

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ..... CA 111/89 ..... OF ..... 1989 .....

NAME OF THE PARTIES ..... RS Dubey ..... Applicant

Versus

..... Union of India ..... Respondent

Part A.

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**CERTIFICATE**

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

Dated ..... 11/08/2011 .....

Counter Signed.....

*Rejeet*

Section Officer/In charge

Signature of the  
Dealing Assistant

Central Administrative Tribunal  
Lucknow Bench

Cause Title O.A. 111/89 5 1993

Name of the Parties

R. S. Dubey

Applicant

V e r s u s

Union of India

Respondents

Part A . P.C

Sl. No.

Description of documents

Date

- 1.
- 2.
- 3.
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- 5.
- 6.
- 7.
- 8.

Check List

Order Sheet.

Judgement. dt 26/8/92

Petition Copy

Annexure

Power

Counter Affidavit.

Rejoinder Affidavit.

A1 - A3

A4 - A5

A6 - A27

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A29 A30

A31 A46

B - File

B - File 897 - 1383

C - File 880 - 892

CA-111/89(L)

8/9/89

Hon. Justice K. Nath, VC.  
Hon. K. J. Roman, Am.

Shri Harnam Shanker  
makes appearance on behalf  
of opposite parties Nos. 2 & 3,  
and is allowed  
requests for four weeks  
time to file counter.  
Rejoinders may be filed  
within two weeks thereafter.  
The case be listed for  
final hearing on 7-11-89.

Am.

V.C.

OR

Notices were issued  
to the opposite parties on 10.8.89  
by regd. Post.

Neither reply nor  
any unserved regd.  
order has been received  
till so far in the office  
submitted for order.

h  
7/9

Res

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

7-11-89

Shri A.G. Sharma counsel for the applicant  
and Shri H.S. Saxena counsel for the  
respondents are present.

The respondents files counter reply. Keep  
it on record. Counsel for the applicant  
requests for time to file rejoinder.  
Allowed. Let rejoinder be filed  
within 3 weeks hence.

List this case on 22-1-90 for order/  
hearing as the case may be.

Am.

J.M.

22-1-90

(SHS)  
No sitting. Adj. to 14.3.90

No RA filed  
S.P.O.

h  
24/1/90

h  
13/8

14.3.1990

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

Shri A.G. Sharma, for the applicant  
and Shri H.S. Saxena, for the respondents are  
present. The learned counsel for the applicant  
wants some time to file rejoinder affidavit.  
Allowed. Let, rejoinder affidavit, if any, be  
filed within 3 weeks.

List it for hearing on 1.8.1990.

  
A.M.

  
J.M.

sd.

1-8-90

No setting adj. to 14/11/90



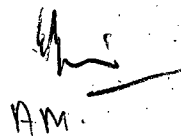
14.11.90

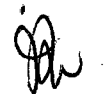
Hon. Mr. Justice K. Nath V.C.  
Hon. Mr. M.V. Prasadkar A.M.

OR

No RA filed  
S.P.H.  
13/11/90

On the request of Counsel  
for applicant case is Adjourned  
to 16.1.91.

  
A.M.



V.C.

16.1.91

No setting adjourned to 4.4.91.

No RA filed  
S.P.H.  
3/4

Q3

OA 11/89

482

No S.ing adj to 29.5 52  
2

OA, RA have  
been changed  
SPH  
2/5

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 111/89

R.S. Dubey

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

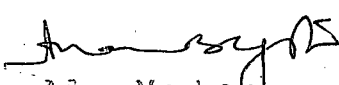
(Hon. Mr. Justice U.C. Srivastava, V.C.)


The applicant who was appointed as M.T. Driver in the year 1965, has alleged that he was confirmed in the Organization with effect from 1.1.1985 and promoted to higher grade subsequently. By means of this applicant, who retired in the mean time, has challenged the adverse remarks given to him and withholding of Efficiency Bar and certain orders passed by the Airport Authority where he was in service. The applicant was in Govt. of India service. He has challenged the orders dated 28.3.89, 11.10.88 and 3.10.88 which are consequential orders, passed on various subjects

2. All these orders have been passed by the Airport Authority and no notification has been issued to entertain the cases of any existing or retired

W

employee of Airport Authority, The application is  
dismissed. It is for the applicant to approach the  
High Court and we are not making any observation in  
this behalf. No order as to costs.

  
Adm. Member

  
Vice Chairman.

Shakeel/

Lucknow:Dated: 29.5.92.

AB

07A. 11/04/05

3 . . . . .

## Versus

.....

## Respondents.

## I N D E X

Filed to day  
i.e. on 29/5/89  
~~27/5/89~~ Ag. Shri  
Adv.  
Lucknow: Dated  
May 22<sup>nd</sup>, 1989.

( ASHOK G. SHARMA )  
Advocate,  
Counsel for the Applicant.

X Date of filing :

Signature  
for Registrar.



A7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A. III of 89 (C)

Ram Samigh Dubey, Son of late Sri Thakur Prasad Dubey,  
aged about 57 years, resident of 36, Airport Colony,  
Amausi Airport, Lucknow.

..... Applicant.

V E R S U S

1. Union of India through the Secretary,  
Ministry of Civil Aviation,  
Sardar Patel Bhawan, Parliament Street,  
New Delhi.
2. The Controller of Aerodrome,  
Lucknow Airport, Lucknow.
3. The Director of Aerodrome, Delhi Region,  
I.G.I. Airport, Palam Air port,  
New Delhi.

..... Respondents.

(1) PARTICULARS OF THE ORDERS AGAINST WHICH APPLICATION  
IS MADE :

1. Regd. letter No. MT-4/8/88-E-1/4064 dated 28.3.1989
2. Order No. LE-14/5374-75 dated 11th October, 1988.
3. Order No. Vig-3/1/AD/632 dated 3.10.1988

- passed by the Administrative Officer,  
for Director of Aerodromes, Delhi Region.

(2) JURISDICTION OF THE TRIBUNAL :

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

*[Signature]*

*[Signature]*

(3) LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985. The cause of action accrued on 28.3.1989 and on 1.4.1989.

(4) FACTS OF THE CASE :

1. That the Controller of Aerodromes, Calcutta Region was pleased to appoint the applicant as M.T. Driver on the recommendation of Selection Committee on 13.8.1965 vide their office order No. CR/E-21 (MTD/E 37 on the initial pay of Rs.110/- per month in the scale of Rs.110-3-131-4-139 plus the usual allowances admissible under the rules and posted him to Aerodrome Office, Dum-Dum on trial basis for a period of one year. The applicant successfully completed the probation period and he was confirmed and observed as permanent employee in the Organisation.
2. That the applicant was confirmed in the Organisation with effect from 1.1.1985 and subsequently he was promoted in the scale of Rs.330-8-370-10-400-EB-10-480 and is working as M.T. Driver H/G SG under the control of Controller of Aerodromes, Delhi Region.
3. That in accordance with the implementation of award for pay scale of Driver Fire in the Civil Aviation Department/National Airport Authority, the National Airport Authority issued Memorandum bearing No.LE-14/5374-75 dated 11th October, 1988 and the pay scale of the applicant has been revised from the existing scale

*[Handwritten signature]*

*[Handwritten signature]*

of Rs.320-6-376-8-390-10-400 to Rs.330-8-370-10-400-EB-10-480 with effect from 6.8.1981. As per recommendations of the IV Pay Commission, the pay scale of the applicant was further refixed in the new pay scale of Rs.1200-30-1440-EB-30-1800 with effect from 1.1.1986 and accordingly his pay was fixed on 11th October, 1988 at the stage mentioned below, each in the revised scale, pre-revised and new pay scale. This pay was wrongly fixed as on 1.2.1982 he was entitled to get his pay as Rs.410/- and with effect from 1.2.1983 as Rs.420/- and so on in future.

6.8.81	1.2.84	1.2.85	1.1.86	1.2.86	1.2.87	1.2.88	
400/-	410/-	420/-	1380/-	1410/-	1440/-	To cross	E. Bar.

It may be mentioned here that the applicant is drawing his pay @ Rs.1450/- basic with effect from 1.2.1989.

4. That the pay fixed as per the office Order No. LE-14/5374-75 dated 11.10.1988 with retrospective effect, with effect from 6.8.1986 in the revised time scale is arbitrary, illegal and wrong. The representation has already been made by the applicant against the fixation of pay which is pending for decision. The fixation of pay on a stage on passing an efficiency bar when he has come on to time scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service. This ruling applies only to the fixation of pay in the time scale in which the efficiency bar has been applied. In the case of the applicant, pay in the junior or previous scale of service should not, therefore, effect the pay of the applicant in the senior

*3-11-88*

*ASD*

time scale, he should be paid in the later scale according to the length of his service unless his pay in such scale is itself affected. Hence the impugned order of fixation of pay is challenged and the relief sought in this claim petition. It is also stated that there was no disciplinary order passed in accordance with the Civil Service (Classification, Control & Appeal) Rules against the applicant. A true copy of the order No. LE-14/5374-75 dated 11.10.1988 is filed herewith as Annexure No.1 to this petition.

5. That according to the letter dated 13.7.1988 bearing No. LE-71/3966-68 issued from the office of the Controller of Aerodromes, National Airport Authority, Lucknow it is very clear from its para no.3 that the applicant was allowed to cross his efficiency bar with effect from 1.2.1982 which was refixed from 1.4.1984. Whereas his juniors were allowed to cross the efficiency bar much before. The work, conduct and performance of the applicant has always been judged by his superior officers which has all along been outstanding throughout during his entire tenure of service as well as in the Forces, Civil Aviation Department. Neither any adverse entry nor any warning was ever communicated to him and as such the character roll of the applicant remained unblemished at the time of fixation of the pay and crossing of the efficiency bar, he was promoted and confirmed in the year 1985. *Ann-4*

6. That this reference is directed against the order passed by the Administrative Officer, for Director of Aerodromes, Delhi Region, I.G.I. Airport Delhi, opposite party no.3, bearing No. MT-4/8/88-EA/4064-66.

*3/11/88*

*PSD*

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dated 28.3.1989 not allowing the applicant to cross the efficiency bar on the recommendations of the Departmental Promotion Committee duly approved by the Airworthiness Delhi Region, with effect from 1.2.1988. True copy of the order No. MT-4/8/88-EA/4064-66, dated 28.3.1989 is filed herewith as Annexure No.2 to this petition.

7. That the aforesaid order is bad in law, arbitrary, without any authority, hence deserves to be quashed and can not be treated to have operated as the same besides other illegalities, is also non speaking.
8. That the Administrative Officer, issued a confidential letter bearing No. Vig.-3/1/AD/632 dated 3.10.1988 for Director of Aerodromes, Delhi Region which is placed at Annexure No.3 to this claim petition and was communicated through Controller of Aerodromes, Lucknow Airport, Lucknow awarding an adverse entry in the confidential report of the applicant and remarks therein related to his personal qualities which runs as under :-

"Self Confidence - Partially meets the requirements of the job."

9. That with regard to the aforesaid communication of an adverse remark, the applicant preferred an appeal which is pending with the competent authority. Moreover the applicant is an employee of Civil Aviation Ministry, hence the letter in question issued under the authority of National Airport Authority is illegal, bad and void in law.

J. K. Singh

P. S. Singh

10. That the applicant is retired person from the Forces and his services were always judged exemplary by his superior officers in the Forces and also in the present Organisation.
11. That under the statutory rules as well as Government Orders, an entry to the employee working under the Government of India could only be given in a prescribed manner which has not been properly followed. Firstly the entry be given by the reporting officer and be forwarded thereafter to the reviewing officer and finally both the comments of reporting and reviewing officers be sent before the accepting authority.
12. That the applicant was awarded an adverse entry on 3.10.1988 by the opposite party no.2 in a hurried and discriminatory manner which is against the procedure as laid down by the Government of India from time to time.
13. That the entry for the year 1987-88 communicated to the applicant in the month of November, 1988 is incomplete as he has been communicated the comments given by the reporting officer only. According to the rules, full entry must be communicated to the concerned incumbent when the same amounts an adverse effect. A true copy of the order dated 3.10.1988 is filed herewith as Annexure No. 3 to this petition.
14. That further the entry given by the reporting officer, i.e. opposite party no.2 is vague, unspecific and arbitrary in nature as the same has not been based on any evidence or material nor any instance has been

given nor any proceeding regarding the alleged irregularities were ever conducted against the applicant.

15. That before awarding the said entry the opposite party no.2 neither asked the petitioner anything about the facts mentioned in the impugned entry nor he was provided any opportunity to put his proper defence.
16. That the comments given by the reviewing and accepting officers have not been supplied to the petitioner and as such the entry communicated to him is incomplete in nature.
17. That the petitioner's conduct has been charged by the opposite party no.2 without any cogent reason or evidence, without conducting any departmental enquiry and without providing any opportunity of defence. As such the entry in question is arbitrary and mala fide, against the provisions of law as well as the principles of natural justice have also been violated.
18. That after receiving the impugned order in the month of November, 1988 the petitioner filed an appeal immediately through proper channel to the opposite party no.3 which was forwarded by his office.
19. That the decision taken by opposite party no.1 has not been communicated to the petitioner so far and as such the representation is still pending for the decision of the competent authority.

*[Handwritten signature]*

*[Handwritten signature]*

20. That the remarks given vide order dated 3.10.1988 is incomplete, arbitrary, malafide and against the procedure as laid down in the Government Orders.
21. That by not allowing the petitioner to cross his efficiency bar from due date and deliberately allowing the same from subsequent date is bad in law and against the provisions of natural justice.
22. That as such the action of the opposite parties against the petitioner in allowing the efficiency bar to be crossed at a very late stage violates the Fundamental Rule-25 besides the CCA Rules.

(5) GROUND FOR RELIEF WITH LEGAL PROVISIONS :

(A) BECAUSE the opposite parties deliberately did not cross the efficiency bar of the petitioner and if he would have been given increments at proper stages, the efficiency bar of the petitioner would have automatically crossed in the revised pay scale.

(B) BECAUSE there was no adverse material or any warning against the petitioner in his character roll and official records but with an arbitrary and malafide intention the petitioner's genuine claims were denied to him without any reasonable basis or ground which is against the provisions of the principles of natural justice.

(C) BECAUSE the adverse entry communicated to the petitioner is incomplete in nature and as such is illegal, bad, arbitrary and abinitio void in law.

*[Handwritten signature]*

*[Handwritten signature]*



(D) BECAUSE under the statutory rules and the Government Orders, an entry to the employee working under the Union of India could only be given in a prescribed manner which has not been properly followed. Firstly the entry be given by the reporting officer and it ought to have been forwarded thereafter to the reviewing officer and finally both the comments of reporting and reviewing officers be sent to the accepting authority.

(E) BECAUSE the applicant has been awarded an adverse entry by the opposite party no.2 in a hurried and discriminatory manner which is against the procedure laid down by the Government of India.

(F) BECAUSE the impugned entry is incomplete as the applicant has been communicated the comments given by the reporting officer only and according to the rules, full and complete entry must be communicated to the employee concerned when the same is adverse in nature.

(G) BECAUSE the impugned entry is vague, unspecific and arbitrary in nature as the same is not based on specific evidence or material nor any instance has been given nor any proceeding regarding the alleged irregularities were ever conducted.

(H) BECAUSE no comments given by the reviewing and accepting officers have been supplied to the applicant nor was he asked anything about the facts mentioned in the impugned entry. Moreover no opportunity to put his defence was given to him which violates the principles of natural justice and Article 311(2) of the Constitution of India.

*[Signature]*

(I) BECAUSE the petitioner's conduct has been charged by the opposite party no.2 without any cogent reason or evidence, without conducting any departmental enquiry and without providing reasonable opportunity of defence which renders the impugned entry as arbitrary, malafide and against settled service rules.

(J) BECAUSE by not allowing the petitioner to cross his efficiency bar from due date and deliberately allowing the same from a subsequent date is bad in law and against the provisions of natural justice.

(K) BECAUSE the action of the opposite parties in allowing the petitioner his efficiency bar at a very late stage violates the Fundamental Rule-25 and the C.C.A. Rules.

(L) BECAUSE the alleged adverse entry contained in Annexure no.3 is not in fact adverse on which basis the petitioner could be debarred from crossing his efficiency bar on due date.

(6) DETAILS OF THE REMEDIES EXHAUSTED :

The applicant declares that he has exhausted & availed of all the remedies available to him under the relevant service rules by way of filing representation through proper channel to opposite party no.3 which is still pending for decision.

(7) MATTERS PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declares that he had not previously filed any application, writ petition or

*[Signature]*

suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

(8) RELIEFS SOUGHT :

In view of the facts mentioned in para 6 above, the applicant prays for the following relief(s) :-

- (1) That this Hon'ble Tribunal may kindly be pleased to quash the part order dated 11.10.1988 and the orders dated 9.5.1988 & 28.3.1989 which are the consequential orders of order dated 11.10.1988 directing thereby the opposite parties to refix the pay scale of the petitioner correctly on 6.8.1981 in the pay scale of Rs.330-8-370-10-400-EB-10-480 and pay the arrears of salary and allowances with interest at the market rate.
- (2) That this Hon'ble Tribunal may further be pleased to such other order or direction to the opposite parties deemed just and proper in the circumstances of the case alongwith the costs of this claim petition.

Lucknow: Dated

May 22, 1989.

( RAM SAMIGH DUBEY )  
Applicant.

THROUGH: ( ASHOK G. SHARMA )  
Advocate.

MS

10. That the applicant is filing his claim petition before this Hon'ble Tribunal through his counsel and if required, the oral arguments shall be made by him on behalf of the applicant.

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee :-

Amount of Fee	Bank Draft No.	Bank Draft's Date.
₹ 2	1PO/ 781755	1PO No/ 2245/88

12. List of enclosures :

1. Copy of order of Controller of Aerodromes, Lucknow Airport, Lucknow dated 11.10.1988.
2. Copy of order of Administrative Officer, for Director of Aerodromes, Delhi Region dated 28.3.1989.
3. Copy of order of Administrative Officer, for Director of Aerodromes, Delhi Region, dated 3.10.1988.
4. Copy of order of Controller of Aerodromes, Lucknow Airport, Lucknow dated 13.7.1988.

#### VERIFICATION

I, Ram Samigh Dubey, Son of late Shri Thakur Prashad Dubey, aged about 57 years, working as M.T. Driver in Civil Aviation, Lucknow Airport, Lucknow in the office of National Airport Authority (Civil Aviation), resident of 36, Air Port Colony, Amausi Airport, Lucknow, do hereby verify that the contents of paras 1 to 4 & 6 to 12 are true to my personal knowledge and para 5 believed to be true on legal advice and that I have not suppressed any material fact.

Date: May 22<sup>nd</sup>, 1989  
Place: Lucknow.

( RAM SAMIGH DUBEY )  
Applicant.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
L U C K N O W

Ram Samigh Dubey ..... Applicant.  
Versus  
Union of India & others ..... Respondents.

ANNEXURE NO. 1

NATIONAL AIRPORT AUTHORITY  
Office of the Controller of Aerodromes,  
Lucknow Airport, Lucknow- 9

No. LE-14/5374-75

Dated, Lucknow the 11th Oct., 1988

Memorandum

Subject: Revision of Pay Scale of Driver (Fire) in the  
Civil Aviation Department/National Airports  
Authority- Implementation of Arbitration Award etc.

In accordance with the instructions contained in the Ministry of Civil Aviation, Parliament Street, New Delhi letter No. A-26017/2/79-EW (VE/SFS), dated 20.3.87, the pay scale of Shri R.S. Dubey, Driver (Fire) in the National Airports Authority has been revised from the existing scale of Rs. 320-6-326-8-390-10-400 to Rs. 330-8-370-10-400-EB-10-480/- w.e.f. 6.8.81. The pay of Sri R.S. Dubey has further been refixed in new scale of Rs. 1200-30-1440-EB-30-1800/- with effect from 1/1/1986. Accordingly, his pay has been fixed at the stages mentioned below each in the revised scale (pre-revised) and new scale of pay :-

Sl.No.	Name	Pay fixed as on						
		6.8.81	1.2.84	1.2.85	1.1.86	1.2.86	1.2.87	1.2.88
1	Shri R.S. Dubey, Driver (Fire)	400/-	410/-	420/-	1380/-	1410/-	1440/-	to cross E/Bar

Sd/- (R.C. KHURANA)  
Controller of Aerodromes,  
Lucknow Airport, Lucknow.

A22

It is to inform that as per the observations of the Departmental Promotion Committee duly approved by the Director of Airworthiness, Shri R.S. Dubey is not found fit to Cross Efficiency Bar at the stage of Rs. 1440/- w.e.f. 1.2.1988. His case will reviewed after one year.

The above officials may be informed accordingly.

Sd/- ( B.L. PIPIL )  
ADMINISTRATIVE OFFICER,  
FOR DIRECTOR OF AERODROMES: DELHI REGION.

Copy for R.S. Dubey  
Driver Fire

Controller of Aerodrome,  
Lucknow Airport, Lucknow.  
Sd/- 24/4/89

TRUE COPY.

*[Handwritten signature]*

A21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
L U C K N O W.

Ram Samigh Dubey

.....

Applicant.

Versus

Union of India & others

.....

Respondents.

ANNEXURE NO. 2

REGISTERED

NATIONAL AIRPORTS AUTHORITY,  
OFFICE OF DIRECTOR OF AERODROMES: DELHI REGION: IGI AIRPORT,  
PALAM NEW DELHI

IMMEDIATE

No. MT-4/8/88-EA/4064-66

Dated: 28.3.89

To

The Controller of Aerodrome,  
Civil Aerodrome L  
Lucknow/Varanasi.

The Aerodrome Officer,  
Civil Aerodrome,  
Kanpur.

Sub: CROSSING OF EFFICIENCY BAR:

On the recommendation of the Departmental Promotion Committee duly approved by the Director of Airworthiness, Delhi Region, the following officials are allowed to draw increment above the stage of Efficiency Bar from the date shown against each :-

Name & Designation S/Shri	Present Stn. of posting	Scale of Pay	Stage of Pay	Date from which allowed to cross EB:
1. Z. Abedin D/Fire	CA, Lucknow	1200-30- 1440-EB- 30-1800	Rs. 1440/-	1.1.87
2. R. S. Tewari -do-	-do-	-do-	Rs. 1440/-	1.5.87
3. Hari Lal -do-	CA, Kanpur	-do-	Rs. 1440/-	1.4.87
4. Vijai Pal Singh Driver Fire (Rtd.)	CA, Varanasi	330-8- 370-10- 400-EB- 10-480	Rs. 400/-	1.2.82

A/22

To,

Shri R.S. Dubey,  
Driver (Fire),  
Office of the Controller of Aerodrome,  
Lucknow Airport,  
Lucknow.

Copy forwarded in duplicate to the Accounts Section,  
Office of the Controller of Aerodrome, Lucknow Airport,  
Lucknow with increment certificates for the period mentioned  
above and revised pay fixation statement as on 1/1/86 for  
necessary action. Action for getting Shri Dubey crossed at  
the stage of efficiency bar is being taken separately and  
the same will be intimated in due course.

Encl: as stated.

TRUE COPY.

STAT



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
LUCKNOW.

Ram Samigh Dubey	.....	Applicant
	Versus	
Union of India & others	.....	Respondents.

ANNEXURE NO. 3

RASHTRIYA VIMANPATTAN (NAA)	NATIONAL AIRPORTS AUTHORITY,
PRADHIKARAN, (Seal)	O/o the Director of Communi-
Nideshak Sanchar,	cation, Delhi Region.
Delhi Chhetra Karyalaya	

Ref. No. Vig.-3/1/ADV/632

CONFIDENTIAL

3.10.1980

Memorandum

The confidential report for the year 1987-88 in respect of Shri Ram Samujh Dubey, Driver Fire, not satisfactory. His particular attention is drawn to the following remarks :-

B. Personal qualities:

C. Self Confidence: ..... Partially meets the requirements of the job.

In his own interest Shri Ram Samujh Dubey, Driver Fire, is advised to get over the defects mentioned above and acquire good reports in future.

Sd/- ( SANT RAM )  
ADMINISTRATIVE OFFICER,  
FOR DIRECTOR OF AERODROMES,  
DELHI REGION.

Shri Ram Samujh Dubey,  
Driver Fire,  
(Through Controller of  
Aerodromes, Lucknow Airport,  
Lucknow).

TRUE COPY.

11/10/80

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
L U C K N O W.

Ram Samigh Dubey ..... Applicant  
Versus  
Union Of India & others ..... Respondents.

ANNEXURE NO. 4

NATIONAL AIRPORTS AUTHORITY  
Office of the Controller of Aerodrome,  
Lucknow Airport, Lucknow - 9

No. LE-71/3966-68

Dated, Lucknow the, 13th July, 88

To,

The Director of Aerodromes,  
Delhi Region,  
New Delhi- 10.

Subject: Crossing of Efficiency Bar- Driver (Fire).

Sir,

Kindly refer to this office letter No. LE-71/  
2540 dated 27/5/87 and your office letter No. MT-4/8/88-EA/  
1021 dated 6.4.88/9.5.88 on the above subject.

Copies of the above both the letters have already  
been sent to your office vide this office letter number -  
LE-14/2399 dated 22/6/88.

It has been observed that vide this office letter  
quoted above, it was requested that Shri R.S. Dubey, Driver  
(Fire) may be allowed to cross efficiency bar with effect  
from 1/2/1982 but whereas in your office letter under  
reference he has been allowed to cross efficiency bar from

[Signature]

A25

( 2 )

1/2/1984. This may be confirmed that Shri R.S. Dubey D/F is allowed to cross efficiency bar from 1/2/84 only or if there is any typing error correction for the same may please be issued at an early date so that pay fixation case may be settled.

Yours faithfully,

Sd/- (SRIKRISHAN)  
Controller of Aerodrome,  
Lucknow Airport, Lucknow.

Copy forwarded to Shri R.S. Dubey, Driver (Fire) of the office of the Controller of Aerodrome, Lucknow Airport, Lucknow for information.

Copy to File No. LE-14.

Sd/- 15.7.88  
Controller of Aerodrome,  
Lucknow Airport, Lucknow.

TRUE COPY.

22/11/88

**NATIONAL AIRPORTS AUTHORITY**  
**OFFICE OF THE DIRECTOR OF AERODROMES, DELHI REGION,**  
**IGI AIRPORT (PALAM), NEW DELHI-110010**

No. MT-4/8/88-EA/1021

Dated the 6th April, 1988  
 9-5-88

To,

The Controller of Aerodrome,  
 Civil Aerodrome,  
Lucknow.

Subject: Crossing of Efficiency Bar.

On the recommendation of the Departmental Promotion Committee duly approved by the Director of Airworthiness, Delhi Region, the following officials are allowed to draw increment above the stage of Efficiency Bar from the date shown against each :-

Sl. No.	Name & Designation	Present station of posting.	Scale of pay	Stage of pay	Date from which allowed to cross EB
1.	Sh. R. S. Tewari, D/F	CA, Lucknow	Rs. 330-8-370-10-400-EB-10-480	Rs. 400/-	1-5-82
2.	Sh. Z. Abedin, D/F	-do-	-do-	Rs. 400/-	1-1-82
3.	Sh. Jia Lal, D/F	-do-	-do-	Rs. 400/-	1-11-81
4.	Sh. Hori Lal, D/F	-do-	-do-	Rs. 400/-	1-4-82
5.	Sh. Shish Pal Singh D/F	-do-	-do-	Rs. 400/-	1-2-85
6.	Sh. R. S. Dubey D/F	-do-	-do-	Rs. 400/-	1-2-84

The above officials may please be informed accordingly.

Sd/- ( M.D. SHARMA )  
 Administrative Officer,  
 For DIRECTOR OF AERODROMES, DELHI REGION

*[Handwritten signature]*

A27

( 2 )


OFFICE OF THE CONTROLLER OF AERODROME, LUCKNOW AIRPORT,  
LUCKNOW.

No. LE-71/3006

Dated, Lucknow the 31 May, 1988

Copy forwarded to the Fire Section of the office  
of Controller of Aerodrome, Lucknow Airport, Lucknow for  
information of all concerned Driver (Fire).

Sd/- ( D.V.K. RAO )  
Controller of Aerodrome,  
Lucknow Airport, Lucknow.



ब अदालत श्रीमान्  
[वादी अपीलान्त]  
प्रतिवादी [रेंस्पाडेन्ट]

In the Central Administrative Tribunal, महोदय  
... .. का

## वकालतनामा

R. S. Dubey

V/S.  
Govt of India & others

टिकट

वादी (अपीलान्त)

बनाम

प्रतिवादी (रेंस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ... .. Ashok G. Sharma

Advocate

वकील

महोदय

एडवोकेट

नाम अदालत

मुकद्दमा नं०

नाम फरीकैन

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी 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 हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

R. S. Dubey

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

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स्वीकृत

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

C.M. Am. No. 297/OP(L)

Ram Samigh Dubey ..... Applicant

Versus

Union of India ..... Opposite  
and Others ..... Parties

Application for condonation of delay.

The opposite parties beg to submit as under:-

1. That the Hon'ble Tribunal was pleased to allow time to the applicant for filing reply but due to unavoidable reasons, the same could not be prepared and filed within the time allowed.
2. That the delay in filing the reply is due to reasons and is liable to be condoned.

Therefore it is respectfully prayed that the Hon'ble Tribunal be pleased to condone the delay in filing the reply and the reply being filed herewith be taken on record.

Lucknow.

Dated, 7.11.89

*[Signature]*  
Opposite Parties

2 & 3.

*[Signature]*  
7/11/89

Filed today  
L  
7/11/89

730

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow Bench.

LUCKNOW.

Ram Samigh Dubey	.....	Applicant
Versus	.....	Union of India and others.

Reply on behalf of opposite parties 2 & 3 to the petition of the petitioner. The opposite parties 2 & 3 submit as under.

1. Contents of Para 4(I) of the petition under reply are not disputed.
2. Contents of Paragraph 4(II) are not disputed.
3. With respect <sup>to</sup> of contents of Para 4(III) it submitted that the current pay of the petitioner was fixed on 11 Oct, 1988. It is absolutely wrong to say that he was entitled to get his pay as Rs. 410/- w.e.f. from 1.2.82 and Rs. 420/- w.e.f. from 1.3.83. It shall not be out of place to mention that as per recommendations of the Departmental Promotion Committee the petitioner was not found fit to cross the efficiency bar w.e.f. from 1.2.82. The Departmental Promotion Committee having found him fit to cross the efficiency bar w.e.f. from 1.2.84, the petitioner was granted increment from 1.2.84. It may be mentioned that according to the recommendations of the Pay Commission the scale of Rs. 320-400/- was revised to the scale of Rs. 1150-25-1500/-. Before coming in of the new pay scale of Rs. 1200-1800/- the salary of the petitioner was fixed in the scale of Rs. 1150-1500 and an annual

Page



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increment of Rs.25/- was being granted to him and hence on 1.2.89 he was drawing Rs.1450/- P.M. Thereafter the scale of Rs.1150-1500 was revised to the scale of Rs.1200-30-1440-EE-30-1800 and the salary of the petitioner was fixed as made out in this paragraph. Before the coming in of the new scales that is Rs.1200-1800 the petitioner was drawing his salary in the scale of Rs.1150-1500. The statement showing the fixation of salary in the grade of Rs.1150-1500 is being filed as Annexure AI to this reply. But on the coming in of the new scale his salary was fixed in the new scale. From the date of the implementation of the new scales as per recommendations of the selection committee, the petitioner was not found fit to cross the efficiency bar which was to be crossed on 1.2.88. A photostat copy of the recommendations of departmental promotion committee is being filed as Annexure AI to this reply. It may also be mentioned that the petitioner's confidential reports for the year 1979-80, 1980-81 and 1987-88 were considered by the departmental promotion committee whereafter these recommendations were made. A photostat copy of the recommendations of the departmental promotion committee for consideration of efficiency bar dated 5.4.88 is being filed as Annexure AI to this reply.

4.

With respect to contents of Para 4(IV) it is submitted that the petitioner's salary was fixed in the new pay scale and since he was not found fit to cross the efficiency bar he was not granted the increment.

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5. With respect to contents of Para 4(V) ~~that~~ <sup>it</sup> is submitted as per recommendations of departmental promotion committee contained in Annexure II the petitioner was found fit to cross the efficiency bar w.e.f. from 1.2.84. The departmental promotion committee has taken into consideration the confidential reports of the petitioner for the year 1980-81 which contained an adverse remark which was communicated to the petitioner vide No.A-3/83/80-VIG/636-37 Dated 24.9.81.
6. With respect to contents of Para 4(VI) it is submitted that the departmental promotion committee has not found the petitioner fit to cross the efficiency bar w.e.f. ~~from~~ <sup>1.2.88</sup>. The confidential report of the petitioner for the year 1987-88 was not satisfactory and contained adverse entries which was communicated to him vide Memo No.VIG/3/1/ADV/632-34 Dated 3.10.88.
7. The contents of Para 4(VII) of the petitioner are wrong and denied.
8. The contents of Para 4(VIII) are not disputed.
9. Contents of Para 4(IX) are wrong and are denied. The petitioner has neither preferred any appeal against the adverse remarks nor any appeal is pending decision. It may be mentioned that National Airports Authority has been created to look after the affairs which was so far being looked into by the Civil Aviation Ministry and as such the National Airports Authority is dealing with those functions as a statutory body.
- For

- 933
10. With respect to the contents of para 4(X) it is submitted that the petitioner was awarded adverse entries several times during his employment in this department.
11. The contents of Para 4(XI) are mis-conceived and are denied. The entire procedure as envisaged in the rules has been followed which can be borne out from the perusal of the confidential reports.
12. Contents of Para 4(XII) of the petition are mis-conceived and are denied.
13. Contents of Para 4(XIII) of the petition are also mis-conceived and are denied. The full adverse entry as contemplated in the manner has been communicated to the petitioner.
14. Contents of Para 4(XIV) are mis-conceived and are denied. It may be mentioned that the entries are awarded by the reporting officer on the basis of evaluation of the Performance of the incumbent in his day today working for a particular year. The entries given to the petitioner were also awarded on the basis of his day today performance.
15. Contents of Para 4(XV) are also mis-conceived. The entries were communicated to the petitioner and if he wanted to dispute, then he should have represented against the same but since he has not made any representation he is stopped from challenging the same.
16. Contents of Paragraph 4(XVI) are also mis-conceived. It may be mentioned that the entries become final only after the comments there upon of the reviewing
- Ja-ey*

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officer and the acceptance of the same by the final authority.

17. Contents of Para 4(XVII) of the petition are wrong and are denied.
  18. With respect <sup>to</sup> ~~of~~ contents of Para 4(XVIII) it is submitted that since no appeal has been filed no occasion for for any decision arises.
  19. Contents of Para 4(XIX) of the petition are wrong and are denied.
  20. Contents of Para 4(20) of the petition are wrong and are denied.
  21. Contents of Para 4(21) of the petition are denied.
  22. With respect of contents of Para 5(A) it is submitted that there is no automatic crossing of the efficiency bar and for crossing the efficiency bar the recommendations of the DPC are a must.
  23. Contents of Para 5(B) are mis-conceived. As already submitted herein before, there were adverse entries against the petitioner and it was on the recommendations of the departmental promotion committee which was duly constituted that the petitioner was not allowed to cross the efficiency bar.
  24. The contents of Para 5(C) are wrong and are denied.
  25. With respect to contents of Para 5(D) it is submitted that the entire procedure as contemplated in the rules for
- Jm

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awarding the entry, was followed.

26. With respect <sup>to</sup> ~~of~~ Contents of Para 5(E) the same are wrong and are denied.
27. Contents of Para 5(F) are mis-conceived and are denied.
28. Contents of Para 5(G) are wrong and are denied.
29. Contents of Para 5(H) are mis-conceived. The applicant was communicated the adverse entries and was afforded full opportunity to represent if he wanted to.
29. Contents of Paragraph 5(I) are wrong and are denied.
30. Contents of Paragraph 5(J) of the petitioner are wrong and are denied.
31. Contents of Paragraph 5(K) of the petitioner are wrong and are denied.
32. Contents of Paragraph 5(L) of the petition are wrong and are denied.
33. With respect to contents of Para 6 it is submitted that no representation has been made by the petitioner and it is wrong to allege that any representation is pending.
34. Contents of Para 7 of the petition are not disputed.
35. With respect to contents of Para 8 it is submitted that the petitioner was not entitled to the reliefs or <sup>any</sup> ~~not~~ of the reliefs claimed.

Lucknow, Dated. 7/11/88.

Jame  
Opposite Parties.,

List of Enclosures:-

1. Photostat copy of the DPC recommendation.
2. Annexure II Photostat copy of the recommendations of DPC
- Jame

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Dated.5.4.88.

That the opposite party is filing the reply through the counsel and if required the oral arguments shall be made by him on behalf of the applicant.

3. Statement showing the fixation of salary of Shri R. S. Dubey in the scale of Rs. 1150-1500.

Lucknow, Dated, 7/11/89

*Panna Lal*  
Opposite Parties No. 2 & 3

VERIFICATION

I Panna Lal, Controller of of Aerodrome Lucknow Airport Lucknow do hereby verify that the contents of Paragraphs 1 to 35 are believed by me to be true on the basis of records and legal advice.

Signature and verified this 7/11/89 day of November, 1989 at Lucknow Airport Lucknow.

Lucknow, Dated, 7/11/89

*Panna Lal*  
Opposite Party No 2.

Amended I

STATEMENT SHOWING THE NAMES OF OFFICIALS DUE TO CROSS OF EFFICIENCY BAR.

Sl. No.	Name of and Designation	Station of posting	Scale of Pay	Stage of present pay.	Date on which cross E.B. due to pending or contemplation	Whether any disciplinary case is pending or contemplation	Recommendation of D.P.C.	REMARKS.
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Z. Abedin ✓	Driver Fire	CA, Lucknow	Rs. 1200-30-1440- EB-30-1800.	Rs. 1440/-	1.1.87	No	Fit
2.	R.S. Tiwari ✓	-do-	-do-	Rs.	Rs. 1440/-	1.5.87	No	Fit
3.	R.S. Dubey	-do-	-do-	Rs.	Rs. 1440/-	1.2.88	No	Not yet Fit
4.	Jwala Prasad	-do-	CA, Varanasi	Rs. 330-8-370- 10-400-EB-10-480.	Rs. 400/-	1.10.81	No	To be re-submitted after one year Retired from Govt. Service Folder which should be done expeditiously w.e.f. 28.2.86.
5.	Vijay Pal Singh ✓	-do-	CA, Varanasi	Rs.	Rs. 400/-	1.2.1982.	No	Fit
6.	Hori Lal	-do-	CA, Kanpur	Rs. 1200-30-1440- EB-30-1800.	Rs. 1440/-	1.4.87	No.	Retired from Service w.e.f. 30.6.83.

B.L. PIPAL  
( B.L. PIPAL )  
ADMINISTRATIVE OFFICER  
( MEMBER )

B.D. BINGALI  
( B.D. BINGALI )  
Tech. Officer,  
Member from Reserved  
community.

R.P. BHATNAGAR  
( R.P. BHATNAGAR )  
REGIONAL CONTROLLER OF AERODROME  
( MEMBER )

R.S. GOELA  
( R.S. GOELA )  
DIRECTOR OF COMMUNICATION  
( CHAIRMAN )

N. J. ...  
CONTROLLER OF AIRPORTS  
REGIONAL OFFICE  
BANGALORE  
NEW DELHI

Amendment 111

439

Statement of Fixation of Pay under Central Civil Services  
(Revised Pay), Rules, 1986

---

1. Name of the Government Servant. Shri R.S. Dubey.
2. Designation of the post in which pay is to be fixed as on 1st, January, 1986. Driver(Fire)
3. Whether Substantive or Officiating. Officiating.
4. Existing scale/scales of the posts  
(Where there is more than one scale and Nos. 320-6-326-8-390- the scales are merged, in a single revised 10-400/- scale, the particular Scale in which the Officer was drawing pay should be specified).
5. Existing emolu-ments as on 1st. January, 1986.
  - (a) Basic Pay excluding adhoc increment on account of stagnation at the maximum of the existing scale. Pay Rs. 400-00
  - (b) Special Pay under rule 7(1)(B).
  - (c) Dearness Pay, ADA, Adhoc DA appropriate to basic pay and special Pay under rule 7(1)(B) DP Rs. 170-00 and NPA at the Index average 608 (1960-160) ADA Rs. 576-00
  - (d) Amount of first and second instalment of Interim relief admissible on the basic pay, Special Pay under rule 7(1)(B) & NPA. IRS Rs. 110-00Total existing emoluments (a) to (d): Rs. 1256-00
6. 20% of basic pay subject to minimum of Rs. 75/- 80-00
7. Total of items 5 & 6 1336-00
8. Revised scale corresponding to existing scale/scales shown against item 4 above: Rs. 1150-25-1500/-
9. (i) Revised Pay as fixed under Sub-rule(1)(A) or 1(B) or 1(6) or 1(D), of Rule 7 at the stage in the Revised Scale next above the amount against item 7 above: Rs. 1350/-
  - (ii) Special pay in the revised scale, if any (Rule 7(1)(C) refers).
  - (iii) Revised NPA, if admissible (Rule 7(1)(D) refers).
  - (iv) 2 Increments allowed under Rule 8 @ Rs 25/- each. 50/-
10. Revised emoluments (total of item 9(i)(ii) & (iii) & Rs 1400/-
11. Increase in emoluments (item 1) (-) item 5): Rs 144-00

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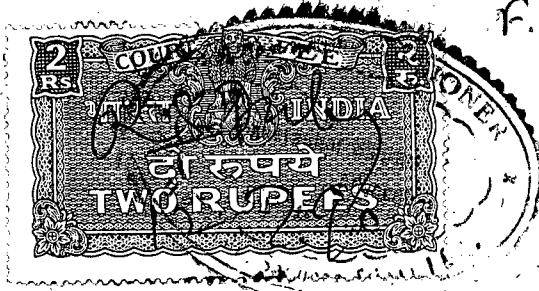
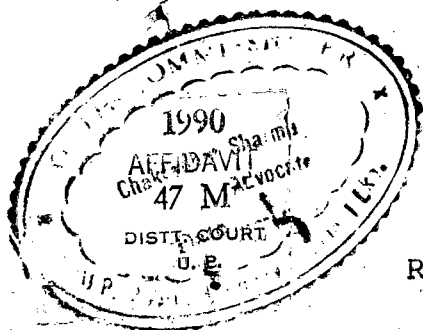


BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(CIRCUIT BENCH): LUCKNOW:

(Petition no.

CAT/III/89) O. A. No. 111/89 (L)

F. F. 1/8/90



RAM SAMIGH DUBEY

Petitioner.

V e r s u s

Union of India & others

Opp. Parties.

REJOINDER AFFIDAVIT OF THE PETITIONER BY  
SHRI R.S. DUBEY

I, Ram Samigh Dubey retired M.T. Driver, aged about 58 years, Son of Late Sri Thakur Prasad Dubey, Resident of Village Bhubuar, P.O. Betwar Bazar (Marialm), District Jaunpur, do hereby solemnly affirm and state as under:

1/- That I am the petitioner in the aforesaid petition and am fully acquainted with the facts and circumstances of the case as deposed herein.

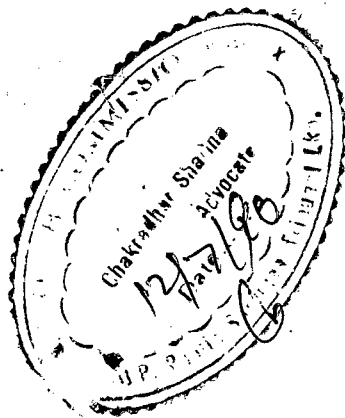
2/- That the counter affidavit filed on behalf of the ~~per~~ opposite parties no. 2 & 3 only and the opposite party no. 1 has not submitted the reply, hence ex-parte proceedings against the opposite party no. 1 may be instituted and the counter affidavit of opposite party no. 2 and 3 has, therefore, required to be ignored.

3/- That the deponent denies each and every averment and additional pleas under reply except specifically admitted in the affidavit.

R.S. Dubey

4/- That the contents of para no.1 and 2 in the counter affidavit are not disputed, thereby the contents of para 4(1)(II) of the reference stands admitted by the opposite-party.

5/- That the contents of para no.3 are ~~working~~ wrong, false, arbitrary, hence denied emphatically in toto and the contents of para no.4 (iii) of the reference are reiterated. The opposite-parties have submitted alongwith C.A. at Annexure no.3 the statement of fixation of pay under Central Civil Service (Revised Pay) Rule 1986. The fixation as per the statement is wrong. The fixation was done on 14.10.86 by Shri D.K.K.Rao is wrong and miscalculated. According to Fourth Pay Commission some scales were merged and new scales were introduced in the case of petitioner two scales were prescribed herein .



Old	New	Note -worthy point
320-400	1150-25-1500	(No.EB in old and new scale)
330-8-370-10-400-EB -10-480	1200-30-1440- EB-30-1800	(With E.B. in both scale)

The Ministry of Civil aviation issued a letter bearing No. A 26017/2/79/EW(VE/SFS), dated 20.3.87 followed by Director General of Civil Aviation letter bearing

No. A 26017/2/79-EW dated 8.4.1987 directed therein

that the pay of the eligible Driver(Five) should be fixed in the <sup>pre-6</sup>previ<sup>6</sup>ed scale of pay scale of 330- 480 with effect

Rs Daby

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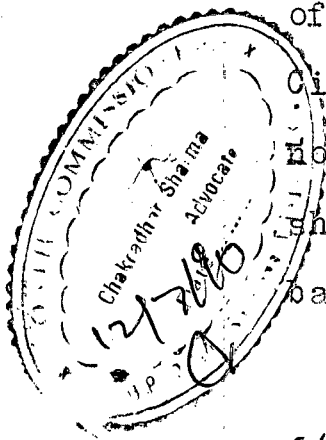
from 6.8.81 as per the Arbitration Award and there after pay of the Driver Five may be refixed from 1.1.86. in accordance with the instructions contained in the subject letters the pay scale of sri R. S. Dubey had been revised, as per letter No.LS-14/5374-75 from the existing scale of Rs. 320-400 to 330-8-370-10-400-EB-10-480 w.e.f. 6.8.81 and further refixed in the new scale of Rs. 1200-30-1440-EB-30-1800 w.e.f. 1.1.86. The Controller of Aerodrome had wrongly fixed at the stages as shown the letter. The fixation according to the petitioner should be as follows;

In the scale 330-480

pay fixed as on

<u>6.8.81</u>	<u>1.2.82</u>	<u>1.2.83</u>	<u>1.2.84</u>	<u>1.2.85</u>	<u>1.1.86</u>	<u>1.2.86</u>
410	420	430	440	450	460	460

and further the pay of the petitioner should be refixed on 1.1.86 in the scale 1200-30-1440-EB-30-1800 at the stage of Rs.460/- in the state of fixation of pay under Central Civil Service Review scale, Rules 1986 in the col.no.5 and not at Rs.400/- as shown in the Annexure no.3 and extravagament should be given in lieu of stagnation for two years. The basic pay of the deponent should be Rs.1570/-.

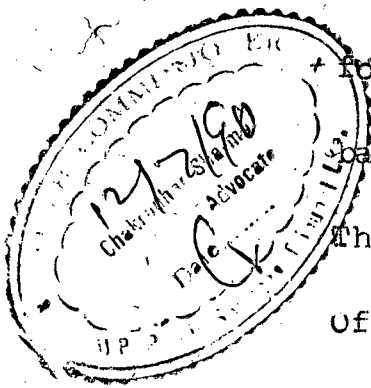


6/- That the contents of paragraphs no. 4,5,6 and 7 of the C.A. are wrong, false without jurisdiction, hence not admitted. The decision of the D.P.C. was arbitrary, against the principles of natural justice vitiated the interest of the deponent and the contents of para 4(4) (5) and (6)

.....4.....

R.S. Dubey

(7) are reiterated of the reference. The postponement of future increment at the time of fixation of pay and also not allow the increment at a later stage with retrospective effect as stated in order that the crossing of bar shall be allowed not on due date but after two years without any justification, arbitrary is punitive and against the principles of natural justice. Once it is ordered in D.P.C. that the deponent will earn increment there can be no postponement of due increment on future date. The order contains basic inconsistency. The inconsistency being that while the period which the efficiency bar has been stated that the earned increment has been postponed for two years much after lapse of nine years in the year 1988 at the time of fixation of pay. Secondly; to consider the confidential report for the year 1987-88 and not allowing to cross the bar in the year 1981 is illegal, unlawful, arbitrary. The reference against the order passed by the Administrative Officer for Director of Aerodrome is filed before the Hon'ble Court. It is further submitted that the deponent has been promoted and confirmed on 1.1.85 and as such the carrier till 1.1.85 was unblemished, there was no communication of adverse entries as stated in the counter affidavit by the opposite-parties and moreover for the argument point of view if any adverse entry exists in the ACRs the same was never communicated to the deponent. Hence to allow the efficiency bar at a later stage is not justified, hence unlawful.

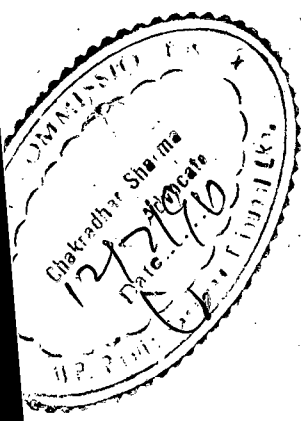


R.S. Dubey

July ( 5 )

7/- That the contents of para no.8 in the counter affidavit are ~~xx~~<sup>Q</sup> not disputed thereby the contents of para 4(viii) of the petition<sup>Q</sup>~~xx~~ stands admitted.

8/- That the contents of para no.9 in the counter affidavit are wrong, misjudged, false without justification etc. and denied, hence not admitted and the contents of para no.9 of the reference are reiterated. The remarks are not adverse as stated it is the judgement of the competent authority regarding the personal quality. The deponent has preferred and made representation against the remarks. The letter was also not issued by the appropriate and competent authority because he is an employee of Civil Aviation and not the National Airport Authority . The confidential letter under reference is illegal, bad and void in the eyes of law.



9/- That the contents of para no.10 to 22 of the counter affidavit are wrong, no adverse entry was properly communicated to the deponent as stated in the reply hence not admitted and the contents of para no.4(10 to 22) of the reference are ~~xxxx~~<sup>Q</sup> reiterated .


10/- That the contents of para no. <sup>Q</sup>23 to 32 of the C.A. wrong, misconceiving, hence denied in toto and the grounds of the reference in the para 5(A to L) are reiterated.

RSDubey

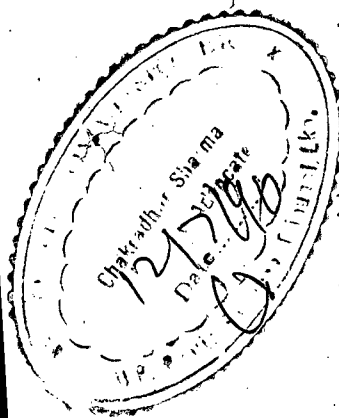
11/- With respect to contents of para no.33 of the counter affidavit, it is submitted that the statement of the opposite-parties <sup>is</sup> are wrong that the deponent did not submit the representation. In fact the deponent preferred an appeal against the order dated 11.10.1988 of pay fixation on 17.10.1988 and the same is pending for decision, hence not admitted and the contents of para no.6 are reiterated.

The Hon'ble Tribunal is humbly invited to consider the general tenor of the counter affidavit will be <sup>b</sup> noticed.

(a) that instead of objective, impersonal and judicious approach to the matter, there is a noticeable <sup>b</sup> ~~tenement~~ in the text of the counter affidavit intended to defeat the purpose of the petitioner. The opposite party simply denied each and every averment just to deny. The above approach goes to show that there is no desire on the part of the opposite-parties to assist, the Hon'ble Tribunal and the high light of the attitude of the opposite party no.1 who did not <sup>b</sup> ~~care~~ care to submit the reply on receiving the notice of the Hon'ble Tribunal in reaching a fair and judicious decision on the merits of the case.

  
Counsel for the petitioner

RSDubg



Dye

( 7 )

VERIFICATION

I, Ram Samigh Dubey, son of late Sri Thakur Prasad Dubey, aged about 58 years, working as M.T. Driver in Civil Aviation, Lucknow Airport, Lucknow in the office of National Airport Authority (Civil Aviation), resident of 36, Airport Colony, Amausi Airport, Lucknow, do hereby verify that the contents of paras 1 to 11 of this affidavit are true to my personal knowledge and ~~and~~ and believed by me to be true on the basis of legal advice and that I have not suppressed any material fact.



Lucknow, dated.  
July 12, 1990.

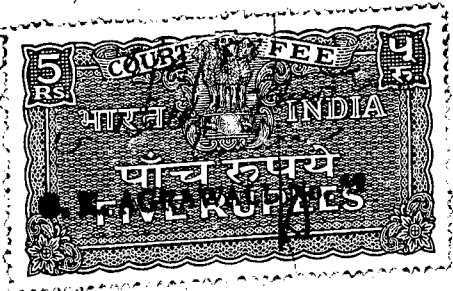
*RS Dubey*  
( RAM SAMIGH DUBEY )  
Deponent.

I identify the deponent, who has signed before me.

*A.G. Sharma*  
( A.G. Sharma )  
Advocate.

solemnly affirmed before me in office on 12/7/90 at 11.30 hrs by *Ram Samigh Dubey* who is identified by *A.G. Sharma* Advocate.  
I have satisfied myself by examining the deponent and by reading the contents of this affidavit which has been read out and explained by the deponent. 1/1-50  
*Chakra Dhar Sharma*  
(Chakra Dhar Sharma)  
Commissioner of Affidavits  
P.P. Public Service Tribunal Lucknow  
Date 12/7/90

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वादी (अपीलान्त)

प्रतिवादी (रेस्पाडेन्ट)

बनाम  
Indu Sharma

11/11 सन 89 पेशी की ता० 8.9.1985 ई०

मुकद्दमा में अपनी ओर श्री Harman Shanker Saxena  
Advocate, 344/33 Narbatta Lucknow वकील  
... .. महोदय  
एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकन

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

हस्ताक्षर  
Controller of Aerodrome  
Lucknow Airport; Lucknow.  
साक्षी (गवाह)

दिनांक 8 महीना 9 सन 1985 ई०

स्वीकृत  
[Signature]