

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE. *T.A 677/89* *W.B. No. 475/89* OF

NAME OF THE PARTIES *Ved Prakash* Applicant

Versus

..... *V.O.I. 2nd* Respondent

Part A.

| Sl.No. | Description of documents | Page |
|--------|---|------------|
| 1 | Index sheet | A1 to A2 |
| 2 | order sheet H.C. | A3 to A5 |
| 3 | CAT order sheet | A6 to A8 |
| 4 | Judgment order dt 27-09-88 Allowed | A9 to A15 |
| 5 | Writ Petition | A16 to A29 |
| 6 | Agreement | A30 to A55 |
| 7 | Affidavit | A56 to A75 |
| 8 | Counter affidavit | A76 to A84 |
| 9 | File No. 1154/01/C. regarding Affidavit. A85 to A94 | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |

CERTIFICATE

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

Dated *25-8-91*

Counter Signed.....

.....

Signature of the
Dealing Assistant

Section Officer/In charge

.....

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

X

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 677/1987
W.P. 1405/80

PART -I V.P. Agarwal

-V.S.
C.O.D.

| | | |
|----|------------------|---------------------|
| 1. | Index Papers | :- 1102 |
| 2. | Order Sheet | :- 31013 |
| 3. | Any other orders | :- Nil |
| 4. | Judgement | :- 14th. 20 27-9-88 |
| 5. | S.L.P. | :- Nil |

D.Y. Registrat

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

V.K. Mishra

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

(D) 1/1

INDEX SHEET

CAUSE TITLE 677/87 (7) of 19

NAME OF THE PARTIES

Smt. V. P. Atawal Applicant

Versus

Chh. Singh Respondent

Part A, B & C

| S. No. | Description of documents | PAGE |
|--------|---|--------------|
| (1) | General order | A-1 |
| (2) | Order sheet | A-2 to A-5 |
| (3) | Petition copy — | A-6 to A-20 |
| (4) | Amendments | A-21 to A-46 |
| (5) | Affidavit | A-47 to A-48 |
| (6) | Writ petition with annexures — | A-49 to A-66 |
| (7) | Counter | A-67 to A-75 |
| (8) | Reply | A-76 to A-85 |
| (9) | Judgment — | A-86 to A-92 |
| | (B) Copy | |
| (10) | Petition copy with all documents — | B-1 to B-55 |
| | (C) Copy | |
| (11) | Power Application for fixing a date. Application for Summoning records Notices on dt 12 May 08 Notices returned | |

Chh. Singh
18/11/01

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1705 of 1978

25

2

8/1

27/8/83

Dated of
which
case is
adjourned

3

Date

Note of progress of proceedings and routine orders

1

2

Hon. H. S. J

Mr. K. S. U. J

At - - - weeks

C. H. S. -

C. K. S. U.

30.6.78

11.7.80. De. per

B

One - - -

11.7.80

Wait for order

Hon. Shri J.

Hon. V. V. M.

S. D. / 11

12.7.80

Wait for orders

Hon. Shri J.

Hon. V. V. M.

50

De 7/7/80

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(W.P.)

No.

1705

8/1/1

2
PM

of 1980

vs.

3

X
u

| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|----------|--|----------------------------------|
| 1 | 2 | 3 |
| 2-5-81 | Service Report in W.P | |
| | O.P. No 1705 - Copy received by | |
| | Sri B.L. Shukla | |
| | O.P. No 5 to 19 - Regd. Cover not | |
| | received as yet | |
| | Submitted | |
| | P.S. | |
| 22.5.81 | In Service report dated 2.5.81 | |
| | J.R. | |
| | if. nos. 1 to 4 are served | |
| | through Sri B.L. Shukla | |
| | Advocate. Service on of nos. 5 to 19 | |
| | is held sufficient under | |
| | Chapter VIII rule 12 of the | |
| | Rules of Court. Proceed. | |
| | S. | 22.5.81 |
| | 86/1 | R.A. filed |
| | Fined in c.m. Am 10948-82 for | Sofam 5/5. |
| | Orders | |
| 25.11.82 | Court 10940 (W.P. 2 for | |
| | orders | |
| | P.M. T.S.M.J | |
| | List this application for | |

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

vs.

| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|---------|---|--|
| 1 | 2 | 3 |
| | <p>Promotion Committee. The Standing Counsel for the Union of India is directed to produce the minutes of the Departmental Promotion Committee of November/ December 1979 for our perusal. See on 2-5-1983 for further hearing.</p> <p style="text-align: right;">S. <i>[Signature]</i></p> <p style="text-align: right;">13.4.1983</p> | |
| 2-5-83 | <p>Filed with cop. No. 4072(CW)83 for hearing (P. 4)</p> <p style="text-align: center;"><u>Hon'ble Mr. Justice D.N. Jha</u></p> | <p><i>[Signature]</i> Boyle Boyle</p> |
| 10-5-83 | <p>Filed with cop. No. 4072(CW)83 for hearing (P. 4)</p> <p style="text-align: center;"><u>Hon'ble T.S. M.J</u> <u>Hon'ble D.N. Jha</u></p> | <p><i>[Signature]</i> P. H Hon'ble T.S. M.J Hon'ble D.N. Jha</p> |
| 25-5-83 | <p style="text-align: center;"><u>Hon'ble T.S. M.J</u> <u>Hon'ble D.N. Jha</u></p> <p style="text-align: center;">S.C</p> | |

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

T.A. NO. 677/87 OF 198

Ved Prekesh VS. Union of India & Ors.
 Aggarwal (Department of Mines)

| SL NO of order | Date of order | ORDERS WITH SIGNATURE | Office Notes as to action (if any) taken on order |
|----------------|---------------|--|---|
| | 18.2.88 | <p><u>Office report</u></p> <p>W.P. 1705/88 has been received on transfer from Allahabad High Court & Co.</p> <p>W.P. is admitted.</p> <p>C.A and R.A both have been filed.</p> <p>Notices issued to both the parties, fixing 24.2.88.</p> <p>Notice of Petitioners have been served personally and Notices of C.P. No. 1 to 4 have been served by the Clerk of A. Mawly and files Wakalatnamas of behalf of Union of India (1 to 4)</p> <p>Five unsworn sets have been returned back with postal envelope.</p> <p>Respondent No. 5. <u>Refused</u> /</p> <p>Respondent No. 6 - - - - -</p> <p>Respondent No. 9 - Wrong address</p> <p>Respondent No. 17 - Not Known</p> <p>Respondent No. 18 - Wrong address</p> <p>Submitted for order.</p> <p><i>J. L. M.</i> 18/2/88</p> | |

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. TA 677/87 of 1988

VS

| Date | Note of progress of proceedings and routine orders | Date to which case is adjourned |
|---------|--|---------------------------------|
| 1 | 2 | 3 |
| | <p>Case No. TA 677/87 (T) of 1988 Date of hearing 24.5.1988 Petitioner in person present. The petitioner in person is present. Sri Ashok Mohiley, Counsel for respondents has asked for adjournment of the case as he wants to seek some instructions. The case is accordingly adjourned to 18.7.1988 for hearing.</p> <p style="text-align: right;">DAE</p> <p>24.5.1988 Hn. Ajay Johri, AM Hn. G. S. Sharma, JM</p> <p>30 AM</p> <p>24.5.88 Merry</p> <p style="text-align: right;">JM</p> | |
| 29/5/88 | | |

(13)

✓

1

One hundred Rs 100/-
Two rupees Rs 2/-

Total Rs 102/-

Correct but final Court fees
will be made on receipt of fees
Court record.

In time no in

Papers filed. Copy of D.O.C.

~~and also be filed~~

~~copy of D.O.C.~~

Last unsigned annexure 10 = 22.38/-

My
28.6.80

Hon'ble K.S. Varma, J.
Hon'ble S.C. Mathur, J.

Admit. Issue notice.

8/2 l. KB
29.10.1980

Received copy for T.O. 4
31

Amrit Singh
M/sn B.L. Shukla
Advocate
30/6/80

Hon. H.S.J.
Hon. K.S.V. J.

At the request
of the learned Counsel
list after two weeks.

30.6.1980) KB Hf
Cry

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

O.A.No. 677 1987.
T.A.No.

DATE OF DECISION Sept 1988

| | |
|----------------------------|--------------------------------|
| <u>Ved Prakash Agarwal</u> | Petitioner |
| <u>In person</u> | Advocate for the Petitioner(s) |
| Versus | |
| <u>U.O.I. & others</u> | Respondent |
| <u>Shri A. Mohiley</u> | Advocate for the Respondent(s) |

CORAM :

The Hon'ble Mr. Ajay John, A.M.

The Hon'ble Mr. Jy. S. Sharma, A.M.

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- 2. To be referred to the Reporter or not ?
- 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- 4. Whether to be circulated to other Benches ?

Dinesh/

88
27/9

14
14
14

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No. 677 of 1987

Ved Prakash Aggarwal Petitioner.

Versus

Union of India & others Respondents.

Hon'ble Ajay Johri, A.M.

Hon'ble G.S. Sharma, J.M.

(Delivered by Hon. Ajay Johri, AM)

This Writ Petition has been received on transfer from the Lucknow Bench of the High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act XIII of 1985, challenging an order of promotion of respondents 5 to 19 to the post of Personal Assistant in the Geological Survey of India and an order dated 24.3.1980 rejecting the representation of the petitioner for similar promotion and praying for a direction to be issued to respondents 1 to 3 to reconstitute the Departmental Promotion Committee according to the 1979 Rules and to make selections according to those rules.

2. The facts of the case are that the petitioner, Ved Prakash Aggarwal, was appointed as Stenographer in January, 1963 in the Geological Survey of India (GSI). Prior to this he was working as a Steno-Typist under the Ministry of Defence since May, 1960. He was shown at serial no. 20 in the seniority list of Stenographers (Ordinary Grade) published in 1977 but due to promotion, etc. of his seniors he moved to Sl.No.7 of the list. In January, 1973 the

9
1/81

15

-- 2 --

petitioner got promoted as Stenographer Grade I on ad hoc basis. His promotion was regularised with effect from 11.10.1979. In March, 1979 eighteen posts of Personal Assistants were sanctioned and they were filled up in 1980 under the new rules which came into operation on 20.10.1977 on the basis of service records of departmental candidates on recommendations made by a Departmental Promotion Committee (DPC). The petitioner was not selected by DPC. He has challenged his non-selection on the grounds that DPC was incorrectly constituted as it did not have as Member a Regional Administrative Officer or Senior Administrative Officer of the GSI resulting in the merit and efficiency of the clerks and other staff of GSI being overlooked and the selections were made by considering other categories of Stenographers too, and DPC considered one candidate, who was working as Office Superintendent, in the higher grade since 1975, and had not completed five years' service as Stenographer Gr.I. Amongst those selected items 11 to 15 did not fulfil the requirements for the category of Stenographer Gr.I, they were Stenographers (OG) with 10 years service. On his non-selection the petitioner represented to the higher authorities but his representation was rejected. The petitioner's case is that in view of his seniority, qualifications, etc. he should have been selected.

3. The main attack in the petition is on the improper constitution of DPC. Hence any selection made by it being null and void, and the non-selection of the petitioner ^{3/} should be considered illegal.

- : 3 :-

4. In the reply filed on behalf of respondents 1 to 4 it has been said that though there were no remarks in the confidential reports of the petitioner which required to be communicated the record of service is not unblemished as the petitioner was awarded a non-recordable warning. DPC consisted of a Senior Administrative Officer (Sr.AO) of the concerned wing and it considered CR entries of the candidates. According to them it was constituted according to rules and considered the candidates in the order in which the priorities have been given. They were not considered together.

5. No reply has been filed by the other respondents. In his rejoinder the petitioner has said that he was regularised by a DPC in 1979 and if he could be regularised in 1979 how he got ignored by DPC which recommended others but not him for Personal Assistant's post shortly thereafter. The unrecorded warning also could not deprive him of the promotion. He has reiterated that DPC was not constituted properly. Sr.AO or the Regional Administrative Officer (RAO) was a necessary member and so his CRs were not evaluated properly.

6. We have heard the petitioner, who appeared in person, and Sri Ashok Mohiley, learned counsel for the respondents. The main contentions raised by the petitioner were that DPC was not properly constituted and the promotions should have been made by selection and not by only considering the Confidential Reports (CR). The learned counsel for the respondents relied on paras 14 and 15 of the counter affidavit. We have perused the file and the

- : 4 :-

deliberations of DPC and CR Dosier File of the petitioner which have been produced by the learned counsel for the respondents on 26.9.1988.

7. As far as the constitution of DPC is concerned, the respondents have in para 8 of their reply said that Sr.AO of the wing was associated with DPC to help the Committee. DPC actually constituted of -

1. Director, Palaeontology Division, GSI as Chairman.
2. Dy. Director, Eastern Zone, GSI as External Member
3. Director (Tech. & Cord.), GSI as Member.
4. Chemist (Sr.), GSI as Member.

8. Para 12~~xx~~ of the Recruitment Rules for Group 'C' Ministerial Posts in GSI lays down the composition of DPC as follows :

3/

1. A Director or an officer of equivalent rank of GSI Chairman.
2. A Regional Administrative Officer or Senior Administrative Officer of GSI Member.
3. A Group 'A' Officer from other Department Member.
4. A Group 'A' Officer of GSI preferably belonging to the Scheduled Castes of Scheduled Tribe community Member.

Thus in DPC there are to be two Group 'A' officers and one Director and one RAO/Sr.AO. ~~3/~~ the constituted DPC had two Directors, one Deputy Director and one Chemist. ~~3/~~ It has not been clarified by the respondents whether the Deputy Director and the Sr. Chemist were against the requirement of Group 'A' officers as they obviously should be because they are below the rank of a Director. RAO/Sr. of GSI has not been clarified any where by the respondent

9/9
(18) ~~18~~

- : 5 :-

except in their averment in para 8 of the reply where they have said that Sr.AO of the concerned Wing was associated with DPC to help the Committee. This averment will go to indicate that Sr.AO is different from a Director and that he was not one of the Members of DPC and if that is so the constitution of DPC would suffer from the lacuna that it has not been constituted in accordance with the Recruitment Rules for Group 'C' Ministerial Posts and if that is so any deliberation by such a Committee, which is not constituted properly, will stand to be vitiated and will not stand the scrutiny of law. An outsider, i.e. Sr.AO, who was associated with DPC to help the Committee, can also not ~~do~~ ^{do} anything to influence the decision of DPC and, therefore, we are not able to understand in what way this officer would have helped the Committee. We have perused the Minutes of the Committee of DPC held on 16.11.1979 and 12.12.1979. It does not anywhere mention that they had made use of any assistance of a Sr.AO. Even if they had stated so, they would have prejudiced their own jurisdiction in regard to selecting officers for the officiating promotions to the grade of Personal Assistants. It is, therefore, obvious that DPC had not been framed in accordance with the rules. There is no document to prove that DPC, ~~has~~ formed, had the approval of the competent authority, who ~~had~~ ^{had} full knowledge of the fact that it is against the provisions of the Recruitment Rules, ordered formation of a Committee without a Regional/ Senior Administrative Officer. We, therefore, feel that there is substance in the plea taken by the petitioner in his petition as well as in para 5 of the rejoinder affidavit that the non-inclusion of Regional/Senior

9/10

19

-: 6 :-

Administrative Officer, as a full-fledged Member, could not have been done or made up by any other arrangement. In the result, therefore, any deliberation of such a DPC will have to be quashed.

9. In regard to the grading of the petitioner by the so formed DPC, the respondents' case is that the recommendations were made on the basis of the recorded CR entries. They have further said in para 5 of their reply that though no remarks were communicated to the petitioner, his record of service is not unblemished as he was once awarded a non-recordable warning. We have perused the Confidential Reports (CR) of the petitioner for the period 1975 to 1978, a period of 4 years. Prior to 1975 there was a column No.25 regarding grading of the official being reported upon. In reports from 1975 onwards this column has been done away with and no grading is given to the reported officer except that in 1978 this column again appears in CR Form. We do not want to comment on these reports. Some entry made in the 1974 report was later penned out by the Reporting Officer. The observations made by the Reporting Officer on the petitioners working in these reports is to be reassessed to arrive at the grading. ^{3/ to 5/} While we do not want in judgment over the gradings that were arrived at by DPC of 1979, we have no doubt that the new DPC which has to be constituted in terms of the recruitment rules will adopt in adequate measure a scale ~~or~~ ^{for} grading the candidates and arrive at the same independently. ~~We can only observe that the reports of the petitioner are not such as to~~ ^{3/} ~~lead to his disqualification~~. The so-called recorded warning also pertains to the year 1969 and has no meaning in the consideration of the petitioner for the promotion against the post of Personal Assistant in 1979. We are, therefore, convinced that

9/92

203
A/15

-: 7 :-

the proceedings have to be reviewed.

10. On the above considerations we direct that the respondents should form a fresh DPC to consider the cases of all eligible persons. This DPC will assess the candidates on the basis of the Confidential Reports and after giving fresh grading to all the eligible candidates including the petitioner given ^{its} ~~their~~ recommendations for the promotions to the posts of Personal Assistant. Pending finalisation of these proceedings no changes will be made in the officiating promotions already made but they will be subject to the final outcome of the fresh DPC proceedings.

11. We, therefore, allow the petition (Writ Petition No. 1705 of 1980) and set aside DPC proceedings of November and December, 1979. We order that the respondents should ~~form~~ ^{form by} ~~constitute~~ ^{constitute} a fresh DPC duly and properly constituted according to Recruitment Rules and this DPC should complete its deliberation within a period of three months from the date of receipt of this order. We make no order as to costs.

Signature
MEMBER (J).

Signature
MEMBER (A).

Dated: September 27, 1988.

PG.

Group A/3 e

3/10
A

2971

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO: 1705 OF 1980

4010

Ved Parkash Aggarwal
Stenographer Grade I
Geological Survey of India Petitioner
Lucknow.

Versus

Union of India & Others Opposite Parties.

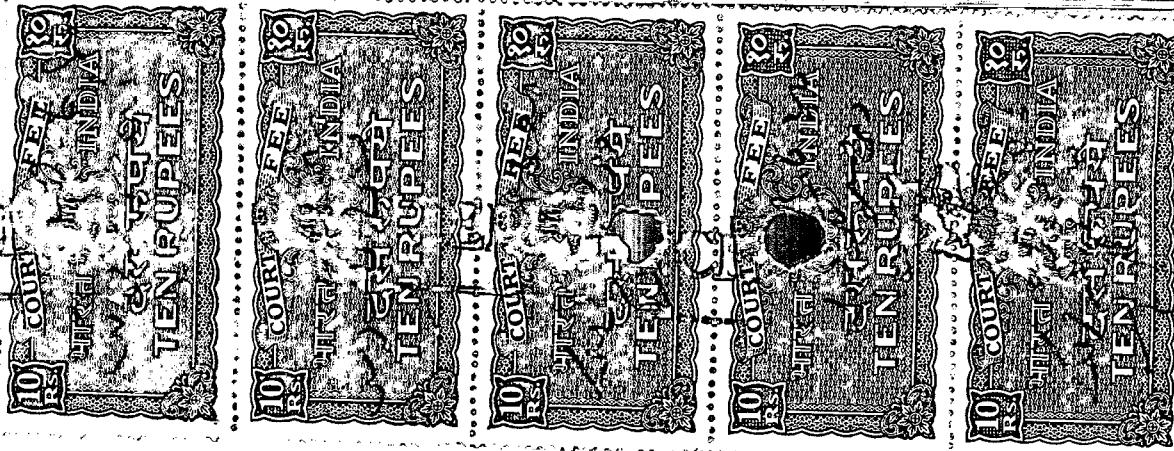
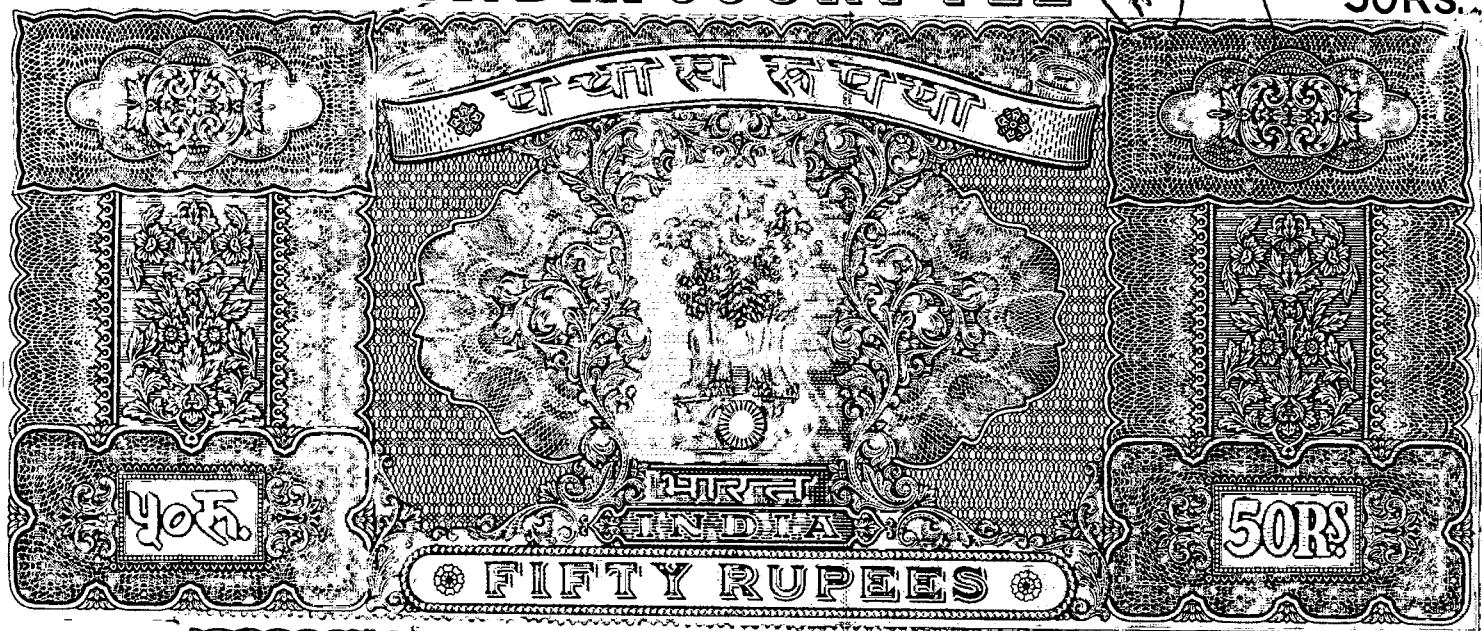
INDEX

| Serial Number | Description | Page Numbers |
|---------------|--------------------|--------------|
| 1. | Writ Petition | 1 to 12 |
| 2. | Annexure Number 1 | 13 |
| 3. | Annexure Number 2 | 14 to 24 |
| 4. | Annexure Number 3 | 25 to 26 |
| 5. | Annexure Number 4 | 27 to 30 |
| 6. | Annexure Number 5 | 31 |
| 7. | Annexure Number 6 | 32 |
| 8. | Annexure Number 7 | 33 to 34 |
| 9. | Annexure Number 8 | 35 to 36 |
| 10. | Annexure Number 9 | 37 |
| 11. | Annexure Number 10 | 38 |
| - | Affidavit | 39 to 40 |
| - | Power | 41 |


(Counsel for the Petitioner)

INDIA COURT FEE

50RS.



amount Rs 50/-
for each Rs 50/-

W.O. Ved Bahadur Aggrawal

Petitioner

de
28/6/81

versus

Union of India and others

opposite parties

*S. C. Patel
S. C. Patel*

3
P.S.

7. Sri Nirmal Kanti Roy,
Personal Assistant,
Coal Division,
Geological Survey of India,
29, Chowringhee Road,
Calcutta-700016.

8. Sri A. Swami Babu,
Personal Assistant,
Southern Region, 'Manoranjan',
Geological Survey of India,
5-5-49, Mukharram Jahi Road,
Hyderabad-500001.

9. Sri U.C. Seal,
Personal Assistant,
North-Eastern Region,
Geological Survey of India,
'Laitumkhrah',
Shillong-3.

10. Sri Nirmal Ch. Mukherjee,
Personal Assistant,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta-700013.

11. Sri P. Unni Krishnan Nambissan,
Personal Assistant,
Airborne Mineral Survey & Exploration,
Geological Survey of India,
6/1, South Public Square,
Bangalore-4.

12. Sri Satyendra Chandra Chowdhury,
Personal Assistant,
Eastern Region,
Geological Survey of India,
12 A & B, Russel Street,
Calcutta-700071.

13. Sri Santosh Ranjan Sarkar,
Personal Assistant,
Chemical Division,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta-700013.

14. Sri Ranjit Kumar Mukherjee,
Personal Assistant,
Geophysical Division,
Geological Survey of India,
Appjee House, Park Street,
Calcutta.

V.P. Aggarwal

3/10
B10

15. Sri Rathindra Nath Guha Thakurta,
Personal Assistant
Geological Survey of India,
4, Chowringhee Lane, Calcutta-700016.
16. Sri Badal Mallick, Personal Assistant
Geological Survey of India
27, J.L.Nehru Road, Calcutta-700013.
17. Sri Deb Gopal Bhattacharjee,
Personal Assistant, Central Region,
Geological Survey of India,
New Secretariat Building, Nagpur-440001.
18. Sri Sunil Kumar Bhattacharjee,
Personal Assistant, Western Region,
Geological Survey of India,
A/3, Himanshu Bhawan, Bani Park,
Jaipur-6.
19. Sri V.Rajagopalan, Personal Assistant
Northern Region,
Geological Survey of India,
3, Gokhle Marg, Lucknow-226001. Opposite
Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

This petition of the above named petitioner
most respectfully sheweth:-

1. That the petitioner joined in Service in Geological Survey of India with effect from 11th January, 1963, as a Stenographer and since then he is continuing in Service there and has put in more than seventeen years of service. The appointment letter dated 22-2-1963 is being filed, herewith, as Annexure 1, to this Writ Petition. The petitioner is a Graduate from Jammu University having passed his B.A. examination with English and Hindi Literature as subjects.
2. That prior to this, the petitioner was in service as a Steno-Typist in the Government of India, under the Ministry of Defence, since 2nd May, 1960, and in the same continuation, he joined the aforesaid post.

V.P. Aggarwal

3. That a Seniority List of Stenographers (Subsequently designated as Stenographers Ordinary Grade) has been maintained by the Department from time to time and the latest such has been released in the year 1977. According to this Seniority List, the petitioner's position according to the latest position works out at seventh, amongst 219 Stenographers, shown in the list. A true copy of relevant extract of the said list is being filed, herewith, as Annexure-2, to this Writ Petition.

It is submitted that in the said list, the position of the Petitioner has been shown at Serial Number 20, but the same has come up to the 7th position because one Sri K.V. Jesudas has, in the meantime, been transferred to the Ministry of Finance, New Delhi, from 28-2-1967, and persons shown at Serial Nos:3,6,7,10,11,12,13,14,15,16 and 17, were promoted as Assistants, which they accepted and joined from 1971 to 1972, and, one Sri P.C. Ramakrishnaya, standing at Serial number 8, also, accepted and joined the promotion post as Store Keeper (Technical), resulting in the Petitioner's position coming upto 7th position.

4. That the Petitioner was promoted with effect from 1-1-1973, in the grade of Stenographer Grade I/ Stenographer Selection Grade, on ad-hoc basis, with time scale of Rs.210-10-290-15-320-EB-15-380/-, later revised to Rs.425-15-500-EB-15-560-20-700/-, under order No.700 P/18/2/Stenographer Selection Grade/72/15A, dated 30-1-1973, a true copy of which is being filed, herewith, as Annexure-3, to this Writ Petition. The said promotion was made through Departmental Promotion Committee according to the information of the Petitioner against sanctioned posts.

U. Aggarwal

3
AP

1/21

5. That the promotion of the Petitioner along with others, who were also promoted to Stenographers Grade I, were regularised as such with effect from 11-10-1979.
6. That during the entire period of service the Petitioner possesses an immaculate and unblemish record of service and has never been communicated any adverse remark or entry. During the period of service, the Petitioner was attached, from time to time, with Senior Officers holding high positions in the Department, viz: Regional Administrative Officers, Directors and the Deputy Director General and throughout, his work has been commendable.
7. That through a letter No.A-11011/7/78-M2(A), dated 24-3-1979, issued by the Ministry of Steel & Mines, Department of Mines, Government of India, New Delhi, eighteen temporary posts of Personal Assistants, in the time scale of Rs.550-25-750-EB-30-900/-, were sanctioned in the Geological Survey of India. These posts have been filled up in January, 1980.
8. That the latest amended Recruitment Rules providing qualifications and procedure etc., for appointment in the different posts including the posts of Personal Assistants came into force with effect from 20-10-79. A true copy of the relevant extract of said rules, which was published in the Gazette of India, dated 20th October, 1979, in Part II - Section 3 - Sub-Section (i), is being filed, herewith, as Annexure - 4, to this Writ Petition. That a perusal of the said rules will show that the posts of Personal Assistants were selection posts and were to be filled by promotion, failing which, by transfer on deputation by a Group 'C' Departmental Promotion Committee, on the basis of service records of the departmental candidates.
9. *W.L. Aggarwal*

3
APR

APR

Neither any interview nor any test was provided nor any such thing was held while making the impugned promotions. The Constitution of the said Departmental Promotion Committee, as provided in the rules, is as follows:

1. A Director or an Officer of equivalent rank of the Geological Survey of India CHAIRMAN
2. A Regional Administrative Officer or Senior Administrative Officer of the Geological Survey of India... MEMBER
3. A Group 'A' Officer from other Department MEMBER
4. A Group 'A' Officer of the Geological Survey of India preferably belonging to the Scheduled Castes or the Scheduled Tribes Community MEMBER
10. That the Departmental Promotion Committee which finalised the impugned selection of the candidates, including the opposite parties, for the posts of Personal Assistants was not constituted according to the provisions of rules, mentioned above, in as much as no Officer of the rank of a Regional Administrative Officer or Senior Administrative Officer of Geological Survey of India was associated as its members. It is submitted that participation of such an Officer in the Committee was most necessary for making the proper selection because he being the only Officer of the administrative side was fully aware about the comparative merit and efficiency of the incumbents belonging to the clerical and other like staff. The rest of the constituents belonged to Scientific and Technical side. It may be mentioned here that all the members, including the Chairman, in question, were from scientific and technical side.
11. That on account of the illegal constitution of the Departmental Promotion Committee, the impugned selections made by the said Committee for promotion to the ~~xx~~ posts of Personal Assistants are void

V. I. Aggarwal

31/14
W

and legally not sustainable.

12. That as per Recruitment Rules, the selection for the post of Personal Assistants, was to be made from amongst the Stenographers in the following manner:

Promotion:

i) Stenographer Grade I with 5 years' regular service in the grade,
- failing which -

ii) 10 years' regular service in the grades of Stenographer (Ordinary Grade) and Stenographer Grade I combined together,
- failing both -

iii) Stenographer (Ordinary Grade) with 10 years' regular service in the grade.

Transfer on deputation:

Stenographers having 5 years regular service in the scale of pay of Rs. 425-700/- or equivalent in a Central Government Department.

13. That from the above provision it is amply clear that the Departmental Promotion Committee was required to make selection for promotion to the post of Personal Assistants from amongst the incumbents of first category alone and it is only in case of non-availability of the persons of first category the persons of second category could be considered and likewise the persons of third category and onwards.

14. That the words "failing which" used in the rule is clearly indicative of the fact there was no scope for the Departmental Promotion Committee to consider the candidates of all the categories for promotion together. But the illegally constituted Departmental Promotion Committee in utter disregard of the Recruitment Rules arbitrarily considered the cases of persons belonging to all the three categories enumerated in para 12 above together at a time, as a result of which, the impugned selection is wholly prejudicial, illegal and arbitrary.

W.P. Jagannath

15. That in all 15 persons have been selected by the Departmental Promotion Committee belonging to different categories, their relevant details are given below:

| Srl. No. | Srl. No. as per Seniority List. | NAME | Educational Qualifications | Date of Appointment As Stenographer in G.S.I. | Date of appointment on post of Stenographer (Grade I/ Selection Gde on ad-hoc basis) | Date of regularisation | Date of Selection as per A.P.A. |
|----------|---------------------------------|----------------------------------|---|---|--|------------------------|------------------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| 1. | - | Sri S.K.Das Burman | Matric | 27-9-58 | 21-12-71 | 21-12-71 | 9-1-8 |
| 2. | - | Shmt. Himani Chowdhury. | B.A. | 25-6-57 | 28-10-71 | 28-10-71 | 28-1- |
| 3. | - | Sri Nirmal Kanti Roy (S/C). | B.A. | 19-8-63 | 1-1-72 | 1-1-72 | 9-1-8 |
| 4. | - | Sri A.Swami Babu | SSLC | 20-4-60 | 28-1-72 | 28-1-72 | 9-1-8 |
| 5. | 1 | Sri U.C.Seal | High School. | 1-5-59 | 11-9-74 | 11-10-79 | Ad-hoc Selection against S/T Quota |
| 6. | 18 | Sri Nirmal Ch. Mukherjee. | Matric | 26-11-62 | 1-1-73 | 11-10-79 | 9-1-8 |
| 7. | 19 | Sri P.Unni Krishnan Nambiassan | SSLC | 18-12-62 | 1-1-73 | 11-10-79 | 9-1-8 |
| 8. | 21 | Sri Satyendra Chandra Chowdhury | B.A. | 8-2-63 | 1-1-73 | 11-10-79 | 9-1-8 |
| 9. | 24 | Sri Santosh Ranjan Sarkar | B.Com | 15-4-63 | 1-1-73 | 11-10-79 | 9-1-8 |
| 10. | 31 | Sri Ranjit Kr. Mukherjee | B.A. | 12-9-63 | 1-11-74 | 11-10-79 | 28-1- |
| 11. | 36 | Sri Rathindra Nath Guha Thakurta | Inter Arts. | 1-2-65 | 26-10-79 | 26-10-79 | 9-1-8 |
| 12. | 38 | Sri Badal Mallick | Inter Com. | 1-2-65 | 6-10-76 | 11-10-79 | 9-1-8 |
| 13. | 42 | Sri Deb Gopal Bhattacharjee | B.Com | 1-10-64 | 26-10-79 | 26-10-79 | 9-1-8 |
| 14. | 50 | Sri Sunil Kumar Bhattacharjee | B.A. | 9-12-65 | 26-10-79 | 26-10-79 | 9-1-8 |
| 15. | - | Sri V.Rajagopalan | - He got promotion as Office Superintendent with effect from 9-12-75 (Forenoon) on Ad-hoc basis under office order No.143A/A-32019/1/75/15A, dated the 3rd January, 1976, | | | | |

V. Rajagopalan

3
10

Srl.15 of Para 15 (issued by Opposite Party No.3 (The Director of Administration). The incumbent remained on this post till 10-1-1980 (Afternoon) and hence his continued. (Confidential Reports for the years 1976, 1977, 1978 and 1979 are for the post of Office Superintendent as he actually did not perform the duties of a Stenographer during the period 9-12-75 to 10-1-1980.

16. That from the above particulars, it will be evident that Sri V.Rajagopalan, Opposite Party No:19, was working as Office Superintendent since 9-12-1975 in the time scale of Rs.550-20-650-25-750/- and has not completed 5 years' regular service as Stenographer in the scale of pay of Rs.425-700/-. Therefore, he was not eligible for consideration for the selection for the post of Personal Assistant.

17. That since Sri V.Rajagopalan, Opposite Party No.19, was holding the post of Office Superintendent, therefore, he legally could not be selected for the post of Personal Assistant unless he accepted his reversion to the post of Stenographer. As such he was called upon by the Director of Administration, Opposite Party No.3, through letter No.4279C/A-32019, 1/76/15A, dated 1-8-1979, to give his option for accepting his reversion to the post of Stenographer prior to his case being considered for the post of Personal Assistant. A copy of the said letter is filed, herewith, as Annexure 5, to this Writ Petition. Sri V.Rajagopalan, at no point of time, gave his required option and is also not reverted to the post of Stenographer prior to his selection. It is submitted that the appointment of Sri V. Rajagopalan has been made to the post of Personal Assistant directly from the post of Office Superintendent, which was against the provisions of Recruitment Rules. The order of appointment of Sri Rajagopalan as Personal Assistant is being

V. Rajagopalan

3A1

xx

filed, herewith, as Annexure 6, to this Writ Petition.

18. That as per details given in para 15 of the Writ Petition, out of the persons selected, the persons mentioned at Serial Numbers 1 to 10 were the candidates fulfilling the requisite qualifications of category one, viz: Stenographer Grade I with 5 years regular service in the grade, which the Petitioner also fulfilled, but the persons mentioned at Serial Nos: 11 to 15, did not fulfil the requirements of category one Stenographers as mentioned above, and as such, their cases being covered in category (iii), i.e., Stenographers Ordinary Grade with 10 years regular service could not be considered along with persons fulfilling the qualifications of category (i) including the Petitioner by the Departmental Promotion Committee for making selections to the post of Personal Assistant which was actually illegally done by the illegally constituted Departmental Promotion Committee. It may be submitted that besides the above 10 persons, there were many other Stenographers fulfilling the requirements for being included in category number (i).

19. That by considering the cases of the persons belonging to all the categories together the said Departmental Promotion Committee acted wholly arbitrarily and illegally resulting in great prejudice to the Petitioner.

20. That though the Petitioner is junior to Opposite Parties 5 to 11 in service, but they have been arrayed as Opposite Parties in this Writ Petition, as the Constitution of the Departmental Promotion Committee has been challenged in the Writ Petition to be illegal and the decision on the Writ Petition might adversely effect them also.

W. I. Aggarwal

RTB
17/2

21. That on the basis of selection made by the Departmental Promotion Committee, the Opposite Parties 5 to 19 have been appointed as Personal Assistants by various orders, viz: dated 9-1-80, 17-1-80 and 13-2-1980, issued by the Director of Administration, Opposite Party No.3, the true copies of which are being filed, herewith, as Annexures 7, 8 and 9, to this Writ Petition.
22. That feeling aggrieved by the selection and appointment of the Opposite Parties No.12 to 19, the Petitioner made a representation to the Director General on 22-1-1980, followed by a reminder dated 20-2-80, under conduct rules, which has been rejected by letter No.2327C/32016/1/75/15A, dated 24-3-80, true copy of the same is filed, herewith, as Annexure 10., to this Writ Petition.
23. That the Director General, Opposite Party No.2, rejected the representation of the Petitioner without mentioning any reasons whatsoever by a non-speaking order which has resulted in failure of justice.
24. That as stated earlier in view of the qualifications, seniority and the service record of the Petitioner, there was no cogent or valid reason for not selecting the Petitioner to the post of Personal Assistant. The Petitioner is confident that his Service Record is far superior than those who have been selected and appointed to the post of Personal Assistant.
25. That being aggrieved by the selection made by the illegally constituted Departmental Promotion Committee and the appointment of the Opposite Parties 12 to 19 made on that basis and having no other alternative and efficacious remedy, the Petitioner files this Writ Petition on the

W. Aggarwal

3/19

1/1

following amongst other grounds:-

A. Because the Departmental Promotion Committee constituted for making selections for the post of Personal Assistant was not constituted according to Recruitment Rules of 1979 (Annexure 4).

B. The selection made for the post of Personal Assistants by the said illegally constituted Departmental Promotion Committee was null and void and no appointment could be made on its basis.

C. Because the so-called illegally constituted Departmental Promotion Committee did not make selections according to the Recruitment Rules, 1979, in as much as it considered the cases of the candidates of all the categories mentioned in the rules together instead of making selections from amongst the candidates of each category separately.

D. Because the selections made from amongst other categories by illegally constituted Departmental Promotion Committee are vitiated in Law as many candidates including the Petitioner belonging to category one, as provided in the rules, were available and were not selected without any reason.

E. Because the Opposite Party No.19, has been illegally selected and appointed to the post of Personal Assistant as he was not eligible for selection for the said post.

F. Because the Opposite Party No.2, has failed to consider the representation of the Petitioner properly and erred in Law in rejecting the same by a non-speaking order which has resulted in failure of justice and is illegal.

V. Jagannath

PRAYER

Therefore, it is respectfully prayed that this Hon'ble Court may be pleased to issue:

i) a writ, direction or order in the nature of certiorari quashing the impugned orders of

appointment of Opposite Parties No.5 to 19;
Annexures 7 to 9 and also the order dated
24-3-1980, Annexure No.10 to this Writ Petition,
and

- ii) a writ, direction or order in the nature of mandamus commanding the Opposite Parties 1 to 3 to & reconstitute the Departmental Promotion Committee according to Recruitment Rules 1979 and to make selections according to provisions of the Recruitment Rules 1979.
- iii) Any other suitable writ, direction or order to which the Petitioner may be found entitled.
- iv) The petitioner may be awarded the cost of Writ Petition.

V.P. Aggarwal

PETITIONER

LUCKNOW,
Dated:



(Counsel for Lucknow.)

-:13:-

Hon'ble
IN THE/HIGH COURT OF JUDICATURE AT ALLAHABAD
Sitting at LUCKNOW

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India Petitioner

Versus

Union of India & others Opposite Parties.

ANNEXURE - 1

GOVERNMENT OF INDIA

Geological Survey of India,
27, Chowringhee Road,
Calcutta-13.

No. 2270/48/8/63/15, Dated, the 22-2-1963.

Office Order

The Director General, Geological Survey of India hereby appoints the following person on trial to officiate in the permanent post of Stenographer in the time scale of pay of Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300/- with effect from the date mentioned against his name until further orders.

The appointee will be on trial for a period of 2 years and his retention in the post for further period will be subject to the assessment of his work during the trial period.

| Name of the person appointed | Date of appointment | Name of present substantive holder (designation) of the post. |
|------------------------------|---------------------|---|
| 1. Sri V.P. Agarwal | 11.1.63 (F.N.) | Shri M.C.N. Menon. |

Sd/- G.K. Moghe,
Director of Administration.

Forwarded to the Deputy Director of Audit, Rx
R.F.R.S.C.S.&M., Calcutta.

No. 2276/48/8/63/15 Dated, the 22-2-1963.
Copy for information to:-

1. The Director, Northern Region, Geological Survey of India, Lucknow.
2. The S.G-in-Charge, P.&H.P. Circle, G.S.I. with the request to draw the pay and allowances of the above-mentioned employee under Permanent 'Non-Plan' Head.
3. The Asstt. Adm. Officer, Sector 15, G.S.I. Calcutta.
4. The Superintendent, Sec. 15A, G.S.I., Calcutta.
5. The Superintendent, Sec. 15B, G.S.I., Calcutta.
6. Shri V.P. Agarwal, Stenographer, G.S.I.

Sd/- Illegible.
Director of Administration.

....

-:14:-

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

Writ Petition No. _____ of 1980

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India

Versus

Union of India & others

... Petitioner

... Opposite Parties.

ANNEXURE - 2

Name of the Post Scale of pay
Stenographer (Ord. Grade) Rs.330-10-380-EB-12-500-EV-15-560/-

Total No. of posts
Permanent : 213
Temporary : 1

AS ON 31 December, 1977

| Sl.No. | Name | Educational qualifications | Date of continuous appointment to the grade or equivalent grade counted for seniority. | Remarks |
|--------|-------------------|----------------------------|--|---|
| 1. | Shri U.C.Seal | Passed High School | 1-5-59 | Offg. as Steno. Sel. Grade on 11-9-74 on ad-hoc basis. |
| 2. | Shri K.V.Jesudas | SSLC | 15-5-59 | Transferred to Min. of Finance, Deptt. of Coordination, New Delhi from 28-2-67. |
| 3. | Shri A.L.Khanzode | B.Com | 27-11-60 | Offg. as Asstt. from 1-1-72. |
| 4. | Shri C.D.Bansode | B.A., B.L. | 1-9-58 | Offg. as Steno. Gr.I on ad-hoc basis w.e.f. 1-1-73. |

T. e. Aggarwal

| | | | | |
|----|-------------------|------------|----------|---|
| 3. | Shri A.L.Khanzode | B.Com | 27-11-60 | Offg. as Asstt. from 1-1-72. |
| 4. | Shri C.D.Bansode | B.A., B.L. | 1-9-58 | Offg. as Steno. Gr.I on ad-hoc basis w.e.f. 1-1-73. |

Annexure - 2 continued

3333xx :-15:-

1. 2 - - - - - 2 - - - - - 4 - - - - - 8 - - - - - 16 - - - - -
2. 3 - - - - - 3 - - - - - 3 - - - - - 3 - - - - - 3 - - - - -
3. 4 - - - - - 4 - - - - - 4 - - - - - 4 - - - - - 4 - - - - -
4. 5. Shri D.Ramachandran S.S.L.C. 30-3-61 Offg. as Steno. Sel. Grade from
15-6-73 on ad-hoc basis.

6. Shri E.T.Parthasarathy S.S.L.C. 9-3-61 Offg. as Asstt. from 10-12-71
7. Shri B.M.Nayar B.Com. 13-3-61 -do-
8. Shri P.C.Ramkrishnayya S.S.L.C. 13-6-61 Offg. as St. Keeper (Tech.) from 14-9-64.
9. Smt. L.D.Bhole Matric 24-11-61 Offg. as Steno. Sel. Grade on ad-hoc
basis from 1-1-73.
10. Shri B.C.Saharkar Matric 23-11-61 Offg. as Asstt. from 10-12-71
11. Shri P.P.Srivastava B.A. 20-3-62 -do-
12. Shri Mrityunjay Bannerjee I.A. 17-4-62 -do-
13. Shri Harilal Banerjee Matric 16-4-62 -do-
14. Shri K.R.Ramaswamy S.S.L.C. 25-5-62 -do-
Hindi Probodh
15. Shri Birendra Nath P.U.(Arts) 26-11-62 -do-
Sarkar. Hindi Pragya
16. Shri Ajit Kr. Mitra B.Com. 26-11-62 -do-
Hindi Praveen
17. Shri Balram Das Matric 26-11-62 -do-
Hindi Pragya
18. Shri Nirmal Ch. Matric 26-11-62 Offg. as Steno. Sel. Grade on ad-hoc
Mukherjee Hindi Pragya basis from 1-1-73.
19. Shri P.Unnikrishnan S.S.L.C. 18-12-62 -do-
Nambisan. Hindi Pragya
20. Shri V.P.Agarwal B.A. 11-1-63 -do-

Contd....16/-

Annexure - 2 continued

28/8/73

-:16:-

1. 2 4 8 16

21. Shri Satyendra Chandra B.A. 8-2-1963 Offg. as Steno. Sel. Grade from 15-6-73

22. Shri R.R.V.S. Bundela P.U. 9.4.63 Offg. as Steno. Sel. Grade on ad-hoc basis from 1-1-73.

23. Shri Sib Kumar De I.Sc. 15-4-63 -do-

24. Shri Santosh Rn.Sarkar B.Com. 15-4-63 -do-

25. Shri Mrityunjay Poddar I.A. 15-4-63 -do-

26. Shri A.N.Banerjee B.A. 16-4-63 Offg. as Asstt. from 8-4-74.

27. Shri S.P.Gautam B.A. 20-4-63 Offg. as Asstt. from 30-5-74.

28. Shri C.M.Joseph SSILC 26-4-63 Offg. as Asstt. from 27-6-74.

29. Shri Harnek Singh H.S. 16-5-63 Offg. as Asstt. from 1-7-74.

30. Shri K.K.Mathen SSILC 3-8-63 Offg. as Steno. Sel. Grade on ad-hoc basis from 17-9-74

31. Shri Ranjit Kr. Mukherjee B.A. 12-9-63 Offg. as Steno. Sel. Grade on ad-hoc basis from 1-11-74.

32. Shri Prasanta Kr.Ganguly I.A. 2-11-63 Offg. as Promoted as Steno. Gr.I on ad-hoc basis W.e.f. 21-4-76.

33. Shri Sailendra Nath B.Com. 2-11-63 Promoted as Steno. Gr.I.w.e.f. 2-3-76 (F/N).

34. Mrs. Ratna Vittal B.Sc. 4-12-63 Hindi Visharad

35. Shri G.R.Khetri Intermediate 17-7-64 Shri Khetri released to take up his new assignment in the Ministry of External Affairs W.e.f. 30-6-72.

Contd... 17/-.

Annexure - 2 Continued

36. Shri Rathindra Nath I.A. 1-2-65

37. Shri Nani Gopal B.A. Hindi in S.F.Exam. 1-2-65 Promoted as Steno. Gr.I. w.e.f. 16-8-76 on ad-hoc basis.

38. Shri Badal Mallick I.Com. 1-2-65 Promoted as Sel. Grade Steno w.e.f. 6-10-76 on ad-hoc basis.

39. Shri Kalayan Kr.Mitra B.Sc. 1-2-65

40. Shri Shyamalendu B.A. 1-2-65

41. Shri Ranjit Kumar P.U. Hindi Pragyā 1-10-64

42. Shri Deb Gopal B.Com Hindi Praveen 1-10-64

43. Shri P.G.V.Paniekar B.A. Certificate in Hindi Praveen 15-3-65

44. Shri M.Devasia S.S.L.C. 15-3-65

45. Shri Jagadamba Prasad B.A. 8-1-65

46. Shri S.Purnananda SSLC 11-1-65 (A/N) On deputation to ICRISAT w.e.f. 9-10-85 (AN).

47. Shri Sukharanjan Mitra B.A. Hindi Pragyā 16-6-65

48. Shri Supriya Basu B.A. 15-4-65

49. Shri M.S.Jana SSC Exam 3-8-65

50. Shri Sunil Kr. B.A. 9-12-65

51. Shri Harimohan Chatterjee M.Com 21-12-65

Contd.. on 18/-

Annexure - 2 continued

Page No. :- 19 :-

1. 2 B.A. 6-3-1970

2. 4 B.Com (Hindi Pragy) 6-3-70

3. Sri Jagadananda Biswas (S/C) Matric 6-3-70 On deputation to Nuclear Fuel Complex, Hyderabad w.e.f.13-4-76.

4. Sri Samir Kr. Roy Chowdhury 6-3-70

5. Sri K.Nageshwar Rao Matric 6-3-70

6. Sri Shamsher Singh Matric 6-3-70

7. Sri Kishin Moorjani H.S.C. 6-3-70

8. Sri T.Thomas S.S.L.C. 6-3-70

9. Sri Sanjiban Mazumdar (S/C) B.A. 20-3-70

10. Sri Basudev Ch.Saha (S/C) B.Com 30-3-70

11. Sri P.L. Mohan Sarma B.A. 1-7-70

12. Sri G.Satyendarayyan (S/C) H.S.C. 1-7-70

13. Mrs. Smitha Muthuramen S.S.L.C. 1-7-70

14. Mrs. S.N.Malati H.S.S. 15-10-70

15. Sri P.Sreerama Murthy S.S.L.C. 1-5-71

16. Miss K.Gouri S.S.L.C. 26-12-70

17. Mrs. Sheela Nebhani H.S. 8-1-71

18. Smt. Sobha Das Intermediate 7-5-71

19. Shri K.N.Somnathan S.S.L.C. 21-7-71

20. Shri Rabindra Nath Motilal B.A. 14-7-71

21. Shri Abdul Salam Sheikh S.S.C 10-12-71 (A.N.)

22. Shri V.K. Janardhanan (S/C) Pre-Degree 1-12-71 (A.N.)

23. Shri Ashoke Monahar Sontake B.A. 6-12-71

24. Smt. Kiran Duggal H.S. 25-11-66

25. Sri Haran Ch.Naskar (S/C) B.Com 1-4-70 (A.N.)

26. Sri Subrata Dutta B.Com 28-3-72

27. Sri Ashit Kr. Dey H.S. 15-12-71

28. Sri Jogindra Ram (S.T) H.S. 15-12-71

29. Smt. Manju Chakraborty B.A. 7-12-71

16
15.8.1978
15.8.1978

Annexure - 2 continued

xx xx - 20 :-

16

1 2 4 8 16

100. Sri Pradip Ganguli B.A. 18-12-71 (A.N.)
101. Sri Dulal Ch. Chorui B.A. 10-12-71
102. Sri Baidya Nath Das P.U. 9-12-71 (E.N.)
103. Sri Kanai Lal Chatterjee H.S. 9-12-71 "
104. Sri Ramendra Nath Basu B.A. 22-12-71
105. Mrs. B. Ratnavally S.S.L.C. 19-4-72
106. Sri R.S. Sharma H.S. 14-1-72
107. Kum. L. Lalitha S.S.L.C. 29-3-72
108. Sri Virinder Kr. Verma Matric 8-6-72
109. Sri C.V. Chandran Nair S.S.L.C. 29-3-72
110. Sri Jitendra Nath Das (S/C) B.A. 2-6-72
111. Sri Falan Ch. Sardar (S/C) B.A. 11-9-72
112. Sri C. Surendran Pillay SSLC 7-11-72
113. Sri N. Veeranna SSLC 15-5-72
114. Md. Ibrahim SSC 5-7-72
115. Sri Satish Bhanrao Saharkar SSC 15-7-72
116. Sri K. Vijay Raghavan SSC 18-7-72
117. Mrs. Gomti Ramnurthy Iyer HSSC 15-7-72
118. Sri V.S. Hiwase P.U. 19-7-72
119. Sri J.P. Verma Intermediate 16-9-72
120. Sri Swapnil Mukherjee B.Sc. 29-9-72
121. Kum. Dhan Devi Ahuja H.S. 16-9-72
122. Kum. Minati Das B.A. (Passed diploma in stenography & Secretarial Practice) 23-9-72
123. Sri Rajkumari Sachadeva Matric 16-9-72
124. Sri Mahabali (S/C) B.Com 29-9-72
125. Kum N. Meera H.S.C. 11-8-72

xx xx / 1

Annexure - 2 Continued

| | | | Index - 21 :- | |
|-------|-------------------------------------|---------------------------|----------------|----|
| 1 | | 2 | 4 | 16 |
| 125. | Sri K. Krishna Prabhu | H.S.C. | 8 | 16 |
| 126. | Sri Francis Barnerd Pinto | S.S.L.C. | | |
| | | | | |
| 127. | Sri K.N. Pant | H.S. | 1-8-72 | |
| 128. | Sri A.Zellary | SSLC | 15-11-72 | |
| 129. | Sri P.C. Sudhakaran | SSLC | 11-12-72 | |
| 130. | Mrs. Leelamua Jacob | University Previous Exam. | 13-12-72 | |
| 131. | Shri Dipak Dutta | B.A. | 9-8-72 | |
| 132. | Mrs. Indrani Maitra | B.A. | 8-9-72 | |
| 133. | Shri Faresh Nath Mukherjee | B.Com | 21-9-72 | |
| 134. | Sri M.R. Muralidharan | B.Com | 5-12-72 | |
| 135. | Kum. C. Mahalakshi | SSLC | 13-2-73 | |
| 136. | Sri Furanam Sittaramnatha Prosad | SSLC | 5-4-73 | |
| 137. | Miss Annama P.G. | SSLC | 12-2-73 | |
| 138. | Shri A.P. Ghatnekar | SSC | 6-2-73 | |
| 139. | Shri D. Dhanunjaya Rao | SSLC | 31-1-73 (A.N.) | |
| 140. | Shri Dibyendu Kanti Deb | H.S. (Hindi Praveen) | 17-2-73 | |
| 141. | Shri Joydev Dutta | B.Com | 16-2-73 | |
| 142. | Shri Dilip Kr. Nandy | B.Com. (Hindi Praveen) | 15-2-73 | |
| 143. | Shri Tapan Pal | B.Com | 16-2-73 | |
| 144. | Shri Satyendra Lal Nag | B.Sc. | 13-2-73 | |
| 145. | Shri Sambhu Nath Saha (S/C) | H.S. | 15-2-73 | |
| 145a. | Shri Amar Bandopadhyaya | M.Com | 16-2-73 | |
| 146. | Shri Mukhtar Alam | B.Com (Hindi Pragya) | 12-2-73 | |
| 147. | Shri Milan Kr. Banerjee | B.A. | 12-2-73 (A/N) | |
| 148. | Shri Ranjit Kr. Mazumdar (S/C) B.A. | | 15-2-73 | |
| 149. | Shri Amalendu Dutta | B.Com | 4-5-73 | |
| 150. | Shri Sanjib Kr. Mukherjee | B.A. (Hons) | 5-7-73 | |



MISSION
Central Board of Secondary Education
26/1/1973

100
V.J. A. 100
146

Annexure 2 continued

| | | | Ex-Serviceman |
|------|------------------------------------|---|----------------|
| 1 | 2 | 4 | 16 |
| 152. | Shri Nanda Kr. Dutta | B.A. Hons. | 4-9-73 |
| 153. | Shri Muktipada Das | B.A. | 27-9-73 |
| 154. | Shri N. Subramonium | Matric | 2-4-73 (A/N) |
| 155. | Shri K. Dayanand (S/C) | B.Com (Multipurpose School Certificate) | 5-4-73 (A/N) |
| 156. | Shri Munnaluri Bose | SSLC | 9-4-73 |
| 157. | Kum. V. Seshamani | H.S.O. | 5-4-73 |
| 158. | Shri V. Setharaman | SSLC | 7-4-73 |
| 159. | Shri C. Narasimha Murthy | Intermediate | 13-4-73 |
| 160. | Shri K. Kasi Viswanadhan | S.S.L.C. | 31-3-73 |
| 161. | Mrs. C.P. Alimini | S.S.L.O. | 19-10-73 (A/N) |
| 162. | Kum. B.N. Shantha | B.Sc. | 22-10-73 |
| 163. | Kum. N Saraswathi | H.Sc. | 22-10-73 |
| 164. | Shri S. Eswaraiah | H.S.C. | 6-12-73 |
| 165. | Shri P.P. Ashtadikapalan | SSLC | 30-4-73 |
| 166. | Shri Girish Prakash | B.A. | 15-5-73 |
| 167. | Shri K. Sethumadhavan | SSLC | 9-5-73 |
| 168. | Shri Thomas K.M. | SSLC | 10-5-73 |
| 169. | Shri Ashoka Kr. Nandan | H.S H.C. | 9-5-73 |
| 170. | Shri Syed Sulaiman M.V. | SSLC | 10-5-73 |
| 171. | Shri C. Janardhanan | SSLC | 1-5-73 |
| 172. | Shri R. Kusha | SSLC | 1-5-73 |
| 173. | Shri Hare Krishna Paul | B.A. (Hindi Praveen) | 1-8-73 |
| 174. | Shri V. Swaminathan | SSLC | 1-12-73 |
| 175. | Shri Niranjan Chattopadhyay S.F. | | 24-8-73 (E/N) |
| 176. | Shri Hemendra Narayan Biswas (S/C) | P.U. | 23-2-74 |

Annexure 2 continued

| | | | | |
|------|--------------------------------|----------------------|------------------------|-------|
| 1 | 2 | 4 | 8 | 16 |
| 177. | Sri Satyabrata Roy | P.U. | 7-1-74 (Ex-Serviceman) | ✓/✓/✓ |
| 178. | Shri Shardananda Prasad (S/C) | P.U. | 26-4-74 | |
| 179. | Shri T. Ramakrishna Rao | B.A. (Hindi Pragya) | 3-5-74 | |
| 180. | Sri Prabul Rn. Ehowmick | P.U. | 15-1-75 | |
| 181. | Sri Ajit Kr. Mandal (S/C) | H.S. (Hindi Praveen) | 4-12-74 | |
| 182. | Sri V.S. Manke | S.S.C. | 13-2-75 | |
| 183. | Sri A.N.B. Sahay | H.S.C. | 14-2-75 | |
| 184. | Sri R.K. Raut (S/C) | SSC | 18-2-75 | |
| 185. | Miss Jagadamma D. | SSLC | 19-5-75 | |
| 186. | Sri Jeet Ram Bhoon | B.A. | 4-6-75 | |
| 187. | Miss Gouri Neogi | B.Sc. | 20-5-75 | |
| 188. | Sri Manas K. Das | B.A. Pt.I | 20-9-75 | |
| 189. | Sri Krishna Nayak | Intermediate | 23-9-75 | |
| 190. | Smt. Mita Dutta | B.A. Exam. | 6-9-75 | |
| 191. | Sri B.N. Mistry (S/C) | H.S. | 3-6-75 | |
| 192. | Sri A. Apronse | SSLC | 25-5-75 | |
| 193. | Miss Vaisamma Mathew | SSLC | 21-7-75 | |
| 194. | Sri T.S. Krishnan | SSLC | 11-8-75 | |
| 195. | Sri P.C. Mahato | H.S. Exam. | 4-11-75 | |
| 196. | Smt. Gita Das (Mazumdar) (S/C) | HSLC | 27-10-75 | |
| 197. | Shri Khilabbar Kharmalki (S/T) | HSLC | 16-10-75 | |
| 198. | Smt. Martina Pyngrope (S/T) | P.U. | 29-12-75 | |
| 199. | Shri Pradip Kr. Bhattacharjee | HSLC | 5-5-76 | |
| 200. | Miss Runu Sengupta | B.A. | 29-1-76 | |
| 201. | Sri Gandhi Rajendra Prasad | SSLC | 22-10-76 | |
| 202. | Sri Surendra Kapoor | H.School | 15-12-76 | |
| 203. | Kum. T.S. Sumangala | SSLC | 22-7-76 | |

Annexure - 2 continued

- :24:-

1 2 4 8 16

204. Kum. Sunanda Gupta B.Com 25-1-77

205. Shri Pranab Kr. Dutta B.Com 2-2-77

206. Kum. Manika Ghosh B.A. 28-1-77

207. Shri Pulak Mukherjee H. S. 27-1-77

208. Shri Joydev Halder (S/C) 25-1-77 B.Com 25-1-77

209. Shri D.K. Sinha Roy H. S. 18-1-77

210. Shri Biswanath Purkait (S/C) H. S. 12-1-77

211. Shri Jahar Kanti Dhar B.Com 11-1-77 (A/N)

212. Shri Alok Bandyopadhyay B.Com Pt.I. 22-1-77

213. Shri N.K. Dey H. S. 25-1-77

214. Shri Sekhar Ghosh 24-1-77 H. S. 14-1-77 (A.N.)

215. Kum. Namita Mitra P.U. 19-1-77 (A.N.)

216. Kum Anindita Chatterjee B.A. 9-3-77

217. Shri Dhiraj Kr. Chatterjee S.F. 9-3-77

218. Shri T.M. Thampuran S.S.I.C 21-6-77

219. Shri Itty Chacko S.S.I.C 15-6-77

• • • • • • • • • • •

Scans

1. V. P. Datta
2. V. P. Datta

-:25:-

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

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India .. Petitioner

Versus

Union of India & others

.. Opposite Parties.

ANNEXURE - 3

Government of India,
Geological Survey of India
4, Chowringhee Lane,

No.700P/18/2/ Stenographer Calcutta, 16, the
Selection Grade/72/15A 30 Jan., 1973.

Office order

The following persons are appointed on promotion to officiate as Stenographer Selection Grade in the Geological Survey of India in the time scale of pay of Rs.210-10-290-15-320-EB-15-380/- with effect from 1.1.73 (F.N.) purely on ad-hoc basis until further orders.

| Sr. No. | Name of the person promoted. | Post from which promoted. | Present postings. |
|---------|------------------------------|---------------------------|-------------------|
|---------|------------------------------|---------------------------|-------------------|

| | | |
|-----------------------------------|------|--|
| 1. Smt. L.D.Bhole | | Stenographer Central Region (O.G.). |
| 2. Sri Nirmal Ch. Mukherjee | -do- | Central Headquarters. |
| 3. Sri P.U.Krishnan Nambissan. | -do- | Kerala/S.R.O. |
| 4. Sri V.P.Agarwal | -do- | J&K Circle/N.R. |
| 5. Sri R.R.V.S.Bundela | -do- | Bihar Circle/E.R. |
| 6. Sri Sib Kumar De | -do- | Eastern Region. |
| 7. Sri Santosh Ranjan Sarkar | -do- | Central Headquarters. |
| 8. Sri Mrityunjay Poddar | -do- | Eastern Region. |

The above ad-hoc appointments do not confer on the promotees any right or claim as such to the higher post in supersession of the rights or claims of those who may be found to be senior or otherwise eligible for promotion at the time of making regular appointments to those posts.

Sd/-K.B.Das Bhowmi
Director of Administration.

Forwarded to:

1. The Accountant General, Works & Misc., New Delhi
2. The Sr. Dy. Accountant General, Commerce, Works & Misc. Calcutta.
3. The Sr. Dy. Accountant General, " " "

Conta.....26-

- : 26 -

The details of the post against which the above appointees will be shown are as shown below:

| Name | Post against which appointment is made and sanction of the post. | Substantive incumbent | With drawn to 1.1.1973 w.e.f. | Allocation of Allo from (F/N) |
|--------------------------------|---|-----------------------|-------------------------------|-------------------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. Smt. L.D. Bhole | Temporary post of Stenographer (Sel. Grade) sanctioned by the Govt. under Ministry of Steel & Mines (Dept. of Mines) letter No. 2/64/71-MI, dt: 11-12-72. | Vacant | CHQ | Cent Regi |
| 2. Sri Nirmal Ch. Mukherjee | -do- | Vacant | CHQ | CH |
| 3. Sri P.U. Krishnan Nambissan | -do- | Vacant | CHQ | Ke |
| 4. Sri V.P. Agarwal | -do- | Vacant | CHQ | J |
| 5. Sri R.R.V.S. Bundela. | -do- | Vacant | CHQ | N |
| 6. Sri Sib Kr. De | -do- | Vacant | CHQ | C |
| 7. Sri Santosh Ranjan Sarkar | -do- | Vacant | CHQ | E |
| 8. Sri Mrityunjoy Podder. | -do- | Vacant | CHQ | Ja |

The pay and allowances of the appointees are drawn under Temporary Plan Head.

No. 18/2/ Stenographer Selection Grade/72/15A

Copy to:

1. The Dy. Director General, Eastern Region, G.S.I
2. -do- Central Region, G.S.I
3. -do- Northern Region, G.S.I
4. The Director-in-Charge, Western Region, G.S.I
5. The Director, J&K Circle, (No. 1), G.S.I, Srinagar
6. The Director, Bihar

9. The Superintendent, SEC. 15A, G.S.I., Calcutta.

10. The Superintendent, SEC. 15B, G.S.I., Calcutta. (9 extra copies)

11. The Director (Planning & Training); GSI, Calcutta.

12. All persons concerned. Their posting as indicated above are provisional subject to review in due course.

13. Guard file, Sec. 15A, GSI, Calcutta.

Sd/- T.P. Ganguli,
Asstt. Adm. Officer,
for Director of Administration

26/6/.....

-:26-

(XPS)

The details of the post against which the above appointees will be shown are as shown below:

| Name | Post against which appointment is made and sanction of the post. | Substantive incumbent | Allocation of post | |
|--------------------------------|---|-----------------------|--------------------|-------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. Smt. L.D. Bhole | Temporary post of Stenographer (Sel. Grade) sanctioned by the Govt. under Ministry of Steel & Mines (Dept. of Mines) letter No. 2/64/71-MI, dt: 11-12-72. | Vacant | CHQ | Central Region. |
| 2. Sri Nirmal Ch. Mukherjee | -do- | Vacant | CHQ | CHQ |
| 3. Sri P.U. Krishnan Nambissan | -do- | Vacant | CHQ | Kerala/SRO |
| 4. Sri V.P. Agarwal | -do- | Vacant | CHQ | J&K Circle/ N.R. |
| 5. Sri R.R.V.S. Bundela. | -do- | Vacant | CHQ | Bihar Circle/E.R. |
| 6. Sri Sib Kr. De | -do- | Vacant | CHQ | Eastern Region. |
| 7. Sri Santosh Ranjan Sarkar | -do- | Vacant | CHQ | CHQ |
| 8. Sri Mrityunjoy Podder. | -do- | Vacant | CHQ | Eastern Region |

The pay and allowances of the appointees are to be drawn under Temporary Plan Head.

No. /18/2/ Stenographer Selection Grade/72/15A, dated the Jan 1973.

Copy to:

1. The Dy. Director General, Eastern Region, G.S.I. Calcutta.
2. -do- Central Region, GSI, Nagpur.
3. -do- Northern Region, GSI, Lucknow.
4. The Director-in-Charge, Western Region, G.S.I., Jaipur.
5. The Director, J&K Circle, (N.R.), GSI, Srinagar/Kashmir.
6. The Director, Bihar Circle, G.S.I. Patna.
7. The Asstt. Adm. Officer (15A), G.S.I., Calcutta.
8. The Supdt., Sec.15A, G.S.I. Calcutta.
9. The Supdt., Sec.15B, G.S.I. Calcutta. (9 extra copies)
10. The Director (Planning & Training), GSI, Calcutta.
11. The Director of Admn's Cell, GSI, Calcutta.
12. All persons concerned. Their posting as indicated above are provisional subject to review in due course.
13. Guard file, Sec.15A, GSI, Calcutta.

Sd/- T.P. Ganguli,
Asstt. Adm. Officer,
for Director of Administration

266.....

--:27:-

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

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India ... Petitioner.

Versus

Union of India & others ... Opposite parties

ANNEXURE - 4

THE GAZETTE OF INDIA

PUBLISHED BY AUTHORITY

No.42 NEW DELHI, SATURDAY, OCTOBER 20, 1979/ASVINA 28, 1901.

Separate paging is given to this Part in order that it
it may be filed as a separate compilation.

PART II - Section 3 - Sub-Section (i)

General Statutory Rules (including Orders, bye-laws etc.,
of a general character) issued by the Ministeries of
the Government of India (other than the Ministry of
Defence) and by the Central Authorities (other than the
Administration of Union Territories).

MINISTRY OF STEEL, MINES AND COAL

(Department of Mines)

New Delhi, the 4th October, 1979

G.S.R.1283 - In exercise of the powers conferred by the
proviso to article 309 of the Constitution, the President
hereby makes the following rules, further to amend the
Geological Survey of India (Group 'C' Ministerial Posts)
Recruitment Rules, 1968, namely:-

1. (1) These rules may be called the Geological Survey
of India (Group C Ministerial Posts) Recruitment
(Second Amendment) Rules, 1979.

(2) They shall come into force on the date of their
publication in the Official Gazette.
2. In the Schedule to the Geological Survey of India
(Group C Ministerial Posts) Recruitment Rules, 1968, -

(i) for serial No.8 relating to the post of Stenographer
(Selection Grade) and entries relating thereto,
the following serial number and entries shall be
substituted, namely:-

SCHEDULE

| | | |
|---------------------|------|--|
| 1. Serial Number | | 8 |
| 2. Name of the post | | Stenographer Grade I |
| 3. Number of posts | | 131 |
| 4. Classification | | General Central Service Group 'C' Ministerial, Non-Gazetted. |

Contd.... 2/-.

V.P. Aggarwal

4/36
XW

Annexure - 4 continued

- : 28 -

5. Scale of pay Rs. 425-15-500-EB-15-560-20-700/-.

6. Whether Selection .. Non-Selection or non-Selection post.

7. Age limit for Direct Recruitment 18 to 25 years (Relaxable upto 35 years for Government Servants)
Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep).

8. Education and other qualifications required for direct recruits. Matriculation or equivalent. Speed in shorthand at the rate of 120 words per minutes in English or in Hindi failing which at the rate of 100 words per minute in English or in Hindi.

9. Whether age and period of educational qualifications prescribed for direct recruits will apply in the case of promotees. NO.

10. Period of probation if any. Two years.

11. Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods. 75 per cent by promotion failing which by direct recruitment. 25 per cent by direct recruitment through Staff Selection Commission.

12. In case of recruitment by promotion or deputation/transfer grades from which promotion deputation/transfer to be made. Promotion: Stenographer (Ordinary Grade) with 5 years' regular service in the Grade.

13. If a Departmental Promotion Committee Exists, what is its composition. Group 'C' Departmental Promotion Committee consisting of:-
**

** 1. A Mineralogist (Senior) or an Officer of equivalent rank of the Geological Survey of India Chairman

2. A Senior Administrative Officer of the Geological Survey of India Member

3. A Group 'A' Officer from other Department Member

4. A Group 'A' Officer of the GSI preferably belonging to SC/ST Member

... 29/-

T.C.
V. P. Agarwal

Annexure - 4 Continued

14. Circumstances in which UPSC is to be consulted ----- Not applicable
in making recruitment

(ii) for Serial No.9, relating to the post of Stenographer (Ordinary Grade) and entries relating thereto, the following serial number and entries shall be substituted namely:-

x x x x x x x x x x x x

(iii) for Serial No.15, relating to the post of PERSONAL ASSISTANT to DIRECTOR GENERAL, and entries relating thereto, the following serial number and entries shall be substituted, namely:-

1. Serial Number ... 15
2. Name of the post ... Personal Assistant
3. Number of posts ... 18
4. Classification ... General Central Service, Group C, Ministerial, Non-Gazetted.
5. Scale of pay ... Rs.550-25-750-EB-30-900/-
6. Whether Selection or Non-Selection ... Selection
7. Age limit for Direct Recruitment.. Not applicable
8. Educational and other qualifications required for direct recruits. ... Not applicable.
9. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.
10. Period of probation, if any. ... Not applicable
11. Method of recruitment, whether by direct recruitment or by promotion or by deputation/ transfer and percentage of the vacancies to be filled by various methods.

.....30/-

T.C.
V.P. Aggarwal

26/4

YASE
1/17

xxbox

12. In case of recruitment by promotion or deputation/transfer grades from which promotion deputation/transfer to be made.

**

**Promotion: Stenographer Grade I with 5 years' regular service in the grade,

- failing which -

10 years' regular service in the grades of Stenographer (Ordinary Grade) and Stenographer Grade I combined together,

- failing both -

Stenographer (Ordinary Grade) with 10 year regular service in the grade.

Transfer on deputation: Stenographers having 5 years' regular service in the scale of pay of Rs.425-700 or equivalent in a Central Government Department.

13. If a Departmental Promotion Committee exists, what is its composition.

Group 'C' Departmental Promotion Committee consisting of:

1. A Director or an officer of equivalent rank of the Geological Survey of India .. Chairman
2. A Regional Administrative Officer or Senior Administrative Officer of the Geological Survey of India .. Member
3. A Group 'A' Officer from other Department .. Member
4. A Group 'A' Officer of the Geological Survey of India preferably belonging to the Scheduled Castes or Scheduled Tribe community .. Member

14. Circumstances in which Union Public Service Commission is to be consulted in making recruitment. .. Not applicable.

(F.No.A-12018/9/79/79-M2)
J.A.CHOWDHURY, Dy.Secy.

T.C.
Lal Aggarwal

1/17

-:31:-

HON'BLE

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

4/29
X/8

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India .. Petitioner.

Versus

Union of India & others .. Opposite Parties.

Annexure - 5

GOVERNMENT OF INDIA

No. 4279C/A-32019/1/76/15 A, dt: Calcutta-16, 1-8-1979.
From: THE DIRECTOR (ADMN)
GEOLOGICAL SURVEY OF INDIA
4, CHOWRINGHEE LANE,

To

The Deputy Director General,
Northern Region,
Geological Survey of India,
Lucknow.

Subject: OPTION IN RESPECT OF SRI V.RAJAGOPALAN, Supdt.

Ref: - Your letter No. 1164R/VRG/79-Estt. 'A',
dated 13-7-79.

Conditional option as exercised by Sri V.Rajagopalan, Supdt. for the post of P.A. is not acceptable, since reversion and promotion cannot be acted upon simultaneously. Please obtain clear option in writing from Sri Rajagopalan whether he is willing to revert to the post of Stenographer Grade I and submit the same within 10-8-1979 failing which it will be presumed that he is not ~~willing~~ interested in the matter and his appointment in the post of Supdt. will be regularised.

Sd/- N. Mondal,
31-7-79

Sr. Adm. Officer,
for Director of Administration.

TC
V.P. Aggarwal

26/6

--:32:-

MONBLE
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India. ... Petitioner.

Versus

Union of India & others ... Opposite Parties.

ANNEXURE - 6

Government of India,
Geological Survey of India,
Northern Region,
3, Gokhle Marg, Lucknow.

No. /4/2/Steno.Gr.I/79-Estt 'A', dated the Jan. '80.

OFFICE ORDER

Shri V. Rajagopalan, Supdt., Geological Survey of India is hereby appointed on promotion as Personal Asstt. in the time scale of pay of Rs.550-25-750-EE-30-900/- in temporary capacity w.e.f. 11-1-80 (F/N) and is attached to Dy. Director General, Northern Region, Lucknow.

He will be on probation for a period of two years and his retention in the post for further period will be subject to the assessment of his work and conduct during the probationary period and that he may be reverted to his substantive/officiating post without any notice and without any cause being assigned to him during the period of probation.

The pay of Shri V. Rajagopalan is fixed at Rs.675/- under F.R.22-C, w.e.f. 11-1-80 (F/N). He was drawing Rs.630/- as basic pay in the post of Supdt. prior to his promotion.

Sd/- K.D. Shukla,
Deputy Director General.

.....

T
V.P. Aggarwal

20/1/80

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

Writ Petition No. _____ of 1980

V.P. Aggarwal, Stenographer Gr.I,
Geological Survey of India ... Petitioner.

Versus

Union of India & others ... Opposite parties.

ANNEXURE - 7

Government of India
Geological Survey of India
4, Chowringhee Lane,

No. /A-32016/1/75-15A, Calcutta-16, the January, 80.

MEMORANDUM

The following officials have been recommended for promotion to the post of Personal Assistant in the Geological Survey of India in the time scale of pay of Rs.550-25-750-EB-30-900/- in temporary capacity until further orders.

Their promotion will take effect from the date of assumption of charge of the new post.

They will be on probation for first two years and their retention to the post will be subject to the assessment of their work during the probationary period.

The concerned Dy. Directors General/Director-in-Charge are requested to offer them promotion with posting indicated against each and allow them to join the post after observance of the rules.

Necessary office order of their appointment on promotion after their joining the post may be issued under intimation to all the regions and to this office.

They may be accommodated against the temporary post sanctioned under Ministry of Steel & Mines (Dept. of Mines) letter No.A-11011/7/78-M2(a), dated 24-3-79 and their pay may be drawn under 'Temporary non-Plan' Head:

| Sl.No. | Name | Present post. | Present place of posting | Place of posting on promotion |
|--------|---------------------|--|--------------------------|-------------------------------|
| 1. | Shri V.Raja-gopalan | Steno.Gr.I (Working as Supdt. on ad-hoc basis). | N.R., GSI Lucknow. | DDG, NR, Lucknow. |
| 2. | Shri A. Swami Babu | Steno.Gr.I | S.R., GSI, Hyderabad. | DDG, SR, Hyderabad. |

T
V.P. Aggarwal

.....34/-

Annexure 7 continued

~~reduced~~

U/P 42

X/51

Shri
3. Nirmal Kanti Steno. Gr. I CHQ, GSI Drilling DDG, Coal Divn
Roy (S.C.). Divn, Calcutta. Calcutta.
4. Sri P. Unnikrishnan -do- SR, GSI, DDG, AMSE
Nambissan. Hyderabad. Bangalore
(Presently
Director-in-
Charge).
5. Shri Satyendra -do- E.R., GSI, DDG, ER,
Chandra Chowdhury Calcutta. Calcutta.
6. Shri Sunil Kumar -do- E.R., GSI, DDG, W.R.,
Bhattacharjee Calcutta. Jaipur.
7. Sri Deb Gopal -do- Coal Divn. DDG, CR,
Bhattacharjee (on loan to Nagpur.
Sec. 20, CHQ,
GSI).

Sd/- N. Mondal
8-1-80
Sr. Adm. Officer,
for Director of Admn.

No. 314 C/A-32016/1/75-15A, dated the 9th Jan. 1980.

Copy to:

1. The Dy. Director General, Northern Region, GSI, Lucknow.
2. -do- Southern Region, GSI, Hyderabad.
3. -do- Coal Calcutta
4. -do- Central Region, Nagpur
5. -do- Eastern Region, Calcutta
6. -do- Western Region, Jaipur.
7. The Director-in-Charge, AMSE, GSI, Bangalore
8. Shri V. Rajagopalan, Steno. Gr. I, N.R., GSI, Lucknow.
9. Shri A. Swami Babu, Steno. Gr. I, SR, Hyderabad.
10. Sri Nirmal Kanti Roy, Steno. Gr. I, CHQ, GSI, Calcutta.
11. Sri P. Unni Krishnan Nambissan, Steno. Gr. I, GSI, SR, Hyderabad
12. Sri Satyendra Chandra Chowdhury, Steno Gr. I, ER, GSI Calcutta
13. Sri Sunil Kumar Bhattacharjee, Steno Gr. I, Calcutta.
14. Sri Deb Gopal Bhattacharjee, Steno Gr. I, Coal Divn, now on
loan to Sec. 20, CHQ, GSI, Calcutta.
15. The Adm. Officer, Sec. 15 B, GSI, Calcutta.
16. Guard File Section 15A.

Sd/- N. Mondal,
8-1-1980
Sr. Adm. Officer,
for Director of Administration

....

T.C.
W. Agarwal

26/6

-:35:-

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

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India ... Petitioner

Versus

Union of India & others .. Opposite Parties.

ANNEXURE - 8

Government of India
Geological Survey of India
4, Chowringhee Lane

No. /A-32016/1/75-15A, Calcutta-16, the January, 1980.

OFFICE ORDER

The director of Administration hereby appoints the following Stenographers (Gr.I) as Personal Assistants in the Geological Survey of India in the scale of pay of Rs.550-25-750-EB-30-900/- on promotion in temporary capacity with effect from 9-1-80 (F.N.) until further orders. They are posted at C.Hqrs., GSI, Calcutta.

1. Sri S.K. Das Barman.
2. Sri Nirmal Ch. Mukherjee
3. Sri Santosh Rn. Sarkar
4. Sri Rathindra Nath Guha Thakurta
5. Sri Badal Mallick.

They will be on probation for a period of two years and their retention in the posts for further period will be subject to the assessment of their work and conduct during the probationary period. They may be reverted to their substantive posts without any notice and without any cause being assigned to them during the period of probation.

Sd/- N.Mondal
16-1-80
Sr. Adm. Officer,
for Director of Administration.

Forwarded to the Controller of Accounts, Deptt. of Mines, Central Pay and Accounts Office, Calcutta. The pay and allowances of the officials may be drawn against the temporary posts sanctioned under Ministry of Steel and Mines, Deptt. of Mines letter No.A-11011/7/78/M-2(a), dated 24-3-79.

Contd... 26/-

26/6

TC
V.P. Aggarwal

-:36:-

Annexure 8 contd.

xx&xxx

EX-
A
1/53

No.534 C/A-32016/1/75-15A, dated the 17th January, 1980.

Copy to:-

1. The Director General, G.S.I. Calcutta.
2. The Sr. D.D.G (Finance), GSI, CHQ, Calcutta.
3. The Dy. Director General (CHQ), GSI, Calcutta.
4. The Dy.D.G., E.R/N.E.R./W.R./N.R/C.R/S.R/Coal, GSI
5. The Chief Chemist, GSI, Calcutta.
6. The Director-in-Charge, AMSE Wing, GSI, Bangalore
7. The Director of Admn., GSI, Calcutta.
8. The Chief Mechanical Engineer, GSI, Calcutta.
9. The Adm. Officer, Sector 15B, GSI, Calcutta.
10. The Liaison Officer for Scheduled Castes/Scheduled Tribes, GSI, Calcutta.
11. The Secy. Genl, GSI Employees Association, Calcutta.
12. The Secy. Genl. GSI Staff Union, Calcutta.
13. Sri S.K.Das Barman, PA to Director (Admn), GSI
14. Sri S.R.Sarkar, attached with Chief Chemist.
15. Sri N.C.Mukherjee, PA to ~~DDG~~ DG, GSI
16. Sri R.N.Guha Thakurta, P.A. to Sr. DDG (Finance).
17. Sri Badal Mallick, PA to DDG (CHQ).

.....

Sd/- N.Mondal

16-1-80

Sr. Adm. Officer,
for Director of Administration.

T/e
V.S. Aggarwal

1
26/6

- :37 :-
HON'BLE
IN THE/HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

4
AP
X
SU

Writ Petition No. _____ of 1980

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India ... Petitioner

Versus

Union of India & others ... Opposite Parties.

ANNEXURE - 9

Government of India,
Geological Survey of India
4, Chowringhee Lane,

No. /A-32016/1/75-15A, Calcutta-16, the Feb. 1980.

OFFICE ORDER

The Director of Administration hereby appoints the the following Stenographers Grade I as Personal Assistants in the Geological Survey of India in the scale of pay of Rs.550-25-750-EB-30-900/- on promotion in temporary capacity with effect from 28-1-80 (F/N) until further orders.

| <u>Sl. No.</u> | <u>Name</u> | <u>Place of Posting</u> |
|----------------|---|-------------------------|
| 1. | Smt. Himani Chowdhury, E&T Divn, G.S.I. Calcutta. | |
| 2. | Sri Ranjit Kr. Mukherjee, Geophysical Divn, G.S.I., Calcutta. | |

They will be on probation for a period of two years and their retention in the posts for further period will be subject to the assessment of their work and conduct during the probationary period. They may be reverted to their substantive posts without any notice and without any cause being assigned to them during the period of probation.

Sd/- N. Mondal
12-2-80
Sr. Adm. Officer,
for Director of Administration.

Forwarded to the Controller of Accounts, Deptt. of Mines, Central Pay and Accounts Office, G.S.I., 16, Brabourne Road, Calcutta. The pay and allowances of the officials may be drawn against the temporary posts sanctioned under the Ministry of Steel and Mines, Deptt. of Mines, letter No. A-11011/7/78-M-2(a), dated 24-3-79.

No. 1466C/A-32016/1/75-15A, dated the 13th Feb. 1980.

Copy to:

1. The Sr. Dy. Director General (Finance), CHQ, Calcutta
2. The Dy. Director General, ER/NER/WR/NR/CR/SR/Coal, G.S.I.

x x x x x x x x x x

N
AP

Sd/- N. Mondal,
12-2-80,
Sr. Adm. Officer,
for Director of Administration.

...

-:38:-

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

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I,
Geological Survey of India Petitioner

Versus

Union of India & others ... Opposite Parties.

ANNEXURE - 10

GOVERNMENT OF INDIA

No. 2327C/32016/1/75-15A, Calcutta-24-16, 24th March, 1980.

FROM
THE DIRECTOR (ADMN.)
GEOLOGICAL SURVEY OF INDIA
4, CHOWRINGHEE LANE

To
Shri V.P. Aggarwal,
Stenographer Gr.I,
Geological Survey of India
Northern Region, Lucknow.

Sub:-Representation regarding promotion to the post
of P.A. in G.S.I.

Please refer to your letter dated 20th February, 1980
addressed to Director General, Geological Survey of India.
I am directed to inform you that your case has been duly
examined by the Director General, G.S.I. himself and he
has desired me to intimate to you on his behalf.

Since the post of P.A. is a selection post, the
selection of a candidate for the said post has been made
on the basis of comparative merit of the officials under
consideration by the D.P.C as per rules in vogue. Your case
was also placed before the D.P.C. along with others for
consideration but it is regretted that your name did not
find the place within the 15th position in the recommended
list so far promoted.

In view of the fact stated above it is regretted
that no change in the orders of the promotion orders
already issued is possible.

Sd/- K. M. Nayar,
22-3-80
Director of Administration,
Geological Survey of India.

T
V. Aggarwal

.....

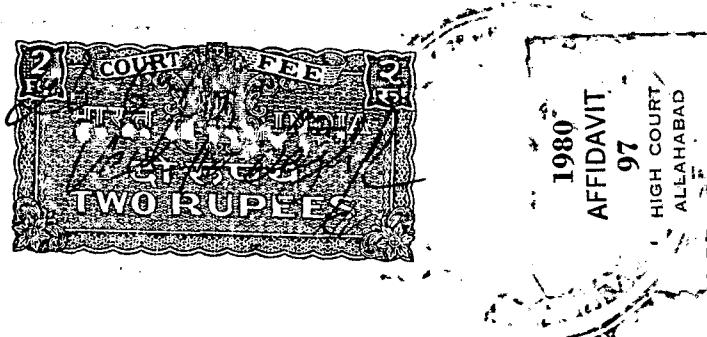
1
26/6

-:39:-

3/4/1
A/36

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

WRIT PETITION NO: _____ OF 1980



Ved Parkash Aggarwal
S/o Sri Panna Lal Aggarwal,
Stenographer Grade I,
Geological Survey of India,
Lucknow

... Petitioner

..... VERSUS

Union of India & Others ... Opposite Parties.

AFFIDAVIT

I, Ved Parkash Aggarwal, aged 42 years, S/o Sri Panna Lal Aggarwal, resident of 550, 2nd Lane, Nishatganj, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That Deponent is a Petitioner in the above noted Writ Petition and is fully conversant with the facts of the case.

2. That the contents of Paragraph 1 to 25 of the Writ Petition are true to my personal knowledge.

3. That the Annexures 1 to 10 are the true copies/ extracts of the originals.

LUCKNOW
Dated:
26.6.80

Ved Parkash Aggarwal
DEponent

--:40:-

Y41
S/Rec
1/5
I, Ved Parkash Aggarwal, the Deponant above named do hereby verify that the contents of Paragraph 1 to 3 of this Affidavit are true to my personal knowledge. No part of this is false. Nothing material has been concealed, so help me God.

Lucknow

Dated:

26.6.80

DEPONANT

Ved Parkash Aggarwal

I identify the Deponant Ved Parkash Aggarwal, above named, who has signed this Affidavit before me.

*Girishdatt Pandey C/o
Sri W.C. Mehta & Co
Advocate*

Solemnly affirmed before me on 26.6.80
at 9.35 A.M./P.M. Ved Parkash Aggarwal,
the Deponant who is identified by Sri G. Dhanayake & Dc
Advocate, High Court, Lucknow Bench, Lucknow. Melani

I have satisfied by examining the Deponant that he understands the contents of the Affidavit, which have been read over and explained by me.

Girishdatt Pandey

| | |
|----------|---------|
| Case No. | 997-80 |
| Date | 26.6.80 |

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

Writ Petition No. _____ of 1980.

Ved Parkash Aggarwal ... Petitioner
Stenographer Grade I
Geological Survey of India
Lucknow

... Versus

Union of India & others Opposite Parties

Index

| <u>Serial number</u> | <u>Description</u> | <u>Page Nos</u> |
|----------------------|--------------------|-----------------|
| 1. | Writ Petition | 1 to 11 |
| 2. | Annexure number 1 | 12 |
| 3. | Annexure number 2 | 13-18 |
| 4. | Annexure number 3 | 19-20 |
| 5. | Annexure number 4 | 21-23 |
| 6. | Annexure number 5 | 24 |
| 7. | Annexure number 6 | 25 |
| 8. | Annexure number 7 | 26-27 |
| 9. | Annexure number 8 | 28 |
| 10. | Annexure number 9 | 29 |
| 11. | Annexure number 10 | 30 |
| | Affidavit | 31-32 |

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. _____ of 1980.

Ved Parkash Aggarwal, S/o Sri Panna
Lal Aggarwal, aged 42 Years, Occupation
Stenographer Grade I, Geological
Survey of India, Lucknow, resident
of 550, 2nd Lane, Near Arya Kanya
Pathshala, Lucknow Petitioner.

... Versus ...

1. Union of India, through the Additional Secretary, Ministry of Steel & Mines, (Department of Mines), New Delhi.
2. The Director General, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta-700013.
2. The Director of Administration, Geological Survey of India, 4, Chowringhee Lane, Calcutta-700016.
4. The Deputy Director General, Northern Region, Geological Survey of India, 3, Gokhle Marg, Lucknow-226001.
5. Sri S.K.Das Burman, Personal Assistant, Geological Survey of India, 4, Chowringhee Lane, Calcutta-700016.
6. Shrimati Himani Chowdhury, Personal Assistant, Geological Survey of India, 4, Chowringhee Lane, Calcutta-700016.
7. Sri Nirmal Kanti Roy, Personal Assistant, Coal Division, Geological Survey of India, 29, Chowringhee, Calcutta-700016.
8. Sri A.Swami Babu, Personal Assistant, Geological Survey of India, Southern Region, 'Manoranjan' 5-5-449, Mukharram Jahi Road, Hyderabad-500001.
9. Sri U.C.Seal, Personal Assistant, Geological Survey of India, North-Eastern Region, 'Laitumkhrah', Shillong-3.
10. Sri Nirmal Ch.Mukherjee, Personal Assistant, Geological Survey of India, 27, Jawaharlal Nehru Road, Calcutta-700013.
11. Sri P.Unni Krishnan Nambissan, Personal Assistant, AMSE Wing, Geological Survey of India, 6/1, South Public Square, Bangalore-4.
12. Sri Satyendra Chandra Chowdhury, Personal Assistant, Eastern Region, Gopalganj



X

maintained by the Department from time to time and the latest such has been released in the year 1977.

According to this Seniority List, the Petitioner's position according to latest position works out at seventh, amongst 219 Stenographers, shown in the List. A true copy of relevant extract of the said List is being filed, herewith, as Annexure-2, to this Writ Petition.

It is submitted that in the said List, the position of the Petitioner has been shown at Serial No.20, but the same has come up to the 7th position because one Sri K.V.Jesudas has, in the meantime, been transferred to the Ministry of Finance, New Delhi from 28-2-1967, and persons shown at Serial Nos:3,6,7,10, 11,12,13,14,15,16 and 17, were promoted as Assistants, which they accepted and joined from 1971 to 1972, and, one Sri P.C.Ramakrishnaya, standing at Serial No.8, also accepted and joined the promotion post as Store-Keeper (Technical) resulting in the Petitioner's position coming upto 7th position.

4. That the Petitioner was promoted with effect from 1-1-1973 in the grade of Stenographer Grade I/ Stenographer Selection Grade on ad-hoc basis with time scale of Rs.210-10-290-15-320-EB-15-380/-, later revised to Rs.425-15-500-EB-15-560-20-700/-, under order No.700P/18/2/Stenographer Selection Grade/72/15A, dated 30-1-1973, a true copy of which is being filed, herewith, as Annexure-3, to this Writ Petition. The said promotion was made through Departmental Promotion Committee according to the information of the Petitioner against sanctioned posts.

5. That the promotion of the Petitioner along with others, who were also promoted to Stenographer Grade I, were regularised as such with effect from 11-10-1979.

6. That during the entire period of service the Petitioner possesses an immaculate and unblemish record of service and has never been communicated any adverse remark or entry. During the period of service the Petitioner was attached from time to time with senior officers holding high positions

10. That the Departmental Promotion Committee which finalised the impugned selection of the candidates, including the opposite parties, for the posts of Personal Assistants was not constituted according to the provisions of rules mentioned above in as much as no Officer of the rank of a Regional Administrative Officer or Senior Administrative Officer of Geological Survey of India was associated as its members. It is submitted that participation of such an officer in the Committee was most necessary for making the proper selection because he being the only officer of the administrative side was fully aware about the comparative merit and efficiency of the incumbents belonging to the clerical and other like staff. The rest of the constituents belonged to Scientific and Technical Side. It may be mentioned here that all the members, including the Chairman, of the Committee in question were from scientific and technical side.

11. That on account of the illegal constitution of the Departmental Promotion Committee, the impugned selections made by the said Committee for promotion to the posts of Personal Assistants are void and legally not sustainable.

12. That as per Recruitment Rules the selection for the post of Personal Assistant was to be made from amongst the Stenographers in the following manner:

Promotion:

- i) Stenographer Grade I with 5 years' regular service in the grade,
- failing which -
- ii) 10 years' regular service in the grades of Stenographer (Ordinary Grade) and Stenographer Grade I combined together,
- failing both -
- iii) Stenographer (Ordinary Grade) with 10 years regular service in the grade.

Serial Seri
number as p
Seni
List

1/23

1/2

| | |
|-----|----|
| 1. | - |
| 2. | - |
| 3. | - |
| 4. | - |
| 5. | 1 |
| 6. | 18 |
| 7. | 19 |
| 8. | |
| 8. | 21 |
| 9. | 24 |
| 10. | 31 |
| 11. | 36 |
| 12. | 38 |
| 13. | 42 |
| 14. | 50 |
| 15. | - |

a
o
t

6/AS

AG

16. That from the above particulars, it will be evident that Sri V.Rajagopalan, Opposite Party No.19, was working as Office Superintendent since 9-12-75 (Forenoon) in the time scale of Rs.550-25-750-EB-30-750/-, and has not completed 5 years regular service as Stenographer in the scale of pay of Rs.425-700/-. Therefore, he was not eligible for consideration for the selection of the post of Personal Assistant.

17. That since Sri V.Rajagopalan, Opposite Party No.19, was holding the post of Office Superintendent, therefore, he legally could not be selected for the post of Personal Assistant unless he accepted his reversion to the post of Stenographer. As such he was called upon by the Director of Administration, Opposite Party No.3, through letter No.4279C/A-32019/1/76/15A, dated 1-8-1979, to give his option for accepting his reversion to the post of Stenographer prior to his case being considered for the post of Personal Assistant. A true copy of the said letter is filed, herewith, as Annexure-5, to this Writ Petition. Sri V.Rajagopalan, at no point of time, gave his required option and is also not reverted to the post of Stenographer prior to his selection. It is submitted that the appointment of Sri V.Rajagopalan has been made to the post of Personal Assistant directly from the post of Office Superintendent which was against the provisions of Recruitment Rules. The order of appointment of Sri Rajagopalan as Personal Assistant is being filed, herewith, as Annexure-6, to this Writ Petition.

18. That as per details given in para 15 of the Writ Petition, out of the persons selected, the persons mentioned at Serial Numbers 1 to 10 were the candidates fulfilling the requisite qualifications of Category one, viz: Stenographer Grade I with 5 years' regular service in the grade, which the Petitioner also fulfilled, but the persons mentioned at Serial Nos:11 to 15, did not fulfil the requirements of category one Stenographers as mentioned above, and as such, their cases being covered in category (iii), i.e., Stenographer Ordinary Grade with 10 years regular service, could not be considered along with persons fulfilling the

65
X
64

24. That as stated earlier in view of the qualifications, seniority and the service record of the Petitioner, there was no cogent or valid reason for not selecting the Petitioner to the post of Personal Assistant. The Petitioner is confident that his service record is far superior than those who have been selected and appointed to the post of Personal Assistant.

25. That being aggrieved by the selection made by the illegally constituted Departmental Promotion Committee and the appointment of the Opposite Parties 12 to 19 made on that basis and having no other alternative and efficacious remedy, the Petitioner files this Writ Petition on the following amongst other grounds:

- A. Because the Departmental Promotion Committee constituted for making selections for the post of Personal Assistant was not constituted according to Recruitment Rules of 1979 (Annexure-4).
- B. The selection made for the post of Personal Assistants by the said illegally constituted Departmental Promotion Committee was null and void and no appointment could be made on its basis.
- C. Because the so-called illegally constituted Departmental Promotion Committee did not make selections according to the Recruitment Rules, 1979, in as much as it considered the cases of the candidates of all the categories mentioned in the rules together instead of making selections from amongst the candidates of each category separately.
- D. Because the selections made from amongst other categories by illegally constituted Departmental Promotion Committee are vitiated in Law as many candidates including the Petitioner belonging to category one, as provided in the rules, were available and were not selected without any reason.

G
PSO
A
65

In the High Court of Judicature at Allahabad (Sitting at Lucknow).
Writ Petition No. _____ of 1980

V.P. Agarwal, Stenographer Grade I Petitioner
Versus
Union of India & others Opposite Parties.
Annexure-1

Government of India
Geological Survey of India
27, Chowringhee Road,

No. 2270/48/8/63/15, dated, Calcutta-13, the 22-2-1963.

OFFICE ORDER

The Director General, Geological Survey of India hereby appoints the following person on trial to officiate in the permanent post of Stenographer in the time scale of pay of Rs.130-5-160-8-200-EB-256-EB-280-10-300/- with effect from the date mentioned against his name until further orders.

The appointee will be on trial for a period of 2 years and his retention in the post for further period will be subject to the assessment of his work during the trial period.

| Name of the person appointed | Date of appointment (designation) | Name of present substantive holder of scale of pay |
|------------------------------|--------------------------------------|--|
| 1. Sri V.P. Agarwal, | 11-1-63 (F.N.) | Sri M.C.N. Menon. |

Sd/- G.K. Moghe,
Director of Administration.

Forwarded to the Deputy Director of Audit, F.R.S.C.S.&M., Calcutta.

No. 2276/48/8/63/15 Dated, the 22-2-1963.
Copy for information to:

1. The Director, Northern Region, Geological Survey of India, Lucknow.
2. The S.G.-in-Charge, P.&H.P. Circle, GSI, with the request to draw the pay and allowances of the above-mentioned employee under permanent 'Non-Plan' Head.
3. The Asstt. Adm. Officer, Section 15, GSI, Calcutta.
4. The Superintendent, Sec.15A, G.S.I. Calcutta.
5. The Superintendent, Sec.15B, G.S.I. Calcutta.
6. Sri V.P. Agarwal, Stenographer, G.S.I.

Sd/- Illegible
Director of Administration.

X/AS

X/60

(ii)

1 2

4

8

16

20. Sri V.P. Agarwal B.A. 11-1-63 Officiating as Steno. Sel. Grade on ad-hoc basis from 1-1-73.

21. Sri Satyendra Chandra B.A. 8-2-63 Offg. as Steno. Sel. Grade Chowdhury (Hindi Prayagya) from 15-6-73.

22. Sri R.R.V.S. Bundela P.U. 9-4-63 Offg. as Steno. Sel. Grade on ad-hoc basis from 1-1-73.

23. Sri Sib Kumar De I.Sc. 15-4-63 -do-

24. Sri Santosh Rn. Sarkar B.Com 15-4-63 -do-

25. Sri Mrityunjay Podder I.A. 15-4-63 -do-

26. Sri A.N. Banerjee B.A. 16-4-63 Offg. as Asstt. from 8-4-74

27. Sri S.P. Gautam B.A. 20-4-63 Offg. as Asstt. from 30-5-74

28. Sri C.M. Joseph SSLC 26-4-63 Offg as Asstt. from (Hindi Praveen) 27-6-74

29. Sri Harnesh Singh H.S. 16-5-63 Offg as Asstt. from (Hindi Prayaga) 1-7-74.

30. Sri K.K. Methen SSLC 3-8-63 Offg as Steno. Sel. Grade on ad-hoc basis from 17-9-74

31. Sri Ranjit Kr. Mukherjee B.A. 12-9-63 Offg. as Steno. Sel. Grade on ad-hoc basis from 1-11-74.

32. Sri Prasanta Kr. Ganguly I.A. 2-11-63 Promoted as Steno. Grade I on ad-hoc basis w.e.f. 21-4-76.

33. Sri Sailendra Nath Chakraborty B.Com 2-11-63 Promoted as Steno. Grade I w.e.f. 2-3-76 (F.N.).

34. Mrs. Ratna Vittal Sitaram. B.Sc. 4-12-63 (Hindi Visharad)

35. Sri G.R. Khetri Intermediate 17-7-64 Sri Khetri released to take up his new assignment in the Ministry of External affairs w.e.f. 30-6-72.

....(iii)

| | | | | |
|------|----------------------------|-----------------|----------------|-----|
| 63. | Sri Bimal Kr. Ghosal | B.Com | 6-3-70 | |
| 64. | Sri Sanat Kr. Ghosh | B.Com | 6-3-70 | |
| | | (Hindi Praveen) | | |
| 65. | Sri Ajoy Kr. Lahiri | B.Com | 6-3-70 | |
| 66. | Sri Krishnadhyan Mitra | B.A. | 6-3-70 | |
| 67. | Sri V. Venugopal Rao | SSLC | 6-3-70 | |
| 68. | Sri Hamid Afaf Qureshi | | 6-3-70 | |
| 69. | Sri Jatindra Nath | Matric | 6-3-70 | S/C |
| | Sikdar | | | |
| 70. | Sri Bimalendu Naskar | S.F. | 6-3-70 | S/C |
| 71. | Sri Niranjan Mondal | HSC | 6-3-70 | |
| 72. | Sri Jasminder Singh | B.Com | 6-3-70 | |
| 73. | Sri Jagadananda Biswas | B.A. | 6-3-70 | S/C |
| 74. | Sri Samir Kr. Roy | B.Com | 6-3-70 | |
| | Chowdhury | (Hindi Pragya) | | |
| 75. | Sri K. Nageswar Rao | Matric | 6-3-70 | |
| 76. | Sri Shamsher Singh | Matric | 6-3-70 | |
| 77. | Sri Kishin Moorjani | HSC | 6-3-70 | |
| 78. | Sri T. Thomas | SSLC | 6-3-70 | |
| 79. | Sri Sanjiban Mazumdar | B.A. | 20-3-70 | S/C |
| 80. | Sri Basudev Ch. Saha | B.Com | 30-3-70 | S/C |
| 81. | Sri P. L. Mohan Sarma | B.A. | 1-7-70 | |
| 82. | Sri G. Satyanarayan | HSC | 1-7-70 | S/C |
| 83. | Sri Mrs. Smitha Muthuremen | SSLC | 1-7-70 | |
| 84. | Mrs. S. N. Malati | HSS | 15-10-70 | |
| 85. | Sri P. Sreerama Murthy | SSLC | 1-5-71 | |
| 86. | Miss K. Gouri | SSLC | 26-12-70 | |
| 87. | Mrs. Sheela Nebhnani | HS | 8-1-71 | |
| 88. | Smt. Sobha Das | I.A | 7.5.71 | |
| 89. | Sri K. N. Somnath | SSLC | 21-7-71 | |
| 90. | Sri Rabindra Nath | B.A. | 14-7-71 | |
| | Motilal | | | |
| 91. | Sri Abdul Salam Sheikh | SSC | 10-12-71 (A/N) | |
| 92. | Sri V. K. Janardhanan | Frc-Degree | -do- | S/C |
| 93. | Sri Ashoke Monehar | B.A. | 6-12-71 | |
| | Sontake | | | |
| 94. | Smt. Kiran Duggal | H.S. | 25-11-66 | |
| 95. | Sri Haran Ch. Naskar | B.Com. | 1-4-70 (A/N) | S/C |
| 96. | Sri Subrata Dutta | B.Com. | 28-3-72 | |
| 97. | Sri Ashit Kr. Dey | H.S. | 15-12-71 | |
| 98. | Sri Joginder Ram | H.S. | 1-7-72 | S/T |
| 99. | Smt. Manju Chakraborty | B.A. | 7-12-71 | |
| 100. | Sri Pradip Ganguli | B.A. | 18-12-71 (A/N) | |
| 101. | Sri Dulal Ch. Ghorui | H.S. | 10-12-71 | |
| 102. | Sri Baidya Nath Das | P.U. | 9-12-71 (A/N) | |
| 103. | Kanai Lal Chatterjee | H.S. | -do- | |
| 104. | Sri Ramendra Nath Basu | B.A. | 22-12-72 | |
| 105. | Mrs. B. Ratnavally | SSLC | 19-5-72 | |
| 106. | Sri R. S. Sharma | H.S. | 14-1-72 | |
| 107. | Kum. L. Lalitha | SSLC | 29-3-72 | |
| 108. | Sri Virinder Kr. Verma | MATRIC | 8-6-72 | |
| 109. | Sri C. V. Chandran Nair | SSLC | 29-3-72 | |
| 110. | Sri Jitendra Nath Das | B.A. | 2-6-72 | |
| 111. | Sri Palan Ch. Sardar | B.A. | 11-9-72 | S/C |
| 112. | Sri C. Surendran | SSLC | 7-11-72 | |
| | Pillay | | | |
| 113. | Sri N. Veeranna | SSLC | 15-5-72 | S/C |

65

| | | | | |
|------|---------------------------------|-------------|----------------|---------------------|
| 218. | Sri T.M.Thampuran | SSLC | 21-6-77 | |
| 219. | Sri Itty Chacko | SSI | 15-6-77 | |
| 1 | 2 | 4 | 8. | 16 |
| 160. | Sri K.Kasi Viswanadhan | SSLC | 31-3-73 | |
| 161. | Mrs.C.P.Ammi | SSLC | 19-10-73 (A/N) | |
| 162. | Kum.B.N.Shantha | B.Sc | 22-10-73 | |
| 163. | Kum N.Saraswathi | H.Sc | 22-10-73 | |
| 164. | Sri S.Eswaraiah | H.S.C. | 6-12-73 | |
| 165. | Sri P.P.Ashtadikapalan | SSLC | 30-4-73 | |
| 166. | Sri Girish Prakash | B.A. | 15-5-73 | |
| 167. | Sri K.Sethumadhavan | SSLC | 9-5-73 | |
| 168. | Sri Thomas K.M. | SSLC | 10-5-73 | |
| 169. | Sri Ashok Kr. Madan | H.C. | 9-5-73 | |
| 170. | Sri Syed Sulaiman M.V. | SSLC | 10-5-73 | |
| 171. | Sri C.Janardhanan | SSLC | 1-5-73 | |
| 172. | Sri K.Kusha | SSLC | 11-5-73 | |
| 173. | Sri Hare Krishna Pal | B.A. | 1-8-73 | Hindi Praveen |
| 174. | Sri V.Swaminathan | SSLC | 1-12-73 | |
| 175. | Sri Niranjan Chatto- padhyay | S.F. | 24-8-73 (A/N) | |
| 176. | Sri Hemendra Narayan Biswas | P.U. | 23-2-74 | S/C |
| 177. | Sri Satyabrata Roy | P.U. | 7-1-74 | |
| 178. | Sri Shardananda Prasad | P.U. | 26-4-74 | S/C |
| 179. | Sri T.Krishna Rao | B.A. | 3-5-74 | (A/N) Hindi Pragya. |
| 180. | Sri Prabal Rn.Bhowmick | P.U. | 15-1-75 | |
| 181. | Sri Ajit Kr. Mandal | H.S. | 4-12-74 | S/C |
| | | | | (Hindi Praveen) |
| 182. | Sri V.S.Manke | SSC | 13-2-75 | |
| 183. | Sri A.N.B.Sahay | HSC | 14-2-75 | |
| 184. | Sri R.K.Raut | SSC | 18-2-75 | S/C |
| 185. | Miss Jagadamma D | SSLC | 19-5-75 | |
| 186. | Sri Jeet Ram Bhoon | B.A. | 4-6-75 | |
| 187. | Miss Gouri Neogi | B.Sc. | 20-5-75 | |
| 188. | Sri Manas K.Das | B.A.Pt.I | 20-9-75 | |
| 189. | Sri Krishna Nayak | I.A. | 23-9-75 | |
| 190. | Smt Mita Dutta | B.A.Exam. | 6-9-75 | |
| 191. | Sri B.N.Mistry | H.S. | 3-6-75 | S/C |
| 192. | Sri A Apronse | SSLC | 25-5-75 | |
| 193. | Miss Valsamma Mathew | SSLC | 21-7-75 | |
| 194. | Sri T.S.Krishnan | SSLC | 11-3-75 | |
| 195. | Sri P.C.Mahato | HS Exam. | 4-11-75 | |
| 196. | Smt.Gita Das (Mazumdar) | HSLC | 27-10-75 | S/C |
| 197. | Sri Khlaibar Kharmalki | HSLC | 16-10-75 | S/T |
| 198. | Smt. Martina Pyngrope | P.U. | 29-12-75 | S/T |
| 199. | Sri Pradip Kr. Bhattacherjee | HSLC | 5-5-76 | |
| 200. | Miss Runu Sengupta | B.A. | 29-1-76 | |
| 201. | Sri Gandhi Rajindra Prasad | SSLC | 28-10-76 | |
| 202. | Sri Surendra Kapoor | H.School | 15-12-76 | |
| 203. | Kum. T.S.Sumangala | sslc | 22-7-76 | |
| 204. | Sri-S Kum.Sunanda Gupta | B.Com. | 25-1-77 | |
| 205. | Sri Pranab Kr.Dutta | B.Com | 2-2-77 | |
| 206. | Kum. Manika Ghosh | B.A. | 28-1-77 | |
| 207. | Sri Pulak Mukherjee | H.S. | 27-1-77 | |
| 208. | Sri Joydev Halder | B.Com | 25-1-77 | S/C |
| 209. | Sri D.K.Sinha Roy | H.S. | 18-1-77 | |
| 210. | Sri Biswanath Purkait | H.S. | 12-1-77 | S/C |
| 211. | Sri Jahar Kanti Dhar | B.Com | 11-1-77 (A/N) | |
| 212. | Sri Alok Bandopadhyay | B.Com.Pt.I. | 22-1-77 | |
| 213. | Sri N.K.Dey | H.S. | 25-1-77 | |
| 214. | Sri Sekhar Ghosh | H.S. | 14-1-77 (A/N) | |
| 215. | Kum.Namita Mitra | P.U. | 19-1-77 (A/N) | |
| 216. | Kum. Anindita Chatterjee | B.A. | 9-3-77 | |
| 217. | Sri Dhiraj Kr.Chatterjee | S.F. | 9-3-77 | |

-:2:-

The details of the post against which the above appointees will be shown are as shown below:

| Name | Post against which appointment is made & sanction of the post. | Substantive incumbent if any | Allocation of post | |
|--------------------------------|---|------------------------------|------------------------------------|---------------------------------|
| 1 | 2 | 3 | Withdrawn from w.e.f. 1.1.73 (F/N) | Allotted to w.e.f. 1.1.73 (F/N) |
| 1. Smt L.D. Bhole | Temporary post of Stenographer (Sel. grade) sanctioned by the Govt. under Ministry of Steel & Mines (Dept. of Mines) letter No. 2/64/71-MI, dt: 11-12-72. | Vacant | CHQ | Central Region |
| 2. Sri Nirmal Ch. Mukherjee | -do- | Vacant | CHQ | CHQ |
| 3. Sri P.U. Krishnan Nambissan | -do- | -do- | -do- | Kerala/ SRO |
| 4. Sri V.P. Agarwal | -do- | -do- | -do- | J&K Circle N.R. |
| 5. Sri R.R.V.S. Bundela | -do- | -do- | -do- | Bihar Circle/E.R. |
| 6. Sri Sib Kumar De | -do- | -do- | -do- | Eastern Region |
| 7. Sri Santosh Ranjan Sarkar | -do- | -do- | -do- | CHQ |
| 8. Sri Mrityunjoy Podder | -do- | -do- | -do- | Eastern Region |

The pay and allowances of the appointees are to be drawn under temporary Plan Head.

No. /18/2/ Stenographer Selection Grade/72/15A, dated, the Jan., 1973.

Copy to:

The Dy. Directors General, Easter/Central/Northern Region
The Director i/c, Western Region, Jaipur
The Director, J&K Circle, Bihar Circle
The Asstt. Adm. Officer, 15A, Supdt. Sector 15A/15B CHQ
The Director Planning and training GSI
The Director of Admn's cell, GSI
All persons concerned. Their posting as indicated above
are provisional subject to review in due course
Guard File, Sector 15A, GSI

Sd/ T.P. Ganguli
Asstt. Adm. Officer,
for Director of Administration,

(P-61) 1/10

10. Period of probation ... Two Years.
if any.

11. Method of recruitment, ...
whether by direct recruitment
or by promotion or by
deputation/transfer and
percentage of the vacancies
to be filled by various
methods. 75 per cent by promotion
failing which by direct
recruitment.

25 per cent by direct
recruitment through
Staff Selection Commission.

12. In case of recruitment by
promotion of deputation/
transfer grades from which
promotion/deputation/transfer
to be made. Promotion: Stenographer
(Ordinary Grade) with
5 years' regular service
in the grade.

13. If a Departmental Promotion Committee
Exists, what is its
composition. Group 'C' Departmental
Promotion Committee
consisting of:

1. A Mineralogist (Senior) or an officer of
equivalent rank of the Geological
Survey of India CHAIRMAN
2. A Senior Administrative
Officer of the Geological
Survey of India MEMBER
3. A Group 'A' Officer from
other Department MEMBER
4. A Group 'A' Officer of the
Geological Survey of India
preferably belonging to the
Scheduled Castes or the
Scheduled Tribe community MEMBER

14. Circumstances in which UPSC
is to be consulted in ... Not applicable
making recruitment.

(ii) For serial No.9 relating to the post of Stenographer
(Ordinary Grade) and entries relating thereto, the
following serial number and entries shall be
substituted, namely:-

x x x x x x x

(iii) for serial No.15 relating to the post of Personal
Assistant to Director General, and entries
relating thereto, the following number and entries
shall be substituted, namely:-

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I
Geological Survey of India Petitioner

Versus

Union of India & Others Opposite Parties

Annexure - 5

No. 4279C/A-32019/1/76/15A, Calcutta-16, the 1-8-1979.

From: The Director (Admn),
Geological Survey of India,
4, Chowringhee Lane,

To

The Dy. Director General,
Northern Region,
Geological Survey of India,
Lucknow.

Sub:- Option in respect of Sri V.Rajagopalan,
Superintendent.

Ref:- Your letter No. 1164R/VRG/79-Estt.'A',
dated 13-7-79.

Conditional option as exercised by Sri V.Rajagopalan, Supdt. for the post of P.A. is not acceptable, since reversion and promotion cannot be acted upon simultaneously. Please obtain clear option in writing from Sri Rajagopalan whether he is willing to revert to the post of Steno. Gr.I and submit the same within 10-8-79 failing which it will be presumed that he is not interested in the matter and his appointment in the post of Supdt. will be regularised.

Sd/- N. Mondal
31-7-79
Sr. Adm. Officer,
for Director of Administration.

No. /A-32019/1/76-15A, dated August, 1979.

Copy to:

Sri V.Rajagopalan, Supdt., N.R., GSI, Lucknow.

Sd/- N. Mondal,
31-7-79,
Sr. Adm. Officer,
for Director of Administration.

In the High Court of Judicature at Allahabad
(Sitting at Lucknow)
Writ Petition No. _____ of 1980

V.P. Aggarwal, Stenographer Grade I Petitioner
Versus
Union of India & others Opposite Parties

Annexure-7

Government of India
Geological Survey of India
4, Chowringhee Lane,

No. /A-32016/1/75-15A Calcutta-16, the January, 1980.

MEMORANDUM

The following officials have been recommended for promotion to the post of Personal Assistant in the Geological Survey of India in the time scale of pay of Rs.550-25-750-EB-30-900/- in temporary capacity until further orders.

Their promotion will take effect from the date of assumption of charge in the new post.

They will be on probation for first two years and their retention to the post will be subject to the assessment of their work during the probationary period.

The concerned Dy. Directors General/Director-in-Charge are requested to offer them promotion with posting indicated against each and allow them to join the post after observance of the rules.

Necessary office order of their appointment on promotion after their joining the post may be issued under intimation to all the Regions and to this office.

They may be accommodated against the Temporary post sanctioned under Ministry of Steel & Mines (Dept. of Mines) letter No.A-11011/7/78-M-2(A), dated 24-3-79 and their pay may be drawn under 'Temporary Non-Plan' Head:-

| Sl.No. | Name | Present post | Presence place of posting | Place of posting on promotion |
|--------|----------------------------------|--|--|--|
| 1. | Shri V.Rajagopalan | Steno. Gr.I (Working as Supdt. on ad-hoc basis) | NR, GSI, Lucknow. | DDG, N.R., Lucknow. |
| 2. | Shri A.Swami Babu | Steno. Gr.I | S.R. GSI Hyderabad | DDG, S.R., Hyderabad. |
| 3. | Sri Nirmal Kanti Roy (S.C.). | -do- | CHQ, GSI Drilling Div. Calcutta. | DDG, Coal Divn. Calcutta. |
| 4. | Sri P.Unnikrishnan Kr Nambissan. | -do- | SR, GSI Hyderabad | DDG, AMSE Bangalore (Presently Director i/c). |
| 5. | Sri Satyendra Chandra Chowdhury | -do- | ER, GSI, Calcutta. | DDG, E.R., Calcutta. |
| 6. | Sri Sunil Kumar Bhattacharjee | -do- | -do- | DDG, W.R., Jaipur. |
| 7. | Sri Deb Gopal Bhattacharjee | -do- | Coal Divn on loan to | DDG, CR, Nagpur. |

In the Hon'ble High Court of Judicature at Allahabad
(Sitting at Lucknow)

Writ Petition No. _____ of 1980
V.P. Peggarwal, Stenographer Grade I Petitioner
Versus
Union of India & Others Opposite Parties.

Annexure-8

Government of India
Geological Survey of India
4, Chowringhee Lane,

No. /A-32016/1/75-15A, Calcutta-16, the January, 1980.
OFFICE ORDER

The Director of Administration hereby appoints the following Stenographers (Gr.I) as Personal Assistants in the Geological Survey of India in the scale of pay of Rs.550-25-750-EB-30-900/- on promotion in temporary capacity with effect from 9-1-80 (F.N.) until further orders. They are posted at C.Hqrs. GSI, Calcutta.

1. Sri S.K.Das Barman
2. Sri Nirmal Ch.Mukherjee
3. Sri Santosh Rn.Sarkar
4. Sri Rathindra Nath Guha Thakurta
5. Sri Badal Mallick

They will be on probation for a period of two years and their retention in the posts for further period will be subject to the assessment of their work and conduct during the probationary period. They may be reverted to their substantive posts without any notice and without any cause being assigned to them during the period of probation.

Sd/- N.Mondal
16-1-80
Sr. Adm. Officer,
for Director of Administration.

Forwarded to the Controller of Accounts, Deptt. of Mines, Central Pay and Accounts office, Calcutta. The pay and allowances of the officials may be drawn against the temporary posts sanctioned under Ministry of Steel and Mines, Deptt. of Mines letter No.A-11011/7/78-M-2(A), dated 24-3-79.

No.534C/A-32016/1/75-15A, dated the 17th January, 1980.
Copy to:-

1. The Director General, G.S.I., Calcutta.
2. The Sr. D.D.G(Finance), G.S.I., CHQ, Calcutta.
3. The Dy.Director General (CHQRS) GSI, Calcutta.
4. The Dy.DG, ER/NER/WR/CR/SR/Coal/NR GSI
5. The Chief Chemist, GSI, Calcutta.
6. The Director-in-Charge, AMSE Wing, GSI, Bangalore
7. The Director of Admn, GSI, Calcutta.
8. The CME, GSI, Calcutta.
9. The Adm. Officer, Section 15B, CHQ
10. The Liaison Officer for ST/SC, CHQ, GSI, Calcutta.
11. The Secy. Genl, GSI Employee's Association, Calcutta.
12. The Secy.Genl. GSI Staff Union, Calcutta.
13. Sri S.K.Das Barman, PA to DA, GSI
14. Sri S.R.Sarkar, P.A. to Chief Chemist
15. Sri N.C.Mukherjee, PA to DG GSI
16. Sri R.N.Guha Thakurta, PA to SR. DDG (Finance).
17. Sri Badal Mallick, PA to DDG CHQ.

Sd/- N.Mondal,
Sr. Adm. Officer,

THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. _____ of 1980.

V.P. Aggarwal, Stenographer Grade I Petitioner
Geological Survey of India

Versus

Union of India & others Opposite Parties.

Annexure-10

GOVERNMENT OF INDIA

No. 2327C/32016/1/75-15A Calcutta-16, 24th March, 1980.

From:
The Director (Admn.)
Geological Survey of India
4, Chowringhee Lane,

To
Sri V.P. Aggarwal,
Stenographer Gr-I,
Geological Survey of India
Northern Region, Lucknow.

Sub:-Representation regarding promotion to the post
of P.A. in G.S.I.

Please refer to your letter dated 20th February, 1980
addressed to Director General, Geological Survey of India. I
am directed to inform you that your case has been duly
examined by the Director General, G.S.I. himself and he has
desired me to intimate to you on his behalf.

Since the post of P.A. is a selection post, the
selection of a candidate for the said post has been made
on the basis of comparative merit of the officials under
consideration by the DPC as per rules in vogue. Your case
was also placed before the DPC along with others for
consideration but it is regretted that your name did not
find the place within the 15th position in the recommended
list so far promoted.

In view of the fact stated above it is regretted
that no change in the orders of the promotion orders
already issued is possible.

Sd/-KM Nayar
22-3-80

Director of Administration,
Geological Survey of India.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. _____ of 1980

Ved Parkash Aggarwal, S/o Sri Panna
Lal Aggarwal, Stenographer Grade I,
Geological Survey of India, Lucknow Petitioner

- Versus -

Union of India & Others Opposite Parties.

AFFIDAVIT

I, Ved Parkash Aggarwal, aged 42 years,
S/o Sri Panna Lal Aggarwal, resident of 550,
2nd Lane, Nishatganj, Lucknow, do hereby solemnly
affirm and state on oath as under:

- 1) That Deponent is a Petitioner in the
above noted Writ Petition and is fully
conversant with the facts of the case.
- 2) That the contents of paragraphs 1 to 25,
of the Writ Petition are true to my
personal knowledge.
- 3) That the Annexures 1 to 10 are the
true copies/extracts of the originals.

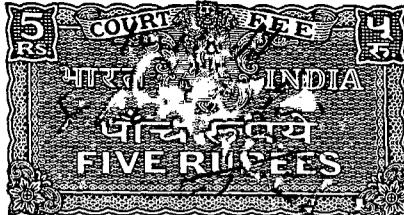
Lucknow
dated:

DEPONANT

I, Ved Parkash Aggarwal, the deponent above
named do hereby verify that the contents of
paragraphs 1 to 3 of this Affidavit are true
to my personal knowledge. No part of this is
false. Nothing material has been concealed, so
help me God.

Lucknow
dt:

DEPONANT



In the Hon'ble High Court of Judicature at Allahabad
(Lucknow Bench) Lucknow.

Civil Misc. Application No. 9924 of 1981.

In re:

Writ Petition No. 390 of 1980.

~~Sri V. P. Agarwal~~ ... Petitioner

Versus

Union of India and others..Opposite Parties.

Application for condonation of delay in filing

Counter affidavit to writ petition.

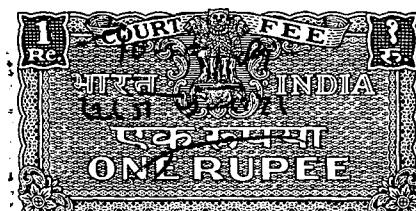
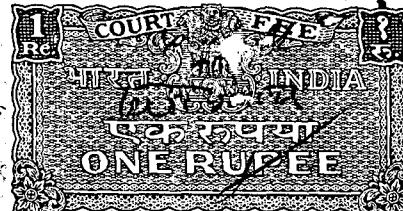
The humble petition of the opposite parties
respectfully showeth:-

1. That the opposite parties could not file their counter affidavit within time and there has been some delay as the same was sent to the Ministry concerned for vetting.
2. That the delay is, therefore, not deliberate and is liable to be excused.
3. That in the circumstances, it is desirable that the accompanying counter affidavit may kindly be accepted and brought on record.

Wherefore, it is respectfully prayed that the delay in filing the counter affidavit may be condoned and the same be brought on record.

Dated: Lucknow the,
10-4-1981.

(Advocate)
Counsel for the oppo. Parties.



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

1981
AFFIDAVIT
1985
HIGH COURT
ALLAHABAD

Counter Affidavit

In re:

Writ Petition NO. 1705 of 1980.

Shri V.P. Agarwal... Petitioner

Versus

Union of India and others..Opposite Parties.

Counter Affidavit on behalf of opposite parties 1 to 4.

I, Suraj Prakash, aged about 41 years, son of
Shri ~~Kishan~~ Chanan Ram, resident of A 102, R.S.M. Nagar
Lucknow, do hereby solemnly affirm and state on oath
as under:-

1. That the deponent is the Regional Administrative Officer in the Northern Regional Office, Geological Survey of India, Lucknow and is well conversant with the facts deposed to herein.

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

3. That in reply to para 4 of the writ petition,

Abasael

it is submitted that the promotion of the petitioner from the post of Stenographer(O.G) to the post of Stenographer selection grade was not made through Departmental Promotion committee as stated by him. Pending finalisation of Recruitment Rules for the post of Stenographer(Selection Grade) the promotion was made on seniority and on purely adhoc basis.

4. That in reply to the contents of para 5 of the writ petition, it is submitted that the names of the officials including the petitioner who were ~~also~~ holding the post of Stenographer Grade I/Steno Selection Grade on adhoc basis were also placed before the Departmental Promotion Committee for promotion to the post of Steno Grade I and on their selection they were appointed on regular basis with effect from 11.10.1979.

5. That in reply to the contents of para 6 of the writ petition, it is submitted that there were no remarks in the record of petitioner's service with required communication to him. But it is submitted ~~xx~~ that his record of service is not un-blemished as

Aboriginal

he was once awarded a non-recordable warning.

6. That in reply to the contents of para 7

of the writ petition it is submitted that only

15 posts of Personal Assistant's had been filled

during the period from ~~30~~- January 1980 to June

1980.

7. That in reply to paras 8 and 9 of the writ

petition, it is submitted that the contents of the

same are not denied.

8. That in reply to the contents of para 10

of the writ petition, it is submitted that the

Constitution of the Departmental Promotion Committee

which considered the promotion to the post of

Personal Assistant was as follows:-

1. Director, Geological Survey of India. ..Chairman

2. Director, Geological Survey of India. ..Member

3. Group 'A' Officer from other Department.Member

4. Group 'A' Officer from Geological Survey of India(Belonging to Scheduled Caste & Scheduled Caste Community)..... Member

The Senior Administrative Officer of the concerned Wing was associated with the Departmental Promotion Committee to help the Committee.

As per

8.1 That it is further submitted that the Departmental Promotion Committee makes it's recommendations on the basis of recorded C.R. entries. It is incorrect to say that only the Officer on the administrative side was fully aware of comparative merit and efficiency of incumbents.

9. That in reply to para 11 of the writ petition it is submitted that the contents of the same are denied. It is submitted that the Departmental Promotion Committee was constituted according to rules and was competent to consider the cases of promotion to the post of personal Assistant.

10. That in reply to para 12 of the writ petition it is submitted that the contents of the same are not denied.

11. That in reply to the contents of para 13 of the writ petition it is submitted that the particulars of all eligible candidates of the 3 categories as required by the Recruitment Rules were placed before the Departmental Promotion Committee. It is further stated that the selection were made in accordance with the Recruitment Rules adhering fully to the zone of consideration.

12. That in reply to para 14 of the writ petition,

Swamy

it is submitted that the Departmental Promotion Committee has not considered the candidature of both the categories together.

13. That in reply to para 15 of the writ petition, it is submitted that the contents of the same are not denied.

14. That in reply to the contents of para 16 of the writ petition, it is submitted that Shri V. Rajagopalan was holding the post of Superintendent on adhoc basis, his permanent post being Steno Grade I and as such his case had to be put up before the Departmental Promotion Committee for consideration for promotion to the post of Personal Assistant.

15. That in reply to the contents of para 17 of the writ petition, it is submitted that Shri Rajagopalan opted for the post of Personal Assistant and since he was holding the post of Superintendent on adhoc basis, he was allowed to continue till the promotion cases to the post of personal Assistant were finalised.

16. That in reply to the contents of para 18 of the writ petition, and in respect of the details furnished under para 15 of the writ petition, it is stated that serial No. 1 to 4 and 15 fall under category I. Serial No.

100.

15, though officiating on adhoc basis in the post of Superintendent, the ~~in~~ said period of adhoc service will count towards lower grade for eligibility for promotion to the post of Personal Assistant. Serial Nos. 5 to ~~in~~ 14 fall under category II having 10 years service as Steno Grade I and Stenographer(O.G.). It may be mentioned here that only the regular service in a grade counts for eligibility.

17. That in reply to the contents of para 16 of the writ petition ~~in~~ ¹⁹ response to the ~~accusation~~ ^{allegation} ~~made~~ ⁱⁿ the writ petition, it is stated that ~~in~~ ^{allegation} ~~that the~~ ^{allegation} ~~was~~ ⁱⁿ the Departmental Promotion Committee did not consider the cases of all the categories together.

18. That in reply to the contents of para 20 of the writ petition, it is submitted that the Departmental Promotion Committee was duly constituted in accordance with Rules and since the respondents Nos. 5 to 11 are all senior to the petitioner and since they did not jeopardise the interest of the petitioner in any way, they have been unnecessarily impleaded as opposite parties to the writ petition. The petitioner has no cause of action against them.

19. That in reply to paras 21 and 22 of the writ

petitions petition, it is submitted that the contents of the same are not denied.

20. That in reply to the contents of para 23 of the writ petition, it is submitted that letter dated 29.3.84 (Annexure No.10) is not a speaking order and has fully explained the position.

21. That in reply to the contents of para 24 of the writ petition, it is submitted that the selection has been made by Departmental Promotion Committee after considering the eligibility and suitability of the candidates, including the petitioner. He was considered by a duly constituted Departmental Promotion Committee and was not preferred for promotion in comparison to others who were adjudged as better suited for promotion.

22. That the writ petition is without substance and is liable to be dismissed with costs.

Dated: Lucknow the,
10.9.1981.

Ramzan
DEPONENT.

VERIFICATION.

I, the deponent above named do hereby verify
that the contents of paragraphs 1 to 3, 7 to 15, 17 to 21
of this affidavit are true to my own knowledge, those

2
9
X
8/81

of paragraphs 4, 6, 16 & 22 are believed

to be true on the basis of information derived from perusal of office records and those of paragraphs 18, 20 & 22 are true to my belief on legal advice. No part of it is false and nothing material has been concealed; so help me God.

Dated: Lucknow the,
10.9.1981.

Nirankar Prasad
DEPONENT.

I identify the deponent who has signed in my presence.



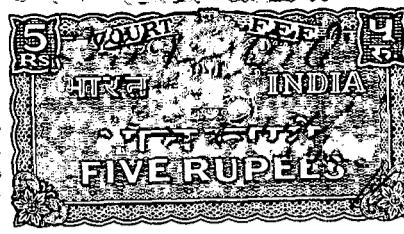
(Nirankar Prasad)
Clerk to Shri B.L.Shukla, Advocate.

Solemnly affirmed before me on this 10th day of Sept. 1981 at 9.30 a.m./p.m. by Shri Suraj Prakash, the deponent, who is identified by Shri Nirankar Prasad, Clerk to Shri B.L.Shukla, Advocate, High Court Allahabad, Lucknow Bench, Lucknow.

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

Nirankar Prasad

| | |
|---|--------------|
| Officer-in-Charge | RECORDED |
| High Court Allahabad, Lucknow Bench, | |
| No. | 957-265..... |
| Date | 10-9-81 |



1 = 51²
82
2nd 14/8/81

6
A 16

3
1

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD (SITTING AT LUCKNOW)

Case No. 11546 (CJ) 81

Writ Petition No. 1705 of 1980.

V.O.J.T

V.P. Aggarwal

...

Petitioner

Versus

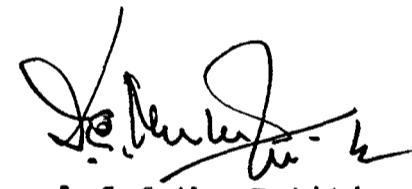
Union of India & Others

...

Opposite Parties

APPLICATION FOR CONDONATION OF DELAY IN FILING
THE REJOINDER AFFIDAVIT

On the facts and circumstances mentioned in the
accompanying Rejoinder Affidavit, it is respectfully
prayed that in the interest of justice, this Hon'ble
Court may be pleased to condone the delay in filing
the Rejoinder Affidavit and the same may be taken
on record.



Counsel for the Petitioner

23/12/81
Sekal



IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (SITTING AT LUCKNOW)

CC/AT

3
2

Rejoinder to Counter Affidavit

X
60

In Reply

Writ Petition No.1705 of 1980.

V.P. Aggarwal, Petitioner
Stenographer Grade I
Geological Survey of India
Lucknow

Versus

Union of India & Others Opposite
Parties.

REJOINDER AFFIDAVIT

I, V.P. Aggarwal, aged 43 years, son of
Sri Panna Lal Aggarwal, resident of Lucknow, do
hereby solemnly affirm and state on oath as under:-

1. That the deponent is a petitioner in the
aforesaid Writ Petition and is fully conversant
with the facts of the case and has also read
and understood the Counter Affidavit filed on
behalf of the Opposite Parties 1 to 4.
2. That the contents of para 3 of the Counter
Affidavit as framed are denied and those of
para 4 of the Writ Petition are reiterated
to be correct. It is submitted that Stenographer
Grade I and Stenographer Selection Grade were
the two designations for the same post and the
promotion to said post could only be made by
selection and not by promotion on the basis
of seniority. It is submitted that when the
petitioner's services were regularised in the

post of Stenographer Grade I/Stenographer Selection Grade, then a sitting of the Departmental Promotion Committee was held in May, 1979. The Recruitment Rules, as existed in 1979, provide the mode of appointment to the said post only by way of selection. It is further submitted that the answering Opposite Parties have intentionally suppressed the fact of holding the sitting of the Departmental Promotion Committee in May 1979.

3. That in reply to para 4 of the Counter Affidavit, the contents of para 5 of the Writ Petition are reaffirmed to be correct and it is further stated that the petitioner was placed at number 7 in the seniority list. It is submitted that the Departmental Promotion Committee while selecting the petitioner fully appreciated the performance of the petitioner, his good record of service and seniority, yet the petitioner was deprived of his chance for the post of Personal Assistant in the selection held by the Departmental Promotion Committee in November/December, 1979, i.e., only after 6 months from the previous selection when during this period ^{✓ record} no change whatsoever in the ~~or~~ merit took place which goes to show that the petitioner was arbitrarily denied the opportunity of being selected for the post of Personal Assistant.
4. That the contents of para 5 of the Counter Affidavit in so far as the same are contrary



W. J. Aggarwal



to the contents of para 6 of the Writ Petition are denied and the contents of para 6 of the Writ Petition are reiterated to be correct. It is further submitted that the alleged 'Non-Recordable Warning' referred to by the Opposite Parties is a myth invented. No documentary evidence has been filed to substantiate the same. Incase there is any provision for such a warning even then it would not definitely, under any circumstances, stand against the petitioner to bar or obstruct the petitioner's promotion on this ground.

5. That in reply to contents of para 8 of the Counter Affidavit, the contents of para 10 of the Writ Petition are reiterated to be correct and it is submitted that the constitution of the D.P.C. as indicated in para 8 of the Counter Affidavit was against the Recruitment Rules and, as such, any selection made by it is vitiated. It is further stated that the reply given in para 8 of the Counter Affidavit to the contents of para 10 of the Writ Petition is evasive. There was no occasion for associating any Senior Administrative Officer with the Departmental Promotion Committee to help it and the allegations to this effect are incorrect and denied. According to the Recruitment Rules, the Senior Administrative Officer or the Regional Administrative Officer is a necessary incumbent of the Departmental Promotion Committee and without such an officer, the constitution of the D.P.C. was illegal. Non-inclusion of Regional Administrative Officer or Senior Administrative



(C/P)
35

Officer as a full-fledged member of the D.P.C. cannot be substituted or made up by any other arrangement.

6. That in reply to para 8.1 of the Counter Affidavit, it is not disputed that the D.P.C. makes its recommendations on the basis of C.R. entries, but it is submitted that in the present case the entire C.R. entries of the petitioner were not correctly appreciated by the said illegally constituted D.P.C. It is further submitted that only the Officer on the administrative side know and could appreciate the comparative merit and efficiency of the incumbents of the office, such as, Stenographers and Assistants etc.
7. That the contents of para 9 of the Counter Affidavit are incorrect and hence denied and those of para 11 of the Writ Petition are reiterated to be correct. Non-inclusion of Regional Administrative Officer or Senior Administrative Officer in the Departmental Promotion Committee was against the rules and as such the constitution of the D.P.C. was illegal and the entire proceedings of selection are vitiated.
8. That the contents of para 11 of the Counter Affidavit are vague and incorrect hence denied.
9. That the contents of para 12 of the Counter Affidavit are incorrect and are denied and the contents of paras 13 and 14 of the Writ Petition are reiterated to be correct. It is submitted that the illegally constituted D.P.C. considered the candidature of all the categories together and

not separately as will be evident from the proceedings of the D.P.C. itself which the answering Opposite Parties have intentionally not filed and have withheld which they may be called upon to file before this Hon'ble Court.

10. That the contents of para 14 of the Counter Affidavit as framed are incorrect hence denied and the contents of para 16 of Writ Petition are reaffirmed to be correct.
11. That the contents of para 15 of the Counter Affidavit are incorrect hence denied and the contents of para 17 of the Writ Petition are reiterated to be correct. It is further submitted that Sri V.Rajagopalan had at no point of time given his unconditional option for the post of Personal Assistant nor was he ever reverted to the post of Stenographer Grade I, prior to his selection, as is evident from Annexure 5 of the Writ Petition. In terms of Annexure 5 of the Writ Petition there is no provision to permit Sri Rajagopalan to continue to hold the post of Superintendent nor any such waiver had been granted after having exercised his option for the post of Personal Assistant till the promotion case to the post of Personal Assistant was finalised. Instead the terms of Annexure makes it clear that Sri Rajagopalan was directed to give his unconditional option for the post of Personal Assistant and also for accepting his reversion to the post of Stenographer Grade I before his case for the post of Personal Assistant could be considered. This having not been done by Sri Rajagopalan, his case could not be placed

CC
PC
33

before the alleged D.P.C. for consideration.

It is further submitted that neither the alleged option exercised by Sri V.Rajagopalan has been filed nor the permission accorded to him for holding on the post of Superintendent till the finalisation of selection for the post of Personal Assistant has been filed which shows that the allegations contained in para 15 of the Counter Affidavit have been invented to shield the illegal actions of the authorities concerned.

12. That the contents of para 16 of the Counter Affidavit are incorrect hence denied and those of para 18 of the Writ Petition are reiterated to be correct.
13. That the contents of para 17 of the Counter Affidavit are incorrect and those of para 19 of the Writ Petition are reiterated to be correct. It is submitted that the illegally constituted D.P.C. considered the cases of all the categories together and not separately which will be evident from the proceedings of the D.P.C. which have intentionally been withheld by the answering authorities and which they may be called upon to file before this Hon'ble Court.
14. That the contents of para 18 of the Counter Affidavit are denied and those of para 20 of the Writ Petition are reiterated to be correct.
15. That the contents of para 20 of the Counter Affidavit to the/^{extent of} that the same are contrary to the contents of para 23 of the Writ Petition are denied and the contents of para 23 of the Writ Petition are reiterated to be correct.

2257X9

99
38

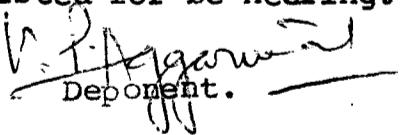
1/2

16. That the contents of para 21 of the Counter Affidavit are incorrect hence denied and the contents of para 24 of the Writ Petition are reiterated to be correct. It is further submitted that the D.P.C. was illegally constituted who did not properly appreciated the C.R. entries of the petitioner which are definitely better than many of those who have been selected which will be evident from the entries of C.R. which are in the custody of the answering Opposite Parties and which they may be called upon by the Hon'ble Court to place before this Hon'ble Court so that the truth of the allegations contained in para 21 may be verified.

17. The contents of para 22 of the Counter Affidavit are incorrect and hence denied.

18. That there is occasionally some delay in filing the Rejoinder Affidavit because the petitioner had to collect certain documents for preparation of the Rejoinder Affidavit and which took sometime. As such delay in filing the Rejoinder Affidavit is bonafide and deserves to be condoned. The Writ Petition has not yet been listed for hearing.

Lucknow
Dated 23/12/81


Deponent.

VERIFICATION

I, Ved Prakash Agarwal, the deponent above named do hereby verify that the contents of paragraphs 1 to 18 of this Rejoinder affidavit are true to my personal knowledge, No part of it is false and nothing material has been concealed. So help me God.

Lucknow.
Dated 23/12/81

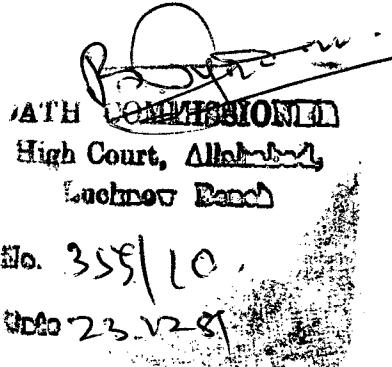

Deponent

I identify the deponent who has Signed
before me.

Gopal Pandey
of Shinde Muk
Advocate.

Solemnly affirmed before me on 23.12.81
at 9.30 a.m. Ved Prakash Agarwal, the deponent
Who is identified by Sri *G. D. Pandey* ~~elso~~ Advocate
High Court, Lucknow Bench Lucknow.

I have satisfied myself by examining the
deponent that he understands the contents of
the rejoinder affidavit, which have been
read over and explained by me.



BENCH COPY

10/10/82

K/24

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD (SITTING AT LUCKNOW)

Writ Petition No.1705 of 1980.

V.P. Aggarwal

...

Petitioner

Versus

Union of India & Others

...

Opposite Parties

APPLICATION FOR CONDONATION OF DELAY IN FILING
THE REJOINDER AFFIDAVIT

On the facts and circumstances mentioned in the accompanying Rejoinder Affidavit, it is respectfully prayed that in the interest of justice, this Hon'ble Court may be pleased to condone the delay in filing the Rejoinder Affidavit and the same may be taken on record.

Counsel for the Petitioner