

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

~~D.A./T.A./R.A./C.C.P./~~ No. 1588 ~~1987~~
~~Shri~~ Jai-Dasal v. 0.160 4707/84
P A R I - I

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2.	Order Sheet	:- 05 to 5.
3.	Any other orders	:- — X —
4.	Judgement	:- Judgement dt. 17-4-90 of C.A.T. Lko Bench. (Page - 6).
5.	S.L.P.	:- — X —

DY. Registrar

Supervising Officer

Dealing Clerk

Note :- If any original document is on record - Details.

Dealing Clerk
29-12-98

V.K. Mishra

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ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 1568 of 1987

NAME OF THE PARTIES _____

Tan Dayal Applicant

Versus

U. C. T Respondent

Part A, B & C

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CIVIL SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and Number of case W.P. No. 4707-84.

Name of parties Jai Dayal vs. Union of India

Date of institution 19-9-84 Date of decision.....

5
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1

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
		1- W.P. with Annex and Affidavit	54-	-	Rs. 102.00			
		2- Power -	1-	-	P. 5.00			
		3- order sheet -	1-	-	-			
		4- Bench Copy	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.

Date.....

Munsarim

Clerk

(4)

Hon. Kail G. J.

Hon. B. K. J.

~~23~~

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Plenary Dr

19-8-84

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Signature

(D.S.O. AND DISTRICT)

Admok

Senior Standing Counsel,

Central Govt.

17-9-84.

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

4707

of 198

25.

By,

A/2

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned		
		1	2	3
19-9-84	seen K.N.G., seen B.K., not in oct, 1984.			
	Sd: K.N.G. Sd B.K. Keenai 19-9-84.			
10-10-84	fixed Work Petition for admission. fixed Work Petition			By Ct Bench.
	Hon. K.N.G. Hon. B.K.G.			
11.12.84	R	2		
11.12.84	Hon. K.N.G. Hon. B.K.G.			
	F.O.			Bench.

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Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
13-12-67	<p>No. 51101 to 152-90</p> <p>This case has been received on transfer.</p> <p>Notices were issued to the counsels by the Office at Allahabad. None is present - for the parties.</p> <p>Let notices be issued again to the parties as directed by Hon'ble Mr. D.K. Aarwal, J.M.</p> <p>h 15/12/67</p>	<p>OR referred S 17/11/90</p>
152-90	No. 51101 to 174-90	OR Case has been received on 20.11.67
17-4-90	<p>Hon. D.K. Agrawal, J.M. Hon. S.S. Habab Mohd. A.M.</p> <p>None appears for the applicant. It appears that the petitioner has lost interest in pursuing the matter. The petition is dismissed for want of prosecution, without any order as to costs.</p> <p>See J.M. AM- AM-</p>	<p>Case is not admitted CA 1/2 A 201 filed Notice was issued to the applicant on 17-1-68 Notice of application has been return back with postal remarks "Recd by post S.R. 97415 S. FO</p>
Dinesh		

Group A (13) (K)

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

Civil Misc. Writ Petition No. 4707 of 1984.

(L.C.C.)
Jai Dayal - - - - - Petitioner,
Vs.
Union of India and others - - - - - Opp. Parties.

I N D E X

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1.	Writ Petition	1 to 21
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3.	Annexure No.2 (Copy of remarks given by O.P.No.4)	24
4.	Annexure No.3 (Copy of remarks given by D.P.No.5)	25
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8.	Annexure No.7 (Copy of inspection note alongwith remarks of O.P.No.5)	30 to 34
9.	Annexure No.8 (Copy of Representation)	35 to 52
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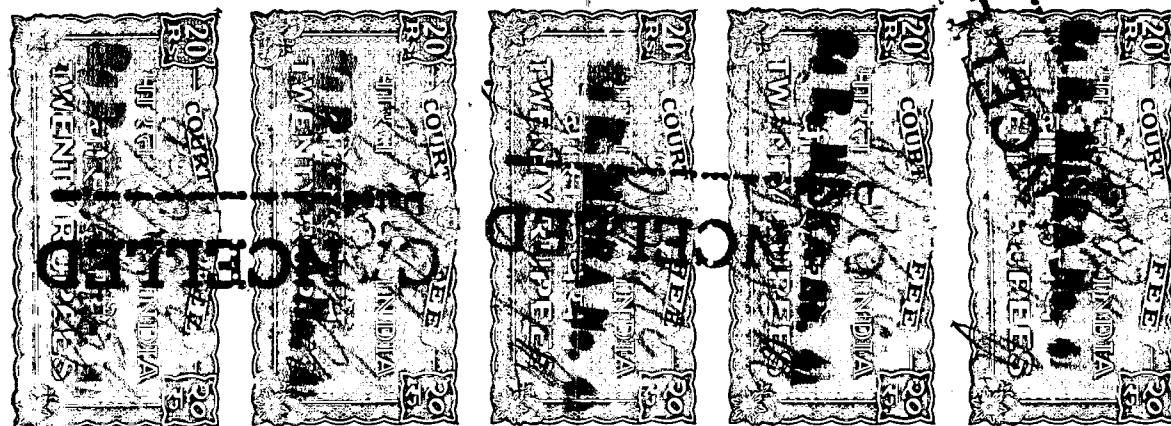
Lucknow, dated


S.S. Gupta)
Advocate
Counsel for the Petitioner.

Supreme Court of India
A⁵
Aligarh
W. H. B. & Co. Bench Dec
1984

Jai Dyal — petition

Govt. of India v. Jai Dyal — appeal



Serial No.
30.784

Court fees

Jai Dyal

post of Chief Development Officer, Bareilly on 7.5.1984 in I.A.S. senior scale of Rs.1200-2000.

3- That ops No. 1 & 2 delisted the name of the petitioner from I.A.S. select list in 1982 in a most arbitrary, illegal and prejudicial manner and in utter disregard of all rules of natural justice and op. No. 2 issued orders on 13-4-82 for the reversion of petitioner from I.A.S. to P.C.S.(Ex.) post. The petitioner filed writ petition No. 1718 /82 before the Hon'ble court which has been admitted and in an interim order this Hon'ble court has stayed the operation of reversion order. Accordingly the petitioner is still continuing on the I.A.S. cadre post of Chief Development Officer, Bareilly. The aforesaid writ petition No. 1718/82 is still pending before the Hon'ble court at Lucknow.

4- That ops No. 1 & 2 have not yet directd the Accountant General, U.P., Allahabad to fix the pay of petitioner in I.A.S. senior scale of Rs.1200-2000 on the basis of stay or-der of this Hon'ble court in the aforesaid writ petition No.1718/82 despite representation dated 17-12-83 filed by the petitioner to op. No.1.

5- That ops No. 1 & 2 are still victimizing the petitioner and creating such conditions as may frustrate the outcome of aforesaid writ petition favourable to the petitioner.

That op. No. 2 have been spoiling the subsequent record of petitioner in order to dampen the chances for re-inclusion of his name in I.A.S.select list.

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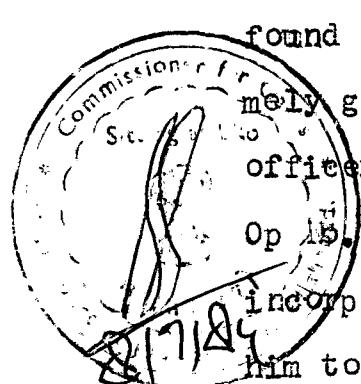
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7- That ops No. 2 gave adverse remarks in the character roll of petitioner for the year 1981-82, although Agricultural Production Commissioner, U.P. who is the accepting authority under All India services (Confidential Rolls) Development Officer, expressed good opinion about the work and conduct of the petitioner. The petitioner submitted representation to op. No. 2 and filed a writ petition No. 1167/83 in this Hon'ble court which is still pending. Later op. No. 2 themselves accepted the contention contained in the representation made by the petitioner and expunged most of the adverse remarks.

8- That ops No. 2 have again communicated certain adverse and unfavourable remarks in the character roll of petitioner for the year 1982-83 given by op No. 3 and 4 although the immediate boss op No. 5 gave excellent entry.

9. Ops No. 5, who is the reporting officer, has found the work and conduct of petitioner to be extremely good and commendable, op No. 4 who is reviewing officer has dubbed the petitioner as a mediocre. Op No. 3 who is accepting authority has definitely incorporated an adverse remarks "I did not find him to be an ~~XXXXXX~~ officer of keen application". Copies of remarks given by ops No. 3, 4 & 5 are enclosed as Annexure Nos. I, II & III.



10- That the remarks given by op No. 3 & 4 are unjust, malafide, motivated by extraneous considerations and against the procedure prescribed by All India Services (Confidential Roll) Rules 1970 and the orders issued by op. No. 2 in G.O. No. 36/1/78-Karmic-2 dated 26.2.1979.

Annex-1, 2, 3

Jan Day 1

11- That the remarks given by Ops No. 3 & 4 do not give a true evaluation of the petitioner's work and conduct. The remarks given by Op No. 4 are unjustified and malafide, based on underestimation, full of contradictions and against the facts, while those given by Op No. 3 are arbitrary and malafide betraying an incorrect assessment and ignoring the prescribed procedure.

12- That the petitioner submitted a representation to Op No. 2 against the remarks of both Op No. 3 and 4 on 13.1.1984.

13- That according to Rule 10(i) of All India Service (Confidential Rolls) Rules-1970 Op No. 2 should have taken decision on the representation within three months. But no decision has been taken by Op No. 2 nor any decision has been communicated so far to the petitioner by Op No. 2.

14- That the adverse remarks of Op No. 3 "I did not find him to be an officer of keen application" are vague, incomplete and baseless.

15- That Op No. 3 never issued any written or oral warning to the petitioner before giving these remarks, as required under G.O. M.R. 36/1/1978 dated 26.2.1979 and G.O. No. 259/II-33-1-1956 dated 16.7.1957.

16- That Op No. 4 has not given any specific data in support of his remarks. Op No. 3 as accepting authority should have given the basis ~~xxxxxx~~ of his disagreement with the remarks given by the Distt. Magistrate Op No. 5, instead of criticising the remarks of Op No. 5. Op No. 3 could have accepted the Distt. Magistrate's remarks with modifications if he did not agree with them as required under Rule 3-1 of All India Services (Confidential Rolls) Rules 1970 and G.O. M.R. 36/1/1978 dated 26.2.79.

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17- The Op No. 3 had not inspected any work of the petitioner and as such did not have any first hand knowledge of the petitioner's performance.

18- That the petitioner had an apprehension that op. No. 3 himself was not keen to enforce the policy of government. Government is anxious that subordinate staff should discharge its duties faithfully and honestly and superior officers should supervise their work from this angle. This policy has been set out by the present Chief Minister, U.P. in his circular dated 9.7.1984 addressed to all Heads of Departments and District Magistrates ~~and~~ in the following words : क्रीष्ण लम्ब से प्रैत्येक सरकारी कर्मचारी को यह सुनिश्चित करना चाहिये कि उसके अधीनस्थ सरकारी ईमानदारी से कार्य करे और आवंटित कार्य बिना डर और निष्पक्ष भाव से पूर्ण करे — नायब तहसीलदार, स्कैन आपनीसर, सहायक अधिकारी, कार्यालय अधीक्षक इत्यादि स्तर तथा अमर के निरीक्षण अधिकारी यदि अपने अधीनस्थ घृष्ण कर्मचारियों को नहीं हटाते या उनके विरुद्ध कार्यवाही नहीं करते तो वह स्वयं व्यक्तिगत लम्ब से इसके लिए उत्तरदायी होंगे ।"

19- That the petitioner followed this policy in true spirit and did not hesitate to take severest action against the corrupt and unruly staff, while Op No. 3 was himself lenient or tolerant in dealing with it and neutralized the action taken by the petitioner by passing orders to the contrary or showing indifference as will be evident from the following instances—

(i) Sri Ashok Kumar Saxena, Block Development Officer demanded bribe in the construction of houses for weaker section, issued bogus cement permits and remained absent from duty without any leave or permission. He has close relations in B-areilly. The petitioner proposed disciplinary proceedings with suspension against him. The case of bogus cement permits was also reported to the police by the petitioner. Op No. 3 who is the appointing

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authority, did not suspend him even on such serious charges, only transferred him to another district and later on cancelled even the order of transfer despite protest by the petitioner. Further two charge sheets were to be served on Sri Ashok Kumar Saxena. But the Op. No. 8 has served only one charge sheet on him and the second charge sheet relating to bogus cement permits has been pending with op. No. 8 since 27.8.1983. The disciplinary proceedings against B.D.O. are thus lingering on giving him ample chance to tamper with the evidence. Op. No. 8 has turned a blind eye to all these happenings.

(ii) Sri Mam Raj, Block Development Officer was found involved in the preparation of fake and incorrect muster rolls of the works carried out under Food for Work Scheme in Block Kiara. He was also found guilty of mis-conduct and negligence of duty. The petitioner therefore submitted a charge sheet against him to Op. No. 4 through Op. No. 8 and proposed his suspension. But Op. No. 4 did not order his suspension and merely initiated departmental proceedings against him on the basis of charge sheet submitted by the petitioner. Op. No. 4 appointed Project Director Bareilly as the inquiring officer in this case. About one year has elapsed. But the inquiry is still incomplete. Op. No. 4 has not cared to ensure speedy action in the departmental proceedings against sri Mam Raj. Sri Mam Raj has taken the departmental proceedings very lightly feeling himself safe and secured. In retaliation he has indulged in a tirade against the petitioner and engineered false and fabricated complaints against the petitioner. Op. No. 4 ordered his transfer to district Jhansi. But that order was also cancelled by ~~xxx~~ op. No. 3 later on.

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(iii) Sri M.P. Singh, Senior clerk was President of his Association in 1982-83. He made his Association a forum for pleading the individual service matters of corrupt and delequent officials. He himself forged a document of Agreement to sell and on its basis obtained house loan of Rs. 30,000/- from Divisional Commissioner Op. No. 3. A case of forgery has been registered at Police Station Kotwali, Bareilly which has submitted charge sheet to the court after investigation. This man used to meet Op. No. 3 direct and make false complaints against the petitioner to Op. No. 3. He meets Op. No. 3 without the permission of petitioner as required under U.P. Government Servants Conduct Rules. Op. No. 3 did not object to this procedure and entertained the false complaints made by Sri M.P. Singh and his associates against the petitioner. The petitioner transferred this official from Bareilly to Block Fatheganj (W). Op. No. 3 entered an application direct from his wife and ordered to stay his transfer vide his official letter No. 272/Estt-2 dated 26.8.83. The petitioner, however apprised Op. No. 3 of the antecedents of this official, took his approval and thereafter enforced the transfer order.

(iv) Sri Muni Ram, Village Development Officer was caught red handed diverting one full truck load of wheat entrusted to him in Kiara Block for distribution among the labourers under Food For Work Scheme in 1980. He manœuvred non-appearance of important prosecution witnesses and as such the court acquitted him of the charge under section 3/7 of Essential Commodities Act (Selling wheat without licence). But the petitioner kept him under suspension and continued the departmental proceedings against him for misappropriation of government property. The op. No. 3

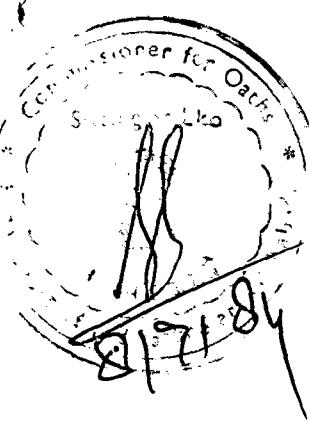
Tan Day



instead of appreciating the action taken by the petitioner, have entertained false complaints made by this official against the petitioner, although full facts of the case have been communicated by the petitioner to Op No. 3 through the District Magistrate, Bareilly and Divisional Commissioner op No. 3 more than once.

(v) Sri Jai Deva Prasad Sharma, Village Development Officer is President of his Association in this district. He has totally ignored Soil Test work. Op No. 3 has issued orders to take severe disciplinary action against Village Development Officers who neglect Soil Test work vide his letter No. 4891/dated 19.12.82. In compliance of this order, the petitioner has charge sheeted Sri Jai Deva Prasad Sharma in formal departmental proceedings. This official also pleads the individual service matters and is a strong supporter of Sri Muni Ram, Village Development Officer who is being proceeded against departmentally for misappropriating wheat of Food For Work Scheme mentioned at Sl. No. iv above, Infruited by the firm stand taken by the petitioner against the corrupt and delinquent staff. Sri Jai Deo Prasad has launched a compaign of indictment against the petitioner. He meets the Op No. 3 direct and makes false complaints to him against the petitioner. Op. No. 3 instead of suppressing such unruly elements, provides an encouragement to them by allowing them direct interview.

20- That the petitioner was equally effective in the implementation of various development works assigned to him in the year under report. The targets of all the important schemes were achieved and Bareilly district of the petitioner stood First or Second in most of the schemes in division which



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comprises of four districts - Pilibhit, Budaun, Shah-Jhanpur and Bareilly. This is borne out by the comparative chart enclosed herewith as Annexure-IV.

21- That the comparative chart given in Annexure IV to this petition proves that districts like Budaun and Pilibhit were behind Bareilly, in most of the schemes. But the performance of these districts has not been rated as ordinary or unsatisfactory by the Divisional Commissioner Op No. 4 and Op No. 3. They have thus adopted double standards for the evaluation of the work of petitioner.

22- ~~xx~~ That both Divisional Commissioner Op No. 3 and Op No. 4 have referred in their remarks to the complaints against the petitioner as follows-

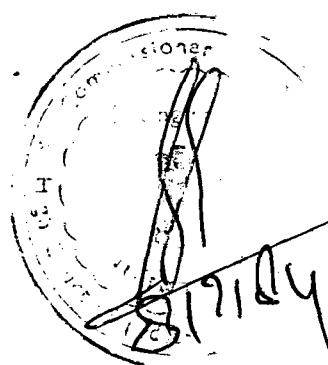
(i) There were complaints against him but no substance was found on inquiry.

Divisional Commissioner Op No. 3

(ii) There were several complaints from staff at various levels including clerical about this officer's straight-forwardness. ~~Agricultural Production Commr.~~
~~XXXXXX Op No. 4 XXXX~~ Agricultural Production Commr.
Op No. 3

These remarks are totally uncalled for and irrelevant, when Op No. 4 has himself found the complaints baseless on inquiry. These false complaints were made by members of subordinate staff who had a grudge against the petitioner on account of stern action taken by petitioner against them. Details of these officials have been given in para 19 above.

23- That inclusion of these remarks by Op No. 3 and Op No. 4 in the Character Roll of petitioner clearly indicates that Op No. 3 & 4 were determined to tarnish the image of petitioner by ~~pervious~~ ^{malicious} ~~malignant~~ report and as such they are malafide.



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24- That Op No. 3 has criticised the remarks of the then District Magistrate, Bareilly Dr. Surya Prasad Op No. 5 as highly exaggerated and showing undue partiality to the petitioner. Op No. 5 was the immediate officer of the petitioner and had a concrete data in support of these remarks. The comparative chart in Annexure-IV to this writ petition was the basic data with the Op No. 5 for giving the remarks. This material was available in the office of Op No. 4 also as the performance sheet was submitted to him alongwith the remarks of Op No. 5. Besides, monthly progress reports were sent by the petitioner to Op No. 5 every month on different schemes and development works. Similar progress reports were also sent by other districts every month. Hence Op No. 3 was fully aware of the data which were in the possession of Op No. 5. As already stated above, Op No. 3 never himself inspected any work of petitioner nor he ever issued any warning to the petitioner. Besides, these remarks are a reflection on the conduct of Op No. 5. Op No. 3 should have first sought clarification from Op No. 5 before condemning the remarks of Op No. 5 about the petitioner.

25- That District Magistrate, Op No. 5 was a hard worker task master and did not spare even the petitioner in giving warnings from time to time. Op No. 5 issued the warnings dated 13.9.82 and 25.10.82. ~~XXXXXX~~

Copies of these warnings are enclosed as Annexure V & VI to this writ petition. Op No. 5 was equally admirer of petitioner's good work. The petitioner recorded an inspection note dated 5.8.82 on the work of certain officials in the field by making surprise visits. Op No. 5 marked this inspection note as "Very good". A copy of this inspection note alongwith

Tan Day

Annex 5, 6

01/10/84

Annex-7

remarks of Op No. 5 is enclosed as Annexure VII to the writ petition. Op No. 5 was thus quite objective in evaluating the performance of the petitioner.

26- That Op No. 3 has not given his own data to disprove the remarks of Op No. 5, nor he has particularised the points on which he disagreed with Op No. 5, as laid down in para 7 of G.O. No. 36/1/78-Karmik-2 dated 26.2.1979.

27- That Op No. 3 has based his remarks on the impression gained by him in oral discussions with the petitioner which is highly arbitrary and subjective. The petitioner is not vocal or propagandist. The petitioner is working on a result-oriented past. The Op No. 3 should have, therefore, based his appraisal on concrete facts and figures.

28- That the remarks given by the Divisional Commissioner Op No. 3 who is reviewing authority are vague, self-contradictory and subjective.

29- That the remarks of Op No. 3 " Sri Jai Dayal is new to Planning " are incorrect in as much as the petitioner completed two years in the year for which the remarks in dispute were given and Op No. 3 adjudged the performance of the petitioner during the first year i.e 1981-82 as good. The remarks given by Op No. 3 for the year 1981-82 are reproduced below-

" जलोच्य वर्ज में हरिजन पथ जल योजना में जिले में अति दृष्टिम कार्य रहा जिलकी सराहना किंवा उत्पादन आयुक्त ने अपने पत्र संख्या 7780/कार्यक्रम दिनांक 31-5-82 में की है। अत्यं बहत में भी अच्छा कार्य हुआ जिलकी सराहना मेरे पत्र संख्या 5/सोलह-एस०/५-८१-८२ दिनांक 17-4-82 के प्वारा की गयी। अब स्कॉर्च का कार्य गत वर्ज से अच्छा रहा जिलकी सराहना मेरे पत्र संख्या 463/अत्यं तंवार्ड प्रगति ८१-८२ दिनांक 24-4-82 में की गयी। कार्य अच्छा रहा है"।

Jai Dayal

✓ In this way the petitioner was not new to Planning during the year 1982-83 to which the disputed remarks relate and when he was new to the Planning during the first year, Op No. 4 did not find his work as unsatisfactory or ordinary.

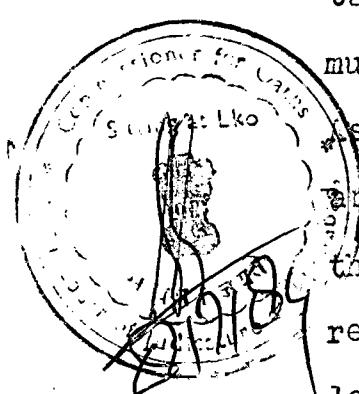
30- That the following remarks of Op No. 4 ~~are arbitrary~~ are arbitrary against the facts and malafide. "Relations with subordinate at all levels were ordinary..... the performance on the whole was ordinary his work on this aspect can also be considered ordinary, ~~unsatisfactory~~".

31- That it is not clear whether the remarks of Op. No. 4 "relations with subordinates at all level were ordinary" are derisive or appreciative. Superior officers should not develop intimacy with subordinates. The remarks of Op No. 4 "results continued to improve due to efforts of the team as a whole" prove that the petitioner was successful in coordinating the activities of colleagues and subordinates and taking maximum work from them and was getting maximum cooperation due to his good relations with them.

As the petitioner has already shown in Annexure-IV and as Op No. 4 has himself admitted, the work under the petitioner continued to improve. In this way the remarks that relations with subordinates at all levels were ordinary" are incorrect, vague and arbitrary.

32- That remarks of Op No. 4 "The performance on the whole was ordinary" are self-contradictory and arbitrary. Annexure-IV to this petition shows that the performance of the petitioner was above average and better as compared with other districts of Bareilly division and as Op No. 4 has himself

Tan Day



admitted that the results continued to improve. There is no basis for grading the performance of petitioner as ordinary. The Op No. 3 has purposely under-estimated the work of the petitioner due to ulterior considerations.

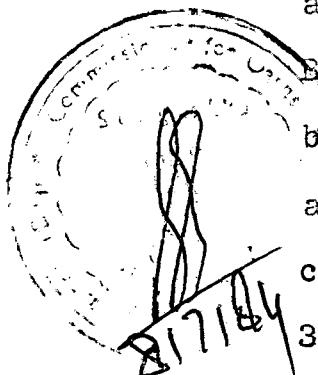
33- That the remarks of Op No. 1 " His work from this aspect can also be considered ordinary satisfactory " are meaningless. When he has himself found, the complaints against the petitioner to be unsubstantiated, these remarks are patently perverse and pointless.

34- That Op No. 4 has not given any specific data in support of these remarks. He has cited the case of Cobar Gas Plants and rated the achievement on this score as average. In this connection it may be stated that the entire funds received under this scheme for subsidy were utilized. ~~XXXX~~ No funds were available for giving subsidy to additional plants after completing 178 plants by 31.3.1983. The achievements of financial targets were thus 100%. The physical target of 277 could not be achieved due to shortage of funds. The physical target was not achieved by other two districts also ~~namely~~ ^{namely} Pilibhit and Budaun in the Division. Secondly the performance was better as compared to previous years i.e. 1980-81 and 1981-82 in which only 30 and 100 plants were constructed respectively.

35- That Op No. 4 was also liberal in dealing with corrupt and indisciplined staff against which the petitioner took a firm stand. A few cases are cited below-

(i) Sri Abdul Saleem a peon working under the petitioner used to quarrel with his officers and stage demonstrations and hunger strikes for

Tan Day

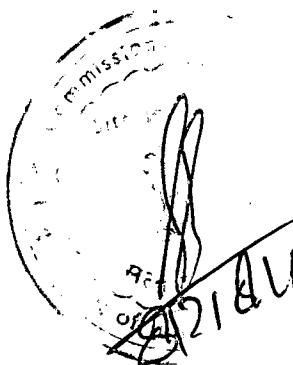


8/7/84

individual service matters. He wrote a most vulgar letter to the petitioner on 29.1.1982. He was suspended by the petitioner on 3.2.1982 and removed from service. But the Op No. 13 on his second appeal reinstated him on the grounds that the District Magistrate Op No. 5 did not write a detailed order while rejecting his first appeal, although the removal order passed by the petitioner was quite detailed and discursive. Sri Abdul Saleem did not raise any such ground in his second appeal. Op No. 4 remanded his case for fresh proceedings. Sri Abdul Saleem did not submit explanation to fresh charge sheet, nor joined at new place of posting after remand order of Op No. 13. Ultimately Op No. 4 has transferred him to District Budaun, although the proceedings against him ~~xxxii~~ are still pending before the petitioner. Op No. 4 has thus provided protection to this most indisciplined and arrogant official. He has not submitted any reply to the charge sheet so far after transfer to other district.

(ii) Sri Ram Prakash Gupta was Head Clerk in District Planning Office. He tampered with the orders of transfer of Village Development Officers after taking bribe from them and absconded from election duty. He was reverted to the post of Senior Clerk. He brought stay orders of Hon'ble High Court, Lucknow Bench, in compliance of which he was allowed to attend the office and paid the salary of Head clerk. He was thus given the charge of Head clerk. Even then Op No. 4 directed the petitioner to hand over the charge of Head clerk to Sri Ram Prakash Gupta, thereby compelling the petitioner to give important and confidential

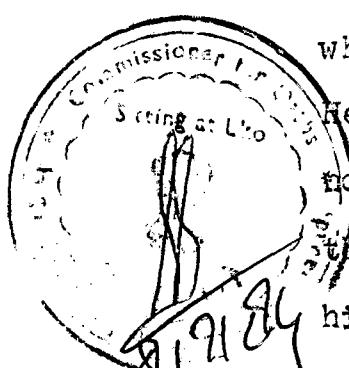
Tan- Day



to him. He was of course not given the important and confidential work. Now the stay orders have been recalled by Hon'ble High court.

(iii) Sri Satendra Nath, steno typist has not yet learnt Hindi short hand despite several warnings. Besides, he used to black-mail Block Development Officers at the time of inspections by the petitioner and he obtained cement permits in the name of bogus persons from Block Development Officers for black marketting. He was transferred by Dy. Development Commissioner, Bareilly to Budaun. But Op No. 4 cancelled his transfer. He did not revise his orders even when petitioner reported full facts about him. After cancellation of his transfer he is also engaged in slander campaign against the petitioner.

(IV) Sri Ashok Kumar Saxena, Block Development Officer did not carry out the orders in regard to weaker Section House ^{Scheme} and demanded bribe from the beneficiaries. His relations reside at Bareilly and his home town is Bisalpur in district Pilibhit where he often goes without permission or leave.


He has political affiliations, Op No. 4 also was not happy with him in the begining. But when the petitioner submitted a charge sheet against him, Op No. 4 changed his mind and started to shield Sri Saxena due to some extraneous reasons.

Sri Saxena got several false complaints sent against the petitioner and negotiated direct with Op No. 4. He won over the witnesses. Later on Sri Saxena was found involved in the issue of bogus cement permits and petitioner recommended his suspension to Op No. 4. Another detailed charge sheet was also submitted by the petitioner to Op. No. 4 about one year

Tan Day

back on 27.8.83. But Op. No. 4 did not approve the charge sheet nor got him suspended by government.

Op. No. 4 even did not allow the petitioner to transfer Sri Shok Kumar Saxena within the district. Sri Saxena was transferred to another district by the Agricultural Production Commissioner Op. No. 3 but later on as already stated above, Op. No. 3 cancelled his transfer. Op. No. 4 also took great interest in getting his transfer cancelled. Op. No. 4 promised to transfer Sri Saxena within the division during May-June, 1984. But Op. No. 4 has not ordered his transfer so far. Sri Saxena has been allowed to stay here in Bareilly and continue his nefarious activities. This Block Development Officer is a great source of nuisance and indiscipline in the district. Even then he is getting full support from Op. No. 4.

(v) Sri Luni Ram, Village Development Officer was caught red handed diverting one truck load of wheat of food for work scheme in market. ~~He was suspended by Op. No. 4~~ ~~pressed for his reinstatement.~~

35- That the petitioner took great pains to tone up the work in the office held by him and introduced various improvements, as detailed in para 16(a) of representation annexure ~~VII~~ to this writ petition.

36- That Op. No. 4 himself encouraged indiscipline in the staff as is clear from the instances quoted in para 33 above. Besides Op. No. 4 ordered transfer and posting against G... 8.3440/LIII-A/6412 dated 9.11.64. He promoted one Asstt. Dev. Officer Sri Jawahar Lal Jyoti as Block Development Officer and posted him in the same Block, Mirganj where he..... contd.

Anx - d

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Tan. Day

was working as Asstt. Dev. Officer. Similarly he reposted one Block Development Officer Sri Narendra Dev Ghangar to Block Bithrichainpur of Bareilly district after retransferring him from Pilibhit where he was transferred one year ago from Bareilly. This posting was also against the aforesaid G.O.

37- That Op No. 3 & 4 have made an incorrect assessment of the work of the petitioner on extraneous grounds in utter disregard of the rules and procedure.

38- That the humble petitioner made a representation against these illegal, malafide and arbitrary remarks of Op No. 3 & 4 ^{to O.P. No. 2} Copy of representation enclosed as Annexure ~~VII~~. But so far no action has been taken or communicated to the petitioner.

39- That the question of placing the humble petitioner to the Select List is always before the Govt. and the present entry (subsequent entry) given to injure and damage the petitioner's case) comes in the way of his promotion and elevation to the I.A.S. cadre, and to his future chances of promotion, and since the representation has not yet been decided and since the matter is extremely urgent, and since there is no alternative efficacious and expeditious remedy available, therefore the petitioner approaches this Hon'ble court for relief on the following amongst other-

Grounds

(1) Because the remarks of Op No. 4 are arbitrary, unfounded and malafide.

(2) Because the remarks of Op No. 8 are against the facts and are unjustified.

Tan Day

(3) Because both opposite party No.3 and 4 have ignored the procedure prescribed in I.A. India Services (Confidential Rolls) Rules 1970 and G.O.No.36/I-78-Karmik-2 dated 26.2.1979,

(4) Because the stay orders of this Hon'ble Court in writ petition No.1718/1982 against the delisting and reversion order of opposite party No.1 & 2 have annoyed opposite party No.1 and 2 and they are h persistent in their effcts to victimize the petitioner.

(5) Because the opposite party No.2 is determined to spoil the service record of petitioner in order to get him dis-approved for I.A.S. by the selection committee even if the petitioner's writ petition No.1718/1983 against the delisting of his name from I.A.S. select list and reversion succeeds.

(6) Because opposite party No.2 have incorporated the vague and arbitrary remarks of opposite party No.4 and opposite party No.3 .

(7) Because opposite party No.2 has allowed the incorporation of such & vague , unfounded and arbitrary remarks in the character roll of petitioner in order to forfeit petitioner's claim for special P.C.S.grades of Rs.2,400-2,700 & Rs. 2,700 - 3,000. Opposite Party No.2 has allowed these special grades even to the officers much junior to the petitioner.

Sum. Day 1

(8) Because the remarks in question will cause an irreparable damage to the petitioner.

..19..

(9) Because the opposite party No.3 and 4 have decried the better work of the petitioner and used double standard.

(10) Because the opposite party No.3 and 4 have referred in the remarks to the complaints unsubstantiated according to their own version.

(11) Because the correct appraisal of the petitioner's work by District Magistrate, Opposite Party No.5 has been discarded by the opposite party No.3 & 4 as highly exaggerated.

(12) Because the remarks of the opposite party No.3 and 4 are self contradictory and subjective.

(13) Because the remarks of the opposite party No.3 & 4 are unjust, malafide and motivated by extraneous considerations and against the procedure prescribed under the Rules.

(14) Because the representation submitted by the petitioner against the remarks to Opposite party No.2 is still under consideration of opposite party No.2.

(15) Because the opposite party No.3 never issued any oral or written warning to petitioner before recording adverse remarks.

Jun Day

(16) Because the opposite party No.3 & 4 have not supported their remarks by the specific data.

(17) Because the opposite party No.3 & 4 have been abetting indiscipline and defiance of Govt. orders by encouraging subordinate staff.

(18) Because the performance of petitioner in the Bareilly Division was the best during the year 1982-83 under report.

PRAYER

Wherefore, it is humbly prayed that this Hon'ble court will be graciously pleased to,

(i) issue an order, direction or writ in the nature of a writ of certiorari quashing the unwarranted Remarks contained in Annexure Nos.2 and 3.

(ii) issue an order, direction or writ in the nature of writ of mandamus directing the opposite party No.3 and 4 not to give unwarranted and unsubstantiated remarks against all rules, regulations and procedure and thus not to spoil the record of the petitioner on whims and prejudices without looking into the comparative figures of completion of targets achieved by the petitioner in his district.

(iii) issue order, direction or writ in the nature of a writ of mandamus directing the opposite party no.1 and 2 not to take into consideration

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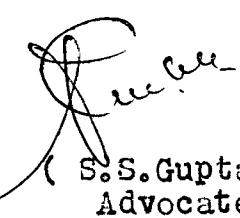
the remarks contained in Annexure Nos. 1 and 3 at the time of promotion and confirmation and other consequential benefits of service resulting therefrom.

(iv) issue any other order, direction or writ deemed fit and proper under these circumstances to give relief to the petitioner.

(v) allow this writ petition with costs.

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Lucknow, dated
July 8, 1984.


(S.S. Gupta)
Advocate
Counsel for the Petitioner.

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IN THE HON'BLE HIGH COURT OF UTTAR PRADESH AT ALLAHABAD
LUCKNOW BENCH LUCKNOW

Civil Misc. Writ Petition No. /1984

(Under Article 226 of Constitution of India)

Jai Dayal S/o Sri Mangal Rao aged 56 years
Chief Development Officer, Bareilly.. ... Petitioner
Vs

The Union of India & others

ANSWER-I

Remarks of District Magistrate, Bareilly
Op. No. 5

" Sri Jai Dayal is a hard working, experienced and efficient officer having a reserved nature. He discharged his duties fearlessly and impartially and made large contribution to complete all the development schemes of the district timely and to ensure the achievements of the targets. This identifies his abilities of leadership, organization, zeal and intelligence. He established active dynamic coordination between different departments to make the District Decentralization Scheme a success.


He maintained sound relations with his colleagues and subordinate officials. His reputation among public was good. He gave supervision and guidance over the departmental works by making sufficient tours and inspections. Not only tried to achieve the targets but also increased the qualitative values of the works. Kept effective control over his office and departmental officers. Never hesitated in taking strong action according to his requirements. To increase the administrative efficiency transferred certain Village Level Officers and employees. Charge

Jai Dayal

Annexur -I

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sheeted two Block Development Officers on the ground of their corrupt behaviour and slackness in working. Thus he showed his strogness and helped to raise high immage of administration. He had got aptitude and capacity to undertake responsibilities. Has got enogh capacity e to think and take decisions.

Nothing came to my knowledge which could cause any doubt on his integrity. Hence integrity is certified.

District Magistrate
Bareilly

Jan. Day



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

Civil Misc. Suit Petition No. 1984
(Under Article 226 of Constitution of India)

Jai Dayal S/o Sri Mangal Deo aged 56 years
Chief Development Officer, Bareilly.....

Petitioner

vs

The Union of India & others

ANNEXURE - II

Remarks of Divisional Commissioner, Bareilly

Op No.4

" I had occasion to inspect 6 block of the district myself and the remaining were inspected by my Additional Commissioner, Sri Jai Dayal is new to Planning. His achievement under the Govt Gas Plant Programme was average. Relations with subordinates at all levels were ordinary. ~~WEEK~~ Results continued to improve due to efforts of the team as a whole. There were complaints against him but no substance was found on inquiry. His work from this aspect can also be considered to be ordinary, satisfactory. The performance on the whole was ordinary.

Commissioner, Bareilly Divn.

Jai Dayal

Op No.4


Jai Dayal

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Annex - 3

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

Civil Misc. Writ Petition No. /1984
(Under Article 226 of Constitution of India)

Jai Dayal S/o Mangal Deo aged 56 years
Chief Development Officer, BareillyPetitioner
Vs
The Union of India .. others

ANNEXURE- III

" There were several complaints from staff at various levels including clerical about this officer's straight-forwardness. On a few occasions he came into touch with me in discussion. I did not find him to be an officer of keen application. The comments of Dr. Surya Prasad, Ex-District Magistrate are highly exaggerated and show undue partiality to Sri Jai Dayal.

Agricultural Production
Commissioner,
Govt. of Uttar Pradesh,
20.9.1983

Jai Dayal



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Civil Misc. Writ Petition No. /1984

(Under Article 226 of Constitution of India)

Jai Dayal s/o Sri Mangal Deo aged 56 years

Chief Development Officer, Bareilly---. Petitioner

Vs

The Union of India & others

Annexure-IV

Comparative chart of targets and achievements in
1982-83

Sl.No.	Schemes	Achievements of targets			Percentage
		Bareilly	Bkt.	Budn.	
		Spn.			
1-	Minor Irrigation	123	110	135	113
2-	Integrated and Rural Dev. Programme				
	(i) <u>Beneficiaries</u>				
	(a) General	156	111	124	103
	(b) Sch. Caste	122	109	90	68
	(ii) <u>Subsidy Utilization</u>	154	113	75	104
	xx				
3-	<u>N.R.E.P.</u> Funds Utilization	100	113	139	92
	Remarks: Rs. 11 Lakhs received on 20.3.84 and remained in balance.				
4-	Weak section houses	134	4	19	279
5-	Houses for Harijans	201	-	146	146
6-	Drinking water scheme				
	(i) By Jal Nigam	407	185	153	374
	(ii) Rural Dev. Deptt. wells	133	294	111	156

Remarks: In other districts balance of previous
year was lying un-utilized and as such
their achievement was far in excess of
target, while in Bareilly there was no
balance of previous year. We received funds
from government only for 33 wells, but
constructed 44 wells with the same funds.

Jan - Day

7- Special component plan
uplift of Harijans from
poverty line. 144 157 103 116

Annexure. IV

Sl. No. Schemes	Achievements of targets -				Percentage target
	Bareilly	Rbt.	Budn.	Spn.	
8- Tree Plantation	113	49	566	266	
9- Biogas					
(i) (Physical)	49	69	73	102	
(ii) Financial	100	Figures not available			
10- Family Planning sterilization	76	60	55	39	
11- Recovery of Coop. dues (Society & Bank)	16.5	23	8.5	15.5	
12- Intensive Nutrition programme:					
(i) Pregnant women	165	xxx	100	80	
	165	No Scheme	100	80	
(ii) Children below six years	109	,,	100	20	
13- Dry Agriculture Kharif	107	99	113	100	
14- Fertilizer Distri- bution					
Kharif (Total LPK)	96	97	83	90	
xxx Rabi	104	104	105	104	
15- Decentralized District Plan (Utilization of Funds)	99	96	81	86	
16- Small savings:					
(a) Long term invest- ment (In lakhs)	xxx	180x	182		
	363	130	188	169	

Remarks: Best Block Development Officer, best Lekhpal, best Sanchayika and best S.D.O. in the division adjudged from Bareilly district. Bareilly never went in minus after 31.3.83, while all other districts in the division dropped to minus thereby proving that they fulfilled their targets mostly by short term and superfluous investments.

Jai Dayal

8/7/84

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Civil Misc. writ Petition No. /1984

(Under Article 226 of Constitution of India)

Jai Dayal S/o Mangal Deo aged 56 years

Chief Development Officer, Bareilly...Petitioner

Vs

The Union of India & others

ANSWER - V

मुख्य विकास अधिकारी,

माह सितम्बर 82 में आप द्वारा किये गये कार्य की प्रेगति आख्या पर समीक्षा की गई :-

आलोच्य माह में एकीकृत ग्राम विकास योजना के अन्तर्गत 716 परिवारों को लाभान्वित किया गया है तथा 2-689 लाख रुपया अनुदान के रूप में कितरित किया गया है। जिसे सर्वोत्तम वैधुक है पूर्ण योग्यता ग्राम करने के लिये प्रभावी कार्यवाही करने की ओर देश की जाती है।

द्वाष्टम योजना के अन्तर्गत 497 व्यक्ति प्रेशिरक्षित किये जा रहे हैं तथा 75 व्यक्ति रुपांतर करके रोजगार में लगाये जा चुके हैं। इस योजना के अन्तर्गत अधिक व्यक्तियों को रोजगार में स्थानित करने के लिये अधिकारी किये जाएं।

अल्प सिवाई के साधानों से लाभान्वित किये गये परिवारों की 50 केवल 1626 है तथा इस मद्देन्द्रिये गये अनुदान की धनराशि 85,291 है। इस कार्य में भी सुधार लाने की आवश्यकता है।

सैण्ट्रल सेवटर योजना के अन्तर्गत केवल 149 व्यक्तियों को लाभान्वित किया गया है जो इसी अधिकारी नहीं है।

आलोच्य माह में केवल 4 वायो गोवरे गैंग का निर्माण इसी अधिकारी नहीं है। इसी प्रकार निर्कल वर्ग आवास आलोच्य माह में केवल 15 पूर्ण किये गये हैं तथा हरिजन पैयजल कूम केवल दो निर्मिति किये गये हैं। यह कार्य भी इसी अधिकारी नहीं है और इसमें गति लाने के लिये अधिकारी किया जाना आवश्यक है। इसी प्रमाण में माह का कार्य अत्यन्त अनुत्तीर्ण नहीं है। इसमें आगे त्वरित सुधार लाया जाय।

द- डा० सुर्योदास
जिलाधिकारी, वरीली 25-10-82

Jan Day
8/10/82

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Civil Misc. R.P. petition No. /1984

(Under Article 226 of Constitution of India)

Jai Dayal S/o Sri Mangal Deo aged 56 years

Chief Development Officer, Bareilly...Petitioner

Vs

The Union of India & others

ANNEXURE- VI

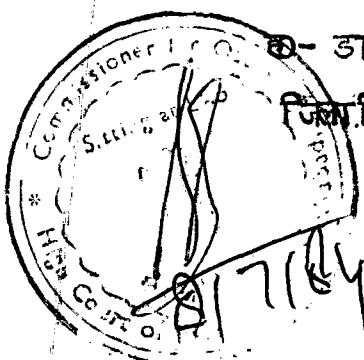
मुख्य विकास अधिकारी,

20 सूत्रीय कार्यक्रम की प्रेरणा की समीक्षा दिनांक 6-9-82 की वैल्य
में करते समय यह ज्ञात हुआ कि ग्रामीण की रेखा से अमर उठाने हेतु कोई
ब्दारा ग्रामीण विकास कार्यों पर शृण कितरण का कार्य अत्यन्त असन्तोषज-
नक है। इस सम्बन्ध में दी जाने वाली अनुदान धनराशि के भी उपभोग
की प्रेरणा अत्यन्त असन्तोषजनक है। इस वित्तीय वर्ष से अब तक 5 महीने
बहुत हो चुके हैं किन्तु कियी भी ओरिक्षात प्रेरणा नहीं आई है अतः आपको
सचेत किया जाता है कि आप इस कार्य में आकर्षक तैजी लाने।

यही स्थिति से शाल कम्पोनेन्ट ज्ञान के अन्तर्गत वैको ब्दारा
दिये जाने वाले शृण पर 50 प्रतिशत सूट से सम्बन्धित अनुदान के उपभोग
की है। अतः इस सम्बन्ध में भी आपको सचेत किया जाता है कि आप
अधिकारित तैजी कार्य में लाने।

जब तक निर्कल वर्ग आवास, हरिजन पैयल क्षम तथा गोवर
गैस/वायोगैस ज्ञान के प्राप्ति का प्रेरणा का होने है अर्थात इस
देखाने भी कोई कार्य लक्ष्य के अनुसन्धान लाने हेतु नहीं किया गया
है। इस सम्बन्ध में भी आप को सचेत किया जाता है कि आप इसमें भी
आकर्षक तैजी लाने।

Jai Dayal



का- डा० सूर्यसाद

जिल्हाधिकारी, वरली 13-9-82

IN THE HIGH COURT OF JUDICATURE AT LUCKNOW
LUCKNOW BENCH LUCKNOW

Civil Misc Writ Petition No. /1934

(Under Article 226 of Constitution of India)

Jai Dayal S/o Sri Mangal Deo aged 56 years
Chief Development Officer, Bareilly ... Petitioner

ANNEXURE VII

आकर्तिसक निरीक्षण
छाण्ड विकास द्वे व विधारीकन्पुर
दिनांक 5-8-1982

दिनांक 5-8-1982 को मैंने छाण्ड विकास द्वे व विधारीकन्पुर
का आकर्तिसक निरीक्षण किया।

निरीक्षण के समय कार्यालय सदायक विकास अधिकारी
कृष्ण रक्षा श्री सुरत शिंह अनुपस्थित पाये गये, बालमुकि उन्होंने रजिस्टर में
दाजरी के हस्ताक्षर कर रखे थे। उन्होंने भूमण रजिस्टर में कोई भूमण उष्मा
भी दर्ज नहीं किया था। छाण्ड विकास अधिकारी उनका स्पष्टीकरण लेकर
तीन दिन में रिपोर्ट है।

कनिष्ठ लिपिक श्री अनिल कुमार भी कार्यालय में अनुपस्थित थे।
उन्होंने अवकाश का कोई प्रार्थना पत्र नहीं भौजा था। छाण्ड विकास
अधिकारी इनका एक दिन को केवल काट लें और भविष्य के लिये सकैत
कर ले।

ब्लाक आर्गनाइजर ग्रामदेशिक विकास दल श्री सुभाष चंद्र शार्मा
दिनांक 20-7-82 से ही कार्यालय नहीं आ रहे हैं। पिछे भी छाण्ड विकास
अधिकारी ने उनके वितर्क कोर्यवाही करने के लिये कोई अल्पुत्ति मुझे या
जिला आर्गनाइजर ग्रामदेशिक विकास दल को नहीं भौजी है। उन्होंने केवल श्री
शार्मा को एक पत्र लिखा है और उसकी प्रतिलिपि जिला आर्गनाइजर को भौजी
है। छाण्ड विकास अधिकारी श्री शार्मा को निलम्बित करने के लिये पूर्ण
विवरण के साथ तुरन्त रिपोर्ट है।

--2

Jai Dayal

17/8/82

इ. जै वज्र नृ

इस विकास पुस्तक से ही पता चलता है कि शृण देने के बाद किसी निरीक्षण अधिकारी ने लाभार्थी की स्थानीय की जांच की और उसकी कठिनाइयों को दूर किया या नहीं। छांड विकास अधिकारी तीन दिन में स्पष्टीकरण दे कि इस ग्राम में लाभार्थीयों को विकास पुस्तक क्यों नहीं कितरित कराई गयी। वे अन्य ग्राम में भी जांच करके और वहाँ भी विकास पुस्तक का क्रियण सुनिश्चित कर लै।

लाभार्थीयों के सम्बन्ध में पहली बात देखने को यह मिली कि 24 लाभार्थीयों में केवल एक लाभार्थी श्री गंगाराम पुत्र तोले राम अनुसूचित जाति का है जबकि इस ग्राम में 70 से अधिक अनुसूचित जाति के मौजूद व्यक्ति निवास करते हैं और उनमें अधिकार्मा गरीबी की रेखा के नीचे बसर कर रहे हैं। शासनादेशों के अनुसार कम से कम 30 प्रतिशत लाभार्थी अनुसूचित जाति के होने चाहिए। छांड विकास अधिकारी एक सम्भाह में जांच करके रिपोर्ट दे कि इस ग्राम में अनुसूचित जाति के गरीब व्यक्तियों को क्यों नहीं लाभार्थीत किया गया।

निम्नलिखित लाभार्थीयों ने स्वीकृत धनराशि से कम शृण प्राप्त होना बताया।

नाम लाभार्थी	सामान	स्वीकृत धन राशि	प्राप्त धनराशि
1- श्री अद्वल ग्रामीद पुत्र अद्वल अर्जीज	धौडा तांग	4200	3850
2- श्री गंगाराम पुत्र तोले राम	धौडा तांग	4200	2925
3- श्री शाम्भारीर लोग पुत्र मुग्ल वैग	धौडा तांग	4200	3850

छांड विकास अधिकारी निरीक्षण में भैरे साथ गये हुए थे उन्होंने कहा कि शृण सीधी वैक द्वारा स्वीकृत किया गया था और सामान वैक या परियोजना निवेशों के कार्यालय द्वारा भारी दबाव दिया गया था। इसलिये उन्होंने ज्ञात नहीं कि वास्तव में शृण स्वीकृत होने के बाद लाभार्थी की किसान धन कितरित किया गया। वे ग्रामीण क्षेत्रीय वैक सिक्षारी चैनपुर के शाखा प्रवक्षाक से स्थानीय ज्ञात करें और मुझे एक सम्भाह में सेषट रिपोर्ट दे कि लाभार्थीयों की वास्तव में किसान धन कितरित होना वैक के भास्तो में दिखाया गया है।

लाभार्थीयों को सामोन गत मई 1982 में भारी दबाव दिया था लैकिन वैक ने छांड विकास अधिकारी के पास बाउचर अपने प्रमाण पत्र

Jan. 2011

पु. अनेकजर - 7 पु.

के साथ केवल निम्नलिखित तीन मामलों के अंति तक लगातार एक माह पूर्व भौजे हैं। खूबी 2। मामलों में अंति तक यह विवरण द्वौत्रीय वैक्षणिक द्वारा खूब विकास अधिकारी को नहीं भौजा गया है। जिससे खूब विकास अधिकारी लाभार्थीयों को अनुदान दिलाने के लिये परियोजना निष्क्रिय की अंति तक रिपोर्ट नहीं भौज सके हैं। द्वौत्रीय ग्रामीण वैक्षणिक अधिकारी को इस सम्बन्ध में अंत लिया जा रहा है।

लाभार्थी का नाम	सामान	स्वीकृत धनराशि
1- क्षीर छाँड़	वकरी	1600
2- अमीर छाँड़	..	1500
3- मुश्कीशाह	..	1500

खूब विकास अधिकारी ने स्वीकृत उपरोक्त तीन मामलों में अनुदान समायोजन की रिपोर्ट परियोजना निवै शाक की लगातार एक माह का सम्यक्षीय हो जाने पर भी नहीं भौजी है। वे तीन दिन में स्पष्टीकरण देकि कार्य पूर्ति रिपोर्ट अंत तक क्वाँ रोके रखी हैं।

निम्नलिखित तीन लाभार्थीयों को सामान अंति तक नहीं भारीदवाया गया है।-

लाभार्थी का नाम	सामान	स्वीकृत धनराशि
1- शाम्भारी पुत्र याकूब	वकरी	1600
2- कल्लन पुत्र सुवराती	भौसा जोड़ी	2500
3- शाह्जादे पुत्र अजीमुल्ला	वैकरी	1600

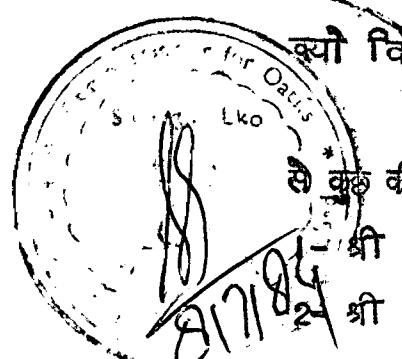
उपरोक्त लाभार्थी को सामान परियोजना निष्क्रिय के कार्यालय द्वारा भारीदवाना है। वे मुझे एक सप्ताह में रिपोर्ट दे कि उसमें क्यों किसक्षण हो रहा है।

निम्नलिखित लाभार्थीयों ने जो जानवर छारीदे थे उनमें से कुछ की मृत्यु भी हो गयी है।:-

- 1- श्री निजादूदीन पुत्र जैनुदीने छाँड़ा
- 2- श्री अमीर छाँड़ पुत्र शामीम छाँड़ा चार वकरी में से एक वकरी मर गई।

खूब विकास अधिकारी ज़ुच करके रिपोर्ट देकि उपरोक्त मामलों में वीमा कम्पनी से सम्पादन की पूरी कार्यवाही कर ली गई है या नहीं।

Jan. Day 1



Anx-8

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IN THE HON'BLE HIGH COURT OF JUDICATURE OF UTTAR PRADESH
AUGUST BENCH LUCKNOW

Civil Misc. Writ Petition No. 1384
(Under Article 226 of Constitution of India)

Jai Layal S/o Sri Kanchi Rao aged 53 yearsPetitioner

Vs

Union of India & others

Annexure-VIII

From,

Jai Layal,
Chief Development Officer,
Bareilly

To,

Chief Secretary to Govt. of U.P.
Lucknow

Through District Magistrate, Bareilly

Subject: Representation against adverse entry in my character
roll for the year 1982-83 communicated to me on
5.12.83.

Sir,

Respectfully I beg to state that the following remarks
have been given by learned District Magistrate, Bareilly, Commr.,
Bareilly Division and Agricultural Production Commissioner, U.P.,
Lucknow in my character roll for the year 1982-83 which I have
received on 5.12.83 through Sri Sabu Lal Singh, Joint Secretary,
U.P.P.T. Deptt., D.C. No. 5047/252/10/83 dated 13.11.83 and Commr.,
Bareilly D.O. No. 3086 dated 3.12.83

Remarks

" Sri Jai Layal is a hard working, experienced and efficient
officer having a reserved nature. He discharged his duties
fearlessly and impartially and made large contributions to
complete to all the development schemes of the district timely
and to ensure the achievements of the targets. This identifies
his abilities of leadership, dynamic coordination between
different departments to make the District Decentralization
Scheme a success. He maintained sound relations with his
colleagues and subordinate officials. His reputation among
public was good. He did supervision and guidance of the depart-
mental works by making sufficient tours and inspections. Not
only tried to achieve the targets but also increased the quali-
tative value of the works. Kept effective control over his
office and departmental officers. Never hesitated in taking
strong action according to his requirements. To increase the
administrative efficiency transferred certain Village Level
Officers and employees. Charge sheeted two Block Dev. Officers
on the ground of their corrupt behaviour and slackness in working.
Thus he showed his strength and helped to raise
high image of administration. He had got aptitude and capacity
to undertake responsibilities. Has got enough capacity to
think and take decisions.

Jai Layal



Nothing came to my knowledge which could cause any doubt on his integrity. Hence integrity is certified.

Ex. Distt. Magistrate,
Bareilly

I had occasion to inspect 6 blocks of the district myself and the remaining were inspected by my Additional Commissioner. Sri Jai Dayal is new to Planning. His achievement under the Gobar Gas Plant Programme was average. Relations with subordinates at all levels were ordinary. Results continued to improve due to efforts of the team as a whole. The performance on the whole was ordinary.

There were complaints against him but no substance was found on inquiry. His work from this aspect can also be considered to be ordinary, satisfactory.

Commissioner, Bareilly Division.

"There were several complaints from staff at various levels including clerical about this officer's straight-forwardness. On a few occasions he came into touch with me in discussion. I did not find him to be an officer of keen application. The comments of Mr. Surya Prasad, Ex-District Magistrate are highly exaggerated and show undue partiality to Sri Jai Dayal.

Agricultural Production Commissioner,
Government of Utter Pradesh,
20.1.33

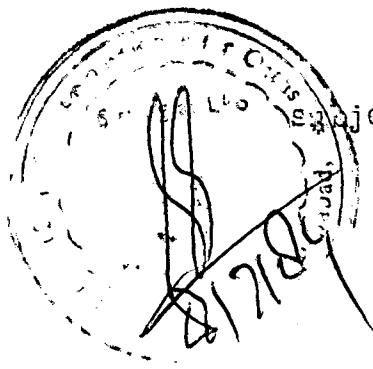
2- The remarks given by the learned M.R.C. are definitely adverse, while those given by the learned Commissioner are average. The present representation is being directed against the remarks of both these officers.

3- In the first instance I am taking up the following remarks of both officers.

(i) There were complaints against him but no substance was found on inquiry.... Commr., Bareilly

(ii) There were several complaints from staff at various levels including clerical about this officer's straight-forwardness... M.R.C., U.P.

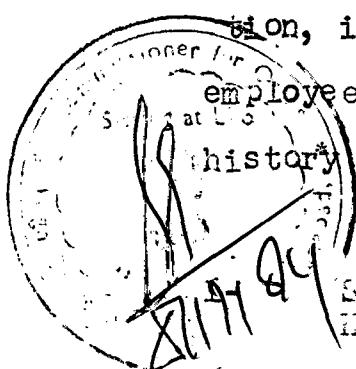
(c) The complaints made against me were subjected to an independent inquiry by the learned



Jai Dayal

A.P.C. through the learned Commissioner, Bareilly. The learned Commissioner has disclosed in the remarks ~~knowselves~~ themselves that no substance was found in the complaints. It indicates that the complaints were patently false and engineered by certain interested parties. Actually the members of staff including two B.D.Os who were either run down by me in departmental proceedings on the charges of indiscipline, misconduct and corruption or were transferred on administrative grounds to places against their choice and who could not force me to yield to their terrorism and pressure tactics, were sure of me and started a most vociferous campaign of character assassination against me.

Two of these employees Sri M.P. Singh, senior Clerk and Sri Jai Lai Prasad Sharma, V.D.O (V.L.O.) were office bearers of their unions. They, therefore, carried out the crusade against me under the guise of associations representatives, although instead of representing the grievances of employees in general, they mostly raised non-issues of individual workers like Muni Ram, V.D.O. and Ram Prakash Gupta, Head Clerk who were charge sheeted for corruption, indiscipline and misconduct. The following ~~xx~~ employees are cited in particular and a brief history of their cases is given in Annexure-I



	<u>Name & Designation</u>	<u>Remarks</u>
--	-------------------------------	----------------

1- Sri Ram Prakash Gupta, Charge sheeted for tampering in records and wilful absence from duty.

2- Sri Muni Ram, Village Dev. Officer Caught red handed diverting one truck load of wheat of Food For Work Scheme in market.

3- Sri Abdul Suleem, Peon Agitation for individual service matters and abusing C.D.O. in writing.

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<u>Name & Designation</u>	<u>Remarks</u>
4- Sri Chooramani Rathor, V.D.O.	Preparation of fake or incorrect muster rolls under Food For Work Scheme.
5- Sri Rama Shanker Dixit, V.D.O.	Pressed for reposting in a Block where he had already worked for nine years and incited an K.L.A. to abuse me on phone. Dissuaded his colleagues from Soil Testing Work. Now charge sheeted.
6- Sri Jai Deo Pd. Sherma, V.D.O.	Union leader. Agitated for reinstatement of V.D.Os Muni Ram and Chooramani Rathor (Sl. No. 2 & 4 above) and also for non-cooperation in Soil Testing Work. Now charge sheeted.
7- Sri Satendra Rath, Steno typist	Divulged secrecy and connived with agitating staff against officers. Also obtained cement permits from B. D.Os in the name of bogus persons for minimarketing black-marketing. Resisted his transfer. Case also reported to police.
8. Sri M.P. Singh, Senior Clerk	In office bearer of his Association. J.P. President in 1982-83. Pleaded the cases of individual service matters of xxxxxx Gupta, Head Clerk, Muni Ram, V.D.O., Chooramani Rathor, V.D.O. and Abdul Saleem, peon (Sl. No. 1, 2, 3 & 4 above). Obtained House Advance of Rs. 30,000/- on the basis of forged documents. Now charge sheeted and case reported to police also.
9- Sri Ishok Kumar Saxena, B.D.O.	His Sasural is in Bareilly. Affiliated to local political persons. Charge sheeted for corruption, bogus cement permits and negligence of duty etc. Case of cement permits reported to police also. Transferred to Rae Bareli district, but stayed.
Sri Ram Raj, B.D.O.	Charge sheeted for fake muster rolls in Food For Work Scheme, misconduct and negligence of duty. Affiliated to local political persons. Carries on indictment complaint against C.D.O. Transferred outside district, but stayed.

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(c) It is a great travesty of facts that the learned A.P.C. and Commissioner instead of admiring my

determination and steadfastness in maintaining high standards of integrity, impartiality and firmness in dealing with such unruly and corrupt staff, cite the false complaints of these persons in their assessment. The most unfortunate part of the story is that the learned Commissioner and A.P.C. used to allow my subordinate to approach them direct and entertain their complaints against me despite retaliative tinge and absence of any truth in their allegations. They never proposed any punishment for their overt acts of indiscipline and insubordination. I wonder these officials continued their subversive activities with immunity to my great embarrassment.

(d) In view of the facts stated above, the remarks- "there were complaints against me, but no substance was found on inquiry" and "there were several complaints from the staff at various levels including clerical about this officer's straight-forwardness" do not present an objective view of reality and as such they are irrelevant and ~~not~~ untenable.

(iii) Sri Jai Lalai is new to Planning counter-

(a) I have been working on the present post of Chief Development Officer since 7.5.1981. Hence the year 1982-83 was the second year of my tenure on this job and I have acquired sufficient expertise in this field. My work in 1981-82 was quite appreciated by the learned Commissioner in the following remarks which were communicated to me alongwith the adverse remarks of District Registrar.

"आलोच्य वर्ष में हीरण पैय जल योजना में जिले में अतिउत्तम कार्य रहा। जिसकी सरावना कृष्ण उत्तराधिकारी ने अपने पत्र लेखा 7780/कायक्रम दिनांक 31-5-82 में ही है, अल्प सिंघार्डी भी अच्छा कार्य हुआ। जिसकी सरावना मेरे पत्र लेखा 15/सोलर - रस्ता संख्या 0-5-81 दिनांक 17-4-82 के ट्वारा की गयी। अल्प सिंघार्डी का कार्य गत वर्ष में अच्छा रहा। जिसकी सरावना मेरे पत्र लेखा 463/इल्प सिंघार्डी/प्रगति/81-82 दिनांक 26-4-82 में की गयी। कार्य अच्छा रहा।"

Jan 2001

Hence it is not correct to say that in 1982-83 I was new to planning and my performance should not be degraded simply for this reason.

3- Relations with subordinates at all levels were ordinary.

" His work from this aspect can also be considered to be ordinary, satisfactory-

Commissioner, .

(a) These remarks are vague and pointless. The import of these remarks is not clear and do not help in the correct assessment of my work and conduct. It is also not clear whether they are divisive or appreciative. The remarks " His work from this aspect can also be considered to be ordinary " have been given in the context of the remarks " There were complaints against him but no substance was found on inquiry". It is not clear what more the learned Commissioner wants when the complaints were found unsubstantiated on inquiry.

(b) As to the remarks about relations with subordinates, it is to be pointed out that too much intimacy with subordinates is not a quality of good administrator. Secondly when the disgruntled subordinates were indulging in brickering against me and when the learned Commissioner himself found all their allegations base less on inquiry, my conduct and work should have satisfied the learned Commissioner and earned his whole hearted support and appreciation. Both these remarks are, therefore, unwarranted, superfluous and amount to under-rating.

(IV) The performance on the whole was ordinary.

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— Commissioner

I did not find him to be an officer of keen application.

— A.C.

(a) At first I am taking up the remarks of learned A.P.C. what I have stated in para 3 above and annexure-I, will prove my persistence, firmness and determination to apply the policy of government in right earnest. The basic policy of Govt. is to provide a clean and efficient administration. Govt. is particularly keen that the subordinate staff discharges its duties faithfully and honestly and superior officers should supervise their work from this angle. The present Hon'ble Chief Minister has set out this policy in his recent circular dated 9.7.83 in the following words -

" किंचित रम से प्रत्येक सरकारी कर्मचारी को यह सुनिश्चित करना चाहिये कि उसके आगीनस्थ कर्मचारी ईमानदारी से कार्य करें और आँखित कार्य किनाड़र और निष्पक्ष भाव से पूर्ण करें । नायब तक्षीलदार, स्क्रेन थाफीसर, संबंधिय अभियन्ता, कार्यालय अधिकारी इत्यादि स्तर तथा उमर के निरीक्षण अधिकारी यदि अने आगीनस्थ भ्रष्ट कर्मचारियों को नहीं ढाते या उनके विरुद्ध कार्यवाही नहीं करते तो तो वह रख्या व्यक्तिगत रम से छाके लिये उत्तरदायी होंगे ।"

The case histories given in annexure-I will show that I followed this policy zealously and vigorously and learned Commissioner and A.P.C. were themselves moderate or tolerant in dealing with the corrupt, inefficient and unruly staff. The stern action taken or proposed by me did not receive their concurrence thereby landing me into an inextricable predicament. In the paras that follow, I am giving precise and verifiable data which will prove that I was equally ardent and faithfully in implementing the various development programmes.

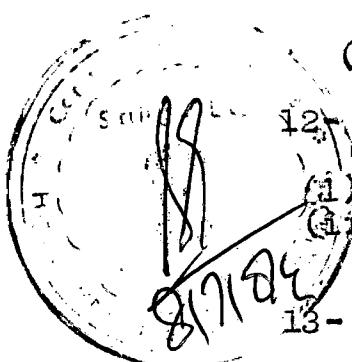
(b) The following comparative chart will show that the achievements in my district were above average in many fields-

<u>Major Schemes</u>	<u>Achievements of targets-Percentage</u>
1- Minor Irrigation	Barailly Filibhit Budn. Pgn. 123 110 135 113

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Sl. No. Schemes	Achievements- Percentage			
	Bareilly, Amt. Budg. Spn.			
2- Integrated Rural Dev. programme:				
(I) Beneficiaries				
(a) General	153	111xx	124	103
(b) Sch. Caste	122	109	90	68
(2) Subsidy utilization	154	113	75	104
3- I.R.D.P.				
Funds utilization	100	113	139	92
Remarks: Rs. 11 lakhs received on 20.3.83 and remained in balance)				
4- Weaker section Houses	134	4	19	279
5- Houses for Harijans	201	-	146	145
6- Drinking water Scheme				
(1) Jal Nigam	407	135	153	374
(2) Rural Dev. Deptt. wells..	133	294	111	156
Remarks: In other districts balance of previous year was lying un-utilized and as such their achievement was far in excess of target, while in Bareilly there was no balance of previous year. We received funds from government only for 33 wells, but constructed 44 wells with the same funds.				
7- Special Component Plan-Uplift of Harijans from poverty line..	144	157	100	116
8- Tree plantation	113	49	566	266
9- Biogas:				
(i) Physical	49	69	73	102
(ii) Financial	100,,	Figures not available		
10- Family planning Sterlization	76	50	55	39
11- Recovery of cooperative dues : (Society to Bank)	16.5	23	8.5	15.5
12- Intensive Nutrition Programme.				
(i) Pregnant women	165	No scheme	100	80
(ii) Children below 6 years	109	,,	100	20
13- Dry Agriculture Kharif	107	99	113	100
14- Fertilizer Distribution				
Kharif (Total PK)	93	97	88	90
Rabi	104	104	105	104
15- Disintegrated Distt. Plan. Utilization of funds.	99	96	81	86

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<u>Sl. No. Schemes</u>	<u>Targets-Percentage</u>
	<u>Bareilly Pbt. Budn. Spn.</u>

16- Small Savings

(a) long term invest-

ment (In lakhs) 363 130 188 169

Remarks: Best B.D.O., best Lakhpal, best Sanchayika and best S.L.O. in the division adjudged from Bareilly district. Bareilly never went in minus after 31.3.83, while all other districts, in the division dropped to minus thereby proving that they fulfilled their targets mostly by short term and superfluous investments.

(c) The above figures will show that Bareilly stood first or second in most of the schemes in the division. This achievement was made despite absence of any support from the learned Commissioner and A.P.C. in suppressing the unruly and disruptive forces. It will, therefore, be highly unjustified and against the facts in regard my performance as ordinary or lacking in keen application.

(c) The comparative chart given above clearly proves that districts like Budan and Pilibhit were behind Bareilly in most of the schemes. So far I know the performance of these districts has not been rated as ordinary or unsatisfactory by the learned Commissioner and A.P.C. They have thus adopted double standards in evaluation.

(V) Results continued to improve due to efforts of the team as a whole.

(a) By these remarks the learned Commissioner perhaps means to say that the work improved due to team efforts and not to my involvement. This conclusion is also unrealistic and arbitrary. The facts given below will corroborate it.

(1) The learned Commissioner appreciated my work in 1981-82, as stated in para 2(a) above. There has been no major change in the staff in 1982-83 under report. Only two B.D.Os out of 15 were changed in

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Mirganj and Bithrichainpur blocks. These changes were also not for better. Sri Jawahar Lal Jayant who was A.D.O. in Neerganj was promoted and posted in the same Block by the learned Commissioner against G.O. No. 3494/ XXXVIII-A-64 dated 9.11.64.

He is not expected to exercise effective control over other A.D.Os who were his equals till recently. The B.D.O. Bithrichainpur is Sri Narendra Deo Gangwar. He was transferred from Bareilly to Pilibhit district. He did not work there and remained mostly on leave. Ultimately after about one year the learned Commissioner transferred him back to Bareilly and posted again to Bithrichainpur where he had already worked in the past. Among the Listrict Level Officers only the Asstt. Registrar, Coop. Societies and District Agriculture Officer were transferred. If the learned Commissioner could appreciate the work of 1981-82 with the same team of workers, there should be no reason to under-rate it in 1982-83.

(II) I took over the charge in this district on 7.5.1981. In the years preceding immediately, the policy of transferring officials of five or more years stay was not followed rigorously. I found here Village Development Officers to have been working in the same block for 10 to 15 years. In 1979-80 and 80-81 no V.D.Os were transferred, in 1981-82 forty eight and in 1982-83 forty five V.D.Os. were transferred. In 1980-81 nineteen in 1981-82 twenty six and in 1982-83 thirteen other class III staff was transferred. In pursuing this policy, I was not frightened even by the pressures of local political bosses. One V.D.O. Sri Babar Singh was transferred out of the district. In his case the then Agriculture Minister Sri Bhanoo Pratap Singh was interested and even threatened to harm me. Similarly Sri Rama S. Deo

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Dixit, V.L.O. exerted political pressures to get himself transferred to Block Bithrichainpur. The details of this cause are given at Sl. No. in Annexure-I. These transfers had salutary effect in improving the work in blocks.

(III) There was great indiscipline and insubordination among the staff in the past. One I.D.O. man-hangled a B.D.O. In Block Shergarh. One ~~man~~ ^{person} quarrelled with Veterinary Doctor. Besides the leaders of employees union used to misbehave with officers and stage agitations. I did not tolerate all these ~~unfair~~ activities of mischief mongers. I dealt with them firmly and did not yield to their pressure tactics, as is shown in the cases cited in Annexure-I. Most of them have been run down by me in departmental proceedings and some of them in criminal proceedings as well.

(IV) I inspected the work of my subordinates not only in office but also in field. I visited villages in order to check the performance of workers on the spot. I submitted copies of inspection notes even to the learned Commissioner. b such inspections and checking were carried out by my predecessors in the recent past.

(V) I reviewed the progress of each block every month and warned the slack B.C.Os both under my signatures and District Magistrate's signatures as well. Particulars of some warnings are given below-

Sl. No.	Letter No. & Date	Warned officer	By whom
1.	3585/ST 1.10.31	B.L.O. Baheri	C.D.O.
2.	5375 5.3.33	,, Patenganj(W)	D.L.O.
3.	4218 17.12.32	Asstt. Engr. (I.I.)	,
4.	4213 , , ,	Distt. Agric. Officer	,
5.	4215 20.12.32	Distt. Cane Officer	,
6.	5371-72 5.3.33	B.L.O., Bhutta	,
7.	5373-74 , , ,	,, Shaupura	,
8.	5669 , , ,	,, Kiarra	,

Two B.L.Os Sri. Shok Kumar Saxena and Sri Ram Raj were even charge sheeted inter alia for unsatisfactory progress of development schemes in their blocks.

(VI) Prior to my arrival in this district, no proper training was imparted to masons and field workers for Biogas plants. I sent masons and workers for training to Asafpur Training Centre in 1981-82 and 1982-83. I even organised training of the workers in the district by the instructor of Asafpur Training Centre through personal contact with principal of the centre in 1982-83. Now each block has sufficient masons and field workers trained in biogas plants constructions. In the past plants mostly failed due to technical defects and the programme could not gain much ground. In 1980-81 only 30 plants were constructed and in 1981-82, 100 plants were constructed and this figure increased to 178 in 1982-83.

(VII) Eight jeeps of blocks in this district were lying unserviceable as detailed below-

Sl. No	Jeep No.	The date from which lying unserviceable	Date of condemnation
1-	USQ-2637	1973	6.3.1982
2-	USQ-3667	,	15.9.83
3-	USQ-3671	1972	6.1.78
4-	USQ-5905	1971	6.3.82
5-	USQ-6533	1973	15.3.83
6-	USQ-6122	1977	16-6-83
7-	USQ-9918	1977	6.3.82
8-	UPL-1357	1978	16.6.83

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None of my predecessors cared to get them condemned and their value estimated by the Transport Commissioner and to put them to auction. I started this work in my time and auctioned these jeeps in two batches. I have written to learned A.P.C. for their replacement.

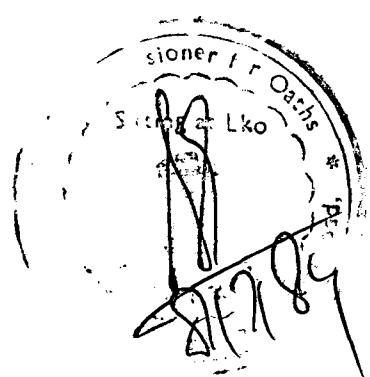
(VIII) Integrated District Plan was formulated first of all in 1982-83. Chief Dev. Officer was Secretary of this Distt. Plan Coordination Committee and he was made responsible for its implementation. I held meeting of Distt. Plan every month in addition to the meetings called by the Distt. Magistrate and examined performance of such department in minutest details. The officers who were lagging behind were got warned by the District Magistrate at my instance from time to time in writing. Timely steps were taken by me for getting the allotted funds release from Head of Departments and Govt. I personally wrote letters and sent F.P. messages in this behalf, besides the correspondence through the District Magistrate. The result was that there was 99% utilization of budget allocation while other districts of the division could not utilize the funds more than 81-85%.

Financial Savings.

This programme is carried out generally in a routine manner and is left to the good offices of Tehsildars and P.L.D.s. Mostly emphasis is on achievement of targets by superfluous investments than on long term investments. Steering away from this backneyed path, I laid stress on Pay rolls, Sanchayika, small accounts and saving certificates. I kept constant contact with good agents and various establishments both officials and non-officials in this district and reviewed their contribution in pay rolls, Sanchayika and long term deposits every month. There was a marked ^{increase} in

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The following chart will prove the veracity of this statement-

Year. Long term investment (in lakhs)

	<u>Bareilly</u>	<u>Budaun</u>	<u>Elibhit</u>	<u>Shahjhanpur</u>
1931-32	295.50	122.81	83.46	119.95
1932-33	363.66	188.84	130.34	169.41

The result of all these efforts was that all other districts in the division went ~~down~~ in minus immediately after 31.3.83, while Bareilly steadily maintained balance of plus. Budaun which showed 200% achievement on 31.3.83 was minus even upto 30.11.83.

Secondly this district has stopped in bagging prizes at divisional level. The following workers have been awarded for highest score in the division in 82-83.

1. Block Ilamjur Zafarabad
2. B.D.O. Sri Jeet Singh Uppi, B.D.O. District Bareilly.
3. S.D.O. S.D.C., Baheri District Bareilly
4. Lekhpal Lekhpal of Bareilly Tehsil
5. Sanchiyakar Islamia Girls Inter College, Bareilly

X- Cooperative dues

Like other district in the division and state recovery of cooperative dues is paralysed due to defunct societies and missing records. A huge sum of Rs. 70.43 lakhs is irrecoverable and a heavy strain on the staff. A committee was constituted as below in every district under the orders of learned Commissioner.

- 1- C.D.O./ D.I.O. Chairman
- 2- Asstt. Registrar, Coop. Societies Member
- 3- Secretary, Cooperative Bank Member

Tan Day The task assigned to this committee was to probe the defective accounts and to sort out the cases of dead dues for write off. In the division it was

Bareilly district alone where this committee performed its task and submitted the proposal of write off ~~of~~ Rs. 29.04 lakh to government.

II- Boycott of Soil Testing work By Village Development Officers.

There was a state-wide agitation by the Village Dev. Officers to boycott soil testing work according to a decision taken by their association. The learned A.P.C. issued orders for taking disciplinary action against those V.D.Os who were not cooperating in this work. The learned Commissioner also directed that increments and efficiency bars should be disallowed in the case of such V.D.Os. I followed these instructions in right earnest. I stopped increments and even censured some of the V.D.Os. Their union leader Sri Jai Leo Prasad Sharma was also charge sheeted by me. No other officer in the division has taken such steps against the V.D.Os. The V.D.Os and their union leader launched agitations and processions particularly on account of this strong action taken by me. The false complaints sent by them against me were also rooted in this back ground.

The facts narrated above will show that the team did not work on its own. I had to make personal contribution by taking administrative action where necessary for improving the organisation and pulling up the slack staff. I did not hesitate to take even disciplinary action against the delinquent staff as revealed in paragraph 3rd ~~above~~ although the learned Commissioner and A.P.C. did not even transfer the two B.D.Os and other officials against whom inquiries were set up and according to G.O. No. 22/4/71-Niyuktif(Kha) dated 2.7. 1971.

Transfer should be resorted in such cases in the interest of fair and impartial inquiry. The learned Commissioner and A.P.C. have not ordered transfer of the two B.D.Os even now when I have not certified their integrity in

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annual character roll entry and according to G.O.

No. 27/2/66-App. (B) dated 7.10.66 such officials should be transferred ~~from~~ ^{from} the charge of the officer who withholds their integrity certificates. Hence it will be incorrect to say that the things improved due to team work without any contribution from my side and the remarks given by learned Commissioner are against facts.

6- The Comments of Ex. M.L. I. are highly exaggerated and show undue partiality to Sri. Vai. Rayal

(a) Firstly these remarks of the learned A.P.C.

are reflection on the conduct of Ex. M.L. If the learned A.P.C. was not seeing eye to eye with the Ex. M.L., the Ex. M.L. should have been asked to elucidate his points before incorporation of these remarks.

(b) As a matter of fact the material which formed the basis of Ex. M.L.'s remarks was already before the learned A.P.C. A copy of performance sheet which I submitted to D.M. in compliance of G.O. No. 86/1/73-Karmik -2 dated 26.2.79 must have reached the learned A.P.C. alongwith the remarks of Ex. M.L. Besides, the progress reports of other districts of the division in respect of various development schemes and programmes must have been received by the learned A.P.C. every month. The figures and comparative data given by me in the foregoing paras, were available in these statements. If the learned A.P.C. had looked into these facts and figures, he would have definitely formed a different opinion.

(c) The Ex. M.L. Mr. Surya Prasad was a hard task master and he never spared me in taking work. He reviewed the work of each officer every month. Slackness was intolerable to him and he issued warnings even to me. Copies of two warnings dated 13.9.82 and 25.10.82 are enclosed as Annexure-II & III. The Ex. M.L. was so much particular about government-work that he even refused casual leave of a few days to me when I wanted to see my ailing daughter at Jodhpur. But he was equally

Yours truly
S. D. D.



admisor of good work. A copy of an inspection note dated 5.8.82 recorded by me after checking presence of Block workers and their performance in village alongwith the remarks "very good" of learned D.M. is enclosed herewith as Annexure-IV in support of this fact.

(d) The learned A.P.C. has rather shown ~~prejudiced~~ ~~preconceived~~ ~~prejudiced~~ ~~preconceived~~ ~~in his~~ assessment. He has been swayed un-necessarily by the complaints which he himself knew, were the brickewings of disgruntled subordinate staff and which were found baseless on inquiry by Commissioner himself. The objective data available in his office weighed less with the learned A.P.C. than these mischievous moves of subordinate staff.

(e) The learned A.P.C. has not given his own data to disprove the remarks of D.M. nor he has particularised the points on which he disagrees with D.M. as laid down in para 7 of G.O. No.36/1/78-Karmik-2 dated 25.2.1979.

(f) The impression gained by the learned A.P.C. in oral discussions about my capacity and achievements is utterly inadequate and deceptive. I am not so vacal and propagandist. I am working on a result oriented post. The learned A.P.C. should have based his appraisal on concrete facts and figures.

Both the learned Commissioner and A.P.C. have not specified any point on which they disagreed with the D.M. as laid down in G.O. No.36/1/78/Karmik-2 dated 25.2.1979. The D.M. has highlighted the following qualities in particular in my work and conduct-

Jan. Day 1

1) Fearless and impartial
2) Achievement of targets.
3) Successful implementation of Decentralized District Plan.

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4) Adequate touring and checking.

5) Stern action against corrupt and delinquent staff. The learned Commissioner and A.P.C. have not given any specific data from their side to contradict the observations of the I.M. on the above points.

8- The assessment made by the learned Commissioner and A.P.C. is not fair and objective as desired in I.O. No. 36/1/78/Karmik-2 dated 26.2.1979. Their remarks are vague and general as defined in Appendix to G.O. No. CR-259/II-38/1956 dated 13.7.1957.

Prayer

It is, therefore, prayed that the following remarks recorded by the learned Commissioner, Bareilly and A.P.C. U.P. in my character roll for 1982-83 which underestimate or censure my performance, may kindly be expunged.

"Sri Jai Dayal is new to planning. His achievements under Gobar Gas Plant programme was average. Relations with subordinates and all levels were ordinary. Results continued to improve due to efforts of the team as a whole. The performance on the whole was ordinary. There complaints him but no substance was found on inquiry.

His work from this aspect can also be considered to be ordinary, satisfactory.

Commissioner, Bareilly Division,
Bareilly

"There were several complaints from staff and various levels including clerical about this officer straight-forwardness. I did not find him to be an officer of keen application. The comments of Dr. Muzaffar, M.L.I.B.S. Registrar are highly exaggerated and show undue partiality to Sri Jai Dayal".

Agricultural Production Commr.
Govt. of Utter Pradesh.
20.8.83

Jai Dayal

Yours faithfully,

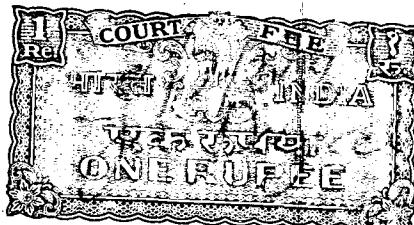
(Jai Dayal)
Chief Development Officer,
Bareilly

13/1/84

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

Writ Petition No. of 1984.



Jai Dayal - - - - - Petitioner.

Versus

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

Affidavit

I, Jai Dayal aged about 56 years, son of Sri Mangal Deo, Chief Development Officer, Bareilly, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above-mentioned writ petition and is well conversant with the facts as deposed hereunder.
2. That the contents of paras 1 to 39 of the accompanying writ petition are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God. ✓ 39 ✓
3. That the Annexure Nos. 1 to VIII of the accompanying writ petition are true copies of their respective originals.

Jai Dayal

Deponent

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Lucknow, dated
July 2, 1984.

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Verification

I, the abovenamed deponent do hereby verify that the contents of paras 1,2 and 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated
July 17, 1984.

Jai Dayal
Deponent

I identify the deponent who has signed before me.

R. Gupta
Advocate.

Solemnly affirmed before me on 17-7-84
at 3.50 pm by the deponent Jai Dayal
who is identified by Sri R. Gupta
Advocate, High Court, Lucknow Bench,
Lucknow.

I have fully satisfied myself
by examining the deponent that he under-
stood the contents of this affidavit
which has been explained to him by me.

Oath Commissioner.

High Court, Allahabad

Lucknow Bench

No. 39136

Date

17/7/84

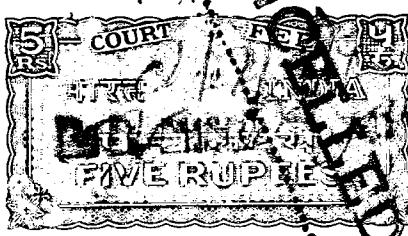
8/7/84

ब अदालत श्रीमान
वादी [मुद्राई] अपीलान्ट
प्रतिवादी [मुद्रालेह] रेस्पांडेन्ट

महोदय, न्यूयार्क

वकालतनामा

AGC
C. N. 1945



14-5-1945
14-5-1945

Jai Dayal

वादी (मुद्राई)
(अपीलान्ट)

बनाम

Union of India, प्रतिवादी (मुद्रालेह)
(रेस्पांडेन्ट)

नं० मुकदमा/अपील/रिवीजन/रिट्रिटिशन सं० १६ पेशी
की तारीख माह सन् १६ ई० ऊपर लिखे मुकदमा में अपनी
ओर से श्री

एडवोकेट

महोदय
वकील

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

हस्ताक्षर १..... Jai Dayal

स्वेच्छा

नीलम

हस्ताक्षर

संकेत

साक्षी (गवाह) साक्षी (गवाह)

दिनांक माह सन् १९

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