

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 191/90 of 20.....

Jai Prakash.....Applicant(S)

Versus

U.O.9.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects

B.C file needed and deal may
 13/6/12
 Signature of S.O. *Yash Kishan* *Yash Kishan*
 Signature of Deal. Hand

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 131 of 1980

APPLICANT(s) Mr. S. P. Dikshits

RESPONDENT(s) State of U.P.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	✓
2. a) Is the application in the prescribed form ?	✓
b) Is the application in paper book form ?	✓
c) Have six complete sets of the application been filed ?	✓
3. a) Is the appeal in time ?	✓
b) If not, by how many days it is beyond time ?	✓
c) Has sufficient cause for not making the application in time, been filed ?	✓
4. Has the document of authorisation/ Vakalatnama been filed ?	✓
5. Is the application accompanied by S.D./Postal Order for Rs.50/-	✓
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	✓
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	✓
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	✓
c) Are the documents referred to in (a) above neatly typed in double space ?	✓
8. Has the index of documents been filed and pasting done properly ?	✓
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	✓
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal ?	N.O

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *Y*

12. Are extra copies of the application with Annexures filed ?
 a) Identical with the Original ?
 b) Defective ?
 c) Wanting in Annexures
 file. _____ pages Nos. _____ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given address the registered address ? *Y*

15. Do the names of the parties stated in the cause tally with those indicated in the application ? *Y*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *N/A*

17. Are the facts of the case mentioned in item no. 6 of the application ?
 a) Concise ?
 b) Under distinct heads ?
 c) Numbered consecutively ?
 d) Typed in double space on one side of the paper ? *Y*

18. Have the particulars for interim order prayed for indicated with reasons ? *Y*

19. Whether all the remedies have been exhausted. *Y*

dinesh

191/90 (C)

10-7-90. No sitting. Adjourn to 25/7/90.

25-7-90

Hon. Mr. Justice K. Math. VC.
Hon. Mr. K. Obayya A.M.

Council ~~is~~ not present.

Adjourn to 26/7/90

P.M.

Q
VC.

26.7.90

Due to ~~and~~ demise of
Hon'ble Chief Justice of Delhi
Mr. S.S. Mulchandji the case is
adjourned to 4.10.90

4.10.90

No sitting. Adjournd to
24.10.90

Q

24.10.90

No sitting Adi to 21.11.90

Q

21.11.90

Hon. Mr Justice K. Math. VC.
Hon. Mr. M. M. Suri - H.W.

None present. Adjournd to
16.1.91.

M. M. S.
A.M.

Q
VC.

O.A. 141/90
(All)

23.9.91

D.R.

counsel for the

applicant is present

O.P. is absent. O.P.

to supply copy of
complaint to the applican-

tant. Applicant to
file Rejoinder by

27/11/91

~~After~~
23/9/91
For D.R.

27.11.91
D.R.

Applicant is present.

He desires to file

Rejoinder by 13/12/91.

O.P. is absent.

13.12.91
D.R.

Counsel for O.P. is

present. Applicant to

file Rejoinder by 11/3/91.

(AS)

THE HONOURABLE JUDGE,

LOCK J.W. BENCH

W.M. No. 191/1990

Jai Prakash

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice ... 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 Computer was governed by the Non-ministerial and ministerial class list 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 (mainly and partly) was made on the basis of the third Central Pay Commission. The scale revised to the post of

W/

(Ab)

Senior Computer was raised to Rs 425-15-500-33-15-560-20-700 (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 dated 11.4.86 allowed the same. The order revising the pay scale attached to the post of Senior Computer to Rs 330-560 was quashed and the petitioners were declared entitled to post of Senior Computer in the revised pay scale of Rs 425-700. The Central Government including all the concerned departments were directed to implement the revised pay scale of Rs 425-700, w.e.f. 1.1.86. The Central Government agreed with the revised pay scale of Rs 425-700, w.e.f. 1.1.86. The Central Government directed the respondents to calculate the amount due to the petitioners and pay the same within 3 months. One Shri Ram Chetan Ram 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

11/

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 Computers 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 a cut 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~~ 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.

W

(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 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 him with effect from 1.2.1988 but will get arrears for ^{actually with effect from 1.2.88} _{from his date of 31.12.1983} and same is to become binding from a period of 3 years only as he did not claim it earlier.

No order as to costs.


Vice Chairman.

Lucknow: Dated 10.7.92.

SMC

(AP) 26/1/90.

22. 11. 1990 ~~RECEIVED IN THE POSTAL COMMISSIONER'S OFFICE~~
RECEIVED IN THE POSTAL COMMISSIONER'S OFFICE.

191 of 1990. (1)

Under section 19 of the 1990 Administrative Tribunal
Act, 1990.

—
DRAFT.

Jai Arvash. ... applicant.

and

Union of India and others. ... respondent.

—
2. Particulars.

1. 1990.

1. Application 1 to 15

2. Annexure No.1,
Under dt. 23.1.90 passed by
Executive Engineer. 16

3. Annexure No.2, Indian postal
order No.02 436433. 17

4. Vakalatnama. 18

22/1/90
F

H. D. Joshi

acknowledged

28-5-1990

(L. S. & S. 1990)
Advocate,
Council for Advocacy.

21/5/93 (1) H.O
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH.

O.T. No. 191 of 1990. (L)

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, Pratapgarh, Aligarh, Lucknow.

.... Opp. Parties.

2. 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 applicant - About 40 years.
(9.7.1950).

Jai Prakash

(2)

(All)

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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... (Med) posted at
Lower Rapti Ghaghara
Sub Division (C...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
Manmad Ram Nagar Colony
Manmadipur, 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
Taraang Bhawan, Pratapbagh,
Lilganj, 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. T.S. Central Water Commission.

Jai Prakash.

(3)

(A2)

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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 Ali ganj 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, Ali ganj, Lucknow.

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

1. Order No. 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 1988 (L) filed by
Sri Ram Jatan Ram and others vs.

Jai Prakash,

: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~~
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/includ-
ing seniors) through has been
allowed the same pay scale but
is denied the arrears of differ-
ence 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 ~~on~~ 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 applicatio
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

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 data. 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 Recruitment 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.
5. That until 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 (J) dated 9th December, 1974 which became effective from 1st

Jai Prakash

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,

• 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') 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,

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. 1-2.

12. That after that Sri Ram Jatan Ram, 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 Lucknow by order dated 28.3.1989. A Photo copy of the judgment and order dated 28.3.89 is attached herewith as Annexure 1-3.

Jai Prakash

14. That in pursuance of the judgment delivered in the O ..No.23 of 1988 all the senior computers have been placed in the pay scale of Rs.425-15-500-~~15-560-20-700~~ (pre-revised/ Rs.1400-40-1800-~~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. A2.

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. 1.1.1983, 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 Balkash,

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. A4, A5, A6, A7 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 Honourable 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 Prakash.

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:-

GROUPS.

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 petitions 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 became final as no ~~appeal~~ was filed against the same and has became 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

- 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

Tai 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.1-4, 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

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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 honorable tribunal may deems 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, 4.6.90 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

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 Inclosures:

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 (Lsd) in the office of Lower Mapti Ghaghara, Sub-Division (C.I.C.) Turkmanpur, Gorakhpur resident of care of Sri Ram Prakash Anand, Ram Nagar Colony, Mahaipur, 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: Lucknow

(H.G. Deo)

Date : 25-5-90

Advocate,

Counsel for the applicant.

To,

The Registrar,
Central Administrative Tribunal,
Allahabad.

Government of India
Central Water Commission
Middle Ganga Division No. I
Jal Tariq Bhawan, Pratap Nagar, Allahabad
Lucknow - 226020.

.....

22/12/82/24/28

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. 23/10/82-Extt. XI dt. 13/3/83 and No. 23/17/82-Extt. XI dated 18.9.82 the pay in the revised scale Rs. 423-15-300-12-15-360-20-700/- (Old scale Rs. 350-12-300-80-12-300-10-15-360/-) in S/o. Shri Jai Prakash, Sr. Computer (now PA(Net) under PR-23 and 22(a)(ii) read with Audit Instruction (1) below PR-22 as under is hereby fixed Rs. 423/- w.e.f. 1.1.73 & i.e. date of his joining.

Present pay in the scale of Rs. 350-360/-	Pay fixed in the revised scale of Rs. 423-15-300-12- 15-360-20-700/-	Date of next increment	Pay fixed in the revised scale of Rs. 400-40-1300- 12-30-2300/-
---	--	---------------------------	--

Rs. 350/-	423/- w.e.f. 1.1.73	Rs. 423/- w.e.f. 1.1.73	Rs. 400/- w.e.f. 1.1.73
Appointed as Sr. Computer w.e.f. 13.12.72	1.1.73	Rs. 440/- w.e.f. 1.1.73	Rs. 440/- w.e.f. 1.1.73
		Rs. 455/- w.e.f. 1.1.73	Rs. 455/- w.e.f. 1.1.73
		Rs. 470/- w.e.f. 1.1.73	Rs. 470/- w.e.f. 1.1.73
		Rs. 485/- w.e.f. 1.1.73	Rs. 485/- w.e.f. 1.1.73
		Rs. 500/- w.e.f. 1.1.73	Rs. 500/- w.e.f. 1.1.73
		Rs. 515/- w.e.f. 1.1.73	Rs. 515/- w.e.f. 1.1.73
		Rs. 530/- w.e.f. 1.1.73	Rs. 530/- w.e.f. 1.1.73
		Rs. 545/- w.e.f. 1.1.73	Rs. 545/- w.e.f. 1.1.73
		Rs. 560/- w.e.f. 1.1.73	Rs. 560/- w.e.f. 1.1.73
		Rs. 575/- w.e.f. 1.1.73	Rs. 575/- w.e.f. 1.1.73
		Rs. 600/- w.e.f. 1.1.73	Rs. 600/- w.e.f. 1.1.73
		Rs. 625/- w.e.f. 1.1.73	Rs. 625/- w.e.f. 1.1.73
		Rs. 640/- w.e.f. 1.1.73	Rs. 640/- w.e.f. 1.1.73
			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. 1.12.82 as per decision of Ministry of Water Resources at para of this letter No. 8/28/82-42 dt. 24/2/83.

(RAM SARAN)
EXECUTIVE ENGINEER

No. 2-36/MCD-I/CWC/LAU/90/ 125-32

Dated : 23-1-90

Copy to :-

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

True copy
Dated
P.S.

(RAM SARAN)
EXECUTIVE ENGINEER

Sir Prakash

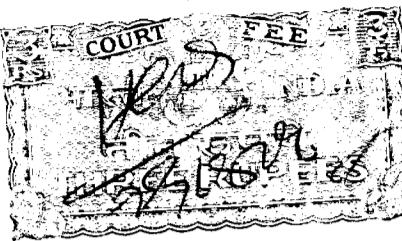
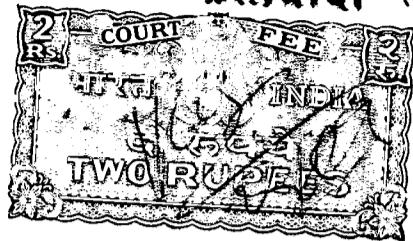
वादी

(मुहई)

प्रतिवादी

<div[](https://i.imgur.com/3Q5z55G.png)

का वकालतनाम



Union of India ^{vs.} and others.

वादी (मुहिई)

बनास

प्रतिवादी (मुद्दानेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से

Ji C. C. Parikh & Sons एडवोकेट महोदय
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 जिम्मेदारी मेरी वकील पर न होगी इस लिए यह वकालतनामा लिख दिया है कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी[गवाह] "साक्षी[गवाह]

दिनांक "महीना" "सन्"

(A27)

In the Central Administrative Tribunal, New Delhi.

Case No. 191 of 1960 (1)

Under Section 19 of 1960 Administrative Tribunal
Act, 1960.

Plaintiff.

Shri Krishan. ... Plaintiff.

Versus.

Union of India and others. ... Opp. parties.

Plaintiff's

Also. Defendants. Plaintiff.

1. Plaintiff.

True copy of Judgment
delivered by Administrative
Tribunal and in the name of
Vasundhara Devi, Chairman
of India and others.

19-26

2. Plaintiff.

Signature on 20.9.60 in the
name of Shri Krishan.

24-22

3. Plaintiff. Order dated

18.9.60 passed by the Chair. No. 1. 23

4. Plaintiff. 6 & 7

Report of the Sub. Com. sent to the
Chairman C.A.T.

24-27

285

Signature

Find now; dated

28.9.1960

285 1960

Adarsh,

1. Law Practitioner.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI

REGN. NO. T-335/95

Dated, the 11th April 1986.

Shri B.S.Saini and another Petitioners
Vs.

Union of India and another Respondents

COURT: Mr. Justice K. Madhava Reddy, Chairman
Mr. Kaushal Kumar, MemberFor 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)

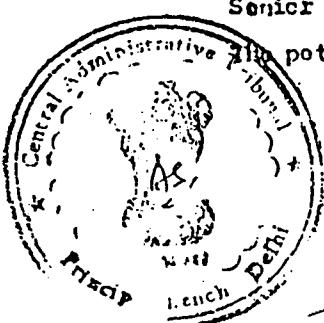
The petitioners recruited as Junior Computers in the Ganga Basin Water Resources Organisation, Ministry under the Ministry of Agriculture and Irrigation (Department of Irrigation) were promoted to the post of Senior Computers.

Those 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.150-10-290-15-360. 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/-



For Rakash
For Rakash
From Mr. Justice K.C. Mittal

22 (K)

29

Pl. 3

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

44

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

Sd/-

(Kaushal Kumar)
Member
11. 4. 1986

Alleged true copy.

Anil Sehgal

7152 06

Section Officer
Central Administration Department
Principal Benches, DELHI
Faridkot House,
Copernicus Marg
New Delhi - 110001



Sai Sankashji
Anil Sehgal
11.4.86
for

21
(25)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Circuit Bench at Lucknow.

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

Ram Dattan 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 applicants, 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 Computer.

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 Computer 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

16

Jai Prakash

True copy
Attest
19

4 (22)

22

(A)

- 3 -

allow the revised pay-scales of the post of Senior Computer w.e.f. the date from which they are entitled for the said revision of pay and all consequential benefits like arrears of pay, allowances, seniority etc. on the post of Senior Computer 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, 1989.
brc/

Sai P. Kakashi
Maharajne
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Present
M. S. Kakashi
P. K.

23
(P-2)

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 16 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. Computer, being quashed, the Sr. Computer/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.

(Signature)
 (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. M.G.C. 1/61/A-89/3574-76. Dated 18-10-89.

Copy of above forwarded for information & necessary action to the Executive Engineer, Middle Ganga Circle, Varanasi.

Superintending Engineer
 Middle Ganga Circle
 Central Water Commission
 Varanasi-221010

99/2.

Prakash

Prakash
M. 4/4/89

सैवा में

श्रीमान अध्यक्ष गहोदर्य,
कैन्सीय जल आयोग
नई दिल्ली

(उचित माध्यम द्वारा)

विषय:- दिनांक 1.1.73 से नू. 425-700 वैतनमान पर विवाद।
वैतन मुगतान दिल्लीवाले हेतु सादर निवेदन।

महोदय

प्राप्ति के कुछ विश्वरूप सूची से ज्ञात हुआ है कि प्राप्ति के साथ के आय कर्मचारियों के जौन्यायालय में गरु हुए थे उन्हें दिनांक 1.1.73 से नू. 425-700 वैतनगान से वैतन निर्धारण हो गया है तथा उसी समान से वैतन के डायर (Difference) को समस्त लेकाया मुगतान करने के आदेश मिले गए हैं।

इस सम्बन्ध में प्राप्ति सादर निवेदन के साथ करना चाहता है कि प्राप्ति अपने उच्च अधिकारी से ही दूपाप के लिए निवेदन करेगा। प्राप्ति के अनुसार यह जाना है कि उच्च अधिकारी कमीशी की प्रकार का वर्ताव अपने कर्मचारी के साथ नहीं करता, डायर की मांति प्राप्ति को मीठसामान सुविधाएं (लाभ) प्राप्त करने के आदेश करने की महती कृपा करेगा।

प्राप्ति का आय अवश्य गिलेगा यह प्राप्ति के एवं विश्वास है प्राप्ति अपने उच्चार्थीय अधिकारियों के रिवायत न्यायालय जाने के पक्ष में कमी नहीं है क्योंकि प्राप्ति के अपने अधिकारियों पर एवं निष्ठा से सम्मान है।

महोदय जी, इस सम्बन्ध में प्राप्ति के भी पक्ष में डायर कर्मचारियों की मांति आदेश करने की महती कृपा करें।

प्राप्ति आपका डायर आमारी रहेगा।

दिनांक 16.1.90

Sir
प्राप्ति
प्राप्ति
प्राप्ति

उच्चका डायर कर्मचारी
ज्यू न्याय
(उच्च प्रकाश)
व्यावसायिक सहायक (मेट्रो)
लोगोंका राही वाधरा उपमण्डल
गोरक्षपत्र (3050)

सौवामि

ପ୍ରାଚୀନ
କ୍ଷେତ୍ରରେ କାଳ ବାଗାପା
ନାହିଁ ବିଲତି

(उत्तित गांधीज तत्त्व)

174

101421:- रुपया 425- 100 तेतनमा- 1 ट्रिंडा 1 ग्र एर दिल्ली
1.1.13 से 30.11.87 तक का तकाता गुगला के गोक्कोंटुनि।

साक्षी :- प्रायोगिक द्वा प्रायोगिक द्वा द्वा 16.1.90

राहादरी, प्राचीनों वापस दाखली पर तिथि 16.1.70 हारातारा

सादर निवेदन कर आपका द्याव उपरोक्त विधान लकाय।
हुगता। दिल्ली की ओर आकर्षित हुआ। ब्राह्मण राजनायन।

प्राशी डापो औदिकारियो के लिए है। याना लय जो के परम
गो नहीं है। प्राशी को युवा लियास है कि उसका औदिकारी की गयी
को प्राप्त हो जाता है तो उसकी उपराजा हो जाएगा।

गही - यायोंको गोगो है कृपाया हरा है तु प्राणोंको

काली - यादृच्छा की विवरण से प्रदर्शन करते हैं।) यात्रा की विवरण।

fig. 8.2.90

11/1/2017 10:46 AM

John P. Miller

କରୁଣାମୁଦ୍ରା
(ଜୟନ୍ତାବାଦୀ) ପି.

४०२०११ विद्यारथी नायर उत्तम
गोपनी र

स्वीकृति:

अद्यता,

केन्द्रीय जल आयोग

-P. P. लली (झरू उत्तरी नदीमान)

विधय:- जलयोग 425-700 लीटर्स/सान हेतु आधार पर दिनांक 1.1.73 की

30.11.88 तक कोलकाता युगतान के 3045 द्वारा देते निवेदन

संदर्भ:- प्राप्ति के इस प्राप्ति पर्याप्ति दिनांक 16.1.90 तक 8.2.90

माहोदय

प्राप्ति के आपने आर्थिक, पर्याप्ति दिनांक 16.1.90 की 8.2.90 तक

आपने आपने निवेदन को आपका द्वारा देया उपरोक्त विषयक वकाली

युगतान दिलाई की ओर आकलित किया, कि 1 प्राप्ति के 3045 कोर्ट द्वारा

कोर्ट कमिशनरी के दिलाई 1.1.73 के सामने दायर किया था 3045

1.1.73 की समात रुकियादे (लग) प्राप्त करो, हेतु आपका आपना प्राप्ति

है, गले हैं।

प्राप्ति आपने कमिशनरी के विरुद्ध - प्राया लायटरी के पक्ष, को

नहीं है। प्राप्ति के इस निवेदन के द्वितीय अधिकारी कमिशनरी

कोर्ट को बताते आपने कमिशनरी के पाइ नहीं कर दिया।

अधिकारी नाम की शर्त है अधिकारी के निवेदन समाप्त करना।

केत: प्राप्ति आपने निवेदन को प्राप्ति करना चाहता है जिस

प्राप्ति को नीचे की कमिशनरी की ओर 1.1.73 के समात रुकियादे

(लग) लेना। दूसरा दूसरा दूसरा दूसरा दूसरा दूसरा

प्राप्त करो, हेतु 3045 पर्याप्ति करो, कि जुपावे।

मात्र - यादें जी संग है जूपावे, इस हेतु प्राप्ति को

- नाम जापो एवं उपरोक्त करों।

आपका आपका

पर. 5.6.90

जीर प्रकाशनी - १४१ (जीर प्रकाशनी), नी. प.

अन्तर्गत निरसन विभाग

A-728
(A-7)

सोता ने, आधार

केन्द्रीय जल आयोग

विधान: - नई विधान (द्वारा अधिकार ग्राहन)

रुपमा 425-700 वेतनमात्र के आधार पर दिनांक 1.1.73
से 30.11.88 तक का विवाद भुवाले हैं - याचालय की
शरण में जाने हैं रुपमासंदर्भ: - प्राप्ति के पृष्ठों के 351वें वर्षों दिन 16.1.90, 8.2.90
पर 5.4.90महापूर्ण: प्राप्ति के आपको - गाय हैं लगातार दिनांक 16.1.90,
8.2.90 पर 5.4.90 के गायधर्म स्वतंत्रता किया किए गए की अन्य
कार्यालयों की मौति - याचालय अपने रूप से दिलाये किए हैं आपको
कोई शारीरिक नहीं (जबकि प्राप्ति के पास नहीं शास्त्र दुकान जिससे
प्राप्ति है कि आप हीरा प्राप्ति को - याचालय को प्राप्त होगा ।ठोक: वाहन होकर प्राप्ति - याचालय की शरण
में आरहा है ।

यह आपको लाए हुए दिनांक प्राप्ति वास्तविक है

पर 4.5.90

Sri. Prakash

Ch. 100
100
100प्राप्ति
प्राप्ति
(प्राप्ति का) प्राप्ति
प्राप्ति

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

M. P. No. 147/91 (L),
Misc. Appn. No. _____ 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.

filed today
sign
11/4/91

Contd...on 2/-

4. That the Counter affidavit is being filed without any further delay.
5. That the delay in filing the counter affidavit is bona fide, 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.

J. (L)

Lucknow.

Dated :

(DR. DINESH CHANDRA)

Advocate

Counsel for the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

(A29)

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-535/85(B.S. Saini & others Vs Union of India & other).



Contd....on 2/-

(2)

(240)

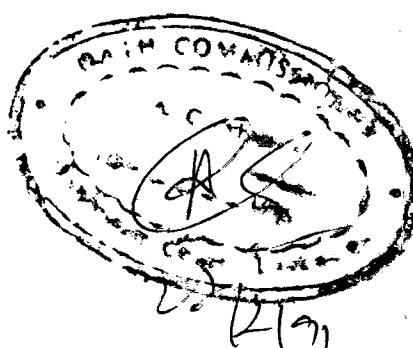
6. That the contents of paras 6(i) to 6(14) need no comments.

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/-

(Signature)



(Signature)

Office Memorandum dt. 24-2-89(Annexure.R-I),
 It is further submitted that the applicant Sub-
 mitted 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

241



Contd...on 4/-

A42

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

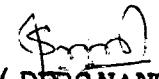
13. That the grounds indicated in paras 6(19-1) to 6(19-10) have been adequately dealt with in the foregoing paragraphs.
14. That in view of the submissions made in the above paragraphs the relief sought for in para 7 of the application are not admissible. The application filed by Shri Jai Prakash Lacks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


(DEPONANT)

- : VERIFICATION : -

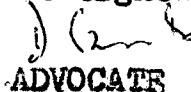
I, the above named deponant do hereby verify that the contents of paragraphs 14, 15 of this Counter Affidavit are true to me personal knowledge and those of paras 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 are believed by me to be true based on records and as per legal advise of my Counsel. That nothing material has been concealed and no para of it is false, so help me God.

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


Lucknow.
(DEPONANT)

Dated:

I identify the deponant who has signed before me.


ADVOCATE

3-10-1989
J. P. Patel & Sons - V. M. Sheth

R-1

R-1
CR-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 9/3/1989.

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
Xmas 3/11/89
D. KRISHNA
UNDER SECRETARY
CENTRAL WATER COMMISSION.

dr.

(XII)

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

O.A.No.191 of 1990.

1961 S 31
AFFIDAVIT
91
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.

*Tied today
SJK
11/12/91*

I, Jai Prakash, aged about 41 years, son of Shri Pyare Lal working as P.A. in the office of Bawer 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.
2. That the contents of para 1, 3 and 4 of the

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 misconcieved 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

- 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 the petitioner 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.

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

11-12-1991.

Jai Prakash
Deponent.

Verification

I, the above named deponent do hereby

...5/-

Jai Prakash

verify that the contents of paras 1 to 12
are true to my personal knowledge
and paras 13 to 16 are based on record
and paras 17 to 20 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.

I.P. S. S.

Advocate,

Solemnly affirmed before me on 11.12.91
at 11.10 a.m. by the deponent *Jai Prakash*
who is identified by Sri *H. G. S. Panher*
Advocate High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

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.

R. K. Sander

537/91
11-12-91

Jai Prakash