

No.IASST/920(pt)/2022-23/6152

Dated:28/07/2022

To


Ms. Juri Pathak
House no.2, Bye Lane-9,
Lakhimi Path, Beltola,
Guwahati. Pin:781028.

Sub: Information under Right to information Act 2005.

Ref: Your RTI registration no.IASST/R/E/22/00005 dt.29/06/2022

With reference to the above, the requisite information is furnished as below:

1. Committee formation approval note attached.
2. Minutes of the committee meeting attached.
3. Disclosure of **personal information**, which has no relation to any public activity or interest and revelation of which can cause "unwarranted invasion" into the privacy of an individual, cannot be disclosed under the Right to Information (RTI) Act.


Central Public Information Officer
IASST, Paschim Boragaon,
Guwahati-35.

①
Subject: Court writ petition (C) NO. 7957/2015 Smt
Juri Pathak vs. Union of India and others.

The Honorable High Court, Gauhati
fixed 30/11/2016 to file affidavit on the above
mentioned case. We may engage our empanelled
Advocate to assist the Assistant Solicitor General
of India, Gauhati High Court to prepare the
permissible comment on the said case. The
petitioner made Secretary DST, Director, IASST and
Registrar, IASST as Respondent. The details may be seen at ^{encl.} ~~logbook~~.

Submitted for approval and further
directions p!
Dy. Commr
21/11/16
Director

②
Approved

R/-
21/11/16

③
The Honorable High Court in the case
No. DPC/7957/2015 Mrs. Juri Pathak vs The Union
of India and others vide order dt 9.12.2021
directed that the order dt 18.11.2011 of the Registrar
is set back for a de novo order to be passed.
To review this order and to comply the Court
instructions a committee may be constituted -

- ① Dr. Bojagabandhu Mungra
FAO, TV
- ② Mr. Ashit Bindu
FAO, NIPER Ahy
- ③ FAO, IASST
- ④ Registrar, IASST - member Secretary.

Submitted for approval, please
Dy. Commr
24.12.2021
Director

Uddipati
PT. Prasad
not in
Rd. S. O. (24)
12/12/21
Registrar

④
Approved as requested to implement the
order by Honorable High Court
- Amunio



INSTITUTE OF ADVANCED STUDY IN SCIENCE AND TECHNOLOGY

(AN AUTONOMOUS INSTITUTE UNDER DST, GOVT. OF INDIA
PASCHIM BORAGAON, GARCHUK, GUWAHATI- 35)

Minutes of the Committee for resolving the issue arising out of the orders of the Hon'ble Gauhati High Court on dated 13/12/2021 in Case WP(C) No. 7957/2015 (Smt. Juri Pathak – vs. – The Union of India and Ors.) held on 03/01/2022 at IASST, Guwahati.

Members Present:

- (1) CMA Dr. B.B. Mishra
Finance Officer
Tezpur University,
A Central University, Tezpur
- (2) Mr. Ashit Biswas
Finance & Accounts Officer
NIPER, Guwahati
- (3) Dr. D. Goswami
Registrar, IASST
- (4) Ms. Komal Kumari
Finance & Accounts Officer
IASST

THE FACT OF THE MATTER:

Ms. Juri Pathak was appointed initially in the post of Instructor in the year 2001 in the scale of pay of Rs.3,760-Rs.9,400/- when IASST was under the Govt. of Assam as an Autonomous Organisation registered under the Societies Registration Act, 1860. The Govt. of India, Deptt. of Science and Technology, Ministry of Science and Technology took over IASST with a condition that the structure of the pay enjoyed by the employees of IASST prior to taken over will continue as it is, in accordance with the 6th CPC.

Prior to implementation of the 6th Pay Commission of the Govt. of Assam, the pay of Ms. Juri Pathak had been fixed by the IASST vide office order no. IASST/PF/2011-12/9979 – 9983 dated 18/11/2011 at the Band Pay of Rs.11,210/-with GP of Rs.4,200/- (Band Pay with GP: Rs. 15,410/) with effect from 09/03/2009 i.e. the date of taking over of IASST by the Govt. of India.

Subsequently, the Govt. of Assam revised the 6th Assam Pay Commission with retrospective effect from 01.01.2006. Based on the 6th Pay Commission of the Govt. of Assam, her pay was revised with retrospective effect from 01.1.2006 to 08.3.2009. The arrears for the said period were paid by IASST.


As per the 6th Pay Commission of the Assam Govt., her Band Pay was Rs.9,150/- with GP of Rs.4,300/- on 09.3.2009, i.e. the date of taking over of IASST by the Govt. of India.

There was no corresponding Grade Pay of Rs. 4,300/- in Govt. of India (6th CPC) wherein the pay of Ms. Juri Pathak was fixed on 09.03.2009. There is a Grade Pay of Rs.4,200/- and a Grade Pay of Rs.4,600/- in the 6th CPC of Govt. of India. Therefore, IASST has given the benefit by up-grading the Grade Pay of Rs. 4,300/- to Rs. 4,600/- in favour of Ms. Juri Pathak with effect from 09.3.2009.

The prayer of Ms. Juri Pathak before the Hon'ble High Court was to review the impugned Fixation Order bearing Memo.No. IASST/PF/2011-12/9979 – 9983 dated 18/11/2011 with a request to refix


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her pay w.e.f. 09/03/2009 in the GP of Rs. 4600/- in the revised Pay-Band: 2 of Rs.9300 – Rs.34,800/- as per the Fitment Table S-13 as per the 6th CPC, Govt. of India with all consequential benefits including arrear monetary benefits. She has claimed for revised Basic Pay of Rs. 18,460/- in PB: 2 of Rs. 9,300-34,800/- +GP: Rs. 4,600/- in S-13 of Table-18 w.e.f. 09.03.2009.

RULE POSITION:

It was made clear in Rule 2 (ii) of O.M. dated 30th August 2008 that the fitment tables provided are to be followed for "**Normal replacement scales**" and for purpose of fixation in case of the **UPGRADED SACES**, the instructions under Clause (A)(i) and (ii) of Rule 7 of the CCS (RP) Rules, 2008, Notification dated 29th August, 2008 read with O.M. F. No. 1/1/2008-IC dated 13.10.2008 of Ministry of Finance, Deptt. of Expenditure, GoI shall have to be followed.

Note 2A to the Explanatory Memorandum below Rule 7 of CCS (RP) Rules, 2008 stipulated that where a post has been upgraded as indicated in Part B or Part C of the First Schedule to these Rules, the fixation of pay in the applicable pay band will be done in the manner prescribed in accordance with Clause (A) (i) and (ii) of Rule 7.

The clarification regarding fixation of pay in the Pay Bands, where Posts have been up-graded vide O.M. F. No. 1/1/2008-IC dated 13th October, 2008 of Ministry of Finance, Deptt. of Expenditure is very clear which reads as follows: -


"The Pay in the Pay Band will be fixed in accordance with the fitment table of Pre-revised Scale. His/her revised pay in the Pay Band will be as per the table corresponding to the Pre-revised Scale. To this, the Grade Pay corresponding to the Up-graded Pay Scale will be added".

Instructions for Fixation of Pay consequent on granting up-graded Grade Pay by the Sixth Central Pay Commission- Anomaly in the instructions issued by the Prasar Bharati Secretariat has been clarified by Ministry of Finance, Deptt. of Expenditure, Govt. of India vide O.M. FTS No. 154226/2015/E-III (A) dated 28/07/2015.

The Illustrative example as cited in Ministry of Finance, Department of Expenditure, Govt. of India, O.M. F. No. 1/1/2008-IC dated 13 October 2008 is very clear in the matter of fixation of pay of up-graded Grade Pay as per the 6th Central Pay Commission (CPC), which may refer to.

DOCUMENTS IN SUPPORT OF THE ABOVE RULES:

01. Rule 7 (A)(i) and (ii) of CCS (RP) Rules, 2008 (Annexure-A).
02. Note 2 A to the Explanatory Memorandum of CCS (RP) Rules, 2008 (Annexure-B).
03. Illustration 4 A to the Note 2 A to the Explanatory Memorandum of CCS (RP) Rules, 2008 (Annexure-C).
04. Office Memorandum F. No.1/1/2008-IC, dated. 13th October, 2008 of Deptt. of Expenditure, Ministry of Finance, Govt. of India (Annexure-D).
05. A clarification to such cases for All India Radio and Doordarshan by Deptt. of Expenditure, Ministry of Finance, GoI vide O.M. FTS No. 154226/2015/E-III(A), dated 28th July 2015 (Annexure-E) and subsequent Order of Prasar Bharati vide F. No. Misc-1/330/2012-PPC, dated 31st December, 2015 (Annexure-F).


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PAY FIXATION OF Ms. JURI PATHAK ON THE DATE OF TAKEN OVER OF IASST BY THE GOI:

Pay fixation in the present case of Ms. Juri Pathak, where post has been upgraded by IASST i.e. post in Revised Pay Scale of Rs. 5,500 - Rs. 9,000/- from Assam Govt Grade Pay of Rs. 4,300/- to PB-2: Rs. 9,300- Rs. 34,800/- with Grade Pay of Rs. 4,600/- in 6th CPC of Govt. of India on dated 09.03.2009.

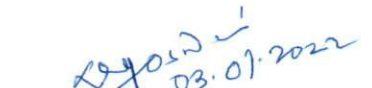
1.	Existing Scale of Pay on 09.03.2009	: Rs. 5,500-175-9000/- as per 5th Pay Commission (Corresponding Grade Pay Rs. 4,300/- as per 6th Pay Commission of Govt. of Assam).
2.	Pay Band applicable on Conversion after takeover by Gol	: PB-2: Rs.9,300 -34,800/- with Grade Pay of Rs.4,600/- by upgrading from Rs.4,300/- to Rs.4,600/- as there is no Grade Pay of Rs.4,300/- in Gol 6 th CPC Pay Structure.
3.	Upgraded Scale of Pay	: PB-2: Rs, 9,300-34,800/- with Grade Pay of Rs.4,600/-
4.	Pay fixed as per 6 th CPC made by IASST w.e.f. 09.03.2009 prior to implementation of 6th Pay Commission Notification by Govt. of Assam.	Rs.11,210/- with Grade Pay of Rs. 4,200/-
5.	Pay in the Pay Band as per Assam ROP as on 09.03.2009	: Rs. 9,150/- with Grade Pay of Rs. 4,300/-
6.	Grade Pay attached to the upgraded Scale in PB-2 of 6th CPC of Govt. of India	: Rs. 4,600/-
7.	Revised Pay required to be fixed on upgraded Grade Pay of Rs. 4,600/- as per 6th CPC of Govt. of India on 09.3.2009	: Band Pay of Rs. 9,300/- with Grade Pay of Rs. 4,600/- (Band Pay of Rs. 9,150/- as at Sl. No. 5 above or Minimum Band Pay of Rs. 9,300/- in PB:2 as at Sl. No. 3 above, whichever is higher)
8.	Recommended Band Pay in PB: 2 with Grade Pay of Rs. 4,600/- with effect from 09.03.2009	: Band Pay of Rs. 11,210/- (Instead of Rs. 9,300/- as stated at Sl. No. 7 above) with Grade Pay of Rs. 4,600/- as already granted by IASST.

Therefore, it is confirmed (subject to fixation already made in Band Pay as stated above at Sl. No. 8 above) that the Band Pay of Ms. Juri Pathak may be fixed at Rs. 11,210/- with Grade Pay of Rs. 4,600/- w.e.f. 09.03.2009 as per 6th CPC of Govt. of India.

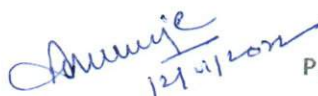

(B.B. Mishra) 03.01.2022


(Ashit Biswas) 03/01/2022


(Komal Kumari) 03/01/2022


(D. Goswami) 03.01.2022

Approved by


Prof. A.K. Mukherjee
Director, IASST