

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 24344 OF 1989

NAME OF THE PARTIES Namhey Lal 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

Counter Signed.....

Recheck
on 03/02/12
m
J
Section Officer/In charge

Signature of the
Dealing Assistant

(A)

5/2/89

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 344 of 1989 (L)

APPLICANT(S) Nandkumar

RESPONDENT(S) U.P.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?	Ys
2. a) Is the application in the prescribed form ?	Ys
b) Is the application in paper book form ?	Ys
c) Have six complete sets of the application been filed ?	Ys. Five sets.
3. a) Is the appeal in time ?	Ys (No)
b) If not, by how many days is it beyond time ?	
c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation Vakalatnama been filed ?	Ys
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Ys
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Ys
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	Ys
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	
c) Are the documents referred to in (a) above neatly typed in double space ?	
8. Has the index of documents been filed and paging done properly ?	Ys
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Ys
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	N.

Particulars to be ExaminedEndorsement as to result of examination12. Are the application/duplicate copy/spare copies signed? *Ys*13. Are extra copies of the application with Annexures filed? *Ys*

a) Identical with the Original?

b) Defective?

c) Wanting in Annexures

Nos. _____ pages Nos. _____?

14. Have the file size envelopes bearing full addresses of the respondents been filed? *Ys*15. Are the given address the registered address? *Ys*16. Do the names of the parties stated in the copies tally with those indicated in the application? *Ys*

17. Are the facts of the case mentioned in item no. 6 of the application?

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? *Ys*

19. Whether all the remedies have been exhausted?

, digesh,

Serial number of order and date	Brief Order, Mentioning Reference if necessary.	How complied with and date of compliance.
16.1.90	<p><u>Hom'ble Mr. J.P. Shama, J.M.</u></p> <p>Heard.</p> <p>Issue notice to respondents to show cause why the petition be not admitted.</p> <p>Reply may be filed within four weeks.</p> <p>Put up on 13.2.1990.</p>	<p>AB</p> <p>OR Notice issued J 25/1/90</p>
13.2.90	<p>NO Sittings Adjt to 6.3.90</p> <p>J</p>	<p>OB Notices were issued 25/1/90.</p>
6/3/90	<p><u>Hom. J.P. Shama, J.M.</u></p> <p>Shri S. P. Singh from the side of the department is present, but no reply has been filed. Hindi translator Shri Singh informed that the paper are with Dr. Dinesh Chandra, advocate, counsel for the opposite parties. Let the reply, if any, be filed within 2 weeks.</p> <p>The learned Counsel to meet the limitation bounded, also at the relief claimed, goes to show, the year 1972, when the applicant was appointed initially.</p> <p>list for order of admission on 6/4/90.</p>	<p>S. A. A 5/3</p>
Dinesh	<p>For Dinesh</p> <p>For Dinesh</p> <p>For Dinesh</p> <p>For Dinesh</p> <p>For Dinesh</p>	<p>J.M</p> <p>No reply till 6/4/90</p>

(A.G.)

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

... June 1, 1990

Registration NO. O.A. 344 of 1989(L)

Nanhey Lal ... Applicant

vs

Union of India and ors... Respondents

Hon' Mr P.C. Jain, A.M.

Hon' Mr J.P. Sharma, J.M.

(By Hon' Mr P.C. Jain, A.M.)

The facts of this case fall within a very small compass. The applicant was first appointed in 1971 as a GauzeKhalasi and later on appointed as 'Work Sarkar' (Work Charged Establishment) vide order dated 1-6-1972 (Annexure-A-1). He has contended in this application that w.e.f. 1-1-1973, he was placed in the scale of Rs.260-400, but he was being paid only in the scale of Rs.210-270. Further, w.e.f. 1-1-86 he was entitled to the scale of Rs.950 - 1500, but he was being paid in the scale of Rs.800 - 1150. It is stated that in the year 1987 he learned that he was not being paid correct salary applicable to his post and represented on 26.3.88. As per this representation, he prayed for scale of Rs.110 - 180 instead the scale of Rs.85 - 95 w.e.f 1-4-1972; scale of Rs. 260 - 400 in place of scale Rs.210 - 270 w.e.f. 1-1-1973; and scale of Rs.950 - 1500 in place of scale of Rs.800 - 1150 w.e.f. 1-1-1986. He sent a notice through his Advocate on 1-6-89 for disposal of his representation dated 26.3.88. He prayed that the respondents be directed to pay him the correct and

full salary in the scale of Rs.950 - 1500 including arrears and further promotion to the post of 'Work Sarkar Grade I' with all consequential benefits.

2. In their counter reply the respondents have stated that the application is barred by limitation under section 21 of the Administrative Tribunals' Act, 1985. On facts, it is stated that the applicant was appointed as Work Sarkar in 1972 in the scale of Rs.85 - 95 and that this scale of pay was subsequently revised, on the recommendation of 3rd Pay Commission, to Rs.210 - 215. This scale was further revised on the recommendation of the 4th Central Pay Commission to Rs.800 - 1150 w.e.f. 1-1-1986. As Khalasi, he is said to have been working in the pay scale of Rs.70 -85. It is further stated that the applicant was appointed in 1972 to the post of 'Work Sarkar Grade III' in group 'B' category, and that he was not promoted to higher grade of 'Work Sarkar' which is a group 'C' post and the appointment of which a person is required to pass the written test and qualify in the interview. 50% of these posts are filled by departmental candidates and 50% by direct recruits. The applicant did not appear in any written test or appear before the interview board. Under the jurisdiction of respondent no.3 where the applicant is stated to be working, only 'Work Sarkar Grade III' posts are stated to be available and the applicant is performing the duties of the same. The allegations of discrimination and violation of provisions of Articles 14, 16 and 39(d) of the Constitution are refuted. The feeder grade for Work Sarkar Grade I is stated to be Work Sarkar Grade II. As the applicant is only Work Sarkar Grade III, he is not even eligible

for consideration for appointment to the post of Work Sarkar Grade I.

3. When the case came up for hearing on admission before us today, the applicant moved a petition for permission to amend the application by which he proposed to delete the relief prayed for in para 8 (a) and instead to request for a direction to the respondents to decide the representations dated 26.3.88 and 1-6-89 (Annexures-A-2 and A-5 respectively).

4. We have perused the material on record and have also heard the learned counsel for the parties, on admission, as well as, on the petition for amendment to the original application.

5. In the O.A. the applicant prayed for salary in the scale of Rs. 950 - 1500 with arrears. The aforesaid scale of pay came into effect with effect from 1-1-1986 vide Central Services (Revised) Pay Rules, 1986 notified in September, 1986. This application was filed on 15.12.89 and is, therefore, prima facie barred by limitation. In his representation dated 26.3.88 he prayed for higher scale of pay and pay therein commencing from 1-6-1972 and ending with 1-1-1986. These ~~his~~ prayers are also barred by limitation. In his legal notice dated 1-6-89, he prayed for disposal of his representation dated 26.3.88 and no independent prayer was made therein. It is not in dispute that the applicant has been drawing pay since 1-6-1972 in the grades mentioned by the respondents in their reply and a reference about which has already been made in ~~the~~ paragraph 2 above. Thus the contention of the applicant

(Signature)

that he came to know of payment of incorrect salary in 1987 cannot be taken at its face value. If the representation of the applicant made on 26.3.88 was not disposed of within 6 months, he should have approached this Tribunal within the limitation prescribed in section 21 read with section 20 of the Administrative Tribunals Act, 1985. The application is, therefore, not maintainable and is barred by limitation.

6. The M.P. for amendment to the original application can also not be allowed. The proposed amendment is a clever move to over come the bar of limitation. By this amendment, the applicant seeks direction to the respondents to dispose of his representation which, as has already been stated above, seeks relief from 1-1-72. In such a case, the cause of action had accrued 3 years prior to the constitution of the Tribunal and the Tribunal has no jurisdiction to entertain an application in which the cause of action and a right to sue accrued prior to 1-11-82, nor can the Tribunal condone the delay in such a case (V.K. Mehra vs. the Secretary, Ministry of Information and Broadcasting, A.T.R. 1986, C.A.T. 206). In this case before us, there is no application or prayer for condonation of delay.

7. In view of the above discussions, the M.P. for amendment to the O.A. is rejected, and the O.A. is disposed of as not maintainable under section 21 of the Administrative Tribunals' Act, 1985. Parties to bear their costs.

Domarao
MEMBER (J) 1/6/90

1/6/90
MEMBER (A)

(sns)

June 1, 1990
Lucknow.

Hon' Mr P.C. Jain, A.M.

Hon' Mr J.P. Sharma, J.M.

31/5/90

The learned counsel for the applicant has moved a ~~petition~~
an application for permission to amend the original
application. Heard the learned counsel for both the
parties on misc. ~~petition~~ application for amendment, as well
as on the maintainability of the original application
on the point of limitation. Order reserved.


J.M.


A.M.

(sns)

Central Administrative Tribunal
Circuit
Date of filing 15/12/89
Date of Reg. 15/12/89
AC

Deputy Registrar (J)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH ALLAHABAD.

Circuit Bench Lucknow.

O.A.No. 344 of 1989 (L)

Nanhey Lal

.....Applicant.

Versus.

Union of India and others. Respondents.

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For use in the Tribunal office
Date of filing - 14.12.89
Registration No.

Applicant.

Signature.
For Registrar.

Through counsel
(T.N. Tiwari)
Advocate.

Counsel for the Applicant.

Filed today
15/12/89
Noted for 16/12/89
Placed
Memorandum

(49)

in the Hon'ble Central Administrative Tribunal
Additional Bench Allahabad,
Circuit Bench, Lucknow.

O.A.No. 344 of 1989 (L)

Nanhey Lal aged about 42 years son of
Shri Jaggu, resident of village Para, Post
Raja Ji Puram, presently serving as Work Sarkar
in Gomti Lower Sharda Sub-Division, Central
Water Commission, Pratap Bagh, Aliganj, Lucknow.

....Applicant.

Versus

1. Union of India Ministry of Water Resources
through its Secretary (Chairman Central
Water Commission) Seva Bhawan, New Delhi.
2. The Superintending Engineer, Middle Ganga
Circle, B-38/1, Tulsi Pur, Mahmoorganj, Varanasi.
3. The Executive Engineer, Central Water
Commission, Middle Ganga Division-I,
Jal Tarang Bhawan, Pratap Bagh, Aliganj, Lucknow.

...Respondents.

DETAILS OF APPLICATION :

1. Particulars of the order against which the application is made :

That the application is made
against the arbitrary decision of the authorities
thereby not paying correct salary to the applicant

17/2/89

applicable to his post of Work Sarkar.

2. Jurisdiction of the Tribunal :

That the applicant declares that the subject matter of decision against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

That the applicant further declares that the application is within limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1984.

4. Facts of the case :

earlier Gange Khelani and later on

(a) That the applicant was appointed on the post of Work Sarkar w.e.f. 1-6-1972 and therea-fter being posted to so many places in India has performed duties of Work Sarkar only. A photostat copy of appointment order dated 1-6-1972 is annexed herewith as ANNEXURE A-1 to this application.

(b) That the applicant was given

1/2

to understand that the post of Work Sarkar is a class IV post and accordingly whatever salary was being paid to him, applicant was accepting the same.

(c) That however, while serving at Lucknow in the year 1987 end, the applicant could learn that the applicant was not being paid correct salary applicable to his post Werk Sarkar and accordingly personally requested the respondent no.3 to revise his pay but nothing was heard from him.

(d) That it is very much pertinent to mention here that the respondent no.3 only is the appointing/disciplinary and disbursing authority of the applicant.

(e) That when the applicant personally had requested the respondent no.3 it was desired by him to submit the application in writing and accordingly the applicant had represented the matter vide his application dated 26-3-1988. A photo copy of application dated 26-3-1988 is annexed herewith as ANNEXURE A-2 to this application.

12/2/2024

(f) That it is also submitted that the 3rd pay commission had revised the pay scale of Work Sarkar and finally placed the said post in the pay scale of Rs.260-6-290 EB - 6 - 326 - 8 - 366 EB - 8 - 390 - 10-400. But the applicant was being paid the scale of Rs.210-270 only. A photostat copy of the scale chart is annexed herewith as ANNEXURE A-3 to this application.

(g) That it is further submitted that the corresponding scale of Rs.260-400 has been placed in 4th pay commission in the pay scale of Rs.950-1500 but the applicant is being paid salary in the pay scale of Rs.800-1150 which is causing a recurring loss to the applicant. A photocopy of scale chart of 4th pay commission is annexed herewith as ANNEXURE A-4 to this application.

(h) That when the representation dated 26-3-1988 could not dilute any result even after waiting for about 15 months (as advised by respondent no.3 to wait), the applicant further got represented the matter through an Advocate on 1-6-1989 but the same also could not dilute any result as yet. A photocopy of representation dated 1-6-1989 is annexed herewith as ANNEXURE A-5 to this application.

7/2/89

(i) That it will not be out of place to mention here ~~now~~ that the applicant is performing the duties of Work Sarkar but is not being paid correct salary applicable to his post whereas in identical units work sarkar employees are paid correct salary as such the applicant's fundamental and constitutional rights guaranteed under Articles 14, 16 and 39 (d) of the Constitution of India have been infringed, ^{thus} besides the next promotion to the post of "Work Sarkar Grade-I" in the Scale of Rs 1200 - 2040/- Junior.

(j) That from the aforesaid, it can be easily seen that the applicant is suffering recurring financial loss and despite repeated representations the respondents have not taken any action to pay the correct salary to the applicant applicable to his post. Under such circumstances the interreference of this Hon'ble Tribunal is very much essentially invited.

5. Grounds for Relief with legal position :

That the applicant being aggrieved of such illegal acts of respondents thereby not paying correct salary applicable to his post of work Sarkar is seeking relief(s) amongst other on the following

17/2

G R O U N D S

(i) Because the applicant has been discriminated with regards to the salary applicable to his post of work sarkar.

(ii) Because the respondents are deliberately and with malafide intention not paying the correct salary, ^{claims} and even Promotion To The next post of "WORK Sorkar Gd-I" has also been denied. ^{claims}

(iii) Because the applicant ^{was appointed and} is performing the duties of work sarkar.

(iv) Because the provisions of articles 14, 16 and 39 (1) of the Constitution of India have been deliberately violated by the respondents.

(v) Because the applicant is suffering recurring financial loss and injury for no fault of his own .

(vi) Because the representation of the

7
AIS

applicant have not been considered despite repeated requests made by the applicant.

6. Details of Remedies Exhausted :

That the applicant had represented the matter on 26-3-1988 and thereafter on 1-6-1989 but the respondents have not at all considered the requests and have not paid the salary of the post upon which the applicant is rendering duties with due diligence, as such the applicant has exhausted all the remedies available to him.

7. Matter not previously filed or pending with any other court.

That the applicant declares that he had not previously filed any application, writ petition or suit regarding the matter in which this application has been made before any other Bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief(s) sought :

7/2/2024

In view of the facts mentioned in para 4 above, the applicant prays for the following relief (s) :

(a) That the Hon'ble Tribunal may be graciously pleased to allow the application directing the respondents to pay the correct and full salary to the applicant in the pay scale of Rs.950-1500 applicable to the post of work sarkar upon which the applicant was appointed with all benefits of the post including arrears thereof from the date of ~~hitherto~~ appointment and further promotion to the Post of "WORK Sarkar Gd-I" with all consequential benefits ~~hitherto~~.

(b) Any other relief which the Hon'ble Tribunal may deem fit and proper in the circumstances of the case ; and

(c) Cost of the application may also be awarded in favour of the applicant as against the respondents.

9. Interim relief, if any, prayed for :

That the Hon'ble Tribunal may graciously be pleased to direct the respondents to pay the salary to the applicant in the pay scale of Rs.950-1500 with immediate effect pending decision of the application by the Hon'ble Tribunal.

G. 2/2

10. N/A.

11. A postal order sl. no. B/02-402361
dated 16-12-89 issued from GPO
Jhelamew post office for Rs.50/- is
enclosed herewith as court fee.

12. List of Enclosures :

Annexure A-1 to A-5.

Lucknow, dated;

December 14, 1989.

✓ 12/12
Applicant.

Verification

I, Nanhey Lal aged about 42 years son of
Sri Jaggu hereby verify that the contents of
paras 1 to 3 and 6 to 12 of this application
are true to my personal knowledge and para 5
is believed to be true on legal advice and that
I have not suppressed any material fact.

Lucknow, dated;

December 14, 1989.

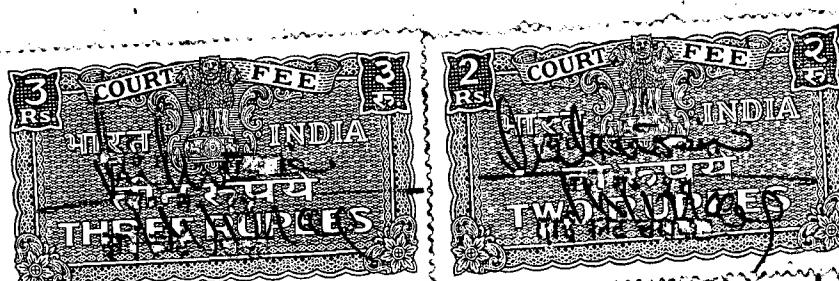
✓ 12/12
Applicant.

I identified Shri Nanhey Lal who is
personally known to me and has signed in
my presence.

(T.N. Tiwari)
Advocate.

In The Health C. A. F.
Delhi Bench Division
महोदय
ब अदालत श्रीमान [वादी अपीलाट] श्री (Name in English) का वकालतनामा
प्रतिष्ठानी [रेस्पॉन्डेंट] •

O. A. INT - - - of 198



ब्राह्मी (अपीलान्ट)

Nanheygal - is - Sophie

Union of India बनाम भारत प्रतिवादी (रेस्पाइट)

नं० मुकहमा अन् पेशी की ता० १६ अ०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री T. N. Thiru, Advocate
Shri V. S. Tripathi, Advocate, वकील महोदय
एडवोकेट

नाम अद्यात्म

मुकुद्दमा ने०

नाम फरीकेन

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 करावे और रूपया लम्बव करें ताकि सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रूपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और हीमा में यह भी स्वीकार करता हूं कि हर घेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है तउकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामी लिख दिया प्रमाण रहे और समय पर काम आवे।

काम आवे ।

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench, Allahabad
Circuit Bench, Lucknow

O.A. No. 344 of 1989 (L)

Nanhey Lal Applicant

Union of India & Others Respondents

"ANNEXURE - A-1"

No. E-9/CFFD/UP/72/ 23/3
Government of India
Central Flood Forecasting Division
Central Water and Power Commission
313/12, Khun Khun JI Road, Chowk

Lucknow-3. / 16/72.

OFFICE ORDER.

Sri Nanhey Lal, gauge khalasi ~~xxx~~ is
hereby ~~xxx~~ appointed as a Work Sarker (Work charged
Establishment). The expenditure is chargeable to
collection of gauge data from G & D Site maintained
by W.R.S., Division and Irrigation Deptt., ~~under~~ sites
Gorakhpur Control Room.

Sd.

(G.J. BROJWANI)
DEPUTY DIRECTOR.

Copy to:

1. The Assistant Engineer, C.F.F.D., Lucknow
2. Accounts Branch, Lucknow.
3. Sri Nanhey Lal, Gauge khalasi. He should
take over charge of Work Sarker and he should
submit his joining report as Work Sarker.

(G.J. BROJWANI)
DEPUTY DIRECTOR.

* RIZVI *

T/C ALTERED

Uthman Sabr

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

**Additional Bench, Allahabad
Circuit Bench, Lucknow**

O.A. No. _____ of 1989 (L)

versus

Union of India & Others Respondents

"ANNEXURE - A-2"

प्रीगान् उद्धिष्ठाती उप्पिष्ठनाः
मृद्य वैगा मृद्हृष्ट्युप्यम
कैद्युर्य वल ग्रायांग
प्राप्तुः ।

विषय :- उचित लैन मान में लैन निर्धारित बनने स्वर्व उसके पार क्षम्य है बनाराहि के मुगलान भी प्रार्थना ।

માનુષીય

मेरी नियुक्ति दिनांक 24-3-71 से "गैब इलाजी" के पद पर हुई थी। मेरी बीमारी, शर्प बम्पा, एवं मेरे कार्य से लौकृष्ण होकर शातन ने पत्र लिया #9/तीव्रफलाजी0/य०गी0/12/2313 दिनांक 1-6-1972 से मुझे "कै तरला" के पद पर नियुक्त लिया था। तब से मैं "कै तरला" के पद पर सुधार रूप से कार्य कर रहा हूँ।

अथानु लार्याल्य द्वारा मुझे "वर्ष तरकार" भेज तृतीय सम्बोधित करने पर मैंने आपस्ति भी थी कि वह मुझे लार्याल्य द्वारा बताया गया था कि "वर्ष तरकार" तथा वर्ष तरकार भेज तृतीय एक ही यद है किंतु भी मेरे द्वारा आपस्ति करने पर लार्याल्य द्वारा तुपार लगे हुन: "वर्ष तरकार" कर लिया गया था ।

बह भी जार्यालिय दारा कुे "वर्क तरकार" त्रैड तुतीय सम्बोधित लिया गया भैनि उसी समय आपत्ति थी, जिस पर कुे यहीं सम्भाला जाता रहा था "वर्कतरकार" तथा वर्कतरकार त्रैड तुतीय एक ही पद है तथा वर्क तरकार त्रैड पृथम व वर्क तरकार त्रैड द्वितीय उलग-उलग पद है फिर भी भैरी आपत्ति पर जार्यालिय दारा तुथार छरके "वर्क तरकार" कर लियो जाता रहा है । इस सम्बन्ध में सुझाव यहीं यहाँ^{मैं} जाया था कि यहाँ आपको बोई तैदेह है । तो आप इस्वीं "वर्क तरकार" ही लिये । और मैं अपने पद को "वर्क तरकार" ही लिया रहा हूं क्यों कि भैरी नियुक्ति "वर्कतरकार" के ही पद पर हुई थी । तथा इस पर जार्यालिय दारा भी तब कोई आपत्ति नहीं को जायी है ।

अब मैंने मानूम हुआ है कि "वर्क सरकार" कर्तव्यान्वय वित्तीय सरकार के पद है तथा वर्क सरकार वित्तीय निम्न बोटि का पद है जैसा निधिवाय के वित्तीय भी है "वर्कसरकार" पद का जैसानमान न देकर "वर्कसरकार" वित्तीय के जैसानमान में समाप्तोजित किया गया है जो पूर्णतयः गलत है तथा मेरे साथ किया गया अन्याय है और मेरा आर्थिक शोषण करने का विषयन्त्र है ।

आतः आपते उन्नतीप है फि मुझे मेरे पद "कल्पाटकार" का प्रेतनमान निषुरित तिथि से हैने हा उद्देश यथा शीघ्र जारी करने को लूपा करें तथा उत्ते

ज्ञानकल्प हुई बकाया धनराशि जा युक्तान या औषु लक्षने की दृष्टा रहे और
विकिषण में "वर्जतरकार ग्रेड त्रुटीय के स्थान पर मुझे "वर्ज तरकार" ही
तम्बीचित लक्षने की दृष्टा रहे वर्जतरकार ग्रेड त्रुटीय तम्बीचित से युद्ध किती
वी आवेदन पर जो स्वीकार न रक्षने के लिये शार्ध्य है ।

विभं तिथि ते बेतानमान में त्रुटार लक्षकारी ग्रमिलेब्स में प्रार्थनीय है ।

|11| 1-6-72 से 85-2-95 के स्थान पर 110-3-131-4-143-हॉबी0-40
1716-पी-4-175-5-180

|12| 1-1-73 से 210 के 4-250-हॉबी0-5-270 लेटच्चन पर 260-6-290
हॉबी0-6-326-8-366 हॉबी0-8-390-10-400

|13| 1-1-86 से 800-15-1010हॉबी0-20-1150 के स्थान पर 950-20-
1150हॉबी0-25-1500

दिनांक :- 26-3-88

आपका का विवात पत्र

नन्हेलाल
वर्जतरकार
मध्यगंगा मण्डल प्रधान, लखनऊ

प्रतिलिपि:-

|11| दीमानु ग्रीष्म अधिकान्ता मध्यगंगा वरिष्ठता वाराष्टी को हल प्रार्थना
के साथ कि मेरा नाम वर्जतरकार ग्रेड त्रुटीय को वरिष्ठता दृष्टी ते
दृष्टुक ले दिया जाय ।

|12| दीमान अधिकानी अधिकान्ता, मध्यगंगा त्रुटीय वाराष्टी को हल प्रार्थना
के साथ कि मेरे 1-11-89 से 30-4-1987 तक उनके युद्धनिय संवरेत था
आः तम्बीचित उपचित के लिये आवश्यक गवयनादी हो ।

आपका विवातपत्र

नन्हेलाल
वर्जतरकार
मध्यगंगा मण्डल प्रधान, लखनऊ

T/C Attestd
Lokmanwar

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench, Allahabad
Circuit Bench, Lucknow

O.A. No. _____ of 1989 (L)

Nanheylal Applicant

Versus

Union of India & Others Respondents

"ANNEXURE - A-3"

No. A-51 011/3/73/Adm. IV.

Govt. of India
Central Water & Power Commission,
(Water Wing)

New Delhi, 22dt. 23.9.1974

A copy of under mentioned papers forwarded for information and necessary action to :-

- 1) All heads of Sub-ordinate offices.
- 2) C.S.M.R.S/FECFFD.
- 3) A-E-I/AEIII/Accts(Works) and Adm.VI Adm. II.

Sd/-

(Jaswant Singh)
Section Officer
For Chairman
CW&PC.

List of Papers forwarded :

Ministry of Finances (Dept. of Expenditure)

O.M.NO: E-32/2/75-PC-3

Dated 11.9.74

Sub : Revised Scales of Pay of Posts in the workcharged Establishment of the CW&PC and its sub-ordinate offices.

The undersigned is directed to say that the President is please to prescribed under the ^{Central} control civil Services (Revised Pay) Rules, 1973, the revised scales of Pay indicated in the W/C Establishment of the CW&PC and its sub-ordinates offices on the present scales shown in Column. 2 & III thereof Respectively.

Necessary ammendment to the first schedule to the Central Civil Services (Revised Pay) Rules 1973 will be carried out in the due course.

Sd/-

(V.S. Rajgopalan)
Deputy Secretary to Govt. of India.

The Attested
Subhash Singh

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A23

Statement showing Revised Scales For the Post Borne
on the W/C Estb. in Central Water & Power Commission
and its sub-ordinate offices (As amended from time to time).

Sl. No.	Designation of Posts.	Present scale.	Revised scale.
1.	Electrician	150-5-175-6-205-EB- 240.	380-12-500 EB-15- 560
2.	A. Work Sarkar Grade I.	150-10-250-EB-10-290- 15-320	330-10-380-12-500- EB-15-560
3.	Radio Technician	150-5-160-8-240- EB-8-280-10-300	330-10-380-12-500- EB-15-560.
4.	Baunch Driver	140-5-175	320-6-326-8-390 10-400
5.	O.B.E. Driver Diesel, Engine Driver, Jet. Boat Driver/Launch Sarang/Driver.	140-5-175.	320-6-326-8-390- 10-400
6.	Work Sarkar	110-3-131-4-143- EB-5-171-EB-4-175- 5-180.	260-6-290 EB-6-326- 8-366-EB-8-390-10- 400.
7.	Work Sarkar Gr.II.	110-3-131-4-143-EB- 4-171-EB-4-175-5- 180.	260-6-290-EB-6-326-8- 366-EB-8-390-10-400
8.	Carpentor Gr.I	110-3-131-4-143-EB- 4-	260-6-326-EB-8-350.
9.	Mechanic		
10.	Fitter		
11.	O.B. Engine Driver	110-3-131-4-143- EB-4-155	260-6-326 EB-8-350
12.	Electrician.		
13.	Driver (Jeep)	110-3-131-4-139	260-6-326-EB-8-350
14.	Light Vehicle Driver.		
15.	Truck Driver		
16.	Mate(Gange Reader)	75-1-85-EB-2-95	210-4-226-EB-4-250-EB- 5-270
17.	A Work Sarkar	85-2-95-3-110	210-4-226-EB-4-250-EB- 5-270.
18.	B. Work Sarkar	85-2-95	200-3-206-4-234-EB- 4-250.
19.	C. Work Sarkar Gr.III}		
20.	Gauge Reader		
21.	Boatman	70-1-80EB-1-85	196-3-220-EB-3-232
22.	Helper		
23.	Khalasi silt observer		
24.	Clearner.		
25.	Khalasi(Boat)	70-1-80-EB-1-85	196-3-220-EB-3-232

contd... 2/-

*Attested
L. N. S. D.*

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench, Allahabad

Circuit Bench, Lucknow

O.A. No. _____ of 1989 (L)

Nanheylal Applicaat
Versus

Union of India & Others Respondents

"ANNEXURE - A-4"

6
A2u

Sh. Chaturvedi

No. A-51011/2786-Estt. IV

Government of India
Central Water Commission

303, Sewa Bhawan, R.K.Puram,
New Delhi-110066.

Dated the 26th September, 1986.

Subject:- Fourth Central Pay Commission - Payment of arrears of
Pay as a result of implementation of recommendations
of -

The undersigned is to forward herewith a copy of Ministry of
Finance (Department of Expenditure) Pay Commission Implementation
Cell's O.M.No.F-15(1)/IC/86, dated the 22nd September, 1986 for
information and necessary action.

Sd/-

(S.R. DEWAN)

Section Officer,
Central Water Commission
Tele. No. 607577

Copy to:-

1. P.S. to Chairman/Members/Chief Engineers, C.W.C.
2. Director(Adm)/Secretary, CWC/Under Secretaries/Accounts
officer/Senior Analyst/Deputy Director(Trg.), CWC.
3. All Heads of Subordinate Offices including Sub-Offices
headed by Executive Engineers/Deputy Directors.
4. Pay & Accounts Officer, CWC (4 Copies).
5. All Directorates/Estt. Sections/Accounts Sections, CWC.
6. CWC Staff Associations (As per list attached).

*Mr. Attested
S. R. DEWAN*

16
 THE FIRST SCHEDULE
 (SEE RULES 3&4)
 PART - A

425

Revised scale for posts carrying present scales in Groups 'D', 'C' and 'B' except posts for which different revised scales are notified separately.

S.No.	Posts	Present Scales	Revised scales
1	2	3	4
		Rs.	Rs.
GROUP 'D'			
1.	All posts carrying present scales specified in col. 3	(a) 160-2-170 (b) 180-(Fixed) (c) 196-3-220-EB-3-232 (d) 200-3-212-4-232-EB-4-240 (Selection grade)	750/- (Fixed) Until the employees concerned are brought over on the regular scale after attaining the prescribed age of recruitment.
2.	-do-	(a) 200-3-206-4-234-EB-4-250 (b) 200-3-212-4-232-EB-4-240-5-250 (c) 210-4-226-EB-4-260 (d) 200-3-212-4-232-EB-4-240	775-12-870-EB-14-940
3.	-do-	(a) 210-4-250-EB-5-270 (b) 210-4-250-EB-4-270 (c) 210-4-226-EB-4-250-EB-5-290	800-15-1010-EB-20-1150

GROUP 'C' AND 'B'

4.	-do-	(a) 225-5-260-6-290-EB-6-308 (b) 225-5-260-6-326-EB-8-350 (c) 260-6-326-EB-8-350	825-15-900-EB-20-1200 950-20-1150-EB-25-1400
5.	-do-	(a) 260-6-290-EB-6-326-8-366 (b) 290-6-326-EB-8-350	950-20-1150-EB-25-1500
7.	-do-	(a) 260-8-300-EB-8-340-10-330 (b) 290-6-326-8-350-EB-8-390 -10-400	975-25-1150-EB-30-1540
8.	-do-	(a) 260-8-300-EB-8-340-10-330 360-12-420-EB-12-480	975-25-1150-EB-30-1660
9.	-do-	320-6-326-8-390-10-400	1160-25-1500
10.	-do-	(a) 330 - 460	1200 - 30 - 1800
11.	-do-	(b) 330 - 560	1200 - 30 - 1560-EB-40-2060

*The Minister
of Finance*

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench, Allahabad
Circuit Bench, Lucknow

O.A. No. _____ of 1989 (L)

Nanheyial Applicant

Union of India & Others Respondents

"ANNEXURE - A-5"

8
A26

Registered A.D.

1-6-89

Aligarh Post Office

Registration No. 0302 dt 1-6-89

1. The Chairman,
Central Water Commission,
New Delhi-232003

2. Executive Engineer,
Middle Ganga Circle, Central Water Commission, No. 0303 dt 1/6/89
Tirupati.

3. Executive Engineer,
Middle Ganga Division No. 1, Central Water Commission,
Lucknow.

No. 0304 dt 1/6/89

4. Executive Engineer,
Middle Ganga Division, No. 2, Central Water Commission,
Tirupati.

0301 dt 1-6-89

Plaint of Pet.

26.2.

Under instructions of my client Shri Rakesh Lal
I/c Shri Jyoti, work master presently serving under
Central Water Commission of 6th address, I have to
serve you with the following notice.

1. That my client was appointed on the post of work
master w.e.f. 9.1.1972. and since then he is
serving in the same capacity.

2. That my client was always kept in dark and has
never been paid his correct pay applicable to
the post.

3. That having aggrieved of the such illegal acts
of the authorities placed under you, my client
had represented the matter before them via his
application dated 25.3.1989 (Copy enclosed for
ready reference) but nothing has been done by them
so far. Consequently my client is facing day to
day financial loss.

26.3.2000-2

The Plaintiff
Rakesh Lal

((2))

A27

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4. That in the circumstances aforesaid and stated in his application dated 26.3.88 your personal intervention is requested, because of being Head of the Commission.

5. Therefore, you are requested to take necessary orders to addresses No.2 to 4 to finalise the matter of my client by paying him the applicable pay to his post and arrears there of within 60 days otherwise my client shall have no option except to approach the appropriate Court of Law as well as Central Administrative Tribunal for proper judicial intervention on their Cost and Risk.

Please note carefully and comply.

Yours sincerely,

Subhash Sahu

(T.N. Tiwari)
Advocate.

11/6/88

See Attested

Subhash Sahu

(P.D.)

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Misc. Application No. 353 of 1990 (L)

On behalf of Respondents.

Union of India & Others Applicant.

In

Registration No. 344 of 1989 (L)

Nanhey Lai Applicant

Versus.

Union of India & Others Respondents.

To,

The Hon'ble Vice Chairman & His Companion Members
of the aforesaid Tribunal.

The application of the humble applicant most respectfully sheweth :-

1. That full facts have been given in the accompanying Counter *Reply Affidavit*.
2. That for the facts & circumstances stated in the accompanying *Reply Counter Affidavit* it is expedient in the interest of justice that the Counter *Affidavit* may be taken on record and the petition may be dismissed with costs.

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to admit the accompanying Counter *Reply Affidavit* and to dismiss the petition with costs.

(Dr. Dinesh Chandra)
Advocate,
Addl. Standing Counsel,
Counsel for the Respondents.

A29

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Reply
COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

Registration No. 344 of 1989 (L)

Nanhey Lal Applicant.

Versus.

Union of India & Others Respondents.

I, Ram Saran, aged about 33 years, son of Shri Shiv Ram Din, Executive Engineer, Middle Ganga Division- I, Jal Tarang Bhawan, Pratap Bagh, Aligarh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is competent to ~~swear~~ ^{file} ~~counter affidavit~~ on behalf of the all the Respondents.
2. That the deponent has read the application filed by Shri Nanhey Lal and understands the contents thereof.
3. That the deponent is well conversant with the facts of the case deposed hereinafter.
4. That the contents of para 1 and 2 of the application need no comments.
5. That with regard to the contents of para 3 it is submitted that the present application is barred by limitation under Section 21 of the Administrative Tribunal Act, 1985. The petitioner was ~~appointed~~ ^{promoted / appointed} in 1972 as Work Sarkar in the pay Scale of Rs. 85-95. He was promoted to Senior Scale of Group 'D' on ~~in the pay scale of Rs. 85-95~~. This scale of pay was subsequently reviewed to Rs. 210-290/- p.m. on the recommendation of the 3rd Pay Commission and was accepted by the petitioner when his pay was paid

Manu

ARO

in the revised scale in 1973. This scale of pay was again revised to Rs. 800-1150/- w.e.f. 1-1-1986 on the recommendation of the 4th Pay Commission. Thus the cause for ~~quarries~~ ^{quarrel} for which the applicant has filed the present petition arose as early as 1972 when he ~~joined~~ ^{was promoted} the service, in 1973 when he accepted the revised scale of pay (Rs. 210 - 290/-) and on 1-1-1986 when he was placed in the pay scale of Rs. 800- 1150/-.

6. That in reply to para 4 (a) of the application it is submitted that the applicant was ~~promoted~~ ^{promoted/ appointed} on the post of Work Sarkar w.e.f. 1.6.1972. ^{mentioning} The applicant was working as a Khalsee in the Pay Scale of B7c - 85 (unrevised).
7. That in reply to para 4 (b) and 4 (c) it is stated that the applicant was not given to understand that the post of Work Sarkar is a Class IV post (Now Group 'D') as will be evident from his letter of appointment. The applicant is a literate person and having been President of the Work charged employees Association for a long time was well aware of the different grade and pay scales of Work Sarkar.
8. That the contents of para 4 (d) of the application are admitted.
9. That the contents of para 4 (e) of the application are admitted to the extent that a representation dated 26.3.1988 from the applicant was received but it is denied that the respondent No. 3 had desired ^{such} that the applicant should make a representation.
10. That in reply to the contents of para 4 (f) it is submitted that the 3rd pay Commission provided Rs. 210-290 to Senior pay Scale of Rs. 210-290 to Group 'D' employee to which category the petitioner belonged in 1973 and accordingly he was placed in the pay scale of Rs. 210- 290 in 1973 and which the petitioner had readily accepted. It is denied that the petitioner was placed in the pay scale of Rs. 260- 400/-. It is, however, mentioned that the petitioner was in the pay scale of Rs. 85- 95/- before the implementation of the recommendation of 3rd Pay Commission.
11. That in reply to para 4 (g) it is submitted that the corresponding

scale of Pay in respect of the Pay Scale of Rs. 210- 290/-, as recommended by the 4th Pay Commission is Rs. 800- 1500/- and accordingly the petitioner was given the pay scale of Rs. 800-1500/- w.e.f. 1-1-1986. The petitioner did not represent against it at that time and accepted the revised pay scale of Rs. 800-1500/. The petitioner is demanding pay scale of Rs. 950 - 1500/- which is admissible to Group 'C' employees only.

12. That in reply to para 4 (h) it is submitted that the applicant was promoted from Gauge Khalasi to Work-Sarkar i.e. Work-Sarkar of Grade III in the Group ~~and~~ 'D' scale. He was not promoted to higher grade of Work Sarkar which is a Group 'C' category post for the appointment of which a candidate is required to pass a written test and qualify in the interview. 50% of these posts are filled by departmental candidates and 50% by direct recruitment. The applicant did not appear in any written test nor appeared before the interview Board.
13. That in reply to para 4 (i) it is stated that under the jurisdiction of Respondent No. 3, where the applicant is working, only work-Sarkar ^{under} Group III posts ~~under~~ Senior Scale of Group 'D' category are available. The applicant is performing the same duties of Work-Sarkar ~~Group III~~ ^{grade} as other work-Sarkar ~~Group III~~ employees are doing. As the petitioner could not be promoted to higher grade of work sarkar without passing the written test and qualifying in the interviews it is presumptions to assert that he has been promoted and working in the higher grade of work-sarkar. The petitioner has been working on the post of Work Sarkar Grade III and doing the same duties as are being done by other employees of Work-Sarkar Grade III. There has been no discrimination and no violation of the provisions of Article 14, 16 and 39 (d) of the Constitution of India. The ^{leading} grade for work sarkar Grade I is work Sarkar Grade II. The applicant is only Work-Sarkar Grade III and is not even eligible for consideration for Work-Sarkar Grade- I.
14. That in reply to para 4 (j) it is submitted that the petitioner is getting the salary in the pay scale of Senior Scale Group 'D' which was admissible to him when he was promoted to Work Sarkar.

15. *88 That in view of the submissions made in the above paragraphs the applicant is entitled to get his salary in the pay Scale of Rs. 800-1150/- and not in the pay scale of Rs.950-1500. Neither is he eligible for consideration to the post of Work-Sarkar Grade- I.

16. That the grounds of appeal spelled out in para 5 of the application have been adequately commented upon in the submissions made in the above paragraphs.

17. That the contents of para 6 and 7 need no comments.

18. That in view of the submissions made in the above paragraphs, the relief sought for in para 8 and interim relief prayed for in Para 9 of the application are not tenable in law and facts. The application lacks merit and is liable to be dismissed with costs.

19. That the contents of para 10 to 12 are formal & need no comments.

Lucknow ;

Dated : 19.3.90

Deonaray
Deponent.

Veritification

I, the above named deponent do hereby verify that the contents of of paras 11.3 of this Counter Affidavit are true to my own knowledge and those of paras 11.19 are believed by me to be true based on records and as per legal advise of my counsel. That nothing material facts has been concealed and no part of it false, so help me God.

Signed and verified this the 19 day of March, 1990 at Lucknow.

Lucknow ;

Dated 19.3.90

Deonaray
Deponent.

०८०० ३४५ ०६/१९८९ L

(3)

ब अदालत श्रीमान

[वादी अपीलान्ट]

श्री प्रतिवादी [रेस्पाडेन्ट]

Central Admnistrative Tribunal

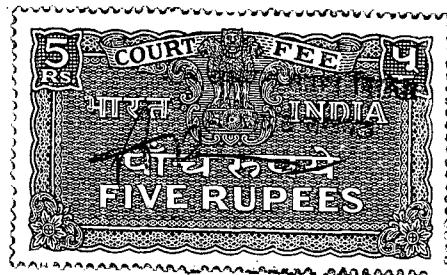
महोदय

का वकालतनामा

३३

Nazhey Lal

टिकट



मुकद्दमा

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

A.R. Dwivedi Adv. C.R.

वकील
महोदय
एडवोकेट

नाम अदालत नं० मुकद्दमा करीकैन
नाम मुकद्दमा नाम

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 करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावें या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदालत 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।

Accepted by
A.R. Dwivedi
25/5/1990

हस्ताक्षर

साक्षी (गवाह)

दिनांक महीना — — — — सन् १६ ई०

स्वीकृत