IN ASSAM
RIFLES - REGARDING

Sir,

I am directed to refer to your letter No. A/VII-
23/T/86/Vol.III/569 dated 10.11.2000 on the subject cited
above and to convey the sanction of the President to the
upgradation of pay scale of teachers in Assam Rifles
w.e.f. 1.1.96 as under :-

Post	Existing Scale	Revised Scale
1) Junior Teacher	Rs.4000-6000/-	Rs. 4500-7000/-
11) Senior Teacher	Rs. 5000-8000/-	Rs. 5500-9000/-

2. The expenditure on this account will be met from
the sanctioned budget grant of Assam Rifles under head
"Salaries".

3. This issues with the approval of Ministry of Finance,
Deptt. of Expenditure vide their Dy. No. 70/5/2001-IC
dated 31.5.2001 and Integrated Finance Division of this
Ministry vide their Dy. No. 811/Fin.II/2001 dated 08.6.
2001.

Yours faithfully,

Sd/- xx xx xx
(Nirmala Dev)
Desk Officer

Copy to :-/

- (i) Pay & Accounts Officer, Assam Rifles, Shillong
- (ii) Pay & Accounts Officer, MHA.
- (iii) JS(P), MHA (for information).
- (iv) Director (PF), MHA. (for information)
- (v) Director (Pers), MHA.
- (vi) Fin.II (MHA).
- (vii) LOAR, MHA.
- (viii) Guard File (PF.IV).

*Attached
Nirmala
Adv*

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
- 5 JAN 2009
गुवाहाटी न्यायपीठ,
Guwahati Bench

Page 32

No.35034/1/97-Est(D)
Government of India

ANNEXURE-4

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi-110001
August 9, 1999

OFFICE MEMORANDUM

SUBJECT: ASSURED CAREER PROGRESSION SCHEME FOR
CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees of 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 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 the following modifications as indicated hereunder:

2. GROUP 'A' CENTRAL SERVICES

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

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

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no.4 in Annexure-1) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-1.

11/11/1999

Attended
Dutta
AeW

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
5 JAN 2009
गुवाहाटी बेंच
Guwahati Bench

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

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

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

.....3/-

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
= 5 JAN 2009
गुवाहाटी ब्याच
Guwahati Bench

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

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

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

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

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

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

13. Hindi version would follow.

(K.K. JHA)

Director (Establishment)

To

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

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
4/-
 5 JAN 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

51 25

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

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

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

.....6/-

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

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

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

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

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

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
- 5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

[Signature]
(K.K. JHA)
Director (Establishment)

ANNEXURE-II

STANDARD/Common PAY-SCALES

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

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

S.No.	Revised pay-scales (Rs)	
1.	S-1	2550-55-2660-60-3200
2.	S-2	2610-60-3150-65-3540
3.	S-3	2650-65-3300-70-4000
4.	S-4	2750-70-3800-75-4400
5.	S-5	3050-75-3950-80-4590
6.	S-6	3200-85-4900
7.	S-7	4000-100-6000
8.	S-8	4500-125-7000
9.	S-9	5000-150-8000
10.	S-10	5500-175-9000
11.	S-12	6500-200-10500
12.	S-13	7450-225-11500
13.	S-14	7500-250-12000
14.	S-15	8000-275-13500
15.	S-19	10000-325-15200
16.	S-21	12000-375-16500
17.	S-23	12000-375-18000
18.	S-24	14300-400-18300

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
= 5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

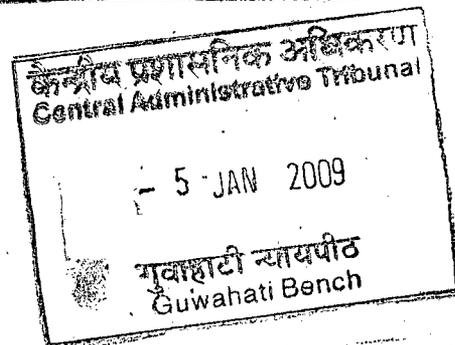
MAIN FEATURES OF THE ASSURED CAREER PROGRESSION SCHEME

The main features of the Assured Career Progression Scheme are:-

General Administrative
- 5 JAN 2009
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

- (i) It is financial upgradation not promotion.
- (ii) It has no relation with vacancies.
- (iii) Normal (Regular) promotion on the basis of vacancies will continue to be granted as per relevant rules, when vacancies in higher grade arise.
- (iv) Cadre Review will not cease.
- (v) The benefit is on personal basis.
- (vi) Two financial upgradations under the ACP Scheme shall be available on completion of 12 years and 24 years of regular service respectively.
- (vii) If the first upgradation gets postponed on account of the employee not found fit due to Departmental proceedings etc, this would have consequential effect on the second upgradations.
- (viii) If an employee has already got one regular promotion, he shall qualify for the first financial upgradation 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 financial benefit under the scheme shall accrue to him.
- (ix) Departmental Screening Committees (same as DPCs) to process cases.
- (x) Screening to be held twice a year - Jan and Jul in advance. First screening to be done within one month of the issue of the order for cases maturing upto 31 March 2000.
- (xi) Scheme to be operational w.e.f. 09 Aug 99.

- (xii) Upgradation to be given to the next higher grade in accordance with existing hierarchy in the Cadre. In case of isolated posts where there is no hierarchy, upgradation should be given in the next higher scale as per standard pay scales recommended by Fifth CPC.
- (xiii) On financial upgradation, the concerned employee will continue to retain old designation and perform such duties as entrusted to the employee.
- (xiv) The ACP Scheme will be restricted to financial and certain other benefits like House Building Advance, Allotment of Government Accommodation, Advances etc. only. This will not confer any privilege related to higher status e.g. deputation to higher posts etc.
- (xv) On upgradation under ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I)(a)(1) subject to a minimum financial benefit of Rs.100. The financial benefit allowed under the ACP Scheme shall be final and no fixation benefit will accrue at the time of regular promotion.
- (xvi) In the matter of Disciplinary Penalty proceedings, grant of benefits under the ACP Scheme will be subject to rules governing normal promotion.
- (xvii) Orders regarding reservation in promotion are not applicable to ACP Scheme.
- (xviii) Existing In Situ Promotion Scheme will not run concurrently with the ACP Scheme.
- (xix) In cases where employees have already completed 24 years of regular service with or without a promotion, second financial upgradation under the Scheme shall be granted directly.



- 31 - ANNEXURE-5

**STATEMENT OF FIXATION OF PAY UNDER CENTRAL CIVIL SERVICE (REVISED PAY)
RULES, 2008**

60

1.	Name of the Government Servant	: ST-002 Smt P Bhattacharjee.
2.	Designation of the post in which pay is to be fixed as on January 1, 2006	: Senior Teacher.
3.	Status (Substantive/officiating)	: Substantive.
4.	Pre-revised scale(s) of pay applicable for the post (in case more than one scale of pay is applicable for the post and these have been merged in pursuance of the recommendation of the Sixth CPC in a single revised scale, the scale of pay in which the employee was actually drawing his pay should be specified).	: Rs 5500-175-9000
5.	Existing emoluments as on January 1, 2006	
	(a) Basic pay (including Stagnation Increments, if any)	: Rs 7,250.00
	(b) Dearness Pay	: Rs 3,625.00
	(c) Dearness Allowance applicable at CICPI average 536 (182 = 100)	: Rs 2,610.00
	(d) Total existing emoluments ((a) to (c))	: Rs. 13,485.00
6.	Revised pay band and grade pay corresponding to the pre-revised scale shown at Sl. No.4 above. (In the case of HAG+ and above the appropriate scale may be mentioned)	: PB - 2. Rs 9300-34800 + Rs 4,600/-
7.	Pay in the revised pay band/scale in which pay is to be fixed as per the fitment table attached at Annex - I.	: Rs 13,490.00
8.	Grade pay to be applied in terms of Rule 4 of CCS (RP) Rules, 2008	: Rs 4,600.00
9.	Stepped up pay with reference to the revised pay of Junior, if applicable (Notes 7 and 10 below Rule 7(1) of CCS (RP) Rules, 2008). Name and pay of the junior also to be indicated distinctly.	: NA
10.	Revised pay with reference to the Substantive Pay in cases where the pay fixed in the officiating post is lower than the pay fixed in the substantive post if applicable (Sub Rule (2) of Rule 7)	: NA
11.	Personal Pay, if any (Notes 6 and 8 below Rule 7(1))	: NA

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

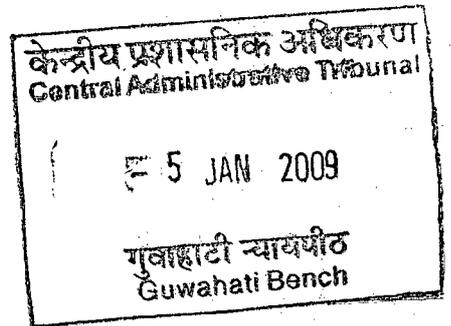
5 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

12.	Revised emoluments after fixation						
	(a) Pay in the Revised Pay Band/Pay Scale	:	Rs 15,180.00				
	(b) Grade Pay	:	Rs 4,600.00				
	(c) Special Pay, if admissible (Sub Rule 1(C) of Rule 7)	:	NA				
	(d) Personal Pay, if admissible	:	NA				
	(f) Non-Practicing Allowance, if admissible (Sub Rule 1(D) of Rule 7)	:	NA				
13.	Date of next increment (Rule 9 & 10) and pay after grant of increment	:	NA				
	<u>Date of Increment</u>		<u>Pay after Increment</u>				
	(a) 01 Jul 2006 - Rs 14,040.00.						
	(b) 01 Jul 2007 - Rs 14,600.00.						
	(c) 01 Jul 2008 - Rs 15,180.00.						
			<table border="1"> <thead> <tr> <th><u>Pay in the Pay Band/Scale</u></th> <th><u>Grade Pay (wherever applicable)</u></th> </tr> </thead> <tbody> <tr> <td>Rs 15,180.00</td> <td>Rs 4,600.00</td> </tr> </tbody> </table>	<u>Pay in the Pay Band/Scale</u>	<u>Grade Pay (wherever applicable)</u>	Rs 15,180.00	Rs 4,600.00
<u>Pay in the Pay Band/Scale</u>	<u>Grade Pay (wherever applicable)</u>						
Rs 15,180.00	Rs 4,600.00						
14.	<u>Any other relevant information</u>	:	Incumbent proceeding on superannuation pension wef 01 Feb 09.				

Date : 15 Sep 08

Signature & Designation of Head of Office.



- 33 - ANNEXURE-6
STATEMENT OF FIXATION OF PAY UNDER CENTRAL CIVIL SERVICE (REVISED PAY)
RULES, 2008

62

1.	Name of the Government Servant	: 5410014 Smt P Bhattacharjee.
2.	Designation of the post in which pay is to be fixed as on January 1, 2006	: Senior Teacher
3.	Status (Substantive/officiating)	: Substantive.
4.	Pre-revised scale(s) of pay applicable for the post (in case more than one scale of pay is applicable for the post and these have been merged in pursuance of the recommendation of the Sixth CPC in a single revised scale, the scale of pay in which the employee was actually drawing his pay should be specified).	: Rs 5500-175-9000
5.	Existing emoluments as on January 1, 2006	
	(a) Basic pay (including Stagnation Increments, if any)	: Rs 6,550.00
	(b) Dearness Pay	: Rs 3,275.00
	(c) Dearness Allowance applicable at CICPI average 536 (182 = 100)	: Rs 2,358.00
	(d) Total existing emoluments ((a) to (c))	: Rs. 12,183.00
6.	Revised pay band and grade pay corresponding to the pre-revised scale shown at Sl. No.4 above. (In the case of HAG+ and above the appropriate scale may be mentioned)	: PB - 2. Rs 9300-34800 + Rs 4,600/-
7.	Pay in the revised pay band/scale in which pay is to be fixed as per the fitment table attached at Annex - I.	: Rs 12,190.00
8.	Grade pay to be applied in terms of Rule 4 of CCS (RP) Rules, 2008	: Rs 4,600.00
9.	Stepped up pay with reference to the revised pay of Junior, if applicable (Notes 7 and 10 below Rule 7(1) of CCS (RP) Rules, 2008). Name and pay of the junior also to be indicated distinctly.	: NA
10.	Revised pay with reference to the Substantive Pay in cases where the pay fixed in the officiating post is lower than the pay fixed in the substantive post if applicable (Sub Rule (2) of Rule 7)	: NA
11.	Personal Pay, if any (Notes 6 and 8 below Rule 7(1))	: NA

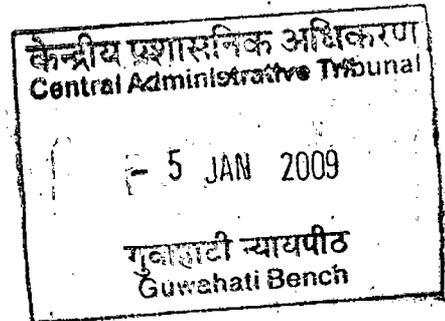
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
- 5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

*Attended
Bulla
A-DW*

12.	Revised emoluments after fixation						
	(a) Pay in the Revised Pay Band/Pay Scale	:	Rs 12,190.00				
	(b) Grade Pay	:	Rs 4,600.00				
	(c) Special Pay, if admissible (Sub Rule 1(C) of Rule 7)	:	NA				
	(d) Personal Pay, if admissible	:	NA				
	(f) Non-Practicing Allowance, if admissible (Sub Rule 1(D) of Rule 7)	:	NA				
13.	Date of next increment (Rule 9 & 10) and pay after grant of increment	:	NA				
	Date of Increment		Pay after Increment				
	(a) 01 Jul 2006 - Rs 12,560.00. 12700						
	(b) 01 Jul 2007 - Rs 12,940.00. 13220						
	(c) 01 Jul 2008 - Rs 13,330.00. 13760						
			<table border="1"> <tr> <td>Pay in the Pay Band/Scale</td> <td>Grade Pay (wherever applicable)</td> </tr> <tr> <td>Rs 13,330.00</td> <td>Rs 4,600.00</td> </tr> </table>	Pay in the Pay Band/Scale	Grade Pay (wherever applicable)	Rs 13,330.00	Rs 4,600.00
Pay in the Pay Band/Scale	Grade Pay (wherever applicable)						
Rs 13,330.00	Rs 4,600.00						
14.	<u>Any other relevant information</u>	:	Incumbent proceeding on superannuation pension wef 01 Feb 09.				

Date : Dec 08

Signature & Designation of Head of Office.



-35- ANNEXURE-7
STATEMENT OF FIXATION OF PAY UNDER CENTRAL CIVIL SERVICE (REVISED PAY) RULES, 2008

1.	Name of the Government Servant	: 5410014 Smt P Bhattacharjee.
2.	Designation of the post in which pay is to be fixed as on January 1, 2006	: Senior Teacher
3.	Status (Substantive/officiating)	: Substantive.
4.	Pre-revised scale(s) of pay applicable for the post (in case more than one scale of pay is applicable for the post and these have been merged in pursuance of the recommendation of the Sixth CPC in a single revised scale, the scale of pay in which the employee was actually drawing his pay should be specified).	: <u>Rs 5500-175-9000</u>
5.	Existing emoluments as on January 1, 2006	
	(a) Basic pay (including Stagnation Increments, if any)	: Rs. 6,550.00
	(b) Dearness Pay	: Rs. 3,275.00
	(c) Dearness Allowance applicable at CICPI average 536 (182 = 100)	: Rs. 2,358.00
	(d) Total existing emoluments ((a) to (c))	: Rs. 12,183.00
6.	Revised pay band and grade pay corresponding to the pre-revised scale shown at Sl. No.4 above. (In the case of HAG+ and above the appropriate scale may be mentioned)	: PB - 2. Rs 9300-34800 + Rs 4,600/-
7.	Pay in the revised pay band/scale in which pay is to be fixed as per the fitment table attached at Annex - I.	: Rs 12,190.00
8.	Grade pay to be applied in terms of Rule 4 of CCS (RP) Rules, 2008	: Rs 4,600.00
9.	Stepped up pay with reference to the revised pay of Junior, if applicable (Notes 7 and 10 below Rule 7(1) of CCS (RP) Rules, 2008). Name and pay of the junior also to be indicated distinctly.	: NA
10.	Revised pay with reference to the Substantive Pay in cases where the pay fixed in the officiating post is lower than the pay fixed in the substantive post if applicable (Sub Rule (2) of Rule 7)	: NA
11.	Personal Pay, if any (Notes 6 and 8 below Rule 7(1))	: NA

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
 - 5 JAN 2009
गुवाहाटी बेंच
Guwahati Bench

*Accepted
 Anita
 Ash*

12.	Revised emoluments after fixation						
	(a) Pay in the Revised Pay Band/Pay Scale		Rs 12,190.00				
	(b) Grade Pay		Rs 4,600.00				
	(c) Special Pay, if admissible (Sub Rule 1(C) of Rule 7)	:	NA				
	(d) Personal Pay, if admissible	:	NA				
	(f) Non-Practicing Allowance, if admissible (Sub Rule 1(D) of Rule 7)	:	NA				
13.	Date of next increment (Rule 9 & 10) and pay after grant of increment	:	NA				
	Date of Increment		Pay after Increment				
	(a) 01 Jul 2006 - Rs 17,300.00.		<table border="1"> <tr> <td>Pay in the Pay Band/Scale</td> <td>Grade Pay (wherever applicable)</td> </tr> <tr> <td>Rs 13,760.00</td> <td>Rs 4,600.00</td> </tr> </table>	Pay in the Pay Band/Scale	Grade Pay (wherever applicable)	Rs 13,760.00	Rs 4,600.00
Pay in the Pay Band/Scale	Grade Pay (wherever applicable)						
Rs 13,760.00	Rs 4,600.00						
	(b) 01 Jul 2007 - Rs 17,820.00.						
	(c) 01 Jul 2008 - Rs 18,360.00.						
14.	Any other relevant information	:	Incumbent proceeding on superannuation pension wef 01 Feb 09.				

Date: 12 Jan 09

[Signature]
M.A./L. Col
D.D.O

Signature & Designation of Head of Office.

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 5 JAN 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench

156

66

3431

D.D (A) FAX

1/1

No. II.27013/35/99-PF.IV
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 3rd July, 2002.

To,
The Director General,
Assam Rifles,
Shillong-793011.

Sub:- Revision of Pay Scale of Teaching Staff in Assam Rifles-
regarding.

Sir,

I am directed to refer to your letter No. A/VII-PS/T/86/Vol.III/560 dated 15.6.2001 on the subject cited above. The matter regarding admissibility of revised pay scales in respect of different categories of Senior Teachers of Assam Rifles has been considered in consultation with Ministry of Finance.

2. It is clarified that only such Sr. Teachers of Assam Rifles may be placed in the higher scale of Rs.5500-9000/- whose recruitment rules prescribe minimum qualification of Graduation + B.Ed on par with TGT's of Central Government. All other categories of Sr. Teachers may only be placed in the corresponding revised pay scales without any upgradation.

3. This issues with the approval of Ministry of Finance vide their Dy.no 70/5/2001-IC dated 26.06.2001 and Integrated Finance Division of this Ministry vide their Dy.No.612/Fin.II/2001 dated 01.07.2002.

Yours faithfully,
(Signature)
3/7/2002
(Nirmala Dev)
Desk officer

Copy to:-

- (i) Pay & Accounts Officer, Assam Rifles, Shillong.
- (ii) Pay & Accounts officer, MHA.
- (iii) JS(P), MHA (for information).
- (iv) Director(PF), MHA (for information).
- (v) Director (Pers), MHA.
- (vi) Fin.II (MHA).

*Attended
Banta
Shw*

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
- 5 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Tele No : 705076

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793 011

A/VIII-PS/T/86/Vol-III/1006

17 Jul 2002

List - 'A'

List - 'B'

List - 'C'

List - 'D'

REVISION OF PAY SCALE OF TEACHING STAFF IN
ASSAM RIFLES

1. Ref this Directorate letter No A/VIII-PS/T/86/Vol III/654 dt 07 Dec 2001.

2. A copy of MHA's letter No II.2701/35/99-PF.IV dated 03 Jul 2002 regarding admissibility of revised pay scales in respect of different categories of Senior Teachers of Assam Rifles is fwd herewith for implementation of proper pay scales to Senior Teachers with Graduation B.Ed and without B.Ed please.

Encl :- As above

(I M Singh)

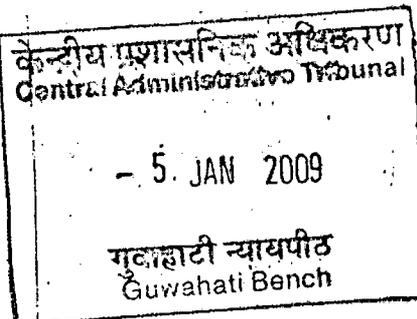
Lt Col.

Assistant Deputy Director (A)
for Director General Assam Rifles

Copy to :-
(Internal)

Record Branch (NE Section)

- alongwith a copy of MHA's above mentioned letter for info please.



*Directed
Dutta
Adv*

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

L14016/Rec(Adm-IV)/ACP/2008/ 121

07 Oct 2008

Headquarters
21 Sector Assam Rifles
C/O 09 APO

ORDER ON GRANT OF FIN BENEFIT UNDER ACP
SCHEME TO TEACHING STAFF

1. Ref your letter No. A/15007/2008/1620 dated 08 Jul 2008.
2. Smt Pranali Bhattacharjee, Senior Teacher of 15 AR was appointed as Junior Teacher on 12 Oct 1971 and further promoted to the rank of Senior Teacher on 09 Aug 84 in the pay scale of Rs.1200-30-1500-EB 40-2040/- and revised pay scale in the 5th CPC 4500-7000/-.

2. She is authorized to draw pay and allowance in the pay scale of Rs.4500-7000 wef 01 Jan 1996 as per 5th revised pay scale (Photo copy attached for your ready reference).

3. Particulars in re Smt Pranali Bhattacharjee are as under :-

- (a) Date of appointment (Junior Teacher) - 12 Oct 1971
- (b) Date of appointment (Senior Teacher) - 09 Aug 1994
- (c) Date of completion of 12 years service - 12 Oct 1983
- (d) Date of completion of 24 years service - 09 Aug 1990

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
- 5 JAN 2009
गुवाहाटी ब्रांच
Guwahati Branch

4. The following ACP have already been granted to the indl vide this Dir letter No L14017/Rec(Adm-IV)/2008/038 dated 03 Jun 2008 :-

- (a) 1st ACP in the next higher pay scale of Rs. 5000-150-8000/- wef 09 Aug 1992 was grd to the indl after completion of 12 yrs regular service.
- (b) 2nd ACP was granted to the indl after completion of 24 years service in the next higher pay scale of Rs. 5500-175-8000/- wef 09 Aug 1999.

5. It is clarified that only such senior teachers of Assam Rifles may be placed in the higher scale of Rs.5500-9000/- whose recruitment rules prescribe minimum qualification of Graduation/B.Ed at par with TGTs (Trained Graduate Teachers) of Central Government. All other categories of senior teachers may only be placed in the corresponding revised pay scales without any upgradation vide MHA letter No D/7013/3500-PT IV dated 03 Jul 2002. This is already intimated/circulated to units/Sectors and IGARs vide this Dir letter No AVII-PC/186/Vol-III/100 dated 17 Jul 2002.

Contd...2/-

*Attended
Butta
Adh*

5. Since Smt Pranali Bhattacharjee, Senior Teacher, is not B.Ed qualified her pay scale of Rs 5500-175-9000/- not authorized w.e.f. 01 Jan 1998 vide MHA letter No II 27013/35/99-PF-IV dated 03 Jul 2002 and this Ote letter No AVIII-PS/1/86/NoHIV108 dated 17 Jul 2002 (Photo copy attached for your ready reference)

This is for your info and necessary action please

[Handwritten signature]

(Jose K K)
Lt Col
Offy SO-1 (Adm & Docus)
for Diig (Pers)

Encl. As above

Copy to

15 Assan Files
Pm 93/015
C/O 99 APO

for info please

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
5 JAN 2009
गुवाहाटी बेंच
Guwahati Bench

To

The Director General
Mahanideshlaya
Assam Rifles
Shillong - 11

(Through proper channel)

Sub :- Pension Proposal of self.

Respected Sir,

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 5 JAN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Most humbly I beg to submit the following lines for your kind Perusal please.

Sir, some doubts has arisen as to the pay scale to which I was entitled as on 1st January 1996.

That Sir, I was appointed as a junior teacher in the pay scale of Rs 110 wef from 12 - 10-1971. The revised pay scale corresponding to that was Rs 330 - 560 wef 01- 01 1986.

Sir, I have been promoted as senior teacher on 09 - 08 - 1994 consequent upon upgradation of the pay scales. I was entitled to the pay scale of Rs 5500 - 9000/- wef -1 - 01 - 1996.

Sir since I had rendered more than 24 years of regular and continuous service and got promotion as senior teacher, I was further entitled to the next higher pay scale of Rs 6500 to 10.500 as the 2nd ACP after introduction of ACPs in 1999 as to my belief. Under the ACPs only next higher pay scale in the existing hierarchy is allowed as ACP benefit.

In view of the above I pray to your good self to kindly ensure that after having rendered 37 years of service, pensionary benefits should be allowed to me on my superannuation without any hindrance.

Superannuation.

Thanking you sir in anticipation.

Yours faithfully

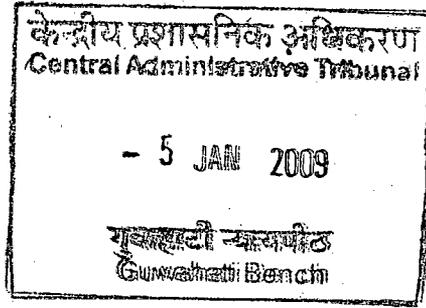
Mrs Pranati Bhattacharjee
Senior Teacher.

Dated 18 Dec 2008

*Attached
Dutta
Adv*

From :- 5410014, Smt. P. Bhattacharjee
Sr. Teacher
15 Assam Rifles

To :- The Director General
Mahanideshalaya
Assam Rifles
Shillong - 973011



(Through proper channel)

Sub :- Anomalies in the Fixation of pay and Grand of 3rd ACP.

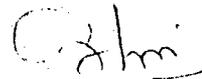
Sir,

1. Most humbly I beg to submit the following lines for your kind perusal.
2. I was appointed as a junior teacher on 12-10-1971 and promoted to Sr. Teacher on 09-08-1994. With out any financial benefit. When the 5th CPC implemented I was placed in the pay scale of 5500-175-9000 wef 01-01-1996.
3. But as per your letter No.I.14016/Rec (Adm-IV) ACP/2008/21 dated 07 Oct 2008, my pay scale has been re fixed and brought down to 4500-125-7000. **Would you please explain how can you re-fix my pay (brought down) in the scale of 4500-125-7000, when you give the 1st ACP to junior teachers with out B Ed the scale of 5000-150-8000, which should (at least) be the corresponding scale of a Sr. Teacher with out B Ed.**
4. More over while re-fixing pay based on your letter quoted above, please note that while calculating the yearly increments from 2006, the Grade pay has not been counted and hence again **an error in the calculation of Basic pay taken place.**
5. Further more, as per the 6th CPC there are three ACP schemes and my 3rd ACP is also to be **calculated before finalizing my pension.**
6. In view of the above said reasons , I request your kind office to go through the above three requests and remove anomalies in the fixation of pay before my super annuation.
7. Thanking you sir in anticipation .

Recd
09/01

Dated : 07 Jan 2009.

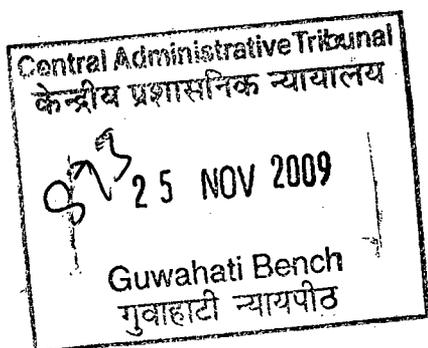
Yours faithfully,


(Pranati. Bhattacharjee)

Attested
Date
Adw

Filed by
The Respondents through
Usha Das
Addl. Case #
25/11/2009

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH



IN THE MATTER OF :

O.A No.13/2009

Smt Pranati Bhattacharjee, Retd Senior Teacher

.....Applicant

- Versus -

Union of India & Others

..... Respondents

IN THE MATTER OF :

Written statement submitted by the Respondents

WRITTEN STATEMENT

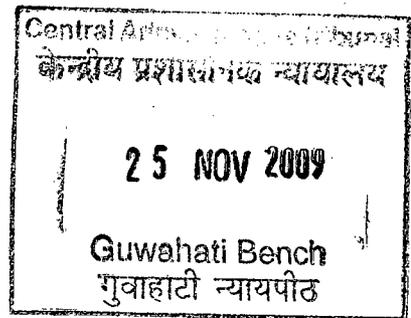
The humble answering respondents submit their written statement as follows:

- (a) That I Majoo Onkar Chand.....son of Shri Lachman Singh.....am competent and authorised to file the statement on behalf of all the respondents in the above case and I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statement made in the application may be deemed to have been denied.

Received
Date
25/11/09

[Signature]

Form No. 2 (अनु-कोषादी)
DO & Coord
बहानिदेशालय अमरा राईपुर
Directorate General Assam
दिसाई - 783011
Call No. 2822



This Directorate letter No. I.14016/Rec (Adm-IV) ACP/2008/121 dated 07 October 2008 was not issued arbitrarily but it was issued in reply to Headquarter 21 Sector letter No. A/15007/2008/628 dated 08 July 2008 asking for grant of higher pay scale to the ibid applicant (Annexure R-5 refers).

Photocopy of Headquarter DGAR Signal No. A3139 dated 30 January 1995 is attached herewith as marked as

Annexure R-3.

Photocopy of Ministry of Home Affairs letter No.II.27013 / 35 / 99-PF. IV dated 08 June 2001 is attached herewith and marked as **ANNEXURE R-4.**

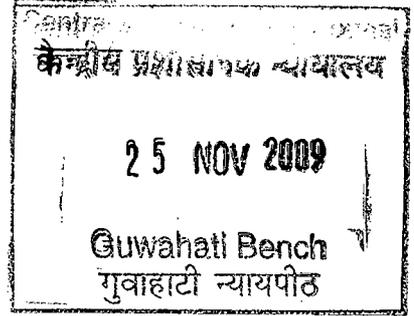
Photocopy of Directorate General Assam Rifles letter No. (Adm-IV)ACP/2008/121 dated 07 October 2008 is attached herewith and marked as **ANNEXURE R-5.**

4. That with regard to statements made in paragraphs 2 to 3 of the Application, the answering respondents have nothing to state as the same pertains to the jurisdiction and limitation to entertain the present application. However the answering respondents beg to state that the application is unjust and unsustainable both on facts and in Law.
5. That the averment made in Para 4.1 and 4.2 the Original Application, the answering respondents submit that the applicant was appointed in the force as Junior teacher on 12 Oct 1971 and proceeded on superannuation pension wef 01 Feb 2009(FN) rest being formal submission of the applicant, the answering respondents offers no comments .

↓

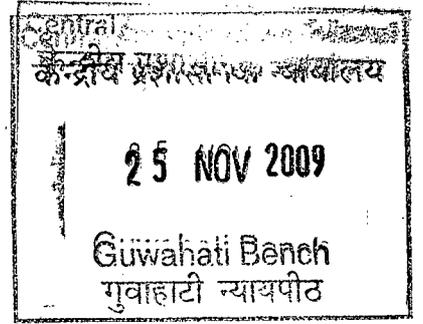
(Signature)

No. 14016/Rec (Adm-IV) ACP/2008/121
भारतनिदेशात्मक प्रशासनिक न्यायालय
Directorate General Assam Rifles
गुवाहाटी-781011
Phone-982211



6. That with regard to statements made in paragraphs 4.3 of the Original Application, the answering respondents beg to state that the Assam Rifles is governed by the Ministry of Home Affairs and all the teachers are General Central Services group 'C' non gazetted and non ministerial employees as per Gazette Notification No 10 dated 07 March 1981 (Annexure R-1 refers). However, it is submitted that the post of Senior Teacher is to be filled 50% by direct recruitment and remaining 50% by promotion, failing which, through direct recruitment.
7. That with regard to statements made in paragraphs 4.4 of the Application, the answering respondents beg to state that the same is a matter of record and hence offers no comment.
8. That with regard to statements made in paragraphs 4.5 of the Application, the answering respondents beg to state that the Assam Rifles does not come under Human Resource Development, Department of Education Ministry. The Assam Rifles is governed by Ministry of Home Affairs as per Gazette Notification No 10 dated 07 March 1981(Annexure R-1 refers). Further the contents of this para are partially correct to the extent of pay scale of 3rd and 4th CPC. But the pay scale of senior Teacher with effect from 01 January 1996 @ Rs. 5500-9000 is applicable to only those senior teachers whose qualification is Graduation + B.Ed. Moreover different Central Police Organizations and Government departments have different task / role, rank structures, pay scales and are hence cannot be compared.

[Handwritten signature]
रजिस्ट्रार (सी.आर.ए.ओ.)
गुवाहाटी न्यायपीठ
दिनांक: 25/11/2009
पृष्ठ संख्या: 02/2009



9. That with regard to statements made in paragraphs 4.6 of the Application, the answering respondents beg to state that the contention of the applicant is incorrect and baseless. The applicant had already enjoyed one regular promotion from Junior Teacher to the rank of Senior Teacher with effect from 09 August 1994 thus she was granted ACP II wef 09 Aug 1999 in the pay scale of Rs 5500-9000/- vide HQ DGAR letter No.I.14017/Rec(Adm-Iv)/2008/038 dt 03 Jun 2008 as she was in receipt of pay scale of Rs 5000-8000/-wef 01 Jan 1996 vide MHA letter No.II27013/35/99/PF.IV dt 08 Jun 2001 read with MHA letter No.II.27013/35/99-PF-IV dt 03Jul 2002(refer Annexure -2).
10. That with regard to statements made in paragraphs 4.7 of the Application, the answering respondents beg to state that the contention of the applicant is incorrect and baseless. As per MHA letter No.II.27013/35/99-PF-IV dt 03 Jul 2002 (Annexure-2 refer),it is clarified that only such Sr.Teacher with minimum qualification of Graduation +B.ED at par with TGT of Central Govt. of the Assam Rifles may be placed in the higher scale of Rs.5500-9000/- rest all other categories of Sr. Teacher may only be placed in the corresponding revise pay scales without any up gradation. Thus the applicant has always been placed in the correct granted pay scale and not eligible for the scale of Rs.6500-200-10500/-
11. That with regard to statements made in paragraphs 4.8 of the Application, the answering respondents beg to state that the applicant is no where placed in lower scale of pay. She was correctly granted the pay scale of Rs.5000-150-8000/- with effect from 01 January 1996 vide 18 Assam Rifles part II order No.03/Civ/2002 dated 19 Mar 2002. The revised pay scale of Rs. 5500-175-9000/- has been

[Signature]
[Official Name]
[Designation]
[Address]
[Phone Number]
[Mobile Number]

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 25 NOV 2009
 Guwahati Bench
 गुवाहाटी न्यायपीठ

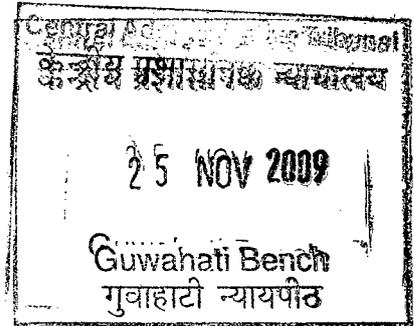
denied to the applicants on the basis of Ministry of Home Affairs vide letter dated 03 July 2002 as the same is only applicable to Teachers having prescribe minimum qualification of Graduation plus B.Ed. and all other categories of Sr. Teachers of Assam Rifles to placed in the corresponding revised pay scales without any up gradation.

✓ 12.

That with regard to statements made in paragraphs 4.9 of the Application, the answering respondents beg to state that the promotion of Junior Teachers to the rank of Senior Teacher may be issued as per Assam Rifles Teaching staff Recruitment Rules 1980, on occurrence of vacancy of Senior Teacher. The applicant had to serve as a Junior Teacher, for a long period prior to her promotion to the rank of Senior Teacher, for want of vacancy. However it is reiterated that only such Senior Teachers of Assam Rifles may be placed in the higher scale of 5500-175-9000/- whose Recruitment Rules prescribed minimum qualification of Graduation plus B.Ed at par with TGT of Central Government. All other categories of Senior Teachers of Assam Rifles may only be placed in the corresponding revised pay scales without any up-gradation. Moreover, the letters dated 03 July 2002, 17 July 2002 and 07 Oct 2008, in no way violated the provisions of Assam Rifles teaching Staff Recruitment Rules, 1980. These letters only communicate the pay scale of senior teachers/factual position of ibid senior teacher's case.

13. That with regard to statements made in paragraphs 4.10 of the Application, the answering respondents respectfully beg to submit that every statutory order is issued in the name of the President of India in MHA. Accordingly, letter dated 08 Jun 2001 was issued by showing revised pay scale of both Junior Teachers and

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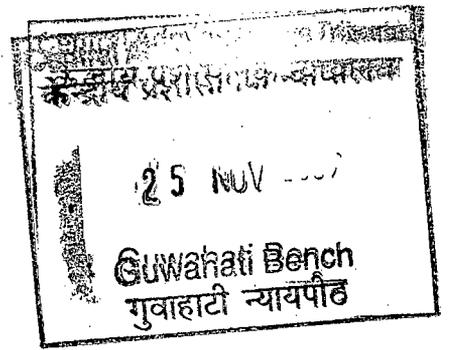
Senior Teachers. Thereafter vide MHA letter dated 03 July 2002, the position was clarified that the pay scale of Rs.5500-9000/- was applicable to only those Senior Teachers whose qualification is Graduation plus B.Ed. Both these letters were issued by MHA after obtaining due approval of Ministry of Finance.

14. That with regard to statements made in paragraphs 4.11 of the Application, the answering respondents beg to state that this Dte letter No. I.14016/Rec(Adm-IV) ACP/2008/121 dated 07 Oct 2008 was issued in reply to HQ 21 Sector Assam Rifles letter No.A/15007/2008/628 dated 08 Jul 2008 asking for grant of higher pay scale to the applicant (Annexure refers). Moreover, the applicant is nowhere placed in lower scale of pay. The applicant was correctly granted the pay scale of Rs. 5000-150-8000/- with effect from 01 Jan 1996 vide 18 AR part II order No. 03/Civ/2002 dated 19 March 2002. This Directorate letter No.I.14016/Rec(Adm-IV)/ACP/2008/121 dated 07 Oct 2008 is stating the factual positing of the case. Further it is respectfully submitted that the applicant had already availed one regular promotion from Junior Teacher to the rank of Senior Teacher with effect from 09 August 1994, she was eligible for grant of ACP II with effect from 09 August 1999. Accordingly, she was granted ACP II with effect from 09 August 1999 in the pay scale of Rs. 5500-9000. The pay scale as claimed by the ibid applicant, on grant of ACP II ie. Rs.6500-200-10500, is applicable to those senior teachers, whose qualification is Graduation + Bed. Considering the education qualification of the applicant which was only BA, she was granted correct pay scale of Rs. 5500-9000/- with effect from 09 Aug 1999 having no contravention/violation of the provision of CCS(Pension)Rules 1972.

15. That with regard to statements made in paragraphs 4.12 of the Application, the

श्री. सी. २
 ३० २ ००८
 महासिदेशाध्यक्ष, असम राईफल
 Directorate of Assam Rifles
 गिवाहाटी - ७८३०१६
 Assam-783016

- 512 -



and conditions are not applicable to Assam Rifles teachers. Assam Rifles teachers are not governed by Human Resource Department, Department of Education and Assam Rifles is governed by Ministry of Home Affairs as published vide Government of India Gazette Notification No. 10 dated 07 March 1981(Annexure R-5 refers) and accordingly pay scale have been fixed based on the existing Rules. Moreover different Central Police Organizations and Government departments have different task / role, rank structures, pay scales and are not comparable.

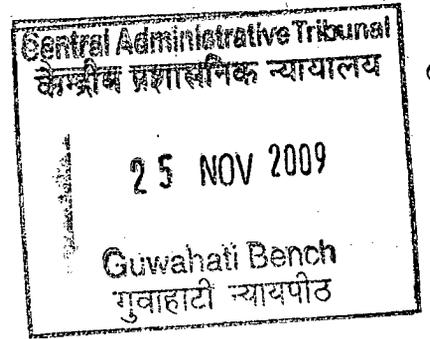
18. That with regard to statements made in paragraphs 4.15 of the Application, the answering respondents beg to state that the representation of the applicant have been carefully studied and replied to 21 Sector Assam Rifles vide this Directorate letter dated 07 Oct 2008.(Annexure R -5 refers).

19. That with regard to statements made in paragraphs 4.16 of the Application, the answering respondents beg to state that the applicant was correctly granted ACP II with effect from 09 August 1999 in the pay scale of Rs. 5500-9000/- vide this Directorate letter No. I.14017/Rec(Adm IV)/2008/038 dated 03 Jun 2008 as she was in receipt of pay scale of Rs. 5000-8000 with effect from 01 Jan 1996 vide MHA letter dated 08 Jun 2001 read with MHA letter dated 03 Jul 2002 (Annexure R1 &3 refers). In view of aforesaid , it is respectfully submitted that the applicant is now eligible for grant of difference of pay scale of Rs. 1200-30-1560-EB-40-2040 and pay scale Rs.1400-40-1600-50-2300-EB-60-2600/- with effect from 09 August 1994 to 31 December 1995.

20. That with regard to statements made in paragraphs 4.17 of the Application, the

Handwritten signature and stamp of an official. The stamp contains the text: 'সহকারী সিনিয়র সেক্রেটারী', 'গৃহ মন্ত্রণালয়', 'গুৱাহাটী', 'ফোন-৭৯৩০১১', 'টেলিফ্যাক্স-৭৯৩০১২'.

- 53 - 4



answering respondents beg to state that in view of the facts commented upon the preceding paragraphs, the Individual Pay Slip dated 12 Jan 2009 prepared by 15 Assam Rifles is correct.

21. That with regard to statements made in paragraphs 4.18 of the Application, the answering respondents beg to state that since this Directorate letter dated 07 Oct 2008 only states the factual position of the case in respect of the applicant as enumerated in the preceding paras. Further it is respectfully submitted that the applicant was in receipt of Rs. 27946/- as monthly salary in pay scale Rs. 9300-34800 + 4600 prior to her superannuation

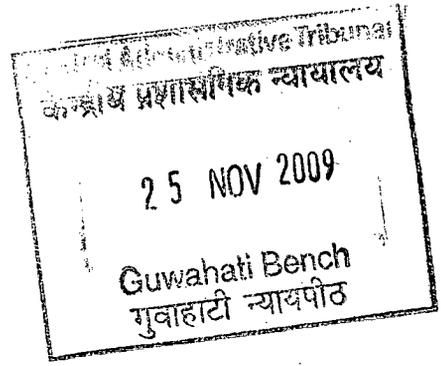
Photocopy of Central Pay Bill Office (Assam Rifles) Pay Slip for the month of January 2009 is attached herewith and marked as **ANNEXURE R-6**.

That in view of the facts mentioned herein above it is humbly prayed that the present Original Application is not bonafide and is not legally sustainable and is liable to be dismissed with cost.

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केन्द्रीय प्रशासनिक न्यायालय
गुवाहाटी न्यायपीठ
Assam Rifles
पता-783011
फोन-888228

-54-12



VERIFICATION

I, Major Onkar Chandel s/o
Sh. Lachman Singh aged about 45 years, r/o
Laitmukrah, East Khasi Hills District, Shillong working as
....., in Record Branch HQ DGAR and competent officer of
the answering respondents and I have been authorised to file written statement on
behalf of respondents do hereby verify that the statement made in paras
1, 4, 5, 7, 16, are true to my knowledge and those of the paras
2, 3, 6, 8 to 15, 17 to 21 being matters of record are true to my information derived
there from which I believe to be true and the rests are my humble submissions
before this Hon'ble Tribunal.

And I sign this verification on this 24th day of Nov. 2009 at Guwahati.

Signature

Signature

रजि. नं. 2 (डीए-बीजापी)

BO 1 (Docu Coord)

बिहार निदेशालय अथम राईफल

Directorate General Assam Rifles

शिवालय-793011

Phone-898626

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ



1950

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, शनिवार, मार्च 7, 1981/फाल्गुन 10, 1992
No. 10] NEW DELHI, SATURDAY, MARCH 7, 1981/PHALGUNA 16, 1992

इस भाग में भाग पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (1)
PART II—Section 3—Sub-section (1)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) केन्द्रीय प्राधिकारियों द्वारा विधि के अन्तर्गत बनाए और जारी किए गए साधारण नियम जिनमें साधारण प्रकार के आदेश, उपनियम आदि सम्मिलित हैं।

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

गृह मंत्रालय

नई दिल्ली, 17 फरवरी, 1981

सं० 10] नई दिल्ली, शनिवार, मार्च 7, 1981/फाल्गुन 10, 1992
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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 NOV 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

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1	2	3	4	5	6	7
1. श्रेष्ठ सम्पादन	सामान्य दिवसीय सेवा, समूह 'ग' परामर्शपत्रित सलियफरवरीय	(i) स्नातक के लिए : 330-10-380- ४००-12- 500-२००- 15-560 रु० (ii) पूर्व स्नातक के लिए : 200-8-330- 10-380-२० २००-12-500- २००-15- 500 रु० (iii) मैट्रिक के लिए जो प्रशिक्षण प्राप्त नहीं है। 200-0-200- २००-0-0- 320-8-300- २००-0-8- 300-10-1000- (iv) मूल शिक्षा के लिए जो प्रशिक्षण प्राप्त नहीं है। 200-0-320- २००-0-8- 350 रु०	सापू नहीं होता	26 वर्ष** (सरकारी सेवकों के मामले में अधिकतम 35 वर्ष की जा सकती है)	(1) किसी मायताप्राप्त विरह-विधायक के अभाव में (2) प्यारपती के प्रशिक्षण की अभाव में (3) प्रशिक्षण का काम से काम पांच वर्ष या अनुभव (1) दिवसीय भीर संश्लेषी के माध्यम द्वारा पत्रों में प्रवीणता।	

गोर्धे भर्ती किए जाने वाले व्यक्तियों के लिए विहित पापू भीर शैक्षिक प्रहृतापू प्रोन्नति की वषार में सापू होनी या नहीं

परिचीक्षा की अवधि यदि कोई हो

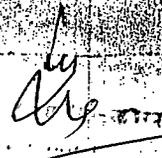
भर्ती की पद्धति/भर्ती गोर्धे होगी या प्रोन्नति द्वारा या प्रतिनिधित्व/स्थानान्तरण द्वारा तथा विभिन्न पद्धतियों द्वारा भर्ती की जाने वाले व्यक्तियों की प्रतिशतता

प्रोन्नति/प्रतिनिधित्व/स्थानान्तरण द्वारा भर्ती की वषार में वे श्रेणियों/किसी प्रोन्नति/प्रतिनिधित्व/स्थानान्तरण किया जाएगा

यदि विभागीय प्रोन्नति समिति है तो उम्मीदी संरचना

भर्ती करने में कितने परिस्थितियों में संप जोर सेवा मायतापू से प्रारम्भ किया जाएगा

8	9	10	11	12	13
सापू भर्ती होता	दो वर्ष	50 प्रतिशत गोर्धे भर्ती द्वारा और 50 प्रतिशत प्रोन्नति द्वारा नियुक्त न हो सकते पर गोर्धे भर्ती द्वारा।	प्रोन्नति : संसा नलिन्दू पध्यापक विज्ञान उम श्रेणी में पांच वर्ष सेवा की है।	पध्यापक उम संरक्षित/प्राप्य (संसाप्य) पध्यापक 1. प. पाई जी प. पाई (प/प) पध्यापक पाई जी प. पाई 2. पध्यापक (संसाप्य) के लिए संसा विभाग में पध्यापक भर्ती का पध्यापक पध्यापक (प) मुख्यालय पाई जी प. पाई	सापू नहीं होता


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-57- 15-

Central Administration
केन्द्रीय प्रशासनिक विभाग

25 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

(PART I)

494

THE GAZETTE OF INDIA : MARCH 7, 1981/PILAKHUNA 16, 1981

1	2	3	4	5	6	7
4. शिक्षक	साधारण केन्द्रीय सेवा, समूह 'न' (भारतपुस्तक सलिकवर्गीय)	225-5-200- 6-200-र०री०- 6-30H 50	सागु गृहीत होना	25 वर्ष**	(परतारी सेवकों के मामले में शिथिल करने 35 वर्ष की जा सकती है)	मिथिल स्कूल स्तर या समतुल्य/ गुरुकुल का कार्यसाधक प्राप्त हो तथा यूनिट मन्विरो में पूजा करने की क्षमता हो।

8	9	10	11	12	13
भाषा नहीं होना	वर्ष	सीपी सीरिड द्वारा	भाषा नहीं होना	मध्यम : यु. मा. वि. भा. प्र. प्र. (पुष्पायु) मध्यम.	सागु गृहीत होना।
				1. ए. मा. वि. भा. प्र. (पुष्पायु) मुम्बई भा. वि. भा. प्र.	
				2. प्रमा. मा. वि. भा. प्र. से समूह "क" प्रवर्ग का एक अधिवर्ती स्टाफ अधिवर्ती 2 (पु) मुम्बई भा. प्र. भा. प्र.	

**संशोधन 6 में उल्लिखित भाषा सीमा अपायित करने के लिए निर्णायक तारीख प्रत्येक मामले में, भारत में रहने वाले मध्यमियों से (उपरोक्त शिक्षण कार्यक्षेत्र और निम्नलिखित द्वीप तथा जलद्वीप में रहते हैं) प्रत्येक प्राप्ति करने के लिए नियम को यदि मंजूर करीब होगी। ऐसे पदों की संख्या, जिन पर नियुक्ति रोजगार कार्यालय के माध्यम से की जाती है, सीमा-सीमा प्रकथित करने की निर्णायक तारीख प्रत्येक मामले में यह तारीख होगी जिस तक रोजगार कार्यालय से नाम भेजने के लिए कहा गया है।

(10/12016/177-परी-2)

MINISTRY OF HOME AFFAIRS
New Delhi, the 17th February, 1981

G.S. 246.—In exercise of the powers conferred by article 109 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Teaching Staff Group 'C' in the Assam Rites under the Ministry of Home Affairs, namely:

1. Short title and commencement.—(1) These rules may be called the Assam Rites Teaching Staff Recruitment Rules, 1980.
- (2) They shall come into force on the date of their publication in the Gazette of India.
2. Number of posts, classification and scale of pay.—The number of posts, classification and the scales of pay attached hereto, shall be as specified in columns 2 to 4 of the Schedule annexed hereto.
3. Method of recruitment, age limit, qualifications etc.—The method of recruitment, age limit, qualifications and in other matters relating to the said posts shall be as specified in columns 5 to 13, of the Schedule aforesaid.

4. Disqualification.—No person—
(a) who has entered into or contracted a marriage with a person having a spouse living or
(b) who, having a spouse living, has entered into or contracted a marriage with any person

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

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

6. Savings.—Nothing in these rules shall affect reservation of posts and other concessions required or provided for candidates belonging to the Scheduled Caste, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

10/16/177-परी-2
सा. वि. भा. प्र. प्र. (पुष्पायु)
मध्यम

- 58 - #6 -

25 NOV 2009
 Guwahati Bench
 6

भारत के राज्य: मार्च 7, 1981/मार्च 10, 1982

SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether Selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
(1) Senior Teacher	21	General Central Service Group 'C' (Non-Gazetted Non-Ministerial)	(i) for Graduates Rs. 330-10-380-EB-12-500-EB-15-560. (ii) for under-Graduate Rs. 290-8-330-10-380-EB-12-500-EB-15-560. (iii) for Matric untrained Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400. (iv) for Non-Matric untrained Rs. 260-6-326-EB-8-350.	Not applicable	25 years (relaxable upto 35 years in the case of Government servants).	(1) Degree from a recognised University. (2) Degree in Teachers Training. (3) At least 3-years teaching experience. (4) Proficiency in teaching through Hindi and English medium.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotions	Period of probation if any	Method of recruiting whether by direct recruitment or by promotion or by deputation or transfer and percentage of the vacancies to be filled by various methods	In case of recruiting by promotion/deputation/transfer grades from which promotion/transfer to be made	If a Departmental Promotion Committee exists what is its composition	Union Public Service Commission is to be consulted in making recruitment
8	9	10	11	12	13

Not applicable	2 years	50% by direct recruitment and 50% by promotion filling which direct recruitment.	Promotion: Junior Teacher with 5 years service in the grade	Chairman: Deputy Inspector General of Assam Rifles (Head Quarters). Members: 1. Assistant Inspector General Rifles (A/Q) Directorate General Assam Rifles. 2. One Officer belonging to Group 'A' Category from other Department other than Assam Rifles. Member Secretary: Staff Officer 2(A), Directorate General Assam Rifles.	Not applicable.
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10/11/2009
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-59-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 NOV 2009
Guwahati Bench
গুৱাহাটী বেঞ্চ

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496

THE GAZETTE OF INDIA : MARCH 7, 1981/PHALGUNA 15, 1902

(PART II - Sec. 3(i))

1	2	3	4	5	6
(2) Hindi/Recruitment Teacher	74	General Central Service Group 'C' Non-Gazetted Non-Ministerial	(i) For Graduate Rs. 330-10-380-11-12-500-11-15-560. (ii) For Under Graduate Rs. 290-8-330-10-390-11-12-500-11-15-560.	Not applicable	25 years (Relaxable upto 35 years in the case of Government Servants).
(3) Junior Teacher	41	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs. 260-6-326-8-350.	Not applicable	25 years (Relaxable upto 35 years in the case of Government Servants).

Pre-University (2 years course) or equivalent with Hindi as one of the subjects or with Diploma/Degree with Hindi from recognised Government Institution. Proficiency in imparting education upto Matric in English.

Pre-University (2 years course) or equivalent or Normal Music Teachers Training.
2. Should be capable of imparting teaching in Hindi/English medium.

Not applicable 2 years By direct Recruitment Not applicable

Chairman: Deputy Inspector General of Assam Rifles, (Head Quarters).
Members: 1. Assistant Inspector General Assam Rifles (A/Q), Directorate, General, Assam Rifles.
2. One Officer belonging to Group (A) Category from other Department other than Assam Rifles.
Member Secretary: Staff Officer 2(A) Directorate General, Assam Rifles.

Not applicable 2 years By direct recruitment Not applicable

Chairman: Deputy Inspector General of Assam Rifles, (Head Quarters).
Members: 1. Assistant Inspector General, Assam Rifles (A/Q) Directorate, General Assam Rifles.
2. One officer belonging to Group 'A' Category from other Department other than Assam Rifles.
Member Secretary: Staff Officer 2(A), Directorate General, Assam Rifles.

1 2 3 4 5 6 7

(4) Religious Teachers	2	General Central Service Group 'C' Non-Gazetted Non-Ministerial	Rs. 225-5-260-6-290-11-6-308.	Not applicable	25 years (Relaxable upto 35 years in the case of Government Servants).	Middle School Standard or equivalent. Must have working knowledge of Sanskrit and capacity to perform pujas in the temple.
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Signature
Date: 21/11/2009
Place: Guwahati

9	10	11	12	13
Not applicable	2 years	By direct recruitment	Not applicable	Not applicable
Chairman Deputy Inspector General of Assam Rifles (Head Quarters). Members: 1. Assistant Inspector General Assam Rifles (A/Q) Directorate General, Assam Rifles. 2. One officer belonging to Group 'A' category from other Department other than Assam Rifles. Member Secretary: Staff Officer 2(A) Directorate General, Assam Rifles.				

*The crucial date for determining the age limit mentioned in column 6 of the Recruitment Rules will in each case, be the closing date for receipt of applications from candidates in India (other than Andaman & Nicobar Islands and Lakshadweep). In respect of posts, the appointments to which are made through Employment Exchange, the crucial date for determining the age limit will in each case, be the last date upto which Employment Exchange are asked to submit the names.

[No. 12016/1/77-Pers. II]

नई दिल्ली, 21 फरवरी, 1981

सं० का० नि० 247.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तैराकी शिक्षक के पद पर भर्ती की पद्धति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ:—(1) इन नियमों का संक्षिप्त नाम सरकार कल्पित कोई पठ्य राष्ट्रीय पुलिस भवनद्वारा (तैराकी शिक्षक) भर्ती नियम, 1981 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. पद संख्या, वर्गीकरण और वेतनमान:—उक्त पद की संख्या, उसका वर्गीकरण और उसके वेतनमान ये होंगे जो इन नियमों से उदाहरण अनुसूची के स्तम्भ 2 से 4 में विनिर्दिष्ट हैं।
3. भर्ती की पद्धति, प्राग्-सीमा और अर्हताएं आदि:—उक्त पद पर भर्ती की पद्धति, प्राग्-सीमा, अर्हताएं और उम्मेद सम्बंधित अन्य बातें ये होंगी जो पूर्वोक्त अनुसूची के स्तम्भ 5 से 13 में विनिर्दिष्ट हैं।
4. अर्हताएं: वह व्यक्ति—
 (क) जिसकी पत्नी अविवाहित हो, जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या
 (ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है, उक्त पद पर नियुक्ति का पात्र नहीं होगा।
 परन्तु यदि केन्द्रीय सरकार का समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के पूर्व पक्षकार को प्राग् स्वीय विधि के अधीन मान्य है अर्थात् पति या पत्नी के लिये अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के अन्तर्गत से छूट दे सकेगी।
5. अर्हता करने की शक्ति:—यहाँ केन्द्रीय सरकार की यह शक्ति है कि ऐसा करना आवश्यक या समीचीन है, वहाँ यह, उसके लिये जो कारण हैं उन्हें लेखबद्ध करके, इन नियमों के किसी उपबन्ध को किसी वर्ग या प्रभाग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।
6. व्याप्ति:—इन नियमों की कोई भी बात ऐसे आदेशों, प्राग्-सीमा में छूट और अन्य विधायकों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इन नियमों में समय-समय पर निकाले गये आदेशों के अनुसार अनुमति जानियाँ, अनुसूचित जातियों और अन्य विशेष वर्गों के व्यक्तियों के लिये उपबंध करना परेगा है।

अनुसूची

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	अन्य पद समतल समतल पद	सर्वोच्च भर्ती निर्दिष्ट जाने वाले व्यक्तियों के लिये प्राग्-सीमा	संघ में जाये लिये वर्गों का प्रावधान	सर्वोच्च भर्ती निर्दिष्ट आग वाले व्यक्तियों के लिये तैराकी और अन्य अर्हताएं
तैराकी शिक्षक	1	साधारण केन्द्रीय सेवा समूह "ख"	550-25-750- ब०रो०-30-800 ब०	सागू नहीं होता	30 वर्ष से अधिक नहीं (सरकारी सेवकों के)	सागू नहीं होता	आवश्यक: (क) (1) किसी मान्यता प्राप्त

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 25 NOV 2009
 Guwahati Bench

793011
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Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 25 NOV 2009
 Guwahati Bench
 गुवाहाटी न्यायपीठ
 THE GAZETTE OF INDIA

61-19
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 PART II
 MARCH 7, 1981, PHALGUNA 16, 1902

498

परामर्शपूर्ण
 प्रसिद्धि/प्रकाशनीय
 *भाग/भाग का विचार
 हुए परिकल्पित किया
 जा सकता है।

एक विशेष को 10
 वर्षों के लिए
 प्रशासनिक न्याय
 के क्षेत्र में कार्य
 करने के लिए
 नियुक्त किया जा
 रहा है।

विशेषज्ञता के अभाव में
 (1) विधि विद्यापीठों में
 (2) विधि विद्यापीठों में
 (3) विधि विद्यापीठों में
 (4) विधि विद्यापीठों में
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 (9) विधि विद्यापीठों में
 (10) विधि विद्यापीठों में

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Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 NOV 2009
Guwahati Bench
गुवाहाटी न्यायापीठ

ANNEXURE R2

3431

DDCA) FAX

No.II.27013/35/99-PF.IV
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralya

New Delhi, the 3rd July, 2002.

To,
The Director General,
Assam Rifles,
Shillong-793011.

Sub:- Revision of Pay Scale of Teaching Staff Assam Rifles
regarding.

Sir,

I am directed to refer to your letter No.A/VII-88/786/Vol.II/560 dated 15.6.2001 on the subject cited above. The matter regarding admissibility of revised pay scales in respect of different categories of Senior Teachers of Assam Rifles has been considered in consultation with Ministry of Finance.

2. It is clarified that only such Sr.Teachers of Assam Rifles may be placed in the higher scale of Rs.5500-9000/- whose recruitment rules prescribe minimum qualification of Graduation + B.Ed. par with TGT of Central Government. All other categories of Sr.Teachers may only be placed in the corresponding revised pay scales without upgradation.

3. This issues with the approval of Ministry of Finance vide their Dy.no 70/5/2001-IC dated 26.06.2001 and Integrated Finance Division of this Ministry vide their Dy.No.612/Fin.II/2001 dated 01.07.2002.

Yours faithfully,


(Nirjala Devi)
Desk officer

Copy to:-

- (i) Pay & Accounts Officer, Assam Rifles, Shillong.
- (ii) Pay & Accounts officer, MHA.
- (iii) JS(P), MHA (for information).
- (iv) Director(PF), MHA (for information).
- (v) Director (Pers), MHA.
- (vi) Fin.II (MHA).
- (vii) LOAR, MHA.

शुभम - 793011
दूरभाष - 793011
फैक्स - 793011

From : DDA
 To : AC Range
 Info : MR Range
 9 AR
 10 AR

Promotion pending Junior Teacher (.)

- Firstly (.) Smt. Pranshi Bhattacharjee class Junior Teacher of 9 AR promoted to Senior Teacher and 09 Aug last year in the scale of pay Rs. 1200-30-1550-20-17-1010/- and posted to 10 AR (.)
- Secondly (.) Vac Junior Teacher 9 AR being filled up shortly (.)
- Thirdly (.) Move be completed by Mar 05 and completion report should reach this Dce by Mar 15 positively (.)
- Fourthly (.) Pay and allow for the month Mar 05 will be from by 10 AR (.)
- Fifthly (.) No apt no representation will be entertained (.)
- Lastly (.) all amt (.) all info

Tel 0.7.5 101.000 11-11-04 30 10/11/04

[Handwritten Signature]

Sol
TOD _____ hrc

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 25 NOV 2009
 Guwahati Bench
 गुवाहाटी ब्याचपीठ

[Handwritten Signature]
 No. 2 (101) 10/11/04
 10/11/04
 783011
 783011

/COPY/

NO.II.27013/35/99-PF.IV
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi, the 8th June, 2001

To

The Director General
Assam Rifles
Shillong-793011

Sub : REVISION OF PAY SCALE OF TEACHING STAFF IN ASSAM RIFLES - REGARDING

Sir,

I am directed to refer to your letter No. A/VII-PS/T/86/Vol.III/569 dated 10.11.2000 on the subject cited above and to convey the sanction of the President to the upgradation of pay scale of teachers in Assam Rifles w.e.f 1.1.96 as under :-

Post	Existing Scale	Revised Scale
i) Junior Teacher.	Rs.4000-6000/-	Rs. 4500-7000/-
ii) Senior Teacher	Rs.5000-8000/-	Rs. 5500-9000/-

2. The expenditure on this account will be met from the sanctioned budget grant of Assam Rifles under head "Salaries".

3. This issues with the approval of Ministry of Finance, Deptt of Expenditure vide their Dy. No. 70/5/2001-IC dated 31.5.2001 and Integrated Finance Division of this Ministry vide their Dy. No. 811/Fin.II/2001 dated 08.6.2001.

Yours faithfully,

Sd/- xx xx xx
(Nirmala Dev)
Desk Officer

Copy to :-

- (i) Pay & Accounts Officer, Assam Rifles, Shillong
- (ii) Pay & Accounts Officer, MHA.
- (iii) JS(P), MHA (for information).
- (iv) Director(PF), MHA (for information).
- (v) Director (Pers), MHA.
- (vi) Fin.II (MHA).
- (vii) LOAR, MHA.
- (viii) Guard File (PF.IV).

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
25 NOV 2009
Guwahati Bench
গুৱাহাটী বেঞ্চ

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-65-

ANNEXURE R 5

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-783011

07 Oct 2008

L14016/Rec(Adm-IV)ACP/2008/121

Headquarters
21 Sector Assam Rifles
CO/99 APO

**ORDER ON GRANT OF FRI BENEFIT UNDER ACP
SCHEME TO TEACHING STAFF**

1. Re: your letter No. A/15007/2008/1620 dated 08 Jul 2008.
2. Smt Pranali Bhattacharjee, Senior Teacher of 15 AR was appointed as Junior Teacher on 12 Oct 1971 and further promoted to the rank of Senior Teacher on 09 Aug 94 in the pay scale of Rs.1200-30-1500-EB 40-2046/- and revised pay scale in the 5th CPC 4500-7000/-.
2. She is authorized to draw pay and allowance in the pay scale of Rs.4500-7000 wof 01 Jan 1996 as per 5th revised pay scale (Photo copy attached for your ready reference).
3. Particulars in the Smt Pranali Bhattacharjee are as under :-

(a) Date of appointment (Junior Teacher)	-	12 Oct 1971
(b) Date of appointment (Senior Teacher)	-	09 Aug 1994
(c) Date of completion of 12 years service	-	12 Oct 1983
(d) Date of completion of 24 years service	-	09 Aug 1999
4. The following ACP have already been granted to the indl vide this Dir letter No L14017/Rec(Adm-IV)/2008/038 dated 03 Jun 2008 :-
 - (a) 1st ACP in the next higher pay scale of Rs. 5000-150-8000 wof 09 Aug 1999 was gfd to the indl after completion of 12 yrs regular service.
 - (b) 2nd ACP was granted to the indl after completion of 24 years service in the next higher pay scale of Rs.5500-175-8000/- wof 09 Aug 1999.
5. It is clarified that only such senior teachers of Assam Rifles may be placed in the higher scale of Rs.5500-9000/- whose recruitment rules prescribe minimum qualification of Graduation+B.Ed at par with TGTs (Trained Graduate teachers) of Central Government. All other categories of senior teachers may only be placed in the existing revised pay scales without any upgradation vide Dir letter No A/7013/2002/PT IV dated 03 Jul 2002. This is already intimated/circulated to all Sectors and IGARs vide the Dir letter No A/7013/2002/PT IV dated 17 Jul 2002.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

25 NOV 2009

Guwahati Bench
गुवाहाटी न्यायापीठ

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an

CO 14/2008/121

07 Oct 2008

Shillong-783011

-66-

-24-

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5 Since Smt Pranali Bhattacharjee, Senior Teacher, is not B.Ed qualified, her pay scale of Rs. 5500-175-9000/- not authorized w/e 01 Jan 1998 vide MIA letter No II.27013/35/99-PF IV dated 03 Jul 2002 and this Dte letter No AVIII-PS/T/86/NoHIV108 dated 17 Jul 2002 (Photo copy attached for your ready reference).

4 This is for your info and necessary action please

[Signature]

(Jose K K.)
Lt Col
Offy SO-1 (Adm & Docs)
for Brig (Pats)

Encl As above

Copy to

15 Assam Rifles
Ptn-932015
C/O 99 APO

for info please

[Signature]

Central As
केन्द्रीय असासिस्टेन्ट कमाण्डर
25 NOV 2002
Guwahati Bench
गुवाहाटी न्यायपीठ

- 67 - 25 -

ANNEXURE - R-6

25
96



CENTRAL PAY BILL OFFICE (ASSAM RIFLES), PHASE-III_3 (DDO		11/09/2009		
Pay Slip for the month of January , 2009				
Acquittance Roll	: 15 ARB (722), PAN : NOT AVAILABLE			
Employee Name	: Smt. PRANATI BHATTACHARJEE (000005410014),	G.P.F A/c No : SHI/AR/929		
Designation	: SENIOR TEAGHER (061)	Pay Scale : 9300 - 34800 + 4600		
Place Of Posting	: ZUNHEBOTO (NAGALAND)			
Address	:			
Bank / Branch	: STATE BANK OF INDIA SBI, Silchar	S/B Account Nr : 11033141363		
Dues	Amount (Rs)	Deductions	Amount (Rs)	Instll.
BASIC	19,780	CGEGIS		30
DA	3,165	ITAX		2,731
SDA	2,473	EDU_CESS		82
SCA	1,600	GPF_SUB		5,000
TPT_ALLOW	928			
Total Dues (Rs.)	: 27,946	Total Deductions (Rs.)	: 7,843	
Net Pay (Rs.)	: 20,103			
Net Payable (Rs.)	: 20,103			J.A.O. / A.A.O. / S.O.

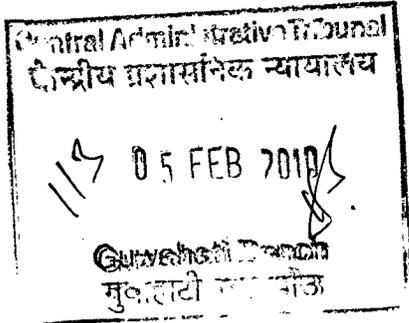
Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক ন্যায়ালয়
25 NOV 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

স্ব. শি. ১ (সি-সিআই)
SO 1 (11/09/2009)
সহানিদেশালয় অসম রাইফল
Directorate General Assam Rifles
সিআই-793011
ফোন-793011

Handwritten signature or initials.

Filed by the applicant
through U. Datta, advocate
on 05.02.10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI



In the matter of: -

O.A. No. 13 of 2007

Pranati Bhattacharjee.

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Rejoinder submitted by the applicant in reply to the written statements submitted by the Respondents.

The humble applicant above named most humbly and respectfully state as under; -

1. The applicant has carefully gone through the written statement filed by the respondents and understood the contents thereof. The applicant denies all the averments made therein save and except which are borne out of records.
2. That, the statement made in para-2 under the heading "brief facts of the case" it is specifically stated that the scale of the Sr. teacher is governed by MHA letter dated 08-06-01 and recruitment is governed by the RR 1980, as such a subsequent clarificatory letter of DGAR in the nature of executive instruction cannot take away the pay scale extended to the Sr. teacher i.e. the applicant which was issued after the presidential sanction. The above contention of the applicant is further supported by the decision of the

Received
Usha Das
Addl CHSC
05/2/2010

Pranati Bhattacharjee.

Hon'ble Tribunal order passed in O.A. 203/1998 dated 19.12.2000 which was further confirmed by the Hon'ble High Court order dated 24.07.06 in W.P. (C) 195 (SH)/2001, and also by the Supreme Court vide order dated 26.02.07 wherein it is held when president sanction a particular benefit in respect of pay & allowance, the same cannot be taken away by an executive order.

3. That, with regard to the statement made in para 3, 4, 5, 6 and 7 of the written statements, the applicant does not extend any comment as all the averments made therein are matter of records.
4. That, with regard to the statements made in para-8 of the W.S, the applicant denies the correctness of the same and begs to say that as the respondents have admitted that the Govt. of India granted a higher revised scale of pay of Rs. 5500 - 9000 to senior teacher by the CCS (Revised) Pay Rules 1997 following recommendation of 5th CPC w.e.f. 01-01-96 but the said benefit was not extended to the applicant after her promotion to the cadre of senior teacher on the ground that the applicant does not possess the requisite qualification Graduation + B.Ed., which is not at all a requisite qualification as per the Gazette Notification No. 10 dated 07.03.81 (Annexure-R.1 of the W.S.). As per column 8 of the recruitment rule, 1980, the requisite qualification prescribed for direct recruit senior teachers are not required for the purpose of "promotion" of junior teachers to the cadre of senior teachers.
5. That, with regard to the statements made in para 9, 10, and 11 of the W.S., the applicant denies the correctness of the same and further begs to state that the applicant was granted the benefit of higher revised scale of Rs. 5500-9000 as per presidential sanction and pursuant to the MHA'S letter dated 08.06.2001. Therefore the statement made in para 9 of the W.S. that the applicant was in receipt of pay scale of Rs. 5000-8000/- w.e.f. 01.01.96 is quite misleading and incorrect. Since the applicant was in receipt of pay of Rs. 5500-9000/-, w.e.f. 01.01.96, therefore the applicant is entitled to get the

Pranati Bhattacharjee

05 FEB 2010

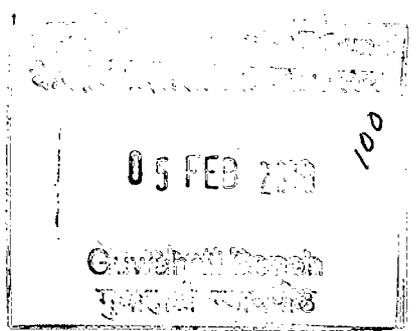
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

benefit of 2nd ACP in the scale of Rs. 6500-200-10500 for which she has attained eligibility in terms of Govt. of India's O.M. dated 09.08.99.

It is pertinent to mention here that B.Ed. is not required as an essential qualification for promotion from the cadre of Jr. Teacher to the cadre of Sr. Teacher under the statutory RR, 1980 of Assam Rifles issued by the MHA. As such the clarificatory order dated 03-07-02 has no application in the instant case of the applicant.

6. That with regard to the statements made in para 12, 13, 14, 15, 16 of the W.S., the applicant very categorically begs to state that the respondents in their W.S. has agreed to the statements made by the applicant that B. Ed., is not an essential qualification for promotion to the rank of Sr. teacher as per RR 1980 (Para-15 of the W.S.). Furthermore, the higher revised pay scale of Rs. 5500-9000/- given to the applicant following the presidential sanction conveyed vide letter dated 08.06.01, as such the benefit of higher revised scale of Rs. 5500-9000/- which was refixed on 20.03.02 with retrospective effect from 01.01.96 cannot be taken away following an executive instruction issued under MHA's letter dated 03.07.02 which is in violation of statutory recruitment rule.
7. That with regard to the statements made in para 17, 18, 19, 20 and 21 of the W.S. the applicant while denying the correctness of the same specifically begs to submit that following the instruction of MHA, the DGAR extended the benefit of Rs. 1400-2600 to all senior teachers working in Assam Rifles as such respondents are not entitled to reduce the pay of the applicant which was fixed 6 years ago, without any notice. The requirement of B.Ed., degree in RR cannot be prescribed all of a sudden by the respondents without amendment of the existing recruitment rule. On that score alone the impugned order dated 07.10.08 is liable to be set aside and quashed.
8. That the applicant reiterates the submission made in the original application and under the facts and circumstances as stated above the original application deserves to be allowed with cost.

Pranali Bhattacharjee



VERIFICATION

I, Pranati Bhattacharjee, Sr. Teacher (Retired), age about 61 years, residence of C/o (Late) S.R. Bhattacharjee, Palli Street Lane, House No. 41/1, Ward No. 14, Kanakpur Part-II, Silchar-788 005, Assam applicant in the instant Original application, do hereby verify that the statements made in Paragraph 1 to 8 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 1st day of February, 2010.

Pranati Bhattacharjee

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
06 MAY 2010
Guwahati Bench
गुवाहाटी न्यायपीठ

727
File by:
The Respondents
Through
Member Secy
e-b-s-c
CAT
6/5/2010

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

IN THE MATTER OF :

ORIGINAL APPLICATION NO – 13 OF 2009

Pranati Bhattacharjee, Retd Senior Teacher

.....Applicant

Versus

Union if India & others

....Respondents

IN THE MATTER OF :

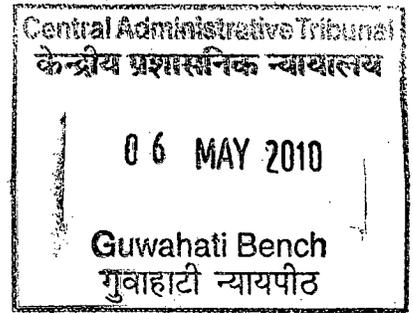
Reply Rejoinder Affidavit submitted by the Applicant

The humble Respondents beg to submit the reply as follows :-

1. That I Major Onkar Chand son of Shri Lachhaman Singh am competent and authorized to file the statement on behalf of all the respondents in the above case and I have gone through the Rejoinder filed by the Applicant served on me and have understood the contents thereof. Same and except whatever is specially admitted in

Received
Mulla
06/05/10


कोषी २ सिविल-गुवाहाटी
IO : Docu Coord
सहायक न्यायाधीश अलग राईफल
e-b-s-c
गुवाहाटी-781011
CAT



the Rejoinder Affidavit, the contentions and statement made in the rejoinder may be deemed to have been denied.

2. That the rejoinder filed is unjust and unsustainable both on facts and in law. The orders vide which pay of the applicant was fixed has now clarified the grounds for fixation of pay in the pay scale of Rs. 4500-7000 and thereafter in the pay scale of Rs. 5000-8000 instead of Rs. 5500-9000/-.
3. The rejoinder is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.
4. That any action taken by the respondents was not stigmatic and same was for the sake of Public interest and it cannot be said that the decision taken by the Respondents, against the applicant, suffered from vice of illegality.
5. That the averment made in paragraph 1 of the Rejoinder no comments being offered by the respondents being matter of statutory provisions and the personal knowledge of the applicant.
6. That the contention of the applicant on paragraph 2 of the Rejoinder is misconceived and incorrect and hence denied by the respondent. It is respectfully

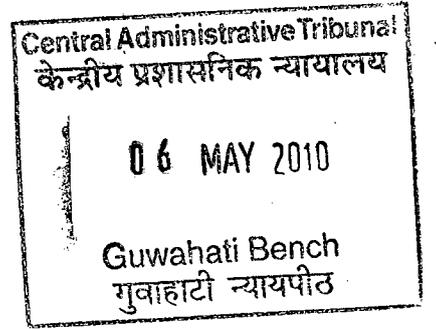

 (को-ऑर्डीनेटर) (सी-डी-को-ऑर्डीनेटर)
 (CO-Ord) (CD-Coord)

आचार्य अशोक राई
 Joint Secy (General) Assam Bst.

दिनांक-2010

2010-05-06

-74-



submitted that as per Ministry of Home Affairs letter No. II.27013/35/99-PF.IV dated 03-07-2002, the revised pay scale of Rs. 5500-9000/- is applicable to only those Senior Teachers whose recruit rules prescribed minimum qualification of Graduation plus B. Ed. on par with Trained Graduate Teachers of central Government. The applicant is neither a Graduate nor B. Ed, hence her pay scale was fixed in the corresponding pay scale of Rs. 5000-8000/- by 18 Assam Rifles in terms of MHA letter dated 08-06-2001 and the same had been notified vide 18 Assam Rifles part II order No. 03/Civ/2002 dated 19-03-2002.

Photocopy of 18 Assam Rifles part II order No. 03/Civ/2002 dated 19-03-2002 is annexed herewith and marked as Annexure- R-7.

7. That with regard to the statement made in paragraph 3 of the Rejoinder, the answering respondents beg to state that the same is a matter of record and hence offer no comments.

8. The averment made in paragraph 4 to the Rejoinder is agreed to the partially agreed to the extent borne out by records and anything contrary to the records is not

(सं. को. २) (सी. ए. नं. २००२)

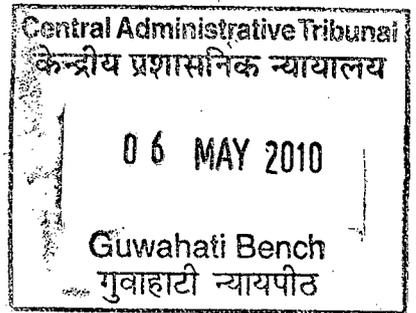
NO 2 (Civ. 2002)

असम न्यायालय असम राईफल्स

State Court, Assam Rifles

दफ्तार-793011

Phone-9936



admitted by the answering respondents. It is admitted that the requisite qualification prescribed for direct recruitment is not applicable for promotion to the rank from junior teacher to senior teacher. Therefore, the petitioner was promoted to the rank of Senior Teacher on 09-08-1994. However, the revised pay scale of Rs. 5500-9000/- as per 5th Central Pay Commission is applicable to those Senior Teachers whose minimum qualification is Graduate plus B. Ed on par with Trained Graduate Teachers of central Government. The applicants educational qualification was neither graduation nor B. Ed. Hence, the applicant's pay scale was fixed in the corresponding pay scale of Rs. 5000-8000/- as per the Government of India, MHA letter No. II.27013/35/99/PF.IV dated 08-06-2001 (Annexure R-4 of WS refers) and letter dated 03-07-2002 (Annexure R-2 of WS refers).

9. That with regards to the averments made in paragraph 5 of the Rejoinder, the answering respondents beg to state that the contention of the applicant is incorrect and hereby denied. The applicant was granted a regular promotion from Junior Teacher to the rank of Senior Teacher and also she was in receipt of revised pay scale of Rs. 5000-8000/- with effect from 01 January 1996 vide 18 Assam Rifles part II order No. 03/Civ/2002 dated 19-03-2002. (Refer Annexure R/1 of this reply rejoinder), since the applicant's educational qualification was neither graduation nor B. Ed. She was not eligible for revised pay scale of Rs. 5500-9000/-. Further on completion of 24 years qualifying service, the applicant was granted second financial up gradation in the next higher pay scale of Rs. 5500-9000/- with effect from 09-08-


 १०० नॉटि & (एडमि-नॉटिफिकेशन)
 १०० नॉटि & (एडमि-नॉटिफिकेशन)

१०० नॉटि & (एडमि-नॉटिफिकेशन)

१०० नॉटि & (एडमि-नॉटिफिकेशन)

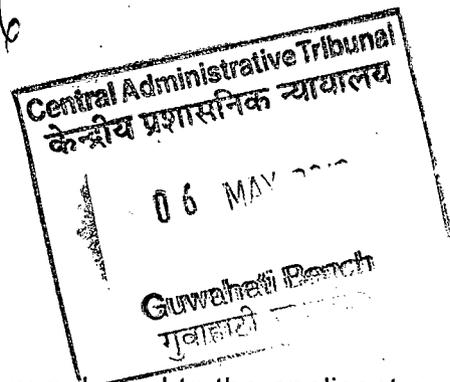
१०० नॉटि & (एडमि-नॉटिफिकेशन)

१०० नॉटि & (एडमि-नॉटिफिकेशन)

१०० नॉटि & (एडमि-नॉटिफिकेशन)

-76-

125



1999. The revised pay scale of Rs. 5500-9000/- has been denied to the applicant on the basis of Ministry of Home Affairs letter dated 03-07-2002 (Refer Annexure-2 of written statement) clearly states that **"all other categories of Sr Teachers of Assam Rifles to placed in the corresponding revised pay scales without any up gradation"**, hence the benefits of second ACP in the scale of Rs. 6500-200-10500/- a claimed by the applicant is incorrect and denied hereby.

10. That in reply to the averments made in paragraphs 6 of the Rejoinder, it is respectfully submitted that it is misinterpretation of facts hence are denied by the respondents. It is reiterated that B. Ed is not an essential qualification for promotion to the rank of Senior Teacher as per Recruit Rule 1980. However, as per Ministry of Home Affairs letter dated 03 July 2002 the pay scale of all other 4 (four) types of Senior Teacher i.e. Graduate, under graduate, Matric untrained and Non Matric untrained are with different pay scales and such Senior Teacher themselves form a separate class and can not be treated equally. Further considering the educational qualification of the applicant i.e. B.A., she was granted correct pay scale having no contravention/violation of the provision of statutory recruit rule.

11. That with regards to the averment made in paragraph 7 of the Rejoinder, the answering respondent respectfully submitted that the applicant promoted to the rank of Senior Teacher with effect from 09-08-1994 in the scale of pay Rs. 1200-2040/-

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www.anandkishore.com
Phone: 753011
www.753011

-77-

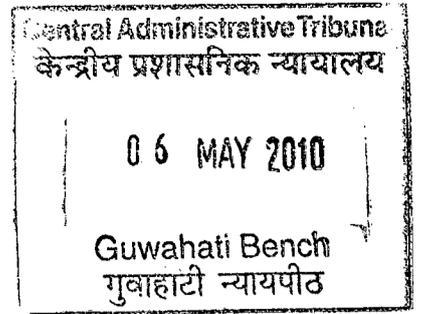
Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय 06 MAY 2010 Guwahati Bench गुवाहाटी न्यायपीठ

106

erroneously in place of Rs. 1400-2600/-. The applicant now is eligible for the difference of above pay scale with effect from 09-08-1994 to 31-12-1995. Thereafter she was granted the corresponding pay scale of Rs. 1400-2600/- to Rs. 5000-8000/- correctly as per 5th Central Pay Commission. It is further submitted that the representation of the applicant after due examination by the respondents have been replied to HQ 21 Sector Assam Rifles vide this Directorate letter dated 07-10-2008 in accordance with the Government of India, MHA letters dated 08-06-2001 and 03-07-2002.

In view of the facts mentioned herein above it is humbly prayed that the present Rejoinder is not bonafide and is not legally sustainable and is liable to be dismissed with cost.


 31 Docu (word)
 ३१ दस्तावेज (शब्द)
 Directorate General Assam Rifles
 Directorate General Assam Rifles
 शब्द-793011
 ३१ दस्तावेज (शब्द)



VERIFICATION

I, Major Onkar Chand S/o Shri Lchhaman Singh aged about 45 years by occupation, Government service, presently working as SO2 (Doc & Coord) In Headquarters Director General Assam Rifles, Shillong – 793011.

That I am the SO2(Doc & Coord) in Headquarter Director General Assam Rifles, Shillong and I have received a copy of the petition, understood its contents, and I am well acquainted with the facts and circumstances of the case, and sign this verification on behalf of the respondents.

That the statement made in paragraphs 1, 2 and 5 are true to my knowledge and that in paragraphs 6, 7, 8, 9, 10 and 11 are matters derived from records and true to my information and knowledge and the rests are my submission before this Hon'ble Central Administrative Tribunal and I signed this verification this the day of 21st April, 2010, at Shillong.



Deponent

SO 2 (Doc & Coord)

Directorate General Assam Rifles

Shillong-793011

Phone-793011

79

ANNEXURE R-7 108

RESTRICTED

BRO PART II : CIVIL STAFF

Unit : 18 Assam Rifles

Location : C/O 99 APO

BRO part II ser No : 03/Civ/2002

Dated : 19 Mar 2002

Last B-RO part II Ser No : 02/Civ/2002

Dated : 15 Feb 2002

Central Administration
 केन्द्रीय प्रशासनिक न्यायलय
 06 MAY
 Guwahati Bench
 गुवाहाटी न्यायलय

PAY AND ALLGES

1. Smt Pranati Bhattacharjee
Senior Teacher

Ref 18 AR DO II 26/Civ/7/98
dt 25 Jan 98 treat as
cancelled

In view of revision in pay scale vide HQ DGAR letter No. A/VIII-PS/T/86/Vol-III/2001/638 dt. 06 Nov 2001. Pay fixed in the scale of Rs. 5000-150-8000/- PM and fixed on 1st day of Jan 96 at Rs. 5000/- PM with DNI - 01-7-96.

Auth :- MHA letter No. II.27013/35/99 PF IV dated 08 Jun 2001 and MHA letter No. II.27013/35/99 PF IV dated 03 Aug 2001.

1258/A/2002/ 1078

Main 18 Assam Rifles
C/O 99 APO

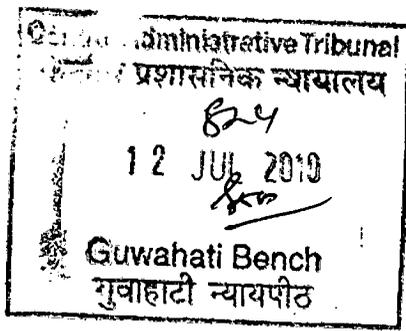
26 Mar 2002

A. K. Yadav
(A K Yadav)
Capt
OC Main
for Comdt

Distr :-

1. Directorate General Assam Rifles (A Branch) Shillong - 11
2. Pay and Accounts Office Assam Rifles Manbha Villa, Laitumukhrah Shillong - 03
3. HQ Mizoram Range Assam Rifles
4. 1 Assam Rifles
5. Tac HQ 18 Assam Rifles
6. Fin Branch (Internal)
7. Office copy

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

IN THE MATTER OF

OA No. 13/2009

Smt. Pranati Bhattacharjee

.....Applicant

-VS-

Union of India & Others

.....Respondents

-AND-

IN THE MATTER OF

Submission of documents in compliance
of the Hon'ble Tribunal's order dated
28.06.10.

The applicant above named

MOST RESPECTFULLY SHEWETH

1. That in compliance to the Hon'ble Tribunal's order dated 28.06.10, the applicant of the above mentioned OA, submits the following documents in support of the contentions raised in the Original Application:
 - (a) Pass Certificated of TDC Part II (B.A. Final) examination held in the year 1970.
 - (b) Mark sheet of B.A. Part II examination, 1970

Received for
Mrs. M. Das,
U. Dutta, Advocate,
12.7.10

81

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 2 JUL 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

OFFICE OF THE PRINCIPAL DIMAPUR COLLEGE NAGALAND
 Affiliated to Gauhati University
 Estd 1966

Dated : 16/9/70

Sri P K Borgohain, M.A
 Principal
 Dimapur College
 Nagaland

TO WHOM IT MAY CONCERN

This is to certify that Miss Pranabi Bhattacharjee was a regular student of this College, Session 1969-70. She has duly passed her TDC Part II (B A Final) Examination this year, 1970. The ~~UNIVERSITY~~ result was announced by the University on 22nd July 70, her roll No. being 1568.

Her character and conduct were quite good.
 I wish her all success in life.

Certified True Copy

P K Borgohain
 (P K Borgohain)

Principal
 Dimapur College
 Dimapur (Nagaland)
 Date - 16-9-70

*Attested
 Anupam Goswami
 Advocate*

By hand

82

No. 1109

GAUHATI UNIVERSITY



Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 12 JUL 2010
 Guwahati Bench
 गुवाहाटी न्यायपीठ

B. A. (Part II) Examination Marks

The following are the marks obtained by... Pranati Chatterjee.....
 Roll No. 1152 of Srimanta College at the B. A. (Part II) Examination, 1979.

UNIVERSITY OF GAUHATI

Honours Subject						Pass Subject										
Paper VI—	Paper VII—	Paper VIII or Practical—100	Theoretical Total	Practical Total	Minimum for Class I—480 Class II—320	English Paper II— 33/100	M. I. L. or Alternative 2nd Paper — 33/100	Paper III— 33/100	Paper III— 33/100	Science Subject				Distinction-500		Result
										Total in Part I— 500	Total in Part II—300	Grand Total (Part I & II — 800	Paper II— 50/100	Practical— 20/50	Total Marks— 150	
						33	52	46	36						167	P

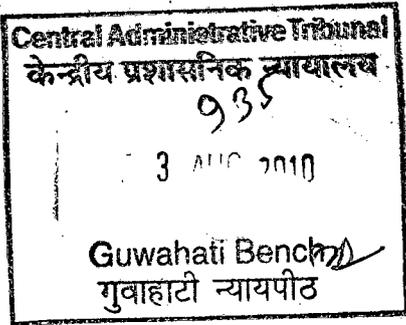
Rs. 4.00

Attested
Anupam Goswami
Associate

First Tabulator *M.B.*
 Date.....

Second Tabulator *rel*
 Date *21/7*.....

Asstt. Controller of Examinations
 Date.....



Filed by: -
 The Respondents
 Through Dots
 Mangal Das
 Sr. P.B.S.C #2
 CAT, 30/7/10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH

IN THE MATTER OF :

O.A No.13/2009

Smt Pranati Bhattacharjee, Retd Senior Teacher

.....Applicant

- Versus -

Union of India & Others

..... Respondents

IN THE MATTER OF :

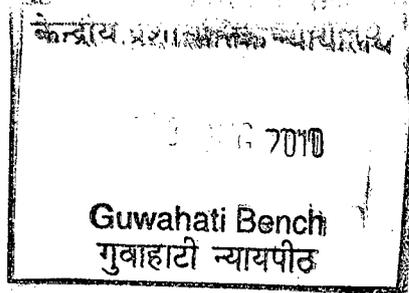
Affidavit in reference to Hon'ble Central Administrative Tribunal order dated 28.06.2010 passed in OA No. 13/2009

The humble Respondents beg to submit the Affidavit as follows :-

1. That I Lieutenant Colonel Onkar Chand son of Shri Lachhman Singh am competent and authorized to file the Affidavit on behalf of all the respondents in the above case and I have gone through the entire case records of the Applicant which have been retained in the office and have understood the contents thereof. Same and except whatever is specially admitted in the Affidavit, the contentions and statement made in the Original Application as well as the rejoinder may be deemed to have been denied.

I undertake to serve a copy of this petition to the counsel for the applicant.
 Deka
 30.7.10

~~(No. 1) (Adm. & Docu)
 501 (Adm. & Docu)
 महा निदेशालय असम राईफल्स
 Directorate General Assam Rifles
 शोरांग-783011
 Tel: 0361-783011~~



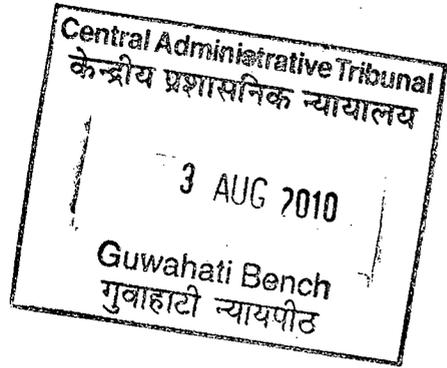
2. That the respondents vide para 8 of the reply to the rejoinder have categorically stated that the applicant was neither a graduate nor a trained graduate. The fact is based on a provisional certificate dated 15.09.1970 issued by Principal, Dimapur College, Nagaland, Dimapur and photocopy of mark sheet of BA Part II Exam passed by the applicant in the year 1970, both the documents clearly indicate that the applicant has passed BA Part II only. However, the certificate issued by the Principal says " she has duly passed her T.D.C part II (B.A Final) Exam in year 1970". The term T.D.C Part II actually refers to "Three years Degree Course 2nd year".
3. That the respondents respectfully submitted that clarification on the educational qualification of the applicant has already been sought from the Registrar, Guwahati University, Assam vide this Directorate letter No. I.13011/Rec (Legal)/2010 dated 15 June 2010 that whether the applicant has passed BA Degree examination.

Photocopy of this Directorate letter dated 15 June 2010 is attached herewith and marked as ANNEXURE R-8.

4. That the respondent further respectfully stated that the following information in reply to the clarifications on the points as sought by this Hon'ble Tribunal in reference to the order dated 28.06.2010 passed in the instant OA:-

S/ No	Clarification sought by the Hon'ble Tribunal	Reply to the clarifications
(a)	Education qualification of the applicant at the time of entry in 1971	As per the service records of the applicant maintained by the respondents, the education qualification of the

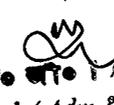
(सं. जी. प्रशासन व डॉक्यु)
 SO 1 (Admin & Docu)
 महाप्रशासनिक न्यायालय असम राईफल
 Directorate General Assam Bifl.
 शारदा-781011
 Phone-792011

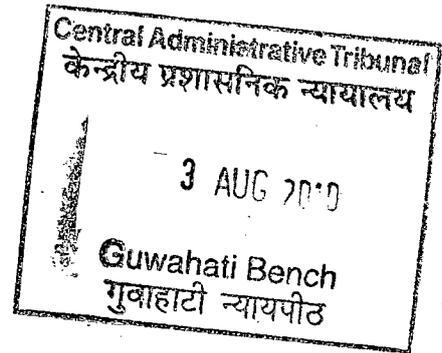


		applicant at the time of entry in 1971 was BA Part II.
(b)	What were the recommendations made by the 5 th Central Pay Commission for granting higher pay scale to Senior Teacher	The Government of India, Ministry of Home Affairs vide letter No.II.27013/35/99-PF.IV dated 08 June 2001(Annexure R-4 WS refers) refers has granted the replacement pay scale to the Senior Teacher is that Rs. 5000-8000 has been revised to 5500-9000/- The Ministry vide letter No.II.27013/35/99-PF.IV dated 3 rd July 2002 (Annexure R-2 of WS refers) has clarified that only such Senior Teacher of Assam Rifles may be placed in the higher scale of Rs. 5500-9000/- whose recruitment rules prescribed minimum qualification of Graduation + B.Ed on par with TGT's of Central Government.

In view of the facts mentioned herein above it is humbly prayed that the present Original Application as well as the Rejoinder filed by the applicant is not bonafide and is not legally sustainable and is liable to be dismissed.

1


 एच. जी. ए. ए. ए. ए. ए.
 SO 1 (Adm & Docu)
 महादिशालय असम राईफल
 Directorate General Assam Rifle
 शिलांग-783011
 Phone-783011



VERIFICATION

I, Lieutenant Colonel Onkar Chand S/o Shri Lchhaman Singh aged about 45 years by occupation, Government service, presently working as SO2 (Doc & Coord) In Headquarters Director General Assam Rifles, Shillong – 793011.

That I am the LT. Col. SO1 in Headquarter Director General Assam Rifles, Shillong and I have received a copy of the petition, understood its contents, and I am well acquainted with the facts and circumstances of the case, and sign this verification on behalf of the respondents.

That the statement made in paragraphs 1 are true to my knowledge and that in paragraphs 2, 3 and 4 are matters derived from records and true to my information and knowledge and the rests are my submission before this Hon'ble Central Administrative Tribunal and I signed this verification this the day of 28th July, 2010, at Shillong.


Deponent

SO 1 (Arm & Docu)

दहानिदेशालय असम राईफल
Director General Assam Rifle

शिलॉंग-793011

Shillong-793011

REGISTERED

Mahadeshhalaya Assam Rifles
Directorate General Assam Rifles
Record Branch (Legal Cell)
Shillong - 11

1.13011/Rec(Legal)/2010/

15 June 2010

The Registrar,
Gauhati University,
Gauhati (Assam)

3 AUG 2010

INFORMATION RELATING TO PASSING OF GRADUATION

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

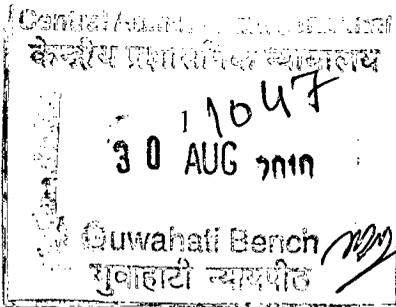
Sir,

1. Smt. Pranati Bhattacharjee an ex employee of Assam Rifles has been a student of Dimapur College, Dimapur (Nagaland) in the academic year 1969-1970 under jurisdiction of Gauhati University at that time. She had passed the (B.A. - II) examination vide roll No. F1568 in the year 1970.
2. You are requested to intimate whether the said Pranati Bhattacharjee further pursued her studies and passed BA (Graduation) from your university. The information is required in connection with a court case filed by Smt Pranati Bhattacharjee.
3. An early reply in this regard will be highly appreciable.

Yours faithfully,


(Gokar Chand)
Lt Col
OIC (Legal Cell)
for Brigadier (Pers)

at
Cu. 15/6/10



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the matter of: -

O.A. No. 13 of 2009

Pranati Bhattacharjee.

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Additional Rejoinder submitted by the applicant
in support of the contentions raised in the
original application.

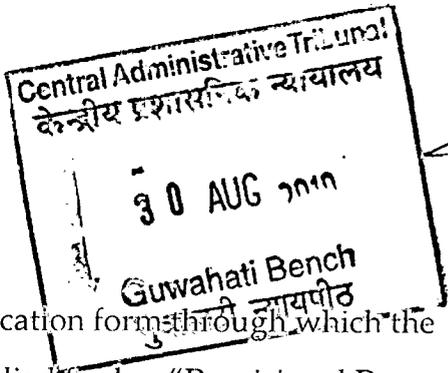
The humble applicant above named most humbly and respectfully state as
under; -

1. That the applicant in Para - 4.2 of the original application specifically mentioned that, after obtaining 'graduate degree' from Guwahati University she applied for recruitment to the post of junior teacher in Assam Rifles School, pursuant to an advertisement issued by DGAR, in the month of September' 1971. The applicant was selected and being found suitable for the said post of junior teacher, she was appointed and joined in service in 12.10.71.
2. That, the instant original application came up for hearing before the Hon'ble Tribunal in number of occasions, and it was felt necessary by the Hon'ble Tribunal that the "Provisional Pass Certificate" of graduation be produced during the course of hearing, for proper adjudication of the case.
3. That, it is stated that, the applicant following the necessary procedure applied for the same and sent the application on 28.8.2010. In the said application, the recommendation of the Head of the Institution (i.e. the signature of the Principal of Dimapur college) from which the applicant passed the Bachelor of Arts, Degree examination, is also enclosed, which is a sufficient proof of her passing the degree examination in the year 1970.

Pranati Bhattacharjee

Filed by the applicant
through U. Dutta, advocate
on 30.08.2010

Received copy
for Mrs. M. Das
Dr. C. G. S.
P. K. Das
30.8.10



Copy of the application forms through which the applicant has applied for her "Provisional Pass Certificate" and "Receipt of Bank Draft" are enclosed herewith as **Annexure-A & B** respectively.

4. That, the applicant further beg to state that she has already produced the mark sheet of B.A. Part-II examination held in the year 1970.

It is pertinent to mentioned here that, at that period of time when the applicant passed her Bachelor of Arts, degree examination, it was three years degree course, out these three years, first two years were for B.A. Part-I and the last year was for B.A. Part-II. The 1st year examination of B.A. Part-I course was conducted by the College itself and the 2nd year examination was conducted by the University concerned, which is evident from the mark sheets of B.A. Part-I and Part-II examination held in 1970 already produced by the applicant.

Copies of the mark sheets of B.A. Part-I and Part-II examination held in the year 1970 are enclosed and held as **Annexure - C (Series) & D** respectively.

5. That, in the similar facts and circumstances, in the case of Sri Ajay Kumar Pandey Vs. Union of India and Ors. (O.A. 31 of 2004) the Hon'ble Tribunal directed the respondents to consider the case of the applicant for granting revised scale of Rs. 1400-2600/- and further revised pay scale of Rs. 5500-9000/- w.e.f. 01.01.1996. In the said judgment and order dated 06.06.2005 the Hon'ble Tribunal held that B.Ed. is not a requirement under the recruitment rules. In the instant original application the applicant is in a better footing then the applicant of O.A. 31/04 as admittedly she is a graduate. In O.A. 31/2004, the applicant namely Sri Ajay Kr. Pandey was subsequently granted the revised scale of pay of Rs. 5500-9000/- of a Senior Teacher, thereby the department had complied with the direction of the Hon'ble Tribunal.

Copy of the order and judgment dated 06.06.2005 is enclosed as **Annexure-E**.

6. That this Additional Rejoinder is filed for the ends of justice.

Pramati Bhattacharyee

VERIFICATION

I, Pranati Bhattacharjee, Sr. Teacher (Retired), age about 61 years, residence of C/o (Late) S.R. Bhattacharjee, Palli Street Lane, House No. 41/1, Ward No. 14, Kanakpur Part-II, Silchar-788 005, Assam applicant in the instant Original application, do hereby verify that the statements made in Paragraph 1 to 5 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the _____ day of August, 2010.

Pranati Bhattacharjee

- 4 - 91 - ANNEXURE - A

GAUHATI UNIVERSITY



Application for Obtaining Certificate/Diploma

See overleaf for Rules

Rule 1, 2 & 3
overleaf must be
strictly adhered to

PROVISIONAL/ORIGINAL

1. Name in full (in block letters) PRANATI BHATTACHARJEE
2. G.U. Registration No. & Year 10365 of 1966-67
3. Father's and Mother's Name in full Mr. Sashadhar Bhattacharjee, Mrs. Bindu Bhattacharjee
4. Permanent Address : Town/Village Dimapur P.O. Dimapur
P.S. Dimapur Dist. Kohima State Nagaland

5. Examination Passed	Name of Board/ University	Year of Examination	Examination Roll No.	Category of result	Name of the Institution
Matric/H.S.L.C. ✓	Board of H.S.L.C. Assam	1965	Dim 41	III Division	Railway High School Dimapur
H.U./H.S.S.L.C. ✓	Gauhati	1967	14242	III Division	Dimapur college
B.A./B.Sc./B.Com. ✓	Gauhati	1970	F 1568	Simple Pass	Dimapur college
M.A./M.Sc./M.Com.					
LL.B./BE/MBBS/BI/					
B.Ed./B.A.M.S./BHMS					
LL.M./MBA/MD/MS/ME					
Others					

6. Particulars of Certificate/Diploma prayed :

Name of Certificate/Diploma	Exam. Code Roll No.	Category of result	Year of the Exam.	Name of the College/ Institution
Degree certificate	F 1568	Simple Pass	1970	Dimapur college

7. Postal Address with Pin code to which Certificate/Diploma should be sent — P.O. Ulubari Gauhati 781007
B.A. Ch. Manik Chanda, Byelane - 7 House No - 8 Laetit Nagare

8. Amount of fees paid	Payment Receipt No. & Date
R. 510/-	D/N ^O 649148 dated 24/8/10

DECLARATION BY THE APPLICANT

9. I declare that the above particulars are true to the best of my knowledge and belief. If found otherwise, I shall be liable to action.

Date 24/8/10

Pranati Bhattacharjee
Full Signature of the applicant

RECOMMENDATION OF THE HEAD OF THE INSTITUTION*

This is to certify that Shri/Smti. Pranati Bhattacharjee, Regd. No. 10365 of G.U. a student of Dimapur College/Classes passed the B.A. Examination in 1970, held in Dimapur Vide Code No. F Roll No. 1568 under G.U. and was placed in Simple Pass Class/Division/Simple Pass. The Certificate so issued from the University may be sent to the address given in Col. 7 above or may be allowed to receive from the University Office, if so desires as per University rules.

Memo No.
Date 24-08-10

*Head of the Institution means Principal of the College/Secretary, University Classes

Principal
ROBERT NOKAHO
Signature of the Head of the Institution
Name in full (in block capital) & Seal of Head of the Institution.

OFFICE NOTES & ORDERS

Recommended for
Signature

Checked
Certificate may be prepared

Examination record verified
Fees as shown have been paid

Dy. Reqr./Asstt. Reqr. (Admn.)

Superintendent (Cert.)

Dealing Asstt.

P.T.O.

Attested
Adm. Secy

- 5 -

RULES

1. The application must be completed in all respects and should be duly filled in all columns and be submitted with the recommendation of the Principal of the College concerned/Secretary, University Classes, Gauhati University, It. Registrar, G.U., Kokrajhar Campus (as the case may be) alongwith the prescribed fees. For Master Degree candidates, appearing privately, the recommendation should be done by the Asstt. Registrar (Admn) of the University or by the Principal of an affiliated College of this University. Such private students will be required to produce relevent documents viz.. Admit Card of the Examination, Registration Certificate, Marksheet etc. to the Principal/Asstt. Registrar for the purpose of obtaining his/her signature for recommendation.
2. The applicant shall be required to enclose in the application (a) Photostat copy of the Registration Certificate, and (b) Photostat copy of the Marksheetworks of all the parts of the concerning Examinations. Both kinds of documents should be attested by the Principal of the College from which he/she passed or Secretary University Classes (as the case may be) or by a Gazetted Officer with proper Seal.
3. No action will be taken unless the prescribed fees (to be sent by Bank Draft in favour of Registrar, G.U. payable at the State Bank of India, Gauhati University Branch or deposited at G.U. Cash Counter) as below is received. The Duplicate copy of the payment of fees receipt is to be enclosed with the application.
4. Internship Certificate must be submitted by the M.B.B.S., B.A.M.S. and B.H.M.S. students.

FEES

Name of Certificate	Fee for Provisional Certificate	Fee for Original Certificate	Duplicate
D.Litt./D.Sc./Ph.D.	Rs. 410.00	Rs. 610.00	
M. Phil.	Rs. 380.00	Rs. 610.00	
Master's Degrees	Rs. 280.00	Rs. 410.00	
P. G. Certificates	Rs. 280.00	Rs. 360.00	The cost of Duplicate Certificate shall be
P.G. Diplomas	---	Rs. 360.00	Double the Cost of Original one.
Bachelor's Degrees	Rs. 280.00	Rs. 360.00	
Bank Certificates	Rs. 280.00	Rs. 510.00	
Exam Subject	---	Rs. 310.00	
Transcript for each Examinations	---	Rs. 1010.00	
Pre University Certificate	---	Rs. 280.00	
Matric Certificate	---	Rs. 280.00	

4. Generally the Diploma/Certificate issued will be sent to the Principal/Head of the Institution concerned Or to the Address given in Column 7 in the reverse page by Registered A/D post Or will be personally handed over to the Applicant/Candidate when his/her specimen Signature will be attested in the form given below. The University employee will also be able to receive the Diploma/Certificate on behalf of the Candidate by signing an undertaking with due permission from the Dy. Registrar/Asstt. Registrar/Superintendent, Certificate Branch, G.U.

Note : All Enquiries Concerning Issue/Despatch of Certificate/Diploma will be attended to from 2 P.M. to 3-30 P.M. on All Working Days.

To

The Registrar, G.U., Guwahati-14.

Subject : Delivery of Certificate/Diploma in Person

Sir,

I may be personally allowed to receive my Degree Certificate/Diploma (Provisional/Original) of B.A. bearing Code No. 7745 Roll No. F. 1568 as it is needed in connection with my service.

Pranati Bhattacharjee
Name of the applicant in full

Address :

Specimen signature of the applicant to be attested by the Principal of the College/Head of the Institution from which he/she passed.

Signature attested

Principal
Principal of the College
Dimgur Govt. Institution
with Office seal

[Signature]
Specimen Signature of the applicant

Allowed

Dy. Registrar/Asstt. Reqr./Supdt. Cer. Br.

Original

GAUHATI UNIVERSITY

G

15677

Guwahati - 781 014 :: Assam

Book No.

Received from P. Bhattacharya **157**

The amount specified below by Cash or Bank draft

Payment made on account of	Rs.	P
B A CENT 1970 Rem m - J - 15687 DD - 649148 dt 21/8/10 T - 570/-	570	—
TOTAL	570	—

Rupees in words Five hundred and seventy only only

Date : 28/8/10

GUP/D-6448/50.000x3/07-07

D
Cashier

*Affected
Wanta
Adv*

No. 3360

GAUHATI UNIVERSITY



B. A. Part I Examination Marks

The following are the Marks obtained by Pranati Bhattacharjee Roll No. 6293
of Srimapuri College at the B. A. Part I Examination. 19...68

GAUHATI UNIVERSITY PRES.

HONOURS SUBJECT			33/100	33/100	Second Language	History	Economics	Philophy	Education	Political Science	Classics	Mathematics	Science Subject		
Paper I	100		33	53											
Paper II	100														
Paper III	100														
Paper IV (Written or Practical)	100														
Paper V (Written or Practical)	100														
Science Theoretical															
Total															
Science Practical															
Total															
Honours Grand Total															
English I															
M.I.L. or alternative paper															
Paper I	100														
Paper II	100														
Total	66/200														
Paper I	100														
Paper II	100														
Total	66/200														
Paper I	100														
Paper II	100														
Total	66/200														
Paper I	100														
Paper II	100														
Total	66/200														
Paper I	100														
Paper II	100														
Total	66/200														
Paper I (Written)	30/100														
Paper II (Practical)	20/50														
Total	50/150														
Grand Total (Pass Subject)															
Result															X

Rs. 4.00

First Tabulator
Date 24/7

Second Tabulator
Date.....

Asstt. Controller of Examinations
Date.....

Attested
Bulla
Aoh

95 - 9 -

No. 1109

GAUHATI UNIVERSITY



B. A. (Part II) Examination Marks

The following are the marks obtained by... Pranati Bhattacharjee.....
Roll No. F.1528 of Dimapur..... College at the B. A. (Part II) Examination, 1970.

UNIVERSITY OF GAUHATI

Honours Subject						Pass Subject										Result	
Paper VI—	Paper VII—	Paper VIII or Practical—	Theoretical Total	Practical Total	Minimum for Class I—480 Class II—320	Science Subject					Distinction-500						
100	100	100				English Paper II—	M. I. L. or Alternative 2nd Paper—	Paper III—	Paper III—	Paper II—	Practical—	Total Marks—	Pass Marks—	Total in Part I—	Total in Part—II		Grand Total—(part I & II)
						33/100	33/100	33/100	33/100	30/100	20/50	150	50	600	400	1000	P
						33	52	46	36					67			

Rs. 4.00

First Tabulator

Second Tabulator

Asstt. Controller of Examinations

Date.....

Date.....

Date.....

Attested
Mulla
Adw

Original Application No. 31 of 2004.

ANNEXURE - E

Date of Order: This, the 06 th Day of June, 2005.

HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Ajay Kumar Pandey
S/o Sri Sitaram Pandey
HT/0090 Hindi Teacher
3rd Assam Rifles
C/o 99 APO.

... Applicant.

By Advocates S/Shri M.Chanda, G.N.Chakraborty, S.Choudhury &
S.Nath.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
New Delhi.
2. The Director General of Assam Rifles
Shillong - 793 011
Meghalaya.
3. The Secretary to the Govt. of India
Ministry of Finance
New Delhi.
4. The Commandant
6, Assam Rifles
C/o 99 APO.
5. The Commandant
3(NH) Bn Assam Rifles
C/o 99 APO.

... Respondents.

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

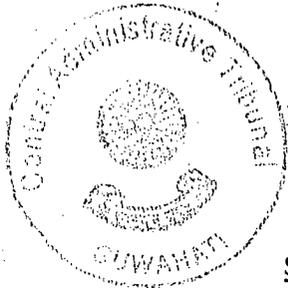
ORDER (ORAL)

SIVARAJAN, J. (V.C.) :

The applicant was originally appointed as Hindi Teacher (Graduate) in the pay scale of Rs.1200-2040/- on 17.8.1989 and he was posted as such at Mizoram under 6 Assam Rifles. The applicant is

MS

*Attested
Usha
Adv*



97

127

presently working at Zunhe Boto under 3 Assam Rifles. According to the applicant, since he was appointed as Hindi Teacher (Graduate) in the year 1989 he is entitled to the scale of pay of Rs.330-10-380-EB-12-500-EB-25-560/- initially and on the basis of revision of scales of pay based on Pay Commission's report approved by the Government the revised scale corresponding to this scale of pay to be given to the applicant. According to the applicant, instead of scale of pay of Rs.1200-2040/- he should have been placed in the scale of pay of Rs.1400-2600/- corresponding to the pre-revised scale of pay of Rs.330-560/- and as a result of 4th Pay Commission accepted by the Central Government the scale of pay should have been enhanced to Rs.5000-8000/- and later as a result of the 5th Pay Commission Report and the Government order dated 3.8.2001 (Annexure-II) his pay should have been revised to Rs.5500-9000/- with retrospective effect i.e. on 1.1.1996.

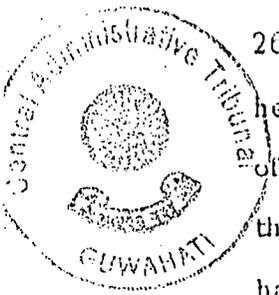
The applicant has filed this O.A. seeking for a declaration that he is entitled to get the pay scale of Rs.1400-2600/- from the date of his initial appointment i.e. 17.8.1989 and further revised scale of pay of Rs.5500-9000/- w.e.f. 1.1.1996. The applicant seeks for a direction to the respondents to grant the aforesaid pay scales from the aforesaid dates including arrears and thereafter consider his case for grant to next higher scale of pay of Rs.6500-10500/- w.e.f. 17.8.2001 i.e. on which ^{his date} the applicant had completed 12 years of service in accordance with the provisions of Assured Career Progression (ACP) Scheme.

3. The respondents have filed their written statement. It is stated in Paragraph 5 of the said written statement that with regard to



98

Paragraph 4.4. of the application that according to the 4th Pay Commission recommendation the following categories of teachers pay scales were revised in the schools of Central Government; (a) Primary Teachers - 1200-2040/-; (b) Trained Graduate Teachers - 1400-2600/- and (c) Post Graduate Teachers - (Not applicable). It is further stated that on similar lines Assam Rifles Teachers were also granted revised pay scales; Junior Teachers who fulfills the qualification criteria were granted Primary Teacher's scale and Senior Teachers who fulfills the criteria were granted Trained Graduate Teacher's scale and as Hindi Teachers pay scales were not equated with any of the pay scales of Primary Teacher and Trained Graduate Teacher, Hindi Teacher's trained were granted Senior Teacher's scale of Rs. 1400-2600/- and Hindi Teacher's untrained (without B.Ed) were granted normal replacement scale of Rs.1200-2040/- as the pay scales of Hindi Teachers of Rs.290-560/- and Rs.330-560/- (pre-revised) were merged into Rs.1200-2040/-; therefore with effect from 1986 Hindi Teachers both Graduate (untrained) and under graduate were eligible for the pay scale of Rs.1200-2600/-. It is further stated that only Hindi Teachers trained (B.Ed) were granted the higher pay scale of Rs.1400-2600/- as per part B of First Schedule of 4th CPC report item 5 and hence the applicant who is a graduate is not entitled to the pay scale of Rs.1400-2600/- at the time of appointment and that he is entitled to the pay scale of Rs.1200-2040/-. It is further stated that the applicant having joined service as untrained Hindi Teacher was eligible for the pay scale of Rs.1200-2040/- only which was correctly given to him and that only trained teachers possessing B.Ed degree were given Rs.1400-2600/- pay scale and further there is no provision for promotion of Hindi Teacher to Senior Teacher since both the posts are



[Handwritten signature]

- 13 - 99 - 129

entirely separate categories of posts. It is also stated that after 5th Pay Commission recommendation he was entitled to Rs.4000-6000/- (revised) pay scale and subsequently his pay scale was further revised to Rs.4500-7000/- pay scale. The applicant thus though a graduate Hindi teacher since he was not in the pay scale of Rs.5000-8000/- he cannot be granted the revised scale of Rs.5500-9000/- and that in compliance of Government of India orders all the Hindi Teachers who were drawing the pay scale of Rs.5000-8000/- were granted the revised scale of pay of Rs. 5500-9000/-. However, it is stated that only the personnel who were drawing the pay scale of Rs.5000-8000/- were given the scale of Rs.5500-9000/-. There is a further statement that the respondents have duly considered representations received and all the eligible personnel have been granted the pay scale of Rs.5500-9000/-. Presently there are only two categories of Hindi Teacher, Graduate and undergraduate and new entrants are being appointed as such, it is stated. In Paragraph 17 of the written statement it is stated that only those Hindi Teachers who were trained and holding B.Ed degree were given pay scale of Rs.5000-8000/- and subsequently the revised pay scale of Rs.5500-9000/-. In Paragraph 19 of the written statement it is further stated as follows:-



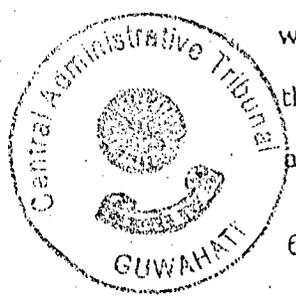
19. That with regard to statements made in Para 5.5 to 5.9 of the application, the respondents beg that the applicant was entitled to the pay scale of Rs.1200-2040/- (pre-revised) which was revised to Rs.4000-6000/- and subsequently to Rs.4500-7000/-. Though the applicant is a graduate Hindi Teacher but not in the existing scale of Rs.1400-2600/- in the 4th pay commission he cannot be granted the revised scale of Rs.5500-9000/- without the approval of Ministry of Home Affairs. A fresh case is being taken up with Ministry of Home Affairs to grant the scale of similarly affected teachers. Only on confirmation from Ministry of Home Affairs the scale of 5500-9000/- can be given to the applicant. If Ministry of Home Affairs

grt

Affairs. Counsel in short submits that there is no specific grading of Hindi Teacher Graduates and Hindi Teacher undergraduates in the Recruitment Rules and that there is no further requirement for training qualification for appointment to the post of Hindi Teacher. Counsel also took us to a decision of this Tribunal dated 15.12.2000 passed in O.A.13 of 1999 in the case of similarly situated employee and submitted that the respondents were directed to give the scale of Rs.5500-9000/- with other consequential benefits. Counsel submits that since the case of the applicant is similar to applicant in the aforesaid case the same reliefs must be granted to the applicant also. Counsel further took us to the advertisement made by the respondents for the post of Hindi Teacher (Annexure-B to the Rejoinder) in support.

5. Ms. U. Das, learned Addl. C.G.S.C. appearing for the respondents submits that the respondents have clearly stated while returning the representations to the applicant that the matter regarding granting higher scale of pay of Rs.5500-9000/- has been referred to the Ministry and a clarification is awaited. Counsel also took us to the specific statement made in that behalf in Paragraph 19 which we have already extracted. Counsel accordingly submits that the matter may be relegated to the respondents for taking an appropriate decision in the matter.

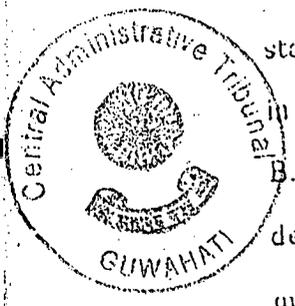
6. We have considered the rival submissions. We would at the outset note that admittedly the applicant is a Hindi Teacher Graduate. We said 'admittedly' because it is stated so in the written statement. The only reason for not granting revised higher pay scale of Rs.1400-2600/- and Rs.5500-9000/- is that the applicant has been holding pre-



105

revised scale of Rs.1200-2040/-. We have also noticed that as per the Rules regarding the appointment of Teaching Staff in the Assam Rifles which is annexed as Annexure-A to the Rejoinder, to which we have already referred to, there is no specific grading as Hindi Teacher Graduates and Hindi Teacher undergraduates in the sense that the post is only that of Hindi Teacher. Of course, different scales are provided in the case of Hindi Teacher Graduates and Hindi Teacher undergraduates. Holding B.Ed degree is not a requirement under these Rules. However, we have noted that the respondents in their written statement had stated that as per 4th Pay Commission report both the posts of Hindi Teacher Graduate and Hindi Teacher undergraduate had been merged and one common pay scale has been fixed for both posts i.e. Rs.1200-2040/-. We have already adverted to the various documents relied by the counsel for the applicant. We do not have all the required service particulars of the applicant before us. In such circumstances, we are not in a position to finally adjudicate the question as to whether it is due to an anomaly that the applicant has not been given the pay scale of Rs.1400-2600/- and Rs.5500-9000/- or it is by mistake. It would appear from the written statement filed by the respondents that different posts were available in the Assam Rifles such a Primary School Teacher etc. and training B.Ed qualification is also stated to be a requirement for which no details have been furnished before us other than the bald averments made in the written statement. However, it would appear that the respondents had admitted it is due to the anomaly and that it is due to said anomaly such similarly situated employees have not been granted the pay scale of Rs.1400-2600/- and subsequently Rs.5500-9000/- and the same is under consideration by the concerned Ministry.

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 30 AUG 2012
 Guwahati Bench
 गुवाहाटी न्यायालय



hpt

- 17 - 103 -

132

7. In these circumstances, we direct the respondents to consider the case of the applicant for granting revised scale of Rs.1400-2600/- with effect from August, 1989 and further revised pay scale of Rs.5500-9000/- with effect from 1.1.1996 and to take a decision thereon as expeditiously as possible at any rate within a period of four months from the date of receipt of this order. Needless to say, the Ministry or the concerned respondents have to consider the case of the applicant with reference to all the materials placed by the applicant and referred to in this order. We note that the case of the Teaching Staff has been pending before the Ministry since 2000 and the respondents are taking the stand that the applicant's can be reviewed only after clarification is received from the Ministry of Home Affairs. If no clarification is received from the Ministry of Home Affairs even after 4 years the concerned respondents will bring this order to the Government immediately and request for expediting the clarification to comply with the direction issued in this order. The applicant and the respondents will place a copy of this order to the Government and to the concerned respondent within two weeks for compliance.

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 30 AUG
 Guwahati Bench
 गुवाहाटी



The Original Application is disposed of as above.

Sd/ VICE CHAIRMAN
 Sd/ MEMBER (A)

Date of Application : 27.2.07
 Date on which copy received : 27.2.07
 Date on which copy received : 27.2.07
 Certified to be true

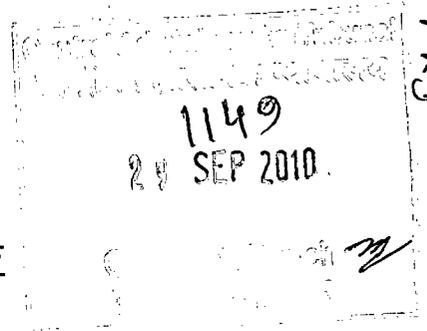
N 27226
 Section Clerk (J. II)
 C. A. T. Guwahati Bench
 Guwahati
 MS 27/2/07

- 104 -

13/9
Filed by #
Dutta, Advocate
on 29.09.10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI



IN THE MATTER OF

O.A.-13/2009

Smt Pranati Bhattacharjee

-VS-

Union of India & Others

-AND-

IN THE MATTER OF

Submission of documents in compliance
of the Hon'ble Tribunal' order dated 24.09.2010

The applicant above named

MOST RESPECTFULLY SHEWETH:

1. That in compliance to the Hon'ble Tribunal's order dated 24.09.2010, the applicant in the above named O.A. submits the following document in support of the contentions raised in the Original Application

(i) Provisional Pass Certificate of Degree Examination, 1970

Received copy
for Mrs. M. Das,
D. G. S. E., CAT
T. K. Banerjee, Adv.
29.09.10

University of Gauhati



DEGREE EXAMINATION, 1970
(Pass)

Centre
29 SEP 2010
Gauhati Branch
গুৱাহাটী শাখা

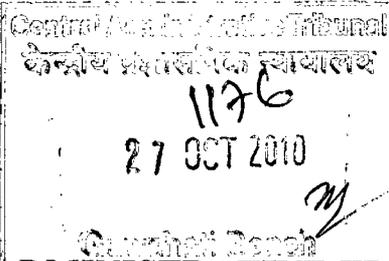
This is to certify that
Pramate Bhattacharjee
of Dibrugarh College, Roll
No. F 1568 having passed in all the
subjects of Part I and Part II Examinations
of the Three year Degree Course has qualified
for the Degree of Bachelor of Arts, in
this University in the year 1970

Secretary, Gauhati

29.9.2010

12/2010
Vice-Chancellor

Attested
Dulle
Adv



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

In the Matter of :

O.A. No. 13/2009

Smt. Pranati Bhattacharjee

-----Applicant.

-Vs-

Union of India & Ors.

..... Respondents.

In the Matter of :

An affidavit filed by the applicant in terms
of the Hon'ble Tribunal's order dated

20.9.2010

I, Smti. Pranati Bhattacharjee, Sr. Teacher (Retired), aged about 61 years, resident of C/o Late S. R. Bhattacharjee, Palli Sree Lane, House No. 41/1, Ward No. 14, Kanakpur Part-II, Silchar- 788005, Assam, do hereby solemnly affirm and say as follows :-

1. That, I have approached Hon'ble Tribunal through this instant original application being aggrieved by the refixation of pay by the respondents, which has been done arbitrarily without any prior notice just before the retirement.
2. That said original application came up before the Hon'ble Tribunal for hearing in number of occasions. During pendency of the case, the Hon'ble Tribunal directed to produce the provisional pass certificate of Degree Examination, 1970 for proper adjudication of the case.
2. In compliance of the said direction of the Hon'ble Tribunal, I applied for the same to the concerned university on 28.08.2010 and got the certificate.

27 OCT 2010

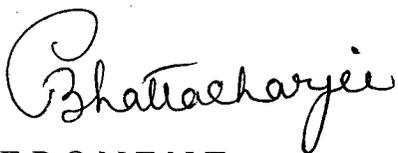
107-137

3. That provisional pass certificate of Degree Examination, 1970 is therefore submitted before the Hon'ble Tribunal for their kind perusal.
4. This the statements made in paragraphs 1 to 4 are true to best of my knowledge and I sign this affidavit on this 27th day of October, 2010.

Identified by;-



Advocate.



Bhattacharyei

DEPONENT

University of Gauhati

862



DEGREE EXAMINATION, 1970
(Pass)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

27 9 2010

গোয়াহাটী বিশ্ববিদ্যালয়
মুদ্রাহারী বিভাগ

This is to certify that
Pramata Bhattacharyya
of Dumrapuri College, Roll
No. F 1568 having passed in all the
subjects of Part I and Part II Examinations
of the Three year Degree Course has qualified
for the Degree of Bachelor of Arts, in
this University in the year 1970

Gauhati, Assam

The 20th November 1970

[Signature]
Vice-Chancellor