

Central Administrative Tribunal
Lucknow Bench

Cause Title TA/201/87 of 1998

Name of the Parties Atand S. v. P. Bhatnagar Applicant
Versus

The Union of India Respondents.

Part A - P.C.

Sl. No.

Description of documents

Date

- | | | |
|----|-----------------------|---------|
| 1. | Check List | |
| 2. | Order Sheet. | A1 - A3 |
| 3. | Judgment. dt 21.3.92 | A1 - A3 |
| 4. | Petition Copy. | A1 - A3 |
| 5. | Annexure. | |
| 6. | Power .. | |
| 7. | Counter Affidavit. | |
| 8. | Rejoinder Affidavit. | |
| | High Court dt 14.4.92 | A4 |
| | Amendment dt 4.5.92 | A4 - A7 |
| | B-File | |
| | 10.9.92 | |

R/C

B-File 13.1.92

C-File (1.1.92)

CENTRAL ADMINISTRATIVE TRIBUNAL
LICKNUT, OHIO

Application No - - - - - of 19


Transfer application No - - - - - of 19

Original Writ Petition No - - - - - of 19

CERTIFICATE

Certified that not further action is required to
to be taken and that the case is fit for consignment in the
record room.

Counter Signed.


Signature of the
Dealing Assistant.

Section Officer/Court Officer.

T.A. 1741/87

(A2)

22.10.91 X
D.R.

Counsel for the
applicant is present.

He desires to incor-
porate amendment

by 31/10/91

31.10.91
D.R.

Applicant is present.

He has incorporated
the amendment "today"
vide order of Hon.

Bench dt. 8.3.91.

Now this case is listed
for orders before the

Hon. Bench on 8/11/91.

8/11

He further attributes
has wrongly incorporated
amendment.

S. before DR

h
4/4/95

8.11.91 Counsel has already
been filed in
this case on 8-3-91
office reports that
amendment
application ~~was~~
is still pending

and incorporation
of amendment
has wrongly
been done.

I pursued

the order

dated 8-3-91

I found that

~~change~~ case

be to ~~first~~ place

up for order

before the

Honble Bench

on 11.12.91 in
this regard

R

11/12/91

Due to sad demise of Sri B.D. Chakraborty
adj. to 12.12.91.

L

11/12

B.O.C

12.12.91

Due to sad demise of
Sri B.D. Chakraborty adv.
reference made by
Bar Association Case
is adj. to 13-12-91.

B.O.C

12

13-12-91

Hon. Mr. Justice V.C. Srinivasan

Adjourned this case on
3-3-92 for Orders.

20-12-91

Hon. Mr. Justice V.C. Srinivasan, VC V.C.

By this application the applicant
has been stated that no interim
order granted was not prescribed
on that date. The following
orders are being passed.

On the mean time it
will be open for the
respondents to consider
the case of the applicant
for the time bound promotion.

Counter affidavit may
be filed within 4 weeks,

VC.

3-3-92

Hon. Mr. Justice V.C. Srinivasan, VC
Hon. Mr. A.B. Gowth, A.M.

The learned counsel for the applicant
states that despite direction given by
the Tribunal, applicant's case has not
yet been considered, but has not been
stated by means of an affidavit. Only
thereafter, contempt proceedings can be
initiated against the respondent, but too
order on 27-4-92

Received
A.K. Bhargava
24/12/91

Received
copy
D.P. Shree
c/o V.C. Srinivasan
Advocate
14-1-92

Received
A.K. Bhargava
13/3/92

Q

AM

VC

27.4.92

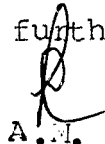
Mr. Sing of D.M. appn
18.5.92

or
5/20
15.5

18.5.92.

Hon'ble Mr. Justice U.C. Srivastava - V.C.
Hon'ble Mr. K. Obayya - A.M.

List this case day after tomorrow for
(LPS) further orders.


A.M.


V.C.

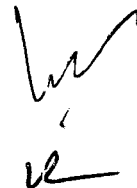
19.5.92

Hon'ble Mr. Justice U.C. Srivastava
Hon'ble Mr. K. Obayya A.M.

Learned Counsel for the
appn. cont. in aol. present -
today. L.M. in case on 20.5.92
for hearing

2


A.M.


V.C.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 1741/87*
W.P. No. 1892/85 OF

NAME OF THE PARTIES *Amant Suroop Bhatnagar* Applicant

Versus

U.D.I. Bar Respondent

Part A.

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3	<i>Judgment order dt 21-5-92</i>	<i>A6 to A9</i>
4	<i>writ petition / annexure</i>	<i>A10 to A26</i>
5	<i>Power</i>	<i>A27</i>
6	<i>Com. No 5227 Interim relief Appli</i>	<i>A28 to A29</i>
7	<i>C.D. / Counter Affidavit</i>	<i>A30 to A40</i>
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9	<i>Amendment Article 226</i>	<i>A42 to A61</i>
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11	<i>Amendment Appli</i>	<i>A72 to A81</i>
12	<i>Power</i>	<i>A82</i>
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

checked → Dated *29-9-11*.....

Counter Signed.....

30/9/11
Section Officer/In charge

m
Signature of the
Dealing Assistant

(A4)

K/76

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Registration T.A. No. 1741 of 1987

(W.P. No. 1892 of 1985)

Anand Swaroop Bhatnagar Applicant.
Petitioner.

Versus

The Union of India and another Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who passed his High School Examination was selected on merit on the post of 'Time Scale Clerk' in the then prevailing scale of R . 110-240 w.e.f. 15.10.1968, this post has been redesignated as 'Postal Assistant' in the scale of Rs. 260-480. The applicant is also graduate and he appeared in the competitive examination for his promotion to the post of 'Upper Division Clerk', the said examination was held in the year 1979 and the applicant was selected for the promotion and he joined the post of Upper Division Clerk w.e.f. 17.5.1980 in the scale of Rs. 330-560. It appears that ~~at~~ some dispute was going on between the employees and the employer and the matter was referred to the Joint Consultative Committee which on 30.11.1983 took a decision that the various members of the staff, class- III and class-IV may be given 'Time Bound there Promotion' meaning by the promotion to the next higher post if they have completed service of 16 years on one post. The applicant who was not confirmed on the post of 'Upper Division Clerk, but was confirmed on the post of Postal Assistant, on which post he was still maintaining his lien as per his allegation and has completed 16 years of service

Contd ... 20/-

on 15.10.1984, as Postal Assistant and was thus entitled for time bound promotion to the lower selection grade in the scale of Rs.425-640. He also applied for the same by submitting his application to the Post Master General U.P. Circle Lucknow. This scheme was introduced for employees working in ~~the~~ the Operative Unit of the Post and Telegraph Department. According to the applicant, the benefit of the same was given to one set of the employees of the department and was denied to the other set of employees of the same department. But as the benefit of the same instead of being given to those employees who were working in the operative unit ^{not} was given to the employees working in the office of Post Master General, U.P. Lucknow.

2. The respondents vide a letter dated 28.1.1985 informed him that his request for reversion dated 17.10.1984 was rejected by the post Master General and feeling aggrieved, the applicant has approached ~~to~~ the High Court of Lucknow Bench which by operation of law has been transferred to this Tribunal. The respondents have opposed the application of the applicant and have filed a counter affidavit. According to them, a time bound promotion scheme was extended to the members of the staff subject to their completion of 16 years service and as such, it was extended to the officials borne in operative posts in operative offices i.e. staff working in post offices and not to those working on the strength of administrative offices like P.M.G. office etc. The applicant was working in the P.M.G. office as U.D.C. and stood absorbed and would be confirmed in that cadre in the course of time and as he has been enjoying the benefit of promotion to U.D.C. post from 1980 in that grade, and was given appointment on clear vacancy and that is why his case for reversion

was not accepted and was rejected. It was pointed out by the respondents that the undoubtedly, the reversion was governed by the D.G.P.T's letter dated 10.10.1984. The operative portion of this letter reads as here Under;

" It has therefore further been decided that henceforth for dealing with the request for reversion to time scale clerical cadre in respect of U.D.C's the procedure laid down in this office letter dated 30th November, 1976 will be followed. Each request will be examined in the circle office on merits and cases deserving special dispensation may be referred to this office for decision with the personal recommendation of additional P.M.G./P.M.G./G.M.T. It may be ensured that due regard is given to vacancy position in the cadre of U.D.C./C.O. and the interest of service while taking up individual case with this office."

3. From the facts, it is evident that undoubtedly, the applicant appeared in the U.D.C. examination in which he succeeded and thereafter got the appointment but on the said post he was neither absorbed in the P.M.G. Office nor was confirmed on the post of U.D.C. and that is why he also applied for reversion so that he may be benefitted by the time bound promotion scheme. In certain cases reversion was allowed, although the respondents have tried to explain the same, but in the time bound scheme, all those who have completed 16 years got to be promoted and the same could not be co-related with the vacancy position as the circular dated 10.10.1984 has not been made dependent on the number of vacancies available, in case it has been made dependent on the number of vacancies available, the language would have been some what different and they would have laid down certain criteria in this behalf but the same was not laid down. Merely because

(A7)


A/a

- 4 -

the applicant has been benefitted by promotion in U.D.C. which he got by way of competitive examination and that itself was not a good ground for rejecting his prayer for reversion which would have enabled him to get time bound promotion scheme. The respondents did not consider the prayer of the applicant in comparing his case with the cases of others who were allowed reversion.

4. Accordingly, the respondents are directed to consider the case of the applicant for reversion within a period of 3 months from the date of communication of this order, and in case his prayer is granted, he may also be given time bound promotion with effect from the date others have been given the said promotion, may be for a particular period notionally and thereafter actually. The application is disposed of with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 21.5.1992

(n.u.)

CIVIL

SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 1892 - 88

Name of parties

Anand Sumanp Bhatnaga. v. Union of India

Date of institution

30.4.88

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with affidavit	17		102.00			
		and 277 Annexes						
	2.	Power	1		5.00			
	3.	Contd 56-27 (10) of 88 p. 54	11		7.00			
	4.	Memo.	1		-			
	5.	Best Copy						
	5	ack sheet	1		-			
	6.	Best Copy.	1					

I have this day of 198 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date

Munsarim

Clerk

GROUP A15 (4)

X (A9)
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1. The first of the three
2. The second of the three
3. The third of the three
4. The fourth of the three
5. The fifth of the three
6. The sixth of the three
7. The seventh of the three
8. The eighth of the three
9. The ninth of the three
10. The tenth of the three

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19
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Amendment

→ O.P. No. 1 Secretary,
Department of Posts
New Delhi

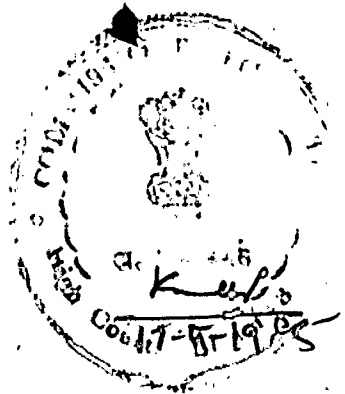
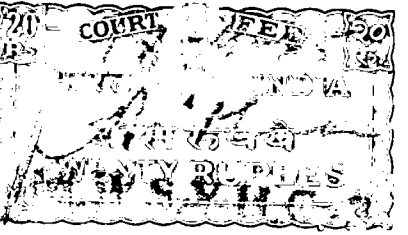
→ O.P. No. 2 Chief Post Master
General, Uttar Pradesh
Meerut.

A.K. Bhattacharya
to
General Secy.
Post Office
Department
incorporation.
31/1/51

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Hand Swatlop Blutnager.

Five _____
 Rs 100/-
 _____ must fee report
 _____ of lower

 _____ of P.O.

on
 Last integrated Annexure 2
 = 28.1.85
 District: Lucknow
 18.4.85

Notice for - 22.4.85

Recd copy on behalf of OP 122
 G. S. Khan
 4/

for
 Sr. G. N. Pillai
 SCSCL
 10/4/85

Recd notice for
 for 29.4.85
 Mr. Pillai
 Sr. Clerk
 22/4/85

Hon. D.N.T. J.
 Hon. K.M.G. J.

Admit.

Issue notice.

Notice on behalf of both
 the respondents has been accepted
 by the Standing Counsel, Court
 and rejoinder affidavits will be
 exchanged. List in the second week
 of July before learned Judge and J.
 for the

30.4.85

(3 A) That the Scheme of Time Band Promotion as mentioned above, was introduced for the employees working in operative units of the Post and Telegraphs Department, but the benefit of Time Band Promotion is not given to the employees working in the office of opposite Party No 2 therefore an order to get benefit of Time Band Promotion Petitioner Prayers for reservation which is to be given by the opp. Party ~~opp~~ No 2.

(13 B) That introducing the Time-Band Scheme to one set of employees of the department and denying the same to other set of employees of the same department amounts to violation of Article 14 & 16 of the Constitution of India.

(3 C) That the action of the opp Parties is discriminatory and violation of Principles of Natural Justice.

(3 d) That the delay requirement of the Petitioner is more complicated in comparison to those who are working as postal Assistant in operative units.

(3 E) That opp Parties without any reason or basis denied the Time Band Promotion to the Petitioner.

A. K. Mathur
Adv.

Counsel for
Petitioner
Prayers for
reservation

31/7/91

AIB
Y
X
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the Opposite Party Number 1, through the Opposite Party number 2, requesting for the reversion to the Time Scale Clerk from the post of the Upper Division Clerk. A copy of this application dated 11th April, 1985, is annexed as ANNEXURE NUMBER 4 to this Writ Petition.

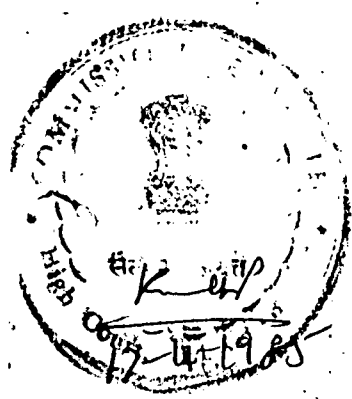
10. That the advance copy of the application has also been sent to the Director-General, Post Offices, New Delhi, through the registered post.

11. That the Petitioner has been refused the reversion arbitrarily and for that he is suffering constant loss, had he been allowed the option to seek reversion, to the post of the Time Scale Clerk, he would have been promoted to the post of the lower Selection Grade with effect from 15th October, 1984, in the scale of Rs. 425-640, while at present, as an Upper Division Clerk the Petitioner is in the scale of Rs. 330-560, in this manner virtually the refusal to seek reversion amounts to the punishment to the Petitioner.

12. That the Petitioner is yet not confirmed on the post of the Upper Division Clerk, he is confirmed only on the post of the Time Scale Clerk, in the scale of Rs. 260-480, his substantive post still is the Time Scale Clerk and he should have been allowed the benefit arising out of his substantive post, which has been arbitrarily denied to him, causing penal consequences.

13. That the large number of other persons, have been allowed to seek reversion such as Sarvashri Uma Shanker Nath, and G. S. Bisht, who were officiating as Upper Division Clerks, in the Office of the Opposite

Anand Swaroop Bhatnagar



(A) Because, due to the impugned order, dated 28th January, 1985 (Annexure Number 2), the Petitioner could not get the time bound promotion from 16th October, 1984, in the scale of Rs. 425-640 and constantly incurring financial loss of irreparable nature.

(B) Because, the Petitioner has been arbitrarily refused the permission to seek reversion to his substantive post of the Time Scale Clerk which will violate the Fundamental Rights of the Petitioner, guaranteed under the provisions of Article 14 and 16 of the Constitution of India.

(C) Because, the Opposite Party Number 2, ought to have forwarded the matter instead of deciding it himself.

(D) Because, the Petitioner has been penalised by refusal to seek reversion in utter violation of the policy decision contained in Annexure Number 3.

(E) Because, no tangible criteria has been laid down for the grant of permission to seek reversion or to refuse the permission, as such even the directions contained in Annexure Number 3 are arbitrary and discriminatory and violates the Fundamental Rights of the Petitioner guaranteed under the provisions of Article 14 and 16 of the Constitution of India.

(F) Because, several similarly situated persons, as mentioned above, have been granted the permission to seek reversion, while the Petitioner has been refused arbitrarily.

Anand Swaroop Bhatnagar

↔ including time band promotion.

(II B)

A direction may be issued to
the opp. parties to allow time
band promotion to the Petitioner
with effect from 15-10-84
after counting his past services
rendered in postal assistant
cadre.

A. K. Bhattachar

Adv. Petitioner

Amendment incorporated

31/1/91

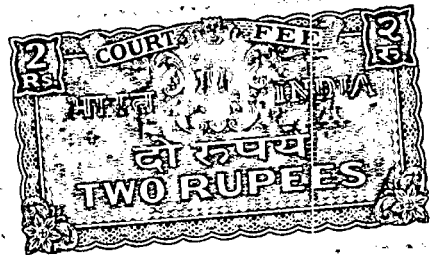
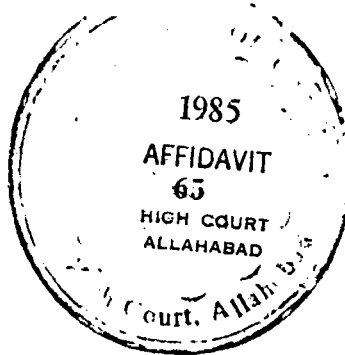
A30 3/3

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

at

L u c k n o w.

Writ Petition no. 1892 of 1985.



Anand Swaroop Bhatnagar

-----Petitioner.

Versus.

Union of India and others.

-----Opp Parties.

Counter Affidavit on behalf of

Opposite Parties 1 and 2.

I, B.C. Joshi, Assistant Post Master General (Staff) in the office Post Master General's Office U.P. at Lucknow hereinafter described as the deponent solemnly affirm and state as under: -

That the deponent is Assistant Post Master General (Staff) P.M.G. Office U.P. Lucknow and that the deponent is authorised and competent to swear and file this counter affidavit on behalf of opposite parties nos. 1 and 2 to the writ petition.



B.C. Joshi

A31

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2. That the deponent has read the writ petition its affidavit and annexures attached thereto and has understood the contents thereof and submit that all allegations in the writ petition are denied except those which are specifically admitted.

3. That the allegations of Para 1 of the writ petition need no comments.

4. That the allegations of para 2 of the writ petition are not denied but it is further stated that petitioner was appointed as Upper Division Clerk in the Circle after he had passed the departmental examination for promotion to Upper Division Cadre.

It is further stated that it has no material bearing to the writ petition that petitioner is a graduate.

5v That in reply to the allegations of para 3 of the writ petition it is stated that Time Bound Promotion Scheme and benefits thereof were extended to the members of staff i.e. of class III and IV subject to their completion

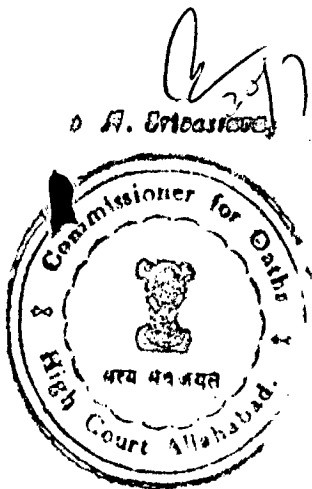


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of sixteen years service as such and it was extended to the officials borne in operative posts in Operative Officers i.e. Staff working in post offices and not to those working on the strength of administrative Officers like P.M.G. Office, Regional Directors Office where Upper Division Cadre post exist vide para 1 of Instructions issued in connection with implementation of scheme it is stated "OFFICIALS belonging to operative cadre list in Annexure I to the agreement will be covered under the ~~existing~~ scheme.

6.

That in reply the allegations of para 4 of the writ petition it is stated that the petitioner is working in P.M.G. Office as U.D.C. and stands almost absorbed and would be confirmed in that cadre in the course of time but the petitioner has been enjoying the benefit of promotion to U.D.C. post from May 1980 in the scale of 330-560 for five years. The petitioner has been given appointment in clear vacancy.



Petitioner 7.

That as the scheme has not been extended to Administrative Office, the petitioner is not entitled to get promotion to lower selection grade

under the Time Bound Scheme introduced from
30-11-1983 as the petitioner is posted and working
in P.M.G. Office i.e. Administrative
on the post of U.D.O. Office i.e. Administrative
Offices. The scheme is limited in its operation
to operative office.

That in view of the above the allegations
of para 5 of writ petition are denied.

8. That the allegations of para 6 of the writ
petition are not denied to this extent that
petitioner submitted application Annexure no. I
to opposite party no. 2.

9. That the allegations of para 7 of the writ
petition are admitted to this extent that vide
communication dated 28.1.1985 the petitioner's
request for reversion was rejected by the P.M.G.
as P.M.G found the petitioner's case was not fit
for being recommended to D.G P & T Delhi for
reversion on test on guidelines provided in D.G.P.
T's letter no. 51-5/84 SFB dated 10-10-1984. That
it may be mentioned here that in letter referred
to above dealing with the question reversion Time
Scale it has been stated as under:-



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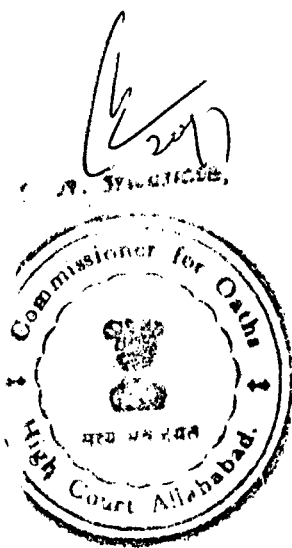
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"The matter has been carefully examined in the Directorate. Having regard to various factors including administrative requirements it has now been decided that officials who have been regularly appointed as U.D.Cs in ~~State~~ ^{XXXX} Circle Offices as well as saving Bank Central Organisation/IOO (as distinct from those appointed on ad hoc basis) cannot be given a general option to revert to Time Scale clerical cadre."

(b) "It has therefore further been decided that henceforth for dealing with the request for reversion to Time Scale Clerical Cadre in respect of U.D.Cs the procedure laid down in ~~this~~ this office letter dated 30th November 1976 will be followed. Each request will be examined in the circle office on merits and cases deserving special dispensation may be referred to this office for decision with the personal recommendation of Additional P.M.G./P.M.G./G.M.T. It may be ensured that due regard is given to vacancy position in the cadre of U.D.C./C.O. and the interest of service while taking up individual case with this office. The true copies of Communication dated 10-10-84 and



Bein

31-11-76 and annexed herewith as Annexure A-I
A-II.

10. That the allegations of para 8 of the writ petition are not admitted. The ~~innumerable~~ true copies of Communication dated 10-10-84 and 31-11-76 having been annexed as Annexure A-I and A-II their contents can be verified from them and there is no need to make further comments.
11. That the allegations of para 9 and 10 of the writ petition need no ~~any more~~ comments as it relates to record of the case.
12. That the allegations of para 11 of the writ petition are denied. The order rejecting application for reversion was passed keeping in view the letter and spirit of Annexure A-I and II and vacancy position in U.D.C Cadre and the interest of service as a whole. The petitioner's case could not be taken to be one deserving special dispensation or to be of Exceptional nature for being referred as such as well was rejected.
13. That the allegations of para 12 of the writ



A36

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Petition are denied except that the petitioner who has been regular appointment in the post of U.D.C has not so far been confirmed and it is stated that he will get confirmation in due course on the post of U.D.C. and for all intent and purposes the petitioner is an incumbent in U.D.Cadre.

14.

That the allegations of para 13 of the writ petition are incorrect, incomplete and misleading and hence denied. The correct position is as under:-

(a) That S/S Umashanker and C.S. Bist

were appointed as U.D.C. with effect from 30-9-1977 and 20-4-1979 respectively and they did not seek reversion to the post of Postal Assistants in Cadre on account of adverse family circumstances and at a time long before the decision had been taken that reversion will not be granted is a matter of routine vide communication dated 10-10-84 Annexure A-I.

(b) That as regards Zulfikar Ahmad and

S.N.Rai it may be stated that they were approved for appointment to U.D.C. they made request for

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being retained as Postal Assistants and so were permitted by D.G.P & T New Delhi.

15. That the allegations of para 14 are not admitted to be correct and are denied. It is denied that action of rejecting leave to revert was arbitrary.

16. That the allegations of para 15 of the writ petition are irrelevant and are denied. The petitioner having borne is higher cadre i.e. U.D.C has nothing to compare with officials borne on the cadre of Postal Assistants.

17. That the deponent has been advised to deny the allegations of para 16 of the writ petition and to state that the action of the opposite parties has not been arbitrary and discriminatory nor have they violated ^{the} any of the provisions contained under Article 14 and 16 of the Constitution nor has any penalty being imposed on the petitioners and as such the deponent denies ^{the} the allegations of paragraph 16 including the grounds mentioned therein. The deponent has been advised to state that the petitioners are not entitled to relief claimed.

Lucknow dated:-
July 20, 1985.

For Deponent

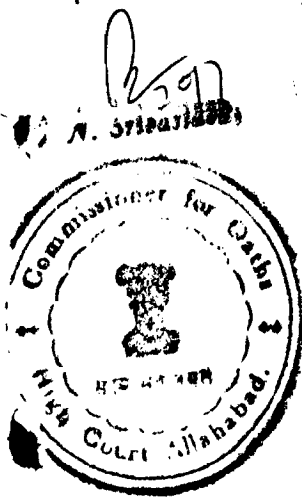
Verification.

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A/39

I, the deponent named above do hereby verify that the contents of para 1 and 2 to be true to my own knowledge and those of para 3 to 17 are verified by me to be true and correct on the basis of information from record and those of para 18 are verified by me to be true and correct on the basis of legal advice from the counsel. Nothing material has been concealed no part of this affidavit is false or incorrect so help me God.

Lucknow date:-
June 20, 1985.

[Signature]
Deponent.



I, Kedar Nath Registrar, Clerk of Sri Hari Nath Tilihari Adv identify the deponent Sri B.C. Joshi Assistant P.M.G. (staff) who has signed this affidavit before me Sri B.C. Joshi is being identified after perusal of his identity card no- P.I.D.P.31 issued under the signature of S. Gupta, Director, B.I.T. Service, P.M.G. Allahabad on behalf of P.M.G., which Sri Joshi has shown to me.

Lucknow date:-
July 20, 1985.

[Signature]
Kedar Nath
Reg. Clerk of Sri Hari Nath Tilihari Adv
Deponent.
Sr. Cysc.

Oath Commissioner,
High Court, Allahabad,
Lucknow Bench.
No. 65 of 1985
Date. 20-7-85

~~Examination of Sri B.C. Joshi~~
Solemnly affirmed before me on----- at a.m./p. by B.C. Joshi the deponent who is identified by Sri Kedar Nath Registrar, Clerk Gyendra Singh Sikarwar, Advocate Junior to Sri Hari Nath Tilihari, Advocate High Court at Lucknow. I have satisfied myself by examining the deponent that he understands the contents of his affidavit which has been read out and explained by me.

Memo

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

W.P. No 1892 of 1985

...A.S...Bhatnagar.....petitioner,

versus

....Union of India And others opposite parties.

REGISTRAR,

I AM appearing as the Central Government
Standing Counsel, on behalf of Applicant/
Respondent/Opposite Parties. Union of India

ANIL K. JAIN

Dated. 1.8.1985 Central Government
Standing Counsel.

Senior Central Govt. Standing Counsel
High Court of Uttar Pradesh

at
Lucknow,

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1892 of 198 85.
vs. _____

440
5
1

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
30.4.85	<p>Sen D.N. Jha, J</p> <p>Sen K.N. G, J</p> <p>Ad mit - Given</p> <p>notice - Notice on behalf of</p> <p>hit in the second week</p> <p>of July 85 before learned</p> <p>Single Judge.</p> <p>Sen. D.N. Jha</p> <p>Sen. K.N. G.</p> <p>30.4.85</p> <p><u>Cm no 5627 of 85.</u></p>	
30.4.85	<p>Sen D.N. Jha, J</p> <p>Sen K.N. G, J</p> <p>For orders,</p> <p>see on main petition</p> <p>Sen. D.N. Jha</p> <p>Sen. K.N. G.</p> <p>30.4.85.</p>	
1.7.85	<p>Service Report</p> <p>of 1+2. Reprinted by Sen</p> <p>H. N. Talwar, J. S.C.</p> <p>May office proceed?</p>	

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1/2
SC
11/9

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Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
19-7-85 25-7-85 1-8-85	Index in C.M.A. 5627(W)-85 for order <u>Non-C.B. 7</u>	Ct An / Singh 3y Ct 25 July 85	
	Stand out on the illegitimacy of Dr H.N. Tilhari, learned counsel for Union of India Opp party.	1-8-85 LA	
13-9-85 28/10/85-	Cm- 5627-85-1-5. Dr- 108 V 5 The case is adjourned at the request of Mr. A. Mannan.	Ct An / Singh	
4/11/85-	Cm- 5627-85-1-5. Dr- 108 V 7 4-11-85		

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
19-7-85	Fixed in C.M.A. 5627(W)-85 for order	Ct An. Singh	
25-7-85		By Ct An. Singh	
1-8-88	<u>Non C B 17</u>		
	<p>Stand out on the address slip of Mr H. N. Tilhari, learned counsel for Union of India Opp party.</p> <p>1-8-85 LA</p>		
13-9-88		Ct An. Singh	
28-10-85	Cm - 5627-85-1-5		
	dt - 10.8.85		
	<p>The case is adjourned at the request of Mr. A. Mannan.</p> <p>28/10/85</p>		
4/11/85	Cm - 5627-85-1-5		
	dt 10.8.85		
	4.11.85		

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1892 of 198 85.

vs.

1440

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
30.4.85	<p>Mem D.N. Jha,</p> <p>Mem K.N.G.,</p> <p>Ad mit - Some notice - Notice on behalf of</p> <p>not in the second week of July 85 before learned single judge.</p> <p>Sel. D.N. Jha</p> <p>Sel. K.N.G.</p> <p>30.4.85</p> <p>Cm in No 5627 CW 85</p>	
30.4.85	<p>Mem D.N. Jha,</p> <p>Mem K.N.G.,</p> <p>For orders, see on main petition.</p> <p>Sel. D.N. Jha</p> <p>Sel. K.N.G.</p> <p>30.4.85.</p>	
1.7.85	<p>Service Report of 1+2. Represented by Sri H. N. Talwar, Sr. S.C.</p> <p>May office proceed?</p>	

yes
for
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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. NO: 1741 of 1987

(W.P. NO. 1892/85)

Anand Swaroop Bhatnagar, aged about years,
S/o: Late Gopal Swaroop Bhatnagar, Resident
of C-2147/24, Indira Nagar, Lucknow ... PETITIONER

Vs.

1. Union of India, through the Secretary,
Department of Posts, New Delhi.
2. The Chief Post Master General,
Uttar Pradesh, Lucknow.

.... OPP. PARTIES

P 7
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13/11

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

The above named petitioner most respectfully
begs to submit as under:-

.....2.....

A. S. Bhatnagar

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. NO: 1741 of 1987

(W.P. NO. 1892/85)

Anand Swaroop Bhatnagar, aged about years,
S/o: Late Gopal Swaroop Bhatnagar, Resident
of C-2147/24, Indira Nagar, Lucknow ... PETITIONER

Vs.

1. Union of India, through the Secretary,
Department of Posts, New Delhi.
2. The Chief Post Master General,
Uttar Pradesh, Lucknow.

.... OPP. PARTIES

PT 2 13/12

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

The above named petitioner most respectfully
begs to submit as under:-

.....2.....

A. S. Bhatnagar

(Aur)

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1. That the petitioner's name was forwarded from the Employment Exchange to the department of posts & telegraphs for appointment as Time Scale Clerk which was later known as Postal Assistant, the petitioner being the FIRST CLASS HIGH SCHOOL, he was selected on merits which was determined on the basis of the High School Examination Marks and was appointed as Time Scale Clerk in the then prevailing scale of Rs. 110-240 with effect from 15th October 1968, this post of the Time Scale Clerk has been redesignated as Postal Assistant, in the scale of Rs. 260-480, which is now after revisions.
2. That the petitioner is also Graduate and he approached in the competitive examination for his promotion to the post of the Upper Division Clerk, the said examination was held in September, 1979, the petitioner was selected for the promotion and he joined the post of the Upper Division Clerk with effect from 17th May, 1980, the present scale of the same is Rs. 330-560. The petitioner is presently posted as Upper Division Clerk, in the Post Master General's Office, Lucknow.

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A. S. Bhattacharya

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That as a measure of the agreement between the department and the representatives of the employees in the Joint Consultative Machinery, it was decided on 30th November, 1983, that the various members of the staff, class III and IV may be given TIME BOUND PROMOTION, meaning thereby the promotion to the next higher post if they have completed service of 16 years on one post.

3.A)

That the scheme of Time Bond Promotion as mentioned above, was introduced for the employees working in operative units of the Post and Telegraphs Department, but the benefit of Time Bond Promotion is not given to the employees working in the Office of Opposite Party no. 2. Therefore in order to get benefit of Time Bond Promotion, petitioner prayed for reversion which was refused by the opposite party no. 2.

3.B)

That introducing the Time Bond Scheme, to one set of employees of the department and denying the same to other set of employees of the same department, amounts to violative of Article 14 and 16 of the Constitution of India.

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A. S. Bhattacharya

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- 3.C) That the action of the opposite parties is discriminatory and violative of Principles of natural justice.
- 3.D) That the job requirement of the petitioner is more complicated in comparison to those who are working as Postal Assistant in operative units.
- 3.E) That opposite parties without any reason or basis denied the time bond promotion to the petitioner.
4. That the petitioner is yet not confirmed on the post of the Upper Division Clerk, but is confirmed on the Post of Postal Assistant, on which he retains a lien.
5. That on 15th October, 1984, the petitioner completed 16 years, on the post of the Postal Assistant and could be promoted under the time bond promotion scheme to the post of Lower Selection Grade in the scale of Rs. 425-640, but the Petitioner is working on the post of the Upper Division Clerk, so he was deprived of it.
6. That on 17th October, 1964, the petitioner submitted an application to the post Master General, U.P. Circle, Lucknow, the

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A.S. Bhatnagar

Opposite

Opposite Party no. 2, seeking his reversion to his substantive post of the Postal Assistant. A copy of this application is annexed as ANNEXURE NO: 1 to this writ petition.

7. That through a letter dated 28th January, 1985 from the Opposite Party no. 2, the petitioner was informed that his request for the reversion dated 17th October, 1984 has been rejected by the opposite party no. 2. On the basis of the communication of the Director-General dated 10th October 1984, mentioned in the communication dated 28th January 1985. A copy of this rejection letter is annexed as ANNEXURE NO: 2 to this writ petition.
8. That the circular dated 10th October, 1984 mentioned in Annexure no. 2, laid down that the permission to seek reversion can be granted under the special circumstances. However, the Director, General of Posts, New Delhi has issued another instructions on 29th March, 1985, in which it was directed that all such requests should be examined and in genuine cases, the same should be forwarded to the Office of the Director General.

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15th October, 1984, in the scale of Rs. 425-640, while at present, as an Upper Division Clerk the petitioner is in the scale of Rs. 330-560, in this manner virtually the refusal to seek reversion amounts to the punishment to the petitioner.

12.

That the petitioner is yet not confirmed on the post of the Upper Division Clerk, he is confirmed only on the post of the Time Scale Clerk, in the scale of Rs. 250-480, his substantive post still is the Time Scale Clerk and he should have been allowed the benefit arising out of his substantive post, which has been arbitrarily denied to him, causing penal consequences.

23.

That the large number of other persons, have been allowed to seek reversion such as Sarvashri Uma Shanker Nath, and O.S. Bisht, who were officiating as Upper Division Clerks in the office of the Opposite Party No. 2, and were allowed to seek reversion to the post of the Time Scale Clerks, prior to 10th October, 1984 and after 10th October,

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A copy of this circular dated 29th March, 1985, is annexed as ANNEXURE NO: 3 to this writ petition.

9. That in view of the circular dated 29th March, 1985, the petitioner again submitted an application to the Opposite Party no. 1, through the opposite party no. 2, requesting for the reversion of the Time Scale Clerk from the post of the Upper Division Clerk. A copy of this application dated 11th April, 1985, is annexed as ANNEXURE NO: 4 to this writ petition.

20. That the advance copy of the application has also been sent to the Director-General, Post Office, New Delhi through the registered post.

11. That the petitioner has been refused the reversion arbitrarily and for that he is suffering constant loss, had he been allowed the option to seek reversion, to the post of the Time Scale Cler, he would have been promoted to the post of the Lower Selection Grade with effect from

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under the Opposite party no. 2, we are allowed to seek reversion to the post of the Time Scale Clerk, precisely to take the benefit of the time bound promotion policy. The benefit which has been denied to the present petitioner for no valid reason.

14.

That the Petitioner has been dealt with arbitrarily and has not been allowed to seek reversion on his substantive post, with the result that he has been deprived from the benefit of the Time Bound Promotion to a post still higher in grade and rank than the post of the Upper Division Clerk, presently held by the Petitioner, officiatingly. While this benefit has been allowed to others as already disclosed in the forgoing paras.

15.

That so long the petitioner is not allowed to seek reversion, he will not get time bound promotion, he is suffering irreparable loss in the sense that all those who have secured time bound promotion and will secure and become senior to the petitioner in the lower selection grade, if even if the petitioner is allowed time bound promotion later.

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16. That the petitioner has no any other equally effective remedy, but to evoke the jurisdiction of this Hon'ble High Court, among others ~~and~~ on the following:-

GROUNDS

- a) Because, due to the impugned order dated 28th January, 1985 (Annexure no. 2) the petitioner could not get the time bound promotion from 15th October, 1984 in the pay scale of Rs. 425-640 and constantly incurring financial loss of irreparable nature.
- b) Because, the petitioner has been arbitrarily refused the permission to seek reversion to his substantive post of the Time Scale Clerk which is violative of the fundamental rights of the Petitioner, guaranteed under the provisions of Article 14 and 16 of the Constitution of India.
- c) Because, the opposite party no. 2, ought to have forwarded the matter instead of deciding it himself.
- d) Because, the petitioner has been penalised by refusal to seek reversion in utter violation of the policy decision contained in Annexure no. 3.

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A.S. Bhatnagar

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- e) Because, no tangible criteria has been laid down for the grant of permission to seek reversion or to refuse the permission, as such even the directions contained in Annexure no. 3 are arbitrary and discriminatory and violative of the Fundamental Rights of the Petitioner guaranteed under the provisions of Article 14 and 16 of the Constitution of India.
- f) Because, several similarly situated persons, as mentioned above, have been granted the permission to seek reversion, while the petitioner has been refused arbitrarily.

P R A Y E R

THEREFORE, it is most respectfully prayed that this Hon'ble High Court may be pleased to issue:-

- i) A writ, order of directions in the nature of Certiorari, quashing the impugned order dated 28th January, 1985 contained in Annexure no. 2, as well as order contained in Annexure no. 3, after summoning their original from the records of the opposite parties.

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A.S. Bhatnagar

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- ii) A writ, order or command in the nature of Mandamus, commanding the opposite parties to grant permission to the petitioner to seek his reversion to the post of Time Scale Clerk with effect from 15th October, 1984, so that he could derive the benefit of time bound promotion scheme, and grant him the said benefit with due date pay him arrears of salary, allowances and other consequential benefits arising therefore, including Time Bond Promotion.
- ii B) A direction may be issued to the opposite parties to allow time bond promotion to the petitioner with effect from 15.10.84 after counting his past services rendered in Postal Assistant Cadre.
- III) Any other writ, order or direction deemed proper.
- IV) Waive off the notice to the opposite parties as the same is MOST URGENT.
- V) Allow the writ petition with costs.

LUCKNOW

DATED: 2/11/91

A. K. Bhattacharya
COUNSEL FOR THE PETITIONER

(A52)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO: of

Anand Swaroop Bhatnagar Petitioner

Vs.

Union of India & another Opp. Parties

ANNEXURE NO: 1

From:

A.S. Bhatnagar,
U.D.C. Staff 'A' Section,
P.M.G. U.p. Circle,
LUCKNOW - 1

To:

The Post Master General,
U.P. Circle,
LUCKNOW - 1

Subject: Request for reversion of Time Scale
Clerical Cadre from U.D.C. Cadre

Ref : G.O. Letter no: STA/51-RA/84/7,
DATED: 23.8.1984

Respected Sir,

With ~~xxfxx~~ due respect, I beg to state that I have completed my sixteen years regular service in the department on 15.10.1984, as much my promotion in L.S.C. cadre in pay scale of Rs. 425-640 is due under "TIME BOUND" one promotion scheme.

A. K. Bhatnagar
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It is, therefore, humbly requested that I may kindly be reverted to my substantive post on which I hold a lien since I have not been confirmed in my present grade.~~in this~~

In this connection, necessary orders may kindly be issued at an early date.

Thanking you in kind anticipation.

Yours faithfully,

LUCKNOW

Sd/.....

DATED: 17th Oct. 1984.

(AS. BHATNAGAR)

(154)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO:

Anand Swaroop Bhatnagar Petitioner

Vs.

The Union of India and
another Opp. Parties.

ANNEXURE NO: 2

INDIAN POSTS AND TELEGRAPH DEPARTMENT

From

The Post Master-General,
U.P. Circle, Lucknow.

To

Shri A.S. Bhatnagar,
U.D.C. Staff Section,
C/o: the P.M.G. U.P. CIRCLE,
LUCKNOW - 226 001

NO: STA/434-PA/3, DATED AT LUCKNOW 226 001, the
26th JANUARY 1985

SUBJECT: REQUEST FOR REVERSION TO T.S. CLERKS
CADRE FROM UPPER DIVISION CLERK CADRE

Your request dated 17.10.1984 seeking reversion to
T.S. Clerks Cadre has been examined. The P.M.G.
has not found your case fit for being recommended to
the D.C., P&T, New Delhi, as envisaged in D.O's communi-
cation no: 51-5/84-SPB-I, dated 10.10.1984.

Sd/... Illegible
for Post Master General U.P.
28.1.1985

A.K. Bhatnagar
Adv.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO:

Anand Swaroop Bhatnagar

.... Petitioner

Vs.

The Union of India and another

.... Opp. Parties

ANNEXURE NO: 3

Copy of communication no: 51-6/84-SPB-I, dated 18th MARCH, 1985 from Shri K.L. Sharma, A.D.G. (SPM) D.S. P & T, NEW DELHI, addressed to all Heads of Postal Circles and others.

SUBJECT: REQUEST FOR REVERSION TO CLERICAL GRADE FROM UPPER DIVISION CLERKS CIRCLE/ADMINISTRATIVE OFFICE

Sir,

I am directed to refer to your ~~letter~~ letter no. STG/21-10/82, dated the 7th November, 1984, on the subject mentioned above and to clarify that the instruction issued in this office letter of even number dated 10th October 1984, supersede our earlier orders vide this office letter no: 56/11/65-SPB-I, dated the 20th April, 1986.

It is further clarified that all such requests should be examined in proper prospective in your office and only genuine requests alongwith your recommendations thereof should be forwarded to this office for consideration.

A.K. Bhatnagar

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HINDI VERSION IS ENCLOSED

ASB

No. STA 68/0/Loose Dated at Lucknow the 29.3.1985

Copy forwarded to:-

1. All the Senior Superintendent/Superintendent of Post Offices.
2. All Senior Superintendent/Superintendents, Railway Mail Service, in Uttar Pradesh Circle,
3. All Superintendent, Postal Stores Dept. in U.P. Circle.
4. All Accounts Officers, I.G.O. in U.P. Circle,
5. The Director, Postal Services Lucknow/Kanpur/Allahabad /Dehradun
6. The Director of Accounts Postal, Lucknow
7. The Superintendent, Central Stamps Dept., Lucknow/Kanpur.
8. The Manager, Mail Motor Services, Kanpur.
9. The Superintendent, Postal Stores Forms and Seale, Aligarh,
10. The Post Master, Lucknow/Kanpur
11. Assistant Post Master General (Staff) Circle Office.

for favour of information guidance and necessary action. Please acknowledge receipt.

Sd/..... (B.C. JOSHI)

for POST MASTER GENERAL, U.P.

A. K. Bhattacharya
for

ASX

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO: of

Anand Swaroop Bhatnagar Petitioner

Vs.

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

ANNEXURE NO. 4

From:

Anand Swaroop Bhatnagar,
U.D.C. Establishment 'B'
Section,
The Post Master General,
U.P. CIRCLE, LUCKNOW - 226 001

THROUGH : POST MASTER GENERAL, UTTAR PRADESH,
CIRCLE, LUCKNOW - 226 001.
(GO FILE NO: STA/434-PA/3)

To:

The Director General,
Postal Services Depot,
Sanchar Bhawan,
NEW DELHI - 110 001

SUBJECT: Regarding request of Reversion to time scale
Clerk's cadre from Upper Division Clerk Cadre
Circle Office.

Sir,

Your kind attntion is invited towards P & T
Directorate, New Delhi communication no. 51-6/84-S.P.B.I
dated 10th October, 1984, and 18th March 1985, on the
subject cited above. In this connection, it is earnestly

A. K. Bhatnagar
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to bring in your kind notice that Hon'ble Post Master General, U.P. Circle, Lucknow has not been pleased to decide my case so far and perhaps he has exceeded his all directonary powers by not recommending my genuine case to your office in time. My case has been dealt in Circle Office File No. STA/434-PA/3.

You are, therefore, humbly requested kindly to intervene in the matter expeditiously so that I may not be compelled to move in the court of law on expiry of 60 days time as mentioned in my suit notice dated 11th February, 1985.

Thanking you in kind anticipation.

Dated: 11th April 1985

Yours faithfully,

Sd/++++-----

(A.S. BHATNAGAR)

A.S. Bhatnagar
Adv.

ASG
P/10

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. OF

Anand Swaroop Bhatnagar Petitioner

Vs.

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

A F F I D A V I T

I, Anand Swaroop Bhatnagar, aged about
years, son of late Gopal Swaroop Bhatnagar,
R/o: C-2147/24 Indira Nagar, Lucknow, states on oath
as under:-

1. That the deponent is the petitioner in
the above mentioned writ petition, as such he
is fully conversent with the facts of the case.
2. That the contents of paras 1 to
are true to the best of my knowledge and belief and
that of the contents of paras are based
on legal advise, which I believe to be true.
3. That the annexures annexed alongwith the
writ petition, are duly compared and the true copies
of the original.

DATED:

LUCKNOW

A.S. Bhatnagar
DEPONENT

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VERIFICATION

I, Anand Swaroop Bhatnagar, the above named deponent, do hereby verify that the contents of paras 1 to 3 of the above affidavit are true to the best of my knowledge. Nothing on it is wrong and nothing material has been concealed, so help me God!

Signed and verified on this day of
in premises,
Lucknow.

A.S. Bhatnagar
DEPONENT

IDENTIFICATION

I identify the deponent who has signed in my presence.

COUNSEL FOR THE DEPONENT

Solemnly affirmed before me on this day of
May, 1991, at AM/PM by Shri Anand Swaroop
Bhatnagar, the deponent, who has been identified by
Shri Advocate, High Court,
Lucknow Bench, Lucknow.

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. No.1741 of 1987
(W/P No.1892 of 1985)

Anand Swaroop Bhatnagar

.. Petitioner

-vs-

Union of India and others

.. Opp. parties

APPLICATION FOR CONDONATION OF DELAY IN FILING
COUNTER AFFIDAVIT.

The opposite parties beg to submit as under:-

1. That due to some inadvertence and oversight the counter affidavit could not be filed in the Court within time.
2. That the counter affidavit is now ready and is being filed herewith and it is expedient in the interest of justice that the counter affidavit be taken on record.
3. Wherefore it is most humbly prayed that the accompanying counter affidavit be taken on record after condoning the delay.

VK Chaudhari, Advocate.
Counsel for Opp. Parties

Lucknow,

Dated:

2 June, 1990.
8.7.91.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. No.1741 of 1987

(W/P No.1892 of 1985)

Arand Swaroop Bhatnagar

.. Petitioner

-VS-


Union of India and others

.. Opp. parties

APPLICATION FOR CONDONATION OF DELAY IN FILING
COUNTER AFFIDAVIT.

The opposite parties beg to submit as under:-

1. That due to some inadvertence and oversight the counter affidavit could not be filed in the Court within time.
2. That the counter affidavit is now ready and is being filed herewith and it is expedient in the interest of justice that the counter affidavit be taken on record.
3. Wherefore it is most humbly prayed that the accompanying counter affidavit be taken on record after condoning the delay.


VK Chaudhari, Advocate.
Counsel for Opp. Parties

Lucknow,

Dated: 2 June, 1990.
8.7.91.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. No.1741 of 1987 (WP No.1892/85)

Anand Swaroop Bhatnagar - Petitioner

-vs-

Union of India and others .. Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, V.N. Kapoor, aged about 57 years,

son of Shri BN Kapoor, at present posted as Asstt.

Postmaster General (Staff) in the office of the

opposite party no.2 ie. Chief Postmaster

General, UP Circle, Lucknow do hereby solemnly

affirm and state as under:-

1. That the deponent is posted as Asstt. Postmaster General in the opposite party no.2 in the above noted case and as such he is fully conversant with the facts of the case.

2. That the deponent has read and understood the contents of the writ petition and he is in a position to give reply to the writ petition filed by the petitioner as desposed hereinafter.

3. That the contents of para 1 of the writ petition need no comments.

4. That the contents of para 2 of the petition are not disputed but it is further stated that petitioner was appointed as Upper Division Clerk in the Circle office after he had passed the departmental examination for promotion to the Upper Division Clerk. It is also stated that there has no material bearing to the writ
5. ✓ petition that the petitioner is a graduate.

5. That in reply to the contents of para 3 of the writ petition it is submitted that Time Bound promotion Scheme and benefits thereof were extended to the members of Staff ie. of Class III and IV subject to their completion of sixteen years service as such and it was extended to the officials borne in operative posts in operative officers ie. Staff working in post offices and not to those working on the strength of administrative officer like P.M.G. office, Regional Directors office where Upper

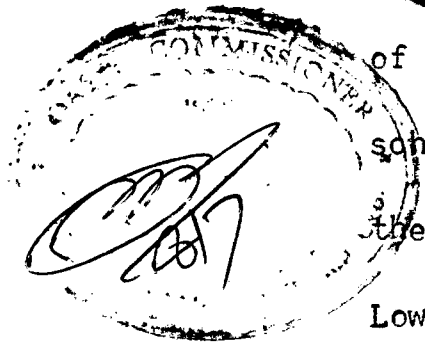


Sarann

Division Clerks exist vide para 1 of instructions issued in connection with implementation of schemes it is stated 'Officials belonging to operative cadre listed in Annexure I to the agreement will be covered under the scheme.

6. That in reply to the contents of para 4 of the writ petition it is stated that the petitioner is working in PMG office as UDC and stands almost absorbed and would be confirmed in that Cadre in the course of time but the petitioner has been enjoying the benefit of promotion to UDC post from May 1980 in the scale of Rs.330-560 for five years. The petitioner has been given appointment in clear vacancy.

7. That in reply to the contents of para 5 of the writ petition it is submitted that as the scheme has not been extended to Administrative office, the petitioner is not entitled to get promotion to Lower selection grade under time bound scheme introduced from 30.11.1983 as the petitioner is posted and working on the post of UDC in P.M.G. office ie. Administrative office. The scheme is limited in its operation to operative office.



Sazumma

(A65)

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
That in view of the above facts, the allegations made by the petitioner in this para are wrong, hence denied.

8. That the contents of para 6 of the writ petition are incorrect as stated, hence denied and in reply it is submitted that the petitioner submitted the application Annexure no.1 of the petition to opposite party no.2.

9. That the contents of para 7 of the petition are admitted to the extent that vide communication dated 28.11.1985 the petitioners request for reversion was rejected by the PMG as PMG found the petitioners case was not fit for being recommended to DG, P&T Delhi for reversion on ~~that~~ test on guideline a provided in DG P&T's letter ~~No. 5175/84-SPB dated 10.10.1994.~~ That it may be mentioned here that in letter referred to above dealing with the question reversion time scale it has been stated as under:

" The matter has been carefully examined in the Directorate, Saving regarding various factors including administrative requirements it has now been

Basu



Summary

8.10. That the contents of para 8 of the petition are incorrect as stated, hence denied and in reply it is submitted that the true copies of communication dated 10.10.84 and 31.11.76 haveing been annexed as Annexure no. I and Annexure No. II their contents can be verified from them and there is no need to make any further comments.

11. That the contents of para 9 and 10 of the writ petition needs no comments.

12. That the contents of para 11 of the writ petition are incorrect as stated, hence denied and in reply it is submitted that the order ~~xxxx~~ rejecting application for reversion was passed keeping in view of the letter and spirit of Annexure no. A.1 and I and vacancy position in UDC cadre and the interest of service as a whole. The petitioner's case could not be taken to be are deserving special dispensation or to be of exceptional nature for being referred as such as well was rejected.

13. That the contents of para 12 of the writ petition are denied except that the petitione who has been given regular appointment in the pr

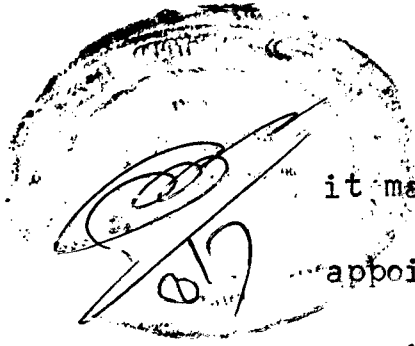
Saxena

Abs

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of UDC has not so far been confirmed and it is stated that he will get confirmation in due course on the post of UDC and for all intent and purposes the petitioner is an incumbent in UFD-C cadre.

14. That the contents of para 13 of the writ petition are incorrect as stated, hence denied and in reply it is submitted that S/shri Umashanker and C.S. Bist were appointed as UDC with effect from 30.9.1977 and 20.4.1979 respectively and they did seek reversion to the post of Postal Assistants cadre on account of adverse family circumstances and at a time long before the decision had been taken that reversion will not be granted is a matter of routine vide communication dated 10.10.84 Annexure-A -1-



That as regards Zulfigar Ahmed and S.I. Rai it may be stated that they were approved for appointment to UDC post but before they could be appointed or being joining the UDC, they made a request for being retained as postal Assistants and so were permitted by DG, P&T, New Delhi.

Sarman

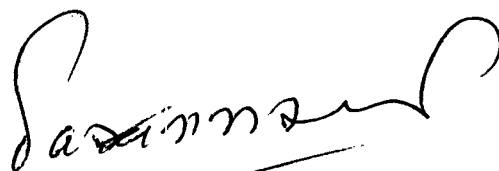
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-8-

15. That the contents of para 14 of the writ petition are incorrect as stated hence denied and in reply it is submitted that the action of rejecting leave to revert was not arbitrary as stated by the petitioner. The action taken by the Department is as per rules.

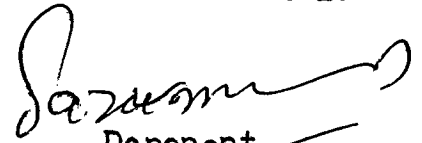
16. That the contents of para 15 of the writ petition are irrelevant in the instant case and hence denied, and in reply it is submitted that the petitioner having borne in higher cadre ie. UDC has nothing to compare with officials borne or the cadre of Postal Assistants.

17. That the deponent has been advised to state that the petitioner has got no substantial grounds to maintain the writ petition and the claim for the writ of the nature mentioned in the petition and that the writ petition is liable to be dismissed in view of the facts and reasons stated in the foregoing paragraphs. The cost of this petition should also be awarded against the petitioner.


Deponent.

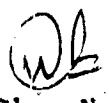
Verification.

I, the deponent named above do hereby verify that the contents of para 1 & e of the affidavit are true to my own knowledge and those of para 3 to 16 are believed to be true by me on the basis of information gathered and from record and those of para 17 of the affidavit is to be true and correct on the basis of legal advice from the counsel. Nothing material has been concealed and no part of this affidavit is false or incorrect.

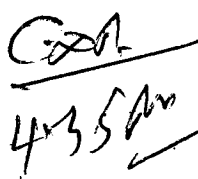

Deponent.

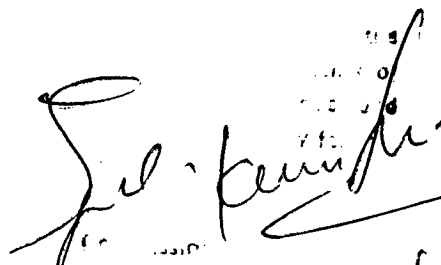
Lucknow,
Dated: 8/7 1990

I identify the deponent Shri VN Kapoor , APMG(Staff) who has signed this affidavit before me he is being identified after perusal of his identity on behalf of PMG, which Shri VN Kapoor has shown me.


(VK Chaudhari)
Advocate.

Addl Standing Counsel for Central Govt
(Counsel for the Opp. parties)


435/90 VN Kapoor
VIC Chaudhari


Counsel
8/7/90

A71

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE, LUCKNOW

T.A. NO: 1741 of 1987

A.S. Bhatnagar

... Applicant

Vs.

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

APPLICATION FOR AMENDMENT OF THE ABOVE NOTED CASE:-

My Lord,

The above named applicant begs to state
as under:-

1. That the above noted case was initially
filed before the Hon'ble High Court,
later on after the establishment of Hon'ble
Tribunal, case stood transferred.

..2..

A S. Bhatnagar

Q. f
Q.
S.S. 1

2-3-91

A71

A72

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE, LUCKNOW

T.A. NO: 1741 of 1987

✓
A.S. Bhatnagar

... Applicant

Vs.

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

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..2..

A. S. Bhatnagar

A +
Q
S.S. 91

✓
4-3-91

A72

:: 2 ::

A/52

2.

That ~~the~~² in the present case, applicant prays for quashing of the orders annexed as ANNEXURE No² 2 and 3 and for a command in the nature of mandamus to opposite parties to allow the petitioner to seek his reversion to the post of time scale clerk with effect from 15th Oct. 1984 with all other consequential benefits.

3.

That after lapse of more than ²3½ years, opposite parties have failed to file the counter affidavit and after the filing of the writ petition, the department of post and telegraph was divided in two separate independent departments with effect from 1.1.1985 and the petitioner who is working in the department of Post & Telegraphs comes into control of Postal Services Board, Dak Bhawan, New Delhi and certain new developments has taken place, therefore in the interest of justice, certain necessary amendments are required which will not change the nature of the case

..3..

A. S. Bhutnagar

2/8-3-91

A73

18/2/24

:: 3 ::

Wherefore, may be allowed to amend his
petition in the following terms:-

1. That the name of the opposite party
no. 1 may be read as "Secretary,
Department of Posts" New Delhi.
2. That in the year 1989, the post of
Post Master General was upgraded
with effect from 1.3.1989² as Chief
Post Master General, therefore appli-
cant may be allowed to add word
"Chief" before post in the name of
O.P. No. 2 in place of the word
"The".
4. That the applicant may be allowed [✓] following
paras after the para no. 3:-
 - 3.A) That the scheme of Time Bond Promotion
as mentioned above, was introduced

..4..

2/8-3-91

A S. Bhattacharya

for the employees working in
operative units of the Post and
Telegraphs Department, but the
benefit of Time Bond Promotion
is not ^{given} ~~entitled~~ to the employees
working in the office of Opposite
Party no. 2. Therefore in order
to get benefit of Time Bond Promotion
petitioner prayed for [✓]reversion which
was refused by the opposite party
no. 2.

- 3.B) That introducing the Time-Bond-Scheme, to one set of employees of the department and denying the same to other set of employees of the same department, amounts to violative of Article 14 and 16 of the Constitution of India.
- 3.C) That the action of the opposite parties is discriminatory and violative of principles of natural justice,
- 2/8-3-91

A. S. Bhutnagar

a.D) That the job requirement of the petitioner is more complicated in comparison to those who are working as postal Assistant in operative units.

3.E) That opposite parties without any reason or basis denied the time bond promotion to the petitioner.

5. That applicant may be allowed to add in ²Prayer II, after the word "there from" the following words "including time bond promotion"

6. That it is further prayed that the petitioner may be allowed the following prayer as prayer II.B.

²8-3-91
II.B. ²A direction may be issued to the opposite parties to allow time bond promotion to the petitioner with effect from 15.10.1984 after counting his ²past services rendered in postal Assistant Cadre.

LUCKNOW

DATED: ²8/3/91

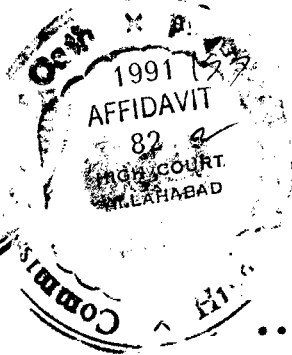
A.K. Bhatnagar
(A.K. BHATNAGAR)
Advocate

COUNSEL FOR THE APPLICANT

D76
K
27

BEFORE THE HON'BLE CENTRAL ADMINISTRATION, LUCKNOW

T.A. NO: 1741 of 1987



A.S. Bhatnagar

... Applicant

Vs.

Union of India & others

... Opp. Parties.

A F F I D A V I T

I, A.S. Bhatnagar, aged about 40 years,
S/o: Late Shri Gopal Swarup Bhatnagar, residence
of C-2147/24, Indira Nagar, Lucknow do hereby solemnly
affirm and state on oath as under:-

1.

²
deponent is
That ~~from~~ the applicant in the above
petition and as such, ² ~~am~~ fully conver-
sent with the facts of the case.

..2..

2/8-3-91

A.S. Bhatnagar

2. That the contents of paras 1 to 6 of the

above application are true to my personal
as well as an legal advice the proposed document
and are true.

BUCKNOW

DATED: 8/3/91

A.S. Bhatnagar
DEPONENT

VERIFICATION

I, A.S. Bhatnagar, the deponent aforesaid,
do hereby verify that the contents of the above
affidavit are true to my personal knowledge and belief
and that no part of it is false and nothing material
has been concealed. So help me God!

Signed and verified on this day of 8

March, 1991, in

premises,

Lucknow

A.S. Bhatnagar
DEPONENT

IDENTIFICATION

I identify the deponent who has signed
in my presence.

A.K. Bhatnagar
(A.K. BHATNAGAR)
Advocate
COUNSEL FOR THE DEPONENT

153/92
8-3-91
I solemnly affirmed before me on 8.3.91, at 9-20 AM
deponent who has identified by A.K. Bhatnagar Advocate
High Court Lucknow
I have fully satisfied myself by examining the deponent
who has been understood the contents of his affidavit
which have been read out and explained to him by me

A-78
8/10

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

T.A. NO: 1741 of 1987

A.S. BHATNAGAR Applicant

Vs.

Union of India and others Opp. Parties.

My Lord,

B-3-92

The above named applicant begs to state as under:-

1. That the above noted case was taken up by this Hon'ble Court comprising Hon'ble Mr. Justice U.C. 'Srivastava on 12th December, 1991.
2. That on that day, the counsel for the applicant filed the amended copies of the application and the counsel for the opposite parties prayed for time to file counter affidavit of the amended petition.
3. That this Hon'ble Court while allowing time to the opposite parties to file counter affidavit posted the case for orders in the month of March and as an interim measure left it open for the opposite parties to

A79
8/80

:: 2 ::

consider the case of the applicant for
time bound promotion.

4. That this order however could not be
transcribed on the file and the order
for adjournment for 3rd March, 1992 has
been trasncribed.

WHEREFORE, it is respectfully prayed that
the above noted case may be taken up and the suitable
orders may be passed in the interest of justice.

DATE:

PLACE: 20/12/91

A. K. Bhattacharya
Adv.

COUNSEL FOR THE APPLICANT

2144

At

Anand Swaroop Bhargava Plff./Applt./Petitioner/Complainant

Verses

KNOW ALL to whom these presents shall come that I/We.....
the above-named.....do hereby appoint

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/hereby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the
contents of which have been understood by me/us (on this..... day of..... 19

Accepted subject to the terms of fees.

Client

Client

Advocate

(पी० एल० क्रम)

रही० पोस्टमास्टर जनरल (स्टाफ)

ए० प्र० पारिवर्तक, पब्लिक - 226091