

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad: Dated 4th Day of August 1999.

Coram:- Hon'ble Mr. S. Dayal, A.M.

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

O.A. 658/99 (Leading Case)

Along with O.A. 672/99, 673/99, 682/99 to 695/99

Along with O.A. 701/99, 709/99, 727/99 to 734/99,

Along with O.A. 771/99 and O.A. 821/99

Vijai Prakash Pandey  
son of Sri R.D. Pandey  
r/o 753/338 Meerapur, Allahabad  
posted as Sr. Divisional Accounts Officer,  
Provincial Division,  
Pratapgarh.

... Applicant.

Counsel for the applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the  
Secretary, Government of India,  
Ministry of Finance, New Delhi.

2. Comptroller & Auditor General,  
of India, 10 Bahadur Shah Zafar Marg,  
New Delhi.

3. Accountant General II (A& E), U.P.  
Allahabad.

4. Executive Engineer, Provision  
Division, P.W.D., Pratapgarh.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar Adv.  
(For Respondents No.1 to 3) and  
Sri K.P. Singh, Adv.  
(For Respondent No.4).

O.A. 672/99

B.D. Mishra aged about 47 years  
son of late Sri Sita Ram Mishra,

Contd. . . 2.

resident of 562-B, Mumfordganj,  
Allahabad.

... Applicant.

Counsel for the applicant: Sri A.W. Srivastava Adv. &  
Sri R.P. Singh, Adv.

Versus

1. Union of India through the  
Secretary, Government of India,  
Ministry of Finance, New Delhi.
2. Comptroller & Auditor General, of India,  
10 Bahadur Shah Zafar Marg,  
New Delhi.
3. Accountant General II (A&E)  
U.P. Allahabad.
4. The Executive Engineer,  
Irrigation Division-I,  
Allahabad.

... Respondents.

Counsel for the Respondents:-Sri Amit Sthalekar Adv.  
(For Respondent No.1,2 &3)

Sri K.P. Singh Adv.  
(For Respondent No.4)

O.A.673/99

R.S. Misra son of Sri J.P. Misra  
aged about 49 years,  
r/o 23/47/145, Sono Nagar,  
Allanpur, Allahabad, at present  
posted as Sr. Divisional Accountant,  
Provincial Division, Varanasi.

... Applicant.

Counsel for the applicant: Sri R.P. Singh, Adv.

Versus

1. Union of India through the  
Secretary, Government of India,  
Ministry of Finance, New Delhi.
2. Comptroller & Auditor General, of India,  
10-Bahadur Shah Zafar Marg, New Delhi.
3. Accountant General II (A&E) U.P.  
Allahabad.
4. Executive Engineer  
Provincial Division, P.W.D. Varanasi

... Respondent

Counsel for the respondents:-Sri Amit Sthalekar Adv.  
(For respondent No.1 to 3)&  
Sri K.P. Singh Adv for res.4)

O.A.682/99

Rajeev Kumar Sonkar  
son of Sri Hari Lal Sonkar,  
89 Kala-danda, Himmatganj,  
Allahabad.

... Applicant.

Counsel for the applicants:- Sri K.S. Rathore, Adv.

Versus

1. Union of India, through Accountant General,  
U.P. Allahabad.
2. Deputy Accountant General (Works), A.G.U.P. Allahabad.
3. Superintendent Engineer of Works.  
Flood work Division, Gonda.
4. Executive Engineer, I & P. Division, Banda.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar Adv.  
(For Respondent No.1 to 3)

Sri K.P. Singh, Adv.  
(For Respondent No.4)

O.A.683/99

Girija Pati Shukla aged 47 years  
son of Sri Triyugi Narain Shukla,  
resident of Babina Road, Niyamat Chak,  
Gorakhpur and posted as Divisional Accounts Officer,  
Grade-I, in the office of the Superintending  
of Works (B.),  
Construction Division, P.W.D.  
Gorakhpur.

... Applicant.

Counsel for the applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the  
Secretary, Government of India,  
Ministry of Finance, New Delhi.
2. The Comptroller & Auditor General,  
of India, 10- Bahadur Shah Zafar Marg,  
New Delhi.
3. Accountant General II (A&E) U.P.  
Allahabad.
4. The Superintendent of Works,  
Temp. Division (M.H.) Construction

Contd. . . 4

P.W.D. Gorakhpur.

... Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar Adv.  
(For Respondent No.1 to 3)

Sri K.P. Singh, Adv.  
(For Respondent No.4)

O.A. 684/99

S.G. Pathak aged about 39 years,  
son of Sri R.N. Pathak, resident of  
111/3 Pulled Housing Scheme,  
Narendra Nagar, Tehri Garhwal, present  
posted as Divisional Accounts Officer II  
Office of Executive Engineer,  
Construction Division, Narendra Nagar,  
Tehri Garhwal,

... Applicant.

Counsel for the applicant : Sri R.P. Singh, Adv.

Versus

1. Union of India through the  
Secretary Government of India,  
Ministry of Finance, New Delhi.
2. Comptroller & Auditor General,  
of India, 10- Bahadur Shah Zafar Marg,  
New Delhi.
3. Accountant General II (A&E) U.P.,  
Allahabad.
4. Executive Engineer, Construction  
Division, Narendra Nagar,  
Tehri Garhwal,

... Respondents.

Counsel for the respondents: Sri Amit Sthalekar (Adv.)  
(For Respondents 1 to 3)

Sri K.P. Singh Adv.  
(For Respondent No.4)

O.A. 685/99

Pramod Kumar Mani Tripathi aged about 39 years  
son of late Sri Awadhesh Mani Tripathi, r/o Ashok Nagar  
Colony, Basarapatpur Gorakhpur.

... Applicant.

Counsel for the applicant: Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary,  
Government of India, Ministry of Finance,  
New Delhi.
2. Comptroller & Auditor General, of India,  
10-Bahadur Shah Zafar Marg,  
New Delhi.
3. Accountant General II (A & E)  
U.P. Allahabad.
4. The Executive Engineer,  
Laghu Sinchai Khand,  
Gorakhpur.

... Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar Adv.  
(For respondent No.1 to 3)  
Sri K.P. Singh, Adv.  
(For Respondent No.4)

D.A. 686/99

Ram Kamal Singh son of Sri Ram Subhag Singh,  
Resident of 739-H Old Post Office,  
Civil Lines, Basti.  
at present posted in Construction Dn.I  
P.W.D., Basti.

... Applicant.

Counsel for the applicant: Sri R.P. Singh, Adv.

Versus

1. Union of India, through the Secretary,  
Government of India, Ministry of Finance  
New Delhi.
2. Comptroller & Auditor General of India,  
10- Bahadur Shah Zafar Marg,  
New Delhi.
3. Accountant General II (A & E)  
Uttar Pradesh, Allahabad.
4. The Executive Engineer,  
Construction Division-I,  
P.W.D. Basti.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar(Adv)  
(For Respondent No.1 to 3)  
Sri M.P. Singh Adv.  
(For Respondent No.4)

Contd. ... 6.

D.A. 687/99

K.C. Sharma aged about 51 years  
son of Sri(Late) Sharda Prasad Sharma,  
resident of 573 Nirala Nagar  
Ras Bareilly at present posted as Senior Division  
Accounts Officer, Sharda Sahayak Khand 41 Ras Bareilly  
... Applicant.  
Counsel for the applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary  
Government of India, Ministry of Finance,  
New Delhi.
2. Comptroller & Auditor General, of India,  
10 Bahadur Shah Zafar Marg,  
New Delhi.
3. Accountant General II (A & E) U. P.  
Allahabad.
4. Executive Engineer,  
Sharda Sahayak Khand 41,  
Ras Bareilly.

... Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv.  
(For Respondent No.1 to 3)  
Sri K.P. Singh, Adv.  
(For Respondent No.4)

D.A. 688/99

Suresh Datt Pandey aged about 52 years  
son of late Sri Chandra Snekh Pandey, r/o Village  
Paran Jot P.U. Manganj, Sultanpur at present  
posted in the office of the Executive Engineer,  
Construction Division-2, Sultanpur.

... Applicant.

Counsel for the Applicant: Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary, Government of  
India, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India,  
10- Bahadur Shah Zafar Marg, New Delhi.
3. Accountant General, II, U.P. (A. & E)  
Allahabad.
4. Executive Engineer, Construction Division-2  
Sultanpur.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar Adv.  
(For Respondent No.1 to 3)  
Sri K.P. Singh Adv.

D.A.689/99

Krishna Narain Tandon aged about 56 years  
son of Sri Jugal Kishore Tandon,  
r/o 780 Janak Puri, Bareilly,  
Posted as Senior Divisional Accounts Officer,  
Office of the Executive Engineer, Rural Engineering,  
Division, Bareilly.

... Applicant.

Counsel for the applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India, through the Secretary  
Government of India, Ministry of Finance,  
New Delhi.
2. Comptroller & Auditor General of India,  
10- Bahadur Shah Zafar Marg, New Delhi.
3. Accountant General II (A & E) U.P.  
Allahabad.
4. Executive Engineer, Rural Engineering,  
Division, Bareilly.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar, Adv.  
(For Respondent No.1 to 3)

Sri K.P. Singh, Adv.  
(For Respondent No.4)

D.A.690/99

R.K. Pandit aged about 49 years  
son of late Sri Ram Deo Pandit, r/o Monaddipur  
(near Gurdwara) Gorakhpur at present posted as  
Divisional Accounts Officer I, In the office of  
Executive Engineer, Provincial Division, P.W.D.  
Gorakhpur.

... Applicant.

Counsel for the applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary, Ministry of  
Finance, New Delhi.
2. Comptroller & Auditor General of India,  
10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General II, U.P. (A & E)  
Allahabad.
4. Executive Engineer, Provincial Division,  
P.W.D., Gorakhpur.

... Respondents.

 Counsel for the Respondents:- Sri Amit Sthalekar, Adv.  
(For Respondent No.1 to 3)

Sri K.P. Singh, Adv.  
(For Respondent No.4)

D.A. 691/99

S.M. Ali Sabir, son of late Sri Haidar Abbas, resident of 178/24 Raid Gate Hotel Lane, Golaganj, Lucknow, at present working as Divisional Accounts Officer Grade-I, Building Division-I P.W.D. Mahatma Gandhi Marg, Lucknow.

• • • Applicant.

counsel for the Applicant: Sri R.P. Singh, Adv.

Versus

1. Union of India, through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Accountant General-II (A & E) Utter Pradesh, Allahabad.
4. Executive Engineer, Building Division, P.W.D. Mahatma Gandhi Marg, Lucknow.

• • • Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv. (For Respondent No.1 to 3)  
Sri K.P. Singh, Adv. (For respondent No.4)

D.A. 692/99

Dharam Pal Singh, son of Sri Sher Singh, R/O 123 Chutkuwala, Distt. Dehradun, at present working as Divisional Accounts Officer, Grade-I, Minor Irrigation Division, Pauri Garhwal.

• • • Applicant.

Counsel for the Applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India, through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Accountant General II (A & E) U.P. Allahabad.
4. The Executive Engineer, Minor Irrigation Division, Pauri Garhwal.

• • • Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv. (For Resp. 1 to 3)

Sri K.P. Singh, Adv. (For resp. No.4)

D.A. 693/99

Lok Nath Snukla aged about 48 years son of late Sri S.N. Snukla, r/o C-105 Rail Nagar, Jail Road, Lucknow. Presently posted as Divisional Accounts Officer Gr.I in the office of the Executive Eng. Construction Division, P.W.D. Lucknow.

. . . Applicant.

Counsel for the applicant : Sri R.P. Singh, Adv.

Versus

1. Union of India, through the Secretary, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Road, New Delhi.
3. Deputy Accountant General II, (A & E) U.P. Allahabad.
4. The Executive Engineer, Construction Division, P.W.D. Lucknow.

. . . Respondents.

Counsel for the respondents:- Sri Amit Sthalekar, Adv. (For Resp. No.1 to 3)  
Sri K.P. Singh, Adv. (For Resp. No. 4)

D.A.694/99

P.K. Pathak aged about 44 years at present posted Divisional Accounts Officer Grade I, in the Office of the Executive Engineer, Construction Division No.4. Sultanpur.

. . . Applicant.

Versus

1. Union of India through the Secretary Govt. of India Ministry of Finance New Delhi.
2. Comptroller & Auditor General of India, 10-Bahadur Shah Zafar Marg, New Delhi.
3. Accountant General II, U.P. (A & E ) Allahabad.
4. Executive Engineer, Construction Division No.4, Sultanpur.

. . . Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv. ( For Resp 1 to 3)

Sri K.P. Singh Adv. (For Resp. No.4)

D.A. 695/99

Arun Kumar Srivastava son of Sri Saraswati Prasad Srivastava r/o SIK/2 Sarvodaya Nagar, Allahpur, presently posted at Rural Engineering Services Division Fatehpur.

... Applicant.

Versus

1. Union of India through Comptroller and Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
2. Accountant General (A & E) U.P. Allahabad.
3. DAG Works, Office of Accountant General (A & E) II U.P. Allahabad.
4. Executive Engineer Rural Engineering Services, Division Fatehpur.

... Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv.  
(For Resp. 1 to 3)

Sri K.P. Singh Adv.  
(For Res. No.4)

D.A. 701/99

Uttam Singh aged about 48 years son of Sri Umda Singh r/o 548 Nai Basti Siukohabad. Firozabad posted as Divisional Accounts Officer Grade I, Office of the Executive Engineer, Minor Irrigation Division, Firozabad.

... Applicant.

Counsel for the applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General II ( A & E ) U.P. Allahabad.
4. Executive Engineer, Minor Irrigation Division, Firozabad.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar, Adv.  
(For Res. 1 to 3)

Sri K.P. Singh, Adv.  
(For Res. No.4)

D.A. 709/99

Vindhya Vasini Yadav s/o Sri Ram Kawal Yadav,  
Village Rewana Post Sidhuli, Distt. Gorakhpur.

.. Petitioner.

Counsel for the Petitioner:- Sri B.N. Singh, Adv.

Versus

1. Union of India through Comptroller & Auditor General of India, New Delhi.
2. Comptroller and Auditor General of India,  
10- Bahadur Shah Zafar Marg, New Delhi.
3. The Accountant General ( A & E ) II,  
U.P. Allahabad
4. The Deputy Accountant General ( Works )  
the Office of the Accountant General ( A & E )-II,  
U.P.Civil Lines, Allahabad.

.. Respondents.

Counsel for the Respondents:- Sri Amiti Sthalekar, Adv.  
(For Resp. No.1 to 3)  
Sri K.P. Singh, Adv.

D.A. 727/99

Surya Nath Singh aged about 48 years son of Sri Udai Bhan Singh resident of Bakar Ko, Post Office Ahraula (Chhinanuna) Azamgarh, posted as Divisional Accounts Officer Grade-I, Office of Executive Engineer, Laghu Sinchai Khand, Bahraich

.. . Applicant.

Counsel for the Applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India,  
10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General II ( A & E )  
U.P. Allahabad
4. Executive Engineer, Laghu Sinchai Khand,  
Bahraich.

.. . Respondents.

Counsel for the Respondents: Sri Amit Sthalekar, Adv.  
(For Resp. 1 to 3 ),  
Sri K.P. Singh, Adv.  
(For Resp. No.4).



D.A. 728/99

Babu Ram aged about 49 years son of Sri Vijay Singh resident of 38/39-3, Gopalpura, Agra at present posted as Sr. Divisional Accounts Officer in the office of Executive Engineer, Provincial Division, P.W.D. Agra.

... .Applicant.

Counsel for the Applicant Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General II, U.P. ( A & E) Allahabad.
4. Executive Engineer, Provincial Division, P.W.D. Agra.

... . Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv. (For Resp. No.1 to 3)

Sri K.P. Singh, Adv. (For Res. No. 4).

D.A. 729/99

M.P. Sharma aged about 49 years son of Sri Banarsi Das Resident of Dharm Niwas, Karbala Road, Nai Basti, Bijnore, present posted as Sr. Divisional Accounts Officer, in the office of the Executive Engineer, Construction Division, P.W.D. Dhampur, Bijnore

... .Applicant.

Counsel for the applicant : Sri R.P. Singh, Adv.

Versus

1. Union of India through Secretary, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General -II (A & E) U.P. Allahabad.
4. The Executive Engineer, Construction Division, P.W.D. Dhampur Bijnore.

... . Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv. (For Resp. No.1 to 3)

Sri K.P. Singh, Adv. (For res. No.4)

O.A. 730/99

Sri Narain Rai aged about 48 years son of Late Sri Mangla Pd. Rai, resident of posted as Divisional Accounts Officer Grade II, in the Office of the Executive Engineer, Minor Irrigation Division, Ballia

... .Applicant.

Counsel for the Applicant: Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General - II ( A & E ) U.P. Allahabad.
4. The Executive Engineer, Minor Irrigation Division, Ballia.

.. . Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Sri K.P. Singh, Adv. (For Res. No. 4)

O.A. 731/99

Monan Ram Tamta aged about 46 years son of Sri Kishan Ram Tamta, R/O Village Lov, P.O. Lov Distt. Bageshwar, posted in the Office of Executive Engineer, Temporary Division, P.W.D. Nainital as Divisional Accounts Officer Grade-I.

... .Applicant.

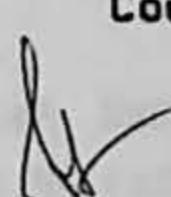
Counsel for the Applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India, through the Secretary Ministry of Finance New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General-II ( A & E ) U.P. Allahabad.
4. The Executive Engineer, Temporary Division, P.W.D. Bhawali, Nainital.

.. . Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv. Sri K.P. Singh, Adv.



D.A. 732/99

Daya Ram Singh aged about 53 years son of Sri Hardeo Singh resident of Care Sri D.P. Singh, Lane No. 11, Najibabad, Adarsh Nagar, Bijnore, posted in the office of the Executive Engineer, Construction Division, P.W.D. Najibabad, Bijnore as Divisional Accounts Officer Grade-II.

... .Applicants.

Counsel for the Applicant:- Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General, II ( A & E) U.P. Allahabad.
4. Executive Engineer, Construction, Construction Division, P.W.D. Bijnore,

... . Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv.

Sri K.P. Singh, Adv.

D.A. 733/99

Ram Baudh son of Sri M.D. Baudh, aged about 41 years resident of 86-E/3, Dabauli II, Ratanlal Nagar, Kanpur at present posted as Divisional Accounts Officer-II in the office of the Executive Engineer, Construction, Division, Kannauj .

... . Applicant.

Sri R.P. Singh, Adv. Counsel for the applicant.

Versus

1. Union of India through the Secretary, Ministry of Finance, New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General II ( A & E) U.P. Allahabad.
4. Executive Engineer, Construction Division, Kannauj.

... . Respondents.

Counsel for the respondents:- Sri Amit Sthalekar, Adv.

Sri K.P. Singh, Adv.

O.A. 734/99

Sri Prabhu Dayal Meena, Divisional Accountant son of Sri Ratan Lal, Posted under Administrative Control and management of the Accountant General U.P. In the office of the Executive Engineer, Lower Mot Branch Dn. Ganga Canal, Near Collectorate, Agra Road, Mathura (U.P.) Permanent Home address: Village Muna Pura, Post- Kot, Distt. Dausa (Rajasthan).

... Applicant.

Counsel for the applicant:- Sri Rakesh Verma, Adv.

Versus

1. The Comptroller & Auditor General of India, New Delhi.
2. The Accountant General-II, (A & E), Uttar Pradesh, Allahabad. U.P.
3. The Executive Engineer, Lower Mot Branch Dn. Ganga Canal, Near Collectorate, Agra Road, Mathura

... Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Sri K.P. Singh, Adv.

O.A. 771/99

Rakesh Kumar Saxena aged about 46 years son of Sri H.S.L. Saxena, Resident of B-115 Opposite Mandir, New Agra, Agra, presently working as Divisional Accounts Officer Gr.I in the office of the Executive Engineer, Construction, P.W.D. Agra.

... Applicant.

Counsel for the applicant : Sri R.P. Singh, Adv.

Versus

1. Union of India through the Secretary, Ministry of Finance New Delhi.
2. Comptroller & Auditor General of India, 10- Bahadur Shah Zafar Marg, New Delhi.
3. Deputy Accountant General, II ( A & E) U.P. Allahabad.
4. Executive Engineering Constructio Division, P.W.D. Agra.

... Respondents.

Counsel for the respondents:- Sri Amit Sthalekar, Adv. Sri K.P. Singh, Adv.

D.A. 821/99

Shiv Prakash son of Sri Pyare Mohan,  
r/o 6B/179 Awas Vikas Colony, Badhpur  
Farrukhabad, presently posted as Divisional  
Accounts Officer Grade I, Provincial Division,  
P.W.D. Kannauj.

... .Applicants

Counsel for the Applicant:- Sri S.Srivastava, Adv.

Versus

1. Union of India through Comptroller and Auditor General of India, 10- Baadur Shan Zafar Marg, New Delhi.
2. Dariyao Singh Nehra, Accountant General ( A & E ) II U.P. Allahabad.
3. Deputy Accountant General (Works) Office of Accountant General ( A & E ) II U.P. Allahabad.
4. Executive Engineer Provincial Division Kannauj, Distt. Kannauj.
5. Hiranmai Chatterji Divisional Accounts Officer, Gr-I Irrigation Division Fatehpur.

.Q.. Respondents.

Counsel for the Respondents:- Sri Amit Sthalekar, Adv.  
Sri K.P. Singh, Adv.

Order (In open court)

(By Hon'ble Mr. S. Dayal Member (A)

In this bunch of D.As., the applicants have filed application against the transfer orders issued posting them in various grades as Senior Divisional Accounts Officer or Divisional Accountants in three grades to divisions in the State. The applicants have prayed for cancellation of transfer orders on various grounds.

2. Sri R.P. Singh, Sri Siddharth Srivastava Sri Rakesh Verma Sri K.S. Rathore and Sri A.V. Srivastava appeared for the applicants and Sri Amit Sthalekar for respondents No. 1 to 3 and Sri K.P. Singh for respondent No.4 appeared. Their arguments have been heard. We had called for certain record

from the office of Accountant General. That has also been taken into consideration.

3. While the O.As. were under consideration a Notification of Election Commission dated 12.7.99 was issued in which the Election Commission had directed that there would be a total ban on the transfer of all officers/officials connected with the conduct of Elections. It has also been mentioned in this Notification that the transfer orders issued in respect of the above category of officers prior to the date of announcement but not implemented till date should not be given effect without obtaining specific permission from Election Commission of India in this regard. The net effect of this Notification is that the transfers have been put on hold till the Election process is completed because the officers concerned are officials concerned who are involved in the Election process as Presiding Officers and Polling Officers etc.

4. The learned counsels for the respondents have not shown any permission of the Election Commission hence averments of the learned counsel for the applicants are that the applicants are still performing their duties on the posts which were held previously by them.

5. We, therefore, direct that the orders of transfer of the applicants may not be implemented till election process is over. In the meanwhile the respondents shall consider representations of the applicants if made within two weeks from the

date of this order and shall pass a reasoned order on the representations with regard to their transfers within a period of four weeks from the date of receipt of representations. If the applicants do not represent, they shall be deemed to have accepted their order for transfer and may be dealt with accordingly. With these directions the bunch of D.As. stands disposed of. There shall be no order as to costs.

6. The original record of transfer which had been produced by the learned counsel for the respondents has been returned to learned counsel for the respondents at the time this case was considered by us today.

sd/  
m

sell  
mm