

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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10/7/2015
SECTION OFFICER (JUDL.)

✓ 16.7.15

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

ORDERSHEET

1. Original Application No: 102/2009

2. Miscellaneous Petition No

3. Contempt Petition No


4. Review Application No

Applicant(S) Shri Nipamacha Singh

Respondant(S) Union of India & Ors.


Advocate for the Applicant(S): Dr. N. K. Singh
Mr. R. Sarma

Advocate for the Respondant(S): 6
CGSC.

Notes of the Registrar	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide PO/BD No. <u>39 G. 4078/11</u> Dated <u>5.6.2009</u></p> <p><u>7.6.09</u></p> <p>Extra 4 copies of Application with envelope received for issue notice to the Respondent No 1 to 4. Copy served.</p> <p><u>11/6/09</u></p> <p>Received the free copy of order dated 9/6/2009</p> <p><u>Shonensarma</u> 12/6/2009 Advocate</p>	<p>08.06.2009</p>	<p>Claiming revision of pay, the Applicant has approached this Tribunal with the present O.A. filed under section 19 of the Administrative Tribunals Act, 1985. A copy of this O.A. has already been supplied to Mrs M. Das, learned Addl. Standing counsel for the Govt. of India.</p> <p>Call this matter on 09.06.2009.</p> <p style="text-align: right;">  (M.R. Mohanty) Vice-Chairman </p>

09.06.2009 Heard Dr.N.K.Singh, learned counsel appearing for the Applicant and Mrs. M.Das, learned Addl.Standing counsel for the Union of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.

For the reasons recorded separately, this O.A stands disposed of.


(M.R.Mohanty)
Vice-Chairman

Received copy for
Mrs. M. Das,
Addl. C.G.S.C.
Wimshim Vashum
(Advocate)
18/6/09.

15.6.09

lm

order dated 9.6.09
send to the Df for issue
-the same to the Respondents
alongwith the original Application
and also to the Applicant and
free copies to learned Counsel
both the parties.

D/No. 3284 to 3288

dtd 22/6/09

15/6/09

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A No. 102 of 2009

Dated 09.06.2009

Shri Nipamacha Singh

Applicant

By Advocate Dr. N.K. Singh

Versus

The Union of India & others

Respondents

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

Present: The Hon'ble Mr. Manorajan Mohanty, Vice-Chairman

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


Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A. No. 102 of 2009

The 9th day of June 2009

Present: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman

**Shri Nipamacha Singh,
Resident of Bishnupur Bazar,
Ward No.4,
P.O. & P.S. Bishnupur,
Dist. Bishnupur [Manipur],
At present working as
Junior Intelligence Officer-I
S.I.B. – Chasad,
Under S.I.B. Imphal,
P.O. Lamphel,
Imphal- 795 004.**

Applicant

By Advocate Dr. N.K.Singh

Versus

- 1. Union of India
 represented by Assistant Director/G
 IB-HQRS,
 35, S.P. Marg,
 New Delhi- 110 021**
- 2. Deputy Director,
 SIB (MHA) Imphal,
 Govt. of India,
 P.O. Lamphel,
 Imphal- 795 004**
- 3. Joint Director,
 SIB (MHA) Shillong,
 Govt. of India,
 P.O. Laban,
 Shillong, Meghalaya
 PIN- 793 004**
- 4. Joint Director,
 SIB (MHA) Kohima,
 Govt. of India,
 P.O. Kohima, Nagaland,
 PIN 797 001**

Respondents

By Advocate Mrs. M. Das, Addl. CGSC



O.A. No.102 of 2009

Oral Order

09.06.2009

Manoranjan Mohanty- Vice-Chairman:-

Heard Dr. N.K.Singh, learned Counsel appearing for the Applicant and Mrs. M.Das, learned Addl. Standing Counsel for Govt. of India (to whom a copy of this O.A. has already been supplied) and perused the materials placed on record.

2. Representation dated 16.10.2008 of the Applicant (to get a higher rate of pay for the period between 01.01.2006 to 24.12.2007 in terms of the rules framed after VIth Pay Commission Report) is stated to be still pending un-disposed with the Respondents and, in the said premises, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985 with the prayer to the following effect:-

“...the Hon’ble Tribunal be pleased to pass an order directing the Respondents to fix the pay scale according to the VIth revised pay scale and pay the arrears to the applicant for the period of 01.01.2006 to 24.12.2007.”

3. Applicant has placed on record a copy of the order dated 27.02.2009 of this Tribunal rendered in O.A.No.24 of 2009 in the case between Shri Yengkhom Bhgya Chandra Singh Vs. Union of India & others); wherein it was only observed as under:-

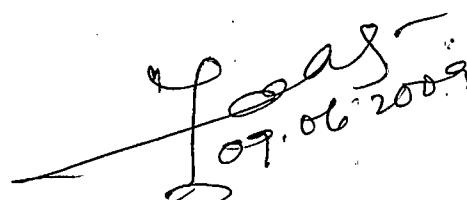
“Applicant was drawing his pay in a distinct pay scale during the period from 01.01.2006 to 24.12.2007 and, if that pay scale has been revised upwards (in terms of the Report of VIth Pay Commission) with effect from 01.01.2006, then, certainly, the Applicant is entitled to get the benefit of the said pay revision from 01.01.2006 to 24.12.2007 and, accordingly, the appropriate authority should fix his pay with effect from 01.01.2006 to 24.12.2007 and release 40% of the differential amount of arrear

(in favour of the Applicant) by end of March 2009 and release rest 60% of the same after March 2009."

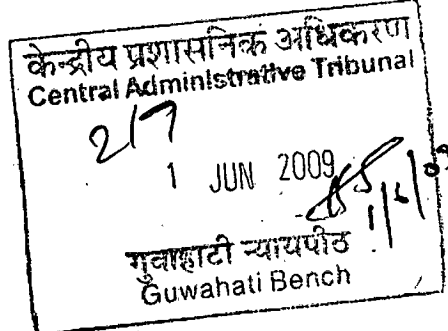
With the above observation, that matter was left to the Respondents for taking needful action at their end promptly, in terms of the Rules/Govt. Instructions.

4. Since the representation dated 16.10.2008 of the Applicant is stated to be still pending with the Respondents un-disposed; without any waste of time, this matter is remitted to the Respondents to give a prompt consideration in the matter and grant him [Applicant] necessary relief, as due and admissible under the Rules governing the field, within 120 days from the date of receipt of a copy of this order. With the above observations and directions, this case is disposed of.

5.. Send copies of this order to the Applicant and the Respondents (along with copies of this Original Application) by Regd. Post. Free copies of this order be also handed over to the Advocates appearing for both sides.


(Manoranjan Mohanty)
Vice-Chairman

cm



DISTRICT: BISHNUPUR(MANIPUR)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO. 102 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Shri Nipamacha Singh

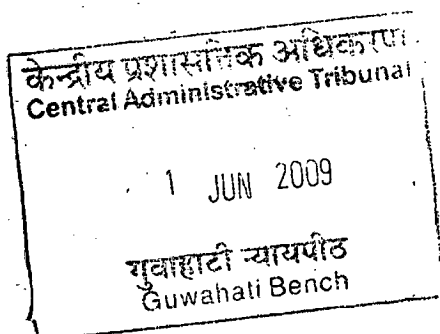
..... Applicant.

- Vs -
**Union of India Represented by
Asstt. Director, IB- HQrs & Ors.**

..... Respondents.

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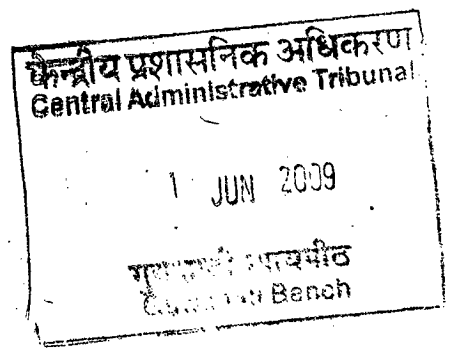
Sl. No.	Particulars	Annexure	Page
1	Synopsis	-	1
2	List of Dates (Events)	-	2
3	Application	-	3 - 9
4	Copy of Memo No. 39/E/IMP/Dep/(1) 2007-645 dated 06.07.2007	A	10
5	Copy of Memo No. 11/E/IMP/Prom/ 2007(1) dated 29.12.2007	B	11
6	Copy of representation dated 16.10.2008.	C	12-13
7	Copy of order dated 27.02.09	D	14-17
8	Vakalatnama		



Filed by-

Amren Sarma
Advocate. 1/6/09

P. Nipamacha Singh



DISTRICT: BISHNUPUR(MANIPUR)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO. 102 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Shri Nipamacha Singh

..... Applicant.

- Vs -
Union of India Represented by
Asstt. Director, IB- HQrs & Ors.

..... Respondents.

SYNOPSIS

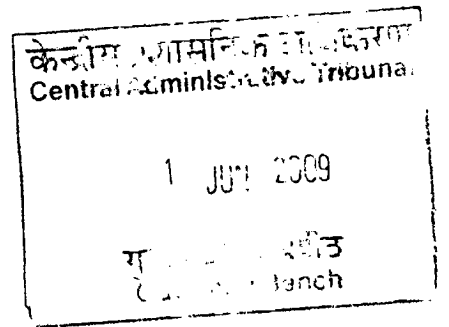
The applicant was appointed to the post of Security Assistant of the Subsidiary Intelligence Bureau under the Ministry of Home Affairs, Govt. of India on 2.02.1982. He was posted to different places of the North Eastern States as Compounder. He was reverted to his parent cadre w.e.f. 24.12.2007.

The VITH Revised Pay Scale came into effect on 01.01.2006 as per the recommendation of the VITH Pay Commission as a policy of the Govt. of India. The applicant claims that he is entitled to the VITH Revised Pay Scale for the period for 01.12.2006 to 24.12.2007. In spite, of several representations to authority, the applicant's claim has not been granted. Hence the applicant filed this petition.

Filed by-

P. Nipamacha Singh
Advocate.

P. Nipamacha Singh



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DISTRICT: BISHNUPUR(MANIPUR)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO. 102 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Shri Nipamacha Singh

..... Applicant.

- Vs -
Union of India Represented by
Asstt. Director, IB- HQrs & Ors.

..... Respondents.

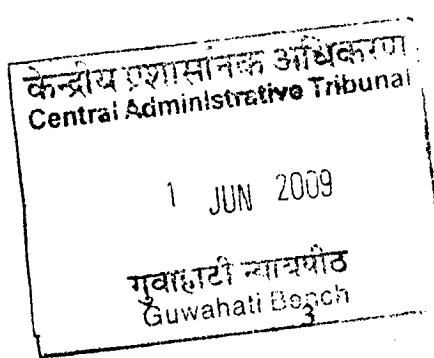
LIST OF DATES (EVENTS)

1. 20.12.1982 - Applicant was initially appointed as S.A. of the S.I.B.
2. 06.07.2007 - Applicant was asked to give his willingness or otherwise for absorption.
Annexure- A.
3. 29.12.2007 - Applicant was reverted to his parent cadre.
Annexure-B.
4. 16.10.2008 - Applicant submitted representation to the authority advancing his claim that his pay may be revised on the basis of VITH Pay Commission for the period from 01.01.2006 to 24.12.2007.
Annexure-C.

Filed by-

Prasen Kumar
Advocate. 11/6/09

P. Nipamacha Singh



Filed by the
applicant
through S. Rosen Seng
Advocate
on 1/6/09

DISTRICT: BISHNUPUR(MANIPUR)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO. 102 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Shri Nipamacha Singh,

..aged about 48 years

Resident of Bishnupur Bazar,

Ward No. 4

P.O. & P.S. Bishnupur,

Dist. Bishnupur (Manipur).

At present working as

Junior Intelligence Officer-I

S.I.B. -Chasad,

Under S.I.B. Imphal,

P.O. Lamphel,

Imphal- 795004. ✓

..... Applicant.

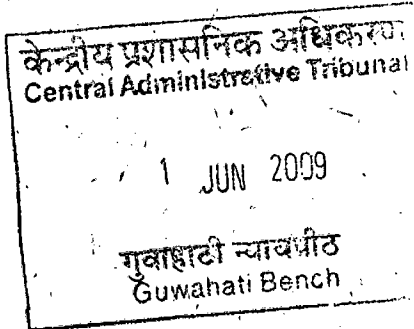
1. Union of India Represented by
Assistant Director/G

IB-HQRS,

35- S.P. Marg, New Delhi,

PIN-110021. ✓

P. Nipamacha Singh



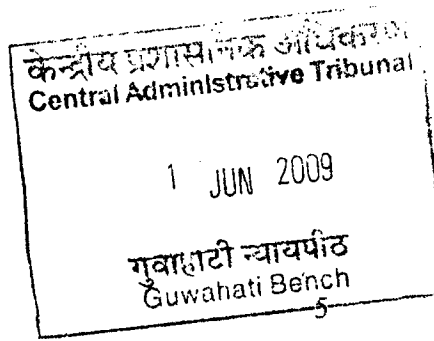
- 4
2. Deputy Director
SIB (MHA) IMPHAL,
Govt. of India,
P.O. Lamphel,
Imphal-795004. ✓
3. Joint Director,
SIB (MHA) Shillong,
Govt. of India,
P.O. Laban,
Shillong, Meghalaya,
PIN- 793004. ✓
4. Joint Director,
SIB (MHA) Kohima,
Govt. of India,
P.O. Kohima, Nagaland,
PIN-797001. ✓

..... Respondents.

IN THE MATTER OF:

Non-payment of VITH Revised Pay
Scale with effect from 01.01.2006
to 24.12.2007 while the applicant
was serving as Compounder
before he was reverted back to his
parent cadre as JIO-I/G.

P. Nipamcha. C.A.



- AND -

IN THE MATTER OF:

Articles 14 & 16 of the Constitution
of India.

A. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

1. The present application is made against non-payment/ non-fixation of revised Pay Scale for the period of 01.01.2006 to 24.12.2007 under the VITH Pay Commission.

B. JURISDICTION OF THE TRIBUNAL:

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

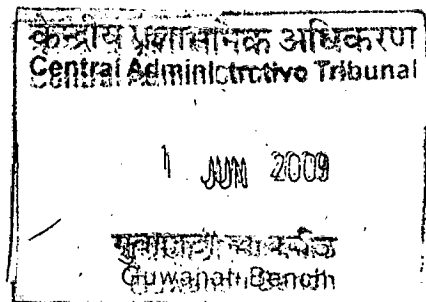
C. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in section- 21 of the Administrative Tribunal Act, 1985.

D. FACTS OF THE CASE:

1. That, the applicant was initially appointed/ recruited to the post of Security Assistant of the Subsidiary Intelligence Bureau under the Ministry of Home Affairs, Govt. of India on 28.02.1982 in the Scale of Rs. 225- 308 per month. Since then he has been serving to the full satisfaction of his senior officers as well as the public in general till date. While the applicant was serving as Security

P. Nipamacha Singh



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Assistant, he was sent for training on Compounder Course at Hamedia Hospital, Bhopal in the year 1984 and he successfully completed the training course in the year 1986. Thereafter, he was transferred and posted as Compounder at the S.I.B. Tezpur set up in the year 1986 in the Scale of Pay of Rs. 1350- 2200 and he was posted at various boarder areas of the North Eastern India including Sikkim.

2. That, on 6.07.2007 the authority asked the applicant to give his willingness or otherwise for absorption in the ex-cadre post of Compounder. The applicant expressed his unwillingness for absorption in the ex-cadre post of Compounder. The respondent authority by order-dated 29.12.2007 reverted the applicant to his parent cadre w.e.f. 24.12.2007.

Annexure- A is the order-dated 6.07.2007.

Annexure- B is the order-dated 29.12.2007.

3. That, the VITH revised pay scale came into effect on 01.01.2006 as per recommendation of the VITH Pay Commission and the policy of the Govt. of India. It implies that, the applicant was/is entitled to all the benefits of the VITH revised pay scale for the period of 01.01.2006 to 24.12.2007.
4. That the applicant made representation to the Deputy Director, SIB (MHA), Govt. of India Imphal, Manipur for fixation of the revised

P. Nipancha Singh

1 JUN 2009

गुजरात बेंच
Gujarat Bench

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pay scale and payment of the arrears for the period of 01.01.2006 to 24.12.2007 under the VITH Pay Commission. The applicant apprehends that no useful purpose will be served in pursuing the authority in the matter which is pending before the authority.

Annexure- C is the representation-dated 16.10.2008.

5. That in O.A. No. 24 of 2009 the applicant therein prayed for similar relief as in the present application. The Hon'ble Tribunal by order dated 27.2.2009 allowed the prayer of the applicant.

Annexure- D is the copy of the above order-dated 27.2.2009.

E. GROUND(S) FOR RELIEF (S) WITH LEGAL PROVISIONS:

- i. For that the applicant has been discriminated in the matter as the employee of the Central Govt. Similarly situated or the deputationist are allowed to enjoy the VITH revised pay commission's scale w.e.f. 01.01.2006 and as such non-payment of the revised pay scale to the applicant violates his rights under Articles 14 and 16 of the Constitution of India.
- ii. For that, non-payment of the revised pay to the applicant violates the rules regarding to fixation of pay on appointment to an ex-cadre post.

F. DETAILS OF THE REMEDIES EXHAUSTED:

That the applicant states that there is no other statutory and/ or alternative remedy which the applicant is supposed to have exhausted before approaching the Hon'ble Tribunal.

P. Niranjan Singh

1 JUN 2009

গুৱাহাটী ব্যাংক
Guwahati Bench

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G. **MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:**

The applicant had not approached the Hon'ble Tribunal or any other Court for the same matter.

H. **RELIEF (S) SOUGHT:**

It is therefore prayed that the Hon'ble Tribunal be pleased to pass an order directing the Respondents to fix the pay Scale according to the VITH revised pay scale and pay the arrears to the applicant for the period of 01.01.2006 to 24.12.2007.

I. **INTERIM ORDER, IF ANY PRAYED FOR:**

That, the applicant has not made any prayer for interim order.

J. **IN THE EVENT OF APPLICATION BEING SENT BY REGISTERED POST:**

The applicant declares that the application is filed through his advocate.

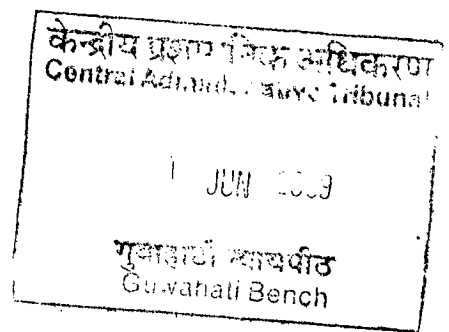
K. **PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE:**

Indian Postal Order Number: 396 407811

Office of Issue : Guwahati G.P.O.

Date of Issue : 14/5/2009

P. Nipamachar Singh

- **VERIFICATION** -

I, Shri P. Nipamacha Singh, son of Late P. Gulamjat Singh, aged about 48 years, at present working as Junior Intelligence Officer-I, SIB-Chasad under SIB, Imphal, P.O. Lamphel, Manipur-795004 do hereby verify that the contents of paragraph 1 to 4 are true and correct in so far as facts are concerned and those legal points are based on information received from my counsel which I verily belief to be true and correct and nothing false have been stated and have not suppressed any material fact and rest are my humble submission before this Hon'ble Tribunal.

Date: 14/5/09

Place: Guwahati

P. Nipamacha Singh

Signature of the Applicant

Filed by-

Prasen Sarma

Advocate.

~~Annexure - A~~

Fax

3413 (2 Pages)

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

Most Immediate

1 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

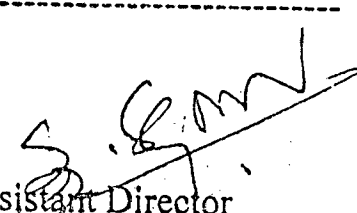
From :: Cremo :: Imphal (AD) (.)

To :: Civints:: Bishnupur/Senapati (.)

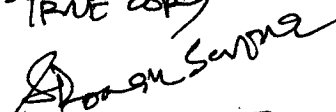
No. 39/E/IMP/Dep / (1) /2007-645

06.07.2007

Enclosed please find a copy of IB Hqrs., New Delhi Memo. No. 66/Estt(G)/2004(1)3352-61 dated 04.06.2007 regarding filling up the posts of Compounder by absorption from amongst the officials who are on deputation to the post of Compounder on transfer of service basis subject to their suitability (.) S/Shri P. Nipamacha Singh and Y. Bheigyachandra Singh may please give their willingness or otherwise to enable us to send their cases to IB Hqrs. \ (.)


Assistant Director

TRUE COPY


ADVOCATE

~~Annexure - B~~

Office Order No. 267 Dated 28.12.2007

In pursuance of AD/G, IB Hqrs., New Delhi Memo. No. 66/Estt(G)/2004(1)9703 dated 18.12.2007, S/Shri P. Nipamacha Singh (JIO-I/G, PIS No. 117139 , DOB 01.03.61) and Y. Bhagyachandra Singh (JIO-II/G, PIS No. 117867, DOB 01.03.60), both continuing to the ex-cadre post of Compounders in IB, who expressed their unwillingness for absorption in the ex-cadre post of Compounder, are reverted back to their parent executive cadre in the IB with immediate effect. Pursuant to this, S/Shri P. Nipamacha Singh and Y. Bhagyachandra Singh are reverted to the post of JIO-I/G (Pay scale of Rs. 4000-100-6000/-) and JIO-II/G (Pay scale of Rs.3200-85-4900/-) respectively i.e. the posts they are holding presently in their parent executive cadre, with effect from 24.12.2007.

Sd/-

Assistant Director

Office Order Book

No. 11/E/IMP/Prom/2007(1)
Subsidiary Intelligence Bureau
(Ministry of Home Affairs)
Government of India, Imphal

Dated the 29 DEC 2007

Copy to ::

1. The ADs, G /CC/ACR/C-IV/C-V/Computer, IB Hqrs., New Delhi.
2. The AD/E, SIB Kohima.
3. The RP & AO, IB(MHA) Shillong.
4. The SO/A, SIB Imphal (2cs).
5. The SB Section SIB Imphal (2cs).
6. The NGO Br.
7. The DCIO, Civ. Senapati.
8. The I/C, Civ. Chassad.
9. Shri P. Nipamacha Singh JIO-I/G, Civ. Chassad.
10. Shri Y. Bhagyachandra Singh, JIO-II/G, Civ. Senapati.
11. S/Shri S.L. Kundu, Rose Marry & Kh. Dhiren Singh, UDCs and R.K Romita Devi & L.K. Haokip, LDCs.
12. Estt. List
13. P.Fs.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

1 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

TRUE COPY

[Signature]
ADVOCATE

[Signature]
25/12
Assistant Director

~~Annexure - C~~

To'

The Deputy Director
SIB (MHA), Govt. of India
Imphal, Manipur

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

1 JUN

गुवाहाटी न्यायपीठ
Guwahati Bench

Through Proper Channel

Subject :- A humble representation for consideration of fixation of VIth revised pay scal including the period w.e.f. 01-01-2006 upto 24-12-2007 which I served as copounder before I was reverted back to my parent cader as a JIO-I/G with efect form 24-12-2007

Sir,

With due respect, I beg to state that the following for you kind consideration and favorable action please.

- (1) I was appointed as SA/G of the SIB on 02-02-1986 while I was serving as SA/G I was sent to Hamedia Hospital Bhopal. to undertaken a Trzining course of compounder official circular dated 15-06-1984 issued by I.B. Head quarter (New Dahlia). I had successfully completed the said training course in the year of 1986.
- (2) As soon as I had completed the above course, I was transfered/ posted as compounder at SIB Tezpur setup in the year of 1986 itself. Since then I was serving as compounder about 21 years in the Border areas of North Eastern State like, Arunachal Pradesh and Manipur.
- (3) But only after completion of 21 years of service as compounder, IB Head Quater vide letter No. 39/E/IMP/Dep/(I)/2007-645 asked me on option whether I was willing to be absolved as compounder of revert back to my parent cadre. (A copy of the same as enclosed as annuxutre (I). with reference to that circular I submitted my willingness to revert back to my parent cadre as JIO-I/G. After that IB Head Quater issued an order on 28-12-2007 revetted as executive/ parent cadre wef 24-12-2007. (Copy of the same order is enclosed as annuxetre (II)
- (4) That I was rendering service a compounder upto 24-12-2007 since 1986 and enjoyed the pay of Rs. 6625/- per month just before releiving me from the post compounder. As I have already rendered my service as a compounder, the question of drawing excess pay does not at all arise.
- (5) That the VIth revised pay scale into effect on 1st January 2006 as per recommendation of VI th pay commission and the policy of the Govt. of India. It emplies that I am entitled to all the benefits including the areas of pay which is supposed to be enjoyed by me for the period 01-01-2006 to 24-12-2007 in the capacity of a compounder for which I rendered service during the said period, the areas of pay after 24-12-2007 till that is something I am entitled to enjoy as JIO-I/G.

TRUE COPY

[Signature]
ADVOLATE

1 JUN 2009

गुजराटी न्यायपीठ
Gujarati Bench

(6) That on 25-09-2008, the Deputy Director SIB Imphal issued an order NO. 337 where by me scale of pay was fixed w.e.f 24-12-2007, the day I was reverted back to my parent cadre from deputation cadre. (A copy of the office order is annexed where in after as Annexure (III).

The very office order above referred really surprised me as my legally entitled right has been forfeited by the office order. As per service rule, pay fixation is to be made on the basis of the pay actually drawn during a particular period. The pay fixation for the period 01-01-2006 to 24-12-2007 is to be made in accordance with the revised pay scale of a compounder whereas that of the period 25-12-2007 till date is to be fixed in accordance with the revised pay scale of JIO-I/G. However in my case, the pay fixation for the period 01-01-2006-24-12-2007 was wholly omitted, here by causing loss and surprised on my part.

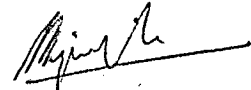
In the aforesaid premises, you good self is requested kindly to look into the matter and consider the fixation of pay for period 01-01-2006-24-12-2007 during which I render service as a compounder for the ends of justice and to avoid legal complications.

For this act of kindness, I shall be remained and grateful to you forever.

Thank you

Dated Chassad. 16. 10. 2008

Yours faithfully,



P. Nipamacha Singh

JIO-I/G

PIS No. 117139

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.24 of 2009.

Date of Order: This the 27th Day of February, 2009.

THE HONBLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

Shri Yengkhom Bhgya Chandra Singh
 Son of Y. Amuyaima Singh.
 Resident of Kakching Mayai Leikai
 Ward No. 1 P.O. Kakching Bazar,
 Manipur - 795103.
 At present working as
 Junior Intelligence Officer-I
 S.I.B -- Chandel, under S.I.B. Imphal.
 P.O.Lamphel.
 Imphal-795004.

.....Applicant

By Advocate Dr N.K. Singh

-Versus-

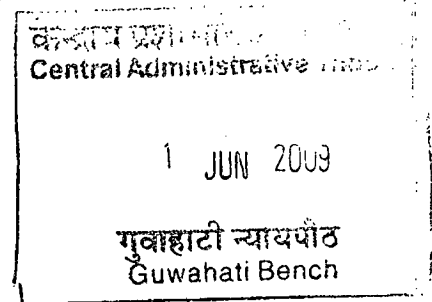
Union of India, Represented by

1. Assistant Director/G.
 IB-HQRS,
 35 S.P. Marg, New Delhi
 Pin-110021.

2. Deputy Director
 SIB (MHA) Imphal
 Govt. of India
 P.O. Lamphel.
 Imphal-795004.

3. Joint Director
 SIB (MHA) Shillong.
 Govt. of India.
 P.O. Laban, Shillong
 Meghalaya.
 Pin 793004.

4. Joint Director
 SIB (MHA) Kohima.
 Govt. of India.
 P.O. Kohima, Nagaland
 Pin 797001.



.....Respondents

By Mr K. Das, Addl.C.G.S.C.

TRUE COPY

Advocate
 ADVOCATE

1 JUN 2009

 गुवाहाटी न्यायपीठ
 Guwahati Bench

O.A. No. 24 of 2009

ORDER (ORAL)

27.02.2009

MANORANJAN MOHANTY (V.C)

Applicant Y.Bhgya Chandra Singh claims that he is a Security Assistant of Subsidiary Intelligence Bureau of Ministry of Home Affairs of Govt. of India since 25.01.1982; that he was sent to obtain Compounder Course/Training at Hamedia Hospital/Bhopal during 1984; that he was posted as Compounder (an ex-cadre post) at S.I.B. Tezpur (that was set up in the year 1986) in a different/higher pay scale and that he was posted (on transfer) at various boarder areas of North Eastern India including Sikkim. He claims further that on being asked, on 06.07.2007, to give his willingness to be absorbed in the ex-cadre post of Compounder, he expressed his un-willingness and that, in the said premises, he was reverted back to his parent cadre with effect from 24.12.2007 vide an order dated 29.12.2007.

2. It has been pointed out that pay of Compounders have been revised with effect from 01.01.2006 (in terms of VIth Pay Commission Report) by the Govt. of India and, as such, the Applicant is entitled to get the benefits of the said pay revision (for the period from 01.01.2006 to 24.12.2007) in the pay scale enjoyed by him as a Compounder. Under the Govt. instructions, 40% of the differential arrear (for the period 01.01.2006 to 24.12.2007) should be disbursed to him before end of March 2009. It has been alleged that despite his representation dated 06.10.2008, the Applicant has not yet been given the benefit of the said pay revision (for the period between 01.01.2006 to 24.12.2007) and

1 JUN 2009

मुंबई बेंच
Mumbai Bench

hence, the Applicant has approached this Tribunal with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

3. In para 9 of his representation dated 06.10.2008, the Applicant has stated as under :-

"That on 25.09.2008, the Deputy Director, SIB Imphal issued an order being No.337 whereby my scale of pay was fixed w.e.f. 24.12.2007, the day I was reverted back to my parent cadre from deputation cadre. (A copy of the office order is annexed wherinafter as Annexure A/6).

The very office order above referred really surprised me as my legally entitled right has been forfeited by the office order. As per service rules, pay fixation is to be made on the basis of the pay actually drawn during a particular period. The pay fixation for the period 01.01.2006 to 24.12.2007 is to be made in accordance with the revised pay scale of a compounder whereas that of the period 25.12.2007 till date is to be fixed in accordance with the revised pay scale of JIO-II/G and JIO-I/G. However in my case, the pay fixation for the period 01.01.2006 to 24.12.2007 was sholly omitted, hereby causing sock and surprised on my part.

In the aforesaid premises, your goodself is requested kindly to look into the matter and consider the fixation of pay for the period 01.01.2006 to 24.12.2007 during which I render service as a Compounder for the ends of justice and to avoid legal complacacies.

For this act of kindness, I as duty bound shall ever pray."

Applicant was drawing his pay in a distinct pay scale during the period from 01.01.2006 to 24.12.2007 and, if that pay scale has been revised upwards (in terms of the Report of VIth Pay Commission) with effect from 01.01.2006, then, certainly, the Applicant is entitled to get the benefit of the said pay revision from 01.01.2006 to 24.12.2007 and, accordingly, the appropriate authority should fix his

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গুৱাহাটী ন্যায়পাঠ
Guwahati Bench

pay with effect from 01.01.2006 to 24.12.2007 and release 40% of the differential amount of arrear (in favour of the Applicant) by end of March 2009 and release rest 60% of the same after March 2009.

5. Since it is the positive case of the Applicant that his representation dated 06.10.2008 is still pending with the authorities; without any waste of time, this case is hereby disposed of with direction to the Respondents to act promptly to fix the pay of the Applicant with effect from 01.01.2006 (to 24.12.2007) in the post of Compounder, as due and admissible under the Rules and Govt. instructions, and to release 40% of the differential arrear to him during this financial year 2008-09 (and release the rest 60% in the next financial year) on consideration of his representation dated 06.10.2008.

6. With the above observations and directions, this case stands disposed of.

7. Send copies of this order to the Applicant and the Respondents (along with the copies of this Original Application) in the address given in the O.A. and free copies of this order be also supplied to Dr N.K.Singh, learned counsel for the Applicant and to Mr K.Das, learned Addl. Standing counsel for the Union of India; to whom a copy of this Original Application has already been supplied.

Sd/-
M.R. MOHANTY
VICE CHAIRMAN

TRUE COPY

প্রতিলিপি

অসম ন্যায়ালয়

গুৱাহাটী

Case No. 10 of 2009

Date: 27/12/09

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KS 27/12/09