

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioners were in the category of dropped teachers of M.E./M.E.M. Schools but they were regularised subsequently on fixed pay of Rs.2,000/- p.m., under the impugned order dated 14.07.2011 of the DEE, Assam.

2. On the petitioners' plea for regular scale of pay, from the respective date of provincialisation of their schools, the DEE, Assam, has filed counter affidavit and the pleaded stand is that the regular scale of pay can be disbursed only with effect from completion of basic teachers training course, by the concerned incumbents.

3. Representing the respondents, Mr. N. Sarma, the learned standing counsel for the Department of Elementary Education submits that the petitioners are entitled to time scale of pay w.e.f. 20.10.2012 because of Rule 3(vi)(b)(D) of the Assam Elementary Education (Provincialisation) Rules, 1977, as the earlier Rule (D) was substituted by the new amendment, w.e.f. 20.10.2012.

4. The learned counsel for the petitioners Mr. R. Islam submits that while the entitlement to scale pay w.e.f. 20.10.2012 as per the amendment of the Rules is justified. But the earlier service prior to the regular pay scale should be counted for pension.

5. The above shows the agreement between the rival counsel on the entitlement of the scale pay for the petitioners w.e.f. 20.10.2012. In view of such consensus, the respondents are directed to provide salary to the petitioners in the time scale of pay from the date of amendment of the Rules i.e. 20.10.2012. It is ordered accordingly. The petitioners are at liberty to apply for consideration of their past service for the purpose of pension, in accordance with the applicable norms.

6. With the above order, the cases are disposed of. No cost.