

20/100

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 35/95
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet. OA-35/95 Pg. 1 to 7
2. Judgment/Order dtd. 30/10/98 Pg. No. Depaget order Dismissed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 35/95 Pg. 1 to 49
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. WS Pg. 1 to 11
WS Pg. 1 to 14
8. Rejoinder. Pg. to
9. Reply. Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI - 5.

ORIGINAL APPLICATION NO. 33/95

MISC PETITION NO. _____ (J.A. NO. _____)

REVIEW APPLICATION NO. _____ (J.A. NO. _____)

CONT. PETITION NO. _____ (J.A. NO. _____)

Mr. S. N. Gupta

APPLICANT(S)

VERSUS

U. O. I. 2018.

RESPONDENT(S)

Mr. S. Roy

Advocate for the
Applicant.

Mr. S. Ali, Sr. CGSC.

Advocate for the
Respondents

Office Note

Court Orders

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide

IPO/BD No 89137742

Dated 14.3.95

For 8/3
Mr. Roy

9.3.95
Agartala

Mr. S. Roy for the applicant.

The grievance relates to illegal deduction of an amount of Rs. 6468/- from the applicant allegedly on the basis of erroneous view taken by the respondents. Prima facie case disclosed. Application is admitted. Issue notice to the respondents. Eight weeks for written statement. Adjourned to 8.5.95. Liberty to the applicant to apply for early hearing thereafter.

trd
Member

trd
Vice-Chairman

trd

Requisites are sent
& issued vide no. 1159-61
2.16.3.95

For 19/3

15/3

OFFICE NOTE

COURT ORDERS

28-3-95

8-5-95

Time sought for written statement. Adjourned for orders to 10-7-95.

Memorandum of appearance has been filed by Mr S. Ali, Sr. C.A. Sec

Vice-Chairman

Member

lm

10-7-95

1) Service Reports are still awaited.

2) Counter has not been filed.

20
7/7

10-7-95

Mr. J. Roy for the Applicant. Mr. S. Ali, Sr. C.A. Sec. for the respondents. Mr. Ali prays for further six weeks for written statement. C.A. to be listed for hearing on 4-9-95 with liberty to respondents to file written statement in the meantime if any.

Vice-Chairman

Member

lm

4.9.95

Adjourned to 3.11.1995.

Member

Vice-Chairman

OFFICE NOTE	DATE	COURT'S ORDER
-------------	------	---------------

3.11.95

Advocate of the applicant who is from Tripura seeks adjournment through another advocate. Adjourned to 15.12.95.

Member

Vice-Chairman

trd

12.2.96

Same order as on OA 33/95
adgt to 27.3.96.

Member

27.3.96

Seen letter dated 18.3.96 submitted by the counsel of the applicant seeking for adjournment of the hearing to 2.5.1996. Prayer allowed.
Hearing adjourned to 2.5.96.

Member

pg

2.5.96

Mr S.Ali, Sr.C.G.S.C for the respondents.

List for hearing on 12.6.96.

Member

pg

15-12-95

Adjourned to
12-2-96 for over

Bgo.

stated in not been
billed.

9/2

Order dt. 12-2-96

Re OA 33/95

13/2

27.3.96

~~For the respondents~~

~~27.3.96~~

w/statement has not been
billed
26/3

28.8.96

Mr. G.Sarma, Addl. C.G.S.C. present.
Written statement has been submitted.

List for hearing on 25.9.96.

Member

Communicate the
order dt. 28.8.96 to
the counsel for the
applicant.

28/8

trd

28/8

25.9.96

Mr G.Sarma, Addl.C.G.S.C for the
respondents. Mr D.K.Saikia for Mr B.P.
Kataki.

List for hearing on 12.11.96.

Member

1) Refrainder has not been
b'w.
2) w/ statement has been b'w
on behalf of Rspdh no. 1.

24/9

pg

25/9

1) Refrainder has not
b'w.
2) w/ statement has been b'w
on behalf of Rspdh no. 1.

11/11

12.11.96

Mr S.Ali, Sr.C.G.S.C and Mr M.R.
Pathak for the respondents.

List for hearing on 11.12.96.

Member

pg

12/11

3-4-97

Learned counsel Mr.S.Roy for the
applicant and Mr.S. Ali, Sr.C.G.S.C. for
the respondents are present.

List for hearing on 26-5-97.

Member

Vice-Chairman

1) w/s. has been b'w on
R.No. 1 & 2.
2) Refrainder has not
been b'w.

28/5

lm

21/9

26.5.97

Mr S. Ali, learned Sr. G.G.S.C., submits that the case relates to Tripura and it will be convenient if the case is taken up at Agartala. Let the case be heard at Agartala whenever we sit there. The next date of hearing will be notified later.

ba
Member

LB
Vice-Chairman

nkm

3.9.97

Let this case be listed for hearing at Agartala. Date will be notified later on.

ba
Member

LB
Vice-Chairman

pg

25.6.98

This case is fixed at Agartala. Since there is a proposal for circuit sitting at Agartala, the on old pending matter, has been placed before Hon'ble Court for fixing date of hearing.

29-6-98

Case is fixed for hearing. Office to intimate the counsel for the applicant. List on 30-7-98 for hearing.

ba
Member

LB
Vice-Chairman

lm

ba
30/6

1.7.98

Cy of order dtd. 29.6.98 issued to the applicant Advocate at Agartala by Regd Post on

30.7.98

On the prayer of Mr B.P. Katakya, learned Government Advocate, Tripura, the case is adjourned till 14.8.98.

ba
Member

LB
Vice-Chairman

nkm

29.7.98

An application has been received from Mr. S. Roy Advocate, praying for Extension of time for hearing at Agartala.

14.8.98

There is no revision such. Adjourned to 15.9.98.

ba



O.A. 35795

A

Notes of the Registry

Date

Order of the Tribunal

W/S to be filed.

15.9.98

There is no representation on behalf of the applicant. It is informed that the counsel of the applicant is from Agartala. Mr. S.Ali, learned Sr. C.G.S.C., Mr. G.Sarma, learned Addl. C.G.S.C., Mr. B.P. Katak, and Mr. M.R. Pathak are present. For the ends of justice the case is adjourned till 30.10.98.

List on 30.10.98.

Member

Vice-Chairman

trd

MS
16/9

30.10.98

Learned counsel for the respondent Nos.2 and 3, State of Tripura, submits that the respondents have already granted relief to the applicant. The applicant is not present. Mr S. Ali, learned Sr. C.G.S.C. and Mr G. Sarma, learned Addl. C.G.S.C. submit that they have no instructions. However, as submitted by the learned counsel for the respondent Nos.2 and 3, the application has become infructuous. Accordingly the application is dismissed as infructuous. However, later on, if it transpires that the applicant has not been given the relief as submitted by the counsel for respondent Nos.2 and 3, the applicant may bring it to the notice of this Tribunal.

Member

Vice-Chairman

Pl. comply order

O.A. 30/10/98.

MS
23/11/98

24.11.98

Copies of the order have been sent to the D/Sec for issuing the same to the parties through Regd. with A/D.

H.S.

nkm

MS
23/11

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

8

APPENDIX - A

FORMS

FORM - 1

(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985

Title of the Case : Shri D.K. Bhattacharjee.
Vs.
Union of India & others.

INDEX

Sl.No.	Description of documents relied upon.	Page No.
--------	------------------------------------------	----------

1.	Application	1-30
----	-------------	------

2.	Annexures - (1)* 2, 3, 4, 5, <i>not include</i> 6, 7, 8, 9, 10, 11, 12, 13, 14, 14A, 15 & 16.	
----	--------------------------------------------------------------------------------------------------------	--

Amman

Signature of the applicant.

For use in Tribunal's Office.

Date of filing

or

Date of Receipt by post

Registration

Signature

For REGISTRAR.

Received Copy
for
Sr. CGSC
8/2/95

11 May

[illegible]

11 May

- 11 May

11 May

- 11 May

12/11/93
m m m

- 2 -

to be in service. - Rtd. Addl. Secretary,
Govt. of Tripura,
(Rtd. on 31-7-1993).

V) Office Address - Does not arise.

VI) Address for service
of Notices (as
Stated above) - 80 Akhaura Road, (East of
Fruit Canning Centre),
Ramnagar, Agartala,
Tripura, PIN - 799 002.

2. Particulars of the Respondents :

I) Name of the Respondents : (a) Union of India
(b) State of Tripura
(c) The Accountant
General, Tripura,
Agartala.

II) Name of father : Does not arise.

III) Age of Respondents : Does not arise.

IV) Designation and
particulars of Office
(name and station)
in which employed. : Does not arise.

V) Office Address : Union of India -
represented by the
Secretary, Ministry of
Personnel, Public

Contd.....P/3.

Grievance and Pension
(Department of Personnel
& Training).

- (b) The State of Tripura -
represented by the -
Chief Secretary, Govt.
of Tripura, Agartala.
- (c) The Accountant General,
Tripura, Agartala.

VI) Address for
service of Notices. : As above.

3. Particulars of the
order against which
the application is made : The application is
made against the
following.

The Pay Slip issued by the Deputy Secretary to
the Government of Tripura, Finance Department, Establish-
ment Branch, in favour of the applicant vide No.F.9(1)(1)
-Fin(E)/88 dated 30-4-1994 in supersession of pay slips
issued earlier. In the impugned Pay slip (Annexure - 13)
the personal pay allowed to the applicant with effect
from 1-12-1990 and 1-12-1992 in the senior time scale
of IAS and with effect from 1-1-1993 in the Junior
Administrative Grade to protect his substantive pay in
the State Civil Service has been illegally reduced.

Contd.....P/4.

4. Subject in brief :-

On promotion of the applicant from Tripura Civil Service Grade-I to IAS, his pay was fixed in terms of letter No. 11030/25/87-AIS(II) dated 21-1-1988 (Annexure - 4) issued by the Respondent No.1 at the maximum of the senior time scale of IAS, i.e., at Rs. 4,700/- and the difference between the maximum of the senior time scale of IAS and his substantive pay in the State Civil Service, viz. Rs. 800.00 was allowed as personal pay vide pay slip No.F.9(1)(1)-Fin(E)/88 dated 26-4-1989 (Annexure-3). In terms of the said letter of Govt. of India (Annexure - 4) the personal pay was to be absorbed in future increments/increases of pay. An increment was received by the applicant in the State Civil Service w.e.f. 1-11-1989 before his confirmation in the IAS and his personal pay was raised from Rs. 800/- to Rs. 950/- vide pay slip No.F.9(1)(1)-Fin(E)/88 dated 15-11-1989 (Annexure - 7) while his pay remained Rs. 4,700/-.

On completion of 2 years of service in the IAS one stagnation increment of Rs. 125/- in the form of personal pay was granted to the applicant w.e.f. 5-12-1990 by pay slip No.F.9(1)(1)-Fin(E)/88 dated 31-8-1991 (Annexure - 8) in terms of Govt. of India letter No. 20011/5/90/AIS(II) dated 4th June, 1991 (Annexure - 9), in addition to the personal pay of Rs. 950.00 granted to him to protect his substantive pay in the State Civil Service. Another stagnation increment was also allowed

10/11/93

- 5 -

to the applicant w.e.f. 5-12-1992 on completion of another 2 years of service in the IAS vide pay slip No.F.9(1)(1)-Fin(E)/88 dated 5-3-1993 (Annexure - 10) raising the amount of stagnation increment from Rs. 125/- to Rs. 250/-. This was allowed in addition to the personal pay of Rs. 950/- as follows :-

Pay	..	Rs.	4,700/-.
Personal pay	..	Rs.	950/-.
Personal pay (for stagnation)	..	Rs.	250/-.
			<hr/>
			Rs. 5,900/-.

Following appointment of the applicant to the Junior Administrative Grade w.e.f. 1-1-1993 his pay was correctly fixed at Rs. 4,700/- in the scale of Rs. 3,950/- - Rs. 5,000/- and the following was allowed to the applicant vide pay slip issued by the State Govt. in the Finance Department vide No.F.9(1)(1)-Fin(E)/88 dated 31-7-1993 (Annexure - 12) :

Pay	Rs.	4,700/-.
Personal pay	Rs.	950/-.
Personal pay	Rs.	250/-.
		(for stagnation)
		<hr/>
		Rs. 5,900/-.

But suddenly a fresh pay slip was issued vide Finance Department No. F.9(1)(1)-Fin(E)/88 dated 30-4-1994 long after the applicant's retirement (on 31-7-1993) (Annexure - 13) illegally reducing the personal

Contd.....P/6.

pay of the applicant to Rs. 825/- w.e.f. 1-12-1990 and to Rs. 650/- w.e.f. 1-1-1993 regardless of the fact that a case (No. OA/126 of 1993) was pending before the Hon'ble Gauhati Central Administrative Tribunal regarding computation of the said personal pay of Rs. 950/- for retirement benefits. A recovery of Rs. 7,500/- was also effected from the applicant's Death-cum-Retirement Gratuity following the arbitrary re-fixation of his pay as aforesaid.

5. Jurisdiction of the Tribunal :

The Applicant declares that the subject matter of the petition and provisions of rules against which he wants redressal is within the jurisdiction of the Tribunal.

6. Limitation :

The applicant further declare that the application is within the limitation prescribed in Sec.21 of the Administrative Tribunal Act, 1985.

7. Facts of the case :

- I) That the applicant is a citizen of India.
- II) That the applicant was appointed to the Tripura Civil Service Grade-I on ad-hoc basis vide Notification No.F.10(13)-GA/79 dated 25-11-80

(3)
17

- 7 -

issued by Respondent No.2. Subsequently his appointment to the Tripura Civil Service Grade-I was made on substantive basis vide Notification No.F.2(6)-GA/78 dated 7-11-1985. The pay of the applicant in the substantive post of State Civil Service Grade-I was Rs. 5,350/- on 13-5-1988 in the scale of Rs. 3,600-5,800/- the date of next increment being on 1-11-1988 when his pay in his substantive post of State Civil Service, Grade-I, was raised to Rs. 5,500/- as would be evident from the pay slip dated 26-4-1989.

(Copies of the aforesaid Notification dated 25-11-1980 and 7-11-1985 and pay slip dated 26-4-1989 annexed hereto and marked Annexure 1,2 & 3 respectively).

III) That the applicant was given officiating appointment to IAS vide Notification No.F.2(2)-G/87 dated 13-5-1988 issued by the Respondent No.2. His pay was fixed at Rs. 4,700/- i.e. at the maximum of the senior time scale of I (Rs. 3,200-4,700/-) w.e.f. 13-5-1988 and a personal pay of Rs. 650/- allowed to protect his substantive pay in State Civil Service as indicated in the pay slip at Annexure-3, in terms of letter No. 11030/25/87-AIS(II) dated

Contd.....P/8.

(A copy of letter No.11030/25/87-AIS(II) dated 21-1-1988 is annexed hereto and marked Annexure-4).

(Copies of Notifications dated 5-12-1988 and 10-1-1991 annexed hereto and marked Annexure - 5 & 6 respectively.)

Contd.....P/9.

(1) 12/11/89

- 9 -

applicant was also raised from Rs. 800/- to Rs. 950/- w.e.f. 1-11-1989, his basic pay remaining fixed at Rs. 4,700/-, as shown in the pay slip issued by Respondent No.2 vide No.F.9(1)(1)-Fin(E)/88 dated 15-11-1989.

(A copy of the pay slip dated 15-11-1989 annexed hereto and marked Annexure-7).

- VI) That on completion of 2 years of service by the applicant in the IAS an ad-hoc increment of Rs. 125/- was allowed to him for stagnation in the form of Personal pay w.e.f. 5-12-1990 vide pay slip No.F.9(1)(1)-Fin(E)/88 dated 31-8-1991 issued by the Respondent No.2 in terms of letter No.20011/5/90/AIS(II) dated the 4th June, 1991, issued by Respondent No.1, in addition to the personal pay of Rs. 950/- granted to the applicant to protect his substantive pay in the State Civil Service.

(Copies of the pay slip dated 31-7-1991 and Govt. of India letter dated 4-6-1991 annexed hereto and marked Annexure - 8 & 9 respectively.)

- VII) That on the completion of another 2 years of service in the IAS, the applicant was allowed one more (ad-hoc) increment and the personal pay allowed to him on account of stagnation

Contd.....P/10.

20
20/1/93

- 10 -

was raised from Rs. 125/- to Rs. 250/- vide pay slip No.F.9(1)(1)-Fin(E)/88 dated 5-3-1993. This was given in addition to the personal pay of Rs. 950/- allowed to the applicant to protect his substantive pay in the State Civil Service.

(Copy of pay slip dated 5-3-1993 annexed hereto and marked Annexure-10).

VIII) That the applicant was appointed to Junior Administrative Grade w.e.f. 1-1-1993, vide Notification No.F.10(2)-GA/76 dated 14-7-1993 issued by Respondent No.2. His pay was accordingly fixed at Rs. 4,700/- in the scale (Rs. 3950-1254700-150-5000/-) and he was allowed Rs. 950/- as personal pay to protect his substantive pay in the State Civil Service and another personal pay of Rs. 250/- for stagnation vide pay slip No.F.9(1)(1)-Fin(E)/88 dated 31-8-1993 issued by Respondent No.2. In other words, his pay and allowances remained the same as he was drawing before his appointment to Junior Administrative Grade.

(Copies of Notification dated 14-7-1993 and pay slip dated 31-7-1993 annexed hereto and marked Annexures 11 and 12 respectively).

IX) That the letter No.20011/5/90AIS(II) dated 4-6-1991 (Annexure-9) issued by the Respondent No.1

Contd.....P/11.

clearly indicates that the ad-hoc increment was granted as per the recommendation of the 4th Pay Commission to employees stagnating at the maximum of their scale of pay and that it was not to be taken into account for the purpose of fixation of pay on promotion. According to the para 2 of the said letter it was left to the discretion of the State Government to consider the desirability of taking these (ad-hoc) stagnation increments into account for the purpose of calculation of DA, House Rent Allowance, etc in respect of the members of All India Services under them. The note below Rule 5A of IAS Pay Rules, 1954 provides that the stagnation increment shall be in the nature of personal pay and shall not be taken into account for the purpose of fixation of pay on promotion to higher post. This is to say, the stagnation increment was to be ignored at the time of fixation pay on promotion.

- X) That in the subject of the Govt. of India letter at Annexure-9, stagnation increment has been appropriately described as Ad-hoc increment and therefore, it should not be confused with an 'increment' in the ordinary sense of the term. A normal increment fully integrates into the basic pay of an officer. In fact the

22
22/10/10

- 12 -

increment granted under Annexure-9 was to be in the form of 'Personal Pay' and was to be ignored at the time of promotion of the officer to a higher grade and was to be adjusted against future increments.

- XI) That from the above, it would be clear that the ad-hoc increment allowed to stagnating officers in terms of the letter at Annexure-9 issued by the Respondent No.1, was not 'an increment/increase in the Pay' against which the personal pay granted to the applicant for protection of his substantive pay in the State Civil Service was to be adjusted in terms of Govt. of India letter at Annexure-4. It was a mere ad-hoc increase given in the form of personal pay which was to be ignored at the time of fixation of pay on promotion to higher grade. Respondent No.2, therefore rightly after judicious application of mind allowed the (ad-hoc) stagnation increment of Rs. 125 in the pay slip at Annexure-8 in the form of personal pay in addition to the personal pay of Rs. 800/- granted to the applicant to protect his substantive pay in the State Civil Service. Similarly the Respondent No.2 allowed another (ad-hoc) stagnation increment to the applicant on completion of another 2 years of service in the IAS, w.e.f. 5-12-1992, vide pay slip at Annexure-10

Contd.....P/13.

23 (18)
Munir

- 13 -

increasing his personal pay on account of stagnation from Rs. 125/- to Rs. 250/-. This was allowed over and above the personal pay of Rs. 950/- granted to the applicant to protect his substantive pay in the State Civil Service for reasons stated above.

XII) That on appointment of the applicant to the junior Administrative Grade w.e.f. 1-1-1993 the pay of the applicant was rightly fixed at Rs. 4,700/- in accordance with Sub-Rule 6B of the Rule 4 of IAS (Pay) Rules, 1954 which inter alia provides that the pay of a member of the service of the Senior Time Scale, shall on appointment to the Junior Administrative Grade be fixed at the stage which is equal to his pay in the senior time scale. Since the pay of the applicant in the Senior Time Scale was Rs. 4,700/- and Rs. 4,700/- was a stage in the Junior Administrative Grade (Rs. 3950-125-4700-150-5000/-) his pay was correctly fixed at Rs. 4,700/- by Respondent No.2 by pay slip at Annexure-12.

XIII) That the Respondent No.2 issued a pay slip vide No. F.9(1)(1)-Fin(E)/88 dated 30-4-1994 long after the applicants' retirement from service (on 31-7-1993) in supersession of pay slips at Annexures - 8, 10 and 12 directing recovery of over Rs. 7,500/- (Rupees seven thousand five hundred) from the

24 (8)
very

- 14 -

death-cum-retirement gratuity of the applicant. This was like a bolt from the blue as because it was not only a matter of recovery of alleged over-payment, this was to cause considerable reduction in the pensionary benefits of the applicant. The applicant had already filed a case before the Gauhati CAT being OA/126/93 (which was pending for hearing when the impugned pay slip was issued) claiming that the personal pay of Rs. 950/- granted to the applicant to protect his substantive pay in the State Civil Service should be taken into account for calculation of his pension etc. Copies of pay slips at Annexures 8 and 10 were made Annexures in that case (OA/126/93) also which formed the basis of the applicant's case. Respondent No.2 was also a party to that case but had preferred not to file any written statement before the Hon'ble CAT. Even the Counsel appearing on behalf of the State (Respondent No.2) did not raise any objection as to the correctness of the pay and ~~special~~ ^{personal} pay on the basis of which the application was made. But unfortunately Respondent No.2 unilaterally ordered reduction of the personal pay of the applicant to the extent of the aforesaid (ad-hoc) stagnation increments by the impugned pay slip quite arbitrarily and illegally without application of mind. There was absolutely no cause for issue of such a pay slip. Respondent

Contd.....P/15.

No.1 had opposed the application before the Hon'ble Tribunal on other grounds but had never questioned the correctness of the pay and personal pay allowed to the applicant as per the pay slips filed by him in support of his claim.

(Copy of pay slip dated 30-4-1994 is annexed hereto and marked Annexure-13).

- XIV) That the applicant made a representation on 14-7-1994 before the Respondent No.2 against the impugned pay slip dated 30-4-1994 on the ground that reduction of the personal pay of Rs. 950/- granted to the applicant for protection of his substantive pay in the State Civil Service to the extent of the personal pay granted for stagnation was not correct as the stagnation increment was not added to the (basic) pay but was provided as personal pay which was not to be taken into account for fixation of pay on promotion to higher grade. It was also pointed out in the representation that a case was pending before the Hon'ble Gauhati CAT for taking into account the personal pay (granted to the Applicant to protect his substantive pay in the State Civil Service) for computation of pension etc.. It was requested that the matter might be reconsidered. But as nothing was heard about this representation, the applicant made another application on 3-1-1995 to Respondent No.2

24/1/95
G. V. S. S.

- 16 -

requesting for an early cancellation of the impugned pay slip (Annexed-13) and refund of Rs. 7,500/ illegally deducted from the death-cum-retirement gratuity of the applicant following issue of the impugned pay slip. In reply to the same the Respondent No.2 has intimated vide letter No.F.9(1)(3)-Fin(E)/88 dated 8-2-1995 that the applicant's pay was refixed (vide pay slip at Annexure-13) in accordance with the clarification issued by the Govt. of India in their letter No.2686/93-AIS(II) dated 17-12-1993 (copy not furnished). No clarification regarding the points raised in the applicant's representation have been given in this reply as to how such refixation, quite contrary to the Rules, could be done.

(A copy of the representation dated 3-1-1995 annexed hereto and marked Annexure-14 and the reply furnished by Respondent No.2 is annexed as Annexure - 14A).

- XV) That adjustment of the personal pay granted to the applicant for protection of his substantive pay in the State Civil Service against the (ad-hoc) increment granted for stagnation was totally unjustified, illegal and ultravires.

The following hypothetical case would clarify the position : The applicant had been allowed

Contd.....P/17.

personal pay of Rs. 950/- on 1-11-1989 to protect his substantive pay in the State Civil Service. On 5-12-1990 he was allowed (ad-hoc) stagnation increment of Rs. 125/- and on 5-12-1992 it was raised to Rs. 250/- due to another such increment. But his personal pay of Rs. 950/- was reduced by Rs. 125/- w.e.f. 1-12-1990 and by Rs. 250/- with effect from 1-12-1992 and by Rs. 300/- with effect from 1-1-1993 thereby finally reducing the personal pay to Rs. 650/- (from Rs. 950/-). This caused serious monetary loss to the applicant (a retired officer) in total disregard of the applicant's pending petition before the Hon'ble Central Administrative Tribunal.

Assuming that the applicant had got a promotion on 1-7-1993 to a higher grade, then the amount of Rs. 250/- would not have been taken into account for fixation of pay in the higher grade and left out as personal pay to be adjusted against future increments/increases in pay in accordance with F.R. 37. It is therefore quite clear that the personal pay granted to the applicant to protect his substantive pay in the State Civil Service and that granted for stagnation stood on the same footing and the personal pay granted to the applicant to protect his substantive pay in the State Civil Service can not and should not have

been adjusted against another personal pay granted as (ad-hoc) increment for stagnation which itself was liable to be adjusted against future increments in the event of promotion to higher grade as aforesaid. The same amount cannot be adjusted twice against future increments. Respondent No.2 had therefore allowed these (ad-hoc) stagnation increments (given as personal pay) rightly and correctly on application of judicious mind in the pay slips dated 31-8-1991 (Annexure-8) dated 5-3-1993 (Annexure - 10) and dated 31-7-1993 (Annexure-12) over and above the personal pay of Rs. 950/- granted for protection of the substantive pay of the applicant in the State Civil Service. But there was no justification what-so-ever for ordering adjustment of the personal pay granted for protection of substantive pay against personal pay for stagnation w.e.f. 5-12-1990, 5-12-1992 and 1-1-1993 as was ordered illegally and with retrospective effect vide pay slip dated 30-4-1994 (Annexure-13) which was issued long after the applicants retirement from service (on 31-7-1993) in supersession of the earlier issued pay slips.

- XVI) That there was no application of mind while issuing the impugned pay slip dated 30-4-1994 (Annexure-13) is clearly evident from the fact that pa

29/10/93
✓
29/10/93

- 19 -

of the applicant on his appointment to Junior Administrative Grade was fixed at Rs. 5,000/- w.e.f. 1-1-1993 by this (impugned) pay slip. As pointed out in para 7(XII) above, pay on promotion to Junior Administrative Grade was to be fixed in accordance with the Sub Rule 6B of Rule 4 of the IAS pay Rules 1954 which inter alia lays down that it should be fixed at the stage which is equal to his pay in the senior time scale. So it was to be fixed at Rs. 4,700/-. And it was correctly fixed at Rs. 4,700/- vide pay slip at Annexure 12. But on what consideration it was refixed at Rs. 5,000/- w.e.f. 1-1-1993 (by Annexure 13) is anybody's imagination. Such fixation was contrary to Sub Rule 6B of Rule 4 of the IAS Pay Rule 1954. No clarification has been given in the reply to the applicant's representation (Annexure 14A) regarding these points. Clearly, therefore, the refixation of the pay of the applicant by the impugned pay slip has been done without application of mind though the responsibility of fixation of pay of an officer like the applicant primarily lies upon the Respondent No.2.

XVII) That by wrong and illegal fixation of the applicant's pay in Junior Administrative Grade at Rs. 5,000/- instead of Rs. 4,700/- w.e.f. 1-1-1993 the Respondent No.2 had further reduced the pensionary

Contd.....P/20.

benefits of the applicant prior to the decision in Case No.A/125/93 (in which the Hon'ble Gauhati CAT have kindly directed that the personal pay granted to the applicant for protecting his substantive pay in the State Civil Service should be taken into account for calculation of his retirement benefits). Respondent No.2 calculated the applicant's pension etc. on the basis of his pay of Rs. 5,000/- fixed by him by the impugned pay slip. In fact, the pay of the applicant fixed at Rs. 4,700/- in the Junior Administrative Grade (of Rs. 3950-5000) w.e.f. 1-1-1993 by pay slip Annexure 12, in accordance with Sub Rule 6B of Rule 4 of IAS Pay Rules 1954 was in order and should not have been interfered with. The pay of Rs. 4,700/- plus the personal pay of Rs. 250/- granted for stagnation should have been the basis for calculation of pensionary benefits to the applicant (pending order of Hon'ble Tribunal) on inclusion of the Personal Pay (i.e. Rs. 950/-) of the applicant granted for protection of his basic pay in his substantive post of State Civil Service prior to his confirmation in the IAS. Now the personal pay of Rs. 950/- is also to be taken into account for calculation of pensionary benefits as per the decision in Case No. OA/126/93.

(A copy of the operating portion of the

Contd.....P/21.

31 (10)
m m m

- 21 -

decision of Hon'ble Gauhati CAT in case No.OA/125 /93 is annexed hereto and marked Annexure 15).

XVIII) That there was no Rule or Notification which required or authorised taking into account of the personal pay granted for stagnation for fixation of pay in the higher grade as on 1-1-1993. But apparently the Respondent No.2 had quite arbitrarily taken the personal pay for stagnation into account and fixed the pay of the applicant illegally at Rs. 5,000/- w.e.f. 1-1-1993 and calculated his retirement benefits at Rs. 5,000/-.

XIX) That the Respondent No.1 has issued a Notification vide No.20011/14/93/AIS(II)-A dated 6-7-1994 long after the applicant's retirement from service (on 31-7-1993) by which the words 'for the purpose of fixation of pay on promotion to higher posts' occurring in the note below Rule 5A of the IAS (Pay) Rules, 1954 have been omitted with retrospective effect, i.e. w.e.f. 30-9-1993 the applicant had, in fact, retired even before 30-9-1993. Now after issue of this Notification, the (ad-hoc) stagnation increment qualifies to be taken into account for fixation of pay in the higher grade, on promotion, in respect of those officers who were promoted on or after 30-9-1993 but this is not applicable to the applicant who had moved to higher grade w.e.f. 1-1-1993 and

Contd.....P/22.

(A copy of the said Notification dated 6-7-1994 is annexed and marked Annexure 16).

" It is certified that no member of IAS is likely to be adversely affected by this Notification being given retrospective effect".

XX) That there is nothing in this notification (Annexure 16) which calls for reopening of already settled cases specifically cases already settled before 30-9-1993. The applicant received upgradation in the IAS only once, i.e. on 1-1-1993 from senior time scale to junior Administrative Grade (before his retirement from service on 31-7-1993).

. His pay was also rightly fixed at Rs. 4,700/- in Junior Administrative Grade by pay slip at

37 (101
m m m

Annexure 12. But by issuing the impugned pay slip (Annexure 13) after the applicants' retirement from service the Respondent No.2 has upset already settled position without any just or reasonable cause. The impugned pay slip (Annexure 13) had been issued by Respondent No.2 on 30-4-1994 in supersession of earlier pay slips long before the issue of the Notification dated 6-7-1994 (Annexure 16). The said Notification covers promotion cases that have taken place on or after 30-9-1993. But as the applicant had received upgradation on 1-1-1993 and retired from service on 31-7-1993, this Notification was un-applicable and of no consequence so far the case of the applicant was concerned.

XXI) That the following table will show the relative position of the pay and personal pay allowed to the applicant by Respondent No.2 through different pay slips but later on unsettled by the impugned pay slip.

Contd.....P/24.

Pay and Personal Pay allowed to the applicant vide the impugned pay slip vis-a-vis his actual entitlement.

Allowed by impugned pay slip (Annexure - 13)					Actual entitlement					Remarks.
Effective from	Pay	Personal pay to protect substantive pay in the State Civil Service.	P.P. for Stagnation.	Total	Pay	P.P. for protection of Substantive pay in State Civil Service.	P.P. for stagnation.	Total		
1.11.89	4,700/-	950/-	-	5,650/-	4,700/-	950/-	-	5,650	(a)	
5.12.90	4,700/-	825/-	125/-	5,650/-	4,700/-	950/-	125/-	5,775	(b)	
5.12.92	4,700/-	700/-	250/-	5,650/-	4,700/-	950/-	250/-	5,900	(c)	
1. 1.93	5,000/-	650/-	-	5,650/-	4,700/-	950/-	250/-	5,900	(d)	

Remarks :-

- (a) No dispute.
- (b) The entitlement was duly allowed by pay slip dated 31-8-1991 (Annexure-8) which was superseded by the impugned pay slip.
- (c) The entitlement was duly allowed by pay slip dated 5-3-1993 (Annexure-10) which was superseded by the impugned pay slip.
- (d) The entitlement was duly allowed vide pay slip dated 31-7-1993 (Annexure-12) which was superseded by the impugned pay slip.

8. Details of remedies exhausted.

That the applicant made an application to Respon-

35.
(10/11/95)

- 25 -

-dent No.2 on 14-7-1994 requesting for reconsideration of the decision regarding issue of the impugned Pay slip (Annexure-13) which was issued in supersession of correctly issued pay slips (at Annexures 8,10 and 12) long after the applicants retirement from service. But as no reply to the representation was received, he made on 3-1-1995 another application to Respondent No.2 copy of which has been placed at Annexure-14 praying for cancellation of the impugned pay slip by 31.1.1995 and refund of Rs. 7,500/- illegally recovered from his death-cum-retirement gratuity following issue of the impugned pay slip. But the reply given by Respondent No.2 (vide Annexure-14A) fails to clarify the points raised in the representation and simply states that the pay was refixed according to the clarification given by the Govt. of India.

9. Matter not previously filed or pending before any court.

The applicant further declares that he did not previously file any application before any court in respect of the matter in the present application and no such application suit or writ is pending before any Bench of the Tribunal or Court.

(S) 36
wavy

- 26 -

10. Relief sought.

In view of the facts mentioned in the foregoing paragraphs, the applicant prays for the following reliefs :-

(a) For an order cancelling/quashing the impugned pay slip No.F.9(1)(1)-Fin(E)/88 dated 30-4-1994 (Annexure-13) which was issued long after the applicants retirement from service (on 31-7-1993) in supersession of pay slips dated 31-8-1991 (Annexure-8), 5-3-1993 (Annexure-10) and 31-7-1993 (Annexure-12).

(b) For an order declaring that the pay slips issued earlier by Respondent No.2 copies of which appear at Annexure 8, 10 and 12 were correctly issued and direct the Respondents not to interfere with the same.

(c) For an order directing that the retirement benefits of the applicant should be calculated on emoluments which should not be less than Rs. 5,950/- (i.e. pay Rs. 4,700/- personal pay Rs. 950/- and personal pay for stagnation Rs. 250/-).

(d) For an order directing the Respondents not to apply the Notification issued by Respondent No.1 vide No.20011/14/93-AIS(II)-A

dated 6-7-1994 in the case of the applicant as he did not get any promotion on or after 30-9-1993 and had, in fact, retired from service on 31-7-1993.

(e) For an order directing the Respondent No.2 to refund Rs. 7,500/- which was illegally recovered from the death-cum-retirement gratuity of the applicant consequent upon the issue of the impugned pay slip (Annexure-13).

(f) Other reliefs which the applicant is entitled to under the Law and equity.

Interim order, if any, prayed for ; Nil.

11. Particulars of Postal order in respect of the application fee :

- I) Number of Indian Postal Order : 8 01 379363
- II) Name of issuing Post Office : Agambala
- III) Date of issue of the Postal Order : 6.3.95
- IV) Post office at which payable : Gauhati.

12. List of enclosures :

- 1) Copy of Notification No.10(13)-GA/79 dated 25-11-1980 issued by Respondent No.2 appointing the applicant to Tripura Civil Service Grade-I on ad-hoc basis.

(21/11/85)
38

- 28 -

- 2) Copy of Notification No.F.2(6)-GA/78 dated 7-11-1985 issued by Respondent No.2, appointing the applicant to Tripura Civil Service Grade-I on substantive basis.
- 3) Copy of pay slip issued by Respondent No.2, vide No.F.9(1)(1)-Fin(E)/88 dated 26-4-1989.
- 4) Copy of letter No.11030/25/87-AIS(II) dated 21-1-1988 issued by Respondent No.1, which provides for the entitlement of the difference between the maximum of Senior Time Scale of IAS and the substantive pay in the State Civil Service as personal pay.
- 5) Copy of Notification No.14015/31/87-AIS.I dated 5-12-1988 issued by Respondent No.1 appointing the applicant to IAS.
- 6) Copy of Notification No.14013/8/90-AIS(III) dated 10-1-1991 issued by Respondent No.1 confirming the applicant in the IAS.
- 7) Copy of Pay slip No.F.9(1)(1)-Fin(E)/88 dated 15-11-1989 issued by Respondent No.2.
- 8) Copy of Pay slip No.F.9(1)(1)-Fin(E)/88 dated 31-8-1991 issued by Respondent No.2.
- 9) Copy of letter No.20011/5/90/AIS(II) dated 4-6-1991 issued by Respondent No.1 providing for ad-hoc stagnation increment.

Contd.....P/29.

(8
39
wavy line

- 29 -

- 10) Copy of Pay Slip No.F.9(1)(1)-Fin(E)/88 dated 5-3-1993 issued by Respondent No.2.
- 11) Copy of Notification No.F.10(2)-GA/76 dated 14-7-1993 issued by Respondent No.2 appointing the applicant to Junior Administrative Grade.
- 12) Copy of Pay Slip No.F.9(1)(1)-Fin(E)/88 dated 31-7-1993 issued by Respondent No.2.
- 13) Copy of impugned Pay slip No.F.9(1)(1)-Fin(E)/88 dated 30-4-1994 issued by Respondent No.2 in supersession of earlier Pay slips.
- 14) Copy of application dated 3-1-1995 made by the applicant to Respondent No.2 for early cancellation of the impugned pay slip and refund of Rs. 7,500/- illegally recovered from the applicants death-cum-retirement gratuity following the issue of the impugned pay slip (Annexure-13).
- 14A) Copy of letter No.F.9(1)(3)-Fin(E)/88 dated 8-2-1995 issued by Respondent No.2 in reply to the application referred to in Annexure - 14.
- 15) A copy of the operative portion of the decision in OA/125/93 passed by the Hon'ble Gauhati CAT.

Contd.....P/30.

- ## VERIFICATION

मम मित्रः ।

Signature of the Applicant.

No.F.2(6)-GA/78
Government of Tripura
Appointment & Services Department

Dated, Agartala, the November
7, 1985.

N O T I F I C A T I O N

In pursuance of Rule 30 of Tripura Civil Services Rules, 1967 and in continuation of Appointment & Services Department Notification No.F.10(15)-GA/79 dated 6.10.80 (2nd amendment) read with Notification No.F.19(13)-GA/79 dated 17.11.80, the following confirmed TCS Gr.II Officers are appointed to the TCS Gr.I (Selection Grade) of Tripura Civil Service on substantive basis with effect from 12.6.85 and until further orders :

<u>Sl.No.</u>	<u>Name of Officer</u>	<u>Present post held</u>
1.	Shri M.L. Das, TCS Gr.I	- Deputy Secretary, Civil Secretariat, Agartala.
2.	Shri S. Deb Roy, TCS Gr.I	- Dy. Chief Executive Officer, Tripura Tribal Areas Autonomous District Council, Agartala.
3.	Shri S.N. Gupta, TCS Gr.I	- Addl. D.M. & Collector, West Tripura, Agartala.
4.	Shri D.K. Bhattacharjee, TCS Gr. I	- Dy. Secretary, Civil Secretariat, Agartala.
5.	Shri H. M. Choudhury, TCS Gr. I	- Inspector General of Prisons, Tripura.
6.	Shri H. P. Shiv, TCS Gr.I	- Addl. Registrar, Co-operative Societies, Tripura,
7.	Shri J.P. Gupta, TCS Gr.I	- Dy. Secretary, Tripura Public Service Commission, Agartala.

The above Notification is issued in continuation of Appointment & Services Department Notification No.F.10(13)-GA/79 dated 22.11.82 and dated 12.6.83.

By order of the Governor,

Sd/-
(P. C. Sharma)

Joint Secretary to the Govt. of Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala

* * *

* * *

* * *

Sd/-
(P.C.Sharma)

Joint Secretary to the Govt. of Tripura.

Attested
K.M.
21/2/85
(SRI N. C. SEN)
T. C. S. Gr.-II
Secretary.
Panchayat Election Commission.
Tripura.

32

ANNEXURE - 3
423

No.F.9(1)(1)-Fin(E)/88
Government of Tripura
Civil Secretariat
Finance Department
(Establishment Branch)

Dated, AGARTALA, the 26th April, 1989.

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer named is entitled to draw pay etc. at the monthly rate shown below from the date(s) specified less the amount already drawn.

In case the increment(s) shown as admissible has already been drawn or has been withheld, this authority should be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date the officer resumes duty.

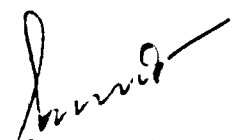
Name, designation and scale of pay.	From	From	From	REMARKS.
	13.5.88	1.11.88		

Shri D. K. Bhattacharjee, IAS,

Rs.3200-100-3700-125-4700/-

Increment allowed.

Pay	4700/-	4700/-
Personal Pay	...	650/-	800/-
Other allowance	-	As admissible under normal rules.	


(B. B. Bhattacharjee)
Finance Officer &
Deputy Secretary to the
Government of Tripura.

Copy forwarded to :-

1. Shri D. K. Bhattacharjee, IAS,
Commissioner of Taxes, Tripura.
2. The Addl. Commissioner of Taxes, Tripura.
3. The Appointment & Services Department, Civil Secretariat,
Tripura, Agartala.
4. The Estate Officer, Public Works Department, Agartala.

Bimal Roy

No. 11030/25/87-~~AI~~IS(II)
Government of India
Ministry of Personnel Public Grievances
and Pensions Department
of Personnel & Training.

New Delhi, the 21st January, 1988.

To

The Chief Secretaries,
All State Governments/Union Territories.

Subject:- Regulation of pay in the senior time scale
of officers promoted from the State Services
in the IAS on appointment to the IAS.

Sir,

I am directed to invite a reference to clause (8) Section (1) of the Schedule II to the IAS (pay) Rules which provides that the basic pay of a promoted officer in the IAS time scale shall not exceed the pay and would have drawn in the time scale of the IAS as a direct reduct on that date if he had been appointed to the IAS on the date on which he was appointed to the State Civil Services. It has been pointed out that in some cases pay drawn in the "Lower Scale" or "higher scale" as the case may be, as defined in Schedule II to the IAS (Pay) Rules, on the date of appointment to the IAS, is more than the maximum of the senior time scale of IAS.

2. Such cases have arisen where the pay scales in SCS have been higher than the pay scale of the senior time scale of IAS. The IV Pay Commission have observed that the State Government must ensure that the pay scales of feeder services to the IAS are not higher than the pay scales of IAS.

3. While these observations might be kept in view by the State Governments in revising the pay scale of the State Services in order to remove the hardship which would be caused by restricting the pay to the maximum of the senior time scale where pay drawn in the SCS is more than the maximum of the senior time scale, it has been decided that the pay in such cases may be regulated as under :-

"Where the pay drawn by the promoted officer in the "Lower Scale" or "higher scale" as the case may be, is higher than the maximum of the senior time scale of the IAS, he shall be entitled to personal pay equal to the difference subject to the following conditions :-

(i) Pay plus personal pay shall not exceed Rs. 5700/- per month, and

(ii) The personal pay shall be absorbed in future increments/increases of pay".

Yours faithfully,

Sd/-

(V. R. Srinivasan)

Deputy Secretary to the Government India.

Copy to:-

All Ministry and Department of the Govt. of India.

Sd/-

Deputy Secretary to the Government of India

GOVERNMENT OF TRIPURA

APPOINTMENT & SERVICES DEPARTMENT, AGARTALA

No. F.19(2)-GA/88

Dated, the 1st March, '88.

Copy to :-

All Heads of Departments/Finance
Department for information.

Sd/- 1.3.88

(P.G. Ghose)

Under Secretary to the Govt. of Tripura

21/2/88
T.C.S. Gr.-II
Secretary.
Election Commission
Tripura.

34
u

TO BE PUBLISHED IN THE GAZETTE OF INDIA IN PART I
SECTION 2

No.F.14015/31/87-AIS.I
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, the 5 December, 1988.

NOTIFICATION

In exercise of the powers conferred by sub-rule(1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation(1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint S/Shri (1) S. Banerjee, (2) S. N. Gupta, (3) B. K. Bhattacharjee, (4) H. M. Choudhury, (5) J.P. Gupta, (6) S.B. Sen, (7) S.K. Ganguly, members of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the Joint Cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd/-

(M.S. MATHUR)
DESK OFFICER.

To

The Manager,
Govt. of India Press,
Faridabad (Haryana).

No.F.14015/31/87-AIS. I New Delhi, the 5.12.1988.

A copy & is forwarded for information to the following :-

1. The Chief Secretary to the Govt. of Tripura, Agartala, (with 7 spare copies for onward transmission to the Officers concerned).

Sd/-

(M.S. MATHUR)
DESK OFFICER.

Attested
M.S.
21/2/88
(SRI H. C. SEN)
T. C. S. Gr.-II
Secretary.
Election Commission,
Tripura.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART I
SECTION 2)

No.14013/8/90-AIS(III)
Government of India
Ministry of Personnel, P.G. & Pensions
(DEPARTMENT OF PERSONNEL & TRAINING)

New Delhi, the 10-1-91.

N O T I F I C A T I O N

In exercise of the powers conferred by rule 3A of the Indian Administrative Service (Probation) Rules, 1954, the President is pleased to confirm, in the Indian Administrative Service, the following members of the Indian Administrative Service borne on the Joint Cadre of Manipur/Tripura with effect from the date shown against each :-

1. Shri S.Banerjee	5.12.89
2. Shri S.N.Gupta	5.12.89
3. Shri D.K.Bhattacharjee	5.12.89
4. Shri H.M.Chowdhury	5.12.89
5. Shri J.P.Gupta	5.12.89
6. Shri S.B.Sen	5.12.89
7. Shri S.K.Ganguly	5.12.89

Sd/-

(S. Subhadra)

Under Secretary to the Govt. of India.
Tele : 3012285

To
The Manager,
Govt. of India Press,
Faridabad (Haryana)

No.F.14013/8/90-AIS(III) New Delhi, the 10.1.91.

A Copy each is forwarded for information to :-

1. The Chief Secretary to the Govt. of Tripura, Agartala, with reference to their letter No.F.12(2)-GA/87(L) ~~with reference to their~~ dated 23.6.90 (with seven spare copies for the officer concerned).

* * * * *

Sd/- (S. SUBHADRA)

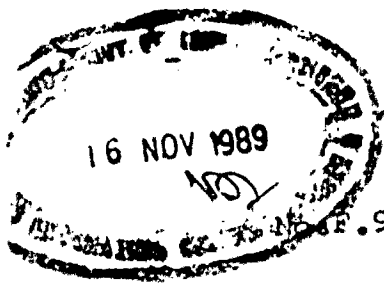
Under Secretary to the Govt. of India,
Tel : 3012285.

Attested
10/1/91
10/1/91
(SRI N. C. SEN)

T. C. S. Gr.-II

Secretary.

Panchayat Election Commission,
Tripura.



GOVERNMENT OF TRIPURA
CIVIL SECRETARIAT
FINANCE DEPARTMENT
(ESTABLISHMENT BRANCH)

36
ANNEXURE - 7

Dated, Agartala, the 15th Nov., 1989.

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer(s) named below is entitled to draw pay etc. at the monthly rate(s) shown from the date(s) specified less the amount already drawn.

In case the pay/leave salary/increment(s) shown as admissible has already been drawn or withheld or is not due under rules or order, this authority shall be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date of resumption of duties by the officer(s) concerned.

Deductions of fund subscriptions and recoveries of loans and advances and other Government dues should be affected. Nothing should be drawn beyond what is authorised below.

Name :— Shri D.K. Bhattacharjee, IAS,
Director, Information, Cultural Affairs & Tourism,
Designation :— Rs. 3200-4700/-
Scale :—

Name, designation and scale of pay	From	From	From	From	REMARKS
1		3	4	5	6
	1.11.89				
1. Pay :—Substantive/Officiating	Rs. 4700/-				Increment is allowed.
2. Leave Salary :—					
3. Special Pay :—					
4. Personal Pay :—	950/-				
5. Allowances :—	Other allowances as per rules applicable to IAS Officers.				
D. A.					
A. D. A.					
C. A.					
H. R. A.					
Other allowances					

Signature

Designation

(S. Sen)
Officer-On-Special Duty,
Finance Department (Estt.
Branch), Govt. of Tripura.
Tourism, Govt. of Tripura.

Copy forwarded to :—

- Shri D.K. Bhattacharjee, IAS, Director, Information, Cultural Affairs & Tourism, Govt. of Tripura.
- Director, I.C.A.T, Govt. of Tripura.
- The Appointment & Services Department, Civil Secretariat, Tripura, Agartala.
- The Estate Officer, P. W. D. Agartala.

GOVERNMENT OF TRIPURA
CIVIL SECRETARIAT
FINANCE DEPARTMENT
(ESTABLISHMENT BRANCH)

ANNEXURE - 8

No. F. 9(1)(1)-Fin(E)/88

Dated, Agartala, the 31st August 1991.

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer(s) named below is entitled to draw pay etc. at the monthly rate(s) shown from the date(s) specified less the amount already drawn.

In case the pay/leave salary/increment(s) shown as admissible has already been drawn or withheld or is not due under rules or order, this authority shall be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date of resumption of duties by the officer(s) concerned.

Deductions of fund subscriptions and recoveries of loans and advances and other Government dues should be affected. Nothing should be drawn beyond what is authorised below.

Name :— **Sri D.K.Bhattacharjee, IAS**

Designation :— **Joint Secretary. Govt of Tripura.**

Scale :— **Rs. 3200-4700/-**

Name, designation and scale of pay	From	From	From	From	REMARKS
		3	4	5	6
	5.12.90				
1. Pay :—Substantive/Officiating Rs. 4700/-					This issues in continuation of the pay slip issued earlier under the authority of even number Dt.15.11.89.
2. Leave Salary :— Personal Pay:- 950/-					
3. Special Pay :— Personal Pay:- 125/- (for stagnation)					
4. Personal Pay :—					
5. Allowances :—					
D. A.	Spl. Pay & other allowances as admissible to AIS officers.				
A. D. A.					
C. A.					
H. R. A.					
Other allowances					

Signature

Designation

Copy Forwarded to :—

1. **Sri D.K. Bhattacharjee, IAS, Joint Secretary & Director, I.C.A.T.**
2. **The Director, I.C.A.T, Govt of Tripura, Agartala.**
3. The Appointment & Services Department, Civil Secretariat, Tripura, Agartala.
4. The Estate Officer, P. W. D. Agartala.

38
w8

NO.20011/5/90-AIS(II)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P.G. AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

NEW DELHI, the 4 June, 1991.

To
The Chief Secretaries of
All the State Governments and
Union Territories.

Subject :- Recommendations of the Fourth Central
Pay Commission grant of ad-hoc incre-
ment to employees stagnating at the
maximum of their scales of pay.

Sir,

I am directed to say that it was decided vide Ministry of Finance Office Memorandum No.7(20)/E.III/87 dated 7th June, 1990 to treat stagnation Increments as pay for the purpose of calculating DA, CCA, HRA and retirement benefits in respect of the Central Civil Government servants. This is, however, not to be taken into account for the purpose of fixation of pay on promotion from one grade to another grade. These instructions were extended in the cases of Officers belonging to the All India Services who are serving in connection with the affairs of the Union, vide our letter of even number dated 1-4-91. It was also suggested that the State Governments may consider extending these benefits to the members of All India Services serving under them, in the light of rule 2(b) of the All India Services(Conditions of Service Residuary Matters) Rules, 1960.

2. The matter has further been considered and it has been found desirable to clarify the exact implications of the communication made vide our letter dated 1-4-91. Whereas stagnation Increments are not to be counted for the purpose of fixation of pay on promotion the State Governments have been requested to consider the desirability of taking stagnation Increment into account for the purpose of calculation of DA, HRA, CCA and pensionary benefits in respect of the members of the All India Services serving under them. In respect of grant of Dearness Allowances and

Contd. . . .P/2

39

pensionary benefits to the members of the All India Services, the rules applicable to them are the same irrespective of whether they are working in the States or are the Centre. Further, under the All India Services (House Rent Allowance) Rules, 1977, whereas members of these services serving in connection with the affairs of the Union are entitled to draw House Rent Allowance at the rates and subject to condition specified by the Central Government in respect of officers of the Central Civil Services Group 'A' those serving in their State Cadres are entitled to draw this allowance at the rates specified by the State Governments concerned in respect of Officers of the State Civil Services, Class I provided the allowance, the allowance thus, allowed to them is not less than what they would have drawn had they served in connection with the affairs of the Union at the same station. It would thus be observed that it would be necessary for the State Governments to extent the instructions communicated to them vide our letter dated 1-4-91 to the All India Service Officers serving under them in regard to Dearness Allowance and pensionary benefits. The same will be the position in respect of House Rent Allowance in case the benefits afforded to them by the State Governments concerned are inferior to the benefits which would have been admissible to them had they served under the Central Government at the ~~xx~~ same station.

3. Regarding counting stagnation Increments for the purpose of calculation of City Compensatory Allowance to the All India Service Officers serving their State Cadres, the position would however be different. As per the All India Services (Compensatory Allowance) Rules, 1954, which includes the grant of City Compensatory Allowance also, admissibility of this allowance the members of the All India Services is regulated by the orders of the Government under

Contd. . . .P/3

40

whom such members are, for the time being, serving. The question of counting Stagnation Increments for the purpose of calculation of CCA, for the All India Service Officers serving in connection with the affairs of the States would, therefore, require to be decided by the State Governments concerned themselves.

4. It is requested that the above position may be brought to the notice of all concerned for necessary action.

Yours faithfully,

Sd/- P. N. Narayana
3-6-91
Director.

NO.F.10(2)-GA/87
GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

Dated, Agartala, the 3rd July, 1991.

Copy to :-

1. All IAS/IPS/IFS Officers for information

Sd/- 3-7-91
(M. Majumder)
Joint Secretary to
the Government of Tripura.

Attested
10/11/95
21/12/95
(SRI M. C. SEN)
Joint Secy. to Govt. of Tripura
Commissioner,
Panchoy, Tripura.

441

ANNEXURE - 10
9

GOVERNMENT OF TRIPURA
CIVIL SECRETARIAT
FINANCE DEPARTMENT
(ESTABLISHMENT BRANCH)

No.F.9(1)(1)-Fin(E)/88

Dated, Agartala, the 5th March, '93.

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer(s) named below is entitled to draw pay etc. at the monthly rate(s) shown from the date(s) specified less the amount already drawn, if any

In case the pay/leave salary/increment(s) shown as admissible has already been drawn or withheld or is not due under rules or order, this authority shall be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date of resumption of duties by the officer(s) concerned.

Deductions of fund subscriptions and recoveries of loans and advances and other Government dues shall be affected. Nothing shall be drawn beyond what is authorised below.

Name :— Shri D.K.Bhattacharjee, IAS,

Designation :— Addl.Secretary, Govt.of Tripura.

Scale :— Rs.3200-4700/-

Name, designation and scale of pay.	From	From	From	From	REMARKS
1	2	3	4	5	6
	Rs.4700/-				
1. Pay :—Substantive/Officiating					
2. Leave Salary :— Personal Pay :—	950/-				
3. Special Pay :—	Rs. 250/- (Personal Pay for stagnation)				
4. Personal Pay :—					
5. Allowances :—	Other allowances as admissible under AIS Pay Rules.				
D. A.					
A. D. A.					
C. A.					
H. R. A.					
Other allowances					

Signature

Designation

(S. K. DUTTA)
Under Secretary to the
Government of Tripura
Finance Department.

Copy forwarded to :—

1. Shri D.K.Bhattacharjee, IAS, Addl. Secretary to the Govt. of Tripura, S.A. Department, Agartala.
2. The Under Secretary, S.A. Department.
3. The Appointment & Services Department, Civil Secretariat, Tripura, Agartala.
4. The Estate Officer, P. W. D. Agartala.

GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

NO.F.10(2)-GA/76

Dated, Agartala, the 14th July '93

NOTIFICATION

The Governor is pleased to appoint the following IAS Officers of Tripura part of Joint Manipur Tripura Cadre to the Junior Administrative Grade in the scale of Rs.3950-125-4700-150-5000/- (non functional) with effect from the 1st January, 1993.

1. Shri Y.P.Singh, IAS (MT : 84), D. M. & Collector, South Tripura, Tripura.
2. Shri R.P.Meena, IAS (MT: 84), Additional Secretary, Government of Tripura.
3. Shri S.N.Gupta, IAS (MT: 84), Director, Settlement & Land Records, Govt. of Tripura.
4. Shri D.K.Bhattacharjee, IAS (MT: 84), Additional Secretary, Government of Tripura.
5. Shri H.M.Chowdhury, IAS (MT: 84) Special Commissioner, Incharge, Tripura Sales Emporium, New Delhi.
6. Shri J.P.Gupta, IAS (MT: 84), D.M. & Collector, West Tripura.

By order of the Governor,
Sd/- (A. L. Chakraborty) 14.7.93
Under Secy.to the Govt. of
Tripura.

Copy to :-

1. Chief Secretary, Tripura, Agartala.

* * * * *

Sd/- (A. L. Chakraborty)
Under Secretary to the
Govt. of Tripura.

Attache
LCM
21/7/93
SRI H. C. SEN
T. C. S. Gr-II
Secretary
anchayat Election Comm.
Tripura.

43

ANNEXURE-12

43

A

GOVERNMENT OF TRIPURA
CIVIL SECRETARIAT
FINANCE DEPARTMENT
(ESTABLISHMENT BRANCH)

No.F.9(1)(1)-Fin(E)/88

Dated, Agartala, the 31st July, 1993.

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer(s) named below is entitled to draw pay etc. at the monthly rate(s) shown from the date(s) specified less the amount already drawn, if any

In case the pay/leave salary/increment(s) shown as admissible has already been drawn or withheld or is not due under rules or order, this authority shall be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date of resumption of duties by the officer(s) concerned.

Deductions of fund subscriptions and recoveries of loans and advances and other Government dues shall be affected. Nothing shall be drawn beyond what is authorised below.

Name :— **Sri D.K. Bhattacharjee, IAS**

Designation :— **Addl. Secretary**

Scale :— **Rs. 3950-5000/-**

Name, designation and scale of pay.	From	From	From	From	REMARKS
1	2	3	4	5	6
	1.1.93				
1. Pay :—Substantive/Officiating	Rs. 4700/-				This issues in pursuance of the Appointment & Services Department notification No.10(2)-GA/76 Date.14.7.1993.
2. Leave Salary :—					
Personal Pay:—	950/-				
3. Special Pay :—					
Personal Pay:—	250/-(for stagnation)				
4. Personal Pay :—					
5. Allowances :—					
D. A.					Allowances as admissible to Ais officers in Tripura.
A. D. A.					
C. A.					
H. R. A.					
Other allowances					

Signature

Designation

Copy forwarded to :—

- Sri D.K. Bhattacharjee, IAS, Addl. Secretary, Govt. of Tripura.**
- The Under Secretary, S.A. Department, Tripura.**
- The Appointment & Services Department, Civil Secretariat, Tripura, Agartala.**
- The Estate Officer, P. W. D. Agartala.**

GOVERNMENT OF TRIPURA
CIVIL SECRETARIAT
FINANCE DEPARTMENT
(ESTABLISHMENT BRANCH)

ANNEXURE 1

No.F.9(1)(1)-Fin(E)/88,

Dated, Agartala, the 30th April,
1994.

PAY ETC. REGULATION SLIP (PROVISIONAL)

The officer(s) named below is entitled to draw pay etc. at the monthly rate(s) shown from the date(s) specified less the amount already drawn, if any

In case the pay/leave salary/increment(s) shown as admissible has already been drawn or withheld or is not due under rules or order, this authority shall be treated as void to that extent.

In case the officer is on leave on the date of increment, the financial benefit from the increment will accrue from the date of resumption of duties by the officer(s) concerned.

Deductions of fund subscriptions and recoveries of loans and advances and other Government dues shall be affected. Nothing shall be drawn beyond what is authorised below.

Name :— Shri D.K.Bhattacharjee, IAS(Retd.),

Designation :— Ex-Addl. Secretary to the Govt. of Tripura,

Scale :— Rs.3200-4700/- | Rs.3950-5000/-

Name, designation and scale of pay.	From	From	From	From	REMARKS
1	2	3	4	5	6
	D U E		DRAWN		
1. Pay :—Substantive/Officiating	1.12.90	1.12.92	5.12.90	5.12.92	
2. Leave Salary :—	4700/-	4700/-	4700/-	4700/-	
Personal Pay:	825/-	700/-	950/-	950/-	
3. Special Pay :—Personal Pay for stagnation :	125/-	250/-	125/-	250/-	
4. Personal Pay :—					
5. Allowances :—	1.1.93		1.1.93		
D. A.	Rs.5000/-		Rs.4700/-		
A. D. A.					
Personal Pay :—	650/-		950/-		
C. A.					
Personal pay for H. R. A. stagnation:			250/-		
Other allowances					
	ALLOWANCES AS ADMISSIBLE TO AIS OFFICERS IN TRIPURA.				

i) This supersedes the pay slips issued earlier under the authority of even number dated the 31.7.93.

Signature

Designation

(S. K. Datta)

Deputy Secretary to the
Government of Tripura,
Finance (Estt.) Branch.

Copy forwarded to :—

- Shri D.K.Bhattacharjee, (Retd. IAS), Ex-Addl. Secretary, Govt. of Tripura,
- The Dy. Secretary, S.A. Department, Tripura.
- The Appointment & Services Department, Civil Secretariat, Tripura, Agartala.
- The Estate Officer, P. W. D. Agartala.

To
The Joint Secretary to the
Government of Tripura,
Finance Estt. Branch,
Agartala.

Sub:- Reduction of Personal Pay
in respect of Shri D. K.
Bhattacharya, Rtd. IAS -
restoration of.

Sir,

Kindly refer to my representation dated the 14th July, 1994 on the above subject in which it was pointed out that by pay slip No.F.9(1)(3)-Fin(E)/88 dated 30.4.94 which was issued in supersession of the Pay Slips dated 31.8.91, 5.3.93 & 31.7.93 the personal pay allowed to me for protection of my substantive pay in the State Civil Service has been reduced and recovery of alleged over-payment ordered. It was prayed that the matter may be reconsidered and my personal pay restored. But unfortunately no action has been taken.

2. On careful examination of my case it will be seen that pay slips previously issued as indicated in the above para were correctly issued and did not warrant any interference because the personal pay granted for protection of my substantive pay in the State Civil Service could not have been adjusted in terms of Govt. of India letter No.11030/25/87-AIS(II) dated 21.1.1988, against another personal pay granted for stagnation. Moreover, the case pending before the Central Administrative Tribunal, Gauhati has since been decided and a direction has been issued to take into account the personal pay granted to me for protection of my substantive pay in the State Civil Service for calculation of my retirement benefits.

3. Further, it will be seen that fixation of my pay at Rs.5,000/- w.e.f. 1.1.1993 by the said pay slip dated 30.4.94 was also incorrect. According to Sub-Rule 6B of Rule 4 of IAS (Pay) Rules, 1954, my pay on promotion to Junior Administrative Grade was to be fixed at Rs.4,700/-.

Contd. . . .P/2

4. Under the circumstances, I request you to please move the Govt. to cancel the pay slip dated 30.4.94 referred to above, and restore the pay slips previously issued as indicated in para 1 and fix my pay at Rs. 4,700/- in the Junior Administrative Grade without disturbing my Personal Pay (Rs.950/-) which protects my substantive pay as also the Personal Pay for stagnation Rs.250/- and direct refund of the recovered amount on account of alleged over-payment totalling Rs. 7,500'00 . In view of the financial hardship faced by me, it is requested that orders regarding refund of the illegally recovered amount of Rs. 7,500'00 may please be passed by the 31st January, 1995.

For the above act of kindness I shall remain ever grateful.

Yours faithfully,

Dated, Agartala,
the 3rd January, 1995.

(D.K.Bhattacherya)
Rtd. Addl. Secretary,
Civil Secretariat, Agartala.
80 Akhaura Road,
Ramnagar, Agartala.

47
56

ANNEXURE- 14 A

NO.F.9(1)(3)-Fin(E)/88
Government of Tripura
Finance Department
Establishment Branch

Dated, Agartala, the 8th February, 1995.

To
Shri J.P.Gupta, IAS (Retd.),
State Election Commissioner,
Tripura, Agartala.

Subject :- Refixation of pay.

Sir,

I am directed to refer to your letter No.nil dated the 8th February, 1995 on the above subject and to say that your pay has been refixed in accordance with the clarification issued by the Government of India in their letter No.2686/93-AIS (II) dated 17.12.93.

Yours faithfully,

Sd/- B.K.Chakraborty
Jt. Secretary to the Govt. of
Tripura.

Copy to forwarded for information to :-

1. Shri S.N.Gupta, IAS (Retd.), Member, Tripura Sales Tax Tribunal, Agartala. This refers to his application dated 5.1.95.
2. Shri D.K.Bhattacharjee, IAS (Retd.), 80 Akhaura Road, Ramnagar, Agartala. This refers to his application dated 3.1.95.

Attmt
all
21/2/95
(SRI N. C. SEN)
T. C. S. Gr.-II
Secretary.
Panchayat Election Commission.
Tripura.

AN EXTRACT FROM THE DECISION GIVEN BY CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI IN O.A. NO.120/93, 121/93, 122/93, 124/93, 125/93 and 126/93.

21. The respondents are directed to recalculate the pension of the applicant within 3 months from him the arrears of difference of pension and other benefits within a further period of 3 months i.e. within a period of 6 months from the date of receipt of the copy of this order. This order shall apply and form part of each application mentioned in the title.
22. It is made clear that the above directions will apply to the applicant in view of the particular circumstances relating to them and may not be treated ipso facto as of general application.
23. Each application is allowed accordingly. No order as to costs.

Attested
Hatto
 2/3/95
 (DIPAK DATTA)
 Asstt. Private Secretary
 Government of Tripura
 Agartala.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

NO.20011/14/93-AIS(II)-A
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 (Department of Personnel and Training)

New Delhi, the 6th July, 1994.

NOTIFICATION

O.S.R.No. In exercise of the powers conferred by sub-Section (1) read with sub-section (1A) of Section 3 of the All - India Services Act, 1951, (51 of 1951), the Central Government, after consultation with the Governments of the States concerned hereby makes the following rules further to amend the Indian Administrative Service (Pay) Rules, 1954, namely :-

1. (1) These rules may be called the Indian Administrative Service (Pay) Sixth Amendment Rules, 1954.
 2. (2) They shall be deemed to have come into force on the 30th September, 1993.
2. In the Note below rule 5A of the Indian Administrative Service (Pay) Rules, 1954, the words "for the purpose of fixation of pay on promotion to higher posts", shall be omitted.

Sd/-
 (Y.P. DHINGRA)
 DESK OFFICER

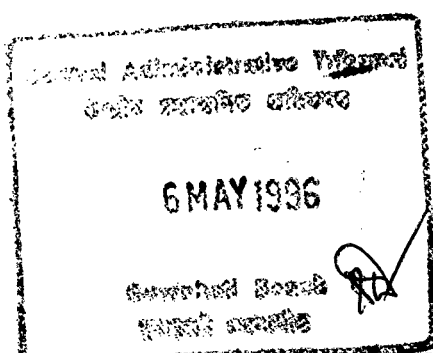
EXPLANATORY MEMORANDUM

The members of the Indian Administrative Service stagnating at the maximum of the Junior Scale/Senior Time Scale/ Junior Administrative Grade/Selection Grade/Supertime Scale/ will get one stagnation increment each for every 2 years of such stagnation, subject to a maximum of three increments. These increments are in the nature of personal pay and are not taken into account for fixation of pay on promotion to higher posts and for applying the ceiling on pay plus special pay. This position is based on the Ministry of Finance instructions on the subject which are relevant in the cases of the Central Government employees. That Ministry have taken a decision to count stagnation increments for the purpose of pay fixation on promotion also. As their orders became effective on 30th September, 1993, the Indian Administrative Service (Pay) Rules, 1954, are also being amended accordingly from the same date.

It is certified that no member of the Indian Administrative Service is likely to be adversely affected by this notification being given retrospective effect.

Sd/-
 (Y.P. DHINGRA)
 DESK OFFICER

Copy to
 1. Secy. to Govt. of India
 2. Secy. to Govt. of India
 3. Secy. to Govt. of India
 4. Secy. to Govt. of India
 5. Secy. to Govt. of India
 6. Secy. to Govt. of India
 7. Secy. to Govt. of India
 8. Secy. to Govt. of India
 9. Secy. to Govt. of India
 10. Secy. to Govt. of India
 11. Secy. to Govt. of India
 12. Secy. to Govt. of India
 13. Secy. to Govt. of India
 14. Secy. to Govt. of India
 15. Secy. to Govt. of India
 16. Secy. to Govt. of India
 17. Secy. to Govt. of India
 18. Secy. to Govt. of India
 19. Secy. to Govt. of India
 20. Secy. to Govt. of India
 21. Secy. to Govt. of India
 22. Secy. to Govt. of India
 23. Secy. to Govt. of India
 24. Secy. to Govt. of India
 25. Secy. to Govt. of India
 26. Secy. to Govt. of India
 27. Secy. to Govt. of India
 28. Secy. to Govt. of India
 29. Secy. to Govt. of India
 30. Secy. to Govt. of India
 31. Secy. to Govt. of India
 32. Secy. to Govt. of India
 33. Secy. to Govt. of India
 34. Secy. to Govt. of India
 35. Secy. to Govt. of India
 36. Secy. to Govt. of India
 37. Secy. to Govt. of India
 38. Secy. to Govt. of India
 39. Secy. to Govt. of India
 40. Secy. to Govt. of India
 41. Secy. to Govt. of India
 42. Secy. to Govt. of India
 43. Secy. to Govt. of India
 44. Secy. to Govt. of India
 45. Secy. to Govt. of India
 46. Secy. to Govt. of India
 47. Secy. to Govt. of India
 48. Secy. to Govt. of India
 49. Secy. to Govt. of India
 50. Secy. to Govt. of India
 51. Secy. to Govt. of India
 52. Secy. to Govt. of India
 53. Secy. to Govt. of India
 54. Secy. to Govt. of India
 55. Secy. to Govt. of India
 56. Secy. to Govt. of India
 57. Secy. to Govt. of India
 58. Secy. to Govt. of India
 59. Secy. to Govt. of India
 60. Secy. to Govt. of India
 61. Secy. to Govt. of India
 62. Secy. to Govt. of India
 63. Secy. to Govt. of India
 64. Secy. to Govt. of India
 65. Secy. to Govt. of India
 66. Secy. to Govt. of India
 67. Secy. to Govt. of India
 68. Secy. to Govt. of India
 69. Secy. to Govt. of India
 70. Secy. to Govt. of India
 71. Secy. to Govt. of India
 72. Secy. to Govt. of India
 73. Secy. to Govt. of India
 74. Secy. to Govt. of India
 75. Secy. to Govt. of India
 76. Secy. to Govt. of India
 77. Secy. to Govt. of India
 78. Secy. to Govt. of India
 79. Secy. to Govt. of India
 80. Secy. to Govt. of India
 81. Secy. to Govt. of India
 82. Secy. to Govt. of India
 83. Secy. to Govt. of India
 84. Secy. to Govt. of India
 85. Secy. to Govt. of India
 86. Secy. to Govt. of India
 87. Secy. to Govt. of India
 88. Secy. to Govt. of India
 89. Secy. to Govt. of India
 90. Secy. to Govt. of India
 91. Secy. to Govt. of India
 92. Secy. to Govt. of India
 93. Secy. to Govt. of India
 94. Secy. to Govt. of India
 95. Secy. to Govt. of India
 96. Secy. to Govt. of India
 97. Secy. to Govt. of India
 98. Secy. to Govt. of India
 99. Secy. to Govt. of India
 100. Secy. to Govt. of India



Filed by
25/5/96
Deputy Secretary
Government of Tripura
through
B.P. Katakery
Advocate
25-4-96
59

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :

GUWAHATI BENCH : GUWAHATI

IN THE MATTER OF

O.A. NO. 35 of 1995.

Shri D.K. Bhattacharjee

- Applicant

- Versus -

Union of India and others

- Respondents

- AND -

IN THE MATTER OF -

A Written Statement on behalf
of the Respondent No.2, the
State of Tripura.

WRITTEN STATEMENT

I, Shri B.R. Mukherjee S/O Lt. Biswa Ran. Mukherjee
Deputy Secretary to the Government of Tripura,
Appointment and Services Department, do hereby
solemnly affirm and declare as follows.

1. That I am the Deputy Secretary to the
Government of Tripura, Appointment & Services
Department and have been authorised and empowered

to file ...

Recd. Copy
12.7.96

to file this Written Statement on behalf of the State of Tripura. I have gone through the relevant records of the case and also application filed by the applicant before this Hon'ble Tribunal and understood the contents thereof.

2. That save and except what has been specifically admitted in this Written Statement, all other statements made by the applicant as against the State of Tripura may be taken as denied by the State of Tripura, the Respondent No.2.

3. That as regards the statements made in paragraph 3 of the application, this deponent states that the payscale of T.C.S. Grade-I officer is higher than that of the I.A.S. i.e. payscale of T.C.S.-I is Rs.3600-5800/- while that of the I.A.S. officer is Rs.3200-4700/-. The applicant is drawing the pay of Rs.5650/- in the payscale of Rs.3600-5800/- T.C.S.-I officer, while he was promoted to Indian Administrative Service. The State Government fixed his pay as an I.A.S. officer at the maximum of IAS Scale i.e. Rs.4700/- of the scale with the residue of Rs.950/- in the pay as T.C.S.-I as personal pay to protect his substantive pay i.e. last basic pay of the State Civil Service minus the maximum amount of the I.A.S. Payscale. According to the Government of India's

letter ...

Durbin
Deputy Secretary to the
Government of Tripura.

52
61

letter dated 21.1.88 which has been annexed as Annexure-4 to the application, the personal pay shall be observed in future increment/increases of pay. Thereafter the officer concerned earned the 2 (two) stagnation increments at the rate of Rs.125/- each on 1.12.90 and 1.12.92 after completion of every two years of service. According to the Government of India's instruction, personal pay (substantive) were adjusted against the stagnation increment allowed in the shape of personal pay. This deponent further states that after his promotion to Junior Admn. Grade in the scale of Rs.3950-5000/-, the pay of the applicant was fixed at Rs.5,000/- i.e. at the maximum with effect from 1.1.93 by merging the personal pay allowed at the time of promotion to I.A.S. and a residue of Rs.650/- was allowed as personal pay. On promotion to Junior Admn Grade, the applicant would not be entitled for drawing the stagnation increment in the nature of personal pay, which he drew in the Senior Scale, though the personal pay of Rs.650/- as stated above would continue to be admissible to him as per Government of India's decision/instruction.

A copy of the said communication issued by the Desk Officer, Govt of India, Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training in the

month ...

Deputy Secretary to the Government of Tripura.

53
62

month of December, 1993 to the Chief Secretary to the Government of Tripura relating to the benefit of the stagnation increment to I.A.S. Officers promoted from Senior Time Scale to Junior Admn Grade is annexed herewith and marked as ANNEXURE-'A'.

4. That as regards the statements made in paragraph 4 of the application, this deponent denies the correctness of the same and begs to state that a provisional pay slip was issued by the State Government in the F.D's Pay Slip No.9(1)(1)FIN(E)/88 dated 31.7.93 fixing the pay of the applicant on promotion to Junior Admn Grade with effect from 1.1.93 but at the time of fixation of his pay on promotion to the said grade, the State Government inadvertently did not adjust the personal pay against the future increase of the pay of the applicant which was however, done at a later stage in the revised payslip issued on 10.2.94 and as a result, recovery of Rs.7,500/- was made which the State Government was entitled to make being the amount paid in excess. This deponent further states that as per instruction of the Government of Tripura, pay of the applicant was re-fixed after adjusting the personal pay against the stagnation increment and also merging the personal pay(substantive)with pay

on promotion ...

54
63

on promotion to the Junior Admn Grade in the scale of Rs.3900-5000/- with effect from 1.1.93. After re-fixation of pay, a revised payslip was issued on 30.4.94 on modification of earlier payslip and as such, recovery of the said amount of Rs.7,500/- effected due to overdrawal by the applicant. The said fixation of pay and recovery was done as per rules and as per instruction issued by the Government of India in that regard.

5. That as regards the statements made in paragraphs 7(vii) and 7(viii) of the application, this deponent states that the payslip was issued inadvertently due to some mistake and which was when came to the notice of the State Government, was rectified by issuing a revised payslip on 30.4.94 showing the actual pay of the applicant. In this connection, this deponent begs to reiterate the statements made hereinbefore in this written statement.

6. That as regards the statements made in paragraphs 7(ix) and 7(x) of the application, this deponent begs to reiterate the statements made hereinabove in this written statement.

7. That as regards the statements made in paragraph 7(xi) of the application, this deponent

states ...

55
64

states that the 2 (two) stagnation increments @ Rs.125/- each were allowed to the applicant over his personal pay of Rs.950/- by mistake, which were subsequently revised and accordingly, the payslip was issued reducing the personal pay (substantive) as per the Government of India's instruction but the total amount of personal pay was the same as before. In this connection, this deponent also begs to reiterate the statements made hereinbefore in this written statement.

8. That as regards the statements made in paragraph 7(xii) of the application, this deponent states that the payslip of the applicant after re-fixation on promotion issued on 30.4.94 was a correct one and previously a provisional payslip was issued due to some mistake.

9. That as regards the statements made in paragraph 7(xiii) of the application, this deponent states that the over-payment made to the applicant was subsequently recovered on the basis of the revised payslip issued on 30.4.94 before retirement of the applicant. This deponent further states that under Rule 5(a) of the I.A.S. Pay Rules, 1954, a member of the I.A.S. is entitled to stagnation increment for every two years of service rendered after reaching maximum of payscale but ceases to

draw ...

56
65

draw (stagnation increment) on promotion to higher grade. Since the applicant got appointment to the Junior Admn Grade of I.A.S. with effect from 1.1.93 he was ^{not} ~~was~~ entitled to draw stagnation increment, which he drew in the Senior Grade Scale for his promotion ~~to~~ to the higher grade.

10. That as regards the statements made in paragraph 7(xiv) of the application, this deponent states that since the increment (stagnation) increases the pay of the applicant, the amount equal to the personal pay (stagnation) has been adjusted by reducing the personal pay (substantive). This deponent states that neither the stagnation increment was added to the basic pay nor the same has been taken into account for fixation of pay on promotion to higher grade.

11. That as regards the statements made in paragraph 7(xv) of the application, this deponent states that the adjustment of personal pay (substantive) granted to the applicant for protection of his substantive pay against the stagnation increment was made as per Government of India's guidelines/instructions. Since the stagnation ~~increment~~ increment increases the pay of the applicant that has to be adjusted by reducing the amount of personal pay (substantive) as granted on

promotion ...

Deputy Secretary to the Government of Tripura.

57
16

promotion to I.A.S., the stagnation increment was allowed to the applicant as an increment but in the shape of personal pay only which ceases to draw on promotion to the next higher grade.

12. That as regards the statements made in paragraph 7 (xvi) of the application, this deponent states that since the pay of the applicant was at Rs.4700/- plus personal pay of Rs.950/- including the stagnation increment of Rs.250/- prior to his promotion to the Junior Admn Grade in the scale of Rs.3950-5000/- , ~~his~~ his pay was fixed at Rs.5,000/- i.e. the maximum of Junior Admn Grade by merging personal pay of Rs.300/- out of Rs.950/- in accordance with the Government of India's instruction. Sub-Rule 6(b) of Rule 4 of the I.A.S. Pay Rules thus only operate in respect of fixation of pay where there is no question of stagnation of increment.

13. That as regards the statements made in paragraph 7 (xvii) of the application, this deponent states that the pay of the applicant was fixed at Rs.5,000/- with personal pay of Rs.650/- on promotion to Junior Admn Grade with effect from 1.1.93. The calculation of pension of the applicant was made on the basis of the last pay (after re-fixation) and according to the Pension Rules. After amendment of the I.A.S. Pay Rules, 1994 and as per Government of India's decision, the pay has been re-fixed by

merging ...

Barinder
Deputy Secretary to the
Government of Tripura

58
67

merging personal pay (i.e. 100%). On the basis of the Last Pay as re-fixed and admissible, the pension of the applicant has been re-calculated and forwarded to the Accountant General, Tripura for issuing revised pension vide communication No.9(1)(130)-F(E)/95 dated 19.10.95 issued from the Finance Establishment Branch, Government of Tripura. As the pay of the applicant was fixed at Rs.5,000/- being the maximum of the scale in the payscale of Rs.3950-5000/- on promotion to Junior Admn Grade, the entitlement of further increment in that grade does not arise at all.

14. That as regards the statements made in paragraph 7 (xviii) of the application, this deponent states that the personal pay so allowed to protect the substantive pay of the applicant on promotion to I.A.S. has only been taken into account for fixation of pay in the higher grade with effect from 1.1.93. The pay of the applicant was at Rs.4700/- plus Rs.950/- as personal pay (substantive) prior to his promotion to Junior Admn Grade. On promotion, Rs.300/- only as personal pay has been merged with the pay and thus, has been fixed at Rs.5,000/- with the residue of Rs.650/- as personal pay.

15. That as regards the statements made in paragraph 7 (xix) of the application, this deponent states that the applicant on promotion to Junior Admn Grade would stop drawal of stagnation increment since

he was ...

Deputy
Deputy,
Government of Tripura

57
68

he was not stagnating in the higher grade i.e. in Junior Admn Grade with effect from 1.1.93.

16. That as regards the statements made in paragraph 7(xx) of the application, this deponent states that the stagnation increment granted to the applicant has not been taken into account at all for fixation of pay on promotion to the Junior Admn Grade in the payscale of Rs.3950-5000/- with effect from 1.1.93 though the personal pay (substantive) of Rs.300/- only out of Rs.950/- was however, taken into account and hence, his pay was fixed at Rs.5,000/- (i.e. Rs.4700/- + Rs.300/- = Rs.5,000/-) with effect from 1.1.93 with his personal pay of Rs.650/-.

17. That as regards the statements made in paragraph 7 (xxi) of the application, this deponent states that the revised payslip was issued on 30.4.94 to the applicant taking into account the entire facts as stated above and also in accordance with the instruction of the Government of India and also rules. The said payslip was issued to the applicant giving the pay and personal pay to which he is actually entitled to.

18. That as regards the statements made in paragraph 8 of the application, this deponent

denies

Deputy Secretary
Government of Tripura.

60
69

denies that the amount has been illegally recovered from the salary by issuing revised payslip. In this connection, this deponent begs to reiterate the statements made hereinabove in this Written Statement relating to issuance of revised payslip.

19. That as regards the relief sought for by the applicant, this deponent states that the applicant is not entitled to the relief claimed in view of the facts and circumstances of the case as stated above.

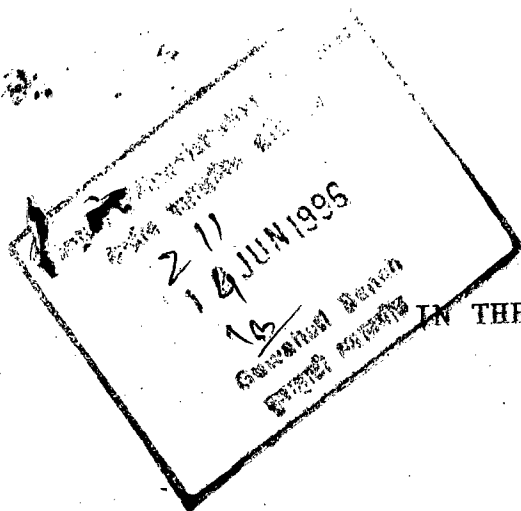
V E R I F I C A T I O N

I, Shri B.R. Mukherjee S/O Lt. Biswa Rn. Mukherjee
Deputy Secretary to the Government of Tripura,
Appointment and Services Department, do hereby
solemnly declare and verify that the statements
made in this Written Statement are true to my
information derived from record which I believe
to be true.

And I sign this verification on this 25th
day of March, 1996 at Agartala.

Signature

Deputy Secretary to the
Government of Tripura.



61

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In the matter of:

O.A.No.35 of 1995

Shri D.K. Bhattacharjee.....Applicant.

-Vs-

Union of India and Ors.Respondents.

-AND-

In the matter of:

Written Statement on behalf of
Respondent No.1.

I, Y.P. Dhingra, Desk Officer, Ministry of
Personnel, Public Grievances and Pensions, Department
of Personnel and Training, New Delhi, do hereby
solemnly affirm and declare as follows:-

1. That a copy of application alongwith an order
passed by this Hon'ble Tribunal have been served upon
the respondents and being called upon, I do hereby
file the Written Statement on behalf of respondent
No.1.

2. That the IAS (Pay) Rules have been amended on
14.7.1995 and by that amendment, protection of State
pay in respect of promoted officers can be allowed on
notional basis with retrospective effect from
1.1.1986. Actual benefits on this count are already
available from 9.5.1994. The applicant in this case
should therefore have no grudge in so far his relief
sought for is concerned. The application is now
infructuous in view of the amendment made on 14.7.95.

70
Hilal by
Hilal
Additional Counsel
Jt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench

12/6/96

Handwritten signatures and initials at the bottom left, including '12.7.96'.

The said amendment containing No.20011/2/93-AIS(II)-A dated 14.7.1995 issued by the Government of India, Ministry of Personnel, P.G. and Pensions (Department of Personnel and Training), New Delhi is enclosed and same is marked as Annexure R.1.

3. That in view of the amendments as per Annexure R.1, the present application is liable to be dismissed being infructuous.

4. That this Written Statement is filed bonafide and in the interest of justice.

VERIFICATION

(यश पाल/दीनराय) 6
(Y. P. DHINGRA)
डेस्क अधिकारी
Desk Officer
कायदे और प्रशिक्षण विभाग
Deptt. of Personnel & Training
भारत सरकार
Government of India

I, Y.P. Dhingra, Desk Officer, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi, do hereby solemnly affirm and declare that the contents made in paragraph 1 of this Written Statement are true to my knowledge and those made in paragraph 2 are derived from records which I believe to be true and rests are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this day of 21st May, 1996 at New Delhi.

DEPONENT

(यश पाल/दीनराय)
(Y. P. DHINGRA)
डेस्क अधिकारी
Desk Officer
कायदे और प्रशिक्षण विभाग
Deptt. of Personnel & Training
भारत सरकार
Government of India

3

No. 26011/2/93-AIS(II)-A
Government of India
Ministry of Personnel, P.G. & Pensions
(Deptt. of Personnel & Trg.)

* * *


New Delhi, the 14 July, 1995.

NOTIFICATION

G.S.R.....In exercise of the powers conferred under sub section (1) of Section 3 of the All India Services Act, 1951(61 of 1951) and in consultation with the State Governments concerned, the Central Government hereby makes the following amendments to the Notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions No. GSR 436(E) published in the Gazette of India Part II Section 3 sub-section(i) dated the 9th May, 1994, namely:-

In the said Notification, for sub-rule (2) of rule 1, the following sub-rule shall be substituted, namely:-

- cc
- 1.(2) They shall come into force on the date of their publication in the Official Gazette. Notional benefits on account of these amendments shall, however, be admissible from the 1st day of January, 1986".



(Y.P. Dhingra)
Desk Officer

EXPLANATORY MEMORANDUM

The State Civil Service Officers and Non-State Civil Service Officers appointed in the Indian Administrative Service under the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 and the Indian Administrative Service (Appointment by Selection) Regulations, 1956 respectively, had been demanding protection of pay drawn by them in the State Governments, on their appointment in this Service. Such protection was earlier available to the extent of the maximum of the Senior Time Scale of this Service and Personal Pay with the conditions that pay plus personal pay would not exceed Rs.5700/- per month and the personal pay would be absorbed in future increments/increases in pay. The

73 4
Indian Administrative Service (Pay) Rules, 1954 were accordingly amended Vide this Department's Notification number G.S.R.436(E), dated 9th May, 1994 so as to provide for the protection of their State pay to the extent of Rs.5700/- &c. the maximum of the Selection Grade which is the third and the last component of the Senior Scale of the Indian Administrative Service, and the concept of 'Personal Pay' was done away with. These amendments were made effective from the date of their publication in the Official Gazette which was 9th May, 1994. As the date of effect of the said Notification is till causing hardship to the S.C.S./Non-S.C.S. officers appointed in the I.A.S., it has been decided to make these amendments notionally effective from 1.1.86 from when the revised pay scales in respect of the All India Services came into being on the recommendations made by the Fourth Central Pay Commission. Whereas the promoted IAS officers would get their pay refixed on this basis from 1.1.86, no arrears of pay on account of this amendment for the period from 1.1.86 to 8.5.94 would be admissible.

It is certified that no member of the Indian Administrative Service is likely to be adversely affected by this Notification being given retrospective effect from 1.1.86 on notional basis.


(Y.P. Dhingra)
Desk officer

To

The Manager,
Govt. of India Press,
Mayapuri,
NEW DELHI.

NOTE:- The Principal Rules were published vide Gazette No. 158 dated 14.9.1954 and were subsequently amended vide the following notifications:-

Sl.No.	G.S.R.No.	Date	S.No.	G.S.R.No.	Date
1.	22	12.1.1974	54.	900	26.6.1976
2.	51(E)	26.2.1974	55.	417(E)	22.6.1976
3.	52(E)	28.2.1974	56.	426(E)	25.6.1976
4.	272	16.3.1974	57.	911	10.7.1976
5.	186(E)	25.4.1974	58.	405(E)	16.6.1976
6.	664	29.6.1974	59.	466(E)	23.7.1976
7.	725	13.7.1974	60.	1157	7.8.1976
8.	778	27.7.1974	61.	786(E)	31.8.1976
9.	374(E)	26.8.1974	62.	789(E)	7.9.1976
10.	376(E)	26.8.1974	63.	1368	25.9.1976
11.	378(E)	26.8.1974	64.	822(E)	31.8.1976
12.	976	14.9.1974	65.	849(E)	15.10.1976
13.	979	14.9.1974	66.	859(E)	1.11.1976
14.	1013	21.9.1974	67.	947(E)	24.12.1976
15.	1066	5.10.1974	68.	954(E)	27.12.1976
16.	427(E)	16.10.1974	69.	125	29.1.1977
17.	430(E)	17.10.1974	70.	45	28.1.1977
18.	1202	16.11.1974	71.	52(E)	1.2.1977
19.	467(E)	15.11.1974	72.	473	2.4.1977
20.	468(E)	15.11.1974	73.	863	9.7.1977
21.	469(E)	15.11.1974	74.	531(E)	19.7.1977
22.	1260	30.11.1974	75.	545(E)	29.7.1977
23.	1300	7.12.1974	76.	549(E)	3.8.1977
24.	1348	21.12.1974	77.	655(E)	23.8.1977
25.	92	25.1.1975	78.	1286	1.10.1977
26.	176	8.2.1975	79.	655(E)	23.8.1977
27.	48	18.1.1975	80.	45	4.1.1978
28.	309	8.3.1975	81.	5(E)	6.5.1978
29.	185(E)	2.4.1975	82.	215	11.2.1978
30.	281(E)	16.5.1975	83.	952	29.7.1978
31.	278(E)	13.5.1975	84.	586	27.5.1978
32.	293(E)	23.5.1975	85.	666	27.5.1978
33.	296(E)	26.5.1975	86.	923	22.7.1978
34.	305(E)	28.5.1975	87.	1127	16.9.1978
35.	752	21.6.1975	88.	1236	14.10.1978
36.	345(E)	25.6.1975	89.	1281	28.10.1978
37.	433(E)	30.7.1975	90.	1278	28.10.1978
38.	458(E)	22.8.1975	91.	1326	11.11.1978
39.	472(E)	29.8.1975	92.	575(E)	8.12.1978
40.	2661	15.11.1975	93.	159	3.2.1979
41.	2557	25.10.1975	94.	472	31.3.1979
42.	1	3.1.1976	95.	628	28.4.1979
43.	8(E)	1.1.1976	96.	291(E)	10.5.1979
44.	74	17.1.1976	97.	290(E)	10.5.1979
45.	26(E)	17.1.1976	98.	771	9.6.1979
46.	61(E)	31.1.1976	99.	812	16.6.1979
47.	197	14.2.1976	100.	1038	11.8.1979
48.	73(E)	10.2.1976	101.	1016	4.8.1979
49.	234(E)	17.3.1979	102.	591(E)	24.10.1979
50.	236(E)	17.3.1979	103.	1372	17.11.1979
51.	207(E)	6.4.1976	104.	650(E)	27.11.1979
52.	603	1.5.1976	105.	629(E)	17.11.1979
53.	330(E)	11.5.1976	106.	597(E)	30.10.1979
			107.	77	26.1.1980
			108.	24(E)	30.1.1980

-4-

S.No.	G.S.R.No.	Date	S.No.	G.S.R.No.	Date
109.	159	9.2.1980	167.	708(E)	3.8.1985
110.	220(E)	21.4.1980	168.	792	24.8.1985
111.	222(E)	21.4.1980	169.	919	5.10.1985
112.	288(E)	21.4.1980	170.	1141	11.12.1985
113.	290(E)	5.6.1980	171.	884(E)	4.12.1985
114.	447(E)	24.7.1980	172.	38	18.1.1986
115.	770	26.7.1980	173.	98	8.2.1986
116.	952	20.9.1980	174.	218	22.3.1986
117.	530(E)	8.9.1980	175.	226	29.3.1986
118.	523(E)	8.9.1980	176.	378	31.5.1986
119.	572(E)	7.10.1980	177.	766	29.9.1986
120.	120	8.11.1980	178.	885	13.10.1986
121.	701(E)	17.12.1980	179.	1058	13.12.1986
122.	703(E)	17.12.1980	180.	22	10.1.1987
123.	47(E)	5.2.1981	181.	90	14.10.1987
124.	230	28.2.1981	182.	284(E)	13.4.1987
125.	295	21.3.1981	183.	471	20.6.1987
126.	293(E)	15.4.1981	184.	615	15.8.1987
127.	295(E)	15.4.1981	185.	796(E)	18.9.1987
128.	529	6.6.1981	186.	767	17.10.1987
129.	489	23.6.1981	187.	842	15.11.1987
130.	615	4.2.1981	188.	902	5.12.1987
131.	640	11.7.1981	189.	960	26.12.1987
132.	890	5.9.1981	190.	962	26.12.1987
133.	926	19.10.1981	191.	685(E)	14.12.1987
134.	945	24.10.1981	192.	52	23.1.1988
135.	422	8.5.1982	193.	295	16.4.1988
136.	420	8.5.1982	194.	297	16.4.1988
137.	510	5.6.1982	195.	654(E)	26.5.1988
138.	610	17.7.1982	196.	761(E)	30.6.1988
139.	617	24.7.1982	197.	659	20.8.1988
140.	619	24.7.1982	198.	831(E)	2.8.1988
141.	777	18.9.1982	199.	745	24.9.1988
142.	619(E)	20.10.1982	200.	1223(E)	28.12.1988
143.	631(E)	29.10.1982	201.	1004	31.12.1988
144.	933	20.11.1982	202.	1108	31.12.1988
145.	958	4.12.1982	203.	80(E)	3.2.1988
146.	764(E)	18.12.1982	204.	336(E)	1.3.1989
147.	18(E)	10.1.1983	205.	341(E)	28.3.1989
148.	204	12.3.1983	206.	311	6.5.1989
149.	333	15.4.1983	207.	418	17.6.1989
150.	447(E)	24.5.1983	208.	420	17.6.1989
151.	508	15.7.1983	209.	492	22.7.1989
152.	932	10.12.1983	210.	804	4.11.1989
153.	899(E)	20.12.1983	211.	869	25.11.1989
154.	901(E)	20.12.1983	212.	870	25.11.1989
155.	918(E)	24.12.1983	213.	1044(E)	6.12.1989
156.	35	21.1.1984	214.	263	5.5.1990
157.	400	21.4.1984	215.	394	30.6.90
158.	470	19.5.1984	216.	480	4.8.90
159.	1056	13.10.1984	217.	508	18.8.90
160.	1240	15.12.1984	218.	507	18.8.90
161.	49	19.1.1985	219.	648	20.10.90
162.	107	2.2.1985	220.	726	8.12.90
163.	250	9.3.1985	221.	493	7.9.91
164.	639	6.7.1985	222.	621	26.10.91
165.	637	6.7.1985	223.	68	22.2.92
166.	569(E)	15.7.1985	224.	106	7.3.92
			225.	107	7.3.92

-5-

65

72

S.No.	G.S.R.No.	Date	S.No.	G.S.R.No.	Date
226.	194	9.5.92	236.	588	26.12.92
227.	199	9.5.92	237.	527	28.11.92
228.	224	16.5.92.	238.	20	9.1.93
229.	226	16.5.92	239.	21	9.1.93
230.	239	23.5.92	240.	84	13.2.93
231.	405	12.9.92	241.	126	6.3.93
232.	407	12.9.92	242.	238	15.5.93
233.	413	19.9.92	243.	259	29.5.93
234.	449	10.10.92	244.	535(E)	06.8.93
235.	480	31.10.92	245.	447	11.9.93
			246.	598(E)	8.9.93
			247.	657(E)	15.10.93
			248.	655(E)	15.10.93
			249.	6	1.1.94
			250.	29	15.1.94
			251.	95(E)	12.2.94
			252.	343(E)	29.3.94
			253.	436(E)	9.5.94
			254.	310	2.7.94
			255.	334	23.7.94
			256.	382	30.7.94


 (Y.P. DHINGRA)
 DESK OFFICER


To

The Manager,
 Government of India Press,
 Mayapuri, Ring Road,
 NEW DELHI.

8
Copy forwarded for information to:-

- 77
1. The Chief Secretaries of all State Government.
 2. The Comptroller and Auditor General of India, New Delhi (with 3 spare copies).
 3. A.G., Central Revenues.
 4. Accountant Generals of all States.
 5. Secretary, UPSC (with 5 spare copies).
 6. The Director, LBSNAA, Mussooria.
 7. Lok Sabha Secretariat(Committee Branch), New Delhi.
 8. Rajya Sabha Secretariat(Committee Branch), New Delhi.
 9. UTS Desk, Ministry of Home Affairs, New Delhi.
 10. IPS-II Section, Ministry of Home Affairs, New Delhi. (with 5 spare copy)
 11. AIS-III Section(with 2 spare copies),.
 12. All Ministries and Departments of Government of India.
 13. Ministry of Environment and Forests(Department of Environment and Forests & Wild Life), New Delhi.
 14. The President, Forest Research Institute & College, Dehradun(with 2 spare copies).
 15. Department of Forests(IFS-II Section), New Delhi (with 5 spare copies).
 16. Ministry of Finance, Expenditure-III-A.
 17. AIS(I) Section(with 10 spare copies).

Spare copies-250.


(Y.P. DHINGRA)
DESK OFFICER

॥ भारत के राजपत्र के भाग ॥ छंड ३ उपखंड ॥ ॥ में प्रकाशित ॥

66

संख्या 2001/2/93-20 भा 0 से 0 ॥ ॥ -क

9

78

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन खाता

कार्मिक और प्रशिक्षण विभाग

नई दिल्ली, दिनांक 14

1995

अधिसूचना

4 JUL 1995

सा 0 का 0 नि 0 अखिल भारतीय सेवा अधिनियम, 1951 ॥ 1951 का 61 ॥ की धारा 3 की उप धारा ॥ ॥ के तहत शक्तियों का प्रयोग करते हुए तथा संबंधित राज्य सरकारों के परामर्श से केन्द्रीय सरकार, भारत सरकार के कार्मिक, लोक शिकायत तथा पेंशन खाते की दिनांक 9 मई, 1994 को भारत के राजपत्र के भाग ॥ छंड 3, उपखंड ॥ ॥ में प्रकाशित अधिसूचना सं 0 सा 0 का 0 नि 0 436 ॥ ई ॥ में निम्नलिखित संशोधन करती है; अर्थात्:-

उक्त अधिसूचना में नियम 1 के उप नियम ॥ 2 ॥ के स्थान पर निम्नलिखित उप नियम प्रतिस्थापित किया जाएगा, अर्थात्:-

"1. ॥ 2 ॥ ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से लागू होंगे। तथापि, इन संशोधनों से होने वाला नोशन प्रसूविधार्थ पहली जनवरी, 1986 से अनुस्यू होंगी।"

॥ वाई 0 पी 0 टी गता ॥
उक्त अधिकारी

व्याख्यात्मक टाउन

भारतीय प्रशासनिक सेवा में भारतीय प्रशासनिक सेवा ॥ पदोन्नति द्वारा नियुक्ति ॥ विनियम, 1955 तथा भारतीय प्रशासनिक सेवा ॥ ध्यान द्वारा नियुक्ति ॥ विनियम, 1956 के तहत नियुक्त किए गए क्रमाः राज्य विधिविन सेवा अधिकारी तथा गैर-राज्य सिविल सेवा अधिकारी इस सेवा के नियुक्ति होने पर राज्य सरकारों में उनके द्वारा बाहरित वेतन के संरक्षण की मांग कर रहे हैं। ऐसा संरक्षण पहले इस सेवा के वरिष्ठतम वेतनमान के अधिकतम की सीमा तक उपसब्ध था और वैयक्तिक वेतन इस शर्त के साथ उपसब्ध था कि वेतन जमा वैयक्तिक वेतन 5700/- रूपय प्रतिमाह से अधिक नहीं होगा तथा वैयक्तिक वेतन अविव्य की वेतनवृद्धि/पदोन्नति में शामिल कर दिया जाएगा। तदनुसार, भारतीय प्रशासनिक सेवा ॥ वेतन ॥

10

73

नियम, 1954 इस विभाग की दिनांक 9 मई, 1994 की अधिसूचना सं० सा०का०नि० 436ईई द्वारा इस तरह संशोधित कर दिए गए थे कि उनके राज्य वेतन को 5700/-रुपए तक, अर्थात् चयन ग्रेड का अधिकतम जोकि भारतीय प्रशासनिक सेवा वरिष्ठ वेतनमान का तीसरा तथा अंतिम घटक है, संरक्षित करने का प्रावधान किया गया तथा "वैयक्तिक वेतन" को समाप्त कर दिया गया। ये संशोधन सरकारी राजपत्र में इनके प्रकाशन की तारीख से लागू किए गए थे जोकि 9 मई, 1994 थी। चूंकि उक्त अधिसूचना के लागू होने की तारीख के कारण भारतीय प्रशासनिक सेवा में नियुक्त हुए राज्य सिविल सेवा और राज्य सिविल सेवा अधिकारियों को कठिनाई हो रही है अतः यह निर्णय लिया गया है कि इन संशोधनों को 1.1.86 से नोशनल प्रभाव से लागू किया जाए, जिस तारीख से केन्द्रीय चतुर्थ वेतन आयोग की सिफारिशों पर अखिल भारतीय सेवाओं के लिए संशोधित वेतनमान लागू किए गए थे। जहां भारतीय प्रशासनिक सेवा के पदोन्नत अधिकारियों का वेतन इस आधार पर 1.1.86 से पुनर्निर्धारित किया गया, वहां इस संशोधन के आधार पर 1.1.86 से 8.5.94 की अवधि के लिए किसी प्रकार की बकाया वेतन राशि अनुज्ञेय नहीं होगी।

यह प्रमाणित किया जाता है कि भारतीय प्रशासनिक सेवा का कोई भी सदस्य इस अधिसूचना को नोशनल आधार पर 1.1.86 से भुक्तकी प्रभाव से लागू किए जाने पर प्रतिकूल रूप से प्रभावित नहीं होगा।

५२८ टी० गिरा
[वाई०पी० टी० गिरा]
डेस्क अधिकारी

सेवा में,

प्रबंधक,

भारत सरकार मुद्रणालय,

मायापुरी,

नई दिल्ली।

टिप्पणी: मुख्य नियम दिनांक 14.0.1954 के राजपत्र सं० 158 द्वारा प्रकाशित किए गए तथा बाद में निम्नलिखित अधिसूचनाओं द्वारा संशोधित किए गए:-

क्र०सं०	जी०एस०आर०सं०	दिनांक	क्र०सं०	जी०एस०आर०सं०	दिनांक
1.	22	12.1.74	6.	664	20.6.74
2.	51ई	26.2.74	7.	725	13.7.74
3.	52ई	28.2.74	8.	778	27.7.74
4.	272	16.3.74	9.	374ई	26.8.74
5.	186ई	25.4.74	10.	376ई	26.8.74

1.	378इ	26.8.74	48.	73इ	10.2.76
2.	976	14.9.74	49.	234इ	17.3.76
3.	979	14.9.74	50.	236इ	17.3.76
4.	1013	21.9.74	51.	207इ	6.4.76
5.	1066	5.10.74	52.	603	1.5.76
6.	427इ	16.10.74	53.	330इ	11.5.76
7.	430इ	17.10.74	54.	900	26.6.76
8.	1202	16.11.74	55.	417इ	22.6.76
9.	467इ	15.11.74	56.	425इ	25.6.76
20.	468इ	15.11.74	57.	911	18.7.76
21.	469इ	15.11.74	58.	405इ	16.6.76
22.	1260	30.11.74	59.	466इ	23.7.76
23.	1300	7.12.74	60.	1157	7.8.76
24.	1348	21.12.74	61.	786इ	31.8.76
25.	92	25.1.75	62.	789इ	7.9.76
26.	176	8.2.75	63.	1368	25.9.76
27.	48	18.1.75	64.	822इ	31.8.76
28.	309	8.3.75	65.	849इ	15.10.76
29.	185इ	2.4.75	66.	859इ	1.11.76
30.	281इ	16.5.75	67.	947इ	24.12.76
31.	278इ	13.5.75	68.	954इ	27.12.76
32.	294इ	23.5.75	69.	125	29.1.77
33.	296इ	26.5.75	70.	45	28.1.77
34.	305इ	28.5.75	71.	52इ	1.2.77
35.	752	21.6.75	72.	473	2.4.77
36.	345इ	25.6.75	73.	863	9.7.77
37.	433इ	30.7.75	74.	531इ	19.7.77
38.	458इ	22.8.75	75.	545इ	29.7.77
39.	472इ	29.8.75	76.	549इ	3.8.77
40.	2661	15.11.75	77.	589इ	23.8.77
41.	2557	25.10.75	78.	1266	1.10.77
42.	1	3.1.76	79.	655इ	28.10.77
43.	8इ	1.1.75	80.	45	4.1.78
44.	74	17.1.76	81.	5इ	4.1.78
45.	26इ	17.1.76	82.	215	11.2.78
46.	61इ	31.1.76	83.	952	29.7.78
47.	197	14.2.76	84.	586	6.5.78

12

-4-

85.	666	27.5.78	121.	701ई	17.12.80
86.	923	22.7.78	122.	703ई	17.12.80
87.	1127	16.9.78	123.	47ई	5.2.81
88.	1236	14.10.78	124.	230	28.2.81
89.	1281	28.10.78	125.	295	21.3.81
90.	1278	20.10.78	126.	293ई	15.4.81
91.	1326	11.11.78	127.	295ई	15.4.81
92.	575ई	8.12.78	128.	529	6.6.81
93.	159	3.2.79	129.	489	23.6.81
94.	472	31.3.79	130.	615	4.2.81
95.	628	28.4.79	131.	640	11.7.81
96.	291ई	10.5.79	132.	890	5.9.81
97.	290ई	10.5.79	133.	926	19.10.81
98.	771	9.6.79	134.	945	24.10.81
99.	812	16.6.79	135.	422	8.5.82
00.	1038	11.8.79	136.	420	8.5.82
01.	1016	4.8.79	137.	510	5.6.82
02.	591ई	24.10.79	138.	610	17.7.82
03.	1372	17.11.79	139.	617	24.7.82
04.	650ई	27.11.79	140.	619	24.7.82
05.	629ई	17.11.79	141.	777	18.9.82
06.	597ई	30.10.79	142.	619ई	20.10.82
07.	77	26.1.80	143.	631ई	29.10.82
08.	24ई	30.1.80	144.	933	20.11.82
09.	159	9.2.80	145.	958	4.12.82
10.	220ई	21.4.80	146.	764ई	18.12.82
11.	222ई	21.4.80	147.	18ई	10.1.83
12.	288ई	5.6.80	148.	204	12.3.83
13.	290ई	5.6.80	149.	333	15.4.83
14.	447ई	24.7.80	150.	447ई	24.5.83
15.	770	26.7.80	151.	508	16.7.83
16.	952	20.9.80	152.	932	10.12.83
17.	530ई	8.9.80	153.	899ई	20.12.83
18.	523ई	8.9.80	154.	901ई	20.12.83
19.	572ई	7.10.80	155.	918ई	24.12.83
20.	120	8.11.80	156.	35	21.1.84
			157.	400	31.4.84

...4/-

13

82

157.	400	21.4.84	193.	295	16.4.88
158.	470	19.5.84	194.	297	16.4.88
159.	1056	13.10.84	195.	654ई	26.5.88
160.	1240	15.12.84	196.	761ई	30.6.88
161.	49	19.1.85	197.	659	20.8.88
162.	107	2.2.85	198.	831ई	2.8.89
163.	250	9.3.85	199.	745	24.9.88
164.	639	6.7.85	200.	1223ई	28.12.88
165.	637	6.7.85	201.	1004	31.12.88
166.	569ई	15.7.85	202.	1108	31.12.88
167.	708ई	3.8.85	203.	80ई	3.2.88
168.	792	24.8.85	204.	356ई	1.3.89
169.	919	5.10.85	205.	341ई	28.3.89
170.	1141	14.12.85	206.	311	6.5.89
171.	884ई	4.12.85	207.	418	17.6.89
172.	38	18.1.86	208.	420	17.6.89
173.	98	8.2.86	209.	492	22.7.89
174.	218	22.3.86	210.	804	4.11.89
175.	226	29.3.86	211.	869	25.11.89
176.	378	31.5.86	212.	870	25.11.89
177.	766	20.9.86	213.	1044ई	6.12.89
178.	885	18.10.86	214.	263	5.5.90
179.	1068	13.12.86	215.	394	30.6.90
180.	22	10.1.87	216.	480	4.8.90
181.	90	14.10.87	217.	508	18.8.90
182.	284ई	13.4.87	218.	507	18.8.90
183.	471	20.6.87	219.	648	20.10.90
184.	615	15.8.87	220.	726	8.12.90
185.	796ई	18.9.87	221.	493	7.9.91
186.	767	17.10.87	222.	621	26.10.91
187.	842	15.11.87	223.	68	22.2.92
188.	902	5.12.87	224.	106	7.3.92
189.	960	26.12.87	225.	107	7.3.92
190.	962	26.2.87	226.	194	9.5.92
191.	685ई	14.12.87	227.	199	9.5.92
192.	52	23.1.88	228.	224	16.5.92

69

-6-

229. 226 16.5.92
 230. 239 23.5.92
 231. 405 12.9.92
 232. 407 12.9.92
 233. 413 19.9.92
 234. 449 10.10.92
 235. 480. 31.10.92
 236. 588 26.12.92
 237. 527 28.11.92
 238. 20 9.1.93
 239. 21 9.1.93
 240. 84 13.2.93

241. 126 6.3.93
 242. 238 15.5.93
 243. 259 29.5.93
 244. 535ई 6.8.93
 245. 447 11.9.93
 246. 598ई 8.9.93
 247. 657ई 15.10.93
 248. 655ई 15.10.93
 249. 29 15.1.94
 250. 6 1.1.94
 251. 95ई 12.2.94
 252. 343ई 29.3.94
 253. 126 ई 7.5.94
 254. 310 2.7.94
 255. 324 2.8.94
 256. 322 2.8.94

सेवा में,

प्रबंधक,

भारत सरकार मुद्रणालय,
 मायापुरी, रिंग रोड,
 नई दिल्ली ।

2526 दीगवा
 वाईपीडीगवा
 डेस्क अधिकारी