

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEETCAUSE TITLE T.A. 1183/87 (1) OF 190Name of the Parties U.C. Srivastava

Versus

Union of IndiaPart A, B and C

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

checked
on 2/2/12
m

Rajeev

Dismissed
9.6.91

A1/1

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. No. 4714-83.
 Name of parties..... Umesh Chandra Sarbajit B. Union of India
 Date of institution..... 7-9-83..... 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-	W. P. into Arrears and affidavits.	23	-	102-00			
	2	P.O. No.	1	-	5-00			
	3	Cmd. 9982 (W) 883-	2	-	5-00			
	4	Cmd. 10961 (W) 883-	5	-	7-00			
	5	Order Sheet	1	-	-			
	6	Bund P.O. No.	1	-	-			

20/3
with parties
in court

Order Sheet

TA no 1183 of 88

1

U.C. Srivastava vs.

WOS

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

20.3.1990

Hon. Mr. D.K. Agrawal, J.M.,
Hon. Mr. K. Obayya, A.M.

This W/O received a transfer from Lucknow High Court along with other W/Os on the date of transfer the case was not admitted and Amend appl pending

It appears that the petitioners have not been served. Shri. D. Chandra, appears and states that he has instruction ~~to~~ to represent the respondents and that he will file his power shortly. The petitioners are the employee of the A.G. U.P., Allahabad. Therefore, the learned counsel for the respondents is directed to direct his client to serve them ~~about~~ the order passed today. The learned counsel for the respondents shall also produce the Service Book of the petitioner on the date fixed here after. List it for orders on 3.7.1990.

Transfer notices issued by All office (not received) by neither any reply, any undelivered cases received by submitted for order.
9/11/88

A copy of this order shall be given to Shri. D. Chandra, for the purpose of being delivered to any of the respondents ~~deemed~~ fit. The respondent will carry out the directions given to him ^{herein} before ^{and} submitting the compliance through an officer of their office.

c.2
Notice of 20/3/90
24/4/90


A.M.


J.M.

sd.

OR
Notices were sent a 20/4/90. Notices of applicants have been received. bare with postal remark. SFO

3-7-90

No sitting adjourn to 5/9/90

5-9-90

No sitting All to 25-9-90

25-9-90

No sitting All to 14-11-90

19/3/90
Not received
On 23/3
OR
Office 26/4/90
of N. L. H. L.
3/9

Dinesh

OR
Mr. D. Chandra files MP 509/90 (1) for affidavit on behalf of CP. No 2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p. No. 4719 of 1983

vs.

5/ 1/2

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
7-9-83	Mem v CS, 7 Mem K.N.G., 7 Put up to morrow. Sd. U.C.S. Sd K.N.G. 7-9-83 C.M. Ann o 9987 @ 83	
7-9-83	Mem v CS, 7 Mem K.N.G., 7 Mem v CS, 7 Mem K.N.G., 7 Put up with the w.p. Sd. U.C.S. Sd K.N.G. 7-9-83	
8-9-83	Mem v CS, 7 Mem K.N.G., 7 - list in the next week - - in the meantime - Sd. U.C.S. Sd K.N.G. 8-9-83	

16/9/83

16-9-83
HON K.N.G. 7.
Fo

Bench
By court

112
In the Hon'ble High Court of Judicature at Allahabad.

Lucknow Bench: Lucknow.

4714
Writ Petition No.

of 1983.

Umesh Chandra Srivastava and
another ----

Petitioner.

Versus.

Union of India and another -----

Opp. Parties.

I N D E X

Sl.No.	P a r t i c u l a r s	Page No.
1.	Writ Petition.	1 to 12
2.	<u>Annexures 1&2.</u> Order dated 12/16-8-1983 regarding reversion of petitioners.	13 to 14
3.	<u>Annexure No.3.</u> Letter dated 10-8-1977 regarding appointment of Emergency Division Asst.	15 to 17
4.	<u>Annexure No.4</u> Notification No.1 No.WM-1/DA regarding examination.	18 to 21
5.	Affidavit.	22 to 23
6.	Vakalatnama.	

Lucknow: Dated:

August 29, 1983.

D.S. Chaube
(D.S. Chaube)
Advocate.

Counsel for the Petitioner.

उमेश चंद्र श्रीवास्तव

Hon'ble High Court of Judicature at Allahabad.

Lucknow Bench: Lucknow.

Civil Misc. Writ Petition No. 4714 of 1983.

1. Umesh Chandra Srivastava aged about 46 years,
Son of Late Shri Harihar Prasad Srivastava,
Emergency Divisional Accountant, Sharda Sahayak
Khand 13, Sitapur.
2. Kishore Singh aged about 48 years, Son of Late
Shri Bahadur Singh, Emergency Divisional Accountant,
Tubewell Construction Division, Sitapur.

Petitioners.

Versus.

1. Union of India through Accountant General
Uttar Pradesh II, Allahabad.
2. Senior Deputy Accountant General (Works), W.M.I
Office of the A.G.U.P.II, Allahabad.

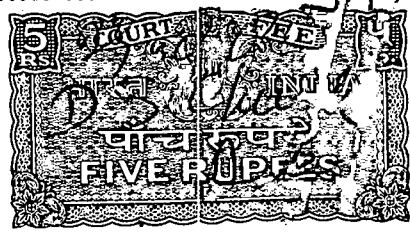
Opp. Parties.

Writ Petition Under Article 226
of Constitution of India.

To

The Hon'ble Chief Justice and his other
companion Judges of this Hon'ble Court.

The petitioners named above most
respectfully beg to state as under:-



Impressed
Sixteen Adhesive Rs. 20/-
Total

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

In time up to

Papers filed, Copy of P. O.
should also be filed.

Copy to - Bench.

Last Imp. Order No. 1 and 2

Order passed at

Dudh. Bhatnagar/Chhatrapati

Subscribed
30/8/83
8/8/83
30/8/83

Recd. Copy for ops 1 & 2.

D. S. Randhawa
(D. S. RANDHAWA)
Senior Standing Counsel
Central Govt.

7-9-83

1. That this writ petition is directed against the orders of respondent no.2 contained in office order No.WM-I/reversion/EDA/1983/2057 dated 12/16-8-1983 and No.WM-I/reversion/EDA/1983/2045 dated 12/16-8-1983 by means of which the petitioners have been reverted from the post of Emergency Divisional Accountant to their original posts in the Irrigation Department. True copies of above Government orders are enclosed as Annexures 1 and 2 respectively to this writ petition.

2. That the petitioner no.1, while working as Noter and Drafter in the Irrigation Department, was promoted and appointed as Emergency Divisional Accountant by the respondent no.2 and was posted in Sharda Sahayak Khand 13, Sitapur where he joined on 27-1-1981. Since then, he has been performing his duties efficiently and honestly and there has been no complaint against him.

3. That the petitioner no.2, while working as Noter and Drafter in the State Irrigation Department, was promoted and appointed as Emergency Divisional Accountant by the respondent no.2 and was posted in Tubewell Construction Division, Sitapur where he joined this post on 25-8-1981.



उत्तराखण्ड सरकार

(36)

Hon. U.C.S. J

Hon. K.N.G.J.

list in the next week.

In the meantime the
petitioner may file amendment
application implicating the
State Government and the
appointing authority. Standing
Council for Union of India
may also obtain instructions
in the meantime.

Hon. U.C.S.J.

Hon. K.N.G.J.

put up tomorrow.

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K. U.

P.S.-13

R. L.



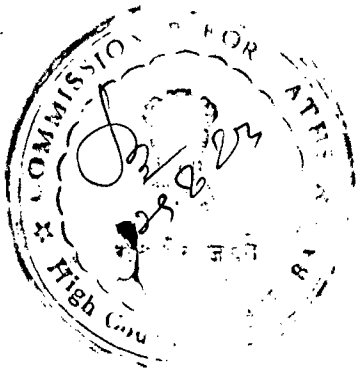
Since then, he has been performing his duties efficiently and honestly and there has been no complaint against him.

4. That the appointments to the cadre of Divisional Accountant are made from three sources as mentioned below:-

1. Accounts Clerks of Public Works Department.
2. Upper Division Clerks of Audit Office.
3. Direct recruits.

Out of the total cadre, 1/3 of posts are filled in by direct recruits and remaining 2/3rd are filled in from amongst above departmental candidates.

5. That according to the provisions of para 11 of the Manual of Works Audit Department only those persons are to be appointed to the cadre of Divisional Accountant who have passed the Divisional Test Examination. The para 73 of Manual of the Works Audit Department also provides that no person shall be confirmed in the cadre of Divisional Accountant unless he has passed the Divisional Test Examination.



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14/11/90

Hon. Mr. Justice K. Prath, VC.
Hon. Mr. M. Y. Pralhar, Am.

Case called. No one is present on behalf of the applicants. Dr. Dinesh Chandra is present for the respondents. He refers to an affidavit dated 16/7/90 of Sri K. K. Srinivastava, Deputy Accountant General (Works). It is stated in this application that the petition has become infunctious because subsequent to the passing of the impugned order dt. 12/10-8-83 contained in Annexures 1 & 2, ~~the~~ reverting of the petitioners from the post of Emergency Divisional Accountant to the post of Note and Drafts, both the applicants took the departmental Examinations which were held between September, 1983 and September, 1984 in which they were declared successful. It is stated that accordingly by an order dated 8/6/84, the applicant No. 1 and by an order dt. 4/1/85 the applicant No. 2 were appointed as Divisional Accountant on regular basis. Opportunity was given to the applicants to file objections, if any, to this affidavit, but no objection has been filed. It appears therefore that the applicants got appointment as regular Divisional Accountant. The prayer made by the respondents in Misc. Petition No. 509/90 supported by the aforesaid Affidavit is accepted and the petition is disposed of as infunctious.

Am.
AAI

VC.

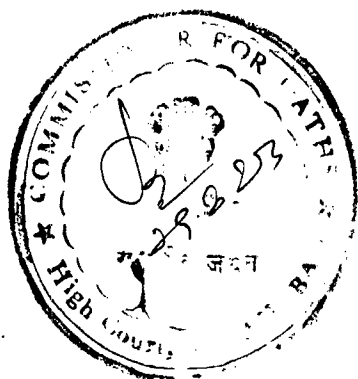
Let 428 Misc
J. Genda
Admn 20/11/90

(13/5)

6. That as mentioned in D.O. letter No.WM-I/DA/Penal-78/2564 dated 10-8-1977 of the respondent no.2 it was decided to form a panel of suitable Accounts Clerks of Divisional Offices of Public Works Department and Irrigation Departments for promotion as Emergency Divisional Accountant, in order to meet the shortage of qualified Divisional Accountants. A true copy of above D.O. letter is enclosed as Annexure No.3 to this writ petition.

7. That the above D.O. letter dated 10-8-1977 further provides that the persons who are promoted to the post of Emergency Divisional Accountant are exempted from the Initial Recruitment Examination and they can appear in the Divisional Test Examination after completing a minimum of 2 years service as Emergency Divisional Accountant.

8. That initially the upper age limit for Emergency Divisional Accountant for appearing in the Divisional Test Examination was fixed as 48 years but ~~later~~ later on the condition of age was deleted.



उत्तराधिकारी

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9. That the petitioners, on the basis of their good service records were recommended and thereafter selected for giving promotion to the post of Emergency Divisional Accountant. Accordingly, on promotion ^{they} ~~the~~ joined the posts ^{of} Emergency Divisional Accountant in clear vacancy.

10. That the petitioners have hardly completed 2 years as Emergency Divisional Accountant and have not been given full chance to appear in the Divisional Test Examination which is an essential qualification for being absorbed in the cadre of Divisional Accountant and they have been ordered to be reverted arbitrarily and discriminately.

11. That according to the standing orders, every Emergency Divisional Accountant, who has completed 2 years service, is given three chances for appearing and passing the Divisional Test Examination. On further request, they may be given three more chances by the Accountant General if they are found fit.

12. That according to standing orders if any Emergency Divisional Accountant after completion of 2 years service does not appear in any of the Divisional Test Examinations which



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13/7

are held twice a year it will be presumed that he has ~~available~~ availed the chance and has not passed the examination. It is, therefore, evident that every Emergency Divisional Accountant after having completed 2 years service will get 6 chances to appear in the Divisional Test Examination during subsequent three years. This is evident from Accountant General U.P.II, Allahabad Gazette notification No.1. No.WM-I/DA. issued ~~in~~ ^{for} the examination of ~~February~~ ^{September} 1983, a true copy of which is enclosed as Annexure No.4 to this writ petition.



13. That all the Emergency Divisional Accountants who have ~~not~~ completed more than 5 years service and have not passed Divisional Test Examination are now not eligible to appear in the said examination and therefore, they are now incapable of being absorbed in the cadre of Divisional Accountant on the regular or permanent basis.

14. That although, the petitioners have not been given opportunities admissible under the rules for passing the Divisional Test Examination, they have been ordered to be reverted whereas the Emergency Divisional Accountant, who have already availed all the chances admissible ~~not~~ under the rules and have failed to pass the Divisional Test

उभय पक्षों के बीच

Examination have been allowed to continue arbitrarily and illegally in violation of standing orders.

15. That the following Emergency Divisional Accountant who have not passed Divisional Test Examination even after availing full opportunities continue to hold the post of Emergency Divisional Accountant and they have not been reverted:-

- (1) Shri S.C. Goel.
- (2) Shri Virendra Singh.
- (3) Shri Devi Prasad Verma.
- (4) Shri R.C. Katiar.
- (5) Shri S.P. Srivastava.
- (6) Shri O.S.P. Srivastava.
- (7) Shri Shyam Kishore Srivastava.
- (8) Shri Sant Lal Srivastava.
- (9) Shri Prakash Chandra.
- (10) Shri R.P. Shukla.
- (11) Shri V.K. Dixit.

In most of the above cases, the persons have completed more than 10 years service as Emergency Divisional Accountant and even then they have not passed the Divisional Test Examination. In fact these persons are liable to reversion in view of provisions contained in para (11) of Gazette notification contained in Annexure No.4 of the writ petition.



उत्तरांचल प्रदेश सरकार

(13/5)

16. That the order of reversion of petitioners from the post of Emergency Divisional Accountant are in contravention of the condition of the appointments and they have been reverted without providing full opportunities to pass Divisional Test Examination so as to get a chance of being absorbed in the permanent cadre of Divisional Accountant.



17. That the Divisional Accountants are given next promotion to the selection grade after having completed regular service in their cadre according to seniority. In case the departmental candidates who have not being given full opportunities of appearing in Divisional Test Examination are reverted and instead those departmental candidates who do not have any further chance to appear in the Divisional Test Examination are allowed to hold the post of Emergency Divisional Accountant, natural consequences will be ^{that} all the post in the selection grade will be manned by direct recruits only. It will cause irreparable and perpetual loss ^{to} ~~at~~ a departmental candidates which cannot be compensated in any manner in future.

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18. That ^{the} cadre strength of the Divisional Accountant is about 850 out of this 1/3 post i.e. 283 are to be filled in by the direct recruits. Last year 243 persons were directly recruited after passing initial recruitment examination and most of them have not so far passed Divisional Test Examination. In addition to the above ~~the~~ a number of direct recruits were appointed in the cadre of Divisional Accountant earlier and in this way they have already been given appointment by exceeding their quota and thereby injury has been caused ^{to} ~~by~~ the departmental candidates who are being reverted.



19. That the petitioners still continue to hold the post of Emergency Divisional Accountant and if the impugned orders of reversion are given into effect, they will suffer irreparable and perpetual loss casting stigma and incurring evil consequences to them.

20. That feeling aggrieved and having no efficacious remedy the petitioners are left with no option except to invoke the jurisdiction of this Hon'ble Court under Article 226 of Constitution of India through this writ petition on the following amongst other

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1. Because the petitioners have at their credit good service records and there is nothing adverse against them which may justify their reversion from the post of Emergency Divisional Accountant.
2. Because the petitioners have ~~illegal~~ legal and fundamental right to be given opportunity for passing Divisional Test Examination according to rule and to be considered for absorption in the cadre of Divisional Accountant.
3. Because the petitioners have been discriminated in the matter vis-a-vis those persons who were given full opportunity to pass Divisional Test Examination and could not succeed and even ~~then~~ then they have been allowed to continue as the Emergency Divisional Accountant whereas the petitioners have *been* discriminated and they have been made to revert without giving full opportunity to pass Divisional Test Examination.

उमेश चण्ड २१/११/२०१९

43/12

4. Because the impugned orders of reversion are against the condition of appointments and the same do not deserve to sustain.
5. Because the petitioners have been discriminated vis-a-vis direct recruits who are ^{occupying} ~~occupying~~ the posts reserved for departmental candidates and the petitioners who are departmental candidates have been arbitrarily, illegally and discriminately reverted.
6. Because the action of respondents is highly arbitrary and discriminatory which infringes the fundamental right guaranteed under Articles 14 and 16 of the Constitution of India.
7. Because the action of respondents ~~are~~ gives undue advantage to the direct recruits vis-a-vis departmental candidates who have been denied their legal rights causing perpetual injury to the classes.

P R A Y E R
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Wherefore on the facts and grounds stated above, it is most respectfully prayed that this Hon'ble Court may be graciously pleased

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1. to issue a writ of certiorari or a writ direction or order in the nature of certiorari to quash the impugned orders dated 12/16-8-1983 passed by respondent no.2 contained in the Annexure 1&2 of writ petition reverting the petitioners from the post of Emergency Divisional Accountant to the posts of Noter and Drafter in the Irrigation Department.
2. to issue a writ of mandamus or a writ direction or order in the nature of mandamus commanding the respondents not to take any action in pursuance of the impugned orders dated 12/16-8-1983 and if any action in pursuance thereof has ~~at~~ already been taken, the same may also be deemed as non-existent and the petitioners shall be deemed as in service as Emergency Divisional Accountant without interruption with full benefits.
3. to issue such other writ direction or order including an order as to cost which in ~~the~~ the circumstances of the case this Hon'ble Court may deem just and proper.

Lucknow: Dated:
August 29, 1983.

D.S. Chaube
(D.S. Chaube).
Advocate.
Counsel for the Petitioner.

3 नवम्बर 1983 अफा 209 *Delhi*

13

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

Lucknow Bench: Lucknow.

Writ Petition No. of 1983.

Umesh Chandra Srivastava ----- Petitioner.
and an other Versus.

Union of India & another ----- Opp. Parties.

ANNEXURE No. |

Office of the Accountant General U.P.II.
Allahabad.

O.O.No.WM-I/Reversion/EDA/1983 Dated 12th August, 1983.

OFFICE ORDER.

Senior Deputy Accountant General(Works), Office of the Accountant General II, U.P. Allahabad has been pleased to revert Shri Umesh Chandra Srivastava Emergency Divisional Accountant, Office of the Executive Engineer, Sharda Sahayak Khand-13, Sitapur to his parent department viz. Irrigation Departments with immediate effect.

Sd/- Prem Singh.
Accounts Officer/WM-I.

No.WM-I/Reversion/EDA/1983/2057 dt. 12th, August 1983.
16

Copy forwarded for information & necessary action to:-

1. Chief Engineer, Irrigation, Lucknow. Posting order of Shri Umesh Chandra Srivastava, Emergency Divisional Accountant - as reversion may be issued immediately.
2. Executive Engineer, Sharda Sahayak Khand-13, Sitapur.
3. Shri Umesh Chandra Srivastava, Emergency Divisional Accountant C/O Office of the Executive Engineer, Sharda Sahayak Khand-13, Sitapur for information.

Sd/- Prem Singh.
Accounts Officer/WM-I.

उमेश चन्द्र श्रीवास्तव

14

(17/1)

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

Lucknow Bench: Lucknow.

Writ Petition No. of 1983.

Umesh Chandra Srivastava ~~and another~~ Petitioner.

Versus.

Union of India & another ----- Opp. Parties.


ANNEXURE No. 2

OFFICE OF THE ACCOUNTANT GENERAL U.P.II.

ALLAHABAD.

O.O.No.WM-I/Reversion/EDA/1983 Dated 12th Aug. 1983.

OFFICE ORDER



Senior Deputy Accountant General (Works),
Office of the Accountant General, II U.P. Allahabad
has been pleased to revert Shri Kishore Singh
Emergency Divisional Accountant, Office of the
Executive Engineer Tubewell Construction Division,
Sitapur to his parent Department viz. Irrigation
Departments with immediate effect.

Sd/- Prem Singh.
Accounts Officer/WM-I.

No.WM-I/Reversion/EDA/1983/2045 of dated 12 Aug.1983.
16

Copy forwarded to for information and necessary
action:-

1. Chief Engineer, Irrigation, Lucknow. Posting
order of Shri Kishore Singh, Emergency Divisional
Accountant reversion may be issued immediately.
2. Executive Engineer, Tubewell Construction Division,
Sitapur.
3. Shri Kishore Singh, Emergency Divisional Accountant
C/O Office of the Executive Engineer, Tubewell
Construction Division, Sitapur for information.

Sd/- Prem Singh.
Accounts Officer/WM-I.

उमेश चन्द्र श्रीवास्तव

(AM)
15

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

Lucknow Bench: Lucknow.

Writ Petition No. ~~2221~~ of 1983.

~~Charam-Pal S~~

Shri Umesh Chandra Srivastava
and another

Petitioner.

Versus.

Union of India and another

Opp. Parties.

ANNEXURE NO. 3

D.O. No. WM. I/DA/Panel-77/2564

OFFICE OF THE
ACCOUNT GENERAL U.P. II.
Allahabad-211001.

Dated: 10-8-1977.

S.K. CHAKRABORTY
SR. DY. ACCOUNTANT GENERAL (WORKS)

Dear Shri Prasad.

In order to meet the acute shortage of qualified Divisional Accountants and the growing demands from the increase in number of new divisions, it is proposed to form a panel of suitable accounts clerks of Divisional Offices for promotion as Emergency Divisional Accountants. Under the existing orders, the Emergency Divisional Accountants are exempted from the Initial Recruitment Examination and they can appear in the Divisional Test Examination only after completing a minimum of 2 years service as Emergency Divisional Accountants. The upper age limit for such candidates for appearing in the Divisional Test Examination is, however, 48 years.

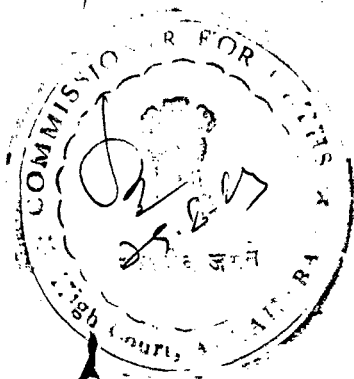


उमेश चन्द्र श्रीवास्तव

16
(AM/2)

I am also mentioning below a few condition which may kindly be brought to the notice of the officials of your department recommending the names for empanelment as Emergency Divisional Accountants:-

- (i). The Emergency Divisional Accountants will work as such till such time it is found administratively convenient by this office.
- (ii). They should be willing for posting as Emergency Divisional Accountants in any part of the State.
- (iii). They will be allowed to draw pay in the scale of Rs.425-15-500-EB-15-560-20-640-EB-20-700-25-750-
- (iv). They should be relieved to join their assignments as soon as orders are issued by this office regarding their promotion and posting as Emergency Divisional Accountants.



I shall be grateful if you could kindly send to me a list of only those deserving candidates of your department including suitable Schedule Caste and Schedule Tribe candidates, who have rendered a minimum of five years service in the Accounts branch of the divisions, in the proforma enclosed for consideration of their empanelment as Emergency Divisional Accountant so as to reach this

उमेश चन्द्र श्री वरलेव

PM
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office latest by 15th of September, 1977. You may also kindly ensure that the names are arranged in the list strictly in order of seniority and this is sent to this office alongwith copies ~~in~~ ~~XXXXX~~ ~~of~~ ~~XX~~ of Confidential Reports of the officials pertaining to the last five years viz. from 1972-73 to 1976-77.

Kindly treat it as Urgent.

Encl: One proforma.

Yours ~~faith~~ Sincerely,

Sd/- S.K. Chakraborty.

Shri Mahavir Prasad,
Chief Engineer,
P.W.D., U.P.
Lucknow.

31/09/77

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

Lucknow Bench: Lucknow.

Writ Petition No.

of 198

Umesh Chandra Srivastava ----- Petitioner.

Versus.

Union of India & another ----- Opp. Parties.

ANNEXURE NO. 1

Notification No. 1

No. WM-1/D.A. Grade Exam.

Dated: September 1983.

Subject:- DIVISIONAL ACCOUNTANTS GRADE EXAMINATION-
September, 1983.

The next Divisional Accountants Grade Examination is scheduled to be held by this office on the and three succeeding days according to the following programme:

- (1). Qualifying in Hindi paper is compulsory for confirmation.
- (2). As ~~all~~ already notified in Part V of Uttar Pradesh Gazette, dated 26th June, 1968, vide this office circular letter No. WM-1/93-A.Vol.VI/1653, dated 19th June, 1968, the papers both Practical and Theory on Public Works Accounts and Procedure will be set with reference to Financial Handbook, Volume VI (U.P. State Public Works Code), and the Departmental Manuals, instead of C.P.W.D. Account Code.



उमेश चंद्र श्रीवास्तव

19
(194/7)

(3) As already notified in the circular letter No. WM-1/93-A.Vol.VI/6658, dated 17th November, 1979 published Part V of the Uttar Pradesh Gazette dated December 12, 1979, the books entitled "Advance Accounts" by R.N. Carter and '~~Star~~' Students complete commercial Book Keeping. Accounting and Banking by Arthur Field House prescribed as Test Books for the paper on Elementary Book Keeping of Divisional Accountants Grade Examination for Divisional Accountants have been replaced by the Book "Advanced Accounting" by J.R. Botliboi. The revised syllabus may please be soon in the Uttar Pradesh Gazette, referred to above.

(4) (i) The paper on Essay or Precis and Drafting and Grammar will be set both in English and Hindi. Those who opt for English similarly, those opting for Hindi medium will have to answer all questions set in Hindi.

(ii) The candidates are allowed to give the answers in Hindi on papers (i) Public Works and Accounts and Procedure (Practical without books, (ii) Public Works Accounts & Procedure (Theory) and (iii) General Accounts Treasury and Financial Rules (both Central and State Government) even though these papers are set in English only.

(5) Number of chances - The number of chances available to the candidates is three (3).

(6) The Age limit and number of chances for Agriculture Horticulture, Animal Husbandry and Fruit Utilization Departments candidates will be governed by the instructions contained in Government of U.P. Agriculture (A) Department

उत्तर प्रदेश सरकार

29
A/6

Order No.A-12237/XII-A, 1083-45, dated 30th January, 1958 read with G.O.No.A-12209/XII-A-22, 1083-45, dated 8-9-61, G.O. No.A-23594/XII-1083-45, dated September 19, 1967 G.O. No.25435/XII-A-1083-45 dated December 18, 1967.

In respect of candidates of Co-operative Department the maximum age and number of chances will be as prescribed in Sahkarita Vibhag G.O. No. 1204/XII-CB-54-58 dated 27th March, 1983.

(7) The candidates who have passed Initial Recruitment Examination are exempted from appearing in those papers in which they have passed that examination.

(8) Applications in the form appended herewith alongwith attested copies of certificates, containing the date of birth and continuous appointment in Government service from candidates eligible to appear in the Divisional Accountants Grade Examination should be addressed to the undersigned through proper channel so as to reach him not later than July 15, 1983. Incomplete applications, in any respect, and application received after the last date are liable to be rejected outright full two signature duly attested by a gazetted officer on a separate sheet of paper be sent alongwith the application.



34/21 4/29 श्री कृष्ण

21
(AY/2)

(9) Departmental candidates working as ~~Apprentice~~ Apprentice Divisional Accountants are eligible to appear in the Divisional Accountants Grade Examination after completion of a training of atleast six months. The direct candidates are however eligible to appear after completion of a training of atleast ~~xx~~ one year.

(10) All departmental ~~and~~ candidates who have officiated as Emergency Divisional Accountants for a period of not less than two years (including broken periods) may be absorbed in the cadre on their passing the Divisional Accountant's Grades Examination. Those who have been ~~reverted~~ reverted on their own request of as a ~~xx~~ disciplinary measure will not, however, be considered.

(11) Emergency Divisional Accountants failing to clear the examination within a reasonable time after completing 2 years' service as Emergency Divisional Accountants are liable to reversion to their respective departments. The Heads of Departments, viz. Chief Engineers may kindly make the position clear to the Emergency Divisional Accountants working in their subordinate offices/Divisions. The Emergency Divisional Accountant ~~who~~ who have not appeared at all after completing 2 years service as Emergency Divisional Accountants may also be called upon by the Head of offices to state reasons for not appearing at the Divisional Accountants Grade Examination for the information of this office.

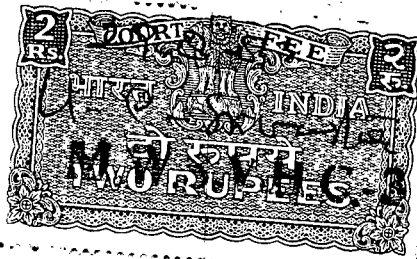
मि. ५०९९७५१२९०

123/1 22

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

Lucknow Bench: Lucknow.

Writ Petition No. of 1983.



1983
AFFIDAVIT
70
HIGH COURT
ALLAHABAD

Umesh Chandra Srivastava
and another. -----

Petitioner.

Versus.

Union of India and another ----- Opp. Parties.

A F F I D A V I T.
=====

I, Umesh Chandra Srivastava, aged about 46 years, Son of Late Shri Harihar Prasad Srivastava, Emergency Divisional Accountant, Sharda Sahayak Khand-13, Sitapur do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner no.1 in accompanying writ petition and as such he is well conversant with the facts and circumstances of the case.

2. That the contents of paragraphs Nos. 1, 3, 5, 7, 9, 11, 14, 16 & 19 of the accompanying writ petition are true to my personal knowledge, those of paragraphs Nos. 4, 8, 12, 13, 15, 17 & 18 are believed by me to be true as per information derived from records and those of para 20 are based on legal advice.

3 नं अश्वारा

3. That the Annexures 1 to 4 and of petition are true copies and they have been compared with the originals.

Lko. Dt.

Aug. 29, 1983.

Deponent.

VERIFICATION.

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

Signed and verified this day of August, 1983 at Lucknow.

Lko. Dt.

Aug. 29, 1983.

Deponent.

I, identify the deponent who has signed before me.

Lko. Dt.

Aug. 29, 1983.

(D.S. Chaube).
Advocate.

Solemnly affirmed before me on 29.8.83 at 9.10 a.m./p.m. by Shri Umesh Chandra Srivastava, the deponent, who is identified by Shri D.S. Chaube, Advocate, High Court of Allahabad, Lucknow Bench, Lucknow.

I have certified myself in by examining the deponent that he understood the contents of this affidavit which has been read over and explained by me.

(MADAN MOHAN)
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 70/309
Date 28.8.83

ब अदालत श्रीमान उच्च न्यायालय, लखनऊ बेंच महोदय

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेन्ट]

श्री उमेश चन्द्र श्रीवास्तव का
श्री मिर्जा सिंह

वकालतनामा

उमेश चन्द्र श्रीवास्तव
तथा अन्य



वादी (अपीलान्त)

1st. 5th
Rev.
30-8-03

यूनियन ऑफ इंडिया
तथा अन्य

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं मुकदमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री डी० एस० चौक

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं० नाम
फरीकन बनाम

को अपनी वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुजहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

DS Chauhan
Advocate

हस्ताक्षर

उमेश चन्द्र श्रीवास्तव
मिर्जा सिंह

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

In The Central Administrative Tribunal at Allahabad
Circuit Bench, Lucknow.

AT
1

M.P. No. 509 of 1990 (L)

Union of India and Others..... Applicant

In

T.A. No. 1103 of 1987 (T)

(W.P. No. 4714 of 1983)

Umesh Chandra Srivastava & another... Petitioners

Versus

Union of India & others. Respondants

To,

The Hon. Vice Chairman and his companion members of
the aforesaid Tribunal.

The application of the humble applicant most respectfully
Sheweth,

1. That full facts have been given in the accompanying
affidavit.

2. That for the facts and circumstances given in the accompany-
ing affidavit, the petition filed by the petitioner has become
infructuous.

3. That it is expedient in the interest of justice that the
affidavit may be taken on record and petition may be dismissed with
costs.

WHEREFORE? it is respectfully prayed that this Hon. Tribunal
be pleased to admit the accompanying affidavit and dismiss the
petition with costs..

J. Chandra

(Dr. Dinsh Chandra)

Dated:

Counsel for the Respondants

(A7/2)

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Case No. T.A. 1183/87 (T), W.P. 4714 of 1983.

Umesh Chandra Srivastava & Another Petitioners,
Versus.

Union of India & another App. Parties.

AFFIDAVIT ON BEHALF OF OPPOSITE PARTY No. 2.

I, K.K. Srivastava ---, aged about 32 - years, son of
Sh. B.P. Srivastava --- Senior Dy. Accountant General, (W.P.)
G.O. A.G. (A & E) - U.P. Lucknow, do hereby solemnly affirm and
state as under :-

1. That the deponent has read the Writ Petition No. 4714 of 1983
filed by the petitioner in the Lucknow Bench of Hon'ble High
Court of Judicature at Allahabad which has been ^{transferred} sent to the Hon'ble
Tribunal for disposal.
2. That the deponent is well conversant with the facts of the
case deposed hereinafter.
3. That in the aforesaid Writ Petition the following prayers
was made, :-

(1) to issue a writ of certiorari or a writ/direction or
order in the nature of certiorari to quash the impugned
order dated 12/18.8.1983 passed by Respondent No. 2

11/13

contained in Annexure No. 1 and 2 of Writ Petition
reverting the petitioner from the post of Emergency
Divisional Accountant to the post of Notar and Drafter
Irrigation
in the ~~Subdivision~~/Department.

(ii) to issue a writ of mandamus or a writ/direction or
order in the nature of mandamus commanding the respondent
not to take any action in pursuance of the impugned orders
dated 12/16.8.1983 and if any action in pursuance thereof
has already been taken the same may also be deemed as non-
existent and the petitioners shall be deemed as in service
as Emergency Divisional Accountant without interruption
with full benefits.

(iii) to issue such writ/direction or order including an order
as to cost which in the circumstances of the case this Hon'ble Court
may deem just and proper.

4. That in regard to the above relief prayed for by the Petitioner
it is submitted that both the petitioners S/Shri Umesh Chandra
Srivastava and Kishori Singh appeared in subsequent Divisional
Accountant Grade Examination after their reversion in August 1983.
Shri Umesh Chandra Srivastava appeared in the said examination in
September 1983 and March 1984 and was declared successful in March,
1984 Examination. He was accordingly appointed as regular Divisional
Accountant in August 1984 vide letter No. 40-KA-H.M.I.-(A)/3/84

DAGr. Exam /5/3 - - - dated 8-6-1984 - (copy enclosed as

Annexure No. R-1.).

(A-7)
4

The Petitioner No. 2 namely Shri Kishori Singh appeared in the Divisional Accountant Examination in September, 1983, March 1984 and September 1984 and was declared successful in September, 1984 examination. He was appointed as regular Divisional Accountant in February, 1985 vide letter No. 0-42-HMI(A) D.A.
Gr. Exam/Sept. 1984/2439 dated - - 4-6-85 - (copy enclosed as Annexure No. R - 2).

5. That in view of the submissions made in the above paragraphs the basic causes of grievance has been met as both the petitioners have since been promoted as regular Divisional Accountants. Shri U.C. Srivastava is permanently posted as Divisional Accountant in the office of the Executive Engineer, Gyanpur Canal Division, Varanasi. Shri Kishori Singh is posted as Divisional Accountant in the Office of Works Manager, Irrigation Workshop Division, Gorakhpur.

6. That in view of the submissions made in the above paragraphs, the Writ Petition filed by the petitioners has ^{become} been infructuous and is liable to be dismissed with costs.

Lucknow ;

Dated. :

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of pages - - 1 & 2 - - - of this affidavit are true to the best of my knowledge and those of pages - - 3 & 5 - - -

ANNEXURE R-1

OFFICE OF THE ACCOUNTANT GENERAL UTTAR PRADESH I (A&E), ALLAHABAD

S.O. No. W.M.I(A)/3/84/D.A.Gr.Exam./513

Dated 8 June, 1984

On passing the Divisional Accountants Grade Examination held in March, 1984 the following Probationary Divisional Accountants/ Emergency Divisional Accountants and clerks of Irrigation and P.W.D. are appointed as regular Divisional Accountants in an officiating capacity in the pay scale of Rs. 425-15-500-E.B.-15-560-20-640-E.B. 20-700-E.B.-25-750/= with effect from the date they take over charge of the division intial further orders. They will be on probation as Divisional Accountant for one year in terms of Para 319 of Comptroller and Auditor General's M.S.O. (Admn.) Vol. I.

Their seniority interse will be fixed later.

APPRENTICE DIVISIONAL ACCOUNTANT'S

<u>Sl.No.</u>	<u>Name</u>
	S/Sri
1.	Bhoop Narain (S.C.)
2.	D.K. Srivastava
3.	Girindra Pal Misra
4.	Jai Singh
5.	Krishna Kumar Sharma
6.	Lallan Dube
7.	Munni Lal (S.C.)
8.	Manvir Singh (S.C.)
9.	Phool Singh (S.T.) II
10.	Om Prakash Singh (S.C.)
11.	Pradesh Prasad (S.C.)
12.	Pratap Singh (S.C.)
13.	Pradeep Kumar Gupta
14.	Ravi Prakash
15.	Ram Saran Singh
16.	Ramji Prasad (S.C.)
17.	Ram Prasad
18.	Rajesh Mohan Varma
19.	Ram Shiromani (S.C.)
20.	Ram Murti (S.C.)

Contd.....2/

21.2.

27/6/84

<u>Sl.No.</u>	<u>Name</u>
	S/Sri
21.	Ram Naresh (S.C.)
22.	Ram Kumar Pande
23.	Ram Lal (.S.C.)
24.	Rameshwar Prasad Yadav
25.	Rajendra Prasad (S.C.)
26.	Rajbir Singh (S.C.)
27.	Virendra Kumar Bishnoi
28.	Vindhyavasani Yadav

EMERGENCY DIVISIONAL ACCOUNTANT'S

29.	Abhya Ram Singh
30.	Amya Dutt Budhori
31.	Audh Behari Lal
32.	Bihar Singh (S.C.)
33.	Bhagwati Saran Shukla
34.	Bali Karan Pandey
35.	Chandra Ballabh Pandey
36.	C.P.Saxena
37.	Dan Behari Goswami
38.	Diptendra Kumar Gupta
39.	Girish Chandra
40.	Gokaran Nath Srivastava
41.	Hari Shankar Kakkar
42.	Ishwari Dutt Barola
43.	Ishwar Saran Srivastava
44.	Jagdish Prasad Sharma
45.	Jawahar Ram (S.C.)
46.	Jai Deo Varma
47.	Jai Pal Singh
48.	Kumara Sen (S.C.)
49.	Krishna Sahai
50.	Kripa Shankar Mishra
51.	Lalit Mohan Nigam
52.	Lalta Prasad Sarswat
53.	Laxmi Narain Rai

Contd.

19.7
6

<u>Sl. No.</u>	<u>Name</u>
	S/Sri
54.	Mohd. Islam : an
55.	Mohan Chandra Pande
56.	Mohammad Nafees
57.	Nirankar Saran Saxena
58.	Nabu Lal Gupta
59.	D.P.Sharma
60.	Om Prakash Sinha
61.	Panchoo Prasad (S.C.)
62.	Raj Kumar Gupta
63.	Ramesh Chandra Daivedi
64.	Ram Bhagat Srivastava
65.	Ramesh Chandra Saxena
66.	Ram Pahl Singh (S.C.)
67.	Shiv Bali Yadav
68.	Salek Chandra
69.	Satya Narain Tripathi
70.	Sri Ram Gujar (S.C.)
71.	Tirgugi Narain Tripathi
72.	Triloki Nath Singh
73.	Umesh Chandra Srivastava
74.	Umesh Chandra Panda
75.	Virendra Kumar Dixit
76.	Vijendra Pal Singh
77.	Vishwa Nath Agarwal
78.	Shiv Shankar Dixit

CLERKS OF IRRIGATION/PUBLIC WORKS DEPARTMENT

79.	Prem Singh Rawat
80.	Ram Bile Panday

P. B. Bhatia

(K.L. BHATIA)
SENIOR DEPUTY ACCOUNTANT GENERAL (ACCOUNTS)

76

TA No. 1183/887 W.P. No. 474 321

32/c

ANNEXURE R-2

OFFICE OF THE ACCOUNTANT GENERAL-I (A&E) U.P., ALLAHABAD.

O.O.No. W.M.I(A)/D.A. Gr Exam./Sept, 1984/2459

Dated 4.1.1985.

On passing the Divisional Accountant's Grade Examination held in September, 1984 the following Probationary Divisional Accountant's/Emergency Divisional Accountant's and clerks of Irrigation & P.W.D. are appointed as regular Divisional Accountant's in an officiating capacity in the pay scale of Rs. 425-15-500-EB-15-560-20-640-EB-20-710-EB-25-750/- with effect from the date they take over charge of the Division until further orders. They will be on probation as D.A.s for one year in terms of para 319 of Comptroller & Auditor General's M.S.O. (Admn.) Volume-I.

Their inter-se seniority will be fixed later.

APPRENTICE DIVISIONAL ACCOUNTANT'S

- | Sl.No. | Name
S/Shri |
|--------|---------------------------------|
| 1. | Ashok Kumar Agrawal |
| 2. | Anand Kumar Sonkar (S.C.) |
| 3. | Ashok Kumar Shukla |
| 4. | Brairatna Dharamendra Suverchaa |
| 5. | Chandra Shekhar (S.C.) |
| 6. | Deo Murti (S.C.) |
| 7. | Kapil Kant |
| 8. | Phool Chandra (S.C.) |
| 9. | Pyaro Lal (S.C.) |
| 10. | Smt. Pournima Srivastava |
| 11. | Ram Krishna Agrawal |
| 12. | Ramesh Prasad (S.C.) |
| 13. | Ram Deo (S.C.) |
| 14. | Shri Ram Baudha (S.C.) |
| 15. | Suresh Chandra (S.C.) |
| 16. | Sita Ram (S.C.) |
| 17. | Shankar Ram (S.C.) |

S.O. GRADE PART-II PASSED CANDIDATES

- | | |
|-----|--------------------------|
| 18. | Deo Anand Pandey |
| 19. | Govind Narain Srivastava |
| 20. | Ramegya Upadhyaya |
| 21. | Rajesh Shankar Dubey |
| 22. | Umesh Narain |

EMERGENCY DIVISIONAL ACCOUNTANT'S

- | | |
|-----|---------------------------|
| 23. | Bharat Singh Premi (S.C.) |
| 24. | Bijai Prakash |
| 25. | Bhawani Lal Joshi |
| 26. | Deo Nath Singh |
| 27. | Daya Ram Singh (S.C.) |
| 28. | Girish Chandra Saxena |
| 29. | Harish Chandra Saxena |
| 30. | Hait Ram (S.C.) |
| 31. | Indra Pal Singh |
| 32. | Jagdish Swaroop Bhatnagar |
| 33. | Kumar Ram Arya (S.C.) |
| 34. | Mata Prasad Srivastava |
| 35. | Madhya Nand Bahuguna |
| 36. | Narendra Kumar Agrawal |
| 37. | xxx Raghbir Singh |
| 38. | Ram Narain Sharma |
| 39. | Rajendra Nath Misra |
| 40. | Raghumandan Pr. Saxena. |
| 41. | Satya Prakash Agrawal. |

Countd....2/-

42. Phanti Lal (S.C.)
 43. Shro Deo Prasad.
 44. Vikram Singh Khare
 45. Jagdambika Prasad
 46. Satya Narain
 47. Mond Ram Arya.

CLERKS OF IRRIGATION/PUBLIC WORKS DEPARTMENT.

48. Bhawani Dutt Lakhera
 49. Channu Ram Kewat
 50. Dal Chand Saroj (S.C.)
 51. Harish Bahadur Khare
 52. Jagdish Prad. Tewari.
 53. Jaganath
 54. Jagdamba Prasad Bhatt
 55. Kishore Singh
 56. Kripa Shankar Srivastava
 57. Keshab Dutt Papnai
 58. Mohd. Yaqub
 59. Mushoor Ahmad
 60. Mahesh Lal Shah
 61. Nobo Kumar Mukherjee
 62. Onkar Prasad Sharma.
 63. Purshottam Dutt Bijalwan
 64. Paras Nath Tewari
 65. Ramesh Chandra Kaddwal
 66. Rajendra Kumar.
 67. Ram Lal (S.C.)
 68. Ram Avatar Rajput
 69. Ramesh Chandra Tripathi
 70. Ravindra Babu Gupta
 71. Sri Nevas Tripathi
 72. Santoki Singh (S.C.)
 73. Sunder Lal Bhatt
 74. Radhey Lal Kerdam
 75. Ram Saren Singh

(K. L. Bhatia)
 Sr. Deputy Accountant General/T.A.D.

Registered

No. W.M.I (A)/Sept., 1984/D.A. Gr. Exam/2460 to 2468 of dated

Copy forwarded for information and necessary action to:

1. Section Officer, P.C.I, Section, O/o the A.G., U.P.I (A&E), Allahabad.
2. Section Officer, P.C.III, Sec., O/o the A.G., U.P., (A&E), Allahabad.
3. C.A. to Sr. Dy. A.G./T.A.D., O/o the A.G. U.P.I, (A&E), Allahabad.
4. Section Officer, W.M.I, Sec. (Posting Group), O/o the A.G., U.P.I (A&E), Allahabad.
5. The Eng. in-chief, P.W.D., U.P., Lucknow.
6. The Eng. in-Chief, Irri. Deptt., U.P., Lucknow.
7. Sert., D.A., Association O/o the Executive Eng., Tube Well Constn., Div, Alop Bagh, Allahabad.
8. Shri.
9. App.D.A./E.D./Clerks of Irri. & P.W.D.
9. Personal File of all concerned.

(Chandra Lal)
 Accounts Officer/W.M.I

14/11/90

Hon. Mr. Justice K. N. Singh, VC
Hon. Mr. M. Y. Pralok, Am.

For orders see our
orders of date passed
on the main petition.

Am.

VC

VC

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Case No. T.A. 1183/87 (T), W.P. 4714 of 1983.

Umesh Chandra Srivastava & Another

Petitioners.

Versus.

Union of India & another

Opp. Parties.

AFFIDAVIT ON BEHALF OF OPPOSITE PARTY No. 2 :

I, K. K. Srivastava, aged about 30 years, son of

Shri B. P. Srivastava Senior Dy. Accountant General, (Wor

70 AG (A/E) II U. P. Allahabad, do hereby solemnly affirm and

state as under :-

1. That the deponent has read the Writ Petition No. 4714 of 1983

filed by the petitioner in the Lucknow Bench of Hon'ble High

Court of Judicature at Allahabad which has been sent to the Hon'ble

Tribunal for disposal.

2. That the deponent is well conversant with the facts of the
case deposed hereinafter.

3. That in the aforesaid Writ Petition the following prayers
was made. :-

(i) to issue a writ of certiorari on a writ/direction or
order in the nature of certiorari to quash the impugned
order dated 12/18.8.1983 passed by Respondent No. 2

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० प०
Amount of stamps affixed Rs. P.

क्रमांक/No

एक रजिस्ट्री*..... 4.5

तारीख-मोहर

Received a Registered*..... 4.5

Date-stamp

पाने वाले का नाम.....

Addressed to.....

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० प०
Amount of stamps affixed Rs. P.

क्रमांक/No

एक रजिस्ट्री*..... 2.5

तारीख-मोहर

Received a Registered*..... 2.5

Date-stamp

पाने वाले का नाम.....

Addressed to.....

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

Copy sent by Registered
1. V. C. Suresh
2. K. S. Yadav, J.D., Gurdikar

contained in Annexure No. 1 and 2 of Writ Petition
reverting the petitioner from the post of Emergency
Divisional Accountant to the post of Writer and Drafter
Irrigation
in the Irrigation Department.

- (ii) to issue a writ of mandamus or a writ/direction or
order in the nature of mandamus commanding the respondents
not to take any action in pursuance of the impugned orders
dated 12/16.8.1983 and if any action in pursuance thereof
has already been taken the same may also be deemed as non-
existent and the petitioners shall be deemed as in service
as Emergency Divisional Accountants without interruption
with full benefits.

- (iii) to issue such writ/direction or order including an order
as to cost which in the circumstances of the case this Hon'ble Court
may deem just and proper.

That in regard to the above relief prayed for by the Petitioner
it is submitted that both the petitioners S/Shri Umesh Chandra
Privastava and Kishori Singh appeared in subsequent Divisional
Accountant Grade Examination after their reversion in August 1983.
Shri Umesh Chandra Privastava appeared in the said examinations in
September 1983 and March 1984 and was declared successful in March,
1984 Examination. He was accordingly appointed as regular Divisional

Accountant in August 1984 vide letter No. C.O. No. WMI (A) 13/84
DA Gr. Exam. 1513 dated 8.6.1984 (copy enclosed as

The Petitioner No. 2 namely Shri Kishori Singh appeared in the Divisional Accountant Examinations in September, 1983, March 1984 and September 1984 and was declared successful in September, 1984 examination. He was appointed as regular Divisional Accountant in February, 1985 vide letter No. OO-NO-WMI(A)/D.A.

Gr. Exam/Sept 1984/2459 dated 4.1.85 (copy enclosed as

Annexure No. R - 2).

5. That in view of the submissions made in the above paragraphs, the basic cause of grievance has been met as both the petitioners have since been promoted as regular Divisional Accountants. Shri H.C. Srivastava is permanently posted as Divisional Accountant in the office of the Executive Engineer, Gyanpur Canal Division, Varanasi. Shri Kishori Singh is posted as Divisional Accountant in the Office of Works Manager, Irrigation Workshop Division, Gorakhpur.

6. That in view of the submissions made in the above paragraphs, the writ petition filed by the petitioners has ^{become} ~~been~~ infructuous and is liable to be dismissed with costs.

Lucknow :

Dated :

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 & 2 of this affidavit are true to the best of my knowledge and those of paras 3, 4, 5

are true on the basis of records and those of para: - - - - -

are believed by me to be true based on the as per legal advice.

That nothing material facts have been concealed and no part of

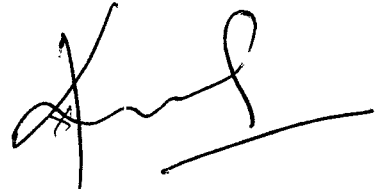
it is false, so help me God.

Signed and verified this the 16 day of July, 1990

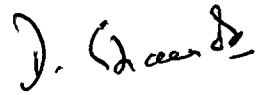
within the Court Compound at Lucknow.

Lucknow :

Dated : 16-7-90


Deponent.

I identify the deponent and is personally known to me who has put his signature before me.

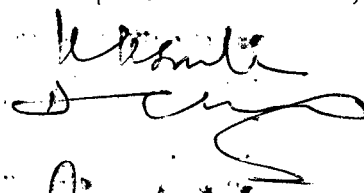

Advocate.

Solemnly affirmed by the deponent on 16.7.90 at 10.30 a.m./p.m.

who has been identified by Shri , Advocate,

High Court of Judicature at Allahabad, Lucknow Bench.

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


Oath Commissioner.

OFFICE OF THE ACCOUNTANT GENERAL UTTAR PRADESH I (A&E), ALLAHABAD

G.O.No. W.M.I(A)/3/84/D.A.Gr.Exam./513

Dated 8 June, 1984

On passing the Divisional Accountants Grade Examination held in March, 1984 the following Probationary Divisional Accountants/ Emergency Divisional Accountants and clerks of Irrigation and P.W.D. are appointed as regular Divisional Accountants in an afficiating capacity in the pay scale of Rs.425-15-500-E.B.-15-560-20-640-E.B.20-700-E.B.-25-750/= with effect from the date they take over charge of the division intial further orders. They will be an probation as Divisional Accountant for one year in terms of Pafa 319 of Comptrolle and Auditor General's M.S.O.(Admn.)Vol.I.

Their seniority interse will be fixed later.

APPRENTICE DIVISIONAL ACCOUNTANT'S

<u>Sl.No.</u>	<u>Name</u>
	S/Sri
1.	Bhoop Narain (S.C.)
2.	D.K.Srivastava
3.	Girindra Pal Misra
4.	Jai Singh
5.	Krishna Kumar Sharma
6.	Lallan Dube
7.	Munni Lal (S.C.)
8.	Manvir Singh (S.C.)
9.	Phool Singh (S.T.)II
10.	Om Prakash Singh (S.C.)
11.	Pradeshi Prasad (S.C.)
12.	Pratap Singh (S.C.)
13.	Pradeep Kumar Gupta
14.	Ravi Prakash
15.	Ram Saran Singh
16.	Ramji Prasad (S.C.)
17.	Ram Prasad
18.	Rajesh Mohan Varma
19.	Ram Shiromani (S.C.)
20.	Ram Murti (S.C.)

Contd.....2/

21.2.
27/6/84

Sl.No.

Name

S/Sri

21. Ram Naresh (S.C.)
22. Ram Kumar Pande
23. Ram Lal (.S.C.)
24. Rameshwar Prasad Yadav
25. Rajendra Prasad (S.C.)
26. Rajbir Singh (S.C.)
27. Virendra Kumar Bishnoi
28. Vindhyavasani Yadav

EMERGENCY DIVISIONAL ACCOUNTANT'S


29. Abhya Ram Singh
30. ~~Ankha~~ Dutt Budhori
31. Audh Behari Lal
32. Bihar Singh (S.C.)
33. Bhagwati Saran Shukla
34. Bali Karan Pandey
35. Chandra Ballabh Pandey
36. C.P. Saxena
37. Dan Behari Goswami
38. Diptendra Kumar Gupta
39. Girish Chandra
40. Gokaran Nath Srivastava
41. Hari Shankar Kakkar
42. Ishwari Dutt Barola
43. Ishwar Saran Srivastava
44. Jagdish Prasad Sharma
45. Jawahar Ram (S.C.)
46. Jai Deo Varma
47. Jai Pal Singh
48. ~~Kunwar~~ Sen (S.C.)
49. Krishna Sahai
50. Kripa Shankar Mishra
51. Lalit Mohan Nigam
52. Lalta Prasad Sarswat
53. Laxmi Narain Rai

Contd.....3/

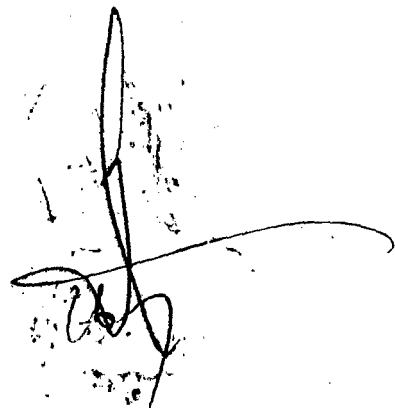
Dated 8.6.84

Copy forwarded for information and necessary action to:-

1. Section officer P.C.I Section, Office of the Accountant General, U.P.I(A&E) Allahabad.
2. Section officer, P.C.III Section, Office of the Accountant General, U.P.I(A&E) Allahabad.
3. C.A. to Sr. Deputy Accountant General(Accounts), Office of the Accountant General U.P.I,(A&E), Allahabad.
4. Section officer, W.M.I Section, (Posting Group) Office of The Accountant General, U.P.I(A&E), Allahabad.
5. The Chief Engineer, P.W.D., U.P., Lucknow.
6. The Chief Engineer, Irrigation Department U.P., Lucknow.
7. Secretary Divisional Accountants Association C/o Office of the Executive Engineer, Tube Well Construction Dn. Alop Bagh, Allahabad.
8. Shri
.....
App. Divisional Accountant/E.D.A./Clerks of Irrg./P.W.D.
9. Personal File of all concerned.


(A.K. BANERJI)
ACCOUNTS OFFICER
W.M.I(A).

212
2246184



ANNEXURE R-2

OFFICE OF THE ACCOUNTANT GENERAL: I (A&E) T.P., ALLAHABAD.

G.O.No.W.M.I(A)/D A.Gr.Exam./Sept, 1984/2459

Dated 1.1.1985.

On passing the Divisional Accountant's Gade Examination held in September, 1984 the following Probationary Divisional Accountant's/Emergency Divisional Accountants' and clerks of Irrigation & P.W.D. are appointed as regular Divisional Accountant's in an officiating capacity in the pay scale of Rs.425-15-500-EB-15-560-20-640-EB-20-710-EB-25-750/-with effect from the date they take over charge of the Division until further orders. They will be on probation as D.A.s for one year in terms of para 319 of Comptroller & Auditor General's M.S.O.(Admn.) Volume-I.

Their inter-se seniority will be fixed later.

APPRENTICE DIVISIONAL ACCOUNTANT'S

Sl.No.

Name

S/Shri

1. Ashok Kumar Agrawal
2. Anand Kumar Sonkar(S.C.)
3. Ashok Kumar Shukla
4. Brairatna Dharomendra Suverchas
5. Chandra Shekhar(S.C.)
6. Deo Marti(S.C.)
7. Kapil Kant
8. Hool Chandra(S.C.)
9. Pyaro Lal(S.C.)
10. Ant. Poornima Srivastava
11. Ram Krishna Agrawal
12. Ramesh Prasad(S.C.)
13. Ram Deo(S.C.)
14. Shri Ram Baudha(S.C.)
15. Suresh Chandra(S.C.)
16. Site Ram (S.C.)
17. Shankar Ram(S.C.)

S.O. GRADE PART-III PASSED CANDIDATES

18. Deo Ram Lal
19. Govind Narain Srivastava
20. Ramagya Uoadhaya
21. Rajesh Shankar Dubey
22. Umesh Narain.

EMERGENCY DIVISIONAL ACCOUNTANT'S

23. Bharat Singh Premi(S.C.)
24. Bijai Prakash
25. Bawani Lal Joshi
26. Deo Nath Singh
27. Daya Ram Singh(S.C.)
28. Girish Chandra Saxena
29. Harish Chandra Saxena
30. Hrit Ram (S.C.)
31. Indra Pal Singh
32. Jagdish Swaroop Bhatnagar
33. Kumar Ram Arya(S.C.)
34. Mata Prasad Srivastava
35. Medhya Nand Bahuguna
36. Narendra Kumar Agrawal
37. Mxx Raghbir Singh
38. Ram Narain Sharma
39. Rajendra Nath Misra
40. Raghundandan Pr. Saxena.
41. Satya Prakash Agrawal.

Countd.....2/-

(2)

42. Shanti Lal (S.C.)
43. Shro Deo Prasad.
44. Vikram Singh Khare
45. Jagdambika Prasad
46. Satya Narain
47. Mohd. Ram Arya

CLERKS OF IRRIGATION/PUBLIC WORKS DEPARTMENT.

48. Bhawani Dutt Lakhera
49. Channu Ram Kewat
50. Dal Chand Saroj (S.C.)
51. Harish Bahadur Khare
52. Jagdish Prad. Tewari.
53. Jaganath
54. Jagdamba Prasad Bhatt
55. Kishore Singh
56. Kripa Shankar Srivastava
57. Keshab Dutt Papnai
58. Mohd. Yaqub
59. Musheer Ahmad
60. Mohesh Lal Shah
61. Nobo Kumar Mukherjee
62. Onkar Prasad Sharma.
63. Purshottam Dutt Bijalwan
64. Paras Nath Tewari
65. Ramesh Chandra Kaddwal
66. Rajendra Kumar.
67. Ram Lal (S.C.)
68. Ram Avatar Rajput
69. Ramesh Chandra Tripathi
70. Ravindra Babu Gupta
71. Sri Nevas Tripathi
72. Santoki Singh (S.C.)
73. Sunder Lal Bhatt
74. Radhey Lal Kordem
75. Ram Saran Singh

(K. L. Bhatia)

Sr. Deputy Accountant General/T.A.D.

Registered

No. W.M.I (L)/Sept., 1984/D.A. Gr. Exam/2460 to 2468

of dated

Copy forwarded for information and necessary action to:-

1. Section Officer, P.C.I., Section, O/o the A.G., U.P.I (A&E), Allahabad.
2. Section Officer, P.C.III, Sec., O/o the A.G., U.P., (A&E), Allahabad.
3. C.A. to Sr. Dy. A.G./T.A.D., O/o the A.G.U.P.I, (A&E), Allahabad.
4. Section Officer, W.M.I, Sec. (Posting Group), O/o the A.G., U.P.I (A&E), Allahabad.
5. The Eng. in-chief, P.W.D., U.P., Lucknow.
6. The Eng. in-Chief, Irri. Deptt., U.P., Lucknow.
7. Sert., D.A., Association O/o the Executive Eng., Tube Well Constn., Div, Alop
Bagh, Allahabad.
8. Shri.
9. App.D.A./E.D.A./Clerks of Irri. & P.W.D.
Personal File of all concerned.

(Chandra Lal)
Accounts Officer/W.M.I

1820

18.1.85

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

Lucknow Bench: Lucknow.

Misc. Application No. 9907/83 of 1983. 3
1

In Re.

Writ Petition No. 97/14 of 1983.



Umesh Chandra Srivastava
and another ----- Petitioner.

Versus.

Union of India and another ----- Opp. Parties.

Stay Application.

The petitioners respectfully beg to state
as under :-

1. That the petitioners are filing this writ petition challenging the validity of the impugned orders of reversion passed by respondent no.2 on 12/16-8-1983 contained in Annexures 1 and 2 of writ petition.

2. That as brought out in the accompanying writ petition, the orders of reversion are wholly unlawful, unjustified and arbitrary and in case their operation are not stayed, the petitioners will suffer irreparable and substantial injury which cannot be compensated in future.

30/12/83 24/9/83

3
2

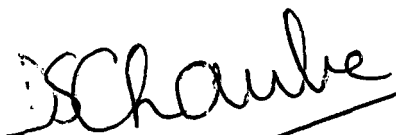
P R A Y E R

=====

Wherefore it is humbly prayed that this Hon'ble Court may be graciously pleased to stay the operation of the impugned orders dated 12/16-8-1983 contained in Annexures 1&2 of writ petition reverting the petitioners from the post of Emergency Divisional Accountant during the pendency of writ petition.

Lko. Dated:

August 29, 1983.


(D.S. Chaube).
Advocate.

Counsel for the Petitioner.

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

Lucknow Bench: Lucknow.

Misc. Application No. 10966/83 of 1983.

1. Umesh Chandra Srivastava aged about 46 years,
Son of Late Shri Harihar Prasad Srivastava,
Emergency Divisional Accountant (on leave),
Sharda Sahayak Khand 13, Sitapur.
2. Kishore Singh aged about 48 years, Son of
Late Shri Bahadur Singh, Emergency Divisional
Accountant (on leave), Tubewell Construction
Division, Sitapur.

----- Applicants.

In Re.

Writ Petition No. 4714 of 1983.

Umesh Chandra Srivastava
and another -----

Petitioner.

Versus.

Union of India and another ----- Opp. Parties.

Application for amendment of the
writ petition.

The applicants named above beg to state
as under:-

1. That the applicants filed the above writ petition challenging the validity of the orders of their reversion from the post of Emergency Divisional Accountant passed by respondent no.2 on 12/16-8-1983 contained in Annexures 1 & 2 of the writ petition.

2. That the above writ petition was heard for admission on 8-9-1983 when this Hon'ble Court observed that the State of U.P. and the appointing authority have not been impleaded as respondents in this case.

3. That the applicants are Notar and Drafter of Irrigation Department and their appointing authority in the parent cadre is the Chief-~~En~~-Engineer Irrigation Department.

4. That it is therefore expedient that the writ petition may be amended so as to implead the State of U.P. and Chief-~~En~~-Engineer, Irrigation Department as respondent no.3 and 4 in the above writ petition.

P R A Y E R

Wherefore it is humbly prayed that this Hon'ble Court may be graciously pleased to

permit the applicants to implead the State of
U.P. through Secretary, Irrigation Department,
Secretariate, Lucknow as respondent no.3 and
the Chief-En-Engineer, Irrigation Department
U.P., Lucknow as respondent no.4 and sanction
may kindly be accorded to make necessary
amendment in the writ petition accordingly.

Lucknow: Dated:

Sept. 8, 1983.

D.S. Chaube
(D.S. Chaube)
Advocate.

Counsel for the Applicants.

Lucknow Bench: Lucknow.

Petitioner.

Opp. Parties.

circumstances of the case.

2. That the contents of paras 1 to 4 of the accompanying application are true to my personal knowledge.

Lucknow: Dated:

September 8, 1983.

Ram Lal
08/09/83
Deponent.

V E R I F I C A T I O N .

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this affidavit which have been read and explained to me are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Signed and verified this 8th day of September, 1983 at Lucknow.

Lko. Dated:

Sept. 8, 1983.

Ram Lal
08/09/83
Deponent.

I, identified the deponent who has signed before me.

(D.S.Chaube)
Advocate.

Solemnly affirmed before me on _____ at _____ a.m./p.m. by Shri Kishore Singh the deponent, who is identified by Shri D.S.Chaubey, Advocate, High Court of Allahabad, Lucknow Bench: Lucknow.

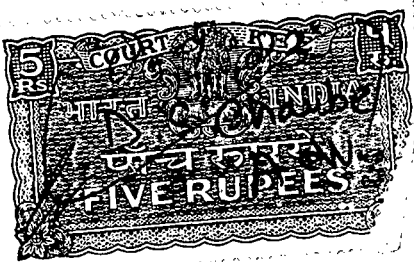
I have certified myself in by examining the deponent that he understand the contents of this affidavit which has been read over and explained by me.

4

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench: Lucknow.

Misc. Application No. 10961(C) of 1983.



10961(C)
28/9/83

- 6028
1. Umesh Chandra Srivastava aged about 46 years,
Son of Late Shri Harihar Prasad Srivastava,
Emergency Divisional Accountant (on leave),
Sharda Sahayak Khanda 13, Sitapur.
 2. Kishore Singh aged about 48 years, Son of
Late Shri Bahadur Singh, Emergency Divisional
Accountant (on leave), Tubewell Construction
Division, Sitapur.

----- Applicants.

In Re.

Writ Petition No. 4714 of 1983.

Umesh Chandra Srivastava
and another

----- Petitioner.

Versus.

Union of India and another ----- Opp. Parties.

Application for amendment of the
writ petition.

The applicants named above beg to state
as under:-

Deputy

10

Hon. U.S. J.
Hon. K.M.C. J.

not with previous papers

20-9-83
E.

Receipt copy.

Dr. R. S. RANDESH
(D.S. RANDESH)
Advocate
Senior Standing Counsel
Central Govt

16-9-83

1. That the applicants filed the above writ petition challenging the validity of the orders of their reversion from the post of Emergency Divisional Accountant passed by respondent no.2 on 12/16-8-1983 contained in Annexures 1 & 2 of the writ petition.

2. That the above writ petition was heard for admission on 8-9-1983 when this Hon'ble Court observed that the State of U.P. and the appointing authority have not been impleaded as respondents in this case.

3. That the applicants are Notor and Drafter of Irrigation Department and their appointing authority in the parent cadre is the Chief-~~in~~-Engineer Irrigation Department.

4. That it is therefore expedient that the writ petition may be amended so as to implead the State of U.P. and Chief-~~in~~-Engineer, Irrigation Department as respondent no.3 and 4 in the above writ petition.

P R A Y E R

Wherefore it is humbly prayed that this Hon'ble Court may be graciously pleased to

22/11/83

3

permit the applicants to implead the State of U.P. through Secretary, Irrigation Department, Secretariate, Lucknow as respondent no.3 and the Chief-~~En~~-Engineer, Irrigation Department U.P., Lucknow as respondent no.4 and sanction may kindly be accorded to make necessary amendment in the writ petition accordingly.

Lucknow: Dated:

Sept. 8 , 1983.

D.S. Chaube

(D.S. Chaube)
Advocate.

Counsel for the Applicants.

209

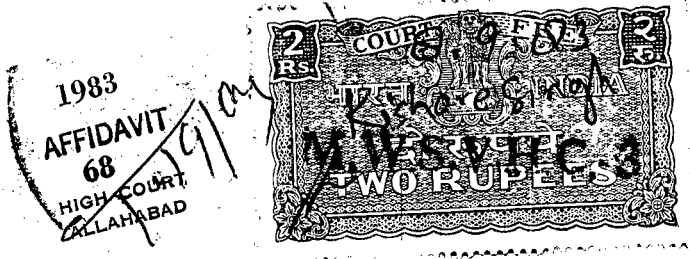
Dr. K. V.

u

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

Lucknow Bench: Lucknow.

Writ Petition No.4714 of 1983.



Umesh Chandra Srivastava
and another - ---- Petitioner.

Versus.

Union of India and
another. ----- Opp. Parties.

A F F I D A V I T.

I, Kishore Singh aged about 48 years,

Son of Late Shri Bahadur Singh, Emergency
Divisional Accountant, Tubewell Construction
Division, Sitapur do hereby solemnly affirm
and state on oath as under:-

1. That the deponent is the petitioner
No.2 in accompanying application and as such
he is well conversant with the facts and
circumstances of the case.

Bahadur

2. That the contents of paras 1 to 4 of the accompanying application are true to my personal knowledge.

Lucknow: Dated:

September 8, 1983.

Deponent
8/8/83
Deponent.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this affidavit which have been read and explained to me are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Signed and verified this 8th day of September, 1983 at Lucknow.

Lko. Dated:

Sept. 8, 1983.

Deponent
8/8/83
Deponent.

I, identified the deponent who has signed before me.

D.S. Chaube
(D.S. Chaube)
Advocate.

Solemnly affirmed before me on 8/9/83 at 9.10 a.m./p.m. by Shri Kishore Singh the deponent, who is identified by Shri D.S. Chaubey, Advocate, High Court of Allahabad, Lucknow Bench: Lucknow.

I have certified myself in by examining the deponent that he understand the contents of this affidavit which has been read over and explained by me.

[Handwritten signature]
8/10/83
8/9/83