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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

O.A. No. 78/92

Dr. Virendra Singh

Applicant.

versus

Union of India through
Secretary, Department of
Personnel & Public Grievances,
Ministry of Home Affairs,
New Delhi.

2. Secretary to Government
(Appointment Deptt.), U.P. Government,
Lucknow.

3. Secretary (Finance), U.P. Government,
Lucknow.

Respondents.

Hon. Mr. S.N. Prasad, Member Judicial.

The applicant has approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer that a direction be issued to respondents to pay the prescribed pay scale of Rs 5900-7600 to the applicant on the post of Principal Editor in District Gazetteers, U.P. Lucknow. since the date he resumed as such and for payment of arrears etc.

2. Briefly stated, the main grievance of the applicant is that after having been duly selected as I.A.S. by the Union Public Service Commission, he was posted as I.A.S. by the Central Government and allotted to U.P. cadre and joined his duties as I.A.S. on 12.7.77 and since then he has been rendering his services in various capacities satisfactorily in as much as his meritorious services culminated into cash awards and gold medals etc (vide Annexure-3) dated 25.7.90.

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Being the senior I.A.S. officer the applicant was posted as Director, Bal Vikas and Pushtahar, U.P., Lucknow in the Pay scale of Rs 4800-5700 and this post had been held by the applicant from 7.1.1991 to 25.7.91 as Head of Department and as per Govt. order being the Principal Head of Department, the applicant was allowed special pay of Rs 400/- per month alongwith his normal pay scale. The State Govt. created the post of Principal Editor in District Gazette² Department, U.P., Lucknow in the pay scale of Rs 5900-6700 vide G.O. No. 8837(2)/2-1 IV/1(32)81 dated 7.2.91 and against that post one Shri G. Ganesh I.A.S. was appointed for short term and after him the applicant was appointed vide ^{Govt. order No.} 4154/2/1-1991 dated 20th July, 1991 ~~and~~ (vide Annexures 1 and 2 to the application) and as such the applicant is entitled to the pay scale of Rs 5900-6700 as prescribed for ^{the post of} Principal Editor ~~made~~ in District Gazette² Department, Uttar Pradesh, Lucknow. But arbitrarily ^{the} applicant has been put in a lower ~~xxxxxx~~ pay scale of Rs 4800-6700 without any special pay and despite his representation, dated 26.8.91 and 18.1.92, the grievance ^{still} of the applicant has ~~not~~ been redressed, and as such the applicant has approached this Tribunal.

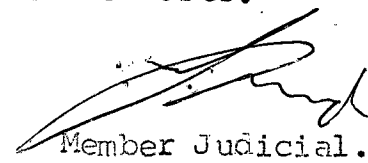
3. Counter has been filed on behalf of respondent², No. 2 and 3 wherein the claim of the applicant has been resisted, inter alia, and it has been contended that the claim of the petitioner is misconceived and the applicant is not entitled to reliefs sought for.

4. I have heard the learned counsel for the parties and have thoroughly gone through the material on record.

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5. From the perusal of the pleadings of the parties, it is borne out that the representations of the applicant dated 26.8.91 and 18.1.92 (Annexures 4 and 5 respectively) are still lying undecided. Thus, this being so, and keeping in view all the facts and circumstances and aspects of the matter, I find that the decision of the above representation by the respondent No. 2 will go a long way in giving substantial redressal to the main grievance of the applicant and in meeting the ends of justice; and as such I find it expedient in the interest of justice to direct the respondent No. 2 ^{to} decide the above representations of the applicant dated 26.8.91 and 18.1.92 (Annexures 4 and 5 respectively) by a speaking and reasoned order in accordance with law, keeping in view the extant rules, regulations and orders in this regard, within a period of two months from the date of receipt of copy of this order and I order accordingly.

6. The application of the applicant is disposed of accordingly as above. No order as to costs.


Member Judicial. 20.4.92

Shakeel/-

Lucknow: Dated: 20.4.92.