

(6)

Annexure - A

CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//
CIRCUIT BENCH, LUCKNOW

(A1)

INDEX - SHEET

CAUSE TITLE

Reg. OA. 23

BF 1900 (L)

(B1)

Name of the Parties Ram Jitam Ram & others

Versus

Union of India & others

Part A, B and C

S. No.

DESCRIPTION OF DOCUMENTS

PAGE

A1: General Index - - - - - 1✓

A2: Order sheet - - - - - 2✓

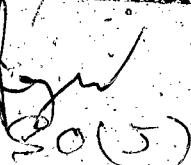
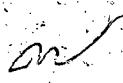
A3: Judgment dated 20/3/89 - 3✓

A4: Petition alongwith annexures - 24✓

B1: Valuation - (Paper) - - - - - 1✓

B2: C.M. Application no 27/88 (L) - - - - -
dated 25/11/88. with Judgment } 1✓

B3 Application dated 29/4/88 - - - - - 1✓

Wise of any destroyed
S.O. (S)

A3
1

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Circuit Bench at Lucknow.

Registration O.A. No.23 of 1988(L)

Ram Jatan Ram & Others Applicants.

Versus.

Union of India & Others Respondents.

Hon'ble D.S.Misra,A.M.

Hon'ble G.S.Sharma,J.M.

(By Hon. D.S Misra,A.M.)

This is an application under section-19 of the A.T. Act-1985 seeking a direction to the respondents to allow the applicants, the Pre-revised scale of pay i.e; Rs.425-700 and the revised scale of Rs.1400-2300/- from the date from which they are entitled for the said scale and all consequential benefits like arrears of pay, allowances, seniority etc. on the post of Senior Computer.

2. In the reply filed on behalf of the respondents, it is stated that the grievances of the applicants are under consideration in the light of Judgment dated 6.9.88, delivered by the Hon.Principal Bench of C.A.T in an identical case in O.A. No.1942 of 1987, A.K.Khanna & Others Vs. U.O.I & Others and prayed that the case be disposed of accordingly. They have also filed a copy of the aforementioned Judgment.

3. The three applicants in this application have claimed that they have been working as Senior Computer since 1971/1973 and are similarly placed as the petitioners in Civil Writ No. 698/1977 on the file of the Delhi High Court and on transfer registered as T.A No.335 of 1985 B.S.Saini & another Vs. Union of India & Others. In the said petition the Principal Bench of the

6

Tribunal, while quashing the impugned order therein, allowed the revised petition and declared that the petitioners are entitled to the post of Sr. Computers in the revised pay-scales of Rs. 425-700/. The Tribunal also declared that the petitioners would be entitled to the higher pay-scale and all attendant benefits including all arrears w.e.f. the date the revised pay-scale of Rs. 425-700/ became effective and directed the respondents to calculate the amount due to the petitioners and pay the same within three months from the date of Judgment. This judgment has become final and has already been implemented by the respondents in that case.

4. The petitioners in O.A. No. 1942 of 1987 had prayed that the benefits given to petitioners in the judgment in T.A No. 335/85 should also be extended to them as they belong to the same Class of Sr. Computers and are similarly placed. The Principal Bench of the Tribunal directed the respondents to extend these benefits regarding the pay-scales and other consequential benefits to the applicants in that case. The Tribunal also declared that the applicants would be entitled to the higher pay-scale and all attendant benefits including all arrears w.e.f. the date the revised pay-scale of Rs. 425-700/ became effective.

5. In this case the respondents have themselves stated that they are considering the matter in the light of the Judgment dated 6.9.88 in O.A. No. 1942 of 1987. On the facts and circumstances of the case we are of the opinion that the ratio of the two cases mentioned above is fully applicable to the present case. Accordingly the application is allowed and the respondents are directed to

[Signature]

contd...3,

A3
3

allow the revised pay-scales of the post of Senior Computers w.e.f. the date from which they are entitled for the said scales of pay and all consequential benefits like arrears of pay, allowances, seniority etc. on the post of Senior Computers within a period of three months from the date of receipt of this order. We also direct that the parties shall bear thereon costs.

Sharma

Member (J)

Sharma

Member (A)

Dated: March, 28, 1989.

brc/

C.A 23 of 8861
Ram Tala Ram. vs. U.O.D.

Order Sheet

29.4.88

~~Adv.~~
Hon. S. Zabeen Hossain, V.C.
Smt. A. John A.M.

Adjourned - Reply by 27.5.88,
R.A. 15 days
11.7.88 for hearing.

11.7.88

Adjourned to 20.7.88 ^{Adv}
n
11.7.88

20-7-88

Hon. Rajiv Dalmia, Adv.

Smt. N. S. Chansaria for applicant.
Smt. V.C. Chaudhary for respondents
Gives further time to file reply. He may
do so within three weeks. Rejoinder
may be filed within two weeks
thereafter. The case be listed
for final hearing on 22-8-88.

3/

Ram

Adv.

OR

16.8.88

In compliance of Hon'ble Bench
order dated 20.7.88, no reply
have been filed so far.

Put up on 22.8.88 for hearing

16.8.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW,

O.A./T.A. No. 23

1988(L)

Rain Jordan face

Applicant(s)

Versus

U.S.F.

Respondent(s)

Sr. No.	Date	Orders
25.11.88		<p>Sh. N.S. Chauhan Advocates present for applicant. Sh. U.K. Chowdhury present for respondent. Sh. Chowdhury has moved application for despatch of care in view care No: OA 1942 of 87 decided on 6.9.88 by Principal Bench New Delhi. He will not be ^{be} able ^{able} file any Counsel of applicant also files - Id. of aforesaid care No 1942/8 2 both parties want care filee decided in view of Id of Principal Bench. Hence care be fixed hearing</p>

9/E
Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

10610/1065

Dated : 10/10/87

OFFICE - MEMO

Registration No. O.A. _____ of 193 _____
T.A.

Applicant's

Versus

Respondent's

A copy of the Tribunal's Order/Judgement
dated _____ in the abovenoted case is forwarded
for necessary action.

Mahavir
For DEPUTY REGISTRAR (H)
Deputy Registrar
Central Administrative Tribunal
of

Encl : Copy of Order/Judgement dated _____
Circuit Bench,
Lucknow

To.

High Court Lucknow
High Court Lucknow

dinesh/

(2)

*Reed
Chd
m/s
3/4/89*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
A L L A H A B A D

O.A. No.
XXXXX.

23/ 1988(L)

DATE OF DECISION March, 1989.

Ram Jaiswal & Others.

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Others

Respondent

Shri. V.K. Chaudhary

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. I.S. Misra, A.M.

The Hon'ble Mr. J.S. Sharma, J.M.

- 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 to be circulated to other Benches ?

Dinesh/

(Am)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985.

Title of the Case:

BETWEEN
Ram Tatan Ram & 2 others ————— Applicants
AND
Union of India & 2 others ————— Respondents

I N D E X

Sl.No.	Description of documents	page no.
1-	Application	1 to 16
2-	Annexure No. A-1 A photostat copy of the said order.	16 to 17
3-	Annexure no. A-2 A photostat copy of the judgment dated 11.4.1986	18 to 20
4-	Annexure no. A-3 A photostat copy of representation dated 18.8.1987	21
5-	Annexure no. A-4 A photostat copy of representation dated 1.9.1987	22
6-	Annexure no. A-5 A photostat copy of representation dated 20.7.1987.	23
7-	Annexure no. A-6 A photostat copy of seniority list	24 to 25
8-	Power	26

Date of filing 29-4-88
or

Date of Receipt by post
Registration No.

1- Shivaji 2- Shivaji
3- Shivaji

Signature of the applicants

Neeraj
Associate
29/4/88

Signature
for Registrar

(1)
AM
2

IN THE CENTRAL ADMINISTRATIVE, TRIBUNAL, LUCKNOW BENCH.

B E T W E E N

1. Ram Jatan Ram, son of Shri Chhangur,
Shri
2. Ram Dhani, son of Kamta Prasad,
3. Gauri Shanker Verma son of Shri Ram Lal. . . Applicants.

A N D

1. Union of India through the Secretary
to the Government of India, Ministry
of Water Resources.
2. Central Water Commission through its
Chairman, New Delhi.
3. The Under Secretary (T.S.)
Central Water Commission, New Delhi. Respondents.

DETAILS OF APPLICATION

1. Particulars of the applicants
(respectively):

(i) Name of the applicants : 1. Ram Jatan Ram
2. Ram Dhani
3. Gauri Shanker Verma

(ii) Name of father : 1. Shri Chhangur
2. Shri Kamta Prasad
3. Shri Ram Lal

(iii) Age of the applicants : 1. About 43 years
2. About 41 years
3. About 44 years.

(iv) Designation & Particulars of office (name & station) in which employed or was last employed before ceasing to be in service : 1. Professional Assistant (Hydro Met) in short P.A. (Met) posted at Middle Ganga Sub Division, Kanpur.

1- Shri
2- Shri
3- Shri

(2)

2

AM
3

2. Professional Assistant (Hydro Met) in short P.A.(Met) posted at Middle Ganga Division II, Lucknow.
3. Professional Assistant (Hydro Met) in short P.A. (Met) posted at Middle Ganga Division I, Lucknow.

(v) Office Address : 1. 118/35 Kaushal Puri, Kanpur, (Uttar Pradesh)

2. 8, Faizabad Road, Lucknow.
3. Jal Tarang Bhawan, Pratap Bagh, Lucknow.

(vi) Address for service of Notice. 1. House No. 122/77 'U' Block Nirala Nagar, Kanpur.

2. D-2332 L.I.G. Indira Nagar, Lucknow.
3. Madhur Nikunj, Chhota Chandganj, Lucknow.

2) Particulars of the respondents (respectively) :

(i) Name of the respondents : 1. Union of India through the Secretary to the Government of India, Ministry of Water Resources.

2. Central Water Commission through its Chairman.

3. The Under Secretary (T.S.) Central Water Commission.

(ii) Name of Father : Not applicable

(iii) Age of the respondents : Not applicable

(iv) Designation & Particulars of office (name & station)

1- Govt

2- Dhoni

3- Sh. Tarang

P.T.O. (3)

(5)

Computers were governed by the then Ministry of Irrigation and Power (Ganga Discharge Circle) Non Ministerial and Ministerial Class III posts Recruitment Rules, 1963 (hereinafter referred to as the "Rules of 1963").

(4) That a perusal of the Recruitment Rules of 1963 as amended from time to time, would show that the post of Senior Computer has been a non-selection post and the same has been required to be filled up by promotion (100% by promotion failing which by direct recruitment) from amongst Junior Computers, who have rendered three years service in the said grade of Junior Computer.

(5) That until the promulgation of the Central Civil Services (Revised Pay) Twenty-Fourth Amendment Rules, 1974 (hereinafter referred to as the "Revised Pay Rules of 1974") made by the President of India in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and promulgated vide Notification No. G.S.R. 683 (E) dated 9th December, 1974 which became effective from 1st January 1973, the scale attached to the post of Senior Computer was Rs. 150-380.

But vide aforesaid Pay Rules of 1974 for the post of Senior Computer, the scale attached to the post of Senior Computer was raised to Rs. 425-15-500-EB-15-560-20-700 (partly) and Rs. 330-560 (partly). The aforesaid words "partly" within the brackets contain asterick marks and the marks then contain a foot note to the

1. Java
2. Bhawna
3. Shivam

(6)
~~Hy 7~~

(6)

effect that "Order regarding allocation of posts will issue separately".

(6) That it may be stated that while earlier scale Rs. 150-380 attached to the post of Senior Computer was based on the basis of the recommendations of the Second Central Pay Commission, the Revised scale of Rs. 425-700 (partly) and Rs. 330-560 (partly) had been made on the basis of the recommendation of the Third Central Pay Commission (hereinafter referred to as the "Commission".

(7) That the aforesaid revised scales were based on following recommendations of the Commission contained in paragraph 32 Chapter 17 Titled "Economists and Statistician" of Vol. I:-

"For posts of Senior Computers, the old

Pay Scale of Rs. 150-10-290-15-380 is in

vague in the Ministry of Irrigation and

power and one post in the Ministry of

Transport and Shipping. Since these posts

are filled by promotion of Junior Computers

in the scale of Rs. 110-180 with a machine

allowance of Rs. 15/- p.m.. a more appropriate

scale would be the scale of Rs. 150-300

considering also that the next promotion

level is to the post on the scale of Rs. 210-

425- We do not see any reason for conti-

1- Govt
2- Shane
3- S. B. M.

P.T.O. (7)
M

(7)
Avd

(7)

nuing this old scale for these about 92 posts and our suggestion is that the bulk of these posts should be placed in the scale of Rs. 350-560 and a few on the scale of Rs. 425-700."

(8) That "Ganga Basin Water Resources Organisation (hereinafter referred to as "Organisation") was merged into the Central Water Commission in 1978 and all the Senior Computers who were hitherto employees of the Organisation became the employees of the Central Water Commission and this is how the Central Water Commission has been made ~~the~~ respondent no.2 in the present application.

(9) That two colleagues of the applicants Sri B.S. Saini and Sri Jaipal Singh, who were working as a Senior Computers filed a writ petition in the Hon'ble High Court of Delhi, challenging, inter-alia, the validity of the revised Pay scales for the posts of Senior Computers to the extent of Rs. 330-560 and consequently the ~~act~~ of the Government is not giving the scale of Rs. 425-700 to all the Senior Computers.

1 - Saini
2 - S. Saini
3 - S. Jaipal Singh

* (10) That on establishment of the Central Administrative Tribunal, the said writ petition was transferred to Hon'ble Principal Bench of this Hon'ble (at Delhi) and was registered as T-335/85.

P.T.O. (8)
M

(9)

9
AM
10

Principal Bench of the Central Administrative Tribunal, are Juniors to the applicant no.1 in the seniority list of junior computers (substantive ^{relevant extract of the} appointment). A photostat copy of the said seniority list is hereby filed as Annexure no. A-6.

(14) That since the respondents have not sanctioned the pay scale of Rs. 425-700 which has been sanctioned to other said persons, the applicants have been left with no alternative equally efficacious remedy but to invoke the extra ordinary jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunals Act, 1985.

(15) That, since the Under Secretary (T.S.) Central Water Commission, New Delhi vide its order dated 4.8.1987 (Annexure A-1 mentioned above) extended the all benefits of the said judgment to Sri Jaipal Singh, Senior Computer only and not extending the same to all Senior Computers, hence the Under Secretary (T.S.) Central Water Commission has been made respondent no.3 in this application.

1- Janu
2- Bhanu
3- Sir Majumdar

(16) That the applicants were promoted to the post of Professional Assistant (Hydro Met) on 25.2.85, 28.1.1985 and 25.1.1985 respectively and since then they have been working on their respective posts.

P.T.O. (10)
N

(10)

(17) That accordingly the act of respondents in not extending the benefit of the judgment to the applicants herein is rendered wholly illegal, arbitrary, mala fide, discriminatory, ineffective, unconstitutional and is liable to be set aside on the following amongst others :

G R O U N D S

(i) Because the applicants herein are also working as Senior Computers and belonged to the same category and are similarly placed as the said two petitioners in the writ petition which was allowed by the Principal Bench of this Hon'ble Tribunal vide judgment and order dated 11.4.1986.

(ii) Because the said judgment became final as no appeal was filed against the same and has become binding on the respondents.

(iii) Because it is not understandable that if according to the said judgment, the very Notification and the Act of prescribing the two scales for one post of Senior Computer has been struck, then how the applicants could be denied the scale of Rs. 425-700 simply because they did not approach the court

(iv) Because the respondents having accepted the

(11)

judgment of the Principal Bench of this Hon'ble Tribunal, there is no reason why they should not grant the revised pay scales to the Senior Computers including the applicants herein, who belongs to the same catagory and similarly placed just as the persons who had moved initially the Court by way of writ petition.

(v) Because it is wholly inequitable to refuse similar benefits to other members of the service who belonged to the same catagory and are similarly placed.

(iv) Because the judicial pronouncement can not result in fixing different pay scales for members of the same service and similarly placed.

(vii) Because the applicants have not been told any reasons as to why they are not being given the benefits of the said judgment and or the scale of Rs. 425-700 (prescribed) and of Rs. 1400-2300 (revised).

(viii) Because, in fact, the two petitioners who filed the writ petition referred to above have already been given the scale of Rs. 425-700 (pre-revised) and of Rs. 1400-2300 (revised) dated 4.8.1987, a copy of which is already attached herewith as Annexure no.

(ix) Because non grant of scale of Rs. 425-700 and all the benefits of said judgment to the applicants

P.T.O. (12)

N

12

By
13

(12)

is wholly malafide, discriminatory and violative of Article 14 and 16 and 39(d) of the Constitution of India apart from the fact it is in disregard to the judgment of the Principal Bench of this Hon'ble Tribunal whereby the very order refusing the pay scale attached to the Senior Computers i.e. Rs. 330-560 was quashed.

(x) Because once the very order refusing very scale of Rs. 330-560 was quashed by the Principal Bench of this Hon'ble Tribunal, in fact, non grant of the pre-^{and revised scale of Rs. 1400-2300} revised scale of Rs. 425-700 to the applicants amount to committing contempt of the Principal Bench of this Hon'ble Tribunal.

7) Details of the remedies exhausted:

(1) That the applicants nos. 1 to 3 vide their representations dated 18.8.1987, 1.9.1987 and 20.7.1987 respectively, Chairman Central Water Commission, agitated the denial of the pay scales to them and the discrimination made by the respondents which are already filed as Annexure nos. A-3, A-4 and A-5 respectively.

8) Matters not previously filed or pending with any other Court:

The applicants further declare that they had not

1. ...

2. ...

3. ...

07/11/17

15

My
16

(15)

V E R I F I C A T I O N

We, (1) Ram Jatan Ram, son of Shri Chhangur, aged about 43 years, working as Professional Assistant (Met) in the office of Middle Ganga Sub-Division II, Kanpur, Resident of House no. 122/77 'U' Block, Nirala Nagar, Kanpur; (2) Ram Dhani, son of Shri Kamta Prasad, aged about 41 years, working as Professional Assistant (Met), in the office of Middle Ganga Division II, Lucknow resident of D-2332 L.I.G. Indira Nagar, Lucknow; (3) Gauri Shanker Verma, son of Shri Ram Lal, aged about 44 years, working as Professional Assistant (Met), in the office of Middle Ganga Division I, Lucknow resident of Madhur Nikunj, Chhota Chandganj, Lucknow, do hereby verify that the contents of paras 1 to 5, 6(1) (2)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12)(13), 6(15)(16), 6(17) except grounds, 7, 8, 10, 11 and 12 are true to our personal knowledge paras 6(14) and 9 are believed by us to be true on legal advice and that we have not suppressed any material fact.

1- 

1. 

Date: 29-4-88

2. 

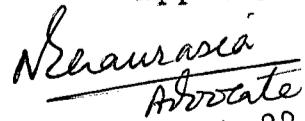
Place: Lucknow

3. 

To

The Registrar,

Signature of the
Applicants.


Nehawasra
Advocate
29-4-88

Annexure No - A - 1

16

14/7/87

No. 20/2/86-ESTT.XI
 Government of India
 Central Water Commission

Room No. 308, Sewa Bhavan,
 R.K.Puram, New Delhi-110066.

Dated the 4/7/1987, August, 1987.

OFFICE ORDER

In pursuance of Central Administrative Tribunal Judgement dated 11.4.1986 given in the Old Writ Petition No.CW-698/77 filed in High Court Delhi, (Revised Registration No.T-335/85)- Shri B.S. Saini, Sr.Comptor and others versus Union of India, Ministry of Water Resources letter No.8/31/86-ESTT.I dated 17-6-1987 and in supersession of all previous orders regarding fixation of pay of Shri Jaipal Singh, Sr.Comptor (Now PA(H) whether in the scale of Rs.150-380, Rs.330-560 or Rs.425-700, on adhoc or regular basis, his pay is now fixed in the scale of RS.425-15-500-EB-15-560-20-700 w.e.f.1.1.1973, followed by fixation of his pay in the scale of RS.1400-40-1800-EB-50-2300 in terms of CCS(RP) Rules, 1986 w.e.f.1.1.1986 or in terms of Ministry of Finance (Department of Expenditure) OM No.7(52)-E.III/86 dated 22.12.1986.

Pay drawn as on 1.1.73 and onward.	Scale of pay (Rs.150-380)	Pay to be drawn as on 1.1.73 and onward.	Scale of pay (Rs.425-700)
------------------------------------	---------------------------	--	---------------------------

1.1.73	RS.160	1.1.73	RS.425
14.7.73	RS.170	14.7.73	RS.440
1.7.74	RS.180	1.7.74	RS.455
1.7.75	RS.190	1.7.75	RS.470
1.7.76	RS.200	1.7.76	RS.485

(RS.330-560)

(RS.425-700)

14.7.77	RS.416	14.7.77	RS.500
1.7.78	RS.428	1.7.78	RS.515
1.7.79	RS.440	1.7.79	RS.530
1.7.80	RS.452	1.7.80	RS.545
1.7.81	RS.464	1.7.81	RS.560

30.10.1981 promoted as PA(H)

(RS.425-700)

(RS.425-700)

30.10.81	RS.485	30.10.81	RS.560
1.10.82	RS.500	1.7.82	RS.580
1.10.84	RS.530	1.7.84	RS.620
1.10.85	RS.545	1.7.85	RS.640

Contd.....2/-

A/2

~~Hy
10~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI

REGN. NO. I-335/03

Dated, the 11th April 1986.

Shri B.S.Saini and another

Petitioners

Vs.

Union of India and another

Respondents

CORAM Mr. Justice K.Madhava Reddy, Chairman
Mr. Kaushal Kumar, Member

For petitioners

Shri G.D.Gupta, Advocate

For respondents

Shri K.C. Mittal, Counsel.

(Judgement of the Bench delivered by
Mr. Justice K.Madhava Reddy, Chairman)

The petitioners recruited as Junior Computers in the
Ganga Basin Water Resources Organisation, ~~1977~~ under
the Ministry of Agriculture and Irrigation (Department of
Irrigation) were promoted to the post of Senior Computers.
Those appointments and promotions are governed by the Ministry
of Irrigation and Power (Ganga Discharge Circle) Non-Ministerial
and Ministerial Class III Posts Recruitment Rules, 1973.

Promotion of Junior Computers to the post of Senior Computers
is done on the basis of seniority-cum-fitness. Prior to the
revision of pay scales pursuant to the recommendations of the
Third Central Pay Commission, the pay of Senior Computers
was fixed in the grade of Rs.150-10-290-15-300. The pay scales
of Senior Computers was revised as per the recommendations of
the Third Pay Commission partly to Rs.425-700 and partly to
Rs.320-560. Six posts of Senior Computers were admitted in
the pay scale of Rs.425-700 and the remaining 26 posts of
Senior Computers were admitted to the grade of Rs.320-560.
The petitioners were promoted to the post of Senior Computers



2/-

N2

20

Ay
19

6/3/86

and pay ~~to~~ them within three months from today. The petition is accordingly allowed but in the circumstance with no order as to costs.

By

(K. Madhava Reddy)
Chairman
11. 4. 1986

Sd/-

(Kaushal Kumar)
Lokhar
11.4. 1986

Attested Anil Singh

9.12.86

Section Officer
Central Administrative Tribunal
Principal Bench, DELHI
Fridkot House,
Copernicus Marg
New Delhi. 110001

Attested

N. R. Sharma
Advocate

29-4-86

True copy
Shaukat

Annexure A-3

(21)

AM
20

To,

The Chairman,
Central Water Commission
N E W D E L H I - 110066

(THROUGH PROPER CHANNEL)

SUB:- Implementation of Central Administrative Tribunal Award of Revised Pay Scale of Rs. 425-700 to Senior Computer--Reg.

REF:- Judgement of the Bench, Central Administrative Tribunal, New Delhi dated 11-4-86

Respected Sir,

I - RAM JATAN RAM, Sr. Computer, now working as P.A. (MET) in the office of the M.G. Sub Division, KANPUR submit the following few lines for your sympathetic consideration and favourable orders.

In the case Regn. No. T-335/85, sri B.S.Saini and others Vs Union of India and another, the Central Administrative Tribunal Delhi has delivered the judgement on 11.4.86 declaring that the petitioners are entitled to the revised pay scale of Rs. 425.700 with all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective.

It was mentioned by the Tribunal that the duties attached to the post and discharged by all Senior Computer are one and the same and also they were all promoted under the same rules and hence, fixing different pay scales for the same post is violative of Article 14 & 16 of the Constitution. In support of this, Supreme Court's ruling in similar cases were also cited in the judgement.

I was under the impression that in the light of the above judgement, I would be automatically allowed the revised pay scale of Rs. 425-700 from the date of my promotion to the post of Senior Computer as a matter of natural justice, without representation from my side or driving me to approach the Tribunal for Justice. But even after a lapse of 15 months, the implementation of the judgement in my case is awaited.

In view of the above, I humbly request your goodself to consider my case sympathetically and allow me the revised scale of pay of Rs. 425-700 from the date of my promotion to the post of Senior Computer for which act of kindness, I shall be ever grateful to you.

Thanking you,

Yours faithfully,

of
/C

18/8/87
(RAM JATAN RAM)
P.A. (MET)
M.G. SUB DIVISION
K A N P U R

True Copy

Java

Attested

Niranjan Singh

Advocate

29-4-88

Annexure No. A-4

22

Au
21

To

The Chairman
Central Waer Commission
New Delhi.

(-through Paper Channel)

Sub: Implementation of Central Administrative Tribunal Award of Revised Pay Scale of Rs. 425-700 to Sr. Computer-Reg.

Ref: Judgement of the Bench, Central Administrative Tribunal, Delhi dated 11.4.1986.

Respected Sir,

I Ram dhani working as Senior Computer (Now P.A.) in the office of the Executive Engineer, Middle Ganga Division No. II, Lucknow b submit the following few lines for your sympathetic consideration and favourable orders.

In the case Regn. No. T-335/85 Shri B.S.Sainin and others Vs. Union of India and another, The Central Administrative Tribunal Delhi has delivered the judgement on 11.4.1986 declaring that the petitioners are entitled to the revised pay scale of Rs. 425-700 with all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective.

It was maintained be the Tribunal that the duties attached to the post and discharged by all the Senior Computers are one and the same and also they were all promoted under the same rules and hence fixing different pay scales for the same post is violative of Article 14 & 16 of the Constitution. In support of this the Suprim Court's rulings in similar cases were also cited in the judgement.

I was under the impression that in the light of the above judgement, I would be automatically allowed the revised scale of Rs. 425-700 from the date of my promotion to the post of Senior Computer as a matter of natural justice, without representation from my side or driving me to approach the Tribunal for justice. But even after a lapse of 15 months, the implementation of the judgement in my case is awaited.

In view of the above, I humbly request your goodself to consider my case sympathetically and allow me the revised scale of pay of Rs. 425-700 from the date of my promotion to the post of Senior Computer for which act of kindness I shall be ever grateful to you.

Thanking you.

Yours faithfully

Ram Dhani

(RAM DHANI)
(Sr. Computer Now P.A.)

Attested

Niranjan
Advocate

29-4-88

15th Copy
BCC: 15

To,

The Chairman,
Central Water Commission,
NEW DELHI 110 066.

AM
22

(THROUGH PROPER CHANNEL)

Sub: Implementation of Central Administrative Tribunal Award
of Revised Pay Scale of Rs. 425-700 to Senior Computer
Reg.

Ref: Judgement of the Bench, Central Administrative Tribunal,
Delhi dated 11.4.1986.

Respected Sir,

I, G.S. Verma working as Senior Computer (Now P.A.)
in the Office of the Executive Engineer, Middle Ganga Divn. I
Lucknow submit the following few lines for your sympathetic
consideration and favourable orders.

In the case Regn. No. T.335/85, Shri B.S. Saini and
others Vs. Union of India and another, The Central Adminis-
trative Tribunal Delhi has delivered the judgement on 11.4.86
declaring that the petitioners are entitled to the revised
pay scales of Rs. 425-700 with all attendant benefits includ-
ing all arrears with effect from the date the revised pay
scale of Rs. 425-700 became effective.

It was maintained by the Tribunal that the duties
attached to the post and discharged by all the Senior
Computers are one and the same and also they were all pro-
moted under the same rules and hence fixing different pay
scales for the same post is violative of Article 14 & 16
of the Constitution. The support of this the Supreme Court's
rulings in similar cases were also cited in the judgement.

I was under the impression that in the light of the
above judgement, I would be automatically allowed the revis-
ed scale of Rs. 425-700 from the date of my promotion to
the post of Senior Computer as a matter of natural justice,
without representation from my side or driving me to approach
the Tribunal for justice. But even after a lapse of 15 months
the implementation of the judgement in my case is awaited.

In view of the above, I humbly request your goodself
to consider my case sympathetically and allow me the revised
scale of pay of Rs. 425-700 from the date of my promotion
to the post of Senior Computer for which act of kindness I
shall be ever grateful to you.

Thanking you.

Yours faithfully,

G.S. Verma

20/7/87

(G.S. VERMA)
SENIOR COMPUTER (NOW P.A.)
MIDDLE GANGA DIVISION NO. I
LUCKNOW

True Copy
S. Verma

Attested

N. Mawaria
Advocate

29-4-88

Annexure A-6

24

Government of India
Ministry of Irrigation & Power,
Ganga Basin Water Resources Circle,
Eth Block, Shastri Bhawan.

AM
23

No. GBWRC/A 23 022/1/71/2984-39

New Delhi, 12.4.71

To

The Executive Engineer,
Water Resources Survey Dehradun.
Water Resources Survey Deh.No. II, Agra.
Water Resources Survey Deh.No. III, Lucknow.
Water Resources Survey Deh.No. IV, Varanasi.
Water Resources Survey Deh.No. V, Patna.
Water Resources Survey Deh.No. VI, Berhampore.

Sub:- Seniority list of Junior Computers.

Seniority list of Junior Computers (Permanent & Temporary) working in Ganga Basin Water Resources Circle as on 1.3.71 is enclosed herewith for circulation amongst

the Computers. If any error/omission is noticed in the lists the same may please be communicated to this office immediately and in any case not later than 20.4.71.

In case no error/omission is noticed a nil report may please be sent immediately.

If no reply is received on or before the stipulated date, it will be presumed that the particulars shown in the enclosed seniority list are correct.

Enclo:- As above.

scd- 761-816

(S.N. CHATTOPADHYAY)
Superintending Engineer,
Ganga Basin Water Resources Circle

P.T.O.

True Copy
Attested
Assistant Engineer
Water Resources
Control Officer, Dehradun-248002
B. TELLA BAGH, YANTRALI-248002

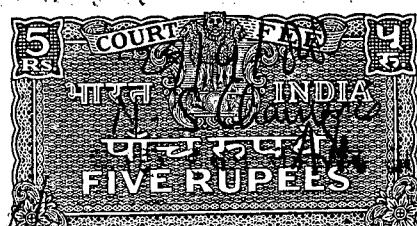
True Copy
Show

Attested
Mahendra
A. S. D. 29-4-83

(6) (26)

ब अदालत श्रीमान् Before Hon'ble Central Administrative Tribunal
 [बादी] अपीलान्ट महोदय
 प्रतिवादी [रेस्पाडेन्ट] १. Sri Ram Jatan Ram Lucknow Bench, Lucknow
 २. Sri Ram Dhanwantri ३. Sri Gauri Shanker Verma

वकालतनामा



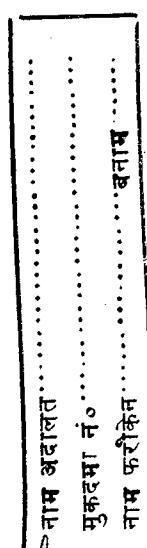
Ram Jatan Ram
 2 others — — Applican

बादी (अपीलान्ट)
 Vs.

Union of India
 2 others Respondents
 प्रतिवादी (रेस्पाडेन्ट)

बनाम

नं० मुकदमा सन् पेशी की ता० १६ ई०
 ऊपर लिखे मुकदमा में अपनी ओर से श्री Sri Narayanan Swarup Chaurasia,
 Advocate, Nashi Bazar Lucknow V. K. Chauhan
 Advocate वकील महोदय
 एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता हूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जमेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

✓ 1 - Ram Jatan Ram
 हस्ताक्षर (Ram Jatan Ram)
 Applicant No. 1

साक्षी (गवाह)

दिनांक

स्वीकृत

साक्षी (गवाह)

महीना

सन् १६ ई०

2 - Mian

(Ram Jhan)
 Applicant No. 2

3 - Gauri Shanker Verma

(Gauri Shanker Verma)
 Applicant No. 3

Accepted
 Narayanan
 Advocate
 29-4-88

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADD. BENCH, ALLAHABAD (CIRCUIT BENCH)

LUCKNOW
C.M. A.M. No. 27/100 (C)

OA No. 23 of 88(L)

Ram Jatan Ram & others - Applicant

Versus

Union of India and others ... Respondents.

APPLICATION FOR WITHDRAWAL/DISPOSAL OF THE
CASE.

In the above noted case the grievances of the applicants are under consideration in the light of judgement dated 6.9.1988 delivered by the Hon'ble Principal Bench of CAT in an identical case viz. O.A. No. 1942 of 88 AK Khanna and others -Vs-Union of India and others.

2. That in the circumstances aforesaid it is expedient that the case be disposed accordingly.

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to dispose of the case accordingly.

(V. K. CHAUDHARI)

Advocate
Addl. Standing Counsel Central Government
Counsel for the Respondents.

Lucknow

Dated: 25 Nov. 1988.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
PRINCIPAL BENCH; NEW DELHI.

REGN. No. UA 1942/85

DECIDED ON 6-9-1988.

Shri A.K. Khanna & Others

Applicants

Vs.

Union of India & Others

Respondents.

COURT:- Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member.

For the Applicant ----- Shri G.O. Gupta, Advocate.

For the Respondents ----- Shri M.L. Verma, Advocate.

(Judgement of the Bench delivered by
Mr. Justice K. Madhava Reddy, Chairman)

The applicants herein were initially recruited as Senior Computer Operators. They are similarly placed as the petitioners in Civil Writ No. 698 of 1977 on the file of the Delhi High Court and transferred to this Tribunal and registered as TA-335/85, B.S. Saini & another Vs. Union of India & Others. This Court vide its judgement dated 11th April, 1986 in the said case while quashing the impugned order therein, allowed the revised petition and declared that the petitioners are entitled to the post of Senior Computer Operators in the revised pay scales of Rs. 425-700. The Tribunal also declared that the petitioners would be entitled to the Higher pay scale and all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective and directed the respondents to calculate the amount due to the petitioners and pay the same within three months from the date of judgement. This judgement

for

Dee

25/11/88

(B2/3)

has become final and has already been implemented by the respondents by issuing office order No. 20/2/86-Estt.

XI, Government of India, Central Water Commission, dated 4th August, 1987 (Annexure G).

2. The petitioners in the aforesaid case belonged to Ganga Basin Resources Organisation, under the Ministry of Agriculture and Irrigation (Dept. of Irrigation). Some of the applicants herein were appointed as Senior Computer directly and some were promoted to the post of Senior Computer and all are governed by the same rules which governed the petitioner's T-335/85. Senior Computer in Ministry of Irrigation and Power, Central Water Commission and Ganga Basin Water Resources Organisation are all governed by the same recruitment rules and all Senior Computer working in those organisations are similarly placed in every respect. That is admitted even by the respondents. Upon the representation of the present applicants pleading that they should be given the benefits of the judgement in T-335/85, Respondents vide their letter No. 8/28/87-Estt. I dated 11.1.1988 informed them that the matter was with the Ministry of Finance and they have opined that the benefit of the judgement cannot be extended to persons other than petitioner in T-335/85.

3. It is true that the applicants were not parties to the Civil Writ Petition which was allowed by the Tribunal. But there is no valid reason not to extend the benefit of that judgement to the applicant when they are similarly placed as the petitioners in T-335/85. In fact instead of driving each of the Senior Computer to seek redressal of grievance before the Tribunal, when judgement in T-335/85 had become final, the respondents should have extended the benefit of that judgement

(B2)
u

to the entire class of Senior Computer similarly placed. The respondents would be well advised to direct the department to extend the benefit of the judgement of Courts and Tribunal which have become final to all employees similarly placed and not drive each of them to seek redressal of their grievance before the Tribunal.

In this particular petition the only ground taken by the respondents is that they (applicants) were not the petitioners in the earlier petition. When the applicants are similarly placed, and are governed by the same rules the benefit as extended to the petitioners in T-335/85 should have been extended to them also. Not extending similar benefit would amount itself to a discrimination violative of articles 14 and 16 of the Constitution. Hence there shall be an identical direction as was issued in T-335/85 namely "the order revising the pay scales attached to the post of Senior Computer to Rs. 330-560 is accordingly quashed and the applicants are declared entitled to the post of Senior Computer in the revised pay scale of Rs. 425-700. The applicants would be entitled to the higher pay scale and all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective. The respondents shall calculate the amount due to the applicants and pay them within three months from today.

4. The application is accordingly allowed but in the circumstances with no order as to costs.

(Kaushal Kumar)
Secretary

6.9.89.

(K. Madhava Reddy)
Chairman

(b3)

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

B E T W E E N

Ram Jatan Ram & others Applicants.

A N D

Union of India & others Respondents.

The applicants are submiting herewith a Tribunal Application under section 19 of the Administrative Tribunals Act 1985, dated 29.4.1988 before this Hon'ble Tribunal.

The applicants beg respectfully to submit as follows:-

1. That the cause of action and relief sought by all the applicants are one and the same and they have a common interest as will be apparent from perusal of para No. 6(12) (15) and 9 of the same application.
2. That because of the said common interest and common cause of action the applicants are prefering the joint application aforesaid.
3. That interest of justice requires that this Hon'ble Tribunal

be pleased to allow the applicants to file the said joint application.

Wherefore it is most humbly and respectfully prayed that this Hon'ble Tribunal may allow the applicants to file the said joint application and the same be entertained as such.

Lucknow

Dated : 29.4.1988

N.S. Chaurasia
Adv.

(N.S. Chaurasia)
Advocate

Counsel for Applicants

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

B E T W E E N

Ram Jatan Ram & others Applicants.

A N D

Union of India & others Respondents.

The applicants are submitiong herewith a Tribunal Application under section 19 of the Administrative Tribunals Act 1985, dated 29.4.1988 before this Hon'ble Tribunal.

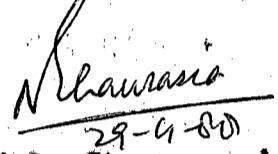
The applicants beg respectfully to submit as follows:-

1. That the cause of action and relief sought by all the applicants are one and the same and they have a common interest as will be apparent from perusal of para No. 6(12) (15) and 9 of the same application.
2. That because of the said common interest and common cause of action the applicants are preferring the joint application aforesaid.
3. That interest of justice requires that this Hon'ble Tribunal

be pleased to allow the applicants to file the said joint application.

Wherefore it is most humbly and respectfully prayed that this Hon'ble Tribunal may allow the applicants to file the said joint application and the same be entertained as such.

Lucknow


29-4-80
(N.S. Chaurasia)
Advocate

Dated : 29.4.1988

Counsel for Applicants

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1986.

Title of the Case

OA-23/08/L

BETWEEN

Ramtaran Ram & others — Applic.
VS AND

Union of India & others — Respon.

I N D E X

Sl.No.	Description of documents	page No.
1-	Application	1 to 15
2-	Annexure No. A-1 A photostat copy of the said order.	16 to 17
3-	Annexure No. A-2 A photostat copy of the judgement dated 11.4.1986	18 to 20
4-	Annexure No. A-3 A photostat copy of representation dated 18.8.1987	21
5-	Annexure No. A-4 A photostat copy of representation dated 1.9.1987	22
6-	Annexure No. A-5 A photostat copy of representation dated 20.7.1987.	23
7-	Annexure No. A-6 A photostat copy of seniority list	24 to 25
8.	Power	— —

Date of filing 29-4-88

or

Date of Receipt by post
Registration No.

1. Sd/- (Ramtaran Ram)

2. Sd/- (Ran Dhami)

Signature of the applicants

3. Sd/- Gauri Shanker Ver

Sd/- N. S. Gauri Ver

Signature
for Registration.

(5)

Computers were governed by the then Ministry of Irrigation and Power (Ganga Discharge Circle) Non Ministerial and Ministerial Class III posts Recruitment Rules, 1963 (hereinafter referred to as the "Rules of 1963").

(4) That a perusal of the Recruitment Rules of 1963 as amended from time to time, would show that the post of Senior Computer has been a non-selection post and the same has been required to be filled up by promotion (100% by promotion failing which by direct recruitment) from amongst Junior Computers, who have rendered three years service in the said grade of Junior Computer.

(5) That until the promulgation of the Central Civil Services (Revised Pay) Twenty-Fourth Amendment Rules, 1974 (hereinafter referred to as the "Revised Pay Rules of 1974") made by the President of India in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and promulgated vide Notification No. G.S.R. 683 (S) dated 9th December, 1974 which became effective from 1st January 1975, the scale attached to the post of Senior Computer was Rs. 150-380. But vide aforesaid Pay Rules of 1974 for the post of Senior Computer, the scale attached to the post of Senior Computer was raised to Rs. 425-15-500-FB-15-660-20-700 (partly) and Rs. 330-660 (partly). The aforesaid words "partly" within the brackets contain asterisk marks and the marks then contain a foot note to the

(6)

effect that "Under existing allocation of posts will issue separately".

(6) That it may be stated that while earlier scale R. 150-380 attached to the post of Senior Computer was based on the basis of the recommendations of the Second Central Pay Commission, the Revised scale of R. 425-700 (partly and R. 230-550 (partly) had been made on the basis of the recommendation of the Third Central Pay Commission (hereinafter referred to as the "Commission").

(7) That the aforesaid revised scales were based on following recommendations of the Commission contained in paragraph 32 Chapter 17 Titled "Economists and Statistician" of Vol. I:-

"For posts of Senior Computers, the old Pay Scale of R. 150-10-290-15-380 is in vogue in the Ministry of Irrigation and power and one post in the Ministry of Transport and Shipping. Since these posts are filled by promotion of Junior Computers in the scale of R. 110-180 with a machine allowance of R. 15/- p.m., a more appropriate scale would be the scale of R. 150-300 considering also that the next promotion level is to the post on the scale of R. 210-425- We do not see any reason for consti-

lading this old scale for these about 92 posts and our suggestion is that the bulk of these posts should be placed in the scale of R. 380-660 and a few on the scale of R. 425-700."

(8) That "Ganga Basin Water Resources Organisation" (hereinafter referred to as "Organisation") was merged into the Central Water Commission in 1978 and all the Senior Computers who were hitherto employees of the Organisation became the employees of the Central Water Commission and this is how the Central Water Commission has been made an respondent no.2 in the present application.

(9) That two colleagues of the applicants Sri B.S. Saini and Sri Jaipal Singh, who were working as a Senior Computer filed a writ petition in the Hon'ble High Court of Delhi, challenging, inter-alia, the validity of the revised Pay scales for the posts of Senior Computer to the extent of R. 380-660 and consequently the Govt of the Government is not giving the scale of R. 425-700 to all the Senior Computer.

(10) That on establishment of the Central Administrative Tribunal, the said writ petition was transferred to Hon'ble Principal Bench of this Hon'ble (at Delhi) and was registered as T-335/85.

P.T.O. (d)
N

(8)

(11) That ultimately the said writ petition was allowed by the Principal Bench of this Hon'ble Tribunal vide Judgment and Order dated 11.4.1986. A Photostat copy of the said Judgment and order dated 11.4.1986 is attached herewith as Annexure A-3.

(12) That since the applicants were also working as Senior Computers and, in fact, the writ petition by Sri B.S. Seini and Sri Jeipal Singh was filed as a test case and the hope that if the said writ was allowed all the Senior Computer's including the applicants would be extended all the benefits of the said judgment and, therefore the applicants here-in-
themselves had not become a party to the said writ petition. After the judgment was pronounced, the applicants vide their representations dated 18.8.1987, 1.9.1987
and 20.7.1987 respectively requested the applicant no.2 to extend the all benefits of the said judgment also to applicants and consequently giving them the scale of Rs. 425-700 from the date from which they were promoted as Senior Computer. The photostat copies of the said representations are filed herewith as Annexure nos. A-3, A-4 and A-5 respectively.

(13) That aforesaid Jag Pal Singh and B.S. Seini, whose petition regarding sanctioning the pay-scale of Rs. 425-700 for the post of Senior Computer by

(2)

Principal bench of the Central Administrative Tribunal, are Juniors to the applicant no.1 in the seniority list of junior computers (substantive & ^N relevant extract of the application). A photostat copy of the said seniority list is hereby filed as Annexure no. 1-6.

(14) That since the respondents have not sanctioned the pay scale of Rs. 425-700 which has been sanctioned to other said persons, the applicants have been left with no alternative equally efficacious remedy but to invoke the extra ordinary jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunals Act, 1985.

(15) That, since the Under Secretary (P.S.) Central Water Commission, New Delhi vide its order dated 4.8.1987 (Annexure A-1 mention i above) extended the all benefits of the said judgment to Sri Jaipal Singh Senior Computer only and not extending the same to all Senior Computers, hence the Under Secretary (P.S.) Central Water Commission has been made respondent no.3 in this application.

(16) That the applicants were promoted to the post of Professional Assistant (Hydro Met) on 25.2.82 28.1.1985 and 26.1.1985 respectively and since then they have been working on their respective posts.

P.T.O. (10)
16

(10)

(10) Thus according to the Act of prescription in
 (10) the execution of the judgment to the
 next extent the demand of the judgment to the
 applicants cannot be met, as wholly illegal,
 arbitrary, unfair, discriminatory, ineffective,
 grossly overblown and is liable to be set aside on
 the following ground, others:

Grounds of Appeal

(1) because the applicants herein are also
 working in the Coromandel coast belonging to
 the same party and are similarly placed
 as the main two parties in the writ
 petition while no appeal by the principal
 party of which is to be allowed with judgment
 given of which not to be allowed with judgment
 and pronounced 11.2.1986.

(2) because the writ of judgment because final as
 no appeal was filed against the same and
 the same is binding on the respondents.

(3) because it is not understandable that if
 according to the said judgment, the way
 of ascertainment and the Act of prescribing the

time limit for the post of

the day of 27th January 1986
 could be denied to the applicants
 simply because the section of S. 425-702

Because the court has not approached the court
 Because the respondents having accepted the

(11)

judgments of the Principal Bench of this honorable Tribunal, there is no reason why they should not grant the revised pay scales to the Senior Computers including the applicants herein, who belongs to the same category and similarly placed just as the persons who had moved initially the Court by way of writ petition.

(v) Because it is wholly inequitable to refuse similar benefits to other members of the service who belonged to the same category and are similarly placed.

(iv) Because the judicial pronouncement can not result in fixing different pay scales for members of the same service and similarly placed.

(vii) Because the applicants have not been told any reasons as to why they are not being given the benefits of the said judgment and of the scale of Rs. 425-700 (prescribed) and of Rs. 1400-2300 (Revised)

(viii) Because, in fact, the two petitioners who filed writ petition referred to above have already been given the scale of Rs. 425-700 ^{and of Rs. 1400-2300 (Revised)} wide orders dated 4.8.1987, a copy of which is already attached herewith as Annexure no.

(ix) Because even grant of scale of Rs. 425-700 the benefits of said judgment to the a

(12)

is wholly malefide, discriminatory and violative of Article 14 and 16 and 39(d) of the Constitution of India apart from the fact it is in disregard to the judgment of the Principal Bench of this Hon'ble Tribunal whereby the very order refusing the pay scale attached to the Senior Computers i.e. R. 330-660 was quashed.

(x) Because once the very order refusing very scale of R. 330-660 was quashed by the Principal Bench of this Hon'ble Tribunal, in fact, non grant of ^{the pre -} _{and revised scale of R. 1400-2300} ^{the} revised scale of R. 425-700 to the applicants amount to committing contempt of the Principal Bench of this Hon'ble Tribunal.

7) Details of the remedies exhausted:

(1) That the applicants nos. 1 to 3 vide their representations dated 10.8.1987, 1.9.1987 and 20.7.1988 respectively, Chairman Central Water Commission, agitated the denial of the pay scales to them on the discrimination made by the respondents which are already filed as Annexure nos. A-3, A-4 and A-5 respectively.

(2) That is not previously filed or pending with any other Court:

The applicants further declare that they had no

(13)

previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has to be made, before any Court of law or any other authority or any other bench of the Tribunal and nor any such application, Writ Petition or suit is pending before any of them.

9) **Reliefs sought**

In view of the facts mentioned in paragraph no. 8 above the applicants pray for the following reliefs:

- (a) To allow this application of the applicants with costs.
- (b) Issue appropriate Order or Orders, direction or directions.
- (i) directing the respondents to allow the applicants, the revised scale of pay i.e. Rs.425/- and the revised scale of Rs.1400-2300/- 700/- from the date from which they are entitled for the said scale.
- (ii) directing the respondents to give all the incumbents of the posts of Senior Computer including the applicants, the scale of Rs. 425/- and the revised scale of Rs.1400-2500/- 700/- from which they are entitled for the said scale with all consequential benefits like arrears of pay, allowances, Seniority etc.
- (iii) further directing that all the incumbents of

(14)

the post of Senior Computer including the
applicants are entitled to the scale of pay
"pre-revised"
R. 426-700 and the revised Scale of pay R. 1400-2300.

(iv) issue such other order or orders, direction
or instructions as this Hon'ble Tribunal may
deem fit and proper.

10) Interim order, if any prayed for: Not seeking.

11) In the event of application being sent by Registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him. ; Presenting through Counsel.

12) Particulars of ~~Bank~~ ^N Post/Postal Order in respect of the Application Post:

1. Number of Indian Postal Order(s) " DD 829977 "
2. Name of the issuing Post Office " High Court Bench Lucknow "
3. Date of issue of Postal Order(s) 27-4-88
4. Post Office at which payable Allahabad

13) List of enclosures:

1. Indian Postal Order No. DD 829977 issued on 27-4-88
" from High Court Bench, Lko Post Office, Lucknow "

(15)

STATEMENT

No, (1) Ram Jatan Ram, son of Shri Chhanpur, aged about 43 years, working as Professional Assistant (Hst) in the office of Middle Ganga Sub-Division II, Kanpur, resident of House no. 123/77 'U' Block, Kirala Nagar, Kanpur; (2) Ram Dhami, son of Shri Rama Prasad, aged about 41 years, working as Professional Assistant (Hst), in the office of Middle Ganga Division II, Lucknow resident of D-2332 I.I.C. Indira Nagar, Lucknow; (3) Gauri Shanker Verma, son of Shri Ram Lal, aged about 44 years, working as Professional Assistant (Hst), in the office of Middle Ganga Division I, Lucknow resident of Madhur Nikunj, Abhota (Chandganj), Lucknow, do hereby verify that the contents of para 1 to 5, & 1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13), & (15) (16), & (17) except grounds, 7, 8, 10, 11 and 12 are true to our personal knowledge para 6 (14) and 9 are believed by us to be true on legal advice and that we have not suppressed any material fact.

Date: 29-4-88
Place: Lucknow

To

The Registrar,

1. Sd/- Ram Jatan Ram
2. Sd/- Ram Dhami
3. Sd/- Gauri Shanker Verma

Signature of the Applicants.

Sd/- N. S. Chauhan
Advocate

T. C.
N

ANNEXURE-A-1

16

No. 20/2/86-Estt. XI
 Government of India
 Central Water Commission

Room No. 308, Sewa Bhavan,
 R.K.Puram, New Delhi-110066.

Dated the 4/7/ August, 1987.

OFFICE ORDER

In pursuance of Central Administrative Tribunal Judgement dated 11.4.1986 given in the Old Writ Petition No.CW-698/77 filed in High Court Delhi, (Revised Registration No.T-335/85) - Shri B.S. Saini, Sr.Comptor and others versus Union of India, Ministry of Water Resources letter No.8/31/86-Estt.I dated 17-6-1987 and in supersession of all previous orders regarding fixation of pay of Shri Jaipal Singh, Sr.Comptor (Now PA(H) whether in the scale of Rs.150-380, Rs.330-560 or Rs.425-700, on adhoc or regular basis, his pay is now fixed in the scale of RS.425-15-500-EB-15-560-20-700 w.e.f.1.1.1973, followed by fixation of his pay in the scale of Rs.1400-40-1800-EB-50-2300 in terms of CCS(RP) Rules, 1986 w.e.f.1.1.1986 or in terms of Ministry of Finance (Department of Expenditure) OM No.7(52)-E.III/86 dated 22.12.1986.

Pay drawn as on 1.1.73 and onward.	Scale of pay (Rs.150-380)	Pay to be drawn as on 1.1.73 and onward.	Scale of pay (Rs.425-700)
1.1.73 RS.160		1.1.73 RS.425	
14.7.73 RS.170		14.7.73 RS.440	
1.7.74 RS.180		1.7.74 RS.455	
1.7.75 RS.190		1.7.75 RS.470	
1.7.76 RS.200		1.7.76 RS.485	
	(RS.330-560)		(RS.425-700)
14.7.77 RS.416		14.7.77 RS.500	
1.7.78 RS.428		1.7.78 RS.515	
1.7.79 RS.440		1.7.79 RS.530	
1.7.80 RS.452		1.7.80 RS.545	
1.7.81 RS.464		1.7.81 RS.560	
	30.10.1981 promoted as PA(H)		
	(RS.425-700)		(RS.425-700)
30.10.81 RS.485		30.10.81 RS.560	
1.10.82 RS.500		1.7.82 RS.580	
1.10.84 RS.550		1.7.84 RS.620	
1.10.85 RS.545		1.7.85 RS.640	

Contd....2/-

N2

ANNEXURE A-2

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL DELHI

Dated, the 11th April 1986.

RECN. NO. T-335/03

Shri B.S.Saini and another

Petitioners

Vs.

Union of India, and another

Respondents

CORAM:

Mr. Justice K.Madhava Reddy, Chairman
Mr. Kaushal Kumar, Member

For petitioners

Shri G.D.Gupta, Advocate

For respondents

Shri K.C. Mittal, Counsel.

(Judgement of the Bench delivered by
Mr. Justice K.Madhava Reddy, Chairman)

The petitioners recruited as Junior Computers in the
Ganga Basin Water Resources Organisation, established under
the Ministry of Agriculture and Irrigation (Department of
Irrigation) were promoted to the post of Senior Computers.
These appointments and promotions are governed by the Ministry
of Irrigation and Power (Ganga Discharge Circle) Non-Ministerial
and Ministerial Class III Posts Recruitment Rules, 1903.
Promotion of Junior Computers to the post of Senior Computers
is done on the basis of seniority-cum-fitness. Prior to the
revision of pay scales pursuant to the recommendations of the
Third Central Pay Commission, the pay of Senior Computers
was fixed in the grade of Rs.150-10-290-15-330. The pay scales
of Senior Computers was revised as per the recommendations of
the Third Pay Commission partly to Rs.425-700 and partly to
Rs.330-560. Six posts of Senior Computers were admitted in
the pay scale of Rs.425-700 and the remaining 26 posts of
Senior Computers were admitted to the grade of Rs.330-560.
The petitioners were promoted to the post of Senior Computers



2/-

Mr.

(20)

4830
and pay ~~to~~ them within three months from today. The
petition is accordingly allowed but in the circumstance
with no order as to costs.

✓
(K. Madhava Reddy)
Chairman
11. 4. 1986

SAC
(Kaushal Kumar)
Liaison
11.4. 1986

Attested this 28/4/08.

Anil Sehgal

918206
Section Officer
Central Administration Tribunal
Principal Bench, DELHI
Furnikot House,
Copernicus Marg
New Delhi - 110001

Attested
N. Chauhan
29/4/08

ANNEXURE A-3

(2)

To,
The Chairman,
Central Water Commission
N E W D E L H I - 110066

(THROUGH PROPER CHANNEL)

SUB:- Implementation of Central Administrative Tribunal Award of Revised Pay Scale of Rs. 425-700 to Senior Computer---Reg.

REF:- Judgement of the Bench, Central Administrative Tribunal, New Delhi dated 11-4-86

Respected Sir,

I - RAM JATAN RAM, Sr. Computer now working as P.A. (MET) in the office of the M.G. Sub Division, K A N P U R submit the following few lines for your sympathetic consideration and favourable orders.

In the case Regn. No. T-335/85, sri B.S.Saini and others Vs Union of India and another, the Central Administrative Tribunal Delhi has delivered the judgement on 11.4.86 declaring that the petitioners are entitled to the revised pay scale of Rs. 425.700 with all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective.

It was mentioned by the Tribunal that the duties attached to the post and discharged by all Senior Computer are one and the same and also they were all promoted under the same rules and hence, fixing different pay scales for the same post is violative of Article 14(1) of the Constitution. In support of this, Supreme Court's ruling in similar cases were also cited in the judgement.

I was under the impression that in the light of the above judgement, I would be automatically allowed the revised pay scale of Rs. 425-700 from the date of my promotion to the post of Senior Computer as a matter of natural justice, without representation from my side or driving me to approach the Tribunal for Justice. But even after a lapse of 15 months, the implementation of the judgement in my case is awaited.

In view of the above, I humbly request your goodself to consider my case sympathetically and allow me the revised scale of pay of Rs. 425-700 from the date of my promotion to the post of Senior Computer for which act of kindness, I shall be ever grateful to you.

Thanking you,

Yours faithfully,

18/8/87
(RAM JATAN RAM)
P.A. (MET)
M.G. SUB DIVISION
K A N P U R

Attested
N. Bhawaria
Adv
29-4-88

ANNEXURE A-4

(22)

To

The Chairman
Central Waer Commission
New Delhi.

(-through Paper Channel)

Sub: Implementation of Central Administrative Tribunal Award
Award of Revised Pay Scale of Rs. 425-700 to
Sr. Computer-Reg.

Ref: Judgement of the Bench, Central Administrative
Tribunal, Delhi dated 11.4.1986.

Respected Sir,

I Ram dhani working as Senior Computer (Now P.A.) in
the office of the Executive Engineer, Middle Ganga
Division No. II, Lucknow b submit the following few lines
for your sympathetic consideration and favourable orders.

In the case Reen. No. T-335/85 Shri B.S. Sainin and
others Vs. Union of India and another, The Central Admini-
strative Tribunal Delhi has delivered the judgement on
11.4.1986 declaring that the petitioners are entitled to
the revised pay scale of Rs. 425-700 with all attendant
benefits including all arrears with effect from the
date the revised pay scale of Rs. 425-700 became effective.

It was maintained by the Tribunal that the duties
attached to the post and discharged by all the Senior &
Computers are one and the same and also they were all
promoted under the same rules and hence fixing different
pay scales for the same post is violative of Article
14 & 16 of the Constitution. In support of this the
Suprim Court's rulings in similar cases were also cited in
the judgement.

I was under the impression that in the light of the
above judgement, I would be automatically allowed the revised
scale of Rs. 425-700 from the date of my promotion to the
post of Senior Computer as a matter of natural justice,
without representation from my side or driving me to
approach the Tribunal for justice. But even after a lapse
of 15 months, the implementation of the judgement in my
case is awaited.

In view of the above, I humbly request your
goodself to consider my case sympathetically and allow me the
revised scale of pay of Rs. 425-700 from the date of my p
promotion to the post of Senior Computer for which act
of kindness I shall be ever grateful to you.

Thanking you.

Yours faithfully

Ram Dhani

1-9-87
(RAM DHANI)
(Sr. Computer Now P.A.)

Attested
Neharwala
AHO
29-4-88

ANNEXURE - A-5 ^M 23

To,

The Chairman,
Central Water Commission,
NEW DELHI 110 066.

(THROUGH PROPER CHANNEL)

Sub: Implementation of Central Administrative Tribunal Award of Revised Pay Scale of Rs. 425-700 to Senior Computer Reg.

Ref: Judgement of the Bench, Central Administrative Tribunal, Delhi dated 11.4.1986.

Respected Sir,

I, G.S. Verma working as Senior Computer (Now P.A.) in the Office of the Executive Engineer, Middle Ganga Divn. I Lucknow submit the following few lines for your sympathetic consideration and favourable orders.

In the case Regn. No. T.335/85, Shri B.S. Saini and others Vs. Union of India and another, The Central Administrative Tribunal Delhi has delivered the judgement on 11.4.86 declaring that the petitioners are entitled to the revised pay scales of Rs. 425-700 with all attendant benefits including all arrears with effect from the date the revised pay scale of Rs. 425-700 became effective.

It was maintained by the Tribunal that the duties attached to the post and discharged by all the Senior Computers are one and the same and also they were all promoted under the same rules and hence fixing different pay scales for the same post is violative of Article 14 & 16 of the Constitution. The support of this the Supreme Court's rulings in similar cases were also cited in the judgement.

I was under the impression that in the light of the above judgement, I would be automatically allowed the revised scale of Rs. 425-700 from the date of my promotion to the post of Senior Computer as a matter of natural justice, without representation from my side or driving me to approach the Tribunal for justice. But even after a lapse of 15 months the implementation of the judgement in my case is awaited.

In view of the above, I humbly request your goodself to consider my case sympathetically and allow me the revised scale of pay of Rs. 425-700 from the date of my promotion to the post of Senior Computer for which act of kindness I shall be ever grateful to you.

Thanking you.

Yours faithfully,

G.S. Verma 20/7/87
(G.S. VERMA)
SENIOR COMPUTER (NOW P.A.)
MIDDLE GANGA DIVISION NO. I
LUCKNOW

Attested
Manu Singh
29-4-88

ANNEXURE A-6th

24

Government of India
Ministry of Irrigation & Power,
Ganga Basin Water Resources Circle,
'E' Block, Shastri Bhawan.

No. GBWRC/A 23 022/1/71/2984-39

New Delhi, 12.4.71

To

The Executive Engineer,
Water Resources Survey Dn.No. I, Dehradun.
Water Resources Survey Dn.No. II, Agra.
Water Resources Survey Dn.No. III, Lucknow.
Water Resources Survey Dn.No. IV, Varanasi.
Water Resources Survey Dn.No. V, Patna.
Water Resources Survey Dn.No. VI, Berhampore.

Sub:- Seniority list of Junior Computers.

Seniority list of Junior Computers (Permanent & Temporary) working in Ganga Basin Water Resources Circle as on 1.3.71 is enclosed herewith for circulation amongst the Computers. If any error/omission is noticed in the lists the same may please be communicated to this office immediately and in any case not later than 20.4.71.

In case no error/omission is noticed a nil report may please be sent immediately.

If no reply is received on or before the stipulated date, it will be presumed that the particulars shown in the enclosed seniority list are correct.

Enclo:- As above.

Sci- 466/6/66

(S.N. CHATTOPADHYAY)
Superintending Engineer,
Ganga Basin Water Resources Circle

True Copy
A.H.S. A.P.
Assistant Engineer
Water Resources Survey
Central Office, Dehradun
3, TELIABAGH, YAHSI, Dehradun
29-4-83

Attested

Neeraj
29-4-83

