

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

T.O.T. No. 1139/82

CAUSE TITLE. C. & P. No. 1715/83 OF

NAME OF THE PARTIES Shri Yogeendra Lal Srivastava.....Applicant

Versus

U.O.T. Secy.....Respondent

Part A.

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CERTIFICATE

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

This file received from record room without

Dated 20/9/11..... Boria

Counter Signed.....

Agencies
Section Officer/In charge

DR
Signature of the
Dealing Assistant.

Central Administrative Tribunal
Lucknow Bench

Cause Title T.A. No. 1139/87 1988

Name of Parties G. L. Srivastava...Applicant

Union of India.....Respondents

Part A

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C

C-File - - - C₁₀₉ - C₁₅₆

H. B. S.
4.1.94

S. B.
30/12/95

CIVIL
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

AS

K

Nature and number of case

W.L. 1715 - 83

Name of Parties

yogendra Lal Srivari

Date of Institution

31-3-83

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	6	7	8	9
					Rs. P.			
1.		with Power 29, and affid.	—	—	102-00.			
2.		Power	1-	—	5-00			
3.		Case 3828(u) 883	2	—	5-00			
4.		Amended Affid.	4	—	7-00			
5.		Short C.A.	12	—	2-00			
6.		Rejoinder affidit	5	—	2-00			
7.		Power sheet	3	—	—			
8.		Bank Com.	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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

** 7A 1139/87

No. C.A.T/Alld/Transfer/3702 Dated the 21/3/92

Y. S. Srivastava

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

① To Yogendra Lal Srivastava &/o Late Shre Raja Ram Lal Srivastava &/o Village Piplabandh, Post-office Jar Road Bishnupur, Deoria

Whereas the marginally noted cases has been transferred by H. E. L. K. O. under the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above Writ Petition No. 1715/83 of 1990, of the Court of H. E. L. K. O. The Tribunal has fixed date of 24 1990. The oral hearing of the matter. If no appearance is made on your behalf by your some one duly authorized to Act and plead on your behalf.

The matter will be heard and decided in your absence, given under my hand seal of the Tribunal this 13 day of 2 1990.

dinesh/

Rees 25
DEPUTY REGISTRAR

10-7-90

No setting adj. to 27/7/90

N

27-7-90 Hon Mr Justice K Nath, re
Hon Mr K. Choudhury, P.M.

Notice issued to the applicant ^{OR} Notice of applicant
at the given address has returned
with the remark that the applicant
was not living at the given
address and said to have ^{मैं ने रेक्टर यूनिवर्सिटी}
constructed his own house ^{के अपने घर की जाली बिल}
in Aligarh. Shri A K Chaturvedi ^{के सब गले पर रख रख}
for the applicant says that he ^{करता था। अब उसी तरीके}
is not aware of the applicant
S. F. O.

or progress in his service matter

Shri R. K. Choudhury is present for

the respondents and requests that

the case be taken in the next
month when he will gather the

necessary information. The record

~~shows~~ shows that when this

petition was filed on 31-3-83 an

interim order was passed by the

Hon'ble High Court that the petitioners

would not be deemed to have

supernuated on that date. According

to the relief in the petition, the petitioners

had claimed a right to continue

till 31-3-85. The order also shows

that the interim order shall continue

till vacated by the Hon. High Court

on 15-5-83. It will be useful

to examine whether the applicant had

ceased to work since thereafter or

allowed to work till 31-3-85.

25/7/90

P.T.O

1189/0210)

Shri N K Chandhary will gather the necessary information. Shri Chandhary may contact - the applicant and the case be listed for final hearing

on 13.9.90

R
AM -

OR
VC

13.9.90

Hon'ble Justice K. Nath V.C
u MR. M. M. Singh A.M.

S. S. H.

10/9/90

Pulab tomorrow

M. D. J. (V.C)
A.M.

14/9/90

Hon. Mr. Justice K. Prath. V.C.
Hon. Mr. M. M. Singh, A.M.

No one is present on behalf of the applicant. Shri V.C. Chandhary is present for respondents. When the case was taken up on 27/7/90, it was noticed that while the applicant claimed to remain in employment till 31/3/85 as the ^{repeated} correct date of superannuation, he was ~~not~~ ^{not} by the Deptt. to retire on 31/3/83. The interim order was passed by the High Court to permit him to continue to work beyond 31/3/83 but that order was vacated on 13/5/83. Therefore Shri Chandhary was directed to gather information

1139/0136

15.11.90

Hon. Mr. Justice K. Nath ve
Hon. Mr. M. V. Bhakar A.M.

On the request of both parties
Counsel Case is adjourned to

17.1.91

M

A.M.

✓

V.C

17.1.91

No sitting adjourned 25.2.91

✓

25.2.91

No Sitting adj. to 27.5.91

✓

21.5.91

No sitting adj. to 23.9.91

✓

23.9.91

No sitting adj. to 28.11.91

✓

28.11.91

No sitting adj. to 27.1.92

✓

18.2.93

D.R.

this file has been traced undated
during physical verification

Issue notice again for 16.4.93 for

F.H. by U.P.C.

✓

16.4.93

No sitting of D.B. adjourned
to 31.5.93. ✓

~~OB
Notice issued
on 2-4-93
for hearing
on 16.4.93
Notice received
on 21.4.93
Date fixed
on 21.4.93
Date of hearing
fixed on 21.4.93~~

A 3

6

as to whether the applicant had actually ceased to work on 13/5/83, or was allowed to work upto 31/3/85. He says that the record is not traceable despite every effort. The records of 1985 are not very old ~~recent~~ and it should be possible to find them. At any rate, the Pension Payment Order should contain the date of retirement. The case is adjourned to 15/11/90 for final hearing on which date the learned Counsel for the respondent will furnish information as required. By way of extra precaution, ^{and} ~~the~~ attempt may be made to serve the applicant's Counsel Shri R. A. Shukla who is said to be residing now at ^{Joana} ~~Yogini~~ Bhawan, ^{lucknow} Havelock Road, opposite ~~Yogini~~ Bhawan for which the office will issue notice to him.

M. M. L

Am.

H

V.C.

OR

Notice was issued to the applicant, on 24.9.90.

No returned reqd.
Cover has been return
back.

S. R. H

L

13/11/90.

Notice issued
R
24-9-90

Ax
A4

20/12/83

Hon. Mr. S.N. Prasad, J.M.
Hon. Mr. V.K. Seth, A.M.

The Case Called out several times at intervals. None for the Parties. A perusal of record particularly the Order dated 28/11/82 appearing on the reverse on 3rd Page of the writ Petition No. 1715/83 that this T.A. No. 1138/87 (WP 1715/83) has been dismissed & having been instructions & it appears that due to inadvertent listing has been listed in the category of the cases awaiting decision.

It is worthwhile mention that Relief sought for in the aforesaid writ Petition is mainly to the effect not to interfere with the discharging the duties of the applicant till 31/12/82 & the impugned order whereby the age of superannuation of the applicant was determined on 31/3/83.

In view of the above no further order is warranted.

W.M.
A.M.

J.M.

TA 1139/81

WP 1715/81

31-5-93 Hon. Mr. S. N. Prasad, S.M.

Hon. Mr. BK Singh, A.M.

arranged for either parties.

list this case on

24/8/93

B
A M

✓

J M

24-8-93 No hearing adj. to

23-9-93

more

Case and - received
No hearing adj. to 20-11-93

more

No hearing adj. to 20-12-93

more

OR

Short dated

23-9-93

No hearing adj. to 20-11-93

SPY 15.11.93
OR
15.11.93

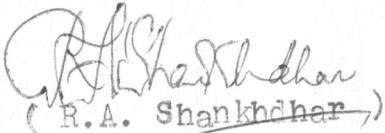
OR
S. N. Prasad
15.11.93

OR
S. N. Prasad
15.11.93

16/12

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12.	<u>Annexure-11</u> Petitioner's letter to the Commissioner of Income Tax.	-- 21-23
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14.	<u>Annexure-13</u> C.M.Apn. Stay Application before the Court of Judicature at Allahabad in the Case of Keshav Dutt Bajpai Vs. The union of India & others.	--- 25-26
15.	<u>Annexure-13-A</u> Copy of the High Court's order dt. 13.2.73. in re:- Keshav Dutt Bajpai	--- 27
16.	<u>Annexure-13-B</u> Order dated 13-2-73 passed by Hon'ble Mr. Justice K.N. Singh and G.N.	--- 28
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Presented By:-

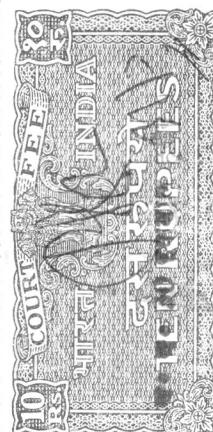

(R.A. Shankhdhar)

Advocate,

Counsel for Petitioner

Lucknow dated,

31.3.1983.



In the Hon'ble High Court of Judicature at Allahabad,

((Lucknow Bench)) Lucknow.

Yogendra Lal Srivastava ----- Petitioner

Versus

The Union of India through the Secretary & others
..... Respondents.

Writ Petition under Article 226 of the Constitution
of India

John Santava

Ag

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. 1715 of 1983.

Yogendra Lal Srivastava, son of (Late) Shri Raja Ram
Lal Srivastava, resident of Village Piprabandh,
Post-Office Lar Road, Distt. Deoria.

..... Petitioner.
Versus

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

2. The Commissioner of Income Tax, Lucknow.

3. Central Board of Direct Taxes, New Delhi

.... Respondents.

writ Petition under Article 226 of the Constitution
of India

To

The Hon'ble Chief Justice and his Hon'ble his
Companion Judges of the aforesaid Hon'ble Court.

The humble petition of the above named petitioners
most respectfully sheweth as under :-

1. That the present writ petition is being
filed against the orders of retirement/superannuation



(1)

one Impressed Rs 50 -00
One Adhesive Rs 50 -00
Total Rs 100 -00

Correct but final Court-fee ~~Rs 100~~
will be made on receipt of lower
Court record

In time up to

Papers filed. Copy of ~~Rs 100~~
should also be filed.

Single Bench.

Last Sup order due 20/3
or 14-2-83

Order passed at Lucknow.

Hon. K. H. Grayal, J. *Indirectly*
Hon. R. C. S. S. *Rs 50*

Sri. U. K. Dhaen takes
notice on behalf of opposite
parties nos. 1 & 3. Sri. Shankhdhar
states that notice could not be
served on Sri. S. C. Misra, the
standing counsel for opposite
party no. 2. He undertakes to
serve the notice on him as well.
Sri. Dhaen prays for and is allowed
three weeks' time to obtain instructions
list thereafter. In the meantime
the petitioner shall not be deemed as
superannuated on 31-3-1983.

✓ h

31-3-1983.

Hon. K. H. Grayal, J.
Hon. R. C. S. S.

Sri. S. C. Misra has
appeared before us today.
As prayed by him the case
shall be taken up on 4-4-83
for further orders. Sri. Misra
will inform Sri. Shankhdhar
and obtain a copy of the
writ petition from him
in the meantime.

✓ pr
Sister

1-4-1983.

Hon. K. H. Grayal, J.
Hon. R. C. S. S.

As ^{prayed} Sri. Shankhdhar
has sent word ~~of~~ about his
illness the case shall be put up
on 10th April, 1983.

✓ pr

4-4-83

f

Sister

of the petitioner allegedly on his attaining the age of 58 years.

A 2

2. That the petitioner was appointed as L.D.C. in the Income Tax Department on 25.2.1946 on which post he worked till 31.12.1949. He was promoted as U.D.C. on 1.1.1950 and worked as such till 30.2.1963. He was subsequently promoted as the Head Clerk on 14.2.1963, on which post he worked till 7.12.1969. By sheer dint of his hard and meritorious work the petitioner was promoted as Inspector on 8.12.1969 and, thereafter, as I.T.O. with effect from 18.2.1972.

3. That the petitioner was not aware of his date of birth entered with High School Certificate which was also misplaced. As per horoscope his correct date of Birth is 19.3.1927 and not 4.3.1925. In the circumstances the petitioner wrote a letter to the C.M.O., Lucknow, requesting him to examine him and give his opinion with respect to his age. T.C. of his letter is annexed as Annexure-1 to this writ-petition.

4. That the C.M.O. Lucknow, by letter 20.11.1982 informed the petitioner that he should present himself on any day and also bring supporting evidence. (True copy is annexed as Annexure-2).

5. That the C.M.O., examined the petitioner and indicated that he appears to be of 56 years of age. *Var for abstract of Govt; Medical Bureau* True copy of report is annexed as Annexure-3 to this writ-petition.

YH

Hon. K. N. Goyal, I.A.
Hon. C. P. S. J.

Sri Mannan
who has made a
mention on behalf
of Sri Shankhdhar
undertakes that on
0. 4. 1983 even if
Sri Shankhdhar is
unable to come
the petition will
be represented
by some other
counsel.



Sikar 4.4.1983

-3-

6. That after having received, the report of C.M.O. the petitioner made a representation for correction in his age (True copy is annexed as Annexure-4)

7. That the said representation was forwarded by the C.I.T., Lucknow the Central Board of Direct Taxes New Delhi along with the report of the C.M.O., dated 17.12.1982. Annexure-5

8. That respondent no.1 by letter dated 17.2.83 required the petitioner to furnish the following information (i) full service particulars i.e. educational qualification date of entry in the Government Service/Income Tax Department (ii) photostat copy of the High School Examination Certificate (iii) other documentary evidence to support his claim. True copy is annexed as Annexure-6 to this writ petition).



9. That the petitioner belongs to village Piprabandh P.O. Lar, District Deoria.

10. That the petitioner contacted respectable persons of locality where he was born and collected sufficient evidence to prove that his date of birth was on or about Holi in the year 1927, accordingly the age of superannuation of petitioner would be 31.3.1985.

....p/4

27.1.92

Hon. Mr. Justice V.C. Girastara, V.C.
Hon. Mr. A.B. Gorde, A.M.

By lapse of time, the respondent
have not granted any
benefit of I.T.O. to me
appellate till 31.3.1985
and present date has
also been expired
long ago. So the
appellate has been
dismissed as infounding
without any order as
to costs.

k
V.C.

J
A.M.

(nw)

X/11

11. That the petitioner approached Gram Pradhan of the concerned village. He gave a Certificate that the petitioner was born on or about Holi in the year 1927. A similar certificate was also given by the Lekhpal. True copies of these certificates are annexed as Annexures Nos. 7 and 8, to this writ petition.

12. That it may be stated here that a circular was issued by the respondent no.1 on 14.2.82 containing the names of persons who were due to retire in the next 24 - 30 months. The name of the petitioner appeared at Serial Number-1. At the said circular the date of superannuation of the petitioner was shown as 31.3.83. Annexure 9

13. That the petitioner informed his mother that he would be retiring on 31.3.83 according to the date entered in the records and that suitable arrangement will have to be made. The mother of the petitioner informed the petitioner that in fact petitioner was born on or about Holi in the year 1927 and as such he would be attaining the age of 58 years only in the month of March, 1985. This led the petitioner to make application to the CMO Lucknow requesting him to certify his age.



14. That the mother of the petitioner also give an affidavit about the aforesaid fact. A true copy of the affidavit is annexed as 10 to this writ petition.

y/s

P/S

-5-

15. That the certificate of gram pradhan in original along with two photostat copies and certificate of the Lekhpal in original along with two photostat copies as also affidavit of the mother of the petitioner in original were sent to the C.I.T. along with letter on 1.3.1983. True copy of this letter is annexed as Annexure 11 to this writ-petition.

16. That the C.I.T. on 9.3.1983 forwarded a copy of the letter of petitioner dated 7.3.83. ^{as per Annexure 12}

17. That inspite of the fact that the petitioner has taken all necessary steps in this regard, his representation has still not been disposed of by the competent authority.

18. That in similar case the Respondent No. 3 ^{V. Anjali 13-4} did not dispose of the representation. On this ground along this Hon'ble Court in the writ petition No. 1720 of 1975, has been pleased to pass the following order :-

"Having heard the learned Counsel of the petitioner as well as learned Counsel of the respondents, we direct that the petitioner shall not be retired from service on the basis of impugned notice."

YLS

.....p/6

✓

21(a) That from Income Tax officer Headquarters the defendant has received a communication dated 12th April 1983 through which the petitioner has been informed that his representation dated 24-11-82 and 7th March 1983 have been rejected by the Government of India, a copy of the said letter dated 12-4-83 is annexed as Annexure IV to this affidavit.

21(b) That from the language of the letter it is evident that no reasons have been recorded for rejection.

✓
2977

19. That, thereafter, the Respondents No. 2 and 3 looked into the matter thoroughly and the necessary corrections in the date of birth were made.

20. That there is an imminent threat of the petitioner being required to hand over the charge on 1.4.1983.

21. That the petitioner would suffer substantial and irreparable loss if he is not allowed to discharge his duties as ITO during the pendency of the writ petition.

22. That feeling aggrieved by the order passed by Respondent No. 2 and having no other alternative and efficacious remedy, the petitioner begs to prefer this writ petition, on the following, amongst, other,

Amended as
per Court order
dated 27-4-83
passed in case No.
1715(W) of 83

-: Grounds :-

(i) Because the petitioner has not attained the age of superannuation i.e. 58 years.

(ii) Because the petitioner is in fact 56 years of age.

(iii) Because the age of petitioner has been duly verified by the C.M.O. Lucknow.

- 6 -

(iv) Because an affidavit of the mother of the petitioner along with several supporting documents have been sent to the competent authority.

(v) Because representation of the petitioner has not yet been considered by the competent authority.

(vi) Because retirement of petitioner at this age would visit him with evil consequences and would result in loss of job and emoluments.

(vii) Because the impugned order of the superannuation of petitioner is illegal and without jurisdiction.

(viii) Because in the circumstances the petitioner is entitled to continue to discharge his duties till 31.3.1983.

(ix) That the decision of the Government of India has been taken without considering the evidence produced by the defendant as such the decision is wholly arbitrary and malafide.

--: Prayer :-

Wherefore, it is most humbly and respectfully prayed that this Hon'ble Court may be pleased to :-

i) issue a writ, direction or order in the nature of Certiorari quashing the order of

y/s

superannuation of petitioner on 31.3.1983,
Conferred an Anheir to 9 & 14. *(R.A.)*

(ii) issue a writ, direction or order in the nature of mandamus commanding respondents not to interfere with the right of the petitioner to discharge his duties as I.T.O. till 31.3.1985.

(iii) issue such order(s) or direction(s) may be deemed fit, just and proper in the nature of circumstances of the case be passed.

(iv) To award the cost of this writ petition in favour of the petitioner and against the respondents.

Lucknow dated,
31st March, 1983.

R.A. Shankhdhar
(R.A. Shankhdhar)

Advocate,
Counsel for the Petitioner.

⑧ An

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Pet. No. of 1983.

Yogendra Lal Srivastava ----Petitioner.

Versus

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

Annexure no. 1

To,

The Chief Medical Officer,
Lucknow.

Sir,

I have to state that my age in the Service Book is unfortunately wrongly recorded and because of that I have to retire pre-maturely. This will entail unnecessary hardship for me. I request you kindly to examine me for my age and give your assessment. I am submitting my affidavit and other supporting documents to prove my contention.

Dated 19.11.1982.

Yours faithfully,

Sd. Y. L. Srivastava,
Income-tax Officer, F-Ward,
Lucknow Cir. Lucknow.

True-copy.

Yours



इन दि आनरेबुल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद,
लखनऊ बैच, लखनऊ।

१०

रिट पिटीशन नम्बर - आफ 1983

योगेन्द्र लाल श्रीवास्तव -- ,,,, , पिटीशनर

बनाम

यूनियन आफ इंडिया द्वारा सेक्टरो मिनिस्ट्री
आफ फाइनेन्स नई दिल्ली आदि -- ,,,, अपो० - पाटीजू
अनैग्जर नम्बर - २

प्रेषक,

मुख्य चिकित्सा अधिकारी,
लखनऊ।

सेवा में,

श्री वाई. स्ल. श्रीवास्तव,
आयकर अधिकारी एफ वाई,
लखनऊ सर्किल, लखनऊ।

संख्या ई- 7/82.

दिनांक नवम्बर 20, 1982

महोदय,

आप के पत्र दिनांक 19.11.82 के सान्दर्भ में सूचित करना है कि आप अपनी आयु के क्रेक्षण के सम्बन्ध में मेडिकल मैनुअल के पैरा 235 ए के अन्तर्गत आपने नियत्रण अधिकारीद्वारा अपना केस अधोहस्ताक्षरी को संभित कराये और उक्त संदर्भ के साथ किसी भी कार्य दिवस में प्रातः 10 बजे से अपराह्न एक बजे के मध्य में आवश्यक कार्यवाही हेतु इस कायलिय में उपस्थित हो। कृपया आपने साथ अपनी आयु के प्रमाण के सम्बन्ध में नोटरी छलफ्तारा सर्व अध्य जो भी हाथ्य आप के पास उपलब्ध हों उसे अवश्य लायें।



भवदीय,

८०/-

आर० सन० सिंघल,
मुख्य चिकित्सा अधिकारी, लखनऊ।

सत्य- प्रतिलिपि।

Jogendra Lal Srivastava

A 19 .10

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

X
✓
Writ Pet. No. of 1983.

Yogendra Lal Srivastava

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Annexure no. 3

Extract of Medical Manual of Govt. of Uttar pradesh

8. Age Certificate.

234-The question of determination of age in the living comes under the notice of the medical man in relation to:

1.Criminal responsibility,	6.Personal identity,
2.Marriage,	7.Making wills,
3.Fecundity,	8.Capability as a witness.
4.Viability,	9.Employment under the Factories Act, etc.
5.Rape,	

235- For determining the age in the adult, no definite and reliable scientific critaria are available and adult life is reached and the estimation of approximate age in such cases is largely based on the general appearance of the individual concerned and the experience of the Medical Officer in this direction. Medical Officers should therefore exercise the utmost care in verifying the age of adults.

235A. Medical Officers should not grant a certificate of age without first ascertaining the purpose for which it is required and what evidence the applicant has in his possession to support the statement of his age which he makes to the Medical Officer concerned, all of which should be stated.

True extracts.

Yours



In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

✓/2
Writ Pet. No. of 1983.

Yogendra Lal Srivastava

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Annexure No. 4

To,

The Commissioner of Income-tax,
Lucknow.

Sir,

I have to state that my service records are incomplete to the extent that my age is not correctly mentioned in the service-book. I belong to the rural areas of Eastern districts where age records are not kept by the parents. There was no records of vital statistics at that time maintained by any authority. My age was there mentioned by my parents on the basis of assumption and that continued till I pass my High School Examination. I, therefore, request you to get my age properly verified. I am submitting my affidavit for correct age. My case may please be referred to the Chief Medical Officer, Lucknow, for verification.



Yours faithfully,

Sd. Yogendra Lal,
Income-tax Officer, F-Ward,
Lucknow Circle,
Lucknow.

True-copy.

YLS

12
A 21

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

X/23

Writ Pet. No. of 1983.

Yogendra Lal Srivastava

-----Petitioner.

Versus

Union of India and others

-----Opp-parties.

Annexure no. 5

Regd.

No. E stt./F. No. 43-663

17.12.82.

The Director (Ad. VI),
Central Board of Direct Taxes,
New Delhi.

Sir,

Subject- Representation of Shri Yogendra Lal Srivastava, ITO (Gr.B) Change of date of birth-orders regarding-

Shri Yogendra Lal Srivastava, ITO, Gr (B) has made a representation for change of date of birth recorded in his service records (copy enclosed). He has sworn an affidavit (copy enclosed) that as per his original horoscope correct date of birth is 19.3.27 and not 4.3.25 as mentioned in the records, on the basis of his High School Certificate. He requested that his case may be referred to the Chief Medical Officer, Lucknow for verification of his age. The case was referred to the Chief Medical Officer pointing out that Shri Srivastava would in the normal course retire from service on 31.3.83 and any change in his date of birth will now have the result of altering the date of retirement. It was pointed out to the Chief Medical Officer that if rules permitted he may verify that age of Sri Srivastava keeping in view the provision of paras 234 and 235 -A of Medical Manual



YLS

of Govt. of Uttar Pradesh (copy of the relevant provisions of the Manual are enclosed).

2. Dr.R.N.Singhal, Chief Medical Officer, Lucknow has stated in his letter No.E-7/62 dated 17.12.82, copy enclosed, that in his opinion, by appearance Shri Srivastava appears to be 56 years of age. Since it is the opinion of a medical expert no comments are possible at his end.

3. Boards order on the petition of Shri Srivastava are solicited.

Yours faithfully,

Sd.Dharni Dhar,
Encl.as above . Commissioner of Incometax,
Lucknow.

True-copy.

Yours



30/3/83

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Pet. No. of 1983.

Yogendra Lal Srivastava

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Annexure No. 6

Government of India,
Office of the Commissioner of Incometax.
Lucknow.

No. Estt./P.43-663

Dated Lucknow the 17th Feb. 1983

To,

Shri Yogendra Lal Srivastava,
Income-tax Officer, F-Ward,
Lucknow Circle, Lucknow.

Sub: Change in date of birth-Representation
of Shri Y.L. Srivastava, I.T.O. Group 'B'
Question regarding-

Please refer to your representation dated 24.11.1982.

2. I am directed to request you to furnish the following documents in support of your claim that correct date of birth i.e. 19.3.1927;

1. Full service particulars i.e. education qualifications, date of first entry into Govt. service/Income-tax Deptt.

2. Photo copy of High School Certificate.

3. Other documentary evidence in support of your claim

(M.K.Johri)
Income-tax Officer (HQ) Admn.
Lucknow.

Even number of date:

Copy forwarded for information to the Inspecting Asstt. Commissioner of Incometax, Lucknow with reference to letter F.No.10(a)/82 dated 3.12.1982.

(M.K.Johri)
Income-tax Officer (HQ) ADMN.
Lucknow.

True-copy.

Yours



15 A 24
इन दि आनरेबुल हाई कोर्ट आफ जुडीकेवर सेट इलाहाबाद,
लखनऊ बेन्च, लखनऊ।

रिट पिटीशन नम्बर - आफ 1983

योगेन्द्र लाल श्रीवास्तव ---

, , , , , पिटीशनर

बनाम

यूनियन आफ इण्डिया द्वारा स्क्रेटरी

मिनिस्ट्री आफ फाईनेन्स नई दिल्ली आदि ----- अपो - पार्टीज़

अनैरण्डर नम्बर - 7

प्रमाण पत्र -

मैं श्री बौके सिंह पुत्र श्री सहदेव सिंह उम्र 80 वर्ष,
निवासी ग्राम पिपरा बांध पो. लार रोड, ज़िला देवरिया का रहने वाला
हूँ। मैं इस ग्राम का ग्राम प्रधान हूँ। श्री योगेन्द्र लाल श्रीवास्तव पुत्र स्वर्गीय
राजा राम लाल श्रीवास्तव का जन्म होली के आस पास सन् 1927 में हुआ
था। ये बात मुझे इसलिये खास तौर से याद है कि इनके पिता पटवारी थे और
इनके पैदा होने पर उन्होंने देहात में उस वर्ष काफी उत्सव मनाया था। मेरे
ग्राम में किसी प्रकार का ऐसा कोई रिकार्ड नहीं रहता है था। जिसमें पैदाई
और उम्र दर्ज की जाती हो परन्तु मुझे पूर्ण ध्यान है कि इनका जन्म 1927 में
होली के आस पास ही हुआ था। मेरा गौव किसी महापालिका के क्षेत्र में नहीं
आता है।

८० - बौके सिंह प्रधान,

ग्राम पिपरा बांध,

हसीलू

लार रोड,

ग्राम सभा पिपरा बांध, ज़िला - देवरिया

४०३०८३।

सत्य - प्रतिलिपि।

Yogendra Lal Srivastava



16 A25
इन दि आनरेक्युल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद,
लखनऊ बैन्च, लखनऊ।

रिट पिटीशन नम्बर -

आफ 1983

योगेन्द्र लाल श्रीवास्तव ---

,, , , पिटीशनर

बनाम

यूनियन आफ इण्डिया द्वारा सेंटरी
मिनिस्ट्री आफ फाईनेन्स नई दिल्ली आदि ---

,, , अप० - पार्टीजन

अनेक्षर नम्बर - 8

मैं राम बिलास लाल पुत्र स्वर्गीय श्री स्वामीनाथ लाल उम्र
करीब 58 वर्ष, निवासी ग्राम पिपरा बांध, पोखरा लार रोड, ज़िला - देवरिया
का रहने वाला हूँ, मैं इस ग्राम का लेखपाल रह चुका हूँ। मैं इसी गाँव का
निवासी हूँ। मुझे इस बात का ज्ञान है कि श्री योगेन्द्र लाल पुत्र स्वर्गीय श्री
राजा राम लाल, निवासी ग्राम पिपरा बांध पोखरा लार रोड, ज़िला देवरिया
का जन्म होली के आस पास 1927 में हुआ था। लेखपाल होने के नाते मुझे यह
मालूम है कि किसी प्रकार का कोई रजिस्टर ऐसा नहीं है जिससे उस समय की
पैदाई तथा उम्र का इन्द्राज किया गया हो। और न हमारा गाँव किसी
नगर पालिका के क्षेत्र में आता है।

द० - राम बिलास लाल,
ग्राम - पिपरा बांध,
पोखरा - लार रोड,
ज़िला - देवरिया।,
दिन १०.३.८३ ई०



सत्य - प्रतिलिपि।

Yogendra Lal Srivastava

A26

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.
W.P. No. 17 of 1983.

Yogendra Lal Srivastava --- Petitioner
v/s.
The Union of India & others --- Respondents.

Annexure No: 9

Government of India
Office of the Commissioner of Incometax
Lucknow.

Estt/Pen/C.No.104/73.

Dated Lucknow the 14-2-83

To

All the Assistant Commissioners of Incometax,
Charge I.T.Os, J.R.Os, Asstt. Controller of E.D.,
Valuation Officer in Lucknow charge and
Dy. Director, Regional Training Institute,
Lucknow.

Sub: Government servants who are due to retire
within the next 24 to 30 months -

From this office records the under mentioned officers
and officials of Lucknow Charge have been found to be due for
retirement within the next 24 to 30 months. The date of retirement
may please be checked and verified from their service records. It
may also be ensured by checking the service records of other Govt.
servants, if any other person is due for retirement within the
next 30 months, if so the name of such officials may also be
reported to Zonal Accounts Officer (CBDT), 57, Ramtirth Marg,
Lucknow under intimation to this office.

2. All the Heads of Offices as also the next higher administrative authorities responsible for the maintenance of service
records of Heads of Offices who are also responsible for the
processing and finalisation of pension cases are requested to
confirm that verification regarding qualifying service of these
officers/officials has been completed and duly noted in the service
book and form 24; they should also confirm that the entries in the
service book regarding nomination for family pension and D.C.R.
gratuity have been made and that form 5 prescribed in C.C.S.
(Pension) Rules 1972 and also Form 10(B) have been supplied to
them.

GAZETTED

<u>Sl. No.</u>	<u>Name of the Officer with designation</u>	<u>Place of posting.</u>	<u>Date of retirement.</u>
1.	Shri Y.L. Srivastava	ITO	31.3.1983.
2.	" H.M. Saxena	AAC	31.7.1983.
3.	" J.S. Agarwal	IAC (Asstt.)	31.8.1983.
4.	" S.N. Saxena	ITO	31.1.1984.
5.	" Sushil Kumar	ITO	31.1.1984.
6.	" R.R. Singh	ITO	31.3.1984.
7.	" B.L. Shah	ITO	30.8.1984.
8.	" K.C. Saxena	ITO	30.6.1984.
9.	" A.S. Bisen	A.C.	30.9.1984.
10.	" San Saran Saxena	ITO	31.10.1984.
11.	" J.S. Verma	ITO	30.11.1984.
12.	" Sri Ram	ITA	31.12.1984.
13.	" Munno Lal Agarwal	ITO	30.6.1985.
14.	" C.D. Basu	CIT(A)	31.7.1985.
15.	" S.C. Bhattacharya	ITO	31.7.1985.
16.	" P.N. Kansal	ITO	31.7.1985.

Contd...2



NON GAZETTED

Sl. No. with designation	Place of posting	Date of retirement
1. Shri Allah Bux	Safaiwala	30.6.1983
2. " J.W. Helms	L.D.C.	30.11.1983
3. " B.B.L. Saxena	Insp. Supr. Gr. II	31.1.1984
4. " C.M. Saxena	Supr. Gr. II	31.1.1984
5. " B.D. Tripathi	H.C.	31.1.1984
6. " S.M. Munir.	Supr. Gr. I	29.2.1984
7. " V.B. Soni	Insp.	30.4.1984
8. " Shiv Ratan Lal	Insp.	31.7.1984
9. " R.D. Sinha.	H.C.	31.7.1984
10. " G.C. Gupta	Insp. Supr. Gr. II	31.8.1984
11. " L.C. Lalla	U.D.C.	31.8.1984
12. " Chatur Singh	Chowkidar.	30.9.1984
13. " Bansi Lal	Insp.	31.10.1984
14. " H.M.M. Singh	Insp.	30.11.1984
15. " D.C. Sharma	L.D.C.	31.12.1984
16. " A. Maslamani.	U.D.C.	31.12.1984
17. " Jokhey Lal	N.S.	29.2.1985
18. " S.J. Bhaqwanji.	H.C.	29.2.1985
19. " P.N. Rajdan.	L.D.C.	31.5.1985
20. " Mohan Singh	N.S.	30.6.1985
21. " R.N. Sicha.	Supr. Gr. II	30.6.1985
22. " S.K. Teuari.	S.G.	31.7.1985
23. " S.P. Dang.	Insp.	31.7.1985
24. " Shiv Charan Singh	H.C.	31.8.1985
25. " K.M.L. Sinha.	L.D.C.	31.8.1985
26. " M.M.H. Siddiqi.	Insp.	31.8.1985
27. " S.L. Burman.	L.D.C.	30.9.1985
28. " Ram Autar Rai.	L.D.C.	30.9.1985

3. Pension papers of officials may please be prepared in form 1,3,5 & 7 and sent to Zonal Accounts Officer in form 9 circulated under this office endorsement C.No.159-304E/60/AI dated 2.2.1990 (Circular No.4) alongwith service book and Leave accounts so as to reach his office at least seven months in advance of the date of retirement and G.P.F. application may be sent one year in advance in part I of the form 10(B).

4. Receipt of the letter may please be acknowledged.

(M.K. Johri) ITO(HQ)ADMN.
for Commissioner of Income-tax,
Lucknow.

Even number of date.

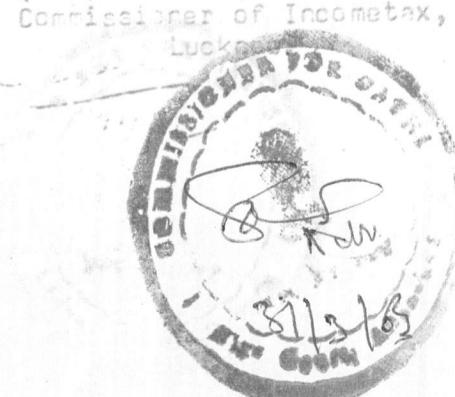
Copy forwarded to the Accounts Officer, Zonal Accounts Office (CBOT), 57 Ramtirth Marg, Lucknow under Rule 56 of CCS(Pension)Rule 1972 as amended by Deptt. of Expt. Notification No.11(1)EV(A)/73 of 14.7.1975.

Copy also forwarded to the ITO(HQ)ADMN. CIT's Office, Allahabad for similar action.

R.K. with ~~Supr. Gr. II~~ 44 copies for placing in personal files and pension files of officials.

(M.K. Johri) ITO(HQ)ADMN.
for Commissioner of Income-tax,
Lucknow.

S.P./-



In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Pet. No. of 1983.

Yogendra Lal Srivastava

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Annexure No. 10

To Whom it may concern.

Affidavit.

I, Mst. Surati Devi wife of late Shri Raja Ram Lal, aged about 74 years, resident of village Pipra Bandh, P.O. Lar Road, district Deoria, U.P., at present resident of M.G.63, Sector 'C', Aliganj, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent's eldest son is Shri Yogendra Lal Srivastava.
2. That the deponent is at present running in 74 years of her age.
3. That deponent was married at the age of 17 years and her eldest son Sri Yogendra Lal was born at the age of 18 years.
4. That the deponent fully remembers that her eldest son was born near about Holi Festival in the year 1927 which was celebrated with great zeal as he was our first son.

yhs
Lucknow, dated,
7.3.1983

Sd. Surati Devi,
Deponent.

R/50

Verification.

I, the abovenamed deponent do hereby verify that the contents of paras 1 to 4 of this affidavit are true and correct to my personal knowledge.

Verified and signed this the 7th day of March, 1983, within court compound, at Lucknow.

Lucknow, dated,
7.3.1983

Sd. Surati Devi,

Deponent.

I identify the deponent who has signed before me.

Sd. Surati Devi.

Sd. Illegible,
Advocate.

True-copy.

Yhe



In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Pet. No. of 1983. X

Yogendra Lal Srivastava ----Petitioner.

Versus

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

Annexure no. 11

From-Yogendra Lal Srivastava,
Incometax Officer,
F-Ward, Lucknow Gir,
Lucknow.

To,

The Commissioner of Income-tax,
Lucknow.

Dated Lucknow the 1st March, 1983.

Through- The Inspecting Asstt.Commissioner of
Income-tax, Lucknow.

Sub: Change in date of birth-representation
of Sri Y.L.Srivastava, I.T.O.Group 'B'.

Kindly refer to your office letter No.Estt./P.N.
43-663 dated 17.2.83, in the above matter.

As desired, I am furnishing the following informati-
-on in support of my claim that correct date of birth
i.e.19.3.27.

813105

i) That I passed I.Com. Examination from Board
of High School & Intermediate Education, Allahabad
in the year 1959. I entered in Income-tax Deptt.
as L.D.C.on 25.2.46.

ii) That inspite of my best efforts High School
Examination Certificate could not be traced out.
It appears to have been misplaced/least in course
of my transfers from place to place and change of
residence from time to time. Hence a photo copy
of High School Examination Certificate is
not attached.

Y.L.S.

iii) That I am resident of village Pipra Bandh, P.O.

Lar Road, Distt. Deoria where I took birth. I contacted few respectable & old personalities of the said place. They have furnished collateral evidence in support of my date of birth being Holi in 1927, according to their memories. These certificates are from:-

a) Gram Pradhan in original along with two photo copies.

b) Lekhpal in original along with two photocopies.

c) Affidavit of my mother along with two photo copies.

iv) That the details of my service particulars are as under:-

L.D.C. -- 25.2.46 to 31.12.49

U.D.C. - 1.1.50 to 13.2.68,

H.C. - 14.2.68 to 7.12.68

Inspector-8.12.69 to 17.2.82.

I.T.O. - 18.2.82 to date.



3. As per official records my date of passing the High School Examination is 1944. As per date of birth recorded I have passed the High School Examination at the age of 19 years which is apparently appears wrong.

In normal course a student passes his High School Examination at the age of 15 to 16 years.

Yours

13

4. In the circumstances stated above and also verification of age Certificate (which has already been submitted) from the C.M.O., Lucknow, I request your honour kindly to accept my representation dated 19.11.82, which was also duly supported by an affidavit and as the same has also been corroborated by the aforementioned persons.

Yours faithfully,

Sd.Y.L.Srivastava,

Income-tax Officer, F-Ward,
Lucknow Cir., Lucknow.

True-copy.

Yours



In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Pet. No. of 1983.

Yogendra Lal Srivastava

-----Petitioner.

Versus

Union of India and others

-----Opp-parties.

Annexure no. 12

F.No.Estt./P.No.43-663 Dated Lucknow the 9 March, 83.

To,

The Director(Ad.VI)(A)
Central Board of Direct Taxes,
New Delhi.

Sir,

Sub:-Representation of Shri Yogendra Lal Srivastava, I.T.O. (Gr.B)-Change of date of birth-
Orders regarding-

Please refer to Board's letter F.No.A-21016/1/83-
Ad.VI(A) dated 3.2.1983.

2. I enclose herewith a copy of letter dated 7.3.83
from Shri Yogender Lal Srivastava, I.T.O. (Cr.B) giving
full service particulars i.e. his educational qualifi-
cations, date of first entry into Govt. Service/
Income-tax Department. He has stated that his High
School Examination Certificate has since been
misplaced/lost and could not be traced out. In
support of his claim that the correct date of birth
is 19.3.1927, he has filed affidavit of his mother
and two certificates from village Pradhan and the same
are enclosed.

3. Board's orders on the petition of Shri Yoginder Lal
Srivastava are solicited. Shri Srivastava is in nor-
mal course retire from service on 31.3.1983.

Yours faithfully,

(Dharni Dhar)

Commissioner of Income-tax, Iko.

Encls: as above.

True-copy.

YD

A33
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X
Y

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

W.P.No.

of 1983.

Annexure No. 13

Yogendra Lal Srivastava

---Petitioner

Vs.

Union of India & others

---Opp-Parties

In the High Court of Judicature at Allahabad

Misc. Stay application

In

C.M.Writ Petition No. of 19 73

Kashav Dutt Bajpai- Petitioner

Vs.

1. Union of India

2. C.B.D.t New Delhi,

3. Commissioner of Incometax II Kanpur

opposite-parties



To

The Hon'ble the Chief Justice & his
companion Judge of the aforesaid Court.

The humble petition of the petitioner
above named most respectfully showeth:

i) The full facts giving rise to the present
petition are setout in the writ petition
itself.

...p/2

Yours

2. That the petition has not reached the age of supernnuation- and his real date of birth 8.2.18 and not 15.2.15 as wrongly recorded in the service ~~xx~~ book.

3. That if in accordance with the recorded age of the petitioner, he is supernuated, his writ petition would become ~~infex~~ infructuous

-: Prayer :-

It is humbly prayed that this Hon'ble Court be pleased to issue and interim order directing the the opposite-parties not to supernnuate the petitioner till the decision of writ petition.

sd/-

Counsel for the Petitioner.



(True Copy)

Yashwant

AS4
27
X
B

In the Hon(ble High Court of Judicature at Allahabad,
Lucknow Bench) Lucknow.

W.P. No. of 19883.

Yogendra Lal Srivastava ---Petitioner
v/s.

Union of India & others ---Opp-Parties

Annexure No. 13-A

Urgent
Stay proceeding High Court of Judicature at
Allahabad
Civil side original jurisdiction

No. 1720

Dated Allahabad 28.2.
1973.

Office Memo
A.N.1014 of 1973.

Keshav Dutt Bajpai - Appellant

v/s.

Union of India & others- Respondent.


A copy of the High Court's order dt.the
13.2.73 in the above noted case forwarded for
necessary action.

sd/- (Dy.Registrar)

Enc1:

1. Copy of application with
copy of Court's order dt. 13.2.73.

True copy

.....
Yogendra Srivastava

28 A36
28

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

W.P. No. of 1983.

Yogendra Lal Srivastava --Petitioner

v/s.

Union of India & others ---Opp-Parties

Annexure No. 13-8

Order by the Hon'ble - K.N. Singh J

& Hon'ble Copi Nath- J

I issue notice

Having heard the learned counsel for the petitioner as well as the learned counsel for the respondents we direct that the petitioner shall not retired from service on the basis of impugned ~~order~~ notice.



sd/- K.N. Singh

sd/- G.N.

13.2.73

True Copy

sd/-
Section Office(Grade-I)
Judicial Department High Court
Allahabad.

True copy

Yogendra Lal Srivastava

Yogendra Lal Srivastava
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
No. 871283
Date 31/3/73

A31
24

In the Hon'ble High Court of Judicature at
Allahabad, Lucknow Bench, Lucknow.

Writ Petition No. _____ of 1983.



Yogendra Lal Srivastava

----Petitioner

Versus

The Union of India & others ---- Respondents.

Affidavit

in support of Writ Petition under Article 226
of the Constitution of India



I, Yogendra Lal Srivastava, son of (Late) ~~Shri Raja Ram~~ ^{aged about 56 years} Srivastava, resident of Village Piprabandh, ~~X~~ Post-Office- Lal Road, District Deoria, the deponent do hereby ~~xxxify~~ solemnly affirm and state on oath as under:-

Yogendra Lal Srivastava

1. That the deponent is himself 'Petitioner' in the above noted writ-petition and as such is fully conversant with the facts deposed to herein.
2. That the contents of paras ^{1 to 21} of the writ petition are true to my own knowledge.

3. That Annexures Nos: 1 to 8 of the writ petition are true copies and they have been compared with their respective originals.

Yogendra Srivastava

Deponent.

Lucknow dated,

31.3.1983.

Verification

I, Yogendra Lal Srivastava, the deponent named above do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge, that no part of it is false and that nothing material has been concealed, so help me God.

Lucknow dated,

31.3.1983.

Yogendra Srivastava

Deponent.

I identify the deponent who has signed before me.

Abdul Shakoor Khan

Advocate.

Solemnly affirmed before me on 31.3.83.

at 11.20 am/pm by Shri Yogendra Lal Srivastava, the deponent who is identified by Sri R.S. Shanker.

Clerk to Sri

Advocate, High Court, Allahabad/Lucknow.

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

R.S. Shanker
SATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
87/20
31/3/83

3 A 40
112

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

C. M. Application No. 3828 (w) of 1983

In re:

Writ Petition No. 175 of 1983.



(Signature)
Yogendra Lal Srivastava, son of (Late) Shri Raja Ram
Lal Srivastava, resident of Village Pipravandh,
Post-Office Lar Road, District Deoria,

---Applicant(Petitioner)

Versus

1. Union of India through the Secretary Ministry of Finance, New Delhi.
2. The Commissioner of Income Tax, Lucknow.
3. Central Board of Direct Taxes, New Delhi.

....Respondents.

Application for Stay

The humble petition of the above named applicant (petitioner) most respectfully sheweth as under :-

That for the facts, reasons and circumstances ~~and~~ of the case, it is most humbly and respectfully

YHp/2

Hon. K.N. Goyal, J.
Hon. R.C. Deo Sharma, J.

For orders see over
order of date on the back
of the writ petition

E/6

Plcc

31.3.1983.

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of the case stated in the accompanying writ petition which is duly supported by an affidavit, it is most humbly prayed that this Hon'ble Court may be pleased to stay the impugned order of superannuation of petitioner-applicant on 31.3.1983, and commanding the respondents not to interfere with the right of the applicant(petitioner) to discharge his duties as ITO till 31.3.1985.

Such any other order(s) or direction(s) be deemed fit, just and proper by this Hon'ble Court be also passed in favour of the applicant(petitioner).

Lucknow dated,

31.3.83.



(R.A. Shankhdhar)

Advocate,

Counsel for the Petitioner-

Applicant.

A42

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

C. M. Appn. No. of 1983

in re:

Writ Petition No. 1715 of 1983



Yogendra Lal Srivastava Applicant
(Petitioner).

Versus

Union of India and others... Respondents

Amendment application

The petitioner-applicant submits as under :

1. That due to the subsequent developments narrated in the accompanying affidavit amendment in the writ petition is necessary, hence this amendment application.

Therefore, it is prayed that the following amendment may kindly be allowed to be added in the writ petition:

(a) Paras 2 and 3 of the accompanying affidavit may kindly be allowed to be added as paras 21(a) and 21(b) of the writ petition.

(b) Annexure XIV may be allowed to be added as annexure XIV to the writ petition.

(c) Para 4 of the accompanying affidavit may be allowed to be added as ground no. ix of the Grounds.

(d) In clause (i) of the prayer after annexure IX annexure XIV be allowed to be added.

A. Bhambhani

Dated: Lucknow:

April , 1983

18

Counsel for the petitioner.

A 43
W2

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. 1715 of 1983



Yogendra Lal Srivastava Applicant
(Petitioner).

Versus

Union of India and others Respondents

A F F I D A V I T

aged about 56 years

I, Yogendra Lal Srivastava, son of
(late) Shri Raja Ram Lal Srivastava, resident of
village Piprabandh, post office Lar Road, district
Deoria do hereby solemnly affirm and state on oath
as under :

1. That the deponent is petitioner in the above-mentioned writ petition and as such he is fully conversant with the facts and circumstances stated hereinafter.
2. That from Income Tax Officer Headquarters the deponent has received a communication dated 12th April 1983 through which the petitioner has been informed that his representation dated 24.11.82 and 7th March 1983 have been rejected by the Government of India, a copy of the said letter dated 12.4.1983 is annexed as annexure XIV to this affidavit.
3. That from the language of the letter

Yogendra Lal Srivastava



-2-

it is evident that no reasons have been recorded for rejection.

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4. That the decision of the Government of India has been taken without considering the evidence produced by the deponent, as such the decision is wholly arbitrary and malafide.

Yogendra Lal Srivastava

Dated: Lucknow:

Deponent.

April 17, 1983

Verification

I, the above-named deponent, do hereby verify that the contents of paras 1 to 4 are true to my own knowledge. Nothing is wrong in it and nothing material has been concealed, so help me GOD.

Yogendra Lal Srivastava

Dated: Lucknow:

Deponent.

April 17, 1983

I know the above-named deponent, identify him and he has signed before me.

D. N. Tewari

Clark to Sri A. Mannan, Advocate.

Dated: Lucknow:
April 17, 1983

Solemnly affirmed before me on this 17 day of April, 1983 at 8.15 a.m./p.m. by the above-named deponent, who has been identified by the Clerk to Shri A. Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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



M. M. Rahman

(M. M. RAHMAN)

OATH COMMISSIONER

High Court, Allahabad

Lucknow Bench

No. 316/400

Date 17/4/83

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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench Lucknow.

Writ Petition No. of 1983

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W

Yogendra Lal Srivastava Applicant
(Petitioner)

Versus

Union of India & Others Opp-Parties

Annexure No. XIV

No. Esstt/P. No. 43-663/235

Income Tax Officer (Hqrs.) Admn.
Office of the Income Tax
Commissioner, Lucknow.

Dated the 12 April, 1983.

To

Shri Yogendra Lal Srivastava,
Income-tax Officer (Statiscal),
C.I.T., Office,
Lucknow.

Subject:- Representation dated 24.11.1982
regarding change in date of birth-
Orders regarding -

Please refer to your representations dated 24.11.82
and 7.3.1983.

2. I am directed to inform you that your representation
for change in date of birth has been carefully consid-
ered by the Govt. of India and the same has been
rejected.

Sd/- M. K. Johri
Income-tax Officer (Hqrs.) Admn.,
Lucknow.

Even No. of date/

Copy to Shri Yoginder Paul, Under Secretary,
Central Board of Direct Taxes, New Delhi with reference
to his letter No. F.No.A-21016/1/83-Ad.VI dated
8.4.83 for information.

(M. K. Johri) Income Tax Officer
(hqrs.) Admn., Lucknow.



Yogendra Lal Srivastava

2.

he is fully conversant with the facts and circumstances of the case. He has been authorised to file the present affidavit on behalf of opposite-party no. 2.

2. That the present writ petition has been filed by Sri Yogendra ^{Lal} ~~Nath~~ Srivastava against his superannuation on 31.3.83 on the ground that his date of birth had been wrongly recorded as 4.3.25 instead of 19.3.27. He has claimed that his correct date of birth is 19.3.27 and as such he should not be retired on 31.3.83 and instead would be liable to be retired in the month of March, 1985 according to his correct date of birth.

3. That in the writ petition he had also mentioned that he had submitted his representation which had been forwarded to the respondents 1 and 3 and that the same had not yet been decided.

4. That the writ petition was listed on 8.4.83 on which date the Hon'ble Bench was pleased to direct that the case now be listed on 18.4.83 on which date information regarding the disposal of the representation of the petitioner ^{would} ~~is~~ also be furnished to the Hon'ble Court.

5. That the respondent no. 2 has received the communication from the respondent no. 1 through ^{telegram} dated 8/4/83 followed by a letter dated 15th April, 83 informing that the representation of the petitioner regarding change of date of birth had been carefully examined in consultation with the department of Personnel

Satish Chandra

3.

A.Rs. but the same was rejected. The same had been duly communicated to the petitioner on 12.4.83. A true copy of the said communication letter dated 12th April, 83 ~~xxxxxxxx~~ and the letter dated 15.4.83 are being annexed herewith as annexure no. C1 and C-2 to this affidavit.

6. That it may also be mentioned here that the date of birth of Sri Yogendra Lal Srivastava, ITO was entered in the service record on the basis of his ~~own~~ declaration and on the basis of High School certificate which he had produced as documentary evidence, at the time of entry into the Income Tax Department as per procedure laid down by the Government of India for the purpose. As per his High School certificate his date of birth 4.3.25 has correctly been entered in the service record and the question of altering his date of birth on the basis of evidence now produced by him does not arise. In this connection, the attention of this Hon'ble Court is drawn to the Rules 79 and 80 of the Federal Financial Rules, 1963, a true copy of which is being annexed herewith as annexure nos. C-3 to this counter affidavit, and to the note 5 appended below the Fundamental Rule 56 read with the Department of Personnel and A.Rs. Notification No. 19017/7/79- Ests A. dated 30.11.79. A true copy of the said notification dated 30.11.79 is being annexed herewith as annexure no. C4 to this counter affidavit. The said Rules and Notification have statutory force and a perusal of the same would show that the Rules do not provide for any change in date of birth at this late stage.

Satish Chandra



4.

AS/

7. That the respondents nos. 2 and 3 reserve the right to file a detailed counter affidavit to the writ petition if found necessary.

Satish Chandra
Deponent.

Dated Lucknow.

April 18, 1983.

I, the above named deponent do hereby verify that the contents of para 1 of the affidavit are true to my own knowledge, those of para 7 are true on the basis of legal advice and those of paras 2 to 6 are true on the basis of the record.

Satish Chandra
Deponent.

Dated Lucknow.

April 18, 1983



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

S. N. S. C. Clerk

Solemnly affirmed before me on 14-4-83
at 9 am/pm by the deponent Sri Satish Chandra who is identified by Sri Brij Nandan Srivastava, Clerk to Sri S.C.Misra, Advocate, High Court, Lucknow Bench, Lucknow. I have satisfied myself by examining the ~~deponent~~ deponent that he understandsthe contents of the affidavit which havebeen read over and explained by me.

Satish Chandra

A. N. S. S. C. Clerk
Oath Commissioner
High Court, Lucknow

No. 28(31)
Date 18/4/83

A 52 5

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. 1715 of 1983.

Yogendra Lal Srivastava. ...Petitioner.

Versus

Union of India. ...Opp-party.

ANNEXURE NO. C-1

No. Estt/P. No. 53-663

Dated the 12 April, 1983.

To

Shri Yogendra Lal Srivastava,
Income-tax-Officer (Statiscal),
C.I.T. Officer,
Lucknow.

Subject:- Representation dated 24. 11. 1982 regarding
change in date of birth-Orders regarding -

Please refer to your representations dated
24.11.82 and 7.3.1983.

Satish Chandra

2. I am directed to inform you that your
representation for change in date of birth has been
carefully considered by the Govt. of India and the
same has been rejected.

(M.K.JOHRI)
Income-tax-Officer(Hqrs)Admn.,
Lucknow.

A53 6

-: 2 :-

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S

Even No. of date/

Copy to Shri Yogindra Paul. Under Secretary,
Central Board of Direct Taxes, New Delhi with reference
to his telegram No. F.No.A-21016/1/83-Ad.VI dated
8.4.83 for information.

Sd/-

(M.K.Johri)

Income -tax-Officer (Hqrs) Admn.,
Lucknow.

Sathu Chaudhary

True copy



A 54 1

In the Hon'ble High Court of Judicaturea tallahabad,
X/57
Lucknow Bench, Lucknow.

Writ PetitionNo. 1715 of 1983.

Y.L.Srivastava. ...Petitioner.

Vs.

Union of India. ...Opp-party.

ANNEXURE NO?C-2

F.No. A.21016/1/83-AD.VI(A)

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE

NEW DELHI THE 15TH APRIL, 1983.

To,

The Commissioner of Income-tax,
Lucknow (U.P.)

Satish Chandra

Subject:- Change in date of birth-Representation
of Shri Yogendra Lal Srivastava, ITO-
Question regarding-

Sir,

With reference to your letter No. Estt./P.No.43-

8
A58

-: 2 :-

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663, dated 12. 4. 1983 on the subject cited above,
I am directed to say that the representation of Shri
Yogendra Lal Srivastava, Income-tax Officer for change
in his date of birth entered in the service records from
4. 3. 1925 to 19. 3. 1927 on the basis of the evidences
now produced by him, has carefully been examined in
consultation with the Deptt. of Personnel & A.Rs. but
it has not been found possiblt to agree to his request.
He may please be informed accordinbly.

Yours faithfully,

Sd/-

(YOGINDER PAUL)

UNDER SECRETARY TO THE
GOVT. OF INDIA.

Casth Chaudhary

TRUE COPY



A 569

IN THE HON'BLE HIGH COURT OF JUDICATURE
ALLAHABAD (LUCKNOW BENCH) LUCKNOW -

Writ Petition No. 1715 of 1983

Sri Yogendra Lal Srivastava Petitioner

Vs.

The Union of India & Others Respondents

ANNEXURE No.C-3

General financial Rules 79. Date of Birth:-

- (1) Every person newly appointed to a service or a post under Government shall at the time of the appointment declare the date of birth by the Christian era with as far as possible confirmatory documentary evidence such as matriculation certificate, municipal birth certificate and so on. If the exact date is not known, an approximate date shall be given.
- (2) The actual date or the assumed date determined under Rule 80 shall be recorded in the history of service, service book, or any other record that may be kept in respect of the Government servant's service under Government and, once recorded, it cannot be altered, except in the case of a clerical error, without the previous orders of a Department of the Central Government or an Administrator.

NOTE 1. - Heads of Departments are authorised to exercise the powers delegated to a Department of the Central Government and an Administrator under Rule 79 in the case of non-gazetted servants under their control.

NOTE 2. - For the purpose of Rule 79(2), the Comptroller and Auditor General exercises the powers of Department of the Central Government in regard to persons serving in the Indian and Accounts Department.

NOTE 3. - See Note 5 below F.R.56

General financial rule 80

- (1) If a Government servant is unable to state his exact date of birth but can state the year or year and month of birth, the 1st July or the 16th of the month respectively, shall be treated as the date of birth.
- (2) If he is only able to state his approximate age, his date of birth shall be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment.
- (3) When a person who first entered Military employ is subsequently employed in a Civil department, the date of birth for the purpose of the Civil employment shall be the date stated by him at the time of attestation, or if at the time of attestation he stated only his age, the date of birth shall be reduced with reference to that age according to sub-rule(2) of this rule.

Satish Chandra

A 57 10

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

A 57 10

Writ Petition No. 1615 of 1983.

Y.L. SRIVASTAVA.

...PETITIONER.

VERSUS

UNION OF INDIA.

...OPPOSITE PARTY.

ANNEXURE NO.-C-4

(Copy)

No. 19017/7/79-Ests.A

Government of India

Ministry of Home Affairs

Department of Personnel & Administrative
Reforms

New Delhi, the 30th November, 1979.

...

NOTIFICATION:-

S.O. 3997. In exercise of the powers conferred by the proviso to Article 309 and clause (5) of article 148 of the Constitution ~~xx~~ XX and in consultation with the Controller & Auditor General of India in so far as persons serving in the Indian Audit and Accounts Departments are concerned, the President hereby makes the following rules further to amend the Fundamental Rules, namely ;-

Satish Chandra

-: 2 :-

1. (a) These rules may be called the Fundamental (Fourth Amendment) Rules, 1979.
(b) They shall come into force from the date of their publication in the official Gazette,
2. For the existing note 5 below Rule 56, the following note shall be substituted, namely :-

"Note 5- The date on which a Govt. servant attains the age of fifty-eight years or sixty years, as the case maybe, shall be determined with reference to the date of birth declared by the Govt. servant at the time of appointment and accepted by the appropriate authority on production, as far as possible, of confirmatory documentary evidence such as High School or Higher Secondary or Secondary School Certificate or extracts from Birth Register. The date of birth so declared by the Govt. servant and accepted by the appropriate authority shall not be subject to any alteration except as specified in this note. An alteration of date of birth of a Govt. servant can be made, with the sanction of a Ministry or Department of the Central Govt. or the Comptroller & Auditor General in regard to persons serving in the Indian Audit and Accounts Department, or an administrator of an Union Territory under which the Govt. servant is serving, if -



Satish Chandra

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(a) a request in this regard is made within five years of his entry into Govt. service;

(b) it is clearly established that a genuine bonafide mistake has occurred; and

(c) the date of birth is altered would not make him ineligible to appear in any school or University or Union Public Service Examination in which he had appeared, or for entry into Govt. service on the date on which he first appeared at such examination or on the date on which he entered Govt. service."

Sd/- (R.C.Gupta)

Deputy Secretary to the
Government of India.

Satish Chandra

True copy.



(2)

3. That the contents of Paras 2 to 5 need no comments. However, it is added that from the perusal of the communication dated 12.4.83 rejecting the representation of the deponent, it would be clear that no grounds whatsoever have been communicated to the deponent which led Opposite Party No.1 satisfied so as to enable her to reject the representation of the deponent. It is further added that the representation dated 24.11.82 of the deponent has been rejected hurriedly by passing non-speaking order without application of mind so as to meet the reply of the Writ Petition. Moreover, Union of India has been impleaded as Opposite Party No.1, it would have been just and proper that Opposite Party No.1 would have ~~it's~~ come forward with a Counter Affidavit with an explanation stating the reasons which led her satisfied in rejecting the representation dated 24.11.1982 hurriedly particularly in the circumstances when the deponent has ^{been left with} no alternative but to file the above-mentioned Writ Petition.

4. That with regard to Para 6 of the Counter Affidavit, it is submitted that the Fundamental (Fourth Amendment) Rules, 1979 have been framed under Article 309 of the Constitution of India ^{and} came into operation only with effect from the 30th November, 1979, the date of their publication. These rules are

Yogeshwar



(3)

indicative of the fact that they are not retrospectively operative. However, it is no doubt, correct that the deponent represented for the correction of his date of birth within the period specified in the Rules as they were not available when the deponent joined the Department of Income Tax. It is further emphatically asserted that the date of birth of the deponent has wrongly been entered into his High School Certificate and subsequently the same was recorded in the service records of the deponent. As a matter of fact the correct date of birth of the deponent is 19.2.27 instead of 4.3.1925. The contention of the deponent has been supported by the Medical Report as well as by the Affidavit of his mother who is the only ~~son~~ ^{soul} in the whole of the universe whose testimony cannot be doubted.

5. That in reply to Para 7 of the Writ Petition, it is submitted that the Opposite Parties are not filing the parawise Counter Affidavit to this Writ Petition in order to suppress the truth from this Hon'ble Court and to get the interim order vacated. Hence, it would be the pleasure of this Hon'ble Court to ask for the full Counter Affidavit so to meet the ends of justice.

Yogendra Lal

6. That the deponent is advised to state that Opposite Parties have ~~utterly~~ failed to make out the case for vacation of Stay Order, hence the Stay Order

(4)

granted on 31.3.1983 by this Hon'ble Court be confirmed.

7. That the deponent after the receipt of the letter/rejection of his representation dated 24.11.1982 and 12.4.1983 amended the Writ Petition.

8. That it would be in the interest of justice and fair play that the Opposite Parties be directed to file their Counter Affidavit and the Writ Petition be heard and finally decided.

(MP)
27.4.83

Lucknow

Deponent

Dated: April 27th, 1983.

Yogendra Lal Srivastava

VERIFICATION

I, Yogendra Lal Srivastava, the above-named deponent do hereby verify that the contents of Para 1 to 7 are true to my own knowledge and those of Paras from 8 to 12 believed to be true.

No part of this is false and nothing material has been concealed so help me God.

Yogendra Lal Srivastava

Lucknow:

Deponent

Dated: April 27, 1983

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

Ram Shankar
(R.A. SHANKDHAR) Adv.

Advocate.

(5)

Solemnly affirmed before me on 27.4.83

at 10.15 a.m./p.m. by the deponent ~~yogendra lal~~

Sri Yogendra Lal Srivastava who is

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identified by Sri R.A.Shankhdhar, Advocate,

High Court, Lucknow (Bench), Lucknow. I

have satisfied myself by examining the

deponent that he understands the contents

of the affidavit which have been read

over and explained by me.

Meena Pandey

OATH COMMISSIONER

High Court, (Lucknow Bench)

27.4.83

No 55/297

Date.....

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APPLICATION FOR INSPECTION



To,
The Deputy Registrar,
High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

Please allow inspection of the papers passed below. The application is urgent / Ordinary. The applicant is not a party to the case.

Full Description of case	Whether case Pending or decided	Full particulars Papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection	Office report and order
W.L. 1715 of 1983 Y.L. 512 of 1983 Demands of parties Pending		Full file	S. Chandra		<p>Please apply 3/</p> <p>Office report</p> <p>DO Order for Inspection</p> <p>2/5/83 Deputy Registrar</p> <p>Date 2/5/83</p>

Date 2/5/83

Inspection commenced at

on

198

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

(S. Chandra)
Signature of applicant
or his Advocate

Collected by
S.P.

2/5/83
S.P.

In the Hon'ble High Court of Judicature
at Allahabad as ~~district~~ Beach-breakers

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W.C. No 1115 of 83

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Yours very sincerely

Yours

Mani Singh

Yours

True the appeal respectfully submits
as Mani Singh

1. That the amended copy of the Notice
of 31.3.83 are being filed as duplicate.
as per Court's order dated 25.4.83

Mani Singh

Advocate
2.5.83

A 67

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

•••

Writ Petition No.1715 of 1983.

A/
70

Yogendra Lal Srivastava, son of

versus

1. Union of India through the Secretary Ministry of Finance, New Delhi
2. The Commissioner of Income Tax, Lucknow
3. CENTRAL BOARD OF DIRECT TAXES, NEW DELHI

..... Respondents

••••

Writ Petition Under Article 226 of the Constitution
of India.

To

The Hon'ble Chief Justice and his Hon'ble his
companion Judges of the aforesaid Hon'ble Court.

The humble petition of the above named petitioners
most respectfully sheweth as under :-

1. That the preset writ petition is being filed
against the orders of retirement/superannuation of
the petitioner allegedly on his attaining the age
of as 58 years.

2. That the petitioner was appointed as L.D.C.
in the Income Tax Department on 25.2.1946 on which
post he worked till 31.12.1949. He was promoted as
U.D.C. on 1.1.1950 and worked as such till 30.2.1968.

He was subsequently promoted as the Head Clerk on
14.2.1968, on which post he worked till 7.12.1969.

By sheer dint of his hard and meritorious work the petitioner was promoted as Inspector on 8.12.1969 and thereafter, as I.T.O. with effect from 18.2.1982.

3. That the petitioner was not aware of his date of birth entered with High School Certificate which was also misplaced. As per horoscope his correct date of birth is 19.3.1927 and not 4.3.1925. In the circumstances the petitioner wrote a letter to the C.M.O. Lucknow requesting him to examine him and give his opinion with respect to his age. T.C. of his letter is annexed as Annexure-1 to this writ petition.

4. That the C.M.O. Lucknow, by letter 20.11.1982 informed the petitioner that he should present himself on anyday and also bring supporting evidence. (True copy is annexed as Annexure-2).

5. That the C.M.O. examined the petitioner and indicated that he appears to be of 56 years of age. True copy of report is annexed as per abstract Govt's medical Manual Annexure -3 to this writ petition.

6. That after having received, the report of C.M.O. the petitioner made a representation for correction in his age (True copy is annexed as Annexure-4)

7. That the said representation was forwarded by the C.I.T., Lucknow the Central Board of Direct Taxes New Delhi along with the report of the C.M.O., dated 17.12.1982 Annexure-5.

8. That the respondent no.1 by letter dated 17.2.83 required the petitioner to furnish the following information (i) full service particulars i.e. educational qualification date of entry in the Government Service/ Income Tax Department (ii) Photostat copy of the High

School Examination Certificate (iii) other documentary evidence to support his claim. True copy is annexed as annexure - 5 to this writ petition.)

9. That the petitioner belongs to village Piprabandh P.O. Jar, District Deoria.

10. That the petitioner contacted respectable persons of locality where he was born and collected sufficient evidence to prove that his date of birth was on or about Holi in the year 1927, accordingly the age of superannuation of petitioner would be 31.3.1985.

11. That the petitioner approached Gram Pradhan of the concerned village. He gave a certificate that the petitioner was born on or about Holi in the year 1927. A similar certificate was also given by the Lekhpal. True copies of these certificates are annexed as Annexures Nos 7 & 8 to this writ petition.

12. That it may be stated here that a circular was issued by the respondent no.1 on 14.2.1982 containing the names of persons who were due to retire in the next 24 - 30 months. The name of the petitioner appeared at Serial Number 1-. At the said circular the date of superannuation of the petitioner was shown as 31.3.83 annexure -9.

13. That the petitioner informed his mother that he would be retiring on 31.3.1983 according to the date entered in the records and that suitable arrangement will have to be made. The mother of the petitioner informed the petitioner that in fact petitioner was born on or about Holi in the year 1927 and as such he would be attaining the age of 58 years only in the month of March 1985. This led the petitioner to make application to the CMO Lucknow requesting him to certify his age.

14. That the mother of the petitioner also give an affidavit about the aforesaid fact. A true copy of the affidavit is annexed as Annexure-7 to this writ petition.

15. That the certificate of gram pradhan in original along with two photostat copies and certificate of the Lekhpal in original alongwith two photostat copies as also affidavit of the mother of the petitioner in original were sent to the C.I.T. alongwith letter on 1.3.1983. True copy of this letter is annexed as Annexure - 8 to this writ petition.

16. That the C.I.T. on 9.3.1983 forwarded a copy of the letter of petitioner dated 7.3.83 as per Annexure-12.

17. That inspite of the fact that the petitioner has taken all necessary steps in this regard, his representation has still not been disposed of by the competent authority.

18. That in similar case the Respondent No.3 did not dispose of the representation Annexure-13-A. On this ground along this Hon'ble Court in the Writ petition No.1320 of 1975, has been pleased to pass the following order :-

"Having heard the learned Counsel of the petitioner as well as learned Counsel of the respondents, we direct that the petitioner shall not be retired from service on the basis of impugned notice."

19. That, thereafter, the Respondents No.2 and 3 looked into the matter thoroughly and the necessary corrections in the date of birth were made.

20. That there is an imminent threat of the petitioner being required to hand over the charge on 1.4.1983.

21. That the petitioner would suffer substantial and irreparable loss if he is not allowed to discharge his duties as ITO during the pendency of the writ petition.

21(a) That from the Income-tax Officer (H.Qrs) the deponent has received communication dated 12.4.83 through which the petitioner has been informed that his representation dated 24.11.82 and 7.3.83 has been rejected by the Govt. of India, a copy of the said letter dated 12.4.83 is annexed as Annexure XIV to this affidavit.

21(b) That from the language of this letter it is evident that no reasons have been recorded for rejection.

22. That feeling aggrieved by the impugned order passed by Respondent No.2 and having no other alternative and efficacious remedy, the petitioner begs to prefer this writ petition, on the following amongst, other,

Grounds

(i) Because the petitioner has not attained the age of superannuation i.e. 58 years.

(ii) Because the petitioner is in fact 56 years of age.

(iii) Because the age of petitioner has been duly verified by the C.M.O. Lucknow.

(iv) Because an affidavit of the mother of the petitioner alongwith several supporting documents have been sent to the competent authority.

(v) Because representation of the petitioner has not yet been considered by the competent authority.

(vi) Because retirement of petitioner at this age would visit him with evil consequences and would result in loss of job and emoluments.

(vii) Because the impugned order of the superannuation of petitioner is illegal and without jurisdiction.

(viii) Because in the circumstances the petitioner is entitled to continue to discharge his duties till 31.3.1983.

(ix) That the decision of the Govt. of India has been taken without considering the evidence produced by the deponent as such the decision is wholly arbitrary and malafide.

Prayer

Wherefore, it is most humbly and respectfully prayed that his Hon'ble Court may be please to :-

i) issue a writ, direction or order in the nature of Certiorari quashing the order of superannuation of petitioner on 31.3.1983, contained in Annexure -9.

(ii) issue a writ, direction or order in the nature of mandamus commanding respondents not to

interfere with the right of the petitioner to
discharge his duties as I.T.O. till 31.3.1985. ~~A 73~~

(iii) issue such order(s) or direction(s) may be
deemed fit, just and proper in the nature of
circumstances of the case be passed.

(iv) To award the cost of this writ petition in
favour of the petitioner and against the respondents.

Lucknow dated,
31st March 1983.

(R.A. Shankhdhar)

Advocate,
Counsel for the petitioner.

A74

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p. No. 1715 of 1983

vs.

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	31-3-83	<p>Hon R.N. Goyal, J <u>Jen R.C. DS, J</u></p> <p>Sri O. Kothaen takes notice - - -</p> <p>superannuated on 31-3-83</p> <p>sd K.N. Goyal <u>sd R.C. DS</u> 31-3-83</p> <p>C.M.-A.M. No 3828 @ 83</p>	
	31-3-83	<p>Hon R.N. Goyal, J <u>Jen R.C. DS, J</u></p> <p>For orders, see our order of date on the back of the w.p.</p> <p>sd K.N. Goyal <u>sd R.C. DS</u> 31-3-83</p>	
	1-4-83	<p>Hon R.N. Goyal, J <u>Jen R.C. DS, J</u></p> <p>Sri S.C. Misra has appeared before w.p. - - -</p> <p>the w.p. from him in the meantime.</p> <p>sd K.N. Goyal <u>sd R.C. DS</u> 1-4-83</p>	

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
4-4-83	<p>Hon R.N. Nyalal, Hon R.C. Desai Asstt. Shankhadev has sent words — — — — Put up on 6th April 1983.</p> <p>SD KNG SD R.C. DESAI 4-4-83</p>	
6-4-83	<p>8-4-83 fixed with Cmtd. 302 on 10th April 1983 for orders by court by counsel by counsel</p>	
8-4-83	<p>Hon. V.C.S. T. Mr. K.N. G.T. List on 10th April 1983. On such date the Standing Counsel for opposite parties shall intimate the fate Court about the fate of the petition's representation. Litam's order shall continue in the meantime.</p> <p>✓ for 8-4-83 b</p>	
10-4-83	<p>10-4-83 fixed with orders 30-2-83 on 10th April 1983 for orders by court by counsel</p> <p>Hon. V.C.S. T. Mr. K.N. G.T. Put up on 20th April 1983.</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1715

of 1983

vs.

23

AD

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
20-4-83	<p style="text-align: center;">In the Court of</p> <p>Put up on 25th April, 1983 as prayed by Mr. Hannan, who may file rejoinder affidavit, if any in the meantime. The interview order shall continue till then.</p> <p style="text-align: right;">F. B.</p> <p>20-4-83</p>	
25/4/83	<p style="text-align: center;">Hon. D. H. Dheer J. Ran. No. 8100</p> <p>Sir R. N. Trivedi is appearing in this case and the matter is urgent. Let this case be ^{be} put up before a Bench, of which I am not a member, tomorrow i.e. 26.4.1983. The interview order shall continue to remain in force.</p> <p style="text-align: right;">H.</p> <p>25-4-1983</p>	
	<p>I agree.</p> <p style="text-align: right;">S.</p> <p>25-4-1983,</p> <p style="text-align: right;">S.</p>	

Note of progress of proceedings and routine orders

Dated of
which
case is
adjourned

1

2

3

Hm. T. S. Naraj

Hm. D. V. Jha J

Put up tomorrow before the Bench
Consisting of Hon. Mr. Justice M. S. Narasimha
and Hon. Mr. Justice K. N. Goyal.

The interim order shall continue
to remain in force.

✓
18. 4. 83

26. 4. 1983

M.S.

27. 4. 83

Hm. K. N. Goyal

Hm. D. V. C. S. J.

~~Hm. K. N. Goyal~~

The amendment application
has been allowed. The petitioner
is directed to file amended
copy of the writ petition after
receiving the copy of the same
on the council and the opp. party.

Amended copy be filed within
one week, & list the petition
for orders in the week commencing
9th May, 83, till the next
date of hearing the interim
order dated 31-3-83 shall
continue to remain in operation.

by K.S.

27-4-83

27-4-83

Revised or Affidavit filed

PSUP-A.P. 30 Uch Nyalaya - 25-1-82 - (3516) - 1982 - 50,000 (E)

Concurred in
J. D. L. J.

27-4-83

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1715 of 198 3

-145-

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
9/5/13	13-5-13 fixed with Cm 3828 (13-5-13 for orders Boral for court Hear Geogard. Hear Shaded).	By court 13-5-13
	Petitioners Counsel prays for and is allowed one week's time to answer the petition. However, the earlier interim order is vacated.	✓ ✓ ✓ 13-5-13 R MB