

40

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of April 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

O.A. N o. 757 of 1997

Ram Milan Shukla S/O Ram Das Shukla R/O 14/24, Safed Colony,
Dada Nagar, Kanpu-r city.....

.....Applicant.

Counsel for applicant : Sri B.K. Srivastava.

Versus

1. Regional Provident Fund Commissioner, U.P. Nidhi Bhawan,
Sarvodaya Nagar, Kanpur City.
2. Central Provident Fund Commissioner (H.V.D.C.O.), Vishala
Bhikaji Place, New Delhi.
3. Central Board of Trustees through Central Provident Fund
Commissioner, New Delhi.

.....

.....Respondents.

Counsel for respondents : Sri N.P. Singh & Sri D.S. Shukla.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri B.K. Srivastava, learned counsel for
applicant, Sri V.K. Singh holding brief of Sri N.P. Singh,
learned counsel for respondents and perused the pleadings.

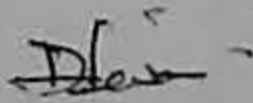
2. The applicant herein is aggrieved by the order
dated 2.7.97, annexed as Annexure A-14 by which he has been
regularised in U.P. Region of Employees Provident Fund
Organisation w.e.f. 1.10.91. Along with the applicant, two
others were also regularised with effect from the said date.

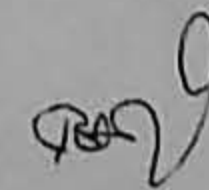
3. The grievance of the applicant is that he was
throughout working as Canteen Manager, a post in category 'C'
but by order impugned herein, he has been regularised on a
post which falls under category 'D'. It is alleged in the
O.A. that emoluments of the applicant was revised from time
to time and he was granted dearness allowance and other

Ref

reliefs as were admissible to category 'C' employees. In paragraph 10 of the O.A. it is specifically stated that applicant's pay, as fixed on 7.1.1984, was in the scale of Rs.330-8-370-10-400-EB-10-480 w.e.f. 26.9.1983. The said scale, ~~It~~ is further averred, ~~that it~~ was a scale for category 'C' employee. In para 15 of the O.A. it has been averred that the basic pay of the applicant was Rs.1530/- per month and the total emoluments received by him was to the tune of Rs.4557/- which was admissible to category 'C' employee. The averments made in paragraphs 9 to 15 of the O.A. had not been specifically denied. It is submitted by Sri B.K. Srivastava, learned counsel appearing for applicant that while passing the order impugned herein, the respondents have not taken into consideration the scheme formulated for regularisation vide order dated 7.5.93 pursuant to the direction given by the Hon'ble Supreme Court vide judgment dated 1.10.91 in case of C.K. Jha & others Vs. Union of India and others. In this view of the matter, we are of the view that the case of the applicant needs to be reconsidered.

4. The impugned order, so far as it relates to the applicant, is quashed and the matter is remitted back to the authorities concerned to reconsider the case of the applicant as per the above discussion. The Regional Provident Fund Commissioner, UP is directed to grant the annual increment of Rs.30/- to the applicant in the pay scale of Rs.1200-1800/- as per order annexed to the supplementary affidavit as Annexure SA-1, and decide the case of the applicant with an appropriate order within a period of three months from the date of receipt of a copy of this order.


A.M.


V.C.

Asthana/