

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ^{Delhi} BENCH

OA/TA/RA/CP/MA/PT/ 28/90 of 20.....

..... U.C. Sirha Applicant(S)

Versus

..... C.D. Singh Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 -	Check list	A1 to A2
2 -	order sheet	A3 to 4
3 -	Jud. Index sheet	15
4 -	Forwarded jud. dt. 16-12-92.	A6 to A9
5 -	Copy of Petition	A10 to A21
6 -	Assessment	A22 to A31
7 -	Power	A32 to A52
8 -	Written statement	
9 -	Power	A53
10 -	Rejoinder Affidavit	A54 to A64
11	Notice / order Copy	A68 to

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

R/V

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 428/90

U.C. Sinha

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Obayya, Adm. Member.

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

This is the second inning by the applicant praying that in view of the Supreme Court judgment the respondents may be directed to recount the seniority of the applicant from the date of his initial appointment i.e. from 22.1.88, and the order passed by the Senior Administrative Officer dated 20.2.90 be quashed, by which the applicant was treated to be regular w.e.f. 23.9.88 at New Delhi and his request for treating him to have been appointed on regular basis as Stenographer Grade III w.e.f. 22.1.80 has been considered by the Division and not agreed to. He has also claimed the difference of arrears of salary from 1.1.87 to 22.9.88 and the period of reversion to be counted as period of service as Stenographer.

2. The applicant was selected by the department Selection Board, after being sponsored by the Employment Exchange and is working since 22.1.1980 on adhoc basis with the condition that his appointment will be terminated whenever eligible candidate is sponsored by the Staff Selection Commission. Even though the candidates from

u

Staff Selection Commission were not available, the applicant was removed from the post of Stenographer and has been offered the post of Clerk, and the other candidates who were appointed along with him, were regularised but even then the applicant's services were terminated, without fulfilling the condition precedent for such termination. The D.P.C. tested him in Efficiency Bar test as a Stenographer and recommended that he may be promoted to the higher grade. The applicant made representation for absorption as regular stenographer but the representation bore no result and he was spared to join duty as L.D.C. on 1.12.1986. He was threatened that if he did not join as a Clerk his services as a Stenographer will be terminated, so he joined his duties as L.D.C. At this stage the applicant filed O.A. No. 226 of 1987 which was decided on 31st May, 1990 taking into consideration the pleas raised by the applicant and it was observed that in view of the fact that the applicant was working for nearly 7 years on adhoc stenographer and who was found qualified by the Staff Selection Commission, his posting as L.D.C. on being regularised in service visits him with evil consequences. There are no sufficient reasons to indicate or to support the fact of his absorption as L.D.C. In the reply the respondents have not brought out any specific circumstances why the applicant was not regularised as a Stenographer when two of his colleagues who were appointed a little earlier than him were regularised even without being subjected to an examination. They were

regularised purely on the basis of the recommendations of the Staff Selection Commission. We therefore, do not find any good reason to deny the prayer made by the applicant for regular absorption as a Stenographer. We, however reject the prayer that he should be considered to have been appointed to the post from January, 1987.. He will be considered for absorption as a Stenographer with immediate effect and will be liable to be paid the salaries from the date he takes over.


3. Both the parties submitted to this judgment. After the judgment, the applicant was transferred to Delhi and his services were regularised as grade III Stenographer and in the gradation list his name was placed at serial No. 48 and according to the applicant Smt. Barun Rani Bose and Smt. Nanita Chopra who joined the services and failed in the SSC examination just a little earlier/have been placed at serial No. 18 and 19 respectively and thus the order passed by the Tribunal has not been fully implemented.

4. The respondents have opposed the application and have contended that the applicant's entire case has been considered in the earlier application and this application is not maintainable.

5. The question was decided by the Tribunal earlier and the applicant was to be absorbed from the date of judgment and his seniority^{to} be fixed. The application deserves to be allowed in part and the applicant will be absorbed from the date of judgment in O.A. No. 226 of 1987 and entitled to salary taking into consideration

that he was absorbed on 31.5.90 and not on subsequent date. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 16.12.92

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 428 of 1997 C(4)

28.12.90

F-16/20/12/8
28.12.90

APPLICANT(S) U. C. Sinha

RESPONDENT(S) U.C.I.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent?	Application
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?	Yes
3. a) Is the appeal in time?	Application
b) If not, by how many days it is beyond time?	Yes
c) Was sufficient cause for not making the application in time, been filed?	Yes
4. Has the document of authorization/Vakalatnama been filed?	Yes
5. Is the application accompanied by S.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?	Yes
c) Are the documents referred to in (a) above neatly typed in double space?	Yes
8. Has the index of documents been filed and paging done properly?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	Yes
10. Is the matter under in the application pending before any court of Law or any other Bench of Tribunal?	Yes

OP 420-902

Date	Office Report	Orders
13.5.91		
D.R.	Both the parties are present today. Counter has not been filed so far. Respondent is ordered to file counter by 30/7/91 <i>[Signature]</i>	
30.7.91		
D.R.	Department's side is present. Applicant is absent today. Respondent to file counter by 4/9/91.	
4.9.91		
D.R.	Both the parties are present. Applicant files Rejoinder Affidavit. Now this case is to be listed on 15/11/91 for ^{F.H.} the before the Hon. Bench. <i>[Signature]</i>	

15/11/91 No string adjn 7.1.92

7.1.92

No string adjn 16.3.92

16.2.92

No Sailing of D.B. adj to
22.5.92

~~17.11~~

2

22.5.92

case not reached adj to 24.7.92

2
B.O.C.

24.7.92

No Sailing of D.B. adj to
9.9.92

2

9.9.92

No Sailing of D.B. adj to
20.10.92

2

CA/RA have
been exchanged.

S.F.O. 20.10.92

8

19/10/92

Cite adj reached
adj 20.12.92

more

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

O.A. NO 428/10 199 (L)

T.A. NO _____

Date of Decision _____

L. C. Sinha Petitioner.

Advocate for the
Petitioner(s)

V E R S U S

Union of India, Secy. Respondent.

Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice V. C. Sarin, V.C.

The Hon'ble Mr. K. C. Ganguly, J.

1. Whether reporter of local papers may be allowed to see the Judgment ? ✓
2. To be referred to the reporter or not ? ✓
3. Whether to be circulated to other benches ? ✓
4. Whether ~~the~~ their Lordships wish to see the fair copy of the Judgment ? ✓

✓
VICE-CHAIRMAN/MEMBER

A/10

In the Central Administrative Tribunal
Additional Bench Allahabad, Circuit Bench LKO.

Original Application No.

Registration C.A. NO. 428 of 1990 (L)

Uday Chand SinhaPetitioner

Versus

Union of India and Others...Opp. Parties.

I N D E X

Sl. No.	Annexure No.	Description of Documents RELIED UPON	Page Number
1.		Original Application	1 to 11
2.	Annexure-1	Photocopy of the Judgement and order dated 31.5.88	12-18
3.	Annexure-2	Photocopy of the abstract of Gradation List.	19-20
4.	Annexure-3	Photocopy of the order of Senior Administrative Officer dated 20.2.90.	21
5.	Annexure-4	Photocopy of the Judgement of the Supreme Court of the Point	
5.		Vakalatnama (Power)	22

*Noted
for 10/11/91.
Rao*

[Signature]
(S. C. Goswami)
Advocate

[Signature]

Lucknow :

Counsel for the Applicant

Dated : 27-12-90

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 28.12.90

Date of Receipt by Post.....

Deputy Registrar (J)

For use of Tribunal Office

Date of Filing _____

Registration No. _____

Signature of Registrar

In the Central Administrative Tribunal

Additional Bench Allahabad, Circuit Bench Lko.

Original Application No.

Registration O.A. No. o 428 of 1990 (L)

Uday Chand Sinha aged about 33 years son of
Shri Harish Chand Sinha permanent resident of
MOT - 57, Sector L Aliganj Housing Scheme Lucknow,
presently posted as Stenographer Grade III in the
office of, Director, National Sample Survey
(Field Operation Division) New Delhi (herein-
after referred as N.S.S.O. (F.O.D).

Versus

1. Union of India through the Secretary,
Ministry of Planning Civil Secretariate
New Delhi.
2. Director N.S.S.O. (F.O.D.) West Block - 8 wing
No. 6 R.K. Puram New Delhi - 110066.

Contd..... 2.....

A
12

3. Chief Administrative Officer N.S.S.O.
(F.O.D.) West Block - 8 Wing No. 6 R.K.
Puram New Delhi - 110066
4. Regional ASA Director, N.S.S.O. (F.O.D.)
B - 991, Sector 'A' Mandir Marg, Mahanagar,
Lucknow.

1. PARTICULARS OF THE ORDERS AGAINST WHICH
APPLICATION IS MADE.

- (a) Wrongly interpreting and estimating the
Central Administrative Tribunal order
Dated 31.5.88.
- (b) Consequently placing the name of the
applicant at a wrong place in the grad-
uation list of Stenografer.
- (c) Consequently passing of the order No.
A - 20012/572/88-E IV dated 20th Feb.
1990 passed by the Senior Administrative
Officer acting on behalf Chief Administra-
tive Officer.

2. Jurisdiction of the Tribunal.

The applicant declare that the subject
matter is with in the jurisdiction of this
Hon'ble Tribunal.

Contd.....3.....

[Handwritten signature]

3. Limitation.

That the applicant further declare that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act 1985.

4. Facts of the case:

(1) That the applicant was duly selected as Stenographer Grade III by the Selection Committee of Department and sponsored by the employment Exchange, Lucknow is continuously working in the department since 22 Jan 1980 without any break. The initial appointment of the applicant was in the nature of ad-hoc appointment with the specific condition that his appointment will be terminated whenever eligible candidate is sponsored by the Staff Selection Commission.

4 (2) That while working as stenographer (as ad-hoc) appointee continuously for six years to the entire satisfaction of the big bosses. The applicant was reverted on the post of lower Division Clerk (L.D.C.) which is a post of lower pay scale and was regularised on the said post, while his two colleagues Smt. Baruna Rani Bose and Smt. Nanita Chopra, despite not qualifying the

S.S.C. examination conducted for regularisation, by the S.S.C. on the recommendation of the Department, were being regularised as Stenografer, illegally, ignoring the claim of the applicant who had qualified the said S.S.C. examination conducted for regularisation. The applicant possesses all the requisite qualifications of regular stenographer.

- 4(3) That against the said grievance the applicant preferred an case in the Central Administrative Tribunal at Allahabad vide O.A. Application 226 of 1987 which was decided in favour of the applicant. Photostate copy of said Judgement dated 31.5.88 is annexed as Annexure No. 1 to this Original Application for kind Perusal.

Annexure No. I

That the said Judgement says that "we direct that the applicant should be considered for regularisation as a stenographer with immediate effect."

- 4(4) That after passing the said Judgement the applicant was transferred to Delhi and his services was regularized with effect from 23.9.88 as grade III Stenografer.

- 4(5) That as a consequence of the above regularization w.e. from 23.9.88 the name of the applicant came at Sl. No. 48 in the gradation list of stenografer. Whereas the name of Smt. Baruna

Rani Bose and Smt. Nanita Chopra who joined the services just a little earlier, have been placed at sl. No. 18 and 19 respectively. These two candidate, as mentioned above are those Candidates who failed in the S.S.C. Examination conducted for regularization and who were not found fit to remain as stenografer. Moreover it is pertinent to mention here that the persons who were appointed after the applicant's appointment, their names have been placed at a earlier serial number than, that of the applicant. Photocopy of the abstract of gradation list is annexed as annexure No. 2 to this Original Application.

Annexure 2

That ~~due~~ to the wrong ^{and delayed} interpretation and implementation of the Central Administrative Tribunal's order dated 31.5.88, a loss of seniority of the applicant for about 3.5 months took place which is a direct fault of the Regional Asstt. Director Lucknow, which created a definite cause of action to reagitate the matter..

- 4(6) That against the said grivance the applicant preferred an representation before the Director N.S.S.O (F.O.D.) New Delhi which was rejected by the Senior Administrative Officer acting on behalf of Chief Administrative Officer on 20.2.90 Photostate copy of the said rejection order dated 20.2.90 is

Annexure 3

Annexed as Annexure No. 3 to this Original Application.

- 4(7) That the ^{applicant} ~~petitioner~~ has came to know in may 1990 that the Hon'ble Supreme Court has held on the

point of the fixation of seniority that the seniority should be counted from the date of initial appointment and not the date of regularisation or confirmation. ~~The above noted~~

~~Judgement is cited to~~ ~~at page No.~~

~~ce~~ ~~entire copy of the same is~~

~~Annexure 4~~

~~Annexed as Annexure no. 4 of the~~

~~Application.~~

4(8) That it will not be out of place to mention here that the petitioner is working in the department since 1980 without any break to the entire satisfaction of the big bosses and possess all the requisite qualification of the stenografer and also passed departmental examination conducted for regularisation of candidate as stenografers and as such his claim for regularization is much superior then that of Smt. Baruna Rani Bose and Smt. Nanita Chopra. It is also pertinent to mention here is that since 1980 no candidate duly selected from S.S.C. has been appointed.

4(9) That the act of the respondent in placing in the name of the aplicant at sl. No. 48 in the seniority list tentamounts to loss of the status of money, mental frustration and is a stigma to the avenues of promotions.

4(10) That in reference of supreme Court case as mention above many other persons have been benefitted by the various High Courts and State Tribunals and perhaps by the benches of

Central Administrative Tribunal.

- 4(11) That the principal of absorption of the ad-hoc employees and regularising them w.e.f. their respective date of initial joining have also been adopted in the case of investigations by the department.
- 4(12) That the applicant has exhausted all the remedies open to him except to file this Original Application.
- 4(13) That the respondents have wrongly interpreted and implemented the judgement and order of Central Administrative Tribunal dated 31.5.88 as a consequence of which the name of the petitioner was being wrongly placed at sl. No. 48 as shown in the gradation List.
- 4(14) That as per order and direction of the Central Administrative Tribunal order, the respondents required to regularized the applicant with immediate effect. The term (immediate effect) should have been taken from the date of judgement i.e. from 31.5.88. Whereas the gradation list shows that the applicant have been given regular appointment w.e.f. 22.9.88 it should not be done as has been done in the present case by respondents especially by respondents No. 4.
- 4(15) That now the position have under gone of a vast change and in view of the Supreme Court

Judgement the applicant is liable to claim seniority from the date of his initial appointment i.e. from 222.1.1980.

- 4(16) That the applicant is a permanent resident of Lucknow moreover the office of respondent no. 4 is at Lucknow and the original initial cause of action occurred at Lucknow.

5

G R O U N D S

- 5(a) Because the respondents No. 1,4 have wrongly interpreted and implemented the Central Administrative Tribunal order dated 31.5.88.
- 5(b) Because on a consequence of the above the name of the applicant has been wrongly placed at a lower sl. no. in the gradation list.
- 5(c) Because the representation of the applicant has not been considered without application of the mind and rejected on 20.2.90 and without assigning any justified reasons.
- 5(d) Because this act, of the respondents is illegal, arbitrary punitive and stigmatic.
- 5(e) Because in view of the Supreme Courts judgement the applicant is liable to gain seniority from the date of initial appointment.
- 5(f) Because there is no break in service and the services of the applicant had always been above remark.

6. Details of remedies exhausted.

The applicant declares that he has availed all the remedies available to him, discription of writ is as follows:-

- a) Petitioner representation dated 20.12.89 have been rejected by the senior administrative officer vide letter no. A-20012/572/88-E-IV dated 20.2.90.

7. Matters not previously failed or pending with any other Court.

That the applicant declare that he have not previously filed any application, writ petition ————— regarding the matter in respect of which this application has been made before any court of law of any other authority or any other bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8. Relief Sought.

The applicant sought following relief.

- (a) That in view of the supreme Court judgement the respondents may be directed to recount the seniority of the applicant from the date of its initial appointment that is from 22.1.80.

- (b) As a consequence of the above, the gradation

Contd.....10.....

[Signature]

list of the stenographers be ordered to be corrected placing in the name of the applicant at a right place.

- (c) As a consequence of the above two, the order passed by the Senior Administrative Officer dated 20.2.90^(anx-3) may be quashed.
- (d) Consequently the difference of arrears of salary from 1.1.87 to 22.9.88 (salary for period of reversion) may be ordered to be paid to the applicant and the period of reversion may be counted as period of service as stenographer.
- (e) Any other ^{order} deemed fit and proper under the circumstances may be awarded in favour of the applicant.
- (f) Cost of the petition may be awarded to the applicant.
- (g) The financial loss of salary, ~~during the reversion period, occurred to the applicant~~ ^{may be paid to him}.

9. Interim order if any prayed for

N I L

10. Particulars of the Bank Draft/Postal Order in respect of the application fees.

Postal order dated 27-12-90 in the name of Registrar CAT No 5 02 404702

11. List of Enclosers.

- (a) Photostate Copy of the Judgement and order dated 31.5.88 passed by the Central Adminis-

Contd.....11.....

A. S. 12/5

Strative Tribunal.

- (b) Photostate copy of the abstract of the gradation list of the stenografer.
- (c) Photostate Copy of the order of Senior Administrative Officer dated 20.2.90.

~~(d) Photostate copy of the Judgement of the Supreme Court on the Point.~~


APPLICANT


Verification

I, Uday Chand Sinha, the applicant, named above, do hereby verify that the contents of paragraph 1 to 11 of this affidavit are true to my personal knowledge, that no part of it is false and that nothing facts has been conceled, so help me God.

Signed and verified this 7th day of ^{October} ~~December~~ 1990 within the Court Compound, Lucknow.


APPLICANT

~~Identify the Applicant who has signed before me.~~


(S. C. Goshwami)
Counsel for the Applicant

In the Central Administrative Tribunal known as
O.A No (2) of 1990
U.C. Sinha vs Union of India & others.
Annexure No — 1

12
A/22

327
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, ALLAHABAD.

.....

NO. CAT/A11d/

Dated Allahabad the 3688

OFFICE MEMO

Registration no. O.A./TA 226 of 198 7

U.C. Sinha

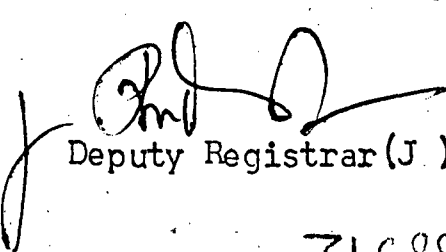
APPLICANT(s)

Versus

U.O.

RESPONDENT(s)

A copy of the Tribunal's Judgement dated 31.5.88
in the above noted case is forwarded for necessary
action.


Deputy Registrar (J.)

Enclosure : Copy of the Judgement dated 31.5.88

To

① Sri. S.P. Kesharwan Ad. CAT Ad.

② Sr. K.C. Sinha Ad. CAT Ad.

as



In the Central Administrative Tribunal at Know

O.A No

(2) of 1990

U.C. Sinha vs Union of India & others.

Annexure No Contd-1

13

23

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.226 of 1987.

U.C. Sinha Applicant

Versus

Union of India & Others Respondents.

Hon.S.Zohoor Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon. Ajay Johri, A.M.)

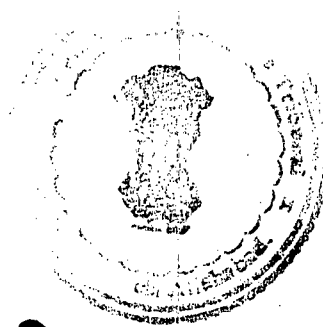
This is an application under Section 19 of the Administrative Tribunal Act XIII of 1985. The application has been made against an order dated 8.4.1986 passed by the Regional Assistant Director National Sample Survey, Lucknow by which a fresh appointment has been given to the applicant as Lower Division Clerk (LDC) instead of confirming and regularising his service on the post of stenographer which was in a higher pay scale and on which he was working since 22.1.1980.

2. The applicant's case is that he was selected by a Departmental Board out of candidates sponsored by the Employment Exchange in 1979 as a stenographer grade III and was posted at Ranchi on 22.1.1980. His appointment was on adhoc basis with the specific condition that it will be terminated when duly selected candidates sponsored by the Staff Selection Commission would be available. Upto 1986 no



15
R/S ✓

being absorbed as a regular stenographer. Even as late as 31.1.1985 specific recommendations were made for regularization of the applicant as a stenographer. The Department instead of considering his representation spared him to join duty as a L.O.C. on 31.12.86. He was even threatened that if he did not join as a clerk his services as a stenographer will be terminated so the applicant joined his duties as a L.O.C. By this application he has prayed for setting aside of the order dated 8.4.1986 and declaring the applicant's services to be confirmed and regularized as stenographer and for payment of full pay from January, 1987.



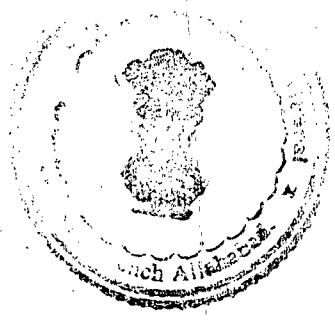
3. The respondents have opposed this application and have said that in between 1982 and 1984 a number of stenographers grade III were recommended by the Staff Selection Commission but they did not turn up and one or two who reported resigned. The two lady candidates whose cases have been referred by the applicant were appointed on adhoc basis prior to the applicant. The respondents have said that they are not able to confirm that these two lady candidates failed in the examination conducted by the Staff Selection Commission but ² these candidates were regularized in 1980-1981 with reference to a letter received from Staff Selection Commission dated 28.12.78. The adhoc services of these two ladies were regularised by the Staff Selection Commission. No threat was given to the applicant. He was communicated the

[Signature]

16
17/20

decision to offer him the post of L.D.C.

4. We have heard the learned counsel for both sides. The main contentions raised by the learned counsel for the applicant were that the applicant had been working as a stenographer for nearly seven years. He had also passed the examination conducted by the Department and since no eligible candidate has been posted by the Staff Selection Commission he should also be considered for regularization as a stenographer instead of being posted as a L.D.C. entailing a loss in his emoluments.

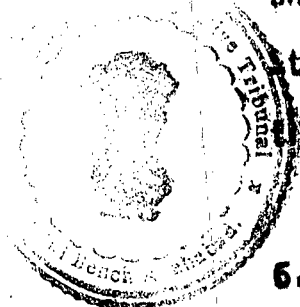


5. By the letter of 2.4.86 the applicant was advised that in terms of the Staff Selection Commission's letter dated 23.1.86 he was being regularized as a L.D.C. after the selection held by the Staff Selection Commission for regularization of clerks and stenographers. It is also clear that in the case of other two candidates who have been referred by the applicant the Staff Selection Commission had given its approval for their being regularized as stenographer provided they fulfilled the conditions laid down in the Recruitment Rules. The applicant was also recruited on adhoc basis for appointment as a stenographer and he qualified in the test of stenographer conducted by the Deputy Director, Central Zones, Allahabad. He also met all the requirements of the Recruitment Rules for the

Om

17
8/27

post in the Department. According to the correspondence made between the Assistant Director and the Director at New Delhi the applicant was reported to have rendered satisfactory service and had picked up the work quite well and on that basis it was recommended that suitable steps be taken with the Staff Selection Commission to regularise him. There is also a letter dated 5.2.1936 issued by the Staff Selection Commission, Allahabad in connection with an examination for regularization of adhoc L.O.s, Telephone Operators and Stenographers saying that the applicant had qualified in stenographers examination held by the Commission. On 11.12.1936 a memorandum was issued appointing the applicant as a L.O.C. as recommended by the Staff Selection Commission. It was in response to this order that the applicant was posted as a L.O.C.




6. It is not the case of the respondents that there is no vacancy of the stenographer against which the applicant could be absorbed. The letter of 5.2.1936 (Annexure-10) clearly indicates that the applicant had qualified in the stenographer's examination held by the Commission in July, 1935. The stenographer's grade is higher than that of a L.O.C. In view of the fact that the applicant who was working for nearly seven years as adhoc stenographer and who was found qualified by the Staff Selection Commission, his posting as a L.O.C. on being


One

regularised in service visits him with evil consequences. There are no sufficient reasons to indicate or to support the fact of his absorption as a L.D.C. In their reply the respondents have not brought out any specific circumstances why the applicant was not regularised as a stenographer when two of his colleagues who were appointed a little earlier than him were regularised even without being subjected to an examination. They were regularised purely on the basis of the recommendations of the Staff Selection Commission. We therefore do not find any good reason to deny the prayer made by the applicant for regular absorption as a stenographer. We however reject the prayer that he should be considered to have been appointed to the post from January, 1987. He will be considered for absorption as a stenographer with immediate effect and will be liable to be paid the salaries from the day he takes over.

7. On the above consideration we allow the application in part. We direct that the applicant should be considered for regularization as a stenographer with immediate effect. Parties will bear their own costs.

TRUE
COPY


(R. N. PANDEY)
Section Officer
General Administrative Tribunal
Allahabad.


Member (A)


Vice Chairman

Dated the 31st May, 1988.

RKM


2.6.88

In the Central Administrative Tribunal & know.

O.A NO (L) of 1990
u.c. Sinha vs Union of India & others.
Annexure No 2

19

8/29

U.A.32017/4/88-E.IV
Government of India
Department of Statistics
National Sample Survey Organisation
(Field Operations Division)
* * *

West Block No. 8, Wing No. 6,
R.K. Puram, New Delhi-110066.

Dated 27 JUL 1989

MEMORANDUM

Subject:-All India eligibility list of Stenographer Gr.III in the
N.S.S.O.(FOD).

X.-.X

An All India eligibility-cum-Seniority list of Stenographer Gr.III in N.S.S.O.(FOD), appointed upto 21.1.80 was circulated vide this Division Memorandum of even number dated 6.9.84 and the same was adopted as final after meeting objections/comments received thereon from the concerned officials/Regional Assistant Directors vide this Division Memorandum of even number dated 14.11.84.

2. An All India eligibility-cum-Seniority list of Stenographer Gr.III has now been brought upto date, after including therein the appointments made subsequent to 21.1.80. The same is enclosed herewith for circulation amongst the officials concerned. The list also includes the name of those officials, who are at present officiating on higher posts or away on deputation. The principle on which the list has been drawn are the same as contained in this Division Memorandum referred to above.

3. The list may be brought to the notice of all concerned for their information and comments, if any, may be forwarded to this Division by 12.8.89. If no comments are received by the above date, the list will be treated as final.

4. Heads of Offices are requested to check the particulars with reference to the individuals service book and discrepancies/ommission if any, noticed be brought to the notice of this Division by the stipulated date, so that the same are rectified/incorporated.

5. In view of the fact that the seniority of persons appointed upto 21.1.80 has already been finalised vide reference cited above, no representation from any of them will be entertained, unless they are supported by the valid reasons.

Encls:- As above.

S C P Sinha
(S.C.P. Sinha) 24.7.89
Deputy Director(Admn.)

To,

All Regional Assistant Directors,
N.S.S.O.(FOD).

Copy to:-

1. Heads of Offices, N.S.S.O.(FOD), New Delhi/Faridabad(with 10 spare copies each).
2. J.C.M. Section, N.S.S.O.(FOD), Hqrs. New Delhi (with 20 spare copies).

S C P Sinha
(S.C.P. Sinha) 24.7.89
Deputy Director (Admn.)

/*KS*2171989*/

1	2	3	4	5	6	7	8	9
S/Serial								
15	U. Wankhede	Nagpur	B.A.	22.14.47	27.1.76	S.C.	Pmt.	
16	P. Mude	Nagpur	M.Com.	8.10.51	10.6.76	Others	-do-	
17	N. Saha	West Bengal	B.Sc.	20.12.47	4.3.77	S.C.	-do-	Offg. as O.S.Gr.II
18	Mrs. B.R. Bose	Bihar	M.A.	7.2.57	22.8.77	Others	-do-	
19	rs. Kanite Chopra	U.F.	B.A.	2.8.55	3.10.77	Others	Q.F.	
20	T. Seethapathy	T.N.	i) B.A. ii) Praveen	6.4.52	31.8.78 (AN)	Others	Pmt.	
21	Devadhasan	T.N.	Pre-degree	13.4.57	14.12.78	Others	-do-	
22	T.S. Jose		S.S.L.C.	15.10.53	5.1.79	Others	Q.F.	
23	C.N. Kumar	Karnataka	S.S.L.C.	15.2.57	21.1.80	S.C.	Pmt.	
24	K. Unnikrishnan	Bhopal	S.S.L.C.	10.9.56	20.4.82	Others	Q.F.	
25	Kalidar Mukherjee	Jabalpur	Hr. Sec.	15.6.61	18.6.82	Others	Q.F.	
26	Kikant Doy	Meida	B.Com.	24.2.58	29.11.82	Others	Q.F.	
27	Alven Lumarjae	Calcutta	B.Com.	6.5.57	1.3.83	Others	Q.F.	
28	Amir Mukherjee	Gauhati	Matric	1.7.58	5.5.83	Others	Pmt.	
29	Mrs. Aruna Saini	New Delhi(Hqrs.)	B.A.	23.3.60	8.6.83	Others	Q.F.	
30	Ksh. Lal	Faridabad(Hqrs.)	B.A.	20.9.58	20.5.83	S.C.	Q.F.	
31	Mrs. Manju Dohl	New Delhi(Hqrs.)	B.A.	1.4.62	9.6.83	Others	Q.F.	
32	Mhd. Sagor Khan	Aligarh	Inter	18.6.62	7.10.83	Others	Q.F.	
46	R.C. Arya	Agra	Inter	10.6.62	24.6.87 (AN)	S.C.	Temp.	
47	Smt. K.P. Satpathy	Bhubaneswar	B.A. B.Ed.	19.11.62	5.10.87	Others	Temp.	
48	U.C. Sinha	New Delhi(Hqrs.)	B.Com.	17.11.56	22.9.88	Others	Temp.	
49	Dayanidhi Nayak	Sambalpur	I. Com.	3.10.69	28.9.88	S.T.	Temp.	
50	G.F. Pawan Kishore	Cuddapah	Inter	29.3.69	12.10.88	Others	Temp.	

In the Central Administrative Tribunal known

O.A No

(L) of 1990

U.C. Sinha vs Union of India & others.

Annexure No - 3

21

31

तार :- स्टेटसर्वे

भारत सरकार
योजना मंत्रालय
सांख्यिकी विभाग
राष्ट्रीय प्रतिदर्श सर्वेक्षण संगठन
(क्षेत्र संकार्य प्रभाग)
पश्चिमी ब्लॉक सं० 8, स्कंध सं० 6,
प्रथम मंजिल, रामकृष्णपुरम,
नई दिल्ली-110022

Telegram :-STATSURVEY

GOVERNMENT OF INDIA
Ministry of Planning
Department of Statistics
NATIONAL SAMPLE SURVEY
ORGANISATION
(Field Operations Division)
West Block No. 8, Wing No. 6,
1st Floor, R. K. Puram
New Delhi-110022

सं०

No. A-20012/572/88-E.IV

दिनांक

Dated the 28 Feb 1990

198

Subject:- Request for regularisation of Seniority
to the post of Steno.-Gr.III

* * * *

With reference to his representation, dated 20-12-89 on the subject cited above Shri U.C. Sinha, Steno. Gr.III is informed that according to the judgement and order, dated 31-5-88 of the C.A.T, Allahabad Bench this Division appointed Shri Sinha, LDC as Steno.Gr.III vide this Division order, dated 7-9-88 on regular basis and Shri Sinha joined duty in New Delhi on 23-9-88. Thus Shri Sinha, Steno.Gr.III is to be treated regular w.e.f 23-9-88 (date of joining as regular Steno.Gr.III) at New Delhi. Therefore, his request for treating him to have been appointed on regular basis as Steno.Gr.III w.e.f 22-1-80 has been considered by this Division and not agreed to.

A.L. SASTRY

(A.L. SASTRY)
SENIOR ADMINISTRATIVE OFFICER
for CHIEF ADMINISTRATIVE OFFICER

TO

Shri U.C. Sinha,
Steno. Gr.III (through Joint Director (IS),
S.T. Building,
New Delhi.

Copy to:-

- i) The Joint Director (IS), N.S.S.O (FOD), S.T. Building, New Delhi.
- ii) Administrative officer, Estt.V Section.

(A.L. SASTRY)
SENIOR ADMINISTRATIVE OFFICER
for CHIEF ADMINISTRATIVE OFFICER

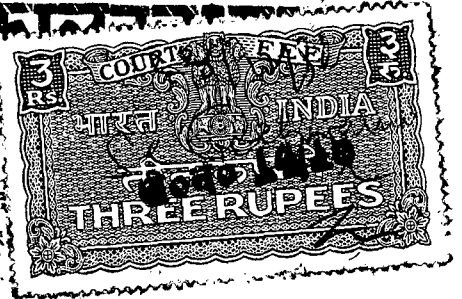
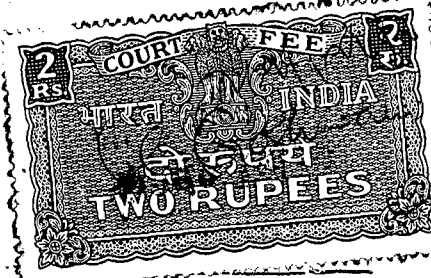
TPB/19/2/90

बदालत धोमान् Central Administrative Tribunal Lucknow महोदय

(वादी) अपीलान्त

42

प्रतिवादी रेंस्पॉन्डेंट



U.C. Sinha
Union of India
बनाम

प्रतिवादी रेंस्पॉन्डेंट

मं० मुकदमा

1970

पेशी की ता०

१९

ई०

ऊपर लिखे मुकदमा में अपनी ओर से
S. C. Gupta Advocate वकील High Court - Lucknow
S. S. Gupta Adv महोदय
एडवोकेट

नाम अदाकर्ता
मुकदमा नं०
नाम फरीकन
नाम बनाम

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा सठावे या कोई रूपया जमा करें या हमारी बिपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद 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 मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
S. S. Gupta

Accepted
S. S. Gupta

हस्ताक्षर

(उद्य-चन्द्र सिन्हा)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

Accepted
S. S. Gupta

In the Hon'ble Central Administrative Tribunal,

Circuit Bench Lucknow.

Case Registration O.A. No. 428 of 1990.

Shri U.C. Sinha

... Petitioner

Vs.

Union of India and others

... Opp. Parties.

Written Statement on Behalf of Opposite Parties.

1. That before submitting a para-wise reply the respondents crave leave of this Hon'ble Tribunal to make following preliminary submissions :-

PRELIMINARY SUBMISSIONS

- (i) That the applicant in para 4(15) & 8(a) of the Petition application has claimed his regularisation from the date of his initial appointment i.e. 22.1.80. His prayer amounts to contesting the order of Central Administrative Tribunal, Allahabad. The only remedy available to him to contest the order of Central Administrative Tribunal, Allahabad is to file an S L P in the Hon'ble Supreme Court. The applicant has not availed of the remedy to file the S L P for which time limit is three months from the date of judgement dated 31.5.88 of Hon'ble Central Administrative Tribunal, Allahabad. Hence this Hon'ble Tribunal has no jurisdiction to entertain this application.

.....2/-

Filed today
30/7/91

2/15/88

12/3/94

- (ii) That the relief regarding remedy has not been sought by the Petitioner in specific and definite terms. The Petitioner ought to have pointed as to, at what place his name was to be placed in the seniority list. The relief is misconceived and the same is not tenable in the eye of law.
- (iii) That the Petitioner has not exhausted the complete Departmental remedies open to him in instant case.
- (iv) That the petitioner has not made a party to the Regional Director, Staff Selection Commission Allahabad who is the appropriate authority and had communicated the approval of the Petitioner to appoint him on the post of L.D.C..
- (v) That the initial cause of the said Petition arose at Hqrs., New Delhi where the applicant is working therefore the contention of the Petitioner for filing his suit at Hon'ble C.A.T., Lucknow is not justified. Hence the petition application is liable to be rejected on these grounds alone.

PARA WISE REPLY

1. That the contents of para 1 of Petition application as stated are not admitted. No cause of action has really accrued to the applicant for filing this claim.
2. That the contents of para 2 of Petition application are denied. The petition is not maintainable at Hon'ble C.A.T., Lucknow. Detailed reasons have

Sanjay

11/3

been explained in paras 13 to 15 of this written statement.

3. That the content of para 3 of Petition application need no comments.
4. That the contents of para 4(1) of the Petition application are matters of record, hence need no comments by the answering opposite parties.
5. That the contents of para 4(2) as stated are not admitted. In reply to the contents of para 4(2) it is submitted that the Petitioner was initially appointed on Adhoc Basis subject to passing of departmental examination. The Petitioner while working as Stenographer Grade-III continuously for more than 5 years on purely adhoc basis, appeared in Clerk Grade Examination of the Staff Selection Commission, Allahabad in July, 1985. Prior to 1985, he was given 2 chances to appear in S.S.C. Examination one in 1981 when he met with an accident so that he could not appear in examination. Second time again in 1983, he also did not appear in S.S.C. examination at his own accord. The result of the said (1985) examination as communicated vide S.S.C. Department of Personal & Training, Lodhi Road, New Delhi's letter No. 23/1/85-Coord.II, dated 12-12-85, received on 16.1.86 the Petitioner was declared eligible for the post of Lower Division Clerk and not for the post of stenographer Grade-III vide letter referred to above. Much correspondences in between the office

[Signature]

.....4/-

PK
2/30

ANNEXURE- R - 1

ANNEXURES- R-II & R-III

of Opposite Parties No. 2 & 4 were made with the Regional Director, Staff Selection Commission, Allahabad and New Delhi regarding eligibility of the applicant (Petitioner) to the post of L.D.C./Stenographer Grade-III. At last vide S.S.C., New Delhi endt. no. 487/86-exam.(HR) S.S.C. dated 13-2-86, it was confirmed that the Petitioner though appeared, for the common clerk's Grade Examination but he was found eligible/approved for the post of L.D.C. only. A copy of the order dated 13-2-86 is being annexed as annexure - R - 1 to this written statement. In view of this the Petitioner was offered a regular post of L.D.C.. He had joined on 1-1-87. Since both the colleagues of the Petitioner i.e. Smt. Baruna Rani Bose and Smt. Nanita Chopra, Stenographer Grade-III who were recruited much earlier than the Petitioner i.e. on 22.8.77 and 3.10.77 respectively, were regularised to the post of Stenographer Grade-III with the due approval of the S.S.C. vide letter dated 28.12.79 and 27.11.80 respectively. Copies of said S.S.C. letters are annexed as Annexure- R-II & R-III whereas the petitioner was recruited much later than his two above mentioned colleagues i.e. w.e.f. 22.1.80 on adhoc basis for whom the recommendations to regularise the services were made but the S.S.C. did not agree with the recommendations thus made from time to time, without facing the S.S.C. examination by the Petitioner.

6. That in reply to the contents of para 4(3) and para 4(4) of the petition application it is submitted that in pursuance of the judgement dated 31.5.88 of the Hon'ble C.A.T., Allahabad, the Petitioner was appointed, as Steno. Grade-III on regular basis at Hqrs. Office, New Delhi where there was a vacancy. He joined there on 23.9.88 and is continuing

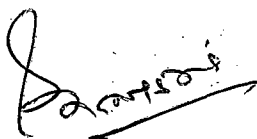
Sanjay

there from the said date. As per rules the seniority from the date of regular appointment as Steno i.e. w.e.f. 23.9.88 has correctly been assigned to the Petitioner. Therefore, contention of the petitioner that the seniority should be assigned from the date of his Adhoc appointment i.e. w.e.f. 22.1.80 is not correct hence not admitted.

" ADHOC APPOINTMENT DO NOT CONFER ANY RIGHTS FOR PERMANENT RETENTION IN SERVICE OR GRADE AS WELL AS TO HAVE ANY CLAIM OF SENIORITY ETC."". As per Govt. of India, Deptt. of Personnel and Training O.M. No.22011/3/75-Estt.(D) dated 29.10.75. The above clause was also specifically mentioned in his appointment letter. Copy of the same (Appointment letter) is annexed as Annexure No. R - IV to this written statement.

ANNEXURE- R- IV

7. That the contents of Para 4(5) of the Petition application are not admitted. In reply to this Para it is submitted that as already stated in preceding Para 6 above, the seniority has correctly been assigned at Sl. No. 48 of the seniority list annexed as Annexure - II enclosed with the Petition application i.e. from the date of his regular appointment. It is pertinent to mention that the post as Stenographer Gr.III is borne on state Cadre and the Stenographer Gr.III of Hqrs. office is borne as the cadre of Hqrs. Office, New Delhi/ Faridabad. Shri U.C. Sinha is appointed as Steno.Gr.III in Hqrs. office w.e. from 23.9.88 and his seniority in the grade of Stenographer Grade III is correctly given as 23.9.88 on the basis



.....5/-

24

of the state and Hqrs. seniority list of stenographer Grd. III is prepared for purpose of promotion to the post of stenographer Grd. II. Moreover, from the said seniority/Gradiation list it may be ascertained that during 1988 specially after Hon'ble C.A.Ts., Allahabad judgement no appointment of stenographer Grd. III was made prior to 31.5.88 except the appointment of the Petitioner (Shri U.C. Sinha) in the cadre. Thus the contention of the Petitioner regarding loss of seniority in between the period from 31.5.88 to the date of his joining the post of regular stenographer i.e. w.e. from 23.9.88 is misconcieved and the same are denied.

8. That in reply to contents of Para 4(6), it is submitted that the Petitioner did not prefer any appeal to next higher authorities against the rejection memo. in respect of his grievance, issued by the Chief Admn. Officer, NSSO(FOD), New Delhi Annexed as Annexure No. 3 with the Petition application. Thus the Petitioner without exhausting the complete Departmental Channel has filed a suit in the Hon'ble C.A.T. Circuit Bench, Lucknow for redressal of his grievance. This Petition is therefore, liable to be rejected on this ground alone.
9. That in reply to Para 4 (7) of the Petition application it is submitted that the Petitioner has neither produced nor cited any record/example to justify his presumption hence denied. The contentions of the applicant are vague & misconceived.

Sanjay

.....7/-

29

10. That the contents of para 4(8) are denied. In reply to para 4(8), it is submitted that as already stated in preceeding para 5 that as a result of the Clerk's Grade Examination held by S.S.C. in July, 1985, he was found fit for the post of L.D.C. and not for Stenographer-III. The fact stated above is based on documents already enclosed as Annexure No. R - I of the counter reply. To substantiate further, it may be stated that the dossiers of Six(6) candidates duly approved by the Staff Selection Commission, Allahabad were received in this office in between the period 1982 to 1984 for the appointment of Stenographer Grade-III. Out of these six dossiers 3 candidates joined their services in this Organisation and 3 of them did not turn up to join the offer. Copies of S.S.C. letters through which the dossiers of 5 candidates were received from time to time are annexed as Annexure No. R-V to R-VIII to this written statement.

ANNEXURE-R-V TO R-VIII

11. That the contents of para 4(9) are denied. In reply to this para, it is submitted that a detailed reply regarding seniority assigned to Petitioner has already been given in preceeding para 6 hence needs no further comments.
12. That the contents of paras 4(10) and 4(11) are denied. As in reply to contents of these paras, it is submitted that the detailed reply already given in preceeding para 6 may kindly be seen.

Sampat

13. That in reply to contents of para 4(12) of the Petition it is submitted that the Petitioner has not exhausted the departmental remedies open to him in the instant case. Hence the Petition application in question is liable to be rejected.

14. Moreover, the Petitioner has not made a party to the Regional Director, S.S.C., Allahabad, who is the appropriate authority & had communicated the approval of the Petitioner for the post of L.D.C. annexed at Annexure No. IX. Besides above, it may also be stated that the incumbent is posted as Steno. Grade-III at F.D.D. Headquarters, New Delhi, since his joining i.e. w.e.f. 23.9.88 and as stated by the Petitioner in his Petition that the point of dispute arose on getting the rejection memo. issued by the Chief Admn. Officer, NSSD(FOD), New Delhi, Annexed with his Petition application as Annexure No.- 3.

ANNEXURE - IX

15. It is further submitted, since in pursuance of Hon'ble C.A.Ts. judgement of Allahabad Bench, the Petitioner is working at Hqrs. Office, New Delhi w.e.f. 23.9.88 on regular post of Steno Grade-III and his seniority has been decided by the Hqrs.. His representation was decided by the Hqrs. Office at New Delhi.

In view of above, the subject matter of Petition filed in the Hon'ble Tribunal at Circuit Bench, Lucknow does not fall in its jurisdiction & the same is liable to be rejected.

[Handwritten signature]

-10/-

VERIFICATION

I, the above named _____

do hereby verify that the contents of paras
of this written statement are true on the basis of
official records and paras
on the basis of legal advice. Nothing material has
been concealed, So help me God.

Lucknow dated:

July , 1991.

For Respondents

राम प्रसाद मिश्र
संलग्नक (पं.पं.पं.)
पं. (पं.) के.एम.

S. No. 1 ANNEXURE - I

भारत सरकार

मंत्रिमंडल सचिवालय

सांख्यिकी विभाग

राष्ट्रीय प्रतीक सर्वेक्षण संगठन

(क्षेत्रीय कार्य प्रभाग)

पश्चिमी खण्ड नं० ८, कक्ष नं० ६,

प्रथम मंजिल, रामाकृष्णा पुरम,

नई दिल्ली

संख्या...A-20012/572/80-Estt.IV

Government of India
Ministry of Planning
Cabinet Secretariat

Department of Statistics

National Sample Survey Organisation

(Field Operation Division)

West Block No. 8, Wing No. 6,

1st Floor, R. K. Puram,

New Delhi, the

14-01-86

The Regional Director(NR),
Staff Selection Commission,
Block No.12, C.G.O. Complex,
Lodi,Road, New Delhi.

Subject: Examination for regularisation of Ad-hoc L.D.Cs/
Telephone operator etc. and Stenographers Gr.'D'
Examination - 1985.

.....

Sir,

I am to state that one Shri Udai Chandra Sinha,
a ad-hoc Stenographer Gr.III in the Zonal Office of this
at Lucknow appeared in the aforesaid examination held on
28th to 30th July, 1985 at Staff Selection Commission,
Allahabad, with allotted Roll No. 24-10084. I am to
request to please let us know whether the result of the
aforesaid examination has been published if so whether
Shri Sinha has qualified in the test/interview.

Yours faithfully,

K.R. SUNDARAM) 13/1
Administrative Officer
for Chief Administrative Officer.

/Joshi/
13.1.86*

No 487/86 - Exam(HQ)

Staff Selection Commission

Shri Udai Chandra Sinha roll no 24-10084 a
ad-hoc Stenographer has qualified in the ad-hoc
employee examination for the post of LDC & not for
the post of Stenographer. His classmate has already

P.T.O.

ANNEXURE-II 14-

No. 3/7/79-E.V.
Government of India
Staff Selection Commission
Deptt. of Personnel and A.R.
(Ministry of Home Affairs)

A/44
Lok Nayak Bhavan, IIInd Floor
Opp. Khan Market,
New-Delhi-110003.

Dated the 28th Dec., 1979.

To,

The Dy. Director (CZ)
National Sample Survey Organisation
(Field Operations Division)
Deptt. of statistics
Ministry of Planning
Central Zone, Allahabad.

Sub.: Regularisation of appointment of Km. Baruna Rani Bagh
as Stenographer Gr. II request for.

Sir,

With reference to your letter No. 16011/2/79-C&T/CZ dated 20th Nov., 1979, on the subject noted above, I am regularising the services of Km. Baruna Rani Bagh, who is presently working as Stenographer Gr. II in your Office on adhoc basis as Stenographer Gr. II in the scale of pay of Rs. 330-560, provided she fulfils all the conditions laid down in the recruitment rules for the said post.

Yours faithfully,

समिधा यत
Ridaman Singh
Under Secretary (C&T)
Ministry of Planning
New Delhi

Sd/-
(RIDAMAN SINGH)
Under Secretary

ANNEXURE - III 135

No.3/18/80-Nom-I
Government of India
Staff Selection Commission, Deptt. of Personnel & AR
(Ministry of Home Affairs)

Lok Nayak Bhavan, IInd Floor
Opp. Khan Market, New-Delhi-110003.
Dated the 27.11.1980.

To,

The Assistant Director,
National Sample Survey Orgn.
(Field Operations Division),
UP(W), 37, Surya Nagar,
Agra-2.

Sub.: Regularisation of appointment of Km. Nanita Budhraj
as Stenographer Grade-II.

Sir,

I am directed to refer to your letter No. PF/Steno./UPW
Agra/80-81, dated 13.6.80 on the subject noted above, and
to state that the Commission have no objection to the service
of Km. Nanita Budhraj being regularised against a Stenogra-
pher Grade-II post with effect from the date from which
a regular vacancy is available or from which she has been
working on adhoc basis, which ever is later.

Yours faithfully,

Sd/-

(Ripdaman Singh)
Under Secretary (N)

स्वीकृत गी
[Signature]
[Stamp]
[Stamp]
[Stamp]

ANNEXURE - IV

No. 1(22)ESTT/79/
Government of India
Ministry of Planning
Department of Statistics
NATIONAL SAMPLE SURVEY ORGANISATION
(Field Operations Division)

Office of the Asstt. Director, Bihar (South) Region, Deputypara, Ranchi.

Dated the 11.1.80

M E M O R A N D U M

Subject : Offer of ~~KMA~~ ad-hoc appointment for the Post of Stenographer Grade-II in the Field Operations Division, National Sample Survey Organisation.

The undersigned hereby offers Shri Udai Chandra Sinha an ad-hoc post of Stenographer Grade-II in the office of the Regional Assistant Director, National Sample Survey Organisation (Field Operations Division), Bihar (South) Region, Deputypara, Ranchi on a pay of Rs. 330 - 10-380-EB-12-500-EB-15-560/- The appointment will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the conditions laid down in, rates and orders governing the grant of such allowances force from time to time.

2. The terms of ad-hoc appointment are as follows :-

- (1) The post ~~is~~ is ad-hoc at present and such appointment will not bestow on the person a claim for regular appointment and that ad-hoc service rendered would not count for the purpose of seniority in that grade and for eligibility for promotion, confirmation etc. The appointment as Stenographer Grade-II is purely ad-hoc in nature pending nomination of candidate by the Staff selection Commission.
- (ii) The appointment may be terminated at any time by a day's notice given by either side, viz., the appointee or the appointing authority without assigning any reasons. The appointment authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice by making payment to him of a sum equivalent the payment of pay and allowances for the period of notice or the unexpired portion thereof.
- (iii) The place of duty will be in Bihar State but the appointment carries with it in liability to serve in any part of India.
- (iv) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

3. The appointment will be further subject to :-

- (i) Production of a certificate of fitness from the competent medical authority (viz., Civil Surgeon/DMO).
- (ii) Submission of a declaration in the prescribed form and in the event of the candidate having more than one wife, living or being married to a person having more than one wife living. The appointment will be subject to his being exempted by the appropriate authority from the enforcement of the requirement in this ~~case~~ behalf.
- (iii) Taking of an oath of allegiances/faithfulness to the constitution of India (or making of solemn affirmation to that effect) in the prescribed form.

Contd. - 2

ANNEXURE - V

Read.

No.1/4/81/rll.Nonn
Government of India
Staff Selection Commission
Department of Personnel and Administrative
Reforms,
Ministry of Home Affairs.

8, Bell Road, Allahabad
Dated: 31.7.82.

To

The Dy. Director,
National Sample Survey Organisation,
32-A, Stanley Road,
Allahabad.

Sub:- Clerks Grade & Stenographer Grade as on '81.
Allocation of Candidates against vacancies in
various offices of Government of India on the
result thereof.

Sir,

With reference to your letter No.4.16011/2/82-LAT/CZ,
dated the 29.7.82 on the subject noted above, I am to send herewith
the names of the following candidates selected for appointment as
Clerk and Stenographer in the pay scale of Rs.260-400 and Rs. 330-
560 respectively in your office together with their dossiers.

Sl. No.	Name	Roll.No.	Category	Rank No.	Remarks
	S/Shri	<u>STENOGRAPHER GRADE (SCALE Rs.330-560)</u>			
1.	Awadesh Kumar	400587	General	369	Hindi 100 (for posting in Bihar) From C.G. & Stenography as on 1980.
2.	Naushadul Haq	24-72285	General	1	English 100 (For posting at Agra from 1981 Exam.)
3.	Kamal Prakash	24-164983	General	61	English 80 (for posting at Allahabad).

N.B. Shri Awadesh Kumar may please be asked to produce photograph,
duly attested by a Gazetted officer.

Clerks (Scale of Rs.260-400).

1.	S.K.Singh	24-13815	General	105
2.	Anand	24-15350	General	108
3.	Ajay Saxena	24-71126	General	121
4.	S.V.Seshadri	24-14429	General	136
5.	Radey Shyam Pradhan	24-10662	General	129

N.B. Candidates at Sl.No.1, 2 and 4 are for posting at Allahabad
candidate at sl.no.3 for Aligarh and candidate at sl.no. 5 is
for Ranchi.

contd.....2/-

ANNEXURE - VI
43

Government of India
Staff Selection Commission
Deptt. of Pers. & Adm. Reforms
Ministry of Home Affairs.

8, Bell Road,
Allahabad.

Dated the 9th Sept., 1983.

Our Ref. No. 3/3/83-All norm Vol. II

Your Ref. No. RAD/UPC/SSC/Steno/83/5925 dated 30.7.83.

ANNEXURE
LIST OF NOMINATED CANDIDATES

Post : Steno.
Name of Examination : Steno. Exam. 1982.
Pay Scale : Rs. 330-560.

Specified date for determining the age of the candidate
1.8.1982 prescribed speed of typewriting/stenography 25/80 wpm for
candidates with Hindi Medium.

Sl. no.	Roll No.	Name	Category	Rank	Remarks Med. / Speed
1.	2410432	S/Shri M.S. Khan	Gen.	491	Eng. for All.
2.	2510183	S. Murari	Gen.	063	Hindi for Agra.

N.B. More English medium stenos. are not presently available with
the Commission.

Kundra
12/06/87/.

Kundra's

21.8.87
21.8.87
कार. 150 निमित्त
काय. ल. प्रो. प्र. ड-1,
रा. प्र. प्र. प्र. (प्र. प्र. प्र.)
उ. प्र. (प्र. प्र.) क्षेत्र, लखनऊ.

ANNEXURE - VII

No.3/3/83-SSC-Exam.
Government of India
Staff Selection Commission
Central Region.

8, Bell Road,
Allahabad- 211 002.

LIST OF CANDIDATES NOMINATED FOR APPOINTMENT AS: STENO.

Post : Steno.

Scale of Pay : 330-560/-.

Name of Examination : Steno. Exam. 82.

Crucial date on which the age of candidate should be determined: 1.8.82.

Speed in Hindi/English Typewriting : 80 w.p.m.

Sl.no.	Name (s)	Roll No.	Rank	Cats.	Remarks
1.	R.S. Varma	2410483	98	Gen.	Joined at Agra in 1984.

Encl: One Dossier(s).

sd/-
(SECTION OFFICER)
FOR REGIONAL DIRECTOR

Kundra
12/05/87/.

संलग्नित प्रत
[Signature]
[Stamp]
[Text]

[Handwritten notes and stamps]
[Signature]
[Stamp]
[Text]

ANNEXURE - VIII

39

No.3/3/83-SSC-Exam.
Government of India
Staff Selection Commission
Central Region.

A/60

8-Beli Road,
Allahabad- 211 002.

LIST OF CANDIDATES NOMINATED FOR APPOINTMENT AS : STENO.

Post : Steno.
Scale of Pay : 330-560/-.
Name of Examination : Steno. Spel. Exam. 83

Crucial date on which the age of candidate should be determined:-

Speed in Hindi/English Typewriting : 25/30 W.P.M.

sl.no.	Name (s)	Roll No.	Rank	Cat.	Remarks
1.	R. Prasad	2510032	32	S/C	Not joined.

Encl: One (Dossier(s))

SD/-
SECTION OFFICER
FOR REGIONAL DIRECTOR

Kundra
12/06/87/.

सत्यमेव जयते

०००००००० (००००००)
०००००००० (००००००)

ANNEXURE-IX^①

No.23/1/85-Coord-II

Government of India
Staff Selection Commission
Department of Personnel & Training.

Block No.12, C.G.O. Complex,
Lodhi Road, New Delhi- 110003.

Dated the 12th December, 1985.

Under Secretary-
National Survey Sample Survey Orgn.
(Field operations Div.)
B-991, Sec. A.
Moharagar, Lucknow.

Subject:- Forwarding of dossiers of qualified candidates of Special qualifying examination limited to Ad-hoc employees in the Grade of LDCs, Telephone Operators, etc. and Stenographers Grade 'D' in the various central Government offices.

Sir,

I am directed to refer to DP & AR's OM.No. 6/60/84-CS-II dated 28th February 1985 on the subject noted above and to say that the Special examination envisaged in the said OM was held by the Staff Selection Commission in July 1985. The result of the examination has since been prepared by the Commission. I am to enclose the following lists of candidates, arranged in Roll Number order, alongwith the dossiers, who have been declared as qualified in the above examination.

(i) Candidates who are working as Ad-hoc LDCs and Telephone Operators who have finally qualified in the examination for regularisation in the Grade of LDCs.

(ii) Candidates who are working as Ad-hoc Stenographers who have finally qualified in the examination for regularisation in the grade of Stenographers.

(iii) Candidates who are working as Ad-hoc Stenographers who have finally qualified in the examination for regularisation in the grade of LDCs and not as Stenographers subject to availability of vacancies in the respective Departments/Offices.

2. The list is provisional and subject to verification of the eligibility of the candidates in all respects. The Commission have not scrutinised the applications of the candidates but have drawn up the final lists on the basis of the claims made by the candidates in their applications. Hence,

.....2/-

ANNEXURE-IX (2)

STAFF SELECTION COMMISSION COORDINATION-II SECTION

LIST OF CANDIDATES WHO ARE WORKING AS AD-HOC STENO-
GRAPHERS WHO HAVE FINALLY QUALIFIED IN THE EXAMINA-
TION FOR REGULARISATION IN THE GRADE OF LDCs AND
NOT AS STENOGRAPHERS SUBJECT TO AVAILABILITY OF VA-
CANCIES IN THE RESPECTIVE DEPARTMENTS/OFFICES.

Name of Deptt./Office: National Sample Survey Orgn.
Lucknow.

Category	Roll No.	Name	Remarks regar- ding Typewri- ting Test.
----------	----------	------	---

—	<u>24-10084</u>	<u>Udai Ch.</u> <u>Sinha.</u>	—
---	-----------------	----------------------------------	---

सत्यमेव जयते

का. वि. वि. (पं. वि.)
का. वि. वि. (पं. वि.)
का. वि. वि. (पं. वि.)

बअदालत श्रीमान

वैदेशीय प्रशासनिक

महोदय

लखनऊ

वादी (मुद्दे)

मुद्दे (मुद्दालेह)

का

वकालतनामा

रिट याचिका संख्या

O.A. 428

आफ १६९० (५)

U. C. Sinha

वादी [मुद्दे]

बनाम

Union of India & others

प्रतिवादी [मुद्दालेह]

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

O.A. 428
नं० मुकद्दमा

सन ५० पेशी की ता०

१६ ई०

खे मुकद्दमा में अपनी ओर से श्री

राकेश शर्मा

वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (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 अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

साक्षी (गवाह)

साक्षी (गवाह)

हस्ताक्षर

राकेश शर्मा

वकील महोदय

१६९० (५) (वे.सं.३)

१६९० (५) (वे.सं.३)

दिनांक

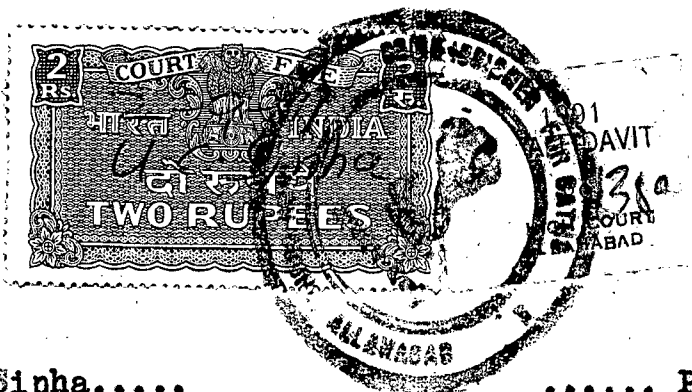
महीना

सन १६ ई०

A
54

Before the Central Administrative Tribunal,
Addition Bench, Allahabad, Circuit Bench,
Lucknow.

O.A. No. 428 of 19910 (L)



U.C. Sinha.....

..... Petitioner.

Versus.

Union of India & others.

..... Respondants.

Rejoinder affidavit to the counter
affidavit of the opp. parties.



I, U.C. Sinha aged about 34 years son of Sri H.C. Sinha Permanent R/o M.M. 57 Sector-L Aliganj Housing Scheme Aliganj, Lucknow presently posted as stenographer Grade III in the office of the director N.S.S.O. (F.O.D.) New Delhi (herein-after referred to as N.S.S.O. (FOD)) the deponent to-day present in Lucknow, do hereby solemnly affirm and state on oath as under:-

*Filed today
at 1.00 P.M.*

4/9/91

That the deponent himself is the applicant/ in the above noted case, and as such he is fully conversant with the facts of the case. The deponent has gone through the contents of the Counter Affidavit/W.S. and after fully understanding

the same is filing this R.A.

REPLY TO THE PRELIMINARY SUBMISSIONS

1. That the contents of the para 1 of the ^{2 Preliminary} ~~P.S.~~ ^{Submission} are not admitted as stated. It is right that the applicant has claimed for regularization of his services from the date of his initial appointment but it is wrong to say that the petitioner should have filed a S.L.P. in the Hon'ble Supreme Court because there exist a definite order in favour of the applicant passed by the Hon'ble C.A.T. Allahabad the opposite parties ^{have} ~~have~~ wrongly and with a sufficient delay have complied the orders of the Hon'ble Tribunal resulting in a loss of seniority of about 4 months. when the order have been pass but it has not been properly executed then there was no need of filing in any S.L.P. in Supreme Court. No further comment are needed regarding ~~rest~~ ^{rest} of the everment of the para 1 of the preliminary submissions.



2. That the contents of para 2 of the preliminary submission are wrong and denied. A perusal of para 8 of the original application will show that the applicant ^{has} ~~has~~ claimed all the relief in specific and definite terms. The petitioner in his representation dt. 20.12.89 have clearly mention that his name should be at Sl. No. 24. Moreover it is duty of the department to put the names of thier employes at the correct place in the

85

-3-

seniority list. The relief is genuine and fully tenable in the eye of law.

3. That the contents of para 3 of preliminary submissions are wrong and denied, the applicant's representation dated 20.12.1989 was rejected by the ~~rejected by~~ respondent vide Annexure No.3 of the O.A. against which the claim petition has been filed.

4. That there is no need of making the regional Director staff selection commission Allahabad ^{as} is a necessary party because the petitioner has got no concern with him. ^{His} ~~this~~ appointing authority is Regional Assistant Director and the cause of action accrued by the delay ⁱⁿ Acts of R.A.D. Lucknow.

5. That the contents of para 5 of the preliminary submission are wrong misconceived and denied. The initial cause of action accrued at Lucknow by the order R.A.D. Lucknow and not at Head Quarter at Delhi Annexure No. 3 of O.A. may kindly be passed.

REPLY TO PARA WISE REPLY.

.1. That the contents of para 1 of the C.A. are wrong misconceived and denied and those of para 1 of the O.A. are reiterated, definite

(Contd.....4)



Handwritten signature/initials in the bottom left corner.

cause action accrued to the applicant for which the present case has been filed.

2. That the contents of para 2 of the C.A. are wrong misconceived and denied and those of para 2 of the O.A. are reiterated. Cause of action accrued due to the delayed and wrong inter-pretation of C A Ts order ^{by} of R.A.D. Lucknow and hence the O.A. has been filed here at Lucknow.

3. That no comments are needed in reply to para 3 of the C.A./W.S.

4. That no comments are needed in reply to para 3 of the C.A./Ws.

5. That the contents of para 5 of the C.A. are wrong and are not admitted as stated, that the contents of para 4 (2) of the O.A. are reiterated. The deponent had no knowledge about the II Ind departmental Exam. of 1983. The petitioner had no knowledge about letter No. 23/I/85 Coord II dated 12.12.85 and also have no knowledge about the correspondance as alleged. Annexure C-1 (wrongly mentioned as R.I) is denied for want of knowledge. The deponent appeared in the stenographers examinations ~~of the~~ ^{petitioner} Smt. Barma Rani Bose & Nanita Chopra are a ^{little} ~~little~~ ^{senior} ~~senior~~ and their ~~one~~ initial appointment was also on adhoc basis Annexure C-2 & C-3 are denied for want of knowledge moreover these two annexures ~~B-2~~ & C-3 are in no way connected with the case of the petitioner.



6. That the contents of para 6 of the C.A. wrong misconceived and are denied and those of paras 4(3) and 4(4) the O.A. are reiterated vide Annexure C-4 the respondents are trying to put their dictatorial conditions on the employees of N.S.S.O(P.O.D). there are Supreme Court judgement, that seniority shall be counted from the date of initial appointment.

7. That the contents of para 7 of the C.A. are wrong, misconceived and denied and those of para 4 of the O.A. are reiterated Annexure B-2 of the O.A. that is the gradation list filed is of all India table. The said Smt. B.R.Bose and Nandini Chopra were also appointed on adhoc basis . Their services were counted from the date of initial adhoc appointment and in a arbitrary manner the claim of the petitioner have been ignored, which is illegal, malafide punitive and stigmatic. moreover as per F.R.22 there is provision that when reversion is condemned, then all previous services should be counted in the Seniority . A Photo Stat copy of the relevant rule is annexed as Annexure No. R-1 to this Rejoinder Affidavit.

8. That the contents of the para 8 of C.A. wrong, misconceived and denied and those of para 4(6) of the O.A. are reiterated. The applicant made his 1st representation 8.2.1989

A
To

-6-

to senior administrative officer and after wanting for quite a long time he preferred his IInd representation in the nature of appeal to the highest authority of the department that is to the ~~director~~ of which rejection was made no ~~were~~ ^{other} higher authority is available hence the chanal of the departmental remedies have been completed. No other alternate was left with the applicant except to file the present case. Photo copy of the representation dated 8.2.1989 & Photo copy of the representation dated 20.12.1989 are annexed herewith as Annexure No.R-2 & R-3 respectively.

9. That the contents of para 9 of the C.A. wrong misconceived and denied it is matter of argument, no comment are needed.



10. That the contents of para 10 of the C.A. wrong misconceived and denied. No comment are needed Annexure C-5 to C-8 are in no way connected in the merit of the present case.

11. That the contents of para 11 of the C.A. wrong misconceived and denied, no further comment are needed.

12. That the contents of para 12 of the C.A. wrong misconceived and denied and those of para 4(10) & 4 (11) of the O.A. are reiterated along-with perusal of Annexure R-1.

(Contd.....7)

13. That the contents of para 13 of C.A. wrong, misconceived and denied and those of para 4(12) of the O.A. are reiterated the channal of the departmental remedies is completed.

14. That the contents of paras 14 and 15 of the C.A. do no call for any further reply because a detailed reply has already been given in the previous paras of this R.A.

15. That the contents of para 16 of the C.A. wrong and denied and those of para 4(13) and 4(15) of the O.A. are reiterated no further comments are needed.

16. That the contents of para 17 of the C.A. are wrong and denied and those of para 4(16) of the O.A. are reiterated.

17. That the contents of para 18 to 20 of the Counter Affidavit are wrong misconceived and denied. The grounds taken



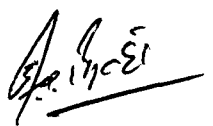
Handwritten signature

X
12

-8-

are solid and substantial and legal definite
cause of action accrued at Lucknow. The relief
sought is genuine and the O.A. is liable to
be allowed with cost.

Lucknow:

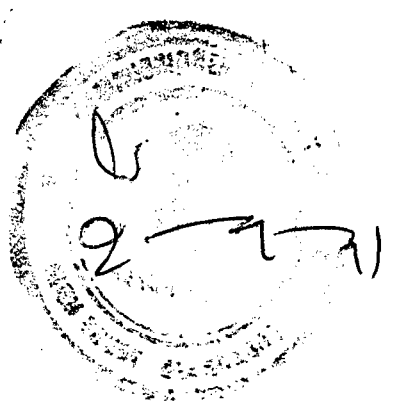


Dated: 2.9.91.

Deponent.

VERIFICATION

I, the above named deponent do hereby
verify that the contents of paras 1 to 17
of this affidavit are true to my own personal
knowledge and basis of record. No part of it
is false and nothing material has been concealed.
So help me God.



Lucknow:

Dated: 2.9.1991.



solemnly affirmed before me in office to say
at ... M./P M by ...
who is identified by Shri/Smt/Km ...
I have satisfied my self by examining the
deponent that he/ she understands the contents
of this affidavit which has been read out and
explained by me.

I, identify the deponent who has
signed before me.


Advocate.
D. B. ARORA

DIST. COMMISSIONER

Hq. Court Lucknow Bench Lucknow

No. 1380
Date 2-9-91

9
8/63

In the Hon'ble Central Administrative Tribunal
Circuit Bench Lucknow
Case Registration O.A. No 428 of 1990

R-I

P.R. 22)

PAY

77

of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

Exception.—Telegraph Masters and Telegraphists of the Indian Posts and Telegraphs Department who are at their own request transferred from "General Service" to "Station Service" and whose substantive pay in the General Service Scale is higher than the maximum pay of the time-scale of the Station Service sanctioned for the station to which they are transferred will, in addition to the maximum pay in the time-scale of such Station Service, draw personal pay equal to the difference between the two.

(b) If the conditions prescribed in clause (a) are not fulfilled he will draw as initial pay the minimum of the time-scale.

¹Provided, both in cases covered by clause (a) and in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), that if he either:

- (1) has previously held substantively or officiated in:
 - (i) the same post, or
 - (ii) a permanent or temporary post on the same time-scale, or
 - (iii) a permanent post ²[] or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale; or
- (2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated;

³[then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso (1) (iii)] be less than the pay, other than special pay, personal pay or emoluments classed as pay by the President under Rule 9 (21) (a) (iii) which he drew on the last occasion, and he shall count the period during which he drew that pay on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the Government servant in a temporary post has been isolated by the grant of premature increments the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post. The

1. Entire proviso including the Exception and the Notes thereunder substituted by G.I. M.F., Notification No. F. 1 (25)-E. III (A)-64, dated the 30th November, 1965.

2. The words "other than a tenure post" have been deleted by G.I. M.F.A., Dept. of Personnel & A.R., Notification No. F. 13/84-1/60, P. 1, dated the 17th August, 1961.

3. As amended by G.I. M.F., Notification No. F. 1 (25)-E. III (A)/61, dated the 1st October, 1960.



Signature

A/64

R-I

78

PAY

[F.R. 22

service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below:—

- (a) The Government servant should have been approved for appointment to the particular grade/post in which the previous service is to be counted;
- (b) all his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in higher posts, whether in the Department itself or elsewhere, and at least one junior was holding a post in the Department carrying the scale of pay in which the benefit is to be allowed; and
- (c) the service will count from the date his junior is promoted and the benefit will be limited to the period the Government servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

¹NOTE.—In respect of a Government servant serving in an ex-cadre post on identical time-scale of pay as the time-scale of the parent cadre, service rendered in the ex-cadre post up to the 29th November, 1965, shall count for purposes of fixation of pay and increment to the extent admissible under proviso 1 (iii) as it existed immediately before the 30th November, 1965, if the same is more advantageous to him.

GOVERNMENT OF INDIA'S ORDERS

(1) Reversion from a tenure post.—Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purpose of F.R. 22.

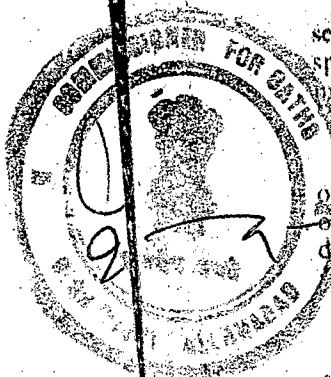
[G.I., F.D., No. F. 15-C.S.R./27, dated the 22nd January, 1927.]

(2) Declaration of relative degrees of responsibility.—For the purpose of F.Rs. 22 and 30 a declaration as to the relative degrees of responsibility of two posts should be obtained from the administrative head of the department or the Government of India according as the posts are in the same or different departments.

[G.I., F.D., No. F/113-R.1/30, dated the 19th August, 1930.]

(3) Identical time-scales.—A question arose whether identical time-scales—one attached to posts whose pay is governed by the Civil Service Regulations and the other subject to conditions prescribed by the Fundamental Rules—could be treated as identical for the purpose of the Pay Chapter in the Fundamental Rules. It has been decided with the concurrence of the Auditor-General that when two posts are on identical time-scales it is reasonable to hold that the duties and responsibilities to the

1. Inserted by G.I., M.F., Notification No. F. 1 (25)-E. III (A)/64, dated the 27th May, 1970. This takes effect from the 12th September, 1970.



Handwritten signature/initials

A/S
11

In the Hon'ble Central Administrative Tribunal
Circuit Bench Lucknow
Case Registration O.A. No 28 of 1990

R - 11

From: UC Sinha,
Stenographer Gr.III,
N.S.S.O.(F.O.D.),
Sangam Theatre Building,
R.K.Puram,
New Delhi-110022.

Dated: 08.02.1989.

To,
The Chief Admn. Officer,
N.S.S.O.(F.O.D.),
West Block-8, Wing No.6,
R.K.Puram,
New Delhi-110066.

(THROUGH PROPER CHANNEL)

Sub.: Fixation of Pay and Seniority - regarding.

Sir,

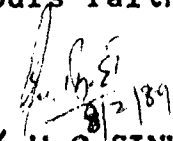
I invite your kind attention towards the subject cited above. In this connection I inform you that I have already given a representation dated 22.12.1988 to the Deputy Director(Admn.), N.S.S.O.(FOD), Hqrs., New Delhi. But till date I have not received any reply in this regard though more than one month has passed.

Therefore I am requesting you that necessary action may kindly be taken in this regard and kindly consider my representation sympathetically because I have already suffered a lot difficulties financially. I am enclosing herewith a copy of my previous representation as referred to above.

An early action is requested.

Thanking you,

Yours faithfully,


(U.C. SINHA)
Stenographer Gr.III


Encl. As above.

12

X6

In the Hon'ble Central Administrative Tribunal
Circuit Bench Lucknow
Case Registration O.A. No 428 of 1990

R - III

FROM: U.C.SINHA,
Stenographer Gr.III,
N.S.S.O.(F.O.D.),
Sangam Theatre Building,
R.K.PURAM, New Delhi-110022.

To,

The Director,
N.S.S.O.(F.O.D.),
West Block-8, Wing No.6,
R.K.PURAM,
New Delhi.

dt 20 12 89

THROUGH PROPER CHANNEL.

Sub.: Seniority list of Stenographer Gr.III in the Hqrs.
Office of the POD, NSSO vide No. A.23021/1/84-E.IV
dated 17/20.10.89.

Respected Sir,

I would like to draw your kind attention on the
subject cited above. As per the Seniority List my name is
appearing at Sl.No. 12 and my date of joining is mentioned
as 22.9.88.

2. In this connection, I am to inform you that I was
appointed as Stenographer Gr.III w.e.f. 22.1.80 on Adhoc basis
at Regional Office, Ranchi. Since then I was working as Adhoc
Stenographer Gr.III till 31st December'1986. Inspite of rendering 7 yrs. of my service (without break) as Stenographer
Gr.III in this Organisation, I was reverted from the post of
Stenographer Gr.III to Lower Division Clerk w.e.f. 1.1.1987
by the Hqrs.(FOD). In protest of my this reversion, I was
compelled to file a Writ Petition in the Central Administrative
Tribunal(CAT) at Allahabad and the decision was in my favour
vide CAT order No. 226 of 1987 dated 31.5.1988.

3. In pursuance of the above said CAT decision, again
I joined as Stenographer Gr.III at FOD, Hqrs., New Delhi on
22.9.88. But, my date of appointment is mentioned as 22.9.88
in the said Seniority List is not correct. My reversion period
and before reversion period seniority of 7 yrs. should also be
counted and date of appointment may also be corrected as 22.1.80.

.....2/-

4. In this context, I am to request you that in the same cadre, two Stenographers Gr.III in All India Eligibility list of Stenographer Gr.III have got thier Adhoc period seniority. Their names have been recorded in All India eligibility list of Stenographers at Sl.Nos. 18 & 19 respectively vide Eligibility list No. 32017/4/88-EV IV dated 27th July, 1989. These two Stenographers were appointed in the same manner like me i.e. through Employment Exchange. So, there should not be any hinderance to doing the justice to me by giving seniority from the date of my initial joining i.e. 22.1.1980.

5. It is also mentioned that no. of Investigators (Adhoc) have been found their Adhoc period seniority as mentioned in the All India Eligibility list of Investigators vide FOD, NSSO Hqrs. letter No. 23021/1/88-E.III(Vol.II) dated 9.12.1988.

6. As per FR 22 there is a provision that, when the reversion is condemned, then all previous services should be counted in the seniority.

7. In the light of above factual grounds my date of appointment should be counted from 22.1.1980 instead of 22.9.88 and my name should be recorded at Sl.No.6 instead of at Sl.No.12 in the seniority list of Stenographer Gr.III in the Hqrs. office of the FOD, NSSO and as well as at Sl.No. 24 instead of at Sl. No. 48 in All India Eligibility-cum-Seniority list of Stenographers Gr.III in the NSSO(FOD).

8. An early favourable orders may please be issued to me.

Thanking you,



Yours faithfully,

(U.C.SINHA)

Copy to Chief Admn. Officer, NSSO(FOD), New Delhi with a request to take an early sympathetic action.

2. General Secretary, All India Association of Stenographers
NSSO (FOD), New Delhi.

(U.C.SINHA)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

O.A.NO.428 of 90(L)

2/5

Uday Chand Sinha	Applicant
	Versus	
Union of India & Others	Respondents

Hon'ble Mr.D.K.Agarwal,J.M.

Hon'ble Mr.K.Obeyya,A.M.

Dated: 9.1.91.

Haard.

Admit. Issue notice counter may be filed within eight weeks, Rejeinder may be filed within two weeks. List before D.R. on 8.4.91 for completion of pleadings and fixing dated of hearing according to its serial number.

Sd/-
A.M.

Sd/-
J.M.

Checked by
[Signature]

R.S.M.

// True Copy //

(Mhd. Umar Khan)

Office,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH *Jackniew*

Regd. A/D
23-A, Thornhill Road
Allahabad. 211 001

Registration O.A. No. *428* of 1990 *(C)* *18/11/91*

No. CAT/Alld/Jud *107 to 110*

U. C. Senha

Applicant(s)

Versus

Union of India

Respondent(s)

*Union of India through the Secretary, Ministry of
Planning Civil Secretariate New Delhi*

*Director N.S.S.O (FOD) West Block - 8
Wing. No G.R.K. Puram New Delhi 110066*

③ *Chief Administrative Officer N.S.S.O (FOD)
West Block - 8 Wing. No G.R.K. Puram
New Delhi*

④ *Regional A.S.A. Director N.S.S.O (FOD)
B-991 Sector A Madin marg. Matha
- Nagar Lucknow*

Please take notice that the applicant above named has
presented an Application a copy of whereof is enclosed herewith
which has been registered in this Tribunal and the Tribunal has

Filed *8* Day of *4/91* For.

If, no appearance is made on your behalf, your pleader
or any one duly authorised to Act and plead on your behalf
in the said application, it will be heard and decided in your
absence.

Given under my hand and the seal of the Tribunal this *18/11/91* Day
of 1990.

18/11/91
For Deputy Registrar
(Judicial)

*Encl copy of Petition with Court's order
dt 9/11/91 passed there on*