

IN THE SUPREME COURT OF INDIA
(Civil Appellate Jurisdiction)
S.L.P. (Civil) No. 17169/2017

IN THE MATTER OF:

Mr. Sheheryar -----PETITIONER

- VERSUS -

AIR and DD Technical Employees
Association & Ors. -----RESPONDENTS

**AFFIDAVIT, IN RESPONSE TO OFFER MADE BY
PETITIONER, ON BEHALF OF THE RESPONDENTS IN
TERMS OF THE ORDER DT.08.08.2017.**

I, Shyam Vir Singh, s/o. Sh. Netarpal Singh, aged 53 years, r/o.3/227, Kamla Nehru Nagar, Ghaziabad, presently at New Delhi, do hereby solemnly affirm on the basis of official records and state on oath as under:

1. That being the President of the Respondent No.1 Association in the present case, I am well conversant with the facts of the present case and fully competent to swear the present affidavit on the basis of the official records maintained in the office.
2. That this Hon'ble Court had directed on 28.07.2017 to the Petitioner to take instructions regarding the implementation of the Order of the High Court dt.24.11.2010 (Page 103 of the paper book), which was confirmed by the Hon'ble Supreme Court, vide its order dt.10.01.2013 (Page 130 at 137 of the paper book).

3. That in these circumstances, the counsel for the Petitioner handed over a document dt.-nil-, (Copy annexed herewith as **ANNEXURE - A**) similar to their order dt.11.03.2014 (Page 141 of the paper book), which was placed by them before the Madras High Court, however, the Madras High Court had not agreed to the same and the order dt.24.04.2017 came to be passed. Infact the calculations done by the Petitioner in their order dt.06.06.2011 were correct. (Page 116 of the Paperbook).
4. That now the Petitioners have handed over the same calculations before this Hon'ble Court, without applying their mind at all, in terms of the order dt.28.07.2017, on which day, they had taken time to seek instructions.
5. That the Respondents are Technicians and Senior Technicians and they cannot be placed in the same pay scale, as sought to be done by the Petitioners. The post of Sr. Technician is the promotional post for Technicians and as such, both the posts cannot be placed in the same pay scale. Both the posts have to be granted benefits in different pay scale. The Sr. Technician would certainly get a higher pay scale, as noted by this Hon'ble Court in its order dt.10.01.2013. (Page 130 at 137 of the paper book). Infact the Technician's pay in 1983 would be calculated at Rs.425/= (as rightly done by the Petitioner) and the pay of the Sr. Technician would be calculated in 1983 at Rs.550/=.
6. That the Petitioners are giving the actual arrears w.e.f.11.03.2014, completely ignoring the fact that the Madras High Court had passed order on 24.11.2010

and as such, the actual arrears have to be granted w.e.f.24.11.2010.

7. That as such, the calculations of the Petitioner are required to be modified as mentioned above. The Petitioner have failed to appreciate that the present S.L.P. is only against the order in Contempt and not against the order dt.24.11.2010, which has already been upheld by this Hon'ble Court and as such, the Petitioners are duty bound to implement the order dt.24.11.2010, readwith order dt.27.04.2012, passed by this Hon'ble Court.
8. That nothing have been pleaded herein which was not submitted before the High Court.
9. That in these circumstances, the present S.L.P. is liable to be dismissed. It is prayed accordingly.


SHYAM VIR SINGH
DEP. CHIEF
PRESIDENT
AIR & D.D. Technical Employees Association
Email- shyamsingh7@gmail.com. Mb- 9999279818

VERIFICATION:

Verified at New Delhi on this 24th day of August, 2017, that the contents of the above affidavit are true and correct to the best of my knowledge, being based on the official records maintained in the office. Nothing is wrong therein and nothing material has been concealed there from.


SHYAM VIR SINGH
DEP. CHIEF
PRESIDENT
AIR & D.D. Technical Employees Association
Email- shyamsingh7@gmail.com. Mb- 9999279818