

# OFFICE OF THE REGISTRAR GENERAL

MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI  
[APPELLATE AUTHORITY]

## RTI APPEAL No. 04/2024-25

Mr. Ajit Paul,  
Mahadev Tilla Hill Haflong Road,  
Dima Hasao, Assam, Pin-788819.

----- Appellant.

– *VERSUS* –

Sri S. K. Dhar,  
Registrar (Judicial)-cum- PIO,  
Gauhati High Court, Guwahati.

----- Respondent.

### P R E S E N T

Sri Sunil Kumar Poddar, AJS.  
Registrar General-cum-Appellate Authority under RTI Act.

**Date of appeal** : 18<sup>th</sup> July, 2024.  
**Date of hearing** : 05<sup>th</sup> August, 2024.  
**Date of order** : 13<sup>th</sup> August, 2024.

### **:: ORDER ::**


The appellant, Mr. Ajit Paul, being aggrieved by the response of the PIO has preferred the instant appeal under Section 19 (1) of the Right to Information Act, 2005.

2. The information sought by the appellant were as follows:

*“1) Is it mandatory to place a Jarikarak about a Duftry in the gradation list of the Subordinate Judiciary in Assam solely based on the pay scale?*

*2) If the placement is not solely based on the pay scale, what are the other criteria considered for determining the position of Jarikarak and Duftry in the gradation list?”*

3. In reply to the above queries, the PIO, vide his letter dated 27-06-2024 has provided the following information:



*“The Assam District & Sessions Judge Establishment (Ministerial) Service Rules, 1987 and The Assam Chief Judicial Magistrate Establishment (Ministerial) Service Rules, 1987 deal with the gradation list of the Subordinate Judiciary in Assam. However, there are no such criteria mentioned in the aforementioned Rules for determining the position of Jarikarak and Duftry in the gradation list. Hence, the sought for information cannot be furnished.”*

4. Being aggrieved, the appellant has preferred this appeal on the following ground:

*“In the context of the Assam District & Sessions Judge Establishment (Ministerial) Service Rules, 1987 and The Assam Chief Judicial Magistrate Establishment (Ministerial) Service Rules, 1987, if there are no specific criteria mentioned for determining the position of Jarikarak and Duftry in the gradation list. Thus, if a Duftry joins the establishment of any District Court of Assam before a Jarikarak, then in between them who will be positioned first at the top in the Gradation List?”*

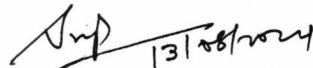
5. It may be mentioned here that in spite of due notice of the date fixed for hearing of this appeal, the appellant remained absent without steps. As such, the appeal is taken up for hearing in his absence.

6. I have heard learned PIO and considered the submissions made by him. I have also perused the Assam District & Sessions Judge Establishment (Ministerial) Service Rules, 1987 and found that the Rule is silent regarding determining the seniority position between Jarikarak and Duftry so far as gradation list is concerned. As per service jurisprudence normally an employee in the higher Grade Pay is treated to be senior to an employee in a lower Grade Pay.

7. In view of above, I am of the opinion that the Registrar (Judicial)-cum-PIO has rightly held that the information sought for cannot be furnished.

8. Accordingly, I find no merit in the appeal and hence, the appeal is dismissed.

9. Furnish a free copy of this order to the appellant and the learned PIO.



**[Sri Sunil Kumar Poddar]**  
**Registrar General-cum-Appellate Authority**  
**under RTI Act,**  
**Gauhati High Court, Guwahati.**