

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE . O A 627 OF 1988

NAME OF THE PARTIES... Ganga Prasad Singh.

Applicant

Versus

Union of India Respondent

Part A, ~~Part B~~

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CERTIFICATE

Certified that no further action is required to taken and that the case is fit for consignment to the record room (decided)

Dated.....

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

Annexure - A

CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE D.A No. 627/1988(T) OF 198

Name of the Parties _____

Versus _____

Part A, B and C

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Enclosed
25/02/92

A1

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

27/6/88

23-A, Thornhill Road, Allahabad-211001

Registration No. 527 of 1988

APPLICANT (s) Ganga Prasad Singh

RESPONDENT (s) UOS & others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	yes
2. (a) is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	Seven Sets only
3. (a) Is the appeal in time ?	yes.
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation, Vakalat-nama been filed ?	yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	yes 2 P.O. nos. W 49 25 9382, 25 9383, 25 9384, 25 9385 and 25 9386 dt. 14.5.88
6. Has the certified 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 by a Gazetted Officer and numbered accordingly ?	yes attested by the advocate.

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ? *yes*
8. Has the index of documents been filed and paging done properly ? *yes*
9. Have the chronological details of representation made and the outcome of such representations 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 Tribunal ? *no.*
11. Are the application/duplicate copy/spare copies signed ? *yes*
12. Are extra copies of the application with Annexures filed ? *yes*
- (a) Identical with the original ? *yes*
- (b) Defective ? *-*
- (c) Wanting in Annexures *-*
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No.*
14. Are the given addresses, the registered addresses ? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *-*
17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*
- (a) Concise ? *yes*
- (b) Under distinct heads ? *yes*
- (c) Numbered consecutively ? *yes*
- (d) Typed in double space on one side of the paper ? *yes*
18. Have the particulars for interim order prayed for indicated with reasons ? *NIL.*

19. Whether all the remedies have been exhausted.

If approved may be listed before court on 27.6.88

yes
See
16/5/88 R. (J)

16/5/88
S.O. (J)

CAT/J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

.....

O.A./T.A. No. 627 1988

Applicant(s)

Versus

Respondent(s)

Sr. No.	DATE	Orders
	27.6.88	<p>Hon. D. Misra, AM.</p> <p>Hon. G.S. Sharma, J.</p> <p>Head Const.</p> <p>Admt. 1500000</p>
	27.7.88	<p>sd.</p> <p>On the basis of the valuation today for report. Commt may be put by 11.8.88</p>
	01/8	<p>श्रीमान श्री मिश्र एवं श्री या. शर्मा को श्री. जगदीश 11.8.88</p> <p>sd.</p> <p>Commt may be put by 30.9.88</p>
	30.9.88	<p>sd.</p> <p>On the report of resp. Commt, Commt may be put by 13.12.88</p>

OA 627/89

AS

10.7.89

Hon. D.K. Agrawal - J.M.

None is present, adjourned
to 25.9.89 for orders.

J.M.

OR

No rejoinder filed
submitted for
hearing

25/9/89

Hon. Justice K. Math, VC.
Hon. K. Obayya, Am.

L
24/9

On the request of the learned
counsel for the applicant the
case is adjourned to 24-11-89.

Am.

VC.

OR

27-11-89

24-11-89 was holiday
(election)

No Sifting. Adj. to. 23-2-90.

L
27/11/89

23.2.90

Hon. Mr. J.P. Sharma J.M.

The learned counsel for the
applicant moved an application for
adjournment. And none present for
the respondents. Fixed on 20.3.90
for hearing and inform the counsel
for the opposite parties Sri K.C. Sinha.

OR
No RA filed
S.F.H.
L
19/3

J.M.

11.4.91

No Siting adj. to 26.7.91

26.7.91

Hon. Mr. S. N. Pandey, J.M.

Mr. R.C. Sinha, brief holder of
Shri K.C. Sinha, learned Counsel
for respondent, appears. None appears
on behalf of applicant. This is an old
case and requires speedy disposal.

Let this case for final
hearing on 1-10-91 pre-emptively.
~ Despite repeated calls at intervals there is
~ none to respond on behalf of the applicant.

A

J.M.

1.10.91

No Siting adjourn to 25.11.91

J

25.11.91

No Siting adj. to 29.1.92

J

A8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Registration O.A.No.627 of 1988(T)

Ganga Prasad Singh Applicant

Vs.

Union of India & Others.... Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as a Sorting Assistant in Railway Mail Service, Faizabad since 5.4.65 decided to adopt family planning in the year 1976 when the petitioner had only one child a son. On 3.11.1972 when the second child a daughter was born in the District Hospital, Faizabad the applicant got his wife operated for tubectomy with a view to limit his family to four members. According to the applicant he got it done in view of the scheme of the Government of India. The Family Planning scheme enjoined upon the people especially the Govt. servant to keep small family and in order to keep small family the people were asked to use family planning device. The Government of India also envisaged various types of incentive to all these people who adopted the Family Planning scheme. The incentives included one advance increments to the Govt. servants. Although there was some certain incentive, but as a matter of fact this policy decision/made applicable which was was announced in the year 1979 when the applicant has already done the Family Planning. After coming into force the said policy the applicant claimed benefit of the said scheme and made representation but he could not get relief despite

MS

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repeated representations made by him and that is why he has approached the Tribunal.

2. On behalf of the applicant it was been contended that when the declaration was given by the Government of India its scheme it was provided therein that ~~one~~ advance increment to the Govt. Servant should have been given in cooperating the scheme. The applicant had done the Family Planning, though policy decision was came little later. According to the applicant when a declaration was given by the Government of India notwithstanding with the fact that definite policy was not laid down it tantamounted to a sort of decision by the Government of India and for a common man it was enough and it is the believe he got it done and yet the Government has not given him any benefit in return.

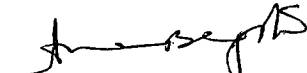
3. As the policy decision was given a concrete shape and latter on came in black & white and latter on, was given a practical shape, the applicant cannot claim benefit of the policy decision which came latter on. But there is no denial of the fact that the incentives will be given to those who will adopt the Family Planning. It may be that the applicant was misled by it. Because of the proximity of the time the applicant got it done after the first declaration of the policy scheme by the Government, the Government can consider the case of the applicant as it appears to be a fit case which can even now be considered. Accordingly with the observation that that the case of the applicant may be re-considered by the Government ^{an appropriate} at its level. In case applicant again approaches the Department within a period of one month


lu

A10

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the department shall disposed of the case within a period of 3 months thereafter. The application is disposed of with the above observation. There will be no order as to costs.


Member(A)


Vice-Chairman.

29th January, 1992, Lucknow.

(sph)

B¹¹

In the Hon'ble Central Administrative Tribunal
Allahabad Bench, Allahabad

Application U/s 19 of the Administrative Tribunal
Act 1985

Application No. 527 of 1988

Ganga Prasad Singh Applicant

Versus

Union of India & Others Respondents.

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Dated: Allahabad.

May 16 , 1988.

M.C. Sinha
(M.C. Sinha)

Counsel for the petitioner.

AP

In the Hon'ble Central Administrative Tribunal

Allahabad Bench, Allahabad

1627/88.

(Application Under Section 19 of the Administrative)

Tribunals Act, 1985

Application No. _____ of 1988

Central Administrative Tribunal

Additional Bench At Allahabad

Date of Filing... 16.5.88

OR 27.6.88

Date of Receipt

by Post

By Registrar

Ganga Prasad Singh

.....

Applicant

Versus

16588

Union of India & Others

.....

Respondents.

Details of application

1. Particulars of the applicant :

- (i) Name of the applicant: Ganga Prasad Singh
- (ii) Name of father : Late Sri Ram Raj Singh.
- (iii) Age of the applicant : 46 Yrs.
- (iv) Designation & Particulars Sorting Asstt.
of officer in which Railway Mail service ,
employed : 'O' Division, Faizabad.
- (v) Address for service Ganga Prasad Singh
of notice : C/o Sri M.C. Sinha, Advocate
Civil Lines,
Faizabad.

2. Particulars of the Respondent:

- (i) Union of India through the Secretary to the Govt.
Ministry of Communication, Sanchar Bhawan
New Delhi.
- (ii) Director General Post & Tele. New Delhi.
- (iii) Post Master General, U.P. Circle,
Lucknow.

File today
and not after
27/6/88
Allu Ashu.

min 20/2/88

(iv) Regional Director of Postal Service, U.P.,
Lucknow.

(v) Senior Superintendent
R.M.S. 'O' Division
Lucknow.

3. Particulars of the order against which application
is made :-

The application is against the following orders :

(i) Order No. with reference to Annexure: Kalyan/M-64/
Annexure III

(ii) Date: 10.2.88

(iii) Passed by : Post Master General, U.P. Circle,
Lucknow.

(iv) Subject in brief: Denying incentive increament
claimed on account of having
undergone Operation for ^{family} ~~faunting~~
planning. *nee*

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter
of the order against which he wants redressal is
within the jurisdiction of the Tribunal.

5. Limitation

The applicant further declares that the application
is within the limitation prescribed in sec.21 of
the Administrative Tribunals Act, 1985.

6. Facts of the case

The facts of the case are given below :

(i) That the petitioner is working as a Sorting Asstt.
in Railway Mail Service, 'O' Division, Faizabad
since 5.4.1965.

[Signature]
.....3/-

- (ii) That the pay scale of the petitioner is Rs. 1400-2300. His present Basic pay is Rs. 1560.00 plus usual D.A.etc. and his annual increament is Rs. 40/- p.m.
- (iii) That the petitioner is ^{Sincere} an obedient hard working ^{and} devoted Govt. Servant. He has always discharged his duties with utmost dedication and service and his work and ~~and~~ conduct have always been highly appreciated by his superior officers. No complaint whatsoever has ever been made against the petitioner during his entire career of service.
- (iv) That in 1976 the Govt. of India introduced Family Planning scheme and enjoined upon the people especially the Govt. Servant to keep small family and in order to keep small family ~~planning~~ the people were asked to use family planning device like Vesectomy, Tubectomy, laprescopic sterlization etc.
- (v) That the family planning Scheme of the Govt. of India also envisaged various types of incentive to all these people who adopted planned family. The incentives included one advance increaments to the Govt. servants.
- (vi) That in pursuance of the family planning Scheme in 1976 of the Govt. of India, the petitioner decided to adopt family planning in 1976 itself when the petitioner had only one child a son.

[Signature]

A15

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- (vii) That on 3.11.1978¹⁹⁷⁸ when the second child a daughter was born in the District Hospital, Faizabad the petitioner got his wife operate for tubectomy with a view to limit his family to four members only, ie. husband -wife and two children.
- (viii) That the age of the petitioner was 36 years only when he adopted the family planning Scheme by getting his wife operated for tubectomy, while the age of the wife of the petitioner at the relevant time was 31 years.
- (ix) That on 3.4.1986 the petitioner sent an application to the Sr. Superintendent R.M.S. 'O' Divn. Lucknow (respondent no. 5) praying for the Sanction of one incentive increament w.e.f. 1978 for having adopted voluntarily family Planning Schemes of the Govt. of India. The application was supported by the certificate of operation of the wife of the petitioner at the District Hospital, Faizabad, certificate of children issued the Gram Pradhan and age certificate of the wife of the petitioner.

ANNEXURE -I

(The true copy of the aforesaid application is filed as Annexure-I)

- (x) That the respondent no. 5 rejected the prayer

[Handwritten signature]

.....

the petitioner for the Sanction of the incentive increament vide his order no. W L F / F.P./I. Scheme/R/86 Lucknow Dt. 24.6.1986 on the ground that the sterlization was done prior to the issue of Govt. of India ,Ministry of Finance order no. 7(39)-III/79 Dt. 4.12.1979.

ANNEXURE-II

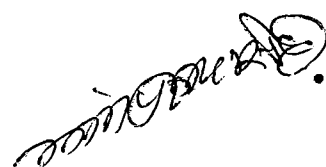
(A true copy of the order of respondent no.5 is annexure herewith as Annexure II).

- (xi) That having failed to get any remedy from the Senior Superintendent R.M.S.'O' Div. Lucknow (respondent no.5) the petitioner sent a representation on 14.2.1988 to the P.M.G.,U.P. Circle, Lucknow (respondent no.3) praying for the grant of one incentive increament for having adopted small Family norms as laid down by the Govt. of India for its employees.

ANNEXURE -III

(A true copy of the aforesaid representation is hereby filed as Annexure III)

- (xii) That in response to the representation aforesaid the P.M.G., U.P. Lucknow (respondent no.3) Communicated the petitioner on 2.4.88 through the Sub-Record Officer, R.M.S., Faizabad vide his order No. Kalyan/M-64 Dt. 10.3.1988 rejecting the prayer of incentive increament.

6/-

ANNEXURE -IV

(A true copy of the aforesaid order is filed as Annexure IV)

- (xiii) That finally the petitioner met the Sr.Suptd. R.M.S.'O' Div. Lucknow(respondent n.5) on 10.3.88 at Lucknow regarding grant of incentive increament. The respondent no.5 gave a copy of the Communication dt. 21.1.88 received from the office of the Director General of Post, New Delhi (respondent no.2) which denies incentive increaments to those employees who had adopted family planning before 4.12.1979.

ANNEXURE -V

(A true copy of the aforesaid communication is filed herewith as Annexure V).

- (xiv) That the order Annexure I) of the respondent no.5 rejecting the prayer of the petitioner is illegal, null & void.
- (xv) That the Communication dated 21.1.88 from the Director General ,Post, New Delhi (Annexure V) and the Govt. of India Ministry Finance Order 7(39)-III/79 dt. 4.12.1979 are unconstitutional arbitrary, irrational and discriminating in as much as that there is no justification whatsoever in denying the privilege of incentive increament to those employees who adopted family planning before 4.12.1979, but providing the privileges to

[Signature]7/-

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to those who adopted the Scheme on or after 4.12.1979. This discriminating clearly violates the guarantee of equality enshrined in Article 14 of the Constitution, because the classification is not founded on an intelligible differentia which distinguishes those who are grouped together from others nor the differentia has a rational relation to the object sought to be achieved.

7. Details of remedies exhausted :

The applicant declares that he was availed to all the remedies available to him under the relevant service rules etc.

- (i) That the petitioner sent his representation to the Senior Superintendent R.M.S.'O' Div. Lucknow (respondent no. 5) on 3.4.1986. The representation was rejected by the Senior Supdt. vide his order dt. 24.6.86 (Annexure II)
- (ii) That finally the petitioner sent a representation to the PMG, U.P. Circle, Lucknow (respondent no. 3) on 14.2.1988, praying for the Grant of incentive increment but the respondent no. 3 rejected the representation vide his order dt. 10.3.88 received by the petitioner on 2.4.88 (Annexure III)

.....8/-

8. Matter not previously failed or pending with any court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal nor any such application Writ petition or suit is pending before any of them.

9. Reliefs Sought:

In view of the facts mentioned in para 8 above the applicant prays for the following reliefs :-

- (i) to quash the impugned order of PMG U.P. Lucknow (respondent no.3) rejecting incentive increment to the petitioner (Annexure IV); and
- (ii) to struck down the communication from the office of the Director General Post, New Delhi denying the privilege of incentive increment to these employees who had adopted family planning prior to 4.12.1979 (Annexure V) ; and
- (iii) to grant any other relief as this Hon'ble court may deem fit in the interest of justice ;and
- (iv) to order Cost.

On the grounds that the order issued from the Director General ,Posts, New Delhi (respondent no.2) is unconstitutional ,arbitrary,

unreasonable & irrational. A set of employees have been singled out from the Private of incentive increament without any reasonable basis. There is no nexus between the discrimination made and the object sought to be achieved, hence violative of Article 14 of the Constitution.

10. Interim order, if any prayed for ;

x x x x

10. x x x x

12. Particulars of Postal Order in respect of application fee.

1. No. of Indian Postal Order : ^W49 259382-86
2. Name of Issuing Post Office: R.S., Faizabad
3. Date of issue of Postal Order: 14.5.88.
4. Post Office at which payable : Allahabad

13. List of enclosures:

1. Annexure-I

Representation dt. 3.4.86 to respondent no. 5 for incentive increament.

2. Annexure-II

Copy of order of respondent no.5 dt. 24.6.86 rejecting the prayer.

3. Annexure -III

Copy of representation to P.M.G. Lucknow dt. 14.2.88.

.....10/-

[Signature]

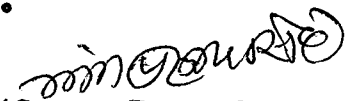
4. Annexure -IV

Copy of order of the P.M.G. dt. 10.3.88
rejecting the prayer.

5. ANNEXURE -V

Copy of the Communication dt. 21.1.88 from the
Director General Posts, New Delhi.

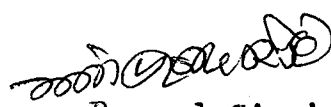
Dated: Allahabad
May 16 , 1988.


(Ganga Prasad Singh)
Applicant

VERIFICATION

I, Ganga Prasad Singh S/o Late Sri Ram Raj Singh aged
about 46 years, working as Sorting Asstt, R.M.S, 'O' Div.
Faizabad r/o village Agresar, P.O. Trishuli, Distt. Sultan-
pur do hereby verify that the contents of paras 1,2,3,6 & 7
to 10,11,12,& 13 are true to my personal knowledge and
paras 4,5,8 & 9 are believed to be true on legal advice
and that I have not suppressed any material fact.

Dated: Allahabad.
May 16 , 1988.


(Ganga Prasad Singh)
Applicant

To,
The Registrar,
Central Administrative, Tribunal ,
Allahabad.

इन दि आनरेबुल सेन्ट्रल रेडमि अटिव ट्रीबुनल
इलाहाबाद बेन्य इलाहाबाद ।

स्पलीकेशन नं० आफ 1988

गंगा प्रसाद सिंह

अपलीकेन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अदर्स रे स्पान्डेन्टस

अनेकजर नं० 1

श्री मान प्रवर डाक अधीक्षक महोदय

रे० डा० व्यव० "ओ" प्रखाण्ड,

लखनऊ ।

विषय :- सीमित परिवार रहने पर एक विशेषा वेतन

वृद्धि हेतु Copy of Office memorandum No.

23011/ 9185 /Ply Dt. 6.12.85 from
Ramesh Chandra under Secretary (Poli

cy)0/0 D.C. Posts New Delhi

indorsed by your office No. WLF/F.
P./I. Scheme dt. 21.3.86 ,

सेवा मे, आपके उपरोक्त पत्र संख्या के द्वारा प्रार्थी को ज्ञात हुआ है कि जिन
कर्मचारियों का परिवार दो या तीन बच्चों तक सीमित है उन्हें एक विशेषा
वेतन वृद्धि प्रदान की जायगी। इस सम्बन्ध मे प्रार्थी निम्न निवेदन कर रहा
है ।

- 1- यह कि प्रार्थी फैजाबाद रे० डा० व्यव० मे विमर्गन सहायक के पद पर कार्य
कर रहा है। और प्रार्थी के दो सन्ताने एक पुत्र अनुराग सिंह व एक पुत्री
कु० ममता देवी है ।
- 2- यह कि प्रार्थी ने अपनी पत्नी श्री मती सुशीला देवी का नसबन्दी
आपरेषन जिला महिला चिकित्सालय फैजाबाद मे पुत्री के जन्म के समय
दिनांक 3-11-78 को करा दिया है जिसके लिये प्रमाण पत्र साथ मे
संलग्न कर रहा है ।

अतः श्री मान जी से विनम्र निवेदन है कि प्रार्थी के आवेदन पर

True copy Allst

कु० पृ० 30

सहानुभूति पूर्व उपरोक्त आदेश के अन्तर्गत विचार करके एक वेतन वृद्धि देने की आज्ञा प्रदान की जाय ।

प्रार्थी :-

गंगा प्रसाद सिंह

वि० सहायक

रे० डा० व्यव० "ओ०" प्रखण्ड,
फैजाबाद

संलग्नक प्रमाण पत्र

- 1- जिला महिला चिकित्सालय से
प्राप्त नसबन्दी आपरेशन प्रमाण पत्र
- 2- ग्राम प्रधान से प्राप्त बच्चों की संख्या का
प्रमाण पत्र
- 3- उप अभिलेखा अधिकारी द्वारा परिवार के सदस्य
संख्या का प्रमाण पत्र ।
- 4- पत्नी की उम्र का प्रमाण पत्र ।

मैं गंगा प्रसाद सिंह यह घोषणा करता हूँ कि उपरोक्त सभी विवरण मेरी जानकारी में पूर्णतः सत्य है किसी भी विवरण असत्य पाये जाने पर सारा दायित्व प्रार्थी पर है ।

प्रार्थी :-

गंगा प्रसाद सिंह

विलयन सहायक

रे० डा० व्यव० "ओ०" प्रखण्ड
फैजाबाद

True copy *Alb* दिनांक 3-4-1986 ई०
मो०

इन दि आनरेबुल सेन्ट्रल रेडमिनिस्ट्रेटिव ट्रीबुनल
इलाहाबाद बेन्च इलाहाबाद

अपलीकेशन नं० _____ आफ 1988

गंगा प्रसाद सिंह

अपलीकैन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अदर्स

रेस्पान्डेन्टस

अनेकजर 1-ए

यह प्रमाणित किया जाता है कि श्री/ सेवा मे,
श्री मती सुशीलादेवी॥ जिनका हस्ताक्षर
/अंगूठा निशानी नीचे है पुत्र/पत्नी श्री
गंगा प्रसाद सिंह निवासी फतेहगंज डाकखाना
फैजाबाद जिला फैजाबाद से आज दिनांक
3-11-78 को रा०चि० फैजाबाद पर
अपना नसबन्दी आपरेशन कराया।

व्यक्ति का पहचान चिन्ह

श्री/श्रीमती सुशीलादेवी का हस्ताक्षर/
बायें अंगूठेका निशान। ह० अपठित

सुशीला देवी शाल्यक का मुहर

टिप्पणी: यह कार्य किसी अन्य व्यक्ति को
हस्तान्तरित नहीं किया जायगा।

पी० एस्० यू० पी०-20-डी०एम०एच० एस्० --
2-12-72-7, 36, 500॥ हिन्दी जाव॥

समस्त चिकित्सा अधिकारी,
राजकीय अस्पताल ॥ डिस्पेन्सरी॥
प्रसूतिगृह इत्यादि, उत्तर प्रदेश
महोदय,

कृपया इस कार्ड के धारक
और उनके परिवार के सदस्यों को
चिकित्सा सम्बन्धी सुविधाये तथा
सेवाये प्राथमिक के साथ प्रदान करें।

भवदीय,

देव नारायण शर्मा
निदेशक

चिकित्सा स्वास्थ्य एवं
परिवार नियोजन

उत्तर प्रदेश

सत्यप्रति प्रतिनिधि प्रमाणित

(Handwritten Signature)

-14-

इन दि आनरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव ट्रीबुनल
इलाहाबाद बेन्च इलाहाबाद

अपलीकेशन नं० आफ 1988

गंगा प्रसाद सिंह

अपलीकैन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अदर्स

रेस्पान्डेन्टस

अनेक्जर नं० 1/-बी

अनुक्रमांक 147439

सत्य प्रतिलिपि

क्रम संख्या 49035

बोर्ड आफ हाई स्कूल एण्ड इण्टरमीडिएट एजुकेशन §30 प्र०
मोहर

हाई स्कूल परीक्षा, 1960

प्रमाणित किया जाता है कि कुमारी सुशीला देवी आत्मजा/आत्मजा
श्री भृगुनन्दन सिंह मार्च/अप्रैल 1960 की हाई स्कूल की परीक्षा में
श्याम सुन्दर सरस्वती विद्यालय हायर सेकेंड्री स्कूल फैजाबाद से तृतीय श्रेणी
में उत्तीर्ण हुये/हुई और ----- में विशेष योग्यता प्राप्त की ।

इनकी जन्म तिथि चौदह मार्च 1947 §14-3-1947§ है ।

परीक्षा विषय -

1- हिन्दी

5- इतिहास

2- अंग्रेजी

6- संगीत § गायन §

3- गणित/गृह विज्ञान

7- x

4- नागरिक शास्त्र

8- x

द्व. कापी अटेस्टेड
हस्ताक्षर अपठनीय
सील अंग्रेजी

इलाहाबाद

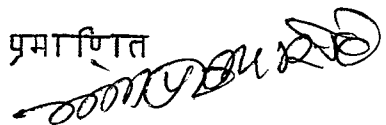
दिनांक 17 जून 1960

हस्ताक्षर अपठनीय
एम०ए० अंग्रेजी § एम०ए० राजनी

सिफ्टरी सी०टी०

30-12-60

सत्य प्रतिलिपि प्रमाणित



इन दि आनरेबुल सेन्ट्रल रेडमिनिस्ट्रेशन ट्रीबुनल
इलाहाबाद बेन्च इलाहाबाद

अपलीकेशन नं० आफ 1988

गंगा प्रसाद सिंह

अपलीकेन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड असर्द

रेस्पान्डेन्टस

अनेक्जर नं० ए-सी

कौर

भारतीय डाक तार विभाग ।

कार्यालय

परिवार विवरण

- 1- गंगा प्रसाद सिंह .
- 2- श्री मती सुश्रीला देवी §पत्नी§
- 3- अनुराग सिंह §पुत्र§
- 4- कु० ममता देवी §पुत्री§

प्रार्थी :-

गंगा प्रसाद सिंह
वि०स०

रे० डा० व्यव० फैजाबाद ।

सत्यापित

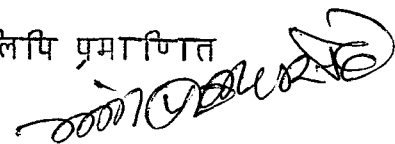
ह० अपठनीय

उपअभिलेखा अधिकारी

रेल डाक व्यवस्था "ओ" प्रखाण्ड,

फैजाबाद ।

सत्य प्रतिलिपि प्रमाणित



16
-15-

In the Hon'ble Central Administrative Tribunal

Allahabad Bench, Allahabad.

Application u/s 19 of the Administrative
Tribunal Act, 1985

Application No. of 1988

Ganga Prasad Singh Applicant

Vs.

Union of India & Others Respondents.

ANNEXURE -II

Corr-7

INDIAN P & T DEPARTMENT

To,

1. Shri Ganga Prasad Singh
2. Ram Subhag Prasad

C/o S.R.O., Faizabad

No. WLF/F.P/I Scheme/R/80 LKO.Dt. 24.6.86

With reference to your applications regarding one special increment for adopting small family norms you are hereby informed that the special increament is not admissibile under Rules as your wives have undergone sterilization before the date of issue of orders from ministry of finance No.7(39)-III/77 Dt. 4th Dec.79.

Sd/-

Sr. Supdt.

R.M.S.'O' Dn.LKO.

[Handwritten signature]

इन दि आनरेबुल सेन्ट्रल रेडमिनिस्ट्रेटिव ट्रीबुनल

इलाहाबाद बेन्य इलाहाबाद

अप्लीकेशन नं० सन 1988 ई०

गंगा प्रसाद सिंह

अप्लीकैन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अदर्स

रेस्पान्डेन्टस

अनेक्जर नं०-3

श्री मान डाक महाध्यक्षा महोदय,

उत्तर प्रदेशा परिमण्डल, लखानऊ ।

द्वारा

श्री मान प्रवर डाक अधीक्षाक महोदय

रे० डा० व्यव० "ओ" प्रमाण्ड, लखानऊ ।

विक्रय:- सीमित परिवार के रहने पर एक विशोषा वेतन वृद्धि हेतु, पत्रांक श्री रमेशा चन्द्र अन्डर सेक्रेटरी
॥पालिसी॥ कार्यालय सचिव डाक विभाग नई दिल्ली
नं० 2304/19/9/85 /पालिसी/7-12-85 आपके
कार्यालय पत्र संख्या xबेलफेयर/आर-64/चक।।। दिनांक
10-2-88

सेवा मे,

विनम्र निवेदन है कि प्रार्थी ने एक आवेदन पत्र सीमित परिवार रहने पर एक विशोषा वेतन वृद्धि हेतु पत्रांक 118/85-87 दिनांक 3-4-86 को श्री मान प्रवर डाक अधीक्षाक रे० डा० व्यव० ओ प्रमाण्ड लखानऊ को समस्त प्रमाणा पत्रों के साथ प्रेषित किया था कि प्रार्थी को उपरोक्त नियम के अन्तर्गत अभी तक कोई वेतन वृद्धि नहीं प्राप्त हुई है उसे प्रदान करने की कृपा की जाय ।

श्री मान प्रवर डाक अधीक्षाक महोदय ने प्रार्थी का आवेदन पत्र इस आधार पर निरस्त कर दिये कि आपने अपनी पत्नी का अग्रब्रेडर आपरेशन वित्त मंत्रालय के आदेशा संख्या 7१३9१।।।/79 दिनांक 4 दिसम्बर 79 के पूर्व करा लिया है जिससे आपको यह सुविधा नहीं दी जा सकती है ।

इस सम्बन्ध मे श्री मान जी से यह विनम्र निवेदन है कि प्रार्थी ने अपनी पत्नी को आपरेशन नवम्बर 78 मे यदि करा रिया है तो कोई त्रुटि नहीं की



-18-

वरन सरकार के कार्य मे सहयोग ही किया है । इस सम्बन्ध मे प्रार्थी श्री अशोक कुमार उप सचिव उत्तर प्रदेश शासन को आदेशा संख्या प0क0460/आईसी /111-79-9/153/79 को संलग्न करके भेज रहा है कि उपरोक्त आदेशा के प्रा 2 मे यह प्राविधान है कि परिवार नियोजन नियमावली 1976 के नियम 82 के अन्तर्गत सीमित परिवार के रहने पर एक विशेष वेतन वृद्धि देने का प्राविधान किया गया है ।

अतः श्री मान जी से विनम्र निवेदन है कि प्रार्थी परिवार नियोजन नियमावली 1976 के नियम 92 के अन्तर्गत एक वेतन वृद्धि पाने का हकदार है जिसे प्रदान करने की आज्ञा देने की कृपा की जाय । श्री मान जी की महान कृपा होगी ।

दिनांक 14-2-88

प्रार्थी :-

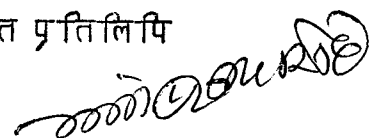
॥ गंगा प्रसाद सिंह ॥

वि० सहायक

रे० डा० व्यवस्था "ओ" प्रखण्ड,

फैजाबाद

सत्य प्रमाणित प्रतिलिपि



-19-

इन दि आनरेबुल सेन्ट्रल ऐडमिनिस्ट्रेटिव ट्रिबुनल

इलाहाबाद बेंच इलाहाबादअप्लीकेशन नं० आफ 1988

गंगा प्रसाद सिंह

पेटिशनर

वरसेज

यूनियन आफ इण्डिया एण्ड अदर्स

रेस्पान्डेन्टस

अनेकजर नं० 4कार्यालय पोस्ट मास्टर जनरल
यू० पी० सर्किल,
लखानऊ 226001उप डाक अभिलेखा अ०
रे० डाक व्यवस्था "ओ" प्रहाण्ड
फैजाबाद ।

पत्रांक : कल्याण/एम-64/व्यय नखानऊ दिनांक 10-3-88

विषय :- सीमित परिवार हेतु एक विशेष वेतन वृद्धि के
सम्बन्ध में

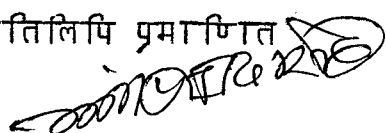
संदर्भ- 1741 दिनांक 14-2-88

उपरोक्त विषय के संबंध में आपको सूचित करना है कि प्रार्थी ने पत्नी पत्नी का आपरेशन 3-11-78 को करवाया था इस सम्बन्ध में इनसेटिव इन्कीमेन्ट देने के आदेशा निये शासन ने दि० 4-12-79 को पारित किये थे निदेशालय के स्पष्टीकरण पत्र संख्या 2/86 मेडिकल दिनांक 25-1-88 के पैरा 3 के अनुसार दिनांक 4-12-79 के पहले कराये गये आपरेशनो के मामलो मे इनसेन्टिव इन्कीमेन्ट देने का औचित्य नहीं है ।

कृपया भविष्य मे ऐसे रिप्रेजेंटेशन प्रवर अधीक्षक के माध्यम से ही भेजे और इस कार्यालय को न प्रेषित करे । कर्मचारी को यथानुसार सूचित कर दिया जावे ।

राम सूरत
उप अभिलेखा अधिकारी
रे० डा० व्य० ओ प्रहाण्डकृते पोस्ट मास्टर ज०
यू० पी० लखानऊ ।

सत्य प्रतिलिपि प्रमाणित



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-17-
me

In the Hon'ble Central Administrative Tribunal
Allahabad Bench, Allahabad

Application No. _____ of 1988

Ganga Prasad Singh Applicant

Versus

Union of India & Others Respondents

ANNEXURE -V

Copy of the Communication No. 14-2/86-Medical Dt.

21.1.88 from Dr. Basak, Director (Medical) Deptt. of
Post New Delhi Addressed to All Heads of Postal service
and to others, endorsed by P.M.G. U.P. Circle
Lucknow is no. WLF/R-64/Ch-III dated at LKO-22-2-88
copy to this office alongwith others.

Sub:- Clerification regarding grant of Incentive
increment for adopting service family norms.

Sir,

I am directed to say that references are being
received from many subordinate units seeking clerifi-
cation incentive increment, Retaxation in the date of
applicability of original order and various steriliza-
tion operations which are recognised for the purpose
of incentive increment. The Position is clerified
as under :-

1. If the claim is preferred long after the
operation the officer should be asked to furnished
reasons for the same. However in such cases of
claims for arrears which are not preferred within
one years which are not preferred within one year

True copy attached
2000 Y200 2000

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Nee

of their becoming due the provisions of Rule 27 of F.H.B. Vol I should be followed.

2. Operation reconsigned for incentive increment

(i) Vasectomy.

(ii) Transdisional or conventional Tubectomy, minilap, Salpingectomy, Laproscopic sterilisation (or Tubal occassion, culdoscapic sterilisation.

3. Request for retaxation in the date of applicability on records Dt. 4.12.79 time and again may representations are received seeking retaxation in the date of applicability of original orders dated 4.12.79 i.e. request grant of incentive increment to those officials who or whose spouses had undergone operation prior to 4.12.79. The concerned ministry have been approached a number of times in this respect, but they have categorically said that that it is not possible to grant incentive increment to those central Govt. employees where whose spouses underwent sterilization operation prior to 4.12.79. It is again clarified that there are general orders of Govt. of India and decision in isolation, which contrary to these orders is not possible.

Sd/-

R.K. Rastogi
Welfare Officer
For P.M.G., U.P.

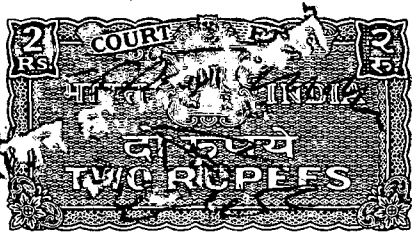
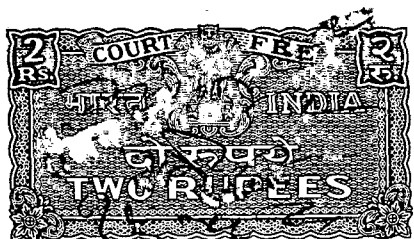
No. WLF/F.P./9 Scheme/87-88 dt. 10.3.88.

Copy for information and n/a for:

1. HRO and all SRO's of this Division.
2. ALL GRM and SRM of this Division.
3. Dy. SRM and SRM Lucknow.
4. O/C a space.

True copy
2007 4 20 2007

Sr. Supdt.
R.M.S.'O' Divm.
Lucknow.



न्यायालय श्रीमान्

Hon'ble the Central Administrative Tribunal
Allahabad Bench, Allahabad

वादी अपीलान्त/प्रार्थी/अभियुक्ता

Ganga Prasad Singh

विहद

Union of India & Ors

प्रतिवादी/रिस्पान्डेंट/



व्यवहार विवरण

उपयुक्त व्यवहार में मैं/हम

Mr. M. C. Suiha, Advocate
Civil Lines, FAIZABAD

प्रतिज्ञ

एडवोकेट

को व्यवहार की कार्यवाही, उत्तर प्रति-उत्तर निमित्त प्रारम्भिक न्यायालय से अन्तिम न्यायालय अपील तक बअदाय मेहनताना नियुक्त करके अधिकार देता हूँ/देते हैं कि एडवोकेट वकील महोदय मुझे/प्रतिज्ञ के पक्ष से जो कुछ कार्यवाही प्रश्न या उत्तर लिखित अथवा मौखिक करें या कोई प्रमाण-पत्र तथा दस्तावेज इत्यादि प्रस्तुत या प्रविष्ट करें। या वापस लें या प्रतिलिपि पत्र लें या रुपया चेक प्राप्त करें या मेरे/हमारे हस्ताक्षर का हुई संधि-पत्र प्रस्तुत करें या प्रमाणित करें विक्री-कर कार्यालय से 'सी' फार्म प्राप्त करें। अन्य एडवोकेट वकील की कार्यवाही तथा विवादार्थ स्वयं नियुक्त करें या प्रार्थना-पत्र देवें या निगरानी या क्रास आवेजेशन या तजबीज सानो या वाजदायर या इजराय डिप्री अपने हस्ताक्षर दायर करें वह सब मुझे/हम प्रतिज्ञ के लिये हुये के सामान होगा वह सब मुझको/हमको स्वीकार होगा उसका दायित्व प्रतिज्ञ के रूपर होगा।

अतः यह वकालतनामा लिख दिया कि प्रमाण रहे और अवसर पर काम आवें।

दि

15th

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चिन्ह या हस्ताक्षर

साक्षी

साक्षी

स्वीकृत

एडवोकेट प्लेडर

(M. C. Suiha)
Advocate
Civil Lines
FAIZABAD

15/5/80

A34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

CIVIL MISC. APPLICATION NO. _____/of 1988

On behalf of

The Union of India & others.....Respondents/
Applicants.

IN

Registration No. 627 of 1988/

G.P. Singh Applicant

Versus

The Union of India & others.... Respondents.

To

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

The humble petition on behalf of the
respondents Most Respectfully Showeth as
under:-

1. That the full facts and circumstances

W


have been set out in the accompanying counter-affidavit.

2. That for the reasons stated in the accompanying counter-affidavit, it is expedient in the interest of justice that the petition filed by the petitioner in this case may be dismissed with costs.

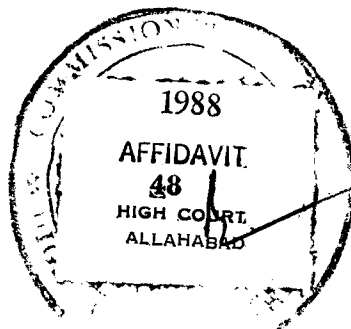
P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to admit the accompanying counter-affidavit and dismiss the petition with costs.

And/or further may be pleased to pass such other and further orders which this Hon'ble Tribunal may deem fit and proper.


(K. C. SINHA)
Addl. Standing Counsel
Central Govt.

Dt/21/1/67 #



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

COUNTER AFFIDAVIT

IN

REGISTRATION NO. 627 of 1938/

G.P. Singh

.....

Applicant

Versus

The Union of India & others... Respondents.

Affidavit of Alok

aged about 31 years son of

Sri Jagdishwar Sahai Srivastava Posted as

Sr. Subdt. Pms 'O' Div.

(Deponent)

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

1. That the deponent is posted as Senior Subdt
RMS 'O' Div. and has read over the contents
of the petition filed by the petitioner and is
in a position to reply the same.

-2-

2. That before giving a parawise reply, the following facts are being asserted in order to facilitate this Hon'ble Tribunal in administering justice.

3. That the petitioner was working as Sorting Assistant in Sub Record Office, Faizabad and he applied for incentive increment through an application ~~dated~~ dated 3th April, 1986 stating therein that his wife had gone sterilisation operation on 3.11.1978 having two living children.

4. That the application of the petitioner was rejected on 24.6.86 on the ground that sterilisation operation was done before the issuance of the order from Ministry of Finance (Department of Expenditure) dated 4.12.1979 through which the grant of incentive increment was introduced which was allowed to only those Central Government employees who or whose spouse go sterilisation on or after 4.12.1979.

5. That the petitioner later on represented his case to the P.M.G. U.P. Circle, Lucknow through an application dated 17.12.86

Re

-3-

and the said application was also rejected on 10th March, 1988. It is also pertinent to mention here that the Director (Medica I) Department of Posts New Delhi issued another letter dated 31.1.1988 through which in para-3, it has been specifically clarified that incentive increment is not allowed to those Central Government employees who or whose spouse go sterilisation operation prior to 4.12.1979.

6. That the contents of para-1, 2, 3, 4 and 6 of the petition need no comments.

7. That the contents of para-6(I)(ii)(iii)(iv) of the petition are the matters of record, hence need no comments.

8. That in reply to the contents of para-6(v) of the petition, it is submitted that facility of incentive increment was not included to the Central Govt. employees in 1976. The incentive increment was allowed to those Central Govt. employees, who or whose spouse undergo sterilisation operation on or after 4.12.1979 vide Ministry of Finance (Department of Expenditure) no.7(39) E-III/79 dated 4.12.79. A photo stat copy

-4-

of the said letter is being filed herewith and marked as Annexure-CA-I to this affidavit.

9. That the contents of para -6(vi) of the petition are not correct as stated, hence denied.. It is further submitted that there is no such record with the answering respondents through which it can be fortified.

10. That the contents of para-6(vii) of the petition are not correct as stated, hence denied. It is absolutely wrong to allege that the petitioner has his second child born on 3.11.78 in the District Hospital, Faizabad as in view of the application dated 3.4.86, the petitioner had given information that the date of operation was 3.11.78. A photo stat copy of the application preferred by the petitioner is being filed herewith and marked as Annexure-CA-II to this affidavit.

11. That in reply to the contents of para-6(viii) of the petition, it is submitted that the petitioner's age according to the record was 36 years in the year 1978 when his wife had gone for sterilisation operation.



-3-

12. That the contents of para-6(ix) of the petition are matters of record, hence need no comments.

13. That the contents of para -6(x)(xi)(xii) and (xlii) of the petition are matters of record, hence need no comments.

14. That the contents of para-6(xiv) of the petition are not correct as stated, hence denied. In fact, the order has been passed according to the terms of the instruction laid down by the Government of India in this connection.

15. That the contents of para-6(xv) of the petition are not correct as stated, hence denied. ~~It~~

16. That the contents of para-7 of the petition are matters of record, hence need no comments.

17. That the contents of para-8 of the

Re

-6-

petition are matters of record, hence need no comments.

18. That in reply to the contents of para-9 of the petition, it is submitted that in view of what has been stated above, the petitioner is not entitled for any relief as referred in para under reply and none of the grounds taken by the petitioner are sustainable in the eye of law and the petition is liable to be dismissed with costs.

19. That the contents of para-10, 11, 12, and 13 of the petition are matters of record, hence need no comments.

~~Box~~ I, the deponent abovenamed do hereby verify that the contents of para 1-22 of this affidavit are true to my personal knowledge; those of paras 3 to 17 and 19 are based on record and those of para 18 are based on legal advice to which I believe to be true; that no part of it is false and nothing material has been concealed. So

help me God.

[Signature]

~~Deponent.~~
S. No. 1000

I, D.S. Chaubey, Clerk to Shri K.C. Sinha, Advocate, High Court, Allahabad do hereby declares that the person making this affidavit and alleging himself to be the same is known to me from the perusal of papers.

Clerk

Solemnly affirmed before me on this 9 ^{October} ~~th~~ day of ~~August~~, 1988 at 8.00 AM ~~pm~~ by the deponent who has been identified by the aforesaid Clerk.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained to him by me.

OATH COMMISSIONER.
High Court
S. No. 1188
Date 9/10/88
28/6/1

OATH COMMISSIONER.

श्रीमान प्रवर - अधीक्षक महोदय

२०४० व्य० 'ओ' प्रवर्ग

लखनऊ

विषय :- सीमित परिवार रहने पर विशेष वेतन वृद्धि

हेतु :- Copy of Office Memorandum No 23011/

9185/Ply dt 6-12-85 from Ramesh Chandra

Under Secretary (Policy) 10 D. O. Post

N. Delhi, encrossed by your office

No WLF/P.P/9. Scheme dt 21-3-86

सेवा में

आपके उपरोक्त पत्र से ज्ञात हो रहा है कि जिस व्यक्ति का परिवार दो या तीन बच्चों तक सीमित है उन्हें शब्द विशेष वेतन वृद्धि प्रदान की जायेगी। इस सम्बन्ध में प्राचीन नियम निम्न निवेदन कर रहा है।

① यद्यपि प्राचीन नियम २०४० व्य० में विभाजन प्रणाली के पद पर कार्य कर रहा है। और प्राचीन के दो संतानें एक पुत्र अनुशासन से एवं एक पुत्री कुल ममता देती है।

② यद्यपि प्राचीन ने अपनी पत्नी श्रीमती सुशीला देवी का गहनतमी आपरेशन किया गहना चिकित्सालय में ०१ मार्च १९७८ के जन्म के समय दिनांक ३.११.७८ को करा दिया है। जिसके लिए प्रमाण-पत्र साक्ष्य के सलक्षण कर रहा है।

अतः श्रीमान जी के विगत निवेदन के प्राचीन के आवेदन पर सहानुभूति पूर्वक उपरोक्त आदेश के अन्तर्गत विचार करके शब्द वेतन वृद्धि देने की आज्ञा प्रदान की जाय।

संलग्न प्रमाणपत्र :-

① जिला गहना चिकित्सालय से प्राप्त गहनतमी आपरेशन प्रमाणपत्र

② ग्राम-प्रधान से प्राप्त बच्चों की संख्या का प्रमाण पत्र वर्ष १९८३

③ उप अभिलेख अधिकारी द्वारा परिवार के सदस्य से ज्ञात का प्रमाण-पत्र

④ पत्नी की उम्र का प्रमाण पत्र

प्राचीन :-

श्रीमान प्रवर से

वि० सहायक

२०४० व्य० ओ प्रवर्ग

लखनऊ

True copy
All (copy)
(14.12.85)

2049
Copy of letter No. 6-1/80, Pt. II dated 15.1.80. from Director General, P&T
Delhi addressed to all heads of postal circles & others.

Sub: Introduction of incentives among Central Government employees for
promoting the small family norms.

-oOo-

I am directed to forward herewith a copy of letter No. 7(39)-E-III/79
dated 4.12.79 received from the Ministry of Finance (Department of Expendi-
ture) on the subject mentioned above. The contents of the above said
letter may please be brought to the notice of all concerned for information
and guidance.

-oOo-

Copy of Office Memorandum No. 7(39)-E-III/79 dated 3.12.79 from the Ministry
of Finance (Department of Expenditure) to all Ministries/Departments of Govt.
of India.

Sub: Introduction of incentives among Central Government Employees for
promoting the small family norms.

-oOo-

The undersigned is directed to say that the question of providing incentive
to promote the small family norm among the Central Government servants has
been under the consideration of the Government for some time past. The
President is now pleased to decide that Central Govt. employees who undergo
sterilisation after having two or three surviving children may be granted
a special increment in the form of personal pay not to be absorbed in future
increases in pay either in the same post or on promotion to higher posts.
The rate of personal pay should be equal to the amount of the next increment
due at the time of grant if the concession and will remain fixed during the
entire service. In the case of persons drawing pay at the maximum the rate
of personal pay would be equal to the amount of the increment last drawn..
The grant of the concession will be subject to the following conditions:-

(i) The employee must be within the reproductive age group. In the
case of male Central Govt. employee, this would mean that he should
50 years and his wife should be between 20 to 45 years of age. In the case
of female Govt. employee, she must not be above 45 years and her husband
must not be over 50 years of age.

(ii) The employee should have two or three living children.

(iii) The sterilisation operation must be conducted and the sterilisation
certificate must be issued by Central Govt. hospital or under the auspices
of the Central Govt. Health Scheme. Where this is not possible, the
sterilisation certificate issued by a Govt. hospital or an Institution
recognised by the Central Govt. for the purpose will suffice.

(iv) The sterilisation operation can be undergone either by the Central
Government employee or his/her spouse provided the conditions at Sl. No.
(i) to (iii) above are fulfilled.

(v) The concession will be admissible only to the employees who
undergo the sterilisation operation on or after the date of issue of these
orders.

(vi) In so far as persons serving in the Indian Audit and Accounts
Department are concerned, these orders issued after consultation with
the comptroller and Auditor General of India.

-oOo-

(F....2/-)

K To

Traced
Attention
(K.C.S.K.)
in

In the Central Administrative Tribunal

Circuit Bench, Lucknow.

Miscellaneous Application No. O.A.

M. P. No. 556/90 (C)
/1990

Registration No. O.A. 627/1988

E.F. 7/9/90

In re:

G.P. Singh Petitioner

Versus

Union of India & Others Respondents

Application for condonation
of delay in filing the Rejoinder
Affidavit on behalf of the
Petitioner.

The humble applicant MOST HUMBLY AND RESPECTFULLY
begs to state that due to non-availability of certain
documents, the Rejoinder Affidavit could not be filed
in time.

It is, therefore MOST HUMBLY AND RESPECTFULLY
prayed that the delay in filing the accompanying
Rejoinder Affidavit may graciously be condoned and
it may kindly be ordered to be placed on record in
the interest of justice.

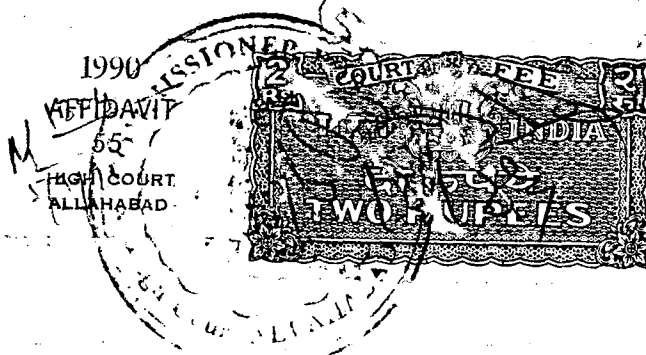
Lucknow.

Dated: 5.9.90

(Manik Sinha)
Advocate.

Counsel for the Petitioner

Filed today
5/9/90
6/9



In the Central Administrative Tribunal Allahabad.

Registration No. 687/1988

G.P. Singh Petitioner

Versus

Union of India & Others Respondents.

Rejoinder Affidavit of the petitioner
in reply to the Counter Affidavit

I Ganga Prasad Singh ,aged about 47 years ,S/o Late
sri Ram Raj Singh r/o village Agresor,P.O. Trishuli,
Distt. Sultanpur state on oath as under :-

1. That the deponent is the petitioner in the
above mentioned Writ Petition and such he is fully
acquainted with the facts and circumstances of the case.
2. That the contents of paras 1 and 2 of the C.A.
needs no comments.
3. That the contents of paras 3,4 and 5 of the C.A.
needs no comment.
4. That the contents of paras 6,7 and 8 of the Counter
Affidavit need no comment.
5. That denying the averments made in para 9 of the
Counter Affidavit ,it is submitted that the petitioner
reiterates ~~reiterates~~ what he had stated in para 6 (vi) of his
petition.



6. That the contents made in paras 10 and 11 of the Counter Affidavit are denied and what has been stated in para 6 (VII) and 6 (VII) of the petition are reiterated.

7. That the contents of paras 12 and 13 of Counter Affidavit need no comment.

8. That the contents of para 14 of Counter Affidavit are denied and the petitioner stands by what he has stated in para 6 (XIV) of his petition.

9. That the contents of para 15 of C.A. are denied and the averments made in para (XV) of the petition are reiterated.

10. That the contents of para 16 and 17 of the C.A. need no comment.

11. That the contents of para 18 of C.A. ^{are} vehemently denied, It is reiterated and that the impugned order vide Annexure II is arbitrary, ^{very} ~~discreminating~~ and unjust and violative of Article 14 of the Constitution and against public policy of family planning envisaged in 1976.

12. That the contents of para 19 of the C.A. need no comment.

Contd.....3/-



Prisoner's Union

13. That the petition is full of merit and
is liable to be allowed.

Dated:- Allahabad Lucknow
✓ Sep. 5, 1990 ✓
March , 1989

Deponent,

G.P. Singh.

गणेशदास

Verification

I, the above named deponent do hereby verify
that the contents of paragraph Nos. 1 to 13 of this
affidavit are true to my knowledge , Nothing is wrong
in it and nothing material has been concealed.



Dated: Allahabad Lucknow
✓ Sep. 5, 1990 ✓
March , 1989

(G.P. Singh)

Deponent,

गणेशदास

ASD

-4-

I know the deponent, identify his who has signed before me.

M. C. Sinha

(M.C. Sinha)
Advocate, High Court.

Dated: ~~Allahabad Lucknow~~
Sept 5, 1990
~~March 16, 1989.~~

Solemnly affirmed before me on this ^{5th} ~~16th~~
Sept 1990
~~March, 1989~~ at *4.00* am./pm. by the deponent who has been identified by Sri M.C. Sinha Advocate, High Court Lucknow Bench, Lucknow. .

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained to him by me.

Narendra Pratap Singh

Oath Commissioner.

NARENDRA PRATAP SINGH
OATH COMMISSIONER
High Court Allahabad.
Lucknow Bench.
No. 1304/55
Date- *5/9/90*

M. C. Sinha
5/9/90

महोदय