

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/NO. 133 2009  
R.A./CP/NO.....2015  
E.P./M.P./NO.....2015

1. Order Sheets..... 4 ..... page..... 1 ..... to..... 7 ✓
2. Judgment/ order dtd. 07.5.2010 page..... 1 ..... to..... 5 ✓
3. Judgment & Order dtd..... ✓ .....received from H.C. /Supreme Court.
4. O.A. .... 133/09 ..... page..... 01 ..... to..... 29 ✓
5. E.P/M.P. .... ✓ ..... page..... to.....
6. R.A./C.P..... page..... to.....
7. W.S. Filed R.No. 1 to 4 ..... Page..... 1 ..... to..... 26 ✓
8. Rejoinder..... ✓ ..... page..... to.....
9. Reply ..... ✓ ..... page..... to.....
10. Any other papers ..... ✓ ..... page..... to.....
11. Memo of ~~attendance~~ appearance Page - 01 ✓

✓  
03.6.2015

P.D. 07/07/2015  
SECTION OFFICER (JUDL.)

✓  
6-7-2015

ORDERSHEET

- 1. Original Application No: 133 /2009
- 2. Misc Petition No
- 3. Contempt Petition No
- 4. Review Application No

Applicant(s) Smti Kavita Mehra

Respondant(s) Union of India & Ors.

Advocate for the Applicant(s): Mr. U.K. Nair,  
Mr. B. Sarma &  
Mr. A. Chetry

Advocate for the Respondant(s): 6  
Standing Counsel ICAR.

Notes of the Registri	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. for Rs. 10,- deposited vide <u>                    </u> No. <u>396/410415</u> Dated <u>9.7.2009</u></p> <p><u>                    </u> Dy. Registrar <u>21.7.09</u> <u>17/7/09</u></p> <p><u>17.7.09</u></p> <p><u>4 (Four) copies of</u> <u>Application with envelopes</u> <u>received for issue</u> <u>notices to the Respondents</u> <u>No 1 to 4.</u></p> <p><u>                    </u> <u>17/7/09</u></p> <p><u>K. Das</u></p> <p>Send copies of this order to the Respondents with notices and free copies to both the counsels and also to the Applicant.</p> <p><u>                    </u> <u>23/7/09</u></p>	22.07.2009	<p>Heard Mr.B.Sarma, learned counsel for the Applicant and perused the materials placed on record.</p> <p>Issue notice to the Respondents requiring them to file their written statement within 30 days of receipt of this notice.</p> <p>No further recovery should be made from the Applicant without leave of this Tribunal.</p> <p>Call this matter on 03.09.2009.</p> <p>Send copies of this order to the Respondents (along with notices) and free copies of this order be also sent to the Applicant and be supplied to the learned counsel appearing for the Applicant.</p>

                      
(M.K.Chaturvedi)  
Member (A)

                      
(M.R.Mohanty)  
Vice-Chairman

/bb/

Copies of notices along with order dated 22/7/09 send to D/Sec. for issuing to respondents by regd. A/D post.

Free copies of this order issuing to applicant and L/counsel appearing for the applicant.

24/7/09. DT No 3945 to 3948 /bb/ Dt = 24-7-08

O.A.133-09

03.09.2009

Mr.U.K.Nair, learned counsel appearing for the Applicant is present. On behalf of ICAR Mr.M.Mahanta, Advocate undertakes to enter appearance and file written statement within next six weeks.

Call this matter on 15.10.2009 awaiting written statement from the Respondents.

(M.K.Chaturvedi)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

15.10.2009

Despite opportunity no written statement has yet been filed on behalf of the Respondents.

Subject to legal pleas to be examined at the final hearing, this case is admitted.

Opportunity to file written statement is, hereby, granted to the Respondents to file the written statement by 2nd of December, 2009.

Call this matter on 02.12.2009.

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

(M.K.Chaturvedi)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

/bb/

2.9.09

Service awaited

8.9.09

A/D Card received from Respt No. 1.

14.10.09

W/s. not yet submitted.

19.10.09

send copies of this order to the Applicant and the Respondents.

14/10/09

Copies of order dated 15/10/2009 send to D/Sec. for issuing to the applicant and to the respondents by post.

21/10/09. D/Sec. 12469 to 12473 10-11-2009

Vakalatnamas has been filed by Mr. K.M. Chandny Sr. Adv. Ms. R.S. Chandny & Mr. M. Mahanta, Advocates for Respondent 2.

NO W/S filed.

11/12/09

2.12.09

W/S has been filed by the Respondent No 1 to 4 in the Court through Ms. R.S. Chandny, Advocate. Copy served.

NO rejoinder filed.

5.1.2010

1.2.10

NO rejoinder filed by

NO rejoinder filed.

22/2/2010

02.12.2009 It is stated that reply has been filed today. Learned counsel for the Applicant seeks time to file rejoinder and allowed.

List on 06.01.2010

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

/lm/

6.1.2010 Time is extended to file rejoinder. List the matter on 2.2.2010.

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

/lm/

02.02.2010 Accepting the prayer for time to file rejoinder within three weeks from today, case is adjourned to 24.02.2010, on which date it will be heard finally.

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

nkm

24.02.2010 Last and final opportunity is granted to Applicant to file rejoinder within two weeks, failing which matter will proceed based on documents and pleadings available on record.

List on 11.03.2010.

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

/bb/

No rejoinder  
filed

11.03.2010

Despite last and final opportunity granted to file rejoinder vide order dated 24<sup>th</sup> February 2010, no steps have been taken in compliance with the said direction. In the circumstances, right to file rejoinder is forfeited. As the O.A. has already been admitted vide order dated 15.10.2009, list for hearing on 15.03.2010.

10.3.2010

w/s filed

12.3.2010

(Mukesh Kumar Gupta)  
Member (J)

/pb/

No rejoinder filed

17.3.2010

15.03.2010

On the prayer of the counsel for the parties list on 18.3.2010.

(Madan Kr. Chaturvedi)  
Member (A)

pg

No rejoinder filed

1.4.2010

18.03.2010

Proxy counsel for Mr. U.K. Nair, learned counsel for Applicant made a request for adjournment which request has not been objected by Mrs. R.S. Choudhury, learned counsel for Respondents, as such list on 05.04.2010

(Madan Kumar Chaturvedi)  
Member (A)

/pb/

05.04.2010

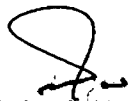
On the request of Mr.U.K.Nair, learn-  
counsel for the Applicant, case is adjourned

05.04.2010

On the request of Mr.U.K.Nair, learned counsel for the Applicant, case is adjourned to 20.4.2010.

List on 20.04.2010.


  
(Madan Kr. Chaturvedi)  
Member (A)

  
(Mukesh Kr. Gupta)  
Member (J)

Im

20.04.2010

On the request of proxy counsel for applicant, adjourned to 22.04.2010.

  
(Madan Kumar Chaturvedi)  
Member (A)

  
(Mukesh Kuria Gupta)  
Member (J)

nikm

22.04.2010

Various reliefs have been sought in these two O.A.s 133 and 134 of 2009, namely, entitlement of 2 advance increments, recovery made, assessment not carried out from T-4 to T-5 categories as well as action is not releasing salaries for certain months in the year 2008 and 2009.

Learned counsel for applicants Mr.U.K.Nair, at the outset, made a statement that he will not press other reliefs except issues regarding entitlement of 2 advance increments and recovery made thereof, particularly when such multiples reliefs are barred under Rule 10 of CAT (Procedure) Rules, 1987. However, he seeks liberty to approach the concerned authority for rest of the reliefs. This aspect has not been disputed by Mrs.R.S.Choudhury, learned counsel for respondents. Hence, we confine ourselves in these proceedings to the issues regarding entitlement of 2 advance increments and consequential recovery.

Contd...

O.A.133-09



Contd.  
22.04.2010

Heard U.K. Nair, learned counsel for applicant and Mrs. R.S. Choudhury, learned counsel for respondents.

Upon hearing both sides for some times, the question, which is narrowed down and required to be considered is, whether an officials who had already enjoyed 2 advance increments on completion of 5 years service but not promoted, subsequently promoted, is entitled to 2 more advance increments in the promotional scale or the 2 advance increments in lieu of promotion already granted would have to be adjusted.

In the circumstances, respondents are directed to produce pay fixation order of applicants on grant of 2 advance increments w.e.f. 01.01.2000, to have a comparative study as to whether pay fixation order dated 01.01.2004 is justified or not. Respondents are directed to do the needful within a period of two weeks.

List on 06.05.2010. Copy of this order be made available for necessary compliance.

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

/bb/

23-4-2010

Copy of the order dated 22-4-2010 send to D. Section for issuing of the same to the Mrs. R.S. Choudhury, Advocate for the respondents.  
Vide D.No-  
Date -

W

W/s filed,

W  
5.5.2010

06.05.2010

Service Book of the applicant has been produced before us. A comparative analysis of pay fixation order of the applicant has also been tabulated and shown to us. On perusal of said tabulation, we are prima facie satisfied that there is no illegality made by the respondents in fixing applicant's pay.

On the request of Shri G.Z. Ahmed, proxy counsel for applicant, adjourned to 07.05.2010.

(Madan Kumar Chaturvedi) Member (A)

(Mukesh Kumar Gupta) Member (J)

07.05.2010

Heard learned counsel for parties. For the reasons recorded separately, O.A. stands disposed of. No costs.

(Madan Kumar Chaturvedi) Member (A)

(Mukesh Kumar Gupta) Member (J)

*Handwritten notes:*  
Judgment copy of order has been prepared & sent to B-section for issuing to the applicant & Respondent by post.

*Handwritten notes:*  
Memo No. 1632 to 1642

*Handwritten notes:*  
Date 23-7-2010

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A.No.133 of 2009

And

O.A.No.134 of 2009

DATE OF DECISION: 07.05.2010

1. Smt Kavita Mehrotra (in O.A.No.133/2009)

2. Shri Kamal Ranjan Ghosh (in O.A.No.134/2009) .....Applicant(s)

Mr U.K. Nair

Advocate(s) for the  
Applicant (s)

- Versus -

Union of India and others

Respondent(s)

Mrs R.S. Choudhury


Advocate(s) for the  
Respondent(s)

CORAM:

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

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

  
Member (J)

.....

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.133 of 2009

With

Original Application No.134 of 2009

Date of Order: This the 7<sup>th</sup> day of May 2010

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

1. Smt Kavita Mehrotra,  
W/o Sri Sushanta Das Biswas,  
Colonel Chowmuhani, Agartala,  
Dist.-West Tripura. .... Applicant in O.A.No.133/2009
2. Shri Kamal Ranjan Ghosh,  
S/o Late Karunamoy Ghosh,  
Resident of Jorapukurpar,  
Banamalipour,  
Agartala-799001. .... Applicant in O.A.No.134/2009

By Advocate Mr U.K. Nair.

- versus -

1. The Indian Council of Agricultural Research,  
Represented by the Director General,  
Indian Council of Agricultural Research,  
Krishi Bhawan, New Delhi-110001.
2. The Director,  
ICAR Research Complex, NEH Region,  
Umroi Road, Umiam,  
Barapani-793103, Meghalaya.
3. The Assistant Administrative Officer (Admu.)  
ICAR Research Complex, NEH Region.,  
Umroi Road, Umiam,  
Barapani-793103, Meghalaya.
4. The Joint Director,  
ICAR Research Complex, NEH Region,  
Tripura Centre, Lembucherra,  
West Tripura-799210,  
Tripura. .... Common respondents in both cases

By Advocate Mrs R.S. Choudhury.

.....

ORDER (ORAL)MUKESH KUMAR GUPTA, JUDICIAL MEMBER

As these two O.A.s raise identical questions of facts and law, the same were heard analogously and disposed of by present common order. For brevity, facts are delineated from O.A.No.134/2009.

2. Admitted facts are: applicant was initially appointed as Computer Grade T-1 in the year 1980; promoted to Grade of T-2, Category-I in 1987 and T-1-3 in 1995. In the year 2000, he was further promoted to Grade T-II-3, Category-II w.e.f. 01.01.1995. Merit promotion is governed by rules known as Technical Services Rules of the ICAR 1975, which were amended on 03.02.2000. Rule 6.1, dealing with career advancement, provides that there shall be a system of merit promotion from one grade to the next higher grade irrespective of the occurrence of the vacancies in the higher grade or grant of advance increment(s) in the same grade, on the basis of the assessment of performance. The persons concerned will be eligible for consideration for such promotion or for grant of advance increment(s) after the expiry of the number of prescribed years of service in the grade as detailed therein. Applicant had been in the pay scale of Rs.4,500-7,000/- as on 01.01.2000 (T-II-3). His pay as on that day was Rs.5375/-. As per aforesaid rules, one is entitled to either merit promotion or grant of advance increments.

3. Issue which falls for consideration is whether a person who has been granted advance increments in lieu of merit promotion, on grant of regular promotion under said rules, whether entitled to

protection of two advance increments so earned/granted. In the facts of present case, he was granted two advance increments in the pay scale of Rs.4,500-7000/-, which carried annual increment of Rs.125/- in said scale. As such after grant of two advance increments his pay was raised to Rs.5625/-. He was also granted annual increment which had fallen on 01.01.2000 at the rate of Rs.125/- in the scale of Rs.4,500-7,000/-. As such his pay was raised to Rs.5,750/-. Subsequently he was also granted normal assessment promotion on merit w.e.f. 01.01.2001 in the pay scale of Rs.5,500-9,000/-. Erroneously, as per the respondents, his basic pay was fixed at Rs.6025/- in the scale of Rs.5,500-9,000/-. Since there had been some protest lodged by the officials working in the Institute, pay fixation was revised, which became the subject matter in present O.A. According to applicant there was no illegality in the pay fixation carried out by the respondents even on grant of promotion to T-4 Grade as the basic pay in both the cases remained the same. This has been seriously contested by the respondents stating that proper fixation of pay would be Rs.5625/- and not 5750/-, as carried out erroneously. It was explained that basic pay on the date of promotion in T-4 grade would be Rs.5,500/- and after notional increment granted at the rate of Rs.125/- it would come to Rs.5625/-. Since there was no matching stage in the scale of Rs.5,500-9,000/-, his pay was fixed at Rs.5,750/-, granting Rs.75/- as personal pay, to be adjusted in the next annual increment. Learned counsel for applicant has objected to this fixation stating that if he was not allowed two advance increments as on 01.01.2001 and was granted regular promotion in T-4 grade his pay would have been Rs.5750/-, instead of Rs.5,675/-.



3. We have heard learned counsel for the parties, perused the pleadings and other material placed on record. Our attention was drawn by learned counsel for applicant to various prayers made by applicant namely, to refund the amount recovered etc. as well as to release the withheld amount besides, requiring respondents to assess him in T-5 category, to which he was entitled to as on date. Various other reliefs have also been sought. We may note that vide order dated 22.04.2010, learned counsel for applicant when confronted with Rule 10 of CAT (Procedure) Rules, 1987 which prohibits multiple reliefs, not consequential to the main relief, he had fairly submitted that he would not press other relief and, therefore, he was granted liberty to approach the concerned authority for rest of the reliefs. Only relief which had been confined in present O.A. was the issue regarding grant of two advance increments in promotional post and consequential recovery. Therefore, we need not elaborate on said aspect. Issue regarding grant of two advance increments and consequential action, in our considered opinion, is totally misconceived. When a person who is granted advance increments in the lower scale is granted regular promotion to the next grade namely, T-4 in the present case which carries a higher pay, fixation has to be revised and the advance increments already granted in the lower scale namely, Rs.4,500/-7,000/- cannot be allowed once again in the higher scale namely, Rs.5,500-9,000/-, otherwise this would amount to double benefits, which is impermissible. Any illegality committed by the respondents, as we have already noticed hereinabove, certainly has to be rectified, which precisely has been done by the respondents. In our considered opinion since there was no matching stage in the scale of Rs.5,500-9,000/- of Rs.5,675/-, he



was granted the benefit of pay protection of Rs.75/- treating it as personal pay to be adjusted in the next annual increment. We see no illegality or arbitrariness in said action. In fact, he has been given certain better pay though in a manner that indeed would reflect respondents have acted with fairness and within the four corners of rules. Examining the matter on either angle we do not find any illegality in pay fixation in any manner.

4. In view of the above discussion, both O.A.s are disposed of with liberty as prayed for in respect of applicant in O.A.No.134/2009. As far as prayer made seeking direction for assessment for promotion to next higher grade namely, T-5 is concerned, the respondents will be well advised to consider their claim as per rules on the subject. No costs.



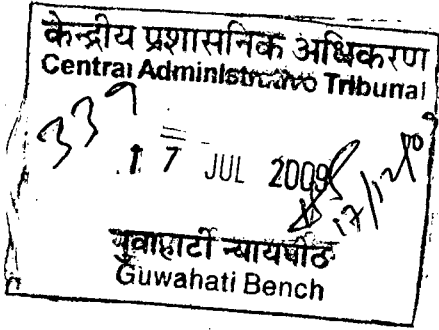
(MADAN KUMAR CHATURVEDI)  
ADMINISTRATIVE MEMBER



(MUKESH KUMAR GUPTA)  
JUDICIAL MEMBER

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 133 / 2009



Smti Kavita Mehrotra

....Applicant

-Versus -

The Indian Council of Agricultural Research  
& ors

....Respondents

SYNOPSIS

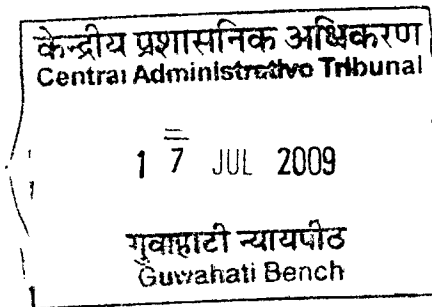
This original application is directed against the communication dated 17.12.08 effecting 40% refund of the two advance increments granted to the applicant w.e.f. 01.01.01 to 30.11.08 in the Grade of T-II-3, Category -2 from the arrear pay released in his favour in terms of the recommendation of the Sixth Pay Commission and the balance 60% refund of the said two increments contemplated to be recovered at the time payment of next arrear pay. Further grievance of the applicant is with regard to the withholding her assessment in connection with her promotion to the Grade of T-5 category-2 of the Technical Services.

The applicant was appointed as a Laboratory Assistant, Grade - T-2 in the ICAR in the year 1985. Thereafter, she was promoted to the Grade T-I-3 w.e.f. 01.07.1992. In the year 2000, the applicant was further promoted to the Grade T-II-3 w.e.f. 01.01.1995. In terms of the Technical Service Rules, 1975 there is system of merit promotion from one grade to the next higher grade or grant of advance increment in the same grade, on completion of 5 years of service in a particular grade. The applicant who was eligible for promotion to the Grade T-4 in the year 2000 was granted the benefit of two advance


increments vide an order dated 17.09.01 w.e.f. 01.01.2000. Subsequently, the applicant was promoted to the Grade T-4 vide and order dated 12.12.03 w.e.f. 01.01.01 and her scale of pay was fixed at the stage of Rs. 6,025/- in the time scale of pay of Rs. 5,500/- 9,000/-. As the applicant was continuing to enjoy the benefit of pay fixation consequent upon his promotion to the Grade T-4, the respondent no. 4 in a most arbitrary, illegal, malafide and discriminatory manner effected 40% refund of the two advance increments w.e.f. 01.01.01 to 30.11.08 granted to the applicant from the arrear pay released to her in terms of the recommendation of the Sixth Pay Commission. The balance 60% of the refund is contemplated to be recovered at the time of payment of next arrear pay. The above mentioned refund has been so effected without their being any order issued by the competent authority towards effecting such refund and also no opportunity was afforded to the applicant of being heard or complying with the necessity of Principles of Natural Justice thereby rendering the said refund to be illegal to the core of it and unsustainable in the eye of law.

In addition to the above mentioned grievance the respondent no. 4 has withheld the assessment of the applicant with regard to her promotion to the Grade T-5, Category – II consequently denying to her due and legitimate promotion to the said Grade.

As such, the present application seeking appropriate relief(s).

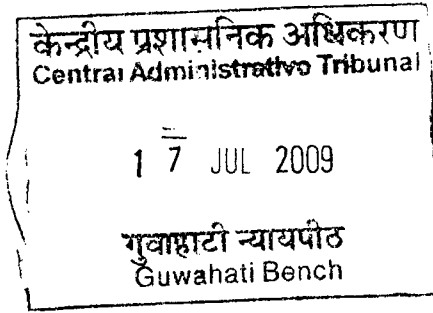


Filed By

  
07/07/2009  
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 133 / 2009



Smti Kavita Mehrotra

....Applicant

-Versus -

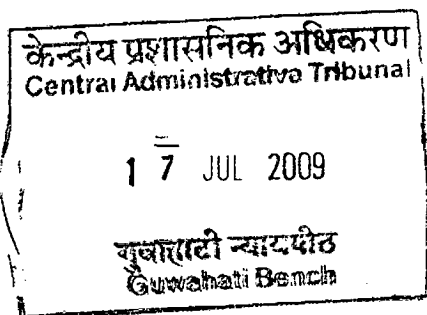
The Indian Council of Agricultural Research  
& ors

....Respondents

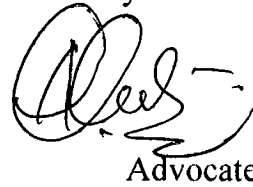
LIST OF DATES

1. 1975 – The Technical Service Rules, 1975 ICAR regulating the service conditions of incumbents engaged in performing technical duties in the ICAR came into existence.
2. 11.10.85 – The applicant was appointed as a Laboratory Assistant, Grade – T-II by the Director, ICAR.
3. 10.04.95 – The applicant was promoted to the Grade of T-I-3, Category – I w.e.f. 01.07.1992.
4. 03.02.2000 – The Technical Service Rules, 1975 was amended and certain modifications were effected in the re-arrangement and prescription of the criteria's for promotion to the Grades in Category – I and II of the said service.
5. 29.06.2000 – The applicant was promoted to the Grade of T-II-3, Category – II w.e.f. 01.01.95.

6. 17.09.01 – The applicant granted the benefit of two advance increments in the Grade T-II-3, Category – II w.e.f. 01.01.2000.
7. 12.12.03 – The applicant was promoted to the Grade – T-4, Category – II w.e.f. 01.01.01.
8. 01.01.04 – The Joint Director, ICAR, Research Complex requested the office of the Assistant Administrative Officer (Admn) to fix the pay of the applicant in the pay scale of Rs. 5,500-9,000/-.
9. 03.03.04 – The Administrative Officer (A) fixed the pay of the applicant at the stage of Rs. 6,025/- in the pay scale of Rs. 5,500-9,000/-.
10. 17.12.08 – The respondent no. 4 vide the communication dated 17.12.08 communicated to the applicant the action towards 40% refund of the advance increment granted to her in the Grade T-II-3, Category – II with further stipulation that the balance 60% would be recovered at the time of payment of next arrear pay.



Filed By

  
Advocate 07/07/2009

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 133 / 2009

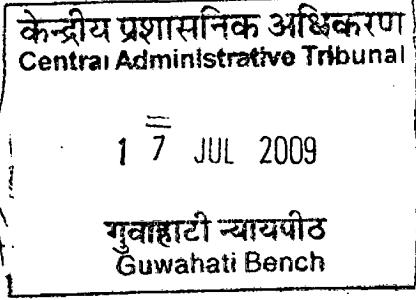
Smti Kavita Mehrotra

....Applicant

-Versus -

The Indian Council of Agricultural Research  
& ors


....Respondents



INDEX

Sl. No.	Particulars	Pages
1.	Original Application	- 1 - 16
2.	Verification	- 17
3.	Annexure - 1	- 18 - 19
4.	Annexure - 2	- 20
5.	Annexure - 3	- 21
6.	Annexure - 4	- 22
7.	Annexure - 5	- 23
8.	Annexure - 6	- 24
9.	Annexure - 7	- 25
10.	Annexure - 8	- 26
11.	Annexure - 9	- 27
12.	Annexure - 10	- 28
13.	Annexure - 11	- 29
14.	W/S by R.Nos. 1 to 4	- 30 - 56.

Filed By

 - 07/07/2009  
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH:: GUWAHATI

ORIGINAL APPLICATION NO. 133 / 2009

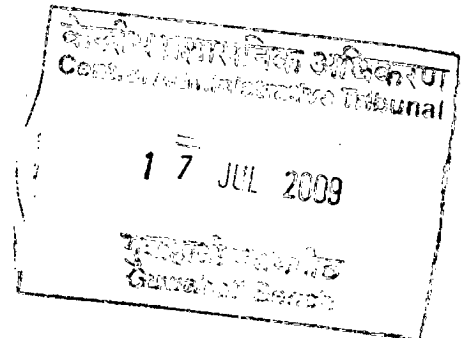
BETWEEN

Smti Kavita Mehrotra, Wife of Sri Sushanta  
Das Biswas, Colonel Chowmuhani,  
Agartala, Dist- West Tripura.

....Applicant

-AND-

1. The Indian Council of Agricultural Research, represented by the Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-110001.
2. The Director, ICAR Research Complex, NEH Region, Umroi Road, Umiam, Borapani – 793103, Meghalaya.
3. The Assistant Administrative Officer (ADM), ICAR Research Complex, NEH Region, Umroi Road, Umiam, Borapani – 793103, Meghalaya.
4. The Joint Director, ICAR Research Complex, NEH Region, Trippura Center, Lembucherra, West Tripura – 799210, Tripura.



....Respondents

Filed by the Applicant  
through :- Amar Cheleng,  
Advocate  
Date = 07.07.09.

✓ Kavita Mehrotra

17 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

1. **PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:**

This original application has been preferred against the communication bearing No. F.6 (44)/ TC/ 08-09/ dated 17.12.08, issued by the Joint Director, ICAR Research Complex, NEH Region, Tripura Center, West Tripura towards 40% refund effected of the two advance increment granted to the applicant w.e.f. 01.01.01 to 30.11.08 from the arrear pay released in her favour in terms of the recommendation of the Sixth Central Pay Commission and the balance 60% refund of the said two advance increments is contemplated to be recovered at the time of payment of next arrear pay. Further grievance of the applicant is with regard to withholding of her assessment in connection with her promotion to the Grade of T-5, Category – II of the Technical Service.

2. **JURISDICTION:**

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

3. **LIMITATION:**

The applicant declares that the instant case has been filed within the limitation period prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

4. **FACTS OF THE CASE:**

4.1. That the applicant is a citizen of India and a resident in the State of Tripura and as such she is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed there under.

4.2. That the applicant states that she was initially appointed as a Laboratory Assistant, Grade T-2 vide an order bearing No. RC (R) 36/ 83/ (Vol-I)/ 191 dated 11.10.1985 issued by the Director, Indian Council of

✓ kavita Mehrotra

Agricultural Research (herein after alluded to as ICAR for the sake of brevity). Thereafter, the applicant was promoted to the various grades in the hierarchical setup for effecting promotions in case of incumbents of the technical service in the ICAR to which service he belongs and presently he is posted as Laboratory Assistant, Grade T-4 on her promotion as such vide an order dated 12.12.03. Since the date of her initial appointment, the applicant has been discharging the duties and responsibilities entrusted to her to the best of her abilities and without blemish to any quarter.

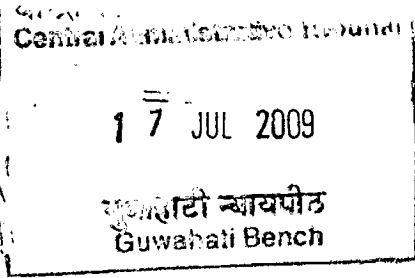
A copy of the order dated 11.10.1985 is annexed as **Annexure – 1.**

4.3. That the applicant states that the Technical Service Rules, 1975, ICAR regulates the service conditions of the incumbents who are engaged in performing technical service in support of Research and Education whether in laboratory, workshop or field or in areas like library, documentation, publication and agricultural communication. The technical services of the ICAR is comprised of all posts, the incumbents of which are engaged in technical services and they are grouped into three categories and each category is further sub classified into various grades as indicated in paragraph 3.1 of the said Rules which are quoted herein below for the sake of ready reference;

Category	Grade
Category – I	T-1 T-2 T-I-3
Category – II	T-II-3 T-4 T-5
Category – III	T-6 T-7 T-8 T-9

It is pertinent to mention here that in terms of paragraph 6.1 of the Rules of 1975, there is a system of merit promotion from one grade to the next higher grade or grant of advance increment in the same grade, on the basis of assessment of performances. The incumbents concerned will be eligible for

~ Kavita Mehrotra



consideration of such promotion or grant of advance increments after the expiry of the number of years of service prescribed in the Grade as detailed in the said Rules.

4.4. That the applicant states that the next promotional avenue for the incumbents of Grade T-2, Category -I is the Grade of T-I-3. The applicant who was discharging her duties in the Grade of T-2 at the time when the Departmental Assessment/ Promotion Committee considered the case of incumbents serving in the Grade T-2 on 06.02.95 was found suitable and was recommended for promotion to the Grade of T-I-3 and in terms thereof she was vide an order bearing No. RC (R) 16/ 93 dated 10.04.95 promoted to the Grade T-I-3 w.e.f. 01.07.1992.

A copy of the order dated 10.04.95 is annexed as Annexure - 2.

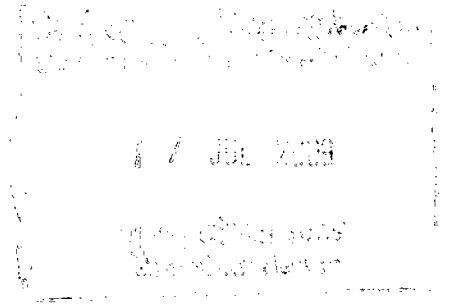
4.5. That the applicant states that on her promotion to the Grade of T-I-3, the Administrative Officer, ICAR Complex, NEH Region, Barapani, Meghalaya vide an order bearing No. F.RC (G) 49/ 95 dated 03.01.96 had fixed her pay at Rs. 1,400/- in the time scale of pay of Rs. 1,400-2,300/- w.e.f. 01.07.1991.

A copy of the order dated 03.01.1996 is annexed as Annexure - 3.

4.6. That the applicant states that she was again found suitable and recommended by the Departmental Assessment/Promotion Committee which was held on 14.06.2000 for promotion to Grade T-II-3 and pursuant to such recommendation, she was promoted to Grade T-II-3 in the Category-II of the service vide an order bearing No. RC(R)20/99 dated 29.06.2000. The promotion of the applicant to the Grade T-II-3, Category-II was given effect from 01.01.1995.

A copy of the order dated 29.06.2000 is annexed as Annexure - 4.

✓ Kavita Meheron

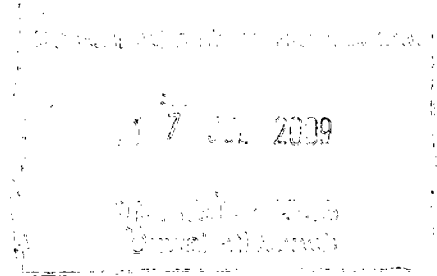


4.7. That the applicant states that in the Technical Service Rule of 1975 certain anomalies had arisen in the implementation of the said Rules, on identification and resolving the same, modifications to the said Rules were effected prospectively w.e.f 03.02.2000. The said modifications were effected in the rearrangement and prescription of the criteria's for promotion to the Grades in Category I and II of the said Service. In terms of the said modification, the Grade of T-I-3 in Category-I and the Grade T-II-3 in Category-II were done away with and a new Grade of T-3 was brought in at Category-II and incumbents in Grade T-2 in Category-I possessing the prescribed qualification i.e., bachelor's degree in the relevant field or equivalent qualification from a recognized university were held eligible for assessment/promotion to Grade T-3, Category - II after completion of five years of service. The modifications which were effected in the year 2000 are reproduced herein below for the sake of ready reference;

<b>Existing</b>	<b>Revised</b>
<b>Category – I</b>	<b>Category –I</b>
(T-1) Rs. 3,200 – 85- 4,900/-	(T-1) Rs 3200-85-4900/-
(T-2) Rs. 4000-100-6000/-	(T-2) Rs. 4000-100-6000/-
(T-1-3) Rs. 4500-125-7000/-	
<b>Category – II</b>	<b>Category – II</b>
(T-II-3) Rs. 4500-125-7000/-	(T-3) Rs. 4500-125-7000/-
(T-4) Rs. 5500-175-9000/-	(T-4) Rs. 5500-175-9000/-
(T-5) Rs. 6500-200-10500/-	(T-5) Rs. 6500-200-10500/-

It is pertinent to mention here that the on implementation of the modifications w.e.f 03.02.2000, the applicant who is a Master Degree holder in the subject of Life Science, was entitled to be considered for promotion directly to the Grade T-3 from the Grade of T-I-3 in lieu of Grade T-II-3. In terms of the amended Rules of 1975, the applicant was entitled to be fitted against the Category –II in the Grade of T-3, but the Departmental Assessment/ Promotion Committee failed to consider her case for promotion to the Grade of

✓ Karita Mehrotra



T-3 in Category – II of the Technical Services. Consequently the applicant was arbitrarily and illegally deprived of consideration of her case for promotion to the Grade of T-3 in Category-II. It is pertinent to mention here that in terms of paragraph 6.1 of the Rules of 1975, there is a system of merit promotion from one grade to the next higher grade or grant of advance increment in the same grade, on the basis of assessment of performances. The incumbents concerned will be eligible for consideration of such promotion or grant of advance increments after the expiry of the number of years of service prescribed in the Grade as detailed in the said Rules. Paragraph – 6.b of the Rules states that the entrants of Category –I, Grade – T-1 would be eligible for assessment for promotion to Grade T-2 after having completed 5 years of service. The T-2 Grade personnel possessing the qualification for direct recruitment to Grade T-2 would be eligible for assessment to Grade T-3 after completion of 5 years of service in the Grade T-2. The applicant being qualified for direct recruitment to Grade T-3 was eligible for direct promotion from Grade T-2 to Grade T-3.

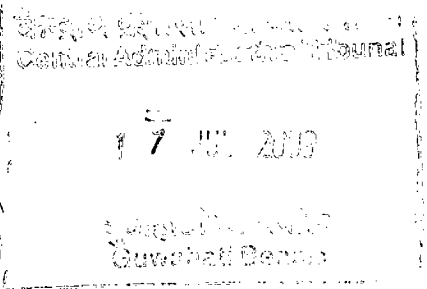
4.8. That the applicant states that her promotion to the next higher grade/ grant of advance increment fell due in the year 2000 and consequently vide an order bearing No. RC(R) 22/99/ 7 dated 17.09.01 issued by the Director, ICAR, ICAR Research Complex, NEH Region the applicant was granted the benefit of two advance increment over and above her normal/ annual increment w.e.f. 01.01.2000. Along with the applicant, two other incumbents were also favoured with the grant of two advance increment w.e.f. the date shown against each one of them in the aforesaid order dated 17.09.01.

A copy of the order dated 17.09.01 is annexed as **Annexure – 5.**

4.9. That the applicant states that on availability of vacancy, the Director, ICAR subsequently vide an order bearing No. RC(R) 22/ 99/ 1 dated 12.12.03 promoted the applicant to the Grade T-4 Category II w.e.f. 01.01.01.

A copy of the order dated 12.12.03 is annexed as **Annexure – 6.**

✓ Kavita Mehrotra



4.10. That the applicant states that vide another letter bearing No. RC/TC (P-47)/ 85/ 4044 dated 01.01.04 the Joint Director, ICAR, Research Complex, NEH Region, Tripura Centre requested the office of the Assistant Administrative Officer (Admn), ICAR, Research Complex, NEH Region, Umiam to fix the pay of the applicant in the pay scale of Rs. 5,550/- to 9,000/- w.e.f. 01.01.01 in the manner as indicated in the letter itself. The said proposal towards fixing the pay of the applicant was made consequent upon her promotion to the Grade T-4 vide the order dated 12.12.03.

A copy of the letter dated 01.01.04 is annexed as Annexure – 7.

4.11. That the applicant states that in terms of the letter dated 01.01.04, the Administrative Officer (A), ICAR, Research Complex, NEH Region vide the order bearing No. RC (P). 78/ 85 dated 07.04.04 fixed the pay of the applicant at the stage of Rs. 6025/- in the time scale of pay of Rs. 5500 to 9000/- w.e.f. 01.01.01 with further stipulation that the next date of increment would be 01.01.02 subject to the provisions contained in FR-26.

A copy of the order dated 07.04.04 is annexed as Annexure – 8.

4.12. That the applicant states that as she was continuing to receive her pay and allowance as fixed vide the order dated 07.04.04, to her utter shock and surprise, vide a communication bearing No. F. 6(44)/ TC/ 08-09 dated 17.12.08, the two advance increments granted to the applicant and another vide the order dated 17.09.01 had been recovered/ refunded to the extent of 40% and the remaining 60% of the amount has been contemplated to be recovered at the time of sanction of next arrear payment in terms of the recommendation of the Sixth Central Pay Commission.

It is pertinent to mention here that the applicant was totally in dark regarding the decision to withdraw the two advance increments already enjoyed by her. No notice was ever issued to the applicant or she was asked to show cause/ explain as to why the two advance increments already granted to

~ Kavita Mehostra

her should not be recovered/ withdrawn. The communication dated 17.12.08 further reveals that in total an amount of Rs. 64,687/- would be recovered from her and after recovery of the initial 40% of the said amount, a balance of Rs. 39,254/- towards the remaining 60% would be recovered as contemplated therein.

A copy of the order dated 17.12.08 is annexed as Annexure – 9.

4.13. That the applicant states that vide the order dated 17.12.08, the Joint Director, ICAR, Tripura Centre had unilaterally effected the refund of the two advance increments granted to the applicant, who is not the competent authority to order such refund. Infact, the Director, ICAR, Research Complex, NEH Region, Barapani is the competent authority to sanction or withdraw increments granted to a concerned employee and no such order has been passed by the said authority directing for refund of the increments enjoyed by the applicant w.e.f. 01.01.2000. The refund of the two advance increments by the respondent no. 4 as communicated to the applicant vide the communication dated 17.12.08 is without any authority and is arbitrary and illegal to the core of it and has got no legs to stand the test of judicial scrutiny.

4.14. That the applicant states that the incumbents whose name finds place in the order dated 29.06.2000 (Annexure – 3) have all been granted two advance increments in the stage of T-II-3 and they have enjoyed the said benefit all along and no refund have been effected in their cases consequent to their promotion to the Grade of T-4. It is the applicant who has been discriminated against in the matter of enjoyment of the two advance increments which was duly sanctioned to her and such discrimination is prohibited by the mandate of Article 14 and 16 of the Constitution of India. Apart from the applicant there are other 112 similarly situated incumbents who were favoured with the benefit of earning two advance increment under the provisions of paragraph 6 of the Technical Service Rules, 1975 vide an order bearing No. RC (R) 20/99 dated 11.12.1999, but no such recovery order have been issued against those incumbents thereby meting out the applicant with hostile discrimination. The order dated 17.12.2008 has visited the applicant

17 JUL 2010

Governing Body  
ICAR

with civil consequence as well as adversely affecting her service condition and the respondent authorities were duty bound to at least afford an opportunity to the applicant of being heard before arriving at such decision to effect refund of the two advance increments already enjoyed by her.

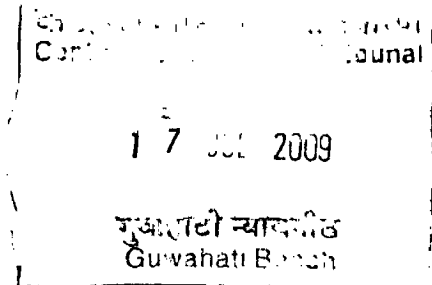
4.15. That the applicant states that the Governing Body, ICAR; the apex body of the organisation in so far as adopting any policy decision relating to the service conditions of the employees of the organisation is concerned, has already adopted policy decision which have been circulated vide the communication dated 25.09.97 towards pay fixation vis-à-vis the incumbents who were granted the benefit of two advance increment on becoming eligible for receipt of the same and in terms of the said policy decision the applicant is entitled to enjoy the benefit of receiving the said two advance increments even after her promotion to the next higher Grade and as such, the deduction effected in so far as the applicant is concerned towards enjoyment of the said benefit is unsustainable in the eye of law and cannot stand the test of judicial scrutiny.

A copy of the communication dated 25.09.97 is annexed as **Annexure – 10**.

4.16. That the applicant states that the two advance increments was granted to her w.e.f. 01.01.2000 i.e. the date on which he became eligible for promotion to the Grade T-4. Subsequently, he was granted the promotion to the Grade T-4 w.e.f. 01.01.01 vide an order passed in the year 2003. The two advance increments have been rightly granted to her on she becoming eligible for receipt of the said w.e.f. 01.01.2000. The promotion of the applicant to the Grade T-4 having been effected w.e.f. 01.01.01, her pay vide the order dated 01.01.04 was rightly fixed by taking into account the two advance increments and there is no infirmity and/ or illegality towards fixing the same.

4.17. That the applicant states that she had already vide her representations dated 08.12.08 and 18.12.08 prayed before the concerned authority to restore/ refund the amount that has been recovered from her, as communicated vide the communication dated 17.12.08, but nothing has yielded

✓ Kavita Mehta



in the positive in this regard and the applicant continues to suffer for no fault of her own.

A copy of the representation dated 18.12.08 is annexed as Annexure – 11.

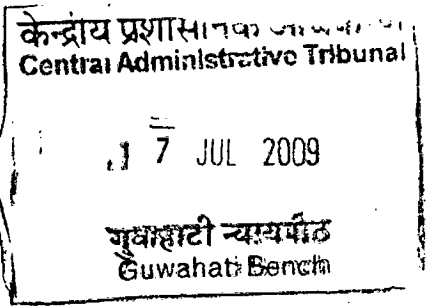
4.18. That the applicant states that as per the provisions of the Technical Service Rules, 1975 she became eligible for promotion to the Grade T-5 on 01.01.06 i.e. on completion of 5 years of service in the Grade T-4. The Departmental Assessment/ Promotion Committee for the purpose of considering the cases of incumbents for promotion to the Grade T-5 met on 08.12.08 and 09.12.08, but no action has been taken in consequence to the convening of the said DPC and consequently the applicant has been deprived of her due and rightful promotion to the Grade T-5, which benefit she is otherwise entitled to the receipt of. It is pertinent to mention here that the Rules of 1975 contemplate grant of promotion or grant of two advance increments in variably to an incumbent who had completed 5 years of service in the previous Grade. The applicant who is required to be promoted to the Grade T-5 in terms of the said provision has been illegally and arbitrarily deprived of the said benefit, which is legally due to her.

4.19. That the applicant states that the respondent authorities have in a most arbitrary and illegal manner withheld the assessment for her promotion to the Grade T-5 for onward transmission to the concerned authority and such inaction has resulted in perpetuation of illegality towards the applicant in so far as her promotion to the Grade T-5 her concerned.

4.20. That the applicant states that in view of the facts and circumstances stated above, it is a fit case wherein your Lordships would be pleased to pass an interim direction as has been prayed for, failing which the applicant stands to suffer irreparable loss and injury.

4.21. That the applicant states that in the event of your Lordships being pleased to pass an interim direction as has been prayed for, the balance of convenience would be maintained in favour of the applicant inasmuch as the

✓ Kavita Mehrotra



balance of 60% refund towards the two advance increments enjoyed by the applicant w.e.f. 01.01.01 to 30.11.08 has not been recovered till date and the same is also impermissible owing to the instructions contained in the communications dated 02.06.88 and 25.09.97. Further, the promotion of the applicant to the Grade T-5 cannot be denied to her under the given facts and circumstances of the case and the said promotion is legally due to her.

4.22. That the applicant states that action/ inaction and the wanton attitude of the respondent authorities have violated the principles of Natural Justice, Administrative Fair Play and the set of Rules established by the Law in not extending to the applicant her "just dues" of legitimate claim and thereby infringes upon the mandate of Articles 14, 16(1), 39(a) & 309 of the Constitution of India.

4.23. That the applicant states that she has no other appropriate, equally efficacious alternative remedy available to her and the remedy sought for herein when granted would be just, adequate, proper and effective.

4.24. That the applicant demanded justice, but the same has been denied to her.

4.25. That this application has been filed bonafide for securing the ends of justice.

## 5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that the action on the part of the respondent authorities in deducting the amount of Rs. 25,433/- towards 40% refund of the two advance increments enjoyed by the applicant and withholding of the assessment of the applicant in connection with her promotion to the Grade T-5, Category - III thereby causing delay in effecting her promotion to the said Grade is bad in law as well as in facts.

5.2 For that the action of the part of the respondent authorities in deducting the amount to the extent to 40% refund of the advance increments

✓ Kavita Meheron

enjoyed by her as has been communicated vide the order dated 17.12.08 is unsustainable in the eye of law inasmuch as the said action has the effect of visiting the applicant with civil consequence as well as adversely affecting her service conditions and without affording an opportunity of being heard or complying with the bare minimum necessity of the principles of Natural Justice, the said action smacks arbitrariness and illegality on the face of it.

5.3 For that there is no order from the competent authority towards sanctioning refund of the two advance increments grated to the applicant vide the order dated 17.09.01 and the respondent no. 3 without any authority and/ or jurisdiction had unilaterally proceeded to effect the said refund which being arbitrary and illegal is unsustainable in the eye of law.

5.4 For that no opportunity of being heard was afforded to the applicant before initiating the action towards deducting the amount to the extent to 40% refund of the advance increments enjoyed by her, which has resulted in adversely effecting her service conditions and as such the said action is hit by non compliance of the Principles of Natural Justice rendering the same to be bad in law and interference is called upon from this Hon'ble Tribunal towards redressal of the said grievance of the applicant.

5.5 For that the two advance increments sanctioned to the applicant vide the order dated 17.09.01 and which benefit he enjoyed w.e.f. 01.01.01 to 30.11.08. he was legally entitled to the receipt of the same in terms of the provisions contained in the Technical Service Rules, 1975 and there is no illegality towards receipt and enjoyment of the said benefits by the applicant.

5.6 For that the Governing Body of the ICAR; the apex body of the organisation in so far as adopting any policy decision relating to the service conditions of the employee of the organisation is concerned, has already adopted policy decision which have been circulated vide the communication dated 25.09.97 towards pay fixation vis-à-vis the incumbents who were granted the benefit of two advance increment on becoming eligible for receipt of the same and in terms of the said policy decision the applicant is entitled to enjoy the benefit of receiving the said two advance increments even after her

✓ Kavita Mehrotra

17 JUL 2009

promotion to the next higher Grade and as such, the deduction effected in so far as the applicant is concerned towards enjoyment of the said benefit is unsustainable in the eye of law and cannot stand the test of judicial scrutiny.

5.7 For that the deduction of amounts towards enjoyment of the two advance increments by the applicant is impermissible in terms of the policy decisions contained in the communication dated 25.09.97 and the said action is illegal to the core of it and is liable to be interfered with by this Hon'ble Tribunal.

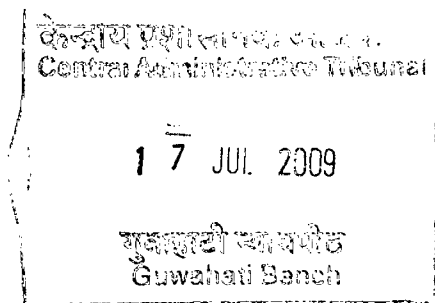
5.8 For that the action of the part of the respondent authorities in not effecting similar deductions in case of other similarly situated incumbents who have been granted the benefit of two advance increments and have been subsequently promoted to the next higher Grades in the Technical Service has the effect of meeting out the applicant with hostile discrimination, which is in contravention of the mandate of Article 14 and 16 of the Constitution of India.

5.9 For that withholding of the assessment of the applicant for her promotion to the Grade T-5, Category - III and non transmission of the same to the concerned authority has the effect of denying her due and legitimate promotion to the said Grade. The applicant is otherwise entitled for promotion to the Grade T-5, Category - III but for the inaction on the part of the respondent authorities, the said benefit is being sought to be denied to her and such action infringes upon the right that has accrued to her in terms of the Rules of 1975 for her such promotion.

5.10 For that the action of the respondent authorities in not taking to its logical conclusion the process initiated for promotion of the applicant to the Grade T-5, Category - III is arbitrary and illegal and the respondent authorities are required to be directed to promote the applicant to the Grade T-5, which benefit is legally due to her.

5.11 For that in any view of the matter the impugned action on the part of the respondent authorities in deducting the amount of Rs. 25,433/- towards 40% refund of the two advance increments enjoyed by her and withholding of her

✓ Kavita Mehrotra



assessment in connection with her promotion to the Grade T-5 thereby causing delay in effecting her promotion to the said Grade is unsustainable in the eye of law.

**6. DETAILS OF THE REMDIES EXHAUSTED:**

The applicant declares that she has no other alternative and efficacious remedy except by way of filing this application. As such, she is seeking urgent and immediate relief (s).

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

The applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other court, authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

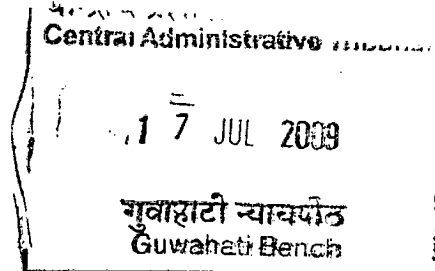
**8. RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above, the applicant prays that this application be admitted, records be called for and notice be issued to the respondents to show cause as to why the relief's sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following relief's;

8.1 To direct the respondent authorities to refund to the applicant along with interest at bank norms, the amount that has been deducted towards 40% refund of the two advance increments enjoyed by her w.e.f. 01.01.01 to 30.11.08.

8.2 To direct the respondent authorities not to deduct the remaining 60% towards refund of the two advance increments enjoyed by the applicant

✓ Kavita Meheron



w.e.f. 01.01.01 to 30.11.08 as has been contemplated vide the order/ communication dated 17.12.08.

8.3 To direct the respondent authorities to fix the pay and allowance of the applicant on her promotion to the Grade T-4, Category -II by taking into account the two advance increments which was sanctioned to her vide the order dated 17.09.01.

8.4 To direct the respondent authorities to forward the assessment of the applicant for her promotion to the Grade T-5, Category - III to the concerned authority and to take to its logical conclusion the process initiated for promotion of the applicant to the Grade T-5 thereby facilitating her promotion to the-said Grade.

8.5 Cost of the application.

8.6 Any other relief/ relief's that the applicant in the facts and circumstances of the case would be entitled to.

9. **INTERIM ORDER PRAYED FOR:**

In this facts and circumstance narrated herein above the applicant prays for the following interim directions ;

9.1 To direct the respondent authorities not to recover any amount towards the remaining 60% refund of the two advance increments enjoyed by her w.e.f. 01.01.01 to 30.11.08 as has been contemplated vide the order/ communication dated 17.12.08.

9.2 To direct the respondent authorities to complete the process of selection and promotion of incumbents to the Grade T-5, Category - III.

10. ....

✓ Kavita Meheron

17 JUL 2009

गुवाहाटी न्यायापीठ  
Guwahati Bench11. PARTICULARS OF THE I.P.O:

- i) I.P.O.No. : 39 G 410415  
ii) Date : 06.07.2009.  
iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the index.

✓ Kavita Mehrotra





10. He/She will submit a declaration regarding his/her marital status, as in the form enclosed. In the event of his/her having already more than one wife living or being married to a person having already another wife living the appointment will be subject to his/her being exempted from the enforcement of the recruitment in this behalf.
11. His/her appointment under the Council will be considered to be a fresh appointment, and he/she will not be entitled to any travelling and/or conveyance allowance for joining the post at **Lambucherra (West Tripura)**.
12. Other conditions of service will be governed by the relevant rules and orders which may be issued from time to time by the I.C.A.R.
13. He/she should state whether he/she is serving or is under obligation to serve another Central Government Department a State Government or Public Authority. He/she should also state whether he/she applied or is being considered for posts elsewhere.
14. If any declaration given or information furnished by him/her proves to be false or if he/she found to have willfully suppressed any material information, he/she will be liable to removal from service and such other action as may be deemed necessary.
15. He/she should produce the Original certificates in respect of his/her educational qualifications and age and casts.
16. In case the post is acceptable to Shri/Smti. **Kavita Mehrotra**, he/she should intimate his/her acceptance to the Director immediately and report for duty to the **Joint Director, ICAR Research Complex, Tripura Centre, PO : Lambucherra (West Tripura)** after obtaining the medical fitness certificate from a medical Officer not below the rank of Civil Surgeon/Asstt. Surgeon I of any Government Hospital within **(thirty) 30** days from the date of issue of the offer failing which the offer will automatically stand cancelled.

(B.N. Chowdhary)  
Asstt. Administrative Officer (Admn).

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal  
17 JUL 2009  
गुवाहाटी ब्याचपीठ  
Guwahati Bench

To,  
Miss Kavita Mehrotra,  
S/o Shri B.N. Mehrotra,  
Govt. Quarters, Govt College of Edu.  
Near Buddha Temple, PO : Konjaban,  
Agartala-6 (West Tripura)

Memo No. RC ( ) 36 93 (Vol. I) Dated Shillong, the 11.10.1985.  
Copy forwarded for information and necessary action to :-

1. Joint Director, ICAR Research Complex, Tripura Centre, PO : Lambucherra (West Tripura).
2. Accounts Officer, ICAR Research Complex for NEH Region, Shillong.
3. Miss. Kavita Mehrotra has been appointed against Poultry Scheme. Superintendent (Admn), ICAR Research Complex for NEH Region, Shillong alongwith original PVR in respect of Miss K. Mehrotra.
4. Office copy.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
'UNROL ROAD' BARAPANI MEGHALAYA 793103.

O R D E R

No. RC (R) 16/93,

Dt. Barapani, the 10th Apr. 1995.

Under the provision of Rules 6 of the Technical Service Rule and on the recommendation of the Assessment Committee held on 6.2.95 The Director, ICAR Research Complex for NEH Region, Barapani is pleased to allow the following Technical staff (Category - I Group II. Lab. Asstt) the benefit of the next higher grade with scale of pay as detailed below:

No.	Name of the Tech. personnel with designation / Centre.	Present grade with scale.	Next higher grade to which promoted	Date from which benefit granted.
1.	Sri Deben Chandra Deka, Lab. Asstt., Barapani.	T-2 Rs. 1200-2040/-	T-I-3 Rs. 1400-2300/-	1.7.90
2.	Sri Lalsiamliana, Lab. Asstt. Mizoram	- do -	- do -	1.7.90
3.	Sri Nimal Kr. Das, Lab. Asstt. Tripura	- do -	- do -	1.1.91
4.	Sri K. Sani, Lab. Asstt. Manipur,	- do -	- do -	1.1.91.
5.	Sri Ashis Chokroborty, Lab. Asstt. Tripura.	- do -	- do -	1.7.91
6.	Mrs Kavi ta Mehotra, Lab. Asstt. Tripura.	- do -	- do -	1.7.91
7.	Sri Durgesh Chanda, Lab. Asstt. Mizoram.	- do -	- do -	1.7.91
8.	Sri. Dharneswar Phukon, Lab. Asstt. Nagaland.	- do -	- do -	1.1.92
9.	Sri Rama Kan Tiwari, Lab. Asstt. Barapani.	- do -	- do -	1.1.92
10.	Sri Kamal Kanjan Ghosh, Computer, Tripura.	- do -	- do -	1.7.92

There is no scope to review the assessment case as per Council's order. Concerned staff are to continue to work at their present place of posting until further orders.

(M. J. KH. MAWPHLANG),  
ASSTT ADMINISTRATIVE OFFICER.

Dt. Barapani, the 10th Apr. 1995.

Memo No. RC (R) 16/92

Copy forwarded for information and necessary action to :-  
1. Finance & Account Officer, ICAR Research Complex for NEH Region, Barapani.

2. Asstt. Admn. Officer (Estt), ICAR Res. Complex for NEH Region, Barapani.

3. Joint Directors, ICAR Res. Complex for NEH Region, Mizoram/Tripura/ Nagaland Centres.

4. Scientist, Head of concerned section, ICAR., Barapani.

5. Personal file of concerned staff.

6. Assessment file.

7. Person concerned.

21/4/95

(M. J. KH. MAWPHLANG),  
ASSTT. ADMINISTRATIVE OFFICER.

Certified to be true Copy

*[Signature]*  
Advocate

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

17 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
DHROI ROAD, BARAPANI, ASSAM.

NO.RC(G)49/95

Dated Barapani, the 3rd Jan. 1996,

O R D E R

Consequent upon the promotion of the following Technical staff to their respective higher Grade vide Order NO.RC(R)16/95 dated 10.4.95 & RC(G)49/95 dated 9.8.95, their pay is fixed as shown below with date of effect, D.N.I., Scale of pay etc. subject to the provision of F.R.26 :-

S/No.	Name	Stage in which Pay fixed.	Date of effect.	D.N.I.	Scale
1.	Shri Asish Chakraborty	Rs.1400/- Rs.1440/-	1.7.91 1.10.91	1.10.92	Rs.1400-40-1800-EB-50-2300/-
✓ 2.	Smti. Kavita Mehrotra	Rs.1400/- Rs.1440/-	1.7.91 1.11.91	1.11.92	- do -
3.	Shri Pradip Baran Roy	Rs.1400/- Rs.1440/-	1.7.91 1.12.91	1.12.92	-do -

----- This issues with the concurrence of F.A.O. -----

( I.K. SHARMA )  
Administrative Officer

Copy for information & necessary action to :-

1. Person concerned.
2. The Finance & Accounts Officer, ICAR Research Complex for NEH Region, Barapani with reference to his endorsement dated 16.10.
3. Service Book of person concern.
4. The Joint Director, ICAR Research Complex for NEH Region, Tripura Centre, alongwith Service Book of the above persons for your needful.
5. Personal file of serson concern.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

17 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

166  
16/1/96

Certified to be true Copy

*[Signature]*  
Advocate

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION.  
UMIAM-793 103

No. RC(R)20/99

Dt. The June 29, 2000.

O R D E R

In pursuance of the Council's instructions on removal of Category bar and on the recommendation of the Departmental Promotion Committee Meeting of the Institute held on 14.6.2000, the following technical staff of the Institute in the grade T-1-3 are placed in the grade T-II-3 with effect from the dates shown against each :-

Sl. No.	Name of the incumbent	Present grade/ post	Name of Centre/Hqs.	Date of effect
1	Sh.S.K.Phukan	Lab.Asstt	Hqs.Umiam	1.1.95
2	Sh.S.K.Sen	Fieldman	Hqs.Umiam	1.1.95
3	Smt.Tunu Baruah	Lab.Asstt	Hqs.Umiam	1.1.95
4	Sh.R.Ch. Baishya	Lab.Asstt	Hqs.Umiam	1.1.95
5	Sh.Subir Chakraborty	Lab.Asstt	Hqs.Umiam	1.1.95
6	Sh.D.Bhattacharya	Fieldman	Hqs.Umiam	1.1.95
7	Smt.A.Phukan Dutta	Lib.Asstt	Hqs.Umiam	1.1.95
8	Sh.S.Borgohain	Lib.Asstt	Hqs.Umiam	1.1.95
9	Smt.Chandralekha Devi	Lab.Asstt	Manipur	1.1.95
10	Sh.Asish Chakraborty	Lab.Asstt	Tripura	1.1.95
11	Sh.K.Mehrotra	Lab.Asstt	Tripura	1.1.95
12	Sh.K.K.Suklabaidya	Fieldman	Hqs.Umiam	1.1.95
13	Sh.Debabrata Roy	Fieldman	Hqs.Umiam	1.1.95
14	Sh.Bankim Choudhury	Fieldman	Hqs.Umiam	1.1.95
15	Sh.W.Kharsati	Fieldman	Hqs.Umiam	1.1.95
16	Sh.A.Phukan	Fieldman	Hqs.Umiam	1.1.95
17	Sh.H.Ahmed	Fieldman	Hqs.Umiam	1.1.95
18	Sh.M.N.Bora	Fieldman	Hqs.Umiam	1.1.95
19	Sh.D.C.Baruah	Fieldman	Hqs.Umiam	1.1.95
20	Sh.H.Majhaw	Mechanic	Hqs.Umiam	1.1.95
21	Sh.S.Dutta	Electrician	Hqs.Umiam	1.1.95
22	Sh.N.Debnath	Electrician	Tripura	1.1.95
23	Sh.P.Baran Roy	Mechanic	Tripura	1.1.95
24	Sh.T.K.Cintury	Mechanic	Siikkim	1.1.95
25	Sh.K.V.Ngajhii	Mechanic	Nagaland	1.1.95
26	Sh.Kausalendu Prasad	K.P.O.	Hqs.Umiam	1.1.99
27	Sh.Surendra Mohan	Fieldman	Siikkim	1.1.95
28	Sh.K.R.Ghosh	Computer	Tripura	1.1.95

The office order No.RC(R)20/99/43 dt. 11.12.99 regarding category bar removal stands cancelled.

Sd/-

( N. D. Verma )

Director.

Memo No. RC(R)20/99

Dt. The June 29, 2000.

- All the Joint Directors of Centres concerned.
- Heads of Divisions /Sr.Farm Manager of Hqs of Hqs concerned
- Finance & Accounts Officer, ICAR Res.Complex,Umiam.
- Asstt.Admn.Officer(Estt.) , ICAR Res.Complex,Umiam.
- Personal file/Service Book
- All the persons concerned by name

( G. Sinha )

Asstt. Adm. Officer(Admn.)

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal  
17 JUL 2009  
गुवाहाटी न्यायपीठ  
Guwahati Bench

Certified to be true Copy

*(Signature)*  
Advocate

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION,  
UMIAM-793 103.

No. RC(R)22/99/7

Dt. September 17, 2001.

O R D E R

Under the provisions of Rule -6 of the Technical Services of ICAR and on the recommendation of the Five Yearly Assessment Committee, the following technical staff, T-II-3 (Group I and II in the Category-II) of the Institute are granted advance increments over and above their normal/ annual increments with effect from the date shown against each :-

Sl No	Name of the Incumbents	Designation	Centre/ KVK	No. of Adv. inc.	Date of effect
1	Smt. K. Mehrotra	Lab. Asstt(T-II-3)	Tripura	2(two)	1.1.2000
2	Sh. K.R. Ghosh	Computer(T-II-3)	Tripura	2(two)	1.1.2000
3	Smt. Chandralekha Devi	Lab. Asstt(T-II-3)	Manipur	2(two)	1.1.2000

Sd/-  
( N. D. Verma )  
Director.

Memo No. RC(R)22/99/7  
Copy to :-

Dt. September 17, 2001.

1. Joint Directors of Centres concerned
2. Finance & Accounts Officer, ICAR Res. Complex, Umiam
3. All Heads of Divisions concerned.
4. All the persons concerned by name
5. Personal file/Service Book

*(Signature)*  
( G. Sinha )  
Asstt. Admn. Officer(Admn.)

*Mrs. Kavita Mehrotra*  
*(Signature)*  
25/9/07

17 JUL 2009  
Tribunal  
Gurukul Branch

Certified to be true Copy

*(Signature)*  
Advocate

ICAR RESEARCH COMPLEX  
TRIPURA CENTRE  
LEMBUCHERRA-799210  
DATE: No. RC(R)22/99/1

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION.  
UMIAM-793 103. MEGHALAYA

Dt. 12<sup>th</sup> Dec., 2003.

O R D E R

As per the provision under Rule-6 of the Technical Services of ICAR and on the recommendation of the Five Yearly Assessment Committee, the following technical personnel of the Institute under the Functional Group "Lab. Technician(Group-II)" of Category-II are promoted to the next higher grade with effect from the dates shown against them :-

Sl. No.	Name, designation and the scale of pay	Grade to which promoted	Date of effect
1	Smt. Kavita Mehrotra, Lab.Asstt(T-II-3) Rs. 4500-125-7000/-	T-4(Rs.5500-175-9000/-)	1.1.2001
2.	Smt. Chandralekha Devi Lab.Asstt(T-II-3) Rs. 4500-125-7000/-	T-4(Rs.5500-175-9000/-)	1.1.2001
3.	Shri K.R.Ghosh, Computer(T-II-3) Rs. 4500-125-7000/-	T-4(Rs.5500-175-9000/-)	1.1.2001

Option for fixation of pay if any should be furnished by them within 1(one) month from the date of issue of this order.

Sd/-  
( K.M.Bujarbaruah )  
Director.

Memo. No. RC(R)22/99/1

Dt. 12<sup>th</sup> Dec., 2003.

Copy to :-

1. Joint Director, ICAR Research Complex, Tripura Centre, Lembucherra.
2. Finance & Accounts Officer, ICAR Res. Complex, Umiam
3. Person concerned
4. Personal file/Service Book

*Smt K. Mehrotra*  
*EM/12/03*

*12/12/03.*  
( M.J.Kharmawphlang )  
Administrative Officer.

Certified to be true Copy

*[Signature]*  
Advocate

17 JUL 2009  
Tribuna

17 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

- 25 -

ANNEXURE-7

**ICAR Research Complex for N.E.H. Region  
Tripura Centre, P.O. Lembucherra – 799210  
West Tripura.**

No. RC/TC(P-47)/85/ 4044

Date. 01/1/2004

To

The Assistant Admin. Officer (A),  
ICAR (RC) for NEH Region,  
Umroi Road, Umiam,  
Meghalaya – 793103.

Sub: Proposal for fixation of pay consequent upon upgradation.

Sir,

Consequent upon the promotion in the next higher grade of 'T-4' vide Order No.RC(22/99/1 dated 12.12.2003, it is hereby proposed to fix the pay as detailed below in respect of Smt. Kavita Mehrotra, Lab. Asstt. (YT-4) in the pay scale of Rs.5500-175-9000 with effect from 01.1.2001:

1. Basic pay as on the date of promotion (01.1.01) in the lower grade of T-II-3	-	Rs..5500
2. Add two advance increments awarded in T-II-3	-	Rs. 250
3. Total of 1 & 2 above	-	Rs.5750
4. BP notionally increased by one increment	-	Rs.5875
5. Pay to be fixed in the higher grade of 'T-4' to the next higher stage of notionally increased pay	-	Rs.6025
6. Date of next increment	-	01.1.2002 and so on.

Smt. Mehrotra will draw a pay of Rs.6025=00 with effect from 01.1.2001 with date of next increment 01.1.2002 and so on, if otherwise admissible. I would, therefore, request to fix the pay of Smt. Mehrotra in the grade of 'T-4' with effect from 01.1.2001. The Service Book (Vol I & II) is enclosed herewith for doing the needful. The same may please be sent back to this end after completion of the fixation of pay.

A very early action is requested.

Yours faithfully,


Incl. As stated.

(N. P. SINGH)  
Joint Director

✓ Copy to Smt. K. Mehrotra, Lab. Asstt. (T-4), ICAR (RC),  
Tripura Centre for information.

(N. P. SINGH)  
Joint Director

**Certified to be true Copy**

  
Advocate

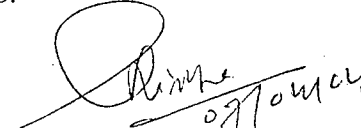
INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR Research Complex for N.E.H. Region  
Umroi Road, Umiam -793103, Meghalaya.

No. RC(P)78/85

Date: April 07, 2004.

ORDER

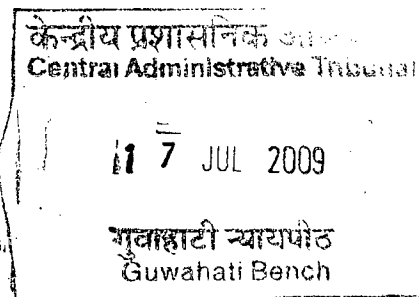
Consequent upon her promotion to the next higher grade of T-4 vide Order No.RC(R)22/99/1 dated 12.12.2003, the pay of Smt. Kavita Mehrotra is fixed at Rs.6025=00 with effect from 1.1.2001 in the pay scale of Rs.5500-175-9000/- with date of next increment on 1.1.2002 subject to the provision of F.R. 26.

  
(G. SINHA)


Assistant Administrative Officer (A)

Copy for information and necessary action to:

1. ✓ The person concerned (Smt. K. Mehrotra, T-4)
2. The finance & Accounts Officer, ICAR (RC), Umiam with reference to his endorsement dated 05.4.2004.
3. Service Book of the Person concerned.
4. The Joint Director, ICAR (RC), Tripura Centre, Lembucherra along with the Service book (Vol.I & II) of the above official concerned.
5. Personal file of the person concerned.



Certified to be true Copy

  
Advocate

-29-

केन्द्रीय प्रशासनिक  
Central Administrative Tribunal

17 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

ANNEXURE-9



**ICAR Research Complex for NEH Region**

Tripura Centre, P.O. Lembucherra 799 210  
West Tripura Ph. 2865537, 2719883



No.F.6(44)/TC/08-09/

Dated : 17.12.2008

To

The Finance & Accounts Officer,  
ICAR Research Complex for NEH Region,  
Umroi Road, Barapani, Meghalaya.

Sub : Refund of 2 Adv. Increment arrear in respect of (1) Sh. Kamal Rn. Ghosh and (2) Smt. Kavita Mehrotra.

Sir,

Please find enclosed herewith a B.D. No. 1217/669088 dt. 5/12/2008 for Rs. 50,866/- towards the 40% refund of 2 Adv. Increment arrear w.e.f. 1.1.2001 to 30.11.2008 in respect of (1) Sh. Kamal Ranjan Ghosh (T-4) and (2) Ms. Kavita Mehrotra, T-4). 60% amount will be deducted at the time of next arrear payment. The details are as follows :-

In respect of Kamal Ranjan Ghosh

- |  |              |
|--|--------------|
| 1. 40% 6 <sup>th</sup> CPC arrear released from Hqr as per statement Kamal(1) enclosed | Rs. 57,853/- |
| 2. Actual 40% 6 <sup>th</sup> CPC arrear as per revised statement (copy enclosed)      | Rs. 57,411/- |
| 3. 40% Amount deducted out of total 2 Adv. Increment arrear                            | Rs. 25,433/- |
| 4. Balance 2 Adv. increment arrear to be recovered<br>(Rs. 1104/- + Rs. 38,150/-)      | Rs. 39,254/- |

In respect of Ms. Kavita Mehrotra the same amount will be recovered in due course.

Encl :

Yours faithfully,

1. Statement of fixation (Annex-II)
2. Arrear bill
3. Revised arrear bill
4. Adv. Increment arrear bill.
5. B.D. No. 1217/669088 dt.5.12.08 for Rs.50,866/-

Sd/  
(N.P. Singh)  
Joint Director

Copy to :

1. Sh. K.R. Ghosh (T-4), ICAR Tripura Centre for information.
2. Ms. Kavita Mehrotra (T-4), ICAR Tripura Centre for information.
3. Mr. Swapan Chakraborty, PA for information and n/a.
4. Personal file of person concerned.
5. Sh. S. Hore, D.A of Pay bill, ICAR, Barapani, Meghalaya for n/a please.

Sd/  
(N.P. Singh)

Adm-sub.doc

*Certified to be true Copy*

*(Signature)*  
Advocate

17 JUL 2009

ANNEXURE - 10 -

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAWAN, NEW DELHI

No. (Sic)/ 96-Estt. IV

Dated the 25<sup>th</sup> Sept, 1997

To,

The Directors/ Project Directors/ Project Coordinators of ICAR  
Research Institutes/ NRC's/ Zonal Coordinating Units

Subject:- Advance increment(s) at T-I-3/ T-5 level and pay fixation on  
removal of category bar.

Sir,

Some of the Institutes have sought clarifications whether in view of removal of category bar from Category -I to Category -II, as per Council's Circular No. 14-3/94-Estt.IV dated 4.8.95, the grant of advance increment(s) at T-I-3 level would continue. If so, how the case of pay fixation will be regulated on removal of category bar from Cat. I to Cat. III from (T-I-3 to T-II-3) level and also on promotion from T-I-3 to T-II-3 level (under 33.33% promotion quota) having the same scale of pay of Rs. 1400-2300 will be regulated.

The matter has been considered in the Council and it is clarified that since the promotion or grant of increment(s) has not been withdrawn, the technical staff of ICAR will continue to be eligible for grant of advance increment(s) at T-I-3 level (sic) is also clarified that for the purpose of pay fixation, the scale of T-I-3 in Cat.I and T-II-3 in Cat.II being the same i.e. Rs. 1400-2300 the pay of a technical personnel who have been granted advance increment(s) in T-I-3 grade may, on their adjustment in T-II-3 on removal of category bar/ promotion, be fixed as F.R. 22 (a) (ii) by taking into account the pay including the advance increment(s) being drawn on the date of removal of category bar/ Promotion as per Council's letter No. 7(2)/ 84-Per-III dated 3.6.88.

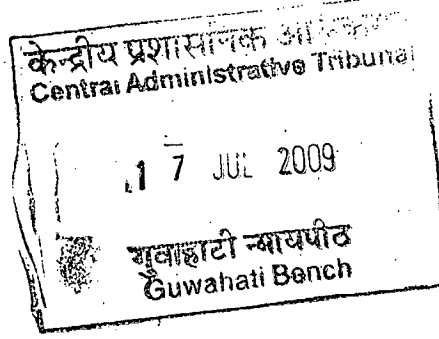
It is also clarified that technical personnel in category - II at T-5 level will also continue to be eligible for grant of advance increment(s) upto though they are also eligible for removal of category bar from category -II to Category - III in terms of Council's letter No. 14-3/94-Estt.IV dated 4.8.95. However, since the pay scale in the T-6 is higher (Rs. 2200-4000) than that of T-5 (Rs. 2000-3500) their pay will continue to be regulated as per the existing instruction on the subject.

The receipt of the letter may please be acknowledged.

Yours faithfully  
Sd/- Illegible  
Dy. Secretary (sic)

*Certified to be true Copy*

*Alex*  
*Advocate*



To  
The Director,  
ICAR Research Complex for NEH Region,  
Umium, Meghalaya 793 103.

THROUGH PROPER CHANNEL

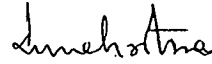
Sub : Less payment of 6<sup>th</sup> Pay Commission's Arrear – reminder regarding.

Sir,

With due honour and humble submission I am to remind your kind honour kindly take up the matter sympathetically and pass your valued order to restore the less payment of 6<sup>th</sup> Pay Commission's arrear with reference to my letter dated 8<sup>th</sup> December 2008.

With regards,

Yours faithfully,

  
(KAVITA MEHROTRA)  
Laboratory Assistant (T-4)

Dated the 18<sup>th</sup> December 2008.


Copy Submitted through proper channel :-

The Joint Director, ICAR, Tripura Centre, Lembucherra, for information and necessary action.

Advance copy Submitted to the Director, ICAR Research Complex for NEH Region, Umium, Meghalaya 793 103 for necessary action.

19/12/08

Certified to be true Copy

  
Advocate

File in Court on. 2/12/09

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
932 - 2 DEC 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

O.A. No. 133 of 2009

Kavita Mehrotra

.... Applicant

- Versus -

Union of India & Ors.

...Respondents.

I N D E X

<u>SL. NO.</u>	<u>PARTICULARS</u>	<u>PAGE</u>
1.	Written Statement	1- 10
3	Verification	11
4	Annexure - A	12
5	Annexure - B	13
6	Annexure - C	14-15
7	Annexure - D colly	16-18
8	Annexure - E	19
9	Annexure - F	20
10	Annexure - G colly	21-22
11	Annexure - H	23-26

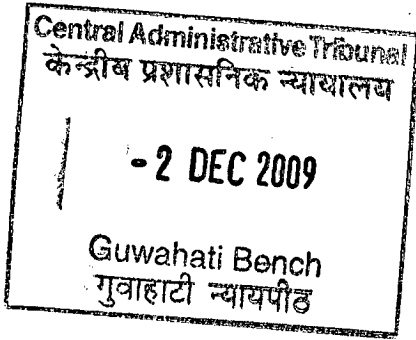
Filed by  


(Rakhee S. Chowdhury)

Advocate

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

**ORIGINAL APPLICATION NO.133 of 2009**



**IN THE MATTER OF:**

O.A No.133 of 2009

Smti. Kavita Mehrotra

..... Applicant

-Vs-

Union of India & Ors.

..... Respondents

-AND-

**IN THE MATTER OF:**

A Written Statement filed on behalf of the  
Respondents No.1 to 4.

**WRITTEN STATEMENT**

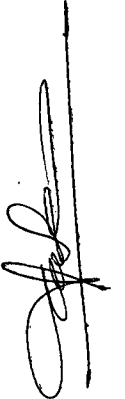
I Dr. S. V. Ngachan, son of Late K. S. Shangrai Khai, aged about 53 years, presently serving as the Director, ICAR Research complex, Barapani, Umiam, Shillong, Meghalaya, do hereby solemnly affirm and state as follows:-

1. That I am the Director, ICAR Research Complex, NEH Region, Barapani, Meghalaya and I have been impleaded as the respondent No.2 in the said Application, I am fully acquainted and well conversant with the facts and circumstances of the instant case and competent to swear this affidavit. I have been duly authorised to swear this Affidavit on behalf of the Respondents no. 1, 3 and 4.
2. That save and except the statements made in the Original Application, which have been specifically admitted herein below, the rest shall be deemed to have been denied

FILED BY THE RESPONDENTS  
THROUGH  
R. S. CHOWDHURY  
Advocate. 02.12.2009

by the answering Respondents. However, the answering Respondent does not admit anything which is contrary to the records of the instant case.

3. That, the statements made in paragraphs 1 of the Original Application, will be suitably answered in the subsequent paragraphs herein below.
4. That, with regard to the statements made in paragraphs 2, 3, 4.1 and 4.2 of the Original Application, the deponent has no comments to offer. However, the answering Respondent does not admit anything which is contrary to the records of the instant case.
5. That while denying the statements made in paragraph 4.3 of the Original Application pertaining to eligibility criteria for consideration of promotion or grant of advance increment, the deponent humbly begs to state that promotion from one grade to another is based on possession of prescribed educational/technical qualification as well as performance of the incumbents and is not automatic on completion of number of years of service prescribed in the Grade.
6. That, with regard to the statement made in paragraphs 4.4, 4.5 and 4.6 of the Original Application, the deponent has no comments to offer. However, the answering Respondent does not admit anything which is contrary to the records of the instant case.
7. That with regard to the statements made in the paragraph 4.7 of the Original Application the deponent humbly states that the same are not wholly correct and hence denied by the answering respondents to the extent that they are contrary to the Rules of ICAR as enumerated in the 'Hand Book of Technical Service Rules'. In this context it is humbly stated that although the category Bar between Category I to Category II had been removed as per Councils Circular number 14-3/94-Estt.IV dated 01.02.1995, the grade T-3 was introduced only with effect from 03.02.2000, when the existing Technical Service Rules (1975) of ICAR were modified and/or amended. It



is pertinent to state that the newly created Grade T-3 is only a substitution of the earlier Grade T-II-3 as would be evident from the pay scale as reflected in the 'Revised Grade Structure'. Further Rule 6.3 of the said Rules lays down that the personnel working in T-2 Grade, possessing the educational qualification required for direct recruitment to category II (i.e. Grade T-3) would be eligible for assessment promotion to the said Grade T-3 after five years of service. Hence, promotion to the Grade of T-3 cannot be claimed as a matter of right but is subject to possessing necessary educational qualification and rendering 5 years of service in Grade T-2.

8. That while denying the statements made in paragraph 4.8 of the Original Application, which are contrary to the records of the case, the answering Respondent states that the Applicant was not found to be suitable for promotion by the Assessment Committee on the basis of evaluation of her performance during the period of assessment. Therefore, the Applicant along with a few others was directed to submit supplementary report for the period. 01.01.2000 to 31.12.2000 for consideration in the next assessment year vide letter No. RC(R) 17/99 dated 22.11.2002. Accordingly, in the meantime, in terms of Rule 6.1 of the Technical Services Rules, the applicant was granted two advance increments in lieu of promotion, vide order dated 17.09.2001.(Annexure-5 of O.A.)

A copy of the letter dated 22.11.2002 is annexed herewith and marked as ANNEXURE-A.

9. That the statements made in paragraph 4.9 of the Original Application are incorrect. The deponent categorically denies the statement to the effect that the Applicant was promoted to the next higher grade of T-4 due to availability of vacancies. The deponent further states that as has been stated hereinabove, after receipt of the supplementary assessment report as demanded by the Respondent authorities submitted by the Applicant for the period 01.01.2000 to 31.12.2000, her case was placed before the Assessment Committee. The Assessment Committee re-considered her performance and recommended her for promotion w.e.f. 01.01.2001 to the grade of T-4. Therefore, the statement of the Applicant that she was promoted to the grade

of T-4 in Category-II w.e.f. 01.01.2001 due to availability of vacancy is incorrect.

Rule 6.1 of Technical Services of ICAR, categorically states that, 'There shall be a system of merit promotion from one grade to the next higher grade irrespective of the occurrence of the vacancies in the higher grade.' Hence, the question of availability of vacancies does not arise if the incumbent is otherwise suitable for such promotion.

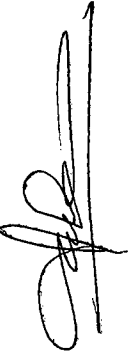
A copy of the relevant provisions of the Technical Service Rules is annexed herewith and marked as **ANNEXURE-B.**

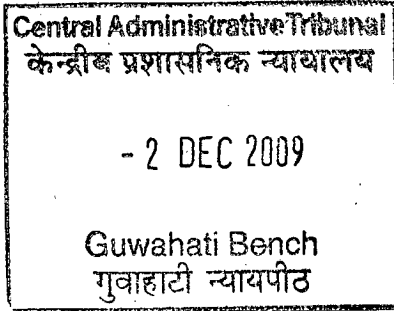
10. That with regard to the statements made in paragraph 4.10, 4.11 and 4.12 of the Original Application, the deponent humbly states that the pay of the applicant was fixed at the rate of Rs. 6,025/- vide order dated 07.04.2004 (Annexure-8 of the O.A.), erroneously due to an administrative oversight. It is humbly stated that as has been stated herein above an incumbent can be either granted promotion or two advance increments in lieu thereof and both of them are not meant to be enjoyed concurrently. In the instant case the applicant was granted two advance increments by order w.e.f. 17.09.2001 in lieu of her promotion to the Grade T-4. However, subsequently vide order dated 12.12.2003 when the applicant was granted promotion the said Grade T-4 with effect from 01.01.2001, the advance increments granted earlier ought to have been withdrawn. However, in the instant case the applicants pay was fixed at Rs.6,025/- erroneously resulting in huge inflation in her basic pay which surpassed even the pay of her senior colleagues who had been promoted earlier to the applicant i.e. 01.01.2000.

It is further pertinent to state that in order to safeguard the interest of the incumbent(s) from incurring any financial loss, ICAR had issued instructions vide letter No. 8-22/77-Per.IV dated 29.07.1990 stating that "advance increment(s) granted to a technical personnel on the basis of five yearly assessment should *not* count for fixation of his pay on promotion to the next higher grade as a result of subsequent assessment in terms of the provisions of Para 10 of the Handbook of Technical Services, subject to the condition that the pay fixed on promotion after subsequent assessment without taking into account the advance increments earned in the lower grade should, however, be not less than the pay plus advance increments drawn in the

lower grade and for this purpose the pay in the higher grade may be regulated where necessary, by grant of personal pay to be absorbed in future increments so that pay in the earlier post inclusive of advance increments is fully protected". However, as stated above due to oversight on the aforesaid instructions, the pay of the Applicant was fixed erroneously at the rate of Rs.6,025/-, vide order dated 07.04.2004 (at Annexure-8 of the application). In this regard several representations were received from employees who were senior to the applicant (e.g. representation dated 16.11.2004 from Shri Pradip Barman Roy, dated 09.09.2004 from Shri Ashis Chakraborty, and 09.04.08 from Shri N. Debnath, etc.) expressing their grievances and requesting for pay parity. On scrutiny of their grievances on disparity, it was detected that the pay of the applicant fixed vide order dated 07.04.2004 at Annexure-7 of the Original Application was erroneous and accordingly, the Finance & Accounts Officer of the Institute modified the Statement of fixation of pay under Central Civil Service (Revise Pay) Rules, 2008 fixing pay of the Applicant in terms of the above instructions dated 29.07.1990.

It is categorically stated that in fact, the two advance increments granted to her in the lower grade of T-II-3 was fully protected in the form of personal pay while re-fixing the pay in the promoted grade of T-4 in terms of the order dated 29.07.1990. It is also denied that Applicant was in the dark when the decision to recover the over-drawl was taken. Amidst such hue and cry from her senior colleagues, many resorting to protest and representations followed by numerous reminders on account of disparity in pay, the claim of the Applicant about ignorance is illogical. Ignoring the process initiated by the authorities, the Applicant blissfully remained silent and continued to draw the excess salary which only facilitated in piling up of the amount of over-drawal to be recovered. Being aware of the oversight of the authorities, it was incumbent upon the applicant to refund the excess drawal or at least to have brought the matter to the notice of the authorities, since it was not her legitimate due. Therefore, the Applicant is equally responsible for accumulation of over-drawals. Since it is a clear case of over-drawal, and in view of instructions of the Finance & Accounts of the Institute, the recovery was made from the arrear amount which in no way affected her monthly salary income.





Copies of the instructions dated 29.07.1990 and representations of other officers dated 16.11.2004, 09.09.2004, and 09.04.2008 are annexed herewith and marked as ANNEXURES-C& D-Colly respectively.

The Deponent further submits that for a better and clear understanding of the mistakes that had occurred during computation of the Basic Pay of the applicant, the deponent deems it fit to place the same in the form of a chart:

**A. Wrong fixation**

Pay on the date of promotion as T-4 as on 01-01-2001

In T-II-3 grade (Rs.4500-125-7000) ----Rs.5500.00

Add 2 nos.of Advance increment granted in T-II-3 grade @ Rs125.each---Rs.5750.00

Pay after adding 01 notional increment of old scale (T-II-3) ---Rs.5875.00

Pay fixed in the promoted post of T-4 in the scale of pay ----Rs.6025.00

of Rs.5500-175-9000 w.e.f.01.01.2001 with DNI on 01.01.2002 and so on.

**B. Proper fixation of pay on promotion**

1. Pay on the date of promotion as T-4 i.e. on 01.01.2002 ----Rs. 5500.00
2. Pay after notional increase by one increment of old scale ----Rs.5625.00  
@ Rs125/-
3. PAY fixed in the promoted post of T-4 (Rs.5500-175-9000)  
as on 01.01.2001 ----Rs.5675+ Rs.75(Personal Pay)
4. And w.e.f.01.01.2001----- --Rs.5850 (with nil Personal Pay):  
i.e. 5850+175 as on 01.01.2003.

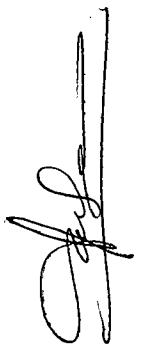
Since the official was already drawing the pay of Rs.5750/-in T-II-3 grade, she cannot draw less than what she was drawing in T-II-3 grade, hence her pay needs to be protected in the promoted post of T-4 by giving her personal pay of Rs.75/-which will be absorbed in future increase of pay.

The above pay fixation has been done as per the council Circular vide letter No. F. 7(2)/ 84- Per-III dated 03.06.1988. It is further clarified that if the applicant had been in the category of T-I-3 at the time of promotion to the next higher grade of T-4, her

02 nos. of advance increment granted to her in T-II-3 grade would have been counted for the purpose of fixation of his pay but since she was in the category of T-II-3, as per the above administrative instruction of Council's letter dated 03.06.1998 these two advance increment will not be considered for the purpose of fixation of her pay.

A copy of the instructions dated 03.06.1998 is annexed herewith and marked as ANNEXURE-E.

11. That the statements made in the paragraph 4.13 of the Original Application are wholly incorrect, baseless and without any justification and hence categorically denied by the deponent. It is categorically denied that the Joint Director has acted on his own to affect the recovery of over-drawl from the Applicant's arrear bills. The Joint Director only carried out instructions of the internal Finance Officer of the institute. It is pertinent to mention here that the Finance & Accounts Officer of the Institute also functions as the Financial Adviser to the Director and the Joint Directors at centre. Moreover, being the Drawing and Disbursing authority at the Centre, the Joint Director is fully empowered to affect any recovery including overpayment or over-drawl in respect of staff posted at the Centre. As already mentioned in the preceding paragraph, the recovery instruction was issued not for withdrawal of advance increments granted to the Applicant but to recover the excess payment made to the Applicant after allowing full protection of the two advance increments legally admissible to the applicant.
12. That the statements made in paragraph 4.14 of the Original Application are wholly incorrect, baseless, misconceived and misconstrued and hence categorically denied by the deponent. It is denied that the incumbents whose name appears in the order dated 29.06.2000 were granted advance increments in the grade of T-II-3. Out of the list of 28 technical persons whose name appears in the order dated 29.06.2000, ( Annexure-4 of the O.A) barring the Applicant and two other persons, all others got promotion effective from 01.01.2000 based on performance evaluated by the Assessment Committee and orders were issued vide No. RC(R)22/99/10 dated 27.09.2000 and



No. RC(R)22/99/18 dated 09.10.2000 respectively. Hence, the question regarding grant of advance increments to the other persons did not arise and accordingly the withdrawal of advance increment thereof from any of the persons. Hence, the issue regarding discrimination raised by the Applicant is only baseless but also a mere figment of her imagination. The deponent further denies the statement made to the effect that benefit of 2 advance increments was granted to 112 employees. While denying the same the deponent begs to state that the 112 numbers of similarly placed technical staff who were granted two advance increments vide order No.RC(R)20/99 dated 11.12.1999 belonged to Category-I in the grade of T-I-3 and were not from the grade of T-II-3 in Category-II to which the Applicant belongs. It is pertinent to mention herein that advance increments granted in the grade of T-I-3 is regulated by the ICAR instructions vide No. 19-20/96-Est.IV dated 25.09.1997 ( which has been enclosed as annexure-10 of the O.A) which stands on an altogether different footing and has no relevance with the pay fixation case of the Applicant.

13. That the statements made in the paragraph 4.15 of the Original Application are wholly incorrect and deliberate attempts to mislead this Hon'ble Tribunal and hence categorically denied by the deponent. As already mentioned in the foregoing para 12 of the instant written statement, ICAR instructions issued vide No.19-20/96-Est.IV dated 25.09.1997 (at Annexure-10 of the application) only regulates grant of advance increments in the grades of T-I-3 and T-5 and is in no way it is related to the two advance increments granted to the Applicant in the grade of T-4.

copy of the policy decision dated 25.09.1997 is annexed herewith and marked as ANNEXURE-F.

14. That with regard to the statements made in paragraph 4.16 of the Original Application the deponent humbly submits that a situation for granting advance increment(s) in a particular grade arises only when a person is not found suitable for promotion or when there is category bar i.e. no further scope/provision for assessment promotion from one grade to another. As already mentioned herein above, instructions regarding treatment of advance increments granted to technical personnel and also for protection of pay on subsequent promotion has been regulated vide letter dated

29.07.1990 and therefore the pay fixation made earlier vide order dated 01.01.2004 was not in conformity with these instructions/guidelines. Further, continuation of this erroneous fixation would have wider ramifications affecting the interest of many of the similarly placed staff not only within the Institute but outside as well. As such, the claims of the applicant having occurred due to erroneous administrative oversight, the same cannot be acceded to.

15. That with regard to the statements made in paragraph 4.17 of the Original Application the deponent humbly states that under no circumstances does the Delegation of Financial Power Rules of ICAR authorize the respondents to refund or restore the amount to the applicant, the same not being her legitimate due.

16. While denying the statements made in paragraph 4.18 of the Original Application, the deponent humbly submits that proforma for furnishing Annual Assessment Report which is the integral part of the assessment process was issued to the Applicant almost a month in advance before the year ending 31.03.2006 vide letter No. RC(R)3/2005 dated 13.03.2006 followed by proforma for Five Yearly Assessment Report vide letter No. RC(R)2/99-Pt.I dated 10.04.2006. However, even after a lapse of more than 3 years, the Applicant has failed to submit the same and as a result her case could not be placed before the Assessment Committee. In this connection it may be noteworthy that the Applicant counts among a handful of staff from the Centre who are habitual defaulters in submission of Annual Assessments Reports, a document vital for promotion through assessment and has had to be reminded many a time vide letters No. RC(R)17/2004 dated 02.04.2009, 30.06.2009 etc. for early submission of these documents/reports. It only reflects the sincerity and efficiency of the Applicant and hollowness of her claim that she has been deprived of promotion arbitrarily and illegally. Further, it is pertinent to mention here that the yardstick for promotion under Rule 6 of Technical Service Rules is performance and not the number of years completed as per guidelines issued vide F. No.18(1)/2004-Estt.IV dated 26.12.2005.

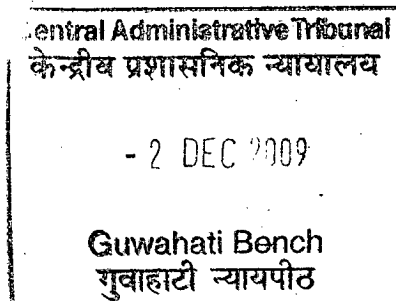


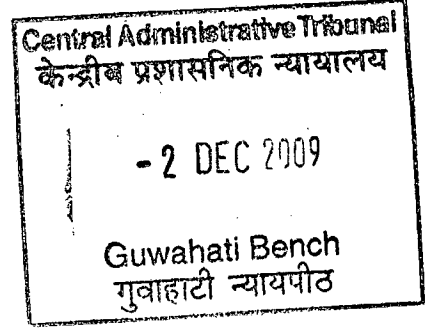
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
- 2 DEC 2009  
Guwahati Bench

- 40 -

The reminders issued to the applicant vide letter dated 02.04.2009 and 30.06.2009 as well as a copy of the guidelines dated 26.12.2005 are annexed herewith and marked as ANNEXURES-G colly & H respectively.

17. That the statements made in paragraph 4.19 are categorically denied by the deponent. While denying the same the deponent reiterates that statement made in paragraph 16 of the instant written statement and further states that it is due to her own negligence of the Applicant that the Respondents could not take up her assessment cases along with others in one go and had to issue numerous reminders which besides creating inconvenience also resulted in duplication of work. Therefore, the claim of the Applicant is completely baseless and unfounded.
18. That with regard to the statements made in Para's 4.20 to 4.25 the deponent has no comments to offer.
19. That the deponent humbly submits that the grounds so averred to in the Original Application are nothing but mere repetition of what has been narrated in the body of the Application itself and are hence accordingly answered in the instant written statements. None of the grounds so averred to in the Original Application are good or legally tenable grounds and are not only misleading but are also baseless. It is categorically stated that no discrimination has been meted out to the Applicant and Respondent authorities have in no way acted illegally or arbitrarily or *de hors* the constitutional framework. The deponent humbly states that in view of the facts and circumstances narrated hereinabove, there is no merit in the instant Original Application and the same is accordingly liable to be dismissed. This Hon'ble Tribunal may be further pleased to grant liberty to the Respondents to recover the balance amount (60%) of the two advance increments made to the applicant by vacating the interim order dated..22/07/09..



VERIFICATION

I Dr. S. V. Ngachan aged about 53 years, son of Late K. S. Shangrai Khai ,  
presently serving as the Director, ICAR Research Complex, Barapani, Umiam, Shillong,  
Meghalaya do hereby verify that the statements made in paragraphs  
..1, 2, 3, 4, 5 (e), 6, 7, 8, 9 (e), 10 (e), 11, 12 (e), 13 (e), 14 (e),  
..15, 16 (e), 17 & 18.....  
of the written statement are true to my knowledge and those made in paragraphs  
..5 (e), 9 (e), 10 (e), 12 (e), 13 (e), 14 (e) & 16 (e).....are  
true to my knowledge derived from records which I believe to be true and the rest are my  
humble submissions before this Hon'ble Tribunal. I have not suppressed any material  
facts.

And I sign this verification on this 2<sup>nd</sup> Day of November, 2009.

निदेशक / Director  
भा.कृ. अनु.प.-उ. पूर्वी पर्वतीय अनुसंधान परिसर.  
ICAR Research Complex for N.E.H. Region.  
उमियम, मेघालय  
Umiam, Meghalaya

CONFIDENTIAL  
BY Hand

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
UMROI ROAD, UMIAM-793 103 (MEGHALAYA)

NO.RC(R)17/99

Dated Umiam the 22nd Nov. '02

To,

Dr. N.D. Verma,  
Ex. Director, (ICAR),  
Panjabari,  
Guwahati, Assam.

Sub: Forwarding of Five Yearly Assessment Report/Supplementary Report of Technical personnel - reg.

Sir,

With reference to subject cited above, I am directed to forward herewith the Five Yearly Assessment Report/ Supplementary Report of following Technical personnel of this Institute for the period as detailed below with a request to complete the part IV of the Proforma and return to the undersigned at the earliest for further necessary action at this end.

<u>Sl.No.</u>	<u>Name and designation</u>	<u>Period</u>
1.	Shri Sikander Singh Fieldman, T-3	01.01.96 to 31.12.2000.
2.	Shri S.N. Deley Fieldman, T-1-3	01.01.96 to 31.12.2000.
3.	Shri Rajen Kr. Das, Fieldman, T-1-3	01.01.96 to 31.12.2000.
4.	Shri K.R. Ghosh Computer, T-II.3	01.01.00 to 31.12.2000
5.	Sat. Kavita Mehrotra Lab. Asstt. T-II-3	01.01.00 to 31.12.2000

Encls: as above,

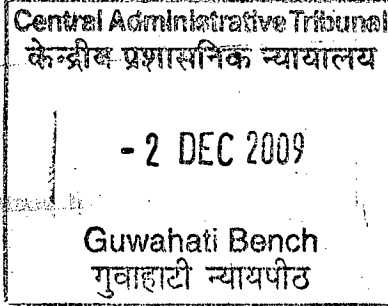
Yours faithfully,

( G. Sinha )  
Asstt. Administrative Officer (A)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
  
- 2 DEC 2009  
  
Guwahati Bench  
गुवाहाटी न्यायपीठ

Certified to be true Copy

Parthee Srastha Chowdhary  
ADVOCATE



## ICAR HANDBOOK OF TECHNICAL SERVICES

Category III, in the initial constitution of the service, if they possessed the minimum qualifications prescribed for this category. For this purpose, the approved persons were adjusted against the then existing vacancies in the respective fields. Where, however, no such vacancies existed, the existing posts in Grade T-5 held by the approved incumbents were upgraded to Grade T-6 till the time regular vacancies in the latter grade become available. On the absorption of the persons against the regular vacancies in Grade T-6, the upgraded posts were downgraded to Grade T-5 and reverted to the cadre strength of Category II.

5.3 Government servants, who were on notional foreign service and were holding technical posts under the Council, were not eligible for appointment to the technical services until such time as they opted and were absorbed in the Council's service on a regular basis.

Note: These rules are applicable to Council's employees only and such of the Government servants who held the posts on notional foreign service with the Council, and were allowed to exercise their options for Council's service by 31 March 1978, which was further extended to 30 September 1980. The optees were allowed the benefit of technical service rules from the dates their options became effective. (ICAR letter No.7-30/77-Per.III dated 2 January 1978, and No.7-30/77-Per.III dated 2 April 1981).

Note: Such of those technical personnel on notional foreign service and had exercised option for the Council's service from 31 December 1975 but before the prescribed date, i.e. 31 March 1978, were treated at a par with those who exercised options before 31 December 1975. (ICAR letter No.7(10).78-Per.III dated 27 January 1979).

## Career Advancement

6. Career advancement of technical personnel in their respective categories will be done in the following manner.

6.1 There shall be a system of merit promotion from one grade to the next higher grade irrespective of the occurrence of the vacancies in the higher grade or grant of advance increment(s) in the same grade, on the basis of the assessment of performance. The persons concerned will be eligible for consideration for such promotion or for grant of advance increment(s) after the expiry of the number of prescribed years of service in the grade, as detailed in the succeeding paras.

6.2 On account of the two overlapping grades of T-I-3 and T-II-3, the assessment promotion had become redundant and, therefore, grade structures in Categories I and II have been modified as follows.

Existing  
Category I  
(T-1) Rs 3,200-85-4,900  
(T-2) Rs 4,000-100-6,000  
(T-I-3) Rs 4,500-125-7,000

Revised  
Category I  
(T-1) Rs 3,200-85-4,900  
(T-2) Rs 4,000-100-6,000

Certified to be true Copy

Rakhee Sirauthia Chowdhury  
ADVOCATE



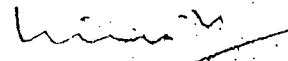
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
- 2 DEC 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

The word "Technical" appearing in second line of para 2 of Council's letter No. 8-22/77-Per. IV dated the 10th March, 1989 may be deleted.

These orders will take effect from 8th January, 1990.

Kindly acknowledge receipt.

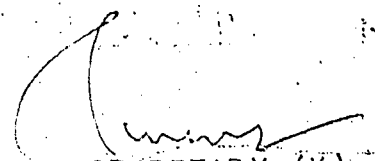
Yours faithfully,



( KISHORI LAL )  
DIRECTOR (P)

Copy forwarded for information & necessary action to :-

1. Secretary, ASRE, New Delhi.
2. All DDGs/Director (P)/Director (F).
3. PS to DG/P.S. to Secretary, ICAR.
4. All Under Secretaries/DD (S)/DD (V)/DD (F)/DD (P).
5. DS (S)/DS (A)/DS (B)/SA (R).
6. A.O. I/II/Cdn. (A&A)/Audit. I/II/Per. I/II/III Secs.
7. All Instt. Admn. Sections/All Estt. Sections.
8. Secretary, Official Side/Staff Side CJSC, ICAR.
9. Personal Section of the Dy. Prime Minister.
10. Guard file.



UNDER SECRETARY (K)

-16-46-

6834

21-4-08

Director,  
ICAR Research Complex for NEH Region,  
Tiroi Road, Umiam, Meghalaya - 793103.

Through proper channel

Sub - Request for stepping up of pay at par with my juniors Sri K.R. Ghosh, (T-4) & Mrs. Kavita Mehrotra (T-4).

Ref. - This office letters

1. NO. RC/TC(E-15)/2000/6076 dated 10-12-04
2. NO. RC/TC(P-53)/85/7247 dated 19-06-05
3. NO. RC/TC/(E-15)/2000/979 dated 24-10-07
4. NO. RC/TC(E-15)/08/1686 dated 03-03-08

Sir,

With due respect and humble submission to state that I requested several times and series of letters has been given vide letters dated 30-09-04, dt. 09-12-04 dt. 22-02-05, dt. 14-02-06, dt 24-12-06, dt. 22-07-07 dt. 28-02-08 for stepping up of my pay at par with my juniors Sri K.R. Ghosh (T-4) & Mrs. Kavita Mehrotra (T-4).

In this connection it was forwarded vide office letters cited above, but no favourable action has been taken so far.

I would therefore, fervently request your kind honour to look into the matter personally and make necessary arrangement so that I may get the financial benefit of my pay.

Thanking You.

Dated - 09-04-2008

Yours faithfully,

09/04/08

(NEPAL DEBNATH)

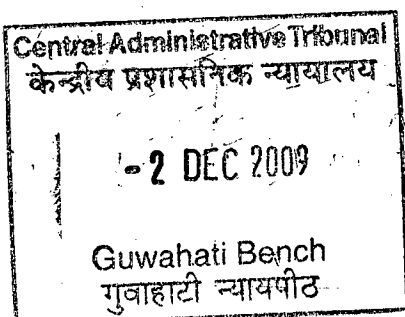
Technical Officer (E.)

ICAR Research Complex

Tripura Centre

Certified to be true Copy

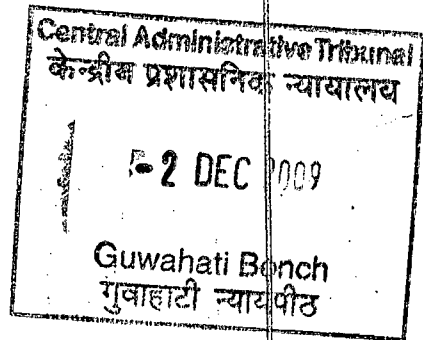
Rakhee Sirauthia Chowdhury  
ADVOCATE



-17-47-

17

The Director,  
ICAR(RC) for NEH Region,  
Umroi Road, Umiam,  
Meghalaya - 793103.



Through the Joint Director, ICAR(RC), Tripura Centre.

Subject: - Request for stepping up of pay at par with my junior.

Sir,

I have the honour to state that the following facts for your kind perusal consideration.

- (i) That Sir, I was appointed directly in the post of Mechanic (T-2) in the pay scale of Rs.330-560/- w.e.f. 23.12.1985. On that date my basic pay was Rs.330/- and while my junior Sri K. R. Ghosh was appointed in the post of Computer (T-1) in the pay scale of Rs.260-430/- in Nov. 1980. Sri Ghosh was given the higher grade of (T-2) w.e.f. 01.01.1987 on five yearly assessment.
- (ii) That Sir, I was promoted to next grade of (T-I-3) w.e.f. 01.07.1991 while Sri Ghosh was promoted to the same grade (T-I-3) w.e.f. 01.07.1992.
- (iii) That Sir, my category (Cat-I) Bar was removed and I was placed in (Cat-II) in the grade of (T-II-3) w.e.f. 01.01.1995. Sri Ghosh was also placed in the same grade (Cat-2) w.e.f. the same date.
- (iv) That Sir, I was promoted to the next higher grade (T-4) 01.01.2000. My pay was fixed at Rs.5675/- w.e.f. 01.01.2000 and the pay of Sri Ghosh was fixed at Rs.6025/- w.e.f. 01.01.2001. It is evident that on 01.01.2001 my pay was Rs.5850/- and thus I was drawing less pay than that of my junior.

In this connection a Comparison statement is enclosed herewith for early settlement of this case.

I would therefore, request your good self kindly to step up my pay so that I may not get less pay than that of my junior colleague.

Thanking you.

Yours faithfully,

Dated, the 16 NOV 2009

(PRADIP BARAN ROY)

ICAR Tripura Centre.

Certified to be true Copy

Rakhee Srauthia Chowdhury  
ADVOCATE

WDB  
6/10

4155  
7/10/09

To

The Director,  
ICAR (RC) for NEH Region,  
Umroi Road, Umiam,  
Meghalaya - 793103.

Through the Joint Director, ICAR (RC), Tripura Centre.

Sub: Request for stepping up of pay at par with my juniors.

Sir,

I have the honour to state the following facts for your kind perusal and consideration:

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
- 2 DEC 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

1. That Sir, I was appointed directly in the post of Laboratory Assistant (T-2) in the pay scale of Rs.330-560/- with effect from 25.10.85. On that date my basic pay was Rs.330/- only. While my junior Shri Kamal Ranjan Ghosh was appointed in the post of Computer (T-1) in the pay scale of Rs.260-430/- in November 1980. Shri Ghosh was given up the higher grade of T-2 with effect from 1.1.87 on five yearly assessment.
2. That Sir, I was promoted to next higher grade of T-1-3 with effect from 1.7.91 while Shri Ghosh was promoted to the same grade with effect 01.7.92.
3. That Sir, my Category (Cat. I) Bar was removed and I was placed in Cat. II in the grade of T-II-3 with effect 01.1.95. Shri Ghosh was also placed in the same grade with effect from the same date.
4. That Sir, I was promoted to the next higher grade of T-4 in the pay scale of Rs.5500-175-9000/= with effect from 01.1.2000 while Shri Ghosh was promoted to the same grade with effect from 01.1.2001. My pay was fixed at Rs.5675/- w.e.f. 1.1.2000 and the pay of Shri Ghosh was fixed at Rs.6025/- w.e.f 1.1.2001. It is evident that on 1.1.2001 my pay was Rs 5850/- and thus I was drawing less pay than that of my junior.

I would, therefore, most humbly and respectfully request you kindly to take necessary action towards stepping up my pay at par with my junior and thus oblige.

Dated, the 9<sup>th</sup> September 2004.

Forwarded to J.D. please

BAI P.  
7/9/04

Yours faithfully,

Ashis Chakraborty  
(Ashis Chakraborty)  
Lab. Assistant (T-4)

Certified to be true Copy

Rakhee Srauthia Chowdhury  
ADVOCATE

- 2 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठIndian Council of Agricultural Research  
Krishi Bhavan, New Delhi.INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
KRISHI BHAVAN : NEW DELHI

NO.F.7(2)/84-Per.III

Dated the 3<sup>rd</sup> June, 1988.

To

The Directors/Project Directors  
of all the Research Institutes.

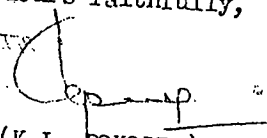
Subject:- Technical Service Rules - Non-withdrawal of advance increments in grade T-I-3 (Rs.425-700) (Pre-revised) in Category-I on promotion/appointment to grade T-II-3 (Rs.425-700) (pre-revised) in Category-II.

Sir,

It has been observed that in accordance with the existing rules, technical personnel who are granted advance increment in grade T-I-3 (Rs.425-700) (Pre-revised) of Category-I on the basis of their assessment and are subsequently appointed/promoted to grade T-II-3 (Rs.425-700) (pre-revised) in Category-II get less pay than what they were drawing prior to their promotion/appointment to grade T-II-3 as according to the existing instructions, the advance increments granted to them in grade T-I-3 are to be withdrawn while fixing their pay in grade T-II-3. Both the grades T-I-3 and T-II-3 being in the same scale of pay of Rs.425-700, provisions of F.R.22(c) are also not applicable in such promotion as there is no change in the scale of pay on promotion to grade T-II-3. This has created an anomalous position.

In order to remove this anomaly in the Technical Service Rules, the whole matter has been examined in the Council in depth and it has been decided with the approval of the Governing Body of the Indian Council of Agricultural Research that the pay of such technical personnel who were granted advance increments in grade T-I-3 (Rs.425-700) in Category-I on the basis of their five yearly assessment and are subsequently appointed/promoted to grade T-II-3 (Rs.425-700) in Category-II, may be regulated in accordance with the provisions of F.R.22(a)(ii) by taking into account the pay including advance increments being drawn on the date of promotion.

Yours faithfully,

  
(K.L. BOKOLIA)  
DEPUTY SECRETARY (B)

Copy to:-

1. Estt. I/Estt. II/Estt. III Sections.

Certified to be true Copy

  
Rakhee Sirauthia Chowdhury  
ADVOCATE

No.19-20/96-Estt.IV

Dated 25 September 1997

To

The Directors/Project Directors/Project Co-ordinators of  
ICAR Research Institutes/NRCs/Zonal Co-ordinating Units

**Subject: Advance Increment(s) at T-1-3 / T-5 Level and Pay-Fixation on Removal of Category Bar**

Sir,

Some of the Institutes have sought clarifications whether in view of the removal of category bar from Category I to Category II, as per Council's Circular No.14-3/94-Estt.IV dated 1.2.95, the grant of advance increment(s) at T-1-3 level would continue. If so, how the case of pay fixation will be regulated on removal of the category bar from Cat.I to Cat.II (from T-1-3 to T-II-3) level and also on promotion from T-1-3 to T-II-3 level (under 33.33% promotion quota) being in the same scale of Rs 1,400-2,300 will be regulated.

The matter has been considered in the Council and it is clarified that since the provision of grant of advance increment(s) has not been withdrawn, the technical staff in T-1-3 will continue to be eligible for grant of advance increment(s) at T-1-3 level. Further, it is also clarified that for the purpose of pay fixation, the scale of T-1-3 in Cat.I and T-II-3 in Cat.II being the same i.e. Rs 1,400-2,300, the pay of a technical person who has been granted advance increment(s) in T-1-3 grade may, on their adjustment in T-II-3 on the removal of category bar/promotion, be fixed as per FR 22(a)(ii) by taking into account the pay, including the advance increment(s) being drawn on the date of removal of category bar/promotion as per Council's letter No.7(2)/84-Per.III dated 3.6.1988.

It is also clarified that technical personnel in Category II at T-5 Level will also continue to be eligible for grant of advance increment(s) up to 3 though they are also eligible for removal of category bar from category II to Category III in terms of Council's letter No.14-3/94-Estt.IV dated 4.8.1995. However, since the pay scale in the T-6 is higher (Rs 2,200-4,000) than that of T-5 (Rs 2,000-3,500), their pay will continue to be regulated as per the existing instructions on the subject.

The receipt of the letter may please be acknowledged.


Yours faithfully,  
Sd/-  
(G.C. Sharma)  
Dy Secretary(S)

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

Certified to be true Copy

  
Rakhee Srauthia Chowdhury  
ADVOCATE

72

INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
ICAR RESEARCH COMPLEX FOR N.E.H. REGION  
UMROI ROAD, UMIAM - 793 103, MEGHALAYA.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
2 DEC 2009  
Gauhati Bench  
গোয়াhati বেঞ্চ

No. RC(R) 17/2004

Dated Umiam the 2<sup>nd</sup> April, 2009

To: The Joint Director,  
ICAR Research Complex for NEH Region,  
Tripura centre,  
Lembucherra,  
Tripura

Sub: Non-receipt of AARs of Technical Personnel - Reg.

Sir, With reference to the subject cited above, I am directed to say that AARs of following technical personnel of your centre as indicated below have not yet been received. The cases for their assessment/promotion is overdue and for non-receipt of AARs we are not able to process their assessment cases.

Sl. No	Name & Designation	AARs yet to be received
1	Smt. K. Mehrotra Lab. Asstt. (T-4)	2005-06, 2006-07, 2007-08, and 2008-09
2	Shri Pronab Dutta Fieldman (T-3)	2001-02, 2007-08, and 2008-09
3	Shri Nikhil Ch. Das. PTO (T-1-3)	93-94, 94-95, 95-96, 96-97, 97-98, 98-99, 2006-07, 2007-08, and 2008-09
4	Shri K.R. Ghosh Computer (T-4)	2002-03, 2003-04, 2006-07, 2007-08, and 2008-09

It is, therefore, requested kindly to send duly completed AARs of above mentioned Technical personnel at the earliest for further action at this end.

Yours Faithfully,

(S.R. Baruah)

Asstt. Administrative Officer (R/O)

Certified to be true Copy

R. Khee Srauthia Chowdhary  
ADVOCATE

-22-

-52-



INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
I.C.A.R. RESEARCH COMPLEX FOR N.E.H REGION  
UMROI ROAD, UMIAM-793 103, MEGHALAYA

No.RC(R)17/2004

Dated Umiam the 30<sup>th</sup> June, 2009

To,

The Joint Director,  
ICAR Research Complex for NEH Region,  
Tripura Centre  
P.O. Lembucherra  
Tripura West.

Sub: Annual Assessment Report for the year 2005-.06 of Smt. Kavita Mehrotra  
Lab. Asstt. T-4 - reg.

Ref: i) Your letter No.RC/TC/(E-7)/99/9627 dated 19.8.2006  
ii) Your letter No RC/TC(E-7)2009/121 dated 24.4.2009

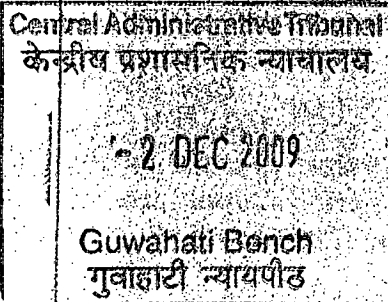
Sir,

With reference to above, I am to inform you that aforesaid AAR of  
Smt. Kavita Mehrotra, Lab. Asstt. (T-4) has not been found along with the enclosure.

You are, therefore, requested kindly arrange to send the AAR for the year  
2005-06 of Smt. Mehrotra at an early date to this office for further necessary action at  
this end.

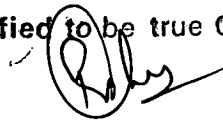
Yours faithfully

(S.K. Jindal)  
Administrative Officer



CONFIDENTIAL

Certified to be true Copy

  
Rakhee Sirauthia Chowdhury  
ADVOCATE



INDIAN COUNCIL OF AGRICULTURAL RESEARCH  
Krishi Bhavan, Dr Rajendra Prasad Road,  
New Delhi - 110 001

Tel: 23384649 fax: 91-11-23387293 E-mail: [sanwalicar@nic.in](mailto:sanwalicar@nic.in)

F.No: 18(1)/2004-Estt.IV

Dated 26 Dec., 2005

To

All the Directors/Project Directors of ICAR Research Institutes/  
NRCs/Bureaux

Sub: Career Advancement of Technical Employees- Merit Promotion  
Under Rule 6 of TSR – guidelines – reg.

Sir,

The Career Advancement of technical employees takes place in the manner indicated in Rule 6 of the Handbook of Technical Services, Fourth Edition. It is inter-alia provided that there shall be a system of merit promotion from one grade to the next higher grade, on the basis of assessment of performance. The procedure for assessment is incorporated in Appendix 'III' of the Handbook of Technical Services which has been supplemented by Council's circulars No. 7(18)/85-Per.III dated 2<sup>nd</sup> May, 1989 and 18(5)/98-Estt.IV dated 22<sup>nd</sup> April, 1998 wherein benchmark for assessment promotion was prescribed. The existing instructions including the benchmark for assessment promotion have been reviewed in the Council and it has been decided to prescribe the following guidelines for consideration of cases for career advancement:

1. The following material shall be taken into consideration for assessment as per Appendix 'III' of the Handbook of TSR:-
    - a. The material furnished in the 5/7/10 yearly assessment Proforma.
    - b. ACRs for the past 5/7/10 years.
    - c. Performance record files maintained by the technical personnel
    - d. Biodata and career information (various posts held etc.) of the technical personnel throughout their service in the ICAR.
- 'c' & 'd' is applicable only in the cases of technical employees in category 'III'.

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
- 2 DEC 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

Certified to be true Copy

Rekhee Sirauthia Chowdhury  
ADVOCATE

-24- -54-

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

- 2 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

- 2 -

2. The evaluation of ACRs for the assessment period(5/7/10 years; as the case may be) vide foregoing para 1(b), shall carry 80 marks and evaluation of remaining material by the Assessment Committee shall carry 20 marks.

3. The evaluation of ACR shall be done in the following manner:

3.1 The ACRs relevant for the period of assessment (5/7/10 years as the case may be) are to be considered. In cases where the period of assessment does not synchronize with financial year, the ACR of the year in which the spread of the assessment period is in excess of 6 months, shall be taken into consideration.

For example, in a case where the 5 year period of assessment ends on 31<sup>st</sup> July, 2005, the ACRs of 2000-01, 2001-02, 2002-03, 2003-04 & 2004-05 are to be taken into account.

3.2 Cases where one or more ACRs of relevant period have not been written for any reason, are to be dealt with in accordance with DOPT OM No. 22011/5/86-Estt.(D) dated 20<sup>th</sup> June, 1989 read with corrigendum dated 13<sup>th</sup> July, 1989. It reads as under :

*"Where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question and if in any case even these are not available, the DPC should take the CRs of the lower grade into account to complete the number of CRs required to be considered."*

In cases of absence on account of Study Leave, a certificate from the Head of the Institution, where the employee has attended or is attending the course of study is to be obtained in support of satisfactory completion of the course of study and placed in the ACR dossier.

3.3 The ACRs relevant for the assessment period(5/7/10 years as the case may be) are to be numerically rated on the basis of final grading as accepted/approved by the Reviewing Authority in the following manner:

- |      |                         |          |
|------|-------------------------|----------|
| i)   | Each Outstanding Report | 80 marks |
| ii)  | Each Very Good Report   | 60 marks |
| iii) | Each Good Report        | 40 marks |
| iv)  | Each Average Report     | 20 marks |

-25- -55-

कन्द्रीय प्रशासनिक न्यायालय

- 2 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

The total marks so arrived at are to be divided by the number of ACRs considered for assessment (5/7/10 years, as the case may be) to arrive at the weightage for ACRs on a scale of 80. It goes without saying that regardless of number of years in the assessment period, the maximum weightage of ACRs shall not exceed 80 in any case.

4. The Assessment Committee shall examine the other material, as referred to in the foregoing para 1, and award marks on a scale of 20. The marks so awarded out of 20, shall be added to the marks awarded on the basis of the evaluation of ACRs. The merit promotion from one grade to next higher grade shall be made only if an employee meet the following threshold :

- |  |       |
|--|-------|
| (i) For promotion from T-1 to T-2 grade and T-2 to T-3 grade                   | = 60% |
| (ii) For promotion from T-3 to T-4 grade T-4 to T-5 grade and T-5 to T-6 grade | = 67% |
| (iii) For promotion from T-6 to T(7-8) and from T(7-8) to T-9 grade            | = 75% |

0.5 % and above marks are to be rounded off to the next higher number.

5. Directors are expected to ensure that complete and correct information is furnished to the Assessment Committees and the Members are made familiar with the provisions of the Rules and instructions. An administrative functionary of appropriate rank (say AAO/AO/SAO/CAO/US) may be assigned to assist the Committee as Member Secretary.

6. To the extent possible, efforts should be made to identify suitable experts for nomination to Assessment Committee from places not very far away from the institute so as to timely convene the meetings.

2/11  
1

-26- 52  
-2 DEC 2009

Guwahati Bench  
गुवाहाटी न्यायपीठ

7. These instructions supersede previous instructions on the subject vide No. 7-18/1985-Per.III dated 2<sup>nd</sup> May, 1989 No. 18-5/98-Estt.IV dated 22<sup>nd</sup> April, 1998 and shall be applicable to cases of assessment which become due on 1st Jan, 2006 and thereafter.

Hindi version will follow.

Yours faithfully,



(S.P.SANWAL)  
UNDER SECRETARY(TS)

Copy to:

1. All officers at ICAR Hqrs. in Krishi Bhavan, KAB-I and KAB-II.
2. All Sections at ICAR Hqrs. in Krishi Bhavan, KAB-I & KAB-II.

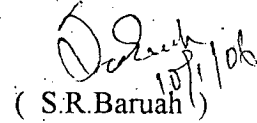
Memo No. RC(R)22/99

Dt. Umiam the 10<sup>th</sup> January, 2006.

Copy to :-

- 1 All the Joint Directors of Centres/In-charge, KVK, Tura
- 2 All the Heads of Divisions, Section
- 3 In-Charges/ Sr. Farm Manager etc. at Complex Hqs. Umiam
- 4 Notice Boards of Hqs. Umiam.

They are requested to bring to the notice of all concerned particularly the technical staff working under them *FOR INFORMATION AND NECESSARY ACTION* please.



(S.R.Baruah)  
Asstt. Administrative Officer (RC)