

Central Administrative Tribunal
Lucknow Bench

FORM OF INDEX

Q.A./T.A./C.C.P./No. 669

199. 87

..... M.S. Nila

..... Applicant.

Versus

..... V.O.S.

..... Respondents.

- | | | | |
|----|------------------|---|---------------------------------------|
| 1. | Index Papers | : | <u>1</u> |
| 2. | Order Sheet | : | <u>2 to 6</u> |
| 3. | Any other orders | " | <u>7 to 8</u> |
| 4. | Judgment | " | <u>9 to 10 (21.3.98) C.A.T.L.K.O.</u> |
| 5. | S.L.P. | " | <u> </u> |

Dy.Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

RN)

Recheck
on 22-2-12.

So (J)

Annexure - A
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE TA 669/87 @ OF 198

Name of the Parties M. S. Nila

Versus

Union of India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A-1	Checks List	- 1
A-2	order sheet	2
A-3	Judgement	2
A-4	Petition copy	13
A-5	Annexures	23
A-6	Power	1
B-1	Index	1
B-2	Petition copy	13
B-2	Annexures	14 to 37
C-1	One Petition copy with Annexures	
C-2	Notices	3

2

This writ petition shall be filed
before the Bench of His
High Court of Judicature, Allahabad
at Lucknow on ~~18.3.1980~~
24.4.1980

[Signature]
ADVOCATE, ~~1980~~
HIGH COURT, LUCKNOW. 29/2/80

Writ Petition No. of 1980

Group A
SERVICE MATTER
Para 15 (K)
POST and TELEGRAPH

M.S.Nila Petitioner
Versus
Union of India and others Opposite Parties.

I N D E X .

Sl.No.	Subject matter	Page from	to
1.	Writ petition	1	- 13
2.	Annexure-1 -Order allowing E.B.from 10.8.1972		14
3.	Annexure-2 Impugned order stepping E.B. from 1.8.1977		15
4.	Annexure-3. Corruption report-Smuggling		16
5.	Annexure-4 Abuse of Authority.		17
6 .	Annexure-5 Shah Commissions letter		18
7.	Annexure-6 Corruption report		19
8.	Annexure-7 Corruption report Photostat copy 20 -		20.
9.	Annexure-8 Illegal transfer order		22
10.	Annexure-9 Retirement order		23
11.	Annexure-10. "Save Our Souls " Appeal to Parliament from wife of Petitioner	24-	26
12.	Annexure-11. " Save Our Souls" Appeal to Parliament by the Petitioner	27 -	28
13.	Annexure-12 Appeal to D.G.P & T Dt.28.7.79 against impugned order dt.31.3.79	29 -	32
14.	Annexure-13. Judgment & order W.P.143/76 dated 16.7.79	33-	34
15.	Annexure-14 Impugned order 30.4.1979		35
16.	Affidavit		36-37

Lucknow.
18th Feb. 1980

Mohindar Singh
Petitioner
in person.
Mohindar Singh NILA

A.Sc. B.E.D.P.A.DLL.DLT.LLB; P.G.D.C
Advocate LLM
High Court, LUCKNOW

1153
5.3.80

MEMO
1st Impressed Rs. 50/-
5th Adhesive Rs. 50/-
Total Rs. 100/-

~~Correct but final Court fee receipt~~
~~will be made on receipt of lower~~
~~Court receipt.~~

In time up to

Papers filed. Copy of P. O.
~~should also be filed.~~

~~Single Bench.~~

The last required order is

Annexure No. 14, dated 30.4.1980.

Spang
5/3/00

Hm T.S. Murari
Hm K.S. Varma

Put up on 28-4-1980.
The learned counsel for the
opposite parties shall take
necessary instructions.

Ks hv
24.4.1980

Admit. Issue notice.

Ks hv
28.4.1980.

no official filed
28.4.80

A-4
1

IN THE HONOURABLE HIGH COURT OF JUDICATURE, ALLAHABAD.

LUCKNOW BENCH, LUCKNOW.

Writ Petition No. 1032 of 1980.

Mehinder Singh Hila, aged about 56 years ,
son of late Sri Gurik Singh, resident of
559K/6 Bahadur Khara, Singer Nagar, Lucknow.

..... Petitioner

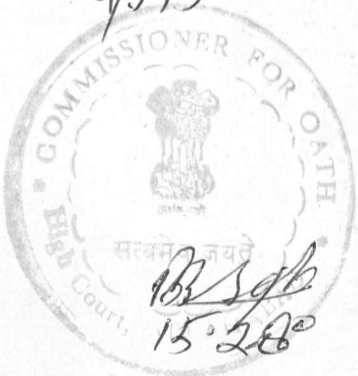
Versus

- ✓ 1. Union Of India, through Secretary Ministry
of Communications, Government of India, New Delhi.
- ✓ 2. The Director General Posts and Telegraphs
Department , Government of India, New Delhi.
- ✓ 3. The General Manager, Telecommunications, U.P.
Circle, Hazratganj, Lucknow.
4. Sri. N.K. Mathur, General Manager, Telecom,
U.P. Circle, Hazratganj, Lucknow.
- ✓ 5. The Divisional Engineer Telegraphs, Dehradun

..... Opposite
Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA.

The humble petitioner, named above most respectfully sheweth:-



ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P. No. 1032 of 1980
vs. _____

18/1
A-2
2

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
24-4-80	<p>Shan T-S-M, S</p> <p>Shan K-S-V, S.</p> <p>=</p> <p>Put up on 28-4-80</p> <p>instruction</p> <p>sd-T-S-M</p> <p>sd-K-S-V.</p>	
28-4-80	<p>W.P. for order</p> <p>Shan Murali</p> <p>Shan N. S. O</p> <p>Admit. Some notice</p> <p>for</p> <p>28-4-80</p> <p>Service Report in W.P.</p> <p>O.P. Nos. 1, 2, 3, 5:- Notices read.</p> <p>By Smt B. L. Shukla, Adv.</p> <p>O.P. No. 4:- It transpires from the first page back of the W.P. that the duplicates were read by the O.P. No. 4 in person.</p> <p>No Power on behalf of O.P.</p> <p>Nos 1 to 5 is on record.</p> <p>Submitted</p>	

25/7/80

(4)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	4
8.8.80	<p><u>DR</u></p> <p>Seen service report dated 25-7-80: of no. 4 is served personally. of no 1, 2, 3 and 5 have been served with Sr B.L. Shukla. Address: Seemee is deemed sufficient. Ask the learned counsel for the opposite parties to file the^{his} power of attorney to proceed.</p> <p><i>[Signature]</i></p> <p>8-8-80</p> <p><i>[Signature]</i> BCC</p>		

7A:669/07(17)

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1
E

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
23.11.07	No sitting. Adj. to 12.2.90	
44 res holder for action	<p>This case has been received on transfer.</p> <p>Notices were issued to the counsels by the Office at Allahabad..... <i>None is present for the parties</i>.....</p> <p>Let notice be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.M.</p>	<p><i>or</i> <i>notice given</i> <i>S</i> <i>15/12/07</i></p>
12.2.90	<p>No sitting. Adj. to 19.3.90</p> <p><i>Singh</i></p>	<p>Case is admitted. CA/RA not filed Notices were issued on 15/12/07. Notice of application has been returned back with postal remark "Expired" S.F.O. <i>16/3</i></p>

ADVOCATE,
HIGH COURT, LUCKNOW.

On behalf of the petitioner it was pointed out that the petitioner could not approach the appellate authority in regard to the crossing of efficiency bar which became due on 1.8.1977 due to the pendency of this writ petition. If so, the same can also be represented to the authorities which would consider the same.

Accordingly, the writ petition is dismissed, No order as to costs.

sd/- U.C.Srivastava, J

K.N.Goyal, J.



Attested true copy
in
ADVOCATE,
HIGH COURT, LUCKNOW.

B.S. Singh
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow.
No *9/373*
Date *15-2-80*

A-3
1

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

T.A. 669/87(T)

(Writ Petition No. 1032 of 1980)

M.S. Nila

...Petitioner.

versus

Union of India & others

...Respondents.

HON. MR. D.K. AGRAWAL, JUDICIAL MEMBER.

HON. MR. K. OBAYYA, ADM. MEMBER.

(D.K. AGRAWAL, J.M.)

Writ Petition No. 1032 of 1980, filed in the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow on transfer to the Tribunal under the provisions of section 29 of the Administrative Tribunals Act, 1985 was registered as Transferred Application No. 1032/80(T) as indicated above. The petitioner was given notice by the office of the Tribunal. The notice has been returned back with the report that the petitioner has expired. The petitioner was representing himself and did not engage any other lawyer. In fact, he, it appears enrolled himself as an Advocate after his retirement. Therefore, he was himself pleading the case.

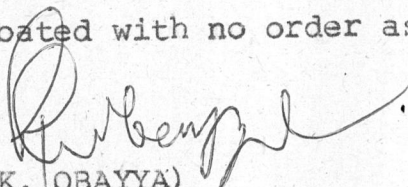
2. The facts are that the petitioner was employed as Assistant Engineer in the Department of Telecommunications. He was aggrieved on account of delay caused in allowing him to cross Efficiency Bar, which was due with effect from 10.8.1972 and 1.8.1977. He finally

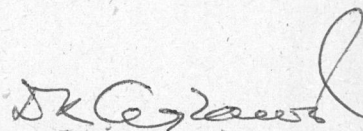
D.K. Agrawal

A-3
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10

retired from service on 10.4.1978. The prayer in the Writ Petition is for the consequential benefits which would have accrued to him, had the orders for crossing the Efficiency Bar were passed without delay i.e. if he were allowed to cross the Efficiency Bar from the due dates mentioned above.

3. Since the petitioner has died and his heirs have not been brought on record, the Writ Petition abates. Consequently, the writ petition is dismissed as having abated with no order as to costs.


(K. OBAYYA)
ADM. MEMBER.


(D.K. AGRAWAL) 21.3.90
JUDL. MEMBER

Dated the 21st March, 1990.

INDIA COURT FEE

1153

5/5/80

50Rs.



140/50/-
540/50/-
5/3/100

In the Honble High Court of Judicature
Allahabad, at Lucknow.

Writ Petition No 1032 of 1980

M. S. NILA
(Petitioner in Person)

Petitioner
(in Person)

Versus

Union of India and others
Through Ministry of Communications, Govt of India

Opposite Parties.

Court Fee of Rs 100/- paid

M. S. NILA

B.Sc; DPA; BE; LLB; DLI; DLI; PGDC;
L L M

Legislation
Constitutional Law
Administrative Law
in
India, UK, USA,
Australia, Canada &
France.
Criminology
Penology, Toxicology
Offence Against
Social & Economic
Security
Jurisprudence & Legal
History in India &
England.

ADVOCATE,
HIGH COURT, LUCKNOW.

(Signature)
(M. S. NILA)
(Petitioner in Person)

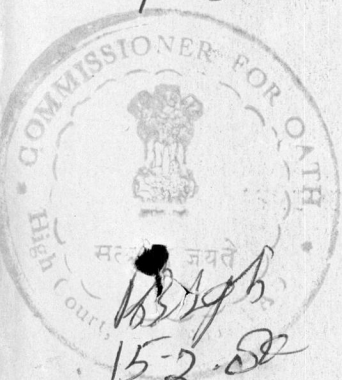
क्रम संख्या १२५ दिनांक २९.२.८०
नाम वासुदेव लाल Meher Singh N.L.
खराद्वारा १२ भा
द्वारा
तत्परीक्षा मूल्य / १०/- मूल्य R. 50.00
नाम लाल देव इत्यादि कुसैन,
उक्त नियोगांतय, लखनऊ

Received City for op 153 & 5
for presentation on 24. 4. 80
H. H. H. H.

Read a copy for ^{29/10/19} ~~Frank~~ n.
y sh n. k. Mathew G. M. L. L.
R
21.4.50

.....C.A. to G.M.T.

1. That the petitioner was appointed as circle service Telegraphist on 1.11.1947, in a vacancy reserved for War Service Candidates, under the opposite party No.3, after the petitioner was released from the Army, in 1947.
2. That on 10.8.1962, the petitioner was promoted as an Assistant Engineer in the Telecom Engineering Service Class II in the same department under opposite party No.2. The petitioner was confirmed on the said post on 1.3.1969.
3. That during the aforesaid period of service ending 1.3.1969, the work of the petitioner was found to be satisfactory and he was not served with any adverse entry, from his confidential records for any year. The original pay scale of the petitioner was 350-25-500-30-590. E.B. 30-800 E.B. 30-830-35-900. This scale of pay was revised from 1.1.1973 as 650-30-740-35-810-E.B. 35-880-40-1000-E.B. -40-1200.
4. That the petitioner was due to cross Efficiency Bar on 10.8.1972, at the stage of Rs.590/- per month in the old scale.
5. That the petitioner was neither informed of the decision to stop him from crossing the efficiency bar on 10.8.1972, nor he was paid the salary which he was entitled to draw on crossing the said bar. The petitioner made several representations to opposite parties 2 and 3 but received no answer to his communications. The petitioner therefore had to file writ petition No.143 of 1976, before the Lucknow Bench of the Allahabad High Court for the issue of a writ or order in the nature of Mandamus commanding the opposite parties to act according to law.
6. That the opposite parties maintained defiant attitude towards notices served by this Honourable court and did not file any



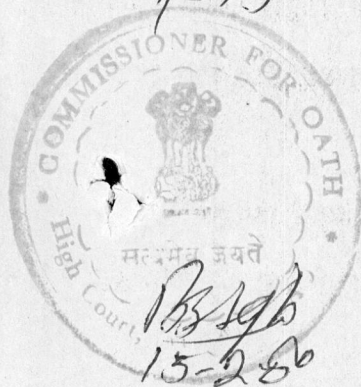
counter -affidavit till on 13.3.1979, after lapse of about 7 years the opposite party No.3, allowed the petitioner to cross the efficiency bar from 10.8.1972 vide his order No. Staff/M-3-2-HB/Ch.II/1 dated 13.3.1979, without explaining to the petitioner and the Hon'ble High Court, why he could not issue the same order on 10.8.1972. The true copy of the said order is filed herewith as annexure 1 to this petition.

7. That the petitioner was kept in suspense and subjected to unbearable agony, distress, idignity and harassment, for the whole period of about 7 years. The motivations and circumstances have been stated in some of the paras of this writ petition.

8. That during the ~~aforesaid~~ period of about 7 years the petitioner, while suffering from unbearable ordeals and tribulations, became entitled to another valuable right. His crossing of efficiency bar at the stage of Rs.1000/- per month in his aforesaid revised scale, became due on 1.8.1977. Again the opposite party No.3 neither passed any order allowing the petitioner to cross his that efficiency bar, nor he informed the petitioner of being stepped at the bar.

9. That the petitioner strongly believes that the real reason for the inordinate delay of about 7 years in passing orders about crossing of efficiency bar from 10.8.1972 and also stepping the petitioner at the efficiency bar at the stage of Rs.1000/- which had become due on 1.8.1977 after about 2 years on 31.3.1979, ~~was~~ by the opposite party No.4, vide his most unreasonable and unjust order No. Staff/M-3-2-HB/CH.II/1 dated 31.3.1979, filed herewith as annexure 2 to this writ petition, ^{were} ~~was~~ due to malafides as shown hereinafter.

10. That the petitioner had been a dedicated public servant and had a zeal for upholding and causing to maintain purity of public administration. While the petitioner was



[Handwritten signature]

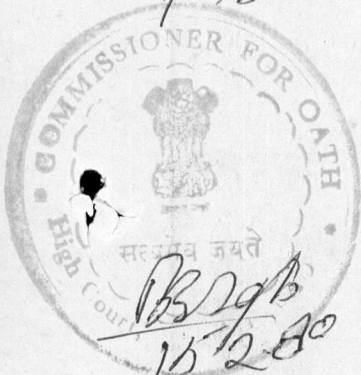
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working under the opposite party No.4 he was grieved to know the corrupt and unworthy conduct of these functionaries and reported several instances of these malpractices to the higher authorities of the department. True copies of two such instances dated 19th January and 12th December 1977 are filed herewith as annexures 3 and 4 to this writ petition. In brief, Annexure 3 is a press report on the smuggling activities of an officer who entered Nepal on the authority issued by opposite party No.4 Sri N.K.Mathur, who had no jurisdiction or power to issue such an authority. Similarly, annexure No. 4 is an order to enforce 'Begar' under the garb of an appeal as issued by the opposite party No.4 Sri N.K.Mathur. While the Government suggested voluntary donations and preparation of list of such donors, Sri Mathur ordered deduction of one days pay and preparation of list of such officenrs who declined deduction. No one could muster courage to get his name entered in Sri. Mathur's 'Black List'.

Shah Commission vide their letter dated 17th and 19th of even number, sent petitioners reports on corruption aforesaid to opposite party No.2 for necessary action under intimation to the petitioner, but no action appears to have been taken by opposite party No.2 so far. Aforesaid letters copy received from the Shah Commission is filed herewith as annexure 5 to this writ petition.

11. That the petitioner was surprised that though the allegations of such a serious nature were made through registered letters, yet no rebuttal or even acknowledgment was ever received by him from any quarter.

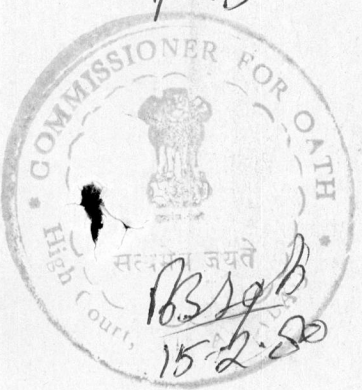
12. That in the period 27.3.1977 to 14.4.1977, while the petitioner was holding lawful charge of the Cable Sub Division, Agra, Sri N.K.Mathur, opposite party No.4, brought in Sri Z.A.Khan, Divisional Engineer, well known for corruption, (retiring on 30.7.1977) from Allahabad, to displace Sri V.K.



MS

Verma Divisional Engineer Phones Agra, retiring on 30.4.1977 and even though the petitioner as well as his subordinate office staff, were present on duty throughout the ~~aforesaid period~~ out the aforesaid period, Sri Z.A.Khan, in connivance with opposite party No.4 Sri N.K.Mathur, misappropriated huge Public Money, through bogus fraudulent bills, showing expenditure incurred in the petitioners Cable Sub Division Agra, with ~~paid~~ vouchers bearing signatures of a stranger on the official seal of the petitioner/ throughout, without passing them through the petitioner as lawful officer incharge Cable sub-Division or his office staff. The petitioner still holds in his custody all these bills about which he reported to all the authorities concerned vide 'Most IMMEDIATE' Telegram XXT/17 dated 17.4.1977 a true copy of which is filed herewith as annexure 6 to this writ petition. Four such bills dated, ~~30~~³¹.3.77(Rs.3752.24); 31.3.77 (Rs.3379.36); 7.4.77(Rs.966.80) and 14.4.77(Rs.10033.70) totalling Rs. 18132.10 will be produced before the court at the date of final hearing. Last sheet No.7 of I/Bill No.6 dated 31.3.77 showing single day expenditure of Rs.3379.36 is filed herewith (Photostat Copy) as annexure 7 to this writ petition ^{as sample}

9/373



13. That, while making over charge on forenoon of 15.4.1977, of Cable Sub Division Agra, the petitioner noted details of all the aforesaid facts in all office files and also in the charge report which was despatched under registered cover to all the departmental authorities concerned including the opposite party No.4 Sr. N.K.Mathur.

14. That Sri N.K.Mathur, opposite party No.4, did not have the courage to dispute the aforesaid allegations contained in formal aforesaid official communications.

15. That the petitioner came from Gujrat state to Uttar Pradesh in January 1972. He was displaced 6 times and the 6th transfer was effected from Dehradun to Mizeram (Assam)

A-4
C

--- 6 ---

under the order dated 5.1.1978, filed herewith as annexure No.8, issued by the Divisional Engineer Telegraphs Dehradun, opposite party No.5, while even the General Manager U.P.Circle is not competent to order out of circle transfer of the petitioner. Only opposite party No.2 could order such a transfer whose order was never served on the petitioner, till the same opposite party No. 2 allowed the petitioner to retire voluntarily from 10.4.1978, vide his No. 243/2/78-STG/II dated 6.6.1978, filed herewith as annexure 9 to this writ petition.

16. That the opposite party No.4, Sri N.K.Mathur, ~~mathur~~ actuated with malice, illwill and vindictiveness, caused repeated distress and financial strangulation through frequent transfers and withholding of payment of salary to the petitioner for long periods during the period 17.5.1975 to 11.8.1976 and again from 5.1.1978 to 26.4.1978, that the petitioners wife sent a "SAVE OUR SOULS" appeal to members of both houses of parliament, followed by a similar appeal sent by the petitioner himself in October 1978 after his retirement. True copies of both of which are filed herewith as annexures 10 and 11 with the writ petition.

17. That in January 1978, the petitioners endurance having crossed all limits, which any other person of high resolve could face, ~~petitioner~~ finding no other way to save his life, served 3 months notice on opposite parties, giving full details of harassment met, and retired voluntarily on 10.4.1978, ~~for~~ 4 years before his original date of superannuation 30.4.1982.

18. That the Statutory Law Fundamental Rule 25, governing Government Servants cases of Crossing Efficiency Bar reads:-

' The case of Government Servants for crossing the Efficiency Bar in the time scale of pay should be considered at the appropriate time and in case the decision is to enforce bar against the Government Servant, he should be informed of the decision'

626

A-4
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19. That the statutory Law providing for a right of appeal to Government Servants against whom the bar to cross efficiency bar is enforced- Rule 23 C.C.S (Classification, Control and Appeal) Rules 1965, reads :-

'... Government servant may prefer an appeal against all or any of the following orders namely:-

(v) an order

(a) stopping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar. . '

20. That the Statutory Law providing period of Limitation , C.C.S. (Classification, Control and Appeal) Rules 1965 Rule 25 reads:-

' No appeal preferred under this part shall be ~~entertained~~ entertained unless such appeal is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant.

Provided that the appellate Authority may entertain the appeal after expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. '

21. That , normally the pension of any retiring Government Servant is to be finally settled before his retirement , but in the case of voluntary retirement where only 3 months notice is given, Rule 56 Para 2 (f) of the Government decision on ' The Central Civil Service (Pension) Rules 1972 as amended in 1976 reads :-

' ... where it is not possible to anticipate the date of retirement and consequently it is not feasible to initiate advance action in accordance with the two-year time table. Nevertheless, this does not detract from the principle that the pension case has to be finalised as quickly as possible in such cases also. Action should be commenced immediately after ~~the~~ the fact of the impending retirement of the Government Servant is known, and the pension case and



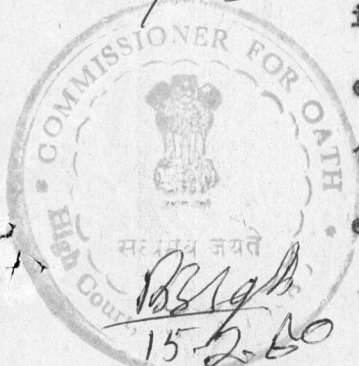
Signature

A-4
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all other related matters and formalities should be fully completed
NOT LATER THAN SIX MONTHS FROM THE DATE OF RETIREMENT

According to above Rule, the opposite parties were bound to determine petitioners pension finally by a date not later than 10.10.1978. Any determination of pension after retirement, prejudicial and injurious to the rights of the petitioner, in the absence^{of} justifiable reasons, would make that/ determination illegal and void.

22. That in the case of the petitioner, the crossing of efficiency bar from 10.8.1972 was decided after nearly 7 years in 1979, after the petitioner retired on 10.4.1978, which itself is questionable, as the issue was pending before this Hon'ble court and the opposite party No.3 passed that belated order on its own accord and did not flow from the decision in the pending writ petition and the pendency of writ petition 143/76, was not an impediment to the opposite party No.3 and 5 to settle the quantum of final pension after the consideration of efficiency bar from 10.8.1972 and subsequent efficiency bar from ~~10.8.1977~~^{1.8.1977}, before expiry of 6 months period after the petitioners retirement on 10.4.1978 that is 10.10.1978. No reasons whatsoever, have been shown at any stage for aforesaid belated action. Pendency of writ petition could also^{be} ~~not~~ a cause or justification for not determining petitioners pension finally before 10.10.1978.



23. That, immediately after allowing the petitioner to cross his efficiency bar from 10.8.1972, in 1979 (annexure 1) the opposite party No.3, knowing fully well that he^{had} ~~denuded himself~~ all power and jurisdiction to determine petitioners/ pension to his disadvantage as laid down under Rule 61 of the Central Civil Service (Pension) Rules 1972, he issued impugned order on 31.3.1979 (Annexure 2) stopping the petitioner to cross his efficiency bar, retrospectively from 1.8.1977. Such ~~an~~^a retroactive order was on the face of it ultravires to the jurisdiction of the opposite parties.

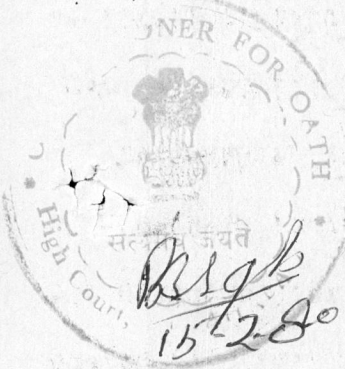
F-4
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24. That, since the question of crossing of efficiency bar from 10.8.1972 as well as from 1.8.1977 was not really pending for adjudication before any court, it was all the ^{more} imperative and possible for the opposite party No. 3 and 5 to determine petitioners pension finally before the due date 10.10.1978. Adverse order impugned aforesaid, passed in 1979, one year after retirement, is mala fide and ex-facie void and inoperative.

25. That more than 6 months have passed since the petitioner submitted representation, copy enclosed as annexure 12 to this writ petition, to opposite party 2 ~~and~~ as suggested by this honourable court through its judgment and order dated 17.7.1979 in writ petition 143/76, a copy enclosed as annexure 13 to this writ petition, and no reply has so far been received.

26. That in view of the fact that the petitioner is old and exhausted and has a short expectancy of life, to enable him to enjoy his full pension during his life time, of Rs.530/- per month which will become payable to him on the final determination of crossing of efficiency bar from 1.8.1977 in his favour, it ~~has become~~ become expedient to approach this honourable court with this writ petition as no other equally efficacious and speedy remedy is ~~available~~ available to him.

27. That the opposite party No.5 vide his letter No. pen/R-63/MSN/130 dated at Dehradun on 30.4.1979, determined ~~final~~ petitioners final pension at Rs.413/- per month (Which after amalgamation of dearness allowance now comes to Rs.513/- per month) ~~It~~ A copy of the said order is filed herewith as annexure 14 to this writ petition. Had the petitioner been allowed to cross efficiency bar as on 1.8.1977, his pension would have been fixed at Rs.530/- per month from 10.4.1978, the date of his retirement. The petitioner therefore continues to suffer a monthly loss of Rs.17/- from 10.4.1978 for the whole of his life.



[Handwritten signature]

A-4
10

28. That due to the pension being settled at amount less than that to which the petitioner was entitled, the ^{consequences which} other civil have flown are:-

- i) Arrears of Pay 1.8.77 to 10.4.78 at Rs.40/- p.m.
^{amounting to} ~~Rs. 333/-~~ Rs. 333/-
- ii) Service gratuity arrears at Rs.40/- p.m. for 16-1/2 months, Rs. 660/-
- iii) Arrears of pension from 10.4.1978 at Rs.17/- per month for life.

The petitioner is continuing to receive pension at the incorrect rate under pretest and he had, on 28.7.79 represented against the impugned order (Annexure-2) as mentioned in para 25 above (Annexure 12). The opposite party No.2 has not passed any order in past 6 months which amounts to rejection of the representation.

29. That as this is the case of wrong and arbitrary settlement of pension due to the petitioner, it is an appropriate case where writs of Quo-Warranto, Certiorari and Mandamus will lie against the opposite parties aforesaid.

30. That demand justice notice for 10 days was served on the opposite parties on 3.1.1980 and the same has not been replied.

31. That, being aggrieved by the impugned order dated 31.3.1979 (annexure-2) passed by the opposite party No.3, and by the order dated 30.4.1979, (Annexure No.14) passed by the opposite party No.5, and the petitioner having been left with no other speedy and efficacious remedy available to him in law, prefers this writ petition, on the following, among others:-

G R O U N D S

I Because the impugned order, Annexure-2 dated 31.3.1979, having been passed after 10.4.1978, when the petitioner had gone into the voluntary retirement, is illegal and without jurisdiction.

II Because the opposite parties 1 and 3 had no jurisdiction and competence to pass any orders to the detriment of the petitioner, determining the scale of pension and gratuity subsequent to the date, on which the voluntary retirement of the petitioner, was sanctioned or in the alternative 6 months after the retirement.

III Because the matter is not left to executive discretion but is governed by Statutory Rules Fundamental Rule 25 and Central Civil (pension) Service Rules 1972, which are intended to be strictly followed, when they enjoin that the decision ~~making~~ on final determination of pension, must be taken well before the retirement and when delay itself operates as a punitive or deprivatory measure and affect right to a valuable property, as in the case of pension and service gratuity of Government servant, as has actually happened in the case of petitioner after his ~~the~~ retirement.

IV Because, the aforesaid orders dated 31.3.1979 and 30.4.1979 (annexures 2 and 14) are discriminatory and violative of Fundamental Rights guaranteed under Articles 14 and 16 of the Indian Constitution, and Statutory Laws/ on the subject they are Non-est in the eyes of Law.

V. Because the opposite parties passed order dated 31.3.1979 on their own accord, allowing the petitioner to cross efficiency bar from 10.8.1972, they are stopped from taking the plea that the question of crossing of petitioners efficiency bar from 10.8.1972 was pending in the writ petition, before this Hon'ble High Court.

VI. Because, in the absence of the petitioner, having been ever held guilty in any departmental or judicial proceedings, awaiting the event or events and passing of pension orders ~~after his retirement~~ disadvantageous to the petitioner/was outside the Rules F.R.25 and Central Civil Service (Pension) Rules 1972 and were passed in excess of jurisdiction.

A-4
12

VII Because the opposite party No.4 acted malafide, influenced by extraneous considerations.

VIII Because, specific allegation of corruption were made by the petitioner several times for 5 years ending 1978 against Sh. N.K.Mathur , opposite party No.4 and these allegations incensed him to such an extent that he acted malafide in several ways including the passing of impugned order dated 31.3.1979(annexure 2)

IX Because the delay in allowing the petitioner to pass orders for his crossing the efficiency bar at, as on 10.8.1972, a delay of about 7 years was clearly due to malafides of the opposite party No.4 , as such, opposite parties cant be allowed to take shelter behind this order for passing a belated order with respect to stoppage of efficiency bar retrospectively from 1.8.1977.

X Because even otherwise, the impugned order dated 31.3.1979 is illegal and bad in law since, there was failure to comply with the mandatory requirement of intimation about the enforcement of Bar at an appropriate date 1.8.1977, to the ~~petitioner~~ petitioner as laid down under Fundamental Rule 25 and as upheld by a decision of the Supreme Court.

XI Because in view of the fact that the petitioner is old and exhausted and has short expectancy of life, and to enjoy his full pension in his life time, dispute of civil litigation in the Civil Court may not get settled in his life time, and no other equally speedy and efficacious remedy is available to the petitioner and this Honourable High Court has jurisdiction to issue writs under Article 226 of the Indian Constitution in this case involving contravention of constitutional and Statutory Rules, it is expedient that this Honourable Court be pleased to exercise writ Jurisdiction in this case.

PRAYER.

WHEREFORE, it is respectfully prayed that your Lordships

A-4
13

may be pleased to pass the following orders to

(i) to issue a writ in the nature of Quo-Warranto, commanding the opposite parties 1, 3 and 4 to establish the authority under which the order dated 31.3.1979(annexure-2) was passed by opposite party No.3 and the order dated 30.4.1979, (annexure- 14) was passed by opposite party No.5 .

(ii) to issue a writ in the nature of Certiorari setting aside /quashing the order dated 31.3.1979 (annexure-2) passed by opposite party No.3 and the order dated 30.4.1979,(Annexure-14) was passed by opposite party No.5.

(iii) to issue a writ in the nature of Mandamus, commanding the opposite parties to quantify the pension of the petitioner as from 10.4.1978, on the basis of the the fact that the petitioner cannot be stopped at the efficiency bar at any point in his service by order passed subsequent to his date of retirement and to act according to law in the manner, hereinfere stated.

(iv) to issue an order to opposite parties to pay all the consequential benefits viz. arrears pf pay from 1.8.1977 to 10.4.1978 and the service grautity and pension from 10.4.1978 which the petitioner is entitled to get as the result of crossing of his efficiency bar from 1.8.1977.

(v) to issue or pass any other order writ or direction which the petitioner is found entitled.to.

(vi) to allow the petitioner costs of this writ.

Lucknow.
18.1.1980.

Certified that there is no defect
in this writ petition.

[Signature]
(M.S.NILA)
Advocate

[Signature]
petitioner

M. person. A

B.Sc; DPA; BE; LLB; DLT; DLL; PGDC;
L. L. M.

Legislation	Criminology
Constitutional Law	Penology, Toxicology
Administrative Law	Office Against
in	Social & Economic
India, UK, USA,	Security
Australia, C nda &	Jurisprudence & Legal
France.	History in India &
ADVOCATE,	England.

HIGH COURT, LUCKNOW.

A-5
14

IN THE HONOURABLE HIGH-COURT-OF JUDICATURE ,ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila _____ Petitioner
Versus
Union of India and others _____ Opposite Parties

Annexure No. 1.

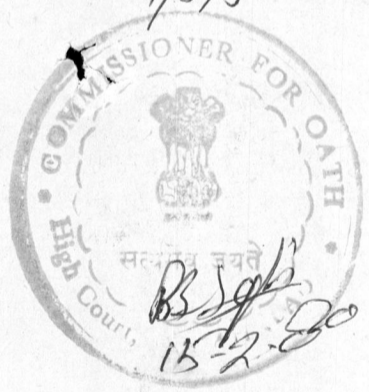
INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

Memo No. Staff/M-3-2-EB/CH.II/1 Dated at Lucknow the 13.3.1979.

Sri M.S.Nila , A.E. Wireless, Dehradun, who has taken
voluntary retirement from Government Service with effect from 10.4.
.1978 is hereby permitted to cross efficiency bar with effect from
10.8.1972 at the stage of Rs.590/- in the pre-revised scale of
Rs.350-25-500-30-590-EB. 30-800-EB- 30-830-35-900 of T.E.S.Class II.

9/373



sd/- Illegible

Assistant General Manager (staff)
For General Manager Telecom, U.P.

Attached true copy
[Signature]

ATTEST,
HIGH COURT, LUCKNOW.

[Signature]
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow.
No. 9/373
Date 15-2-80

A-5 15
2

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

M.S.Nila Petitioner

Versus

Union of India and others Opposite Party

Annexure No.2.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

To

Shri M.S.Nila , A.E. (Retired)
559K/6 Bahadur Khara ,Singar Nagar,
LUCKNOW.

No. Staff/M-3-2-EB/Ch.II/1 Dated at Lucknow 31.3.1979.

Subject:- Grant of efficiency Bar -Case of Sri M.S.Nila
A.E.(Retired)

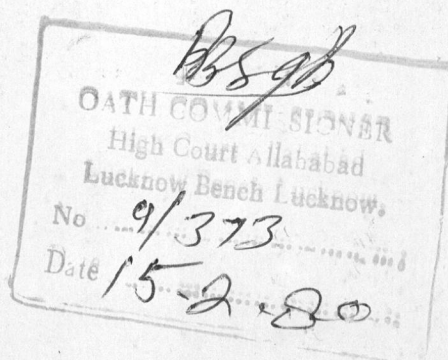
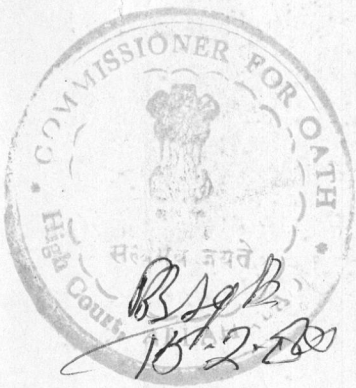
The case of crossing of efficiency bar at the stage
of Rs.1000/- in the scale of Rs.650-30-740-35-810-EB- 40-1000
~~EB~~ 40-1200 with effect from 1.8.1977 has been considered
and you have not been permitted to cross efficiency bar.

sd/- illegible

A.G.M.(Staff)

For General Manager Telecom U.P.

Attested true copy
ADVOCATE,
HIGH COURT, LUCKNOW.



Writ Petition No. of 1980

.....

.....

• • • • •

Versus

• • • • •

.....

Annexure No.3

1976

(By our Staff Reporter)

9/373

COMMISSIONER FOR OATH

High Court

सत्यमेव जयते

B3296

15-2-80

The Jeep along with the Director and his associates was detained for about 12 hours and was released after consulting the concerned authorities in Delhi on personal Bond by the accused.

Attested True copy
B. V.
 ADVOCATE,
 HIGH COURT, LUCKNOW.

A-5
4 17

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila Petitioner

Versus

Union of India and others Opposite Parties

Annexure No.4

(extract)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Office of the General Manager Telecommunications, Lucknow.

No. Welfare /Misc/77

12th December 1977.

Appeal

..... It has been mentioned that contributions to help our fellow members of the staff in these areas may be deducted from each persons salary of the month of December 1977 at the rate given below.

Gazetted Officers

.....

One Days Pay

...

...

These members of staff WHO DO NOT WISH TO CONTRIBUTE, may

SPECIFICALLY DECLINE IN WRITING to their disbursing officers

immediately. In the absence of such intimation, DEDUCTIONS at the

above rates would be made from the SALARY for the month of December, 1977.

...

Attested True Copy

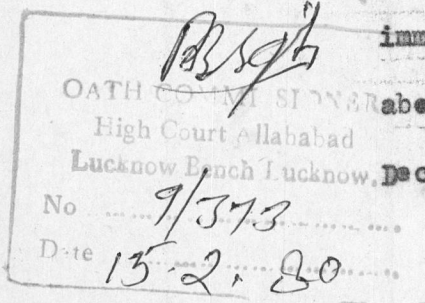
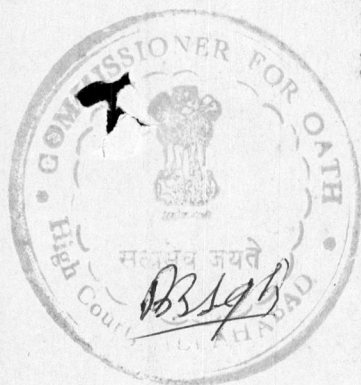
[Signature]

ADVOCATE,

HIGH COURT, LUCKNOW,

N.K.Mathur

GENERAL MANAGER TELECOMMUNICATIONS.



A-5
S
18

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila Petitioner

Versus

Union of India and others Opposite Parties

Annexure No. 5

PROFORMA III

SHAH COMMISSION OF INQUIRY.

No.1/UP/201/77-AA/Vol-12

Dated 17th Jan.1978

From:

Secretary,
The Shah Commission of Inquiry,
Patiala House, New Delhi-110021

To

The Secretary,
Ministry of Communications,
New Delhi.

Sir,

Enclosed please find a complaint from Sh. M.S.Nila
regarding abuse of authority.

The Commission suggests that the matter may be looked
into at an appropriate level and action, as deemed fit, taken
thereon under intimation to the complainant.

Yours faithfully

sd/ S.Sec. D.I.G.

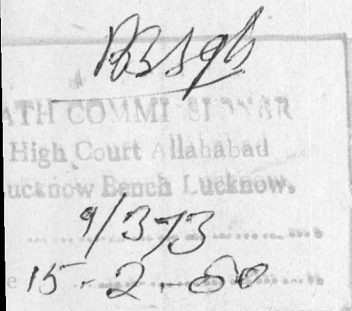
Copy forwarded to Sh. M.S.Nila House No. 559K/6 Bahadur Khara
Singar Nagar Post Office Lucknow 226005(U.P.)

For further correspondence please quote the reference No. and
Date given above.

Attested True Copy

[Signature]

ADVOCATE,
HIGH COURT, LUCKNOW.



A-5 19
6

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila

.....

.....

.....

petitioner

versus

Union of India and others

.....

Opposite Parties.

ANNEXURE No.6

XXT/17

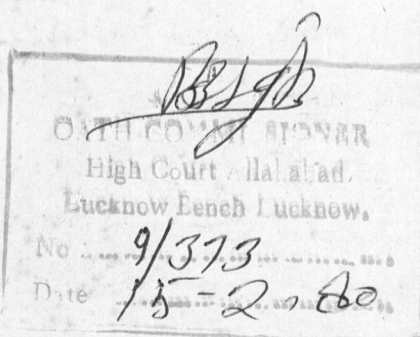
1. The Director General Telegraphs New Delhi.
2. NIOMATHUR General Manager Telecom Lucknow.
3. BSCHAUHAN Director GMT office Lucknow.
4. Deputy Director Audit Telecom, Aminabad, Lucknow.
5. Superintendent CBI Niwalkishere Road Lucknow.

SOME BLGUPTA USURPED MY CABLES SUB-DIVISION AAA FALSE BILLS AND DOCUMENTS SHOWING MISAPPROPRIATION FORGERY FRAUD AND CHEATINGS EXTENT OF RUPEES ~~33500~~ 33500 rpt 33500 FOR PERIOD 14.3.1977 to 14.4.1977 CONFISCATED ARE IN MY POSSESSION AAA PRAY HOLD IMMEDIATE ENQUIRY.

M.S.NILA ASSISTANT ENGINEER CABLES
SUB-DIVISION AGRA UNDER TRANSFER TO
DEHRADUN.



Attested true copy
[Signature]
ADVOCATE,
HIGH COURT, LUCKNOW.



A-5
7 20

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

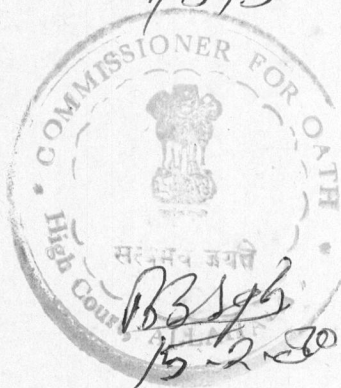
M.S.Nila Petitioner

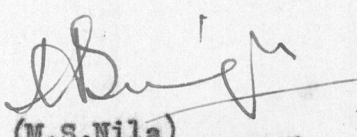
Versus

Union of India and others Opposite parties

ANNEXURE No. 7

A PHOTO-STAT COPY OF FRAUDULENT BILL SIGNED AND CHARGED BY
SOME USURPER ON PETITIONERS OFFICIAL SEAL" A.E. CABLES AGRA"



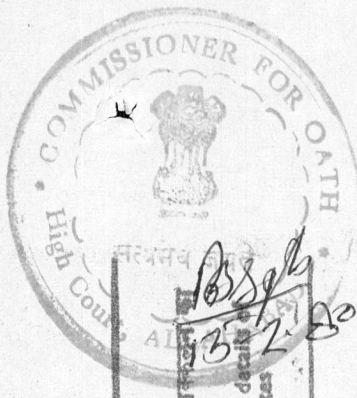

(M.S.Nila)
Petitioner in person
ADVOCATE,
HIGH COURT, LUCKNOW.

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(डाक-तार विभाग, खण्ड III, भाग I के नियम 102 तथा 116 देखें)
(See Rules 102 and 116, Posts and Telegraphs Financial Handbook, Volume III, Part I)

माह 19 के लिए का काम के खर्च का बिल

Imprest Bill of Working Expenses R.L. Gupta. A.E. Cables. No. 31.3.77



1 तारीख Date	2 रसीद RECEIPTS		3 रसीद अथवा चैक संख्या Receipt or Cheque Number	4 विवरण PARTICULARS	5 वाउचर संख्या Voucher Number	6 व्यय EXPENDITURE		7 वितरण तथा प्राप्ति व्यय Allocation and details Estimates
	र० Rs.	प० P.				र० Rs.	प० P.	
31.3.77	3647	76	Cash	B18		2970		
"			"	Paid A.C.E.-3 bill of Shri K.P. Singh Clerk O.E. Cables Dept.	18	3255	36	
"			"	Paid 95 No 28 P.E. 31.3.77 of Shri Kamendra Singh J.E. Cables Dept.	19	120		5-2(4)/0/c
"			"	Cash Balance in hand		3379	36	29985/6
						268	40	Deposited in N.B. State Bank of India
	3647	76				3647	76	

Attested true copy
ADVOCATE,
HIGH COURT, LUCKNOW.

OATH COMMISSIONER
High Court Allahabad
Lucknow
No. 9/373
Date 15-2-80

11/2/77-43-20-672-15,000 Bils.

हस्ताक्षर/Signature
31.3.77
Adm. Engineer Cables
AGRA.

Annexure No. 7

21 A-5
8

Writ Petition No. of 1980

M.S.Nila Petitioner
Versus
Union of India and others Opposite Parties

ANNEXURE No.8

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE DIVISIONAL ENGINEER TELEGRAPHS DEHRADUN.

Memo No. E-3/62

Dated at Dehradun-248001 the 5.1.1978

.....

In pursuance of D.G. P & T New Delhi No.232/23/77-STG-II dated 26.12.1977 and G.M.T. U.P. Circle No.Staff/M-3-2-77/Ch-IV dated 4.1.1978, Sri M.S.Nila A.E. Wireless Dehradun, is hereby transferred and posted as A.E. Wireless Aizal in N.E. Circle under G.M.Telecom Shillong in the interests of service.

He is relieved from the strength of this Division from the afternoon of date.

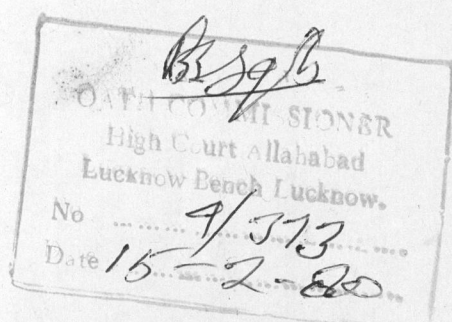
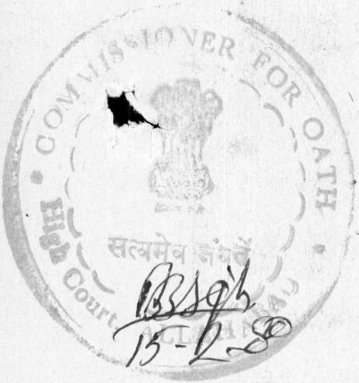
sd/illegible

Divisional Engineer Telegraphs ,
Dehradun-248001.

Attested true Copy

B Singh

ADVOCATE,
HIGH COURT, LUCKNOW.



A-5
10 23

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

M.S.Nila Petitioner
Versus
Union of India and others Opposite parties.

ANNEXURE NO.9

No.243/2/78-STG-II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
(P & T BOARD)

Dated, New Delhi-110001, the 6th June 1978

MEMORANDUM

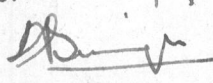
Sub:- T.E.S.Group "B"- Voluntary Retirement of Sri. M.S.Nila ,
Assistant Engineer.

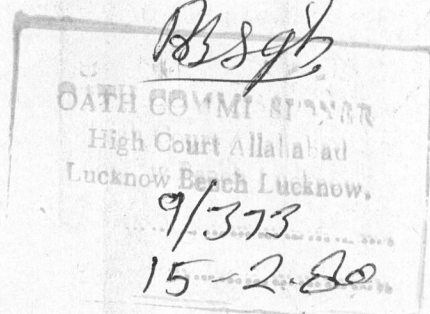
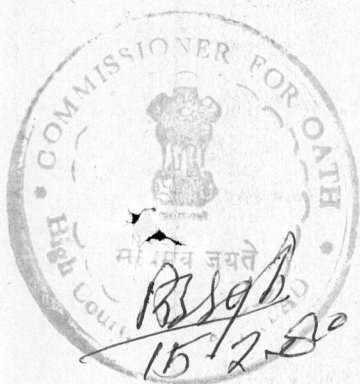
.....

On the expiry of three months notice given vide his
application dated 11.1.1978, Sri M.S.Nila , Assistant Engineer U.P.
Telecom Circle, is permitted to retire/ voluntary under FR 56 (k)
from Government Service with effect from the afternoon of 10.4.1978

sd/ Illegible

Assistant Director General (SGT)

Attention line copy

ADVOCATE,
HIGH COURT, LUCKNOW.



A-5 24
11

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD, AT LUCKNOW.

Writ petition No. of 1980

M.S.Nila ,.... Petitioner
Versus
Union of India and others Opposite Parties

ANNEXURE No. 10

VICTORY FOR THE TRUTH

DOWN WITH CORRUPTION

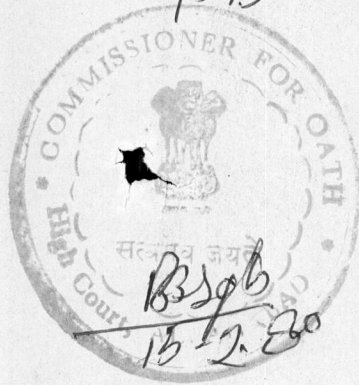
AN APPEAL TO
THE PEOPLE OF INDIA, THROUGH
THEIR REPRESENTATIVES
THE MEMBERS OF THE INDIAN PARLIAMENT

Respected Sir,

9/373

You have already become aware of the naked dance and drama enacted by the white collar criminals in the public Administration-High ranking officers committing heinous crimes in abuse of powers vesting in them, in the course of the performance of their official duties, in the previous regime. Mine is an example before you, whose painful cries have gone so far unheard. Your heart will be filled with compassion once you give a patient hearing about the atrocities committed on my husband and other family members.

1. My husband, S. Mehinder Singh Nila, Ex-Assistant Engineer P and T Wireless Dehradun, has rendered so far about 35 years of unblemished service with absolute honesty and integrity. Till the submission of this appeal none of his superiors could even challenge him on any account, even once, in such a long period of service. He has not only received most extensive and exceptional departmental training in the branch of Telecom Engineering besides being a graduate in science and Telecom Engineering, but also has been conferred high distinctions while admitting him to degrees in law and Public Administration. He had great ambition to serve the



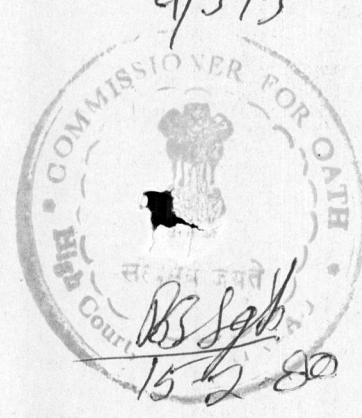
Advocate
ADVOCATE,
HIGH COURT, LUCKNOW.

country through the knowledge so acquired but the highly entrenched high ranking officers reported corrupt destroyed his all plans. Unfortunately his absolute honest reportings went unheard and he ~~thus~~ thus felt desperate in bringing to light the corrupt indulgences of these white collar criminals, who in turn succeeded in totally destroying him and whole of our family which suffered great miseries and mental and physical tortures.

2. The reported white collar criminals transferred him from one corner to the other 17 times in past 8 years. This made him victim of incurable disease which will last till death and thus childrens career got completely ruined due to frequent uprootings. Recently he was brought to Lucknow from Rajkot on compassionate grounds but he was soon uprooted to Agra, from where within 8 months he was transferred to Dehradun, where he had not even completed 8 months that he was again transferred to Aijal (Mizoram). As the result of which he had to seek voluntary retirement. For all the past 7 years he had been paid salary what he drew in 1971 and no body cared to inform him the reasons for withholding full salary for 7 years. And they ignored all his representations on that subject.

3. Recently, while he was at Agra as A.E. Cables, the General Manager U.P. Circle Lucknow, the D.E. Phones Agra and his accounts officer entered into a conspiracy to cheat the department and misappropriated huge public money, by passing secretly pay orders using falsely official seals and signatures, of my husband and thus committed offences under SS/120-B, 467, 409, 170 of I.P.C. read with SS 5(2) and 5(1) (c) of Prevention of Corruption Act 1947.

From one bundle of such papers fallen in our hands misappropriation of Rs. 33500/- may be seen. Similarly on 1.4.1977 they got encashed cheque No. A780802 Rs. 25488.45 which was in the name of my husband. Sealed wine bottles and a recovery memo bearing dated signatures of the Gazetted officers, present at the time of recovery be seen. It will shock the conscience of the whole nation that even present pujaries of prohibition leading the Nation,



Advocate
ADVOCATE,
HIGH COURT, LUCKNOW.

enjoying unimpeachable position, have treated such honest reports as mere waste paper. A Director of Telegraphs posed himself as Enquiry officer appointed by the Director General, commanded us to show the documents proving reported corruption and after seeing them took away about 300 such documents making it impossible for us to trace that corrupt officer.

4. Whenever history of atrocities on honests was repeated on earth by such devils, God took birth through some leaders and this phenomenon was recently repeated- fall of previous despotic regime and rising Sun of Janta Leadership under Mr. Rajaraj Desai and Chaudhry Charan Singh raised some expectations, when they declared to root out corruption at top first priority. They invited honest reports to speak out fearlessly that we, getting attracted by their slogans reported them and now we face complete destruction. This has raised genuine apprehension in our mind that only way perhaps left to fulfil these promises is to invite honest reporters to come out in open to get them totally destroyed by the vultures reported corrupt, so that silence of graveyard is created and no one is left alive to report on corruption, and this silence makes the people feel their leaders have eliminate corruption.

5. In return for the past 35 years of service rendered by my husband with absolute honesty, loyalty and integrity, we have received starvation only. For last three months no body has paid any salary or any other retirement dues and my husband is lying on sick bed surrounded by starving children, all waiting for death only.

WHEREFORE, it is respectfully prayed that our lives be saved from getting totally destroyed by the high officers reported corrupt and opportunity be afforded to us to prove their all reported corrupt indulgences.

Yours sincerely

sd/ Narinder Kaur

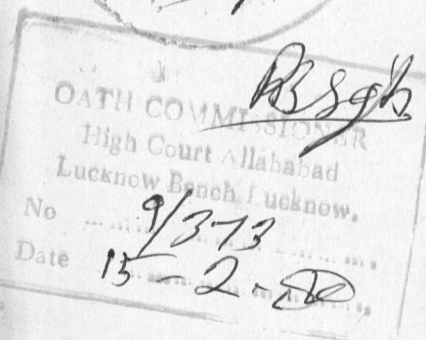
Iv solemnly declare that information given above is true to the best of my knowledge and belief.

sd/ NARINDER KAUR

Wife of M.S.NILA.

559K/6 Singar Nagar Lucknow.

Lucknow.
22.1.78



Advocate,
HIGH COURT, LUCKNOW.

A-5 27
14

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

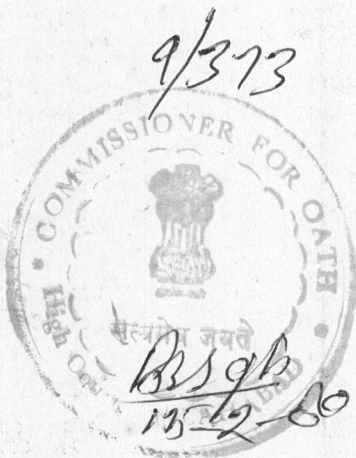
Writ Petition No. of 1980

M.S.Nila Petitioner
Versus
Union of India and others Opposite parties

ANNEXURE NO.11

AN APPEAL
FOR KIND CONSIDERATION OF
MEMBERS OF PARLIAMENT AND OTHERS.

(Printed copy enclosed)



(M.S.Nila)
in person .
ADVOCATE,
HIGH COURT, LUCKNOW.

AN APPEAL

For Kind Consideration of Members of Parliament And Others

In continuation of last appeal made by my wife Smt. Narinder Kaur to the their representative, the Members of Parliament and others.

I beg to state on oath that facts restated below, already reported, fully and verified, are true to the best of my knowledge and belief. Nothing material has been canceled and no falsehood has been added, So help me God.

On the basis of documents and other documents supposed of the department, if I fail to substantiate, made as under or allegations wrong, I shall punishment.

(Mohindar Singh Nila)

Dear Sir,

1. You¹ sent back each of my corruption report to officers, parties to corruption me to know as to what happened, corruption remaining veiled. How could main head to bleed in matters of corruption to which he was a party. Only Rama could extricate Ravna's head. Corrupts have continued to enjoy while honest reporters² were crushed and declaring to eliminate corruption at top priority, found themselves eliminated. Silence of corruption reporters will not help you⁴ to mislead people to believe that you⁴ have Economic strangulation caused by a chain of false recoveries, mental and physical shocks and finding myself unable to bear more torturous life I sought self elimination by retiring before the date of super annuation at loss of Rs. 72000/-. And this has happened in spite is none in the department who can claim himself equal to me in academic and professional qualifications, having to his credit 35 years of service without having received any memo adverse comment. You⁵ have continued paying me same salary which I started drawing any increment, without indicating to me as to what wrong I committed and now you⁵ on the same amount without disclosing any reasons to me.

2. In 1969, as stated in my first volume of corruption released on 1-10-69 money, not merely res-nullius i.e. no man's property, but you⁶ held it down as a prostitute stealthily in thief like actions, but your⁶ overt acts resembled that of day light robbery supply of lakhs rupees worth building materials for coaxial repeaters along National Highway Lucknow and Delhi, you⁶ allotted tender to your agent⁷, who was neither dealer in building contractor and you⁶ invited no body else to tender either through Registered letters or through you⁶ accepted from your agent⁷ rupees Rs. 50/- as security and Rs. 25/- as earnest money. officer incharge construction buildings, you⁶ accepted bogus fraudulent bills direct without or even see those bills. I constructed specimen repeater with less than 9,000 bricks, you⁶ claim for 15000 to 27000 bricks for such repeaters and you actually paid these bills charge I never hired for any camps any water hand pump and you⁶ paid bills directly signed by a Mukat' printed in the name of non-existent firm 'Hand Pump and Sanitary Fitters, 20 where still stands erect a muddy hut with a lonely widow as its occupant. You⁶ purchased at Rs. 151/- Per Quintal at Bareilly and sent one quintal of it each time in a Govt. pick up and one Line man for each repeater even at far places like Garh Mukteswar spending Rs. each go and return trips even though same was available locally at each Repeater town at per quintal. For you⁶ departmental vehicles were running on water and not on petrol. Your agent contractor's⁷ bricks in Govt. pick ups.

3. You⁶ paid bogus bills of your agent⁷ who supplied you⁶ and your⁶ wife old girls. In the presence of a Sikh Telephone operator, Balwant Kaur, your wife, wife of your younger brother who unable to bear, took poison and committed suicide. You to disappear through my subordinate⁸ whom I refused leave and I requested you specifically leave but you⁶ sent your victim (widow Bhabi) with my subordinate on free Railway Car from Bareilly to Lucknow and on ticket No. 11719 by Sealdah Express which left Lucknow.



Advocate,
HIGH COURT, LUCKNOW

People of India through

ats still in my possession
ed to be in the possession
o prove the allegation, in
any body proves these
voluntarily accept any

ohindar Singh Nila)

ption, without allowing
l operate its sub-head
te venom and purify
nd eliminated. Those³
f grave yard of honest
eliminated corruption,
caused by 17 transfers,
ng voluntarily 4 years
e of the fact that there
al engineering qualifi-
or charge sheet or any
g on 9-8-1971 without
are fixing my pension
you⁶ treated public
te and raped it, not
ers and daccits. For
al Highway between
ilding materials nor a

o get me killed through eight armed bad charactors
d from them at the time of their arrest by the police
l how they had planned to prove to you⁶ execution
ur¹³ to whom you⁶ made over my charge of all camps
erozepore. On midnight of 24/25-12-69, on my return
up, kept me without food and water tlil next morning
mployee of post master Sitapur) restored life to me and
k me in Govt. vehicle and yu⁶ threw me out from the
up and left my half dead body in verandah of H.P.O.
y Bareilly office, you⁶ lifted me bodily and threw me
rs were informed about all above incidents within 24
you⁶ and others in the court of Judicial Magistrate
yself struck of strength of your division Bareilly from
735 Km. away in Cujrat on transfer.

hs salary cheques, you⁶ paid me none of my Tour bills
o salary for Feb. 70 you⁶ paid me no pay advance or
l on Rail Patri to reach Mehsana without spending
for one year. You⁶ and your associates having
eries and Transfers, till, unable to bear any more
m, I sought my elimination to atleast die in peace.
disclosed in next Pamphlet exploding farce of others¹⁶
the corrupts and cause them to restore my rights and
If not, then why you¹⁴ tell the people to become
suffer only far the sake of suffering. None of you⁴
on morality. Result is that, now immoralty reigns
lves in their fourwalls or join the main stream of
is to insults loosing all sense of self respect : May Almi-
h of truthfulness and morality.

Sincerely yours



crime under ground on your⁹ direction.
in another cward¹² keeping Roychaudhry under you,⁹ at Agra who destroyed evidence or
I reported above corruption and you¹¹ managed to transfer me 1735 kms. away in Gujrat
even then from the same agent contractor⁷, who submitted bills on false names in the name
ordered to purchase materials departmentally and not from your⁹ agent⁷ Contractor, but
of¹³ the committee to have their say or even know the contents of that report. On
you⁹ obtained report of your choice frim the chair man¹⁰ secretly without allowing or
31-3-70. You⁹ formed a committee on 2-1-70 of three officers¹⁰ to test the quality of ma
and compelled me to show you⁹ corruption documents and you⁹ disappeared with about
4. Playing farce is your⁹ hobby. You⁹ woke me up in the night, posing yours
Bareilly on 1-3-70.
wife in Patel Nagar Delhi while your⁶ parents had disappeared to unknown place und
which people had thrown on road. You⁶ conveyed your⁶ orders through A.O. Sharma Ji
P. W. D. inspection quarters and 1 ngineering Supervisor Kaurana carried hne you
3-2-1970. On 1-3-70, when Bareilly Citizens came to teach lesson to you⁶, you⁶ hid you

Writ Petition No. ed 1980

M.S.Nila

.....

.....

..... Petitioner

Versus

Union of India and others

.....

..... Opposite parties

ANNEXURE NO. 12.

An Appeal
(CCS CCA Rules 1965 Rule 23 (v) (a))
Part Vii

To

The Director General,
Posts and Telegraphs Department,
New Delhi.

Through :- The General Manager Telecom . U.P. Circle, Hazratganj
Lucknow, and a copy direct by regd. post. A.D.

From:-

M.S.Nila , Ex. A.E. Wireless Dehradun(Retired on
10.4.1978) Resident of 559K/6 Bahadur Khara P.O.

Singar Nagar, Lucknow, 226005

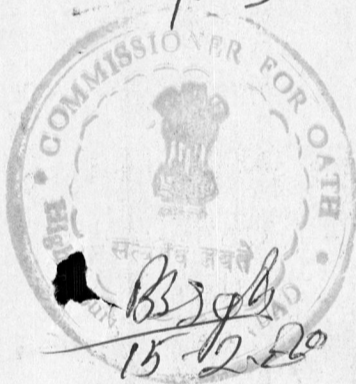
----- Appellant.

SUBJECT

An appeal as per directions of the Hon'ble High Court
of Judicature Allahabad at Lucknow in the W.P.143/76 listed on 16.7
1979,(Annexure -1) against the impugned order of the General
Manager Telecom U.P.Circle, Lucknow, hereinafter referred to as GMT
only, dated 31.3.1979(Annexure-2) , not allowing the appellant to
cross his second efficiency bar at the stage of Rs.1000/- p.m. from
1.8.1977.

I . INTRODUCTORY

1.1. The G.M.T. having not issued any order , allowing
or preventing the appellant to cross his first E.B. from 10.8.72
compelled the appellant to file writ petition No.143 of 76,
M.S.Nila vs Union of India and notices to all concerned were



Attested true copy
ADVOCATE,
HIGH COURT, LUCKNOW.

A-5
17

30

issued on 8.2.1976 on its admission by the aforesaid court on 4.2.1976.

1.2 On 25.2.1979, the said G.M.T. gave undertaking to the court to settle the issue at departmental level, in compliance to which, he issued orders (annexure-3) on 13.3.1979 allowing the appellant to cross E.B. from 10.8.1972 at the stage of Rs.590/- p.m. but vide his subsequent order issued on 31.3.1979 (annexure-2) he stopped the appellant from crossing his E.B. at the stage of Rs.1000/- p.m. from 1.8.1977.

1.3 On 26.3.1979, the Hon'ble court having suggested the appellant to move an amendment to the aforesaid writ petition, the appellant, on the receipt of aforesaid impugned order, moved the amendment on 23.4.1979, whereupon, on 24.4.1979, the Hon'ble High Court directed G.M.T. through his counsel to file counter affidavit within 3 weeks but the same was never complied, when on 16.7.1979, the hon'ble High Court directed the appellant to first make a demand before the appropriate authority for relief before issue of any writ of Mandamus by the court.

Hence the present appeal, which may be considered on, amongst others, on following :

II. GROUND.

2.1. The appellant has already reported in greater details various corrupt indulgences of Sh. N.K.Mathur G.M.T. including defrauding of Govt. by lakhs of rupees through bogus billing manipulated under the " Farce of so called Hindi Conference at Nainital in June, 1976, and again at Agra in March April 1977 when he imported a notoriously corrupt officer, Sh. Z.A.Khan from Allahabad, who forced Sri Verma out on 5.4.1977, in the presence of the appellant, when shri Verma wanted to stick to his seat as D.E.Phones Agra for another 25 days, till 30.4.1977 when he was due to retire and Sh. Z.A. Khan passed on bogus bills under the official seal of the appellant who was then holding lawful charge of the Cables Sub.Division, at Agra during the period

9/373
COMMISSIONER FOR OATH
ADVOCATE,
HIGH COURT, LUCKNOW.

27.3.1977 to 14.4.1977, and such bogus bills were passed without the knowledge of the appellant or his office subordinates. A lineman came down to Lucknow daily to pass on hush money collected illegally to Sh. N.K.Mathur and others. That lineman charged bogus TA Bill showing halt for 10 days at "Store Depot. Lucknow.

2.2. It was in the above background the Sh. N.K.Mathur, to satisfy his sense of taking revenge, that he manipulated adverse entry for the year 1976-1977 against the appellant and got the appeal, originally sent to your honour, diverted to himself only to keep it buried till the appellant retired on 10.4.1978 and one year after till 16.3.1979 (Annexure -5) he rejected the same, only to form an excuse for his issuing of the said impugned order dated 31.3.1979, forgetting altogether that he was equally under duty to intimate his decision to the appellant within 45 days of submission of appeal.

2.3. He rejected the aforesaid appeal on 2 grounds:-

- (i) That the appellant remained on long sick leave and (ii) That appellant operated no advance at all

Both of the above allegations were untenable, as :

(a) The appellant was granted sick leave by the departmental doctors who certified the same essential for the restoration of his health.

(b) The record of service at Agra will show that the petitioner, with 180 days of service operated advance to the extent of Rs.24800/- and there had been no complaint from any quarter not getting any advance from the appellant.

The appellant has already made a declaration to this effect that if he failed to prove corruption reported against Sh. N.K.Mathur he will accept any punishment.

WHEREFORE, setting aside of impugned order of G.M.T. dated 31.3.1979, is prayed on, amongst others, following

III. GROUNDS



Amrita Kumar, 5074
ADVOCATE,
HIGH COURT, LUCKNOW.

3.1. That, the Government having suffered the retirement of the appellant on 10.4.1978, denuded itself of power and jurisdiction to inflict post retirement punishment on the appellant and vary his pension, to his disadvantage, retrospectively from 1.8.1977, depriving the appellant of his vested right, to get pension finally determined after taking into account his crossing of E.B. from 19.8.1972 and then again from 1.8.1977 at the stage of Rs.1000/- p.m. in the revised scale. The appellant could not be deprived of his life long pensionary benefits besides arrears of pay from 1.8.1977 to 10.4.1978 and service gratuity in full.

3.2. That any order resulting in a pecuniary loss to a Govt. Servant was not an administrative order but a quasi judicial order which could only be passed after following fully the principle of Natural justice. The petitioner was not even a Govt. Servant on 31.3.1979 when the G.M.T. issued aforesaid impugned order.

3.3. That F.R.25 Section iii page 43 (annexure 6) had created mandatory duty on sri N.M. Mathur to intimate about stepping the appellant from crossing E.B. from 1.8.1977 at an appropriate date i.e. 1.8.1977 only and by issuing such an order 2 years after on 31.3.1979, when the appellant had already retired, he committed serious illegality in breach of statutory law.

3.4. That the impugned order, the G.M.T. issued in misuse and abuse of powers in a colourable exercise of power maliciously and thus his impugned order deserves to be set aside.

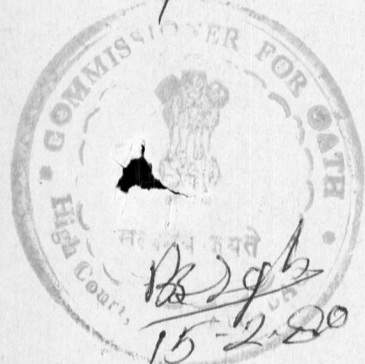
P R A Y E R .

WHEREFORE, the appellany respectfully prays that your honour may be graciously pleased to:-

- i) Set aside the impugned order of G.M.T. and allow the petitioner to be deemed to have crossed his E.B. on 1.8.1977 at the stage of Rs.1000/- p.m. to get full arrears of pay from 1.8.1977 to 10.4.1978, besides life long pension fully determined, and other consequential benefits including DCRG payments due.

For your aforesaid act of kindness, the appellant will ever remain grateful
Lucknow.
28th July 1979.

Yours faithfully
(M.S.NILA)



Attested true copy
ADVOCATE,
HIGH COURT, LUCKNOW.

OATH
High Court
Lucknow

No. 9/373
Date 15-2-80

A-5 35
21

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila Petitioner

Versus

Union of India and others Opposite parties

ANNEXURE No. 14

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Office of the Divisional Engineer Telegraphs , Dehradun.

--- --

Memo No.Pen/R-63/MSN/130 Dated at Dehradun the 30.4.1979.

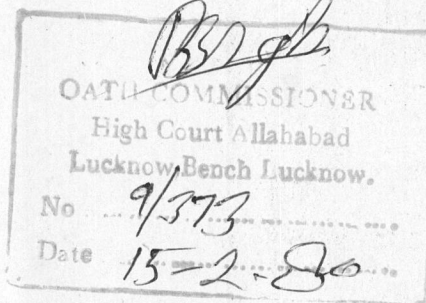
In accordance with the Chief Accounts Officer Telecom
Accounts (U.P.) Lucknow No. TC /Pen/852/1033 dated 26.4.1979
sanction of the undersigned is hereby accorded for the payment
of pension to Sri M.S.Nila Ex-A.E. at Rs.413/- (Four Hundred
thirteen) and DA relief thereon at Rs.35 percent for the period
from 11.4.1979 to 30.4.1979....

The amount is debitable to the head-356-Q-1

(pensionary charges)

Accounts Officer
Telegraphs Engineering Division
Dehradun.

Attestative copy
ADVOCATE,
HIGH COURT, LUCKNOW.



IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. _____ of 1980.

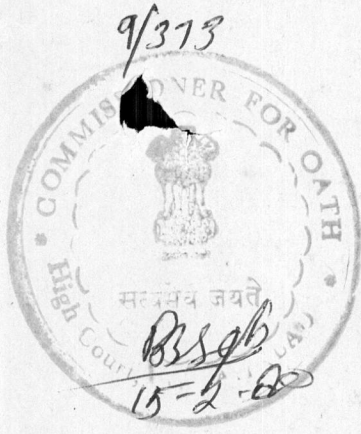
A-5
22



M.S.Nila Deponent
versus
Union of India and others Opposite Parties

AFFIDAVIT IN SUPPORT OF THE WRIT PETITION

I , Mehindar Singh Nila, aged about 56 years, son of late Sardar Amrik Singh, retired Assistant Engineer Telegraphs, resident of 559K/6 Bahadur Khara Post Office Singar Nagar, Lucknow do hereby solemnly affirm and state on oath as under:-



1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts deposed therein
2. That the contents paragraphs 1 to 11, 13, 15 to 17, 25 27,28 and 30 are true to ~~deponents~~ ^{deponent's} own knowledge, and contents of paragraphs 9,10,12,14, 22 to 24, 26 29 and 31 are believed by the deponent to be true.
3. That the contents of paragraphs 18,19 20 and 21 are of true extracts/the statutory law quoted therein , annexures 1 to 14 have been compared with/ the originals by the deponent himself and are the true copies of the originals.

Lucknow.
15.2.1980

[Signature]
Deponent in person
ADVOCATE,
HIGH COURT, LUCKNOW.

VERIFICATION

I, M.S.Nila, the deponent aforesaid, do hereby verify that contents of paras 1 to 3 above of this affidavit are true to my personal knowledge, Nothing material has been concealed and no

A-5
23

part of it is false, so hlp me God.

Verified this day, the 15th ^{February} January 1980 in the
High Courts Compound.

Lucknow.

15th, ^{February} January 1980.

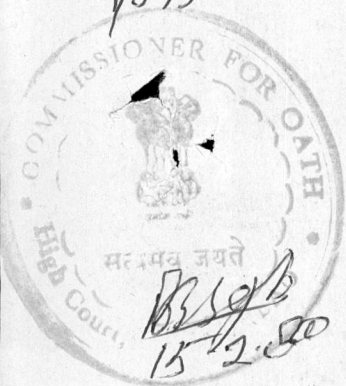
ASgB
Deponent in person
ADVOCATE,
HIGH COURT, LUCKNOW.

Solemnly affirmed before me on 15.2.80

... at 11.00 AM by Sri. Mohindar Singh Nila

Advocate, who is personally known to me

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



ASgB

OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow.

No. 9/373
Date 15.2.80

Humble High Court of Judicature Allahabad
at Lucknow

ब अदालत श्रीमान

महोदय

M. S. NILA (in Person)

वादी अपीलान्त

U.O. 1. ^V _{का}
others

वकालतनामा

प्रतिवादी रेस्पान्डेन्ट



24/8/51
5/3/50

वादी (मुद्दी)

बनाम

प्रतिवादी (मुद्दाअलेह)

न० मुकद्दमा

सन १९

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

M. S. NILA (Petitioner
in Person) Advocate

एडवोकेट

महोदय

वकील

High M.S. at Lucknow
WP 2 1980
M.S. NILA v U.O. 1
नाम अदालत
न० मुकद्दमा
नाम फारिकें

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और दसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरोकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखति) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वयं स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

M. S. NILA

B.Sc; DPA; BE; LLB; DLT; DLL; PDDC

हस्ताक्षर

L. L. M

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

मेहीना UK, USA, Australia, Canada & France.

सन १९
Security Jurisprudence & Legal History in India & England.

आर० बी० सिन्हा

नं. दार : कलेक्ट्री लखनऊ

ADVOCATE,

HIGH COURT, LUCKNOW,

Group A
Service Matters
Post & Telegraphs
Para 15 (K)

5.3.80
Bench Copy
IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW

1032
Writ Petition No. 1 of 1980

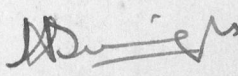
B-1
1

M.S.Nila Petitioner
Versus
Union of India and others Opposite Parties.
Through Ministry of Communication
Govt of India

INDEX.

Sl. No.	Subject matter	Page from	to
1.	Writ petition	1	13
2.	Annexure-1 -Order allowing E.B. from 10.8.1972		14
3.	Annexure-2 Impugned order stepping E.B. from 1.8.1977		15
4.	Annexure-3. Corruption report-Smuggling		16
5.	Annexure-4 Abuse of Authority.		17
6.	Annexure-5 Shah Commissions letter		18
7.	Annexure-6 Corruption report		19
8.	Annexure-7 Corruption report Photostat copy	20	20.
9.	Annexure-8 Illegal transfer order	-	22
10.	Annexure-9 Retirement order	-	23
11.	Annexure-10. "Save Our Souls " Appeal to Parliament from wife of Petitioner	24-	26
12.	Annexure-11. " Save Our Souls" Appeal to Parliament by the Petitioner	27	28
13.	Annexure-12 Appeal to D.G.P & T Dt. 28.7.79 against impugned order dt. 31.3.79	29	32
14.	Annexure-13. Judgment & order W.P.143/76 dated 16.7.79	33-	34
15.	Annexure-14 Impugned order 30.4.1979		35
16.	Affidavit	36-	37

Lucknow
18th February 1980


Petitioner
in person.
Mohindar Singh NIL
B.Sc. B.E.D.P.A.DLL.DLT.LLB; P.C
Advocate
High Court, LUCKNOW

IN THE HONOURABLE HIGH COURT OF JUDICATURE, ALLAHABAD.

LUCKNOW BRANCH, LUCKNOW.

Writ Petition No. of 1960.

Mehinder Singh Nila, aged about 56 years ,
son of late Sri Gurik Singh, resident of
559K/6 Bahadur Khera, Singer Nagar, Lucknow.

..... Petitioner

Versus

1. Union Of India, through Secretary Ministry
of Communications, Government of India, New Delhi.
2. The Director General Posts and Telegraphs
Department , Government of India, New Delhi.
3. The General Manager, Telecommunications, U.P.
Circle, Hazratganj, Lucknow.
4. Sri. N.K. Mathur, General Manager, Telecom,
U.P. Circle, Hazratganj, Lucknow.
5. The Divisional Engineer Telegraphs, Dehradun

..... Opposite
Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA.

The humble petitioner, named above most respectfully sheweth:-

1. That the petitioner was appointed as circle service Telegraphist on 1.11.1947, in a vacancy reserved for War Service Candidates, under the opposite party No.3, after the petitioner was released from the Army, in 1947.
2. That on 10.8.1962, the petitioner was promoted as an Assistant Engineer in the Telecom Engineering Service Class II in the same department under opposite party No.2. The petitioner was confirmed on the said post on 1.3.1969.
3. That during the aforesaid period of service ending 1.3.1969, the work of the petitioner was found to be satisfactory and he was not served with any adverse entry, from his confidential records for any year. The original pay scale of the petitioner was 350-25-500-30-590. E.B. 30-800 E.B. 30-830-35-900. This scale of pay was revised from 1.1.1973 as 650-30-740-35-810-E.B. 35-880-40-1000-E.B. -40-1200.
4. That the petitioner was due to cross Efficiency Bar on 10.8.1972, at the stage of Rs.590/- per month in the old scale.
5. That the petitioner was neither informed of the decision to stop him from crossing the efficiency bar on 10.8.1972, nor he was paid the salary which he was entitled to draw on crossing the said bar. The petitioner made several representations to opposite parties 2 and 3 but received no answer to his communications. The petitioner therefore had to file writ petition No.143 of 1976, before the Lucknow Bench of the Allahabad High Court for the issue of a writ or order in the nature of Mandamus commanding the opposite parties to act according to law.
6. That the opposite parties maintained defiant attitude towards notices served by this Honourable court and did not file any

counter-affidavit till on 13.3.1979, after lapse of about 7 years the opposite party No.3, allowed the petitioner to cross the efficiency bar from 10.8.1972 vide his order No. Staff/M-3-2-HB/Ch.II/1 dated 13.3.1979, without explaining to the petitioner and the Hon'ble High Court, why he could not issue the same order on 10.8.1972. The true copy of the said order is filed herewith as annexure 1 to this petition.

7. That the petitioner was kept in suspense and subjected to unbearable agony, distress, indignity and harassment, for the whole period of about 7 years. The motivations and circumstances have been stated in some of the paras of this writ petition.

8. That during the aforesaid period of about 7 years the petitioner, while suffering from unbearable ordeals and tribulations, became entitled to another valuable right. His crossing of efficiency bar at the stage of Rs.1000/- per month in his aforesaid revised scale, became due on 1.8.1977. Again the opposite party No.3 neither passed any order allowing the petitioner to cross his that efficiency bar, nor he informed the petitioner of being stepped at the bar.

9. That the petitioner strongly believes that the real reason for the inordinate delay of about 7 years in passing orders about crossing of efficiency bar from 10.8.1972 and also stepping the petitioner at the efficiency bar at the stage of Rs.1000/- which had become due on 1.8.1977 after about 2 years on 31.3.1979, was by the opposite party No.4, vide his most unreasonable and unjust order No. Staff/M-3-2-HB/CH.II/1 dated 31.3.1979, filed herewith as annexure 2 to this writ petition, were due to malafides as shown hereinafter.

10. That the petitioner had been a dedicated public servant and had a zeal for upholding and causing to maintain purity of public administration. While the petitioner was

working under the opposite party No.4 he was grieved to know the corrupt and unworthy conduct of these functionaries and reported several instances of these malpractices to the higher authorities of the department. True copies of two such instances dated 19th January and 12th December 1977 are filed herewith as annexures 3 and 4 to this writ petition. In brief, Annexure 3 is a press report on the smuggling activities of an officer who entered Nepal on the authority issued by opposite party No.4 Sri N.K.Mathur, who had no jurisdiction or power to issue such an authority. Similarly, annexure No. 4 is an order to enforce 'Begar' under the garb of an appeal as issued by the opposite party No.4 Sri N.K.Mathur. While the Government suggested voluntary donations and preparation of list of such donors, Sri Mathur ordered deduction of one days pay and preparation of list of such officers who declined deduction. No one could muster courage to get his name entered in Sri. Mathur's 'Black List'.

Shah Commission vide their letter dated 17th and 19th of even number, sent petitioners reports on corruption aforesaid to opposite party No.2 for necessary action under intimation to the petitioner, but no action appears to have been taken by opposite party No.2 so far. Aforesaid letters copy received from the Shah Commission is filed herewith as annexure 5 to this writ petition.

11. That the petitioner was surprised that though the allegations of such a serious nature were made through registered letters, yet no rebuttal or even acknowledgment was ever received by him from any quarter.

12. That in the period 27.3.1977 to 14.4.1977, while the petitioner was holding lawful charge of the Cable Sub Division, Agra, Sri N.K.Mathur, opposite party No.4, brought in Sri Z.A.Khan, Divisional Engineer, well known for corruption, (retiring on 30.7.1977) from Allahabad, to displace Sri V.K.

Verma Divisional Engineer Phones Agra, retiring on 30.4.1977 and even though the petitioner as well as his subordinate office staff, were present on duty throughout the ~~period~~ out the aforesaid period, Sri Z.A.Khan, in connivance with opposite party No.4 Sri N.K.Mathur, misappropriated huge public Money, through bogus fraudulent bills, showing expenditure incurred in the petitioner's Cable Sub Division Agra, with paid vouchers bearing signatures of a stranger on the official seal of the petitioner's throughout, without passing them through the petitioner as lawful officer incharge Cable sub-Division or his office staff. The petitioner still holds in his custody all these bills about which he reported to all the authorities concerned vide 'Most IMMEDIATE' Telegram XXT/17 dated 17.4.1977 a true copy of which is filed herewith as annexure 6 to this writ petition. Four such bills dated, ³⁰30.3.77 (Rs.3752.24); 31.3.77 (Rs.3379.36); 7.4.77 (Rs.966.80) and 14.4.77 (Rs.10033.70) totalling Rs. 18132.10 will be produced before the court at the date of final hearing. Last sheet No.7 of I/Bill No.6 dated 31.3.77 showing single day expenditure of Rs.3379.36 is filed herewith (Photostat Copy) as annexure 7 to this writ petition ^{no sample}

13. That, while making over charge on forenoon of 15.4.1977, of Cable Sub Division Agra, the petitioner noted details of all the aforesaid facts in all office files and also in the charge report which was despatched under registered cover to all the departmental authorities concerned including the opposite party No.4 Sr. N.K.Mathur.

14. That Sri N.K.Mathur, opposite party No.4, did not have the courage to dispute the aforesaid allegations contained in formal aforesaid official communications.

15. That the petitioner came from Gujrat state to Uttar Pradesh in January 1972. He was displaced 6 times and the 6th transfer was effected from Dehradun to Mizeran (Assam)

under the order dated ⁶5.7.1978, filed herewith as annexure No.8, issued by the Divisional Engineer Telegraphs Dehradun, opposite party No.5, while even the General Manager U.P.Circle is not competent to order out of circle transfer of the petitioner. Only opposite party No.2 could order such a transfer whose order was never served on the petitioner, till the same opposite party No. 2, allowed the petitioner to retire voluntarily from 10.4.1978, vide his No. 243/2/78-STG/II dated 6.6.1978, filed herewith as annexure 9 to this writ petition.

16. That the opposite party No.4, Sri N.K.Mathur, ~~was~~ actuated with malice, illwill and vindictiveness, caused repeated distress and financial strangulation through frequent/ transfers and withholding of payment of salary to the petitioner for long periods during the period 17.5.1975 to 11.8.1976 and again from 5.1.1978 to 26.4.1978, that the petitioner's wife sent a "SAVE OUR SOULS" appeal to members of both houses of parliament, followed by a similar appeal sent by the petitioner himself in October 1978 after his retirement. True copies of both of which are filed herewith as annexures 10 and 11 with the writ petition.

17. That in January 1978, the petitioner's endurance having crossed all limits, which any other person of high resolve could face, ^{the} petitioner finding no other way to save his life, served 3 months notice on opposite parties, giving full details of harassment met, and retired voluntarily on 10.4.1978, ~~2~~ 4 years before his original date of superannuation 30.4.1982.

18. That the Statutory Law Fundamental Rule 25, governing Government Servants cases of Crossing Efficiency Bar reads:-

* The case of Government Servants for crossing the Efficiency Bar in the time scale of pay should be considered at the appropriate time and in case the decision is to enforce bar against the Government Servant, he should be informed of the decision

19. That the/ statutory Law providing for a right of appeal to Government Servants against whom the bar to cross efficiency bar is enforced- Rule 23 C.C.S.(Classification, Control and Appeal) Rules 1965, reads :-

'... Government servant may prefer an appeal against all or any of the following orders namely:-

(v) an order

(a) stepping him at the efficiency bar in the time scale of pay on the ground of his unfitness to cross the bar. . '

20. That the Statutory Law providing period of Limitation , C.C.S.(Classification, Control and Appeal) Rules 1965 Rule 25 reads:-

' No appeal preferred under this part shall be ~~entertained~~ entertained unless such appeal is preferred within a period of forty five days from the date on which a copy of the order appealed against is delivered to the appellant.

Provided that the appellatⁿ Authority may entertain the appeal after expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. '

21. That , normally the pension of any retiring Government Servant is to be finally settled before his retirement , but in the case of voluntary retirement where only 3 months notice is given, Rule 56 Para 2 (f) of the Government decision on ' The Central Civil Service (Pension) Rules 1972 as amended in 1976 reads :-

' ... where it is not possible to anticipate the date of retirement and consequently it is not feasible to initiate advance action in accordance with the two-year time table. Nevertheless, this does not detract from the principle that the pension case has to be finalised as quickly as possible in such cases also. Action should be commenced immediately after ~~the~~ⁿ the fact of the impending retirement of the Government Servant is known, and the pension case and

all other related matters and formalities should be fully completed
NOT LATER THAN SIX MONTHS FROM THE DATE OF RETIREMENT

According to above Rule, the opposite parties were bound to determine petitioner's pension finally by a date not later than 10.10.1978. Any determination of pension after retirement, prejudicial and injurious to the rights of the petitioner, in the absence of justifiable reasons, would make that determination illegal and void.

22. That in the case of the petitioner, the crossing of efficiency bar from 10.8.1972 was decided after nearly 7 years in 1979, after the petitioner retired on 10.4.1978, which itself is questionable, as the issue was pending before this Hon'ble court and the opposite party No.3 passed that belated order on its own accord and did not flow from the decision in the pending writ petition and the pendency of writ petition 143/76, was not an impediment to the opposite party No.3 and 5 to settle the quantum of final pension after the consideration of efficiency bar from 10.8.1972 and subsequent efficiency bar from ~~1.8.1977~~^{1.8.1977}, before expiry of 6 months period after the petitioner's retirement on 10.4.1978, that is, 10.10.1978. No reasons whatsoever, have been shown at any stage for aforesaid belated action. Pendency of writ petition could also ^{be} ~~not~~^{be} a cause or justification for not determining petitioner's pension finally before 10.10.1978.

23. That, immediately after allowing the petitioner to cross his efficiency bar from 10.8.1972, in 1979 (annexure 1) the opposite party No.3, knowing fully well that he ^{had} ~~denuded himself~~ all power and jurisdiction to determine petitioner's pension to his disadvantage as laid down under Rule 61 of the Central Civil Service (Pension) Rules 1972, he issued impugned order on 31.3.1979 (Annexure 2) stepping the petitioner to cross his efficiency bar, retrospectively from 1.8.1977. Such ~~an~~^a retroactive order was on the face of it ultravires to the jurisdiction of the opposite parties.

24. That, since the question of crossing of efficiency bar from 10.8.1972, as well as, from 1.8.1977 was not really pending for adjudication before any court, it was all the ^{more} imperative and possible for the opposite party No. 3 and 5 to determine petitioner's pension finally before the due date 10.10.1978. Adverse order, impugned aforesaid, passed in 1979, one year after/ retirement, is mala fide and ex-facie void and inoperative.

25. That more than 6 months have passed since the petitioner submitted representation, copy enclosed as annexure 12 to this writ petition, to opposite party 2 ~~as~~ as suggested by this honourable court through its judgment and order dated 17.7.1979 in writ petition 143/76, a copy enclosed as annexure 13 to this writ petition, and no reply has so far been received.

26. That in view of the fact that the petitioner is old and exhausted and has a short expectancy of life, to enable him to enjoy his full pension during his life time, of Rs.530/- per month which will become payable to him on the final determination of crossing of efficiency bar from 1.8.1977 in his favour, it ~~became~~ ^{is} became expedient to approach this honourable court with this writ petition as no other equally efficacious and speedy remedy is ~~available~~ ^{is} available to him.

27. That the/ opposite party No.5 vide his letter No. Pen/R-63/MSN/130 dated at Dehradun on 30.4.1979, determined ~~final~~ ^{is} petitioner's final pension at Rs.413/- per month (Which after amalgamation of dearness allowance now comes to Rs.513/- per month) ~~At~~ A copy of the said order is filed herewith as annexure 14 to this writ petition. Had the petitioner been allowed to cross efficiency bar as on 1.8.1977, his pension would ^{have} been fixed at Rs.530/- per month from 10.4.1978, the date of his retirement. The petitioner therefore continues to suffer a monthly loss of Rs.17/- from 10.4.1978 for the whole of his life.

28. That due to the pension being settled at amount less than that to which the petitioner was entitled, the other civil ^{consequences which} have flown are:-

- i) Arrears of Pay, 1.8.77 to 10.4.78 at Rs.40/- p.m.
^{amounting to} ~~Rs. 333/-~~
- ii) Service gratuity arrears at Rs.40/- p.m. for 16-1/2 months, Rs. 660/-
- iii) Arrears of pension from 10.4.1978 at Rs.17/- per month for life.

The petitioner is continuing to receive pension at the incorrect rate under protest and he had, on 28.7.79 represented against the impugned order (Annexure-2) as mentioned in para 25 above (Annexure 12). The opposite party No.2 has not passed any order in past 6 months which amounts to rejection of the representation.

29. That as this is the case of wrong and arbitrary settlement of pension dues to the petitioner, it is an appropriate case where writs of Quo-Warranto, Certiorari and Mandamus will lie against the opposite parties aforesaid.

30. That the demand justice notice ^{for 10 days} was served on the opposite parties on 5.1.1980 but the same has not been replied.

31. That, being aggrieved by the impugned order dated 31.3.1979 (annexure-2) passed by the opposite party No.3, and by the order dated 30.4.1979, (Annexure No.14) passed by the opposite party No.5, and the petitioner having been left with no other speedy and efficacious remedy available to him in law, prefers this writ/ petition, on the following, among others:-

G R O U N D S

I Because the impugned order, Annexure-2 dated 31.3.1979, having been passed after 10.4.1978, when the petitioner had gone into the voluntary retirement, is illegal and without jurisdiction.

II Because the opposite parties 1 and 3 had no jurisdiction and competence to pass any orders to the determination of the petitioner, determining the scale of pension and gratuity subsequent to the date on which the voluntary retirement of the petitioner/ was sanctioned or in the alternative 6 months after the retirement.

III Because the matter is not left to executive discretion but is governed by Statutory Rules Fundamental Rule 25 and Central Civil (pension) Service Rules 1972, which are intended to be strictly followed when they enjoin that the decision ~~must~~ on final determination of pension must be taken well before the retirement and when delay itself operates as a punitive or deprivatory measure and affect right to a valuable property, as in the case of pension and service gratuity of Government servant, as has actually happened in the case of petitioner after his retirement.

IV Because, the aforesaid orders dated 31.3.1979 and 30.4.1979(annexures 2 and 14) are discriminatory and violative of Fundamental Rights guaranteed under Articles 14 and 16 of the Indian Constitution, and Statutory laws on the subject they are ~~Non est~~ in the eyes of Law.

V. Because the opposite parties passed order dated 31.3.1971 on their own accord allowing the petitioner to cross efficiency bar from 10.8.1972, they are stopped from taking the plea that the question of crossing of petitioners efficiency bar from 10.8.1972 was pending in the writ petition before this Hon'ble High Court.

VI. Because in the absence of the petitioner having been ever held guilty in any departmental or judicial proceedings, awaiting the event or events ~~and passing of~~ pension orders ^{after his retirement} disadvantageous to the petitioner/ was outside the Rules F.R.25 and Central Civil Service(Pension) Rules 1972 and were passed in excess of jurisdiction.

VII Because the opposite party No.4 acted malafide, influenced by extraneous considerations.

VIII Because, specific allegation of corruption were made by the petitioner several times for 5 years ending 1978 against Sh. H.K.Mathur, opposite party No.4 and these allegations incensed him to such an extent that he acted malafide in several ways including the passing of impugned order dated 31.3.1979 (annexure 2)

IX Because the delay in allowing the petitioner to pass orders for his crossing the efficiency bar at, as on 10.8.1972 a delay of about 7 years was clearly due to malafides of the opposite party No.4, as such, opposite parties can't be allowed to take shelter behind this order for passing a belated order with respect to stoppage of efficiency^r bar retrospectively from 1.8.1977.

X Because even otherwise, the impugned order dated 31.3.1979 is illegal and bad in law since, there was failure to comply with the mandatory requirement of intimation about the enforcement of Bar at an appropriate date 1.8.1977, to the ^Apetitioner as laid down under Fundamental Rule 25 and as upheld by a decision of the Supreme Court.

DB
XI Because in view of the fact that the petitioner is old and exhausted and has short expectancy of life, and to enjoy his full pension in his life time, dispute of civil litigation in the Civil Court may not get settled in his life time, and no other equally speedy and efficacious remedy is available to the petitionerⁿ and this Honourable High Court has jurisdiction to issue writs under Article 226 of the Indian Constitution in this case involving contravention of constitutional and Statutory Rules, it is expedient that this Honourable Court be pleased to exercise writ Jurisdiction in this case.

PRAYER.

WHEREFORE, it is respectfully prayed that your Lordships

may be pleased to pass the following orders to

(i) to issue a writ in the nature of Quo-Warranto, commanding the opposite parties 1, 3 and 4 to establish the authority under which the order dated 31.3.1979 (annexure-2) was passed by opposite party No.3 and the order dated 30.4.1979, (annexure-14) was passed by opposite party ^u No.5.

(ii) to issue a writ in the nature of Certiorari, setting aside /quashing the order dated 31.3.1979 (annexure-2) passed by opposite party No.3 and the order dated 30.4.1979, (Annexure-14) ^u which was passed by opposite party No.5.

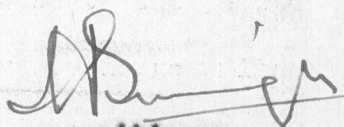
(iii) to issue a writ in the nature of Mandamus, commanding the opposite parties to quantify the pension of the petitioner as from 10.4.1978, on the basis of the the fact that the petitioner cannot be stopped at the efficiency bar at any point in his service by order passed subsequent to his date of retirement and to act according to law in the manner, hereinafter stated.

(iv) to issue an order to opposite parties to pay all the consequential benefits viz. arrears of pay from 1.8.1977 to 10.4.1978 and the service gratuity and pension from 10.4.1978 ^u which the petitioner is entitled to get as the result of crossing of his efficiency bar from 1.8.1977.

(v) to issue or pass any other order writ or direction which the petitioner is found entitled to.

(vi) to allow the petitioner costs of this writ.

Lucknow.
18.2.1980.


petitioner

in person.
M. S. NILA

B.Sc; DPA; BE; LLB; DLI; DLL; PGDC;
L L M

Legislation	Criminology
Constitutional Law	Penology, Toxicology
Administrative Law	Offence Against
in	Social & Economic
India, UK, USA,	Security
Australia, Canada &	Jurisprudence & Legal
France,	History in India &
	England.

ADVOCATE,
HIGH COURT, LUCKNOW.

14

IN THE HONOURABLE HIGH COURT OF JUDICATURE, ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila

Petitioner

Versus

Union of India and others

Opposite Parties

Annexure No. 1.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

Mem No. Staff/M-3-2-SB/CH.II/1 Dated at Lucknow the 13.3.1979.

Sri M.S.Nila , A.B. Wireless, Dehradun, who has taken voluntary retirement from Government Service with effect from 10.4.1978 is hereby permitted to cross efficiency bar with effect from 10.8.1972 at the stage of Rs.590/- in the pre-revised scale of Rs.350-25-500-30-590-EB. 30-800-EB- 30-830-35-900 of T.B.S.Class II.

sd/- Illegible

Assistant General Manager (staff)
For General Manager Telecom, U.P.

Attested True Copy

M. Singh

ADVOCATE,
HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

M.S.Nila Petitioner
 Versus
 Union of India and others Opposite Parties

Annexure No.2.INDIAN POSTS AND TELEGRAPHS DEPARTMENT.OFFICE OF THE GENERAL MANAGER TELECOM. U.P. CIRCLE. LUCKNOW.

To

Shri M.S.Nila , A.E. (Retired)
 559K/6 Bahadur Khara , Singar Nagar,
 LUCKNOW.

No. Staff/M-3-2-EB/Ch.II/1 Dated at Lucknow 31.3.1979.

Subject:- Grant of efficiency Bar -Case of Sri M.S.Nila
 A.E.(Retired)

The case of crossing of efficiency bar at the stage
 of Rs.1000/- in the scale of Rs.650-30-740-35-810-EB- 40-1000
~~EB~~ 40-1200 with effect from 1.8.1977 has been considered
 and you have not been permitted to cross efficiency bar.

sd/- illegible

A.G.M.(Staff)

For General Manager Telecom U.P.

Attested True copy

ADVOCATE,
 HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

H.S.Nila	.....	.....	.....	Petitioner
		Versus		
Union of India and others	.....	.....	.....	Opposite Parties

Annexure No. 3

Daily Pioneer January 19, Monday Page 3 Column 6

GOVERNMENT OFFICERS CHASED BY CUSTOM MEN

(By our Staff Reporter)

Lucknow Jan.18. A Director Telecommunications Department, A Sub-Divisional Officer (S.D.O.) and two other employees of the department were reportedly detained at the Nautanwa Check Post for violating the Custom Signal, on his way back from Nepal.

It is said that the Telegraphs Department Jeep (Regd. No. U.S.B. 9382) was recently detected at Nautanwa Check Post and after it violated the signal, it was stopped by the Customs Department after a hot chase of about 40 kilometers. The Vehicle was then brought back to check post and thoroughly searched. No smuggled goods were, however found in the Government Vehicle.

The Jeep along with the Director and his associates was detained for about 12 hours and was released after consulting the concerned authorities in Delhi on personal Bond by the accused.

According to reports the Director was on the official
Tour to Gorakhpur and Forward Areas of the ~~XXXX~~ Indo-Nepal
border.

Attested True copy

AS - 1

ADVOCATE,
HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila Petitioner

Versus

Union of India and others Opposite Parties

Annexure No.4

(extract)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Office of the General Manager Telecommunications, Lucknow.

Re. Welfare /Misc/77

12th December 1977.

Appeal

..... It has been mentioned that contributions to help our fellow members of the staff in these areas may be deducted from each persons salary of the month of December 1977 at the rate given below.

Gazetted Officers One Days Pay

• • •

...

Those members of staff WHO DO NOT WISH TO CONTRIBUTE, may SPECIFICALLY DECLINE IN WRITING to their disbursing officers immediately. In the absence of such intimation, REDUCTIONS at the above rates would be made from the SALARY for the month of December, 1977.

...

Attested True copy -
Advocate
ADVOCATE,
HIGH COURT, LUCKNOW.

H. K. Mathur

GENERAL MANAGER TELECOMMUNICATIONS.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila Petitioner
 Versus
 Union of India and others Opposite Parties

Annexure No. 5

PROFORMA III

SHAH COMMISSION OF INQUIRY.

No.1/UP/201/77-AA/Vol-12

Dated 17th Jan.1978

From:

Secretary,
 The Shah Commission of Inquiry,
 Patiala House, New Delhi-110021

To

The Secretary,
 Ministry of Communications,
 New Delhi.

Sir,

Enclosed please find a complaint from Sh. M.S.Nila regarding abuse of authority.

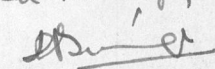
The Commission suggests that the matter may be looked into at an appropriate level and action, as deemed fit, taken thereon under intimation to the complainant.

Yours faithfully

sd/ S.Sec. D.I.C.

Copy forwarded to Sh. M.S.Nila House No. 559K/6 Bahadur Khora Singar Nagar Post Office Lucknow 226005(U.P.)

For further correspondence please quote the reference No. and Date given above.

Attested True copy

 ADVOCATE,
 HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila	.....	.....	.....	Petitioner
		Versus		
Union of India and others	.....			Opposite Parties.

AMERIKON No. 6

XXI/17

1. The Director General Telegraphs New Delhi.
2. NEWATHER General Manager Telecom Lucknow.
3. BHAGWAN Director GWT office Lucknow.
4. Deputy Director Audit Telecom, Aminabad , Lucknow.
5. Superintendent CBI Niwalkishere Road Lucknow.

SOME BLGUPTA USURPED MY CABLE/ SUB-DIVISION AAA FALSE BILLS AND DOCUMENTS SHOWING MISAPPROPRIATION FORGERY FRAUD AND CHEATINGS EXTENT OF RUPEES ~~xxxxx~~ 33500 rpt 33500 FOR PERIOD 14.3.1977 to 14.4.1977 CONFISCATED ARE IN MY POSSESSION AAA PRAY HOLD IMMEDIATE ENQUIRY.

M.S.NILA ASSISTANT ENGINEER CABLES
SUB-DIVISION AGRA UNDER TRANSFER TO
DEHRADUN.

Attested true copy.

Bunt

ADVOCATE,
HIGH COURT, LUCKNOW.

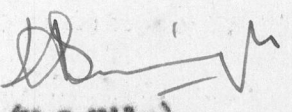
IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Nila Petitioner
 Versus
 Union of India and others Opposite parties

ANNEXURE No. 7

A PHOTO-STAT COPY OF FRAUDULENT BILL SIGNED AND CHARGED BY
 SOME USURPER ON PETITIONERS OFFICIAL SEAL" A.E. CABLES AGRA"


 (M.S.Nila)
 Petitioner in person
 ADVOCATE,
 HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

M.S.Nila Petitioner
 Versus
 Union of India and others Opposite Parties

ANNEXURE No.2INDIAN POSTS AND TELEGRAPHS DEPARTMENT.OFFICE OF THE DIVISIONAL ENGINEER TELEGRAPHS DEHRADUN.

Memo No. E-3/62

Dated at Dehradun-248001 the 5.1.1978

-.-.-

In pursuance of D.G. P & T New Delhi No.232/23/77-STG-II dated 26.12.1977 and G.M.T. U.P. Circle No.Staff/M-3-2-77/Ch-IV dated 4.1.1978, Sri M.S.Nila A.E. Wireless Dehradun, is hereby transferred and posted as A.E. Wireless Aizal in N.E. Circle under G.M.Telecom Shillong in the interests of service.

He is relieved from the strength of this Division
from the afternoon of date.

sd/illegible

Divisional Engineer Telegraphs ,
 Dehradun-248001.

Attested True copy

ADVOCATE,
 HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

M.S.Nila Petitioner

Versus

Union of India and others Opposite parties.

ANNEXURE NO.9

No.243/2/78-STG-II
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
(P & T BOARD)

Dated, New Delhi-110001, the 6th June 1978

MEMORANDUM

Sub:- T.E.S.Group "B"- Voluntary Retirement of Sri. M.S.Nila ,
Assistant Engineer.

.....

On the expiry of three months notice given vide his application dated 11.1.1978, Sri M.S.Nila , Assistant Engineer U.P. Telecom Circle, is permitted to retire/ voluntary under FR 56 (k) from Government Service with effect from the afternoon of 10.4.1978

sd/ Illegible

Assistant Director General (SGT)

Attested True copy

DS

ADVOCATE,
HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD, AT LUCKNOW.

Whit petition No. of 1980

H.S.Nila	.....	.....	..... Petitioners
		Versus	
Union of India and others	.....	.....	..... Opposite Parties

ANNEXURE No. 10

VICTORY FOR THE TUTH

DOWN WITH CORRUPTION

AN APPEAL TO
THE PEOPLE OF INDIA, THROUGH
THEIR REPRESENTATIVES
THE MEMBERS OF THE INDIAN PARLIAMENT

Respected Sir,

You have already become aware of the naked dance and drama enacted by the white collar criminal in the public Administration-High ranking officers committing heinous crimes in abuse of powers vesting in them, in the course of the performance of their official duties , in the previous regime. Mine is an example before you, whose painful cries have gone so far unheard. Your heart will be filled with compassion once you give a patient hearing about the atrocities committed on my husband and other family members.

1. My husband, S. Mohinder Singh Nila, Ex-Assistant Engineer P and T Wireless Dehradun, has rendered so far about 35 years of unblemished service with absolute honesty and integrity. Till the submission of this appeal none of his superiors could even challenge him on any account, even once, in such a long period of service. He has not only received most extensive and exceptional departmental training in the branch of Telecom Engineering besides being a graduate in science and Telecom Engineering, but also has been conferred high distinctions while admitting him to degree in

Minute Book, 1897
 1897
 PUBLIC
 HIGH COURT, LUCKNOW.

country through the knowledge so acquired but the highly entrenched high ranking officers reported corrupt destroyed his all plans.

Unfortunately his absolute honest reportings went unheard and he ~~him~~ thus felt desperate in bringing to light the corrupt indulgences of these white collar criminals, who in turn succeeded in totally destroying him and whole of our family which suffered great miseries and mental and physical tortures.

2. The reported white collar criminals transferred him from one corner to the other 17 times in past 8 years. This made him victim of incurable disease which will last till death and thus childrens career got completely ruined due to frequent uprootings. Recently he was brought to Lucknow from Rajket on compassionate grounds but he was soon uprooted to Agra, from where within 8 months he was transferred to Dehradun, where he had not even completed 8 months that he was again transferred to Aijal (Miseram). As the result of which he had to seek voluntary retirement. For all the past 7 years he had been paid salary what he drew in 1971 and no body cared to inform him the reasons for withholding full salary for 7 years. And they ignored all his representations on that subject.

3. Recently, while he was at Agra as A.E. Cables, the General Manager U.P. Circle Lucknow, the D.E. Pheneo Agra and his accounts officer entered into a conspiracy to cheat the department and misappropriated huge public money, by passing secretly pay orders using falsely official seals and signatures, of my husband and thus committed offences under SS/120-B, 467, 409, 170 of I.P.C. read with SS 5(2) and 5(1) (c) of Prevention of Corruption Act 1947

From one bundle of such papers fallen in our hands misappropriation of Rs. 33500/- may be seen. Similarly on 1.4.1977 they got encashed cheque No. A780802 Rs. 25488.45 which was in the name of my husband. Sealed wine bottles and a recovery memo bearing dated signatures of the Gazetted officers, present at the time of recovery be seen. It will shock the conscience of the whole nation that even present pujaries of prohibition leading the Nation,

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ADVOCATE,
HIGH COURT, LUCKNOW.

Annexure 10 -contd p.3

enjoying unimpeachable position, have treated such honest reports as mere waste paper. A Director of Telegraphs posed himself as Enquiry officer appointed by the Director General, commanded us to show the documents proving reported corruption and after seeing them took away about 300 such documents making it impossible for us to trace that corrupt officer.

4. Whenever history of atrocities on honests was repeated on earth by such devils, God took birth through some leaders and this phenomenon was recently repeated- fall of previous despotic regime and rising Sun of Janta Leadership under Morarji Desai and Chaudhry Charan Singh raised some expectations, when they declared to root out corruption at top first priority. They invited honest reports to speak out fearlessly that we, getting attracted by their slogans reported them and now we face complete destruction. This has raised genuine apprehension in our mind that only way perhaps left to fulfil these promises is to invite honest reporters to come out in open to get them totally destroyed by the vultures reported corrupt, so that silence of graveyard is created and no one is left alive to report on corruption, and this silence makes the people feel their leaders have eliminate corruption.

5. In return for the past 35 years of service rendered by my husband with absolute honesty, loyalty and integrity, we have received starvation only. For last three months no body has paid any salary or any other retirement dues and my husband is lying on sick bed surrounded by starving children, all waiting for death only.

WHEREFORE, it is respectfully prayed that our lives be saved from getting totally destroyed by the high officers reported corrupt and opportunity be afforded to us to prove their all reported corrupt indulgences.

Yours sincerely

sd/ Harinder Kaur

Iv solemnly declare that information given above is true to the best of my knowledge and belief.

sd/ HARINDER KAU

Wife of M.S.NILA.

559K/6 TIGAR Nagar Lucknow

Lucknow.

A 22.1.1978

Attested True Copy
ADVOCATE,
HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

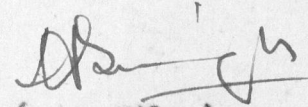
Writ Petition No. of 1980

M.S.Nila Petitioner
 Versus
 Union of India and others Opposite parties

ANNEXURE NO.11

AN APPEAL
FOR KIND CONSIDERATION OF
MEMBERS OF PARLIAMENT AND OTHERS.

(Printed copy enclosed)


 (M.S.Nila)
 in Person
 ADVOCATE,
 HIGH COURT, LUCKNOW.

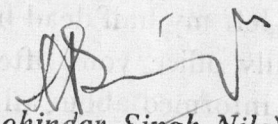
AN APPEAL

For Kind Consideration of Members of Parliament And Others

In continuation of last appeal made by my wife Smt. Narinder Kaur to the
their representative, the Members of Parliament and others.

I beg to state on oath that facts restated below,
already reported, fully and verified, are true to the
best of my knowledge and belief. Nothing material
has been canceled and no falsehood has been added,
So help me God.

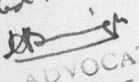
On the basis of documents
and other documents suppose
of the department, if I fail to
substance, made as under or
allegations wrong, I shall
punishment.


(Mohindar Singh Nila)

Dear Sir,

1. You¹ sent back each of my corruption report to officers, parties to corrupt me to know as to what happened, corruption remaining veiled. How could main head to bleed in matters of corruption to which he was a party. Only Rama could extricate Ravna's head. Corrupts have continued to enjoy while honest reporters² were crushed and declaring to eliminate corruption at top priority, found themselves eliminated. Silence of corruption reporters will not help you⁴ to mislead people to believe that you⁴ have Economic strangulation caused by a chain of false recoveries, mental and physical shocks and finding myself unable to bear more torturous life I sought self elimination by retiring before the date of super annuation at loss of Rs. 72000/-. And this has happened in spite is none in the department who can claim himself equal to me in academic and professional qualifications, having to his credit 35 years of service without having received any memorandum of adverse comment. You⁵ have continued paying me same salary which I started drawing any increment, without indicating to me as to what wrong I committed and now you⁵ on the same amount without disclosing any reasons to me.

2. In 1969, as stated in my first volume of corruption released on 1-10-69 money, not merely res-nullius i.e. no man's property, but you⁶ held it down as a prostitute stealthily in thief like actions, but your⁶ overt acts resembled that of day light robbery supply of lakhs rupees worth building materials for coaxial repeaters along National Highway Lucknow and Delhi, you⁶ allotted tender to your agent⁷, who was neither dealer in building contractor and you⁶ invited no body else to tender either through Registered letters or through you⁶ accepted from your agent⁷ rupees Rs. 50/- as security and Rs. 25/- as earnest money. officer incharge construction buildings, you⁶ accepted bogus fraudulent bills direct without or even see those bills. I constructed specimen repeater with less than 9,000 bricks, you⁶ claim for 15000 to 27000 bricks for such repeaters and you actually paid these bills charge I never hired for any camps any water hand pump and you⁶ paid bills directly signed by Mukat⁸ printed in the name of non-existent firm 'Hand Pump and Sanitary Fitters' where still stands erect a muddy hut with a lonely widow as its occupant at Rs. 151/- Per Quintal at Bareilly and sent one quintal of it to agent Contractor and one Line man for each repeater even at far distance each go and return trips even though per quintal. For you⁶ agent Contractor

Subscribed True copy

ADVOCATE,
HIGH COURT, LUCKNOW.

People of India through

ts still in my possession
ed to be in the possession
o prove the allegation, in
any body proves these
voluntarily accept any

ohindar Singh Nila)

option, without allowing
operate its sub-head
te venom and purify
nd eliminated. Those³
f grave yard of honest
eliminated corruption,
caused by 17 transfers,
ng voluntarily 4 years
e of the fact that there
al engineering qualifi-
or charge sheet or any
g on 9-8-1971 without
are fixing my pension

.you⁶ treated public
ate and raped it, not
ers and daccits. For
al Highway between
ilding materials nor a

o get me killed through eight armed bad charactors
l from them at the time of their arrest by the police
how they had planned to prove to you⁶ execution
ur¹³ to whom you⁶ made over my charge of all camps
erozepore. On midnight of 24/25-12-69, on my return
p, kept me without food and water till next morning
mployee of post master Sitapur) restored life to me and
me in Govt. vehicle and you⁶ threw me out from the
up and left my half dead body in verandah of H.P.O.
y Bareilly office, you⁶ lifted me bodily and threw me
rs were informed about all above incidents within 24
ou⁶ and others in the court of Judicial Magistrate
yself struck of strength of your division Bareilly from
735 Km. away in Cujrat on transfer.

as salary cheques, you⁶ paid me none of my Tour bills
o salary for Feb. 70 you⁶ paid me no pay advance or
l on Rail Patri to reach Mehsana without spending
for one year. You⁶ and your associates having
eries and Transfers, till, unable to bear any more
n, I sought my elimination to atleast die in peace.
disclosed in next Pamphlet exploding farce of others¹⁶
the corrupts and cause them to restore my rights and
If not, then why you¹⁴ tell the people to become
suffer only far the sake of suffering. None of you⁴
n morality. Result is that, now immoralty reigns
lves in their fourwalls or join the main stream of
s to insults loosing all sense of self respect : May Almi-
of truthfulness and morality.

Sincerely yours

crime under ground on your⁹ direction.
in another caward¹² keeping Roychaudhry under you,⁹ at Agra who destroyed evidence or
I reported above corruption and you¹¹ managed to transfer me 1735 kms. away in Gujra
even then from the same agent contractor⁷, who submitted bills on false names in the name
ordered to purchase materials departmentally and not from your⁹ agent⁷ Contractor, but
of the committee to have their say or even know the contents of that report. On
you⁹ obtained report of your choice from the chair man¹⁰ secretly without allowing o
31-3-70. You⁹ formed a committee on 2-1-70 of three officers¹⁰ to test the quality of m
and compelled me to show you⁹ corruption documents and you⁹ disappeared with about
4. Playing farce is your⁹ hobby. You⁹ woke me up in the night, posing yours
Bareilly on 1-3-70.
wife in Patel Nagar Delhi while your⁶ parents had disappeared to unknown
which people had thrown on road.
P. W. D. inspection quarters
3-2-1970.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. ed 1980

M.S.Nila	.....	.....	..... Petitioner
		Versus	
Union of India and others	.....	.....	..... Opposite parties

ANNEXURE NO. 12.

An Appeal
(CGS CCA Rules 1965 Rule 23 (v) (a))
Part VII

The Director General,
Posts and Telegraphs Department,
New Delhi.

Through :- The General Manager Telecom . U.P. Circle, Hazratganj Lucknow, and a copy direct by regd. post. A.P.

From:- M.S.Nila , Ex. A.E. Wireless Dehradun(Retired on
10.4.1978) Resident of 559K/6 Bahadur Khara P.O.
Singer Nagar, Lucknow, 226005 -.-.- Appellant.

SUBJECT

An appeal as per directions of the Hon'ble High Court of Judicature Allahabad at Lucknow in the W.P.143/76 listed on 16.3.1979, (Annexure -1) against the impugned order of the General Manager Telecom W.P.Circle, Lucknow, hereinafter referred to as GMT only, dated 31.3.1979 (Annexure-2), not allowing the appellant to cross his second efficiency bar at the stage of Rs.1000/- p.m. from 1.8.1977.

I . INTRODUCTORY

1.1. The G.M.T. having not issued any order, allowing or preventing the appellant to cross his first E.B. from 10.8.72 compelled the appellant to file writ petition No.143 of 76, M.S.Nila vs Union of India and notices to all concerned were

Attached true copy
 of
 ADVOCATE,
 HIGH COURT, LUCKNOW.

Annexure No.12 Contd P.2

issued on 8.2.1976 on its admission by the aforesaid court on 4.2.1976.

1.2 On 25.2.1979, the said G.M.T. gave undertaking to the court to settle the issue at departmental level, in compliance to which, he issued orders (annexure-3) on 13.3.1979 allowing the appellant to cross E.B. from 10.8.1972 at the stage of Rs.590/- p.m. but vide his subsequent order issued on 31.3.1979 (annexure-2) he stopped the appellant from crossing his E.B. at the stage of Rs.1000/- p.m. from 1.8.1977.

1.3 On 26.3.1979, the Hon'ble court having suggested the the appellant to move an amendment to the aforesaid writ petition, the appellant, on the receipt of aforesaid impugned order, moved the amendment on 23.4.1979, whereupon, on 24.4.1979, the Hon'ble High Court directed G.M.T. through his counsel to file counter/ affidavit within 3 weeks but the same was never complied, when on 16.7.1979, the hon'ble High Court directed the appellant to first make a demand before the appropriate authority for relief before issue of any writ of Mandamus by the court.

Hence the present appeal, which may be considered on, amongst others, on following :

II. GROUNDS.

2.1. The appellant has already reported in greater details various corrupt indulgences of Sh. N.K.Mathur G.M.T. including defrauding of Govt. by lakhs of rupees through bogus billing manipulated under the " Farce of so called Hindi Conference at Nainital in June, 1976, and again at Agra in March April 1977 when he imported a notoriously corrupt officer, Sh. Z.A.Khan from Allahabad, who forced Sri Verma out on 5.4.1977, in the presence of the appellant, when shri Verma wanted to stick to his seat as D.E.Phones Agra for another 25 days, till 30.4.1977 when he was due to retire and Sh. Z.A. Khan passed on bogus bills under the official seal of the appellant who was then holding lawful charge of the Cables Sub.Division.

at Agra during the period

Atishat Kumar
ADVOCATE,
HIGH COURT, LUCKNOW.

Annexure No.12 Contd P.3

27.3.1977 to 14.4.1977, and such bogus bills were passed without the knowledge of the appellant or his office subordinates. A lineaman came down to Lucknow daily to pass on hush money collected illegally to Sh. N.K.Mathur and others. That lineaman charged bogus TA Bill showing halt for 10 days at "Store Depot, Lucknow.

2.2. It was in the above background the Sh. N.K.Mathur, to satisfy his sense of taking revenge, that he manipulated adverse entry for the year 1976-1977 against the appellant and got its appeal, originally sent to your honour, diverted to himself only to keep it buried till the appellant retired on 10.4.1978 and one year after till 16.3.1979 (Annexure -5) he rejected the same, only to form an excuse for his issuing of the said impugned order dated 31.3.1979, forgetting altogether that he was equally under duty to intimate his decision to the appellant within 45 days of submission of appeal.

2.3. He rejected the aforesaid appeal on 2 grounds:-

- (i) That the appellant remained on long sick leave and
- (ii) That appellant operated no advance at all

Both of the above allegations were untenable, as :

(a) The appellant was granted sick leave by the departmental doctors who certified the same essential for the restoration of his health.

(b) The record of service at Agra will show that the petitioner, with 180 days of service operated advance to the extent of Rs.24800/- and there had been no complaint from any quarter not getting any advance from the appellant.

The appellant has already made a declaration to this effect that if he failed to prove corruption reported against Sh. N.K.Mathur he will accept any punishment.

WHEREFORE, setting aside of impugned order of G.M.T. dated 31.3.1979, is prayed on, amongst others, following :-

III. GROUND S

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DB
 ADVOCATE,
 HIGH COURT, LUCKNOW.

Annexure 12 Contd. p4

3.1. That, the Government having suffered the retirement of the appellant on 10.4.1978, denuded itself of power and jurisdiction to inflict post retirement punishment on the appellant and vary his pension, to his disadvantage, retrospectively from 1.8.1977, depriving the appellant of his vested right, to get pension finally determined after taking into account his crossing of E.B. from 19.8.1972 and then again from 1.8.1977 at the stage of Rs.1000/- p.m. in the revised scale. The appellant could not be deprived of his life long pensionary benefits besides arrears of pay from 1.8.1977 to 10.4.1978 and service gratuity in full.

3.2. That any order resulting in a pecuniary loss to a Govt. Servant was not an administrative order but a quasi judicial order which could only be passed after following fully the principles of Natural Justice. The petitioner was not even a Govt. Servant on 31.3.1979 when the G.M./T. issued aforesaid impugned order.

3.3. That F.R.25 Section iii page 43 (annexure 6) had created mandatory duty on Sri N.E. Mathur to intimate about stopping the appellant from crossing E.B. from 1.8.1977 at an appropriate date i.e. 1.8.1977 only and by issuing such an order 2 years after on 31.3.1979, when the appellant had already retired, he committed serious illegality in breach of statutory law.

3.4. That the impugned order, the G.M.T. issued in misuse and abuse of powers in a colourable exercise of power maliciously and thus his impugned order deserves to be set aside.

P R A Y E R .

WHEREFORE, the appellany respectfully prays that your honour may be graciously pleased to:-

1) Set aside the impugned order of G.M.T. and allow the petitioner to be deemed to have crossed his E.B. on 1.8.1977 at the stage of Rs.1000/- p.m. to get full arrears of pay from 1.8.1977 to 10.4.1978, besides life long pension fully determined, and other consequential benefits including DCRG payments due.

For your aforesaid act of kindness, the appellant will ever remain grateful
Lucknow.
28th July 1979.

Yours faithfully
(M.S.WILA)

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ADVOCATE,
HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALLAHABAD AT LUCKNOW.

Writ Petition No. of 1980

M.S.Nila	.....	.....	..... Petitioner
			Versus
Union of India and others	.....	.....	Opposite parties

ANNEXURE NO. 13

N.6134 of 17.7.1979

IN THE HONOURABLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH (LUCKNOW)

Writ Petition No.143 of 1976

M.S.Nila	.....	Petitioner
	Vs	
Union of India and others	.....	Opp. Parties

WRIT PETITION UNDER ARTICLE "226 OF THE CONSTITUTION OF INDIA.

Lucknow dated July 16, 1979

HON'BLE U.C. SRIVASTAVA , J .

HON'BLE K.N. GOYAL, J

(DELIVERED BY HON'BLE K.N.GOYAL, J)

This petition was filed for a writ of mandamus to direct the Union of India to allow the petitioner to cross efficiency bar with effect from 10.8.1972. Learned Counsel for the Union of India has informed us that this relief has already been granted to the petitioner during the pendency of the writ petition. On behalf of the petitioner it was urged that another efficiency bar has fallen due from 1.8.1977. So far as the same is concerned no demand has yet been made and the question did not arise at the time the writ was filed.

Accordingly, no relief could be granted so far as the present petition is concerned. The other reliefs have also become infructuous in view of the fact that the petitioner has already taken voluntary retirement, from service.

Advocate
ADVOCATE,
HIGH COURT, LUCKNOW.

Annexure 13 contd p.2

On behalf of the petitioner it was pointed out that the petitioner could not approach the appellate authority in regard to the crossing of efficiency bar which became due on 1.8.1977 due to the pendency of this writ petition. If so, the same can also be represented to the authorities which would consider the same.

Accordingly, the writ petition is dismissed, No order as to costs.

sd/- U.C.Srivastava, J

K.N.Goyal, J.

Attested true copy

[Signature]

ADVOCATE,
HIGH COURT, LUCKNOW.

IN THE HONOURABLE HIGH COURT OF JUDICATURE ALIWARAD AT LUCKNOW.

Writ Petition No. of 1980.

M.S.Wila Petitioner

Versus

Union of India and others Opposite parties

ANNEXURE No. 14

INDIAN POSTS AND TELEGRAPHIC DEPARTMENT.

Office of the Divisional Engineer Telegraphs, Dehradun.

• 1990 • 1991 • 1992 • 1993 • 1994

Memorandum No. Pan/R-63/MSN/130 Dated at Dehradun the 30.4.1979.

In accordance with the Chief Accounts Officer Telecom Accounts (U.P.) Lucknow No. TC /Pen/852/1033 dated 26.4.1979 sanction of the undersigned is hereby accorded for the payment of pension to Sri M.S.Nila Ex-A.E. at Rs.413/- (Four Hundred thirteen) and DA relief thereon at Rs.35 percent for the period from 11.4.1979 to 30.4.1979....

The amount is debitable to the head-356-q-1
(pensionary charges)

Accounts Officer
Telegraphs Engineering Division
Dehradun.

attached true copy
 of the
 ADVOCATE,
 HIGH COURT, LUCKNOW.

Writ Petition No. . . . of 1980.

36

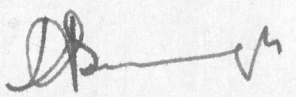
M.S.Nila Dependent
versus
Union of India and others Opposite Parties

AFFIDAVIT IN SUPPORT OF THE WRIT PETITION

I , Mohindar Singh Nila, aged about 56 years, son of late Sardar Amrik Singh, retired Assistant Engineer Telegraphs, resident of 559K/6 Bahadur Khara Post Office Singer Nagar, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts deposed therein
2. That the contents paragraphs 1 to 11, 13, 15 to 17, 25 27, 28 and 30 are true to ~~petitioner's~~ ^{deponent's} own knowledge, and contents of paragraphs 9, 10, 12, 14, 22 to 24, 26 29 and 31 are believed by the deponent to be true.
3. That the contents of paragraphs 18, 19 20 and 21 are of true extracts/the statutory law quoted therein , annexures 1 to 14 have been compared with/ ^{the} originals by the deponent himself and are the true copies of the originals.

Lucknow.
15.2.1980


Dependent in Person
ADVOCATE,
HIGH COURT, LUCKNOW.

VERIFICATION

I, M.S.Nila, the deponent aforesaid, do hereby verify that contents of paras 1 to 3 above of this affidavit are true to my personal knowledge. Nothing material has been concealed and no

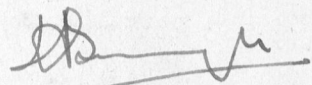
P-2
37

-2-

part of it is false, so hlp me God.

Verified this day, the 15th ^{February} January 1989 in the
High Courts Compound.

Lucknow.
15th, ^{February} January 1980.


Dependent in Person
ADVOCATE,
HIGH COURT, LUCKNOW.

Solemnly affirmed before me on

... at by Sri. Mohindar Singh Nila
Advocate, who is personally known to me

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

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

Writ Petition No. 103^v of 1980
Admitted on 28.4.1980

M.S. Nila

.....

Petitioner

Versus

1. Union of India through Secretary
Ministry of Communications New Delhi
2. The Director General Posts and Telegraphs
New Delhi.
3. The General Manager, Telecom U.P. Lucknow
4. Sh. N.K. Mathur, C.M.T. U.P. Circle, Lucknow.
5. The Divisional Engineer Telegraphs,
Dehradun.

In re:

Writ petition No. of 1980 admitted on 28.4.1980

The petitioner aforesaid respectfully states as under:-

1. v That this Hon'ble court admitted the aforesaid Writ
petition on 28.4.1980 and ordered notices to be issued.
2. That copies of the writ petitions have already been
served to all the Government parties 1 to 5 above and their
acquittances obtained on the original copy of the Writ petition
aforesaid are on record. *The copies for opp parties 1, 2, 3 & 5 were
received by Mr. B.L. Shukla, counsel for the Union India and Mr.
N.K. Mathur, directly.*
3. This is for the information of the court only

MS

M. S. NILA

B.Sc., F.P.A., Grad. L.B.E. (London); L.P. (Cal.),
I.T.E. (Delhi), LL.B.; D.L.T., D.L.L.; P.G.D.C.; LL.M.
Legislation Criminology
Constitutional Law Penology, Toxicology
Administrative Law Offences Against
in Social & Economic
India, U.K., U.S.A. Security
Australia, Canada & Jurisprudence & Legal
France. History in India &
England.

ADVOATE

HIGH COURT, LUCKNOW

in person

Lucknow
28.4.80