To,

1. The Officer Incharge
   Area Accounts Office (WC)
   Delhi
2. The Officer Incharge
   Area Accounts Office (WC)
   Jalandhar
3. The Officer Incharge
   Area Accounts Office (WC)
   Pathankot
4. The Officer Incharge
   Pay-III (Local)

Sub: First cadre review of Barrack and Stores Cadre of Military Engineer Services.

Ref: All India (MES) Barrack and Stores Cadre Association Letter No. HQ/3IBSCA/55/Pers dated 10.02.2020

In this context, it is requested to intimate the manner in which pay and allowances of Barrack and Stores Cadre (BSO and above) are dealt with in under your jurisdiction in terms of Para 2, Para 6 and Para 7 of the above referred letter (Annexure I) and Noting of MoD D(Works-II) ID No. 23(1)/2017/D(Works-II) dated 17.09.2018 (Annexure II) circulated by E-in-C branch MES, DG(Personal) vide letter No. 76002/Ist CR/BS cadre/CSCC dated 19.09.2018 (Annexure III). It is requested to clearly state that whether the recovery is being done in the light of provisions contained in HQrs Letter No. AT/II/2701/Orders-II dated 30.10.2018 (Annexure IV) and E-in-C Branch letter dated 08.10.2018 (Annexure V) or recovery has been stayed in compliance with CAT Chandigarh Bench dated 11.12.2018 (Annexure VI).

Copy to:

1. The IT & S Section
   (Local)
   For uploading on website
2. The President
   AIBSCA
   O/o HQ CE Delhi Zone
   Delhi Canton-110010
   For information.
FIRST CADRE REVIEW OF BARRACK AND STORE CADRE
OF MILITARY ENGINEER SERVICES (MES)

1. Reference further to this office letter No. 76002/1st/CR/BS Cadre/CSCC/ dated 16 May 2018 and 13 Jul 2018.

2. The sanction of Ist Cadre Review of B/S Cadre was conveyed by MoD vide their letter No. 76002/1st/CR/BS Cadre/CSCC/23(1)/2017/D(W-II) dated 15 Dec 2017. Further Inter-ministerial consultation was made by the MoD on the subject with DoP&T and DoP&T has observed certain discrepancies in the B/S Cadre Review and has directed the following:

"To keep the Pay and Allowances of Barrack and Stores Cadre (BSO and above) in abeyance in light of the DoP&T instructions till finalization of the case and in case pay fixation of the posts (BSO and above) have been carried out immediate steps may be taken to withdraw the same"

3. The above is for your information and further necessary action as directed by the MoD.

4. This has the approval of DG (Pers).

(SP Singh, IDSE)
Dir (Pers)/CSCC
for E-In-C

Copy to:
1. MoD/D(Wks-II):
2. CGDA, New Delhi
3. DoP&T, New Delhi
4. D(Apptts)
5. All GsDA

TS to E-In-C
TS to DG (Pers)
Jt DG (RTI & Legal): For info & necessary action on Priority pl.
DDG (Pers)(M)
DDG W(PPC-Estt)
E2(Wks (Est)): CAGA-6(A); E1(DPC); E1 DPC(PP&SUB); CRO Delhi Cantt
E1B, E1C(1), E1B(2): Automation Cell: for uploading it on MES website.
ALL India (MES) Barrack & Stores Cadre Association, C/o GE (west) Delhi Cantt-10
FIRST CADRE REVIEW OF BARRACK AND STORES CADRE OF MILITARY ENGINEER SERVICES

Respected Sir,

1. Please refer:-

(i). E-in-C’s Branch, DG Pers/ CSCC, New Delhi letter No. 76002/1CR/BS Cadre/CSCC dated 08 Oct 2018 vide which E-in-C’s Br letter No. 76002/1 CR/BS Cadre/CSCC dated 19 Sep 2018 was cancelled and MoD letter No. 23(1)/2017/D(Wks-II) dated 17 Sep 2018 was circulated with mischievous approach to confuse the audit authorities as well as lower formations with the sole intentions to get the recovery done.

(ii). CGDA letter No: AT/II/2701/Orders-II dated 30/10/2018 vide which the above referred E-in-C’s Branch letter dated 08 Oct 2019 was circulated to PCDA (Western Command) Chandigarh for their necessary action ignoring the fact that the recovery has been stayed by Hon’ble CAT Chandigarh Bench vide their order dated 11/12/2018, a copy of the same is enclosed herewith for ready reference.

(iii). The kind attention is invited to Hon’ble CAT Chandigarh Bench order dated 09/01/2019 vide which the stay was continued after personal appearance of Mr P V Rao, then CRO on the direction of Hon’ble CAT with due consideration of his views as well as the views of respondents i.e. DoP&T, MoD, E-in-C, HQ CEWC, HQ CENC, CRO & Director CSCC (all are respondent in this case).

Contd......
2. With reference to above mentioned letters, it is submitted for your kind information that the subject matter is sub-judiced and operation of the letter affecting recovery of the Pay & Allowances of the Officers/ Subordinates of BS Cadre of MES had been stayed by Hon’ble Central Administrative Tribunal Chandigarh Bench vide their order dated 26 Sep 2018 (copy enclosed) passed in favour of O.A. No. 61/1152/2018 filed by All India (MES) Barrack and Stores Cadre Association, Western Command Body.

3. During pendency of the O.A. and subsequent upon issue of unqualified letter referred at Para 1(i) above by E-in-C’s Branch, DG Pers/CSCC, New Delhi, M.A. was filed by the AIBSCA in Hon’ble CAT Chandigarh Bench and the notices were issued to respondents including DoP&T & Ministry of Defence, being one of the respondents, to file their reply by 09 Jan 2019 (Order copy of Hon’ble CAT enclosed). Another M.A. was filed by AIBSCA, Western Command Body in Hon’ble CAT Chandigarh Bench on 10 Dec 2018 and Hon’ble CAT has issued the order to keep the letter dated 30 Nov 2018 on stay issued by CRO (Officers) Delhi Cantt on the subject matter during pendency of the O.A. and the case has been listed for next hearing on 09 Jan 2019. Subsequently, no hearing took place despite filing of reply by the respondents due to unavailability of double bench. Latest order of Hon’ble CAT Chandigarh Bench dated 18/11/2019 is submitted herewith wherein the interim order to continue stay on recovery has been issued.

4. It is evident from above that the subject matter is in the court of law hence no action w.r.t. recovery of Pay & Allowances of the Officers/ Subordinates of the Barrack and Stores Cadre of MES can be taken till the final outcome on the subject matter. Any attempt to make recovery may lead to breach of the order of Hon’ble CAT Chandigarh Bench; as such kind of deliberate attempt is being made by Area Accounts Office (Army) Dehradun ignoring the order of Hon’ble court, which may establish an act of contempt of court with biased/ ill-intention, which is unwarranted and avoidable in terms of the law.

5. Further, it may be noted with serious concern that the affected BSOs under the jurisdiction of Area Account Office Dehradun represented their issue and conveyed them in writing about the stay on the recovery/ withdrawal of upgraded pay, however, their representation has been ignored in such a manner that Area Account Officers are empowered/ delegated with the power to overrule the order of Hon’ble CAT Chandigarh Bench. In this connection, it is pertinent to mention here that such deliberate attempt was taken earlier by then CRO Mr P.V. Rao and it caused him personal appearance in the court (please refer documents referred at Para-1(iii) above). Even the department made attempt for vacation of stay order by means of filing MA, however the same was dismissed by the court with decision to wait till final hearing (please refer Hon’ble CAT Chandigarh Bench order dated 13/02/2019, a copy of which is enclosed for ready reference).

6. In view of the above, it is requested to issue suitable directions to lower formations under your jurisdiction to maintain status quo w.r.t. the Pay & Allowances of the Officers/ Subordinates of the Barrack and Stores Cadre of MES till the outcome of the subject O.A. as referred above under Para-2 accordingly in order to avoid further more litigation please.

Contd…..3/-
7. The above matter may be accorded **PRIORITY** since the officials of Area Account Office Dehradun has become sudden active on the subject matter after more than 14 months of deep sleep and it appears that some sort of unfair practice is being made in this case, which sets unprecedented example of unethical practice by audit authorities by means of making deliberate attempt in breaking the rule of law even after receipt of all requisite orders with representation from the concerned affected officials of Barrack & Stores Cadre.

Thanking you with hope for early positive action on the subject matter.

Yours Sincerely,

(Sanjeev Kumar)
President
AIBSCA CHQ

Encls:- (As above)

Copy to:-
PCDA (SC)
No. 1, Finance Road, Pune-411001

PCDA (NC)
Satwari, Narwal Pain
Jammu Cantt-180003

PCDA (CC)
Kariappa Road, Lucknow -226002

PCDA (SWC)
Khatipura Road, Jaipur-302102

PCDA (WC)
Sector 9-C, Chandigarh-160009

PCDA (Vys)
10-A, S.K. Bose Road
Kolkata—700001

CDA Meerut

AAO (Pay) WC Delhi Cantt-110010
Area Account Office, Dehradun

For info and necessary action as brought out at Para 6 & 7 above please.
ORDER SHEET

1. Present application has been filed by the applicants for staying action of the respondents in effecting recovery, pending O.A.

2. Learned counsel for the applicants submitted that earlier applicants had approached this Tribunal by impugning action of the respondents where they have decided to effect recovery vide order dated 24.09.2018 (Annexure A-27). This Court at the first instance while issuing notice to the respondents stayed operation of that order and matter was posted for further hearing. Subsequent to that respondents withdrew that order which resulted into filing of the amended O.A. by applicants impugning order dated 19.09.2018. As there was no indication by the respondents to effect recovery, therefore, no prayer was made qua stay of recovery. Pending this O.A., based upon an advice from their counsel, the respondents have now passed order dated 30.11.2018 (MA-2), whereby they have revived their earlier order of recovery, which was stayed, on the plea that stay has not been extended by the Court.

3. Learned counsel for the applicants submitted that once order was withdrawn and respondents had decided not to effect recovery, therefore, applicants did not make a prayer for stay. He prayed that by means of present application, applicants have now prayed for stay of order dated 30.11.2018 (MA-2) which has been passed to frustrate their right on the wrong premise and on a wrong advise by the counsel.

4. Issue notice to the respondents.

5. At this stage, Sh. Ashwani Sharma who is present in the Court, appears and accepts notice on their behalf and is not in position to rebut what has been recorded above.

http://cgatnew.gov.in/catweb/chandigarhnew/services/order_view.php?filing_no_link=180410037422018@2016-12-1181

14/02/20, 3:38 PM
Page 1 of 2
6. By allowing the respondents to file reply, we stay operation of the order dated 30.11.2018 (MA-2) and also request officer, who has passed this order, to remain present in the Court on the next date of hearing so that we can find out the reasons that once order has been withdrawn by the respondents earlier, then why the same has been revived that too without any change in circumstances. It will be duty of counsel for the respondents to secure his presence.

7. List on 09.01.2019.

(P. GOPINATH)  
MEMBER (A)  

(SANJEEV KAUSHIK)  
MEMBER (J)
Office of the Controller General Of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt-110010

AT/II/2701/Orders-II

To,
The PCDA (Loc)
CHANDIGARH

Subject: First cadre review of Barrack and Store cadre of Military Engineering Services (MES).

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A copy of MoD ID No. 23(1)/2017/D (Works-II) dated 17.09.2018 received under Directorate General (Pers)/CSCC, HQ MES, E-in-C Branch dated 08.10.2018 on the above subject is forwarded herewith for your information and necessary action at your end.

(स. के. वर्मा)
कृत्तिका रक्षा लेखा महानिज़ित्रक
Directorate General (Pers)/CSCCC
HQ Military Engineer Services
E-In-C’s Branch
Kashmir House, Rajaji Marg
New Delhi-110 011

76002/1st CR/ BS cadre/CSCCC
ADG( Project), C/o HQ Coast Guard Region (East)
Chennai
ADG (NEI), C/o HQ CCE(Army), Guwahati
ADG (North), C/o CWE (AF), Jammu

Chief Engineer
HQ Southern Command
HQ Eastern Command
HQ Western Command
HQ Central Command
HQ Northern Command
HQ South Western Command

FIRST CADRE REVIEW OF BARRACK AND STORE CADRE
OF MILITARY ENGINEER SERVICES (MES)

1. This office letter No. 76002/1st CR/ BS Cadre/CSCCC dated 18 Sep 2018 is hereby
   cancelled.

2. A copy of MoD ID letter No. 23(1)/2017/D(Wks-II) dated 17 Sep 2018 is forwarded
   herewith for taking necessary action on direction of MoD as contained there in.

3. This has approval of DG (Pers).

Encl: As above

Copy to:
1. MoD/D(Wks-II):
   CGDA, New Delhi
2. DoP&T, New Delhi
3. D(Anptts)
4. All CsDA

Internal
TS to E-In-C
TS to DG(Pers)
Jt DG (RTI & Legal): For info & necessary action on Priority pl.
DDG (Pers)(M)
DDG W(PPC-Estt)
E2Wks (Estt): CAO/A-6(A); E1(DPC); E1 DPC(PP&SUB);
E1B, E1C(1), E1B(C&M); Automation Cell: for uploading it on MES website.
ALL India (MES) Barrack & Stores Cadre Association, C/o GE (west) Delhi Cantt-10

C/O: A copy of MoD letter dated 17 Sep 2018 is forwarded herewith for taking necessary
action as contained in para 4, by following due procedure.
Ministry of Defence
D(Works-II)

Subject: Cadre Review of Barrack and Stores Cadre - reg


2. During the Inter Ministerial consultation regarding the Post of Joint DG (Resources), DoPT have noted some procedural and other discrepancies and stated as under:

(i) The proposal of BS Cadre does not specifically mention the cadre as organised Group 'A' Cadre. However, the proposal has been finalized in a manner that it contains attributes of organised Group 'A' service such as DR element at JTS to the extent of 50%, all standard grade of Group 'A' Service upto SAG, making all the posts above JTS promotional, provision of 30% NFSG and mention of NFU. As such, the proposal tantamount to formation of an Organised Group 'A' service.

(ii) As per procedural requirements, for formation of a Service as Group 'A' Cadre/Group 'A' Service/Organised Service, the cadre review guidelines issued by the DoPT on 14/12/2010 are applicable. Proposals for formation of a Service as Group 'A' Cadre/Group 'A' Service/Organised Services are to be placed before the Cadre Review Committee (CRC) headed by Cabinet Secretary with Secretary (Personnel), Secretary (Expenditure), Secretary (Administrative Department) and the Senior Most Member of the service concerned as Members. Based on the recommendations of CRC, approval of MoS (PP) and Finance Minister is obtained and subsequently the proposal is submitted for approval of the cabinet. The above procedure has not been completed in the Cadre Review of Barracks and Store Cadre and the sanction letter has been issued only on the basis of approval of Deptt. of Expenditure.

(iii) The Cadre Review for Barrack and Stores cadre may also have serious implication on the concept of organized Group 'A' Service/ Group 'A' Service/ NFU/NFSG etc. and various court cases on the matter of organized status/NFU/extension of 30% NFSG etc.

(iv) Accordingly, MoD's letter dated 15/12/2017 needs to be immediately withdrawn/kept on hold wrt Group 'A' cadre till the approval of the competent authority (i.e Cabinet) on the Cadre Review/formation of
Group ‘A’ Cadre/Group ‘A’ service/organized status. The procedure as per Cadre Review guidelines issued by the DoPT on 14/12/2010 needs to be followed and proposal submitted to DoPT along with all necessary details. However, if it is intended to retain the cadre as Group ‘B’/Group ‘C’ and not as Group ‘A’, the proposal may be revisited accordingly in consultation with DoE and while revisiting the provisions of DR element at JTS, 30% NFSG, NFU etc. which are characteristic/attributes of organized Group ‘A’ service may be withdrawn.

3. E-in-C’s Branch is requested to review the Cadre Review proposal and resubmit the file in the light of DoPT instructions whether they intend to retain the cadre as Group ‘B’/Group ‘C’ or intend to create an Organised Group ‘A’ service. Based on the inputs, the proposal will be resubmitted to DoE if it is decided to retain the cadre as Group ‘B’/Group ‘C’ or will be taken up with DoPT as per the guidelines if the intention is to create an Organised Group ‘A’ Service.

4. Further, E-in-C’s Branch is requested to keep the Pay and Allowances of Barrack and Stores Cadre (BSO and above) in abeyance in light of the DoPT instructions till finalization of the case and in case pay fixation of the posts (BSO and above) have been carried out immediate steps may be taken to withdraw the same.

5. This issues with the approval of competent authority.

(Vishnu Dutta Jha)
Under Secretary to the Government of India
Ph No. 23016237

Engineer-in-Chief, Kashmir House, New Delhi
MoD ID No. 23(1)/2017/D (Works-II) dated 17.09.2018