

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT19/190 of 20.....

Jai PrakashApplicant(S)

Versus

U.O.9Respondent(S)

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Certified that the file is complete in all respects

Signature of S.O.

Signature of Deal. Hand

29.5.82
(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 121 of 1982

APPLICANT(S) Shri. P. K. Singh

RESPONDENT(S) S. C.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
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 ?	Yes
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time?	Yes
c) Has sufficient case for not making the application in time, been filed?	Yes
4. Has the document of authorisation/ 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 raised in the application pending before any court of Law or any other Bench of Tribunal?	No

(#2)

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - b) Defective ?
 - c) Wanting in Annexures
13. Nos. _____ pages Nos _____ ?
14. Have the file size envelopes bearing full addresses of the respondents been filed ?
15. Are the given address the registered address ?
16. Do the names of the parties stated in the copies tally with those indicated in the application ?
17. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
18. Are the facts of the case mentioned in item no. 16 of the application ?
 - a) Condensed
 - b) Under distinct heads ?
 - c) Numbered consecutively
 - d) Typed in double space on one side of the paper ?
19. Have the particulars for interim order prayed for indicated with reasons ?
20. Whether all the remedies have been exhausted.

Y

Y

No

Y

Y

NA

Y

Y

Y

dinesh

191/90 (C).

10-7-90

No sitting. Adjourn to 25/7/90.

[Signature]

(43)

25-7-90

Hon. Mr. Justice K. Nath. VC.

Hon. Mr. K. O'Byrne A.M.

Counsel ~~is~~ not present.

Adjourn to 26/9/90

[Signature]
A.M.

[Signature]
V.C.

26.9.90

- Due to sad demise of
Hon. Chief Justice of India
Mr. S.S. Mudhars, the case is
adjourned to 4.10.90

4.10.90

No sitting. Adjourned to
24.10.90

[Signature]

[Signature]

24.10.90

No sitting Adj. to 21.11.90

[Signature]

21.11.90

Hon. Mr. Justice K. Nath. VC.
Hon. Mr. M.M. Sider - AM

Now Present Adjourn to
18.1.91.

M.M. Sider
AM

[Signature]
VC

O.A. 141/90

(AU)

23.9.91

D.R.

Counsel for the

applicant is present

O.P. is absent. O.P.

to supply copy of

counter to the appli-

cant. Applicant to

file Response by

27/11/91

Atty
- 23/9/91
for D.R.

27.11.91

D.R.

Applicant is present.

He desires to file

Response by 13/12/91.

O.P. is absent.

13.12.91

D.R.

Counsel for O.P. is

present. Applicant to

file Response by 11/3/91.

(AS)

OFFICE OF THE ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH

O.A.No.191/1990

Jai Prakash

Applicant

versus

Union of India & others

Respondents.

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

By this application, the applicant who was initially appointed as Senior Computer in Ganga Basin Water Resources Circle in the year 1969 and later on was promoted as Senior Computer on 13.12.1972 has prayed for issue of direction to the respondents to allow him the revised pay scale of Rs 425-700 and thereafter the revised pay scale of Rs 1400-2300 w.e.f. 1.1.1973 on the actual basis and all the arrears of difference to pay scale w.e.f. 1.1.1973 to all the incumbents to the post of Senior Computer including the applicant. The promotion to the post of Senior Computers was governed by the Non-Ministerial and Ministerial Class III posts, Recruitment Rules, 1963 as amended from time to time, which indicate that the post of Senior Computer is a non selection post and was to be filled 100% by promotion failing which by direct recruitment from amongst Junior Computers. The earlier pay scale of Senior Computers was Rs 150-380 which was based on the recommendations of Second Central Pay Commission. The revised pay scale of Rs 425-700 (partly) and Rs 330-560 (partly) was made on the basis of the third Central Pay Commission. The scale revised to the post of

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(A6)

Senior Computers was raised to Rs 425-15-500-EB-15-560-20-700 (partly) and 330-560 (partly) as indicated above. The Ganga Basin Water Resources Organisation was merged in the Central Water Commission in 1978 and its employees became employees of the said Commission. Two of the senior computers who like the applicant was also working in the Ganga Basin Water Resources Organisation filed a writ petition before the High Court of Delhi challenging the revised pay scale to the extent of Rs 330-560 and in not giving them scale of Rs 425-700 to all the Computers which were transferred to the Central Administrative Tribunal and the Principal Bench vide its judgment and order

dat 11.4.86 allowed the same. The order revising the pay scale attached to the post of Senior Computers to Rs 330-560 was quashed and the petitioners were declared entitled to post of Senior Computer in their revised pay scale of Rs 425-700, and all attendant benefits including all arrears w.e.f. the date of revised pay scale of Rs 425-700, became effective. The respondents were directed to calculate the amount due to the petitioners and pay the same within 3 months. One Shri Ram Chanderan Senior Computer also filed application before this Tribunal at Lucknow which vide ~~xxxx~~ order dated 28.3.1989 allowed the same and directed the respondents to allow them revised pay scale to the post of Senior Computers w.e.f. the date they are entitled to together with all consequential benefits like arrears of pay and allowances and seniority etc. within a particular

is/

time. Vide said judgment Senior Computers were placed in the pay scale of Rs 425-15-560-20-700 (pre revised) / Rs 1400-40-1800-EB-50-2300 (revised) w.e.f. 1.1.73 from the date of their appointment as Senior Computer junior scale with all the consequential benefits. The grievance of the applicant is that the persons who are similarly placed have been given benefit of the judgment which has become final and benefit of same has been given to those who filed the application before the Tribunal, have been given the benefit of arrears w.e.f. 1.1.1973. The respondents contended that the proposal to extend the judgment to the similarly placed Senior Computer was considered in the Ministry of Water Resources in consultation with the Ministry of Finance, and it was decided that benefits of higher pay scale may be extended only to those similarly placed Senior Computers who were in the scale of Rs 330-560 based on the recommendations of 3rd Central Pay Commission w.e.f. 1.1.1973 on actual basis from 1.2.1988. Accordingly the benefit of senior scale was extended to similarly placed junior computers vide office memorandum dated 24.2.1989. According to the respondents the senior scale of Rs 425-700 can be extended to those computers who fulfill the requirement as stipulated, in Memorandum dated 24.2.89. The benefit of the senior scale of Rs 425-700 could be extended only to those Senior Computers who fulfilled the requirements as stipulated in the said memorandum dated 29.2.89 issued by Ministry of Water Resources.

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AG

2. The facts stated above that the applicant is similarly placed like those who approached the Tribunal and got the benefit of arrears with effect from a particular date. The State is employer and it should not practice discrimination criteria class within a class extending benefit of a judgment to those who approached the Court of law against its injustice and deny it to those who could not take to be litigant minded even if desired by and wait for the result of a litigation extended by similarly placed employees which is a matter which is of in common interest. The not allowing the scale merely on the grounds that they were not applicants, is arbitrary and discriminatory. Accordingly this application is allowed to the extent that the respondents are directed to allow the applicant the revised pay scale of Rs 425-700 and the revised pay Rs 1400-2300 which has been given to ^{actually,} him with effect from 1.2.1988 ^{retrospectively with effect from 1.1.83} but will get arrears for ^{from before this date of 1.2.1983} a period of 3 years only ^{as he did not claim it earlier} as he did not claim it earlier.

No order as to costs.



Vice Chairman.

Lucknow: Dated 10.7.92.

SMC

(A4)

29/5/90

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IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
JUDICIAL DEPARTMENT

C...o. 191 of 1930. (1)

Under Section 19 of the 1930 Administrative Tribunal
Act, 1939.

Between

Jai Prakash. ... Applicant.

And

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

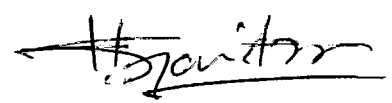
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F



(Advocate)

Advocate,

General for Petitioner.

Dated: 28-5-1930

28-5.1930

P.T.
29/5/90

Noted for 107.90
98-8-90

28/5/90 (1) 410

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW Bench.

O.A.No. 191 of 1990.

Under Section 19 of 1990 Administrative
Tribunal Act 1989

...

BETWEEN

Jai Prakash son of Sri Pyare Lal Gupta.

... Applicants

and

1. Union of India through the Secretary to the
Govt. of India Ministry of Water Resources. New Delhi
2. Central Water Commission through its
Chairman, Sewa Bhawan, R.K.Puram, New Delhi-110066.
3. The Under Secretary (T.S.)
Central Water Commission, Room No.308,
Sewa Bhawan, R.K.Puram, New Delhi-110066.
4. Executive Engineer, Central Water Commission,
Middle Ganga Division no.1 Jal Tarang Bhawan,
Pratapbagh, Aliganj, Lucknow.

.... Opp. Parties.

8. Details of Application.

1) Particulars of the Applicant.

1. Name of the Applicant- Jai Prakash
2. Name of father. - Sri Pyare Lal Gupta,
3. Age of applicants - About 40 years.
(9.7.1950).

Jai Prakash

(2)

(AII)

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4. Designations & Particulars of Office (Name & Station) in which employed or was last employed before ceasing to be in service. Professional Assistant (Hydromet) in short P.A. (Med) posted at Lower Rapti Ghaghara Sub Division (C.M.C) Turkmanpur, Gorakhpur.

5. Office Address. Assistant Engineer, Central Water Commission Lower Rapti Ghaghara, Sub Division Turkmanpur, Gorakhpur.

6. Address for service of Notice. C/o Sri Ram Prakash Anand Ram Nagar Colony Mohaddipur, Gorakhpur.

2) Particulars of the Respondents.

1. Name of the Respondents: 1. Union of India through the Secretary to the Govt. of India, Ministry of Water Resources. New Delhi
2. Central Water Commission through its Chairman.
3. The Under Secretary (T.S.) Central Water Commission.
4. Executive Engineer Central Water Commission Middle Ganga Division no.1 Jal Tarang Bhawan, Pratapbagh, Aliganj, Lucknow.

2. Name of father: Not applicable.

3. Age of Respondents: Not applicable.

4. Designation & Particulars of office (Name & Station) in which employed. 1. Not applicable.
2. Not applicable.
3. Under Secretary (T.S.) Central Water Commission
4. 1. 2. Central Water Commission.

Jai Prakash.

5. Office Address:

1. Ministry of Water Resources
Shram Shakti Bhawan New Delhi.
2. Sewa Bhawan, R.K. Puram, Central
Water Commission, New Delhi.
110066.
3. Room No. 308, Sewa Bhawan, R.K.
Puram, New Delhi, 110066.
4. Jal Tarang Bhawan, Pratapbagh
Aliganj Lucknow.

6. Address for Service:

1. Ministry of Water Resources
Shram Shakti Bhawan New Delhi.
2. Sewa Bhawan, R.K. Puram, Central
Water Commission, New Delhi.
110066.
3. Room No. 308, Sewa Bhawan, R.K.
Puram, New Delhi. 110066.
4. Jal Tarang Bhawan, Pratapbagh,
Aliganj, Lucknow.

1) Particulars of the Order against which application
is made. The application is against the following
order:-

1. Order No. 1-36/EGD-1/
C.C/Lko/90/125-32

Annexure No. 1-1.

(A Photo Stat copy of the
said order is filed here-
with).

2. Date- 23.1.90.

3. Passed by

: Executive Engineer Govt.
of India Central Water
Commission, Middle Ganga
Division No. 1, Jal Tarang
Bhawan, Pratapbagh., Aliganj
Lucknow.

4 Subject in brief:

In view of Central Administrative
Tribunal Circuit Bench Lucknow
Judgment dated 28.3.89 given in
O.A.No. 23 of 1933 (L) filed by
Sri Ram Jatan Ram and others vs.

Jai Prakash,

(4)
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:Union of India fixation of pay of Sri Ram Jatan Ram Senior Computer in the Scale of Rs.425-15-500-EB-16-560-20-700 w.e.f. 1.1.1973 followed by scale of Rs.1400-40-1800-EB-60-2300 in terms of C.C.S. (R.P.) Rules 1986 w.e.f. 1.1.86 and payment of arrears w.e.f. 1.1.73 but the applicant who are similarly situated person/including seniors) through has been allowed the same pay scale but is denied the arrears of difference of pay scale w.e.f.1.1.73 and is allowed the arrears ~~only~~ only on notional basis w.e.f. 1.1.1973 and ~~a~~ on actual basis w.e.f. 1.12.1988.

2) Jurisdiction of the Tribunal:

The applicant declare that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal Act circuit Bench, Lucknow.

3. Limitation:

The applicant further declare that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1986.

4) Facts of the Case:

1. That the applicant was initially appointed as Senior Computer in Ganga Basin Water Resources Circle (hereinafter refer as 'Ganga Basin Circle) on 25.9.1969. He was promoted to the post of Senior

Jai Prakash

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Computer on 13.12.1972.

2. That the work of senior Computer is of Super Checking of River Hydrological data and Computing and plotting of Hydrographs relating these datas. The work of all the senior computers are one and the same.

3. That the said promotions to the post of senior computers were governed by the then Ministry of Irrigation and Power (Ganga Discharge Circle) Non Ministerial and Ministerial class III posts Recruitments Rules 1963 (hereinafter referred to as the 'Rules of 1963')."

4. That a perusal of the Recruitment Rules of 1963 as amended from time to time , would show that the post of senior computer has been a non selection post and the same has been required to be filled up by promotion (100% by promotion failing which by direct recruitment) from amongst Junior Computers, who have rendered three years service in the said grade of Junior Computer.

6. That untill the promulgation of the Central Civil Services (Revised Pay) Twenty Fourth amendment Rules, 1974 (hereinafter referred to as the 'Revised Pay Rules of 1974") made by the President of India in exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and promulgated vide notification No.G.S.R. 683(2) dated 9th December, 1974 which became effective from 1st

Jai Prakash

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January, the scale attached to the post of senior Computer was Rs.150-380. But vide aforesaid Pay Rules of 1974 for the post of Senior Computer, the scale attached to the post of senior computer was raised to Rs.425-15-500-3B-15-560-20-700 (partly) and Rs.330-560 (partly). The aforesaid words (partly) within the brackets contain asterick marks and the ... then contain a foot note to the effect that 'order regarding allocation of posts will issue separately'.

6. That it may be stated that while earlier scale Rs.150-380 attached to the post of Senior Computer was based on the basis of the recommendations of the second Central Pay Commission, the revised scale of Rs.425-700 (partly and Rs.330-560 (partly) had been made on the basis of the recommendation of the 3rd Central Pay Commission (hereinafter to as the 'Commissioner').

7. That the aforesaid revised scales were based on following recommendations of the Commission contained in paragraph 32 chapter 17 Titled 'Economists and Statistician' of vol.I:-

" For posts of Senior Computers, the old pay scale of Rs.150-10-290-15-380 is in vogue in the Ministry of Irrigation and power and one post in the Ministry of Transport and shipping. Since these posts are filled by

Jai Prakash,

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- . promotion of Junior Computers in the scale of Rs.110-180 with a machine allowance of Rs.15/- p.m. a more appropriate scale would be the scale of Rs.150-300 considering also that the next promotion level is to the post on the scale of Rs.210-425, we do not see any reason for continuing this old scale for these about 92 posts and our suggestion is that the bulk of these posts should be placed in the scale of Rs.350-560 and a few on the scale of Rs.425-700/-".

8. That 'Ganga Basin Water Resources Organisation (hereinafter referred to as '~~Organisation~~ ~~Organisation~~ 'Organisation') was merged into the Central Water Commission in 1978 and all the senior computers who were higher-to employees of the Organisation became the employees of the Central Water Commission and this is how the Central Water Commission has been made respondent no.2 in the present application.

9. That two colleagues of the applicants of the applicants Sri B.S. Jini and Sri Jaipal Singh, who were working as a Senior Computers filed a writ petition in the Hon'ble High Court of Delhi, challenging, inter-alia, the validity of the revised Pay scale ~~was~~ for the post of senior computers to

Jai Prakash,

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the extent of Rs.330-560 and consequently the act of the government is not giving the scale of Rs.425-700 to all the senior computers.

10. That on establishment of the Central Administrative Tribunal, the said writ petition was transferred to Hon'ble Principal Bench of this Hon'ble (at Delhi) and was registered as T-335/85.

11. That ultimately the said writ petition was allowed by the Principal bench of this Hon'ble Tribunal vide judgment and order dated 11.4.86. A Photo Stat copy of the said judgment and order dated 11.4.86 is attached herewith as Annexure No. 1.

12. That after that Sri Ram Jatan Pam, senior computer also filed C.A.No.23 of 1988 (L) in the Central Administrative Tribunal Lucknow Bench challenging the validity of the revised pay scales for the posts of Senior computers to the extent of Rs.330-560 and consequently the act of the govt. in not giving the scale of Rs.425-700 to all the senior computers.

13. That the said C.A. was also allowed by Hon'ble Administrative Tribunal Allahabad by order dated 28.3.1989. A Photo copy of the judgment and order dated 28.3.89 is attached herewith as Annexure-2.

Jai Prakash

(2)
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14. That in pursuance of the judgment delivered in the O.A.No.23 of 1988 all the senior computers have been placed in the pay scale of Rs.425-15-500-B 15-560-20-700 (pre-revised/Rs.1400-40-1800-B-50-2300 (revised) w.e.f. 1.1.1973 from the date of their appointment as Senior Computer (Junior Scale) with all the consequential benefits. A Photo copy of the order dated 18.9.1989 is being attached herewith as Annexure No. A-3.

15. That since in the case of B.S.Saini and Ram Jatan Ram Senior Computers, The Hon'ble Tribunal has ~~passed~~ passed an order to place the senior computer in the pay scale of Rs.425-700 and pay all the consequential benefits like arrears etc. w.e.f. 1.1.1973, the persons who had filed the application before Tribunal has been given the arrears of the difference of the pay w.e.f. 1.1.1973, and the actual basis the applicant has also been placed in the scale of Rs.425/700 (pre revised) But the scale is allowed only on notional basis w.e.f. 1.1.1973 and on actual basis only w.e.f. 1.12.1988.

16. That the applicant thus is not being paid the arrears w.e.f.1.1.1973 which is discriminatory and against the spirit and directions of this Hon'ble Tribunal. The applicant vide his representations

Jai Prakash,

(10)
(A14)

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dated 16.1.1990, 8.2.1990, 5.4.90 and 4.5.1990 requested the Chairman, Central Water Commission, New Delhi to extend the benefit of arrears in view of the said judgment w.e.f. 1.1.1973. The Photo stat copy of the said Representations are being filed as Annexure No. A-4, A-5, A-6, A-7 respectively.

17. That since the respondents have not paid the arrears of the difference in the two scales w.e.f. 1.1.1973 which has been given to the other said persons, the applicant has been left with no other equally alternative and efficacious remedy but to invoke the extraordinary jurisdiction of this Hon'ble Tribunal under section 19 of the Administrative Tribunal Act, 1986.

18. That since the Executive Engineer, Central Water Commission, Middle Ganga Division no.1, Pratapbagh, New Aliganj, Lucknow has not paid the arrears w.e.f. 1.1.1973 vide order dt. 23.1.1990 hence the Executive Engineer, Middle Ganga Division no.1 has been made respondent no.4 in this application.

19. That applicant was promoted on the post of professional Assistant w.e.f. 4.2.1985 to that accordingly the act of respondents in not extending

Jai Prakesh

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the benefit of the judgments mentioned and the payment of arrears w.e.f. 1.1.1973 to the applicant is rendered wholly illegal, arbitrary, malafide, discriminatory, ineffective, unconstitutional and is violative of Article 14 and 16 of the Constitution of India and is liable to be set aside the following amongst other:-

G R O U N D S.

1. Because applicant was also working on the post of senior computer till 4.2.1985 and w.e.f. 4.2.1985 he has been promoted on the post of professional Assistant and belongs to the same category and is similarly placed as the said petitioners in the applications which was allowed vide judgment dt. 11.4.1986 and 28.3.1989.
2. Because the said judgment has been accepted and has become final as no ~~appeal~~^{appeal} was filed against the same and has become binding on the respondents.
3. Because the judgment of Principal Bench and this Hon'ble Circuit Bench has been accepted as such there is no reason why they should not pay the arrears of the pay scale w.e.f.

Jai Prakash

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- . 1.1.1973 who belongs to the same category and similarly placed just as the persons who have moved initially the court by way of petitions.
4. Because it is wholly inequitable to refuse similar benefit of pay scale and arrears w.e.f. 1.1.1973 to other members of the service who belong to the same category and are similarly placed.
5. Because judgment pronounced can not result in fixing similar pay scale but denying the arrears w.e.f. 1.1.1973 as has been paid to others.
6. Because applicant has not been told any reason as to why he is not being paid arrears w.e.f. 1.1.1973 of the difference of the pay scale.
7. Because, non-grant of the arrears of the difference of the pay scale w.e.f. 1.1.1973 in view of the judgment mentioned above is wholly malafide, discriminatory and violative of the Article 14 and 16 (d) of the Constitution of India apart from the fact that it is in disregard of the judgment of the principal bench and this Circuit Bench of the Hon'ble Tribunal whereby the respondents were directed ^{to} place

Jai Prakash

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- . the senior computer in the scale of Rs.425-700 and to pay the arrears which w.e.f. 1.1.1973.
8. Because once the respondent have been directed to pay the arrear w.e.f. 1.1.1973 by principal bench and this Circuit Bench of this Hon'ble Tribunal , in fact non grant of the arrear w.e.f. 1.1.1973 to the applicant amounts to committing contempt of the Hon'ble Administrative Tribunal.
9. Because, details of the remedies exhausted:-
1. That the applicant vide his representation dt. 16.1.1990, 8.2.90, 5.4.90, and 4.5.90 to Chairman, Central Water Commission agitated the discrimination made by the respondent which are annexure No. 4, 5, 6 respectively.
10. Because matter not previously filed or pending with any other court.

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

Jai Prakash

(14)
(A28)

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5. Relief Sought:

In view of the facts mentioned in the paragraph no.6 above in the application prays for the following reliefs:

- a. to allow the application of the applicant with cost.
- b. to issue appropriate order, direction or directions.
1. directing the respondents to allow the applicant the revise pay scale i.e. 425-700 and therevised pay scale 1400-2300 w.e.f. 1.1.1973 on the actual basis.
2. directing the respondents to give all the incumbents of the post of senior computer including the applicant the arrears of difference to pay scale w.e.f. 1.1.1973.
3. issue such other order or directions as this Hon'ble Tribunal may deem fit and proper.

6. Interim order if any prayed for:

Not applicable.

7. Details of the remedies exhausted:

Sent representations dated 16.1.1990,

3.2.1990, 5.4.90, 4.5.90 to the Chairman but nothing done.

8. The applicant further declare that the matter is not pending before any court regarding which this application has been made.

Jai Prakash

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9.2 Particulars of Postal orders in respect of Application Fee.

1. Number of Indian Postal Order. 02 436433
2. Name of Issuing Post Office. Aminabad
3. Date of issue of Postal Order. 24.5.90
4. Post Office at his payable. Central P.O. Allahabad

10.2 An Index in duplicate containing the details of the document to be relied upon is enclosed.

11. List of Enclosures:

1. 9 P.O. No 02 436433 dt. 24.5.90

Verification

I, Jai Prakash, son of Sri Pyarey Lal, Gupta, aged about 40 years, Working as Professional Assistant (Med) in the office of Lower Aapiti Ghaghara, Sub-Division (C.I.C.) Turkmanpur, Gorakhpur resident of care of Sri Ram Prakash Nand, Ram Nagar Colony, Mohaddipur, District Gorakhpur, do hereby verify that the contents of para 1 to 13 except grounds no.1 to 10 are true to my personal knowledge and that I have not suppressed any material fact.

Applicant.

Place: Kurekhar

(H.G. G. Prakash)

Date: 28-5-90

Advocate,

Counsel for the Applicant.

To,

The Registrar,
Central Administrative Tribunal,
Allahabad.

Jai Prakash

Government of India
Central Water Commission
Middle Ganga Division No.1
Jaitaring, Bhawan, Pratapbagh, Aliganj
Lucknow-226020.

.....

OFFICE ORDER

Consequent upon the revision of pay scale of Sr. Computer w.e.f. 1.1.73 vide Under Secretary, CWC New Delhi's letter No. 23/10/87-Extt. XI dt. 13/5/89 and No. 23/17/89-Extt. XI dated 15.9.89 the pay in the revised scale Rs. 425-15-900-Rs. 15-960-20-700/- (Old scale Rs. 330-10-300-Rs. 12-900-Rs. 15-960/-) in R/O. Shri Jai Prakash, Sr. Computer (now PA(Met) under FA-23 and 22(a)(ii) read with audit instruction (1) below FA-22 as under is hereby fixed Rs. 425/- w.e.f. 1.1.73 as the date of his joining.

Present pay in the scale of Rs. 330-360/-	Pay fixed in the revised scale of Rs. 425-15-900-Rs. 15-960-20-700/-	Date of next increment	Pay fixed in the revised scale of Rs. 1400-40-1800-Rs. 20-2300/-
Rs. 330/-	425/- w.e.f. 1.1.73	Rs. 425/- w.e.f. 1.1.73	
Appointed as Sr. Computer w.e.f. 13.12.72		Rs. 440/- w.e.f. 1.1.74	
		Rs. 455/- w.e.f. 1.1.75	
		Rs. 470/- w.e.f. 1.1.76	
		Rs. 485/- w.e.f. 1.1.77	
		Rs. 500/- w.e.f. 1.1.78	
		Rs. 515/- w.e.f. 1.1.79	
		Rs. 530/- w.e.f. 1.1.80	
		Rs. 545/- w.e.f. 1.1.81	
		Rs. 560/- w.e.f. 1.1.82	
		Rs. 580/- w.e.f. 1.1.83	
		Rs. 600/- w.e.f. 1.1.84	
		Rs. 620/- w.e.f. 1.1.85	
		Rs. 640/- w.e.f. 1.1.86	
			1900/- w.e.f. 1/86
			1950/- w.e.f. 1/87
			2000/- w.e.f. 1/88
			2050/- w.e.f. 1.1.89
			2100/- w.e.f. 1.1.90

~~NOTE~~ :- The benefit of scale will however be allowed to him on motion & basis w.e.f. 1.1.73 and actual basis w.e.f. 1.12.88 as per decision of Ministry of Water Resources at para of this letter No. 8/23/87-82 dt. 24/2/89.

(RAN KARAN)

EXECUTIVE ENGINEER

No. 2-36/MGD-I/C&C/L&D/90/ 125-32

Dated : 23-1-90

Copy to :-

1. The Under Secretary, Central Water Commission, New Delhi.
2. The Superintending Engineer, S.S. Circle, CWC, Varanasi.
3. The Pay & Accounts Officer, CWC, New Delhi.
4. Bill Clerk (in duplicate).
5. Account Branch.
6. The Vice Clerk
7. Shri Jai Prakash, P.A. (met) Sub Division, Gorakhpur.
8. P.F. -

Jai Prakash

True copy
presented
R

(RAN KARAN)
EXECUTIVE ENGINEER

Shri Lal Bahadur Shastri Memorial Tribunal, Lucknow (18)

वादी (मुहई) प्रतिवादी (मुद्दाबलेह) का **वकालतनाम** महोदय (18)



Sai Bakashu — Applicant
Union of India and ors. वादी (मुद्दाई)
 बनाम प्रतिवादी (मुद्दाबलेह)

नं० मुकद्दमा सन् 19 पेशी की ता० 19 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से

H. C. Parihar Advocate एडवोकेट महोदय
High Court, Lucknow वकील

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 अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष [फरीकसानी] का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई यह 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 जिम्मेदारियों मेरी वकील पर न होंगी इस लिए यह वकालतनामा लिख दिया है कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *Sai Bakashu*

साक्षी [गवाह] ... साक्षी [गवाह] ...
 दिनांक ... महीना ... सन् ...

नाम अदालत...
 नं० मुकद्दमा
 नाम फरीकन

In the Central Administrative Tribunal (Section 19 of 1939 Act)

C.A.No. 191 of 1950 (1)

Under Section 19 of 1939 Administrative Tribunal
Act, 1939.

Shri K. Ramesh. ... Applicant.
Versus.
Union of India and others. ... Opp. Parties.

Also. Particulars. Page Nos.

1. Annexure No. 1,
True copy of Judgment
delivered by Administrative
Tribunal in the matter of
V. K. Rishi and others vs. Union
of India and others. 19-26
2. Annexure No. 2,
Judgment dt. 20.5.50 in the
matter of Shri K. Ramesh. 27-28
3. Annexure No. 3, Order dated
18.9.50 passed by the Tribunal. 23
4. Annexure No. 4, 5, 6, & 7
Representations sent to the
Chairman C.A.C. 24-27

Ind. No. 191

(...)

28-5-1950

Advocate,

for the Petitioner.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI

REGN. NO. T-335/85

Dated, the 11th April 1986.

Shri B.S.Saini and another Petitioners
Vs.

Union of India and another Respondents

CORAM:

Mr. Justice K. Madhava Reddy, Chairman
Mr. Kaushal Kumar, Member

For petitioners Shri G.D. Gupta, Advocate

For respondents Shri K.C. Mittal, Counsel.

(Judgement of the Bench delivered by
Mr. Justice K. Madhava Reddy, Chairman)

The petitioners recruited as Junior Computers in the Ganga Basin Water Resources Organisation, under the Ministry of Agriculture and Irrigation (Department of Irrigation) were promoted to the post of Senior Computers. These appointments and promotions are governed by the Ministry of Irrigation and Power (Ganga Discharge Circle) Non-Ministerial and Ministerial Class III Posts Recruitment Rules, 1963. Promotion of Junior Computers to the post of Senior Computers is done on the basis of seniority-cum-fitness. Prior to the revision of pay scales pursuant to the recommendations of the Third Central Pay Commission, the pay of Senior Computers was fixed in the grade of Rs.150-10-290-15-330. The pay scales of Senior Computers was revised as per the recommendations of the Third Pay Commission partly to Rs.425-700 and partly to Rs.330-560. Six posts of Senior Computers were admitted in the pay scale of Rs.425-700 and the remaining 26 posts of Senior Computers were admitted to the grade of Rs.330-560.

The petitioners were promoted to the post of Senior Computers

...2/-



San Prakash

*From copy
10/5/86
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33.

and pay them within three months from today. The petition is accordingly allowed but in the circumstance with no order as to costs.

by

(K. Madhava Reddy)
Chairman
11. 4. 1986

Sd/-

(Kaushal Kumar)
Member
11. 4. 1986

Attested true copy.

Anil Singhastana

21. 5. 86

Section Officer
Central Administration and
Principal Bench, DELHI
Faridkot House,
Copernicus Marg
New Delhi - 110001



Jai Prakash

True copy
10/5/86
R

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Circuit Bench at Lucknow.

Registration O.A. No.23 of 1988(L.)

Ram Jatan Ram & Others Applicants.

Versus.

Union of India & Others Respondents.

Hon'ble D.S. Misra, A.M.

Hon'ble C.S. Sharma, J.M.

(By Hon. D.S. Misra, A.M.)

This is an application under section-19 of the A.T. Act-1985 seeking a direction to the respondents to allow the applicant, the pre-revised scale of pay i.e; R.425-700 and the revised scale of R.1400-2300/- from the date from which they are entitled for the said scale and all consequential benefits like arrears of pay, allowances, seniority etc. on the post of Senior Computers.

2. In the reply filed on behalf of the respondents, it is stated that the grievances of the applicants are under consideration in the light of Judgment dated 6.9.88, delivered by the Hon. Principal Bench of C.A.T in an identical case in O.A. No.1942 of 1987, A.K.Khanna & Others Vs. U.O.I & Others and prayed that the case be disposed of accordingly. They have also filed a copy of the aforementioned Judgment.

3. The three applicants in this application have claimed that they have been working as Senior Computers since 1971/1973 and are similarly placed as the petitioners in Civil Writ No. 698/1977 on the file of the Delhi High Court and on transfer registered as T.A No.335 of 1985 B.S.Saini & another Vs. Union of India & Others. In the said petition the Principal Bench of the

lt

Jai Prakash

True copy
Dated 20/12/88
12

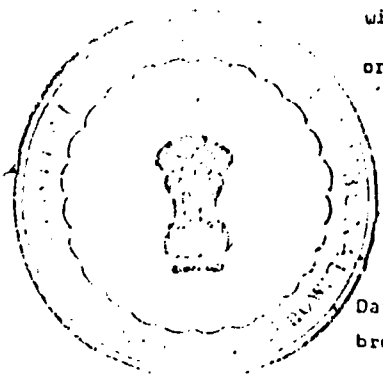
4 (20)

22

(A-31)

- 3 -

allow the revised pay-scales of the post of Senior Computers
w.e.f. the date from which they are entitled for the said
scales of pay and all consequential benefits like arrears of
pay, allowances, seniority etc. on the post of Senior Computers
within a period of three months from the date of receipt of this
order. We also direct that the parties shall bear thereon costs.



Member (J)

Member (A)

Dated: March. 28, 1989.
brc/

Jai Prakash

Maharidra
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

*True copy
Mishra
M*

(5-22)
23
(A-3)

No.23/17/88-Estt.XI
Government of India
Central Water Commission

Room No.308, Sewa Bhawan,
R.K. Puram, New Delhi- 66.

Dated the 18 Sept., 1989.

OFFICE ORDER

In pursuance of the judgement delivered by the Honourable Central Administrative Tribunal Allahabad, Circuit Bench at Lucknow on 28-3-1989 in OA No.23 of 1988(L) filed by Shri Ram Jatan Ram & Others Vs. Union of India, the Jr. Scale of Rs.330-10-EB-12-500-EB-15-560(Pre-revised) as per CCS(RP) Rules 1973, notified vide the Ministry of Finance (Department of Expenditure) Notification No.GSR 683(E) dated 9-12-74 attached to the post of Sr. Computers, being quashed, the Sr. Computers/Professional Assistant(H)(Petitioners) borne on the cadre of the Central Water Commission are hereby deemed to have been placed in the pay scale of Rs.425-15-500-EB-15-560-20-700(Pre-revised)/(Rs.1400-40-1800-EB-50-2300(Revised) with effect from 1-1-1973 or from the date of their appointment as Sr.Computer (Jr. Scale) with all consequential benefits.

(S. Kumar)
18/9/89
(SATISH KUMAR)
UNDER SECRETARY(TS)
CENTRAL WATER COMMISSION

Copy to :-

1. The Pay & Accounts Officer, CWC, New Delhi.
2. The Chief Engineer, Eastern Zone, Central Water Commission, 177-B, Srikrishnapuri, Patna-800001(Bihar).
3. The Superintending Engineer, Middle Ganga Circle, CWC, B-38/1, P.O. Mahmoorganj, Varanasi-221010(U.P).
4. The Executive Engineer, Middle Ganga Division-II, Central Water Commission, Kanpur(U.P).
5. The Executive Engineer, Middle Ganga Division-I, Central Water Commission, Jaltarang Bhawan, Partap Bagh Aliganj Lucknow-226020(U.P).
6. Shri Ram Jatan Ram, Prof.Asstt.(H), Middle Ganga Division-II, Central Water Commission, Kanpur(U.P).
7. Shri Gauri Shankar Verma, Middle Ganga Divn.-I, Central Water Commission, Jaltarang Bhawan, Partap Bagh Aliganj, Lucknow-226020
8. Shri Ram Dhani, P.A(H), Middle Ganga Divn.-II, Central Water Commission, Kanpur.

NO. 1094/1/61/ASST/89/2574-76. Dtd 18-10-89
Copy of above forwarded for information
& necessary action to the Executive Engineer,
Middle Ganga Division-II, Lucknow/Varanasi.
29/10/89
Superintending Engineer
Middle Ganga Circle
Central Water Commission
Varanasi-221010

सेवा में,

श्रीमान अध्यक्ष महोदय,
केंद्रीय जल आयोग
नई दिल्ली

(उचित माध्यम द्वारा)

विषय:- दिनांक 1.1.73 से रु. 425-700 वेतनमान पर बकाया
वेतन भुगतान दिलवाने हेतु सादर निवेदन।

महोदय,

प्राची को कुछ विश्वस्त सूत्रों से ज्ञात हुआ है कि प्राची के साथ के अन्य कर्मचारियों को जो न्यायालय में गए हुए थे उन्हें दिनांक 1.1.73 से रु. 425-700 वेतनमान से वेतन निर्धारण हो गया है तथा उसी समय से वेतन के अन्तर (Difference) का समस्त बकाया भुगतान करने के आदेश भी हो गए हैं।

इस सम्बन्ध में प्राची सादर निवेदन के साथ कहना चाहता है कि प्राची अपने उच्च अधिकारी से ही न्याय के लिए निवेदन करेंगे। प्राची के अनुसार यह जानना है कि उच्च अधिकारी कभी भी दो प्रकार का बर्ताव अपने कर्मचारी के साथ नहीं करेंगे, अन्य को भौति प्राची को भी वह समस्त सुविधाएँ (लाभ) प्राप्त करने के आदेश करने की महती कृपा करेंगे।

प्राची को न्याय अवश्य मिलेगा यह प्राची को पूर्ण विश्वास है प्राची अपने आदर्श अधिकारियों के खिलाफ न्यायालय जाने के पक्ष में कभी नहीं है क्योंकि प्राची को अपने अधिकारियों पर पूर्ण निष्ठा एवं सम्मान है।

महोदय जी, इस सम्बन्ध में प्राची के भी पक्ष में अन्य कर्मचारियों की भौति आदेश करने की महती कृपा करें।

प्राची आपका अत्यन्त आभारी रहेगा।

दिनांक 16.1.90

For Prakash
Prakash

आपका आज्ञाकारी
जय प्रकाश
(जय प्रकाश)

व्यावसायिक सहायक (मेट)
लौकराही घाघरा उपमण्डल
गोरखपुर (3090)

सेवा में

अध्यापक,
केन्द्रीय जल आयोग
नई दिल्ली

(उचित माध्यम द्वारा)

विषय:- सूचा 425-100 नैतनमान के आधार पर दिनांक 1.1.73 से 30.11.88 तक का नकाशा गुगतान के ओझा हेतु निम्न

संका:- प्रार्थी के पूर्व प्रार्थना पत्र दिनांक 16.1.70

बातें एवं, प्रार्थी ने आपसे प्रार्थना पत्र दिनांक 16.1.70 द्वारा आपसे सादर निवेदन कर आपका ध्यान उपरोक्त विषयतः नकाशा गुगतान दिलाने की ओर आकर्षित किया था। प्रार्थी के राशिकार्य एवं अन्य कर्मचारी की जिन्होंने न्यायालय में गंगाला दाखल किया था। उन्हें 1.1.73 से समस्त सुविधाएँ (लाभ) प्राप्त करने के साथ ही शर्तों को हासिल है।

प्रार्थी आपसे अधिकारियों के विरुद्ध न्यायालय जौन के पक्ष में नहीं है। प्रार्थी को पूर्ण विश्वास है कि उच्च अधिकारी कभी भी के प्रकार का बर्तान आपसे कर्मचारी किया नहीं करेंगे।

अधिकारी जाहान न्याय की गति होते हैं अधिकारी के लिए उनके समस्त कर्मचारी न्यायालय हैं।

अतः प्रार्थी अन्त में निवेदन कर प्रार्थना करना चाहता है कि प्रार्थी को भी अन्य कर्मचारी की गति 1.1.73 से समस्त सुविधाएँ (लाभ) नैतनमान सूचा 425-100 के आधार पर नकाशा गुगतान प्राप्त करने हेतु सौदेबाजी परित करने की गहती कृपा करें।

यही न्याय की गति है कृपया इस हेतु प्रार्थी को

न्याय आपसे स्तर से प्रदान करीयें। आपका अज्ञाकारी,

राधनरा तारे

दि. 8.2.90

copy
पुस्तक

राधनरा तारे
(अध्यक्ष) पी.
लोकरा इलाहाबाद
गोपबन्धु

सेवा में,

अध्यक्ष,

केन्द्रीय जल आयोग

नई दिल्ली

(आर 33111 माध्यम)

विषय:- अध्या 425-700 वेतनमान के आधार पर दिनांक 1.1.73 से

30.11.88 तक का वकामा भुगतान के आदेश हेतु निवेदन

संदर्भ:- प्रार्थी के पूर्व प्रार्थना पत्रों दिनांक 16.1.90 एवं 8.2.90

मार्फत

प्रार्थी ने अपने प्रार्थना पत्रों दिनांक 16.1.90 एवं 8.2.90 द्वारा

आपसे निवेदन का आपका ध्यान उपरोक्त विषयक वकामा

भुगतान दिलाने की ओर आकर्षित किया था। प्रार्थी के साथ कार्यरत

अन्य कर्मचारी के जिन्होंने न्यायालय में मामला दायर किया था उन्हे

1.1.73 से समस्त सुविधाये (लाम) प्राप्त करने के आप द्वारा आदेश

दे गए हैं।

प्रार्थी अपने अधिकारियों के विरुद्ध न्यायालय जाने के पक्ष में

नहीं हैं। प्रार्थी की पूर्ण विश्वास है कि उच्च अधिकारी कभी भी

प्रकार का बर्ताव अपने कर्मचारी के साथ नहीं करेंगे।

अधिकारी न्याय की शक्ति है अधिकारी के लिए समस्त कर्मचारी

समान हैं।

अतः प्रार्थी अन्त में निवेदन का प्रार्थना करना चाहता है कि

प्रार्थी को भी अन्य कर्मचारी की भाँति 1.1.73 से समस्त सुविधाये

(लाम) वेतनमान रु. 425-700 के आधार पर वकामा भुगतान

प्राप्त करने हेतु आदेश जारी करने की कृपा करें।

यही न्याय की मांग है कृपया इस हेतु प्रार्थी को भी

न्याय अपने हित से प्रदान कराये।

आपका आभारी

जेम्य मा 21-

(जय प्रकाश) पी. पी.

असल गिरावर

दि. 5.4.90

Jai Prakash

A-728
H36

सौता से, अधिका
केन्द्रीय जल आयोग

नई दिल्ली (द्वारा उचित माध्यम)

विषय:- संपत्ति 425-700 वेतनमान के आधार पर दिनांक 1.1.73
से 30.11.88 तक का बकाया भुगतान हेतु न्यायालय की
शरण में जाने हेतु सूचना

संदर्भ:- प्राचीन के पहले के उपार्थन पत्रों दि० 16.1.90, 8.2.90
प्र० 5.4.90

महोदय, प्राचीन ने आपको न्याय हेतु लगातार दिनांक 16.1.90,
8.2.90 प्र० 5.4.90 के माध्यम से सूचित किया कि प्राचीन की अन्य
कर्मचारीयों की भाँति न्याय अपेक्षित है दिलाये किन्तु आपका
कोई मार्गदर्शन / जवाब प्राचीन के पास नहीं प्राप्त हुआ जिससे
स्पष्ट है कि आप द्वारा प्राचीन को न्याय नहीं प्राप्त होगा।

अतः वाहय होकर प्राचीन अब न्यायालय की शरण
में जा रहा है।

यह आपको सौदा नियन्त्रण प्राचीन पर प्रेषित है

दि. 4.5.90

Sd/- P. K. Kashyap

(The copy
is kept
for)

प्राचीन

[Signature]

(जय प्रकाश) पी. पी.

उपनिर्देशक गोरखपुर-

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

Misc. Appn. No. M.P. No. 147/91 of 1990.

Union of India & others.....Applicant/Respondents.

In
Registration No. 191 of 1990 (2)

Jai Prakash & another.....Applicant

Versus

Union of India & others.....Respondents

APPLICATION FOR CONDONATION OF DELAY IN FILING COUNTER
AFFIDAVIT ON BEHALF OF THE RESPONDENTS.

The applicant above named respectfully begs to submit as under :-

1. That the counter affidavit could not be filed within the prescribed time allotted by this Hon'ble Tribunal.
2. That on receipt of the para-wise comments, from the respondent, the draft counter affidavit was prepared by the counsel for the respondents and the same was sent to the department for vetting.
3. That on receipt of the vetted counter affidavit the same was typed and sworn by the respondent. That a copy of the counter affidavit has been served on the Counsel of the applicant.

Contd...on 2/-

Filed today
11/4/91

978

- 2 -

4. That the Counter affidavit is being filed without any further delay.
5. That the delay in filing the counter affidavit is bonafide, not deliberate and is liable to be condoned.

Therefore, it is respectfully prayed that this Hon'ble Tribunal may be please to condone the delay in filing the counter affidavit and the same may be brought on record.

Lucknow.

Dated :

(DR. DINESH CHANDRA)

Advocate

Counsel for the Applicant.

(139)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. 191 of 1990.

Jai Prakash.....—Applicant

Versus

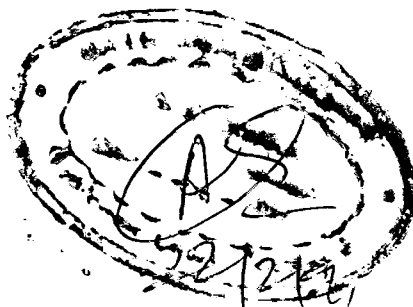
Union of India & others.....Opp. parties.

COUNTER AFFIDAVIT ON BEHALF ON OPP. PARTIES

I, S.P.S. Chauhan aged about 32 years,
son of Late Shri B.S. Chauhan Executive Engineer,
Central Water Commission, Middle Ganga Division No.I,
Lucknow do hereby solemnly affirm and state as under :-

1. That the deponent has read the application filed by Shri Jai Prakash and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case deposed hereinafter.
3. That the deponent is competent to swear this affidavit on behalf of all the opposite parties.
4. That the contents of paras 1 to 4 of the application need no comments.
5. That the contents of para 5 are denied. It is submitted that the present application is barred by limitation under Section 21 of Administrative Tribunal Act, 1985. The cause of action arose on 11th April 1986 when the Hon'ble Central Administrative Tribunal, Delhi delivered its judgement on 11-4-86, in case No.T-335/85(B.S. Saini & anothers Vs Union of India & other).

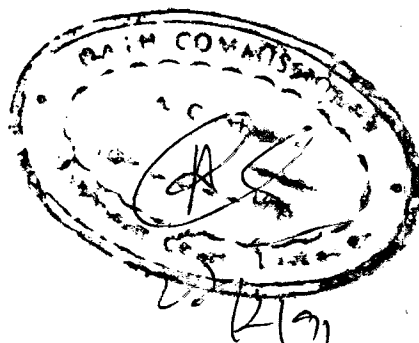
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Contd....on 2/-

6. That the contents of paras 6(1) to 6(14) need no comments.
7. That in reply to the contents of paras 6(15) of the application it is stated that the benefit of the judgements dated 11-4-86 and 28-3-1989 can not automatically be extended to all the Senior Computers, including the applicant, as the said judgements were judgements in personam and not the judgement in rem. However, the proposal to extend the judgement to the similarly placed Senior Computers was considered in the Ministry of Water Resources in consultation with the Ministry of Finance and it was decided that benefits of higher scale may be extended only to those similarly placed Senior Computers who were in the scale of Rs. 150-380/- prior to 1-1-1973 and placed in the scale of Rs. 330-560/- based on the recommendations of the Third Pay commission on notional basis w.e.f. 1-1-73 and actual basis with effect from 1-12-88. Accordingly, the benefit of Senior Scale was extended to the similarly placed Senior Computers by the Ministry of Water Resources Office Memorandum No.8/28/87-Est-I, dated 24.2.89, a copy of which is being filed as Annexure. R-I.
8. That in reply to para 6(16) it is re-iterated that the Senior Scale of Rs. 425-700/- can be extended to only those Senior Computers who fulfil the requirements as stipulated in the

Contd...on 3/-

From

Office Memorandum dt. 24-2-89(Annexure.R-I),
It is further submitted that the applicant Submitted the representations referred to in the answering paragraph with a malafide intention to save limitation. The cause of grievance had arisen, if at all, on 11-4-86 when the the Central Administrative Tribunal had delivered to judgement in Regn. No. T-535/85 in the case of Shri B.S. Saini and another versus Union of India and another.

9. That in reply to para 6(17), the submissions made in para 7 and 8 above are re-iterated.
10. That the contents of para 6(18) need no comments.
11. That in reply to para 6(19) it is stated that as already explained in para 7 above the applicant could not be paid arrears on account of the fixation of his pay for the period from 1-1-1973 to 3-7-1983 during which he was holding the post of Senior Computers in accordance with the decision of the Govt. in the matter. Thus the allegations of the applicant levelled in the answering paragraph are baseless and devoid of truth.
12. That it is respectfully re-iterated that the benefit of Senior Scale of Rs. 425-700/- could be extended to only those Senior Computers who fulfilled the requirements as stipulated

Contd...on 4/-



A42

in the Ministry of Water Resources letter no.
8/28/87-Estt. dated 24-2-89 (Annexure.R-I).

13. That the grounds indicated in paras 6(19-1) to 6(19-10) have been adequately dealt with in the foregoing paragraphs.
14. That in view of the submissions made in the above paragraphs the relief sought for in para 7 of the application are not admissible. The application filed by Shri Jai Prakash Lacks merit and is liable to be dismissed with costs.
15. That paras 8 to 13 need no comments.


(DEPONENT)

- : VERIFICATION : -

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 3 of this Counter Affidavit are true to me personal knowledge and those of paras 4 to 15 are believed by me to be true based on records and as per legal advise of my Counsel. That nothing material has been concealed and no para of it is false, so help me God.

Signed and verified this the 22nd day of Feb, 1990, 1990 within the Court Compound.

Lucknow.


(DEPONENT)

Dated:

I identify the deponent who has signed before me.


ADVOCATE

R-1

3-1-1989
J. Prasad Rao - 1/1/1989

min 2-1
CG-210

MOST IMMEDIATE
TRIBUNAL CASE

No. 23/10/87-Estt. XI
Government of India
Central Water Commission

Room No. 308, Sewa Bhavan,
R.K. Puram, New Delhi-110066.

Dated the 29/3/89 March, 1989.

To
The Superintending Engineer,
Middle Ganga Circle, CWC,
B-38/1, P.O. Mahmoorganj,
Varanasi-221010 (UP).

Subject:- Implementation of the CAT judgements in petitions
filed by Shri K.S. Munda and Others and
G. Gangadhar Rao and Others.

Sir,

I am directed to forward herewith a copy of the
Ministry of Water Resources letter No. 3/28/87-Estt. I dated
the 24th February, 1989 on the subject mentioned above. It
is requested that necessary action with regard to the imple-
mentation of the judgement delivered by the Honourable
Central Administrative Tribunal may kindly be taken immediately
under intimation to this Commission.

Yours faithfully,

1029
3/4/89

(D. KRISHNA)
UNDER SECRETARY
CENTRAL WATER COMMISSION

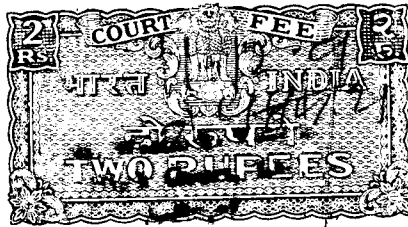
dr.

(H)

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

O.A.No.191 of 1990.

1001 537
AFFIDAVIT
51
HIGH COURT
ALLAHABAD



13-12-91

Jai Prakash.

....

Applicant.

Versus.

The Union of India and others. ... Opp. Parties.

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT
FILED BY MR. S.P.S. CHAUHAN.

*Filed today
11/12/91*

I, Jai Prakash, aged about 41 years, son of Shri Pyare Lal working as P.A. in the office of Lower Rapti Ghaghara Sub Division, (C.W.C.), Gorakhpur, the deponent do hereby solemnly affirm and state on oath as under:-

11-12-91

1. That the deponent is the sole applicant in the above noted case. He has read over the contents of the counter-affidavit filed by Sri S.P.S. Chauhan and is in a position to give parawise reply to the same.

Jai Prakash

2. That the contents of para 1, 3 and 4 of the

(AUS)

counter-affidavit need no comment.

3. That the contents of paras 5 of the counter-affidavit are incorrect hence denied. In reply to the same it is submitted that it is evident from the annexure A-4 that the Under Secretary (T) Central..... Commission was pleased to pass an order dated 18.9.1989 whereby it was held that in view of the pronouncement of the order passed by Hon'ble Central Administrative Tribunal all the P.A.s were to be deemed to be placed in pay-scale of Rs.1400-2300 but by annexure-A-1 dated 23.1.1990 the benefit of the aforesaid pay-scale was allowed only w.e.f. 1.2.1988 and the impugned order is 23.1.1990 as such the cause of action arose on 23.1.1990 and the present application is within the limitation prescribed.

4. That contents of paras 6 need no comment.

5. That the contents of paras 7 of the counter-affidavit are incorrect and misconceived hence denied. In reply to the same it is submitted that the petitioner was also placed in scale of Rs.425/-(pre revised) w.e.f. from 1.1.1973 vide order dated 23.1.1990 passed by the Executive Engineer ~~in~~ contained in Annexure A-1 but since the actual basis only w.e.f. 1.12.1988 and on notional basis w.e.f. 1.1.1973 as such this discrimination is arbitrary and illegal and is

11-12-91

Jai Prakash

Ave

- 3 -

violative of Article 14 and 16 of the Constitution of India. The other Senior Computers of the cadre of the petitioner have been extended this benefit on actual basis w.e.f. 1.7.1973 or from the date of appointment in compliance of the order passed by this Hon'ble Tribunal as such the petitioner is also entitled to the same w.e.f. 1.1.1973.

6. That the contents of para 8 of the counter-affidavit are incorrect hence denied. In reply to ~~the~~ same, it is submitted ~~that~~ that the petitioners fulfills all the requisite ~~as~~ mentioned in the office memorandum dated 24.2.1989. It is further submitted that this Hon'ble Tribunal vide its orders contained in Annexure no.2 and A-3 was directed the opposite parties to allow the pay-scale of Rs.425/- 700/- (Pre revised) w.e.f. from it was effective or from the date of appointment including all ~~the~~ assess etc. It is further submitted that the representations were made only to resolve the before reaching this Hon'ble ~~&~~ Tribunal. The impugned order is dated 23.1.1990 as such the application is not time barred.

11-12-91

7. That the contents of para 9 are incorrect hence denied.

8. That the contents of para 10 need no comments.

...4/-

Jai Prakash

- 4 -

9. That the contents of para 11 of the counter-affidavit are misconceived and incorrect, hence denied. In reply to the same the contents of para 6(19) of the application are reiterated. It is further submitted that the petitioner is entitled for the benefit of the pay-scale of Rs.425-700 (pre revised) w.e.f. 1.1.1973 or from the date of appointment on actual basis.

10. That the contents of para 12 of the counter-affidavit are baseless, incorrect and misconceived hence denied. In reply to the same it is reiterated that the petitioner is entitled to get the benefit of the pay-scale of Rs.425-700 (pre revised w.e.f.) from 1.1.1973 from the date of appointment.

11. That the contents of para 13 and 14 of the counter-affidavit are incorrect hence denied. The applicant has established sufficient ground on which the application is liable to be allowed.

12. That the contents of para 15 need no comments.

Lucknow, Dated
11-12-91.

Jai Prakash
Deponent.

Verification

I, the above named deponent do hereby

...5/-

Jai Prakash:

Aug

- 5 -

verify that the contents of paras 1 to 12
are true to my personal knowledge
and paras are based on record
and paras are based on legal advise. No
part of it is false and nothing material has been
concealed. So help me God.

Lucknow; Dated
11 12, 1991.

Jai Prakash,
Deponent.

I, identify the deponent who has
signed before me.

[Signature]
Advocate,

Solemnly affirmed before me on 11.12.91
at 11-10 a.m./p.m. by the deponent Jai Prakash
who is identified by Sri H. G. S. Parshar
Advocate High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

11-12-91

I have satisfied myself by examining
the deponent that he understands with the contents
of this affidavit which have been read over and
explained by me to him.

P. K. Sander

537/91
11-12-91

Jai Prakash