

GOVERNMENT OF
BIHAR



THE
FITMENT COMMITTEE
REPORT

VOLUME-II (Contd.)

TABLE OF CONTENTS

PART --II

Chapters

12. Department of Secondary, Primary and Adult Education
19. Department of Agriculture

**DEPARTMENT OF SECONDARY, PRIMARY &
ADULT EDUCATION****TEACHERS**

12.1.1 In this Chapter we will be discussing the pay scales of teachers in schools under various departments of the State Government. Representations received from teachers of various categories and grades belonging to the Department of Secondary, Primary and Adult Education are from the following :

- (i) Bihar Secondary Teachers Association, General Secretary, Shri Kedar Nath Pandey;
- (ii) Bihar State Subordinate Education Service Association (Primary Wing), General Secretary, Shri Kumar Anand Ranjan;
- (iii) Bihar State Nationalized Secondary Schools Teachers Association;
- (iv) Bihar Subordinate Teachers Association (male and female cadres);
- (v) Members of Subordinate Education Service;
- (vi) Bihar State Nationalized Secondary School Teachers Association, Organising Secretary, Uday Prakash Singh;
- (vii) Bihar State Primary Teachers Association, General Secretary, Shri Mahendra Prasad Sahi;
- (viii) Bihar State Primary Teachers Association (Gope faction);
- (ix) Bihar Non-gazetted Elementary Teachers Association;
- (x) Maqbool Alam, Vice President of Bihar State Vocational Teachers Association;
- (xi) Bihar State Class II Lecturers Association, Dr. Arun Kumar Singh and one other; and
- (xii) Bihar State Class II Lecturers Association, President, Shri Murli Manohar Singh.

Sl.No.	Name of the Association	Name of Post	Existing Pay Scale (in Rs.)	Demanded Pay Scale (in Rs.)
1	Bihar State + 2 Lecturers' Association, Patna. Shri Suresh Kumar, President	Lecturer	1800-3330	2000-3800
2	Bihar Pradesh + 2 Lecturers' Association, Patna Shri Murli Manohar Singh, President	Lecturer	1800-3330	2200-4000/ 2000-3500
3	Bihar State + 2 Lecturers' Association, Ranchi Shri Chandra Mohan Jha, General Secretary	Lecturer	1800-3330	2000-3800
4	Bihar State Subordinate Education Service Association, Patna Shri Kumar Anand Ranjan, General Secretary	Subordinate Education Service	1600-2780 (Basic)	7500-12000
			2000-3500 (J.S.G.)	8000-13500
			2200-4000 (S.S.G.)	Equivalent scale of Bihar Education Service Class II
			2400-4150 (S.T.S.)	Equivalent of J.S.G. scale of Bihar Education Service Class II
5	Bihar State Rajkiya Madhyamik Vidyalay Shikshak Sangh, Shri Udai Prakash Singh and others	Subordinate Education Service(Basic)	1600-2780	8000-13500
		Assistant Teachers Matric Trained/ I.A.Trained	1200-1800 1400-2300	7500-12000 Lower Subordinate Education Service
		Principal of Bihar Education Service	2200-4000	10000-15200

6	Bihar Non-gazetted Elementary Teachers Association, Patna Shri Maqbool Alam, Vice President	Primary Teachers	1200-2040	4500-7000
		B.A.Trained Teacher/Head Master, Primary School	1640-2900	5500-9000
		P.G. Teachers/Head Master, Middle School	1800-3330/ 2000-3500	6500-10500
7	Bihar Rajya Prathamik Shikshak Sangh, Shri Mahendra Prasad Sahi, General Secretary	Head Master	2000-3500	7500-12000
		Assistant Teacher B.A.Trained	1640-2900	6500-10500
		Assistant Teacher Matric Trained	1200-1800	4500-7000
8	Bihar Rajya Prathamik Shikshak Sangh(Gope faction), Shri Pradip Rai, General Secretary	Matric Untrained	975-1540	4000-6000
		I.A. Untrained	1320-2040	4500-7000
		Graduate Untrained	1400-2600	5000-8000
		Matric Trained	1200-1800	4500-7000
		I.A. Trained	1400-2300	5000-8000
		Graduate Trained/Head Master, Primary School	1500-2750	5500-9000
9	Bihar Madhyamik Shikshak Sangh, Shri Kedar Nath Pandey, General Secretary	P.G. Trained/Head Master, Middle School	1800-3330/ 2000-3500	6500-10500
		Principal/Head Master of Rajkiyakrit Middle Schools.	3000-4500/ 2000-3500	10000-15200
		Assistant Teachers Basic	1640-2900	6500-10500
		J.S.G.	2000-3500	7500-12000
		S.S.G.	2200-4000	8000-13500

12.1.3 The Fitment cum Pay Revision Committee had discussed the scales of teachers at length. The Pay Anomaly Removal Committee in their report in 1990 also devoted considerable attention to the representations received from the teachers of nationalized schools, teachers of Government Schools and the three Education Services. The Pay Anomaly Removal Committee had recommended after detailed study as below :

(1) **Matric Trained Teachers of Lower Subordinate Service (L.S.S.)** should be given the same scale as their counterparts in Nationalized schools, hence, upgraded from the scale of Rs. 1200-1800 to Rs. 1200-2040.

(2) There should be complete parity in the matter of pay scales and grant of higher scales between teachers of Nationalized schools and Government schools.

(3) The teachers of Government schools will have to give up prospects of promotion in **Subordinate Education Service** if they want to avail of scales of teachers of Nationalized schools up to the post of Principal.

(4) The **Lower Subordinate Service** will have to remain a complete teaching cadre and there should not be any promotion to any non-teaching cadre as teachers of Nationalized schools do not have any promotion prospects to inspection or non-teaching posts.

(5) **Headmasters** in Basic Schools and in Government Girls Middle Schools will be in the scale of Rs. 2000-3500, which is a considerable upgradation from the then existing Rs. 1500-2750.

12.1.4 According to the available information not only is the Bihar Government spending about 25% of revenue expenditure on teachers but also the number of teachers and students that they teach is daunting in number. We give below the number of schools of various types under the Department: -

TYPES OF SCHOOLS	NUMBER
Basic Schools	518
Government Boys High Schools	62
Government Girls High Schools	24
Nationalized High Schools	3128
Project Girls High Schools	450
Total Number of Schools where education in plus two Schools is being imparted (of these 46 are Government High Schools and 102 nationalized schools)	148
Number of teachers training/ education colleges	84
Number of State Training Colleges (under the functional control of Universities)	10
Number of Sanskrit High schools	17
Government Madrasa Samsul Hoda School	1

12.1.5

The number of teachers in various categories reported by Special Director, Secondary Education is as follows :-

Sl. No.	POSTS IN SCHOOLS	NUMBER
(a)	Total number of sanctioned posts in nationalized primary schools	2,25,269
(b)	Out of them trained teachers (this includes selection grade posts)	2,07,170
(c)	Total number of untrained primary school teachers in nationalized primary schools	26,398
(d)	Posts of graduate trained teachers in various grades out of (a)	5,393
(e)	Graduate Trained Teachers who are Headmasters in Middle Schools	12,706
(f)	Number of Middle trained teachers (there are no sanctioned strength and they are working against posts of Matric trained teachers.)	Approximately 5000

12.1.6 **Teachers** under the Department of Secondary, Primary and Adult education are organised in the **Lower Subordinate Education Service, Subordinate Education Service and Bihar Education Service**. The Primary Elementary Schools included middle schools and such non-governmental schools, i.e. either under private management or under Municipalities or the District Boards, were taken over by the Government with effect from 1.1.1971. We have been informed that the total number of primary schools taken over number 54610. About 390 primary schools were not taken over and even now the dispute remains unsettled and undecided. With effect from 2.10.1980 High Schools which were privately managed were also taken over. There were in all about 3500 such High Schools. The Department have informed us that schools where teaching is done from Class I to V

are Primary Schools and Middle Schools are those where teaching is provided from Class I to Class VII or Class VIII. Secondary Schools are those where teaching is imparted from Class VI or Class VIII to Class X.

12.1.7 The Assistant Teachers who are Matric trained, I.A. trained and Graduate trained as well as teachers in Government Middle Schools, Government High Schools and Basic schools comprise teachers in the **Lower Subordinate Education Service**. However, the Finance Department Resolution No. 6021 dated 18.12.1989 mentions middle trained teachers as part of the **Lower Subordinate Service**. The teaching cadre of the **Lower Subordinate Education Service** is decentralized and is spread over 13 divisions of the State. The basic grade post of **Lower Subordinate Education Service** are the Matric trained teachers as informed by the Department and are, at present in the scale of Rs. 1200-1800 and these teachers are appointed by the Regional Deputy Directors. Intermediate trained teachers are in the pay scale of Rs. 1400-2300 and Graduate trained teachers are in the scale of Rs. 1600-2780 if part of the **Subordinate Education Services**.

12.1.8 The teachers in the **Lower Subordinate Education Service** are promoted to the **Subordinate Education Service**. Their promotion is confined to 50% of the posts in the **Subordinate Education Service (Primary Wing Inspection)**. The **Subordinate Education Service** has a provision for 20% direct recruitment. The teachers in the Secondary wing of **Lower Subordinate Education Service** have facility of promotion to the **Subordinate Education Service (Secondary Wing)** against 50% of the total available posts. The **Subordinate Education Service** was created in the year 1917 and the total strength at present is as follows:-

Service	Wing	Strength
Subordinate Education Service	Inspection Wing	2161
	Teaching Wing	1276
	Girls Wing	1189

12.1.9 The appointment of teachers in the inspection wing are done by the Director, Primary Education on the recommendations of the Bihar Public Service Commission. The appointments in the teaching and girl wings of the **Subordinate Education Service** is done by the Director, Primary Education on the recommendations of the Education Service Board. The minimum recruitment educational qualification is Graduation trained.

12.1.10 The posts in the **Inspection Wing** are as below:-

- (i) **Deputy Superintendent of Education;**
- (ii) **Block Education Extension Officer (including Sub-Inspector of Schools);**
- (ii) **Headmaster, Government Basic Schools;**
- (iii) **Lecturer, Primary Teachers Education Training Colleges;**
- (iv) **Junior Planning Officer(Headquarters);**
- (v) **Deputy Superintendent, Basic Schools Education Board;**
- (vi) **Science Supervisor ;**
- (vii) **Instructor, Pre-vocational Training Centre;**
- (viii) **Teachers, Reformatory School, Hazaribagh;**

12.1.11 The **Teaching wing** consists of the following posts:-

- (1) **Teachers, Government Boys High School;**
- (2) **Inspector, Government Teachers Training Colleges;**
- (3) **Instructors, State Council of Education, Research and Training, Patna.**

12.1.12 **Girls wing** of the **Subordinate Education Service** consists of the following categories:

- (a) **Teachers, Government Girls High Schools;**
- (b) **Headmistress, Government Middle Schools;**
- (c) **Lecturer, Girls Middle Schools;**
- (d) **Deputy Inspectors;**

- (e) **Lecturer**, Boys Crime Reformatory School, Hazaribagh; and
(f) **Music Teacher**, Girls Primary Teachers Music Training Colleges.

12.1.13 The cadre of the **Subordinate Education Service** is a State Cadre. The cadre of the Girls Middle Schools is a State cadre whereas the cadre of the Middle Schools of the taken over schools is a district cadre. The transfer of teachers in Government schools against posts in Primary and Middle Schools in the nationalized schools are not permitted because the cadres are separate.

12.1.14 The main branch of the **Subordinate Education Service** is engaged in teaching students in 62 boys high schools of the State. The girls wing of the **Subordinate Education Service** is teaching girl students in 24 Girls High Schools. The **Assistant Teachers** who teach in 518 Basic Schools are in the male wing of the Government **Subordinate Education Service** while lady teachers of the **Lower Subordinate Education Service** form part of the cadre of teachers who teach in 43 State Government Girls Middle Schools.

12.1.15 **Lecturers** who teach in 148 High Schools where teaching is imparted in +2 classes are appointed with minimum qualification of 2nd Class in their respective subjects at post-graduation level. These Lecturers who teach in +2 colleges are now getting the pay scale of Rs. 1800-3330 and 148 schools consist of 46 Government High Schools and 102 nationalized high schools. However, +2 Lecturers can teach both in Government as well as nationalized High Schools and they are transferable from nationalized to Government high schools or vice-versa.

12.1.16 In this State the State Government appointed in 1994 a total of 19272 teachers, of whom 17281 were untrained. The Human Resources Development Department issued the Bihar Primary School Appointment Rules for appointment of Teachers under Article 309 of the Constitution of India under a notification dated 30.9.91. According to this notification teachers will be appointed by an Establishment Committee at the district level chaired by the District Magistrate. These rules framed in 1991 do not provide that only trained Matric candidates are eligible. This is a clear departure from the Centre where only trained Matriculates are eligible to apply. According to the notification the seniority list will be prepared after observance of

rules for reservation to fill up the vacancies. Those matriculates who are untrained will be first appointed on the initial of the scale meant for matric untrained teachers (Rs. 975-1540) subject to the following conditions:-

- (1) The services of those teachers will be terminated if they do not undergo the training without ascribing sufficient reasons when they are deputed for training.
- (2) After completion of training an examination will be held and if the matric untrained teacher does not qualify then he will be given another opportunity, and if he fails for the second time also, his services will be terminated.
- (3) During training he will be given stipend as fixed from time to time by the Government, and no pay will be given during the training period (the amount of stipend has not been indicated).
- (4) If the candidate competes successfully in the test to be taken after training then he or she will be entitled to the scale of **Matric Trained Teachers**.

12.1.17 After promulgation of the rules for appointment of teachers in Primary Schools, the Human Resources Development Department also notified on 8.7.1993 the Rules for promotion of teachers of the Elementary Schools taken over by Government. These rules provide for the following scales:-

Post	Pay Scale (in Rs.)
1. Matric Trained basic scale	1200-2040 (Grade 1)
2. Matric Trained senior scale	1400-2600 (Grade 2)
3. Matric Trained selection scale	1640-2900 (Grade 3)
4. Trained Arts/Science Graduate basic scale	1640-2900 (Grade 4)
5. Trained Graduate senior scale	2000-3500

	(Grade 5)
6. Trained Graduate selection scale	2200-4000 (Grade 6)
7. Middle School Head Master's basic scale	2000-3500 (Grade 7)
8. Middle School Head Master's senior scale	2200-4000 (Grade 8)

12.1.18 Rule 5 provides that for promotion to Grade 3 of matric trained selection scale, trained Graduates with 12 years minimum service in Grade 2 or matric trained with minimum 18 years of service in Grade 2 will be eligible for promotion. For promotion to Grade 4 in the scale of trained Arts / Science graduates scale trained graduates with minimum 8 years of service in Grade 1 will be eligible for promotion, if promotion is being envisaged from Grade 1 to grade 4 in case of non-availability of teachers in Grade 3 and Grade 2. For promotion to Grade 6, that is trained graduates selection scale, trained post-graduates with minimum of 12 years of service in Grade 5 or trained graduates with minimum of 18 years of service in Grade 5 will be eligible for promotion. For promotion to Grade 7 trained post graduates, in the event of promotion from Grade 4 to Grade 7, in case of non-availability of teachers in Grades 6 and Grade 5, with minimum of 5 years service in Grade 5 will be eligible for promotion to grade 7.

12.1.19 In the Central scheme there is no concept of an untrained teacher as there are in different categories in Bihar. Secondly, *Primary School Teachers* are only to be promoted to the grade of trained graduate teachers provided he or she has the requisite qualification of a trained graduate teacher. *Primary School Teachers* in the Centre have to have basic training or diploma in education or one year Teachers Training Certificate Course. Graduate trained teachers are required to be graduates with degree or diploma in education. Post-graduate trained teachers are required to have a post-graduation degree with degree or diploma in education.

12.1.20 The demands of the teaching staff have been discussed at paragraphs 55.255 to 55.266 of the 5th Pay Commission Report. Teaching staff are in the scales broadly designated for *Primary School Teachers*, *Trained Graduate Teachers* and *Postgraduate Trained Teachers* and in addition, there are *Headmasters*, *Vice Principals* and *Principals* in different Central schools. In all there are 55,000 teachers at various levels in various schools run by various Union Territory administrations including National Capital Territory of Delhi.

12.1.21 The 5th Central Pay Commission Report at paragraph 55.256 mentions that *Teachers* as well as *Headmasters* and *Vice Principals* in different types of schools are entitled to be placed on a time bound basis in the senior scale on completion of 12 years service. The selection scale which is admissible after 12 years service in the senior scale, is, however, restricted to 20% of the posts in the senior scale. In Bihar also the promotion rules provide selection grade posts which are restricted to 20% of the total number of teachers working in the senior scales as on 31st March, each year.

12.1.22 The 5th Pay Commission at paragraph 55.260 recommended that the period of residency in different dates may be reduced so as to make a teacher eligible for the financial benefits of the next grade. The chart below indicates the respective periods of residency:-

<i>Designation</i>	<i>Grade III</i>	<i>Grade II</i>
<i>Primary School Teacher</i>	<i>10 years</i>	<i>10 years</i>
<i>Trained Graduate Teacher/ Headmaster, Middle School</i>	<i>10 years</i>	<i>8 years</i>
<i>Vice-Principal/ Headmaster Secondary School</i>		<i>8 years</i>

12.1.23 The Central Government have not yet finally decided to implement this particular recommendation of the 5th Pay Commission regarding

reduction in residency period. It has been ascertained from the officers of the Delhi Administration that at present they have only indicated the basic grade scales for *Teachers* in entry scales of primary trained school teachers, trained graduate teachers as well as for post-graduate teachers and for *Vice Principals* and *Headmasters* of Secondary Schools. The reason for this interim arrangement is that the Central Government have not yet decided to reduce residency periods and abolish selection grade.

12.1.24 We have also ascertained from the Delhi Administration that at the trained graduate teacher level as well as Post-graduate teacher level at the entry level there is direct recruitment of teachers. In Delhi 72% of the total cadre strength of graduate trained teachers are promoted from the primary trained school teachers who are graduates and the rest 28% of the trained graduate teachers are recruited directly. At the post-graduate teacher entry level 25% direct recruitment is provided for in the rules and 75% of the teachers are promoted from the cadre of trained graduate teachers. At the post-graduate level Bihar does not recruit trained post graduate teachers. Post-graduate teachers in 148 schools where teaching in +2 schools is imparted are directly recruited from among post-graduates in their respective subjects. Therefore, there is a clear-cut departure from the Central Scheme. Moreover post-graduate teachers at the entry level in the Centre have been sanctioned the scale of Rs. 1640-2900, and now Rs. 6500-10500 whereas in Bihar the teachers teaching in +2 level are getting the scale of Rs. 1800-3330 and that too without training.

12.1.25 The Finance Department Notification No. 6022 dated 18.12.1989 mentions the pay scales of teachers in Matric trained, graduate trained and other categories and for **Headmasters/Principals** and paragraph 19 of the said notification categorically states that the Department of Human Resources Development will issue detailed orders and guidelines in the matter of prescribed qualifications, training, requirements and eligibility for recruitment and promotion and crossing of efficiency bars in the light of the State Government having decided with regard to teachers of taken over schools being extended Central Government service conditions and made applicable to them as far as possible. The terms and conditions in force under the Central Government were required to be adhered to. However, the orders issued and the rules framed are not fully in accordance with the

provisions of the Central Government or rules applicable to teachers in the Union Territories or in the Kendriya Vidyalay Sangathan. Fitment of teachers in Central pay scales thus becomes an impossible task because the basis of Central service conditions decided upon previously by the State Government Cabinet has not been implemented or adhered to fully. Apparent reasons for appointment of Matric trained teachers has been the unfortunate situation whereby private training colleges had to be de-recognised by the Bihar State Government because these existed only in name and not full fledged training institutions. The Bihar Public Service Commission was entrusted with the task of appointment of teachers. According to their recommendations 19272 teachers were appointed in 1994.

12.1.26 We give in the chart below pay scales sanctioned to teachers in the Central Government with effect from 1.1.96.

(a) **TEACHING STAFF**

POST	SCALE (In Rs.)	REVISED SCALE (inRs.)
(a) Primary School Teacher		
(i) Entry Scale	1200-2040	4500-7000
(ii) Senior Scale	1400-2600	5000-8000
(iii) Selection Scale	1640-2900	5500-9000
(b) Trained Graduate Teacher		
Head Master, Primary School		
(i) Entry Scale	1400-2600	5500-9000
(ii) Senior Scale	1640-2900	6500-10500
(iii) Selection Scale	2000-3500	7500-12000
(c) Post Graduate Teacher/Head Master, Middle School		
(i) Entry Scale	1640-2900	6500-10500
(ii) Senior Scale	2000-3500	7500-12000
(iii) Selection Scale	2200-4000	8000-13500
(d) Vice Principal/Head Master, Secondary School		
(i) Entry Scale	2000-3500	7500-12000

(b) UPGRADED PAY SCALES OF TEACHING STAFF OF KENDRIYA VIDYALAYA

POST	PRESENT SCALE (in Rs.)	REVISED SCALE (in Rs.)
Group-A		
Principal	3000-4500	10000-15200
Group-B		
Vice Principal Entry Scale	2000-3500	7500-12000
P.G.T.s		
Entry Scale	1640-2900	6500-10500
Senior Scale	2000-3500	7500-12000
Selection Scale	2200-4000	8000-13500
Group-C		
TGTs/Head Master/ PETs/ WETs/Drawing Teachers/ Home Science Teacher, etc./Librarian		
(i) Entry Scale		
(ii) Senior Scale	1400-2600	5500-9000
(iii) Selection Scale	1640-2900 2000-3500	6500-10500 7500-12000
P.R.Ts & Music Teachers		
(i) Entry Scale		
(ii) Senior Scale	1200-2040	4500-7000
(iii) Selection Scale	1400-2600 1640-2900	5000-8000 5500-9000
Yoga Teachers	1400-2300	4500-7000

PROBLEM AREAS

12.2.1 We take up next the apparent deviations, which the Bihar Government have made in the service conditions of teachers vis-à-vis Teachers in the Central Government. These include departure in pay scales as well.

(i) *Trained Graduate Teachers* in the Centre were sanctioned the scale of Rs. 1400-2600 from 1.1.1986 but in Bihar teachers with minimum Graduate Trained qualification and **Graduate Trained Teachers** in Middle Schools were sanctioned the scale of Rs. 1640-2900.

(ii) After 12 years for *Trained Graduate Teachers* in Centre the senior scale was Rs. 1640-2900 whereas in Bihar the scale was upgraded to Rs. 2000-3500.

(iii) The selection scale for trained graduate teachers in the Centre was Rs. 2000-3500 but the State Government sanctioned the scale of Rs. 2200-4000 as the selection scale after 12 years in senior scale provided the teachers have the qualification laid down for post-graduate teachers. This condition of having qualification of Post-graduate teachers has no meaning because in Bihar for teaching in +2 school teachers are recruited separately with qualification of mere post graduation without any training and in any case all Secondary Schools do not teach students beyond class X and teaching in Class XI and XII is restricted to only 148 Government and nationalized High Schools.

(iv) *Post Graduate Teachers* who are trained have an entry scale of Rs. 1640-2900 in the Centre whereas **Lecturers** in +2 schools have been sanctioned a higher scale of Rs. 1800-3330 in Bihar.

(v) The Government orders as issued by the Finance Department that we have in possession do not indicate what the junior and senior selection grades or what the scales will be in senior scale and selection scale for **Lecturers** teaching in +2 schools.

(vi) The *Head Master* Middle School has an entry scale of Rs. 1640-2900 in the Centre whereas **Head Masters** of Middle Schools in this State have been sanctioned the scale of Rs. 2000-3500 as well as a senior scale after 12 years of Rs. 2200-4000 as against the senior scale of Rs. 2000-3500 for *Headmasters* of Middle Schools. Hence the basic and the senior scale for **Headmasters** of Middle Schools is higher in this state.

(vii) Notification dated 8.7.1993 of the Human Resources Development Department stipulate that the selection scale of Matric trained teachers will be given to Matric trained teachers with 18 years of service in the senior scale of Matric trained and only trained graduate teachers with minimum of 12 years of service in the scale of Matric trained senior scale will be entitled for promotion to the selection scale for matric trained. In the Centre teachers are not required to be graduate trained for

getting promotion to the selection scale, in fact the only stipulation is of 12 years service in the senior scale subject to selection scale posts being 20% of the posts of senior scale.

(viii) A trained graduate teacher who has just put in 8 years service in the Matric trained basic scale can be promoted to the basic scale of Trained Arts/Science Graduate Teacher whereas in the Centre the situation is different with provision for direct recruitment. The Central rules provide for promotion of **Primary Trained Teachers** to the scale admissible for graduate trained teachers both in the Kendriya Vidyalaya Sangathan as well as schools under the Union Territories.

(ix) These details prove that the Central conditions of service have not been followed in the case of Bihar. Moreover, Rule 13 of the 8.7.1993 notification provides that untrained teachers will not be eligible for promotion to any of the Grades 1 to 8 but untrained teachers would be given time-bound promotion according to the orders issued by the State Government from time to time like other employees of the State Government. Hence the teachers of the taken over schools have the best of both the worlds, if they are trained they have better promotion facilities than teachers governed by the Central pay scales in the Centre and if untrained, they get promotion facilities like the State Government employees.

(x) Trained teachers in Bihar have been defined as those who have undergone and passed the examination of 2 years Teachers training or diploma in education or Bachelors in Education training or one year training in service tenure. This provision of one year training in service tenure is a means to induct untrained teachers and needs to be immediately deleted from the notification of the Department of Secondary, Primary and Adult Education.

(xi) Notification No. 398 dated 9.6.1983 of the Education Department include the service conditions of **Headmaster/Principals, Teachers** and non-teaching employees of nationalized secondary schools and provides among the various cadres of teachers in Chapter III, Rule 3 untrained graduate teachers, trained Intermediate and other qualified teachers. That means that trained intermediate,

untrained graduates are in the cadre of **Assistant Teachers** appointed after 18.9.1972 and getting the benefit of the scales without having acquired training. We have been informed that these provisions have not been changed even though certain amendments were made in the 1983 rules on 29.10.1997.

12.2.2 The problems in implementing Central pay scales are as follows

(i) Whether non-trained teachers are to be given Central pay scales because in the Centre training is a pre-requisite for appointment and it was on this basis that instead of the normal replacement scale of Rs. 4000-6000, the scale of Rs. 4500-7000 was recommended for trained primary school teachers in the basic grade. It is by now recognised, established and settled that training is a must for teachers in schools.

(ii) Different pay scales are available in Bihar to teachers in Government schools who may be in the **Subordinate Education Service** and to teachers in the taken-over schools. One was under the impression that since the teachers in nationalized schools are in a separate category their total strength is fixed and no fresh recruitments are to be made. However, it was mentioned by the officials of the Department that newly recruited and untrained teachers were appointed in the nationalized schools. Why newly recruited non trained teachers will get the higher scale even if it is presumed that two separate cadres have to exist is a question that needs to be looked into. The Government of the day now has an opportunity to stop making any recruitment in the cadre of teachers of nationalized schools and hence deciding to have in the future only one cadre.

(iii) The teachers in the **Subordinate Education Service** are in a lower pay scale than the teachers in the taken over schools. If we recommend the same pay scale then obviously the benefit of posts of **Block Education Extension Officer, Deputy Superintendent of Education**, etc. would not be available to teachers in Government schools who are part of the **Subordinate Education Service**. Then the Government, in that eventuality, would need to fill the posts on the Inspection side by deputation of teachers either from both the State and nationalized

schools or from only Government schools and further, like the **Bihar Health Service** there would need to be 100% direct recruitment to the **Bihar Education Service**.

(iv) The Department of Secondary, Primary and Adult Education have framed recruitment rules for teachers in Primary Schools and promotion rules for teachers in Nationalized Primary Schools. There are separate rules for **Teachers of Government Schools** who are part of the **Subordinate Education Service**. We are of the view that teachers, irrespective of the type of schools they are teaching in, should get the same pay scales.

CONSIDERATION OF ALTERNATIVES

12.3.1 In the light of the above discussions, we have three alternatives:-

(1) Ignore the distortions in implementing Central Government pay scales and Central Government conditions introduced by the Bihar Government in respect of School Teachers of taken over Schools and recommend Central scales.

(2) Recommend Central scales with the rider that till such distortions are corrected and removed, the new revised pay scales will not be applicable and as an interim measure the old pay scales will continue and the State Government will have to work out dearness allowance admissible to these teachers on the basis of old scales.

(3) In view of the different service conditions in Bihar for teachers, recommend different pay scales from what is prevailing in the Centre.

12.3.2 We are aware that the State Government will face several difficulties in implementing pay scales if recommended according to alternative 1 or 3. Therefore, we are recommending Central Scales for teachers who have the same recruitment educational qualification with similar service conditions and till such time the distortions are not corrected and apparent discrepancies not removed, the new pay scales will not come into force. These scales are available at paragraph 12.1.26.

There are various types of teachers in Bihar who are no longer available in the Central scheme of things. For them we are recommending scales as stated below and we leave it to the State Government to decide on their implementation. Revised pay scales as in the Centre can be sanctioned to these categories provided they acquire the educational qualification and training which are required and only then they will be entitled to the pay scales which we are recommending based on those sanctioned in the Centre. An opportunity is now available to us to bring to an end the confusion that prevails in the area of pay scales of various types of teachers not only in the Department of Secondary, Primary and Adult Education but in other departments of the State where there are a sizeable number of teachers. However, we would like to caution the State Government that these scales should only be implemented after a close perusal of the service conditions of teachers of Bihar vis-à-vis those serving under the Kendriya Vidyalaya Sangathan or under the Union Territories and the respective rules and conditions for appointment as well as promotion rules of the Centre should be obtained for arriving at a correct and justifiable decision with regard to pay scales of teachers.

12.3.3 When the State Government have so brazenly departed from their own policy decision of abiding by Central service conditions, the Fitment Committee feel diffident in taking any decision lest pay scales are adopted without the attendant Central conditions of service. However, the Fitment Committee is required to fit teachers in Central pay scales with Central conditions of service. On the basis of this principle we may allow the benefit of new pay scales to teachers who are trained and directly recruited or promoted according to rules in force in the Centre.

12.3.4 The pay scales in the Central Government schools will also be applicable to such of the Subordinate Education Service personnel who decide to forego their promotion in the Bihar Education Service and opt not to be posted on the inspection side while remaining in the Subordinate Education Service. Those opting to remain in the Subordinate Education Service cannot come back to the teaching side after having been posted in Inspection.

RECOMMENDATIONS

12.3.5 As the Central system rests on the basic premise that all teachers have to be trained we suggest and also recommend as follows: -

- (i) Matric untrained, I.A. untrained, and graduate untrained teachers would be in scales below the pay scale of Matric Trained; it must be remembered that students have to be taught by trained personnel and any compromise in this will not be in the interests of the State nor within the parameters of our terms of reference.
- (ii) Promotion will be on the basis of rules prevalent in the Centre.
- (iii) Untrained teachers will not get any salary till they clear departmental examinations or get trained. The system of recruiting untrained teachers has to stop forthwith.
- (iv) The pay scale of Principal in Government schools as well as nationalized schools will be the same subject to members of the Subordinate Education Service foregoing promotions to the Bihar Education Service and also foregoing posting in the Inspection side.
- (v) Direct recruitment of teachers at Graduate trained and Post-Graduate trained levels has to be introduced or else the pay scale now available in the Centre will not be applicable. However, we have been informed that in nationalized schools there is 100% direct recruitment against posts of trained graduate teachers and in Government schools teachers are invariably graduate trained because that is the recruitment educational qualification for entry in the Subordinate Education Service. Since we were not supplied with the number of trained graduate teachers, there is some suspicion and apprehension in this regard.
- (vi) Lecturers in +2 schools will be in the same pay scale as recommended in 12.4.4. All over the country + 2 is being taught both in Colleges and schools but here in Bihar teaching in + 2 schools is done by teachers who are untrained post-graduates.
- (vii) Educational qualification necessary for Headmasters of Middle Schools both in the Centre and State have to be the same. Such teachers in the nationalized schools who are unable to have a degree after graduation cannot have the advantage of being promoted against the posts of Post Graduate trained teachers. The concerned administrative Department will need to consider the utility of the Lower and Subordinate Education Services if the teaching posts are not required in these Services.

(viii) In Schedule II of Finance Department Resolution No. 6022 dated 18.12.89, it has been indicated that the **Head Masters** of Secondary Schools/**Principals** of + 2 Schools will have a revised pay scale of Rs. 3000-4500. It is seen in paragraph 12.1.26 that **Head Masters**, Secondary Schools have an entry scale of Rs. 7500-12000 and in the Kendriya Vidyalaya Sangathan the *Principals* have been sanctioned the revised scale of Rs. 10000-15200. In Bihar only 148 schools provide education in + 2 as against a total of 3664 High Schools including Project Girls High Schools where education is given only till Class X. In view of the decision taken by the Government of India we recommend that **Principals** of + 2 Schools will be in the revised scale of Rs. 10000-15200 and **Head Masters/Principals** in schools where education is imparted till Class X will be in the scale of Rs. 7500-12000 provided those **Principals/Head Masters** fulfil all the requirements for appointment as laid down by the Central Government/Kendriya Vidyalaya Sangathan, respectively.

12.4.1 RECOMMENDED PAY SCALES FOR TEACHERS NOT FULFILLING

CENTRAL CONDITIONS OF SERVICE

Sl No.	Designation	Existing Scale (in Rs.)	Recommended Scale (in Rs.)
1.	Middle Untrained Teacher	825-1500	2610-3540 (many posts in the Centre with middle school level qualification are in the lowest scale of Rs. 2550-3200, a scale above is recommended)
2.	Middle trained	950-1400	2750-4400
3.	Matric untrained	975-1540	3050-4590
4.	Intermediate untrained	1320-2040	3200-4900
5.	Intermediate trained	1400-2300	4500-7000
6.	Graduate untrained	1400-2600	4000-6000
7.	Matron	950-1400	3050-4590
8.	Charkha Teacher	950-1400	3050-4590
9.	Teacher, Government Girls Middle School (I. A. Certificate of Trained)	1400-2300	4500-7000 (on the basis that the teacher is matric trained)

10.	Drawing Teacher (Matric with Diploma in Fine Arts)	1400-2300	4000-6000 (under the Kendriya Vidyalaya Sangathan Drawing Teachers have the same scales as Trained Graduate Teachers with entry scale being Rs. 5500-9000; the scale of Drawing Teachers has been considered and recommended a scale below matric trained)
11.	Music Teacher (Government Girls Middle School) (A) Bachelor in Music	1400-2600	4500-7000 - entry scale 5000-8000 - senior scale 5500-9000 - selection scale (provided they conform to all the conditions in the recruitment rules and qualifications laid down by the Kendriya Vidyalaya Sangathan, if the requirements are not fulfilled then only entry scale will be admissible.)
	(B) Those with diploma in Music	1400-2300	4000-6000
	(C) others	950-1400	2750-4400

12.	Craft Teacher	1400-2300	4000-6000 (in Andaman & Nicobar Administration entry scale of Rs. 1400-2600, senior scale of Rs. 1640-2900 after 12 years and selection scale of Rs. 2000-3500 after 12 years in senior scale and attainment of higher qualification, the Craft Teacher has been recommended the same scale as the Drawing Teacher)
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12.4.2

SUBORDINATE EDUCATION SERVICE

Sl. No.	Designation	Existing Scale (in Rs.)	Recommended Scale (in Rs.)
1.	Drawing Teachers (Matric with Diploma in Fine Arts)	1400-2300	4000-6000 (In the Kendriya Vidyalaya Sangathan Drawing Teachers are in the basic grade of Rs. 5500-9000 and are required to be Graduates with a Diploma, hence the Central scale will not be applicable).

2.	Manual Training Instructor	1400-2300	4000-6000 (In the Centre this designation is not available and instead, posts of <i>Craft Teachers</i> and <i>Works Experience Teachers</i> are available and the entry pay scale has already been indicated above because in the Kendriya Vidyalaya Sangathan <i>Drawing Teachers, Works Experience Teachers, Home Science Teachers</i> all get the same pay as TGTs. Manual Training Instructors are not graduates with training)
3.	L. D. General Posts/ U. D. Higher Secondary/ U.D. General Posts	1500-2750	If all these Teachers are trained graduate Teachers then they will be entitled to the scales indicated for Trained Graduate teachers in the Centre. There will be 3 scales for them namely- Rs. 5500-9000, Rs. 6500-10500, and Rs. 7500-12000. Separate recommendations are not being made for the teaching Female Branch as they are in the existing scale of Rs. 1500-2750. If the requirements of trained graduate teachers is fulfilled then the same scale as in the Centre will be applicable.

4.	Deputy Inspectors/ Head Masters, Government Middle Schools		The Deputy Inspectors and the Head Masters, Government Middle Schools will be, respectively, the scales applicable for the Subordinate Education Service and the scale applicable for the Head Master of Middle Schools which has already been indicated.
5.	Instructors in different Disciplines in Training Schools	1500-2750	(If posts are in Subordinate Education Service they will be entitled to the scale of that service or if Teachers then the pay scale of a Teacher, as indicated above).
6.	Science Demonstrators in Training Colleges	1500-2750	(If posts are in Subordinate Education Service they will be entitled to the scale of that service or if Teachers then the pay scale of a Teacher, as indicated above).

7.	Librarian	1500-2750	Primary Vidyalaya sangathan have posts of Librarians in the three pay scales of trained graduate teachers and the Librarians need to be organised similarly in the Bihar Government. The scales applicable in the Centre will be applicable provided the conditions of service are similar, or else only replacement scale of Rs. 5000-8000.
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SCALES OF MATRIC UNTRAINED TEACHERS

12.4.3 We have already pointed out that the Human Resources Development Department issued a notification on 30.9.91 stating that untrained Matriculates would be appointed as Teachers in Primary Schools and during training they will only get stipend. The Government has promulgated rules allowing two opportunities for these Matric untrained teachers to pass the in-service training course after a test at the completion of the training course. We recommend that these provisions should be forthwith deleted and the Government should not recruit untrained teachers whether for Primary, Middle or even +2 schools. Finance Department Resolution No. 6022 dated 18.12.1989, which we have referred to earlier, made it incumbent upon the State Government to adhere to the terms and conditions which are in force under the Central Government. It was on this basis that the State Government allowed Central pay scales to school teachers which were higher than teachers of Government schools. Now that the Government after a lapse of merely two years decided to recruit untrained teachers, the Fitment Committee, according to its terms of reference, cannot recommend pay scales for these teachers on the same service conditions which are different, as we have shown, from the Centre. Considering that the State Government may have its own reasons for adopting such a course of action, according to the terms of reference of the Fitment Committee, we recommend that these untrained teachers appointed against posts of Matric trained teachers will continue to receive a stipend as decided by the State Government till

they complete the training and are declared successful after which the pay scale of the Matric-trained teachers could be sanctioned to them. Moreover, they will also not be eligible for time bound promotions as provided for in Rule 13 of Notification No. GSR 28, dated 09.7.93.

LECTURERS IN + 2 SCHOOLS

12.4.4 In the Central Government, specially in Central Schools, there are post-graduate trained teachers in the scale of Rs. 6500-10500, senior scale and selection scale being Rs. 7500-12000 and Rs. 8000-13500, respectively. In Bihar, the Lecturers in +2 Schools are now appointed in the scale of Rs. 1800-3330. Training is not mandatory for these teachers. We recommend that these teachers should be required to successfully complete the training which, in the Centre, is prescribed for post-graduate trained teachers. Till they become trained the scales for post-graduate teachers will not be applicable to them. The scale that we recommend for them is Rs. 5000-8000, a scale below graduate trained teachers. As and when the post-graduates get trained, they will be eligible to the scales notified for post-graduate trained teachers.

RECOMMENDED STEPS AS FOLLOW-UP MEASURES

12.4.5 We have ascertained from the Delhi Administration that direct recruitment at the level of Post-Graduate trained teachers is restricted to 25 per cent of the posts. The State Government would have to work out the appropriate percentage of direct recruitment and promotion if they want to adopt the system prevailing in the Centre/Kendriya Vidyalaya Sangathan.

12.4.6 In the Central schools under the Kendriya Vidyalaya Sangathan periods to be taken in a week are allotted for *Principals* and other teachers including the *Vice-Principal*. The Rules in Bihar are silent on this. On the Central pattern a fixed number of period each week have to be taken by all the teachers including the *Principal*, *Vice-Principal* and *Headmaster*. This needs to be introduced and penalty for periods not taken and which falls short of the given quota would need to be imposed.

12.4.7 Teachers with qualification, as has been provided in the relevant orders governing the Lower Subordinate Education Service, are not available in the Central schools except for Matric trained and Graduate trained teachers. If there are other employees than the categories of teachers in the Lower Subordinate Education Service, then they will be in pay scales recommended by us or governed by the principles of pay scales that we have outlined in Volume I, Part I, Chapter IV.

12.4.8 The Government will now have to take a decision whether to continue with the Lower Subordinate Education Service because if teachers in the Subordinate Education Service opt for teaching and not inspection posts, there may not be any need of the higher Subordinate Education Service in its present form. In the event of this happening the lower Service need not have promotional channels to the higher service. At present 50 percent of the posts of the Subordinate Education Service are filled by promotion of teachers in the Lower Subordinate Education Service. According to the terms of the Fitment Committee, we are only required to fit State Government employees against pay scales now made available to Central Government employees after ensuring that the State Government employees get the same scales as allowed to the Central Government employees. Untrained teachers as well as teachers other than Matric trained, graduation trained and post-graduate trained, are not part of the Central pattern and such Central posts do not exist. We do not want to go beyond the terms of reference of the Fitment Committee and hence have confined to recommending exact Central scales provided the teachers have been recruited according to Central Government conditions because that had been the decision of the State Government in 1989 in respect of teachers of taken-over schools. If in case the Lower Subordinate Education Service continues then it is hardly proper to have a Service with the starting scale being Rs. 2750-4400 because we find from the table of pay scales in Finance Department Resolution No. 6021 dated 18.12.1989 that the basic post of the Lower Subordinate Education Service is Middle trained. The appropriate course in our opinion would be to give the teachers of the Lower Subordinate Education Service the scales that we have recommended and the Government should take steps to discontinue the service after proper scrutiny and due diligence. Thereafter 50% posts in the Subordinate Education Service can be filled by a limited departmental competitive Examination for those fulfilling the

eligibility conditions subject to the Government deciding that the Service will consist of only inspection posts.

SUBORDINATE EDUCATION SERVICE

12.4.9 For the Subordinate Education Service, the State Government have notified the pay scale of the basic grade as Rs. 1600-2780, the junior selection scale, the senior selection scale and the super-time scales being Rs. 2000-3500, Rs. 2200-4000 and Rs. 2400-4150, respectively. The Subordinate Education Service, as mentioned earlier consists of the Inspection, Teaching and the Girls Wings. We are at this stage not commenting on the promotional tier but would only recommend the pay scale of the basic grade. The Inspection Wing of the Subordinate Education Service is required to be structured in such a way that the officers who are in the Inspection Wing would be in a position to inspect at least the primary and middle schools whether of the Government or taken-over schools. Hence we would recommend for the posts in the basic grade the pay scale of Rs. 5500-9000 because that is the selection scale of the primary trained teachers. In the Andaman & Nicobar Administration the Supervisor (Socially Useful Productive Work) under the Directorate of Education is in the scale of Rs. 1640-2900 and the higher posts of Assistant Education Officer/ Project Officer are in the scale of Rs. 2000-3500. In Delhi Administration in the Directorate of Education, the Assistant Social Education Officer is in the scale of Rs. 1640-2900 but there is also a separate cadre of Educational Administrators in which the lowest scale is Rs. 3000-4500 which is available to the Education Officer/Assistant Director of Education. Clearly in the Union Territories an organisation like the Subordinate Education Service in which there are Inspection posts, does not exist. Inspection of schools is done by Educational Administrators who are in scales similar to those available to the basic grade of the Bihar Education Service. But at this stage we are not in a position to recommend that the Subordinate Education Service should be abolished and all inspection work will stand transferred to the Bihar Education Service. The functions of the Block Education Extension Officer, Deputy Superintendent of Education, Deputy Inspector in the Inspection Wing are set out in orders of the Education Department and these would now require to be viewed in light of what we have discussed above. If any powers already stand delegated these then need to be curtailed

and if more powers are required to be vested, then the Government should take steps expeditiously.

12.4.10 At this stage we only recommend that the Subordinate Education Service would have the revised scale of Rs. 5500-9000 for the basic grade. How the Service will be structured and what will be the scales for other grades would be dealt with in our subsequent report on promotion policies.

Bihar Education Service

12.5.1 The Bihar Education Service consists of a total of 526 posts in the basic grade, 162 posts in the junior selection grade, 102 posts in the senior selection grade, 20 posts in the super-time and 3 posts constitute half percent over and above the 35 per cent selection grade posts. Out of these 813 posts, 516 posts are permanent and 297 posts are temporary. The Special Director and the Additional Director of Education are in the half percent posts, 14 posts are in super-time scale and 6 of those posts are of Regional Deputy Directors as well as Deputy Directors at the Headquarters level. Against 102 senior selection grade posts there are in all 70 posts consisting of 31 District Education Officers, 11 Deputy Directors at the headquarters, 6 posts of Principals of Teachers Training Colleges, 7 posts of Heads of Departments in the S.C.E.R.T. and other posts are like Director, Kashi Prasad Jaisawal Research Institute, School Inspector, Superintendent of Libraries, etc. Against 162 posts in the junior selection grade, there are 58 Sub-divisional Education Officers, 40 District Superintendents of Education, 28 Principals of Government +2 High Schools, 18 Principals of Government +2 Girls High Schools and other posts. 526 posts are available in the basic grade and the designations of the posts are for too large to detail here.

12.5.2 Given this structure of the Bihar Education Service, which is quite old and settled and considering the fact that the Subordinate Education Service was constituted in 1917, any change would be resisted and would take time to be implemented. Neither in the Central Government's Kendriya Vidyalaya Sangathan nor in the Union Territories do we have such an elaborate structure which makes comparison and equivalence difficult.

12.5.3. The Bihar Education Service in their representation to the Fitment Committee through their General Secretary, Shri R.S. Singh, have requested for revised pay scales and have highlighted the glorious past as they were part of the *Indian Education Service* and the technical and special work that they perform. The Bihar Education Service not only consists of Inspecting Officers of Primary Schools up to High Schools but the members are also appointed as Lecturers and Principals of Training Colleges and they also do research work in certain specified research institutions and for this they are required to have Degrees like B.Ed., M.Ed. and Ph.D. Another factor that has been brought out is that the selection scale of **Head Masters** of Middle Schools is now Rs. 8000-13500 and therefore, as the officers of the Bihar Education Service are required to inspect these Middle Schools, the basic grade of the Bihar Education Service should not be less than Rs. 8000-13500.

12.5.4 The existing scale and the scales demanded by the Bihar Education Service are tabulated below:-

Sl.No.	Post	Existing Scale (in Rs.)	Scale Demanded (in Rs.)
1.	Basic Grade	2200-4000	8000-13500
2.	Junior Selection Grade	3000-4500	10000-15200
3.	Senior Time Scale	3700-5000	12000-16500
4.	Super Time Scale	4100-5300	14300-18300
5.	Additional Director	4500-5700	16400-20000
6.	Director	5100-6300	18400-22400

12.5.5 The 5th Pay Commission have noted that the *Advisory Officers* in the Secretariat of Department of Education have demanded formation of a Central Education Service as an organised Group A Service. However, according to the 5th Pay Commission at paragraph 71.7, the Ministry of Human Resources Development has decided in consultation with the Department of Personnel & Training to convert the Advisory cadre posts to Secretariat posts of equivalent status in a phased manner. The 5th Pay Commission had observed that in the process of this conversion, care has

All these institutions referred to in the memorandum are allied Sanskrit schools or Madrasas and the teachers are not Government employees. The total number of such affiliated Sanskrit institutions are 625 and among them there are 253 High Schools, 286 Primary cum Middle Schools, 50 Middle Schools and 63 Primary Schools. There are in all 1305 Madrasas. Though the State Government have taken a decision to grant Government scales to such minority institutions in view of a Resolution of the Education Department dated 21.9.1990, the fact remains that under Article 28 of the Constitution of India no religious instruction shall be provided in any educational institution maintained out of Government Funds. Before making financial provisions for maintenance of non-Government educational institutions the Government has to ensure that such institutions are not hit by the prohibition contained under Article 28 of the Constitution.

12.6.2 The decision to grant Government scales to such teachers has to be taken by the State Government as the Fitment Committee is required only to recommend Central pay scales for Government employees; no recommendation is called for regarding affiliated Sanskrit Schools and Madrasas. We will recommend that the policy of appeasement through the instrument of nationalization, taking over or grant of pay scales applicable to State Government employees should never be resorted to in future with regard to School teachers. The exponential growth in revenue expenditure of the State from the mid- 1970s onwards is directly a result of taking over of primary schools and then the final nail on the coffin was the nationalization of about 3500 private high Schools in 1980. Moreover, the educational qualification in Madrasas and Sanskrit schools do not correspond to existing qualification of personnel who are teaching according to Central conditions of service. Lastly, those seeking easy solutions of granting pay scales applicable to State Government employees should again read the Constitution of India.

TEACHERS IN BORSTAL SCHOOLS UNDER THE DEPARTMENT OF HOME

12.7.1 We find in the list of posts under the Home (Special) Department, teachers in Borstal as well as in Jail Schools. Considering their existing pay scales, their qualification and the subjects that they are teaching, we have recommended the same revised Central scales for teachers in the Centre and what we

have decided for teachers under the Department of Secondary, Primary and Adult Education.

12.7.2 The Inspector General of Prisons has informed us that there are **Craft Instructors** in the scale of Rs. 1320-2040 and **Teachers** in the scale of Rs. 1200-1800 in Borstal schools. The **Head Master** and **Assistant Teacher** in Jail High School, respectively, are in the pay scales of Rs. 2000-3800 and Rs. 1600-2780. We have checked the pay scales with reference to the list of posts given in the Finance Department Resolution No. 6021 dated 18.12.1989 and we do not find any **Assistant Teacher** in the Jail High School in the scale of Rs. 1600-2780 but in the pay scale of Rs. 1500-2750.

12.7.3 The pay scales of teachers under the Welfare and other Departments are also discussed subsequently. The list of teachers, their existing and the recommended scales are tabulated below:-

Name of the Post	Existing scale (in Rs.)	Recommended Scale (in Rs.)
1. Teacher, Borstal School	1200-1800	4500-7000
2. Craft Instructor, Borstal School	1320-2040	4500-7000
3. Head Teacher (Borstal School)	1500-2750	5500-9000
4. Teacher(other than Remand Home)	1500-2750	5500-9000
5. Assistant Teacher, Jail High School	1500-2750	5500-9000
6. Head Teacher, Jail High School	2000-3800	6500-10500

12.7.4 The educational qualifications laid down for recruitment in these schools have not been made available to the Committee. Hence we can only recommend scales on the basis of designations and existing scales and we presume that the above six categories are all trained. We suggest that before issue of final orders of the Government clarifications may be obtained and decisions taken in light of our recommendations.

TEACHERS IN MIDDLE SCHOOL OF WATER RESOURCES DEPARTMENT

12.8.1 Among the list of posts in the Water Resources Department, there are four categories of Teachers shown under Middle School establishment. These are as follows :-

Name of Post	Existing scale (in Rs.)	Recommended Scale (in Rs.)
1. Assistant Teacher	950-1400	2750-4400
2. Assistant Teacher	1200-1800	4500-7000
3. Assistant Teacher	1400-2600	4500-7000
4. Head Master	1600-2780	5500-9000

12.8.2 As pointed out earlier, we do not want that there should be various pay scales for Teachers, irrespective of the fact that they may be posted under various State Government Departments. Therefore, we recommend that these Teachers will also be in such scales of Teachers which we have recommended while discussing the pay scale of Teachers of the Department of Secondary, Primary and Adult Education and our recommendation on these four categories of Teachers has been indicated in the chart above. However, the Department of Water Resources have not provided to us either the recruitment rules or the existing pay scales of Teachers separately, let alone rules for promotion. Therefore, we are going by the existing scales as available in the Finance Department Resolution No. 6021 dated 18.12.1989 and have recommended appropriate pay scales. We have assumed that the Assistant Teacher in the pay scale of Rs. 950-1400 is middle trained and the other three categories are not graduate trained except the Head Master. For fitment purposes we have also considered the Assistant Teacher in the scale of Rs. 1200-1800 to be matric trained.

TEACHERS UNDER THE RELIEF & REHABILITATION DEPARTMENT

12.9.1 As in the Water Resources Department we find that there are five categories of Teachers shown among the list of 25 posts in the Relief and

Rehabilitation Department as contained in the Finance Department Resolution No. 6021 dated 18.12.1989. We have earlier decided that pay scales of Teachers will be the same irrespective of where the Teachers are posted. There is an urgent need to standardize the pay scales of Teachers. If the State Government considers that Teachers are not necessary in departments like Relief and Rehabilitation and Water Resources, these Teachers should be absorbed against available posts in the Department of Secondary, Primary and Adult Education. If this is not possible then the existing incumbents against the posts of Teachers in Water Resources and Relief and Rehabilitation Departments should continue and no further recruitment against these posts should be made. If at all posts of Teachers are required then the respective departments should take them on deputation from the Department of Secondary, Primary and Adult Education. This will ensure uniformity as well as better cadre control.

12.9.2 After the constitution of the Fitment Committee, we requested the various departments to provide us with the details of posts, their service conditions and promotion rules. In the list of 25 posts provided by the Department of Relief and Rehabilitation, the pay scale of Teachers has not been indicated. It has been mentioned in letter No. 2/Estt-11/98-931/ R & R. dated 25.6.1998 that the Rehabilitation Directorate is not functioning any more and some of the common category posts like **Special Officer, Accountant, Cashier, Clerk** have been absorbed in the Relief & Rehabilitation Department which is functioning as a 'separate department and the department is totally separate from the Department of Revenue and Land Reforms. Though the Teachers have not been included in the list of posts of the Relief & Rehabilitation Department, we are, nonetheless, recommending the scales lest there be any confusion later. If the posts are not available then these recommended scales will not be applicable.

12.9.3 The list of Teachers in the Relief & Rehabilitation Department, their existing scales as well as scales recommended is tabulated below :-

Name of Post	Existing Scale (in Rs.)	Recommended Scale (in Rs.)
1. Assistant Teacher (un-trained middle and trained upper Primary)	950-1400	2650-4000
2. Assistant Teacher (Matric trained)	1200-1800	4500-7000
3. Assistant Teacher (I.A.untrained)	1320-2040	3200-4900
4. Head Master (I.A. trained)	1400-2300	4500-7000

Teachers under the Welfare Department

12.10.1 Pay scales of Teachers in the Residential Schools, Paharia Schools, Blind Schools as well as Deaf and Dumb Schools under the Welfare Department are tabulated below. We have also recommended their revised scales on the basis of discussions below and on principles decided at paragraph 12.4.1 and 12.4.2.

Sl. No.	Designation	Existing Pay Scale (in Rs.)	Recommended Pay Scale (in Rs.)
1	Residential Schools(Primary) (i)Headmaster (Intermediate Trained) (ii)Assistant Teacher(Middle Trained	1400-2300 950-1400	4500-7000 2750-4400
2	Residential Schools(Middle) (i)Headmaster(Graduate Trained) (ii)Assistant Headmaster (Intermediate Trained) (iii)Assistant Teacher (Matric Trained)	2000-3800 1400-2300 1200-1800	6500-10500 4500-7000 4500-7000

12.5.3. The Bihar Education Service in their representation to the Fitment Committee through their General Secretary, Shri R.S. Singh, have requested for revised pay scales and have highlighted the glorious past as they were part of the *Indian Education Service* and the technical and special work that they perform. The **Bihar Education Service** not only consists of Inspecting Officers of Primary Schools up to High Schools but the members are also appointed as Lecturers and Principals of Training Colleges and they also do research work in certain specified research institutions and for this they are required to have Degrees like B.Ed., M.Ed. and Ph.D. Another factor that has been brought out is that the selection scale of **Head Masters** of Middle Schools is now Rs. 8000-13500 and therefore, as the officers of the Bihar Education Service are required to inspect these Middle Schools, the basic grade of the **Bihar Education Service** should not be less than Rs. 8000-13500.

12.5.4 The existing scale and the scales demanded by the Bihar Education Service are tabulated below:-

Sl.No.	Post	Existing Scale (in Rs.)	Scale Demanded (in Rs.)
1.	Basic Grade	2200-4000	8000-13500
2.	Junior Selection Grade	3000-4500	10000-15200
3.	Senior Time Scale	3700-5000	12000-16500
4.	Super Time Scale	4100-5300	14300-18300
5.	Additional Director	4500-5700	16400-20000
6.	Director	5100-6300	18400-22400

12.5.5 The 5th Pay Commission have noted that the *Advisory Officers* in the Secretariat of Department of Education have demanded formation of a Central Education Service as an organised Group A Service. However, according to the 5th Pay Commission at paragraph 71.7, the Ministry of Human Resources Development has decided in consultation with the Department of Personnel & Training to convert the Advisory cadre posts to Secretariat posts of equivalent status in a phased manner. The 5th Pay Commission had observed that in the process of this conversion, care has

to be taken so that the promotional prospects of existing incumbents in advisory posts are not diminished. In the words of the 5th Central Pay Commission "*while endorsing the decision of the Department to retain only a core group of advisory posts, we recommend that the remaining posts which are earmarked for being phased out should be abolished instead of being converted into Secretariat posts. There is a scope for reduction of manpower in this Department*".

12.5.6. We are not aware of the steps taken by the Ministry of Human Resources Development regarding conversion and we are not in possession of any Government order indicating the pay scales of such posts in the Ministry. *Educational Administrators* in the Government of the National Capital Region of Delhi are in pay scales ranging from Rs. 3000-4500 to Rs. 3700-5300. The *Education Officer/Assistant Director* of Education are in the scale of Rs. 3000-4500, the *Additional Director* of Education is in the pay scale of Rs. 3700-5000 and the *Director* is having the scale of Rs. 3700-5300. The 5th Pay Commission at paragraph 55.267 recommended revised scales but these have not so far been accepted. Therefore, except for the basic grade of Rs. 3000-4500, pay scales of the officers in the **Bihar Education Service** are far higher than those presently available to *Educational Administrators* in Delhi Administration. The *Deputy Directors* and *Joint Directors* of Education in Delhi are in the same scale of Rs. 3000-4500 which has been revised to Rs. 10000-15200 though the *Joint Director* is getting an additional Special Pay of Rs. 300 per month. The Government of India have decided that Special Pay already admissible between January 1, 1986 and December 31, 1990 would be doubled, and Headquarter Allowance admissible to officers of organised Group-A Services posts in Headquarters Organisations have been increased to Rs. 800 per month for Officers in Senior Time Scale of Rs. 10000-15200 subject to grade pay and headquarters allowance not exceeding Rs. 15200. For officers in Junior Administrative Grade/Selection Grade, headquarters allowance has been raised to Rs. 1000 per month subject to a ceiling of Rs. 18300 including grade pay. The 5th Pay Commission have recommended that the special allowance of *Joint Directors* should be doubled to Rs. 600 per month.

12.5.7 On the basis of pay scales of the Educational administrators we may recommend revised scales for the **Bihar Education Service** but then adoption of

these scales would lead to a situation whereby the basic grade, the **Deputy Directors** and **Joint Directors** would be in the same revised scale of Rs. 10000-15200 because the Government of India have sanctioned this scale for the pre-revised scales of Rs. 3000-4500 and Rs. 3000-5000. If the State Government so wants either these scales or those prevailing in the Kendriya Vidyalaya Sangathan can be adopted for the **Bihar Education Service**. However, we do not have with us the orders regarding the pay scales of the officers in the headquarters of the Kendriya Vidyalaya Sangathan.

12.5.8. The best course of option would be to recommend for the basic grade of the **Bihar Education Service** the pay scale of Rs. 6500-10500. In paragraphs 7.2.9 and 2.2.10 of Volume II, Part II of our Report we have analyzed why the revised scale of Rs. 6500-10500 has been considered appropriate for the basic grade of **Group B State Services**. Hence we cannot recommend only the higher basic grade pay of Rs. 3000-4500 to the basic grade of the **Bihar Education Service**. The scale of Rs. 3000-4500, revised to Rs. 10000-15200 is a Group A scale post because according to the Department of Personnel and Training's Notification No. 13012/1/98-Estt. (D) dated 12.6.1998 Group A posts are those carrying a pay or a scale of pay, with a maximum of not less than Rs. 13500. The **Deputy Directors** would then be in the scale of Rs. 10000-15200. The next scale of Rs. 12000-16500 would be admissible to the higher posts encadred in the cadre rules of the **Bihar Education Service** and designated as posts above **Deputy Directors**. The next scale of Rs. 14300-18300 will be admissible to the next higher grade of officers who are encadred and this includes the **Additional Directors** and **Special Director** of Education. As at present no officer from the **Bihar Education Service** is posted as **Director**, we are not recommending any revised Central scale for the pre-revised scale of Rs. 5100-6300.

Teachers in Madrasas and Sanskrit Schools

12.6.1 The Bihar Sanskrit Madarsa Teachers Joint Forum in their memorandum through their Convenor, Shri Satish Chandra Pathak, have requested the Committee for scales, promotions as well as allowances admissible in the Central Government. According to the information available with us only the Madrasa Shamsul Hoda and 17 State Sanskrit High Schools are under the Bihar Government and the teachers and other employees have been sanctioned Government pay scales.

All these institutions referred to in the memorandum are allied Sanskrit schools or Madrasas and the teachers are not Government employees. The total number of such affiliated Sanskrit institutions are 625 and among them there are 253 High Schools, 286 Primary cum Middle Schools, 50 Middle Schools and 63 Primary Schools. There are in all 1305 Madrasas. Though the State Government have taken a decision to grant Government scales to such minority institutions in view of a Resolution of the Education Department dated 21.9.1990, the fact remains that under Article 28 of the Constitution of India no religious instruction shall be provided in any educational institution maintained out of Government Funds. Before making financial provisions for maintenance of non-Government educational institutions the Government has to ensure that such institutions are not hit by the prohibition contained under Article 28 of the Constitution.

12.6.2 The decision to grant Government scales to such teachers has to be taken by the State Government as the Fitment Committee is required only to recommend Central pay scales for Government employees; no recommendation is called for regarding affiliated Sanskrit Schools and Madrasas. We will recommend that the policy of appeasement through the instrument of nationalization, taking over or grant of pay scales applicable to State Government employees should never be resorted to in future with regard to School teachers. The exponential growth in revenue expenditure of the State from the mid- 1970s onwards is directly a result of taking over of primary schools and then the final nail on the coffin was the nationalization of about 3500 private high Schools in 1980. Moreover, the educational qualification in Madrasas and Sanskrit schools do not correspond to existing qualification of personnel who are teaching according to Central conditions of service. Lastly, those seeking easy solutions of granting pay scales applicable to State Government employees should again read the Constitution of India.

TEACHERS IN BORSTAL SCHOOLS UNDER THE DEPARTMENT OF HOME

12.7.1 We find in the list of posts under the Home (Special) Department, teachers in Borstal as well as in Jail Schools. Considering their existing pay scales, their qualification and the subjects that they are teaching, we have recommended the same revised Central scales for teachers in the Centre and what we

have decided for teachers under the Department of Secondary, Primary and Adult Education.

12.7.2 The Inspector General of Prisons has informed us that there are **Craft Instructors** in the scale of Rs. 1320-2040 and **Teachers** in the scale of Rs. 1200-1800 in Borstal schools. The **Head Master** and **Assistant Teacher** in Jail High School, respectively, are in the pay scales of Rs. 2000-3800 and Rs. 1600-2780. We have checked the pay scales with reference to the list of posts given in the Finance Department Resolution No. 6021 dated 18.12.1989 and we do not find any **Assistant Teacher** in the Jail High School in the scale of Rs. 1600-2780 but in the pay scale of Rs. 1500-2750.

12.7.3 The pay scales of teachers under the Welfare and other Departments are also discussed subsequently. The list of teachers, their existing and the recommended scales are tabulated below:-

Name of the Post	Existing scale (in Rs.)	Recommended Scale (in Rs.)
1. Teacher, Borstal School	1200-1800	4500-7000
2. Craft Instructor, Borstal School	1320-2040	4500-7000
3. Head Teacher (Borstal School)	1500-2750	5500-9000
4. Teacher(other than Remand Home)	1500-2750	5500-9000
5. Assistant Teacher, Jail High School	1500-2750	5500-9000
6. Head Teacher, Jail High School	2000-3800	6500-10500

12.7.4 The educational qualifications laid down for recruitment in these schools have not been made available to the Committee. Hence we can only recommend scales on the basis of designations and existing scales and we presume that the above six categories are all trained. We suggest that before issue of final orders of the Government clarifications may be obtained and decisions taken in light of our recommendations.

TEACHERS IN MIDDLE SCHOOL OF WATER RESOURCES DEPARTMENT

12.8.1 Among the list of posts in the Water Resources Department, there are four categories of Teachers shown under Middle School establishment. These are as follows :-

Name of Post	Existing scale (in Rs.)	Recommended Scale (in Rs.)
1. Assistant Teacher	950-1400	2750-4400
2. Assistant Teacher	1200-1800	4500-7000
3. Assistant Teacher	1400-2600	4500-7000
4. Head Master	1600-2780	5500-9000

12.8.2 As pointed out earlier, we do not want that there should be various pay scales for Teachers, irrespective of the fact that they may be posted under various State Government Departments. Therefore, we recommend that these Teachers will also be in such scales of Teachers which we have recommended while discussing the pay scale of Teachers of the Department of Secondary, Primary and Adult Education and our recommendation on these four categories of Teachers has been indicated in the chart above. However, the Department of Water Resources have not provided to us either the recruitment rules or the existing pay scales of Teachers separately, let alone rules for promotion. Therefore, we are going by the existing scales as available in the Finance Department Resolution No. 6021 dated 18.12.1989 and have recommended appropriate pay scales. We have assumed that the Assistant Teacher in the pay scale of Rs. 950-1400 is middle trained and the other three categories are not graduate trained except the Head Master. For fitment purposes we have also considered the Assistant Teacher in the scale of Rs. 1200-1800 to be matric trained.

TEACHERS UNDER THE RELIEF & REHABILITATION DEPARTMENT

12.9.1 As in the Water Resources Department we find that there are five categories of Teachers shown among the list of 25 posts in the Relief and

Rehabilitation Department as contained in the Finance Department Resolution No. 6021 dated 18.12.1989. We have earlier decided that pay scales of **Teachers** will be the same irrespective of where the **Teachers** are posted. There is an urgent need to standardize the pay scales of **Teachers**. If the State Government considers that **Teachers** are not necessary in departments like Relief and Rehabilitation and Water Resources, these **Teachers** should be absorbed against available posts in the Department of Secondary, Primary and Adult Education. If this is not possible then the existing incumbents against the posts of **Teachers** in Water Resources and Relief and Rehabilitation Departments should continue and no further recruitment against these posts should be made. If at all posts of **Teachers** are required then the respective departments should take them on deputation from the Department of Secondary, Primary and Adult Education. This will ensure uniformity as well as better cadre control.

12.9.2 After the constitution of the Fitment Committee, we requested the various departments to provide us with the details of posts, their service conditions and promotion rules. In the list of 25 posts provided by the Department of Relief and Rehabilitation, the pay scale of **Teachers** has not been indicated. It has been mentioned in letter No. 2/Estt-11/98-931/ R & R. dated 25.6.1998 that the Rehabilitation Directorate is not functioning any more and some of the common category posts like **Special Officer, Accountant, Cashier, Clerk** have been absorbed in the Relief & Rehabilitation Department which is functioning as a 'separate department and the department is totally separate from the Department of Revenue and Land Reforms. Though the **Teachers** have not been included in the list of posts of the Relief & Rehabilitation Department, we are, nonetheless, recommending the scales lest there be any confusion later. If the posts are not available then these recommended scales will not be applicable.

12.9.3 The list of **Teachers** in the Relief & Rehabilitation Department, their existing scales as well as scales recommended is tabulated below :-

Name of Post	Existing Scale (in Rs.)	Recommended Scale (in Rs.)
1. Assistant Teacher (un-trained middle and trained upper Primary)	950-1400	2650-4000
2. Assistant Teacher (Matric trained)	1200-1800	4500-7000
3. Assistant Teacher (I.A.untrained)	1320-2040	3200-4900
4. Head Master (I.A. trained)	1400-2300	4500-7000

Teachers under the Welfare Department

12.10.1 Pay scales of Teachers in the Residential Schools, Paharia Schools, Blind Schools as well as Deaf and Dumb Schools under the Welfare Department are tabulated below. We have also recommended their revised scales on the basis of discussions below and on principles decided at paragraph 12.4.1 and 12.4.2.

Sl. No.	Designation	Existing Pay Scale (in Rs.)	Recommended Pay Scale (in Rs.)
1	Residential Schools(Primary) (i)Headmaster (Intermediate Trained) (ii)Assistant Teacher(Middle Trained	1400-2300 950-1400	4500-7000 2750-4400
2	Residential Schools(Middle) (i)Headmaster(Graduate Trained) (ii)Assistant Headmaster (Intermediate Trained) (iii)Assistant Teacher (Matric Trained)	2000-3800 1400-2300 1200-1800	6500-10500 4500-7000 4500-7000

3	Residential Schools(High) (i)Headmaster(Graduate Trained) (ii)Assistant Teacher (Graduate Trained) (iii)Assistant Teacher (Intermediate Trained) (iv)Assistant Craft Teacher (Matric Trained in Craft) (v)Assistant Teacher (Matric Trained)	2200-4000 1600-2780 1400-2300 1200-1800 1200-1800	Departmental scales, their pay scales, their recommended the 7500-12000 0001-0057 5500-9000 0006-0055 12.7.1 0007-0054 TEACHERS IN BOI 0007-0054 State Government 0006-0055 of service. Lastly,
4	Paharia Schools for Day Scholars(Primary) (i)Headmaster(Matric Trained) (ii)Assistant Teacher (Middle Trained)	1200-1800 950-1400	existing qualification educational qualification of national character of taking over of private revenue expenditure
5	Blind Middle School at Ranchi (i)Headmaster (ii)Music Teacher (iii)Assistant Teacher (iv)Industry Teacher	1800-3330 1400-2600 1320-2040 1320-2040	resorted to in future or grant of pay scale that the persons of at called for regarding recommended Central
6	Blind High School at Patna/Darbhanga (i)Headmaster (ii) Assistant Teacher (iii)Music Teacher (iv)Assistant Teacher (v) Assistant Teacher (vi)Industry Teacher (vii)Reader	2000-3800 1640-2900 1400-2600 1320-2040 1320-2040 1320-2040 1200-1800	be taken by the State 12.6.2 0001-120057 5500-9000 of the Constitution ensure that such institutions for maintenance of institution maintenance Constitution of India Education Department Government scales are in all 1305 Madras 286 Primary cum affiliated Sanskrit in Madras and the tea All these institutions

7	Deaf and Dumb Middle School at Patna/Darbhanga		
	(i) Headmaster	1800-3330	6500-10500 (provided the educational requirements for the Headmaster are the same as Headmasters in Government Middle Schools; if not then replacement scale)
	(ii) Assistant Headmaster	1400-2600	5000-8000
	(iii) Assistant Teacher	1320-2040	4500-7000
	(iv) Industry/Craft Teacher	1320-2040	4500-7000
	(v) Instructor (Weaving/Sewing/Cottage Industries)	1320-2040	4500-7000

12.10.2 The Fitment-cum-Pay Revision Committee at Chapter 14 recommended that the pay scales of teachers for industries and for craft in the Blind and the Deaf & Dumb Schools should be the same as the matric trained teachers of such Schools under the Welfare Department. That Committee recommended the same scale of Rs. 680-965 as these teachers were required to be trained in Braille/deaf and dumb methods. Similarly weaving, sewing and cottage industries instructors in Deaf & Dumb Middle Schools at Patna and Darbhanga were also recommended the same pay scales in 1989 as the other teachers in the same schools.

12.10.3 The position in brief that emerges is that teachers in Welfare Schools are getting the pay scales admissible to State Government School teachers whether matric trained, middle trained, intermediate trained or graduate trained. The **Head Master** in the Middle Residential School and Blind High School are in the pay scale of Rs. 2000-3800, the **Head Master** in the Residential High School is in the scale of Rs. 2200-4000, the **Head Master** in the Blind and Deaf and Dumb Middle Schools are

in the scale of Rs. 1800-3330. These are not standard scales of Head Master of School the Centre and need to be fitted appropriately.

12.10.4

The graduate trained Assistant Teacher in Residential School is in the same scale as the graduate trained teacher of the Subordinate Education Service while the Assistant Teacher in the Blind High School at Patna and Darbhanga are in the next higher scale of Rs. 1640-2900. In consideration of their other disadvantages as they are required to teach the deprived sections of the population the Fourth Pay Revision Committee recommended in 1981 for the Assistant Teachers in both Blind and Deaf and Dumb Middle Schools pay scales immediately higher than they would ordinarily have got. The State Government accepted these recommendations.

On the basis of the above discussion we have recommended pay scales of teachers of the Welfare Department.

12.10.5

Another debatable issue is whether teachers in various categories of schools under the Welfare Department will be entitled to pay scales as admissible to teachers in nationalized schools and those in Government schools. There is no problem in having various scales and as the terms of the Fitment Committee require Government employees to be fitted in Central scales of pay with Central Government conditions, this is an opportune time to clear all the confusion and recommend Central scales as available to teachers in Central Government Organizations or in the Union Territories. There is an obvious problem in adopting the scales of the Central Government because such categories like matric untrained, intermediate untrained, graduate untrained are not available in the Central Government and earlier recruitments were made in various categories depending upon the basic qualification like untrained, intermediate trained, etc. and there was another category where education qualification with training was prescribed. We have also seen how the Central Government conditions of service have not been strictly adhered to in spite of the Government having decided in December 1989 that promotion rules and conditions in force in the Central Government with respect to qualifications, training, requirements and eligibility for recruitment, promotion and crossing of efficiency bars for teachers in nationalized schools, would

adhered to. Consistency demanded that teachers be given the same scales and we have recommended accordingly.

12.10.6 In the 5th Pay Commission Report on the Ministry of Human Resources Development, there is no discussion on whether there should be different pay scales for such of the teachers who are working in the Welfare Department. Discussion on teaching personnel is available in Chapter 55, paragraphs 55.255 to 55.267. However, we do not find any discussion on teachers teaching in the Blind and Deaf & Dumb schools. We have with us two lists of posts in the Department of Education of Delhi as well as the Andaman & Nicobar Islands. These do not include posts as shown in the various types of schools in the Welfare Department of the Bihar State. In our recommendation regarding teachers in Welfare Department we have pointed out that only one scale should be in vogue and there should not be different scales for teachers in nationalized and State Government Schools. We would also like this prescription to be applicable to teachers under the Welfare Department. The present incumbents, who are Middle trained, Intermediate trained or even untrained will have to continue so long as they do not retire. There should not be any fresh recruitment against designations, which do not exist in the Centre. For recommending Central replacement scales, we have taken into consideration the pay scales available to *Teachers* under the Kendriya Vidyalaya Sangathan, *Teachers* in Delhi as well as Andaman & Nicobar Administrations. The scales finally accepted by the Government of India have been tabulated and shown at paragraph 12.1.26 and the pre-revised pay scales in Andaman and Nicobar Administration given in the Annexure.

NETARHAT VIDYALYA AND INDIRA GANDHI GIRLS RESIDENTIAL SCHOOL,
HAZARIBAGH

12.11.1 The Netarhat Vidyalaya Gazetted Teachers Association, Netarhat Residential Non-gazetted Association and the Assistant Teachers of the Indira Gandhi Girls School, Hazaribagh have submitted representations to this Committee. The posts in Netarhat School as well as in the Indira Gandhi Girls Residential School, Hazaribagh are

listed in the Resolution of the Finance Department. The **Assistant Master** in Netarhat is in the revised scale of Rs. 2200-4000 and the **Principal** is in the scale of Rs. 3000-4500. In the Girls Schools at Hazaribagh the **Assistant Teachers** have been given the scale of Rs.2000-3800 and the **Principal** is in the pay scale of Rs. 3000-4500.

12.11.2 By a separate order of 25.11.94., the Netarhat School Teachers are in the basic grade and three selection grades in the scales of Rs. 2200-4000, Rs. 3000-4500, Rs. 3700-5000 and Rs. 4100-5300.

12.11.3 A school of the Netarhat Type is unique and specially in a State like Bihar where most institutions seem to slide downhill. When the Fitment-cum-Pay Revision Committee submitted their report they were still waiting for a note from the then Education Secretary regarding scales available in Netarhat Residential School and how they compared with the Central Navoday Vidyalays. However, the considerations that led to the opening of the Indira Gandhi Residential Girls School at Hazaribagh were not made known to the Fitment-cum-Pay Revision Committee and hence, they were not in a position to recommend any changes in pay scales. While the Fitment cum Pay Revision Committee was still in the midst of its deliberations, the Human Resources Development Department by an order dated 30.12.88 upgraded the pay scale of the **Principal** from Rs. 1575-2300 to Rs. 2400-3000 and one post of **Assistant Teacher** was upgraded from Rs. 1575-2300 to Rs. 1900-2500 and designated as **Vice Principal**.

12.11.4 The scale of one **Assistant Teacher** so upgraded to Rs.1900-2500 with the designation of **Vice Principal** and the pay of **Principal** upgraded to Rs. 2400-3000 and then revised to Rs. 4500-5700 are not reflected in the order dated 25.11.94. Instead, the highest post is now in the scale of Rs. 4100-5300. We are not aware whether the **Vice Principal** continues to draw the scale of Rs. 3700-5000 and the **Principal** the scale of Rs. 4500-5700. The Indira Gandhi Residential Girls School, Hazaribagh started in January, 1984 and a committee was earlier constituted in 1982 under the Chairmanship of Commissioner, Hazaribagh Division to look after the management of the school. The **Teachers** of the Girls School at Hazaribagh started representing because the pay scale of

Assistant Teacher is lower in comparison to the Assistant Master of the Netarhat School. However, the Girls School does not have its own building and ground and is functioning in the old Jail Campus at Hazaribagh. The teachers also are not required to live within the School premises, as is the system in Netarhat.

12.11.5 At this point of time the Girls School at Hazaribagh cannot be compared in all respects with the Netarhat School, one reason being that the boys school is old and is well-settled and a number of students of that school hold important positions in the State Government by virtue of being in the Bihar Cadre of the I.A.S. Though the results of the Girls School, Hazaribagh is encouraging, they are not as good as that of the Netarhat School. This Committee is in favour of granting separate and exclusive pay scales to teachers of both the schools provided the State Government is in a position to maintain the high standard of the schools and also discipline among the students. An important way to ensure this would be to have separate recruitment for selection of teachers for both these schools. We would recommend that the Bihar Public Service Commission should invariably involve the Secretary, Education, the Principals of the two schools and the Vice Chancellor, Ranchi University for selection of Assistant Teacher/ Assistant Masters in Hazaribagh and Netarhat, respectively. For selection of the Principals the out-going Principal of the respective two schools may be consulted and the selection Committee should also include the Development Commissioner. It is only through such a process that the distinct identity of these two schools can be maintained. As the Indira Gandhi Girls Schools is still not yet residential and Hazaribagh does not have the same difficult conditions as Netarhat, we are unwilling at this stage to recommend complete parity in the scales of the teachers of both these schools. However, a school can improve and prove its merit and competence by the dedication of its teachers. Therefore, we recommend the scale of Rs. 4500-5700 for the post of Principal, Netarhat and this is the present replacement of the earlier scale of Rs. 2400-3000 which the State Government had decided for the post of Principal of Netarhat in December, 1988. We would recommend for the Principal of the Indira Gandhi Girls School, Hazaribagh a scale below and accordingly the scale of Rs. 3700-5000 is recommended. For the Assistant Teachers/Assistant Masters of the two schools the scale

recommended is Rs. 8000-13500. We are not at this stage recommending different revised scales for selection grade posts in Natarhat School. Our recommendations on the other posts will be available in the various chapters of our report as they are common and also given in a consolidated form separately.

PHYSICAL EDUCATION TEACHERS

12.12.1 The Bihar Physical Education Service Association through their Vice Chairman, have submitted a representation before the Fitment Committee requesting for the Principal, Government Health and Physical Education College and Deputy Director of Education Youth Services the scale of Rs. 10000-15200 against the existing scale of Rs. 2400-4150 and for the Lecturer in Government Health and Physical Education College, Patna, **Superintendent/ Lady Superintendent** of Physical Education the replacement of the Central pay scale of Rs. 2200-4000 because that is the pay scale that they are now in. For the **Physical Training Instructors** posted in Government High Schools (Boys & Girls) and in Teachers Training Colleges and Government Health and Physical Education Colleges the scale of Rs. 7500-12000 against the existing pay scale of Rs. 2000-3800 has been requested for.

12.12.2 In another representation of the Bihar Education Physical Teachers Association submitted by Shri Lalan Singh and two others, the Fitment Committee has been requested that the **Physical Education Teachers** in the Primary Education Directorate posted in Middle and Basic Schools are in the scale of Rs. 975-1540 and the scale should be revised to Rs. 4500-7000 and Rs. 5500-9000, depending upon whether they are Matriculates or graduates with certificate and diploma in physical education, respectively.

12.12.3 The Fitment-cum-Pay Revision Committee in 1989 recommended in Chapter 16, paragraph 37 that in absence of any yardstick or standardization in

prescribing scales for physical education teachers, all such teachers with a certificate in physical education should be given the pay scale of Rs. 580-860 and all those with a diploma which is invariably granted after graduation will be in the pay scale of Rs. 850-1360. The Government orders issued in 1989 indicate that the revised pay scales are, respectively, Rs 1200-1800 and Rs 1500-2750. There is yet another category of Physical Instructors in Government (Boys and Girls) High Schools and in old Government Girls Middle Schools in the scale of Rs. 1400-2300.

12.12.4 The recommendation of the Pay Anomaly Removal Committee that the teachers with a graduation degree and diploma in physical education should be given the pay scale of Rs. 1600-2780 has not yet been accepted. That Committee also recommended that the qualification prescribed in the Central Government should be insisted upon to ensure comparable standards among physical education teachers. We find from among the posts in the Directorate of Education, Andaman and Nicobar Administration, that the *Assistant Director (Physical Education)* is in the pay scale of Rs.2000-3500, the *Physical Education Teacher* is in the pay scale of Rs. 1400-2600 with a senior scale after 12 years in the pay scale of Rs. 1640-2900 and a further selection scale after 12 years of Rs 2000-3500. The *Physical Education Teachers* in Delhi under the Directorate of Education are in the pay scale of Rs. 1400-2600. The *Physical Education Teachers* under the Kendriya Vidyalaya Sangathan are organized and the three scales available to them are the same as for *Trained Graduate Teachers*. The three scales are Rs. 5500-9000, Rs. 6500-10500 and Rs. 7500-1200 and are available after 12 years in each of the first two scales similar to the teachers. The norms for posts of *Physical Education Teachers* is one teacher upto 300 students excluding enrolment in primary classes, two teachers for 301 to 600 students and three teachers for 601-900 and above students. The Secondary, Primary Education and Adult Education Department have not informed us about the existing recruitment requirement of these posts. In absence of information which was asked for but not made available, we can only recommend adoption of Central scales after adopting rules prevalent either in Delhi administration or in the Kendriya Vidyalaya Sangathan.

12.12.5 In view of the existing pay scales and the reference to scales available in the Union Territories we recommend at this stage for the **Physical Education Teachers** in Bihar the following pay scales:

(i) For all Teachers in the existing pay scale of Rs. 975-1540 the replacement scale will be Rs. 3050-4590.

(ii) Trained Physical Training Instructors in the pay scale of Rs. 1200-1800 will be in the revised pay scale of Rs. 4000-6000 subject to the concerned Instructors having at least a certificate of physical education. This will also be the scale for Physical Instructors in the scale of Rs. 1400-2300 unless they have been recruited against rules requiring a diploma after graduation.

(iii) Physical Training Teachers with diploma will be in the pay scale of Rs. 5000-8000 provided, that is the recruitment qualification of graduation with diploma.

(iv) Assistant Director/ Lecturer / Superintendent/ Lady Superintendent will be in the revised pay scale of Rs. 6500-10500.

(v) The Principal and the Deputy Director now in the scale of Rs. 2400-4150 will get the scale of the post in the cadre of the Bihar Education Service if they are part of that State Service. If not, then the admissible scale will be Rs. 10000-15200 in order to encourage greater participation in sports and elicit greater commitment in the Physical Education College.

Employees in Adult & Non-formal Education

12.13.1 Bihar State Adult and Non-formal Education Employees Association have represented to the Committee through Shri Bipin Ray, General Secretary, for Central revised scales for the various posts mentioned below:-

SLNo	Post	Existing Scale (in Rs.)
1	Peon	775-1025
2	Jeep driver	950-1500
3	Routine Clerk	975-1540
4	Programme Assistants	1400-2300
5	Typist cum Clerk	1200-1800
6	Clerk cum Accountant	1200-1800
7	Steno Typist	1320-2040
8	Statistician cum Evaluation Supervisor	1600-2780
9	Project Officer/Assistant Director	2000-3800
10	District Adult Education Officer	2400-4150

12.13.2 Bihar Adult Education Officers Association have, through their Chairman, Shri Ram Nath Pandey, requested for the scale of Rs. 8000-13500 for the **Adult Education Officer**. The total number of Project Officers is 82 and it has been claimed that the pay scale of the Project Officers stands revised from Rs. 2000-3800 to Rs. 2200-4000 by the Finance Department Resolution dated 3.2.1998 .

12.13.3 For fitment of personnel in the Adult Education Directorate our only reference point is the Directorate of Adult Education in the Ministry of Human Resources Development of the Government of India. At paragraph 71.9 of the 5th Pay Commission Report it has been mentioned that the Directorate of Adult Education has six units with identified professional and administrative functions. The post of *Technical Assistant* and the post of *Senior Technical Assistant* are presently in the scale of Rs. 1400-2300 and Rs. 1640-2900, respectively. Post Graduate degree is the prescribed recruitment qualification for both these posts. The Fifth Pay Commission recommended the revised scale of Rs. 5500-9000 for the *Technical Assistants*, which has been accepted

by the Government of India and thereby both the *Senior Technical Assistant* and the *Technical Assistant* are in the same scale. Perhaps this reference point cannot be applicable for the posts under consideration because the claim of the **Project Officers** rests on the basis of having competed in the same examination as the personnel in the other State Services on the basis of the Combined Competitive Examination. We recommend for the **Adult Education Project Officer** the revised scale of Rs. 6500-10500. This scale only is recommended and we are not stating any opinion about other selection grade posts because we have not been provided with the cadre rules of the **Adult Education Project Officers**. In Delhi's Adult Education Organization the *Supervisor* is in the scale of Rs. 1400-2600. Under the Vocational Educational Programme the *Vocational Education Officer* is in the scale of Rs. 2000-3500, the *District Training and Placement Officer* is in the scale of Rs. 3000-4500 and the same is the pay scale of the *Assistant Director*. In Bihar the **Adult Education Supervisors** are in the scale of Rs. 1400-2300 and the **Assistant Project Officers** are in the scale of Rs. 1500-2750. Considering the scales in Delhi we have recommended suitable scales for the staff of the Adult Education Directorate. The revised pay scales for the employees of the Directorate of Adult and Non-formal Education will be as follows: -

Sl.No.	Post	Existing scales (In Rs.)	Recommended scale (In Rs.)
1	Peon	775-1025	2550-3200
2	Jeep Driver	950-1500	3050-4590
3	Routine Clerk	1200-1800	4000-6000 (provided posted in the Secretariat)
4	Programme Assistant	1200-1800	4000-6000
5	Adult Education Supervisor	1400-2600	4500-7000
6	Assistant Project Officer	1500-2750	5000-8000
7	Typist cum Accountant	1200-1800	4000-6000
8	Steno Typist	1320-2040	As recommended in Volume II, Part I,

			paragraph 1.9.6
9	Statistical Supervisor/ Junior Statistical Assistant /Senior Statistical Assistant	1600-2780	As recommended in Volume II, Part I, paragraph 7.2.3
10	Assistant Director/Adult Education Project Officer	2000-3800 2200-4000	6500-10500 6500-10500
11	District Adult Education Officer	2400-4150	8000-13500

Statistical Staff

12.14.1 The Bihar State Education Statistical Service Association have given a list of statistical posts and have asked for the revised scale of Rs. 7450-11500. The recruitment qualification is graduation in Arts, Science, Commerce, Mathematics or Statistics and with Matriculation in Science. They have also suggested higher scales than the basic scale for the promotional posts. In the Secretariat, there are in all 29 posts, in the State Council of Educational Research and Training there are 4 posts and at the district level there are 51 posts. We have elsewhere recommended in our Chapter on Department of Planning and Development (Volume II, Part I, paragraph 7.2.3) that basic grade Statisticians in the scales of Rs. 1400-2600, Rs. 1500-2750 and Rs. 1600-2780 will all be in the revised scale of Rs. 5000-8000. Such posts which are identified promotional posts in the scale of Rs. 1640-2900 will get the replacement scale of Rs. 5500-9000. For the remaining employees wherever personnel are appointed against identified posts, replacement scales are recommended.

ANNEXURE

Designation of Posts and prervised pay scales under Directorate of Education,

Andaman & Nicobar Administration

Sl. No.	Post	Pay Scale(in Rs.) As on 1.1.86.
1	Director of Education	3000-5000
2	Education Officer	3000-4500
3	Assistant Director of Education	3000-5000
4	Principal(State Institute of Education)	3000-5000
5	Principal (Sr. Secondary School)	3000-5000
6	Lecturer(State Institute of Education)	2200-4000
7	Deputy Education officer	3000-5000
8	Deputy Education officer (Science)	3000-5000
9	Deputy Education officer (Adult Education)	3000-5000
10	Deputy Director (Technology Demonstration/Jana Sikshan Nilayams)	3000-5000
11	Assistant Director (Voluntary Agencies)	3000-5000
12	Principal (Teacher Training Institute)	3000-5000
13	Co-ordinator (Integrated Education For Disabled)	2200-4000
14	Assistant Director (Administration)	2000-3500
15	Head Master (Secondary School)	2000-3500
16	Vice Principal	2000-3500
17	Assistant Education Officer	2000-3500
18	Assistant Director (Physical Education)	2000-3500
19	Post Graduate Teacher	1640-2900
20	Post Graduate Teacher (Senior Scale after 12 years Service)	2000-3500
21	Post Graduate Teacher (Selection Scale after 12 years in Senior Scale)	2200-4000
22	Graduate Trained Teacher	1400-2600
23	Graduate Trained Teacher (Senior Scale after 12 years)	1640-2900
24	Graduate Trained Teacher (Selection Scale after 12 years in Senior Scale and attainment of Qualification laid down)	2000-3500
25	Physical Education Teacher	1400-2600

26	Physical Education Teacher(Senior Scale after 12 years)	1640-2900
26 A	Physical Education Teacher(Selection Scale after 12 years in Senior Scale and attainment of higher Qualification)	2000-3500
27	Primary School Teacher /PST Resource	1200-2040
28	Primary School Teacher /PST Resource(Senior Scale after 12 years)	1400-2600
29	Primary School Teacher /PST Resource (after 12 years in Senior Scale and Qualification laid down for GTT	1640-2900
30	Science Supervisor	1640-2900
31	Science Supervisor(Senior Scale after 12 years Service)	2000-3500
32	Science Supervisor(Selection scale after 12 years in Senior Scale)	2200-4000
33	Librarian Grade II	1400-2600
34	Librarian Grade II(Senior Scale after 12 years)	1640-2900
35	Librarian Grade II(Selection Scale after 12 years in Senior Scale and attainment of higher Qualification laid down)	2000-3500
36	Librarian Grade I	1640-2900
37	Librarian Grade I(Senior Scale after 12 years)	2000-3500
38	Librarian Grade I(Selection scale after 12 years in Senior Scale)	2200-4000
39	Craft Instructor	1200-2040
40	Craft Instructor(Senior Scale after 12 years)	1400-2600
41	Craft Instructor(Selection Scale after 12 years in Senior Scale and attainment of higher Qualification laid down)	1640-2900
42	Librarian Grade III	1200-2040
43	Librarian Grade III(Senior Scale after 12 years)	1400-2600
44	Librarian Grade III(Selection Scale after 12 years in Senior Scale and attainment of higher Qualification laid down)	1640-2900
45	Assistant Supervisor(Sport)/Block Sports Officer/Block Youth Officer	1640-2900
46	Assistant Supervisor(Sport)/Block Sports Officer/Block Youth Officer(Senior Scale after 12 years)	2000-3500
47	Assistant Supervisor(Sport)/Block Sports Officer/Block Youth Officer(Selection Scale after 12 years in Senior Scale)	2200-4000
48	Assistant Inspector of Schools	1640-2900
49	Assistant Inspector of Schools(Senior Scale after 12 years)	2000-3500

50	Assistant Inspector of Schools(Selection Scale after 12 years in Senior Scale)	2200-4000
51	Head Master (Middle School)	1640-2900
52	Head Master (Middle School) (Senior Scale after 12 years)	2000-3500
53	Head Master (Middle School) (Selection Scale after 12 years in Senior Scale)	2200-4000
54	Band Master	1400-2600
55	Band Master(Senior Scale after 12 years Service)	1640-2900
56	Band Master(Selection Scale after 12 years in Senior Scale and attainment of higher Qualification laid down)	2000-3500
57	Oriental Language Teacher	1400-2600
58	Oriental Language Teacher(Senior Scale after 12 years)	1640-2900
59	Oriental Language Teacher(Selection Scale after 12 years in Senior Scale and attainment of higher Qualification laid down)	2000-3500
60	Assistant Teacher (Music)	1400-2600
61	Assistant Teacher (Music) (Senior Scale after 12 years Service)	1640-2900
62	Assistant Teacher (Music) (Selection Scale after 12 years in Senior Scale and attainment of higher Qualification laid down)	2000-3500
63	Principal (B. Ed. College)	3700-5000
64	Deputy Director (Integrated Education for disabled)	3000-4500
65	Lecturer, B. Ed. College	2200-4000
66	Craft Teacher	1400-2600
67	Craft Teacher(Senior Scale after 12 years Service)	1640-2900
68	Craft Teacher (Selection Scale after 12 years in Senior Scale and attainment of higher Qualification)	2000-3500
69	Head Master (Primary)	1400-2600
70	Head Master (Primary) (Senior Scale after 12 years Service)	1640-2900
71	Head Master (Primary) (Selection Scale after 12 years in Senior Scale and attainment of higher Qualification)	2000-3500
72	Inspector (Non Formal Education)	1400-2600

Chapter 19

DEPARTMENT OF AGRICULTURE

19.1.1 There are two Directorates in the Agriculture Department, Agriculture and Soil Conservation. The work of the Department is organized among other subjects around the functions of: -

- (i) Plant Protection;
- (ii) Horticulture;
- (iii) Jute Extension;
- (iv) Tobacco Extension;
- (v) Agriculture Farms;
- (vi) Engineering;
- (vii) Marketing; and
- (viii) Weights and Measures.

19.1.2 The Bihar Agriculture Service is an organised service. It was initially constituted by a Resolution No 1390 dated 11.4.1935 by the Government of Bihar and Orissa, Ministry of Education and Rules relating to the Bihar and Orissa Agriculture Service Class I were framed. The then cadre strength of Class I Bihar

Agriculture Service was only 10. With the coming into effect of the Government of India Act, 1935 by a Notification No 1923-D dated 9.7.1945 the rules for the regulation of recruitment to the Bihar Agricultural Service – Class I, the Bihar Agricultural Service Class-II, the General Provincial Service and special posts outside these cadres were framed. Subsequently the Bihar Agriculture Service Act, 1982 was promulgated and the Act provides under Section 2 (b) that the State Government shall have the power to add or alter or delete any post from the category of posts in Schedule I by notification in official gazette

Pay Scales of the Bihar Agriculture Service

19.1.3 We now take up the claims of those who are in the Bihar Agriculture Service. The claim of these officers that they should be fitted in the scale of Rs. 8000-13500 cannot be accepted for the reasons given in the earlier part of our report (Volume II, Part I, paragraph 2.2.10; Volume II, Part II, paragraph 7.2.9) where it has been stated that the organised Class II Services having cadre rules will have their basic grade scale fitted in the revised scale of Rs. 6500-10500.

19.1.4 The Bihar Agriculture Service's basic grade is Rs. 2200-4000, the junior selection grade is the scale of Rs. 3000-4500, the senior selection grade is Rs. 3700-5000, the super time scale is Rs. 4100-5300, the Additional Directors are in the scale of Rs. 4500-5700 and the Director is now in the scale of Rs. 5100-6300. Designationwise basic grade officers are either called Agriculture Officers, Instructors, Training Officers or Assistant Directors or by other designations. However, some of the Assistant Directors, Deputy Controllers, Agriculture Engineers, Deputy Directors are in the scale of Rs. 3000-4500. The Joint Directors are in the scale of Rs. 3700-5000, the Officers in super time scale of Rs. 4100-5300 are either called Directors or Superintending Engineers or by other designations. The Additional Director and Director, Project Preparation and Monitoring are in the scale of Rs. 4500-5700 and Director of Agriculture is in the scale of Rs. 5100-6300. The Ministry of Agriculture has various categories of officers and generally we find that Joint Directors are in the scale of

Rs. 3700-5000, some of the *Deputy Directors* are also in the scale of Rs. 3700-5000 and in the Integrated Fisheries Project the *Deputy Directors* are in the scale of Rs. 3000-4500.

19.1.5 For a detailed analysis of the posts, both in Class I and Class II of the **Bihar Agriculture Service**, we compared the posts indicated in the Memo of the Development Department (Agricultural Section) dated 13.8.1953 with the posts listed under Schedule I of the Bihar Agricultural Service Act, 1982 which were published in the extraordinary edition of the Bihar Gazette on 16.4.1982. Except for addition of Category IX discipline of Statistics, the groups remain the same. The 16.4.82 Gazette Notification has a tenth category of nil posts in Class I and only posts of **Animal Husbandry Extension Officers** in Class II. In the decade of the 1980s at some stage the tenth category ceased to be part of that Service. Going back to the comparison of posts we find except for addition of two posts (**Sugarcane Specialist** and **Deputy Director** of Research and Development, Sugarcane) in Category IV, the two lists are having identical posts in Class I ; in the posts of Class II the 1953 list has one additional post of **Second Officer**, Manurial Table Scheme in Category III while the 1982 Gazette has one additional post in Category I (**Superintendent of Agricultural School**), one additional post in Category VII (**Assistant Professor of Horticulture**) and lastly, one additional post in Category VIII (**Senior Marketing Officer**).

19.1.6 After 1982 the **Agriculture Inspectors** made a determined onslaught to get included in the Service but we do not find anything published subsequently like the Gazette notification of 1982. Only a pale shadow of an Agriculture Department Notification dated 23.6.1989 is available which mentions that posts in Annexure I are included in the **Bihar Agricultural Service**. There is no mention of Class I and II as in 1982 but we have not been given an original gazette so as to settle the issue. But the Hon'ble Patna High Court in CWJC No. 767/91 heard alongwith CWJC No. 9217/1988 tellingly observed in its order on 26.5.92 that the posts of **Agriculture Inspectors** in question cannot be said to have been added in the Schedule of the Service Act and holders of the posts cannot be deemed to have become members of the Service because the notification dated 23.6.1989 was not published in the official gazette as

required under Section 2 (b). Therefore, if one goes by the observation of the Hon'ble Patna High Court in this case, the 1982 Gazette notification remains valid even now and without the Agriculture Inspectors having been included.

19.1.7 We take this opportunity to point out certain features of the Bihar Agricultural Service Act, 1982 which will help us in deciding the pay scales of the officers of the Bihar Agriculture Service:-

(i) there is no designation of **Joint Director** or **Additional Director** in Schedule I listing the various posts;

(ii) Posts in Class I like **Cane Development Officer** or **Sugarcane Chemist** are not included among posts under the Agriculture Department in Finance Department Resolution No. 6021 dated 18.12.1989. The reasons for non-inclusion is the creation of a separate Sugarcane Department and the former finds place in the list of posts in Sugarcane Department but not the latter post. When this post got declared is not known and needs to be looked into.

(iii) Many posts listed under the Department of Agriculture like **Tobacco Development Officer, Project Officer (Lichi), Marketing Economist** are not part of Schedule I of the Service Act, 1982. Does this mean that these posts are not encadred or ex-cadre though within the cadre strength. Before final notification of pay scale the point raised should be settled in consultation with the Department of Agriculture.

(iv) According to Rule 3 of the Act of 1982 posts in the different categories shall not be interchangeable from one category to another. If this be so then how and in what circumstances could the Department decide that Category IV concerning the Botany discipline is now defunct and Category VI of Pathology discipline includes the discipline of Entomology, listed as Category V in the 1982 Act. According to the letter No. 1/AB- 77/98-3438 (Secretary) dated 5.9.1998 of the Agriculture Department

signed by the Secretary, Agriculture mentions that post/officers in Category VI have been merged/absorbed in Category V but according to the Act it is just the opposite because Category V and VI deal with the disciplines of entomology and pathology, respectively. An administrative decision of merger/absorption cannot be taken without amending the Act of 1982. What the meaning of Category III being sleepy or defunct is, remains unclear. Letter No. D/AG - 232/53-Agri-R-149 dated Ranchi the 13.8.1953 expressly provides that the distinct character of separate groups of posts shall be preserved and specialist post such as those which exist in the Botanical Section would not be interchangeable with a post in the other Research or General Administration group. This provision we think should set right what has been apparently done without amending the rules unless of course the rules have been got relaxed by a Cabinet decision of which we are not aware. Therefore, decisions taken in respect of two Categories/disciplines have to be examined with reference to the Act of 1982 or amendments carried out thereafter.

(v) The post of the **Director** of Agriculture according to Rules relating to the Bihar and Orissa Agricultural Service, Class I, Part VII, Rule 16, shall remain outside the cadre of the service, but subject to the provision of Rule 17 below it may be filled at the discretion of the local Government by a member of the service. Perhaps on the basis of this provision the State Government have, at times, in the past, posted officers from the **Indian Administrative Service** to the post of **Director** of Agriculture. However, we cannot avoid but mention that the 1982 Act does not seem to have validated this 1935 rules nor any order which was under operation prior to 12.8.1953.

(vi) The Act does not provide the sanctioned strength, how the posts are to be filled, by promotion or direct recruitment and the procedure for appointment, confirmation and promotion and we presume that Rules must have been framed under the Act or under process of being drafted for adoption. A resolution of the Agriculture Department No. 12537 dated 19.10.85 mentions that vacancies till 31.12.84 will be filled by promotion to the extent of 75% in the pay scale of Rs. 1000-1820 in Class II of the **Bihar Agriculture Service**. After 1.1.85 in this scale and grade posts are to be filled 50%

by promotion and 50 % by direct recruitment. Therefore, 50 % direct recruitment has never been a consistent feature for entry in the **Bihar Agriculture Service's** basic grade.

19.1.8 The 5th Pay Commission in its Report at paragraph 56.26 recommended the scale of Rs.2000-3500 for certain posts with proposed designation of *Plant Protection Officers*. In Chapter 51, paragraph 51.34 the Commission noted that direct recruitment among the scientific staff exists at almost every level of pay-scales and without any uniform linkage with qualification. For Engineering degree or for Post-graduate recruitment qualification the Commission recommended that for direct recruitment the scale of pay should be Rs.2000-3500. Direct Recruitment, it was recommended, should not generally exceed 60% and educational qualification laid down for direct recruitment should apply to promotions also. Hence, on this basis and as per recommendations of the 5th Pay Commission, the officers being discussed (agricultural graduates) are not entitled to the pay scale of Rs.2200-4000.

19.1.9 We have discussed in the foregoing paragraphs the various provisions governing the **Bihar Agriculture Service**. The chart below contains our recommendations on the pay scales that we recommend for the **Bihar Agriculture Service**. However, these are subject to the observations made in the paragraph just above.

Sl.No.	Designation	Recommended Scale (in Rs.)
1.	Basic grade (includes all posts mentioned in Class II of Bihar Agricultural Service Act of 1982)	6500-10500
2.	Deputy Director of Agriculture	10000-15200
3.	If posts of Joint Director stand encadred in Schedule I of the Rules then	12000-16500 (paragraph 56.19/56.20 of 5 th Central Pay Commission Report)

4.	Additional Director	14300-18300
5.	Director of Agriculture (not a cadre post as discussed)	14300-18300 (in the Central Government's Ministry of Agriculture no Director is in a scale above Rs. 4500-5700. In the Department of Agriculture and Cooperation Director (Plant Protection), Director (Crops Production), Director (Agricultural Centre), Director in the Department of Agricultural, Research and Education are all in the scale of Rs. 4100-5300 or Rs. 4500-5700 and hence the revised scale of Rs. 14300-18300)

AGRICULTURE GRADUATES

9.2.1 The Agriculture Graduate Service Association have, in their representation to the Fitment Committee pointed out that they have for the basic grade the scale of Rs.2000-3800 though other technocrats including Medical, Ayurvedic, Dental, engineering, Veterinary Graduates have been granted the scale of Rs. 2200-4000 as the basic grade's pay scale. The petitioners have requested for the pay scale of Rs. 8000-1500 for the basic grade and equivalent posts who are presently in the scale of Rs.2000-3800; Rs.10000-15200 for junior selection grade posts, Rs.12000-16500 for senior selection grade posts, Rs. 14300-18300 for super time posts presently in the scale of Rs. 4000-5300, the revised scale of Rs. 16400-20000 for Additional Directors in the scale of Rs. 4500-7500 and Rs. 18400-22400 for the Director of Agriculture presently in the scale of Rs. 5100-6300. The Agriculture Graduates other than those in the Bihar

Agriculture Service are represented by this Association and there are in all nine (9) categories which are as follows:-

- (i) Agronomy;
- (ii) Agricultural Engineering;
- (iii) Agricultural Chemistry;
- (iv) Agricultural Botany;
- (v) Plant Protection;
- (vi) Mycology;
- (vii) Horticulture;
- (viii) Agricultural Marketing; and
- (ix) Agricultural Statistics

19.2.2 The Fitment cum Pay Revision Committee had then taken note of the fact that between Categories II to IX there were 2610 or alternatively 2010 posts and only 1423 among them were upgraded to the higher scale of Rs.1000-1820. After the submission of the report of the Fitment cum Pay Revision Committee, the Government decided to sanction the scale of Rs.2000-3800 to the upgraded 1423 posts. These 1423 posts were given the scale of Rs.2200-4000 subsequently.

19.2.3 The main issue here is whether the posts of Agricultural Graduates should have the same pay scale as the incumbents in the basic grade of the **Bihar Agriculture Service**. It is not denied that officers in Categories II to IX except the last two have to be graduates in agriculture. The 5th Pay Commission in its report at paragraph 56.8 recommended constitution of a *Central Agriculture Service* comprising all Group 'A' posts in the Department and its attached and subordinate offices requiring at least a degree in agriculture as the minimum qualification. The Commission were specifically not in favour of sub-cadres of specialists and recommended that the proposed service should develop its own expertise in allied fields.

Agriculture Inspectors

19.3.1

Agriculture Inspectors and equivalent posts in Category IV are presently dormant and officers in Category VI have been merged in Category V. Category I relates to Agronomy, Category II to Agriculture Engineering, Category-III to Chemistry, Category-IV (now dormant) to Botany, Category-V to Plant Pathology/Plant Protection, Category-VI to Entomology/Pathology, Category-VII to Horticulture, Category-VIII to Weights and Measures and Category-IX to Statistics. On our request the chart prepared by the Department of Agriculture is placed below and speaks for itself.

Sl.No.	Category	Minimum Qualification prescribed	Total Strength of the Category	No. & Percentage of Jr. Selection Grade (20%)	No. & Percentage of Sr. Selection Grade (12 1/2%)	No. & Percentage of Super Time Scale (2.5%)			Defined Job & Work
						Gr. I	Gr. II	Gr. III	
1	I-Agronomy	B.Sc. (Ag.)	1326	265	165	29	3	2	Transfer of Agriculture technology to farmers, Arrange Inputs & its supervision
2	II-Agriculture Engineering	B.Sc. (Ag.) Engg.	43	9	5	1			Farm mechanization, proper use of soil & water and renewable sources of Energy, proper use of farm power.
3	III-Chemistry	B.Sc. (Ag.)	62	12	8	2			Soil Testing, Seed Testing & Fertilizer Testing
4	IV-Botany	B.Sc. (Ag.)							Defunct
5	V-Plant Pathology	B.Sc. (Ag.)	85	17	11	2			Surveillance of pests and diseases of crops and their control.
6	VI-Entomology	B.Sc. (Ag.)							Merged with Category-V
7	VII - Horticulture	B.Sc. (Ag.)	55	11	7	1			Propagation and development of fruit and vegetable crops.
8	VIII-Weights & Measures	B.Sc. (Math & Phy.)	76	15	10	2			To regulate the standardization of weights & measures.
9	IX-Statistics	B.Sc. (Math & Stat.)	49	10	6	1			Collection and Maintenance of Agriculture data base.

19.3.2 We now take up the case of Categories I to IX, as their pay scale fitment is a contentious issue. A notification was issued on 18.9.87 by which 1423 posts of **Agriculture Inspectors** and equivalent were upgraded to the scale of Rs. 1000-1820, which was then the scale for Class II posts and the pay scale of the basic grade of the **Bihar Agriculture Service**.

19.3.3 The entire issue of pay scales of Categories II to IX of the **Bihar Agriculture Service** and the pay scale to be given to agricultural graduates was discussed with the Agriculture Production Commissioner on 31/08/98. He accordingly submitted in Letter No. 3438 (Sachi) dated 05/09/98 some information and these have been incorporated in our Report.

19.3.4 Out of nine Categories in the **Bihar Agriculture Service** Category IV is presently dormant and officers in Category VI have been merged in Category V. Hence there are at present only seven and not nine categories.

19.3.5 The recruitment qualification for Category II is agriculture engineering and that of Categories I, III, V and VII is B.Sc. in Agriculture. The recruitment qualification laid down for Category VI is B. Sc. (Agriculture) and that for

Category VIII is B.Sc. (Mathematics/ Physics) and for Category IX it is B.Sc. in Mathematics/ Statistics. The number of officers in the various grades and their defined job and duties are given in the chart reproduced earlier.

19.3.6 In all there are 2309 officers in the nine categories. Category I Officers are posted at the Block, Sub-division, District and Divisional level as well as in Headquarters, Category 2 officers are only posted at the District, Divisional and State level. The same is true with Categories III, V and IX. Category VII officers who are Horticulturists are only available at the State level or in the Headquarters. Category VIII officers except for the **Joint Director** incharge for weights and measures and marketing, who are posted at the State level, the rest are with the Agriculture Marketing Board and are posted at that Board's convenience.

19.3.7 Representations have been filed by Government employees who are in Category I and Categories II to IX. They claim that they should be fitted in the scale of Rs. 8000-13500. This contention is primarily based on the assumption :-

- (i) that they belong to the Bihar Agriculture Service, and
- (ii) that members of the **Bihar Agriculture Service** have to be fitted in the scale of Rs. 8000-13,500.

19.3.8 In order to deal with this claim it is necessary to state the background which has been fully set out in a Bench decision of Hon'ble Patna High Court in C.W.J.C. No. 767/91 and 9217/1988 decided on 26.5.92. The Hon'ble Court in its judgment in paragraphs 3 to 10 has stated the factual matrix as disclosed during the course of argument and which gives the background in which the controversy had arisen before the Honourable High Court.

19.3.9 We have perused the judgment of the Honourable High Court, the report of the 3rd and 4th Pay Revision Committees, the Report of the Fitment-cum-Pay

Revision Committee, the Government file and information (incomplete) that was made available to us. A perusal of these brings out the following salient points:-

(i) At the time of submission of the report of the 3rd Pay Revision Committee, 2017 posts in Agriculture Department were either in the scale of Rs. 296-460 or in the scales of Rs. 335-555, Rs. 400-600 and Rs. 455-840.

(ii) The 4th Pay Revision Committee gave all the holders of the above scales only two scales. Those in the scale of Rs. 296-460 were given the scale of Rs. 785-1210 and the others, the scale of Rs. 850-1360. It is important to note that all the posts are shown in the category of field staff of Directorate of Agriculture.

(iii) Prior to 1.9.81 **Agriculture Inspector** and equivalent posts were non-gazetted Class III posts whereas **Block Agriculture Officers/Assistant Agriculture Officers** were also in Class III, but having gazetted status.

19.3.10 As already stated through a notification issued on 18.9.87 out of 2010 posts then available in the scale of Rs. 850-1360, 1423 **Agriculture Inspectors** and equivalent posts were upgraded to the scale of Rs. 1000-1820. The Cabinet Memorandum of 25.8.1987, a copy whereof is available to the Committee gives the reasons for upgradation. It is stated therein that there has been speedy development in agriculture in this State in the last three years, and food production has increased from 96 lakh tonnes in 1983-84 to 120 lakh tonnes in 1986-87 and it is now necessary not only to maintain this but also to increase the production further. For achieving this it is necessary to raise the status at the administrative level of those officers who are engaged in agricultural development of the State. The Memorandum also states that posts of **Agriculture Extension Officers** and **Senior Agriculture Extension Officers** have been sanctioned under the World Bank aided Extension Project but in spite of no difference in work and responsibilities of the above two posts, two different pay scales have been sanctioned. **Agriculture Extension Officers** are in the scale of Rs. 850-1360 whereas **Senior Agricultural Extension Officers** are in the scale of Rs. 1000-1820. Taking these into

consideration the then Government decided to upgrade 1423 posts of **Agriculture Inspectors** and equivalent posts.

19.3.11 It appears that for a short period in between it was realized that the scale upgradation of the **Agriculture Inspectors** (and equivalent posts) was a mistake and the relevant decision was withdrawn but soon thereafter this decision was set at nought and the old position was restored. We have not been able to examine the file, which would have indicated as to why there was a reversion of the decision of upgradation, and why soon thereafter the decision was set at nought by a subsequent decision.

19.3.12 The Fitment cum Pay Revision Committee dealt with the pay scale of these 1423 posts and suggested the downgradation of the scale from Rs. 1000-1820 to Rs. 940-1660. The Committee dealt with the matter as follows and observed:-

"The upgradation of only 1423 posts out of 2010 posts, for which the recruitment qualification is a Degree in Agronomy, has resulted in a lot of heart-burning. The Committee does not in principle agree to this upgradation and recommends that the **Agriculture Inspectors** who have been upgraded should now be placed in the replacement scale of Rs. 940-1660 and not of Rs. 1000-1820. The Committee has studied the reports of the other Pay Revision Committees of the country and finds that nowhere have the Engineering Graduates and the Medical graduates so far been equated with Agriculture Graduates. Further recommending the same scale for **Agriculture Inspectors** who all along have been in a lower scale than the basic grade of the Bihar Agriculture Service, would be to lower the importance of the service itself. The education course prescribed for Agriculture Graduates is according to all yardsticks of shorter span than either the Veterinary Doctors or the Medical Graduates. On this account also, the Agriculture Graduates who were earlier **Agriculture Inspectors**, cannot be equated with the Engineering Graduates or the Medical Graduates.

19.3.13 "Hence, in all fairness, it would be better to slightly downgrade the scale of 1423 posts who only since end 1987 are in the scale of Rs. 1000-1820 to the replacement scale for Rs. 940-1660 but at the same time bring up to the latter level also those (Block Agriculture Officers, etc.) who were left behind in the Rs. 850-1360 scale. The juncture of general pay revision provides the opportunity for making such adjustment painlessly, an opportunity which will not recur again in the near future."

19.3.14 When the matter was taken up for consideration by the Pay Anomaly Removal Committee it observed as follows:-

"Perhaps the Committee were not aware that these 1423 posts were not only upgraded to the pay scale of basic grade of Bihar Agriculture Service but were in fact amalgamated with the **Bihar Agriculture Service Class II**. As a result of their merger the strength of the Bihar Agriculture Service Cadre (which was about 700) increased three folds. The Department has issued a Notification No. 8915 dated 23rd June, 89 amending the schedule I of the Bihar Agriculture Service Act, 1982 and including these posts therein. The Government did not accept the recommendation of the Fitment Cum Pay Revision Committee and the posts which were upgraded have remained in the basic grade of the Bihar Agriculture Service (the scale shown in the Finance Department Resolution No. 6021 dated 18.12.1989 is only the revised pay scale admissible on 1st January, 1987. The upgradation has taken effect later)."

19.3.15 Thus the Fitment cum Pay Revision Committee proceeded on the premise that there has been a valid upgradation of 1423 posts, the Pay Anomaly Removal Committee took a view that since 1423 posts have already been added in the schedule of posts of the Bihar Agriculture Service Act, the incumbents thereof had become members of that service and were thus entitled to the basic grade replacement scale of Rs.2200-4000 admissible to the basic grade posts of the **Bihar Agriculture Service** as per the Government Resolution dated 18.12.1989. Thus the assumption is that upgraded posts are part of the organised Bihar Agriculture Service. As would be seen presently both the assumptions suffer from legal infirmity.

19.3.16

So far as the 587 posts out of 2010 posts were concerned the Pay

Anomaly Removal Committee observed as follows :

"We do not see any purpose being served by reiterating the recommendation of the Fitment cum Pay Revision Committee about the 1423 posts. However, for a separate reason we would not recommend upgradation of the posts of **Block Agriculture Service to Class II** of the Agriculture Service (this does not mean the incumbents on those posts cannot be taken elsewhere on Class II posts). As it is, the **B.A.O.s** post is a promotional avenue for the **V.L.W.s**. There are about 13000 **V.L.W.s** and 587 posts of **B.A.O.s**. If the latter are upgraded to Class II level then the gap between the scales of the two posts would be too wide. Also in Class II of the Agriculture Service there should not be so much disparity in the educational and technical qualifications as would result from promotion of the **V.L.W.s**. This could either mean closure of this promotional avenue for **V.L.W.s**. or recruitment of only Agricultural graduates as **V.L.W.s**. We do not favour either alternative."

19.3.17

In C.W.J.C. No. 767/91 which was heard alongwith C.W.J.C. No. 9217 the contention before the High Court was that 587 posts which were left out earlier from upgradation to Class II was effected by a notification dated 18.12.1989 which is the Resolution of the State Government with regard to the revision of pay scales of different categories of Government employees in various departments. If we may say so respectfully, this decision has thoroughly considered the legal position. The Hon'ble High Court came to a definite conclusion:

"(a) that the scale of Rs. 2000-3800 is normal replacement scale for the corresponding scale of Rs. 1000-1820 while the scale of Rs. 2200-4000 is the prescribed 'sub-scale' of the replacement scale meant for the members of the 14 recognised State Services including the **Bihar Agriculture, Service Class II;**

(b) that the post of **Agriculture Inspectors** and equivalent, which the petitioners and other similarly situated persons held, were never added in the schedule of

the Service Act in accordance with law and, therefore, the petitioners not being members of the **Class II Service** are not entitled to the scale of Rs. 2200-4000."

19.3.18 It may be observed that the High Court did not accept the argument that since **Agricultural Inspectors** were upgraded to Class II, they were entitled to the pay scale sanctioned for the members of recognised State Services including the **Bihar Agriculture Service, Class II**.

19.3.19 This decision was challenged before the Supreme Court in C.A. 4602 of 1992. The Supreme Court allowed the appeal on the sole ground that before withdrawing the order of upgradation the affected persons should have been heard, which was not done by the State Government in the instant case. The legal aspect regarding validity of upgradation and whether **Agricultural Inspectors** are in the organised **Bihar Agriculture Service** has not been set aside in any finding in any subsequent decision.

19.3.20 Pursuant to the decision of the Supreme Court, a show cause notice was issued and a detailed reasoned order was passed. As a result thereof the **Agriculture Inspectors** have been fixed in the lower scale of Rs. 2000-3800. This too was challenged before the High Court in CWJC No. 12050 of 1993 and CWJC No. 12420 of 1993. The Hon'ble High Court upheld the decision of the State Government. During the course of hearings by the Fitment Committee representatives of the Bihar Krishi Sewa Sangh informed us that a Letters Patent Appeal has been filed in which there is an order of stay by the Hon'ble Patna High Court.

19.3.21 So far as 587 posts, which were never upgraded, are concerned, the Hon'ble High Court for reasons stated in paragraph 30 of the judgment came to the conclusion that the claim of 587 **Block Agriculture Officers** for upgradation in the then scale of Rs. 1000-1820, now corresponding to 2000-3800, cannot be deferred. The High Court, therefore, in CWJC No. 9217 of 1988 directed the State to consider the matter relating to the upgradation of 587 posts of **Block Agriculture Officers** in accordance with law and in the light of observations made in the judgment of the High Court. The

State Government subsequently upgraded the 587 posts to the scale of Rs. 2000-3800 by Finance Department Order No. 294 dated 24.1.1994.

19.3.22 A perusal of the file relating to upgradation of the posts of **Agriculture Inspectors to Bihar Agriculture Service Class II** shows that the ground for upgradation as disclosed in the file is that since agriculture production has increased during the last three years, it is a fit case for upgradation of these posts. We may venture to examine the ground as disclosed in the files because if there are valid grounds for upgradation of the pay scale then certain consequences will follow.

19.3.23 Before proceeding further a comparative figure of the agriculture production in the State after upgradation may be stated as follows:-

	1989-90 (in lakh tonnes)	1990-91 (in lakh tonnes)	1991-92 (in lakh tonnes)	1992-93 (in lakh tonnes)
Food Crop Production	134.48	139.92	123.62	106.18
All Crop Production	135.44	133.04	127.93	110.23

(Source- Bihar Through Figures, 1995)

19.3.24 It may be seen that while production of food crops has marginally increased in the year 1990-91 there has been a decrease in the year after 1989-90 in production of all crops and for 91-92 and 92-93 even for food crops. If the above reason for upgradation is taken to be a valid reason then it follows that if there is a fall in the production there should have been a downgradation of the posts. The file does not disclose why it was assumed that it was only because of the **Agriculture Inspectors** that increase in agriculture production had taken place. If the reason for upgradation is taken to its logical conclusion, then it follows that, in revenue earning Departments, Class III posts (**Agriculture Inspectors** being in that class) should be upgraded to Class II, if there

was increase in the revenue earnings of the departments concerned. To illustrate, if there is increase in the revenue of department of commercial tax, excise, transport, registration, etc. then all those who are working as Inspectors (or performing equivalent duty) should be upgraded from Class III to Class II. The mere fact that incumbent of Government posts are doing their duty as they should, cannot be, in our respectful opinion, a ground for upgrading these posts to a higher grade/class/on performance of duties satisfactorily. On the same analogy posts like that of Supply Inspectors, Animal Husbandry Inspectors, Fisheries Inspectors, Welfare Inspectors, Sanitary Inspectors, etc. should be placed in a class higher than in which they are presently placed. Similarly, if holders of Class II posts are performing their duties satisfactorily then Class II posts should be converted to the category of Class I posts. There can be no rhyme or reason for such an approach.

19.3.25 According to the judgment of the Honorable High Court the reason given for the upgradation is that Agriculture Inspectors were performing duties similar to Senior Agriculture Extension Officers. The duties of Agriculture Inspectors in Category I is as follows :-

"Transfer of Agriculture technology to farmers. Arrange inputs and its supervision." The question of validity of upgradation has never been considered by the Hon'ble High Court, as the said question has not been raised before the Court in any case. In spite of our query the department has not informed us about the duties of Senior Agriculture Extension Officers. It would thus appear that the Department is keeping the Committee in the dark. It is, therefore, difficult to say whether the basis of assumption has any factual basis. Moreover as pointed out by us earlier in Volume I, Part I of our report (Chapter 3, page 25 to 27), the mere fact that two posts have similar duties is not conclusive in the matter of fixation of pay scales.

19.3.26 In State of U.P. Versus J.E. Chaurasia A.I.R. 1989 SC-19 Bench Secretaries, Grade I and Grade II (who were in different pay scales) of the Allahabad High Court claimed parity in pay scale. Rejecting the claim the Supreme Court observed that "In the present case, all Bench Secretaries may do the same work, but their quality of

work may differ." Similarly in the case of State of West Bengal versus Deb Kumar Mukherjee- 1955 Supp (2) S.C.C. 640, *Inspectors* in the Housing Department of the West Bengal Government were bifurcated into Grade I and Grade II, having different pay scales. Grade I being promotional posts, *Inspectors* in Grade II claimed parity with Grade I. This was rejected by the Supreme Court, holding that classification in the cadre on the ground of selection based on merit was permissible. In this very case different scale of pay to two classes of *Stenographers* was held to be justified on the basis of type of work.

19.3.27 It may further be stated that at no point of time in the Centre or in the State (except the present case), posts have been upgraded from one Class to another higher one on the ground of increase in production or revenue. Thus, it clearly appears to us that the decision to upgrade posts of *Agriculture Inspectors* from Class III to Class II was based on reasons, which were not relevant.

19.3.28 One cannot but, in these circumstances, come to the conclusion that upgradation of those posts amounts to an administrative fiat which has no rational basis. This means that the decision was arbitrary. Arbitrariness, it is well settled, destroys the foundation of any administrative decision. It is violative of the sacred mandate engrafted in Article 14 of the Constitution. Article 14, constitutes one of the basic features of the Constitution, and is incapable of waiver. In the circumstances the decision of aforesaid upgradation is unsustainable in law and if necessary, has to be corrected by withdrawing of the order of upgradation. It is in the light of the above discussion that the Fitment Committee has to take up the several representations that have been filed before the Committee. So far as the *Inspectors* and equivalent posts of Category I are concerned we have already indicated that their upgradation by a notification dated 18.9.1987 has no validity and as such cannot be taken into consideration for the purpose of fixation of their pay scales. We would, however, also examine the position on the assumption that the posts of *Agriculture Inspectors* are in Class II, and to fit them in an appropriate scale in accordance with the terms of our reference.

19.3.29 It may be stated that we do not find any post having exact equivalence to the posts of Agriculture Inspector in the report of the 5th Central Pay Commission. However, enough guidance is provided in paragraph 56.25 of the report which deals with "Group B and C Scientific Posts". The Committee stated as follows:-

"At the Group B and C level the Directorate of Plant Protection, Quarantine and Storage has a number of technical posts carrying designations of Laboratory/Technical/Junior Scientific/Field Assistants and Technical Officers I/II/III in various pay scales ranging from Rs. 950-1500 to Rs. 1640-2900. They have asked for upgradation based on their qualifications and comparability of duties with posts in other streams and S & T Departments. Keeping in view the job profile of posts requiring minimum educational qualification of B.Sc. degree at the entry level the following rationalisation is recommended."

19.3.30 In the recommendation portion the highest scale given was to *Senior Scientific Assistants II* (proposed designation), which was the scale of Rs. 1640-2900. Other posts were recommended the scale of Rs. 1600-2660. Some posts were left in the scale of Rs. 1400-2300 in respect of which it was stated that "in other S & T streams the entry level qualification for the comparable posts is not B.Sc. degree. Their upgradation is not recommended and they will continue in the existing scale of Rs. 1400-2300." Hence we find that in the Centre as illustrated in the Chart at paragraph 56.25 of the 5th Pay Commission Report, the pay scale of Rs. 1640-2900 has been recommended only for a promotional post of *Junior Scientific Assistant*. Posts with recruitment educational qualification of B.Sc. (Agriculture) are either in the revised scale of Rs. 4500-7000 or Rs. 5000-8000. On this basis fitment for posts with direct recruitment of B.Sc. (Agriculture) graduates is only feasible in the scale not above Rs. 5000-8000.

19.3.31 It would thus appear that even if we proceed on the basis that **Agriculture Inspectors** and equivalent posts are in Class II (equivalent to Group B of the Centre) their scale cannot be Rs. 6500-10500 because of the recommendations at paragraph 56.25 of the Report of the 5th Pay Commission. It may also be noticed that

most of the posts of Agriculture Inspectors are field posts and constitute an intermediary level between the posts of Village Level Worker and supervisory posts in Bihar Agriculture Service (Class II).

19.3.32 In the Chapter on the Ministry of Agriculture the 5th Pay Commission have noted while discussing pay scales in the Department of Agriculture and Co-operation that though Agriculture is a State subject under the Constitution, from the time of the First Five Year Plan onwards agriculture has received priority in the thrust toward economic development. The Department has also supports a very large number of Commodity Development Directorates and handles about 80 Centrally sponsored schemes on a cost sharing basis with the State Governments. Hence perhaps these have made the Ministry of Agriculture so large at the Centre. The Commission recommended the constitution of a *Central Agriculture Service*, comprising all Group A posts in the department and its attached and subordinate offices requiring at least a degree in agriculture as the minimum qualification. Since there is no *Central Agriculture Service*, obviously the posts and the pay scales in the Bihar Agriculture Service cannot be compared easily. There are various technical disciplines and the hierarchy of posts are also not similar. For example, in the Directorate of Plant Protection, Quarantine and Storage there are 5 technical categories consisting of Plant Pathology/ Entomology/ Nematology, Bio-Assay, Medical and Chemistry. In the seven regional stations for forage production and demonstrations there are *Senior Technical Assistants* and *Fodder Agronomists*. These categories are not available in Bihar. But the functions and the duties and responsibilities of posts in the Centre and in the State are also not dissimilar. For example Category VI of the Bihar Agriculture Service consisting of *Entomologists* as well as Category V consisting of *Plant Pathologists* are easily comparable to the Central Government posts in the Directorate of Plant Protection. Category II Officers can be similarly compared to the engineering discipline in the Directorate of Plant Protection and officers in Category III with Chemistry as the main functional classification are comparable to the posts in the Chemistry Wing mentioned in paragraph 56.22 in the Directorate of Plant Protection. In the All India Soil and Land Use Survey there are *Junior* and *Senior Soil Surveyors* as well as *Research Assistant* and *Senior Research*

Assistant in fields of soil science and chemistry who can be compared to the Category III Officers in Bihar.

19.3.33 We give below the scale and recruitment qualifications and the hierarchy of posts in the Central Government to establish comparable scales of pay for the employees of Categories II to IX in the Agriculture Department: -

(a) Paragraphs 56.25 and 56.26 establishes the stand taken by the 5th Central Pay Commission that Group B and C scientific posts with minimum educational qualification of B.Sc. degree in the Ministry of Agriculture will get the pay scale of Rs. 5000-8000 except for the *Scientific Assistant (Chemistry)*, pay scale of which has been upgraded from Rs. 1400-2300 to 1640-2900. Certain posts with educational qualification of M.Sc. is prescribed at entry and the pay scale recommended by the 5th Pay Commission and accepted by the Government of India is Rs. 6500-10500 in the Ministry of Agriculture. The Committee has specifically ruled that in other science and technology streams viz. *Agriculture Engineer* the entry level qualification is not post-graduation degree and hence upgradation to the scale of Rs. 2000-3800 to 6500-10500 was not recommended.

19.3.34 *Field Assistants* with graduation in science are in the scale of Rs. 4500-7000 similar to the *Technical Officer Grade II* in the Directorate of Plant Protection, Quarantine and Storage. With this specific background the pay scale of *Agriculture Inspectors* appears to be far higher than what is available in the Centre. The *Fodder Agronomists* as mentioned in paragraph 56.107 are filled by promotion of *Senior Technical Assistants* in the Regional Stations for Forage Production and Demonstrations. The latter are in the scale of Rs. 1640-2900 with B.Sc. (Agriculture) educational qualification and five years experience. The 5th Pay Commission considered the pay scale of *Senior Technical Assistants* as adequate.

19.3.35 The *Agriculture Engineers* according to paragraph 56.26 of the report of the 5th Pay Commission are not in the scale Rs. of 6500-10500 and hence, they

can only be in the scale of Rs. 1640-2900 or in a lower scale. Paragraph 56.23 mentions that an *Agriculture Engineer* is in the scale of Rs. 2000-3500 and is a solitary post having the educational qualification for recruitment a degree/diploma in Agriculture Engineering. The 5th Pay Commission has recommended that instead of Rs. 3000-4500, the Agriculture Engineer should be promoted to the scale of Rs. 7500-12000 and his designation should also be changed to *Plant Protection Officer* (Engineering) to bring the post on par with *Plant Protection Officer* in the three streams of Farm, Chemistry and Bio-efficacy.

19.3.36 Posts of *Senior Research Assistants* in the scale of Rs. 1640-2900 are filled 50% by direct recruitment and 50% by promotion with minimum qualification required being M.Sc. or Associate of Indian Agriculture Research Institute in Soil Science and Agriculture Chemistry (equivalent to M. Sc.) or M.Sc. (Chemistry) or 50% posts are filled from *Research Assistants* who are required to be post-graduates in Chemistry and the pay scale has been upgraded to Rs. 5500-9000 and that of *Senior Research Assistants* to the scale of Rs. 6500-10500 now. *Laboratory Assistants* who are required to be graduates are now in the pay scale of Rs. 5000-8000 from the existing Rs.1320-2040 and they are promoted to the posts of *Research Assistants*. These posts are in the All India Soil and Land Use Survey, a subordinate office of the Department of Agriculture and Cooperation.

19.3.37 Similarly in the Directorate of Plant Protection, Quarantine and Storage the *Assistant Scientific Officer* (Chemistry) earlier in the scale of Rs. 1640-2900 is required to be a post-graduate in science and the pay scale of the post has been revised to Rs. 6500-10500. *Scientific Assistants* whose scale has been upgraded to Rs. 5500-9000 in view of they being science graduates fill the posts of *Assistant Scientific Officer* on promotion.

19.3.38 For the Plant Pathology Cadre comparable posts are available in the Directorate of Plant Protection, Quarantine and Storage as well as in the All India Soil and Land Use Survey. *Technical Assistants* in the All India Soil and Land Use

Survey are now in the pay scale of Rs. 5500-9000 and they are required to have Bachelors Degree in Agriculture as the educational qualification for recruitment. These posts are in turn filled by the *Field Assistants* who are also required to have the minimum educational qualification of B.Sc. Agriculture as per information in the 5th Pay Commission Report at paragraph 56.37. Posts of *Field Assistant* are filled 100% by direct recruitment. The *Field Assistants* are now in the pay scale of Rs. 5000-8000 against the previous scale of Rs. 1200-2040. The *Junior Soil Surveyors* are also required to be graduates and they are now in the scale of Rs. 5500-9000. The *Junior Soil Surveyors* and *Technical Assistants* are promoted to the posts of *Senior Soil Surveyors* and *Senior Technical Assistants*, respectively.

19.3.39 In the Entomology discipline in the Directorate of Plant Protection there are 36 posts of *Plant Protection Officers (Entomology)* and one post of *Assistant Nematologist* in the scale of Rs. 2000-3500 which now stands revised to Rs. 6500-10500 (paragraph 56.20 of 5th Pay Commission Report).

19.3.40 The *Horticulture Inspector* has been recommended the pay scale of Rs. 1640-2900 and the post is to be filled by promotion of *Horticulture Assistants* in the scale of Rs. 5000-8000 and the latter who are required to have a diploma in Horticulture or Agriculture or B.Sc. degree in Agriculture and the posts are to be filled both by direct recruitment and promotion.

19.3.41 For the weights and measures discipline, we find that *Marketing Assistants* in the Directorate of Cocoa, Arecanut and Spices Development, Calicut are in the scale of Rs. 1400-2300, according to information available at paragraph 56.44 of the 5th Pay Commission Report. However, now the pay scale has been upgraded to Rs. 5000-8000. Even in the Integrated Fisheries Project the *Marketing Assistant* is in the scale of Rs. 1400-2300 and the *Junior Marketing Assistant* in Rs. 1200-2040. In the Union Territories the *Inspector of Weights and Measures* were in the pay scale of Rs. 1400-2600 and now the scale is revised to Rs. 5000-8000. Hence designation wise we have a matching post in the Centre for the basic grade of the weights and measures discipline.

Assistants are required to have B.Sc. in Home Science qualification for direct recruitment and they are promoted to the posts of *Marketing Assistant* in the Integrated Fisheries Project. The latter are also required to be graduates in science with Zoology as essential qualification for direct recruitment. The pay scales of these two categories of posts in the Integrated Fisheries Project have been upgraded to Rs. 4500-7000 and Rs. 5000-8000, respectively. Therefore, the posts concerning marketing are not having any scale beyond Rs. 5000-8000 in spite of the qualification being B.Sc. Agriculture or equivalent.

19.3.42 Regarding the Statistical Unit we find that the Directorate of Economics and Statistics, Ministry of Agriculture has 74 Group A posts, 78 in Group B and 353 Group C & D posts. It has been noted at paragraph 56.34 of the 5th Pay Commission Report that the recommendations on pay scale for the posts in this Directorate are contained in the relevant chapter. The relevant chapter is the chapter on Planning and Programme Implementation, Chapter-81. Furthermore *Statistical Assistants* in the Integrated Fisheries Project are required to have a degree with Mathematics/ Economics/ Statistics and the pay scale is now Rs. 5000-8000 against the pre-revised scale of Rs. 1200-2040, the promotional posts are in the revised scale of Rs. 5500-9000. Therefore, in view of this information available at paragraph 56.55 read with recommendations of the 5th Pay Commission at paragraph 81.17, the *Statistical Assistants* who are graduates in Mathematics/ Statistics do not get a scale beyond Rs. 5000-8000 in case of direct recruitment for the basic grade. The promotional post will be in the pay scale of Rs. 5500-9000.

19.3.43 In view of the discussion above we do not find any justification for the erstwhile **Agriculture Inspectors** in the scale of Rs. 1600-2780 or Rs. 2000-3800 or Rs. 2200-4000 to be in a Central scale higher than Rs. 5000-8000. All these posts earlier designated as **Agriculture Inspectors** and now in Categories I to IX broadly bunched as **Agriculture Officers** have to be fitted in a revised Central scale. Only posts with recruitment educational qualification of postgraduation have been allowed the scale of Rs. 6500-10500 and they have been considered to be worthy of a pay scale above those

with recruitment qualification of B.Sc. in Agriculture or Agriculture Engineers. Therefore, the basic grade of the **Block Agriculture Officer** and all these **Agriculture Inspectors** who are in the scale of Rs. 1500-2750 or Rs. 1600-2780 and above should not be more than the scale of Rs. 5000-800. This would facilitate their promotion to the Bihar Agriculture Service, whose basic grade is Rs. 6500-10500. If the **Block Agriculture Officer** are senior to some of the **Agriculture Inspectors** though now in a lower pay scale then the only solution is pay protection under the Bihar Service Code. This recommendation of ours may lead to temporary financial loss to many in the cadre but will help in restoration of pay scales which were disturbed by deciding to promote 1423 officers in various categories to the scale of Rs. 1000-1820 in September 1987.

HORTICULTURE WING

19.4.1 Now we would deal with the specific representations of the Horticulture Service Association, Bihar Agriculture Statistics Service Association and Bihar Weights and Measures Inspectors Association.

19.4.2 The Bihar State Horticulture Service Association have through their General Secretary, Shri Amresh Kumar Sinha, represented before the Fitment Committee that **Horticulture Inspectors** are in the scale of Rs. 1200-1800 but they are posted as **Sub-divisional Horticulture Officers**. **Horticulture Inspectors** are said to be in the scale of Rs. 1640-2900 and the **Sub-divisional Horticulture Officers** are in the scale of Rs. 2200-4000, according to another representation. The statement furnished shows that there is one **Director**, 6 **Deputy Directors**, 37 **District Horticulture Officers**, 113 **Sub-divisional Udyan Officers (Horticulture Officers)** and 217 **Horticulture Inspectors**. There is no mention of the recruitment qualification for these categories of posts. However, in paragraph 23 of Chapter 22 of the Fitment cum pay Revision Report, 1989 it has been mentioned that **Horticulture Inspectors**, according to the Agriculture Department, are required to be only Matriculates and in the absence of trained personnel, Vegetable Extension Workers are being promoted against the post of **Horticulture Inspectors**. From 1955 to 1960 there used to be provision for training in

Horticulture in Bihar (Bhagalpur) and trained personnel were posted as Horticulture Inspectors but training was subsequently discontinued and now Horticulture Inspectors are trained only for two weeks. In view of this information noted in the Report of the Fitment cum Pay Revision Committee, we are unable to equate the Horticulture Inspector with other Inspectors in the Agriculture Department and consequently the Assistant Horticulture Extension Officer and Junior Horticulture Officer in the scale of Rs. 1600-2780 will not be entitled to any higher scale. The Horticulture Inspectors are placed in a pay scale which is also the scale of the mufassil clerical cadre and hence with only matriculation as the recruitment qualification it is not inappropriate and in fact, higher than what the duties and functions of the post merit. It has been mentioned that in Category VII, 113 posts of the Horticulture wing have been given the scale of Rs. 2000-3800 but we are not sure whether this covers the Horticulture Officers in the scale of Rs. 1600-2780 or the Horticulture Inspectors in the scale of Rs. 1200-1800. If this be so the mistake needs to be immediately corrected. We are also not sure as to why Horticulture Inspectors have been given the scale of Rs. 1600-2780 because this was only extended to specific categories and only Junior Horticulture Officers and Assistant Horticulture Extension Officers are covered in the list of Agriculture Inspectors now in the scale of Rs. 1600-2780 as replacement for pre-revised scale of Rs. 850-1360. The officers in the Horticulture wing have to be B.Sc. (Agriculture) to be in the revised scale of Rs. 5000-8000 with facility for promotion in Bihar Agriculture Service in the pay scale of Rs. 6500-10500.

STATISTICAL DISCIPLINE

19.5.1 In the Agriculture Department there are Statistical Computers who have requested for the scale of Rs. 1600-2780. They have appended a copy of a resolution where it is mentioned that 10 posts of Statistical Computers in the scale of Rs. 535-765 are to be recruited with Graduation in Statistics or Mathematics and experience in Statistics. It has also been mentioned that they were appointed after competing in the second graduate level examination. Our recommendations on the statistical staff are available elsewhere in the Report (Volume II, paragraph 7.2.3) and

accordingly recommendations made therein will also be applicable in the case of these **Statistical Computers** presently in the scale of Rs. 1200-1800.

19.5.2 Bihar Agriculture Statistics Service Association have requested for the Central scale which replaces their existing scale of Rs. 2000-3800. According to the representationist there are in all 182 posts in Category IX and all these are posts with statistical Functions. But the Agriculture Department have informed us that in Category IX there are only 49 posts. There is also a notification of the Agriculture Department dated 30.10.1996 by which 26 Statistical Assistants have been upgraded to the scale of Rs. 2000-3800. This was subsequent to the Order No. 1240 dated 29.10.1996 issued by the Agriculture Department and by this sanction order 669 posts in Categories II to IX posts designated as Assistant Research Officer/ Assistant Agriculture Officer and similarly situated posts equivalent to Block Agriculture Officers in the scale of Rs. 850-1360 revised to Rs. 1500-2750, were given the upgraded scale of Rs. 2000-3800. This sanction letter was seen by the Finance Department before issue. These twenty six Statistical Assistants are Graduates and were in the scale of Rs. 1600-2780. They have been upgraded to the scale of Rs. 2000-3800 because 669 posts in Categories II to IX were upgraded to the scale of Rs. 2000-3800 with effect from 24.1.1994.

19.5.3 We have dealt with the pay scales of the various nine Categories of the subordinate service in the foregoing paragraphs. In view of the recommendations of the 5th Pay Commission in Chapter 81.17 which stands accepted by the Government of India the basic grade of statistical functionaries who are graduate is Rs. 5000-8000 and the *Senior Statistical Investigators* who are required to be Post Graduates according to the recruitment rules will be in the scale of Rs. 6500-10500. Such of the Statisticians promoted to 50% of the post above the basic grade and who fulfil the requirement of the recruitment rules by being post graduates will also receive the scale of Rs. 6500-10500. Therefore, the basic grade of the Statisticians will be the scale of Rs. 5000-8000 and on promotion to the statistical wing in Category IX of the subordinate service the scale will be Rs. 5500-9000. If there is direct recruitment of 50% at the promotional level with post graduation being the recruitment qualification, then the higher scale of the Centre

may be considered. This would only be applicable to the statisticians of Category IX service provided the posts stand encadred in the cadre rules.

Weights & Measures Discipline

19.6.1 The Bihar State Weights and Measures Inspectors' Association have in their memorandum to the Fitment Committee through Shri Suresh Chandra Sharma, represented that they should be given the revised scale of Rs.8000-13500 because in the Centre there is no scale of Rs.2000-3800 and hence, they should first be considered eligible for the scale of Rs.2200-4000 and then the scale be fixed in the Central replacement scale. The **Inspectors of Weights & Measures** have been allowed the scale of Rs.1600-2780 and not satisfied with this scale they have pointed out that they have to be graduates and are recruited through the BPSC. The **Inspectors of Weights and measures** filed a writ petition in the Patna High Court that they being in Category VIII have not been allowed the scale of Rs.2000-3800. A notification dated 16/12/96 of Agriculture Department provides for upgradation of 15 **Inspectors of Weights and Measures** who are agriculture graduates. These 15 posts are within the 669 posts from Categories II to IX consisting of Assistant Agriculture Officer/ Assistant Research Officer and similarly placed such others who are comparable to the **Block Agriculture Officers**. On the basis of the decision of the Patna High Court in MJC No. 2323/95 with reference to CWJC No. 6059/90 and 9217/98, the Department of Agriculture allowed the scale of Rs.2000-3800 to the 269 agriculture officers of Category IX. Therefore, the State Government informed the Court through an affidavit on 29/10/96 that 114 Agriculture Officers of Categories II to IX who had B.Sc. Agriculture and equal qualification have now been given the scale of Rs.2000-3800. In MJC No. 2323/95, the Court directed that all such Agriculture Officers of Categories II to IX who are already B.Sc. in agriculture or have passed similar examinations should be provided the upgraded revised scale. The Hon'ble Court's order in the contempt case was passed on 19/11/96. It is probably after this order of the Court that **Inspectors of Weights and Measures** in Category VIII have been provided with the revised upgraded scale of Rs. 2000-3800.

19.6.2 The fitment of the Inspector of Weights and Measures would be in the scale of Rs. 5000-8000 and that is the scale for similarly designated posts in the Union Territories.

Pest & Disease Reporters and Other Posts in Plant Protection

19.7.1 Bihar State Pest & Disease Reporters Association, Head Office, Mithapur Agriculture Farm, Patna have through Sri Anil Kumar, the General Secretary, represented for the scale of Rs.6500-10500 for the **Pest and Disease Reporters**, who are presently in the scale of Rs.1400-2600. There are also individual representations, though the same one, from a host of Pest & Disease Reporters in Plant Protection, Mithapur farm. According to the representationists, the minimum recruitment qualification for the three posts – **Surveillance Inspector, Pest and Disease Reporter and Plant Protection Inspector** is B.Sc. (Zoology). Recruitment is through the Bihar Public Service Commission and the duties and functions of all the three categories of posts are the same. It has been submitted that the Agriculture Department by a Resolution (No.328 dated 18.02.1992) decided to merge the two cadres of **Surveillance Inspectors and Pest & Disease Reporters** in the Plant Protection cadre. 18 posts of **Surveillance Inspectors** in Category V, Plant Protection Wing, are among the 669 posts that have been allowed the scale of Rs.2000-3800

19.7.2 The order of 18.02.1992 of the Agriculture Department mentions that **Kamdars** have to be appointed from amongst literate persons and there will a State cadre of **Kamdars**. Plant Protection Operators will be appointed 50 percent through direct recruitment from amongst Matriculates and 50 percent by promotion and **Kamdars** would be eligible for promotion to these posts after a minimum period of 8 years. **Plant Protection Supervisors** would be directly appointed on 50% of the posts and the rest 50% would be filled by promotion from **Plant Protection Operators** who are matriculates and have completed six years of service. The recruitment qualification for these Supervisors has been indicated as 10+2 with Science or Diploma in Agriculture. Peculiarly enough there is a provision that since teaching of diploma course in

scale of Rs.5000-8000. The *Assistant Scientific Officer (Chemistry)*, *Farm Superintendent (Farm)* are in the next higher scale of Rs.6500-10500 and the *Assistant Farm Superintendent*, earlier in the scale of Rs.1400-2300 has now been sanctioned the pay scale of Rs.5000-8000. It is clear from the chart at paragraph 56.25 as well as 56.26 that generally the basic level posts against which science graduates are recruited, the scale of the basic grade is Rs.4500-7000. The next promotion is in the scale of Rs.5000-8000 and thereafter to Rs.5500-9000. Posts having educational qualification of M.Sc. prescribed at entry level have been upgraded to the scale of Rs.2000-3500 (replaced by Rs.6500-10500) on the recommendations of the 5th Pay Commission. As a footnote to paragraph 56.26, the Pay Commission specifically stated that "for comparable posts in other S & T streams viz. Agriculture Engineer the entry level qualification is not P.G. degree and upgradation of these posts is not recommended". It is clear that post-graduation when it is in addition to a degree in agricultural engineering as an entry qualification has been held to be of higher objective value in deciding appropriate pay scales for posts which are of scientific and technical nature in the Ministry of Agriculture. Therefore, posts with agricultural engineering or a B.Sc. degree as the required essential educational qualification have to have a lower pay scale than Rs. 6500-10500. Generally posts requiring graduation as the minimum essential qualification are not in higher a scale than Rs. 5000-8000.

19.7.6 In the light of the broad principles of pay fitment, we recommend for the **Surveillance Inspector /Pest & Disease Reporter/Plant Protection Inspector (Agronomist)** the scale of Rs.5000-8000. This is being allowed only on the basis that the recruitment qualification is agricultural engineering or graduation in science.

19.7.7 The upper limit having been fixed, the **Plant Protection Supervisors** who are in the scale of Rs.1200-1800 will now be in the scale of Rs.4000-6000 because they are generally untrained at entry point and are performing less responsible functions than the categories discussed above. The **Plant Protection Operator**, matriculate or non-matriculate including the **Horticulture Operator** is recommended for fitment in the scale of Rs.3050-4590. Employees having

Matriculation or less at the Centre are not drawing beyond Rs.3050-4590 and hence it is the appropriate scale. Even in the Ministry of Agriculture in the Centre, there are *Operators* in the scale of Rs.950-1400 like the *Fumigation Operator*. Both the scales of Rs.950-1500 and Rs.950-1400 have now the same revised scale of Rs.3050-4590. Both the Fitment cum Pay Revision Committee in 1989 and the Pay Anomaly Removal Committee of 1990 had observed that for **Plant Protection Operators** there does not seem any need to have direct recruitment of matriculates. Hence all **Plant Protection Operators**, irrespective of their educational attainments will be in one scale of Rs. 3050-4590. The **Kamdars** who are just literates will now be in the pay scale of Rs.2550-3200 because in the Centre's Agriculture Ministry posts like *Agriculture Attendants*, *Agriculture Mates* and *Cultivation Beldars*, etc. are in the scale of Rs.750-940.

Field Supervisors in the Soil Conservation Directorate

19.8.1 **Field Supervisors in the Soil Conservation Directorate** of the Agriculture Department represented by Shri Raman Sinha have submitted before the Fitment Committee that they should be in the scale of Rs.1500-2750 instead of the existing scale of Rs.975-1540. According to the memorialist the recruitment qualification as initially laid down was Matriculation in second division and diploma in agriculture. Subsequently, the recruitment qualification was changed to Matriculation with Science subjects and with I.T.I. (Survey Trade) Certificate or two years training. They have also submitted a Judgment of the Patna High Court delivered on 05/09/1997 wherein the Field Supervisors were directed to submit a fresh representation before the concerned authorities who were directed to pass an order within one month. The learned judge also quashed the decision of the Pay Revision Committee. With all due regard to the decision of the Hon'ble Justice it requires to be pointed out that a Pay Anomaly Removal Committee or a Pay Revision Committee do not give decisions but submit their recommendations to the Government, who, in turn, decide to either adopt or modify the recommendations. The claim of the **Field Supervisors** is that they should be treated just below the rank of **Assistant Soil Conservation Officer** (pay scale of Rs.1500-2750) because the **Chainman** is promoted to the post of **Amin** (Rs. 975-1540) who are then

promoted to the post of **Junior or Senior Surveyors** (Rs. 1320-2040) and the Surveyors are in turn are promoted as **Field Supervisors** (Rs. 975-1540)

19.8.2 The Fitment-cum-Pay Revision Committee discussed the case of **Field Supervisors** at paragraphs 14 and 15 of Chapter 22. After careful consideration of the facts of the case, the Fitment-cum-Pay Revision Committee was surprised to find that inspite of the post being so important, the recruitment qualification was only Matriculation. The Committee refrained from recommending a higher scale of Rs.730-1080 for the **Field Supervisors** because that would have meant a demand for higher scales by both the categories of **Soil Surveyors (junior and senior)**. The **Soil Samplers** are in the same pay scale as **Field Supervisors** and the **Junior and Senior Surveyors** are in a higher but same scale of Rs.1320-2040.

19.8.3 In the 5th Pay Commission Report at paragraph 56.37 there is a detailed discussion on *Junior and Senior Soil Surveyors* because the pay scale of that post will to an extent determine the scale of Field Supervisors as no post by that designation is available in the Central Ministry of Agriculture. Against 30 posts of *Junior Soil Surveyors* in the scale of Rs.1400-2300 there are 56 posts of *Senior Soil Surveyors* in the scale of Rs.1640-2900. There are also *Field Assistants* in the pre-revised scale of Rs.1200-2040 who are required to be at least graduates in agriculture and the posts are filled 100% by direct recruitment. *Junior Soil Surveyors* have also to be graduates in agriculture and are appointed 100% through direct recruitment. The 5 *Technical Assistants* in the scale of Rs.1400-2300 are also required to be holders of Bachelors degree in agriculture. These posts are filled 75% by promotion and 25 % by direct recruitment. *Senior Soil Surveyors* and one post of *Senior Technical Assistant* have Post-graduation as the essential educational qualification for direct recruitment to 50% of the posts. Obviously, the **Senior and Junior Soil Surveyors** or even the **Field Supervisors** of Bihar cannot be compared both in term of duties and functions of the posts as well as recruitment educational qualification with posts in the All India Soil and Land Use Survey Organization. Even the *Field Assistants* in the scale of Rs.1200-2040 in the Centre are required to be graduates in agriculture. The Government of India on the

recommendation of the 5th Pay Commission have sanctioned to *Junior Soil Surveyors & Technical Assistants* the scale of Rs. 5500-9000 and that is also the scale of 75% of the 55 posts of *Senior Soil Surveyors* while it is Rs. 6500-10500 for 25 % of the rest of the posts. *Field Assistants* are now after upgradation in the scale of Rs. 5000-8000.

19.8.4 The case of the **Surveyors** was discussed at paragraph 24 Chapter 22 of the report of the Fitment-cum-Pay Revision Committee and that Committee did not recommend further upgradation because **Surveyors** in other Departments were not getting any higher pay scale than Rs. 1320-2040. The Pay Anomaly Removal Committee also did not consider it appropriate to upgrade the scale of **Surveyors** from the existing Rs.1320-2040 in spite of they being appointed after two years training in ITI after matriculation. If the **Surveyors**, whether junior or senior, are actually **Draftsmen**, there is no reason why the Agriculture Department should consider promoting the **Surveyors** to **Field Supervisors**. The Pay Anomaly Removal Committee had specifically observed at paragraph 20.20.1 that the Directorate of Soil Conservation had clarified to the previous Pay Anomaly Removal Committee of 1985 that the prescribed recruitment qualification for **Field Supervisors** was matriculation with Science and the post was not a promotional one for **Amins** and **Surveyors** as claimed.

19.8.5 In the light of what has been stated above, the **Field Supervisors** can be promoted to the post of Assistant Soil Conservation Officer if the rules framed by the Agriculture Department so provide. In case the **Field Supervisors** are required to be promoted to some other post, the Agriculture Department may decide accordingly. In any case there appears to be no case for promotion of **Junior** and **Senior Surveyors** to the post of **Field Supervisors** because the recruitment qualification of **Surveyors** and **Field Supervisors** and the duties and functions appear to be totally different. Therefore, the **Field Supervisors** do not appear to have been wrong as they have claimed in their previous representations as well as before the Hon'ble High Court that their duties and functions are specific to the posts held by them. In the All India Soil and Land Use Survey Organization there is no post designated as **Field Supervisor**. Hence fitment against such a post, which is non-existent in a Central Organisation and concerned Soil

Conservation Department in the Government of India is difficult. Therefore, we have no other alternative but to fit them in the scale of Rs. 3200-4900.

Employees in Jute and Tobacco Disciplines

19.9.1 Bihar State Jute Extension Employees Association, Purnea, Bihar State Tobacco Field Assistant Association, Muzaffarpur and Bihar State Seed Storage Employees Association, Mithapur Farm, Patna-1, Bihar Pest and Disease Reporters and the Bihar State Agricultural Employees Association have all submitted their representations before the Committee and have requested for the pay scales as indicated below: -

DESIGNATION	PRESENT SCALE (In Rs.)	SCALE DEMANDED (In Rs.)
Jute Extension Worker	975-1540	Central Scale
Jute Extension Supervisor	1200-1800	Replacement against the scale of Rs.1600-2780
Tobacco Field Assistant	1400-2600 (for graduates)	Replacement against the scale of Rs. 1600-2780
Seed Technician	1400-2600 (for graduates)	Central Scale
Seed Technician	1320-2040 (for non graduates)	Central Scale
Laboratory Assistants	975-1540	Replacement Scale
Pest & Disease Reporter	1400-2600	6500-10500

19.6.2 The fitment of the Inspector of Weights and Measures would be in the scale of Rs. 5000-8000 and that is the scale for similarly designated posts in the Union Territories.

Pest & Disease Reporters and Other Posts in Plant Protection

19.7.1 Bihar State Pest & Disease Reporters Association, Head Office, Mithapur Agriculture Farm, Patna have through Sri Anil Kumar, the General Secretary, represented for the scale of Rs.6500-10500 for the **Pest and Disease Reporters**, who are presently in the scale of Rs.1400-2600. There are also individual representations, though the same one, from a host of Pest & Disease Reporters in Plant Protection, Mithapur farm. According to the representationists, the minimum recruitment qualification for the three posts – **Surveillance Inspector, Pest and Disease Reporter and Plant Protection Inspector** is B.Sc. (Zoology). Recruitment is through the Bihar Public Service Commission and the duties and functions of all the three categories of posts are the same. It has been submitted that the Agriculture Department by a Resolution (No.328 dated 18.02.1992) decided to merge the two cadres of **Surveillance Inspectors** and **Pest & Disease Reporters** in the Plant Protection cadre. 18 posts of **Surveillance Inspectors** in Category V, Plant Protection Wing, are among the 669 posts that have been allowed the scale of Rs.2000-3800

19.7.2 The order of 18.02.1992 of the Agriculture Department mentions that **Kamdars** have to be appointed from amongst literate persons and there will a State cadre of **Kamdars**. Plant Protection Operators will be appointed 50 percent through direct recruitment from amongst Matriculates and 50 percent by promotion and **Kamdars** would be eligible for promotion to these posts after a minimum period of 8 years. **Plant Protection Supervisors** would be directly appointed on 50% of the posts and the rest 50% would be filled by promotion from **Plant Protection Operators** who are matriculates and have completed six years of service. The recruitment qualification for these Supervisors has been indicated as 10+2 with Science or Diploma in Agriculture. Peculiarly enough there is a provision that since teaching of diploma course in

Agriculture is not available presently, recruitment would be done from candidates having 10+2 with Science and as and when teaching in Diploma in Agriculture starts, recruitment would be made from qualified diploma holders from the open market. On 75 percent posts, Plant Protection Inspectors would be recruited directly from amongst graduates in agriculture and 25 percent would be filled from amongst **Plant Protection Supervisors** who have put in at least five years of service and are diploma holders in agriculture or at least 10+2 with Science. As the prospects of promotion of **Surveillance Inspectors** and **Pest and Disease Reporters** are negligible, the Government, according to the notification of February 1992 has decided to amalgamate the posts of **Surveillance Inspector** and **Pest and Disease Reporters** and the cadre of **Plant Protection Inspectors**. The Resolution of the Agriculture Department also mentions that the duties and functions of the posts of **Surveillance Inspectors** and **Pest & Disease Reporters** are comparable to the **Plant Protection Inspectors**. The **Surveillance Inspectors** are now in the scale of Rs. 1500-2750 and the **Pest and Disease Reporters** in the scale of Rs.1400-2600 while the **Plant Protection Inspectors** (non-agronomist) are in the scale of Rs. 1400-2600 and **Plant Protection Inspectors** (Agronomist) are in the scale of Rs. 1600-2780. The petitioners have also provided us with a sanction order of the Agriculture Department issued after consultation with the Finance Department dated 29/10/1996 which mentions that the 18 posts of **Surveillance Inspectors** in Category V of Plant Protection will be in the scale of Rs. 2000-3800. A combined seniority list of **Plant Protection Inspectors**, **Pest & Disease Reporters** and **Surveillance Inspectors** have also been circulated through an office order dated 05/08/1994. This appears to be the final gradation list though it is nowhere mentioned in such specific terms but it is indicated that after issue of the draft seniority list on 11/03/1992, objections and claims were entertained and the list was issued on 05/08/1994. According to a letter addressed to the Director (Agriculture) by the Joint Director, Agriculture (Plant Protection) dated 29/03/1997, it has been mentioned that there are 36 posts of **Pest & Disease Reporters**, 58 posts of **Plant Protection Inspectors** and 18 posts of **Surveillance Inspectors**.

19.7.3

It is on the basis of the above background rather than on any other ground that the claim for a higher scale of Rs.6500-10500 has been requested for. We

give below the pay scales of the posts that have been discussed in the foregoing paragraphs: -

Designation	Existing Scale(in Rs.)
Kamdar	775-1025
Plant Protection Operator (Matriculate)	975-1400
Plant Protection Operator (Non-matriculate)	950-1400
Plant Protection Supervisor	1200-1800
Pest and Disease Reporter	1400-2600
Plant Protection Inspector (Non-Agronomist)	1400-2600
Surveillance Inspector	1500-2750
Plant Protection Inspector (Agronomist)	1600-2780

19.7.4 We tried to confirm the recruitment qualification for these posts from previously published reports of various Pay Revision Committees. There is no dispute that **Kamdars** are mere literates and there is also no dispute that there are two categories of **Plant Protection Operators**. The **Operators** in Horticulture are matriculates but are in the lower scale of Rs.800-1150 and in spite of specific recommendations of the Pay Anomaly Removal Committee, the **Horticulture Operators** have still not been sanctioned the higher pay scale of Rs.950-1400. The **Plant Protection Supervisor** is merely required to be a matriculate and according to the recommendations of the Pay Anomaly Removal Committee the scale was revised from Rs.975-1540 to Rs.1200-1800. The **Pest and Disease Reporter**, according to the same Committee, is required to be a graduate (B.Sc. in Biology) and the **Plant Protection Inspectors (Agronomist)** are also required to be Agricultural graduates.

19.7.5 The report of the 5th CPC at paragraphs 56.25 and 56.26 deals with Group B and C science and technology posts in the Directorate of Plant Protection, Quarantine and Storage in the Ministry of Agriculture. If B.Sc. degree qualification is required for any post at the entry level in the Centre, various pay scales have been recommended. It is Rs.4500-7000 for the *Technical Officer, Grade II*, earlier in the scale of Rs.1200-2040 and *Technical Officers, Grade III* have been sanctioned the replacement

scale of Rs.5000-8000. The *Assistant Scientific Officer (Chemistry)*, *Farm Superintendent (Farm)* are in the next higher scale of Rs.6500-10500 and the *Assistant Farm Superintendent*, earlier in the scale of Rs.1400-2300 has now been sanctioned the pay scale of Rs.5000-8000. It is clear from the chart at paragraph 56.25 as well as 56.26 that generally the basic level posts against which science graduates are recruited, the scale of the basic grade is Rs.4500-7000. The next promotion is in the scale of Rs.5000-8000 and thereafter to Rs.5500-9000. Posts having educational qualification of M.Sc. prescribed at entry level have been upgraded to the scale of Rs.2000-3500 (replaced by Rs.6500-10500) on the recommendations of the 5th Pay Commission. As a footnote to paragraph 56.26, the Pay Commission specifically stated that "for comparable posts in other S & T streams viz. Agriculture Engineer the entry level qualification is not P.G. degree and upgradation of these posts is not recommended". It is clear that post-graduation when it is in addition to a degree in agricultural engineering as an entry qualification has been held to be of higher objective value in deciding appropriate pay scales for posts which are of scientific and technical nature in the Ministry of Agriculture. Therefore, posts with agricultural engineering or a B.Sc. degree as the required essential educational qualification have to have a lower pay scale than Rs. 6500-10500. Generally posts requiring graduation as the minimum essential qualification are not in higher a scale than Rs. 5000-8000.

19.7.6 In the light of the broad principles of pay fitment, we recommend for the **Surveillance Inspector /Pest & Disease Reporter/Plant Protection Inspector (Agronomist)** the scale of Rs.5000-8000. This is being allowed only on the basis that the recruitment qualification is agricultural engineering or graduation in science.

19.7.7 The upper limit having been fixed, the **Plant Protection Supervisors** who are in the scale of Rs.1200-1800 will now be in the scale of Rs.4000-6000 because they are generally untrained at entry point and are performing less responsible functions than the categories discussed above. The **Plant Protection Operator**, matriculate or non-matriculate including the **Horticulture Operator** is recommended for fitment in the scale of Rs.3050-4590. Employees having

Matriculation or less at the Centre are not drawing beyond Rs.3050-4590 and hence it is the appropriate scale. Even in the Ministry of Agriculture in the Centre, there are *Operators* in the scale of Rs.950-1400 like the *Fumigation Operator*. Both the scales of Rs.950-1500 and Rs.950-1400 have now the same revised scale of Rs.3050-4590. Both the Fitment cum Pay Revision Committee in 1989 and the Pay Anomaly Removal Committee of 1990 had observed that for **Plant Protection Operators** there does not seem any need to have direct recruitment of matriculates. Hence all **Plant Protection Operators**, irrespective of their educational attainments will be in one scale of Rs. 3050-4590. The **Kamdars** who are just literates will now be in the pay scale of Rs.2550-3200 because in the Centre's Agriculture Ministry posts like *Agriculture Attendants*, *Agriculture Mates* and *Cultivation Beldars*, etc. are in the scale of Rs.750-940.

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promoted to the post of **Junior or Senior Surveyors** (Rs. 1320-2040) and the Surveyors are in turn are promoted as **Field Supervisors** (Rs. 975-1540)

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Conservation Department in the Government of India is difficult. Therefore, we have no other alternative but to fit them in the scale of Rs. 3200-4900.

Employees in Jute and Tobacco Disciplines

19.9.1 Bihar State Jute Extension Employees Association, Purnea, Bihar State Tobacco Field Assistant Association, Muzaffarpur and Bihar State Seed Storage Employees Association, Mithapur Farm, Patna-1, Bihar Pest and Disease Reporters and the Bihar State Agricultural Employees Association have all submitted their representations before the Committee and have requested for the pay scales as indicated below: -

DESIGNATION	PRESENT SCALE (In Rs.)	SCALE DEMANDED (In Rs.)
Jute Extension Worker	975-1540	Central Scale
Jute Extension Supervisor	1200-1800	Replacement against the scale of Rs. 1600-2780
Tobacco Field Assistant	1400-2600 (for graduates)	Replacement against the scale of Rs. 1600-2780
Seed Technician	1400-2600 (for graduates)	Central Scale
Seed Technician	1320-2040 (for non graduates)	Central Scale
Laboratory Assistants	975-1540	Replacement Scale
Pest & Disease Reporter	1400-2600	6500-10500

All these categories of employees during their discussion before the Committee did not emphasize any specific Central scale of pay and only sought rectification in the existing salaries or brought out the anomalous situation in their pay scales. The question before us is how to fit them in Central scales of pay.

19.9.2 The 5th Pay Commission report at Annexure 56.1 refers to posts in subordinate offices under the Department of Agriculture and Cooperation and such posts inter alia include those available in the Directorates of Jute Development and Tobacco Development. In both the Directorates of Jute Development and Tobacco Development there are a similar number of 79 posts. Both these Directorates are headed by a Director in the pay scale of Rs. 3700-5000, now revised to Rs. 12000-16500. Among the posts in the Centre for reference and comparison with posts mentioned in paragraph 19.6.1 are the Senior *Technical Assistants* in the pay scale of Rs. 1640-2900, *Graders* in Jute Development in Rs. 1350-2200, *Technical Assistants* in Jute Development in the pay scales of Rs. 1400-2300 and Rs. 1600-2660, *Field Supervisor* and *Fieldman* in Tobacco Development respectively in the pay scales of Rs. 1400-2300 and Rs. 950-1500.

19.9.3 In view of our inability to find posts with matching designations and pay scales in the Central Government, equivalence has to be established with reference to posts either in the Ministry of Agriculture or pay scales that have been recommended for similar posts in Bihar. The **Tobacco Field Assistants** and the graduate **Seed Technicians** are in the scale of Rs. 1400-2600 and are comparable to *Technical Assistants* in the scale of Rs. 1400-2300 in the Directorates of Jute and Tobacco Development. At paragraph 56.25 of the 5th Central Pay Commission Report Technical Assistant in the disciplines of Bioassay, Toxicology, Animal House and X-Ray have been recommended the pay scale of Rs. 1600-2660 and now their pay scale stands upgraded to Rs. 5000-8000. Hence the **Graduate Seed Technician** and the **Tobacco Field Assistants** will now be fitted in the revised Central scale of Rs. 5000-8000. The **Jute Extension Supervisor** will be in the scale of Rs. 3200-4900 and the **Non-graduate Seed Technician** will now be in the revised scale of Rs. 4000-6000. The **Jute Extension Worker** will be below the **Jute Extension Supervisor** in the pay scale of Rs. 3050-4590.

The Supervisor is just a matriculate and the Extension Worker is below him and hence the difference in pay scale. The scales are based on broad principles that are laid down at paragraph 56.25 of the Fifth Central Pay Commission Report. We have already discussed the scale of Pest and Disease Report as earlier in this Chapter.

Laboratory Assistants

19.10.1 In so far as the question of pay scale of Laboratory Assistants in the Seed Examination Laboratory is concerned, the 5th Pay Commission Report at Chapter 55 have discussed the pay scale of Laboratory staff among other categories. The *Laboratory Assistants* in the Seed Examination Laboratory are required to be Matriculates with Science and their scale of pay is Rs. 975-1540. *Laboratory Assistants Grade III* as discussed at paragraph 55.149 of the Report of the 5th Pay Commission having Matriculation with Science and certificate or diploma in Laboratory Technology or 10+2 with Science have been recommended the scale of Rs. 950-1500, which stands revised to Rs. 3050-4590. The Fitment Committee cannot go beyond this scale of pay though the scale requested for is the replacement of Rs. 1200-1800 on the basis that in the Road Construction Department, the *Laboratory Assistants* are in the pay scale of Rs. 1200-1800. Fitment in a new scale would have to be with reference to what has been recommended in the Fifth Central Pay Commission Report and accepted by the Government of India and, therefore, the pay scale of Rs. 1200-1800 cannot be conceded. At paragraph 55.149, the pay scale of Rs. 1200-2040 has been recommended as the first scale of the Assured Career Progression Scheme. However, the Assured Career Progression Scheme is yet to be accepted by the Government of India and in any case this is the pay scale on promotion under a Scheme. While implementing the pay scales of pay in 1989 many scales moved one scale ahead and the lowest scale was Rs. 775-1025 instead of being Rs. 750-940. Technically, these *Laboratory Assistants* should have been in the pay scale of Rs. 950-1400 and not in Rs. 975-1540 and the *Laboratory Assistants* in the Road Construction Department would have been then adjusted in the scale of Rs. 975-1540 because of higher qualification or longer years in service. In view

of this Laboratory Assistants when recruited in future will be in the revised scale of Rs. 3050-4590 according to paragraph 55.149 of the 5th Central Pay Commission Report. However, existing Laboratory Assistants will be in the revised scale of Rs. 3200-4900 which will be in consonance with our recommendations at paragraph 25.5.1.

VILALGE LEVEL WORKER OR JAN SEWAK

19.11.1 The Bihar State Jan Sewak Sangh have submitted a memorandum wherein they have given a background of how and why their posts were created in 1952, the details of their recruitment qualification, the importance of their work and have requested that in place of their existing scale of Rs.1500-2750 they should be given the replacement scale of 5500-9000. The Association has also pointed out that it was at the behest of the Supreme Court that they were given the pay scale of Rs.1500-2750. The High Court judgment in CWJC No. 4440/96 and 287 /1997 have been submitted.

19.11.2 The judgment was delivered on 7.1.1998 and subsequently a contempt petition has also been filed for non-compliance of the direction of the Court. The direction of the court was that the V.L.W.s are in the scale of Rs. 1200-1800 and since the Court is not the appropriate authority to fix a pay scale for such employees, the exercise has to be undertaken at the Governmental level. The judgment refers to a letter of the Director of Agriculture wherein a recommendation had been that the pay scale of V.L.W.s should be Rs. 1500-2750. The Director of Agriculture was requested to examine the representation of the V.L.W.s and pass an appropriate speaking order regarding the proposed upgradation in the pay scale of V.L.W.s after consulting the Secretary of the Department of Finance. There is no information so far regarding whether the pay scale of V.L.W.s has been increased from Rs.1200-1800 to Rs.1500-2750.

19.11.3 Another representation submitted by Sri Suresh Prasad Singh, General Secretary of the Bihar State Village Level Workers Association, Rajapur, Patna-1 mentions that the pay scale so far given is not in consonance with the educational qualification laid down for recruitment of Village Level Workers. This Association has pointed out that the Director (Agriculture) submitted a letter to the Chairman of the Pay Revision Committee on 3.8.91 for upgradation of the scale to Rs. 1400-2300. The Fitment Committee submitted its report in August 1989 regarding the pay scales and on other issues like allowances and the rest on 31.5.1990. Therefore, this letter of Director (Agriculture) did not reach the appropriate authority. The Association has pointed out that the *Field Assistants* in the Ministry of Agriculture in the Government of India are in the scale of Rs. 4500-7000, which is on the basis of recruitment qualification of Matriculation with one year's training. As a Village Level Worker has to be a Matriculate with science in addition to having a diploma in Agriculture, which usually takes a period of two years and six months, the pay scale of Rs. 5500-9000 is more befitting as claimed in the representation.

19.11.4 The Fitment cum Pay Revision Committee at paragraphs 32 to 36, Chapter 22 and the Pay Anomaly Removal Committee at paragraphs 20.25.1 to 20.25.7 have discussed in detail the pay scale of Village Level Workers. The former Committee had pointed out that pay scales in the 21st century cannot be anticipated and even the 4th Central Pay Commission had only allowed to the **Fieldmen** the pay scale of Rs.1200-2040 considering that such categories of staff supervise field operations and conduct demonstrations in the field of farmers.

19.11.5 In the 4th Pay Commission Report it has been noted at paragraph 10.15 that **Fieldmen** are required to be matriculates with a certificate of training in agriculture at a recognised institute followed by at least one year's experience at an agricultural farm. Such **Fieldmen** are posted in regional stations for forage production and demonstration and in Central cattle breeding farms under the Animal Husbandry Department. The Fitment cum Pay Revision Committee of the State had concluded after a detailed analysis that existing relativities should continue till such time Bihar reaches a

stage of agricultural development requiring **Village Level Workers** with higher educational qualification and commensurate higher pay scales. The Pay Anomaly Removal Committee which submitted its Report in 1990 had noted that diploma in agriculture which is a required recruitment qualification for V.L.W.s, has become extinct and diplomas given to V.L.W.s are arranged through the agricultural colleges by the administrative department of Agriculture. The Pay Anomaly Removal Committee also did not agree to any upgradation beyond the scale of 1200-1800.

19.11.6 During hearings before this Committee on 3.4.1998, the two Associations representing the **Village Level Workers** pointed out that they should be compared to *Technical Assistants* in the Ministry of Agriculture who have been sanctioned the scale of Rs.1400-2300 and for whom according to the recommendation of the 5th Pay Commission Report the new scale of pay recommended is Rs.5000-8000 (paragraph 56.10 of the 5th Pay Commission Report). The recruitment qualification is degree in science. It is obvious that these *Technical Assistants* are having a far higher recruitment educational qualification of a science degree than the V.L.W.s present recruitment qualification. The V.L.W.s obviously cannot be equated with these *Technical Assistants*.

19.11.7 In the Andaman & Nicobar Administration *Village Level Workers* are in the pay scale of Rs. 975-1540. But the manner of recruitment, source, educational qualification and functions are not known and hence, comparison is not easy. But undeniably the **Village Level Workers** are in a higher scale in Bihar than in the Union Territories. In view of many **Village Level Workers** having the required qualification of diploma, we recommend the scale of Rs. 4000-6000 for the serving **Village Level Workers**. In future new appointments will be made in the pay scale of Rs. 3200-4900 provided such recruitments are not being made on the basis of possession of a diploma and this is no longer a necessary recruitment qualification.

19.11.8 In the Government of India, the *Field Assistants* in the Directorate of Plant Protection, Quarantine and Storage have been granted the scale of Rs. 4500-7000

against a pre-revised scale of Rs.1200-2040 and the *Field Assistants* in the All India Soil and Land Use Survey are in the scale of Rs. 5000-8000 against the pre-revised scale of Rs.1200-2040. Chapter 56, paragraph 56.25 deals with the pay scale of case of the *Field Assistants* in the Directorate of Plant Protection and the *Field Assistants* in the All India Soil and Land Use Survey have been considered at paragraph 56.37 of the Fifth Central Pay Commission. The 5th Pay Commission upgraded the scale of the *Field Assistants* in the Plant Protection Directorate in view of the minimum educational qualification of B.Sc. Degree. The **Village Level Workers** cannot be matched in terms of technical skill and knowledge with these posts in the Ministry of Agriculture having graduation as the minimum qualification. Hence the **Jan Sewak** or **Village Level Worker** will have to be fitted in the scale of Rs. 4000-6000 given the fact that recruitment qualification is confirmed to be matriculation and a diploma or a training of at least a year. This diploma is not longer available as a routine curriculum for students. Agricultural Colleges at the behest of the Department of Agriculture, as noted by the Pay Anomaly Removal Committee in paragraph 20.25.6, arrange for courses, which ultimately lead to granting of diplomas.

ADMINISTRATIVE OFFICER

19.12.1 Shri Naresh Prasad, Administrative Officer in the office of the Joint Director, Agriculture is in the scale of Rs.1640-2900 and he has requested for the scale of Rs. 2200-4000. The post of **Administrative Officer** filled invariably by promotion from the ministerial cadre. For the non-Secretariat Organizations the pay scale recommended for **Office Superintendent** is Rs.1640-2900. The Government of India allowed to the *Office Superintendent Level I* the scale of Rs. 5500-9000, which is the normal replacement for the pay scale of Rs.1640-2900. For *Administrative Officers* in the scale of Rs.2375-3500 the 5th Central Pay Commission recommended the revised scale of Rs.7500-12000. The 5th Pay Commission recommended that there should be three grades of *Administrative Officers* and one grade of *Senior Administrative Officer* but the

Government of India have not yet issued orders after acceptance of these recommendations. Therefore, we would allow the **Administrative Officer** in the scale of Rs.1640-2900 to continue in that scale and he will get the revised scale of Rs.5500-9000. In case he is promoted from the grade of **Assistants** and stands promoted as a **Section Officer** in his present cadre, then he will be entitled to the scale of pay of the **Section Officer**. We have not equated the **Administration Officer** to the same designation in the Centre but in a higher scale because the Department of Agriculture has not informed us whether the **Administrative Officer** is superior to the **Office Superintendent** in that office and whether functional considerations dictate the posting of an **Administrative Officer** in a higher grade.

ARTIST

19.13.1 The Artist (Agriculture), Shri Dayashankar Sharma, in the Horticulture Directorate has represented before the Fitment Committee that he should be given the scale of Rs.10000-15200 against the present scale of Rs.2000-3800. The recruitment qualification is Diploma in Commercial or Fine Arts with 10 years experience. The *Artists* in the Information & Public Relations Department are also in the scale of Rs.2000-3800. However, the concerned Artist has submitted that he is drawing the scale of Rs.1800-3330 after having got selection grade. It appears that he is working against the post of **Artist-cum-Photographer or Senior Artist**, posts which have the pay scale of Rs.1500-2750. If Shri Dayashankar Sharma is an **Artist** in the Department of Agriculture in the scale of Rs.2000-3800 there does not appear to be any anomaly in the pay scale. *Artists (Designers)* in the Government of India, according to information available in the 5th Pay Commission Report at Paragraph 55.16, are in the scale of Rs.1600-2660 provided they are directly recruited having a degree/diploma in fine arts/commercial arts with two years experience in art. The list of *Artists* in the Central Government are at Annexure 55.1 and we do not find in this list any *Artist* on first recruitment beyond the scale of Rs.1600-2660 now revised to Rs.5000-8000. This *Artist* in view of his years of experience and his existing pay scale of Rs. 2000-3800 can be

allowed to continue in the scale of Rs.6500-10500 provided this is a promotional post and he has all the qualification that he has informed the Committee about.

UDYAN SEWAKS AND OTHER POSTS IN HORTICULTURE

19.14.1. The Bihar Rajya Udyan Sewak Sangh, Sheikhpura, Patna and the Bihar Rajya Udyan Sewa Sangh, Mithapur Krishi Farm, Patna in their representations before the Fitment committee have requested for the following pay scales for the posts mentioned:-

DESIGNATION	PRESENT SCALE	SCALE DEMANDED (in Rupees)
Udyan Sewak	800-1150	2650-4000
Head Mali	1200-1800	4000-6000
Garden Inspector (Horticulture)	1200-1800	1640-2900
Udyan Padadhikari/ Sub Divisional Udyan Padadhikari	1600-2780	1640-2900
Senior Scientific Assistant	2000-3800	

19.14.2 In the 5th Pay Commission Report at Paragraph 55.126 and succeeding paragraphs the pay scale of *Malis / Gardeners* have been discussed. In the Central Public Works Department the *Mali* is considered semi-skilled and is in the pay scale of Rs.800-1150 though it has been noted at paragraph 55.126 that in other departments and ministries one year to five years experience is considered essential for appointment at the initial entry stage without prescribing any specific educational qualification for *Malis*. In this context such of the *Malis* in the pay scale of Rs. 800-1150 are considered semi skilled. The 5th Central Pay Commission have recommended a general structure and post of *Gardener/ Mali* is the promotional post for *Mali Helpers*

and for the latter it has been recommended that these posts be filled by direct recruitment of candidates with fifth standard pass, with rural / agricultural background and two year experience in gardening. The *Gardener/ Mali, Grade III* who is promoted from *Mali* in the scale of Rs.800-1150 has been recommended the scale of Rs. 950-1500 and the *Head Gardener*, the pay scale of Rs. 1400-2300, but this is the post after four promotions from the post of *Mali Helpers*. The *Head Gardener* is a promotion post for *Mali Grade I* in Rs. 1320-2040 after those *Malis* are selected for promotion. For the *Horticulture Assistants*, the pay scale recommended is Rs.1600-2660 by the 5th Central Pay Commission and the recruitment qualification is a diploma in Horticulture or Agriculture or B.Sc. Degree in Agriculture and filled either by direct recruitment or promotion. The *Horticulture Inspector* in the scale of Rs. 1640-2900 is a promotion post for *Horticulture Assistants*.

19.14.3 In view of the specific recommendation of the 5th Pay Commission, the *Udyan Sewaks* who are skilled or semi-skilled cannot be denied the pay scale of Rs.800-1150. There is no intimation from the Agriculture Department about whether the *Mali Helper* is promoted to the post of *Mali* and what the recruitment qualification is. If the *Udyan Sewaks* cannot be denied the replacement scale of Rs.800-1150 the *Head Gardener/Head Mali* cannot also be denied the pay scale of at least Rs.3050-4590 which is the replacement scale of pay for Rs. 950-1400 or Rs.950-1500. According to information in the 5th Pay Commission Report in the Central P.W.D. the *Senior Mali* or the *Mali* who is skilled have been placed in the scale of Rs.950-1500 and the revised scale of pay is Rs.3050-4590. In the Central Public Works Department the *Head Gardener* which is the promotion post for *Senior Mali*, will now be in the scale of Rs. 4000-6000 and is a promotion post for *Senior Mali/Floral Decorator*.

19.14.4 The *Udyan/Horticulture Inspector* is presently in the scale of Rs.1200-1800 and has requested for a replacement scale of Rs.5500-9000 because in the Centre the *Horticulture Inspector* is in that scale of pay. Horticulture as a separate discipline has not been considered in the Ministry of Agriculture but there is an entire Horticulture wing in the Centre in the Central Public Works Department of the Ministry of Urban Affairs and Employment. The Fitment cum Pay Revision Committee considered

the pay scale of *Horticulture Inspectors* at Chapter 22, paragraph 23 and in view of the specific information that *Horticulture Inspectors* used to be trained in Sabour (Bhagalpur) from 1955 to 1960 but this training was subsequently discontinued and from time to time the *Horticulture Inspectors* are trained for two weeks, no change in the pay scale was then recommended. Therefore, the present pay scale of *Horticulture Inspectors* of Rs.1200-1800 is adequate. The *Horticulture Inspector* who is only a matriculate will now be in the same scale as the *Mali/Head Gardner/Gardener, Grade I*. The Anomaly Removal Committee of 1985 had noted that these *Horticulture Inspectors* are required to be Matriculates and this was reiterated by the Agriculture Department before the Fitment cum Pay Revision Committee. The Department also informed the previous Fitment cum Pay Revision Committee that in absence of trained personnel, the *Vegetable Extension Workers* are being promoted as *Horticulture Inspectors*. The *Vegetable Extension Workers* are in the scale of Rs.975-1540 and hence the *Horticulture Inspectors* can be allowed to be in a higher scale of Rs.1200-1800. The post of *Head Mali* can not be found among the list of posts in the Agriculture Department and hence we are not discussing the scale of the post. If the *Horticulture Inspector* is in the scale of Rs. 1200-1800 than the *Head Mali* will invariably be now in the revised scale of Rs.3200-4900 or less. The *Head Mali* cannot be in the same scale as the *Inspectors*.

19.14.5 The Subdivisional Udyan Padadhikari/Udyan Padadhikari/Senior Scientific Assistant have all requested for adequate replacement scales in view of their designations as well as certain pay scales having been changed midway in 1994 subsequent to a High Court judgment. In CWJC No. 59/90 the Hon'ble Patna High Court passed a judgment on 5.11.92 and subsequently an MJC was also filed. Presumably, on the basis of these orders of the High Court 669 posts pertaining to Categories II to IX of the Bihar Subordinate Agriculture Service were upgraded to the pay scale of 2000-3800. If the Sub-divisional Horticulture Officer is the Assistant Horticulture Extension Officer or the Junior Horticulture Officer then his present pay scale is at least Rs. 1500-2750. In the list of the erstwhile Agriculture Officers is also the Junior Horticulture Officers and he is in the scale of Rs. 1600-2780. Apparently the

designation of **Junior Horticulture Officer** has been repeated and for fitment purposes we presume the higher of the two scales. The pay scale of the basic grade of this cadre of **Agriculture Inspectors** will be Rs. 5000-8000. The recruitment qualification for **Junior Horticulture Officers/Assistant Horticulture Extension Officers** will not be less than B.Sc. (Agriculture) degree for direct recruits and promotion to this grade would be restricted to only diploma holders in horticulture or agriculture or B.Sc. degree in agriculture.



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