

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 70/95

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SECTION OFFICER (Judl.)

Debali
1-2-18

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI :: 5.

ORIGINAL APPLICATION NO. 7-0 67 1995

MISCELLANEOUS PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. (O.A.)

A Kongyanger Ao

APPLICANT (S)

VERSUS

W. C. I. Tuns

RESPONDENT (S)

Mr. R.K. Malakar, Mr. M. Talukdar

ADVOCATE FOR
APPLICANT (S)

Mr. S. Ali, Sr. C.G.S.C.

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

5.4.95

Mr R.K. Malakar and Mr M. Talukdar for the applicant.
Issue notice to the respondents No. 2, 3 and 4 to show cause as to why this application should not be admitted and interim relief as prayed should not be granted returnable on 17.5.95.
Mr S. Ali, Sr. C.G.S.C., seeks to appear for the respondents.
Appearance is noted. However, notice be issued directly to the respondents.


Vice-Chairman


Member

Requisites for notices are issued on R. no. 2, 3 & 4 on 25.4.95 & (8th) m.d.o no. 1745-67 on 26.4.95.


25/4


26/4

nkm

OFFICE NOTE

DATE

COURT'S ORDER

17.5.95 Mr R.K. Malakar with
Mr M. Talukdar for the
applicant.

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

Mr V.K. Choudhury, Account
Officer, present to instruct
Mr Ali.

Mr S. Ali informs on
instructions that the applicant
~~has unfortunately~~ has been
assassinated by some persons in
Dimapur on 11.5.1995. He also
produces a copy of the issue of
the daily 'Nagaland Post'
published from Dimapur dated
13.5.1995 carrying the report of
the assassination. Mr Ali,
therefore, submits that the
application stands abated.

In the Administrative
Tribunals Act or the Rules there-
under I have not been able to
notice any provision for bringing
the heirs or legal representatives
on record. However, under the
general law if an application could
be made for setting aside the
abatement within ^{the} period prescribed
under the Limitation Act and if
any such application is made by the
heirs or legal representatives of
the applicant it will be considered
on merits. Hence following order:

The O.A. is dismissed as abated.
Liberty to the heirs and legal repre-
sentatives to apply for setting aside the
abatement. However, subject to the
question of its maintainability it will
be decided in accordance with law as

3
O.A.No.70/95

OFFICE NOTE	DATE	COURT'S ORDER
<p><u>19.6.95</u> copy of order dtd. 19.5.95 issued to all concerned by Regd. Post mdc. D/MO, 2603 - 07 dtd. 20.6.95.</p> <p>8/3.</p>	17.5.95	<p>and when such application would be filed.</p> <p>The Purshis given today by Mr S. Ali, learned Sr. C.G.S.C. informing the fact of death of the applicant together with the above mentioned issue of the newspaper are taken on record.</p>
	nkm	<p><i>Kulhanda Ram</i> 17.5.95 Vice-Chairman</p> <p><i>Pr. 18/5</i></p>

31 MAR 1995

Guwahati Bench
গুৱাহাটী পৰিষদ

Q.A Case No. 70/95 (G) of 1995.

Admission on

Filing Slip

1. Name and address of the
petitioner.

: Shri Akangyanger AO,

Commandant, 1st N.A.P.

Bn., Chumukedima, Nagaland.

2. Name and address of the
Respondents

: 1. The Union of India,

represented by the

Secretary to the Govt. of

India, Ministry of Home

affairs, Home Deptt.,

New Delhi.

2. The Commissioner and
Secretary to the Govt.
of Nagaland, Home Deptt.,
Kohima.

3. The Accountant General,
Nagaland, Kohima.

4. The Sr. Treasury Officer,
Dimapur.

3. Name and address of the
Advocate for the
petitioner.

: Shri R.K. Malakar and
Shri Monomohan Talukdar,
Both are Advocates, Gauhati
High Court, Guwahati-1.

contd...2

Received
Copy
Filer
Sr. CSSC
31/3/95

4. Name and address of the
Advocate of Respondent :

5. Postal Order : I.P.O. No. 803883922

dated 30.3.95, Guwahati
Post Office, Guwahati-1.

6. particulars of the petition:

- i) Main petition : From page No. 1 to 15.
- ii) Receipt slip : Page No. 16
- iii) Appendix -A : Description of documents relied upon.
- iv) Annexure 1 & 2 : Official letters (Concerning appointment /induction /promotion of the applicant.
- v) Annexure 3 and 4 : All copies of the impugned pay slip.
- vi) Annexure- 5 : Copy of the representation of the applicant.
- vii) Annexure-6 : Copy of the letter on decision of the Govt. of Nagaland
- viii) Annexure-7 : Copy of the letter expressing opinion of the Govt. of Nagaland in respect of D.A./ A.R.A.
- ix) Annexure -8 : Copy of the Notification issued by the Govt. of India.
- x) Annexure- 8 A : (Copy of the letter in principle fixing pay of promotee I.P.S. and I.A.S.)
- xi) Annexure- 9 : (Vokalatnamal)
- xii) Annexure- 10 : (I.P.O. bearing No. 803883922 dt. 30.3.95 of Rs. 50/-).

Filed by:

Sri M. Talukdar
Sri M. Talukdar
Advocate, Gauhati Bar Association,
Guwahati-1.

APPENDIX - A

Forms

FORM -I

(See. Rule- 4)

Application under Section 19 of the Administrative
Tribunal Act, 1985 .

Title of the Case :

I N D E X

<u>Sl. No.</u>	<u>Description of documents relied upon</u>	<u>Page No.</u>
1.	Application	1- 15
2.	Receipt Slip	16
3.	Annexure- 1 & 2	17-19
4.	Annexure - 3 & 4	20-23
5.	Annexure- 5	24
6.	Annexure- 6	25, 26
7.	Annexure -7	27
8.	Annexure- 8	28
9.	Annexure-8 A	29
10.	Annexure- 9	30, 31
11.	Annexure-10 (I.P.C. of Rs.50/-)	32

*✓
A/P
A/P
A/P*

Signature of the ApplicantFor use in Tribunal's Office.Date of filing
or

Date of Receipt by post

Registration No.

Signature of Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH.

u/s
Akangyanger AO

File No. -
Date 21/3/95

Advocate, Guwahati Bar

Shri Akangyanger AO, I.P.S.,
Commandant, 1st NAP Battalion,
Chumukadima, Nagaland.

.... APPLICANT.

-Versus-

(1) The Union of India,

represented by the Secretary
to the Govt. of India,
Ministry of Home Affairs,
New-Delhi.

(2) The Commissioner & Secretary,

to the Govt. of Nagaland,
Dept. of Home etc., Kohima.

(3) The Accountant General,

Nagaland, Kohima.

(4) The Sr. Treasury Officer,

Dimapur.

... RESPONDENTS.

Contd...P/2

DETAILS OF APPLICATION :

1. Particulars of the order against which the application is made. : The application is made against the order No.GA-1/IPS/PS/6492 dated 2nd February, 1994 and also order No.GE-11/IPS/PS/1196 dated 20-05/94 both are passed by the Accountant General (Accounts), Nagaland, Kohima fixing the pay of the applicant on 8-4-93 i.e. on the date of his induction/Promotion to I.P.S. Cadre.
2. Jurisdiction of the Tribunal. : The application declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.
3. Limitation : The applicant further declares that the application is within the limitation period prescribed in Section-21 of the Administrative Tribunal Act, 1985.
4. Facts of the Case : The applicant begs to submit that the applicant

(Shri Akangyanger Ao had joined initially in Govt. Service Nagaland Police) on 10-2-1962. He was promoted/appointed to the Post of Dy. S.P. on 6-9-1974. Thereafter he was promoted to Addl. S.P. w.e.f. 5-8-1982 in the State Cadre (Nagaland). The applicant was elevated to the Indian Police Service Cadre and he was appointed as I.P.S. Officer on 8-4-1993 vide Govt. letter No.1-14013/5/93-I.P.S.1 dtd. 8-4-93 and his year of allotment is 1987 ~~indicated~~ ^{inacted} vide letter No.1-15011/4/89-IPS-1 dtd. 18-1-94.

(photostated Copies of the above letters are annexed herewith at Annexure-1 and 2 respectively). That before the date of promotion of the applicant to the I.P.S. Cadre i.e. on 7-4-93 his Basic pay was allowed to draw Rs.4390 '00 P.M. in the existing Scale (N.P.S.) of pay of Rs.3500-5650/- which is also on the wrong calculation in fixing his pay on Revised pay by the A.G., Nagaland as per with Nagaland Services (Revision of pay) Rules, 1993 according to which the ~~maxx~~ Basic

Pay fixed to your applicant ought to have been much higher than the amount fixed (as per A.G., Nagaland's Provisional pay-slip) vide letter No.GA-1/IPS/P.S./6492 dtd. 2-2-94 and also letter No.GE-11/IPS/PS/1196 dtd. 20-05-94 (Photostated copies of above letter are annexed herewith of Annexure-3 and 4 respectively).

The application was promoted to Addl.S.P. w.e.f. 5-8-1982 and he completed more than 7 years (7 years 9 months 26 days) till 1-6-90 (in the said post) i.e. on the date of his pay was revised in the new scale as per Nagaland Services (Revision of pay) Rules, 1993 (the Scale prescribed being Rs. Rs.3500-5650/- P.M.) fixing his basic pay at Rs.4000'00 P.M. and his next annual increment has been shown as on 1-9-90 in the new Scale which should have been on 1-8-90 under the existing Rules. After the induction/Promotion of the applicant to I.P.S. Cadre his pay has been fixed at Rs.4500'00 P.M. w.e.f. 8-4-93 and the pay has been

continuing till to-day without any increment which is inconsistent under any existing law and the same is also standing deprivation of his legitimate service benefit sustaining huge financial loss. It may be stated here that had the applicant been continuing in the existing previous scale (State scale) of pay his basic pay, by now would definitely be far better than his present pay in the IPS Cadre as calculated by A.G., Nagaland Vide Annexure-4 and accordingly he is also sustaining irreparable loss from other admissible allowances only because of the ~~W~~ing done by the Respondents and this is injustice to ~~is~~ wards ^a of loyal Govt. Servant. Now the question is that after the induction/promotion of the applicant to I.P.S. Cadre with effect from 8-4-93 and his present assignment as Commandant, 1st N.A.P. Bn., Chumukedima, Nagaland he is to discharge higher responsibilities ~~in~~ which he is performing to his best ability for which the applicant deserves more incentives which ~~is~~

he has not received. It may be mentioned here that the applicant had submitted a representation to the Home Commissioner, Nagaland, Kohima (through proper channel) stating his grievances in regards to his pay and other allowances vide his letter dated 4-2-94 (copy of Annexure-5). That after receiving the above representation (cited above), the Govt. of Nagaland, Department of Home, Kohima moved a proposal fixing the basic pay of the appointment of ~~applicant at~~ Rs.5230.00 P.M. on 7-4-93 (which should have been 8-4-93) to Nagaland Finance Department with the clearance of P & A.R. Department (A.R. Branch) vide their U.O. No.3124 dated 5-5-94 and the Finance Department's concurrence of the proposal was accorded vide ~~their U.O. No.740 dated 16-5-94.~~ Then the approval of the Government of Nagaland to the proposal for fixation of pay upon induction to I.P.S. in respect of your applicant was conveyed to the A.G.Nagaland, Kohima vide letter No.POL-1/PF/33/82 dated 18-5-94 in order to issue necessary payslip according ~~in~~ in favour of your applicant which the A.G.Nagaland, Kohima has not done yet .

(A photostat copy of the Govt. letter has been annexed herewith at Annexure-6).

** An immediate
means of his right
and*

Under the circumstances the applicant prefers this application as he has no alternative at present as ~~for~~ protection of his legitimate financial benefit from service. In this connection the applicant may be allowed to state that he has no sufficient time to seek redress through his further representation ~~for~~ the respondents as he is on the verge of supernuation and as such he is submitted ⁱⁿ the present application before the Hon'ble Tribunal for the justice and equity for the same.

5. Grounds for : The applicant may kindly be relieved with allowed to submit in this regard that legal provi- since the promotion to I.P.S. from N.P.S. is from lower to higher respon- sibility the fixation of pay of your applicant in the I.P.S. is admissible under F.R. 22-C and hence finance Department's concurrence accofded vide their U.O. No.740 dated 16-⁵-1994 and communicated to A.G., Nagaland, Kohima vide Annexure-6.

6. Details of the : The applicant declares remedies exhausted. that he has availed of all remedies available to him under the relevant service rules and accordingly he had submitted representation to the Home Commissioner, Nagaland, Kohima (through proper channel) vide his letter dated 4-2-94 (Annexure-5) on which the Govt. of Nagaland, Home Department fixed Basic pay of the applicant of Rs.5230.00 PM. on 7-4-93 (NPS) and conveyed the same to A.G., Nagaland, Kohima vide Annexure-6 in order to issue pay slip accordingly which the A.G. has not yet done.

It is, therefore, prayed that the petition may be admitted for the end of Natural justice as the delay may deprive the applicant from his legitimate claim and/or ^{Your} Honour may be pleased to admit this application as an exceptional one. So that the petitioner may not be deprived of his legitimate claim for his due financial benefit from service.

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

: The applicant further declares that he had not previously filed any application, Writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any of them.

8. Reliefs sought. :

In view of the facts mentioned in Para 6 above the applicant prays for the following relief (S) :-

(1) Pending the disposal of this petition the applicant may be allowed to draw the basic pay Rs.5,230.00 (five thousand two hundred thirty) only w.e.f. 7-4-93 (N.P.S.) as State Govt. of Nagaland's decision having concurrence of their Finance Department vide letter U.O. No.740 dated 17-5-1994 and conveyed to the A.G., Nagaland, Kohima vide letter No.POL-1/PF/33/82 dated 18-5-94 (At Annexure-6).

Plus other admissible allowances under the existing Rules.

(2) The special pay admissible to the applicant (being Rs.400 '00) under Nagaland Service (Revision of Pay) Rules, 1993 which have been cut-off in pay-slip since November, 1993 (vide Annexure-4) may be allowed to draw continually by the applicant.

(3) The Respondent No.1 may be directed to finalise fixation of pay and other admissible allowances to the applicant after induction/ promotion to the I.P.S. Cadre on 8-4-93 with higher responsibility immediately.

(4) The Respondents may be directed to declare correct position of C.P.I. based on existing price rise in Nagaland, Kohima which is much higher than the All India Consumer Price Index Point of 608 (1960-100) as the same is still pending undecided as per letter No.FIN/ROP/4/94 dated 19-9-94 (at Annexure-7) for determination/realisation of D.A./A.D.A. at the present rate admissible to the applicant.

5. Fixation of pay in respect of your applicant (in the scale of pay of Rs. 4500-5700) on promotion to I.P.S. cadre on 8.3.93 and clarification in view of the point of Govt. Notification No. 20011/2/93-AIS(11)-B dated 6.5.1994 referred to the A.G., Nagaland, Kohima vide No. 20015/2/94-AIS(11) dated August, 1994 (at Annexure - 8 and 8-A).

6. Reasonable cost for the case as the Hon'ble Tribunal may deem fit and proper.

7. Any other relief or reliefs that the Tribunal may deem fit and proper.

Interim Order, if any
prayed for :

Pending final decision on the application, the applicant seeks the following interim relief:-

(1) That the applicant may be allowed to draw the Basic Pay being Rs. 5,230⁰⁰ (N.P.S.) w.e.f. 7.4.93 on the basis of Govt. letter at Annexure - 6 plus other allowances admissible to him.

(2)

(2) The Special pay of Rs. 400/- P.M. be allowed to draw continually.

(3) The next increment may be allowed to draw by the applicant in the N.P.S. cadre scale after completion of one year i.e. w.e.f. 7.4.1994 till the finalisation of the pay in I.P.S. Cadre.

(4) The A.G., Nagaland, Kohima may be directed to issue revised pay slip immediately as above to facilitate the applicant to draw his pay and allowances till disposal of this petition.

(5) Any other interim relief or interim relief or interim reliefs that the Hon'ble Tribunal may deem fit and Proper.

10. In the event of app- (1) The applicant prays that he may be lification being sent heard through his Advocate and a date by registered post , fixed for the same after serving notices if may be stated to the parties. whether the applicant desires to have oral hearing at admission stage and if

so, ...

so, he shall attach a self-addressed post card or inland letter, at which intimation regarding the date of hearing could be sent to him.

11. Particulars of Bank :

Draft/Postal Order
filed in respect of
the application fee :

(1) Name of the Bank : A postal order bearing the following on which drawn particulars is attached herewith.

(2) Demand Draft No. :

or

A. Number of Indian Postal Order(s) : A. 803883922 valued Rs. 50.00 only

B. Name of the issuing Post Office. : B. Guwahati Post Office.

C. Date of issue of postal order(s) : C. 30.3.1995

D. Post office at which payable. : D. Guwahati Post Office, Guwahati, Assam

12. List of enclosures : (1) Annexure 1 and 2 (all copies of official letters concerning appointment / induction/Promotion to I.P.S. and Service Seniority).

(2)...

(2) Annexure - 3 and 4 (all copies of the impugned Pay-Slip allowing the applicant to draw his pay and other existing allowances).

(3) Annexure - 5 (copy of the representation of the applicant seeking remedies under relevant service rules).

(4) Annexure- 6 (copy of the letter on decision of the Govt. of Nagaland fixing Basic Pay on 7.4.93 (N.P.S.) in respect of the applicant and conveyed to the A.G., Nagaland, Kohima) for necessary action.

(5) Annexure- 7 (copy of the letter expressing opinion of the Nagaland Govt. in regards to D.A./A.R.A on the basis of the C.P.I. point of 608(1960-100) as on 31.5.90)

(6) Annexure - 8

Copy of the Notification issued by the Govt of India regarding fixation of pay in respect to the promotee I.P.S. and I.A.S. Officers).

(7) Annexure - 8 A.

(copy of the letter on principle in fixing pay of the promotee I.P.S. & I.A.S. officers addressed to the A.G., Nagaland....

Nagaland, Kohima).

(8) Annexure 9

(Vokalatnama)

(9) Annexure - 10

(Indian Postal order bearing No.

803883922 Dt. 30.3.1995 valued Rs.
50'00 only).

VERIFICATION

I, Shri Akangyanger AO, Son of Shri Carat AO, aged about 57 years, working as commandant, 1st N.A.P. Bn., chumukedima, Na aland under Home Deptt. of Govt of Nagaland do hereby verify that the contents of paras from 1 to 3 ,5 to 7 9 and 10 are true to my personal knowledge and paras 4,8,11 and 12 are believed to be true on legal advise and that I have not suppressed any material fact.

Date 31-03-95

Place Imwadok

u/s
Akangyanger AO
L.P.S.

Signature of applicant.

To,

The Registrar,
Central Administrative Tribunal,
Guwahati-Bench.

FORM-II
(See Rule-4(4)
Receipt Slip.

Receipt of the application filed in the Central Administrative Tribunal, Guwahati Bench by Shri Akangyanger Ao working as Commandant, 1st N.A.P. Bn., Chumukedima, Nagaland in the Ministry/Dept. of Home etc. under Nagaland State Govt. and Promotted to I.P.S. Cadre at present residing at Chumukedima, Nagaland is hereby acknowledged.

For Registrar.

Central Administrative
Tribunal,
Guwahati Bench.

.....

MOST IMMEDIATE

No. I-14013/5/93-IPS.I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 8-4-93

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint the following members of Nagaland Police Service to the Indian Police Service on probation, and to allocate them to the cadre of Nagaland under sub-rule (1) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. The appointments will take effect from the date of issue of this Notification.

Sl.No.	Name of the Officer	Date of birth
1.	S/Shri Shri Akangyanger Ao	1.4.1938
2.	Shri Onensuja Ao	1.1.1944

P (N.L.)
9/4

(P.S. PILLAI)
UNDER SECY. TO THE GOVT. OF INDIA

No. I-14013/5/93-IPS.I, New Delhi, the 8-4-93
A copy each is forwarded to :-

1. The Chief Secretary to the Government of Nagaland (Attn. Shri P. Talitemjen Ao, Home Commissioner, Kohima, w.r.t. their letter No.POL-1/ESTT/10/82(VOL-10) dated 15.3.93 & 21.3.93 (with two spare copies for onward transmission to the officers concerned).
2. The Accountant General, Nagaland, Kohima.
3. The Secretary, UPSC(Attn. Shri N. Namasivayam, Under Secretary).
4. The DG & IGP, Nagaland, Kohima.
5. Shri Yogesh Jha, Asstt., IPS.I Section, MHA.

1000
(P.S. PILLAI)
UNDER SECY. TO THE GOVT. OF INDIA

15 spare copies for IPS Section.

*Attested
C. M. 31/3/95
Advocate*

गति तत्काल

सं० ।-। 40। 3/5/93-आई.पी.एस.।

भारत सरकार

गृह मंत्रालय

नई दिल्ली, दिनांक ४-४-९३
अधिसूचना

राष्ट्रपति, भारतीय पुस्तक सेवा पदोन्नतिदारा नियुक्ति विनियम, 1955 के विनियम ७ के उप-विनियम १ के साथ पठित भारतीय पुस्तक सेवा प्रयोग करते हुए, नागार्लेण्ड राज्य पुस्तक सेवा के निम्नलिखित पदस्थों को भारतीय पुस्तक सेवा में परिवेश पर नियुक्त करते हैं तथा उन्हें भारतीय पुस्तक सेवा संवर्ग विनियम, 1954 के विनियम ५ के उप-विनियम १ के अन्तर्गत नागार्लेण्ड संवर्ग प्रदान करते हैं। ये नियुक्तियाँ इस अधिसूचना के जारी होने की तारीख से प्रभावी होगी :-

क्र०सं०	अधिकारी का नाम	जन्म तिथि
१.	श्री अकन्गयेन्गर ए.ओ.	१.४.१९३८
२.	श्री जीनेन्सुजा ए ओ	१.१.१९४४

सं० ।-। 40। 3/5/93-आई.पी.एस.।

प्रतिलिपि प्रेसित :- अवर सचिव, भारत सरकार

दिनांक ४-४-९३

- नागार्लेण्ड सरकार के मुख्य सचिव को उनके पत्र क्रमांक पोल-।/स्थापना/10/92, ४वो ल्यूम-10। दिनांक 15.३.९३ एवं २।.३.९३ के संदर्भ में दो अस्तित्वकृत प्रतियों सहित संबंध अधिकारियों को भेजने के लिए।
- महालेखापाल, नागार्लेण्ड, को छापा।
- सचिव, संघ, लोक सेवा आयोग श्री एन.नामाशिवायस, अवर सचिव, नई दिल्ली।
- डी.जी.एण्ड आई.जी.पी., नागार्लेण्ड, को छापा।
- श्री योगेश का, सहायक, आई.पी.एस.। अनुभाग।

सं० ।-। 40। 3/5/93-आई.पी.एस.।

श्री प. एस. पिल्लै

अवर सचिव, भारत सरकार

आई.पी.एस. अनुभाग के लिए १५ अस्तित्वकृत प्रतिशास।

No. T-15011/4/89-IPS-T
Government of India/Chhattisgarh
Ministry of Home Affairs/Chhattisgarh
M. M. M. M.

New Delhi, the

18.1.94

To:

The Chief Secretary to
the Govt. of Nagaland,
Home Deptt., Police Estt. Branch,
Kohima.

SUB:- IPS (Regulation of Seniority) Rules, 1980 Determination of
Seniority of promoted IPS officers.

Sir,

I am directed to refer to State Government's letter No. Pol. T/
Estt./10/82(Pt.), dated 23-11-1993 on the subject cited above and
to say that seniority of S/ Shri Akangyanger and Onensuja AO, IPS
land, Cadre.

2. The details of service in respect of the State Police Service
officers appointed to the Indian Police Service by promotion are as
follows:

S. No.	Name of the Officer	Date from which he is holding rank not below that of Dy. S.P. or equivalent	Date of appointment to IPS	Completed years of service	Total weight	Year of allotment
1.	S/ Shri Akangyanger AO	6-9-74	18-4-93	18	6	1987
2.	S/ Onensuja AO	31-7-78	8-4-93	14	4	1989
3.	S/ Shri Akangyanger AO is placed below S/ Shri Burkumzuk AO (SPS 86) and S/ Shri Onensuja AO is placed below junior-most direct recruit of 1989 batch in terms of Rule 4 of IPS (Regulations of Seniority) Rules 1980 in the Gradation List of IPS Cadre of Nagaland.					

Altered
Copy 31/3/95
Adm. Col.

4. The concerned officers may kindly be informed accordingly.

28

Yours faithfully,

(P.S. PILLAI)

UNDER SECRETARY TO THE GOVT. OF INDIA.

No. I-15011/4/89-IPS.I. New Delhi, the 18.1.74

Copy to:-

1. The Home Commissioner, Government of Nagaland, Kohima (with 2 spare copies).
2. The Accountant General, Nagaland, Kohima.

(P.S. PILLAI)

20 UNDER SECRETARY TO THE GOVT. OF INDIA.

For Internal Distribution

Copy each to S.O. (IPS.II), D.Os. IFS, IIT/IPS.IV, Dealing hands-Promotion/Recruitment, IFS/I Section.

10 spare copies for Section's use.

21
NOTES :-

It is particularly requested that the slip may be attached to the first pay bill drawn at these rates and that NO. 113(4772) may be entered as the audit number at the top of every pay bill.

2. Deduction of fund subscriptions and recoveries Govt dues noted in the last pay bill certificate should be effected unless otherwise stated.

* Here state the stage at which a pause of efficiency bar operates.

NO.GA-1/

copy forwarding to :-

The Treasury Officer

for information, he should insert the details of pay given above in any last pay certificate issued by him in favour of this government servant.

ACCOUNTS OFFICER

NOTES:-

In case of leave salary for earned salary the nature of leave may be specified in column (1) to (4) overleaf.

2. Where the leave salary for earned leave is allocable difference Government then allocation should be clearly indicated.

22

OFFICE OF THE ACCOUNTANT GENERAL (A & E)
NAGALAND : KOHIMA.

M.S.O. (T) 9

See Paragraph 162 and 184 (1) M.S.O. (T).
NAGALAND - 1/1/IPS/PS/1196

Dated, Kohima the 20/05/94, 1994.

PAY / LEAVE SALARY SLIP.

Shri/Smt/Km. ... Akangyangzer Ao. IPS, Comdt. 1st N.D.P. Bn.
... Chumuckalem, ... (Gazetted Post) he / she is entitled to draw pay/ leave
salary and allowances at the monthly shown below from the dates specified less the amount already drawn.

Particular	8-4-93.	1-7-93.	16-9-93.	25-11-93.	1-1-94
Sub. Pay					
Off. Pay	4,500.00	4,500.00	4,500.00	4,500.00	4,500.00
N.P.R. P. →	250.00	250.00	250.00	250.00	250.00
Spl. Pay	400.00	400.00	400.00	400.00	400.00
D.A. / P.A. →	8.50.00	8.50.00	8.50.00	8.50.00	8.50.00
ILCA. →	3278.00	9468.00	3468.00	3468.00	3705.00
S.A.B.A. →	594.00	594.00	594.00	594.00	594.00
K.M.N. →	80.00	80.00	80.00	80.00	80.00
Cont. All. →	50.00	50.00	50.00	50.00	100.00
H.R. →	—	—	100.00	100.00	100.00
I.R. →	—	—	—	—	—
M.A.	—	—	—	—	—
D.A.A.	—	—	—	—	—
Total.	R. 10,002	R. 10,192	R. 10,292	R. 9892	R. 10,179

Particular					
Sub. Pay					
Off. Pay	11. C. Payment is subject to production of Accts. Dated 8/4/93 to upto Date.				
N.P.A.					
Spl. Pay					
D.A.					
A.D.A.					
ILCA.					
Cont. All.					
H.R.A.					
M.A.					
D.A.A.					
Total					
NP/ - No. 314/93--94/5000.					

NP/ - No. 314/93--94/5000.

After
13/9/95
31/12/95
Ad Vocab.

— 93 —

2

The scale of pay is ... increment accrues every year and in the absence of instruction to the contrary, this may be drawn till the state is reached.

Accounts Officer

NOTE :-- It is particularly ~~desirable~~ (say) that this slip may be attached to the ~~service~~ bill drawn at the ~~same~~ rates and that No. ~~1~~ may be entered as the ~~date~~ ~~when~~ ~~the~~ ~~Accounts~~ Officer, ~~Office of the~~ ~~Accounts~~ Officer.

2. Deduction of fund subscriptions and recoveries. Government dues noted in the last pay bill certificate should be effected unless otherwise stated.

Here state the stage at which a pause or refection bar operates.

No. GE-21

Copy forwarded to

The Treasury Officer

Lemures

for information, he should insert the details of pay given above in any last pay certificate issued by him in favour of this Government servant.

"NOTES":— In case of leave salary the nature of leave may be specified in column 11 of the salary slip.

2. Where the leave salary for earned leave is allocable among different accounts, the allocation should be clearly indicated.

earned leave is ~~entitled~~

31. $\sqrt{95}$
Ad $\sqrt{95}$

To

-24-

The Home Commissioner,
Nagaland, Kohima.

(Through Proper Channel)

SUB:- FIXATION OF PAY UPON INDUCTION TO IPS.
Sir,

I have the honour to state that upon my induction to IPS with effect from 8/4/93 my Pay was initially fixed at Rs.3,400/- in the IPS Scale of Rs.3,000-100-3500-125-4500/- based on my basic Pay in the State Pre-revised scale. However, following introduction of ROP Rules, 1993 my basic Pay in the existing Scale (State) as on 7.4.93 had already reached the stage of Rs.4,390/- (in the scale of Pay Rs.3,500-125-4250-140-5650/-). It is understood from Accountant General Kohima that the Pay of those inducted to IPS Cadre is fixed by adding 6 (six) weightage of increments first in the existing Scale and then (Pay fixed) in the next higher stage of IPS Scale. Accordingly, based on the said analogy my Pay in the IPS Scale ought to be fixed above the amount calculated as under :-

(a) Basic Pay in the existing Scale (Rs.3500-125-4250-140-5650/-) as on 7-4-93	Rs. 4,390.00
(b) Add 6 (six) increments @ Rs.140/- x 6	Rs. 840.00
Rs. 5,230.00	

Since I am allowed the IPS Scale of Rs.3000-4500 the Accountant General has just stagnated my basic Pay to the maximum of the time Scale of Rs.4,500/- without giving me any financial benefit on the date of my appointment to IPS.

In view of the above, I pray your authority to kindly allow me to draw the relevant IPS Scale which covers my fixation of Pay beyond Rs. 5,230/- and thus allow me to enjoy privileges of IPS Cadre and oblige.

Yours faithfully,

M.J.

(MANANGYANGER AO)IPS,
Commandant,
1st N.A.P. :: Battalion,
Chumukedima :: Nagaland.

O/L 4/2/94

Attested
Date... 3/95
Advocate -

GOVERNMENT OF NAGALAND
HOME DEPARTMENT : POLICE ESTT. BRANCH

NO. POL-1/PF/33/82 : Dt. Kohima, the 18th May '94.

To

The Accountant General,
Nagaland, Kohima.

Subj:

FIXATION OF PAY UPON INDUCTION TO IPS.

Sir,

I am directed to convey approval of the Government to the proposal for fixation of pay upon induction to IPS in respect of Shri Akangyanger Ao, IPS, Commandant, 1st NAP Bn. Chumukeddu as under :-

1. (a) Shri Akangyanger has joined initially in Govt. service on 10.2.1962.
- (b) He has been promoted/appointed to the post of Dy. SP on 6.9.1974.
- (c) Promoted to Addl. SP W.O.F. 5.8.1982.
- (d) Inducted/promoted him to IPS W.O.F. 8.4.1993 and the year of allotment is 1987.

2. (a) Rule 8(1) & (ii) of IPS (Cadre) Rules, 1954 states as follows :-

Rule 8. Regulation of increment (i) subject to any order passed by the State Govt. concerned under Rules 6 & 7, the increment admissible to a member of the service in the Junior or Senior time scale shall :

- (ii) in the case of an Officer appointed under rule 9 of the IPS (Recruitment) Rules, 1954, on completion of one year's service from the date of his appointment to a cadre post provided that :
 - (i) a promoted Officer shall draw an increment in the senior time-scale on the date prescribed in clause (ii) of this sub-rule only on completion of an aggregate period of least six years of service in the State Police Service and in the Indian Police Services.

(b) Hence, as per above, the official in question is claiming for pay fixation of his pay on 8.4.1993 would be as follows :-

- i) His basic pay in the existing (NPS) scale of Rs. 3500-5650/- P.M. on 7.4.1993 Rs. 4,390.00
- ii) Add 6(six) increments @ Rs. 140/- (NPS) on 7.4.1993 Rs. 640.00
- iii) His pay on 7.4.1993 (i.e.) should be Rs. 5,230.00

Abst. dated 31.3.95
Concl'd 31.3.95
Adv. Lab.

26

35

- 2 -

Since his promotion to IPS from NPS is from lower to higher responsible, the fixation of his pay in the IPS is admissible under F.R. 22-c also.

This issues with the clearance of PDR Department (AR Branch) vide their UD No.3124 dated 5.5.1994 and Finance Department's concurrence accorded vide their UD No.743 dated 16.5.1994.

Yours faithfully,

D. B. DEY

(D. B. DEY)
Deputy Secretary to the Govt. of Nagaland.

No. PDL-1/PF/33/82 : Dt. Kohima, the 18th May 1994.
Copy to :-

1. The Under Secretary to the Govt. of Nagaland, Finance Department, Nagaland, Kohima.
2. The Director General of Police Nagaland, Kohima with reference to their letter No. PHQ(A-I)59/80/737 dated 8/2/1994.
3. Shri Akangyanger Ao, IPS, Commandant, 1st NAP Bn. Chumukedima.
4. The Sr. Treasury Officer, Dimapur.
5. Guard File.

(D. B. DEY)

Deputy Secretary to the Govt. of Nagaland.

Adv. S. K. Deka
31.3.95
Advocate

-27-

98

GOVERNMENT OF NAGALAND
FINANCE DEPARTMENT
(ROP CELL)

NO.FIN/ROP/4/94/ Dated Kohima the 5th Sep 94.

To : The Accountant General,
Nagaland, Kohima.

Sub:- REGARDING MERGER OF DA,ADA etc
IN THE REVISED SCALE OF PAY EFFECTIVE FROM 1.6.90.
BEYOND CPI 608.

Sir

I am directed to refer to your letter NO. GA-7/IAS/
/IPS/FP/ 94-95/1036 dt. 2.9.94 on the subject cited above
and to clarify as under:-

1. The revised scale of pay of the State Govt. employees effective from 1.6.90 are linked with the All India consumer price Index point of 608(1960-100). This was done in view of the fact that the State Govt. have not constructed consumer price Index of its own. Full merger of DA/ADA as admissible on 31.5.90 was not taken to determining the revised scale.
2. The compensation for price rise above the twelve monthly average index beyond 608 as sanctioned by the Govt. of India to its employees from time to time is admissible to the State Govt. employees with slight modification.

Yours faithfully,

(A. MALIQUE)
Under Secretary Fin. Deptt.
(Estt. Branch)

*Attested
Malique
31.3.95
Advocate*

28
PUBLISHED IN THE EXTRAORDINARY GAZETTE OF
INDIA PART II, SECTION 3, SUB-SECTION (i) ^{dt. 9.5.1994]}

No. 20011/2/93-AIS(II)-B
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated the 6th May, 1994.

NOTIFICATION

G.S.R. 437(E) In exercise of the powers conferred by sub-section(1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules further to amend the Indian Police Service (Pay) Rules, 1954, namely:-

1. (1) These rules may be called the Indian Police Service (Pay) Fourth Amendment Rules, 1994.

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

2. In the Indian Police Service (Pay) Rules, 1954, -

(a) in rule 4, in sub-rules (3), (4) and (5) respectively, the following provisos shall be added at the end, namely:-

"Provided that such fixation of pay shall be irrespective of the year of allotment assigned to him under rule 3 of the Indian Police Service (Regulation of Seniority) Rules, 1988:

Provided further that if pay is fixed at a stage which is common to any two grades of the Senior Scale, the officer shall be placed in the lower of those grades."

(b) in rule 5, in sub-rule (1), in clause (ii), in the second proviso, for the words "senior time scale", the words "senior scale" shall be substituted;

(c), in Schedule II, in Sections I, II and III, for the words "senior time scale" wherever they occur, the words "senior scale" shall be substituted.

Y.P. Dhingra
Deputy Officer

*Acting
Asst. Secy
31.3.95
R.D. Scale*

NOTE: Principal Rules were published in the Gazette of India vide Gazette No. 153 dated 14.9.1954 Part I, section (1) (Extraordinary) and were subsequently amended vide the following notifications:-

S.NO.	G.S.R.No. (2)	Date (3)
1)	115	15.3.53
2.	1474	9.10.65
3.	1475	9.10.65
4.	1597	15.1.66
5.	1438	24.9.66
6.	1779	26.11.66
7.	1832	3.12.66
8.	878	18.8.73
9.	1017	22.9.73
10.	1124	3.11.73
11.	1407	29.12.73
12.	33	19.1.74
13.	270	16.3.74
14.	549	8.6.74
15.	666	29.6.74
16.	945	7.9.74
17.	470E	15.11.74
18.	471E	15.11.74
19.	1261	30.11.74
20.	224	22.2.75
21.	51	18.1.75
22.	186E	2.4.75
23.	347E	25.6.75
24.	753	21.6.75
25.	651	31.5.75
26.	381E	25.6.75
27.	349E	25.6.75
28.	456E	22.8.75
29.	2558E	25.10.75
30.	541E	27.10.75

No. 20015/2/94-AIS(II)

भारत सरकार

GOVERNMENT OF INDIA

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

कार्मिक और प्रशिक्षण विभाग

DEPARTMENT OF PERSONNEL & TRAINING

नई दिल्ली

NEW DELHI, dated the

August, 1994.

To

The Accounts Officer,
 Office of the Accountant General (Accounts),
 Nagaland,
KOHIMA.

Subject:- Fixation of pay in respect of the promotee IPS and IAS officers.

Sir,

I am directed to refer to your letter No. GA-I/IAS/IPS/FP/647 dated 'nil' on the above subject and to clarify the position in regard to the points raised in para 2 of the letter under reference as below, ad seriatim:-

(i) The minimum and maximum benefit of Rs.200/- and Rs.300/- under clause (1) Section I Schedule II of the IAS (Pay) Rules, 1954 is admissible only if a State Civil Service officer is drawing pay in the lower scale as defined in this Schedule. In other cases, as per clause (3) ibid, pay is to be fixed only at the next stage of the Senior Scale of the IAS. In the case of IPS, the minimum and maximum increase allowed in the former category of cases is Rs.100/- and Rs.200/- respectively.

(ii) As per our Notifications issued on 6th May, 1994, pay protection can now be allowed to the State Government officers on their induction into IAS/IPS/IFS upto the extent of Rs.5700/- Cases of such officers would, however, first be required to be examined in accordance with various provisions laid down in Schedule II of the respective Pay Rules.

(iii) As per various definitions given in Schedule II ibid, equalisation of scales after merger of D.A. is to be made at the 1.1.1986 level, when the CPI was 608. In cases of any further pay revisions, the D.A., A.D.A., Interim Relief etc. allowed beyond 608 and merged in the pay scales is to be deducted and pay in the All India Service is fixed on the basis of resultant state pay.

2. The proposed amendments for protection of pay SCS/non-SCS appointed to the AIS upto the extent of Rs.5700/- have since been issued vide our Notifications dated 6th May, 1994, a copy of each of which is enclosed.

Yours faithfully,

(Y.P. Dhingra)
 Desk Officer

Attested
 Date 31.3.95
 Advocate