

GAHC010094772026



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**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : WP(C)/2917/2026

THE CHAIRMAN
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION, NELSON MANDELA
MARG, VASANT KUNJ, NEW DELHI 110070

VERSUS

MRS SEBIKA NEOG AND ANR
W/O SRI DINESH KALITA, R/O TETELIA, JHARPARA, P.O. -TETELIA, N.H. 37,
DIST.- KAMRUP METRO, ASSAM.

2:UNION OF INDIA
REP. BY THE SECRETARY
MINISTRY OF HIGHER EDUCATION
127-C
SASTRI BHAWAN
GOVT. OF INDIA
NEW DELHI-0

Advocate for the Petitioner : KAUSHIK JAIN, MR. S C KEYAL

Advocate for the Respondent : DY.S.G.I., MR S SARMA, FOR CAVEATOR

Linked Case : WP(C)/3092/2026

THE CHAIRMAN
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
NELSON MANDELA MARG
VASANT KUNJ
NEW DELHI-110070.

VERSUS

BHUPENDRA GOSWAMI AND ANR
S/O- LATE TAPESWAR GOSWAMI
RESIDENT OF BYE LANE NO. 1
NIZARAPARA
NEAR ASSAM AYURVEDIC COLLEGE
JALUKBARI
DIST. KAMRUP METRO
ASSAM

2:UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF HIGHER EDUCATION
127-C
SASTRI BHAWAN
GOVT. OF INDIA
NEW DELHI-110001.

For the petitioner/appellant(s) : Mr. S. C. Keyal, Sr. Advocate
Ms. R. Kumari, Advocate

For the Respondent(s) : Mr. S. Sarma, Advocate
Mr. S. Kakati, Advocate

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

15.06.2026

(Ashutosh Kumar, CJ)

We have heard Mr. S.C. Keyal, learned senior Advocate for the petitioner, and Mr. S. Sarma, learned Advocate for the respondents.

Both these writ petitions have been taken up together for consideration as the issues involved in these petitions are identical.

The challenge in these petitions is to the orders dated 20.02.2026, passed by the Central Administrative Tribunal, Guwahati Bench (hereinafter referred to as "Tribunal"), in O.A. Nos. 40/00086/2023 and 40/00037/2023, directing the petitioners to count the past services of the

respondents for all consequential benefits, as also to release the arrears of salary for the intervening period.

The respondents had been working under the National Technical Manpower Information System (NTMIS) scheme at the nodal centre of the All India Council for Technical Education (AICTE). This scheme, under which the respondents had been working, was closed by the end of March, 2013. Thereafter, there was no engagement of the respondents by the AICTE for several years. However, after around six years, the respondents were appointed on supernumerary/ex-cadre posts with fixed pay + grade pay. This, obviously, was done for the purpose of accommodating the respondents, who had been working under the scheme but had been rendered jobless because of the closure of the scheme, and also to take advantage of their experience in the AICTE.

The respondents approached the Tribunal vide the afore-noted O.A.s seeking a direction for counting of their past services not only for pensionary benefits, gratuity and leave encashment but also for arrears of pay, when, admittedly, they were out of employment during the afore-noted period and no work had been taken from them. The respondents also claimed 20% interest on the arrear amount.

The petitioners opposed the claim of the respondents on the ground of closure of the NTMIS scheme. It was also contended on behalf of the petitioners that after the NTMIS scheme had been closed, there was no sanctioned post or any ongoing scheme, under which the respondents could have been accommodated and paid salary.

It has fairly been stated on behalf of the petitioners that there had been a proposal for another scheme, namely, National Information

System on Technical Human Resource (NISTECHR), which was recommended by the Bhatt Committee, but this proposed new scheme never became operational.

The respondents, it appears, had been paid all their admissible in accordance with 6th Central Pay Commission Report, when the NTMIS scheme, under which the respondents had been working, had been operating.

It appears that the Tribunal, relying on the earlier judgments of the Allahabad Bench and Bombay Bench of the CAT, directed the petitioners to count the services of the respondent No. 1 in WP(C) 2917/2026 (Applicant in O.A. No. 40/00086/2023) for the gap period from 01.04.2013 to 26.02.2019 for all consequential benefits and also to release their arrear salary. With regard to the respondents in WP(C) No. 3092/2026 (Applicants in O.A. No. 40/00037/2023), the Tribunal directed for counting the entire past service of the respondents from 01.06.1991 to 30.06.2022 for all consequential service benefits, including gratuity, leave encashment and pensionary benefits as also for release of their arrear salary for the period from 01.04.2013 to 26.02.2019.

Mr. Keyal, learned Advocate for the petitioners has submitted that the orders impugned have been passed beyond jurisdiction and those also suffer from serious errors in law, as it ignores the principle of "no work no pay". The Tribunal has, it has been argued, committed a mistake in holding that the subsequent appointments of the respondents were only a continuation of their earlier appointments. In fact, their subsequent appointments were under a different scheme and only for accommodating them, who had been let off because of the closure of

the scheme under which they had been working.

However, during the course of the arguments, Mr. Keyal has submitted that with the implementation of such orders passed by the Allahabad and the Bombay Bench of the Tribunal, the concerned employees/respondents may be given their pensionary benefits by taking into account the gap period, but it would have to be ascertained whether the respondents herein would be paid the salary for the period when they were out of work.

He submits that after taking instructions in that regard, he shall get back to this Court.

We have also asked Mr. Sarma, learned Advocate for the respondents to take instructions whether the respondents would be satisfied with counting of such gap period only for their pensionary benefits, or whether they insist for the salary for the period when they had remained disengaged.

Re-notify on **10.09.2024**.

JUDGE

CHIEF JUSTICE

Comparing Assistant