

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. ^{2d}~~1~~ and No.3 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


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

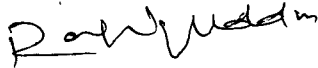
3. Respondents have resisted the case by stating that all the applicants were engaged as contingency staff prior to 2.9.1971 against regular Group C and Group D posts and most of the contingency hands engaged upto 31.10.77 have been appointed and are being appointed as per the availability of vacancies; 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.



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)
Member (A)


(Rafiquddin)
Member (J)

/gtv/

A
107

QA No.12/1988

13.2.2001

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

Arguments heard. Order dictated in a separate sheet.

AM

JM

/gtv/

Subj
Prel
①
19/2/907

28/08/2000.

Due to post heard case adjn to
12/09/2000 for hearing

14/09/2000

Y
Boc

Lawyers abstained from full work
Adjn to 16/10 for hearing

Y
Boc

16/10/2000

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

Y
Boc

15/11/2000

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

Boc

18/12/2000

~~Hon'ble~~ Mr D.C. Verma - JM
~~Hon'ble~~ Mr A.K. Mishra - JM

None for these applicants

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

AM

09/01/2001

Y
Boc

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

Y
Boc

QA MG. 12/88

02-2-2000

Hon. Mr. D. C. Veng, J.P.
Hon. Mr. A. K. Rung, A.P.

None for the applicant.
Sh. S. Sharma, for respondents.
None is present to press
n.p. 1740/99. D.P. is therefore,
rejected.

AM

JH.

AM

7/4/2000

Hon. Mr. Justice N. Sanjiva Reddy VC
Hon. Mr. A.K. Mishra, AM.

Heard MP 7/11/2000. MP allowed
as explanation given by the
petitioner appears to be reasonable.

AM

VC

OR

(1) The CR has been
dismissed for non
prosecution on
9.8.88. The Restoration
application No 1740/99
rejected on 8-2-2000.

(2) MP, No. 711/2000, for
recalling the order
dt 8-2-2000 is submitted
for orders on

24/4/2000

Hon. Mr. Justice N. Sanjiva Reddy VC
Hon. Mr. A.K. Mishra, AM

Heard MP No. 1740/99. No representation
from the respondents. Heard the counsel
for the petitioner. MP is allowed.

AM

OR
MP, 1740/99
is submitted
for orders on
24.4.2000

AM

VC

Submitted before
DR, for fixing date

7/4 list on 24/4/2000
27/4/2000

0-A:12/88

01.4.99 Lawyers obtained from judicial
work today case is adj
to 19.5.99 for hearing

BBC

2
CPA PA have been
exchanged supp CA.
that is not green ink
trial today
17/5/99

19/5/99

Hon. Mr. D.C. Verma, J.M.
Hon. Mr. Ak. Mishra, AM.

Sh. J.P. Mathur for applicant
Sh. Ak. Chaturvedi for
respondents.

List on 6/7/99 for hearing.

AM.

J.M.

2

2
Subp CA / Subp PA
have been exchanged
pleadings are complete
2/7/99

06-7-99

No sitting of DB
case adj to 20/7/99
for hearing

BBC

20-7-99

Hon'ble Mr. D.C. Verma, J.M.
25-11-99, Hon'ble Mr. AK Mishra, A.M.

Sh. J.P. Mathur for applicant.
Sh. A. Trivedi brief holder for
Sh. AK Chaturvedi for respondents.
Due to part heard case, adjourned
to 29-7-99 for hearing.

01

A.M.

J.M.

cat 12/00

21-6-98 . lawyer obtained from Govt
work order to 19-2-98

Recordings are
complete
9/7/98

19-2-98

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

Lt. P. P. Nathu, learned
Counsel for applicant. Lt. Smit
Sharma, for respondents.

List on 03-4-98 for
hearing before High Member
bench.

J.M.

L.E.
A.M.

34-98

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

None for applicant.

Sh. Sunil Sharma for respondents 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 at 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.

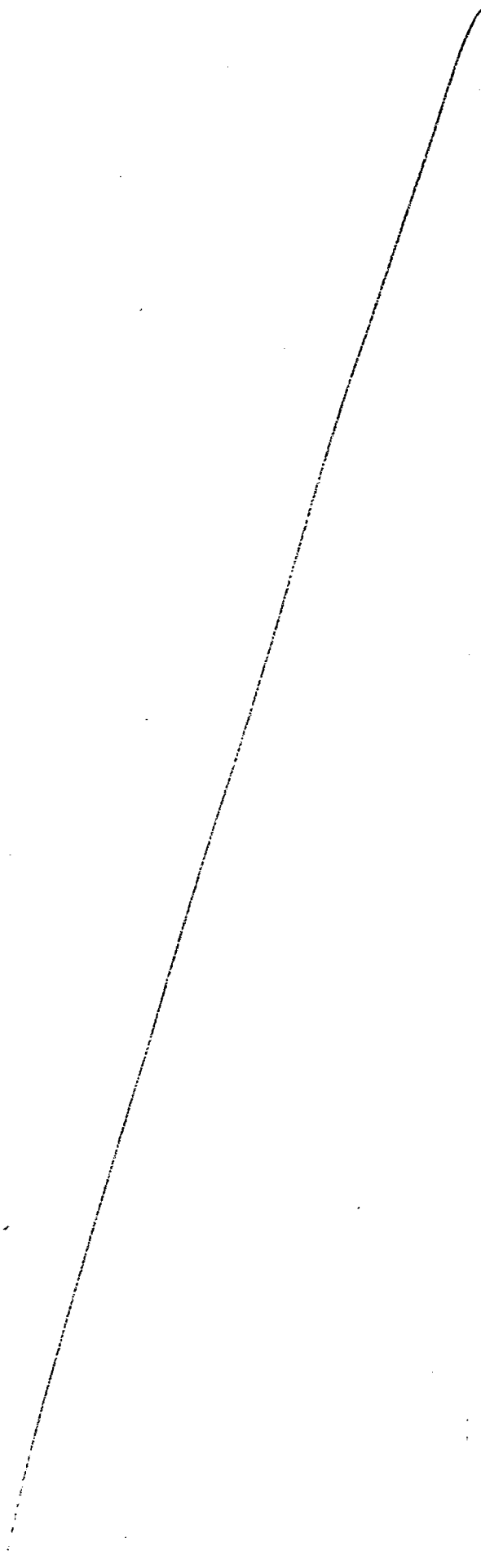
J.M.

3.7A)

0112100

A
102

No. 5147-17-13-10-1
25-4-47
Mac



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

J.M.

V.S.
A.M.

18-11-96

No sitting of D.B. Case is
adj. to 07-2-97.

22
No Amendment
Carried out
P.A. 2

BOC

7-1-97

No sitting of D.B. adjourn
10.2-97
D.B.

18-2-97

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

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

02
Copy of case
C.A. 8
15/4/97

On the adjournment slip of Id.
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 J.M.

On the adjournment slip of
of Counsel for applicant adjourn
14.5.97

J.M.

V.S.
D.M.

14.5.97

No sitting of D.B. adjourn
03.7-97

D.B.

12.12.88

08-1-96

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

Sri. U.K. Sivarajana, chief
holder for Sri. J.P. Mathur, learned
counsel for the applicant. Mr.
A. Choudhary, for respondents.

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

Let on 28-2-96 for
hearing.

J.M.

V.K.
A.M.

Supp Affidavit not
filed by Mr. A.
Choudhary. Supp
Affidavit not
filed by Mr. Choudhary.
28/1/96

28.2.96

Disc & Last Admiring & P.C. Seta
Adv. Officer to 15.3.96

J
Disc

15.3.96

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

Sri J.P. Mathur for applicant
Sri. Sumit Sharma for respondents.

As prayed for, 2 weeks time
is allowed to applicants to
file copies of documents necessary
for compliance of procedure and practice
rules, as the C.A. has been filed
on behalf of GST Staff Union.
Let on 26-4-96

J.M.

V.K.
A.M.

Submitted (S) 0-2-93
for hearing
in respect
M.P. 579/93

Consent reached only 2
0-3-94
RSC

(1) (6) 8-3-94
7/2/94

Memorandum Mr. Justice R.K. Verma VC
J.M.M. Mr. V.K. Soli. Am

Now responds on behalf
of the appl. cont. in this case
on 25-4-94

Submitted
for hearing
in order
in respect
of M.P. 579/93
(1) 7/2/94

2 In Am R.K. VC

(1) 25-4-94 Hon. Mr. S.N. Prasad Jm
Hon. Mr. V.K. Soli, Am

ok
CA & RA have
all ready been
served
for hearing
M.P. 579/93
(1) 24/4/94

Order has been filed by
Dr. Ashok Migani on behalf
of respondents. None for the
applicant. List this case on
21-7-94 for disposal of
Amendment application is
M.P. No. 208/94

Am

Jm

OR (8) 21-5-94 Lawyers abster in Indl-mil
col to 25-8-94

M.P. NO. 208/94
moved S.F.O.
C.A. & RA filed
on 24/8/94

24-4-95 Case is adj to 7-7-95

ok
CA & RA filed
on 2/5/95

2
Boc

(12) 4-1-95

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

On the adjournment application
of Dr. Ashok Nigam, adjourn to

11-1-95

J.M.

V.K.
A.M.

(13)

11/1/95

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

Note for the applicant. The
information has been received
from Dr. A. Nigam that he
is out of station.

List on 16/4/95.

J.M.

V.K.
A.M.

(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.

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. Saxena V.C.
Hon. Mr. V. K. Seth A.M.

On the adjournment application
of Dr. Ashok Nigam, adjourn to 24-4-95.

J.M.

V.K.
A.M.

① 27.8.93
A

No sitting 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 ^{shows} 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~~ ^{of} 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.

12.15
A.M.

J.M.

(tgk)

d
M.P. No. 579/93 moved
J.M.
14/11/93

Central Administrative Tribunal
Lucknow Bench

Cause Title 19 of 1938 (C)

Name of the Parties C. S. D., Sagar Union Applicant

Versus

Union of India Respondents.

Part A. P.C.

Sl. No.	Description of documents	Page
1.	Check List	A1 — A2
2.	Order Sheet.	A3 — A7
3.	Judgment. (P.C. No. 19 of 1938)	A7
4.	Petition Copy.	A8 — A15
5.	Annexure.	A16 — A27
6.	Power.	A28
7.	Counter Affidavit.	A29 — A30
8.	Rejoinder Affidavit.	A31 — A43
9.	C.M. Application (A.C.J.)	A44 — A47

B - File

B - File

B1 - B4

C - File

By extra copy of letter.

Confirmed that the file fit for
reconsidered on 23-8-12.

certified.

50107

filed on 26.4.88

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. India & others*

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent?
Appeal is preferred by Staff Union. Hence prior permission w/o 5(b) of C.A.T. (Procedure) Rule '87 is necessary.
2. (a) Is the application in the prescribed form?
No.
(b) Is the application in paper book form?
Yes (5-sets)
(c) Have six complete sets of the application been filed?
Yes (5-sets)
3. (a) Is the appeal in time?
No (Pre-mature)
(b) If not, by how many days it is beyond time?
No. Pre-mature by 4 months & 4 days
(c) Has sufficient case for not making the application in time, been filed?
N. A
4. Has the document of authorisation, Vakalat-nama been filed?
Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
*Yes I.P.O. No 090570 dt 9.4.88
60 915938 dt 9.4.88
for Rs 50/- only*
6. Has the certified copy/copies of the order (s) against which the application is made been filed?
Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?
Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?
Yes (Attested by Reboocete)

ORDER SHEET

O.A. No. 12/88(L)

2588

Hon. K. Madhava Reddy (Chairman),
Hon. R. K. Mohan V. E.

(10)

Joint Reply by 3-8-88,
R.D. by 22-8-88, 14-7-88 for Leary.

Ans
TGL

U.7.000 Adjoined to 20.7.000

h
17

From! Ajay Dohari Am.

20-7-88

Shri V. K. Chandhary 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.

31

Am.

Am.

O.R.

8/8/88

In compliance with Hon'ble Bench
order dt. 20.7.000, no reply filed so far.
Put up on 23.8.000

high
OTU

D.R

23.8.000

Counsel for the both the parties,
are present. In spite order of the
Court reply not filed today.
Next sitting of the Tribunal will take
place for a week from 19-9-000
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*
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 2.5.88.

Application is premature as the only representation is made on 17.3.88.

Quack
28/4
29/4/88

OA 12/00(1)

ER

Counsel for respondents has filed reply duly served on the opposite party. No rejoinder has so far been filed.

Submitted for orders

Def
V/L

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.

Def
J.M.

A.M.

(sns)

OR

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

W/L

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

Hon' Mr. K.J. 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 in the meantime.

Def
A.M.

V.C.

OR

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

W/L

(SNS)

9.8.89. No sitting. Adj to 7.11.89

L

B.O.C

7-11-89

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

OR

No rejoinder filed submitted for hearing

W/L

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

Def
JM

Def
JM

Adjn appn of Mr. V.K. Gammell & date is placed in the file of 07/09/89

W/L

12/00(C)

5.2.90
—

No Sitting. Adj. to 3.4.90
Both the counsel are present

(AS)

4-6-90

Hon. Justice Mr. K. Nallu V.C.
Hon. Mr. K. J. Raman A.M.

OR
No RA filed
S.F.H.
30/6

On the request of
both the parties case is adjourned
to 19-7-90.

AM

V.C.

19-7-90

No sitting adj. to 28/8/90

28-8-90

Hon. Mr. D K Agrawal, J.M.
Hon. Mr. K. S. Bhatnagar, A.M.

OR
No RA filed
S.F.H.

On the request of Mr. D. C. Singh
Saxena, for applicant, adj
to 10-10-90. Shri V. K. Chaudhary
is present for A.M.

AM

J.M.

10.10.90

No sitting Adj to 8.11.90

8.11.90

Hon. Mr. M. Y. Bhalke A.M.
Hon. Mr. D. K. Agrawal J.M.

Due to resolution of Bar Association
case is adjourned to 12.12.90

OR
No RA filed
S.F.H.
7/12

(W)
B.O.C.

(A6)

44.91 - case not reached adj to
23.5.91.

Wrong in this regard. AC/c is warned f future
Now the case is listed for
FH - 22/4/91.

23.5.91

No Siting Adpro
12-8-91

The previous one BOC 2 today is recalled

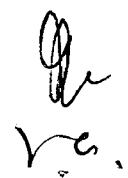
12/8/91

Hon. Mr. Justice K. O'Keefe, J.
Hon. Mr. K. O'Keefe, J.

Noted for 22/8/91
Referred

Mr. J.P. O'Keefe for the applicant agrees that the ~~case~~ ^{of} 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 ~~for~~ ^{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.


Mr.


Vc.

26.8.91

No Siting adj to 23.9.91
J

C.A 12/88

24-3-92 Hon. Mr. S. N. Prasad, J.M. (A)

Case called out several times at intervals. None responds on behalf of applicant. Shri Gherao Varma, U.D.C., who is paisekar from the side of respondent is present and states that counsel for respondent Shri V.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 costs as to costs.

J.M. 24.3.92

Remedy
O.P. Mur
C/O V.K. Chaudhary
7. 4-8-92

Re
24.3.92
30.4.93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD Bench

132

5A 12 of 80 (L)

1. Geological Survey of India, Staff Union, Northern Region, Committee Plot No.2, Sector 'E' Aliganj, Lucknow through its General secretaryApplicant
2. S.K. Saxena aged about 45 years s/o late H.K. Saxena s/o 417/246 Newarganj Lucknow posted as library Assistant.
- 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.L.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 servicedo.....
of Notice

Petition has been amended as per Court's order dated 2.5.88.

13.5.88

23/05/88

(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, 20.3.87, 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

Annexure (2)

A12

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) Painting Mistry, L/writer etc. " Rs. 775/- to 1025/-
- 3) T.O.(D), Geo. & Chemical etc. " Rs. 800/- to 1150/-
- 4) Painter polisher etc. " Rs. 825/- to 1200/-
- 5) LDC, C/Clerk, Mech, Driver etc. " Rs. 950/- to 1500/-

21/11/86

- 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

28/3/88

AM

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 at ~~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 on the same posts.

20/9/2014

(A5)

E)

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 granted which this Hon'ble Tribunal may deem fit and proper.

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

Particulars of the ~~Work-Draft~~ :

Postal order! B: 4 091570 date: 9.4.88 CHOWLA
 2. 4 0915938 date: 9.4.88 Lucknow

Lucknow

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 4 are true to my personal knowledge and para 5 to 6 are believed to be true on legal advice and that I have not suppressed any material fact.

Petitioner

List of enclosures

1. ANNEXURE NO.1 -- Circular dated 20 Oct 1985
DATED 20 Sept 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 Augst 1985
6. ANNEXURE NO.6 -- A Letter
sent by staff dated 17/2/88
Union

Signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD Bench

8
AK

Geological Survey of India, Staff Union.....Applicant
Versus
Union of India through Secretary, Ministry of steel
and Mines & othersRespondants

ANNEXURE NO.1

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION
3, GOKHLE MARG, LUCKNOW

No. 1675A/5/4/Contg/82/Estt.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,
HR, GST, Lucknow

E.G.(3)

(H.R.NAHULA)

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. Pruthi
A.S.

9
(AD)

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 Deptt. of Mines vide their U.O.No.3079/IF/85 dated 20.9.85.

Yours faithfully

sd

(J.B.MUNIRAJU)

Tone Copy
J. B. Muniraju
Arv

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 Rs. 10.00

This is based on the daily wages of 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. Rs. 15.70

Weekly wages with two days of rest Rs. 15.70 ~~X~~ 5 = 78.50

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

Increase in daily wages of unskilled labour 11.20 - 10 = Rs. 1.2 or
 12%

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

True Copy
 J. P. Mathur
 An

Geological Survey of India, staff UnionAPPLICANT

VERSUS

Union of India, Through Secretary, Ministry of Steel &
Mines and othersRespondants

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 CHQ :

<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

(S.R.SHARMA)

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

Forwarded to the Pay & Accounts officer, Northern Region

True Copy.
J. Pruthi
A

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 Admn. Officer, A/C-II Sec., NRO, G.S.I. Lucknow.
7. The Admn Officer, ----- NRO, G.S.I. Lucknow.
8. The Supdt. Director-in-Charge Cell, NRO, G.S.I. Lucknow

(S.R. SHARIA)

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

True Copy
Signature
An

13
(121)

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.....Respondants

ANNEXURE NO.3

GOVERNMENT OF INDIA

GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION, GSI COMPLEX,
SECTOR -E, ALIGANJ, 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.M.No.3674G/A-12031/Contg/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

1. The Director-in-Charge, Operation Geotechnical and Special Investigation, NR, GSI, Lucknow.
2. The Director -in-Charge ,^POperation U.P., NR, GSI, Lucknow
3. The Director E.3. 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 Sndt. 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
Signature
A.S.*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

15
A28

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; ALIGANJ 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/Pages/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/Pages/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
ssv

<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
Jagdish Lall
AA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

17
(A25)

Geological Survey of India, Staff UnionApplicant
Versus

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

ANNEXURE NO.5

Most IMMEDIATE

No.S-32021/9/85-W.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. There
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 admin-
istrative control, situated in Delhi/ New Delhi.

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

Sd/-

(P.Raghavan)

Deputy Secretary TEL. NO.382947

True Copy,
H. Mathur
AV

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

VERSUS

Union of India through Secretary, Ministry of Steel
and Mines & othersRespondants

ANNEXURE No.6

Satya Mev Jayate

Phone:47240

Geological Survey of India Staff Union

Recognised by the Govt. of India and

Affiliated to Indian National Trade Union Congress vide
affiliation No.4928

Affiliated to National Confederation of Central Govt.
Employees and workers

Regd. office : 4, Chowringhee Lane, ~~Calcutta~~ 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,

Northern Region,

Geological Survey of India, Lucknow

Sub: Regarding contingent Employees

*True copy
J. Prakash*
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

(122)

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 , ~~ISI, Lucknow~~ GSI, Calcutta.
2. Union of India through the Secretary, Ministry of Steel & Mines , deott. of Mines, New Delhi

sd

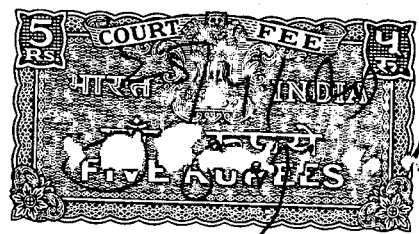
(R.K.K Saxena)

General Secretary

True copy
J. Mathur

ब अदालत श्रीमान Central Administrative Tribunal महोदय
Allahabad Bench

(वादी) अपीलान्त श्री Peltom का वकालतनामा
प्रतिवादी (रेस्पान्डेन्ट)



Geological Survey of India Staff Union

वादी (अपीलान्त)

बनाम

Union of India through Secretary & others

प्रतिवादी (रेस्पान्डेन्ट)

Case

नं० मुकद्दमा सन् १९ ८८ पेशी की तारीख १९८८ ई०

ऊपर मुकद्दमा में अपनी ओर से श्री J.P. Mathur
Rajesh Chandra Saxena Ad एडवोकेट/वकील
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं
महोदय
कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
पैरबी व जबाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करे या लौटावे
या हमारी ओर से डिगरी जारी करावे और रुपया 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 मुकद्दमा उठावे या कोई रुपया
जमा करें या हमारे विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने
या हमारे हस्ताक्षर युक्त (दस्तखतो) 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।

हस्ताक्षर Rajesh Chandra Saxena

साक्षी गवाह साक्षी [गवाह]

दिनांक 16 महीना 4 सन् १९८८ ई०

C.A. 12/88(1)

(A)

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 24.10.85	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. Mathur
Counsel for petitioner

Filed today.
Noted for
25/88.
J. Mathur
Adv
26/4/88

10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A No.12/88(L)

G.S.I. Staff Union ~~xxxxxxx~~ .. Applicants

Versus

Union of India and others .. Opp. Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPP PARTIES.

...

Cio A
20/3/89

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

- 20/3/89
1. That the deponent is well conversant with the facts of the case and he is 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.P. Balmiki

130

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 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

22/3/89
S. Balasubramanian

131

-3-

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 apropos 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

SP Dalmia petitioners are a recognised Union.

W

9. That the contents of para 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.

22/3/89
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 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.

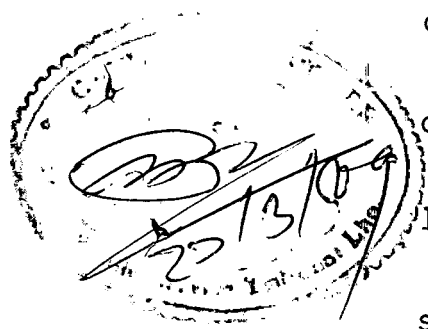
S. Baluni

✓

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 upwardly 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 ~~xxxxxx~~ Clerk/Peon/Jamadar/Mechanic/Library Asstt. because there is



S. Balumbe

✓

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 ~~Government~~ 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 casual 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

S. P. Dalvi

185

- 7 -

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. B. Balani

A36

- 8 -

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

22/3/89

S. B. Bhatnagar

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 eligibility/suitability as and when the vacancies are become available. Hence they are not entitled to the relief sought for.

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.

22/13/89

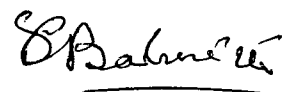
S. B. Deshmukh

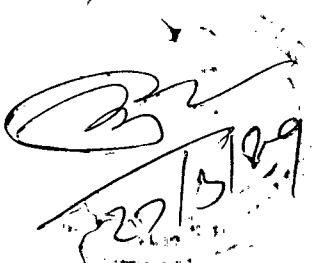
A30

23. That the contents of para 5-C and 6-D of the application, 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.


Deponent.


Lucknow,

Dated: 27/3/89

Verification.

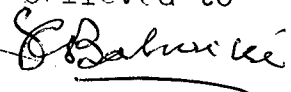

I, the above named deponent do hereby

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.

(A3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUT

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

I, Shiv Ram Krishna Saxena aged about 67 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 circumsta-
nces 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

1410

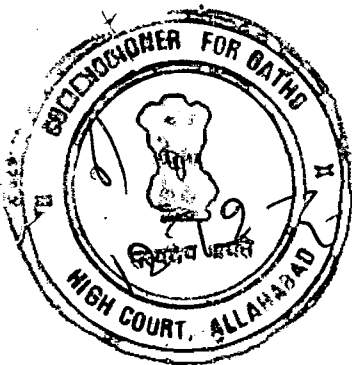
and semi skilled labour and not for ministerial and supervisory staff. The opp. parties are categorically the members of Association and the deponent as skilled labour in an arbitrary manner and one adopting the ~~criteria~~[✓] criteria of ~~frick~~^{Pick} and chose while regularisation of the contingent 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 ~~simultaneously~~[✓] ~~simultaneously~~ place 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~~[✓] ~~categories~~ ~~latigences~~ skilled or unskilled labour as alleged.

6- That the contents of para 10 needs no reply ~~the contents of para 3(ix) to 3(xi)~~[✓]

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

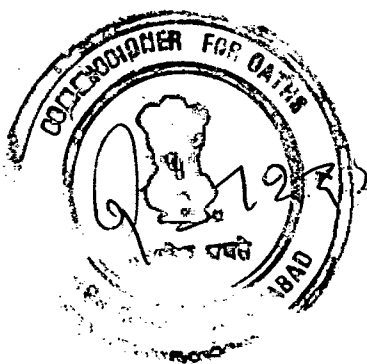


Expend

Am

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 par with other staff ^{working} ~~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} ~~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 R-1 and R-2 are the~~ ² ~~certified~~ ² ~~showing the appointment on the regular~~ ² ~~posts.~~ ²)



9- That in reply to para 15 of the counter affidavit the contents of para 3(xiii) are reiterated. The pay Commissioner ² ~~was~~ ² ment for regular pay scales and as such the recommendations are material and applicable to the employees doing regular jobs but under the ² ~~spedonames~~ ² as casual or contingent workers in most arbitrary manner as such can not be ignored under the self style categorisation.

Forwards.

Amr

10- That the contents of para 16 are not admitted as the app. 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 impreative 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 selfter principle of law of equal pay for equal work.

Lucknow: Dated:

Dec 12, 1990

Dee 12-90


Deponent

IN THE HONBLE GENERAL 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 Anupkhara, 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 Sheikhapur Colony, Aliganj, Lucknow.
6. Ram Sumujh 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, Kumitchal Nagar, Lucknow.
8. R.K. Pal aged about 32 years s/o Sri Ram Autal Pal
r/o 52/3, Udai ganj, Lucknow,
9. Sarfaraj Khan aged about 31 years s/o Mohd. Ashiq
Khan, r/o Mansoor Manzil, New Ganesh ganj, Lucknow.
10. Ramesh Chand aged about 33 years s/o Mohan Lal
r/o Balmiki Colony, Iradat Nagar, Daliganj, Lucknow.
11. Vikram aged about 32 years s/o Sri Chet Ram r/o
Water works Road, Ram Lila Ground, Aishbagh, Lucknow

AUS

12. Hari Prakash Varma aged about 36 years s/o Sri Maiku Lal r/o ~~xxxxxx~~ 293/395, Purana Haidarganj, Lucknow
13. Prabhat Kumar aged about 34 years s/o Sri Charan Das Mukherji r/o 86/91 Bisaldar 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 RegionApplicant
 . Versus
 Union of India & othersOpp. parties

APPLICATION FOR AMENDMENT & IMPLEADMENT

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.S. Singh r/o 532 kha/27ka Mehdi Tola, Aliganj, Lucknow. as store clerk
5. Ashok Kumar Sharma s/o R.G. Sharma r/o 430, Sheikhanpur colony, Aliganj, Lucknow as clerk (Skilled)
6. Ram Samujh s/o Sri Jagmohan r/o Mehdi 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 ~~Khan r/o Mansoor~~ Manzil, New Ganesh ganj, Lucknow as Messenger.
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 Messenger.
12. Hari Prakash Varma s/o Mailu Lal r/o 293/395 Purana Haidar ganj, Lucknow. as Messenger (Skilled)
13. Prabhat Kumar s/o Sri Charan Das Mukherji r/o Risaldar Park, Lucknow. as Mechanic
14. R.N. Singh s/o Sri Rajwant Singh r/o 10, Japling Road, Lucknow. as clerk

Lucknow

Dated 13.5.88

Applicants

- 1) ~~Same~~
- 2) पिनदास
- 3) राजकुमार
- 4) राजकुमार

447

(4)

- 5- RSC
- 6- RSC
- 7- RSC
- 8- RSC
- 9- RSC
- 10- RSC
- 11- विक्रम
- 12- हरि प्रकाश
- 13- प्रभात कुमार
- 14- RSC

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 17th day of May 1988 at Lucknow.

Lucknow

dated 13.5.88

- Applicants
- 1) Same
 - 2- RSC
 - 3- RSC
 - 4- RSC
 - 5- RSC
 - 6- RSC
 - 7- RSC
 - 8- RSC
 - 9- RSC
 - 10- RSC
 - 11- विक्रम
 - 12- हरि प्रकाश
 - 13- प्रभात कुमार
 - 14- RSC

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 24.3.92

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.

Having

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),
Advocate,
Counsel for the applicants.

Forwards:

57

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:-

- Saxena*
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

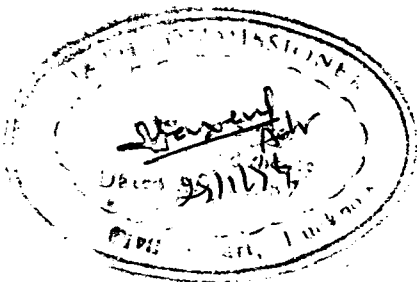
Application for Amendment

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) = ~~the~~ after the word " contingent worker " the word " list enclosed as Schedule.I " with the application " be allow to be added.



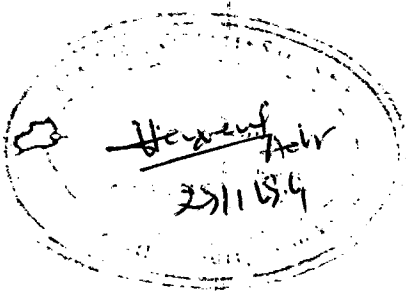
C. That after page 7 the list in the form of Schedule-I be allow to be filed which will be part of the application.

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

[Signature]
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.M.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	Peon/Mess.	26.5.77	22.8.90	
13.	Prabhat Kumar	Mechic/cleaner	14.5.76	died on Jan.90	
14.	R.N.S ingh	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.	Ekbai 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.Verna	Mess	26.5.77		
25.	Prem Singh Negi	Peon	19.9.77		
26.	Nathu Singh	Durban	10.12.76		

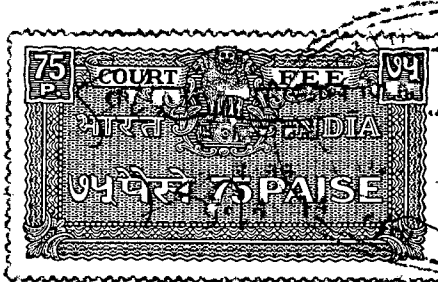
Lucknow: Date;

Jan. 29, 1994

Saracur
Applicant

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

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



Geological Survey of India staff
Union Lucknow & other ... Applicants

Versus

Union of India & others ... Respondents

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 ~~xxxxxx~~ conversant with the facts and circumstances of the case.

That the contents of paras of the amendment application are true to my knowledge.

Lucknow Dated :
Jan 29. 1994

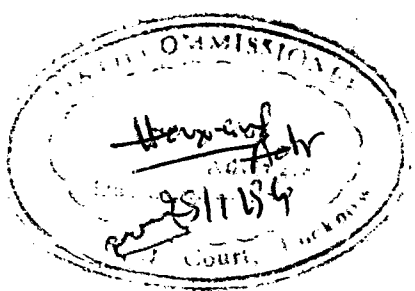
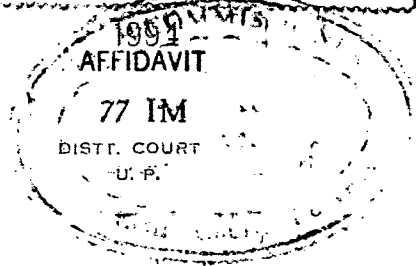
Saxena
Deponent

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 29 day of Jan. 1994 at Lucknow.

Saxena
Deponent

Fideliy the deponer who has signed before me. *[Signature]*



77/M
affirmed before me in office today
at 3-30 P.M. by Shiv Ram Krishna Saxena
who is identified by Shri J.P. Mathur
Clerk to Shri *[Signature]*

I have satisfied the
deponent that the
contents of this affidavit are
explained by him.

[Signature]
Civil Court, Lucknow.
Date - 29/1/94

S.21 dated 4-9-96

In the Hon'ble Central Administrative Tribunal, Lucknow.

M.P.No. 1872 of 1996

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

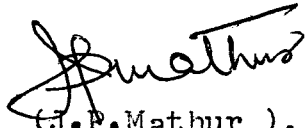
one of the members be joined with the applicant ^{Dr. Begam (D)}
Association which has been provided under Rule 4
of the Central Administrative Rules, 1985.

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 benefited 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:
May 3, 1996


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

SCHEDULE - I

S.No. Name

Designation

Date of Filing
Date of appointment Date of joining regular post Date of death

1.	S/Sri S.K.Saxena	Lib. Asstt.	19.7.75	-	<i>A/ga</i> -
2.	Ran Das Yadav	Messenger	13.5.74	16.9.92	Messenger
3.	Ran Dayal	do	6.12.76	30.1.94	Durwan
4.	Ran Murti Singh	Storekeeper	6.12.76	-	
5.	Ashok Kumar Sharma	LDC	10.7.74	24.5.94	Messenger
6.	Ran Senuj	LDC	Nov. 74		
7.	Govind Singh	TO(D)	1.1.77		
8.	R.M.Pal	LDC	12.5.76		Durwan
9.	Sarfra Khan	Peon	19.10.76		Durwan
10.	Ranesh Chand	Safiewala	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	Mobhnic/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/O	15.7.74	31.3.93	Messenger
18.	T.N.Chaubey	LDC	29.7.74		
19.	Ekal Singh	LDC	9.6.75	14.7.95	To(D)
20.	Jai Ran 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	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 23.5.96

Applicant

Saxena

In the Hon'ble Central Administrative Tribunal, Lucknow.

10 71/1988 (1)

Affidavit in support of

1996

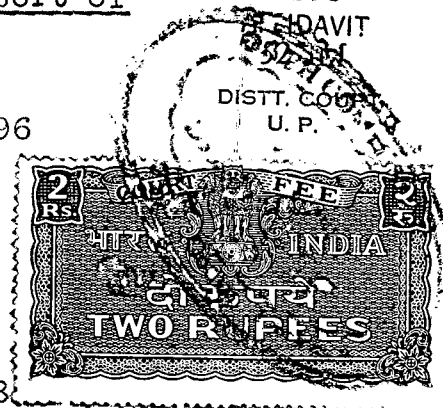
M.P.No.

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.

Saxena

61

Dr. Bopanna (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 31st, 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 31st day of May, 1996 at Lucknow.

Saxena

Deponent

Identified by

R. Saxena
Advocate.

521M
 solemnly affirmed before me in open court
 at 11:25 AM by Shiv Ram Saxena
 R. C. Saxena
 Adv

notarized by me for
 retained by me for

Hareesh
 Civil Court, Lucknow
 31/5/96

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

Original Application No. 12 1988

U.F. 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:-

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

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.

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

Ann.SA-2

Jansing

Deponent

2.

[Handwritten signature]

196

Presence:

Deponent

11- 4000

S.K. Parina
S. K. Parina

9124A

Oath Commission

Full Court Commission

O.A.No. ~~200~~ ~~of~~ ~~1987~~ 12 of 1988

G. S. J. Lucknow
~~Government of India~~

Applicant

Vs

Union of India & others ..

Respondents.

Annexure No. ~~A~~ ~~I~~

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.

- (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, retained

Li-af
14/6/88
AR(E)

14/6/88
Joint Secretary to the Govt. of India
वहाराहन/अध्यापक

Garware

5/12

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

SA 2
A
69

No. /B-12015/3/379-SWC

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.

Sanu

GOVERNMENT OF INDIA

S-A. 3
True copy
A/40

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

Dated, 20th February, 1936.

From: The Director General,
Geological Survey of India,
4, Chowringhee Lane,
Calcutta-700016.

The Sr. Dy. Director General (G.S.I.),
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.

29/2

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. Bhartiya, 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 and documents 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

Amal

any reply from the respondents.

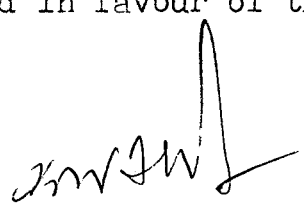
5. That the contents of paragraph no. 4 of the misc. petition relates to the contents of office memorandum dated 7th June, 1988. The same can be verified from the perusal of the original application. However, it is submitted that the O.M. dated 7th June, 1988 does not apply in the case of the applicant (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 ~~appointment in~~ 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.

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 Counselor

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH? LUCKNOW.

A/
24

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 age 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.

Saxena

0

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.

Q

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. No where 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

J. S. Singh

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.F.D.

Central Administrative Tribunal
Lucknow Bench
Date of Filing 21/8/99

In the Hon'ble Central Administrative Tribunal

Lucknow Bench, Lucknow.

M.P.No.

1740/99 of 1999

2081

Place before Hon'ble Bench
on 15.08.99 for
order.
27/8/99

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.

0

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:

Contd.....2

Original Application No. 12 of 1988

DID - 9.8.1999

Geological Survey of India

Staff Union & others ..

Applicants

Versus

Union of India & others ..

Respondents.

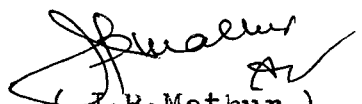
Application for restoration of
Original Application.

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

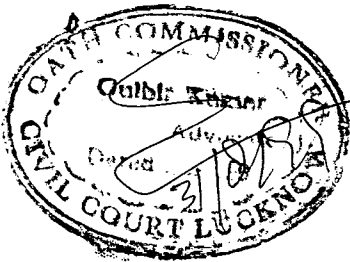
Versus

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

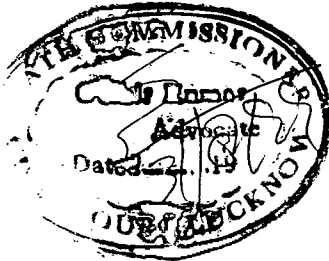
I, S.K. Saxena, aged about 56 years,
son of Late H.K. Saxena, resident of 417/246,
Newajganj, Lucknow do hereby solemnly affirm

Saxena

A/80

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 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.



Deponent

ORIGINAL DOCUMENTS DEPOSITED
DATE 20/8/99
BY S.K. Sharma
CIVIL COURT, LUCKNOW

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

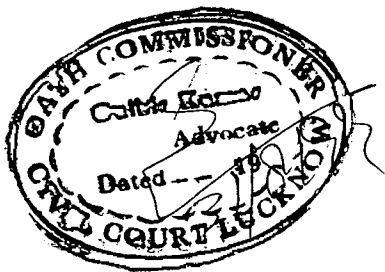
Lucknow: Dated:

August 31, 1999

S.K. Sharma
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.



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

S.K. Sharma
Deponent

Identified by

U-20
I have satisfied myself 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
Advocate. *S.K. Sharma*
Clerk to Shri *S.P. Singh*
Oath Commissioner
Civil Court, Lucknow

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

C.A.No. 12/88

G.S.I. and others

Union Of India and others

- Vs -

Applicants

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-
cution.

Sd/
A.M.

Sd/
J.M.

Corrected Copy

10/8/99
10/8/99
G.A.B.

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

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

M.P.No.

711/2000 of 2000

OK 12/80

Place to be Bench...
By. Registrar
29/3/2000

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.

In re:

O.A. No. 12 of 1988

Geological Survey of India

Staff Union ~~XX~~ & others

..

Applicants

Versus

Union of India & others

..

Respondents.

Application for restoration of Misc.Petition

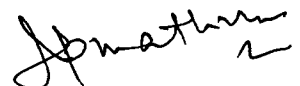
No. 1740 of 1999 rejected on 8.2.2000

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

7
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



(J.P.Mathur),
Advocate

Counsel for the applicants.

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Hearing by Bench

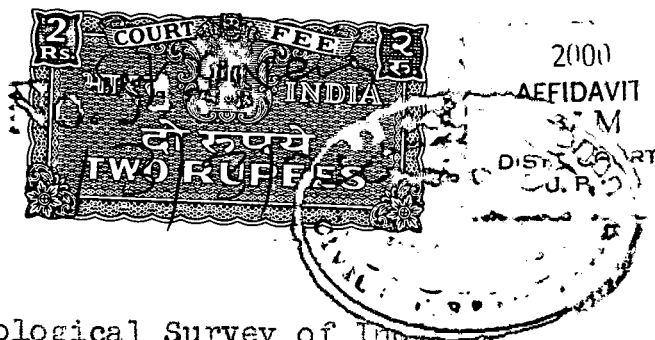
In the Hon'ble Central Administrative Tribunal

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

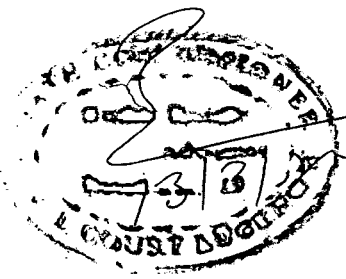
Union of India & others

..

Respondents.

A F F I D A V I T

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

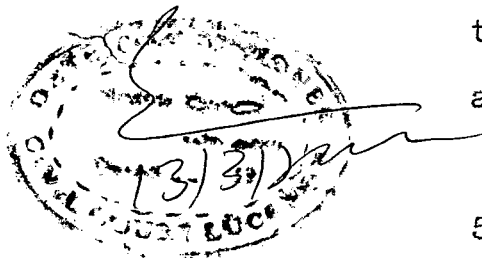


Saxena

Original Document
Lucknow Bench
Date of Filing.....
Date of Receipt by D.C.

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



Garvans

~~CONFIDENTIAL~~

6

Q.

13/3/20

Passing

Sareena

Deponent

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

Advocate.

Advocate.

in 32 in
Sick Sam
P. Mather
have been sent out and
changed No. 1-1/50

REGISTERED MAIL
137312
CITY OF CHICAGO
MAY 19 1950

Central Administrative Tribunal

Lucknow Bench

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.

ORIGINAL COPY

3/2000

SECRETARY

2/2000

ब अदालत श्रीमान Central Administrative Tribunal at Lucknow महोदय

(वादी अपीलान्त)

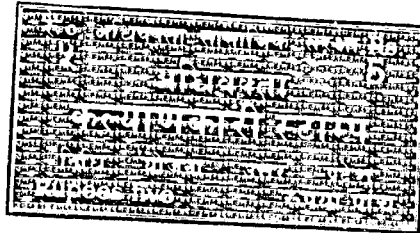
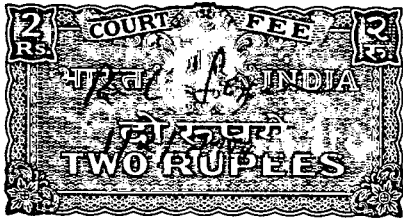
प्रतिवादी (रेस्पाडेन्ट)

श्री

G.S.I. Staff Union & its S/O Agents

वकालतनामा

१/१



दी अपीलान्त)

G. S. I

बनाम

U. O. I.

(प्रतिवादी रेस्पाडेन्ट)

नं. मुकदमा O.A No 12/80 सन

पेशी की ता० 12/2/2001 ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Rajesh Chandra Saxena, Adv

व

Vivek Pareek Adv, Anurag Srivastava, Adv

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकैन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा 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 मुकदमा 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 मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण (हस्ताक्षर) और समय पर काम आवे।

Hareesh

साक्षी (गवाह)

Chung
12/2/2001

हस्ताक्षर

Garg

K.R. Verma
(K.R. Verma)

दिनांक

12/2/2001

(गवाह)

महीना

February सन 2001 ई०

स्वीकृत.

Rajesh Adv

General Secretary
G.S.I. S.O.
Northern Region
Lucknow

FORM NO. 11

(SEE RULE 62)

A
92

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

OA/RA/CP/MX/PT.....12.....of 1988

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

versus

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

memo of appearance

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.

Serial No- 24

FORM NO. 11:
(See Rule - 62).

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

OA No./RA/OP/PT/MA 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-Jud1, dated 14th October, 1993 and Notification No.F.44(4)/
91-Jud1, 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)
Addl. Standing Counsel for
Central Government.

Dated: 13/11/88

Address of the Counsel for Service.

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

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

Before the Honble Central Administrative Tribunal.

Lucknow

A
94

Application for Adjournment/Illness on behalf of

Respondent—

My Lords,

Case at. S.N.-33 may very kindly

be adjourned today as I am unable to Honble
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)
Adv

Sr. Cent. Govt. Standing Counsel

Before the Honble Central Administrative
Tribunal, Lucknow Bench

18/95

G.S. 1 Staff Association — Applicant.
Cea,
Union of India — Respondent.
O.A. No. 12/88.
Dt. 11.1.2001.

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

Therefore it is
prayed that the applicant be given
time for engaging another lawyer
for conducting the case in this
tribunal. 2 points.

11.1.2001

For
Adv.
Counsel for Applicant

Central Administrative Tribunal

S.No. 33

Mr. Reader

Kindly request his lordship
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.

For To. Sri J. P. Mathur
Achr.

Uthman
Achr.

SENO (20)

OANO: 12188

and

SENO (22)

OANO: 289/9,

Reader,

Kindly pay the
ordships that the case
at SE-Numbers. 20 and 22
very kindly a stamp
of me as the
rel for the pebbles
Malby is out
today for today

J. F. Malby

consel for
Pebbles