

No. 27011/51/2014-R&W
Government of India
Ministry of Home Affairs
Police-II Division
[Resettlement and Welfare Directorate]

North Block, New Delhi-01

Dated, August, 2014.

To,

Shri Jai Singh Parihar,
(Ex-CISF-Insp) Ward No. 3,
Khaddi Mohalla, Loharu PO & PS Loharu,
Distt. Bhiwani (Haryana)- 127201

12 AUG 2014

Subject: Information under RTI Act 2005.

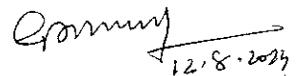
Sir,

Please refer to your RTI application dated 03/01/2013 (again signed on 24/07/2014) addressed to DG, CISF seeking information under RTI Act, 2005, received by R&W Dte on 11/08/2014.

2. On perusal of above RTI application, it is observed that you have forwarded a copy of mercy appeal dated 03/01/2013 (again signed on 24/07/2014) addressed to DG/CISF for quashing of the CISF orders No. E-27015 (1) CISF/NFC/ADM-II/2012-6613 dated 14/09/2012 and unit service order Part-II No. 280/2012. The said application relates to CISF and no information in this regard is available in R&W Directorate. Hence, your aforesaid application has been transferred to **CPIO of CISF** under section 6(3) of RTI Act-2005 for taking further necessary action.

3. In case you are not satisfied with the reply, the appeal in the case lies with Dr. Nirmaljeet Singh Kalsi, Joint Secretary (P-II), Room No. 171-B, MHA, North Block, New Delhi-01. The appeal may be filed within 30 days from the date of receipt of this reply.

Yours faithfully,

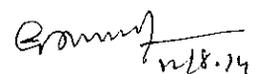

12.8.2014

(G. C. Yadav)

Deputy Secretary (PMA) & CPIO

Copy to:-

1	Shri Anant Kumar Singh, DIG(Ops) & CPIO,CISF	The information sought by Shri Jai Singh Parihar relates to CISF, accordingly his application is transferred under section 6 (3) of RTI Act, 2005 for taking appropriate action and for providing the information directly to the applicant. (Application dated 03/01/2013 (again signed on 24/07/2014) is enclosed.)
✓ 2	SO (IT)	for uploading on the MHA website.


12.8.14

(G. C. Yadav)

Deputy Secretary (PMA) & CPIO

गृह मंत्रालय
Ministry of Home Affairs

जी. ए. आर. 6 / G. A. R. 6
(नियम 22(1) देखें) (See Rule 22(i))

रसीद / RECEIPT

सं. /No. 30307

दिनांक 20
Dated // - 08-2014

श्री/श्रीमती/सुश्री

Received From Shri/Smt./Km.

Jai Singh Parihar

के पत्र संख्या/संदर्भ संख्या के साथ

with Letter No./Reference No.

के दिनांक

20

Dated

20

बैंकर्स चेक/ड्राफ्ट/भारतीय पोस्टल आर्डर संख्या

Banker's Cheque/Draft/Indian Postal Order No.

20F 917402

के रूप में रुपये की नकद धनराशि

the sum of Rupees by Cash

सूचना के अधिकार अधिनियम, 2005 के शुल्क हेतु प्राप्त की।

on account of fee under Right to Information Act 2005.

आद्यक्षर /Initials

रुपये /Rs. 10/-

पदनाम / Designation

RIGHT TO INFORMATION.UNDER RTI ACT 2005.IP.No GOF 917402.

TO,

THE DIRECTOR GENERAL /CISF
CISF HQRS, BLOCK NO 13
C.G.O'S COMPLEX
LODHI ROAD NEW DELHI 110003

(THROUGH THE COMMANDANT CISF UNIT NFC HYDERABAD)

MERCY APPEAL UNDER ARTICLE 338 OF THE CONSTITUTION OF INDIA WITH REQUEST TO QUASH THE ORDERS OF SHRI N.K JHA COMMANDANT (LOCAL RANK) CISF UNIT NFC HYDERABAD NO E-27015 (1) CISF /NFC/ADM-II/2012-6613 DATED 14.09.12 AND UNIT SERVICE ORDER PART-II NO 280/2012 AMENDMENT OF PAY FIXATION OF 5TH CPC, UPGRADATION UNDER ACP SCHEME PAY FIXATION OF 6TH P.C & ANNUAL INCREMENT AND TO " REINSTATE " HIS PAY IN ALL BENEFITS.

RESPECTFULLY SHOWETH

- 1) That the petitioner has joined the CISF (Ministry of Home Affairs) as a regular Sub-Officer on 06 oct, 1975 and confirmed in his initial rank on completion of his probation period successfully under the authority of DG/CISF w.e.f 06.12.80 vide DG/CISF order no E-29020/69/80-GA I dated 09th jan 1981. Consequent upon attaining the age of superannuation will be retiring from service on 31/01/2013. The copy of the confirmation order is placed as annexure "A" with this mercy appeal for your kind perusal please.
- 2) That while the petitioner have been serving in CISF unit NFC Hyderabad Shri N.K Jha ,Commandant (local rank) reduction his basic pay Rs 100/- & recovered Rs 23588/- vide unit service order part II No 280/2012 dated 14/09/12 and vide unit service order No 337 dated 15.11.2012 reduction of basic pay Rs 310/- and recovered Rs 62,620/- as such total reduction of basic pay is Rs 410/- and total recovery of Rs 86,208/- without sufficient and reasonable cause and I cannot be taken in surprise which amounts to discrimination of fundamental rights to the petitioner. The copy of the unit service order part II No 280/2012 dated 14/09/12 and unit service order no 337 dated 15.11.2012 and recovery list are enclosed herewith this mercy appeal as annexure B & C for kind perusal please
- 3) That as per Ministry of Finance, Department of Expenditure letter no 10.02.2011 – E iii/A dated 19/03/2012 received vide FHQ letter no E- 12011/23/2008 / entitlement / H/812 dated 02/03/2012 in relaxation of stipulated under rule 10 of these rules , those central government employees who were due to get their annual increment between february to june during 2006 may be granted one increment in 01/01/2006 in pre revised pay scale as one time measure and therefore will get the next increment in the revised pay structure on 01/07/2006 as per rule 10 OF CCS (RP) Rules 2008, Accordingly the pay fixation of the petitioner was fixed vide unit service order part II no 108/2012 dated 21st April 2012
- 4) That the case of the petitioner has already put up MHA(RPAO) Chennai audit team for reviewing of pay fixation while reviewing /scrutinizing the pay fixation in respect of the petitioner it is observed that he is getting less pay Rs 60/- w.e.f 01/07/2006 from his junior i.e Insp/Exe H.K.Rai whose basic pay is Rs14570/- GP 4600/- w.e.f 01.07.2006 since his case fulfilling the conditions as prescribed under note 10 of rule & of revised pay rule 2008, Accordingly his pay may be stepped up to that his junior with Insp/Exe H K Rai "the copy of the unit service order part no !! 108/2012 dated 21st April 2012 is enclosed as annexure "D" with this mercy appeal for kind perusal please.

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Insp
03/01/2012

- 5) That the petitioner has preferred an appeal to Hon'ble DIG,DAE Zonal Hqrs. Hyderabad on dated 19/05/12 and on dated 03/12/12 which has recommended and forwarded by Shri N.K Jha , Commandant (local rank) of this unit vide his office letter no E- 27015/CISF/NFC/ADM II /2012 -4100 dated 12/06/12 but no decision has been received till dated and on contrary Commandant CISF Unit NFC Hyderabad forcibly reduction of petitioner basic pay Rs 100/- and recovered Rs 23,588/- vide unit service li no 280 dated 14/09/12 and vide unit service order No 337 dated 15.11.2012 reduction of basic pay Rs 310/- and recovered Rs 62,620/- as such total reduction of basic pay is Rs 410/- and total recovery of Rs 86,208/- without sufficient and reasonable cause. Because when two Sub-officer are together involved in a particular case i.e stepping of pay WRT junior drawing more pay with equal responsibilities pick up one person i.e the petitioner and reduction of his basic pay Rs 410/- and total recovery Rs 86,208/- without sufficient and reasonable cause .As such pick and choose method adopted by shri N.K Jha , Commandant (local rank) are illegal. The copy of the forwarding letter is enclosed herewith this mercy appeal as annexure "E" for your kind perusal please.
- 6) That I may mention here that vide DIG/NZ office letter no E42099/NZ/DPC/ACP-SI/2004-5516 dated 02/07/2004 vide CISF NZ HQRS Service order Part I no 39/2004 dated 2/7/2004 " GRANT OF FINANCIAL BENEFITS UNDER THE ACP SCHEME" The petitioner has been granted financial up gradation to the pay scale of Inspector /Exe i.e 6500-200-10500 under the ACP SCHEME w.e.f the date as shown SL NO 16 for which I have been found " FIT" by the screening committee held at North Sector Hqrs on 11/06/2004 under the chairmanship of IG/NS. As such degradation of Rs. 410/- and recovered Rs 86,208/- on the part of Shri N.K Jha , Commandant (local rank) of CISF UNIT NFC HYDERABAD has exceeded his jurisdiction not vested in him , As per the provision of the service regulation framed under Article 309 of the Constitution of India as mentioned in schedule -- I .The Commandant (local rank) is not empowered for amendment of pay of pay fixation of 5th CPC , Financial upgradation , under ACP scheme, pay fixation of 6th CPC and annual increment. Therefore the orders passed by the "Commandant " and subsequent orders are required to be quashed and set aside. The Copy of the CISF NZ HQRS service part-I no 39/2004 dated 02/07/2004 enclosed herewith this revision petition as annexure "F" for your kind perusal please
- 7) That with reference " APPELLATE ORDER " NO V 16015(1) DIG – CISF / 86-538 dated 3rd sep 86 PARA 5 the period of suspension from 17/01/84 (FN) to 31/7/84 (AN) is confirmed and he will not draw anything beyond the subsistence allowance already drawn by him.As regard the contention of the delinquent that the Asst Commandant should be taken to task for touching his (ASIS) hand by his baton / short lathi . I take an account of the observation of Commandant (plant) and order that this matter may be enquired into a fresh and if proved necessary action shall be taken against the Asst Comdt. Because due to the dies-non period w.e.f 17/01/84 (FN) to 31/07/84 (AN). The next date of my annual increment adjourned from "OCTOBER TO APRIL " Accordingly the petitioner has earned annual increment in the month of APRIL in the entire service which can be verified with my service record and unit service orders of annual increments now " ENHANCEMENT" of date of increment in the month of "OCTOBER" will be filling up to the gaps , lawns by Shri N.K.Jha Commandant (Local rank) CISF UNIT NFC HYDERABAD which commits to denial of "NATURAL JUSTICE" "APPELATE ORDER" is placed herewith this mercy appeal as annexure G for your perusal please. That being aggrieved from the unit service order part II no 280/2012 dated 14/09/12 and vide unit service order No 337 dated 15.11.2012 reduction of basic pay Rs 310/- and recovered Rs 62,620/- as such total

[Handwritten Signature]
 03/01/2013

(8)

reduction of basic pay is Rs 410/- and total recovery of Rs 86,208/- without sufficient and reasonable cause. Which adversely effect on the pension and earned benefits of the petitioner .

B) That the case in the different high courts is pending that is HIGH COURT OF JUDICATURE AT ALLAHABAD (LUCKNOW BENCH) ,Vide service single 517.of 2005 against "GRANT OF FINANCIAL BENEFITS UNDER THE ACP SCHEME" . and IN THE HON'BLE HIGH COURT OF GUJRAT VIDE CIVIL.SPECIAL CIVIL APPLICATION NO 1006 OF 2010 AGANINST REDUCTION OF PAY BY 5 STAGES WITH COMMULATIVE EFFECTS by Group Commandant Ahmedabad.But on contrary to this Shri N.K.Jha Commandant (local rank) reduction the basic pay of the petitioner Rs 410/- and recovered Rs. 86,208/- which amounts to contempt of Hon,ble High courts and discrimination of fundamental rights of the petitioner. The copy of the case status of Hon'ble high courts is enclosed herewith this mercy appeal as annexure "H " .

GROUND

- A) Because the finding and orders are against the facts on records and liable to be quashed .
- B) Because as per Ministry of Finance , Department of Expenditure letter no.10/02/2011 – E- III/A dated 19/3/2011 received vide FHQ letter no E 12011/23/2008 entitlement /H/812 dated 02/03/2012 in relaxation of stipulated under rule 10 of these rules , Those Central Government Employees who are due to get their annual increment between February to june during 2006 may be granted increment in 01/01/2006 in pre revised pay scale as one time measure and therefore will get the next increment in the revised pay structure on 01/07/2006 as per rule 10 of CCS (RP) Rules 2008 . Accordingly the pay fixation of the petitioner was fixed vide unit service order part II no 108/2012 dated 21st april 2012.
- C) Because the case of the petitioner has already put up MHA (RPAO) Chennai audit team for reviewing of pay fixation . While reviewing / scrutinizing the pay fixation in respect of the petitioner it is observed that he is getting less pay Rs 60/- wef 01/07/2006 from his junior i.e Insp/ Exe H.K.Rai whose basic pay is Rs 14570/- GP 4600/- wef 01.07.2006 since his case fulfilling the conditions as prescribed under note 10 of rule 7 of revised pay rules 2008 , Accordingly his pay may be stepped up to that his junior with Insp/ Exe H.K.Rai " The copy of the unit service order part no II 108/2012 dated 21st April 2012 is enclosed as annexure "D "with this mercy appeal for kind perusal please.
- D) Because the petitioner has preferred an appeal to Hon'ble DIG , DAE Zonal Hqrs on dated 19/05/12 and 03/12/12 which has recommended and forwarded by Shri N.K.Jha , Commandant (local rank) of this unit vide his office letter no . E – 27015/CISF/NFC/ADM-II/2012 -4100 dated 12/06/12 and letter no 8905 dated 22/12/12 but no decision has been received till date and on contrary the The Commandant , CISF UNIT NFC HYDERABAD forcibly reduction of petitioner basic pay Rs 410/- and recovered Rs 86,208/- vide unit service order part II no. 280 dated 14.9.12 and 337 dated 15.11.12.which adversely effect on the pension and earned benefits of the petitioner. Because when two sub-officers are equally involved in "stepping up" of pay W/P junior drawing more pay with equal responsibilities . Pick up one person i.e The petitioner and reduction of his basic pay Rs 410/- and recovered Rs 86,208/- As such pick and choose method adopted by Shri N.K Jha Commandant (local rank) is illegal . The copy of the forwarding letter is enclosed herewith this mercy appeal as annexure "E" for your kind perusal please.

[Signature]
Insp
03/01/2013

- (E) Because the commandant (local rank) of the unit is nothing authority as per section 5 of the CENTRAL INDUSTRIAL SECURITY FORCE Act 1968 and he has no power to reduction of basic pay Rs 410/- and recovered Rs 86,208/- As such the orders of reduction of basic pay and recovery are illegal.
- (F) Because all the manipulation in the amendment of pay fixation of 6th CPC financial up gradation under AOP scheme , pay fixation of 6th P.C and annual increment , willfully therefore orders is required to be quashed and set aside .

PRAYER

It is most respectfully and humbly prayed that on the statement of aforesaid facts and grounds the Hon'ble Director General / CISF be pleased to

- 1.) Summons the records of the petitioner from the respondent and other order the same to be placed before the Hon'ble Director General / CISF for its scrutiny.
- 2.) That writ of certiorari and mandamus quashing the orders of respondent for the reduction of basic pay Rs 410/- and recovery of Rs 86,208/- declaring the acts and action of the respondent illegal arbitrary, null and void be issued with further direction to "reinstate" the pay of the petitioner with all benefits including the pay and allowances along with interest as such rates as the Hon'ble Director General / CISF deems fit and proper in the circumstances
- 3.) Any other or further orders OR ORDERS, direction OR directions OR writ (s) Hon'ble Director General / CISF deems fit and proper in the circumstances of the mercy appeal be also allowed to the petitioner against the respondents.

DATE: 03/01/2013

Enclose : mercy appeal in four copies ✓

Enclosed Pages from Page 1 to 44
which are serially numbered.

[Signature]
4.8P
24/07/2014

PETITIONER

[Signature]
03/01/2013
Insp/Exe Jai Singh

NO 754360117

CISF UNIT NFC HYDERABAD-62