

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

~~O.A./T.A./B.A./C.C.P./~~ No. 1914 ----- 19 87

AZIZ Mirza Vs U.O.
PART - I

- | | | | |
|----|------------------|----|---------------------------------------|
| 1. | Index Papers | :- | 1 to 3 |
| 2. | Order Sheet | :- | 4 to 8 |
| 3. | Any other orders | :- | — |
| 4. | Judgement | :- | Final - 9 (8.3.90) C.A.T. C.B. L.K.O. |
| 5. | S.L.P. | :- | — |

3/12/88
DY. Registrar

29/12/88
Supervising Officer

20/12/88
Dealing Clerk

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

Nil

20/12/88
Dealing Clerk

*Check
on 30-1-12.*

V.K. Mishra

*Regent
5057.*

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

INDEX SHEET

CAUSE TITLE 1914/87 (1) of 19

NAME OF THE PARTIES _____

Shri. A. S. Mishra Applicants

Versus

Union of Indig & Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1	General Index	A1
2	Order sheet in order dt. 8-3-90	A2
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4	Annexures	A12 to A22
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8	Stay application	A28
9	Order sheet (H.C.)	"
10	Judgment	A29
	(B) Bench: Copy	B30 to B53
	(C)	C54 to C9

Checked as
 Set-12

36 (5)

20.11.91

4

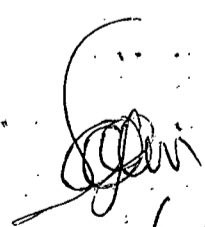
Received Duplied
draw
8-8-88
C/O Smt. H. M. Tikhari
Adv

Senior Central Govt Standing Council
High Court of Uttar Pradesh

at
~~Lucknow~~

Hon KSRJ
Mud SST

For orders see
on order of date passed
on the back of the
petition.


6-8-88

7
4
⑤
Hon. CSVS
Hon. SSAS.

List this petition
for orders as regards
admission in the month of
September 1905 along with
with petition no. 2823 of
1905.

until further orders
of the Court the petition
shall be allowed to
continue on the promoted
post of U.D.Cs in ad hoc
capacity until the D.P.C.
meets and finalises the
selection. It is clarified
that the petitioner, who is
ad hoc promotee, can be
replaced by regularly
selected candidate.

19
B. J. D. S.
e

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.P. No. 3817 of 198 85

vs. _____

②

4
|

②
8/30

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
6-8-85	Decn K.S.V. J Decn S.S.A. J - - - List this petition for orders w.r. regards admission in the month of Sept 19 85 - - - selected candidate - Sd. K.S.V. Sd. S.S.A. 6-8-85 Am. An. No 9009 of 85	
6-8-85	Decn K.S.V. J Decn S.S.A. J - - - For orders see our order of date passed on the back of the w.P. Sd. K.S.V. Sd. S.S.A. 6-8-85 16.9.85 for B In Sept 1985	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

8

117

ORDER SHEET

REGISTRATION No. 1914 of 1987 (G)

APPELLANT
APPLICANT

Aziz Mirza

VERSUS

DEFENDANT
RESPONDENT

OO L

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

31/10/89

Hon' Mr. D.K. Agrawal, J.M.

None appears for the parties.
List this case on 14-12-89 for orders.

D/R
Case has been
recd on 14.9.89
from CAT, Bldg.
Case is not
admitted.
Stay is granted
CA / RA not
filed.
Dale was recd
from CAT, Bldg.
but ofc was not
attached
Submitted for
order -
L
23/11

(sns)

Dec
J.M.

1412

No Stay - Adj. to C.S. 90

L
14/11

6350

Hon J. K. Sharma, J.M.

None appears for the parties,
list this case on 03.90

Dec
J.M.

Notices were issued
on 28/11/90
Notices of CP No
2 & 4 have been
retn back with
Postal reman u.
शुभ (शुभ) गरी (शुभ)
यशु यशु
S.F.A.
L
2/11

①
Note for
14/12/89
[Signature]

(9) (A/27)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

T.A. NO. 1914/87 (T)

Writ Petition No. 3817/85

.....

Aziz Mirza

.....

Applicant

Versus

Union of India &
others

.....

Respondent

Hon. Mr. J.P. Sharma, J.M.

A writ petition was filed by Shri Aziz Mirza before the Hon'ble High Court, Lucknow Bench and subsequently it was transferred to the Tribunal under section 29 of the Administrative Tribunal, Act 1985.

The learned counsel for the respondent moved a miscellaneous application 135/90 that the relief desired by the applicant has been granted to him. The learned counsel for the applicant Shri A. Kumar appeared and said that in view of the above, he is not pressing the writ petition. T.A./Writ petition is therefore dismissed as infructuous at the own cost of the parties.

Received copy
for V.K.C.
C/O G.M.P.
22/3-90

J.P. Sharma
J.M.

Dated: 8.3.1990

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5962

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

Writ Pet.No. 381 of 85.

Aziz Mirza

----Petitioner.

Versus

Union of India and others

----Opp-parties.

I N D E X.

<u>S.No.</u>	<u>Description of paper.</u>	<u>Page.</u>
1.	Writ Petition	1-9
2.	Annexure 1- True copy of the confirmation letter on the post of L.D.C.	10-12.
3.	" 2- True copy of the order of promotion on the post of U.D.C. dt. 18.2.81.	13-15.
4.	" 3- True copy of the vacancy position.	16.
5.	" 4- True copy of the order dt. 15/25.5.85	17-20.
6.	Affidavit	21-22.
7.	Power	23.

Lucknow, dated,
5.8.85

(Avadhesh Kumar)
Advocate,
Counsel for the petitioner.

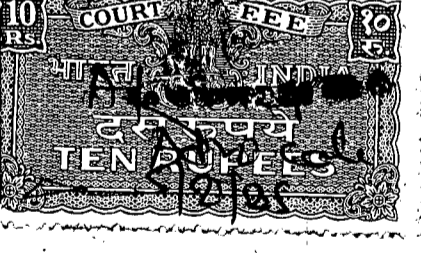
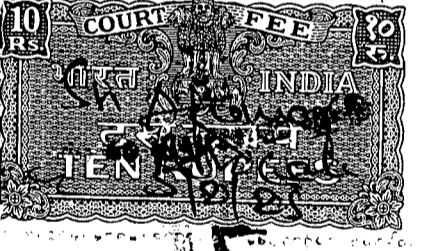
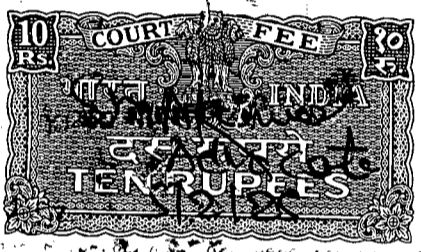
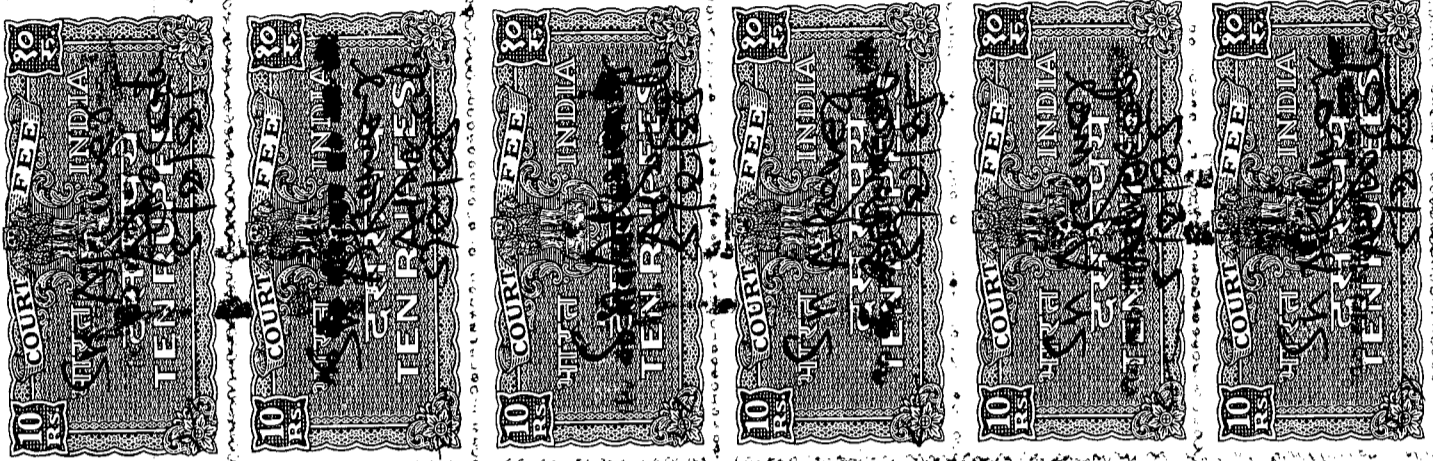
9067

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12

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

Writ Pet. No. 301 of 1985.



1. Aziz Mirza, aged about 46 years,
s/o Late Shri *Hamid Mirza*

Upper Division Clerk(U.D.C.), Geological
Survey of India (G.S.I.), Northern Region,
3-Gokhale Marg, Lucknow

-----Petitioner.

Versus

1. Union of India,
2. The Director General, G.S.I., 27-Jawahar
Lal Nehru Road, Calcutta-16.
3. The Senior Deputy Director General, G.S.I.
Northern Region, 3-Gokhale Marg, Lucknow.
4. The Administrative Officer, G.S.I., Northern
Region, 3-Gokhale Marg, Lucknow.

-----Opposite-parties.

10 cl 2 1007
5-9-85

Wazir

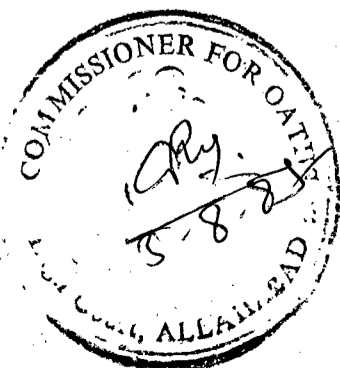


5. That the Deptt. had promoted the candidates to the post of U.D.C. on regular basis from time to time on local seniority basis. It is said that on 26.10.84 the candidates indicated at 17 to 26 of Annexure No.2 were promoted as regular U.D.C. and on 10.12.84, the candidate at Sl.No.27 to 29 were promoted as regular U.D.C. and on 24.5.85 the candidate at Sl.No.31 was promoted as regular U.D.C. The petitioner is at Sl.No. 40 and he has not been promoted

6. That in the Deptt. the vacancy position of posts is given below according to which 2 posts of examination quota and 7 posts of reserve quota i.e. 9 posts are lying vacant. It is submitted that no suitable candidate of reserve quota is available at present to fill up 7 posts. A part from it 3 posts are lying vacant because Sri Chawla, Sri S.M.Mehrotra & Smt. Bhagchandani have gone on deputation. As such there are 12 posts of U.D.C. which are lying vacant at present. A true position of the vacancy position is filed herewith at Annexure-3.

Vacancy Position of Posts

Name of Cadre.	Alloted.	Filled	Vacant	Remarks
1. Superintendent.	16	14	2	One post vacant against deputation of Sri B.Z.Chisty.
2. Assisstant	45	39	6	D.R.3. 2 offers issued to S/Shri Chawla & K.S.M.Mehrotra (on deputation) 1 reserved for S.T.

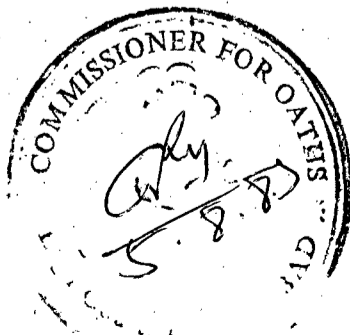


contd.....5.....

Name of Cadre.	Allotted.	Filled	Vacant	Remarks
3. U.D.C.	79	70	9	2 Examination quota, 7 Reserved for SC/ST (SC-5, ST-2) 3 posts vacant against deputation of Sri Chawla, S.N.M.Mehrotra & Smt. Bhagchandani.

7. That by perusal of Annexure no.1, it is clear that the present petitioner who at Sl.No. 40 comes within 9 candidates which have been left for regular promotion if the above said 9 posts, 2 of examination quota and 7 posts of SC/ST quota are to be taken into consideration.

8. That in any case the petitioner may be provisionally continued on the post of U.D.C. That by an order dated 15/25.5.85 the opposite party no. 3 has passed an order of reversion from the post of U.D.C. to the post of L.D.C. in pursuance of the Sy.Dy. Director General (P) letter No. 6971C/A/22012/17/84/134 dt. 22.4.85 and sanctioned Ad-hoc appointment promotion expiring on 14.5.85. A true copy of the said order dated 15/25.5.85 along with the said order dated 22.4.85 is filed herewith at Annexure IV (4)

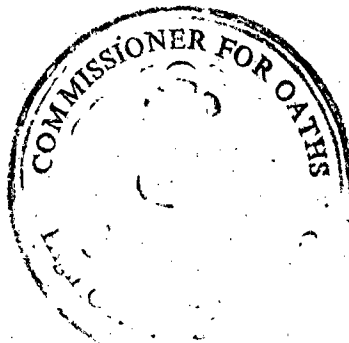


9. That the order of reversion is illegal and invalid as still 12 posts are lying vacant. Out of ~~which~~ 12 posts, 2 posts are of examination quota, 7 are of SC/ST quota and 3 are on the vacancy created by deputation as indicated earlier. It is submitted that no candidate of SC/ST quota is available and 2 posts of examination quota are also lying vacant and as such the said reversion is against the term of promotion order dated 18.2.81 (Annex. No.2).

10. That on 27.3.85 there is an strike of employees of the class 3 and 4 of Geological Survey of India due to ~~some~~ - glaring irregularities of the G.S.I. officers like misuse of Govt. vehicles, truck, trolley and Jeep etc. and it was continued for 3-4 days the details of said strike were published in the Northern India Patrika, dated 28.3.85. This strike and gherao of the officers resulted the reversion of the petitioner.

11. That the promotion order of the petitioner Annexure-2 to the ~~petition~~ petition never indicated that ad-hoc appointment was time bound but the condition indicated therein was that the same would continue till regular appointment is made and as such the time bound condition imposed is redundant itself more over 2 condition can not go together.

K. Srinivasan



Aa 1/6

12. That the petitioner is still holding the charge of the post of U.D.C. and the said order of reversion dated 15/25.5.85 has not been implemented so far.

Wang's
13. That the ^{similar work} ~~same~~ petition No.28203 of 1985, Gherau Verma and other Vs. Union of India and others has been admitted on 24.6.85 and the operation of the order of reversion (Annex.-4) has been stayed.

14. That being agreed by the order of reversion dated 15/25.5.85 Annex-4 the ~~petitioner~~ petitioner files this petition on the following grounds:

- G r o u n d s -:

- a) Because the order of reversion dated 15/25.5.85 (Annexure 4) from the post of U.D.C. to L.D.C. is illegal and invalid.
- b) Because the impugned order of reversion (Annexure 4) is against the terms of promotion order dated 18.2.81 (Annexure 2) as no regular promotee has joined the post of U.D.C. ^{of the petitioner}.
- c) Because as per ~~one~~ Annexure 3, 12 posts are lying vacant out of which 2 posts are of examination quota 7 are of SC/ST and 3 are of deputation.



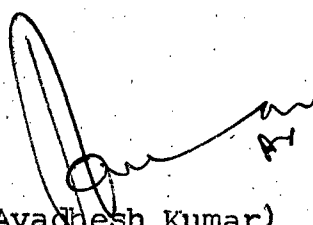
- d) Because the impugned Annexure 4, including letter No.6871C/A-22012/17/84/15A dated 22.4.85, is illegal and invalid as no time bound ad-hoc promotion was there but the limit was only to the extent that the same would continue till regular promotee join the said post.
- e) Because the Opp-parties have not considered that the petitioner is holding the promotion posts of U.D.C. since 18.2.81 and every petitioner has got his increments as well as there is no warning or adverse remark against any petitioner.
- f) Because the Opp-parties have acted arbitrarily and with malafide and prejudicial intention in reverting the petitioners to the lower post of L.D.C. from the post of U.D.C.
- g) Because in any case if the ad-hoc appointment is found to be time-barred till 14.5.85, its extension was not sought for from the Ministry intentionally.

Under the above said circumstances it is respectfully prayed that a writ, direction or order in the nature of Certiorari be issued quashing the ~~impugned order of reversion dated 15/25.5.85 including letter No.6871C/A-22012/17/84/15A dated~~

impugned order of reversion dated 15/25.3.85
including letter No.6871C/A22012/17/84/15A
dated 22.4.85 (Annexure 4).

Any other suitable writ, direction or
order may be issued to which the petitioner
is found entitled to.

Lucknow, dated,
5.8.85.


(Avadhesh Kumar)
Advocate,
Council for the Petitioners.

-10-

12

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

Writ Petition No. _____ of 1985.

Aziz Mirza Petitioner

Versus

Union of India & others Opp. parties.

Annexure No.1

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION
3, GOKHALE MARG, LUCKNOW.

No. /66/2/81/Admn. Dated the December, 1981.

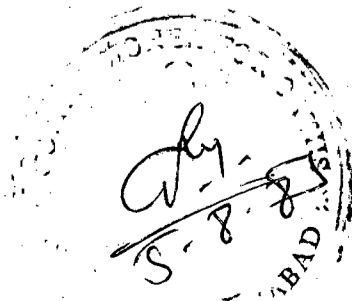
OFFICE ORDER

The Dy. Director General, Northern Region, Geological Survey of India, is pleased to confirm the following officers of the Geological Survey of India in the post and with effect from the dates as detailed below:-

Sl.No.	Name & Present designation	Particulars of permanent post previously held		Permanent post in which now confirmed.		Sanct- ion No. and date	Place of Post- ing.
		Post	From the date	Post	From the date		
1.	2.	3.	4.	5.	6.	7.	8.
1.	Shri R.C.Sharma,UDC	-	-	L.D.C.	1.12.79	G	U.P.Circle
2.	" Amit Kr.Bose,UDC	-	-	L.D.C.	1.12.79	G	Party Bill
3.	" Giani Chand,UDC	-	-	L.D.C.	1.12.79	A	H.P.Circle
4.	" W.M.Siddique, UDC	-	-	L.D.C.	1.12.79	E	E.G.(W)
5.	" Vijay Prakash, DUC	-	-	L.D.C.	1.12.79	C	U.P.Circle
6.	" Shahib Din, UDC	-	-	L.D.C.	1.12.79	B	Internal
7.	" Biswanath Dubey UDC (Sic)	Peon	1.10.66	L.D.C.	1.12.79	I	A.NED Drilling
8.	" Sreeram Gupta UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	S	U.P.Circle

Contd.----/2

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1.	2.	3.	4.	5.	6.	7.	8.
9.	Smt. Iswari Bhagcha- dani UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	S	Delhi Lab. NR.
10.	Sri G.C. Dhoundiyal UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	S	EG (E), N.R.
11.	Sri Vijay Kr. Bakshi UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	E	Jammu Circle
12.	Smt. S.P. Raizada, UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	U	Geophysics
13.	Sri I.P. Yadav, UDC (Ad-hoc)	Durwan	1.10.66	L.D.C.	1.12.79	B	S & I Sec. NRO
14.	Sri S.N. Purohit, UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	R	A/cs II., NRO
15.	Sri A.M. Ansari, UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	I	DORIS, N.R.
16.	Shri Devanad, UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	R	EG(C), N.R.
17.	" Hira Lal UDC -do-	-	-	L.D.C.	1.12.79	R	DORIS, N.R.
18.	" B.V. Tewari, UDC -do-	-	-	L.D.C.	1.12.79	R	-do-
19.	" Md. Aslam, -do-	-	-	L.D.C.	1.12.79	R	Palawontology
20.	" R. N. Mishra, -do-	-	-	L.D.C.	1.12.79	R	DDG Cell NRO
21.	" Vidya Sagar, -do-	-	-	L.D.C.	1.12.79	R	HP Circle
22.	" Ashok Kumar, -do-	-	-	L.D.C.	1.12.79	R	Palawontology
23.	" Q. A. Siddique -do-	-	-	L.D.C.	1.12.79	R	S & T Sec. NRO
24.	" R.K.L. Sri vastava -do-	-	-	L.D.C.	1.12.79	R	Petrology N.R.
25.	" K.D. Sharma, -do-	-	-	L.D.C.	1.12.79	R	Jammu Circle
26.	" P. P. Tewari -do-	-	-	L.D.C.	1.12.79	R	Drilling Dvn. NR
27.	" Ghiranu Verma -do-	-	-	L.D.C.	1.12.79	R	Vigilance NRO
28.	" V. R. Rana -do-	-	-	L.D.C.	1.12.79	T	DORIS, (sic)
29.	" Bharat Singh -do-	SG Duffty	2.9.62	L.D.C.	1.12.79	G	S & T Sec., N.R.
30.	" Aziz Mirza -do-	L/Writer	2.9.62	LDC	1.12.79	G	Geophysics Dvn. NR
31.	" B.N. Srivastava -do-	TimeKeeper	1.3.66	LDC	1.12.79	H	Chemical Division
32.	" Radhey Shyam -do-	-	-	L.D.C.	1.12.79	H	E.G.(W), N.R.
33.	" Ram Sahai Yadav -do-	-	-	L.D.C.	1.12.79	R	-do-
34.	" Md. Naseem Khan -do-	-	-	L.D.C.	1.12.79	E	Admn., Sec., NR

Contd.....

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COMMISSIONER
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5-8-75

1/11/81

1.	2.	3.	4.	5.	6.	7.	8.
35.	Sri Sabir Khan,UDC (Ad-hoc)	-	-	L.D.C.	1.12.79	5	A/C,I. Sec.NRO
36.	Sri Surendra Prasad Misra,UDC(Ad-hoc)LDC	Polish Mistry	21.12.62	L.D.C.	1.12.79	A	Despatch Sec."
37.	Sri Amarjeet Singh UDC(Ad-hoc)	Peon	1.10.66	L.D.C.	1.12.79	2	E & T Divn.NRO
38.	Sri Shyam Kishore Misra,UDC(Ad-hoc)	Peon	1.10.69	L.D.C.	1.12.79	5	Glaciology Divn
39.	Sri Naresh Singh -do-	SGDuftry	21.12.71,	LDC	1.12.79	S	Drilling -do-
40.	Sri Bansi Lal Bhat-d-	L/Writer	1.10.66	L.D.C.	1.12.79	G	K. Circle
41.	Sri Sarjoo Pd.Yadav-d-	Peon	1.10.66	L.D.C.	1.12.79	5	Glaciology
42.	Smt.Usha Bahuguna,LDC	-	-	L.D.C.	1.12.79	G	Curatorial Wing,N.R.

Sd/-
(SURAJ PARKASH)
Regional Administrative Officer,
for Dy. Director General.
Dated the December, 1981
12.1.82

No.25943A/66/12/81/Admn.

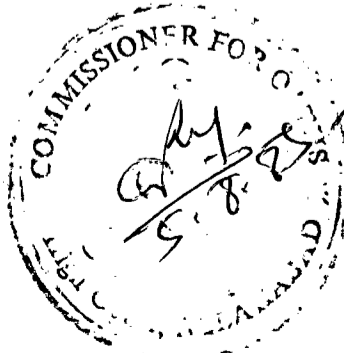
Copy forwarded for information to:-

1. The Sr. Dy. Director General,(Personnel),GSI,Calcutta with reference to the letter No.355/A-31015/1/81/15A dated 6.8.81 alongwith 6 spare copies.
2. The Dy.D.G.,ER/NER/CR/SR/WR/AMSE/CoalDivn.,GSI,Calcutta/Shillong/Nagpur/Hyderabad/Jaipur/Bangalore.
3. The Pay & Accounts Officer, Geological Survey of India, N.R.,Lucknow
4. The Director,Kashmir Circle/JammuCircle/HP Circle/PH Circle/Chem. Lab.G.S I., Srinagar/Jammu/Chandigarh/Delhi.
5. All Divisional /Sectional Head concerned G.S.I.,N.R.,Lucknow.
6. Individual Concerned. Sri V.R.Rana, WEG,DONIS,NR,GSI,Lko.
7. Personal file.
8. The General Secretary, GSI Staff Union,N.R., GSI, Lucknow.
9. The P.A. to Dy. D.G., N.R., GSI, Lucknow.

Sd/-
(SURAJ PARKASH)
Regional Administrative Officer
for Dy. Director General

True copy

Kecough



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

1/12/85

Writ Petition No. _____ of 1985.

Aziz Mirza Petitioner

Versus

Union of India & others Opp. Parties.

Annexure No. 2

18/2/81.

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION

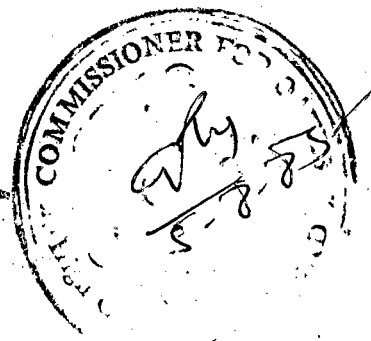
No. /4/2/GP/81-Estt.'A' Lucknow, the Feb., 81.

OFFICE ORDER

The following L.D.C's are appointed by the Deputy Director General, Northern Region, Geological Survey of India, Lucknow, to the post of U.D.C. on promotion on ad-hoc basis in Geological Survey of India in the scale of Pay of Rs.330-10-380-EB-12-500-EB-15-560/- on the basis of local seniority w.e.f. 18.2.81(FN) until further orders. They are posted at the places shown against them.

Sl.No.	Name of the persons	Place of posting	Pay fixed under FR-22-C/Normal rules
1.	Shri R. K. Jaggi	Drilling Divn., NR.	-
2.	" R. C. Sharma	U.P.Circle, N.R.	-
3.	" A. K. Bose	Estt.'B' Section, NRO	Rs.360/-
4.	" Gain Chand	P.H.Circle, Chandigarh	-
5.	Smt. K.M.Kapoor	Accounts Sec., NRO	Rs.340/-

Wazir



Contd...../2

sl. no.	Name of the persons	Place of Posting	Pay fixed under FR-22-C/Normal rules
6.	Shri M.W.Siddiqui	DORIS	-
7.	" Vijai Prakash	U.P.Circle	-
8.	" Saheb Din	Budget Sec.,NRO	Rs.330/-
9.	" V.N.Dubey	E.G.(W), NR	-
10.	" S. R. Gupta	U.P.Circle,NR	-
11.	Smt. Hari Ratlani	PBX , NRO	Rs.330/-
12.	Smt. Asha Dhusia	Transport Divn.NRO	Rs.330/-
13.	Smt. Devi Sachdew	Estt.'A' Sec.,NRO	Rs.330/-
14.	Shri S. N. Singh	Cash Sec.,NRO	Rs.330/-
15.	" R. G. Nag	Geophy.Divn.,NR	-
16.	Smt. Iswari Bhagchandani	Chem.Lab.,Delhi	-
17.	Shri G.C.Dhaundiyal	Estt.'A' Sec.,NRO	Rs.330/-
18.	" V. K. Bakshi	Jammu Circle, Jammu	-
19.	" Jaswant Singh	P.H.Circle, Chandigarh	-
20.	Smt. S.P.Raizada	Geophy.Divn.,NR	-
21.	Shri I.P.Yadav	S & I Sec.,NRO	Rs.330/-
22.	" S. N. Purohit	Estt.'B' Sec.NRO	Rs.330/-
23.	" A. M. Ansari	DORIS, NR	-
24.	" Deva Nand	Drilling Divn.,NR	-
25.	" Hira Lal	DORIS, NR	-
26.	" B. V. Tewari	E.G.(C), NR	-
27.	" Mohd. Aslam	Palaeontology,NRO	Rs.330/-
28.	" Raj Nath Misra	Estt.'B' Section	Rs.330/-
29.	" Vidya Sagar	Glaciology Divn.,NR	-
30.	" Ashok Kumar	Palaeontology,NRO	Rs.330/-
31.	" Q. A. Siddiqui	S & I Section,NRO	Rs.330/-
32.	" R.K.L.Srivastava	Petrology , NRO	Rs.330/-
33.	" K. D. Sharma	J.Circle,Jammu,NR	-
34.	" P. P. Tewari	Drilling Divn.,NR	-
35.	" G. Verma	O. M. & V. Sec.NRO	Rs.330/-
36.	" V. R. Rana	DORIS, NR	-

V. R. Rana

Contd...../3



37.	Shri Abdul Rashid	Transport Divn., NRO	Rs. 330/-
38.	Smt. Sarita Maini	E.G.(E), NR	-
39.	Shri Bharat Singh	S & I Section,	Rs. 330/-
40.	" Aziz Mirza	Chemical Divn., NRO	Rs. 330/-
41.	" B.N. Srivastava	Q.G., Divn., NR	-
42.	" Radhey Shyam	Estt.'A' Sec., NRO	Rs. 330/-
43.	" Ram Sahai	Despatch Sec., NRO	Rs. 330/-
44.	" Mohd. Naseem Khan	Estt.'A' Section	Rs. 330/-

They will be reverted to their original post of LDC as soon as the regular promotees join the post of U.D.C.

The above ad-hoc promotion on local seniority basis will not confer on them any right for regular promotion.

Sd/-
(S. P. Mukherjee)
Administrative Officer,
for Deputy Director General

Forwarded to the Pay & Accounts Officer, Deptt. of Mines, GSI, Lucknow. The Pay and Allowances of the above promotees will be drawn under Temporary PLAN-Head. The temporary posts of UDC originally sanctioned by the Govt. under Ministry's letter No. J-11011/134/79-M.2 dated 20.1.81.

No. 25951A/4/2/GP/81-Estt.'A' Lucknow, the 18 Feb., 81.

Copy forwarded for information and necessary action to:-

1. The Director of Personnel, Geological Survey of India, Calcutta
2. The Dy. Director General, Geological Survey of India, Coal Divn., Calcutta/ER, Calcutta/NER, Shillong/AMSE, Bangalore/WR Jaipur/SR Hyderabad/CR, Nagpur.
3. The Liaison Officer, SC & ST, Geological Survey of India, Cal.
4. The Director _____, NR, GSI _____.
5. The Admn. Officer, Rec. Cell, GSI, NRO, Lucknow.
6. The Admn. Officer, _____ NRO, GSI, Lucknow.
7. The Admn. Officer, Estt.'B' Section, NRO, GSI, Lucknow.
8. The P.A. to Dy. D.G., GSI, NRO, Lucknow.
9. The Regional General Secretary, GSI Staff Union, Lucknow.
10. Shri G. Verma, LDC, O.M. & V. Section, NR., GSI, Lucknow.
11. Guard file.

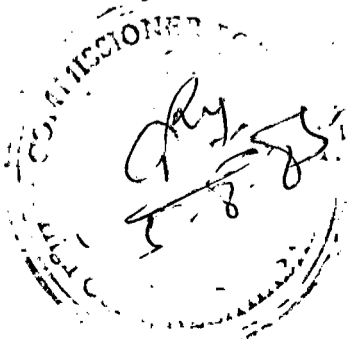
Sd/-
(S. P. Mukherjee)
Administrative Officer,
for Deputy Director General.

Received today

Sd/-
18/2/81

True copy

[Handwritten signature]



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

Writ Petition No. _____ of 1985.

Aziz Mirza Petitioner

Versus

Union of India & othersOpp. Parties.

Annexure No. 3

V A C A N C Y P O S I T I O N

<u>Name of Cadre</u>	<u>Allotted</u>	<u>Filled</u>	<u>Vacant</u>	<u>Remarks</u>
1) Superintendent	16	14	2	One post vacant against deputation of Shri B.N.Chisty.
2) Assistant	45	39	6	DR-3 2 Offer issued to Shri Chawla & S.M.Mehrotra (on deputation) 1 Reserved for ST
3) U.D.C.	79	70	9	2 Examination Quota 7 Reserved for SC/ST (SC-5, ST-2) 3 posts vacant againsts deputation of Shri Chawla, S.M. Mehrotra and Amt. Bhagchandani.



True copy

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8/17
16

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

Writ Petition No. of 1985.

Aziz Mirza Petitioner

Versus

Union of India & Others ... Opp. parties

Annexure No. 4

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
NORTHERN REGION
3, GOKHALE MARG, LUCKNOW.

No. /A-32016(M)/1/83/Estt. Dated the 15.5.85
25.5.85

OFFICE ORDER

In pursuance of the Sr.Dy. Director General (P),
GSI, Calcutta letter No. 6871C/A 22012/17/84/15A dated 22.4.85
and sanction as adhoc appointment of promotion expiring on
14.5.85, the following ad-hoc promotees stand reverted to their
substantive/officiating post as indicated against each with
effect from 15.5.85(F/N)

Sl.No.	Name	Post against which Offgg. on ad-hoc	Post to which recerted	Place of posting
1)	Sri Harnek Singh	Supdt.	Asstt. P&H P. Circle	
2)	" K.L.Kak	Asstt.	U.D.C. Jammu Circle	
3)	" V.P.Handa	-do-	U.D.C. Unit No.I	
4)	" Irshad Hussain	-do-	-do- Unit No. II	
5)	" Sarwan Ram	-do-	-do- P&H. P. Circle	
6)	" K.D.Sharma	U.D.C.	L.D.C. Jammu Circle	
7)	" P.P.Twqari	-do-	-do- M.P.I.Divn.	
8)	" G. Verma	-do-	-do- Vigilance Sec.	
9)	" V.R.Rana	-do-	-do- A/C -II Sec.	
10)	" Abdul Rashid	-do-	-do- -do-	

Contd...../2

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COMMISSIONER
5.8.85

Sl.No.	Name	Post against which Offgg. on ad-hoc.	Post to which reverted	Place of posting
11)	Smt. Sarita Maini	U.D.C.	L.D.C.	Unit No. II
12)	Sri Bharat Singh	-do-	-do-	P & C Cell
13)	Sri A. Mirza	-do-	-do-	Geophy. Divn.
14)	" B.N. Sri-vastava	-do-	-do-	Budget. Section.
15)	" R. S. Singh	-do-	-do-	Unit No. II
16)	" R. S. Yadav	-do-	-do-	A/C. II Sec.
17)	" Md. Naseem Khan	-do-	-do-	Estt. Section.
18)	" S. P. Misra	-do-	-do-	DORIS
19)	" Amarjeet Singh	-do-	-do-	H.B.A. Cell
20)	" S. K. Misra	-do-	-do-	Stores Divn.
21)	" Naresh Singh	-do-	-do-	Gen. Section.
22)	" Madho Murari	Sr. Asstt. Librarian	Asstt. Librarian	M.P.I. Division
23)	Smt. S. Malhotra	Asstt. Lib.	Library Asstt.	-do-
24)	Sri R.K.L. Srivastava	U.D.C.	L.D.C.	Pet. Division

Sd/-

(H.R. NARULA)
Administrative Officer,
for Br. Dy. Director General
(OP), NR

Forwarded to the Pay & Accounts Officer, NR., GSI., Lucknow.

No. /A-32016(M)/1/83/Estt. Dated the 15.5.85

Copy forwarded for information & necessary action to:

- 1) The Sr. Dy. Director General (P), GSI, Calcutta.
- 2) The Sr. Dy. Director General / Dy. Director General, GSI, Coal Wing, Calcutta / SR, Calcutta OMS & MC, Calcutta / NER, Shillong / CR, Nagpur / WR, Jaipur / SR, Hyderabad / AMSE Wing, Bangalore / Training Institute, Hyderabad.

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Contd...../3

COMMISSIONER
Handwritten signature
5.8.85

- 3) The Dy. Director General/ Director/ Officer-in-Charge, GSI, Operation Unit No. 1, Faridabad / Operation Unit No. II, Lucknow / (six) / Jammu Circle, Jammu/ P. & H. P. Circle, Chandigarh ((sic)) / (Six) Geophysics Division / DORIS / M. C. P.I. Division / Q.G. Division / Petrology Division / (sic) , N.R., GSI, Lucknow.
- 4) The Administrative Officer, Accounts II Section, N.R., GSI, Lucknow.
- 5) Officials concerns, NR, GSI, Srinagar/Jammu/Chandigarh/Dehradun/Lucknow/Faridabad/
- 6) The Liaison Officer (SCT), NR, GSI, Lucknow.
- 7) The P.A. to the Sr. Dy. Director General (OP) ,NR, GSI, Lko.
- 8) The Regional Secretary, GSI Staff Union, NR, GSI, Lucknow.
- 9) Guard file.

Sd/-

(H. R. NARULA)
Administrative Officer,
for Sr. Dy. Director General (OP), NR

True - copy

[Handwritten signature]



42/1/19

GOVERNMENT OF INDIA
GEOLOGICAL SURVEY OF INDIA
4, CHOWRAHAT LANE
CALCUTTA-16.

No. 63710/A-22012/17/84/15A dated the ; 22nd April '85.

Sub: Holding of D.P.C. for the feeder grades
of Group 'D' posts on Ministerial/Non-
Ministerial Cadres.

It is stated that from now on D.P.Cs for
considering promotion to the feeder grades of Group-B posts
of Ministerial/ Non-Ministerial(Tech.) Cadres may be held on
any day in any region according to the convenience of regions.
Single dates for these N.P.D.P.Cs are no longer required. It
may also be noted that all ad-hoc promotions are valid only
till 14.5.85. Ad-hoc promotees, who are not regularised by
14.5.85 shall stand automatically reverted since time limit
for ad-hoc promotions is not being extended beyond 14.5.85.

Sd/-

(P.B.Samaddar)
Administrative Officer
for Sr. Dy. Director General (P)

Forwarded to :-

The Sr. Dy. Director General (OP), NR, GSI, Lucknow.

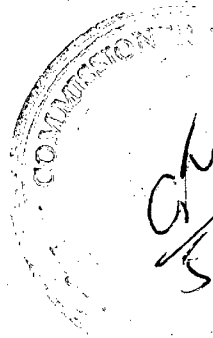
No. /A-22012/17/84/15A dated the April, '85.

Copy for information to:-

- 1) The Adm. Officer, Section-16A, CHQ, GSI, Calcutta.
- 2) The Adm. Officer, Section-17A, CHQ, GSI, Calcutta.
- 3) The Adm. Officer, Section-15A, (2), CHQ, GSI, Calcutta.
- 4) Guard file, Section-15A, CHQ, GSI, Calcutta.
- 5) All Divisions and Sections of CHQ.

Sd/-

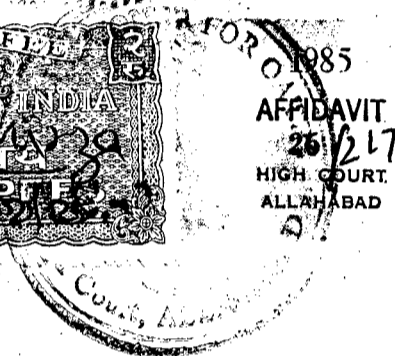
(P.B.Samaddar)
Administrative Officer,
for Sr. Dy. Director General (P).



True copy

Recd

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



In re:

Srit Pet.No. of 1985.

Aziz Mirza --- Petitioner

Versus

Union of India and others --- Opposite parties.

Affidavit.

In re:

Writ Petition under Article 226 of the
Constitution of India



I, Aziz Mirza, aged about 46 years, son of
Late Shri Hamid Mirza, Upper Division Clerk (UDC),
Geological Survey of India (GSI) Northern Region,
3-Gokhaley Marg, Lucknow, do hereby solemnly affirm
as under :-

Handwritten signature

1. That the deponent is well conversant with the facts of the case.

2. That the contents of paras 1 to 12 and 15 of the accompanying writ petition are true to my knowledge and those of paras 13, 14 and 16 are verified on legal advice and believe to be true.

3. That Annexures 1 to 4 are the true copies of ~~them~~ their originals.

Lucknow, dated,
5.8.85

[Signature]
Deponent.

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

Lucknow, dated 5.8.85

[Signature]
Deponent.

I identify the deponent who has signed before me.

[Signature]
Advocate.



Solemnly affirmed before me on 5.8.85-
at 11.30 A.M./P.M. by *Shri Anurag Mishra*,
the deponent who is identified by
Shri Avadesh Kumar
~~clerk to Shri~~
Advocate High Court Allahabad.

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

[Signature]

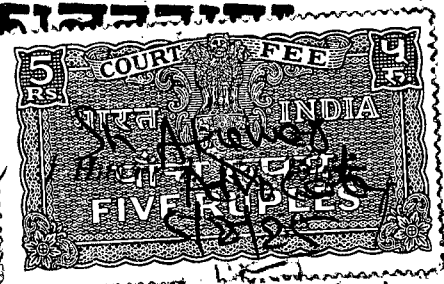
On this day
High Court Allahabad

Re. 26/217
Date 5.8.85

In the Hon'ble High Court of Judicature at
ब अदालत श्रीमान Avadhesh Prasad Singh at महोदय Kumar

आदी (मुद्दे) का
प्रतिवादी (मुद्दालेह)

वकालतनामा



Aziz Mirza

वादी (मुद्दे)

बनाम

Union of India and (मुद्दालेह)
प्रतिवादी

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
उपर लिखे मुकद्दमा में अपनी ओर से श्री

Sh Avadhesh Kumar Advocate एडवोकेट
महोदय
वकील

नाम अदालत	नाम फरीकित
नं० मुकद्दमा	

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 प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से दिगरी जारी करावें और रुपया वसूल करें या सुल्हनामा या इवबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उटावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकितसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसोद से लें या पंच नियुक्त करें - 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 जिम्मेदारी मेरी वकील रहे और समय पर काम आवे ।

हस्ताक्षर.....

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना

Accepted

Signature of Avadhesh Kumar

Avadhesh Kumar
Advocate

30 The Hon'ble, 1st Centre of Education at Allahabad,
 Lucknow at Lucknow.

With reference to No. 22.

Reference

With reference

---petition

Verdict

Union of India and others

---petition

Index of the case.

Date

- | | | |
|-------------------|--|-------|
| 1. With reference | --- | 1-9 |
| 2. Paragraph 1 - | Two copy of the dis-
continuation notice of
the post of B.A.S. | 10-12 |
| 3. Paragraph 2 - | Two copy of the order
of promotion on the post
of B.A.S. on 22.8.61. | 13-15 |
| 4. " " - | Two copy of the vacancy
position. | -16- |
| 5. " " - | Two copy of the order
dt. 15/10.6.61 | 17-20 |
| 6. Paragraph | | 21-22 |
| 7. Annex | | -23- |

Encl. 2/200

(Signed) (Name)
 Director
 (Control) for the Education.

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

Writ Pet. No. of 1955,

1. Aziz Mirza, aged about 46 years,

s/o Late Shri Hamid Mirza

Upper Division Clerk (U.D.C.), Geological
Survey of India (G.S.I.) Northern Region,
3-Gokhale Marg, Lucknow

-----Petitioner.

Versus

1. Union of India,
2. The Director General, G.S.I., 37-Jawahar
Lal Nehru Road, Calcutta-16.
3. The Senior Deputy Director General, G.S.I.
Northern Region, 3-Gokhale Marg, Lucknow.
4. The Administrative Officer, G.S.I., Northern
Region, 3-Gokhale Marg, Lucknow.

-----Opposite-parties.

That the Deptt. had promoted the candidates to the post of U.S.C. on regular basis from time to time on local seniority basis. It is said that on 25.10.55 the candidates indicated at 17 to 26 of Annexure No.1 were promoted as regular U.S.C. and on 10.12.56, the candidates at 1.11.57 to 29 were promoted as regular U.S.C. and on 26.5.58 the candidate at 31.10.58 was promoted as regular U.S.C. The petitioners at 30 U.S.C. 49 and 50 has not been promoted

That in the Deptt. the vacancy position of posts is given below according to which 3 posts of examination quota and 7 posts of reserve quota i.e. 10 posts are lying vacant. It is understood that no suitable candidate of reserve quota is available at present to fill up 7 posts. A part (i.e. 3 posts) are lying vacant because Sri Chandra, Sri S. Mohindra & Sri. Bhagchandani have gone on deputation. As such there are 12 posts of U.S.C. which are lying vacant at present. A true position of the vacancy position is filed herewith at Annexure-3.

Vacancy Position of Posts

Name of Posts	Allotted	Filled	Vacant	Remarks
1. Superintendent	16	14	2	One post vacant against deputation of Sri S. Chandra.
2. Assistant	48	39	9	D.O. No. 2 3 officers deputed to Sd/- Sri Chandra & Sd/- Sri Mohindra (on deputation) 1 reserved for L.S.

- 3 -

**Writ Petition under Article 226 of the
Constitution of India.**

The humble petition of the above named petitioner beg
to submit as under

1. That initially the petitioner was appointed on the post of Label Writer w.e.f. 20.3.61 and he was confirmed on the said post of Label Writer w.e.f. 21.9.62. That there after the petitioner was promoted on the post of Lower Division Clerk (L.D.C.) w.e.f. 17.10.74 in the grade of Rs. 300/- - 400/- per month and thereafter he was made confirmed on the said post of L.D.C. w.e.f. 1.12.79. A true copy of the said confirmation letter dated 13.1.82 is filed herewith as Annexure No.1.
- That the petitioner was promoted on Ad-hoc basis on the post of Upper Division Clerk (U.D.C.) in the grade of Rs. 500-550/- by the order dated 18.2.81 on the basis of local seniority w.e.f. 18.2.81 (AN) on the condition that he will be reverted to his original post of L.D.C. as soon as the regular promotee join the post of U.D.C. A true copy of the said order of promotion on the post of U.D.C. dated 18.2.81 is filed herewith as Annexure No.2.

That since the said promotion on the post of UDC, the petitioner has been working as U.D.C. and has got two increments on the post of U.D.C. and he has never been communicated with any adverse remarks or even any warnings.

7

That the petitioner is still holding the charge of the post of S.D.O. and the said order of revocation dated 15/12.5.55 has not been implemented so far.

That the same a petition No. 10503 of 1955 Shree Venkatesh and other vs. Union of India and others was filed on 20.6.55 and the operation of the order of revocation (Annex-6) has been stayed.

That being aggrieved by the order of revocation dated 15/12.5.55 Annex-6 the petitioner has petitioned (filed this petition on the following grounds:

- G R O U N D S -

- a) Because the order of revocation dated 15/12.5.55 (Annexure 6) takes the post of S.D.O. to be void, is illegal and invalid.
- b) Because the impugned order of revocation (Annexure 6) is against the terms of reservation order dated 20.2.51 (Annexure 2) as no regular procedure has followed the post of S.D.O.
- c) Because as per the Annexure 2) 12 posts are lying vacant out of which 2 posts are of commission and 10 are of deputyship.

- 6
- 3.
- a) Because the Assigned Amenity C, including letter No. 0072/1-20012/17/04/12, dated 28.6.00, is illegal and invalid as well as a kind of abuse, promotion was done but the limit was only to the extent that the case could continue till regular promotion jobs are held back.
 - b) Because the top-judges have not considered that the petitioner is holding the promotion posts of U.S.C. since 21.12.01 and every petitioner has got his increments as well and there is no remedy or effective remedy against the petitioner.
 - c) Because the top-judges have acted arbitrarily and with malafide and prejudicial intention in reverting the petitioners to the lower post of U.S.C. from the post of U.P.C.
 - d) Because in any case if the above appointment is found to be time-barred till 10.5.00, its extension was not sought for from the Ministry intentionally.

Under the above said circumstances it is respectfully prayed that a writ, direction or order in the nature of certiorari be issued quashing the

9

impugned order of reversal dated 15/25.5.85
including letter No. 6871C/A-22012/17/84/15A
dated 22.4.85 (Annexure 4).

Any other suitable writ, direction or
order may be issued to which the petitioner
is found entitled to.

Lucknow, dated,
5.

(Avadhesh Kumar)
Advocate,
Council for the Petitioners.

- 3) The Dy. Director General/ Director/ Officer-in-Charge,
GSI, Operation Unit No. I, Varidabad / Operation Unit
No. II, Lucknow / (six) / Jammu Circle, Jammu/
P. A. H. P. Circle, Chandigarh ((sic)) / (six)
Geophysics Division / DORIS / M. O. P.I. Division / Q.C.
Division / Petrology Division / (sic) , N.E.,
GSI, Lucknow.
- 4) The Administrative Officer, Accounts II Section, N.E.,
GSI, Lucknow.
- 5) Officials concerns, NR, GSI,
Srinagar/Jammu/Chandigarh/Delwanan/Lucknow/Varidabad/
- 6) The Liaison Officer (SOF), NR,GSI, Lucknow.
- 7) The P.A. to the Sr. Dy. Director General (Or) ,NR,GSI,Lko.
- 8) The Regional Secretary, GSI Staff Union, NR, GSI,Lucknow.
- 9) Guard file.

24/-

(H.R. MARILA)

Administrative Officer,
for Sr. Dy. Director General (Or), NR

True - copy

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

//

(A)

In re

Art. 226, Cl. of 1955.

Asis Mirza

--- Petitioner

versus

Union of India and others

--- Opposite parties.

Applicant.

In re

Art. 226 under Article 226 of the
Constitution of India

2. Asis Mirza, aged about 46 years, son of
Late Asis Harish Mirza, Upper Division Clerk (UDC),
Geological Survey of India (GSI) Northern Region,
Jalpaiguri Range, Lucknow, do hereby solemnly affirm
as under :-

- 1. That the deponent is well conversant with the contents of the book.
- 2. That the contents of pages 1 to 12 and 13 of the above paying unit petition are true to my knowledge and those of pages 14, 15 and 16 are verified on legal advice and believe to be true.
- 3. That chapters 1 to 6 are the true copies of their originals.

Witness, Clerk

Deponent.

I, the deponent above named verify that the contents of pages 1 to 3 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed to truly do so.

Witness, Clerk

Deponent.

I identify the deponent who has signed before me.

Witness.

Solemnly affirmed before me on
 at *Madras*
 the *12th* day of *July* 19*57*
 the deponent was identified by
 me
 Clerk to the
 Madras High Court Bench.
 I have satisfied myself by examining the
 deponent that he understands the contents
 of this affidavit which have been read out
 and explained by me.

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

C.M.AB.No. (w) of 85.

In re:

Writ Pet. No. of 85.

1. Aziz Mirza, aged about 46 years,

s/o Late Shri Hamid Mirza

--- Petitioner

versus

1. Union of India,

2. The Director General, C.S.I., 27-Jawahar Lal
Nehru Road, Calcutta-16.

3. The senior Deputy Director General, C.S.I.,
Northern Region, 3, Gokhale Marg, Lucknow.

4. The Administrative Officer, C.S.I.,

Northern Region, 3, Gokhale Marg, Lucknow.

---Opposite parties.

Application for stay.

On the facts and circumstances stated in writ petition accompanying with its affidavit, it is respectfully prayed that the operation of the order dated 15/05.9.95 passed by the opposite party No.3 (Annexure 4) reverting the petitioner from the post of LAC to LEO, may be stayed till the pendency of this writ petition.

Enclow. dated

(Signature) _____
Advocate,

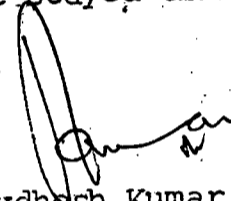
Counsel for the petitioners.

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Application for stay.

On the facts and circumstances stated in writ petition accompanying with its affidavit, if is respectfully prayed that the operation of the order dated 15/25.5.85 passed by the opposite party No.3 (Annexure 4) reverting the petitioner from the post of UDC to LDC, may be stayed till the pendency of this writ petition.

Lucknow, dated
5/8/85


(Avdhesh Kumar)
Advocate,

Counsel for the Petitioners.

