

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

FORM OF INDEX

Q.A./T.A./R.A./C.C.P. No. 1983/1987

Amritpal Singh Biram vs. O.O.,
PART-II

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S. M. J. B.

D.Y. Registrat.

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk
3-12-78

V.K. Mishra

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABADINDEX-SHEETCause Title T.A 1983/87 of 198Name of the Parties Amal Jeet Singh, Virendra Singh
Versus
Union of IndiaPart A, B, & C

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सामान्य अनुक्रमणिका
(अध्याय 41, नियम 2, 9 तथा 15)

A/2

(3)

दोवानी पक्ष
दांडिक

सामले का स्वरूप तथा संख्या

Writ No 9702-84

पक्षकारों का नाम

निवेशन का दिनांक

विनिश्चय का दिनांक

पत्रावली संख्या	कागज- पत्र की क्रम-संख्या	कागज-पत्र का अभिवर्णन	फलक की संख्या	न्यायालय-शुल्क	कागज-पत्र को अभिलेख में सम्मिलित करने का दिनांक	दस्तावेज की दशा	कागज-पत्र के विनाश, यदि कोई हो, के दिनांक सहित अभ्युक्त	
1	2	3	4	5	6	7	8	9
A 1	4.1.		1		रु0	पै0		
A 2	C.S.		3					
A 3	Re. with Annex.		30	1	100			
A 4	Stay Appn.		1	1	5			
A 5	C.A. with annex.		20					
A 6	R.A with annex.		11	1	2			
A 7	C.A.		12					
A 8	Appn		5	1	5			
B 9	H.T. Copy		1					

आज सन् 19 के दिवस को मैंने अभिलेख की परीक्षा कर ली है और इस फलक में दो हुई प्रविष्टियों की अभिलेख में सम्मिलित कागज-पत्रों से तुलना कर ली है। मैंने सभी आवश्यक शुद्धियाँ कर ली हैं और प्रभागित करता हूँ कि कागज-पत्र सामान्य अनुक्रमणिका के अनुरूप है, उन पर कुल रूपये के मूल्य का न्यायालय-शुल्क स्थापित लगा हुआ है, समस्त आदेशों का अनुपालन किया गया है और अभिलेख प्रभाग-पत्र के दिनांक तक पूर्ण और ठीक है।

B.R.
30/11/91
मुख्यालय
लिपिक

दिनांक

बी0 एस0 पू0 पी0—49 ड0 न्या0—6-12-83—50,000 (जाब)।

(6)

14

Hon. A.P. Misra, J.

Returned for presentation
before a Bench of which I
am not a member to be nominated
by Hon'ble the Acting
Chief Justice.

Memo

100/- Stamp Rs 100/-

Intime upto Within 90 days by days
Stamp Sufficient Within 90 days No Limitation

Paper filed

Concinnizable by Single DB.

Judge

Date

26-6-84 Stamp Reporter

Court fee is on single
separate stamp sheet.

DB
26-6-84

Hon. N. D. Oshag, J.

I agree.

ony
31-7-84

AD

May be presented before the Bench
of Hon'ble J. J.

1.8.84

Hon. O. P. Saxena, J.

Hon. V. C. Dhulik, J.

Hon. O. P. Saxena, J.

Course

6/6/84
6/7/84

List for admission
after a week showing the
name of Mr. Ashok Motwani
as counsel for the
respondent. Off. C.C.

6/1-8-84
18

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Writ No. 9702

of 1984

Amarjit Singh vs. Union of India
Bisen

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
31.7.84	Hon. N. D. Ojha J. Hon. A. P. Misra J. Lay before other Bench. <u>S. J. M.</u>	
1.8.84	Hon. D. P. Saxena J Hon. - K. Shukla J List for admission after a week - Showing the name of Sri Ashok Mohile as counsel for the respondent alongwith an application.	<u>S. J. M.</u>
14.8.84.	Hon. V. K. Khanal Hon. D. P. Saxena J On account of illness of Sri A. Mohile.	

हालाहाल स्थित उच्च न्यायालय

सं. 1984 का 6702 तंत्रा दर्शक
प्रति

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दिनांक	कार्यवाहियों की प्रगति और नेतृत्व आदेशों के सम्बन्ध में टिप्पणी	चिनाम, जिसके लिये मामला स्थापित किया गया
1	2	3
21.1.86.	<p>Hon. O P. Saxena, J. Hon. B. L. Yadav, J.</p> <p>This petition relates to refusal of an employee to grant house building advance to an employee of the Union of India. The question arises as to whether this case stands transferred to the Central Administrative Tribunal under Section 99 of Act No 13 of 1985. Learned Counsel for the petitioners wants time to re-consider the matter. List this case for orders in the second week of February. Meanwhile learned Counsel for the respondents will obtain a copy of the complaint pending against the petitioners and also a copy of the last order passed therein.</p>	<p>चिनाम, जिसके लिये मामला स्थापित किया गया</p> <p>21/1/86</p>

O.P.
R.M.

इलाहाबाद स्थित उच्च न्यायालय

सन् 19 84 का 9702 संख्या

प्रति

दिनांक, जिसके लिये मामला स्थगित किया गया

दिनांक

कार्यवाहियों की प्रगति और नेत्यक आदेशों के सम्बन्ध में दिप्पणी

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28-10-86 Hon. B.N. Khatua, J.

Hon. B.L. Pandav, J.

List for admission after a week.

28-10-86

Ch.

P.W. 18

Hon. K.P. Singh, J.

Hon. Man Mohan Lal, J.

Counsel for the parties state that this writ petition should be transferred to the Central Administrative Tribunal, Allahabad. After hearing the learned Counsel for the parties and in view of the provisions of Section 29 read with Section 3(q)(v) of the Administrative Tribunal Act, 1985, as well as the decision of this Court reported in A.I.R. 1982 Allahabad 269 Eddai Bhan Singh Chauhan etc vs. Union of India and others, we think that the record of this case should be sent to the Central Administrative Tribunal,

4/10/88

114
This 23rd am. application for
transfer this case to Circuit No. 1
Ludhiana. This case no 9702 of 1984
have been filed before the Honorable
High Court at Allahabad

Subj. Head J
4/10/88

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7.11.02. leg

No report about the progress of case have been made by the office. Pup up on 19.1.89. with office report regarding the service and also inform the N.O.D. that this case has been ready by transfer of case No 9702 of 6

leg

19.1.03. ok

In this case an application for transfer to Circuit Bench division has already moved.

Transfer this case to the Circuit Bench division if 10.3.03. Inform the parties.

10.3.03. ok

ok

Complain of order D-19.1.03 has not been carried out by the office which is very objectionable. Office to make it point to send this case now to Circuit Bench division for hearing on 28.4.03 (20th April)

*Mahendra
8/4/03*

From,

The Deputy Registrar,
High Court of Judicature at
Allahabad.

To,

The Deputy Registrar,
The Central Administrative
Tribunal, U.P., Allahabad.

Judl. No. 1458 /-Dated Allahabad the 12 Nov. 1987.

Sub: Civil Misc. Writ petition no. 9702 of 1984.

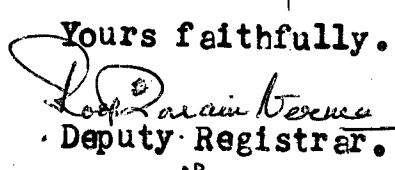
Amarjit Singh Bisen----Vs----The Union of India.

Sir,

In compliance with the Court's order dated
20-11-1987, I am directed to send herewith the complete
record of the abovenoted case.

Mindly acknowledge the receipt.

Yours faithfully.


Deen Kumar
Deputy Registrar.

Encl:- 1) Complete High
Court record in original.



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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No. 1983 of 1987(T)
(W.P. No. 9702 of 1984)

Amar Jit Singh Bisen Applicant

Versus

Union of India through the
Secretary, Ministry of Works, Housing
and Supply, Govt. of India,
New Delhi & Others. Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

The above mentioned writ petition was received in this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985 and the relief claimed is for issue of a direction to the opposite parties to sanction House Building Advance to the applicant.

2. The applicant's case is that he is a confirmed employee of the Telegraph Department of the Govt. of India and therefore is entitled to receive House Building Advance in accordance with the principles down laid in Office Memorandum dated 30.1.1976, Annexure-5. The grievance is that by Annexure-S1 dated 30.3.84, the advance has been denied to him on the ground that the applicant's permanency in service had been under dispute and therefore it was not possible to process his case. The applicant's reply is that by virtue of an order dated 25.1.83 contained in Annexure-1 he had been confirmed in service retrospectively from 1.12.1980 and therefore the objection contained in Annexure-S1 has no value.

3. According to the opposite parties, however the question of applicant's permanency is in dispute in the sense that the applicant had secured employment

by cheating Central Government in respect of which a criminal case is already pending in the Court of Chief Judicial Magistrate, Lucknow. The facts of the pendency of the case is admitted by the applicant. He however says that some persons who are facing a criminal case have been granted advance. That is ^{a compelling} not ~~the~~ basis for grant of House Building Advance.

4. The Rules of House Building Advance do not create an absolute right to an employee to have a House Building Advance. The grant of the advance is ⁱⁿ the discretion of the employer and it cannot be said that the reason of refusal, namely obtaining of employment with the Government by cheating it, could be unreasonable or ~~an~~ improper. It is also not material that the case is still pending disposal before the appropriate Criminal Court. The Government is well justified in taking note of the fact that the applicant is facing a criminal trial for cheating the Government itself.

5. At any rate the relief sought before the Tribunal is ^a discretionary relief and having regard to the nature of the allegation of the applicant I do not think that the discretion should be exercised in favour of the applicant.

6. The application is dismissed.

Vice Chairman

Dated the 23rd October, 1989.

RKM



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In the Hon'ble High Court of
Judicature at Allahabad
Crim. Misc. Writ Petition No. 9702/84.
Amar Ji Singh Bisen
— Petitioner

vs.

Urmil Sandhu & Ors.

— opp. parties

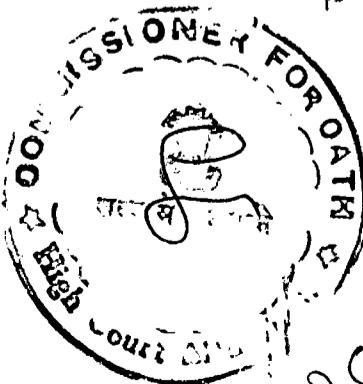
1 K.S. 100/-
(As/26/6.)

Bisen & S.
(Amar Ji Singh Bisen)

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of all necessary formalities and after having submitted a bond to serve the Department for at least 5 years . He was posted in Central Telegraph Office at Dehra Dun under Saharanpur Telegraph Traffic Division , Saharanpur after 3 months successful training at Lucknow . The petitioner recalls that he had clearly and very honestly stated and filled in each columns of the attestation form in duplicate , mentioning that he was a permanent resident of the city and District of Gonda . The petitioner had been involved in some criminal cases there before applying for the Government job . His character and antecedent verification was also got done from the District Authorities of Gonda , and the petitioner , therefore understands the authorities had the knowledge of each and everything about his character , conduct and antecedent of the petitioner before he was offered an appointment . The petitioner had also passed the confirmation examination subsequently , and has been serving the Department to the best of his sincerity and honesty , as can be ascertained from his service records .

for that for
2. The petitioner was later on transferred to Central Telegraph Office at Lucknow, under the Divisionalisation Scheme. He was also confirmed in the cadre of Telegraph Assistant by the Chief Superintendent Lucknow Telegraph Traffic Division, in January 1983 against one of the vacancies, lying permanent since 1980, after careful examination of his work and conduct, as assessed from his service records. The learned Chief Superintendent had also considered the conduct of the petitioner, relating to his criminal involvement in a criminal case, before entering into the Government service, and all other aspects of it.



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It may be submitted here that an official is confirmed in the cadre of Telegraph Assistant only on the basis of his record of service, and on no other documents, subject to his passing the confirmation examination. The rules of confirmation do not require for examining the character and antecedent of an official at the time of confirmation. These aspects are looked into only at the time of appointment and while issuing certificate of quasi-permanency. But in the case of the petitioner, the appointing authority had called for a fresh report about the character and antecedent of the petitioner during the years after his entrance into the Department. Since the petitioner had been living for the last five years at Lucknow, the report was called from the District Magistrate Lucknow, in view of his involvement in the criminal case.

The petitioner had not been involved in any case after joining the P & T Department, and as such, the District Magistrate, Lucknow had clearly mentioned in his report dated 24.1.1983 that the character and antecedent of the petitioner during his stay at Lucknow has been quite satisfactory.

A copy of the letter dated 25.1.1983, appointing the petitioner in permanent capacity is annexed as Annexure 1 to this Writ Petition.

The petitioner has also been shown confirmed in the Gradation List of the Telegraph Assistants of U.P. Circle at serial 601 on page 26 issued under Memo. no. Staff/M-14-3/84/3 dated 23.5.84 by the General Manager Telecom., U.P. Circle Lucknow. A copy of the said memo. is annexed as Annexure 2 to this Writ Petition alongwith its page nos. 1 and 26. The Gradation List consists of all confirmed Telegraph Assistants.

That the department gives to its employees the facility of seeking house building advance for



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different purposes . The rules regarding eligibility conditions and purposes for which the advance may be granted are contained in Annexure 3 to this writ petition . Ministry of Works, Housing and Supply office Memo. nos. 1/17015/1/76, H-III dated 15.1.76 and 1/17015/4/76, H-III dated 30.1.76 also contain similar proviso regarding ready-built houses . Copies of the same are annexed as Annexures 4 and 5 to this Writ petition.

4. That fulfilling all the conditions and eligibility criteria of being a permanent employee , having been so declared vide Annexure 1, and with a view to own a house which he badly needed for his large family the petitioner applied to opposite party no. 2 in July 1983 for house building advance on cash-down purchase of a ready-built house on the basis of a house allotted by the Lucknow Development Authority The case of the petitioner was rejected in September 1983 showing a technical ground that the original allotment was in the name of the mother of the petitioner. The petitioner was however never intimated about the rejection for reasons best known to administration.

In December 1983, however the petitioner came to know of the rejection through reliable sources and met the Accounts Officer (Cash) in the Office of the General Manager Telecom. The petitioner was told by him that he can not be granted advance on the basis of that house. The petitioner therefore withdrew that application for house building advance in January 1984.

But a few days later in February 1984 , the petitioner again applied on his counsels advice for grant of house building advance on the basis of the house allotted to him by way of transfer by the Lucknow Development Authority. That application was forwarded by the Chief Superintendent Lucknow verifying that the petitioner was a permanent employee. The case

Amrit Agarwal

The said house is a newly-built house and has not been lived in since its construction. It is to be acquired on outright purchase and not on hire-purchase basis. The petitioner has also obtained the right to mortgage the said house to the President of India. The total cost of the house is within the prescribed limit of ceiling and has not been paid sofar. The cost is to be paid in one lump-sum by 30.6.84, whereafter the allotment will be cancelled.

8. The petitioner has also submitted photocopies of the following documents with his application for the said advance :

- (i) : Allotment order no. 1621/E.M. dated 17.4.84 issued by Shri P.C.Srivastwa, Estate Management Officer, Indiranagar Lucknow. It also contains the cost of the House.
- (ii) : Non-encumbrance . cum. no objection to mortgage certificate no. 2415/E.M.-Indiranagar/ dated 1.5.84, issued under the by Shri G.S.Negi also Estate Management Officer, Indiranagar, Lucknow.
- (iii) : Map of the design of the house showing detailed specifications and accomodation available therein.
- (iv) : Map of part of lay-out plan of sector 16.
- (v) : Proforma of sale-deed.
- (vi) : proforma of lease-deed.

That except these documents ,no other document is required to be submitted for consideration of house building advance.

9. That the petitioner is also ready to execute any mortgage/agreement deed as well as surety from permanent central Government servants. The petitioner is further ready to furnish any collateral security to the satisfaction of the head of the department.
10. That all officials ,applying for house building advance on the basis of the aforesaid documents have been sanctioned house building advance on

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top-priority basis. Even officials facing disciplinary proceedings and those under suspension have also been sanctioned the said advance, namely S/Shri Beer Bahadur and Munna Lal Kanojia, telegraphmen, Central Telegraph Office, Lucknow. These officials had not even sought permission as required under rule 18(2) ibid. But the petitioner is being discriminated and not being sanctioned house building advance.

12. That neither any disciplinary proceeding is pending against the petitioner nor he is under suspension, but he has been given to know that some enquiry by the Central Bureau of Investigation, Lucknow is in progress, which do not affect the very rights and obligations of the petitioner within the meaning of Ministry of Works Housing and Supply P.M.No. I/17011/5/75. H-III dated 5.7.75. A copy of the said circular is annexed as Annexure 11 to this Writ petition.

13. That the petitioner has been given to know that only a very few cases of ready-built houses are pending consideration. The petitioner's name is at serial 8 of such cases of ready-built houses, and in view his case is considered favourably, he will definitely get the Advance.

14. That the Chief Superintendent Lucknow and other authorities are very much displeased with the petitioner due to the :

- (a) filing of a writ petition by the nephew of the petitioner. The said writ petition 'Bhupendra Bisen Vs. Union of India and Others' no. 2534/83 has been admitted by the Lucknow Bench of the High Court and interim relief granted.
- (b) processing of the case of one Km. (now Smt) Sita Nigam, a telegraphist, during the period when the petitioner was working as Vigilance Assistant to the Chief Superintendent Lucknow. Smt. Sita Nigam was recruited on the basis of a forged answer book. Her real brother had worked as an Invigilator in her recruitment test against all rules. The Chief Supdt. wanted to hush up her case.

Manu H.S.

(c): processing of the case of one Ram Yatan, telegraphist. The official is a padaria (a backward class) by caste , but he was recruited as a Schedule tribe candidate and managed to get his appointment letter without the mention of being a Schedule Tribe by forgery. The chief Superintendent Lucknow in connivance with his Vigilance Assistant is showing him as being a general caste candidate . At one stage attempt was made to implicate the petitioner in this case also . The authorities are giving sufficient laches to him to save him somehow or the other.

(d) : due to the processing of the case of one Shri J.N.Tripathi, who had submitted a forged Leave travel Concession bill, and the authorities wanted to close his case.

(e) : due to the processing of many forged medical advance cases , and cases of house building advances.

That the petitioners services are
disgusted services but so much so was the
displeasure of the authorities that he was
thrown out of the division at Allahabad.

14.15. That the delay in grant of payment of the said house building advance by 30.6.84 will result in cancellation of the allotment of the house.

16. That the petitioner has also sent telegrams and submitted a representation for grant of house building advance, but nothing has been done so far. Copies of the telegrams and representation are enclosed as Annexures 12, 13, and 14 to this Writ petition.

17. That being aggrieved and there being no efficacious alternate ,adequate remedy available, the petitioner has preferred this Writ petition ,inter alia, on the following

G R O U N D S :

Because the petitioner fulfills all the conditions etc. for grant of house building

Brine, H. S.

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advance and has submitted all the documents and is further ready to furnish any type of security/surety etc.

B. Because the petitioner has been declared permanent vide annexure 1^{and 2} to this writ petition and his permanency is not under dispute .

C. Because the petitioner was granted permission under rule 18(2) of the Central Civil Services (Conduct) Rules 1964 with the meaning of Circular Annexure 6,7 and 8 to this writ petition, and is therefore entitled for grant of house building advance .

D. Because accord of sanction to other officials, some of whom have applied at a later date than the petitioner , and denial of the facility/amenity to the petitioner without any genuine cause is discriminatory, arbitrary, malafide and illegal and violates Article 14 and 16 of the Constitution.

E. Because if the petitioner is not sanctioned advance by 30.6.84, his allotment will be cancelled and he will suffer irreparable loss, and further loose the opportunity of owning a house at Indiranagar , Lucknow.

F. Because no disciplinary proceeding is pending against the official/petitioner, and the rules provide that one can be granted advance pending enquiry.

P R A Y E R :

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

(i): issue writ ,order or direction in the nature of mandamus commanding the opposite party no.2 to accord sanction of house building advance to the petitioner and release the admissible amount by 30.6.84 in his favour,

(ii): allow the cost of this writ petition, and



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(iii): pass any such further orders, as deemed fit in the very circumstances of the case to meet the interest of the petitioner.

(Unakant
Atm. Singh
Dinesh H.
Petitioner.)

DTD. 16.84.



16.84

Dinesh H.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.
(ANNEXURE '1')

IN
CIVIL MISC. WRIT PETITION No. of 1984.

In re :

Amar Jit Singh Bisen petitioner.
Vs.

The Union of India and Ors. Opp. parties.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the Chief Superintendent
Central Telegraph Office, Lucknow-226001.

Memo. no. E-3/Ch.VIII/3 dated at LW the 25.1.83.

Shri Amar Jit Singh Bisen, Telegraph Assistant, Central Telegraph Office, Lucknow whose case for confirmation was approved by the D.P.C. held on 18.10.82, but was not given effect to, earlier due to non-availability of his police verification report, is hereby confirmed as Telegraph Assistant w.e.f. 1.12.1980, as the P.V.R. has since become available.

Sd/-R.S. Iall,
Chief Superintendent,
Central Telegraph Office,
Lucknow-226001.

Shri Amar Jit Singh Bisen, TA, CTO, Lucknow,
P/file of the official concerned.
The A.C.S.(S), CTO, Lucknow,
Leave section.
Vis. Section.
Pay Bill Section.
The G.M.T. UP Circle Lucknow w.r.t. his memo. no.
Staff/M-14-3/Ch.VII/3 dated 19.8.82.



Banerji

S. Nanda

SEARCHED	INDEXED
SERIALIZED	FILED
771767	
22/6/84	

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE 2)

IN
CIVIL WRIT PETITION NO. OF 1984
in re.

AMARJIT SINGH BISERI ^A ₉₂ — petitioner

VS.

U.P. and others app. parties

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE GENERAL MANAGER TELECOM, U.P. CIRCLE LUCKNOW

MEMO NO. STAFF/M-14-3/BL/3, Dated at Lucknow-28/4/84 A.D. 23.5.84

Subject:- Graduation list of Telegraph Assistants
in U.P. Circle corrected upto 1.1.84.

Graduation list of Telegraph Assistants
arranged in order of merit is forwarded herewith for guidance
of Divisional Heads and wide circulation amongst the official
concerned.

Objections received from the officials
if any should be forwarded to this office with detailed
report and copy/copies of supporting documents to decide the
case, within a year from the date of issue of this letter.
Representations/ Petitions received after the stipulated
period will be treated as time barred vide Rule 32-D
of P.&T. Mon. Vol. IV.

Please send the acknowledgement
is given below.

—
(B.P.Gupta).
Asstt. General Manager (T.T).

for General Manager Telecom, U.P.

Encl: G.List.

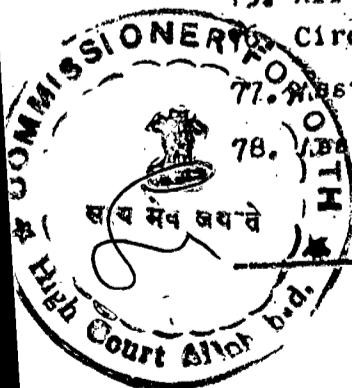
Copy forwarded for information & and necessary action to:-

1. Director Telecom(Central) Lucknow/(Eastern) Varanasi/
(Western) Dehradun & (North) Bareilly.

5. C.S., C.T.O. Agra/Lucknow.
7. All STT/STT in U.P. Circle.
15. All I/C C.T.Os./D.T.Os in U.P. Circle.
Circle Secretaries NT-4, NT-3, NTMIII, Unions.

77. Asstt. General Manager (T.T).

78. Asstt. Director Telegraph Traffic & G.M.T., U.P. Circle.



ACKNOWLEDGEMENT.

Received the graduation list of Telegraphist/ Telegraph
Assistants issued via this office letter no. Staff/M-14-3/
84/3 dated 5-1984.

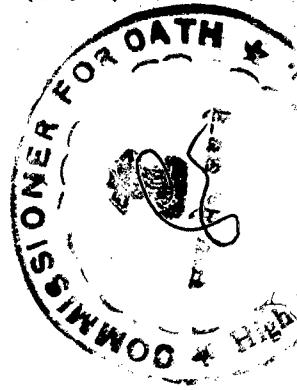
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Annexure
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GRADATION LIST OF TELEGRAPH ASSSTANTS CORRECTED UPTO 1.1.1934

Sl. No.	Name.	OC/SC/SF	Date of birth.	Date of entry in the Deptt.	Date of Subs- entry in the cadre.	Date of Subs- entry in the Grade.	Place of posting.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Shri S.M. Chaturvedi	8.6.27	18.10.46	18.10.45	1.11.47	1.11.47	Agra.	
2.	Munni Lal Sharma	1.1.29	27.9.48	27.9.48	1.1.51	1.1.51	Agra.	
3.	J.P. Rewat.	15.7.29	27.9.48	27.9.48	1.1.51	1.1.51	Agra.	
4.	R.S. Awesudi B.A.	10.6.26	24.1.49	24.1.49	1.3.50	1.3.50	IP.	C-28, I.S.S.
5.	Murari Mohan	16.9.27	26.1.49	26.1.49	1.3.51	1.3.51	VS.	C-28, I.S.S.
6.	O.N. Rai	4.7.30	18.3.49	18.3.49	1.3.52	1.3.52	LW.	C-28, I.S.S.
7.	R.N. Mukherji	29.8.29	20.3.49	20.3.49	1.1.51	1.1.51	LW.	C-28, I.S.S.
8.	Zahid Hussain Ist.	15.7.26	22.3.49	22.3.49	1.3.52	1.3.52	BR.	
9.	M.L. Tewari	1.7.28	11.2.44	18.4.51	18.4.51	18.4.51	AD.	
10.	B.K. Shukla.	1.3.26	15.12.42	26.6.51	15.11.51	15.11.51	AD.	
11.	Pyare Lal D	28.2.29	6.6.43	16.7.51	1.3.52	1.3.52	LW.	AG.
12.	R.M. Srivastava	6.1.31	14.8.51	14.2.51	1.3.52	1.3.52	LW.	
13.	M.M. Sinha.	1.5.30	8.9.51	8.9.51	1.3.52	1.3.52	LW.	
14.	S.R. Gurje.	5.7.29	1.10.51	1.10.51	17.11.52	17.11.52	AD.	
15.	Makhan Lal.	1.9.29	1.9.49	5.10.51	3.10.51	3.10.51	LW.	C-28, I.S.S.
16.	Akbar A. II.	10.7.30	15.10.51	15.10.51	1.3.52	1.3.52	IP.	
17.	A.N. Nigam Y.A. LIB	3.6.27	15.7.49	15.7.49	1.1.55	1.1.55	IP.	
18.	Srinivati S. Benerji.	1.9.29	23.6.50	23.6.50	18.8.51	18.8.51	20%	
19.	Smt. R.K. Nigam.	19.7.29	23.1.47	23.1.47	11.6.51	11.6.51	20%	
20.	H.C. Srivastava.	21.9.28.	9.10.50	9.10.50	1.3.52	1.3.52	20%	
21.	S.N. Agnihotri	3.2.29	30.10.52	30.10.52	1.3.52	1.3.52	20%	



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		4.	5.	6.	7.	8.	9.
1.	2.	3.	3.	3.	3.	3.	3.
505. S/ Shri Syed Ibne Hossain.		3.0.7.41	4.0.65	1.9.74	1.12.00	LW.	
506. " Satyendra Trivedi.		4.1.52	15.2.75	15.2.75	1.12.00	LW.	
507. " Gopal Singh. D		5.1.48	19.3.60	2.9.74	1.12.00	AG.	
508. " Rechhey Shyam	S/C	1.6.55	15.2.75			AD	0223. TTS.
509. " Nakan Singh.		30.12.40	1.1.74			AD	
510. " Doreste Ram	S/C	17.7.55	15.2.75	15.2.75	1.12.00	DR	
511. " Kundan Singh.		20.7.46	9.10.63	2.9.74	1.12.00	AG	
512. " Jantji Dulichand.	S/C	15.9.54	11.7.75	11.7.75	1.12.00	LW.	
513. " Kapil Deo Ram.		5.1.40	7.11.68	1.9.74	1.12.00	VS	
514. " Keilash Narain.		6.6.47	15.2.75			LW.	ETC ST(12).
515. " Autari Lal.		5.0.44	1.1.66	1.9.74	1.12.00	SU	
516. " Da Prakash Chaudhary.		10.7.53	14.7.75			BU	
517. " Ganga Dutt Shett.	S/C	7.0.33	20.5.54	2.9.74	1.12.00	EN.	
518. " Ram Dulrey. D	S/C	0.5.45	2.9.74			LW.	
519. " Sant Lal Ram.		24.1.52	10.7.75	10.7.75	1.12.00	(Sect Reserve)	
520. " Shekha Dhan Singh.		27.7.54	16.2.75	16.2.75		AD	
521. " Lala Jeet Singh Bishen.		20.12.52	11.7.75	11.7.75	1.12.00	RE	
522. " Harri Dc. Service		0.6.42	26.12.66	2.9.74	1.12.00	LW.	
523. " Ro P. Chaud Ram	S/C	10.0.55	10.7.75	10.7.75	1.12.00	LW.	
524. " Khag Singh Kushwaha.		5.1.50	10.7.75	10.7.75	1.12.00	BR.	
525. " Kh. Lique Akbar Warsi		1.7.33	13.11.59	1.9.74	1.12.00	LW.	
526. " ACP T. Ojha. B.Sc. BE. LLB.				16.11.54	11.7.75	1.12.00	
527. " OE Prakash II				1.7.40	2.0.60	1.12.00	AG.
528. " Gcyc Deen	S/C			24.9.44	15.9.59	1.12.00	RF



Pawan Agarwal

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE 3)

civil misc. writ Petition No 1/84
in re:

Amarjit Singh Bisht - Petitioner
vs
U.O.T and Mrs. - opp. Partis.

Rules

1. Eligibility

House building advances may be granted to the following categories of Central Government servants:-

(a) Permanent Central Government servants.

(b) Central Government servants not falling in category (a) above who have rendered at least 10 years' continuous service, provided,

(i) they do not hold a permanent appointment under a State Government; and

(ii) the sanctioning authority is satisfied that they are likely to continue in the service of the Central Government at least till the house, for which the advance is sanctioned, is built and/or mortgaged to Government.

(c) Members of the All India Services deputed for service under:

(i) the Central Government, or

(ii) under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned, or controlled by the Central Government, or

(iii) an international organisation, an autonomous body not controlled by Government or a private body.

Notes.—(i) The term 'Central Government Servants' as used in these Rules includes the Government employees of all the Union Territories and the NEFA.

(ii) When both the husband and wife are Central Government servants and eligible for the grant of advance, it shall be admissible to only one of them.

2. Conditions to be fulfilled

An applicant for the grant of an advance must satisfy the following conditions:-

(a) The cost of the house to be built/purchased (excluding the cost of residential plots as mentioned in the sale/lease deed of the land/house) should not exceed:

(i) Rs. 1,25,000 for employees whose 75 months' basic pay is up to Rs. 60,000

(ii) Rs. 2,00,500 for employees whose 75 months' basic pay exceeds Rs. 60,000 but is up to Rs. 1,25,000.

(iii) (a) Rs. 3,00,000 for employees whose 75 months' basic pay exceeds Rs. 1,25,000.

The applicants should not have availed of any loan or advance for the acquisition of a house from any other Government source, e.g., the Department of Rehabilitation or a Central or State Housing Scheme. Where, however, the loan, advance etc., already availed by an applicant does not exceed the amount

1. As substituted by O.M. No. 81701/31/79-11, 111, dated the 20th June, 1982.



By order M/S.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT TALLAHASSEE
(ANNEXURE '4')

IN
CIVIL MISC. WRIT PETITION NO. OF 1984
in re:

Amarjit Singh Bisew petitioner
Vs.
The Union of India and Ors opp. parties.

(Q.M. No. 147015/176-H. III, dated 25-1-76)

Subject:—Advance for purchase of ready-built houses/flats.

Rule 3 (a) of the House Building Advance Rules provides that a house building advance is admissible also for purchasing a ready-built house/flat. Orders on the subject of purchase of ready-built flats have also been issued by this Ministry from time to time. For the sake of convenience, all those orders are hereby consolidated and the position, as it emerges as a result is indicated below for the information of all Ministries/Departments of the Government of India, etc.

I. Conditions to be fulfilled for grant of house building advance for purchase of already built flat/house.—Advance for purchasing ready-built house/flat will be sanctioned only, if:—

- (i) the house is a newly built one.
- (ii) the house has not been lived in since its construction.
- (iii) the agency offering it for sale is a Government or semi-Government or Autonomous institution like a State Housing Board, D.D.A., City Improvement Trust or A Registered Co-operative Housing Society. Advances are not admissible for the purchase of old houses/flats or even for the purchase of new ready-built houses/flats from private parties.
- (iv) it is to be acquired on outright purchase basis and not on hire-purchase basis.
- (v) the Government servant gets from the allotting agency the right to mortgage the house/flat to the President of India.
- (vi) the total cost of the house/flat does not exceed the prescribed ceiling of the applicant.
- (vii) the cost of the flat/house has not already been paid by the applicant.

II. Conditions to be fulfilled for house building advance for purchase of a ready-built flat/house through a Government Organisation or semi-Government.—In the case of flat houses by Government, semi-Government or local bodies, Housing Boards, Development Authorities and the like, the application (on the prescribed Form No. 252) should be accompanied by the following documents:

- (i) An attested copy of a letter from the Allotting Authority (from whom the house/flat is to be purchased) allotting or agreeing to allot the land and the house (or the flat, as the case may be) and stating therein:—(a) the cost of the house/flat; (b) the conditions of sale; (c) the accommodation available therein; and (d) whether they have permitted the Central Government servant concerned to mortgage the land and the house/flat in favour of the President of India as a security for the advance on such terms and conditions as the President may prescribe.
- (ii) An attested copy of the draft lease/sale deed for land and house/flat.

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High Court of Judicature at Tallahassee

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IN THE HON'BLE HIGH COURT OF JUDICIATURE AT ALLAHABAD
(ANNEXURE 'S')

IN
civic Mys. Writ Petition No. 41986
in re:

Amarjit Singh Bisen ... petitioner

vs.
... and DSS ... app. parties.

(O.M. No. I/17015/476-H. III, dated 30-1-1976)

Subject:—Eligibility for grant of advance - Consolidated orders.

The undersigned is directed to invite attention to Rule 1 of the aforesaid Rules, wherein, the categories of Government servants who are eligible for house building advance has been described. Further to this rule, several orders on the subject have been issued by this Ministry from time to time. For the sake of convenience, all these orders are hereby consolidated and the position, as it emerges as a result, is as follows:—

House Building Advance may be granted to the following categories of employees:—

(i) All permanent Central Government servants.

(ii) Central Government servants not falling in category (i) above, but who have rendered at least 10 years' continuous service provided the sanctioning authority is satisfied about their likely retention in service till the house for which the advance is sanctioned, is built and/or mortgaged to Government and they do not hold a permanent appointment under a State Government.

(iii) Members of the All India Services deputed for service under:—

(a) the Central Government or

(b) a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government, or

(c) an international org. headed, an autonomous body not controlled by Government or private body.

Note.—When both the husband and wife are Central Government servants and eligible for grant of an advance, it shall be admissible to only one of them.

(iv) Employees of all the Union Territories and North-East Frontier Agency.

(v) Staff Artists of the All India Radio who:—

(a) fulfil the conditions prescribed in Rule 1 (b) of the said Rules.

(b) have been appointed on long term contracts extending to the age of 55/58 years.

The Head of Department is required to record a certificate with reference to clause (ii) above on all such applications which are recommended by him to this Ministry for the grant of house building advance.

(vi) Central Government servants governed by the Payment of Wages Act.

Applications for house building advance under the aforesaid rule will be entertained from these Central Government servants provided the Head of the Department satisfies himself in consultation with the legal authorities, where necessary, that

(i) the total amount of deductions (including recoveries to be effected for house building advance and interest thereon) terms of Section 7 (2) of the Payment of Wages Act, are not likely to exceed the limits stipulated in Section 7 (3) of the Act, and

(b) it is possible, in terms of Section 12-A of the Act, to effect recoveries of house building loans in the usual manner laid down in House Building Advance Rules.

While sponsoring applications, for loans assistance in these cases, the Heads of Departments may accordingly furnish a certificate (in addition to the recommendations to be recorded) to the effect that the applicants fulfil the conditions laid down at (i) and (ii) above.

EXPLANATION—An official under suspension is prevented from carrying out his normal duties but continues to be a Government servant, and receives maintenance allowance and, as such, his other rights and obligations are not affected. The Central Government servants who are placed under suspension, therefore, continue to be eligible for advance and payment on account of House Building Advance can be made to them by the Head of the Department subject to the condition that collateral security in the shape of mortgage bond from two permanent Central Government servants is provided, and, in that, in the event of default or being in payment of amount insufficient, the amount may be recovered by foreclosure, etc., the amount of money may be used as collateral security.



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
(ANNEXURE 'B')
IN

CIVIL MISC. Writ Petition No. of 1984.

In re :

Amar Jit Singh Bisen petitioner.
Vs.

The Union of India and Ors. opp. parties.

To,

The General Manager Telecom,
U.P. Circle, Lucknow.

Through : The Chief Superintendent, C.T.O., Allahabad.
Subject : Purchase of ready-built house - permission
to acquire as per CCS(Conduct) Rules 1964.
Sir,

I am a permanent Telegraph Assistant. With a view to own a house, I am registered for the same with the U.P. Housing and Development Board.

I may therefore, accordingly be permitted as per Rule 18(2) of the CCS(Conduct) Rules 1964 to acquire such a house being allotted by the Housing Board at Lucknow City.

It is further requested that the permission/sanction (or exemption from sanction) may please be accorded by March 18, 1984, so that the opportunity of owning a house does not become infructuous subsequently and I have not to seek ex-post-facto sanction. In case the sanction is not communicated to me by the said date, I may kindly be allowed to assume that sanction has been granted.

Thanking you.

Yours Faithfully,

Sd/
(Amar Jit Singh Bisen)
Telegraph Assistant, ~~in~~
(On leave) under transfer
to CTO Aligarh.

Dated at LW, 2.3.84.
Local address (on leave):
Room no. 9 ND Hostel, University,
Lucknow.

Copy to :

Shri A.R. Silswal, A.O. (Cash) O/cf S.M.T., Lucknow for
doing needful in the matter.



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE 7)

in

CIVIL MISC WRIT PETITION NO. 184
in re:

AMAR JIT SINGH BISEN - petitioner

vs.

Union of India and Os. - opp. parties



18. Movable, immovable and valuable property

(1) (i) Every Government servant shall on his first appointment to any service or post¹ [****] submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding:

- (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him; and
- (d) debts and other liabilities incurred by him directly or indirectly.

Note 1. - Sub-rule (1) shall not ordinarily apply to Class IV servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

Note 2. - In all returns, the values of items of movable property worth less than 4 (Rs. 2,000) may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, stockings, books etc. need not be included in such return.

Note 3. - Where a Government servant already belonging to a service or holding a post is appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause.

1. Deleted by C.S. (Dept. of Personnel) Notification No. 11013/19/75-Gaz. (A), dated the 10th July, 1976 published in S.O. 2691 in the Gazette of India, dated the 26th July, 1976.

2. Substituted by C.S. (Dept. of Personnel) Notification No. 11013/6/76-Gaz. (A), dated 21st November, 1976, published in S.O. No. 4603 in the Gazette of India, dated the 11th December, 1976.

3. Substituted by C.S. (Dept. of Personnel) Notification No. 11013/19/75-Gaz. (A), dated the 10th July, 1976, published in S.O. 2691 in the Gazette of India, dated the 26th July, 1976.

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1. Every Government servant belonging to any service or holding any post included in Group A or Group B shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

2. No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is—

- i. with a person having official dealings with the Government servant; or
- ii. otherwise than through a regular or reputed dealer.

3. Where a Government servant enters into a transaction in respect of immovable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds ³ Rs. 2,000/- in the case of a Government servant holding any Class I or Class II post or ⁴ Rs. 1,000/- in the case of a Government servant holding any Class III or Class IV post.

Provided that the previous sanction of the prescribed authority shall be obtained if any such transaction is

- i. with a person having official dealings with the Government servant; or
- ii. otherwise than through a regular or reputed dealer.

4. The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

5. The Government may exempt any category of Government servants belonging to Class III or Class IV from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the Cabinet Secretariat (Department of Personnel).

Explanation— For the purposes of this rule:

1. the expression "movable property" includes

1. Assets of the C.S. Dept. of Personnel. Notification No. 11013/76-Est. (A), dated the 6th July, 1976, published in the Gazette of India, dated the 24th July, 1976.

2. Assets of the C.S. Dept. of Personnel. Notification No. 25/17/77-Est. (A), dated the 16th July, 1977.

3. Assets of the C.S. Dept. of Personnel. Notification No. 11013/76-Est. (A), dated the 6th November, 1976, published in the Gazette of India, dated the 11th December,



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(a) jewellery, insurance policies, the annual premia of which exceeds Rs. 2,000 or one-sixth of the total annual emoluments received from Government, whichever is less, shares, securities and debentures;

(b) loans advanced by such Government servants whether secured or not;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios ^{1/2}, radiograms and television sets].

2. "prescribed authority" means—

(i) the Government, in the case of a Government servant holding any Class I post, except where any lower authority is specifically specified by the Government for any purpose;

(ii) Head of Department, in the case of a Government servant holding any Class II post;

(iii) Head of office, in the case of a Government servant holding any Class III or Class IV post;

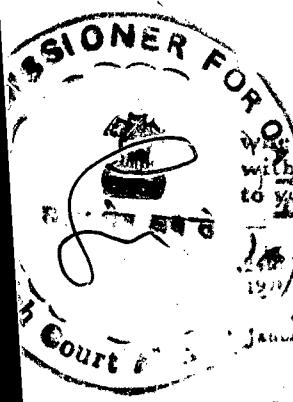
(b) in respect of a Government servant on foreign service or on deputation to any other Ministry or any other Government, the parent department on the cadre of which such Government servant is borne or the Ministry to which he is administratively subordinate as member of that cadre.

EXPLANATION II.—For the purposes of this rule 'lease' means, except where it is obtained from, or granted to, a person having official dealings with the Government servant, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

Substituted by C.S. (Dept. of Personnel) Notification No. 11013 dt. 7th Decm. (A), dated the 11th November, 1976, published as S.O. No. 4663 in the Gazette of India, dated the 11th December, 1976.

2. Inserted by C.S. (Dept. of Personnel) Notification No. 25-57 dt. 6th Decm. (A), dated the 10th January, 1973, published as S.O. No. 83 in the Gazette of India, dated the 10th January, 1973.

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IN THE HIGH COURT OF JUDICATURE
AT ALLAHABAD

(ANNEXURE 8)

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CIVIL MISC. WRIT PETITION NO. 11984

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AMAR JIT SINGH BISEN - Petitioner

V₃

401, and ORS. - opp. parties.

(C) M. No. 10/16/59/ 44. IV, Guna. 5/1959

Subject :- Separate permission under Construction Development Control Regulation, construction of land and buildings.

4. Incidentally, it may be pointed out that the Guidelines for Lending under the House Building Advance Rules should not be confused with the Code of Conduct of the Government for the acquisition of immovable property. The Code of Conduct is entirely the responsibility of the Government and it is the responsibility of the applicants applying for house building loans to obtain a copy of the Code of Conduct and appropriate authorities in compliance with the C.P.S. of the Government to observe the specific rules applicable to them, in regard to acquisition of immovable property.

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IN THE HIGH COURT OF JUDICATURE
AT ALLAHABAD

(ANNEXURE 8)

IN

CIVIL MISC. WRIT PETITION NO. 1984

IN RE

AMAR JIT SINGH BISEN - Petitioner

Vs.

MOI. and ORS. - opp. parties.

(C) A.S. No 10/16/59/31. IV. date 8/1/84

Subject:—Separate permission under Comm. (1) of the Building Act, 1972, for construction, construction of house and building.

4. Incidentally, it may be pointed out that the Government of India has issued a circular under the House Building Advance Rules issued in the name of the Secretary of State of the Government for the acquisition of immovable property by the State under the Conduct (Conduct) Rules. It is entirely the responsibility of the State Government to see that the applicants applying for house building loans to observe the said circular and to inform the appropriate authorities in compliance with the C. S. (Circular) Rules, the appropriate rules applicable to them, in regard to acquisition of immovable property.



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In the High Court of Judicature at
Alcalahabad.

(Annexure 9)

Civil Writ. Writ Petition No. 419
in re

Amarjit Singh Bishen — petitioner

VS.

401 and 403. — opp. parties.

GOVERNMENT OF INDIA'S DECISIONS

Prior sanction must invariably be obtained by Government servants before making any move requests for *ex post facto* sanction to be severely discouraged. Attention is invited to the provisions of Rules 16 (4) and of the Central Civil Services (Conduct) Rules, 1964, in which it has been stated that Government servants should not lend money to any person possessing land or valuable property within the local limits of their authority or at interest to any person and that they should not acquire or dispose of any immovable/movable property without the previous sanction of the prescribed authority. Instances have come to the notice of the Government where certain Government servants have entered into transactions regarding movable and immovable property without the previous sanction of the prescribed authority and they have afterwards sought *ex post facto* sanction. Such a procedure renders the provisions of the rules completely ineffective and defeats the purpose for which the rules have been framed. The Ministry of Finance etc. are, therefore, requested to impress upon the Government servants concerned the need to adhere to the provisions of the rules strictly and to obtain the sanction of the prescribed authority, wherever necessary, before entering into such transactions.

2. These instructions will apply, *mutatis mutandis*, to the provisions of the other rules which require previous knowledge, consent or sanction of the prescribed authority.

(SIIA, O.M. No. 27/561-Lab (A), dated the 26th June, 1961.)

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IN THE HON'BLE HIGH COURT OF JUDICATURE
at Allahabad.

(ANNEXURE '10')

in
Civil Misc. Writ Petition
no. of 1984.

in re:

Amar Singh Baisen - Petitioner

vs.
No. 1 and 03. - opp. parties.

GOVERNMENT OF INDIA'S ORDERS

Time-limit beyond which permission may be assumed to have been granted by the competent authority in the absence of any communication from him. - Government have had under consideration the question of imposing time-limits for action under the various rules of the C.C.S. (Conduct) Rules, 1964, so that in matters governed by these rules, where the exercise of a right available to a Government employee or the availing of an opportunity which may come his way, is subject to Government's prior permission, the exercise of the right or the availing of the opportunity may not become infructuous because of any delay on the part of Government to grant necessary permission.

Accordingly the matter has been examined with reference to the various provisions of the Conduct Rules, in which taking of prior permission is visualised and the following time-limits are prescribed for granting or refusing permission in respect of some of the provisions. The time-limit is to be reckoned from the date of receipt of the request of the Government employee for which necessary acknowledgement showing the date of receipt may be given to the employee when a request for permission is received.

Rules 8 (2), 13 (4), 18 (2) and (3) and Rules 18-A ... 30 days

Rule 19 (1) 6 weeks

In the event of failure on the part of the competent authority to communicate its decision to the Government employee concerned within the time-limits indicated above, the Government employee shall be free to assume that permission has been granted to him.

The above decision of the Government may be given wide publicity and all the authorities exercising powers under Conduct Rules advised suitably so that they may ensure that all requests of Government servants under the aforesaid rules are dealt with expeditiously and ordinarily no occasion need arise where a Government employee may be enabled to act on the assumption that permission has been granted in his case on account of the failure of the competent authority to convey its decision within the stipulated time.

[M.H.A., Dept. of Personnel & A.R., O.M. No. 11013 17/77-Batt. (A), dated the 19th April, 1978.]

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

(Annexure II)

in

Civil Misc. Writ Petition No. 41924
in re:

Amrit Singh Bisen petitioner
v.
Govt. and Os. - app. parties.

(O.M. No. I/17011/5/75-II, III, dated 5-7-1975)

Subject: Release of instalments of advance to officials under suspension
after obtaining collateral security.

The undersigned is directed to say that many references have been received in this Ministry from certain Departments seeking clarification that in case some disciplinary action is pending against a Central Government servant and/or he is placed under suspension, as to whether or not the house building advance should be sanctioned, or if advance has already been sanctioned, whether or not the instalments of advance should be disbursed.

Since there is no specific provision in the existing House Building Advance Rules as to whether or not the payment of house building advance should be made to the individuals who are placed under suspension, the matter was, therefore, referred to the Ministry of Law. It has now been decided, in consultation with the Ministry of Law, that an official under suspension is prevented from carrying out his normal duties but continues to be a Government servant, and receives subsistence allowance, his other rights and obligations should not be affected. As such the Central Government servants, who are placed under suspension, continue to be eligible for advance and payment on this account can be made to them by the Head of the Department subject to the condition that collateral security in the shape of mortgage bond from two permanent Central Government servants should be obtained so that in the event of default or belated payment of insufficient money being available by foreclosure, etc., the shortage of recovery may be made up by collateral security.

S. Nader

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22/6/84

From H. S.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT AMRITSAR.
(ANNEXURE : 12 :)

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IN

CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.
Vs.
Union of India and Ors opp. parties.

COPY OF TELEGRAM DATED 12.5.84

GEMTELCOM
LUCKNOW.

--- EXPEDITIOUS DISPOSAL OF MY HBA CASE SOLICITED ---

AMARJITSINGHBISEN.

NTBT :

Amar Jit Singh Bisen
O ND Hostel University Lucknow.



S. Nader	
[Redacted]	
CCD	77/767
cc. no.	
Recd.	22/6/84

Bmer HJS

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.
(ANNEXURE '13')
IN

CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.

Vs.

Union of India and Ors. opp. parties.

To,

The General Manager, Telecum.,
U.P. Circle, Lucknow.

Chief Superintendent, CTO, Lucknow.

Through : Subject : Expeditious consideration of H.B.A. case.

Sir,

I beg to submit the following few lines for your kind consideration and for sanction of my H.B.A. case :-

1. I had applied for HBA sometime in July 1983. That application was rejected in Sep. 1983, but I was never intimated about its rejection. In January 1984 I therefore withdrew that application.
2. However, I again applied in February 1984 for HBA on the basis of the same documents on the legal advice from my counsel that I was entitled for HBA. But having come to know that the case had been referred to the Ministry of Works Housing and Supply for advice and it would take much time, I withdrew that application vide letter dated 2.3.84.
3. On the same date, I also submitted an application for permission to acquire a ready-built house from the UP Housing and Development Board as required under rule 18(2) of the CCS(Conduct) Rules 1964.
4. Thereafter, when nothing was communicated to me, I assumed that permission has been granted to me within the meaning of MHA Deptt of Personnel and AR, OM, No. 11013/17/77-Ett-(A) dated 19.4.78.
5. Accordingly, now I have applied for HBA on the basis of a house no. 539 (Sector 16) allotted to me in Indira Nagar Extension Scheme. I have also submitted all the relevant documents.
6. I am badly in need of owning a house for my large family.

I therefore request you kindly consider my case and issue sanction letter.

I shall be thankful.

Yours Faithfully,

Sd/-

(Amar Jit Singh Bisen)

Telegraph Assistant,
Under Posting to Allahabad

Dtd. at LW. 14.5.84.

S. Nader

22/787

22/6/84

Paran 4/5

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

AFFIDAVIT

AFFIDAVIT
77/767
HIGH COURT
ALLAHABAD

CIVIL
AFFIDAVIT

22/6/84

CIVIL MISC. WRIT PETITION NO. of 1984.
(District Allahabad)

Amar Jit Singh Bisen petitioner.

Vs.

The Union of India and Ors. opp. parties.

Affidavit of Amar Jit Singh Bisen, aged about 32 years s/o Shri Bhairava Datt Singh, R/o Ram Lila Gate, Distt. Gonda, presently posted as Telegraph Assistant, Departmental Telegraph Office, Chowk Allahabad.

I, the petitioner, and deponent in the above Writ Petition do hereby solemnly affirm and state on oath as under :

- That the deponent is the petitioner in this case and doing ^{pari} himself, and is fully acquainted with the facts deposed to below.
- That the full facts have been given in the accompanying writ petition.

I swear that the contents of paragraphs 1 & 2 of this affidavit and those of paragraphs 5 to 10 of this writ petition are true to my personal knowledge and those of paragraphs 3 & 6 are based on perusal of records and those of paragraphs 11 to 15 of the writ petition are based on legal advice which I believe to be true; and that no part of it is false and nothing material has been concealed.

So help me, God, by my signature below on oath as under :

(Amar Jit Singh Bisen)

Deponent.

I, Mani Chandra Singh, Advocate, High Court, Allahabad declare that Shri Amar Jit Singh Bisen who is making this affidavit is personally known to me.

(Mani Chandra Singh, 22/6/84)

Solemnly affirm and state before me at 1.40 P.M. on the 22nd Day of June 1984 at High Court Allahabad by the deponent who has been identified by the aforesaid Advocate.

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

Oath Commissioner.

77/767
22/6/84

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

File

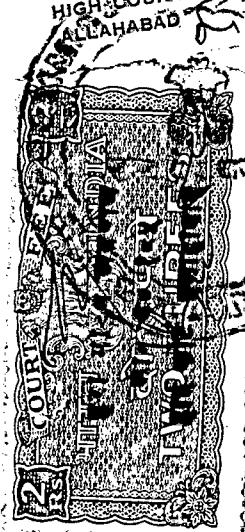
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1984

AFFIDAVIT
48
HIGH COURT
ALLAHABAD



SUPPLEMENTARY AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.

Vs.
Union of India and Ors. opp. parties.

Affidavit of Shri Amar Jit Singh Bisen aged about 32 years, Son of Shri Bhairava Datt Singh, R/o Ram Lila Gate Distt. Gonda, presently posted as a Telegraph Assistant, in Departmental Telegraph Office, Chowk, Allahabad.

I, the deponent abovenamed do hereby solemnly affirm and state on oath as under :

1. That the above writ petition was reported in the stamp section of the High Court on 25.6.84, and was filed before the vacation Judge, on 27.6.84. But due to very heavy rush of work, the turn of the petition could not come, and hence it was returned.
2. That meanwhile, the petitioner received a letter no. A-37/HBA/AJSB/17 dated 26.6.84 from the Chief Superintendent, Central Telegraph Office, Lucknow, by which the petitioner was intimated that his case for grant of house building advance could not be considered because the petitioner's permanency was under dispute. A true copy of the letter dated 28.6.84 is enclosed as Annexure SA-1 to this affidavit.
3. That Annexure 1 of the writ petition is an order passed by chief Superintendent, Lucknow, confirming the petitioner as Telegraph Assistant w.e.f. 1.12.1980. Similarly, Annexure 2 of the writ petition is the gradation list of all the confirmed Telegraph Assistants in the U.P. Circle, in which the petitioner's name stands at serial 601, and the date of confirmation i.e. the date of substantive entry into the cadre has been shown as 1.12.1980.
4. That under the circumstances, now, it does not lie in the mouth of the contesting opposite parties to say that the petitioner was ^{not} confirmed on 1.12.80.



Amar Jit Singh Bisen

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It is wholly incorrect and false to say that the petitioner is not permanent.

5. That the stand taken by the department is that petitioner's permanency, 'since under dispute', he is not entitled to be given house building advance stands neither here nor there. The department is not coming with clean hands as what type of dispute has been created against the petitioner.
6. That there may be dispute, (though not known to the petitioner), but the socalled dispute will not make a permanent employee to the status of a temporary employee. The fact remains the petitioner is a permanent employee, and as such, under house building rules the petitioner is entitled for grant of ~~house~~ of house building advance.
7. that besides this, Annexure 5 to the writ petition is very much clear the point that even if any enquiry or suspension is made against the employee, the employee is eligible for grant of house building advance.
8. That in para 14 of the writ petition, the petitioner has specifically alleged malafies against the then Chief Superintendent, Central Telegraph Office, Lucknow, Shri Puran Kumar Manchanda, now posted as Assistant General Manager, Traffic, New Delhi. He was left to be impleaded party by name in the writ petition, and is now being impleaded as opposite party no. 5.
9. That in para 14 of the writ petition, it has been specifically averred, that since the petitioner was processing the cases of certain officials, while working as Vigilance Assistant, Shri Manchanda was very much displeased with the petitioner, as he was personally interested in these officials and closure of their cases. The petitioner, being Vigilance Assistant, had to make enquiries in the cases of Smt. Sita Niagn and Shri Ram Yatan, and had submitted them for prosecution and suitable disciplinary action.
10. That the cost of the house, allotted to the petitioner by the U.P. Housing and Development Board was to be deposited by 30.6.84, but since opposite party no. 2 did not grant any advance to the petitioner, he could not deposit the cost of the house by



Brief A/1.

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by 30.6.1984. And therefore, requested the Estate Management Officer, Indiranagar, Lucknow, through a telegram, to extend the date of depositing the cost of the house. The allotment of the house, has therefore, not been cancelled, and the date has been extended till 30.9.84 on the petitioner's depositing penal interest of about Rs. 500/- pm. (five hundred) per month. A letter in this connection will soon be issued to the petitioner by the Estate Management Officer, Indiranagar, Lucknow.

11. That since, in prayer clause of the petition, a mandamus was sought for, for the release of the advance by 30.6.84, it will have to be amended now. That under the circumstances, the following prayer clause (iv), ^{and (v)}, may be added in the petition:

"(iv) : issue a writ of mandamus calling upon the opposite party no. 2 to reconsider the case of the petitioner and grant him house building advance by September

⁸ (v) 1984, "issue a writ of certiorari quashing the order dt. 30/5/84 contained in order S.A.I. I, the deponent, abovenamed do hereby verify that the contents of paragraph 1 to 10 of this affidavit are true to my personal knowledge, and the contents of para 11 are based on legal advice, which I believe to be true; that no part of it, is false and nothing material has been concealed.

So help me God.

Devi Pd. Dubey
Deponent.

I, Devi Pd. Dubey, clerk to Shri Uma Kant, Advocate, High Court, Allahabad, declare that the deponent who is making this affidavit is personally known to me.

Devi Pd. Dubey 26/7/84
Clerk to Shri Uma Kant, Advocate.

Solemnly affirmed and stated before me at 3 P.M. 26th day of July 1984 at High Court Allahabad, by the deponent, who has been identified by the aforesaid clerk to Sri Uma Kant, Adv.

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

Oath Commissioner.

S. Nader

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D.C. 26/7/84



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

(ANNEXURE - SA:1)

IN

CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.

Vs.

The Union of India and Others opposite parties.

Mr. J. Com. J
GOVT OF INDIA P. & T. DEPARTMENT
Copy of M.T. U.P. Lucknow No. AG/M-16/435/8
dated 30.5.86.

The Chief Subdt
C.T.O Lucknow.

Job advance - Case of Sanj Amrit
Singh Bisen TA.
Reference - your letter no A-37/HSA/ATC/15
stated 16-5-86

House Building Advance is not admissible
in this Case. As per Rule only those
Govt Servants are eligible for grant if
HSA who are either permanent or have
rendered 10 years continuous service.
In this Case, the official has rendered
only 8 years 9 months service and his
permanency is under dispute and as
such it is not possible to process
Case at Present.

The official may be informed
accordingly

Signed
A.O. (Case)
O/C LMT U.P. Lucknow

No. A-37/HSA/ATC/15 Dated 26-5-86

Copy to Shri P. S. Singh in w/s to his application
dated 26-5-86 at Lucknow for information
of Comptograph Office

LUCKNOW-226001

SG

S. Nader

48/844

26/7/84

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Allahabad and has been authorised to look after the present case and to file this counter affidavit on behalf of respondent Nos. 1 to 4. He is, as such, fully acquainted with the facts of the case deposed to below :

2. That the deponent has read the contents of the above mentioned supplementary affidavit filed by the petitioner and has fully understood their contents. It is submitted that the counter affidavit to the main writ petition has been filed in this Hon'ble Court and the same may be treated as part of this affidavit also.

3. That in reply to the contents of paragraph 1 of the supplementary affidavit, it is stated that the facts stated therein are incorrect. The information received from the office of the Standing Counsel reveals that the notice was given by the petitioner on the 27th of June, 1984 but the writ petition was not moved and it was presented on 1st of August, 1984 before



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a bench consisting of Hon'ble Mr. Justice O.P. Saxena and Hon'ble Mr. Justice K.C. Dhulka.

4. That the contents of Paragraph 2 of the supplementary affidavit are the matters of record and, as such, need no reply by means of this affidavit. However, it is submitted that the petitioner was rightly informed that his case for grant of House Building Advance could not be considered and the same has been deferred and the C.B.I. has registered as case for cheating the Central Government and after due investigation by the C.B.B. the Chief Judicial Magistrate, Lucknow has issued summons for appearance of the petitioner. Reference of the case has already been given in ~~g~~ the paragraph 3 of the main counter affidavit.

5. That in reply to the contents of paragraphs 3 and 4 of the supplementary affidavit it is submitted that

C.P.

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applicant should be a permanent Government servant or the Central Government servant, if not permanent, should have rendered at least ten years continuous service.

7. That it is further submitted that the petitioner is neither a permanent Central Government servant nor he has rendered ten years continuous service as required under the rules relating to House Building Advance. Moreover, the petitioner's permanency is under dispute. The C.B.I., after investigation has filed a case in the court of the Chief Judicial Magistrate, Lucknow for cheating the Central Government for getting employment.

8. That the contents of paragraph 7 of the supplementary affidavit are not admitted. As stated above, the petitioner has been charged by the C.B.I. for forging/manipulating the document for getting employment/permanency and the prosecution is going on in the court of the Chief Judicial Magistrate, Lucknow - till the petitioner is fully exonerated he is not eligible for the grant of House Building

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the petitioner is a suspect public servant and is involved in a case for alleged cheating the Government of India for which investigation was done by the Central Bureau of Investigation and a case has been registered vide Superintendent of Rk Police CBI/SPE. Lucknow No. 80-44/83-LKO and the petitioner has been summoned by the court. The entire service record and other documents relating to the petitioner's service has been seized by the Central Bureau of Investigation. The permanency of the petitioner is in dispute. It is submitted that till the petitioner is absolved of the criminal case pending in the court of the Chief Judicial Magistrate it cannot be said that the petitioner is a permanent Government servant.

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Advance.

9. That the contents of paragraph 8 of the supplementary affidavit are emphatically denied. It is submitted that the GM of Superintendent, Lucknow, Sri Puran Kumar Manchanda, the then Chief Superintendent C.T.O. Lucknow now posted as the Senior Telegraph 'Traffic' (Local) Parliament Street, New Delhi has no grudge against the petitioner and the allegations of mala fide etc. are all concocted and has been made only to black-mail and pressurize the official concerned.

10. That the contents of paragraph 9 of the supplementary affidavit are emphatically denied. It is submitted that the references of forged cases are concoction of the petitioner himself as he himself is a suspect Government servant and a case against him has been filed by the Central Bureau of Investigation for cheating the Central Government which is pending in the court of the Chief Judicial Magistrate, Lucknow.

[Handwritten signature]

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11. That in reply to the contents of paragraph 10 of the supplementary affidavit it is submitted that the petitioner is not entitled to the grant of House Building Advance.

12. That it is further submitted that after filing of the above mentioned writ petition enquiries were made from the office of the Estate Officer, U.P. Avas Evam Vikas Parishad, Indra Nagar, Lucknow and Sri Vimal Kumar Saxena, the Estate Management Officer, Indra Nagar Lucknow, was contacted through the Departmental Vigilance Cell and the files ~~real~~ relating to the allotment of house, allotted to Sri Amarjeet Singh Bisht, petitioner were also requested to be placed before the Departmental Vigilance Cell.

13. That on examination of the record of the ~~allotment of house~~ it was

High Court, Lucknow

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revealed that the registration of the house at the very initial stage was made by his father Sri - Bhairon Singh by paying a sum of Rs.50/- vide receipt No. 1112.94 dated 26th of December, 1978.

14. That subsequently the petitioner Sri Amarjeet Singh Bisht managed to get it transferred in his own name.

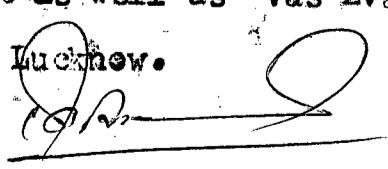
15. That, as already stated above, so far Sri Bhairon Singh, his father and the allotment of the house for which Rs.50/- was paid is concerned, it is submitted that the said house could be allotted only to one who belongs to the Economically Weaker Section of the Society and Sri Amar Jeet Singh Bisht does not belong to Economically Weaker Section of the Society and the said house could not be allotted to him. Economically Weaker Section House No. 539, Sector No. 16 was allotted to the petitioner vide Reference No. 1621 dated 12th of April, 1984.

16. That the allotment order

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now stands cancelled vide order dated 30th of November, 1984. The Estate Management Officer has also informed the Deputy General Manager (Administration) Office of the General Manager Tele-communication, U.P. Circle Lucknow vide letter No. 2060 Sa. Pra/E.Na dated 16th of March, 1985. A true copy of this letter has already been annexed along with the main counter affidavit.

17. That it is further submitted that Sri Amarjeet Singh Bisen again has played foul game to get the House Building Advance. The petitioner is entitled for Middle Income Group house and his salary is about Rs.1000/- and is ineligible for the allotment of the house built for Economically Weaker Section of the Society. This action shows that the petitioner has manipulated things for taking House Building Advance and has not come forward with clean hands and has not put forward the facts correctly before the department as well as Avas Evan Vikash Parishad, Lucknow.



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19. That in reply to the contents of paragraph 11 of the supplementary affidavit, it is submitted that in view of the facts and circumstances stated in the preceding paragraphs of this affidavit, as well as in the main counter affidavit, the petitioner is not entitled to the grant of House Building Advance as he is a suspect public servant and is involved in a case for alleged cheating the Central Government of India. It is further submitted that as his permanency is under dispute and as a criminal case is pending in the court of the Chief Judicial Magistrate, Lucknow no question of grant of House Building Advance to the petitioner arises and, as such, the same has been deferred for the time being. The contents of the paragraph under reply are denied and the petitioner is not entitled to the reliefs claimed.

19. That it is further submitted that no case for issuance of a writ of mandamus has been made out and the present writ petition, filed by the


S. R.

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petitioner is liable to be dismissed with costs.

I, the deponent named above, do hereby swear that the contents of paragraphs 1, 2 of this affidavit are true to my personal knowledge, that the contents of paragraphs 3 to 18 of this affidavit are based on my perusal of the records, and that the contents of paragraphs 19 of this affidavit are based on legal advice which all I believe to be true.

That nothing material has been concealed and no part of it is false.

So help me God.

DEPONENT.

I, Ashok Mehiley, Advocate, High Court, Allahabad Declare that the person making this affidavit and alleging himself to be Sri B.S. Verma is personally known to me.

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SOLEMNLY affirmed before me on this 17th day of April, 1985 at 8:00 A.M./P.M. by the deponent who has been identified as above.

I have satisfied myself by examining the deponent that he has fully understood the contents of this affidavit.

John

Bradpleen	
OATH COMMISSIONER.	
Reg. No.	57/495
Date	17/4/85

1985
AFFIDAVIT
58/495
HIGH COURT
ALLAHABAD

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

15th July 1985
S.D
19.4.85

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 9702 OF 1984
(Under Art. 226 of the Constitution of India)

DISTRICT : ALLAHABAD.

Received copy
Handwritten
Reshma Khan
10/4/85
Amar Jit Singh Bisen PETITIONER

V_e_r_s_u_s

Union of India and others RESPONDENTS

Affidavit of

B.S.Verma, aged about 41 years
son of Sri R.S.Verma,
Senior Superintendent
Telegraph Traffic, Allahabad.

- : DEPONENT : -

I, B.S.Verma, the deponent named above,
do hereby solemnly affirm and state as follows :

1.

That the deponent is working

B.S.Verma

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as Senior Superintendent Telegraph Traffic Allahabad and has been authorised to look after the present case and to file this affidavit on behalf of respondent Nos. 1 to 4. He is, as such, fully acquainted with the facts of the case deposed to below :

2. That the deponent has read the contents of the above mentioned civil misc. writ petition, affidavit and also the supplementary affidavit filed by the petitioner in support thereof and has fully understood their contents. It is submitted that all the allegations in the writ petition are denied except those which are specifically admitted.

3. That in reply to the contents of paragraph 1 of the writ petition it is submitted that the petitioner is a suspect public servant and is involved in a case for alleged cheating the Government for which the Central Bureau of Investigation case is already registered vide Superintendent of Police, CBI/SPE, Lucknow No. RC. 44/83-Lucknow.



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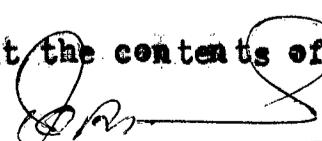
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4. That after due investigation by CBI Sri Rafiq Uddin, Upper Mukhya Nayak Magistrate, Reshan Uldaula Kachhery, Lucknow has issued summons dated 19th of January, 1985 in the name of the aforesaid suspect public servant Sri Amar Jeet Singh Bisht, petitioner. The date of hearing is 15th of March, 1985.

5. That it is further submitted that the date of appointment or other particulars about his service-record cannot be produced as the concerned documents relating to his service record have been seized by the CBI/SPE, hence the same are denied.

6. That the contents of paragraph 2 of the writ petition are not admitted. It is stated that the entire record relating to the petitioner have been seized by the CBI/SPE, Lucknow.

7. That the contents of paragraph 3



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of the writ petition are matters of record and, as such such, they are admitted.

8. That the contents of paragraph 4 of the writ petition are not admitted. It is submitted that the petitioner does not fulfil the condition for eligibility of grant of the House Building Advance as permanency of the petitioner is under dispute and under investigation of the CBI/SPE, Lucknow due to his involvement in some criminal case. The case against the petitioner is pending in the court of the learned Chief Judicial Magistrate, Lucknow. Besides, the petitioner is also not eligible as he does not fulfil the requirement of Rules 1-A and 1-B which require that the applicant should be a permanent Government servant and that the Central Government Servant not falling under category 'A' should have rendered at least ten years continuous service. It is submitted that the petitioner is neither a permanent Central Government

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servant nor has rendered ten years continuous service as required under the rules relating to the House Building Advance. Otherwise also he is not entitled to the House Building Advance under the rules as no quarter/flat stands be allotted to him.

9. That it is further submitted that the conditions for eligibility of grant of House Building Advance are not fulfilled as permanency of the petitioner Sri Amar Jeet Singh Bisen is under dispute and investigation by the CBI/SPE due to his involvement in some criminal case which is still pending. Besides the petitioner has also not rendered at least ten years continuous service as required vide Rule 1 (a)(b) of the House Building Advance Rules.

10. That it is further submitted that the petitioner- Sri Amar Jeet

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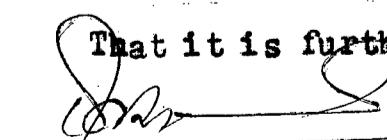
Singh Bisen had applied on the 19th of July, 1983 for House Building Advance for the purchase of ready-built house allotted by the Lucknew Development Authority, Lucknew in favour of his mother Smt. Chabi Raj Kumari.

11. That it is further submitted that the petitioner did not submit his application for House Building Advance complete in all respect covering all the angles. Hence the grant of House Building Advance remained under correspondence.

12. That the petitioner was not entitled for the grant of House Building Advance because the original allotment order had been in the name of his mother. Therefore, his entitlement for the grant of House Building Advance on this count could not stand.

13.

That it is further submitted


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that the petitioner had withdrawn his application at his own accord on the 17th of January, 1984.

14. That the petitioner applied afresh on the 10th of February, 1984 for the House Building Advance after getting the previous allotment orders transferred in his own name.

15. That it was considered incoherent and the case was referred to the Director General, Post and Telegraph, New Delhi for considering the eligibility, of the applicant - petitioner in the event of ready built house transferred at a latter stage in the name of the aforesaid suspect public servant. The petitioner against had withdrawn his application on the 2nd of March, 1984.

16. That in reply to the contents of paragraph 5 of the writ petition

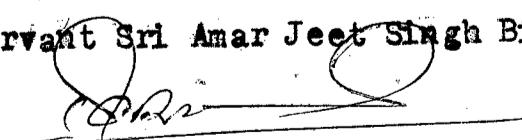
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it is stated that as the permanency of the petitioner was under dispute and under investigation by the CBI/SPE permission to grant him House Building Advance remained unconsidered .

17. That the contents of paragraph 6 of the writ petition are not admitted and as such are denied. Because of the petitioner's involvement in a very serious case taken up by the CBI/SPE which has gone in the court of the Chief Judicial Magistrate, Lucknew and now the hearing has been fixed on the the 15th of March, 1985, the question of granting permission to the petitioner does not arise and the assumption of the petitioner are his own surpir surprises and conjectures which are not admitted.

18. That in reply to the contents of paragraph 7 of the writ petition it is submitted that the aforesaid suspect public servant Sri Amar Jeet Singh Bisen



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petitioner against changed his mind and applied for House Building Advance on 16th of May, 1984. It is submitted that the permission to grant House Building Advance was deferred due to his disputed permanency and his involvement in the CBI/SPE case.

19. That the contents of paragraph 8 of the writ petition are matters of record and as such need no reply by means of this affidavit.

20. That the contents of paragraph 9 of the writ petition are not admitted. It is stated that as the permanency of the petitioner is under dispute and therefore, he does not become eligible for the grant of House Building Advance. Further, in view of his involvement in the alleged criminal case under trial by the C.B.I. Magistrate in his court, the department has to restrain from lending his huge amount money for

C.P.M.S.

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House Building Advance/ other purposes .

21. That the contents of paragraph 10 of the writ petition are not admitted. It is submitted that the said Amar Jeet Singh Bisht, the petitioner is exclusively involved in a criminal case under trial now in the court of the Magistrate, Central Bureau of Investigation, Lucknow for which the date of hearing was fixed for 15th of March, 1985.

22. That it is further submitted that the permanency of the petitioner is under dispute, which is a *prima facie* condition for being eligible for the grant of House Building Advance to an employee of the Central Government servant.

23. That the contents of paragraph 11 of the writ petition are not

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admitted. It is stated that the petitioner had cited an irrelevant Government Order. It is stated that the sanction to grant him House Building Advance has been deferred pending finalisation of a criminal case (No. 77 of 1985) under trial by the Chief Judicial Magistrate C.B.I., Lucknew which simultaneously also questioned his permanency to the post of a Telegraph Assistant in the department.

24. That the contents of paragraph 12 of the writ petition are not admitted as the deponent has no information about its genuiness.

25. That the contents of paragraph 13 of the writ petition are not admitted. It is denied that the Chief Superintendent, Lucknew or other authorities are very much displeased with the petitioner due to the facts stated in the paragraph under reply. It is submitted that the

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grant of House Building Advance to him has been deferred due to his permanency being under dispute and a criminal case in connection with his permanency is under trial, in the courts. The allegations are baseless and has no relevancy at all with the case of grant of House Building Advance to him.

26. That in reply to the contents of paragraph 14 of the writ petition it is submitted that the department has no personal knowledge about the facts that the deposit is to be made by the 30th of June, 1984. Further it is submitted that the petitioner has already been intimated about his inadmissibility with regard to the grant of House Building Advance by the department.

27. That in reply to the contents of paragraph 15 of the writ petition, it is

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submitted that the petitioner had sent telegrams and representations but the department has already intimated about the inadmissibilities to grant the House Building Advance to him. Further, it is submitted that the decision of the competent authority for the grant of House Building Advance remained still deferred due to his permanency under dispute and the petitioner is facing trial in a criminal case launched against him by the CBI/SPB.

28. That the contents of paragraph 16 including the grounds A TO F of the writ petition are not admitted. It is submitted that the petitioner is not found eligible till now as his permanency which is an essential condition for the grant of House Building Advance is disputed and also he is not entitled to the House Building Advance as he does not fulfil the conditions under the rules regarding

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allotment of quarters/flats in his name by any authority and also a criminal case relating to his permanency and other offence is under trial in the court.

29. That it is submitted that after filing of the above mentioned writ petition enquiries were made from the office of the Estate Officer, U.P. Avas Evam Vikash Parishad, Indra Nagar Lucknow Sri Vimal Kumar Saxena, the Estate Management Officer, Indra Nagar, Lucknow was contacted through the departmental vigilance cell and the files relating to the allotment of houses allotted to Sri Amarjeet Singh Bisen were also requested to be placed before the Departmental Vigilance Cell.

30. That on examination of the record of the allotment it was revealed that the registration of the house at the very initial stage was made by his father Bhairon Singh by paying a sum of Rs.50/-

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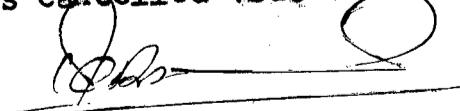
•15•

vide Receipt No. 1,112.94 dated 26th of December, 1978.

31. That subsequently the petitioner Sri Amarjeet Singh Bisen managed to get it transferred in his own name.

32. That, as already stated above, so far Sri Bhairown Singh, his father and the allotment of house for which Rs.50/- was paid is concerned, it is submitted that the said house could be allotted only to one who belongs to Economically Weaker Section of the Society. Petitioner Amar Jeet Singh Bisen does not belong to Economically Weaker Section of the Society and the said house could not be allotted to him. Economically Weaker Section House No. 539, Sector No. 16 was allotted to the petitioner vide Reference No. 1621 dated 12th of April, 1984.

33. That the allotment order now stands cancelled vide order dated 30th



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of November, 1984. The Estate Management
Officer has also informed the General Manager
(Administration) Office of the General
Manager Tele-communication, U.P. Circle
Lucknow vide letter No. 2060 Sa. Pra/E.Na
dated 16th of March, 1985. A true copy of
this letter is being filed herewith and marked
as Annexure C.A.1 to this affidavit.

ANNEXURE '1'

34. That it is submitted that
Sri Amarjeet Singh Bisen again has played
feul game to get the House Building Advance.
The petitioner Sri Amarjeet Singh Bisen is
entitled for Middle Income Group House as his
salary is about Rs.1000/- and is ineligible for
the allotment of House built for Economically
Weaker Section of the society. This
action shows that the petitioner has
manipulated things for taking House Building
Advance and has not come forward with clean
hands and has not put forward his facts
correctly before the department as well as

Avas Evan Vikash Parishad

SPB

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35. That the prayer clause is denied and the petitioner is not entitled to any of the reliefs claimed. It is, therefore, prayed that the writ petition be dismissed with costs.

I, the deponent named above, do hereby swear that the contents of paragraphs 1, 2, 1 of this affidavit are true to my personal knowledge, contents of paragraphs 3 to 35 1 of this affidavit are based on record, contents of paragraphs 1 of this affidavit are based on legal advice which all I believe to be true; that nothing material has been concealed and no part of it is false.

So help me God.

Signature
DEPONENT.

I, Ashok Mehiley, Advocate, High Court, Allahabad declare that the person making this affidavit and alleging himself to be Sri B.S. Verma is personally known to me.

High Court

Signature

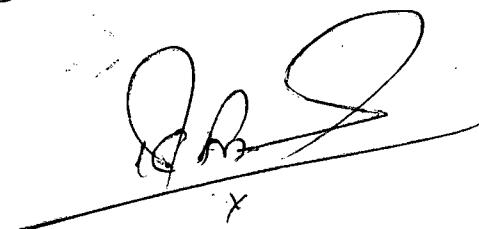
Signature

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SOLEMNLY affirmed before me on this 17th day of April, 1985 at 8.15 A.M./P.M. by the deponent who has been identified as above.

I have satisfied myself by examining the deponent that he has fully understood the contents of this affidavit.



Rajeshwar	
OATH COMMISSIONER.	
Reg. No.	501495
Date	17/4/85

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इन दिवानी लक्ष्य हाईकोर्ट आफ जुँड़केर एट इलाहाबाद ।

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अन्ने वचर

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काउन्टर एंप्लीविट

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सिंक्ल रिटलैनियस रिट पिटीशन नं०

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अमरजीत सिंह क्लैन - - - - - - - - - - - पिटीइनर

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पूर्वनियन आफ छोण्डया एण्ड अदर्स - - - - - रैस्पाण्डेक्ट्रस

कायलिय समांत्त प्रबन्ध अंधारी

३० प० आवास एवं विकास परिषद

इन्द्रानगर, लखनऊ।

गौपती

लेख्या 2060/स० प्र०/इ० न०

दिनांक 16/3/35

सेवा में

उप सामान्य प्रबन्धालय प्रशासन

ॐ प्रो वृत्त

लक्ष्मी

विषय - भवन संख्या 16/४३९ के सम्बन्ध में

महोदय,

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आपके पत्र संख्या डी० जी० एम०५५५० -२-१-१९८५ दिनांक

१-३-८५ के सन्दर्भ में माँगी गए गोपनीय तथ्यों के सम्बन्ध में अवगत कराना है कि श्री अमर जीत सिंह स्कैन वॉ इस कायलिय के पत्र संख्या १६२१/स० प्र०/इ०न०८० द० १२-४-८४ द्वारा नवद क्र्य पद्धति के अन्तर्गत भवन का प्रदेशम किया गया जिसके भ्रातान करने की अन्तम तिथि ३०-६-८४ थी १ तक पश्चात आवंटी ने अपने विभाग से हाउस बिल्डिंग एडवान्स लेने हेतु आपांत्त प्रमाण पत्र लेने की माँग की थी जो कि इस कायलिय के पत्र संख्या २४१५/उ०प्र० इ०न० द० के ३०-६-८४ द्वारा आवंटी वो जारी कर दिया गया । परन्तु उसके पश्चात भी आवंटी ने भवन की देय धरांश का भ्रातान नहीं किया जिसके पलस्वरूप पांरषद नियमानुसार इस कायलिय के पत्र संख्या १५६४५/स०प्र०/इ०न० द० ३०-११-८४ द्वारा भवन का प्रदेश एवं पंजीकरण आवंटी की पांरषद में जमा समस्त धरांश को जब्त करते हुए निरस्त कर दिया गया । पत्राकली सुरक्षित कर ली गयी है ।

भवदीय

८० अपठनीय

५ वी० कै० सक्सेना

८० प्र० अ०

कृत आवास आयुक्त

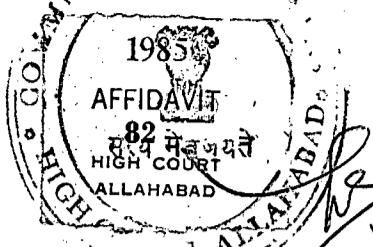
५ सील ५

सत्यपुर्णतालिपि

Pradipkumar

३०. ५८/४९५

१७/४/८५



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

REJOINDER AFFIDAVIT

MIN

CIVIL MISC. WRIT PETITION NO. 9702 OF 1984.

District Allahabad.

Amar Jit Singh Bisen - - - - - Petitioner

Versus

Union of India and others - - - - - Respondents.

Affidavit of Amar Jit Singh Bisen

Aged about 34 years S/o Sri

Bhairava Datt Singh Resident of
Ram Lila Gate Gonda, Presently
working as Telegraph Assistant
C.T.O. Allahabad.

(Deponent)

I, the deponent abovenamed do hereby solemnly
affirm and state on oath as under :-

1. That the deponent has read and understood
the contents of counter affidavit and Supplementary
counter affidavit and as such he is acquainted with
the facts deposed hereunder.



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2. That since there are two counter affidavits one main counter and second counter affidavit to Supplementary affidavit, the reply is being given by one affidavit. It is further submitted that for the purposes of reply, the reply to the counter affidavit is being referred as first counter affidavit and thereafter the second counter affidavit.

Counter
Reply to main Affidavit.

3. That the contents of paras 1 and 2 of the counter affidavit need no reply.

4. That in reply to contents of paras 3 and 4 it is submitted that a fake case has been lodged against the petitioner since 20.12.1983 but nothing has happened so far. However it is made clear that even pendency of any case against the petitioner will not disentitle him to obtain House Building Advance, as it is clear from the perusal of Annexure 11 of writ petition.

5. That the contents of para 5,6 and 7 of counter affidavit are wrong and denied. It is



Parikh D.J.

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wholly wrong to say that documents have been seized by C.B.I. However, in order to ascertain the date of appointment of the petitioner, Annexure 2 of the writ petition is sufficient proof of the fact, that the petitioner was appointed on 11.7.75.

6. That in reply to contents of paras 8,9 of the counter affidavit, it is submitted that allegations contained in paragraph under reply are wholly baseless and has been made in malafide manner. It is also wrong to say that permanency of the petitioner is under dispute. The department does not say anywhere as to what is the dispute of the permanency. Simply because, a fake F.I.R. has been lodged, it can not be presumed that permanency is under dispute . It is evidently clear by perusal of Annexure 1 of writ petition that petitioner is a confirmed employee and therefore, unless the confirmation is set aside the petitioner will always be a permanent employee. Besides this, there is no any departmental, or disciplinary proceeding pending against the petitioner ,and therefore can not be said that



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petitioner's permanency is under dispute, specially when there is no mention of the same even in the F.I.R.

7. That the contents of para 10 of the counter affidavit are wrong and denied. It is further made clear that the application for House Building Advance was applied in the name of the petitioner, and not in the name of Smt. Chhabbi Raj Kunwari, the mother of petitioner.

8. That the contents of paras 11 and 12 are wrong and denied. It is further submitted that the petitioner after meeting all the formalities applied for Advance well within time. It is further wrong to say that petitioner was not entitled for grant of House Building Advance, because of allotment order. The allotment order was transferred in the name of the petitioner at the time of applying.

9. That the contents of paras 13 and 14 are wrong and denied. The fact is that the petitioner applied



By [Signature]

for House Building Advance on 19.7.83.

10. That the contents of paras 15 to 18 are wrong in the manner stated. It is further made clear that application was withdrawn on the advice of the Department, but subsequently again applied for. And on that application, the learned Govt counsel gave an opinion that the petitioner was entitled for House Building Advance, but it was again referred to Directorate at New Delhi in malafide manner in order to cause delay.

11. That contents of para 19 to 29 of the counter affidavit are wrong in the manner stated and hence denied and in reply thereto contents of paras 8 to 16 of the writ petition are reiterated. It is further made clear that the averments contained in these paras are repetitions of foregoing paras and hence need no reply.

12. That the contents of para 30 and 31 of the counter affidavit need no reply. However it is made clear that there is no any illegality committed

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17. That the contents of paras 3 and 4 are wrong and denied, and in reply thereto, contents of paras 1 and 2 of Supplementary affidavit are reiterated.

18. That the contents of para 5 to 8 of the supplementary counter affidavit are wrong and denied and in reply thereto contents of para 3 to 7 of petition are reiterated. The detailed reply has already been given in the foregoing paras.

19. That in reply to paras 9 of counter affidavit it is submitted that malafide allegations were made against Sri P.K. Manchanda who alone can reply allegations. Sri B.S. Verma has got no personal knowledge about the averments contained in para 8 of petitioner's supplementary affidavit.

20. That the contents of para 10 to 19 of the supplementary counter affidavit are nothing but repetitions of main affidavit, Hence need not to be replied. However in reply thereto contents of supplementary affidavit filed by the petitioners are reiterated.

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That besides house in question there are other houses allotted in the name of the petitioner by Lucknow Development Authority one situated at Aliganj Housing Scheme and the other at Gomti Nagar Housing Scheme. The receipt of deposits are being enclosed and marked as Annexures RA-1 and RA-2.

The department may be directed to consider the case of the petitioner on the basis of those houses. The application for sanction of House Building Advance has already been submitted by the petitioner on the basis of those houses.

I, the deponent abovenamed do hereby solemnly affirm and state on oath that the contents of paragraphs nos. 1, 2, 3, 7, 8, 9, 10, 11, 12, 14, 18, 16, 17, 18, 19 of this affidavit are true to my personal knowledge and those of paragraphs nos. 4, 5, 6, 13, 20, are based on persual of record and those of paragraphs nos. 3 are based on legal advice which I believe to be true that no part of it is false and nothing material has been concealed. So help me God.

Deponent.

Arjun A-96

Arjun A-96

I, Devi Prasad Dubey Clerk to Sri Uma Kant
Advocate High Court Allahabad do hereby declare
that the person making of this affidavit and
alleging himself to be Sri Amar Jit Singh Bisen
is that person. The deponent is known to me
personally,


Devi
Dubey
Clerk.

Solemnly affirmed before me on this 8th day
of November 1985 at 8-15 AM a.m./p.m. by the
deponent who has been identified by the aforesaid
Clerk.

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


L. B. Srivastava
OATH COMMISSIONER
High Court, Allahabad
S. No. 82/126
Date: 01/11/1985



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प्रपत्र संख्या 2

[नियम 6 वेले]

लखनऊ विकास प्राधिकरण

ल ख न ऊ

र 02261/50

प्राप्ति दिनांक 21/10/1971 के प्राप्त हुए

लघु (गम्भीर में) द्वारा द्या गया अपनामा अपनामा पाल

के मध्ये गदाओं पर 100 370 रुपये दरकारी

दोष देख रख गये तथा निम्नलिखित

अवधि के लिए

मात्र/वित्त संख्या दिनांक के सम्बन्ध/अंतिम तात्पुर प्राप्त हुए।

दिनांक 15.10.75

टिप्पणी—अनुमतियों (सावर्णों) की दशा में यह रसीद अनुमति के लिए लाभदाता का सकारी और यह लखनऊ विकास प्राधिकरण के अनुमति बसीकार दर देने के लिए कार पर कोई विवाद नहीं था।

L. B. Srivastava

OATH COMMISSIONER

High Court, Allahabad

S. No. 821266

Date 8.10.75



Praveen A. K.

Annexure RA-2

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* पंजीकरण रसीद *

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क्रमांक 34436

श्री/श्रीमती/कुमारा Amarjit Singh Bisen पुरा/पुत्र/प्रव्वर्ती Beni Prakash Singh
पता C. P. M. C. Singh A. D. scale. 65.A. राजपुर (नगर) रोड 14 नं. 50 डारा 50 ब्लॉक 1 क
अधिक धन के साथ L 14 प्रदूष/भवन के लिए पंजीकृत किया गया।

दिनांक 29.11.05

सम्पत्ति अधिकारी
लखनऊ विकास प्राधिकरण
लगदीज बन्द बांग मार्ग
लखनऊ।

नोट:—उपरोक्त रसीद का लिखरण भी क्रमांक को छोड़कर प्रार्थी द्वारा दूर्लं किया जायेगा।



L. B. Srivastava

OATH COMMISSIONER
High Court, Allahabad
S. No. B.2/1266
Date 10.11.2005

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then referred to the Directorate at New Delhi for obvious reasons, although a very similar case of one Shri Y.K.Pande, a telegraphist, working in the Central Telegraph Office Lucknow was favourably considered and sanction accorded. However, the petitioner withdrew his application on 2.3.84 when he learnt that his case has been referred to the P & T Directorate, and that it was likely to take much time, a year or so.

5. That the petitioner on the same date applied to the G.M.T., UP, for seeking permission for acquiring a ready-built house from the U.P. Housing and Development Board as required under rule 18(2) of the Central Civil Services (Conduct) Rules 1964 vide his letter dated 2.3.84, which was forwarded by the Chief Superintendent Lucknow without any adverse note. A copy of the letter dated 2.3.84 is annexed as Annexure 6 to this writ petition. The relevant rule 18(2) of the CCS (Conduct) Rules 1964 is contained in Annexure 7 to this writ petition. Similar provisions are also contained in O.M.No.10/16/59.H-IV dated 16.1.66 of the Ministry of Housing Works and Supply a copy of which is annexed as Annexure 8 to this writ petition.

6. That thereafter, when the petitioner failed to be communicated anything regarding permission, he assumed that permission had been granted to him within the meaning of Ministry of Home Affairs O.M. No.25/25/61.Ett dated 26.6.61 and Deptt. of Personnel and A.R. No. 11013/17/77-Ett(A) dated 19.4.78, copies of which are annexed as Annexures 9 and 10 to this writ petition.

7. That thereafter the petitioner again applied through the Chief Superintendent Lucknow for grant of house building advance in form S-252, on the basis of a ready-built house no. 539 (Sector 16) situated in Indiranagar Colony at Lucknow, allotted to the petitioner by the U.P. Housing and Development Board.

Amrit HS.

A15(k)

9702

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

INDEX

IN

CIVIL MISCELLANEOUS WRIT PETITION NO. 9702 OF 1984.

(District: Allahabad)

Aman Jit Singh Bisen - petitioner.

Vs.

The Union of India and Ors opp parties.

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1.	Writ Petition	1 to 10
2.	Annexure '1' (Confirmation Order):	11
3.	Annexure '2' (Pages of Gradation List)	12 to 14
4.	Annexure '3' (Rules of HBA)	15 & 16
5.	Annexure '4' (O.M. dtd. 15.1.76)	17
6.	Annexure '5' (O.M. dtd 30.1.76)	18
7.	Annexure '6' (letter dtd 2.3.84)	19
8.	Annexure '7' (Rule 18(2) CCS(Conduct) Rules 1964)	20 to 22
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10.	Annexure '9' (O.M. dtd 26.4.61)	24
11.	Annexure '10' (O.M. dtd 19.4.78)	25
12.	Annexure '11' (O.M. dtd 5.7.75)	26
13.	Annexure '12' (telegram dtd 12.5.84)	27
14.	Annexure '13' (representation dtd 14.5.84)	28
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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

STAY APPLICATION

IN

Civil Misc. Writ Petition No. of 1984.

In re :

Amar Jit Singh Bisen, petitioner.

Vs.

The ^Union of India and Ors. opp. parties.

Application for Interim relief:

That for the reasons and in the circumstances given in the accompanying affidavit alongwith writ petition, it is most respectfully prayed that this Hon'ble High Court may please direct the opposite parties to withhold an amount of rupees thirtyfive thousand only (Rs.35,000/-) as house building advance for the petitioner till disposal of this writ petition, so that this writ petition does not become infructuous.

Petitioner.

Dtd. 22.6.84

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

CIVIL MISC. WRIT PETITION NO. OF 1984.
(District Allahabad).

Amar Jit Singh Bisen,
Son of Shri Bhairava Datt Singh,
R/o at Ram Lila Gate ,Gonda.
presently posted as Telegraph Assistant,at
Departmental Telegraph Office,Allahabad Chowk.

..... Petitioner.

Versus
The Union of India ,through the Secretary, Ministry of
Works, Housing and Supply, Government of India, New Delhi .
The General Manager, Telecummunication, Uttar Pradesh
Circle, Hazratganj ,Lucknow.

3. The Director, Vigilance, Office of the General Manager,
U.P.Circle, Lucknow.
4. Chief Superintendent, Central Telegraph Office, Lucknow.
..... Opposite parties .

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA .)

To,

The Hon'ble Chief Justice and His Companion Judges
of the aforesaid Court.

.....

The humble petition of the petitioner abovenamed
most respectfully showeth as under :

1. That the petitioner having secured 81 % marks
in His High School Examination had applied , and
was subsequently recruited and appointed as
Telegraph Assistant in officiating capacity against
one of the temporary vacancies in the Telegraph wing
of the Posts and Telegraphs Department , in the
Uttar Pradesh Circle in July 1975 , after completion

of all necessary formalities and after having submitted a bond to serve the Department for at least 5 years. He was posted in Central Telegraph Office at Dehra Dun under Saharanpur Telegraph Traffic Division, Saharanpur after 3 months successful training at Lucknow. The petitioner recalls that he had clearly and very honestly stated and filled in each columns of the attestation form in duplicate, mentioning that he was a permanent resident of the city and District of Gonda. The petitioner had been involved in some criminal cases there before applying for the Government job. His character and antecedent verification was also got done from the District Authorities of Gonda, and the petitioner, therefore understands the authorities had the knowledge of each and everything about his character, conduct and antecedent of the petitioner before he was offered an appointment. The petitioner had also passed the confirmation examination subsequently, and has been serving the Department to the best of his sincerity and honesty, as can be ascertained from his service records.

that
2. The petitioner was later on transferred to Central Telegraph Office at Lucknow, under the Divisionalisation Scheme. He was also confirmed in the cadre of Telegraph Assistant by the Chief Superintendent Lucknow Telegraph Traffic Division, in January 1983 against one of the vacancies, lying permanent since 1980, after careful examination of his work and conduct, as assessed from his service records. The learned Chief Superintendent had also considered the conduct of the petitioner, relating to his criminal involvement in a criminal case, before entering into the Government service, and all other aspects of it.

It may be submitted here that an official is confirmed in the cadre of Telegraph Assistant only on the basis of his record of service, and on no other documents, subject to his passing the confirmation examination. The rules of confirmation do not require for examining the character and antecedent of an official at the time of confirmation. These aspects are looked into only at the time of appointment and while issuing certificate of quasi-permanency. But in the case of the petitioner, the appointing authority had called for a fresh report about the character and antecedent of the petitioner during the years after his entrance into the Department. Since the petitioner had been living for the last five years at Lucknow, the report was called from the District Magistrate Lucknow, in view of his involvement in the criminal case.

The petitioner had not been involved in any case after joining the P & T Department, and as such, the District Magistrate, Lucknow had clearly mentioned in his report dated 24.1.1983 that the character and antecedent of the petitioner during his stay at Lucknow has been quite satisfactory.

A copy of the letter dated 25.1.1983, appointing the petitioner in permanent capacity is annexed as Annexure 1 to this Writ Petition.

The petitioner has also been shown confirmed in the Gradation List of the Telegraph Assistants of U.P. Circle at serial 601 on page 26 issued under memo. no. Staff/M-14-3/84/3 dated 23.5.84 by the General Manager Telecom., U.P. Circle Lucknow. A copy of the said memo. is annexed as Annexure 2 to this Writ Petition alongwith its page nos. 1 and 26. The Gradation List consists of all confirmed Telegraph Assistants.

That the department gives to its employees the facility of seeking house building advance for

- 4 -

different purposes . The rules regarding eligibility conditions and purposes for which the advance may be granted are contained in Annexure 3 to this writ petition . Ministry of Works, Housing and Supply office Memo. nos. 1/17015/1/76, H-III dated 15.1.76 and 1/17015/4/76, H-III dated 30.1.76 also contain similar proviso regarding ready-built houses . Copies of the same are annexed as Annexures 4 and 5 to this Writ petition.

4. That fulfilling all the conditions and eligibility criteria of being a permanent employee , having been so declared vide Annexure 1, and with a view to own a house which he badly needed for his large family the petitioner applied to opposite party no. 2 in July 1983 for house building advance on cash-down purchase of a ready-built house on the basis of a house allotted by the Lucknow Development Authority. The case of the petitioner was rejected in September 1983 showing a technical ground that the original allotment was in the name of the mother of the petitioner. The petitioner was however never intimated about the rejection for reasons best known to administration.

In December 1983, however the petitioner came to know of the rejection through reliable sources and met the Accounts Officer (Cash) in the Office of the General Manager Telecom. The petitioner was told by him that he can not be granted advance on the basis of that house. The petitioner therefore withdrew that application for house building advance in January 1984.

But a few days later in February 1984 , the petitioner again applied on his counsels advice for grant of house building advance on the basis of the house allotted to him by way of transfer by the Lucknow Development Authority. That application was forwarded by the Chief Superintendent Lucknow verifying that the petitioner was a permanent employee. The case

then referred to the Directorate at New Delhi for obvious reasons , although a very similar case of one Shri Y.K.Pande ,a telegraphist , working in the Central Telegraph Office Lucknow was favourably considered and sanction accorded. However , the petitioner withdrew his application ^{on 2.3.84} when he learnt that his case has been referred to the P & T Directorate, and that it was likely to take much time, a year or so.

5. That the petitioner on the same date applied to the G.M.T.,UP, for seeking permission for acquiring a ready-built house from the U.P.Housing and Development Board as required under rule 18(2) of the Central Civil Services (Conduct) Rules 1964 vide his letter dated 2.3.84 , which was forwarded by the Chief Superintendent Lucknow without any adverse note. A copy of the letter dated 2.3.84 is annexed as Annexure 6 to this writ petition . The relevant rule 18(2) of the CCS (Conduct) Rules 1964 is contained in Annexure 7 to this writ petition. Similar provisions are also contained in O.M.No.10/16/59.H-IV dated 16.1.66 of the Ministry of Housing Works and Supply a copy of which is annexed as Annexure 8 to this writ petition.
6. That thereafter , when the petitioner failed to be communicated anything regarding permission ,he assumed that permission had been granted to him within the meaning of Ministry of Home Affairs O.M. No.25/25/61.Estt dated 26.6.61 and Deptt. of Personnel and A.R. No. 11013/17/77-Estt(A) dated 19.4.78, copies of which are annexed as Annexures 9 and 10 to this writ petition.
7. 8. That thereafter the petitioner again applied through the Chief Superintendent Lucknow for grant of house building advance in form S-252, on the basis of a ready-built house no. 539 (Sector 16) situated in Indiranagar Colony at Lucknow, allotted to the petitioner by the U.P.Housing and Development Board.

The said house is a newly-built house and has not been lived in since its construction. It is to be acquired on outright purchase and not on hire-purchase basis. The petitioner has also obtained the right to mortgage the said house to the President of India. The total cost of the house is within the prescribed limit of ceiling and has not been paid so far. The cost is to be paid in one lump-sum by 30.6.84, whereafter the allotment will be cancelled.

8. The petitioner has also submitted photocopies of the following documents with his application for the said advance :

(i) : Allotment order no. 1621/E.M. dated 17.4.84 issued by Shri P.C.Srivastwa, Estate Management Officer, Indiranagar Lucknow. It also contains the cost of the House.

(ii) : Non-encumbrance . cum. no objection to mortgage certificate no. 2415/E.M.-Indiranagar/ dated 1.5.84, issued under the by Shri G.S.Negi also Estate Management Officer, Indiranagar, Lucknow.

(iii) : Map of the design of the house showing detailed specifications and accommodation available therein.

(iv) : Map of part of lay-out plan of sector 16.

(v) : Proforma of sale-deed.

(vi) : proforma of lease-deed.

That except these documents ,no other document is required to be submitted for consideration of house building advance.

9. That the petitioner is also ready to execute any mortgage/agreement deed as well as surety from permanent central Government servants. The petitioner is further ready to furnish any collateral security to the satisfaction of the head of the department.

10. That all officials ,applying for house building advance on the basis of the aforesaid documents have been sanctioned house building advance on

top-priority basis. Even officials facing disciplinary proceedings and those under suspension have also been sanctioned the said advance, namely S/Shri Beer Bahadur and Munna Lal Kanojia, telegraphmen, Central Telegraph Office, Lucknow. These officials had not even sought permission as required under rule 18(2) ibid. But the petitioner is being discriminated and not being sanctioned house building advance.

12. That neither any disciplinary proceeding is pending against the petitioner nor he is under suspension; but he has been given to know that some enquiry by the Central Bureau of Investigation, Lucknow is in progress, which do not affect the very rights and obligations of the petitioner within the meaning of Ministry of Works Housing and Supply O.M.No. I/17011/5/75.H-III dated 5.7.75. A copy of the said circular is annexed as Annexure 11 to this Writ petition.

13. That the petitioner has been given to know that only a very few cases of ready-built houses are pending consideration. The petitioner's name is at serial 3 of such cases of ready-built houses, and in ~~se~~ his case is considered favourably, he will definitely get the Advance.

14. That the Chief Superintendent Lucknow and other authorities are very much displeased with the petitioner due to the :

(a) filing of a writ petition by the nephew of the petitioner. The said writ petition 'Bhupendra Bisen Vs. Union of India and Others' no. 2534/83 has been admitted by the Lucknow Bench of the High Court and interim relief granted.

(b) processing of the case of one Km. (now Smt) Sita Nigam, a telegraphist, during the period when the petitioner was working as Vigilance Assistant to the Chief Superintendent Lucknow. Smt. Sita Nigam was recruited on the basis of a forged answer book. Her real brother had worked as an Invigilator in her recruitment test against all rules. The Chief Supdt. wanted to hush up her case.

(c): processing of the case of one Ram Yatan, telegraphist. The official is a gadaria (a backward class) by caste , but he was recruited as a Schedule tribe candidate and managed to get his appointment letter without the mention of being a Schedule Tribe by forgery. The chief Superintendent Lucknow in connivance with his Vigilance Assistant is showing him as being a general caste candidate . At one stage attempt was made to implicate the petitioner in this case also . The authorities are giving sufficient laches to him to save him somehow or the other.

(d) : due to the processing of the case of one Shri J.N.Tripathi, who had submitted a forged Leave travel Concession bill, and the authorities wanted to close his case.

(e) : due to the processing of many forged medical advance cases , and cases of house building advances.

That the petitioners services are divisional services but so much so was the displeasure of the authorities that he was thrown out of the division at Allahabad.

14. That the delay in grant of payment of the said house building advance by 30.6.84 will result in cancellation of the allotment of the house.

15. That the petitioner has also sent telegrams and submitted a representation for grant of house building advance , but nothing has been done sofar . Copies of the telegrams and representation are enclosed as Annexures 12, 13, and 14 to this Writ petition.

16. That being aggrieved and there being no efficacious alternate ,adequate remedy available, the petitioner has preferred this Writ petition ,inter alia, on the following

G R O U N D S :

Because the petitioner fulfills all the conditions etc. for grant of house building

advance and has submitted all the documents and is further ready to furnish any type of security/surety etc.

B. Because the petitioner has been declared permanent vide annexure 1^{and} to this writ petition and his permanency is not under dispute .

C. Because the petitioner was granted permission under rule 18(2) of the Central Civil Services (Conduct) Rules 1964 with the meaning of Circular ,Annexure 6,7 and 8 to this writ petition, and is therefore entitled for grant of house building advance .

D. Because accord of sanction to other officials, some of whom have applied at a later date than the petitioner , and denial of the facility/ amenity to the petitioner without any genuine cause is discriminatory, arbitrary, malafide and illegal and violates Article 14 and 16 of the Constitution.

E. Because if the petitioner is not sanctioned advance by 30.6.84, his allotment will be cancelled and he will suffer irreperable loss, and further loose the opportunity of owning a house at Indiranagar , Lucknow.

F. Because no disciplinary proceeding is pending against the official/petitioner, and the rules provide that one can be granted advance pending enquiry.

P R A Y E V R :

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

(i): issue writ ,order or direction in the nature of mandamus commanding the opposite party no.2 to accord sanction of house building advance to the petitioner and release the admissible amount by 30.6.84 in his favour,

(ii): allow the cost of this writ petition, and

(iii): pass any such further orders as deemed fit in the very circumstances of the case to meet the interest of the petitioner.

DTD. 17.6.84.

Petitioner.

11
B
D

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

(ANNEXURE '1')

IN
CIVIL MISC. WRIT PETITION No. of 1984.

In re :

Amar Jit Singh Bisen petitioner.

Vs.

The Union of India and Ors. Opp. parties.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the Chief Superintendent,
Central Telegraph Office, Lucknow- 226001.

Memo. no. E-8/Ch.VIII/73 dated at LW the 25.1.83.

Shri Amar Jit Singh Bisen, Telegraph Assistant Central Telegraph Office, Lucknow whose case for confirmation was approved by the D.P.C. held on 18.10.82, but was not given effect to, earlier due to non-availability of his police verification report, is hereby confirmed as Telegraph Assistant w.e.f. 1.12.1980, as the P.V.R. has since become available.

Sd/-R.S.Lall,
Chief Superintendent,
Central Telegraph Office,
Lucknow-226001.

Copy to :

1. Shri Amar Jit Singh Bisen, TA, CTO, Lucknow.
2. P/file of the official concerned.
3. The A.C.S.(s), CTO, Lucknow.
4. Leave section.
5. Vig. Section.
6. Pay Bill Section.
7. The G.M.T, UP Circle Lucknow w.r.t. his memo no. Staff/M-14-3/Ch.VII/3 dated 19.8.82.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE 2)

CIVIL WRIT PETITION No.
in re:-

of 1984.

AMAR JIT SINGH BISER - petitioner

VS.
U.O.I and ORS. app. parties.

INDIAN POSTS AND TELEGRAPH DEPARTMENT.

OFFICE OF THE GENERAL MANAGER TELECOM, U.P. CIRCLE LUCKNOW
MEMO NO. STAFF/M-14-3/84/3, Dated 1 at Lucknow-26/6/84 23.5.84

Subject: Graduation list of Telegraph Assistants
in U.P. Circle corrected upto 1.1.84.

Graduation list of Telegraph Assistants
arranged in order of merit is forwarded herewith for guidance
of Divisional Heads and wide circulation amongst the official
concerned.

Objections received from the officials
if any should be forwarded to this office with detailed
report and copy/copies of supporting documents to decide the
case, within a year from the date of issue of this letter.
Representations/ Petitions received after the stipulated
period will be treated as time barred vide Rule 32-D
of P.&T. Man. Vol. IV.

Please send the acknowledgement
is given below.

—
B.P. GUPTA
(B.P. Gupta)
Asstt. General Manager (T.T.)
for General Manager Telecom, U.P.

Encl: G.List.

Copy forwarded for information & and necessary action to:-

1. Director Telecom(Central) Lucknow/(Eastern) Varanasi/
(Western) Dehradun & (North) Bareilly.

5. C.S. C.T.O. Agra/Lucknow.

7. All SST/STT in U.P. Circle.

15. All I/C C.T.Os./D.T.Os in U.P. Circle.

16. Circle Secretaries NT-4, NT-3, NTM III, Unions.

77. Asstt. General Manager (T.T.).

78. Asstt. Director Telegraph Traffic & G.M.T., U.P. Circle.

ACKNOWLEDGEMENT.

Received the graduation list of Telegraphist (Telegraph
Assistants issued via this office letter no. Staff/M-14-3)
84/3 dated 5-1984.

(Signature).
Designation.

GRADATION LIST OF TELEGRAPH ASSISTANTS CORRECTED UPTO 1.1.1984

Sl. No.	Name.	OC/SC/ST	Date of birth.	Date of entry in the Deptt.	Date of entry in the cadre.	Place of posting.	Date of substantive entry in the Grade.	Remarks.	9	
									1	2
1.	Shri. S.M. Chaturvedi		8.6.27	18.10.46	18.10.46		1.11.47	Agre.		
2.	Munni Lal Sharma		1.1.29	27.9.48	27.9.48		1.1.51	Agra.		
3.	J.P. Rawat.		15.7.29	27.9.48	27.9.48		1.1.51	Agra.		
4.	R.S. Aweschi B.A.		10.6.26	24.1.49	24.1.49		1.3.50	XP.		
5.	Mureri Nohan		16.9.27	26.1.49	26.1.49		1.3.51	VS		
6.	O.N. Rei		4.7.30	18.3.49	18.3.49		1.3.52	LN		
7.	R.N. Mukherji		29.8.29	20.3.49	20.3.49		1.1.51	LN		
8.	Zahid Hussain Ist.		15.7.26	22.3.49	22.3.49		1.3.52	BR		
9.	M.L. Tewari		1.7.28	11.2.44	18.4.51		18.4.51	AD		
10.	B.K. Shukla.		1.3.26	15.12.42	26.6.51		15.11.51	AD		
11.	Pyare Lal D		28.2.29	8.6.43	16.7.51		1.3.52	AC		
12.	R.K. Srivastava.		6.1.31	14.8.51	14.8.51		1.3.52	LN		
13.	M.M. Sinha.		1.5.30	8.9.51	8.9.51		1.3.52	LN		
14.	S.R. Gupta.		5.7.29	9.10.51	9.10.51		17.11.52	AD		
15.	Mahan Lal.		1.9.29	1.9.49	5.10.51		5.10.51	AD		
16.	AK. Jar A, II.		10.7.30	15.10.51	15.10.51		1.3.52	LN		
17.	A.N. Nigam Y.A. LII		3.5.27	15.7.49	15.7.49		1.1.53	XP		
18.	Srimati S. Banerji.		1.1.29	23.6.50	23.6.50		18.3.51	AD		
19.	SSR R.K. Nigam.		19.7.29	23.1.47	11.6.51		11.6.51	IP		
20.	H.C. Srivastava.		21.9.28.	9.10.50	9.10.50		1.3.52	KP		
21.	K.N. Agnihotri		3.2.29	30.10.52	30.10.52		4.3.52	XP		

:-25:-

		1.	2.	3.	4.	5.	6.	7.	8.	9.
565.	S/Shri Syed Ibrar Hossain.		5.7.41	4.0.65	1.9.74	1.12.00	1.12.			
566.	" Satyendra Trivedi.		4.1.52	15.2.75	15.2.75	1.12.00	1.12.			
567.	" Gopal Singh D.		5.1.40	19.3.66	2.9.74	1.12.00	1.12.			
568.	" Rechhey Shyan	S/C	1.6.55	15.2.75						
569.	" Rakesh Singh.		30.12.40	1.1.74						
570.	" Deroos Ram	S/C	17.7.55	15.2.75	15.2.75	1.12.00	1.12.			
571.	" Kunder Singh.		20.7.46	9.10.63	2.9.74	1.12.00	1.12.			
572.	" Jemji Puriyan.	S/C	15.9.54	11.7.75	11.7.75	1.12.00	1.12.			
573.	" K-Pill Das Ram.		5.1.40	7.11.60	1.9.74	1.12.00	1.12.			
574.	" Kartikey Kaurin.		6.6.47	15.2.75						
575.	" Auturi Lal.		5.3.44	1.1.66	1.9.74	1.12.00	1.12.			
576.	" Oni Firoz Shah Choudhary.		10.7.53	14.7.75						
577.	" Gopal Dutt Bhett.		7.3.33	23.3.54	2.9.74	1.12.00	1.12.			
578.	" Kartikey E.	S/C	0.5.45	2.9.74						
579.	" Sant Lal - L.	S/C	24.1.52	10.7.75	10.7.75	1.12.00	1.12.			
580.	" Shek Don Singh.		27.7.54	16.2.75	16.2.75	(Sect Reserve)	1.12.			
581.	" Lekh Jeet Singh Bishen.		28.12.52	11.7.75	11.7.75	1.12.00	1.12.			
582.	" Kartikey Singh.		9.3.62	26.12.66	2.9.74	1.12.00	1.12.			
583.	" Kartikey Singh.		10.6.55	1.1.72	50.16.13	1.12.00	1.12.			
584.	" Kartikey Singh Kusumwati.		5.1.55	10.7.75	10.7.75	1.12.00	1.12.			
585.	" Kartikey Singh Kusumwati.		1.7.55	13.1.55	1.9.74	1.12.00	1.12.			
586.	" Kartikey Singh Kusumwati.		16.1.55	11.9.55	11.7.75	1.12.00	1.12.			
587.	" Kartikey Singh Kusumwati.		1.7.45	5.6.57	2.9.74	1.12.00	1.12.			
	" Kartikey Singh Kusumwati.		24.6.60	1.1.65	1.1.65	1.12.00	1.12.			

588.

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6/11 15

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE 3)

civil misc. writ Petition No 1/84
in re:

Amar Ji Singh Bishen - petitioner
vs
M.O.I and M.S. - opp. parties.

Rules

1. Eligibility

House building advances may be granted to the following categories of Central Government servants:—

- (a) Permanent Central Government servants.
- (b) Central Government servants not falling in category (a) above who have rendered at least 10 years' continuous service, provided,
 - (i) they do not hold a permanent appointment under a State Government; and
 - (ii) the sanctioning authority is satisfied that they are likely to continue in the service of the Central Government at least till the house, for which the advance is sanctioned, is built and/or mortgaged to Government.
- (c) Members of the All India Services deputed for service under:
 - (i) the Central Government, or
 - (ii) under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned, or controlled by the Central Government, or
 - (iii) an international organisation, an autonomous body not controlled by Government or a private body.

NOTES.—(i) The term 'Central Government Servants' as used in these Rules includes the Government employees of all the Union Territories and the NEFA.

(ii) When both the husband and wife are Central Government servants and eligible for the grant of advance, it shall be admissible to only one of them.

2. Conditions to be fulfilled

An applicant for the grant of an advance must satisfy the following conditions:—

(a) The cost of the house to be built/purchased (excluding the cost of residential plots as mentioned in the sale/lease deed of the land/house) should not exceed:

- (i) Rs. 1,25,000 for employees whose 75 months' basic pay is up to Rs. 60,000.
- (ii) Rs. 2,00,000 for employees whose 75 months' basic pay exceeds Rs. 60,000 but is up to Rs. 1,25,000.
- (iii) (a) Rs. 3,00,000 for employees whose 75 months' basic pay exceeds Rs. 1,25,000.

The applicants should not have availed of any loan or advance for the acquisition of a house from any other Government source, e.g., the Department of Rehabilitation or a Central or State Housing Scheme. Where, however, the loan, advance etc., already availed by an applicant does not exceed the amount

1. As abridged by O.M. No. 1/12011/11/84-D. III, dated the 1st November, 1984.

admissible under these Rules it would be open to him to apply for the advance under these rules on the condition that he undertakes to repay the outstanding loan, advance etc., together with interest, if any, thereon, forthwith in one lump sum, to the Ministry/Department concerned. In case where a Central Government employee makes (or has made) a final withdrawal from his Provident Fund Account in connection with the construction/acquisition of a house or residential plot to construct a house thereon, in addition to availing of an advance under these Rules, the total amount of advance sanctioned under these Rules, and that withdrawn from the Provident Fund should not exceed the cost ceiling limits prescribed in these rules.

In respect of houses/flats under Self Financing Schemes organisations such as DDA etc., the abovementioned cost-ceiling limits will be inclusive of the cost of land and development charges.

(b) Neither the applicant, nor the applicant's wife/husband/minor child should own a house. However, this condition may be relaxed by Government in exceptional circumstances; as for example, if the applicant or the applicant's wife/husband/minor child owns a house in a village, and the applicant desires to settle down in a town; or where an applicant happens to own a house jointly with other relations etc., and he desires to build a separate house for himself.

¹(c) *Deleted*

NOTE.—For the purposes of this and other Rules, Notes and Forms of mortgage etc., appended to these Rules, the term 'house' also includes a flat, unless the context otherwise warrants.

3. Purposes for which advances may be granted

An advance may be granted for :—

(a) constructing a new house (including the acquisition of a suitable plot of land for the purpose), either at the place of duty or at the place where the Government servant proposes to settle after retirement. An application for an advance for purchasing a ready-built house or flat may also be considered. The maximum amount of advance that can be granted shall be the actual cost of the ready-built house or flat, or 75 times the monthly pay or Rs. 70,000, whichever is the least.

(b) Enlarging living accommodation in an existing house owned by the Government servant concerned (or jointly owned with his/her wife/ husband) provided that the total cost of the existing structure (excluding land) and the proposed additions and expansions does not exceed the cost ceiling limits prescribed in these rules.

(c) the repayment of a loan or an advance taken from a Government source, as contemplated in Rule 2 (a) of the Rules; [a facility will, however, not be available, if the construction of the house has already commenced.]¹

1. Deleted by O.M. No. 1/17011/12/79-II, III, dated the 5th March, 1980.

2. As substituted by O.M. No. 3/17011/31/79-II, III, dated the 26th June, 1980.

¹Also from private source and even if construction has commenced vide No. 20 in Section 2.

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22

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE 7)

in
CIVIL MISC WRIT PETITION NO. 184
in re:

AMAR JIT SINGH BISEN - Petitioner

VS
Union of India and Others - opp. parties.

II. Movable, immovable and valuable property

1. (i) Every Government servant shall on his first appointment to any service or post [****] submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding:

- (a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
- (b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
- (c) other movable property inherited by him or similarly owned, acquired or held by him; and
- (d) debts and other liabilities incurred by him directly or indirectly.

Note 1. Sub para 1, shall not apply to Class IV servants but the Government may direct that it shall apply to any other class or class of such Government servants.

Note 2. In all returns the value of a single item of movable property worth less than of (Rs. 1000) may be ignored and shown as a lump sum. The value of articles of daily use such as clothes, utensils, books, & bedding, need not be included in the return.

Note 3. Where a Government servant already belonging to a service or holding a post is transferred to any other civil service or post, he shall not be required to submit a fresh return under this clause.

1. Deleted by C.S. (Dept. of Personnel) Notification No. 11013/19/75-Eas. (A), dated the 26th July, 1976 published in S.O. 2691 in the Gazette of India, dated the 24th July, 1976.

2. Substituted by C.S. (Dept. of Personnel) Notification No. 11013/19/75-Eas. (A), dated 26th November 1976, published in S.O. No. 2691 in the Gazette of India, dated the 11th December, 1976.

3. Substituted by C.S. (Dept. of Personnel) Notification No. 11013/19/75-Eas. (A), dated the 26th July, 1976 published in S.O. 2691 in the Gazette of India, dated the 24th July, 1976.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.
(ANNEXURE '4')

IN
CIVIL MISC. WRIT PETITION NO. OF 1984
in re:

Amarjit Singh Bisew petitioner
Vs.
The Union of India and Ors. opp. parties.

(O.M. No. 147015/1976-H. III, dated 20-1-76)

Subject:—Advance for purchase of ready-built houses/flats.

Rule 3 (a) of the House Building Advance Rules provides that a house building advance is admissible also for purchasing a ready-built house/flat. Orders on the subject of purchase of ready-built flats have also been issued by this Ministry from time to time. For the sake of convenience, all those orders are hereby consolidated and the position, as it emerges as a result is indicated below for the information of all Ministries/Departments of the Government of India, etc.

I. Conditions to be fulfilled for grant of house building advance for purchase of already built flat/house.—Advance for purchasing ready-built house/flat will be sanctioned only, if:—

- (i) the house is a newly built one.
- (ii) the house has not been lived in since its construction.
- (iii) the agency offering it for sale is a Government or semi-Government or Autonomous institution like a State Housing Board, D.D.A., City Improvement Trust or A Registered Co-operative Housing Society. Advances are not admissible for the purchase of old houses/flats or even for the purchase of new ready-built houses/flats from private parties.
- (iv) it is to be acquired on outright purchase basis and not on hire-purchase basis.
- (v) the Government servant gets from the allotting agency the right to mortgage the house/flat to the President of India.
- (vi) the total cost of the house/flat does not exceed the prescribed ceiling of the applicant.
- (vii) the cost of the flat/house has not already been paid by the applicant.

II. Conditions to be fulfilled for house building advance for purchase of a ready-built flat/house through a Government Organisation or semi-Government.—In the case of flat houses by Government, semi-Government or local bodies, Housing Boards, Development Authorities and the like, the application (on the prescribed Form No. 252) should be accompanied by the following documents:

- (i) An attested copy of a letter from the Allotting Authority (from whom the house/flat is to be purchased) allotting or agreeing to allot the land and the house (or the flat, as the case may be) and stating therein:—(a) the cost of the house/flat; (b) the conditions of sale; (c) the accommodation available therein; and (d) whether they have permitted the Central Government servant concerned to mortgage the land and the house/flat in favour of the President of India as security for the advance on such terms and conditions as the servant may prescribe.
- (ii) An attested copy of the draft lease/sale deed for land and house etc.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.
(ANNEXURE : 3)

IN

CIVIL MISC. Writ Petition No. of 1984.

In re :

Amar Jit Singh Bisen petitioner.
Vs.

The Union of India and Ors. opp. parties.

To,

The General Manager Telecom,
U.P. Circle, Lucknow.
Through : The Chief Superintendent, C.T.O., Allahabad.
Subject : Purchase of ready-built house - permission
to acquire as per CCS(Conduct) Rules 1964.
Sir,

I am a permanent Telegraph Assistant. With a view to own a house, I am registered for the same with the U.P. Housing and Development Board.

I may therefore, accordingly be permitted as per Rule 18(2) of the CCS(Conduct) Rules 1964 to acquire such a house being allotted by the Housing Board at Lucknow City.

It is further requested that the permission/sanction (or exemption from sanction) may please be accorded by March 18, 1984, so that the opportunity of owning a house does not become infructuous subsequently and I have not to seek ex-post-facto sanction. In case the sanction is not communicated to me by the said date, I may kindly be allowed to assume that sanction has been granted.

Thanking you,

Yours Faithfully,

(Amar Jit Singh Bisen)
Telegraph Assistant, ^{Ex}
(On leave) under transfer
to CTO Aligarh.

Dated at LW. 2.3.84.
Local address (on leave):
Room no. 9 ND Hostel, University,
Lucknow.

Copy to :

Shri A.R. Silswal, A.O. (Cash) O/o G.M.T., Lucknow for
doing needful in the matter.

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IN THE HIGH COURT OF JUDICATURE
AT ALLAHABAD

(ANNEXURE 8)

IN

CIVIL MISC. WRIT PETITION NO. 1984

IN RE

AMAR JIT SINGH BISEN - Petitioner

Vs.

Y.O.T. and ORS. - opp. parties.

(O.M. No. 10/16/59/-II. IV, dated 16-1-60)

Subject : - Separate permission under Conduct Rules necessary for acquisition, construction of land and building.

4. Incidentally, it may be pointed out that the approval accorded to loans under the House Building Advance Rules should not be construed as permission of the Government for the acquisition of immoveable property in terms of the C.C.S. (Conduct) Rules. It is entirely the responsibility of the Central Government servants applying for house building loans to obtain separately the permission of appropriate authorities in compliance with the C.C.S. (Conduct) Rules or other service rules applicable to them, in regard to acquisition of immoveable property.

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In the High Court of Judicature at
Alahabad.

(Annexure 9)

Civil Writ Petition No. 4984
in re

Amarjit Singh *Bisht* — petitioner

vs.
nos. and obs. — opp. parties.

GOVERNMENT OF INDIA'S DECISIONS

Prior sanction must invariably be obtained by Government servants before making any move requests for *ex post facto* sanction to be severely discouraged. Attention is invited to the provisions of Rules 16 (4) and of the Central Civil Services (Conduct) Rules, 1964, in which it has been stated that Government servants should not lend money to any person possessing land or valuable property within the local limits of their authority or at interest to any person and that they should not acquire or dispose of any immovable/movable property without the previous sanction of the prescribed authority. Instances have come to the notice of the Government where certain Government servants have entered into transactions regarding movable and immovable property without the previous sanction of the prescribed authority and they have afterwards sought *ex post facto* sanction. Such a procedure renders the provisions of the rules completely ineffective and defeats the purpose for which the rules have been framed. The Ministry of Finance etc. are, therefore, requested to impress upon the Government servants concerned the need to adhere to the provisions of the rules strictly and to obtain the sanction of the prescribed authority, wherever necessary, before entering into such transactions.

2. These instructions will apply, *mutatis mutandis*, to the provisions of the other rules which require previous knowledge, consent or sanction of the prescribed authority.

(M.H.A., O.M. No. 25/25/61-Eau (A), dated the 26th June, 1961.)

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IN THE HON'BLE HIGH COURT OF JUDICATURE
at Allahabad.

(ANNEXURE '10')

in
Civil Writ Petition
no. of 1984.

in re:

X Amar Singh Baisen - petitioner
V.S.
No. 1 and 03 - opp. partie.

GOVERNMENT OF INDIA'S ORDERS

Time-limit beyond which permission may be assumed to have been granted by the competent authority in the absence of any communication from him.—Government have had under consideration the question of imposing time-limits for action under the various rules of the C.C.S. (Conduct) Rules, 1964, so that in matters governed by these rules, where the exercise of a right available to a Government employee or the availing of an opportunity which may come his way, is subject to Government's prior permission, the exercise of the right or the availing of the opportunity may not become infructuous because of any delay on the part of Government to grant necessary permission.

Accordingly the matter has been examined with reference to the various provisions of the Conduct Rules, in which taking of prior permission is visualised and the following time-limits are prescribed for granting or refusing permission in respect of some of the provisions. The time-limit is to be reckoned from the date of receipt of the request of the Government employee for which necessary acknowledgement showing the date of receipt may be given to the employee when a request for permission is received:

Rules 8 (2), 13 (4), 18 (2) and (3) and Rules 18-A	... 30 days
Rule 19 (1)	... 6 weeks

In the event of failure on the part of the competent authority to communicate its decision to the Government employee concerned within the time-limits indicated above, the Government employee shall be free to assume that permission has been granted to him.

The above decision of the Government may be given wide publicity and all the authorities exercising powers under Conduct Rules advised suitably so that they may ensure that all requests of Government servants under the aforesaid rules are dealt with expeditiously and ordinarily no occasion need arise where a Government employee may be enabled to act on the assumption that permission has been granted in his case on account of the failure of the competent authority to convey its decision within the stipulated time.

(M.H.A., Dep't of Personnel & A.R., O.M. No. 11013-17/77-Ear. (A), dated the 19th April, 1978.)

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

(Annexure II)
in

Civil Misc. Writ Petition No. 4984
in re:

Amrit Singh Dosen petitioner
v.
Loy. and Drs. - app. parties.

(O.M. No. I/17011/5/75-H, III, dated 5-7-1975)

**Subject:—Release of instalments of advance to officials under suspension
after obtaining collateral security.**

The undersigned is directed to say that many references have been received in this Ministry from certain Departments seeking clarification that in case some disciplinary action is pending against a Central Government servant and/or he is placed under suspension, as to whether or not the house building advance should be sanctioned, or if advance has already been sanctioned, whether or not the instalments of advance should be disbursed.

Since there is no specific provision in the existing House Building Advance Rules as to whether or not the payment of house building advance should be made to the individuals who are placed under suspension, the matter was, therefore, referred to the Ministry of Law. It has now been decided, in consultation with the Ministry of Law, that an official under suspension is prevented from carrying out his normal duties but continues to be a Government servant, and receives subsistence allowance, his other rights and obligations should not be affected. As such the Central Government servants, who are placed under suspension, continue to be eligible for advance and payment on this account can be made to them by the Head of the Department subject to the condition that collateral security in the shape of mortgage bond from two permanent Central Government servants should be obtained so that in the event of default or belated payment of insufficient money being available by foreclosure, etc., the shortage in recovery may be made up by collateral security.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALAHABAD
(ANNEXURE ' 12 ')

IN
CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.

Vs.

Union of India and Ors. opp. parties.

COPY OF TELEGRAM DATED 12.5.84

GEMTELCOM

LUCKNOW.

--- EXPEDITIOUS DISPOSAL OF MY HBA CASE SOLICITED ---

AMARJITSINGHBISEN.

NTBT :

Amar jit Singh Bisen,
ND Hostal University Lucknow.

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

(ANNEXURE : B)
IN

CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.
Vs.

Union of India and Ors. opp. parties.

To,

Through : The General Manager, Telecom.,
U.P. Circle, Lucknow.
Subject : Chief Superintendent, CTO, Lucknow.
Expeditious consideration of H.B.A. case.
Sir,

I beg to submit the following few lines for your kind consideration and for sanction of my H.B.A. case : -

1. I had applied for HBA sometime in July 1983. That application was rejected in Sep. 1983, but I was never informed about its rejection. In January 1984 I therefore withdrew that application.
2. However, I again applied in February 1984 for HBA on the basis of the same documents on the legal advice from my counsel that I was entitled for HBA. But having come to know that the case had been referred to the Ministry of Works Housing and Supply for advice and it would take much time, I withdrew that application vide my letter dated 2.3.84.
3. On the same date, I also submitted an application for permission to acquire a ready-built house from the UP Housing and Development Board as required under rule 18(2) of the CCS(Conduct) Rules 1964.
4. Thereafter, when nothing was communicated to me, I assumed that permission has been granted to me within the meaning of MHA/Dept of Personnel and AR,OM, No. 11013/17/77-Estt-(A) dated 19.4.78.
5. Accordingly, now I have applied for HBA on the basis of a house no. 539 (Sector 16) allotted to me in Indira Nagar Extension Scheme. I have also submitted all the relevant documents.
6. I am badly in need of owning a house for my large family.

I therefore request you kindly consider my case and issue sanction letter.

I shall be thankful.

Yours Faithfully,

Sd/-

(Amar Jit Singh Bisen)
Telegraph Assistant,
Under Posting to Allahabad.

Dtd. at LW. 14.5.84.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(ANNEXURE : 14 :)

CIVIL MISC. WRIT PETITION NO. OF 1984.
In re :

Amar Jit Singh Bisen petitioner.

Vs.
The Union of India and Ors. opp. parties.

telegram dtd 15.6.84

GEMTELCOM LUCKNOW.

--- TAKE NOTICE WITHHOLD AND SANCTION MBA TO MY
CLIENT AMARJITSINGHBISEN TA DECLARED PERMANENT
VIDE CS LUCKNOW NO.E-8/cn-viii/73 DATED 25.1.1983
AND SHOWN CONFIRMED AT SERIAL 601 OF CIRCLE
GRADTION LIST ISSUED UNDER STAFF/M-14-3/84/3 DED.
23.5.84 ELSE WRIT CONTEMPLATED -----

MANIC HAN DRA SINGH
ADVOCATE.

NTBT :

Mani Chandra Singh Advocate
65-A Rajapur Muir Road Allahabad.

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

AFFIDAVIT

in

CIVIL MISC. WRIT PETITION NO. of 1984.
(District Allahabad)

Amar Jit Singh Bisen petitioner.

Vs.

The Union of India and Ors. opp. parties.

Affidavit of Amar Jit Singh Bisen, aged about 32 years s/o Shri Bhairava Datt Singh, R/o Ram Lila Gata, Distt. Gonda, presently posted as Telegraph Assistant, Departmental Telegraph Office, Chowk Allahabad.

.....

I, the petitioner, and deponent in the above Writ Petition do hereby solemnly affirm and state on oath as under :

1. That the deponent is the petitioner in this case and doing pairvi himself, and is fully acquainted with the facts deposed to below.
2. That the full facts have been given in the accompanying writ petition.

I swear that the contents of paragraphs 1 & 2 of this affidavit and those of paragraphs 1^{to} 5 of this writ petition are true to my personal knowledge and those of paragraphs 3 & 6 are based on perusal of records and those of paragraphs 16 of the writ petition are based on legal advice which I believe to be true, and that no part of it is false and nothing material has been concealed.

So help me God.

(Amar Jit Singh Bisen)
Deponent.

I, Mani Chandra Singh, Advocate, High Court, Allahabad declare that Shri Amar Jit Singh Bisen is who is making this affidavit is personally known to me.

(Mani Chandra Singh, Advocate.
Solemnly affirm and state before me this 21st Day of June 1984 at High Court Allahabad by the deponent who has been identified by the aforesaid Advocate.

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

Oath Commissioner.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Civil Misc. Appln.no. of 84.

IN
CIVIL MISC. WRIT PETITION NO. 9702 OF 1984.

In re :

Amar Jit Singh Bisen petitioner.
Vs.

The Union of India and Ors. opp. parties.

Application for impleadment of a new party and addin
a prayer clause (iv) in the prayer of the Writ Petition

The petitioner abovenamed begs to submit as under :

1. That full facts have been given in the accompanying supplementary affidavit.
2. That Shri Puran Kumar Manchanda, the then Chief Superintendent, Central Telegraph Office, Lucknow presently posted as Assistant General Manager, Traffic, New Delhi, was left to be impleaded by name as opposite party in the above writ petition, and now it is necessary to implead him as a party for coming to definite conclusion, and, therefore it is expedient in the interest of justice that Shri Puran Kumar Manchanda, be impleaded as opposite party no. 5 to the writ petition.

PRAYER :

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to allow to implead Shri Puran Kumar Manchanda, the then Chief Superintendent, Central Telegraph Office, Lucknow, now posted as Assistant General Manager, Traffic, New Delhi, as opposite party no. 5 and further the petitioner may be allowed to add relief clause (iv) ^{and (v)} to the Writ Petition as under :

"(iv) : issue a writ of mandamus calling upon the opposite party no. 2 to reconsider the case of the petitioner and grant him house building advance."

(v) to issue a writ of certiorari quashing the order 30.5.84 contained in Amr. SA-1.

Counsel for the Petitioner.

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IN THE HIGH COURT OF JUDICATURE A.T ALLAHABAD.

SUPPLEMENTARY AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. OF 1984.

In re :

Amar Jit Singh Bisen petitioner.

Vs.

Union of India and Ors. ... opp. parties.

Affidavit of Shri Amar Jit Singh Bisen aged about 32 years, Son of Shri Bhairava Datt Singh, R/o Ram Lila Gate Distt. Gonda, presently posted as a Telegraph Assistant, in Departmental Telegraph Office, Chowk, Allahabad.

I, the deponent abovenamed do hereby solemnly affirm and state on oath as under :

1. That the above writ petition was reported in the stamp section of the High Court on 25.6.84, and was filed before the vacation Judge, on 27.6.84. But due to very heavy rush of work, the turn of the petition could not come, and hence it was returned.
2. That meanwhile, the petitioner received a letter no. A-37/HBA/AJSB/17 dated 26.6.84 from the Chief Superintendent, Central Telegraph Office, Lucknow, in which the petitioner was intimated that his case for grant of house building advance could not be considered because the petitioners permanency was under dispute. A true copy of the letter dated 28.6.84 is enclosed as Annexure SA-1 to this affidavit.
3. That Annexure 1 of the writ petition is an order passed by chief Superintendent, Lucknow, confirming the petitioner as Telegraph Assistant w.e.f. 1.12.1980. Similarly, Annexure 2 of the writ petition is the gradation list of all the confirmed Telegraph Assistants in the U.P. Circle, in which the petitioner's name stands at serial 601, and the date of confirmation i.e. the date of substantive entry into the cadre has been shown as 1.12.1980.
4. That under the circumstances, now, it does not lie in the mouth of ~~by~~ the contesting opposite parties to say that the petitioner was ^{not} confirmed on 1-12-80.

It is wholly incorrect and false to say that the petitioner is not permanent.

5. That the stand taken by the department is that petitioner's permanency, 'since under dispute', he is not entitled to be given house building advance stands neither here nor there. The department is not coming with clean hands as what type of dispute has been created against the petitioner.
6. That there may be dispute, (though not known to the petitioner), but the socalled dispute will not make a permanent employee to the status of a temporary employee. The fact remains the petitioner is a permanent employee, and as such, under house building rules, the petitioner is entitled for grant of house ~~or~~ building advance.
7. that besides this, Annexure 5 to the writ petition is very much clear the point that even if any enquiry or suspension is made against the employee, the employee is eligible for grant of house building advance.
8. That in para 14 of the writ petition, the petitioner has specifically alleged malafies against the then Chief Superintendent, Central Telegraph Office, Lucknow, Shri Puran Kumar Manchanda, now posted as Assistant General Manager, Traffic, New Delhi. He was left to be impleaded party-by name in the writ petition, and is now being impleaded as opposite party no. 5.
9. That in para 14 of the writ petition, it has been specifically averred, that since the petitioner was processing the cases of certain officials, while working as Vigilance Assistant, Shri Manchanda was very much displeased with the petitioner, as he was personally interested in those officials and closure of their cases. The petitioner, being Vigilance Assistant, had to make enquiries in the cases of Smt. Sita Niagn and Shri Ram Yatan, and had submitted them for prosecution and suitable disciplinary action.
10. That the cost of the house, allotted to the petitioner by the U.P. Housing and Development Board was to be deposited by 30.6.84, but since opposite party no. 2 did not grant any advance to the petitioner, he could not deposit the cost of the house by

by 30.6.1984. And therefore, requested the Estate Management Officer, Indiranagar, Lucknow, through a telegram, to extend the date of depositing the cost of the house. The allotment of the house, has therefore, not been cancelled, and the date has been extended till 30.9.84 on the petitioner's depositing penal interest of about Rs. 500/- pm. (five hundred) per month. A letter in this connection will soon be issued to the petitioner by the Estate Management Officer, Indiranagar, Lucknow.

11. That since, in prayer clause of the petition, a mandamus was sought for, for the release of the advance by 30.6.84, it will have to be extended now. That under the circumstances, the following prayer clauses (iv), ^{and (v)}, may be added in the petition : -

" (iv) : issue a writ of mandamus calling upon the opposite party no. 2 to reconsider the case of the petitioner and grant him house building advance by September 1984. "

(v) issue a writ of certiorari quashing the order dt'd 30.5.84 contained in Annexure SA-1.

I, the deponent, abovenamed do hereby verify that the contents of paragraph 1 to 10 of this affidavit are true to my personal knowledge, and the contents of para 11 are based on legal advice, which I believe to be true; that no part of it, is false and nothing material has been concealed.

So help me God.

Deponent.

I, Devi Pd. Dubey, clerk to Shri Uma Kant, Advocate, High Court, Allahabad, declare that the deponent who is making this affidavit is personally known to me.

Devi Pd. Dubey,
Clerk to Shri Uma Kant, Advocate.

Solemnly affirmed and stated before me at a.m., 26th day of July 1984 at High Court Allahabad, by the deponent, who has been identified by the aforesaid clerk to Sri Uma Kant, Adv.

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

Oath Commissioner.

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

(ANNEXURE 'E')

to

SUPPLEMENTARY AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. OF 1984

In re :

Amar Jit Singh Bisen .. petitioner.

Vs.

The union of India and Others. opposite parties.

Mr. J. C. Chatterjee
 M.R.A. 1984
 Copy of application for grant of Advance
 dated 30-5-80.

The Chief Subdt
 C.T.O Lucknow.

Job advance - Case of Sari Amar Jit
 Singh Bisen TA.

Reference - yours letter no A-37/HOD/1984/C/S
 dated 16-5-84.

Issue Building Advance is not admissible
 in this Case. As per Rules only those
 Govt Servants are eligible for grant of
 I.B.A. who are either permanent or have
 rendered 10 years continuous service.
 In this Case the official has rendered
 only 8 years 9 months service and his
 permanency is under dispute and as
 such it is not possible to process
 Case at Present.

The official may be informed
 accordingly. Signed

A.O. (Case)
 O/H MINT 11/PL/1984

No. A-37/HOD/1984/C/S dated 16-5-84.

Copy of application for grant of Advance
 dated 30-5-80.

3. Chief Telegraph Office
 LUCKNOW-226001

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 9702 OF 1984

(Under Art. 226 of the Constitution of India)

DISTRICT : ALLAHABAD.

Amar Jit Singh Bisen PETITIONER

V_e_r_s_u_s

Union of India and others RESPONDENTS

Affidavit of

B.S.Verma, aged about 41 years

son of Sri R.S.Verma,

Senior Superintendent

Telegraph Traffic, Allahabad.

- : DEPONENT : -

I, B.S.Verma, the deponent named above,
do hereby solemnly affirm and state as follows :

1. That the deponent is working

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as Senior Superintendent Telegraph Traffic Allahabad and has been authorised to look after the present case and to file this affidavit on behalf of respondent Nos. 1 to 4. He is, as such, fully acquainted with the facts of the case deposed to below :

2. That the deponent has read the contents of the above mentioned civil misc. writ petition, affidavit and also the supplementary affidavit filed by the petitioner in support thereof and has fully understood their contents. It is submitted that all the allegations in the writ petition are denied except those which are specifically admitted.

3. That in reply to the contents of paragraph 1 of the writ petition it is submitted that the petitioner is a suspect public servant and is involved in a case for alleged cheating the Government for which the Central Bureau of Investigation case is already registered vide Superintendent of Police, CBI/SPF, Lucknow No. RC. 44/83-Lucknow.

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4. That after due investigation by CBI Sri Rafiq Uddin, Upper Mukhya Nayak Magistrate, Reshan Uldaula Kachhery, Lucknow has issued summons dated 19th of January, 1985 in the name of the aforesaid suspect public servant Sri Amar Jeet Singh Bisen, petitioner. The date of hearing is 15th of March, 1985.

5. That it is further submitted that the date of appointment or other particulars about his service-record cannot be produced as the concerned documents relating to his service record have been seized by the CBI/SPF, hence the same are denied.

6. That the contents of paragraph 2 of the writ petition are not admitted. It is stated that the entire record relating to the petitioner have been ~~now~~ seized by the CBI/SPF, Lucknow.

7. That the contents of paragraph 3

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of the writ petition are matters of record and, as such, they are admitted.

8. That the contents of paragraph 4 of the writ petition are not admitted. It is submitted that the petitioner does not fulfil the condition for eligibility of grant of the House Building Advance as permanency of the petitioner is under dispute and under investigation of the CBI/SPE, Lucknow due to his involvement in some criminal case. The case against the petitioner is pending in the court of the learned Chief Judicial Magistrate, Lucknow. Besides, the petitioner is also not legible as he does not fulfil the requirement of Rules 1-A and 1-B which require that the applicant should be a permanent Government servant and that the Central Government Servant not falling under category 'A' should have rendered at least ten years continuous service. It is submitted that the petitioner is neither a permanent Central Government

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servant nor has rendered ten years continuous service as required under the rules relating to the House Building Advance. Otherwise also he is not entitled to the House Building Advance under the rules as no quarter/flat stands be allotted to him.

9. That it is further submitted that the conditions for eligibility of grant of House Building Advance are not fulfilled as permanency of the petitioner Sri Amar Jeet Singh Bisen is under dispute and investigation by the CEI/SPE due to his involvement in some criminal case which is still pending. Besides the petitioner has also not rendered at least ten years continuous service as required vide Rule 1 (a)(b) of the House Building Advance Rules.

10. That it is further submitted that the petitioner- Sri Amar Jeet

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Singh Bisem had applied on the 19th of July, 1983 for House Building Advance for the purchase of ready-byilt house allotted by the Lucknow Development Authority, Lucknow in favour of his mother Smt. Chabi Raj Kumari.

11. That it is further submitted that the petitioner didn't submit his application for House Building Advance complete in all respect covering all the angles. Hence the grant of House Building Advance remained under correspondence.

12. That the petitioner was not entitled for the grant of House Building Advance because the original allotment order had been in the name of his mother. Therefore, his entitlement for the grant of House Building Advance on this count could not stand.

13. That it is further submitted

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that the petitioner had withdrawn his application at his own accord on the 17th of January, 1984.

14. That the petitioner applied afresh on the 10th of February, 1984 for the House Building Advance after getting the previous allotment orders transferred in his own name.

15. That it was considered incoherent and the case was referred to the Director General, Post and Telegraph, New Delhi for considering the eligibility, of the applicant - petitioner in the event of ready built house transferred at a latter stage in the name of the aforesaid suspect public servant. The petitioner against had withdrawn his application on the 2nd of March, 1984.

16. That in reply to the contents of paragraph 5 of the writ petition

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it is stated that as the permanency of the petitioner was under dispute and under investigation by the CBI/SPE permission to grant him House Building Advance remained unconsidered.

17. That the contents of paragraph 6 of the writ petition are not admitted and as such are denied. Because of the petitioner's involvement in a very serious case taken up by the CBI/SPE which has gone in the court of the Chief Judicial Magistrate, Lucknow and now the hearing has been fixed on the 15th of March, 1985, the question of granting permission to the petitioner does not arise and the assumption of the petitioner are his own surpir surprises and conjectures which are not admitted.

18. That in reply to the contents of paragraph 7 of the writ petition it is submitted that the aforesaid suspect public servant Sri Amar Jeet Singh Bisen

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petitioner against changed his mind and applied for House Building Advance on 16th of May, 1934. It is submitted that the permission to grant House Building Advance was deferred due to his disputed permanency and his involvement in the CBI/SPE case.

19. That the contents of paragraph 8 of the writ petition are matters of record and as such need no reply by means of this affidavit.

20. That the contents of paragraph 9 of the writ petition are not admitted. It is stated that as the permanency of the petitioner is under dispute and therefore, he does not become eligible for the grant of House Building Advance. Further, in view of his involvement in the alleged criminal case under trial by the C.B.I. Magistrate in his court, the department has to restrain from lending his huge amount money for

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•12•

grant of House Building Advance to him has been deferred due to his permanency being under dispute and a criminal case in connection with his permanency is undef trial, in the courts. The allegations are baseless and has no relevancy at all with the case of grant of House Building Advance to him.

26. That in reply to the contents of paragraph 14 of the writ petition it is submitted that the department has no personal knowledge about the facts that the deposit is to be made by the 30th of June, 1984. Further it is submitted that the petitioner has already been intimated about his inadmissibility with regard to the grant of House Building Advance by the department.

27. That in reply to the contents of paragraph 15 of the writ petition, it is

(B)
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.9.

petitioner against changed his mind and applied for House Building Advance on 16th of May, 1984. It is submitted that the permission to grant House Building Advance was deferred due to his disputed permanency and his involvement in the CBI/SPE case.

19. That the contents of paragraph 8 of the writ petition are matters of record and as such need no reply by means of this affidavit.

20. That the contents of paragraph 9 of the writ petition are not admitted. It is stated that as the permanency of the petitioner is under dispute and therefore, he does not become eligible for the grant of House Building Advance. Further, in view of his involvement in the alleged criminal case under trial by the C.B.I. Magistrate in his court, the department has to restrain from lending his huge amount money for

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House Building Advance/ other purposes .

21. That the contents of paragraph 10 of the writ petition are not admitted. It is submitted that the said Amar Jeet Singh Bisen, the petitioner is exclusively involved in a criminal case under trial now in the court of the Magistrate, Central Beareau of Investigation, Lucknow for which the date of hearing was fixed for 15th of March, 1985.

22. That it is further submitted that the permanency of the petitioner is under dispute, which is a *prima facie* condition for being eligible for the grant of House Building Advance to an employee of the Central Government servant.

23. That the contents of paragraph 11 of the writ petition are not

(B)
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*11.

admitted. It is stated that the petitioner had cited an irrelevant Government Order. It is stated that the sanction to grant him House Building Advance has been deferred pending finalisation of a criminal case (No. 77 of 1985) under trial by the Chief Judicial Magistrate C.B.I., Lucknow which simultaneously also questioned his permanency to the post of a Telegraph Assistant in the department.

24. That the contents of paragraph 12 of the writ petition are not admitted as the deponent has no information about its genuineness.

25. That the contents of paragraph 13 of the writ petition are not admitted. It is denied that the Chief Superintendent, Lucknow or other authorities are very much displeased with the petitioner due to the facts stated in the paragraph under reply. It is submitted that the

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submitted that the petitioner had sent telegrams and representations but the department has already intimated about the inadmissibilities to grant the House Building Advance to him. Further, it is submitted that the decision of the competent authority for the grant of House Building Advance remained still deferred due to his permanency under dispute and the petitioner is facing trial in a criminal case launched against him by the CBI/SPP.

23. That the contents of paragraph 16 including the grounds A TO F of the writ petition are not admitted. It is submitted that the petitioner is not found eligible till now as his permanency which is an essential condition for the grant of House Building Advance is disputed and also he is not entitled to the House Building Advance as he does not fulfill the conditions under the rules regarding

(B)
52

•14•

allotment of quarters/flat in his name by any authority and also a criminal case relating to his permanency and other offence is under trial in the court.

29. That it is submitted that after filing of the above mentioned writ petition enquiries were made from the office of the Estate Officer, U.P. Avas Evan Vikash Parishad, Indra Nagar Lucknow Sri Vimal Kumar Saxena, the Estate Management Officer, Indra Nagar, Lucknow was contacted through the departmental vigilance cell and the files relating to the allotment of houses allotted to Sri Amarjeet Singh Bisht were also requested to be placed before the Departmental Vigilance Cell.

30. That on examination of the record of the allotment it was revealed that the registration of the house at the very initial stage was made by his father Bhairon Singh by paying a sum of Rs.50/-

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vide Receipt No. 1,112.94 dated 26th of December, 1978.

31. That subsequently the petitioner Sri Amarjeet Singh Bisen managed to get it transferred in his own name.

32. That, as already stated above, so far Sri Bhairow Singh, his father and the allotment of house for which Rs.50/- was paid is concerned, it is submitted that the said house could be allotted only to one who belongs to Economically Weaker Section of the Society. Petitioner Amar Jeet Singh Bisen does not belong to Economically Weaker Section of the Society and the said house could not be allotted to him. Economically Weaker Section House No. 539, Sector No. 16 was allotted to the petitioner vide Reference No. 1621 dated 12th of April, 1984.

33. That the allotment order now stands cancelled vide order dated 30th

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ANNEXURE '1'

of November, 1984. The Estate Management Officer has also informed the ^{Dy.} General Manager (Administration) Office of the General Manager Tele-communication, U.P. Circle Lucknow vide letter No. 2060 Sa. Pra/E.Na dated 16th of March, 1985. A true copy of this letter is being filed herewith and marked as Annexure C.A.1 to this affidavit.

34. That it is submitted that Sri Amarjeet Singh Bisen again has played foul game to get the House Building Advance. The petitioner Sri Amarjeet Singh Bisen is entitled for Middle Income Group House as his salary is about Rs.1000/- and is ineligible for the allotment of House built for Economically Weaker Section of the society. This action shows that the petitioner has manipulated things for taking House Building Advance and has not come forward with clean hands and has not put forward his facts correctly before the department as well as Avas Evan Vikash Parishad.

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35. That the prayer clause is denied and the petitioner is not entitled to any of the reliefs claimed. It is, therefore, prayed that the writ petition be dismissed with costs.

I, the deponent named above, do hereby swear that the contents of paragraphs 1, 2, of this affidavit are true to my personal knowledge, contents of paragraphs 3 to 35 of this affidavit are based on record, contents of paragraphs of this affidavit are based on legal advice which all I believe to be true; that nothing material has been concealed and no part of it is false.

So help me God.

DEPONENT.

I, Ashok Mehiley, Advocate, High Court, Allahabad declare that the person making this affidavit and alleging himself to be Sri B.S. Verma is personally known to me.

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SOLEMNLY affirmed before me on this 17 th
day of April, 1935 at 8-15 A.M. ~~P.M.~~ by the
deponent who has been identified as above.

I have satisfied myself by
examining the deponent that he has fully
understood the contents of this affidavit.

OATH COMMISSIONER.

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इन दिनानी ब्लॉक हाईवोट आफ जुड़ौचर एट इलाहाबाद ।

====

अनैक्यर १

इन

काउन्टर एम्पॉरियम

इन

सिक्का फ्लॉटिनग्स रिट पिटीशन नं० ९७०२ अप्र० १९८५

बमरजीत सिंह ब्लैन - - - - - - - - - - - - - - - - पिटीशनर ।

बनाम

पूनियन आफ बीण्ड्या एण्ड अदस - - - - - रेस्पाण्डेन्स ।

- - - -

कायलिय सम्पत्ति पुबन्ध अधिकारी

उ० पू० बावास एवं विकास परिषद

इन्दरा नगर, लखनऊ ।

गोपनीय

संख्या 2060/स० पु०/इ० न० ।

दिनांक 17/3/85

सेवा मे०

उप सामान्य पुबन्ध प्रशासन ।

उ० पू० वृत्त

लखनऊ ।

विषय - भवन संख्या 16/क०३९ के सम्बन्ध मे० ।

महोदय,

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59

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

COUNTER AFFIDAVIT

TO THE
SUPPLEMENTARY AFFIDAVIT

IN

CIVIL MIS.C.WLT PETITION NO. 9702 OF 1984
(Under Art. 226 of the Constitution of India)

Amar Jit Singh Bisht PETITIONER

V_e_r_s_u_s

The Union of India & others .. RESPONDENTS

Affidavit of B.S.Verma,
aged about 41 years, son
of Late Sri R.S.Verma,
Senior Superintendent,
Telegraph Traffic Allahabad.

- : DEPONENT : -

I, the deponent named above, do hereby
solemnly affirm and state as follows :-

1. That the deponent is working
as Senior Superintendent Telegraph Traffic,

(R)
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Allahabad and has been authorised to look after the present case and to file this counter affidavit on behalf of respondent Nos. 1 to 4. He is, as such, fully acquainted with the facts of the case deposed to below :

2. That the deponent has read the contents of the above mentioned supplementary affidavit filed by the petitioner and has fully understood their contents. It is submitted that the counter affidavit to the main writ petition has been filed in this Hon'ble Court and the same may be treated as part of this affidavit also.

3. That in reply to the contents of paragraph 1 of the supplementary affidavit, it is stated that the facts stated therein are incorrect. The information received from the office of the Standing Counsel reveals that the notice was given by the petitioner on the 27th of June, 1984 but the writ petition was not moved and it was presented on 1st of August, 1984 before

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•2•

Allahabad and has been authorised to look after the present case and to file this counter affidavit on behalf of respondent Nos. 1 to 4. He is, as such, fully acquainted with the facts of the case deposed to below :

2. That the deponent has read the contents of the above mentioned supplementary affidavit filed by the petitioner and has fully understood their contents. It is submitted that the counter affidavit to the main writ petition has been filed in this Hon'ble Court and the same may be treated as part of this affidavit also.

3. That in reply to the contents of paragraph 1 of the supplementary affidavit, it is stated that the facts stated therein are incorrect. The information received from the office of the Standing Counsel reveals that the notice was given by the petitioner on the 27th of June, 1984 but the writ petition was not moved and it was presented on 1st of August, 1984 before

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a bench consisting of Hon'ble Mr.Justice O.P.Saxena and Hon'ble Mr.Justice K.C. Dhulia.

4. That the contents of paragraph 2 of the supplementary affidavit are the matters of record and, as such, need no reply by means of this affidavit. However, it is submitted that the petitioner was rightly informed that his case for grant of House Building Advance could not be considered and the same has been deferred and the C.B.I. has registered as case for cheating the Central Government and after due investigation by the C.B.B. the Chief Judicial Magistrate, Lucknow has issued summons for appearance of the petitioner. Reference of the case has already been given in p the paragraph 3 of the main counter affidavit.

5. That in reply to the contents of paragraphs 3 and 4 of the supplementary affidavit it is submitted that

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the petitioner is a suspect public servant and is involved in a case for alleged cheating the Government of India for which investigation was done by the Central Bureau of Investigation and a case has been registered vide Superintendent of Rk Police CBI/SPF. Lucknow No. 80-44/83-LKO and the petitioner has been summoned by the court. The entire service record and other documents relating to the petitioner's service has been seized by the Central Bureau of Investigation. The permanency of the petitioner is in dispute. It is submitted that till the petitioner is absolved of the criminal case pending in the court of the Chief Judicial Magistrate it cannot be said that the petitioner is a permanent Government servant.

6. That in reply to the contents of paragraph 5 of the supplementary affidavit, it is stated that the petitioner is not eligible for House Building Advance as he does not fulfil the requirement of rules 1-A or 1-B which requires that the

(B)
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•6.

applicant should be a permanent Government servant or the Central Government servant, if not permanent, should have rendered at least ten years continuous service .

7. That it is further submitted that the petitioner is neither a permanent Central Government servant nor he has rendered ten years continuous service as required under the rules relating to House Building Advance. Moreover, the petitioner's permanency is under dispute. The C.B.I., after investigation has filed a case in the court of the Chief Judicial Magistrate, Lucknow for cheating the Central Government for getting employment.

8. That the contents of paragraph 7 of the supplementary affidavit are not admitted. As stated above, the petitioner has been charged by the C.B.I. for forging/manupulating the document for getting employment/permanency and the prosecution is going on in the court of the Chief Judicial Magistrate, Lucknow - till the petitioner is fully exonerated he is not eligible for the grant of House Building

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Advance.

9. That the contents of paragraph 8 of the supplementary affidavit are emphatically denied. It is submitted that the Chief Superintendent, Lucknow, Sri Puran Kumar Manchanda, the then Chief Superintendent C.T.O.Lucknow now posted as the Senior Telegraph 'Traffic' (Local) Parliament Street, New Delhi has no grudge against the petitioner and the allegations of mala fide etc. are all concocted and has been made only to black-mail and pressurize the official concerned .

10. That the contents of paragraph 9 of the supplementary affidavit are emphatically denied. It is submitted that the reference of forged cases are concoction of the petitioner himself as he himself is a suspect Government servant and a case against him has been filed by the Central Bureau of Investigation for cheating the Central Government which is pending in the court of the Chief Judicial Magistrate, Lucknow.

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11. That in reply to the contents of paragraph 10 of the supplementary affidavit it is submitted that the petitioner is not entitled to the grant of House Building Advance.

12. That it is further submitted that after filing of the above mentioned writ petition enquiries were made from the office of the Estate Officer, U.P. Avas Evam Vikash Parishad, Indra Nagar, Lucknow and Sri Vinay Kumar Saxena, the Estate Management Officer, Indra Nagar Lucknow, was contacted through the Departmental Vigilance Cell and the files seek relating to the allotment of house, allotted to Sri Amarjeet Singh Bisht, petitioner were also requested to be placed before the Departmental Vigilance Cell.

13. That on examination of the record of the allotment of house it was

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revealed that the registration of the house at the very initial stage was made by his father Sri - Bhairon Singh by paying a sum of Rs.50/- vide receipt No. 1112.94 dated 26th of December, 1978.

14. That subsequently the petitioner Sri Amarjeet Singh Bisen managed to get it transferred in his own name.

15. That, as already stated above, so far Sri Bhairon Singh, his father and the allotment of the house for which Rs.50/- was paid is concerned, it is submitted that the said house could be allotted only to one who belongs to the Economically Weaker Section of the Society and Sri Amar Jeet Singh Bisen does not belong to Economically Weaker Section of the Society and the said house could not be allotted to him. Economically Weaker Section House No. 539, Sector No. 16 was allotted to the petitioner vide Reference No. 1621 dated 12th of April, 1984.

16. That the allotment order

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9.

now stands cancelled vide order dated 30th of November, 1984. The Estate Management Officer has also informed the Deputy General Manager (Administration) Office of the General Manager Tele-communication, U.P. Circle Lucknow vide letter No. 2060 Sa. Pra/R.Ma dated 16th of March, 1985. A true copy of this letter has already been annexed along with the main counter affidavit.

17. That it is further submitted that Sri Amarjeet Singh Bisen again has played foul game to get the House Building Advance. The petitioner is entitled for Middle Income Group house and his ~~ak~~ salary is about Rs.1000/- and is ineligible for the allotment of the house built for Economically Weaker Section of the Society. This action shows that the petitioner has manipulated things for taking House Building Advance and has not come forward with clean hands and ~~has not come forward with clean hands and has not~~ put forward the facts correctly before the department as well as Avas Evan Vikash Parishad, Lucknow.

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18. That in reply to the contents of paragraph 11 of the supplementary affidavit, it is submitted that in view of the facts and circumstances stated in the preceding paragraphs of this affidavit, as well as in the main counter affidavit, the petitioner is not entitled to the grant of House Building Advance as he is a suspect public servant and is involved in a case for alleged cheating the Central Government of India. It is further submitted that as his permanency is under dispute and as a criminal case is pending in the court of the Chief Judicial Magistrate, Lucknow no question of grant of House Building Advance to the petitioner arises and, as such, the same has been deferred for the time being. The contents of the paragraph under reply are denied and the petitioner is not entitled to the reliefs claimed.

19. That it is further submitted that no case for issuance of a writ of mandamus has been made out and the present writ petition, filed by the

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petitioner is liable to be dismissed with costs.

I, the deponent named above, do hereby swear that the contents of paragraphs 1,2 of this affidavit are true to my personal knowledge, that the contents of paragraphs 3 to 18 of this affidavit are based on my perusal of the records, and that the contents of paragraphs 19 of this affidavit are based on legal advice which all I believe to be true.

That nothing material has been concealed and no part of it is false.

So help me God.

DEPONENT.

I, Ashok Mohiley, Advocate, High Court, Allahabad Declare that the person making this affidavit and alleging himself to be Sri B.S. Verma is personally known to me.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

REJOINDER AFFIDAVIT

MIN

CIVIL MISC. WRIT PETITION NO. 9702 OF 1984.

District Allahabad.

Amar Jit Singh Bisen - - - - - Petitioner

Versus

Union of India and others - - - - - Respondents.

Affidavit of Amar Jit Singh Bisen

Aged about 34 years S/o Sri

Bhairava Datt Singh Resident of

Ram Lila Gate Gonda, Presently

working as Telegraph Assistant

C.T.O. Allahabad.

(Deponent)

I, the deponent abovenamed do hereby solemnly
affirm and state on oath as under :-

1. That the deponent has read and understood
the contents of counter affidavit and Supplementary
counter affidavit and as such he is acquainted with
the facts deposed hereunder.

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-2-

2. That since there are two counter affidavits one main counter and second counter affidavit to Supplementary affidavit, the reply is being given by one affidavit. It is further submitted that for the purposes of reply, the reply to the counter affidavit is being referred as first counter affidavit and thereafter the second counter affidavit.

counter
Reply to main affidavit.

3. That the contents of paras 1 and 2 of the counter affidavit need no reply.

4. That in reply to contents of paras 3 and 4 it is submitted that a ~~take~~ case has been lodged against the petitioner since 20.12.1983 but nothing has happened so far. However it is made clear that even pendency of any case against the petitioner will not disentitle him to obtain House Building Advance, as it is clear from the perusal of Annexure 11 of writ petition.

5. That the contents of para 5,6 and 7 of counter affidavit are wrong and denied. It is

(B)
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-3-

wholly wrong to say that documents have been seized by C.B.I. However, in order to ascertain the date of appointment of the petitioner, Annexure 2 of the writ petition is sufficient proof of the fact, that the petitioner was appointed on 11.7.75.

6. That in reply to contents of paras 8,9 of the counter affidavit, it is submitted that allegations contained in paragraph under reply are wholly baseless and has been made in malafide manner. It is also wrong to say that permanency of the petitioner is under dispute. The department does not say anywhere as to what is the dispute of the permanency. Simply because, a ~~fake~~ F.I.R. has been lodged, it can not be presumed that permanency is under dispute . It is evidently clear by perusal of Annexure 1 of writ petition that petitioner is a confirmed employee and therefore, unless the confirmation is set aside the petitioner will always be a permanent employee. Besides this, there is no any departmental, or disciplinary proceeding pending against the petitioner ,and therefore ^{of} can not be said that

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petitioner's permanency is under dispute, specially when there is no mention of the same even in the F.I.R.

7. That the contents of para 10 of the counter affidavit are wrong and denied. It is further made clear that the application for House Building Advance was applied in the name of the petitioner, and not in the name of Smt. Chhabi Raj Kunwari, the mother of petitioner.

8. That the contents of paras 11 and 12 are wrong and denied. It is further submitted that the petitioner after meeting all the formalities applied for Advance well within time. It is further wrong to say that petitioner was not entitled for grant of House Building Advance, because of allotment order. The allotment order was transferred in the name of the petitioner at the time of applying.

9. That the contents of paras 13 and 14 are wrong and denied. The fact is that the petitioner applied

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for House Building Advance on 19.7.83.

10. That the contents of paras 15 to 18 are wrong in the manner stated. It is further made clear that application was withdrawn on the advice of the Department, but subsequently again applied for. And on that application, the learned Govt counsel gave an opinion that the petitioner was entitled for House Building Advance, but it was again referred to Directorate at New Delhi in malafide manner in order to cause delay.

11. That contents of para 19 to 29 of the counter affidavit are wrong in the manner stated and hence denied and in reply thereto contents of paras 18 to 16 of the writ petition are reiterated. It is further made clear that the averments contained in these paras are repetitions of foregoing paras and hence need no reply.

12. That the contents of para 30 and 31 of the counter affidavit need no reply. However it is made clear that there is no any illegality committed

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-6-

by the petitioner in the matter.

13. That the contents of para 32 are wrong and denied. The house in question was worth Rs.32,000/- which is not meant for weaker sections. According to U.P. Housing & Development Board, the prices fixed for Houses, built for weaker section are in range of Rs.8000/- to 10,000. And therefore petitioner was entitled to get the same.

14. That in reply to contents of para 33 it is submitted that it is on the fault of the department that the allotment of the house was cancelled because the department did not sanction house Building Advance in time for which the respondents are to be blamed and not the petitioner.

15. That contents of para 34 and 35 are wrong and denied.

Reply to Counter of Supplementary affidavit.

16. That contents of para 1 and 2 of counter to supplementary affidavit need no reply.

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17. That the contents of paras 3 and 4 are wrong and denied, and in reply thereto, contents of paras 1 and 2 of Supplementary affidavit are reiterated.

18. That the contents of para 5 to 8 of the supplementary counter affidavit are wrong and denied and in reply thereto contents of para 3 to 7 of petition are reiterated. The detailed reply has already been given in the foregoing paras.

19. That in reply to paras 9 of counter affidavit it is submitted that malafide allegations were made against Sri P.K. Manchanda who alone can reply allegations. Sri B.S. Verma has got no personal knowledge about the averments contained in para 8 of petitioner's supplementary affidavit.

20. That the contents of para 10 to 19 of the supplementary of counter affidavit are nothing but repetitions of main affidavit, Hence need not to be replied. However in reply thereto contents of supplementary affidavit filed by the petitioners are reiterated.

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That besides house in question there are other houses allotted in the name of the petitioner by Lucknow Development Authority one situated at Aliaganj Housing Scheme and the other at Gomti Nagar Housing Scheme. The receipt of deposits are being enclosed and marked as Annexures RA-1 and RA-2. The department may be directed to consider the case of the petitioner on the basis of those houses. The application for sanction of House Building Advance has already been submitted by the petitioner on the basis of those houses.

I, the deponent abovenamed do hereby solemnly affirm and state on oath that the contents of paragraphs nos. 1, 2, 3, 7, 8, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 of this affidavit are true to my personal knowledge and those of paragraphs nos. 4, 5, 6, 13, 20 are based on persual of record and those of paragraphs nos. are based on legal advice which I believe to be true that no part of it is false and nothing material has been concealed. So help me God.

Deponent.

(B)
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-9-

I, Devi Prasad Dubey Clerk to Sri Uma Kant
Advocate High Court Allahabad do hereby declare
that the person making of this affidavit and
alleging himself to be Sri Amar Jit Singh Bisen
is that person. The deponent is known to me
personally,

Clerk.

Solemnly affirmed before me on this 6 day
of November 1985 at 8-15 a.m./p.m. by the
deponent who has been identified by the aforesaid
Clerk.

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

OATH COMMISSIONER.

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Annexure RA-2

* पंजीकरण रसीद *

A 95

मो/स्थानीय/कुमारी Anarjit Singh Bisen नम्बर 34436
पता (पृ. No. 11, A-1, scale 65.A उम्र/युवी/मही भवन नाम जी. Singh
अग्रिम धन के साथ L 16 पुराड़ी के लिए पंजीकृत किया गया।

दिनांक 29.11.05

सम्पर्कित विकास प्राधिकरण
प्रधानीय बन्द शोम गांग
लखनऊ।

नोट:—उपरोक्त रसीद का विवरण भी क्रमांक को छोड़कर प्राप्ती हारा पुर्ण किया जायेगा।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALAHABAD
CIRCUIT BENCH, GANDHI BHAVAN
LUCKNOW 11233

No.CAT/CB/LKO/ 16

Dated the 2/8/04

Registration T.A. No. 1983/87 of 198 (T)

Amar Jit Singh Bisen.

Applicant's

Versus
Union Of India & Others

Respondent's

To

Amar Jit Singh Bisen, son of Shri Bhairava Datt Singh
also at Ram Lila Gate, Conda. Presently Posted as Telegraph
Assistant, at Departmental Telegraph office, Allahabad-
Chowk.

The Union of India, through the Secretary, ministry of Works, Housing and Supply, Government of India, New Delhi, The General Manager, Telecummunication, Uttar Pradesh Circle, Hazratganj, Lucknow.

Whereas the marginally noted cases has been Hazratganj- Lucknow.

Transferred by High Court Allahabad under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Wait Petition No 9702/84

of 198 of the
High Court Allahabad.

of _____ arising out
order dated _____ passed by _____
in _____

The Tribunal has fixed

Date of 6/10/1978

The hearing of the matter.

If no appearance is made
on your behalf by your some one
duly authorised to Act and

on your behalf the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal
this 10th day of May, 1939.

4. The Director, Vigilance Office of the General Manager, U.P. Circle, Lucknow.
5. Chief Superintendent, Central Telegraph office, Lucknow. *Alam 2/5* For Deputy Registrar (J)

dinesh✓

2720 Pale
Sea Corp
Boke 793

83

904

15/

By Regd. Post

No. 2684-R/CR/88
Government of India
Ministry of Urban Development
Nirman Bhavan

New Delhi, dated 30th Sept., 1988.

In the Court of Central Administrative Tribunal, Allahabad.

Ref. No. TA No. 1983 of 1983 (T).

~~Sh. Amarjit~~ Sh. Amarjit Singh Bisht

V/S

U.O.F. Room

It is submitted that the subject matter of the case is not clear from the notice forwarded to this Ministry, in the absence which it is not possible to ascertain whether the case relates to the Ministry of Urban Development, New Delhi. It is, therefore, prayed that the Hon'ble Court may please supply the particulars of the case/cases or plaintiff's copies to this Ministry so that appropriate action may be taken to comply with the Hon'ble Court's directions.


Under Secretary to Govt. of India.

To

The Deputy Registrar (S)

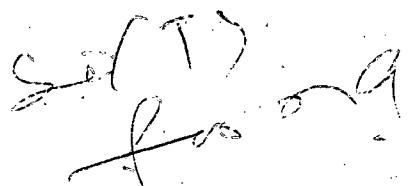
Central Administrative Tribunal

Allahabad bench

Post Bag No. 013

23-A, Thorwhill Road

Allahabad - 211 001.





Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD
Post Bag No. 013
23-A, Thornhill Road, Allahabad - 211 001

No. CAT/Alld/Jud/32923 Dated the 19-9-

Registration T.A. No. 1983 of 1987 (T)

Amrit Jit Singh Bissen Applicant's

Versus

Union of India & others Respondent's

② To The Union of India, through the Secretary,
Ministry of Works, Housing and Supply,
Government of India, New Delhi

Whereas the marginally noted case has been
transferred by Allahabad High Court under the provision
of the Administrative Tribunal Act 13 of 1985 and registered
in this Tribunal as above.

Writ Petition No. 9702

of 1984

of the

Court at

of Allahabad High Court

arising out of order dated

passed by

in

The Tribunal has fixed date

of 7-11-88 1988,

For the hearing of the matter.

If no appearance is made

on your behalf by you or some

one duly authorised ~~to~~ Act

on your behalf, the matter will be heard and decided in
your absence.

Given under my hand and seal of the Tribunal
this 13rd day of September 1988.

dinesh/

Dinesh
DEPUTY REGISTRAR (J)

85

Registered

O/C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD
Post Bag No. 613
23-A, Thorntown Road, Allahabad - 211 001

No. CAT/Alld/Jud/ 3292210926 Dated the 19-9-88

Registration T.A. No. 1983 of 1987 (T)

Amar Jit Singh Bisen Applicant's

versus

Union of India & Others Respondent's

② → The Union of India, through the Secretary
minister ministry of works, Housing
and Supply Government of India, New Delhi

① → Amar Jit Singh Bisen, S/o Shri Bhairava Datt Singh
R/o at Ram Lila Gate, Gonda Presently Posted as
Whereas the marginally noted case has been transferred by Allahabad High Court under the provision of the Administrative Tribunal Act 13 of 1935 and registered in this Tribunal as above.

Writ Petition No. 9702
of 1984.

The Tribunal has fixed date
of 7-11-88 1988.
For the hearing of the matter.

Court at Allahabad High Court
of Allahabad High Court on your behalf by you or some
arising out of order dated one duly authorised ~~to~~ Act
passed by _____
in _____

If no appearance is made
on your behalf by you or some
arising out of order dated one duly authorised ~~to~~ Act

Telegraph
assistant
at Departmental
Telegraph
Office - Allahab-
ad - Chowk

on your behalf, the matter will be heard and decided in
your absence.

Given under my hand and seal of the Tribunal
this 13rd day of September 1988.

③ → The General Manager, Telecommunication - Uttar Pradesh
circle, Hazatganj - Lucknow D.D. Dabir

④ → The Director, Vigilance Officer DEPUTY REGISTRAR (J)
dinesh of the General Manager, U.P. circle - Lucknow

⑤ → Chief Superintendent, Central Telegraph Office
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/

Dated the : 17/10/89

T.A.No. or 1903 1987 (T)

A. J. Singh Bisen

AFFILIANT'S

Versus

Union of India

RESPONDENT'S

① To Shri Amar Jet Singh Bisen S/o B. D. Singh
a/o Ram Lila Gate, Gorakhpur.

Whereas the marginally noted cases has been transferred by
High Court, Lucknow Under the provision of the Administrative
Tribunal Act, 1985 and registered in this Tribunal as above.

Writ Petition No. 9702/84

on 198.

of the Court of High Court

He. arising out

of Order dated

passed by

The Tribunal has fixed date of
23/10 1989. The hearing
of the matter.

If no appearance is made
on your behalf by your some
one duly authorised to Act
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

17 day of 10 1989.

dinesh/

S
REPUTY. REGISTRAR

② Shri A. Mahesh Adv
P. A. T. 23 Thounthull Road All.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

88
Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/

Dated the : 17/1/1989

T.A.No. of 17/1/1989 (T)

A

APPLICANT'S

Versus

RESPONDENT'S

To

Whereas the marginally noted cases has been transferred by
Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 114/1
of 1989
of the Court of 11/1
arising out
of Order dated
passed by

The Tribunal has fixed date of
16/1/1989. The hearing
of the matter.

If no appearance is made
on your behalf by your some
one duly authorised to Act
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
17 day of 16/1/1989.

Dinesh/

88
DEPUTY REGISTRAR

Recd 18/1/1989
Ans 18/1/90