

Promotion

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

M.A. 118 OF 1992

with

O.A. No. 73 OF 1992.

~~T.A. No.~~

DATE OF DECISION : 15-7- 1992.

Smt. U.D. Trivedi, Petitioner

Mr. J.D. Ajmera, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Smt. U.D. Trivedi,
J-11, Kalptaru Flats,
Mirambica Road, Naranpura,
Ahmedabad - 13
(working as In charge
Stenographer in respondent
No. 4 office).

..... Applicant.

(Advocate: Mr. J.D.Ajmera)

Versus.

1. Union of India,
(Notice to be served
through the Secretary,
Ministry of Health and
Family Welfare, Nirman Bhavan,
New Delhi - 110 011).

2. Director General of Health
Services, Ministry of Health
and Family Welfare, Nirman
Bhavan, New Delhi - 11.

3. Directorate,
National Malaria Eradication
Programme,
22, Somnath Mahal,
Delhi - 54.

4. Dr. S.C.Dutt or his successor
in office, Regional Director,
Health & Family Welfare,
Anand Estate Industrial Corner,
Bapunagar, Ahmedabad-24.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

M.A.No. 118 OF 1992

With

O.A. 73 OF 1992

Date: 15-7-1992.

Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

This M.A. has been filed by the respondents in
the O.A. The Fourth respondent, who ^ehas verified
this M.A., states that the applicant has given in
writing a letter dated 8.4.92 addressed to the
Regional Director (H&FW) RHEW as follows :-


"I have given in writing to my Advocate to withdraw my case. This is for your kind information. My case No. is 73/92."

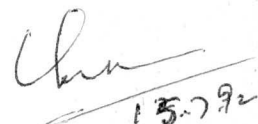
In the circumstances, it is prayed in the M.A. that the O.A. be disposed of as having been withdrawn. Mr. Akil Kureshi, learned counsel for the respondents present.

2. We notice that a copy of the M.A. was served on Shri J.D. Ajmera who was the counsel for the applicant on record at that time. *but he is not present*

3. We find nothing on record to disbelieve the averments made in the M.A. and the letter reproduced above is clear. Therefore M.A. is allowed.

4. This application is therefore closed having been withdrawn. A copy of this order be sent to the applicant in her name and not in the name of her counsel on record.


(R.C. Bhatt)
Member(J)


15.7.92
(N.V. Krishnan)
Vice Chairman

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Application No. CA/73/92 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated : 8/9/92.

Counter-signed :

Section Officer/Court Officer

Dehotion

30-9-92

Sign. of the Dealing Assistant

K. C. Gagan

INDEX SHEET

NAMES OF THE
PARTIES

Sm + U.D. Thrived
VERSUS
U.D. J. & Oks.

PART A B & C

[illegible]

INDEX SHEET

NAMES OF THE
PARTIES

VERSUS

PART A B & C

[illegible]

.....

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Submitted:

C.A.T./JUDICIAL SECTION.

Original Petition No: _____

of _____

Miscellaneous Petition No: _____

of _____

Shri

Smt. Y.D. Thedi

Petitioner(s)

Versus.

W.T. & Co

Respondent(s).

This application has been submitted to the Tribunal by

Shri _____

Under Section 19 of the Administrative Tribunal Act, 1985.

It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The Applications has been found in order and may be given to concerned for fixation of date.

The application has not been found in order for the reasons indicated in the check list. The applicant ^{Advocate} may be advised to rectify the same within 14 days/draft letter is placed below for signature.

ASSTT:

S.O.(J):

D.R.(J):

KNP181191

Full Size envelopes not supplied.

4/12/91

4/12/91

4/12/91

we may issue objection letter

3/1

S.O. on leave

D.R.J.

4/12/92

P.T.O.

Advocate Concerned has removed
Office objection to day. we
may ~~fix~~ fix for administration

(B)

13/2/92

S. G. Christman
13-2-92

~~S. G.~~

Maureen
13-2-92

CENTRAL ADMINISTRATIVE TRIBUNALAHMEDABAD BENCH

APPLICANT(S)

Smt. U.D. Mehta

RESPONDENT(S)

UOI & CoPARTICULARS TO BE EXAMINEDENDORSEMENT AS TO
RESULT OF EXAMINATION.

1. Is the application competent ? *Yes*
2. (A) Is the application in the prescribed form ? *Yes*
- (B) Is the application in paper book form ? *Yes*
- (C) Have prescribed number complete sets of the application been filed ? *Yes*
3. Is the application in time ? *Yes*
If not, by how many days is it beyond time ? *Yes*
Has sufficient cause for not making the application in time stated ? *Yes*
4. Has the document of authorisation/ Vakalat Nama been filed ? *Yes*
5. Is the application accompanied by D.D./I.P.O. for Rs. 50/-? Number of D.D./I.P.O. to be recorded. *I.P.O. No. 801 875924*
6. Has the copy/copies of the order(s) against which the application is made, been filed ? *Yes*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? *Yes*
- (b) Have the documents referred to in (a) above duly attested and numbered accordingly ? *Yes*
- (c) Are the documents referred to in (a) above neatly typed in double space ? *Yes*
8. Has the index of documents has been filed and has the paging been done properly ? *Yes*

...2..

PARTICULARS TO BE EXAMINED.

ENDORSEMENT TO BE RESULT
OF EXAMINATION.

-
9. Have the chronological details of representations made and the outcome of such representation been indicated in the application.? *Yes*
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal ? *No*
11. Are the application/duplicate copy/~~ppate~~ copies signed.? *Yes*
12. Are extra copies of the application with annexures filed.?
(a) Identical with the Original. *Yes*
(b) Defective.
(c) Wanting in Annexures
No. _____ Page Nos. _____ ?
(d) Distinctly Typed ?
13. Have full size envelopes bearing full address of the respondents been filed? *No*
14. Are the given addresssed, the registered addresssed ? *Yes*
15. Do the names of the parties stated in the copies, tally with Name(s) those indicated in the application? *Yes*
16. Are the transations certified to be true or supported by an affidavit affirming that they are true? *Yes*
17. Are the facts for the cases mentioned under item No.6 of the application?
(a) Concise ?
(b) Under Distinct heads ?
(c) Numbered consecutively ?
(d) Typed in double space on one side of the paper ? *Yes*
18. Have the particulars for interim order prayed for, stated with reasons.? *Yes*

*Checked
B. J. J. J.*

dt. 29/10/19

91/80 m. 501 / 875924

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD.

ORIGINAL APPLICATION NO.

23 OF 1994.

Smt. U.D. Trivedi

.. Applicant

Versus

Union of India & Ors.

.. Respondents

I N D E X

Ann.No.	Particulars	Pages No.
-	Memo of application	1 to 15
'A'	Copy of appointment order dt. 1.4.1969.	16
'A-1'	Copy of representation dt. 31.10.81	17
'A-2'	Copy of letter dt. 21.1.1984	18
'A-3'	Copy of representation dt. 16.7.1985	19
'A-4'	Copy of letter dt. 15.1.1986 XXXXXXXXXXXXXXXXXXXXXX	20
'A-5'	Copy of representation dt. 29.10.90	21 to 22
'A-6'	Copy of letter dt. 9.11.1990	23 to 24
'A-7'	Copy of letter dt. 8.1.1991	25
'A-8'	Copy of order dt. 22.7.1991	26 to 27
'A-9'	Copy of order dt. 30.7.1991	28 to 29
'A-10'	Copy of order dt. 22.8.1991	30 to 31
'A-11'	Copy of letter dt. 30.7.1991	32 to 33
'A-12'	Copy of letter dt. 2.8.1991	34 to 35

Ahmedabad.

Dated :

(J D Ajmera)
Advocate for the applicant

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD.

ORIGINAL APPLICATION NO.

13 OF 1991

Smt. U.D. Trivedi,
J-11, Kalptaru Flats,
Mirambica Road,
Naranpura,
Ahmedabad-380 003.
(working as In charge
Stenographer in respondent
No. 4 office)

.. Applicant

Versus

1. Union of India,
(Notice to be served
through the Secretary,
Ministry of Health and
Family Welfare, Nirman Bhavan,
New Delhi - 110 011.)
 2. Director General of Health
Services, Ministry of Health
and Family Welfare, Nirman
Bhavan, New Delhi - 11.
 3. Directorate,
National Malaria Eradication
Programme,
22, Somnath Mahal,
Delhi - 110 014x 054.
 4. Dr. S.C. Dutt or his successor
in office, Regional Director,
Health & Family Welfare,
Anand Estate Industrial Corner,
Bapunagar, Ahmedabad-24.
- .. Respondents.

DETAILS OF APPLICATION :

I. PARTICULARS OF THE APPLICANT :

As shown above.

II. PARTICULARS OF THE RESPONDENTS :

As shown above.

III. ORDER UNDER CHALLENGE :

The applicant challenges an order passed by respondent No. 3 dated 22.8.1991 instructing the respondent No. 4 to withdraw the order passed by him dated 22.7.1991 and also inaction on the part of the respondents in not treating the applicant as deemed to have been promoted on ad hoc basis to the post of Senior Stenographer Gr. II and also not giving any remuneration for rendering higher duties and responsibility.

IV. JURISDICTION :

The applicant states that the application is within the jurisdiction of this Hon'ble Tribunal.

V. LIMITATION 3

The applicant further states that the application is filed within the period of limitation as prescribed under section 21 of the Administrative Tribunals Act, 1985.

VI. FACTS OF THE CASE :

(1) The applicant states that she has been appointed as Stenographer on the pay of Rs. 130/- per month in the pay scale Rs. 130-300 w.e.f. 1st April, 1969 by the Regional Director, - respondent No. 4 herein. A copy of the said appointment order dt. 1.4.1969 is annexed

Ann.A herewith and marked Annexure A. The applicant is S.S.C. and has also passed diploma Secretary course conducting by the Government. She is serving sincerely, diligently and efficiently. There is no adverse remark against her work or ~~a~~ conduct. The superior authorities have appreciated her work and performance. From time to time, the applicant has been given charge to do the work of Senior Stenographer Grade II and she has performed the said duties sincerely, diligently and efficiently.

(2) The applicant states that she has been serving in the office of Regional Office for Health and Family Welfare at Ahmedabad, the said office is under the administrative control of respondents No. 1 and 2. There was another office known as Regional Co-ordination Organisation at Baroda. The said office was also under the ~~xxxxxx~~ administrative control of respondents No. 1 to 3. With a view to co-ordinate the work and with a view to increase efficiency, the Baroda office was shifted to Ahmedabad and both the offices were amalgamated and now it is known as Regional Office for Health and Family Welfare and there is one Regional Director who is the head of the said office and all the staff members who were formally serving at Baroda office are also now under the administrative control of respondent No. 4 for all practical purposes. Both the offices are merged into one and obviously therefore by necessary implication the cadre also merges and seniority and

promotion has to be given as if there is one cadre of staff. The seniority has to be prepared looking to the length of service rendered by each of the employee in separate offices has to be combined. Though repeatedly by the staff of the erstwhile regional health office represented but so far the Government has not taken any decision thereof. The applicant states that in the erstwhile office of regional ~~max~~ office for health and family welfare, the post of junior stenographer was in the set up. It is a local cadre and not transferable from Ahmedabad as there is only one office in the Gujarat State. The office which was at Baroda and which is known as Regional Co-ordination Organisation and was all India basis and employees serving there were transferable any where in India. It may be stated that in the offer of appointment, there is a condition that the applicant is liable to be transferred anywhere in India, therefore for all practical purposes, even the applicant's post is All India basis.

(3) The applicant states that at present while both the offices are combined and sitting under one roof and under one head i.e. respondent No. 4, the Stenographers who were junior in length of service in appointment in erstwhile office of regional co-ordination organisation have been promoted to the post of Senior Stenographer Grade II though the applicant being a junior Stenographer is senior is not promoted.

(4) The applicant states that on 31.10.1981 she had made a request to the Regional Director - respondent No.4 inter alia, stating that she has been asked to take the charge of vacant post of Senior Stenographer and therefore she may be given honorarium/adhoc promotion or officiating pay for attending the work of Senior Stenographer Gr.II.

Annexure

Ann.A-1

Herewith annexed and marked A-1 is the copy of representation dt. 31.10.1981. The applicant states that on 21.1.1984 she made a request to the Director, National Malaria Irrigation Programme - respondent No. 3 herein, that the post of Senior Stenographer is vacant and until the said post is S.T. candidate as it is reserved post, the applicant may be given ad hoc promotion on Senior Stenographer post. A copy of the said letter dt. 21.1.1984 is annexed

Ann.A-2

herewith and marked Annexure A-2. Again she reiterated the same vide her representation dt. 16.7.1985 which is

Ann.A-3

annexed herewith and marked Annexure A-3. Time and again, she made representation but no hint was given to her just and proper request.

(5) Since the applicant made repeatedly request to the higher authorities on one hand she has been given higher responsibility over and above her stenographer duty and nothing has been paid to her for soldering higher responsibility and therefore on 15th Jan., 1986, the applicant addressed a letter to the respondent No.4 inter alia stating that since November, 1981 the post of Senior Stenographer is lying vacant and she is denied

the benefit of senior Stenographer and therefore, she may be given the work load of only Junior Stenographer. A copy of the said letter dt. 15.1.1986 is annexed herewith and marked Annexure A-4. The applicant states that she has worked and held the charge of Senior Stenographer for the period from 1.11.1981 to 15.6.1987 i.e. for 5 years and 8 months inspite of that she has been paid the salary of Junior Stenographer only. Again she was given the responsibility and charge of Senior Stenographer from 22.11.1989 which she soldiered the responsibility for more than one year. The applicant therefore, states that for about 7 years ~~she has~~ she has worked as Senior Stenographer over and above her normal duty as Junior Stenographer. It may be pointed out that there is only one post of Senior Stenographer Grade II in the office of respondent No. 4. The Senior Stenographer is attached to Regional Director. The person discharging the duty as Senior Stenographer has to do honourest duty. The separate pay scale is prescribed for Junior Stenographer and Senior Stenographer Gr.II from time to time under the different pay revision.

(6) The applicant states that on 29.10.19⁹⁰~~89~~, she made representation to the Director General of Health Services respondent No.2 herein pointing out all the necessary details and requested that her case may be considered sympathetically for adhoc promotion to the post of Senior Stenographer and payment of salary for

Ann. A-5

discharging the work of Senior Stenographer. A copy of the said representation is annexed herewith and marked Annexure A-5. The applicant's representation was forwarded by the Regional Director to the Director General Health Services vide his letter dt. 9.11.1990 is annexed herewith

Ann.A-6

and marked Annexure A-6. In the said letter it is inter alia stated that this office feels that some monetary intensives may be given to the applicant for holding additional charge. The applicant states that thereafter, ~~order passed by~~ the Dy. Director Administration(P & H) office of respondent No. 2 vide his communication dt. 8.1.1991 addressed a letter to the respondent No. 4 stated that the Regional Director being the appointing authority in respect of Group 'C' and 'D' staff is empowered to decide the matter within deligation of powers. A copy of the said letter dt. 8.1.1991 is annexed herewith and marked Annexure A-7.

Ann.A-7

(7) It appears that relying upon the instructions received from the respondent No. 2 office (Ann.A-7), the respondent No. 4 passed an office order bearing No. 2(UDT)91/219 dt. 22.7.1991 inter alia stating that ~~the~~ Mr. K. Rajula Stenographer Gr.II of N.M.E.P. on his transfer to C.G.H.S. Hyderabad on 17.7.1991 and charge report submitted by the applicant Stenographer Gr.III of Family Welfare was ordered to issue to the applicant Stenographer Gr.III to officiate against vacancy of Stenographer Gr.II under the N.M.E.P. for the period of

3 months w.e.f. 18.7.1991 or till the post is filled up by regular candidate. It is inter alia stated in the said office order that this involves the duties and responsibility of higher post and cadre. A copy of the said order dt. 22.7.1991 is annexed and marked Ann.A-8. Ann.A-8

The applicant states that thereafter order passed by respondent No. 4 dt. 22.7.1991 has been proceeded by his order dt. 30 July, 1991, it is inter alia stated in the said order dt. 30 July, 1991 that the applicant to hold the additional charge of Stenographer Gr.II for a period of 3 months w.e.f. 18.7.1991 or till the post is filled up by regular candidate. A copy of the order dt. 30 July, 1991 is annexed and marked Ann.A-9. Ann.A-9.

The applicant states that even at present she is working and discharging the duty of Stenographer Gr.II inspite of that she has not been paid the salary and/or remuneration of the said post. It appears that office of respondent No. 3 issued memorandum bearing No. 10-4/73 NFEP(Adm) dt. 22.8.1991 addressed to respondent No. 4 inter alia stated that the Director National Malaria Eradication Programme is the appointing authority in respect of Group III post. On the strength of NMEP the appointment of Smt. U.D. Trivedi(Applicant) to the post of Stenographer Gr.II has been issued without prior approval of Director, N.M.E.P. which is considered to be not in order and will bring wrong precedent. Therefore, respondent No. 4 was instructed to withdraw the office

order dt. 22.7.1991 (Ann.A-7). A copy of the order passed by respondent No. 3 dt. 22.8.1991 is annexed and marked Ann.A-10 Annexure A-10. The respondent No. 4 in view of the above referred instruction cancelled his office order dt. 22.7.1991.

(8) The applicant states that she has been discharging duties of Stenographer Gr.II as before. The applicant states that respondent No. 4 has referred the matter to the Pay and Accounts Officer, Ministry of Health & Family Welfare, Bombay vide his letter dt. 30 July, 1991. A copy of letter dt. 30 July, 1991 is annexed herewith and marked Ann.A-11 Annexure A-11. The Bombay office vide letter dt. 2.8.1991 informed that since she was holding two separate cadres, it cannot be termed as a promotion regarding intensive. The said office opined that there is no provision in the rules. However, he further stated that overtime allowance can be paid for the additional work if the head of office satisfies himself about the nature of work done by the Govt. employee. A copy of the said letter dt. 2.8.1991 is annexed and marked Ann.A-12 Annexure A-12. The applicant states that therefore, it is clear from the above referred that thus she has been working as Senior Stenographer and the said post is vacant for fairly a good time and it is the only post in the office, of respondent No.4. The applicant is not given the benefit of adhoc promotion though she has been working on the said post. The said action of the respondent is illegal,

discriminatory and violative of articles 14 and 16 of the Constitution of India.

(9) The applicant, therefore, files this application on the following amongst other grounds :-

6 G R O U N D S :

i) That the impugned order passed by respondent No. 3 instructing respondent No. 4 to withdraw the orders passed by respondent No. 4 in favour of the applicant is illegal and bad and arbitrary and lack sense of justice and violative of articles 14 and 16 of the Constitution. It is submitted that it is the elementary principle of the service that the employee may be paid the salary for the work and duty performed by him but it is unfortunate that the Central Govt. should not be proved to be a modern employer by giving proper salary for the work taken by the employee i.e. ~~an~~ applicant. The said action of the respondent authorities is arbitrary and exploited the applicant. It is submitted that as stated earlier, the applicant has worked as Senior Stenographer, over and above her normal duty from 1.11.1981 to 15.6.1987 and also subsequent orders and also she has worked as such inspite of that she has not been paid the remuneration for performing higher duties. It is submitted that there is no dispute that the post of Senior Stenographer carries higher pay scale. It is also not dispute that the post of Senior Stenographer carried higher responsibility and

duties. Once having excepted this principle, it does not lie in the mouth of the Central Govt. to deny the applicant to one or other pretext his legitimate right. It is submitted that the applicant is entitled to all consequential benefits from ~~xx~~ 1.11.1981 for the work done by her and treating the said period as ad hoc promotion or at least she should have been paid the charge allowance. It is submitted, that , therefore, the respondent authorities may be directed accordingly.

ii) It is further submitted that after considering the facts of the case, the respondent No. 4 had passed order giving ad hoc promotion to the applicant for a period of three months or till a regular Senior Stenographer resume duty. It was a favourable order passed in favour of the applicant which created ~~some~~ some rights in favour of the applicant. The respondent No. 3 vide his communication dt. 22.8.1991 ordered to cancel the same. It appears that respondent No. 4 has not so far cancelled the orders given to the applicant. It is submitted that even earlier the respondent No. 4 had ~~was~~ sought guidance of the higher authorities and at that time respondent No. 4 was informed by the higher authorities that respondent No. 4 is the appointing authority of group 'C' and 'D' post. The post of Senior Stenographer Gr.II falls within category of Group 'C'. Therefore, now it is not open for respondent No. 3 to again instruct the respondent No. 4 contrary to that what was previously informed to him. It is submitted that

therefore once respondent No. 4 has given ad hoc promotion to the applicant it cannot be withdrawn or cancelled without any just and proper reason. It is submitted that even at present the said post is vacant and no one has been posted. The applicant is rendering her services as Senior Stenographer Gr.II. It is submitted that the pay scale of Junior Stenographer Gr.III is Rs. 1200-2040 whereas the pay scale of Senior Stenographer Gr.II is Rs. 1400-2600. It is submitted that even the person ~~sax~~ who has about 5 years service as Junior Stenographer Gr.III is eligible to be promoted to the post of Senior Stenographer Gr.II on the basis of seniority. The applicant is far senior than any other person. It is submitted that there are only two posts of Stenographer in all one is of Junior Stenographer and other is of Senior Stenographer. Therefore, except the applicant, there is no other Stenographer in the office. It is submitted that therefore, ~~from~~ from all point of view, the applicant is entitled to be treated as adhoc promoted and entitled to the different of salary for the work done; It is submitted that the applicant is entitled to the remuneration for the work done by ~~her~~ her.

iii) It is further submitted that as stated above, the applicant has served for more than about 7 years as Senior Stenographer Gr.II over and above her normal duty as Junior Stenographer Gr.III and therefore, she is entitled to be promoted to the post of Senior

Stenographer Gr.II and also entitled to all other consequential benefits.

VII. RELIEF SOUGHT FOR :

- A) Allow this application and quash and set aside the order~~x~~ passed by respondent No.3 dated 22.8.1991 (Annexure A-10) and declare that the applicant is deemed to have been promoted to the post of Senior Stenographer Grade II from the date from which she held the charge for the said post and direct the respondents to give all the difference of salary and all other consequential benefits to the applicant;
- B) Restrain the respondents, their agents, subordinate or servant in any manner cancelling ~~the~~ and or modifying the order passed by respondent No.4 dated 30th July, 1991 and direct the respondents to treat the applicant as promoted on adhoc basis and to pay difference of salary and grant benefits of seniority and other consequential benefits.
- C) Pass such other and further orders as may be deemed fit and proper by this Hon. Tribunal.

VIII. INTERIM RELIEF IF PRAYED FOR :

- A) Pending admission, ~~a~~ hearing and final disposal of this application, this Hon'ble Tribunal may be pleased to issue an ad interim injunction restraining the respondents, their agents,

subordinate, servant, from in any manner withholding the salary of the applicant as Senior Stenographer Gr.II and direct them respondents to pay the applicant, the salary in the grade of Senior Stenographer Rs.1400-2600 with usual allowances.

IX. REMEDY EXHAUSTED :

The applicant declares that she has exhausted the remedy by filing representations to the authorities.

X. MATTER NOT PENDING :

The applicant further declares that no matter is pending with regard to the subject matter of this application before any authority or in any court of law in India.

XI. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF COURT FEES :

i) POSTAL ORDER NO.	:	801 875924
ii) DATE	:	29-10-91
iii) NAME OF ISSUING POST OFFICE	:	High Court
iv) POST OFFICE AT WHICH PAYABLE	:	Ahmedabad.

XII. INDEX :

An Index in duplicate is annexed with this application.

XIII. ENCLOSURE :

As shown in Index.

Place : *Ahmedabad*

Date : *29-10-91*

U. D. Trivedi

Verification

I, *U. D. Trivedi*, residing at *Ahmedabad*,
Working as *Regional Director Health & Family*
Welfare.

do hereby state and verify that what has been stated herein
above is true to my personal knowledge and belief and I
believe the same to be true and that I have not suppressed
any material facts.

Place : *Ahmedabad*

Dated : *29-10-91*

[Signature]

J. D. Ajmera
Ack.

[Signature]

J. D. Ajmera
I hereby certify that the above
written statement of the applicant
is true and correct and I have
checked the same and found it to
be correct.

29/10/91 Dy. Registrar, C.A.T.(U)
Ahmedabad

29 -

16

Annexure : A

No.1-9/66-FP-(Abd)/7134
GOVERNMENT OF INDIA
OFFICE OF THE REGIONAL DIRECTOR (FAMILY PLANNING & MCH)
REGIONAL HEALTH
OFFICE,

17, Lalit Kunj
Navrangpura, Ahmedabad-9.

Dated the 3 Apr.1989.

APPOINTMENT ORDER

Miss. Urmilaben K. Pandya is appointed as
Stenographer on a pay of Rs.130/- p.m. in the scale of
pay of Rs.130-5-160-8-200-EB-8-256-EB-8-280-10-300 in
a purely temporary capacity with effect from 1.4.1969
F.N. until further orders subject to the verification
of antecedents and character.

Sd/-
Regional Director (FP & MCH)

copy to :

1. Kum.U.K. Pandya.
2. The Accountant General, Gujarat Rajkot Branch, Rajkot.
3. Case file No. of Shri
4. Spare copies (two)

Sd/-
Regional Director (FP & MCH)

True CMT
AMV.

17
Annexure : A/1.

Ahmedabad.

Date : 31.10.1981.

To;

The Regional Director,
(H & FW)
RHEW, Ahmedabad.

Sir,

As Mrs. Tahil Ramani, Sr. Stenographer has taken voluntary retirement, I have been asked to take the charge of the vacant post, which is greater responsibility. Hence, I request you that as per rule, I may be given some Honorarium/or Officiating pay for attending the work of Sr.Steno over and above my normal duties.

Yours faithfully,

Sd/- U.D. Trivedi

Stenographer.

Inu (C17)
On
Acu.

18

Annexure : A/2.

RHFW, Ahmedabad.

Date : 21.1.84.

To
The Director,
N.M.E.P.
22, Shannath Marg,
Delhi - 110054.

Sir,

I, the undersigned, Smt. U.D.Trivedi, Jr.
Stenographer of this office beg to submit the following
for your kind consideration.

There are two posts of Stenographer in this
office, one at the scale of Rs.425-700/- Sr.Post on
NMEP side and other one Jr. post in the scale of Rs.
330-560/- on FW side. From 1.11.1981 the post of Sr.
Stenographer is lying vacant. I am being the Jr.
stenographer takes all the workload of Sr.as well as
Jr. Stenographer in this office since 1.11.81. I have
to attend the dictation of 3 Cl.I officer (including
R.D. whose post is super time grade) involving F.P.
monthly reports to Secretary, R.D's Tour report, Mass
Media report, NMEP report, Entomological report etc.
Over and above monitoring Projects and other typing
work on administration side. Also maintains F.W.
Programme files and confidential records. It is heard
that the post of Sr. Stenographer is reserved for
S.T. candidate on NMEP side. It is requested that until
the post is filled up by ST candidate, an adhoc
appointment may be given to me an Sr. Stenographer's
post since I am the person at present doing all the
work of Sr. stenographer as well as Jr. stenographer.

Your kind approval for the same may be given.

U.D. Trivedi

Yours faithfully,

Annexure : A/3

From : Smt. U.D. Trivedi
Jr. stenographer
RHFV, Ahmedabad.

Date: 16th July, 1985.

To

Smt. Serla Grewal, IAS,
Secretary to Govt. of India,
Ministry of Health & F.W.
Nirman Bhavan, New Delhi 11.

(THROUGH PROPER CHANNEL)

Sir,

With reference to Ministry of Finance, Deptt. of Expenditure, New Delhi O.M.No.F 7(10)-E.III/83 dt. 28.7.83 forwarded to this office vide Ministry of H & FW letter No.A.12034/3/83 Coordn. dt.20th August,83, I had already represented vide my representation dt. 15th Nov.83 for selection grade which was forwarded by this office letter No.2-UDT/83.84/1081 dt.17.11.83 (copies enclosed). Since I have completed 3/4th span of the scale in the pay scale of Rs.330-560/- as also completed more than 16 years of service, I am eligible for selection grade as per condition laid down in the under reference. Inspite of my representations, nothing has been heard from Ministry so far. It is requested that my case for selection grade may please be considered sympathetically as I, the Junior Stenographer on FW side have no promotional avenue in foreseeable future under the existing service conditions.

Yours faithfully,

Sd/- U.D. Trivedi.

Encl : Two.

One copy
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Annexure : A/4.

From : Mrs. U.D. Trivedi,
Jr. Stenographer (FW)

Date : 15th January, 1986.

To;

The Regional Director (HFW)
RHFV,
Ahmedabad.

Sir,

Since November, 1981 the post of Senior Stenographer is lying vacant and I am given the benefit of only Junior Stenographer's post. Since I am denied the benefit of the vacant post of Sr. Stenographer, the workload to be given to me may be only to the extent of Jr. Stenographer (Family Welfare).

Yours faithfully,

(U.D.Trivedi)
Jr. Stenographer.(FW)

*Enc. Copy
an
H.V.*

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Annexure : A/5

From : Smt. U.D. Trivedi
Jr. Stenographer,
RCH&FW, Anand Estate,
Industrial Corner,
Bapunagar,
Ahmedabad-380024.

Date: 29th Oct., 1990.

To;

The Director General of
Health Services,
Dte. General of Health Services,
Nirman Bhavan,
New Delhi 110011. ATTN : Sh.P. Khare, Dy. Director (Admn)/
PH.

THROUGH PROPER CHANNEL

Sir,

I, the undersigned, is a Junior Stenographer of Regional office for Health & FW, Ahmedabad office, serving since 1969 (21 yrs.) on the same post and in the same grade. As per the seniority list, circulated vide Ministry of Health & Family Welfare letter No. 11019/3/82-Estt.III dt. 12.1.1983, I am the senior most Junior Stenographer among all the RHOs.

From 1.11.1981 to 15.6.1987 (5 yrs. 8 months), I was doing the work of Senior Stenographer over and above my normal duties as Junior Stenographer. I represented to Ministry as well as Dte. NMEP for ad-hoc promotion to the post of Sr. Stenographer/selection grade/honorarium, but till date nothing has been done in my case.

Again, from 22.12.1989, till date, I am attending the duty of Sr. Stenographer as the post is lying vacant. There are three officers including Regional Director (H&FW) who is Specialist Grade II officer and I have been doing the work of Sr. Stenographer in addition

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to my normal duties without any promotion or any monetary gain. For short period, the additional duties are welcomed; but for years together I have not been given any incentive neither promotion on ad-hoc basis nor monetary benefit. So I feel 'the integration is made only to increase frustration among F.W. staff'.

Looking to the above points, I am to request you to consider my case sympathetically for ad-hoc promotion to the post of senior stenographer or payment of honorarium for discharging the additional work of Sr. stenographer, till this post is filled up, I shall be highly obliged.

Awaiting for favourable reply,

Yours faithfully,
Sd/- U.D. Trivedi.

From CM
An
Adv.

Annexure : A/6

No.4-2/Admn/791.

To;

The Director General of
Health Services,
Ministry of Health & FW,
Nirman Bhavan,
NEW DELHI - 110011. ATTN: Shri P. Khare.
Deputy Director (Admn/PH).

Subject : Ad-hoc promotion/Honorarium to Mrs. U.D. Trivedi,
Stenographer Gr.II, RH & FW, Ahmedabad.

Sir,

Kindly find herewith an application from Smt. U.D. Trivedi, Stenographer Gr.III of this office for necessary action at your end.

2. Smt. Trivedi is serving as Stenographer Gr.III, since 1969, in the pay scale of Rs.1200+2040 (Revised). She is from F.W. side and was recruited locally.
3. There is a vacant post of Gr.II in the pay scale of Rs.1400-2300/- which is on NMEP cadre. Director, NMEP, Delhi has already taken action to fill up the said post.
4. Smt. Trivedi has been holding the current charge of duties of the Stenographer Gr.II in addition to her normal duties.
5. Though this office feels that some monetary incentive should be given to Smt. Trivedi for holding additional charge, this office is not aware of any such Rule which will allow her to draw any such monetary incentive.

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Rules, if any, permits her to draw additional monetary incentive may kindly be intimated to this office.

Yours faithfully,

Sd/- Regional Director,
(H & FW)
Ahmedabad.

Encl : 2 copies.

9/11.

For Mr
on
Acr

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Annexure : A/7

No.A.60011/10/88-R.D.Cell
Government of India
Directorate General of Health Services

Nirman Bhavan, New Delhi.
Date : 8.1.1991.

To;

The Regional Director,
Regional office for Health &
Family Welfare, Anand Estate,
Industrial Estate Corner,
Bapunagar, Ahmedabad.

Sub : Mrs. U.D.Trivedi, Steno Gr.III Grant of
promotion/Honorium.

Sir,

I am directed to refer to your letter No.4-2/Admn/
791 dated 9.11.1990 on the subject mentioned above and
to say that the Regional Director being the appointing
authority in respect of Group 'C' and 'D' staff is
empowered to decide the matter within the delegated
powers. Prima facie, however, no case for ad-hoc
promotion/honorium appears justified.

Yours faithfully,

Sd/-Prakash Khare
Dy. Director Admn.(PH)

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Annexure : A/8

No.2 (UDT/91/219
Government of India
Regional office for Health & FW,
Anand Estate,
Industrial Estate Corner,
Bapunagar, Ahmedabad-380024.

Date : 22.7.1991.

OFFICE ORDER :

In continuation of this office order No. dt. 17.7.91 regarding taking over the charge from Shri K. Rajulu, Stenographer Gr.II of N.M.E.P. on his transfer to CGHS, Hyderabad on 17.7.91 (A.N.) and the charge report submitted by Smt. U.D. Trivedi, Steno Gr.III of Family Welfare component, order is hereby issued to Smt. U.D. Trivedi, Stenographer. Gr.III to officiate against the vacancy of Steno. Gr.II under N.M.E.P. for the period of 3 months e.e.f. 18.7.1991 or till the post is filled up by regular candidate whichever is earlier. This will involve the duties and responsibilities of a higher post and greater importance than the post she is holding at present. Her pay will be fixed as per rules.

Sd/-

(S.C. Dutt)

Regional Director (H&FW)
Ahmedabad.

To;

Smt. U.D. Trivedi,
Stenographer, Gr.III,
R.O.H & F.W.,
Ahmedabad.

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Copy to :

1. A/Cs. Sec. HHFW, Ahmedabad.
2. The Pay & A/Cs. officer, Bombay.
3. The Director, NMEP, Delhi.
4. Personal File of Smt. Trivedi.

(S.C.Dutt)
Regional Director
(HEFW), Ahmedabad

True copy
C. M.

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Annexure : A/9

No.2(UDT)/91/232

Government of India,
Ministry of Health and Family Welfare
Regional office for Health and F.W.

Anand Estate,
Industrial Estate Corner,
Bapunagar, Ahmedabad-380024.

Date : 30.7.91.

OFFICE ORDER.

In supersession of this office order No.2 (UDT)/91/219 dt.22.7.91 regarding taking over the charge from Shri K. Rajulu, Stenographer Gr.II NMEP, on his transfer to CGHS, Hyderabad and the charge report submitted by Smt. U.D.Trivedi, Steno.Gr.III, order is hereby issued to Smt. U.D.Trivedi, Steno. Gr.III to hold additional charge of Steno Grade II for a period of 3 months w.e.f. 18.7.1991 or till the post is filled up by a regular candidate, whichever is earlier. This will involve duties and responsibilities of a higher post and greater importance in addition to the duties and responsibilities she is already holding at present. Her pay fixation/incentives will be done as per Rules.

Sd/- S.C. Dutt. 30/7/91.
Regional Director
(H & FW)
Ahmedabad.

To;
Smt. U.D. Trivedi,
Stenographer Gr.III,
RHFV, Ahmedabad.

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Copy to :

1. A/Cs Section, RHFW, Ahmedabad.
2. The Pay & A/Cs officer, Bombay.
3. The Director, NMPP, Delhi.
4. Personal File of Smt. Trivedi.

Regional Director

(H & FW)

Ahmedabad.

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Annexure : A/10.

No.10-4/73-NMEP(Admn)
Government of India,
Dte. National Malaria
Eradication Programme,
22-Sham Nath Marg,
Delhi - 110054.

Dated : 22 Aug.1991.

MEMORANDUM

Subject : Filling up the post of Stenographer, Grade-II
at R.O.H. & F.W., Ahmedabad.

Reference his office order No.2 (UDT)/91/219
and 232 dated 22.7.91 and 30.7.91.

The Regional Director is informed that the
Director, N.M.E.P. is the appointing authority in
respect of Group-C posts borne on the strength of
NMEP. The appointment of Smt. U.D. Trivedi to the
post of Stenographer Grade-II has been issued without
prior approval of the Director, NMEP. which is
considered to be not in order and will bring wrong
precedence. Therefore the Regional Director is hereby
informed to withdraw the office order dtd. 22.7.91.

Action is being taken to fill up the post at
this Directorate.

Sd/-For Director
NMEP.

The Regional Director,
R.O.H. & F.W.,
Ahmedabad.

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Copy to : Director (A & V), Dte.G.H.S.,
Nirman Bhavan, New Delhi.

2. ~~Dirxx~~ Dy. Director, (A&V) Dte.General of
Health Services, Nirman Bhavan, New Delhi.

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Annexure : A/11.

Dr. S.C. Dutt
Regional Director (H&FW)

Government of India,
Office of the Regional Director
Regional office for Health & Family Welfare
Industrial Estate Corner, Bapunagar,
Ahmedabad-380024.

Date: 30.7.91.

Dear Shri,

This office has issued an office order to Smt. U.D.Trivedi, Stenographer Gr.III (FW) to hold the additional charge of Stenographer Gr.II (NMEP) for 3 months w.e.f. 18.7.91.

2. The post of Steno Gr.II is under NMEP cadre under Budget head 2210 (PH) and Mrs. Trivedi belongs to FW cadre under Budget head 2211 (FW).

3. Mrs. Trivedi's duties now involves responsibilities of a higher post in a different cadre/line of promotion.

Kindly let this office know how her pay is to be fixed or incentives for working on higher post can be given copy of office order issued to her is attached herewith for your information.

With kind regards,

Yours

Sd/- S.C. Dutt.

To;

Shri T. Venkatramani,
Pay & Accounts officer,
Ministry of Health & FW
Govt. Medical store Depot Compound,
Bombay Central, Bombay-400008.

Encl : one.

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Statement showing details of Pay & Pay scale of
Stenographer Gr.II and Gr. III.

Scale of pay of Steno
Grade III.

Scale of Pay of Steno
Grade II.

1. Rs.1200-30-1560-EB
40-2040/-

Rs.1400-40-1600-50-2300
EB-60-2600/-

2. Pay drawn by Smt.

U.D.Trivedi, as on

date 17.7.91 Rs.1680/-p.m.

To;

Shri T. Venkatramani
Pay & Accounts officer,
Ministry of Health & FW
Govt. Medical Store Depot Compound,
Bombay Central, Bombay - 400008.

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Annexure : A/12.

PAY AND ACCOUNTS OFFICE
Ministry of Health & Family Welfare.

Govt. Medical Store Depot Compound,
Bombay Central, Bombay-400008.

No. PAQ/MHFW/PC/RHO A'bad/942.

Dt. 2.8.91.

To Venkataramani
Pay & Accounts officer,

Dear Dutt,

I am to refer to your D.O. letter No. 2 (UDT)/91/234 dt. 30.7.91 regarding certain clarification on grant of incentives to Smt. U.D. Trivedi, Steno and to state as follows :-

Since Smt. U.D. Trivedi was holding dual charge for three months, she cannot be given the benefit of fixation of pay. Fixation of pay can be done only on promotion from one post to another post. Since she was holding two separate charge it cannot be termed as a promotion.

Secondly, as far as granting of incentives is concerned there is no provision in the rules. Even honorarium cannot be sanctioned as per FR 46(6) Govt. of India, Min. of G.M. No. F.16(25)/EII(B)/60 dtd. 21.9.60.

However, OTA can be paid for additional work in Head of the office satisfy himself about the nature of

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additional work done by the Govt. servant and
a separate budget is provided under OTA, No.OTA
can be paid without a separate budget.

Yours sincerely,
Sd/-Venkataramani.

Dr. S.C. Dutt,
Regional Director,
Regional Health office,
Ahmedabad.

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