

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE

TA. 366/82
W.P. NO. 3478/79 OF

NAME OF THE PARTIES

Dr. R. R. Kishore Applicant

Versus

C. O. I. Bar

Respondent

Part A.

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CERTIFICATE

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

R. K. Kishore

Dated 30-8-11

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

A./T.A./C.E.P./No. 364

1987.

D.Y.: R.R.: Kumar

..... Applicant.

Versus

..... Respondents.

- | | | | |
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Dy. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

Annexure - A
CAT- 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

①

A/2

INDEX - SHEET

CAUSE TITLE T.A. No 364 OF 198) (T)

Name of the Parties Dr R.R. Kishore

Versus

Principal, Civil Aviation Training
Centre, Banmanki Allahabad.
Part A, B and C
2 are

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
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A3	Judgement dt 31-3-1989	4
A4	Affidavit along with annex [ures]	17
B1	Memorandum for Appearance -	1
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{ original. Record High Court of. Indictment AT Allahabad Civil Misc writ No 3478/79		

CANCELLED
DATED

21 MAY 1979

CANCELLED
DATED

21 MAY 1979

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

.....

Civil Misc. Writ No. 2010 of 1979

(Under Article 226 of the Constitution of India)

District Allahabad.

Dr. Rishi Raj Kishore son of late Sri Erij Raj Kishore
resident of House No. 49/93, Mahatma Gandhi Marg,
District Allahabad.....Petitioner

Versus

1. Principal, Civil Aviation Training Centre, Banraul, Allahabad.
2. Chief Medical Officer, Central Government Health Scheme, 7-Liddle Road, Georgetown, Allahabad.
3. Ministry of Health and Family welfare, Department of Health, Government of India, New Delhi, through its Secretary, Nirmal Bhavan, Maulana Azad Road, New Delhi.....Opposite Parties.

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

The humble petition of the abovenamed
applicant Most Respectfully Showeth. -

1. That the applicant was appointed as Junior Medical Officer in Central Government Health Scheme.

500 B 1001
21.5.79

24/5/79
To
21/5/79
For Secretary
24/5/79

Group A 13 (K)
Gervin

28-5-79

A/4

36

22

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

.....

INDEX

In

Civil Misc. Writ No. 3478 of 1979.

District Allahabad.

Dr. Rishi Raj Kishore.....petitioner

Versus

Principal, Civil Aviation Training Centre, Bamrauli
Allahabad and others.....Opposite Parties.

Sl.No.

Page.

1. Stay Application 1 and 2
2. Writ Petition 3 to 10
3. Annexure 'I' O.M. No. A-45012/1/74-
C.H.S.II. Dated 5.4.1975 from the
Ministry of Health and F.P.(Deptt.
of Health, New Delhi. 11 to 12
4. ~~xxxxxx~~ Annexure 'II' Letter
from Government of India, dated
21st June, 1978. 13 only
5. Annexure 'III' Memo from C.M.O.
Allahabad dated 28.9.1978. 14 only
6. Annexure 'IV' Order dated 23.11.75
from Secretary, Ministry of Health
and Family Welfare, Govt. of India. 15 and 16
7. Annexure 'V' Memo. Dated 24.4.1979
from Principal C.A.T.C. Bamrauli 17 only.
8. Annexure 'VI' Letter dated 26.4.79
from Dr. R.R.Kishore to principal
C.A.T.C. Bamrauli. 18 and 19
9. Annexure 'VII' Memo dated 4.5.79
from the Principal C.A.T.C. Bamrauli 20 only.
10. Annexure 'VIII' letter dated 5.5.1979
from Dr. R.R.Kishore to the Principal
C.A.T.C. Bamrauli. 21 and 22
11. Affidavit 23 and 24

(Smt. Ramo Devi Gupta)
Counsel for the Petitioner.

recovered and the future ~~Class~~ Salary will also be paid according to that pre-revised Class II Scale. The applicant made representations to the Opposite Parties with copy to the president of India vide Annexure 'VI' and 'VIII' not to enforce this illegal and arbitrary order as mentioned in Annexure 'V' by opposite party No. 1 but all his requests are going unheeded.

2. ~~That~~ at the order of reversion from Class I to Class II is a very big punishment. Every appointment ~~in~~ in Central Health Services to day is being made in Class I Cadre and hence the applicant's Junior and subordinates may become his Boss. Various previlages, assignments, deputations and promotional avenues may be adversely affected. An irreparable loss will be caused to the applicant if the order contained in Annexure 'V' is enforced.

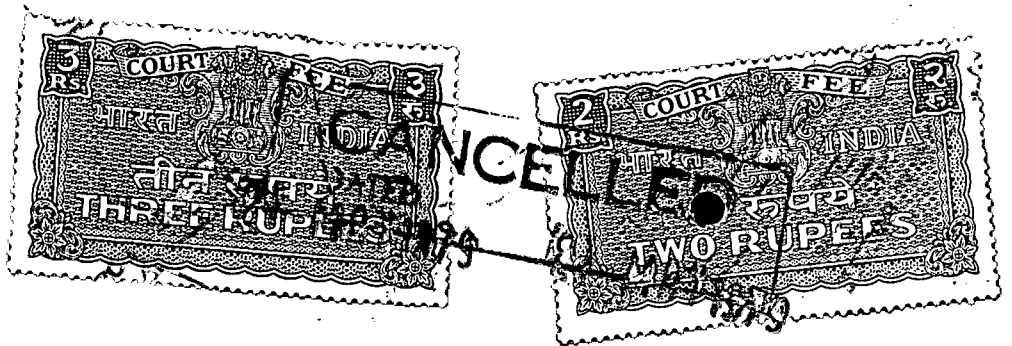
P r a y e r

It is, therefore, prayed that the operation of the order contained in Annexure 'V' dated 24.4.1979 issued by Opposite Party No. 1 may please be stayed. */s/*

Ramesh C. P. S.

Counsel for the petitioner

21-5-1979



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

Civil Misc. Application No. of 1979.

Under Section 151 C.P.C.

(On behalf of ~~Dr.~~ R.R. Kishore.....Petitioner)

IN

Civil Misc. Writ Petition No. 3678 of 1979

District Allahabad.

Dr. Rishi Raj Kishore son of late Sri Brij Raj Kishore
resident of House No. 49/93, Mahatma Gandhi Marg,
District Allahabad.....Petitioner

Versus

1. Principal, Civil Aviation Training Centre,
Bamrauli Allahabad.
2. Chief Medical Officer, Central Government Health
Scheme, 7-Liddle Road, Georgetown, Allahabad
3. Ministry of Health and Family Welfare, Department
of Health, Government of India, New Delhi, through
its Secretary, Nirman Bhavan, Maulana Azad Road,
New Delhi.....Opposite Parties.

To

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

The humble petition of the abovenamed
applicant Most Respectfully sheweth:-

1. That in order to give effect to the
said illegal order the amount which was paid to the
applicant in Class I Scale has been directed to be

Received Copy

Senior Standing Counsel.

Central Government, New Delhi.

21/5/79

आदेशफलक

इलाहाबाद स्थित उच्च न्यायालय

सन् 19

का

संख्या

प्रति

दिनांक, जिसके लिये मामला स्थगित किया गया

दिनांक

कार्यवाहियों की प्रगति और नैत्यक आदेशों के सम्बन्ध में टिप्पणी

1

2

3

13-9-85

Hon. B.D. Agarwal, J

Sh. A. Mahiley counsel appearing for the Respondents points that the representation referred to by the petitioner, has been disposed of on 20th February, 1985 and that the order passed in that respect is C.A.-I to the counter affidavit.

This be listed again on 17th September, 1985.

Es

A

19.9.05

Hon. B.D. Agarwal J

Appn. dt. 25.2.05

The representation. may consequently be decided as per order of this Court dt. Sept. 13, 1985.

Boc
for

इलाहाबाद स्थित उच्च न्यायालय

सन 19 79 का 3478 संख्या 28 7
Dr. Rishi Raj Kishore प्रति Principal Secy

दिनांक-	कार्यवाहियों की प्रगति और नतयक आदेशों के सम्बन्ध में टिप्पणी	दिनांक, जिसके लिये मामला स्थगित किया गया
1	2	3
21-5-79	<p><u>Mr. A N Verma</u></p> <p>Petition - List this petition along with application for interim relief. List on 20-5-79</p> <p>Mr. S. N. Tewari shall submit a copy of the application by 20-5-79</p> <p>Brook E</p>	
21-5-79	<p><u>Mr. A N Verma</u></p> <p>Petition - List for admission in 1st week of June</p> <p>By - issue notice</p> <p>notice accepted by Mr. S. N. Tewari's proposal. List this application for further order in 1st week of June. In the meantime the period of the impugned order dated 24.4.79 shall remain stayed till 1st week of June 1979</p> <p>Brook E</p>	<p>Vol. 100 C.M.C. E</p>

21 July 1979

Brook
E

सन् 19

का

3428/79

संख्या

प्रति

दिनांक	कार्यवाहियों की प्रगति और नतयक आदेशों के सम्बन्ध में टिप्पणी	दिनांक, जिसके लिये मामला स्थगित किया गया
1	2	3
26.6.79	<p>Hon. Y. Chandan Hon. C. Agrawal</p> <p>P.O. on application of B.P. Srivastava Counsel for the petitioner. <i>Doc</i></p>	
30.10.79	<p>Hon. Y. Chandan Hon. C. Agrawal</p> <p>Go. for three days on the request of Sri B.P. Srivastava Counsel for the petitioner. <i>Doc</i></p>	
2-11-79	<p>Hon. M.D. Ghosh, J. Hon. V.K. Mahapatra, J.</p> <p>P.O. on the application of Sri B.P. Srivastava</p>	
8-11-79	<p>Hon. M.D. Ghosh, J. Hon. V.K. Mahapatra, J.</p>	

आदेशफलक

इलाहाबाद स्थित उच्च न्यायालय

(11)

Wak. 3478-79 ~~10~~

सन् १९

का

संख्या

Dr. Rishi Raj Kishore प्रति Principal. Cons

दिनांक	कार्यवाहियों की प्रगति और नैतक आदेशों के सम्बन्ध में टिप्पणी	दिनांक, जिसके लिये मामला स्थगित किया गया
१	२	३
5 ² 8	This case is put up before the Court for Adm. along with stay appln	
27-2-80	<p>Hm Y.N.J.</p> <p>Hm B.D.A.I.</p> <p>Put up two arrears along with the amendment appln. (filed on 6/2/80)</p> <p>Boe</p>	
28-2-80	<p>Hm. Y.N.J.</p> <p>Hm. B.D.A.-J.</p> <p>Smt R.D. Gupta heard.</p> <p>Adm. Inve notice amendment appln allowed</p>	
8-3-80	<p>work</p> <p>NOTES from 1403 hrs</p> <p>see enclosed 480, 481</p>	
21.0.01	stay vacatur appln. dt. 3.3.01 with C.A. is put up before the Court for order.	
26.0.01.	<p>Hm. D.J. Agarwala, J.</p> <p>The petition is granted two weeks' time to file the rejoinder affidavit.</p>	

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[Signature]

आदेशफलक

इलाहाबाद स्थित उच्च न्यायालय

Writ No. 3478-79 (A)

सन १९

का

संख्या

प्रति-----

दिनांक	कार्यवाहियों की प्रगति और नैतिक आदेशों के सम्बन्ध में टिप्पणी	दिनांक, जिसके लिये मामला स्थगित किया गया
१	२	३

10/11/01

Stay Vacation appn. dt. 3-3-01

In view of Court's order dt. 20-10-01 no suppl. C.A. has since been filed. Now the above application is put up before the Court for order.

11.11.1981

Hon. M. N. Sharma, J.

Sri Anshuman Singh is granted three weeks time for filing a supplementary counter affidavit. The petitioner may file a supplementary rejoinder affidavit within a week thereafter. The stay application shall be lifted for orders immediately after expiry of this period.

11/14/01

Stay Vacation appn. dt. 3.3.01

In view of Court's order dt. 11.11.01 no suppl. C.A. or Suppl. R.A. has since been filed. Now the above appn. is put up before the Court for order.

14.12.81

P.O. today

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Writ No. 3478 of 1979

VS.

12/12

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
25-11-83	Hon V. K. Khanna J Passed over KK Khanna	
28-11-83	Hon Khanna J With this application at the time of disposal of the writ petition - Wk	
27-4-84	Learned Counsel for the parties concerned may kindly be asked to supply a copy of Counter affidavit and Repplier affidavits respectively for perusal of another Hon. Judge.	
30-4-84	No order 82	27-4-84

इलाहाबाद स्थित उच्च न्यायालय

सं. 19 W.P. का 3478 य. 79

Dr. R. R. Kishore प्रति Dr. R. R. Kishore

दिनांक	कार्यवाहियों की प्रगति और नैतिक आदेशों के सम्बन्ध में टिप्पणी	दिनांक, जिसके लिये मामला स्थगित किया गया
1	2	3
17/5/84	<p>Hon. AN. Verma J Hon. AS. Srivastava J</p> <p>On 23rd November, 78 an order was passed by the Ministry of Health & welfare Government of India awarding a certain penalty of reduction to a lower stage by two stages ^{in the pay scale} for a period of two years. Against this order the petitioner preferred an appeal which has been pending for the last several years. The order dt. 23rd November, 78 has, in our opinion, a material bearing on the outcome of this petition and inasmuch as the petitioner is already ^{is} pursuing an alternative remedy ^{in the court} to that order, it is only appropriate that the hearing of the Writ Petition be deferred for some time, so that the</p>	

इलाहाबाद स्थित उच्च न्यायालय

सं. 10 W.P. का 3478 संख्या 79

प्रति

दिनांक	कार्यवाहियों की प्रगति और नैतिक आदेशों के सम्बन्ध में टिप्पणी	दिनांक, जिसके लिये मामला स्थगित किया गया
1	2	3
11-7-1984	<p>Hon'ble K. N. Singh, J. Hon'ble O. P. Mehrotra, J.</p> <p>Learned Standing Counsel for the Union of India prays for and is granted two months time to enable respondent No. 3 to dispose of the appeal preferred by the petitioner. List on 12th September 1984.</p>	
14.9.84	<p>Hon. K. N. Singh J Hon. ^{Chief} A. N. Dikshita J P.O.</p>	
24.9.84.	<p>Apph. for further time filed ^{B-2} by respd. P.O.</p>	
26.9.84	P.O.	
9.10.84	<p>Hon. B. N. Sanyal, J Hon. A. N. Dikshita J. Apph. dt. 24.9.84 allowed</p>	

dir after 2 months for being

21

15

दिनांक	कार्यवाहियों की प्रगति और नैतिक आदेशों के सम्बन्ध में विवरण	दिनांक, जिससे इसे नाममात्र स्थगित किया गया
1	2	3
21.12.1984	<p>Hon'ble K. N. Singh, J. Hon'ble A. N. Dikshite, J.</p> <p>Sri Ashok Mehuley states that the appeal could not be decided as the matter is under correspondence with the Union of Public Public Service Commission. Two months further time is granted for the decision of the petitioner's appeal and representation. List after two months.</p> <p>Sms</p> <p>lg Rmt</p>	
26-2-85	<p>misc. apn. on 25-2-85</p> <p>Shore no to msh. c pro up for order</p>	
27. 2. 85	<p>Hon. B. N. Sapru - J.</p> <p>Sri Ashok Mehuley, Counsel for respondent prays for and is allowed two months time to file reply.</p> <p>dist for hearing on</p>	

30th April 1985.

for

27.2.85

17.3.89 Hon. D.S. Misra, Am.

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

The applicant in person,
Dr. Dinesh Chandra for
respondents. Heard the applicant
as well as the learned counsel
for the respondents. The
learned counsel for the
respondents does not desire
any time to file a reply
to the misc. application, Arguments-
heard and reserved for orders.

Dr
J.M.

for
Am.

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ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 364/87(T) of 190

Vs

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3

20-10-87 DR

None present for the parties.
Put up with fresh service report
on 11/11/87.

DR(J)

11-11-87

DR

Respondent No 1 Present in Person,
Sri K.E. Sinha present from his
respondents,

None present for applicant to issue
fresh notice to him through counsel
dtd 16-12-87.

DR
Notices of Dr. Kishore
Raj Kishore returned
back to court with
Postal Refusal, left.

DR
11/11/87

16/12/87

None present for applicant again.
Put up with fresh service report on
15/1/88.

DR(J)

.....No. TA 364.....of 1987

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	14.4.88	<p><u>OR</u></p> <p>No one appears for the applicants despite of several notices issued. In the interest of justice and order again to the applicant as well as through his counsel <u>para</u></p> <p>26.5.88</p> <p><u>Per</u></p>	<p><u>OR</u></p> <p>Notice issued</p> <p>Prising 26.5.88</p> <p>on 15.4.88</p> <p>Notices have not been</p> <p>Recd after Service office copy attached.</p> <p>Submitted me</p>
	26.5.88	<p><u>Per</u></p> <p>Put up on 11.7.88</p> <p>15th office rpt - whether notices issued, have been returned or not - (SOIT)</p> <p>to see the Compliance personally <u>Per</u></p>	
	11.7.88	<p><u>OR</u></p> <p>On the Request of The Respondent's Counsel the case is Put up on 14-9-88</p> <p><u>Per</u></p>	

Registered

9/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

1086 to 1086

Dated :

3.4.89

OFFICE - MEMO

Registration No. O.A. 364 of 1937 (1)
I.A.

Dr R.R. Kishore

Applicant's

Versus

Union of India

Respondent's

A copy of the Tribunal's Order/Judgement
dated 31.3.89 in the abovenoted case is forwarded
for necessary action.

For DEPUTY REGISTRAR (H)
Deputy Registrar

Encl : Copy of Order/Judgement dated 31.3.89 Central Administrative Tribunal
Lucknow Bench,
Lucknow

To.

① Shri Dr R.R. Kishore Applicant

② Shri ~~Pankaj Chandra~~
~~P. C. Senha~~ Ad e/R.

dinesh/

①

Recd. Copy
3/4/89

12 Recd. Copy
D. Chandra
Answer 4/5/89

(P2/1)
A/19
(29)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow

Registration T.A. NO. 364/87 (T)

Dr. R.R. Kishore

....

Applicant

Vs.

Principal, Civil Aviation Training
Centre, Bamrauli, Allahabad, & ors.

Respondents

Hon'ble Mr. D.S. Mishra, A.M.

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

(By Hon. Mr. D.K. Agrawal, J.M.)

This case was registered as application No. 364/87 (T) on transfer of writ petition no. 3478/79 from Allahabad High Court, under Section 29 of the ~~1964~~ Central Administrative Tribunals Act, 1985.

2. The petitioner filed the above writ petition on 27-5-1979 in the High Court of Judicature at Allahabad, Lucknow Bench, on account of an order of penalty passed against him on 23-11-1978, reducing the petitioner to a lower stage in the time scale by two stages for two years against which an appeal had already been preferred by him on 6-1-1979. During the pendency of the writ petition, High Court issued a direction on 17-5-1984 to the respondent no. 3 i.e. Secretary, Ministry of Health and Family Welfare, Department of Health, Government of India, New Delhi, to decide the petitioner's appeal against the above said order of penalty within a period of one month. However, the direction was not followed, in as much as the decision of the appeal was not communicated to the petitioner. All the same the petitioner was promoted in Junior Class I Officer of Central Health Service (pay scale of Rs. 700-1300) with effect from 1-1-1973 vide order dated 28-8-1984. The petitioner was also allowed to cross Efficiency Bar on 28-1-1985 in the above said Junior Class I scale, with effect from due date i.e. 1-8-1978, vide

order dated 28-1-1985. Then the petitioner was promoted to the selection post of Senior Medical Officer of Central Health Service in the pay scale of Rs. 1100-1600 w.e.f. 1-1-1982 vide order No. A-11014/2/84-C.H.S. II, dated 30-1-1985. Thereafter, in pursuance of the recommendation of the Fourth Pay Commission, the petitioner was placed in the revised Senior Class I Officer, pay scale of Rs. 3000-4500 w.e.f. 1-1-1986. The petitioner was thus, granted all reliefs which were due to him. In this manner his grievances stand redressed.

3. In the above circumstances, the writ petition becomes infructuous. However, on the date of arguments, the petitioner submitted an application with an affidavit praying that;

- (1) a direction be issued that the penalty order dated 23-11-78 referred to above has exhausted;
- (2) the applicant be placed in the Chief Medical Officer's scale of pay i.e. Rs. 3700-5000 from the date it became due to him. ~~The~~

4. The Standing Counsel for the Government of India, did not seek time to file objection to the aforesaid application, and in our opinion, rightly so because the first prayer ^{was in respect of} ~~concerns~~ a legal proposition and the second prayer was untenable.

5. The facts which transpired since the filing of the writ petition as stated by the petitioner are like this. A list of Medical Officer of Central Health Service placed in the scale of Chief Medical Officer i.e. Rs. 3700-5000 was published on 14-3-1988, Vide Annexure IV to the aforesaid application. The petitioner's name was not included in the said list and as many as 30 officers junior to him were

DK Agrawal

A3/3
21

granted the aforesaid scale. The petitioner feeling aggrieved preferred a representation dated 18-3-1988 Vide Annexure VI annexed to the aforesaid application. The petitioner's contention is that the grant of the aforesaid scale of Rs. 3700-5000 was time bound and a functional scale to remove stagnation; that the said scale was to be granted on seniority-cum-fitness basis only (emphasis ^{supplied} ~~made~~ by us); but there was nothing adverse against him in the years 1985, 1986 and 1987 and, therefore, he was entitled to be placed in the said scale. It may be so but, we are of the opinion that the order for placement in the said scale has to be passed by the competent authority. We cannot assume the function which falls within the domain of the administration/competent authority. Therefore, in our opinion, the second prayer is misconceived. However, we must make it clear that the legal proposition pleaded by the petitioner is sound in law. The penalty order dated 23-11-1978 has come to an end and wiped out itself by reason of the fact that the petitioner has been allowed not only to cross the Efficiency Bar but even has been given promotion due to him from the due date during the pendency of the writ petition mentioned above. We have also no hesitation in making an observation that principle of Natural Justice warrants that the representation made by the petitioner on 18-3-1988 must be disposed off expeditiously so that the petitioner is relieved of the mental agony and stress on account of sword of damocles ^{hanging on his head} for the last 10 years since he ~~had~~ filed the writ petition. It is in the interest of administration as well that a decision is taken in the matter of the petitioner.

This writ petition/application is accordingly

Dr. G. S. Sankar

disposed off with a direction to respondent no. 3 to decide the representation of the petitioner dated 18-3-1988 (for placement in the pay scale of Rs. 3700-5000) within 30 days from the date of receipt of a copy of this judgment to enable the petitioner to decide future course of action. We make no order as to costs.

J. M.

J.M.

A. M.

A.M.

Lucknow

March 21st, 1989

A/40

(21)

Central Administrative Tribunal
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Civil
LUCKNOW BENCH, LUCKNOW.

D. R. R. K. Shora

Appellant/Applicant
Petitioner

VERSUS

Union of India

Opposite Party
Respondent

MEMORANDUM FOR APPEARANCE

In re: affidavit no 364/87 (T)

Writ Petition No. _____ of 19

First :

_____ Civil Appeal No. _____ of 19

2nd

Civil/Crl. Revision

Reference

Fixed for : _____ 19

In the above mentioned case/Appeal I appear for the _____

Union of India having been appointed as Additional
Standing Counsel, Central Government and instructed by Ministry
of Law, Government of India to appear and plead on his/their
_____ behalf.

Lucknow :

Dated 17/3/89 1989

D. Dinesh Chandra 17/3/89
(Dr. DINESH CHANDRA)
ADDITIONAL STANDING COUNSEL
CENTRAL GOVT.
ALLAHABAD HIGH COURT
(LUCKNOW BENCH)
LUCKNOW.

22, Dr. B.N. Verma Road,
Near Pass Port Office,
LUCKNOW - 226 018.

COUNSEL FOR Union of India

27071

Handwritten marks: u1, 62, and a signature.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
20-A, THE MALL ROAD, ALLAHABAD-201001

*

1977/1416/

Dated

28/1/78

Transfer Application No. 1416 of 1977

D. S. Chandra APPLICANT

Versus

D. S. Chandra RESPONDENTS

No.

WHEREAS the marginally noted cases has
has been transferred by Order dated 14/7/77 under the
provision of the Administrative Tribunal 1 Act (No. 1
of 1965) and registered in this Tribunal as above.

Writ petition 1416 of 1977
of the Court of 14/7/77
arising out of
order dated _____

passed by _____
in _____

The Tribunal has fixed
date of 14/7/77
the hearing of the mat-
er.

If no appearance
MADE ON YOUR behalf by
your some one duly auth-
orised to

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

Given under my hand seal of the Tribunal
this _____ day of _____ 198

Deputy Registrar
DEPUTY REGISTRAR

2204-07

A/42

B2/2

CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD REGION)
(ALLAHABAD)

25-A, Thornhill Road, Allahabad

No. CAT/ALLD. Reg.-No. 364.87 (T) 198

DATED 28/9/87

Dr. Rishi Raj Kishore.

APPLICANT

VERSUS

Principal.

RESPONDENT

1. To Dr. Rishi Raj Kishore, S/o. Late Sri Brij Raj Kishore
R/o. House No-49/93, Mahatma Gandhi Marg, Dist. Allahabad

WHEREAS the marginally noted case has been transferred by High Court Allahabad under the Provisions of the Administrative Tribunal Act (No. 13 of 1985) and registered in this Tribunal as above.

Writ Petition No. 3478 of 1979 of the Court of High Court Allahabad arising out of the order dated _____ passed by _____ in _____

The Tribunal has fixed the date of 20/10/86 for the hearing of the matter. If no appearance is made on your behalf by yourself, your pleader or by someone duly authorised to

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



Given under my hand and seal of the Tribunal this 15/9/87 at _____ 198

[Signature]
DEPUTY REGISTRAR.

Principal
Civil Aviation Training Centre,
Bansrauli Allahabad.
Chief Medical Officer,
Central Government Health Scheme,
7 Little Road, Georgetown, Allahabad.
Ministry of Health and Family Welfare
Department of Health, Government of India,
New Delhi. Through its Secretary,
Nirmal Bhawan, Maulana Azad Road,
New Delhi.

22/8/87
23/2/87

A/43

B/3

CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD-BENCH)
(ALLAHABAD)

23-A, Tharshil Road, Allahabad.

No. CAT/ALLD. Reg. No. 364-87

25/9/87
DATED

Dr. Rishi Raj Kishore

APPLICANT

Principal

VERSUS

RESPONDENTS

1. To Dr. Rishi Raj Kishore s/o Late Sri Brij Raj Kishore.
R/o House No-49/93 Mahatma Gandhi Marg,
Dist. Allahabad.

WHEREAS the marginally noted case has been transferred
by High Court Allahabad under the Provisions of the
Administrative Tribunal Act (No. 13 of 1985) and registered in this
Tribunal as above.

Writ Petition No. 3478 of 1979
of the Court of High Court Allh.
arising out of the order dated
passed by
in

The Tribunal has fixed the
date of 20/10/87 1987
for the hearing of the matter.
If no appearance is made
on your behalf by yourself,
your pleader or by someone
duly authorised to

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

this 15/9/87 day of September 1987
under my hand and seal of the Tribunal



[Signature]
DEPUTY REGISTRAR.

Perd
(B2/4) C/c
A/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH)

23-A, Thornhill Road, ALLAHABAD 211001

No. DAT/ALLD/29332

Dated: 18/4

In re
Registration No. 364

of 987 (T)

R. R. Kishore

APPLICANT

VERSUS

Principle civil & others

RESPONDENTS

① Dr. Rishi Raj Kishore S/o Late Sri Brij Raj
Kishore A/o House No. 49/93, Mahatma Gandhi
Marg, All. } Through Smt. Ramo Devi Gupta,
Sri B.P. Srivastava
High Court Allahabad.

To

WHEREAS the marginally noted case has been transferred by
High Court Allahabad under the provisions of
the Administrative Tribunals Act (No. 1 of 1985) and registered
in this Tribunal as above.

W.P. No. 3478 of 1979
of the Court of H.C. All. arising out of the order dated
passed by in

the Tribunal has fixed the date
26-5-1988 for the
hearing of the matter.

If no appearance is made on
your behalf by yourself, your
leader or by someone duly
authorised to act and plead
on your behalf, the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal this 15-4-88 day
of 1988


DEPUTY REGISTRAR.

High Court of Judicature

CIVIL SIDE
DISTRICT

AT
ALLAHABAD

Appeal no. 3478- of 1979, instituted on the

day of 19

Notice issued on the
Record received on the
Paper book prepared on

Dr. Raishi Ray Kishore

Appellant
Applicant

versus

Principal, C. A. T. C. Banrauli, Allahabad

Respondent
Opposite-party.

Original suit no. of instituted on the

day of 19, in the Court of the

and decided on the day of 19

Appeal no. of 19, instituted on the

day of 19, in the Court of the

and decided on the day of 19

Nature of the claim :-

The Court of First Instance :

The Lower Appellate Court :

Names of advocates

For appellant/applicant :

Smt. R. D. Gupta
B. P. Srivastava

For respondent/opposite-party :

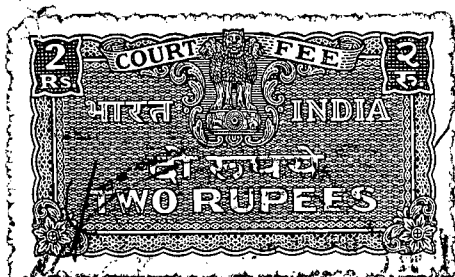
Mr. Anshuman
K. K. Misra

A
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(A4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

BENCH AT LUCKNOW



Affidavit

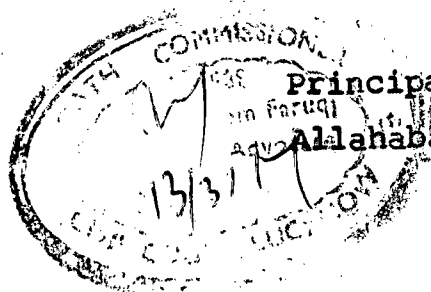
IN

Registration No. 364/87 (T)

Dr. R. R. Kishore

Applicant

Versus



Principal Civil Aviation Training Centre, Bamrauli

Allahabad and others

Respondents

Affidavit of Dr. Rishi Raj Kishore,
aged about 44 years son of late Sri
Brij Raj Kishore resident of 10/1
Dali Bag Officers colony, Lucknow

The deponent above named do hereby solemnly affirm
and state on oath as follows :

1. That he is applicant in the above noted case
and is fully acquainted with the facts deposed
to below .
2. That the contents of paras (1) to (6) and (8) to (13) & 14
of the accompanying application are true to my
personal knowledge, that those of paragraphs (7)
are based on the perusal of records, which I believe
to be true and those of paragraphs (14) are based
on the legal advice.

126

I the deponent above named do here by verify

126

A/24

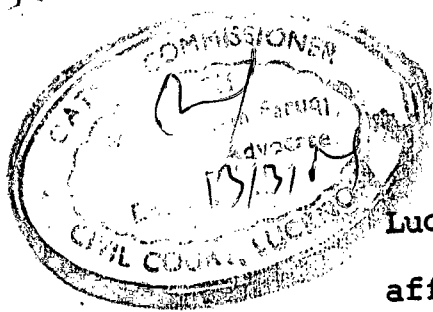
14/2

: 2 :

that the contents of paragraphs (1) and (2) of this affidavit are true to my personal knowledge. Nothing contained herein is false, nor any material facts have been concealed therein. So help me God.

Deponent

[Signature]



I

[Signature]

Lucknow do hereby declare that the person making this affidavit and alleging himself to be Dr. Rishi Raj Kishore is the same person and is known to me personally.

[Signature]
13/3/89

Solemnly affirmed before me on this 13th day of March, 1989 at 11-35 A.M./P.M. by the deponent who has been indentified by the aforesaid

11-35-89 Dr. Rishi Raj Kishore
[Signature]

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

GUSHIR ALAM FAUQUI
Oath Commissioner
Civil Court Lucknow

[Signature]
13/3/89
OATH COMMISSIONER

[Signature]

174/3
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

BENCH AT LUCKNOW

Registration No. 364/87 (T)

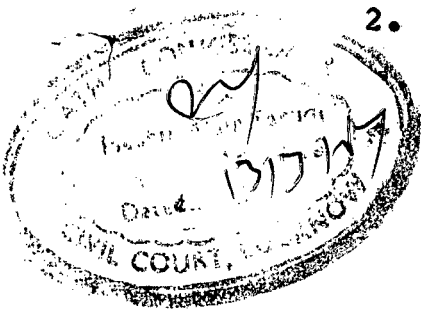
Dr. R.R. Kishore Applicant

Versus

- (1) Principal Civil Aviation Training Centre, Bamrauli
Allahabad.
- (2) Chief Medical Officer, Central Govt. Health Scheme,
Allahabad.
- (3) Ministry of Health and Family Welfare, Govt. of
India. New Delhi, through its Secretary
.. .. Respondant

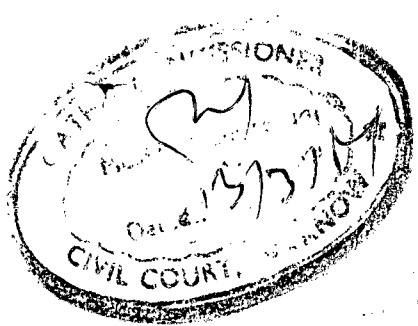
The applicant respectfully begs to submit as
under :-

1. That in the above case on 17.5.84 the Hon'ble High Court had issued a direction to the respondent No.3 to decide the Appeal preferred by the applicant on 6.1.1979 within a period of one month.
2. That after a thorough screening by the screening committee comprising of senior officers of the Health Ministry and the Union Public Service Commission the respondents^{No(3)} on 28.8.84 promoted the applicant the Junior class-I scale of Central Health Service (Rs. 700 - 1300) w.e.f. 1.1.1973 vide order No. A-11014/16/84-CHS II dated 28.8.84. A correct copy of the said order is annexed as Annexure I to this application.
3. That on 28.1.85 the applicant was allowed to cross the Efficiency Bar in the above said Junior Class-I scale w.e.f. due date i.e. 1.8.1978 vide order No. A 29018/7/84- C.H.S. V dated 28.1.1985 by the respondent. No(3) A correct copy of the said order is



annexed as Annexure II to this application.

4. That on 30.1.85 the applicant was promoted to the selection post of Senior Medical Officer of the Central Health Service in the scale of Rs.1100-1600 w.e.f. 1.1.1982 vide order No. A 11014/2/84-C.H.S. II dated 30.1.1985 by the President of India. A correct copy the said order is attached as Annexure III to this application.
5. That in persuance to the recommendations of IVth Central Pay Commission the applicant was placed in revised senior class I scale of Rs.3000-4500 w.e.f. 1.1.1986 in which the applicant has been continuing till date.
6. That the respondents published a list of 389 senior medical officers of Central Health Service placing them in the scale of Chief Medical Officer (Rs. 3700 - 5000) vide their order No.A 32012/1/88-CHS II dated 14.3.88. A correct copy of which is annexed as Annexure IV to this application.
7. That the above said Chief Medical Officers' scale was granted as a time bound placement in a functional scale in order to remove stagnation by upgrading the existing posts of Senior Medical Officers from the scale of Rs.3000 -4500 to Rs. 3700 - 5000 , in pursuance to the assurance given by the Government of India to the agitating Central Government doctors in July 1987. A correct copy of the instructions from respondent No. (3) is annexed as Annexure - V.
8. That the applicant's name was not included in the above said list though it contained the names of 30 officers junior to him and as such the



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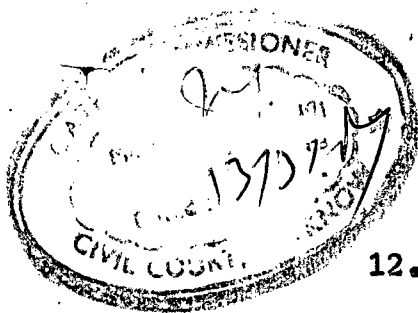
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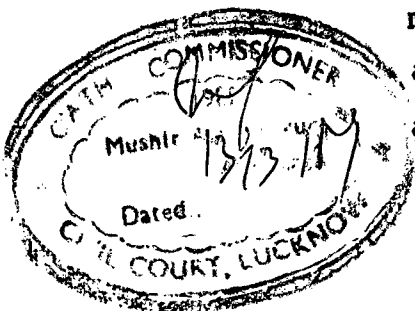
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applicant represented to the respondents No.(3) vide his representation dated 18.3.88, a correct copy of which is annexed as Annexure-VI.

9. That as already submitted in this application as well as in the above said representation (Annexure -VI) the applicant was last promoted in January, 1985 on a selection level post and since then i.e. for the year 1985, 1986, and 1987 absolutely nothing adverse has been communicated to the applicant in respect of his Annual Confidential reports.
10. That the above said representation was followed by several representations and reminders., and also personal meetings with the officers of the Health Ministry, at New Delhi , but the applicant's representation has not been disposed off so far and even a reply has not been given by the respondent No.(3) to the applicant's representations.
11. That following the above said list dated 14.3.88 the respondent No.(3) have been periodically publishing lists of officers placed in Chief Medical Officers scale and till date they have published three more lists and by now about 300 officers junior to the applicant have been placed in the scale of Rs.3700-5000 .
12. That the applicant has learnt that in uttar and express violation of law and all departmental rules the applicant's name was not even considered for placement in the Chief Medical Officers scale at the time when his juniors were placed vide order dated 14.3.88 and even subsequently too he was not considered for placement though about 300 officers junior to him have been placed as per three more lists which have been published by the respondent No.(3) as aforesaid.



13. That during oral interviews the authorities in the Ministry of Health (respondant No.3) have informed the applicant that they are not placing him in the Chief Medical Officer's scale because of the old disciplinary case in which the penalty had come to an end on 23.11.80 and the aforesaid direction was issued by the Hon'ble Court on 17.5.84 to decide the Appeal within a period of one month and after which the Applicant has been allowed to cross E.B. and has been granted two promotions.
14. That it is amply clear from the records of this case that the penalty came to an end on 23.11.80, the applicant was promoted to Junior class-I scale on 28.8.84 (w.e.f. 1.1.73), he was allowed to cross the Efficiency Bar on 28.1.85 (w.e.f. 1.8.78) and he was promoted to the post of Senior Medical Officer on 30.1.85 (w.e.f. 1.1.82) and as such placement in the scale of Rs.3700 - 5000 can not be denied to him on the basis of old disciplinary case which stands obliterated, condoned, and exhausted.
15. That the applicant has been a case of Heart Disease and has got two minor daughters. The harassment, humiliation, and the mental trauma being caused by illegal, arbitrary, and unjust actions of the respondents have been telling adversely on the applicant's health and family life.



P R A Y E R

It is therefore respectfully prayed :

1. That this Hon'ble tribunal may be pleased to direct that the ~~old~~ old disciplinary case in which the penalty had come to an end on 23.11.80 and the direction was issued by the Hon'ble High Court on 14.5.84 to decide the Appeal and after which the E.B. has been allowed to be crossed and two promotion have been granted (Annexure I, II, and III.) having been obliterated, condoned, and exhausted can not be used for denying any benefits whatsoever in the applicant's service career.
2. That the applicant be considered for placement in the Chief Medical Officer's scale (Rs.3700 - 5000) from the date it became due to him i.e., from the date his Juniors were placed in that scale, in the light of above directions, within a period of seven days.

Dated: 14/3/89

APPLICANT

Annexure-I

Annexure-I

A/29

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No.A-11014/16/84-CHS.II
Government of India
Ministry of Health & Family Welfare
(Department of Health)

.....

New Delhi, dated the 28 August, 84

O R D E R

The President is pleased to place Dr. R.R. Kishore, General Duty Officer, Grade II of the Central Health Service in the revised Junior Class I Scale of Rs.700-40-900-SB-40-1100-50-1300 with effect from 1.1.1973.

sd/

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

No.A-11014/16/84-CHS.II

Copy to :-

1. The Chief Medical Officer, C.G.H.S., 9-A, Rana Pratap Road Lucknow. The pay of Dr. R. R. Kishore may please be fixed in the Junior Class I Scale of Rs. 700-1300 with effect from 1.1.1973. He will be entitled to the arrears of pay and allowance as due and admissible to him with effect from 1.1.1973.
2. The pay & Accounts Officers, Ministry of Health & Family Welfare, Lady Harding Medical College & Smt. S. K. Hospital, New Delhi.

sd/

(P.K. KAPUR)

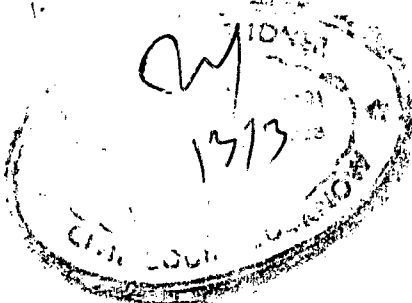
UNDER SECRETARY TO THE GOVT. OF INDIA

No.A-11014/16/84-CHS.II

- Copy forwarded for information & necessary action to :-
1. The Union Public Service Commission, New Delhi, w.r.t. their No.F.1/5(19)/75-AUI, dated 9.2.79.
 2. Dr. R. R. Kishore, Medical Officer (Junior Class I) C/o Chief Medical Officer, C.G.H.S., 9-A, Rana Pratap Road, Lucknow.
 3. Administrative Officer (C.G.H.S.), New Delhi.
 4. C.H.S. I/C.H.S. V Sections.
 5. C.G.H.S., II Section of the Dts. G.H.S.
 6. Vig. & S.M.R. Section w.r.t. their O.M. No. C-13011/4/75-VGCM(VASUR) dated 13.8.84.
 7. Spare Copies.

sd/

(S.M. MALHOTRA)
SECTION OFFICER



Annexure-II

No.A-29018/7/84-CHS.V
Government of India
Ministry of Health and Family Welfare

New Delhi, dated the Jan., 1985

To

The Directorate General of Health Service,
(Central Govt. Health Scheme II Section)
New Delhi.

Subject: Crossing of E.B. by Dr.R.R. Kishore, Medical Officer
of Central Health Service.

....

Sir,

I am directed to say that the president is pleased to allow Dr. R.R. Kishore, Medical Officer of the Central Health Service presently working under the C.G.H.S. Lucknow, to cross the efficiency bar in the scale of Rs.700-40-900-EB-40-1100-50-1300, at the stage of Rs.900/- raising his pay to Rs.940/- p.m. with effect from 1.8.78.

Yours faithfully,

Sd/-

(K.L. Bhatia)

UNDER SECRETARY TO THE GOVT. OF INDIA
TELE: 388730

No.A. 29018/7/84-CHS.V

New Delhi, dated 28th January,
1985

Copy forwarded to :

1. Chief Medical Officer, 9-A Rana Pratap Marg, C.G.H.S. Lucknow.
2. Dr.R.R. Kishore, C/O C.M.O. Lucknow
3. CHS.II Section, Ministry of Health and F.W.,
4. V & EMR Section, Ministry of Health and F.W.

Sd/-

(K.L. Bhatia)

UNDER SECRETARY

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Annexure - III

No.A.11014/2/84-CHS.II
Government of India
Ministry of Health & Family Welfare
(Department of Health)

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New Delhi, dated the 30 January,
1985

To,

The Chief Medical Officer,
Central Govt. Health Scheme, -
9-A, Rana Pratap Road, Lucknow

Subject: Promotion of Medical Officers (Jr. Class I) to the
Senior Class I Scale of Rs. 1100-1600 of the Central
Health Service- Regarding.

. . . .

Sir,

I am directed to day that the President is pleased to
promote Dr. R.R. Kishore, Medical Officer (Jr. Class I) of the
Central Health Service and place him in the Senior Class I scale
of Rs. 1100-1600, on an officiating basis, with effect from
1.1.82 and post him under Central Govt. Health Scheme, Lucknow.

On promotion, the pay of Dr. R.R. Kishore shall be
regulated in the Senior Class I Scale of Rs. 1100-1600 in
accordance with the concordance Table contained in the
Ministry of Finance O.M.No. 12/21/74-IC dated 14th November, 1975
as extended from time to time. Dr. Kishore will be entitled to
the arrears of pay and allowances as admissible under the rules
with effect from 1.1.1982. He will be entitled to the N.P.A.
as admissible under the rules in the Senior Class I Scale of
the Central Health Service.

Yours, faithfully,

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

TELE NO.386459

No.A 11014/2/84-CHS.II

Copy forwarded for information & necessary action to :

1. The Pay & Accounts Office, Ministry of Health & F.W.,
Lady Hardinge Medical College and Hospital, New Delhi.
2. CHS.I/IV/V Sections.
3. CGHS.II Section of the dt. GHS, New Delhi.
4. Admn.I/II Sections of the Dt. GHS, New Delhi.
5. Dr. R.R. Kishore, Medical Officer, Central Govt.
Health Scheme, 9-A, Rana Pratap Road, Lucknow.

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

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Annexure-IV

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No.A.32012/1/88-CHS.II
Government of India
Ministry of Health and (Family Welfare

New Delhi, dated the 14th March, 1988

To

All Participating Units/Organisations
of CHS.

Subject: Promotion of Senior Medical Officers
(Rs.3000-4500) to the post of Chief Medical
Officer (Rs.3700-5000) of the CHS- Regarding.

Sir,

I am directed to say that the President is pleased to promote the Senior Medical Officers in the scale of Rs.3000-4500 of the CHS as mentioned in the Annexure to this letter to the post of Chief Medical Officer (Rs.3700-5000) of the CHS on an officiating basis with effect from the date they assume charge of the post of Chief Medical Officer in the concerned institution/ Organisation as indicated against each.

2. In the event of an officer, who is promoted, being on study leave, deputation an foreign as assignment, the promotion will take effect from the date he/she assumes charge of the post on completion of his/her study leave/ return from foreign assignment.

3. In case any officer included in the Annexure is or has been on unauthorised absence during the post five years, he/she may not be promoted to the post of Chief Medical Officer till a decision regarding regularisation of unauthorised absence is taken. The details of such cases may please be reported to this Ministry.

4. On promotion to the post of Chief Medical Officer, the pay of the officers shall be fixed in the scale of Rs.3700-5000 under F.R. 22-C.

5 The seniority of the officers will be regulated on the basis of their inter-se-seniority in the grade of Senior Medical Officers of the CHS or as may be determined by the Government in accordance with the relevant rules. The list of officers in the Annexure is not in order of seniority list in the post of Senior Medical Officer.

Contd. .. 2/..

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- 2 -

6. A copy of this letter may please be made available to the Officers concerned. Their charge relinquishment report in the post of Senior Medical Officer/ consumption report in the post of Chief Medical Officer (in duplicate) may please be obtained and forwarded to this Ministry of necessary action.

Yours faithfully,

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

No. A 11014/2/88-CHS.II

1. Copy to all Pay and Accounts Officers.
2. The Admn. Officer, CGHS, New Delhi.
3. Concerned Officers through the Heads of Office/ Department of Organisation/ Institution. In case they on promotion,/ are posted to P & T or Ministry of Labour, it is requested that they may contact the Ministry of Communication, Department of Posts, New Delhi & Ministry of Labour, Jaiselmer House, Single Storey Hutments, Man Singh Road, New Delhi respectively for their posting.
4. Ministry of Communications (Deptt. of Posts) New Delhi. (Shri S. Chandha, Director (Staff).
5. Ministry of of Labour, Jaiselmer House, Single Storey Hutments, Man Singh Road, New Delhi. (Shri S.S. Bhalla, Under Secretary)
6. CHS.I Section.
7. CHS.V Section.
8. CGHS I/II Sections.
9. PH (IH) Section of the Dte. C.H.S.
10. Medical (F & S) Section of the Dte. G.H.S.
11. Admn. I/II Section of the Dte. G.H.S.
12. Estt. III. Section.

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

1313

List of Senior Medical Officers promoted to the post of Chief Medical Officer.

S.No.	Name of the Officer	Present place of posting	Place of posting on promotion as C.M.O.
1	2	3	4
1.	Dr.(Smt)Prem Lata Suri	CGHS, Delhi	CGHS, Delhi
2.	Dr.(Smt)Prumila Chawla	-do-	-do-
3.	Dr. S.K. Adhikari	-do-	-do-
4.	Dr. Sunil Bhattacharjee	-do-	-do-
5.	Dr. A.K. Dutta	-do-	Deptt. of F.W.
6.	Dr. T.K. Bose	-do-	CGHS, Delhi
7.	Dr.(Smt)Surindrajit Kaur	-do-	-do-
8.	Dr.Bimalendu Bhattacharjee	Delhi Admn.	Delhi Admn.
9.	Dr. B.K. Agnihotri	CGHS, Delhi	CGHS, Delhi
10.	Dr.(Smt)Ramesh Tewari	-do-	-do-
11.	Dr.(Smt)Sumitra Rama Rao	-do-	-do-
12.	Dr. T.P. Bhaumick	Delhi Admn.	Delhi Admn.
13.	Dr.(Smt)Jasbir Kaur Khara	CGHS, Delhi	CGHS, Delhi
14.	Dr.J.B. Jha	-do-	-do-
15.	Dr.Rebati Mohan Day	-do-	-do-
16.	Dr. D.S. Arora	-do-	-do-
17.	Dr. Nirmal Banerjee	-do-	-do-
18.	Dr. M.K. Garg	-do-	-do-
19.	Dr. Sardul Singh	-do-	CGHS
20.	Dr. A. Sengupta	-do-	CGHS, Delhi
21.	Dr. S.K. Nag	Delhi Admn.	Delhi Admn.
22.	Dr. Darsan Singh	CGHS, Delhi	CGHS, Delhi
23.	Dr. N.C. Dutta	-do-	-do-
24.	Dr.(Smt)Prakash Sanghal	-do-	-do-
25.	Dr. R.K. Dwivedi	-do-	-do-
26.	Dr.S.K. Chaudhary	Delhi Admn.	Delhi Admn.
27.	Dr. G.C. Nayak	CGHS, Delhi	CGHS, Delhi
28.	Dr. Shakti Kumar Sinha	Delhi Admn.	Delhi Admn.
29.	Dr.(Smt)Raj Chawla	College of Nursing	CGHS, Delhi
30.	Dr.(Smt)Satinder Kaur	CGHS, Delhi	CGHS, Delhi
31.	Dr. Ashoke Kumar Guha	-do-	-do-
32.	Dr.(Smt)Vinodini Soni	-do-	-do-
33.	Dr.(Smt) Satya Sharma	-do-	-do-
34.	Dr.(Smt) Sarojini Mallick	-do-	-do-
35.	Dr.(Smt)Prem Lata Anand	-do-	-do-
36.	Dr.(Smt)Swaran Kanta	-do-	-do-
37.	Dr. R.S. Gulati	-do-	-do-
38.	Dr.(Smt)Romila Narula	-do-	-do-
39.	Dr.(Smt) Sangeeta Khanna	-do-	-do-
40.	Dr. Mani Mohan Bhattacharjee	-do-	-do-
41.	Dr.(Smt)Vimla Awasthi	-do-	-do-
42.	Dr.S.K. Gupta	-do-	-do-
43.	Dr.(Smt)P. Gandotra	-do-	-do-
44.	Dr. B.N. Saha	-do-	-do-
45.	Dr.(Smt) S. Mohan	-do-	-do-
46.	Dr.(Smt) K. Mishra	-do-	-do-
47.	Dr.(Smt) S.P. Kohli	-do-	-do-
48.	Dr.(Smt) Arund Sharma	-do-	-do-
49.	Dr.(Smt) B.K. Bhandari	-do-	-do-
50.	Dr.(Smt) J. Singh	-do-	-do-
51.	Dr.(Smt) S.P. Chopra	-do-	-do-
52.	Dr.(Smt) S. Gulati	-do-	-do-
53.	Dr.(Smt) K. Lamba	-do-	-do-
54.	Dr. R.N. Lal	Delhi Admn.	Delhi Admn.
55.	Dr.(Smt) Narinder Anand	CGHS, Delhi	CGHS, Delhi

1	2	3	4
56.	Dr.(Smt)Usha Kapoor	CGHS, Delhi	CGHS, Delhi
57.	Dr.(Smt) Gurbaksh Kaur Sahota	-do-	-do-
58.	Dr.(Smt)Shashi Borara	-do-	-do-
59.	Dr. Rabindra Mohan Singh	-do-	-do-
60.	Dr.(Smt) Satindra Uppal	-do-	-do-
61.	Dr.(Smt)Raksha Ghei	-do-	-do-
62.	Dr.Prakrati Mohan	-do-	-do-
63.	Dr. H.L. Rastogi	-do-	-do-
64.	Dr. Tilak Raj Mehta	-do-	-do-
65.	Dr.(Smt)Santosh Chadha	-do-	-do-
66.	Dr.(Smt) Saroj Sagar	Delhi Admn.	Delhi Admn.
67.	Dr.(Smt) Jeevan Jha	CGHS, Delhi	CGHS, Delhi
68.	Dr.(Smt) Saroj Sharma	-do-	-do-
69.	Dr. S.K. Malik	Delhi Admn.	Delhi Admn.
70.	Dr. R.C. Khurana	CGHS, Delhi	CGHS, Delhi
71.	Dr.(Smt)Swaran Grover	-do-	-do-
72.	Dr. Anand Kumar Seth	Delhi Admn.	Delhi Admn.
73.	Dr.(Smt)Jagjit Sandhu	CGHS, Delhi	CGHS, Delhi
74.	Dr.(Smt) Krishan Mittal	-do-	-do-
75.	Dr.(Smt) Santosh	-do-	-do-
76.	Dr.(Smt) C.K. Bedi	-do-	-do-
77.	Dr.(Smt) Jayanti Khandpur	-do-	-do-
78.	Dr.(Smt) Amrit Kaur	-do-	-do-
79.	Dr.(Kum)Shakuntala Dua	-do-	-do-
80.	Dr.(Smt) Kamlesh Jolly	-do-	-do-
81.	Dr.(Kum) Kamlesh Sood	-do-	-do-
82.	Dr.(Smt) Shalini Mohan	-do-	-do-
83.	Dr.(Smt) Baljit Kaur Gulati	-do-	-do-
84.	Dr.(Smt)Subhash Katoor	Delhi Admn.	Delhi Admn.
85.	Dr. Surendra Kumar Gupta	CGHS, Delhi	CGHS, Delhi
86.	Dr.(Smt)Gita Dasgupta	CGHS, Delhi	CGHS, Delhi
87.	Dr.(Smt)Muenakshi Ranjhen	-do-	-do-
88.	Dr.(Smt)Sundershan Goel	-do-	-do-
89.	Dr. Vijay Bahadur	IIT, Delhi	IIT, Delhi
90.	Dr.Om Dutta Sharma	Delhi Admn.	Delhi Admn.
91.	Dr. Jawahar Lal	CGHS, Delhi	CGHS, Delhi
92.	Dr.P.S. Dasgupta	Delhi Admn.	Delhi Admn.
93.	Dr.H.K. Malhotra	CGHS, Delhi	CGHS, Delhi
94.	Dr.(Smt)Sheela Agarwal	-do-	-do-
95.	Dr. Deba Brata Das	Delhi Admn.	Delhi Admn.
96.	Dr.Biswa Nath Kundu	-do-	-do-
97.	Dr. P.K. Roy	CGHS, Delhi	CGHS, Delhi
98.	Dr. R.C. Kalra	Delhi Admn.	Delhi Admn.
99.	Dr.(Smt)Priti Zutshi	-do-	-do-
100.	Dr. Santan. Mallick	CGHS, Delhi	CGHS, Delhi
101.	Dr. M.K. Chakraborty	-do-	-do-
102.	Dr.(Smt) N.Chandrika	-do-	-do-
103.	Dr. G.R. Bagga	-do-	-do-
104.	Dr. R.N. Baishya	Delhi Admn.	Delhi Admn.
105.	Dr. K.K. Kanchan	CGHS, Delhi	CGHS, Delhi
106.	Dr.(Smt) Rekha Mehta	Delhi Admn.	Delhi Admn.
107.	Dr. A. Mirdha	-do-	-do-
108.	Dr. P.K. Saikia	CGHS, Delhi	CGHS, Delhi
109.	Dr.(Smt) B. Kaur Dhillon	CGHS, Delhi	CGHS, Delhi
110.	Dr. G.L. Chugh	-do-	-do-
111.	Dr. V.K. Sinha	-do-	-do-
112.	Dr.(Smt) A.K. Kohli	-do-	-do-
113.	Dr. S.P. Pathak	-do-	-do-
114.	Dr. Raj Kumar	Delhi Admn.	Delhi Admn.
115.	Dr. D.C. Khanna	-do-	-do-
116.	Dr. K.C. Kathuria	CGHS, Delhi	CGHS, Delhi
117.	Dr. M.S. Sachar	-do-	-do-

1	2	3	4
235. Dr. H.M. Sindhi	CGHS, Ahmedabad	CGHS, Ahmedabad	
236. Dr. Sushanta Kumar Ghosh	-do-	-do-	
237. Dr. Nihar Ranjan Datta	-do-	-do-	
238. Dr. C. Thejassya	-do-	-do-	
239. Dr. P.G. Paul	CGHS, Allahabad	CGHS, Allahabad	
240. Dr. R.K. Verma	-do-	-do-	
241. Dr. (Smt.) Manjula Dikshit	-do-	-do-	
242. Dr. H.N. Sharma	-do-	-do-	
243. Dr. (Smt.) Prabha Jagota	CGHS, Bangalore	CGHS, Bangalore	
244. Dr. (Smt.) S.I. Sachudav	-do-	-do-	
245. Dr. P.K. Shome	-do-	-do-	
246. Dr. S. Solli	-do-	-do-	
247. Dr. V.P. Dandhe	GOI Press, Nasik	ISP, Nasik	
248. Dr. Biswanath Sirkar	CGHS, Bombay	CGHS, Bombay	
249. Dr. (Smt.) Usha Kumar	-do-	-do-	
250. Dr. (Smt.) N. Pandit	-do-	-do-	
251. Dr. (Smt.) D.M. Shahnoy	-do-	-do-	
252. Dr. (Smt.) S.M. Pernandiuer	-do-	-do-	
253. Dr. (Smt.) S.L.G. Gadgil	-do-	-do-	
254. Dr. (Smt.) C.K. Giridhar	-do-	-do-	
255. Dr. (Smt.) R.P. Tankoo	-do-	-do-	
256. Dr. (Smt.) P.K. Abhayankar	-do-	-do-	
257. Dr. J.H. Garodia	-do-	-do-	
258. Dr. (Smt.) A. Choudhury	-do-	-do-	
259. Dr. S. Majhi	CGHS, Calcutta	CGHS, Calcutta	
260. Dr. Ranjit Roy	APHO, Calcutta	APHO, Calcutta	
261. Dr. Satyanswar Dasu	CGHS, Calcutta	CGHS, Calcutta	
262. Dr. H.K. Karji	CGHS, Kanpur/	-do-	
	RHO, Calcutta		
263. Dr. S.D. Chaudhuri	PHU, Calcutta	-do-	
264. Dr. Santosh Kumar Saha	SACE, Calcutta	-do-	
265. Dr. Tanmoy Banerjee	PHO, Calcutta	-do-	
266. Dr. S.P. Mukhopadhyay	CGHS, Calcutta	-do-	
267. Dr. Doni Kumar Ghosh	PHO, Calcutta	-do-	
268. Dr. Naryan Sen	CGHS, Calcutta	-do-	
269. Dr. A.K. Dhattacharya	PHO, Calcutta	-do-	
270. Dr. Amiya Krishna Ghosh	CGHS, Calcutta	-do-	
271. Dr. (Smt.) J. Banerjee	-do-	-do-	
272. Dr. Shyam Sunder Dutta	-do-	-do-	
273. Dr. N. Dhattacharya	AIIPH, Calcutta	AIIPH, Cal.	
274. Dr. A.R. Roy	CGHS, Calcutta	P & T	
275. Dr. (Smt.) Rama Duivedi	CGHS, Hyderabad	CGHS, Hyd.	
276. Dr. (Smt.) Jeevan Lata	Shrivastava CGHS, Hyderabad	CGHS, Hyderabad	
277. Dr. S. Vijay Kumar	Reg. Off. H&FW, Hyd.	-do-	
278. Dr. M.V. Reddy	M. Police Academy	Hyderabad	
279. Dr. P.R. Rao	CGHS, Hyderabad	-do-	
280. Dr. N. Ramamurty	-do-	-do-	
281. Dr. C.G.S. Raju	-do-	-do-	
282. Dr. B. Narasimhan	-do-	-do-	
283. Dr. M. Kanji Ram	-do-	-do-	
284. Dr. M.M. Rao Medithi	-do-	-do-	
285. Dr. M. Bhaskara Rao	R.H.O. Hyderabad	-do-	
286. Dr. S.K. Chakraborty	CGHS, Jaipur	CGHS, Jaipur	
287. Dr. V.S. Bhatnagar	-do-	-do-	
288. Dr. S.K. Garg	CGHS, Kanpur	CGHS, Kanpur	
289. Dr. V.K. Bhatia	-do-	-do-	
290. Dr. (Smt.) T. Kaur	-do-	-do-	
291. Dr. Sudhir Chandra	-do-	-do-	
292. Dr. R.P. Jauhari	-do-	-do-	
293. Dr. (Smt.) Sudha Singhal	-do-	-do-	
294. Dr. R.P. Pandey	CGHS, Lucknow	CGHS, Lucknow	
295. Dr. J.K. Jain	-do-	-do-	
296. Dr. S.C. Dutta	-do-	-do-	
297. Dr. K.N. Srivastava	RHO, Lucknow	-do-	
298. Dr. (Smt.) Satyabhama Devi	P & T Bhubaneswar	-do-	
299. Dr. J.K. Roy	CGHS, Bhubaneswar	-do-	
300. Dr. U.C. Mahendra	CGHS, Meerut	CGHS, Meerut	
301. Dr. Renvir Bawa	-do-	-do-	
302. Dr. B.L. Kanchan	-do-	-do-	
303. Dr. B.S. Jain	-do-	-do-	
304. Dr. (Smt.) Visantha Chella	CGHS, Madras	CGHS, Madras	
305. Dr. E. Jayaram	-do-	-do-	
306. Dr. M.S. Noor Mohammad	-do-	-do-	
307. Dr. B.R. Chourikar	CGHS, Nagpur	CGHS, Nagpur	
308. Dr. D.K. Sinha	CGHS, Patna	CGHS, Patna	
309. Dr. K.P. Singh	-do-	-do-	
310. Dr. B.K. Singh	-do-	-do-	

1	2	3	4
311. Dr. (Smt.) V.K. Ajwani	CGHS, Pune	CGHS, Pune	
312. Dr. (Smt.) I.S. Nagrani	-do-	-do-	
313. Dr. Y.D. Jaglekar	RHO, Pune	-do-	
314. Dr. S.K. Mohanty	DNK, Project	CGHS, Bhubaneswar	
315. Dr. Arun Kumar Sen	CGHS, Ranchi	CGHS, Ranchi	
316. Dr. A.K. Chakraborty	A&N Admn.,	A&N Admn.	
317. Dr. Gobind Ram	-do-	-do-	
318. Dr. S.B. Shanmugan	-do-	-do-	
319. Dr. (Smt.) Namita Mohd. Ali	-do-	-do-	
320. Dr. J.C. Mishra	D&N Havelli	D & N Havelli	
321. Dr. (Smt.) Vinod Agarwal	P&T	P&T	
322. Dr. M.K. Srivastava	P&T	P&T	
323. Dr. (Smt.) Bimla Jain	P&T	P&T	
324. Dr. B.C. Sekharan	P&T	P&T	
325. Dr. M.O. Zaman	-do-	-do-	
326. Dr. B. Disha	-do-	-do-	
327. Dr. (Smt.) M. Agarwal	-do-	-do-	
328. Dr. A.C. Gogoi	-do-	-do-	
329. Dr. (Smt.) S. Kalita	-do-	-do-	
330. Dr. P.C. Kulita	RHO, Shillong	-do-	
331. Dr. P.V. Subrahmanyaswara	P&T	-do-	
332. Dr. Bishambar Das	-do-	-do-	
333. Dr. I.C. Jauhari	-do-	-do-	
334. Dr. V. Seetha pathi Rao	-do-	-do-	
335. Dr. Subhash Aras	-do-	-do-	
336. Dr. Mohan Champa	Min. of Labour	Min. of Labour	
337. Dr. Satyendra Nath Basu	Dir. of Mines	Safety, Dhanbad	
338. Dr. S.K. Mandal	C.H. Manendragarh	CGHS, Nagpur	
339. Dr. N.C. Jain	A&N Admn/RHO Bhopal	RHO, Bhopal	
340. Dr. H.S. Bhattacharjee	C.H. Dhanbad	CGHS, Patna	
341. Dr. S.C. Roy	TB Hosp. Seersale	CIP Ranchi	
342. Dr. A.C. Mullick	India Embassy Hosp.	Kathmandu	
	CGHS, Patna		
343. Dr. (Smt.) Avinash Bhasin	GOI, Mint, Bombay	CGHS, Bombay	
344. Dr. A.K. Kundu	On deputation with	Planning Commission	
	NMEP, Delhi		
345. Dr. S.R. Bhattacharya	GOI, Press, Calcutta	CGHS, Patna	
346. Dr. Chandra Kant Verma	C. Hosp. Dhanbad	CGHS, Patna	
347. Dr. Ashok Kumar Chatterjee	APHO, Calcutta	P & T	
348. Dr. T.K. Banerjee	-do-	CGHS, Kanpur	
349. Dr. Paraswath Math Das	CGHS, Calcutta	-do-	
350. Dr. (Smt.) Renuka Mathur	K.S.C. Hosp.	Delhi Admn.	
351. Dr. Prakash Kumar Lahiri	CMLW Orgn.	P & T	
352. Dr. (Smt.) Pramila Singh	Surveyor Gen.	Dhadrud	
	P & T		
353. Dr. K.S. Sikdar	CGHS, Calcutta	CGHS, Kanpur	
354. Dr. S.K. Tandon	IHMC & SK Hosp.	Delhi Admn.	
355. Dr. S.B. Acharjee	Arunachal Prad.	P & T	
356. Dr. L.N. Phukan	P & T Gauhati	P & T	
357. Dr. P.C. Sinha	Dte. G.H.S.	Delhi Admn.	
358. Dr. S. Radhakrishnan	PHO, Madras	APHO, Madras	
359. Dr. N.C. Kar	CGHS, Calcutta	CGHS, Jaipur	
360. Dr. (Smt.) Swasti Mahapatra	CMLW Orgn.	CGHS, Nagpur	
361. Dr. (Smt.) S. Ghosh	CGHS, Calcutta	RHO, Patna	
362. Dr. R.C. Sinha	CGHS, Calcutta	CGHS, Nagpur	
363. Dr. (Smt.) Lalrintangluangi	-do-	CGHS, Allahabad	
364. Dr. Dr. H.N. Dey	PHO, Bombay	PHO, Bombay	
365. Dr. S.M. Sen Gupta	Arunachal Prad.	P.H.O. Cochin.	
366. Dr. (Smt.) L. Mongpiur	-do-	CGHS, Hyderabad	
367. Dr. (Smt.) Amla Das	AIIM & PH, Cal.	CGHS, Allahabad	
368. Dr. Dr. Tulsi Dev Datta	10MLF Orgn.	CGHS, Jaipur	
369. Dr. Raghendra Mohan Mazumdar	AIIM & PH	Calcutta	
	CGHS, Allahabad		
370. Dr. A.M. Mukhopadhyay	S.J. Hosp.	Delhi Admn.	
371. Dr. Sukumar Biswas	CGHS, Cal.	CGHS, Pune	
372. Dr. H.N. Barlaakar	P & T	P & T	
373. Dr. (Smt.) S. Sahaney	F.W.T.C. Dombay	AIIPMER, Bombay	
374. Dr. P.K. Mohanty	IO MLWF	PHO, Visakhapatnam	
375. Dr. (Smt.) Manjula Bhatnagar	On deputation	P & T	
	C.A.T. Indore		
	(D/Atomic Energy)		
376. Dr. (Smt.) Sarla Kakkar	FRI, Dhanbad	P & T	
377. Dr. M. Sarkar	Dr. RML Hosp.	Delhi Admn.	
378. Dr. Gulshan Rai Sethi	Surv. of India		
	Dhanbad	P & T	
379. Dr. Laxmi Narain Das	CMLW, Dhanbad	CGHS, Pune	
380. Dr. Ajoy Kumar	Bhattacharjee	CGHS, Calcutta	
	-do-		

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Annexure - V

A4
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No.A. 32012/3/87-CHS.II

Government of India
Ministry of Health & Family Welfare

New Delhi, dated the 16'th Sept.87

To,

All participating Units/
Organisations of CHS.

(Except DGHS, Postal Services, Board, Ministry of
Labour, Delhi Admn., Assam Rifles, A& N. Admn.
Ministry of Urban Development and Ministry of
Finance.

Sir,

I am directed to say that it may be recalled that Doctors' Association had submitted a memorandum of demands to the Govt. before going on strike on the 20'th July, 1987. One of the demands of the General Duty Officers was that they should have minimum three time bound promotions in the first 15 years of service. In this context and in order to remove stagnation in the Grade of Senior Medical Officer of the CHS, it has been proposed that a Senior Medical Officer with a total of 12 years of regular service in Group 'A' and who has rendered 2 years of service as Senior Medical Officer on regular basis may be considered for promotion to the grade of Chief Medical Officer in the Scale of Rs.3700-5000 on the basis of Seniority-cum-fitness. This promotion will be on 'Functional basis', involving upgradation of upto 500 posts of Senior Medical Officers to the grade of Chief Medical Officers for the service as a whole.

2. Before this Ministry goes ahead with the proposal, it is requested that this Ministry may please be informed of the number of functional posts of Chief Medical Officers which are likely to be available in your Department/Organisation indicating the names of the Hospitals/dispensaries/Regional Offices etc. and the number of posts of Chief Medical Officers required in these organisations/institutions etc. with the functional justifications, latest by 30'th September 1987. This will involve upgradation of the existing posts of Senior Medical Officers to those of Chief Medical Officers.

Yours faithfully,

Sd/-

(RAVI DATT)

UNDER SECRETARY TO THE GOVT. OF INDIA



Annexure VI

Py/S
A
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IMMED LATE/Registered

Dated 18.3.88

From;

Dr. R.R. Kishore
Medical Officer Incharge,
C.G.H.S., Dispensary No.5,
70 Avas- Vikas, Mall Avenue,
Lucknow.

To

The Secretary,
Ministry of Health and Family Welfare
Government of India,
Nirman--Bhawan,
NEW DELHI.

Kind Attention- Shri S.V. Subramanyan, Joint Secretary

Subject:

Representation against order No. A 320 12/1/88-CHS-II
dated 14.3.88 from the Ministry of Health and F.W.,
Government of India regarding promotion of Senior
Medical Officers to the post of Chief Medical Officer

Sir,

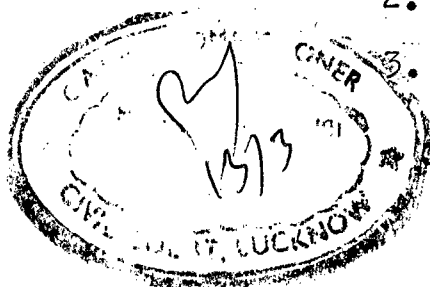
I am a Senior Class -I Scale Officer of Central
Health Service since 1.1.1982 listed at Sl.No.696 in order
of Seniority in the Civil list.

The Ministry of Health and Family Welfare, Govt.
of India vide their order mentioned above have circulated
a list of 389 C.G.H.S. officers promoting them from the post
of Senior Medical Officer (Rs.3000-4500) to the post of
Chief Medical Officer (Rs.3700 -5000). These promotions
have been made in pursuance to the assurance given by the
Government to G.H.S. Officers at the time of their agitation
in July, 1987 for a time bound promotion according to which
a C H S officer with total 12 years of service including five
years in the Sr. Medical Officer's scale was to be promoted to
the Chief Medical Officers scale and as such the criterion
for promotion has not been "Selection."

I have been very seriously prejudiced by the above
mentioned order as my name does not figure in the list
of promotions though many officers much Junior to me are
included as is evident by the following list.

Sl.No. of the Officer	Sl.No. in the promotion list	SeniorityNo. as per Civil list
1. Vishwa Nath Prasad Srivastava	381	697
2. Ripu Daman Verma	389	758
3. A.K. Awasthi	383	715

Cont..... 3/-



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- 2 -

Sl. No.	Name of the Officer	Sl.No.in the promotion list	Seniority No. as per Civil list.
4.	T.C.Malik	382	702
5.	Smt. Sudha Singhal	293	703
6.	R.P. Jauhari	292	706
7.	Smt. Karuna Sood	153	698
8.	Suranjit Deb	154	704
9.	Samarendra Deb	155	709
10.	Dr.(Km.) K.K. Veni	156	711
11.	V.K. Saxena	157	714
12-	Smt. Suniti Bhargava	158	716
13.	Km. Uma Mathur	159	718
14.	T.K. Kanji Lal	160	719
15.	Smt. Manju Gupta	161	722
16.	Baleshwar Singh	162	725
17.	Smt. Manju Rani Somwal	163	730
18.	T.K. Talukdar	164	732
19.	Shama Prasad Chatterji	165	734
20.	Sobhan Sarkar	166	737
21.	Smt. Satya Bhama Deyi	298	736
22.	Shashi Bhushan Das	167	738
23.	S.C. Pradhan	168	739
24.	Smt. Meera Srivastava	169	741
25.	Smt. Iqbal Kaur Judge	171	744
26.	Smt. Sunanda Malhotra	170	742
27.	Smt. Shashi Saini	172	745
28.	M.C. Nath	173	750
29.	G.L. Kak	174	754
30.	Bikash Bagehi	175	759

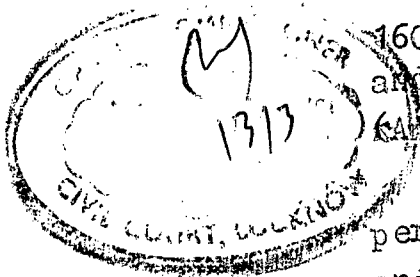
For the sake of ready reference I am submitting my service history as follows :

On the recommendations of U.P.S.C. I was appointed as Medical Officer on regular basis w.e.f. 20.3.71 under Ministry of Health and F.W., Government of India and letter on after screening I was placed in the Jr. Class. I Scale of CHS (700-1300) w.e.f. 1.1.1973 vide Ministry of Health and F.W., order No. A-11014/16/84-CHS II dated 28.8.84 (Annexure-I).

I was allowed to Cross E/B. in the Jr. Class Scale (700-1300) w.e.f. due date i.e. 1.8.1978 vide Ministry of Health and F.W. order No.29018/7/84-CHS V dated January, 1985 (Annexure-II).

I was promoted to the Senior Class Scale of CHS (1100-1600) from due date i.e. 1.1.1982 under Ministry of Health and Family Welfare order No. A 11014/2/84-CHS-II dated 30.1.85 (Annexure -III).

Nothing adverse has been Communicated to me for the period after issuing of above said various orders of promotion and Crossing of E.B. including the orders of promotion to Senior Class I- Scale, i.e. since 30.1.85 till date.



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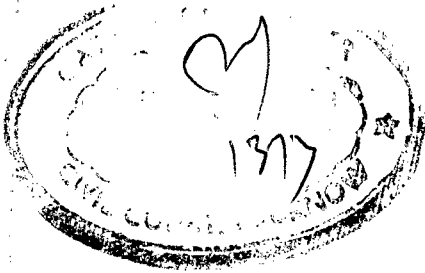
It is clear by the above account that there is absolutely no reason why I should not be placed in the Scale of Chief Medical Officers when Officers much junior to me have been granted that scale. In case the necessary orders are not issued immediately I may suffer an irreparable and permanent damage to my career and I may have to work under my juniors and subordinates besides a recurrent financial loss.

I therefore, request you to kindly consider my case and take necessary action to issue the orders of my promotion to the post of Chief Medical Officer.

Encls: As above.

Yours faithfully,

(DR.R.R. KISHORE)



Allahabad on an ad-hoc basis by the Director General of Health services, Government of India, w.e.f. 1.8.1969 in the scale of Rs. 350-25-500-30-590-EB-30-830-900.

2. That on the recommendations of Union Public Service Commission the applicant was appointed as General Duty Medical Officer, Grade II of the Central Health Services by the Secretary Ministry of Health and family Planning, Government of India, w.e.f. 20.3.1971 in the Scale of Rs. 350-25-500-30-590-EB-30-830-900 and was posted as Junior Medical Officer in the Central Government Health Scheme, Allahabad. This scale was same as Class I Scale of the Central Services.

3. That on the date of regular appointment i.e. 20.3.1971 the applicant was getting a basic pay of Rs. 375/- P.M. as he had already earned one increment by serving on that post for more than one year as an ad-hoc appointee. Accordingly his pay was fixed at Rs. 375/- p.m. and since then he had been getting annual increments regularly.

4. That the applicant was working as a Medical Officer in Central Government Health Scheme, Allahabad till 30th September 1978 and his controlling Authority was the Opposite party No. 2, the Chief Medical Officer, Central Government Health Scheme, Allahabad. The applicant was transferred to the Civil Aviation training Centre, Bamrauli, Allahabad where he took charge on 30th September 1978 (afternoon) as Medical Officer-in-Charge of the Civil Aviation Training Centre Hospital and where he is still working in the same capacity. The applicant's present controlling Authority is Opposite party No. 1, The Principal Civil Aviation Training Centre Bamrauli.

5. That the III Pay Commission recommended that in the Central Health Services there should be no grade II scale and all the officers should be placed in

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Class I service, having two scales, Junior Class I and Senior Class I. The Scale of Pay of Junior Class I was fixed at Rs. 700-40-900-EB-40-1100-50-1300. This Recommendation was accepted by the Opposite Party No. 3. w.e.f. 1.1.1973. ^{& correct} A copy of the Office Memo No. A45012/1-74-CHS. II dated 5.4.1975, ^{is} ~~as~~ Annexure 'I'. At the same time the pay scale of Class II Central ~~CHS~~ Services was also revised and it was enhanced to Rs. 650-to-1200 w.e.f. 1.1.1973.

6. That since the acceptance of the recommendations of IIIrd pay Commission all the fresh appointments in Central Health Services were made in Class I Scale. No appointment was made in Class II as it ceased to exist.

7. That after the issue of the Office Memorandum (Annexure 'I') it has been ^{learned} that the list of all the Officers was submitted to Union public Service Commission and the Assessment Committee. Those who were not found fit for Class I Scale (Jr.) were put in a separate list and they were given a Class II Scale of Rs. 650/- to 1200/- and further it was ordered that ^{these} cases will be reviewed annually. The applicant's name was not mentioned in the list of those who were not found, fit for Class I Scale. In any case no one was to get the pay scale less than Rs. 650 - 1200.

8. That the Orders were issued vide Circular No. 12026/7/78 -CHS. I Government of India, Ministry of Health and Family Welfare (Department of ~~xxxxx~~ Health) ~~Ministry~~, New Delhi, dated 21st June 1978 by the Opposite Party No. 3 to all the participating organisations including Central Government Health Scheme. In this circular it was stated that "After implementation of recommendations of Third Pay Commission, there are no Class II posts in the Central Health Services and

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the scale of Pay of G.D.M.Os. II has been fixed at Rs. 700-1300 in the Junior Class I Scale of pay". The Heads of the organisations were directed to take necessary action immediately, "To have the scales shown at Rs. 700-1300 (Class I), if not already done. This will also avoid hardship to the Medical Officers in getting pay in the revised scale". A correct copy of the circular is Annexure 'III'.

9. That the applicant was placed in the Junior Class I scale of Pay w.e.f. 1.1.1973 and the orders were communicated to him by opposite party No. 2, the Chief Medical Officer Central Government Health Scheme, Allahabad, On 28.9.1978 and since then the applicant has been getting his salary in Class I Pay Scale. A correct copy of the order is Annexure 'III'.

10. That the applicant was issued a charge-sheet under the Rule 14 of C.C.S. (C.O.A) Rule 1965 by the Secretary, Ministry of Health and Family Planning in November, 1975 and the enquiry was conducted. On 23rd November 1978 the Secretary, Ministry of Health and Family welfare issued an order awarding the applicant a "Penalty of reduction to a lower stage., by two stages, in the time scale of Pay of Rs. 350-25-500-300-590-EB-30-830-35-900 (Pre-revised) for two years". The order of penalty also mentioned, "Accordingly, this penalty of reduction to a lower stage of Rs. 530 in the above mentioned scale for two years is imposed hereby on Dr. R.R.Kishore. These orders will come into force from the date of issue of this order". In the case of the applicant there was no question of Grade II at all, either old or new as he was in Class I service on the date of order of penalty. A Correct copy of the order of penalty is Annexure 'IV'.

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11. That the order of penalty appears to have been passed assuming wrong facts which were non-existent. In Class II it mentions "Scale of Pay of Rs. 350-900", while the the Scale of Pay was raised to 650-1200. Moreover, applicant was in Class I Service and not in Class II, in both respects i.e. Class ~~and~~ ^{in which} Pay Scale the order assumed conditions ^{which} ceased to exist long before the order. The mistake is further apparent from the facts that the designation and Place of work has been mentioned wrongly. In the order of penalty it has been described as :-

"Dr. R.R.Kishore,
Junior Medical Officer,
Central Government Health Scheme,
7-Liddle Road,
Allahabad (U.P)".

Although the applicant had been transferred and took charge on 30.9.1978 (Afternoon) as Medical Officer Incharge, Civil Aviation Training Centre Hospital in Civil Aviation Training Centre Bamrauli, Allahabad. It appears that the authority concerned did not take care to ascertain the position of the applicant in service at the time of passing the order of penalty.

12. That the applicant has filed an appeal against the above mentioned order of penalty on 6.1.1979 to the president of India which is still pending. Out of several grounds in the Appeal, two of the grounds were (1) That the order of penalty was in-executable because the applicant was not getting any pay in the scale of Rs. 350-900 as he was placed in the Junior Class I Scale of Rs. 700-1300 w.e.f. 1.1.1973 much before the order of Penalty. (2) That the Secretary was not competent to impose a major penalty on the applicant as he was a Class I Officer whose appointing Authority is President of India.

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13. That the Opposite Party No. I has served an order dated 24th April 1979 on the applicant for enforcing the penalty in a peculiar and arbitrary manner. He has directed to cancel applicant's pay scale in Junior Class I reverting him back to Grade II pay Scale which ceased to exist w.e.f. 1.1.1973. In this manner the applicant is being reverted from Class I to Class II Post and secondly in Class II Post he is being reverted to old pay scale non-existent w.e.f. 1.1.1973. Both of the things are non-existent w.e.f. 1.1.1973 as there are no Class II Posts in Central Health Services and there is no such Class II scale in Central Services as directed to be given to the applicant. A correct copy of the order is Annexure 'V'.

14. That the Annexure 'V' appears to have been issued on the basis of instructions contained in letter No. 10-5/75-E/C.G.H.S. (AD) 2025 dated 16 April 1979 from the Chief Medical Officer, Central Government Health Scheme, Allahabad, Opposite Party No. 2. and some intimation by Opposite Party No. 3 as is referred in Annexure 'IV'. On receipt of Annexure 'IV' the applicant requested Opposite Party No. I to supply him the copies of these two letters. A correct copy of the application containing the said request is Annexure 'VI'. No copy was supplied to the applicant and a reply which is not at all relevant was given by Opposite Party No. I. A correct copy of the reply is Annexure 'VII'. The applicant again moved an application before Opposite Party No. I requesting him to supply the copies of the two documents but he was not supplied with any copies. A correct copy of the application is Annexure 'VIII'. The applicant requested and moved application to all the Higher Authorities including Opposite Party No. 3 and ran from pillar to post but he was not told any reasons for reverting him back to the Pre-revised and lower pay scale and Class of Service.

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15. That in order to give effect to the said illegal order the amount which was paid to the applicant in Class I Scale has been directed to be recovered and the future Salary will also be paid according to that pre-revised Class II Scale. The applicant made representations to the Opposite Parties with copy to the President of India vide Annexure 'VI' and 'VIII' not to enforce this illegal and arbitrary order as mentioned in Annexure 'V' by Opposite Party No. 1 but all his requests are going unheeded.

16. That the ⁶order of reversion from Class I to Class II is a very big punishment. Every appointment in Central Health Services to day is being made in Class I Cadre and hence the applicant's Juniors and subordinates may become his Boss. Various preivilage assignments, deputations and promotional avenues may be adversely affected. An irreparable loss will be caused to the applicant if the order contained in Annexure 'V' is enforced.

GROUNDS

1. Because the order contained in Memo No. dated 24.4.1979 are arbitrary and without jurisdiction.
2. Because there is no order for reverting the applicant by the appointing Authority i.e. The President of India. Nor any proceedings were initiated for it.
3. Because there is no basis in existance for reverting the applicant in a grade and Class which ceased to exist w.e.f. 1.1.1979.

Because the order is highly unjust,

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discriminatory and against all canons of justice.

5. Because the applicant was entitled to the grade in Class I which is being given even to the fresh appointments and also to much Junior Officers.

6. Because the order is in contravention of Art. 16 of the Constitution of India and it has been passed without issuing any notice to show cause and without affording any opportunity of being heard and contravenes Art. 311 of the Constitution of India. Even the Copies of the orders referred to in the Memorandum were not supplied.

p r a y e r

It is, therefore, prayed that this Court may please issue an order, direction or writ in the nature of mandamus ^{and excohorari} commanding the opposite parties not to give effect to the order contained in Annexure ^{IV} ~~III~~ declaring it void and ineffective and further directing the Opposite Parties to continue paying him Class I Scale, or grant such other relief which may be deemed fit and proper under the circumstances.

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Ramesh Chandra
Counsel for the Petitioner.

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ANNEXURE 'I'

Copy of O.M.No. A.45012/1/74-CHS. II Dated 5.4.75
from Ministry of Health and F.P. (Department of
Health), New Delhi.

Subject: - Recommendation of Third pay Commission
Placement of regular General Duty Officers
Grade I and Grade II of the Central Health
Service in the revised scales of Pay.

The undersigned is directed to say that
the question of placement of Officers belonging
to regular General Duty Officers Grade I and
General Duty Officers Order II of the Central
Health Service in the revised scales of pay of
the service in the light of the recommendation
of the Third Central pay Commission has been under
consideration of the Government of India. After
careful consideration, the President is pleased to
decide as follows: -

- i) All General Duty Officers Grade II, in
position on 1.1.1973 ~~who were not found~~
~~fit for appointment to Class I Junior~~
should be placed in the Class I Junior
Scale of Rs. 700-40-1100-50-1300, ^{900-EB} subject
to screening.
- ii) All General Duty Officers Grade II in
position on 1.1.1973 who are not found
fit for appointment to Class I Junior
Scale should be given the Class II Scale
of Rs. 650-30-700-35-810-EB-35-880-40-
1100-EB-4L-1200. Their cases for
inclusion in Class I of the Central
Health Service will be reviewed annually.

iii)

All General Duty Officers Grade I with
more than 5 years of service in that

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grade on 1.1.1973 should be placed in the class I senior scale of Rs. 1100-50-1600, after assessment of their suitability.

Provided that for the purpose of reckoning 5 years of ~~in~~ service as General Duty Officers Grade I towards placement in senior Class I Scale, the regular service rendered beyond a period of five years in a post included in General Duty Officers Grade II or in any post which was equivalent to such post, immediately before the commencement of the C.H.S. (Amendment) Rules, 1956, shall be treated as equivalent to General Duty Officers Grade I service, subject to a maximum of 3 years.

Provided further that where the case a General Duty Officer Grade I, is considered for the purposes of placement in Class I Senior scale, the cases of all persons senior to such officers in the Grade of General Duty Officers Grade I shall also be considered, notwithstanding the fact that they may not have rendered five years of service in General Duty Officers Grade I on 1.1.1973.

- iv) All General Duty Officers Grade I with less than 5 years service in that grade on 1.1.1973 and not eligible for placement in the revised senior Class I scale according to criteria mentioned in Clause (iii) above should be placed in the revised Junior class I scale of Rs. 700-40-900-EE-40-1100-50-1300.

2. The pay of Genral Duty officers Grade I and General Duty Officers Grade II appointment to the revised scales of pay shall be fixed in accordance with the provision of Central Civil Service (Revised Pay) Rules, 1973, as amended from time to time. Their N.F.A. as sanctioned in this Ministry's letters No. A. 45011/3/74 C.H.S.III dated 21.12.1974 and dated 22.3.1975.

Sd/- N.S.Bhatia.
Under Secretary.

T.C.

N.S. Bhatia

Sd/- N.S.Bhatia
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ANNEXURE " II "IMMEDIATE

No. A.12026/7/78. C.H.S. I.
 Government of India
 Ministry of Health and Family Welfare
 (Department of Health)

New Delhi. Dated the 21st June, 1978
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To

Subject: - Revision of pay Scale of Medical Officers.

Sir,

It is seen from the several statements and returns being forwarded to this Ministry on the sanctioned and filed Posts in the various grades of the Central Health Service that some of the Posts of Medical Officers G.D.M.O. Grade II are shown having the scale of Pay Rs. 650-1200. As you are aware, after implementation of recommendations of Third Pay Commission, there are no ~~exst~~ class II posts in the C.H.S. and the scale of pay of G.D.M.Os. Grade II has been fixed at Rs. 700-1300 in the Junior Class is scale of pay.

It is requested that necessary action may be taken to have the scales shown at Rs. 700-1300, if not already done. This will also avoid hardship to the Medical Officers in getting pay in the revised scale.

Yours faithfully,

Sd/- K. Venugopal 20.6.78.
 Under Secretary.

Copy to C.H.S.V.

Sd/- Y.N.Sharma
 Section Officer

For under Secretary.

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ANNEXURE " III "

No. 10-5/75-CGHS/6098

Central Govt. Health Scheme,
Allahabad, Dated 28.9.1978MEMO

Subject: - Fixation of Pay of Dr. R.R.Kishore as
on 1.1.1973.

Dr. R.R.Kishore, Medical Officer, C.G.H.S,
Dispensary No. 2, Allahabad is hereby informed that his
pay has been fixed Rs. 700/- (On 16.9.1978) in the
Scale of Rs. 700-40-900-EB-40-1100-50-1300 w.e.f.
1.1.1973. His next increment date was 1.8.1973.
raising his pay to Rs. 740/- p.m.

Sd/- B.R.Routh
Chief Medical Officer,
C.G.H.S, Allahabad.

To

Dr. R.R.Kishore,

Medical Officer, C.G.H.S. Disp. No. 2,

Allahabad.

Sd/- Shalish
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ANNEXURE "IV"REGISTERED/A&D.

C.No. 13011/4/75-Vig.
 Government of India,
 Ministry of Health and F.W.

New Delhi, Dated the

23rd November, 1978.ORDER.

In this Ministry's Memorandum No. C.13011/4/75 V&CM., dated the 28th November, 1975, Dr. R.R.Kishore, Junior Medical Officer, C.G.H.S., Allahabad, was called Upon under Rule 14 of the C.C.S. (C.C.A) Rules, 1965, to answer the following article of charge:-

"That the said Dr. R.R.Kishore while working as J.M.O., C.G.H.S., Allahabad, during the year 1973-74, failed to maintain absolute integrity and committed misconduct in as much as he submitted a false receipt on 16.9.1974, for house rent of Rs. 250/- purporting to have been issued by his landlord, Sri B.S.Srivastava and on the basis of said receipt drew Rs.719.85p as arrears of house rent allowance at enhanced rate for the period 1.11.1973 to 30.9.1974. He has, thus, contravened Rule 3 (1) (i) of the C.C.S.(Conduct) Rules, 1964".

2. On 6.12.1975, Dr. Kishore denied the charge and desired to be heard in person. On 21.1.1976, Sri Jayakar P. Johnson, Commissioner of Departmental Enquiries, Central Vigilance Commission, New Delhi, was appointed as the enquiry authority who submitted his report on 27.10.1976, and held that the charge framed against Dr. Kishore stands proved. As the enquiry was found to suffer from certain procedural irregularities, the case was remitted back for further enquiry to the same Inquiry Officer as per this Ministry's Order No. C. 13011/4/75-V&CM., dated the 19thn Feb. 1977. Later on, as it was found that Sri Johnson was to relinquish the charge of his office, Sri K.P.Chakraborty, another C.I.D. E. was appointed as the enquiring authority

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to conduct further inquiry and report as per Order No. G. 13011/4/75-V&CM., dated the 17th/20th May, 1977 Sri Chakraborty, C.D.E. submitted his report on 18.10.1977., and is held that the charge framed against Dr. R.R.Kishore has been proved. A copy of the inquiry report is enclosed.

3. On a careful consideration of the inquiry report aforesaid and the records of the inquiry, I find that the evidence on record goes to prove that Dr. R.R.Kishore drew arrear house rent allowance by fraudulent means for gaining undue pecuniary benefits for himself. I therefore consider that the ends of justice will be met if the penalty of reduction to a lower stage, by two stages, in the time scale of pay of Rs. 350-25-500-30-590-EB-30-830-35-900 (pre-revised) for two years is imposed on the Officer. Accordingly, this penalty of reduction to a lower stage of Rs. 530/- in the above-mentioned scale for two years is imposed hereby on Dr. R.R.Kishore. These orders will come into force from the date of issue of this order.

(Rajeshwar Prasad)
Secretary.

Copy to: -

Dr. R.R.Kishore,
Junior Medical Officer,
Central Government Health Scheme Dispensary,
7, Liddle Road,
Allahabad (U.P).

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ANNEXURE 'IV' VCONFIDENTIAL

GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT
OFFICE OF THE PRINCIPAL: CIVIL AVIATION TRAINING
CENTRE BAMRAULI: ALLAHABAD.

No. EG/EST/13-170/48

Dated 24 Apr. 1979.

MEMORANDUM

In accordance with the ^{tax}instructions contained in letter No. 10-5/75-E/OGHS(AD)/2025 dated 16 Apr. 1979 from the Chief Medical Officer, C.G.H.S. Allahabad it has been intimated that orders regarding fixation of pay of Dr. R.R.Kishore, Medical Officer Incharge, C.A.T.C. Allahabad, in the Pay Scale of Rs. 700-1300 w.e.f. 1.1.1973 may be treated as cancelled as per intimation by the Ministry of Health and Family Welfare, Department of Health, letter No. A.1101/1/CHS(II) dated 21 Mar. 21 1979. It has also been intimated that Dr. R.R.Kishore has been awarded a penalty of reduction of two stages in the pre-revised scale of Rs. 350-900 and accordingly his pay will be drawn as per the revised L.P.C. forwarded by the Chief Medical Officer, C.G.H.S. Allahabad, which shows the amount as follows: -

Pay	@ Rs. 590.00 ✓
N.P.A.	@ Rs. 236.65
P.D.A.	@ Rs. 135.00.
D.A.	@ Rs. 120.00
A.D.A.	@ Rs. 228.00
Interim relief	@ Rs. 260.00

The pay drawn previously in excess of the above rates will have to be recovered from Dr. Kishore. The receipt of this Memo may please be acknowledged.

Dr. R.R.Kishore.
Medical Officer I/C.
C.A.T.C. Hospital,
Bamrauli, Allahabad.

sd/-
M.M. Simon
Principal

T.C.

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S. B. Shrivastava
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ANNEXURE " VI "URGENT/CONFIDENTIAL

From:-

Dr. R.R. Kishore,
 Medical Officer-in-Charge,
 C.A.T.C. Hospital, Bamrauli,
Allahabad.

To

The Principal,
 Civil Aviation Training Centre,
Bamrauli, Allahabad.

Subject: - Reply to your Office Memo No. EG/EST/1e-170/48,
 Dated 24th April 1979.

Sir,

With reference to your above cited memo. received by me on 24th April 1979 I am to submit as below:-

1. In the aforesaid memorandum you have written that vide letter No. 10-5/75E/CGHS (AD)/2025 dated 16th April, 1979, the Chief Medical Officer, C.G.H.S. Allahabad has intimated that the orders regarding fixation of my Pay in the pay scale of Rs. 700-1300 w.e.f. 1.1.1973 may be treated as cancelled. You have also mentioned about a letter No. A. 11014/1/78-C.H.S. (II) dated 21st March, 1979 from the Ministry of Health and Family Welfare, Department of Health in this behalf. You have not sent the copy of any of these letters to me nor have I received any such letters from the Chief Medical Officer, C.G.H.S., Allahabad or the Ministry of Health. I am unable to find out how and why my pay scale of Rs. 700-1300 has been "Treated as cancelled" I know no authority with the C.M.O to make any such cancellation. I request you to kindly supply me a copy of the letter from the C.M.O., C.G.H.S., Allahabad and the Ministry of Health and Family Welfare immediately.

2. As far as the penalty is concerned, the penalty of reduction of two stages in the time scale of Rs. 350-900 was mentioned in the order No. 13011/4/75-Vig. dated 23.11.1978 from the Secretary Ministry of Health and Family Welfare. I was not in the scale of Rs. 350-900 since before the order of penalty. I have already filed an appeal against the order to the President of India and that is pending. I will request you to inform the authorities concerned that the order of penalty with regard to the reduction of two stages is inexecutable and cannot be enforced.

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In the light of above facts I request and hope that you will very kindly refrain from enforcing you aforesaid order.

Yours faithfully

Dated 26th April, 1979.

Dr. R.R.Kishore.

Copy to:-

(Alongwith a copy of the instant memo.of the Principal, C.A.T.C, Bamrauli, Allahabad).

1. The President of India.
2. Secretary to the Govt. of India, Ministry of Health and Family Welfare, Nirmala Bhawan, Maulana Azad Road, New Delhi.

With request that the Principal, C.A.T.C. may kindly be directed not to enforce his instant order during the pendency of the Appeal dated, 6.1.1979 filed by the undersigned to the president of India against the order No. 13011/4/75-Vig. dated 23rd November, 1978 from the Secretary, Ministry of Health and Family Welfare and the undersigned may kindly be informed accordingly. The matter may kindly be treated as most urgent.

Further, it is submitted that the Appeal has been pending for about last four months and nothing has been heard so far in this connection. The undersigned has been suffering due to the delay. It is most humbly requested that the appeal may very kindly be decided it an early date.

Dated 26th, April , 1979.

Dr. R.R.Kishore.

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[Signature]
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ANNEXURE "VII"

Government of India
 Civil Aviation Department
 Office of the Principal, Civil Aviation Training Centre,
 Banrauli:- Allahabad.

No. EG/EST/13-1-70/60.

4th May, 1979.

MEMORANDUM

Reference his representation dated
 26 Apr. 1979 (Copies endorsed to others concerned).

Dr. R.R.Kishore, Medical Officer I/C
 C.A.T.C. Hospital, Banrauli, is advised to either
 contact the Chief Medical Officer, C.G.H.S. Allahabad
 or the Ministry of Health and Family Welfare, New
 Delhi for the copies of the documents awarding
 penalty of reduction in pay by two stages in the
 pre-revised scale of Rs. 350-900 as this office
 has no knowledge about the charges against him.

Sd/- M.M.Simon
 Principal.

Dr. R.R.Kishore,
 Medical Officer I/D.
 C.A.T.C. Hospital.
 Banrauli, Allahabad.

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ANNEXURE 'VIII'

MOST URGENT
~~HIST. YROBT/~~
 CONFIDENTIAL

From:-

Dr. R.R. Kishore,
 Medical Officer-in-Charge,
 C.A.T.C., Hospital Bamrauli, Allahabad.

To

The principal,
 C.A.T.C., Bamrauli, Allahabad.

Subject:- Cancellation of the Scale and awarding of penalty to the undersigned.... Continuation to the letter dated 26th, April 1979 from the undersigned.

Sir,

With reference to your Memo No. EG/EST/13-170/60 dated 4th May 1979 and in continuation to my letter dated 26th April. 1979, I am to say as follows:-

1. I had not requested you to supply me the copies of the order of penalty or the charges as I already know about it (Refer Para 2 of my letter dated 26 April. 1979 to you). I had requested you to supply me the copies of the documents on the basis of which you have decided to cancel my pay scale of Rs. 700-1300. These documents were referred to in your Memo No. EG/EST/13-170/48 dated 24 April. 1979 and obviously they must be with you, otherwise how you have decided to cancel my present pay scale of 700-1300. You will appreciate that I am entitled to get these documents in order to know the reasons for cancelling my present pay Scale. I again request you to please supply me the copies of the letters No. 10-5/75-E/CGHS(AD)/2025 dated 16 April. 1979 from C.M.O., C.G.H.S. Allahabad and letter No. A. 11014/1/78-C.H.S. (II) dated 21st Mar. 1979, from the Ministry of Health and Family Welfare Department of Health, New Delhi.

2. It may be submitted that the orders of my placement in revised pay scale as well as the L.P.C. were not provisional or conditional. They were final and irrevocable. A copy of these orders No. 10-5/75-CGHS/6298 dated 23.9.1978 from the Chief Medical Officer, C.G.H.S. Allahabad placing me in the revised pay scale of Rs. 700-1300., was enclosed along with my L.P.C. vide my letter dated 20th October 1978 to you.



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5. At present I am not working under the C.M.O., C.G.H.S. Allahabad. I am a C.M.S. Officer and at present you are my controlling Authority. If at all there arises an occasion to cancel my pay scale of Rs. 700-1300, that can be done by the prescribed Authority after following the Prescribed procedure and the orders will be implemented through you, The C.M.O., C.G.H.S. Allahabad has got no authority to cancel my scale and does not come to in the picture. I have already contacted the appropriate Authorities (^{Refer} ~~Relief~~ endorsements to the President of India and Secretary Ministry of Health and Family Welfare in my letter dated 26 April. 1979 to you) and their orders are being awaited.

In the mean time I would again request you not to enforce your orders of cancellations of my pay scale of Rs. 700-1300.

Yours faithfully,

Dr. R.R.Kishore.

Dated 5th May, 1979

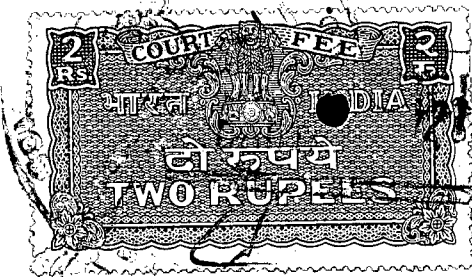
Copy to: -

1. The president of India.
2. Secretary, Ministry of Health and family Welfare, Nirman Bhawan Maulana Azad Road, New Delhi.

Dr. R.R.Kishore.

[Handwritten signature]
21/5/79
107
C/10-2
0657

TFC
[Handwritten signature]
R.R.Kishore



10th B. 21
21.5.79

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

.....

Affidavit

In

Civil Misc. Writ No. 3678 of 1979.

District Allahabad.

Dr. Rishi Raj Kishore.....Petitioner

Versus

Principal, Civil Aviation Training Central Government
Centre, Bamrauli Allahabad and others.....Opp. Parties

Affidavit of Dr. Rishi Raj Kishore
aged about 35 years son of
late Sri Brij Raj Kishore
resident of House No. 49/93,
Mahatma Gandhi Marg, District
Allahabad.

The deponent abovenamed do hereby solemnly
affirm and state as follows:-

1. That he is petitioner in the abovenoted
case and is fully acquainted with the fact deposed
to below.

2. That the contents of para 1 of this
affidavit and that of paras 1, 2, 3, 4, 5, 6, 7,
9, 11, 12, 13, 14, 15 and 16 of the Writ petition are
true to my personal knowledge and that of paras

12/5/79

21/5/79

-2-

5, 6, ~~7~~⁸, 8, 10, of the Writ Petition are based on perusal of records, which I believe to be true. No part of it is false and nothing material has been concealed. So help me God.

16/5/79
.....

I, Ram Sewak, Clerk to Smt. Ramo Devi Gupta, Advocate, do hereby declare that the person making this affidavit and alleging himself ~~is~~^{to} be Dr. R.R.Kishore is the same person who is known to me ~~from the records of the court~~^{personally}.

Ram Sewak
.....
21.5.79

Solemnly affirmed before me on this 21st day of May, 1979 at 8-55 ~~am~~^{pm} 0'Clock by the deponent who is identified by the said Clerk.

I have satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read over and explained to him.

Sh. Dhotechary
21/5/79
107
C No. 3
0657
Oath Commissioner,

16/5/79

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

.....

INDEX

IN

CIVIL MISC. WRIT NO. 3478 OF 1979.

DISTRICT ALLAHABAD.

Dr. Rishi Raj Kishore.....Petitioner
Principal, C.A.T.C. Bamrauli and others....Opp. Parties.

Sl. No.

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Uma Varshney
(Uma Varshney)
Counsel for the Petitioner.

R.D. Gupta

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

.....

Civil Misc. Writ No. 3478 of 1979

(Under Article 226 of the Constitution of India)

District Allahabad.

Dr. Rishi Raj Kishore son of late Sri Brijraj Kishore
resident of House No. 49/93, Mahatma Gandhi Marg,
District Allahabad.....Petitioner

Versus

1. Principal, Civil Aviation Training Centre, Bamrauli.
Allahabad.
2. Chief Medical Officer, Central Government Health
Scheme, 7-Liddle Road, Georgetown, Allahabad.
3. Ministry of Health and Family welfare, Department
of Health, Government of India, New Delhi, through
its Secretary, Nirman Bhavan, Maulana Azad Road,
New Delhi.....Opposite Parties.

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

The humble petition of the abovenamed
applicant Most Respectfully Showeth:-

1. That the applicant was appointed as Junior
Medical Officer in Central Government Health Scheme.
Allahabad on an ad-hoc basis by the Director General of
Health Services, Government of India, w.e.f. 1.8.1969 in
the scale of Rs. 350-25-500-30-590-EB-30-830-900.
2. That on the recommendations of Union public
Service Commission the applicant was appointed as General
Duty Medical Officer, Grade II of the Central Health

*Received copy
M. K. to
Advocate
29.1.80 To*

Services by the Secretary Ministry of Health and Family Planning, Government of India, w.e.f. 20.3.1971 in the scale of Rs. 350-25-500-30-590-EB-30-830-900 and was posted as Junior Medical Officer in the Central Government Health Scheme, Allahabad. This scale was same as Class II Scale of the Central Services.

3. That on the date of regular appointment i.e. 20.3.1971 the applicant was getting a basic pay of Rs. 375/- P.M. as he had already earned one increment by serving on that post for more than one year as an ad-hoc appointee. Accordingly his pay was fixed at Rs. 375/- p.m. and since then he had been getting annual increments regularly.

4. That the applicant was working as a Medical Officer in Central Government Health Scheme, Allahabad till 30th September 1978 and his controlling Authority was the opposite party No. 2, the Chief Medical Officer, Central Government Health Scheme, Allahabad. The ~~Central~~ Applicant was transferred to the Civil Aviation training Centre, Bamrauli, Allahabad where he took charge on 30th September 1978 (afternoon) as Medical Officer-in-Charge of the Civil Aviation Training Centre Hospital and where he is still working in the same capacity. The applicant's present controlling Authority is Opposite Party No. I, the principal Civil Aviation Training Centre Bamrauli.

5. That the III Pay Commission recommended that in the Central Health Services there should be no grade II scale and all the officers should be placed in Class I services, having two scales, Junior Class I and Senior Class I. The Scale of Pay of Junior Class I was fixed at Rs. 700-40-900-EB-40-1100-50-1300. This Recommendation was accepted by the Opposite Party No. 3. w.e.f. 1.1.1973. A correct copy of the opposite party No. 3.

~~xxxxxxkxkxk973xxxx~~ Office Memo No. A45012/1-74-CRS.II dated 5.4.1975, is Annexure 'I'. At the same time the pay scale of Class II Central Services was also revised and it was enhanced to Rs. 650 to 1200 w.e.f. 1.1.1973.

6. That since the acceptance of the recommendations of Third Pay Commission all the fresh appointments in Central Health Services were made in Class I Scale. No appointment was made in Class II as it ceased to exist.

7. That after the issue of the Office Memorandum (Annexure 'I') it has been learned that the list of all the Officers was submitted to Union Public Service Commission and the Assessment Committee. Those who were not found fit for Class I Scale (Jr.) were put in separate list and they were given a Class II Scale of Rs. 650/- to 1200/- and further it was ordered that their cases will be reviewed annually. The applicant's name was not mentioned in the list of those who were not found, fit for Class I Scale. In any case no one was to get the pay scale less than Rs. 650-1200.

8. That the Orders were issued vide circular No. 12026/7/78-CHS. (I) Government of India, Ministry of Health and Family, Welfare (Department of Health) New Delhi, dated 21st June 1978 by the Opposite Party No. 3 to all the participating organisations including Central Government Health Scheme. In this circular it was stated that "After implementation of recommendations of Third Pay Commission, there are no Class II posts in the Central Health Services and the scale of Pay of G.D.M. Os. II has been fixed at Rs. 700-1300 in the Junior Class I Scale of pay". The Heads of the Organisations were directed to take necessary action immediately. "To have the scales shown at Rs. 700-1300 (Class I), if not already done. This will also avoid hardship to the Medical Officers in getting

pay in the revised scale". A correct copy of the circular is Annexure 'II'.

9. That the applicant was placed in the Junior Class I Scale of Pay w.e.f. 1.1.1973 and the orders were communicated to him by opposite party No. 2, the Chief Medical Officer Central Government Health Scheme, Allahabad, on 28.9.1978 and since then the applicant has been getting his salary in Class I pay Scale. A correct copy of the Order is Annexure 'III'.

10. That the applicant was issued a charge-sheet under the rule 14 of C.C.S. (C.C.A) Rule 1965 by the Secretary, Ministry of Health and Family Planning in November, 1975 and the enquiry was conducted. On 23rd November 1978 the Secretary, Ministry of Health and Family welfare issued an order awarding the applicant a "Penalty of reduction to a lower stage, by two stages, in the time scale of pay of Rs. 350-25-500-30-590-EB-30-830-35-900 (Pre-revised) for two years". The order of penalty also mentioned, "Accordingly, this penalty of reduction to a lower stage of Rs. 530 in the above mentioned scale for two years is imposed hereby on Dr. R.R.Kishore. These orders will come into force from the date of issue of this Order". ~~In the case of the date of issue of this order~~. In the case of the applicant there was no question of Grade II at all, either old or new, as he was in Class I service on the date of order of penalty. A correct copy of the order of penalty is Annexure 'IV'.

11. That the order of penalty appears to have been passed assuming wrong facts which were non-existent. In Class II it mentions "Scale of pay of Rs. 350-900" while the Scale of Pay was raised to 650-1200. Moreover, applicant was in Class I service and not in Class II, in both respects i.e. Class and pay Scale the order assumed conditions which ceased to exist long before the order.

The mistake is further apparent from the facts that the designation and Place of work has been mentioned wrongly. In the order of penalty it has been described as:-

"Dr. R.R. Kishore,
Junior Medical Officer,
Central Government Health Scheme,
7-Liddle Road,
Allahabad (U.P.).

Although the applicant had been transferred and took charge on 30.9.1978 (Afternoon) as Medical Officer Incharge, Civil Aviation Training Centre Hospital in Civil Aviation Training Centre Banrauli, Allahabad. It appears that the authority concerned did not take care to ascertain the position of the applicant in service at the time of passing the order of penalty.

12. That the applicant has filed an appeal against the above mentioned order of penalty on 6.1.1979 to the president of India which is still pending. Out of several grounds in the Appeal, two of the grounds were (1) That the order of penalty was in-executable because the applicant was not getting any pay in the scale of Rs. 350-900 as he was placed in the Junior Class I Scale of Rs. 700-1300 w.e.f. 1.1.1973 ~~was~~ much before the Order of penalty. (2) That the Secretary was not competent to impose a major penalty on the applicant as he was a Class I Officer whose appointing Authority is President of India.

13. That the opposite party No. 1 has served an order dated 24th April 1979 on the applicant for enforcing the penalty in a peculiar and arbitrary manner. He has directed to cancel applicant's pay scale in Junior Class I reverting him back to Grade II Pay Scale which ceased to exist w.e.f. 1.1.1973. In this manner the applicant is being reverted from Class I to Class II post and Secondly in Class II Post he is being reverted to old pay Scale non existant w.e.f. 1.1.1973. Both of the things are non existant w.e.f. 1.1.1973 as there are no

Class II Posts in Central Health services and there is no such Class II Scale in Central Services as directed to be given to the applicant. A correct copy of the order is Annexure 'V'.

14. That the Annexure 'V' appears to have been issued on the basis of instructions contained in letter No. 10-5/75-E/C.C.H.S. (AD)2025 dated 16 April 1979 from the Chief Medical Officer, Central Government Health Scheme, Allahabad, Opposite Party No. 2, and some intimation by Opposite Party No. 3 as is referred in Annexure 'V'. On receipt of Annexure V the applicant requested opposite Party No. I to supply him the copies of these two letters. A correct copy of the application containing the said request is Annexure 'VI'. No copy was supplied to the applicant and a reply which is not at all relevant was given by Opposite Party No. I. A correct copy of the reply is Annexure 'VII'. The applicant again moved an application before Opposite Party No. I requesting him to supply the copies of the two documents but he was not supplied with any copies. A correct copy of the application is Annexure 'VIII'. The applicant requested and moved application to all the Higher Authorities including ~~applicationxxxxxxx~~ Opposite Party No. 3 and ran from pillar to post but he was not told any reasons for reverting him back to the Pre-revised and lower pay scale and Class of Service.

15. That in order to give effect to the said illegal order the amount which was paid to the applicant in Class I Scale has been directed to be recovered and the future Salary will also be paid according to that pre-revised Class II Scale. The applicant made representations to the Opposite Parties with copy to the President of India vide Annexure 'VI' and 'VIII' not to enforce this illegal and arbitrary order as mentioned in Annexure 'V' by opposite Party No. I but all ~~the~~ his requests are going unheeded.

16. That the order of reversion from Class I to Class II is a very big punishment. Every appointment in Central Health Services to day is being made in Class I Cadre and hence the applicant's Juniors and subordinates may become his Boss. Various privileges assignments, deputations and promotional avenues may be adversely affected. An irreparable loss will be caused to the applicant if the order contained in Annexure 'V' is enforced.

17. That the aforesaid writ petition was filed in this Hon'ble Court on 21.5.1979 and it was argued in the presence of Sri J.N.Tewari, counsel for the opposite parties who sought adjournment to give a reply and it was ordered to be listed on 28.5.1979. On 28.5.1979 this Hon'ble Court after hearing both the parties was pleased to stay the operation of the order dated 24.4.1979 (Annexure V to the writ petition).

18. That after obtaining the stay order from this Hon'ble Court certain further developments as consequence of which an application to amend the writ petition was filed.

19. That after filing of the Writ petition the petitioner received the order dated 4.6.1979 from the Principal, Civil Aviation Training Centre, Barrauli purporting to withdraw the order dated 24.4.1979 (Annexure V to the Writ Petition). A true copy of the order dated 4.6.1979 is filed as Annexure IX to this affidavit.

20. That the petitioner has also received a show cause notice dated 4.6.1979 from the Chief Medical Officer, C.G.H.S, Allahabad. A true copy of the said show cause notice dated 4.6.1979 is being filed as Annexure 'X' to this affidavit.

21. That the alleged show cause notice does not disclose any grounds for reducing the grade and class of the service of the applicant. The notice relies upon some

orders from the Ministry of the Health and Family Welfare, (Department of Health) No. 11014/1/78/CHS. II dated 21.3.79 as referred to in it. The petitioner has not been communicated this order as well and he is unaware of the contents therein. Therefore the applicant was not in a position to meet if there was anything against him, in his reply. The applicant immediately after the receipt of the show cause Notice sent a reply on 9.6.1979 inter-alia showing his inability to give a proper and full reply in the absence of the said order. A true copy of the said reply is Annexure XI. In spite of this the applicant has not been informed any of the grounds for the reduction of his grade and Class, nor even the copy of the said order of the Ministry has been supplied to him.

22. That the show cause Notice is mala fide. It has been issued just to by-pass the stay order granted by the High Court and is only a show and a pretence to get over the inescapable position of the Opposite Parties in the Writ petition.

23. That the show cause notice has been issued by the Chief Medical Officer, C.G.H.S, Allahabad. The said show cause notice is completely without jurisdiction as the aforesaid Chief Medical Officer is neither the petitioner's appointing authority nor controlling authority. As such he has no jurisdiction to issue the show cause notice to the petitioner.

24. That it is further submitted that no order for reducing or reverting the petitioner from Class I to Pre-revised and non-existent Class II Scale and grade for an indefinite period was received by the petitioner, as such also the allegation made in the show cause notice that the said show cause notice is the result of the Judgment of disciplinary proceedings against him is false.

25. That the reduction from Class I scale to pre-

revised Class II Scale is major penalty for which definite procedure is given in CCS (CCA) Rules but the same is not being done in the case and as such the show cause notice has been illegally passed.

26. That the penalty alleged in the show cause Notice is that of reduction to the scale of Rs. 350-900 which has ceased to exist with effect from 1.1.1973, and thus the alleged penalty of reversion to a non-existent scale can also not be imposed on the petitioner.

27. That in the aforesaid show cause notice it is ~~not~~ proposed that the money paid as excess may be recovered from the pay and allowances beginning from October, 1978 to April 1979 i.e. it has to be recovered with retrospective effect. In effect the reduction takes effect from 1.1.1973. The Petitioner was paid and is entitled to get all the salary of that period for which he had already discharged his duties to the entire satisfaction of the superior officers and as such it will be against the Principles of natural Justice and fair play to recover the aforesaid amount.

28. That under the aforesaid circumstances the show cause notice is liable to be set aside.

29. That according to the Government order dated 5.4.1975 and the order of June 1978 of undersecretary, Ministry of Health and family welfare and the order of the Chief Medical Officer dated 28.9.1978 the applicant was to be given salary in the scale of Rs. 700-1300 instead of the pre-revised scale of Rs. 350-900 w.e.f. 1.1.1973. This entitled a difference of ^{about} Rs. 9,000/- which ought to have been paid to the applicant in view of the revised scale with retrospective effect for the period from 1.1.1973 to 30.9.1978. From 1.10.1978 the applicant is being paid salary in the scale of Rs. 700-1300 in accordance with the G.O. dated 5.4.1975.

30. That inspite of demands by the applicant to the Chief Medical Officer C.G.H.S. Allahabad for payment of the aforesaid arrears no payment has been made to him and the said arrears are being illegally withheld . Even the reminders given by the applicant to the Chief Medical Officer had ~~not~~ effect. The letters demanding the aforesaid arrears ^{were} given to the Chief Medical Officer and several reminders were sent to the Ministry of Health and Family Welfare also but no action has been taken and they do not even give a reply or reasons why the arrears are being withheld. The applicant is suffering heavily on account of the arrears not being paid to him in these days of economic hardships.

31. That the applicant learnt from Ministry of Health that his name was sent along with others before Union public Service Commission and the Assessment Committee for screening on the issue of G.O. dated. 5.4.1975 (Annex. 'I' to the Writ Petition) and he was declared fit to be given scale of Class I i.e. Rs. 700 to 1300 hence his name was not included in the list of rejected candidates and he could not be given pay in Class II Scale i.e. 650- to 1200. He has been making representations since May 1979, but the authorities concerned are not taking any decision in matter of ~~arrears~~, applicant feels, due to mistake in order or penalty and no officer wants to own the responsibility, although when the applicant meets them, they admit that there is no reason for not giving him Class I Scale. Copy of Last letter dated 20.12.1979 is Annexure 'XII'.

32. That the applicant is not being considered for promotion to the Senior Class I Scale of Rs.1100 to 1600, nor being allowed to cross efficiency bar, which otherwise he would have crossed on 1.8.1977. nor his appeal is being decided, although several reminders ^{have been sent} ~~ever~~ times. On all these matters authorities are sitting silent.

G R O U N D S

1. Because the order contained in Memo No. dated 24.4.79 are arbitrary and without Jurisdiction.
2. Because there is no order for reverting the applicant by the appointing Authority i.e. The President of India. Nor any proceedings were initiated for it.
3. Because there is no basis in existence for reverting the applicant in a grade and Class which ceased to exist w.e.f. 1.1.1973.
4. Because the order is highly unjust, discriminatory and against all canons of Justice.
5. Because the applicant was entitled to the grade in Class I which is being given even to the fresh appointments and also to much Junior Officers.
6. Because the order is in contravention of Art. 16 of the Constitution of India and it has been passed without issuing any notice to show cause and without affording any opportunity of being heard and contravenes Art. 311 of the Constitution of India. Even, the copies of the orders referred to in the Memorandum were not supplied.
7. Because the show cause notice dated 4.6.1979 has been issued without jurisdiction in as much as the Chief Medical Officer is not the controlling or appointing Authority of the Petitioner. As such the same is liable to be set aside.
8. Because in the show cause notice the Petitioner is going to be awarded a major penalty for which he had never been given any show cause notice.
9. Because the recovery is to be made from the pay and allowances of the petitioner from October, 1978 to April, 1979 for which the Petitioner had already discharged his duties and as such the said amount cannot be recovered from him.

10. Because the Order in effect reduced the pay scale with effect from 1.1.1973, which is arbitrary and illegal.
11. Because notice is invalid. It does not disclose any grounds, nor the letter dated 21.3.1979, relied in it has been supplied.
12. Because the arrears of salary due to the applicant on account of the revised pay scale retrospectively w.e.f. 1.1.1973 are being illegally withheld.

P r a y e r

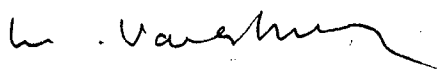
It is, therefore, prayed that this Court may please issue an order, direction or writ in the nature of mandamus and/or certiorari commanding the Opposite Parties not to give effect to the orders contained in Annexure 'V' declaring void and ineffective and further directing the Opposite Parties to continue paying him Class I Scale, or grant such other relief which may be deemed fit and proper under the circumstances.

That a Writ in the nature of mandamus may be issued commanding the Opposite Parties to pay the arrears of salary in view of the revised pay scale from 1.1.1973 to 30.9.1978.

~~In the existing prayer following be added after the words "and proper under the circumstances".~~

That a writ in the nature of certiorari or like writ or direction may be issued to quash the show cause notice dated 4.6.1979 (Annexure I to this affidavit).

That a writ in the nature of mandamus may be issued to command the opposite parties to treat the petitioner as Class I Officer for all purposes and not to reduce from the post of Medical Officer Junior Class I Scale (Rs. 700-1300)-


(Smt. Uma Varshney)
Counsel for the petitioner.

True Copy
Rozpita

ANNEXURE 'I'

Copy of O.M. No. A. 45012/1/74-GHS. II Dated 5.4.75
from Ministry of Health and F.P. (Department of
Health). New Delhi.

Subject:- Recommendation of Third pay Commission
Placement of regular General Duty Officers
Grade I and Grade II of the Central Health
Service in the revised Scale of Pay.

The undersigned is directed to say that
the question of placement of Officers belonging
to regular General Duty Officer Grade I and
General Duty Officers Order II of the Central
Health Service in the ^{Central} light of the recommendation
of the Third ^{Central} General pay Commission has been under
consideration of the Government of India. After
careful consideration, the President is pleased to
decide as follows:-

- i) All General Duty Officers Grade II, in
position on 1.1.1973 should be placed in the Class
I Junior Scale of Rs. 700-40-900-E.B.-1100-50
-1300, subject to screening.
- ii) All General Duty Officers Grade II in
position on 1.1.1973 who are not found
fit for appointment to Class I Junior
Scale should be given the Class II Scale
of Rs. 650-30-700-35-810-E.B.-35-880-40-
1100-E.B.-4L-1200. Their cases for inclusion
in Class I ~~for the Central~~ of the Central
Health Service will be ^{reviewed} ~~revised~~ annually.
- iii) All General Duty Officers Grade I with
more than 5 years of service in that

(14)

grade on 1.1.1973 should be placed in the class I senior scale of Rs. 1100-50-1600, after assessment of their suitability.

Provided that for the purpose of reckoning 5 years of service as General Duty Officers Grade I towards placement in senior Class I Scale, the regular service rendered beyond a period of five years in a post included in General Duty Officers Grade II ^{or} ~~or~~ in any post which was equivalent to such post, immediately before the commencement of the G.H.S. (Amendment) Rules, 1956, shall be treated as equivalent to General Duty Officers Grade I service, subject to a maximum of 3 years.

Provided further that where the case of a General Duty Officer Grade I, is considered for the purposes of placement in Class I senior Scale, the cases of all persons senior to such officers in the Grade of General Duty Officers Grade I shall also be considered, Notwithstanding the fact that they may not have rendered five years of service in General Duty Officers Grade I on 1.1.1973.

- iv) All General Duty Officers Grade I with less than 5 years service in that grade on 1.1.1973 and not eligible for placement in the revised senior Class I scale according to criteria mentioned in Clause (iii) above should be placed in the revised Junior Class I scale of Rs. 700-40-900-EB-40-1100-50-1300.

2. The pay of General Duty officers Grade I and General Duty Officers Grade II appointment to the revised scales of pay shall be fixed in accordance with the provision of Central Civil Service (Revised pay)

C 150

(4)

Rules, 1973, as amended from time to time. Their
N.P.A. as sanctioned in this Ministry's letters No.
A. 45011/3/74 C.H.S. III Dated 21.12.1974 and dated
22.3.1975.

Sd/- N.S. Bhatia.
Under Secretary.

(167)

ANNEXURE "II"

IMMEDIATE

No. A. 12026/7/78. C.H.S. I.

Government of India
Ministry of Health and Family Welfare
(Department of Health)

New Delhi. Dated the 21st June, 1978

To

Subject:- Revision of pay scale of Medical Officers.

Sir,

It is seen from the several statements and returns being forwarded to this Ministry on the sanctioned and filled posts in the various grades of the Central Health Service that some of the posts of Medical Officers G.D.M.O. Grade II are shown having the scale of pay Rs. 650-1200. As you are aware, after implementation of recommendations of Third pay Commission, there are no class II posts in the C.H.S. and the scale of pay of G.D. ~~MOs~~ Grade II has been fixed at Rs. 700-1300 in the Junior Class is scale of pay.

It is requested that necessary action may be taken to have the scales shown at Rs. 700-1300, if not already done. This will also avoid hardship to the Medical Officers in getting pay in the revised scale.

Yours faithfully,

Sd/- K. Venugopal
Under Secretary,

20.6.78

Copy to C.H.S.V.

Sd/- Y.N. Sharma.
Section Officer
For under Secretary.

(17)

ANNEXURE "III"

No. 10-5-75 CCHS/6098

Central Govt. Health Scheme,
Allahabad, Dated 28.9.1978

MEMO

Subject:- Fixation of pay of Dr. R.R. Kishore as
on 1.1.1973.

Dr. R.N. Kishore, Medical Officer, C.G.H.S.

Dispensary No. 2, Allahabad is hereby informed that his
pay has been fixed Rs. 700/- (on 16.9.1978) in the
scale of Rs. 700-40-900 EB-40-1100-50-1300 w.e.f.
1.1.1973. His next increment dated was 1.8.1973
raising his pay to Rs. 740/- P.M.

Sd/- B.R. Routh

Chief Medical Officer,

C.G.H.S, Allahabad.

To

R.R. Kishore,

Officer, C.G.H.S. Disp. No. 2,

C187

ANNEXURE "IV"

REGISTERED/A.D.

C.No. 13011/4/75-Vig.

Government of India,

Ministry of Health and F.W.

New Delhi, Dated the
23rd November, 1978.

O R D E R

In this Ministry's memorandum No. C.13011/4/75-V&CM., dated the 28th November, 1975, Dr. R.R. Kishore, Junior Medical Officer, C.G.H.S., Allahabad, was called upon under Rule 14 of the C.G.S. (G.C.A) Rules, 1965, to answer the following article of charge:-

"That the said Dr. R.R. Kishore while working as J.M.O., C.G.H.S., Allahabad, during the year 1973-74, failed to maintain absolute integrity and committed misconduct in as much as he submitted a false receipt on 16.9.1974, for house rent of Rs. 250/- purporting to have been issued by his landlord, Sri B.S. Srivastava and on the basis of said receipt drew Rs. 719.85 as arrears of house rent allowance at enhanced rate for the period 1.11.1973 to 30.9.1974. He has, thus, contravened Rule 3(1)(i) of the C.G.S. (Conduct) Rules, 1964".

2. On 6.12.1975, Dr. Kishore denied the charge and desired to be heard in person. On 21.1.1976, Sri Jayakar P. Johnson, Commissioner of Departmental Enquires, Central Vigilance Commission, New Delhi, was appointed as the enquiry authority who submitted his report on 27.10.1976, and held that the charge framed against Dr. Kishore stands proved. As the enquiry was found to suffer from certain procedural irregularities, the case was remitted back for further enquiry to the same Inquiry Officer as per this Ministry's Order No. C. 13011/4/75-V&CM., dated the 19th Feb. 1977. Later on, as it was found that Sri Johnson was to relinquish the charge of his office, Sri K.P. Chakraborty, another C.E.D.E. was appointed as the enquiring authority

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to conduct further inquiry and report as per Order

No. C. 13011/4/75-V&CM., dated the 17th/20th May, 1977
Sri Chakraborty, C.D.E. submitted his report on
18.10.1977,,, and held that the charge framed against
Dr. R.R. Kishore has been proved. A copy of the
inquiry report is enclosed.

3. On a careful consideration of the inquiry
report aforesaid and the records of the inquiry, I find
that the evidence on record goes to prove that Dr.
R.R. Kishore drew arrear house rent allowance by
fraudulent means for gaining undue pecuniary benefits for
himself. I therefore consider that the ends of
justice will be met if the penalty of reduction to
a lower stage, by two stages, in the time scale of
pay of Rs. 350-25-500-30-590-EB-30-830-35-900
(pre-revised) for two years is imposed on the
Officer. Accordingly, this penalty of reduction to a
lower stage of Rs. 530/- in the above -mentioned scale
for two years is imposed hereby on Dr. R.R. Kishore.
These orders will come into force from the date of
issue of this order.

(Rajeshwar Prasad)
Secretary.

Cop to;-

Dr. R.R. Kishore,
Junior Medical Officer,
Central Government Health Scheme Dispensary,
7, Liddle Road,
Allahabad (U.P.)

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- ANNEXURE V -

- CONFIDENTIAL -

GOVERNMENT OF INDIA

CIVIL AVIATION DEPARTMENT

OFFICE OF THE PRINCIPAL: CIVIL AVIATION TRAINING

CENTRE BAMRAULI: ALLAHABAD

No. ~~EQ~~ EST/ 13-170/48

Dated 24 Apr. 1979

MEMORANDUM

In accordance with the ~~intentions~~ *instructions* contained in letter No. 10-5-/75E/CGHS(AD)/ 2025 dated 16 Apr, 1979 from the chief Medical Officer, C.G.H.S. Allahabad it has been intimated that orders regarding fixation of pay of Dr. R.R. Kishore, Medical Officer Incharge, C.A.T.O. Allahabad, in the pay scale of Rs. 700-1300 w.e.f. 1.1.1973 may be treated as cancelled as per intimation by the Ministry of Health and Family welfare, Department of Health, letter No. A.1101/1/CHS(II) dated 21 Mr. 1979. It has also been intimated that Dr. R.R. Kishore has been awarded a penalty of reduction of two stages in the pre-revised scale of Rs. 350-900 and accordingly his pay will be drawn as per the revised L.P.C. forwarded by the chief Medical Officer C.G.H.S. Allahabad, which shows the amount as Follows:-

Pay	@ Rs. 590.00
N.P.A.	@ Rs. 236.65
F.D.A	@ Rs. 135.00
D.A.	@ Rs. 120.00
A.D.A	@ 28.00
Interim relief	@ 60.00

The pay drawn previously in excess of the above rates will have to be recovered from Dr. Kishore. The ~~receipt~~ ^{Receipt} of this Memo, may please be acknowledged.

(91)

(2)

Dr. R.R. Kishore.

Medical Officer I/C.

C.A.T.C. Hospital,

Bamrauli, Allahabad.

Sd/- M.M. Simon

Principal

ANNEXURE "-VI"

~~URGENT/CONFIDENTIAL~~

From:-

Dr. R.R. Kishore,
 Medical Officer-in-charge
 G.A.T.C. ^{Hospital} Bamrauli,
Allahabad

To

The Principal,
 Civil Aviation Training Centre,
 Bamrauli, Allahabad.

Subject:- Reply to your Office Memo No. EG/EST/13-170/48,
 Dated 24th April 1979.

Sir,

With reference to your above cited memo.

received by me on 24th April 1979 I am to submit
 as ~~for~~ below:-

1. In the aforesaid memorandum you have written that vide letter No. 10-5-75E/CGHS(AD)/2025 dated 16th April, 1979 the chief Medical Officer, C.G.H.S. Allahabad has intimated that the orders regarding fixation of my Pay in the pay scale of Rs. 700-1300 w.e.f. =.1.1973 may be treated as cancelled. You have also mentioned about a letter No. A. 11014/1/78-C.H.S.(II) dated 21st March, 1979 from the Ministry of Health and Family Welfare, Department of Health in this behalf. You have not sent the copy of any of these letters to ^{me} nor have I received any such letters from the Chief Medical Officer, C.G.H.S., Allahabad or the Ministry of Health. I am unable to find out how and why my pay scale of Rs. 700-1300 has been "treated as cancelled" I know no authority with the C.M.O. to make any such cancellation. I request you to kindly supply me a copy of the letter from the C.M.O., C.G.H.S., Allahabad and the Ministry of Health and family welfare immediately.

2. As far as the penalty is concerned, the penalty of reduction of two stages in the time scale of Rs. 350-900 was mentioned in the order No. 13011/4/75-vig dated 23.11.1978 from the secretary Ministry of Health

(2)

and family Welfare. I was not in the scale or Rs. 350-900 since before the order of penalty. I have already filed an appeal against the order to the president of India and that is pending. I will request you/ to inform the authorities concerned that the order of penalty with regard to the reduction of two stages is inexecutable and cannot be enforced.

In the light of above facts I request and hope that you will very kindly refrain from enforcing your aforesaid order.

Yours faithfully

Dated 26th April, 1979.

Dr. R.R. Kishore.

Copy to:-

(Alongwith a copy of the instant memo of the Principal, C.A.T. C, Bamrauli, Allahabad).

1. The President of India.
2. Secretary to the Govt. of India, Ministry of Health and Family Welfare, Nirmal Bhawan, Maulana Azad Road, New Delhi.

With request that the Principal, C.A.T.C. may kindly be directed not to enforce his instant order during the pendency of the Appeal dated, 6.1.1979 filed by the undersigned to the President of India against the order No.13011/4/75-Vih. dated 23rd November, 1978 from the Secretary, Ministry of Health and Family Welfare and the undersigned may kindly be informed accordingly. The matter may kindly be treated as most urgent.

Further, it is submitted that the appeal has been pending for about last four months and nothing has been heard so far in this connection. The undersigned has been suffering due to the delay. It is most humbly requested that the appeal may very kindly be decided at an early date.

Dated 26th, April, 1979.

Dr. R.R. Kishore.

(24)

- ANNEXURE "VII " -

Government of India

Civil Aviation Department
Office of the Principal, Civil Aviation Training Centre
Bamrauli:- Allahabad.

No. EG/EST/13-170/60

4th may, 1979.

MEMORANDUM

Reference his representation dated
26 Apr. 1979 (Copies endorsed to others concerned).

Dr. R.R. Kishore, Medical Officer I/C
C.A.T.C. Hospital, Bamrauli, is advised to either
contact the Chief Medical Officer, C.G.H.S. Allahabad
or the Ministry of Health and Family Welfare, New
Delhi for the copies of the documents awarding
penalty of reduction in pay by two stages in the
pre-revised scale of Rs.350-900 as this office
has no knowledge about the charges against him.

Sd/- M.M. Simon

Principal.

Dr. R.R. Kishore.
Medical Officer I/G.
C.A.T.C. Hospital.
Mamrauli, Allahabad.

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ANNEXURE 'VIII'

~~XXXXXXXXXXXX~~

~~NOT PROBT~~

MOST URGENT

CONFIDENTIAL

From:-

Dr. R.R. Kishore,

Medical Officer-in Charge,

CGA.T.C., ^{Hospital} Bamrauli, Allahabad.

To

Principal, C.A.T.C., Bamrauli, Allahabad

Subject:- Cancellation of the Scale and awarding of penalty to the undersigned---Continuation to the from the undersigned. *Letter dated 26th April 1979* from the undersigned.

Sir,

With reference to your memo No. EC/ESTT/13-

170/60 dated 4th May 1979, and in continuation to my letter daed 26th Aprl. 1979, I am to say as follows:-

1. I had not requested you to supply me the copies of the order of penalty or the charges as I already know about it (Refer Para 2 of my letter dated 26 Aprl. 1979 to you). I had requested you to supply me the copies of the documents on the basis of which you have decided to cancell my pay scale of Rs. 700-1300

These dicuments were referred to in your memo No. EG/EST/13-170/48 dated 24 Aprl. 1979 and abviously they must be with you, otherwise ~~otherwise~~ how you have decided to cancell my present pay scale of 700-1300. You will appreciate that I am entitled to get these documents in order to know the reasons for cancelling my present pay Scale, I again request you to please supply me the copies of the letters No. 10-5-75E/CGHS(AD)/2025 dated 16 Aprl. 1979 from C.M.O. C.G.H.S. Allahabad and letter No; A. 11014/1/78-G.H.S.(II dated 21st Mar. 1979, from the Ministry of Health and Family Welfare Department of Health, New Delhi.

2. It may be submitted that the orders of my placement in revised pay scale as well as the L.P.C. were not provisional or conditional. They were final and irrevocable. A copy of these orders No. 10-5-75CGHS/6098 dated 23.9.1978 from the Chief Medical Officer, C.G.H.S. Allahabad placing me in the revised pay scale of Rs. 700-1300., was enclosed along with my I.P.C.

vide my letter dated 20th October 1978 to you,

5. At present I am not working under the C.M.O., C.G.H.S. Allahabad, I am a C.M.S. Officer and at present you are my controlling Authority. If at all there arises an occasion to cancel my pay scale of Rs. 700-1300, that can be done by the prescribed authority after following the Prescribed procedure and the orders will be implemented through you. The C.M.O., C.G.H.S. Allahabad has got no authority to cancel my scale and does not come in the picture. I have already contacted the appropriate Authorities (Refer, endorsements to the President of India and Secretary Ministry of Health and Family Welfare in my letter dated 26 April. 1979 to you) and their orders are being awaited.

In the mean time I would again request you not to enforce your orders of cancellation of my pay scale of Rs. 700-1300.

YOURS FAITHFULLY
Dr. R.R. Kishore.

Dated 5th May, 1979

Copy to :-

1. The president of India.
2. Secretary, Ministry of Health and family Welfare, Nirman Shawa Maulana Azad Road, New Delhi.

Dr. R.R. Kishore.

(27)

ANNEXURE IX

CONFIDENTIAL

Government of India.

Civil Aviation Department

Officer of the Principal: Civil Aviation Training

No. EG/EST/13-170/78

4 June 79.

MEMORANDUM

Dr. R.R. Kishore, Medical Officer, CATC
Hospital is hereby informed that this office
order No. EG/EST/13-170/46 dated 24 Apr 79, is
hereby withdrawn.

Sd/-

(M.M. Simon)

Principal.

Dr. R.R. Kishore
Medical Officer
C.ATC Hospital
Bamrauli
Allahabad- 211012.

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ANNEXURE 'X'

75-E/

NO-10-5/ACGHS/AD/5007

Government of India

Central Govt. Health Scheme

7-Liddle Road,

Allahabad.

Dated, 4 June 1979.

SHOW CAUSE NOTICE

Dr. R.R. Kishore J.M.O., G., C.A.T.C., Bamrauli Allahabad to show cause within 7 days from receipt of this letter why letter No. 10-5/75-E/CGHS/Ad/6098 dated 28.9.78 issued by the undersigned informing that his pay has been fixed in the scale of Rs. 700-1300 may not be cancelled on the strength of the Ministry of Health and Family Welfare (Deptt. of Health) letter No. 11014/1/78 CHS II, dated 21-3-79 in which his pay have been continued on the scale of Rs. 350-900 on the judgment on a disciplinary proceedings instituted against him and punishment so pronounced. He may also show cause why the money extra paid as ^{pay} ~~by~~ and allowances to him for a period for Oct 78 to ^{April} ~~Apr~~ 79 may not be recovered.

Sd/-

(Dr. B.R. Routh)

Chief Medical Officer

C.G.H.S., Allahabad.

To

Dr. R.R. Kishore, through the Principal C, A.T.C. Bamrauli, Allahabad.

Copy forwarded for information and necessary action to :-

- (1) The Principal, C.A.T.C, Bamrauli, Allahabad for necessary action on his part.
- (2) Director General of Health Service, G.G.H.S. Nirman Bhawan, New Delhi.
- (3) Personal file of Dr. R.R. Kishore.
- (4) Dr. S.B. Roy Chowdhury, A.D.G., Head Quarter with copy of stay order and petition.

(Dr. B.R. Routh)

Chief Medical Officer

(2a)

Annexure XI

(WITHOUT PREJUDICE TO MY WRIT PETITION No. 3478 of 1979
Dr. R.R. Kishore versus Principal, G.A.T.C. Bamruli,
Allahabad and others pending in th Hon'ble High Court)

From: Dr. R.R. Kishore,
Medical Officer-in-charge,
C.A.T.C, Bamrauli,
Allahabad

To: The Chief Medical Officer,
G.C.H.S., 7 Liddle Road,
Allahabad .

Sub:- Reply to your show Cause Notice No. 10-5/75-R/
C.G.H.S./AD/5007 dated 4 june 1979 issued to
undersigned.

Sir,

~~xxx~~

1. I am suprised to receive the above mentioned
show cause notice from you as you have got absolutly
no concern or official relationship with me as I am
not working under/ with you. In view of your unquestionable
incompetency to issued the show cause notice to me
I am not bound to submit an explanation. However,
for the sake of your information I am submitting
the following reply.

2. That no such order (No. 11014/1/78 CHS. II
dated 21.3.79 from the Ministry of Health and family
Welfare, (Deptt. of Health) as referred to in your
Show Cause Notice has ever been received by me. Since
I do not know the contents of this order, it is not
possible for me to submit andy explanation.
It may be added that I have been continuously

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insisting to ⁽²⁾get this order over since I received memorandum dated 24.4.1979 from the Principal, G.A.T.C., Bamrauli, Allahabad, about cancellation of my class I scale but I have been supplied with it.

3. That as per the show cause notice the penalty proposed is the result of a judgment after some disciplinary proceedings against me. I am not aware of any such proceeding or the judgment. There has never been any order of penalty for reducing or reverting me from class I to pre-revised and non-existent class II scale and grade for an indefinite period and no such order has ever been communicated to me. I am not even aware of the charge against me.

4. That the penalty proposed in the show cause notice is reversion/reduction from class I scale to pre-revised class II scale for an indefinite period. This is a Major penalty and as such a ~~show~~^{show}-cause notice can only be issued by the appointing authority-^hich in my case is the President of India-after following the statutory procedure. You are not even my Controlling Authority and you have got no authority of jurisdiction to issue a show cause notice or to ask explanation from me.

5. That you have proposed to impose a penalty of reduction to the scale of Rs. 350-900 which ceased to exist with effect from 1.1.1973. Even if the penalty is imposed by the Competent Authority, i.e. the President of India, the penalty of reversion to a non-existent scale can never be imposed on me.

6. That you have proposed to reduce my scale w.e.f. 1.1.1973 on the basis of show cause notice issued on 4.6.1979 i.e. you want to impose a penalty six and a half years retrospectively. This is ridiculously unreasonable and is against the avowed principles of law and natural justice. Such an enormous illegality can never be committed even if the punishment is imposed by the competent Authority.

(31)

7. That you have proposed to recover "the money extra paid as pay and allowance for a period from Oct. 78 to April, 79." This implied that you propose to impose the penalty w.e.f. 1.10.1978 i.e. with retrospective effects. As submitted in para 6, this is not ~~possible~~ ~~India~~ ~~India~~ possible even if the penalty had been imposed by the President of India. Further, I was paid the salary for the post which I was holding and had performed my duties to the satisfaction of my superior officers. I was not paid any extra money as charity.

8. That you have wrongly and purposively mentioned my designation as J.M.O. (Junior Medical Officer) to justify a ^{pay} scale of Rs. 350-900. You know it that I am holding a Junior Class I post of Medical Officer and being senior to the other Medical Officer, I am working as medical Officer-in-Charge of the C.A.T.C. Hospital, Bamrauli, Allahabad. The post of J.M.O. was a class II post and thus in spite of the stay order by the Hon'ble High Court you have treated me in class II post. Your this deliberate act is contemptuous as well.

9. That it is clear that the instant show cause notice is a futile attempt to cover up the illegalities in the Memorandum No. EG/EST/13-170/48 dated 24.4.1979 from the Principal, C.A.T.C. and other orders about cancellation of my pay scale. May I tell you that such action on your part can not replace the basic requirement of statute and and natural justice before imposing a major penalty and only and to the illegalities already committed. The show cause notice by you appears to have been prompted erroneously due to the order of stay in the Civil Misc. Writ No. 3478 of 1979 already pending in the High Court. Kindly therefore withdraw your show cause notice dated 4.6.1979 under reply ~~with~~ which is uncalled for and wholly without authority and jurisdiction and is a bid to stall the process of justice to me.

Sd/- YOURS FAITHFULLY
(Dr. R.R. Kishore)

Dt. June 9, 1979.

(32)
ANNEXURE 'XII'

From. -

Dr. R.R. Kishore, M.B.B.S.
Medical Officer-in-Charge,
C.A.T.C. Hospital, Benrauli, Allahabad.

To

The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi (Deputy Secretary (Vigilance)).

Subject: - Payment of arrears in the Revised Scale of Pay (700-1300) from 1.1.73 to 30.9.78 to the undersigned.

Sir,

In continuation to my letter dated 5.12.1979, on the subject noted above (copy enclosed) I am hereby to submit it as follows:-

1. That on the recommendations of the UPSC I was appointed as G.D.M.O. (II) of the Central Health Services by the Secretary, Ministry of Health and Family Planning, Government of India. w.e.f. 20th March, 1971 vide his appointment letter No. 12025/314/71-CHS-II dated 21st October, 1971 and was posted as Junior Medical Officer under the C.G.H.S. Allahabad.
2. That vide O.M.No. A.45012/1/74 C.H.S. III, dated 5.4.75 from Ministry of Health and Family Planning (Department of Health), New Delhi regarding placement of regular general duty Officer's grade-I and Grade II of the Central Health Services, in the revised scale of pay it was decided that all the G.D.M.O. (II) who were appointed through U.P.S.C. and were in position on 1.1.1973 should be placed be placed in the Junior Class I. Ty. Scale of Rs. 700-40-900-EB-40-1100-50-50-1300, subject to screening with effect from 1.1.1973
3. That even the fresh appointees through U.P.S.C. have been given the Revised Pay Scale of Rs. 700-1300.
4. That my name was sent to U.P.S.C. and Assessment Committee and after screening I was declared fit to be included in the scale of Rs. 700-1300.
5. That as per the Order No. 10-5/75 CGHS/75/6098, dated 28th September, 1978 from the Chief Medical Officer, C.G.H.S, Allahabad, my pay was fixed in the revised scale of Rs. 700-1300 w.e.f. 1.1.1973 at Rs. 700/- Accordingly I have been getting salary in the revised scale of pay from 1.10.1978 at Rs. 900/- p.m. after adding annual increments per year from 1.1.1973.
6. That I was awarded a penalty of reduction by two stages in the scale of Rs. 350-900 (Pre revised) on 23.11.1978 by the Secretary, Ministry of Health and F.W. after an enquiry conducted under rule 14 of C.C.S. (C.C.A.) Rules 1965.

-2-

7. That both, my scale as well as my designation and place of work were mentioned in the above order of penalty assuming wrong facts. The scale was mentioned as 350-900 while I was entitled to and already getting the salary in the scale of Rs. 700-1300 at the time of passing the above order of penalty. As regards designation and place of work, it was mentioned,

Dr. R.R. Kishore, Junior Medical Officer,
C.G.H.S. Allahabad."

while I was working as a Medical Officer in C.A.T.C, Bamrauli since long before as I was transferred from C.G.H.S. Allahabad I was getting my salary in the revised scale of Rs. 700-1300 by virtue of my being in continuous service since 20th March, 1971 and having been declared fit by the U.P.S.C. as well as the Assessment Committee. There was clear and express orders fixing my salary in the revised scale by the C.M.O. C.G.H.S., Allahabad. These points were raised inter-alia in my appeal which I filed against the above mentioned order of penalty.

8. That the arrears of my salary in the revised scale of pay (700-1300) from 1.1.73 to 30.9.1978 have not been paid by the C.M.O., C.G.H.S., Allahabad though a bill has been submitted to him more than a year back, According to C.M.O., he has referred the matter to the Min. of Health and F.W. vide his letter No. 10-5775/E/CGHS/AD/9073, dated 14.11.79. The particular section in the Ministry dealing with the matters pertaining to my salary feels that there is some controversy regarding my scale and payment of arrears of salary to me because of imposition of penalty in the pre-revised scale of Rs. 350-900 and I am not being paid the above said arrears.

9. I request you to very kindly issued instructions to the concerned section to remove this controversy/confusion so that they may pay me the arrears of salary in the scale of the Rs. 700-1300 w.e.r. 1.1.1973 in view of the fact that the scale of Rs. ³⁵⁰⁻⁹⁰⁰ was wrongly mentioned in the order of penalty.

Yours faithfully,

sd-

(Dr. R.R. Kishore.)

Dated 20.12.1979.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

.....

Affidavit

In

Civil Misc. Writ No. 3478 of 1979

District Allahabad.

Dr. Rishi Raj Kishore.....Petitioner

Versus

Principal, Civil Aviation Training Central Government
Centre, Bamrauli, Allahabad and others.....Opp. Parties.

Affidavit of Dr. Rishi Raj Kishore,
aged about 35 years son of late Sri
Brij Raj Kishore resident of House No.
49/93, Mahatma Gandhi Marg, District
Allahabad.

The deponent abovenamed do hereby solemnly
affirm and state as follows:-

1. That he is petitioner in the abovenoted
case and is fully acquainted with the fact deposed to
below.

2. That the contents of para 1 of this
affidavit and that of paras 1, 2, 3, 4, 5, 6, 7, 9, 11,
12, 13, 14, 15 and 16 32 and 32
of this affidavit are true to my personal knowledge, and
that of paras 5, 6, 8, 10 of the writ
petition are based on perusal of records, which I believe
to be true. No part of it is false and nothing material has
been concealed. So help me God.

~~2~~

I, Ram Sewak, Clerk to Smt. Ramo Devi Gupta, Advocate, do hereby declare that the person making this affidavit and alleging himself is to be Dr. R.R.Kishore is the same person who is known to me personally.

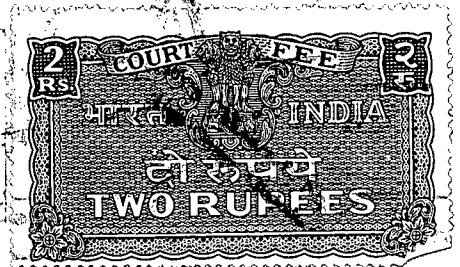
.....

Solemnly affirmed before me on this day of May, 1979 at O'Clock by the deponent who is identified by the said Clerk.

I have satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read over and explained to him.

Oath Commissioner,

2142-1980
AFFIDAVIT
20/11/80
HIGH COURT
ALLAHABAD



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
SUPPLEMENTARY AFFIDAVIT
IN

CIVIL MISC. WRT NO. 3478 of 1980

File
28-2-80

District Allahabad.

Dr. Rishi Raj Kishore.....Petitioner

Versus

Principal, Civil Aviation Training Centre Banrauli
Allahabad and others.....Opposite Parties.

Affidavit of Dr. Rishi Raj Kishore,
aged about 37 years son of late Sri
Brij Kishore, resident of House No.
49/93, Mahatma Gandhi Marg, District
Allahabad.

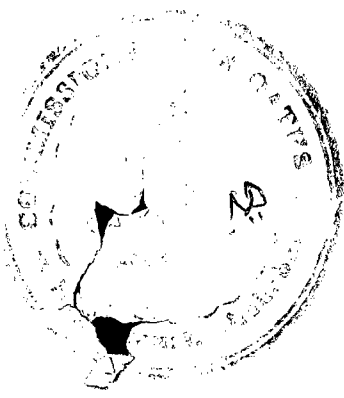
The deponent abovenamed do hereby solemnly
affirm and state as follows:-

1. That he is petitioner in the abovenoted
case and is fully acquainted with the facts deposed to
below.

2. That the applicant is not being considered
for promotion to the Senior Class I Scale of Rs. 1100 -
1600, nor being allowed to cross efficiency bar, which
otherwise he would have crossed on 1.8.1977. nor his appeal
is being decided, although several reminders ^{have been sent} ~~over times~~
On all these matters authorities are sitting silent.

That I solemnly affirm that the contents
of paras 1 and 2 of this affidavit are true to my personal
knowledge, which I believe to be true. No part of it is
false and nothing material has been concealed. So help me
God.

[Signature]
22/11/80



(2)

N. D. Prasad

I, Bhagwati Prasad Clerk to Smt. R.D. Gupta, Advocate, High Court, Allahabad, declare that the person making this affidavit and alleging himself is to be Sri R.R. Kishore is the same person who is known to me personally.

Rh

Ram Suresh
28.2.80

Solemnly affirmed before me on this 28th day of February, 1980, at 9.45 AM, O'clock by the deponent who is identified by the said Clerk.

I have satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read over and explained to him.

Rh
22/2/80

Oath Commissioner,

N. D. Chauhan
OATH
High Court, Allahabad
S. No. 0142
Date 28-2-80

IN THE HON'BLE HIGH COURT OF JUDICATURE AT

ALLAHABAD

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979

(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

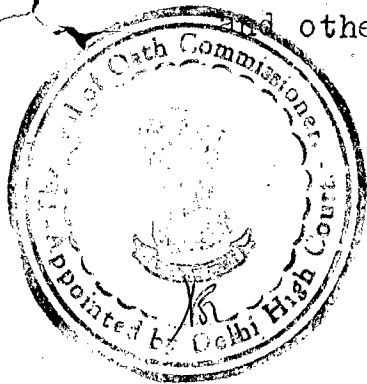
Dr. Rishi Raj Kishore Petitioner

Versus

Principal, Civil Aviation Training Centre

and others.

... .. Respondents



Affidavit of

Shri R.N. Tewari

aged about 44 years

son of Shri N.N. Tewari

Bxal 8/0 B8/534 Lodi Colony N. Delhi

Deponent

R.N. Tewari

... ..

Contd...2/-

RI
CP
3-3-81

Respectfully
B.L. Srivastava
Advocate
Smt R.D. Gupta
Advocate
27-2-81

- 2 -

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

1. That the deponent is Under Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi, and is authorised to file this counter-affidavit on behalf of the respondents and as such

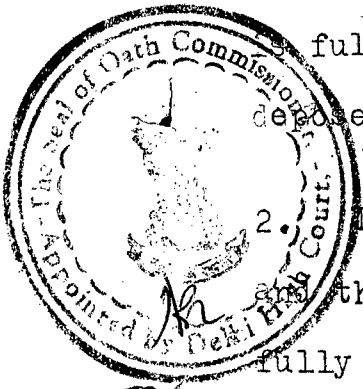
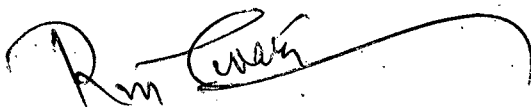
fully conversant with the facts of the case deposed to below.

2. That the deponent has read the writ petition and the affidavit filed in support thereof and has fully understood its contents. The replies contained in this counter-affidavit are with reference to the various assertions contained in the writ petition.

3. That the contents of paragraphs 1 to 3 of the writ petition are admitted.

4. That in reply to the contents of paragraph 4 of the writ petition, it is stated that the Ministry of Health and Family Welfare, Government of India is the controlling authority of the Officers of the Central Health Service. The petitioner was posted by the aforesaid Ministry to work under the Central Government, Health Scheme, Allahabad and Civil Aviation Training Centre, Bamrauli, Allahabad which are participating

Contd...3/-



- 3 -

units of the Central Health Service.

5. That in reply to the contents of paragraph 5 of the writ petition, it is stated that the averments contained therein are not correct. True facts are that the Third Central Pay Commission, 1973 in Paras 7-8 of Chapter 16 of their Report recommended the gradual abolition of Class II Scale in the Central Health Service for which the minimum qualification is MBBS and that the existing General Duty Officer Grade II should be fixed in Class I Junior Scale after screening and those who are not so selected for the class I Junior scale should continue in class II and be allotted the standard Class II scale. The standard class II scale in lieu of pre-revised scale of Rs.350-900 as recommended by the Pay Commission is Rs.650-1200. The Government of India issued orders in the Ministry of Health and Family Welfare O.M.No.A-45012/1/74-CHS-II dated 5.4.1975 laying down that the regular General Duty Officers Grade II in position on 1.1.1973 may be placed in the Class I Junior Scale Rs.700-1300 subject to screening and those not found fit for appointment to class I Junior Scale should be given the class II scale

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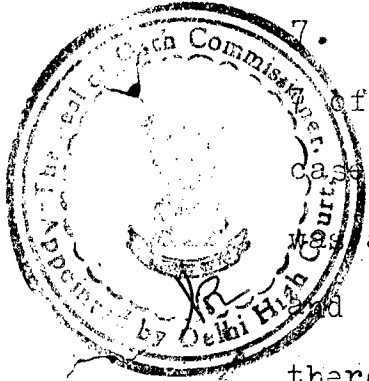
Rm Cwari



- 4 -

of Rs. 650-1200/-. Their cases for inclusion in class I scale were also to be reviewed annually by the Central Health Service.

6. That the contents of paragraph 6 of the writ petition as stated therein are denied.



7. That in reply to the contents of paragraph 7 of the writ petition, it is stated that the case of the petitioner alongwith other persons was also considered by the Screening committee and the Union Public Service Commission but since there have been award of penalty of reduction at two stages in the scale of Rs. 350-900 as a result of some disciplinary proceedings, the Competent Authority i.e. the Ministry of Health did not consider him to be a fit person to be placed in Class I Junior Scale.

8. That the contents of paragraph 8 of the writ petition are admitted.

9. That in reply to the contents of paragraph 9 of the writ petition, it is stated that the Chief Medical Officer, Central Government Health Scheme, Allahabad was not the Competent Authority to place

Contd...5/-

Ram Chandra

- 5 -

the petitioner in Junior Class I scale i.e. Rs.700-1300/- and the order fixing the pay scale of the petitioner by the Chief Medical Officer, Allahabad was wholly void and without jurisdiction and the same could not confer any right on the petitioner. It appears that the aforesaid order fixing the pay scale of the petitioner was passed by the Chief Medical Officer, Central Government Health Scheme Allahabad without looking the correct provision for fixation of pay. Moreso, the Ministry of Health and Family Welfare was the proper authority to fix the pay scale of the petitioner or to place him in Class I Junior scale from Class II to which he was originally appointed.

10. That in reply to the contents of para 10 of the writ petition, it is stated that it is true that the petitioner was awarded the penalty as alleged in para under reply and his case was considered by the Screening Committee in the year 1979 when the aforesaid punishment existed in his character roll and since the petitioner was never placed in Class I Junior scale by the Competent Authority, he was not entitled to the pay scale applicable to the class I Junior Scale.

Contd...6

Ran Chait

- 6 -

11. That the contents of paragraph 11 of the writ petition as stated therein are denied. The petitioner was never in class I service. The order imposing penalty was passed taking into account that the petitioner was entitled to pay in class II scale of Rs. 350-900 which was the pay scale of the post on which the petitioner was initially appointed.

12. That in reply to the contents of para 12 of the writ petition, it is stated that it is true that the petitioner has preferred an appeal to the President of India against the order of imposing penalty and the same is pending consideration.

13. That the contents of paragraph 13 of the writ petition are denied. The petitioner was never given class I Junior Scale, he always remained as class II Officer and as such the question of reversion does not arise.

14. That the contents of paragraphs 14 and 15 of the writ petition are matters of records and need no reply.

15. That the contents of paragraph 16 of the writ petition are denied. No punishment has been inflicted upon the petitioner, in as much as, he was never in

Contd...7

Ran Chaur

- 7 -

class I. The petitioner joined the Central Health Service in Class II scale and continued in the same scale and on the basis of recommendations of the III Pay Commission, he has not been placed in class I Junior Scale by the Competent Authority and as such the allegations of the petitioner that he has been reverted is misconceived.

16. That the contents of paragraphs 17, 18, 19 and 20 of the writ petition are matters of record.

17. That the contents of paragraph 21 of the writ petition as stated therein are not admitted. In fact, the show cause notice is not an order of reversion. Since the pay of the petitioner was wrongly fixed by the Chief Medical Officer, Central Government Health Scheme, who was not a competent authority to do so and on the receipt of the information from the Ministry of Health and Family Welfare to the effect that the petitioner was never placed in class I Junior scale, the alleged letter was issued by the Chief Medical Officer to the petitioner.

18. That the contents of paragraph 22 of the writ petition as stated therein are denied.

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Rm Cwale

- 8 -

19. That the contents of paragraph 23 of the writ petition need no reply.

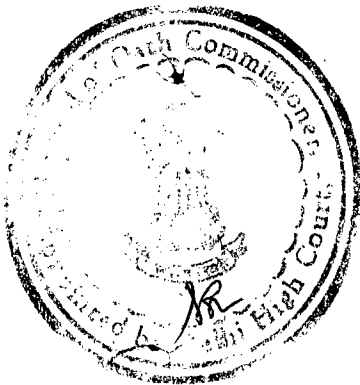
20. That in reply to the contents of para 24 of the writ petition, it is stated that the petitioner was never placed in class I Junior Scale and the show cause notice does not amount to any reversion. The petitioner was never found suitable to be placed in class I scale by the Competent Authority i.e. the Ministry of Health and Family Welfare and he always continued in Class II from the date of his initial recruitment to this date. Since the Chief Medical Officer had illegally and unauthorisedly refixed the salary of the petitioner, the same was withdrawn on the direction of the Ministry of Health and Family Welfare who is the competent authority for placing a person from class II to class I in the Central Health Service.

21. That the contents of paragraph 25 of the writ petition are misconceived and are denied.

22. That the contents of paragraph 26 of the writ petition as stated therein are denied. It is stated that since the petitioner had drawn the higher salary to which he was not entitled the answering

R. M. T. W.

Contd....9



- 9 -

respondent have a legal right to recover the same from the petitioner and the said recovery does not amount to reduction in rank as the petitioner was always in class II and was never placed in class I Junior scale and the petitioner is not entitled to any salary of class I Junior scale.

23. That the contents of paragraph 28 of the writ petition need no reply.

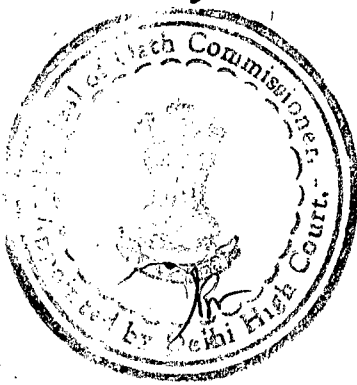
24. That in reply to the contents of para 29 of the writ petition, it is stated that the petitioner was never entitled to the salary of Junior Class I scale.

25. That in reply to the contents of para 30 of the writ petition, it is stated that the petitioner is not entitled to any arrears, in as much as, he was never placed in class I Junior scale. Allegations to the contrary are wholly false and are denied.

26. That in reply to the contents of paragraph 31 of the writ petition it is stated that the case of the petitioner was screened by the Screening Committee and since the factum of imposition of penalty on the petitioner was not available before

Contd...10

Dev Chandra



- 10 -

the screening committee at the time of screening the case of the petitioner was forwarded to the Ministry of Health and Family Welfare but since the petitioner had been awarded penalty in the past he was not considered to be fit for being placed in class I Junior scale.

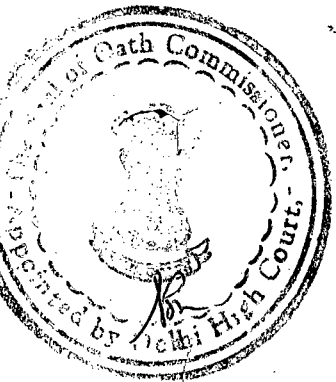
27. That in reply to the contents of para 32 of the writ petition, it is stated that since the petitioner has not been placed so far in class I Junior scale, the question of his promotion to Class I senior scale does not arise and the question of crossing the efficiency bar is irrelevant, in as much as, the petitioner has never been placed so far in class I junior scale.

28. That the grounds taken by the petitioner do not disclose any grounds for interference by this court under article 226 of the Constitution of India and the writ petition is liable to be dismissed with costs.

I, the deponent above named do hereby swear and verify that the contents of paragraphs 1 and 2 of this affidavit are true to my personal

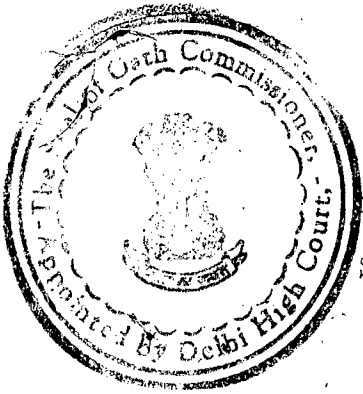
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R. M. Was



- 11 -

knowledge, that those of paragraphs 3 to 27 of this affidavit are based on the perusal of records and those of paragraph 28 of this affidavit are based on the legal advice, which the deponent believes to be true. Nothing contained herein is false, nor any material facts have been concealed therein. So help me God.



Subj. R.N. Tewari
S/o N.N. Tewari B. 8/534 - Lodhi Colony
ident. self New Delhi
has solemnly affirmed before me at
N. Delhi on 5/2/81 S. No. 39 -
that the contents of this affidavit which
have been read over & explained to him
are true and correct to his knowledge.

R.N. Tewari
Deponent

B. N. Tewari
Oath Commissioner 5/2/81
High Court of Delhi

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. APPLICATION NO. OF 1980
(Under Article 226 of the Constitution of India)

ON BEHALF OF -

Union of India & others ... Applicants

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979
(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

Dr. Rishi Raj Kishore ... Petitioner

Versus

Principal Civil Aviation Training Centre

and others

... Respondents

To

The HON'BLE the Chief Justice and His Other
Companion Judges of the aforesaid Court:

The humble application on behalf of the above
named applicants most respectfully sheweth as
under:-

- 2 -

1. That for the reasons disclosed in the accompanying counter-affidavit, it is necessary and expedient in the interest of justice that this Hon'ble court may be pleased to vacate the ad interim order passed by this court in favour of the petitioner.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to vacate the ad interim order passed by this court in favour of the petitioner.

(Anshuman Singh)

Sr. Standing Counsel
Central Government

IN THE HON'BLE HIGH COURT OF JUDICATURE AT

A L L A H A B A D

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT P ETITION NO. 3478 OF 1979

(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

Dr. Rishi Raj Kishore Petitioner

Versus

Principal, Civil Aviation Training Centre

and others. Respondents



Affidavit of --

Shri R.N. Tewari

aged about 44 years

son of Shri N.N. Tewari

Deponent

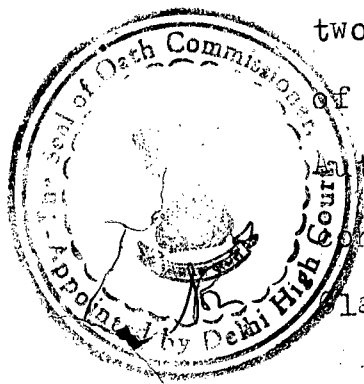
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- 4 -

of Rs.650-1200/-. Their cases for inclusion in class I scale were also to be reviewed annually by the Central Health Service.

6. That the contents of paragraph 6 of the writ petition as stated therein are denied.

7. That in reply to the contents of paragraph 7 of the writ petition, it is stated that the case of the petitioner alongwith other persons was also considered by the Screening committee and the Union Public Service Commission but since there have been award of penalty of reduction at two stages in the scale of Rs.350-900 as a result of some disciplinary proceedings, the Competent Authority i.e. the Ministry of Health did not consider him to be a fit person to be placed in class I Junior Scale.



8. That the contents of paragraph 8 of the writ petition are admitted.

9. That in reply to the contents of paragraph 9 of the writ petition, it is stated that the Chief Medical Officer, Central Government Health Scheme, Allahabad was not the Competent Authority to place

Contd...5/-

- 6 -

11. That the contents of paragraph 11 of the writ petition as stated therein are denied. The petitioner was never in class I service. The order imposing penalty was passed taking into account that the petitioner was entitled to pay in class II scale of Rs. 350-900 which was the pay scale of the post on which the petitioner was initially appointed.

12. That in reply to the contents of para 12 of the writ petition, it is stated that it is true that the petitioner has preferred an appeal to the President of India against the order of imposing penalty and the same is pending consideration.

13. That the contents of paragraph 13 of the writ petition are denied. The petitioner was never given Class I Junior Scale, he always remained as class II officer and as such the question of reversion does not arise.

14. That the contents of paragraphs 14 and 15 of the writ petition are matters of records and need no reply.

15. That the contents of paragraph 16 of the writ petition are denied. No punishment has been inflicted upon the petitioner, in as much as, he was never in

Contd...7



- 2 -

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

1. That the deponent is Under Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi, and is authorised to file this counter-affidavit on behalf of the respondents and as such is fully conversant with the facts of the case deposed to below.

2. That the deponent has read the writ petition and the affidavit filed in support thereof and has fully understood its contents. The replies contained in this counter-affidavit are with reference to the various assertions contained in the writ petition.

That the contents of paragraphs 1 to 3 of the writ petition are admitted.

That in reply to the contents of paragraph 4 of the writ petition, it is stated that the Ministry of Health and Family Welfare, Government of India is the controlling authority of the Officers of the Central Health Service. The petitioner was posted by the aforesaid Ministry to work under the Central Government, Health Scheme, Allahabad and Civil Aviation Training Centre, Bamrauli, Allahabad which are participating

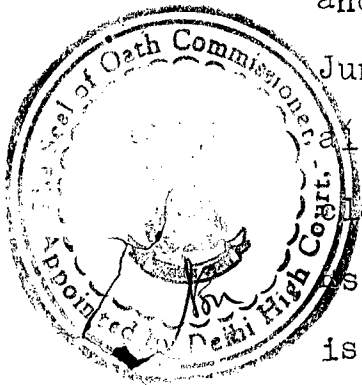
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- 3 -

units of the Central Health Service.

5. That in reply to the contents of paragraph 5 of the writ petition, it is stated that the averments contained therein are not correct. True facts are that the Third Central Pay Commission, 1973 in Paras 7-8 of Chapter 16 of their Report recommended the gradual abolition of Class II Scale in the Central Health Service for which the minimum qualification is MBBS and that the then existing General Duty Officer Grade II should be fixed in Class I Junior Scale after screening and those who are not so selected for the class I Junior scale should continue in class II and be allotted the standard Class II scale. The standard Class II scale in lieu of pre-revised scale of Rs.350-900 as recommended by the Pay Commission is Rs.650-1200. The Government of India issued orders in the Ministry of Health and Family Welfare O.M.No.A-45012/1/74-CHS-II dated 5.4.1975 laying down that the regular General Duty Officers Grade II in position on 1.1.1973 may be placed in the Class I Junior Scale Rs.700-1300 subject to screening and those not found fit for appointment to class I Junior Scale should be given the class II scale

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the petitioner in Junior Class I scale i.e. Rs.700-1300/- and the order fixing the pay scale of the petitioner by the Chief Medical Officer, Allahabad was wholly void and without jurisdiction and the same could not confer any right on the petitioner. It appears that the aforesaid order fixing the pay scale of the petitioner was passed by the Chief Medical Officer, Central Government Health Scheme Allahabad without looking the correct provision for fixation of pay. Moreso, the Ministry of Health and Family Welfare was the proper authority to fix the pay scale of the petitioner or to place him in Class I Junior scale from Class II to which he was originally appointed.

10. That in reply to the contents of para 10 of the writ petition, it is stated that it is true that the petitioner was awarded the penalty as alleged in para under reply and his case was considered by the Screening Committee in the year 1979 when the aforesaid punishment existed in his character roll and since the petitioner was never placed in Class I Junior scale by the Competent Authority, he was not entitled to the pay scale applicable to the class I Junior Scale.

Contd...6



- 6 -

11. That the contents of paragraph 11 of the writ petition as stated therein are denied. The petitioner was never in class I service. The order imposing penalty was passed taking into account that the petitioner was entitled to pay in class II scale of Rs.350-900 which was the pay scale of the post on which the petitioner was initially appointed.

12. That in reply to the contents of para 12 of the writ petition, it is stated that it is true that the petitioner has preferred an appeal to the President of India against the order of imposing penalty and the same is pending consideration.

13. That the contents of paragraph 13 of the writ petition are denied. The petitioner was never given Class I Junior Scale, he always remained as class II officer and as such the question of reversion does not arise.

14. That the contents of paragraphs 14 and 15 of the writ petition are matters of records and need no reply.

15. That the contents of paragraph 16 of the writ petition are denied. No punishment has been inflicted upon the petitioner, in as much as, he was never in

Contd...7



- 9 -

respondent have a legal right to recover the same from the petitioner and the said recovery does not amount to reduction in rank as the petitioner was always in class II and was never placed in class I Junior scale and the petitioner is not entitled to any salary of class I Junior scale.

23. That the contents of paragraph 28 of the writ petition need no reply.

24. That in reply to the contents of para 29 of the writ petition, it is stated that the petitioner was never entitled to the salary of Junior Class I scale.

25. That in reply to the contents of para 30 of the writ petition, it is stated that the petitioner is not entitled to any arrears, in as much as, he was never placed in class I Junior scale. Allegations to the contrary are wholly false and are denied.

26. That in reply to the contents of paragraph 31 of the writ petition it is stated that the case of the petitioner was screened by the Screening Committee and since the factum of imposition of penalty on the petitioner was not available before

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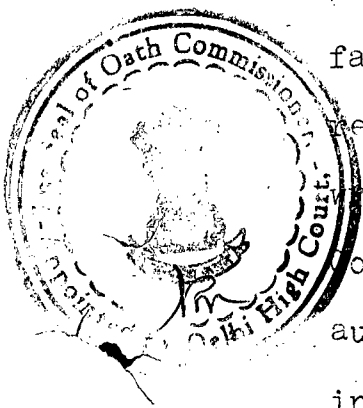
class I. The petitioner joined the Central Health Service in Class II scale and continued in the same scale and on the basis of recommendations of the III Pay Commission, he has not been placed in class I Junior Scale by the Competent Authority and as such the allegations of the petitioner that he has been reverted is misconceived.

16. That the contents of paragraphs 17, 18, 19 and 20 of the writ petition are matters of record.

17. That the contents of paragraph 21 of the writ petition as stated therein are not admitted. In fact, the show cause notice is not an order of reversion. Since the pay of the petitioner was wrongly fixed by the Chief Medical Officer, Central Government Health Scheme, who was not a competent authority to do so and on the receipt of the information from the Ministry of Health and Family Welfare to the effect that the petitioner was never placed in class I Junior scale, the alleged letter was issued by the Chief Medical Officer to the petitioner.

18. That the contents of paragraph 22 of the writ petition as stated therein are denied.

Contd...8



- 8 -

19. That the contents of paragraph 25 of the writ petition need no reply.

20. That in reply to the contents of para 24 of the writ petition, it is stated that the petitioner was never placed in class I Junior Scale and the show cause notice does not amount to any reversion. The petitioner was never found suitable to be placed in class I scale by the Competent Authority i.e. the Ministry of Health and Family Welfare and he always continued in Class II from the date of his initial recruitment to this date. Since the Chief Medical Officer had illegally and unauthorisedly refixed the salary of the petitioner, the same was withdrawn on the direction of the Ministry of Health and Family Welfare who is the competent authority for placing a person from class II to class I in the Central Health Service.

21. That the contents of paragraph 25 of the writ petition are misconceived and are denied.

22. That the contents of paragraph 26 of the writ petition as stated therein are denied. It is stated that since the petitioner had drawn the higher salary to which he was not entitled the answering

Contd....9



- 10 -

the screening committee at the time of screening the case of the petitioner was forwarded to the Ministry of Health and Family Welfare but since the petitioner had been awarded penalty in the past he was not considered to be fit for being placed in class I Junior scale.

27. That in reply to the contents of para 32 of the writ petition, it is stated that since the petitioner has not been placed so far in class I Junior scale, the question of his promotion to Class I senior scale does not arise and the question of crossing the efficiency bar is irrelevant, in as much as, the petitioner has never been placed so far in class I junior scale.

28. That the grounds taken by the petitioner do not disclose any grounds for interference by this court under article 226 of the Constitution of India and the writ petition is liable to be dismissed with costs.



I, the deponent above named do hereby swear and verify that the contents of paragraphs 1 and 2 of this affidavit are true to my personal

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- 11 -

knowledge, that those of paragraphs 3 to 27 of this affidavit are based on the perusal of records and those of paragraph 28 of this affidavit are based on the legal advice, which the deponent believes to be true. Nothing contained herein is false, nor any material facts have been concealed therein. So help me God.



R. N. Tewari
Deponent

CERTIFIED that the deponent
Sh. ... *R. N. Tewari* ...
S/o Sh. *N. N. Tewari* ... *8/5/81* ... *10th Colong*
identified by Sh. ... *self* ...
has solemnly affirmed before me at
N. Delhi on *5/2/81* ... S. No. *39* ...
that the contents of this affidavit which
have been read over & explained to him
are true and correct to his knowledge.

R. N. Tewari
Oath Commissioner
High Court of Delhi

5/2/81

File
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24.2.82

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

SUPPLEMENTARY COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979
(Under Article 226 of the Constitution of India)

DISTRICT, ALLAHABAD

Dr. Rishi Raj Kishore - - - - - Petitioner.

Versus

The Union of India & others - - - - - Respondents.

Recd copy
Unma Singh
16.12.81
at 10.30 A.M.



COUNTER AFFIDAVIT OF :

R.N. Tewari aged about 44 years
son of Sri N.N. Tewari, Under
Secretary to the Ministry of
Health and Family Welfare,
Department of Health, Government
of India, New Delhi.

R.N. Tewari
(Deponent)

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

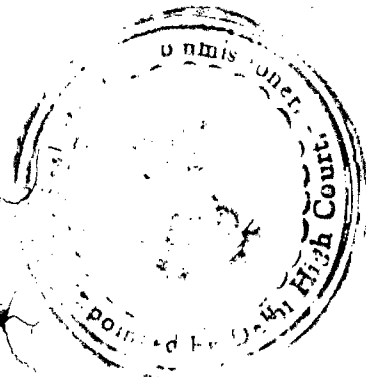
2.

1. That the deponent is the Under Secretary to the Government of India, Ministry of Health and Family Welfare, Department of Health, Government of India, New Delhi and is authorised to file this supplementary counter-affidavit on behalf of the respondents and as such is fully conversant with the facts of the case deposed to hereinafter.

2. That in the aforesaid case a counter-affidavit has been filed on behalf of the answering respondents earlier but in the rejoinder-affidavit, the petitioner introduced certain new facts and as such the necessity arose for filing the supplementary counter-affidavit.

3. That the stay vacation application moved by the answering respondents came up for hearing before Hon'ble Mr. Justice M.N. Shukla on 9.11.1981 but after hearing the counsel for the parties, His Lordship has granted time to the respondents to file the supplementary counter-affidavit and as such the supplementary counter-affidavit is being filed in this case.

4. That the allegations raised by the petitioner in paragraph 5 of the rejoinder-affidavit are not correct. The provisions of screening of Medical Officers for placement in the



3.

Junior Class I Scale of Rs.700-1300/- was not dispensed with as alleged in terms of the contents of the Orders dated 21.6.1978 (annexure-2 to the writ petition) which is being misinterpreted by the petitioner. As a matter of fact the provision of screening for placement in Junior Class I Scale was made by President vide Orders No.A-45012/1/74-CHS II, dated 5.4.1975 and as such the provision could only be withdrawn/ modified by the same authority viz. the President. The contents of the letter dated the 21st of June 1978 are merely clarification of the revised pay scale of Junior Class I. It is not correct that the Class II scale ceased to exist with effect from 1.1.1973. It is further stated that as a matter of fact on the recommendation of the 3rd Pay Commission two scales of pay viz. Rs.700-1300/- and Rs.650-1200/- were prescribed in place of the pre-revised Class II scale of Rs.350-900/- vide Notification No.GSR.413(B) dated 7th of October, 1974 and the prescribed standard Class II scale of Rs.650-1200/- continued to be allowed to those medical Officers who were not found suitable for placement in Class ~~II~~ I scale of Rs.700-1300/- by the Screening Committee. ~~A copy of the Notification No.GSR.413(B) dated 7th of October, 1974 is being enclosed herewith and marked as ANNEXURE. Sd/- 1 to this supplementary counter affidavit.~~ It is stated that the possession of qualification by any Medical Officer for placement

5.

of Rs.700-1300/- are fully stated in paragraph 7 of the counter-affidavit.

6. That the ~~applicant~~ petitioner was not considered by the Ministry of Health and Family welfare i.e. the Cadre Controlling Authority to be fit Officer to be placed in Class I Junior Scale of Rs.700-1300/- due to Vigilance case against him. It is also denied that the original provision of screening was abolished, inasmuch as, the said provision for screening is very much in existence even today.



7. That since the petitioner was not placed or appointed by the Competent Authority in the Junior Class I scale of Rs.700-1300/- the pay ought not to have been fixed in that Grade by the Chief Medical Officer, Central Government, Health Scheme, Allahabad. It is also not correct that the petitioner is working at a higher post at Civil Aviation Training Centre Hospital but he is working as G.D.O. II Officer of the Central Health Scheme cadre to which he was originally appointed and has been performing the duties of the Medical Officer-Incharge of the Civil Aviation Training Centre Hospital by virtue of his length of service viz. a viz other Medical Officers at the Hospital. It is also relevant to state that the pay scale of the petitioner was wrongly fixed in the Junior Class I scale of Rs.700-1300/- w.e.f.

6.

1.1.1973 by a Authority who is not competent to do so. The averments raised by the petitioner in the rejoinder-affidavit that the Ministry of Health ~~and~~ is not competent to decide the fitness of the petitioner's placement in the Junior Scale Class I is also denied.

8. That the petitioner was never appointed/ placed in the Junior Class I Scale of Rs.700/- to Rs.1300/- by the Competent Authority and as such the cannot claim this scale on the plea of writing Confidential Reports and granting casual leave ~~xxxxxxxxxxxxxx~~ etc.

9. That the contentions raised by the petitioner in paragraph 17 of the rejoinder-affidavit are also incorrect. The orders dated 9/10th of July 1981 (annexed as annexure-RA-1 to the rejoinder-affidavit) do not speak of the fact that the post of General Duty Officer Grade II and the Post of Junior Scale I is the same. It is further stated that the Officers Junior to the applicants have been given Class I scale because of their clean record, they were found suitable by the screening committee. Since the Vigilance case was pending against the petitioner, he was ~~not~~ not found suitable. ~~by the screening committee.~~

10.

That since the petitioner was never

7.

placed in Junior Class 1 scale of Rs.700-1300/-
w.e.i. 1.1.1973 he was not entitled to withdraw
the aforesaid salary and he wrongly ~~wikha~~ withdrew
the salary from 1.1.1973, to April 1979 and the
answering respondents have every right to recover
the aforesaid amount from the petitioner.

022 A66228
J.C. of Mr. Hameed
known to me and who has signed in my
presence.

I, the deponent abovenamed do hereby
swear and verify that the contents of paragraph 1 & 2
of this supplementary counter-affidavit are true to
my personal knowledge, that those of paragraphs 3,
4, 5, 6, 7, 8, 9, ~~and~~ (partly) ~~and~~ 10 of this counter-affidavit
are based on the perusal of records received by
perusal and information and those of paragraph 10
(partly) are based on the legal advice, which the
deponent believes to be true.

Nothing contained herein is false,
nor any material facts have been concealed therein.



CERTIFIED that the deponent
th. R. N. Tilwan, who is ~~see~~ ~~my~~
S/o of Mr. Hameed, family welfare, So help me God.
id. J.C. of Mr. Hameed
has appeared before me at
N. Delhi on 4.12.81 No. 32-02 A66228
that the contents of this affidavit which
have been read over & explained to him
are true and correct to his knowledge.

Oath Commissioner
High Court of Delhi

4/12/1981
Solemnly affirmed before me this
4th day of December, 1981 by the deponent at
Delhi.

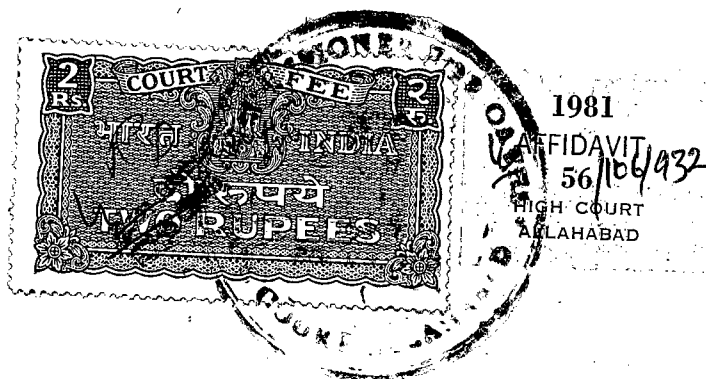
(Deponent).

R. N. Tilwan

8.

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

OATH COMMISSIONER/NOTARY



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

REJOINDER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 3478 of 1979

DISTRICT ALLAHABAD

Dr. Rishi Raj Kishore. Petitioner

VERSUS

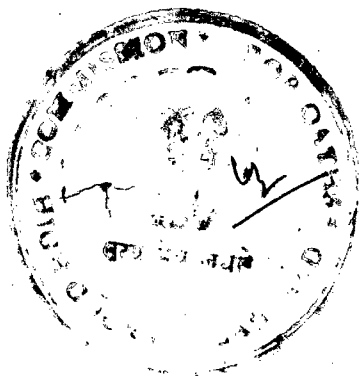
Principal, Civil Aviation Training Centre,
Allahabad and others. Respondents.

Affidavit of Dr. Rishi Raj Kishore,
aged about 37 years son of Late Sri Brij
Raj Kishore resident of House No. 49/93
Mahatma Gandhi Marg, District Allahabad.

Deponent

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

1. That the deponent is the petitioner in the
aforesaid writ petition and as such is fully acquaint-
ed with the facts deposed to below.
2. That the deponent has gone through the
counter-affidavit of Sri R.N. Tiwari in the
aforesaid case and has fully understood the contents
of the same.
- 3(a). That in reply to the contents of paragraph
No. 5 of the counter affidavit, the contents of
paragraph No. 5 of the writ petition are reaffirmed



Recd Copy.
Affirmation
of Sri R. N. Tiwari
RNT

12/10/81

12/10/81

as correct. The deponent of counter affidavit has also admitted in toto the allegations in paragraph 5 as alleged by the petitioner. The provision of screening for placement in Class I Scale was dispensed with vide G.O. dated 21.6.1978 (Annexure II to the writ petition) according to which all the General Duty Medical Officers Grade II were to be given Junior Class I Scale as Class II Scale ceased to exist w.e.f. 1.1.1973 as a final step towards gradual abolition of Class II Scale as admitted in paras 5 and 8 of the counter affidavit. Even those officers who were not M.B.B.S. and were merely lincentiates and as such according to the statement of deponent in paragraph 5 of the counter affidavit were not basically qualified for General Duty Medical Officer Grade II or Junior Class I scale were placed in Junior Class I Scale, although they were appointed and were getting a lower pay scale than the applicant before conversion of the Class II Scale into Class I. The names of few such Officers are as under:-

1. Dr. D.I. Chakrawarti, Medical Officer, C.G.H.S. Allahabad.
2. Dr. Vijay Kumar Sengupta.
3. Dr. Ramesh Chandra Sinha.
4. Dr. Bhawani Prasad Rao and others.

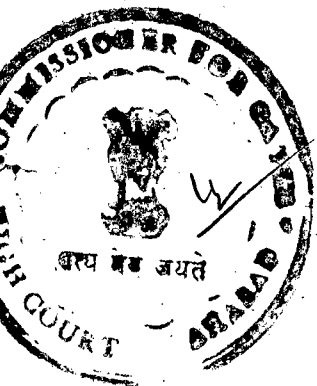
3(b). That it may, however, be mentioned that Central Health Services Officer were asked to give their option vide order dated 12.5.1975 from the Director General of Health Services, New Delhi and the officers were asked to send their option direct to the Accountant General concerned in the prescribed proforma. The petitioner had

submitted the said option form for the revised scale of Rs. 700-1200^{1300/-}.

3(c)- That it is further explained that according to the G.O. (Annexure I to the writ petition) for the placement of the regular General Duty Medical Officer Grade II in Junior Class I scale the officer should be in position as a regular General Duty Medical Officer on 1.1.1973. As per Annexure (I), the officers not found fit after the screening were to be given a revised class II scale of Rs. 650-1200 and their cases were to be reviewed annually for placement in junior class I scale.

3(d)- That in case it is presumed that the petitioner was not given junior Class I scale there must have been two actions on the part of the Ministry of Health. (1) Placement of the petitioner in the class II scale of Rs. 650-1200 with effect from 1.1.73. (2) ^{Review} ~~Revision~~ of his case every year from 1975 onwards i.e. seven times by now and his rejection throughout. None of the two conditions exist and the reason is that the petitioner was given Junior Class I scale with effect from 1.1.1973, as he was found fit on screening.

4. That the contents of paragraph No. 6 of the counter-affidavit are denied, and contents of paragraph 6 of the writ petition are re-affirmed as correct. Annexure 'II' to the writ petition itself shows that the opposite parties have falsely denied the allegations of the petitioner made in paragraph 6 of the writ petition. All the fresh appointments of General Duty Medical Officers (M.B.B.S.) have been made in Junior



Class I scale after the issue of G.O., Annexure (I) to the writ petition, The Officer working under the petitioner (Dr. J.P.S. Pipil) has been recruited in class I Scale.

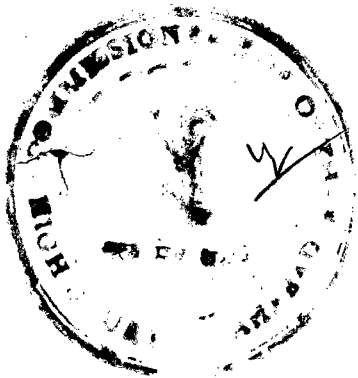
5. That the contents of paragraph No. 7 of the counter affidavit are incorrect. The petitioner's name was considered by the Screening Committee and the U.P.S.C. and he was approved for the Junior Class I scale. This has not been denied by the opposite party No. 3 in the counter-affidavit. Once the Screening Committee and the U.P.S.C. approved the petitioner for placement in Junior Class I scale the Ministry of Health was not competent to deny that to the petitioner. The petitioner was actually placed in Junior Class I scale by opposite party No. 3. Further, after Annexure II to the writ petition the question of deciding fitness did not arise as the original provision of screening (vide Annexure 'I') was abolished and every officer was to be given junior class I scale as the class II posts ceased to exist in Central Health Services.

With regard to the plea of penalty it is submitted that it was awarded on 23.11.78 and the decision for placing the petitioner in Class I scale was to be taken much earlier i.e. 1.1.73. According to the order of penalty dated 23.11.78 from the Secretary, Ministry of Health the only penalty ordered was reduction to a lower stage by two stages for two years. There was no order that the petitioner should be reduced in rank i.e. from Junior Class I to Class



II (pre-revised scale). If the Junior Class I scale which the petitioner has been getting w.e.f. 1.1.1973 by virtue of his approval by U.P.S.C. and assessment committee, as well as the G.O. dated 21.6.78 (Annexure 'II8) is taken back from him, this will imply punishing him thrice, once by reduction from Class I to Class II, secondly by not allowing him to draw even the revised class II scale of Rs. 650-1200 and thirdly by reducing him by two stages in this lower, pre-revised, non-existent class II scale. This will not only cause the financial loss to the petitioner but will make him junior to the officers who are much junior to him and in fact the petitioner will become junior to every officer who will be appointed in Central Health Services in future. No reply has been given to the fact that the petitioner's name was not mentioned in the list of those officers who were not found fit for class I scale.

6. That in reply to paragraph 9 of the counter-affidavit it is stated that the contents are misconceived and not admitted. Opposite party No. 3 has tried to confuse between placement and fixation of the scale. The Chief Medical Officer has merely fixed the pay scale and has not placed the petitioner in class I scale which was already done by the opposite party No. 3. In view of the order dated 5.4.75 (Annexure 'I') and 21.6.78 (Annexure II) and the fact that the petitioner was declared fit after screening there was absolutely no reason for not giving the class I scale to the petitioner. The Chief Medical Officer vide his show cause notice dated 4.6.1979 (Annexure X) to the writ petition has clearly said that the petitioner's scale is to be cancelled due to imposition of a



penalty against him in the scale of Rs. 350-900 under instructions from the Ministry of Health and Family Welfare. Thus the Chief Medical Officer confirms that the petitioner's class I scale is to be cancelled as a consequence of the penalty which was imposed in the lower scale and he has been directed to do so by the Ministry of Health. The Chief Medical Officer does not say that the scale is to be cancelled as the petitioner was not entitled for it or it was wrongly given to him. This is contrary to the statement of the opposite party as contained in para 9 of the counter-affidavit.

In every case the orders of the Ministry are complied by certain competent authorities and in the instant case the Chief Medical Officer has been complying their orders, firstly by fixing the pay of the petitioner and secondly by cancelling the pay of the petitioner. As is evident by the service book of the petitioner, two senior officers viz. Mr. K.M. Palit and Dr. B.K. Routh, the successive Chief Medical Officers have recorded the fact of fixation of pay in junior Class I scale and not only that they have given him annual increment every year raising his pay to Rs. 900/- on 1.8.77. Dr. B.K. Routh has also recorded the fact that the pay scale of the petitioner is being cancelled under specific instructions from the Ministry of Health as a penalty in the pre-revised scale has been imposed on the petitioner. These senior Officer cannot be expected to fix the petitioner's salary against the rules and without any rhyme and reason.

The petitioner was never informed by the Ministry of Health that he was being wrongly paid his salary



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in class I scale since 1.1.1973 and it was only through this counter affidavit that he has learnt about this plea which is an after thought and is malafide. Even if it is presumed that the salary was wrongly fixed by the Chief Medical Officer how and why the petitioner was working at a higher post of Medical Officer Incharge of the C.A.T.C. Hospital since the day of his posting there i.e. 30.9.78 (A/N) as it was not in the hands of the Chief Medical Officer. The petitioner has all along been holding a post which is class I and the Class I Officers have been working under him and he has been writing their confidential reports and sanctioning their casual leaves and has been doing the entire administrative business which he could not have done had he not been treated as a Class I officer. Rather, he would have worked under the other Medical Officer who has been recruited as a class I officer. He has been discharging following duties:-

- (i) Writing confidential report of Class I Officer
- (ii) Granting casual leave to Class I officer.
- (iii) Writing Confidential reports of the staff working under him.
- (iv) Framing budget estimates of C A T C Hospital.
- (v) Making annual indents.
- (vi) Doing entire administration of the Hospital.



Once the petitioner has discharged a duty, he is answerable for his action for ever. Now that life long responsibilities and liabilities ^{W not} can be returned. Further, the petitioner was never informed that he would never be given the current scale (Junior Class I) and would be continued in the old, prerevised, and non-existent class II scale, otherwise he would have decided his further course of career and it might be that he would have decided not to continue in this service.

7. That the contents of paragraph 10 of the counter affidavit are not correct as the petitioner was getting class I scale at the time of imposition of penalty. The allegation made in counter affidavit that the petitioner's name was considered by the screening committee in the year 1979 is also not correct. This is contradictory to the statement of opposite party No. 3 in paragraph 7 and 26 of the counter affidavit. There is no explanation as to why the petitioner's case was considered in 1979 by the screening Committee when the scale was to be given from 1.1.1973 and why he was not considered by the Screening Committee for seven long years. Even if the version of the opposite parties is presumed to be correct then how a "punishment" which "existed in his character roll" in 1979 can snatch something which was due to the petitioner w.e.f. 1973. The fact that the petitioner was getting a Class I scale since 1.1.1973 can be confirmed from his service book, which may be produced by the opposite parties at the time of hearing. Moreover, there was no question of screening Committee after G.O. dated 21.6.1978 (Ann



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and as such also the statement of the deponent is incorrect. Further, the Ministry of Health is not the competent authority to decide the fitness of an officer for inclusion into class I scale. The fitness was to be decided by the Screening Committee and the U.P.S.C. and in case of petitioner his name was approved for class I scale by these authorities.

8. That contents of para 11 of the counter affidavit are not correct and are denied. The fact that the petitioner was in class I is apparent from the Service Book and Civil List besides his duties and functions as a class I officer. No explanation has been given for wrong designation and the place of working in the order of penalty. Also no explanation has been given for mentioning the petitioner's scale as Rs. 350-900 which was not existent as already admitted by the opposite parties in para 5 of the counter affidavit. At the time of passing the order of penalty, not only the petitioner was getting the salary in Class I scale but he was working as Medical Officer-in-Charge of C.A.T.C. Hospital, the class I officer, Junior to him were working under him as Medical Officer.

9. That in reply to the contents of para 12 of the counter affidavit it is submitted that the appeal of the petitioner is not being decided deliberately though it was filed on 6.1.1979.

10. That the contents of para 13 and 15 of the counter affidavit are incorrect and are denied. The



Qh

petitioner has not only been getting his salary in Class I scale but all along he has been working as a Class I officer in as much as he has been even writing the confidential reports of Class I officers and granting them casual leave.

11. That the contents of para 17 of the counter affidavit are denied and those of paragraph No. 21 of the writ petition are re-affirmed as correct. Nowhere it was mentioned that the petitioner was never placed in class I scale. The order of opposite party No. 3 refers to the order of penalty alone as the reason for taking back the class I scale.

12. That in reply to the contents of paragraph 18 of the counter-affidavit, contents of paragraph 22 of the writ petition are re-affirmed as correct.

13. That the contents of paras 20 and 21 of the counter affidavit are denied and a reply has already been given earlier as such they are not repeated again.

14. That the contents of paragraph 22 of the counter affidavit are incorrect and are denied. The petitioner was paid salary for the duties discharged by him and nothing extra was paid to him and as such the question of recovery does not arise. The petitioner has been rightly getting his pay in Class I scale. Annexure X to the writ petition (show cause notice) refers to the order of penalty as the ground on which the petitioner was to be reverted back to the old Class II scale. No other communication containing the order

as stated by the opposite party in the counter-affidavit that the petitioner was never placed in class I and therefore he be reverted to old Class II scale has been ever received by him. This plea has been made for the first time in the counter-affidavit when they found that their stand had no force.

15. That the contents of paragraph No. 24 and 25 of the counter affidavit are incorrect and are denied. The petitioner has been getting an annual increment of Rs. 40/- every year from 1.1.73 which is evident by his service book and there was no order of penalty to stop the increment which he had already earned. As stated earlier the plea that the petitioner was not entitled to Junior Class I scale has been raised for the first time in counter affidavit. The petitioner wrote several letters demanding arrears of salary from 1.1.1973 to 30.9.78. In reply to those letters it was never stated by the opposite party No. 2 or 3 that the petitioner would not be paid the arrears as he was never placed in Class I scale. The order for taking back the salary was passed after the appeal of the petitioner reached in the hands of opposite party No. 3 and when they found it impossible to sustain the order of penalty.

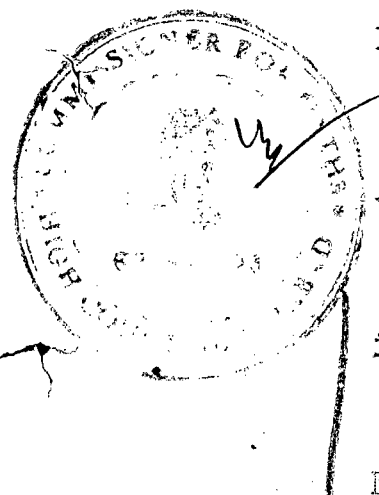
16. That the contents of paragraph No. 36 of the counter-affidavit are incorrect and are contradictory to para (10) of the counter affidavit. The applicant has taken a positive case that he was declared fit after screening by the screening committee and this has not been denied by the deponent.

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17. That the contents of paragraph No. 27 of the counter-affidavit are incorrect and are denied.

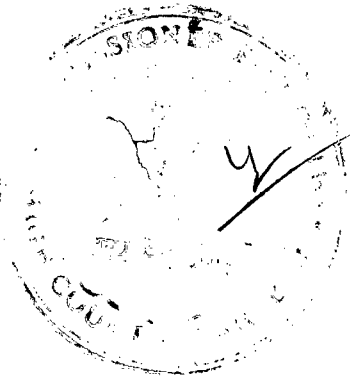
The applicant is a Class I Officer ^{WAS} as further apparent by the fact that the post of General Duty Officer Grade II and the post of Junior Class I is the same as is evident by the order No. A.11014/1/80-C.H. S. II dated 9/10th July, 1981 from the Ministry of Health and Family Welfare regarding the promotion of 15 G.D.O. Grade II Officers to Senior Class I scale of Rs. 1100-1600. A correct copy of the order is Annexure R.A.(I).



Further, the Ministry of Health and Family Welfare published a list of all the Junior Class I Officers in the Central Health Service. This list includes 1445 Junior Class I officers in total, and the petitioner's name is included in this list at serial No. 161. As per this list the officers who are much junior to the petitioner and even those who are only licentiates (not M.B.B.S.) have been given Class I scale. This list will be produced during the hearing.

18. That it is further stated that the Ministry of Health vide their order dated 9/10th July 1981 (Annexure, R.A.I) promoted 15 Junior Class I officers (G.D.O. Grade II) to the Senior Class I scale of Rs. 1100-1600. Several of the officers in this list are junior to the petitioner and as such a gross injustice has been done to the petitioner. Further, the petitioner was to cross the efficiency bar on 1.8.1977 i.e. about 5 years back which is not being allowed to cross and the officers much junior to him have been allowed to cross the efficiency bar. Thus the petitioner has been suffering huge mental and material loss. The


petitioner was to cross the efficiency bar on 1.8.1977. As per the contents of para 27 of the counter affidavit the only objection against crossing the efficiency bar is that the petitioner has not been given the junior class I scale and not that he was declared unfit for crossing the efficiency bar.



19. That the contents of paragraph no.28 of the counter affidavit raise legal issues hence they are not replied by means of an affidavit. However the deponent has been advised that the contentions raised therein are incorrect and that the writ petition is liable to be allowed with costs.

20. That the application of opposite party no.3 is liable to be rejected in the interest of justice.

I, the deponent abovenamed do hereby verify that the contents of para no. 1,2,3(b), 3(d) 4,5,6,7,9, 10,11,12,13,14,15,16,17,18 of this affidavit are true to my personal knowledge those of paras nos. 3(a),3(c) of this affidavit are based on perusal of record and those of paras no. 19,20 of this affidavit are based on legal advice which all I believe to be true that no part of it is false ,



and nothing material has been concealed.

So help me God.

Deponent

10th
29.9.81

I, Ramsewak, Clerk to Sri Sripat Narain Singh, Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be Sri Dr. Pishi Raj Kishore, is the same person and is known to me ~~from~~ personally.

Clerk

Ram Sewak

29-9-81

Solemnly affirm before me on this 29th day of September, 1981 at 8.30 P.M. ~~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 has understood the contents of this affidavit which has been read over and explained to the deponent by me.

OATH COMMISSIONER

Uma Vansh
29.9.81

OATH COMMISSIONER

High Court, Allahabad

No. 56/106/932



Pishi Raj Kishore
29.9.81

Annexure, R. A. (I)

No A . 11014/1/80CHS.II

Government of India

Ministry of Health and Family welfare

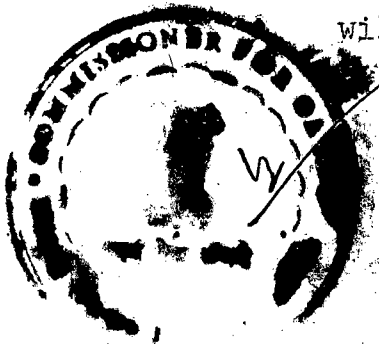
(Department of Health)

New Delhi dated the 9th July 1981

1. The Chief Medical officer
Central Govt. Health Scheme,
8-Deplarade East,
Calcutta.
2. The secretary (Health & FW)
Government of Arunachal Pradesh, Research Institute, Cuttack.
Itangar.
3. Ministry of labour
New Delhi.
4. Director General P&T.
Dak Tar Bhagan
Parliament street,
New Delhi,
5. Director, Central Risse
Research Institute, Cuttack.
Itangar.
6. The Director, National Malaria
Eradication programme, 22 Sham
Nath Marg, Delhi.

Subject;- Promotion/placement of officers from junior class I
Scale of Rs.700-1300 to Senior Class I scale of Rs.1100-1600 of the
Central Health Service.

In continuation of this ministry's letter of even number dated 19.9.80 on the subject mentioned above, I am directed to say that the president is pleased to place the 15 officers of the Central Health Service in the senior class I scale of pay of Rs.1100-1600 of the Central Health service with effect from the dates indicated against their names in annexure. The president is further pleased to decide that the officers mentioned at Sr. no 1 and 3 viz Dr. (Smt) Sila Ghosh and Dr. M.N. Chatterjee of the will stand transferred with immediate effect to Delhi administration Delhi in public interest. Their placement in the senior Class I scale of Rs. 1100-1600 public interest. Their placement in the Senior class I scale of Rs.1100-1600 will take effect only if they join their duties under the Delhi Administration within a period of 6 months or till the DPC meets next



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whichever is later failing which it will be presumed that they are not interested in their placement in the higher scale of Rs.1100-1600. They will in that case will be treated as junior Class I officers.

2. These officers will also be entitled to N.P.A. at the following rates:-

1 to 3 stages,	Rs.250/-
4 to 5 stages	Rs.300/-
6 to 7 stages	Rs.350/-
8 to 9 stages	Rs.400/-
10 to 11 stages	Rs.450/-

3. The pay of officers in the list attached placed in the senior Class I scale of Rs.1100/1600 shall be regulated in the senior Class I scale of Rs.1100-1600 in accordance with the provisions of the Ministry of Finance O.M.No F 12/21 /74/IC dated 14th November 1975 as extended by their O.M. of even number dated 4th Feb 1978, 11th Feb 1979, and 26th May, 1980.

4. These orders will not effect the seniority of those officers who have not been considered so far, for placement in the revised class I senior scale with effect from 1.1.78, 1.1.79 and 1.1.80. The officers placed in the Senior Class I scale of Rs.1100-1600 are entitled to arrears of pay and allowances due and admissible to them from the date of placement shown against each of them arising out of fixation of their pay in accordance with para 3 above.

5. The officers who have been approved for placement in the Senior Class I scale with effect from 1.1.79 and 1.1.80 will rank junior to those who have been placed would be placed in the Senior Class I scale with effect from 1.1.1978.

6. The seniority of these officers who have been placed in Senior Class I scale with effect from the same date, their seniority in the higher grade will be regulated on the basis of seniority in the lower grade.

Yours faithfully,

Sd/-(R.N.TEWARI)
UNDER SECRETARY

NoA.11014/3/80-CIB.II

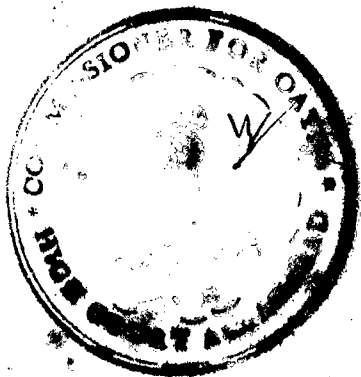
Copy forwarded for information and necessary action to the



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1. The Secretary (M&PH) Delhi Administration Delhi. It is requested that the charge assumption reports in respect of the officers who have been posted under Delhi Administration may kindly be obtained and forwarded to this Ministry.
2. The Dte G.H.S (CGRSii/CESI Sections) with 5 copies,
3. CHSIV Section with 5 spare copies.
4. CHS V Section with 5 spare copies.
5. The Medical superintendent Regional Hospital Tisri Distt. Girdhi (Bihar). Commissioner
6. Deputy Welfare / Mica Mines labour welfare fund organization Karma jhumaritaliya Distt Hazaribagh (Bihar).
7. Post master General North Eastern Circle, Shillong.
8. Copies to medical officers concerned c/o Chief Medical office GGHS, 8 Esplanade East Calcutta.
9. Copies to Medical officers concerned c/o Secretary (P&D) Arunachal Pradesh Itanagar.
10. Copy to Dr. G.S. Mukharjee, Medical officer, Regional Hospital Tisri Distt. Girdhi (Bihar).
11. Copy to Dr. S. Mohanty, Central Rice Research Institute Cuttack
12. Copy to Dr. P.C. Kalita c/o Director, National Malaria Eradication programme 22 Sham Nath marg Delhi.
13. Copy to Dr. (Smt) Lalrintlugagi c/o Post Master General North Eastern Circle, Shillong.
14. The Director General of Health services Govt of Arunachal Pradesh New Itanagar.

Sd /-Illegible
Under Secretary



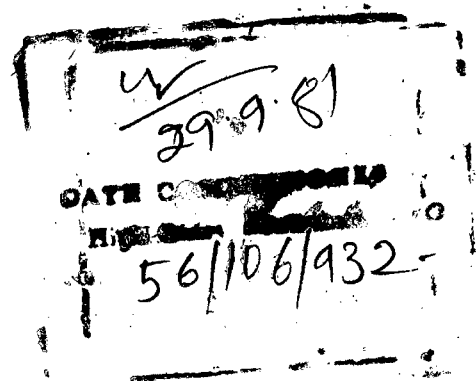
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Annexure I

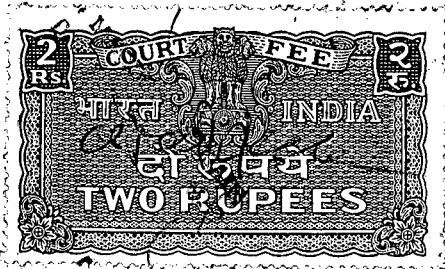
List of General Duty Officer, Grade II officers approved for placement in the senior Class I scale of Rs.1100-1600 with effect from the dates shown against their names.

SrNo.	Name of the Officer	Date of Placement	Name of the Institute.
1.	Dr.(Smt)Sila Ghosh	1.1.1979	GGHS,Calcutta (Stand transferr to Delhi Admn.)
2.	Dr.G.K.Das	1.1.1980	GGHSCalcutta
3.	Dr.M.N.Chatterjee	do	GGHS,Calcutta(stands transfe-rrto Delhi Admd.)
4.	Dr.K.K.Das	do	Arunachal pradesh
5.	Dr.B.P.Paul	do	GGHS Calcutta
6.	Dr.S.N.Banrejee	do	GGHSCalcutta
7.	Dr.G.S. Mukherjee	do	R.H.Tisri
8.	Dr.A.C,Bhattacharjee	do	GGHS,Calcutta
9.	Dr.Biswanth Datta	do	do
10.	Dr.(Smt)Lalrintlugngi	do	P&TN.E.Circle
11.	DR.S.Mohanty	do	C.R.R.I.Cuttack
12.	Dr.P.K.Phukan	do	Arunchal pradesh
13.	Dr.A.V.Paul	do	do
14.	Dr.R.C.Gohain	do	do
15.	Dr.P.C.kalita	do	N.M.E.I.

TRUE COPY.



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SUPPLEMENTARY REJOINDER AFFIDAVIT

IN

Civil Misc. WRIT PETITION NO. 3478 OF 1979

24.2.82

DISTRICT : ALLAHABAD

Dr. Rishi Raj Kishore ----- Petitioner

Versus

Principal, Civil Aviation Training Centre, Allahabad

and Others ----- Respondents

Affidavit of Dr. Rishi Raj
Kishore aged about 37 Years,
son of Late Shri Brij Raj Kishore,
resident of house No. 49/93,
M.G. Marg, Allahabad.

(Deponent)

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

1. That the deponent is the petitioner in the
aforesaid case and as such is fully acquainted with the
facts deposed to below.

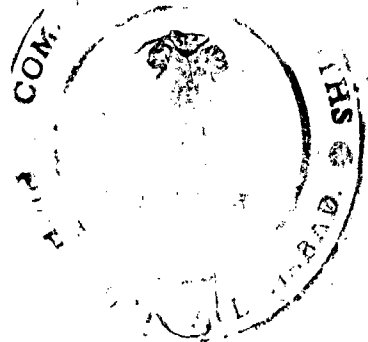
2. That the deponent has gone through the Supplementary
Counter Centre Affidavit of Shri R.N. Tewari and he has fully
understood its contents.

Read by
23/2/82

24/2/82

24.2.82

3. That in reply to paragraph 4 of the Supplementary counter Affidavit it is stated that the contents of the order dated 21.6.1978 (Annexure -II to the writ petition) have been admitted as such there is no controversy regarding the abolition of class II scale in Central Health Service as well as provision of screening for placement in Junior Class I scale. As contained in the order (Annexure II) the Class II scale ceased to exist in Central Health Service and every medical Officer was to be placed in Junior Class I Scale. Hence the provision of screening automatically stands abolished. Further, even if it is presumed that class II scale continued to exist in Central Health Service, this scale as stated by the O.P. No. ³ in para 4 of the supplementary counter affidavit was to be given to only those officers who were not found fit for Junior Class I scale by the Screening Committee. Since the very beginning the petitioner has taken a positive case that he was declared fit for Junior Class I Scale by the screening Committee and this has not been disputed by the opposite parties. Since the petitioner was declared fit by the screening committee for placement in Junior Class I scale, the question of his remaining in class II scale does not arise. Regarding the necessary qualifications for placement in Junior Class I scale the deponent of supplementary counter affidavit has himself stated in paragraph (5) of the counter affidavit that



J. B. Shetty
21/2/82

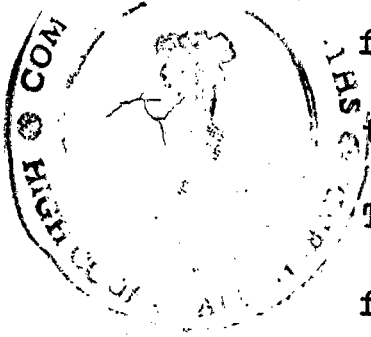
1 Ch.
21.2.82

✓ The Minimum qualification for this scale was M.B.B.S.

and as such his statement in supplementary counteraffidavit is contradictory to his statement in counter affidavit.

4. That in paragraph (5) of the ✓ Supplementary Counter Affidavit it has been admitted that those officers who were not found fit for Junior Class I scale, should have been given the Class II Scale of Rs. 650-1200 but no reasons have been given as to why the applicant was not given this scale in case he was not found fit for junior class I scale. Also, no reasons have been given as to why the petitioner's case was not reviewed every year in case he was not found fit for placement in Junior Class I scale as laid down by the order dated 5.4.75 (Annex. I) to the writ petition). The only reason for this is that the applicant was declared fit by the screening Committee and was placed in Junior Class I scale and as such the question of going through any of the two processes did not arise in this case and that is the reason why the Opposite Party No. 3 has chosen to maintain absolute silence on these vital issues.

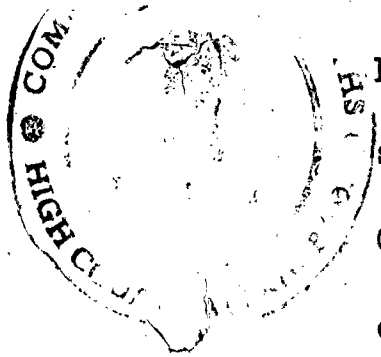
5. That in reply to paragraph No. (6) of the supplementary counter affidavit it is stated that the question of deciding fitness does not arise after issue of order dated 21.6.78 (Annexure II) as every Central Health Service Officer has to be given Junior Class I Scale. Even the fresh appointments are being made in Junior Class I



Subhash Chandra
21/4/82

1 Ch
21.2.82

scale and not in class II scale. The applicant was declared fit for class I Scale by the U.P.S.C. as well as Screening Committee constituted by the Ministry of Health for this purpose which has not been disputed by the deponent in counter affidavit and supplementary counter affidavit and as such the question of not giving that scale to him does not arise. It will be illegal on the part of Ministry of Health and Family Welfare to discriminate amongst their officers. The plea of the opposite party that the petitioner was not given Junior Class I Scale due to vigilance case against him is not correct as the vigilance case had started in November 1975 and the scale was to be given from 1.1.1973. The vigilance case came to an end in November 1978 and no penalty of reduction in rank from class I scale to Class II scale was awarded, against him. As such denying the Junior Class I scale to the petitioner for which he has been declared fit by the U.P.S.C. and screening committee because of a vigilance case against him will mean imposing a penalty against the petitioner which has never been awarded to him. Not only that it will also mean enforcing the penalty from a date (1-1-73) when even the charge was not levelled, what to talk of conducting the enquiry and proving it. This will be a gross illegality as only that much penalty can be imposed against the petitioner which has been specified in the order of penalty and also the penalty can be effective only from the date which has been specified in the order of



[Signature]
1/2/82

[Signature]

of penalty. The amount and duration of penalty can not be more than what is specified in the order of penalty.

6. That ⁱⁿ reply to paragraph No. (7) of the Supplementary counter Affidavit it is stated that ^h these are two Medical Officers at CATC Hospital, Bamrauli including the petitioner. The other medical officer is a Junior Class I Officer in the scale of Rs. 700 - 1300. If the petitioner is treated as a class II officer then how is it possible that he has been working as the Medical Officer-In-Charge of the hospital. The opposite party's ^h pleas that the petitioner is working as the In-charge of hospital by virtue of length of his service viz. a viz. other Medical Officer is not correct in case they treat the petitioner as a class II Officer as a class I Officer cannot work under a class II Officer ^h however senior the class II Officer may be. This proves that the Opposite Party has been treating the petitioner as a class I Officer throughout. The opposite Party's ^h pleas that the pay of the petitioner was fixed in Junior Class I Scale by an Authority who is not competent to do so is also wrong as it is the Chief Medical Officer who has fixed his pay and it is he who has fixed the pay of every Medical Officer working under him as he was fully competent to do so under the rules.

7. That in reply to paragraph (8) of the Supplementary Counter Affidavit it is stated that the statement of Opposite Party is misconceived. The applicant is not claiming Junior



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21/4/82

Signature
21.2.82

Class I scale on the plea of writing confidential reports and granting casual leaves etc. This point was raised in the rejoinder affidavit to prove that not only the applicant is getting salary in Junior Class I Scale but also he has always been discharging the duties of a class I Officer in as much as he was asked to write the Confidential reports of even the Junior Class I Officers working under him. This was not possible if he was a class II officer.

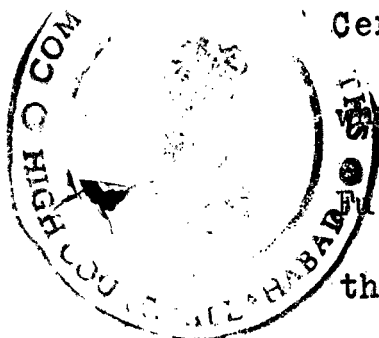
8. That the contents of paragraph No.(9) of Supplementary counter Affidavit are denied. The statement of the deponent in supplementary counter affidavit is contradictory to the order dated 2/10th July 1981 (Annexure R.A. I to the rejoinder affidavit) which has been signed by Sri R.N. Tewari, Under Secretary, himself. In the text of this order the officers promoted have been notified as Junior Class I while in the Annexure to this order they have been notified as General Duty Officer Grade II. As stated by the Opposite Party the pendency of vigilance case cannot be the reason for denying the promotion to the petitioner as no vigilance case was pending against him when the promotions in question were made, i.e. in July 1981. At the time of promotion, ^{to senior class I scale} the petitioner's name should have been considered alongwith other officers and before promoting any of his Juniors to a higher rank he should have been communicated the reason for not promoting him and given full opportunity to explain his case. This was not done which is in violation to rules as well as principle of natural justice.

S. B. Shrivastava
21/4/82

1 Ch
21-2-82

In fact this amounts to imposing another major penalty against him as the petitioner is ^{is liable to} being made to work under his juniors. It may be submitted that so far nothing adverse has been communicated to the petitioner ^{about} his annual confidential reports or his efficiency.

9. That the contents of paragraph No. (10) of Supplementary Counter Affidavit are incorrect and are denied. The petitioner was given class I scale from 1.1.1973 as is evident from several documents. As mentioned in the rejoinder affidavit (para.17) the petitioner's name is included ⁱⁿ serial No. 161 in the civil list of the Junior Class I Officers of the Central Health Service published by the Ministry of Health, which has not been denied in the supplementary counter affidavit. Further, all the authorities in the Ministry of Health in their communications to the petitioner have addressed him as a Junior Class I Officer. This has been done even by Shri R.N. Tiwari himself, the deponent of the counter and the supplementary counter affidavits. ~~As such the statement of the deponent in counter affidavit and supplementary counter affidavits. As such the statement of the deponent in counter affidavit and Supplementary counter affidavit is false and motivated to justify his illegal actions. The correct copy of these communications is being attached as Annexure SRA-1 and SRA-2 to this affidavit.~~



Supplementary
21/2/82

1/2/82

I, the deponent above named do hereby verify that the contents of paragraph No. ⁸²1, ⁸²2 of this affidavit are true to my personal knowledge, those of paragraphs No. ⁸²3, ⁸²4, ⁸²5, ⁸²6, ⁸²7, ⁸²8, ⁸²9 of this affidavit are based on perusal of records and those of paragraphs No. of this affidavit are based on legal advice which I believe to be true.

Nothing contained herein is false, and nothing material has been concealed.

So help me God

[Signature]
21.2.82
(Deponent)

I, Ram Sewak, Clerk to Shri Sripat Narain Singh, Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be Dr. Rishi Raj Kishore, is the same person and is known to me personally.

[Signature]
21.2.82
Clerk

Solemnly affirmed before me on this ⁸²21⁸² day of February 1982 at ⁸²11-15⁸² 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 has understood the contents of this affidavit which has been read over and explained to the deponent by me.

[Signature]
OATH COMMISSIONER
21/2/82
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15 458

ANNEXURE No. SRA-1

No. A.22012/1/82/GHS-II
Government of India
Ministry of Health and Family Welfare
(Department of Health)

New Delhi, Dated the 12 Jan 82,

To

Dr. R.R. Kishore,
49/93, M.G. Marg,
Allahabad.

Subject :- Request for transfer from Dr. R.R. Kishore,
Junior Class I Scale of Central Health
Service.

With reference to your letter dated 22.12.1981
on the subject mentioned above, I am directed to say that
your request for transfer from Bamrauli to C.G.H.S., Allahabad
has been carefully considered in this Ministry but it is
regretted that it has not been found feasible to accede
to your request.

Yours faithfully,

Sd/- xxxxxxxxxxxxxxxxx
(JOGINDAR SINGH)
UNDER SECRETARY

True copy
1 Ch.

Sd/ Bhatnagar	
DATE	21/1/82
FILE NO.	15
LC	15 402

ANNEXURE NO. SRA-2

DOCTOR R R KISHORE
49/93 MAHATAMA GANDHI MARG
ALLAHABAD

ON COMPLETION OF STUDY LEAVE REPORT FOR DUTY TO
MANAGER GOVERNMENT OF INDIA PRESS SIMLA, IMMEDIATELY.

HEALTHIND

Not to be telegraphed

(R.N. TEWARI)
UNDER SECRETARY

No. A22012/1/82-CHS-II

Copy by post in confirmation to Dr. R.R. Kishore,
Jr. Class I Scale Medical Officer, 49/93, Mahatama Gandhi Marg,
Allahabad. He is hereby directed to report for duty to the
Manager, Govt. of India Press, Simla, immediately.

Copy to the Principal, C.A.T.C., Banrauli.(Allahabad)

The Manager, Govt. of India Press, Simla. It is requested
the above named Medical Officer may be allowed to join as soon
as he reports for duty and his assumption charge report in
triplicate in respect of the concerned Medical Officer may
please be sent to this Ministry in due course.

Sd/- xxxxxxxxxxxxxx

(R.N. Tewari)

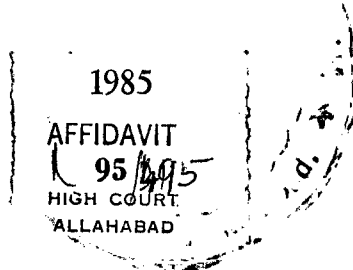
Under Secretary to the Govt. of India.

True copy
Ch.
Sh. R. Tewari

21/12/82

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

S_U_P_P_L_E_M_E_N_T_A_R_Y

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1985
(Under Art. 226 of the Constitution of India)

Dr. R. R. Kishore PETITIONER

Versus

Principal, Civil Aviation Training
Centre, Banhauri, Allahabad and
others RESPONDENTS.

A_f_f_i_d_a_v_i_t of
K. L. Bhatia, aged about 57
years, son of Sri J. M. Bhatia,
Under Secretary, Ministry
of Health and Family Welfare
Nirman Bhawan, New Delhi.

- : DEPONENT : -



Received Copy
V. N. Singh Chaudhary
Secy B.P. Directorate
Adl
11.7.85

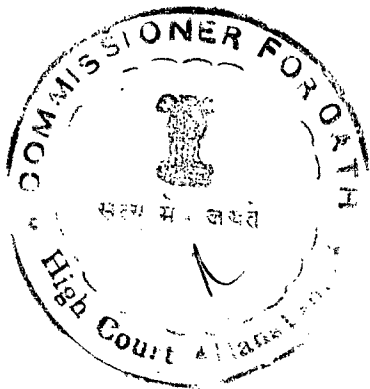
file
29.7.85

[Signature]

•2.

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

1. That the deponent is posted as Under Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi and, as such he is fully acquainted with the facts of the case deposed to below :
2. That the deponent has been authorised to file the present supplementary counter affidavit on behalf of the respondents in this case.
3. That the deponent has read the contents of the supplementary affidavit filed by the petitioner and has fully understood their contents.
4. That the contents of paragraphs 1 and 2 of the affidavit need no reply by means of the present affidavit.
5. That the contents of paragraph 1 (Page 2) of the supplementary affidavit are not admitted as stated therein..
6. That the contents of paragraph 2



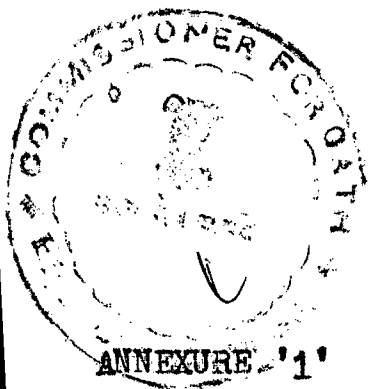
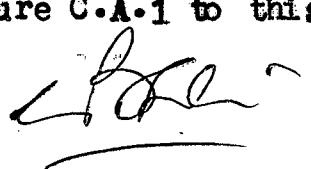
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.3.

of the supplementary affidavit are matters of record and, as such, are admitted.

7. That the contents of paragraph 3 of the supplementary affidavit are not admitted. It is submitted that penalty of reduction to a lower stage, by two stages, in the time scale of Rs.350-25-500-30-590-EB-30-830-35-900 for a period of two years, was imposed on the petitioner vide respondent Nos' 3 and 4 order No. C.13011/4/75-Vig. dated 23rd of November, 1978 (Annexure 'V' to the writ petition).

8. That the said order has been cancelled by the respondent No.3 vide its order No.C.13011/4/75-Vig. & E.M.R. dated 20th of February, 1985 . As such there is no question of appeal against the said order. The petitioner has also been informed in clear terms that his appeal is not entertainable under the circumstances . The allegations made by the petitioner that his appeal has not yet been disposed off, are not correct. A true copy of the order dated 20th of February, 1982 passed by respondent No.3 is being filed herewith and marked as Annexure C.A.1 to this affidavit.



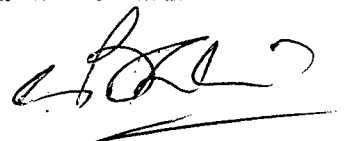
.4.

9. That the contents of paragraph 3 of the supplementary affidavit are not admitted. It is submitted that as per respondents records the petitioner was appointed as General Duty Officer Grade II of the Central Health Service on regular basis with effect from 20th of March, 1971. His service under Central Health Service will, therefore, reckon from that date. .

10. That it is further submitted that the ad-hoc service rendered by the petitioner from 1st of August, 1969 to 20th of March, 1971 is not countable for the purposes of seniority under Central Health Service.

11. That the contents of paragraph 4 of the supplementary affidavit are not admitted. It is submitted that the relevant part of Rule 8 of the Central Health Scheme Rules, 1963 (as amended in 1966) reads as follows :

*vacancies in the General Duty Officers' Grade-I shall be filled



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filled by promotion of persons holding posts in the General Duty Officers, Grade II (Graduate Officers) or in any post which was equivalent to such post, immediately before the commencement of Central Health Scheme (Amendment) Rules, 1966, who have rendered, whether before or after such commencement, not less than five years of service, by selection on the recommendation shall be made on the basis of the records of service of such officers and a qualifying test. Provided no qualifying test shall be held in the case of officers who have been appointed on the recommendation of the Commission to category E or in any equivalent post in the service as in existence immediately before the commencement of the Central Health Service (Amendment) Rules, 1966 "



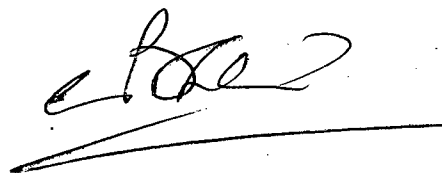
12.

That the grade of ^G ~~E~~/D.O. grade II has been redesignated as Medical Officers and that of G.D.O. I as Senior Medical Officer . It is stated that the Central Health Scheme Rules, 1963

(as amended in 1966) have been repealed by Central Health Scheme Rules, 1982 and in accordance with the Central Health Scheme Rules, 1982 promotion to the post of Senior Medical Officer is to be made on the basis of seniority cum-fitness failing which by direct recruitment. It is stated that the promotion is to be made from amongst the Medical Officers in General Duty Cadre with five years' regular service in the grade.

13. That it will thus be seen that promotion to the post of G.D.O. Grade-I up to 12th of November, 1982 was on the basis of selection and after coming into force of Central Health Scheme Rules, 1982 with effect from 13th of November, 1982. Promotion to the post of G.D.O. Grade I (redesignated as Senior Medical Officer) was on the basis of seniority-cum-fitness .

14. That the petitioner has



staked his claim for promotion as G.D.O. Grade-I from 1st of January, 1978 or earlier. At that time Central Health Scheme Rules, 1966 were in force. As such the petitioner's contention that the post of G.D.O. Grade-I are non-selection posts, is not correct. Moreover promotion as G.D.O. Grade-I is not automatic after completion of five years' of service in G.D.O. Grade-II.

15. That it is further submitted that the number of candidates actually promoted will depend on the number of vacancies available in G.D.O. Grade-I. As such mere completion of five years of service as G.D.O. Grade II does not bestow any right for promotion on a G.D.O. Grade-II officers.

16. That the contents of paragraph 5 of the supplementary affidavit are denied. It is wrong to say that the officers junior to the petitioner have been placed in



[Handwritten signature]

Senior Class I scale with effect from the 1st of January, 1978. The two persons named by the petitioner viz. Dr. (Km.) Namaram Sumeti Devi (listed at serial No. 8 of the Civil List) and Dr. K.S.Sikadhar (listed at Serial No. 16 of the Civil List) are quite senior to the petitioner. The petitioner's place in the civil list is at serial No. 136.

17. That it is submitted that the petitioners' contention is that the dates of appointment of Dr. (Km.) Sumeti Devi and Dr. K.S.Sikadhar is 1st of January, 1972 and 1st of May, 1972 respectively is not correct. The correct dates of their appointment as G.D.O. Grade II are 16th of September, 1966 and 2nd of May, 1968 respectively.

18. That the dates shown in the civil list against the names of these two doctors under column 5 of the civil list are the dates of their confirmation as General Duty Officer Grade II. Even the date of confirmation



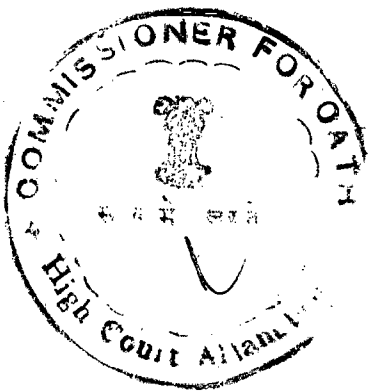
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.9.

of Dr. (Km.) Sumeti Devi (1.1.1972)
is not correctly given due to typographical
error. Her correct date of confirmation
is 1st of May, 1972.

19. That it is stated here that
the petitioner vide his representation dated
10th of October, 1984 besides raising other
matters, requested this Ministry to place him
in senior class-I scale as he became due
for such placement w.e.f. 1st of January, 1978
as per his statement) The request of the
petitioner was considered and orders of
his placement in senior class-I scale with
effect from 1st of January, 1982 were issued
vide order No. A-11014/2/82-CHS.II dated
30th of January, 1985, a copy of which
has already been filed as Annexure '1' to
the supplementary affidavit.

20. That the contents of
paragraph 6 of the supplementary affidavit
are emphatically denied. It is stated



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that the petitioner's placement in senior class-I scale w.e.f. 1.1.1982 is not based on any principle and disregards the principles laid down by Hon'ble the Supreme Court. It is also denied that his placement will result into serious damage to his career. No person junior and subordinate to the petitioner has been placed in senior class-I from a date earlier than the petitioners. It is also denied that the petitioners' placement is senior class-I w.e.f. 1.1.82 will adversely affect his future chances of promotion and will cause him a recurring loss of pay, as alleged.

21. That the contents of paragraph 7 of the supplementary affidavit are not admitted. It is denied that the petitioner is entitled for placement in senior class I scale w.e.f. 1.1.78 or any earlier date. None of the juniors of the petitioner has been promoted to senior class-I scale from a date earlier than the petitioner.

22. That the contents of paragraph 8 of the writ petition are emphatically denied. It is ~~stated~~ ^{wrong to say} that the order dated 30th of January, 1985 of the respondent No.1 (Annexure



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•11.

I to the supplementary affidavit) is violative of Article 14 and 16 of the Constitution of India. The petitioner has no claim for placement in Senior Class-I scale w.e.f. 1.1.78 or earlier.

23. That in view of the submissions made above the petitioner has no case for his placement in senior class-I scale from a date earlier than 1.1.1982.

24. That the application filed by the petitioner is devoid of any merit and is liable to be dismissed.

I, the deponent named above, do hereby solemnly affirm and swear that the contents of paragraphs 1 to 3

of this affidavit are true to my personal knowledge, that the contents of paragraphs 4 to 24

of this affidavit are based on record ; that



LBH 3

the 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.

DEPONENT. 13/5/85

I, Ashok Mohiley, Advocate, High Court,
Allahabad declare that the person making this
affidavit and alleging himself to be Sri K.L.
Bhatia is the same person and is personally known
to me.

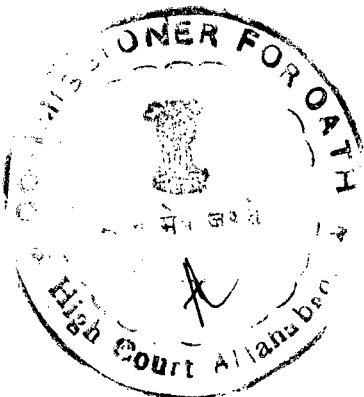
SOLEMNLY affirmed before me on this 13th day
of May, 1985 at 6.35 A.M./P.M by the deponent who
has been identified as above.

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

OATH COMMISSIONER.

Radplem
OATH COMMISSIONER
HIGH COURT ALLAHABAD
S. No. 95/495
Date 13/5/85

Radplem



IN THE HIGH COURT OF JUDICATURE

ANNEXURE G.A.A.1

IN

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. OF 1985
(Under Art. 226 of the Constitution of India)

Dr. R. R. Kishore Petitioner

Versus

Principal, Civil Aviation Training
Centre, Bamhaurli, Allahabad and
others Respondents.

Registered A/D

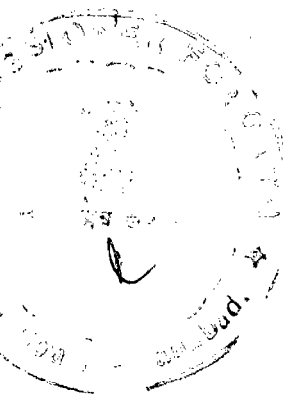
No. C.13011/4/75-Vlg. & EMR

Govt. of India

Ministry of Health and Family Welfare

New Delhi 20th Feb., 1985

ORDER



ORDER

In this Ministry's Order No.C 13011/4/75-Vig. dated 23rd of November, 1978 penalty of reduction to a lower stage, by two stages, in the time scale of Rs. 350-25-500-30-EB-590-EB-30-830-35-900 for a period of two years, was imposed on Dr. R.R.Kishore, the then Junior Medical Officer, CCHS, Allahabad. Subsequently, the following facts have come to light :

i) By a Memorandum No. 10-5/75-CGHS/6093 dated 28.9.78, issued by the C.M.O., CGHS, Allahabad, Dr. R.R.Kishore, was please placed in Junior Class I scale of Rs.700-1300 w.e.f. 1.1.1973. The said order was issued by the C.M.O., C.G.H.S. Allahabad erroneously and unauthorisedly as he was not the competent authority to do so.

ii) When the above mistake was detected Dr. R.R.Kishore was working in the Civil Aviation Training Centre, Banhraul. The Principal of the Training Centre, therefore, cancelled the said Memorandum



[Handwritten signature]

vide Memorandum No. PG/EET/13-170/46 dated 24.4.1979, fixing again Dr. Kishore's pay at Rs.590- plus NPA in the pay scale of Rs.350-900

iii) Dr. R..RKishore filed a writ petition in the Allahabad High Court against the memorandum dated 24.4.1979 and obtained stay order of the High Court and continued to draw pay in the time scale of Rs.700-1300/-

iv) The entitlement of Dr R.R.Kishore for placement in the junior class I scale of Rs.700-1300 from a retrospective effect was considered by this Ministry and by an order No.A-11014/16/84-CHS II considered by this Ministry and by an order No.A-11074/16/84-CHS-II considered by this Ministry and by an order No.A11014/16/84-CHS II dated 28.8.1984, he was placed in the revised Junior Class I scale of Rs.700-1300 w.e.f. 1.1.1973.



It was thus revealed that Dr. R.R.Kishore started enjoying a Class I

.4.

status w.e.f. 28.9.1978 on account of the Memorandum dated 28.8.1978 issued by the C.M.O., N X.G.H.S., Allahabad. Consequently, the Secretary Ministry of Health and F.W. ceased to be the disciplinary authority in his case from that date onwards, as President became the appointing and hence the disciplinary authority in respect of Class I officers, as per rule 8 of the CCS (CCA) Rules, 1965. Hence the stages of proceedings gone into by an authority other than the President w.e.f. 28.9.1978 and the order dated 23.11.1978 passed were beyond jurisdiction and were, therefore, inoperative. The proceedings beyond 28.9.1978 are required to be cancelled and the proceedings beyond the stage reached on 28.9.1978 has to be taken up by the appropriate disciplinary authority, for finalisation.

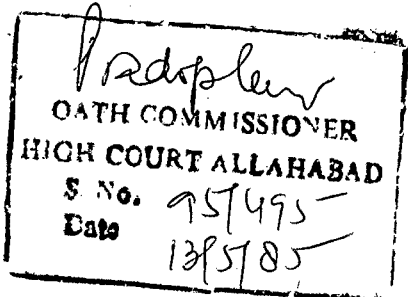
Accordingly, the undersigned hereby cancels the said proceedings beyond 28.9.1978 gone into including the order No.C 13011/4/75 Vlg. dt. 23.11.1978

Sd/-

(SERIA GEENWAL)

Secretary to the Govt. of India

Dr. R. R. Kishore,
Medical Officer (Junior Class-I)
C/O Chief Medical Officer,
CGHS, 9-A, Rana Pratap Road,
Lucknow.



Court fee remitted vide Notification No. M-1015/I-602(1)
Dated August 5, 1946 published in U. P. Gazette
Dated Augst 10, 1946 Part I, page 277.

IN THE HIGH COURT JUDICATURE AT ALLAHABAD.

with Petition No. 3478 of 1947

District : Allahabad

Dr. R. R. Kishore Petitioner/
Appellant/
Applicant/

VERSUS

(Union of India) Principal Civil Respondent/
Opposite Party
Aviation Training Centre and others

I, ASHOK MOHILEY Additional Standing Counsel for the
Government of India(except Income Tax and Railways) at the
High court of Judicature at Allahabad, appear on behalf of :

The Government of India/Union of India/Central Government
(except Income Tax and Railways) and

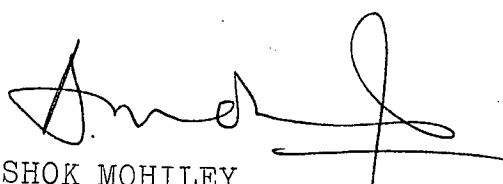
Respondents no 1 to 3.

.....

.....

.....

Respondent (s)/Opposite Party (parties) Nos.....
who is/are the Petitioner/Appellant/Applicant/Respondent/
Opposite Party in the aforesaid case.


ASHOK MOHILEY
Additional Standing Counsel
Government of India
High Court, Allahabad.

Dated :

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

SUPPLEMENTARY COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979

(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

Dr. Rishi Raj Kishore _____ Petitioner.

Versus

The Union of India & others _____ Respondents.

COUNTER AFFIDAVIT OF:

R.N. Tewari aged about 44 years
son of Sri N.N. Tewari, Under
Secretary to the Ministry of
Health and Family Welfare,
Department of Health, Government
of India, New Delhi.

R.N. Tewari
(Deponent)

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

R.N. Tewari

1. That the deponent is the Under Secretary to the Government of India, Ministry of Health and Family Welfare, Department of Health, Government of India, New Delhi and is authorised to file this supplementary counter-affidavit on behalf of the respondents and as such is fully conversant with the facts of the case deposed to hereinafter.

2. That in the aforesaid case a counter-affidavit has been filed on behalf of the answering respondents earlier but in the rejoinder-affidavit, the petitioner introduced certain new facts and as such the necessity arose for filing the supplementary counter-affidavit.

3. That the stay vacation application moved by the answering respondents came up for hearing before Hon'ble Mr. Justice M.N. Shukla on 9.11.1981 but after hearing the counsel for the parties, His Lordship has granted time to the respondents to file the supplementary counter-affidavit and as such the supplementary counter-affidavit is being filed in this case.

4. That the allegations raised by the petitioner in paragraph 5 of the rejoinder-affidavit are not correct. The provisions of screening of Medical Officers for placement in the

R. N. Das

Junior Class I Scale of Rs.700-1300/- was not dispensed with as alleged in terms of the contents of the Orders dated 21.6.1978 (annexure-2 to the writ petition) which is being misinterpreted by the petitioner. As a matter of fact the provisions of screening for placement in Junior Class I Scale was made by President vide Orders No.A-45012/1/74-CHS II, dated 5.4.1975 and as such the provision could only be withdrawn/modified by the same authority viz. the President. The contents of the letter dated the 21st of June 1978 are merely a clarification of the revised pay scale of Junior Class I. It is not correct that the Class II scale ceased to exist with effect from 1.1.1973. It is further stated that as a matter of fact on the recommendation of the 3rd Pay Commission two scales of pay viz. Rs.700-1300/- and Rs.650-1200/- were prescribed in place of the pre-revised Class II scale of Rs.350-900/- vide Notification No.GSR.413(E) dated 7th of October, 1974 and the prescribed standard Class II scale of Rs.650-1200/- continued to be allowed to those medical Officers who were not found suitable for placement in Class I scale of Rs.700-1300/- by the Screening Committee. ~~Copy of the Notification No.GSR.413(E) dated 7th of October, 1974 is being annexed herewith and marked as ANNEXURE-SCA-1 to this supplementary counter-affidavit.~~ It is stated that the possession of qualification by any Medical Officer for

in the Junior Class I Scale of Rs.700-1300/- is not prescribed as a condition or criteria and as such the point regarding the placement of licentiates medical Officers in the Junior Class I scale of Rs.650-1200/- raised by the petitioner is irrelevant. As a matter of fact to disprove the contention of the petitioner it may be clarified that even on date there are quite a few G.D.O. Grade II Officers, who have not been placed in Junior Class I due to one reason or other and are continuing to draw pay in the scale of Rs.650-1200/-

5. That the contents of paragraph 3 (d) of the rejoinder-affidavit as stated therein by the petitioner are denied. The facts are that there was no question of considering the petitioner for placement in Class II scale of Rs.650-1200/- with effect from 1-1-1973. According to the Ministry of Health and Family Welfare (Department of Health) Office Memo dated 5-4-1975 the Medical Officers who are not found fit for placement/appointment to Class I Junior Scale of Rs.700-1300/- should have been given the prescribed Junior Class II scale of Rs.650-1200/- which is the replacement scale of the pre-revised Class II Scale of Rs.350-900 as they were initially appointed to Class II posts. The applicant should have claimed this scale of pay from his Accounts Officer or his administrative Officer which he did not do so deliberately. The facts with regard to the placement/appointment of the applicant in the Junior Class I scale

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of Rs.700-1300 are fully stated in paragraph 7. of the counter-affidavit.

6. That the petitioner was not considered by the Ministry of Health and Family Welfare i.e. the Cadre Controlling Authority to be fit Officer to be placed in Class I Junior Scale of Rs.700-1300/- due to Vigilance case against him. It is also denied that the original provision of screening was abolished, inasmuch as, the said provision for screening is very much in existence even today.

7. That since the petitioner was not placed or appointed by the Competent Authority in the Junior Class I scale of Rs.700-1300/- the pay ought not to have been fixed in that Grade by the Chief Medical Officer, Central Government Health Scheme, Allahabad. It is also not correct that the petitioner is working at a higher post at Civil Aviation Training Centre Hospital but he is working as G.D.O. II Officer of Central Health Scheme cadre to which he was originally appointed and has been performing the duties of the Medical Officer-Incharge of the Civil Aviation Training Centre Hospital by virtue of his length of service viz. a viz other Medical Officers at the Hospital. It is also relevant to state that the pay scale of the petitioner was wrongly fixed in the Junior Class I scale of Rs.700-1300/. w.e.f.

AV
P. M. Chandra

1.1.1973 by a Authority who is not competent to do so. The averments raised by the petitioner the rejoinder-affidavit that the Ministry of Health is not competent to decide the fitness of the petitioner's placement in the Junior Scale Class is also denied.

8. That the petitioner was never appointed/placed in the Junior Class I Scale of Rs.700 to Rs.1300/- by the Competent Authority and as such he cannot claim this scale on the plea of writing Confidential Reports and granting casual leave etc.

9. That the contentions raised by the petitioner in paragraph 17 of the rejoinder-affidavit are also incorrect. The orders dated 9/10th of July, 1981 (annexed as annexure-A-1 to the rejoinder-affidavit) do not speak of the fact that the post of General Duty Officer Grade II and the post of Junior Scale I is the same. It is further stated that the Officers Junior to the applicants have been given Class I scale because of their clean record, they were found suitable by the screening Committee. Since the Vigilance case was pending against the petitioner, he was not found suitable by the Screening committee. A

10. That since the petitioner was never

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placed in Junior Class I scale of Rs.700-1300/-
w.e.f. 1.1.1973 he was not entitled to withdraw
the aforesaid salary and he wrongly withdraw
the salary from 1.1.1973, to April 1979 and the
answering respondents have every right to recover
the aforesaid amount from the petitioner.

I, the deponent abovenamed do hereby
swear and verify that the contents of paragraph 1 & 2
of this supplementary counter-affidavit are true to
my personal knowledge, that those of paragraphs 3,
4, 5, 6, 7, 8, 9, and 10 (Partly) of this counter-affidavit
are based on the perusal of records received by
perusal and information and those of paragraph 10
(partly) are based on the legal advice, which the
deponent believes to be true.

Nothing contained herein is false,
nor any material facts have been concealed therein.

So help me God.

Ram Chandra
(Deponent)

Solemnly affirmed before me this
11th day of December, 1981 by the deponent at

Ram Chandra

U. th. Commissioner/2.12.81
Dist. Court of

IN THE HON'BLE HIGH COURT OF JUDICATURE AT

ALLAHABAD

COUNTER AFFIDAVIT

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979

(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

Dr. Rishi Raj Kishore Petitioner

Versus

Principal, Civil Aviation Training Centre

and others. Respondents

Affidavit of

Shri R.N. Tewari

aged about 44 years

son of Shri N.N. Tewari

Deponent

Contd...2/-

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

1. That the deponent is Under Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi, and is authorised to file this counter-affidavit on behalf of the respondents and as such is fully conversant with the facts of the case deposed to below.

2. That the deponent has read the writ petition and the affidavit filed in support thereof and has fully understood its contents. The replies contained in this counter-affidavit are with reference to the various assertions contained in the writ petition.

3. That the contents of paragraphs 1 to 3 of the writ petition are admitted.

4. That in reply to the contents of paragraph 4 of the writ petition, it is stated that the Ministry of Health and Family Welfare, Government of India is the controlling authority of the Officers of the Central Health Service. The petitioner was posted by the aforesaid Ministry to work under the Central Government, Health Scheme, Allahabad and Civil Aviation Training Centre, Banrauli, Allahabad which are participating

Contd...3/-

units of the Central Health Service.

5. That in reply to the contents of paragraph 5 of the writ petition, it is stated that the averments contained therein are not correct. True facts are that the Third Central Pay Commission, 1973 in Paras 7-8 of Chapter 16 of their Report recommended the gradual abolition of Class II Scale in the Central Health Service for which the minimum qualification is MBBS and that the then existing General Duty Officer Grade II should be fixed in Class I Junior Scale after screening and those who are not so selected for the class I Junior scale should continue in class II and be allotted the standard Class II scale. The standard class II scale in lieu of pre-revised scale of Rs.350-900 as recommended by the Pay Commission is Rs.650-1200. The Government of India issued orders in the Ministry of Health and Family Welfare O.M.No.A-45012/1/74-CHS-II dated 5.4.1975 laying down that the regular General Duty Officers Grade II in position on 1.1.1973 may be placed in the Class I Junior Scale Rs.700-1300 subject to screening and those not found fit for appointment to class I Junior Scale should be given the class II scale

Contd...4

of Rs. 650-1200/-. Their cases for inclusion in class I scale were also to be reviewed annually by the Central Health Service.

6. That the contents of paragraph 6 of the writ petition as stated therein are denied.

7. That in reply to the contents of paragraph 7 of the writ petition, it is stated that the case of the petitioner alongwith other persons was also considered by the Screening committee and the Union Public Service Commission but since there have been award of penalty of reduction at two stages in the scale of Rs. 350-900 as a result of some disciplinary proceedings, the Competent Authority i.e. the Ministry of Health did not consider him to be a fit person to be placed in Class I Junior Scale.

8. That the contents of paragraph 8 of the writ petition are admitted.

9. That in reply to the contents of paragraph 9 of the writ petition, it is stated that the Chief Medical Officer, Central Government Health Scheme, Allahabad was not the Competent Authority to place

Contd...5/-

the petitioner in Junior Class I scale i.e. Rs.700-1300/- and the order fixing the pay scale of the petitioner by the Chief Medical Officer, Allahabad was wholly void and without jurisdiction and the same could not confer any right on the petitioner. It appears that the aforesaid order fixing the pay scale of the petitioner was passed by the Chief Medical Officer, Central Government Health Scheme Allahabad without looking the correct provision for fixation of pay. Moreover, the Ministry of Health and Family Welfare was the proper authority to fix the pay scale of the petitioner or to place him in Class I Junior scale from Class II to which he was originally appointed.

10. That in reply to the contents of para 10 of the writ petition, it is stated that it is true that the petitioner was awarded the penalty as alleged in para under reply and his case was considered by the Screening Committee in the year 1979 when the aforesaid punishment existed in his character roll and since the petitioner was never placed in Class I Junior scale by the Competent Authority, he was not entitled to the pay scale applicable to the class I Junior Scale.

Contd...6

11. That the contents of paragraph 11 of the writ petition as stated therein are denied. The petitioner was never in class I service. The order imposing penalty was passed taking into account that the petitioner was entitled to pay in class II scale of Rs.350-900 which was the pay scale of the post on which the petitioner was initially appointed.

12. That in reply to the contents of para 12 of the writ petition, it is stated that it is true that the petitioner has preferred an appeal to the President of India against the order of imposing penalty and the same is pending consideration.

13. That the contents of paragraph 13 of the writ petition are denied. The petitioner was never given class I Junior Scale, he always remained as class II Officer and as such the question of reversion does not arise.

14. That the contents of paragraphs 14 and 15 of the writ petition are matters of records and need no reply.

15. That the contents of paragraph 16 of the writ petition are denied. No punishment has been inflicted upon the petitioner, in as much as, he was never in

class I. The petitioner joined the Central Health Service in Class II scale and continued in the same scale and on the basis of recommendations of the III Pay Commission, he has not been placed in class I Junior Scale by the Competent Authority and as such the allegations of the petitioner that he has been reverted is misconceived.

16. That the contents of paragraphs 17, 18, 19 and 20 of the writ petition are matters of record.

17. That the contents of paragraph 21 of the writ petition as stated therein are not admitted. In fact, the show cause notice is not an order of reversion. Since the pay of the petitioner was wrongly fixed by the Chief Medical Officer, Central Government Health Scheme, who was not a competent authority to do so and on the receipt of the information from the Ministry of Health and Family Welfare to the effect that the petitioner was never placed in class I Junior scale, the alleged letter was issued by the Chief Medical Officer to the petitioner.

18. That the contents of paragraph 22 of the writ petition as stated therein are denied.

19. That the contents of paragraph 23 of the writ petition need no reply.

20. That in reply to the contents of para 24 of the writ petition, it is stated that the petitioner was never placed in class I Junior Scale and the show cause notice does not amount to any reversion. The petitioner was never found suitable to be placed in class I scale by the Competent Authority i.e. the Ministry of Health and Family Welfare and he always continued in Class II from the date of his initial recruitment to this date. Since the Chief Medical Officer had illegally and unauthorisedly refixed the salary of the petitioner, the same was withdrawn on the direction of the Ministry of Health and Family Welfare who is the competent authority for placing a person from class II to class I in the Central Health Service.

21. That the contents of paragraph 25 of the writ petition are misconceived and are denied.

22. That the contents of paragraph 26 of the writ petition as stated therein are denied. It is stated that since the petitioner had drawn the higher salary to which he was not entitled the answering

respondent have a legal right to recover the same from the petitioner and the said recovery does not amount to reduction in rank as the petitioner was always in class II and was never placed in class I Junior scale and the petitioner is not entitled to any salary of class I Junior scale.

23. That the contents of paragraph 28 of the writ petition need no reply.

24. That in reply to the contents of para 29 of the writ petition, it is stated that the petitioner was never entitled to the salary of Junior Class I scale.

25. That in reply to the contents of para 30 of the writ petition, it is stated that the petitioner is not entitled to any arrears, in as much as, he was never placed in class I Junior scale. Allegations to the contrary are wholly false and are denied.

26. That in reply to the contents of paragraph 31 of the writ petition it is stated that the case of the petitioner was screened by the Screening Committee and since the factum of imposition of penalty on the petitioner was not available before

~~the~~ screening committee at the time of screening the case of the petitioner was forwarded to the Ministry of Health and Family Welfare but since the petitioner had been awarded penalty in the past he was not considered to be fit for being placed in class I Junior scale.

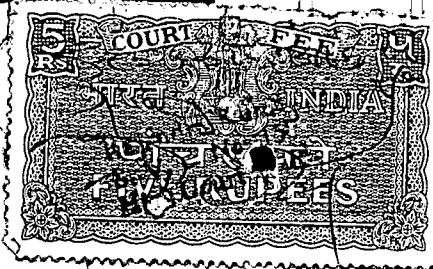
27. That in reply to the contents of para 32 of the writ petition, it is stated that since the petitioner has not been placed so far in class I Junior scale, the question of his promotion to Class I senior scale does not arise and the question of crossing the efficiency bar is irrelevant, in as much as, the petitioner has never been placed so far in class I junior scale.

28. That the grounds taken by the petitioner do not disclose any grounds for interference by this court under article 226 of the Constitution of India and the writ petition is liable to be dismissed with costs.

I, the deponent above named do hereby swear and verify that the contents of paragraphs 1 and 2 of this affidavit are true to my personal

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knowledge, that those of paragraphs 3 to 27 of this affidavit are based on the perusal of records and those of paragraph 28 of this affidavit are based on the legal advice, which the deponent believes to be true. Nothing contained herein is false, nor any material facts have been concealed therein. So help me God.



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

Civil Misc. Application No. _____ of 1985.

In

Civil Misc. writ Petition No. 3478 of 1979.

Dr. Rishi Raj Kishore son of late Sri Brig Raj Kishore
resident of House No. 49/93, Mahatma Gandhi Marg.

District AllahabadPetitioner.

Versus

1. Principia, Civil Aviation Training Centre, Bamrauli, Allahabad.
2. Chief Medical Officer, Central Government Health Scheme, 7-Liddle Road, Georgetown, Allahabad.
3. Ministry of Health and Family Welfare, Department of Health Government of India, New Delhi, through its Secretary, Nirman Bhavan, Maulana Azad Road, New DelhiOpposite Parties.

The humble application of the petitioner most respectfully shewth:-

1. That after the filing of the writ petition certain developments have occurred, which are mentioned in the accompanying affidavit.
2. That it is therefore essential in the interests of justice that this Hon'ble court may be pleased to direct respondent No. 3 to place the petitioner in senior class I scale atleast from 1.1.78 (counting his service from the date of ad-hoc appointment) in the light of the principle laid down by the Hon'ble Supreme Court in A I R, 1984 S.C. 1527 and give all benefits of pay, seniority etc. accordingly.

P R A Y E R

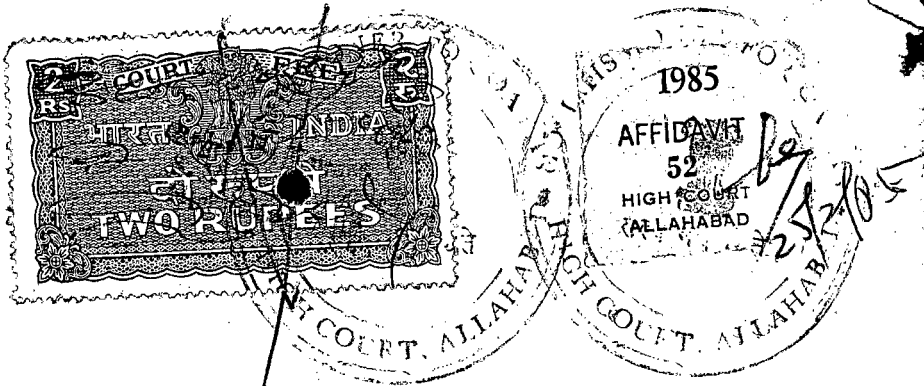
It is therefore, humbly prayed that this Hon'ble Court be pleased to direct respondent No. 3 to place the petitioner in senior class I scale atleast from 1.1.78 and give all benefits of pay, seniority etc. accordingly.

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Received Copy
Senior Standing Counsel
Central Govt. High Court
Allahabad.

M. Kalyan
(Counsel for Applicant)

31/12/85
25/12/85



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SUPPLEMENTARY AFFIDAVIT

IN

Civil Misc. Writ Petition No. 3478 of 1979

DISTRICT ; ALLAHABAD

Dr. Rishi Raj Kishore - - - - - Petitioner

Versus

Principal, Civil Aviation Training Centre,
Allahabad and Others - , - - - - - Respondents

Affidavit of Dr. Rishi Raj
Kishore aged about 40 years,
son of Late Shri Brij Raj
Kishore, resident of No. 11
Jopling Road, Lucknow.

(Deponent)

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

1. That the deponent is the petitioner in the
aforesaid case and as such is fully acquainted with
the facts deposed to below.

2. That owing to the subsequent developments it is
necessary to bring on record certain facts by means of
this supplementary affidavit, which may be treated as
part of the writ petition.



1. That the opposite Party No. 3 namely the Ministry of Health & Family Welfare, Government of India has not disposed off the Appeal preferred by the petitioner on 6.1.1979 despite the orders dated 17.5.84 of the Hon'ble High Court directing them to dispose of the Appeal with in one month.

2. That the opposite Party No. 3 vide their Orders No. A 11014/2/84-CHS II dated 30/1/1985 have placed the petitioner in Senior Class-I scale, w.e.f. 1.1.1982. A correct copy of the orders is Annexure -I.

3. That as submitted by the petitioner in his writ petition and subsequently admitted by the opposite Party No. 3 in their counter affidavit the petitioner has been in continuous service from 1.8.1969 and according to the principle laid down by the Hon'ble Suprem Court of India in A I R 1984 S.C. 1527 the seniority of an employee is to be reckoned from the date of first appointment taking in to account ~~for~~ the ad-hoc service also.

4. That according to Central Health Service Rules the placement in Senior Class-I scale is done only on the basis of seniority cum fitness as they are non-selection posts and as such in view of the principle laid down by the Hon'ble Supreme Court as submitted above, the petitioner became due for placement in Senior Class-I scale w.e.f. 1.8.74, since under the Rules after working for 5 years in Junior Class I Scale one becomes due for placement in senior Class-I scale.

5. That the officers Junior to the petitioner have been placed in Senior Class-I Scale with effect from 1.1.1978 as is evident from the ~~xxxx~~ Civil list of Central Health Service

Medical Officers. For example Dr. (Kum.) Namaram Sumati Devi listed at Sl.No. 8 of the Civil List whose date of appointment is 1.1.1972 has been placed in Sr. Class-I Scale w.e.f. 1.1.1978 and Dr. Kshirod Shankar Sikdhar listed at Sl. No. 16 whose date of appointment is 1.5.1972 has been placed in Sr. Class-I Scale w.e.f. 1.1.1978. This has already been represented by the petitioner to the Respondant No. 3 vide his representation dated 10.10.1984, which is annexed as Annexure-II to this affidavit.

6. That the petitioner's placement in Senior Class-I scale w.e.f. 1.1.1982 is not based on any principle and is in utter disregard to the principle laid down by the Hon'ble Supreme Court and will result in ⁷ serious damage to his career as the petitioner's Juniors and subordinates are liable to become his seniors and superiors, and also the petitioner's future chances of promotion will be adversely affected besides causing him a recurrent loss of pay.

That the petitioner is entitled to be placed in senior class I scale at-least from 1.1.1978, ⁹ if not earlier.

That the order dated ³ 30.1.85 is violative of Articles 14 and 16 of the Constitution to the extent that it does not place the petitioner in Senior Class I scale from 1.1.78 or earlier.

I, the deponent above named do hereby verify that the contents of paragraph No. ¹ 1 to 6 — ⁸ of this affidavit are true to my personal knowledge, those of paragraph

of this affidavit are based on perusal of records and those of paragraphs No. ⁷ 7 to 8 — of this affidavit are based on legal advice which I believe to be true. Nothing



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contained herein is false, and nothing material has been concealed. So help me God.

(Deponent)

I, B. L. Yadav Clerk of Shri M. K. Singh Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be Dr. Rishi Raj Kishore, is the same person and is known to me personally.

B. L. Yadav
Clerk.

Solemnly affirmed before me on this 25th day of 1984 at 10-50 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 has understood the contents of this affidavit which has been read over and explained to the deponent by me.



E. B. Srivastava
OATH COMMISSIONER
High Court, Allahabad
S. No 52/380
Date 25-2-84

N.A.11014/2/84-GHS. II
Ministry of Health & Family Welfare
(Department of Health)

New Delhi, dated the 3rd January, 1985

To

The Chief Medical Officer,
Central Govt. Health Scheme,
9-A, Rana Pratap Road, Lucknow.

Subject:- Promotion of Medical Officers(Jr. Class I) to the Senior
Class I Scale of Rs.1100-1600 of the Central Health
Service - Regarding.

.....

Sir,

I am directed to say that the President is pleased to
promote Dr. R.R. Kishore, Medical Officer(Jr. Class I) of the Central
Health Service and place him in the Senior Class I Scale of
Rs.1100-1600, on an officiating basis, with effect from 1.1.82 and
post him under Central Govt. Health Scheme, Lucknow.

2. On promotion, the pay of Dr. R.R. Kishore shall be
regulated in the Senior Class I Scale of Rs.1100-1600 in accordance
with the concordance Table contained in the Ministry of Finance
O.M.No.12/21/74-IG dated 14th November, 1975 as extended from time
to time. Dr. Kishore will be entitled to the arrears of pay and
allowances as admissible under the rules with effect from 1.1.1982.
He will be entitled to the N.P.A. as admissible under the rules in
the Senior Class I Scale of the Central Health Service.

Yours faithfully,



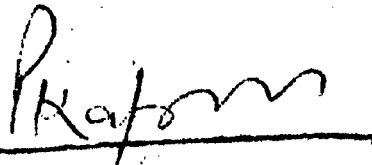
(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA
TELE NO.: 386459

N.A.11014/2/84-GHS. II

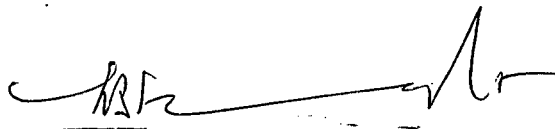
Copy forwarded for information & necessary action to:-

1. The Pay & Accounts Office, Ministry of Health & F.W., Lady Hardinge
Medical College and Hospital, New Delhi.
2. GHS. I/IV/V Sections.
3. GHS. II Section of the Dte. GHS, New Delhi.
4. Adm. I/II Sections of the Dte. GHS, New Delhi.
5. Dr. R.R. Kishore, Medical Officer, Central Govt. Health Scheme,
9-A, Rana Pratap Road, Lucknow.



(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA



L. B. Srivastava

OATH COMMISSIONER
High Court, Allahabad

S. No 52-380

Date 25-2-85

IMMEDIATE

From: Dr. R.R. Kishore
M.D.

Dated: 10 October, 1984.

Medical Officer,
C.G.H.S. Dispensary No. 2, Lucknow.

Registered.

To,

The Secretary,
Ministry of Health & Family Welfare,
Government of India,
Nirman Bhawan, New Delhi.

Subject :- Regarding order dated 9.10.84 of the Hon'ble High Court of
Judicature at Allahabad in Civil Misc. Writ Petition
No. 347B of 1979, Dr. R.R. Kishore, Vs. Principal, C.A.T.C.
and others.

Sir,

I am hereby to enclose a copy of the above mentioned order of
the Hon'ble High Court alongwith the copies of my representations dated
8.4.82 & 14.9.1984, referred to in the Court's instant order as
Annexures-I, II & III respectively and to submit as below :-

1. That when despite several representations from me and even the
orders (dated 17.5.84 and 11.7.84) of the Hon'ble High Court, various
matters pertaining to my service namely, disposal of appeal, placement
in senior class-I scale, crossing of efficiency bar, and payment of
arrears of salary to me were not finalised, I visited New Delhi on
8.10.84 and met Sri S.V. Subramanian, Joint Secretary, Health,
Sri Y. K. Kamiliy Director (Vigilance), Sri A.S. Surin, Deputy Secretary
(Vigilance), and Sri P.K. Kapoor, Under Secretary, in the Ministry of
Health and Family Welfare and drew their kind attention towards the
inordinate delay in deciding these matters. I also submitted to them
the appeal in question was preferred by me on 6.1.79 i.e. about six
years back but it has not been disposed of so far despite the orders
of the Hon'ble High Court and all along I have been conceding before
the Court the Ministry's request for granting more time. It may be
noted that on 9.10.84 too I conceded the Ministry's prayer for granting
two months more time in the hope that matters will be decided within
the prescribed time limit.

2. That the Ministry of Health vide their order No. A110 14/16/84-
CHS II dated 28.8.1984 ordered that I would be entitled to arrears
of salary in the junior class-I scale of pay w.e.f. 1.1.1973, but so
far no arrears have been paid to me as the said order of the Ministry
does not contained clearance regarding my C.B. which I was due to cross
on 1.8.1977, in the junior class-I scale. A request to give the
necessary clearance has already been submitted by the Chief Medical
Officer, C.G.H.S., Lucknow, vide his letter No. 4-137/83-CGHS/Lko/
21.8.84 dated 21.9.84 to the Ministry of Health and Family Welfare,
a copy of which (duly signed by the C.M.O.) was delivered by me to
Sri P.K. Kapoor, Under Secretary, Health on 8.10.84 in his office as
I understood that the letter was not traceable in the office.

3. That the orders for my placement in senior class-I scale have
not been issued so far. I have been in continuous service since
1.8.1969, initially as ad-hoc and from 20.3.1971 as a regular C.H.S.
officer. In pursuance to the principle laid down by the Hon'ble
Supreme Court of India in Civil Writ Petition No. 5106-5113 of 1983,
G.P. Dval and others Vs. Chief Secretary, Government of U.P. and others,
decided on 18th July '84, the ad-hoc service should also be counted
for the purpose of seniority. As such I became due for placement in
senior class-I scale w.e.f. 1.1.1978 or rather earlier, because the
officers junior to me in service have been placed in senior class-I
scale from that date, as is evident from the following cases recorded
in the Civil List of Medical Officers (Junior Class-I) of Central
Health Service as on 1st January, 1983, published by the Ministry of
Health and Family Welfare, Government of India.

contd. on 2..

Sl.No. in the Civil List	Name of the Officer	Date of appointment	Date of placement in Sr.Class-I Scale
8.	Dr. (Kum.) Namaram Sumati Devi	1.1.1972	1.1.1978
16.	Dr. Kshirod Shankar Sikdher	1.5.1972	1.1.1978

4. That as already submitted in my earlier representations, due to pendency of the above matters, the arrears of salary amounting to about Rs. 40,000-50,000 have already accumulated with the Government and my present ~~emoluments~~ emoluments are short by about Rs. 1,000/- P.M. and as such I have been suffering huge ~~financial~~ financial loss, besides facing other hardships.

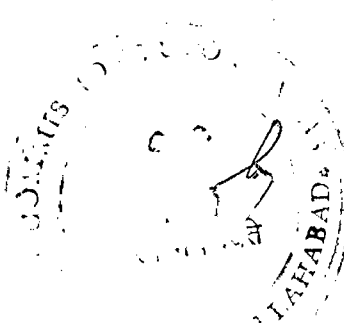
5. That I am already posted in C.G.H.S., Lucknow against a senior class-I post. Besides this, one more senior class-I post has been lying vacant in C.G.H.S., Lucknow as there are only seven Medical Officers against the post of nine senior class-I Officers. Further, in C.G.H.S., Allahabad also several senior class-I posts have been lying vacant. My wife is also a doctor, in Government service, and it was due to this reason that I was posted at Lucknow. This fact may very kindly be kept into consideration while placing me in senior class-I scale, so that I may not have to face separation from my family unnecessarily.

In view of the facts and circumstances submitted above, I request to you to very kindly take necessary action so that all my pending matters are decided at the earliest and I do not have to face further hardships and financial loss.

Yours faithfully,

(Dr. R.R. Kishore)

Enc.: As above.



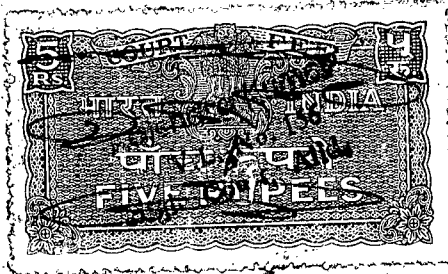
L. B. Srivastava

DAT:1 COMMISSIONER

H. Court, Allahabad

52/360

25-2-72



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Misc. Application No. of 1984,
under clause 14 of the High Court Amalgamation Order;

ON BEHALF OF

Dr. Rishi Raj Kishore

Petitioner

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979

5280
7/11/84

DISTRICT: ALLAHABAD

Dr. RISHIRAJ KISHORE

Petitioner

Versus

1. Principal Civil Aviation Training Centre, Banrauli, Allahabad.
2. Chief Medical Officer, Central Government Health Scheme, No. 7 Liddle Road, George Town, Allahabad.
3. Ministry of Health and family welfare, Department of Health, Government of India, New-Delhi Through its Secretary, Nirman Bhawan, Maulana Azad Road, New-Delhi. Opposite Parties

Received Copy

Senior Standing Counsel
Central Govt. High Court
Allahabad.

To,

The Hon'ble the Acting Chief Justice
of the aforesaid Court.

May it please your Lordship

The humble application of the above named petitioner most
respectfully shewth as under:-

PS

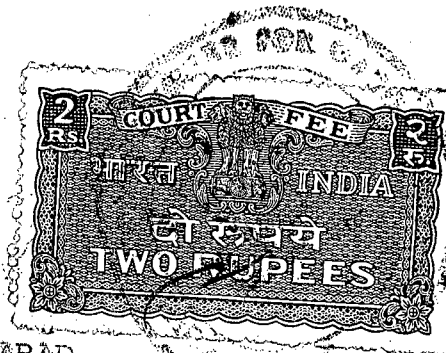
(2)

1. That for the reasons disclosed in the accompanying affidavit, it is necessary and expedient in the interest of Justice that this hon'ble Court may be pleased to transfer the above writ petition to the Lucknow bench of the Hon'ble High Court of Judicature at Allahabad.

P R A Y E R

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to transfer the aforesaid writ petition to the Lucknow bench of the High Court of Judicature at Allahabad.

B. S. Srinivasa
Counsel for the Petitioner



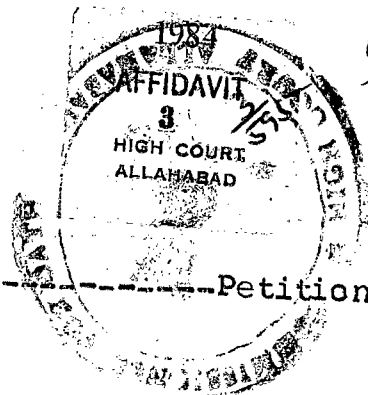
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

AFFIDAVIT

IN

Civil Misc. Writ Petition No. 3478 of 1979

District: ALLAHABAD



Dr. Rishi Raj Kishore-----Petitioner

Versus

- (1) Principal, Civil Aviation Training Centre, Banrauli, Allahabad.
- (2) Chief Medical Officer, Central Government Health Scheme, No.7 Liddle Road, George Town, Allahabad.
- (3) Ministry of Health and family Welfare, Department of Health, Government of India, New-Delhi, Through its Secretary, Nirman Bhawan, Maulana Azad Road, New-Delhi Opposite Parties.

Affidavit of Dr. Rishi Raj Kishore
aged about 39 years, son of Late shri
Brij Raj Kishore, Resident of No. 11
Jopling Road, Lucknow.

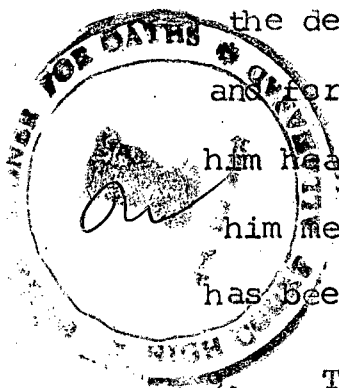
(Deponent)

The deponent, above named hereby solemnly affirms and states
on oath as under:-

- (i) That the deponent is the petitioner in the aforesaid case and as such is fully acquainted with the facts deposed to below;
- (ii) That the deponent is a doctor by profession and has been serving under Govt. of India in Central Health Service cadre as a class I

Officer since August, 1969 and is at present posted as Medical Officer Incharge in Central Govt. Health Scheme, Lucknow.

3. That the deponent filed a writ petition against the Union of India and others pertaining to his service matter in May, 1979 in which the ~~applicant~~ ^{deponent} was granted stay against an order of reversion to a lower scale and the writ petition is still pending in the Hon'ble High Court at Allahabad.
4. That ~~in~~ the aforesaid writ petition is ripe for final hearing.
5. That the deponent was posted at Allahabad when the aforesaid writ petition was filed. Thereafter he has been transferred and posted to Lucknow in February, 1982 and where he is still serving.
6. That the deponent has got two minor daughters aged about nine and six years and after the posting of ~~deponent's~~ ^{Deponent's} wife to Lucknow, they were also admitted in La Martinere Girls' School there and where they are still studying. Further, the deponent's both the children remain Chronically sick and require constant medical treatment and his presence.
7. That the deponent is a case of Ischemic Heart Disease and has already suffered acute Ischemic attacks ~~twice~~ ^{twice}, in January, 1982 and in June, 1983 due to which he had to proceed on long medical leaves extending to several months and he has been advised to lead a peaceful and carefree life to continue his remaining life span normally.
8. That owing to the case pending in Hon'ble High Court at Allahabad the deponent has to remain in constant touch with his counsels there and for this purpose he has to make repeated visits to Allahabad, taxing him heavily in terms of time and money. Further, it has been causing him mental tension too and the deponent's mental peace and tranquillity has been seriously affected, telling badly on his health and family life.
9. That the deponent being a Govt. Servant has to take leave from his office for the purpose of visiting Allahabad, and most of his leaves have been exhausted. Further, the deponent's absence from the



180

office results into disruption of his duties also.

10. That if the above mentioned writ petition, which is mature for final hearing, is transferred to the Lucknow Bench of this Hon'ble High Court, the deponent's problem may be mitigated to the extent that he will be saved from financial, physical and mental strain and will be able to live a peaceful and tension free family life, and it will be in public interest.

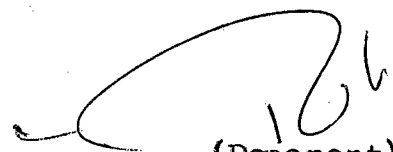
11. That the aforesaid transfer will not result into any inconvenience or prejudice to the case of opposite parties as the only contesting party i.e. Union of India, is based at New Delhi and is being represented by the Standing Counsel who is available at Lucknow too. In the aforesaid writ petition there is no private party and as such no prejudice should be caused to any of the opposite parties, who are all Government Parties.

The deponent above named do hereby verify that the contents of paragraph No. 1 to 11 of this affidavit are true to his personal knowledge.

Nothing contained herein is false, and nothing material has been concealed.

So help me God.




(Deponent)
(Dr. R. R. Kishore)

I, T. N. Singh

, clerk to shri B. P. Srivastava

Advocate, High Court Allahabad do hereby declare that the person making this affidavit and alleging himself to be Dr. Rishi Raj Kishore



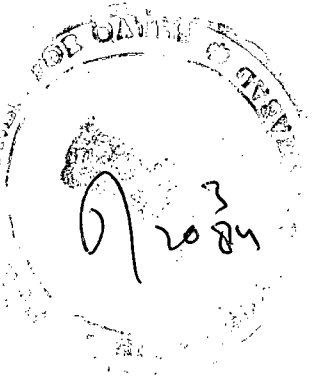
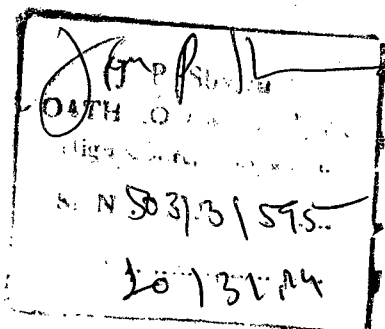
is the same person and is known to me personally.

T. N. Singh
(Clerk) 20-3-84

Solemnly affirmed before me on this 20th day of March 1984 at 9 35 AM by the deponent who has been identified by the aofresaid clerk.

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

OATH COMMISSIONER.



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. APPLICATION NO. 913 OF 1980
(Under Article 226 of the Constitution of India)

ON BEHALF OF -

Union of India & others ... Applicants

IN

CIVIL MISC. WRIT PETITION NO. 3478 OF 1979
(Under Article 226 of the Constitution of India)

DISTRICT: ALLAHABAD

Dr. Rishi Raj Kishore ... Petitioner

Versus

Principal Civil Aviation Training Centre
and others

... Respondents

To

The HON'BLE the Chief Justice and His Other
Companion Judges of the aforesaid Court:

The humble application on behalf of the above
named applicants most respectfully sheweth as
under:-

[Signature]

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL SIDE

APPELLATE/ORIGINAL JURISDICTION

Dated Allahabad, the 17.5.1984

A.N. Verma

PRESENT: The Hon'ble Mr. Justice

and Hon'ble Mr. Justice

A.S. Srivastava

Writ petition No. 3478 of 1979 of 198

Order on the application of order on the ~~1st~~ order sheet. ~~(dis-11)~~

In re:

Dr. R.R. Kishore son of late Sri B.R. Kishore
at present residing at 11 Jopling Road Lucknow.

Petitioner.

Appellant,

versus

The Principal Civil Aviation Training Centre
Bamrauli Allahabad and others.

Respondent.

ORDER—

On 23rd November, 78 an order was passed by the ~~Ministry~~ Ministry of Health & Welfare Government of India awarding certain penalty of reduction to a lower stage by two stages in the pay scale for a period of two years. Against this order the petitioner preferred an appeal which has been pending for the last several years. The order dt. 23rd November, 78 has, in our opinion, a material bearing on the out come of this petition and inasmuch as the petitioner is already pursuing an alternative remedy in regard to that order, it is only appropriate that the hearing of the Writ petition be deferred for some time, so that the appeal may be disposed of by the respondents in the meantime. The respondent no. 3 may dispose of the appeal filed by the petitioner within a month of the date on which a certified copy of this order is presented before it by the petitioner.

List this petition for hearing in the week commencing
PSUP=83 HC=16-12-82 50,000. (J)

9th July, 1984.

A copy of this order may be given to the learned counsel
for the parties today, on payment of usual charges. Sd. A.N.V.

Sd. A.S.S.
17.5.1984.

b/

Serial No.

To,

The Deputy Registrar,
High Court, of Judicature
at Allahabad.



Please grant me certified copies of the papers indicated below.

I tender herewith copy folios in number worth Rs. _____

adhesive copy stamp labels number worth Rs. _____ court fee

label in number worth Rs. _____ and court fee stamps in

number worth Rs. _____

* (a) I desire that the copy be sent to me by ordinary registered
post, postage stamps in number worth
Rs. _____ are tendered.

* (b) I shall attend personally to receive the copy.

(c) The copy may be delivered to my Advocate
his registered clerk.

The application is ordinary/ urgent.

I am / am not a party to the case.

* Strike out if not required

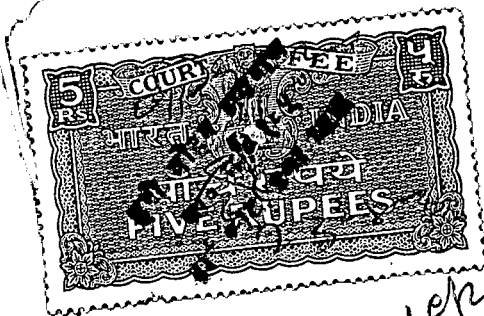
Particulars of case and name of district of origin, if any.	Name of parties	Date of final decree of order	Description of papers of which copies are sought	purpose for which copy is required in case, applicant is not party	Space reserved for office report
3478/1979	Dr. R. P. Kishore Vs Principal Civil Judge	Pending	Certified Copy of order dated 17/5/1984 is required		URGENT / ORDINARY No. _____ Police worth Rs. _____ Grant if objection

Date 198

(Signature of applicant or
his Advocate)

Address in full

Identified by
B. L. Yadav
Clerk to Sr.
N. Kalyan Singh



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. APPLICATION No. OF 1984

(Under Chapter VIII Rule 33 of the Rules of Court

OF

Dr. R.R. Kishore Applicant

IN

CIVIL MISC. WRIT PETITION No. 3478 OF 1979

Dr. R.R. Kishore, aged about 39 years, S/o late
Shri B.R. Kishore, at present residing at
11, Jopling Road, Lucknow. Petitioner

Versus

1. The Principal Civil Aviation Training Centre,
Bamrauli, Allahabad.
2. The Chief Medical Officer, Central Government
Health Scheme, 7 Lytle Road, George Town,
Allahabad.
3. The Ministry of Health and Family Welfare,
Government of India, through its Secretary,
Nirman Bhawan, Maulana Azad Road, New Delhi
. Opp. Parties

To

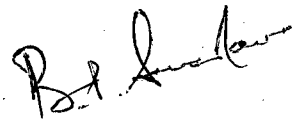
The Hon'ble the Chief Justice and his other
companion Judges of the aforesaid High Court.

The humble petition of the petitioner above named Most Respectfully sheweth as under.

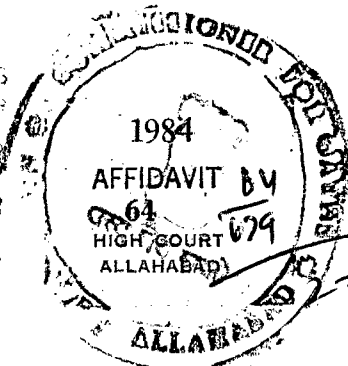
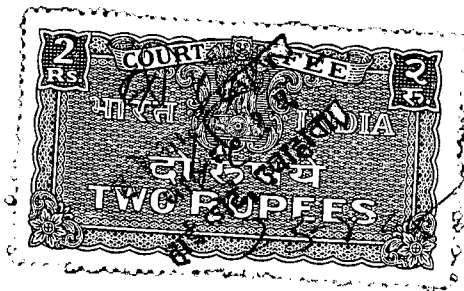
1. That for the reasons disclosed in the accompanying affidavit it is necessary in the interest of justice that the hearing of the aforesaid writ petition may kindly be expedited; otherwise the petitioner would suffer a grave and irreparable loss.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to expedite the hearing of the aforesaid writ petition.


(B.P. Srivastava)
Counsel for the petitioner

D/-



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

affidavit
in

Fili
28/4/84

Civil Misc.Application No. OF 1984

IN

CIVIL MISC.WRIT PETITION No.3478/1979

Dr. R.R. KishorePetitioner
Versus

The Principal, Civil Aviation Training
Centra and others Opp.Parties

AFFIDAVIT of Dr.R.R.Kishore,
aged about 39 years, S/o late
Shri B.R. Kishore, at present
residing at 11, Jopling Road,
Lucknow.

.Deponent



I,Dr. R.R. Kishore, the above named
deponent, do hereby solemnly affirm and state
as follows.

1. That the deponent is the petitioner
in the above mentioned writ petition and as such
is fully acquainted with the facts of the case

20

deposed to below.

2. That the above mentioned writ petition has been pending since 1979 and the affidavits(counter and rejoinder) have been exchanged about two years back and since that time the case is ripe for final hearing.

3. That owing to the pendency of the above case the Ministry of Health and Family Welfare, Government of India, i.e. opposite party No.3, has completely frozen the petitioner's career. The petitioner's salary which was due to him with effect from 1.1.1973 is not being paid, his efficiency bar, which the petitioner was due to cross on 1.8.1977, is not being allowed to be crossed, and the petitioner is not being considered for placement in the higher scale of Rs. 1100-1600, which was due to him since 1.1.1979.



4. That the petitioner has been representing to the opposite party No.3 for issuing necessary orders in all the above matters pertaining to his service.

5. That the opposite party No.3 in reply to the above said representations of the

petitioner stated that they will not take any decision in the above matters viz. crossing of the Efficiency Bar, payment of arrears of salary, and placement in ~~senior~~ senior class I scale etc. pending disposal of the above noted writ petition by this Hon'ble Court. The replies received by the petitioner from the opposite party No.3 are being annexed herewith as Annexure I, II and III respectively to this affidavit.

6. That due to the non-finalisation of the abovesaid service matters the petitioner has been suffering an irreparable loss.

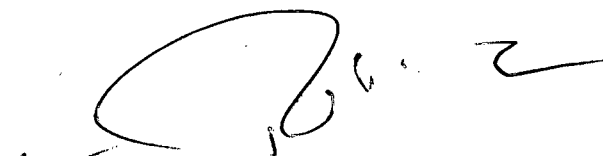
7. That the petitioner is also not being considered for several posts and assignment for which only a higher scale officer is entitled to apply, though the officers much ^{junior} ~~senior~~ to the are being considered for them. The petitioner


9. That the petitioner is a case of Ischemic heart disease and due to huge and recurrent financial loss, complete freezing of his career since 1973, and the extreme humiliation he has been suffering from great mental agony and torture.

10. That in the ends of justice it is necessary that the hearing of the aforesaid case may be expedited; otherwise the petitioner would suffer a grave and irreparable loss.

That the contents of paragraphs 1 to 10 of this affidavit are true to my personal knowledge, those of paragraphs 11 to 12 of this affidavit are based on records and those of paragraphs 13 to 14 of this affidavit are based on legal advice, all of which the deponent believes to be true; that it contains nothing false and nothing material has been concealed therein. So help me God.




DEPONENT
(Dr. R. R. Kishore)


I, T.N. Singh, Clerk of Sri B.P. Srivastava, Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and

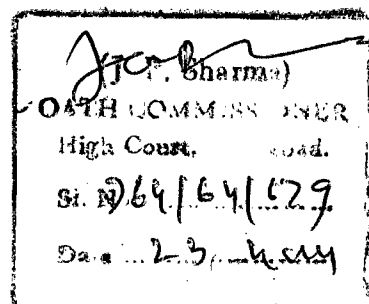
alleging himself to be Dr. R.R. Kishore is the ^{known} same person. ^{me personally} I know him from a perusal of the papers produced by him in the case.

T.N. Singh
CLERK

Solemnly affirmed before me on this
23rd day of April, 1984 at 8²⁰ AM AM/PM at
Allahabad by the deponent, who is identified
by the aforesaid Clerk.

I have satisfied myself by examining
the deponent that he understands the contents
of this affidavit, which he has gone through.

OATH COMMISSIONER



IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD

ANNEXURE-I

IN

AFFIDAVIT

IN

CIVIL MISC. APPLICATION No. OF 1984

IN

CIVIL MISC. WRIT PETITION No. 3478 OF 1979

Dr. R.R. KishorePetitioner

Versus

The Principal, Civil Aviation
Training Centre and othersOpp. parties

CONFIDENTIAL
REGISTERED

No. C.13011/4/75-V&CD

GOVERNMENT OF INDIA

Ministry of Health & Family Welfare

Nirman Bhawan, New Delhi

dated the 26th Feb., 1983

OFFICE MEMORANDUM

With reference to his letter dated
1st Feb., 1983, Dr. R.R. Kishore is hereby

Be.

-2-

informed that decision will be taken only
after the verdict of the High Court is known.

Sd/-
26/2
(B.K.D.NEGI)

deputy secretary to the govt.
of india

Dr. R.R. Kishore,
Medical Officer Incharge,
P & T Dispensary II,
Rajendra Nagar, Lucknow
Uttar Pradesh.

FC
18

100



Dr. R. Kishore
26/2/69
23-4-69

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD

ANNEXURE-II

IN

AFFIDAVIT

IN

CIVIL MISC.APPLICATION No. OF 1984

IN

CIVIL MISC.WRIT PETITION No.3478 OF 1979

Dr. R.R. Kishore Petitioner

Versus

The Principal, Civil Aviation
Training Centre and others Opp.Parties

CONFIDENTIAL
REGISTERED

No.C.13011/4/75-V&CD

Government of India

Ministry of Health & Family Welfare

Nirman Bhavan, New Delhi

Dated the 12 April 1983

OFFICE MEMORANDUM

SUB: Request of Dr. R.R. Kishore for crossing
of E.B. and placement in the Sr.Class I
regarding.

KXX

The undersigned is directed to refer to

Dr. R.R. Kishore's letter dated 7th March, 1983 on the subject mentioned above and to state that the grounds in the writ petition filed by Dr. R.R. Kishore, in the Allahabad High Court, interferes directly with the subject matter in the appeal of Dr. Kishore against the order of penalty imposed on him. Therefore, the appeal of Dr. Kishore cannot be disposed of until and unless the writ is finally decided by the Court.

As regards the other issues raised by Dr. Kishore in his letter mentioned above, viz. crossing of E.B., payment of arrears and placement in Sr. Class I scale etc. it is stated that these issued have, similarly been figuring, in the writ petition and hence these cannot be decided pending disposal of the writ Petition by the Court.

Sd/-

11/4

(B.K.D. NEGI)
DEPUTY SECRETARY TO THE GOVT.
OF INDIA

Dr. R.R. Kishore,
Medical Officer-in charge,
P&T Dispensary II,
Rajendra Nagar,
Lucknow (U.P.)

TC
R

264/64/629
23

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD

ANNEXURE III

IN

AFFIDAVIT

IN

CIVIL MISC.APPLICATION No. OF 1984

IN

CIVIL MISC.WRIT PETITION No.3478 OF 1979

Dr. R.R. Kishore Petitioner

Versus

The Principal, Civil Aviation
Training Centre and othersOpp.Parties

CONFIDENTIAL
REGISTERED

No.C-13011/4/75-V&CD

Government of India

Ministry of Health & Family Welfare

Nirman Bhavan, New Delhi
Dated the 21 June 1983



OFFICE MEMORANDUM

SUB: Request of Dr. R.R. Kishore for crossing of
E.B. and placement in the Sr.Class I etc.
regarding.

The undersigned is directed to refer to the
letter dated the 2nd May, 1983 on the subject cited
above from Dr. R.R. Kishore and to reiterate

Bu

that the grounds in the writ petition filed by Dr. R.R. Kishore in the Allahabad High Court interferes directly with the subject matter in the appeal of Dr. Kishore against the order of penalty imposed on him. Therefore, the appeal of Dr. Kishore cannot be disposed of until and unless the writ is finally decided by the Hon'ble Court.

As regards the other issues raised by Dr. Kishore in his letter mentioned above, viz. payment of arrears and placement in Sr. Class I scale etc. it is reiterated that the issues have been figuring in the writ petition, hence these cannot be decided in isolation pending disposal of the writ petition by the Court. Presently, the question as to who was the disciplinary authority in respect of Dr. R.R. Kishore at the time of penalty was imposed on him has fallen within the purview of the High Court in view of the writ petition. Consequently his appeal against the penalty can be disposed off only after the matter is resolved.



Jan 18/6

264/65/579

2-5 am

Dr. R.R. Kishore,
Medical Officer in charge,
P&T Dispensary II,
Rajendra Nagar,
Lucknow. (U.P.)

Sd/- 18/6

(B.K.D. NEGI)

DEPUTY SECRETARY TO THE GOVT. OF
INDIA

TC.
R

it is necessary to add these reliefs in the Writ
Petition.

P R A Y E R

It is, therefore, most respectfully prayed that the
above reliefs mentioned in paragraph 1 of this
application may be permitted to be added to the Writ
Petition.

M. Kalra

Counsel for the Petitioner

Dt.

In the High Court of Judicature at Allahabad

.....

Civil Misc. Application No. of 1984

Under Section 151 C.P.C.

In

Civil Misc. Writ Petition No.3478 of 1979

Dr. Rishi Raj Kishore - - - - - Petitioner

Versus

Principal, Civil Aviation Training Centre,

Allahabad and others - - - - - Respondents

To

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

The humble application of the abovenamed Petitioner
Most Respectfully Showeth:-

1. That by an inadvertance the following reliefs have
not been mentioned in the Writ Petition:-

(a) To issue a Writ of Mandamus directing the
respondents to ~~promote~~ promote the petitioner in
senior class I scale of Rs.1000-1600 with effect from
1.1.1980 or earlier, and to pay arrears of salary
and allowances accordingly.

(b) To issue a writ of mandamus directing the
respondents to allow the petitioner to cross
efficiency bar with effect from 1.8.1977 in the
junior class I scale of Rs.700-1300, and to
pay arrears of salary and allowances accordingly.

2. That the petitioner has been advised to state that

it is necessary to add these reliefs in the Writ
Petition.

P R A Y E R

It is, therefore, most respectfully prayed that the
above reliefs mentioned in paragraph 1 of this
application may be permitted to be added to the Writ
Petition.

M. Kalyan

Counsel for the Petitioner

Dt.

Admitted.

IN THE HIGHCOURT OF JUDICATURE AT ALLAHABAD
SUPPLEMENTARY REJOINDER AFFIDAVIT

IN

Civil Misc. Writ Petition No. 3478 of 1979

DISTRICT: ALLAHABAD

Dr. Rishi Raj Kishore - - - - -Petitioner

Versus

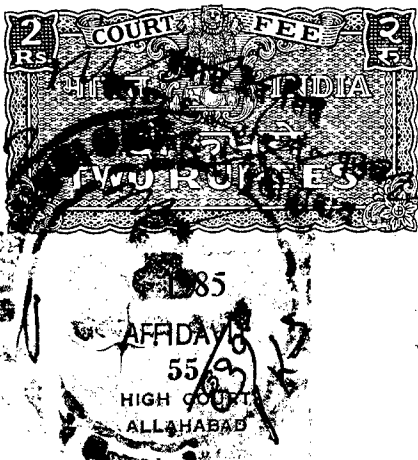
Principal, Civil Aviation Training Centre, Allahabad
and other - - - - - Respondents.

Affidavit of Dr. Rishi Raj Kishore
aged about 40 years son of Late
Shri Brij Raj Kishore, resident of
43 Officer's Hostel, Meerabai,
Lucknow.

(Deponent)

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

1. That the deponent is the petitioner in
the aforesaid writ petition and as such is fully
acquainted with the facts deposed to below .
2. That the deponent has gone through the Counter
affidavit of Shri K.L. Bhatiya in the aforesaid case and
has fully understood the contents of the same.
3. That the contents of para -5 of the
Supplementary Counter affidavit are denied and the
contents of para -2 of the supplementary affidavit
are reaffirmed as correct.
4. That in reply to para-7 of the Supplementary
Counter affidavit it is submitted that the contents of
para -3 of the supplementary affidavit are based on



29/8/85
Shri Rishi Raj Kishore
Principal, Civil Aviation Training Centre
Allahabad.

29/8/85
Shri Rishi Raj Kishore
Principal, Civil Aviation Training Centre
Allahabad.

records and as such can not be disputed.

5. That the contents of para -8 of the supplementary counter affidavit are not admitted. It is true that the opposite Party No.-3, namely the Secretary Ministry of Health and Family Welfare, Govt. of India has passed an order dated 20.2.82 cancelling the order of penalty but the Appeal preferred by the petitioner on 6-1-1979 has not been decided.

6. That the contents of para -9 of the Supplementary Counter affidavit are not admitted. The opposite party No.3 namely, the Ministry of Health and Family Welfare, Government of India have already admitted in their earlier Counter affidavit that the petitioner has been in continuous service since 1.8.1969 and also that he was given the benefits of his ad-hoc service.

7. That in reply to para -10 of the Supplementary Counter affidavit it is submitted that the view expressed by the opposite No.3 is against the principle laid down by the Hon'ble Supreme Court of India in AIR, 1984 S. O. 1527 /

8- That the contents of para -11 of the Supplementary Counter affidavit are misconceived and are not admitted. The Rules quoted by the opposite party No.3 were applicable to the posts of General Duty Officers Grade-II, which were group 'B' posts. They are not applicable in case of the petitioner as he has been holding a group 'A' post.

9. That the contents of para -12 of the Supplementary affidavit are not admitted. It is submitted that the statement in Supplementary Counter

affidavit is contradictory to the statement of opposite Party No.3, as contained in their counter affidavit. It is not correct that the post of G.D.O. Grade II, and G.D.O. Grade -I have been redesignated as Medical Officer and Senior Medical Officer respectively. The post of G.D.O Grade II is a group ^B 'B' posts. The appointing authority of G.D.O. Grade II was the Secretary Ministry of Health and Family Welfare while in case of Medical Officer Junior - Class-I it is the President of India. This position came in to existence w.e.f. 1.1.1973 in pursuance to the recommendations of III Central Pay Commissions, after which there was nothing like G.D.O.

Grade II and G D O Grade-I in Central Health Service, and there were two scales. Junior Class Class -I (700-1300) and Senior Class-I (1100-1600). The placement in Senior Class-I was subject to minimum 5 years service in Junior Class-I Scale.

10. The contents of para -13 of the Supplementary Counter affidavit are not admitted. As stated earlier, after 1.1.1973 there is nothing like G.D.O. Grade -I in the Central Health Service cadre and as such the question of promotion to a G.D.O. -I post does not arise. The promotion to Senior Class-I post from the Junior Class-I post, after 1.1.1973 is purely on the basis of seniority & fitness. Further, any controversy on this issue i.e., whether the promotion is through selection or through Seniority & fitness is superfluous in the present context, as the petitioner has already been found fit and promoted to Senior Class-I Scale w.e.f. 1.1.1982 i.e., much before 13.11.1982.

11. That the contents of para 14 of the Supplementary counter affidavit are not admitted. The petitioner has not stated his claim for G.D.O. Grade-I post. The petitioner has claimed placement in Senior class-I Scale with effect from the date his juniors have been placed in that scale. As submitted earlier the petitioner has already been found fit and promoted to Senior Class-I scale w.e.f 1.1.1982 and as such any controversy regarding the basis of promotion is of no consequence.

12. The contents of para-15 of the Supplementary Counter affidavit are not admitted. The petitioner reaffirms, his statement that after completing 5 years service in Junior Class-I scale he became eligible for placement in Senior class-I Scale, and he should have been placed in Senior Class -I scale at least from the date his Juniors were placed in that scale, if not from an earlier date. The question regarding number of vacancies available is irrelevant in the present context as in case the posts were not available how the officers junior to the petitioner were placed in Senior class-I scale. Moreover, it may be submitted that the petitioner has been working on a Senior Class-I post right from 1977.

13. That the contents of para 16 of the Supplementary counter affidavit are not admitted and it is reaffirmed that not one but many officers junior to the petitioner have been placed in Senior Class-I scale from a date prior to 1.1.1982. This is amply evident from the Civil list of Central Health Service Officers published by the Opposite Party No.3 which will be produced before the Hon'ble Court during hearing. A list of some of the officer

junior to the petitioner but placed in Senior Class-I scale much earlier than 1.1.1982 is annexed as Annexure S.R.A.-I to

14. That it may be submitted that in Civil list aforesaid published ~~em~~ by opposite Party No.3 Medical Officers have not been listed in order of Seniority. This fact is evident from the Civil list itself. As such the date of appointment and not the serial No. in this Civil list indicates the Seniority of an officer.

15. That the contents of para -20 of the Supplementary Counter affidavit are ~~denied~~ and that of para -6 of the supplementary affidavit are reaffirmed as correct. The opposite ~~e~~ Party No.3 has not taken in to account the petitioner's ad-hoc service for the purpose of his seniority and placement in Senior Class-I Scale which is against the principle laid down by the Hon'ble Supreme Court in AIR 1984 S.O. 1527. Even if the petitioner's seniority is reckoned from the date of his alleged regular appointment, i.e. 20.3.1971, his placement in Senior Class-I Scale w.e.f. 1.1.1982 is unjustified as officers appointed after 20.3.1971 have been placed in Senior class-I scale from a date much earlier than 1.1.1982. As such the petitioner's placement in senior Class-I scale w.e.f. 1.1.1982 has adversely affected the petitioner's pay, seniority and future chances of promotion.

16. That the contents of para 21 of the Supplementary counter affidavit are not admitted. As is evident by the Civil list aforesaid many of the petitioner's Juniors have been placed in Senior Class-I scale from a date much earlier than 1.1.1982

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and ^{as} such the petitioner should also be placed in that scale from the date his Juniors have been placed if not earlier, and he should also get arrears of salary and other benefits accordingly.

17. That the contents of para 22 of the supplementary Counter affidavit are not admitted and it is reaffirmed that the order dated 30.1.85 is violative of Articles 14 and 16 of the constitution to the extent that it does not place the petitioner in Senior class-I scale from 1.1.78 or earlier.

18. That the contents ^{of} para 23 and 24 of the supplementary counter affidavit are emphatically denied and it is respectfully submitted that this Hon'ble court may be pleased to pass an order directing the opposite Party No.3 to place the petitioner in Senior class-I scale w.e.f. 1.1.1978, and reckon the petitioner's Seniority from 1.8.69 in accordance with the principle laid by the Hon'ble Supreme Court in AIR 1984 S.O. 1527 and also give him arrears.

I, the deponent above named do hereby verify that the contents of paragraph No. ^{1 and 2} of this affidavit are true to my personal knowledge those of paragraph ^{3 to 6 and 8 to 16} of this affidavit are based on perusal of records and those of paragraphs No. ^{7, 17 & 18} of this affidavit are based on legal advice which I believe to be true. Nothing contained herein is false, and nothing material has been concealed. so help me Gog.


(Deponent)

I, B.L. Yadav Clerk of Shri M. Kalju

Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be Dr. Rishi Raj Kishore, is the same person and is known to me personally.

Bhurya halyador
Clerk

Solemnly affirmed before me on this 20th
1st August day of 1985 at 2.25 AM/P.M. by the deponent who has been identified by the aforesaid Clerk.

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

Kh.

R. K. Sr.
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8039
20-8-85

ANNEXURE -S.R.A-I

Sl.No. in Civil List.	Name	Date of Appointment to Grade	Date of placement in Sr. Class-I Scale
32.	Dr.(Smt) S.B. Malik	12.5.72 14.1.70	1.1.79
33.	Dr. R.C. Sinha	14.4.71	1.1.80
34.	Dr. B.P. Roy	14.4.71	1.1.80
37.	Dr. K.R. Bannerji	14.4.71	1.1.80
44.	Dr. S.K. Singh	15.10.71	1.1.80
49.	Dr. P.C. Pushad	15.10.71	1.1.80
52.	Dr. S.K. Singh	15.10.71	1.1.80
53.	Dr. C.P. Mujal	14.8.71	1.1.80
54.	Dr. R.K. Jadumani Singh	15.10.71	1.1.81
55.	Dr. V.K. Manchanda	20.3.72	1.1.82
56.	Dr. S.C. Mahapatra	15.10.71	1.1.81
57.	Dr. T.M. Biswas	21.10.72	1.1.81
58.	Dr.(Mm.) Phajatou Devi	15.10.71	1.1.81
59.	Dr. S.K. Sen Gupta	26.10.71	1.1.81
62.	Dr. S.R. Reddy	23.8.73	1.1.81
68.	Dr. E Jayarama	11.1.72	1.1.81
69.	Dr. O. Ratnagar	5.1.72	1.1.81
70.	Dr. B. NaraSimham	3.4.71	1.1.81
73.	Dr.(Smt.) K. Padmini	31.8.71	1.1.81
75.	Dr. S.V. Dharn	6.11.71	1.1.81
76.	Dr. B. G.N. Kachru	31.7.71	1.1.81
79.	Dr.(Smt.) K.K. Chaug	30.4.71	1.1.81
80.	Dr. B.M. Das	3.12.71	1.1.81
81.	Dr. Smt. N.M. Ali	13.7.71	1.1.81
82.	Dr.T.D. Dutta	9.7.71	1.1.81
83.	Dr(Smt.) Rekha Agrawala	22.3.72	1.1.81
84.	Dr. M.B. Mathur	4.11.71	1.1.81
85.	Dr. K.N. Shrivastava	17.7.71	1.1.81
86.	Dr. N.M. Mazumdar	4.4.72	1.1.81
88.	Dr. A.K. Mukhopadhyay	12.4.71	1.1.81
89.	Dr. (Smt.) S. Aurora	16.9.71	1.1.81
90.	Dr.(Smt.) Usha Kachru	5.11.71	1.1.81

Cont...

<u>Civil list</u>	<u>Name</u>	<u>Date of Appointment to the grade</u>	<u>Date of placement in Sr. Class-I Scale</u>
91.	Dr.S. Biswas	10.1.72	1.1.81
92.	Dr (Smt.) S.L. Sharma	2.12.71	1.1.81
94.	Dr. (Mum) R.P. Kaur	29.9.71	1.1.81
95.	Dr. (Smt.) Majit Preet Singh	28.5.71	1.1.81
96.	Dr. S.K. Mohanty	31.12.71	1.1.81
97.	Dr. A.O. Hazarika	12.10.72	1.1.81
99.	Dr. Y.S. Singh	31.7.71	1.1.81
100.	Dr. Smt. M. Abbey	1.10.71	1.1.81
101.	Dr. (Smt.) S. Bajjerji	11.1.72	1.1.81

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[Signature]
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20-8-85

- 2 -

1. That for the reasons disclosed in the accompanying counter-affidavit, it is necessary and expedient in the interest of justice that this Hon'ble court may be pleased to vacate the ad interim order passed by this court in favour of the petitioner.

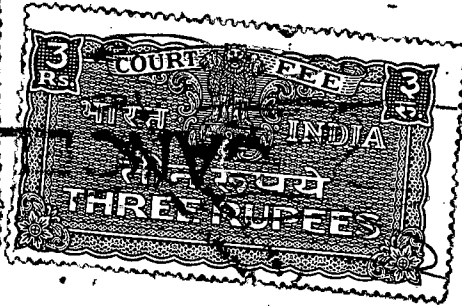
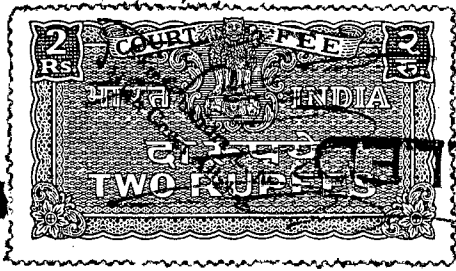
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to vacate the ad interim order passed by this court in favour of the petitioner.

Anshuman Singh
(Anshuman Singh)

Sr. Standing Counsel
Central Government

3.3.51



2 of Rs 5

813
62-80

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

Civil Misc. Application No. 453 of 1980
(Under Section 151 of the Civil Procedure Code)

of

Dr. R.R. Kishore..... Applicant

in

Civil Misc. Writ No. 3478 of 1979

Dr. Rishi Raj Kishore Petitioner
versus

The Principal, Civil Aviation
Training Centre, Bamrauli,
Allahabad and others.

..... Respondents.

To

The Hon'ble the Chief Justice and his
companion Judges of the aforesaid court.

The humble petition of the applicant
above-named most respectfully sheweth as under:

1. That for the reason disclosed in the
accompanying affidavit it is necessary in the
interest of justice that the aforesaid writ petition
may kindly be allowed to be amended otherwise the
petitioner would suffer grave and irreparable loss.

R. N. S. Rao

R. N. S. Rao
Advocate
4/2/80

P R A Y E R

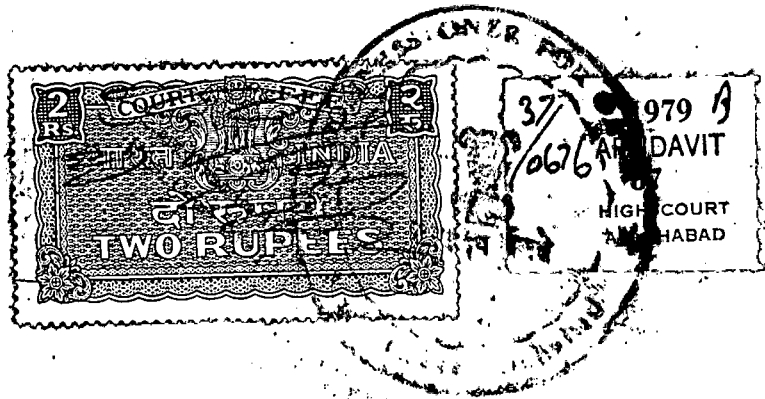
Wherefore on the facts stated above and in the accompanying affidavit it is most respectfully prayed that the Writ Petition may kindly be ordered to be amended as detailed in Paragraphs ~~2, 3 and 4~~^{5 and 6} of the affidavit.

R. P. Gupta

(Smt. Ramo Devi Gupta)

Counsel for the Petitioner,

~~2.10.1979~~ 5.2.1980



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

AFFIDAVIT

IN

CIVIL MISC.APPLICATION NO.

OF 1979

IN

Civil Misc.Writ No.3478 of 1979

Dr.Rish Raj Kishore Petitioner
versus

The Principal,Civil Aviation
Training Centre, Bamrauli,
Allahabad and others.

..... Respondents.

Affidavit of Dr. Rishi Raj
Kishore aged about 35 years
son of Late Shri Brij Raj Kishore
resident of House No.49/93,M.G.Marg,
District, Allahabad.

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

1. That the deponent is the petitioner in the aforesaid writ petition and as such is fully acquainted with the facts deposed to below.
2. That the aforesaid writ petition was filed in this Hon'ble Court on 21.5.1979, and it was argued in the presence of Shree J.N.Tewari, Counsel for the opposite parties who sought adjournment to give a reply and it was ordered to be listed on 28.5.1979. On 28.5.1979 this Hon'ble Court after hearing both the parties was pleased to stay the operation of the order dated 24.4.79 (Annexure V to the writ petition).



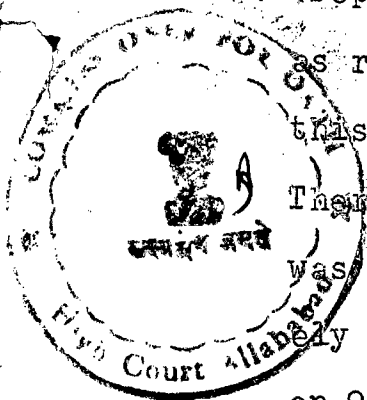
3. That after obtaining the stay order from this Hon'ble Court certain further developments have occurred as a consequence of which it is necessary to amend the writ petition.

4. That after paragraph 16 of the writ petition the following paragraphs be added as Paragraphs 17 to 26.

17. That after filling of the writ petition the petitioner received the order dated 4.6.1979 from the Principal, Civil Aviation Training Centre, Bamrauli purporting to withdraw the order dated 24.4.1979 (Annexure V to the writ petition). A true copy of the order dated 4.6.1979 is filed as Annexure IX to this affidavit.

18. That the petitioner has also received a show cause notice dated 4.6.1979 from the Chief Medical Officer, CGHS., Allahabad. A true copy of the said show cause notice dated 4.6.79 is being filed as Annexure X to this affidavit.

19. That the alleged show cause notice does not disclose any grounds for reducing the grade and class of the service of the applicant. The notice relies upon some orders from the Ministry of the Health and Family Welfare, (Department of Health) No. 11014/1/78/CHS.II dated 21.3.79, as referred to in it. The petitioner has not been communicated this order as well and he is unaware of the contents thereof. Therefore the applicant was not in a position to meet if there was anything against him, in his reply. The applicant immediately after the receipt of the show Cause Notice sent a reply on 9.6.79 inter-alia showing his inability to give a proper and full reply in the absence of the said order. A true copy of the said reply is Annexure XI. In spite of this the applicant has not been informed any of the grounds for the reduction of his grade and class, nor even the copy of the said order of the Ministry has been supplied to him.



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20. That the Show Cause Notice is malafide. It has been issued just to by-pass the stay order granted by the High Court and is only a show and a pretence to get over the inescapable position of the Opposite Parties in the writ petition.

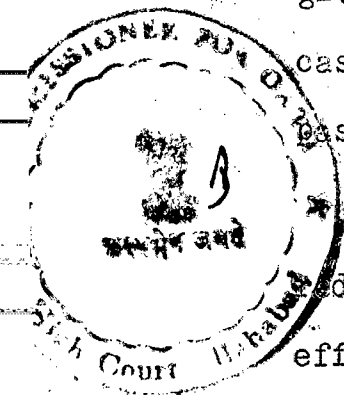
21. That the show cause notice has been issued by the Chief Medical Officer, CGHS, Allahabad. The said show cause notice is completely without jurisdiction as the aforesaid Chief Medical Officer is neither the petitioner's appointing authority nor controlling authority. As such he has no jurisdiction to issue the show cause notice to the petitioner.

22. That it is further submitted that no order for reducing or reverting the petitioner from Class I to ~~Pre-revised and non-existent~~ ^{Pre-revised and non-existent} Class II scale and grade for an indefinite period was received by the petitioner, as such also the allegations made in the show cause notice that the said show cause notice is the result of the judgment of disciplinary proceedings against him is false.

23. That the reduction from class I scale to pre-revised class II scale is major penalty for which definite procedure is given in CCS(CCA) Rules but the same is not being done in the case and as such the show cause notice has been illegally passed.

24. That the penalty alleged in the show cause Notice is that of reduction to the scale of Rs. 350-900 which has ceased to exist with effect from 1.1.1973, and thus the alleged penalty of reversion to a non-existent scale can also not be imposed on the petitioner.

25. That in the aforesaid show cause notice it is proposed that the money paid as excess may be recovered from the pay and



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allowances beginning from October, 1978 to April 1979 i.e. it has to be recovered with retrospective effect. In effect the reduction takes effect from 1.1.1973. The Petitioner was paid and is entitled to get all the salary of that period for which he had already discharged his duties to the entire satisfaction of the superior officers and as such it will be against the Principles of natural Justice and fair play to recover the aforesaid amount.

26. That under the aforesaid circumstances the show cause notice is liable to be set aside.

27. That according to the Government Order dated 5.4.1975 and the Order of June 1978 of undersecretary, Ministry of Health and Family Welfare and the order of the Chief Medical Officer dated 28.9.1978 the applicant was to be given salary in the scale of Rs. 700-1300 instead of the pre-revised scale of Rs. 350-900 w.e.f. 1.1.1973. This entailed a difference of Rs. 9,000/- which ought to have been paid to the applicant in view of the revised scale with retrospective effect for the period from 1.1.1973 to 30.9.1978. From 1.10.1978 the applicant is being paid salary in the scale of Rs. 700-1300 in accordance with the G.O. dated 5.4.1975.

28 - That inspite of demands by the applicant to the Chief Medical Officer C.G.H.S. Allahabad for payment of the aforesaid arrears no payment has been made to him and the said arrears are being illegally withheld. Even the reminders given by the applicant to the Chief Medical Officer had no effect. The letters demanding the aforesaid arrears given to the Chief Medical Officer and several reminders were sent to the Ministry of Health and Family Welfare also but no action has been taken and they do not even give a reply or reasons why the arrears are being withheld. The applicant is suffering heavily on account of the arrears not being paid to him in these days of economic hardships.

5. That amongst ground the following may be added after ground no. 6.



"that a writ in the nature of certiorari or like writ or direction may be issued to quash the show cause notice dated 4.6.1979 (Annexure X to this affidavit)!"

"that a writ in the nature of mandamus may be issued to command the opposite parties to treat the petitioner as Class I Officer for all purposes and not to reduce from the post of Medical Officer Junior Class I Scale (Rs. 700-1300)".

7. That in the ends of justice it is necessary that the petitioner may be allowed to amend the writ petition as mentioned above.

A That I solemnly affirm that the contents of paras 1, 2, 3, 4, 17, 18, 19, 22, 24, 25 of this affidavit are true to my personal knowledge, and that of paras x _____ A are based on perusal of records and that of paras 20, 21, 23, 24 A are based on legal advice, which I believe to be true. No Part of it is false and nothing material has been concealed, So help me God.

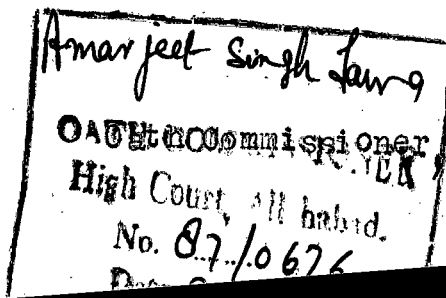
..... 29-6-79

I, Ram Sewak, Clerk to Smt. Ramo Devi Gupta, Advocate, do hereby declare that the person making this affidavit and alleging himself is to be Dr. R.R.Kishore is the same person who is known to me personally.

Ram Sewak
..... 29.6.79

Solemnly affirmed before me on this 29th day of June, 1979 at 2.10 P.M. O'Clock by the deponent who is identified by the said Clerk.

I have satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read over and explained to him.



7. Because the show cause notice dated 4.6.1979 has been issued without jurisdiction inasmuch as the Chief Medical Officer is not the Controlling or Appointing Authority of the Petitioner. As such the same is liable to be set aside.
8. Because in the show cause notice the petitioner is going to be awarded a major penalty for which he had never been given any show cause notice.
9. Because the recovery is to be made from the pay and allowances of the petitioner from October, 1978 to April, 1979 for which the petitioner had already discharged his duties and as such the said amount cannot be recovered from him.
10. Because the Order in effect reduced the pay scale with effect from 1.1.1973, which is arbitrary and illegal.
11. Because notice is invalid. It does not disclose any grounds, nor the letter dated 21.3.1979, relied in it has been supplied.
12. Because the arrears of salary due to the applicant on account of the revised pay scale retrospectively w.e.f. 1.1.1973 are being illegally withheld.

"that a writ in the nature of certiorari or like writ or direction may be issued to quash the show cause notice dated 4.6.1979 (Annexure X to this affidavit)!"

"that a writ in the nature of mandamus may be issued to command the opposite parties to treat the petitioner as Class I Officer for all purposes and not to reduce from the post of Medical Officer Junior Class I Scale (Rs. 700-1300)".

7. That in the ends of justice it is necessary that the petitioner may be allowed to amend the writ petition as mentioned above.

That I solemnly affirm that the contents of paras 1, 2, 3, 4, 17, 18, 19, 22, 24 of this affidavit are true to my personal knowledge, and that of paras x _____ are based on perusal of records and that of paras 20, 21, 23, 25, 6, 7 are based on legal advice, which I believe to be true. No Part of it is false and nothing material has been concealed So help me God.

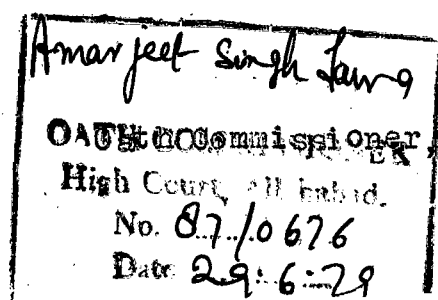
..... 29-6-79

I, Ram Sewak, Clerk to Smt. Ramo Devi Gupta, Advocate, do hereby declare that the person making this affidavit and alleging himself is to be Dr. R.R.Kishore is the same person who is known to me personally.

Ram Sewak
..... 29.6.79

Solemnly affirmed before me on this 29th day of June, 1979 at 2.10 P.M. O'clock by the deponent who is identified by the said Clerk.

I have satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read over and explained to him.



Annexure IX

CONFIDENTIAL

Government of India.
Civil Aviation Department
Office of the Principal: Civil Aviation Training
Centre Bamrauli, Allahabad.

No. EG/EST/13-170/78

4 JUN 79.

MEMORANDUM

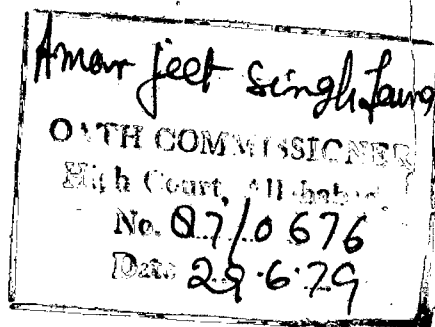
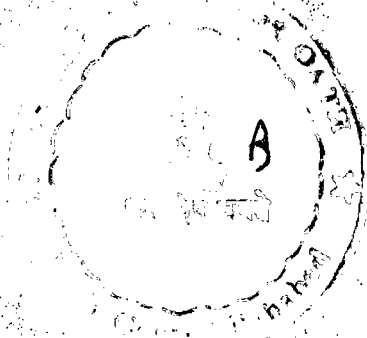
Dr. R.R.Kishore, Medical Officer, CATC
Hospital is hereby informed that this office
order No: EG/EST/13-170/46 dated 24 APR 79, is
hereby withdrawn.

Sd/-

(M M Simon)
Principal.

Dr. R R Kishore
Medical Officer
CATC Hospital
Bamrauli
Allahabad-211012.

Timely
29-6-79



Annexure X

No.10-5/75-E/CGHS/AD/5007
Government of India
Central Govt. Health Scheme
7-Liddle Road,
Allahabad.

Dated, 4 June 1979.

SHOW CAUSE NOTICE

Dr. R.R.Kishore J.M.O., C.A.T.C., Bamrauli
Allahabad to show cause within 7 days from receipt
of this letter why letter No. 10-5/75-E/CGHS/AD/
6098 dated 28-9-78 issued by the undersigned inform-
-ing that his pay has been fixed in the scale of
Rs. 700-1300 may not be cancelled on the strength
of the Ministry of Health and Family Welfare (Deptt.
of Health) letter No. 11014/1/78/CHS II, dated
21-3-79 in which his pay have been continued on the
scale of Rs. 350-900 on the judgement on a discipli-
nary proceedings instituted against him and puni sh-
ment so pronounced. He may also show cause why the
money extra paid as pay and allowances to him for a
period for Oct 78 to Apr 79 may not be recovered.

Sd/-
(Dr. B.R.Routh)
Chief Medical Officer
C.G.H.S., Allahabad.

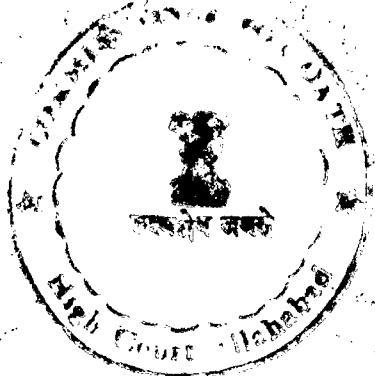
To

Dr. R.R.Kishore, through the Principal, C.A.T.C.
Bamrauli, Allahabad.

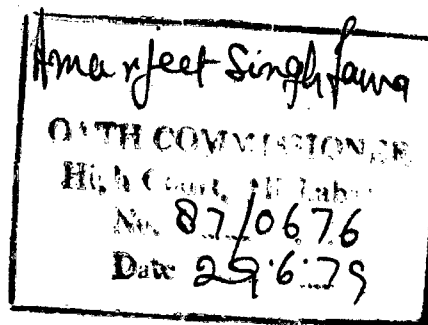
Copy forwarded for information and necessary action
to:-

- (1) The Principal, C.A.T.C., Bamrauli, Allahabad
for necessary action on his part.
- (2) Director General of Health Services, C.G.H.S.
Nirman Bhawan, New Delhi.
- (3) Personal file of Dr. R.R.Kishore.
- (4) Dr. S.B.Roy Chowdhury, A.D.G., Head Quarte
with copy of stay order and petition.

(Dr. B.R.Routh)
Chief Medical Officer
CGHS, Allahabad.



True Copy
26
29-6-79



Annexure XI

(WITHOUT PREJUDICE TO MY WRIT PETITION NO.3478 OF 1979
Dr. R.R.Kishore versus Principal, C.A.T.C., Bamrauli,
Allahabad and others pending in the Hon'ble High Court)

From: Dr. R.R.Kishore,
Medical Officer-in-Charge,
C.A.T.C., Bamrauli,
Allahabad.

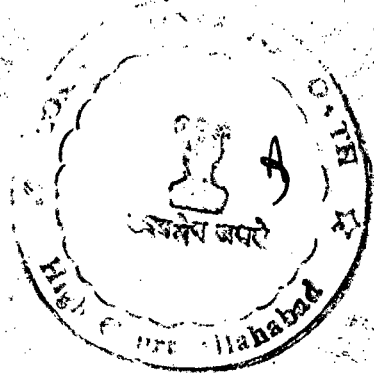
To: The Chief Medical Officer,
C.G.H.S., 7 Liddle Road,
Allahabad.

Sub: Reply to your Show Cause Notice No.10-5/75-E/
CGHS/AD/5007 dated 4 June 1979 issued to the
undersigned.

Sir,

1. I am surprised to receive the above mentioned show cause notice from you as you have got absolutely no concern or official relationship with me as I am not working under you. In view of your unquestionable incompetency to issue the show cause notice to me I am not bound to submit an explanation. However, for the sake of your information I am submitting the following reply -

2. That no such order (No.11014/1/78/CHS.II dated 21.1.78) from the Ministry of Health and Family Welfare, (Deptt. of Health)) as referred to in your Show Cause Notice has ever been received by me. Since I do not know the contents of this order, it is not possible for me to submit any explanation. It may be added that I have been continuous



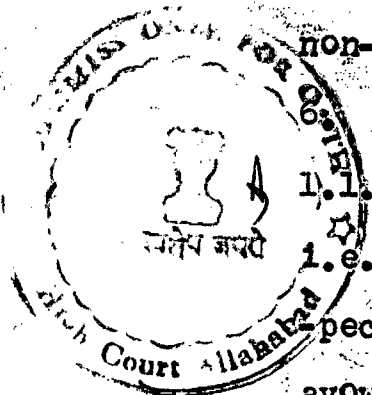
insisting to get this order ever since I received Memorandum dated 24.4.1979 from the Principal, C.A.T.C., Bamrauli, Allahabad, about cancellation of my Class I scale but I have not been supplied with it.

3. That as per the show cause notice the penalty proposed is the result of a judgment after some disciplinary proceedings against me. I am not aware of any such proceedings or the judgment. There has never been any order of penalty for reducing or reverting me from class I to pre-revised and nonexistant class II scale and grade for an indefinite period and no such order has ever been communicated to me. I am not even aware of the charge against me.

4. That the penalty proposed in the show cause notice is reversion/reduction from class I scale to prerevised class II scale for an indefinite period. This is a Major penalty and as such a show cause notice can only be issued by the appointing authority - which in my case is the President of India - after following the statutory procedure. You are not even my Controlling Authority and you have got no authority or jurisdiction to issue a show cause notice or to ask explanation from me.

5. That you have proposed to impose a penalty of reduction to the scale of Rs.350-900 which ceased to exist with effect from 1.1.1973. Even if the penalty is imposed by the Competent Authority, i.e. the President of India, the penalty of reversion to a non-existant scale can never be imposed on me.

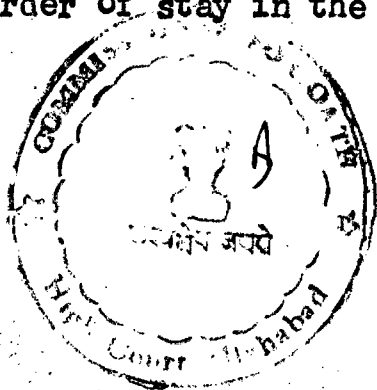
6. That you have proposed to reduce ~~my~~ my scale w.e.f. 1.1.1973 on the basis of show cause notice issued on 4.6.1979 i.e. you want to impose a penalty six and a half years retrospectively. This is ridiculously unreasonable and is against the avowed principles of law and natural justice. Such an enormous illegality can never be committed - even if the punishment is imposed by the Competent Authority.



7. That you have proposed to recover "the money extra paid as pay and allowance for a period from Oct. 78 to April, 79". This implies that you propose to impose the penalty w.e.f. 1.10.78 i.e. with retrospective effect. As submitted in para 6. This is not possible even if the penalty had been imposed by the President of India. Further, I was paid the salary for the post which I was holding and had performed my duties to the satisfaction of my superior officers. I was not paid any extra money as charity.

8. That you have wrongly and purposively mentioned my designation as J.M.O. (Junior Medical Officer) to justify a pay scale of Rs. 350-900. You know it that I am holding a Junior Class I post of Medical Officer and being senior to the other Medical Officer, I am working as Medical Officer-in-Charge of the C.A.T.C. Hospital, Bamrauli, Allahabad. The post of J.M.O. was a Class II post and thus in spite of the stay order by the Hon'ble High Court you have treated me in class II post. Your this deliberate act is contemptuous as well.

9. That it is clear that the instant show cause notice is a futile attempt to cover up the illegalities in the Memorandum No. EG/EST/13-170/46 dated 24.4.1979 from the Principal, C.A.T.C. and other orders about cancellation of my pay scale. May I tell you that such action on your part can not replace the basic requirement of statute and natural justice before imposing a major penalty and only add to the illegalities already committed. The show cause notice by you appears to have been prompted erroneously due to the order of stay in the Civil Misc. Writ No. 3478 of 1979 already



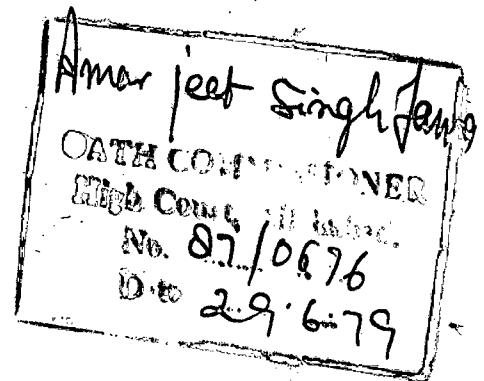
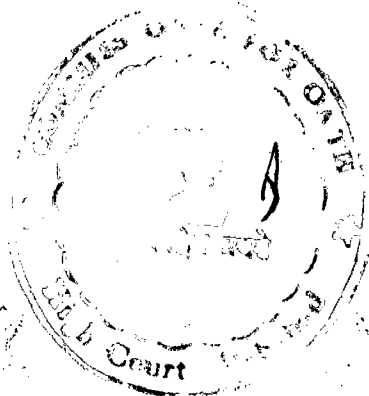
pending in the High Court. Kindly therefore withdraw your show cause notice dated 4.6.1979 under reply which is uncalled for and wholly without authority and jurisdiction and is a bid to stall the process of justice to me.

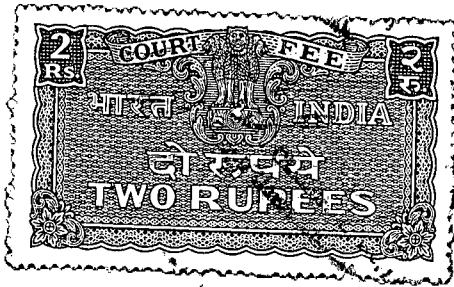
Yours faithfully,

(Dr.R.R.KISHORE)

Dt. June 9, 1979.

166
29.6.79





1980
AFFIDAVIT
86
HIGH COURT
ALLAHABAD
3/2/80

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

.....

Supplementary-Affidavit

In

Civil Misc. Writ Petition No. or 1979.

District Allahabad.

Dr. Rishi Raj Kishore.....Petitioner

Versus

Principal, Civil Aviation Training Centre Banrauli
Allahabad and others.....Opposite Parties.

Affidavit of Dr. Rishi Raj Kishore,
aged about 36 years son of late Sri
Brij Raj Kishore, resident of House
No. 49/93, Mahatma Gandhi Marg,
District Allahabad.

The deponent abovenamed do hereby solemnly
affirm and state as follows:-

1. That he is petitioner in the abovenoted case and is fully acquainted with the facts deposed to below.
2. That the applicant learnt from Ministry of Health that his name was sent along with others in Union Public Service Commission and the Assessment Committee for screening on the issue of G.O. dated 5.4.1975 (Annexure 'I' to the writ Petition) and he was declared fit to be given scale of Class I i.e. Rs. 700.00 to 1300.00, hence his name was not included in the list of rejected candidates and he could not be given pay in Class II Scale i.e. 650-00 to 1200-00. He has been making representations since May 1979, but the authorities concerned are not taking any decision, applicant feels, due to mistake in order of penalty and no officer wants to own the respon-

Received copy

Dr. S. N. Bhatnagar

clerk to

Dr. V. K. Barmah

Advocate

4/2/80

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3-2-80

S. N. Bhatnagar
3/2/80

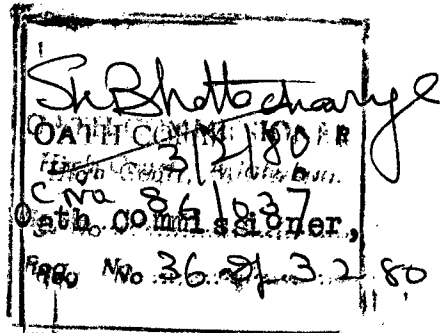
sibility, although when the applicant meets them, they admit that there is no reason for not giving him Class I scale. Copy of Last letter dated 20.12.1979 is Annexure 'XIII'.

That I solemnly affirm that the contents of paras 1 and 2 of this are true to my personal knowledge, which I believe to be true. ~~No part of it is true to my personal knowledge, which I believe to be true.~~ No part of it is false and nothing material has been concealed. So help me God.

I, Ram Sunk Clerk to Smt. Ramo Devi Gupta, Advocate, High Court, Allahabad, declare that the person making this affidavit and alleging himself is to be Dr. R.R. Kishore is the same person who is known to me personally.

Solemnly affirmed before me on this 3rd day of February, 1980 at 4 P.M. O'clock by the deponent who is identified by the said Clerk.

I have satisfied myself by examining the deponent who has understood the contents of this affidavit which have been read over and explained to him.



ANNEXURE 'XII'

From :-

Dr. R.R. Kishore, M.B.B.S.
Medical Officer-in-Charge,
O.A.T.O., Hospital, Banrauli,
Allahabad.

To

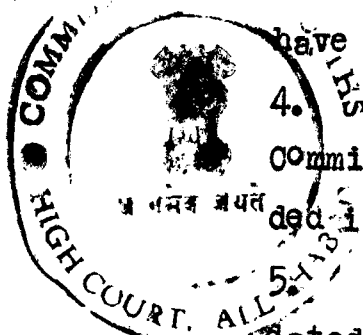
The Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan, New Delhi.
(Deputy Secretary (Vigilance)).

Subject: - Payment of Arrears in the Revised Scale of Pay (700-1300) from 1.1.73 to 30.9.78 to the undersigned.

Sir,

In continuation to my letter dated 5.12.1979, on the subject noted above (copy enclosed) I am hereby to submit as follows:-

1. That on the recommendations of the UPSC I was appointed as G.D.M.O.(II) of the Central Health Services by the Secretary, Ministry of Health and Family Planning, Government of India w.e.f. 20th March, 1971 vide his appointment letter No. 12025/314/71-CHS-II dated 21st October, 1971 and was posted as Junior Medical Officer under the C.G.H.S., Allahabad.
2. That vide O.M.No.A.45012/1/74-C.H.S. III, dated 5.4.75 from Ministry of Health & Family Planning (Department of Health), New Delhi regarding placement of regular general, duty Officer's Grade-I and Grade -II of the Central Health Services, in the revised scale of pay it was decided that all the G.D.M.O.(II) who were appointed through U.P.S.C. and were in position on 1.1.73 should be placed in the Junior Class I.Ty Scale of Rs. 700-40-900-EB-40-1100-50-1300, subject to screening with effect from 1.1.1973.
3. That even the fresh appointees through U.P.S.C. have been given the Revised Pay Scale of Rs. 700-1300.
4. That my name was sent to U.P.S.C. and Assessment Committee and after screening I was declared fit to be included in the scale of Rs. 700-1300.
5. That as per the order No. 10-5/75 CGHS/6098, dated 28th September, 78 from the Chief Medical Officer, C.G.H.S., Allahabad my pay was fixed in the revised scale of Rs. 700-1300 w.e.f. 1.1.1973 at Rs. 700/-. According I have been getting salary in the revised Scale of pay from 1.10.1978 at Rs.900/- p.m. after adding annual increments per year from 1.1.1973.
6. That I was awarded a penalty of reduction by the



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was stages in the scale of Rs. 350-900 (pre-revised) on 23.11.78 by the Secretary, Min. of Health & F.W. after an enquiry conducted under rule 14 of C.C.S.(O.C.A.) Rule 1965.

7. That both, my scale as well as my designation and place of work were mentioned in the above order of penalty assuming wrong facts. The Scale was mentioned as 350-900 while I was entitled to an already getting the salary in the scale of Rs. 700-1300 at the time of passing the above order of penalty. As regards designation and place of work, it was mentioned,

"Dr. R.R. Kishore, Junior Medical Officer,
C.G.H.S. Allahabad".

while I was working as a Medical Officer in C.A.T.C, Barrackpore since long before as I was transferred from C.G.H.S., Allahabad I was getting my salary in the revised scale of Rs. 700-1300 by virtue of my being in continuous service since 20th March 71. and having been declared fit by the U.P.S.C. as well as the Assessment Committee. There was clear and express orders fixing my salary in the revised scale by the C.M.O., C.G.H.S., Allahabad. These points were raised inter-alia in my appeal which I filed against the above mentioned order of penalty.

8. That the arrears of my salary in the revised scale of Pay (700-1300) from 1.1.73 to 30.9.78 have not been paid by the C.M.O., C.G.H.S., Allahabad though a bill has been submitted to him more than a year back. According to C.M.O., he has referred the matter to the Min. of Health and F.W. vide his letter No. 10-5/75/E/CGHS/AD/9073, dated 14.11.79. The particular section in the Ministry dealing with the matters pertaining to my salary feels that there is some controversy regarding my scale and payment of arrears of salary to me because of imposition of penalty in the pre-revised scale of Rs. 350-900 and I am not being paid the above said arrears.

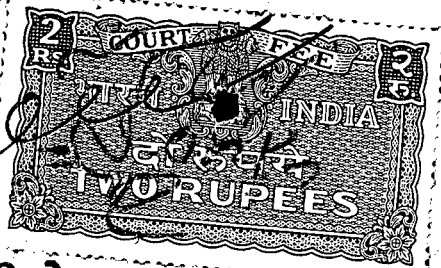
9. I request you to very kindly issue instructions to the concerned section to remove this controversy/confusion so that they may pay me the arrears of salary in the scale of Rs. 700-1300 w.e.f. 1.1.73 in view of the fact that the scale was wrongly mentioned in the order of penalty.

Yours faithfully,

(Dr. R.R. Kishore.

20.12.1979.

Sd/- Dr. R.R. Kishore
OATH COMPLETION
3/2/80
No. 86/037
No. 36 of 32/80



हाईकोर्ट आफ जडीकेचर, इलाहाबाद

Case No. 3421 of 1961

2.2.61

Dr. Rishi Ray Kishore

वादी / प्रतिवादी
अपीलान्त

बनाम

Principals

वादी / प्रतिवादी
रेस्पान्डेन्ट

मैं कि Dr. Rishi Ray Kishore

हम

49/83 Mahabharat

Allegation

उपरोक्त प्रकरण में मैं
हम अपनी ओर के पक्ष समर्थन के हेतु

श्री बी. पी. श्रीवास्तव, एडवोकेट हाईकोर्ट

१८८ ए, अलोपीबाग, जवाहरलाल नेहरू मार्ग, इलाहाबाद

को कानूनी शुल्क (मेहनताना) नियत करके अपना अभिभाषक वकील (वकील) नियुक्त करता हूँ
निश्चित करते हैं

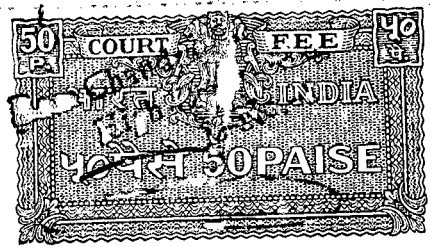
यह स्वीकार करता हूँ कि उक्त सज्जन हमारी ओर से बाद-पत्र (अर्जी दावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनरवलोकन एवं पुनर्निर्णय प्रार्थना पत्र (दरखास्त), शापथिक कथन (हलफनामा इजराय) प्रवर्तन पत्र (दरखास्त), मूजवात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना आदि एवं लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियाँ एवं हमारे प्राप्पधन को अपने हस्ताक्षरी पावती देकर प्राप्त करें। हमारी ओर से किसी को सहायक साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें, तथा बाद-पत्र उठावें, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा प्रार्थना-पत्र दाखिल करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्ध करने वाली कुल प्रार्थना-पत्र पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील करें। उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये में सर्वथा स्वीकार होगी अगर मैं कानूनी शुल्क उक्त सज्जन को न दे तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा को पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वकातनामा मन्जूर है।

0025

APPLICATION FOR COPY
(CHAPTER XL RUE 3)



Space for court-fee lable

Serial no.
To

THE DEPUTY REGISTRAR
HIGE COURT OF JUDICATURE
AT ALLAHABAD

PLEASET grant me certified copies of the papers indicated below I tender herewsth
copy folios in number worth Rs. adhesive copy stamps, labels
in number worth Rs. court fee label in number worth Rs. and court fee
stamps in number worth Rs.

- (a) I desire that the copy be sent to me by ordinary registered post. Postage
amps in number, worth Rs. are tendcred
- (b) I shall attend personally to receive the copy.
- (c) The copy may be delivered to my Advocate or his registered clerk

The applsication is ordinary
urgent

I am a party to the case
am not

Strike out, if not required

Particulars of case and name of district of origin, if any	Name of parties	Date of final decree or order	Description of paper of which cppy is sought	Purpose for which copy is required in case applicant is not a party	Space reserved for office report
1	2	3	4	5	6
Ward No. 3478 of 1979	Dr. R. R. Kishore 145 Panchayat C. A. T. C. & Co	Pending	Certified Copy of order of this Court dated 13.9.1985 is deposited today	In filing	URGENT ORDINARY No Folio worth Rs. No. C. F. I. Worth Rs. Grant if n objection. Deputy Registrar Dated

Date 19

Signature of applicant or his Advocate.
Dr. R. R. KISHORE
43 officers Hotel.
Meerabai Marg
Lucknow.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

BENCH AT LUCKNOW

Registration No. 364/87 (T)

Dr. R.R. Kishore Applicant

Versus

- (1) Principal Civil Aviation Training Centre, Bamrauli
Allahabad.
- (2) Chief Medical Officer, Central Govt. Health Scheme,
Allahabad.
- (3) Ministry of Health and Family Welfare, Govt. of
India. New Delhi, through its Secretary
.. .. Respondant

The applicant respectfully begs to submit as
under :-

1. That in the above case on 17.5.84 the Hon'ble High Court had issued a direction to the respondent No.3 to decide the Appeal preferred by the applicant on 6.1.1979 within a period of one month.
2. That after a thorough screening by the screening committee comprising of senior officers of the Health Ministry and the Union Public Service Commission the respondents on 28.8.84 promoted the applicant the Junior class-I scale of Central Health Service (Rs. 700 - 1300) w.e.f. 1.1.1973 vide order No. A-11014/16/84-CHS II dated 28.8.84. A correct copy of the said order is annexed as Annexure I to this application.
3. That on 28.1.85 the applicant was allowed to cross the Efficiency Bar in the above said Junior Class-I scale w.e.f. due date i.e. 1.8.1978 vide order No. A 29018/7/84- C.H.S. V dated 28.1.1985 by the respondent. A correct copy of the said order is

annexed as Annexure II to this application.

4. That on 30.1.85 the applicant was promoted to the selection post of Senior Medical Officer of the Central Health Service in the scale of Rs.1100-1600 w.e.f. 1.1.1982 vide order No. A 11014/2/84-C.H.S. II dated 30.1.1985 by the President of India. A correct copy the said order is attached as Annexure III to this application.
5. That in pursuance to the recommendations of IVth Central Pay Commission the applicant was placed in revised senior class I scale of Rs.3000-4500 w.e.f. 1.1.1986 in which the applicant has been continuing till date.
6. That the respondents published a list of 389 senior medical officers of Central Health Service placing them in the scale of Chief Medical Officer (Rs. 3700 - 5000) vide their order No.A 32012/1/88-CHS II dated 14.3.88. A correct copy of which is annexed as Annexure IV to this application.
7. That the above said Chief Medical Officers' scale was granted as a time bound placement in a functional scale in order to remove stagnation by upgrading the existing posts of Senior Medical Officers from the scale of Rs.3000 -4500 to Rs. 3700 - 5000 , in pursuance to the assurance given by the Government of India to the agitating Central Government doctors in July 1987. A correct copy of the instructions from respondent No. (3) is annexed as Annexure - V.
8. That the applicant's name was not included in the above said list though it contained the names of 30 officers junior to him and as such the

applicant represented to the respondents No.(3) vide his representation dated 18.3.88, a correct copy of which is annexed as Annexure-VI.

9. That as already submitted in this application as well as in the above said representation (Annexure -VI) the applicant was last promoted in January, 1985 on a selection level post and since then i.e. for the year 1985, 1986, and 1987 absolutely nothing adverse has been communicated to the applicant in respect of his Annual Confidential reports.
10. That the above said representation was followed by several representations and reminders., and also personal meetings with the officers of the Health Ministry, at New Delhi , but the applicant's representation has not been disposed off so far and even a reply has not been given by the respondent No.(3) to the applicant's representations.
11. That following the above said list dated 14.3.88 the respondent No.(3) have been periodically publishing lists of officers placed in Chief Medical Officers scale and till date they have published three more lists and by now about 300 officers junior to the applicant have been placed in the scale of Rs.3700-5000 .
12. That the applicant has learnt that in uttar and express violation of law and all departmental rules the applicant's name was not even considered for placement in the Chief Medical Officers scale at the time when his juniors were placed vide order dated 14.3.88 and even subsequently too he was not considered for placement though about 300 officers junior to him have been placed as per three more lists which have been published by the respondent No.(3) as aforesaid.

13. That during oral interviews the authorities in the Ministry of Health (respondent No.3) have informed the applicant that they are not placing him in the Chief Medical Officer's scale because of the old disciplinary case in which the penalty had come to an end on 23.11.80 and the aforesaid direction was issued by the Hon'ble Court on 17.5.84 to decide the Appeal within a period of one month and after which the Applicant has been allowed to cross E.B. and has been granted two promotions.
14. That it is amply clear from the records of this case that the penalty came to an end on 23.11.80, the applicant was promoted to Junior class-I scale on 28.8.84 (w.e.f. 1.1.73), he was allowed to cross the Efficiency Bar on 28.1.85(w.e.f. 1.8.78) and he was promoted to the post of Senior Medical Officer on 30.1.85 (w.e.f. 1.1.82) and as such placement in the scale of Rs.3700 - 5000 can not be denied to him on the basis of old disciplinary case which stands obliterated, condoned, and exhausted.
15. That the applicant has been a case of Heart Disease and has got two minor daughters. The harassment, humiliation, and the mental trauma being caused by illegal, arbitrary, and unjust actions of the respondents have been telling adversely on the applicant's health and family life.

P R A Y E R

It is therefore respectfully prayed :

1. That this Hon'ble tribunal may be pleased to direct that the ~~an~~ old disciplinary case in which the penalty had come to an end on 23.11.80 and the direction was issued by the Hon'ble High Court on 14.5.84 to decide the Appeal and after which the E.B. has been allowed to be crossed and two promotion have been granted (Annexure I, II, and III.) having been obliterated, condoned, and exhausted can not be used for denying any benefits whatsoever in the applicant's service career.
2. That the applicant be considered for placement in the Chief Medical Officer's scale (Rs.3700 - 5000) from the date it became due to him i.e., from the date his Juniors were placed in that scale, in the light of above directions, within a period of seven days.

Dated: 14/3/89

APPLICANT

Annexure-I

Annexure-I

No.A-11014/16/84-CHS.II
Government of India
Ministry of Health & Family Welfare
(Department of Health)

.....

New Delhi, dated the 28 August, 84

O R D E R

The President is pleased to place Dr. R.R. Kishore, General Duty Officer, Grade II of the Central Health Service in the revised Junior Class I Scale of Rs.700-40-900-SB-40-1100-50-1300 with effect from 1.1.1973.

sd/

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

No.A-11014/16/84-CHS.II

Copy to :-

1. The Chief Medical Officer, C.G.H.S., 9-A, Rana Pratap Road Lucknow. The pay of Dr. R. R. Kishore may please be fixed in the Junior Class I Scale of Rs. 700-1300 with effect from 1.1.1973. He will be entitled to the arrears of pay and allowance as due and admissible to him with effect from 1.1.1973.
2. The pay & Accounts Officers, Ministry of Health & Family Welfare, Lady Harding Medical College & Mt. S. K. Hospital, New Delhi.

sd/

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

No.A-11014/16/84-CHS.II

1. Copy forwarded for information & necessary action to :-
The Union Public Service Commission, New Delhi, w.r.t. their No.F.1/5(19)/75-AUI, dated 9.2.79.
2. Dr. R. R. Kishore, Medical Officer (Junior Class I) Chief Medical Officer, C.G.H.S., 9-A, Rana Pratap Road Lucknow.
3. Administrative Officer (C.G.H.S.), New Delhi.
4. C.H.S. I/C.H.S. V Sections.
5. C.G.H.S., II Section of the Dts. G.H.S.
6. Vig. & E.M.R. Section w.r.t. their O.M. No. VECM(VAEMR) dated 13.8.84.
7. Spare Copies.

Annexure-II

No.A. 29018/7/84-CHS.V

Government of India

Ministry of Health and Family Welfare

New Delhi, dated the Jan., 1985

To

The Directorate of Health Services,
(Central Govt. Health Scheme II Section)
New Delhi.

Subject: Crossing of E.B. by Dr. R.R. Kishore, Medical Officer
of Central Health Service.

Sir,

I am directed to say that the president is pleased to allow Dr. R.R. Kishore, Medical Officer of the Central Health Service presently working under the C.G.H.S. Lucknow, to cross the efficiency bar in the scale of Rs.700-40-900-EB-40-1100-50-1300, at the stage of Rs.900/- raising his pay to Rs.940 - p.m. with effect from 1.8.78.

Yours faithfully,

Sd/-

(K.L. Bhatia)

UNDER SECRETARY TO THE GOVT. OF INDIA

TEL : 388730

No.A.29018/7/84-CHS.V New Delhi, dated 28th January, 1985

Copy forwarded to :

1. Chief Medical Officer, 9-A, Rana Pratap March, C.G.H.S. Lucknow.
2. Dr. R.R. Kishore, D/M.O. Lucknow
3. CHS-II Section, Ministry of Health and F.W.
4. V & EMR Section, Ministry of Health and F.W.

Sd/-

(K.L. Bhatia)
UNDER SECRETARY

Annexure - II

No.A.11014/2/84-CHS.II
Government of India
Ministry of Health and Family Welfare
(Department of Health)

New Delhi, dated the 30 January,
1985

To

The Chief Medical Officer,
Central Govt. Health Scheme,
9-A, Rana Pratap Road, Lucknow

Subject: Promotion of Medical Officers (Jr. Class I) to
the Senior Class I scale of Rs. 1100-1600 of the
Central Health Service-Regarding.

. . . .

Sir,

I am directed to day that the President is pleased to
promote Dr. R.R. Kishore, Medical Officer (Jr. Class I) of
the Central Health Service and place him in the Senior Class I
Scale of Rs. 1100-1600 on an officiating basis, with effect
from 1.1.82 and post him under Central Govt. Health Scheme,
Lucknow.

On promotion, the pay of Dr. R.R. Kishore shall be
regulated in the Senior Class I Scale of Rs. 1100-1600 in
accordance with the concordance Table contained in the
Ministry of Finance O.M.No.12/21/74-IC dated 14th November,
1975 as extended from time to time. Dr. Kishore will be
entitled to the arrears of pay and allowances as admissible
under the rules with effect from 1.1.1982. He will be entitled
to the N.P.A. as admissible under the rules in the Senior
Class I Scale of the Central Health Service.

Yours faithfully,

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA
TELE NO. 386459

No.A.11014/2/84-CHS.II

Copy forwarded for information and necessary action to :

1. The Pay & Accounts Office, Ministry of Health & F.W.,
Lady Hardinge Medical College and Hospital, New Delhi.
2. CHS.I/IV/V Sections.
3. CGHS.II Section of the date GHS, New Delhi.
4. Admn.I/II Sections of the Dte. GHS, New Delhi.
5. Dr.R.R. Kishore, Medical Officer, Central Govt. Health
Scheme, 9-A Rana Pratap Road, Lucknow.

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

Annexure IV

No. A. 32012/1/88-CHS. II
Government of India
Ministry of Health and (Family Welfare

New Delhi, dated the 14th March, 1988

To

All Participating Units/Organisations
of CHS.

Subject: Promotion of Senior Medical Officers
(Rs.3000-4500) to the post of Chief Medical
Officer (Rs.3700-5000) of the CHS- Regarding.

Sir,

I am directed to say that the President is pleased to promote the Senior Medical Officers in the scale of Rs.3000-4500 of the CHS as mentioned in the Annexure to this letter to the post of Chief Medical Officer (Rs.3700-5000) of the CHS on an officiating basis with effect from the date they assume charge of the post of Chief Medical Officer in the concerned institution/ Organisation as indicated against each.

2. In the event of an officer, who is promoted, being on study leave, deputation or foreign assignment, the promotion will take effect from the date he/she assumes charge of the post on completion of his/her study leave/ return from foreign assignment.

3. In case any officer included in the Annexure is or has been on unauthorised absence during the past five years, he/she may not be promoted to the post of Chief Medical Officer till a decision regarding regularisation of unauthorised absence is taken. The details of such cases may please be reported to this Ministry.

4. On promotion to the post of Chief Medical Officer, the pay of the officers shall be fixed in the scale of Rs.3700-5000 under F.R. 22-C.

5. The seniority of the officers will be regulated on the basis of their inter-se-seniority in the grade of Senior Medical Officers of the CHS or as may be determined by the Government in accordance with the relevant rules. The list of officers in the Annexure is not in order of seniority list in the post of Senior Medical Officer.

Contd. .. 2/...

6. A copy of this letter may please be made available to the Officers concerned. Their charge relinquishment report in the post of Senior Medical Officer/ consumption report in the post of Chief Medical Officer (in duplicate) may please be obtained and forwarded to this Ministry of necessary action.

Yours faithfully,

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

No. A 11014/2/88-CHS. II

1. Copy to all Pay and Accounts Officers.
2. The Admn. Officer, CGHS, New Delhi.
3. Concerned Officers through the Heads of Office/ Department of Organisation/ Institution. In case they on promotion,/ are posted to P & T or Ministry of Labour, it is requested that they may contact the Ministry of Communication, Department of Posts, New Delhi & Ministry of Labour, Jaiselmer House, Single Storey Hutments, Man Singh Road, New Delhi respectively for their posting.
4. Ministry of Communications (Deptt. of Posts) New Delhi.)(Shri S. Chandha, Director (Staff).
5. Ministry of of Labour, Jaiselmer House, Single Storey Hutments, Man Singh Road, New Delhi. (Shri S.S. Bhalla, Under Secretary)
6. CHS.I Section.
7. CHS.V Section.
8. CGHS I/II Sections.
9. PH (IH) Section of the Dte. C.H.S.
10. Medical (F & S) Section of the Dte. G.H.S.
11. Admn. I/II Section of the Dte. G.H.S.
12. Estt. III. Section.

Sd/-

(P.K. KAPUR)

UNDER SECRETARY TO THE GOVT. OF INDIA

List of Senior Medical Officers promoted to the post of Chief Medical Officer.

SNo.	Name of the Officer	Present place of posting	Place of posting on promotion as C.M.O.
1	2	3	4
1.	Dr.(Smt)Prom Lata Suri	CGHS, Delhi	CGHS, Delhi
2.	Dr.(Smt)Prumila Chawla	-do-	-do-
3.	Dr. S.K. Adhikari	-do-	-do-
4.	Dr. Sunil Bhattacharjee	-do-	-do-
5.	Dr. A.K. Dutta	-do-	Deptt. of F.W.
6.	Dr. T.K. Bose	-do-	CGHS, Delhi
7.	Dr.(Smt)Surindrajit Kaur	-do-	-do-
8.	Dr.Bimalendu Bhattacharjee	Delhi Admn.	Delhi Admn.
9.	Dr. B.K. Agnihotri	CGHS, Delhi	CGHS, Delhi
10.	Dr.(Smt)Ramesh Tewari	-do-	-do-
11.	Dr.(Smt)Sumitra Rama Rao	-do-	-do-
12.	Dr. T.P. Bhaumick	Delhi Admn.	Delhi Admn.
13.	Dr.(Smt)Jashir Kaur Khara	CGHS, Delhi	CGHS, Delhi
14.	Dr.J.B. Jha	-do-	-do-
15.	Dr.Rebati Mohan Dey	-do-	-do-
16.	Dr. D.S. Arora	-do-	-do-
17.	Dr. Nirmal Banerjee	-do-	-do-
18.	Dr. M.K. Garg	-do-	-do-
19.	Dr. Sardul Singh	-do-	DGHS
20.	Dr. A. Sengupta	-do-	CGHS, Delhi
21.	Dr. S.K. Nag	Delhi Admn.	Delhi Admn.
22.	Dr. Darsan Singh	CGHS, Delhi	CGHS, Delhi
23.	Dr. N.C. Dutta	-do-	-do-
24.	Dr.(Smt)Prakash Sanghal	-do-	-do-
25.	Dr. R.K. Dwivedi	-do-	-do-
26.	Dr.S.K. Chaudhary	Delhi Admn.	Delhi Admn.
27.	Dr. G.C. Nayak	CGHS, Delhi	CGHS, Delhi
28.	Dr. Shakti Kumar Sinha	Delhi Admn.	Delhi Admn.
29.	Dr.(Smt)Raj Chawla	College of Nursing	CGHS, Delhi
30.	Dr.(Smt)Satinder Kaur	CGHS, Delhi	CGHS, Delhi
31.	Dr. Ashoka Kumar Guha	-do-	-do-
32.	Dr.(Smt)Vinodini Soni	-do-	-do-
33.	Dr.(Smt) Satya Sharma	-do-	-do-
34.	Dr.(Smt) Sarojini Mallick	-do-	-do-
35.	Dr.(Smt)Prem Lata Anand	-do-	-do-
36.	Dr.(Smt)Swaran Kanta	-do-	-do-
37.	Dr. R.S. Gulati	-do-	-do-
38.	Dr.(Smt)Romila Narula	-do-	-do-
39.	Dr.(Smt) Sangeeta Khanna	-do-	-do-
40.	Dr. Mani Mohan Bhattacharjee	-do-	-do-
41.	Dr.(Smt)Vimla Awasthi	-do-	-do-
42.	Dr. S.K. Gupta	-do-	-do-
43.	Dr.(Smt)P. Gandotra	-do-	-do-
44.	Dr. B.N. Saha	-do-	-do-
45.	Dr.(Smt) S. Mohan	-do-	-do-
46.	Dr.(Smt) K. Mishra	-do-	-do-
47.	Dr.(Smt) S.P. Kohli	-do-	-do-
48.	Dr.(Smt) Arund Sharma	-do-	-do-
49.	Dr.(Smt) B.K. Bhandari	-do-	-do-
50.	Dr.(Smt) J. Singh	-do-	-do-
51.	Dr.(Smt) S.P. Chopra	-do-	-do-
52.	Dr.(Smt) S. Gulati	-do-	-do-
53.	Dr.(Smt) K. Lamba	-do-	-do-
54.	Dr. R.N. Lal	Delhi Admn.	Delhi Admn.
55.	Dr.(Smt) Narinder Anand	CGHS, Delhi	CGHS, Delhi

Cont...3/-

1	2	3	4
56.	Dr.(Smt)Usha Kapoor	CGHS, Delhi	CGHS, Delhi
57.	Dr.(Smt) Gurbaksh Kaur Sahota	-do-	-do-
58.	Dr.(Smt)Shashi Berara	-do-	-do-
59.	Dr. Rabindra Mohan Singh	-do-	-do-
60.	Dr.(Smt) Satindra Uppal	-do-	-do-
61.	Dr.(Smt)Raksha Ghei	-do-	-do-
62.	Dr.Prakrati Mohan	-do-	-do-
63.	Dr. H.L. Rastogi	-do-	-do-
64.	Dr. Tilak Raj Mehta	-do-	-do-
65.	Dr.(Smt)Santosh Chadha	-do-	-do-
66.	Dr.(Smt) Saroj Sagar	Delhi Admn.	Delhi Admn.
67.	Dr.(Smt) Jeevan Jha	CGHS, Delhi	CGHS, Delhi
68.	Dr.(Smt) Saroj Sharma	-do-	-do-
69.	Dr. S.K. Malik	Delhi Admn.	Delhi Admn.
70.	Dr. R.C. Khurana	CGHS, Delhi	CGHS, Delhi
71.	Dr.(Smt)Swaran Grover	-do-	-do-
72.	Dr. Anand Kumer Seth	Delhi Admn.	Delhi Admn.
73.	Dr.(Smt)Anandjit Sandhu	CGHS, Delhi	CGHS, Delhi
74.	Dr.(Smt) Krishan Mittal	-do-	-do-
75.	Dr.(Smt) Santosh	-do-	-do-
76.	Dr.(Smt) C.K. Bedi	-do-	-do-
77.	Dr.(Smt) Jayanti Khandpur	-do-	-do-
78.	Dr.(Smt) Amrit Kaur	-do-	-do-
79.	Dr.(Kum)Shakuntala Dua	-do-	-do-
80.	Dr.(Smt) Kamlesh Jolly	-do-	-do-
81.	Dr.(Kum) Kamlesh Sood	-do-	-do-
82.	Dr.(Smt) Shalini Mohan	-do-	-do-
83.	Dr.(Smt) Baljit Kaur Gulati	-do-	-do-
84.	Dr.(Smt)Subhash Katoor	Delhi Admn.	Delhi Admn.
85.	Dr. Surendra Kumar Gupta	CGHS, Delhi	CGHS, Delhi
86.	Dr.(Smt)Gita Dasgupta	CGHS, Delhi	CGHS, Delhi
87.	Dr.(Smt)Moenakshi Ranjhen	-do-	-do-
88.	Dr.(Smt)Sundershan Goel	-do-	-do-
89.	Dr. Vijay Bahadur	IIT, Delhi	IIT, Delhi
90.	Dr.Om Dutta Sharma	Delhi Admn.	Delhi Admn.
91.	Dr. Jawahar Lal	CGHS, Delhi	CGHS, Delhi
92.	Dr.P.S. Dasgupta	Delhi Admn.	Delhi Admn.
93.	Dr.H.K. Malhotra	CGHS, Delhi	CGHS, Delhi
94.	Dr.(Smt)Sheela Agarwal	-do-	-do-
95.	Dr. Deba Brata Das	Delhi Admn.	Delhi Admn.
96.	Dr.Biswa Nath Kundu	-do-	-do-
97.	Dr. P.K. Roy	CGHS, Delhi	CGHS, Delhi
98.	Dr. R.C. Kalra	Delhi Admn.	Delhi Admn.
99.	Dr.(Smt)Priti Zutshi	-do-	-do-
100.	Dr. Santan. Mallick	CGHS, Delhi	CGHS, Delhi
101.	Dr. M.K. Chakraborty	-do-	-do-
102.	Dr.(Smt) N.Chandrika	-do-	-do-
103.	Dr. G.R. Bagga	-do-	-do-
104.	Dr. R.N. Baishya	Delhi Admn.	Delhi Admn.
105.	Dr. K.K. Kanchan	CGHS, Delhi	CGHS, Delhi
106.	Dr.(Smt) Rekha Mehta	Delhi Admn.	Delhi Admn.
107.	Dr. A. Mirdha	-do-	-do-
108.	Dr. P.K. Saikia	CGHS, Delhi	CGHS, Delhi
109.	Dr.(Smt) B. Kaur Dhillon	CGHS, Delhi	CGHS, Delhi
110.	Dr. G.L. Chugh	-do-	-do-
111.	Dr. V.K. Sinha	-do-	-do-
112.	Dr.(Smt) A.K. Kohli	-do-	-do-
113.	Dr. S.P. Pathak	-do-	-do-
114.	Dr. Raj Kumar	Delhi Admn.	Delhi Admn.
115.	Dr. D.C. Khanna	-do-	-do-
116.	Dr. K.C. Kathuria	CGHS, Delhi	CGHS, Delhi
117.	Dr. M.S. Sachar	-do-	-do-

Contd..5/-

1	2	3	4
235.	Dr. H.M. Sindhi	CGHS, Ahmedabad	CGHS, Ahmedabad
236.	Dr. Sushanta Kumar Ghosh	-do-	-do-
237.	Dr. Nihar Ranjan Datta	-do-	-do-
238.	Dr. C. Thejanyya	-do-	-do-
239.	Dr. P.O. Paul	CGHS, Allahabad	CGHS, Allahabad
240.	Dr. R.K. Verma	-do-	-do-
241.	Dr. (Smt) Manjula Dikshit	-do-	-do-
242.	Dr. H.N. Sharma	-do-	-do-
243.	Dr. (Smt) Prabha Ingota	CGHS, Bangalore	CGHS, Bangalore
244.	Dr. (Smt) S.I. Suchadav	-do-	-do-
245.	Dr. P.K. Shome	-do-	-do-
246.	Dr. S. Sallu	-do-	-do-
247.	Dr. V.P. Dadho	GOI Press, Nasik	ISP, Nasik
248.	Dr. Biswanath Sirkar	CGHS, Bombay	CGHS, Bombay
249.	Dr. (Smt) Usha Kumar	-do-	-do-
250.	Dr. (Smt) N. Pandit	-do-	-do-
251.	Dr. (Smt) O.M. Shannoy	-do-	-do-
252.	Dr. (Smt) S.M. Pannandiwar	-do-	-do-
253.	Dr. (Smt) S.L.G. Gadgil	-do-	-do-
254.	Dr. (Smt) C.K. Giridhar	-do-	-do-
255.	Dr. (Smt) R.P. Takroo	-do-	-do-
256.	Dr. (Smt) P.K. Abhyankar	-do-	-do-
257.	Dr. J.H. Sarodia	-do-	-do-
258.	Dr. (Smt) A. Choudhury	-do-	-do-
259.	Dr. S. Majhi	CGHS, Calcutta	CGHS, Calcutta
260.	Dr. Ranjit Roy	APHO, Calcutta	APHO, Calcutta
261.	Dr. Satyansur Dasu	CGHS, Calcutta	CGHS, Calcutta
262.	Dr. H.K. Karji	CGHS, Kanpur/PHO, Calcutta	-do-
263.	Dr. S.O. Chaudhuri	PHO, Calcutta	-do-
264.	Dr. Santosh Kumar Saha	SACE, Calcutta	-do-
265.	Dr. Tanmoy Banerjee	PHO, Calcutta	-do-
266.	Dr. S.P. Mukhopadhyay	CGHS, Calcutta	-do-
267.	Dr. Dani Kumar Ghosh	PHO, Calcutta	-do-
268.	Dr. Naryan Sun	CGHS, Calcutta	-do-
269.	Dr. A.K. Bhattacharya	PHO, Calcutta	-do-
270.	Dr. Aniya Krishna Ghosh	CGHS, Calcutta	-do-
271.	Dr. (Kum) J. Banerjee	-do-	-do-
272.	Dr. Shyam Sunder Dutta	-do-	-do-
273.	Dr. N. Bhattacharya	AIIPH, Calcutta	AIIPH, Cal.
274.	Dr. A.R. Roy	CGHS, Calcutta	P & T
275.	Dr. (Smt) Rama Guivodi	CGHS, Hyderabad	CGHS, Hyd.
276.	Dr. (Smt.) Jeevan Lata Shrivastava	CGHS, Hyderabad	CGHS, Hyderabad
277.	Dr. S. Vijay Kumar	Reg. Off. HAFW, Hyd.	-do-
278.	Dr. H.V.K. Reddy	N. Police Academy Hyderabad	-do-
279.	Dr. P.R. Rao	CGHS, Hyderabad	-do-
280.	Dr. H. Ramamurthy	-do-	-do-
281.	Dr. C.G.S. Raju	-do-	-do-
282.	Dr. B. Narasimhan	-do-	-do-
283.	Dr. M. Kanji Ram	-do-	-do-
284.	Dr. M.M. Rao Medithi	-do-	-do-
285.	Dr. M. Bhaskara Rao	R.H.O. Hyderabad	-do-
286.	Dr. S.K. Chakraborty	CGHS, Jaipur	CGHS, Jaipur
287.	Dr. V.S. Bhatnagar	-do-	-do-
288.	Dr. S.K. Garg	CGHS, Kanpur	CGHS, Kanpur
289.	Dr. V.K. Bhatia	-do-	-do-
290.	Dr. (Smt.) T. Kaur	-do-	-do-
291.	Dr. Sudhir Chandra	-do-	-do-
292.	Dr. R.P. Jauhari	-do-	-do-
293.	Dr. (Smt.) Sudha Singhil	-do-	-do-
294.	Dr. R.P. Pandey	CGHS, Lucknow	CGHS, Lucknow
295.	Dr. J.K. Jain	-do-	-do-
296.	Dr. S.C. Dutta	-do-	-do-
297.	Dr. K.N. Srivastava	RHO, Lucknow	-do-
298.	Dr. (Smt.) Satyabhama Devi	P & T Bhubaneswar	-do-
299.	Dr. J.K. Roy	CGHS, Bhubaneswar	-do-
300.	Dr. U.C. Mukendra	CGHS, Meerut	CGHS, Meerut
301.	Dr. Ranvir Bawa	-do-	-do-
302.	Dr. B.L. Kanchan	-do-	-do-
303.	Dr. B.S. Jain	-do-	-do-
304.	Dr. (Smt.) Vasantha Chella	CGHS, Madras	CGHS, Madras
305.	Dr. E. Jayaram	-do-	-do-
306.	Dr. M.S. Noor Mohammad	-do-	-do-
307.	Dr. B.R. Chourikar	CGHS, Nagpur	CGHS, Nagpur
308.	Dr. D.K. Sinha	CGHS, Patna	CGHS, Patna
309.	Dr. K.P. Singh	-do-	-do-
310.	Dr. B.K. Singh	-do-	-do-

1	2	3	4
311.	Dr. (Smt) V.K. Ajwani	CGHS, Pune	CGHS, Pune
312.	Dr. (Kum) I.S. Nagrani	-do-	-do-
313.	Dr. Y.B. Joglekar	RHO, Pune	-do-
314.	Dr. S.K. Mohanty	DNK, Project	CGHS, Bhubaneswar
315.	Dr. Arun Kumar Sen	CGHS, Ranchi	CGHS, Ranchi
316.	Dr. A.K. Chakraborty	A&N Admn.,	A&N Admn.
317.	Dr. Gobind Ram	-do-	-do-
318.	Dr. S.B. Shannugan	-do-	-do-
319.	Dr. (Smt) Namita Mohd. Ali	-do-	-do-
320.	Dr. J.C. Mishra	D&N Havell	D & N Havell
321.	Dr. (Smt) Vinod Agarwal	P&T	P&T
322.	Dr. M.K. Srivastava	P&T	P&T
323.	Dr. (Smt) .Bimla Jain	P&T	P&T
324.	Dr. B.C. Sakharan	P&T	P&T
325.	Dr. M.Q. Zaman	-do-	-do-
326.	Dr. B. Mishra	-do-	-do-
327.	Dr. (Smt) M. Agarwal	-do-	-do-
328.	Dr. A.C. Gogoi	-do-	-do-
329.	Dr. (Smt) S. Kalita	-do-	-do-
330.	Dr. P.C. Kalita	RHO, Shillong	-do-
331.	Dr. P.V. Subrahmanyaswara	P&T	-do-
332.	Dr. Bishambar Das	-do-	-do-
333.	Dr. I.C. Jauhari	-do-	-do-
334.	Dr. V. Seetha Pathi Rao	-do-	-do-
335.	Dr. Subhash Aras	-do-	-do-
336.	Dr. Mohan Champa	Min. of Labour	Min. of Labour
337.	Dr. Satyendra Nath Basu	Dte. of Mines Safety, Dhanbad	-do-
338.	Dr. S.K. Mandal	C.H. Manendragarh	CGHS, Nagpur
339.	Dr. N.C. Jain	A&N Admn/RHO Bhopal	RHO, Bhopal
340.	Dr. H.S. Bhattacharjee	C.H. Dhanbad	CGHS, Patna
341.	Dr. S.C. Roy	TB Hosp. Seersale	CIP Ranchi
342.	Dr. A.C. Mullick	India Embassy Hosp. Katmandu	CGHS, Patna
343.	Dr. (Smt) Avinash Bhasin	GOI, Mint, Bombay	CGHS, Bombay
344.	Dr. A.K. Kundu	On deputation with Planning Commission	NMEP, Delhi
345.	Dr. S.R. Bhattacharya	GOI, Press, Calcutta	CGHS, Patna.
346.	Dr. Chandra Kant Verma	C. Hosp. Dhanbad	CGHS, Patna
347.	Dr. Ashok Kumar Chatterjee	APHO, Calcutta	P & T.
348.	Dr. T.K. Banerjee	-do-	CGHS, Kanpur
349.	Dr. Paraswa Nath Das	CGHS, Calcutta	-do-
350.	Dr. (Smt.) Renuka Mathur	K.S.C. Hosp.	Delhi Admn.
351.	Dr. Prakash Kumar Lahiri	CHLW Orgn	P & T.
352.	Dr. (Smt.) Pramila Singh	Surveyor Gen. Dehradun	P & T
353.	Dr. K.S. Sikdar	CGHS, Calcutta	CGHS, Kanpur
354.	Dr. S.K. Tanton	IHMC & SK Hosp.	Delhi Admn.
355.	Dr. S.B. Acharjee	Arunachal Prad.	P & T
356.	Dr. L.N. Phukan	P & T Gauhati	P & T.
357.	Dr. P.C. Sinha	Dte. C.H.S.	Delhi Admn.
358.	Dr. S. Radhakrishnan	PHO, Madras	APHO, Madras.
359.	Dr. N.C. Kar	CGHS, Calcutta	CGHS, Jaipur
360.	Dr. (Smt.) Swasti Mahapatra	CHLW Orgn.	CGHS, Nagpur
361.	Dr. (Smt.) S. Ghosh	CGHS, Calcutta	RHO, Patna
362.	Dr. R.C. Sinha	CGHS, Calcutta	CGHS, Nagpur
363.	Dr. (Smt.) Lalrintluangi	-do-	CGHS, Allahabad
364.	Dr. Dr. R.N. Dey	PHO, Bombay	PHO, Bombay
365.	Dr. S.N. Sen Gupta	Arunachal Prad.	P.H.O. Cochin.
366.	Dr. (Smt.) L. Mongpiur	-do-	CGHS, Hyderabad.
367.	Dr. (Smt.) Amla Das	AIIM & PH, Cal.	CGHS, Allahabad
368.	Dr. Dr. Tulsi Dev Datta	10MLF Orgn.	CGHS, Jaipur.
369.	Dr. Legendra Mohan Mazumdar	AIIM & PH Calcutta	CGHS, Allahabad
370.	Dr. A.M. Mukhopadhyay	S.J. Hosp.	Delhi Admn.
371.	Dr. Sukumar Biswas	CGHS, Cal.	CGHS, Pune
372.	Dr. H.R. Barlickar	P & T	P & T
373.	Dr. (Smt.) S. Sahancy	F.W.T.C. Dombay	AIIMPH, Bombay.
374.	Dr. P.K. Mohanty	IO MLWF	PHO, Visakhapatnam
375.	Dr. (Smt.) Manjula Bhatnagar	On deputation C.A.T. Indore (D/Atomic Energy)	P & T
376.	Dr. (Smt.) Sarla Khakkar	FRI, Dehradun	P & T
377.	Dr. M. Sarkar	Dr. RML Hosp.	Delhi Admn.
378.	Dr. Gulshan Rai Sethi	Surv. of Indic Dehradun	P & T
379.	Dr. Laxmi Narain Das	CHLWF, Dhanbad	CGHS, Pune
380.	Dr. Ajoy Kumar Bhattacharjee	CGHS, Calcutta	-do-

Annexure - V

No.A. 32012/3/87-CHS.II

Government of India
Ministry of Health & Family Welfare

New Delhi, dated the 16'th Sept.87

To,

All participating Units/
Organisations of CHS.

(Except DGHS, Postal Services, Board, Ministry of
Labour, Delhi Admn., Assam Rifles, A& N. Admn.
Ministry of Urban Development and Ministry of
Finance.

Sir,

I am directed to say that it may be recalled that Doctors' Association had submitted a memorandum of demands to the Govt. before going on strike on the 20'th July, 1987. One of the demands of the General Duty Officers was that they should have minimum three time bound promotions in the first 15 years of service. In this context and in order to remove stagnation in the Grade of Senior Medical Officer of the CHS, it has been proposed that a Senior Medical Officer with a total of 12 years of regular service in Group 'A' and who has rendered 2 years of service as Senior Medical Officer on regular basis may be considered for promotion to the grade of Chief Medical Officer in the Scale of Rs.3700-5000 on the basis of Seniority -cum- fitness. This promotion will be on ' Functional basis', involving upgradation of upto 500 posts of Senior Medical Officers to the grade of Chief Medical Officers for the service as a whole.

2. Before this Ministry goes ahead with the proposal, it is requested that this Ministry may please be informed of the number of functional posts of Chief Medical Officers which are likely to be available in your Department/Organisation indicating the names of the Hospitals/dispensaries/Regional Offices etc. and the number of posts of Chief Medical Officers required in these organisations/institutions etc. with the functional justifications, latest by 30'th September 1987. This will involve upgradation of the existing posts of Senior Medical Officers to those of Chief Medical Officers.

Yours faithfully,

Sd/-

(RAVI DATT)

UNDER SECRETARY TO THE GOVT. OF INDIA

Annexure - VI

IMMEDIATE/Registered

Dated 18.3.88

From;

Dr. R.R. Kishore
Medical Officer Incharge,
C.G.H.S., Dispensary No.5,
70 Avas- Vikas, Mall Avenue,
Lucknow.

To

The Secretary,
Ministry of Health and Family Welfare
Government of India,
Nirman--Bhawan,
NEW DELHI.

Kind Attention- Shri S.V. Subramanyan, Joint Secretary

Subject:

Representation against order No. A 32012/1/88-CHS-II
dated 14.3.88 from the Ministry of Health and F.W.,
Government of India regarding promotion of Senior
Medical Officers to the post of Chief Medical Officer

Sir,

I am a Senior Class -I Scale Officer of Central
Health Service since 1.1.1982 listed at Sl.No.696 in order
of Seniority in the Civil list.

The Ministry of Health and Family Welfare, Govt.
of India vide their order mentioned above have circulated
a list of 389 C.G.H.S. officers promoting them from the post
of Senior Medical Officer (Rs.3000-4500) to the post of
Chief Medical Officer (Rs.3700 -5000). These promotions
have been made in pursuance to the assurance given by the
Government to C.H.S. Officers at the time of their agitation
in July, 1987 for a time bound promotion according to which
a C H S officer with total 12 years of service including five
years in the Sr. Medical Officer's scale was to be promoted to
the Chief Medical Officers scale and as such the criterion
for promotion has not been " Selection."

I have been very seriously prejudiced by the above
mentioned order as my name does not figure in the list
of promotees though many officers much Junior to me are
included as is evident by the following list.

Sl. Name of the No. Officer	Sl.No. in the promotion list	SeniorityNo. as per Civil list
1. Vishwa Nath Prasad Srivastava	381	697
2. Ripu Daman Verma	389	758
3. A.K. Awasthi	383	715

Cont..... 3/-

<u>Sl. No.</u>	<u>Name of the Officer</u>	<u>Sl.No.in the promotion list</u>	<u>Seniority No. as per Civil list.</u>
4.	T.C.Malik	382	702
5.	Smt. Sudha Singhal	293	703
6.	R.P. Jauhari	292	706
7.	Smt. Karuna Sood	153	698
8.	Suranjit Deb	154	704
9.	Samarendra Deb	155	709
10.	Dr. (Km.) K.K. Veni	156	711
11.	V.K. Saxena	157	714
12.	Smt. Suniti Bhargava	158	716
13.	Km. Uma Mathur	159	718
14.	T.K. Kanji Lal	160	719
15.	Smt. Manju Gupta	161	722
16.	Baleshwar Singh	162	725
17.	Smt. Manju Rani Somwal	163	730
18.	T.K. Talukdar	164	732
19.	Shama Prasad Chatterji	165	734
20.	Sobhan Sarkar	166	737
21.	Smt. Satya Bhama Dayi	298	736
22.	Shashi Bhushan Das	167	738
23.	S.C. Pradhan	168	739
24.	Smt. Meera Srivastava	169	741
25.	Smt. Iqbal Kaur Judge	171	744
26.	Smt. Sunanda Malhotra	170	742
27.	Smt. Shashi Saini	172	745
28.	M.C. Nath	173	750
29.	G.L. Kak	174	754
30.	Bikash Bagchi	175	759

For the sake of ready reference I am submitting my service history as follows :

On the recommendations of U.P.S.C. I was appointed as Medical Officer on regular basis w.e.f. 20.3.71 under Ministry of Health and F.W., Government of India and letter on after screening I was placed in the Jr. Class I Scale of CHS (700-1300) w.e.f. 1.1.1973 vide Ministry of Health and F.W., order No. A-11014/16/84-CHS II dated 28.8.84 (Annexure-I).

I was allowed to Cross E/B. in the Jr. Class Scale (700-1300) w.e.f. due date i.e. 1.8.1978 vide Ministry of Health and F.W. order No.29018/7/84-CHS V dated January, 1985 (Annexure-II).

I was promoted to the Senior Class Scale of CHS (1100-1600) from due date i.e. 1.1.1982 under Ministry of Health and Family Welfare order No. A 11014/2/84-CHS-II dated 30.1.85 (Annexure -III).

Nothing adverse has been Communicated to me for the period after issuing of above said various orders of promotion and Crossing of E.B. including the orders of promotion to Senior Class I- Scale, i.e. since 30.1.85 till date.

It is clear by the above account that there is absolutely no reason why I should not be placed in the Scale of Chief Medical Officers when Officers much junior to me have been granted that scale. In case the necessary orders are not issued immediately I may suffer an irreparable and permanent damage to my career and I may have to work under my juniors and subordinates besides a recurrent financial loss.

I therefore, request you to kindly consider my case and take necessary action to issue the orders of my promotion to the post of Chief Medical Officer.

Encls: As above.

Yours faithfully,

(DR.R.R. KISHORE)