

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE T.A. No. 1096of 1987
W.P. No. 5909/1982

Name of the parties Mrs. Veena Bhatia

.....Applicant.

Versus.

Union of India and othersRespondents

Part A

Description of documents

1 -	Check List.	-	A 1 to 43
2 -	order sheet	-	A 4 to 49
3 -	Judgment 04-07-89	-	A 10 to A 21
4 -	petitions	-	A 22 to A 38
5 -	Annexure	-	A 39 to A 71
6 -	Vakalatnama	-	A 72 to
7 -	Applications No. 12566	-	A 73 to A 74
8 -	order sheet	-	A 75 to A 76
9 -	Counters	-	A 77 to 111
10 -	Written argument o.p. No. 1006	-	A 112 to A 118
11 -	Replies	-	A 119 to A 126

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for
consignment to the record room (Decided) *Re Check*

Date : 26-07-11

Countersigned

Veena Bhatia
16/8/11

Section Officer/Court Officer.

Signature of the
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE 1096 OF 19.87 (T)

NAME OF THE PARTIES

Mrs. Veena Bhatia

Applicant

Versus

Union of India & Others

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	General Index	A-1 to A-3
2	Order Sheet	A-4 to A-9
3	Judgment with office form	A-10 to A-21
4	Petition	A-22 to A-38
5	Annexure	A-39 to A-71
6	Vakalatnama	A-72
7	Application No. 12566	A-73 to A-74
8	Order Sheet	A-75 to A-76
9	Counter	A-77 to A-111
10	written arguments O.P. No. 1 to 6	A-112 to A-118
11	Rejoinder	A-119 to A-126
12		
13		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated, 21/5/11

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

A1

Nature and number of case W.P. No. 5909. 82Name of Parties Mrs. Keena Bhatia vs. Union of IndiaDate of Institution 3-12-82.

Date of decision _____

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	Rs. P.			
1		W.P. with annex and affidavit	51	-	102.00			
2		Power	1	-	5.00			
3		Conch. 12566 (w) 082.	2	-	5.00			
4		Conch. 4205 (w) 083 with cert.	33	-	7.00			
5		Memo	1	-	5.00			
6		Arch & Seal	1	-	-			
7		Barclony	1	-	-			

I have this

day of

198

examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear court-fee stamps of the aggregate value of Rs. , that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim

Date _____

Clerk

A2

9356

Group A - 15 (h)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW. 9

Writ Petition No. 596 of 1982.

~~17703~~
Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

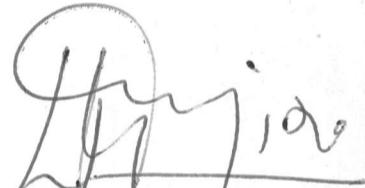
I N D E X

Sl.No.	Particulars	Page No.
1.	Writ Petition	.. 1 - 17
2.	Annexure-1 (Appointment letter dt. 16.5.72)	.. 18 - 21
3.	Annexure-2 (Representation dt. 22.2.78 made by the petitioner)	.. 22 - 23
4.	Annexure-3 (Another representation dt. 1.2.79)	.. 24 - 26
5.	Annexure-4 (Reminder dt. 24.3.79)	.. 27
6.	Annexure-5 (Reminder-representation dt. 4.8.79)	.. 28
7.	Annexure-6 (Letter dt. 13.8.79 issued by S.A.-I(Coord))	.. 29
8.	Annexure-7 (Letter dt. 8.8.80 written by S.E. P&T Civil Circle, New Delhi to S.E.Civil,Lko.)	.. 30
9.	Annexure-8 (Order dt. 13.1.78 circulating the seniority list)	.. 31 - 33
10.	Annexure-9 (Letter dt. 11.3.82 issued by S.A.I(Coord)P&T, New Delhi)	.. 34
11.	Annexure-10 (Letter dt. 6.8.82 issued by S.E. P&T Civil, New Delhi)	.. 35 - 36
12.	Annexure-11 (Letter dt. Aug.19, 1980 issued by S.E. Civil., Lko)	.. 37 - 38
13.	Annexure-12 (Representation dt. 14.10.80 made by the O.P. No.7)	.. 39-40
14.	Annexure-13 (Appeal of the petitioner)	.. 41 - 43
15.	Annexure-14 (Letter dt. 18.10.82 issued by S.E. P&T Civil Circle, ND treating the petitioner to be in the strength of Delhi P&T Civil Circle)	.. 44 - 45

(A3)

Sl.No.	Particulars	Page No.
16.	Annexure-15 (Letter dt. 29.4.80 deciding the dispute in regard to Ahemdabad Civil Circle) ..	46 - 47
17.	Annexure-16 (Order dt. Feb. 19, 1981 confirming the Opp- party no. 7) ..	48
18.	Annexure-17 (Letter dt. 4.10.80 issued S.E. P&T Civil Circle, New Delhi to D.G. P&T, New Delhi) ..	49
19.	Affidavit to the writ petition ..	50 - 51
20.	Application for interim relief ..	52 - 53

Dated Lucknow:


(DR. L.P. MISRA)

November 20 1982.

COUNSEL FOR THE PETITIONER.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT JUJNO.

AM

O.A./T.A. No. 1096 1987

Mrs. Veena Bhatia Applicant(s)

Versus

Respondent(s)

Sr. No.	Date	Orders
	25.1.89	<p>Hon. D.S. Misra, Am Hon. C.S. Sharma, J.M</p> <p>Sri L.P. Misra, learned counsel to the applicant is present and his arguments have been heard. Sri Dinesh chandra, Advocate appears on behalf of Union of India and states that he has received the brief of this case only today and be allowed to file and written argument along with verbatim. He is allowed to do so ^{within a week} after serving its copy on the learned counsel to the applicant.</p>

Judgment reserved.

AM

Recd. of Judgment
Copy sent to
D.S. 25.1.89
25.1.89
Filed for record
T.D.C. 25.1.89

AS

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

..... NO. 1096/87(T) OF 198

..... VS

Serial Number of Order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	<p>Order of Court</p> <p>An application has been filed in this Tribunal for transferring the case No. 1096/87(T) of to the Circuit Bench, Lucknow. It is ordered, 27th May 1988 may kindly be filed for hearing at Circuit Bench, Lucknow. In this regard the notices may be sent to the parties concerned.</p> <p><u>From</u> Visit this case before DRJ for orders on 27-5-88, at Circuit Bench Lucknow.</p> <p><u>27-5-88</u></p>	<p>DRJ</p> <p>OPR V 27-5-88 R.A. filed not for hearing DRJ</p>
	<p>Counsel for Both the parties are present. C.R. is on the record. R.A. has not yet been filed. It is this case for Trial hearing on 18-7-88, in the meantime if the counsel for applicant wants to file R.A. we can do so.</p>	<p>DRJ</p>
10/10. 88	R.A. has been not filed	<p>DRJ</p>

DRJ
10/10

A6

Date of Order	ORDER WITH SIGNATURE	Office note to action (if any) taken on order
18-7-88	<u>Hon. Ajay Dohri, A.M.</u>	
26/8/88	<u>Hon. A. John, A.M.</u> <u>Hon. G. S. Sharma, J.M.</u>	<p>31 AM.</p> <p><u>AB</u></p> <p>Heard learned counsel for the parties.</p> <p>The stay order granted on 3.12.82 is modified to the extent that the respondents can make the promotions and transfers but they may be subjected to the final order of this case.</p> <p>Learned counsel for the applicant <u>prays</u> for and is allowed 15 days time to file a rejoinder affidavit.</p> <p>List this case for hearing on 25.10.88.</p> <p>J.M. 31 AM.</p>

Lucknow Bench.

Order - sheet

(A7)

T.A. No. 1096/87(T)

26.8.88

Hon. A. John, A.M.

Hon. H. S. Sharma, J.M.

On the request of the learned counsel for the applicant the matter was taken up again in regard to modification of the interim order. v. k. chowdhury, learned counsel for the respondents was also heard. It is further ordered that the respondents will not transfer the applicant in this application till the next date of hearing.

J.M.

3
A.M.

M

Mr. V. K. Chowdhury
needs the copy
of order dt
26.8.88
on behalf of respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

(A 8)

C.A./T.A. No. 1096 1987 (T)

Mrs. Veena Bhatia

Applicant(s)

Versus

U.O.E. Fer

Respondent(s)

Sr. No.	Date	Orders
	25-X-88	On the request of parties, the case is adjourned to <u>22-12-88</u> for hearing.
	28-X-88	<p>Hon. D.S. Misra, A.M. Hon. G.S. Sharma, J.M.</p> <p>An application for extension of the stay order beyond 25.10.88 has been filed on behalf of the applicant.</p> <p>We have heard learned counsel for the parties and order that the interim order passed on 25.10.88 will continue.</p> <p>List this case for hearing on 25.11.1988 instead of 22.12.88.</p> <p>h</p>
	25-11-88	<p>Hon. D.S. Misra, A.M. Hon. G.S. Sharma, J.M.</p> <p>On the request of the learned counsel for the respondents (Shri V.K. Chandhary) the case is adjourned to 24-1-89. The stay order dated 26-8-88 will remain in force till the next date of hearing.</p> <p>h</p>

Alka

J.M.

A.M.

T. M. Tewari
has no objection
copy of order dt
20.11.88
on behalf of respn

Shri V.K. Chandhary
has no objection
copy of order

Rey

24.1.89.

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

Hon. G. S. Sharma, J.M.

Shri L. P. Sinha for the applicant
Shri B. S. Randhava for the respondent
are present. On the request of the
parties the case is adjourned
to 25/1/1989.

bz

ITM

A.M.

Rey

25.1.1989

Hon. D. S. Misra, A.M
Hon. G. S. Sharma, J.M

Heard Sri L. P. Mishra, learned Counsel
for the applicant.
Shri K. C. Sinha for the respondents
requests for further time to file reply and
also requests for being supplied a
copy of the Contempt petition. If a
spare copy of the Contempt petition is
available the same may be given

A 10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

(8)

D.A. No. 1096

1987

DATE OF DECISION _____

Mrs. Neena Bhatia Petitioner

CP Myss Advocate for the Petitioner(s)

Versus

U27 Respondent

S. D. Shashikant Chendan Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D. N. Joshi, J.S.C.

The Hon'ble Mr. G. S. Sharma, J.S.C.

- 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- 2. To be referred to the Reporter or not ?
- 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- 4. Whether to be circulated to other Benches ?

Dinesh/

All

LUCKNOW BENCH

Reserved

Central Administrative Tribunal, Allahabad

Registration T.A.No. 1096 of 1987 (W.P.No.5909 of 1982)

Mrs. Veena Bhatia ... Petitioner

Vs.

Union of India & 6 others ... Respondents.

Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

(BY HON. G.S.SHARMA, JM)

This writ petition under Article 226 of the Constitution of India has been received on transfer from the Lucknow Bench of High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The relevant facts of this case in brief are that the Petitioner was initially appointed as Stenographer on a temporary post in the Architectual Wing (P&T) by the Sr. Architect I (Coordination) P&T, New Delhi and was posted at Lucknow in May 1972. She joined her duties as such at Lucknow on 20.5.1972 and has not been confirmed in her post so far. In 1973, the Civil Circle P&T Lucknow was created. In 1978, the Director General P&T New Delhi issued a letter dated 20.1.1978 containing a policy decision stating that the Ministerial Staff of the Electrical Division and Architect Section shall be governed and controlled by the Civil Circle concerned and the Civil Circle shall be the coordinating authority relating to the services of the Ministerial Staff of the Civil Division, Electrical Division, Architect Section. On the creation of the Civil Circle at Lucknow, the Petitioner was not taken on the strength of this circle and she continued to be under her parent Architectual Wing New Delhi. The Private Respondent No.7 A.K.Dixit was likewise appointed as a Stenographer on a temporary post

.2.

in the office of the Executive Engineer P&T Civil Division Lucknow by the Superintending Engineer P&T Civil Circle III, Calcutta in 1972 and he had joined on that post on 7.8.1972 a little more than 2 months after the Petitioner. On the creation of the Lucknow Civil Circle, the Respondent No.7 was transferred to that Circle and after taking into consideration the position of his seniority in that circle, he was confirmed on his post on 19.2.1981. Thereafter on the basis of his seniority, the Respondent no.7 was promoted as Personal Assistant (for short PA) to the Superintending Engineer Civil Circle, Lucknow vide order dated 27.2.1979.

3. Even after the creation of the P&T Civil Circle at Lucknow in Aug.1972, which started functioning in 1973, the Petitioner continued to be attached to the P&T Civil Circle New Delhi and after a lapse of about 5 years, she made a representation to the Chief Engineer P&T Civil, New Delhi on 22.2.1978, copy annexure 2, for attaching her to the P&T Civil Circle Luckinow. When she did not receive any response, a number of reminders were sent by her for the same. On 13.8.1979, the Senior Architect I Coordination P&T, New Delhi- Respondent no.5 informed the Petitioner through the Regional Architect P&T, Lucknow- Respondent no.6 that the existing system was for administrative convenience and the representations

located within the jurisdiction of an independent Civil Circle shall remain under the coordination control of that Circle and necessary action to adjust the staff of his circle be taken at his end. The contention of the Petitioner is that in accordance with the policy decision of the Director General, P&T conveyed through his letter dated 20.1.1978 and this letter of the Respondent no.3, the Petitioner should have been brought under the coordination control of the Respondent no.4 but this was not done and the Respondent nos.1 to 6 wrongly continued to treat her in the seniority list of the Civil Circle New Delhi as a result of which, she was treated junior to the Respondent no.7 and she was deprived of the benefit of confirmation and promotion.

5. On receiving the letter dated 8.8.1980- (annexure 7) from the Respondent no.3, the Respondent no.4 sought some clarification from him vide his letter dated 19.8.80, copy annexure 11, as in his opinion, on merging the Ministerial Staff of the Architectual Wing Lucknow with the Ministerial Staff of Civil Circle, problems of seniority, confirmation etc., were likely to arise. Certain other Stenographers working under the Civil Circle Lucknow also made representations to the Director General P&T on 14.10.1980, copy annexure 12 for considering certain implications of the proposed merger of the Architect Wing with the Civil Circle Lucknow. This representation was made keeping the case of the Petitioner in mind as on merger she could claim seniority over them. The Respondent no.3 vide his impugned letter dated 18.10.1982 copy annexure 14, ultimately informed the Petitioner through the Respondent no.4 that her case for bringing her under the coordination control of the Civil Circle Lucknow had been examined at length and as in Aug. 1977 the options were invited by him from the officials of Civil Circle Lucknow and the Petitioner did not give

her option she continued to be under the Civil Circle New Delhi and her request for bringing her under the Civil Circle Lucknow could not be accepted. The letter also indicated that separate orders were being issued for transferring her from Lucknow to the jurisdiction of the Superintending Engineer (C) Delhi. Aggrieved by this reply, the Petitioner filed this writ petition on 20.11.1982 with a prayer that the said order dated 18.10.1982 of the Respondent no.3 as well as the promotion order dated 27.2.1979 of the Respondent no.7 as PA be quashed and the Respondent nos. 1 to 6 be directed to treat the Petitioner ~~on~~ on the strength of Civil Circle P&T Lucknow w.e.f. 1973 and she should be confirmed as Stenographer of that Circle w.e.f. 20.5.1972 on the completion of the period of her probation for 2 years. The Lucknow Bench of the High Court also issued an interim direction to the Respondents that no promotion shall be made by-passing the claim of the Petitioner and she shall also not be transferred from the Circle in which she was working. The said interim direction continued till date.

6. The petition has been contested on behalf of Respondent nos. 1 to 6 and in the reply filed on their behalf it has been stated that on the creation of the Civil Circle at Lucknow the services of the staff working in the Civil, Electrical and Architect Sections, New Delhi were transferred to Lucknow after obtaining their options. As the Petitioner did not exercise her option for transfer to Lucknow Civil Circle, she continued to be in the Civil Circle New Delhi and only as an afterthought she had made a delayed representation on 22.2.1978 for taking her on the strength of the Respondent no.4. The Respondent

no.7 was appointed for Lucknow and on the basis of his seniority in the Civil Circle Lucknow, he was confirmed and given the promotion and the Petitioner cannot claim herself to be senior to him. The seniority of the Petitioner was determined with the other staff of the Civil Circle New Delhi in 1977 showing her at sl.no.17, vide copy annexure A-7, showing her as ~~as~~ quasi-permanent against which the Petitioner had not made any representation. A seniority list of the Stenographers of Civil Circle Lucknow was separately prepared on 11.8.1977 vide copy annexure A-6 and the name of the Petitioner was not mentioned therein and the Respondent no.7 was shown to be the seniormost among the 5 Stenographers of that Circle. The request of the Petitioner made in 1978 for change in her Coordination Circle was not found reasonable and as such her request could not be acceded to. The orders of the Director General P&T laying down general policy regarding coordination did not cover the specific cases and as she failed to exercise her option for Lucknow Civil Circle in time, she is not senior to the Respondent no.7 and she is not entitled to the reliefs claimed.

7. In her Rejoinder Affidavit, the Petitioner has further stated that her name should have been brought in the list of the Ministerial Staff of the Civil Circle Lucknow in accordance with the uniform policy decided by the Director General P&T vide his letter dated 20.1.1978 and her name was already struck off from the list of Ministerial Staff of the Civil Circle, New Delhi in accordance with the policy laid down by the Director General as appears from the letter dated 16.11.1979, copy annexure R, issued from the P&T Civil Circle, New Delhi and she is, thus, senior to the Respondent no.7 and is entitled to the reliefs claimed.

8. After carefully going through the record in the light of the contentions raised on behalf of the parties before us, we find that the main question arising for determination in this case is whether in accordance with the policy decisions dated 20.1.1978 and 29.4.80 of the Director General P&T, New Delhi, the Petitioner should have been brought under the coordination control of the Respondent no.4. It is apparent from the record that when the Petitioner was inducted into service in 1972, she was attached to the Civil Circle New Delhi and when the new Civil Circle at Lucknow was brought into operation in 1973, there ~~was~~ no policy decision of the Director General on the point in controversy. It was, therefore, natural for the authorities to take options from the concerned employees for the newly created circle at Lucknow and the Superintending Engineer, P&T, Circle No.4, New Delhi accordingly sent a letter on 22.11.1972, copy annexure A-1, to the Superintending Engineer, Civil Circle I, New Delhi Sr. Architect-I (Coordination) P&T, New Delhi and all Executive Engineers under him in Circle No.4 asking them to furnish the names of the volunteers opting for the newly created circle within 10 days. Annexure A-2 shows that one Peon working in the office of the Regional Architect P&T Lucknow had exercised his option in pursuance of this letter and the Annexure A-3 further shows that his option was forwarded by the Asstt. Architect Lucknow to the Sr. Architect I, Coordination New Delhi. As rightly contended on behalf of the Respondents, the Petitioner was working as a Stenographer in the Architectual Wing at Lucknow at that time and she is supposed to know about the options called for in this connection from the employees working at Luck-

now but she did not exercise her option to work in the newly created Circle. We are unable to accept her stand in this connection that such letter was never brought to her notice and no option was ever called for from her. The documents furnished by the Respondents in this connection belie her stand and go to show that in fact this formality was observed and as the Petitioner had failed to exercise her option, she continued to be under the coordination control of her parent office, New Delhi. It is, thus, evident from the own conduct of the Petitioner that before 22.2.78 the Petitioner never claimed herself to be an employee attached to the Civil Circle Lucknow, though it was created in 1973 and for the first time by her representation dated 22.2.1978, copy annexure 2, addressed to the Chief Engineer P&T Civil, New Delhi, she had requested that her administrative control should be under the Superintending Engineer, P&T, Civil Circle, Lucknow.

9. According to both the parties, vide his letter dated 20.1.1978, the Director General P&T New Delhi circulated the policy decision that the Ministerial Staff of Electrical Division and Architect Section shall be governed and controlled by the Civil Circles concerned and the Civil Circle shall be the coordinating authority for all purposes relating to the services of the Ministerial Staff of the Civil division, Electrical Division and Architect Section as stated in para 4 of the petition. The letter dated 20.1.1978 of the DG P&T which appears to be a very material document for the purposes of this case, has, however, not been placed on record by any party and in para 3 of the counter affidavit the contesting Respondents simply stated that the DG P&T had only clarified the position of retaining the ministerial staff of Electrical/Architect with the local Civil Circles for coordinating purpose as a policy measure under letter dated 20.1.1978. It is further alleged

by the Petitioner that this letter of the DG P&T was clarified by him by issuing another letter dated 29.4.1980 as stated in para 10 of the petition but even a copy of this letter of the DG P&T is not available on the record. The Respondent no.3 had written a letter on 8.8.1980, copy annexure 7 to the Respondent no.4 in which a mention was made of the clarification made by the DG P&T by issuing letter dated 29.4.1980 wherein it was clarified that the Ministerial Staff attached to the Architect office located within the jurisdiction of an independent Civil Circle shall remain under the coordination control of that Circle. In the written arguments furnished on behalf of the Respondents, it has been stated that the letter dated 29.4.1980 of the DG P&T applies to those Civil Circles only which were designated as independent Civil Circles under the authority of the Directorate's letter dated 20.1.1978 and as the Lucknow Civil Circle was designated as independent Civil Circle much earlier in 1972, this policy decision is not applicable to the staff falling under the jurisdiction of the Civil Circle Lucknow. For the proper appreciation of this argument, it seems necessary that the letter dated 20.1.1978 of the DG P&T should be before us. In this way, we have been deprived of the benefit of going through two important letters issued by the DG P&T containing his policy decisions regarding the coordination control of the various circles. Due to certain practical difficulties, it now does not appear practicable to ask the parties to furnish the said letters at this stage. The office of the Respondent no.3 vide his letter dated 16.11.1979, annexure R, had informed that the names of the officials working with Regional Architect Lucknow have not been included in the seniority list since they are no longer under the coordination control of that Circle. The Respondent no.3, however, did not stick to this view later on.

10. As already pointed out above, the letter dated 8.8.80 of the Respondent no.3 aforesaid not only created some apprehensions in the minds of the staff already working in the Civil Circle Lucknow about the position of their seniority and some of them made a joint representation in this respect to the DG P&T on 14.10.1980, copy annexure 12, even the Respondent no.4 himself sought some clarification for the proper implementation of the policy decision of the DG P&T in the matter of confirmation and seniority of the staff to be brought under the Civil Circle Lucknow under the said policy decision by addressing the letter dated 19.8.1980, copy annexure 11 to the Respondent no.3. The said letter and the representations made, as above, however, do not appear to have been given any consideration and only in reply to her representation the Respondent no.3 had informed the Petitioner through the Respondent no.4 that as she did not exercise her option for the newly created Lucknow Circle and she continued to remain on the strength of the Civil Circle New Delhi, she could not be treated under the coordination control of the Lucknow Circle under the letter dated 29.4.1980 of the DG P&T. Without going through the relevant letters dated 20.1.78 and 30.4.80 of the DG P&T, we are unable to comment about the correctness or otherwise of the stand taken by the Respondent no.3 in this impugned letter. It, however, appears ~~a~~ little anomalous that even after the issue of the said letters persons belonging to separate Civil Circles are posted at a place having an independent Civil Circle and perhaps keeping this thing in view, the Respondent no.3 had decided to transfer the Petitioner from Lucknow to the jurisdiction of the Superintending Engineer (C) Delhi. In case the policy decisions of the DG P&T, as mentioned above, have no appli-

-cation to the Petitioner on account of her not exercising option for Civil Circle Lucknow on its creation in 1973 the Petitioner can have absolutely no case to challenge the validity of the impugned letter, annexure 14, or to challenge the seniority position and promotion of the Respondent no.7. On the other hand, if the provisions of the said letter show that even in the absence of an option an employee working in Architect Wing at a place where an independent Civil Circle has been created, has to be brought under the coordination control of that Circle, *inter se the other staff of such circle*, the question of his/her seniority will crop-up, which cannot be decided on any hypothetical consideration. We will like to point out that in case the DG P&T had intended so, he should have also issued specific instructions for determining the inter se seniority of the staff formerly belonging to different Civil Circles and in case it has not been done so far, he should issue the necessary instructions now keeping in view the settled norms for determining the inter se seniority of the staff in such a situation as laid down by the Hon'ble Supreme Court and this Tribunal in various cases.

11. Under the circumstances stated above, we refer *matter* to the Director General P&T, New Delhi- Respondent no.2 for taking such action as may be found necessary in the light of the observations made above within a period of 3 months from the date of the communication of this order. He shall pass speaking orders on letter dated 19.10.80, annexure 11, and representations dated 14.10.80 and 23.4.82, annexures 12 and 13 to the petition and if necessary, shall also issue necessary instructions for determining the inter se seniority of the concerned staff.

.11.

Till it is finalised, the Petitioner shall not be transferred from Lucknow to any other Circle. The case is disposed of accordingly and the parties are directed to bear their own costs.



MEMBER (J)



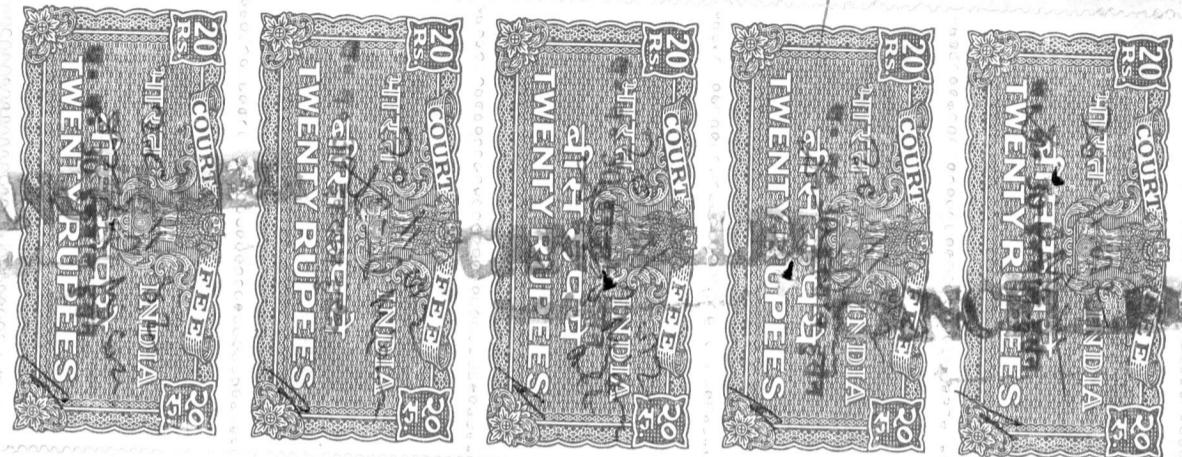
MEMBER (A)

Dated: July 4, 1989
kkb

P 22

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. 5909 of 1982.



Mrs. Veena Bhatia, aged about 29 years, wife of Sri
R.L. Bhatia, resident of 22/3 Chander Nagar, Lucknow.

... Petitioner

Versus

1. Union of India, through Secretary (Post & Telegraphs), Civil Secretariat, New Delhi.
2. Director General, Post & Telegraphs, New Delhi.
3. Superintending Engineer, Post & Telegraphs, Civil Circle, New Delhi.
4. Superintending Engineer, Post & Telegraphs, Civil Circle, Lucknow.
5. Senior Architect-I, (Coordination), Post & Telegraphs, New Delhi.
6. Architect (P.& T), Vivekanandpuri, Lucknow.
7. Sri K.K. Dixit, Personal Assistant to Superintending Engineer, P & T Civil Circle, Lucknow/ c/o Superintending Engineer, P&T Civil Circle, Vivekanandpuri, Lucknow.

... Opp-parties.



20

MBNU

Impressed

Time Adhesive Rs 100 - 00
Total Rs 100 - 00

Correct but final Court fee paper
will be made on receipt of lower
Court record.

In time up to,

Papers filed. Copy of ~~7~~ 7
Should also be filed
Middle - Bench

Last Day over on 14
Dt. 10-10-82

May in Dean. Court see that an
Order sought to be quashed
was passed at Delhi.

Aloud
20/11/82
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20/11

Hon'ble D. N. Jha, J.
Hon'ble R. C. D. S., J.

Admit. Fresh notices to
opposite parties 1 to 6 need not
be issued as the Standing Counsel
appearing on behalf of Union of
India has accepted notices on
behalf of opposite parties 1 to
6. Let notice be issued to
opposite party no. 7.

See file
3-12-82

MHS/-

Sten. Lekha
13/11

Received notice
for O.P. nos 1 to 6
for Monday, the 22nd
Nov. '82
for

Govardhan
Senior Standing Counsel
Central Govt.
20-11-82

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The petitioner, above named, most respectfully sheweth as under :-

1. That the petitioner was appointed as Stenographer in the scale of Rs. 130-300 (present R.S.) 330-560 enforced from the year 1973.

2. That the petitioner was initially placed on probation for a period of 2 years and the said probation period expired in the year 1974, as in pursuance of her appointment order dated 16.5.72 the petitioner joined her duties on 20.5.72 and the probation period was not extended for any further period. The true copy of the appointment letter is being annexed herewith as Annexure-1 to this writ petition.

3. That before the creation of Civil Circles in provinces, the services of the ministerial staff working in the Divisional Offices of Electrical Divisions, Civil Divisions and Architect Section were controlled and governed under the Civil Circle, P&T, New Delhi and after creation of the Civil Circles in Provinces, the services for promotion, recruitment and other ancillary matters of the ministerial staff were transferred to the respective Civil Circles.

4. That in the year 1973 in Uttar Pradesh, the Civil Circle, P&T, Lucknow was created and the



Recd

services of the ministerial staff like other provinces ought to have been transferred to the Civil Circle, Lucknow. It is worth mentioning here that after creation of the Civil Circles in most of the provinces the services of the ministerial staff were transferred to Civil Circles concerned for coordination purposes but at some places the ministerial staff of the Civil Circles concerned was discriminated and, therefore, a dispute arose and the persons concerned made representations and consequently the Director General, Post & Telegraphs, New Delhi issued and circulated a policy decision in the year 1978 vide letter No.10-91/77-CSE dated 20.1.78 deciding that the ministerial staff of the Electrical Division and Architect Section shall be governed and controlled by the Civil Circles concerned and the Civil Circle shall be the coordinating authority for all the purposes relating to the services of the ministerial staff of Civil Division, Electrical Division and the Architect Section.

5. That even after the proclamation of the unanimous policy decision, the petitioner who was posted as Stenographer to Architect in pursuance of her appointment letter dated 16.5.72 was not taken on the strength of the Civil Circle, Lucknow and a discriminatory treatment was given to her vis-a-vis the other counter part working in the Architect Section all over the country under different Civil Circles. Therefore, the petitioner made a representation dated 22nd Feb., 1978 to Chief Engineer, P&T Civil, New Delhi requesting that she be taken on the strength of Civil Circle,



seen

Lucknow. A true copy of the said representation is being annexed herewith as Annexure-2 to this writ petition.

6. That again the petitioner sent another representation dated 1.2.79 through proper channel, a true copy of which is being annexed herewith as Annexure-3 to this writ petition.

7. That when the petitioner could get no reply on the representation dated 1.2.79 then she again sent a reminder dated 24.3.79, a true copy of which is being annexed herewith as Annexure-4 to this writ petition.

8. That thereafter the petitioner sent several reminders such as dated 30.5.79, 4.8.79 etc. In the reminder dated 4.8.79 a reference was made to the earlier representations and a respectful request was made that the matter be looked into and decision may be communicated to her without any further delay. A true copy of the reminder-representation dated 4.8.79 is being annexed herewith as Annexure-5 to this writ petition.

9. That after sending of the reminder dated 4.8.79, the petitioner vide letter dated 13.8.79 by the Senior Architect-I (Coordination), P&T., New Delhi was informed that the representations from individuals on the subject such as in question were not entertained and the petitioner was advised to refrain herself from submitting any representation agitating



Recd

her grievance in future. A true copy of the said letter dated 13.8.79 is being annexed herewith as Annexure-6 to this writ petition.

10. That the Superintending Engineer, P&T Circle, New Delhi wrote a letter dated 8.8.80 to the Superintending Engineer, P&T Civil Circle, Lucknow intimating a that the ministerial staff attached to Architect offices located within the jurisdiction of the Civil Circles concerned shall remain under the coordination, control of that circle, as clarified vide letter No. 10-91/77-CSE dated 29.4.80 issued by the Director General, P&T., New Delhi. A true copy of the said letter dated 8.8.80 is being annexed herewith as Annexure-7 to this writ petition.

11. That the Opp-party no. 7 in pursuance of the appointment as Stenographer joined his duties as such with effect from 7.8.72 and at that time the services of the Stenographers of Civil Division, Electrical Division and Architect Section were governed and controlled by the Civil Circle, ~~MINISTRY~~ P&T., New Delhi and after the creation of the Civil Circle, Lucknow, an order dated February 19, 1981 was issued confirming the Opp-party no. 7 and one S.K. Bhatnagar with effect from 1.4.1979. Sri S.K. Bhatnagar has resigned his service in the year 1981.

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12. That the record of service of the petitioner has been excellent throughout and she has not received any adverse entry or reprimand etc. during her service career at any point of time.

13. That although the petitioner having joined her duties as Stenographer on 20.5.72 in pursuance of her appointment order dated 16.5.72, was senior to the Opp-party no. 7 who joined his duties as Stenographer w.e.f. 7.8.72 even then the confirmation of the petitioner has not been done and the order confirming the Opp-party no. 7 has been passed before confirming the petitioner.

14. That there is a selection grade of Stenographers in the scale of Rs. 425-650 and a higher promotional post known as Personal Assistant to Superintending Engineer in the scale of Rs. 425-700 was created in the year 1978 in Civil Circle, Post & Telegraphs, Lucknow and the Opp-party no. 7 on the basis of having been absorbed in the Civil Circle, P&T., Lucknow on the creation of the said circle was promoted to the said post vide letter No. 2(14)77/SEPT-Lko/1033 dated 27.2.79 ignoring the claim of the petitioner who was senior to Opp-party no. 7 and who was wrongly not taken as having been brought under the control of the Civil Circle, P&T., Lucknow.

15. That the Senior Architect-I (Coordination), P&T, New Delhi issued an order dated 13.1.78 circulating the seniority list of the stenographers of Civil Circle, P&T., New Delhi and in that list the petitioner's name was shown at Serial No. 17 and ~~xx~~ the said list was said to be the seniority list of stenographers of the Civil Circle, P&T New Delhi as on 1.1.1977. A true copy of the said order together with the said list is being annexed herewith



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as Annexure-8 to this writ petition.

16. That after issuance of the order dated 13.1.78, contained in Annexure-8 to the writ petition, the seniority of the stenographers attached to the Civil Circle, Post & Telegraphs, New Delhi were issued from time to time but the petitioner's name was not shown in the strength of that Civil Circle.

17. That, as stated above, the Civil Circle, P&T., Lucknow was created in the year 1973 and after creation of that Circle, the services of the petitioner, being a member of the ministerial staff attached to the Architect Section, ought to have been transferred and absorbed under the Civil Circle, P&T., Lucknow as was the case of different Civil Circles all over the country where such Civil Circles were created. However, after the circulation of the list contained in Annexure-8, the matter was again taken up with the authorities and the Senior Architect-I (Coordination), P&T., New Delhi vide letter dated 11.3.82 directed the Architect, P&T., Lucknow that the case of the petitioner is to be governed and controlled by the Civil Circle, P&T Lucknow and, therefore, the matter of her seniority be taken up with the Superintending Engineer, P&T Civil Circle, Lucknow. A true copy of the said letter dated 11.3.82 is being annexed herewith as Annexure-9 to this writ petition.

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18. That again the Superintending Engineer, P&T Civil Circle, New Delhi wrote a letter dated 6.8.82 to the Superintending Engineer, P&T Civil Circle,



Lucknow informing that vide letter No. 10-91/77-CSE dated 29.4.80, a policy decision was already communicated by the Director General, P&T., New Delhi directing that the ministerial staff attached to Electrical Divisions and Architect Offices located within the jurisdiction of Civil Circle shall be governed by that Civil Circle and that Civil Circle shall be the coordinating authority. In that view of the matter, it was stated in the said letter that the case of the petitioner falls within the jurisdiction of the Superintending Engineer, P&T Civil Circle, Lucknow. A true copy of the said letter is being annexed herewith as Annexure-10 to this writ petition.

19. That since an undue favour was shown to the Opp-party no. 7 by promoting him to the higher post of Personal Assistant to Superintending Engineer, P&T Civil Circle, Lucknow vide order dated 27.2.79 marring the claim of the petitioner who was senior to him and superseding the petitioner, the Opp-party no. 4 wrote a letter to the Opp-party no. 3 indicating that there was a difficulty in implementing the policy decision communicated vide letter No. 10-91/77-CSE dated 20.4.80 issued by the Director General, P&T, New Delhi directing the absorption of the ministerial staff of Civil Division, Electrical Division and Architect Section in the Civil Circle as by implementing the said decision one person will have to be demoted. A true copy of the letter dated August 19, 1980 is being annexed herewith as Annexure-11 to this writ petition.



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20. That on the instance of the Opp-party no. 4, the Opp-party no. 7 also made a representation that the Stenographer to Architect, Lucknow be not taken on the strength of the Civil Circle, P&T., Lucknow. A true copy of the said representation dated 14.10.80 made by the Opp-party no. 7 is being annexed herewith as Annexure-12 to this writ petition.

21. That a perusal of Annexure-12 itself makes it clear that in case of the implementation of the uniform policy of transfer of the control of the ministerial staff working under the Civil Division, Electrical Division and Architect Section to the Civil Circles concerned, will entitle the petitioner to demand her seniority w.e.f. the creation of the Civil Circle, P&T., Lucknow.



22. That inspite of the clear directions and the decisions communicated to the Opp-party no. 4 and inspite of the policy decision taken by the Director General, P&T., New Delhi, as stated above, the petitioner was not taken on the strength of the Civil Circle, P&T., Lucknow and, therefore, the petitioner sent an appeal in July 1982 through proper channel to the Director General, C.S.E. Section, P&T., New Delhi. A true copy of the said appeal is being annexed herewith as Annexure-13 to this writ petition.

23. That in April 1982 the Chief Engineer, P&T., New Delhi had visited Lucknow and the question of the petitioner's seniority being determined in the Civil Circle, P&T., Lucknow was taken up between the

Chief Engineer, P&T., New Delhi, Opp-party no. 4 and the Opp-party no. 5 in presence of the petitioner and after hearing the petitioner all of them expressed their point of view that after creation of the Civil Circle, P&T., Lucknow, the petitioner's seniority ought to have been considered in the Civil Circle, P&T., Lucknow and not in the Civil Circle, P&T., New Delhi. But, surprisingly, the petitioner has received a letter No. 1(156)SEP&T ND/12226-32 dated 18.10.82 stating that the petitioner continues to be on the strength of the Delhi Civil Circle and orders transferring her from Lucknow to the jurisdiction of Superintending Engineer, Civil Circle, P&T., Delhi are being issued separately. A true copy of the said letter is being annexed herewith as Annexure-14 to this writ petition.



24. That it is pertinent to note that at no point of time, the petitioner was required to give her option for being taken in the strength of the Civil Circle, Post & Telegraphs, Lucknow and at no point of time the petitioner ever expressed her option for being continued in the strength of the Civil Circle, P&T., New Delhi. On the other hand the petitioner had expressly made a ~~copy~~ written request vide her representations dated 22.2.78, 1.2.79 and the subsequent reminders dated 24.3.79, 30.5.79 and 4.6.79 etc. It is also noteworthy that the policy decision transferring the control of the ministerial staff working in Civil Division, Electrical Division and Architect Section to the Civil Circles concerned after creation of those Civil Circles was uniform

and no discrimination for pick or choose was allowed under that decision. It is also noteworthy that all over the country the same policy is being followed and the said policy has been implemented all over the country except the case of the petitioner and the only reason for that discrimination appears to be the wrong promotion given to the Opp-party no. 7. A similar dispute arose in regard to the ministerial staff of Electrical Division and Architect Office, Ahmedabad after creation of the Civil Circle, P&T., Ahmedabad and it was informed vide letter No. 10-91/77-CSE dated 29.4.80 that the Civil Circle shall be the coordinating authority for the purposes of recruitment, promotion etc. A true copy of the said letter deciding the dispute in regard to the Ahmedabad Civil Circle is being annexed herewith as Annexure-15 to this writ petition.

25. That the order dated Feb. 19, 1981 confirming the Opp-party no. 7 as Stenographer w.e.f. 1.4.79 is being annexed herewith as Annexure-16 to this writ petition. (The petitioner has reasons to believe that the letter dated Feb. 19, 1981 has actually been passed and issued in the year 1982 and the same has been ante-dated.)

26. That after the pronouncement of the uniform policy of merger of the ministerial staff of the ~~RAE~~ Regional Architect and Electrical Division in the Civil Circle, P&T., Lucknow after creation of the said Circle, the Superintending Engineer, P&T Civil Circle, New Delhi had written a letter



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dated 4.10.80 to the Opp-party no: 2 for taking a decision in regard to the merger of the ministerial staff of the Regional Architect Office, Lucknow with that of Civil Circle, P&T., Lucknow. A true copy of the said letter is being annexed herewith as Annexure-17 to this writ petition.



27. That in the whole Civil Circle, P&T., Lucknow the petitioner is the senior most Stenographer and there is no other person senior to her.

28. That the impugned order dated 18.10.82, contained in Annexure-14 to the writ petition has been served on the petitioner on 3.11.82.

29. That the petitioner because of the discrimination being shown to her is suffering an irreparable loss and injury and hence begs to prefer this writ petition on the following amongst other ;

- : G R O U N D S :-

i) Because the ministerial staff attached to the Electrical Division and the Architect Section of a Regional Office of Post & Telegraphs, was attached with the Civil Circles concerned as and when such Civil Circles were created and, therefore, on the creation of the Civil Circle, P&T., Lucknow in the year 1973, the petitioner legally ought to have been taken on the strength of the Civil Circle, P&T., Lucknow. A uniform policy decision to that effect was also taken

by the Director General, P&T., New Delhi, which is the competent authority, vide letter No. 10-91/77-CSE dated 20.1.78.

- ii) Because the act of not treating the petitioner in the strength of Civil Circle, P&T., Lucknow is discriminatory as the ministerial staff working under the Electrical Division and Architect Section at the time of the creation of a Civil Circle has been taken in the strength of such Civil Circle after creation of the same and the act of not taking the petitioner on the strength of Civil Circle, P&T., Lucknow is violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 16 of the Constitution of India.
- iii) Because the Opp-party no. 7 was also governed by the Civil Circle, P&T., New Delhi at the time of his appointment as Stenographer as was the petitioner at the time of the creation of Civil Circle, P&T., Lucknow. By promoting the Opp-party no. 7 to the higher post of Personal Assistant to Superintending Engineer, Civil Circle, P&T., Lucknow in the higher scale of pay and by not treating the petitioner, who is senior to the Opp-party no. 7, in the strength of the Civil Circle, P&T., Lucknow, the Opp-parties are actually blowing hot and cold from the same mouth at the same time.
- iv) Because the impugned order dated 18.10.82 passed

by the Opp-party no. 3 is against and contrary to the earlier orders passed by the same authority contained in Annexures- 10 and 17 to the writ petition and in the circumstances of the case, it is abundantly clear that the act of refusal from treating the petitioner in the strength of Civil Circle, P&T., Lucknow is only to camouflage and graving the illegal action of the Opp-parties in wrongly promoting the Opp-party no. 7 and superseding the petitioner by that act.

v) Because the malafides and arbitrariness shown by the Opp-parties is further evident from the very fact that the order confirming the Opp-party no. 7 as Stenographer was passed before the confirmation of the petitioner as such although she was much senior to Opp-party no. 7. That arbitrariness and malafides is further evident from the fact that even after the resignation of Sri S.K. Bhatnagar, orders confirming the petitioner have not been issued although the work and conduct of the petitioner in service has been excellent and unblemish throughout.

✓ vi) Because the petitioner, as per own policy decision of the Director General, P&T., New Delhi, is to be taken on the strength of Civil Circle, P&T., Lucknow and not treating the petitioner as such, is not only discriminatory but is arbitrary and malafide also in the circumstances of the case.

vii) Because a perusal of the impugned order, contained in Annexure-14 to the writ petition, makes it clear that the steps for transferring the petitioner to the strength of Civil Circle, P&T., New Delhi are being taken which cannot legally be done as per own policy decision taken in the matter which policy is being adhered to all over the country.

viii) Because after passing of the order dated 13.1.78, contained in Annexure-8 to the writ petition, the seniority list of Stenographers attached to and controlled by the Civil Circle, P&T., New Delhi were issued from time to time but the petitioner's name was not shown in the strength of that Civil Circle and this also clearly indicates that after the uniform policy decision taken by the Director General, P&T., New Delhi and after the creation of the Civil Circle, P&T., Lucknow, the petitioner was transferred to the strength of Civil Circle, P&T., Lucknow. Thus, it is abundantly clear that the impugned order, contained in Annexure-14 to the writ petition, has simply been passed in order to give a colour to the illegal act of promotion of Opp-party no. 7 which was done by superseding the petitioner.

✓

ix) Because the policy decision taken by the Director General, P&T., New Delhi, which is the higher authority and which is the competent authority, cannot legally be over-ridden by the subordinate authorities, such as, Opp-parties 4 and 5 and

the Opp-parties 4 and 5 are under the legal obligation to adhere to the policy decision taken by the Director General, P&T., New Delhi.

- : P R A Y E R :-

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased ;

- a) To issue a writ, order or direction in the nature of certiorari :-
 - i) quashing the order dated 18.10.82 passed by the Opp-party no. 3 (contained in Annexure-14 to the writ petition).
 - ii) quashing the promotion of Opp-party no. 7 to the post of Personal Assistant to Superintending Engineer, P&T., Civil Circle, Lucknow vide letter No. 2(14)77/SEPT-Lko/1033 dated 27.2.79, after summoning the original of the same from the Opp-parties.
- b) To issue a writ, order or direction in the nature of mandamus commanding the Opp-parties to treat the petitioner in the strength of Civil Circle, P&T., Lucknow with effect from 1973 when that Circle was created and to confirm the petitioner as Stenographer of that Circle w.e.f. 20.5.72.
- c) To issue a writ, order or direction in the nature of mandamus commanding the Opp-parties

not to pass any order prejudicial to the interest of the petitioner by treating her in the strength of Civil Circle, P&T., New Delhi.

- d) To award the cost of this petition in favour of the petitioner.
- e) To issue any other writ, order or direction which this Hon'ble Court deems fit and proper in the circumstances of the case.



(Dr. L.P. Misra)

Dated Lucknow:

Nov. 20, 1982.

Counsel for the Petitioner.

Dec 1, 1982

A39

- 18 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner

Versus

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

Annexure-1

REGISTERED

GOVERNMENT OF INDIA
Department of Communications
Post & Telegraphs Board
ARCHITECTURAL WING

Telephone Exchange Bldg.,
Second Floor, Hauz Khas.

No. CA(A)-1(2)/Lko/2521-23 Dated, New Delhi 16.5.1972.

MEMORANDUM

Subject:- Offer of Temporary Appointment.

The undersigned hereby offer Mrs. Veena Kumari Nahil a temporary post of Stenographer on a pay of Rs. 130/- per month in the scale of Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300. The appointee will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the conditions laid down in Rules and orders governing the grant of such allowances in force from time to time.



2. The appointment will take effect from the date he/she actually joins duty and will continue until further orders. He will be on probation for two years, liable to be extended by the appointing authority.
3. No. T.A. will be paid for joining the duty.

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- 19 -

4. The appointment carries with it the liability to serve in any part of India where the Architectural Wing (P&T) may have an organisation. Other conditions or service will be governed by the relevant rules and orders inforce from time to time.

5. The appointment may be terminated at any time without assigning any reasons with a month's notice. The appointing authority however reserves the right to terminate the services forthwith or before the expiration of the period of notice by making payment or a sum equivalent to the pay and allowances for the period of unexpired portion of notice. If however, he wishes to resign, he/ she will have to submit his/ her resignation and wait for its acceptance by the Govt. But in case he/ she goes away without its acceptance, he/ she will be treated as having been dismissed from service with a disqualification for future employment under Central or State Government.

6. The offer is subject to the condition that he/ she produces before joining duty a certificate of character from two Gazetted Officers of the Central or State Govt. or from a Stipendiary Magistrate of the District concerned.

7. Original certificates and Testimonials in support of education and technical qualifications, experience and age should be produced before joining duty. If he/ she is a Schedule Caste/Tribe or Anglo-Indian, he/ she should produce a certificate to that effect from the Magistrate of the District concerned.



8. He/she will have to pass the Departmental test if any.

9. If any declaration given or information furnished by the candidate is proved to be false or if the candidate is found to have will-fully suppressed any material information, he/she will be liable to removal from service and such other action as Govt. may deem necessary.

10. If he/she has been employed anywhere previously he/she will have to submit a discharge certificate from his last employer.

11. His/her appointment will be provisional subject to his/her character and antecedents being verified by the Police Authority.

12. He/she will have to take an oath of allegiance to the Constitution of India as established by law, at the time of taking up the appointment.

13. No person who has more than one wife living or who having a spouse living, marriage in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to ~~serve~~ serve and provided that the Central Government may, if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

14. He/She will have to undergo Medical Examination



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- 21 -

by the Civil Surgeon immediately after his/her joining the post to ensure his/her fitness for appointment in this Department. If however, he/she is found medically unfit, his/her services would be terminated after the expiry of the period of one month from the date of communication to him of the ~~medical~~ findings of the Medical Officer, if no appeal for a second medical examination is made by him/her during this period or after the case for second Medical Examination is finally decided, if such an appeal is made and accepted.

15. He/She will be put in charge of Records of drawings etc. whenever required.

16. He/ she shall have to produce all the certificates in original before he/ she is allowed to join duty on the post offered to him/her.

If he/ she accepts the offer on the terms given above, he/ she should communicate acceptance and report for duty to the Regional Architect, P&T., Lucknow(U.P.) on or before 25.5.72. If no reply is received or the candidate fails to report for duty by prescribed date the offer will be treated as 'CANCELLED'.

Sd. Illegible

for Senior Architect-I (Coord) P&T
New Delhi.

To :

Miss Veena Kumari Nahil

C/o Sri Rabindra Nath,

A-67/B, Railway Brahma Colony, Lucknow (UP).

Copy to :

1. P/ File of the Official.

2. The Regional Architect, P&T., Lucknow (UP).



ANU3

- 22 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. 7 of 1982.

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-2

To
The Chief Engineer,
P&T Civil,
Dak Tar Bhavan,
New Delhi-110001.

(Through proper channel).

Sub: Request for change of Administrative Control.

R/Sir,

With regards, I beg to state the following for your kind consideration:-

1. That when I joined this office in the month of May, 1972, Civil Circle, P&T, Lucknow, did not come into origin, so I was attached to the P&T Civil Circle New Delhi, unddr the control of Superintending Engineer.
2. That since all the staff of my cadre is attached to the P&T



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- 23 -

to the P&T Civil, Lucknow, instead of P&T Civil Circle, New Delhi, for I am not getting any privilege from P&T Civil Circle, New Delhi.

I shall be grateful, if your honour will look into the matter and give me favour.

Thanking you in anticipation,

Yours faithfully,

Sd/-

Dt. 22.2.73.

(Veena Bhatia)
Steno,
O/o the Regional Architect,
P&T Lucknow.

Copy for information to :-

1. The Senior Architect-I(Coord), P&T, New Delhi.

2. The Superintending Engineer, P&T Civil Circle,
New Delhi.

3. The Superintending Engineer, P&T Circle, Lucknow.

Sd/-

(Veena Bhatia).



-24-

AUS

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-3

To

The Senior Architect-I(Coord),
P&T,
New Delhi-110001.

(Through Proper channel).

Subject:- Forwarding of my representation dt. 1.2.79 to
D.G.(CSE) section, P&T, New Delhi and others.

R/Sir,

I am enclosing herewith four copies of my representation dt. 1.2.79, addressed to D.G.(CSE) Section, P&T, New Delhi, and copy endorsed to yourself, S.E. P&T Civil, New Delhi and S.E. P&T Civil, Lucknow. It is requested that same may kindly be forwarded to them.

Thanking you in anticipation.



Encl: 4.

dt. 1.2.79.

Yours faithfully,

Sd/- 1.2.79
(Mrs. Veena Bhatia)

Steno,
o/o the Regional Architect, P&T, Lucknow.

True copy.

veena

Re 6

- 25 -

To

The Director General,
(CSE) Section,
P&T,
New Delhi-110001.

(Through proper channel).

Subject:- Request for transfer of Administrative control from P&T Civil Circle, New Delhi to Civil Circle, Lucknow.

R/Sir,

Kindly refer to my representation dt. 22.2.78 (copy enclosed for ready reference), forwarded to your office by the Senior Architect-I(Coord), P&T, New Delhi vide his office letter No. GA(A)9(24)/1048-52 dt. 28.2.78.

In the above said representation, I had requested your honour to kindly arrange to put me under the Administrative Control of P&T Civil Circle, Lucknow, for the benefits of seniority etc., but till date I had not received any reply from your office.



In this connection, I had received a Office Memo. No. GA(A)9(24)/1367 dt. 28.3.78, from the Senior Architect-I(Coord), P&T, New Delhi, informing me that there is no vacancy of Steno. at present under the P&T Civil Circle, Lucknow. It is an irrelevant reply in my case, because I had not requested for my transfer in the P&T Civil Circle, Lucknow, but had requested for transfer of Administrative Control from P&T Civil Circle, New Delhi to P&T Civil Circle, Lucknow, under whose geographical jurisdiction, the office of Regional Architect, P&T, Lucknow is functioning.

I most humbly request your honour to kindly

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- 26 -

look into the matter and arrange to put me under the administrative control of P&T Civil Circle, Lucknow for benefits of my seniority etc., as I am not getting due benefits by being attached with Delhi office.

Thanking you in anticipation,

Yours faithfully,

Sd. 1.2.79

(Mrs. Veena Bhatia)

Steno.,

o/o the Regional Architect, P&T, Lucknow.

Encl- One.
Dt. 1.2.79.

Copy to :-

1. The Senior Architect-I(Coord), P&T, New Delhi for information, w.r.t. his letter referred above.
2. The Superintending Engineer, P&T Civil Circle, New Delhi.
3. The Superintending Engineer, P&T Civil Circle, Lucknow.



AN8

- 27 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mst. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

AnneXure-4

To

The Director General,
(CSE Section),
P&T,
New Delhi-110001.

Subject:- Request for transfer of Administrative control
from P&T Civil, New Delhi to P&T Civil, Lucknow.

Ref:- My letter dt. 22.2.78 and subsequent reminder
dt. 1.2.79.

R/Sir,

With due regards, I, most humbly, approaching your
honour directly, for the above said case for the
reasons given below -

That more than a year has been passed but I have
not received any communication in this regard from
your office. As referred above, I had also sent an
advance copy of my letter dt. 22.2.78 and 1.2.79,
for your honour's kind attention.

I request your honour to kindly send me a copy
of the decision, taken at your end, if any.

Once again, I request to kindly look into this
case personally and settle the case at your earliest
convenience, so that I may get the justice.

Thanking you in anticipation,

Dt. 24.3.79

Yours sincerely,
Sd/- 24.3.79
(Mrs. Veena Bhatia),
Steno.
o/o the Regional Architect,
P&T Vivekanand Puri,
Lucknow-226001.



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Aug

- 28 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-5

To
The Director General,
(CSE Section),
P&T,
New Delhi-110001 (T.P.G.)

Subject:- Request for transfer of Administrative control
from P&T Civil, New Delhi to P&T Civil, Lucknow.

Ref:- My letter dt. 22.2.78 and subsequent reminders
dt. 1.2.79, 24.3.79, 30.5.79.

R/Sir,

With due regards, I submit the following for your
honour's kind consideration & necessary action :-

That I had submitted a representation on dt.
22.2.78 regarding the above mentioned subject. Three
subsequent reminders have also been sent to your office
on dt. 1.2.79, 24.3.79 and 30.5.79.

It is stated that one and half year have been passed,
but I have not received any communication from your
office.

It is requested that you may kindly look into the
matter and decision may kindly be communicated to me.

Thanking you,

Yours faithfully,

Sd/-
(Veena Bhatia)
Steno.

Dt. 4.8.79

o/o the Regional Architect, P&T, Lucknow

Copy to :-

1. The Branch Secretary, All India P&T Civil Wing Non-Gazetted Employees Union, Circle Office Branch, Lucknow. He may refer my earlier letter dt. 30.5.79, wherein he was requested to take naction in the matter.

Sd. Veena Bhatia.

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- 29 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-6

INDIAN POSTS & TELEGRAPH DEPARTMENT
(ARCHITECTURAL WING)

6th Floor, 20 Ashoka Road,
New Delhi.

No. CA(A)9(24)/3675

Dated the 13.8.79

To

The Regional Architect,
Post & Telegraphs,
Lucknow.

Sub: Request for transfer of administrative control
from P&T Civil, New Delhi to P&T Civil, Lucknow.

Ref: Your endorsement No. Arch(P&T)LKO/1442 dt. 4.8.79
on the application dt. 4.8.79 of Smt. Veena
Bhatia, Steno.

Their representations from individuals on the
subjects such as above are not entertained. The existing
system is for administrative convenience.

The officials should refrain from submission of
such representations. Mrs. Veena Bhatia, Steno of your
office may be informed accordingly.

Sd. J.P. Garg
for Senior Architect-I(Coord) P&T
New Delhi.



- 30 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-7

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
(CIVIL ENGINEERING WING)

No. 1(136) SEP&TND/7980-82 Dt. 8.8.80

To

The Superintending Engineer,
P&T Civil Circle,
Lucknow.

Sub: Formation of new P&T Architectural unit in P&T Civil Wing strength of Ministerial group 'C' & 'D' posts.

Please refer to your letter No. 1(1)/80/SEPT.LKO/2132 dated 9.6.80 addressed to the Senior Architect-I P&T, New Delhi and a copy endorsed to this office on the subject mentioned above.

In this connection your attention is invited to the clarification issued by the DG P&T, New Delhi vide letter No. 10-91/77-CSE dated 29.4.1980 (copy enclosed) wherein it has been clarified that the Ministerial staff attached to the Architect offices located within the jurisdiction of an independent Civil Circle shall remain under the co-ordination control of that circle. Necessary action to adjust the staff under the coordination control of your circle may therefore please be taken at your end.

Encl: One.

Sd. M.S.Jain
Superintending Engineer
P&T Civil Circle, New Delhi.

Copy to :-

1. The DGP&T(CSE), New Delhi for information
2. S.A.I(P&T), Civil, New Delhi - for information along with a copy of DGP&T, New Delhi letter No. 10-91/77-CSE dt. 29.4.1980.

Sd. S.E. P&T(C).



(AS2)

- 31 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner

Versus

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

Annexure-8

INDIAN P. & T. DEPARTMENT

Office of the Senior Architect-I(Coord.),
6th floor, 20-Ashoka Road,
New Delhi-110001.

No. CA(A)/(3)/347 Dt. 13/1/78.

To

The Regional Architect,
P&T Lucknow.

The Regional Asstt. Architect,
P&T Ambala.

Subject:- Seniority List of Stenographers.

A copy of the seniority list received
from the S.E. P&T Civil Circle, New Delhi is in
respect of stenographers is enclosed for information of
the staff working in your office.

Encl: As above.

Sd. Illegible

for Senior Architect-I(Coord),
New Delhi.



SENIORITY LIST OF STENOGRAPHERS AS ON 1.1.77.

Sl. No.	Name	Whether SC/ST	Date of birth	Date of appointment in Govt.	Dt. of app. in the present grade	Office to which attached	Date of confirmation	Remarks	10
									9
1.	Sh. D.R. Arora	No.	Inter	1.9.31	21.1.56	25.5.65	1.3.69	S.S.W.I.	
2.	" N.S. Saxena	No.	Matric/Hons. in Hindi.	15.7.32	6.1.54	25.3.66	1.3.69	S.E. (Arb.)	
3.	" S.C. Madan	No.	Hr. Sec.	23.4.46	16.2.65	30.7.69	1.3.73	-On deputation to FCI.	
4.	" V.K. Khurana	No.	Hr. sec.	15.5.41	24.3.61	4.8.62	1.3.73	S.A.-I.	
5.	" S.S. Sappal	No.	Inter	1.12.42	1.9.62	18.9.65	1.3.73	S.E. (A/C).	
6.	" Mrs. Lachmi Mumtani	No.	Matric	5.8.44	26.11.63	22.1.65	1.3.73	SSW-I.	
7.	Mrs. Pushpa Mathur	No.	B.A.	31.12.45	20.1.65	1.3.69	1.3.69	SSW-II.	
8.	" Kamlesh Luthra	No.	Hr. Sec.	4.4.41	15.2.65	25.1.66	1.3.69	as LDC.	
9.	Shri Jagmohan Oberai	No.	Hr. Sec.	20.5.45	16.2.65	1.1.71	1.3.69	-do-	
10.	" Ram Nath Verma	No.	Hr. Sec.	1.5.46	9.3.66	25.3.66	1.3.71	P&T Elect. Circle.	
11.	" Gopal Krishan	No.	Hr. Sec.	10.10.45	25.3.66	25.3.66	-do-	SA.-I	
12.	" S.K. Gupta	No.	Hr. Sec.	26.8.46	1.9.66	1.11.69	1.3.71	LDC	
13.	" A.K. Sachdeva	No.	B.A.	28.11.51	16.2.70	1.4.71	1.3.73	SSW-I.	
14.	" Mrs. Inderjit Kaur	No.	B.A.	11.10.49	22.4.70	22.4.70	1.3.73	SA-I.	
15.	Sh. Jaspal Singh	No.	Hr. Sec.	1.7.49	25.4.70	25.4.70	1.3.73	SAI Relieved w.e.f.	
16.	" N.B. Pant	No.	B.A.	10.5.50	31.12.71	31.12.71	6.4.77	Quasi Pmt. on selection as Steno. in STC.I.	



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17.	Miss. Vina Kumari	No.	Inter	30.8.53	20.5.72	20.5.72	Quasi Pmt.	R.A. Lucknow under SAI.
18.	Sh.K.K. Sharma	No.	Matric	1.7.50	22.1.73	22.1.73	-do-	RAA Ambala under SAI.
19.	" Jagdish Wadhwa	No.	B.Com.	7.2.54	1.3.73	1.3.73	-do-	S.E. (A/C)
20.	" A.P.Jain	No.	Hr.Sec.	1.9.44	15.7.65	18.5.73	1.3.69 as LDC.	P&T Civil Circle.
			XXX	XXX	XXX	XXX	XXX	XXX
31.	Sh.Bijender Kumar	No.	Inter	29.6.56	8.12.76	8.12.76	-	P&T Civil Dn. Ghaziabad.



Sd/-

P.A. to Superintending Engineer
P&T Civil Circle, 2W/3, Curzon Road,
Barracks, New Delhi-110001.

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- 34 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-9

INDIAN POSTS & TELEGRAPHS DEPTT.,
(ARCHITECTURAL WING).

No. CA(A)1(3)/6384

Dt. 11.3.82.

To

The Architect,
P&T, Lucknow.

Sub:- Issue of Seniority list of Stenos. Gr. III.

A reference is invited to your office endorsement no. A(P&T) Steno/10141 dt. 12.2.82, forwarding the application of Mrs. veena Bhatia, Steno on the above noted subject.

In this connection, it is intimated that the class-III ministerial staff working in your office at Lucknow is under the coordination Circle, Lucknow. As such, the case of seniority list of Stenos Gr.III may be taken up with the S.E. P&T Civil Circle, Lucknow.

veena
Sd.

For Senior Architect-I(Coord),
P&T, New Delhi.



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- 35 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-10

INDIAN POSTS & TELEGRAPH DEPARTMENT
(CIVIL WING).

No. 1(156)SEP&T ND/8569-73 Dt. 6.8.82.

To

The Superintending Engineer,
P&T Civil Circle,
Lucknow.

Sub: Departmental test for Stenographers at the speed
of 100/120 w.p.m. for grant of one or two advance
increments- Case of Smt. Veena Bhatia, Steno in
the o/o Architect, P&T, Lucknow.

Ref: Your letter No. 1(14)SEPT-LKO/4748 dt. 9.7.82
dt. 17.7.82.

veen
A policy decision has already been circulated
by DG, P&T, New Delhi, vide their letter No. 10-91/77-
CSE dated 29.4.1980, that for the ministerial staff
attached to Electrical Divisions and Architects Offices
located within the jurisdiction of a Civil Circle,
that Civil Circle shall be the co-ordinating authority.



In view of above, the co-ordination control in
respect of Smt. Veena Bhatia, Steno, attached to the
office of the Architect, P&T., Lucknow, falls within
your jurisdiction. The test papers etc. of the official
for the test conducted by your office for grant of

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- 36 -

advance increments on acquiring higher speed received with your letter under reference are returned herewith for record in your office.

Encl: As above.

Sd. S.K. Agarwal

Superintending Engineer
P&T Civil Circle,
New Delhi.

Copy to :-

1. The Director General, P&T (CSE), New Delhi.
2. The Sr. Architect-I, (P&T) Coord. New Delhi.
3. The Architect (P&T), Lucknow.

SUPERINTENDING ENGINEER,

P&T (C).



AS7

- 37 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia ... Petitioner
Ver sus
Union of India and others ... Opp-parties.

Annexure-11

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
(Civil Engineering Wing)

No. 1(1)SO/SEPT-LKO/2940 Dated August 19th, 1980

To

The Superintending Engineer,
P&T Civil Circle, New Delhi.
Formation

Subject:- Promotion of new P&T Architectural unit in
P&T Civil Wing strength of Ministerial group
'C' & 'D' posts.

Ref:- Your letter No. 1(136)/SEP&TND/7980-82 dated
8.8.80.

According to your letter the ministerial staff of
the Architectural unit at Lucknow should stand merged
with ministerial staff of Civil Circle, Lucknow. Obvi-
ously, the staff of the Architectural unit at Lucknow
has to given its due seniority.

Firstly, it is not clear whether staff of a
particular unit, if it was earlier with some other
unit will get transferred to a coordinating unit which
is already functioning in the zone. It further needs
confirmation whether the staff of architectural
unit which was so far merged with the staff of Delhi
Circle coordination zone, will get transferred and
merged with the coordination unit of Civil Circle,



Lucknow. This clarification/confirmation should be given by the P&T Directorate being a policy decision. Secondly if this is so that ministerial staff of R.A. Lko is to be merged with the staff of Lucknow Circle, it will create many complications. For example, if the Steno attached with the Architect, Lko, is merged with the staff of Lucknow Circle, it may cause demotion of one Steno. and retrenchment of one Steno. Also so far there has been no formal proposal from the S.A.-I. in respect of merger of specific post/personnels with Lucknow Circle and thus the implication of the same could be examined in detail.

Therefore, the issue can not be settled so easily as you have felt. The whole issue needs a careful consideration and a formal proposal from the S.A.-I., the implication of which can be examined, is to be issued. It will thus be desirable that you may explain the difficulty in retaining the ministerial staff of Lucknow Architectural Unit on the strength of Delhi Co-ordination Circle to the DG P&T and Senior Architect. It should be for the S.A.-I to frame the proposal and take-up this matter of merger. It is reiterated that in the absence of formal proposal its implication cannot be studied.

Sd. U.N. Srivastava
Superintending Engineer
P&T Civil Circle, Lucknow.

Copy to :-

20.11.82

1. The D.G. P&T (CSE Section), New Delhi for information.
2. The Senior Architect-I (P&T), Sanchar Bhawan, New Delhi.

Sd. U.N. Srivastava
S.E. P&T, Civil Circle, Lko.

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- 39 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-12

Dated 14.10.80.

To

The Director General,
Post & Telegraphs,
(CSE Section),
New Delhi.

(Through proper channel)

Subject:- Absorption of Steno. to Architect (Lko)
in Civil Circle, Lucknow.

Sir,

We, the following Stenographers of Civil Circle, Lucknow have come to know that the Steno. to Architect, Lucknow has been declared surplus and now it has been proposed by S.E. (New Delhi) that the said Steno. be absorbed in Civil Circle, Lucknow along with other ministerial staff of Lucknow Architect.

It will not be out of place to mention here that if the case of Steno. to Architect (Lko) for absorption in Civil Circle, Lucknow is considered, the following technical implication may create problems for the Stenographers working in Civil Circle, Lucknow and it may also cause a great deal of frustration among us.

1. That the Steno. to Architect (Lko) will definitely demand her seniority, after she is absorbed



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finally, over those who are already working in the unit.

2. That if her case for seniority in Civil Circle, Lko. is allowed, as we calculate, this may cause demotion of one Steno. and retrenchment of another.

Now, that when number of vacancies of Stenographers are existing in New Delhi and one Chief Architect Office has also recently been created logically the Steno. to Architect (Lko.) should be absorbed in new parent unit. Her seniority is even being maintained in SE (Coordination) New Delhi.

It is, therefore, most humbly prayed that our case may please be considered in the light of above stated facts so that we are not put on the path of frustration without any appropriate cause. We shall pray your longevity.

With profound regards,

Yours sincerely,

Sd/ (K.K. Dixit), P.A. to SE (Lko)

Sd/ (A.S. Negi), Steno to EE (E) Lko.

Sd/ (P.K. Seth), Steno to EE (C) Lko.

Sd/ (Surinder Singh), Steno to SW, Lko.

Copy in advance to :-

The Chief Engineer (Civil), P & T, Delhi.



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

WRIT PETITION NO.

OF 1982.

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp.-parties.

Annexure-13

To

The Director General,
CSE Section,
P&T Directorate,
New Delhi.

(Through Proper Channel).

Sub :- Attachment of Ministerial staff of P&T Civil Circle, Delhi to P&T Civil Circle, Lucknow, in the year 1973.

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Respected Sir,

With due regards, I hereby submit the following facts in detail, for your honour's ready information and kind consideration in respect of my long pending case regarding the attachment under the Coordination of Civil Circle, Lucknow :-

1. I had sent my representation on dt. 22-2-78, (copy enclosed for ready reference) regarding the above said subject to the Chief Engineer, P&T, New Delhi, followed by reminders on dt. 1-2-79, 24-3-79, 30-5-79, 4-8-79 and 20-3-80. But I have not received single reply from your office till date in respect of my case.

2. The Senior Architect-I(Coord), P&T, New Delhi, vide his letter no. CA-1(1)/3706-11 dt. 17-12-80, addressed to the Superintending Engineer, P&T Civil Circle, Lucknow, has informed that ministerial staff of Architect, P&T, Lucknow, has been attached to his



Wear

Circle, and details of service in the prescribed proforma, in respect of the ministerial staff of Architect P&T, Lucknow, were also sent therewith. This letter of Senior Architect-I(Coord). P&T, New Delhi, was written in accordance with your letter dt. 4-11-80, as stated in the letter above. Still, the P&T Civil Circle Lucknow did not take any action into the matter.

3. When I asked my position of seniority ~~as~~ in the seniority list of Steno. Cr. III, from the Senior Architect-I (Coord). P&T. New Delhi . I was informed by his office vide no. CA(A)1(3)/6384 dt. 11-3-82, that since class-III ministerial staff of Architect, P&T, Lucknow, is under the Coordination Circle, Lucknow, Seniority case may be taken up with the P&T Civil Circle Lucknow.

Now, I am not being informed by the P&T Civil Circle, Lucknow, about the position of my seniority in the P&T Civil Circle, Lucknow, in the absence of which I am suffering a lot of trouble.

4. In the year 1973, when P&T Civil Circle, Lucknow, came into origin, all the staff under the strength of P&T Civil Circle, New Delhi, working in the UP region, had been taken into the strength of P&T Civil Circle, Lucknow, automatically. I am sorry to state that I am not aware of the circumstance under which I was not taken into the strength of P&T Civil Circle, Lucknow. I am working as Steno-Gr.III, in the Architect, P&T, Lucknow office, since May 1972. This act of the Deptt. is contrary to the above action.



Recd

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- 43 -

I may kindly be informed by your honour's office under what Ruling, I was not raken into the strength of P&T Civil Circle, Lucknow. In this respect, I had already requested your honour's office several times, but I have not received any reply till date.

It is once again requested that I may kindly be informed by your office at an early date, to avoid further undue harassment and also to get clearance from the Deptt. to proceed for legal advice.

Thanking you in anticipation.

Encl: One.

(Letter dt. 22.2.78)

Yours faithfully,

Sd. Veena Bhatia

Steno

o/o the Architect, P&T, Lucknow.

Copy for infomation to :-

1. The Director General, (CSE Section), P&T, New Delhi in advance.
2. The Senior Architect-I(Coord), P&T, New Delhi.
3. The Architect, PIT, Lucknow.

Sd. Veena Bhatia.

Dt. 23.4.82.



Veena

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Smt. Veena Bhatia ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-14

INDIAN POSTS & TELEGRAPHS DEPARTMENT
(CIVIL WING)
No. 1(156)SEP&T ND/12226-32 Dated 18.10.82.

To

The Superintending Engineer,
P & T Civil Circle,
Lucknow.

Sub: Seniority of T.S. Stenographers: Case of Mrs. Veena Bhatia, Steno in the office of Architect P&T Lucknow.

Please refer to this office letter No. 1(156) SEP&TND/8569-73 dated 6.8.82 in which your attention was invited to the policy decision of the DG P&T circulated vide letter No. 10-91/77-CSE dated 29.4.80.

Veena
The case of Mrs. Veena Bhatia, Time Scale Stenographer has again been examined at length. The facts of the case are that on creation of the Civil Circle, Lucknow during August, 1972 options were duly called for by the Superintending Engineer, P&T Civil Circle, New Delhi vide letter No. 1(121) SEP&T ND/21591-98 dated 22.11.72. A list containing the names of those officials who had opted for Lucknow Circle either



against similar post or on a higher post was compiled and sent to Superintending Engineer, P&T Civil Circle, Lucknow vide this office letter No. 1(121) SEP&TND/5799 dated 10.4.73. It is seen that an official from the office of Regional Architect at Lucknow had duly opted for the newly created Lucknow Circle. It is, therefore, clear that Mrs. Veena Bhatia (then Miss Veena Bahil) did not opt for Lucknow Circle in full knowledge of the fact that such options had been duly called for. Mrs. Veena Bhatia accordingly continued to remain on the strength of the Civil Circle, New Delhi and her name was shown at S.No.17 of the seniority list of Stenographers under north Zone as on 1.1.77 circulated vide this office No. 1(175)SEP&TND/12019-35 dated 10.8.1977.

In view of this position, Mrs. Veena Bhatia continues to be on the strength of Delhi Civil Circle and orders transferring her from Lucknow to the jurisdiction of Superintending Engineer(C) Delhi are being issued separately.

Sd. S.K. Agarwal
Superintending Engineer, P&T
Civil Circle, New Delhi.

Copy to :-

1. The D.G. P&T(CSE Section), New Delhi.
2. The Sr. Architect-I P&T Coordination, New Delhi.
3. The Architect P&T Lucknow. Mrs. Veena Bhatia, Steno may please be suitably informed.
4. File No. 1(175)/1(136)/1(121).

Sd. S.K. Agarwal
Superintending Engineer.



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia

... Petitioner

versus

Union of India and others

... Opp-parties.

Annexure-15

Copy of letter No. 10-91/77-CSE dated 29.4.80 received from Engineer Officer (Civil)-I, Office of the DG P&T, New Delhi addressed to the Superintending Engineer, P&T Civil Circle, Ahmedabad and copy to others.

Sub: Clarification regarding administrative power for Electrical Division stationed at Ahmedabad and Architect Office, Ahmedabad.

Sir,

I am directed to refer to your office letter No. 16(2)/80/SEPT (AHD)/318, dated 20.3.80 on the above mentioned subject and to say that for the ministerial staff attached to Electrical Division and Architects Offices located within the jurisdiction of a Civil Circle, designated as independent Circle vide this Directorate letter No. 10-91/77-CSE, dated 20.1.78, the Civil Circle shall be the co-ordinating authority for the purpose of recruitment, promotion etc.

2. It is further clarified that the 2 additional posts of Upper Division Clerks admissible for a Coordination Circle shall be available to only the



Veena

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- 47 -

following four Civil Circles :

- i) P&T Civil Circle, New Delhi.
- ii) P&T Civil Circle, Madras.
- iii) P&T Civil Circle, No. I, Calcutta.
- iv) P&T Civil Circle No. 1, Bombay.

3. This also disposes of your office letter
No. 16(2)80/SEPT(AID)/418, dated 14.4.80.

Yours faithfully,

Sd.

(S. K. Verma)

Engineer Officer (Civil) - I.

True copy.

Neeraj



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- 48 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-16

OFFICE ORDER

Dt. Feb. 19, 1981.

Following stenographers attached to this Circle
are hereby declared confirmed in their grade w.e.f.
1.4.79 in the scale of Rs. 330-560/- against permanent
posts sanctioned vide D.G. P&T letter No. 19-1/80-CSE
dt. 9.6.80.

<u>S.No.</u>	<u>Name</u>	<u>Date of birth.</u>	<u>Date of seniority as Steno.</u>	<u>S/C, S/T of U/R</u>	<u>Date of confirmation.</u>
1.	S/Sri K.K. Dixit	1.4.51	7.8.72	U/R	1.4.79
	S.K. Bhatnagar	12.7.54	3.5.74	"	1.4.79

Office to which attached.

1. Civil Circle, Lko.
2. Civil Dn., Dehradun.

Sd. U.N. Srivastava,
S.E. P&T Civil Circle, Lko.

Keer
Copy to :-

1. The D.G. P&T, New Delhi (CSE Section), w.r.t. no. 19-1/80 CSE dt. 9.6.80.
2. S/Book.
3. Official concerned.
4. P/Files.
5. Office Order book.
6. Ex. Engineer, P&T, Civil Dn., Dehradun.

True copy.

- 49 -

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. 1982.

Mrs. Veena Bhatia ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-17

INDIAN POST & TELEGRAPH DEPARTMENT
(Civil Engineering Wing)

No. 1(236)SEP&TND/10180-82 Dated 4.10.80

To

The Director General,
P&T (CSE),
New Delhi.

Sub :

Formation of new P&T Architectural unit in P&T
Civil Wing-Strength of Ministerial group 'C' & 'D'
posts.

Kindly refer to the Suptdg. Engineer P&T Civil Circle
Lucknow letter No. 1(1)80/SEP&T-LKO/2940 dt. 19.8.80
addressed to this office and a copy endorsed to you on
the subject mentioned above.

A decision with regard to the merger of Ministerial
staff of the Regional Architect, Lucknow with that of
P&T Civil Circle, Lucknow may please be taken in the
light of clarifications issued in your letter No. 10-91/
77-CSE dated 29.4.1980.

Sd. M. S. Jain
Superintending Engineer
P&T Civil Circle, New Delhi.

Copy to :

MS
THE COMMISSIONER
Court, (Lucknow Bench)
LUCKNOW

1. Superintending Engineer P&T Civil Circle, Lucknow
for information w.r.t. his letter quoted above.

2. S.A.-I (P&T) Coord., New Delhi.

Sd. Illegible
S.E. P&T(C)

A70 (50)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

AFFIDAVIT

IN

Writ Petition No. of 1982.

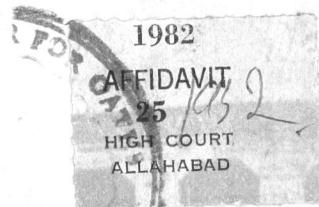
CF-17

Try. Form No. 385

RECEIPT F'

(For

B



Bhatia

... Petitioner

Versus

India and others

... Opp-parties.

I, Mrs. Veena Bhatia, aged about 29 years, wife of Sri R.L. Bhatia, resident of 22/3 Chandar Nagar, Lucknow, do hereby solemnly affirm and state on oath as under :-

veena

1. That the deponent is the petitioner in the above noted case and, as such, is fully conversant with the facts deposed to hereunder.
2. That the deponent has read the contents of the writ petition and has fully understood them.
3. That the contents of paragraphs 1 to 28 except the bracketed portions of the writ petition are true to the own knowledge of the deponent and those of bracketed portions are believed to be true.



A71

(51)

- 2 -

4. That the Annexures 1 to 17 to the writ petition are certified to be true copies of their originals.

Dated Lucknow:

Nov. 20, 1982.

Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:

Nov. 20, 1982.

Deponent

I identify the above named deponent who has signed before me.

M. Bhawna
Advocate's Clerk.



Solemnly affirmed before me on 20/11/82
at 10.30 a.m./p.m. by Sri/Mrs. Meena Bhawna.

the deponent who is identified by

Sri S. P. Chandra

Clerk to Sri Dr. L. P. Misra.

Advocate, High Court, Allahabad.

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

M
OATH COMMISSIONER
High Court, (Lucknow Bench)

LUCKNOW

20/11/82

Date 20/11/82

ब अदालत श्रीमान *High Court of Judicature of Allahabad*
Setting at Lucknow. महादय

वादी अपीलान्ट
प्रतिवादी रेस्पान्डेन्ट

का वकालतनामा



Mrs. Veena Bhatia

वादी (मुद्र्दा)

बनाम
Union of India vs.

प्रतिवादी [मुद्रालेह]

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *S. L. P. Misra*

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] वरता हूँ और
लिखे देता हूँ 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 स्पष्ट वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें
या कोई स्पष्ट जमा करें या हमारी या विपक्ष [फरीकसानी] का
दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-युवत [दरतखती]
स्पीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार वरता हूँ कि मैं हर पेशी स्वयं या विसी अपने
पैरोकार को भेजता रहूँगा, अगर मुकद्दमा अदम पैरवी में एक
तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे
वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया
कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर १

3 (VEENA BHATIA)

साही (गवाह) साही (रद्दाह)

दिनांक माह सन् १९ ई०

A73 3
1

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 12566 (W) of 1982.



12/12/82
31/12/82

Mrs. Veena Bhatia, aged about 29 years, wife of Sri R.L. Bhatia, resident of 22/3 Chandar Nagar, Lucknow.

... Applicant

Versus

1. Union of India, through Secretary, Post & Telegraphs, Civil Secretariat, New Delhi.
2. Director General, Post & Telegraphs, New Delhi.
3. Superintending Engineer, Post & Telegraphs, Civil Circle, New Delhi.
4. Superintending Engineer, Post & Telegraphs, Civil Circle, Lucknow.
5. Senior Architect-I (Coordination), Post & Telegraphs, New Delhi.
6. Architect (P&T), Vivekanandpuri, Lucknow.
7. K.K. Dixit, Personal Assistant to Superintending Engineer, P & T Civil Circle, Lucknow/ C/o Superintending Engineer, P&T Civil Circle, Vivekanandpuri, Lucknow.

... Opp-parties.

In re: 5909
Writ Petition No. 2 of 1982.

Honble D. N. Jha, J.
Honble R. C. D. S., J.

Issue notice to opposite party no. 7. Learned counsel appearing for the Union of India and opposite parties 1 to 6 prays for and is allowed two weeks time to file counter affidavit serving copy of the same outside Court on the learned counsel for the petitioner who may, if he so chooses, file rejoinder affidavit within a further period of three days. List this application thereafter.

In the meantime respondents 1 to 6 shall not make any promotions bypassing the claim of the petitioner and no transfer from the respective circle where the petitioner is working shall be given effect to.

J. S.
Yes

3-12-82

MHS/-

Mrs. Veena Bhatia

... Petitioner

Versus

Union of India and others

... Opp-parties.

APPLICATION FOR INTERIM RELIEF.

The applicant, above named, most respectfully sheweth as under :-

That for the facts and grounds disclosed in the accompanying writ petition supported by an affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to restrain the Opp-parties from transferring the petitioner to the strength of Civil Circle, P&T., New Delhi from the strength of Civil Circle, P&T., Lucknow and may further be pleased to restrain the Opp-parties from passing any order prejudicial to the interest of the petitioner by treating her in the strength of Civil Circle, P&T., New Delhi during pendency of the writ petition or such other order which this Hon'ble Court deems fit and proper in the circumstances of the case, may kindly be passed.



Dated Lucknow:

(Dr. L.P. Misra)

Nov. 2, 1982.

Counsel for the Applicant.

Dee 1,

Date	Note of progress of proceedings and routine orders W.P. 5909-82	Dated of which case is adjourned
1	2	3
1 - 2 - 83	Fixed for attendance and for filing C.A in W.P. and C.M. An No. 12566 (a) 82 N. 1. to O.P. No. 7 by R.P.	
19.12.83	Service Report in wr. form No. 566 of W.B. Counter affidavits have been filed by 3rd Os. Counsel. Service Standing Counsel Central Court.	15-12-82 W.P. 2
C.P.	Not received since 15-12-82	
2.1.84	D.R.	Submitted P/T
2.1.84	Seen service report dt. 19.12.1983. O.P. 1 to 6 are represented through Standing Counsel (Central). They have also filed their C.A.	P/T
2.1.84	Service on O.P. no. 7 is declared sufficient under chapter VII Rule 12 of Rules of Court Office to proceed.	H
2.1.84	2.1.1984	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p.

No. 5909

of 1982.

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
31282	Mem N Jha, 2 Mem R.C.DS, 7	
	Admit fresh notices to opp. parties 1 to 6	
	Let notice be issued opp. party no 7	
	sd D.N.Jha sd R.C.DS 31282	
	cmrno 12566 0082	
31282	Mem N Jha, 2 Mem R.C.DS, 7	
	Issue notice to opp. party no 7	
	working shall be given effect to	
	sd D.N.Jha sd R.C.DS 31282	

A77 A78

► In the Hon'ble High Court of Judicature at Allahabad
Setting at Lucknow
W.L. No. 5909 of 1982

Mrs. Veena Bhatia

Petitioner

vs.

Union of India other - - - - - Opp. Party

I am filing herewith ^{for opposite party No. 7 only} the process fee ^{for opposite party No. 7 only} in the aforesaid case. It is within sum

dated
81-10-82

Mr. L. P. Misra
Adv.

A78

IN THE HON'BLY HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

C.M. Application No. 4205 of 1983.



Union of India and others Applicants
(Opposite Parties Nos. 1 to 6).

In re:

Writ Petition No. 5909 of 1982.

Smt. Veena Bhatia Petitioner

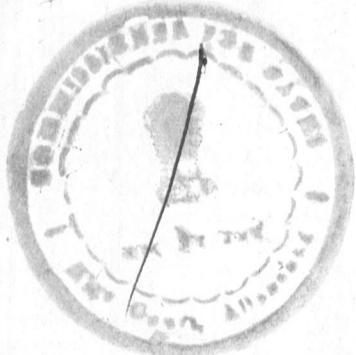
Versus

Union of India and others Opposite Parties.

Application for condonation of delay in
filing the Counter Affidavit, on behalf
of the opposite parties No. 1 to 6.

The above named applicants respectfully submit
as under : -

1. That after the admission of the Writ Petition on 3.12.1982 for the purpose of the parawise comments on the Writ Petition certain letters and circulars had either to be obtained from Delhi or to be collected from office at Lucknow and that took quite some time.
2. That the final parawise comments came to me on 20.2.1983 and then some clarifications were sought from the Department concerned.
3. That the Counter Affidavit was prepared



Contd...2

8.1.2.83

in the first week of March, 1983 and in the meantime, Sri Shyam Sunder Agarwal, an Engineering Assistant to Superintending Engineering P&T Civil Circle, Lucknow, who was to affirm the Counter affidavit went on two months leave and, as such, the present deponent, Sri Kamla Roy, Engineering Assistant to Superintending Engineer ~~part~~ ^{part} I, Civil Circle, Lucknow was then authorised to affirm this affidavit which was affirmed on 6-4-1983.

4. That there has been no deliberate delay on the part of the applicants (opposite parties Nos. 1 to 6) or their counsel in filing the Counter-Affidavit and the delay is liable to be condoned.

WHEREFORE, it is respectfully prayed that the delay in filing the accompanying Counter Affidavit may kindly be condoned and the same be taken on the record of the case.


(D.S.RANDHAWA)
Advocate,
(Senior Standing Counsel,
Central Government)
Counsel for Applicants
(Opposite parties No.s 1 to 6
in the Writ Petition).

Lucknow:

Dated: April 8, 1983.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW.

Writ Petition No. 5909 of 1982.



Smt. Veena Bhatia

Petitioner

Versus

Union of India and others Opposite Parties

COUNTER AFFIDAVIT

On behalf of the Opposite Parties Nos. 1 to 6.

I, Kamla Roy aged about 40 years S/O Shri Ram Dip Roy, resident of L-5/L-160, L.D.A. Colony, Aliganj, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is the Engineering Assistant to Superintending Engineer Post & Telegraph, Civil Circle, Lucknow and he is competent to file this Counter Affidavit on behalf of the Opposite Parties Nos. 1 to 6. He has read the contents of the Writ Petition and has understood the same. He is well conversant with the facts deposed hereinafter.
2. That the contents of paragraphs 1, 2 and 3 of the Writ Petition need no reply.
3. That in reply to the contents of paragraph 4 of the Writ Petition, it is stated that the Post & Telegraphs Civil Circle at Lucknow was actually created in August, 1972 and it started its function

*lc. Re
06/4/83*

AS/

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in 1973. The services of staff working in the Civil, Electrical and Architect sections New Delhi were transferred on creation of Civil Circle at Lucknow after obtaining specific options. These options were called for by the Superintending Engineer Posts & Telegraphs, Civil Circle, New Delhi vide his letter No. 1(121)/SEP&TND/21591-98 dated 22.11.1972 which was addressed among others to the Senior Architect-I, P&T, New Delhi. A true copy of this letter is filed herewith as Annexure A-1 to this Counter Affidavit. ~~Then, the Senior Architect~~ ~~to this Counter Affidavit.~~ Then, the Senior Architect-I, P&T, Architectural Wing, New Delhi under his letter no. CA(A)-1(2)7736-43 dated 7.12.1972 sent ~~the~~ above letter dated 22.11.1972 of the Superintending Engineer, Posts & Telegraphs Civil Circle, New Delhi to the Architect, Posts & Telegraphs, Lucknow for circulation among the staff working in his office. In response to the above letter calling for options, Kedar Singh a Peon of the office of Architect, P&T, Lucknow was the only member of the staff, who gave his option to be absorbed in newly created Civil Circle, Lucknow on promotion as Lower Division Clerk. A true copy of his letter giving option is filed herewith as Annexure A-2. Further, a true copy of the letter No. Arch(P&T) Lko/1572 dated 19.12.72 of the Architect, P&T, Lucknow forwarding the option of Kedar Singh, Peon to the Senior Architect-I, P&T, New Delhi is filed herewith as Annexure A-3. In this connection, it is specifically stated that the Petitioner, Smt. Veena Bhatia has been working in the Office of the



1c. Rej
6/4/83

Architect, Posts & Telegraphs, Lucknow where the aforesaid Kedar Singh was also working, but inspite of full knowledge about the letter inviting options, she did not submit her option to be absorbed in the office of Superintending Engineer, P&T Civil Circle, Lucknow. Thereafter, the Superintending Engineer, P&T Civil Circle-IV, New Delhi prepared the lists of the optees and sent the same to the respective offices under their letter No. 1(121)/5899 dated 10.4.1973. A true copy of this letter along with copies of the two lists of optees as sent to the Superintending Engineer, P&T Civil Circle, Lucknow is filed herewith as Annexure A-4. The Director General, P&T, New Delhi under their letter No. 10-91/77-CSE dated 20.1.1978 has only clarified the position of retaining the ministerial staff of Electrical/Architect with the local Civil Circles for coordinating purpose as a policy matter.

4. That in reply to the contents of paragraph 5 of the Writ Petition, it is stated that the averment of the petitioner is not correct as options were called for from all the staff as mentioned above. The petitioner did not exercise her option for transfer to Lucknow Civil Circle although the other staff of the same office, Architect Office, Lucknow, who had opted were absorbed in the new Civil Circle at Lucknow as per Superintending Engineer's P&T Civil Circle, New Delhi letter No. 1(121)/5799 dated 10.4.1973 filed as Annexure No. A-4 to this Counter Affidavit as indicated above. But as an after thought it was for the first time on 22.2.1978 that the petitioner wrote to the Chief Engineer, P&T Civil,



10.2.1983

New Delhi requesting him for her being taken on the strength of Superintending Engineer, P&T Civil Circle, Lucknow.

5. That the contents of paragraphs 6, 7, 8 and 9 of the Writ Petition are denied. However, the contents of Annexures No. 3, 4, 5 and 6 so far as they contain the Claim and contentions for the transfer of her Administrative control from P&T Civil Circle, New Delhi to Posts & Telegraphs Civil Circle, Lucknow, are hereby denied.

6. That in reply to the contents of paragraph 10 of the Writ Petition, it is stated that the letter under reference was only a general letter indicating the policy of the Department. The specific case of the petitioner who did not exercise her option for transfer to Lucknow Civil Circle, could not be covered by the General Orders.

7. That the position as stated in paragraph 11 of the Writ Petition, is denied. The Opposite Party No. 7 was recruited by the Superintending Engineer, P&T Civil Circle, Calcutta vide their letter No.16(1) 71/SEPT-3/4491 dated 2.8.72 and not by P&T Civil Circle, New Delhi. A true copy of this letter is filed herewith as Annexure No. A-5. After the creation of Lucknow Civil Circle, the opposite party No. 7 was transferred to Lucknow Civil Circle. The confirmation orders issued in February 19, 1981 were based on seniority list of Stenographers of Civil Circle, Lucknow as

1c. Re
6/4/83

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circulated vide No. 5(6) SEPT-LKO/3820 dated 11.8.77. A true copy of the letter dated 11.8.1977 along with the Seniority list is filed herewith as Annexure A-6. The Electrical Division was not existing at that time and the services of Architect, P&T, Lucknow ministerial staff were controlled and governed by the Superintending Engineer, P&T Civil Circle, New Delhi.

8. That the contents of Paragraph 12 of the Writ Petition need no reply as they are not directly relevant to the main issue involved in the case.

9. That in reply to the contents of para 13 of Writ Petition, it is stated that the Opposite Party No. 7 was confirmed as per his seniority in the Civil Circle, Lucknow. The Petitioner continued under the Coordination Control of P&T Civil Circle, New Delhi. Therefore, her confirmation case could not be considered in Civil Circle, Lucknow.

10. That in reply to the contents of paragraph 14 of the Writ Petition, it is stated that the petitioner was not absorbed in P&T Civil Circle, Lucknow in the absence of her option. The Opposite Party No. 7 on the basis of seniority-cum-fitness has been promoted in the pay scale of Rs.425-700 as Personal Assistant to the Superintending Engineer (Stenographer Grade-II) within the jurisdiction of the Civil Circle, Lucknow.

11. That in reply to the contents of para 15 of the Writ Petition, it is stated that since the petitioner was continuing with the Coordination Control of P&T



1c. *Rey*
6/4/83

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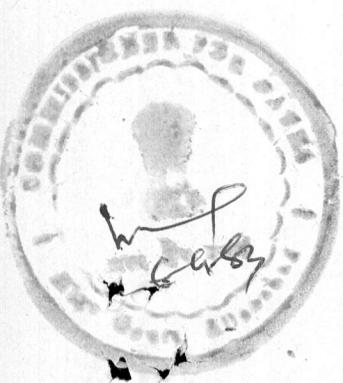
- 6 -

Civil Circle, New Delhi her name was shown in the seniority list of Superintending Engineer, P&T Civil Circle, New Delhi. A true copy of Superintending Engineer, P&T Civil Circle, New Delhi letter No. 1 (175)/SEP&T ND/12019-35 dated 10.8.77 along with seniority list is filed herewith as Annexure A-7.

12. That the position as stated in paragraph 16 of the Writ Petition is denied.

13. That in reply to the contents of paragraph 17 of the Writ Petition, it is stated that the petitioner never opted for Lucknow Civil Circle at the time of its creation and accordingly she continued to remain on the strength of Civil Circle, New Delhi. The letter of Senior Architect -I, P&T, New Delhi dated 11.3.1982 did not depict the correct position and hence its contents are not admitted. It is stated that the Petitioner's seniority has to be maintained by the P&T Civil Circle, New Delhi and in fact it is being maintained by that Circle. There is no question of taking up the matter of seniority of the petitioner with the Superintending ^{Engineer} P&T Civil Circle, Lucknow.

14. That in reply to the contents of para 18 of the Writ Petition, it is stated that no doubt the Directorate vide their letter No. 10-91/77-CSE dated 29.4.1980 have circulated the policy matter (conveyed by the



1c. Regd
6/4/83

Civil Circle but the seniority and the coordination of the petitioner were being maintained by the Superintending Engineer, P&T Civil Circle, New Delhi. As such it was not practicable to entertain her request for change in coordination Circle at such a belated stage under the rules and it would have created complication in the seniority list of existing staff of Civil Circle, Lucknow. The correct position is depicted in the letter No. 1(14) 80/SEPT-LKO/5887 dated 14.10.82 written by the Superintending Engineer, P&T Civil Circle, ~~New Delhi~~ Lucknow. A true copy of this letter is filed herewith as Annexure No. A-8.

15. That the position as stated in para 19 of the Writ Petition is denied in view of the clarification given in the preceding paragraphs.

16. That the position as stated in paragraph 20 of the Writ Petition is denied. The representation by Opposite party No. 7 was not made on the instance of Superintending Engineer P&T Civil Circle, Lucknow as alleged.

17. That in reply to the contents of paragraph 21 of the Writ Petition, it is stated that the contents in Annexure No. 12 of the Writ Petition are not denied. However, the claim of the petitioner is denied.

18. That the contents of paragraph 22 of the Writ petition, need no further comments in view of position

clarified above. However, the claim of the Petitioner as made in Annexure No. 13 of the Writ Petition is denied.

19. That in reply to the contents of paragraph 23 of the Writ Petition, it is stated that the averment of the petitioner is not correct as the discussions were held amongst the Chief Engineer (Civil) HQ, New Delhi, Senior Architect-I, P&T, New Delhi, the then Superintending Engineer, Shri U.N. Srivastava and Mrs. Veena Bhatia, the Petitioner and the record of discussions is available in file No. 1(13)80/SEPT-LKO/ Note Sheet Page No. 17/18. A true copy of the record of the relevant discussions about the representation of Mrs. Veena Bhatia, the petitioner, is filed herewith as Annexure No. A-9.

20. That the position as stated by the petitioner in Paragraph-24 of the Writ Petition is denied. The Superintending Engineer, Posts & Telegraphs, Civil Circle, New Delhi had called the options as circulated vide No. 1(121)/SEP&T ND/21591-98 dated 22.11.1972.

21. That in reply to the contents of paragraphs 25 of the Writ Petition, it is stated that the allegation regarding ~~ant~~ ^e ~~2~~ dating the letter is entirely false and as such it is denied.

*1c. Re
6/4/83*

22. That in reply to the contents of paragraph 26 of the Writ Petition, it is stated that the issue was already settled as clarified ~~vide~~ Superintending Engineer, P&T Civil Circle, New Delhi letter No. 1(156)/

ASD
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- 9 -

SEP&TND/12226-32 dated 18.10.1982.

23. That the contents of paragraph-27 of the Writ Petition are denied.

24. That the contents of paragraph 28 of the Writ petition are admitted and it is added that the proposed new posting of the petitioner within her parent Circle at New Delhi will not be a transfer from one Circle to another.

25. That the deponent has been advised to state that in view of the averments made in the foregoing paragraphs of this Counter Affidavit, the grounds as taken by the petitioner in para 29 of the Writ Petition are not tenable in law and they do not entitle the petitioner to any relief.

26. That the deponent has been advised to state that there is no infringement of any legal right and there is also no error much less a manifest error of law in the impugned letter (Annexure-14) of the Writ Petition) which is not even a quasi judicial order.

27. That the deponent has been advised to state that the present Writ Petition is premature, as the impugned Annexure No. 14 contains only the letter which informs her about her new posting in her parent Circle, P&T Civil Circle, New Delhi, But that order has not yet been issued.

1c. Regd
6/4/83
Contd.....10

28. That the deponent has been advised to state that it is not a fit case for invoking the extra-ordinary jurisdiction of this Hon'ble Court under article 226 of the Constitution of India for Writ of Certiorari, Writ of Mandamus or any other writ, order or direction, The Writ Petition has no merit and it is liable to be dismissed with costs.

I.C. Ray

Lucknow:

Deponent

Dated: 6-4-83

Verification:



I, the above named deponent do hereby verify that the contents of paragraphs 1 of this Counter Affidavit are true to the deponent's own knowledge; the contents of paragraphs 2 to 24 are true to my knowledge derived from office records and the contents of paras 25 to 28 are true to my knowledge based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

I.C. Ray

Lucknow:

Deponent

Dated: 6-4-83

I identify the deponent who has signed before me. Diwan Singh Randhawa

(D.S.RANDHAWA)
Advocate.

Solemnly affirmed before me on 6-4-83
at 11-25 AM/PM by Shri Kanla Ray,

the deponent who is identified by Shri D.S. Randhawa,
Clerk to Shri Diwan Singh Randhawa, Advocate,
High Court, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of affidavit which has been read out and explained by me.

High Court
LAW COMMISSIONER
High Court, Lucknow
LUCKNOW

86/502
6-4-83

13

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
SITTING AT LUCKNOW
Writ Petition No.5909 of 1982.

Smt. Veena Bhatia Petitioner

Versus
Union of India and others Opposite Parties.

ANNEXURE NO.-A - 1.

Copy

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
(Civil Engineering Wing)

No.1(121)/SEP&TND/21591-98

Dated: New Delhi
The 22nd Nov. 81972.

To

The Superintending Engineer,
P&T Civil Circle No.I, New Delhi.

The Senior Architect-I(Coord.) P&T, New Delhi

All the Executive Engineers,
Under P&T Civil Circle No.IV.

Subject:- Creation of P&T Civil Circle No. VI, at Lucknow


The non-gazetted staff of all the categories
is required immediately for functioning of the
Circle Office at Lucknow.

It is, therefore, requested that the names of
the members of non-gazetted staff (Ministerial, technical
and class-IV) who volunteers and opt for the newly
created circle at Lucknow on the same post or on
promotion may kindly be intimated within 10 days of
the receipt of the letter.

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1c. *Rly*
6/4/83

Sd/-

(R.J.Bakhrus)
Superintending Engineer,
P&T Civil Circle No.IV,
New Delhi.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No. 5909 of 1982.

Smt. Veena Bhatia Petitioner

Versus

Union of India and others Opposite Parties.

ANNEXURE A-2

To,

The Senior Architect-1 (Coord.),
P&T Architectural Wing,
Mohan Singh Place, 3rd floor,
Irwin Road, New Delhi.

(Through Proper channel)

Subject : - Option for the newly created Civil
Circle-VI, Lucknow.

Sir,

With reference to your letter No.CA(A)-1(2)/7736-43 dated 7.12.72. I have been working as a Peon in the Office of the Regional Architect, P&T, Lucknow since 1st November 1971. I give option to be absorbed in newly created Civil Circle-VI, Lucknow on promotion as L.D.C.



Dated:- 18.12.72

Yours faithfully,

Sd/-

(Kedar Singh)
Peon.

*T.C.
T.C. Re
6/12/83*

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No.5909 of 1982.

Smt. Veena Bhatia Petitioner

Versus

Union of India and others Opposite Parties.

ANNEXURE NO.A-3

Bhartiya Dak Tar Vibhag,

320-B, Section-B, Mahanagar,
Lucknow.

No.Arch(P&T) LKO/1372 dated 19.12.72.

To

The Sr. Architect-I (Coord.), P&T
Mohan Singh Place, 3rd floor,
Irwin Road, New Delhi -110001

Subject:- Option for the newly created
Civil Circle-VI at Lucknow.

Enclosed herewith please find the application of
Shri Kedar Singh, Peon. He has opted for absorption
in newly created Civil Circle No.VI at Lucknow on
promotion basis. This is in response to your circular
No. CA(A)-1(2)/7736-43 dated 7.12.72.

Encl:- As above.

Sd/-
(D.K.Sharma)
Asstt. Architect,(P&T),
Lucknow.

*P.C.
1C Regd
6/1/83*

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IN THE HON'BLE HIGH COURT OF JUDICATRE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No. 5909 of 1982.

Smt. Veena Bhatia Petitioner
Versus
Union of India and others Opposite Parties.

ANNEXURE NO. A-4

INDIAN POSTS & TELEGRAPHS DEPARTMENT
CIVIL ENGINEERING WING

No.1(121)5999

Dated N. Delhi the 10 April 73

To

Shri H.C. Goel,
Superintending Engineer,
P&T Civil Circle No. VI,
Lucknow.

Sub: Posting of non gazetted staff for the newly
created P&T Civil Circle No. VI, Lucknow.

In continuation of this office letter No.1(121)SE
(P&T)IV/4385-88 dated 20.3.73 on the subject cited
above, the list of optees from the combined Delhi unit is
enclosed herewith for further necessary action into the
matter as per the instructions contained in D.C.P&T
letter No.1-1/72-STB-II dated 9.3.73, addressed to this
office and copy endorsed to you and Superintending
Engineer, P&T Civil Circle No. III, Calcutta.

2. The names of the officials proposed to be absorbed
in your Circle may please be intimated, so that arrange-
ments are made to relieve them by posting substitute.

Enc: 2 lists.

Sd/-
(R.J.BAKHRU)
SUPERINTENDING ENGINEER
P&T CIVIL CIRCLE NO. IV.
NEW DELHI - 110 001.

True Copy.

10. Ray
6/4/83

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LIST OF THE OPTEES (ON THE SAME POST) FOR P&T CIVIL CIRCLE NO. VI LUCKNOW.

S.No. Name & Designation Whether SC & ST Date of Apptt. in Govt. Service. Date of pt. (date on the pres- ent grade. Circle/Dn. Option Remarks.

1	2	3	4	5	6	7	8	9
SECTION OFFICER(CIVIL)								
1.	S.H.A Zaidi S.O. (C)	-	16.7.71	19.7.71	Temp.	P.M.G.	On the same post.	
2.	Chander Kiran, S.O. (C)	S/C	6.1.70	6.1.70	-do-	P&T Dn. Jabalpur	-do-	
3.	K.S.Verma, S.C (C)	-	19.7.71	19.7.71	-do-	-do-	-do-	
4.	N.N.Roy S.O. (C)	-	-	-	-	P&T Circle I New Delhi.	-do-	
5.	Veer Singh U.D.C.	S/C	9.11.60 peon 7.8.65 LDC	Pt.LDC 1.3.69	P&T Civil Dn. Ambala.	-do-		
6.	Hadish Mian LDC	S/T	18.8.71	18.8.71	Tempy.	P&T Civil Dn. Jabalpur	-do-	
7.	Deo Nath Choudhry LDC	S/T	6.10.61 Peon	6.2.67 1.8.69	Pt/LDC -do-	-do-	-do-	
8.	Madhaba Nod LDC	-	3.9.58 Peon	11.2.70	Pt.as Daftary	P&T Dn. Ambala.	On the same post or on promotion.	
9.	V.S.Mishra Barkandas	-			P&T Dn. Jabalpur P&T Elect. Sub.Dn.Lko.	-do-		
10.	Sunder Lal Peon	-				On the same post.	Service particulars may please be obtained direct.	
11.	Kailash Chand D'man Cr.II(C)	S/C	1.2.62	19.12.65 Pt.Cr.III 1.8.69	P&T Dn. Ambala			

Sd/-

S.C. Rehman

On the same post.

On the same post. Service particulars
may please be obtained direct.

SUPERINTENDING ENGINEER
P&T CIVIL CIRCLE NO. IV
NEW DELHI- 110 001.

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

12. Hari Prakash Dabas
D'Man Gr.II (C)
(3 years Diploma
in civil Engg.)

PEONS

13. I.M.Misra Peon (H.School)	-	3.12.62	3.12.62	Pt. 1.3.69	P&T Circle N.Delhi.	On Promotion as LDC.		
14. Jahangir Singh Verma peon (H.School)	-	16.1.69	16.1.69	-	-do-	-do-		
15. Ram Kishan Peon (H.School)	-	30.8.65	30.8.65	Q.Pt.	-do-	-do-		
16. Mohan Singh Peon (H.School)	-	5.3.69 AN	5.3.69 AN	-	-do-	-do-		
17. Jagdish Chand Peon (Matric)	-	14.1.69	11.1.69	-	-do-	-do-		
18. Khushla Nand Peon (10th Class)	-	30.10.67	30.10.67	Q.P.	P&T Dn. New Delhi.	-do-		
19. Daya Krishna Peon (H.School)	-	6.4.67	6.4.67	-do-	P&T Elect. Dn.Lko.	-do-		
20. Deb Singh Peon (H.School)	-	19.8.67	19.8.67	-do	-do-	-do-		
21. K.L.Kohli Peon (H.S.S.C)	-	3.2.70	3.2.70	-	P&T Dn. Jabalpur	-do-		
22. Srinivas Satpude Peon(10th Class)	-	6.2.70	6.2.70	-	-do-	-do-		
23. Ramesh Kumar Peon	-	-	-	Asstt-Arch	Particulars may kindly be obtained direct.			



1	2	3	4	5	6	7	8	9
24.	Satya Paul Peon	-	22.7.70	22.7.70	-	P&T Dn.Ambala	On Promotion as LDC	
25.	Kanwar Singh Peon	-	7.7.72	7.7.72	-	-do-	-do-	
26.	Hari Krishan Bkdz.	-	27.1.70	27.1.70	-	do-	-do-	
27.	Balbir Singh Peon	-	1.2.67	1.2.67	-	SA.I(P&T) New Delhi.	-do-	
28.	Kedar Singh Peon	-			RA(P&T)Lucknow	-do-	Service particulars may please be obtained direct.	
29.	Narain Singh Ferro	-	22.5.65	22.5.65	Opt. P&F Circle I N.Delhi.	On promotion as Ferroprinter.		
30.	Umapatil Pande Daftri	-	21.12.61	21.12.61	-	SA II (P&T)	-do-	
31.	Sabu Lal Daftry	S/C	3.7.62	3.7.62	-	SA III (P&T)	-do-	

SUPERINTENDING ENGINEER
P&T Civil Circle No. IV.
NEW DELHI.

59

Service particulars may please be obtained direct.



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No.5909 of 1982

Smt. Veena Bhatia Petitioner
Versus
Union of India and others Opposite Parties.

ANNEXURE NO. A-5

Copy of Offer of Temporary appointment Memo.no.16(2)/
71/SEPT-3/4491 dated 2.8.72 from the SE P&T Civil Circle-
III, Calcutta to Shri K.K. Dixit. Stenographer, P&T
Civil Dn.Lucknow.

Subject : - Offer of temporary appointment.

The undersigned hereby offers Shri Kamlesh Kumar
Dixit a PURELY TEMPORARY POST OF STENOGRAPHER on a pay
of Rs.130/- per month in the scale of Rs.130-5-160-8-200-EB-
8-256-EB-8-280-10-300. The appointee will also be entitled
to draw dearness and other allowances at the rates
admissible under and subject to the conditions laid
down in Rules and orders governing the grant of such
allowances in force from time to time.



2. The appointment will take effect from the date he
actually joins duty and will continue until further
orders. He will be on probation for two years, liable
to be extended by the appointing authority.

3. No TA will be paid for joining the duty.

4. The appointment carries with it the liability to
serve in any part of India, where the Civil Engineering

Contd.....2

- 2 -

Wing (P&T) may have an organisation. Other conditions of services will be governed by the relevant rules and orders in force from time to time.

5. The appointment may be terminated at any time without assigning any reasons with a month's notice. The appointing authority however reserves the right to terminate the services forthwith or before the expiration of the period of notice by making payment or a sum equivalent to the pay and allowance for the period of the unexpired portion of notice. If however he wishes to resign, he will have to submit his resignation and wait for its acceptance he will be treated as having been dismissed from service with a disqualification for future employment under Central or State Government.

6. The offer is subject to the conditions that he produces before joining duty a character certificate from the head of Educational institution last attended by him and a similar certificate from his last employer, if any, duly attested by a stipendiary 1st class executive Magistrate (I/C a district Magistrate or a Sub-divisional Magistrate).

7. Original Certificate and Testimonials in support of educational and technical qualification experience and age should be produced before joining duty. If he is a



8. He will have to pass the Departmental Test in Rates, Specifications and simple accounts within 2 years of this appointment failing which he will not be allowed to draw his next increment.

9. If any declaration given or information furnished by the candidate is proved to be false or if the candidate is found to have wilfully suppressed any material, information, he will be liable to removal from service and such other action to Govt. deem necessary.

10. If he has been employed any where previously he will have to submit a discharge certificate from his last employer.

11. He will have to give an undertaking in writing, to serve the department for atleast one year.

12. His appointment will be with a probationary period of two years.

13. His appointment will be provisional subject to his character and antecedents being verified by the Police authorities.

He will have to pass a Departmental Test in Typewriting with a minimum speed of 30 (thirty) words per minute within six months of his appointment failing which he will not be allowed to draw the next increment and will not be eligible for quasi permanency/ confirmation till he acquires the required speed in typewriting.

14. He will have to take an oath of allegiace to



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the Constitution of India as established by law, at the time of taking up the appointment.

15. No persons who has more than one wife living or who having a spouse living, marries, in any case in which such marriage is void by reason of its taking place during the life time of such spouse shall be eligible for appointment to serve and provided that the Central Govt. may, if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

16. He will have to undergo medical examination by the Civil Surgeon immediately after his joining the post to ensure his fitness of appointment in this Department. If, however, he is found medically unfit, his services would be terminated after the expiry of the period of one month from the date of communication to him of the findings of the Medical Officer, if no appeal for a second medical examination is made by him during this period, or after the case for second medical examination is finally decided, if such an appeal is made & accepted.

17. Whenever he is put in charge of stores, he shall have to give security for the amount fixed by the Department from time to time in cash or through fidelity Bond or personal bond or personal surety from two permanent Govt. servants for the amount of security.



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18. He shall have to produce all the certificate in original before he is allowed to join duty on the post offered to him.

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If he accepts the offer on the terms given above, he should communicate acceptance and report for duty to the Executive Engineer, P&T Civil Dn., Bhopal House, Lalbagh Lucknow ON OR BEFORE 14.8.72. If no reply is received or the candidate fails to report for duty by prescribed date, the offer will be treated as cancelled.

19. His appointment will be made temporarily for three months subject to the condition that if he fails to acquire the minimum speed in shorthand i.e. 100 W.P.M his service will be terminated without any notice.

Sd/-

Superintending Engineer
P&T Civil Circle - III
Calcutta.

Shri Kamlesh Kumar Dixit,
C/o the Executive Engineer,
P&T Civil Circle D
Lucknow.

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6/4/73



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No. 5909 of 1982.

Smt. Veena Bhatia Petitioner
Versus
Union of India and others Opposite Parties.

ANNEXURE NO. A-6

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

No. 5(6)/SEPT-LKO/Steno/3820 Dated: 11/8/77
P&T Civil Circle,
Vivekananda Polyclinic-
Premises, Vivekananda Puri,
Lucknow.

To,

The Executive Engineer,
P&T Civil Division Lucknow/
Kanpur/Patna/Electrical Division Lucknow
& P&T Civil Circle, Lucknow.

Sub: Seniority list of Stenographer.

Enclosed please find herewith seniority list of
Stenographer for the circulation amongst the official
concerned and intimate the discrepancy, if any, in the
list. This information should come to this office,
within a week from the date of receipt of this letter.
Failing which it will be considered that there is no
discrepancy.

Encl: On list.

Sd/-

P.A. to Superintending Engineer,
P&T Civil Circle, Lucknow.



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SENIORITY LIST OF STENOGRAPHER AS ON 1.4.77

S.No.	Name	Date of Birth	Date of entry into continuous Govt. Service	Whether entry in the grade.	Office to which attached.	Remarks
				Q/Pmtt. or Q/P	S/C or S/T	
1.	S/ Shri K.K. Dixit	1.4.51	7.8.72	7.8.72 Q/Pmtt. W.E.F. 7.8.75	No	Civil Dn. Lucknow
2.	S.K. Bhattacharya	12.7.54	19.4.73	3.5.74 Temp.	No.	Circle Office, Lucknow.
3.	V.K. Agarwal	15.1.50	1.6.74	1.6.74 Temp.	No.	Civil Dn. Kanpur
4.	Arjun Singh Negi	11.1.55	8.10.75 (AN)	8.10.75 (AN) Temp.	No.	Elect. Dn. Lucknow.
5.	John Horo	25.7.50	30.10.76	30.10.76 Temp.	S/T	Civil Dn. Patna.

No. 5(6) / SEPT-LKO/
 Dated: 17/7/77
 P&T Civil Circle, Vivekanand Polyclinic Premises,
 Vivekananda Puri, Lucknow.

Copy to :-

The Executive Engineer, P&T Civil Division Lucknow/Kanpur/
 Patna/Electrical Division Lucknow.

Sd/-
 PA to Superintending Engineer,
 P&T Civil Circle, Lucknow.

1. C. R. Gupta



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No.5909 of 1982

Smt. Veena Bhatia Petitioner

Versus

Union of India and others Opposite Parties.

ANNEXURE NO.A-7.

C o p y

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
(CIVIL ENGINEERING WING)

No.1(175)/SEP&TND/12019-35 Dated:- 10.8.77

To

The Supdg. Surveyor of Works - I, P&T New Delhi

The Supdg. Surveyor of Works-II, P&T New Delhi.

The Supdg. Engineer, P&T Elect. Circle, New Delhi.

The Supdg. Engineer, P&T Elect. A/Cell, New Delhi.

The Sr. Architect-I(Coord.) P&T New Delhi.

The Ex. Engineer, P&T Civil Dm.I/II, Delhi/New Delhi

The Ex. Engineer, P&T Elect. DM.I/II, New Delhi.

The Ex. Engineer, P&T A/Cell Dn. New Delhi.

The Superintending Engineer (Arb.) P&T, New Delhi.

The Ex. Engineer, P&T Civil Dn. Ambala/Jaipur/Ghaziabad/
Jullunder at Ambala.

Subject:- Seniority list of Stenographers as on
1.1.77 under North Zone.

In supersession to this Office letter no. I(175)/
SEP&TND/8691-8706 dated 14.6.77, enclosed herewith
a revise seniority list of Stenographers as on 1.1.77
(North Zone) under the coordination of this Circle.,

The seniority list may please be checked and intimate



1c. Re
6/6/83

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omission/commission, if any for further necessary action.

It may kindly be ensured that the particulars of the seniority list are checked carefully and omission/Commission, if any, is intimated at the latest by 30.8.77 positively. The seniority list may also be circulated amongst the officials concerned..

Encl:- As above.

Sd/-

PA to Superintending Engineer,
P&T Civil Circle, New Delhi.

Copy for information to : -

1. The General Secretary, All India P&T Civil Wing
Non Gazetted Employees Union, New Delhi along with
a copy of seniority list.
2. EC-I for information and necessary action.

Encl:- one

Sd/-

PA to Superintending Engineer(P&T)

*T.C.
T.C. Ray
6/4/83*



A/07

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SENIORITY LIST OF STENOGRAPHERS ON 1.1.77

S.No.	Name	Whether SC/ST	Qualification	Date of Birth.	Date of Apptt. in Govt. Service	Date of Apptt. in the present Grade.
1	2	3	4	5	6	7

1 to 16	X	X	X	X	X
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17. Miss Vina-Kumari Nahil	No	Inter. 30.8.53	10.5.72	10.5.72
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Date of confirmation	Office to which attached.	Remarks.
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Quasi Pmtt.	Regional Architect (P&T) Lucknow.	Under Sr. Architect - I New Delhi.
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Sd/-

EA to Superintending Engineer,
P&T Civil Circle, New Delhi.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No.5909 of 1982.

Smt. Veena Bhatia Petitioner
Versus
Union of India and others Opposite Parties.

ANNEXURE NO. A-8

D.N.Bhatia
Superintending Engineer.

D.O.No.1(14)80/SEPT-LKO/5887
P&T Civil Circle, Lucknow
Dated: Oct. 14th '82.

Dear Shri Agarwal,

Please refer to your letter No. 1(156)/SEPT-XX/8569-73 dated 6.8.82 wherein you have returned the test papers of Smt. Veena Bhatia, Steno.attached to the office of the Architect(P&T), Lucknow on the plea that she falls within the jurisdiction of this Circle, While forwarding the above papers, it was explained in details that Smt.Veena Bhatia was still under coordination control of your Circle. She was allowed for test at Lucknow as a special case.

Your reference to the policy decision of DGP&T communicated vide their letter No. 10-91/77-CSE dated 29.4.80 are only general orders. I like to draw your attention to this office letter no. 1(1)80/SEPT-LKO/2940 dated 19.8.80 wherein the details of the case and technical difficulties in implementation of general orders of the DGP&T for accommodating Smt.Veena Bhatia, Steno.,under the Coordination control of this Circle, were explained. Accordingly, your office had made a reference to the DGP&T vide your office letter No. 1(136)/SEP&TND/10180-82 dated 4.10.80 for conveying a decision about merger of



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ministerial staff of Architect, Lucknow. The decision of the DGP&T is still awaited.

In view of above, the coordination control in respect of Smt. Veena Bhatia, Steno attached to the Office of Architect(P&T) Lucknow will continue with your Circle till the final decision is received from the DGP&T New Delhi.

With regards,

Yours sincerely,

Sd/-

(D.N.Bhatia)

Shri S.K.Agarwal,
Superintending Engineer,
P&T Civil Circle, New Delhi.

Copy to :

1. The DGP&T(CSE Section) New Delhi, with reference to this office letter nos.1(1)80/SEPT-LKO/2940 dated 19.8.80, 1(1)80/SEPT-LKO/3715 dated 27.10.80 and 1(1)80/SEPT-LKO/3760 dated 28.10.80 for conveying the decisions in this regard.
2. The Sr. Architect-I(P&T) New Delhi. It is understood that Smt. Veena Bhatia, Steno. was originally appointed by your office vide no.CA(A)-1(2)/LKO/2521-23 dated 16.5.72. Please confirm exact position of coordination control of Smt. Veena Bhatia with S.E.P&T Civil Circle, New Delhi.

Sd/-

Superintending Engineer,
P&T Civil Circle, Lucknow.

TRUE COPY.

I.C. Re
6/4/83



31

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
Writ Petition No.5909 of 1982

Smt. Veena Bhatia Petitioner
Versus
Union of India and others ..., Opposite Parties.

Annexure No. A-9

Record of discussions between CE(Civil)HO and
Mrs. Veena Bhatia, Steno.

The matter was discussed by the C.E. in my office on 12.4.82 with me and the SA-I. It was concluded that the Staff of the S.A.I(at Lko.) could not be treated as a part of the Civil Circle, Lucknow since their recruitment was done by the ST-I(Coord.) Delhi and even now their seniority is being maintained in that unit. If the staff of the Architect unit want merger with the staff of Civil Circle, Lko. they have to apply under Rule-38. This was made clear by the C.E. also to the Steno. of the Architect who was called specially to explain this view point.

Now unless their staff makes a move under rule-38, we cannot entertain the case and from our side the chapter is closed till then.

But the Lucknow Architect can be given a suitable reply. The draft of which can be shown to me.

Office Supdt.

18.4.82

Sd/-

(U.N. Srivastava)
Superintending Engineer,
P&T Civil Circle, Lucknow.

TRUE COPY.

1c. Re
6/4/83

Shri D. Naras
SATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
86 B.C
6-4-83

Memo

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD-LUCK NOW BENCH
LUCKNOW

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writ Petition No 5909 of 1982

Smt. Veena Bhatia.....Petitioner,

versus

Union of India & Others. Opposite Parties.

REGISTRAR,

Senior

I AM appearing as the Central Government
Standing Counsel, on behalf of Applicant/
Respondent/Opposite parties. Nos. 1 to 6.

D. S. Randhawa
(D. S. Randhawa)
Central Government
Standing Counsel.

Diwan Singh Randhawa
Senior Standing Counsel,
Central Government,
Allahabad High Court
(Lucknow Bench)
LUCKNOW.

Date d. 26.3.1983 Senior

A. 112

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

Application No. T.A. 1096 of 1987 (T)

Mrs. Veena Bhatia

... Vrs. Union of India & Others.

Written Arguments on Behalf of Opposite Parties No. 1 to 6.

In the above case following respectful submissions are made :-

1. That in order that the averments made by the respondent Nos. 1 to 6 may be appreciated in their true perspective, it will be worth while to give a brief history of the case as under :

That An offer of temporary appointment was made to Miss. Veena Nahil (now Mrs. Veena Bhatia), the applicant in this case, by the Senior Architect - I (Coord.) P&T, New Delhi vide his letter No. CA(A)-1 (2)/LK0/2521-23 dated New Delhi, 16.4.1972 (Copy enclosed with the Writ Petition as Annexure - I), in which it was indicated that if the applicant accepted the offer on the terms given in the offer she could communicate acceptance and report to the Regional Architect, P&T, Lucknow, U.P.. One of the terms of the offer was that (the appointment carries with it the liability to serve in any part of India where the ~~Architectural~~ Architectural Wing (P& T) may have an organisation.) In pursuance of this order, the applicant joined as a Stenographer to the Regional Architect (P&T) Lucknow on 20.5.72. All the staff working under the Regional Architect was and still is under the coordination, control of the Superintending Engineer, P& T, Civil Circle No. IV, New Delhi. The

-: 2 :-

Lucknow Civil Circle No. VI was not in existence at that time.

In August, 1972 a new P&T Civil Circle No. VI was created at Lucknow which started functioning from 1973. For functioning of this newly created Circle, a letter was issued to the following formations requesting them to intimate the names of the members of non-Gazetted staff (Ministerial, Technical & Class- IV) who volunteered and opted for the newly created ^{Circle} purpose :-

- (1) Supdt. Engr. Civil Circle No. I, New Delhi.
- (2) Sr. Architect, I, Civil, P&T, New Delhi.
- (3) All the Ex. Engrs. P&T, Civil Circle-IV, N. Delh

The Sr. Architect-I, New Delhi on his part sent a letter No. CA(A)-1(2)/7736-43 dated 7.12.72 to the Regional Architect, Lucknow for obtaining options from his staff. This letter was duly put up on the office notice board and one person namely Kedar Singh, Peon, who was working in the office of the Regional Architect, Lucknow, gave his option for his absorption in the new Civil Circle No. VI of Lucknow. In this connection Annexure No. A-2 and A-3 filed with the Counter Affidavit may kindly be perused. But the applicant who was a Stenographer in the same office as that of Kedar Singh and having been in full knowledge of the fact that such an option has been called for, did not give her option for the new Circle and continued to remain on the Coordination control of the Supdt. Engr. P&T, Civil Circle No. IV, New Delhi.

It may be pointed out in the above context that the petitioner was ^{the} Clerk in the office ^{of} the Regional Architect and was doing the job of receipt and despatch of Dak, typing work and performing duties of Stenographer etc.. The said letter must have come up to her notice even at the receipt stage of the Dak, and also at the

despatch stage of the letter which has been filed as Annexure - 'A'-3' to the Counter Affidavit and also when the letter asking for options was put up on the office Notice Board.

In 1977, a Seniority list of Stenographers as on 1.1.1977 of the Superintending Engineer, P&T, Civil Circle No. IV, New Delhi was circulated vide his letter No. 1(175)/SEP&T No/12019-35 dated 10.8.77 in which the petitioner's name was indicated at Serial Number 17. (Copy annexed with Counter Affidavit as Annexure No. A-7). No objection against her inclusion in the New Delhi Seniority list was filed by the applicant. This clearly shows that the applicant was satisfied and had no grievance against the inclusion of her name on the Coordination control of the Superintending Engineer, New Delhi and no objection, whatsoever, having been raised by her in this regard, she is precluded from raising any grievance that she is not being borne on the strength of newly created Lucknow Circle. According to the principles of estoppel, the petitioner is estopped from pressing her claim for absorption in the Civil Circle, Lucknow at this belated stage.

2. That it is also noteworthy that one of the basic service conditions was contained in her appointment letter (Annexure - I of the Writ Petition) was that the petitioner could have been posted in any part of India where the Architectural Wing, P&T Wing had an organisation.

-Para (2) of Rule 38 of the Post & Telegraph Manual, Vol. IV. An extract of the relevant portion of the said rule is being filed as Annexure- W-1 to the Written Argument.

3. That in reply to the petitioner's claim for relief under D.G., P&T, New Delhi letter No. 10-91/77-CSE dated 29.4.80, it is clarified that the policy decision communicated under Para -1 of the said letter which was received from Asstt. Engineer Officer (Civil)-1, ~~and~~ which was addressed to the Superintending Engineer, P&T Civil Circle, Ahmedabad and copy to others, relates to the "Ministerial Staff attached to the Electrical Division and Architect offices located within the jurisdiction of a Civil Circle, designated as independent Circle under this office Directorate letter No. 10-91/77-CSE, dated 20.1.78 -----". This policy decision was applicable exclusively to those Civil Circles only which were designated as independent Civil Circles under the Authority of the Directorate's letter referred to above. But Lucknow Civil Circle No. VI had been designated as independent Civil Circle much earlier i.e. in 1972 and as such this policy decision is not applicable to the staff falling under the jurisdiction of the Civil Circle, Lucknow. The petitioner's claim for deriving any benefit for the said policy decision is strongly disputed.
4. That her claim for seniority in Lucknow Civil Circle is premature and mis-read as she is still under the coordination control of Superintending Engineer, P&T, Civil Circle, New Delhi.
5. That regarding opposite party No. 7 as referred to in para 7 of the Rejoinder Affidavit, it is clarified that the Opposite Party No. 7 was recruited by Superintending Engineer, P&T, Civil Circle, Calcutta for 5.

-: 5 :-

Lucknow Civil Division. After the creation of the Lucknow Civil Circle the staff of Lucknow Civil Division was governed by Lucknow Circle. At that time Electrical Division, Lucknow Circle was not in existence and services of the staff of the Regional Architect, Lucknow were controlled and governed by the Superintending Engineer, New Delhi.

6. That in view of what have been submitted above along-with what have been stated in Counter Affidavit filed on behalf of the Opposite Parties No. 1 to 6, it is established that the grounds taken in the Writ Petition and the Rejoinder Affidavit are not tenable in law, the application (Writ Petition) lacks merit and is liable to be dismissed with cost.

D. Chandra, Esq/sg

(Dr. Dinesh Chandra)

Advocate,

Addl. Central Govt. Standing
Council, Lucknow Bench.

Counsel for Opposite Parties
No. 1 to 6.

Date 30-1-89

To Veene Bhatia vs. Union of India & Ors.

AGENCEXVRZ-W-1

67

Chap. II]

TRANSFERS AND POSTINGS

[37-38]

page 7

wise for any particular class or classes of officials. Transfers should not, however, be ordered except when advisable in the interests of the public service. Postmen, village postmen and Class IV servants should not, except for very special reasons, be transferred from one district to another. All transfers must be subject to the conditions laid down in *Fundamental Rules* 15 and 22.

37-A. Transfers should generally be made in April of each year so that the education of school going children of the staff is not dislocated. In emergent cases or cases of promotion this restriction will naturally not operate.

38. Transfer at one's own request.

(1) Transfers of officials when desired for their own convenience should not be discouraged if they can be made without injury to the rights of others. However, as a general rule, an official should not be transferred from one unit to another, either within the same Circle, or to another Circle unless he is permanent. As it is not possible to accommodate an official borne on one gradation list into another gradation list without injury to the other members in that gradation list such transfers should not ordinarily be allowed except by way of mutual exchange. Transfers by way of mutual exchange, if in themselves inherently unobjectionable, should be allowed, but in order to safeguard the rights of men borne in the gradation lists of both the offices, the official brought in should take the place, in the new gradation list; that would have been assigned to him had he been originally recruited in that unit or the place vacated by the official with whom he exchanges appointment, whichever is the lower.

NOTE. Transfer of officials, who are not permanent in the grade, may, in deserving cases, be permitted with the personal approval of the Head of Circle/Administrative Office.

(2) When an official is transferred at his own request but without arranging for mutual exchange, he will rank junior in the gradation list of the new unit to all officials of that unit on the date on which the transfer order issued, including also all persons who have been approved for appointment to that grade as on that date.

(3) If the old and the new unit form parts of a wider unit for the purpose of promotion to a higher cadre, the transferee (whether by mutual exchange or otherwise) will retain his original seniority in the gradation list of the wider unit.

Example (i):—A post office clerk transferred from Mehsana Division to Kaira Division in the same Circle will not lose his seniority in the Circle gradation list for promotion to the lower selection grade.

Example (ii):—A telephone operator transferred as an Engineering clerk, even under the same D.E.T. will have his seniority regulated both in the Divisional and the Circle Gradation List of Engineering clerks in accordance with sub-rule (2) as the Circle Gradation Lists of Telephone Operators and Engineering clerks is not common.

Example (iii):—An R.M.S. Sorter transferred from the A. Division to the P. Division will have his seniority in the gradation list of the P. Division.

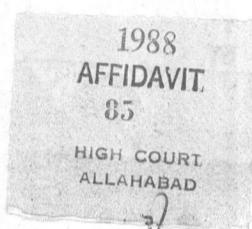
A119

In the Central Administrative Tribunal, Circuit Bench,
Gandhi Bhawan (opposite Residency),
Lucknow.

Rejoinder Affidavit

In re :

Writ Petition No. 5909 of 1982.



Smt. Veena Bhatia

.. Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Rejoinder affidavit to the counter affidavit
filed on behalf of opposite parties no. 1 to 6.

I, Smt. Veena Bhatia, aged about 35 years, wife of Sri S.L. Bhatia, resident of No. 22/3, Chander Nagar, Alambagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

veena

1. That the deponent is the petitioner in the above noted case and the contents of the counter affidavit filed on behalf of the opposite parties no. 1 to 6 has been read over and explained to the deponent, who after understanding the same is preferring a reply to the averments made therein by way of this rejoinder affidavit.

veena

2. That the contents as alleged in paragraphs 1 and 2 of the counter affidavit do not call for any reply from the deponent except that it has not



been stated in the paragraphs under reply as to how the deponent of the counter affidavit is competent to file the counter affidavit on behalf of the opposite parties no. 1 to 6. No authorisation on behalf of the opposite parties no. 1 to 3 has been ~~silkage~~ alleged in the paragraphs under reply.

3. That the contents of ~~g~~ as alleged in paragraphs 3 of the counter affidavit are denied. The document contained in Annexure no. A-1 to the counter affidavit was neither endorsed to the petitioner nor was circulated to the employees of the Post and Telegraph Department belonging to Architect Section at Lucknow, either generally or individually.

beevu

It is stated that no option was either asked for or indicated by the employees of the department working at Lucknow. And all of them have been retained as employees of the Civil Circle, Lucknow after its creation, as such in pursuance of uniform decision under the letter dated 29-4-1980 issued by the Director General, Posts and Telegraphs, New Delhi. A perusal of the documents contained as Annexure no. A-2 and A-3 to the counter affidavit makes it abundantly clear that they do not relate to the exercise of option pursuant to the letter dated 2nd, November, 1972. In any view of the matter the question of absorption of employees on creation of Civil Circles at Provincial level was agitated through different quarters and thereupon, the uniform decision was taken by the Director General, as already detailed in the writ petition.



beevu

4. That the contents of paragraph 4 of the counter affidavit as alleged, are denied. The copy of the alleged circular dated 10th April, 1973 was not given to the petitioner by any authority nor was she asked to give her option.

It is, however, stated that after the uniform decision having been taken as policy matter resolving that the employees working at a place before creation of new circle be taken as employees of the newly created circle and such policy having been circulated and enforced subsequent to April, 1973, the question of non-expression of option becomes altogether irrelevant. It has wrongly been stated that any action was taken by the petitioner as a major as an after-thought. It is stated that initially the decision of the ministerial staff ~~and~~ attached to electric division and architect offices located within the jurisdiction of Civil Circle designated as under circle. The Civil Circle shall be the coordinating authority for the purpose of recruitment and promotion etc., was circulated vide Director General Office Order No. 10-90 of 71 C.S.E. dated 20-1-1973 and was re-affirmed vide dated 29-4-80. After issuance of circular dated 8-1-1978 the name of the petitioner was deleted from the strength of civil circle New Delhi, as is evident from the letter no. 1(175)Sept ND/1/5538-53 dated 16-11-1979. The true copy of the letter dated 16-11-1979 is being annexed as Annexure No. R to this affidavit.

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5. That the contents as alleged in paragraph 5 of the counter affidavit is denied and those of paragraphs 6 to 9 of the writ petition are re-iterated.

6. That the contents as alleged in paragraph 6 of the counter affidavit are denied. Each and every employee has been governed in accordance with uniform policy done, irrespective of such employees having given any option or not. The petitioner was not required to give option at any point of time and uniform decision having been taken in the matter. There couldnot be any occasion for exercise of any option. However, the petitioner having given no an option asking for her absorption in civil circle Lucknow . Her absorption in civil circle, Lucknow is deemed to have been accepted in view of the letter dated 16-11-1979 contained in Annexure R-1.

7. That the contents as alleged in paragraph 7 of the counter affidavit are denied. The opposite party no. 7 before creation of civil circle was posted at Lucknow but was governed by the civil circle Calcutta, as at that time civil division Lucknow was an unit of civil division, Calcutta. Subsequent to the creation of civil circle Lucknow the petitioner as well as opposite party no. 7 stood on the same footing and no discrimination could be made between the two. It is stated that as a result of the uniform policy issued and circulated vide Director General Order dated 20-1-1978, as aforesaid the petitioner should have been brought in the list of the ministerial staff of Lucknow civil circle.

Recd



8. That the contents of as alleged in paragraphs 8, 9, 11, 12 of the counter affidavit are denied. The petitioner's name was already struck off from the ministerial staff of civil circle, New Delhi. It has wrongly been stated in the paragraph under reply that the petitioner continued to be shown in the seniority list of Superintending Engineer, P & T, New Delhi. It is re-iterated that after issuance of the Director General's order dated 20-1-1978, the petitioner ought to have been taken to the strength of the ministerial staff of Lucknow civil circle with her original seniority.

9. That the contents of paragraph 13 as alleged are misconceived and are denied as such. A detailed reply has been given in the preceding paragraphs and no repetition is called for.

10. That the contents of paragraph 14 as alleged in the counter affidavit are denied. It has already been stated in the reply that the name has been struck off from the strength of civil circle, New Delhi under the order dated 16-11-1979 and this position shall stand confirmed on perusal of letter no. 1 (156)SEPT & ND/8569-73 dated 6-8-1982 which have been referred to in the document as

bevel



contained in the counter affidavit as Annexure no. 4-8.

11. That the contents as alleged in paragraphs 15, 16, 17 and 18 of the counter affidavit/and those of paragraphs 20, 21 and 22 of the writ petition are re-iterated.

12. That the contents as alleged in paragraph 19 of the counter affidavit are denied. The petitioner was required to attend the discussion and the officer partaking in the discussion were visually found satisfied with the genuiness of the petitioner's claim.

13. That the contents as alleged in paras 22 to 28 are denied. The contents of paras under reply has been explained in the preceding paras and aslo in the writ petition and no repetition is called for. The opposite party no. 7 is junior to the petitioner and has no better record of service than the petitioner at the time of his promotion to the post of personal Assistant.

14. That the copy of the counter affidavit was served on the petitioner's counsel before the transfer of the case to this Hon'ble Tribunal. The rejoinder affidavit to the counter affidavit was prepared but the same could not be brought on record as the paper book available with the petitioner's counsel was misplaced and could not be traced out. Thereafter this rejoinder affidavit has been prepared afresh and is being filed to day. The delay in filing is not deliberate. The loss of the file was detected on 26-8-1988 when the file was searched and could not be traced out.



see

15. That a post of Personal Assistant to the Superintending Engineer (electrical circle) is available at Lucknow but the petitioner has not been considered for promotion on the pretext of the present calim petition being pending.

Lucknow, dated :

14 -10-1988

Deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras _____ of this affidavit are true to my own knowledge and the contents of paras _____ are believed by me to be true on the basis of legal advice, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

14-10-1988

Deponent,

I identify the deponent who has signed before me.

Advocate's Clerk.

Solemnly affirmed before me on 16-10-88
at 9.07 am/ph by Sri ~~Subrata Bhakta~~
the deponent who has been identified
by Shri J. S. C/o L. P. Myers Advocate,
High Court, Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained to him by me. 1

R. P. SINGH
Bath Commissioner High Court, Allahabad
Lucknow Bench
C. No. 85
Date 14-10-88

COPY

INDIAN POSTS & TELEGRAPHS DEPTT.
(CIVIL EN GG.WING) .

NO.1(175) SEPT N D/1 5538-53

dt. 16-11-79

To:

The Senior Architect-I(Coord), P&T, New Delhi.
All SSW, P&T, New Delhi.
All S.E (Electrical & A/C Cell), P&T, New Delhi.
All E.E, P&T/Civil/ Electrica 1/ A/C Di v. I, II, III, New Delhi/
Ghaziabad/Jaipur/Udaipur.

-.-.-

Subj:- Seniority list of T.S. Stenographers as on 1-8-79.

Seniority list of T.S. Stenographers as on 1-8-79
working under the Co-ordination of this Circle is sent herewith
for circulation amongst the staff. The omission/correction, if
any may please be intimated to this office within a fortnight of
the issue of this letter.

The names of officials working with Regional Architect
Ambala/Lucknow have not been included in the seniority list, since
they are no longer under the Co-ordination control of this Circle.
Necessary action may please be taken accordingly.

Sd/-
EA to S.E.,
P&T Civil Circle,
New Delhi.

Encl: As above.

Copy alongwith a copy of seniority list:-

1. The General Secretary, All India P&T Civil Wing Non- Gazetted Employees Union, New Delhi.
2. The S.W., & the S.E., P&T Civil Circle, New Delhi.

