

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE .. O A 627 .. OF 1988

NAME OF THE PARTIES .. Ganga Prabod Singh ..

.....Applicant

Versus

..... Union of India Respondent

Part A, ~~Ex-1~~

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CERTIFICATE

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

Dated.....

Counter Signed.....

Section Officer  in chargeSignature of the
Dealing Assistant

Annexure - A
CAT - 02
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE : C.A. NO. 627/1988(T) OF 1988

Name of the Parties _____

Versus

Part A, B and C

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(Signature)
25/02/92

P1

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

<u>Particulars to be examined</u>	<u>Endorsement as to result of Examination</u>
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 cause 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.D. nos. 49 259382, 259383, 259384, 259385 and 259386 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 appeal may be listed before court on 27.6.88

yes
See
16/5188 R.G

Delhi
16/5188
S.O. (J)

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	Hon. D.D. Misra, A.M. Hon. G.S. Stevens, J.A. Heard Counsel. Plaint. / Counter by 11.8.88
	27.7.88 <u>ad</u>	Shri K.C. Sinha files Valmiki case 1 day for report. Counter may be filed by 11.8.88
	11.8.88 <u>ad</u>	Shri K.C. Sinha files Valmiki case 1 day for report. Counter may be filed by 30.9.88
	30.9.88 <u>ad</u>	On the request of respondent, Counter may be filed by 13.12.88

OA 627/89

AB

10.7.89

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

None is present, adjourned
to 25.9.89 for orders.

Dp J.M.

OR

No rejoinder filed
submitted for
hearing

L
25/9

25/9/89

Hon. Justice K. Nath, V.C.
Hon. K. Obayya, A.M.

On the request of the learned
Counsel for the applicant the
Case is adjourned to 24-11-89.

A.M.

DR

V.C.

MR

27-11-89

24-11-89 was holiday
(election)

No Sitting - 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 applied
S. F. H.
L
19/3

Pradeep
J.M.

OA 627/88.C.

A7

11.4.91

No Siting adj. to 26.7.91

26.7.91

Hon. Mr. S. N. Basu ^{de}
J.M.

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

Fix this case for final

leaving on 1-10-91 pre-emptorily.

Despite repeated calls at intervals there is
none to respond on behalf of the applicant.

AK

J.M.

110.91

No Siting adjourn to 25.11.91

25.11.91

No Siting adj. to 29.11.91

de

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 which was policy decision/made applicable 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

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

2. On behalf of the applicant it has 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 belief 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 at ^{an appropriate} its level, in case applicant again approaches the Department within a period of one month

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)

P.M.

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

Application U/s 19 of the Administrative Tribunal
Act 1985

Application No. 52 of 1988

Ganga Prasad Singh Applicant

Versus

Union of India & Others Respondents.

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Dated: Allahabad.

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

May 16, 1988.

Counsel for the petitioner.

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(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: 10.3.88

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

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

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, Faizzabad
since 5.4.1965.

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(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 increment is Rs. 40/- p.m.

(iii) That the petitioner is ~~an~~ a obedient hard working, ^{Sincere} ~~sincere~~ and devoted Govt. Servant. ~~and~~ He has always discharged his duties with utmost dedication and service and his work 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 sterilization 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 increments 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.

DMO/MS/2024

.....4/-

(vii) ¹⁹⁷⁸ That on 3.11.1988 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 increment 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 praye

.....
.....

the petitioner for the Sanction of the incentive increment vide his order no. W L F / F.P./I. Scheme/R/86 Lucknow Dt. 24.6.1986 on the ground that the sterilization 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 increment 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 increment.

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ANNEXURE -IV

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

(xiii) That finally the petitioner met the Sr. Supdt. R.M.S.'O' Div. Lucknow (respondent no.5) on 10.3.88 at Lucknow regarding grant of incentive increment. 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 increments 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 increment to those employees who adopted family planning before 4.12.1979, but providing the privileges to

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 intelligible differentia which distinguishes there those are grouped together from others nor the differentia has a national 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)

20 NOV 1988

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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 increment 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

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

1. No. of Indian Postal Order : 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 increment.

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.

20/10/1988

.....10/-

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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

Ganga Prasad Singh
(Ganga Prasad Singh)

May 16, 1988.

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.
Faizzabad 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.

Ganga Prasad Singh
(Ganga Prasad Singh)

May 16, 1988.

Applicant

To,

The Registrar,
Central Administrative, Tribunal ,
Allahabad.

इन दि आनरेवुल सेन्ट्रल एडमि अटिव ट्रीवुनल

झलाहाबाद बैन्च झलाहाबाद ।

स्पष्टीकेशान नं० आफ 1988

गंगा प्रसाद सिंह

अपलीकेन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अर्दस ————— रे स्पान्डेन्ट्स

अनेकजर नं० ।

श्री मान प्रवर डाक अधीक्षाक महोदय

रे० डा० व्यव० "ओ" प्रखाण्ड,

लखानऊ ।

विषय :- सीमित परिवार रहने पर एक विशेष वेतन वृद्धि हेतु Copy of Office memorandum No. 23011/ 9185 /Plly Dt. 6.12.85 from Ramesh Chandra under Secretary (Policy)O/O D.C. Posts New Delhi indorsed by your office No. VLF/F. P.I. Scheme dt. 31.3.86 ,

तेवा मे, आपके उपरोक्त पत्र संख्या के द्वारा प्रार्थी को ज्ञात हुआ है कि जिन कर्मचारियो का परिवार दो या तीन बच्चो तक सीमित है उन्हे एक विशेष वेतन वृद्धि प्रदान की जायगी। इस सम्बन्ध मे प्रार्थी निम्न निवेदन कर रहा है ।

1- यह कि प्रार्थी फैजाबाद रे० डा० व्यव० मे विलगन 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 सुशालिला देवी का नसवन्दी आपरेशान 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 द्वावेदन पर

True copy All correct

मान उमा राज

क० प० ३० उ०

-12-

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

प्रार्थी :-

संलग्नक प्रमाण पत्र

1- जिला महिला चिकित्सालय से

प्राप्त नसवन्दी आपरेशाप 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 मे पूर्णतः सत्य है किसी भी विवरण असत्य पाये जाने पर सारा दायित्व प्रार्थी पर है ।

प्रार्थी :-

गंगा प्रसाद सिंह

विलयन सहायक

रोडोडो व्यवो "ओ० प्रखण्ड

फैजाबाद

True copy All correct
दिनांक 3-4-1986 ई०

गंगा प्रसाद

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इन दि आनरेतुल सेन्ट्रल ऐडमिनिस्ट्रेटिव ट्रीवुनल
इलाहाबाद बैन्च इलाहाबाद

अपलीकेश्वान नं० आफ 1988

गंगा प्रसाद सिंह ----- अपलीकैन्ट
वर्तमान
यूनियन आफ इण्डिया संड अदर्स ----- रेस्पान्डेन्ट्स

अनेकजर ।-८

यह प्रमाणित किया जाता है कि श्री/ श्री मती सुशीलादेवी जिनका हस्ताक्षर
/अंगूठा निशानी नीचे है पुत्र/पत्नी श्री
गंगा प्रसाद सिंह निवासी फोहगंज डाकखाना
फैजाबाद जिला फैजाबाद से आज दिनांक
३-११-७८ को रा००चि० फैजाबाद पर
अपना नसबन्दी आपरेश्वान कराया।
व्यक्ति का पहचान चिन्ह
श्री/श्रीमती सुशीलादेवी का हस्ताक्षर/
बांधे अंगूठेकका निशान। ह० अपठित
सुशीला देवी शाल्यक का मुहर
टिप्पड़ी: यह किर्य किसी अन्य व्यक्ति को
हस्तान्तरित नहीं किया जायगा।
पी० रु० ३६,५०० हिन्दी जाव०

सेवा में,
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 करे।

भवंदीय,

देव नारायण शास्त्र
निदेशक

चिकित्सा स्वास्थ्य एवं
परिवार नियोजन

उत्तर प्रदेश

सत्यप्रकल्पप्रिय प्रतिलिपि प्रमाणित

लोकेश्वर

-14-

इन दि आनरेव्युल सेन्ट्रल ऐडमिनिस्ट्रेटिव ट्रीवुनल
इलाहाबाद बैच्य इलाहाबाद

अपलीकेश्वान नं० आफ 1988

गंगा प्रसाद सिंह

अपलीकैन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अर्दस्त ----- रेस्पान्डेन्ट

अनेकजर नं० ई-बी

अनुक्रमांक 147439

सत्य प्रतिलिपि

क्रम संख्या 49035

बोर्ड आफ हाई स्कूल एण्ड इण्टरमीडिएट एजुकेशन १३० प्र००
 मोहर

हाई स्कूल परीक्षा, 1960

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

इनकी जन्म तिथि चौदह मार्च 1947 १४-३-१९४७ है।

परीक्षा विषय -

1- हिन्दी

5- इतिहास

2- अंग्रेजी

6- संगतीतगायन

3- गणित/गृह विज्ञान

7- x

4- नागरिक शास्त्र

8- x

द्वं कापी अटेस्टेड
 हस्ताक्षार अपीठनीय
 सील अंग्रेजी
 इलाहाबाद

दिनांक 17 जून 1960

हस्ताक्षार अपीठनीय
 एम०८० अंग्रेजी एम०८० रा.जनी

सिक्टर बी०टी०

30-12-60

सत्य प्रतिलिपि प्रमाणित

2000/12/30

-15-

इन दि आनरेवुल सेन्ट्रल एडमिनिस्ट्रेशन ट्रीवुनल
इलाहाबाद बैन्च इलाहाबाद

अपलीकेशन नं० आफ 1988

गंगा प्रसाद सिंह ----- अपलीकेन्ट

वरसेज

यूनियन आफ इण्डया सण्ड असर्द ----- रेस्पान्डेन्ट

अनेक्षर नं० इ-सी

कौर

भारतीय डाक तार विभाग ।

कार्यालय

परिवार विवरण

- 1- गंगा प्रसाद सिंह.
- 2- श्री मती सुशाला देवी इपत्नी
- 3- अनुराग सिंह इपुत्र
- 4- कु० ममता देवी इपुत्री

प्रार्थी :-

गंगा प्रसाद सिंह
 विंस०

रो ड० व्यव० फैजाबाद ।

सत्यापित
 ह० अपठनीय
 उपअधिकारी
 रेल उाक व्यवस्था "ओ" प्राण्ड,
 फैजाबाद ।

सत्य प्रतिलिपि प्रमाणित

2000/02/26

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 increment is not admissible 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.

20/10/86
210

-17-

इन दि आनरेवुल सेन्ट्रल ऐमिनिस्ट्रेटिव ट्रीवुनल
इलाहाबाद बैन्च इलाहाबाद

अप्लीकेशन नं० सन 1988 ई०

गंगा प्रसाद सिंह ----- अप्लीकैन्ट

वरसेज

यूनियन आफ इण्डिया एण्ड अदर्स ----- रेस्पान्डेंट

अनेकजर नं०-३

श्री मान डाक महाद्यक्षा महोदय,
 उत्तर प्रदेश परिमण्डल, लखनऊ ।

द्वारा

श्री मान प्रवर डाक अधीक्षाक महोदय
 रे० डा० व्यव० "ओ" प्राप्त, लखनऊ ।

विषय:- सीमित परिवार के रहने पर एक विशेषा वेतन
 वृद्धि हेतु, पत्रांक श्री रमेश चन्द्र अन्डर सेक्रेटरी
 प्राप्तिसी० कार्यालय सचिव डाक विभाग नई दिल्ली
 नं० 2304/19/9/85, प्राप्तिसी०/7-12-85 आपके
 कार्यालय पत्र संख्या xबेलफेर/आर-64/चैक ।।। दिनांक
 10-2-88

भेवा मे,

विनम्र निवेदन है कि प्रार्थी ने एक आवेदन पत्र सीमित परिवार रहने
 पर एक विशेषा वेतन वृद्धि हेतु पत्रांक 118/85-87 दिनांक 3-4-86 को श्री मान
 प्रवर डाक अधीक्षाक रे० डा० व्यव० ओ प्राप्त लखनऊ को समस्त प्रमाण पत्रों के
 माथ 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 अस्त्रब्रेक्स आपरेशन
 वित्त मंत्रालय के आदेश संख्या 7०३९०११/७९ 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 दिया है तो कोई त्रुटि नहीं की

मानुषीलिंग

-18-

वरन सरकार के कार्य में सहयोग ही किया है। इस सम्बन्ध में 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 में यह प्रावधान 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
विं सहायक
रेंडो डॉ व्यवस्था "ओ" प्रखण्ड,
फैजाबाद

सत्य प्रमाणित प्रतिलिपि

गंगा प्रसाद सिंह

-19-

इन दि आनरेवुल सेन्ट्रल ऐडमिटिस्ट्रेटिव ट्रीबुनल

इलाहाबाद बैन्च इलाहाबाद

अप्लीकेशन नं० आफ 1988

गंगा प्रसाद सिंह

पेटिशनर

वरसेज

यूनियन आफ इण्डिया एण्ड अर्कर्स

रेस्पान्डेन्ट्स

अनेकजर नं० 4

कार्यालय पोस्ट मास्टर जनरल
यू० पी० सर्किल,
लखानऊ 226001उप डाक अधिलेखा अ०
रे० डाक व्यवस्था "ओ" प्राण्ड
फैजाबाद ।

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

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

संदर्भ- 174। दिनांक 14-2-88

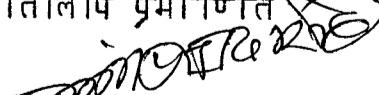
उपरोक्त विषय के संबंध में आपको सूचित करना है कि प्रार्थी ने पनी पत्नी का आपरेशन 3-11-78 को करवाया था इस सम्बन्ध में इनसेटिव इन्क्रीमेन्ट देने के आदेश निये इासन ने दिन 4-12-79 को पारित किये थे निदेशालय के स्पष्टीकरण पत्र संख्या 2/86 मेडिकल दिनांक 25-1-88 के पैरां 3 के अनुसार दिनांक 4-12-79 के पहले कराये गये आपरेशनों के मामलो में इन्सेन्टिव इन्क्रीमेन्ट देखे का औचित्य नहीं है ।

कृपया भविष्य में ऐसे रिप्रेजेन्टेशन प्रवर अधीक्षाक के माध्यम से ही भेजे और इस कार्यालय को न प्रेषित करे । कर्मचारी को यथानुसार सूचित कर दिया जावे ।

राम सूरत
उप अधिलेखा अधिकारी
रे० डा० व्यव० ओ प्राण्ड

कृते पोस्ट मास्टर ज०
यू० पी० लखानऊ ।

संये प्रतिलिपि प्रमाणित



A31

26
-17-
PL

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 clarification incentive increment, Retaxation in the date of applicability of original order and various sterilization operations which are recognised for the purpose of incentive increment. The Position is clarified as under :-

1. If the claim is preferred long after the operation the officer should be asked to furnish 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 attested
20/10/2000 AD*

21
-18-
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) Trandisional or conventional Tubectomy, minilap,

Salpingectomy, Laparoscopic 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 representa-

tions 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 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.

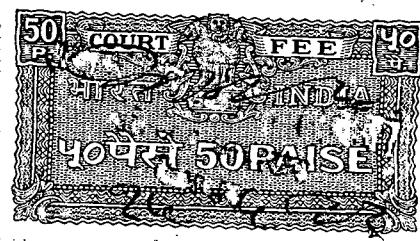
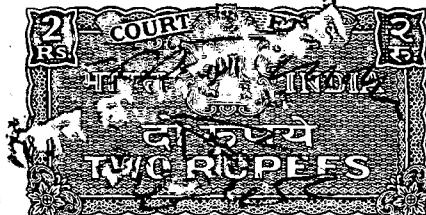
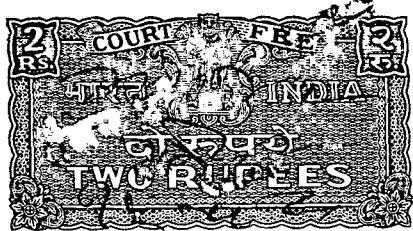
No. WLF/F.P./9 Scheme/87-88 dt. 10.3.88.

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 speake.

True Copy Attached
2011/07/01

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



न्यायालय श्रीमान् Hon'ble The Central Administrative Tribunal
Allahabad Bench, Allahabad

वादी अपीलान्ट/प्रार्थी/अभियक्ता

Ganga Prasad Singh वाद

विहङ्ग

Union of India 100

प्रतिवादी/रिस्पान्डेन्ट/



व्यवहार विवरण

द्युवहार विवरण
Snr. M. C. Sinha, Advocate.

उपयुक्त व्यवहार में मैं हम

Civil Lines, FAIZABAD

प्रतिकृ

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 एडबोकेट 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। प्रति वापस लें या प्रतिलिपि पत्र लें या रूपया 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 एडबोकेट वकील की कार्यवाही तथा विवदार्थ स्वयं नियुक्त करें या प्रार्थना-पत्र देवें या निगरानी या क्रास आव्हेक्शन या तज़बीज सानी या वाजदायर या इज़राय डिग्री अपने हस्ताक्षर दायर करें वह सब मुझे/हम प्रतिज्ञ के लिये हुये के सामान होगा वह सब मुझको/हमको स्वीकार होगा उसका वायित्व प्रतिज्ञ के कुपर होगा।

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

प्रियि
नम अम
चिन्ह या हस्ताक्षर

स्वीकृत

मास May सन् १९८८

साक्षी

साक्षी

एड ब्रोकट प्लीडर
Ed Brokert Plider

(M. C. Suriha)
Advocate
Civil Lines
FAIZABAD

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

-2-

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.

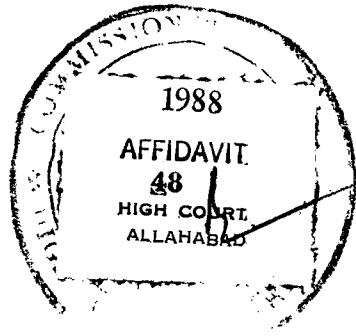
P R A Y E R

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.

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

Dt/21/167 #



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

COUNTER AFFIDAVIT

.....

IN

REGISTRATION NO. 627 of 1988/

G.P.Singh Applicant

Versus

The Union of India & others... Respondents.

Affidavit of Abik

aged about 31 years son of

Shri Jagdish 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.

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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 ~~mixd~~ 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

-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 21.1.1988 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(I0(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

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-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 (xiii) 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.

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

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petition are matters of record,hence need no comments.

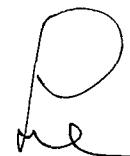
18. That in reply to the contents of para-9 of the petition, it is submitted that in view of what has been stated above, the petitioner is not entitled for any relief as referred in para under reply and none of the grounds taken by the petitioner are sustainable in the eye of law and the petition is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

Now I, the deponent abovenamed do hereby verify that the contents of para 14,15,16,17,18,19 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 10 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

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help me God.



✓ Deponent.

U.S. I.C. 'Dn. No.

I, D.S. Chauhan, 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 9th day of August, 1988 at 8.00 A.M.
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.

OATH COMMISSIONER.
High Court of Allahabad
S. No. 1186
Date 09/08/88
U.S. I.C.

श्री मात्र प्रवर - अधिकारी सहाय

१०७० प्र० 'ओ' उत्तर

लॉकिं जे

विषय: - सीमित परिवार राजीव विश्वास वेलन शहीद
केतु: - Copy of office memorandum No 23011/

9185/Phy dt 6-12-85 from Ramesh Chandra
Under Secretary (Pol) 070 D. G. Post
N. Delhi, encrossed by post office
No WLF/R.P/9, Scheme dt 21-3-86

सेवा मं

आपके उपरोक्त पत्रोंमें के हारा प्राची की जात
हुआ है कि जिन विवरणों को परिवार की या लौगिकताओं लेक
सीमित है उन्हें यह विश्वास वेलन शहीद पुदम की जायेगी। इस
सम्बन्ध में प्राची निम्न निवेदन कर रहा है।

① अदाकि प्राची के जात्यागम १०.७० प्र० में विभाग उपराज्यके पद
पर लाया गया है। और उसी के दी सर्वानें एक पुरा
अनुशासन सेवा एवं उच्च पुरा कुंभमता देती है।

② अदाकि प्राची की अपनी पत्नी की मृत्यु के सुखीला देवी का
गहवन्दी आपके द्वारा जिलो गाँवों विभिन्न जातों के उपरोक्त
पुरा के जन्म के समय दिनांक ३. १. ८४ को जरा दिनांक (जिहेके
जिले प्रमाण - पत्र लाया जाने से लगातार बारे रखा है।

अतः श्री मात्र वी द्वारा निवेदन है कि प्राची के
आवेदन पर जनानुसूले पुरकों उपरोक्त उपराज्यके अन्तर्गत विचार
करके शक्तवेलन वाली देवी की शारीर छुदाया जाय।

सेवा मंत्रालय -

१. जिला गाँवों विभिन्न जातों की
प्राची गहवन्दी आपराज्यक सुमानांपत्ति
२. ग्राम-प्रधान से प्राप्त वन्द्योंकी लिपि
की प्रमाण-पत्र वर्ष १९८३
३. उपराज्यके अधिकारी को प्राची परिवार
के उदाहरण से ज्ञान की प्रमाण-पत्र
४. पत्नी की छात्र की प्रमाण-पत्र

प्राप्ति -

ग्राम उत्तर रीवा

विं संवत्सर

१०.७० प्र० ओ उत्तर

सेवा मंत्र

True copy
All correct
(Signature)

Copy of letter No. 6-1/80, Ser. II dtd 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 norm.

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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 Expenditure). The contents of the above said
letter may also be brought to the notice of all concerned for information
and guidance.

-00o-

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 norm.

-00o-

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 no promotion to higher posts.
The rate of personal pay would 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 a 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 a 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 a Central Govt. hospital or under the auspices
of the Central Govt. Health Service. Where this is not possible, the
sterilisation certificate issued by a non-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.

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(P...2/-)

k To

(Treas
Hillock
(P.C. 14)

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In the Central Administrative Tribunal
Circuit Bench, Lucknow. M. P. No. 556/90(2),
Miscellaneous Application No.O.A. /1990

Registration No. O.A. 697/1988

P.F 7/9/90

In re:

G.P. Singh Petitioner

Versus

Union of India & Others Respondents

Aplication 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.

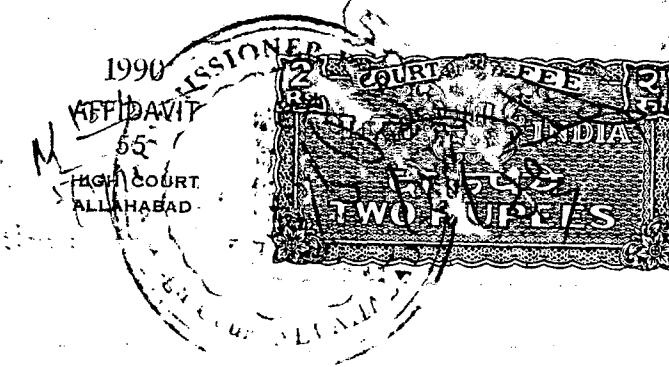
It is, therefore MOST HUMBLY AND RESPECTFULLY prayed that the delay in filing the accompanying Rejoinder Affidavit may graciously be condoned and it may kindly be ordered to be placed on record in the interest of justice.

Filed today
S.S. 6/9

M.S.
(Manik Sinha)
Advocate.

Dated: 5.9.90

Counsel for the Petitioner



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 misrepresented sciterates 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, ^{hasty} ~~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/-

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

Dated: - Allahabad Lucknow

✓ Sept. 5, 1792
March 1989

Deponent,

G. P. Singh.

କାମକାଳୀ

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 2nd June

✓ Sept. 5, 1980 ✓
~~March~~, 1989

(G.P.Singh)

Deponent,

2011-2012

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



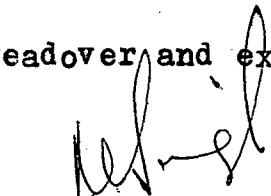
(M.C.Sinha)

Advocate, High Court.

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

Solemnly affirmed before me on this 16th
Sept 1990
March, 1989 at 11 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 readover and explained
to him by me.



Oath Commissioner.

NARENDRA PRATAP SINGH

OATH COMMISSIONER

High Court, Allahabad,

Lucknow Bench.

No. 1304/55

Date - 5/9/90

