

1386
1449
Sept-84

421/RCB

1.10.03

D.R (M):

May kindly see the govt. letter (Flagged X) regarding removal of anomaly in the pay fixation of Sri Dattu Singh, Addl. Chief Judicial Magistrate, Pratapgarh at par with that of his junior Sri Hari Nath Pandey, Addl. Chief Judicial Magistrate, Unnao.

It may be recalled that earlier Sri Dattu Singh, while posted as Judicial Magistrate, Faiza had moved his application on 1-9-2000 (Flagged X) to the Court regarding removal of anomaly in his ^{basic} pay by shifting the month of annual increment from September to May in which he stated that he and his junior Sri Hari Nath Pandey joined U.P. Nyaya Seva on 4-9-93 and 15-5-94 respectively and their increment months are September and May respectively. According to the ~~revised~~ recommendation of Vth Pay Commission their pay have been revised and fixed to Rs. 8000/- as basic pay w.e.f. 1-1-96. But the date of their increment months remained unchanged. Besides the fact the month of annual increment of Sri Hari Nath Pandey was May, whereas being senior he (Dattu Singh) is getting annual increment in the month of September. As such he is getting less pay than that of his junior Sri Hari Nath Pandey since May 1996. At the end he requested

that this anomaly in his basic pay may kindly be removed and his month of annual increment may kindly be shifted from September to May every year.

Accordingly, in this regard a detailed office note dated 21-12-2000 (Flagged 'B' ante) was put up, which was forwarded by note dated 10-1-2001 (Flagged B-1 ante) by the then Registrar (Budget) to ^{the then} Hon. Mr. Justice S.N. Agrawal for obtaining his Lordship's order, on which his Lordship passed order on 12-1-2001 and as such in compliance of the said order, a copy of representation dated 1-9-2000 of Sri Lallu Singh was sent through the Court's letter dated 25-1-2001 (Flagged 'C') to the Joint Director, Directorate of Treasuries, U.P. Allahabad with the request to take necessary action in accordance with the provisions contained in Clause-2 of Para-81 of G.O. No. Pa. Ma. N. 357/X-21 (M)/97, dated 31-12-97. Thereafter the Joint Director Directorate of Treasuries, U.P. Alld. through his letter dated 29-3-01 (Flagged 'D') informed the Court that Sri Lallu Singh is working as Class II officer in U.P. Nyayik Sewa and the matter related to his pay etc. are not disposed by his office. Therefore it is not possible to take any action in this regard. Thereupon the said matter was referred to the Govt. vide Court's letter dated 28-4-2001 (Flagged 'E' later on the Govt. vide its letter dated 22-8-01 (Flagged 'F') desired certain information from the Joint Director, Directorate

at
 Treasuries, and the Joint Director through
 his letter dated 28-11-01 (Plogged 'X') sent
 the requisite information along with
 Service Books of both the officers to the
 Govt and ~~also~~ also stated that on the
 basis of their Service Books the date
 of appointment of Sri Lallu Singh and
 Sri Hari Nath Pandey ~~are~~ in U.P.
 Nyayik Sewa are 4-9-93 and 24-5-94.
 In the old pay scale Rs. 2200-4000,
 Sri Lallu Singh was getting Rs. 2200.00,
 2275.00, 2350.00, and 2425 as basic
 pay on 4-9-93, 1-9-94, 1-9-95 and
 1-9-96, ^{respectively} whereas Sri Hari Nath
 Pandey was getting Rs. 2200.00, 2275.00
 2350.00 as basic pay on 24-5-94, ^{As has further stated, that}
 1-5-95 and 1-5-96 respectively. In
 the revised pay scale Rs. 8000-13500
 the basic ~~pay~~ pay of both the officers
 have been revised and fixed by the
 concerned Dist. Judges to Rs. 8000/-
 as it has been mentioned in their
 Service Books.

Now the Govt. vide their
 letter dated 4-7-03 (Plogged 'X') has
 sent Service Books of Sri Lallu
 Singh, Addl. Chief Judicial Magistrate,
 Pratapgarh and Sri Hari Nath Pandey,
 Addl. Chief Judicial Magistrate, Unnao
 to the Court and have also desired
 to take necessary steps for removal
 of anomaly in the pay of Sri Lallu
 Singh, in accordance with the provision
 contained in para-2 of clause (G) of
 G.O. No. Pa. Ma. N.C. - 357/X-21(M)/97

dated 31-12-97.

On this connection it is submitted that from perusal of Service Books (Flagged 'Y' & 'Z') of Sri Rallu Singh and Sri Hari Nath Pandey it appears that being senior Sri Rallu Singh is getting annual increment in the month of September since 1996 whereas his junior Sri Hari Nath Pandey is getting annual increment in the month of May since 1996. As such Sri Hari Nath Pandey is drawing more pay than that of his senior Sri Rallu Singh since May 1996.

It is pertinent to mention here that the provision has been given in Clause 2 of para II of G.O. no. Pa. Ma. Ni-375/X-21 (M)/97, dated 31-12-97 (Flagged 'H') for removal of anomaly in the pay of a Govt. servant which has been originated due to different dates of annual increment during the fixation of pay in the Revised Pay Scale w.e.f. 1-1-96. The aforesaid runs as under:-

- 11 If the pay of junior Govt. servant of the same cadre, has been fixed in the Revised Pay Scale on 1-1-96 equal to that of his junior senior Govt. servant, who is getting higher pay in the present scale and the date of increment of junior Govt. servant is falling before the date of increment

of the senior Govt. servant, then the date of increment of senior Govt. servant will be the same as of the junior Govt. servant."

Therefore, if approved by Hon.ble Mr. Justice Ashok Bhusan, the anomaly in the pay of Sri Datta Singh, Adl. Chief Judicial Magistrate, Pratapgarh may be removed by shifting the month of his increment from September to May, ^{i.e. 1-5-96} at par with that the increment of the month of May of Sri Hari Nath Pandey and the Joint Director, Directorate of Treasuries, U.P. Adl. be directed to revise the pay of Sri Datta Singh w.e.f. May 1996 under intimation to this Court and the officer concerned?

A

R. Dwivedi

27/9/03

R. Pandey
27.9.03
SO Adl (A)

Pradeep S. S. H.S.
01/10/03

REGISTRAR (B)

submitted for kind perusal and order for onwards submission as proposed at 'A' above.

D. R. (M)
11/10/03

Hon'ble Mr. Justice Ashok Bhusan.

Submitted for kind perusal and order as proposed at 'A'

C. C. Mishra
01-10-03

As proposed at 'A' is approved

Ashok Bhusan
22-10-03

D.R.(M)
[Signature]
Registrar (B)
22/10/03

SO Admin (A-)
[Signature]
DRM
22/10/03