

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

T.A. No. 1726/1982

CAUSE TITLE. Work No. 1328/85 OF

NAME OF THE PARTIES ... Mohammed Sangal.....Applicant

Versus

..... U.O.T. Board.....Respondent

Part A.

Sl.No.	Description of documents	Page
1	Index sheet	A1 to A2
2	order sheet H. C.	A3 to A4
3	Cat order sheet in order dt 01-07-91	A5 to A6
4	Copy Petitions with or w/o measure	A7 to A84
5	Voluntary Settlement	A85 to A98
6	Vocalization	A99
7	Transcript on 1-7-91	A100
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Re Cheekars

Dated 26-8-91

Counter Signed.....

*1984
26-8-91*

Signature of the
Dealing Assistant

Section Officer/In charge

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

FORM OF INDEX

~~C.A./T.A./R.A./C.C.~~ / No. 1726/1987

M.L. Singhal vs U.O.T.

PART - I

T.W.P. 1328/85

1.	Index Papers	:- 1-2
2.	Order Sheet	:- 3-7
3.	Any other orders	:- Nil
4.	Judgement	:- 7 D.F.D. on 1-7-91
5.	S.L.P.	:- Nil.

20/1/89
Dy. Registrat

1.9
Supervising Officer
(Kmilia Lala)

3/89
Dealing Clerk
(A. K. Rai)

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

Nil

3/89
Dealing Clerk
(A. K. Rai)

V.K. Mishra

ANNEXURE - A

CAT

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

INDEX SHEET

CAUSE TITLE T.A. 172 or 1987 T

NAME OF THE PARTIES M.L. Bangash

Applicant

Versus

Union of India & others

Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1	Order Sheet	A 1 To A 3
2	Judgement copy	A 4
3	Petition	A 5 To A 25
4	Affidavit	A 26 To A 27
5	Annexure	A 28 To A 99
6	Wakalatnamma	A 100
7	File - B	B 101 To B 193
8	File - C	C 194 To C 199

(3)

A/B

DD

Received Notice
Appeals from 1 to 5
Hari Nath Tillehi
Sr. Standing Counsel
[REDACTED] Central Govt.

Five ~~Adhesive~~ Rs 10/-
Total

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

In time up to

Papers filed. Copy of ~~to~~ should also be filed.
[REDACTED] - Done.

Writ of Mandamus
Report should be mentioned
[REDACTED] 26-3-85

Hm. U.C. Div. Law,

Hm. S.C. Matter,

Notice of this petition was
served upon the learned counsel
for the Union of India only today.
Learned counsel for the opposite
parties has raised a plea that the
writ-petition is not maintainable
in this Court as no part of the
cause of action accrued within
the State of U.P. Dr Tillehi has also
prayed for time to obtain instructions
as to whether proceedings have
been actually dropped against the
petitioner. List after three
weeks to enable the learned
counsel for the opposite parties to
obtain instructions.

W

Kd

26-3-85.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ω-β

-No. 1328

—of 1988.

43

$$\frac{3}{1}$$

-VS.-

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
26-3-85	Jcm v-c. Siwastana, Jcm 56. Mather,	
	Noticing this petition was instanter	
	Sel. v-c. Siwastana sd. 5-c. Mather	
	26-3-85	
25-4-85	fixed with extra writ of summons	to be set after Beach 3 weeks
16-5-85		
23-5-85		

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

14/12

No. sitting Ady. to 20/2/90 14/12/90

This case has been received on transfer.

Notices were issued to the counsels by the Office
of Allahabad. None is present for the parties.

Let notice be issued again to the parties as
directed by Hon'ble Mr. D.K. Agarwal, J.J.

Care is not admitted

L
14/12

OR
placed issued
3
17/1/90

OR
Case has been
recd on 17-1-90
from C.H. Allah

Care is not admitted
CA P.R.A not filed
Notices mentioned
on 17-1-90

No answer
reqd. case has
been returned back
S.C. admitted

28/2/90.

Hon. Justice K. Nath, V.C.
Hon. K. J. Raman, A.M.

Dr. Dinesh Chandra appears on
behalf of P. M. L. N. requests for
and is allowed six weeks time
to file reply. The relief in
the case was to require
Opposite party to file its
the applicant's reference.

There are other reliefs regarding
selection grade and acceptance
of the applicant's notice of
voluntary retirement.

Set the case for admission
on 10/4/90 on which date the
case may be disposed of finally.

W.C.

P.W.

A.M.

V.C.

OR
No reply filed
S.R.A

L
164

Dinesh

1728/875

(7)

(A3)

A
6

T 3.91

case not reached case is
adj. to 16.4.91.

16.4.91

(1+2)

No Sitting Adj. to 1.5.91

D
B O.C.

Dr

17/4/91

Non. Mr. Justice U.C. Srinivasan, rc.
Non. Mr. A.B. Gorai, Am.

Dr. Subash Chandra is present
on behalf of the respondents.

It is seen that the applicant
is not appearing from so many
date in the case. It seems
that the applicant is not
interested to prosecute his case.
The applicant is dismissed
for default of the applicant.

S. P. H

✓
20/4

Mr
V.C.

I
P.M.

✓

Ex C.W.D.

Pls. mthly

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

Writ Petition No. 1328

of 1985

Mohan Lal Sangal

Petitioner

Versus

Union of India & others

Opp. Parties

INDEX

SI No.	Particulars	Pages
1.	Writ Petition	1 - 19
2.	Affidavit	20 - 21
3.	<u>Annexure No.1.</u> True copy of O.M. dated 10.1.1977	22 - 27
4.	<u>Annexure No.2.</u> True copy of petitioner's Application	
5.	<u>Annexure No.3.</u> True copy of reply dated 4.12.1980	
6.	<u>Annexure No.4.</u> True copy of Petitioner's letter	
7.	<u>Annexure No.5.</u> True copy of letter dated 8.9.75	
8.	<u>Annexure No.6.</u> True copy of reply dated 1.11.78	40 -
9.	<u>Annexure No.7.</u> True copy of Charge sheet dated 9.1.1980	44 - 50
10.	<u>Annexure No.8.</u> True copy of letter dated 2.12.1981	51 -
11.	<u>Annexure No.9.</u> True copy of Enquiry report	52- 69
12.	<u>Annexure No.10.</u> True copy of letter dated 31.10.1984	70 - 72
13.	<u>Annexure No.11.</u> True copy of representation 2.6.1982	73 - 76
14.	<u>Annexure No.12.</u> True copy of order dated 4.6.1984	77
15.	<u>Annexure No.13.</u> True copy of dated 6.6.84	78

16. Annexure No.14. True copy of
Notice 80

17. Annexure No.15. True copy of
letter dated 9.7.80 81

18. Annexure No.16. True copy of
letter dated 16.3.1984 82 - 84

19. Annexure No.17. True copy of
letter dated 19.10.84 85

20. Annexure No.18. True copy of
letter dated 21.8.84 86 - 87

21. Annexure No.19. True copy of
letter dated 31.10.84 88 - 90

22. Annexure No.20. True copy of
letter dated 5.2.1985 91 - 93

23. Vakalatnama 94

Lucknow; Dated

March; 26, 1985

Meher Shapurji Kharas
(Meher Shapurji Kharas)

Advocate

Counsel for the Petitioner

(AE)

✓ A

1. That the petitioner was appointed on 7.12.59 as GRADE II Superintendent B/R, by the opposite party no. 3, who was the competent appointing authority, in a permanent capacity. The petitioner continued to work on the same post until 15.7.1963.

2. That the petitioner was promoted on 16.7.63 to the post of Superintendent B/R Grade I and was posted to Delhi in the office of the Garrison Engineer (Accommodation & Project) Delhi Cantt. and continued to serve on the same post, even though transferred to various different places, until at last, he was transferred from the office of the opposite party no. 4 to the office of the opposite party no. 2, directorate of Cantt. Planning, Engineer-in-Chief's Branch, Army Headquarter, New Delhi.

3. That through out the long and illustrious career of the petitioner, spanning a period of 24 years, the petitioner worked honestly and diligently and no department that he had worked in, had any complaints and nor was there ever an adverse entry in his character roll.

4. That after the petitioner was promoted on 16.7.63 no further promotions took place in the department, due to stagnation, until finally selection grade was granted by the President of India, vide Govt of India, Ministry of Finance.

Department of Expenditure O.M.No. F-79210-E-III (E)/74 dated 10.1.77 and Ministry of Defense No. 13(3)/77/D (civ-I) dated 19.3.77 passed with retrospective effect from 1.8.76, but this selection grade has not been granted to the petitioner till date, by the relevant competent authority, the ~~Ex~~ Engineer-in-Chief, the opposite party no 2. The said O.M. dated the 10.1.77 true copy of which is being annexed as ANNEXURE-1 to this petition.

5. That the pay scale on which was appointed has been the same since 16.8.1963, that is 550-750, and the petitioner has attained the maximum in 1973 and, therefore, was eligible for the selection grade scale. However, since the department has not deemed fit to offer the said selection grade ~~him~~ to the cadre of the petitioner, an application was made by the petitioner for being granted the selection grade in the appropriate scale Rs 650-1200 (with retrospective effect) to which the department sent reply dated 4.12.1980. The true copies of the said application and its reply dated 4.12.1980 is being filed as ANNEXURES - 2 & 3 respectively, to this petition

6. That whilst the petitioner was serving in the 10 Div.

RA 10

Sector, he was entrusted with the execution of a contract job for the construction of field flush latrines, and before the project was taken up for execution the petitioner through his superior officer suggested in writing to the higher authorities in respect of certain improvement in designs to avoid probable, possible and likely collapse of the pits of the latrines as the walls of the pits, as designed, were too weak to withstand the weather and take the load. However, these remedial measures were not incorporated in the tender documents. A true copy of the said letter is being filed as ANNEXURE - 4 to this petition.

7. That the petitioner alongwith his Superintendent B/R Grade II assistants, supervised and completed the project in April/ May 1974. Thereafter, with the onset of the Monsoons the pits of the laterines gave way and collapsed. A Staff Court of Enquiry was held and a technical board of Officers met to assess the technical aspect of the cause of collapse. The case was also referred for expert opinion on the design to the designers in the Engineer-in-Chief's office (the highest authority of the Department). Their opinion was that the cause of failure, was not due to any fault in execution but only because the design was faulty. In July 1977 the petitioner

..... contd 5 /-

[Signature]

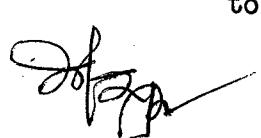
All

was posted on transfer to the office of the Garrison Engineer

(North) Ambala, opposite party no 4.

8. That after more than four years, the petitioner received a letter from the Chief Engineer, J&K Zone, bearing no. C1505/COI Fd/ Flush/I4/EIC dated 8th Sept., 1978, wherein a recordable warning was proposed to be issued to him, to which the petitioner replied on 1.11.78, defending his position and stating that the conditions prevalent in the area were not compatible with the tender design submitted, a fact which he had brought to their attention prior to the commencement of the constructions. A true copy of the letter dated 8.9.78 and letter dated the 1.11.78 is being annexed as ANNEXURES 5&6 to this petition, respectively.

9. That the petitioner was served with a charge sheet in Feb 1980 by the opposite party no.1, bearing no 78650/260/78/EID/3068/S/D(lab) dated 9.1.1980 proposing to impose a major penalty after initiating a disciplinary common proceeding against the petitioner and his two other assistants. On the 10.6.1980, the enquiry officer was appointed, who went into reference and fixed a date, 3.11.80, for preliminary hearing of the case, which the petitioner duly attended and continued to do so until 6.11.1980. The case was then adjourned until



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3.12.1980, on which date, it was finally adjourned indefinitely.

It may be pertinent to mention here, that for all the expenses incurred by the petitioner in respect to travel to and from the court of enquiry and his place of posting, the petitioner has not been reembursed, though entitled, as per the rules.

After a period of one year had elapsed, the enquiry was finally fixed for hearing on 10.12.1981. On 3.12.81 the petitioner gave in writing to the enquiry officer, that his govt. assisting servant would not be available until 10.4.82. A true copy of the charge sheet dated 9.1.80 and the letter of the petitioner dated 3.12.81 is being filed as ANNEXURES 7 & 8 to this petition.

10. That inspite of the fact, that the petitioner had move the application dated 3.12.81, stating therein that his Govt assisting servant would not be available until 10.4.1982, to defend him, the opposite party no.1 persisted in holding the enquiry and proceed ex parte against him and acquitted him of all the charges levelled against him on 2.12.1983. The decision of the enquiry officer was considered by the President of India, who whilst finding him not guilty of all the major charges levelled against him, opined that the petitioner was guilty of one _____ contd page 7/-



[Signature]

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- 3 -

supervisory lapse, for which the President awarded the minor penalty of "Censure" under Rule 12 of the C.C.S (C.C. & A.) Rules 1965. The order of the enquiry officer was communicated vide a letter sent by Directorate of Cantt. Planning, Army Head quarter, New Delhi bearing no. 84026/C.P. dated 19.10.84 and received by the petitioner on 26.10.84. A true Copies of the Enquiry report and the order passed therein and the copy of the letter dated 19.10.84 are being annexed as ANNEXURES-9 & 10 to this petition.

11. That after the petitioner had duly informed the enquiry officer vide the letter dated 3.12.81 (Annexure 8) that his Govt. "ssisting servant would not be available till 10.4.82.

The petitioner applied for leave on 5.12.81, while serving as Superintendent grade I with the opposite party no.4. The head of the office was duly informed and the Assistant Garrison Engineer, the petitioner's immediate superior officer, whilst recommending leave from 9.12.81, asked the petitioner to hand over the charge, including measurement books, which are confidential financial documents, to Sri Verma, the other Superintendent B/R grade I, working in the same subdivision at 8 P.M. on 8.12.81. The petitioner duly complied with the order of the Assistant G.E. and proceeded on leave as scheduled

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after giving the Assistant Garrison Engineer his leave address of Lucknow and Bhilai. It is pertinent to mention here that no refusal of leave had been communicated to the petitioner by the opposite party no.4.

12. That during the period the petitioner was on leave, the opposite party no 4, treated him as he was on unauthorised absence and charged him with the accusation that he was wilfully avoiding the enquiry despite several clarifications given by the petitioner. The petitioner fell very ill during his initial period of leave and therefore had to keep extending his leave as he was suffering from nervous tremors of his extremities, depression and anxiety neurosis. The petitioner remained under treatment throughout until 4.5.84, when he was declared fit by a Government Doctor and cleared to resume his duties. The petitioner gave all medical certificates including a fitness certificate, when he rejoined his charge. It would not be out of place to mention here that while the petitioner was on leave in complete contravention of rules applicable, they transferred the petitioner to the office of the Directorate of Cantt planning, Office of the Engineer-in Chief, Army headquarters, New Delhi,

.... Contd page 9



(Opposite party no.2) from the office of the opposite party no.4,

which office the petitioner joined on 5.5.84 after having

supplied all the requisite medical and fitness certificates,

as stated hereinbefore. Prior to his joining the opposite party

no 4 had threatened the petitioner with disciplinary action,

but in view of the petitioner's representation they did not

pursue the case. The copy of the said representation dated 2.6.82

is being filed as ANNEXURE 11 to this petition

13. That after the opposite party no. 4 had perused the

said representation and the medical certificate of the petitioner,

he came to the conclusion that no case for disciplinary action

against the petitioner was made out, and thus the period of leave

from 9.12.81 to 4.5.84 was regularised by the Garrison Engineer

(North) Ambala on 4.6.84 vide their part II order no 23 as under:-

Part II

LEAVE

28464616 Sh Mohan Lal Supdt 9.12.81 Gtd 156 EL Upto 13.5.82
Sangal BR I 14.5.82 Gtd 412 days HPL on MC Upto 29.6.82
30.6.83 Gtd 310 days EOL W/O P&A with MC
upto 4.5.84

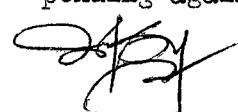
Bal EL/ Hpl - nil

The above extract clearly indicates the fact , that the opposite

party no 4 had regularised the petitioner's leave thus making

it sanctioned leave, the question of any sort of disciplinary action

pending against him does not arise. In view of this and even



otherwise the petitioner was entitled to receive all his salary and also all other allied allowances for the period commencing from 1.2.82 to date. A true copy of the order dated 4.6.84 is being filed as ANNEXURE * 12 to this petition.

14. That after joining his post at the office of opposite party no 2, the petitioner applied for and sanctioned leave for the period commencing 22.5.84 and ending 20.6.84 (30 days) ~~and~~ as " LEAVE NOT DUE ", on domestic grounds, as he had to shift from Raibarieli to New Delhi. During the pendency of his leave the petitioner served 3 months notice on 12.6.84, on the appointing authority, that is the Chief engineer, western Command, Simla, opposite party no 3, through the Directorate of ~~xx~~ Planning, for voluntary retirement under rule 48-A of ~~He also made a reference to O.P. Nos for service verification on 6.6.84~~ the Central Civil Services Pension Rules 1972. A copy of the said ~~and reference dated 6.6.84~~ notice for voluntary retirement is being annexed as Annexure *14-13 to this writ petition.

15. That on 9.7.84 a communication was received by the petitioner from the opposite party no.2 's branch bearing number A/33216/CAO/A-6 asking the petitioner to resume duty, to which the petitioner replied stating the fact that as he had already applied for voluntary retirement and as he did not intend to resume duties, his retirement maybe deemed to have

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taken effect from 22.5.84, the date his " LEAVE NOT DUE " commenced, in pursuance of G.I. DEPTT. OF PERSONELL & A.R. O.M. No.25013/3/79Ests(A) dated 28.7.79, along with his reply the petitioner further addressed a letter to his appointing authority, opposite party no.3, Garrison Engineer, Western Command, Simla, clarifying his position that as he could not resume his duties, due to circumstances beyond his control, his voluntary retirement maybe deemed to have taken effect from the date his " LEAVE NOT DUE " commenced. The copies of the letter dated 9.7.84 and letter dated 16.7.84 are being annexed as ANNEXURES - 15 & 16, respectively, to this petition.

16. That as would be seen from a reading of the aforesaid mentioned Rule 48-A of the Central Civil Services (pension) Rules, 1972, proviso to clause 2 which reads :-

" Provided that where the appointing authority does not refuse to grant permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of the expiry of the said Period."

It is mandatory for and incumbent upon the appointing authority the opposite party no 3, to have communicated any refusal, if they so desired, to the petitioner on or before

[Signature]

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12th of September 1984, since no such letter or communication

was ever received by the petitioner on or before 12.9.84, the

petitioner believed that his voluntary retirement had been

accepted by opposite party no.3

17. That after the petitioner believed himself to be

retired, on the 19th of October, 1984 the petitioner received

a letter no 84026/ CP along with a copy of the letter of the

opposite party no.2 bearing no 32096/ Einc/146/EID dated

21.8.84 (addressed to the E-in-C's branch) wherein it has

been stated that the petitioner's retirement cannot be accepted

because, although, they had already initiated action for

qualifying service verification to the Controller of Defense

Accounts (Pension), Allahabad, they did not have the requisite

information on the position of the disciplinary case for

unauthorised absense from duty, during December 1981

as stated by the petitioner in para 13 above and as

from Annexure 12, the question of Disciplinary case

arise as the petitioner's leave had already been

and sanctioned. The letter dated 19.10.84 and

of the letter dated 21.8.84 is being annexed

to this petition.

18. That in reply to this communication

[Signature]

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wrote a letter dated 31.10.84 duly acknowledged by the opposite party no. 2, wherein the petitioner clarified his position and requested that they process the following requisite documents

(a) pension papers, (b) payment general provident fund, (c) Gratuity payment, (d) payment of commuted pension and also the salary and allowances for the period 1.2.82 to 21.5.84.

However, the petitioner has received no reply to this letter and in fact this letter has not been considered by the appointing authority or by the Engineer-in-Chief as would be apparent from a perusal of their letter dated 5.2.85 bearing no.84026/CP alongwith which a letter from opposite party no 3 has been enclosed. The true copies of the letter dated 31.10.84 and 5.2.85 are being annexed as ANNEXURES 19 & 20 to this petition.

19. That ~~impassing~~ the order of the opposite party no 3 contained in Annexure 17 has been passed without jurisdiction, in as much as the said order has not been passed by the appointing authority of the petitioner, who being a Major General, is the authority competent to pass the order, but as would be apparent on the face of the order, the order has been passed by an Lieutenant Colonel, who works in the office of the O.P. no.3 and therefore not being the appointing authority, was not competent to pass such an order neither did he have any jurisdiction.

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20. That in passing the impugned orders, contained in Annexures 17 & 18, it is abundantly clear, that the opposite party no 3 has not applied his mind, as the order has been passed by one of the junior members of his staff, and even otherwise, he has totally ignored the fact that the petitioner's leave has been duly regularised and sanctioned for the period 9.12.81 to 4.5.84 by the opposite party no.4 (B.E. (north) Ambala) vide their part II order no23 as contained in Annexure 12 to this petition, leaving the opposite party no 3 with no cause to reject the petitioner's application for voluntary retirement.

21. That the aforesaid two orders dated 19.10.84 and 21.8.84 contained in annexures 17 & 18m to this petition violate the statutory provisions as laid down un Rule 48-A clause 1 & 2 of the Central Civil Services (Pension) Rules 1972.

22. That as no order was passed by the opposite party no 3, the competent appointing authority of the petitioner, within the statutory period of three months from the date of notice, the order passed by some one in the offide of the O.P. no.3 is directly hit by by the provisio to clause (2) of the C.C.S(P) rules 1972, as the order contained in Annexure 17 was communiccated to the petitioner on ~~the~~ 19.10.84, much after the petitioner had deemed himself tobe retired on the date of expiry of the period

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any case wrong as it is in violation of Articles 14 & 16 of the Constitution of India.

26. That despite the reference made by the petitioner to the appropriate administrative authority namely the opposite party no 5 the petitioner's pension papers have not yet been processed with the result that the petitioner has not received his salary his pension, his Gratuity, or his general Provident fund or any of the allowances due to him. The opposite party no.5 has not supplied all the relevant information to the opposite party no.3, either, although they have asked the opposite party no 5 for the petitioner's qualifying service verification on 21st August, 1984, with the result the petitioner is being deprived of his livelihood and the emoluments earned by him and is suffering irreparable loss in the form of both capital and interest, thus violating the statutory provisions of the Article 21 of the Constitution, by denying the petitioner his fundamental rights and by subjecting him to unnecessary harassment by deprivation of his dues.

27. That under the circumstances, because the action of the opposite parties 2 to 5 are arbitrary, high-handed, discriminatory and illegal, the petitioner having no other alternative and efficacious remedy, begs to invoke the jurisdiction

[Signature]

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as per the provision in the Provisio to clause (2) of Rule 48-A
of the Central Civil Services (Pension) Rules, on 12.9.84.

23. That the impugned order violates the provision of their
own O.M. dated 28.7.1979 which lays down in clause 1,
Sub-clause (iii) that acceptance may be given in all cases except
where a disciplinary proceeding are pending or contemplated against
the Govt. Servant concerned, for imposition of a major penalty
or where a a prosecution is contemplated in a court of law.
Since neither of these two condition precedents stood in the
way of the petitioner, the opposite party no.3 along with
opposite party 2 & 4, had no jurisdiction to deny voluntary
retirement to the petitioner by rejecting his notice.

24. That the communication of rejection of the application
of voluntary retirement of the petitioner after the expiry of
the statutory period violated the provisions of both, the
C.C.S (P) Rules and the O.M. dated 28.7.79, which provide that
should the application for voluntary retirement is not rejected
within the statutory period provided, the retirement shall become
effective from the date of expiry of the said period.

25. That the order of the opposite party no .3 in not
accepting the voluntary retirement of the petitioner, is in

any case wrong as it is in violation of Articles 14 & 16 of the Constitution of India.

26. That despite the reference made by the petitioner to the appropriate administrative authority namely the opposite party no 5 the petitioner's pension papers have not yet been processed with the result that the petitioner has not received his salary his pension, his Gratuity, or his general Provident fund or any of the allowances due to him. The opposite party no.5 has not supplied all the relevant information to the opposite party no.3, either, although they have asked the opposite party no 5 for the petitioner's qualifying service verification on 21st August, 1984, with the result the petitioner is being deprived of his livelihood and the emoluments earned by him and is suffering irreparable loss in the form of both capital and interest, thus violating the statutory provisions of the Article 21 of the Constitution, by denying the petitioner his fundamental rights and by subjecting him to unnecessary harassment by deprivation of his dues.

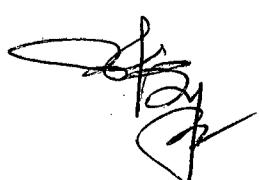
27. That under the circumstances, because the action of the opposite parties 2 to 5 are arbitrary, high-handed, discriminatory and illegal, the petitioner having no other alternative and efficacious remedy, begs to invoke the jurisdiction

[Signature]

the jurisdiction of this Hon'ble Court, interalia on the following amongst others ~~Grounds~~:

GROUND

- A) Because the impugned order passed by the opposite party no. 3, not accepting the voluntary retirement of the petitioner is without jurisdiction.
- B) Because the orders dated 19.10.84 and 21.10.84 has been passed without application of mind.
- C) Because the said order dated 19.10.84 and 21.8.84 are hit by the provisions of Rule 48-A Clause 1, 2, & 4 of the C.C.S (P) Rules, 1972.
- D) Because the said orders, rejecting the application for voluntary retirement of the petitioner has been passed in utter violation of the proviso to Rule 48-A of the C.C.S. (P) Rules, 1972
- E) Because the order rejecting the application for voluntary retirement of the petitioner, violates the O.M. dated 28.7.79, as no disciplinary proceeding of any kind are pending against the petitioner, as the petitioner has been exonerated
- F) Because the order rejecting the said application for voluntary retirement of the petitioner violates sub-clause (iii) of clause 1 of the O.M. dated 28.7.79, as it was communicated much after the expire of the period of notice.
- G) Because the opposite parties 2 to 5 by not paying the salary of the petitioner with all the increment due after the revised pay scales have come into effect and to which the petitioner is entitled in view of the Pay



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Commissions report coupled with the sanction of the President of India and by withholding the processing of the petitioner's pension papers and thus violating the provisions of Article 21 of the Constitution of India.

H) Because the action of the opposite parties are hit by Article 14 & 16 of the Constitution of India.

I) Because even otherwise the said action of the opposite parties 2 to 5 are arbitrary, high-handed, illegal, unfair and unjust.

PRAYER

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

i) issue a writ of MANDAMUS or a writ order or direction in the nature of MANDAMUS, commanding the opposite parties no 5 to decide the reference dated 6.6.84 (Annexure 13, page 78-79)

ii) issue a writ of MANDAMUS or a writ order or direction in the nature of mandamus, commanding the O.P. no 2 to declare the selection grade of the petitioner and with it the increments in salary and other allowances to which the petitioner is entitled in the appropriate scale, with retrospective effect.

iii) issue a writ of MANDAMUS OR a writ order or direction in the nature of MANDAMUS commanding the opposite parties to compute the arrears of salary, and allowances with all increments having effect retrospectively in addition to the petitioner's pension provident fund and gratuity and to pay the same forthwith

Not Served
iv) issue a writ of MANDAMUS or amwrit order or direction in the nature of Mandamus commanding the O.P. no. no. 3 to record in writing his acceptance of the petitioner's notice for voluntary retirement.

(A25) 4/20 2/1
6 20 -

v) issue any other appropriate writ, order or direction
deemed just and proper in the circumstances of the case and
also to award the cost of the petition to the petitioner.

Lucknow dated
26.3.85

M. S. Kharas
Advocate

Counsel for the petitioner.

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1985

AFFIDAVIT
96/153
HIGH COURT
ALLAHABAD



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Verification

I, the named above deponent do hereby verify that the contents of paras 1 to 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

March; 26, 1985

[Signature]
Deponent

I, identify the deponent who has signed before me.

[Signature]
Advocate

Solemnly affirmed before me on 26.3.85
at 12.30 A.M./P.M. by Sri Mohan Lal Sangal
the deponent who is identified by D. Bhatta
✓ Sri Smt. Meher Sahpurji Kheras, Advocate
High Court of Judicature at Allahabad
Lucknow Bench Lucknow.

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.

Meena Pandey
OATH COMMISSIONER
High Court, (Lucknow Bench)
No. 1467153
Date - 26.3.85

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHBAD

LUCKNOW BENCH LUCKNOW.

Writ Petition No.

OF 1985.

M.L. Sangal

.....

Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. I

Ministry of Defence U.O. No. 13 (3) 776D/(Civ-I)
dated 19th March, 1977.

Copy of the Ministry of Finance (Dept of expdr)
OK NO F-7 (21)- II-III (F)/74, dated 10 January, 1977
on the above subject.

The undersigned is directed to refer to the recommendations of the Third pay commission on the subject mentioned above contained in paragraphs 51-52 of Chapter 8 of that report and to say that these recommendations were accepted by Government in principle vide item 8 of the Annexure to the Resolution No. 70(64) 73 Imp. cell dated 1.11.73 issued by the Ministry of Finance (Dept. of expdr. The aforesaid recommendations were the subject matter ad discussion in the Anomallies Committees of the National council (JCN) at their meetings held on the 21 st April, 1975, 18th December 75 and 8th April 1976 and the report of the said committee containing the clarifications and amendments recommended jointly by the Official and

.....2/

staff side was adopted by the National council at its meeting held on the 20th July 1976. After further consideration of the matter, the President is pleased to sanction the introduction of Selection Grades in Groups C and D Cadres with effect from the 1st August 1976 subject to the following conditions :-

(i) Posts which are filled up by direct recruitment to an extent of not less than 75% would along qualify for Selection Grade. In case there the posts are filled partly through a limited competitive examination which is not confined only to the employees serving in the immediately lower grade, but open to several other categories also, the fillingup of such vacancies may be treated as cases of direct recruitment against the stipulated percentage. This does not however preclude consideration of other cases where the aforesaid condition of illegibility is not satisfied if it is established that there is acute stagnation.

(ii) The number of higher posts to which the employees in a cadre can seek promotion should not be more than 50% of the strength of that cadre. For reckoning promotion prospects:-

(a) The sanctioned cadre strength at higher levels along should be taken into account and not the physical vacancies,

(b) Only the immediately two higher levels available for promotion should be taken into account, and

(c) The higher levels need not necessarily be

be in the direct line of promotion, where the rules specifically provide for promotion in a different line and where such promotion is confined to their levant lower level and is not open to other categories also, the posts in such different line should also be taken into account.

(iii) The number of Selection Grade posts will be determined on the following basis:-

(a) where promotional prospects are more than 50%..... No Selection Grade

(b) where promotional prospects are 50 or less but more than 25%..... 10%.

(c) where the promotional prospects are 25% or less, but more than 25%.... 15%.

(d) where promotional prospects are 25% or less..... 20%.

(iv) For the purpose of calculating Selection Grade posts, the posts which have been in existence for 3 years should be taken into account irrespective of whether they were permanent or temporary.

(v) For becoming eligible to be considered for re-appointment to the Selection Grade, an employee should have rendered such length of service which would have brought him to the stage represented by 3/4th of the span of the revised scale of the ordinary Grade inclusive of the service rendered in the pre-revised scale of that Grade subject to a minimum of 14 years of service. This will not however, have

effect of deliteralising the criteria which might be applicable in respect of Selection Grade in vague.

(vi) The time scale for the Selection Grades should start near about the 3/4th span of the ordinary grade and should end short of the maximum of the scale of pay of the next promotional post.

(vii) The pay on appointment to the Selection Grade shall be fixed at the same stage, at which the pay is drawn in the ordinary grade, if there is such a stage in the scale of pay of the Selection Grade, or at the next higher stage, if there is no such stage. In the pay in the Selection grade is fixed at the same stage, the next increment should be granted from the same date in which it would accrued in the ordinary grade, if, however, the pay is fixed at the next higher stage the next increment should be granted after completion of normal increment period of twelve months in the Selection Grade.

(viii) The number of Selection Grade posts also the need for their continuance in a particular cadre should be reviewed every three years, and the Selection Grade posts varied or discontinued, as the case may be.

(ix) Appointments to the Selection Grade should be made on the basis of merit cum seniority as indicated below:-

(a) The zone of consideration should not exceed to twice the number of vacancies expected to

filed in the year.

(b) Officers in the zone of consideration should be graded as outstanding ' good' and unfit on the basis of their records of service. Those graded as unfit 'will not find place in the Select List.

(c) Those who are grade as outstanding should be placed en bloc at the top of the Select List. Those graded as 'good' should be placed in the Select List below the outstanding Officers. The arrangement of names within each category should be in accordance with their inter seniority.

(d) Selection for appoints to the Selection Grade should be made by a selection committee to be constituted internally.

(x) The question of seniority of Officers appointed to the Selection Grade for purposes of promotion to higher posts is under consideration and orders will be issued separately.

2. The time scale of pay for the Selection Grade will be sanctioned by the administrative Ministries/ Departments concerned with the concurrence of the establishment Division of the Ministry of Finance (Department of expenditure). The proposals in this regard should be referred to that Division by the Administrative Ministries/ Departments through their Finance Division.

3. These orders do not apply to cases:-

(a) where Selection Grades have already been sanctioned on terms more liberal than those contained herein. and

(b) Cases where it has already been decided not to have a Selection Grade.

4. The scheme of reservations for candidates belonging to Scheduled Castes and Schedule Tribes apply in making appointments to the Selection Grades as enunciated above. The percentage of the reservation and other principles to be followed will be the same as applicable to cases of promotion by selection to Grades 'C' and 'D' posts (vide orders contained in paragraph 2B (b) of the N.H.A.C.M.O. No. 1/12/67- rstdt. dated the 11th July 1968, as amended from time to time. However, the zone of consideration and the system of grading will be as indicated in sub paragraphs (a), (b) and (c) of the paragraph 1 (ix) .

5. The Ministry of Home Affairs etc. are requested to bring these orders to the notice of all Administratives for information and necessary action and also take necessary action to introduce the Selection Grades, wherever applicable as early as possible

6. In so far as persons serving in the Indian Audit and Accounts Dept. are concerned these orders issue after consultation with the Comptroller and Auditor General of India.

sd/-
(R.R. Sahhlok)
As Chief Engineer

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

WRT PETITION NO. OF 1985.

M.L.Sangal Petitioner

Versus

Union of India and others Opp. Parties

ANNEXURE NO. II

To, Engineer-in-Chief,
Army Head quarters,
Kashmir House, New Delhi-11

Thro: Proper Channel.

Selection Grade Supdt Is- (GP'C' Cadre)

Sir,

I take the privilege to submit the following
for your favourable orders.

2. Introduction of selection grade in group 'C'
and 'D' cadres was sanctioned by the Government as
back as Jan. 1977 to be applicable from 1.8.1976 vide
G of I, M of F (Dept of Exptr) OM NO. F-7(21)-E-
III(E)/74, 10.1.77, and Min of Defence No. 13(3)/77/
D(Civ-I) dated 19.3.77. Under the said orders and
subsequent Govt's clarification, Supdt Gde Is cadre
is fully eligible to get selection grade.

3. There is an acute stagnation in Supdt Gde I cadre
I am drawing maximum of present pay scale since

July 1973, i.e. (right in the year, the 3rd pay commission's report came into effect) and at the age of 33 years and have already completed 17½ years of service in the present grade. The promotion respects in the cadre are below 5 percent. Therefore, I fully became entitled for the Selection Grade from 1.8.76 which has so far been denied to me.

4. In view of the foregoing, I request your goodself to kindly grant me the Selection Grade in appropriate scale to end little below Rs. 1200.00 with retrospective effects.

5. It is also submitted that selection grade may kindly be granted within a period of three months from now. Thereafter, I shall be obliged to seek justice through Court of Law.

Thanking you,

Yours faithfully

sd/ Illegible

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

WRIT PETITION NO. OF 1985.

M.L.Sangal Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. III

GARRISON ENGINEER
(PROJECT) AIRFORCE
AMBALA CANTT

1034/P/97/ EIC 02 Feb 81

AGE E/M (P) No. 1 AF

AGM E/R (P) No. 1 AF

AGE B/R (P) No. 2 AF

SELECTION GR. DE UP DT B/R GRADE I
(GROUP 'C' AND 'D')

1. A copy of E-in-C's Branch letter No. 90270/48/1/EIC dated 04 Dec. 80 received under CCE Ambala letter No. 1881/1432/EID dt. 29 Jan. 81 is forwarded herewith.

sd/-
BARRISON ENGINEER (P) AF

Copy of E-in-C's Branch letter No. 90270/48/1/EIC dated 04 Dec. 80 added to CCE NC Simla.

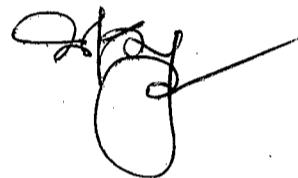
AS ABOVE

1. Reference your letter No. 30303/778/EIC (I) dated 20 Nov. 80, 30303/779/EIC (I) dt. 20 Nov. 80 and 31318/4/EID dt. 24 Nov. 80.

2. As the proposal for revision of pay scale from Rs. 550-750 to Rs. 550-900 in respect of Supdts Gde I is already under consideration with the Ministry of Defence & Finance, the post of Supdt Gde I has not been considered for creation of selection grade posts till such time the proposal for revision of pay scale is finalised.

sd/-

(True copy)



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

WRIT PETITION NO. OF 1985.

M.L. Sangal Petitioner

Versus

Union of India and other.... Opp. parties

ANNEXURE NO. 4

No. CWE/JP-9/73-74/ 2 / ES

AGE 191 INF BDE
C/0 56 APO
04 Oct. &73

T
o

GE (P) NAGROTA

TENDER DOCUMENTS CA NO. CWE/JP-9/73-74:

CWE/JP-9/73-74 CWE/JP-10/73-74 & CWE/JP.19/73-74

The comments on the above tender documents are submitted herewith and attached as Appendix 'A', 'B' and 'C'.

2. Certain changes are proposed in the steel sections/sheet roof to utilise the stock available with us lying surplus against other works. These changes have been approved by the Offg: CWE on 3.10.73 which may please be incorporated.

3. A copy of the comments and the detailed requirement of stores has been handed over to Sri MP PURI SDO 'T' HQ 136 WKS Engrs who was associated with the Sub Divn during the discussions and the comments-



sd/- XXXXX
(B.N. Sharma)
AEE

Copy to:-

AGE 191 INF BDE

File No. CWE/JP-10/73-74/E8
File No. CWE/JP-19/73-74/E8

(True copy)

APPENDIX 'A'

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COMMENTS TO TENDER DOCUMENTS CA NOS. CWE/JP-9/73-741. Notes of Sch 'A'

Note No. 4

(a) Line 4; Same as comments 1 (a) on CA No. CWE/JP
19/73-74.2. Sch 'A' Section I

Item 1 - ditto- 2(b) - ditto -

3. Sch 'B'

i) Item 6 - ditto- 3 (b) - ditto-

ii) Note No. 4(a)(i) & 4(a)(ii) - ditto- 3(c)(ii)&(iii)-ditto-

4. General Summary

(a) Item 2(a) Line 3 For '4 Nos' Read '3 Nos'

(b) Note after general Summary- Same as comments 4(a)
on CA No. CWE/JP-10/

73-74

(c) Item 4(a) 8 ditto- 4(b)(i) 9(ii)- ditto 0

5. Particular specifications section II

(a) Clause 3 (b) Line 3- ditto- 5(a) - ditto-

(b) Clause 3 c(i) line 3 and

3(iii) line 2 - ditto' bathing Platform

(c) Clause 5, line 1 - after the word' opening' add
except that between washup
room and cook house' .

(d) Clause 6 a (iii)

For '40 mm' Read '20 mm'.

(e) Clause 7 Line 2 - delete 'lay out shed'

(f) Clause 9(a), Line 3; Delete the word ' and add
' in before' cover of grease
trap' .

(g) Clause 14 a (iii)

Delete ' except passage '.

(h) Clause 16(ii) line 3 & 4

Delete ' bathing platform '

(j) Clause 20(i) Line 2

After the work ' wire gauge' add ' and grating of cooking range' .

(k) Clause 25

Same as comments 5 (1) on CA No. CWE/JP-10/73-74

(l) Clause 28 (a) and - ditto- 5(m) - ditto- 28(b)

(m) Clause 30 - ditto- 5(n) - ditto-

(n) Clause 33 - ditto- 5(p) - ditto-

(o) Clause 34 - ditto- 5 (q) - ditto-

(p) Clause 35, Line 4 - ditto- 5 (r) - ditto-

List of Drawings

The following drags being not applicable may be deleted from list of drags:-

i) Sri item no. 14-Drg No -SD-2734 sheet 1/1

ii) Sr 1 item No.16- Drg No. SD-2730 sheet 1/1

The drg No. CWE/WD-221/73 sheet 1/1 (srl No. 20) should be amended to Drg No. CWE/WD-220/73 sheet 1/1.

7. Drawings

Drg. No. CWE/WD-217/73 sheet 3/4

Same comments as 7(a) & (b) on CA No. CWE/JP-18/73-74

Drg No. CWE/WD-217/73 sheet 2/4

(1) Typical section- For 'MS shannel refter 180 x 50 mm (ISMC-100)'. Read ' Angle 100x7.5x8 mm' channel section is not available.

(ii) to (viii)

Same as comments (ii) to (viii) on CA No. CWE/JP

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Drg. No CWE/WD-217/73 sheet 1/4

-ditto- (i) to (v) - ditto -

Drg No CWE/WD-135/72 sheet 1/1

(a) - ditto- (i) and (ii)-Ditto-

(b) Irrespective of what is shown on drawings, the purline shall be of MS Angle 65 x 65x 6mm.

Drg No SD-2729 sheet 1/1

Section AA -ditto- Ditto-

See BB

Drg No CWE/WD-208/73 sheet 1/1

-ditto- - ditto-

Drg No CWE/WD-78/69 sheet 2/2

-ditto- - ditto-

Drg No CWE/WD-217 /73 sheet 4/4

- ditto- -ditto-
FFLs

Drg No. CWE/WD-220/73 sheet 1/1

The provision of white non vitreous chaine ware WC pan, commercial quality with glazed ware 'P' trap may be made in lieu of cement/concrete pan. clause 32 of particular specification section II shall be accordingly amended .

Plan The distance between the WC and the pit is only 90 cm which is considered in adquate as there is every likely hood of damage to the WC dwarf walls due to likely collapsing of the pits. The minimum should be 3 meters.

See AA The thickness of hard core and moorum as 230 mm specified in particular specifications see II may be clearly shown in drawing. 20 cm boulder filing has been shown in drg (cross section) which is not correct as following details.
Space available is $(230+200)=430\text{mm}$ (As per drg)



(Ans)

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The provisions are :

(i) PCC 1:2:4 - 40 mm shown indrg and also in

(ii) PCC 1:5:10- 80mm specification. Given in particular specification

(iii) Hard core and
Moorum - 230mm

Total 350 mm

The blance space available is 80 mm (430-350) where in the boulder filing -200mm is not possible. Therefore, 80mm earth filling may be mentioned in lieu of boulder filling or the thickness of hard core be increased by 80mm also, the clause 14(a)(iii) of particular specifications section II specify 230 mm hard core and morum, please clarify whether the morum is to be mixed and it so in proportion) or a separate layer of morum is to be spread over hard core. The dimention of the live concrete in which the 'P' trap is required to be embedded may be given and also provision of live concrete may be considered while providing white non - vitreous china ware WC pan. The provisions of particular specification and drags may please be reconsidered in light of above points.

The dotted lines between the foundations of brick walls may be shown for the short wall fo.

The soil pipe should be 4" dis AC pipe.

PIT

The sheets to cover the pit have been provided at the GL and over the sheets earth filling is shown. This will form a sort of trough and the rain water will always be seeping in. It is suggested to provide the sheets on top of dwarf wall with adequate bearing and earth filling carried out on the sheets.

Some lining to the pit is required to be provided or filling in the soakage pits is required

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since the soil is quite sandy and may not stand at the specified slopes.

For '10cm ballies' read '10cm average dia ballie'

The size of wooden shocks for fixing ballies may be shown.

The over lap and end laps for CGI sheets on the pits may be specified.

The pits should be provided with AC vent pipes otherwise the water seal of the trap will not be effective and may cause blockage.

Since no foundation concrete is provided to brick dwarf walls, the bottom course should be of bricks on edge.

The ballies of the pit should be treated with 2 coats of creosote.

Maintenance

In case of blockage of any of the seats, the provision of manholes may be considered for clearing the trap.

sd/- XXXXX
AEE
ENGINEER-IN-CHARGE

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(TRUE COPY)

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

CRIT PETITION NO.

OF 1985.

M.L.Sangal

.....

Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE - NO. V

CONFIDENTIAL

Nukhya Engineer
Jammu & Kashmir Zone
Chief Engineer
J and K Zone
C-1505/001 Fd/Flush/17/EIC C/o 56 APO

ME-846416
Shri K.L.Sangal, Supdt E/R Gde I 8 Sep. 78.
G.I. (sough) Ambala.

FIELD FLUSH LATRINES: 10 INF DIV ABRA

1. While employed as Supdt B/R Gde I with GE 862 Eng'r Ms section, you were employed on the works regarding construction of filed flush latrines under C.I. No. C.E/JP-9/ 73-74 and C.I. No. C.E/JP-19-73-74.

2. While employed on the above works, you failed to carry out the proper supervision in that the above latrines were not constructed by the contractors as per contract specifications and the filed flush latrines and the soakage pits constructed under the above contracts collapsed due to rains even before these were put into use.



Signature

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3. For your above lapses, it is proposed to issue you a Warning (Recordable) and you are hereby given an opportunity of making representation on this. Any representation which you wish to make on the proposed Warning (Recordable) should be made in writing and submitted within 15 days from the date of receipt of this letter.

4. The receipt of this letter should be acknowledged

(S Israni)
Erig
Chief Engineer

CONFIDENTIAL

(TRUE COPY)





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

WRIT PETITION NO. OF 1985.

M.L. Sangal Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. VI

To
CE J & K ZONE
C/O 66 APO

Thru: G.E. NORTH AMBALA

FIELD FLUSH LATRIES: 10 INF DIV SECTOR

Sir,

Reference your No. C-1505/001 Fd/Flush/14/EIC
dt. 8/9/78.

2. I wish to represent against the proposal issue
of recordable warning and respectfully submit as
under in defence for your consideration:-

(a) Supervision exercised by me has been proper
and could not be better except ad of any one
in my place. I would like to recall the facts
and circumstances that prevailed preceding
and during execution of work.

(i) Having taken my place in AGE 191 Inf Ede
then under GE (p) Nagrota at its HQ in 191 Bde
Loc in Aug- Sep- 1973 on permanent transfer from
peice station, I was entrusted fro the supervisi
on of work under CWR/JP-9/73-74 beside the

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the following works at 191 Bie Loc running during the same period:

Maintenance and project stores, construction of Cook Houses. CWF/Jp-10/73-74 and CME/JP-26/73-74 Rs. 3.6 lacs

Construction of RCC overhead Reservoirs
CWE/JP-2/71-72 Rs. 4.60 lacs

Construction of Key per Qrs storage shed, roads, fencing in all E/M installations
CWE/JP-22/73-74 Rs. 4.22 lacs

(ii) Ancillaries mainly cook houses and latrines were sanctioned as Op TA KS. With short period targete fixed and works spreaded all over Div Sector, there physically prevailed a state of emergency and to appreiciate each one of the Sub-Div including Engineer-in-Charge were on the move working right from 0800 hrs to 2200 hrs daily.

(iii) Field flush latrines constructed under CA No. GWE/JP-9/73-74 (Job No. 101 D/0Th-1/73-74) were meant for 52 Inf Bie and its 3 Bns. The proposed location of these unit were ill defined on ground and were in the process of acquisition/recently acquired. The users showed us the rough boundaries and areas where these works could be sites. The siting was with the strict approval of users. These locations were in the far-flung rural areas not connected even by propose katcha roads. The areas were far spreaded scatteral remote, undulating and NOT at all drained. The siting of field flush latrines was on the exterme and of the unit loc and at many a places in down slope (low lying areas).



[Signature]

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(iv) Soon the sub div received tender and drawing, I had my apprehensions and so the Engineer-in-charge for the success of the project of filed flush latrines and we projected some of the rein writing with suggestions which remained to be agreed. In our view the coverage to latrine seats and filling stone/brick bats in pits were the minimum. We were given to locations so n and will understand that the units will occupy the manoeuvre the areas by levelling and drainage.

Proposal with estimates to provide cover to latrine block was progressed by G.E. which was agreed to by Div. HQ but tiropped down at Corps HQ. A sample block near progressing the proposal, It can be verified that block still exists and in use.

(v) A sample of 10 seat block with its soakage pit was prepared in presence of Engineer-in-Charge and G E in the then 58 Engineer Regt Loc (4 Kms stone-Sund erbani Road from Ekhnoor town). The complete work was got executed as per that sample.

(vi) The distance between two site was even exceeding 10 Kms.

(vii) Mostly the scrate met during execution was soil mixed with boulders. Taking out soil in between by application of pick are will make boulders come down by itself.

(b) Against heavy odds as explained above, the work, However, was completed in the month of May'74 and most probably on 15 May 74. But, the units never moved in these locations and the works through handed over to user units who had detailed one or two men to



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lock after remained uncared and INUSED. It was observed that stray cattles were roaming unrestricted and standing and walking on and across the soakage pits.

(c) With the rains that followed in July 74 and onward the soakage pits started collapsing, through latrine seats were intact. Under thrust of water and seepage, the wall gave way resulting in collapse of cover structure and pit. Additionally more water in terms of quantity and velocity through the latrine seats went in the pit for which the pit was not designed. Our apprehensions came true and inevitable happened.

(d) These were non- tangible assets as agreed to by CWE and deemed to have been ~~pro~~ approved by CENCO.

(e) Very purpose of providing fixed flush latrines at low cost in short time for troops was defeated when the units did not move till 1977 (when I left J & K) to the best of my knowledge. The project was, therefore ill-conceived.

(f) All above makes pit obvious, that neither the supervisions has been poor nor the collapse of soakage pits resulted from improper supervision.

(g) I am sure that such type of latrines else where constructed in the same circumstances and based on the same drawings and design, must have met the same fate.

3. I would therefore request your goodself to review the case in right perspective considering the foregoing facts and withdraw the proposed action.

Thanking you,

Yours faithfully
(M/S-8464616 NL Sangal)
Supdt B/R GDE I

Dated: 01, Nov. 78

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

WRIT PETITION NO. OF 1985.

M.L.Sngal Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. VII

No. 78650/260/78/EID/3068/S/D(Lab)

Government of India
(Bharat Sarkar)
Ministry of Defence.
(Raksha Mantralaya)
New Delhi, the 9.1.1980

MEMORANDUM

The President Proposes to hold an inquiry against Shri M.L.Sangal, Supdt. B/R Gde I, under Rule 14 of the Central Civil Services (Classifications, Control and Appeal) Rules, 1965, The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri M.L.Sangal, Supdt. B/R Gde I is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and



[Handwritten signature]

also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge which are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri M.L.Sangal, Supdt. B/R Gde I is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/ directions issued in pursuance of the said Rules, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Shri M.L.Sangal, Supdt. B/R Gde I and is invited to Rule 20 of the Central Civil Service (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri M.L.Sangal, Supdt. B/R Gde I is aware of such a representation and that it has been made at his instance and action will be taken against him violation of Rule 20 of the Central Civil Services (Conduct) Rules, 1964.

6. The receipt of this memorandum may be acknowledged.

7. By order in the name of the President.

To Shri M.L.Sangal, Under Secy. (N.H. Mohanta)
Supdt. B/R Gde I
to the Government

SD/-

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ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST
MES-8464616 SHRI M.L.SANGAL, SUP DT B/R GDE I.

ARTICLES OF CHARGE I

That the said Shri ML Sangal, Supdt B/R Gde I while functioning as Supdt B/R Gde I with AGE(1) 191 Inf Bde was employed on the wks regarding construction of field flush latrines under CA No. G/E/TP-9 of 73-74 and due to his failure to c r y out proper supervision, the latrines were not constructed by the contractor as per contract specifications and as a result the field flush latrines and the soakage pits constructed under the above contract collapsed due to rais even before they were put into use.

ARTICLE OF CHARGE II

That the said Shri M.L.Sangal, Supdt B/R Gde I while supervising the execution of the job under the above said contractor:-

(a) Did not provide shorting the structting in any of the soakage pit on the ground though a provisional sum of Rs. 11,200/- was provided in the above contract, which contributed to the collapse of the field flush latrines constructed under above contract thus causing a huge loss to the state.

(b) Certain ballies incorporated in the work were of 8 cm mean dia instead of 10 cm mean dia.

(c) Certain baulks were not properly creosoted and some were not creosoted at all as per contract with the result baulks which were not creosoted were found mostly eaten away by white ants.



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(d) The cement mortar used on the dwarf wall were not cured properly with the result if did not attain full strength.

(e) The earth filling at many places was more than of the specified thickness of 20 cms in the middle and contained certain percentage of stones as well.

(f) The earth filling over the soakage pits did not have the proper slopes.

(g) In certain places, two courses of brick work above CGI sheets were applied whereas in the certain cases there were three courses of brick masonry above the CGI sheets resulting in the height of the dwarf walls at certain places of 22.5 cm above the CGI sheets though as per drawing the height of the drawing wall above CGI sheets should have been only 15 cm.

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(h) The bally structure gave away at places due to failure of the cross bally in the middle and the joints between the cross ballyes and longitudinal ballyes was a butt joint using hails whereas the drawing showed a continuous line for the longitudinal ballyes.

(j) The above lapses contributed to the collapse of the filed flush latrines even before they were put into use.



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ANNEXURE II

STATEMENT OF THE IMPUGNATION OF MISCONDUCT AND
MISBEHAVIOR OF WHICH ACTION IS PROPOSED AGAINST MES
8464616 SHRI M.L.SANGAL SUPDT B/R GDE I.

Whereas MES- 8464616 Shri M.L. Sangal, Supdt B/R Gde I while functioning as Supdt B/R Gde I under AGC (I) 181 Inf Bde while employed on supervision of works regarding Field flush latrines under CA No. CWE/JP-9/73-74 and due to his failure to carry out proper supervision, the latrines were not constructed by the contractor as per contract specification and as a result, the Filed Flush Latrines and the soakage pits constructed under the above contract collapsed due to the rains even before they were put into use.

2. A staff Court of Inquiry was convened during Sep 74 and thereafter to inquire into the circumstances under which the Filed Flush Latrines and the soakage pits constructed under the above contract collapsed due to the rains before they were put into use, to pin point the responsibility, apportion the blame and suggest the measures by which the damaged latrines can be repaired and put to use again.

3. The said Shri M.L.Sangal alongwith others was examined by the Staff Court of Inquiry and according to the findings of the court of inquiry, the following lapses on the part of the above Shri M.L.Sangal, emerged which contributed to the collapse of the field flush latrines:-



[Handwritten signature]

(a) A provisional sum of Rs. 11,200/- was provided in the above contract for shoring and structting in the soakage pits of field flush latrines (where required). Shoring and structting was not provided in any of the soakage pit on the ground, and the soakage pits collapsed under the dwarf wall.

(b) Certain ballies incorporated in the work were of 8 cm mean dia instead of 10 cm mean dia.

(c) Certain ballies were not properly creosoted and some ballies had not been creosoted at all, as per the contract with the result, ballies which were not creosoted were found mostly eaten away by white ants.

(d) The cement mortar of the brick dwarf wall were notcured properly with the result it did not attain full strength.

(e) The earth filling at many places were more than of the specified height of 20 cms in the middle and contained certain percentage of stones as well.

(f) The earth filling over the soakage pits did not have proper slope.

(g) In certian places two courses of brick works above CGI sheets were applied where as in certain places there were three courses of brick works above the CGI sheets resulting in the height of the dwarf walls at certain places of 22.5 cm above the CGI sheets through as per drawing the height of dwarf walls above the CGI sheets should be only 15 cms.



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(h) The ballies structure gave away at places due to failure of the cross ballies in the middle and the joints between the cross ballies and the longitudinal ballies was but joints using nails whereas the drawing showed a continuous line for the longitudinal ballies.

4. The said Shri M. L. Sangal, Supdt B/R Gde I by his above acts did not maintain devotion to duty and exhibit lack of conduct unbecoming at Govt servant violating thereby the provision of Rule 3 (ii) and (iii) of CCS (Conduct) Rules 1964.

ANNEXURE III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE
FRAMED AGAINST MES - 8464616 SHRI M.L.SANGAL, Supdt B/R
Gde I.

CA No. CCE JP/9/73-74.

ANNEXURE IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE GRAMED
AGAINST MES - 8464616 SHRI M.L.SANGAL, SUPDT B/R Gde I

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. OF 1985.

M.L.Sangal Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. IX

CONFIDENTIAL

REPORT OF 10-20704L MAJOR C G MICKAM INQUIRY OFFICER
ON THE INQUIRY IN THE DISCIPLINARY CASE PERTAINING TO
COLLAPSE OF FIELD FLUSH LATRINES AND SOAKAGE PITS
CONSTRUCTED BY M.S IN AKHNOOR AREA INITIATED BY GOVERN
MENT OF INDIA MINISTRY OF DEFENCE NEW DELHI VIDE ORDER
NO. 78650/ 260/ EID/3068/S/D (LAB) DATED 09 JANUARY 1980

INQUIRY OFFICER'S REPORT

1. I was appointed as Inquiry Officer vide Govt. of India Minister of Defence, Order No. 78650/260/EID/1171/S/D/(Lab) dated 10 Jan, 80 to hold an oral inquiry under rule 14 of the CCS (CCLA) Rules, 1965, to enquire into the charges framed against the undementioned officials of M.S vide Govt of India, Ministry of Defence Order No. 78650/260/78/EID/3068/S/D (Lab) dated 09 Jan 80 as amended vide even number dated 27 Apr 81, jointly involved in the disciplinary case relating to collapse of field flush latrines and soakage pits constructed by M.S in Akhnoor area in HQ 10 Inf Div Sector:-

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

WRIT PETITION NO. OF 1985.

M.L.Sangal Petitioner

versus

Union of India and others Opp. parties

ANNEXURE NO. VIII

Inquiry Officer
Major C.G.Manickam
GE 873 Engineer Works Section
C/o 56 APO

Through GE North Ambala Cantt.

INQUIRY; DISCIPLINARY PROCEEDINGS RELATING
TO FIELD FLUSH LATRINES AND SOAKAGE PITS
CONSTRUCTED BY MES COLLAPSED DUE TO RAINS
BEFORE PUTTING THEM INTO USE.

Sir,

Reference your letter No.

It is submitted to your honour that Shri C.M.Pandeya, AE, C/O GE Air Force Candigarh, my Assisting Govt. servant, is not in a position to be available till 10 April 1982.

You rs faithfully

sd/-
(M.L.SANGAL Supdt B/R)
MES-8464616
O.O. GE NORTH AMBALA
03' DEC. 81

Copy to:-

Shri C.M.Pandeya, AE
AGE B/R
BE AIR FORCE
CHANDIGARH.

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(a) MES-8464000 Shri B.N. Sharma, AE B/R
 (b) MES-8464616 Shri M.L. Sengal, Supdt B/R Gde I
 (c) MES-8464775 Shri B.K. Mittal, Supdt B/R Gde I
 (d) MES-8463530 Shri Om Parkash Verma, Supdt B/R Gde I

2. MES-447901 Shri D.K. Sharma, AE, AGE E/M of GE 861 Engr works section was nominated as presenting officer vide Govt of India, Ministry of Defence. order No. 78650/260/78 EID/1171/S/A/D (Lab) dated 10 Jan. 80.

Preliminary Hearing :

3. Preliminary inquiry of the case was conducted from 03 Nov 80 to 05 Nov 80. All the above named SPSSs were present during the preliminary hearing.

4. Next hearing of the case, which was scheduled to be held on 03 Dec 80, was postponed for 05 Jan 81 and further postponed indefinitely due to non availability of relevant documents and essential witnesses on the appointed dates of the inquiry.

5. The relevant documents were coming from the custodians in piecemeal after protracted correspondence. The last batch of these documents vis the manuscript copy of the staff court of Inquiry proceedings was received from Chief Engineer J & K Zone on 19th Oct 81. With the availability of most of the documents requisitioned by the SPSSs, though a few were still outstanding, it was decided to hold the inquiry on 10 Dec 81 and accordingly all the SPSSs, witnesses and defence assistants were summoned vide GE 873 Engineer Works Section Singal No. A 1269 dated 05 Nov

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1981. responding to the summons the undermentioned attended the inquiry :-

(a) SPSs

- (i) Shri B.N. Sharma, AEE
- (ii) Shri B.K. Mittal, Supdt B/R Gde I
- (iii) Shri Om Prakash Verma, Supdt B/R Gde I

(b) Witnesses

(i) Shri YV Narayana Rao, SSW of CE (P) P&D Secunderabad, Ex SW of NQ 138 Works Engineers (referred to as Prosecution Witness No. 1 (PW 1)).

(ii) Major KK Min, 802 Planning of C² J&K Zone. Ex GE 861 Engineer Works Section (referred to as prosecution witness no. 2 (PW 2)).

(iii) Shri Fateh Singh, Supdt B/R Gde I of Chief Engineer, North Kashmir Zone, Ex SA I of HQ 138 Works Engineers (referred to as prosecution witness No. 3 (PW 3)).

(c) Defence Assistants:

(i) Shri D S Gulati, AGE of GE Amritsar, Defence assistant of Shri Om Parkash Verma. Supdt B/R Gde I (referred to as D.1)

(ii) Lt Col S M Chopra, SO I, of Chief Engineer Central Zone Jabalpur, defence assistant of S/Shri B.N. Sharma and B.K. Mittal (referred to as DW-2).

6. The undermentioned SPS/witnesses did not attend the inquiry:-

(a) SPS. Shri M.L. Sangal, Supdt B/R Gde I (now serving under GE (W) Ambala, Though summoned vide



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GE 873 Engg Works Section signal No. A 1269 dated 05 Nov. 81. Signal No. A 1297 dated 10 Dec. 81, Signal No. A 1302 dated 11 Dec. 81 and Movement order No. 1127 2294/EI dated 08 Dec 81 issued to him by GE (N) Ambala to proceed on temporary duty to attend the inquiry on 10 Dec. 81, he did not report to the inquiry Officer later on GE (N) Ambala intimated vide telegram No. C-320/1248/EIC dated 12 DEC 81 that the individual had proceeded on leave without sanction with intention to evade the inquiry. As shri Sangal failed to appear before the Inquiry Officer, Ex-parte inquiry proceeding in respect of charges levelled against him were conducted.

(b) Witnesses:

(i) Lt Col G.M. Mahajan, Ex commander HQ 138 works Engineers (re-fired from service wef 31 May 81) The Officer was summoned vide GE 873 Engineer works sect on letter No. C-1075/280/ EIC dated 06 Nov 81 through GREF Centre, Pune where he was serving prior to proceedings on retirement. The summons could not be delivered to the officer as he was not available at his home address.

(ii) Major H.N. Sachdeva (retired) Ex. DCWE B/R HQ 138 Works Engineers (now serving in PWD, Govt of Misoram Aizawl as Chief Engineer). He was also summoned to attend the inquiry vide GE 873 Engineer works section letter No. C-1075/281 ETC dated 06 Nov. 81. The officer informed telegraphically that he would not be available for the inquiry being held from 10th Dec. 81 due to his preoccupations.

(iii) TC-10021 Lt Col Ramesh Chander of 457 HQ INT Engr. Ex C E (P) Nagrota, He was required as prosecution witness. In spite of repeated summons vide GE 873 Engineer works section Signal No. A 1269 dated 05 Nov '81, Signal No A 1291 dated 07 Dec. 81 Signal No A 1298 dated 11 Dec 81 and Signal No A 1303 dated 11 Dec. 81, the officer did not move to attend the inquiry.

7. Preliminary inquiry into the case commenced on 10 Dec 81 and the detailed inquiry followed. The inquiry finally concluded on 23 Dec 81 after the SPSs submitted their written brief of proceedings in their defence against the charges leveled.

The case in support of the Charges :

8. The Prosecuting Officer Shri D.K. Sharma, AEE. prosecuted the SPSs and further produced the following prosecution witnesses to strengthen his case:-

(a) Shri Y V Narayana Rao, SSM, CE (P) P&D Secunderabad. the then SW of HQ 138 Works Engineers.

(b) Major KK Mohin, SO 2, CE J&K Zone. the member of the staff court of inquiry.

(c) Shri Fateh Singh, Supdt B/R Cde I, CR Ka himir Zone the then SA I of HQ 138 Works Engrs.

9. Based on the facts brought out during the inquiry in respect of each article of charge framed against the SPSs I record my findings as under:-
MES-8463530 SHRI OM PARKASH VERMA SUPDT B/R GRADE I
(SPS 1)

Article of Charge I & II

In this connection para 326 of MES Regulation 1968 read in conjunction with Table 'E' of R MES, 1968

refers, Shri OP Verma. Supdt B/R Gde I had never been delegated with the powers of designing of structures as brought out in his defence statement. His duties were probably not issued during his tenure as SPO 'T' by HQ 138 works Engineers. The contention of HQ 138 works Engineers vide their letter No. 9132/797 EIC dated 03.4.81 submitted by Shri OP Verma alongwith his defence statement to the effect that the record laying down his duties as SDO 'T' have been destroyed is not convincing. Since Shri OP Verma was only a subordinate and working under DCQE B/R he was not responsible for any design. He worked on the guidance given by the DCQE B/R and the ground data produced by the GE concerned. Since the prosecution has not produced sufficient evidence in support of charges leveled against Shri OP Verma. he can not be blamed for improper design of the FFLs. Singing the drawing No. CQE/WD-220/73 sheet 1/1 does not mean that he was competent and responsible for the design, He had signed the drawing in token of correctness of the dimensions thereof. Therefore, Shri Om Parkash Verma is not to be blamed for defective design of the field flush latrines non. provisions of over head covers and area drainage for the FFLs. The responsibility of design approval of a structure rests with the officers so empowered as per R.M.E.S, para 326 read in conjunctions with Table 'B' The design is the responsibility of the drawing section which is headed by the commander and not by a subordinate who plays a very insignificant part in design and planning.

2. The charges leveled against Shri Om Parkash Verma are vague, indefinite and outside the ambit

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of his responsibilities and duties, Therefore, Shri Om Parkash Verma is not to be blamed for the charges leveled against him.

CHARGES AGAINST SHRI B N SHARMA AND SHRI M L SANGAL

SUPDT B/R GRADE I AND SHRI B K MITTAL SUPDT B/P GFDS I

Articles of Charges I

'Lack of Supervision'

1. In order to exercise adequate effective and desired supervision during the execution of works one has to devote religiously his time at the sites where the works are going on. From the works diary produced by Shri B.N. Sharma during reply to Q.8 by the 10 it is evident that he had been visiting the sites daily from the signature found on the work diary. Further, it is also established that the works were inspected by various inspecting officers during the currency of the works and at no stage any adverse comments were recorded in respect of quality of work and materials of the contractor. GE also visited the works sites on the following dates as recorded in the work diary:

- (a) 15 Dec 73
- (b) 29 Dec 73
- (c) 24 Jan 74
- (d) 30 Jan 74
- (e) 13 Feb 74
- (f) 05 Mar 74
- (g) 13 Mar 74
- (h) 25 Jun 74

2. Bir Singh Basu CE J&K Zone, had also visited the works sites at Malpur (56 Engr Regt (on 7.12.73 as recorded in the work diary. No four notes nor any



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remarks on workmanship or lack of supervision has been circulated by the CWE or any senior officer as brought out by Shri Y V Narayana Rao (P.M.L) in his answer to Q.No. 20 of the 10. From the work diary it is also seen that B/R Gde Is employed on the two contracts had been present at site daily. The final bills in respect of CA No CWE/JP-9/73-74 and CWE/JP-19/73-74 were passed by CDA on 07 Mar 75 and 20 Mar 75, respectively, for payment based on the certificate endorsed by the G.E on the final bills as under (refer answer to Q. No 26 and 49 of PW 2 by Defence assistant of Shri B.N. Sharma and Shri B.K. Mittal:

" I have satisfied myself through inspection that the works entered above have been fully completed and that they have been executed in accordance with the contract."

3. The above certificate clearly indicates that the works were executed as per the contract agreements and the immediate superior of the engineer-in-Charge and the supervisory staff was fully satisfied with the supervision of the works and the specifications adopted by the contractor and the quality of work executed by the contractor.

4. Shri B.N. Sharma had already anticipated that excessive rain in the area would damage the pite and had suggested for provisions of lining in the pite in his comments on tender submitted vide No AGE/191 Inf Bde Letter No. CWE-9/JP/73-74/2/EB dated 04 Oct 73. The letter is attached as Annex I to this defence statement submitted during the inquiry. However, the CWE taking his comments into consideration had provided



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stutting and shoring which is not correct measure against damage/collepease of the rits and the contract provisions were not very clear as brought out by Shri Y V Narayana Rao (PW 1) in his answer to Q 27 by D-2 (defence assistant of S/Shri B.N. Sharma and B.K. Mittal). From the above facts brought out during the inquiry it is found that the charge stipulated in Article of charge I is not based on facts.

Article of Charges II

" (a) Did not provide shoring and structting in any of the soakage pits on the ground though a provisional sum of Rs. 11.200/- and Rs. 13,200/- were provided in the above contracts, which contributed to the collapse of Field Flush Latrine constructed under the above contracts thus causing huge loss to the state"

1. There was a provisional sum of Rs. 11.200/- and Rs. 13,200/- for provision of shoring and structting catered for in the contract agreements in discussion but the work to this effect was not ordered on the contractor as brought out by Shri Y V Narayana Rao (PW 1) in answer to Q 14 by the PO, This item was included in the contracts as an amendment keeping in view of the comments submitted by AGE 191 Inf Bde on the tender documents. He had suggested for provision of lining to the pits to prevent pits from caving in as the soil found in the area was lo se and sandy. This was clearly brought out by Sri Y V Narayana Rao (PW 1) in his answer to Q 16 by D-2 (defence assistant of S/Shri B.N. Sharma and B.K. Mittal). But however

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the contract provisions were not very clear as brought out by Shri Narayana Rao (PW1) in his answer to Q 27 by D-2 and the provisionsal sums catered for the scope of works to be carried out was not fully defined to meet the situational requirement as and when encountered. In fact the correct provision for prevention of pits from caving in should be the provisions of lining/ revetment and not shoring and structting as provisioned. It is evident that linking of provisional sums for shoring and structting with the provisions of revetment to the pits which was neither intended to be provided nor catered for in the CA is justified. The executives have been charged for not executing a work a mention of which was not within the scope of GA.

" (b) Certain ballies incorporated in the work were 8 cm mean dia instead of 10 cm mean dia ."

1. Certain ballies incorporated in the works were found to be 8 cms means dia instead of 10 cms means dia. Major K. M. Hin (PW2) in his answer to Q22 by the PO has brought out this aspect. Further Shri Fateh Singh (PMS) who happened to be the member of the staff G of I visited the site of the collapsed Handi Flush Latrines found that few ballies were less than 10 cms mean dia.

2. The ballies required to be incorporated in the works had been approved by the Engineer-in-Charge and checked by the suptd B/R Gde Is at night before the execution of works. The GE is also supposed to carry out percentage checks laid in the Regulations before payment of RAR and before submission of final bill.

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Further, the prosecution witness No. 3 (Shri Fateh Singh) could not produce details of measurements taken during his visit to the site of collapsed pits alongwith other members of the staff C of I (refer his answer to Q 51 by defence Assistant of S/Srhi B.N. Sharma and B.K. Mittal (D-2) Major KK Mohin (PW 2) had not clearly brought out the fact that the ballies were undersigned and he had certain reservations on the size of the ballies provided in the works. He (Major KK Mohin) being a technically qualified engineer who knows the building meterial very intima tely and his observat on deserve due consideration which is not based on instinct but on his professional knowledge and practical experience, Therefo re, linking of the collapse of pits with the undersigned ballies provided in the work is irrelevant and the charges have been formulated on opinion and not on facts and advice bearing sound technical knowledge.

" (c) Certain ballis were not properly creosoted and some were not creosoted at all as per contract with the result ballies which were not creosoted were found mostly eaten away by white ants."

1. During the examination cross examination and reexamination of Major KK Mohin (PW 2) and Shri Fateh singh (PW 3) it was established that certain ballies were not found properly creosoted and collapsed ballies were found eaten by white ants. In this connection refer to Ans: r of PW 2 by to Q 3 by 10 and Answer of PW 3 to Q 61 by D-2, certain light patches were observed on the kail wood ballies which proved that ballies



D. K. Singh

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were not creosoted properly. In accordance with the contract provision two coats of creosote oil treatment was to be applied with brush to all ballies before incorporating in the works.

2. Creosoting of timber is done to preserve it against deterioration and weather effect and by no stretch of imagination creosoting can be taken for granted as an anti-termite treatment. The area where the field plough lines were constructed is infested with termite and simple weathering treatment can not deter the termite action. Protection against weathering effects and anti-termite treatment are two different treatments and can not be achieved by only creosoting. Mr. Y V Narayana Rao (PW1) in his answer to Q 16 by 10 has brought out that creosoting protects timber from weathering action only. The "Pinus Specis" of the timber to which kail belongs is the most difficult timber to be treated and according to Govt of India publication. Meik on "The common commercial Timbers of India and Their uses" by H. Trotter, CIE, IFS (Reprinted 1959, Page 153) So far it has not been possible to obtain really good penetration in this wood (Kail). The extract is attached as Exhibit to defence statement of Sri B.N. Sharma. The content that the creosoting was found to be patchy clearly disproves the contention of the charge levelled and is devoid of any material substance to this aspect. This point has been brought out by PW2 and PES because of incorrect understanding and comprehension of in respect of method of creosoting to Kail wood and its end use.



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" (d) The cement mortar used on the dwarf wall were not cured properly with the result it did not attain full strength."

2. Prosecution witness No. 2 (Major KK Mohin) while answering to D4 by PO during re-examination has stated that the brick work did not appear to have been properly cured and did not attain full strength. Prosecution witness No. 3 (Shri Fateh Singh) has also brought out in reply to Q 32 by D-2 (defence assistant of S/Shri B.N. Sharma and BK Mittal) that the brick masonry work was not properly cured and it did not attain strength. However, to establish this fact no laboratory tests were carried out by the members of the staff C of I as stated by Shri Fateh Singh (PW 3) in his answer to Q 32 by D-2.

2. During and strength attained by any structure can not be assessed by visual observation. These aspects can not also be ascertained so easily after the event is over. It is evident from the work diaries that 15 to 16 water carriers per day were employed for carriage of water at the sites and these were mainly employed for curing of brick work and it testifies that curing was done adequately and visual observation made by Sri Fateh Singh (PW 3) can not be relied upon to prove this charge. Since the facts have not been based on proper analysis and tests, the charge levelled on this ground is not established.

" (e) The Earth filling at many places was more than of the specified thickness of 20 cms



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in the middle and contained percentage of stones as well."

2. The height to which the earth filling was to be provided over the CCI sheets of the pits was clear enough to the executives from the drawings as brought out by Maj KK Mohin (PW2) in his answer to Q 11 by the PO and he has further clarified in his answer to Q 32 by D-2, Sri Fateh Singh (P.3) has established while my examination in answer to Q-2 that earth filling over the pits was slightly more than 20 cms in the middle. However the eye witness could not produce documentary evidence of the measurement of earth filling taken during the visit to the site of the collapsed field Flush latrines.

2. The earth filling was found to contain only pebbles and not stones as brought out by PW 2 in his answer to Q 11 by the PO and PW 3 in his answer to Q 4 by IO during the inquiry. The method of measurement taken at site to determine the depth of the earth filling has not been corroborated by the PW 2 and 3 through both visited the site of collapse together. Measurements taken over corrugated sheets will definitely make a difference in the depth depending whether the measuring rod/tape touches the crest or trough. This charge levelled against the executives is irrelevant and not based on facts which seems to be the outcome of misunderstanding standing of the contract provisions and confusion created while taking measurements without really going into the outcome of the results no obtained.



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" (f) The earth filling over the soakage pits did not have the proper slope ."

1. Shri Fateh Singh (PW3) has brought out while answering to Q2 by me that the earth filling over the rites did not have proper slopes and he had confirmed while answering to Q 8 by D-2 (defencne assistant of S/Sri B.N. Sharma and B.K.Mittal) during cross - examination that measurements of the slope were not measured during the visit of the members of staff G of I at the sites of collages.

2. To establish this fact slopes should have been measured at site and properly recorded. This being physical, very accurate measurement can be taken with the instrument available with the department. This aspect should have been verified soon after the compilation of the works and not after 4-6 months. The members of the staff C of I visited the sites 4-6 months after completion of the work by then due to natural weathering effects espacially the rains during that season must have changed the profile to that originally provided by the contractor. Therefore, the findings of the C of I on this aspect on which the charge has been framed is not correct.


" (g) In certain places. two courses of brick work above UGI sheets were applied whereas in certain cases there were three courses of brick masonry above the CGI sheets resulting in the height of the dwarf walls at certain places of 22.5 cms above the CGI sheet through as per drawing the height.

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of the dwarf wall above CGI sheets should have been only 15 cms."

1. In this regard Sri B.N.Sharma in his defence statement has agreed to the fact that he had provided 3 courses of brick masonry over the CGI sheets as against two courses. His subordinates S/Sri H.L.Sangal and B.K.Nittal have carried out the orders of the engineer-in-Charge. This is very minor charge which has been incorporated in the works due to technical reasons and the executives at site are well within their right to go in for such minor changes which does not ultimately affect the overall design and the financial aspect and scope of contract provisions. This minor charge does not seem to have contributed any way to the collapses of field flush latrines and improper administration of contract or supervision of the executives.



* (h) The Bally structure gave a way at places due to failures of the cross belly in the middle and the joints between the cross bally and longitudinal ballyes was a butt joint using pails whereas the drawing showed a continuous line for the longitudinal ballyes."

1. Major KK Mohin (PW2) in his answer to Q 10 by the PO has confirmed that the bally structure have given way at some places in the middle and the joint between the cross and longitudinal ballyes was a butt joint using nails and shri Fateh Singh (PW 3) while answering to Q. 12 by PO has stated that few ballyes were found broken (both longitudinal and cross ballyes).

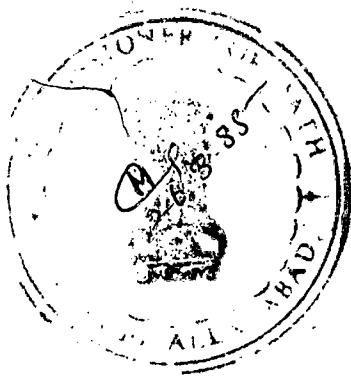
- 17 -

was a butt joint fixed with wire mails.

2. Shri Y V Narayanas Rao (PW 1) has clarified in his answer to Q 3 by PO during his re-examination that longitudinal ballies were required to be provided with spacers connected to the cross ballies with butt joint and wooden chokes and nails as per the contract drawing No CWE/WB-220/73 Sheet 1/1. The contention that the longitudinal ballies were to be provided in one piece as it was shown knotted in the contract drawing is a misconception and technically incorrect. The drawings have been followed in total at site by the executives. The bally structure found in the intact pits were also same as that found in collapsed pits as brought out during the inquiry. Therefore, this factor does not attribute to the collapse of field F flush Latrines. faulty execution, morkanship or sustandard material adopted in the contract.

"(j) The above lapses contributed to the collapse of the field Lush Latrines even before they were put into use."

1. Field Flush Latrines were constructed in HQ 10 Inf Div Sector during 73.74 under the two contracts ie CWE/JP-9/73-74 and CWE/JP-19/73-74 The works were completed on 31 May 74 and 30 Jun 74 , respectively. The filed Flush Latrines constructed against the above two contracts collapsed due to rains in the year 74 about 2-3 months after completion of the work. From the records it is evident that the Field Flush Latrines were handed over to the units as and when



[Handwritten signature]

completed and it had been in use for few months before the collapse. It is not correct to say that the Field Flush Latrines collapsed even before they were put into use. The final completion of the job a have been given on 30.6.74 and the collapse has been reported in Aug 74 which is after a month or so on issue of completion.

2. The findings of the s aff G62 I have not been based on facts but seems to have been based on visual observation and preconceived ideas. During the oral inquiry it has been found beyond doubt that the cause of the failure of Field Flush Latrines are not due to the reasons as stated in article of charge II. The observations/ reasons for the failure of the pits have been based on observations made on intact pits (ref: to answer by PW2 to Q11 by the PO) and answering Q62, 42, 53 and 59 during cross examination of the PW2 (Major KK Nohin) by D-2 (defendence assistant of S/Sri KN Sharma and BK Mittal)

3. It is obvious that when the pit was intact observations were common for both intact and collapsed pits goes without saying that the observations not contribute to the failure of the pits in any manner-

Station: C/o 56 Apo
Dated: 19 Mar 82

sd/-
(C.G. Manickan)
Major
Inquiry Officer

(TRUE COPY)

R16
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. OF 1985.

M.L.Sangal Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. X

From:

M.L.Sangal,
M-4 Amreshpuri,
Rae Bareli- 229001.

Dated: 31.10.1984

To, The Engineer-in-Chief's Branch,
Directorate of Cantonment Planning,
Army Head quarters
D H Q, PO NEW DELHI- 110011

DISCIPLINE: COURT OF INQUIRY FIELD
FLUSH LATRINES

Sir,

Reference your letter No. 84026/CPDt.19.10.84.

The acknowledgement to Ministry of Defence
order No. 78650/260/78/EID/1228/8/A/D(Lab) dt.2.12.83
addressed to me is enclosed in sextuplicate as desired.

Thanking you.

Yours faithfully

sd/-
(M.L. Sangal)
M-4, Amreshpuri,
Rae Bareli
MES- 8464616
SUPDT B/R I

Enclos: As above/

(TRUE COPY)

Telephone: 375930

REGISTERED A11

Sena Shivir Yojana Nidesalay
Premukh Engineer Shakha
Thal Sana Yukhaleya
Directorate of Cantonment
Planning
Engineer-in-Chief's Branch
Army Head quarters
HQ PO New Delhi.

84026/CP

19, Oct' 84

Shri Mohan Lal Sangal, Supdt B/R Gde. I

B-309 Indira Nagar, Lucknow (UP)

DISCIPLINE: COURT OF INQUIRY RELATING TO FIELD
LUSH L TRILLS CONSTRUCTED BY IES FOR UNITS AT
KHNOOR COLLAPSES DUE TO RAINS BE FORE PUTTING
TO HIGH INTO USE.

2. Ministry of Defence order No. 78650/260/78/LID
1228/S/A/D (lab) dtd 02, Dec 83 addressed to IES-
8464616 Shri Mohan Lal Sangal Supdt B/R Gde. I alongwith
a copy of oral Inquiry report received from GE(North)
Ambala vide their letter No.C-320/ILS/64/EIC dt.02 Jan,
84 is sent herewith. The acknowledgement is taken of
having been received the said documents may please be
sent to this dte in six triplicate for onward transmission
to GE (North) Ambala.

Encl: As stated

sd/-
(Lakhmi Singh)
ACSO/CP
For Engineer-In-Chief

Copy to:

Shri Mohan Sangal Supdt B/R Gde. I
H-4, Amneshpuri Rae Barelli.

Documents mention above
have been sent on your
above address in original
The receipt in six triplicate
may be sent this office urgently.

(TRUE COPY)



ATB

No. 78650/260/78/EID/1228/S/A/D(Lab) 74

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE

New Delhi, the 2nd Dec. 1983.

ORDER

Whereas, disciplinary proceedings as for major penalty was instituted against Sri M. L. Sangal, Supdt. B/R Gde-I, under Rule 14 of the CCS(CC&A) Rules, 1965 vide memorandum No. 78650/260/78/EID/S/D(Lab), dated 9.1.80.

AND whereas an oral inquiry was held since the charges framed against the said Sri M. L. Sangal Supdt B/R Gde-I were denied by him and the inquiry Officer has finalised the oral inquiry and has found the said Sri M. L. Sangal, Supdt. B/R Gde-I not guilty of the charges framed against him as per copy of the Inquiry report alongwith the findings of the Inquiry Officer enclosed.

AND WHEREAS the President has considered the oral inquiry proceedings and the findings of the inquiry officer and does not agree with the view expressed by him that the said Sri M. L. Sangal Supdt B/R Gde-I is not guilty of the charges framed against him and finds that there have been lapses in the supervision of the work in that the ballies incorporated in the work were undersized and that certain ballies were not properly creosoted. Sri M. L. Sangal Supdt. B/R Gde-I being one of the supervisory staff is, therefore, responsible for the above lapse.

Now therefore the President hereby awards the Penalty of 'SENSEUR' to Sri M. L. Sangal Supdt. B/R Gde-I under Rule 12 of the C.C.S (CC&A) Rules 1965.

By order and in the name of the President.

sd/-

(R. D. Rajvanshi)

Under Secretary to the Govt of India.

to:

Sri M. L. Sangal, Singdt. B/R Gde-I
Through E-in-C Branch/EID.

TRUE COPY

D. R. D. Rajvanshi

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. OF 1985.

M.L.Sengal Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. XI

REGISTERED F.A.D.

To Garrison Engineer (North)
Ambala
Ambala Cantt.

Dear Sir,

Re: Presiding Officer telegramme dated
6.5.1982.

I would like to submit the following :-

1. That the Inquiry order do not relate to my proceeding on leave but to my not attending the Inquiry which I reserved the option pending availability of my Govt. assisting officer Sri Pandeya till 10.4.82. It could be spared for attending Inquiry well, it may be safely argued, that I could be spared in case of no Inquiry.

2. I have submitted detailed position in my letter dated 18.12.81 and subsequent letters. I also received a movement order dated 8.12.81 which was never presented to me and was subsequently sent at my leave address, obviously, to cover up the issue in which unnecessary



[Handwritten signature]

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- 2 -

guilt was deemed to have been attached to GE's office by local higher office and for that matter by Adm. officer and thus followed the telegrams and letter by GE that "Leave not sanctioned, attend inquiry". Thus, not sanctioning of leave was only "AFTER THOUGHT".

3. In any case, how could the deptt force me to attend the inquiry which I clearly reserved option for not attending as it wouldnot have been in my interest without my Govt. assisting officer and how could GE be responsible for my not attending the Inquiry. It will be in right of things to ask Adm. Officer for misguiding the concerned officers, including issue of movement order BACK DATED, as a result.

4. I have clearly and submissively explained in my communications that imputations attached with me to the effect that I ran off avoiding inquiry are just not correct. After all, I have also served the deptt for good 22 years sincerely.

5. You are requested to kindly refer my following communications .

(i) Telegram dated 18.12.81 from Bhilai.

(ii) Letter dated 29.1.82.

(iii) Letter dated 6.3.82.

(iv) Letter dated 1.4.82.

6. Again, it has been indicated by GE's office in their letter dated 28.4.82 that my letter dated 18.12.81 has not been received. Though I have sent a copy in my letter dated 29.1.82, Post Office has

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- 3 -

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also confirmed that letter has been duly delivered in GE's Office. Inquiry should be convened for misplacement of letter and particularly for not asking me for a copy. I hope there is no foul play under directions.

In view of above facts, I hope that considering the irrelevancy of the inquiry, if shall be cancelled by your goodself.

Thanking you.

Yours faithfully

sd/-

(M .L. Sangal)

Copy :- Presiding Officer
and through
G E(N) Ambala.

Sir,

(a) Convening order is received.

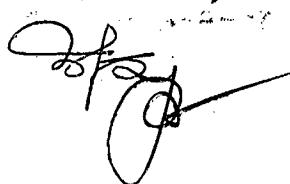
(b) Incase convening order is not cancelled, the letter and my letter may be treated as my statement.

(c) You may like to send some questions to witness. I shall send you my written answer :- I am not in position to leave.

(d) I hope the inquiry will be carrying justice.

(M.I. Sangal)

(TRUE COPY)





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UNDER CERTIFICATE OF POSTING

To.

G E (N) Ambala

Ambala Cantt.

LEAVE

Sir,

Further to my letter dated 1.4.1982 ,

I request you to kindly grant me leave for a

further period of 2 months.

Thanking you.

Yours faithfully

sd/-

(M.L.SANGAL)

2/6



Singh

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO.

OF 1985.

M. I. Sangal

.....

Petitioner

Versus

Union of India and others

Opp. parties

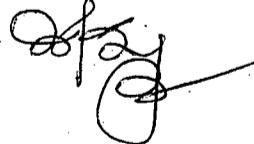
ANNEXURE NO. XII

PART II

LEAVE:

2. 8464616 Sh. Mohan Lal	9.12.81 Gtd=156 days EL upto 13.5.82.
Sangal Supdt B/RI (Now under E-in-C's B)	14.5.82 Gtd 412 days HPL on MC upto 29.6.83
	30.6.83 Gtd 310 days ECL W/O P&A with MC upto 4.5.84
	Bal EL/HPL-Nil

(TRUE COPY)



(A.R.U) 15078

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

WRIT PETITION NO.

OF 1985.

M. L. Sangal Petitioner

Versus

Union of India and other.... Opp. Parties

ANNEXURE NO. 13

Under Certificate of Posting

M. L. Sangal M-4 Amreshpuri,
Rae Bareli-229001
(U.P.)

06-6-84

The Controller of Defence Accounts,
(Pensions)
ALLAHABAD.

SERVICE VERIFICATION

Sir,

I beg to state that I intend to take voluntary
retirement under rule 48-A. I have already completed
more than 20 years service.

Necessary particulars are given below:-

1. No & Name : MES-8464616
MOHAN LAL SANGAL
2. Present Designation : Supdt B/R Gd. I
3. Present place of Posting : Directorate of Planning
E-in-C's branch since
05/5/84
4. Posted from to the Present formation: : GE (North)
Ambala.
5. Date of appointment : 7.12.59
as Supdt B/R II
6. Date of promotion to Supdt B/R Gd-I : 16.7.63
(Seniority from 26.7.63)

7. Presently on Leave
w.e.f. 22.5.84

You are requested to kindly verify the qualifying service till 21.5.84 at the earliest and send verification to CEWC Simla under intimation to me at my following address. I shall be highly grateful.

Thanking you,

Yours faithfully

sd/-

(M L SANGAL)

MES 8464616

Address :- Sup dt B/R. I

M L SANGAL
M-4 Amreshpuri
Rae-Bareli- 229001 (U.P.)

C.C.: The Chief Engineer, Western Command, Simla.

(TRUE COPY)

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D.S.



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

WRIT PETITION NO. OF 1985.

M. L. Sangal Petitioner
Versus
Union of India and others Opp. parties

ANNEXURE NO. XIV

To
The Chief Engineer,
Western Command,
Simla.
(THROUGH PROPER CHANNEL)

APPLICATION FOR VOLUNTARY RETIREMENT

Sir,

Under the voluntary retirement scheme a Govt. servant can retire after he has completed 20 years qualifying service. reference Rule : 48-A of pension Rules.

I hereby elect to retire under the said scheme with 3 months notice effective from today the 12.6.84.

I have completed more than 24 years service, date of appointment being December 07, 1959.

You are requested to kindly accept the retirement.

I shall be highly obliged.

Thanking you,

Yours faithfully

sd/-
(M. L. SANGAL)
NFS- 8464616
Directorate of Contt.
Planning. E.in-C's Branch
on leave : NOT DUE

Address:
M-4, Amreshpuri,
Rae Bareli.

Dated: 12.6.1984.

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

WRIT PETITION NO. OF 1985.

M. L. Sangal Petitioner
Versus
Union of India and others Opp. parties

ANNEXURE NO. XV

REGISTERED A/D

No A/33216 /CAO/A-6
BHARAT SARKAR RAKSHA MANTRALAYA
Mukhya Prashasan Adhikari Ka Karyalaya
New Delhi, dated the July 1984.

MEMORANDUM

Sub: UNAUTHORISED ABSENCE FROM DUTY.

It has been reported that Sri Mohan Lal Supdt. B/R I CinC' Branch Ministry of Defence is absent from duty with effect from 21.6.84 without any information permission. He is therefore, directed to report for duty immediately, In case, he is sick, he shall submit medical certificate from a Government doctor in support of his sickness, In case of his failure to comply with these instructions within seven days from the issue of this Memorandum, he will render himself liable to disciplinary action. In the meanwhile his absence from duty is being treated as unauthorised.

sd/-
Kritiye Mukhya Prashan Adhikari

To

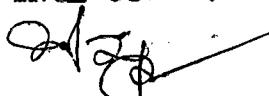
Sri Mohan Lal Supdt B/R I
B-309 Indira Nagar, Lucknow

Sri Mohan Lal Supdt B/R I
M-4, Amneshpuri Rae Bareli.

Copy to:

EicC' Branch/CP writ ehir No. 84026/CP
dated 25.6.84.

(TRUE COPY)



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

WRIT PETITION NO. OF 1985.

M.L. Sangal Petitioner

Versus

Union of India & others Opp. parties

ANNEXURE NO. XVI

To,

C A O.
E-in-C8s Branch
Army HQ, Kashmir House
New Delhi.

Dt. 15.7.84.

LEAVE : VOLUNTARY RETIRMENT

Sir,

In reference to your memorandum no. A/33216/CAO/A-6 dt. 09 July 1984, I beg to state that I have applied for voluntary retirement vide my application dt. 12.6.84 addressed to CEWC Simla sent through DCP, E-in-C's branch duly acknowledged on 18.6.84 (copy enclosed for ready reference.)


Due to circumstances, I am not returning to duty and as such retirement shall be effective from 22.5.84- the date my leave commenced. Kindly refer Govt of India decision No. (i) GI, Department of Personnel and AR, CM No. 25013/3/79-Ests (A) dt. 28.7.1979, appended below for ready reference:-

"If a Government servant retires under the Scheme of voluntary retirement while he is on leave 'NOT DUE' without returning to duty the retirement shall take effect from the date

of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered as provided in Rule 31 of the CCS (Leave) Rules 1972 ".

You may, therefore, take appropriate action in further regularising the case, may pay and allowances and other dues upto 21.5.84, pension papers and suitable apprising CEWC, Simla, Formal application addressed to CEWC Simla is also enclosed. I shall be highly grateful.

Thanking you.

Yours faithfully

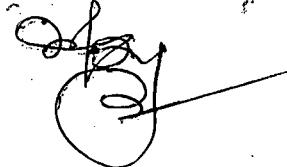
sd/-

MES 8464616
(M. L. Sangal)
16.7.84

Address : Mohan Lal Sangal,
M-4, Amreshpuri
Rae. Bareli

CC:- ① CP, E.in-C's branch, Army HQ, Kashmir House.
New Delhi.

(True copy)





ACIC

BY

8/9

(C O P Y)

To

The Chief Engineer
Western Command,
SIMLA

(THROUGH PROPER CHANNEL)

APPLICATION FOR VOLUNTARY RETIREMENT

Sir,

Under the voluntary retirement scheme a Govt servant can retire after he has completed 20 years qualifying service reference Rule : 48-A of pension Rules.

I hereby elect to retire under the said scheme with 3 months notice effective from today the 12.6.84.

I have completed more than 24 years service, date of appointment being December 07, 1969.

You are requested to kindly accept the retirement. I shall be highly obliged.

Thanking you,

Yours faithfully

(M.L.SANGAL)
MES 8464616

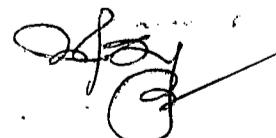
Directorate of Cantt Plan-
ning E-in-C's Branch on
leave ' NOT DUE '

ADDRESS:

M-4, Amreshpuri
Rae Bareilly

Dated: 12.6.84.

(TRUE COPY)





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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. OF 1985.

M.L. Sangal

.....

Petitioner

Versus

Union of India & others Opp. parties

ANNEXURE NO. EX-XVII

Telephone: 375930

REGISTERED A&D

Sena Bhivir Yojana Nidesa-
laya, Pramukh Engineer Sahka-
Thal Sena Mukhalaya
Directorate of Cantonement
Planning Engineer-in-Chief
Branch, Army Head quarters
DHQ PO New Delhi.

84026/CF

19 Oct ' 84

Shri Mohan Lal Sangal Supdt B/R Gde-I
B-309, India Nagar, Lucknow (UP).

VOLUNTARY RETIREMENT ON COMPLETION OF 20 YEARS
SERVICE: THREE MONTHS NOTICE: MES-8464616
MOHAN LAL SANGAL SUPDT B/R I

1. A copy of Head quarters Western Command Shimla
letter No. 32096/E-in-C/146 EID dated 21 Aug 84 on the
above subject is sent herewith for your information.

2. Your notices of voluntary retirement has not been
accepted by Head quarters western command. Shimla and
it is advised that you may resume duty immediately.

Encl: as stated.

sd/-

(Lakhmi Singh)
A&SOpCf
For Engineer-in-Chief

Copy to: Sri Mohan Lal supdt B/R Gde-I
M-4 Hemeshpur Bai Bareli.

Documents mentioned above
have been sent on your above
address in original. The
receipt in six duplicate
in six by sent to this
office urgently,



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1/88 89

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

WRIT PETITION NO. OF 1985.

M.L. Sangal Petitioner

Versus

Union of India and other Opp. parties

ANNEXURE NO. XVIII

CONFIDENTIAL

COPY

Shimla Tele: 3421/554

Mukhyalaya Paschimi Kaman
HQ Western Command
Engineer Branch
Shimla- 171003

32096/EincC/146/EID

21 Aug. 84

Engineer in Chief Branch
Directorate of Cantt Planning
Army Headquarters
DHQ PO New Delhi-11

VOLUNTARY RETIREMENT ON COMPLETION OF 20YEARS

SERVICE : THREE MONTHS NOTICE: MES- 8464616

SHRI MOHAN LAL SANGAL SUP DT B/R I

1. Reference your HQ letter No. 78158/E Coord I dated 18 Jun. 84.

2. As per the policy instructions contained in our 32096/149/EID dated 27 Nov 78. MES-8464616 Shri Mohan Lal Sangal supdt B/R Gde I can tender notice of voluntary retirement after verification of his qualifying service by CDA (P) Allahabad.

3. Incidentally it is pointed out that a disciplinary case concerning his absence from duty



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without getting the leave sanctioned during Dec. 81 is still pending as per our records with CE Chandigarh Zone. However, CE Chandigarh Zone is being requested to intimate latest progress of the case.

4. In view of the above, Sri Sangal may please be advised to give the necessary notice of voluntary retirements after he is cleared of the disciplinary case for acceptance by us.

5. With a view to avoid delay, his title of qualifying service for pension is being got verified by CDA (P) Allahabad.

6. During the pendency of above disciplinary case and position as brought out in para -2 above his request for voluntary retirement, it is regretted, can not be accepted at this stage.

sd/-XXXXXX

(Puran Dass)
AO I
Chief Engineer

Copy to :-
Chief Engineer
Chandigarh Zone
Chandigarh

-Please connect the correspondence resting vide our 3100/125/119/EID dt. 07 Mar 83 and intimate action taker for regularisation of absence from duty
-Get your ION No. 32901/E-in-C/65/ML/2/EIR(I)(Pens) dt. 14 Aug 85 for early necessary action as per para - 5 above.

CONFIDENTIAL

(TRUE COPY)



Ran 88

1/90 83

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO.

OF 1985.

M. L. Sangal

.....

Petitioner

Versus

Union of India and others Opp. parties

ANNEXURE NO. XIX

From:
M. L. Sangal
M-4, Amreshpuri
Rae-Bareli

Registered A.D.

Dated: 31.10.84

To

The Engineer-in-Chief's Branch
Directorate of Cantonment Planning,
Army Headquarters.
D H Q, New Delhi- 110011.

VOLUNTARY RETIREMENT ON COMPLETION OF 20
years service

Sir,

Reference your letter No. 84026/CP dated 19.10.84 alongwith CEWC Simla letter No. 32096/EINC/146 EID dated 21.8.84 (copy received under your above letter)

2. I had served 3 months notice on 12.6.84 and the non acceptance was to be conveyed to me before the expiry of the notice period i.e. by 11.9.84. I am, therefore, deemed to be retired voluntarily under Rule 48-A and retirement takes effect from 22.5.84 as brought out in my letter dt. 16.7.84.

3. Without prejudice to the above, I humbly submit that the case does not appear to have been dealt on merit it deserved. In that both the points raised by CEWC office in their letter dated 21.3.84



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- 2 -

would have been sorted out long back as explained below:-

a) Disciplinary case for regularisation of absence w.e.f. December '81.

The leave has since been regularised by GE North Ambala vide part II order No. 23 dt. 4.6.84, copy of which would have been endorsed to your office. A photostat copy of the same is enclosed for ready reference. As such no disciplinary case is pending against me.

b) Verification of service by CDA (P) Allahabad. It is stated that I have served in the Department since 7.12.59 on regular appointment without interruption, any casual service or on deputation. Records for the same are available with the Deptt. Verification by CDA (P) remains a formality.

Nevertheless, the verification would have been completed by CDA (P) by now as the case was to be in process on 21.8.84, as mentioned in CEWC Simla letter and it is already more than 2 months.

If the verification of service is still not done, CDA (P) may be referred to expedite without further delay.

I, therefore, undertake the responsibility and consequences in case qualifying service is found to be less on verification by CDA (P).

Since I am not returning to duty, as submitted in my letter dated 16.7.84, the retirement is operative from 22.5.84.



[Signature]

4. You are, therefore, requested to kindly progress pension papers, payment of G P Fund accumulations, Gratuity with maximum admissible part of pension amount to be commuted on priority.

It is further requested that my pay and allowances for the period of 1.2.82 to 21.5.84 may kindly be paid at the earliest as I am facing acute financial hardship. I shall be highly grateful.

Thanking you.

Yours faithfully

(M L SANGAL)
M-4, Amreshpuri,
Rae-Bareli-229 001

Enclos: As above/

(TRUE COPY)

[Signature]



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

WRIT PETITION NO. OF 1985.

M.L.Sangal

Petitioner

Versus

Union of India & others Opp. parties

ANNEXURE NO. XX

Telephone: 375930

REGISTERED ~~7A D~~
Sena Shivir Yojana Nidesalay
Premukh Engineer Shkha
Thal Sena Mukhalaya
Directorate of Cantonment
Planning
Engineer-in-Chief's Branch
Army Head quarters
DHQ PO New Delhi

84026/CP

05 Feb' 85

Sri Mohan Lal Sangal, Supdt B/R Gde-I
M-4 Amneshpura Rae Bareli-229001 (UP)

VOLUNTARY RETIREMENT ON COMPLETION OF 20 YEARS

SERVICE THREE MONTHS NOTICE: MSS-8464616 SHRI

MOHAN LAL SANGAL SUPDT B/R L.

1. A copy of Ce. Wc Shimla letter No. 32096/EINC/1
EID dated 27 Nov 84 added to Bharat Sankat Raksha
Mantralaya New Delhi & copy to CE Chandigarh Zone &
EIR-I (Pens),, on the above subject is sent herewith
for your information.

Encl: One

sd/Rs

(Lakhmi Singh)
ACSO/CP
For Engineer-in-Chief

(TRUE COPY)



ATC 92
94
X/

Copy of CE WC Shimla letter No. 32096/EINC/151/EID
dated 27 Nov 84 added to Bharat Sarkar, Raksha Mantrala
laya New Delhi & copy to CE Chandigarh Zone & EIR-I
(Pens).

VOLUNTARY RETIREMENT ON COMPLETION OF 20 YEARS
SERVICE THREE MONTHS NOTICE: MES- 8464616 Shri
MOHAN LAL SANGAL SUPDT B/R. I.

1. Reference your letter No. A/33216/CAO/A-6
dated 18 Oct 84.
2. It is seen from your letter under reference
that the instructions contained in this HQ letter No.
32096/EINC/146/EID dated 21 Aug 84 have not been
conveyed to the individual. Resultantly individual has
given 3 months voluntary retirement notice while on
leave taking protection of Govt of India Department of
personnel & AR, CM No. 25013/379-Ests (A) dated 28 July
79 which is incorrect Individual who-so-ever is interested
to have voluntary retirement should be will aware
of the procedure of the department. However, voluntary
retirement notice of Sri M.L.Sangal can not be accepted
on account of the following reasons:-
 - (a) the verification of his qualifying service
by the CDA (P) Allahabad has not yet been done
 - (b) the verification of his qualifying service
by the CDA (P) Allahabad has not yet been done
 - (c) A disciplinary case concerning of his
absence from duty without getting the leave
sanctioned during Dec 81 is still pending
as per our records with CE Chandigarh Zone.



3. During the pendency of disciplinary case an
the postion as brought out para-2 (a) above, his
request for voluntary retirement can not be accepted

Agg

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at this stage.

4. In view of above, the individual may please be suitably informed to join duty in his own interest and he can render fresh 3 months notice after the clearance of above mentioned points.

sd/-

(BB Uthayya)
Lt Col
SOI (Pers)
Chief Engineer

Copy to:

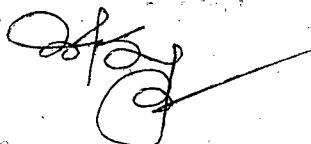
Chief Engineer
Chandigarh Zone
Chandigarh

You were requested to intimate this HQ regarding action taken for regularisation of absence from duty vide this HQ letter 32096/E INC/146/EID dated 21 Aug 84 which is still awaited. This HQ may please be apprised of the position without further loss of time.

Case 31000/125/EID
I/D EIR-I(Pens)

Wrt his No. 32901/E INC/65
ML/6/EIR-I(Pens) dt. 22 Nov
84, Please take necessary
action for his service
verification.

(TRUE COPY)



AIC 8/9

In the Name of High Court of Judicature at Allahabad

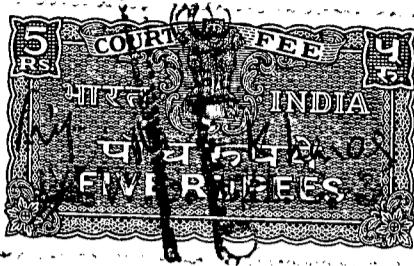
ब अदालत श्रीमान

Sitting at Lucknow

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दाअलेह)

का ८



M. L. Singal

वादी (मुद्दे)

बनाम *Union of India*

प्रतिवादी (मुदालेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Mr. Meher Shapurji Kharas, महोदय
एडवोकेट
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व इश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से दिगरी
जारी करावें और स्पष्ट वसूल करें या सुलहनामा या इवाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या इन्हें
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें
या कोई रूपया जमा करें या हमारी या दिक्षा (परीक्ष साजी) का
दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युवत (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि इमाण रहे और समय पर काम आवे।

हस्ताक्षर.....

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना

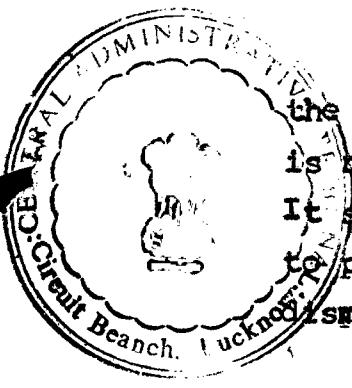
Central Administrative Tribunal
Circuit Bench Lucknow.
T.A.NO.1720 of 1987(T)
(W.P.NO.1382 of 85)

(AU) X/6

M.L.Sanghal Applicant/petitioner
Versus
Union of India &0thrs..... Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.
Hon'ble Mr.A.B.Gorthi, A.M.

Dated: 1.7.1991.


Dr.Dinesh Chandra is present on behalf of
the respondents. It is seen that the applicant
is not appearing from so many date in the case.
It seemed that the applicant is not interested
to prosecute the case. The application is
dismissed for default of the applicant.

A.M. V.C.

Chandu
// True copy //

RS.M.

RD Wg
D.C. 2/2
11/91
Section Officer,
Central Administrative Tribunal
Circuit Bench
LUCKNOW