

A  
108

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

OA No.12/1988  
Lucknow, this 13th day of February, 2001

Hon'ble Mr. Rafiquddin, JM  
Hon'ble Mr. M.P. Singh, AM

1. Geological Survey of India Staff Union  
Northern Region  
Committee Plot No.2  
Sector E, Aliganj, Lucknow, th' its Gen. Secretary  
2. S.K. Saxena  
417/246, Nawazganj  
Lucknow .. Applicants

(By Mr. R.C. Saxena, Advocate)

Versus

Union of India, through

1. Secretary  
Department of Mines  
Ministry of Steel & Mines, New Delhi  
2. Director General  
Geological Survey of India  
27, J.L.Nehru Road, Calcutta  
3. Dy. Director General  
Northern Region, GSI  
Sector E, Aliganj, Lucknow .. Respondents

(By Mr. Sunil Sharma, Advocate)

ORDER(oral)

By Mr. M.P. Singh

Geological Survey of India (GSI, for short) Staff Union, Northern Region, Lucknow through its General Secretary (applicant No.1) and one other have filed this OA seeking directions to Respondents No.<sup>2</sup> and No.<sup>3</sup> to give regular pay scales to the contingent workers at par with the salary given to other employees in the respondent-department performing the same nature of work upon regularising them from the date of their initial appointment and grant them other consequential benefits.

2. Brief facts of the case are that the applicants were engaged as contingent employees under R-3. According to them, they were employed as Clerk/Peon/Jamadar/Mechanics/ Library Assistant on daily wages and have completed more than 12 years of service. Even after 12 years of service

*MPS*

they have not been regularised and are still being paid salary on daily wages basis. Aggrieved by this, they have filed the present OA.

3. Respondents have resisted the case by stating that all the applicants were engaged as contingency staff prior to 2.9.1971 against regular Group C and Group D posts and most of the contingency hands engaged upto 31.10.77 have been appointed and are being appointed as per the availability of vacancies; those who could not be appointed against regular vacancies are being paid revised daily wages as per rates approved by the local authority. According to the respondents, the instructions issued by DoPT dated 7.6.88 regarding the issue relating to payment for equal pay for equal work and regularisation of casual labours thereof is under examination in GSI for necessary implementation. They have further stated that the grievance of the applicants pertains to whole of GSI. They have also stated that most of the contingency hands have been appointed on regular basis in Group C and Group D posts subject to eligibility and suitability of the candidates as per prescribed R/Rules. The other remaining candidates will also be considered for regularisation as and when regular vacancies arise. There is no rule to give regular pay scale to the contingency staff.

4. Respondents have also filed additional affidavit stating that applicant No.2 has become overaged. Learned counsel for the respondents further stated that even at the time of initial engagement, applicant No.2 had become overaged. Hence he cannot be considered for regular appointment. For the aforesaid reasons, respondents contend that the OA has become infructuous and deserves to be dismissed.



•P/3

5. In view of the fact that most of the applicants have been regularised and remaining are being considered as and when regular vacancies arise as per rules, the relief sought by the applicants does not survive and therefore the OA has become infructuous. It is therefore dismissed. No costs.

M.P. Singh  
(M.P. Singh)  
Member (A)

Rafiquddin  
(Rafiquddin)  
Member (J)

/gtv/

A/  
167

QA No. 12/1988

13.2.2001

Hon'ble Mr. Rafiquddin, JM  
Hon'ble Mr. M.F. Singh, AI

Arguments heard. Order dictated in a separate sheet.

*Subj*  
*Prk*  
*AM*  
*12/2/90*  
*/gtv/*

*MBR*  
*AM*

*AM*  
*JM*

}

28/08/2000

Due to post heard case, adjourn to  
12/09/2000 for hearing

14/09/2000

4  
B/C

Lawyers abstained from full case  
Adjourn to 16/10 for hearing

16/10/2000

4  
B/C

Due to post heard cases adjourn to 15/11/2000  
for hearing

4  
B/C

15/11/2000

Due to sad demise of Sri G.D. Srivastava  
Adj to 18/12/2000

B/C

18/12/2000

Hon'ble Mr. P.C. Verma (S.M)  
Hon'ble Mr. A.K. Misra (S.M)

None for the applicant

Dr. A. Nayer, Sr. A.K. Chatterjee cases  
for respondent, case not reached due to post heard  
cases  
List for hearing on 09/01/2001

4  
B/C

AM

JM

09/01/2001

No sitting of DB after lunch session. Adjourn  
to 11/01/2001 for hearing

4  
B/C

OR M. 12/80

02-2-2000

Hon. Dr. D. C. Verma, I.A.  
Hon. Mr. A. K. Ganguly, A.I.A.

None for the applicant.

Sh. S. Sharma, for respondents.

None is present to press  
M.P. 1740/99. M.P. is therefore,  
rejected.

AM

AM

AM

7/4/2000

Hon. Mr. Justice N. Sanyal Reddy vs  
Hon. Mr. A. K. Ganguly, A.I.A.

Heard M.P. 711/2000. M.P. allowed  
as explanation given by the  
petitioner appears to be reasonable.

AM  
AM

AM  
AM

24/4/2000

Hon. Mr. Justice N. Sanyal Reddy vs  
Hon. Mr. A. K. Ganguly, A.I.A.

Heard M.P. No. 1740/2000. No representation  
from the respondent. Heard the counsel  
for the petitioner. M.P. is allowed.

OR  
6/4

MP. 1740/99  
is submitted  
for orders on  
24/4/2000

AM

AM  
AM

Submitted before  
D.R. for fixing date  
re 7/4/2000

7/4/2000

0-12/88

6-4-99: Lawyers obtained from judicial  
work today. Case is adj  
to 19-5-99 for hearing

BC

19/5/99

Hon. Mr. D.C. Verma, J.M.  
Hon. Mr. A.K. Misra, A.M.

Sh. J.P. Mathur for applicant  
Sh. A.K. Chatuvedi for  
respondents.

List on 6/7/99 for hearing.

A.M.

J.M.

Subs. Ct / Sub P.A.  
Case no. 1000 exchanged  
Bleeding are complete  
27/5/99

06-7-99

No setting of DB  
Case adj to 20-7-99  
for hearing

BC

20-7-99

Hon'ble Mr. D.C. Verma, J.M.  
25-ii-99 Hon'ble Mr. A.K. Misra, A.M.

Sh. J.P. Mathur for applicant  
Sh. A. Tripathi brief holder for  
Sh. A.K. Chatuvedi for respondents  
Due to joint heard case, adjourned  
to 29-7-99 for hearing.

A.M.

J.M.

est 12/08

or  
Proceedings are  
Completed  
Crt 98

21-6-98 . Survey obtain from Tush  
wrote add to 19 298

I  
P.S.

19-2-98

Hon. Mr. V. K. Seth, A.G.

Hon. Mr. D. C. Verma, D.L.

Sh. J. P. Gathia, learned  
Counsel for applicant. Sh. Srinil  
Sharma, for respondent.

Fix on 03-4-98 for  
hearing before High Member  
Court.

A

J.G.

18  
A.G.

D.L.

34-98

Hon. Mr. D. C. Verma, M.

None for applicant.

Sh. Sanil Sharma for respondent is present

Learned counsel for respondents submits  
that a supplementary affidavit has been  
filed on behalf of the applicant and  
seeks 3 weeks time to file reply to the  
same.

It is seen that the relief claimed  
in the O.A. ~~that~~ besides regularisation the  
applicant has claimed regular pay scale  
to contingent work ad par with the  
salary given to other employees in the  
department performing the same nature of  
work from the initial date of appointment.  
This relief can be considered by a D.B.  
only, the case therefore be listed before  
a D.B. list on 28-4-98 for hearing.

N.M.

J.M.

07.12.00

$\frac{A}{102}$

3.7.97

No. 8114213 B. offor<sup>1</sup>  
23.9.97  
Mac

applicant may file supplementary rejoinder  
within one week of the receipt of the C.A.  
The C.A. be listed for hearing on 18.11.96.

J.K.

V.S.  
A.M.

18-11-96

NO sitting of D.B. Case is  
adj. to 07-1-97.

~~22~~  
B.C.

7-1-97

No sitting of D.B. adjourned  
10.2.97.

B.C.

18-2-97

Hon. Mr. V. K. Seth, A.M.

Hon. Mr. D. C. Verma, J.M.

On the adjournment slip of 1st  
counsel for the respondent  
case is adjourned to 23.4.97.

J.M.

V.S.  
A.M.

23-4-97

Hon. Mr. V.K. Seth A.M.  
Hon. Mr. D. C. Verma A.M.

On the adjournment slip  
of Counsel for the respondent  
14.5.97

J.M.

V.S.  
A.M.

14-5-97

No sitting of A.M. adjourned  
03.7.97.

B.C.

St. No. 12/108

08-1-96

Hon'ble Mr. V. K. Seth. A.M.  
Hon'ble Mr. D. C. Verma, S.M.

Sri. U. K. Srivastava, brief  
holder for Sri. T. P. Mathur, learned  
counsel for the applicant, Hon.  
A. Choudhary, for respondents.

Hon. Choudhary, prays for & is  
allowed 2 weeks time for filing  
Supp. Affidavit & the applicant  
will have one week thereafter  
to file Supp. R.A..

Leis on 20-2-96 for  
hearing.

✓  
T.M.

V.L.  
A.M.

20-2-96

Decr & Sent domisg L.P.C. Supn  
Adv. Collected 15-3-96

✓  
B.M.

15-3-96

For Mr. V. K. Seth A.M.  
For Mr. D. C. Verma, S.M.

Sri. T. P. Mathur for applicant  
Sri. Sunil Sharma for respondent.

As prayed for, 2 weeks time  
is allowed to applicant to  
file copies of documents necessary  
for compliance of procedure and practice  
rules, as the C.A. has been filed  
on behalf of G.S.I. Staff Councillor.

✓ and M 26-4-96

✓

T.M.

J.P.

marked (S) D-2 93  
for hearing  
intimated  
M.P. 5/2/93

Case not ready  
D-3 94  
R.K.

(1) (6) 8.3.94  
7/2/94

Memt. Mr. Justice R. K. Varma V.C  
Memt. Mr. V. K. Sahu. A.M.

Submtd  
for hearing  
in order  
in respect  
of M.P. 5/2/93

None responds on behalf  
of the applicant. Case  
on 25.4.94.

V.K.  
A.M.

R.K.  
V.C.

(1) (6) 25-4-94 Hon: Mr. S.N. Basu Jr  
Hon Mr. V. K. Sahu. A.M.

of  
CA & RA where  
already been  
decided  
in the  
same  
by  
M.P. 5/2/93  
24/9/94

None has been filed by  
Dr. Asitkumar Migaon on behalf  
of respondents. None for the  
applicant. but this case on  
21-7-94 for disposal of  
Amendment Application  
M.P. No. 208/94

E

AM

JM

OR (8) 21.7.94  
M.P. NO. 208/94  
moved S. F. O.  
C. A & RA filed  
th  
24/8/94.

Lawyers absent the Trial will  
be adj. to 25.8.94

DR

24.4.95. Case is adj. to 7.7.95

8  
BAC

of  
CA & RA  
b/l

(12) 4/1/95

Hon Mr. V. K. Seth, A.M.  
Hon Mr. D.C. Verma, J.M.

✓  
CD/PA filed  
SPP  
10/1/95

On the adjournment application  
of Dr. Ashok Meijam, adjourn to  
11-1-95

J.M.

✓  
AM

(13)

11/1/95

Hon Mr. V.K. Seth, A.M.  
Hon Mr. D.C. Verma, J.M.

✓  
SPP  
10/1/95

None for the applicant. The  
information has been received  
~~from~~ Dr. A. Meijam that he  
is out of station.

Fix on 16/2/95.

J.M.

✓  
AM

(14)

16/2/95 HON. MR. JUSTICE B.C. SAKSENA, V.C.  
HON. MR. V.K. SETH, A.M. —

List on 18/3/95 for hearing. bcr

MEMBER (A)

VICE-CHAIRMAN.

18-3-95 - No setting of D.B. adj to  
7-4-95

7-4-95

Hon Mr. Justice B.C. SAKSENA V.C. bcr  
Hon Mr. V.K. Seth, A.M.

On the adjournment application  
of Dr. Ashok Meijam adjourn 24-4-95

J.M.

✓  
AM

✓  
AM

(1) 27.8.93  
A

No. 30/9/93 adj to 30.9.93

f

30/9/93

Hon. Mr. S. N. Prasad, J.M.  
Hon. Mr. V. K. Seth, A.M.

This M.P. No. 579/93 has been moved for restoration of O.A. No. 12/88 which has been dismissed for default. A perusal of records <sup>shows</sup> that on the date of the passing of the impugned order the learned counsel for the respondent was present. As such issue notice to the ~~counsel~~ <sup>for</sup> the respondents for filing ~~their~~ objections, if any, against the M.P. No. 579/93 within 4 weeks. List this case on 17-11-93 for disposal of M.P. No. 579/93.

L.R.

A.M.

J.M.

(tgk)

d  
M.P. No. 579/93 moved  
J.M.  
J.M.  
14/10/93

Central Administrative Tribunal  
Ludhiana Bench

Cause Title : 19 of 1988

Name of the Parties (i. S. I.), Staff Nurse .. . . . . Applicant

V e r s u s

Union of India .. . . . . Respondents.

Part A . P.C.

Sl. No.	Description of documents	Page
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3.	Judgement. (P.M.J. No. 24-3-92 A7/	
4.	Petition Copy .	A8 - A8
5.	Annexure .	A16 - A27
6.	Power .	A28
7.	Counter Affidavit.	A29 - A30
8.	Rejoinder Affidavit.	A31 - A43
9.	C.M. Application (A.C.)	A44 - A47

B - file

B - file

B1 - B4

C - file

By extenuation of letter

dated 23-5-1988, for filing of

judgement of 24-3-1992

in case No. 19 of 1988

by affidavit of 23-5-1988

judgement of 13-6-1988. Also to file

certified that the file fit for

posting out on 23-5-1988.

certifying, ..... ?

Solo 7

filed on 26.4.88  
A.D.  
26/4

# CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. OA 12 of 1988 (L) A

APPLICANT (s) Geological Survey of India, Staff Union, Northern Region, Committee Plot No. 2, Sector 'E' Aligarh, Lucknow

RESPONDENT(s) U.O. I.G.I. & Others

D. O.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	<i>Appeal is preferred by Staff Union. Hence prior permission u/s 5(b) of C.A.T. (Procedure) Rule '87 is necessary.</i>
2. (a) Is the application in the prescribed form ?	<i>Also.</i>
(b) Is the application in paper book form ?	<i>Yes (5 sets)</i>
(c) Have six complete sets of the application been filed ?	<i>No (Pre-Mature)</i>
3. (a) Is the appeal in time ?	<i><del>No</del> No. Pre-mature by 6 months &amp; 14 days</i>
(b) If not, by how many days it is beyond time ?	
(c) Has sufficient cause for not making the application in time, been filed ?	<i>N. A</i>
4. Has the document of authorisation, Vakalat-nama been filed ?	<i>Yes</i>
5. Is the application accompanied by B. D./Postal Order for Rs. 50/-	<i>Yes I.P.O. No 409057002 9.4.88 w/ 915938 or 9.4.88 for Rs 50/- Only</i>
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	<i>Yes</i>
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	<i>Yes</i>
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	<i>Yes (Attested by Advocate)</i>

ORDER SHEET

O.A. NO. 12/86(L)

2588

Govt. of India vs. K. Madhava Reddy (Chandray)

From: R. C. Motherwell, V.C.

(RB)

Adjourned. Reply by 3-6-88.

RD by 22-6-88, 16-7-88 for hearing.

10/1

17/7/88 Adjourned to 20-7-88.

17/7/88

From: Ajay Dabholkar, Am.

20-7-88.

Govt. of India vs. K. Madhava Reddy for respondents  
wants time to file counter. He  
is allowed to do so. Reply can  
be filed within fifteen days after  
serving a copy of the same  
on the applicant. The applicant  
may file rejoinder within fifteen  
days if he so likes. List  
this case for final hearing

on 23-8-88.

36

Am.

Am.

O.R.

8/8/88.

In compliance with Hon'ble Bench  
order dt. 20-7-88, no reply filed so far.  
Put up on 23-8-88.

With  
STC

D.R.

23-8-88

Counsel for the both the parties  
are present. Despite order of the  
Court reply not filed today.  
Next sitting of the Tribunal will be  
place for a week from 19-9-88  
on the case can not be fixed for  
hearing before this date under the  
circumstances case is fixed for

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *yes* AP

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 ?

(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 ? *N.A.*

17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

(d) Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ? *No.*

19. Whether all the remedies have been exhausted.

*If approved, the case may be listed for admission on 25-5-88.*

*File No. 29/4/88  
D.R.J.*

*Application is pre-mature as the only representation is made on 17.3.88.*

*Accpt  
26/4*

67A 121006(4)

Hon' Mr. D.S. Misra, A.M.  
Hon' Mr. D.K. Agrawal, J.M.

25/4/89

No one is present for the applicant. Reply has been filed on behalf of the respondents. No rejoinder has been filed on behalf of the applicants. The case is listed for final hearing on 5-7-89.

D.  
J.M.

A.M.

(sns)

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. K.G. Roman, W.M.

5-7-89 Learned counsel for the applicant requests for another opportunity to file rejoinder. List this case

for final hearing on 9-8-89.

The applicant may file rejoinder within the meantime.

- K.G.R.  
- V.M.

V.C.

OR

No rejoinder has been filed so far submitted for final hearing.

(sns)

9.8.89. No setting. Adj. to 7.11.89

L  
B.O.C.

7-11-89

Hon' Mr. D.K. Agrawal - JM  
Hon' Mr. K. Obayya - AM

On the request of both the counsel for parties the case is adjourned to 05/02/90 for hearing.

D  
JM

fr

OR

No rejoinder has been submitted for hearing.

6/11/89

Adj. applic  
of Mr. V.K. Chaudhary  
of date is placed  
in the file of 67A 99/89/II  
R

7/11

12/00(L)

5.2.90

No Sitting Adj. to 3.4.90  
Both the counsel are present

(AS)

4-6-90

Hon. Justice Mr. K. Naldehra. V.C. OR NO R.A. filed  
Hon. Mr. K. J. Raman. A.M. S.P.M. 30/5

~~On the request of~~ both the parties case is adjourned

to 19-7-90.

DK

DK

A.M.

V.C.

9-7-90

No Sitting Adj. to 28/8/90

28.8.90

Hon. Mr. D K Agrawal, J.M.  
Hon. Mr. K. Obazya, A.M.

OR

NO RA filed  
S. P.M.

On the request of Mr. D. K. Agrawal  
Saxena, for applicant, adj.  
to 10-10-90. Shri V. K. Chaudhary  
is present too OR

DK  
A.M.

DK  
J.M.

10.10.90

No sitting adj. to 8.11.90

8.11.90

Hon. Mr. M. V. Bhandarkar. A.M  
Hon. Mr. D. K. Agrawal J.M.

Due to resolution of Bar Association  
Case is adjourned to 12.12.90

OR  
NO R.A. filed  
S.P.M. 7/12

(W)  
B.O.C.

(46)

4/4/91 - case not reached adj to  
22.5.91.

23.5.91

No Siting Adp to

12-8-91

2

wrong in this  
regard. F.C.C is  
warned for future  
Now the case  
be listed for  
F4 - 22/1/91.

The previous and  
today is recal

12/8/91

Hon. Mr. Justice K. Radh, v.c.

Hon. Mr. K. Obeyya, Adv.

Smti J. P. Mathur for the applicant  
agrees that the ~~order~~ needs amendment.  
Admittedly, the relief set out in para  
5 of the original application seeks  
regularisation and also equality of salary.  
Para 3 (xiii) at page 4 describes a large  
number of posts with varying scales of  
pay. The admixture of all those posts  
in one application is likely to cause  
lot of confusion. Perhaps one class  
of posts with the corresponding class  
with which parity is sought may  
be more intelligible ~~from~~ the point of  
view the relief sought. The applicant  
may apply for suitable amendment  
of the application within two weeks  
and the case may come up for  
orders on 26/8/91.

J.P.  
Adv.

Q  
v.c.

26.8.91

No Siting adp to 23.9.91

2

Noted for  
9/2/91  
Releas

24-3-92

Hon. Mr. S. N. Prasad, J.M. (AP)

Case called out several times at intervals. None responds on behalf of applicant. Shri Gherao Verma, V.D.C., who is prosecutor from the side of respondent is present and states that counsel for respondent Shri N.K. Chaudhary has also come, but at the time he is not present. This is an old case and requires speedy disposal.

Put up this case again after lunch for hearing.

J.M.

24.3.92

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

case called out again after lunch. None responds on behalf of the applicant, despite repeated calls at intervals. Shri V.K. Chaudhary learned counsel for respondent is present. This is an old case and requires speedy disposal. This is noteworthy that on the last date also none responded on behalf of the applicant. Application of the applicant is hereby dismissed for non-prosecution with no order as to costs.

Re-  
Dated  
30.4.93

J.M. 24.3.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD PENCH

(Reg)

6A 12 of 80 (L)

1. Geological Survey of India & Staff Union, Northern Region, Committee Plot No.2, Sector 'E' Aliganj, Lucknow through its General secretary .....Applicant
2. S.K. Saxena aged about 45 years & late H.K. Saxena  
27/246 Newazganj Lucknow posted as library Assistance.  
VERSUS

1) Union of India through Secretary, Ministry of Steel and Mines, Department of Mines, New Delhi.

2) Director General, Geological Survey of India  
27-J. Nehru Road, Calcutta.

3) Dy. Director General, Northern Region, Geological Survey of India, sector 'E' Aliganj, Lucknow.

..... Respondants

Application under Section 19 of the Central Administrative Tribunal Act.

DETAILS OF APPLICATION :

**1. Particulars of the applicant :**

(i) Name of the applicant Geological Survey of India, Staff Union, Northern Region through its Secretary Sri Ram Kumar Saxena

(ii) Office Address Committee Plot No.2 sector 'E' Aliganj, Lucknow.

(iii) Address for service .....do.....  
of Notice

261 Gym wing  
261

(iv) That the applicant declares that the subject matter of the order against which the applicant wants redressal is at Lucknow within the jurisdiction of this Tribunal.

(v) That the applicant is moving this application for the relief of mandamus for which no limitation is prescribed and the application is within the limitation prescribed under section 21 of the Central Administrative Tribunal Act.

(vi) That the petitioner is the recognised association and is engaged in the welfare of employees and for making demand for betterment of pay scales and condition of employees engaged in the services of respondent No.2.

(vii) That the respondents have made appointment on various post the persons prior to 1977 as Unskilled semi-skilled and skilled casual worker on daily wages.

(viii) That the employees working as casual worker are getting daily wages on the prescribed rates according to their category as Unskilled, semi-Skilled and skilled worker and the respondent has prescribed the rates of daily wages in accordance with the alleged directions of Ministry of Labour Government of India (Annexure-I to 4 are the orders dated 24.10.1985 , 20.8.87 , 4.1.88 , and 19.1.88 )

(ix) That it is worthwhile to mention here that the categorisation of casual labour is self-styled categorisation by the respondent as the directions contained in the memorandum of Ministry of Labour relates to casual worker employed as Unskilled labour in the Central Govt. offices and it has no mention about semi-skilled

Encl: 12

or skilled worker of the Central Govt. office.

(x) That the respondent had made appointment of Peon, technical operator, Mechanics etc. as Unskilled employees and after completion of 3 years service has made them as Semi-skilled and thereafter 3 years made them as skilled employees and have paid their wages according to the rates mentioned above.

(xi) That the respondent in case of appointment on the post of dealing clerk, Library Asstt., Copy holder, store clerk appointed the persons as skilled employees and started paying wages according to rates prescribed for skilled contingent employees of the respondent.

(xii) That it is worthwhile to mention that all persons employed as clerk, peon, Jamadar, Mechanics, Library Asstt now have completed more than 12 years and are getting wages as skilled worker irrespective of the fact that the duties rendered by the incumbent on these post are also holding responsible job of filing etc.

(xiii) That it is also worthwhile to mention that the Govt. of India on recommendation of the IV th pay commission has sanctioned the following pay scales according to posts in the ministerial employees working in the office of respondent.

Scales of pay under CCS (RP) rules on the recommendations of the IV th pay commission effective from 1/1/1986.

- 1) Khalasi, Darban and Messenger etc. Scale Rs.750/- to 940/-
- 2) Painter, Mistry, L/writer etc. " " 775/- to 1025/-
- 3) T.O.(D), Geo. & Chemical etc. " " 800/- to 1150/-
- 4) Painter polisher etc. " " 825/- to 1200/-
- 5) LDC, Clerk, Mech, Driver etc. " " 950/- to 1500/-

6) Mech.(Geophysics) etc. scale Rs. 975/- to 1540/-  
 7) Copy holder, Library Asstt.etc" Rs 1200/- to 2040/-

(xiii) That the respondent No.2 has also made appointment on the above mentioned post on regular Basis and is paying the above mentioned salary to them and thus has discriminated the employees appointed as contingent employees much prior to 1977 as they are getting still the daily wages as per the rates prescribed time to time by the respondent.

(xiv) That the payment of the members of the petitioner on the Ministerial and labour posts on the daily wages and that too on the self-styled categorisation of employees as Unskilled , Semi skilled and skilled casual worker is not imperative to the directions enumerated under Article 39(d) of the constitution as the incumbent on the post similar to the post ~~held~~ held by the person employed as contingent worker prior to 1977, is getting salary according to pay scales implemented by the govt. of India.

(xv) That the practice of keeping the persons as contingent employees inspite of the fact that the employees are continuous service for more than six months on the post is an unfair practice and unjustified

(xvi) That the petitioner persistently met the respondent and other higher authorities with the demand of regularisation of contingent workers on regular pay scales and for equal pay for equal work , the respondent fails to do anything concrete in this regard and give false assurance , the petitioner made demand in writing on 17.3.88 with the request to regularise the contingent staff and to give equal

pay for equal work but the respondent did nothing so far.

(xvii) That further the contingent employees are suffering huge monetary losses on account of deduction of three days salary on account of and are also not getting retirement benefits such as pension etc. as some members have attained the age of superannuation as contingent employees.

(xviii) That the petitioner has no other alternative remedy than to file this claim petition.

4. That the petitioner further declares that they have 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 and not any such application, writ petition or suit is pending before any of them.

5. **A** That the applicant prays that the Hon'ble Tribunal may please issue direction, order or writ thereby the respondent No.2 and 3 be directed to give regular pay scales to the contingent worker ~~as well~~ par with the salary given to other employees in the department performing the same nature of work after regularising them from the date of their initial appointments and to pay them the difference of their salary with the regular employees of the same posts.

Ch. 2000

(AS)

B)

B) That the Hon'ble Tribunal may please direct the respondents through order, writ or direction thereby the respondents may be directed to pay the contingent worker all the benefits which are given to other regular employees doing same nature of work.

C) That any other reliefs the Tribunal may grant which this Hon'ble Tribunal may deem fit and proper.

D) Costs of Petition be also awarded to the petitioner.

Particulars of the Bank Draft :

Postal Order No. 4090512 dated 9.4.88 Lucknow  
26915938 dated 9.4.88

Lucknow

26915938

Dated

Petitioner

I, Ram Kumar Saxena aged about 38 years, Secretary G.S.I. Staff Union, Northern Region, Committee Plot No.2, Aliganj, Lucknow do hereby verify that the contents of paras 1 to 6 are true to my personal knowledge and para 7 to 10 believed to be true on the legal advice and that I have not suppressed any material fact.

Myself

Petitioner

List of enclosures

1. ANNEXURE NO.1 -- Circular dated 24 Oct 1985  
DATED 20 sent 1985
2. ANNEXURE NO.2 -- Circular dated 20 Aug 1987
3. ANNEXURE NO.3 -- Circular dated 4 JAN 1988
4. ANNEXURE NO.4 -- Circular dated 19 JAN 1988
5. ANNEXURE NO.5 -- Circular dated 9th August 1985
6. ANNEXURE NO.6 -- A Letter  
sent by staff dated 17/2/88  
Union

Final answer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALIABAD BENCH

8

AP

Geological Survey of India, Staff Union.....Applicant  
Versus

Union of India through Secretary, Ministry of Steel  
and Mines & others .....Respondants

ANNEXURE NO.1

GOVERNMENT OF INDIA

GEOLOGICAL SURVEY OF INDIA

NORTHERN REGION

3, GOKHLE MARG, LUCKNOW

No. 16751/5/4/Contg/82/Estd. Vol. IV Dated the 24 OCT 1985

A copy each of the undermentioned letters is forwarded for information and necessary action to:-

The Director, E.G. (South) Division/Circle,  
NRGST, Lucknow

E.G.(3)

( H.R.NARULA )

Administrative Officer  
for Sr, Dy. Director General (OP), NR.

GOVERNMENT OF INDIA  
MINISTRY OF STEEL, MINES & COAL  
DEPARTMENT OF MINES

No. J.11011/34/83-M.2

New Delhi, the 20th Sept, 1985

To

The Director General,

Geological Survey of India,  
27-J.L.Nehru Road,  
Calcutta.

Sub:- Revision of wages of casual workers in the  
Geological Survey of India.

*True Copy.*  
*J. Malhotra*  
*AD*

(A12)

Sir, I am directed to say that in supersession of this Ministry's letter No.J.11011/34/83-M.2, dated 17th March 1983, the president is pleased to fix the rate of daily wages of casual workers in Geological Survey of India as under :-

<u>Category of Workers</u>	<u>Daily Rate of wages</u>
Unskilled	Rs. 11.20
Semi Skilled	Rs. 15.00
Skilled	Rs. 22.50

The above rates will be applicable for all the seven days of a week.

3. Casual workers of Geological Survey of India will be entitled to the rates of wages fixed by the local authorities or minimum wages fixed by the state governments or at the above rates whichever are the highest.
4. The expenditure involved should be met from within the sanctioned budget grants of Geological Survey of India for 1985-86 and subsequent years.
5. The above rate of wages in respect of casual workers of Geological Survey of India will take effect with effect from 9.8.1985.
6. You are hereby authorised to fix in consultation with Senior Deputy Director General (Finance), the daily wages of Contingent Workers of Geological Survey of India throughout the country based on the daily wages to be noticed from time to time by the Ministry of Labour for casual labour employed in the Central Government Offices in New Delhi/Delhi on the lines indicated in the enclosed note.
7. This issues with the concurrence of Integrated Finance in the Deprt. of Mines vide their U.O.No.3079/IF/85 dated 20.9.85.

Yours faithfully

sd

( J. B. MUNIRAJU II )

*True copy  
J. B. Muniraju II  
20.9.85.*

P.O  
R/18

## UNDER SECRETARY TO THE GOVT. OF INDIA

Basis for revision of daily wages for contingent workers of Geological Survey of India

Present daily wages of Unskilled labour  $\text{Rs. } 10.00$

This is based on the daily wages of  $\text{Rs. } 11.60$  fixed by the Ministry of Labour for the Unskilled casual labour employed in Central Govt. offices in Delhi/New Delhi for 6 days week (with no payment for the rest day)

The revised daily wage fixed by the Ministry of labour employed in Central Govt. offices in Delhi.  $\text{Rs. } 15.70$

Weekly wages with two days of rest  $\text{Rs. } 15.70 \times 5 = 78.50$

Daily wages including payment for two rest days  $\frac{\text{Rs. } 78.5}{7} = \text{Rs. } 11.20$

Increase in daily wages of unskilled labour  $11.20 - 10 = \text{Rs. } 1.2$  or  $12\%$

The same percentage of increase be applied to the wages of Semi-Skilled labour.

True COPY  
J. M. J. M. A. M.

11  
R.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Geological Survey of India, Staff Union .....APPLICANT  
VERSUS

Union of India, through Secretary, Ministry of Steel &  
Mines and others .....Respondants

ANNEXURE NO. 2

GOVERNMENT OF INDIA

Geological Survey of India,  
Northern Region,  
GSI COMPLEX, Sector-E  
Aliganj, Lucknow-20

No. 5/4/Estt/Vol.IV. Lucknow dt. 1987

C I R C U L A R

The following rates of daily wages of Contingent workers stationed at Lucknow have been approved by the Director-in-Charge, Northern Region, Geological Survey of India, Lucknow w.e.f. 1.8.1987 on the basis of recommendations made by the District Magistrate pending clarification from CGO :

<u>Sl. No.</u>	<u>Category</u>	<u>Rate of Wages</u>
1.	Skilled Contg. Worker	Rs.30/- per day
2.	Semi-Skilled Contg. Worker	Rs.22/- per day
3.	Un-Skilled Contg. Worker	Rs. 18/- per day

*True Copy*  
*S. R. Sharma*  
( S. R. SHARMA )

Cost Accounts Officer,  
for Director-in-Charge, N.R.

Forwarded to the Pay & Accounts officer, Northern Region

Geological Survey of India, Lucknow.

No.6969A 5/4/82/Estt/Vol.IV.

Lucknow dt.20 AUG 1987

Copy forwarded to :-

1. The Director-in-Charge, Operation U.P., N.R. G.S.I. Lucknow.
2. The Director-in-Charge, Operation ~~Geological~~ Geotechnical & Special Investigation, N.R. G.S.I. Lucknow.
3. The Director, E.G.Divn-3 N.R. G.S.I. Lucknow.
4. The Security Officer N.R., N.R., G.S.I. Lucknow.
5. The Mech. Engineer (Sr.), E & T Divn, N.R.G.S.I., Lucknow.
6. The Admin. Officer, A/C-II Sec., N.R.O., G.S.I. Lucknow.
7. The Admin Officer, ----- N.R.O., G.S.I., Lucknow.
8. The Supdt. Director-in-Charge Cell, N.R.O., G.S.I., Lucknow

( S.R.SHARIA )

Cost Accounts Officer,  
for Director-in-Charge, N.R.

True Copy  
J. Prakash  
A.R.

13  
R/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Geological Survey of India, Staff Union.....Applicant  
versus

Union of India through Secretary, Ministry of Steel  
and Mines & others.....Respondents

ANNEXURE NO.3

GOVERNMENT OF INDIA

GEOLOGICAL SURVEY OF INDIA

NORTHERN REGION, GSI COMPLEX,  
SECTOR -E, ALIGARH, LUCKNOW

No. 5/4/Contg/82/Estt.Vol.II dated 1988

CIRCULAR

In partial supersession of this office Circular  
No.9856-91A/5/4/Contg./82/Estt.Vol.II, dated 9th Oct.1987  
and in terms of D.G., GSI, O.N. No.3674G/A-12031/Copy Pages/86/17  
D dated 10th Dec.1987 the following rates of daily  
wages of contingent workers stationed at Lucknow have  
been approved by the Dy. Director General, NR, GSI, with  
effect of 1.9.1987. The following revision is provisional  
pending clarification from Central Headquarters GSI:-

<u>Category of Workers</u>	<u>Daily rate of wages</u>
Un-skilled	Rs. 18.00
Semi-Skilled	Rs. 22.20
Skilled	Rs. 33.30

sd/  
( S.R. SHARMA )

Cost & Accounts Officer  
for Dy. Director General, NR

Forwarded to the Pay & Accounts Officer, Northern Region  
Geological Survey of India, Lucknow.

Copy forwarded to:-

4 Jan 1988

cont. on page 2

*True Copy  
J. Malhotra  
for*

1. The Director-in-Charge, Operation Geotechnical and Special Investigation, NR, GSI, Lucknow.
2. The Director-in-Charge, Operation U.P., NR, GSI, Lucknow
3. The Director E.G.Divn III, NR, GSI, Lucknow
4. The Mech. Engineer (Sr.) E&T.Divn. NR, GSI, Lucknow
5. The Security Officer, NR, GSI, Lucknow
6. The Dy. Controller of Stores, NR, GSI, Lucknow.
7. The Adm. Officer, Accounts-I, II, General Sec. NR, GSI, Lucknow.
8. The Hindi Officer, NR, GSI, Lucknow.
9. The Subdt. Dy. D.G. Cell, NR, GSI, Lucknow.
10. The General Secretary, GSI, Staff Union, NR, GSI, Lucknow

( S.R. SHARMA )

Cost & Accounts Officer  
for Dy. Director General, NR.

*True copy  
Journalist Adr*

15  
APB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Geological Survey of India, Staff Union .....Applicant  
Versus

Union of India through Secretary, Ministry of Steel  
and Mines and others .....Respondants

ANNEXURE NO.4

GOVERNMENT OF INDIA

GEOLOGICAL SURVEY OF INDIA

NORTHERN REGION, ALIGARH COMPLEX, LUCKNOW

No. 15774A/5/4/Contg./82/estt.Vol.IV Dated the 19 Jan 1988

A copy of Director General, Geological Survey of India O.M.No.3674g/A-12031/CW/Rages/86/1/D dated 10.12.1987 is forwarded for information and necessary action to:-

sd

(H.N.PAUL )

Administrative officer,

for Dy. Director General, NR.

To

The Director, EG-III Division Geological Survey of India, Northern Region, Lucknow.

Copy of DG, GSI O.M.No.3674g/A-12031/CW/Rages/86/1/D dt. 10.12.87

Sub: Revision of rates of wages of Casual workers in Geological Survey of India.

As per authorisation given in Ministry of Steel and Mines Department of Mines letter No. J-11011/34/83.M.2 dated 20.9.85 (Reference para 6-7 thereof), Director General, Geological Survey of India is pleased to fix the rates of daily wages of casual workers in Geological Survey of India as under :-

*True copy  
J. Mathur  
for*

<u>Category of workers</u>	<u>Daily rate of wages</u>
Un-Skilled	Rs. 16.60
Semi-Skilled	Rs. 22.20
Skilled	Rs. 33.30

2. The above rates will be applicable for all the 7(seven) days in a week.

3. Casual workers of Geological Survey of India will be entitled to the rates of wages fixed by the local authorities or minimum wages fixed by the State Government or at the above rates whichever are the highest.

4. The expenditure involved should be met from within the sanctioned budget grants of Geological Survey of India for 1987-88 and subsequent years.

5. The above rates of wages in respect of casual workers of Geological Survey of India will take effect from 1.9.1987.

6. This issues with the concurrence of Dy. Director General Geological Survey of India.

Sd/-

( JAGDISH LALL )

Director (Administration)

*True Copy  
Journalist  
A.S.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHAPAD BENCH

(A25)

Geological Survey of India, Staff Union .....Applicant  
Versus

Union Of India through Secretary, Ministry of Steel  
and Mines ..... Respondants

ANNEXURE NO.5

Most IMMEDIATE

No. S-32021/9/85-N.O.(M.W.)

Government of India / Bharat Sarkar  
Ministry of Labour / Shram Mantralaya

New Delhi, Dated the 9 th August, '85,

OFFICE MEMORANDUM

Sub: Payment of daily/wages for casual labour(unskilled) employed by Ministries and Departments in their offices at Delhi/ New Delhi.

The undersigned is directed to say that the daily wages rate of unskilled casual labour employed in Central Government Offices in Delhi/New Delhi, in which five day week has been introduced, will be Rs.15.70 ( Rupees Fifteen and paise seventy only). This rate is unclusive of the payment for two weekly days of rest for which no separate payment is to be made. The revised rate is Effective from the date of issue of this office Memorandum.

2. The Ministries/Department are requested to bring this to the notice of all the offices under their administrative control, situated in Delhi/ New Delhi.

3. This issues with the concurrence of the Ministry of Finance.

*True Copy  
J. Raghavan*

Sd/-

(P. Raghavan )  
Deputy Secretary TEL. NO. 382947

R26

Geological Survey of India, Staff Union....., APPLICANT  
VERSUS

Union of India through Secretary, Ministry of Steel  
and Mines & others ..... Respondants

ANNEXURE No.6

Satya Mev Jayate

Phone: 47240

Geological Survey of India Staff Union

Recognised by the Govt. of India and

Affilliated to Indian National Trade Union Congress vide  
affilliation No.4928

Affilliated to National Confederation of Central Govt.  
Employees and workers

Regd. office : 4, Chowringhee Lane, ~~Exk~~ Calcutta-16  
Northern Region Committee Plot No.2, Sector E, Aliganj,  
Lucknow-226020

Ref No. 949 to 951/GSI80/NR/88

Dated 17/3/88

To,

The Deputy Director General,

Forthern Region,

Geological Survey of India, Lucknow

Sub: Regarding contingent Employees

*From Col  
J. M. Mathur N* Sir,

We have time and again requested you to regularise the contg. employees to grant them facilities like regular employees and to grant them pay and allowances like the regular employees on equal pay

(2)

(A23)

for equal work "basis" and are once again doing so in writing. Hope you will concede their long pending demands soon. If no reply is received in this regard within 15 days from the date of issue of this letter, we shall be compelled to move the case to the court.

Yours faithfully

( R.K. Saxena )

General Secretary

Copy with similar request and necessary action as above to :-

1. The Director General, ~~Ministry of~~ GSI, Calcutta.
2. Union of India through the Secretary, Ministry of Steel & Mines, deput. of Mines, New Delhi

Sd

( R.K. K. Saxena )

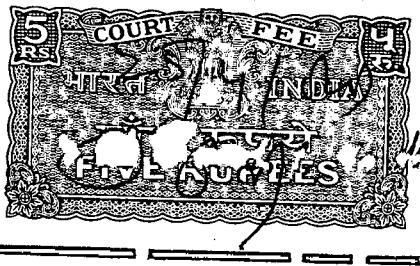
General Secretary

*True copy  
J. Mathur*

20  
४२४

ब अदालत श्रीमान Central Administrative Tribunal  
Allahabad Bench महोदय

(वादी) अपीलान्ट श्री P. Ch. का दृष्टालतनामा  
प्रतिवादी (रेस्पान्डेन्ट)



Geological Survey of India Staff Union

वादी (अपीलान्ट)

बनाम

Union of India through Secretary & others

प्रतिवादी (रेस्पान्डेन्ट)

नाम अदालत	नाम मुकदमा	नाम फरीकन	बनाम
नाम अदालत	नाम मुकदमा	नाम फरीकन	बनाम

ऊपर मुकदमा में अपनी ओर से श्री J. P. Mathur  
Rajesh Chandra Saxena Ad. एडवोकेट/वकील महोदय  
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रत्योत्तर करे या कोई कागज दाखिल करे या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहानामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारे विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखतों) रसीद से लेवे या पंच नियुक्त कर वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

J. P. Mathur  
R. Chandra Saxena Ad.

साक्षी गवाह

साक्षी [गवाह]

दिनांक 16

महीना ५

सन् १९८८ ई०

हस्ताक्षर 31.7.1988

©. A. 12/88(1)

(AD)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Geological Survey of India ..... Applicant  
Staff Union, Northern Region  
Versus

Union of India & others ..... Respondents

I N D E X

S.No.	Particulars	Pages
1.	Application	1 - 7
2.	Annexure No. 1 true copy of letter dated 24.10.35	8 - 10
3.	Annexure No. 2 Copy of Circular	11 - 12
4.	Annexure No. 3 true copy of Circular	13 - 14
5.	Annexure No. 4 True copy of letter dated 19.1.1988	15 - 16
6.	Annexure No. 5 true copy of Office Memorandum dated 9.8.1985	17 -
7.	Annexure No. 6 True copy of letter	18 - 19
8.	Power	20

-----  
Lucknow:

Dated: 16.4.88  
26

J P Mathur  
Counsel for petitioner

10

A29

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A No.12/88(L)

G. S. I. Staff Union ~~and others~~ .. Applicants

Versus

Union of India and others .. Opp. Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

...

*S.C. Balmiki*  
22/3/89

I, S.C. Balmiki, aged about 57 years, son of late Shri Bahulal, posted as Senior Administrative Officer, Northern Region, Sector-E, Aliaganj Complex, Geological Survey of India, Lucknow do hereby solemnly affirm and state as under:-

1. That the deponent is well conversant with the facts of the case and he is ~~file~~ filing this counter affidavit on behalf of the opposite parties.
2. That the deponent has read and understood the contents of application as well as the facts given herein under in reply thereof.

3. That the contents of para 1 & 2 of

*S.C. Balmiki*

the application need no comments.

4. That the contents of para 3(i) & (ii) of the application are not disputed.

5. That the contents of para 3(iii) of the application are incorrect as stated and in reply it is stated that the most of the ~~contingency~~ staff have been appointed against the regular Group 'C' and 'D' posts as and when the vacancies occurred according to the eligibilities of the workers. The contingency hands who were engaged prior to 2.9.1971 were given preference over the vacancies reserved for SC/ST while appointing them against the regular posts of Group 'C' and 'D' cadres. The most of ~~contingency~~ hands engaged upto 31.10.77 have been appointed and are being appointed

*BB 27/3/79* as per the availability of the vacancies. The ~~contingent~~ hands who could not be appointed against the regular vacancies are being paid revised daily wages as per rates approved by the Local Authority. In view of the above facts and since there is no rule that the pay scale of regular employees should be given to the contingent hand who cannot be appointed in regular

*S Balasubramanian*

in regular posts for want of regular vacancy should be given the pay scale of regular employees.

However, consequent on receipt of instructions from the

~~S.~~ Government (Department of Personnel and Training )

letter No. F. No. 49814/2/86-Estt(D) dated the 7th June, 1988

the issue relating to payment for equal pay for ~~equal~~ work and regularisation of casual labourers ~~an~~ propos of the guidelines formulated by the Department of Personnel and Training is under examination in Geological Survey of India for necessary implementation.

6. The the contents of para 3(iv) of the application are incorrect as stated and in reply

it is stated that the subject matter relating to redresal of grievances, pertains to the whole of Geological Survey of India. No instructions were issued for the engagement by Director General, Geological Survey of India.

7. That the contents of para 3(v) of the application need no comments.

8. That the contents of para 3(vi) of the application are admitted to the extent that the

S. Balaji petitioners area regognised Union.

9. That the contents of para 4 3(vii) of the application are incorrect as stated, hence denied and in reply it is stated that the contingency hands were engaged prior to 1977 and not appointed against any posts, they were engaged on the basis of 'No work no pay' and later on they were categorised as unskilled/semi-skilled and skilled casual workers (contingency) vide Director of Administration, GSI, Calcutta Memorandum No.2812/75/17A/2691/2798 dated December 1975.

10. That the contents of para 3(viii) of the application are admitted to the extent that the wages are being regulated as per orders issued by the Ministry from time to time.

11. That the contents of para (ix) of the application are not admitted being incorrect, hence denied and in reply it is stated that the category of ~~xx~~ contingency workers as unskilled/semi-skilled and ~~or~~ skilled was done on the recommendations of the re-categorisation committee as per instructions received from the Director General, GSI vide Director (Adm) GSI, letter No.2812/73/17A/2691/2798 Dec. 1975.

S Balaji

12. That the contents of para (x) of the application are incorrect as stated, hence denied and in reply it is stated that the contingency hands have not been appointed against the regular posts viz. peon, Tech. operator, Mech. etc. The contingency workers were subsequently uowardly recategorised as per suitability/requirements from time to time.

13. That the contents of para (xi) of the application are incorrect as stated, hence denied and in reply it is stated that the contingency hands were engaged as casual labourers and not appointed against the said regular posts as mentioned for performing the technical jobs and they were paid the approved rates of daily wages.

14. That the contents of para 3(xii) of the application are incorrect as stated, hence denied and in reply it is stated that the contingency hands were not engaged as ~~xxx~~ Clerk/Peon/ Jamadar/Mechanic/Library Asstt. because there is

*S Balanirai*

there is no provision under rules to comply them against regular posts. They have been engaged only as casual daily rate workers. Upward recategorisation of contingency workers has subsequently been done as per suitability requirement from time to time and their wages raised accordingly.

15. That in reply to the contents of para 3(xiii) of the application it is submitted that the ~~Govt~~ Government of India on recommendation of the 4th Pay Commission has sanctioned the revised scales for the said Group 'C' and 'D' posts are admitted but these scales are not applicable for causal labourers. It is well known a fact that contingency hands have been engaged and not appointed against the regular posts otherwise there was no need for paying the daily wages to the contingency hands however, they are being paid the revised rates as daily wages as follows:

- (a) Skilled - Rs.33.30
- (b) Semi-skilled - Rs.22.20
- (c) Unskilled - Rs.18.00



16. That the contents of para 3(xiii) of the application are incorrect as stated hence denied and in reply it is stated that some contingency hands have subsequently been appointed against the regular posts and are getting pay scales of the post concerned but the contingency hands who have not so far been appointed against the regular posts as per eligibility and suitability are still continuing as contingency workers and are being paid at the prescribed daily wages rates.

17. That the contents of para 3(xiv) of the application are not admitted, and it is stated that the recategorisation of contingency workers engaged as no work no pay basis upwardly has been done from time to time considering the experience, skill suitability of candidates and also the requirements. There has been no violation of Articles 39(d) of the constitution.

18. That the contents of para 3(xv) of the application are incorrect, hence denied and in reply it is stated that the contingency hands were engaged on the basis of 'no work no pay'. They are being gradually

*S. Balaji*

appointed on suitable regular posts as and when vacancies are occurring in keeping with their suitability and eligibility as per relevant recruitment rules. The question of unfair practice and unjustified does not arise because they have not been appointed against any regular posts.

19. That the contents of para 3(xvi) of the application are incorrect as stated hence denied and in reply it is stated that it is well known fact to the applicants that most of the contingency hands have since been appointed against the regular posts and are being appointed as and when the vacancies in the Group 'C' and 'D' cadres arise, subject to the eligibility and suitability of the candidates as per prescribed Recruitment rules. There is no rule to give regular pay scale to the contingency hands against which they have not been engaged. The demand of the applicant is not based on facts, rules and law and is liable to be rejected.

20. That the contents of para 3(xvii) of the application are incorrect as stated and in reply it is stated that the contingency hands have been

(137)

engaged on the basis of 'no work no pay' and are not entitled to all the benefits applicable to regular employees,

20. That the contents of para 3(xviii) and para 4 of the application need no comments.

21. That the contents of para 5-A of the application are incorrect as stated, hence denied and in reply it is stated that the contingency hands were engaged on 'no work no pay basis and were not appointed against regular posts. Hence the question of giving them the regular pay scales does not arise. Most of the contingency hands have since been appointed to regular Group 'C' and 'D' posts and others are being considered and appointed to regular posts as per eleigibility/suitability as and when the vacancies are become available. Hence they are not entitled to the relief sought for.

27/3/89

22. That the contents of para 5-B of the application are incorrect as stated and in reply it is stated that the benefits which are given to regular employees cannot be given to the contingency hands as they are not governed by the Rules and regulations which are applicable to regular employees.

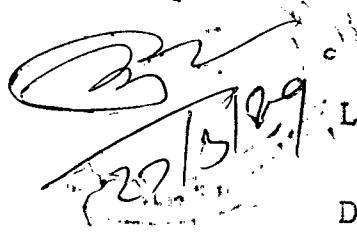
S. Devaraj

23. That the contents of para 5-C and 6-D of the application ~~g~~ needs no comments.

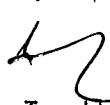
24. It is pertinent to mention that the contingent hands have no locus standi to file the application before the Hon'ble Central Administrative Tribunal for redressal of their grievances as decided by the Hon'ble Central Administrative Tribunal, Jabalpur Bench in the case of Shri Anurudh Singh and others - vs - Union of India and others (1988) 7 ATC 925 (Jabalpur Bench).

25. That in view of the facts, reasons and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs to the opp. parties.

S Balawat  
Deponent.

  
Lucknow,

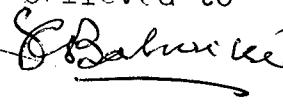
Dated: 27/3/89

  
Verification.

I, the above named deponent do hereby verified that the contents of paragraphs 1& 2 are true to my personal knowledge and those of paragraphs

3 to 23 are believed to be true on the basis of official records and information gathered and

those of paragraphs 24 to 25 are believed to be true on the basis of legal advice.

  
Deponent.

AB31  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT

BENCH LUCKNOW.

O.A.NO. 12(L) of 1988

Fixed for: 28.8.1990



G.S.I. Staff Union & another ..... Applicants

versus

Union of India and others ..... Opp. parties

REJOINDER AFFIDAVIT

*filed today*  
*5/94*  
*12/12*

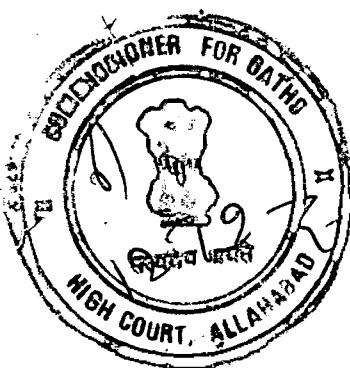
I, Shiv Ram Krishna Saxena aged about 15 years son of late Harwan Krishna Saxena, resident of Panni Wali Gali, Newazganj, Lucknow do hereby solemnly affirm and state on oath as under:-

- 1- That the deponent is one of the applicant and is fully conversant with the facts and circumstances of the case.
- 2- That the contents of paras 1 and 2, 3, 4 of counter affidavit needs no reply.
- 3- That in reply to contents of para 3(iii) of the application are reiterated. Further the alleged direction of the Department of Personnel and Training are in respect of skilled, unskilled

840

and semi skilled labour and not for ministerial and supervisory staff . The opp. parties are categorily the members of Association and the deponent as skilled labour in an arbitrary manner and one adopting the ~~cruteraua~~ <sup>pick</sup> criteria of ~~frick~~ and chose whi-  
-le regularisation of the contingent staff. The contingent staff are working since 1975 on the regular post continuously and are entitled for the regular pay scales at par with the ~~simitenously~~ <sup>similalry</sup> placed employees and the arrears of salary.

4- That contents of para 3(iv) to 3(vi) in  
reply to para 6 to 8 are reiterated.



5- That in reply to contents of para 9 of the counter affidavit the contents of para 3(vii) of the application on are reiterated. The members of the association has been appointed against the existing post and not as casual labour under the arbitrary categories, latencies skilled or unskilled labour as alleged.

6- That the contents of para 10 needs no reply  
the-contents-of-para-3(x)-to-3(x1)

7- That while reiterates the contents of para 3(ix) to 3(xi) the contents of para 11 to 13 of the counter affidavit as written are denied. The

categorisation of ministerial and supervisory staff at par with labour is an arbitrary action of the opp. parties and denial of status and pay at per with other staff <sup>working</sup> ~~writing~~ in the department and the continuation of the employees as daily wages employees is unfair practice adopted by the employees

8- That in reply to para 14 of the counter affidavit it is wrong to say that the contingent hands were not ~~employed~~ as clerks/ peon etc. The members of the applicant no.1 were employed on particular post as mentioned in contents of para 3(xii) of the application. The deponent has been appointed as Lib- Asstt. and as ~~is~~ still working on the posts ( Annexure R1 and R2 ~~and R3~~ <sup>certified</sup> ~~certified~~ showing the appointment on the regular post).

9- That in reply to para 15 of the counter affidavit the contents of para 3(xiii) are reiterated. The pay Commission <sup>was</sup> ~~was~~ meant for regular pay scales and as such the recommendations are material and applicable to the employees doing regular jobs but under the <sup>spedonaries</sup> ~~spedonaries~~ as casual or contingent workers in most arbitrary manner as such can not be ignored under the self style categorisation.

*Chapra*



10- That the contents of para 16 are not admitted as the opp. party has adopted unfair practice of pick and chose while giving regular pay scales to the employees.

11- That contents of para 17 and 18 are denied and the contents of para 3 (xiv) and (xv) are reiterated.

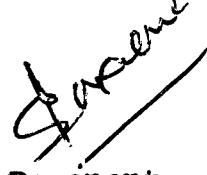
12- That in reply to para 19 of the counter affidavit it is stated that keeping the employees for more than 15 years on the post and refusing them regular pay scales on the ground of eligibility etc. is an unfair practice and against the imperative of Article 14 and 16 and 39(d) of the Constitution of India.

13- That in reply to contents of para 19, 21 and 22 the counter affidavit it is stated denial of regular pay scales to the contingent staff is an arbitrary action of the opp. parties and refusal even through counter affidavit is unjustified and the application deserve to be allowed on the seltter principle of law of equal pay for equal work.

Lucknow: Dated:

  
1990

Dee 12-90

  
Deponent

(A.M.)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH AT LUCKNOW

C.M. Application No. 11 of 88  
claim  
Inre: / Appl. No. 12 of 88

1. S.K. Saxena aged about 45 years s/o Late Sri H.K. Saxena  
r/o 417/246, Newaz ganj, Lucknow.
2. Ram Das Yadav aged about 30 years s/o Sri Paragi  
Lal r/o Gram Andukhera, P.O. Mati, Lucknow.
3. Ram Dayal aged about 32 years s/o Sri Hoshiyar Singh  
r/o 500/12, Sector -Q, Aliganj, Lucknow.
4. Ram Murti Singh aged about 32 years s/o Sri S.S. Singh  
r/o 532 kha/27ka, Mehdi Tola, Aliganj, Lucknow.
5. Ashok Kumar Sharma aged about 34 years s/o Sri R.G.  
Sharma r/o 430 Sheikhpur Colony, Aliganj, Lucknow.
6. Ram Samujh aged about 33 years s/o Sri Jagmohan  
r/o Mehdi Tola, Aliganj, Lucknow.
7. Govind Singh aged about 29 years s/o Sri Laxmi Singh  
r/o 64-B, Kumbhal Nagar, Lucknow.
8. R.K. Pal aged about 32 years s/o Sri Ram Autal Pal  
r/o 52/3, Udayganj, Lucknow,
9. Sarfaraj Khan aged about 31 years s/o Mohd. Ishaq  
Khan, r/o Mansoor Mankil, New Ganesh ganj, Lucknow.
10. Ramesh Chand aged about 33 years s/o Mohan Lal  
r/o Balmiki Colony, Iradat Nagar, Aliganj, Lucknow.
11. Vikram aged about 32 years s/o Sri Chet Ram r/o  
Water works Road, Ram Lila Ground, Lishbagh, Lucknow

Ans

12. Hari Prakash Varma aged about 36 years s/o Sri Naiku Lal r/o ~~293/395~~ 293/395, Purana Haidarganj, Lucknow

13. Prabhat Kumar aged about 34 years s/o Sri Charan Das Mukherji r/o 86/91 Risaldar Park, Lucknow

14. R.N. Singh aged about 31 years s/o Sri Rajwant Singh r/o Japling Road, Lucknow

INRE:

Staff Union G.S.I. Northern Region .....Applicant  
 Versus  
 Union of India & others .....Opp. parties

APPLICATION FOR AMENDMENT & IMPLEMENTATION

In the above noted case the applicant begs to submit as under ;-

1. That the application was admitted on 2.5.88 by Hon'ble Bench and while admitting the application the Hon'ble Bench has allowed to implead persons aggrieved individually also alongwith the Staff Union as co-applicants.

2. That the applicants numbering 1 to 14 are daily wages paid employees and are aggrieved persons as such is moving the application for impleadment.

Therefore it is prayed that following persons be impleaded as co-applicants in the petition.

1. S.K. Saxena s/o Late Sri H.K. Saxena r/o 417/246 Newaz ganj, Lucknow

2. Ram Das Yadav s/o Sri Paragi Lal r/o Gram Anupkhera, P.O. Mati, Lucknow. as Messenger (Skilled )
3. Ram Dayal s/o Sri Hoshiyar Singh r/o 500/12 Sector -2, Aliganj, Lucknow. as Messenger (skilled)
4. Ram Murti Singh s/o Sri S.C. Singh r/o 532 kha/27ka Mehdī Tola, Aliganj, Lucknow. as Store clerk
5. Ashok Kumar Sharma s/o R.G. Sharma r/o 430, Sheikhpur colony, Aliganj, Lucknow as clerk (skilled )
6. Ram Qumujh s/o Sri Jagmohan r/o Mehdī Tola, Aliganj, Lucknow as Clerk (skilled )
7. Govind Singh s/o Sri Laxmi Singh r/o 64-B Kumitchal Nagar, Lucknow as Clerk (skilled )
8. R.K. Pal s/o Sri Ram Autar Pal r/o 52/3, Udaiganj, Lucknow. as clerk.
9. Sarfaraj Khan s/o Mohd. Ashiq Khan r/o Mansoor Manzil, New Ganesh ganj, Lucknow as Mesenger.
10. Ramesh Chand s/o Mohan Lal r/o Balmiki colony Iradat Nagar, Daliganj, Lucknow. as safai wala
11. Vikram s/o Sri Chet Ram r/o Water works Road, Ram Lila Ground, Aish Bagh, Lucknow. as Mesenger.
12. Hari Prakash Varma s/o Mailu Lal r/o 293/395 Purana Haidar ganj, Lucknow. as Mesenger (skilled )
13. Prabhat Kumar s/o Sri Charan Das Mukherji r/o Risaldar Park, Lucknow. as Mechanic
14. R.V. Singh s/o Sri Rajwant Singh r/o 10, Japling Road, Lucknow. as clerk

Lucknow

Dated 13.5.88

Applicants

- 1) Govind Singh
- 2) Prabhat Kumar
- 3) Ramesh Chand
- 4) R.V. Singh

442

(4)

- 5- Abu
- 6- R Singh
- 7- ~~Raj~~
- 8- ~~Raj~~
- 9- — 8/12
- 10- 22/5/88
- 11- विजय
- 12- दिव्यदेवी
- 13- महातुमा
- 14- MS

Verification

We, the applicants above named do hereby verify that the contents of para 1 and 2 of the above application are true to our personal knowledge and we have not concealed anything.

Signed and verified this 11th day of May 1988 at Lucknow.

Lucknow

dated 13.5.88

Applicants  
1) Shivam

- 2- Pringari
- 3- 22/5/88
- 4- दिव्यदेवी

- 5- Abu
- 6- R Singh
- 7- ~~Raj~~
- 8- ~~Raj~~
- 9- — 8/12
- 10- 22/5/88
- 11- विजय
- 12- दिव्यदेवी
- 13- महातुमा
- 14- MS

In the Hon'ble Central Administrative Tribunal  
Circuit Bench, Lucknow.

M.P.No. 579 of 1993

In re:

O. A. No. 12 of 1988 (L)  
Dismissed on 23.3.92

Geological Survey of India

Staff Union .. Applicant

versus

Union of India & others .. Respondents.

Application under Rule 16

for restoration of the case

1. That the applicant's application vide O.A. No.12 of 1988(L) was pending disposal and on 23.3.1992 was the date fixed for hearing of the case after exchange of counter and rejoinder affidavits between the parties.
2. That on 23.3.1992 the applicant's counsel Sri J.P.Mathur, Advocate visited the Hon'ble Tribunal at about 11 a.m. and at that time no one was sitting in the Court for hearing of the case and it has been told by the office that the next date will be fixed in the evening and as in the near future there would be no sitting the case may be fixed in the next month.

3. That the applicant's counsel when contacted the office on 26.3.1992 after 2 days but could not ascertain the whereabouts of the case.

4. That thereafter the applicant No.2 as well as his counsel contacted the office to know the whereabouts of the application and in this connection also tried to obtain the orders, if any, after knowing the date of the order but failed to get any information in this regard till 30.4.1993 when a certified copy of the order dated 24.3.1992 was served on the Clerk of the counsel of the applicants and through the said order the applicant could know that their case has been dismissed for non prosecution on 24.3.1992.

5. That the said true copy of the order duly certified by the Deputy Registrar is dated 7.4.1992 but as per the precedent of the office was not despatched to the applicants or his counsel nor the same has been handed over otherwise the applicants would have approached the Hon'ble Tribunal through an application for restoration of the case.

6. That as stated above the applicants and his counsel were not aware of the date 24.3.1992 as the date fixed in the case and as such their absence was not deliberate and is liable to be excused.

7. That in the interest of justice the application is liable to be allowed with costs.

Wherefore, it is prayed that the Hon'ble Tribunal may please allow the application and recall the order dated 24.3.1992 passed in O.A. No.12 of 1988 (L) In re: Geological Survey of India and others versus Union of India and others and may allow the applicants to contest the case on merits.

Dated:  
Lucknow.

*J.P. Methur*  
( J.P. Methur ),  
Advocate,  
Counsel for the applicants.

*Boxer 9*

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In the Hon'ble Central Administrative Tribunal  
Circuit Bench, Lucknow.

M.P.No. of 1993

In re:

O.A.No. 12 of 1988 (L)

Geological Survey of India  
Staff Union and others .. Applicants.

versus

Union of India and others .. Respondents.

AFFIDAVIT

In support of application under Rule 16

*Shiva*  
I, / Ram Krishna Saxena, aged about 50  
years, son of Late Harnam Krishna Saxena,  
resident of Panni Wali Gali, Niwajganj,  
Lucknow do hereby solemnly affirm and state  
on oath as under:-

*Swami*

1. That the deponent is the applicant No. himself in the above noted application as such is fully conversant with the facts and circumstances of the case and the facts deposed to hereinbelow. Further he is authorised to file and swear this affidavit on behalf of the other applicants also.

2. That the contents of para 1 to 7 of the accompanying application are true to my personal knowledge.

Dated:

Lucknow.

*Saxena*  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of para 1 and 2 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed in it so help me God.

Dated:

Lucknow.

*Saxena*  
Deponent

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on \_\_\_\_\_ at a.m./p.m. by the deponent, Sri R.K.Saxena, who is identified by Sri J.P.Mathur, Advocate, High Court, Lucknow Bench, Lucknow.

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

In the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

M.P.No. 208 of 1994

O.A.No. 12 (L) of 1988

F.F. 3.2.94

Geological Survey of India  
Staff Union, Lucknow & other .... Applicants

Versus

Union of India & others .... Respondents

Application for Amendment

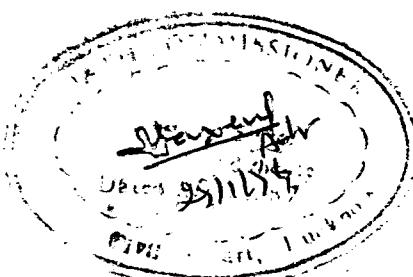
The applicants beg to submit as under :

1. That during the course of arguments the Hon'ble Tribunal was of the opinion that the applicant may move for amendment to the prayer to make it specific.

2. That the applicant thus needs following amendments to be incorporated :

A. That after the word "contingent worker" in para 5 of the application the word "list enclosed as Schedule I" be allowed to be added.

B. That in para 5 (B) = ~~in~~ after the word "contingent worker" the word "list enclosed as Schedule I" with the application be allowed to be added.



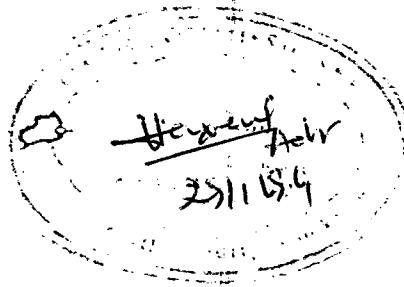
C. That after page 7 the list in the form of Schedule-I be allow to be filed which will be part of the application.

Wherefore it is prayed that the Hon'ble Tribunal may please allow the amendments mentioned in para 2 of the application to be incorporated in the original application which will not changed the nature of the case, in the interest of justice.

Lucknow Dated :

Jan. 29, 1994

*J. Malher*  
Counsel for applicants



S C H E D U L E - I

S.No.	Name	Designation	Date of appointment	Date of joining regular post	Date of death
1.	S/Sri S.K. Saxena	Lib. Asstt.	19.7.75	-	-
2.	Ram Das Yadav	Messenger	13.5.74	16.9.92	-
3.	Ram Dayal	do	6.12.76	30.1.94	
4.	Ram Murti Singh	Storekeeper	6.12.76	-	
5.	Ashok Kumar Sharma	LDC	10.7.74		
6.	Ram Samuj	LDC	Nov. & 74		
7.	Govind Singh	TO (D)	1.1.77		
8.	R.K. Pal	LDC	12.5.76		
9.	Sarfraz Khan	Peon	10.10.76		
10.	Ramesh Chand	Safiwala	24.5.74	22.8.90	-
11.	Vikram	Peon	15.7.74	July, 90	
12.	Hari Prakash Verma	Reco/Mess.	26.5.77	22.8.90	
13.	Prabhat Kumar	Mechic/cleaner	14.5.76	died on Jan. 90	
14.	R.N.S. Singh	LDC	26.5.77		
15.	S.K. Rana	LDC	1.7.76		
16.	Smt. Laxmi Bose	Copy holder typist	5.12.72		
17.	Mohd. Yusus Khan	T/O	15.7.74	31.3.93	
18.	T.N. Choubey	LDC	29.7.74		
19.	Ekbal Singh	LDC	9.6.75		
20.	Jai Ram Sharma	TO (D)	9.11.75		
21.	Satish Chandra	LDC	12.5.76		
22.	S.M. Sahu	Mess	14.5.76		
23.	Dayal Singh Chaud	S/Clerk	24.2.77	Oct. 93	
24.	G.S. Verma	Mess	26.5.77		
25.	Prem Singh Negi	Peon	19.9.77		
26.	Nathu Singh	Durban	10.12.76		

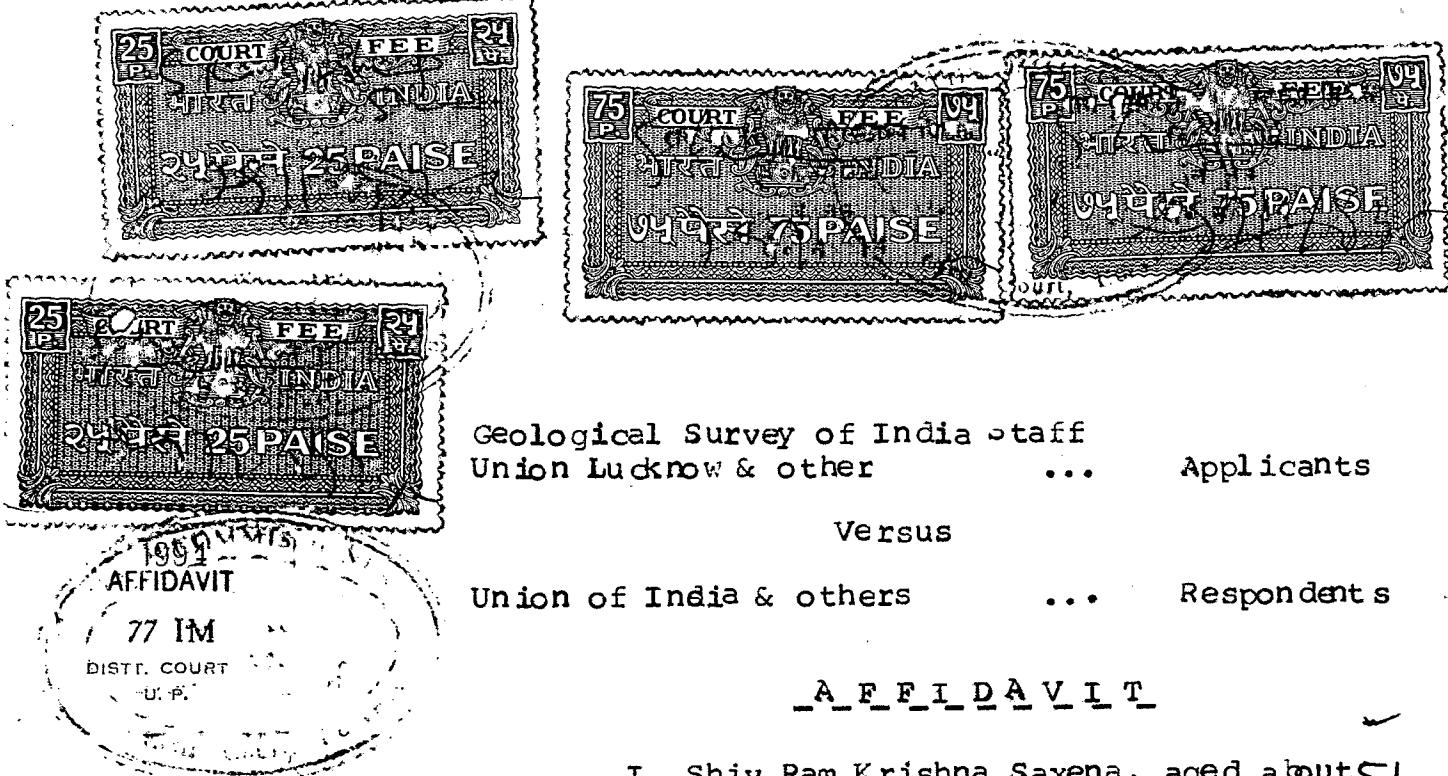
Lucknow Date:

Jan. 29, 1994

*Parasuram*  
Applicant

In the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

M.P.No. of 1994  
OA No. 12 (L) of 1988



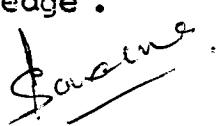
A\_F\_F\_I\_D\_A\_V\_I\_T

I, Shiv Ram Krishna Saxena, aged about 51 years son of late Harnam Krishna Saxena, resident of Panni Wali Gali, Newazganj, Lucknow, do hereby solemnly affirm and state on oath as under :

1. That the deponent is one of the applicant and in ~~knowledge~~ conversant with the facts and circumstances of the case.

77IM  
solemnly affirmed before me in office today,  
at 3.30 P.M. by Shiv Ram Krishna  
who is identified by Shri J.P. Mathur  
Clerk to Shri  
I have satisfied myself  
that the contents of paras of the amendment  
application are true to my knowledge.

Lucknow Dated :  
Jan. 1994

  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras above are true to my own knowledge. Signed and verified on this 25 day of Jan. 1994 at Lucknow.

  
Deponent

I identify the deponent who has  
signed before me. J.P. Mathur  


Central Administrative Tribunal  
Lucknow Bench  
Date of Filing 04-9-96  
Date of Receipt by Post

S.21

date 4-9-96

In the Hon'ble Central Administrative Tribunal, Lucknow.

M.P. No. 1872 of 1996

ASR

Inre:

O.A. No. 12(L) of 1988

Geological Survey of India

Staff, Lucknow & another .. Applicants

versus

Union of India & others .. Respondents.

Application for permission to  
represent members of Association

The applicant begs to submit as under:-

1. That the present application is filed to seek the remedy for grant of regular pay scale to the members of the Association working as contingent workers with the respondents and to give all benefits as a regular employees and in the manner to regularise their services with effect from their initial appointment with all consequential benefits.
2. That the application was entertained and admitted by the Hon'ble Tribunal with the condition that atleast

one of the members be joined with the applicant Association which has been provided under Rule 4 of the Central Administrative Rules, 1985.

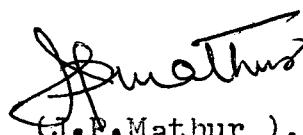
3. That besides the applicant No. 2 the applicant had also moved an application on 2.1.1994 thereby disclosing the names of the contingent workers those are members of the Association and would be the benefitted persons if the application is allowed and the details of their engagement have been provided in Schedule-1 annexed with the application dated 29.1.94.

4. That during the course of arguments the Hon'ble Tribunal directed the applicant to move the written application to seek the permission of this Hon'ble Tribunal for pursuing the case of the members of the Association performing the duties as contingent workers and in the circumstances the application is being filed in order to avoid any lacuna for adjudication of the present application. The names of the members of the Association and their designation is annexed herewith in Schedule-1 as provided under the Rules.

Wherefore, it is prayed that the Hon'ble Court may please allow the applicant No.1 to represent the contingent workers before this Hon'ble Tribunal through the application pending disposal, in the interest of Justice.

Lucknow: Dated:

July 3, 1996

  
(J.P. Mathur),  
Advocate  
Counsel for the applicant.

S.No.	Name	Designation	Date of Recd. of Recd.	Date of appointment	Date of joining	Date of death	regular post	Reg. No. (D)
1.	S/Sri S.K.Saxena	Lib. Asstt.		19.7.75		-		
2.	Re <sup>m</sup> Das Yadav	Messwnger		13.5.74		16.9.92	Messenger	
3.	Re <sup>m</sup> Dayal	do		6.12.76		30.1.94	Durwan	
4.	Re <sup>m</sup> Murti Singh	Storekeeper		6.12.76		-		
5.	Ashok Kumar Sharma	LDC		10.7.74		24.5.94	Messenger	
6.	Re <sup>m</sup> Senuj	LDC		Nov. 74				
7.	Govind Singh	T0(D)		1.1.77				
8.	R.M.Pal	LDC		12.5.76			Durwan	
9.	Sarfra Khan	Peon		10.10.76			Durwan	
10.	Re <sup>m</sup> esh Chand	Safewala		24.5.74		22.8.90		
11.	Vikram	Peon		15.7.74		July 90		
12.	Hari Prakash Varma	Peon/Mess		26.5.77		22.8.90	14.5.92	Durwan
13.	Prabhat Kumar	Mehnnic/Cleaner		14.5.76		died on Jan 90		
14.	R.N.Singh	LDC		26.5.77				
15.	S.K.Rana	LDC		1.7.76				
16.	Smt.Laxmi Bose	Copy holder Typist		5.12.72				
17.	Mohd Yunus Khan	T/0		15.7.74		31.3.93	Messenger	
18.	T.N.Chaubey	LDC		29.7.74				
19.	Ekbal Singh	LDC		9.6.75		14.7.95		
20.	Jai Re <sup>m</sup> Sharma	T0(D)		9.11.75				
21.	Satish Chandra	LDC		12.5.76				
22.	S.M.Sahu	Mess		14.5.76				
23.	Dayal Singh Chaud	S/Clerk		24.2.77		Oct.93	Storedeek	
24.	G.S.Varma	Mess		26.5.77				
25.	Prem Singh Negi	Peon		19.9.77				
26.	Nathu Singh	Durwan		10.12.76				

Lucknow

Dated 28.5.96

Saxena  
Applicant

Central Administrative Tribunal  
Lucknow Bench  
Date of Filing .....  
Date of Receipt by Post .....

In the Hon'ble Central Administrative Tribunal, Lucknow.

Regd. No. (11)

Affidavit in support of

1996

DAVIT

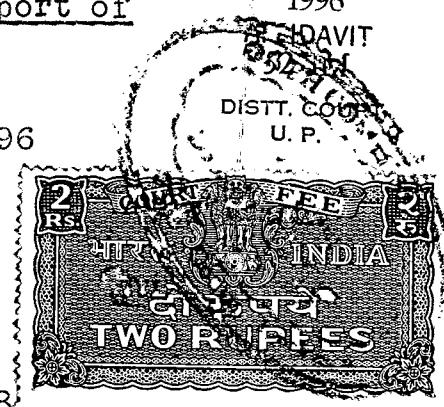
DISTT. COURT  
U.P.

M.P. No.

of 1996

In re:

O.A. No. 12(L) of 1988



Geological Survey of India

Staff, Lucknow & another .. Applicants

Versus

Union of India & others .. Respondents.

A\_F\_F\_I\_D\_A\_V\_I\_T

IN SUPPORT OF APPLICATION TO REPRESENT MEMBERS OF  
ASSOCIATION

I, Shiv Ram Saxena, aged about 53 years, son of Late Harnam Krishna Saxena, resident of Panni Wali Gali, Newajganj, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Pairokar of the applicant No.1 as such is fully conversant with the facts and circumstances of the case. Further he is authorised to file and swear this application on behalf of applicant No.1.



*Barber*

*(Signature)*  
C. D. Deponor (D)

2. That the contents of para 1 to 4 of the accompanying application are true to my personal knowledge and belief.

*Saxena*

Deponent

Lucknow: Dated:

May 31<sup>st</sup>, 1996

Verification

I, the above named deponent do hereby verify that the contents of para 1 and 2 of this affidavit are true to my personal knowledge and belief.

Signed and verified this the 31<sup>st</sup> day of May, 1996 at Lucknow.

*Saxena*

Deponent

Identified by

*R. C. Saxena*  
Advocate.

521M  
Solemnly affirmed before me in open Court  
11.25 AM by Shiv Ram Saxena  
R. C. Saxena  
Adv.

Sworn and subscribed before me on the 31<sup>st</sup> day of May, 1996  
and signed by him in the presence of \_\_\_\_\_

*R. C. Saxena*  
Subscribed and sworn to this day  
Civil Court, Lucknow  
Date - 31/5/96

In the Hon'ble Central Administrative Tribunal  
Lucknow Bench, Lucknow. A/2

Original Application No. 12 1988

EF 19.2.1998

Geological Survey of India Staff

Union and another .. Applicants

Versus

Union of India & others .. Respondents.

1998

AFFIDAVIT

60 M

DIST. COURT  
U. P.

I, S.K. Saxena, aged about 54 years,

son of Late Harnam Krishna, resident of

House No. 417/246 Newaj Ganj, Lucknow do hereby  
solemnly affirm and state on oath as under:-

*19/2/98*

1. That the deponent is one of the applicants and Pairokar of the other applicants and as such is fully conversant with the facts and circumstances of the case and the facts deposed to herein below.
2. That during the preparation of the case the deponent has been asked by the counsel to procure Office order dated 7.6.1988 as mentioned in paragraph No.5 of the counter reply filed by the respondents which provides certain guidelines to the departments to give appointment to the contingent workers who

1/3

had appointed prior to 31.10.1977 and to verify the facts about the compliance done by the department of the office order dated 7.6.1988.

3. That as the deponent and the members of the Association in Schedule-1 were recruited prior to 31.10.1977 and continued as such upto the date the deponent searched out and collected the said office order dated 7.6.1988 and the same is a scheme to regularise the casual workers appointed on daily wages after reviewing the case and also in view of some directions of the Hon'ble Supreme Court by judgement dated 17.1.1986 it is ~~not~~ necessary to bring the said order on record which will strengthen the case of the applicants and a favourable decision by this Hon'ble Tribunal ( Annexure No.SA-1 is the copy of the office order dated 7.6.1988 ).

4. That in the above office order it has been provided that the review of the case of regularisation should be completed within a period of 6 months and if the authorities are negligent in taking decision the same may be seriously viewed and dealt with and also the departments were directed to ensure that after the period prescribed in the Office Memorandum there may not be any engagement of casual workers but the respondents fail to regularise the services of the contingent workers, the applicants before this Hon'ble Tribunal and are keeping them on daily wages for more than 21 years.

*See enc*

AK4

5. That besides the above order there has been an Office Memorandum circulated by the opposite parties to various department inside the Geological Survey of India which provide that the contingent workers engaged after 2.9.1971 upto 31.10.1977 may be considered for selection against Group 'C' post provided they are otherwise found eligible for appointment and be placed at panel but nothing has been in the matter by the respondents so far and the applicants remain casual workers although they are eligible for appointment on Group 'C' post and also to age relaxation.

6. That there had been another order issued by the Director General, the Head of the Geological Survey of India to the opposite party No.2 which provide that the alleged ban on recruitment is not applicable in the cases of regularisation of the contingent workers engaged upto 31.10.1977 and the same has also been decided by the Ministry of Finance Department of Expenditure and as such there is no ban in respect of the regularisation of the services of the contingent workers meaning thereby that upto 1986 all the contingent workers appointed upto 31.10.1977 were to be regularised but on account of negligence on the part of the administration the applicants are suffering though entitled to be regularised as early as in the year 1979 and in the circumstances are entitled to receive the benefits with effect from the year 1979 itself. ( Annexure SA-2 )

is the copy of the Office Memorandum dated 27.11.1979  
Ann. SA-3 and Annexure No. SA-3 is the copy of the Office Memorandum dated 20.2.1986 ).

Lucknow: Dated:

Now <sup>Feb</sup> 19<sup>th</sup>, 1998

*Suresh*  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of para 1 to 6 of this supplementary affidavit are true to my personal knowledge.

*Suresh*  
Signed and verified this the 19<sup>th</sup>  
day of <sup>Feb</sup> November, 1998 in Civil Court's Compound,  
Lucknow.

K

*Suresh*  
Deponent

Identified by

*J. Mallus*  
Advocate

11-1000 S. S. Suresh  
Identified  
Date: 19/2/98  
Court: Civil Court  
Court No: 1  
Case No: 91/1998  
Debt Compt: 100  
Debt Compt: 100

O.A.No. 2000 dt 12/6/1988

G. S. I Lucknow  
Government of India

Applicant

Vs

Union of India & others ..

Respondents.

Annexure No. K-A-1

F.No.49014/2/86-Estt (C)

Government of India,

Ministry of Personnel, Public Grievances  
and Pensions

Department of Personnel and Training

North Block, New Delhi-110 001

Dated the 7th June, 1988.

OFFICE MEMORANDUM

Subject:- Recruitment of casual workers and persons on daily wages - Review of policy.

The policy regarding engagement of casual workers in Central Government Offices has been reviewed by Government keeping in view the judgement of the Supreme Court delivered on the 17th January, 1986 in the Write Petition filed by Shri Surinder Singh and other Vs. Union of India and it has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis:-

- (i) Persons on daily wages should not be recruited for work of regular nature.
- (ii) Recruitment of daily wagers may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature for which regular posts cannot be created.
- (iii) The work presently being done by regular staff should be reassessed by the administrative Departments concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
- (iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
- (v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory Administration, whichever is higher, as per the Minimum Wage Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its financial Adviser.

(vi) The casual workers may be given one paid weekly 'off' after six days' of continuous work.

(vii) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly 'off' as mentioned at (vi) above. They will, however, in addition, be paid for a National Holiday, if it falls on a working day for the casual workers.

(viii) In cases where it is not possible to entrust all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance.

(ix) Where work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multi-functional post may be created for handling those items of work with the concurrence of the Ministry of Finance.

(x) The regularisation of the services of the Casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age limit for the relevant post.

(xi) If a Department wants to make any departure from the above guidelines, it should obtain the prior concurrence of the Ministry of Finance and the Department of Personnel and Training.

All the administrative Ministries/Departments should undertake a review of appointment of casual workers in the offices under their control on a time-bound basis so that at the end of the prescribed period, the following targets are achieved:

- (a) All eligible casual workers are adjusted against regular posts to the extent such regular posts are justified.
- (b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are paid emoluments strictly in accordance with the guidelines.

PG

(c) The remaining casual workers not covered by (a) and (b) above are discharged from service.

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/ Departments:

(a) Ministry of Railways .... 2 years.

(b) Department of Posts, Department of Telecommunications and Department of Defence Production 1 Year

(c) All other Ministries/Departments/ Offices. ... 6 months.

Each Ministry should furnish a quarterly statement indicating the progress of the review in respect of the Ministry (proper) and all Attached/Subordinate offices under them to the Department of personnel and Training in the proforma attached. The first quarterly return should be furnished to this Department by the 10th October, 1988.

3. By strict and meticulous observance of the guidelines by all Ministries/Departments, it should be ensured that there is no more engagement of casual workers for attending to work of a regular nature, particularly after the review envisaged above is duly completed. Each Head of office should also nominate an officer who would scrutinise the engagement of each and every casual worker and the job for which he is being employed to determine whether the work is of casual nature or not.

4. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all the appointing authorities under their respective administrative control for strict observance. Cases of negligence in the matter of implementing these guidelines should be viewed very seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.

Sd/-D. P. Bagchi  
Joint Secretary to the Govt. of India.

True Copy: [Signature]

R. P.  
T. 16145  
AR(E)

14/6/88  
Central Government of India  
Bhawan/Office

Copy to [Signature]

6/12/88  
S. M.

GOVERNMENT OF INDIA  
Geological Survey of India  
4, Chowinghee Lane  
Calcutta - 16

No. /B-12015/3/379-SAC Dated, the 27th November '79.

OFFICE - MEMORANDUM

Subject : Filling up of direct recruitment vacancies  
"Preference to contingent workers".

In the Office Council Meeting held on 16.7.79 it was decided against item No. 16. of the agenda that the normal procedure of selection and appointment of candidates should be followed in respect of eligible candidates until such time as the government clearance for relaxation of recruitment procedure for Contingent Workers after 2.9.71 and upto 31.10.77 was received.

The above matter has since been reviewed by the Director General, G.S.I. and he has been pleased to decide that the Contingent Workers engaged after 2.9.71 and upto 31.10.77 may be considered for selection against Group 'C' posts provided they are found otherwise eligible for appointment by the selection committee and be placed in the panel but appointment to these posts would be made only after obtaining age relaxations etc. from the competent authority.

Sd/-  
( S.L.Mukherjee )  
Sr. Administrative Officer,  
for Director of Administration  
Geological Survey of India.

*Jaswan*

*SAC*

GOVERNMENT OF INDIA

S-A.3  
True copy

No. 2701C/B-11015/12/85/58.

Dated, 20th February, 1986.

A/XO

From: The Director General,  
Geological Survey of India,  
4, Chowringhee Lane,  
Calcutta-700015.

The Sr. Dy. Director General(DP),  
Northern Region,  
Geological Survey of India,  
Lucknow.

Sub: Relaxation of contingent workers engaged before 31.10.77.

Ref: This office letter No. 821C/B-11015(32)/83/(C&P)/58 dated 15.1.86.

In accordance with Item 3(d) of Ministry of Finance and Deptt. of Expenditure, O.M. No. F7(1)-E(Co-ord)/84 dated 20.6.84, it is stated that ban on Direct Recruitment does not attract regularisation of Casual labour in accordance with the Department of Personnel and A.R.'s order on the subject. Accordingly Contingent workers engaged in GSI up to 31.10.77 can be regularised even during the ban period against Direct Recruitment vacancies after observance of Recruitment Rules. In this connection, it is stated that a copy of the relevant order dated 20.6.84 from the Ministry of Finance and Deptt. of Expenditure has already been sent to you vide letter under reference.

( S. Bhattacharjee )  
Senior Administrative Officer  
for Director General,  
Geological Survey of India.

*Received*

*✓ 91*

Before the Central Administrative Tribunal  
Lucknow Bench Lucknow.

\*\*\*\*\*

Original application No. 12 of 1988

The G.S.I. Staff Union and another ... Appellants;  
versus

Union of India and others .... Respondents.

SUPPLEMENTARY COUNTER REPLY ON BEHALF OF THE RESPONDENTS

I, B.N. Bhartiy<sup>g</sup> aged about 53 years, son of late  
P.Lal, presently posted as Regional Administrative  
Officer, GSI(NR), Lucknow, do hereby state as under:-

1. That the undersigned is duly authorised to file this supplementary reply on behalf of the respondents and as such he is well conversant with the facts of the case.
2. That the undersigned has read and understood the contents of the Misc. Petition filed on behalf of the applicants and the parawise reply thereto runs as under:-
3. That the applicants on 19.2.1998 had filed this misc. petition with a view to bring out certain facts on records which require reply from the respondents. As such the respondents are filing this supplementary reply to the misc-petition filed by the applicant on 19.2.1998.
4. That the contents of paragraphs no. 1 to 3 of the misc- petition are not disputed. As such do not call for

contd...2

UNAW

any reply from the respondents.

5. That the contents of paragraph no. 4 of the misc. petition relates to the contents of office memorandum dated 7th June, 1988. The same can be verified from the perusal of the original application. However, it is submitted that the O.M. dated 7th June, 1988 does not apply in the case of the applicant (Sri S.K.Saxena) as he was overage at the time of his initial engagement i.e. 19.7.1975,

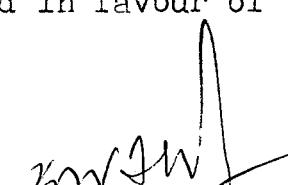
6. That the contents of paragraph no. 5 of the Misc. Petition are admitted to the extent that the contingent workers who were engaged up to 31.10.1977 were to be regularised in Group 'C' or Group 'D' Cadre subject to their qualification, age etc. as provided in the recruitment rules. The said regularisation was also subject to availability of regular posts and the request of contingent workers in this regard. The contention raised by the applicants in the paragraph under reply that the regularisation was to be considered only in Group 'C' post, is not factually correct. The applicant who was overage at the time of his initial engagement, was not eligible for ~~any~~ Group 'C' post as age relaxation was not admissible in his case. It is relevant to mention here that the decision was taken by the Ministry that no age relaxation will be given to those who has been initially engaged after becoming over-age. Further, it is submitted that the recruitment process for all the Ministerial cadre including LDC are being done through Staff Selection Commission only.

*ANW*

7. That the contents of paragraph no. 6 of the Misc. Petition are admitted to the extent as it relates to the contents of the O.M. dated 27th Nov., 1979. However, it is submitted that the contingent workers are being regularised against the Grade C and D posts subject to fulfilment of availability of posts and requisite qualification etc.

8. That in view of the averments made in the counter reply as well as in the supplementary reply the original application is misconceived and devoid of merit and as such the same is liable to be dismissed in favour of the respondents.

Place: Lucknow  
Dated: 15-01- 1999

  
For respondents.

Verification,

I, the undersigned, do hereby verify that the contents of paragraphs no. 1 to 8 of this supplementary reply are true to my personal knowledge.

Place: Lucknow  
Dated: 15-1- 1999

For respondents.

Through

  
(Sunil Sharma )  
Advocate

Addl. Central Government Standing Counsel

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH? LUCKNOW.

AM

Original Application No. 12 of 1988

Geological Survey of India

Staff Union and another ..

Applicants

Versus

Union of India & others ..

Respondents.

Replication to supplementary counter  
Reply dated 16.2.1999

I, S.K. Saxena, aged about 55 years,  
son of Late H.K. Saxena, resident of 417/246,  
Newajganj, Lucknow do hereby state as under:-

1. That the contents of paragraph No.1 to 4 of the supplementary counter reply needs no reply.
2. That in reply to the contents of paragraph 5 of the supplementary counter reply it is submitted that Office Memorandum dated 7.6.1988 annexed with the supplementary affidavit filed by the applicant No.2 also apply to the case of the applicant No.2. The plea of over ago taken by the respondents at the time of initial engagement in respect of applicant No.2 is not tenable at this stage i.e. after passing of more than 24 years of service rendered by the applicant.

*S. K. Saxena*

AS

No.2. Further it is not specifically mentioned in the para as to how the applicant No.2 was over age and under what provision of law/rules. The applicant at the time of initial engagement was a sponsored candidate of the Employment Exchange as per the rules and as such he cannot be said to over age at the time of his initial engagement i.e. on 19.7.1975. Further in the absence of any specific plea and the evidence the facts contained in the para are disputed.

3. That in reply to the contents of paragraphs No.6,7 and 8 of the supplementary counter reply it is submitted that in view of Scheme and the Office Memorandum dated 7.6.1988 and 27.11.1979 respectively the contingent staff found otherwise eligible was required to be regularised within 6 months from the date of Office Memorandum dated 7.6.1988 keeping in view the relaxation of age etc. to be obtained from the competent authority. Nowhere in the reply contained in the para specifically provided as to when the Ministry has taken the decision to not to give age relaxation to those who have been engaged after becoming over age at the time of initial engagement. Further in view of Office Order dated 29-2-1986 the contingent staff was eligible to be absorbed and regularised against the direct recruitment vacancies and thus a bald allegation of no vacancy for the purposes of regularisation has no justification to keep the contingent staff in employment on daily wages for more than 20 years and making direct appointments during this period of and on by method of pick and choose. It is also disputed that after acceptance of the scheme and issuance of office order dated 7.6.1988 on the basis

Subj:

of judgment delivered by the Hon'ble Supreme Court in the case of Surender Singh versus Union of India the plea of the post of Lower Division Clerk under the Staff Selection commission is unwarranted and is a denial to give appointment inspite of relaxation of recruitment procedure by the Geological Survey of India administration and hence the contents are vehemently opposed.

Lucknow:Dated:

March 15, 1999

*Saxena*  
Applicant

Verification

I, S.K. Saxena, aged about 55 years, son of Late H.K. Saxena, resident of 417/246, Newajganj, Lucknow do hereby verify that the contents of paragraph No. 1 to 3 of this replication are true to my personal knowledge and belief.

Signed and verified this the 15  
day of March, 1999 at Lucknow.

*Saxena*  
Applicant

Identified by

*Saxena*  
Advocate.

*D.D.*  
Central Administrative Tribunal  
Delhi Bench 31/8/99  
Date of filing 31/8/99  
In the Hon'ble Central Administrative Tribunal  
Lucknow Bench, Lucknow.

M.P.No.

1740/99 of 1999

27081

Place before Hon'ble Bench  
on 15.09.99 for  
orders.

27/09/99

1. Geological Survey of India, Staff Union, Northern Region, Committee Plot No.2, Sector 'E', Aliganj, Lucknow through its General Secretary.
2. S.K. Saxena, son of Late H.K. Saxena, resident of 417/246, Newajganj, Lucknow.

.. Applicants.

D

Versus

1. Union of India through Secretary, Ministry of Steel and Mines, Department of Mines, New Delhi.
2. Director General, Northern Region, Geological Survey of India, 27, J.L. Road, Calcutta.
3. Dy. Director General, Northern Region, Geological Survey of India, Sector-E, Aliganj, Lucknow.

.. Respondents

Inre:

Original Application No. 12 of 1988  
Date of Filing .....  
Date of Receipt by Post.....

Original Application No. 12 of 1988

DID - 9. 8. 1999

Geological Survey of India

Staff Union & others .. Applicants

Versus

Union of India & others .. Respondents.

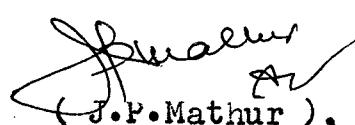
Application for restoration of  
Original Application.

The applicants, above named, most respectfully  
beg to submit as under:-

That on the facts and circumstances stated in  
the accompanying affidavit the Hon'ble Tribunal may  
please restore the Original Application No.12 of  
1988 to its original number and may decide the  
application on merits after hearing the applicants  
and may recall the order dated 9.8.1999 passed in  
the Original Application No.12 of 1988 detailed  
above in the interest of justice.

Lucknow:Dated:

August 31 ,1999

  
( J.P. Mathur ),  
Advocate  
Counsel for the applicants.

In the Hon'ble Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

Affidavit  
In

M.P. No. of 1999

Geological Survey of India

Staff Union & another .. Applicants

Versus

Union of India & others .. Respondents.

In re:

Original Application No. 12 of 1988

Geological Survey of India

Staff Union .. Applicant

Versus

Union of India & others .. Respondents.

A F F I D A V I T

*Saxena*  
I, S.K. Saxena, aged about 56 years,  
son of Late H.K. Saxena, resident of 417/246,  
Newajganj, Lucknow do hereby solemnly affirm

~~Case No. ....~~  
~~Debbaraj Basak~~  
~~Date of Filing ....~~  
~~Date of Received by Post ....~~

and state on oath as under:- ~~Case No. ....~~

1. That the deponent is the applicant No.2 himself and Secretary of the applicant No.1 as such is fully conversant with the facts and circumstances of the case and the facts deposed to herein below.
2. That the Original Application No.12 of 1988 was fixed for final hearing on 9.8.1999 before Hon'ble D.C.Verma, Member Judicial and Hon'ble A.K.Misra, Member Administrative as first case in the Cause List for hearing.
3. That the counsel for the applicants, Sri J.P. Mathur, Advocate could not reach the Tribunal before 3.00 p.m. and by the time the case was called out and has been dismissed in default.
4. That the deponent though was present in the Court but could not understand the calls and under bonafide mistake also not informed the Hon'ble Court about the delayed arrival of the counsel of the applicants who was on legs at 2.30 p.m. before the Hon'ble High Court in arguing a listed matter in Court No.7 of the Hon'ble High Court.
5. That the absence of the counsel was not deliberate and may be condoned and the case may be restored to its original number.

6. That in case the Original Application is not restored the applicants would be put to irreparable loss and injury hence this application.

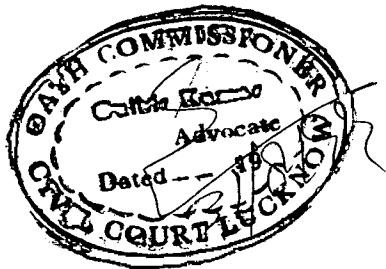
Lucknow: Dated:

August 31, 1999

*Sarfaraz*  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of para 1 to 6 of this affidavit are true to my personal knowledge and belief.



Singned and verified this the 31 day of August, 1999 in Civil Court's Compound, Lucknow.

*Sarfaraz*  
Deponent

Identified by

*S. P. Mukherjee*  
Advocate  
Clerk to Shri .....  
I have satisfied my self by examining the deponent that the understand the contents of this affidavit which has been read out and explained by me Fee Charged Rs 1/- 1/50

*H. B. K. Ray*  
Advocate  
Oath Commissioner  
Civil Court, Lucknow

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

C.A.N.C. 12/88

G.S.I. and others

Applicants

-V<sub>S</sub>-

Union Of India and others

..... **Respondents.**

### Respondents.

9.8.99

Hon'ble Mr. D.C. Verma -J.M.  
Hon'ble Mr. A.K. Misra -A.M.

None for the applicant. Sri Sunil Sharma for respondent  
On the last date also none was present on behalf of  
the applicant. It appears that the applicant is not interested  
in prosecuting the case. The O.A. is dismissed for non prose-

Sd/  
A.M.

J. S. M.

Copyright Copy

270811  
1988  
National Section  
G A B  
1988

8/18/1949

Central Administrative Tribunal  
Lucknow Bench 15/3/2000  
Date of Filing.....  
Date of Receipt by DCI.....

(922) In the Hon'ble Central Administrative Tribunal

Lucknow Bench, Lucknow

M.P. No.

711/2000 of 2000

CH 12/80

Place of the Bench  
15/3/2000  
By Registrar

1. Geological Survey of India, Staff Union, Northern Region, Committee Plot No. 2, Sector 'E' Aliganj, Lucknow through its General Secretary.

2. S.K. Saxena, son of Late H.K. Saxena, resident of 417/246 Newajganj, Lucknow.

.. Applicants.

Versus

1. Union of India through Secretary, Ministry of Steel and Mines, Department of Mines, New Delhi.

2. Director General, Northern Region, Geological Survey of India 27, J.L. Road, Calcutta.

3. Dy. Director General, Northern Region, Geological Survey of India, Sector-E, Aliganj, Lucknow.

.. Respondents.

Contd...2

- 2 -

In re:

O.A. No. 12 of 1988

## Geological Survey of India

Staff Union ~~KF~~ & others .. Applicants

## Versus

Union of India & others .. Respondents.

Application for restoration of Misc.Petition  
No. 1740 of 1999 rejected on 8.2.2000

The applicant, named above beg to submit as under:-

That on the facts and circumstances stated in the accompanying affidavit the Hon'ble Court may please restore the Misc.Petition No.1740/1999 to its original number moved in Original Application No.12 of 1988 and may hear the application on merit after recalling the order dated 8.2.2000 passed on Misc. Petition No.1740 of 1999 or may pass any other suitable order in the interest of justice.

Lucknow: Dated:

March 13, 2000

Jonathan  
( J.P.Mathur ),  
Advocate  
Counsel for the applicants.

In the Hon'ble Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Affidavit  
In

M.P.No. of 2000



Geological Survey of India  
Staff Union and another .. Applicants

Versus

Union of India & others .. Respondents

In re:

M.P.No. 1740 of 1999

Geological Survey of India  
Staff Union and another .. Applicants

Versus

Union of India & others .. Respondents.

A F F I D A V I T

*Saxena*  
I. S.K. Saxena, aged about 56 years, son of  
Late H.K. Saxena, resident of 417/246, Newajganj,

Serial No. \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_  
Date of Filing \_\_\_\_\_  
Date of Receipt by P.C.L. \_\_\_\_\_

Lucknow do hereby solemnly affirm and state  
on oath as under:-

1. That the deponent is the applicant No.2 himself and Secretary of the applicant No.1 as such is fully conversant with the facts and circumstances of the case and the facts deposed to hereinbelow.
2. That the original application No.12 of 1988 was fixed for final hearing on 9.8.1999 before Hon'ble D.C.Verma,Member Judicial and Hon'ble A.K.Misra,Member Administrative as first case in the cause list for hearing.
3. That the counsel for the applicants, Sri J.P. Mathur,Advocate could not reach the Tribunal before 3.00 p.m. and by the time the case was called out and has been dismissed in default.
4. That the applicants moved an application for recall of the order dated 9.8.1999 with the request to hear the original application on merit and the said application has been numbered as M.P.No.1740 of 1999.
5. That a copy of the application was delivered to the counsel for the respondents and he has not preferred any objections against the same and thus the same was listed on 8.2.2000 for hearing.
6. That on 8.2.2000 there were Division Benches holding the Courts and the application for restoration

8/6  
Date.....  
Domin.....  
Date of filing.....  
Date of hearing by DCI.....

was listed before the appropriate Bench consisting of Hon'ble D.C.Verma, Judicial Member and Hon'ble A.K.Misra, Administrative Member.

7, That the counsel for the applicants was busy in other Bench on 8.2.2000 in arguing the listed cases and the applicant No.2 was doing pairawi in the case who was waiting for turn of the case so that he may be able to call the counsel from other Bench.

8. That as the case at Sl.No.8 was called out, the applicant No.2 proceeded to other Bench to call the counsel in view of the fact that the present case was listed at Sl.No.14 in the list for orders and by the time he could bring junior counsel Sri R.C. <sup>to</sup> Saxena, Advocate/the Hon'ble Bench it transpired that the case was already called out as none was present for the applicants at the time of calling of the case the Hon'ble Bench has rejected the Misc.Petition No.1740 of 1999 on the ground that none was present to press the same.

9. That as the absence was not deliberate but accidental and in case the order dated 8.2.2000 is not recalled the applicants would be put to irreparable loss and injury.

10. That as per the Rules ~~xxx~~ since the certified copy of the order is to be annexed with the application for restoration and since the same was prepared on 2.3.2000 and delivered to the applicant No.2 on

10.3.2000  
10.3.2000  
10.3.2000  
10.3.2000

10.3.2000 hence the application for restoration is  
filed today and in case there is any delay the same  
may be condoned.

Lucknow: Dated:

March 13 2000

Deponent

*Sarven*

Verification

I, the above named deponent do hereby verify  
that the contents of para 1 to 10 of this affidavit  
are true to my personal knowledge and belief.

Signed and verified this the 13  
day of March, 2000 in Civil Court's Compound, Lucknow.

*Sarven*  
Deponent

Identified by

*Sonathur*

Advocate.

131312

10.3.2000 S. K. Saran  
S. P. Mather  
I do solemnly declare that I have read and understood the  
affidavit and the undersigned is the witness of  
the affidavit which may be read out and  
cross-examined by me. Fees Charged Rs. 1/- 1/50

131312  
S. K. Saran  
S. P. Mather  
10.3.2000  
S. K. Saran  
S. P. Mather

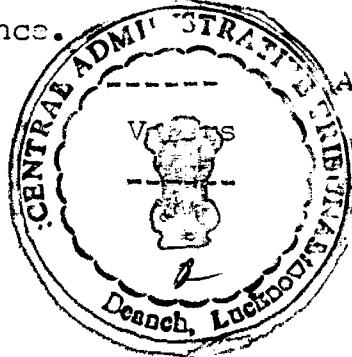
Central Administrative Tribunal

Lucknow Bench

65  
A/89

C. A. No. 12/88

1. G.S.I. Staff Union, Northern Region, Committee Plot No. 2, Sector 'E' Aliganj, Lucknow
2. S.K. Saxena aged about 45 years S/o Late H.K. Saxena R/o 417/246 Newazganj, Lucknow  
Posted as library Assistance.



Union of India & others.

DATED: 08/2/2000

Hon. Mr. D. C. Verma, J.M.

Hon. Mr. A. K. Misra, A.M.

None for the applicant.

Sri S. Sharma for respondents.

None is present to press M.P. 1740/99. H.F. is therefore, rejected.

Sd/-

A.M.

Sd/-

J.M.

SEARCHED COPY

RECORDED 2/2/88  
Clerk's Signature  
S. K. D.

R. S. D.  
RECORDED

ब अदालत श्रीमान्

Central Administrative Tribunal at Lucknow महोदय

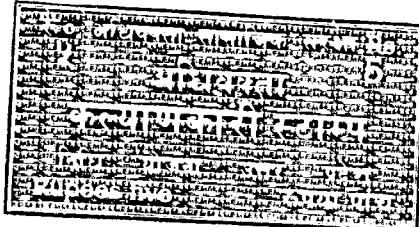
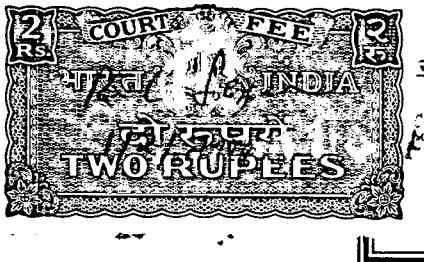
(ब्राह्मी अपीलान्ट)

श्री

प्रतिवादी (रेस्पाडेन्ट)

G.S.I. Staff Union & Li. S.K. Sehgal

वकालतनामा



(ब्राह्मी अपीलान्ट)

G. S. I

बनाम U.O.I.

(प्रतिवादी रेस्पाडेन्ट)

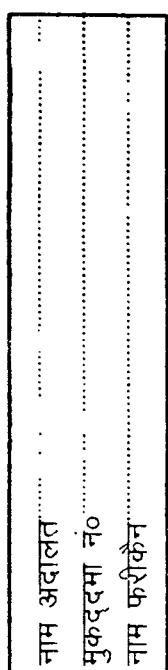
नं. मुकद्दमा O.A No 12/86 सन

पेशी की ता० 12/2/2001 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Rajesh Chaudhury Sehgal, Adv

वकील व Vivek Patel, Adv., Anup Singh, Adv., Adv. Rishi महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण (रह) और समय पर काम आवे।

Hareesh

साक्षी (गवाह)

(Anup Singh)  
12/2/2001

हस्ताक्षर

(S. K. Sehgal)

(V. R. Verma)

दिनांक 12/2/2001

महीना February सन् २००१/००

(General Secretary  
G.S.I. S.H. Region  
Nehru Bhawan  
Lucknow)

स्वीकृत,  
(Rajesh Sehgal, Adv.)

FORM NO. 11

( SEE RULE 62 )

A  
1/2

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

OA/RA/CP/MR/PT.....12.....of 1998

.....G.S. F.....Applicant(s);

versus

Union of India and others ..... Respondent(s)/  
Opposite Parties.

memo of appearance

*P.T. 1/2*  
I, Sunil Sharma, Additional Standing Counsel,  
Central Government for Central Administrative  
Tribunal having been authorised by the Central  
Government, Ministry of Law and Justice vide  
Notification No.F. 44(4)/91-Judl. dated 14th  
October 1993 notified under Section 14 of the  
Administrative Tribunal Act, 1985, hereby appear  
for Respondent Nos. 1.....3.....and undertake to  
plead and act for them in all matters in the  
aforesaid case.

*Sunil Sharma*  
( Sunil Sharma )  
Advocate

Place: Lucknow  
Dated: 4-Sep, 1996 Addl. Central Govt. Standing Counsel

ADDRESS OF THE COUNSEL FOR SERVICE:

Sunil Sharma  
Advocate,  
Chamber No.14,  
High Court,  
Lucknow Bench, Lucknow.

:F O R M N O . 11:  
(See Rule - 62).

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
LUCKNOW.

OA No./RA/OP/PT/NA 12 of 1988

Geological Survey of India

..... Applicant(s).

Versus.

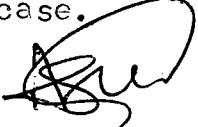
Union of India & Others.

Union of India

Respondent(s).

:MEMO OF APPEARANCE:

I, Km. ASHA CHAUDHARY, Addl. Standing Counsel for Central Government having been authorised by the Central Government vide Ministry of Law Notification No. F.No.44(4)/91-Judl, dated 14th October, 1993 and Notification No.F.44(4)/91-Judl, dated 15th July, 1994 (notified under Section 14 of the Administrative Tribunals Act, 1985, hereby appear for Respondent No. 1 to 3 and undertake to plead and act for them in all matters in the aforesaid case.

  
(Signature & Designation of the Counsel)

Place: Lucknow.

(Km. Asha Chaudhary)

Dated: 13/1/95

Addl. Standing Counsel for Central Government.

Address of the Counsel for Service.

13/1/95

Km. Asha Chaudhary,  
C.A.T. Office Complex,  
Lucknow Bench, Lucknow.

Chamber No. 53, Lawyers Chamber,  
High Court, Lucknow Bench, Lucknow.

Before the Hon'ble Central Administrative Tribunal.

○ Lucknow

A/94

Application for Adjournment/Illness on behalf of  
Respondent —

My Lord,

Case at S.H.-33 may very kindly  
be adjourned today as I am unable to Hon'ble  
Tribunal due to my sickness.

Wherefore it is prayed that the case  
may be adjourned today in the interest of Justice.

Date

7-4-95

✓  
(Dr Ashok Nigam Adr)  
Sr. Cent. Govt. Standing Counsel

Before the Hon'ble Central Administrative  
Tribunal, Lucknow Ben

18/5

G.S.I Staff Association — Applicanl  
(ca.)  
Union of India — Respondent.  
O.A. N. 12/88.  
Dtd. 11.1.2001.

Hon'ble Sir,

The undersigned has  
been appointed Addl. Standing Counsel  
Central Government - as such is unable  
to appear in the case against Central  
Government.

Therefore it is  
prayed that the application be given  
time for engaging another Lawyer  
for conducting the case in his  
behalf. I put it.

Yours  
Add.

11.1.2001

For and on behalf of

Central Administrative Tribunal

S. No. 33

W. Leader

Kindly request his leadership  
to adjourn the case at S. No.

(33) in to day's cause list as  
Sri J. P. Mathur is not able  
to attend the court as his  
father's major operation is fixed  
for to day i.e. 07.04.1995

Date - 07.04.1995

LUCKNOW. Jr. To. Sri J. P. Mathur  
Adv.

Uttam  
Adv.

SEN 10 (20)  
OANO: 12188

\* and \*

SEN 10 (22)

OANO: 269/81

Reader,

Krondy Bay the  
cardshirts that she gave  
is se. Numbers. 20 and 22  
my Krondy & Staff  
of me as the  
rel of the pebbles  
Molby is not  
color for today

J P. Molby

P  
correl for

1) leather