



**ALL INDIA CIVIL ACCOUNTS OFFICERS**  
**(Senior Accounts Officers and Pay & Accounts Officers) ASSOCIATION**  
**(Recognised by Govt. of India as per CCS (RSA) Rules, 1993 vide O/o CGA, Min. of Finance's letter No. 23003/1/2020-NGE-CGA /270 dated: 29th August, 2022)**  
**House No: H-405, Street No. 4, RAJ NAGAR, PART-2,**  
**PALAM COLONY, NEW DELHI- 110077.**  
[nebaicaoa@gmail.com](mailto:nebaicaoa@gmail.com)

**President**  
**Geetanjali**  
9810639937

**Secretary General**  
**Kaushal Mishra**  
9818880211

**Finance Secretary**  
**Rajeev Kumar**  
8968452837

**Vice-Presidents**

**Anita Rawat**  
9911539190

**P Mahesh Kumar**  
9440305567

**Addl. Secretary General**

**Sreemati Bhowmik**  
9810869034

**Jt. Secretary Generals**

**Rajeev Kumar**  
9873815175

**Avinash Kumar**  
8851049471

**Asst. Finance Secretary**

**Santosh Kumar**

**Asst. Secy. Generals**

**Subhash Chand**

**Biswajit Mondal**

**Asha Pal**

**Rekha Dahiya**

**Sumitra Goganio**

**Ajay Sood**

**Virender Sharma**

**Rajeev Chandra**

**A.K. Chaurasia**

**Auditor**

**Rahul Butola**

No. AICAOA/NEC/2025-26/189

Date: 23.10.2025

To,

**The Controller General of Accounts**  
Mahalekha Niyantrak Bhawan,  
E-Block, GPO Complex, INA,  
New Delhi-110023.

**Sub.: Promotion to STS, JAG level of ICAS in respect of officers from CCAS - Reg.**

Respected Madam,

I am writing on behalf of the All India Civil Accounts Officers (Sr. AOs & PAOs) Association (AICAOA) to draw your kind attention to the decision taken by the National Executive Committee of AICAOA in its meeting dated 14.09.2025.

Your attention is also invited to AICAOA's letter No. AICAOA/NEC/2025-26/167 dated 22.04.2025 (copy enclosed) on the above subject. In the said letter, the Association requested (i) to count the services rendered by Senior Accounts Officer w.e.f. 09.04.2009 for considering promotion to senior scale of ICAS i.e. STS, JAG, SAG (ii) to allow Senior Accounts Officers the benefits of Non Functional Up-gradation by counting services in terms of clarification issued by DOPT vide OM dated 01.08.2012 and confer the benefit of higher pay scale OR Appoint Senior Accounts officer with requisite length of service on deputation to the vacant post of JAG/STS in PFMS by counting the services as Sr.AO and amending the terms of conditions of appointment in terms of DOPT OM dated 24.03.2009 and allowing service rendered in GP-5400/- in PB-3.

However, the matter has not been acted upon so far, and no reply has been communicated to the Association.

You are, therefore, once again requested to kindly consider these legitimate demands at the earliest.

With high regards,

Encl: as above.

Yours sincerely,

(Kaushal Mishra)  
Secretary General (AICAOA)



## ALL INDIA CIVIL ACCOUNTS OFFICERS

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(Recognised by Govt. of India as per CCS (RSA) Rules, 1993 vide O/o CGA, Min.  
of Finance's letter No. 23003/1/2020-NGE-CGA /270 dated: 29th August, 2022)

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[nebaicaoa@gmail.com](mailto:nebaicaoa@gmail.com)

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**Sumitra Goganio**

**Ajay Sood**

**Virender Sharma**

**Rajeev Chandra**

**A.K. Chaurasia**

### Auditor

**Rahul Butola**

No. AICAOA/NEC/2025-26/167

Date: 22.04.2025

To,

**The Controller General of Accounts**  
Mahalekha Niyantarak Bhawan,  
E-Block, GPO Complex, INA,  
New Delhi-110023.

**Sub : Promotion to STS, JAG, SAG level of ICAS in respect of officers from CCAS - Reg.**

Respected Sir,

I have been directed by NEC in its meeting held on 20.04.2025 to bring following facts for your kind consideration on the subject cited above :-

- (i) The Controller General of Accounts Vide OM No.A-32014/1/2009/Misc./MF.CGA(A)/Gr.B/343 dated 31.10.2019 classified the post of Senior Accounts Officers of Central Civil Accounts Services as Group A post w.e.f. 09.04.2009.
- (ii) That the above said OM was issued consequent to the direction of Hon'ble Supreme Court in SLP No.29186/2014 dated 21.08.2018 whereby the Hon'ble Supreme Court has upheld the directions of Hon'ble High Court of Delhi in WP No. 2698/2013 dated 17.09.2013 as under :-  
***"19. Accordingly, the impugned order of the CAT dated 10.12.2012, as also the Office Memoranda of the Central Government dated 11.4.2011, 17.6.2011 and 7.7.2011, which deny the petitioners classification as Group A officers alongwith the attendant benefits, are liable to be set aside as unreasonable and arbitrary given the clear textual mandate of the relevant rules..."***
- (iii) While issuing the OM dated 31.10.2019, issues such as counting of Group A service for promotion in higher grade or fixation of seniority and promotion or other attendant benefits were **NOT** addressed to.
- (iv) In this connection, it is submitted that DOPT vide OM No. AB-14017/10/86-Estt.(RR) dated 01.09.1998 has issued guidelines for counting of past Gr. A service for promotion to higher grades.

- (v) That the Senior Accounts Officers of CCAS has been granted Gr. A w.e.f. 09.04.2009 and hence their past service will count for the purposes of promotion to the higher grade in ICAS.
- (vi) That further DOPT vide Point No.17 of OM No. AB-14017/47/2011-Est.(RR) dated 01.08.2012 has clarified that such Gr. A service will count towards conferring Non Functional Up-gradation (NFU) to Central Group A service officers.
- (vii) That none of the benefits of DOPT's OM dated 01.09.1998 has been given to officers of CCAS inducted into ICAS which is against the provisions of DOPT's OM No.A-11019/2/98-AT dated 03.09.1998. The OM dated 03.09.1998 mandates the departments to implement the directions of CAT/High Court/SC to mitigate the problem of stagnation.
- (viii) That consequent to the issue of OM dated 31.10.2019, no officer from Central Civil Accounts Service (CCAS) was inducted into ICAS nor the service of the officers were counted for promotion to higher grade in ICAS despite having sufficient number of vacancies.
- (ix) That while disposing the OA No.192/2023 in CAT(PB), it was categorically stated by the official side that henceforth they are not going to change the status of Sr.AO to Group B.
- (x) That even your office has not recognised Sr. AOs as Group 'A' officers as they do not find mention in your office order No.A-24012/1/2020-Admin-CGA/296-306 dated 14.07.2020.
- (xi) It is pertinent to mention here that as per Sr. No.3 of Schedule -II of Indian Civil Accounts Service Recruitment Rules,2006 as notified vide GSR No.694(E) and as amended from time to time provides that Officers in the Senior Time Scale (Rs.10000-325-15200) with 5 years regular service in the Grade ***or nine years of service in Group 'A' are entitled for consideration for promotion to Junior Administrative Grade (JAG) of the ICAS.***
- (xii) That Sr. No.2 of Schedule-II of ICAS Recruitment Rules, 2006 further provides that ***the Officers in the Junior Time Scale (Rs.8000-275-13500) with 4 years regular service in the grade*** are eligible for promotion to Senior Time Scale (STS) of ICAS.
- (xiii) That there are more than 50 posts are vacant upto JAG/NFSG in ICAS as on 01.01.2025
- (xiv) That DOPT vide OM No.AB.14017/61/2008-Estt.(R) dated 24.03.2009 has prescribed the qualifying service for appointment/promotion to various posts which inter-alia provides that for appointment/promotion to the post having grade of Rs.6600/- persons having rendered 5 years of service in Grade Pay of Rs.5400/- are also eligible for appointment. However, no such service condition is mentioned in Circular dated 01.09.1998.

- (xv) That it was held by Hon'ble SC in the case of State of Mizoram vs Mizoram Engg. Services vide judgment dated 06.05.2004 in Civil Appeal no.793/1998 has held that there is no distinction between organised group A Service and other Group A Service.

I, therefore, request you to kindly:-

- (i) Count the services rendered by Senior Accounts Officer w.e.f. 09.04.2009 for considering promotion to senior scale of ICAS i.e. STS, JAG, SAG.
- (ii) Allow Senior Accounts Officers the benefits of Non Functional Up-gradation by counting services in terms of clarification issued by DOPT vide OM dated 01.08.2012 and confer the benefit of higher pay scale.
- OR
- (iii) Appoint Senior Accounts officer with requisite length of service on deputation to the vacant post of JAG/STS in PFMS by counting the services as Sr.AO and amending the terms of conditions of appointment in terms of DOPT OM dated 24.03.2009 and allowing service rendered in GP-5400/- in PB-3.

**Encl: As above.**

**Yours sincerely,**



**(Kaushal Mishra)  
Secretary General (AICAOA)**

(14)

No.AB-14017/10/86-Estt(RR)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel and Training)

North Block, New Delhi 110001  
September 1, 1998

OFFICE MEMORANDUM

Subject:- Counting of past service at the time of lateral entry on direct recruitment basis for promotion to the higher grades -

The undersigned is directed to say that the question of counting of previous Group 'A' service to meet the condition of minimum eligibility service prescribed in the Recruitment/Service Rules at the time of lateral entry on direct recruitment as qualifying service for promotion to the higher grades has been considered by the Government and it has been decided that since all appointments by the method of direct recruitment are in the public interest, the benefit of counting of previous Group 'A' service to meet the condition of minimum eligibility prescribed in the Recruitment/Service Rules at the time of lateral entry on direct recruitment as qualifying service for promotion to the higher grades will be admissible to an employee provided he/she has completed the prescribed eligibility service in the immediate feeder grade. However, the past service will not count for seniority in the new organisation, as upheld in the Supreme Court's judgement dated November 19, 1993 in the case of Renu Mullick vs Union of India [JT 1993 (b) SC 527].

2. Ministries/Departments etc. are requested to process the cases of direct recruit employees in the light of the foregoing instructions.

  
(K.K. JHA)

Director(Establishment)

To

All Ministries/Departments of the Government of India

Copy to:-

1. The Secretary, Union Public Service Commission, Dholpur House, Shahjehan Road, New Delhi.
2. The Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
3. The Registrar General, The Supreme Court of India, New Delhi.
4. The Election Commission of India, Ashore Road, New Delhi.
5. The Secretary General, Rajya Sabha Secretariat, New Delhi.
6. The Secretary General, Lok Sabha Secretariat, New Delhi.
7. The Secretary, Central Vigilance Commission, New Delhi.
8. The President's Secretariat, New Delhi
9. The Vice-President's Secretariat, New Delhi.
10. The Prime Minister's Office, South Block, New Delhi.
11. The Cabinet Secretariat, New Delhi.
12. The Planning Commission, New Delhi.
13. The Controller General of Accounts, New Delhi.
14. Establishment(RR), Dept. of Personnel and Training - 100 copies

**DEPARTMENT OF PERSONNEL AND TRAINING  
ESTT. (RR) DIVISION**

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**FREQUENTLY ASKED QUESTIONS ON NON-FUNCTIONAL UPGRADATION (NFU)**

S.No.	Point of doubt	Clarification
1.	What are the recommendations of 6 <sup>th</sup> CPC for grant of Non-Functional Upgradation to for Officers of Organized Group 'A' Services?	The Government should, consider batch-wise parity while empanelling and /or posting at Centre between respective batches of IAS and other organized Group A services with the gap being restricted to two years. Whenever any IAS officer of a particular batch is posted in the Centre to a particular grade carrying a specific grade pay in pay bands PB-3 or PB-4, grant of higher pay scale on non-functional basis to the officers belonging to batches of organized Group A services that are senior by two years or more should be given by the Government.
2.	Whether the recommendations of 6 <sup>th</sup> CPC have been accepted by the Government?	Yes. This will also be applicable to the Indian Police Service and the Indian Forest Service in their respective State Cadres for which the relevant cadre controlling authorities will issue the orders. (Ministry of Finance, Department of Expenditure Notification dated 29 <sup>th</sup> August, 2008 refers)
3.	When were the guidelines on NFU issued by DOPT?	DOPT have issued detailed instructions on grant of NFU to the officers of Organized Group A Services in OM No. AB 14017/64/2008-Estt.(RR) dated 24 <sup>th</sup> April, 2009.
4.	To whom the instructions are applicable?	NFU is applicable to the officers of Organized Group A services in PB-3, PB-4 and in HAG scale also where there is such a Grade in the Service

5.	From which date the grant of NFU to officers of Organized group A services is to be made?	The benefit is based on the recommendations of 6 <sup>th</sup> CPC and will be available w.e.f the date of posting of IAS officers in various grades on/after 01.01. 2006.
6	What are the eligibility conditions to be met for grant of NFU?	The terms and conditions for grant of NFU are prescribed in the Annexure to the OM dated 24.4.2009. As per the same all the eligibility criteria and promotional norms including 'benchmark' for upgradation to a particular grade pay would have to be met at the time of screening for grant of higher pay scale under these orders.
7.	What is the definition of the term 'Batch'?	For the purpose of grant of NFU the 'Batch' for direct recruit officers in the induction grade shall be the year following the year in which competitive exam was held. In subsequent grades the 'Batch' would remain the same provided the officer is not superseded due to any reason. In case an officer is superseded the officer would be considered along with the 'Batch' with which his seniority is fixed.
8.	Where the entry of officers in Organized Group A Service by DR is at STS, JAG level, how the 'Batch' shall be reckoned?	In respect of officers entering Organized Group A service by DR at STS, JAG level, they shall be assigned the benefit of 'Batch' corresponding to the 'Batch' of the officers with whom the seniority is clubbed
9.	Whether the benefit is available to Group B officers inducted into the Organized Group A service?	Yes. Such officers shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed.
10.	Whether the officers can exercise option regarding date of fixation in the higher scale as provided in CCS(RP) Rules?	Provisions of CCS(RP) Rules, 2008 will apply.
11	Whether retired employees are eligible for the benefit of NFU?	Retired officers who are otherwise eligible as on due date shall be considered for the benefit of pay

		upgradation.
12	Whether the scheme is applicable to Scientists, Doctors, etc. who are covered by their own in-situ promotion schemes?	Non-Functional Upgradation and other in situ promotion schemes are separate schemes and it would not be desirable to mix one with the other. The benefit of NFU to Organized Group A Services shall not be applicable to the officers in those Organized Services where FCS and DACP Schemes are already operating and where officers are already separately covered by their own in-situ Career Progression Schemes.
13.	Whether DOPT OM dated 13.4.2010 on communication of ACR prior to 2008-09 is applicable while considering cases for NFU ?	The instructions issued in this Department's OM dated 13.4.2010 on communication of ACRs prior to 2008-09 shall be applicable for considering cases of NFU also.
14.	What is the due date of upgradation if found unfit on the date assigned to a batch?	If an officer is not found eligible during a vacancy year and is found fit in the next vacancy year, NFU may be granted from the 1 <sup>st</sup> April, i.e. the 1 <sup>st</sup> day of the next vacancy year.
15.	How to consider cases where the officers do not meet the qualifying service in the vacancy year in which the batch is covered for non-functional up gradation?	If an officer does not meet the eligibility requirement as on the 1 <sup>st</sup> January of the corresponding vacancy year then such officer is to be considered for grant of NFU in subsequent vacancy year on completion of qualifying service w.e.f. 1 <sup>st</sup> April, i.e. 1 <sup>st</sup> day of the next vacancy year.
16	How the NFU shall be given in respect of officers given penalty?	The NFU becoming due after the expiry of the penalty period may be granted w.e.f. the due date as per DOPT instructions. In respect of officers for whom NFU becomes due before the expiry of the penalty period, the same may be granted from the day next to the date on which penalty gets over.
17.	Whether the instructions regarding counting of past Group A service at	In view of the provisions on meeting the prescribed eligibility criteria and

the time of la/teral entry on DR basis to higher grades as per DOPT OM dated 1.9.98 shall be applicable for grant of NFU also?	promotional norms in DOPT OM dated 24.4.09, these instructions shall be applicable for the purpose of grant of NFU also.
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(Mukta Goel)  
Director (E.I).

98  
No.A 11019/2/98-AT  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
\*\*\*\*\*

New Delhi-110001  
dated the 3rd September, 1998

OFFICE MEMORANDUM

Subject:- Compliance with the judgement of High Court/ Supreme Court and to streamline and improve the Rules and Conditions of service matters cases.  
\*\*\*\*\*

The undersigned is directed to say that while considering the demands for grants of this Ministry for the year 1998-99 the Parliamentary Standing Committee on Home Affairs in its 44th Report has, inter-alia, stressed the need to act upon the pronouncements of CAT, High Courts and the Supreme Court in service matters and to streamline and improve the service rules and conditions so as to reduce the litigation in service matters.

2. The above observations speak for themselves and are self-explanatory. It may be recalled that this Ministry has, from time to time, issued instructions impressing upon the Ministries and Departments of the Govt. of India and Union Territories the need for complying with and acting upon the judgements of the CAT etc., for proper and effective handling of the service matter cases before the Tribunal and other legal forums and also for adherence to and implementation of the prescribed procedure, rules, orders, etc. on service matters so that litigation on such matters is considerably brought down. In this connection your kind attention is invited to this Department's O.M.Nos. A.11019/37/85-AT dated 13.8.85, A 11019/69/87-AT dated 14.8.87, F.11013/6/84-AT dt. May,94 and Cabinet Secretary's D.O.letter No.F 26012/2/94-AT dt.19.1.94 (Copies enclosed).

3. It is, however, found that the number of cases of the Central Govt. employees in the courts, especially in the Central Administrative Tribunal, continue to increase from year to year. It is, therefore, requested that appropriate steps be taken by all the Ministries/Departments of the Govt. of India/Union Territories for timely redressal of the genuine grievances of the employees so that minimum of these employees take recourse to CAT/Courts. It will also need to be ensured that matters relating to improvements in service Rules and Conditions as may become necessary due to various pronouncements of courts, wherever necessary, receive priority attention.

  
(R.K.Tandon)

Joint Secretary to the Govt. of India  
Tele.3015010

Encl: As above

To

All Ministries/Departments of the Govt. of India  
and the Union Territories.

Internal: 1. Establishment Officer 2. AS(S&V) 3. AS(Pensions)  
4. AS(AR&PG) 5. JS(Trg.) 6. Dir.(A)

**No. AB.14017/61/2008-Estt. (RR)**

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

New Delhi

Dated the 24<sup>th</sup> March, 2009

**OFFICE MEMORANDUM**

Subject:- Sixth Central Pay Commission's recommendations –  
revision of pay scales- amendment of Service  
Rules/Recruitment Rules

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The recommendations of 6<sup>th</sup> CPC have been considered by the Government and the CCS (Revised Pay) Rules 2008 have since been notified on 29<sup>th</sup> August, 2008. Consequently, in place of the pre-revised pay scales, the revised pay structure comprising the Pay Band and Grade Pay/Pay Scale has come into effect. Some of the pre-revised pay scales have been merged and some others are upgraded/likely to be upgraded. In the light of these, it has been decided that the following consequential steps to amend the existing Service Rules/Recruitment Rules shall be undertaken on a priority basis:

- (i) Substituting the existing scales by the Grade Pay alongwith the Pay Band

The existing pay scales have to be substituted by the new pay structure (Pay Band and Grade Pay/Pay Scale) straightaway without making a reference to the Department of Personnel and Training (DOP&T)/Union Public Service Commission (UPSC). The heading of column No.4 of the Schedule on RRs may be modified to "Pay Band and Grade Pay/Pay Scale". In cases where deputation is also one of the methods of recruitment, the field of selection for deputation, which might include various grades, should also reflect the corresponding Grade Pay alongwith the Pay Band/Pay Scale, and the minimum eligibility service as per the revised guidelines, as enclosed in Annexure.

(ii) Where there is an upgradation of posts

The instructions issued by Department of Expenditure under OM No. 1/1/2008-IC dated 13<sup>th</sup> September, 2008 and DoPT O.M. No. AB-14017/66/08-Estt (RR) dated 9th March, 2009 may be applied in such cases.

However, for each of the merged grades, a single set of Recruitment Rules may be formulated and notified.

(iii) Consequential changes

It is necessary to make consequential changes in the Recruitment Rules/Service Rules so as to prescribe eligibility conditions with reference to the revised Grade Pay/Pay scale. It is also necessary to review other columns of the Recruitment Rules /Service Rules, where some minimum service in a particular scale/grade is prescribed for consideration for appointment on deputation/absorption etc., keeping in view particularly the merger of a number of pre-revised scales, upgradation of some scales and the consequential changes in the minimum eligibility service in a grade.

(iv) Department Promotion Committee (DPC)

Where two or more scales have been merged, the existing DPC for the higher/highest grade will be the DPC for the merged grade.

(v) Regulation of regular service rendered in the pre-revised scales

The revised pay structure approved includes a number of 'merged grades' with a common grade pay and the concept of pay bands with grade pay introduced effective from 1.1.2006. Insofar as the issue of regulation of service rendered prior to 1.1.2006 is concerned, while the general rule may be that such regular service be deemed to be service rendered in the corresponding grade pay/pay scale approved effective from 1.1.2006 or from a subsequent date, as the case may be, this formulation cannot apply in cases where there has been merger of more than one grade into one with a single grade pay/pay scale. Since the merger is effective from 1.1.06 only, even notional benefits of the merger cannot be extended for periods falling prior to 1.1.06. A Note to the following effect may, therefore, be inserted under col.12 of the Schedule on RRs, and under relevant provisions in Service Rules, to take care of the requirements:

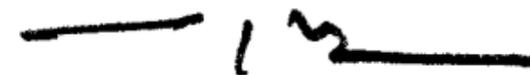
**Note:**

For the purpose of computing minimum qualifying service for promotion, the service rendered on a regular basis by an officer prior to 1.1.2006/the date from which the revised pay structure based on the 6<sup>th</sup> CPC recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay/pay scale extended based on the recommendations of the Commission. For purposes of appointment on deputation/absorption basis, the service rendered on a regular basis by an officer prior to 1.1.2006/the date from which the revised pay structure based on the 6<sup>th</sup> CPC recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay/pay scale extended based on the recommendations of the Commission except where there has been merger of more than one pre-revised scale of pay into one grade with a common grade pay/pay scale, and where this benefit will extend only for the post(s) for which that grade pay/pay scale is the normal replacement grade without any upgradation.

2. The Recruitment Rules/Service Rules are of statutory nature. Therefore, the changes brought out by other relevant instructions have to be incorporated in the Recruitment Rules/Service Rules by suitable amendments so that the necessary steps like holding of DPC etc. are taken to fill the post carrying the revised Grade Pay/Pay Scale on regular basis. All the Ministries/Departments are, therefore, requested to effect necessary amendments to the Recruitment Rules/Service Rules notified by them after following the normal procedure of furnishing proposals to the Department of Personnel and Training and the UPSC in the format prescribed in the general guidelines on Recruitment Rules circulated by the DOPT OM No. 14017/12/87-Estt. (RR) dated 18.3.1988, and also in consultation with the Legislative Department.

3. Ministries/Departments may initiate action to complete the review in this regard and furnish necessary amendment proposals to the DOPT and the UPSC in the case of Group A and Group B posts within six months from the date of issue of this Office Memorandum. They may also, simultaneously, take similar action in respect of Recruitment Rules for Group C and D posts, which are within their delegated powers. Appropriate action to update the Service Rules for organized Group A, B Services, etc. shall also be taken up with DOPT/UPSC within a period of six months.

4. Hindi version will follow.



(S.J.Kumar)

Deputy Secretary to the Government of India

**To**

*All Ministries/ Departments of Government of India, etc.,*  
(as per standard mailing list)

Copy to:

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat, New Delhi.
5. The Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Union Public Service Commission, New Delhi. (20 copies)
8. The Staff Selection Commission, New Delhi.
9. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
10. Establishment Officer and Secretary, ACC (10 copies).
11. All Officers and Sections in the Department of Personnel & Training
12. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
13. All Staff Members of National Council (JCM)
14. All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
15. Establishment (RR Division) (200 copies)

**Annexure**

Sl.No.	Grade Pay		Minimum qualifying service for promotion
	From	To	
1	1800	1900	Placement as per 6 <sup>th</sup> CPC recommendations
2	1900	2000	3 years
3	1900	2400	8 years
4	2000	2400	5 years
5	2400	2800	5 years
6	2400	4200	10 years
7	2800	4200	6 years
8	4200	4600	5 years
9	4200	4800	6 years
10	4200	5400	8 years
11	4200	6600	10 years
12	4600	4800	2 years
13	4600	5400	3 years
14	4600	6600	7 years
15	4800	5400	2 years
16	4800	6600	6 years
17	5400	6600	5 years
18	6600	7600	5 years
19	6600	8700	10 years
20	7600	8700	5 years
21	7600	8900	6 years
22	8700	8900	2 years
23	8700	10000	3 years
24	8900	10000	2 years
25	10000	12000	3 years
26	12000	HAG+ Scale	1 year
27	12000	Apex scale	2 years
28	HAG+ Scale	Apex scale	1 year

CASE NO.:  
Appeal (civil) 793 of 1998

PETITIONER:  
State of Mizoram & Another

RESPONDENT:  
Mizoram Engineering Service Association & Anr.

DATE OF JUDGMENT: 06/05/2004

BENCH:  
Brijesh Kumar & Arun Kumar.

JUDGMENT:  
JUDGMENT

ARUN KUMAR, J.

This appeal is directed against the judgment dated 28th February, 1997 passed by a Division Bench of the Gauhati High Court. By the Impugned judgment the Division Bench dismissed the appeal against the judgment dated 17th May, 1996 passed by the learned Single Judge. The learned Single Judge had allowed a writ petition filed by respondent herein challenging a notification No.G.12011/3/87 F.Est dated 3rd February, 1989 whereby certain categories of engineers in the State Engineering Service had been excluded for purposes of revision of pay scales accepted by the State vide Notification No.G.12011/3/87F.Est dated 19th January, 1989. The Mizoram Engineering Service Association (respondent) has been demanding higher pay scales for its members. The background is that prior to 1971 what is now known as the State of Mizoram was a district called the Lushai Hills District within the State of Assam. From 1971 to 1986 Mizoram was a Union Territory under the North Eastern Areas Reorganisation Act, 1971. It attained full state-hood on 20th February, 1987. In 1974 when the State was a Union Territory, the Government of India constituted a Departmental Pay Committee to suggest scales of pay and allowances for employees of Mizoram on the pattern of Central Government employees vide Ministry of Home Affairs letter No.1.3.1973.MP dated 4th November, 1974. On the recommendation of the said Departmental Pay Committee, the Government of India revised the scales of pay and allowances for the employees of the State of Mizoram w.e.f. 1.1.1973. On a demand made by Superintending and Executive Engineers of the respondent Association for equalizing their respective scales of pay with their counterparts in the Central Public Works Department, the Government of India vide letter dated 16.10.1983 intimated to the Secretary to the Mizoram Administration, Public Works Department conveying the sanction of President of India for revision of pay scales of the Engineers (Group 'A' posts) in tune with the pay scales enjoyed by the engineers in the CPWD. The Government of India accepted the Fourth Central Pay Commission Report regarding revision of pay scales for Group A, B, C, D & E posts in the Central Civil Services w.e.f. 1.1.1986. The recommendations of the Fourth Central Pay Commission accepted by the Government of India became applicable for the civil services in Mizoram also. The Central Civil Services (Revised Pay) Rules, 1986 came into force w.e.f. 1.1.1986 and they were made applicable to the employees forming part of the civil services in Mizoram. Certain representations were made on behalf of employees for removal of anomalies resulting from the Fourth Central Pay Commission Report. In 1987 an Anomalies

Committee was appointed to look into the alleged anomalies and make suitable recommendations. The recommendations of the Anomalies Committee created further anomalies rather than resolving them. On 7th November, 1988 another Anomalies Committee was appointed. The report of the Anomalies Committee was accepted by the Government of the State of Mizoram. A notification No. G 12011/3/87F.Est. dated 19th January, 1989 accepting the recommendations was issued. Soon thereafter the State Government issued another notification dated 3rd February, 1989 (the impugned notification) to the effect that the scales of pay for Group 'A' officers as mentioned in paras 28 of Schedule A and Schedule B did not include pay scales for MCS officers/MPS officers whose pay scales were governed by their respective service rules. The notification further excluded engineering officers of the rank of Executive Engineer and Superintending Engineer from the benefits of the notification dated 19th January, 1989. This notification was challenged by the respondent Association by filing a Writ Petition in the Gauhati High Court. In the Writ Petition the first prayer was with regard to quashing the notification dated 3rd February, 1989 which excluded the Executive Engineers and the Superintending Engineers from getting the benefit of revised pay scales under the notification of the State Government dated 19th January, 1989. The second prayer was with respect to the Chief Engineers and Additional Chief Engineers seeking directions that they should get the conversion scale of pay of Rs.5900-6700 and Rs.4500-5700 respectively instead of the revised scales of pay prescribed for them by the State Government. The scale of Rs.5900-6700 for the Chief Engineer and Rs.4500-5700 for Additional Chief Engineer demanded by the respondent Association was as per the recommendations of the 4th Central Pay Commission and was the same as was being allowed to incumbents holding equivalent posts in the Central Public Works Department. The learned Single judge allowed the Writ Petition granting both the prayers of the Writ Petitioner. The appeal against the judgment of the learned Single Judge was dismissed by the Division Bench. The present appeal is directed against the said judgment of the Division Bench.

We have heard the learned counsel for the parties at length. At the outset we may note that the learned counsel for the appellant has not seriously challenged the impugned judgment so far as it grants relief to the Executive Engineers and Superintending Engineers by quashing the Notification dated 3rd February, 1989. The challenge in the appeal is mainly directed against the scale of pay granted to the Chief Engineers and Additional Chief Engineers i.e. Rs.5900-6700 and Rs.4500-5700 respectively. In this connection following points have been raised:

1. The base year for purposes of revision of pay scales of Chief Engineer and Additional Chief Engineer should be taken as 1973 and not 1983 even though the revision was being taken into consideration w.e.f. 1.1.1986 as per the Fourth Central Pay Commission Report which had been accepted by the State Government.

2. In respect of Chief Engineer, the recommendation of the Pay Anomalies Committee which was accepted vide Notification dated 19th January, 1989 was to the effect that only the existing incumbent would get the scale of Rs.5900-6700 and future entrants would be entitled to pay scales of Rs.4500-5700 only. This scale is the scale for all heads of departments in the State of Mizoram while the scale of Rs.5900-6700 was for next higher post. It was not disputed that the then incumbent of the post of Chief Engineer namely, Mr. Robula was given the scale of Rs.5900-6700. It was submitted that the said scale was specially allowed to him since he was holding the post on

1.1.1986 i.e. the date from which Fourth Central Pay Commission recommendations were made applicable. Subsequent entrants to the service were not to be given that scale. (Per letter dated 13th January, 1989 from Secretary, PWD to Director Accounts & Treasury, Mizoram).

3. It was vehemently argued that scale of Rs.5900-6700 was being allowed by the Government of India for senior level posts in the corresponding cadres. Engineering Service in the State of Mizoram was not an organized service. There were no Recruitment Rules for the service. Therefore, there were no senior level posts which would entitle the incumbents to get the grade of Rs.5900-6700.

So far as the question as to which base year should be taken into consideration for purposes of revision of pay i.e. 1973 or 1983, we may recall that Mizoram became a Union Territory in the year 1973. The Government of India had accepted the fact that the persons employed in Engineering Services within the State of Mizoram should get pay scale at par with those working in the Central Public Works Department. This decision was also implemented. The scales of pay for Engineers working in the Mizoram State were revised w.e.f. 1973. The next crucial event in this connection is the recommendations of the Fourth Central Pay Commission which were accepted by the State of Mizoram as well. These recommendations take 1983 as the base year for the purpose of revision of pay scales. Apart from this the Central Civil Services (Revised Pay) Amendment Rules, 1987 also take the year 1983 as the base year. These rules came into force on 1st January, 1986. At that time Mizoram was a Union Territory. The Government of India accepted the Rules. They were made applicable in Mizoram as well. The schedule annexed to the Rules refers to present scales and revised scales of pay. The present scales mean the scales which were in force at that time. For the relevant category of posts the existing scale given in the Schedule is Rs.2250-125/2-2750 and the revised pay scale is Rs.5900-200-6700. In this background there does not appear to be any good reason for taking 1973 as the base year for the purposes of pay revision in Mizoram. No reason is forthcoming. Mr. L. Nageshwara Rao, the learned Additional Solicitor General appearing for the appellant relied on a Notification dated 1st February, 1989 to submit that it was the decision of the State Government to treat the year 1973 as the base year for the purpose of pay revision and that has to be accepted. We are unable to accept this submission made on behalf of the appellants in view of the fact that recommendations of the Fourth Central Pay Commission have been duly accepted by the State Government. Additional factor which impels us to take this view is that the State Government itself accepted the scale of Rs.5900-6700 and allowed the same to the then incumbent Mr. Robula w.e.f. 1.1.1986. The State linked up revision of pay scale of Mr. Robula with the date of revision of pay scales as per recommendations of the Fourth Central Pay Commission. A different reasoning cannot be applied in case of other officers in the service. In this connection it is also worth noting that in para 4 of the counter affidavit filed on behalf of the State Government before the learned Single Judge in response to the Writ Petition it is admitted that the existing pay scale for the post of Chief Engineer was Rs.2250-2500 prior to enforcement of recommendations of the Fourth Central Pay Commission. This is also admitted that the conversion scale for the scale of Rs.2250-2500 is Rs.5100-5700 and 5900-6700 as per the Fourth Pay Commission Report. However, it is submitted that grade of Rs.5900-6700 was applicable only in respect of organized Medical, Engineering and other Central Services as per specific recommendations of the Fourth Central Pay Commission. In view

of this stand of the State Government it is difficult to accept that the Chief Engineers will not be allowed the grade of Rs.5900-6700.

Coming to the argument that the scale of pay of Rs.5900-6700 was confined to only the then Chief Engineer Mr. Robula and was not be allowed to future entrants in the service, we find no justification for this. The fact that the revised pay scale was being allowed to Mr. Robula in tune with the recommendations of the Fourth Central Pay Commission, shows that the State Government had duly accepted the recommendations of the Fourth Central Pay Commission. Having done so, it cannot be permitted to discriminate between individuals and not allow the same to the rest. In this context the learned counsel for the appellant submitted that it is not unusual that sometimes special pay is granted to an individual and the same does not become a precedent for others. As a proposition it may not be disputed. But there has to be special reason for this. In the facts of the present case we do not find any justification for confining the higher scale to a particular individual and deny the same to others. There may be special reasons for instance special merit, expertise or the like, for giving special pay to a particular individual. In the present case no such reason is forthcoming. On the other hand the reason given is that since he was holding the post on 1.1.1986, the date from which Fourth Central Pay Commission recommendations were given effect to, he was being allowed the higher pay scale. This reason rather supports the case of respondent. It shows an admission on the part of the appellant that the revised pay scales for the post of Chief Engineer as per the recommendations of the Fourth Central Pay Commission was Rs.5900-6700 and was allowed to a Chief Engineer. The State Government cannot be permitted to discriminate between similarly placed individuals in this behalf between those holding the post at the time of revision of pay scales and future incumbents of the post. The argument has no merit.

Great stress was laid on the fact that Engineering Service in the State was not an organized service and therefore, it did not have categorisation by way of entrance level and senior level posts and for that reason the higher scale of Rs.5900-6700 which was admissible for senior level posts could not be given in the Engineering Service. The main reason for dubbing Engineering Service as an unorganized service in the State is absence of recruitment rules for the service. Who is responsible for not framing the recruitment rules? Are the members of the Engineering Service responsible for it? The answer is clearly 'No'. For failure of the State Government to frame recruitment rules and bring Engineering Service within the framework of organized service, the engineers cannot be made to suffer. Apart from the reason of absence of recruitment rules for the Engineering Service, we see hardly any difference in organized and unorganized service so far as Government service is concerned. In Government service such a distinction does not appear to have any relevance. Civil Service is not trade unionism. We fail to appreciate what is sought to be conveyed by use of the words 'organised service' and 'unorganised service'. Nothing has been pointed out in this behalf. The argument is wholly misconceived.

The learned counsel for the appellant also argued that if the scale of Rs.5900-6700 is to be allowed to the Chief Engineers, the State Government will have to allow the same scale to other heads of departments in the service of the State Government which will be a heavy burden on the financial resources of the State Government and for that reason we should restrict the scale for post of Chief Engineer and Additional Chief Engineer to Rs.4500-5700 and Rs.4100-5300 respectively. In our view this is hardly any

ground to interfere with the decision of the High Court. It has been found that the claim of the respondents is fully justified by the facts on record. The Central Government as well as the State Government accepted the recommendations of the Fourth Central Pay Commission and the scales being allowed to the members of the respondent Association are based on those recommendations.

Thus we do not find any merit in the present appeal. The impugned judgment does not call for interference. The appeal is dismissed leaving the parties to bear their respective costs.

JUDIS