

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 0.4.344 OF 1989

NAME OF THE PARTIES Namhey Cell 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

Section Officer/In charge

Signature of the
Dealing Assistant

(A)
15/12/04

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 344 of 1989 (L)

APPLICANT(S) Nandey Lal
RESPONDENT(S) OO

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

(A2)

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
1. the application/duplicate copy/spare copies signed?	Ys
12. Are extra copies of the application with Annexures filed?	Ys
a) Identical with the Original?	
b) Defective?	
c) Wanting in Annexures	
Nos. _____ pages Nos _____?	
13. Have the file size envelopes bearing full addresses of the respondents been filed?	Ys
14. Are the given address the registered address?	Ys
15. Do the names of the parties stated in the copies tally with those indicated in the application?	Ys
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?	N/A
17. Are the facts of the case mentioned in item no. 6 of the application?	Ys
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.	Ys

signed

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
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16.1.90

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

Heard.

Issue notice to respondents to show cause why the petition be not admitted. Reply may be filed within four weeks. Put up on 13.2.1990.

J.P. Sharma
J.M.

rm/

on notice filed 25/1/90

13.2.90

No Siting Ad to 6.3.90

OR
Notices were issued 25/1/90. Neither reply nor any urgent reply has been received. S.A.A.

6/3/90

Hon. J.P. Sharma, J.M.

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.

The learned counsel to meet the limitation bar, also at the relief claimed, goes to show the year 1972, when the applicant was appointed initially.

List for order of admission on 6/4/90.

For 17/4/90

Dinesh

J.M.

No reply filed S.F.A. 10

22/04/90 J.P. Sharma

(19)

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 Gaugekhalasi 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

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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 ^{for} 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

Clear

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 afore-said scale of pay came into effect with effect from 1-1-1986 vide Central ^{Civil} 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

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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 overcome 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.

Jomianu
MEMBER (J) 11/6/90

G. C. S. S.
MEMBER (A) 11/6/90

(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 ^{an} ~~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)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH ALLAHABAD.

Circuit Bench Lucknow.

O.A.No. 844 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.

Signature.
For Registrar.

Applicant.

Through counsel
F.N.Tiwari
Advocate.

Counsel for the Applicant.

Filed today
L
15/12/89

Noted for 16/1/90
Rajendra
Munni

1
(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 Genti 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) Sewa 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

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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 Ganje Khalasi and later on

(a) That the applicant was appointed on the post of Work Sarkar w.e.f. 1-6-1972 and thereafter 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

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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 Work 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.

5/2 21/2

(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.

172 11/2

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A13

(i) That it will not be out of place to mention here ~~that~~ 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 constitution rights guaranteed under Articles 14, 16 and 39 (d) of the Constitution of India have been infringed, ^{like} besides the next promotion to the post of "Work Sarkar Grade-I" in the Scale of Rs 1200 - 2040/- Minimum.

(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 interference 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

17/2/21

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A/c

GROUND 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 ^{figures} and even Promotion To The next post of "Work Sorker Gd-I" has also been denied. ^{figures}

was appointed and
(iii) Because the applicant 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

72 2/2

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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 :

for 21/2

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 appointment ^{interim} and further promotion to the post of "Work Sarkar Gd-I" with all consequential benefits. ^{interim}

(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.

2/2

10. N/A.

11. A postal order sl. no. B/02-402361
dated 16-12-89 issued from GPO
Lucknow 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.

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.

Applicant.

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

(T.N.Tiwari)
Advocate.

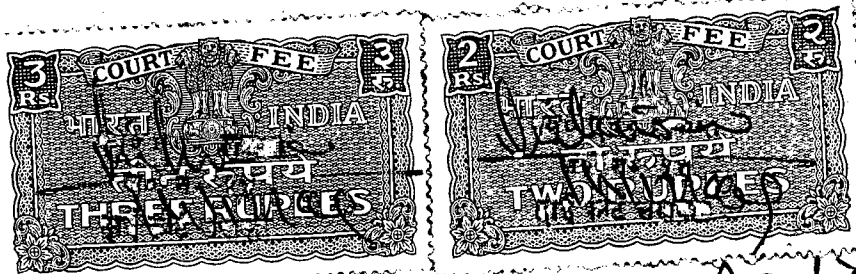
In The Honble C. A. T.
Jail Baramulla
S.B. Baramulla

ब अदालत श्रीमान

[वादी अपीलान्ट]

प्रतिवादी [रेस्पॉण्डेंट] श्री Namheyal का **वकालतनामा**

O. A. No. — of 1989



वादी (अपीलान्ट)

Namheyal

बनाम

Union A. J. J.

प्रतिवादी (रेस्पॉण्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री T. N. Tripathi, Advocate

व Shri V. S. Tripathi, Advocate 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 करावे और रुपया लसूब करें वा सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेंवे 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 भेजना 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।

V. S. Tripathi
T. N. Tripathi
हस्ताक्षर

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... 14 ... महीना — 12 — सन् १९८९ ई०

स्वीकृत

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench, Allahabad

Circuit Bench, Lucknow

O.A. No. 844 of 1989 (L)

Nanhey Lal Applicant

Versus

Union of India & Others Respondents

"ANNEXURE - A-1"

No. E-9/CFED/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 ~~has~~ is hereby ~~has~~ 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 ~~of sites~~ Gorakhpur Control Room.

Sd.
(G.J. BHOSWANI)
DEPUTY DIRECTOR.
1/6

Copy to:

1. The Assistant Engineer, C.F.F.Dn., 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.

Sd.
(G.J. BHOSWANI)
DEPUTY DIRECTOR.
1/6

* RIZVI *

T/C ATTENDED
Division

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench, Allahabad
Circuit Bench, Lucknow

A20

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

Nanheylal Applicant

Versus

Union of India & Others Respondents

"ANNEXURE - A-2"

प्रोमान् अधिष्ठाता अभियन्ता,
मध्य मंगा मण्डल प्रथम
केन्द्रीय वन आयोग
लखनऊ।

विषय :- उचित वेतन मान में वेतन निर्धारण करने एवं उसके प्कारक रूप देय अनराशि के भुगतान की प्रार्थना।

महोदय,

मेरी नियुक्ति दिनांक 24-5-71 से "मैल सलासी" के पद पर हुई थी। मेरी योग्यता, कार्य क्षमता, एवं मेरे कार्य से तृप्त होकर शासन ने एन सीया 159/सी0एफ0एफ0सी0/यू0पी0/72/2313 दिनांक 1-6-1972 से मुझे "वर्क सरकार" के पद पर नियुक्त किया था। तब से मैं "वर्क सरकार" के पद पर सुचारु रूप से कार्य कर रहा हूँ।

अथानक कार्यालय द्वारा मुझे "वर्क सरकार" ग्रेड तृतीय सम्बोधित करने पर मैंने आपत्ति की थी जिस पर मुझे कार्यालय द्वारा बताया गया था कि "वर्क सरकार" तथा वर्क सरकार ग्रेड तृतीय एक ही पद है फिर भी मेरे द्वारा आपत्ति करने पर कार्यालय द्वारा सुधार करके पुनः "वर्क सरकार" कर लिया गया था।

वह भी कार्यालय द्वारा मुझे "वर्क सरकार" ग्रेड तृतीय सम्बोधित किया गया मैंने उसी समय आपत्ति की, जिस पर मुझे यहाँ समझाया जाता रहा कि "वर्कसरकार" तथा वर्कसरकार ग्रेड तृतीय एक ही पद है तथा वर्क सरकार ग्रेड प्रथम व वर्क सरकार ग्रेड द्वितीय अलग-अलग पद है फिर भी मेरी आपत्ति पर कार्यालय द्वारा सुधार करके "वर्क सरकार" कर लिया जाता रहा है। इस सम्बन्ध में मुझे भी यह कहा गया कि यदि आपको कोई तैदह है। तो आप स्वयं "वर्क सरकार" ही लिखें। और मैं अपने पद को "वर्क सरकार" ही लिखता रहा हूँ क्योंकि कि मेरी नियुक्ति "वर्कसरकार" के ही पद पर हुई थी। तथा इस पर कार्यालय द्वारा अभी तक कोई आपत्ति नहीं की गयी है।

अब मुझे मालूम हुआ है कि "वर्क सरकार" वर्क सरकार ग्रेड द्वितीय एक पद है तथा वर्क सरकार ग्रेड तृतीय निम्न कोटि का पद है वेतन निर्धारण के प्रारम्भिक समय भी मुझे "वर्कसरकार" पद का वेतनमान न देकर "वर्कसरकार ग्रेड तृतीय" के वेतनमान में समायोजित किया गया है जो पूर्णतयः गलत है तथा मेरे साथ किया गया अन्याय है और मेरा आर्थिक शोषण करने का षडयन्त्र है।

अतः आपसे अनुरोध है कि मुझे मेरे पद "वर्कसरकार" का वेतनमान नियुक्ति तिथि से देने का आदेश यथा शीघ्र जारी करने की कृपा करें तथा उसके

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अन्यथा हुई वकाया धनराशि का भुगतान क्या होना करने की कृपा करें और अधिकार में "वर्कसरकार ग्रेड तृतीय के स्थान पर मुझे "वर्क सरकार" ही सम्बोधित करने की कृपा करें वर्कसरकार ग्रेड तृतीय सम्बोधन से युक्त किसी भी आदेश/पत्र को स्वीकार न करने के लिये बाध्य हूँ।

निम्न तिथि से पेतनमान में तुम्हारे सरकारी अभिलेखों में प्रार्थनीय है।

- 111 1-6-72 से 85-2-95 के स्थान पर 110-3-131-4-143-ई0वी0-4-171ई-वी-4-175-5-180
- 121 1-1-73 से 210 से-4-250-ई0वी0-5-270 के स्थान पर 260-6-290 ई0वी0-6-326-8-366 ह0वी0-8-390-10-400
- 131 1-1-86 से 800-15-1010ई0वी0-20-1150 के स्थान पर 950-20-1150ई0वी0-25-1500

दिनांक :- 26-5-88

आपका विश्वासपात्र

नन्दू लाल
वर्कसरकार

मध्यमगा मण्डल प्रथम, लखनऊ

प्रतिलिपि:-

- 111 श्रीमान् अधिलक्ष अभियन्ता मध्यमगा परिमण्डल वाराणसी को इस प्रार्थना के साथ कि मेरा नाम वर्कसरकार ग्रेड तृतीय की परिष्कृत सूची में प्रयुक्त कर दिया जाय।
- 121 श्रीमान् अधिलक्ष अभियन्ता, मध्यमगा तृतीय वाराणसी को इस प्रार्थना के साथ कि मैं 1-11-88 से 30-4-1987 तक उनके अधीनस्थ कार्यरत था अतः सम्बन्धित अवधि के लिये आवश्यक कार्यवाही करें।

आपका विश्वासपात्र

नन्दू लाल
वर्कसरकार

मध्यमगा मण्डल प्रथम, लखनऊ

T/C Attested
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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench, Allahabad
Circuit Bench, Lucknow

O.A. No. _____ of 1989 (L)
Nanheyial 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/AEII/Acctts(Works) and Adm.VI Adm. II.

Sd/-

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

List of Papers forwarded :

Ministry of Finances (Deptt. of Expenditure)

O.M.NO: E-32/2/73-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 Colmn. 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.

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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.	Launch 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.	260-6-290EB-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	110-3-131-4-143-EB-4-155	260-6-326 EB-8-350
10.	Fitter		
11.	O.B.Engine Driver		
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	70-1-80EB-1-85	196-3-220-EB-3-232
21.	Boatman		
22.	Helper		
23.	Khalasi silt observer		
24.	Clearner.		
25.	Khalasi(Boat)	70-1-80-EB-1-85	196-3-220-EB-3-232

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Page 16

Dated the 26th September, 1986.

Sd/-

Copy to :-

- The attached
Lithuanian
version

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

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. 750-12-870-EB-14-940
--	---
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	775-12-955-EB-14-1025
--	-----------------------
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 } 825-15-900-EB-20-1200
5. -do- (a) 225-5-260-6-326-EB-8-350 } 950-20-1150-EB-25-1400
6. -do- (b) 260-6-326-EB-8-350 }
7. -do- (a) 260-6-290-EB-6-326-8-366 } 950-20-1150-EB-25-1500
8. -do- (b) 290-6-326-EB-8-350 }
9. -do- (a) 260-8-300-EB-8-340-10-330 } 975-25-1150-EB-30-1540
10. -do- (b) 290-6-326-8-350-EB-8-390-10-400 }
11. -do- (a) 260-8-300-EB-8-340-10-360-12-420-EB-12-480 } 975-25-1150-EB-30-1660
12. -do- 320-6-326-8-390-10-400 } 1160-25-1500
13. -do- (a) 330 - 460 } 1200-30-1800
14. -do- (b) 330 - 560 } 1200-30-1560-EB-40-2040

The Director
Division

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench, Allahabad
Circuit Bench, Lucknow

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

Nanheylal Applicant

Union of India & Others Respondents

"ANNEXURE - A-5"

Registered O.A.D

1-6-89

To,

1. The Chairman,
Central Water Commission,
New Delhi- 110005

Aligarh Post Office

Registered No. 0302 dt 1-6-89

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

3. Executive Engineer,
Middle Ganga Division No. 2, Central Water Commission,
Lucknow.

No. 0304 dt 1/6/89

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

0301 dt 1-6-89

Direction of Ltr

Sir,

Under instructions of my client Shri Nanhey Lal
u/o Shri Jagga, work sarkar presently serving under
administrative control of 4th addressee, I have to
serve you with the following notice.

1. That my client was appointed on the post of work
sarkar u.o.f. O.A. 1072. 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
his post.
3. That being aggrieved of the such illegal acts
of the authorities placed under you, my client
had represented the matter before them vide his
application dated 25.3.1988 (Copy enclosed for
ready reference) but nothing has been done by them
so far. Resultantly my client is facing day to
day financial loss.

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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 pass necessary orders to addressees 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,

[Signature]
(T.N. Sivari)
Advocate.

1/6/89

for attestation

[Signature]
Advocate

(P28)

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 Lal 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 ~~Affidavit~~ ^{Reply} Affidavit.
2. That for the facts & circumstances stated in the accompanying Counter ~~Affidavit~~ ^{Reply} Affidavit it is expedient in the interest of justice that the Counter ~~Affidavit~~ ^{Reply} Affidavit may be taken on record and the petition may be dismissed with cost.

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

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

Filed today
L
6/4/90

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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 ~~Shri~~ Ram Din,
Executive Engineer, Middle Ganga Division- I, Jal Tarang Bhawan, Pratap
Bagh, Aliganj, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is competent to ~~swear~~ *make* this ~~affidavit~~ *counter reply* 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

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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 ^{grievance} ~~quarries~~ for which the applicant has filed the present petition arose as early as 1972 when he ^{was promoted} ~~joined~~ ^{antagoni} 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/appointed} ~~appointed~~ on the post of Work Sarkar w.e.f. 1.6.1972. ^{Previously the applicant was working as a khulase in the pay scale of Rs. 72-85 (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 that the applicant should make ^{such} 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. 250- 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

[Signature]

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scale of Pay in respect of the Pay Scale of Rs. 210- 290/-, as recommended by the 4th Pay Commission is Rs. 800- ^{1150/-}1500/- and accordingly the petitioner was given the pay scale of Rs. 800- ^{1150/-}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- ^{1150/-}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 ~~III~~ '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 Group III posts ^{under} Senior Scale of Group 'D' category are available. The applicant is performing the same duties of Work-Sarkar ^{grade} ~~Group~~ III as other work-Sarkar ^{grade} ~~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 ^{feeding} ~~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.

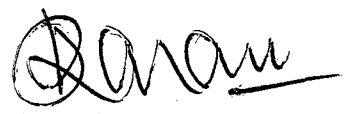


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15. *8% That in view of the submissions made in the above paragraphs the applicant is entitled to get his salary in the pay Scale of Rs. 800-1150/- and not in the pay scale of Rs.950-1500. Neither is he eligible for consideration to the post of Work-Sarkar 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


Deponent.

Verification

I, the above named deponent do hereby verify that the contents of of paras 12, 3 of this Counter Affidavit are true to my own knowledge and those of paras 4, 2, 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 . day of March, 1990 at
Lucknow.

Lucknow ;

Dated 19-3-90


Deponent

0 A NO 344 06 1989 L

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ब अदालत श्रीमान

महोदय

[वादी अपीलान्ट]

Central Adminalah Tashikha

प्रतिवादी [रेस्पाडेंट]

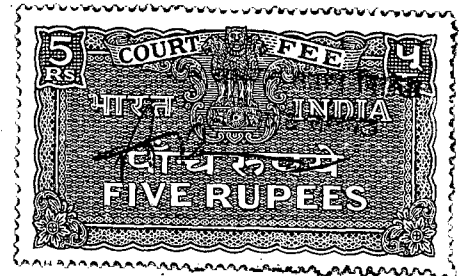
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नं० मुकद्दमा

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पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

व A.R. Durrani Advocate - 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 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 उठावे 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 में यह भी स्वीकार करता हूं कि 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 ।

Accepted by
A.R. Durrani
25/5/90

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक सहीना — — — — सन् १६ ई०

स्वीकृत