

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

निःशुल्क प्रतिलिपि

Dated : This the 31st day of JANUARY 2005.

Original Application no. 1650 of 2001.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chaube, Member A

1. Prithvipal, S/o Late Bhoti Ram,
Posted as Instructor R.C.S. Ashapur,
Varanasi.
2. Jagnuram, S/o Late Ram Kishan,
Posted as Instructor, RCS Ashapur,
Varanasi.
3. Haralal Maurya, S/o Sri R.N. Maurya,
Posted as Instructor, RCS Ashapur,
Varanasi.
4. Mewalal 'I' S/o Sri Maga Ram
Posted as Instructor, RCS Ashapur,
Varanasi.
5. Ram Garib, S/o Sri Ram Niranjana,
Posted as Instructor, RCS Ashapur,
Varanasi.
6. Mewalal 'II', S/o Sri Mahipal,
Posted as Instructor, RCS Ashapur,
Varanasi.
7. Jangali Ram, S/o late Ram Ghulam
Posted as Instructor RCS Ashapur,
Varanasi.
8. Hooblal, S/o Late Nauneet,
Posted as Instructor RCS Ashapur,
Varanasi.
9. Jokhai Ram, S/o late Parmod,
Posted as Instructor RCS Ashapur,
Varanasi.
10. Kamta Prasad, S/o late Saraju Prasad
Posted as Instructor, CWTC Rajkiya Kishor Grah,
Ghaziipur.
11. Ram Dular, S/o late Sarju,
posted as Instructor, CWTC,
Manari Varanasi.

...2/-

AS INSTRUCTOR R.C.S. Ashapur, Varanasi.

2.

12. Ghaturbhuwan Mishra, S/o late Jamuna Prasad,
Posted as Instructor Paterwa Nai Bajar Sarnath,
Varanasi.
13. Sakha Ram, S/o Algu,
Posted as Instructor, CWTC,
Manari, Varanasi.
14. Tulsi Ram Bind, S/o late Babu Bind,
Posted as CWTC Bahadurpur Jat Haridwar,
Uttanchal.
15. Chandrapal Singh, S/o Sri Ram Singh,
Posted as Instructor Garampani,
Nainital
16. Shiv Jatan Pal, S/o ^{Shri} Ram Khelawan,
Posted as Instructor, Garampani,
Nainital.
17. Ram Murat Maurya, S/o Sri Ram Maurya,
Posted as Instructor Garampani,
Nainital
18. Chandrama Prasad Arya, S/o Sri R.L. Arya,
Posted as Instructor, ~~Garampani~~ Garampani,
Nainital
19. Jalaluddin, S/o Sri K.B. Ansari,
Posted as Instructor ~~Garampani~~ Garampani,
Nainital.
20. Lalji Maurya, S/o Sri R.K. Maurya
Posted as Instructor, Garampani,
Nainital.
21. Mukhtar Khan, S/o late Zahir Khan,
posted as Instructor, ~~Garampani~~ Garampani,
Nainital
22. Bhola Nath Yadav, S/o Sri Ram Prasad,
Posted as Instructor, Garampani,
Nainital.
23. Mohan Lal Yadav, S/o Sri Mahavir Yadav,
Posted as Instructor, Garampani,
Nainital.

...3/-

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3.

24. Dayaram Yadav, S/o Sri Mogal,
Posted as Instructor, Haldwani,
Nainital
25. Durga Prasad Bind, S/o Sri Mata Saran,
Posted as Instructor, CSU, Aurai, Bhadohi.
26. Lal Chand, S/o K.R. Kanojia,
Posted as Instructor, Garampani,
Nainital
27. Basant Singh, S/o late B.B. Singh,
RCS Ashapur, Varanasi.
28. Rajpati Maurya, S/o late J.P. Maurya,
CWTC Patwar Marihan, Mirzapur.
29. Baij Nath Mishra, S/o Ram Kishore Mishra,
Posted as Instructor, RCS, Ashapur,
Varanasi.

... Applicants

By Adv : Sri V. Budhwar

V E R S U S

1. Union of India through the Secretary,
Ministry of Textiles, Udyog Bhawan,
New Delhi.
2. The Development Commissioner, Handicraft,
West Block VII, R.K. Puram, New Delhi.
3. The Director General Regional Office of Development
Commissioner (Handicraft), B-46 Mahanagar Extention,
Lucknow.

... Respondents

By Adv : Sri R. Sharma

ORDER

By Justice S.R. Singh, VC.

Heard Sri V. Budhwar, learned counsel for the applicant
and Sri R. Sharma, learned counsel for the respondents
and perused the pleadings.

[Signature]

...4/-

as instructor R.C.S. Ashapur, varanasi.


[Signature]

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4.

2. This OA has been instituted for the following reliefs :-

- a. to issue a order directions to the respondents to consider the case of the applicants for regularisation and confirmation on the post of Instructors.
- b. to issue a order or direction commanding the respondents to confirm and regularise the services of the applicants and to further grant them promotion in the next pay scale of Rs. 1600-2660 revised to Rs. 5000-8000 as the applicants have completed more than 12 years of continuous service and thus they are entitled for promotion in the next pay scale by virtue of office Memorandum dated 9.8.1999.
- c. to issue a writ, order or direction in the nature of mandamus Commanding the respondents to regularise and confirm the services of the applicants and to grant further promotion with effect from 9.8.1999 alongwith the interest at the rate of 18% per annum as the junior to the applicants have been regularised and granted next pay scale on the said date.
- d. to issue any other suitable writ order or direction as this Hon. Tribunal may deem fit and proper in the circumstances of the case.
- e. to AWARD COSTS to the applicants."



3. In the counter affidavit, filed by Sri Bhubendra Singh, Asstt. Director (H), O/o Development Commissioner, (Handicraft), Central Region Office, B-46, Mahanagar Extension Lucknow, it is stated that the applicants have been regularised on the post of Instructor in the pay scale of Rs. 1200-2040/4000-6000 and they have been granted benefit of ACP scheme thereby promoting them to the next higher selection grade in the pay scale of Rs. 4500-7000 except the applicant no 8 who although has been regularised to

....5/-

as instructor R.C.S. Ashapur, Varanasi.

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5.

the post of Instructor has not been given the benefit of ACP scheme because of the reasons that departmental enquiry is contemplated against him and he has yet to get clearance by the vigilance. The submission made in the counter affidavit has not been controverted.

4. In the circumstances, therefore, the grievance raised by the applicants no longer survives and the OA is dismissed having been rendered infructuous, except with regard to applicant no. 8, who ^{is} ~~has~~ given liberty to approach the Tribunal in case he ^{is} ~~has~~ denied the benefit of ACP scheme even after clearance by the vigilance.

5.

There shall be no order as to costs.

Sd/-
A.M.

Sd/-
V.C.

TRUE
COPY

[Signature]
Section Officer (1872105)

Central Administrative Tribunal
Allahabad.

as Instructor R.C.S. Ashapur, Varanasi.

[Signature]

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIVIL MISC.(STAY) APPLICATION NO. 1064 OF 2005

On behalf of

Prithvipal and others

-----Applicants.

IN
REVIEW APPLICATION NO. 12 OF 2005

(Under section 22F of the Admn. Tribunal Act, 1985 read with Order 47 Rule
(I) of the C.P.C.)

IN

ORIGINAL APPLICATION NO. 1650 OF 2001.

1. Prithvipal, s/o Late Bhoti Ram, Posted as Instructor R.C.S. Ashapur, Varanasi.
2. Jagnuram, s/o Late Ram Kishan, Posted as Instructor R.C.S. Ashapur, Varanasi.
3. Haralal Maurya, S/o Sri R.N. Maurya, Posted as Instructor R.C.S. Ashapur, Varanasi.
4. Mewalal 'I' s/o Sri Maga Ram, Posted as Instructor R.C.S. Ashapur, Varanasi.
5. Ram Garib, S/o Sri Ram Niranjana, Posted as Instructor R.C.S. Ashapur, Varanasi.
6. Mewalal 'II', S/o Sri Mahipal, Posted as Instructor R.C.S. Ashapur, Varanasi.
7. Jangali Ram, S/o Late Ram Ghulam, Posted as Instructor R.C.S. Ashapur, Varanasi.

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8. Hooblal, S/o Late Nauneet. Posted as Instructor R.C.S. Ashapur, Varanasi.
9. Jokhai Ram, S/o Pramod, Posted as Instructor R.C.S. Ashapur, Varanasi.
10. Kamta Prasad, S/o late Saraju Prasad, Posted as Instructor, CWTC Rajkiya Kishor Grah, Ghazipur.
11. Ram Dular, S/o Late Sarju, Posted as Instructor, CWTC Manari, Varanasi.
12. Ghaturbhuwan Mishra, S/o late Jamuna Prasad, Posted as Instructor Paterwa Nai Bajar Sarnath, Varanasi.
13. Sakha Ram, S/o Algu, Posted as Instructor, CWTC Manari, Varanasi.
14. Tulsi Ram Bind, S/o late Babu Bind, Posted as Instructor, CWTC Bahadurpur Jat Haridwar, Uttranchal.
15. Chandrapal Singh, S/o Sri Ram Singh, Posted as Instructor, Garampani, Nainital.
16. Shiv Jatan Pal, S/o Shri Ram Khelawan, Posted as Instructor, Garampani, Nainital.
17. Ram Murat Maurya, S/o Sri Ram Maurya, Posted as Instructor, Garampani, Nainital.
18. Chandrama Prasad Arya, S/o Sri R.L. Arya, Posted as Instructor, Garampani, Nainital.
19. Jalaluddin, S/o Sri K. B. Ansari, Posted as Instructor, Garampani, Nainital.

h

20. Lalji Maurya, S/o Sri R.K. Maurya. Posted as Instructor, Garampani, Nainital.
21. Mukhtar Khan, S/o late Zahir Khan, Posted as Instructor, Garampani, Nainital.
22. Bhola Nath Yadav, S/o Sri Ram Prasad, Posted as Instructor, Garampani, Nainital.
23. Mohan Lal Yadav, S/o Sri Mahavir Yadav, Posted as Instructor, Garampani, Nainital.
24. Dayaram Yadav, S/o Sri Mohal, Posted as Instructor, Haldwani, Nainital.
25. Durga Prasad Bind S/o sri Mata Saran, Posted as Instructor, CSU, Aurai, Bhadohi.
26. Lal Chand, S/o K. R. Kanojia, Posted as Instructor, Garampani, Nainital.
27. Basant Singh, s/o late B.B. Singh, RCS Ashapur, Varanasi.
28. Rajpati Maurya, S/o late J.P. Maurya, CWTC Patawar Marihan, Mirzapur.
29. Baij Nath Mishra, S/o Ram Kishore Mishra, Posted as Instructor, RCS, Ashapur, Varanasi.

..... Applicants.

Versus

1. Union of India through the Secretary, Ministry of Textiles, Udyog Bhawan, New Delhi.
2. The Development Commissioner, Handicraft, West Block VII, R.K. Puram, New Delhi.

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3. The Director General Regional
Office of development
Commissioner (Handicraft), B-46
Mahanagar Extension, Lucknow.

..... Respondents

To,

The Hon'ble The Vice Chairman and his other Companion
Members of the aforesaid Tribunal.

The humble application of the above named applicant Most
Respectfully Showeth as under:-

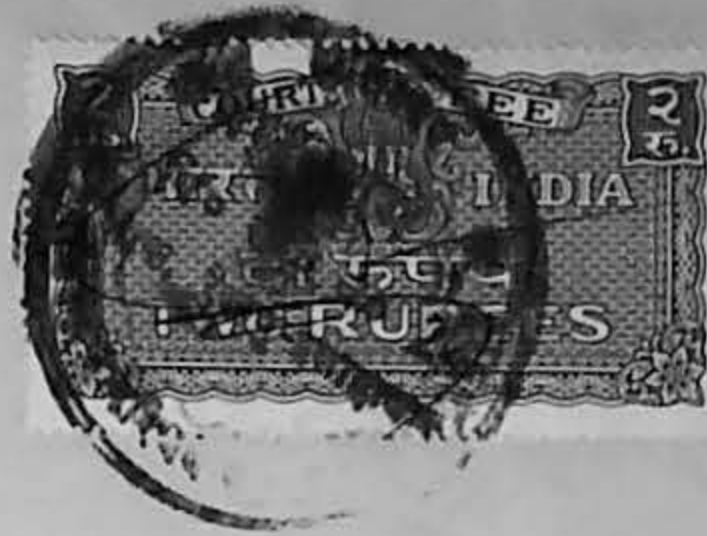
1. That for the facts stated in the accompanying affidavit, it is
necessary in the interest of justice that the Hon'ble Tribunal may be pleased to
review and recall the order dated 31.1.2005 passed in Original
Application No. 1650 of 2001, during the pendency of the present review
application, otherwise the applicant shall suffer irreparable loss.

PRAYER

It is therefore most respectfully prayed that this Hon'ble
Tribunal may be pleased to review and recall the order dated 31.1.2005
passed in Original Application No. 1650 of 2001, during the pendency of
the present review application, otherwise the applicant shall suffer
irreparable loss.

Dated 26/2/2005

Vikas Budhwar
(VIKASH BUDHWAR)
ADVOCATE
COUNSEL FOR THE APPLICANTS



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

AFFIDAVIT

IN

CIVIL MISC.(STAY) APPLICATION NO.

OF 2005.

IN

REVIEW APPLICATION NO

OF 2005

(Under section 22F of the Admn. Tribunal Act, 1985 read with Order 47 Rule
(I) of the C.P.C.)

IN

ORIGINAL APPLICATION NO. 1650

OF 2001.

1. Prithvipal, s/o Late Bhoti Ram, Posted as
Instructor R.C.S. Ashapur, Varanasi.
2. Jagnuram, s/o Late Ram Kishan, Posted as
Instructor R.C.S. Ashapur, Varanasi.
3. Haralal Maurya, S/o Sri R.N. Maurya,
Posted as Instructor R.C.S. Ashapur,
Varanasi.
4. Mewalal 'I' s/o Sri Maga Ram, Posted as
Instructor R.C.S. Ashapur, Varanasi.
5. Ram Garib, S/o Sri Ram Niranjana, Posted as
Instructor R.C.S. Ashapur, Varanasi.
6. Mewalal 'II', S/o Sri Mahipal, Posted as
Instructor R.C.S. Ashapur, Varanasi.
7. Jangali Ram, S/o Late Ram Ghulam, Posted
as Instructor R.C.S. Ashapur, Varanasi.



प्रहरीपाल

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8. Hooblal. S/o Late Nauneet. Posted as Instructor R.C.S. Ashapur, Varanasi.
9. Jokhai Ram, S/o Pramod, Posted as Instructor R.C.S. Ashapur, Varanasi.
10. Kamta Prasad, S/o late Saraju Prasad, Posted as Instructor, CWTC Rajkiya Kishor Grah, Ghazipur.
11. Ram Dular, S/o Late Sarju, Posted as Instructor, CWTC Manari, Varanasi.
12. Ghaturbhuvan Mishra, S/o late Jamuna Prasad, Posted as Instructor Paterwa Nai Bajar Sarnath, Varanasi.
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15. Chandrapal Singh, S/o Sri Ram Singh, Posted as Instructor, Garampani, Nainital.
16. Shiv Jatan Pal, S/o Shri Ram Khelawan, Posted as Instructor, Garampani, Nainital.
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18. Chandrama Prasad Arya, S/o Sri R.L. Arya, Posted as Instructor, Garampani, Nainital.
19. Jalaluddin, S/o Sri K. B. Ansari, Posted as Instructor, Garampani, Nainital.



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20. Lalji Maurya, S/o Sri R.K. Maurya. Posted as Instructor, Garampani, Nainital.
21. Mukhtar Khan, S/o late Zahir Khan, Posted as Instructor, Garampani, Nainital.
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23. Mohan Lal Yadav, S/o Sri Mahavir Yadav, Posted as Instructor, Garampani, Nainital.
24. Dayaram Yadav, S/o Sri Mohal, Posted as Instructor, Haldwani, Nainital.
25. Durga Prasad Bind S/o sri Mata Saran, Posted as Instructor, CSU, Aurai, Bhadohi,
26. Lal Chand, S/o K. R. Kanojia, Posted as Instructor, Garampani, Nainital.
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29. Baij Nath Mishra, S/o Ram Kishore Mishra, Posted as Instructor, RCS, Ashapur, Varanasi.



..... Applicants.

Versus

1. Union of India through the Secretary, Ministry of Textiles, Udyog Bhawan, New Delhi.

Signature

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2. The Development Commissioner
Handicraft, West Block VII, R.K.
Puram, New Delhi.
3. The Director General Regional
Office of development
Commissioner (Handicraft), B-46
Mahanagar Extension, Lucknow.

..... Respondents

AFFIDAVIT OF Prithvipal, Aged about
56 Years, s/o Late Bhoti Ram, Posted
as Instructor R.C.S. Ashapur,
Varanasi..

(DEPONENT)

I, the deponent above named do hereby solemnly affirm
and state on oath as under:-

1. That the deponent is applicant no.1 and also doing
pairvi on behalf of other applicants in the aforesaid Review
application and as such he is fully acquainted with the facts of the
case deposed to herein below.

2. That the applicant-revisionist filed the Original
Application No. 1650 of 2001 before this Hon'ble Tribunal seeking
following reliefs:-

"1/- to issue a order or directions commanding the
respondents to consider the case of the



Prithvipal

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applicants for regularization and confirmation on the post of Instructors.

2/- to issue a order or direction commanding the respondents to confirm and regularize the services of the applicants and to further grant them promotion in the next pay scale of Rs.1600-2660 revised to Rs.5000-8000 as the applicants have completed more than 12 years of continuous service and thus they are entitled for promotion in the next pay scale by virtue of office Memorandum dated 9.8.1999.

3/- to issue a writ, order or direction commanding the respondents to regularize and confirm the services of the applicants and to grant further promotion with effect from 9.8.1999 alongwith the interest at the rate of 18% per annum as the junior to the applicants have been regularized and granted next pay scale on the said date.



4/- to issue any other suitable writ order or direction as this Hon. Tribunal may deem fit and proper in the circumstances of the case.

5/- to AWARD COSTS to the applicants.”

3. That in the aforesaid original application counter and rejoinder affidavits have been exchanged between the parties and the same came up for consideration before the Hon'ble

Jethim

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Tribunal on 31.1.2005 wherein this Hon'ble Tribunal was pleased to dismiss the original application as infructuous on the ground that the applicants have been regularized on the post of Instructor in the pay scale of Rs.1200-2040/4000-6000 and have been granted the benefit of ACP scheme whereby they have been promoted to the next higher scale in the pay scale of Rs.4500-7000.

4. That as the applicants have not been granted the pay scale of Rs.1600-2660 revised to Rs.5000-8000 as they have completed more than 12 years of service and thus they are entitled to be granted the said pay scale.

5. That the applicants are fully eligible and qualified in all respects and they are entitled to be assigned and granted the pay scale of Rs.1600-2660 revised to Rs.5000-8000 after completion of 12 years of service.

6. That in view of the aforesaid facts and circumstances of the case, it is expedient and in the interest of justice that the Hon'ble Tribunal may be pleased to review and recall the order dated 31.1.2005 passed in Original Application No. 1650 of 2001, during the pendency of the present review application, otherwise the applicant shall suffer irreparable loss.



Sedum

I, the deponent above named do hereby swear and verify that the contents of para nos. 1 to 6

of the affidavit are true to my personal knowledge, those of Para nos. 1

1 of the affidavit are based on perusal of records and those of paragraph No.

1 of the affidavit are based on legal advice, which all I believe to be true that no part of it is false and nothing has been concealed in it.

So Help Me God.

[Signature]

(Deponent)

I, Jai Ram Singh, Clerk to Shri S. C. Budhwar , Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be the deponent is the same person and is known to me on the basis of record produced before me in the present case.

[Signature]
(Clerk)

Solemnly affirmed before me on this 20 day of February, 2005 at about 2'12 am/p.m. by the deponent, who has been identified by the aforesaid clerk.

[Signature]



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I have satisfied myself by examining the deponent that
 he understands all the contents of this affidavit, which have been
 read over and explained to the deponent by me

Principal S/O Late Bhoti Ram

Sworn before me at ... on ... OATH COMMISSIONER

Signature of ... 20/7/05 at 2.00 P.M.

Signature of ... 20/7/05

...

