

V

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH  
-----

ORIGINAL APPLICATION No.44 OF 1987

Date of decision .. January 29, 1988.

Radhashyam Verma, son of late Sriram Verma,  
Trained Graduate Teacher, Kalimela High School,  
At & P.O. Kalimela, Dist- Koraput.

.... Applicant.

Versus

1. Union of India, through the Secretary,  
Ministry of Home Affairs, Department of Home Affairs,  
Rehabilitation Wing, Jaisalmer House, Mansingh Road,  
New Delhi- 110 011.
2. Chief Administrator, Dandakaranya Development Authority,  
At & P.O. Koraput, Dist- Koraput, Orissa.

..... Respondents.

M/s B.Pal, B.Baug, S.C.Parija  
and C.N.Ghosh, Advocates

... For Applicant.

Mr A.B.Misra, Sr. Standing  
Counsel ( Central)

... For Respondents.

C O R A M :

THE HON'BLE MR.B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters from local papers have been  
permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? M
3. Whether Their Lordships wish to see the  
fair copy of the judgment ? Yes .

J U D G M E N T

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant seeks to challenge the order of dis-segregation contained in Annexures-5, 7 and 9.

2. Shortly stated, the case of the applicant is that he was posted as Headmaster, M.E. School with effect from 2.2.1977 and after serving as such till 18.5.1986 he was asked to serve as a Trained Graduate Teacher in a particular scale which is under challenge.

3. In their counter, the respondents maintained that the applicant is not entitled to the relief claimed and therefore, the application should be dismissed specially in view of the fact that there has been a segregation of the post of Headmaster of M.E. Schools/ Trained Graduate Teachers/ Sub-Inspectors of Schools.

4. We have heard Mr. Pal, learned counsel for the applicant and the learned Sr. Standing Counsel Mr. A.B. Misra at some length. On this point, we have already given a judgment in O.A. 104 of 1986 ( K.K.Haldar v. Union of India and others ) on 24.12.1987 holding that in view of the Recruitment Rules laying down the procedure for recruitment of Headmasters of M.E. Schools, prayer of this nature is not acceptable and therefore cannot be allowed. Discussions made in the judgment of K.K.Haldar need no repetition in this case. But succinctly we may state that after the Recruitment Rules have come into force in view of the fact that Headmasters of M.E. Schools have been given higher scale of pay than the Trained

*for*

Graduate Teachers, appointment to the post of Headmasters of M.E. School must be done under the Recruitment Rules. Therefore, so far as the present case is concerned, it being exactly the same as that of the case of K.K.Haldar, we find no merit in this application which stands dismissed leaving the parties to bear their own costs .

*[Signature]*  
29.1.88  
.....  
Member ( Judicial )

B.R. PATEL, VICE CHAIRMAN, *g agree*

*[Signature]*  
29.1.88  
.....  
Vice Chairman.

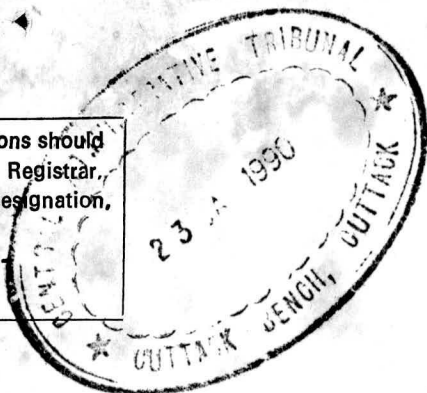
Central Administrative Tribunal,  
Cuttack Bench.  
January 29, 1988/Roy, SPA.

SL. No. 2(R)

Sup. C-75

11

All communications should be addressed to the Registrar, Supreme Court, by designation, NOT by name. Telegraphic address: "SUPREMECO"



D. No. 380/88/Sec-XIA.

SUPREME COURT INDIA

Pl. No. 1192  
23/1/90  
FROM

The Registrar (Judicial),  
Supreme Court of India,  
New Delhi.

To

The Registrar,  
Central Administrative Tribunal Dated New Delhi, the 12th January, 1990.  
Cuttack Bench, Cuttack.

CIVIL APPEAL NO. 3068 OF 1989.

Radhashyam Verma  
Versus  
Union of India & Anr.

...Appellant  
...Respondents

Sir,

In continuation of this Court's letter of even number dated the 18th/21st December, 1989, I am directed to transmit herewith for necessary action a certified copy of the decree dated the 16th November, 1989, of the Supreme Court in the said appeal.

Please acknowledge receipt.

Yours faithfully,

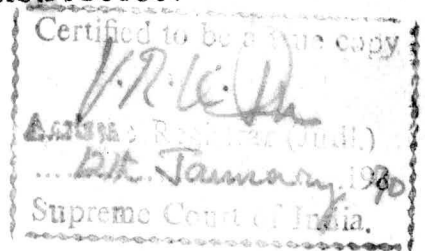
For Registrar (Judicial)

D. No. 25  
21.23.1.90

30/1/90  
Immediate  
Pl. put up no relevant  
with the Pt. for perusal  
Pl. also supply a copy  
with enclosure to the  
for Mr. Narayan



## IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/APPELLATE JURISDICTIONCIVIL APPEAL NO. 3068 OF 1989.

(Appeal by Special Leave granted by this Court by its order dated the 3rd May, 1989, in Petition for Special Leave to appeal (Civil) No. 5873 of 1988 from the Judgment and Order dated the 29th January, 1988 of the Central Administrative Tribunal, Cuttack Bench in Original Application No. 44 of 1987).

Radhashyam Verma  
s/o late Sriram Verma,  
Trained Graduate Teacher,  
Kalimela High School,  
at P.O. Kalimela, Dist. Koraput.

...Appellant

Versus

1. Union of India,  
through the Secretary,  
Ministry of Home Affairs, Department of  
Home Affairs, Rehabilitation Wing, Jaislmer House,  
Man Singh Road, N. Delhi -110 011.

2. Chief Administrator, Dandakaranya  
Development Authority,  
P.O. Koraput, Dist. Koraput, Orissa.

...Respondents

16th November, 1989.GRAM:

HON'BLE MR. JUSTICE RANGANATH MISRA  
HON'BLE MR. JUSTICE P.B. SAWANT  
HON'BLE MR. JUSTICE K. RAMASWAMY

For the Appellant: Ms. Latha Krishna Murthy, Advocate.

For the Respondents: Mr. V.C. Mahajan, Senior Advocate,  
(Mr. Hemant Sharma, Advocate with him).

The Appeal above-mentioned being called on for hearing  
before this Court on the 16th day of November, 1989, UPON perusing  
the record and hearing counsel for the parties herein, THIS COURT  
DOETH in allowing the appeal ORDER:

1. THAT the Judgment and Order dated the 29th January, 1988 of  
the Central Administrative Tribunal, Cuttack Bench in Original

3 (7)  
13

Application No. 44 of 1987 be and is hereby set aside and instead the Appellant herein be and is hereby directed to be treated by the Respondents herein as Head Master entitled to the pay-scale of Rs. 1640-2900 at the time when he went out of the employment under the Dandakaranya Project of the Union of India and if there be any arrears payable to the appellant herein on the basis of the judgment of this Court the same shall be worked out and paid to him within three months from this the 16th day of November, 1989;

2. THAT there shall be no order as to costs of this appeal in this Court;

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Engalaguppe Seetharamiah Venkataramiah, Chief Justice of India at the Supreme Court, New Delhi, dated this the 16th day of November, 1989.

Sd/-  
(P.N. LIKHANI)  
ADDITIONAL REGISTRAR

2

6)  
14

# SUPREME COURT

CIVIL/CRIMINAL/APPELLATE JURISDICTION

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CIVIL APPEAL NO. 3068 OF 1989.

Radhashyam Verma

Appellant  
Petitioner  
-----

*Versus*

Union of India & Anr.

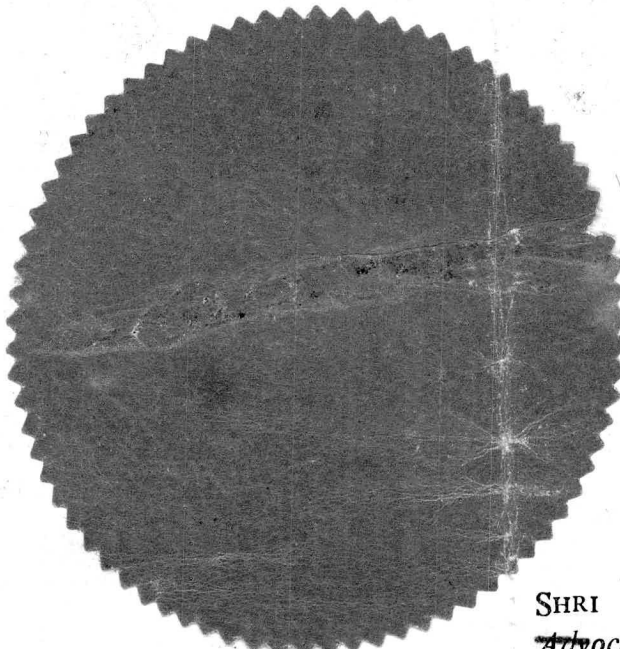
Respondent  
s

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH.

Original Application No. 44 of 1987.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated the 16th day of November 1989



SHRI

~~Advocate-on-Record for~~ Vishwanamurthi,  
the Appellant.

SHRI

~~Advocate-on-Record for~~ Ms. Sushma Suri,  
the Respondent

SHRI

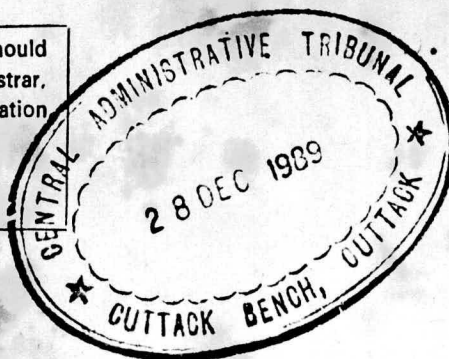
~~Advocate-on-Record for~~

Engrossed by  
Examined by  
Compared with  
No. of folios

Js.

SEALED IN MY PRESENCE  
14/11/89

All communications should  
be addressed to the Registrar,  
Supreme Court, by designation  
NOT by name.  
Telegraphic address:-  
"SUPREMECO"



No. 330/88/AI-A

**SUPREME COURT  
INDIA**

FROM :

D. Banerjee,  
Assistant Registrar,  
Supreme Court of India,  
New Delhi.

To:

To

The Registrar,  
Central Administrative Tribunal,  
Cuttack Bench,  
Cuttack.

18th December, 1989  
Dated New Delhi, the 18th December, 1989

CIVIL APPEAL NO. 3059 OF 1989

(Appeal against the Judgment and Order dated the 29th January, 1988  
of the Central Administrative Tribunal Cuttack Bench in Original  
Application No. 44 of 1987).

Respondent Versus

....Appellant

Versus

Union of India &amp; Anr.

....Respondents

Sir,

I am directed to bring it to your notice under Rule 6 Order XIII,  
S.O. No. 1956 a certified copy of the signed Order dated the 16th  
November, 1989 in the matter above-mentioned. A certified copy of  
the decree will be sent in due course.

Please acknowledge receipt.

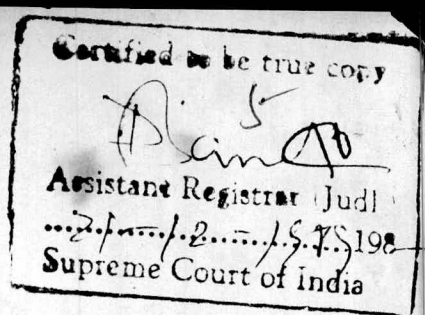
Yours faithfully,

Assistant Registrar.



222379

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 3068 OF 1989



Radhashyam Verma

... Appellant. 16

v.

Union of India &amp; Ors.

... Respondents.

ORDER

Appellant while in employment of the Dandakaranya Project of the Union of India as a teacher was promoted as Head Master by an order dated 28.1.1977 with a two-year probation. A certificate of satisfactory completion of probation was issued to him which for all purposes must be taken as an order of confirmation. In 1985, appellant was permitted to draw the scale of pay in the post of Head Master which was higher than that for other three posts, which were until then treated to be of the same category. The appellant actually continued to receive the higher scale upto May 1986 when he was transferred on the basis of a set of administrative rules which then came into force. The short question which was in dispute before the Cuttack Bench of the Central Administrative Tribunal on a claim led by the appellant was as to whether he was entitled to the proper fitment of the new pay-scale on the basis of the scale admissible to Head Masters under the Government Order of 1985 issued pursuant to the Orissa High Court's directions. The Tribunal disposed of the

appellant's claim along with connected cases and following the decision in Haldar's case which has been referred to in its impugned order, it came to negative the claim of the appellant by saying that the appellant was not a Head Master and was not entitled to the corresponding pay-scale prescribed for such post. 6 17

We have heard counsel for the parties and we have perused the pleadings, in particular the counter-affidavit filed on behalf of the respondents. We find that the respondents have laboured under a misconception that the appellant had not been a confirmed Head Master. In fact once the appellant was confirmed as Head Master and was given the corresponding pay-scale in 1985 he must be taken to have become entitled to the fitment which came with implementation of the 4th Pay Commission's recommendation. We understand that the appellant has gone out of the employment of the Dandakaranya authorities but he would still be entitled to appropriate fitment on the basis that his last pay drawn as Head Master in the scale of 1640-2900 has to be taken into consideration for fixation of his pay.

The appeal is allowed and the appellant is directed to be treated as Head Master entitled to the pay-scale of 1640-2900 at the time when he went out of the employment under the Dandakaranya Authority. If there be any arrears

payable to him on the basis of the judgment of ours, the same shall be worked out to and paid to him within three months from today.

No costs.

(Ranganath Misra)

(P. B. Sawant)

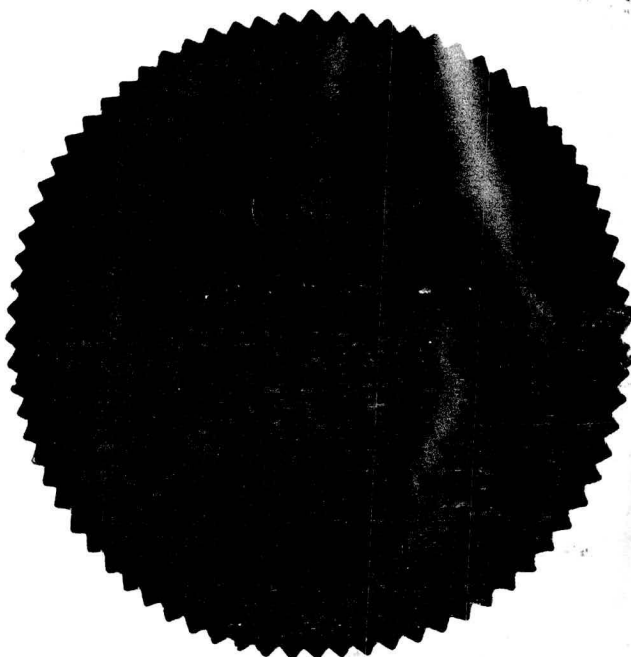
(K. Ramaswamy)

New Delhi;  
November 16, 1989.





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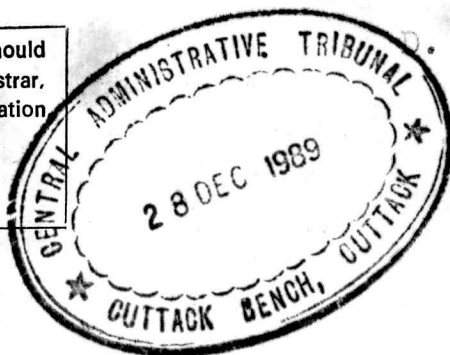


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*Pinnae*  
*21/12/89*

*21/12/89*

All communications should be addressed to the Registrar, Supreme Court, by designation NOT by name.  
Telegraphic address:-  
"SUPREMECO"



No. 380/88/XI-A

**SUPREME COURT  
INDIA**

20

FROM

D. Banerjee,  
Assistant Registrar,  
Supreme Court of India,  
New Delhi.

To:

To

The Registrar,  
Central Administrative Tribunal,  
Cuttack Bench,  
Cuttack.

Dated New Delhi, the 18th December, 1989  
218

CIVIL APPEAL NO. 3068 OF 1989

(Appeal against the Judgment and Order dated the 29th January, 1988 of the Central Administrative Tribunal Cuttack Bench in Original Application No. 44 of 1987).

Radhashyam Verma

....Appellant

Versus

Union of India &amp; Anr.

....Respondents

Sir,

I am directed to transmit herewith under Rule 6 Order XIII, S.C.R. 1966 a certified copy of the Signed Order dated the 16th November, 1989 in the matter above-mentioned. A certified copy of the decree will be sent in due course.

Please acknowledge receipt.

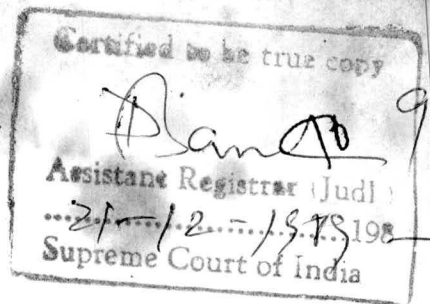
Yours faithfully,

*Dana*  
Assistant Registrar.

\*rj\*

F 222379

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 3068 OF 1989



Radhashyam Verma

... Appellant.

v.

Union of India &amp; Ors.

... Respondents.

21

O R D E R

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91

10  
22

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payable to him on the basis of the judgment of ours, the same shall be worked out to and paid to him within three months from today.

No costs.

Sd/-  
(Ranganath Misra)

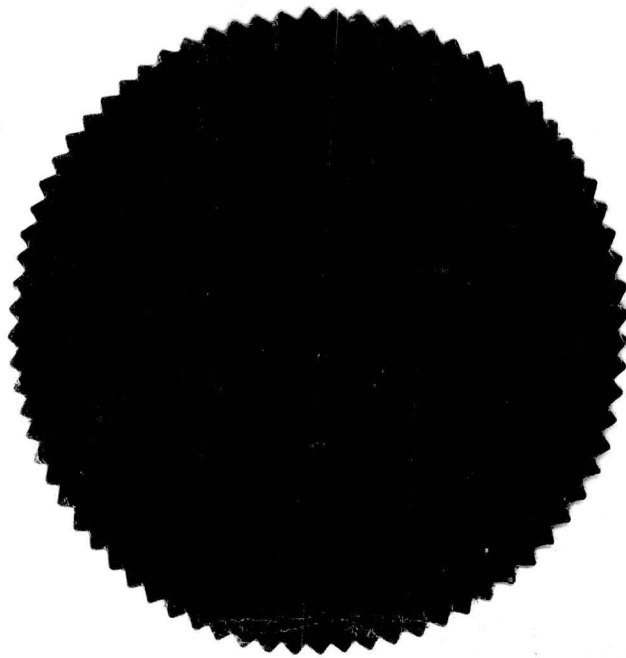
Sd/-  
(P. B. Sawant)

Sd/-  
(K. Rameswamy)

New Delhi;  
November 16, 1989.



24



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21/12/89.

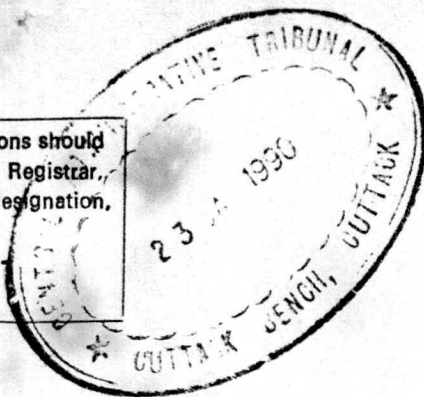
MAILED 12 FEB 1990



D. No. 380/88/Sec-XIA.

# SUPREME COURT INDIA

All communications should  
be addressed to the Registrar,  
Supreme Court, by designation,  
NOT by name.  
Telegraphic address:-  
"SUPREMECO"



FROM

The Registrar (Judicial),  
Supreme Court of India,  
New Delhi.

To

The Registrar,  
Central Administrative Tribunal, Dated New Delhi, the 19th January, 1990.  
Cuttack Bench, Cuttack.

CIVIL APPEAL NO. 3068 OF 1989.

Radhashyam Verma  
Versus  
Union of India & Anr.

...Appellant

...Respondents

Sir,

In continuation of this Court's letter of even number  
dated the 18th/21st December, 1989, I am directed to transmit  
herewith for necessary action a certified copy of the decree  
dated the 16th November, 1989, of the Supreme Court in the said  
appeal.

Please acknowledge receipt.

Yours faithfully,

For Registrar (Judicial)

so 23/1/90  
Immediate  
Pl. put up on relevant file  
with P. Ps for perusal and orders -  
Pl. also supply a copy of this letter  
with enclosure to Mr. A. K. Nayak.

Sri A. K. Nayak.



## IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/APPELLATE JURISDICTION

Certified to be a true copy

V.R.L. Dh  
Asst. Registrar (Judl.)... 16th January 1990  
Supreme Court of India.CIVIL APPEAL NO. 3068 OF 1989.

(Appeal by Special Leave granted by this Court by its order dated the 3rd May, 1989, in Petition for Special Leave to appeal (Civil) No. 5873 of 1988 from the Judgment and Order dated the 29th January 1988 of the Central Administrative Tribunal, Cuttack Bench in Original Application No. 44 of 1987).

Radhashyan Verma  
s/o late Sriiran Verma,  
Trained Graduate Teacher,  
Kalinela High School,  
at P.O. Kalimela, Dist. Koraput.

...Appellant

Versus

1. Union of India,  
through the Secretary,  
Ministry of Home Affairs, Department of  
Home Affairs, Rehabilitation Wing, Jaislmer House,  
Man Singh Road, N. Delhi -110 011.

2. Chief Administrator, Dandakaranya  
Development Authority,  
P.O. Koraput, Dist. Koraput, Orissa.

...Respondents

16th November, 1989.CORAM:

HON'BLE MR. JUSTICE RANGANATH MISHRA  
HON'BLE MR. JUSTICE P.B. SAWANT  
HON'BLE MR. JUSTICE K. RAMASWAMY

For the Appellant: Ms. Latha Krishna Murthy, Advocate.

For the Respondents: Mr. V.C. Mahajan, Senior Advocate,  
(Mr. Hemant Sharma, Advocate with him).

The Appeal above-mentioned being called on for hearing before this Court on the 16th day of November, 1989, UPON perusing the record and hearing counsel for the parties herein, THIS COURT DOETH in allowing the appeal ORDER:

1. THAT the Judgment and Order dated the 29th January, 1988 of the Central Administrative Tribunal, Cuttack Bench in Original

Application No. 44 of 1987 be and is hereby set aside and instead the Appellant herein be and is hereby directed to be treated by the Respondents herein as Head Master entitled to the pay-scale of Rs. 1640-2900 at the time when he went out of the employment under the Dandakaranya Project of the Union of India and if there be any arrears payable to the appellant herein on the basis of the judgment of this Court the same shall be worked out and paid to him within three months from this the 16th day of November, 1989;

2. THAT there shall be no order as to costs of this appeal in this Court;

AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Engalaguppe Seetharamiah Venkataramiah, Chief Justice of India at the Supreme Court, New Delhi, dated this the 16th day of November, 1989.

Sd/-  
(P.N. LIKHANI)  
ADDITIONAL REGISTRAR  
2

2814

# SUPREME COURT

CIVIL/CRIMINAL/APPELLATE JURISDICTION

CIVIL APPEAL NO. 3068 OF 1989.

Radhashyam Verma

Appellant  
Petitioner

*Versus*

Union of India & Anr.

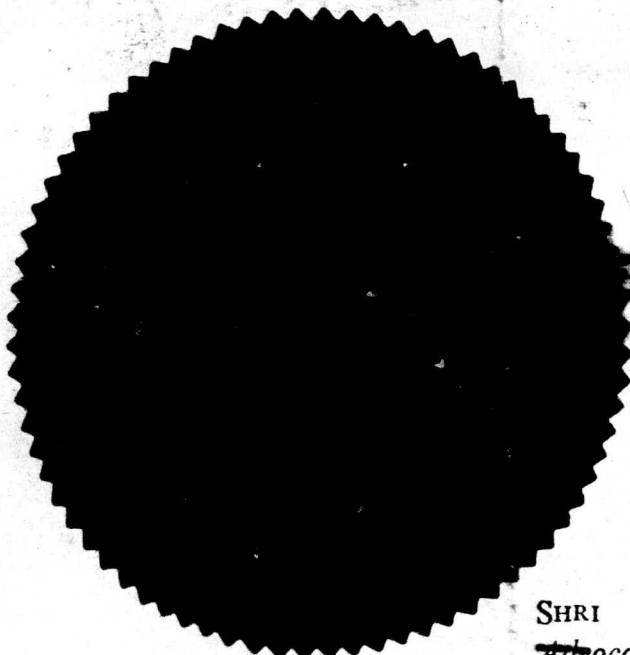
Respondent

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH.

Original Application No. 44 of 1987.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated the 16th day of November 1989



SHRI

Advocate-on-Record for ~~Miss Rata~~ Krishnamurthi,  
the Appellant.

SHRI

Advocate-on-Record for ~~Ms. Sushma Suri~~,  
the Respondent.

SHRI

Advocate-on-Record for

Engrossed by  
Examined by  
Compared with  
No. of folios

Js.

MY PRESENCE!