

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW**

**INDEX SHEET**

CAUSE TITLE TA 1945 OF 1987

NAME OF THE PARTIES Anil Kumar Jain Applicant

Versus

Union of India & others Respondent

Part A.

Sl.No.	Description of documents	Page
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**CERTIFICATE**

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


Dated 8/4/2011

File B/C destroyed on 09-5-12

Counter Signed.....



Section Officer/In charge

  
Signature of the  
Dealing Assistant

CIVIL

SIDE  
CRIMINAL

## GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

w.p. 5182-85

Name of parties

Anil Kumar Jain vs Union of India

Date of institution

8-10-85

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 Annex and affidavit	24		102 00			
	2	Power	1		5 00			
	3	Order 11, 552 (w) of 85	2		5 00			
	4	Order 13403 (w) of 85 Dismissal of app.	7		7 00			
	5	A Order Sheet	1					
	6	Book Certn.	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

## ORDER SHEET

REGISTRATION No. 177 of 1987

VERSUS

Serial  
number  
of order  
and date

Relief Order, Mentioning Reference  
if necessary

How complied  
with and date  
of compliance

27/1/04

Pro. Dostie K. Hefu, v.

Case has been read  
from CAT, A114 & 149 S  
Case is not admitted  
Stay is granted  
CA/RA not  
Date was 1  
from CAT, A114 & 149 S  
was not admitted  
Submitted for

No one is present for the parties. The record has been received from Allakumbad Ranch. Issue notices to both the parties for further orders fixing. 14/12/89.

VC

OR  
referred for  
8/11/89  
Notice of application  
has been return back

14-12-07

No 2. Hq. Adj. to 31-90.  
Sri Subhas Chandra, U.D.C. Chief Engineer  
Central Command, Lko. is present on behalf  
of repdts. Hq for the applicant is also present.

L  
14/12/09

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K. Obayya, A.M.

3/1/90

Shri V.K. Chaudhary present, for all the Op.Ps. Notice sent to the applicant has been returned with the remark that he has left the place of the indicated address. Notice be sent to the applicant's counsel and the case be listed for on 13-2-90.

OK Notices were in  
on 8-11-64.  
Notice of application  
has been being returned  
back on 27-11-64 with  
postal remark "left  
without address"  
submitted for sale

2-11-50

A.M.

V.C.

(Sns)

0.2  
1.26 E-5  
1.26 E-5

Reviewed Notice for ops 1 to 3  
for 8.10.85 along with Copies  
of W.P. + Interim Relief Application

Hari Nath Lohani  
atmt. 9/10/85  
Senior Counsel Govt. of India

MEMO

Expressed  
Firm adhesive A, 100L  
T 11

\_\_\_\_\_ for report  
\_\_\_\_\_ of lower

\_\_\_\_\_ Copy of F.O.

\_\_\_\_\_ should also be filed

\_\_\_\_\_ Bench

Last impugned Annexure 3  
= 30.8.85

Interim: document  
for 30.8.85

(5)

Wm. S.C.M. 5

11.8.85

Notice of this  
petition was ~~given~~ served  
on the learned Counsel  
for the Union of India  
only yesterday. He may  
obtain instructions and file  
a counter affidavit, if he  
so desire, by 30.10.85,  
last in the week commencing  
on 4.11.85. By the date  
fixed the petitioner may  
file a rejoinder affidavit.  
Till the next listing of  
the writ petition, the  
operation of the impugned

order of reversion  
dated 30.9.85  
contained in Annexure 3  
shall remain stayed.

Sr. P.K. Khare,  
learned Counsel for  
the petitioner, has stated  
that according to his  
petitioner's information  
preliminary investigation  
was made in regard  
to the collapse of the  
~~water~~ overhead tank.  
He further states that  
according to his  
information a report  
was obtained from Mr.  
H.T. Kapoor & that  
is so, the learned Counsel  
for the Union of India  
shall obtain a copy  
of that report and also  
the report of the  
preliminary investigation.

A copy of this order  
shall be supplied to the  
learned Counsel for the  
petitioner by tomorrow  
on payment of necessary charges.

for  
D. To: 8.5.85

⑤ ⑥ ⑦

⑤

Mon, S.E.M. J

" S.B.S.T.

For order, see our  
order of date on  
the writ petition.

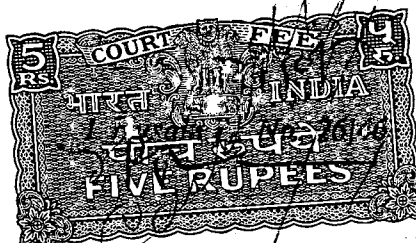
huh.  
P. 10, 11  
2

7

IN THE HON'BLE HIGH COURT OF JUDICATURE AT

ALLAHABAD LUCKNOW BENCH LUCKNOW.

11,552 (u)  
MISC. CASE NO. OF 1935  
in W.P.No. 5182 of 1935



Sri Anil Kumar Jain, aged about  
33 years son of Sri A. V. Jain,  
resident of B-237, Rajaji-puram,  
Lucknow.

Petitioner

Versus

1. The Union of India, through  
its Secretary, Ministry of  
Defence, Central Secretariat,  
~~Government of India~~ New Delhi

2. The Engineer-in-Chief,  
Army Headquarter, Kashmir  
House, New Delhi.

3. Command Chief Engineer,  
Central Command, Cantonment  
Lucknow.

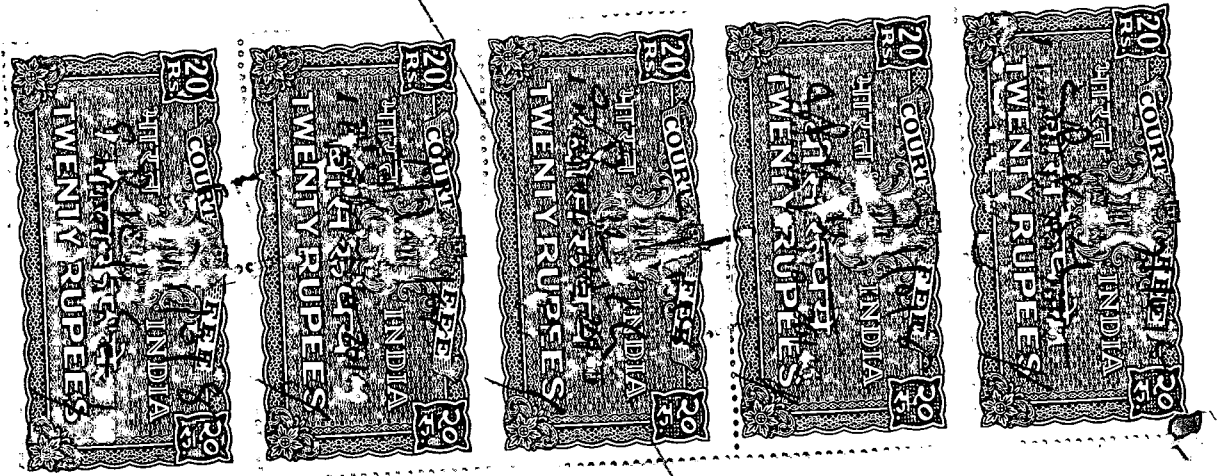
Respondents

(5)

*[Handwritten signature]*

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

Writ Petition No. 582 of 1985



*582-1047  
7-11-85*

In the matter of : ... Constitution of India

In the matter of : ... Article 226 of the  
Constitution of India

And

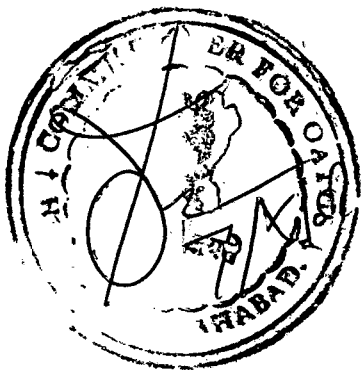
In the matter of :

Sri Anil Kumar Jain, aged  
about 33 years son of Sri A.C.  
Jain, resident of B-237, Rajaji-  
puram, Lucknow.

....Petitioner

Versus

1. The Union of India, through  
its Secretary, Ministry of  
Defence, Central Secretariat,  
*New - Delhi*
2. The Engineer-in-Chief  
Army Headquarter, Kashmir  
House, New Delhi.



*anyain*

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

LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. 13,403(u) of 1985.

In Re:-

Writ Petition No. 5132 of 1985.



Anil Kumar Jain

Petitioner

Versus

14724 Union of India and others

Respondents.

APPLICATION FOR THE DISMISSAL OF THE WRIT PETITION

For the facts and reasons given in the accompanying affidavit it is most respectfully prayed that the writ petition may kindly be dismissed as infructuous. .

Dated Lucknow;

The 21 November, 1985.

*Dhaon*

(U.K.DHAON)

Addl. Standing Counsel,  
Central Government.





(4) (12) (H/29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

T.A. 1945/87

(W.P. 5182/85)

A.K. Jain

...Applicant.

versus

Union of India & ors.

....Respondents.

Hon. P.S.Habeeb Mohammad, A.M.

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

(Hon. J.P. Sharma, J.M.)

The applicant filed writ petition impleading Union of India and others as opposite parties for the relief to quash the order dated 30.9.85 (Annexure -3) in which (a) first group the amendment has been made to delete the words "on promotion to Executive Engineer" which existed in the earlier order dated 6.9.85 (Ann. 2). Annexure -1 is the seniority list which shows adhoc promotions as Executive Engineer from the Post of Assistant Executive Engineer.

2. The ~~WRIT~~ PETITION stood transferred to the Tribunal and was re-numbered as T A. 1954 of 1987.

3. The respondents on 21.11.85 also filed an affidavit of Shri Ram Tripathi that the impugned order has already been withdrawn. In view of this fact this application has become infructuous. Therefore, the application is dismissed as infructuous with costs on parties.

  
J.M.

  
A.M.

Dated the April 12, 1990.

— group A-13(e) 13 8088

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

16/1  
235  
- 7/1/85

Writ Petition No. 5182 of 1985

Filed on 7th Oct 1985

Sri Anil Kumar Jain

Petitioner

Versus

Union of India and others

Respondents

I N D E X

Sl.No.	Particulars	pages
1.	Memo of Writ Petition	1 to 8
2.	Annexure-1, True copy of order dated 14th May, 1985	9 to 13
3.	Annexure-2, True copy of promotion and transfer order of petitioner.	14 to 15
4.	Annexure-3, True copy of the order dated 30th of Sept. 1985.	16 to 17
5.	Annexure-4, True copy of order dated 3rd of Octr. 1985.	18 to 20
6.	Affidavit	21 to 23
7.	Power	24,
8.	Application for stay	25 to 26

22-3/11

Dated: Lucknow the  
7th day of Octr. 1985

( P. V. Khare )  
Advocate  
Counsel for the petitioner

A  
E  
19  
B

3. Command Chief Engineer,  
Central Command, Cantonment  
~~Dehra~~, Lucknow.

o Respondents

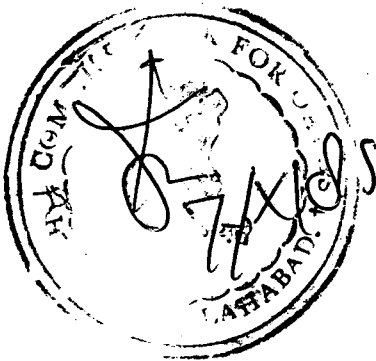
To,

The Hon'ble Chief Justice  
and His Companion Judges of  
the above court.

Sir,

The petitioner most respectfully states as  
under:

1. That the Union Public Service Commission on the request of the respondent No.1 convened a competitive test in 1976 for the selection to the post of Asstt. Executive Engineer in military engineering services. The petitioner took the test and was selected on the post of Asstt. Executive Engineer of Military Engineering Services in Civil Engineering Branch. The ~~petitioner~~ petitioner, on the basis of appointment letter issued to him joined the services on 11th of Feb. 1978 as Asstt. Executive Engineer and was posted for the first time at Itarsi, under the supervision and control of Chief Engineer.
2. That the petitioner has been serving with devotion and to the entire satisfaction of his superiors and at no point of time any disciplinary proceedings were taken up against the petitioner. The petitioner's career, has thus been un-blemished. The petitioner was earlier awarded a 'Chief of Army Staff Commendation Card' on account of



again

(AF)  
(15) X

.3.

his meritorious services.

3. That the regular promotions in the department was held up on account of the fact that the seniority list is <sup>4</sup> yet to be finalised. In the mean time for the last 6 or 7 years the promotions have been granted to the higher post on adhoc basis. The promotion from the post of Asstt. Executive Engineer is afforded to the post of Executive Engineer. The Departmental Committee met for considering the question of granting the adhoc promotions. These promotions are granted on the basis of seniority subject to rejection of un-fit.

4. That the Departmental Committee met and a panel of the promot<sup>2</sup>ing officers was constituted by a letter dated 14th of May, 1985. A copy of the said letter is being annexed as ANNEXURE-1 to this petition. A perusal of the same would show that the petitioner's name appeared at Sl.No.85-A of the list. There were certain junior members in the cadre whose name appeared below the name of the petitioner.

5. That on the basis of the promotion granted to the petitioner he was transferred to Lucknow under the control and supervision of the respondent No.3 and the part-II of the order issued by the respondent No.3 is being annexed as ANNEXURE-2 to this writ petition. The

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*anyain*

(A) (16) X

.4.

petitioner reported his joining and continged to serve on the post of Executive Engineer on which post he is still working.

6. That the respondent No.3 has been conveyed a signal message dated ~~24~~<sup>2</sup>th of September, 1985 to the effect that the promotion orders issued in regard to the petitioner have been cancelled. It has further been directed that the petitioner be adjusted to the substantive post. Pursuant to the aforesaid order the respondent No.3 has issued another order the copy of which has been annexed as ANNEXURE-3 to this petition.

A perusal of the aforesaid order would show that the promotion has been terminated and cancelled without assigning any reason. On the contrary the persons who are similarly situate and rather the persons who appeared below the position of the petitioner have been retained and their promotion orders have not been cancelled. It may also be indicated that the number of post remained static and there could be no legitimate reason for cancelling the promotion order. The order, therefore, is apparently arbitrary and without jurisdiction.



-7. That by an order dated 3rd of October, 1985 the Administrative Officer, on behalf of the Chief Engineer, has ~~transmitted~~<sup>2</sup> transmitted the movement order of the petitioner. This movement order contains a stipulation to the effect that the petitioner is involved in ~~xxx~~<sup>2</sup> a disciplinary case for collapse of overhead Tank in Ordinance

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Factory Itarsi. It is further stipulated that a chargesheet under Rule 14 of CIS(CC&A) Rules, 1965, dated August 9, 1985 was served to the Chief Engineer, Southern Command, Pune for service on the petitioner. However, the service could not be effected in view of the fact that the petitioner stood transferred to the Central Command. It seems that on this strength the petitioner is sought to be reverted to his substantive post. The upshot of the order is that the petitioner could not be heard in his defence to the charge levelled against him and the punishment has been afforded. It is respectfully submitted that this act of the respondents is in defiance to the rules of Natural justice. It is further submitted that in view of the past services rendered by the petitioner the punishment could not have a precedent over the defence which the petitioner may have in response to the charge sheet which has not yet been served on the petitioner. The copy of order dated 3rd. Octr. 1985 is ANNEXURE-4 to this petition.

8. That in any case the order of reversion, therefore, amounts to punishment and is stigmatisation in as much as it has cast a stigma on the career of the petitioner.

9. That it would be evident from the promotion order that the promotion of the petitioner was approved after verifying the previous service record and the conduct of the petitioner and there can be no occasion for the respondents to take such a hasty action unless the petitioner has



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been properly examined by the disciplinary authorities. It is further submitted that the petitioner is still working on the post of Executive Engineer and has not delivered the charge.

10. That the petitioner feeling aggrieved with the orders of the ~~competent~~ <sup>respondent</sup> and having no alternative efficacious remedy available to him prefers this writ petition on the following amongst other

G R O U N D S

- i) Because the impugned order is arbitrary, Mala fide, and offends the provisions of Article 14 and 16 of the Constitution.
- ii) Because in view of the fact that the petitioner's junior have been retained and the petitioner being better than those persons who are still holding the post of Executive Engineer the reversion of the petitioner offends the rule of equality as guaranteed under Article 16 of the Constitution.
- iii) Because in view of the fact that no opportunity, whatsoever, has been afforded to the petitioner and the order of cancellation has been passed by a non speaking order the order is illegal and without jurisdiction.



Handwritten notes at the top right: a circled '18' and a signature.



(A) (19)  
X  
8

.7.

- iv) Because there existed no material which warranted the passing of the impugned order and as such the order is of evil consequences which attracts the Article 311 of the Constitution.
- v) Because the order is non speaking and has been issued without affording an opportunity of being heard to the petitioner and as such it violates the principal of natural justice.
- vi) Because the alleged chargesheet can never be a foundation of punishment afforded to the petitioner who has not been heard in defence of the said charge and as such the impugned order offends the provisions of Article 311 of the Constitution.
- vii) Because in view of the fact that the petitioner has not yet been afforded an opportunity of being heard, the punishment cannot be awarded to him and the action on the part of the respondent is extremely arbitrarily and manifestly erroneous.
- viii) Because in view of the charges having not yet been proved against the petitioner, the innocence of the petitioner has to be presumed and as such no punishment can be inflicted on the petitioner unless the proper procedure is undergone and the petitioner is held guilty.

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11. Wherefore, it is most respectfully prayed that the Hon'ble court may be pleased:

- a) to issue appropriate writ, order or directions quashing the order 30th of September, 1985 contained in Annexure-3 to the writ petition.
- b) That by an appropriate writ, order or direction the ordinal order dated 27th of September, 1985 may be summoned from the respondents 1 and 2 and the same thereafter be quashed.
- c) That such other writ, order or directions be also issued as this Hon'ble court may deem fit and proper under the circumstances of the case.
- d) Cost of the petition be also awarded to the petitioner.

Dated: Lucknow the

5th day of Oct. 1985

7th Oct 1985

(Signature)  
Advocate

Counsel for the petitioner

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

Sri Anil Kumar Jain

Petitioner

Vs.

Union of India

Respondent.

ANNEXURE NO. I

Tele: 2019 69

Coord aur Jarmik Nideshalaya

Pramukh ~~Engineer~~ Shakha

Thal

A/4123/ADHOC/1/95/EIR

14 May 95

List 'A'

PROMOTION OF ASSISTANT EXECUTIVE ENGINEER TO  
EXECUTIVE ENGINEERS ON ADHOC BASIS

1. Assistant executive Engineers as per Appendix  
'A' to this letter have been approved for adhoc  
appointment in the grade of Executive Engineer upto  
31 Dec. 95 or till the ~~xx~~ regular promotions  
are made, whichever is earlier.

2. Attention of the officers promoted on adhoc  
basis may please be drawn to the Department of



anpin

.2.

Personnel & AR OM No. 2203/1/76-Estt(D) dated  
A/ril, 77, forwarded under this HQ letter No.  
A/20005/ADHOC/EIC dated 23 Jul 77 regarding  
counting of service rendered on adhoc basis  
for the purpose of promotion/confirmation.

(AS SHARMA)

Brig

D DG Engrs(Pers)

Premukh Engineer/

Engineer-in-Chief

Copy to:-

Ministry of Defence(D(Appis)

List 'B'

Internal

EIB

EIC

EID

E Coord I

MIS(Civ)

DCBR/ED2

QMG/CTE



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.3.

LIST OF ASSISTANT EXECUTIVE ENGINEERS FORWARDED FOR  
ADHOC PROMOTION AS EXECUTIVE ENGINEERS

<u>Srl.No.</u>	<u>Name</u>
1.	RV Ramachandran
2.	A Ramadoss
3.	NG Rama Rao Pantulu
4.	Sukhvashi M Rao
5.	AJ Repe
6.	Kulbhushan Chopra
7.	HS Mangat
8.	Gurbax Singh
9.	HC Manchanda.
10.	BG Pandse
11.	Puran Lal Shah
12.	Daya Sagar Punna
13.	Dalip Singh Gulati
14.	Adresh Rattan Gupta
15.	Kanwarjit S Manipal
16.	BJ Nandanwar
17.	Jai Prakash Singh
18.	Mukesh Prasad
19.	Bhola Singh
20.	Prakash Kumar Verma
21.	Anil Kumar Bajaj
22.	Naresh Chand
23.	S Balchandran(S/C)
24.	S Ramanathan
25.	Ravin Singh
26.	AK Ayyapan(S/C)
27.	Jai Prakash M Shete
28.	Lalit Mohan Sarin
29.	SS Tewari



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XXXXXX

30. J.N. Kh-re
31. Narendra B Jain
32. Gurdev Singh
33. Amir hand
34. VG indhe
35. Brij Mohan Kohli
36. Ashok K Ram bani
37. KS Mukhopdya
38. Adesh Kumar ain
39. Bharat Bhushan Dhameja
40. Kuldeep Kapoor
41. Rakesh C Mathur
42. JP Saxena 42.A Nday Krishna Lal Das
43. Ashok Kumar Gupta
44. Rajendra Kumar Sharma
45. KV Subramaniam
46. Ashok Kumar Sinha
47. Vijai Kumar Duggal
48. Abhey Kumar Sinha
49. Tarceem K Dutta
50. KC Vij
51. Suresh Chandra
52. Bal Mishore Garg,
53. DP Chadda
54. Anand Swarup Goyal
55. Sushil K Malhotra
56. Ashok Kumar Munjal
57. MM Nayyar
58. KNRavlandran Nair
59. Basant Singh
60. PC Tayal
61. Ashok Kumar Seth
62. Subhas Garg
63. KV Rangoohar
64. Sukhmal Chand Jain
65. NG Krishanan
66. Pradeep Kumar Sharma
67. Vijai Kumar Srivastava
68. Narsingh P Chaudhary
69. Mohander Pal Singh
70. PS Duranee
71. Girish Chandra Misra.
72. Rajendra Kumar Gupta
73. DP Verma
74. Pao9Vijendra Singh
75. Lakshmi hand
76. C Preeiama Murthy
77. Madan Gopal
78. K Madhavin Nambiar
79. Pradeep K Gupta
80. Bhisham Kumar Bahl
81. Man Mohan Singh
82. P Surva Rao
83. Anil Kant Sharma
84. KS Arora.
85. Satish Kumar 35.A A.K Jain
86. MN Roy
87. Ashok Kimar Verma
88. Anil Kumar Saxena
89. Dipak Kumar Aggarwal
90. Madan Mohan Mittal
91. Ibrahim M M Min
92. Gyan Chand Jain
93. Sukhjinder Singh
94. VP Saxena.



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96. NK Brinja
  97. Madirumal P Keshwani
  98. Pushil Kumar Parwani
  99. Glee Ram
  100. Swaan Aich
  101. Ram Chandra Patra
  102. Rup Narayan Kummit
  103. Nem Kumar Jain
  104. Arvind Kumar Arora
  105. S Khanoo
  106. Yash want Kumar
  107. Girdhari S Singh
  108. Ajit Kumar Roy
  109. BS Eao
  110. K John Varghese
  111. RS Narayanan
  112. Kalicharan N Adholekar (S/C)
  113. Om Parkash Rana
  114. R Venkatesswarulr
- Total 116 names only)



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

Sri Anil Kumar Jain  
Union of India

Petitioner  
Vs.  
Respondent.

ANNEXURE NO. II

PART II ORDERS

Unit : Mukhya Abhiyanta PTO NO. 37 Dt.: 16 SEP'85  
Mukhyalaya Madhya Kaman  
Station : Lucknow-226002 Page No. 1 of 1  
(LAST PTC No. 36 DATED 09 SEP'85)  
Srl) MES No. Name Desig. Dated Wef Particulars  
No. 1. 2. 3. 4. 5. 6.

PART - I

'A' FIRST GROUP

Strenght Increased

(Posting in )

1. 420012 Sh. Anil Kumar Jain 26Aug85 Reported arrival  
AEE R/R QPT 005 on permanent  
posting from CE, Madras  
ne, Madras on promotion  
Executive Engineer in  
the interest of State.

Intervening epriod from 24Aug 8

(Authy: E-C: sBr, AHQ, New Delhi  
letter No. MES/1107/A/85dt.  
02 Jul 85 & CE, Madras Zone,  
Madras NO No. 10295/1218  
E7A dt. 16 Aug. 85)

to 25 Aug 85 treated as journey  
joining period. Balance 13 days  
Unvaild joining period credite  
to the leave account of the  
officer as Earned leave.  
26 Aug 85 Allowed to Draw CCA/H  
(FN) at usual rates as  
admissible.

PROMOTION.

2. 420012 Sh. Anil Kumar Jain, 26Aug 85 Promoted to Executive  
AEE B/R Apt (FN) Engineer on Adhoc  
basis upto 31 Dec.  
or till regular  
candidates become  
available, whichever  
is earlier in the p  
scale of Rs. 1100(0  
year or under)-50-  
1600 and placed in  
position wef the s  
date.

26 Aug 85 Assumed the appoint  
(FN) ment of Executive En  
eer Adhoc.

'B' SECOND GROUP

'C' THIRD GROUP

NIL

Part-I Ends with Srl. No. 2

DISTRIBUTION

1. E-in'cs Br. Army HQ, New Delhi-110011
2. Area Account Office (COA CC) 'P: Sec, Lucknow (PN) Gupta)
3. Area Account office (COA CC) 'T' Sec. Lucknow (AC-II
4. Area Account office (COA CC), Lucknow. Adm Officer
5. CE Madras Zone, Madras Chief Engineer

anyain



# MOVEMENT ORDER

1. No and Name : MES/420012 Shri ANIL KUMAR JAIN
2. Designation : AEE B/R OPT
3. Proceeding from : Chief Engineer, Madras Zone, Madras
4. Proceedings : Chief Engineer, Central Command, Lucknow.
5. Authority for move : Army HQ, E-in C's Branch New Delhi letter No. MES/1107-A/85 dt 9 Jul.
6. Date of SOS : 23 Aug 1985(AN)
7. Date of arrival at new : After availing usual journey/joining time.
8. Nature of duty : Permanent posting on promotion as EE(Adhoc) SO 2
9. Date of Birth : 23 FEB 1952
10. Details of pay & Allowances: drawn by the officer are as under:
 

(a) Basic pay	Rs. 900-00	
(b) DA=ADA	Rs. 1380-80	(1310.80)
(c) CCA	Rs. 75-00	
(d) HRA	Rs. 202-50	
(e) I.R.	Rs. 70-00	

DEDUCTIONS

(a) GPE Subscription Rs. 125-00 (A/C No. 93623)

(b) CGHS... Rs. 4.00

(c) CGEIS... Rs. 80.00
11. Date of Next Increment : Pay has to be fixed on promotion.
12. Payment will be made upto and including: 31 Aug 1985
13. Whether the officer belongs to Sc/ST: No
14. He has availed 2 days casual leave and No RH during the
15. Before departure he will submit the following:-
  - (a) Department report
  - (b) Clearance Certificate from all connected
16. It is confirmed that the officer is not involved in any disciplinary case/Court of Inquiry/SPE case.

10395/ 1218

CHIEF ENGINEERS OFFICE  
MADRAS ZONE  
ISLAND GROUNDS  
MADRAS- 600009

(N Swaminathan)  
AO II  
Chief Engineer

16 Aug 1985

## Distributions:-

1. E-in C's Branch Army HQ New Delhi-110011
2. Chief Engineer southern Command, Pune-1
3. CE CC Lucknow
4. AAO (CDA SC) Fort St George, Madras-9
5. CE Madras/UA CE Madras
6. Mes/420012 Shri Anil Kumar Jain, AEE

Internal  
EIB(O)/E2(D)/AAT EE/Steno to ACE



anyain

16 (A) 20 (28)

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

Sri Anil Kumar Jain

Petitioner.

Vs.

Union of India

Respondents.

ANNEXURE NO. III

PART II ORDERS

Unit : Mukhya Abhiyanta  
: Mukhyalaya Madhya Kaman  
Station : Lucknow-226002

PTO No. 39 dt. 30 SEP '85

Page No. 1 of 5 pages.

( LAST PTO No. 38 Dated 23 Sept. '85)

Srl No.	MES No.	Name	Designation	Date	Ref.	CASUALTIES Particulars
1.	2.	3.	4.	5.	6.	

PART-I

'A' FIRST GROUP

AMENDMENT

1. 420012 Sh. Anil Kumar Jain, AEE Ref CE CC, LKONo.37/1/85  
B/R Dt. 16 Sep 85 (under Col-1):-  
Delete the following:-  
Non promotion to Executive Engineer"
2. 420012 Sh. Anil Kumar Jain AEE Ref CE CCLKO PTO No.37/2/85  
B/R QPT Dt. 16 SEP 85:-

The above Pto is hereby cancelled.

(Authority For Srl No. 1 & 2-E-In-C's Br, Army HQ, New Delhi Singha  
No. 391255/EIB dt. 27 Sep 85)

'B' SECOND GROUP

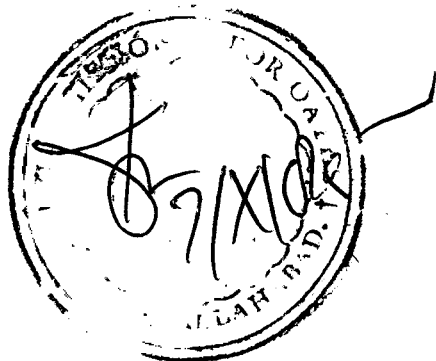
Pay & Allowances

Pay fixation on Promotion

3. 300149 Sh. Lalit Mohan, Sarin EE, Ref CE CC, LKO RTONo. 27/1/85  
(Adhoc ) Dt. 03 Jul 85:-  
AEE Opt 26 Jun 85 Consequent on Adhoc

promotion as EE up to 31 Dec 85, pay fix @ Rs. 1250/- PM in the scale of Rs, 1100/50-1600 with date of next increment on 01 Jun 86 (provided the Adhoc period no nonqualifying service intervenes)

Authy:-Pay fixation concurred in by audit vide AAO(CDA CC,) Luckn



.2.

letter No. AAO/P-Tech/3098/XXVIII dt. 17 Sep 85

Ao II

Unit : Mukhya Abhiyanta PTONo. 39 Dt: 30 Sep '85  
Mukhyalaya Adhya Kaman

Station: LUCKNOW W-226002 Page No. 2 of 5 pages.

1. 2. 3. 4. 5. 6.

'C' THIRD GROUP

MISCELLANEOUS

LEAVE

4. 502798 SE Bnarucha, Ao-I Ty 06 Sep 85 Gtd EL for 1 day  
Ao-II Rt 16 Sep 85 Gtd EL for 6 days ypto 21 Sep 85\*\*
5. 242133 Sh. Ajit Singh, ASW 28 Aug 85 Gtd EL for 32 days upto 29 Sep 85.  
(Adhoc)  
B/RIPT

Part -I Ends with Srl No. 5

(PN GUPTA)  
AO- II  
Adm Officer  
Chief Engineer

Distribution

1. E-in C&S Br, Army HQ, New Delhi-110011
2. Area Account Office (CDA CC('P' Sec, Lucknow
3. Area Account office (CDA CC('T' Sec, Lucknow
4. Area Account Office (CDA CC), Lucknow.



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18/8/82 (30)  
49

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

Anil Kumar Jain

Petitioner.

Vs.

Union of India

Respondent.

ANNEXURE NO. IV

MOVEMENT ORDER

- |  |   |
|--|---|
| 1. MES No. Name and designation            | MES-420012<br>Shri ANIL KUMAR JAIN,<br>ALDS/B/R   |
| 2. Proceeding from                         | Chief Engineer Central Coman<br>d Lucknow   |
| 3. Nature of duty                          | Permanent posting/transfer<br>adjustment.   |
| 4. Proceeding to                           | Chief Engineer Lucknow Zone<br>Lucknow.   |
| 5. Authority                               | E-in C's Branch Army HQ<br>Singhal No. 291256/EIB date<br>Sep 86                        |
| 6. Date of SOS                             | 05 Oct 85 (AN)  |
| 7. Date of Arrival in new station.         | After availing normal join-<br>period as admissible                                     |
| 8. Rate of pay and allowances              | B, pay M. Pay ADA CCA IB<br>980.00 370/- 940/- 50/-<br>70/- 98/-                        |
| 9. paid upto                               | HRA<br>202.50<br>30 Sep 85  |
| 10. Details of recovery                    | CPE CGHS CGIGS<br>125/- 4/- 80/-  |
| 11. Last pay and allowance is claimed upto | 30 Sep 85 claimed vide Vr No<br>4405/1590/- CECC dated 17<br>Sep 85. Arrears of ADA for |



*Anupam*

2. The month of Sep 85 amounting to Rs. 29.40 vide Vr. No. 4405/1599/CECC dt 23 Sep 85.

12. Advance if any (a) Pay advance of Rs. 990/- taken from CE Madras Zone and TA advance Rs. 4740/- on his permanent posting a sum of Rs. 400/- recovered against the above pay advance and the balance of Rs. 590/- to be recovered in two instalments.  
(b) TA/DA advance amounting to Rs. 160/- taken by the officer on account of by duty move to Kanpur vide CECC Vr. No. 4405/1537/CECC dt. 18 Sep 85. Claim not yet submitted

13. Date of increment will be intimated on receipt of LPC from CE Madras Zone Madras.

14. Date of Birth 23 Feb 1952

15. Casual leave/RH available  
CL 07 days RH Nil

16. GPE Account No 936230

17. Any other remarks The officer will submit the following before his departure:-  
xx  
xx  
(a) No demand certificate  
(b) Identify card  
(c) Command security pass

The officer is involved in a disciplinary case for collapse of overhead Tank in Ordnance Factory Itarsi. A charge sheet under Rule 14 of CCS (CC&A) Rules 1965 bearing Govt of India, Min of Def Memo No. 5/11Vig/91 dated 09 Aug 85, received from E-in C 8 branch letter No. 78650/367/82/EID/A dated 21 Aug 85, was sent to CE Southern Command Pune for service on the officer. Since the officer has been posted to this HQ, CE SC Pune has been asked to return the charge sheet for service on the officer.

(P.N. LUPTA)

AO II  
Adm Officer,  
Chief Engineer,

Again

.3.

No. 917401/2/834/EIOA(Adm)

Mukhya Abhiyanta

Mukhyalaya Madhya Kaman

Chief Engineer

HQ Central Command

Lucknow.220002

03 Oct 85.

To,

MES-420012

Shri Anil Kumar Jain, AEE/BR qpt(Through E-2)

Distribution

1. Chief Engineer Lucknow Zone, Lucknow
2. E-in-C's Branch Army HQ DMQ PO New Delhi-11
3. CDA CC Meerut.
4. CDA (Fundam) Meerut

Internal-1

E1 A/B, E1 (Gen) EIR, PTO, Clerk, cashier, pay Fix OPEDR

PF No. 916105/ /EIOA(Adm)

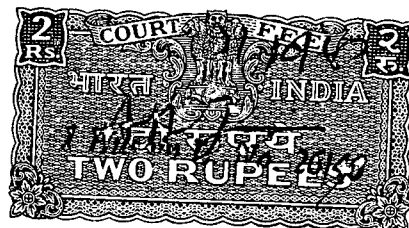


Again

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

Writ Petition No.

of 1985



Sri Anil Kumar Jain

Petitioner

Versus

The Union of India and others

Respondents

A F F I D A V I T

I, Anil Kumar Jain, aged about 33 years  
son of Sri A.C. Jain, resident of B-237, Rajaji  
puram, Lucknow do hereby on solemn affirmation  
state as under:

1. That the deponent is the petitioner in  
the above noted case and as such is fully  
conversant with the facts deposed hereunder:

2. That the contents of paras 1 to 2  
of the writ petition are true to the best



.2.

of my personal knowledge and those of  
paras 10 of the same  
writ petition are believed by me to be  
true.

3. That the Annexures 1 to 4 are the  
true copies of the original orders issued  
by the Government and I also believe  
them to be true.

Dated: Lucknow the  
27<sup>th</sup> day of Octr. 1985

Anyam  
Deponent



VERIFICATION

I, 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 personal knowledge. That no part  
of this affidavit is false and nothing material  
has been concealed; so help me God.

Signed dated and verified this 27<sup>th</sup> day  
of October, 1985.

Anyam  
Deponent

I identify the deponent  
who has signed before me.  
I know the deponent personally.  
B. S. P. K. Khanna  
Advocate



Solemnly affirmed before me on 7.X.85  
At 9.00 A.M./P.M. by Sri Anil Kumar Jain  
the deponent who is identified by  
Sri Anirudh Singh C/o S.P.K. Khare,  
Advocate of High Court of Judicature at  
Allahabad, Lucknow Bench, Lucknow.

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

*[Signature]*  
OATH COMMISSIONER  
High Court  
Lucknow Bench  
No. 28/10/85  
Date 7.X.85



40

APPLICATION FOR STAY

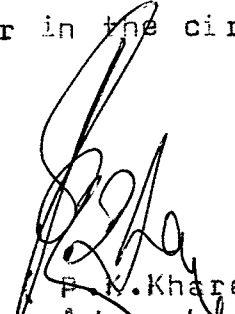
The petitioner most respectfully states as under:

1. That for the facts and circumstances stated in the accompanying writ petition it is most respectfully prayed that the Hon'ble court may be pleased to stay the operation, effect and implementation of the order dated 30th of September, 1985 contained in Annexure-3 to the writ petition or by any other order the continuance of the petitioner on the post of the Executive Engineer may not be disturbed till the disposal of the writ petition and such other orders may also be passed as this Hon'ble court may deem fit and proper in the circumstances of the case.

Dated: Lucknow the

5<sup>th</sup> day of Octr. 1985

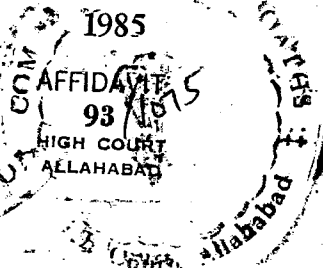
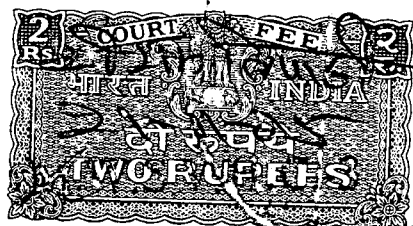
7th Oct 1985

  
P. N. Khare  
Advocate  
Counsel for the petitioner

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

LUCKNOW BENCH, LUCKNOW.

Writ Petition No. 5282 of 1985.



Anil Kumar Jain

Petitioner

Versus

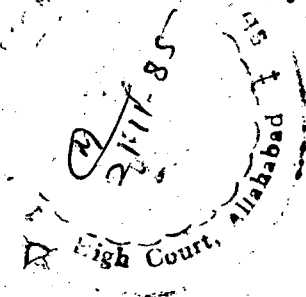
Union of India and others

Respondents.

AFFIDAVIT

I, Sri Ram Tripathi, aged about 56 years, son of Late Shri Moti Lal Tripathi, Senior Administrative Officer Lucknow, in the office of the Chief Engineer, Central Command, do hereby solemnly affirm on oath as under :-

1. That the deponent is Senior Administrative Officer in the office of the Chief Engineer, Central Command, Lucknow and Pairokar of the Respondents in the instant writ petition as such fully acquainted with the facts deposed to below.
2. That after filing of the instant writ petition the impugned orders dated 30th September, 1985 (Annexure No.3) and the order dated 3.10.85 (Annexure No.4) have been cancelled by the orders dated 4.11.85 and 6.11.85 which are filed herewith as Annexure No.C-1 and C-2 respectively.



L.T.L. of Sri Ram Tripathi

(2)

3. That the writ petition has become infructuous and deserves to be dismissed.

Dated Lucknow;

The 21<sup>st</sup> November, 1985.

*Sri Ram*  
DEPONENT.

VERIFICATION

L.T. I of Sri Ram  
Tripathi

I, the above-named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my personal knowledge and those of para 3 are believed by me to be true.

Signed and verified this 21<sup>st</sup> day of November, 1985 in the High Court compound at Lucknow.

I identify the deponent who has signed before me.  
~~He is personally known to me.~~

*Sri Ram*  
DEPONENT.

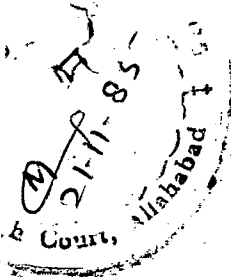
*Dhaon*  
(U.K.DHAON)  
Advocate.

L.T. I of Sri Ram  
Tripathi

Solemnly affirmed before me on 21.11. 1985 at 11.25 a.m./p.m. by the deponent Sri Ram Tripathi who is identified by Sri U.K.Dhaon, Advocate, High Court, Lucknow Bench, Lucknow.

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

*Meena Pandey*  
JUDGE  
High Court (Lucknow Bench)  
193/1075  
No. 21-11-85  
Date



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

Writ Petition No. 5282 of 1985.

Anil Kumar Jain

----

Petitioner

Versus

Union of India and others

----

Respondents.

ANNEXURE NO.

C-1

L.T. Jyoti Ram Tripathi

Sd/- Jyoti Ram



PART-II ORDERS

Unit : Mukhya Abhiyanta  
Mukhyalaya Madhya Kaman

PTO No.44 Dt: 04 NOV 85

Station : LUCKNOW-226002

Page No.1 of pages.

(LAST PTO No.43 DATED 23 OCT 85)

Srl	MES No	NAME	Desig-	CASUALTIES
No			nation	Date Waf Particulars
(1)	(2)	(3)	(4)	(5)

PART - I

'A' FIRST GROUP

AMENDMENT

1. 420012 Sh. Anil Kumar Jain, EE  
(Adhoc)  
AEE B/R Cpt

Ref CE CC, LKO PTOs No.39/1 & 2/  
85 dt. 30 Sep 85 & 40-Spl/1/85  
dt. 11 Oct 85:-

The above PTOs are hereby  
cancelled.

(Authy:-E-in-C's Br, Army HQ, New Delhi Signal No.391125/EIB dt.  
01 Nov 85 & CE CC, Lucknow No.901010/2/AKJ/19/EIB dt.  
04 Nov 85)

'B' SECOND GROUP

- NIL -

'C' THIRD GROUP

- NIL -

Part-I Ends with Srl No.1.

(MP Verma)  
Lt  
Adm Officer  
Chief Engineer

DISTRIBUTION

1. E-in-C's Br, Army HQ, New Delhi-110011
2. Area Account Office (CDA CC)'P' Sec, Lucknow
3. Area Account Office (CDA CC)'T' Sec, Lucknow
4. Area Account Office (CDA CC), Lucknow

Contd...P/2

*SRIPATHI*

*Lt 1 of Sri Ram  
Toipathi*

*21-11-85*

*unabhad*

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

Writ Petition No. 5282 of 1985.

Anil Kumar Jain

Petitioner

Versus

Union of India and others

Respondents.

ANNEXURE NO. C-2

L.T. 1 of Sri.  
Ram Tripathi

24-11-85



Tele Mil 834

Mukhya Abhiyanta,  
Mukhyalaya Madhya Kaman  
Chief Engineer  
HQ Central Command  
Lucknow - 226002

917401/2/840/El OA (Adm)

06 Nov 85.

MES-420012

Shri Anil Kumar Jain, EE(Ad hoc)

Through E-2

MOVEMENT ORDER

1. Refer to this HQ Movement Order bearing No 917401/2/834/El OA (Adm) dated 03 Oct 85.

2. The above movement order is hereby cancelled.

*Pheme*  
(MP Verma)  
Lt  
Adm Offr  
Chief Engineer

Copy to:-

E-in-C's Branch, Army HQ DHQ PO New Delhi-11  
Chief Engineer,  
Lucknow Zone, Lucknow.  
CDA CC Meerut  
AAO CDA CC Lucknow  
JCDA (Funds) Meerut.

Internal

ElA/B, El(Con), ElR, PTO Clk, Cashier, Pay Fix Gp ElR  
File No 916105/647/El OA (Adm)

*520140 under*  
*2/11-85*  
*habe*