

**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.

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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.....



Signature of the
Dealing Assistant

Section Officer/In charge

CIVIL

SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 5182 - 85

Name of parties Amit Kumar Jain v. 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
1		1- W.P. with Answer and affidavit	24		Rs. 102 00			
2		Power	1-		5 00			
3		Comd. 11, 552 (W) of 85 (Jah)	2		5 00			
4.		Comd. 13403 (W) of 85 (Dismissal of ans.)	9-		7 00			
5		A Order Sheet	1-		-			
6		Bank Ctr.	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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

T/A 1963
REGISTRATION NO. of 1967

(A)
2

APPELLANT
PETITIONER

A. K. Jain

DEFENDANT
RESPONDENT

VERSUS

V.D. & others.

Serial number of order and date	Text of Order, Mentioning Reference if necessary	How complied with and date of compliance
27/10/89	Hon. Justice K. Nath, V.C. No one is present for the parties. The record has been received from Allahabad Bench. Issue notices to both the parties for further orders fixing. 14/12/89.	Case has been read from CAT and on 14/9/89 Case is not admitted Stay is granted CAT not Date was from CAT, 01/10/89 is not admitted Submitted for ad
14/12/89	Mr. Justice K. Nath, V.C. No stay. Adj. to 3.1.90. Sri Subhas Chandra, U.D.C. Chief Engineer Central Command, L.C. is present on behalf of respondents. L.C. for the applicant is also present.	Our notice of appeal is submitted on 27/10/89 Notice of application has been returned back
3/1/90	Hon' Mr Justice Kamleshwar Nath, V.C. Hon' Mr K. Obayya, A.M. 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 orders on 13-2-90.	Notice of application has been returned back on 27-11-89 with posture remark "left without address" submitted for ad

(sns)

A.M.

V.C.

C.A.
Note E.S.
4/1/90

Q 9

Received Notice for ops 163
for 8.10.85 along with copies
of W.P. & Libra Relief Application

Atanu Nath Silhavi
admn. 8/10/85
Senior Counsel Govt. Standing Counsel

MEMO

Impressed
Firendhesive Rs 100/-

D T + 1

~~amt fee report~~
~~lower~~

~~pe. i. d. copy of F.O.~~

~~it also be filed~~

~~W.H. Beach~~

Last impugned Annexure 3

= 30.8.85

Subject: direction
for docs
7/10/85

Hon. S.C. M.J.

1. S. B. S. T.

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.
List in the week commencing
or 3.11.85. By the date
fixed the petitioner may
file a rejoinder affidavit.
Till the next listing ex-
cept with petition, the
operation of the impugned

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

Sri P. K. K. have,
learned Counsel for
the petitioner, has stated
that according to the
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 the
I.I.T., Kanpur & of that
is no, 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.

Am I
D. T. & T.

(5) (6) (7)

(5)

Hon. S. C. M. J.

" S. B. S. J.

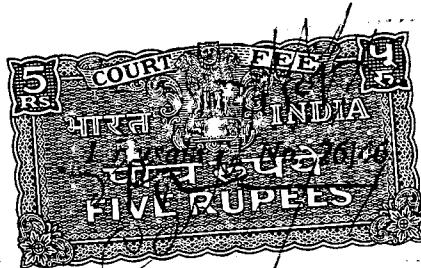
For order, see our
order of date on
the writ petition.

Yours
P. H. & J.
2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT

ALLAHABAD LUCKNOW BENCH LUCKNOW.

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



1.CF 18-5/2

8/10/105

Sri Anil Kumar Jain, aged about
33 years son of Sri A. Jain,
resident of 8-237, Rajaji-puram,
Lucknow.

Petitioner

Versus

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

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

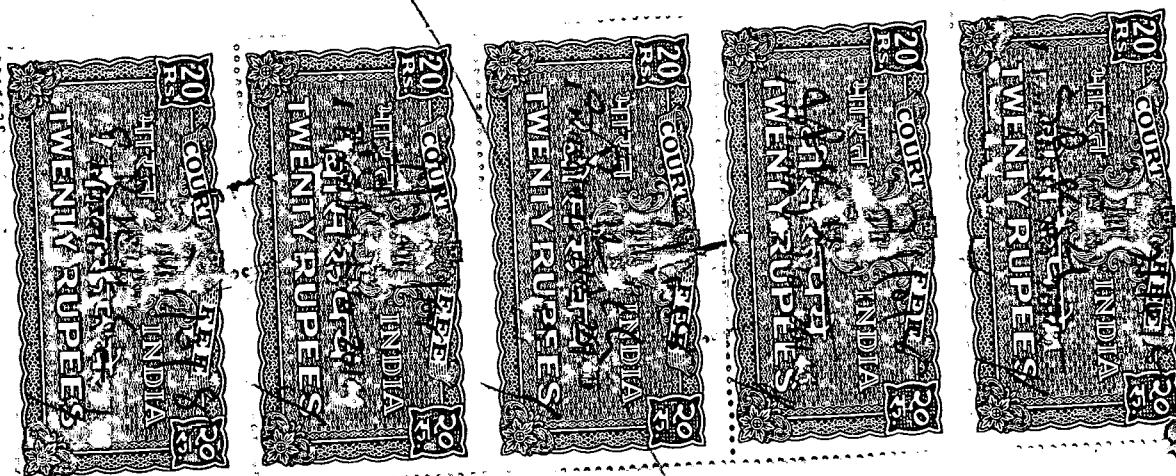
3. Command Chief Engineer,
Central Command, Cantonment
Lucknow.

Respondents

(105) *PK*
IN THE HON'BLE HIGH COURT OF JUDICATURE AT

ALLAHABAD LUCKNOW & JALALUMLUCKNOW

Writ Petition No. 5182 of 1985



*Set-100
21-IV-80*

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

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

And

In the matter of :

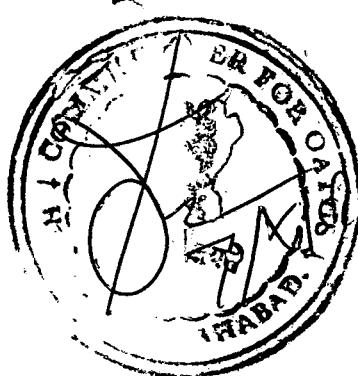
Sri Anil Kumar Jain, aged
about 33 years son of Sri A.C.
Jain, resident of 8-237, Rajaji-
puram, Lucknow.

....Petitioner

Versus

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

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



copy/AM

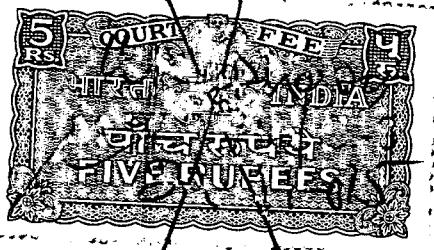
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No.

13,4103 (u) of 1985.

In Re:-

Writ Petition No. 5182 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.

U.K.DHAON
(U.K.DHAON)
Addl. Standing Counsel,
Central Government.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
6.11.85	<p style="text-align: center;">H.C.C.S. 5 H.C.C.B.S. 5</p> <p style="text-align: center;">S.O. By 6.11.85</p>	<p style="text-align: center;">F.O. Remand by order 8-10-85</p>

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 ~~W.RIT~~ 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.

— *Copy A-13(e)*

13 8088

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

16)

Writ Petition No. 5182 of 1985

Filed on 7th Oct 1985

*235
7/X/85*

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

*(P. N. Khare)
Advocate*

Dated: Lucknow the Counsel for the petitioner
7th day of Octr. 1985

.2.

A
E
TY
Y

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

Respondents

To,

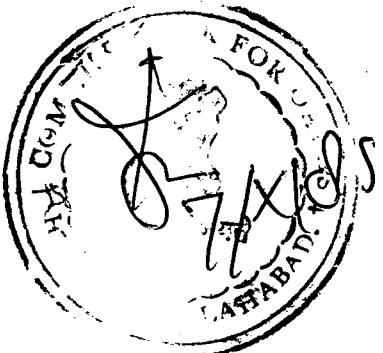
The Hon'ble Chief Justice
and His Companion Judges of
the above court.

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



ayyam

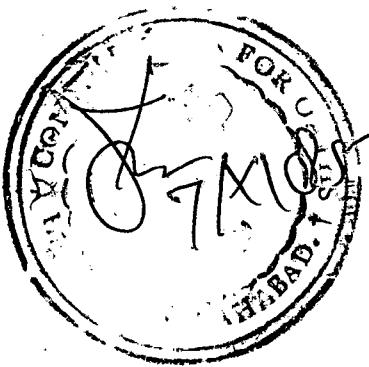
his meritorious services.

3. That the regular promotions in the department was held up on account of the fact that the seniority list is ~~is~~ 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~~^{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

Amrit



(A) 16
8

petitioner reported his joining and continued 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 27th 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 ~~referred~~ transmitted the movement order of the petitioner. This movement order contains a stipulation to the effect that the petitioner is involved in ~~an~~ a disciplinary case for collapse of overhead Tank in Ordinance



Aug 1st

Factory Itarsi. It is further stipulated that a chargesheet under Rule 14 of CJS(CC&A) ~~xxx~~ 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 up short 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 respond to the charge sheet which has not yet been served on the petitioner. The copy of order dated 3rd Octr. 1985 is ANEXURE-4 to this petition.

8. That in any case the order of reversion, therefore, amounts to punishment and is stigmatation in as much as it has caste an 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 haste action unless the petitioner has

-Anjan

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 ~~responsible~~ ~~and~~ ^{responsible &} 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, Malafide, 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.

(A) 19
8

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.

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, 1935 contained in Annexure-3 to the writ petition.
- b) That by an appropriate writ, order or direction the ordinal order dated 27th of September, 1935 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

(P. K. Khare)

Advocate

Counsel for the petitioner

7th Oct 1985

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 ~~Daibeej~~ Shakha

Thal

A/4123/ADHOC/1/35/EIR

14 May 85

List 'A'

PROMOTION OF ASSISTANT EXECUTIVE ENGINEER TO
EXECUTIVE ENGINEERS ON ADHOC BASIS

1. Assistant executive Engineers as per Appendix
to this letter have been approved for adhoc
appointment in the grade of Executive Engineer upto
31 Dec. 85 or till the ~~as~~ regular promotions
are made, whichever is earlier.
2. Attention of the officers promoted on adhoc
basis may please be drawn to the Department of



•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

EIO

Coord I

MIS(Civ)

DCBR/ED2

QMG/CTE



ayyan

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

Srl. No. Name

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 Malchandran (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. Khare
31. Narendra B Jain
32. Gurdev Singh
33. Amir Chand
34. VG Indhe
35. Brij Mohan Kohli
36. Ashok K Ram Bani
37. KS Mukhopdya
38. Adesh Kumar Jain
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 Subramanyam
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 Chanda
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 Krishnan
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. PaoGujendra Singh
75. Lakshmi Chand
76. C Preemama Murthy
77. Madan Gopal
78. K Madhavji 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 AK Jain
86. MN Roy
87. Ashok Kumar Verma
88. Anil Kumar Saxena
89. Dipak Kumar Aggarwal
90. Madan Mohan Mittal
91. Ibrahim M Min
92. Gyan Chand Jain
93. Sukhjinder Singh
94. VP Saxena.



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143 147 123 151

.5.

96. NK Brinja
97. Madirumal P Keshwani
98. Ushil Kumar Rarwani
99. Glee Ram
100. Swaoan Aich
101. Ram Chandra Patra
102. Rup Narayan Kumar
103. Nem Kumar Jain
104. Arvind Kumar Arora
105. S Kaanab
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 Venkateswarulr
Total 116 names only}



ayain

11/18 26/15

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

Sri Anil Kumar Jain
Vs.
Union of India

Petitioner
Respondent.

ANNEXURE NO. II

PART II ORDERS

Unit	: Mukhya Abhiyanta Mukhyalaya Madhya Kaman		PTO NO. 37 Dt.: 16 SEP'85		
Station	: Lucknow-226002		Page No. 1 of page		
Sr. No.	MES No.	Name	Design. Dated Wef Particulars nation		
1.	2.	3.	4.	5.	6.

PART - I
'A' FIRST GROUP

Strength Increased
(Posting in)

1. 420012 Sh. Anil Kumar Jain 26Aug85 Reported arrival
AEE R/R QRT 085 on permanent
posting from CE, Madras
Zone, Madras on promotion
Executive Engineer in
the interest of State.
Intervening period from 24Aug 85
(Authy: E-C: sBr, AHQ, New Delhi
letter No. MES/1107/A/85 dt. to 25 Aug 85 treated as journey
02 Jul 85 & CE, Madras Zone, joining period. Balance 13 days
Madras MO No. 10295/1218 Unavailed joining period credited
E7A dt. 16 Aug. 85) 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
scale of Rs. 1100 (6
year or under) - 50-
1600 and placed in
position wef the
date.
(Authy: E-in C8s, AHQ, New Delhi
letter No. MES/1107/A/85
dt. 02 Jul 85)

26 Aug 85
(FN)

'B' SECOND GROUP

NIL

'C' THIRD GROUP

Part-I Ends with Sr. No. 2

DISTRIBUTION

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

Anil

15 (A) 28/19/85 16

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-inC's Branch New Delhi letter No. MES/1107-A/85 dt 5 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) Basis pay	Rs. 900-00	DEDUCTIONS
(b) DA=ADA	Rs. 1380-80(1310.80)	(a) GPE Subscription Rs
(c) CCA	Rs. 75-00	125-00(A/C No.93623
(d) HRA	Rs. 202-50	(b) CGHS... Rs. 4.00
(e) I.R.	Rs. 70-00	(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

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. GE Madras/UAGE Madras
6. Mes/420012 Shri Anil Kumar Jain, AEE

Internal

EIB(0)/E2(D)/RAT EE/Steno to ACE

(N Swaminathan)

AO II

Chief Engineer



anjan

A
28
20

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 PTO No. 39 dt. 30 SEP '85
: Mukhyalaya Madhya Kaman
Station : Lucknow-226002 Page No. 1 of 5 pages.

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

Srl	MES No.	Name	Designa-	CASUALTIES
No.				
1.	2.	3.	4.	5.

PART-I

'A' FIRST GROUP

AMENDMENT

1. 420012 Sh. Anil Kumar Jain, AEE Ref CE CC, LKONO. 37/1/85
B/R Dt. Dt. 16 Sep 85 (under Col-1):-
Delete the following:-
"On 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 Sri No. 1 & 2-E-In-C's Br, Army HQ, New Delhi Singhla
No. 391255/EIB dt. 27 Sep 85)

'B' SECOND GROUP

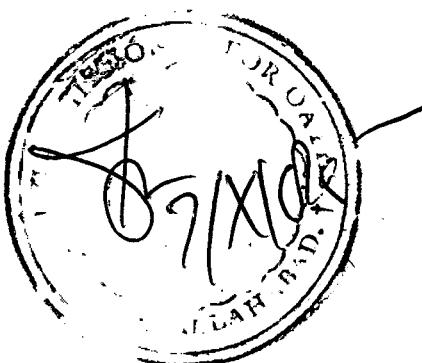
Pay & Allowances

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 Qpt 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 incremen-
t on 01 Jun 86 (pro-
vided the Adhoc peri-
od no nonqualifying
service intervenes)

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



Authy

17

18

.2.

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

Ao II

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

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 upto 21 Sep 85**
5. 242133		Sh. Ajit Singh, ASW (Adhoc) B/RIPt	28 Aug 85 Gtd EL for 32 days upto 29 Sep 85.

Part -I Ends with Srl No. 5

(PN GUPTA)
AO- II
Adm Officer
Chief Engineer

Distribution

1. E-in COs 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.



again

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 Shri ANIL KUMAR JAIN, ALDS/B/R
2. Proceeding from	Chief Engineer Central Coman d Lucknow
3. Nature of duty	Permanent posting/transfer adjustment.
4. Proceeding to	Chief Engineer, Lucknow Zone Lucknow.
5. Authority	E-in C's Branch Army HQ Singhal No. 291256/EIB date Sep 86
6. Date of SOS	05 Oct 85 (AN)
7. Date of Arrival in new station.	After availing normal join- period as admissible
8. Rate of pay and allowances	B, Pay M. Pay ADA CCA IB 980.00 370/- 940/- 50/- 70/- 90/-
9. paid upto	HRA 202.50
10. Details of recovery	30 Sep 85 CPE CGHS CGIGS 125/- 4/- 80/-
11. Last pay and allowance is claimed upto	30 Sep 85 claimed vide Vr No 4405/1580/- CECC dated 17 Sep 85. Arrears of ADA for



Aug 1st

• 2. The month of Sep 85 amounting to Rs. 29.40 vide Vr. No. 4405/1598/CECC dt 23 Sep 85.

12. Advance if any (a) Pay advance of Rs. 980/- 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. 580/- to be recovered in two instalments.
(b) TA/DA advance amounting to Rs. 160/- taken by the officer on account of his duty move to Kanpur via 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 CR Madras Zone Madras.

14. Date of Birth 23 Feb 1952

15. Casual leave/RH availed 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) Rule 1965 bearing Govt of India, Min of Def "emo No. 5/11Vig/81 dated 09 Aug 85, received from E-in C & 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. GUPTA)

AO II
Adm Officer,

Chief Engineer,

Again

• 3.

No. 917401/26834/EIOA(Adm)

Mukhya Abhiyanta

Mukhyalaya Madhya Kaman

Chief Engineer

HQ Central Command

Lucknow. 226002

03 Oct 85.

To,

MES-4 20012

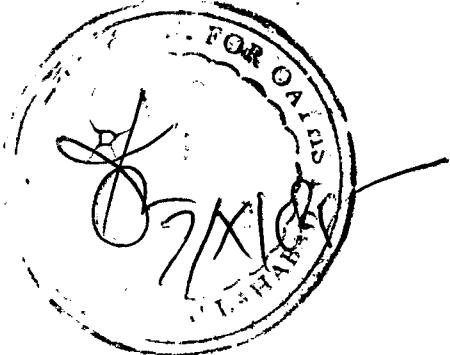
Shri Anil Kumar Jain, AEE/BR Opt(Through E-2)

Distribution

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

Internal-1

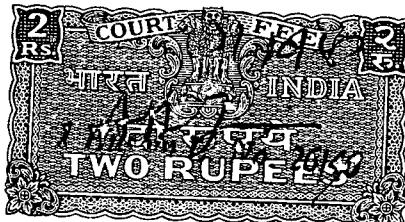
E1 n/B, E1 (Cen) EIR, PTO, Clerk Cashier, pay Fix OPEDR
PF No. 916105/ /EIOA(Adm)



Aryam

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

Writ Petition No. of 1985



Sri Anil Kumar Jain

Petitioner

Versus

The Union of India and others

Respondents

AFFIDAVIT

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 169
of the writ petition are true to the best



My am

•2.

34

A
26

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 orginal orders issued
by the Government and I also believe
them to be true.

Dated: Lucknow the

Anjain
Deponent

27 day of Octr. 1985

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 the 27th day
of October, 1985.

Anjain
Deponent

I identify the deponent
who has signed before me.
I KNOW the deponent person

B. S. Gopalkrishna
Advocate

135
9/11

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 Supt. 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.

~~1000/-~~

OATH COMMISSIONER	
High Court of Judicature at Lucknow	
No.	28/1085
Date.....	7.X.85

ब अदालत श्रीमान

High Court of Judicature at Allahabad
महोदय

वादी मुद्दई

प्रतिवादी (मुद्दाअलेह)

का

बिना लालतनामा

Lucknow Bench: Section

W. P. No. 18



Anil Kumar Jain

वादी (मुद्दई)

Union of India & ors.

प्रतिवादी (मुद्दाअलेह)

ने मुकदमा सन् १८ पेशी की ता० १८ ई०

ऊपर लिखे मुकदमे में अपनी ओर से श्री पी० के० खरे.

एडवोकेट महोदय
वकील

नाम करीकैन
न० मुकदमा
नाम अदालत

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं
इस मुकदमे में वकील महोदय सवयं अथवा अन्य वकील द्वारा जो कुछ पैरवी
व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या
हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा वा
इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर
से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें
या हमारी या विपक्षी (परीक्षानी) का दाखिल किया रूपया अपने या हमारे
हस्ताक्षर युवत [दस्तखती] रसीद से लेवें या पंच नियुक्त करें-वकील महोदय
द्वारा की गई बह सब कार्यवाही हमको स्वीकार है और होगी इसलिए यह
वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

Anil Kumar

Petitioner

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

१० सन् १८८५ ई०

५/०
५/०

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

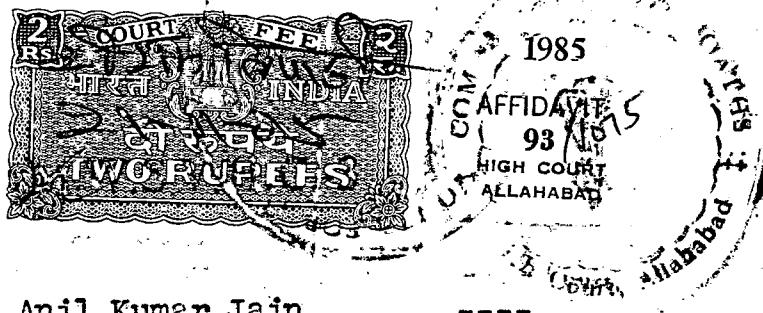
5th day of Octr. 1985

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. 5182 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 in the office of the Chief Engineer, Central Command, Lucknow, 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. 1 of Sri Ram
Tripathi

(2)

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

Dated Lucknow;

The 21 November, 1985.

Sri Ram Tripathi
DEPONENT.

VERIFICATION

I, the above-named deponent do hereby verify that the contents of paras 1 to 2 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 21st 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.

U.K. DHAON
(U.K. DHAON)
Advocate.

Sri Ram Tripathi
DEPONENT.

L.T.I of Sri Ram
Tripathi

Solemnly affirmed before me on 21.11.1985
at 11.25 a.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 Sandeep
High Court, Lucknow Bench
No. 93/1075
Date 21.11.85

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. of Sri Ram Tripathi

S. D. Jagannath

25/10/85

25/10/85

PART-II ORDERS

Unit : Mukhya Abhyanta
Mukhyalaya Madhya Kaman

PTO No.44 Dt: 04 NOV 85

Station : LUCKNOW-226002 Page No.1 of pages.
(LAST PTO No.43 DATED 28 OCT 85)

Srl	MES No	NAME	Design	CASUALTIES	
No				Information Date Wef	Particulars
(1)	(2)	(3)	(4)	(5)	(6)

PART - I

'A' FIRST GROUP

AMENDMENT

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

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.

Verma
(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

*SP/1 of Sri Ram
Toipathw
21-11-85
Hyderabad*

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

S. R. Singh
L.T.I. of S.R.
Ram Tripathi
24.11.85
L.T.I. of S.R.
Ram Tripathi

Tele Mil 834

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

917401/2/834/E10A (Adm)

06 Nov 85.

MES-420012

Shri Anil Kumar Jain, SE(Ad hoc)

Through E-2

MOVEMENT ORDER

1. Refer to this HQ Movement Order bearing No 917401/2/834/E10A (Adm) dated 03 Oct 85.

2. The above movement order is hereby cancelled.

J. Verma
(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 (Fund's) Meerut.

Internal

E1A/B, E1(Con), E1R, PTO Clk, Cashier, Pay Fix Gp E1R
File No 916105/647/E10A (Adm)

21-11-85